

Public Document Pack

Planning and Highways Committee

Thursday, 16th September, 2021

6.30 pm

Northgate Street Entrance, Blackburn Library

AGENDA

- | | | |
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| 1. | Welcome and Apologies | |
| 2. | Minutes of the Previous Meeting | |
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PART 2 - THE PRESS AND PUBLIC MAY BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS

6. Enforcement Report

**Enforcement Report
Enforcement Plan**

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image 1

image 2

image 3

image 4

Date Published: Wednesday, 08 September 2021
Denise Park, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE
Thursday, 19 August 2021

PRESENT – Councillors, David Smith (Chair), Akhtar, Casey, Khan, Khonat, Slater, Jan-Virmani, Riley, Browne, Harling, Marrow, Baldwin and Desai.

OFFICERS – Gavin Prescott, Rabia Saghir, Safina Alam & Shannon Gardiner

RESOLUTIONS

18 Welcome and Apologies

The Chair welcomed everyone to the meeting.

There were no apologies received

19 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 15th July 2021 be confirmed and signed as a correct record.

20 Declaration of Interest

RESOLVED – There were no Declarations of Interest received.

21 Planning Applications for Determination

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

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

21.1 Planning Application 21/0099

Applicant – Mr Marc Robson

Location and Proposed Development – Land to the rear of 21 Dover Street, Lower Darwen, BB3 0QR

Full Planning Application for Change of use to land to Use Class C3 as an extension to existing garden

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director’s Report

21.2 Planning Application 21/0559

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Whitedove Industrial Unit Davyfield Road Blackburn BB1 2LX

Full Planning Application (Regulation 3) for Installation of Solar photo voltaic (SPV) arrays to North and South facing roof slopes

Decision under Town and Country Planning Acts and Regulations –

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

21.3 Planning Application 21/0564

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Blackburn Technology Management Centre 2 Challenge Way Blackburn BB1 5QB

Solar Panels Non-domestic Buildings for Installation of Solar Photo Voltaic (SPV) arrays to South facing roof slope

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved

21.4 Planning Application 21/0566

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Witton Sports Arena Witton Country Park Preston Old Road Blackburn BB2 2TP

Prior Approval - Solar Panels Non-domestic Buildings for Installation of Solar Photo Voltaic (SPV) arrays to roof of the building

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved

21.5 Planning Application 21/0649

Applicant – Countryside Properties and Together Housing Group

Location and Proposed Development – Land to the North and South of Fishmoor Drive and Land to the East of Roman Road, Blackburn

Variation of Condition / Minor Material Amendment for Variation of Condition's 2, 3, 4, 14 and 28 pursuant to planning application 10/20/0934 'Demolition of one substation building and the erection of 383 dwellings and associated works' to amend the approved layout of parcel 3 (to include reduction of units to 377), and to vary the materials schedule.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director’s Report and Section 106 to the Town and Country Planning Act 1990, relating to the payment of £395,000; plus a monitoring fee of £3950. Payments to be phased as follows:

- £199, 475 is to be paid prior to commencement of the development (£197,500 for education and £1,975 monitoring fee); and
- £199,475 is to be paid within 12 months after commencement (£197,500 for education and £1,975 monitoring fee).

Should the S106 agreement not be completed with 6 months of the date of the planning application being received, the Strategic Director of Place will have delegated powers to refuse the application.

21.6 Planning Application 21/0675

Applicant – Mr Djemel Salah-Bay-Carr

Location and Proposed Development – Hob Lane Farm Barns Blackburn Road Turton Bolton BL7 0PU

Variation/Removal of Condition/Minor Material Amendment for Variation of Condition no.2 (external materials), no.16 (lighting scheme) no.21 (approved plans) to include repositioning of rooflights and re1opening of existing window on South Facing Elevation and alterations to Western Elevation pursuant to application 10/20/0996 "Change of use of 2 x barns at Hob Lane Farm to a single attached dwelling with integral garage, including building works"

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director’s Report

22 Petition Report

Members were informed of the receipt of two petitions in relation to a current planning application (ref. 10/21/0568) for change of use from class B8 to Class B2 (retrospective application) at Old Fire Station, Yaseen Enterprise Centre, Byrom Street, Blackburn. One of the petitions is in support of the application, and the other is objecting to the application.

The planning application was received by the Local Planning Authority (LPA) on 1st June 2021. Neighbour consultation letters were sent out on 11th June 2021 to 99 addresses local to the application site. In addition, a site notice was displayed on 9th June 2021, and a press notice was published in the Lancashire Telegraph on 23rd June 2021.

Both the Petitions subject of this report were received by the LPA on 28th June 2021. The (retrospective) planning application relates to the proposed change of use of one of the authorised B8 units lying within the enclosed former Fire Station site, where various B1 and B8 units were approved under planning ref 10/18/1093.

The old Fire Station site is bounded on 3 sides by the rear yards of residential premises, separated only by boundary walls and an alleyway. This (retrospective) application for a change of use of this particular unit was submitted further to enforcement investigations that were carried out relating to a 2 breach in planning control and complaints of excessive noise from neighbouring residents

The petition in support contained 32 signatures (from 30 different addresses), largely from residents on Harrison Street, Sumner Street and Canterbury Street, which directly adjoin the application site. It also includes signatures from occupiers of some of the adjacent business units.

The petition objecting contained 18 signatures, which are again predominantly from residents on Harrison Street, Sumner Street and Canterbury Street, which directly adjoin the application site.

RESOLVED - That the petition be noted.

23 Infrastructure Funding Statement 2020/21

Members were presented with an update on the recently published Infrastructure Funding Statement for 2020/21, for Blackburn with Darwen Borough Council.

The Community Infrastructure Levy (Amendment)(England)(No.2) Regulations 2019 now requires authorities (from December 2020) to prepare an Infrastructure Funding Statement (IFS) to set out their annual income and expenditure relating to section 106 agreements.

Blackburn with Darwen's 2020/21 IFS provides a summary of financial contributions the Council has secured through section 106 agreements from new developments for off-site infrastructure works and affordable housing, in addition to highway works completed as part of new developments through section 278 agreements within the 2019-20 monitoring period. It also includes information on the infrastructure works funded through s106 contributions.

In summary, the report provides:

- an overview of s106 and s278 agreements;
- the Council's internal process relating to s106 contributions;
- information on the introduction of monitoring fees;
- the s106 contributions paid to the Council in the 2020/21 monitoring period;
- s106 contributions and s278 works estimated for future years; and
- projects delivered in the Borough via s106 and s278 agreements in the 2020/21 monitoring period.

The information included in the report is updated annually and published on the Council's website. This will ensure the most up to date information on the amount of developer contributions received from new developments, in addition to information on where these monies have been spent is readily available to members of the public and other interested parties.

The report does not include information on the infrastructure delivered on site as part of new developments in the borough.

RESOLVED – That the report be noted.

24 **Enforcement Report**

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at 301 Preston Old Road, Blackburn.

Background information including grounds for the request were outlined in the report.

RESOLVED – Authorisation was given to the proposed enforcement action at 301 Preston Old Road, Blackburn.

25 **Enforcement Report**

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at 38 Lynthorpe Road, Blackburn.

Background information including grounds for the request were outlined in the report.

RESOLVED – Authorisation was given to the proposed enforcement action at 38 Lynthorpe Road, Blackburn.

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)

Material Consideration

“Material Considerations” are not limited to matters relating to amenity and can cover a range of considerations, in regard to public or private interests, provided that there is some relationship to the use and development of land.

Where it is decided that a consideration is material to the determination of a planning application the courts have held that the assessment of weight is a matter for planning judgement by the planning authority, rather than the court. Materiality is a matter of law for the Court, weight is for the decision maker. Accordingly it is for the Committee to assess the weight to be attached to each material consideration, but if a Council does not take account of a material consideration or takes account of an immaterial consideration then the decision is vulnerable to challenge in the courts.

By section 38(6) of the Planning & Compensation Act 2004 Act every planning decision must be taken in accordance with the development plan (taken as a whole) **unless material considerations indicate otherwise**. The policies and guidance contained in the hierarchy of planning documents are important material considerations and the starting point for the Committee in its assessment of development proposals and most decisions are usually taken in line with them.

However, the Committee is legally obliged to consider all material matters in determining a planning application and this means that some decisions will not follow published policy or guidance. In other words, the Committee may occasionally depart from published policy when it considers this is outweighed by other factors and can be justified in the circumstances of the particular case. Similarly, in making a decision where there are competing priorities and policies the Committee must exercise its judgement in determining the balance of considerations

The following provides a broad guide of what may and may not be material, though as with any broad guidance there will on occasions be exceptions

MATERIAL:	NOT MATERIAL:
Policy (national, regional & local)	The identity of the applicant
development plans in course of preparation	Superceded development plans and withdrawn guidance
Views of consultees	Land ownership
Design	Private Rights (e.g. access)
Visual impact	Restrictive covenants
Privacy/overbearing/amenity impacts	Property value
Daylight/sunlight	Competition (save where it promotes a vital and viable town centre)
Noise, smell, pollution	Loss of a private view
Access/traffic/accessibility	“moral issues”
Health and safety	“Better” site or use”
Ecology, landscape	Change from previous scheme
Fear of Crime	Enforcement issues
Economic impact & general economic conditions	The need for the development (in most circumstances)
Planning history/related decisions	

Cumulative impact	
Need (in some circumstances – e.g. green belt)	
Impacts upon and provision of open/amenity space	
existing use/permitted development rights/fall back	
retention of existing use/heritage issues	
fear of setting a precedent	
composite or related developments	
Off-site benefits which are related to or are connected with the development	
In exceptional circumstances the availability of alternative sites	
Human Rights Act 1998 & Equality	

Before deciding a planning application members need to carefully consider an application against the provisions of the Human Rights Act 1998.

Protocol 1 of Article 1, and Article 8 confer(s) a right of respect for a person's private and family life, their possessions, home, other land; and business assets.

Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their representation, and comments,

In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Head of Planning and Transport has concluded that some rights conferred by these Articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is proportionate, in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. Furthermore he believes that any restriction on these rights posed by the approval of an application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Other duties have to be taken into account in determining planning applications for example the promotion of measures to reduce crime, the obligation not to act in a discriminatory manner and promote equality etc.

NB: Members should also be aware that each proposal is treated on its own merits!

Reasons for Decision

If members decide to go against officer recommendations then it is their responsibility to clearly set out their reasons for doing so, otherwise members should ask for the application to be deferred in order that a further report is presented setting out the background to the report, clarifying the reasons put forward in the debate for overriding the officer recommendation; the implications of the decision and the effect on policy; what conditions or agreements may be needed; or just to seek further information.

If Members move a motion contrary to the recommendations then members must give reasons before voting upon the motion. Alternatively members may seek to defer the application for a further report. However, if Members move a motion to follow the recommendation but the motion is lost. In these circumstances then members should be asked to state clearly their reasons for not following the recommendations or ask that a further report be presented to the next meeting



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: 16/09/2021

Application No	Applicant	Site Address	Ward
10/21/0008	BXB Land Solutions Ltd West House Exchange Station Tithebarn Street Liverpool L2 2QP	Former Hoddlesden Mill Johnson New Road Hoddlesden	West Pennine
Full Planning Application/Outline Planning Application for Hybrid planning application comprising: a) full planning permission for demolition of buildings, remediation works including re-contouring of the site to form development platforms; and b) outline planning permission with all matters reserved, except for means of vehicular access from Johnson New Road, for residential development comprising up to 79 new dwellings			
RECOMMENDATION: Permits			
10/21/0686	LTW Development LTD 3 Chapeltown Road Bromley Cross Bolton BL7 9AD	White Lodge Farm Blackburn Road Edgworth BL7 0PU	West Pennine
Variation/Removal of Condition/Minor Material Amendment for Removal of conditions 7 (permitted development rights) and 11 (validation report) pursuant to application 10/20/0019			
RECOMMENDATION: Permits			
10/21/0914	Blackburn with Darwen Borough Council One Cathedral Square 3rd Floor Blackburn BB1 1FB	Blackburn Technology Management Centre 2 Challenge Way Blackburn BB1 5QB	Little Harwood & Whitebirk
Full Planning Application (Regulation 3) for Installation air source heat pumps (ASHP) including 3 no. ASHP islands with enclosures and 3 no. brick built external plant rooms adjoining main building			
RECOMMENDATION: Permits			

Proposed development: Hybrid Application - Full Planning Application & Outline Planning Application, comprising:

- a) full planning permission for demolition of buildings, remediation works including re-contouring of the site to form development platforms; and**
- b) outline planning permission with all matters reserved, except for means of vehicular access from Johnson New Road, for residential development comprising up to 79 new dwellings.**

Site address:

Former Hoddlesden Mill

Johnson New Road

Hoddlesden

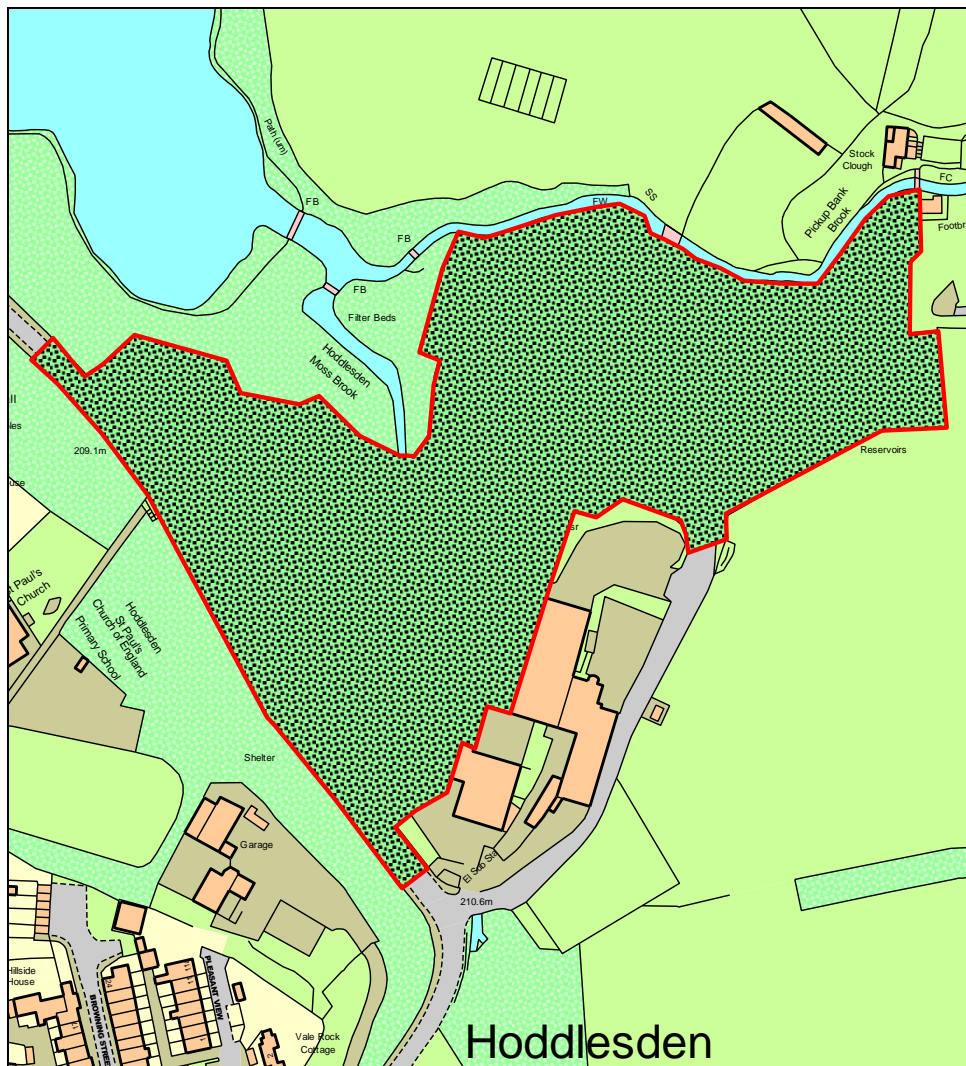
Applicant: BXB Land Solutions Ltd

Ward: West Pennine

Councillor Julie Slater

Councillor Jean Rigby

Councillor Neil Slater



1.0 SUMMARY OF RECOMMENDATION

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

Note – the application is not subject to a Section 106 Agreement, following independent audit of the applicants Viability Appraisal. The matter is subsequently addressed at paragraph 3.5.60.

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.
- 2.2 The proposal and recommendation follows detailed dialogue at pre-application and application stage, in arriving at a site remediation scheme, relative to site clearance, demolition and ground contamination, and an outline residential scheme, including access, with all other matters reserved. The scheme will, in principle, deliver residential redevelopment of the site 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 benefits from permission in principle for residential development, by reason of its inclusion on the Council’s Brownfield Register. Redevelopment of the site will also resolve long standing adverse neighbourhood amenity impacts.
- 2.3 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 application of planning conditions.
- 2.4 Given the scale of the proposed development, it has been subject to a screening opinion under a separate application (ref. 10/21/0014), to consider whether or not it requires a supporting Environmental Impact Assessment, considered in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the ‘EIA Regulations’) and supporting Planning Practice Guidance (PPG). Assessment considered the likelihood of *“significant effects on the environment by virtue of factors such as its nature, size or location”*. The development was found to fall outside of the scope of EIA development.

3.0 RATIONALE

3.1 Site and Surroundings

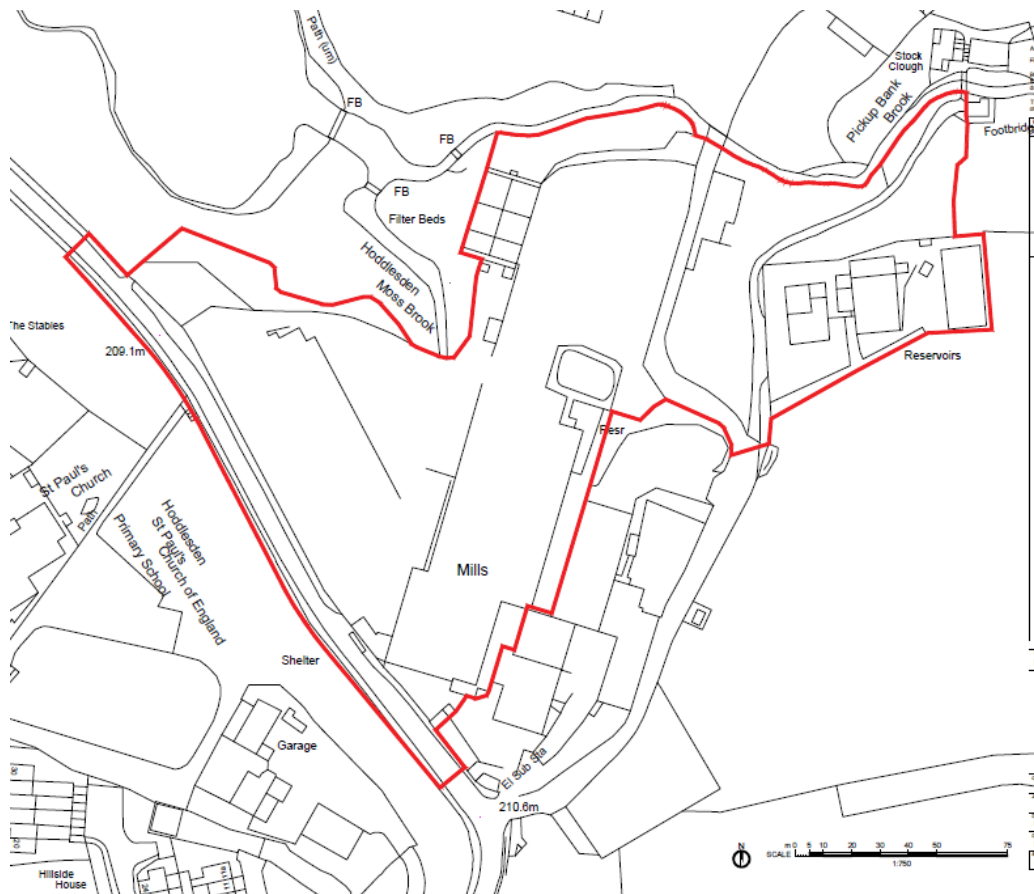
- 3.1.1 The application site (the site) relates to the former Hoddlesden Mill complex, located towards the north east village boundary of Hoddlesden, comprising an

area of circa 2.92 hectare. The site has been vacant since 2003 when the former textiles production ceased. The mill was subject of a major fire in 2008 and the buildings on site were subsequently demolished in 2009. The Site received full planning permission in December 2015 for the development of 87 residential dwellings under planning application reference 10/10/0875.

- 3.1.2 The site is made up of three plateaus, supported by a number of existing retaining walls. It is accessed from the existing entrance position off Johnson New Road, to the south west.
- 3.1.3 The site is bounded to the north and east by a steep wooded embankment, with the culverted Hoddlesden Moss Brook running south to north at a lower level. Further north approximately 50 metres from the site boundary is a reservoir which sits at a lower level.
- 3.1.4 To the west of the site on the opposite side of Johnson New Road is a wooded embankment area that rises towards Hoddlesden Village. An existing pedestrian footpath is located along this frontage that links Johnson New Road to Baynes Street past St Paul's Primary School and Church. Further west lies the village of Hoddlesden.
- 3.1.5 To the north east and south of the site are open fields, together with Pickup Bank Brook and three small redundant reservoirs. Immediately to the south east are two existing industrial units, currently operating as Cooper Rigg Fabrication and Darwen Sawing Services. A Public Right of Way (PROW) enters the site from the industrial units to the east, the PROW then runs northwards through the Site towards the open countryside.
- 3.1.6 The site has significant level changes throughout with a series of retaining walls within the Site area. At its steepest section, existing levels range from circa 222m AOD in the eastern corner, to circa 198m AOD in the northern corner.
- 3.1.7 The Site is located 320m walking distance from the centre of Hoddlesden village, which benefits from a number of services and facilities which meets the day to day needs of local residents, including the Hoddlesden Deli and Village Store (incl. post office), the Hoddlesden Garage, The Ranken Arms Public House and the Hoddlesden Conservative Club.
- 3.1.8 There are two bus stops within 180m of the site entrance, along Johnson New Road. From here, residents can access Darwen Town Centre.
- 3.1.9 The following aerial image and Location plan show the site in relation to its immediate surroundings.



Aerial image of the site and immediate surroundings (Google Maps, 2021)

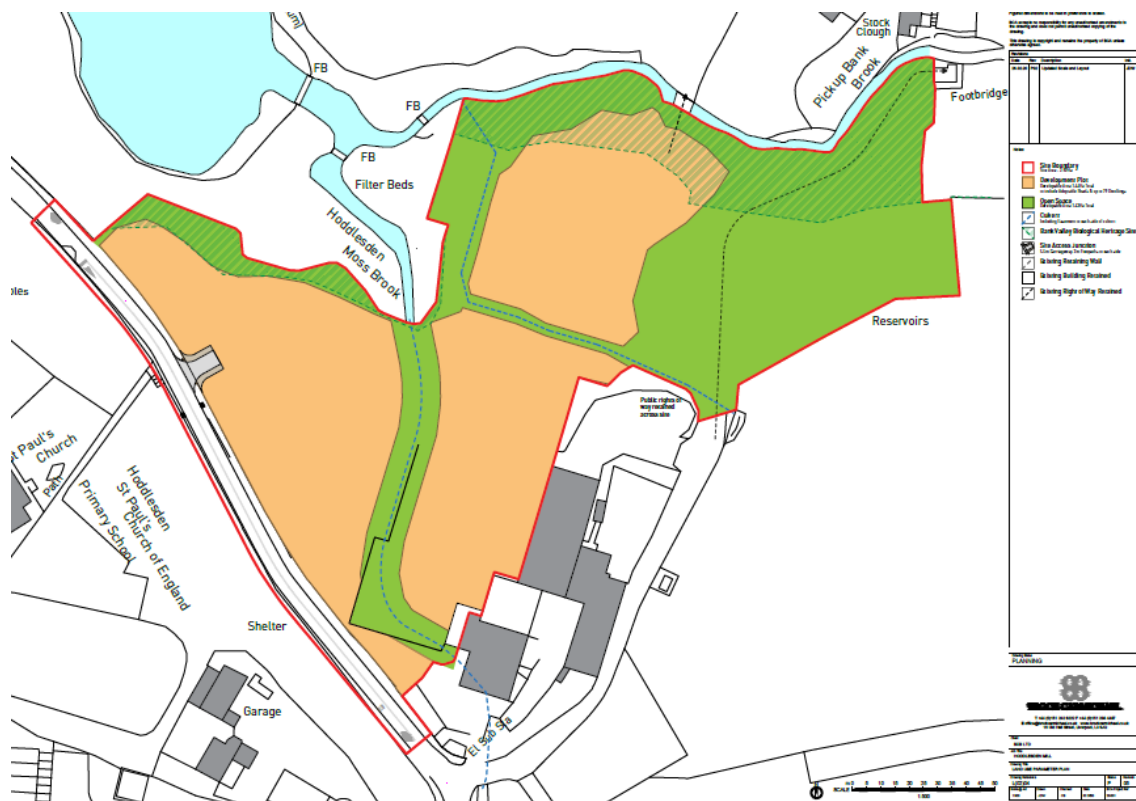


Corresponding red edged location, extracted from submitted Location Plan (Brook Carmichael, Feb 2020).

3.2 Proposed Development

3.2.1 The application is submitted in hybrid form. Full planning permission is sought for demolition of vacant buildings at the southern end of the site, remediation works, relating to ground contamination and provision of development platforms to facilitate future residential development. Outline permission is sought for residential redevelopment of the site for up to 79 dwelling, including access. All other matters relating to the outline element of the application (landscaping, layout, appearance and scale) are reserved for consideration under a Reserved Matters (RM) application, to be submitted at a later date.

3.2.2 Notwithstanding matters reserved, site parameter and indicative site layout plans are submitted, with the layout indicating 79 dwellings, highway infrastructure and public open space (POS), as shown below. Members are advised that the plans are indicative only, seeking to demonstrate parameters for a residential scheme, including appropriate density levels and POS. A total of 1.6 hectares of residentially developed area and 1.3 hectares of POS is demonstrated. The site access from Johnson Road is also included.



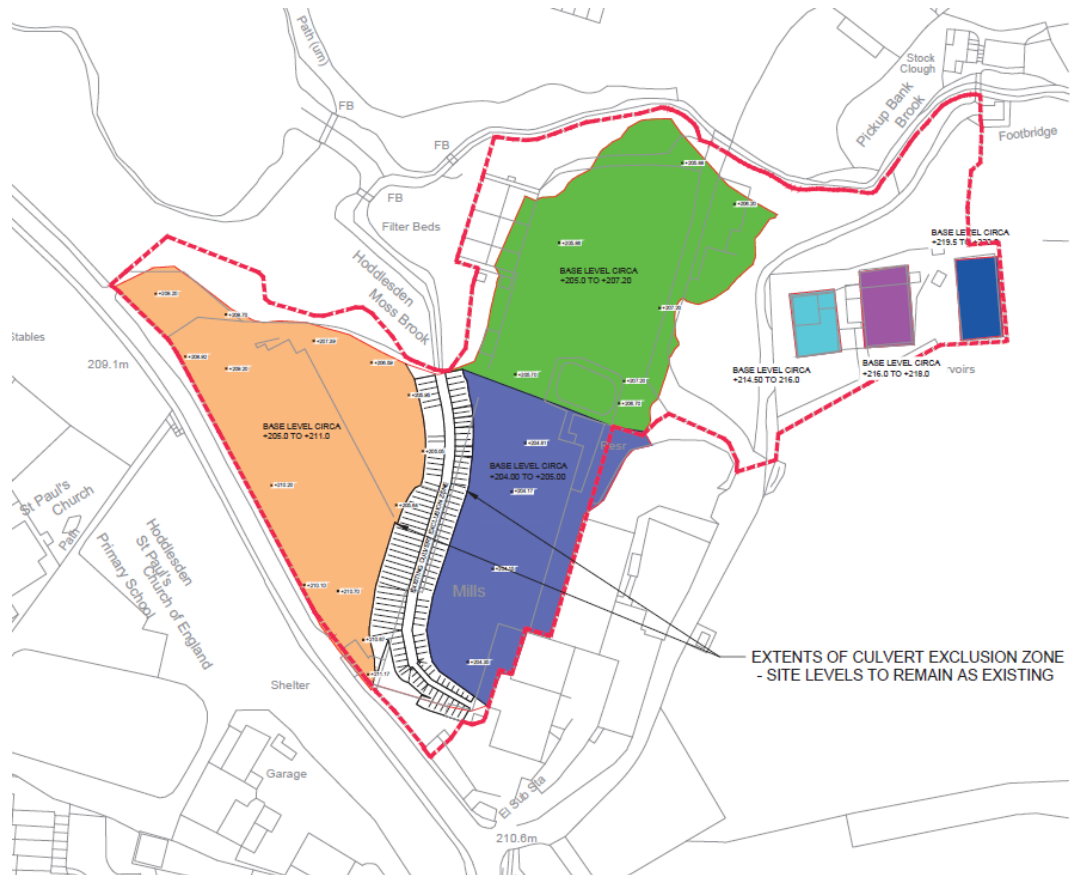
Extracted from submitted Site Parameters Plan (Brook Carmichael, Feb 2020)



Extracted from submitted Indicative Masterplan (Brook Carmichael, Feb 2020)

- 3.2.3 The indicative layout demonstrates how the proposals can deliver up to 79 high quality dwellings at an appropriate mix, including detached, semi-detached and town style housing. The proposed houses will be set within plots which provide suitable vehicular parking and outdoor amenity areas. The layout would sit comfortably within the overall built form of the wider area. As demonstrated on the indicative masterplan and Design & Access Statement, the proposed units will be at an appropriate scale and density to reflect the character and appearance of surrounding residential development within Hoddlesden.
- 3.2.4 Vehicular access is proposed via a simple priority junction off Johnson New Road. Additionally, a gateway feature is proposed to the north of the site access to denote the edge of the urban area and encourage slow traffic speeds along the site frontage. The feature comprises 30mph roundels, surface treatment across the carriageway and “SLOW” markings on the approaches. A pedestrian crossing point will be provided across Johnson New Road that will link to the stepped pedestrian footpath.
- 3.2.5 A Remediation Strategy details proposed site remediation. Remediation objectives are to fulfil the relevant regulatory requirements; ensure the site condition is suitable for the proposed future use; manage any remediation works such that operational risks including release of dust, odours, vapours and noise are controlled to protect receptors; ensure that post-remediation there are no residual unacceptable risks associated with the site to human health via future excavation or development works; and to maximise the re-use of material and minimise waste generation.

3.2.6 In conjunction with the remediation strategy, three development platforms are proposed post remediation, following completion of clearance and demolition works to facilitate site re-engineering requirements. Full site re-profiling to platform levels will only be possible further to installation of retaining structures.



Extracted from submitted Base Levels for Future Development Plan, (DB Remediation, Dec 2020).

3.2.7 Site remediation and construction of development platforms represent the proposed full permission element of the hybrid application.

3.2.8 Full details are set out in the submitted supporting statements and drawings.

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
- 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 5 – Countryside Areas
- Policy 6 – Village Boundaries
- 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 36 – Climate Change
- Policy 39 – Heritage
- Policy 41 – Landscape

3.4 **Other Material Planning Considerations**

3.4.1 Blackburn With Darwen Council Brownfield Register (2017)

3.4.2 Residential Design Guide Supplementary Planning Document (2015)

3.4.3 Green Infrastructure & Ecological Networks SPD (2015)

3.4.4 Air Quality Planning Advisory Note

3.4.5 National Planning Policy Framework (The Framework) (2021)

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

3.4.6 National Planning Policy Guidance (NPPG).

3.4.7 Local Plan Review

Blackburn with Darwen Borough Council is reviewing their current adopted local plan, specifically, the Core Strategy (adopted 2011) and the Site Allocations and Development Management Policies (adopted 2015). The Local Plan Review will lead to a new Local Plan to replace the existing adopted plans and will cover the period 2018 to 2037. Although an emerging document, it currently carries no weight on the decision making process.

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
- Heritage
- Planning Gain / Section 106 requirements

3.5.2 Principle

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'.

3.5.3 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.

3.5.4 Policy CS7 encourages the development of a full range of new housing over the life of the Core Strategy in order to widen the choice available in the local market

3.5.5 Policy 6 relates to development within defined village boundaries, including Hoddlesden. It sets out that development in the rural area shall be located within these boundaries, unless it is specifically supported by another policy in the Local Plan. The majority of the site lies within the village boundary. The

site is accepted as previously developed land (brownfield), in accordance with NPPF's definition of such:

Previously developed land (PDL): 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.

- 3.5.6 The site, in recognition as PDL, is included within Part 2 of the Council's Brownfield Register. Accordingly, the land benefits from permission in principle for housing-led development.
- 3.5.7 The north east portion of the site lies outside the village boundary, within open countryside. Policy 5 is relevant here. In such areas, the policy limits planning permission to development needed for the purposes of agriculture or forestry, or economic uses appropriate in nature and scale to the rural area. Consequently, a degree of conflict arises with the proposed residential development of this area. It should, however, be acknowledged that the portion of land includes a series of reservoirs, now redundant, associated with the historic industrial land use and is included on the Brownfield Register. Notwithstanding this, the indicative site layout shows this area devoted as POS, absent of built form. Although this detail will be fully considered at RM stage, inclusion of the Countryside allocation is considered acceptable.
- 3.5.8 Local Plan Part 2 Policy 18 further encourages a range of new housing to widen the choice of house types, with an emphasis on detached and semi-detached to be the principal element of the dwelling mix on any site that is capable of accommodating such housing and where such housing would make a positive contribution to the character of the local area. The indicative site layout shows a broadly appropriate mix of house types, notwithstanding consideration of such at RM stage.
- 3.5.9 Previous support for residential redevelopment of the site in 2015, notwithstanding the previous Development Plan period, is an important material consideration, as are the significant benefits arising for the local community, including contribution towards the sustainable growth of the village of Hoddlesden and eradication of long-term adverse amenity impacts arising from the derelict state of the site.
- 3.5.10 Demolition of a section of existing mill which is located within the site (remainder outside the site to be retained) and a disused office / substation is accepted in principle.

3.5.11 Accordingly, the principle of the proposal is found to be acceptable, in accordance with Local Plan policies and The Framework.

3.5.12 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.

3.5.13 A Desk Study, Site Investigation Report and a Remediation Strategy (RS) are submitted with the application, relative to ground contamination arising from the historic industrial use of the site. These have been reviewed by the Council's Public Protection consultee. The studies identify the presence of chemical storage tanks and the need to undertake additional site investigation. At this stage, based on the information reviewed, it is considered that some remediation will be required, in the form of a cover system for garden areas, comprising a 600mm system including a geotextile break layer in private garden areas, and a 450mm cover system in landscaped areas. Further sampling in this regard is, however, proposed.

3.5.14 Six rounds of gas monitoring have been undertaken. The associated risk assessment has concluded that there is a relatively low risk from ground gas at the site. Further TOC testing is proposed in order to provide additional lines of evidence regarding the potential gas risk.

3.5.15 It is recommended that all further testing and a finalised RS be secured via condition attached to the full permission. Implementation of any outstanding remediation works identified in the approved RS, including cover systems to domestic garden space and POS, shall be secured via condition attached to the full permission.

3.5.16 The Environment Agency (EA) have also reviewed the above noted documents and recommend application of their standard condition to secure additional site investigation and an RS to guard against contamination threat to controlled waters and the wider environment. Requirements of the EA and BwD Public Protection will be secured via a single condition, to avoid duplication.

3.5.17 Validation of the approved RS will be secured via conditions attached to the full and outline permissions.

3.5.18 A Noise Impact Assessment is submitted with the application which has been reviewed by the Council's Public Protection consultee. The main focus of assessment relates to impact of the residential development on the activities of the adjacent industrial use identified as Cooper Rigg (the agent of change principle) and vice-versa. Considered in the context of the site benefiting from permission in principle for housing led development, submission of a scheme detailing suitable noise control measures should be secured via a condition attached to the outline permission, as recommended by Public Protection.

3.5.19 Submission of a Noise Traffic Control Scheme is also recommended, to guard residents against traffic noise from Johnson New Road. This is, however, considered unnecessary and unreasonable, given the rural context and notwithstanding additional traffic arising from the development.

3.5.20 A requirement for each dwelling to be provided with its own dedicated electric vehicle charging point should be secured via a condition attached to the outline permission.

3.5.21 Limited construction hours of between 08:00 - 18:00 hours Monday to Friday and 09:00 - 13:00 on Saturdays should also be secured via condition attached to the full and outline permission, to guard against excessive disturbance during construction phase of the development.

3.5.22 No other amenity concerns arise from the works proposing full permission. Assessment as to 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.

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

3.5.24 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.

3.5.25 Flood Risk / Drainage:

A Flood Risk and Drainage Assessment is submitted with the application, taking account of the sites location within Flood Zone 1 (low risk) and adjacent to Flood Zone 3 (high risk) covering the Hoddlesden Reservoir. This has been reviewed by the Council's Drainage consultee (as Lead Local Flood Authority - LLFA), the EA and United Utilities.

3.5.26 No objection is offered by the LLFA, subject to application of a condition attached to the outline permission to secure submission of a sustainable Foul and Surface Water Drainage Strategy.

3.5.27 Whilst no objection is offered by the EA in relation to flood risk, they reference the presence of a culverted watercourse (Hoddlesden Moss Brook) which

flows through the site and a culvert survey previously undertaken in 2007 that identified a number of culvert defects requiring attention. A subsequent survey of the culvert was undertaken in 2015, when a series of recommendations were made in relation to necessary localised repair / rebuilding works. An easement for the culvert is shown on the indicative layout. The exact detail of the required engineering works will be submitted as part of a future RM application once further information on the detailed development proposals are available. Such details should be secured via a condition attached to the outline permission.

3.5.28 United Utilities offer no objection, whilst recommending a condition attached to the full and outline permissions, in order to ensure asset protection of the reservoir from contamination, flooding and debris, during construction and post completion of the development. Submission of a foul and surface water drainage scheme is also recommended, as above by the LLFA.

3.5.29 A Management and Maintenance of Sustainable Drainage Systems scheme should also be secured via a condition attached to the outline permission.

3.5.30 Ecology:

An Ecological Survey is submitted with the application which has been reviewed by the Council's Ecology Consultee. Whilst no objection is offered, proximity to the West Pennine Moors SSSI, 700m away, is recognised, with a recommendation to consult Natural England, due to potential for increased recreational pressures. Members are advised that such consultation would be more appropriately undertaken at the time of a RM application, on account of the site benefitting from permission in principle for housing led development and once a finalised layout is available.

3.5.31 That the indicative layout overlaps with part of the Biological Heritage Site (BHS) is also recognised, with a recommendation for it to be amended. However, as a finalised layout will only be considered at RM stage, the issue can then be addressed, during further consultation with Ecology. Submission of a Demolition and Construction Method Statement should be secured via a condition attached to the full permission and a Construction Method Statement via a condition attached to the outline permission. These measures will guard against harm to the BHS and watercourses.

3.5.32 The site was surveyed for bats including the culvert. One small bat roost was located in building 5, which is proposed for demolition. A license will be required from Natural England for the removal of this building. As the roost was small and consisting of a commoner bat species, mitigation would be relatively simple given the retention of the adjacent building and proposal to construct new buildings across the site. A condition attached to the full permission should secure a license issued by Natural England or a statement in writing from the relevant licensing body or LPA to the effect that it does not consider that the specified development will require a license.

3.5.33 Given the hybrid nature of the application and potential risk of delay to the residential build out, taking account of the December 2020 date of the Survey, submission of a reassessment of the existing buildings within the site for bat

roost potential and findings thereof should be secured via condition attached to the full permission. Updated Bat Reports should be secured via a condition attached to the outline permission.

3.5.34 In order to mitigate against potential harmful impacts arising from street lighting, submission of an external lighting design strategy should be secured via a condition attached to the outline permission.

3.5.35 It is established that suitable Badger habitat exists adjacent to the site and Badger are known to be present in the wider area. Updated badger surveys should, therefore, be secured via conditions attached to the full and outline permission.

3.5.36 Mitigation for Barn Owls should be secured via condition attached to the full permission, detailing new nesting opportunities, on account of demolition works.

3.5.37 Application of the standard bird nesting condition, limiting site clearance to outside the nesting season (March – August), should be attached to the full and outline permission.

3.5.38 The site was assessed as being very low risk for protected amphibians or reptiles. Common toad a UK Biodiversity Priority Species was recorded as breeding in one of the ponds on site. Reasonable avoidance measures and mitigation during site remediation and removal of the mill pond where they breed should be secured via a condition attached to the full permission.

3.5.39 A number of invasive species listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) were recorded on the site including Japanese Knotweed, Himalayan Balsam, Rhododendron and Cotoneaster. Submission of eradication / control / avoidance measures should be secured via condition attached to the full permission. An updated Invasive Species Survey should be secured via a condition attached to the outline permission.

3.5.40 A detailed landscape and environmental management / mitigation plan will be considered at RM stage. This should include measures recommended in section 5.7.2 of the Ecological Report and recommendations contained within any subsequent update report.

3.5.41 Trees:

An Arboricultural Impact Assessment (AIA) / Tree Survey is submitted with the application which has been reviewed by the Council's Arboricultural consultee. Low grade self-seeded scrub is proposed for removal from the central portion of the site, with higher category trees on the northern and eastern boundaries to be retained. The AIA identifies a Category A woodland on the northern boundary. It also references the need for a full specification of proposed engineering works for the culvert prior to determining potential impacts to trees. A schedule of pruning works is also required to reduce canopy overhang. These requirements will be captured as part of the

above-mentioned culvert engineering works secured via condition attached to the outline permission.

3.5.42 Tree protection measures, as specified to the AIA / Tree Protection Plan for retained trees during all phases of work, should be secured via conditions attached to the full and outline permission.

3.5.43 Accordingly, the environmental impact of the development is found to be acceptable, in accordance with Policies 9 and 40, and The Framework.

3.5.44 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.

3.5.45 A detailed Transport Assessment (TA) has been submitted with the application. This evaluates the existing transport and highways context of the site, including access, trip generation, and junction capacity and 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. The Council's highway consultee concludes that the development would not have significant or severe residual traffic or safety impacts on the surrounding highway network and is, therefore, in accordance with the key policy tests set out in The Framework. Additionally, the site is well-situated for residential use to benefit from surrounding facilities and amenities, with options for sustainable travel choices. Hence, from a traffic and transportation perspective, there are no reasons why the development should not be supported.

3.5.46 Access to the development is proposed via a simple priority junction off Johnson New Road. Junction visibility splays of 2.4m x 47.7m to the left and 2.4m x 43m to the right are demonstrated. Moreover, it is clear from the submitted detail that junction visibility in excess of these dimensions can be achieved.

3.5.47 The Council's Highways consultee expresses concern that only a single point of access is offered, relative to the number of homes indicatively proposed. The site constraints, however, such as topography and adjacent land uses and features, dictate that any additional access arrangement is not practicable. Moreover, a single point of access was previously supported, in 2015. Accordingly, the access is considered to be acceptable.

3.5.48 Additionally, a gateway feature is proposed to the north of the site access to denote the edge of the urban area and encourage slow traffic speeds along the site frontage. The feature comprises 30mph roundels, surface treatment across the carriageway and SLOW markings on the approaches. Full

technical specification of the access and traffic calming measures will be secured via condition attached to the outline permission and works will be delivered via a Section 278 Agreement.

3.5.49 The aforementioned Demolition and Construction Environmental Management Plan will guard against significant highway impacts arising during demolition and construction phase of the development.

3.5.50 Notwithstanding the indicative layout submitted new internal highway infrastructure shall be considered a RM 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. Street construction detail and future management and maintenance thereof should, however, be secured via conditions attached to the outline permission.

3.5.51 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).

3.5.52 The Council's PROW consultee recognises that the route of the PROW shown on the indicative layout differs from that recorded on the Definitive Map. This seems to be apparent on the section of Public footpath 233 Darwen where it heads North East towards Stockclough Cottage. Any intention to alter the route of this footpath must be through application for a Modification Order to alter the line on the definitive map - all costs to be met by the developer. Resolution of the issue will be via the RM application, through assessment of the finalised layout. During remediation works, the developer must apply for a temporary closure for the footpath if the public are going to be at any risk during this period. Informatives to this effect will be applied to the full and outline applications.

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

3.5.54 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.

3.5.55 Proposed development platforms are merely to facilitate future residential development. The outline application is limited to access and quantum. Design, including appearance, landscaping, layout and scale will, therefore, be assessed at RM stage.

3.5.56 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* 79 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.

3.5.57 Heritage

Policy 39 requires development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset. The proposal is supported by submission of a Heritage Statement.

3.5.58 The Council's Archaeology consultee identifies the potential for buried archaeological remains at the site, associated with the late 18th and early 19th century use. This was also identified in response to the previous application. Accordingly, implementation of a programme of archaeological works in accordance with an agreed written scheme is recommended, to be secured via condition attached to the full permission.

3.5.59 Accordingly, the development is found to be acceptable, in accordance with Policy 39 and The Framework.

3.5.60 Planning Gain / Section 106 Financial Contributions

Pre-application advice set out the following requirements, unless the development proved evidently unviable:

- Affordable Housing to be provided on site (20% of homes); and

The following Section 106 contributions:

- Green Infrastructure / POS: on-site or **£101,232** for off-site provision (1,406 per home);
- local contribution 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 pedestrian routes: **£180,000**; and

- Education contribution towards a primary school extension in East Darwen (210 new places): **£150,000**.
- **Total: £431,232.**

3.5.61 As set out in Policy 7: *where a developer seeks to negotiate a reduction in standards that would normally apply to development on grounds of financial viability, the Council will require the developer to supply evidence as to the financial viability of the development. This will normally take the form of an open book financial appraisal of the proposed development. A Viability Appraisal is submitted with the application that has been independently audited. The audit confirms that the development would not be viable if the local authority were to require provision of affordable housing or Section 106 contributions.*

3.5.62 Members are advised that the outcome of the viability appraisal should be weighed against the economic, environmental and social benefits otherwise arising from delivery of the development. These include: A valued housing contribution involving a New Homes Bonus and increased Council Tax receipts; redevelopment of a brownfield site that has remained vacant for many years and which has been subject to failed attempts to be brought into use for residential development - a circumstance that serves to highlight the heavily constrained nature of the site; and resolution of a derelict site that has blighted the neighbourhood for many years. Members are advised that these positive material considerations are considered to outweigh the absence of affordable housing and Section 106 contributions from the development.

3.5.63 Summary

This report assesses the hybrid planning application comprising proposed full permission for demolition and remediation, and proposed outline permission, with all matters reserved except for access, for residential development of up to 79 dwellings. In considering the proposal, a wide range of material considerations have been taken into account.

3.5.64 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:

Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions:

Full Permission:

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 proposal received 5th January 2021 and drawings numbered: *to be 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, 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.

4. Upon completion of remediation works and re-contouring of the site to provide development platforms, 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.

5. 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.

6. Demolition and remediation works construction hereby approved 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.

7. Prior to the commencement of development (excluding demolition) for those elements approved in full and as part of the submission of the first reserved matter, for those elements approved in outline, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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, the potential for infiltration of surface water in accordance with BRE365, a survey of existing drainage arrangements and the potential to discharge surface water to the highway drainage system;

(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). In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s;

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; and

(iv) Foul and surface water shall drain on separate systems within the site.

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

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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.

8. No development shall commence (including any earthworks) until details of the means of ensuring the reservoir, spillway and associated structures are protected from damage, contamination, flooding and debris as a result of the development has been submitted to and approved by the Local Planning Authority in writing. The details shall include a risk assessment, outlining the potential impacts to the reservoir, spillway and associated structures from construction activities and the impacts post completion of the development and shall identify mitigation measures to protect and prevent any damage to the reservoir, spillway and associated structures both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details and shall be retained thereafter for the lifetime of the development.

REASON: In the interest of public health and to ensure protection of the public water supply, in accordance with Policies 8 and 9 of the Blackburn with Darwen Borough Local Plan Part 2.

9. Prior to commencement of the development hereby approved, a Demolition Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall provide for the following:
- An appropriate 'stand-off' zone from the Biological Heritage Site to prevent accidental incursion by machinery, dust and debris;
 - identification of any existing drainage to watercourses and sealing (temporarily if there is an intention to utilise post development) prior to any earthworks;
 - an appropriate 'stand-off' zone from all watercourses within the site;
 - 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.

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 into watercourse and 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.

10. Demolition works 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 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 Bat habitat, in accordance with Policies 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

11. If the demolition hereby approved do not commence before 30th September 2022, buildings will be reassessed for bat roosting potential and the findings supplied to and agreed in writing by the LPA.

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

12. Prior to commencement of earthworks, a Badger survey and of the site and within 30m of boundaries for badger setts 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 assessment.

REASON: In order to safeguard Badger, in accordance with Policies 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Prior to commencement of the development hereby approved, full details of mitigation for Barn Owl arising from demolition works, including the location of new nesting opportunities, in-line with the recommendations in the Ecological Survey and Assessment, ERAP ref. 2020-104 sections 5.5.4 – 5.5.9 shall be submitted to and approved in writing by the Local Planning Authority.

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

14. 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.

15. Prior to any earthworks or drawdown of pond 3, as referred to in the Ecological Survey and Assessment, ERAP ref. 2020-104, a Reasonable Avoidance Measures Method Statement for Amphibians (including Common Toad) shall be submitted to and approved in writing by the Local Planning Authority.

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

16. 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.

17. The development shall be carried out in strict accordance with the submitted Arboricultural Impact Assessment and Method Statement, prepared by TBA Landscape Architects, dated November and December 2020 (Rev A). Specified tree protection measures shall be adhered to throughout the period of demolition and construction.

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 Blackburn with Darwen Borough Local Plan Part 2.

18. 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.

Outline Permission

19. 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.

20. 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.

21. 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.

22. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 5th January 2021 and drawings numbered: *to be added*.

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

23. Prior to commencement of the development hereby approved, a BS4142:2014 'Methods for Rating and Assessing Industrial and Commercial Sound' assessment shall be submitted to and approved in writing by the Local Planning Authority. Noise control measures must be recommended to achieve a satisfactory rating level at all residential premises. All approved control measures shall be implemented prior to occupation of the approved use and retained for the duration of the use.

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

24. Prior to 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, as required by Condition 3 attached to the grant of full planning permission. 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.

25. 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.

26. Construction of the development hereby approved 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.

27. 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.

28. Gas fired domestic heating boilers shall not emit more than 40mgNO_x/kWh.

REASON: In the interests of improving air quality and to protect the health of resident, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

29. 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.

30. 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.

31. Prior to the commencement of development (excluding demolition) for those elements approved in full and as part of the submission of the first reserved matter, for those elements approved in outline, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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, the potential for infiltration of surface water in accordance with BRE365, a survey of existing drainage arrangements and the potential to discharge surface water to the highway drainage system;
 - (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). In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s;
 - (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) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; and
 - (v) Foul and surface water shall drain on separate systems within the site.

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

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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.

32. No development shall commence until technical specification and construction details of necessary repair works to the culvert running through the site and associated localised tree pruning works, have been submitted to and approved in writing by the Local Planning Authority. Details must be in accordance with the recommendations in the Flood Risk Assessment. The remedial 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.

33. No development shall commence (including any earthworks) until details of the means of ensuring the reservoir, spillway and associated structures are protected from damage, contamination, flooding and debris as a result of the development has been submitted to and approved by the Local Planning Authority in writing. The details shall include a risk assessment, outlining the potential impacts to the reservoir, spillway and associated structures from construction activities and the impacts post completion of the development and shall identify mitigation measures to protect and prevent any damage to the reservoir, spillway and associated structures both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details and shall be retained thereafter for the lifetime of the development.

REASON: In the interest of public health and to ensure protection of the public water supply, in accordance with Policies 8 and 9 of the Blackburn with Darwen Borough Local Plan Part 2.

34. 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.

35. A 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 Biological Heritage Site to prevent accidental incursion by machinery, dust and debris;

- identification of any existing drainage to watercourses and sealing (temporarily if there is an intention to utilise post development) prior to any earthworks;
- an appropriate 'stand-off' zone from all watercourses within the site;
- 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.

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 into watercourses and 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.

36. Notwithstanding the submitted details, an updated Bat and Bat Roosts Survey shall be submitted to and approved in writing by the Local Planning Authority 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 Bat habitat, in accordance with Policies 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

37. An external lighting design strategy shall be submitted to and approved in writing by the Local Planning Authority with a Reserved Matters application. The strategy shall:

- Identify areas/features on site that are potentially sensitive to lighting for bats;
- show how and where external lighting will be installed and through appropriate lighting contour plans demonstrated clearly that any impacts on bats is negligible;
- Specify frequency and duration of use.

All external lighting shall be installed in strict accordance with the approved detail.

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

38. Notwithstanding the submitted details, an updated Badger Survey shall be submitted to and approved in writing by the Local Planning Authority 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 Badger habitat, in accordance with Policies 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

39. No works to trees shall occur 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.

40. Prior to the commencement of any works on site, an updated 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.

41. The development shall be carried out in strict accordance with the submitted Arboricultural Impact Assessment and Method Statement, prepared by TBA Landscape Architects, dated November and December 2020 (Rev A). Specified tree protection measures shall be adhered to throughout the period of construction.

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 Blackburn with Darwen Borough Local Plan Part 2.

42. 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.

43. Prior to the construction of any of the streets referred to in condition 42, full engineering, drainage, street lighting and construction 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.

44. Prior to commencement of the development hereby approved, full engineering, construction and boundary treatment detail of the access hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The access shall be implemented in strict accordance with the approved detail.

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

45. 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.

5.0 PLANNING HISTORY

- 5.1 10/10/0875 – Full planning application for 87 residential dwellings together with associated infrastructure. Approved in December 2015 – now expired.

10/06/0225 – Outline planning application for a mixed use development including residential, employment, sheltered housing, community facility, access and landscaping. Approved in August 2007 - now expired.

10/07/0707 – Full planning application for the provision of on-site open space - Withdrawn.

10/08/0245 – Planning application for mixed use development comprising 94 dwellings, community facility, employment uses with associated landscaping, foul pumping station, access and ancillary works – Withdrawn.

6.0 CONSULTATIONS

6.1 Drainage (BwD – Lead Local Flood Authority)

No objection, subject to conditions:

Condition 1

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.

Condition 2

Prior to commencement the applicant shall provide details of the proposed repair work to the culverted watercourses which must be in accordance with the recommendations in the Flood Risk Assessment. A permit to carry out the works, under the Land Drainage Act, must also be submitted to the LLFA and approved prior to commencement.

6.2 Environmental Services

No response offered.

6.3 Public Protection

No objection, subject to comments / conditions:

Contaminated Land

Based on the information provided, should permission be granted I would recommend that the remediation part of the standard contaminated land condition is applied as well as the Watching Brief condition.

Desk Study

This Section previously requested that a site plan be provided with the areas of previous chemical storage, tanks etc. plotted on the plan. This plan has now been provided. Not all areas of previous chemical storage/tanks have been included in the plan. It has been argued in subsequent discussions that this is because these chemicals, if released, would break down quickly and harmlessly in the environment. In addition, the report notes that these chemicals were not identified in the site investigation. However, it is not clear if these areas were investigated. The argument regarding the breakdown of these chemicals in the environment seems reasonable based on the information provided. However, it would still be helpful to include these areas on the plan, as the walkover study undertaken by Coopers was only a snapshot of the conditions on the site at the time of the walkover. There is some uncertainty as to whether these areas were always used to store these chemicals, and therefore it would be prudent to highlight them as areas to focus on during any watching brief/site works.

Preliminary Conceptual Site Model (CSM)

The preliminary CSM presented in the 2020 report appears reasonable. However, this Section is concerned that the sampling to date has been relatively limited, and therefore there may remain some gaps in the data. As a result, further site investigation is proposed.

Site Investigations

This Section previously requested further clarification regarding the appropriateness of the analytical suite. The response received suggests that the previous analytical suite is appropriate, and that the consultant has concluded that no SVOC/VOC testing is required. If on site observations require this assessment to be changed, then samples should be taken accordingly.

Human Health Risk Assessment

Based on the information submitted to date, some remediation will be required for the site. This has been proposed in the form of a cover system in garden areas. Again, this appears reasonable based on the information currently available. However, to place further confidence in the remedial proposals, further sampling is proposed. This is welcomed.

- Please present the further risk assessment when available.

Controlled Waters Risk Assessment

Analysis of contamination of the surface water has been provided throughout the reports. The EA previously commented on the contents of the historical reports, and therefore they should be consulted again regarding the current remedial proposals.

- When appropriate, please consult the EA regarding the remedial proposals

Ground Gas Risk Assessment

Six rounds of gas monitoring have been undertaken throughout the 2007 investigation and the 2014 investigation. The associated risk assessment has concluded that there is a relatively low risk from ground gas at the site. Further TOC testing is proposed in order to provide additional lines of evidence regarding the potential gas risk. This is considered acceptable.

- Please provide an updated gas risk assessment when available

Remedial Proposals

The remedial proposals include undertaking some additional site investigation. This appears reasonable. At this stage, it is anticipated that some remediation will be required in the form of an engineered cover system. It is proposed that the cover system will comprise a 600mm system including a geotextile break layer in private garden areas, and a 450mm cover system

in landscaped areas. A plan of the probable areas requiring cover and the appropriate cover system depths in each area has now been provided. This is welcomed.

In terms of the importation and exportation of material from the site, this Section would require sampling at a rate of 1/100m³ for material being imported on to the site from a known 'clean' or greenfield source. For all other sources, a 1/50m³ sampling frequency would be appropriate. There should be a minimum of three samples analysed. Material removed from site and imported on to the site should be accompanied by appropriate WTNs where relevant. Certificates provided by the source supplied of material will not be accepted as validation of the imported material.

Noise

Comment: Noise Exposure Assessment – Report Dated 14th April, 2014 (Ref.15822-NEA-01 Rev D)

Further to my memo dated 7th May and subsequent email dated 14th July, 2021, regarding my concerns about the BS4142:2014 'Methods for rating and assessing industrial and commercial sound' assessment, I haven't been able to get representative data to characterise noise arising from the Cooper Rigg Ltd. (CRL) premises that adjoins the development site. However, I am conscious of the 'part b' request for outline planning permission for residential development comprising up to 79 new dwellings. With this in mind, I recommend the following conditions; including an industrial/commercial noise controlling condition that limits the location of proposed residential premises to areas where the adjoining commercial/industrial land uses are likely to have a low impact upon residential amenity.

Comment: 'Agents of Change' (Ref NPPF 2019, Paragraph 182 & 183)

I am concerned that the extant use classes of the adjoining commercial/industrial premises will be unreasonably restricted by the proposed residential premises, particularly CRL. It should be recognized that CRL relocated to their current premises because they were causing a statutory noise nuisance, under the Environmental Protection Act 1990 (EPA), at their former premises in Darwen. It should also be noted that the EPA includes a defence of 'Best Practicable Means' (BPM) which allows businesses to continue to cause a statutory noise nuisance as long as they have used BPM to minimise the nuisance suffered by those affected. Planning legislation has no such defence, it is the primary legislation available to Councils to prevent noise nuisance loss of amenity before developments are approved.

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:

Condition: Industrial/Commercial Noise Loss of Amenity

Prior to the commencement of the development a BS4142:2014 'Methods for rating and assessing industrial and commercial sound' assessment shall be submitted, in writing, to the Local Planning Authority (LPA). Noise control measures must be recommended to achieve a rating level that does not exceed 40dB(A) at all residential premises. The assessment and noise control measures must be approved in writing by the LPA. All approved control measures shall be implemented before commencement of the approved use and retained for the duration of the use.

Reason: To ensure an acceptable standard of residential amenity.

Condition: Traffic Noise Loss of Amenity

Prior to the commencement of the development a traffic noise control scheme shall be submitted to the Local Planning Authority (LPA) for written approval. The scheme must be

agreed, in writing, by the LPA and all noise control measures implemented before commencement of the approved use and retained for the duration of the use.

Reason: To ensure an acceptable standard of residential amenity.

NB: Ventilation Scheme

The Environmental Protection Service cannot assess or validate the suitability of habitable room ventilation system(s) proposed for this development.

Air Quality

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 and the Council's Air Quality Advisory Note.

Recommended Condition – Gas Fired Domestic heating Boilers

Any gas fired boiler installed at the development to heat a dwelling shall not emit more than 40mg NO_x/kWh.

Reason: In accordance with the Council's Air Quality Advisory Note and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality.

6.4 Highways Authority / Public Rights of Way Officer

No objection, subject to comments / conditions:

The application received has been assessed and a site investigation has been carried out.

The proposal seeks consent for

Hybrid Planning Application comprising:

- a) Full planning permission for remediation works including re-contouring of the site to form development platforms; and
- b) Outline planning permission with all matters reserved, except for means of vehicular access from Johnson New Road, for residential development comprising up to 79 new dwellings

Access/Layout

Vehicular access to the site is obtained from Johnson New Road, which is the one of the main routes into and out of the village. The residential properties proposed are to be served off one access. It is recommended that an additional access to serve the site is considered, the need to ensure that there is an alternative emergency access should the one and only vehicle access becomes blocked. There is no firm guidance supporting this, but is advocated as good practice. The Fire authorities we understand adopts a less numbers driven approach, and assess the site based on a risk assessment. In order to support your proposals, we request this be considered. If this is not forthcoming we would maintain our request for an alternative vehicular access.

An indicative road layout has been provided. It is noted that this is subject to reserved matters application, and would therefore recommend the following is explored when the scheme is submitted;

- The road layout has been designed pre manual of streets, no opportunity to soften the appearance of the hard landscaping has been introduced, it is our opinion that this can be explored further
- 6m radii at the junction please confirm
- No gradient details of the site are offered, please seek confirmation
- Confirmation is required on whether the streets will be presented for adoption.

At reserved matters stage, further consideration and detail will be required for retaining structures.

Details of sightlines are offered within the submission for the access out onto Johnson New Road. We would request further details showing boundary treatment at reserved matters stage is offered to support/and maintain clear sightline.

Parking

Consideration of parking will be assessed at Reserved Matters application. The following is for noting:

The scheme delivers mixture of 2/3/4 bed properties. The requirements for parking are in accordance with the councils approved adopted standards which make the following recommendation;

- 2-3 bed – 2 car spaces and 2 secure cycle spaces per dwelling
- 4 bed – 3 car spaces and 2 secure cycle spaces

The car parking supporting the dwelling houses should be contained within the curtilages. Each car space on the drive should be 5.5m in length and any garages supporting the dwelling houses should be 3m x 6m.

Transport Assessment

Our Transport Planner has reviewed the Transport Assessment, their response is attached.

Johnson New Road, while a 30mph zone within the vicinity of the site, is a rural road with good visibility promoting higher speeds. Consideration should be given to introducing traffic calming in the vicinity of the site access. There is potential for a pedestrian crossing along the desire line from the development to the footpath access opposite. More detailed response is outlined in the Transport Analysis attached.

Off-Site Highway Works

Through the assessment of the design and documentation received, there are a number of issues that are required to assist the development, the trips to and from the site for vehicles mode, and exploring and building upon the sustainability levels of the site.

The works sought have been discussed in these comments, they are:

- Improvement of footway along the full frontage of the site on Johnson New Road, this is to include associated lighting and drainage works where necessary
- Traffic calming measures to include speed reduction along Johnson New Road
- Improvement of pedestrian linkages into the village and crossing over Johnson New Road, allowing access to wider sustainable modes of transport, and accessibility to the village and beyond
- Placement of a junction table at the access point (on Johnson New Road) to alert motorists to a main junction - and thus heightening the importance of new access/ junction
- Improved bus stop facilities on Johnson New Road (shelter, access, kerb etc.)

All elements of the off-site highway works are to be secured under a Grampian condition; scheme to be submitted for approval and works to be carried out prior to the occupation of dwellings on the site.

There is a separate request for a s106 contribution towards wider DEDC networks improvements.

OTHER

Construction method statement would be required to support the development – no details are received, please request information or condition for submission.

Matters also to be considered are:

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway
- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authorities office on Tel: 01254 585009
 - The new highways will be the subject of a Section 38 agreement to construct and adopt the roads and footways
 - Any old entrances that are no longer required, should be reinstated back to full footway at the developers expense
 - Footways around the periphery of the site, are to be made good, upto modern adoptable standards, this include street lighting, lining and any associated works.

In principle we are supportive of the scheme, there are however a number of outstanding matters that require further consideration. Please request a response and additional information required.

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, 7, 8, 9, 90, 10, 11, 12, 13, 14, 15, and 17

Saf – 18th March 2021

PROW

Although the incorporated plans in the submitted application make reference to the public right of way being retained through the site, the route of the public right of way seems to differ from what we have recorded on the definitive map. This seems to be apparent on the section of Public footpath 233 Darwen where it heads North East towards Stockclough Cottage.

If the developer intends to alter the route of this footpath they must first apply for a modification order to have the line moved on the definitive map. All costs for this must be met by the developer. This application form can be obtained from BWDBC website or directly from:

Public.rightofway@blackburn.gov.uk

Whilst site preparation and construction is underway the developer needs to apply for a temporary closure for the footpath if the public are going to be at any risk during this period. The initial closure lasts for six months and can be extended after this. The cost for the temporary closure process and any subsequent extensions again needs to be met by the developer and the relevant forms can be obtained from the BWDBC website or directly from public.rightofway@blackburn.gov.uk

If the developer intends to change the surface of this public footpath they must seek prior approval from the Highways Authority for this work. There is no charge for this application and a form can be obtained from:

Public.rightofway@blackburn.gov.uk

If the developer doesn't need to temporarily close the public right of way, please add Highways 11 to this application.

6.5 Transport Planning
No response offered

6.6 Cleansing
No response offered.

6.7 Growth / Strategic Housing
No objection, subject to comments:

The Housing Growth Team would welcome good quality family homes in this location.

The principle of residential dwelling and mix is acceptable as proposals indicate a housing offer, which responds to the Council's growth strategy.

We would be supportive of 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.

6.8 Environment Agency
No objection, subject to comments / conditions:

Land quality

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without

these conditions the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) 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; and potentially unacceptable risks arising from contamination at the site.

2) 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.

3) The results of the site investigation and 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.

4) 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 express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons To ensure that the development does not pose an unacceptable risk of pollution to controlled waters

Condition No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason To ensure that any site remediation is completed in accordance with an approved scheme and that the development does not pose an unacceptable risk of pollution to controlled waters

Condition If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons To ensure that the development does not pose an unacceptable risk of pollution to controlled waters

We have noted that an abstraction borehole is present on site, and currently is consented. This consent will require surrender and the borehole will require closing down to an acceptable standard.

Flood risk

The proposed development is located in Flood Zone 1 which is defined as having a low probability of flooding in the national planning practice guidance.

Hoddlesden Moss Brook, which is designated as an ordinary watercourse, flows in culvert through the proposal site.

While we have no flood risk objections to the proposed development and the applicant would not require our consent for development on or adjacent to the existing culvert, we are aware that the following culvert survey was undertaken in 2007 to support a previous planning application:-

- Condition Assessment Report by Planned Maintenance (Pennine) Ltd at Carus Mill SWC, Hoddlesden, Darwen (Contract No. C1145; dated August 2007)

We are aware that at that time, the survey identified a number of culvert defects that required attention and it is not known whether these defects were ever addressed. We recommend that you consult the Lead Local Flood Authority on this application as if it is not demonstrated to their satisfaction that necessary works have been undertaken, it may be necessary to secure culvert improvement works as part of any subsequent planning approval.

6.9 GMEU Ecology

No objection, subject to comments / conditions:

Summary

There are a number of significant ecological issues associated with this site including roosting bats, nesting barn owls, partial loss of a BHS, as well as proximity to a watercourse and invasive species. Adequate opportunity for on-site mitigation and enhancement appears to be provided. As part of reserved matters updated ecological information should be provided.

Proximity to West Pennine Moors SSSI

The site lies within 700m of the West Pennine Moors SSSI. ***I recommend Natural England or consulted because the potential for increased recreational pressure.***

Waterside and Pickup Bank Valley; Eccleshill/ Yate and Pickup Bank BHS

The development site overlaps with this BHS, whilst the BHS within the development site is largely retained with the potential for enhancement, it is proposed to build on a small part of the BHS, currently identified as bare ground and hardstanding.

Whilst I do not disagree with the consultant that in terms of habitats this part of the BHS has minimal ecological value and there is more than adequate scope to mitigate and enhance for its loss, it is a narrow section of the BHS and the loss to houses, all be it small will weaken the connectivity along the valley and it would be better to amend the site layout and restore this area of the BHS and build additional houses elsewhere on parts of the site outside the BHS proposed as greenspace. ***Therefore whilst not an outright objection I would recommend the layout is amended to remove the houses from this part of the BHS.***

The retained areas of the BHS will also require protection during both site remediation and the housing phases if permission is granted as part of a CEMP or a standalone condition along the following lines.

Prior to any earthworks a method statement detailing protection of the BHS from accidental incursion by machinery, dust and debris 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.

Bats

The site was surveyed for bats including the culvert One small bat roost was located in one of the buildings, building 5 in the ERAP report, proposed for demolition. A license will be required from Natural England for the removal of this building. As the roost was small and consisting of a commoner bat species, with mitigation relatively simple given the retention of the adjacent building and proposal to construct new buildings across the site, I am satisfied that the conservation status of this species can be maintained and a license would be issued by Natural England. I therefore recommend a condition along the following lines is applied to the full permission as I assume it will be removed during the re-contouring of the site. However if I am incorrect, then it should be conditioned as part of the outline.

The demolition of building 5 is likely to cause harm to bats as identified in the Ecological Survey and Assessment, ERAP ref. 2020-104 and shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead:***
- or***
- b) a statement in writing form the relevant licensing body or LPA to the effect that it does not consider that the specified development will require a license***

As this is a hybrid application there is also the risk of delays and given building 4 is to be retained and presumably renovated as part of the outline application, the existing surveys carried out in 2020, may be dated by the time demolition and or development comes forward. I therefore recommend the following conditions. For the full application.

If the demolition hereby approved does not commence before 30th April 2022, buildings will be reassessed for bat roosting potential and the finding supplied to and agreed in writing by the LPA.

And for the outline.

As part of reserved matters updated bat reports will be provided to and agreed in writing by the LPA.

The boundaries of the site with the BHS and other woodland were also identified as having high bat foraging and commuting value. It has been recommended that external and street lighting avoid negative impacts on these features. I agree with the assessment. I therefore recommend an external lighting condition along the following lines is applied to any outline permission.

As part of reserved matters an external lighting design strategy shall be submitted to and approved in writing by the LPA. The strategy shall:

- *Identify areas/features on site that are potentially sensitive to lighting for bats;*
- *show how and where external lighting will be installed and through appropriate lighting contour plans demonstrated clearly that any impacts on bats is negligible;*
- *Specify frequency and duration of use.*

All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy.

Otter and Water Vole

The brook was surveyed for otter and water vole. No evidence was found of either species. Given the development does not encroach closer than 20m from the Brook and whilst otter may pass up the Brook, the risks are very low that either species is present or will be impacted upon. No further information or measures are required at this time.

Badger

Habitat is suitable adjacent to the site and one possible sett found but no evidence of badger recorded following more detailed survey. Badger are known to be present in the wider area. I therefore recommend that as part of both the full and outline applications, if approved, that updated badger surveys occur. For the full I recommend a condition along the following lines.

Prior to commencement of earthworks a survey of the site and within 30m of boundaries for badger setts will occur and the findings supplied to and agreed in writing by the LPA.

for the outline

As part of reserved matters an updated survey for badger setts will be supplied to and agreed in writing by the LPA.

Barn Owls

Barn owls breed in one of the buildings proposed for demolition. Barn owl is listed under schedule 1 of the Wildlife & Countryside Act 1981 (as amended). Whilst not precluding development full mitigation will be required, whether through provision in part of building 4, noted as used for roosting by the Barn owls, though not breeding, dedicated barn owl building or owl boxes. Barn owl mitigation options are provided within sections 5.5.4 – 5.5.9 which provide adequate assurance at this stage that their conservation status on the site can be safeguarded. I recommend that full details are provided prior to demolition of building 5. Again I am unclear whether this will occur as part of the full or outline application, though

assume I demolition would occur as part of the land remediation. A condition along the following lines should be applied

Prior to demolition full details of mitigation for Barn Owl, including the location of new nesting opportunities, in-line with the recommendations in the Ecological Survey and Assessment, ERAP ref. 2020-104 sections 5.5.4 – 5.5.9 shall be provided to and agreed in writing by the LPA.

Again update ecological survey should be provided should development be delayed for both full and outline applications along the same lines as recommended for bats and badgers.

Other Nesting Birds

Bird nesting habitat will be lost most likely as parts of both outline and the full permission. The standard bird nesting conditions should be applied to both along the following lines.

No works to trees or shrubs shall occur or demolition commence between the 1st March and 31st 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.

Amphibians and Reptiles

The site was assessed as being very low risk for protected amphibians or reptiles. I have no reason to doubt the assessment. Common toad a UK Biodiversity Priority Species was recorded as breeding in one of the ponds on site. Reasonable avoidance measures and mitigation recommended during site remediation and removal of the mill pond where they breed are commended. A condition along the following lines would suffice.

Prior to any earthworks or drawdown of pond 3 as referred to in the Ecological Survey and Assessment, ERAP ref. 2020-104 a reasonable avoidance measures method statement for amphibians including common toad will be provided to and agreed in writing by the LPA

Invasive Species

A number of invasive species listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) were recorded on the site including Japanese knotweed, himalayan balsam, Rhododendron and cotoneaster. It is likely that offences could occur as part of both the full and outline permission.

I therefore recommend a condition along the following lines is applied to any full permissions.

Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for himalayan balsam, japanese knotweed, rhododendron and 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.

For the outline given control is likely to have started I recommend a condition along the following lines.

As part of reserved matters a updated survey for invasive plant species and on any management that may already have occurred including japanese knotweed, himalayan balsam, rhododendron and cotoneaster will occur and the finding supplied to and agreed in writing to the LPA. If any invasive species are still present an updated method statement detailing avoidance, control and

eradication measures should also be supplied to and agreed in writing by the LPA, prior to any earthworks.

Proximity to Watercourse

The development is in close proximity to Pickup Bank Brook and over a culverted tributary. There are risk during and post construction on negative impacts on the ecological potential of the watercourse from silt, changes to flow and pollutants as well as opportunities to improve the water quality of any existing connectivity with the watersource as well as the removal of physical modification and daylighting of the culverted watercourse. The risks and opportunities apply to both the full and outline applications. ***Construction and Environmental Management plans should be required via condition for both the site remediation and house building phases should permission be granted, with specific measure to protect the watercourses.*** This should include identification of any existing drainage to either watercourse and sealing (temporarily if there is an intention to utilise post development) prior to any earthworks. Alternatively standalone conditions along the following lines could be applied.

No development, site clearance, earth moving shall take place or material or machinery brought on site until a method statement to protect the Pickup Bank Brook and tributaries 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.

Drainage impacts post development, primarily I am assuming relating to the outline permission, should be provided as part of reserved matters. A condition along the following lines would suffice.

No development shall take place until it can be demonstrated that there will be no negative impacts on the ecological status/potential of the Pickup Bank Brook and tributary 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 scrub and potentially some trees as well as potentially a minor loss of BHS, bird nesting habitat a pond, toad breeding habitat, a bat roost and barn owl nesting site and other semi-natural vegetation including some common and widespread orchids.

Mitigation is recommended by the ecological consultants and adequate land appears to be provided, including pond creation and management of retained woodland, that on-site mitigation should be possible.

A Landscape and environmental management plan is recommended which should be provided as part of reserved matters. Whilst protected species issues could be dealt with separately as outlined above mitigation for loss of habitats and associated species should be provided via this document. ***A condition along the lines of what is recommended in section 5.7.2 of the ecological report should be applied. I would however recommend at least 10 year not 5 and maybe more as when and if net gain comes in 25 year plans will become the norm.***

Specific habitat and species bullets should include woodland management, the pond creation and common toad mitigation , bat roosting (beyond the mitigation required for the loss of the roost) and bird nesting strategy for the new build and retained woodland in and outside the BHS ; grassland creation for the orchids and watercourse improvement.(if applicable, such as removal of any physical modification under their control).

6.10 United Utilities

No objection, subject to comments / conditions:

It is important to highlight that Hoddlesden Reservoir lies directly downstream of the development. **We wish to flag concerns regarding protection of the reservoir from contamination, flooding and debris blocking the spillway and associated structures, both during construction and post completion of the development.** In addition, the reservoir is used for leisure purposes, namely fishing, and this should not be impacted by the construction activities or the potential risks mentioned.

On this basis, and to ensure the protection of the reservoir both during construction and post completion of the development, we recommend that the following condition is attached to any Decision Notice, should the Council be minded to approve this application. Please note this condition should apply to both the outline and full elements of the proposals:

Condition 1 – Asset Protection

No development shall commence (including any earthworks) until details of the means of ensuring the reservoir, spillway and associated structures are protected from damage, contamination, flooding and debris as a result of the development has been submitted to and approved by the Local Planning Authority in writing. The details shall include a risk assessment, outlining the potential impacts to the reservoir, spillway and associated structures from construction activities and the impacts post completion of the development and shall identify mitigation measures to protect and prevent any damage to the reservoir, spillway and associated structures both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details and shall be retained thereafter for the lifetime of the development.

Reason: In the interest of public health and to ensure protection of the public water supply.

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.

From a review of the Environment Agency's surface water flood maps we note that the site lies within an area at high risk of surface water flooding. We would like to highlight this to the applicant to ensure due consideration is given to the sustainable management of surface water in this application and any subsequent Reserved Matters submission.

We request the following drainage condition is attached to any subsequent approval to reflect the above approach:

Condition 2 – Foul and Surface water Drainage

Prior to the commencement of development (excluding demolition) for those elements approved in full and as part of the submission of the first reserved matter, for those elements approved in outline, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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, the potential for infiltration of surface water in accordance with BRE365, a survey of existing drainage arrangements and the potential to discharge surface water to the highway drainage system;

(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). In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s;

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; and

(iv) Foul and surface water shall drain on separate systems within the site.

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

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

The applicant can discuss any of the above with Developer Engineer, **Robert Brenton**, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

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 detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. 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.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface

water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the below a useful example:

Prior to occupation of the development 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: a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and b. 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.

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:

The Vernon Carus site formerly included the Grade II Listed Building known as Vale Rock Mill, until its destruction by fire and complete demolition in 2000. The former site of Vale Rock Mill and St Paul's Mill is still recorded as a non-designated heritage asset on the Lancashire Sites and Monuments Record, PRN 2077.

Vale Rock Mill was identified in the Lancashire Textile Mills Survey Stage 1 (Oxford Archaeology North, 2010, p. 445) as "reputedly the oldest surviving industrial site in Darwen, which started in c. 1778 as a calico printing works". It later became the site of a water-powered cotton spinning mill, was then used as a bleachworks for a short time in the 19th century before once again reverting back to cotton spinning. It is known that the use of the site as a bleachworks saw buildings erected next to the original works.

The former Lancashire County Archaeology Service, in response to previous planning application to develop the site 10/10/0875, was of the opinion that there was a potential for buried archaeological remains associated with the late 18th and early 19th century use of the site to be encountered by the development, and the Historic Environment Team see no reason as to why this should not still be considered the case. The likelihood of below-ground structures surviving is also acknowledged in section 5.1 of DB Remediation's Updated Desk

Study and Remediation Strategy (Dec. 2020), and the need for the site to be cleared of such remains is stated in Section 3, p.16:

"Site wide clearance of below ground footings and relics will be required to provide a safe working platform (base level) for future development."

The planning application 10/10/0875 was granted planning permission with a condition (no. 12) requiring the implementation of a programme of archaeological works in accordance with an agreed written scheme. The Historic Environment Team therefore advise that should the Local Planning Authority be minded to grant planning permission to this, or any similar proposals, that such a programme of archaeological investigation of the site, i.e. archaeological excavation and recording, along with the appropriate reporting of those works and archiving of the results, is 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 phased programme of archaeological investigation, recording and analysis. 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, as well as the proper reporting of that work and archiving of the project.

This is in accordance with National Planning Policy Framework paragraph 199: "*Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible...*" and the Adopted 2015 Blackburn with Darwen's Local Plan Part 2, Policy 39. Heritage (see part 11).

6.14 Canal and Rivers Trust
No response offered.

6.15 Public consultation has taken place, with 73 letters posted to the local community on 18th January 2021. Site notices were also displayed and a press notice published 20th January 2021. In response, 1 objection and 1 general comment were received (see Summary of Representations).

6.16 Representation has also been received from local ward councillor Julie Slater on the 20th January 2021: "*This is amazing news. I hope after the company have a pre planning app meeting this meets the criteria. This is so much needed in the village. It will also so all the illegal fly tipping we have had. This site has been ongoing for over 15 years. I really hope this goes ahead, with the correct conditions in place and section 106 money, used within West Pennine Ward for children's play areas. The playground at Eccleshill needs updating as does Blacksnape play area, which is being held up with pieces of wood.*

Both these areas need repairing urgently, alongside footpaths in the millennium green, and with all these houses being built at Cranberry, Pole Lane,

Hoddlesden, Eccleshill we really need fir for purpose play areas for our young children.

I hope you will put this in place with 106 monies and conditions. Plus the residents would really like to site the messy site cleaned up. “

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

8.0 DATE PREPARED: 1st September 2021.

9.0 SUMMARY OF REPRESENTATIONS

Objection from Paul & Janet Greenhalgh, The Stables, Hoddlesden Hall, Hoddlesden. Rec. 06.02.21

We write further to your letter dated 18th January incorrectly addressed to us.

We would like to point out that the proposed application states that consultation has been made with local residents. As occupants of one of the nearest residences to the site we would have expected to have been included in any consultation but, disappointingly, we have not been.

We have a concern that the siting of the proposed traffic calming roundel directly at the rear of our property may have an adverse effect on us, including increased noise and exhaust fumes with the stopping and starting of vehicles outside our property. In addition it will also block access to our property.

We have no objection to the traffic calming measure and suggest that the above issue can be easily remedied if it is sited slightly further along the road, nearer to the cemetery, where it is not directly overlooked by a residential property.

Comments from Sandra Gray, 9 Browning Street, Hoddlesden. Rec. 01.02.21

Dear Mr Blackledge

Full Planning Application/Outline Planning Application – Hybrid planning application comprising:

- a) Full planning permission for remediation works including re-contouring of the site to form development platforms at Former Hoddlesden Mill (Carus Mill) Johnson New Road, Hoddlesden**

Residents of Hoddlesden will be pleased and relieved to see that the Hoddlesden Mill Site (Carus Mill) is under consideration for development. However, it must be a development

that is safe and takes into consideration the designated conservation area and protects the heritage of the village. Hoddlesden is within a Green Belt Area.

REMEDIAL WORKS – CONSIDERATIONS

1. I understand the culvert requires extensive repair which was indicated in a previous planning application.
2. This is a flood zone area – attention to drainage of water and sewage is a priority.
3. Is this site in a ground water source protection zone? (Environment Agency approach?)
4. Ground water environ and public water supply must be protected.
5. Trees will have to be removed. How many have a Tree Protection Order? Will there be other trees planted to compensate for their loss?
6. Human Health Risk – Contamination of the site must be taken into consideration with regard to the watercourse.
7. If there are still samples of copper and zinc prevalent this may affect human health. If toxins are in the soil the land could become a danger to children and gardeners who wish to soft landscape their land.
8. Provision for a children’s play area must be considered. We have had far too many problems with unsocial behaviour within the village itself and this has been a bone of contention for many years.
9. During initial work on this land access must be maintained on Johnson New Road and Long Hey Lane.

b) Outline planning permission with all matters reserved, except for means of vehicular access from Johnson New Road, for residential development comprising up to 79 new dwellings at Former Hoddlesden Mill, Johnson New Road, Hoddlesden

I consider the top priority in the village is a new Primary School. Our present facility is over subscribed and with the new housing developments in Pole Lane, and I have heard there may be another in Eccleshill(?), it is more of a priority to build a new and larger school. We could have a new school on the Mill site and the old school site could then be developed for housing.

However, in relation to this planning application my comments are listed below:-

- 1 When a developer is found a community consultation should take place to view the plan as I understand the one detailed on the planning permission document is an example.
- 2 A maximum of 79 houses would be far too many as this would indicate a less appropriate design than should be envisaged. i.e. higher end design.
- 3 Consider a combination of 1 storey and 2 storey houses. There are many older residents in the village who would welcome bungalows.

- 4 The village is isolated from local amenities. There is one village shop and a public house (if it re-opens after Covid). No local transport and an oversubscribed primary school.
 - 5 The design of the houses is paramount if it is to be in keeping with the heritage of the village and the conservation area. This is a Green Belt area.
 - 6 The developers should plan for a children's play area.
 - 7 Traffic assessment to be considered. During building the development access must be maintained along Johnson New Road and Long Hey Lane.
 - 8 As this is a 2-part planning application, part (b) should be resubmitted when a final design plan of the site is ready for viewing.
-

Comments from Steve Hartley, WEC group. Rec. 27.01.21

Good afternoon Nick,

As per our telephone conversation yesterday 26th January I would just like to point out that the planners must give better consideration to the agricultural access . There is an existing right of way for use by the farmer from point 1 and point 2 on the map attached.

The farmer regularly moves his sheep along this access and there could be a quantity of 200-300 sheep at any one time and large agricultural machinery.

I am in full support of the proposed layout of the houses and think this will be good for Hoddlesden.

Many thanks

Proposed development: Variation/Removal of Condition/Minor Material Amendment for Removal of conditions 7 (permitted development rights) and 11 (validation report) pursuant to application 10/20/0019

**Site address:
White Lodge Farm
Blackburn Road
Edgworth
BL7 0PU**

Applicant: LTW Development LTD

**Ward: West Pennine
Councillors: Cllr Jean Rigby
Cllr Julie Slater
Cllr Neil Slater**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The application is reported to Committee at the request of the Chair, due to the receipt of an objection from North Turton Parish Council, in accordance with the Chair Referral Scheme of Delegation.

2.2 The assessment of the application against the Development Plan, the National Planning Policy Practice Guidance, and other material considerations, finds the proposal acceptable, with all issues having been addressed through assessment of the application.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site lies within the Edgworth Village Boundary as shown on the Adopted Policies Map accompanying Local Plan Part 2, whilst the north and west boundaries of the curtilage abut Green Belt.

3.2 Proposed Development

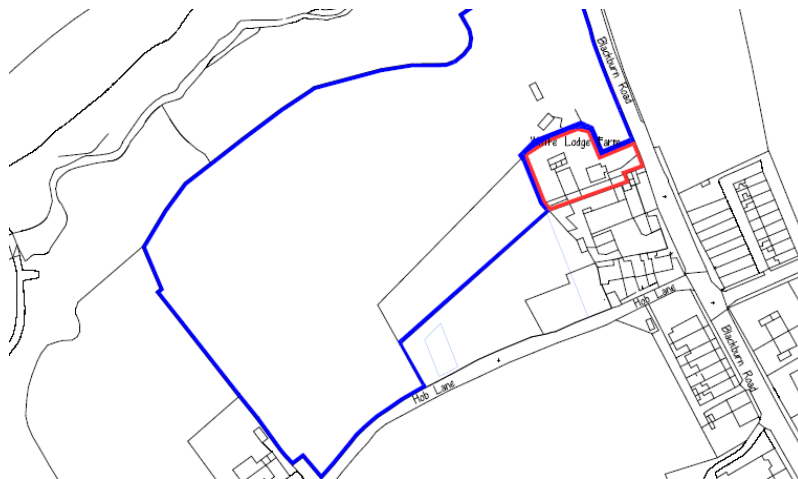
3.2.1 The application is submitted under Section 73 of the Town and Country Planning Act 1990. It seeks the removal of conditions 7 and 11 attached to the original planning permission, and variation of drawing number permission granted for the '**Demolition of outbuildings and erection of one dwelling**' (10/18/1002 and 10/20/0019). *Condition 7* relates to the removal of permitted development rights afforded by Classes A, B, C, D, E and F of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as follows

Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment No.2) (England) Order 2015 as amended, no development of the type specified in Classes A, B, C, D, E, F of Part 1 and in Classes A and B of Part 2 of that Schedule shall be carried out unless planning permission has been granted first.

REASON: Due to the restricted nature of the site, whilst the dwelling as approved is acceptable, any further extensions or alterations normally permitted under the above provisions may in this case conflict with the interests of adjacent properties or the amenity of the area generally in accordance with Policies 3, 8 and 9 of the Blackburn with Darwen Borough Local Plan Part 2.



Approved layout above (10/20/0019)
Site and location plan below



3.2.2 Condition 11 relates to 'prior to the permitted use' validation requirements, as follows

Prior to the commencement of the permitted use, the developer must submit two copies of 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,

in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

3.3 Development Plan

3.3.1 Section 38(6) of the Planning and Compulsory 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 (2011) and adopted Local Plan Part 2 (2015) – 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 (2011)

Policy CS5: Locations for New Housing

3.3.4 Local Plan Part 2 (2015)

Policy 6: Village Boundaries
Policy 9: Development and the Environment
Policy 8: Development and People
Policy 10: Accessibility and Transport
Policy 11: Design
Policy 41: Landscape

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (NPPF) (2021)

3.4.2 National Planning Practice Guidance (NPPG)

3.4.3 Relevant Case Law

3.5 Assessment

3.5.1 In assessing this application in particular to the removal of condition 7 (PD rights) there are a number of important material considerations that need to be taken into account , as follows:

- Amenity impact; and
- Design/Character and Appearance.

3.5.2 Members are advised that the assessment is strictly limited to the merits of removing the stated conditions. The planning permission previously granted, including all other attached conditions, would remain unchanged.

3.5.3 Para 017 (Use of Planning Conditions) of the National Planning Practice Guidance (NPPG) states the following on the subject of removing Permitted Development rights from an approved development:

Conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#), so that it is clear exactly which rights have been limited or withdrawn. Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. The local planning authority also has powers under [article 4 of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) to enable them to withdraw permitted development rights across a defined area, where justified.

3.5.4 Taking into account the above guidance, it is rational to conclude that the condition attached may be unreasonable given the location of the site and surroundings.

3.5.5 This is further explored in the context of three recent appeal decisions, the first and second allowing the erection of a replacement dwelling and the third case allowing the change of use from holiday cottage to dwelling, respectively, which are all considered relevant to this assessment. It should be noted the first decision was issued in March 2021, circa 2+ years subsequent to the original approval at White Lodge Farm, the second decision issued in December 2020 (both within Green Belt) and the third decision in August 2020. As such, all three decisions, represent material considerations carrying significant weight in assessment of this application.

3.5.6 In the most recent decision and in considering whether the removal of permitted development rights (Classes A, B C, D and E) was reasonable the Inspector with reference to Class E stated:

Paragraphs 53 and 55 of the National Planning Policy Framework (the Framework) state that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In addition, conditions should be kept to a minimum and only imposed where, amongst other matters, they are necessary and reasonable. More guidance is given in the Planning Practice Guidance (PPG), which states that Section 70(1) of the Town and Country Planning Act 1990 enables the local planning authority to impose 'such conditions as they think fit'. However, this power must be interpreted in the light of material considerations such as the Framework, the PPG, and relevant case law.

*The PPG sets out the 6 tests for conditions and states that they must be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise, and reasonable in all other respects. The PPG also states that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in **exceptional circumstances**. Area-wide or blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would*

otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.

I am mindful of the great importance given to the Green Belt by the Government and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, where the essential characteristics of Green Belts are their openness and their permanence. However, in this instance and on the evidence that is before me and from my own observations, I am not persuaded that the Council has demonstrated **exceptional circumstances** to justify the imposition of condition 3 that removed permitted development rights under Class E on the original application. Therefore, in this instance, I consider that a condition removing domestic permitted development rights under Schedule 2, Part 1, Class E of the GPDO, is not reasonable and necessary to protect the character and appearance of the site and the openness of the Green Belt.

Therefore, for the reasons given above and in light of national policy and guidance regarding imposition of conditions restricting the future use of permitted development rights, I conclude there are no **exceptional circumstances** to justify the removal of permitted development rights under Schedule 2, Part 1, Class E at the appeal site. Accordingly, I find no conflict with Policy BDP4 of the Bromsgrove District Plan 2017, the PPG, and the requirements of the Framework.

Appeal Ref: APP/P1805/W/20/3256333: Portway, Birmingham (March 2021).

- 3.5.7 With regards to the second case presented, in considering the removal of permitted development rights (Classes A, B, E, G and H) was necessary and reasonable, on the context of the site location within the Green Belt, the Inspector stated:

It is reasonable therefore to contend that permitted development rights for dwellings in the Green Belt are intentionally no different to those available outside of the Green Belt, and that if greater control was desired then the GPDO would reflect this.

*I find the justification for this conclusion to be further strengthened by the clear requirement of paragraph 53 of the Framework and the NPPG that **exceptional circumstances** must apply for the removal of permitted development rights. In this respect, if a location within the Green Belt alone was held to be an exceptional circumstance, then it would be conceivable that the definition of Article 2(3) of the GPDO would have been altered to reflect this. Therefore, the assumption must be that the permitted development rights should persist, unless there is a clear justification for the restriction, which must be both precisely defined, and site-specific to a particular circumstance rather than applicable on an area-wide or blanket basis.*

Appeal Ref: APP/Z4718/W/20/3255705: Emley, Huddersfield (February 2021).

- 3.5.8 The third appeal relates to the removal of permitted development rights for Classes A, B, C and D. The condition applied to protect residential amenity of the occupants at the new dwellings and the neighbours. The Inspector commented:

The relative siting, density and design of the dwellings is not unusual, and the permitted development rights regime has been conceived to allow the reasonable adaption of dwellings. I therefore find that 'residential amenity' would not be prejudiced. Rugby Borough Council Local Plan Policy SDC1 seeks to safeguard living standards and the proposal does not conflict with this policy.

Paragraph 55 of the National Planning Policy Framework (the Framework) describes the tests for conditions. The Planning Practice Guidance (PPG) emphasises that the tests must be applied rigorously. Moreover, the PPG is very cautionary over the removal of permitted development rights. I therefore find that the condition is unnecessary and would be unreasonable. Accordingly, the condition fails the tests in the Framework and PPG.

Appeal Ref: APP/E3715/W/20/324813 Brandon, Warwickshire (August 2020).

- 3.5.8 All appeal decisions serve to emphasise the purpose of householder permitted development rights and that their removal must be clearly justified with specific reference made to **exceptional circumstance**. The application site whilst not directly in the Green Belt, does adjoin the Green Belt, and therefore it is considered that all the aforementioned appeal decisions are of relevance. PD rights for dwellings in the Green Belt are no different to those available outside of it and if this were the case, the GPDO would reflect it.
- 3.5.9 Furthermore, conditions within each relevant class would provide adequate restrictions to a proposed development at the site i.e. Class E permits the erection of outbuildings etc. subject to a number of conditions. A summary of the conditions are, height limitation, floor area restriction, incidental use and the outbuilding etc. must not be situated on land forward of a wall forming a principle elevation. Whilst the new dwelling is considered a relatively considerable unit, the limited red edge of the site would provide adequate restrictions in ensuring any additions/alterations undertaken within the limitations of Schedule 2, Part 1 would be appropriate, limited and therefore would not bear an overbearing impact or additions/alterations.
- 3.5.10 Taking into account the national policy/guidance position, the noted appeal decisions – which carry significant weight – and the approved site layout, it is considered that amenity levels and the character and appearance of the area would be sufficiently safeguarded from impact arising from extensions/outbuildings etc. available under permitted development.

Case Officer Site photographs of application site as at 9th August 2021:



3.5.11 With reference to the removal of condition 11, the Council's Public Protection Team confirm based on the fact that condition 9 (validation) has been previously discharged, the removal of the condition is considered acceptable based on the confirmation received by email from the applicant that it is in effect suitable for use (no soil brought onto site, and no unexpected contamination was identified).

3.5.12 Members are therefore requested to recommend to support the removal of both the aforementioned conditions (to withdraw permitted development rights and validation).

4.0 RECOMMENDATION

4.1 APPROVE subject to the conditions below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission 10/19/0149, 25th February 2019.

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

2. Prior to the commencement of construction hereby approved, save for the demolition of the outbuildings, samples of all external walling, roofing materials, and their colour to be used in the 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 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

3. Prior to commencement of the construction hereby approved, a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

I) the parking of vehicles of site operatives and visitors

II) loading and unloading of plant and materials

III) storage of plant and materials used in constructing the development

IV) the erection and maintenance of security hoarding along the boundary with the Green Belt and adjacent barn

V) wheel washing facilities

VI) measures to control the emission of dust and dirt during construction

VII) a scheme for recycling/disposing of waste resulting from demolition and construction works

VIII) a scheme to ensure that all heavy commercial vehicles carrying bulk materials into or out of the site are sheeted

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the neighbouring properties, in order to protect the visual amenities of the locality, in order to protect the Biological Heritage Site, and to comply with Policies 9, 10, 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

4. Prior to the commencement of development/construction hereby approved, save for the demolition of the outbuildings, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Trees and shrubs shall be planted on the site in accordance with the landscaping scheme during the first available planting season. The scheme shall include details of materials to be used for hard surfaces, and details of species to be planted, with their siting and planting distances, and shall be implemented during the first available planting season after the commencement of development. Trees and shrubs 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 that there is a well laid scheme in the interests of amenity in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

5. Prior to the commencement of development/construction hereby approved, save for the demolition of the outbuildings, details of visibility splays and sightlines shall be provided.

REASON: To ensure safe access and egress into and out of the site and to ensure the safe, efficient and convenient movement of all highway users is not prejudiced.

6. 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.

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

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

8. Prior to the Prior to the commencement of development/construction hereby approved, save for the demolition of the outbuildings, the developer must submit to the Local Planning Authority (LPA) for written approval:

i Detailed proposals for site investigation based on the submitted CSM shall be submitted; the developer will be advised whether any further site assessment is required.

ii. If required by the LPA, two copies of 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.

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, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

9. 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 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, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

10. If pile driving works are required on site, 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 adjacent residential premises, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

11. If outdoor floodlighting is to be installed, an outdoor floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the construction phase commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the approved use.

REASON: To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

12. The following mitigation measures will be implemented prior to the commencement of the approved use:

a. There shall be one electric vehicle charging point at each house with a garage or driveway. An appropriate charging point for a single dwelling 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.

b. Gas fired domestic heating boilers shall not emit more than 40mg NO_x/kWh

REASON: To ensure that the development is designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles and to implement the requirements of Council's Air Quality PAN and the Principles of Good Practice in the EPUK & IAQM guidance "Planning for Air Quality", in accordance with the National Planning Policy Framework 2018 and Policies 8 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

13. This consent relates to the submitted details marked received on 25th February 2019 and numbered HLF12, 10, 09, 08, 07, 06, 05, 04, 03, 02, 01; as amended by plans received 7th January 2020 and numbered HLF12 (A), 10 (A), 09 (A), 08 (A), 07 (A), 06 (A), 03 (A), and any subsequent amendments approved in writing by the Local Planning Authority within 12 months of the date of this decision.

REASON: To clarify the terms of this consent.

5.0 PLANNING HISTORY

5.1 10/18/1002 - Demolition of outbuildings and erection of one dwelling – approved under delegated powers on 9th November 2018.

5.2 10/18/1234 - Discharge Condition No 3 pursuant to planning application 10/18/1002 – approved under delegated powers on 27th February 2019.

5.3 10/19/0149 - Demolition of outbuildings and erection of one dwelling (resubmission of application 10/18/1002) – approved under delegated powers on 29th April 2019.

5.4 10/20/0019 - Variation of Condition No.15 pursuant to planning application 10/19/0149 - demolition of outbuilding and erection of one dwelling - reposition and increase size of garage and alterations to front elevation – approved under delegated powers on 2nd March 2020.

5.5 10/20/0226 - Discharge of Condition Nos 2, 3, 4, 5 and 9 pursuant to planning application 10/20/0019 approved under delegated powers on 16th April 2020.

6.0 CONSULTATIONS

6.1 Public consultation has taken place, with 5 letters posted to neighbouring addresses on 9th July 2021. No representations were received in response.

6.2 North Turton Parish Council

North Turton Parish Council objects to the proposals to remove condition 7 of 10/20/0019 to allow permitted development rights at White Lodge Farm, Blackburn Road, Edgworth, on the grounds that it is already an over-development of the site.

6.3 Public Protection

Based on the fact that condition 9 has already been discharged, then it does change things. Condition 11 can be discharged now based on the emails below (ie. That no soil was brought on to the site, and no unexpected contamination was identified). Ideally this would have come in the form of a report with photographs, but the email will suffice as validation.

7.0 CONTACT OFFICER: Adam Shaikh – Planning Officer

8.0 DATE PREPARED: 26th August 2021.

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/0914

Proposed development: Full Planning Permission - Installation of air source heat pumps (ASHP) including 3 no. ASHP islands with enclosures, and 3 no. brick built external plant rooms adjoining main building

Site address: Blackburn Technology Management Centre, 2 Challenge Way, Blackburn, BB1 5QB

Applicant: Blackburn with Darwen Borough Council

Ward: Little Harwood and Whitebirk

Councillor Pat McFall

Councillor Abdul Patel

Councillor Mustafa Ali Desai



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be granted planning permission, subject to the conditions detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Scheme of Delegation, and given the fact that Blackburn with Darwen Borough Council is the Applicant. The planning application has been submitted under Regulation 3 of the Town & Country Planning Regulations 1992. No objections have been raised insofar from consultees. The proposed development has been publicised through the posting of a Site Notice and no public comments have been received.
- 2.2 The Council's Development Plan supports new renewable energy developments and associated works, provided they constitute sustainable development, and accord with the Development Plan when taken as a whole. The proposal would deliver sustainable energy provision for the Technology Management Centre in the form of three Air Source Heat Pumps (ASHPs), which extract the heat from the atmosphere and utilise it to heat air or water.
- 2.3 On balance, the proposal would be satisfactory from a technical point of view, with all issues having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.4 The key issues to be addressed in determining this application are;
- Design and assessing visual amenity impacts;
 - Assessing the potential for residential amenity impacts;
 - Assessing the potential for highways and parking impacts;

3.0 RATIONALE

3.1 Site and Surroundings

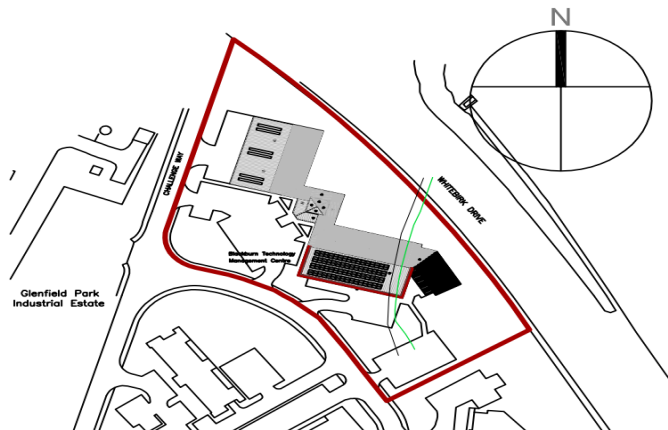
- 3.1.1 The application site is a Council owned building that is used for supporting small companies. The site is positioned within the Glenfield Park Industrial Estate, an allocated Primary Employment Area, and the settlement of Blackburn. The site also straddles the boroughs of Blackburn with Darwen and Hyndburn. Commercial buildings surround the site to three sides with Whitebirk Drive positioned immediately to the northeast.

Figure One – Satellite image of the site



3.1.2 The application site covers an area of circa 2.6 acres. It comprises of central building with a car parking area to the southwest and landscaped areas to all sides. Vehicle access is gained from the west off Challenge Way. The host building is distinctly commercial in its style with red brick and metal clad elevations, a metal clad roof, and white uPVC doors and windows.

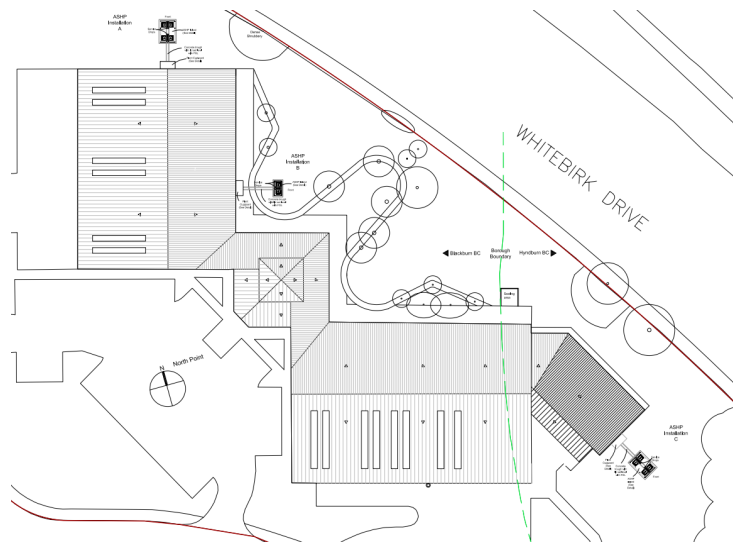
Figure Two – Location Plan showing the extent of the site and access points



3.2 Proposed Development

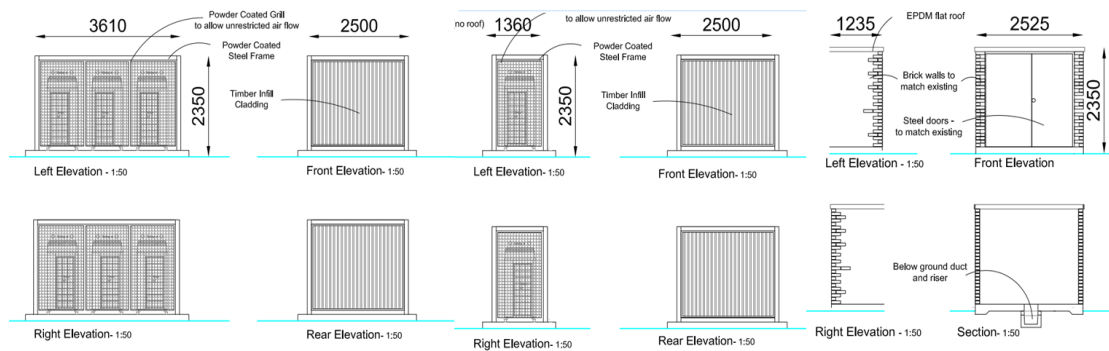
3.2.1 This planning application involves the citing of three ASHPs at three separate points on the building. The proposed locations are shown below in Figure Three. For clarity, the ASHP proposed for the eastern edge of the host building would be positioned within the boundary of Hyndburn Borough Council. Two types of ASHPs are proposed in the form of two triple units and one single unit. They would be positioned on concrete islands and connected to the host building via plant cupboards.

Figure Three – Proposed floor plan showing the extent of the extensions



3.2.2 The triple units would have lengths of 3.6m, depths of 2.5m, and heights of 2.4m. The single unit would have a length of 1.4m, a depth of 2.5m, and a height of 2.4m. All ASHPs would have power coated steel frames, timber clad midsections, and power coated grills to their elevations. The plant cupboards would have brick elevations and flat EPDM roofs. Steel access doors would also be fitted to the plant cupboards for maintenance reasons. Detailed plans of the ASHPs and plant cupboards are shown below in Figure Four.

Figure Four – Proposed ASHPs and Plant Cupboard Cross Sections



3.3 Case Officer Site Photos



3.4 Relevant Planning History

- 10/93/1166 – Technology Management Centre – Approve with Conditions – September 1993.
- 10/21/0564 – Installation of Solar Photo Voltaic (SPV) arrays to South facing roof slope – Approve with Conditions – August 2021.

3.5 Development Plan

3.5.2 Local Plan Part 2 (adopted December 2015):

- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 36: Climate Change

4.0 **ASSESSMENT**

4.1 Principle of Development

4.1.1 Policy 36 allows for the development of small-scale renewable or sustainable energy schemes, including heating schemes. The proposal would allow the carbon footprint and energy bills of the premises to be reduced through the harbouring of atmospheric heat within the building. The proposed development is therefore acceptable in principle and in accordance with Policy 36.

4.1.2 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably

outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

4.2 Design and Visual Amenity

4.2.1 In general terms, Policy 11 requires development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context, and making a positive contribution to visual amenity.

4.2.2 As detailed above, the wider site is distinctly commercial in its nature and the host building is irregular in its form. The proposed installations would appear as very separate architectural additions yet they must be positioned away from the host building in order to extract air and function correctly. Their limited height would not upset the visual balance of the host building to a detrimental extent nor would the levels of landscaped areas sacrificed adversely injure the visual quality of the site as a whole.

4.2.3 Comments have been made from Hyndburn Borough Council regarding the potential need for landscaping. That said, when the relatively modest scale of the proposed ASHPs is considered alongside the distinctly commercial nature of the site and wider locality, the imposition of a condition requiring supplementary landscaping around the developments would not be necessary.

4.2.4 Materials are proposed for the plant cupboards that would compliment the appearance of the host building. In addition, the proposed materials have been used in abundance around the Borough for similar installations. As proposed, the development is therefore acceptable in visual design terms, in accordance with Policy 11.

4.3 Residential Amenity

4.3.1 Policy 8 states that all development proposals should secure a satisfactory level of amenity for surrounding occupants with reference to noise, vibrations, nuisances, and the relationship between buildings. As detailed above, the site is positioned within an exclusively commercial area and there are no residential occupants to consider within a close proximity. In addition, BwD Public Protection have raised no objections to the proposal on amenity grounds. As proposed, the development is therefore acceptable in relation to residential amenity, in accordance with Policy 8.

4.4 Highways and Parking

4.4.1 Policy 10 outlines a general requirement for development proposals to not prejudice road safety, or the safe and convenient movement of all highway users. The ASHPs are proposed within areas of the site that currently provide no parking or vehicle service function. They would not compromise parking availability or the manouvering of vehicles within the site in any way. As proposed, the development is therefore acceptable in relation to highways and parking, in accordance with Policy 10.

4.5 Summary

- 4.5.1 This application involves the installation of three ASHPs with associated brick built plants cupboards and wider works.
- 4.5.2 Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, and in accordance with the policies detailed in Section 3.5.
- 4.5.3 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in principle, and in terms of design and visual amenity, residential amenity, and highways and parking. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

5.0 **RECOMMENDATION:**

That delegated authority is given to the Strategic Director of Place to approve planning permission, 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 proposals as detailed on drawings: Location Plan (1:2500), BTMC-CAP-00-ZZ-DR-BS-2001, BTMC-CAP-00-ZZ-DR-BS-2002, BTMC-CAP-00-ZZ-DR-BS-2003, and BTMC-CAP-00-ZZ-DR-BS-2004.

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

3. The external materials to be used for the construction of the development hereby approved shall be as stated on the application form and approved drawings and those materials shall not be varied unless first being agreed in writing by the Local Planning Authority.

REASON: Those materials are appropriate for the development and site, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2 Site Allocations and Development Management Policies (Adopted 2015).

6.0 CONSULTATIONS

- 6.1 BwD Public Protection – No objections, on environmental health grounds.
- 6.2 BwD Property Services – No objections.
- 6.3 Hyndburn Borough Council – We do not raise any objection to the development and request that the Case Officer deal with this in accordance with the relevant local and national planning policy. (Consideration should be made to suitable landscaping).
- 6.4 Ward Cllrs – no comments received.
- 6.5 Public consultation - Site notice was posted on the 20th August 2021. No representations have been received.
- 7.0 CONTACT OFFICER:** Christian Barton – Planning Officer
- 8.0 DATE PREPARED:** 02nd September 2021

REPORT OF:	THE STRATEGIC DIRECTOR PLACE
TO:	PLANNING AND HIGHWAYS COMMITTEE
ON:	16th SEPTEMBER 2021
ORIGINATING SECTION:	PLANNING SERVICE
WARDS AFFECTED:	ALL
COUNCILLORS:	ALL

TITLE OF REPORT:

Revisions to the Officer delegated planning powers for the Strategic Director of Place

1.0 PURPOSE OF THE REPORT

1.1 To seek agreement to the changes to the scheme of delegation to officers in respect of planning applications.

2.0 BACKGROUND & RATIONALE

2.1 The Scheme of Delegation was previously changed and approved by the Council Forum in October 2015 in relation to Central Government's performance regime on which local planning authorities are measured, and was then updated on the 22nd July 2021, to take account of the recent changes to the Strategic Director's portfolio responsibilities. Since that time in 2015, Government have revised their definitions of planning application categories, which need to be reflected in the current officer scheme of delegation – pages 84-85 of the Council's Constitution (refer to Appendix 1 attached to this report).

3.0 PROPOSAL

3.1 It is proposed to make the scheme of delegation more clearer, precise and easier to understand for officers and the layperson. In 2016, Central Government removed the "largescale major" category, so it is proposed to remove this definition. In addition, it is considered necessary to clarify what is meant by the "development plan", and also "commercial development". A couple of functions (transport, and markets etc) are also showing as being removed as they have been moved to the Director of Place, which are reflected in the July 2021 changes to the constitution (refer to Appendix 2 attached to this report).

3.2 The reciprocal amendments to the Planning and Highways Committee powers are referred to in Appendix 3 of this report.

4.0 POLICY IMPLICATIONS

4.1 None

5.0 FINANCIAL IMPLICATIONS

5.1 None.

6.0 LEGAL IMPLICATIONS

6.1 Changes to the Officer Scheme of Delegation and powers of the Planning & Highways Committee will require amendments to the Constitution and subject to approval from the Council at the next Council Forum meeting.

7.0 RESOURCE IMPLICATIONS

7.1 None.

8.0 EQUALITY IMPLICATIONS

8.1 None.

9.0 CONSULTATIONS

9.1 These new changes have been presented to the Cross Party Member's Planning Working Group at their meeting on the 14th September 2021.

10.0 RECOMMENDATION

10.1 To recommend that the changes are presented to the next available Council Forum on the 7th October 2021, to allow for the Council's Constitution to be amended relating to the Scheme of Delegation and the powers of the Planning & Highways Committee.

Contact Officer: Gavin Prescott, Planning Manager (Development Management)
Date: 26th August 2021
Background Papers: None

**APPENDIX 1:
CURRENT OFFICER SCHEME OF DELEGATION (STRATEGIC DIRECTOR OF
PLACE) – PAGES 84 – 85 (COUNCIL CONSTITUTION (JULY 2021)):**

STRATEGIC DIRECTOR PLACE

All powers shall be exercised in compliance with the law and the Council's Constitution, policies, rules and controls issued by the Council from time to time including specifically the Financial Procedure Rules and the Contract and Procurement Procedure Rules

The Strategic Director be authorised to exercise all the Authority' powers, functions and responsibilities in relation to services delivered by the Place Departments.

Planning Powers

- 1 To seek planning permission on behalf of the Council.
- 2 To determine applications for planning permission, except where one or more of the following apply:
 - 2.1 The application is one of the following:
 - A largescale major development as defined within the definition for the time being prescribed by central government from time to time and is not for 'Commercial Development' (see paragraph 3 below).
 - A Smallscale Major Development for dwellings where the number of residential units to be constructed is over 50. However, where the number of dwellings to be constructed is not given in the application then for a site area of 2 hectares or more. For all other uses a Smallscale Major Development is one where the floor space to be built is 1,000 square metres or more or where the site area is 2 hectares or more,

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and is not for 'Commercial Development' as defined in paragraph 3 below.

and is not for Commercial Development as defined in paragraph 3 below.

NOTE: Smallscale Major Developments for the construction of less than 50 dwellings and Minor Developments are delegated to the Strategic Director.

- 2.2 The decision would be contrary to the development plan or prejudicial to Council policy;
- 2.3 The application is referred to the Planning & Highways Committee under the Member Referral Scheme;
- 2.4 The Chair (or the Vice-Chair in his/her absence) of the Planning & Highways Committee has requested that the application be determined by the Committee;
- 2.5 The application is by or on behalf of a Member of the Council;
- 2.6 The application is by or on behalf of the Council's senior management team, a service unit head, an officer of the Planning Service or any other officer with direct input to, and therefore could influence the application

PROVIDED ALWAYS that in circumstances where the Strategic Director Place has notified the Chair (or the Vice Chair in his/her absence) of the Planning & Highways Committee that a 'Performance Trigger' (as defined below) is met, exceptions 2.1 to 2.4 above will not apply, and the Strategic Director Place shall determine those planning applications in consultation with the Chair (or the Vice Chair in his/her absence) of the Planning & Highways Committee.

A Performance Trigger will be met if the Council's performance as regards the speed of determining planning applications, as measured against performance indicators set from time to time by Central Government, has fallen or is about to fall below a level which would result in the Council's Planning Service being placed in Special Measures.

3. For the purposes of applying these delegation arrangements, "**Commercial Development**" is defined as new building, a change of use, or alterations to existing buildings, which is proposed on land that is designated as industrial/business development land in the adopted Local Plan, AND which is in one or more of the following categories:
 - 3.1. All uses falling within Use Classes A and B of the current Town and Country Planning (Use Classes) Order;
 - 3.2. Any use, including Sui Generis uses, not falling into these Use Classes but determined by the Strategic Director Place to be similar in nature;
 - 3.3. Any use which is not one of the uses set out in 3.1 or 3.2, but which is applied for as part of a planning application which also includes one or more of those uses.
4. To determine applications in relation to protected trees and hedgerows and issue any subsequent Orders arising from such applications.

5. To determine applications for lawful development certificates.
6. To authorise the service of planning contravention notices, breach of condition notices and stop notices and any other subsequent actions under Part VII of the Town and Country Planning Act 1990 (or equivalent replacement or re-enactment) except action under Section 178 (including Section 215 notices).
7. To deal with formal complaints and to set and adjust fees in relation to formal complaints under the Anti-Social Behaviour Act 2003 (Part 8, High Hedges Legislation).
8. Where urgent action is required and following consultation with the Chair of the Planning and Highways Committee to exercise all powers of the Council as local planning authority including the service of enforcement notices, stop notices, planning contravention notice or breach of condition notice, building preservation notices and to authorise applications for injunctions in respect of breaches of planning control and listed buildings
9. To determine on all matters relating to all Prior Notification/Prior Approval applications made under the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2013."
10. To exercise the functions relating to building control.
11. To manage the delivery of the Council's Growth Programme for employment, housing and town centre development sites.
12. To exercise all the functions of a commons registration authority and of a town or village green registration authority save for decisions (1) to amend the Register of Commons and the Register of Town or Village Greens and (2) to set fees.
13. To consider and determine Reviews of the Listing of Assets of Community Value under the Assets of Community Value (England) Regulations 2012, following consultation with the Executive Member for Finance & Governance and the Executive Member for Growth & Development and other consultees as appropriate. Powers and duties relating to the corporate property including buildings and assets of the Council.
15. Responsibility for the development of corporate plans and longer term strategies for future growth and prosperity of the Borough.
16. Responsible for the 'Hive' and key relationships with private sector business in the Borough including Growth Lancashire.

APPENDIX 2 – PROPOSED CHANGES OFFICER SCHEME OF DELEGATION (STRATEGIC DIRECTOR OF PLACE)

The Planning Powers of the delegations (page 84-85) would read:

- 1 To seek planning permission on behalf of the Council.
- 2 To determine applications for planning permission, except where one or more of the following apply:
 - 2.1 the application comprises one of the following:
 - residential proposals for more than 50 dwellings or a site area of 2 hectares or more where the number of dwellings is not specified; or
 - non-residential proposals where the floor space to be built is 1,000 square metres or more, or where the site area is 2 hectares or more.
 - NOTE: This does not apply in relation to an application for a ‘Commercial Development’ (as defined in paragraph 3 below) and the Strategic Director Place shall have delegated powers to determine all applications for ‘Commercial Development’ (as defined and referred to in paragraph 3 below).
 - 2.2 The decision would be contrary to the development plan (as defined in Section 38 of the Planning and Compulsory Purchase Act 2004);
 - 2.3 The application is referred to the Planning & Highways Committee under the Member Referral Scheme;
 - 2.4 The Chair (or the Vice-Chair in his/her absence) of the Planning & Highways Committee has requested that the application be determined by the Committee;
 - 2.5 The application is by or on behalf of a Member of the Council;
 - 2.6 The application is by or on behalf of the Council’s senior management team, a service unit head, an officer of the Planning Service or any other officer with direct input to, and therefore could influence the application.

PROVIDED ALWAYS that in circumstances where the Strategic Director Place has notified the Chair (or the Vice Chair in his/her absence) of the Planning & Highways Committee that a ‘Performance Trigger’ (as defined below) is met, exceptions 2.1 to 2.4 above will not apply, and the Strategic Director Place shall determine those planning applications in consultation with the Chair (or the Vice Chair in his/her absence) of the Planning & Highways Committee.

A Performance Trigger will be met if the Council’s performance as regards the speed of determining planning applications, as measured against performance indicators set from time to time by Central Government, has fallen or is about to fall below a level which would result in the Council’s Planning Service being placed in Special Measures.

3. For the purposes of applying these delegation arrangements, the Strategic Director Place may determine planning applications for “Commercial Development”, which is defined as new building, a change of use, or alterations to existing buildings or structures, which is proposed on land that is designated as an employment land

allocation, a primary employment area or a secondary employment area in the adopted Local Plan, AND which is in one or more of the following categories:

- 3.1. All uses falling within Use Classes B, E and F2(a) of the Town and Country Planning (Use Classes) Order (as amended);
- 3.2. Any use, including Sui Generis uses, not falling into these Use Classes but determined by the Strategic Director Place to be similar in character;
- 3.3. Any use which is not one of the uses set out in 3.1 or 3.2, but which is applied for as part of a planning application which also includes one or more of those uses.
4. To determine applications in relation to protected trees and hedgerows and issue any subsequent Orders arising from such applications.
5. To determine applications for lawful development certificates.
6. To authorise the service of planning contravention notices, breach of condition notices and stop notices and any other subsequent actions under Part VII of the Town and Country Planning Act 1990 (or equivalent replacement or re-enactment) except action under Section 178 (including Section 215 notices).
7. To deal with formal complaints and to set and adjust fees in relation to formal complaints under the Anti-Social Behaviour Act 2003 (Part 8, High Hedges Legislation).
8. Where urgent action is required and following consultation with the Chair of the Planning and Highways Committee to exercise all powers of the Council as local planning authority including the service of enforcement notices, stop notices, planning contravention notice or breach of condition notice, building preservation notices and to authorise applications for injunctions in respect of breaches of planning control and listed buildings.
9. To determine on all matters relating to all Prior Notification/Prior Approval applications made under the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town & Country Planning (General Permitted Development) (Amendment) (England) Order 2013.”
10. To exercise the functions relating to building control.
11. To manage the delivery of the Council’s Growth Programme for employment, housing and town centre development sites.
- ~~12. To exercise the Council’s functions in relation to public transport.~~
- ~~13.~~ 12 To exercise all the functions of a commons registration authority and of a town or village green registration authority save for decisions (1) to amend the Register of Commons and the Register of Town or Village Greens and (2) to set fees.
14. 13 To consider and determine Reviews of the Listing of Assets of Community Value under the Assets of Community Value (England) Regulations 2012, following consultation with the Executive Member for Finance & Governance and the Executive Member for Growth & Development and other consultees as appropriate. Powers and duties relating to the corporate property including buildings and assets of the Council.
- ~~15. To take action in connection with the Management of the Borough’s Market undertakings and Fairs.~~

~~16. To approve Temporary Markets with charitable elements subject to conditions set out.~~

.14 Responsibility for the development of corporate plans and longer term strategies for future growth and prosperity of the Borough.

15. Responsible for the 'Hive' and key relationships with private sector business in the Borough including Growth Lancashire.

APPENDIX 3 - PLANNING AND HIGHWAYS COMMITTEE - Planning Powers (Proposed reciprocal amendments)

The Committee shall have the power to exercise the Council's powers as local planning authority to:

- a) Determine applications for planning permission and to grant permission for development already carried out,
- b) Decline to determine an application for planning permission,
- c) Determine applications to develop land without compliance with conditions,
- d) Make determinations, give approvals and agree other matters in respect of permitted development rights in accordance with Schedule 2 parts 6,7,11,17,19,20,21 to 24, 26, 30 and 31 of the Town and Country Planning (General Permitted Development) Order 1995,
- e) Authorise the entering of agreements regulating development or the use of land,
- f) Issue a certificate of existing or proposed lawful use or development,
- g) Authorise the serving of a completion notice,
- h) Determine applications for consent for the display of advertisements,
- i) Require the discontinuance of a use of land,
- j) Authorise the issue of enforcement notices, stop notices, planning contravention notices breach of condition notices, building preservation notices, any other subsequent actions under Part VII or the Town and Country planning Act 1990 (or equivalent replacement or re-enactment) including section 178 of that Act and to authorise applications for injunctions in respect of breaches of planning control and listed buildings,
- k) Determine applications for hazardous substances consent and related powers,
- l) Determine conditions relating to mining sites,
- m) Require the proper maintenance of land,
- n) To authorise all action in respect of High Hedges Legislation under Anti-Social Behaviour Act 2003,
- o) Determine applications for listed building consent and conservation area consent,
- p) Serve a building preservation notice and related powers and the power to execute urgent works under the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990

NOTE:

The powers of the Planning and Highways Committee do not include agreeing development briefs, removing permitted development rights or declaring conservation areas. These are all Executive functions.

In relation to the above planning powers the following applications shall be referred to the Planning and Highways Committee:

- 1) Where the decisions would be contrary to the development plan (as defined in Section 38 of the Planning and Compulsory Purchase Act 2004).
- 2) Where the application is a residential proposals for more than 50 dwellings or a site area of 2 hectares or more where the number of dwellings is not specified.
- 3) Where the application is a non-residential proposal where the floor space to be built is 1,000 square metres or more, or where the site area is 2 hectares or more. 4) Where the application fulfils the requirements of the current Members Referral Scheme. (See below)
- 5) Where the application is by or on behalf of a Member of the Council.
- 6) Where the application is by or on behalf of the Council's senior management team, a service unit head, an officer of the Planning Service, or any other officer with direct input to, and therefore could influence the application.

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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