

# Public Document Pack

## Planning and Highways Committee

Thursday, 15th April, 2021

6.30 pm

Virtual

[Join Meeting Here](#)

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### AGENDA

1. Welcome and Apologies
2. Minutes of the Previous Meeting  
Minutes of Previous Meeting 3 - 5
3. Declaration of Interest  
Declaration of Interest Form 6
4. Planning Applications for Determination  
Agenda 7 - 8
  - 4.1 Planning Application 19/1084  
Waterside Distribution Centre, Johnson Road, Eccleshill 9 - 85
  - 4.2 Planning Application 20/1212  
Shadsworth Infant School, Rothesay Road, Blackburn 86 - 93
  - 4.3 Planning Application 21/0086  
Land Adjacent to Ashdale, Astley Bank, Darwen 94 - 126
  - 4.4 Planning Application 21/0090  
Ellerslie, Bury Fold Lane, Darwen 127 - 145
5. Enforcement - Land at 18 Harwood Gate, Blackburn  
ENFORCEMENT – LAND AT 18 HARWOOD GATE,  
BLACKBURN, BB1 5HP 146 - 155  
Enforcement report location plan 18 Harwood Gate.BMP  
18 Harwood Gate Photo.JPG  
18 Harwood Gate Photo 1.JPG  
Appeal decision letter - 18 Harwood Gate.pdf



# Agenda Item 2

## PLANNING AND HIGHWAYS COMMITTEE

### Thursday, 18 March 2021

**PRESENT** – Councillors, Councillor David Smith (Chair), Akhtar, Casey, Khan, Khonat, Hardman, Slater, Jan-Virmani, Oates, Riley, Browne, Harling and Marrow.

**OFFICERS** – Gavin Prescott, Rabia Saghir, Safina Alam and Shannon Gardiner

#### RESOLUTIONS

**51 Welcome and Apologies**

The Chair welcomed everyone to the virtual meeting.

There were no apologies received.

**52 Minutes of the Previous Meeting**

**RESOLVED** - That the minutes of the previous meeting held on 18<sup>th</sup> February 2021 be confirmed and signed as a correct record.

**53 Declaration of Interest**

**RESOLVED** - There were no Declarations of Interest received.

**54 Planning Applications for Determination**

The Committee considered reports of the Director of Growth and Development detailing the planning application.

In considering the applications, the Committee took into account representations or submissions provided by individuals with the Officers answering points raised during discussion thereon.

**54.1 Planning Application 20/0814**

*Speaker – Ishtiaq Hussain (Applicant)*

**Applicant – Mr Ishtiaq Hussain**

**Location and Proposed Development** – 181 Whalley Old Road, Blackburn, BB1 5PQ

Full Planning Application for Change of use from former public house (A4) to a Mosque/Madnessa (D1) and demolition of existing outbuilding

**Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED** – Approved subject to the conditions highlighted in the Director's Report.

#### **54.2     Planning Application 20/0932**

##### **Applicant – Countryside Properties**

**Location and Proposed Development** – Land to the South of Holmebrook Close, Blackburn.

Full Planning Application (Regulation 4) for Formation of engineered bunds.

##### **Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED** – Approved subject to the conditions highlighted in the Director's Report and the additional conditions in the Update Report.

#### **54.3     Planning Application 20/1048**

*Speakers – Mr Al Samarraie (Agent)*

##### **Applicant – Monte Group on Behalf of Issa Foundation**

**Location and Proposed Development** – Former Westholme Nursery School, Preston New Road, Blackburn, BB2 6PS.

Full Planning Application for: Demolition of school buildings and erection of new place of worship and community centre, including associated car parking landscaping, gates to existing points of access from the public highway and widening of vehicular access

##### **Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED** – Approved subject to the conditions highlighted in the Director's Report and the additional condition in the Update Report.

#### **54.4     Planning Application 21/0127**

##### **Applicant – Blackburn with Darwen Borough Council**

**Location and Proposed Development** – Town Hall, King William Street, Blackburn, BB1 7DY.

Listed Building Application (Regulation 3) for internal alterations, refurbishment and restoration of existing office spaces to the first and second floors

##### **Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED** – Approved subject to the conditions highlighted in the Director's Report.

#### **55     Petition**

Members were informed of the receipt of a petition received relating to a planning application for full planning permission for a three storey playing court at Jamiatul Illm Wal Huda, Moss Street, Blackburn. The application was received 17th November 2020.



A petition containing 19 individual names was received on the 23rd February 2021. The petition sets out the signatories support for planning application 10/20/0709.

Members were advised that the planning application remains under consideration

**RESOLVED –** That the Members noted the petition.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed

## DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

**Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.**

**Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.**

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)



## BwD Council - Development Control

### General Reporting

**REPORT NAME:** Committee Agenda.

#### REPORT OF THE STRATEGIC DIRECTOR OF PLACE

#### LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND PAPERS

There is a file for each planning application containing application forms, consultations, representations, Case Officer notes and other supporting information.  
Gavin Prescott, Planning Manager (Development Management) – Ext 5694.

**NEIGHBOUR NOTIFICATION:** The extent of neighbour notification is shown on the location plans which accompany each report. Where neighbours are notified by individual letter, their properties are marked with a dot. Where a site notice has been posted, its position is shown with a cross.

#### PLANNING APPLICATIONS FOR DETERMINATION Date: 15/04/2021

Application No	Applicant	Site Address	Ward
Application Type			

10/19/1084

GFW Ltd  
C/O Agent

GFW Ltd  
Waterside Distribution Centre  
Waterside Park  
Johnson Road  
Eccleshill  
BB3 3RT

West Pennine

Outline Planning Application for Outline planning application with all matters reserved except for access, for residential development of up to 95 dwellings following demolition of onsite buildings.

**RECOMMENDATION: Permits**

10/20/1212

Blackburn with Darwen Borough Council  
Duke Street  
Blackburn  
BB2 1DH

Shadsworth Infant School  
Rothesay Road  
Blackburn  
BB1 2EL

Blackburn South East

Full Planning Application (Regulation 3) for Erection of classrooms extension, to provide a sensory room, pupil and staff washrooms and community room. The works will also include some internal remodelling and replacement of existing fence with 2.4m high anti-climb mesh fence

**RECOMMENDATION: Permits**

10/21/0086

Mr & Mrs Shorrocks  
25 Radfield Road  
Darwen  
BB3 2SL

Land adjacent to Ashdale  
Astley Bank  
Darwen  
BB3 2QB

Darwen South  
Whitehall

Full Planning Application for Demolition of existing workshop building and erection of a single dwelling house with associated works to include landscaping

**RECOMMENDATION: Permits**

Application No	Applicant	Site Address	Ward
Application Type			
10/21/0090			
Ms Patricia da Silva Ellerslie, Bury Fold Lane Darwen BB3 2QG	Ellerslie Bury Fold Lane Darwen BB3 2QG	Darwen South Whitehall	
Variation/Removal of Condition/Minor Material Amendment for Variation of Condition No.5 pursuant to Reserved Matters application 10/19/0642 for the appearance, landscaping, layout and scale for 18 dwellings; pursuant to Outline Approval 10/15/1081 - to amend the design of the proposed houses and include a private access to plot 5			
<b>RECOMMENDATION: Permits</b>			

## **REPORT OF THE DIRECTOR**

**Plan No: 10/19/1084**

**Proposed development: Outline planning application with all matters reserved except for access, for residential development of up to 95 dwellings following demolition of onsite buildings.**

**Site address:**

**GFW Ltd**

**Waterside Distribution Centre**

**Waterside Park**

**Johnson Road**

**Eccleshill**

**BB3 3RT**

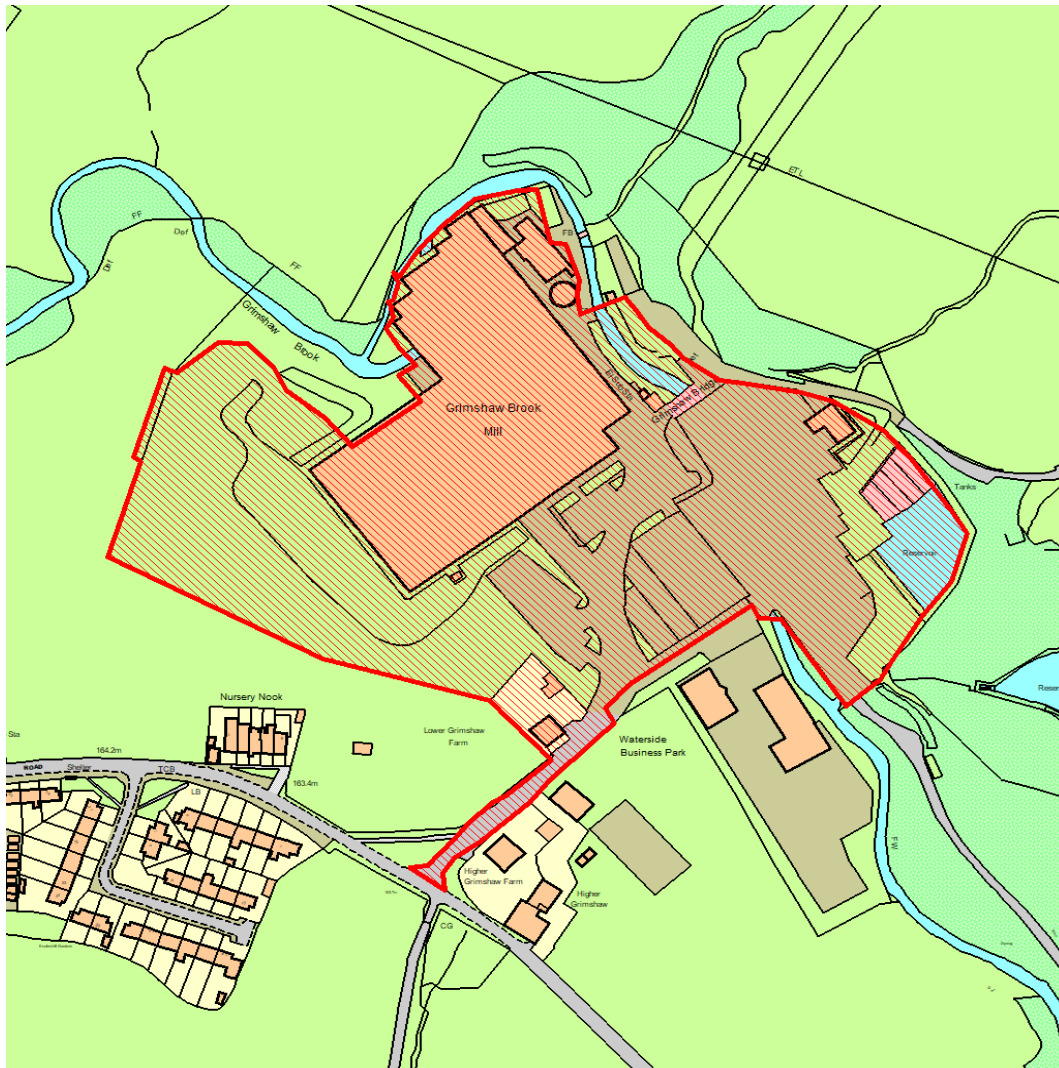
**Applicant: GFW Ltd**

**Ward: West Pennine**

**Councillor Colin Rigby**

**Councillor Jean Rigby**

**Councillor Julie Slater**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – Subject to a Section 106 Agreement relating to the following:**

- **New primary school places in East Darwen;**
- **Highway improvements works to the Darwen East Development Corridor;**
- **Sustainable transport initiatives including (but not limited to) subsidised public transport, traffic calming and improved pedestrian routes;**
- **Green Infrastructure / Public Open Space; and**

**Conditions set out at paragraph 4.1.**

**Note – affordable housing is not included in the Section 106 Agreement. Instead, affordable housing is to be provided on-site at a rate equivalent to 20% of the overall number of homes.**

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

- 2.1 This planning application is reported to the Committee as a major application type that cannot be determined under delegated powers, in accordance with the terms of the adopted Scheme of Delegation. Moreover, the application has generated the receipt of 26 letters of objection.
- 2.2 The proposal and recommendation follows detailed dialogue at pre-application and application stage, in arriving at an outline scheme that will, in principle, deliver residential development appropriate to the surroundings and which will widen the choice of family housing in the Borough. The proposal supports the Borough's planning strategy for housing growth as set out in the Core Strategy and it delivers housing at a site which is allocated for housing development under Policy 16/11 of the Local Plan Part 2. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions and Legal Agreement under Section 106 of the Town and Country Planning Act 1990.
- 2.3 Given the scale of the proposed development, it is prudent to consider it in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations') and supporting Planning Practice Guidance (PPG), in terms of whether it is likely to have *"significant effects on the environment by virtue of factors such as its nature, size or location"* and is, therefore, EIA development requiring an Environmental Impact Assessment.

- 2.5 The proposed development falls within category 10 of Schedule 2, 'Infrastructure Projects', sub-section (b) 'Urban Development Projects'. The thresholds for residential developments as set out in Schedule 2 is as follows:

(b) Urban development, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas.	(i) The development includes more than 1 hectare of urban development which is not dwellinghouse development; or (ii) the development includes more than 150 dwellings; or (iii) the overall area of the development exceeds 5 hectares.
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- 2.6 As a proposal of less than 150 dwellings at a site measuring 4.9 hectares in area, it is accepted that screening is not necessary to determine whether an EIA is required in a statutory sense. Accordingly, the development does not require an Environmental Impact Assessment.

### **3.0 RATIONALE**

#### **3.1 Site and Surroundings**

- 3.1.1 The application site (the site) measures 4.9 hectares in area. It is located within the Green Belt, at Waterside Park, on the north eastern side of Johnson Road. Darwen town centre is located approximately 4km to the south west and Blackburn town centre is located approximately 6km to the north west.
- 3.1.2 The site lies within the valley of Grimshaw Brook. The valley landscape has been altered over several hundred years by historic industrial activity. The original valley has been widened and engineered to form a building plateau, reservoirs and to channel the watercourse. Land naturally falls south to north and east to west but the underlying topography on the site has been altered to such a degree by industrial activity that most original topographic features have been lost or disturbed. The site is largely bordered on all sides by farmland.
- 3.1.3 The site is developed towards the northern end of the boundary and comprises a more greenfield area to the south. The site houses a large industrial building used by GFW Ltd. as a furniture distribution centre (use class B8), along with minor associated buildings and infrastructure. It is accessed via a shared private road which serves Lower Grimshaw Farm, Higher Grimshaw Farm and other commercial buildings located to the south of the site entrance (these do not form part of the application boundary, and are not owned by the applicant). In addition, the site comprises a large amount of existing hardstanding and the remains of other buildings associated with the former use as a mill.
- 3.1.4 There are three distinct tracts of broadleaf woodland within the site in narrow belts, running along the northern and southern margins or following the course

of Grimshaw Brook. The woodland comprises of similar species, mainly silver birch, hawthorn, alder, sycamore, beech, sessile oak and ash with an understory dominated by hawthorn and holly. There is also some naturally regenerating woodland within and around the hardstanding areas. Species are mainly early colonisers such as Birch and willow.

- 3.1.5 There are areas of poor semi-improved and semi-improved grassland broken by small groups of parkland trees and dense/continuous scrub. There are two water bodies on site. One is a man-made concrete reservoir with no emergent or marginal vegetation the other is an irregularly shaped reservoir with a fringe of emergent vegetation and oak and willow around the margins. Grimshaw Brook runs through the length of the site. It is partly culverted and contained by engineered channels.
- 3.1.6 The northern and southern parts of the site are covered by Grimshaw Brook Valley Biological Heritage Sites (BHS) and Waterside and Pickup Bank Valley BHS. The Indicative Site Plan shows built development restricted to land outside of these sites.
- 3.1.7 There is public footpath access across the site from Johnson Road, along the shared access road through the industrial estate. This footpath connects to routes on the north side of the site linking to a network of paths around Belthorn and Bank Fold. The paths through the site appear to be lightly used and difficult to navigate through the wooded areas.
- 3.1.8 The existing built volume onsite is 129,000m<sup>3</sup> and the existing built footprint is 11,775m<sup>2</sup>. The total site area is approximately 9.2ha, however the application site boundary provided on the Location Plan is 4.9ha. The site and its immediate surroundings are shown below:



Extract from the submitted Planning Statement, produced by 'pwa planning', dated Nov 2019.



- 3.1.9 With reference to flood risk, the site is located partially in Flood Zone 1 and partially within Flood Zone 2 and 3.

## **3.2 Proposed Development**

- 3.2.1 Outline planning permission is sought for the redevelopment of the site for residential use, as set out in the submitted drawings, supporting statement and technical reports. The proposal involves demolition of existing industrial buildings and Lower Grimshaw Farm, and erection of up to 95 no. dwellings would be erected within the site boundary. As part of the scheme, GFW Ltd. would relocate to an alternative location.
- 3.2.2 Access is applied for in full. All other matters are reserved for subsequent approval under an application for 'Reserved Matters' (RM) which would include Appearance, Landscape, Layout and Scale. Details of the access arrangements applied for in full are including on Plan 3 of the Transport Assessment (ref. PROP-04).
- 3.2.3 Notwithstanding matters reserved, an indicative site plan of 95 dwellings, highway infrastructure and open space is submitted with the application. Dwellings comprise; 45no. 2/3 bed, 39no. 4 bed and 11no. 5 bed. Based on this indicative layout, the total footprint of the proposed development is 7,585 m<sup>2</sup>, at a density of 35 dwellings per hectare within the built up area and 10.4 units per hectare across the whole site. Members are reminded that the layout is indicative only and is not considered under this outline application.
- 3.2.4 As part of the proposal, culverts are to be removed which will remove the site from Flood Zone 2 and 3, back into Flood Zone 1. This would allow for development to take place across the site, removing a constraint previously identified by the site allocation policy. Similarly, as illustrated on the Indicative Site Plan, the Biological Heritage Sites (BHS) to the north and south have been avoided in order to reduce and avoid ecological impacts.
- 3.2.5 Access will be maintained off Johnson Road. As part of the proposal Lower Grimshaw Farm will be demolished – the building is within the applicants ownership - ensuring suitable access is provided on the currently unadopted access road. There is capacity to maintain Lower Grimshaw Farm if required, with sufficient space beyond the property to provide the necessary internal layout, to be secured at RM stage.
- 3.2.6 The existing Public Right of Way (PROW) which runs through the site will remain in its current location where possible, incorporated into the pedestrian site access points. The precise position of the PROW will be secured at RM stage.

## **3.3 Development Plan**

- 3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal, the following are considered to be the most relevant policies:

3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 – Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS8 – Affordable Housing Requirement
- CS13 – Environmental Strategy
- CS14 – The Green Belt
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS18 – The Borough Landscapes
- CS19 – Green Infrastructure
- CS21 – Mitigation of Impacts / Planning Gain

3.3.4 Local Plan Part 2 (LLP2)

- Policy 3 – The Green Belt
- Policy 7 – Sustainable and Viable 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 16/11 – Housing Land Allocations – Johnson Road
- Policy 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape
- Policy 47 – The Effect of Development on Public Services

**3.4 Other Material Planning Considerations**

3.4.1 Residential Design Guide Supplementary Planning Document (2015)

This document provides targeted advice to ensure high quality new homes. It aims to ensure that new development reflects the individual and collective character of areas of the Borough and promotes high standards of design. The document also seeks to ensure a good relationship between existing and proposed development in terms of protecting and enhancing amenity.

#### 3.4.2 Green Infrastructure & Ecological Networks SPD (2015)

This document provides guidance in relation to maximising opportunities to improve existing green infrastructure and to create new green infrastructure and ecological networks.

#### 3.4.3 Air Quality Planning Advisory Note

#### 3.4.4 Joint Lancashire Minerals and Waste Local Plan

#### 3.4.5 Joint Lancashire Minerals and Waste Development Plan

#### 3.4.6 Joint Lancashire Minerals and Core Strategy (2009)

#### 3.4.7 Site Allocations Development Management Policies Plan Part 1 (2013)

Policy M2 – Safeguarding Minerals.

#### 3.4.8 National Planning Policy Framework (The Framework) (2019)

Overall, The Framework aims to raise economic performance by ensuring the quantity, quality and mix of housing reflect that required, with an expectation to maintain a 5-year housing land supply. Quality design should be secured and environmental impacts minimised.

Areas of The Framework especially relevant to the proposal are as follows:

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a sufficient supply of homes
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal erosion
- Section 15: Conserving and enhancing the natural environment

#### 3.4.9 National Planning Policy Guidance (NPPG).

### **3.5 Assessment**

3.5.1 In assessing this full application there are a number of important material considerations that need to be taken into account, as follows:

- Principle of residential development
- Amenity impact
- Environmental impact
- Highways and access
- Design and layout
- Green Infrastructure
- Affordable housing
- Planning Gain / Section 106 requirements

### 3.5.2 Principle

The site sits within a Mineral Safeguarding Area. Accordingly, and notwithstanding that the site is allocated for housing under Policy 16/11, a Minerals Resource Assessment should be submitted for review. To date at the time of writing this report, such assessment is awaited but is due to be submitted imminently. The outcome of the assessment shall be included in the Update Report.

3.5.3 Grimshaw Bridge Cotton Mill is considered a non-designated heritage asset, recorded on the Lancashire Historic Environment Record, PRN 7366. Formerly the site of an early water-powered carding and spinning factory, built in 1782 by William Yates of Woodhead, the mill was extended in the 1840s, and converted to paper making in 1872. Consequently, Lancashire Archaeology recommend a programme of archaeological works be secured via condition, prior to its demolition. No such requirement is necessary for demolition of Lower Grimshaw Farm. Demolition of the buildings is otherwise accepted.

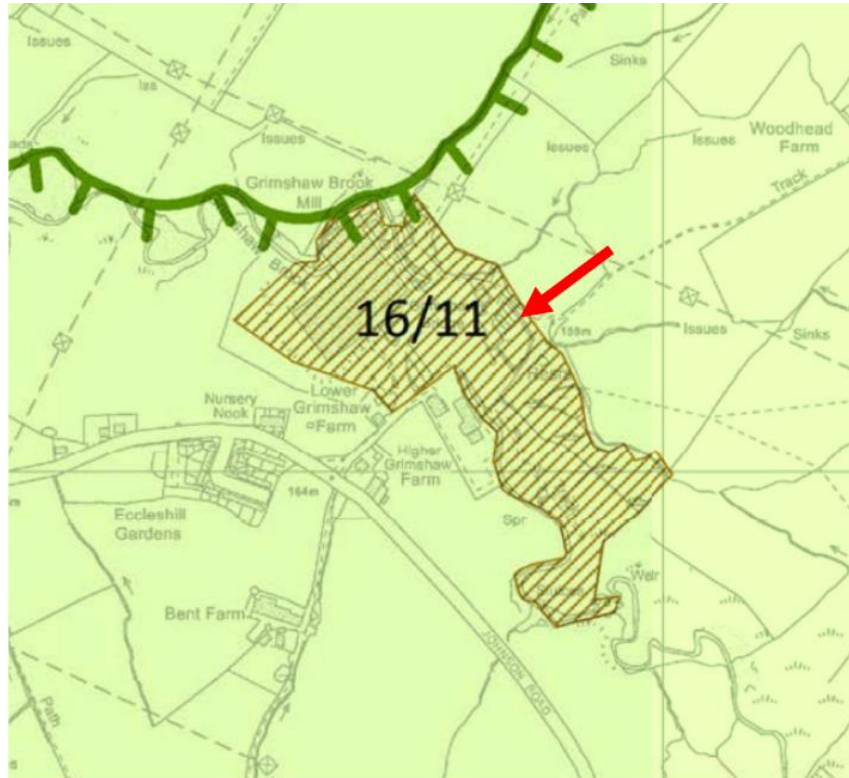
3.5.4 Core Strategy Policy CS1 explains that the overall planning strategy for the Borough is one of 'Targeted Growth' and identifies a need for '*a limited number of small scale urban extensions*'.

3.5.5 Policy CS5 explains that the preferred location for new housing, where market conditions permit its delivery, will be the inner urban areas of Blackburn and Darwen. The policy also supports small-scale urban extensions.

3.5.6 Local Plan Part 2, Policy 16, allocates land for development within the 15 year life of the Plan, subject to key development principles. This proposal represents residential development of a major scale, on Site 16/11 – the Johnson Road Site. Key development considerations identified in the Local Plan Part 2 policy include the following:

- *Housing delivery - estimated to be 70 by 2026, expected to be delivered after March 2019.*
- *Development is to be confined in the first instance to the footprint of the industrial buildings on the site and their associated hardstanding.*
- *Flood risk – the site allocation sits partially within Flood Zones 2 and 3, due to abutting a watercourse. The developer must demonstrate through detailed modelling that development could be appropriately managed to not be at risk in a 100 year event over its lifetime or increase flood risk elsewhere and it would satisfy the Sequential / Exception test, as required.*
- *Attention to ecological issues arising from the rural location of the site, including biodiversity.*
- *Development to be compatible with the rural character of the surroundings, with particular attention to the massing and distribution of buildings, architectural vernacular, materials and landscaping / boundary treatments.*

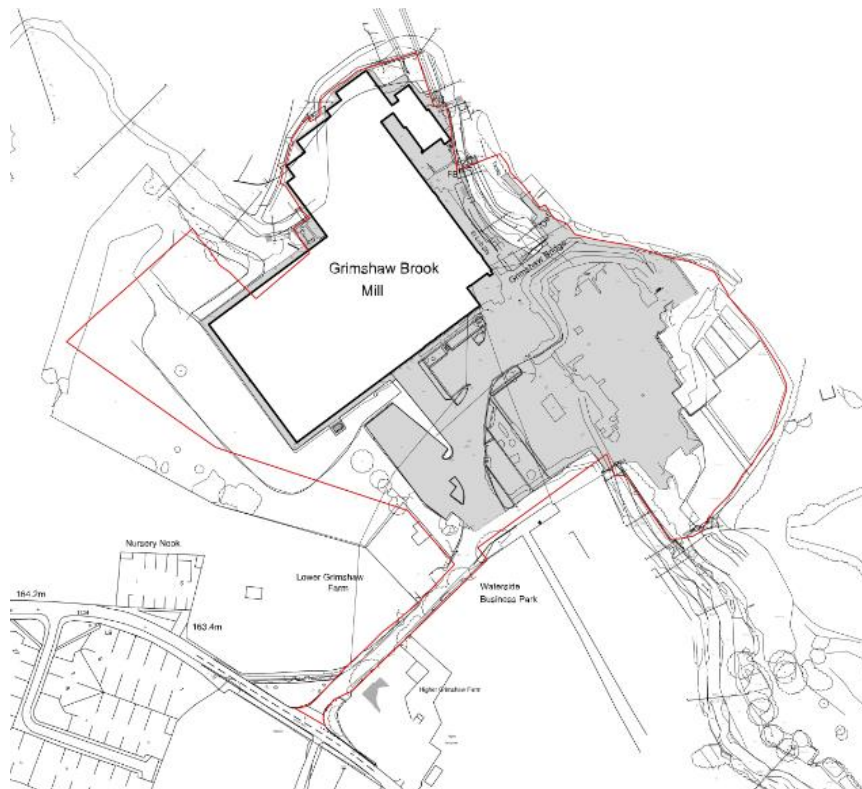
- *The site is located within the Green Belt. Development should not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*
- *The site is located within the West Pennine Moors and development will be required to be designed so as to minimise impact on the countryside and to enhance access thereto.*
- *Completion of appropriate ground investigations to ensure mitigation measures, as appropriate, given the current and historical industrial use of the site, including landfill.*



Extract from Local Plan Part 2, Housing Land Allocations, Policy 16/11.

- 3.5.7 Taking each point in turn; it was acknowledged at pre-application stage that, notwithstanding reference in the policy to delivery of an estimated 70 dwellings by 2026, this does not place a definitive limit, subject to consideration of Green Belt assessment and other technical considerations arising from the development. The 95 dwellings proposed are, therefore, considered acceptable in principle. Members are advised that 179 dwellings were proposed at pre-application stage and that the original number proposed with this application was 125 dwellings. Following assessment, the number was subsequently twice reduced, initially to 114 and finally to the 95 currently proposed.
- 3.5.8 This reduction ensures consistency with the policy limitation, at point 2, requiring development to be confined to the footprint of the industrial buildings on the site and their associated hardstanding. This is fundamental to the site Green Belt location which is addressed subsequently. The following extracts demonstrate that the indicative layout is fundamentally consistent with the

previously developed land which is occupied by industrial buildings and associated hardstanding.



Extract from submitted Drawing 'Previously Developed Land' Plan (Stanton Andrews, May 2018).



Extract from submitted drawing 'Indicative Site Layout' (Stanton Andrews, May 2018).

3.5.9 With reference to flood risk, detailed flood modelling has been undertaken by the applicant, in accordance with the policy requirement and at the request of the Environment Agency (EA) who have reviewed the modelling outcome. Removal of culverts running through the site allocation will result in a return to Flood Zone 1, thereby improving the site from a flood perspective. Although the EA initially raised objection to the proposal, subsequent additional flood modelling and a revised overall Flood Risk Assessment, enabled their objection to be lifted. The Council's Drainage consultee, as Local Lead Flood Authority, offers no objection, subject to the application of conditions to secure technical design details relating to the opening of the culvert and a detailed foul and surface water drainage strategy. Accordingly, it is considered that point 3 of the policy is satisfactorily addressed.

3.5.10 With reference to ecological / biodiversity matters, the following reports submitted with the application are relevant and have been reviewed by the Council's Ecology consultee:

- Ecological Appraisal (Oct 2019);
- Bat Survey Report (Oct 2019);
- Herpetofauna Survey Report (Oct 2019);
- Otter and Water Vole Survey Report (Oct 2019);
- Indicative Site Plan;
- Lighting Design and Assessment (Sept 2019); and
- Planning Statement (Nov 2019).

3.5.11 The Biological Heritage Sites (BHS's) to the north and south of the allocation have been avoided from a development perspective. It is anticipated that parts of the site will form open space as part of any planning approval, allowing ecological benefits to be provided to the areas, future management opportunities of the sites, and appropriate public access which will provide clear tangible benefits from a social, health and environmental perspectives. The ecological surveys demonstrate that through a suitably designed RM submission, ecological constraints can be accommodated by any development proposals with betterments provided throughout the site, as required by point 4.

3.5.12 A detailed assessment of impact on environmental assets is undertaken subsequently in this report, in accordance with the requirements of Policy 9.

3.5.13 As an Outline proposal limited to principle, access and quantum, assessment of matters relating to points 5 and 7 – ie. design / character and appearance of the development, in the context of its rural surroundings, are to be considered at subsequent RM stage. Review of a submitted Landscape Visual Impact Assessment suggests improvements to the visual and landscape character of the area can be achieved, through the sites transition from a commercial and industrial use to suitably integrated residential development.



3.5.14 Critical to this assessment is the sites location within the Green Belt, notwithstanding its housing allocation. Policy 3 of Local Plan Part 2 reflects The Framework policy set out at paragraph 145, thus:

*Within the Green Belt, planning permission will not be granted for inappropriate development, except in very special circumstances or where another policy in the Local Plan specifically supports a proposal. The construction of new buildings is inappropriate development except:*

- *Buildings for agriculture and forestry;*
- *Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *Limited infill in villages and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

3.5.15 Whether inappropriate development within the Green Belt:

The area proposed for redevelopment is (indicatively) contained within the previously development area, currently occupied by industrial buildings and associated hardstanding. The Framework's definition of 'Previously Developed Land' is:

*Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

3.5.16 Accordingly, the proposal is found to involve redevelopment of previously developed / brownfield land, consistent with above exception of *partial or complete redevelopment of previously developed sites.*



### 3.5.17 Effect on the openness of the Green Belt:

Assessment in this regard can be both spatial and visual. Although the application is in Outline form and does not formally consider the appearance, scale, layout or landscaping of the development, submission of the indicative arrangement is considered sufficient to advance assessment as to the likely impact upon openness, in comparison with what currently occupies the site. The following comparison is included with the submitted indicative site layout:

#### *Existing:*

- *Previously developed land 27,220 m<sup>2</sup> (2.72 hectares - broken red line only) 29.7% of site*
- *Existing buildings 11,775 m<sup>2</sup> (1.17 hectares) footprint 13% of site*
- *Existing volume 129,000 m<sup>3</sup>.*

#### *Proposed*

- *total number of units 95 no*
- *total footprint area 7,585 m<sup>2</sup> (0.76 hectares) 8.3% of site*
- *density (whole site calc) 10.4 units per hectare*
- *density (broken red line only) 35 units per hectare.*

3.5.18 From a spatial perspective, therefore, taking account of the volumetric comparison and having regard to the sites position at the foot of a valley guarding against significant views in from much of the surrounding area, the proposal is found to have no greater impact on the openness of the Green Belt than the existing development.

3.5.19 Although The Supreme Court ruling established that LPA's are not obliged to take into consideration visual impact (R on the application of Samuel Smith Old Brewery (Tadcaster and others Respondents v North Yorkshire County Council Appellant – February 2020), this doesn't necessarily mean that such an assessment should not be made. This is an approach considered reasonable for this application, where the visual benefits of replacing both active and relic industrialised form, of no discernible historic value from an otherwise rural setting, with a less visually prominent and generally more sympathetic residential form should be recognised. A visual enhancement to the local area will, therefore, be achieved.

3.5.20 Accordingly, the proposal is found to be in accordance with the exception criterion set out at point 6 of Policy 3 and The Framework, as not amounting to inappropriate development within the Green Belt. Moreover, point 5 of Policy 16 is satisfied.

3.5.21 Appropriate mitigation measure relating to potential contaminated ground conditions arising from current historical land uses at the site will be secured via condition, at the recommendation of the Council's Public protection consultee, thereby satisfying point 8 of Policy 16.

3.5.22 In accordance with the above, the principle of the proposal is found to be acceptable.

### 3.5.23 Amenity

Policy 8 requires a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

3.5.24 In addition to the aforementioned conditions guarding against contaminated land, the Council's Public Protection consultee recommends a condition to secure submission of a Residential Noise Amenity Impact Assessment, in order to adequately assess noise impacts arising from the adjacent industrial use, outside the application site (Velment LTD). This is notwithstanding such assessment having been submitted with this Outline proposal. A revised assessment will, however, take account of the relationship between industrial noise arising from the retained industrial use outside the application site and the final layout.

3.5.25 Limited construction hours of between 08:00 - 18:00 hours Monday to Friday and 09:00 - 13:00 on Saturdays will also be secured by condition, to guard against excessive disturbance during construction phase of the development.

3.5.26 Assessment of the relationship between proposed buildings and of proposed and existing buildings, with reference to outlook, privacy and daylight / sunlight admissions will be at RM stage, once a finalised layout is submitted for consideration. The layout will be expected to achieve adherence with the Council's adopted separation standards, unless an alternative approach can be justified. For the avoidance of doubt, the Council's separation standards, as set out in the Residential Design Guide SPD, are as follows:

- 21m between facing habitable room windows
- 13.5m between habitable room windows and non-habitable room windows / blank elevations.

3.5.27 An Air Quality Impact Assessment has been reviewed by the Council's Public Protection consultee. Existing traffic levels and anticipated increase in levels arising from the development, presented in the submitted Transport Assessment (TA), are accepted as sufficiently representative of the area to inform impact on air quality. Mitigation is recommended through provision of an electric vehicle charging point at each dwelling, to be secured via condition.

3.5.28 The site falls partly within a defined Development High Risk Area, with reference to historic coal mining activity. The Coal Authority's information indicates that a coal seam outcrops to the south of the site, dipping in a northerly beneath the site. This outcropping coal seam may have been worked in the past.

3.5.29 Considered in the context of the Outline proposal, the Coal Authority raise no objection but do recommend submission of a detailed site investigation / Coal Mining Risk Assessment to be secured via condition.

3.5.30 Accordingly, the development is found to appropriately safeguard public amenity, in accordance with the principles of Policy 8 and The Framework.

3.5.31 Environment

Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.

3.5.32 Flood Risk / Drainage:

As previously detailed, through removing the onsite culverts, the site will be reclassified as Flood Zone 1, eliminating previous flood constraints, an approach that the EA are supportive of, following review of a detail FRA, including detailed modelling of the watercourse running through the site. Strict adherence to the measures set out in the FRA will be secured via condition. The EA also recommend their standard contaminated land conditions. To avoid duplication, the LPA's standard contaminated land conditions will be applied, as recommended by Public Protection.

3.5.33 A supporting outline drainage strategy details how the site can be suitably drained. Drainage and United Utilities offer no objection, subject to aforementioned conditions to secure construction details of the de-culverting works and a sustainable foul and surface water drainage strategy.

3.5.34 Ecology:

As previously detailed, a suite of ecological reports have been peer reviewed by the Council's Ecology consultee.

3.5.35 It is accepted that the submitted baseline survey's have used reasonable effort to assess the site and the surrounding area for the presence of designated or priority habitats and the likely presence of protected and priority species. It is, however, noted that detailed breeding and wintering bird surveys have not been undertaken but the absence of such is not considered a critical omission in assessment of the application.

3.5.36 Moreover, all recommended follow-up surveys have been undertaken to an appropriate standard to allow determination of the application, meaning that no further survey work is required at this time and all other protected species can reasonably be discounted. The application can, therefore, be advanced for determination. Additional survey's may, however, be required to support a subsequent RM application.

3.5.37 The following (summary) ecological features identified within the suite of reports are considered to represent material considerations in determination of the application:

- Two Biological Heritage Sites (BHS), non-statutory designated site, within and adjacent to the site boundary;

- Two bat roosts (European Protected Species - Habitats Regulations 2017 and Wildlife & Countryside Act [W&CA] 1981) within existing industrial buildings;
- Evidence of otter (European Protected Species - Habitats Regulations 2017) along the watercourses, with potential sheltering or breeding places (holt / couches) identified;
- Barn owl roosting and potentially breeding in one of the existing industrial buildings;
- Priority Species (NERC 2006) including breeding common toad (WB2 breeding and present around the application site) and house sparrow; and
- A number of Invasive Non-Native Species within the application site and adjacent area.

3.5.38 With reference to statutory and non-statutory designated sites, it is accepted that there are no likely impacts arising from the development, with specific reference to Sites of Special Scientific Interest and European designated Natura 2000 sites – Special Areas of Conservation; Special Protection Areas; and Ramsar.

3.5.39 It is agreed that the development, as indicated on the indicative site plan (revision M), is outside of the BHS's. No direct adverse impact will, therefore, arise. The Appraisal Report (∞ 4.3) does, however, recommend that a stand-off and protective buffer of 10m should be created. This is acceptable in relation to woodland / scrub and grassland habitats, but it is recommended that further discussion may be required in relation to the watercourses within the BHS's. This can be suitably addressed through submission of a formalised layout at RM stage, as can a detailed Ecological & Habitat Enhancement Plan.

3.5.40 Support from an ecological perspective is offered towards the de-culverting of the watercourse.

3.5.41 With reference to bats, it is agreed that bat roosts within the site are limited to the two identified as B2 and B4 within the report. A mitigation strategy set out in the report is considered broadly acceptable. The report indicates that a European Protected Species Licence (EPS Licence - either full or low impact class licence) will be required to implement any proposal at the site. I concur with this assessment and advise that the Local Planning Authority (LPA) should consider the Habitats Regulations in their report to committee/officer delegated report. This should include the consideration of the Habitats Regulations derogation tests (see below).

3.5.42 The needs of the EPS Licence and requirements for demolition should be reflected in the Demolition Method Statement, to be secured via condition, as the presence of confirmed roosts in B2 and B4 have implications as to how demolition will be implemented.

3.5.43 The submitted Otter Report identifies a number of features that Otter may use as resting (couches) or breeding (holts), along with evidence of spraints

(faecal droppings). As a European Protected Species - under the Conservation of Habitats and Species Regulations 2017 ('Habitats Regulations') - the report indicates that a European Protected Species Licence (EPS) may be required, should development proceed. This is addressed via condition.

3.5.44 The Otter Report includes details of a 30m 'stand-off' of holts during construction. It is recommended that this is extended to include potential resting places. It is also recommended that consideration is given to greater protection of the river corridor in the layout of any final scheme, which includes a 15m stand-off from the watercourse including rear curtilages of properties and/or roads. This is to allow secluded and dark corridors for the passage of this species through the site. Future road crossings of the existing or de-culverted watercourse should also be designed with safe waterside passage to avoid the potential for road casualties and the implementation of a wildlife sensitive lighting scheme will be essential for any future RM proposal in order to maintain the wildlife corridor function for this species. An appropriate buffer will need to be agreed as an inclusion within a Construction and Environmental Management Plan, to be secured via condition.

3.5.45 Members are advised that the identified presence of the aforementioned European Protected Species ie. Bat roosts and Otter activity, is an important material consideration in determination of the application, in a legislative context.

3.5.46 For a European Protected Species Licence (EPS) to be issued by Natural England the planning status of any proposal must be decided and a derogation from the provisions of the legislation must be granted. An EPS Licence will be required to implement a scheme on the application site and remove the buildings where bats roost. An EPS Licence may also be required to protect otter during and post delivery of the development. This is important to note especially in regards to the de-culverting of the watercourse, which can be seen as a biodiversity enhancement of the current proposal. In order to provide for a derogation under the legislation three tests should be met:

- That the action is for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
- that there is no satisfactory alternative; and
- that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

3.5.47 That the application site sits within a housing allocation is critical to satisfying points 1 and 2 of the derogation test, insofar as the site will contribute to the Borough's housing delivery targets.

3.5.48 Suitable mitigation, secured via condition and assessment of final layout details, including but not limited to the de-culverting works ensures point 3 of the test is met.

- 3.5.49 As the EPS will be implemented for a housing scheme of greater than 0.5ha the licence application will require a full 'Reasoned Statement' to be produced by the applicant, in support of their Bat License request to Natural England, taking account of the 3 licensing tests set out above.
- 3.5.50 With reference to Barn Owl, protected under Schedule 1 of the Wildlife & Countryside Act, it is recommended that further design detail, specification, location of alternative roosting / nesting provision and mitigation strategy support a RM application to demonstrate proper consideration of this species within the detailed scheme.
- 3.5.51 The Reports record the presence of Breeding Common Toad and House Sparrow - UK Priority Biodiversity Species (Species of Principle Importance, Section 41 NERC 2006). It is recommended that retention of the on-site pond (identified as WB2 shown on Appraisal Report, Appendix VI 'Habitat Plan') is secured within the detailed design at RM stage.
- 3.5.52 It is also recommended that any future landscape scheme and Landscape and Ecological Management Plan (LEMP) includes features for hibernating amphibians and ecological permeability through the developed area for example by the design of garden boundary fencing.
- 3.5.53 The detailed landscape strategy at RM should also include provision for nesting house sparrow and roosting habitat for this colonial species. Other bird nesting opportunities should also be investigated within a landscape scheme.
- 3.5.54 The Reports record a number of Invasive Non-Native Species with the site and immediately adjacent, including: Japanese Knotweed, Himalayan Balsam, Rhododendron and Canadian Pondweed. Control and eradication programmes for these species are to be secured via condition.
- 3.5.55 A detailed landscape, biodiversity enhancement / net gain strategy will be considered at RM stage.
- 3.5.56 The following summary conditions (precise details are set out at paragraph 4.1), are recommended by the Councils Ecology consultee:
- Submission of a Demolition, Construction and Environmental Management Plan at RM stage, including otter and bat mitigation methods.
  - Detailed specification / construction methods for the de-culverting works.
  - Submission of a Lighting strategy for all external lighting to guard against harm to Otter, Bat and Barn Owl habitat.
  - Submission of an EPS License, including a Full Reasoned Statement setting out mitigation strategies for bat roosts or a statement from Natural England to the effect that it is not considered that the development will require a licence.

- Submission of a drainage strategy, to include surface water headwalls where they might outfall into the watercourse and any other necessary drainage infrastructure within 15 - 30m of the watercourse.
- Submission of updated surveys for:
  - bats and bats roosts in buildings and infrastructure;
  - otters and the riverine corridor;
  - barn owl usage of B2 and other associated buildings if considered necessary.
- Submission of an Invasive Species Management / Eradication Plan relating the site and land adjacent.

3.5.57 A Tree Survey was submitted with the application. A total of 17 individual trees, and 15 groups were identified in this survey: 1 category A tree and 4 category A groups; 9 category B trees and 6 category B groups ; 6 category C trees and 5 category C groups and 1 category U tree.

3.5.58 From an arboricultural perspective, considered in the context of the sites allocation for housing, it is agreed that the Category C trees should not influence the potential development of the site. However, wherever possible, Category B trees should be retained and fully protected, whilst Category A trees' retention is considered to be essential. An Arboricultural Impact Assessment will be produced at RM stage, to be secured by via condition. The Indicative Site Plan does, however, illustrate a scheme that can be provided with minimal impact on the onsite trees. Moreover, a detailed landscaping strategy will be secured at RM stage to ensure appropriate planting of trees and shrubs.

3.5.59 Accordingly, subject to adherence to the above measures, the environmental impact of the development is found to be acceptable, in accordance with Policies 9 and 40, and The Framework.

#### 3.5.60 Highways / Access and Transport

Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.61 A detailed Transport Assessment (TA) and subsequent addendum have been submitted with the application. This evaluates the existing transport and highways context of the site, including access, trip generation, and junction capacity. This allows an assessment as to whether the highways network has the capacity to accommodate the potential increases in traffic as a result of significant new residential development. The assessment takes account of all committed development local to the site and forecast increases in transport movements associated with allocated development sites across the Borough.

3.5.62 Review of the TA (and addendum thereto) concludes that the development will pose no substantial threat to highway safety or efficiency. It demonstrates that all nearby junctions with the potential to be affected by the development will continue to operate well within capacity and that no significant issues arise

in relation to network capacity. Moreover, all supplementary matters have been adequately addressed.

3.5.63 The proposed vehicular access to the site is taken from an unadopted access road from Johnson New Road. The Access way width should be a minimum 5.5m to allow for two-way traffic together with a footway leading from the site and connecting to the highway. It is acknowledged that the carriageway does not currently comply with the 5.5m width. The Council's Highway's consultee is, however, of the opinion that the minimum width can be achieved through clearance of overgrown vegetation, or where it cannot be achieved, adequate forward visibility allows a relaxation of the standard width. Moreover, as a pre-existing access and taking into account the rural context, such relaxation is deemed not inappropriate. Improvements to the access junction with Johnson Road are, however, considered necessary to support the development. A scheme for such shall be secured via 278 works and a Grampian style condition (off-site works). Delivery of the scheme should be prior to occupation of the 25<sup>th</sup> house. Making up the access road to adoptable standard is also considered necessary.



Extract from submitted indicative site plan that shows proposed site access from Johnson New Road:

3.5.64 Clearance of vegetation will enable adequate sightlines onto Johnson Road. Sightlines to remain unobstructed shall be secured by condition.

3.5.65 Details of a footway connecting the site to the highway should be provided at RM stage.

3.5.66 New internal highway infrastructure shall be considered a Reserve Matters stage, when it is expected that the applicant give due consideration to the principles set out in Manual for Streets, with particular reference to legibility, permeability and street character. New highway should also be able to accommodate a 3 axle refuse vehicle.



3.5.67 Although a RM issue, the Council's adopted parking standards should be acknowledged. A final layout should demonstrate off-street parking for each dwelling in accordance with the following standards:

- 2 and 3 bed houses – 2 spaces per dwelling; and
- 4+ bed houses – 3 spaces per dwelling.
- Space sizes – 5.5m x 2.4m (driveways) & 3m x 6m (garages).

3.5.68 The aforementioned CEMP will guard against excessive highway conflict arising during construction phase of the development.

3.5.69 The Council's Public Rights of Way (PROW) consultee recognises that the site has two definitive PROW's running through it. Both are shown on the indicative site layout. In addition, there is a live footpath claim, which leaves the access track to the park and turns in a South Easterly direction towards Barnes Home where it joins another definitive footpath.

3.5.70 These routes cannot be obstructed and will require a temporary closure whilst the works are underway, and any change of surface will have to be authorised by the Highway Authority prior to any surfacing works commencing. If the footpath routes cannot be retained on their definitive line the developer will need to apply for permanent diversions.

3.5.71 Although PROW matters will be fully addressed at RM stage, the applicant has confirmed that the Outline submission has taken account of such matters. Unencumbered access to Upper and Lower Woodhead Farms should remain throughout construction and operational phase of the development.

3.5.72 Section 106 contributions will include £237,500 (£2500 per home) towards completion of the Darwen East Development Corridor highway improvement works; sustainable transport initiatives including (but not limited to) subsidised public transport; traffic calming and improved local pedestrian routes.

3.5.73 Accordingly, highway impacts arising from the development are found to be acceptable, in accordance with Policy 10 and The Framework.

3.5.74 Design / Character and Appearance

Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. This includes enhance and reinforcing the established character of a locality. Key aspects of character which must be taken into account are the following:

- i) Existing topography, buildings and landscape features and their integration into the development;
- ii) Layout and building orientation to make best use of existing connections, landmarks and views;
- iii) Building shapes, plot and block sizes, styles colours and materials that contribute to the character of streets and use these to complement character;

- iv) Height and building line of the established area;
- v) Relationship of the buildings to the street; and
- vi) Frontage treatment such as boundary walls.

3.5.75 As Outline application limited to access and quantum, design, including appearance, landscaping, layout and scale will be assessed at RM stage. At this time, a detailed layout will be presented as well as house types.

3.5.76 The rural location of the site should influence the overall design approach. Careful consideration should be applied to density levels and open space - Members are reminded that the current application seeks *up* to 95 homes. Hard and soft landscaping, including a comprehensive site wide planting scheme to achieve enhanced ecology and biodiversity will be a key consideration, as will the need to secure sensitive external walling / roofing materials and boundary treatments.

#### 3.5.77 Planning Gain / Section 106 Financial Contributions

The development will deliver 20% affordable housing on site. This will be secured via a condition requiring the developer to submit an Affordable Housing Statement to ensure 20% of homes delivered on site are 'Affordable Homes' and secured as such in perpetuity, with an allowance for tenants to staircase up to full ownership.

3.5.78 The following Section 106 contributions will be required for additional education provision, highway works / initiatives and Green Infrastructure / Public Open Space (GI / POS):

Homes	Education	Highways	GI/POS	Total
95	£201,400	£237,500	£38,000	<b>£476,900</b>

#### 3.5.79 Summary

This report assesses the Outline planning application, with all matters reserved except for access, for residential development of up to 95 dwellings, following demolition of onsite buildings. In considering the proposal, a wide range of material considerations have been taken into account.

3.5.80 The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal balanced against any potential harm that may arise from its implementation. This report finds that the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, adopted Supplementary Planning Documents and the National Planning Policy Framework.

## **4.0 RECOMMENDATION**

### **4.1 Approve subject to:**

- (i) **Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £476, 900; Payments are to be made prior to commencement of development:**

- **£201,400 for education;**
- **£237,500 for highways; and**
- **£38,000 for Public Open Space**

**Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Head of Service for Planning and Infrastructure will have delegated powers to refuse the application.**

- (ii) The following conditions:

1. Details of the appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

REASON: Because the application is in outline only and no details have yet been furnished of the matters referred to in the Condition, these are reserved for subsequent approval by the Local Planning Authority.

2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

4. Prior to commencement of any works at the site, an Arboricultural Method Statement, Tree Removal Plan and Tree Protection Plan shall be submitted to and agreed in writing by the Local Planning Authority. The method statement shall clearly state how the trees to be retained on site will be protected during construction works. The agreed method statement shall be implemented in full prior to the undertaking of any on site works and retained for duration of the demolition and construction works.

REASON: Trees represent a public benefit by way of visual amenity and should therefore be protected at all times, in accordance with Policies 9 and 40 of the adopted Local Plan Part 2.

5. No development shall commence until a sustainable surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
  - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
  - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
  - iii) locations of surface water headwalls where they might outfall into the watercourse and any other necessary drainage infrastructure within 15 - 30m of the watercourse; an
  - (iv) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

REASON: To promote sustainable development, to secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 9 and 36 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

6. No development shall commence until full route, construction and technical specification details of de-culverting works to the watercourse running through the site (Grimshaw Brook) have been submitted to and approved in writing by the Local Planning Authority. The de-culverting works shall be carried out in strict accordance with the approved details.

REASON: To promote sustainable drainage and to ensure a safe form of development to guard against flood risk and adverse impact on ecological assets, in accordance with Policies 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

7. Prior to occupation of the development hereby approved, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
  - (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

REASON: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with the requirements of Policy 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

- 8. Notwithstanding the submitted Lighting Assessment, prior to occupation of the development hereby approved, a scheme detailing lighting design, specification and location for all external lighting to the highway, POS and dwellings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate preservation of a dark / unlit corridor along high value ecological features, including Grimshaw Brook, the de-culverted watercourse and woodland / scrub edge, in order to protect otter habitat and commuting, bat commuting and foraging areas and barn owl hunting areas. The lighting scheme shall be implemented in strict accordance with the approved detail.

REASON: In order to safeguard ecological assets including Otter, Bat and Barn owl habitat, in accordance with Policies 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

- 9. The following works including 1: Demolition of buildings B4 and B2 and 2: Works to the river course and / or de-culverting, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
  - a) A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2017, authorising the specified development to go ahead;Or
  - b) A statement in writing from the relevant body (Natural England) to the effect that it does not consider that the development will require a licence. In these circumstances, a Method Statement - based on the provisions of Section 4 of the Bat Survey Report (e3p, ref 80-051-R4-2 - dated October 2019) - should be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall be produced by a suitably qualified specialist and it shall demonstrate methodology preventing injury to bats (Wildlife & Countryside Act 1981).

REASON: In order to safeguard ecological assets including Otter and Bat habitat, in accordance with Policies 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

10. Notwithstanding the submitted details, an updated Bats and Bat Roosts Survey shall be submitted, in writing, for approval with a Reserved Matters Application:

Any recommended mitigation measures shall be carried out in strict accordance with the approved assessment.

REASON: In order to safeguard ecological assets including Otter, Bat and Barn owl habitat, in accordance with Policies 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

11. Notwithstanding the submitted details, prior to the commencement of development including enabling works, demolition, site clearance, the ecological measures for Otter and Barn Owl (Otter and Water Vole Survey Report (e3p, 80-074-R4-2, dated Oct 2019) and Ecological Appraisal (e3p, ref 80-051-R1-1, dated Oct 2019)), shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and / or abundance of Otter and Barn Owl and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, the need for Natural England licences, and a timetable for their implementation, will be submitted to and approved in writing by the planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

REASON: In order to safeguard ecological assets including Otter and Barn Owl habitat, in accordance with Policies 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

12. Prior to the commencement of any works on site, a detailed Invasive Plant Species Survey of the site shall be carried out by a remediation / invasive species specialist. The results of this survey and any recommendations or mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures shall be carried out in strict accordance with the approved detail.

REASON: In order to protect ecology and biodiversity in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

13. The development shall be implemented in strict accordance with the submitted Flood Risk Assessment prepared by Reford Consulting Engineers originally dated October 2019 and the mitigation measures identified therein.

REASON: To promote sustainable development, to secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 9 and 36 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

14. A Demolition, Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority with a Reserved Matters application. The CEMP shall provide for the following:

- An appropriate 'stand-off' zone from the watercourse which are to be retained and to be unimpacted by the proposed de-culverting works, to safeguard Otter habitat;
- 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;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Demolition and construction shall proceed in strict accordance with the approved detail for the duration of the works.

REASON: In order to safeguard protected habitat; to avoid the deposit of debris onto the highway, in order to protect the amenity of the occupiers of the adjacent properties and in order to protect the visual amenities of the locality, in accordance with Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

15. Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:
- i) A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.
  - ii) Findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented,

along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site and to prevent unacceptable levels of water pollution, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

16. Prior to the occupation of the development hereby approved, a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

17. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

18. Each dwelling shall have its own dedicated electric vehicle charging point. Each charging point will have a type 2 conductor and minimum rating of 3.7kW 16A. External points will be weatherproof and have an internal switch to disconnect electrical power.

REASON: in the interests of air quality management and protection of health, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

19. The construction of the development hereby permitted shall only take place between the hours of 08:00 and 18:00 Monday to Friday, 09:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

REASON: To protect the amenity of residents, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.



20. Notwithstanding the submitted details, A Residential Noise Amenity Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority with a Reserved Matters application. The Assessment shall determine likely noise impacts on the proposed development and, where appropriate, shall identify mitigation measures to alleviate those impacts. Reference should be made to the National Planning Policy Framework and Noise Policy Statement for England. The approved measures shall be implemented prior to occupation of the development and thereafter retained.

REASON: To safeguard residential amenity standards for future occupants, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

21. Notwithstanding the submitted details, a Lighting Assessment shall be submitted to and approved in writing by the Local Planning Authority with a Reserved Matters Application. The Assessment shall identify the artificial flood light intrusion and glare levels outside dwelling windows at the proposed development site. Where appropriate, the report shall recommend any light attenuation measures necessary to prevent loss of amenity at the proposed dwellings. The approved measures shall be implemented prior to occupation of the development and thereafter retained.

REASON: To safeguard residential amenity standards for future occupants, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

22. No pile driving shall occur until a programme for the monitoring of noise & vibration generated during demolition & construction work has been submitted to and approved in writing by the Local Planning Authority. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. The development shall be undertaken in accordance with the agreed details.

REASON: To safeguard the amenity of existing and future occupants and the area generally, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

23. Prior to commencement of the development hereby approved, the following shall be undertaken and submitted to the Local Planning Authority for written approval;
- An appropriate scheme of intrusive site investigations to establish the exact situation in respect of coal mining legacy on the site;
  - The submission of a report of findings arising from the intrusive site investigations; and
  - The submission of a scheme of remedial works necessary to mitigate the findings of the intrusive site investigations.

The development shall be implemented in strict accordance with approved remedial works.

REASON: To ensure the development provides for a safe environment for future occupants and users, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 and paragraphs 178 and 179 of the National Planning Policy Framework.

24. No development shall commence until a detailed scheme for the provision of the following off-site highway works, and a timetable of implementation, has been submitted to and approved in writing by the Local Planning Authority:

- A junction table;
- Street lighting and drainage improvements as necessary;
- Associated signage, lining and markings as necessary; and
- Five Bar and 'Slow' road markings either side of the table junction.

The scheme shall be completed in strict accordance with the approved detail and within the agreed timescale.

REASON: To provide for the safe, efficient and convenient movement of all highway users, in accordance with Policy 10 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

25. Prior to the occupation of any of the dwellings hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

REASON: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of highway safety, in accordance with the requirements of Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

26. Prior to the construction of any of the streets referred to in condition 14, full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

REASON: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with the requirements of Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

27. Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

28. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological / historical importance associated with the site in accordance with Policy 39 of the Blackburn with Darwen Borough Local Plan Part 2.

29. Prior to occupation of the development hereby approved, an Affordable Housing Statement shall be submitted to and agreed in writing by the Local Planning Authority. The Statement shall secure 20% of the total number of houses as 'Affordable Homes' on site with those homes being made available to occupants for the duration of the approved development. The Statement shall also include a clause allowing for occupants to staircase up to full ownership.

REASON: To ensure the approved dwellings remain affordable in perpetuity or appropriately disposed of, in accordance with Policy CS8 of the Blackburn with a Darwen Core Strategy and Policies 12, 18 of the Blackburn with Darwen Borough Local Plan Part 2.

30. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received (to be added).

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

## 5.0 PLANNING HISTORY

10/13/0426	Waterside Business Park Johnson Road Eccleshill Darwen	EIA Screening Request for a Residential Development	09-05- 2013	EIA Screening opinion - EIA not required
10/03/0687	New Waterside Paper Mill Ltd Grimshaw Bridge Eccleshill Darwen	Demolition of two storey production facility and rebuild a portal frame building for use for B2 or B8, with ancillary servicing and parking	14-08- 2003	Approved and Demolition taken place
10/01/0778	New Waterside Paper Mill Grimshaw Bridge Johnson Road Eccleshill Darwen BB3 3PF	Resite of previous approved warehouse and rebuild of existing office block. Re-roof and overcladding of existing mill	09-10- 2001	Approved and Constructed

Extracted from pwa Planning Statement, dated Nov 2019

## 6.0 CONSULTATIONS

### 6.1 Drainage (BwD – Lead Local Flood Authority) No objection, subject to conditions:

Prior to commencement of the development, a foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall ensure that foul and surface water is drained on separate systems. The surface water drainage scheme shall be based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion). The surface water drainage scheme must be in accordance with the non-statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and, unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The applicant is required to submit full design details for the opening of the culvert works ensuring that it complies with all current safety standards. The applicant is also required to obtain formal consent from the Local Authority under the Land Drainage Act, prior to carrying out the work.

No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
  - i. on-going inspections relating to performance and asset condition assessments
  - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

**6.2 Education**

No response offered. Pre-application consultation did, however, established a Section 106 requirement for additional education provision.

**6.3 Environmental Services**

No objection.

**6.4 Public Protection**

No objection, subject to conditions;

With reference to the above application, I recommend that the following condition(s), informative(s) and/or comment(s) be included if planning permission is granted:

**Ground Contamination:** David Johnson (Env Protection Officer) has commented upon this development proposal – see letter dated 20<sup>th</sup> Dec., 2019. He has recommended that the following conditions are imposed:

**CONTAMINATED LAND CONDITIONS**

**Condition 1**

Prior to the commencement of construction works on site, the developer must submit to the Local Planning Authority (LPA) for written approval:

- i. A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Detailed proposals for subsequent site investigation based on the CSM shall be included as appropriate; the developer will be advised whether any further site assessment is required.

ii. If required by the LPA, the findings of the approved site investigation work, including an appropriate assessment of risks to both human health and the wider environment, arising from contaminants in, on or under the land (including ground gas) will be submitted. Where unacceptable risks are identified an updated CSM, remedial options appraisal and detailed remediation scheme shall be presented for approval. No deviation shall be made from this scheme without the written express agreement of the LPA.

### **Condition 2**

Prior to the commencement of the permitted use, the developer must submit a comprehensive validation report to the LPA for written approval. The report shall demonstrate effective remediation in accordance with the agreed remediation scheme. All the installed remediation must be retained for the duration of the approved use and the LPA periodically informed in writing of any ongoing monitoring and decisions based thereon as appropriate.

**REASON:** To ensure that the site has been made 'suitable for use', and as such, does not pose a risk to future users of the site or the wider environment.

### **Condition 3**

Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

**REASON:** To protect the health of future occupiers of the site in accordance with Policy ENV3 of the Blackburn with Darwen Borough Local Plan.

### **Flood Lighting Design and Assessment Report ( Report No: 1816-2)**

I note that the assessment did not take account of any potential residential amenity intrusive light impact arising from Velmet Limited's premises, as such, the following condition previously imposed remains as recommended.

#### **Condition - Flood Lighting Loss of Amenity Assessment**

The developer shall submit a written lighting report detailing the ambient external light levels at the development site. The report shall identify the artificial flood light intrusion and glare levels outside dwelling windows at the proposed development site. Where appropriate, the report shall recommend any light attenuation measures necessary to prevent loss of amenity at the proposed dwellings. The report must be approved in writing by the Local Planning Authority before construction commences and all approved attenuation measures recommended in the report shall be fully implemented before the dwellings can be occupied and thereafter retained for the duration of this use.

Reason: To prevent light pollution loss of amenity at the proposed dwellings arising from the premises of Velmet Ltd.

**Condition - Residential Noise Amenity Impact Assessment**

Prior to commencement of the proposed development, a written assessment shall be submitted to the Local Planning Authority (LPA) that determines likely noise impacts on the proposed use and, where appropriate, identifies mitigating measures to alleviate those impacts. Reference should be made to the National Planning Policy Framework and Noise Policy Statement for England. Written approval of the assessment must be obtained from the LPA and all agreed mitigating measures installed prior to commencement of the approved use and thereafter retained for the duration of this use.

Reason: To ensure an acceptable standard of residential amenity.

**Demolition/Construction Phase Control Conditions**

**Condition – Hours of Site Works**

There shall be no site operations on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday     08:00 – 18:00 hours

Saturday                09:00 - 13:00 hours

Any variation of the above hours restriction must be approved in writing by the Planning Authority.

Reason

To ensure appropriate hours of site work to minimise noise during the construction phase.

**Condition – Dust Control**

The commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a scheme employing the best practicable means for the suppression of dust during the period of demolition/construction. The approved measures in the scheme shall be employed throughout this period of development unless any variation has been approved in writing by the Planning Authority.

Reason

To ensure that satisfactory measures are in place to alleviate any dust & dirt impact at adjacent residential premises.

**Noise & Vibration Control**

The following condition is recommended if pile driving works are required on site.

**Condition**

The commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a programme for the monitoring of noise & vibration generated during demolition & construction works.

The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. At each location, noise & vibration levels shall not exceed the specified levels in the approved programme unless otherwise approved in writing by the Planning Authority or in an emergency.

Reason

To minimise noise/vibration disturbance at adjacent residential premises.

With reference to the planning application I have the following comments relating to air quality:

I have previously expressed concern that the developer's assessment over exaggerates the level of existing traffic. As a result, the assessment downplays both the impact of the development on air quality and the need for further mitigation.

However, Planning have since confirmed that the developer's transport assessment and traffic figures were accepted by the Council, so the approach taken in the developer's air quality assessment will be also accepted.

In light of the above I recommend the following conditions:

**Recommended Condition – Electric Vehicle Charging**

Each dwelling with a parking space or garage will have its own dedicated electric vehicle charging point. Each charging point will have a Type 2 connector and a minimum rating of 3.7kW 16A. External points will be weatherproof and have an internal switch to disconnect electrical power.

Reason: In accordance with Paragraph 110 of the National Planning Policy Framework, which states that developments should be designed to enable charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The condition also implements the Council's Air Quality Advisory Note and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. These are readily achievable mitigation measures that reflect current good practice and help to reduce the cumulative impact of current and future developments.

**Recommended Condition – Gas Fired Domestic heating Boilers**

Any gas boilers installed in the dwellings shall not emit more than 40mg NO<sub>x</sub>/kWh.

Reason: In accordance with paragraph 181 of the NPPF, the Council's PAN and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality

**6.5 Highways Authority / Public Rights of Way Officer**

**No objection, subject to conditions:**

The submission details have been reviewed, and a site investigation has been undertaken.

The application is for Outline planning permission with all matters reserved except for access for residential development (for up to 125 dwellings following demolition of onsite buildings)



### ACCESS & LAYOUT

The vehicular access to the site is taken from an unadopted access road from Johnson New Road. The Access way width should be 5.5m wide to allow for two-way traffic together with a footway leading from the site and connecting to the highway.

The carriageway does not presently comply with the 5.5m width required for two-way car movement; however, I am of the opinion that this can be achieved with clearance of overgrown vegetation, or where it cannot be achieved there is adequate forward visibility.

There is no footway connecting the site to the highway, this should be provided. Details to be received at reserved matters stage.

To enable this access to support the development, junction improvement will be required, no details on how this will set out are received, these should be secured through a section 278 agreement. A scheme is to be submitted for approval and works to be carried out prior to the occupation of the 25<sup>th</sup> house.

There are some concerns that the highway leading up to Johnson New Road is unadopted, however as the application red edge includes this road, we are satisfied that this will be delivered.

A potential access arrangement plan (Drawing No PROP-04) has been provided showing sightlines into the site from the unadopted access road, these are acceptable subject to the splays being cleared of any hindrances.

The internal access road layout is shown as indicative, when and if a reserved matters Application comes forward, consideration should be given to Manual For Street, connective and permeable routes for all users of the highway. Swept of a 3 axle refuse vehicle when undertaken will assist in informing the road layout. The adopted parking standards should be compiled with parking Requirements.

### TRANSPORT STATEMENT

This has been reviewed, please find attached an analysis undertaken which sites further information required.

### OTHER

Standard matters applicable to all housing scheme, please consider:

- Construction method statement will be required to be submitted for approval
- new and renewed footways surrounding the site, all costs to be borne entirely by the developer.
- Any structures supporting or retaining the highway would require formal approval, please condition
- street furniture affected by development should be removed and relocated where necessary at location to be agreed by highways officer - all costs to be borne by the developer
- any old entrances that are no longer required shut be permanently closed off and reinstated back to full footway
- **Please note:** Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority officer Simon Littler on Mob: 07766 5780

In principle, we would offer no objections subject to the above issues being addressed satisfactorily.

**Please note:** Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority officer Simon Littler on Mob: 07766 578007

Please attach standards conditions/Informatives: Highways 1, 2, 3, 5, 7, 8, 9, 10, 11, 13, 14, 15, and 17

Saf –16<sup>th</sup> March 2020

Further to the additional details received dated 10<sup>th</sup> September 2020

The additional details have been reviewed. The response is deemed satisfactory

We are satisfied that the transport analyses provided have been responded to satisfactorily. We would maintain our request for a Grampian condition for the access .please attach as above, together with the request for S106 contributions for highways

To conclude we offer no further objections to the application, subject to the condition as requested being attached, this includes the PROW comments

PROW –

This one is for Waterside distribution centre, Johnson Road Eccleshil.

This site actually has two definitive footpaths running through it but there is only one mentioned in the application.

In addition, there is a live footpath claim, which leaves the access track to the park and turns in a South Easterly direction towards Barnes Home where it joins another definitive footpath.

These routes cannot be obstructed and will require a temporary closure whilst the works are underway.

Any change of surface to these routes will have to be authorised by the Highway Authority prior to any surfacing works commencing.

If the footpath routes cannot be retained on their definitive line the developer will need to apply for permanent diversions.

## 6.6 Growth / Strategic Housing

No objection:

The Housing Growth Team would support the development of good quality family homes which respond to the Council's growth strategy in this location.

We would be willing to support the proposal subject to it meeting planning policy requirements and approval from Development Management.

In accordance with the Council's Affordable Homes Policy the developer will be required to provide 20% of the scheme for affordable housing. This can be on site, off site or through a S106 commuted sum payment.

We are supportive of new housing developments coming forward and will be willing to consider negotiating affordable homes provision/commuted sum requirement to support scheme viability.

**Summary s106 requirements:**

Education	Highways	GI / POS	Total
£201,400	£237,500	£38,000	£476,900

**6.7 Environment Agency**  
**No objection, subject to conditions:**

**Environment Agency position – Model Review**

We have completed our review of the Grimshaw Brook HEC-RAS model, which has been submitted to the Environment Agency in support of the Flood Risk Assessment, produced by Reford Consulting Engineers, dated October 2019.

Our detailed comments are as follows:  
The FRA has determined that following the realignment and de-culverting of Grimshaw Brook the site will be wholly located within Flood Zone 1 and therefore proposes no flood risk mitigation as part of the proposed development. Grimshaw Brook has been modelled to support the statement above and the Environment Agency is satisfied that the model is suitable for its intended use within the FRA.

It is important to note that we are unable to carry out a formal flood map challenge until the proposed works to Grimshaw Brook are carried out and the modelling shows that the site would not be at risk of flooding. Until a formal flood map challenge has been made and accepted based on 'as-built', the site will remain in Flood Zone 3 on the Agency's flood risk map for planning. We do acknowledge however, that the submitted model demonstrates that following the works to Grimshaw Brook, the site will be located in Flood Zone 1 and at low risk of flooding. We recommend that, as soon as works to Grimshaw Brook on site are completed, the applicant should apply for a formal flood map challenge to the Environment Agency.

**Environment Agency position – Planning Application**

**Flood Risk**

The planning application is accompanied by a Flood Risk Assessment (FRA) prepared by Reford Consulting Engineers, dated October 2019. We have reviewed the FRA in so far as it relates to our remit and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

We therefore remove our objection to the development

The proposed development must proceed in strict accordance with the FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

### **Contaminated Land**

The previous use of the proposed development site as a mill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because;

- the proposed development site is developed on top of the water course and associated mill races.
- (iii) located upon a secondary aquifer B

We therefore request the inclusion of the following planning condition if planning permission is granted. Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

### **Condition**

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

- The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for

longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

**Reasons** To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework, and to prevent deterioration of a water quality element to a lower status class in Grimshaw Brook.

**Ordinary watercourse consent – advice to applicant**  
Grimshaw Brook is designated as an ‘ordinary watercourse’, therefore any works within or adjacent to the watercourse, which involve infilling, diversion, culverting or which may otherwise restrict flow, may require the prior formal consent of the Lead Local Flood Authority (LLFA) under Section 23 of the Land Drainage Act 1991. As such, if you have not already done so, we recommend that you consult the LLFA on the proposals in relation to the realignment and de-culverting of the brook. The following guidance on the rights and responsibilities of riverside ownership is available on the GOV.UK website:  
<https://www.gov.uk/government/publications/riverside-ownership-rights-and-responsibilities>

## 6.8 GMEU Ecology

No objection, subject to conditions:

Further to your recent consultation on the above outline application, I apologise for the delay which was due to sick leave just before the Christmas break. I have considered the proposals and the submitted information:

- Ecological Appraisal (e3p, ref 80-051-R1-1, dated Oct 2019)
- Bat Survey Report (e3p, ref 80-051-R4-2, dated Oct 2019)
- Herpetofauna Survey Report (e3p, ref 80-051-R1-1, dated Oct 2019)
- Otter and Water Vole Survey Report (e3p, 80-074-R4-2, dated Oct 2019)
- Indicative Site Plan (stanton andrews, drg no 1747/10 rev J). **Note** this is not the same plan as that shown within the Planning Statement, which is rev A
- Lighting Design and Assessment (Martin Environmental Solutions, September 2019)
- Planning Statement (pwa planning, November 2019)

Unfortunately, I have not yet had an opportunity to visit the application site, but know the general locality from other planning associated works. I have the following comments to make on the proposal: -

### Baseline Surveys

- The application is accompanied by a suite of ecological surveys, which appear to have used reasonable effort to assess the Site and surrounding area for the

presence of designated or priority habitats (Section 41, Natural Environment and Rural Communities – NERC – Act 2006).

- A detailed assessment appears to have been undertaken for the likely presence of protected and priority species (Section 41, Species of Principle Importance, NERC 2006). Although it is noted that detailed breeding and wintering bird surveys have not been undertaken, in my view the lack of the bird surveys is not considered an omission in the assessment of this particular Site.
- All necessary recommended follow-up surveys have been completed to appropriate standards and methodology in order to allow the determination of the application and *no further survey work is required at this time*. It should be noted however, that additional surveys may be required to support a full/Reserved Matters application should an outline permission be granted.
- At the current time, GMEU are satisfied and know of no other information to the contrary such that all other protected species can reasonably be discounted following the work that has been undertaken.

#### **Ecological Material Considerations**

- The suite of ecological reports (The Reports) appear to have identified a number of ecological features which should be considered material considerations in the determination of the application. Each are considered individually below in relation to their implications for the determination of the current proposal and how they should be considered moving forward to a full/Reserved Matters proposals in the future.
- In summary the substantive features of ecological value are: -
  - Two Biological Heritage Sites (BHS), non-statutory designated site, within and adjacent to the site boundary (red and blue edge)
  - Two bat roosts (European Protected Species - Habitats Regulations 2017 and Wildlife & Countryside Act [W&CA] 1981) within current buildings (B2 and B4)
  - Evidence of otter (European Protected Species - Habitats Regulations 2017) along the watercourses, with potential sheltering or breeding places (holt/couches) identified
  - Barn owl roosting and potentially breeding (Schedule 1, W&CA) in one of the existing buildings (B2)
  - Priority Species (NERC 2006) including breeding common toad (WB2 breeding and present around the application site) and house sparrow
  - A number of Invasive Non-Native Species within the application site and adjacent area (edge red & blue)

#### **Statutory and non-statutory designated sites**

- The Reports conclude that there are no likely impacts on statutory protected sites (SSSI and European designated Natura 2000 sites – SAC/SPA/Ramsar). I concur with this assessment.
- The Reports identify that the applicant's ownership (blue edge) incorporates two Biological Heritage Sites (BHS: - Grimshaw Brook Valley (72SW04) and Waterside and Pickup Bank Valley (72SW06)) and that the application's site boundary (red

edge) is contiguous with the BHS along a significant proportion, particularly along the brook.

- There is some lack of clarity between the indicative plan shown in the Planning Statement (rev A) and that presented elsewhere in the submission (rev J). Clarification should be sought on this matter with the applicant prior to determination. The Planning Statement's rev A plan shows development within the BHSs.
- The location of the BHSs are broadly shown on the indicative site layout (Rev J), which indicates that the BHS habitats are avoided. The Appraisal Report (∞ 4.3) recommends that a stand-off and protective buffer of 10m should be created. This is acceptable in relation to woodland/scrub and grassland habitats, but it is recommended that further discussion may be required in relation to the watercourses within the BHSs (see otter below).
- The proposals in The Reports and indicative site plan include the deculverting of Grimshaw Brook as it crosses the site. This is very much welcomed and it is suggested that the LPA may wish to engage in early dialogue with the Applicant, along with the Environment Agency, to confirm the feasibility of this and how it should be progressed should the outline receive permission.
- The Appraisal Report recommends that a detailed Ecological & Habitat Enhancement Plan should be produced and implemented for this part of the proposal. I concur with this view and have included it in the recommendations for the detail to support a full/Reserved Matters application should the current outline receive permission.

### **European Protected Species**

#### **Bats and confirmed roosts**

- There appears to be a minor error within the submitted Bat Report, which should be clarified with the Applicant's ecologist. Table 2.1 appears to indicate that B6 supports a confirmed bat roost, but no mention is made of this elsewhere within the Bat Report, so it is assumed to be a typographical error.
- The Bat Report identified two confirmed bat roosts within the application site; B4 and B2 as shown in Appendix III (e3p Bat Survey Report, 'Bat Survey Vantage Points').
- Outline details of a mitigation approach is discussed in Section 4 of the Bat Report, which is broadly acceptable.
- The Bat Report indicates that a European Protected Species Licence (EPS Licence - either full or low impact class licence) will be required to implement any proposal at the site. I concur with this assessment and advise that the Local Planning Authority (LPA) should consider the Habitats Regulations in their report to committee/officer delegated report. This should include the consideration of the Habitats Regulations derogation tests (see below).
- The needs of the EPS Licence and requirements for demolition will need to be carried over into the Demolition Method Statement (cf submitted Planning Statement ∞ 5.6), as the presence of confirmed roosts in B4 and B2 have implications as to how demolition will be implemented.

- The Bat Report notes that the results of the current survey are only valid until September 2021. Updated surveys will be required either to support an EPS Licence application or a full/Reserved Matters proposal.
- It is **important to note** that the confirmed bat roosts in buildings are protected via the legislation at all times, even when the roosts are unoccupied, even when works are the result of an otherwise lawful activity. It is therefore strongly recommended that the LPA make the Applicant aware of their responsibilities in this regard and that any works outside the auspices of planning will still have implications for how they undertake any maintenance, security, health or safety works (including emergency demolition). The Applicant should be strongly advised that they seek input from a licenced ecologist if any work is proposed on these buildings.
- It is not clear if trees within the site have been assessed for potential roosting features and if any of these may require felling, particularly on the access road. This may be an oversight on my part, but should be clarified with the applicant prior to determination of the outline application.
- As the Reports identify the design and implementation of a wildlife sensitive lighting scheme will be essential for any future full/Reserved Matters proposal in order to maintain the wildlife corridor function for this group.

#### European Protected Species

##### Otter and potential holts (breeding sites)/couches (resting sites)

- The Otter Report (Otter and Water Vole Survey Report) identifies a number of potential features that otter may use as resting (couches) or even breeding places (holts), along with evidence of spraints (faecal droppings).
- The Otter Report indicates (∞ 4.2.2) the broad outline of an approach to protection and mitigation for this species and indicates that a European Protected Species Licence (EPS) may be required to implement the proposal should an outline receive permission.
- I concur with this assessment and advise that the Local Planning Authority (LPA) should consider the Habitats Regulations in their report to committee/officer delegated report. This should include the consideration of the Habitats Regulations derogation tests (see below).
- The recommendations of the Otter Report include details of a 30m stand-off during construction of potential holts and it is GMEU's recommendation that this is extended to include potential resting places.
- It is also recommended by GMEU that consideration is given to greater protection of the river corridor in the layout of any final scheme, which includes a 15m stand-off from the watercourse including rear curtilages of properties and/or roads. This is to allow secluded and dark corridors for the passage of this species through the site.
- It is also recommended that the details of any future road crossings of the existing or deculverted watercourse be designed with safe waterside passage to avoid the potential for road casualties.
- The design and implementation of a wildlife sensitive lighting scheme will be essential for any future full/Reserved Matters proposal in order to maintain the wildlife corridor function for this species.



## European Protected Species

### Derogation from the Habitat Regulations 2017

- The presence of two European Protected Species has been recorded at the application site: -
  - Bat roosts in building B4 and B2
  - Otter activity including potential holts and resting places
- For a European Protected Species Licence to be issued by Natural England the planning status of any proposal must be decided and a derogation from the provisions of the legislation must be granted.
- An EPS Licence will be required to implement a scheme on the application site and remove the buildings where bats roost.
- An EPS Licence may also be required to protect otter during and post the delivery of a scheme. This is important to note especially in regards to the deculverting of the watercourse, which can be seen as a biodiversity enhancement of the current proposal.
- In order to provide for a derogation under the legislation three tests should be met: -
  - That the action is for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
  - that there is no satisfactory alternative; and
  - that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range
- It is strongly advised that the Local Planning Authority report the presence of the European Protected Species in their recommendations to Committee or delegated report along with consideration of the derogation tests.
- As the European Protected Species Licence will be implemented for a housing scheme of greater than 0.5ha the licence application will [require a full reasoned statement](#). As the first two tests are planning test the LPA may wish to have regard to other council policies and statements within their consideration of this matter.
- It is, however, equally important to consider that in this case, the favourable conservation status (the third test) of the species is highly likely to be maintained via the implementation of mitigation measures that the Applicant has proposed.
- The Reports (sections 4 of the Bat Report and Otter Report) include the outlines of the proposed mitigation strategies for both species (bat roosts and otter). In my opinion this description is adequate for the outline planning purposes and demonstrates the approach that could be used in the Natural England Licence application. Fuller details will be required for any future full/Reserved Matters applications in due course and following updated surveys to confirm the most appropriate approach is adopted in the full design of a scheme.

## Schedule 1 (Wildlife & Countryside Act)

### Barn Owl Roosting/Potential Breeding

- During all surveys across The Reports (Appraisal and Bat Reports) Building 2 (B2) was recorded to support regular activity by barn owl. These observations were made during what is be considered to be the barn owl breeding season.
- Due to Health and Safety factors it was not possible to ascertain if usage was either by a female nesting, male roosting but supporting female nesting, or by a non-breeding individual. It is accepted that this more detailed assessment was not possible at the current time.
- Strict prohibitions against disturbance of Schedule 1 birds apply under the legislation (W&CA), which in our opinion would apply to a roosting male if it were considered to be supporting a breeding female.
- The Appraisal Report provides very outline details (∞ 4.5.5) of what might be anticipated for mitigation for this protected species. It is recommended that should the current outline application receive permission that further design detail, specification, location of alternative roosting/nesting provision and mitigation strategy will be necessary to support a full/Reserved Matters application to demonstrate proper consideration of this species within the detailed scheme.
- The production of any management plans (see below) for the adjacent landholding (edged blue) should incorporate the requirements for hunting and the commuting habits for this species.

#### **Section 41 Natural Environment & Rural Communities Act - Species of Principle Importance**

- The Reports recorded the presence of a number of UK Priority Biodiversity Species (Species of Principle Importance, Section 41 NERC 2006) including: -
  - Breeding common toad (WB2)
  - House sparrow
- It is noted that the indicative plans (Rev J) show the retention of the pond where the common toad breed (WB2 shown on Appraisal Report, Appendix VI 'Habitat Plan'), but that adults of this species along with other amphibians were recorded more widely around the site and WB1. See notes above regarding the clarification required between the Planning Statement (Rev A) and the indicative site layout (Rev J).
- It is recommended that should the current outline application receive permission that there is provision to ensure that WB2's retention is required within the detailed design of any future full/Reserved Matters proposal.
- It is also recommended that any future landscape scheme and Landscape and Ecological Management Plan (LEMP) includes features for hibernating amphibians and ecological permeability through the developed area for example by the design of garden boundary fencing.
- The detailed landscape strategy for a full/Reserved Matters scheme should also include provision for nesting house sparrow and roosting habitat for this colonial species. Other bird nesting opportunities should also be investigated within a landscape scheme.

#### **Invasive Non-Native Species (INNS – Schedule 9 Wildlife & Countryside Act)**

- The Reports recorded a number of INNS both within (red edge) and adjacent to the site (blue edge), including: -
  - Japanese knotweed – to south of site. Also subject to Environmental Protection Regulations
  - Himalayan balsam
  - Rhododendron
  - Canadian pondweed
- The Reports identify the need for control and eradication programmes for these species. It is also recommended that the proposed CEMP and Demolition Method Statement include details of soil handling, disposal strategies and biosecurity measures.

#### **Landscape Strategy, Biodiversity Enhancement and Biodiversity Net Gain**

- Subject to clarification of the indicative proposals (see above), the outline scheme includes the retention of the most southerly pond (WB2) and the deculverting of Grimshaw Brook as it passes through the site, along with the avoidance of built development within the BHSs.
- Additionally, the proposal includes provision for the management and incorporation of BHS habitats into a scheme which could potentially provide benefit for new residents and the features of ecological value that have been recorded on the site.
- All of these could be seen as positive attributes to the current outline submission and these principles should be maintained into the detailed design stage of a full/Reserved Matters application, should the current outline receive permission.
- Details of an on-going Landscape and Ecology Management Plan (LEMP) should be provided within any future scheme to demonstrate how the longterm management of the application site and the wider area (edge blue) can be managed **and** resourced.
- It is suggested that the arrangements associated with this, including on-going responsibility, might be considered by the LPA prior to the submission of a full/Reserved Matters proposals. It is noted that the Planning Statement suggests the use of a Grampian style condition, but this may not be judged the most appropriate approach if Biodiversity Net Gain over an extended period is to be achieved. The LPA may consider that this provision may be more appropriately contained within a Section 106 and submitted with any future draft Heads of Terms.
- The current submission includes a number of outline details of mitigation for species of substantive importance (as discussed in sections above). Any future detailed housing design, landscape strategy and Landscape and Ecological Management Plan (LEMP) should include sufficient detail to ensure that these schemes can be implemented effectively.
- Notwithstanding the species list within the Appraisal Report, details of locally native species should be specified to be used across the site, given its largely rural position.
- Ecological permeability and other biodiversity features as discussed above (eg provision of bat boxes – not just for mitigation – on garages and retained trees,

bat boxes, amphibian refugia, fencing design and design of the deculverted watercourse) should be included within any landscape scheme.

- It is suggested that the applicant at full/Reserved Matters may wish to consider the provisions of the newly announced Environment Bill (October 2019) as part of the scheme's design and landscape strategy.

### **Recommendations**

- It is recommended that prior to the determination of the current application the LPA may wish to discuss with the applicant an increase to 15m buffer to riverine habitats, this to include a 30m stand-off to any identified potential holt/laying up area during construction (cf Otter Report ∞ 4.2.2). The reason for this is to protect, manage and potentially enhance habitat for otter and to allow the continued use of the river corridor by this European Protected Species. It is suggested that any agreement that might be reached is subject to a condition, and potentially shown on plan, in order that this can be progressed through the design of any future full/Reserved Matters scheme.
- There is some lack of clarity between the indicative plan shown in the Planning Statement (rev A) and that presented elsewhere in the submission (rev J). Clarification should be sought on this matter with the applicant prior to determination. The Planning Statement's rev A plan shows development within the BHSs.
- It is recommended that any future full/Reserved Matters application be supported by: -
  - A designed layout which enshrines the positive ecological approach presented within the current outline scheme including; no built form within the BHSs, retention of the most southerly reservoir (WB2) and the deculverting of Grimshaw Brook as it crosses the application site.
  - Construction Environmental Management Statement (CEMP) – to incorporate and cross reference all necessary protection methods/mitigation of environmental and ecological features during construction. This also to include soil handling and biosecurity measures for invasive species (INNS).
  - Details including specification, route and construction methods for the deculverting of Grimshaw Brook, as discussed at section 4.2 of the Appraisal Report (termed an Ecological & Habitat Enhancement Plan).
  - Incorporation of the Bat Mitigation requirements within the Demolition Method Statement.
  - The design and specification of any road crossing of the existing and/or deculverted sections of the water course.
  - Lighting strategy, design and specification for **all** external lighting to the highway, POS and external householder lighting in order to preserve a dark corridor along high value ecological features (Grimshaw Brook, deculverted watercourse and woodland/scrub edge). This is to protect otter habitat/commuting, bat commuting/foraging areas and barn owl hunting areas. It is noted that the Lighting Assessment includes spot 'Observer Information' but does not include any points along the watercourse. Additionally, plans are presented with no context to the watercourse features, which makes them more difficult to

evaluate. These comments are made notwithstanding the detail presented within the Lighting Assessment.

- Detailed mitigation strategies for bat roosts, otter and barn owl – to include the design, specification and location of mitigation features and working methodologies, along with details of monitoring. It is suggested that this could be in a format that could be incorporated into EPS Licence applications for bat roosts and otter.
- Full detailed landscape and public open space strategy, plans, circulation and pedestrian access points and planting specifications etc – to demonstrate how the environmental and ecological features can be integrated alongside the POS and recreation/movement of residents/public.
- The details of the drainage strategy should include locations of surface water headwalls where they might outfall into the watercourse and any other necessary drainage infrastructure within 15 - 30m of the watercourse.
- Details of an on-going Landscape and Ecology Management Plan (LEMP) – to demonstrate how the longterm management of the application site and the wider area (edge blue) can be managed **and** resourced for the benefit of residents and to achieve Biodiversity Net Gain as recommended by The Reports. It is suggested that the arrangements associated with this, including on-going responsibility, might be considered by the LPA prior to the submission of a full/Reserved Matters proposals. It is noted that the Planning Statement suggests the use of a Grampian style condition, but this may not be the most appropriate approach if Biodiversity Net Gain over an extended period is to be achieved. The LPA may consider that this provision may be more appropriately contained within a Section 106 and submitted with any future draft Heads of Terms.
- Updated surveys will be required to support any future full/Reserved Matters application for the following: -
  - bats and bats roosts in buildings and infrastructure
  - otters and the riverine corridor
  - barn owl usage of B2 and other associated buildings if considered necessary
  - invasive species survey of the whole site and adjacent area
- Depending on the time elapsed between the grant of an outline – should it receive permission - and the full/Reserved Matters application additional surveys may also be advised. GMEU would be willing to advise on this matter if necessary.

### Conditions

- The recommendations as outlined above should be incorporated into suitably worded conditions to ensure that any future submission implements and adopts a suitable approach to the details of a fully designed and specified scheme.
- Further advice can be provided on wording for conditions if necessary. However, in regards to the European Protected Species (bat roosts and otter) it is suggested that the British Standard (BS 42020: 2013 D.6.2) condition wording can be used if the Council does not have its own agreed standard approach: -  
*“The following works including 1. Demolition of buildings B4 and B2 and 2. Works to the river course and/or deculverting, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:*

- a. *A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2017, authorising the specified development to go ahead;*

*Or*

- b. *A statement in writing from the relevant licensing body (Natural England) to the effect that it does not consider that the development will require a licence. In these circumstances a Method Statement based on the provisions of Section 4 of either the Bat Survey Report and/or the Otter & Water Vole report (e3p, ref 80-051-R4-2 and 80-074-R4-2 respectively, both dated October 2019) should be submitted in writing to prevent injury to bats and/or protection of otter (Wildlife & Countryside Act 1981)."*

- The use of the BS condition for EPS does not obviate the need for any full/reserved matters application to provide detail and specification of features such as lighting, road crossing design, stand-offs as discussed above.

**In summary and conclusion:** -

- Sufficient survey effort appears to have been used to identify the features of ecological value currently present on the site.
- The application can be forwarded for determination without the need for further survey work, although a small number of items should be clarified with the applicant.
- It is recommended that prior to determination discussion might be undertaken between the LPA and the Applicant to ensure that the ecological buffer alongside the watercourse is agreed in line with the recommendations of the Otter Report.
- There is some lack of clarity between the indicative plan shown in the Planning Statement (rev A) and that presented elsewhere in the submission (rev J). Clarification should be sought on this matter with the applicant prior to determination. The Planning Statement's rev A plan shows development within the BHSS.
- European Protected Species Licences will be required for bat roosts and may be necessary to undertake works to Grimshaw Brook and deculverting. Guidance has been provided as to the consideration of the derogation tests of the Habitats Regulations.
- Recommendations have been provided on what a full/Reserved Matters application may encompass to ensure that sufficient detail is provided to demonstrate that the principles of the environmental and ecological protection of the outline proposal can be incorporated into the detailed housing design and any future landscape scheme and management plan.
- Detailed conditions have not been suggested, except in relation to European Protected Species, but further input can be provided if the LPA deem it necessary.

**6.9 Natural England**  
**No objection:**

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

#### 6.10 United Utilities

No objection, subject to conditions:

We request the following drainage conditions are attached to any subsequent approval to reflect the above approach:

Condition 1 – Surface water

No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Condition 2 – Foul water

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution

6.11 Lancashire Constabulary  
No objection, standard comments.

6.12 Lancashire Fire Service  
No objection, standard comments.

6.13 Lancashire Archaeology  
No objection, subject to condition:

Grimshaw Bridge Cotton Mill is a non-designated heritage asset, recorded on the Lancashire Historic Environment Record, PRN 7366. Formerly the site of an early water-powered carding and spinning factory, built in 1782 by William Yates of Woodhead, the mill was extended in the 1840s, and converted to paper making in 1872.

All these buildings were cleared from the site prior to 2003, but later aerial photographs of the site clearly show this was only down to the ground floor slab, and that there remains a potential for buried archaeological features, such as earlier foundations, a pit or pits for a waterwheel and/or vertical steam engine, as well as other water management features, such as culverts, to be encountered by the proposed development.

Consequently should the Local Planning Authority be minded to grant planning permission to this scheme, the Historic Environment Team would advise that the applicants be required to undertake a programme of archaeological work. This should be carried out prior to any development of the site and secured by means of the following condition:

**Condition:** No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

**Reason:** To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.



**6.14 The Coal Authority Response:**  
**No objection, subject to condition:**

**Material Consideration**

The application site falls partly within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority's information indicates that a coal seam outcrops to the south of the site, dipping in a northerly beneath the site. This outcropping coal seam may have been worked in the past.

The planning application is accompanied by a Phase I Geoenvironmental Site Assessment (October 2019, prepared by E3P). Based on review of sources of coal mining and geological information, the submitted report correctly identifies the outcrop of the Pasture coal seam towards the southern end of the site. It notes that the Coal Authority have no records of shallow workings within this seam or any mine shafts within 100m of the site. As such, and on the basis that no dwellings are proposed in the southern portion of the site, the report author does not believe that any further assessment is required with respect to shallow coal workings.

The Coal Authority acknowledges that the majority of the application site falls outside the Development High Risk Area, however, the Indicative Site Plan does indicate that at least one dwelling would be sited within the Development High Risk Area. We do not consider that the information presented in the Phase I Geoenvironmental Site Assessment provides sufficient information to be able to discount the presence of unrecorded mine workings associated with the outcropping of the Pasture coal seam in this High Risk Area.

In light of the above, the Coal Authority considers that intrusive investigations should be undertaken to demonstrate that the Pasture coal seam is unworked and poses no risk to the proposed development.

The site investigations should be designed by a competent person to properly assess ground conditions and to establish the exact situation regarding coal mining legacy which could pose a risk to the proposed development. The applicant should ensure that the exact form of any intrusive site investigation is agreed with the Coal Authority's Permitting Team as part of a Permit application.

The findings of the intrusive site investigations should be interpreted by a competent person and should be used to inform any mitigation measures, such as grouting stabilisation works and foundation solutions, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The Phase I Geoenvironmental Site Assessment recommends that ground gas monitoring is undertaken at site. The Coal Authority recommends that the LPA seek further comments from the Council's Environmental Health / Public Protection Team regarding this matter and any resultant need for the incorporation of gas protection measures within the proposed development.

#### The Coal Authority Recommendation to the LPA

The Coal Authority does not consider that the Phase I Geoenvironmental Site Assessment satisfactorily demonstrates that the unrecorded coal mining activity does not pose a risk to the proposed development. We therefore consider that intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and to inform any remedial measures necessary to ensure the safety and stability of the proposed development.

Should planning permission be granted for the proposed development, a condition should therefore require the following prior to the commencement of development:

- \* The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity;
- \* The submission of a report of findings arising from the intrusive site investigations and a scheme of proposed remedial works for approval; and
- \* The implementation of those remedial works.

The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of a condition to secure the above**.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

*The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.*

- 6.15 Public consultation has taken place, with 51 letters posted to the local community on 29<sup>th</sup> November 2019, 27<sup>th</sup> January 2020 and 22<sup>nd</sup> / 23<sup>rd</sup> June 2020. Site notices were also displayed and a press notice published 16<sup>th</sup> December 2019. In response, 26 objections to the application were received (see Summary of Representations).

## **7.0 CONTACT OFFICER: Nick Blackledge – [Senior Planner].**

**8.0 DATE PREPARED: 25<sup>th</sup> March 2021.**

## **9.0 SUMMARY OF REPRESENTATIONS**

**Objection – Ian Hutchinson, 1 Eccleshill Gardens, Darwen. Rec – 03/12/2019**

I have recieved a letter today notifying me planning application.

I first heard of this last week in the Lancashire telegraph. Should we not of been notified first before being shocked to read this in the telegraph

I am objecting to the planning of 124 new houses in Eccleshill

This is a major concern for me.for the farmers for the wildlife and for the countryside.

This is a quiet location.and there is no need to build on this site. Traffic round here as increased due to new roads in Darwen and now 125 new homes are to be built. Stop building in the countryside.

We have horse riders. cattle which are moved across roads to other fields and escape on to the roads.No consideration has been thought about the cattle sheep wildlife with up to 125 new families which will effect the farmers.

I am disappointed with the council on this planning and I am objecting to this proposal in the countryside

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**Objection – Ian Hutchinson, 1 Eccleshill Gardens, Darwen. Rec – 03/02/2020**

I appose the application of the houses at Eccleshill

App no 10/19/1084

Wildlife will be harmed bats owls deers and farmers animals will be put I danger.

Roads aren't good enough after traffic was divert through Darwen to Blackburn.

115 homes with an average of 2 cars per house = 250 extra cars plus bin men every week.

Prone to flooding with heavy rain off the fields.

Farmers have not been thought off for this application and for this the people who bought houses in Eccleshill for the the countryside

More concrete on the ground.Never parks or planting trees

I am sure this is a green belt area aswell.

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**Objection – Ian Hutchinson, 1 Eccleshill Gardens, Darwen. Rec – 09/02/2020**

Ian Hutchinson

1 Eccleshill Gardens, Darwen BB3 3PQ, UK

Just more photos of what happens when the rains come. Off the fields





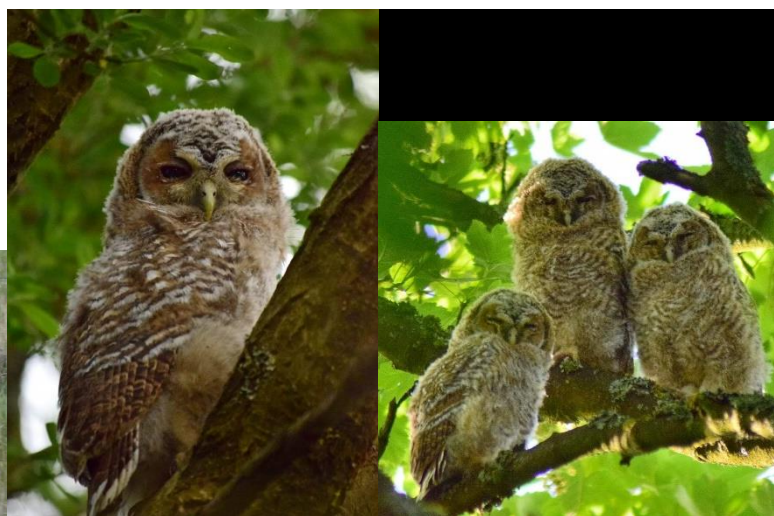

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**Objection Ian Hutchinson. Rec – 26/05/2020**

ence 10/19/1084

I Object to the planning application for many reasons

- 1 The wildlife will be affected as we have bats owls deers etc
- 2 flooding issues when we have downpours and this runs off the fields.
- 3 The roads are falling apart this is before more traffic comes on to these roads
- 4 The farmers have live stock and don't need all these houses next to there fields
- 5 Stop building houses all over the countryside and putting concrete on the floor. The council don't care for the wildlife or the countryside.




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**Objection – Suzanne Hutchinson, BB3 3PQ. Rec – 04/12/2019 & 03/02/2020 & 25/06/2020**

After receiving your letter about the proposed property development today at Eccleshill I am informing you that I full heartily oppose this due to alot of factors

- 1)there is a lot of wildlife round here such as deer ,foxes ,badgers ,bats ,herons ,to name a few whose homes will be destroyed too
- 2)the brook that flows underneath the proposed buildings and fields near too the proposed buildings regularly floods with the water also coming down the hills into the brook
- 3)traffic is regularly backed up every morning as it is
- 4)building houses near multiple pylons
- 5)carbon footprint destroying more trees
- 6)country roads all around
- 7)no bus service hardly ,not even a bus shelter on one side of the road where there is no footpath
- 8) destroying views for a lot of residents
- 9)loss of privacy
- 10)house prices could go down

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**Objection – Mr John R. Jacques, Woodhead Farm, Belthorn, Blackburn. Rec - 04/12/2019**

APPLICATION NO. 10/19/1084

APPLICANT GFW Ltd

With regards to my recent telephone conversation with you, I would like to raise some issues that are of concern to me about the above -mentioned planning application.

- There is no mention of my access road. (Enclosed highlighted map and a letter outlining my right of way). GFW Ltd are fully aware of my access rights as I am given keys to the secure access barrier.
- Concerned about the provision for waste sewer as the sight is much lower than the main sewer pipe. It would require a pumping system.
- The nearest gas main is approximately 1 mile away.

I trust you will be in contact in the future- regarding the above.

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**Objection – Liam Cordingley, 25 Eccleshill Gardens, Darwen. Rec – 05/12/2019**

Afternoon,

With reference to the above application reference,

I would just like to raise an initial concern with the current speed at which vehicles pass through from Hoddlesden to Eccleshill Gardens

The cars that pass through do not take into account the hidden cul-de-sac which we live in and and every day when we attempt to leave the cul-de-sac it is like a game of chicken

IF further houses were to be erected within our small little community then this will only increase the chances of an accident

I would like to see speeding measures put into place, especially in front of the cul-de-sac (which houses number 26 down to 7) so that when people exit the cul-de-sac there isn't a risk of a speeding car coming at you

This also leads me onto the end of the road, Johnson new road exit, left up towards Black Snape or right, towards Wellybobs

The road is far too narrow for vehicles to turn into our road safely, the opening/junction needs to be widened as many lorries pass this way and hold up traffic trying to turn into the road

Visibility is also poor in the summer months as the trees and bushes are blooming and causes obstructions to ones view

In summary, i would like some traffic/speeding calming measures brought in

I have no issues with the planning application personally,  
I would like to know how you plan to supply heating to those houses when we have no gas supply to our properties currently? Does this mean gas will be installed and our properties land disturbed?

Thanks for taking the time to read this

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**Objection – Michael & Susan Slater, 5 Nursery Nook, Eccleshill, Darwen. Rec – 07/12/2019**

Dear Sir/Madam

We live at No 5 Nursery Nook, Eccleshill, BB3 3PG.

The proposed new houses will be directly behind our house.

The Fields behind our house is home to lots of wildlife, Deer, Foxes, Rabbits ,Hares etc. This habitat will be destroyed forcing the wildlife away.

Roman Rd/Johnstone Rd is not suitable for the extra traffic which will be created by building a further 125 Houses on this former Paper Mill.

This junction is already very congested and quite often gets blocked with the huge wagons that come along here to the businesses. A further 125 houses with potentially 2 or more cars per house will make it a nightmare along this stretch.

Will the road be upgraded to class 1 to cope with the extra traffic?

Will there be an access road built to avoid the Roman Rd/Johnson Rd Junction?

There are 2/3 bedroomed houses on the plans, to comply with the “affordable housing” rules. Can you be certain that there will actually be any 2 bedroom “affordable houses” built?

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**Objection – RS & JA Gregory, 9 Nursey Nook, Eccleshill, Darwen. Rec – 13/12/2019**

Sir,

Having spoken to some residents in the area, we feel we must object to the plan to build houses at the waterside park.

- ① This is a very recent re-built building
  - ② This company secured finance to extend the present site.
  - ③ Previous owners have had plans for houses refused on the grounds it is a brown site.
  - ④ This site has been the home of small business for over 100 years.
  - ⑤ Only half of the site is developed.
- We hope you will fully consider these comments.

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**Objection - Dorothy Parsons, 2 Eccleshill Gardens, Darwen. Rec - 18/12/2019**

Dear Mr Kelly

I am writing to you regarding the application as per subject line.

I am owner of 2 Eccleshill Gardens, Darwen and am quite disturbed by the scale of this housing proposal. The infrastructure of the roads in this area would certainly not lend itself to the volume of traffic that would be generated by the level of houses in question.

At present there is always a struggle to get onto Roman Road after leaving Eccleshill Gardens and any further traffic would cause complete chaos at peak times.

The corner from Roman Road prior to the left turn into Johnson New Road is aptly known as 'flash' corner following years of incidents due to the difficulty in sight and speed limits on said road.

The former site of Carus's in Hoddlesden is already earmarked for a housing development which would give rise to further traffic travelling East. The country roads in this area were not intended for such a mass amount of traffic.

A vast amount of land is also up for sale off Marsh House Lane, adjacent to the new Ellison Fold Way. Should this be developed, again cars travelling in an Easterly direction, and to avoid the M65 Junction 4 bottleneck, would use the junction onto Roman Road and again make it very difficult for traffic in the Eccleshill area to merge into Roman Road.

I strongly oppose this application.

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**Objection - Mr A Pull, 13 Eccleshill Gardens, Darwen. Rec - 18/12/2019 & 16/02/2020**

Re planning application 10/19/1084



For 125 new 3, 4 and 5 bedroom houses on the site of Waterside Park, Johnson Rd., Eccleshill, BB3 3RT.

As a local resident I would like to object to and voice some serious concerns I have as regards the above proposed plan.

Firstly, impact on wildlife. The application survey states the presence of Pipistrelle bats but states that this is a summer roost with no signs of breeding. I have lived here for 30 years and every summer without fail these bats circle the gardens of our little estate. It is well documented that Pipistrelle bats breed during the summer. This would suggest to me that these bats must be breeding as they are non migratory and it seems unlikely (given their lifespan) that the same bats have been visiting every year. I would like to be assured that this will be investigated further and the utmost importance placed on the protection of these bats.

There is also mention of possible Otter activity and water Vole activity, though none were found. I am deeply concerned that no mention was made of The Deer population, the Hedgehogs, the Foxes, the Hawks, or the Heron or Barn Owls or Kingfisher. Again I hope that these species will be investigated at the appropriate time of year (spring/summer) and the utmost importance placed on the protection of the above species and protection of their habitat.

I appreciate that a traffic survey was carried out and stated that the proposed houses would have little to no effect on volume of traffic on Johnson Road. This also deeply concerns me. Firstly the survey was carried on one (particularly quiet) day. A quick (conservative) calculation would suggest that 125 three, four and five bedroom family homes would generate in the region of 250 to 300 (taking into account growing children wanting their independence) extra cars. That is hardly "no to little" impact. Johnson Road could not cope with that extra volume of traffic. It's a dangerous road as it is. You sometimes feel like your taking your life in your hands turning out of Eccleshill Gardens onto Johnson rd as it is now. Mostly due to the speeds people travel down that road from the direction of Waterside and Hoddlesden. I leave for work at 7-45 am and it can be quite difficult exiting Johnson rd onto Roman rd due to volume of traffic on Roman rd. The extra volume of traffic that the proposed development would generate would make this junction a nightmare. I would like some assurance that some form of traffic management/traffic calming measures were put in place before the proposed development became occupied. I won't mention the extra traffic generated by visitors.

This brings me to my next point. Your proposal to supply all potential residents with a "travel pack/travel plan" to encourage using alternate forms of transport. I.e. walking or cycling or public transport. Or to work from home and have their shopping delivered. I'm sorry and I don't mean to offend or insult anyone but I have to say that this is one of the most ludicrous ideas I have ever heard and whoever thought of it seriously needs to 'give their head a wobble' (to coin a phrase). Firstly let's address the 'walking or cycling'. There are no footpaths or cycle lanes on either Johnson Road or Roman Road. Nor is there room for footpaths or cycle lanes. It would be, in my opinion as a long standing resident of the area, extremely dangerous to attempt to walk these roads at peak times and relatively dangerous at other times. Realistically, do you honestly think anyone is going to walk all the way to Blackburn or Darwen to go to work or take their children to school? No, they are not. They are going to drive. Let me ask you, would you walk your children to school at peak times on a narrow country road with no footpath, hedgerows and speeding traffic? No, you wouldn't. It is also suggested potential residents be encouraged to use public transport. What public transport? We have no public transport in this area. When we did have the occasional bus (years ago) they were dirty, expensive and unreliable. In winter when it snowed they became non existent because they couldn't pass down the road. Then they just became completely non existent. Also it is virtually impossible for a bus and a car to pass each other in places on Johnson rd. So, public transports out then. You understand where I'm going with this don't you? You can give as many transport/travel packs out as you want, the reality is people are going to drive and this is going to cause so many

problems on these roads. There will be accidents and people will be hurt. It's an inevitability. Sorry but it just...is.

Next, the working from home and having your shopping delivered to reduce traffic. This just sounds like you want to virtually make people prisoners in their own homes. This is a small hamlet on the borders of Darwen and Blackburn. It is not London or Manchester or any other large city. Not everyone works in an office and can work from home. Most people have to go out to work. So again, how are they going to get there? They're going to drive. Most people are also going to go out for their shopping. Yes, a small percentage may have it delivered but the majority will prefer to get it themselves, then they know it's fresh and it's exactly what they want, particularly if they are health conscious. Again, they're going to drive to get it. Again, increased traffic. You also mention trains but again, no public transport. So how do they get to the train station? We've already established it's unsafe to walk or cycle. So that leaves....driving. By car.

I think it's safe to assume that these proposed dwellings will be occupied by families. What is being done in regards to schools? The local primary school, St Paul's at Hoddlesden, certainly couldn't take any more children. I suppose that brings us back to traffic with the school run to wherever potential occupants have to take their children.

Has any thought at all been given to amenities for children of 125 homes? No, probably not. There is absolutely nothing in the surrounding area for children to do unless they like stargazing, which in my experience is something that comes with age, not youth. There are already problems with gangs of youths in Hoddlesden causing trouble because there is nowhere for them to go and nothing for them to do. What is going to be done to ensure that this proposed housing doesn't add to the problem and ensure we don't have gangs of bored youths causing trouble? 125 3, 4, and 5 bed houses has the potential to generate a lot of disenfranchised bored youths. If you average 3 children per house that's 375 kids with nothing to do. I think that's something you need to seriously consider. Please don't assume the parents will manage their children because it would seem the further we get into the 21st century the less people care what their children are doing. They're too busy trying to make ends meet and too tired to entertain their children. And honestly...what teenager is interested in being entertained by their parents? So I think you need to consider that as well because that also carries the risk of crime escalation.

Next, noise pollution. A noise test was carried out on the proposed site and was found to be satisfactory. However, no test was carried out on our estate to see how noise would travel out of the proposed site. I can tell you that the natural acoustics of the proposed site are very good and noise does indeed travel to our estate very well. The noise generated by the traffic alone travelling on the wholly inadequate access road (which apparently isn't going to be improved upon other than a bit of tarmac in places) will be horrendous. It's bad enough now with the people that work at the various business's on the proposed site.

I also have concerns about potential litter. There is already a problem with people throwing litter out of their cars on Roman Rd and Johnson Rd, even litter being blown here from the M65 and I can only see it getting worse if this development goes ahead. You can put as many fines in place for littering as you want but if there's no one to police it...well...it's not going to improve it! Please don't tell me it's about educating people because it doesn't work. People from towns and cities largely have no respect for the countryside, I see it all the time.

There is also the concern about the amount of heavy traffic that will be an ever present during the building process should the development go ahead. The constant flow of building material deliveries WILL cause major problems on Johnson rd. Then there is the noise and dirt it will generate. No matter how hard they try to keep it clean it will be extremely dirty. I've seen enough building sites to know the mess it makes.

Amenities such as power and drainage are a major concern. We already have our fair share of power cuts. How will the supply cope with the extra demand? And no matter what the survey says, the drainage systems will struggle to cope with the extra volume. They were not built to take that much extra sewage etc.

There is also the fact that the proposed site is on a zone 2 and zone 3 flood plain! I cannot believe anyone would seriously consider building on a flood zone! I was under the impression that building on a zone 3 flood plain was unquestionably out of the question. It's suggested that diverting the culvert will suffice. I don't think it will. The whole area just collects rain water. It only takes a couple of days of heavy rain for the river to be in danger of overflowing.

Lastly I'm extremely unhappy that part of this proposed development is on green belt land! I'm sorry but....actually, I'm not sorry, building on green belt land is wrong. Plain and simple. We are supposed to be protecting the countryside, the environment. Building on green belt land is doing neither of these things. I have nothing else to say on that point. Just...it's green belt. Leave it alone and let the wildlife have it. They have more right to it. They were here long before us humans and they'll be here long after we're gone.

So, in conclusion. Do I want this development to go ahead on my door step? No, I don't. As I said earlier I've lived here for 30 years. My wife was actually born here and has lived here for all of her 53 years. The reason we choose to live here is quite simply...we like it. We like the peace and quiet of an evening and weekend. We like the fact there is very little light pollution and we can stargaze of an evening. We like the fact that we are largely left alone and not many people know this little estate is here. We'd like to keep it that way.

That's a few of my concerns. I hope you will take them into consideration when deciding the fate of the proposed development.

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**Objection – Helen Pull, 13 Eccleshill Gardens, Darwen. Rec – 19/12/2019**

I would like to express my opposition to the proposed housing development consisting of 125 new homes on the GFW warehouse site at lower Grimshaw Brook Eccleshill.

The aforementioned proposal will have an impact on the wildlife, the green belt areas, the roads and the environment of the area.

The 3.4 and 5 bedroomed houses will generate so much traffic, I am well aware that we have lorries going to the site now, but the amount we have is nominal compared to the amount that will be generated from the said proposal. The proposal put forward to deal with this is laughable, people will walk or cycle, they will use public transport (of which there is none) they will work from home, they will internet shop, how ludicrous, this will generate even more traffic, speeding delivery vans delivering said shopping etc.

The amount of dirt, noise and traffic which will be generated from the demolition of existing and building of this development plus the only access to the site being the existing unadopted small road, Johnson new road can not cope with the wagons we have now, barely any room to pass plus the speed of the traffic that uses the road, it's only through the grace of god that there hasn't been a really bad accident. I am well aware a traffic survey was carried out, however it was carried out on half term holiday and peak times were not taken into account e.g. 5.30 am to 6am and 2pm when traffic is speeding to and from shaws at waterside.

As any thought been given to the already over subscribed local school, where will the the children from said development go to school ? Again adding to more traffic due to school runs, it's too far for children to walk plus it's very unsafe to walk the road.

I could understand 20 new houses but 125 ?!!!

Plus these houses are going to be in a flood zone, has no one watched the news and seen the devastation caused through flooding.

How will the children from said development be entertained, if they want to go out they will have to be driven (more traffic) will there be an increase in crime due to boredom, it's already bad enough with youths in the village.

Pipistrelle bats, deer, otter, badgers, kingfishers, herons, foxes, barn owls not to mention livestock in the surrounding farms, all of which inhabit the area, yes I have read the reports even so there will be a huge impact. The litter generated alone will have an impact, the motorway generates enough litter which as you and I know impacts the wildlife.

There are plenty of brown belt areas in and around Blackburn which would be more suitable, what about all of the empty houses why are they not being utilised to meet the council quota ?

Light pollution, noise especially as the acoustics in the area are good, I see a survey as been done in the actual development area but we all know that sound travels and the sound will impact on the properties above the area.

Affordable housing this development will not be affordable, you are looking at upwards of 500 people moving into an area which is unable to accommodate, yes you put all the proposals forward but they are unrealistic.

Am I wasting my time as this development already been agreed and this process is simply about ticking a box, why does my cynical mind think that I wonder, we are not an inner city area in need of regeneration, we are a countryside community which appreciates our wildlife and environment.

I could go on and on about the impact this development would have and it isn't in a good way.

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**Objection Helen Pull, 13 Eccleshill Gardens, Darwen**

This email is in response to the 2nd letter received dated the 27th January regarding outline planning ref: 10/19/1084

Firstly I would like to point out that this 2nd correspondence is slightly misleading, residents are confused as this letter is an exact copy of the first one received which refers to planning for 125 new houses, nowhere does it state that this is an amended planning application, which in my opinion it should, therefore I presume you will still take into consideration the objections that were lodged against the original application in December.

I would like to express my opposition to the amended proposed housing development consisting of 114 new homes on the GFW warehouse site at lower Grimshaw Brook Eccleshill.

My views of said development have not changed, plus following the recent storm Ciara, I reiterate the fact that it would be stupid to build such a large amount of dwellings in the proposed area. The area was flooded during storm Ciara and I do have photographic evidence.

I am well aware that to reduce this risk the proposal is to open up the brook area so as to spread the water as it was in 1911, however I would like to point out that our climate has changed dramatically since 1911 as you will be well aware. I hope that if this development goes ahead then whoever is responsible for allowing it will have taken this into consideration.

You only have to look at the devastation around whalley to see what effect this has on people's lives.

Areas are being told that flooding only takes place once every hundred years and if you have listened to the news lately you will know that this is no longer true.

I see the amended site is slightly smaller however the impact it will cause on the surrounding biological heritage will still be significant.

I reiterate what I wrote in my first email

The aforementioned proposal will have an impact on the wildlife, the green belt areas, the roads and the environment of the area.

The 3.4 and 5 bedroomed houses will generate so much traffic, I am well aware that we have lorries going to the site now, but the amount we have is nominal compared to the amount that will be generated from the said proposal. The proposal put forward to deal with this is laughable, people will walk or cycle, they will use public transport (of which there is none) they will work from home, they will internet shop, how ludicrous, this will generate even more traffic, speeding delivery vans delivering said shopping etc.

The amount of dirt, noise and traffic which will be generated from the demolition of existing and building of this development plus the only access to the site being the existing unadopted small road, Johnson new road can not cope with the wagons we have now, barely any room to pass plus the speed of the traffic that uses the road, it's only through the grace of god that there hasn't been a really bad accident. I am well aware a traffic survey was carried out, however it was carried out on half term holiday and peak times were not taken into account e.g. 5.30 am to 6am and 2pm when traffic is speeding to and from shaws at waterside.

As any thought been given to the already over subscribed local school, where will the the children from said development go to school ? Again adding to more traffic due to school runs, it's too far for children to walk plus it's very unsafe to walk the road.

I could understand 20 new houses but 125 ?!!!

Plus these houses are going to be in a flood zone, has no one watched the news and seen the devastation caused through flooding.

How will the children from said development be entertained, if they want to go out they will have to be driven (more traffic) will there be an increase in crime due to boredom, it's already bad enough with youths in the village.

Long eared brown bats, Pipistrelle bats, deer, otter, badgers, kingfishers, herons, foxes, barn owls not to mention livestock in the surrounding farms, all of which habitat the area, yes I have read the reports even so there will be a huge impact. The litter generated alone will have an impact, the motorway generates enough litter which as you and I know impacts the wildlife.

There are plenty of brown belt areas in and around Blackburn which would more suitable, what about all of the empty houses why are they not being utilised to meet the council quota ?

Light pollution, noise especially as the acoustics in the area are good, I see a survey as been done in the actual development area but we all know that sound travels and the sound will impact on the properties above the area.

Affordable housing this development will not be affordable, you are looking at upwards of 500 people moving into an area which is unable to accommodate, yes you put all the proposals forward but they are unrealistic.

Am I wasting my time as this development already been agreed and this process is simply about ticking a box, why does my cynical mind think that I wonder, we are not an inner city area in need of regeneration, we are a countryside community which appreciates our wildlife and environment.

I could go on and on about the impact this development would have and it isn't in a good way.

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**Objection – Helen Pull. Rec – 06/07/2020**

This email is in response to the 3rd letter received dated the 23rd June 2020 regarding outline planning ref: 10/19/1084

Firstly I would like to point out that this is the 3rd correspondence I have replied to regarding the above application in the past 6 months and once again I would like to raise my objections.

I would like to express my opposition to this the third amended proposed housing development consisting of 95 new homes on the GFW warehouse site at lower Grimshaw Brook Eccleshill.

My views of said development have not changed please see last objection emails regarding flooding and taking into account the replies to the questions raised in objections regarding flooding, I am still not satisfied that modelling will prevent a flood situation.

I see the amended site is slightly smaller however the impact it will cause on the surrounding biological heritage will still be significant. With regards to the ridiculous statements made by Eddison's regarding accessibility by sustainable modes it's quite obvious that the surrounding areas have not been properly regarded. Any parent in their right mind would not walk their child to school using any of the roads surrounding the development the roads are too dangerous for this to take place, Johnson Road no footpaths up to waterside, intermittent footpath at waterside village of which cars parked on the path mean you can't walk on footpath, no footpath between waterside and St. Paul's terrace, again once at St. Paul's cars on footpath.

Roman road No footpaths leading up towards Dandy Row, No footpath leading from flash corner to Daisyfield farm. These roads are dangerous !! It is bad enough that cars come around flash corner on the wrong side of the road. Plus the road markings are not clear, in fact in places are non-existent.

This leads me on to once again mentioning over subscription of local schools where are all the children going to go to school, it certainly won't be in a school within the proposed walking range. So once again I bring up the amount of traffic.

Not only that, it is stated that 'no new developments' are taking place near by.

I would like to bring your attention to the fact that Vernon Carus site is going to be a development which will have a huge impact on Johnson road and throughout hoddlesden, so do we have to deal

with all the work from both developments impacting on the area, plus what impact is that development going to have on local schools etc.

Not to mention the huge development that is taking place from blackamoor which again will impact the traffic on roman road.

So that would 3 new huge development within a couple of miles of this proposed development !!!

The unadopted access road to the GFW development Leading onto Johnson road is again in my opinion unsuitable and with all the added traffic from the proposed development at vernon Carus the junction will be unsafe as will the junction at flash corner that leads onto roman road.

I am aware of the traffic accident reports, unfortunately we have no record of the unreported minor accidents.

I reiterate what I wrote in my first and second email

The aforementioned proposal will have an impact on the wildlife, the green belt areas, the roads and the environment of the area. The proposals put forward regarding transport, walking etc are ridiculous.

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**Objection Mrs Linda Taylor, 27 Eccleshill Gardens, Darwen. Rec – 19/12/2019 &**

Ref : 10/19/1084

Dear Mr Blackledge

I am writing to you regarding the above-mentioned planning application.

I would like to give you my initial objections.

We have an adorable mating pair of buzzards, which over the past 30 years have had many young who have grown and flown away. We as a family have spent many hours each year watching this amazing family grow. My fear is they will be disturbed if not scared away for good.

We have deer passing through numerous times a year, which will be disturbed if not scared away, or lead them to harm or death.

We have our migratory birds which will be left without their summer home.

We have the brook that filters to river Darwen and takes the run off from the fields. In times of heavy rain, the entire brook does burst its banks.

The bridges en-route to Waterside will not take the excess traffic.

We have official public footpaths and non-official footpaths which will be restricted if not built over.

The waste pipe from Hoddlesden is too small to cope with all the waste water etc. Which already causes problems for Waterside and Eccleshill and if planning was to go ahead could cause a lot more problems.

With 125 new homes that will be approx. 250 residents and at least 125 cars.

A huge strain on the local schools, local hospital, local doctors surgery, fire service, police, ambulance etc

According to the planning there will be no extra traffic, I disagree with this. Each new house will have at least 1 vehicle. As for the travel pack detailing walking - No footpaths, no street lights. Busses – we do not have a bus service. If a home has no car, it is a taxi to Darwen £4 out & £4 return at the current price. To Blackburn £8 out & £8 return at the current price.

So, the car is safer and more convenient all ways you look at it.

With the best will in the world, to say there won't be an increase in traffic a pipe dream.

Flash Corner is a dangerous junction at the best of times. Increased traffic will cause a lot more congestion, issues and accidents.

If this proposed planning was to happen it will also take away our hamlet status.

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#### **Objection Linda Taylor. Rec – 06/07/2020**

I am writing with regards to your recent letter about the ammendments for the planning application.

My previous objections still stand.

- 1, The roads are not suitable for the sheer extra volume of traffic.
- 2, The drains are not big enough for Waterside and Eccleshill, tlet alone an additional 95 new houses.
- 3, There is the flooding that we have seen many many times over the years.



4, No public transportation.

5, There is the Flora and Fauna that will be destroyed/disturbed. Besides our beloved buzzards we have seen the return of the curlews.

6, Looking at the plans, access to the public footpath taken away.

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**Objection – P Cooper, 16 Waterside Terrace, Darwen. Rec – 24/12/2019**

Dear Sir re planning application no 10/19/1084 for up to 125 new dwelling at Waterside Park Johnson Road Eccleshill.

Dear Sir

My objections are that the proposal of up to 125 houses is not in keeping with the scale of this area of West Pennine. The census in 2011 for Eccleshill was a population of 319, the number of houses proposed would increase the population to a density that would divert from the character of the village. This would also detract from the rural aspect of the village, and surrounding villages and create a precedent detrimental to the area. There will be an excessive demand created on local schools, hospital service, including A and E departments and GP service and other infrastructure systems. Infrastructure needs to be in place in adequate advance to cope with future demand not try to catch up to it.

Increased demand of traffic onto Johnson road and at Flash Corner will create congestion and a safety issue. The absence of public transport would also exacerbate extra pressure on rural roads increasing pollution and have the potential to increase social isolation for residents. The only play area is away from the development on the opposite side of a Johnson road creating a potential danger and road hazard danger for children.

Community cohesion is important in rural areas but the scale of the proposed development could strain this and cause division particularly as there is a lack of facilities such as shops in the area.

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**Objection – Norman William Lawton, 15 Eccleshill Gardens. Rec – 30/12/2019**

Dear Sir,

Regarding the above planning application. I would like to express my concern about the likely implications for residents on the estate at Eccleshill Gardens trying to enter Johnson Road. It is currently a very difficult task trying to negotiate this left- or right-hand manoeuvre because of the bend and illicit speed of traffic - particularly coming from the right. To say there have been many near misses is an absolute understatement.

What really worries me is the impact at this junction of many hundreds of new residents (most of whom will be road users - the absence of even an occasional bus service precludes anything else).

I'd like to put on record that I am not in principal against this planning application, indeed, I can foresee it could even be beneficial to existing residents. But unless there is a very serious overhaul of the road configuration, ie: traffic calming measures; traffic signals; or an additional road, there could be very serious implications.

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**Objection – Helen Scott, 5 Eccleshill Gardens, Darwen. Rec – 30/01/2020**

Good Afternoon,

As resident of no5 Eccleshill Gardens I would like to formally object to the above proposal. As a resident with children who lives on the main section of the road just before the turn off to the current GFW building, I am all too aware of the traffic situation, the speeds and volume at certain times in the day on such a small road. We already have to negotiate large lorries who use this road regularly shaking the entire house, and blocking the road.

The construction of this number of houses is far too big a volume for the current rural set up and would only be acceptable if another road is constructed from Roman Road directly to the development. Using the existing entrance to GFW would create difficulties for current residents such as ourselves whose drive leads onto this road.

We have one small shop in Hoddlesden village and now no newsagents and not even any gas so I would be interested to know how local facilities would be able to accommodate this.

Thank you for your consideration of this email.

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**Objection – Helen Scott, 5 Eccleshill Gardens, Darwen. Rec – 01/07/2020**

Please note that the stance on the planning application set out below has not changed despite the reduced number of housing proposed.

To add to this we have now received notification of planning for a much larger brownfield site at Carus Mill which has been derelict for over a decade. Surely this road cannot be expected to be able to take the weight of two housing developments with no infrastructure in place. It would make more sense for the brownfield site to be developed before taking up any greenfield which would happen with the GFW site.

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**Objection – Steve Jayne, 3 Eccleshill Gardens, Darwen. Rec – 06/02/2020**

Hello Nick

Thank you for the correspondence regarding the planning application at GFW Ltd Waterside distribution centre BB33RT.

I am a resident of Eccleshill gardens (3) and my house is on the main road, Johnson New Road and as such overlooks the proposed development.

Whilst in essence I have no issues with housing development and appreciate the council has housing targets to meet I do have a couple of concerns and questions around the proposed plans.

#### 1. Traffic

I have read the traffic report and appreciate that these things use agreed statistical guidelines but I am concerned that the statistics can be manipulated to give a positive outcome. The figures used are based in my interpretation on traffic movements per dwelling which seems a biased interpretation given the proposed development will have car spaces for over 300 vehicles as opposed to the current usage which has around 49. Over the recent decades we have moved to more car reliance as a society especially given the local transport in our area and also there has been an obvious shift from single to multicar families and this will be especially prevalent in the type of development (mid/high end) proposed for the site. Given this I would envisage that the majority of the 300 spaces on the development will in fact be utilised which presents a likely hood of increased peak traffic flow in the area and surround junctions, given that Roman road is already at capacity during peak hours I envisage there will be tailbacks from the junction of Johnson New Road and Roman road as there are simply limited points to join the flow of traffic so any major increase in the Johnson New road flow will inevitably lead to tailbacks , stationary cars and the increased air pollution this brings with it.

I also note that a mitigating factor in the report to traffic will be to provide the new residents with a booklet advising on alternative transport usage. Given the previously mentioned lack of public transport feeding this rural area and the risk of cycling usage on Roman road in either direction I feel this is nothing but an empty token gesture. Unless better cycling routes or lanes are provided and consideration is given to re-establishing some at least limited peak time public transport I don't see a booklet providing anything other than clutter in the new properties.

I would also like to point out a minor inaccuracy in the report it states the nearest railway station as being Blackburn which is factually inaccurate, this leads any reader to doubt any findings in the report if the compiler of the report cant even get this simple fact correct. Apologies if this seems pedantic but this is a key report to a pretty major development so should be correct.

#### 2. Aesthetic disruption

It is difficult to disagree with the report within the application that states that the removal of an industrial facility and replacement with residential properties and green space will improve the view of current residents and I tend to agree that the limited heights proposed in the higher land areas will give a good look to the development however I would like to ask if there are any plans within the proposed application to remove the pumping house in the field opposite Eccleshill Gardens and adjacent to Nursery Nook. It is my understanding this building was originally housing pumping equipment for the demolished paper mill. Firstly could you confirm if this building is essentially redundant and if so confirm if there would be any opportunity within the proposed development to demolish this structure as this would undoubtedly improve the aesthetics of the area.

#### 3. Public Footpaths

I note from the plans the bridge across the brook will be demolished and replaced with a new bridge after the removal of the culverts, the bridge that is being removed currently forms part of the public footpath route and the plans do not identify the route of any reimplemented public footpath. I would also like to add that at the point that the current path leaves the bridge it splits and 1 leg continues up the lane, the other leg forks to the left and there is a gap in the low stone wall to walk through the shrubbery to a stile at the top of the hill. The path then continues up the field adjacent to the hedge small stream and bushes, I have attached the OS map of the area.

My concern here is that these paths will be ignored as part of the development, these are currently paths used by both myself and a number of Eccleshill residents for leisure and dog walking purposes so I would like reassurance that these paths will be factored in and maintained during the development and kept in place post completion.

4. Local infrastructure improvements.

It is my understanding that during major developments like this it is commonplace for the council to request the developers to provide additional local works to improve the local infrastructure as a goodwill gesture for the planning approval, are there any plans in place any such arrangement such as providing mains gas to the area or perhaps upgrading/ extending the local park and football pitch or upgrading the Eccleshill garage areas. I am sure any park upgrade would benefit the future residents as I can't see any children's play areas identified in the development.

I look forward to your response on my points and concerns.



---

**Objection – Yvonne Aspden, 11 Eccleshill Gardens, Darwen. Rec – 14/02/2020**

Reference: 10/19/1084

To Nick Blackledge,

I wish to express my concerns regarding the planning permission near my property, as they are planning to build 120 new dwellings, which would make a small quiet, rural area with a small country road into a busy dangerous road which would have an impact on the quiet, tranquil area.

So therefore I feel strongly about given my permission for the planning to go ahead.

---

**Objection – Mr G McConville, High Winds, Johnson Road, Eccleshill, Darwen. Rec –**

Dear Planning Service:

**RE: PLANNING APPLICATION NUMBER 10/19/1084**

I am writing regarding the above outline planning application for the major development of up to 114 new dwellings. Whilst I am not in objection to the principle of a new development at the proposed site, I am in objection to the scale of the development proposed.

The proposal represents a significant increase upon the number of existing houses in the area. The area containing Johnson Rd currently has around 134 houses, which includes adjacent streets. This 85% increase will undoubtedly have a significant impact on the local area and environment. The application includes a traffic study which appears to indicate that traffic levels will actually reduce during peak periods but I believe this to be incorrect. There are no amenities within a fair distance of the site and with the exception of a school bus, there is also no public transport. The local road routes to shops and amenities have no footpaths and whilst public rights of way do exist over farmers' fields, these are quite impractical to use and not maintained as paths. For this reason it is likely that every journey to and from the proposed site will require the use of transport and I believe that the traffic study has failed to take these restraints into account.

I understand that the development site is identified as "Site 16/11 – Johnson Road" within the Blackburn with Darwen Local Plan and allocated for residential development. However, this original plan identified that the development was to be confined in the first instance to the footprint of the industrial buildings on site and their associated hardstanding. The proposed application goes beyond this footprint and encompasses the surrounding greenbelt areas which I consider harmful to the openness and permanence of the Green Belt.

The visual study accompanying the applications suggests that the visual impact will generally be moderate to minor beneficial but again I believe this to be incorrect. Only the rooftops of the

current industrial buildings are visible from Johnson Road since these are sited at a lower elevation. The green areas beyond the existing buildings are sited at a much higher elevation and will therefore be more prominent than the study leads you to believe.

The existing viewpoint from Johnson Road, near high winds, is as follows.



With housing located on the elevated areas the proposed development will be more visible:-



The application does indicate a number of trees being planted to reduce the visual impact but the majority of these trees are located outside of the site boundary on adjacent fields and it is not clear if these are schematic, or if permission has been granted by the landowner to plant these.

My other concerns include pollution from and noise and lighting and the effect of these on the local habitat and environment.

As I mentioned initially, I am objecting to the scale of the development and the majority of my concerns would be alleviated if the proposal was confined to the footprint of the industrial buildings on site and their associated hardstanding, as originally proposed in the Blackburn with Darwen Local Plan when the site was allocated for residential development. This plan also only anticipated around 80 new homes.

Such a reduction would also minimize the impact on the surrounding woodland and Grimshaw Brook.

**Objection – Kelly Williamson. Rec – 06/07/2020**

Please see below points in relation to planning application at GFW Ltd, waterside distribution Park, BB3 3RT.

The land in which the houses are planned to be built on is susceptible to flooding and is in a flood risk area. The current area is already at risk when there is heavy rain and building more dwellings is only going to lead to raised water levels leaving existing properties and those being built at greater risk of damage.

This area is also a high risk mining area which can be checked on the coal authority website.

Noise pollution from the motorway and the impact on wildlife is another factor I would like to bring to your attention.

Traffic generation and highway safety- With the proposed new dwelling standing at 95, it is expected that each household has a minimum of 2 vehicle. This means a minimum of 190 vehicles commuting down a narrow road which already receives an extremely high level of traffic. The current journey times to travel 1.5mile is around 15/20 minutes. The current roads are unable to handle that capacity. This along with other property developments in the area (roman Road and blackamoor road) where sites have already started is going to cause a phenomenal amount of additional traffic. Johnson road is currently a 30mph zone which is not adhered to as is seen by the amount of accidents due to vehicles driving at high speed. There are no main footpaths along the road, which leads to a high likelihood of endangering pedestrian most of which in the area are young children and the elderly. The highway condition within the area is poor which can be seen by the collapse of the road network which will have a significant impact on the vehicles.

The local area namely the play park and football field were upgraded some years ago. However, the council are already unable to maintain the area as it stands and the increase in residents will hinder this more so.

Public rights of way- going through the area of proposed development there are 6 public rights of way which have already been blocked and signs removed. Under public rights of way England 2015 this is already in breach of this legislation.

With an increase in school age children how are they going to be educated in the local area as there are already insufficient primary school places at the local school meaning many families who are already local (BB3 3PQ) have to travel further afield to get their children to school.

There are nonpublic transportation links in the immediate area with all bus services having been terminated since around 2017, this would therefore require all persons to use their own vehicles which will contribute extensively to raised pollution levels.

Pollution- as there is a stream which runs through the site there are concerns that there will be significant water pollution to the stream network under the water pollution act 1974.

There are also 6 listed building in the vicinity which would be impacted by the proposed development.

I would also like to appeal against the fact that provisional works have already taken place with installation of domestic substations that have been installed on the site.

The information on the Blackburn Council website contains errors. The postcode for the site is incorrect.

Please can you acknowledge receipt of this email and kindly respond to the issues also raised in relation to items such as but not limited to the public right of ways being blocked.

---

**Comment - Ian Jamouneau on behalf of Woodhead Ltd, Upper & Lower Woodhead Farms. Rec – 07/02/2020**

Dear Mr Blackledge

I spoke to you on the telephone in December last year regarding planning development by GFW Ltd, Waterside District Centre, Waterside Park, Johnson Road, Eccleshill, BB3 3RT. I represent Woodhead Ltd the owners of Upper and Lower Woodhead Farms which boundary the Papermill as I know it. Our tenant Mr John Jacques has informed me of the development plans to build houses on that site.

Please see attached the first three pages of a deed which proves that we or our tenants have a "Right Of Way" through the proposed site, giving access to the Johnson Road from our property. Woodhead Ltd do not oppose the development of the site, but this "Right Of Way" must be maintained and not obstructed in any way. The only concern is that with this amount of housing come problems with trespassers and dogs on the farm land.



Dated 30<sup>th</sup> November 1933.

Waterside Paper Mill & Co Ltd  
and Others

Mess<sup>rs</sup> Chas. John & R Yates

*Supplement*

**Grant** of Right of way at Waterside, Colchester  
near Danvers in the County of Essex  
**Conveyance** of land forming and adjacent  
Waterside Brook Vale and Park, Essex, Essex.

2

Edmund Yates and Co  
Solicitors, London



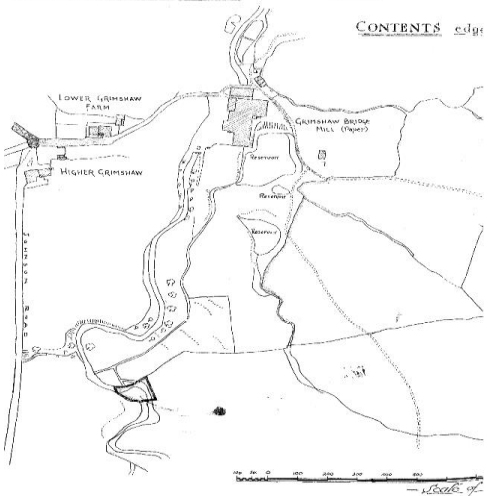
# This Deed

Is made the *thirtieth*  
day of November the thousand nine hundred and thirty three  
between THE WATERSIDE PAPER MILL COMPANY LIMITED whose  
registered office is situate at Bridge Street Colchester  
near Danvers in the County of Essex (hereinafter called  
"the Company") of the first part MESS<sup>rs</sup> CHAS. JOHN & R. YATES  
whose registered office is situate at 10, Abchurch Lane  
Liverpool in the said County (hereinafter called "the  
Bank") of the second part and ALFRED YATES of Cross Street  
Manchester in the said County third party JOHN YATES and  
RICHARD YATES both of 9 Lawrence Street Blackburn in the  
said County solicitors (hereinafter called "the Solicitors")  
of the third part. WHEREAS:-  
1. The Company was at the date of the first mortgage  
charge hereinafter recited seized for an estate in fee  
simple in possession free from incumbrances of all those  
pieces of land situate at Colchester aforesaid and Yate  
and Bridge Lane and known as Lower Colchester Park and  
Waterside Bridge Mill delineated on the plan annexed hereto  
which lands or land were once a private road and  
public footpath shown on the map filed and recorded  
coloured green being the provisions belonging to the  
Company and known as Waterside, Lower Colchester Park and  
Bridge Lane were into the road adjoining the River Road

Plan Referred to

No 1

CONTENTS edge



## **REPORT OF THE DIRECTOR**

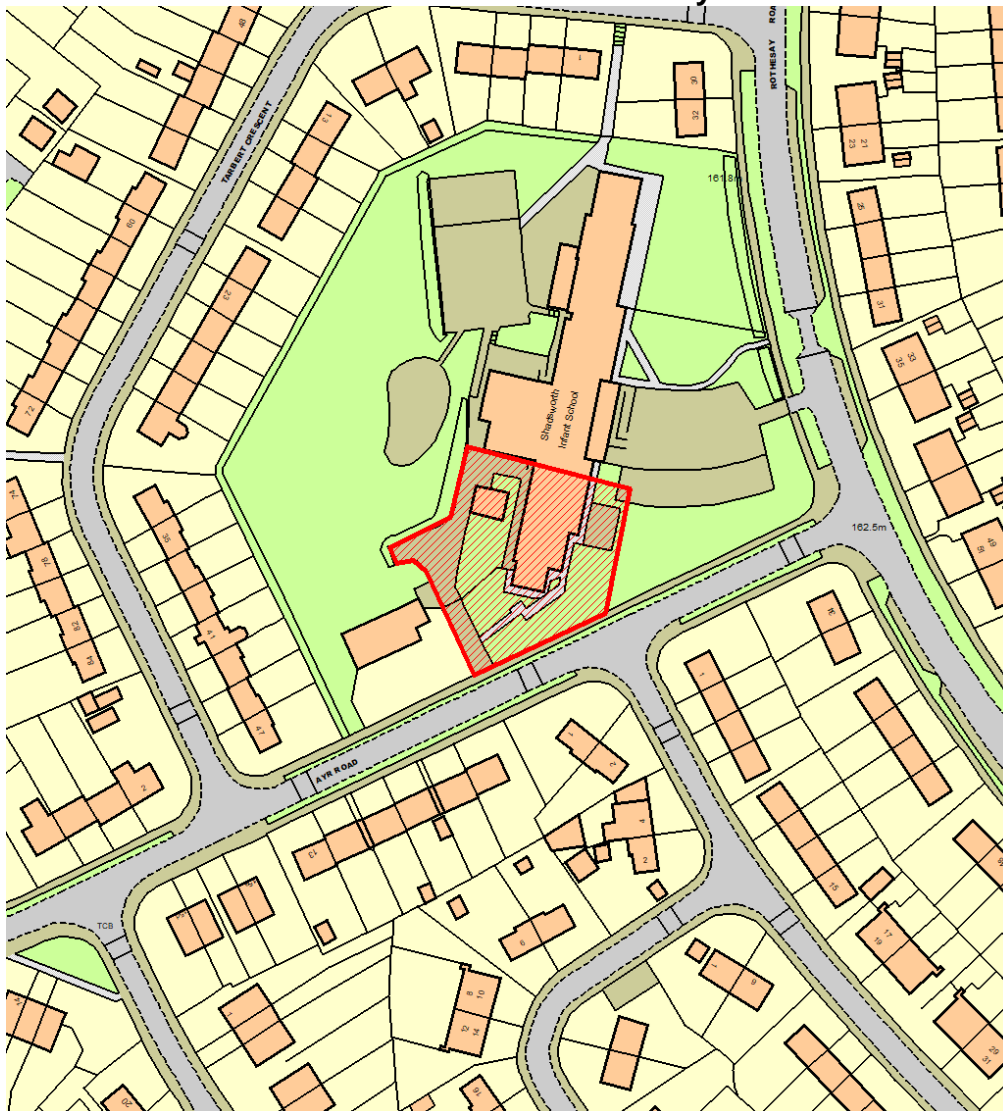
**Plan No: 10/20/1212**

**Proposed development: Full Planning Application (Regulation 3) for Erection of classrooms extension, to provide a sensory room, pupil and staff washrooms and community room. The works will also include some internal remodelling and replacement of existing fence with 2.4m high anti-climb mesh fence**

**Site address:  
Shadsworth Infant School  
Rothesay Road  
Blackburn  
BB1 2EL**

**Applicant: Blackburn with Darwen Borough Council**

**Ward: Blackburn South East Councillors: Jim Shorrocks  
Andy Kay  
Vicky McGurk**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.01 Approve, subject to the planning conditions listed in paragraph 4.1 of this report.

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

- 2.01 The application is presented to Planning & Highways Committee as the School is owned by the Council and the application has been submitted by the Council's Property Team.
- 2.02 The proposed replacement of the school's boundary fence is considered to not cause demonstrable harm to visual amenity due to its see-through nature still enabling views of the school and its grounds.
- 2.03 Whilst some harm has been identified concerning the proximity of the extensions to the sites boundary with Ayr Road, great weight has to be given to Paragraph 94 of the National Planning Policy Framework, which advises that great weight should be given to the need to create, expand or alter schools. On this basis, whilst some harm will occur along the Ayr Road elevation, subject to the walling and roofing materials of the extension matching the existing building, and a replacement tree being planted, as recommended in paragraph 4.0.1 of this report, Officers recommend that planning permission be granted for the proposals.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

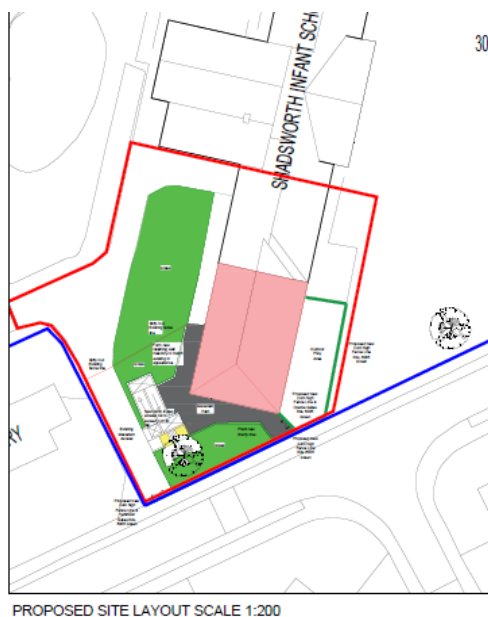
- 3.1.1 The application relates to Shadsworth Infants School located off Rothesay Road and surrounded by Ayr Road and Tarbutt Crescent in a densely built residential area.
- 3.1.2 The school is a 'T' shape single storey red brick building under a slate hipped roof with white window fenestration all equally spaced apart, forming an attractive building in the street scene.
- 3.1.3 Green space surrounds the building forming the grounds of the school. Individual trees exist around the boundaries of the site. The site is allocated within the adopted Local Plan as an area of Green Infrastructure.
- 3.1.4 The school has had many extensions over the years, including an extension to the front of the school and both gable elevations. Please see the Section 5.0 of this report for the Planning History for the site for further information.



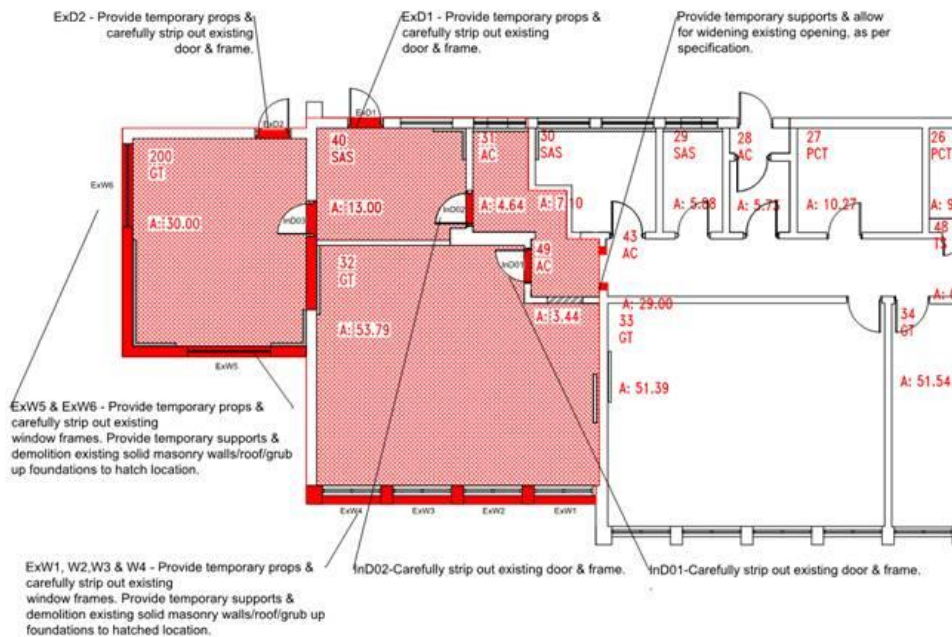
Extract from Google Maps

## 3.2 Proposed Development

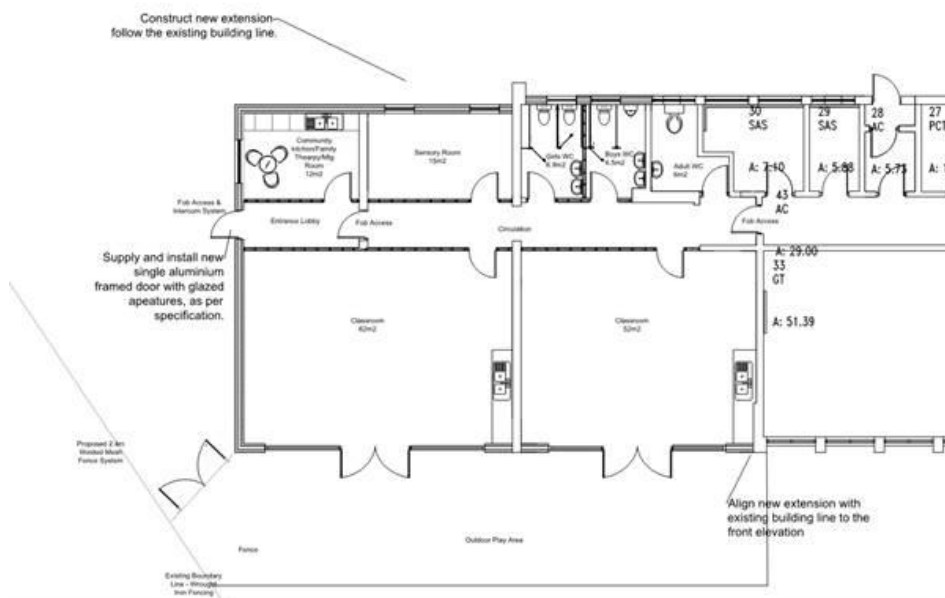
- 3.2.1 Permission is sought to demolish an existing classroom located on the south facing gable of the building, the end closest to Ayr Road and for the erection of extensions to provide a sensory room, pupil and staff washrooms and community room, involving some internal remodelling.



3.2.2 The areas to be demolished are shown in the image below:



3.2.3 The proposal seeks to follow the existing main building lines of the school and will project an additional 4.6 metres from the existing gable end, as below:



3.2.4 The projected corner of the front elevation is to be approximately 2955mm from the boundary fence line of the site with Ayr Road. The rear-projected corner would be approximately 13500mm from the existing boundary fence line, due to the splayed boundary line of the School following Ayr Road.



- 3.2.5 This application also seeks permission to replace the existing boundary fence with a 2.4m high anti-climb mesh fence.

### **3.3 Development Plan**

#### **3.3.1 Core Strategy**

Policy CS16: Form and Design of New Development  
Policy CS19: Green Infrastructure

#### **3.3.2 Local Plan Part 2:**

Policy 1: Urban Boundary  
Policy 8: Development and People  
Policy 9: Development and the Environment  
Policy 38: Green Infrastructure

### **3.4 Other Material Planning Considerations**

#### **3.4.1 National Planning Policy Framework (2019):**

### **3.5 Assessment**

- 3.5.1 The School is set in attractive landscaped grounds, which provides a sense of openness and greenery, in what is otherwise a built up residential area. When travelling along Ayr Road the School is set away from the highway.
- 3.5.2 The projected corner of the front elevation is to be approximately 2955mm from the boundary fence line of the site with Ayr Road. The rear-projected corner would be approximately 13500mm from the existing boundary fence line, due to the splayed boundary line of the School following Ayr Road.
- 3.5.3 Members should note that discussions have taken place between the case officer and officers from the Property Team to look at options repositioning the extension away from the boundary along Ayr Road. The Property Team confirmed they have looked at all options, and the proposed layout is the most efficient use of the land due to existing drainage and electricity runs existing along the rear of the building and financial constraints.
- 3.5.4 Notwithstanding the above and the concerns relating to visual amenity along the street scene, Paragraph 89 of the National Planning Policy Framework must be taken in to account. It advises that Local Planning Authorities should give '*great weight to the need to create, expand or alter schools*' when determining planning applications. In this respect, the proposals will provide additional facilities to the school that many local children attend and significant weight is given to this.
- 3.5.5 As a result of the proposed extension, a tree will need to be felled. The Council's Tree Officer has no objections to the proposals, subject to a replacement tree being planted in the school grounds. As the site is designated as an area of Green Infrastructure, and in the interests of

minimising the visual harm it is recommended that this should be secured through a suitably worded planning condition.

- 3.5.6 Turning to the proposed boundary fence, currently the school is bounded by railings that are approximately 1.3 metres high. The existing school fence allows clear views of the School and its landscaped grounds and individual trees. The landscaping surrounding the school provides an attractive visual break in an otherwise built up area.
- 3.5.7 The erection of a taller mesh fence will result in a sense of enclosure occurring when viewing the school from Rothesay Road and Ayr Road. However, it is important to note that Schedule 2, Part 2, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows Schools to erect fences up to 2.0 metres high where they do not cause an obstruction to highway safety. The proposed boundary fence seeks to be 400mm higher.
- 3.5.8 Officers note that the fence is being proposed on the grounds of safeguarding schoolchildren and due to the School experiencing trouble with trespassers and vandals. Officers note that other fences, such as being proposed, which have been erected around other visually attractive school grounds, do not cause demonstrable harm to visual amenity due to the proposed mesh fencing allowing views through sites. In addition, the Highway Authority has raised no objections to the proposals. On these grounds and in the interests of safeguarding the school and its users from crime and disorder, it is considered that this aspect of the proposal is acceptable.
- 3.5.9 To conclude, whilst some concerns were raised regarding the loss of green space between Ayr Road and the School, considering the NPPF advises that '*great weight*' should be given to enable schools to expand, it is recommended that the proposals be approved subject to the recommended conditions.

## **4.0 RECOMMENDATION**

### **4.0.1 APPROVE subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this permission, the development hereby permitted shall be carried out in complete accordance with the following approved drawings:

S1005: Location Plan;  
SH004 Rev.A: Existing and Proposed Site Layout;  
SI002: Proposed Ground Floor Plan; and,  
SI003: Existing and Proposed Elevations.

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. Notwithstanding the submitted details, the external walling and roofing materials to be used in the construction of the building hereby permitted shall match those used in the existing building.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2.

4. During the first available planting season following the completion of the works hereby approved, a replacement tree (size and species to be agreed in writing by the local planning authority), shall be planted within the school site to the satisfaction of the local planning authority, and be thereafter retained.

REASON: To ensure the landscaping within the school grounds is retained in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

## 5.0 PLANNING HISTORY

Application Number	Description of Development	Decision	Date
10/12/1007	Extend existing tarmac car park	Approved	26/03/2013
10/09/0916	Extension to front of school including ramp and roller shutters to four windows. Roller shutters to nursery doors and windows, security bars to three windows.	Approved	21/12/2009
10/06/0916	Removal of mobile and bin store buildings and erection of modular building to be used as bin store and general storage	Approved	26/10/2006
10/03/0825	Erection of classroom extensions	Approved	19/12/2003
10/02/0686	Installation of powder coated galvanised steel roller shutters to rear of school (electronically operated)	Approved	27/11/2002
10/01/0584	Erection of new perimeter boundary fence	Withdrawn	
10/00/0897	Formation of footpath and extension to car park	Approved	05/03/2001
10/00/0639	Conversion of existing flat roof to a pitched roof of 15 degrees using lightweight aluminium frame with Tufftile profile steel sheet of slate	Approved	25/10/2000



	tile effect		
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## **6.0 CONSULTATIONS**

### *Neighbour Consultations*

- 6.0.1 8 of the neighbouring properties bordering the site have been formally notified by letter regarding the application. No representations have been received.

### *Statutory Consultees*

- 6.0.2 The Highway Authority has been consulted on the application and has raised no objections.
- 6.0.3 The Council's Tree Officer has raised no objections, subject to a replacement tree being planted, which will be secured by a suitably worded condition.

## **7.0 CONTACT OFFICER: Claire Booth MRTPI, Senior Planning Officer**

## **8.0 DATE PREPARED: 1<sup>st</sup> April 2021**

## **REPORT OF THE DIRECTOR**

**Plan No: 10/21/0086**

**Proposed development: Full Planning Application for: Demolition of existing workshop building and erection of a single dwelling house with associated works to include landscaping.**

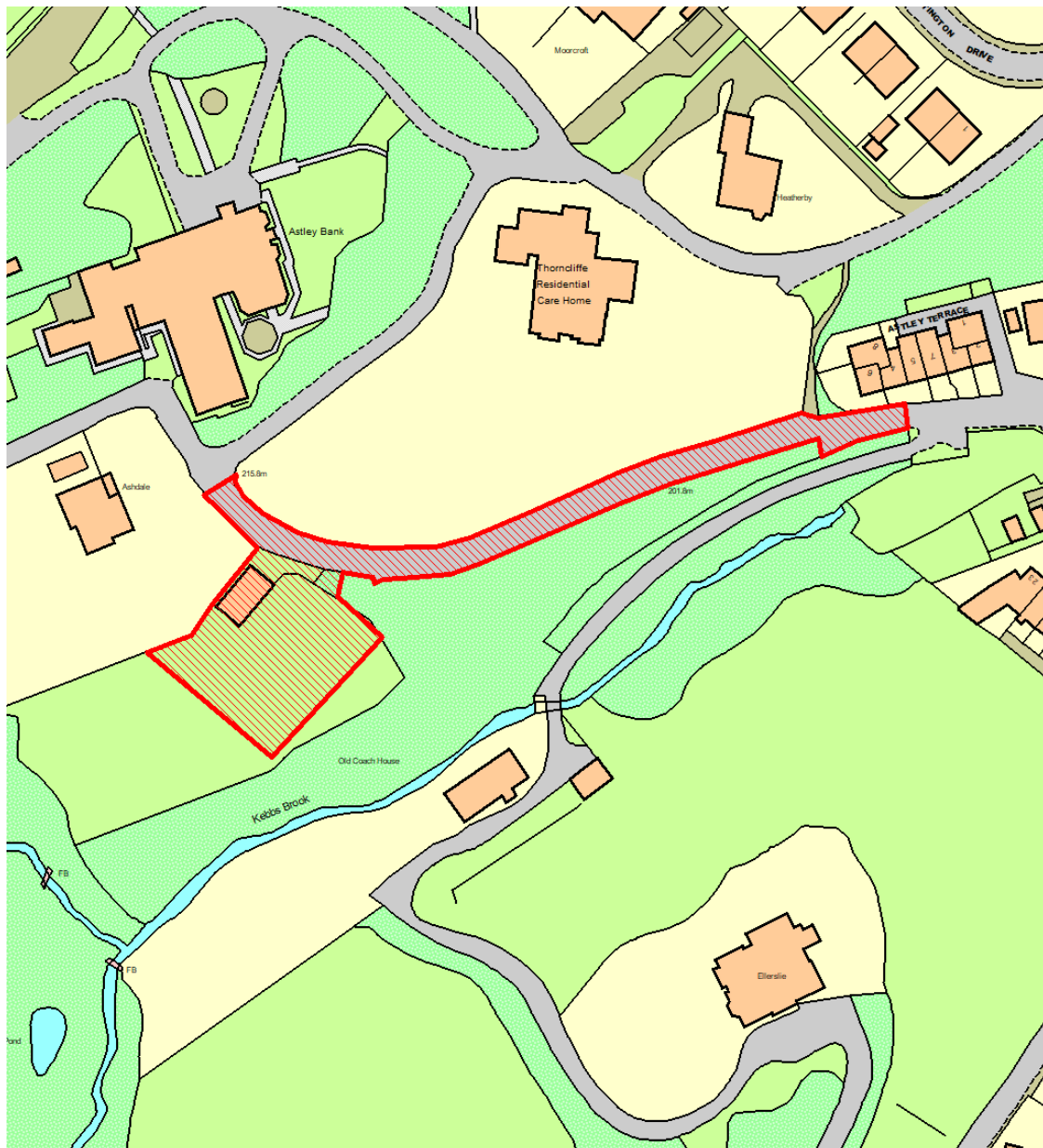
**Site address:**

**Land adjacent to Ashdale  
Astley Bank  
Darwen  
BB3 2QB**

**Applicant: Mr & Mrs Shorrocks**

**Ward: Darwen South**

**Councillor Kevin Connor  
Councillor Lilian Salton  
Councillor Neil Slater**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – Subject to conditions set out at paragraph 4.1.**

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

- 2.1 This planning application is reported to the Committee as a proposal representing a departure from the Local Development Plan, in accordance with the terms of the adopted Scheme of Delegation.
- 2.2 Assessment of the application against the Development Plan, the National Planning Policy Framework and other relevant material considerations, finds the proposed development to be acceptable. Support is found in recognition of delivery of a bespoke, self-build and sustainable house type, considered to represent outstanding design, on a partially previously developed site, which accords with the strategic growth objectives of the Council, in the context of housing delivery. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

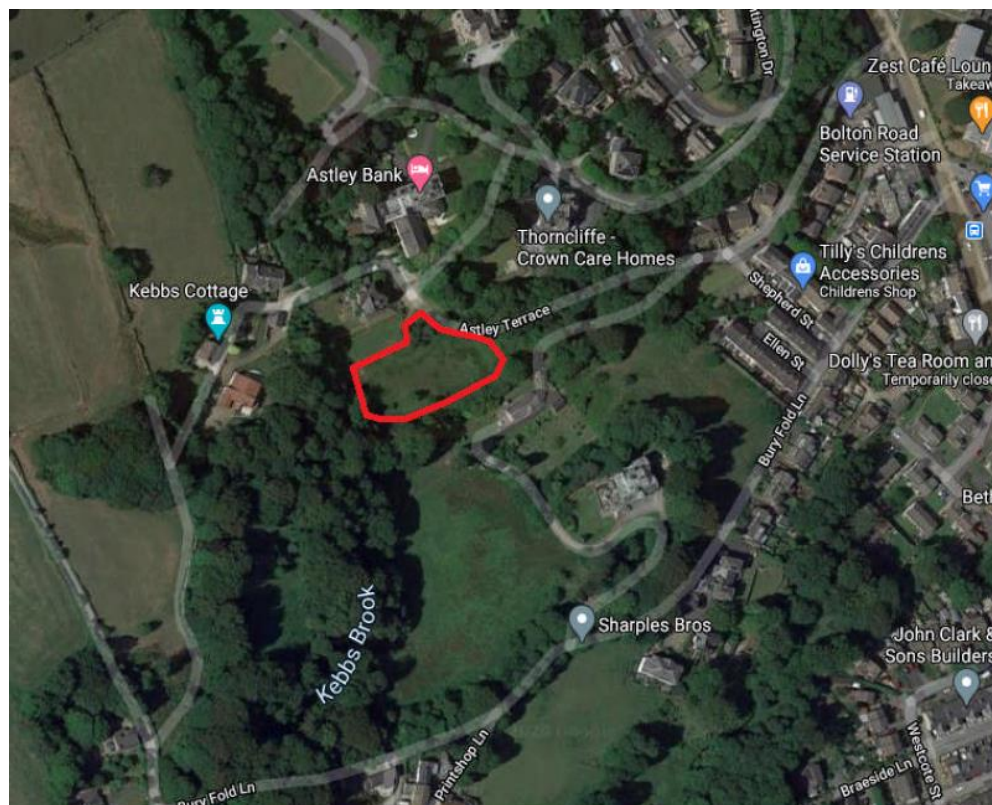
- 3.1.1 The application site (the site as defined by the red edged location plan) measures 1182 square metres. The wider land holding of the applicant measures 58,000 square metres.
- 3.1.2 The site comprises a workshop building set within a sloping rectangular-shaped open field, although there is some woodland to the western edge of the site. The existing building, which has been in-situ for some time, is of timber construction and it is understood that it has been used as a general workshop and storage building for over 10 years by the previous owners of the land. The buildings presence confirms the site as partly previously developed land (Brownfield) (refer to case officer site photograph in paragraph 3.2.4).
- 3.1.3 The site sits at a plateau in relation to the access track taken from Astley Terrace, where the existing building sits. It then falls away significantly in a south easterly direction, terminating at Kebbs Brook at the foot of the valley.
- 3.1.4 The adopted local plan Proposals Map shows that the site is within the designated countryside, although the settlement boundary for Darwen extends along Astley Terrace. The site is heavily influenced by surrounding urban features:
- Ashdale, which is a substantially sized residential property to the northern boundary.

- Kebbs Brook and a belt of trees to the southern boundary with residential development beyond that, including land subject to the grant of planning permission for the erection of 18 dwellings (ref: 10/19/0642 & 10/15/1081).
- Astley Bank Road and residential properties beyond that to the eastern boundary.
- Woodland to the western boundary with open countryside beyond.

3.1.5 The site is highly sustainable in terms of accessibility to key services and public transport options.

3.1.6 Vehicular and pedestrian access is taken traffic via Astley Terrace, which leads to the main A666 highway into Darwen town centre or via

3.1.7 The site is indicated below



Extracted from Design and Access Statement, produced by Good & Tillotson; Jan 2021

## 3.2 Proposed Development

3.2.1 Full planning permission is sought for the erection of a single dwelling at the site, as set out in the submitted drawings, supporting statements and technical documents. The proposal represents a 'self-build' project, derived from the applicants design brief.

3.2.2 The dwelling would be split-level, occupying 4 floors; basement, lower ground floor, ground floor (entrance level); and first floor. It would occupy a gross total internal floor area of 437 square metres. A detached double garage is

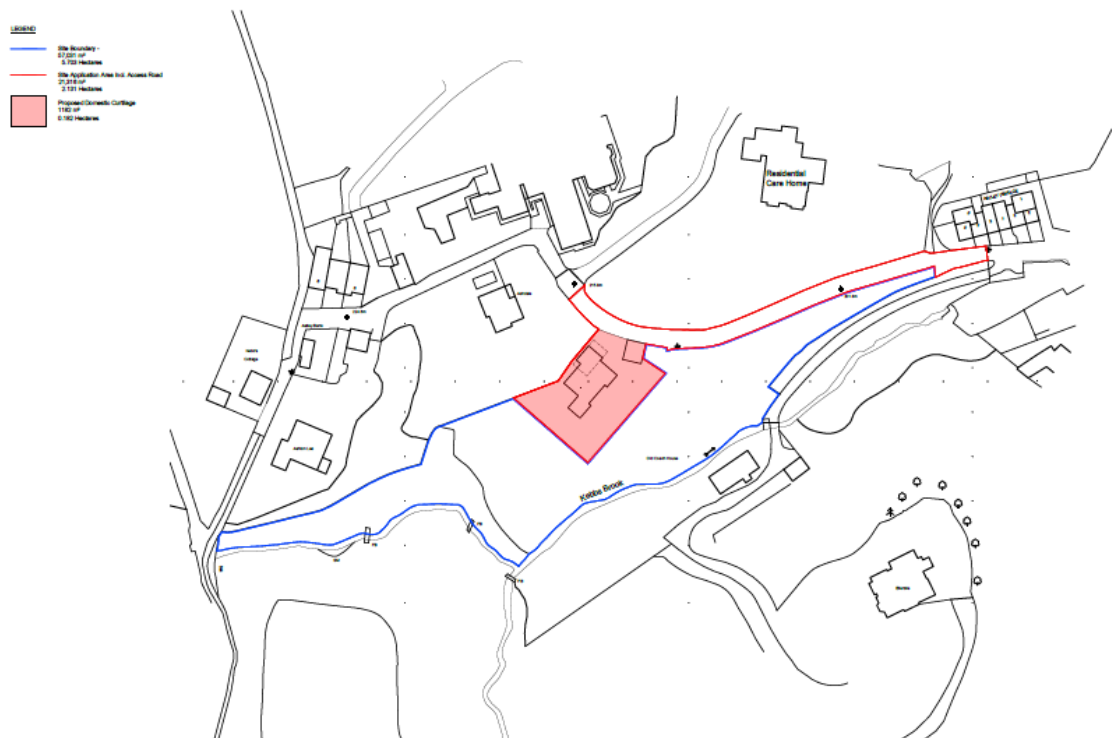
also proposed. Full details are found in the submitted drawings, and support Planning and Design and Access Statements.

3.2.3 The proposed dwelling would be sited towards the Astley Bank Road frontage and part of the new building would be on the footprint of the existing workshop structure. The dwelling has been designed as a contemporary 'eco-house'. It is submitted that measures that will ensure that building regulations standards are far exceeded:

- The building will be highly insulated and sealed using a fabric first approach to energy conservation, and this element alone will likely lead to a 10-15% improvement above building regulations requirements.
- The topography of the site (will large elements of the property being built into the ground) will contribute to the thermal efficiency / mass.
- The dwelling will also incorporate building materials that have been independently assessed for thermal bridging, leading to reduced heat loss at construction junctions.
- Overhanging roofs and terraces have been incorporated to create natural solar shading.
- High performance solar controlled glazing will be installed throughout.
- A state-of-the-art mechanical ventilation/heat recovery system will be installed throughout the dwelling to provide general heating and ventilation with a small air source heat pump installed and heating controls. This will likely provide a further 50% improvement on existing building regulations standards.
- The target energy rating at building regulations stage will be of 'A' or above.

3.2.4 The applicant owns land beyond the residential curtilage proposed. A landscape scheme supports the application which demonstrates significant new native-species tree planting. As noted through the Ecology Report, there is also scope for biodiversity enhancement measures such as grassland enhancement, bird and bat boxes and habitat creation for hedgehog, reptiles and insects. The location plan extracted below indicates the extent of the proposed residential curtilage (highlighted red) and wider land holding, edged in blue. The private access track is also included within the red edge to indicate access arrangements from the public highway. This area would not form residential curtilage. Moreover, the access is unregistered land, outside of the applicants ownership. In this regard, a Certificate D has been signed and the intention to develop published in the Lancashire Telegraph, in accordance with the procedural requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.





Site Location Plan



Case Officer Site Photograph taken 23<sup>rd</sup> February 2021

3.2.5 Access to the site would be via existing arrangements from Astley Bank and the A666.

3.2.6 The following CGI's represent the proposed dwelling:



### 3.3 Development Plan

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal, the following are considered to be the most relevant policies:

#### 3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 – Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS13 – Environmental Strategy

- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS18 – The Borough Landscapes
- CS19 – Green Infrastructure

#### 3.3.4 Local Plan Part 2 (LLP2)

- Policy 1 – The Urban Boundary
- Policy 5 – Countryside Areas
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

### 3.4 **Other Material Planning Considerations**

#### 3.4.1 Residential Design Guide Supplementary Planning Document (2015)

This document provides targeted advice to ensure high quality new homes. It aims to ensure that new development reflects the individual and collective character of areas of the Borough and promotes high standards of design. The document also seeks to ensure a good relationship between existing and proposed development in terms of protecting and enhancing amenity.

#### 3.4.2 Green Infrastructure & Ecological Networks SPD (2015)

This document provides guidance in relation to maximising opportunities to improve existing green infrastructure and to create new green infrastructure and ecological networks.

#### 3.4.3 Air Quality Planning Advisory Note

#### 3.4.8 National Planning Policy Framework (The Framework) (2019)

Overall, The Framework aims to raise economic performance by ensuring the quantity, quality and mix of housing reflect that required, with an expectation to maintain a 5-year housing land supply. Quality design should be secured and environmental impacts minimised.

Areas of The Framework especially relevant to the proposal are as follows:

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a sufficient supply of homes
- Section 6: Building a strong, competitive economy
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places



- Section 14: Meeting the challenge of climate change, flooding and coastal erosion
- Section 15: Conserving and enhancing the natural environment

#### 3.4.9 National Planning Policy Guidance (NPPG).

### 3.5 **Assessment**

3.5.1 In assessing this full application there are a number of important material considerations that need to be taken into account, as follows:

- Principle of residential development;
- Amenity impact;
- Environmental impact;
- Highways and access; and
- Design and layout.

#### 3.5.2 Principle

3.5.3 The site is positioned within designated 'Countryside', in accordance with the Adopted Policies Map of the Local Plan Part 2 for Darwen. It, does, however, immediately adjoin the Urban Boundary. For clarity, Members are advised that the site is not within the Green Belt and that, therefore, consideration towards impact on openness and the purpose of the Green Belt such as preventing urban sprawl and encroachment are not relevant to assessment of this application. Instead, the proposal is considered in the context of Policy 5 of the Local Plan Part 2, which serves to safeguard the character and appearance of the Countryside. This reflects paragraph 170(b) of the Framework which recognises the intrinsic character and beauty of the countryside is recognised.

3.5.4 Policy 5 states:

*The Adopted Policies defines Countryside Areas. Within the Countryside Areas, planning permission will only be granted for development needed for purposes of agriculture or forestry or economic uses appropriate in nature and scale to the rural area (including tourism development that complies with Policy 34).*

3.5.5 As a new dwelling, it is recognised that the proposal does not meet the exceptions of the policy. That the dwelling is only partially positioned on previously developed land is also recognised. The site is, however, very closely related to the urban area, in a visual, functional and special sense and is generally visually unobtrusive due to surrounding topography and existing development. Moreover, no conflict arises with the principles set out at paragraph 170(b) of The Framework, which states:

*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*

3.5.6 In this context, Members attention is drawn to an appeal decision for a replacement dwelling in Cheshire West and Chester, whereby the Inspector notes that the decision-maker *must* to able to identify harm to the character of the open countryside to support refusal of the application. This is notwithstanding alternative Development Plan Policies in play; the principle of identifying harm is relevant to the outcome of this application. The following is extracted from the Inspector's report:

*"It is of note that the Council's only concern relates to the size of the appeal building. They do not actually make a compelling case as to why any harm would be caused in terms of design or indeed to the character and appearance of the Open Countryside. In fact, and for the reasons outlined and subject to the imposition of conditions, I do not consider that harm would be caused to the intrinsic character and beauty of the countryside. In this context, the proposal would be of an appropriate scale and design and I therefore conclude that it would not therefore conflict with the design, landscape character, appearance and scale requirements of Policy STRAT 9 of the adopted Cheshire West and Chester Local Plan (Part 1) Strategic Policies 2015; Policy DM21 of the CWCLPP1; Policies LAN1, H1 or H3 of the NP and paragraph 170b of the National Planning Policy Framework."*

3.5.7 Additional benefits associated with the proposal which weigh in its favour are:

- Boosting housing land supply of family-sized and aspirational housing.
- The use of a previously developed site in a highly sustainable location.
- High-quality and 'eco' design concept.
- Biodiversity enhancements.

3.5.8 Taking each point in turn:

3.5.9 Although a proposal for a single dwelling only, a positive contribution towards housing delivery should be recognised in this assessment. A 4-bedroom family-sized and 'aspirational' home of exceptional design quality is proposed. The delivery of much-needed family housing attracts positive weight in the decision-making process given the following points:

- The adopted Core Strategy is predicated upon the objective of boosting family sized and aspirational accommodation in order to attract and retain a working age and skilled population in support of the Council's economic growth plans e.g. Key Objectives A & B and Policy CS7.

- The adopted Site Allocations and Development Management Policies seek to boost the supply of detached and semi-detached accommodation in accordance with the Core Strategy e.g. Policy H18.

3.5.10 That the site is partially located on previously developed land, by virtue of the existence of a storage building of considerable size, also weighs positively in favour of the proposal. The Framework's definition of 'Previously Developed Land' is:

*Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

3.5.11 Such circumstances also weigh in favour of the proposal. The Core Strategy sets out a target that at least 65% of all housing across the Borough will be on previously developed sites. The Framework also promotes effective use of land in meeting the need for homes. At Paragraph 118(b) it states:

*Planning policies and decisions should:*

*Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.*

3.5.12 Paragraph 84 of the Framework encourages the release of sites in the 'rural areas' where such sites are previously developed and well-related to existing settlements. The proposed development is consistent with this objective given its visual and functional relationship with the built-up area of Darwen.

3.5.13 As previously noted, the sites sustainability credentials are especially relevant. The site is located on the edge of the urban area, in a highly sustainable location, evidenced by proximity to the following range of facilities and services:

- 300m to the Spar convenience store at the corner of the A666 and Astley Terrace.
- 400m to bus stop known as 'Darwen Mayfield Flats' on the A666, which provides services every 20-30 minutes to Darwen town

centre and other key destinations such as Blackburn and Bolton (service nos. 1 & 981).

- 600m to Imperial Business Court on Grimshaw Street where there are a range of industrial units and employment opportunities.
- 600m to Ashton Park, which is a 5.45 acre green space for the public with woodland, a lake and children's play area.
- 1km to Ashleigh Primary School.
- 1.2km to Barnabus Children's Nursery.
- 1.4km to Darwen Aldridge Community Academy School.
- 1.5km to Darwen town centre and the range of services available there.
- 1.75km to Darwen train station with services and connections across the region.

3.5.14 Policies CS1 and CS5 of the Core Strategy seek to direct growth towards the principal urban settlements of the Borough of Blackburn and Darwen. The proposed development is consistent with this overarching objective of the development plan through the release of a site within easy and convenient walking distance of a wide range of key services and public transport options, including Darwen town centre. Policy CS22 also seeks to direct development towards Darwen town centre and the A666 through Darwen referred to as an 'Accessibility Corridor'.

3.5.15 The proposed dwelling has been designed as an 'eco house' with measures that will ensure that building regulations standards are far exceeded:

- The building will be highly insulated and sealed using a fabric first approach to energy conservation, and this element alone will likely lead to a 10-15% improvement above building regulations requirements.
- The topography of the site (will large elements of the property being built into the ground) will contribute to the thermal efficiency / mass.
- The dwelling will also incorporate building materials that have been independently assessed for thermal bridging leading to reduced heat loss at construction junctions.
- Overhanging roofs and terraces have been incorporated to create natural solar shading.
- High performance solar controlled glazing will be installed throughout.
- A state-of-the-art mechanical ventilation/heat recovery system will be installed throughout the dwelling to provide general heating and ventilation with a small air source heat pump installed and heating controls. This will likely provide a further 50% improvement on existing building regulations standards.
- The target energy rating at building regulations stage will be of 'A' or above.

3.5.16 Policy 11 of Local Plan Part 2 requires new development to enhance and reinforce the established character of the locality or where the character of a

place has been compromised by previous change, the development must assist in re-establishing a strong character, taking reference from positive character traits in the wider area and applying them in a modern context. The following aspects of character are noted as relevant:

- i) Existing topography, buildings and landscape features and their integration into the development;
- ii) Layout and building orientation to make best use of existing connections, landmarks and views;
- iii) Building shapes, plot and block sizes, styles colours and materials that contribute to the character of streets and use those to compliment local character;
- iv) Height and building line of the established area;

3.5.17 The submitted plans and supporting statements are considered to demonstrate a quality contemporary design which takes advantage of landscape features and which is influenced by materials typical to the historic fabric of Darwen.



Extract from submitted elevational images - received 29<sup>th</sup> January 2021:

3.5.18 The sites topography heavily influences the design of the dwelling. The sloping site dictates its form, with 1 -2 floors evident from the access track off Astley Terrace. The 3 main floors are evident when viewed from the south, at the foot of the valley. Visual massing has been carefully thought out, in response to topographical characteristics. Inclusion of terraces, and large

expanses of glazing, will limit the vertical emphasis of the building viewed from the south at Kebbs Brook. Integrated landscaping will further mitigate impact on landscape character.

3.5.19 Ashdale House, and the property at Kebbs Brook, are the closest associated to the proposed dwelling. The site topography, orientation and degree of separation in relation to these properties ensures that the scale, mass and general design characteristics of the proposal are suitably read as 'stand-alone', influenced by site specific features.

3.5.20 Elevations will feature a mix of stone, timber and glass. Whilst contemporary in appearance, the palette of materials appropriately responds to the semi-rural surrounding. An appropriate grass / sedum flat roof is proposed.

3.5.21 The design is considered to be well thought out and representative of outstanding architecture, in the context of the self-build aspirations of the applicant.

3.5.22 Such quality design also weighs in favour of the proposal, as emphasised in The Framework, at Paragraph 131 which states that great weight should be given to outstanding design, in the decision making process:

*In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.*

3.5.23 The proposed scheme is fully compliant with the provisions of Core Strategy Policies CS16 and CS17, Site Allocations and Development Management Policies Document Policies 9, 11 and 41 and the Residential Design Guide SPD, in terms of residential design and the character and appearance of the area. It also consistent with paragraphs 79(e) and 131 of the Framework.

3.5.24 As noted earlier, the applicant owns land beyond the residential curtilage proposed. A landscape scheme been submitted with the application (see extract below), and this shows the potential for significant new native-species tree planting. As noted through the submitted Ecology Report, there is also scope for biodiversity enhancement measures such as:

- Grassland enhancement.
- Bird and bat boxes.
- Habitat creation of hedgehog, reptiles and insects.
- The removal and management of invasive species such as Rhododendron.

3.5.25 The above can be secured via appropriately worded conditions. The biodiversity enhancements weigh in favour of the grant of planning permission given the provisions of Core Strategy Policy CS19, Policy 7 of the Part 2 Local Plan and the Framework.



Extract from submitted proposed site plan which also shows relationship to nearest dwelling "Ashdale" (26.4m away and Kebbs Brook at 49m away) received 29<sup>th</sup> January 2021:

3.5.26 Notwithstanding conflict with Policy 5, Members are advised that no harm to the Countryside arises from the proposal. Accordingly, the principle of the development is found, on balance, to be acceptable and in accordance with the Development Plan when read as a whole, whilst taking into account other material considerations that are found to weigh in its favour.

#### 3.5.27 Amenity

Policy 8 requires a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

3.5.28 In terms of nearby residential properties, the proposed development would be generously distanced such that there would be no implications for the light, outlook and privacy of existing occupiers. Turning to future occupiers, the proposed dwelling would provide excellent internal and external amenity space.

3.5.29 The Council's standard contaminated land conditions shall be applied, in order to establish ground conditions and to guard future occupants against any potential threat of contamination.

3.5.30 Submission of a Construction and Environmental Management Plan (CEMP) shall be secured via condition, to guard against impacts arising from construction phase of the development, with specific reference to noise, vibration, dust and pollutants. A condition limiting construction hours will further guard against disturbance during construction.

3.5.31 Accordingly, the development is found to appropriately safeguard public amenity, in accordance with the principles of Policy 8 and The Framework.

3.5.32 Environment

Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.

3.5.33 Flood risk / Drainage:

Concerns have been raised by the objectors in relation to the potential of flooding along Astley Street, which has previously occurred. The Council's Drainage consultee (as Local Lead Flood Authority) offer no objection to the proposed development, subject to submission of a foul and surface water drainage strategy, to be secured via condition.

3.5.34 Ecology:

Following review of a submitted Ecological Appraisal of the site and wider area, the Council's ecology consultant offers no objection, acknowledging that all reasonable measures had been taken to identify significant ecological issues and that none had arisen. Issues that are identified can be managed via condition.

3.5.35 With reference to protected species, only Bats are relevant to the proposal. The building and trees on site were surveyed for bat roosting potential. The building was assessed as low risk and all trees as negligible risk. The building was, however, easily accessible and the low risk features were eliminated by more detailed survey. Whilst no further surveys are required prior to determination, a precautionary reassessment of the building is recommended prior to demolition. This will be secured via condition.

3.5.36 Potential bird nesting habitat will be lost with evidence of historic nesting within the building. As all British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. It is accepted that removal of trees of limited value that were not protected by Preservation Order, has previously occurred on site. A bird nest survey of the garage prior to its demolition will, however, be secured via condition.

3.5.37 As invasive species, Himalayan Balsam and Wall Cotoneaster are identified in and around the site. Submission of a suitable management plan will be secured via condition.

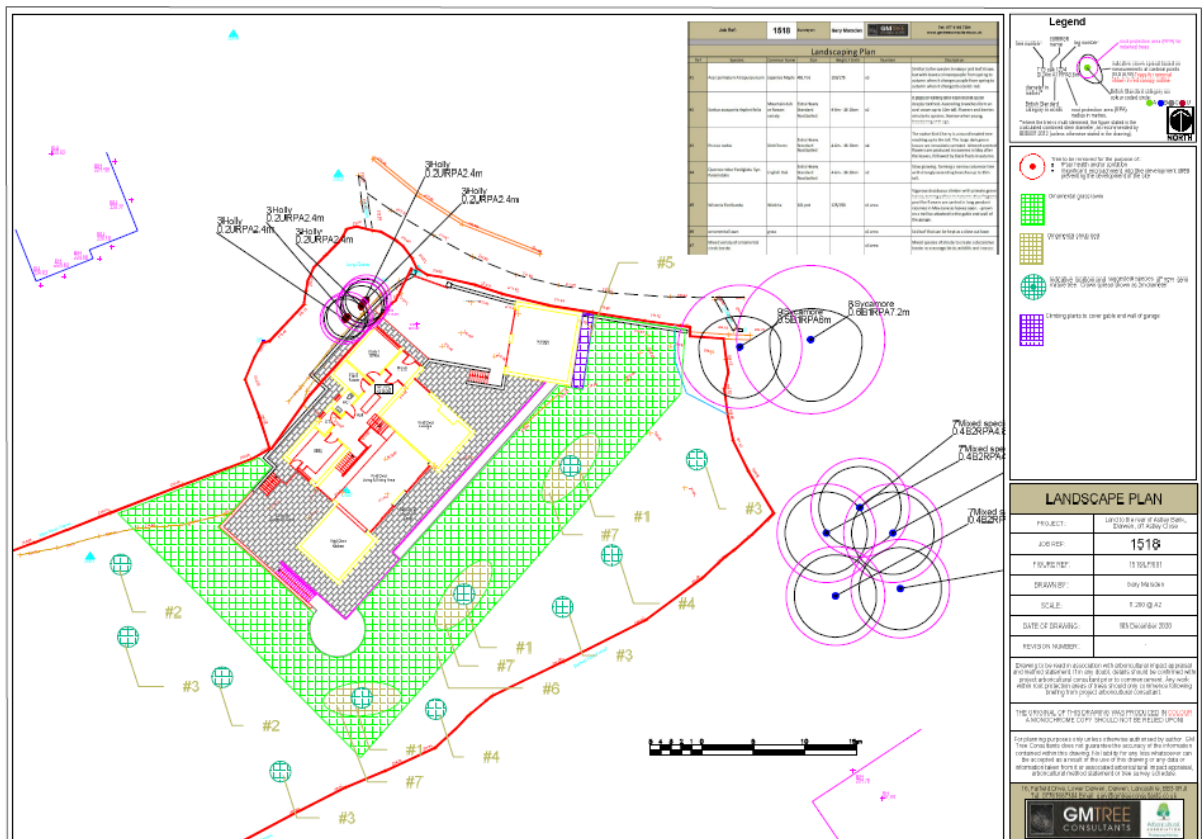
3.5.38 Proximity to Kebbs Brook is recognised. Protection from pollutants during demolition and construction will be included in the aforementioned CEMP.

3.5.39 Reference to disposal of foul and surface water in the context of protecting Kebbs Brook is also referenced. Such protection will be secured via the foul and surface water drainage strategy.



### 3.5.40 Trees:

As noted above, some trees have been removed from site. To re-iterate, none were protected. No objection is offered by the Council's Arboriculture consultee, subject to implementation of a re-planting scheme and a maintenance and management plan for 7 years thereafter, to ensure planting becomes well established. Submitted details indicate 6 replacement trees. Notwithstanding such detail, comprehensive landscape and biodiversity strategies for the site will be secured via condition, as will the landscape management plan.



Extract from submitted proposed Landscaping Plan – received 29<sup>th</sup> January 2021:

3.5.41 Accordingly, subject to adherence to the above measures, the environmental impact of the development is found to be acceptable, in accordance with Policies 9 and 40, and The Framework.

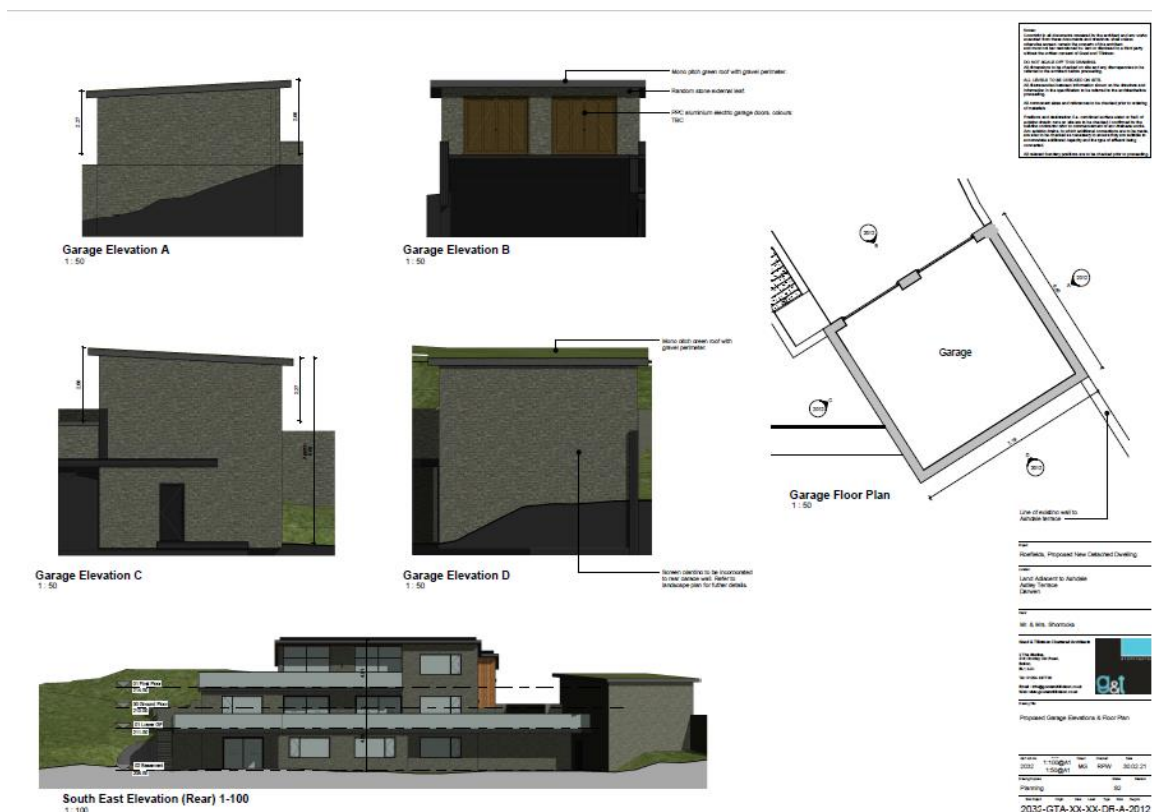
### 3.5.42 Highways / Access and Transport

Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.43 Existing access arrangements via Astley Bank and the A666 that currently serve the existing workshop will be utilised. Two potential access routes exist, one via Astley Terrace and one via Huntington Drive that drops into the site from close to Astley Bank Hotel.

3.5.44 It should be recognised that the access via Astley Terrace, although an established private access already in use serving the storage building, is unregistered land, outside of the applicants control. It is, however, an accepted point of access that is read in conjunction with the site, as defined by gate columns straddling its width. Local residents have raised concern around use of the access and the prospect of it being gated off and incorporated into the private confines of the applicant. This is not, however, the case. It is submitted that the applicant has no intention of gating the access and that a well established walking route to the moors will remain available. It should also be recognised that the access is not a defined Public Right of Way (PROW). The Council's PROW consultee offers no objection but does recognise the presence of a PROW adjacent to the southern boundary of the site, which should remain unobstructed.

3.5.45 The proposed dwelling would benefit from ample off-street car parking provision, in exceedance of the Council's adopted minimum standard.



Extract from submitted Garage Plans – received 4<sup>th</sup> February 2021:

3.5.46 The Council's highways consultee offers no objection to the proposal but does recognise the unadopted state of the private access, the surface of which is uneven and in a state of disrepair. Although the applicant is under no obligation to improve the track, it is acknowledged that demolition and construction works present a challenge. Access during such works is recommended via Astley Bank, along made up roads, notwithstanding their limited width. Safeguarding amenity from residents of Astley Terrace is also

important. Accordingly, the required CEMP should include details pertaining to highway management during construction phase.

3.5.47 Accordingly, highway impacts arising from the development are found to be acceptable, in accordance with Policy 10 and The Framework.

3.5.48 Summary

This report assesses the Full planning application for demolition of existing workshop building and erection of a single dwelling house with associated works to include landscaping. In considering the proposal, a wide range of material considerations have been taken into account.

3.5.49 The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal, balanced against any potential harm that may arise from its implementation. This report finds that the proposal, on balance, meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, adopted Supplementary Planning Documents and the National Planning Policy Framework.

## **4.0 RECOMMENDATION**

### **4.1 Approve subject to:**

The following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the approved drawings (numbers to added).

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. Prior to commencement of the development hereby approved, details of the boundary treatment delineating the residential curtilage of the dwelling house shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of boundary treatment shall be implemented prior to occupation of the development and retained thereafter.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

4. Prior to commencement of the development hereby approved, a schedule of external walling and roofing materials, including images and product details, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved materials.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5. Prior to commencement of the development hereby approved, details of the elevation / appearance and opening radii of the entrance gates into the property shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be installed in accordance with the approved detail.

REASON: In the interests of highway safety and to ensure that the external appearance of the development is acceptable, in accordance with Policies 10 and 11 of the adopted Blackburn with Darwen Local Plan Part 2.

6. Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:
  - i) A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.
  - ii) Findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

7. Prior to the occupation of the development hereby approved, a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment, in accordance

with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

8. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

9. Demolition and construction of the development hereby permitted shall only take place between the following hours:  
Monday to Friday: 08:00 to 18:00;  
Saturday: 09:00 to 13:00; and  
Not at all on Sundays or Bank Holidays.

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2.

10. Notwithstanding the submitted details, prior to commencement of the development hereby approved a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of materials to be used for hard surfaces and native tree and shrub planting, to compliment local priority habitat and to provide for a net gain in biodiversity. Hard surfaces shall be implemented in accordance with the agreed details. Planting of trees and shrubs shall also be implemented in accordance with the approved details, during the first available planting season following completion of the development. Trees dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: To ensure an appropriate appearance to the site and in the interests of amenity and ecology, in accordance with Policy 9 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

11. Prior to occupation of the development hereby approved, a Landscape Management and Maintenance Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall cover the soft landscaped area and it shall detail a programme of works including scheduled frequencies of weeding and watering for a 7 year period following introduction of planting. The scheme shall also confirm replacement planting of dead diseased or damaged trees and shrubs within a five year period from the

implementation of the approved landscape scheme referenced in condition no. 10. The strategy shall be implemented in accordance with the approved detail.

REASON: To ensure that there is a well maintained scheme of healthy trees and shrubs in the interests of amenity in accordance with Policies 9, 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

12. Prior to commencement of the development hereby approved, a scheme to promote biodiversity and safeguard ecological assets shall be submitted to and approved in writing. The scheme shall provide for:

- Grassland enhancement;
- Bird and bat boxes; and
- Habitat creation of hedgehog, reptiles and insects.

The scheme shall be implemented in strict accordance with the approved details, prior to occupation of the development.

REASON: In order to protect and promote ecology and biodiversity, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

13. Prior to the commencement of any works on site, an Invasive Plant Species Eradication and / or Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in strict accordance with the approved detail.

REASON: In order to protect and promote ecology and biodiversity, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

14. If development does not commence by September 2022, an updated Ecological Appraisal shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures identified shall be carried out in strict accordance with the approved detail.

REASON: To ensure the protection of Bats, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

15. No on site works shall commence until tree protection measures specified in the submitted Arboricultural Impact Assessment and Method Statement, produced by GM Tree Consultants, dated 5/10/202, have been implemented in full. Such measures shall remain in place for the duration of demolition and construction works.

REASON: Trees represent a public benefit by way of visual amenity and should, therefore, be retained and protected at all times whenever possible, in accordance with Policies 9 and 40 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

16. No works to trees shall occur or demolition commence between the 1st March and 31st August in any year unless and until a detailed bird nest survey, undertaken by a suitably experienced ecologist, has been submitted to the Local Planning Authority in writing, confirming that no active bird nests are present.

REASON: To ensure the protection of nesting birds, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

17. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to an approved in writing by the Local Planning Authority. The scheme shall provide for:

- i) Separate systems for the disposal of foul and surface water;
- ii) a detailed drainage strategy to demonstrate that the post-development discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development rate of 5 litres per second;
- iii) the drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+40% climate change allowance) rainfall event and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
- iv) details of any necessary flow attenuation measures, including the use of SuDS where appropriate; and
- v) a timetable for implementation, including details of any phased delivery.

The development shall be implemented in strict accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 8 and 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

18. Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

19. Prior to commencement of the development hereby approved, a Demolition and Construction and Environmental Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be strictly adhered to throughout the demolition and construction period. The Statement shall provide for:

- i) the management of construction traffic, with reference to the intended route to be taken by delivery vehicles in order to safeguard local residents and avoid further erosion of the access track;

- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials ;
- iv )storage of plant and materials used in constructing the development
- v) wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
- vi) measures to control the emission of dust, dirt and vibration;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- viii) details of how Kebbs Brook will be protected from pollutants arising from accidental spillages, dust and debris.

REASON: In order to guard against disruption to highway users; to avoid hazardous deposits of debris onto the highway; to protect the amenity of the occupiers of the adjacent properties; and to protect Kebbs Brook from pollution, in accordance with Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

## **5.0 PLANNING HISTORY**

- 5.0 Planning permission was granted in the 1970s and 1980s for the erection of the existing building in-situ on the application site as a stables building (LPA ref:10.85/1929, 10.79/2279 & 10.82/2061).

## **6.0 CONSULTATIONS**

### **6.1 Public Protection**

No objection subject to conditions:

With reference to the above application I recommend that the following conditions and informative are included if planning permission is granted:

#### **Construction/Demolition Phase – Recommended Conditions**

1. No bonfires
2. Construction and demolition activity shall not take place outside of the following times:
  - Monday to Saturday: 08:00 to 18:00
  - No construction or demolition activity on Sundays or Bank Holidays



Reason: To ensure that noise from the permitted development does not give rise to a loss of residential amenity.

### **Contaminated Land – Recommended Conditions**

The Council's MapInfo system indicates the presence of unknown filled ground on the site. I therefore recommend the following conditions.

1. Prior to the commencement of development the following shall be submitted to, and approved in writing, by the Local Planning authority:
  - i. A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.
  - ii. The findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written express agreement of the LPA.

**REASON:** To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use'.

2. Prior to the commencement of the permitted use, the developer must submit to the LPA for written approval, a comprehensive validation report, which demonstrates effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the LPA should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

**REASON:** To ensure that the site has been made 'suitable for use', and as such, does not pose a risk to future users of the site or the wider environment.

3. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

**REASON:** To protect the health of future occupiers of the site in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan.

## 6.2 Drainage (BwD – Lead Local Flood Authority)

**No objection, subject to conditions:**

No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to an approved in writing by the Local Planning Authority. The scheme shall provide for:

- i) Separate systems for the disposal of foul and surface water;
- ii) a detailed drainage strategy to demonstrate that the post-development discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development rate of 5 litres per second;
- iii) the drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+40% climate change allowance) rainfall event and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
- iv) details of any necessary flow attenuation measures, including the use of SuDS where appropriate;
- v) confirmation that drainage of foul and surface water is directed away from the railway; and
- v) a timetable for implementation, including details of any phased delivery.

The development shall be implemented in strict accordance with the approved details.

**REASON:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 8 and 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

## 6.3 GMEU Ecology

**No objection, subject to conditions:**

### Summary

The developer's ecological consultant identified no significant ecological issues. Issues relating to bats, nesting birds, invasive species, proximity to a watercourse and ecological mitigation and enhancement measures can be resolved via condition and or informative.

### Bats

The building and trees on site were surveyed for bat roosting potential, the building was assessed as low risk and all trees as negligible risk. The building was however easily accessible and the low risk features were eliminated by more detailed survey. No further surveys are required prior to determination but a precautionary

reassessment recommended prior to demolition. I therefore recommend a condition along the following lines is applied to any permission.

***Immediately prior to demolition a reassessment of the garage for bats will be carried out and the findings supplied to and agreed in writing by the LPA***

#### Other Protected Species

All other protected species were reasonably discounted. No further information or measures are required.

#### Nesting Birds

Potential bird nesting habitat will be lost with evidence of historic nesting within the garage. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

***No works to trees or shrubs shall occur or demolition commence between the 1<sup>st</sup> March and 31<sup>st</sup> August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.***

#### Mammals

The site is sub-optimal for most mammals, providing limited cover except for very small species. I recommend an informative along the following lines is applied to any permission.

***The applicant is reminded that, under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals. Planning consent does not provide a defence against prosecution under this act.***

#### Invasive Species

A number of invasive species, listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) were recorded around the site, but only one within the footprint of the development, wall cotoneaster and another just off-site, himalayan balsam. I therefore recommend an condition along the following lines is applied to any permission.

***Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for himalayan balsam and wall cotoneaster should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.***

#### Proximity to Kebbs Brook

The development is located far enough from the Brook that direct impacts should be avoidable. Indirect impacts are also relatively unlikely unless new surface water

drainage is proposed or there are extreme wet weather condition during construction. As a precaution I recommend conditions along the following lines.

*No development, site clearance, earth moving shall take place or material or machinery brought on site until a method statement to protect the Kebbs Brook from accidental spillages, dust and debris has been supplied to and agreed by the LPA. All measure will be implemented and maintained for the duration of the construction period in accordance with the approved details.*

And

*No development shall take place until it can be demonstrated that there will be no negative impacts on the ecological status/potential of the Kebbs Brook resulting from the disposal of foul water and surface water post-development submitted to and approved in writing by the Local Planning Authority. The details, as approved, shall be implemented in full in accordance with a timetable which has first been agreed in writing by the Local Planning Authority.*

#### Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of a small area of low ecological value grassland and potentially some trees. Adequate replacement tree planting is proposed for any losses, though there is still a minor loss in terms of grassland habitat. However given the enhancement measures for trees I am happy for the landscape proposals to be conditioned. I recommend however that two bird boxes and a bat box are provided as mitigation for the loss of nesting habitat and bat roosting potential. ***The details can be conditioned.***

#### 6.4 Arboriculture Officer

No objection, subject to conditions:

The applicant has submitted a landscaping scheme that shows the planting of at least 6 trees that could be classed as mitigation. There is some further detail required, such as maintenance and management (weeding, watering, planting with stakes, replacement of dead dying plants for 7 years etc) that could be conditioned. We would need this additional information to ensure the proposed planting becomes established. Therefore, I have no objections to the proposals.

#### 6.5 Public Rights of Way Officer

No objection:

Please add Highways 11 to this application as footpath 80 Darwen runs adjacent to the working area on the southern boundary of the site.

#### 6.6 Highways Authority

No objection, subject to submission of a Construction and Environmental Management Plan to provide for demolition / construction arrangements, highway cleansing and amenity safeguards.

**6.7 Growth / Strategic Housing**

No objection:

Housing Growth have no objection to the attached application as long as it complies with planning and building regulation policies

**6.8 Environmental Services**

No objection.

**6.9 Drainage**

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Details of both our S106 sewer connections and S104 sewer adoptions processes (including application forms) can be found on our website <http://www.unitedutilities.com/buildersdevelopers.aspx>

Please note we are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for you to discuss with the Lead Local Flood

Authority and / or the Environment Agency if the watercourse is classified as main river.

- 6.10 Public consultation has taken place, with 21 letters posted to the local community on 2<sup>nd</sup> February 2021, display of site notices and a press notice published 17<sup>th</sup> February 2021. In response, 4 objections to the application were received, which are contained in the Summary of Representations section. The objections relate to the use of Astley Street as the access to the development; and flooding issues down Astley Street.

**7.0 CONTACT OFFICER: Nick Blackledge – [Senior Planner].**

**8.0 DATE PREPARED: 1<sup>st</sup> April 2021.**

## **9.0 SUMMARY OF REPRESENTATIONS**

### **Objection – Ian Entwistle, 7 Astley Terrace, Darwen. Rec – 23/02/2021**

Ref no 10/22/0086.Hi I Ian Entwistle of no 7 Astley Terrace Darwen bb32px am strongly objecting to using Astley St/Astley Terrace as an access road for the one house being built at Astley bank. There is a perfect route off the A666 that all residents from Astley bank use with no issues. we had to move out in 2010 for 6 months because of a flood with water running down the lane that is apparently

being changed and which now has a lot of rubble down covering the top drain .we have no issue with the house being built just can't understand why Astley Terrace is even mentioned on a access route for one new house .

On the documents to view online it says about access from A666 then on another it says Astley Terrace!! . Also Astley Terrace is a narrow road with parking making it very tight to get through and also turning around is even worse.we have had 2 cars bumped from cars turning around without us knowing until the day after.

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**Objection - Mr & Mrs Knowles, 1 Astley Terrace, Darwen. Rec – 23/02/2021**

Mr &Mrs Knowles, 1 Astley Terrace, Darwen BB3 2PX

We fear the amount of traffic using access to the new build will be too heavy for Astley Terrace. Our road is already "shot at". Can you believe Mr Shorrocks will tarmac his road for walkers &,horse riders benefits.

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**Objection – Ian Chivas, 3 Astley Terrace, Darwen. Rec – 23/02/2021**

**Objections to Planning Application for Land Adjacent to Ashdale, Astley Bank, Darwen, BB3 2QB**

**Reference 10/21/0086**

I do not have a problem with someone buying the parcel of land next to Ashdale & building a property on it, but I do object to the applicants' desire to use the unsurfaced lane running from the top of Astley Street (adjacent to Astley Terrace) as access. The proposed new property is in Astley Bank & access to all the properties there currently run from the road up to the Astley Bank Hotel that leads off from the A666. I do not see why this property should be any different.

There appears to some contradiction in the documents submitted with the application as to what access arrangements are envisaged. The Design & Access statement (under section ACCESS/ PARKING PROVISION & HIGHWAYS) states:

“The main access to the site is via the road of Astley Terrace, which runs directly off the main Bolton Road (A666). Alternative access to the site is available via the road that serves the nearby Astley Bank Hotel, although this will not be considered as the main access to the site. As noted earlier, it is proposed that the existing unmade ‘track road’ part of Astley Terrace will be upgraded by the applicant, as part of the works. Whilst the main route to the property is not considered as an adopted highway, it does serve a number of other dwellings, and on this basis, the access is to be considered appropriate.”

So here, access is proposed from the track or lane adjacent to Astley Terrace, where I reside. As far as I can establish, the lane is not part of the parcel of land that has been purchased. It does not appear to be owned by anyone & therefore could be said to belong to the people. The local residents in the streets below the lane use it for access to the moors, walking their dogs, etc. Despite this, the top part of the lane was recently covered with a substantial amount

of builders' aggregate even before planning permission had been sought, presumably with a view to tarmacking it. This work has blocked off the top drain & disrupted the channels feeding water into the second. The drainage features have been there probably since Victorian times & this work appears to have been done without any consideration for the those who live down below. There have been issues with flooding in the past. One of the residents of Astley Terrace had to move out of their property for a number of months around 11 years ago as a result; and I personally have seen rubble carried all the way down to the petrol station on the A666 in the past. I have also been up the lane numerous times to clear blocked drains.

If this lane is used for access it either has to be gated off, or not. There is nothing I can find in the documents attached to the application that addresses this issue of gating. In my view neither alternative is satisfactory. If it is gated this would disrupt the ability of nearby residents to continue to use the lane for access to the moors, whether on foot or on horseback. It would also restrict the ability of residents of Astley Bank to use the lane in emergencies, for example if the normal access road to Astley Bank were blocked by a fallen tree. There would also be the issue of guests at Astley Bank Hotel being sent up the lane by their car satnavs & being forced by a gate to turn back in a very narrow area at the top of Astley Street.

Alternatively, if the lane were resurfaced and not gated, it would inevitably lead to the lane being used as alternative access to Astley Bank. There are approximately 10 properties up there, in addition to a popular hotel. This would dramatically alter the flow of traffic up Astley Street, having a significant negative impact on the properties there and in Astley Terrace, all for the sake of one new property. Again, it can only be emphasised that the top of Astley Street is very narrow, particularly because the properties do not have garages & on-street parking is the norm. It is simply not appropriate as an access road in the age of modern motor vehicles, which could be not just cars but potentially trucks & lorries.

Access via the road up to the Astley Bank Hotel is what appears to have been envisaged in the Planning Statement submitted as part of the application which states that:

“The proposed dwelling would benefit from adequate off-street car parking provision and it would utilise the existing access arrangements via Astley Bank and the A666 that currently serve the existing workshop.” (section 5.1.6). Also section 3.6 states: “Vehicular access would be via the existing access arrangements into the site via Astley Bank and the A666.”

These statements appear to contradict those in the Design & Access statement, cited above, whereby proposed main access to the new property has shifted to the lane running up from Astley Terrace. As previously stated I have no issue with access via the Astley Bank Hotel road as outlined in the Planning Statement; my objection is grounded in the the access proposed in the Design & Access Statement, i.e. via the currently unsurfaced lane/track at the top of Astley Street adjacent to Astley Terrace.

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**Objection Alex Brocklehurst, 6 Astley Terrace, Darwen. Rec – 23/02/2021**

Hello Gavin,

My name is Alex Brocklehurst. I am owner/occupier at 6 Astley Terrace BB3 2PX.



I have lived here since July 2017 and consequently was told by neighbours that flooding had led to vacating of some properties down slope from the proposed works, including mine. This was around 2010 I believe. Remedial works with a culvert of sorts (I am told) deflected the run off water after this incident. No problems of that magnitude thereafter. Here are my thoughts:

1/ The now private road that used to be the main route to Astley Bank requires a four-wheel drive to comfortably navigate. The gentleman who I presume seeks the planning permission asked me to move my car mid-November (which I parked outside my house due to lack of parking in the vicinity and which blocks the road as a right of way). Neighbours discovered that this unadopted road appears to be owned by nobody. The gentleman said to me that he had bought this road and was going to make this passable for vehicles. Not only would that convert it to a private driveway if he owned it, but the resurfacing in view would clearly reproduce aggravation of the earlier flood factors. Even if not made a private driveway, people driving through would be a nuisance and present road safety issues, as well as compromise the character of the area.

In theory also, if that land is purchased privately, a gate could be erected that would prevent access to my property. Consequently, all factors relating to this access road, are not acceptable on any metric and should be resisted vigorously as not in the interests of the area and other residents. There is adequate access from the established routes.

2/ Even landscaping at the top of the brow could significantly compromise water run off unless there is fully adequate drainage to prevent flood for lower down residents such as myself. Measures would need to be implemented thoroughly.

3/ Before the application was made on 1st February this year, considerable work was already undertaken with hardcore in place and a workman was seen working there on a few occasions by concerned neighbours. This was as early as November 2020. Whether or not a fully risk-assessed application were found to be tenable and desirable by the council, those seeking permission appeared to have a somewhat entitled view in simply commencing works and making claims until local residents began asking questions.

The gentleman offered to build me a car port after the resurfacing as some sort of unofficial sweetener. But he already claimed he had bought the land and everything would be costing him £50,000. He suggested this was already a done deal around late November. It is clear that an official application was always going to be vital.

Overall, if the thorough assessments and preventive measures re flood and the absolute prohibition of the purchase of this unadopted road by a private buyer, were in place, then it seems to me that having inspected the site, a house being there would not in principle either definitely enhance the area, nor definitely detract from it. It could go either way. That could be considered acceptable risk.

Flood and access issues are nevertheless paramount and until those are addressed, based on personal experiences thus far, I would strongly object to this application being passed. Insurance against future losses to others as a result of this proposed development could prove considerable.

Many thanks for inviting consultations. I look forward to the application technicalities being satisfactorily resolved.

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## **REPORT OF THE DIRECTOR**

**Plan No: 10/21/0090**

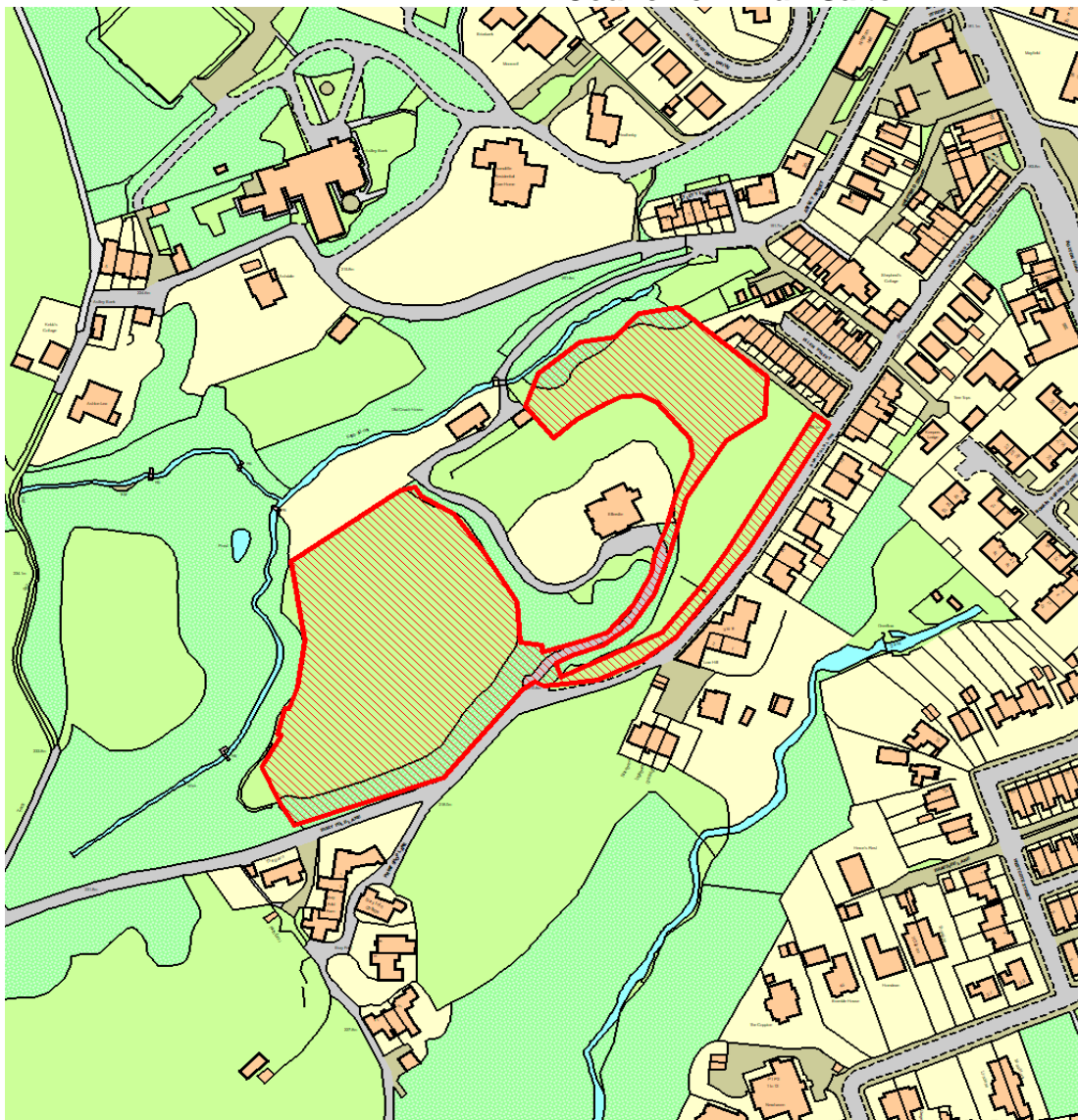
**Proposed development: Variation of Condition No.5 pursuant to Reserved Matters application 10/19/0642 for the appearance, landscaping, layout and scale for 18 dwellings; pursuant to Outline Approval 10/15/1081 - to amend the design of the proposed houses and include a private access to plot 5.**

**Site address:  
Ellerslie  
Bury Fold Lane  
Darwen  
BB3 2QG**

**Applicant: Ms Patricia da Silva**

**Ward: Darwen South**

**Councillor Kevin Connor  
Councillor Neil Slater  
Councillor Lilian Salton**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – Subject to conditions; as set out in paragraph 4.1.**

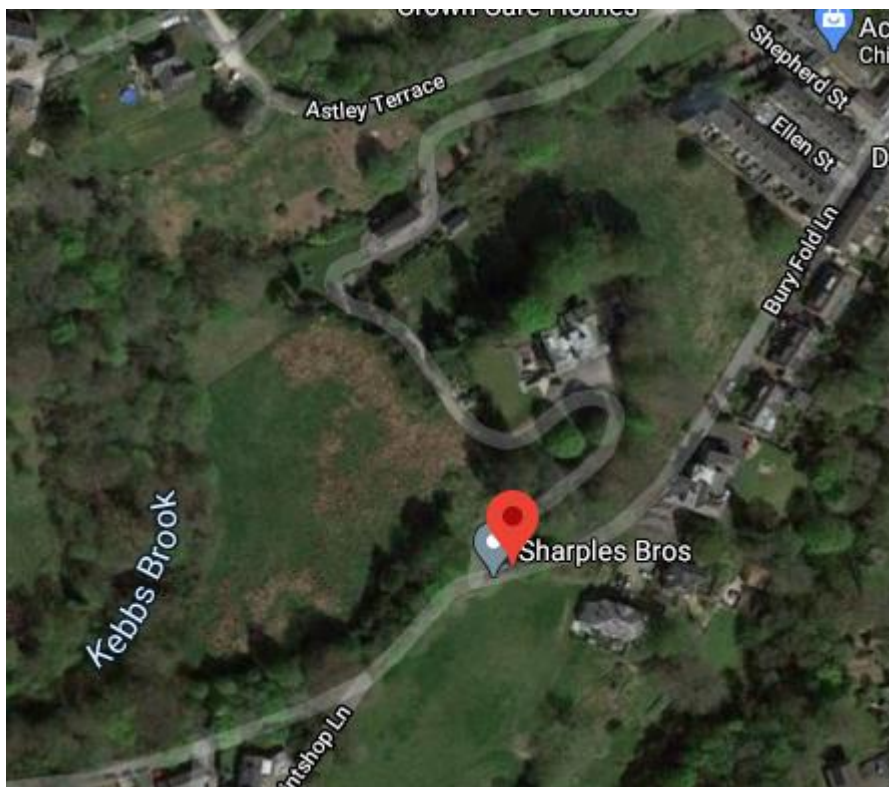
## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

- 2.1 This planning application is submitted under the provision of section 73 of the Town and Country Planning Act 1990, pursuant to approval of Reserved Matters for the appearance, landscaping, layout and scale for 18 dwellings on land allocated for housing under Policy 28/12 of the Local Plan Part 2. This application represents a Minor Material Amendment seeking to vary previously approved drawings (set out in condition no. 5), to amend the layout and design of the houses, and to include a private access to plot 5. The application is reported to the Committee following receipt of a significant number of objections.
- 2.2 Members are advised that the principle of 18 dwellings and associated principle access arrangements into the site from Bury Fold Lane are established under the previous permissions (see Section 5). Assessment of this application is strictly limited to consideration of appearance, landscaping, layout and scale, as well as a private, secondary access arrangement for Plot 5.
- 2.4 The assessment finds the proposed amended positions of the houses, within previously established plots, their appearance and scale as well as the access arrangements to Plot 5, to be acceptable. Moreover, from a technical point of view, all issues have been addressed through the application or are capable of being controlled or mitigated through planning conditions.
- 2.5 The proposal amounts to enabling development. The applicant submits that Plot 5 is subject to a private sell off. Sale of the plot is subject to a significant non-refundable deposit paid to the applicant / developer on exchange of contracts, subject to planning permission. Support of this application would fund commencement of works to widen a section of Bury Fold Lane prior to the undertaking of any house building, as required by condition no. 5 attached to the Outline permission.
- 2.6 Members are further advised that support for this amendment does not influence conditions attached to the Outline permission which require compliance prior to commencement of development. Support for the proposal, as Minor Material Amendment, will have the effect of creating a new planning permission alongside the original Reserved Matters permission. It would, therefore, still be open to the developer to implement either permission.

### 3.0 RATIONALE

#### 3.1 Site and Surroundings

- 3.1.1 The application site relates to Ellerslie House, surrounding grounds, and access thereto, from the junction of Bury Fold Lane with the A666, Bolton Road. Ellerslie House is a large, impressive detached mid-19<sup>th</sup> Century dwelling located to the north west of Bury Fold Lane. The application site lies within the south eastern edge of Darwen's urban boundary. The site is bound by housing to the east and open countryside to the north, south and west. A Listed Building is located to the south at Low Hill, being sited at the edge of the footpath to Bury Fold Lane. Large mature trees, some of which are protected by Tree Preservation Order, envelop the site and there is a watercourse known as Kebbs Brook to the north. The site is accessed from the A666 Bolton Road via Bury Fold Lane.



Extract from Google earth image.

- 3.1.2 Topography rises steeply from the rear of terrace properties on Ellen Street toward Ellerslie, where the land continues to rise more gradually toward the west. There is also a drop in land level from south to north toward Kebbs Brook.

#### 3.2 Proposed Development

- 3.2.1 Variation of Condition No.5 - pursuant to Reserved Matters application 10/19/0642 for the appearance, landscaping, layout and scale for 18 dwellings; pursuant to Outline Approval 10/15/1081 - to amend the design of



the proposed houses and include a private access to plot 5, as set out in the submitted drawings.



Extract from submitted proposed amended site plan received 29<sup>th</sup> March 2021.



### **3.3 Development Plan**

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal the following are considered to be the most relevant policies:

#### **3.3.3 Core Strategy**

- CS1 – A Targeted Growth Strategy
- CS5 – Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS8 – Affordable Housing Requirement
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS18 – The Borough's Landscapes
- CS19 – Green Infrastructure

#### **3.3.4 Local Plan Part 2 (LPP2)**

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable 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 18 – Housing Mix
- Policy 28 – Development Opportunities
- Policy 38 – Green Infrastructure on the Adopted Policies Map
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

### **3.4 Other Material Planning Considerations**

3.4.1 Residential Design Guide Supplementary Planning Document

3.4.2 Green Infrastructure Supplementary Planning Document

3.4.3 National Planning Policy Framework (The Framework)

Overall, The Framework aims to raise economic performance by ensuring the quantity, quality and mix of housing reflect that required, with an expectation

to maintain a 5-year housing land supply. Quality design should be secured and environmental impacts minimised. Effective use of under-used or vacant land is also emphasised. Areas of The Framework especially relevant to the proposal are as follows:

- Delivering a sufficient supply of homes
- Building a strong, competitive economy
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment.

### 3.5 Assessment

3.5.1 Assessment of the original Reserved Matters application was limited the following matters:

- **Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.
- **Landscaping:** The improvement or protection of the amenities of the site and the surrounding area; this could include planting trees or hedges as a screen.
- **Layout:** Includes buildings, routes and open spaces within the development and the way they are laid out in relation to buildings, routes and open space outside the development.
- **Scale:** Includes information on the size of the development, including the height, width and length of each proposed building.

3.5.2 This Minor Material Amendment application is limited to these matters, in the context of assessing the amended house types, their positions within their approved plots and the private, secondary access to Plot 5.

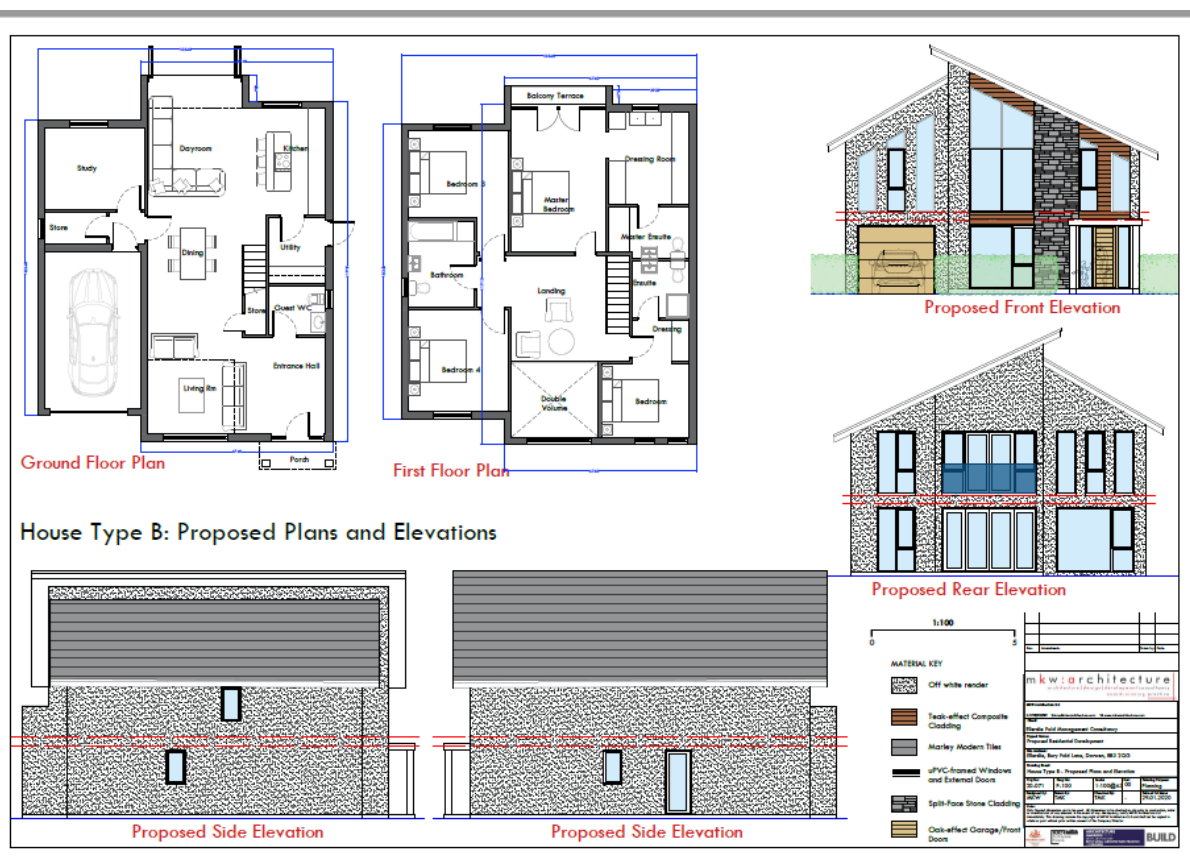
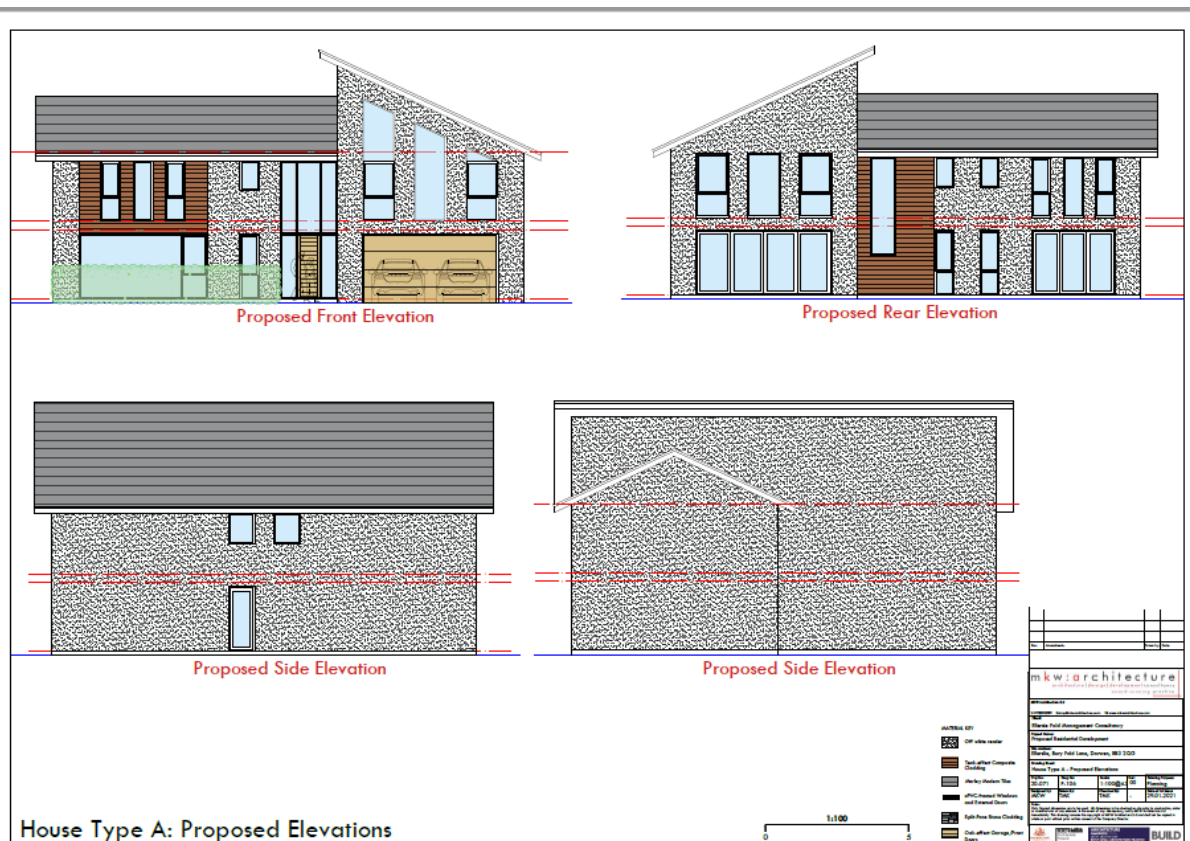
3.5.2 The site policy (LPP2 – Policy 28, site 28/12) has no specific requirements for any of the reserved matters, beyond a direction of the potential use of the site for ‘small scale residential’. Policy 11 (Design) of LPP2 is the primary policy that guides the assessment.

#### Appearance

3.5.3 With the exception of the house type proposed at Plot 5, the amended house types generally remain of similar contemporary appearance and of a broadly consistent scale, with regard to their two storey nature, roof profiling, fenestration and floor area, to those previously approved. The amendment does, however remove the split-level element, meaning that the houses will sit on a plateaued surface cut into the sloping land form.

3.5.4 The pallet of external materials proposed consists of off-white render, Teak-effect and split-faced stone cladding to the walls and tiled roofs. The main amendment being the omission of black facing brick and introduction of the split-faced stone cladding.









- 3.5.5 The appearance of the house types remain acceptable, as an appropriate contrast to the traditional grandeur and elegance of Ellerslie House, serving to emphasise the building as a stand-alone property central to a wider modern intervention.
- 3.5.6 Turning to Plot 5; the amended house type will be a bespoke design, larger than those previously approved. Although it represent something of a departure from the contemporary design of the other house types, featuring more traditional gable roof profiling, fenestration and external walling and roofing pallet of materials will appear broadly consistent with the remainder of the development.
- 3.5.7 It should be recognised that Plot 5 sits as an end plot of a row, positioned at the south western extremity of the site. Consequently, the amendment will be read less in conjunction with the other house types. This would not be the case if the plot sat within the row. In this context, its appearance is considered to be acceptable.
- 3.5.8 Appearance of the secondary access from the perspective of Bury Fold Lane is acceptable. The work effectively involves repositioning an existing access a short distance to the east, utilising the stone gate columns to frame the access. The existing break in the wall will be blocked up in matching reclaimed stone.
- 3.5.9 Weight is also attached to the applicants assertion that purchase of Plot 5 will be in advance of development, if this application is supported. As noted

earlier, this secures initial funding to allow commencement of works to widen Bury Fold Lane.

3.5.10 As specified on the site layout, permeable paving is proposed for the driveways, precise details of which will be secured by condition.

3.5.11 Landscaping

Notwithstanding the current application, submission of a landscaping scheme is required by condition attached to the Outline permission. This will inform a further detailed assessment of landscape provision.

No change is proposed to that previously approved. Retention of key boundary tree groupings and vegetation, in response to the developed area, as set out in a previously submitted Arboricultural Constraints Appraisal and supporting drawings is still assured.

As aforementioned the amended layout includes reference to proposed hard landscaping to driveways, in the form of permeable paving.

Submission of a Woodland Management Plan will be secured by condition, to ensure protection and effective management of existing woodland.

3.5.12 Layout

The layout remains as previously approved, in respect of highway arrangement, plot positions and their sizes. The position of the dwellings within the plots are, however, modified to a very minor extent. No harm to residential amenity or the surrounding woodland arises from this amendment. Separation between proposed dwellings and between proposed and existing dwellings remains in accordance with the Council's adopted separation standards, as set out in the Residential Design guide SPD, as follows:

- 21m between facing habitable room windows;
- 13.5m between habitable room windows and non-habitable room windows / blank elevations; and
- An additional 3m for every additional floor above two storey or where the land level increase is the equivalent.

3.5.13 The interface between habitable windows to the rear of Plot no. 18 and the rear of 19 Ellen Street is reduced by a metres to circa 24.5m. Taking into account the elevated position of the applicant site relative to no. 19, the minimum standard to be achieved is 24.5m. Separation in this regard is, therefore, acceptable.

3.5.14 Surrounding woodland is unaffected by the amendment, with the exception of the proposed secondary access for Plot 5, onto Bury Fold Lane, which may have a relatively minor impact. An Arboricultural Impact Assessment will inform the position, submission of which is currently outstanding, Review of Assessment will be reported in the Update Report.

3.5.15 The layout remains otherwise unchanged, including off-street parking, broadly in accordance with the Council's adopted standards, for all dwellings, in the form of driveways and garages.

3.5.16 The secondary access to Plot 5 is splayed and demonstrates adequate sightlines. No objection to its inclusion is offered by the Council's highway consultee.

3.5.17 The applicant has reiterated that the development will be gated and that maintenance of the highway and communal areas will be the responsibility of a private management company, upon completion. Highway will not, therefore, be adopted by the Council. Submission of a Management / Maintenance Plan and full details of the proposed gates will be secured by condition.

3.5.18 Scale

The overall scale of the development is fundamentally as previously approved. House types remain 2 storey's high, ranging between circa 8 and 9.5m, with a broadly corresponding floor area.

3.5.19 Bespoke house type F, at Plot 5, is considered a 2.5 storey building, slightly higher than the others, at circa 9.9m and occupying a slightly greater floor area. Whilst this increase in scale is acknowledged as resulting in a slightly more visually prominent dwelling, retention of perimeter woodland softens its impact significantly. No harm arises from this amendment.

3.5.20 Accordingly, when assessed against the character criteria of Policy 11, the amended proposal remains compliant, by virtue of it demonstrably:

- Establishing a strong character, by taking applying positive local character traits in a modern context, through plot sizes, build style (including colour and materials), resulting in a complimentary development which accentuates the proposed house types and contrasts them with Ellerslie House;
- appropriately responding to the sites topography and general landscape features;
- making best use of existing connections, landmarks / views and the relationship of buildings to the street, and;
- presenting a scale of development proportionate to the surroundings.

3.5.21 Section 106 obligations

Members are advised that this amendment does not affect the section 106 Agreement attached to the outline permission. For the avoidance of doubt, the requiring following financial contribution is required towards:

- a. Affordable Housing - Formula "A x (0.425 x Average House Price) x 0.20". Average house price is set at £150,000.
- b. Public Open Space –. The formal provision is to be provided via a lump sum of £25,308 (£1406 per dwelling) which would be used to enhance existing open space/ play areas at Watery Lane and Ashton Park, as well as land drainage improvements to Blacksnape football pitches; in accordance with the Council's Playing Pitch Strategy.



### 3.5.22 Summary

This report assesses the Minor Material Amendment pursuant to the Reserved Matters permission for land at Ellerslie House, Bury Fold Lane, Darwen. Assessment of the relevant material considerations finds the proposal to be in accordance with Development Plan and The Framework.

## 4.0 **RECOMMENDATION**

### 4.1 **Approve, subject to the following conditions (including those attached to the Reserved Matters permission):**

1. Prior to first occupation of the development hereby approved, a Management and Maintenance Plan for the approved internal highway and communal open space shall be submitted to and approved in writing by the Local Planning Authority. The development shall be maintained and managed in accordance with the approved details.

REASON: To ensure an appropriately maintained communal open area in the interests of visual amenity and biodiversity, in accordance with Policies 11, 9 & 40 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

2. Notwithstanding the submitted details, prior to commencement of the development hereby approved, samples of all external walling and roofing materials, including their colour, to be used in construction of the building work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

3. Prior to first occupation of the development hereby approved, details of the gated access into the site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the precise location of the gates, their elevational appearance and opening radii. The gates shall be installed in accordance with the approved detail upon completion of the approved development.

REASON: In the interests of highway safety and to ensure that the external appearance of the development is acceptable, in accordance with Policies 10 and 11 of the adopted Blackburn with Darwen Local Plan Part 2.

4. No development shall take place until a long-term Woodland Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the lifetime of the development.

REASON: In order to safeguard retained woodland, in the interests of visual amenity and biodiversity, in accordance with Policy 9 and 40 of the adopted Local Plan Part 2.

5. Prior to occupation of the development hereby approved, details of the elevation / appearance and opening radii of the gates at the secondary access to Plot 5 shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be installed in accordance with the approved detail upon completion of the approved development.

REASON: In the interests of highway safety and to ensure that the external appearance of the development is acceptable, in accordance with Policies 10 and 11 of the adopted Blackburn with Darwen Local Plan Part 2.

6. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 27th June 2019; as detailed on drawings numbered: 16097 - LP, 16097 - 110 - Rev E, 16097 - CFP, 16097 - 113 - Rev C, House Type A - 16097 - 201, House Type B - 16097 - 202, House Type C - 16097 - 203 and House Type E - 16097 - 204; and the amended proposal received 4<sup>th</sup> February 2021, as detailed on drawings numbered: 20-071 P-001 Rev 03, 20-071 P-002 Rev 02, House Type A 20-071 P-106, House Type B 20-071 P-105, House Type C 20-071 P-101, House Type E 20-071 P-103 and House Type F 20-071 P-102 Rev 01, 20-071 P-104 and 20-071 P-108

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

## **5.0 PLANNING HISTORY**

- 5.1 10/15/1081: Outline planning permission, granted by Planning & Highways Committee on 1<sup>st</sup> August 2016, for the erection of 22 three and four bedroom dwellings and access.
- 5.2 10/19/0642: Approval of Reserved Matters, granted by Planning & Highways Committee on 17<sup>th</sup> January 2020, for the appearance, landscaping, layout and scale for 18 dwellings; pursuant to Outline Approval 10/15/1081.

## **6.0 CONSULTATIONS**

- 6.1 Highways Authority  
No objection.

6.2 Arboriculture Officer  
Response to be reported in update report.

6.10 Neighbours  
Neighbour notification letters were sent to 119 properties within the locality on the 3<sup>rd</sup> February 2020. In addition site notices were displayed and a press notice was published on 17<sup>th</sup> February 2020. As a result of this consultation process, 6 letters of objection have been received. The objections expressed concern as to the principle of houses and access arrangements along Bury Fold Lane, from the A666 and the impact of increased vehicular traffic. Such matters have, however, been previously accepted and fall outside the scope of this assessment. It is, however, worth re-iterating that detailed specification of the proposed widening works to Bury Fold Lane will be considered under the condition discharge procedure, in accordance with the requirements of conditions attached to the Outline permission, and that these works must be undertaken prior to the commencement of house building. The full details of the representations are contained in Section 9.

**7.0 CONTACT OFFICER: Nick Blackledge – Senior Planner, Development Management.**

**8.0 DATE PREPARED: 26<sup>th</sup> March 2021.**



## 9.0 SUMMARY OF REPRESENTATIONS

### **Objection Mike Hargreaves. Rec – 08/02/2021**

fao nick blackledge

hello nick i'm writing to you to object strongly to the planning of building 18 houses at ellerslie fold off bury fold lane.

i am responding to your letter i received ...i live on ellen street

the idea of what essentially is a housing estate in this area is ludicrous.

the only access is bury fold lane ...a single track with no passing places as such would mean a nightmare for traffic....the area exudes history with victorian and pre victorian buildings that are part of darwens rich heritage would be ruined.

i cannot believe it's even being considered.

the building on green spaces is abhorrent to me and many others....may i respectfully suggest the place to build new affordable houses is a quarter mile further down bolton road at the old 'crown paints' site which is frankly an eyesore.

---

### **Objection – Stewart Penswick. Rec – 08/02/2021**

Please refuse this whole planning application as no-one in the surrounding residences wants this.

Bury Fold Lane is a busy little lane no matter what your traffic survey said, and it's a nice quiet area. Extra dwellings will create extra traffic and extra noise which we don't want on our doorstep.

Please see your records as to complaints against the owner of Ellerslie regarding smoke pollution which should also be taken into consideration when reviewing this case.

This application will just be another blot on the landscape of Darwen if it's allowed to happen.

At the moment the bottom of Bury Fold Lane is closed due to water main and road being washed away problems so we have to cut through the little back street to get home. There are farms further up that can't get their tractors and wagons up because of this, so losing revenue in already tight times. Allowing this planning will require the road widening, I'm informed, which will again severely restrict traffic flow whilst this work is undertaken.

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### **Objection - Janice Cowell, New House, Bury Fold Lane, Darwen. Rec – 13/02/2021**

Dear Mr Blackledge,

**Re :- Planning Application Ref:- 10/21/0090 to amend the design of the proposed houses and to include a private access to plot 5.**

Thank you for your letter dated 4<sup>th</sup> February regarding the above planning application.

I am concerned that this application, which includes an additional access to the site, is a strategy to avoid compliance with the conditions relating to the original consent.

The condition states that before granting permission the works stipulated in paragraphs 5 and 6 of the Council's decision letter dated 28<sup>th</sup> July 2016 regarding the various Highway works are to be completed before building can commence. Bearing in mind the lane is only able to support one footpath for most of its length together with the narrowness of the lane. These works are essential for the safety of all highway users

Prior to commencement of the development hereby approved, a detailed scheme for the provision of the following highway works shall be submitted to and approved in writing by the Local Planning Authority:

2. Bury Fold Lane road widening works.

3. Footpath provision on Bury Fold Lane

The approved scheme(s) shall be implemented prior to commencement of the development and retained thereafter. REASON: To provide for the safe, efficient and convenient movement of all highway users, in accordance with Policy 10 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2 (December 2015).

I trust that no work will be allowed to commence before the road widening and footpath provisions are complete.

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**Objection – Hilary Midgley, 16 Bury Fold Cottages, Bury Fold, Darwen. Rec – 24/02/2021**

Dear Mr Prescott,

I wish to raise an objection to the proposed planning permission 10/15/1081 at Ellerslie, Darwen on the grounds of safety. Bury Fold Lane is already too busy. Many residents have to park partly on the pavement. This reduces the road to single car width for all its length from the main road up until just before the driveway for Ellerslie. The proposed development includes two parking spaces for most of the new dwellings and three spaces for one house. This will have a direct and detrimental effect, increasing the traffic on the road significantly, not only by the new residents but also by the inevitable delivery vans.

Bear in mind that families, often with small children, use Bury Fold Lane, to access the moors and other footpaths as walkers. Lots of cyclists and people riding horses also use Bury Fold Lane. As residents we have to drive very carefully and mindfully to avoid others in the road. How long before there is a serious accident? Add to this the dangers posed during construction of the new dwellings for access by emergency vehicles. It is bad enough already, with wider vehicles such as lorries going to the farm finding it very difficult to drive up the lane.

Why build these houses here when there are much more suitable sites such as the old Crown Paints site which is an eyesore at the present time? Surely more houses could be built here with less risk to anyone driving to and from them.

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**Objection – H Cowell, 14 Bury Fold Lane, Darwen. Rec – 25/02/2021**

I would like to object most strongly to the revised plans for Ellerslie.

The new entrance to Plot 5, however sympathetically done, would cause an ever-increasing amount of damage to the historic fabric of Bury Fold Lane.

The notation on the plan “Relocate existing entrance and form new access. Re-use gate pillars for aesthetic purposes. Gate pillars to be set back 5.5m from edge of road” gives the impression that this access is in use and is just being altered, when, in fact, this is not an active entrance.

I am extremely concerned that creating this entrance will cause the people buying the other houses proposed along that part of the site to decide that they want their own direct entrance or garden gate, so creating an increasingly untidy and urban appearance. The level of development which has been approved at Ellerslie is already totally out of keeping with the environment as it is, without further accesses being granted along the lane.

If this access is approved, the plot should not be allowed to be developed separately, prior to all the works being completed as set out in the existing permissions. An approval for this access should not be seen as a short-cut to being able to commence developing the site.

The work to widen Bury Fold Lane and set the wall back remains a matter of great concern - especially as regards enforcing a high standard of rebuilding and responsibility for its future maintenance.

As a final point, in the Reserved Matters application, mention was made of a Woodland Management Plan. Soon there will not be any woodland to manage as it is disappearing at an alarming rate.

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**Objection – N J, 29 Higher Bold Venture, Duckshaw Road, Darwen. Rec – 04/03/2021**

Reference: Planning Application 10/21/0090 – Land at Ellerslie.

Further to the above application we have the following objections we wish to lodge with the Planning and Growth Department..

The Bury Fold Lane area has witnessed increased motor usage and multiple vehicle ownership over the last 10 years. The planning application for 18 houses would probably bring an additional thirty to forty vehicles on to the lane which is at present difficult to navigate on occasions. The junction with Ellen Street and the junction with the A666 Bolton Road are two difficult places on the lane which lead to difficulties for road users even at present occupancy levels. I have previously raised concerns to the council in respect of the sight lines from Bury Fold Lane when exiting on to the A666. The poor sight lines, narrow entrance on to the lane can cause problems when there are multiple vehicles wishing to enter and exit the lane at the same time. Your response has been that there has not been sufficient accidents to warrant any improvement works.

The town of Darwen has suffered from localised surface water run off during heavy periods of rain that has caused property damage from flooding. Eroding green areas that feed in to the River Darwen with additional hard surfaces will have an impact on properties further downstream. I do not accept the comments made by local planners that these cumulative developments will have “little” impact on people at Hollins Grove, Darwen. Planners should be mindful of preserving green areas allowing surface water to permeate naturally as opposed to creating hard surfaces and accelerating surface run off. This development will in a small contributory way lead to someone else’s property being flooded. We are all aware of an existing problem 2 miles downstream and yet your developments continue with little care for those who live in the flood risk areas of the borough.

We have concerns and have expressed our concerns in the past regarding the safety and maintenance of the stone boundary wall that encloses the Ellerslie property. It has not been maintained unless instructed to do so and the wall is collapsing on

some sections. We seek assurances that the wall will be properly maintained with the proceeds from this development and its upkeep will be in keeping with this rural location.

The recently proposed local plan for the borough made no reference to this parcel of land being designated for development with other areas of Darwen and Blackburn being selected for housing. The application is contrary to the departments own development plan which is difficult to comprehend.

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**Comment – Christine & Brian Chappell, 34 Bury Fold Lane, Darwen. Rec – 25/02/2021**

**To Whom it May Concern:** in relation to Outline approval 10/15/1081 - to amend the design of the proposed houses and include a private access to plot 5:

We wish to raise the following concerns in relation to the amendments:

1. Will highway safety be compromised by additional bespoke access to plot number five? The gated access was noted in relation to location, elevational appearance and opening radii as Condition number 3 in the planning permitted documents 10/19/0642. Why is this not sufficient for the whole of the planned development? What arrangements are being put in place for pedestrians along that stretch of

highway taking into account the huge volume of pedestrian traffic observed using Bury Fold Lane as an access route to the West Pennine Moors. Pedestrian traffic has increased ten-fold during the pandemic and now that there is an awareness of this route to the moors it is unlikely to ever reduce to its original flow.

2. Will the woodland management plan be revisited? Will more woodland be sacrificed and biodiversity compromised by allowing a separate access point?

We would like the above points to be considered before any further decisions are made.

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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