

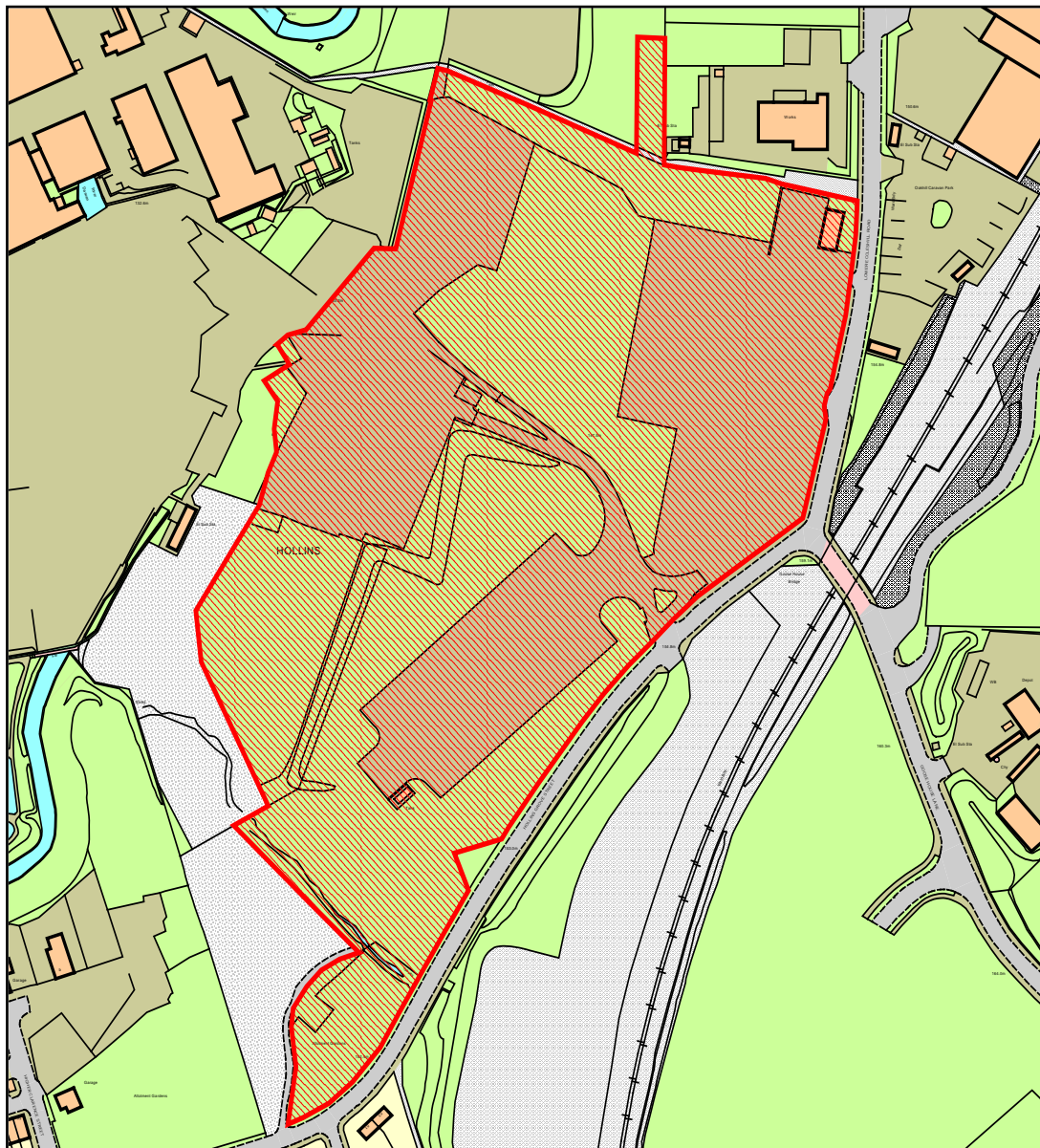
Proposed development: Full planning application for the erection of 152 dwelling houses and access and associated infrastructure

Site address: Former Hollins Paper Mill, Hollins Grove Street, Darwen

Applicant: Gleeson Regeneration Limited

Ward: Earcroft

Councillor Trevor Ian Maxfield	
Councillor Stephanie Brookfield	



1.0 SUMMARY OF RECOMMENDATION

1.1 REFUSE

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 Paragraph 7 of the National Planning Policy Framework (NPPF) details the three dimensions of sustainable development; namely the social, environmental and economic dimensions. Paragraph 14 emphasises a presumption in favour of sustainable development and states that decision-makers should approve development proposals without delay unless the adverse impacts of the development would significantly and demonstrably outweigh the benefits.
- 2.2 In this case, the provisions of Paragraph 14 are engaged on the basis that the Council cannot demonstrate a five-year housing supply. Social, environmental and economic issues have however been identified and it is considered that these significantly and demonstrably outweigh any benefits which the scheme may generate.
- 2.3 This fundamentally includes the loss of employment land. In accordance with Paragraph 22 of the National Planning Policy Framework (NPPF), the loss of such land should only be accepted where it can be demonstrated that there is no reasonable prospect of the land being used for employment purposes. It is considered that the applicant has not adequately demonstrated this. The Council's Commercial Property Market Study (December 2015) produced by the BE Group confirms that there is a need for employment land in the borough and the retention of this site will assist in satisfying this need and achieving broader economic objectives, including job creation and business growth.
- 2.4 The use of the site for residential purposes would also prejudice the on-going operations of surrounding commercial uses, including existing night time activities. These activities would impact upon the general amenity of future residents and appropriate mitigation measures have not been incorporated into the development.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is located on the western side of Hollins Grove Street, Darwen. This site forms part of a larger land holding extending to the west and north up to and around land owned and occupied by Crown Paints.
- 3.1.2 To the south the site extends adjacent to the Hollins Grove Street and Surrey Avenue intersection. Land beyond this is used for residential purposes though smaller commercial land holdings also exist here. This includes a car breakers yard. Crown Paints occupies much of the land north of this and extending eastward.
- 3.1.3 The application site itself measures 6.3 hectares and is an irregular shape. The site slopes markedly in a number of directions, most notably downward from Hollins Grove Street to the west and south.

- 3.1.4 The site has remained vacant since 2012 when the previous occupier (Hollins Paper Mill) ceased operations. Large parts of the site remain covered by unkempt hardstanding used in association with the previous use. Low and medium scale vegetation extends across much of the balance of the site, including along the length of the Hollins Grove Street frontage.
- 3.1.5 The northern part of the site accommodates a sizeable pylon. This pylon stands adjacent to the Lower Eccleshall Road frontage. This roadway acts as the north-eastern property boundary and leads to the Crown Paints polymer plant a short distance to the north. A public footway extends along the northern property boundary adjacent to this polymer plant and provides access to the rear of Crown Paints.
- 3.1.6 To the east, across Hollins Grove Street, is a traveller's site. Based on Officer's observations following site visits, this site is only intermittently occupied.

3.2 Proposed Development

- 3.2.1 The following describes the proposed development as shown on the amended plans received on 30 January 2018. These amended plans supersede all previous versions of the application plans.
- 3.2.2 The application seeks permission to change the use of the land from general industry (Use Class B2 in accordance with the Town and Country Planning (Use Classes) Order 1987 and its subsequent amendments) to residential (Use Class C3) and construct 152 two-storey dwellings.
- 3.2.3 Of these 152 dwellings, 53 would comprise two bedrooms (34.8%), 90 would comprise three bedrooms (59.2%) and nine would comprise four bedrooms (5.9%).
- 3.2.4 All dwellings would be clad in face brickwork and feature pitched gable end roofs. A number of the dwellings would also feature separate garages finished to match.
- 3.2.5 Access to the site would be obtained via a new roadway extending westward off Hollins Grove Street. This roadway would also provide access to the rear of Crown Paints in place of an existing roadway (Hollins Road). Though this roadway exists on title it is not generally recognisable on site. Notwithstanding this, both the subject site and Crown Paints benefit from access rights along it from Hollins Grove Street to the east to Blackburn Road to the west.
- 3.2.6 This roadway would act as the main thoroughfare leading through the site and would provide access to secondary streets. The roadway and secondary streets would provide direct access to all but seven of the proposed dwellings. These seven dwellings are physically separated from the remainder of the site by a proposed public open space and may be accessed directly off Hollins Grove Street.
- 3.2.7 Given the topography and irregular shape of the site, many individual plots are also irregular in shape and size. This will result in the provision of a number of sizeable plots and private open spaces. These open spaces complement three separate public open spaces on site. Two of these are

generally aligned north-south and divide the upper eastern part from the lower western part of the site.

- 3.2.8 The northern-most public open space would abut a new bund to be constructed around the southern and western sides of the Crown Paints polymer plant. This bund would abut the public footway extending along the northern property boundary and providing access to the rear of Crown Paints. The applicant has advised that this footway would be diverted to accommodate the bund and it is understood that an application for such will be submitted in due course.

3.3 Development Plan

- 3.3.1 The Development Plan comprises the Core Strategy (January 2011) and the adopted Local Plan, Part 2 (Site allocations and Development Management Policies – December 2015). The following Core Strategy and Local Plan policies are of relevance to this application:

3.3.2 Core Strategy

- CS3 - Land for employment development
- CS4 - Protection and re-use of employment land
- CS5 - Location of new housing
- CS7 - Types of housing
- CS8 - Affordable housing requirements
- CS16 - Form and design of new development
- CS21 - Mitigation of impacts/planning gain

Local Plan, Part 2

- Policy 1 - The urban boundary
- Policy 7 - Sustainable development
- Policy 8 - Development and people
- Policy 9 - Development and the environment
- Policy 10 - Accessibility and transport
- Policy 11 - Design
- Policy 12 - Developer contributions
- Policy 15 - Secondary employment area
- Policy 18 - Housing mix

3.4 Other Material Planning Considerations

3.4.1 Residential Design Guide Supplementary Planning Document

This document seeks to ensure that new housing is high quality. The document also encourages housing that reflects the individual and collective character of the different areas of the borough. This document also seeks to ensure that new housing achieves an acceptable standard of amenity and does not impact upon the amenity of surrounding development.

3.4.2 National Planning Policy Framework (NPPF)

This application implicates a number of the provisions of the National Planning Policy Framework (NPPF). The key issue for consideration is the loss of employment land to accommodate new residential uses. Paragraph 22 of the NPPF states:

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.

Paragraph 123 is also of relevance. This paragraph states:

Planning policies and decisions should aim to...

- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.*

3.4.3 Commercial Property Market Study (December 2015)

This document provides an assessment of employment land needs across the borough. These needs have been drawn from surveys of relevant stakeholders, including local business operators, developers, scheme managers and property agents. The study concludes that there is a need for a range of different size and type of employment units and land in the borough. The study includes a list of key opportunity sites where identified needs could be accommodated.

3.5 Assessment

The principle of the use

- 3.5.1 The Blackburn with Darwen Local Plan, Part 2 (Site Allocations and Development Management policies) (LPP2) states that job creation is fundamental to the borough's long-term future. Paragraph 3.1 of the Local Plan states *we need to continue to support and grow our key sectors including manufacturing, health and education to develop the parts of our economy that provide the highest levels of innovation and added value and to*

ensure that the right opportunities exist for entrepreneurs to start their own businesses so that the value created through the growth of new businesses is captured within our area.

- 3.5.2 Paragraph 3.2 states that the planning process can assist in achieving this broad objective by allocating and maintaining a portfolio of employment land suited to a broad range of businesses, including large scale spaces in traditional commercial areas. This is complemented by Paragraph 3.7 which states that *our future prosperity depends on the ability of existing and new businesses ...to continue to create jobs. In order for this to happen, there needs to be a supply of good quality, ready to develop land for employment development...*
- 3.5.3 The provisions of Paragraphs 3.2 and 3.7 are of particular relevance to this application and represent the starting point of this assessment.
- 3.5.4 In addition to these paragraphs, consideration must also be given to Paragraph 3.3. This paragraph recognises that the borough is part of a wider context, now overseen by the Lancashire Local Enterprise Partnership (LLEP). The LLEP's remit is to lead economic activity and foster job creation. This includes up to 50,000 new jobs to 2021.
- 3.5.5 Chapter 3 of the Local Plan allocates key sites for employment use. The re-use of these sites for employment purposes will assist in achieving the broader economic objectives of the Local Plan and those of the LLEP.
- 3.5.6 Allocated sites include the adjacent parcel to the east across Hollins Grove Street (noted as site 13/11 - Hollins Grove Development Site) and the site further east (13/12 - Darwen's Chapels Park). These two sites together measure 8.35 hectares and represent 8% of the total employment land allocation (105.5 hectares) in the borough up to 2026. These sites are noted as being suitable for office, light industry and general industry.
- 3.5.7 Whilst the application site is not itself allocated in Chapter 3, the allocation of the adjacent sites to the east together with the existing Crown Paints complex to the west, warehousing uses to the north-east, Express Asphalt to the south-east and car wreckers to the south, confirm this area as an employment zone. As previously noted, in the interests of safeguarding the long-term future of the borough, Council has a responsibility to allocate and maintain a portfolio of employment land. Only the maintenance of this land will assist in the achievement of the Council's economic objectives and those of the LLEP.
- 3.5.8 It is considered that the change of use of the subject site to residential would not only undermine the stated objectives of the Local Plan and the LLEP, but also prejudice the on-going operations of existing surrounding commercial operations. Indeed Crown Paints, the borough's largest employer, has foreshadowed this in its objection to the application.
- 3.5.9 Crown Paints' long-term vision includes the construction of new manufacturing and research and development facilities. This would generate new local jobs in accordance with the objectives of the Local Plan and the LLEP. Efforts to achieve this should be supported.
- 3.5.10 Whilst Crown Paints' future development plans have not yet been formalised by way of a planning application, the potential effect of the proposed

development upon the on-going operations of surrounding commercial uses is indeed a material planning consideration in accordance with Paragraph 123 of the National Planning Policy Framework (NPPF). However, Members should be aware that Crown Paints formally submitted a planning application on the 22nd February for proposals at the adjacent Polymer Plant (Ref: 10/18/0151) comprising of:

Installation of six 70m³ tanks with associated ancillary equipment, pipework and pipe bridges including two storage bunds to contain the six tanks. Creation of a hardstanding yard area between the two storage bunds to enable tanker loading/unloading and to turn on site. Relocate 1.8m green palisade boundary fence line by 20m into adjacent land to the North of the site. Installation of a secondary site entrance with fencing and gates onto Eccleshill Road (normally kept closed). The access point will be used during construction and for future access into the adjacent land.

At the time of the meeting, this application is currently being considered. In addition, members should be aware of an extant planning permission on Land at Motorhog, Goose House Lane, to the south east of the application site (ref: 10/16/0425, granted 14th September 2016). Condition No.4 is pertinent in the assessment of the current planning application that references noise sensitive premises ie dwellings to protect them from excessive noise, it states:

“Noise from the proposed development at noise sensitive premises in use at the time of this permission will not be impulsive or tonal and shall not exceed LA90 46 dB between 07:00 and 23:00 and LA90 40 dB between 23:01 and 06:59. The interval over which the specific sound level is determined will be 1 hr during the day and 15 minutes at night.

REASON: To ensure appropriate hours of use compliant with the requirement to minimise noise impact on residential amenity in accordance with Policy 8 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).”

- 3.5.11 As previously noted, this paragraph states that *planning policies and decisions should aim to ...recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they established.*
- 3.5.12 The proposed development might also prejudice the operations of Express Asphalt. This local business provides asphalt for highway repair works to both the Council and Highways England. Given repair works are often required outside peak times, including at night, Express Asphalt operate 24 hours a day when required. This often results in heavy lorry movements along surrounding streets (including Hollins Grove Street and Lower Eccleshill Road).
- 3.5.13 Express Asphalt is concerned that a sensitive land use adjacent to its haulage routes would likely prejudice its future operations. This should be considered in the context of Paragraph 123 of the NPPF.
- 3.5.14 By both Express Asphalt’s and Crown Paints’ own admissions, both would be a nuisance to any new residential development in close proximity. In an established employment area such as this and where additional B1, B2 and

B8 uses are encouraged in accordance with the Local Plan (refer below), the on-going operations of these uses should take precedent. Again, this would assist in the achievement of the broader economic objectives of the Local Plan and those of the LLEP.

- 3.5.15 In accordance with Policy 15 of the Local Plan, the site is regarded a 'Secondary Employment Area' and indeed its lawful use is 'general industry'. Policy 15 states 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.

- 3.5.16 Paragraph 3.11 of the Local Plan states that *secondary employment areas are of considerable importance to our local economy since they employ large numbers of people and allow businesses to start and grow...* This paragraph reiterates that secondary employment areas are suitable for a range of B1, B2 and B8 uses on the basis that these are required to locate in established commercial precincts owing to the off-site effects they typically generate.

- 3.5.17 Again, any change of use of the site to residential would reduce the supply of land suitable for B1, B2 and B8 uses and this, in turn, would undermine the economic objectives of the Local Plan and the LLEP.

- 3.5.18 Policy 15 is supported by Policy CS4 of the Core Strategy which states:

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

- 3.5.19 The Council's Commercial Property Market Study, December 2015 (the Study) again highlights the importance of secondary employment areas to the local economy and their suitability for B1, B2 and B8 uses.

- 3.5.20 The need for additional land for these uses was highlighted in a survey of 50 of the borough's largest businesses. This survey informed the Study and confirmed that there is a 'strong desire for further growth' in the borough.

- 3.5.21 Of those businesses surveyed, 15 require new industrial space, four require warehousing space, four require office space and two require land. In total, those surveyed require up to 89,202 square metres of employment space. This includes up to three hectares of land (refer Paragraph ES.18 of the Study).

- 3.5.22 Importantly, the Study also revealed that there is demand for larger scale premises (known as 'big sheds') up to 20,000 square metres. Paragraph ES.15 states that key stakeholders (developers, scheme managers and property agents) confirm that when such premises come to market they are typically occupied swiftly.

- 3.5.23 This demand has, in recent years, been generated not only by the growth of local businesses but also inward investment. This is considered necessary if the LLEP's jobs target to 2021 is to be achieved.
- 3.5.24 The findings of the Study confirms that there is a need for employment land in the borough and the aforementioned Local Plan and Core Strategy policies seek to accommodate this in the interests of achieving stated economic objectives.
- 3.5.25 In response to the findings of the Study, and the concerns of Officers that the loss of this secondary employment site would undermine local needs, the applicant submitted an economic evaluation of the land. This evaluation concludes that any future employment uses on site would not be viable. This is based upon a number of identified site constraints, including:
- The varying levels of the site;
 - The existing culvert extending through part of the site;
 - The number of trees on site which would need to be removed to accommodate employment buildings and the difficulties typically associated with this;
 - Large scale buildings would be required to ensure a viable outcome and the scale and design of such buildings would likely impact upon the visual amenity of the surrounding area, including views from Darwen; and
 - The limited capacity of the existing local road network to accommodate the vehicle movements likely to be generated by employment uses on site.
- 3.5.26 It is considered that none of these constraints are insurmountable or could not be resolved via further investment in the site.
- 3.5.27 Site remediation matters (including works to levels and the re-alignment of the culvert extending though part of the site) may be funded by the LLEP and Growth Lancashire. The applicant's failure to consider funding streams such as these is a fundamental flaw in the methodology underpinning the submitted economic evaluation. To this end, it is considered that it cannot reasonably be concluded that future employment uses on site would be unviable without first understanding what financial support may be available.
- 3.5.28 Notwithstanding this, the applicant's own submissions with regard to previous expressions of interest for the site confirm that there is indeed a reasonable prospect of it coming forward for employment use.
- 3.5.29 Of the four expressions of interest previously received, it is understood that three did not proceed on the basis that the financial expectations of one or both parties could not be satisfied.
- 3.5.30 The specific reasons given by the applicant as to why these expressions of interest were either withdrawn or not progressed are:
- The land owner's reluctance to grant exclusivity to the site to one prospective buyer to enable that buyer to investigate site conditions;
 - The failure of another prospective buyer to secure finance; and
 - Failure to agree terms with another prospective buyer who put forward two offers.

- 3.5.31 Again, these reasons suggest that the financial expectations of parties were not met rather than there being a fundamental issue with the continued use of the site for employment purposes. Indeed it appears as though three prospective buyers had a genuine interest in the land with one putting two offers forward.
- 3.5.32 It is understood that the owner's reluctance to grant exclusivity to the site to one prospective buyer was due to the fact that at the time there were a number of other interested buyers. This again does not suggest there is no reasonable prospect of the site being used for employment purposes but rather the owner wished to maximise opportunities to sell the land.
- 3.5.33 Importantly, terms were agreed with one prospective buyer. This agreement proceeded to a particular point before the buyer withdrew their interest on the basis of site specific concerns. These primarily related to the location and nature of infrastructure extending through the site and the potential effects of this upon the buyer's preferred site layout.
- 3.5.34 Whilst these are legitimate concerns, they do not again confirm there is no reasonable prospect of the site being used for employment purposes. These are site specific constraints which can, via investment, be resolved. This might include the re-alignment or relocation of infrastructure.
- 3.5.35 Again, the funds necessary for this may be provided by the LLEP and Growth Lancashire and indeed both of these parties have expressed an interest in investing in this employment area. This includes the development of a masterplan incorporating much of the surrounding commercial land.
- 3.5.36 On this basis, it is considered that claims future employment uses on site would not be viable must be given little to no weight. Again, without considering third party funding it cannot conclusively be determined that there is *no* reasonable prospect of the site being used for employment purposes. This is the key policy test of Paragraph 22 of the NPPF and the primary matter Members must consider when determining the principle of the re-use of this secondary employment site for other purposes.
- 3.5.37 In an effort to address the provisions of Paragraph 22, the applicant submitted an appraisal of one possible development option for the site. This option comprises nine commercial units ranging in size from 650 to 5,574 square metres. This reflects the basic needs of local employers as identified in the Study.
- 3.5.38 The appraisal concludes that the option put forward is unviable. This is on the basis that sales returns would fall far short of the total built cost. The appraisal concludes that a loss of approximately 29% would be realised.
- 3.5.39 Notwithstanding this assertion the appraisal does not again consider potential third party funding, and as such, the Council's Consultant Surveyor has advised that the proposed option is indeed viable.
- 3.5.40 The Consultant Surveyor is of the view that the appraisal is not reflective of current market trends. This, together with other inaccuracies, has generated an anticipated outcome (29% loss on investment) which would not likely reflect the actual outcome. Whilst the Consultant Surveyor concedes that

further information is required to enable a more thorough assessment, based on the information submitted to date, the Surveyor has concluded that:

- Notwithstanding the topography of the land, the site coverage of the proposed option (30%) is significantly less than the industry standard (40%). 40% site coverage represents an additional 8,850 square metres of rentable floor space;
- The per square foot rentals claimed by the applicant (£6) are below that which the market may otherwise demand. Importantly, smaller units generally demand premium rents and this has not been factored into the appraisal. An average per square foot rental of £6.25 should be applied. This would generate an annual rent return of £2,335,000 and not £1,656,000 as claimed by the applicant;
- The capitalised annual rents claimed by the applicant (9%) are typically associated with secondary accommodation (stock between 15 and 30 years old). Developments of this nature readily achieve 6.5% capitalised annual rents;
- Contingency costs totalling 5% of the total build cost are considered to be excessive. Typically these costs are 3%;
- Similarly, professional fees typically represent 8% of the total build cost and the applicant has claimed 10%; and
- The applicant has stated that an interest rate of 6.5% would apply. Given interest rates are at historic lows, it is anticipated that a 5.5% interest rate would likely be secured.

3.5.41 Taking all this into account and applying a land value of £730,000 (not £1 as stated by the applicant), the Consultant Surveyor concludes that a return of 15% would be realised. This is considered to be typical and therefore acceptable.

3.5.42 On the basis that it is considered that the applicant's submissions with regard to viability are flawed, the tests of Paragraph 22 of the NPPF have not been satisfied. To this end it has not been demonstrated that there is *no* reasonable prospect of the site coming forward for employment use.

3.5.43 To date, the Study remains the only independent evidence base which confirms local employment land needs and as such great weight should be given to it. The Study confirms that there is a need for a range of employment land and buildings. On this basis any permission to change the use of the site to residential would withdraw existing employment land from the market and need for this land has been identified. This, in turn, would undermine the aforementioned economic objectives of the Local Plan and the LLEP.

3.5.44 In response to the outstanding site constraints noted in the applicant's economic evaluation, it is noted that:

- Loss of trees - Whilst the applicant considers the loss of trees to be a site constraint with regard to employment development on site, the applicant does not appear to consider this to be a constraint with regard to the proposed residential development. To this end, two large clusters of trees towards the southern end of the site and near to the entry off Hollins Grove Street would be mostly lost to accommodate the proposed dwellings.

Notwithstanding the individual values of trees on site, including their habitat potential, given the site is an identified secondary employment

area, it is considered that great weight should be given to the preferences of policy to establish new employment uses here. This is not to say that the site should be cleared of trees, but that only those trees of value should be retained and incorporated into the redevelopment of the site. This would represent a balanced outcome which considers the preferences of policy as well as the need to retain valued landscape features in the interests of both amenity and habitat.

- Scale/design of employment buildings and amenity impacts - The applicant contends that any viable building form would likely impact upon the character and amenity of the area, including views from Darwen given the elevated position of the site. Whilst new building forms may indeed be large and visible from afar, this need not be obtrusive or visually harmful to the surrounding area. Any number of mechanisms could be employed to ensure a visually acceptable outcome. This includes the appropriate articulation of the form, use of high quality materials and provision of landscaping to soften the appearance of buildings. Indeed the provision of additional screen planting on site would off-set any loss of trees to accommodate the development. This would also provide additional habitat.

Whilst it may be argued that investment in design and the use of high quality materials only adds to capital costs, these concerns should be dismissed until the extent of any third party funding available to the site is quantified. Again, the applicant has not approached either the LLEP or Growth Lancashire to confirm if funding may be available to off-set start-up costs.

Notwithstanding all this, in an employment area such as this, more robust building forms are expected and given the elevated position of the site, it is considered reasonable to expect employment buildings to indeed have a presence upon the landscape. Again, via investment in design and the use of high quality materials, this presence could be positive.

- Capacity of road network - There is no evidence to suggest that the existing road network cannot accommodate the employment traffic which may be generated from the site. Notwithstanding this, should it be deemed necessary, contributions for highways improvements could be levied against any future employment development. This might include road widening, traffic control mechanisms and bridge strengthening works. Importantly, should planning permission be granted for the proposed residential development, contributions for highway improvement works would also be required.

Officers appreciate that this again represents added capital costs. Without first investigating potential third party funding streams however, the impacts of this upon viability cannot be quantified.

3.5.45 The applicant's economic evaluation also includes details of the marketing strategy employed to identify prospective buyers. This included the site particulars being sent to a number of local and regional government authorities, commercial property agents and identified developers and employers. Whilst responses were limited, the aforementioned expressions of interest were nevertheless received.

- 3.5.46 The applicant's failure to engage with the LLEP and Growth Lancashire as part of the site marketing exercise again represents a fundamental flaw. Had the applicant engaged with the LLEP or Growth Lancashire, any funding available to the site would have been made known and this may have attracted further expressions of interest. To this end, funding from the LLEP and Growth Lancashire might have been put towards start-up costs and this would reduce the investment required by prospective buyers.
- 3.5.47 Whilst it may be argued that additional housing is needed in the borough, and indeed the Council cannot at present demonstrate a five-year housing supply, it is considered that this alone does not warrant the siting of a new housing development in this location. Whilst the absence of a five-year supply renders locational housing policies out of date, it is considered that the adverse impacts generated by the proposed development would significantly and demonstrably outweigh its benefits in accordance with Paragraph 14 of the NPPF.
- 3.5.48 This includes in relation to the loss of required employment land and the impacts of siting residential uses in close proximity to established commercial uses and the likely resultant imposition of future operational restrictions. It has also not been adequately demonstrated that the effects generated by surrounding commercial uses can reasonably be mitigated and as such the desired level of amenity of future residents cannot be guaranteed.
- 3.5.49 These disbenefits confirm that the scheme does not represent a sustainable outcome. To this end, environmental concerns exist with regard to the amenity impacts likely to be generated by surrounding commercial uses. Again, the development would also make use of required employment land and this would undermine the economic objectives of the local plan and the LLEP. Of most concern is the fact that the development would hinder jobs growth. This is a key objective of the Local Plan. Graham Cowley Director Lancashire LLEP commented on the proposed development that it is imperative from the LLEP perspective that scarce employment land is retained to support GVA growth and job creation. The LLEP have identified the M65 as a Growth Corridor and have invested heavily in adjacent employment sites. The LLEP will continue to support the development of employment use along its length.
- Mr Cowley has no reason to question the viability of the former Hollins Paper Mill site for employment use and would confirm that no grant applications have been received by the LLEP to attempt to improve that viability. Bearing in mind the current housing supply proposals around the hospital and Roman Road as part of the Housing Zone, it is essential that this employment land is protected.
- 3.5.50 The siting of a residential development in this location would also likely generate issues of social exclusion. To this end, the site is not particularly well served by public transport and site and locational constraints do not readily allow for improved pedestrian connectivity to the surrounding area. It is also noted that the applicant has not yet committed to the financial contributions deemed necessary to improve connectivity. This issue, as well as issues of access, are discussed in further detail overleaf.

- 3.5.51 Notwithstanding the Council cannot currently demonstrate a five-year housing supply, in accordance with Paragraph 49 of the NPPF, applications for new housing must nevertheless be considered in the context of the presumption in favour of sustainable development. As previously noted, this scheme does not represent a sustainable outcome and its impacts would significantly and demonstrably outweigh its benefits in social, environmental and economic terms. To this end, it is considered that the application should not be supported in the context of Paragraph 14 of the NPPF.
- 3.5.52 Importantly, it should also be noted that a new timetable for reviewing the Local Plan has now been adopted. This will ensure the maintenance of a pipeline of development to meet local needs. This includes a timetable for the provision of a five-year housing supply.

Access, parking and highway safety

- 3.5.53 Paragraph 32 of the NPPF states that applications for planning permission should only be refused on highways grounds where the residual impacts of a development are severe.
- 3.5.54 This is complemented by Policy 10 of the Local Plan which states that *development ...likely to generate large numbers of trips ...will only be permitted in locations which are conveniently accessible by existing or proposed public transport services.*
- 3.5.55 Notwithstanding the site is within the urban boundary and considered to be sustainably located, the development would be car dependent. This is largely due to the distance to public transport services, including regular bus services (approximately 500 metres) and railway services (approximately 1,770 metres).
- 3.5.56 Should the Council resolve to grant planning permission, it is recommended that contributions be sought from the developer for active travel infrastructure. This includes footways and cycleways linking the site to nearby services and facilities. The provision of such would provide for sustainable modes of access to/from the site and reduce resident's reliance upon private motor vehicles. This would, in turn, assist in achieving the objectives of Policy 10 of the Local Plan, Part 2.
- 3.5.57 In response to the original application plans, the Council's Highways Officer raised a number of technical concerns. This included the need to provide additional pedestrian links into the site adjacent to Plots 14 and 127 (off Lower Eccleshall Road and Hollins Grove Street respectively) and also from land adjacent to Plot 52 to the adjacent public footway.
- 3.5.58 The amended site layout plan submitted on 30 January shows new pedestrian links adjacent to Plots 52 and 128 (formerly 127) as recommended. Whilst these new access points would indeed improve access to/through the site, it remains unclear how the public right of way extending across the northern property boundary (and now directly accessible from adjacent to Plot 52) would interact with the bund enclosing the adjacent polymer plant. To this end, it is unclear if the right of way would need to be permanently diverted to accommodate the bund. This issue remains unresolved.

- 3.5.59 Whilst the proposed pedestrian/cycle links will indeed assist in facilitating sustainable modes of transport, given the location of the site it is considered that future residents will remain largely car dependent. As such, the design and layout of access ways and parking facilities must be appropriate.
- 3.5.60 The amended site layout plan responds to many of the aforementioned technical access and parking issues originally highlighted by the Highways Officer. This includes the provision of more level access ways, turning space forward of Plots 129 - 135 to enable vehicles to exit in a forwards gear and additional car parking spaces.
- 3.5.61 Technical issues however still persist. This includes the provision of some car parking spaces towards the rear of dwellings and the sizes of these, and other, spaces.
- 3.5.62 Ideally, all car parking spaces would be located at the sides or forward of dwellings to enable comfortable access. On the basis that many spaces are located towards the rear of dwellings, access may be problematic. This is compounded by the fact that the sizes of many spaces are less than that preferred. This includes many of the garages.
- 3.5.63 As a minimum, all open car parking spaces should be no less than 5.5 metres long and garage spaces should be no less than six metres long. These minimum standards have not generally been incorporated into the design and layout of parking facilities and as such the use of many spaces may prove problematic.
- 3.5.64 Similarly, it remains unclear if larger commercial vehicles can comfortably traverse the site. This is necessary on the basis that Crown Paints' benefit from access rights along the entire length of Hollins Road. As previously noted, this right of way extends through the site and it is intended that the primary roadway leading into the site off Hollins Grove Street would act as Hollins Road (if not in name then certainly in practice).
- 3.5.65 The applicant has not confirmed by way of the submission of swept path diagrams that larger commercial vehicles could access the rear of the Crown Paints' site and it is noted that two 90 degree turns would be required to achieve this.
- 3.5.66 Given this, and given the aforementioned concerns regarding the siting and sizes of many car parking spaces, it is considered that key access and parking issues remain unresolved.

Amenity impacts

- 3.5.67 Policy 8 of the Local Plan, Part 2, states that *development will be permitted 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...*
- 3.5.68 The site is located near to a number of sources which generate amenity effects. This includes a Wastewater Treatment Works (WWTW), the adjacent Crown Paints polymer plant to the north, warehousing uses to the north-east, Express Asphalt to the south-east (including its off-site activities) and a car

wreckers to the south. Importantly, the adjacent polymer plant is able to operate 24 hours a day.

3.5.69 In response to potential noise, odour and light impacts, it is noted that:

Noise

3.5.70 Concerns have been raised by the Environmental Protection Officer relating to the proposed 1.8m high acoustic barriers which will provide protection for the rear gardens only. The streets and dwelling frontages will remain exposed to ambient noise levels from surrounding commercial uses.

3.5.71 In terms of both the noise and odour assessments both Environmental Protection and Environment Agency officers required additional information to be submitted. At the time of writing this report this additional information has not been submitted. If submitted before the Committee Meeting date they will be assessed and reported to the Members in the Update Report.

Odour

3.5.72 Concerns also exist with regard to the nearby WwTW. Whilst it is understood that this facility will soon be reconfigured, United Utilities (UU) advise that this will not likely include the removal or upgrade of those elements which may cause the most offense.

3.5.73 UU advise that the prevailing wind is from the north/west and as such the development site is in the path of odour plumes. These impacts are exacerbated by the fact that the pending reconfiguration of the WwTW will not likely include the installation of new odour control hardware.

3.5.74 As such on site mitigation measures are required to off-set odour effects. This might include a buffer zone along the northern property boundary. This would however require the reconfiguration of the site. Importantly, the extent of this buffer zone could only be determined following the completion of an odour dispersion modelling exercise and no such exercise has yet been undertaken.

3.5.75 On this basis, it cannot be conclusively determined that appropriate mitigation measures have, or could, be implemented to address odours generated from the WwTW.

3.5.76 Notwithstanding this, UU also questions the methodology underpinning the applicant's odour assessment. This includes surveys conducted over a short time period only (approximately six hours) and during winter months when odour strength is typically less than that at other times of the year. Given this, it is considered that the submitted assessment is not representative of the actual expected impacts.

Light spill pollution

3.5.77 Three light pollution assessments have been submitted and assessed (see paragraph).

Contamination

- 3.5.78 Policy 8 of the Local Plan states that ‘in the case of previously developed land, development will be permitted where it can be demonstrated that a scheme for remediation can be secured and this ensures an appropriate outcome and does not displace contamination’.
- 3.5.79 The Council’s Land Contamination Officer has raised no objection to the application. This is however subject to a condition being included on any permission issued requiring further targeted gas monitoring and soil sampling prior to the commencement of building works.
- 3.5.80 Importantly, based on the technical information submitted to date, the precise condition of the site remains unknown. Given this, the Land Contamination Officer has stated that the cost of any required remedial works could ultimately render the development unviable.
- 3.5.81 The Environment Agency (EA) has also raised no objection to the application. This is on the basis that it considers existing contaminants on site have not greatly impacted upon ground waters. This is however subject to further soil sampling.
- 3.5.82 The EA has also advised that should planning permission be granted, construction activities should be monitored to ensure that any contaminants found on site do not enter water bodies or ground waters.

Design and built form

- 3.5.83 Policy CS16 of the Core Strategy states that ‘new development should be of a high standard of design and must respect and reinforce local character.’
- 3.5.84 Policy 11 of the Local Plan complements this and states that *new development will be required to present a good standard of design and will be expected to ...demonstrate an understanding of the wider context and make a positive contribution to the local area.* Importantly, to determine the appropriateness of the design and layout of a new development, regard should be given to the provisions of the Council’s Residential Design Guide, Supplementary Planning Document (SPD).
- 3.5.85 In isolation, it is considered that the basic design and detailing of the proposed dwellings is acceptable. This design detailing would ensure an appropriate presentation to new streets and is representative of accepted residential design standards.
- 3.5.86 Notwithstanding this, the site would remain in isolation with only limited links to the adjacent residential area to the south. The site layout plan shows the only direct pedestrian link to the south would be along Hollins Grove Street. Given surrounding commercial land uses, it is considered that this is both insufficient and unsafe. This would, in effect, require pedestrians to share access along the adopted highway with heavy commercial vehicles.
- 3.5.87 Whilst the dedicated public footway extending across the northern property boundary provides access to the west, this terminates at Crown Paints and

does not provide for access to other public spaces. Whilst access rights would also exist along Hollins Road through Crown Paints to Blackburn Road, this would not be a desirable route as it would lead residents through a hostile industrial environment.

- 3.5.88 In addition to this, concerns persist with regard to the safety and security of public open spaces on site.
- 3.5.89 The topography of the site has resulted in the provision of open spaces generally extending north-south through the site, dividing the upper eastern part from the lower western part.
- 3.5.90 The layout of residential plots does not generally allow for the passive surveillance of these spaces. In many cases, the rear and side fences of residential plots enclose open spaces. Coupled with the steep topography of the site at certain locations, it is considered that the enclosure of open spaces would render these unwelcoming and, as such, unused.
- 3.5.91 Whilst it is considered that the basic presentation of the dwellings themselves is acceptable, this is outweighed by the fact that the site is not well-integrated with its surroundings. Indeed this surrounding area is, for the most part, not suited to this. This is a fundamental issue and reiterates officer's concerns regarding the siting of a new residential development within this established employment area.
- 3.5.92 The limited opportunities to provide links from the site to the surrounding area has resulted in an inward looking layout that does not respect or reinforce the local land use or built form character in accordance with the provisions of Policy CS16 of the Core Strategy.
- 3.5.93 This again highlights the unacceptable juxtaposition of the proposed development in the context of surrounding commercial uses. This, in turn, contravenes the provisions of Policy 11 of the Local Plan. As previously noted, this policy advocates development that *demonstrates an understanding of the wider context and makes a positive contribution to the local area*.

Planning obligations

- 3.5.94 In accordance with Policies CS8 and CS21 of the Core Strategy, qualifying residential developments should include an element of affordable housing. This is required either on site or by way of a commuted sum to be put towards housing off site. In total, 20% of new housing should be affordable. In this case, this equates to 30 dwellings.
- 3.5.95 The applicant has agreed to provide these dwellings on site via the 'Help to Buy' scheme. This scheme requires qualifying households to save a minimum 5% deposit upon which a government loan of up to 20% of the purchase price could be secured. A mortgage would be required for the remaining 75% of the purchase price.
- 3.5.97 The applicant has advised that the following dwelling types would be offered via the Help to Buy scheme:

- Two-bedroom semi-detached (10 of, comprising five '201' type units and five '202' type units); and
- Three-bedroom semi-detached (20 of, comprising five '301' types units, five '302' types units, five '309' type units and five '311' type units)

3.5.98 Importantly, three-bedroom dwellings are considered to be family units and Policy 18 of the Core Strategy expresses a preference for such.

3.5.99 Notwithstanding this, were Officers minded to support the scheme it is noted that no mechanism exists to secure the dwellings. This is on the basis that the applicant has failed to agree the nature and extent of other contributions required in association with the development.

3.5.100 In addition to affordable units, Officers had also previously advised the applicant that contributions would be required for:

- Off-site highways works (£304,000 (£2,000 per dwelling)) to be put towards the Darwen East Distributor Corridor;
- 'Green infrastructure' (£106,856) to be put towards open space and open space improvements in the surrounding area. This contribution is less than that which would otherwise be required (50% of the per unit contribution as noted in the Council's Green Infrastructure Supplementary Planning Document) on the basis that some open space would be provided on site; and
- Active Travel Infrastructure (£15,200) to be put towards the provision of footways and cycleways linking the site to the surrounding area.

3.5.101 These contributions were calculated with regard given to the viability assessment submitted in support of the application. This assessment concludes that any financial contributions required would undermine the viability of the scheme.

3.5.102 Having reviewed the viability assessment, the Council's Consultant Surveyor has advised that contributions totalling £2,480,000 could be sustained. In reaching this conclusion, the Surveyor questioned (inter alia) the per square foot sales values, contingency and marketing costs put forward by the applicant together with the desired profit (20%). Applying anticipated and typical sales values, costs and profits, the Surveyor concluded that the aforementioned requested contributions (totalling £426,056) could be comfortably sustained.

3.5.103 Whilst the applicant questioned this conclusion, no formal rebuttal was received in response. On this basis, the contributions Officers consider necessary to off-set the anticipated impacts generated by the development would not be provided. To this end, the required highways, open space and active travel infrastructure would not be made available and this would generate significant traffic, amenity and access issues for future residents.

Summary

3.5.104 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.

- 3.5.105 Regard must also be given to the three dimensions of sustainable development as set out in Paragraph 7 of the NPPF. The NPPF states that these dimensions should not be considered in isolation as they are mutually dependent and that to achieve sustainable development social, environmental and economic gains should be sought jointly and simultaneously.
- 3.5.106 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.
- 3.5.107 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, Officers are of the view that the application must be refused.
- 3.5.108 Whilst certain site constraints exist, these are not considered to be insurmountable. Though the owner has not been able to sell or let the site for employment use, this does not align with identified demands and as such it is considered that other factors are impeding the re-use of the site for employment purposes. In the absence of any substantiated evidence to the contrary, Officers are of the view that this includes the current condition of the site and the investment required to bring it up to a useable standard and, as a consequence, the financial expectations of parties. These reasons do not constitute there being no reasonable prospect of the site being used for employment purposes, just that further investment is required in the site to ensure it is an attractive proposition to prospective buyers. Funding is available to assist with this however the applicant has not engaged with either the LLEP or Growth Lancashire to quantify this.
- 3.5.109 Technical highways and amenity-related issues also remain unresolved. To this end, certain parking and access arrangements are not satisfactory or appropriate additional noise and odour mitigation measures have not been provided at the time of writing this report.
- 3.5.110 It is also considered that the development would prejudice the ongoing operations of surrounding commercial uses by way of the likely future imposition of restrictions brought about in response to the adverse amenity effects generated by these uses. In the context of the allocation of surrounding land, it is considered that the operations of commercial uses should be prioritised.

4 RECOMMENDATION

4.1 Refuse 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 brought 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.

5 PLANNING HISTORY

- 5.1 The applicant met with Officers on 13 December 2016 to discuss the proposed scheme. At this pre-application meeting Officers expressed fundamental concerns with the change of use of the site to residential.
- 5.2 Officers provided written advice to the applicant to this effect on 22 December 2016 (reference 7238).

6 CONSULTATIONS

- 6.1 Environmental Protection - Air Quality Officer -
 - Conditions should be added to any permission issued requiring:
 - A non-road construction machinery emissions management plan;
 - The provision of electric vehicle charging points at each dwelling.
- 6.2 Environmental Protection -

Residential Amenity Impact: Acoustic & Odour Assessments

The following reports were submitted with this planning application:

- Hollins Grove Street, Darwen, BB3 1HF 'Planning Noise Assessment for a Proposed Residential Development' (Ref: RK2253/16414/Rev1) dated 09/08/2017.
- 'Proposed Residential Development, Darwen Hollins Paper Mill, Odour Assessment, Gleeson Developments' (Ref: 410.03044.00059 FINALv2) dated July 2017.

Both noise and odour assessments required additional information to be submitted. I await the submission of revised reports before I make my final comments.

Residential Amenity Impact: Light Pollution

The following reports have been submitted in respect of light amenity impact:

- Hollins Paper Mill 'Outdoor Lighting Report' (Project No. 18355) dated 16th November, 2017.
- 'Hollins Paper Mill, Darwen – Report On The Existing Lighting December 2017' (Rev B).
- 'Hollins Paper Mill, Darwen – Report On The Existing Lighting February 2018' (Rev C).

Light Pollution: Glare Assessment

Revision C of the report: Sections 5.1.1 'Area 1' and 5.1.2 'Area 2' identifies that light glare cannot be determined in respect of these areas at the Crown Paints site until the development site is under construction. If there is a suitable and sufficient remedy to prevent excessive glare, should this development be approved, I would suggest that the assessment is undertaken at a stage of development when the glare can be quantified and appropriately remediated as necessary.

Light Pollution: Light Intrusion

The final report (Revision C) indicates a level of light intrusion that is unlikely to cause significant adverse light pollution.

Planning Decision

If this application is recommended for approval, planning conditions will be required in respect of the following:

1. **Construction Phase:** dust, noise & vibration control scheme
2. **Air Quality:** Good practice mitigation prescribed in EPUK/IAQM guidance document.
3. **Ground Contamination**
4. **Light Pollution: Glare Assessment**
5. **Noise Mitigation Scheme** (incorporating dwelling ventilation suitable for thermal comfort)
6. **Odour Mitigation Scheme**

6.3 Coal Authority -

- The subject site is in a high risk area where mining features and hazards need to be considered, including a mine entry adjacent to the western site boundary and coal outcrops potentially subject to unrecorded coal workings at a shallow depth.
- Notwithstanding this, the geotechnical and geo-environmental assessments submitted with the application are sufficient and satisfies the

requirements of the National Planning Policy Framework (NPPF). No objection to the application on this basis.

6.4 Education Officer -

- Notwithstanding local primary schools are at capacity there is not at present sufficient evidence to request contributions for additional school places.

6.5 Environment Agency -

- The site investigation reports submitted together with the application confirm that the contaminants present on site have not impact greatly upon ground waters. This includes Total Petroleum Hydrocarbons (TPH);
- Any new boreholes drilled to further assess site conditions should not enable ground waters to migrate into underlying formations;
- Additional sampling and assessments of the adjacent stream should be undertaken. This stream should be continuously monitored during the construction phase to ensure no contaminants enter the water course;
- Further information is required with regard to the ground water that has been analysed. Was this groundwater taken from a continuous water body or was it perched?; and
- If site levels are to be lowered below the water table, ground waters will need to be appropriately treated/managed.
- The noise assessment provided in support of this application concludes that an adverse noise impact would be present at the properties closest to the Crown Paints Polymers site. It is proposed to mitigate this by the construction of a 3m high screening bund with an additional 3m of acoustic fencing on the top of the bund. However, no assessment has been provided to demonstrate that this will provide credible mitigation for the properties closest to the industrial site. We can confirm that the Environment Agency is aware of the potential expansion of the Crown Polymer site and that pre application discussions regarding the implications for the Environmental Permit are ongoing. The potential changes are notable in terms of both the scale and the proximity to the proposed housing development.
- The Crown Paints Polymer site is permitted by the Environment Agency and the Agency has concerns that the proposed development is contrary to paragraph 123 of the National Planning Policy Framework which states.... “existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established”
- Air Quality Assessment
- The Environmental Permit for the Polymer Plant specifies emission limits for emissions to air for class B VOC's. The air quality assessment provided in support of this application contains no assessment or information relating to the emissions from the permitted site. The development would add new residential receptors in close proximity the

site, and the construction of the proposed screening bund and associated acoustic fence is likely to adversely affect the dispersion from the emission points.

- Overcoming our objection
- The applicant can overcome our objection by submitting further information that covers the deficiencies highlighted above.
- We ask to be re-consulted with the revised information. We will provide comments within 21 days of receiving formal re-consultation. Our objection will be maintained until details have been received.

6.6 Environmental Housing and Neighbourhoods Officer -

- Concerns exist that service vehicles may not be able to access some properties given the widths of roadways and the turning space provided in cul de sacs;
- Sufficient space exists for rubbish bins.

6.7 Highways Officer (Travel Plan) -

- The original Travel Plan submitted in support of the application included a number of inaccuracies. This included with reference to local transport services and increased frequency rail services running from Blackburn station to Manchester from December 2017. The Travel Plan did not also include sufficient reference to the strategic cycle network and Witton Park cycle centre and did not adequately promote the nearby Weavers Wheel cycle route.

In response to the revised Travel Plan submitted on 13 November, the Highways Officer stated:

- The Travel Plan has now been updated as previously requested;
- Upon further reflection, contributions should be sought from the applicant for the provision of active travel infrastructure, particularly for safer cycle ways and pedestrian routes to key local services and facilities;
- The site is poorly located with regard to transport services. The nearest regular bus service is more than 500 metres and the nearest train station 1,770 metres from the site;
- Being located in a largely commercial area, transport services may not be safely accessed on foot or by bicycle;
- Given this, it is considered that this is a largely car dependant development rather than one which would be served by safe and sustainable transport modes.

In response to a subsequent iteration of the Travel Plan submitted on 14 December, the Highways Officer stated:

- The Travel Plan has now been amended in accordance with previous advice;
- Upon further reflection however, and given the sites location, it is considered that a contribution for active travel initiatives should be required. This contribution should total £15,200 (£100 per dwelling) and would be put towards the provision of safer cycle ways and pedestrian routes linking the site to key local services and facilities. Being located within an employment area, safe access to local services and facilities is problematic.
- The contribution might also be put towards directional signage to Weaver's Wheel, Spoke B and/or a travel survey incentive fund for future residents and/or a monitoring and evaluation fund.
- The site is not otherwise well-connected to sustainable forms of transport. The nearest bus service is in excess of 500 metres from the site and the nearest train station is 1.7 kilometres;
- The site therefore lends itself to a car dependent development;
- An action plan should be devised to ensure the measures noted in the Travel Plan can be achieved.

6.8 Highways (Transport Assessment) -

- The Transport Assessment does not comprise all matters agreed with Highways Officers during pre-application discussions;
- Car and bicycle parking spaces have not been allocated to individual dwellings;
- Given the number of sizes of dwellings, it is considered that 310 car parking and 302 bicycle parking spaces should be provided on site and these should be allocated in accordance with Council's standards;
- The junction capacity assessment submitted in support of the application references 2016 data and does not account for growth since;
- A contribution should be required for improvements to bus stops along Lower Eccleshill Road;
- Additional pedestrian access points to the site should be provided off Lower Eccleshill Road near to Plots 14 and 127 and off the public footway extending across the northern property boundary and adjacent to Plot 52.

6.9 Highways Officer (site layout) –

In response to the original site layout plan, the Highways Officer stated:

- The proposed bund wall around the polymer plant would obstruct access along Public Footpath 252. This footpath is however non-definitive;
- Notwithstanding this, the realignment of the footpath contradicts current local policy;
- Many of the proposed car parking spaces (including within garages) are too small;
- Garages parking spaces should be a minimum of three metres wide and six metres long and driveway parking spaces should be a minimum of 5.5 metres long;

- All parking spaces should be provided at the front of dwellings. Many spaces are towards the rear and these spaces are not typically used;
- Owing to the slope of parts of the site, many parking spaces may not be accessible in poor weather;
- Any drive servicing more than three properties should be of an adoptable standard;
- Space should be provided to enable vehicles to turn and exit from Plots 128 - 134 in a forwards gear onto Hollins Grove Street;
- Swept path diagrams showing three axel refuse vehicles can comfortably traverse the site are required for further assessment;
- Visibility splays should be provided alongside all parking spaces. This includes boundary treatments adjacent to spaces which should be kept low;
- Details of the sightlines at the entrance to the site are required for further assessment, this includes the landscape treatment along the entry roadway.

In response to the amended site layout plan submitted on 30 January 2018, the Highways Officer stated:

- The total number of car parking spaces now provided on site has increased and this is welcomed;
- Those car parking spaces located at the rears of dwellings are not however easily accessible and these spaces should be relocated to the fronts of dwellings;
- All car parking spaces should be a minimum of 5.5 metres long. Some spaces appear to be less than this. This might include garages, the minimum sizes of which have not been confirmed;
- Gradients, swept paths and visibility splays are generally acceptable however details of boundary treatments have not been provided. These should be low to maintain visibility;
- The layout of the roadway is lacking in detail. Details of all traffic calming measures should be required by way of a condition on any permission issued;
- Whilst the roadway maintains Crown Paints' right of access, no swept path diagrams have been provided confirming larger commercial vehicles can comfortably traverse the site; and
- Land should be acquired for highway improvement works along Goose House Lane. This requirement should be included in any legal agreement.

6.10 Lancashire Archaeological Advisory Services -

- The site has a history of use dating to 1392 when it accommodated a water and corn mill;
- Any redevelopment of the site would likely therefore encounter medieval and later remains;
- Any such remains encountered would need to be radio carbon dated;
- More recently, it is known that the site accommodated cotton spinning works prior to 1849. Textile mills such as this are of great importance as these assisted in shaping the landscape and communities of the north-west;

- An assessment of the site is required as it may be the case that elements associated with the power system of the mill may be present;
- Should Council resolve to permit the development, a condition should be included on the decision notice requiring the submission and approval of a programme of archaeology work for the site.

6.11 Lancashire Constabulary -

- General layout/design advice provided including:
 - Cul de sacs maximise passive surveillance;
 - Access points through a cul de sac should be limited;
 - Avoid the provision of concealed recesses;
 - Public open spaces should be naturally surveyed;
 - Defensive planting can be provided so long as this does not impeded the natural surveillance of open spaces;
 - Public open spaces require ongoing maintenance;
 - The boundaries between public and private spaces should be clearly delineated;
 - Dusk to dawn lighting should be provided at the entries to all dwellings;
 - All doors and windows should be secure in accordance with Building Regulations;
 - All meters should be located in clear sight and near to front doors;
 - Car parking should be provided on site rather than on street. This reduces opportunities for vehicle crime;
 - Should Council resolve to permit the development, a condition should be included on the decision notice requiring the site to be secured during the construction phase.

6.12 Land Contamination Officer -

- No objection subject to a condition being included on any permission issued requiring further targeted gas monitoring and soil sampling prior to the commencement of building works.

6.13 Lead Local Flood Authority -

- No objection subject to conditions being included on any permission requiring the submission of a drainage scheme for the site based on the recommendations of the Flood Risk Assessment submitted with the application.

6.14 Public Rights of Way Officer -

- Public Right of Way No. 252 would need to be temporarily diverted to facilitate the construction of the proposed bund wall around the Crown Paints' polymer plant. A separate application is required for this.

6.15 Network Rail -

- Concerns exist regarding the potential impacts of piling works associated with the development upon adjacent rail infrastructure;
- Concerns also exist with regard to the potential amenity effects of rail operations upon future residents.

6.16 Strategic Growth Team (Housing) -

- The development is acceptable in principle and assists in achieving the Council's growth strategy;
- The proposal also aligns with the Council's aspiration of creating home ownership at all levels;
- 20% of the proposed units should be affordable or a commuted sum provided for the provision of affordable units off site;
- Subject to viability, variations to the affordable housing requirement can be considered.

6.17 United Utilities -

- Conditions should be included on any permission issued requiring the submission of amended plans showing:
 - The provision of separate foul and surface water drainage systems including the details of each;
 - Details of the management and maintenance regime of these drainage systems;
 - The provision of a 10 metre exclusion zone along the alignment of the existing sewer which extends across the site. This would therefore require alterations to the proposed site layout or the diversion of the existing sewer at the applicant's expense.

United Utilities have also provided the following comments in relation to their adjacent Wastewater Treatment Works (WwTW) and the odour survey submitted in support of the application:

- The submitted odour assessment is a 'snap shot' only of potential odour impacts derived from approximately six hours observation conducted during the winter period when odour generation is at its lowest. As such this offers a very narrow perspective of potential off site odour impacts;
- The assessment states that the prevailing wind direction is either from the north or the west. Therefore the proposed new sensitive receptors are likely to be located within the path of any odour plume(s) generated from the adjacent Wastewater Treatment Works (WwTW);
- The assessment shows WwTW odour at the site of the nearest proposed dwelling;
- It is highly probable that 'odour strength' will be greater during the spring, summer and autumn periods. So odour is likely to be stronger at the same test locations and be noticeable/detectable over a wider area of the development site;

- The future WwTW reconfiguration will reduce the number of wastewater process units in use however it is highly probable that the assets nearest the proposed dwellings will remain;
- It is not possible to determine if the odour detected is attributable to the assets which will remain after the reconfiguration of the WwTW;
- The contract for the reconfiguration of the WwTW has only recently been agreed and the scheme solution has yet to be finalised. It is not thought however to contain any specific clauses with regard to odour or odour minimisation. If it does contain any such provisions it is likely to be a 'no deterioration clause' which is of little use in this instance;
- It is likely that in the future any mitigation measures associated with the WwTW would be in the form of operational practice rather than the provision of actual odour control hardware (the use/installation/maintenance of storm tank cleaning equipment for example).
- Based upon this there appears to be a residual odour risk associated with the frequency and duration of use of storm tanks and associated ancillaries and the condition to which they are left after a storm event (the quantity of solids remaining in the tanks).
- At present the level of risk cannot be quantified and this can only be assessed through a dispersion modelling exercise. Mitigation measures can be implemented but this might be at additional cost to the current contract.
- The developer should consider the provision of a buffer zone to the northern boundary of the development. The extent of this buffer could be optimised via a dispersion modelling exercise.

6.18 Viability Officer -

- Based on a review of the viability assessment submitted in support of the application, it is considered that:
 - Commuted payments totalling up to £2,480,000 could be sustained;
 - Contributions should be required for:
 - The Darwen East Distributor Corridor (£304,000); and
 - 'Green infrastructure' (£106,856). This figure represents 50% of the per unit contribution noted in the Council's Green Infrastructure Supplementary Planning Document (SPD) on the basis that some open space would be provided on site.

6.19 The application has been advertised in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This included the display of five public notices around the site on 24 August 2017 and individual notices being sent to adjacent and nearby properties.

6.20 Four representations have been received in response to the application. The concerns of objectors are detailed in Section 9 of this report.

7 CONTACT OFFICER: Connor Perrott, Principal Planning Officer

8 DATE PREPARED: 2nd March 2018

9 SUMMARY OF REPRESENTATIONS

1. Ms. Tracey Jones (resident) – 13th September 2017. The concerns of Ms. Jones are:
 - The extent of the notification of the application was inadequate;
 - The documents submitted with the application do not accurately show all surrounding land uses. The site opposite for example is not a caravan store but an approved traveller's site
 - The impacts of the development upon local European Protected Species (EPS);
 - The impact of the development upon the River Darwen and associated wildlife;
 - The odour generated by the nearby sewerage works would impact upon the general amenity of future residents;
 - The site is contaminated. This includes asbestos.
 - The site is susceptible to flooding
 - The lack of play space provided on site;
 - The traffic generated by the development would exacerbate congestion in this area;
 - The traffic generated by the development would impact upon the bridge at the intersection of Hollins Grove Street, Lower Eccleshall Road and Goose House Lane. This bridge is currently considered to be at capacity;
 - The impact of construction works upon the general amenity of nearby residents, including by way of traffic congestion and the dust and dirt generated by construction-related activities.

2. Mr. Geoff Storey, Aggregate Industries UK Limited, High Roads, Nether Kellet, Camforth, Lancashire, LA6 1EA (operating as Express Asphalt, Goose House Lane, Darwen) – 19th September 2017. The concerns of Mr. Storey are:
 - Aggregate Industries is located in close proximity to the site on Goose House Lane.
 - Aggregate Industries provides asphalt to both Council and Highways England for local road repairs. This is often required at night and results in activity on site at night and also along local haulage routes, including past the subject site.
 - The development would therefore prejudice the ongoing operations of Aggregate Industries.
 - On this basis, it is considered that the proposed development contravenes the provisions of Paragraph 144 of the National Planning Policy Framework (NPPF) which seeks to safeguard mineral operations.

3. Mr. Nick Horsely, Minerals Production Association, 38-44 Gillingham Street, London, SW1V 1HU – 11th October 2017. The concerns of Mr. Horsely are:

- The proximity of the proposed housing to Aggregate Industries will inevitably prejudice the ability of this operator to continue to provide asphalt to both Council and Highways England. This may have a significant economic impact on Aggregates Industries;
- The proposed development contravenes the provisions of Paragraph 144 of the NPPF;
- If resolving to permit the development, the Council should ensure that appropriate mitigation measures are put in place so as to ensure that the future operations of Aggregate Industries is not prejudiced.

4. Mr. Graham Haworth, Crown Paints Limited, PO Box 37, Crown House, Hollins Road, Darwen, Lancashire, BB3 0BG – 21st September 2017. The concerns of Mr Haworth are:

- The subject site should be used for employment purposes, not residential.
- Crown Paints employs 500 staff and has occupied the adjacent site to the north-west for 10 years and the adjacent site to the north (polymer plant) for 40 years.
- Crown's operations have the potential to be nuisance to future residents of the development by way of:
 - Noise from polymer plant. This plant operates 24 hours a day such is the demand for the products it produces. Noise sources include silos, compressors, cooling tanks and security gates.
 - Other noise sources from the remainder of the Crown site including from the solvent based plant and emulsion plant, drum crushing machinery, the pallet park in close proximity to the application site and lorry movements;
 - Visual amenity due to the proximity and topography of the Crown site which cannot be mitigated.
 - Light pollution generated from the Crown site.
- Crown plan to further develop the polymer plant in the future and this may increase the effects generated by it.
- The further redevelopment of the polymer plant forms part of a wider proposal to consolidate Crown's operation. It is envisaged that in the future this site would accommodate Crown's manufacturing and research and development headquarters. Should housing be provided on the adjacent site, Crown may reconsider its future expansion plans and this may result in a reduction in operations and staffing.
- Crown has legal a legal right of way over entire length of Hollins Road which extends across the development site. Crown's access rights must be maintained.
- An 11KVA electricity supply serving Crown also legally extends through the site and access to this must also be maintained.

- A public footpath extends along the southern side of the polymer plant and the proposed bund around the plant disturbs this footpath. There is a legal requirement to maintain this footpath.
- The proposed bund would also not adequately protect future residents of the development in the event of a major hazard. The bund would limit emergency vehicle access to the plant.

5. Graham Cowley, Director of Lancashire LEP - 2nd March 2018:

“Dear Mr Richardson,

I am writing with reference to the Planning Application relating to the allocation of the former Hollins Paper Mill for housing.

It is imperative from the LEP perspective that scarce employment land is retained to support GVA growth and job creation. We have identified the M65 as a Growth Corridor and have invested heavily in adjacent employment sites. We will continue to support the development of employment use along its length.

I have no reason to question the viability of the former Hollins Paper Mill site for employment use and would confirm that no grant applications have been received by the LEP to attempt to improve that viability. Bearing in mind the current housing supply proposals around the hospital and Roman Road as part of the Housing Zone, it is essential that this employment land is protected.

I trust you will give my comments due consideration.”