

Public Document Pack

Planning and Highways Committee

Thursday, 20th January, 2022

6.30 pm

Council Chambers - OTH

AGENDA

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	Petition Redacted.pdf	

Date Published: Wednesday, 12 January 2022
Denise Park, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE

Thursday, 16 December 2021

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

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

RESOLUTIONS

43 Welcome and Apologies

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Paul Browne and Cllr Dave Harling who was substituted by Cllr Jackie Floyd.

44 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 18th November 2021 be confirmed and signed as a correct record.

45 Declaration of Interest

RESOLVED – There were no Declarations of Interest received.

46 Planning Applications for Determination

The Committee considered reports of the Strategic Director of Place 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.

46.1 Planning Application 21/0442

Applicant – Ajaii Limited

Location and Proposed Development – Land at Museum Street, BLackburn BB1 7AJ

Full Planning Application (Regulation 4) for Creation of a car park

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director's report and the update report

46.2 Planning Application 21/0599

Speakers – *Mrs Crook (Objector)*
Mrs Burrow (Objector)

Applicant – Mr Mark Navesey

Location and Proposed Development – Silk Hall Farm, Tockholes Road, Tockholes, Darwen, BB3 0NQ

Full Planning Application for demolition of existing pig sheds, relocation of existing farrowing unit, erection of agricultural livestock building, a straw bedding container and a hard standing

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subjected to the conditions highlighted in the Director's report

46.3 Planning Application 21/1001

Applicant – Elan Homes Ltd

Location and Proposed Development – Land at Greenbank Terrace and Milking Lane, Lower Darwen, BB3 0RN

Reserved Matters Application for Approval of reserved matters for the appearance, layout, scale and landscaping for the erection of 76 dwellings pursuant to permission 10/18/1149

Decision under Town and Country Planning Acts and Regulations –

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

46.4 Planning Application 21/1060

Speakers – *Mr Mulla (In Support)*
Mr Mohsin (Objector)

Applicant – Mr Irfan Mulla

Location and Proposed Development – 6 Bargee Close, Blackburn, BB1 1BW

Full Planning Application for Double storey side extension, double and single storey rear extension and front extension including porch.

Decision under Town and Country Planning Acts and Regulations –

The ward Councillor proposed that the application be deferred so that the applicant and his neighbours could come to an agreement on the development. Members of the Committee discussed the matter and a vote was conducted.

RESOLVED – Approved subject to the conditions highlighted in the Directors report

47 Appeals Monitoring Report

The Members were presented with an update of recently decided appeals since the last monitoring report in June 2021. During the period 4th June to 2nd December 2021 there were seven appeals in total which were determined, four of the appeals were dismissed and three appeals were allowed.

With regards to the appeals allowed by the Inspectorate, and the reasons provided, these have been duly considered in detail by officers, and have been incorporated in the decision making culture as part of the Planning Service's Performance Improvement Plan, in order to reduce the number of appeals, and subsequently the number of appeals allowed.

With regards to the appeal decision at Higher Hill Farm, Tockholes (ref: 10/21/0197), officers, on the 18th November, had responded to the Planning Inspectorate and asked to explain the decision to allow the appeal in more detail, as it was considered that the local planning authority did object to the design and external appearance of the proposed building, and this was not taken into account in the assessment by the Planning Inspector. At the time of this report, no response has been received from the Inspectorate.

RESOLVED – That the report be noted

48 Definitive Map Modification Order for Public Footpath 185 Darwen

A report was submitted to seek committee approval for a Definitive Map Modification Order for Public Footpath 185 Darwen.

On the 13th March 2018, the Council granted planning permission for the extension of one dwelling, the creation of an additional dwelling in the barn attached; erection of single storey extensions to the north facing elevation of both buildings, creation of associated residential curtilages and erection of boundary fencing at Cuckoldmans Farm, Roman Road, Eccleshill, Darwen, BB3 3PP (Application 10/17/1373).

A Public Footpath passes through the farmyard and in order that the development can be implemented as per the planning approval, it is necessary that it is diverted. In this respect, on the 13th July 2021 the Council received an application from the farm's owner to divert the section of the footpath affected.

Whilst processing this application for diversion, officers noted that, although the footpath to be diverted is shown on the council's records as FP 185 Darwen, the wording of the Definitive Statement did not fully reflect the line shown on the Definitive Map. A DMMO is therefore required to correct this anomaly before the Public Path Diversion Order can proceed.

Under the Council's Constitution this Committee has 'The power to create, divert, stop up, extinguish and reclassify footpaths and bridleways and the power to make orders and enter agreements in relation to the same'

RESOLVED – To Promote the Order

49 Diversion of Public Footpaths 185 and 226 Darwen

A report was submitted to seek Committee approval for a public path order under the Town & Country Planning Act 1990, Section 257 to divert Public Footpath 185 and 226 Darwen.

On the 13th March 2018, the Council granted planning permission for the extension of one dwelling, the creation of an additional dwelling in the barn attached; erection of single storey extensions to the north facing elevation of both buildings, creation of associated residential curtilages and erection of boundary fencing at Cuckoldmans Farm, Roman Road, Eccleshill, Darwen, BB3 3PP. (Application 10/17/1373)

A Public Footpath passes through the farmyard and in order that the development can be implemented as per the planning approval, it is necessary that it is diverted. In this respect, on the 13th July 2021 the Council received an application from the farm’s owner to divert the section of the footpath affected.

Whilst processing this application for diversion, an anomaly was noted in the Definitive records that requires a Definitive Map Modification Order to correct. This is subject to a separate report on this committee. This Diversion Order cannot proceed until the anomaly is legally corrected.

RESOLVED – To Promote the Order

50 Planning Enforcement Update

A report was presented to Members of the Committee of an overview of Planning Enforcement matters. Included in the report were the main list of cases where formal enforcement action was being taken and was not a list of every case, complaint or enquiry being dealt with.

RESOLVED – That the report be noted.

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

<u>MATERIAL:</u>	<u>NOT MATERIAL:</u>
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 Growth & Development 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: 20/01/2022

Application No	Applicant	Site Address	Ward
10/20/0451	Mr Daniel Anders Hindle House Tan House Lane Parbold Wigan WN8 7HG	Former Centurion Public House Higher Croft Road Blackburn BB3 0QT	Blackburn South & Lower Darwen Blackburn South East
Full Planning Application for Construction of 11 no. one-bedroom apartments (Class C2: Residential institutions) within 2 no. single-storey blocks of accommodation to provide social care and support for people living with autism, including associated private external amenity spaces, car parking and landscaping.			
RECOMMENDATION: Permits			
10/21/0977	Mr & Mrs Driver Badger Lodge Farm Barn Meadow Head Lane Darwen BB3 0LQ	Stables adjoining Higher Meadow Farm Meadow Head Lane Tockholes Darwen BB3 0LQ	Darwen West
Full Planning Application for Proposed demolition of existing stables and garage, removal of sand paddock and erection of a detached dwelling			
RECOMMENDATION: Permits			
10/21/1083	Pleasington Lakes Regeneration Ltd and Taylor Wimpey UK Ltd C/O Agent	Land at Brokenstone Road Blackburn BB3 0LL	Livesey With Pleasington
Reserved Matters Application for Approval of reserved matters for the appearance, landscaping, layout and scale of 450 residential units, pursuant to planning application 10/18/1116 'redevelopment of the site to include over 28ha of open space, paddocks and landscaping and up to 450 residential units (use class C3), along with any ancillary parking, amenity, and all other associated public, semi public and private realm, soft/hard landscaping, infrastructure and highway works, access and a new internal road network connecting with the existing road network'			
RECOMMENDATION: Permits			

Application No	Applicant	Site Address	Ward
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Application Type

10/21/1104

Mr Jangeer Yasan
72/80 Bolton Road
Blackburn
BB2 3PZ

Land adjacent to Roe Lee Business Park
Rosewood Avenue
Blackburn
BB1 9SZ

Roe Lee

Full Planning Application for New development comprising of 20no new industrial units (E (g), B2 and B8 Use) with new off road parking, bin store areas, secure cycle areas, landscaping and upgrading existing vehicular access, new pedestrian access with drop kerbs

RECOMMENDATION: Permits

10/21/1200

Mr A Ali Butt
5 Moorcroft
Lower Darwen
BB3 0RY

5 Moorcroft
Lower Darwen
BB3 0RY

Blackburn South & Lower Darwen

Full Planning Application for Proposed demolition of rear conservatory and erection of rear double and single storey extensions, and a front porch.

RECOMMENDATION: Permits

10/21/1283

Blackburn With Darwen Borough Council
Blackburn With Darwen Borough Council
Mr Robert Addison
3rd Floor One Cathedral Square
Blackburn
BB1 1FB

Blackburn Business Development Centre
Eanam Wharf
Blackburn
BB1 5BL

Blackburn Central

Listed Building Application (Regulation 4) for Replacement of 1980's timber frame windows and doors, replacement with new stand-sheet sash windows with pivot hung types and modern aluminium framed doors

RECOMMENDATION: Consent

10/21/1311

Hollins Industrial Park Ltd
Hollins Industrial Park
Miss Nassima Mogra
Hollins Grove Street
Darwen
BB3 1HG

Hollins Industrial Park
Hollins Grove Street
Darwen
BB3 1HG

Darwen East

Reserved Matters Application for Approval of the matters reserved by the Outline (Hybrid) planning permission ref: 10/20/0107 (Appearance, Landscaping, Scale and Layout) for the erection of of 13no. Industrial units with associated landscaping and access to the land off Hollins Grove Street

RECOMMENDATION: Permits

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/20/0451

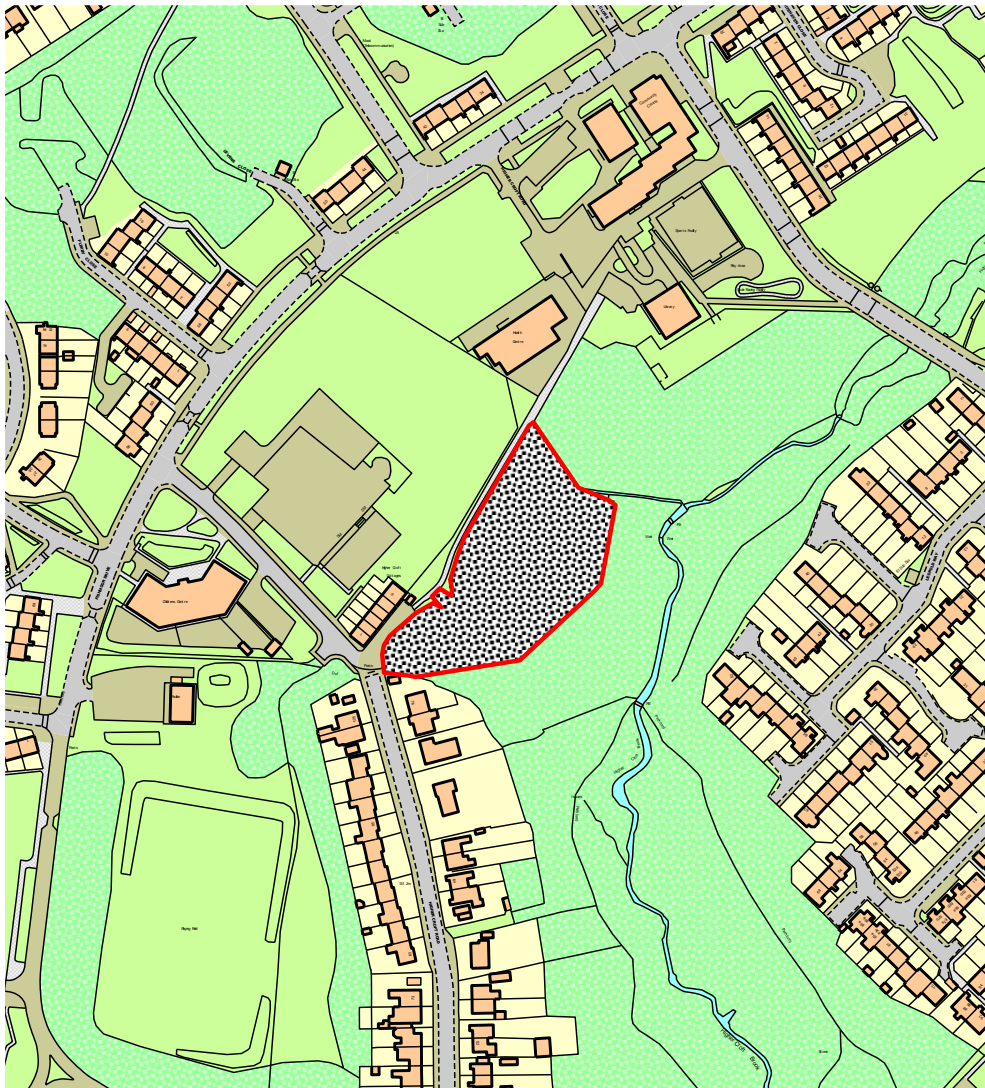
Proposed development: Construction of 11no. one-bedroom apartments (Class C2: Residential institutions) within 2 no. single-storey blocks of accommodation to provide social care and support for people living with autism, including associated private external amenity spaces, car parking and landscaping

Site address: Former Centurion Public House, Higher Croft Road, Blackburn, BB3 0QT

Applicant: Mr Daniel Anders – Centurion Blackburn Ltd.

Ward: Blackburn South & Lower Darwen and Blackburn South East

**Councillor John Slater
Councillor Jacqueline Slater
Councillor Denise Gee
Councillor James Shorrocks
Councillor Tony Humphries
Councillor Vicky Ellen McGurk**



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 Council's scheme of delegation, and given the fact that a significant number of public objections have been received. The objections raised principally concern the nature of the proposed use. The potential for adverse highways impacts, impacts on public rights of way, trees loss, potential for adverse ecological impacts, and presence of archaeological remains have also been cited as concerns.

2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 39 adjacent properties. Site notices were also displayed outside of the site. In addition, numerous consultations have taken place with neighbours and consultees upon the receipt of amended/updated information.

2.3 The Council's development plan supports new specialist residential development and associated works, provided they constitute sustainable development and accord with the development plan, when taken as a whole.

2.4 The proposal will deliver 11 one-bedroom apartments spanning two blocks. Vehicle access would be gained via an existing access point off Higher Croft Road. Each apartment would be afforded its own private garden space and indicative supplementary landscaping is detailed on the plans provided. Parking areas for staff, residents and visitors are also detailed on the submitted plans.

2.5 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.

2.6 The key issues to be addressed in determining this application are;

- Clarifying the proposed use class;
- Establishing the principle of development;
- Appraising the intended occupants;
- Assessing impacts on the wider GI allocation;
- Design and visual amenity;
- Ensuring the amenities of the immediate neighbours are not compromised;
- Assessing highways impacts, service provision, and parking provision;
- Trees loss;
- Assessing and minimising ecological impacts;
- Foul and surface water drainage;
- Investigating and recording archaeological remains;

- Terrestrial contamination;
- Minimising the potential for crime to occur;
- Minimising impacts on air quality, and;
- Agreeing a financial contribution through a Section 106 agreement.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is a plot of wooded land located within the defined urban boundary of Blackburn. The Rakes Bridge/Newfield Green Infrastructure allocation also covers the site. The footings for the former Centurion House are contained within, which was a public house that burned down in 2006. Higher Croft House was also previously positioned within that was demolished at some point in the 1970s. The site contains a number of mature and self-seeded trees that line the access road to the former public house together with the surrounding land.

Figure One – Satellite image of the site



3.1.2 The site covers an area of circa 1.5 acres with the plot tapering towards to the northwestern edge. Vehicle access was formerly gained directly from Higher Croft Road, to the north of the traffic barrier that divides that highway. A number of public footpaths span the adjacent plots of land.

3.1.3 The site is surrounded by a variation of land uses with a wooded nature reserve (Higher Croft Wood) and watercourse (Higher Croft Brook) positioned directly to the north, east and west. The woodland to the south and east of the site is within the same ownership as the application site. Dwellings along Higher Croft Road and as part of Higher Croft Cottages are positioned to the east.

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



3.2 Proposed Development

3.2.1 This planning application involves the erection of two apartment blocks for assisted living arrangements. A total of 11 one-bedroom self-contained apartments would be provided with associated kitchen, living, and bathroom facilities. Each block would have an entrance point to the front elevation with the apartments accessed via a central hallway. Patio doors would also be provided accessing private garden areas. The floor plan for unit type A is shown below in Figure Three. In addition, the submitted proposed site plan is shown below in Figure Four.

Figure Three – Proposed Site Plan

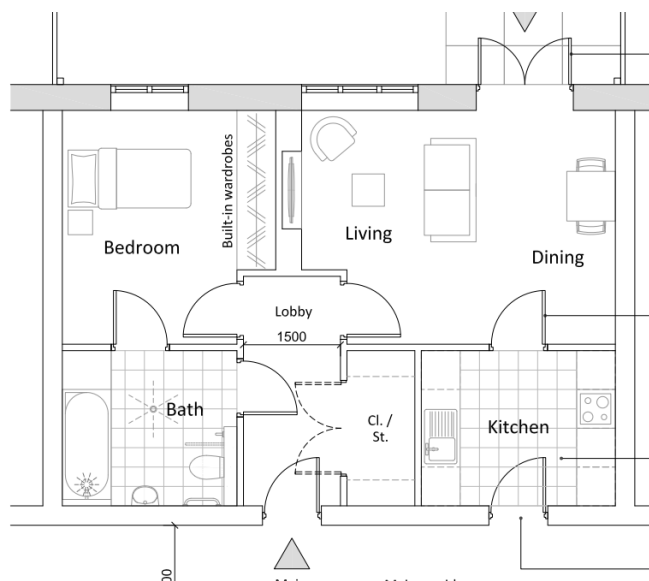
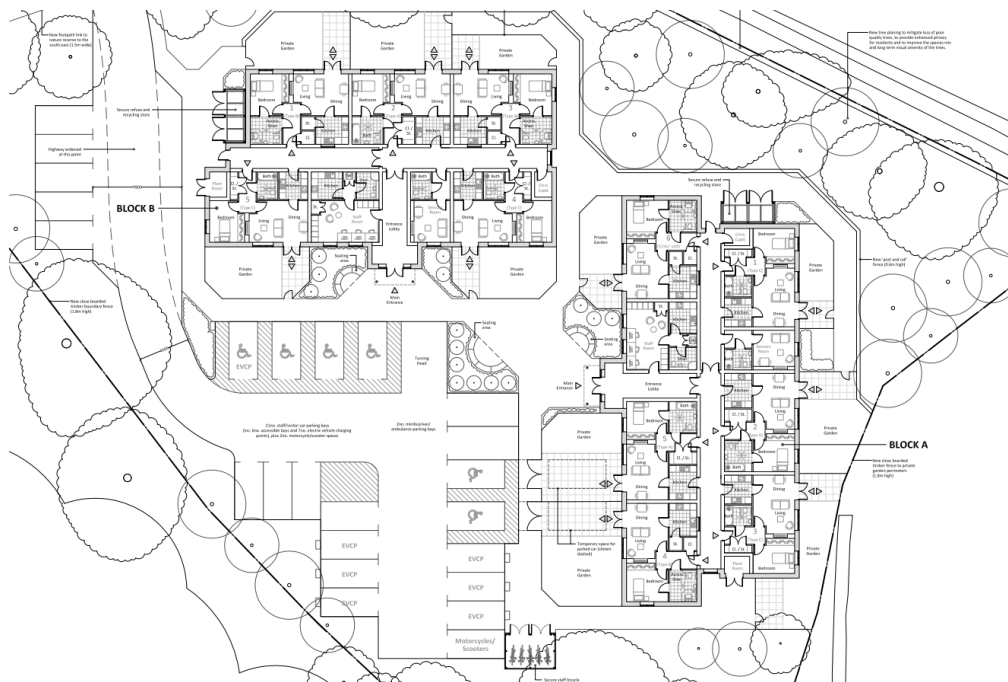


Figure Four – Proposed Site Plan



3.2.2 A number of hard and soft landscaping elements would be incorporated into the proposal. The existing access road would be widened and resurfaced. A pedestrian link from Higher Croft Cottages would be formed accessing Higher Croft Wood. 16 standard parking bays are proposed in support of the development together with 4 disabled bays and 1 motorcycle/scooter parking area. In addition, private garden areas and landscaped areas would be formed together with supplementary tree planting around the apartment blocks, parking areas and access road.

3.2.3 Block A would have a footprint of circa 525 square meters and a dual-pitched roof up to 4.8m in height. Block B would have a footprint of circa 420 square meters and a dual-pitched roof up to 4.8m in height. Brickwork of various colours would be used to externally finish the elevations with fibre cement slates used as the roofing materials. The north elevation of Block A is shown below in Figure Five.

Figure Five – North Elevation of Block A



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Core Strategy Part 1 (adopted January 2011):

- Policy CS5: Locations for New Housing
- Policy CS7: Types of Housing

3.4.2 Local Plan Part 2 (adopted December 2015):

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 18: Housing Mix
- Policy 19: Apartment Development and Houses in Multiple Occupation
- Policy 36: Climate Change
- Policy 38: Green Infrastructure
- Policy 39: Heritage
- Policy 40: Integrating Green Infrastructure with New Development
- Policy 47: The Effect of Development on Public Services

3.4.3 BwD Parking Standards

3.4.4 National Planning Policy Framework (2021)

- Section 15 – Conserving and enhancing the natural environment

4.0 ASSESSMENT

4.1 Preliminary Matters

- 4.1.1 A number of concerns have been raised in public comments regarding discrepancies in the information initially provided, with specific reference to the proposed use class. The information provided with the application states the proposed development would have a C2 use class. The supporting information further refines the proposed use within the parameters of use class C2(a), which includes provision of secure residential accommodation. Such a use class includes use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation, or use as a military barracks.
- 4.1.2 It is clear from the submission that the majority of the above uses are not applicable and the submitted plans show assisted living arrangements that are void of any specific security measures. However, in the interests of clarity a condition is recommended to prevent the site being operated within the broader parameters use class C2. Such a condition is necessary in order to remove the potential for uses to be operated from the site in the future that may compromise the social character of the area.

4.2 Principle of Development

- 4.2.1 The site is located within the defined urban boundary, which Policy 1 identifies as the preferred location for all new development. In addition, Policy CS5 identifies the preferred location for all new housing developments to be within that boundary. The site is in a sustainable location for new housing development and the surrounding land uses are predominantly residential in their character. In addition, services, facilities, and regular public transport links are all within walking distance and the proposals meet with the initial requirements of the housing distribution policies detailed above.
- 4.2.2 Both Policies CS7 and 18 identify the preferred housing types in the Borough to be family sized dwellings. The proposal would be a departure from those requirements as apartment type dwellings are proposed. In relation to such forms of development, Policy 19 effectively states that they will only be supported in exceptional circumstances. This is to prevent the ad hoc formation of such forms of accommodation, together with minimising the social problems that sometimes come with them.
- 4.2.3 Application 10/18/0504 “16 new build single storey dwellings for supported living” was refused on that basis (dated 2nd September 2019). A lack of evidence was hinged on the requirements of Policy 47, which states development likely to cater or provide accommodation for users of publicly-provided support services, including but not limited to mental health services and adult social care, will only be permitted where it is clearly demonstrated that all of the below criteria has been entirely met;

- i. A need for the development exists arising from the requirements of people already ordinarily resident in Blackburn with Darwen or of Blackburn with Darwen service users currently receiving service outside the authority area;
- ii. There the development consists of a facility directly providing a support service, the nature and scale of the facility is in line with the Council's commissioning strategies, such that resources are likely to be available to refer individuals to the facility and it can be reasonably expected that people already ordinarily resident in Blackburn with Darwen, or Blackburn with Darwen service users currently receiving service outside the authority area will be the principal users of the facility; and
- iii. The development will not lead to an increase in the level of demand for any publicly-provided support service, to an extent that is likely to result in a deterioration of the level of service available to existing users

4.2.4 As detailed below in the consultee comments, extensive discussions have taken place during the course of the current application to ensure compliance with Policy 47 is achieved. Having reviewed all of the information provided, BwD Adult Social Care are satisfied in that respect. Subject to the imposition of a condition to ensure users of the accommodation are commissioned through the Borough, and based on the information provided, the issue previously identified for application 10/18/0504 would be adequately addressed. The proposed development is thus acceptable in principle, in alignment with Policy 47.

4.2.5 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;

4.3 Green Infrastructure

4.3.1 The site is located within the Rakes Bridge/Newfield Green Infrastructure (GI) allocation, which covers a relatively extensive area of land and includes land to the north and south. Policy 38 contains general requirements regarding the need to preserve and connect existing GI networks.

4.3.2 In addition, Policy 40 states that all development proposals should provide a positive contribution to the GI networks in the Borough. Functioning ecological networks are primary components of GI and should not be compromised. Development should contribute to the restoration, enhancement and connection of natural habitats through the retention and provision of appropriate GI.

4.3.3 When assessing proposals involving the partial or complete loss of land identified as GI with the development plan, development will not be permitted unless:

- i. The development can be accommodated without the loss of the function of the open space;

- ii. The impact can be mitigated or compensated for through the direct provision of new or improved green infrastructure elsewhere, or through the provision of a financial contribution to enable this to occur; or
- iii. The need for or benefits arising from the development demonstrably outweigh the harm caused, and the harm has been mitigated or compensated for so far as is reasonable.

4.3.4 As detailed above, the site forms part of a much wider GI allocation. Given that the footings and roadway from the former public house still exist, much of the site is also classed as previously developed land, which provides a limited level of contribution to the function of the GI allocation. Both supplementary planting and a financial contribution can be readily controlled by condition to mitigate tree loss. Those requirements are covered in a greater level of detail within subsequent sections of this report.

4.3.5 Moreover, there are some obvious benefits to consider with this proposal through the provision of accommodation for individuals with specific needs. When those factors are considered collectively, and on balance, the proposed development would not compromise the function of the GI allocation to an unacceptable extent, in accordance with Policies 38 and 40.

4.4 Design and Visual Amenity

4.4.1 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. The site is a standalone element in the immediate streetscene from an architectural perspective. It is contained by mature vegetation and existing boundary treatments, which would screen much of the proposal from the public domain.

4.4.2 The layout of the apartment blocks would align with the urban grain of the surrounding area, which is predominantly linear in its arrangement. In addition, their height and scale would not seem out of place when related to the massing of the surrounding buildings. In addition, the materials proposed are appropriate for this development and site. Subject to the imposition of a condition to further agree the external construction materials to be used, the proposal would be acceptable in terms of aspect, design and scale.

4.4.3 Further conditions are recommended to agree the scope of any required hard and soft landscaping details and bin storage details. Such conditions are necessary in order to ensure the development integrates with its surroundings and to ensure visually sensitive waste storage arrangements are put in place to service the development. Subject to compliance with those conditions, the proposed development would be acceptable in relation to design and visual amenity, in accordance with Policy 11.

4.5 Residential Amenity

4.5.1 Policy 8 states that all development proposals should secure a satisfactory level of amenity for surrounding occupants in relation to noise, light, privacy,

overlooking, and the relationship between buildings. Owing to its nature, the proposal would not be harmful to the aural amenities of the immediate neighbours. Equally, use of the access point for the proposed use would not lead to an unacceptable level of disruptions for the immediate neighbours.

- 4.5.2 In excess of 21m would separate the proposed apartments from the nearest dwellings on Higher Croft Road and at Higher Croft Cottages. Such a level of separation is sufficient to prevent the proposal appearing overbearing or being harmful to the domestic privacy of those neighbours. In addition, an ample level of separation would be provided between the proposed gardens and adjacent dwellings to prevent any adverse privacy impacts. The retention of mature trees on the north boundary would also assist with that arrangement.
- 4.5.3 BwD Public Protection have reviewed the merits of the proposals and no objections have been raised on residential amenity grounds. A condition has been advised to agree the scope of any required external lighting sources. It is recommended that such a condition be added in order to ensure light pollution is not caused for neighbours following occupation. Further conditions has been advised to control working hours, dust emissions, noise and vibrations, and any required external lighting sources required during the construction phase.
- 4.5.4 It is recommended that a construction method statement condition be added that consolidates those requirements. Such a condition is necessary in order to minimise disruptions for neighbours during the construction phase. Subject to compliance with the above conditions in their entirety, the relationship between the proposed apartments and adjacent dwellings would not be detrimentally impacted upon and the proposed development is thus acceptable in relation to residential amenity.

4.6 Highways, Servicing and Parking

- 4.6.1 Policy 10 outlines a general requirement for development proposals to not prejudice road safety, or the safe and convenient movement of all highway users. Parking should also be provided in accordance with the BwD Parking Standards. Objections have been raised in consultee and public comments on highways and parking grounds.
- 4.6.2 In relation to access arrangements, a gate would prevent access via the constrained route from Fore Street/Rakes Bridge. That gate is outside of the application site boundary and there is no suggestion within the information provided that those arrangements would be altered. Therefore, access can only be gained via Fishmoor Drive, which is acceptable. In addition, the amended layout of the internal road now includes a footway. The recommended external lighting condition includes requirements regarding lighting columns, as requested by BwD Highways. In addition, no gates are proposed within the access point and visibility for motorists egressing the site is acceptable. Subject to the imposition of a further condition to prevent visibility obstructions forming around the access point, the proposal would be acceptable in that respect.

- 4.6.3 BwD Highways have raised concerns regarding servicing arrangements. However, the proposed carpark has a turning head and adequate manoeuvrability for relatively large vehicles. Waste collection vehicles will not enter the site and waste will be presented on Higher Croft Road. It would be logical to ensure bin storage areas are provided close to the site entrance yet it will be ultimately down to the site operators to manage such activity. A condition is recommended to further finalise those arrangements. Subject to compliance with that condition, the proposals would be acceptable in terms of servicing.
- 4.6.4 With reference to parking, BwD Highways have identified an over provision. No narrative has been provided to support that position. However, for C2 uses there are no specific standards for the proposed use within the BwD Parking Standards. All vehicle parking within this contained site can only realistically support its future operations and the level of parking proposed is thus deemed acceptable. Covered cycle storage and motorcycle parking bays are shown on the submitted plan. A condition is recommended to ensure such facilities are provided in order to encourage sustainable modes of transport. Subject to compliance with that condition, together with a further condition to ensure the carpark is provided in accordance with the submitted details, the proposals would be acceptable in terms of parking arrangements.
- 4.6.5 Finally, a further condition is recommended to agree the logistics of the construction phase, as requested by BwD Highways. Such a condition is necessary in order to minimise disruptions during the construction phase on the local highway network. Subject to compliance with the attached conditions in their entirety, the proposed development would be acceptable in relation to highways, servicing and parking.

4.7 Public Rights of Way

- 4.7.1 Further requirements within Policy 10 state that all development proposals should not directly affect any public right of way (PROW), unless the right of way is maintained or the proposal provides for its replacement by an equally attractive, safe and convenient route. Concerns have been raised in consultee and public comments in that respect.
- 4.7.2 Currently, the access road serving the former public house serves as an informal PROW. Although the path may be well used by locals, it is not a formalised PROW and pedestrian access into Higher Croft Wood should be gained to the south, and outside of the application site. The BwD PROW Officer has reviewed the proposals and no objections have been raised.
- 4.7.3 Furthermore, a pedestrian link would be installed through the site, which would adequately maintain pedestrian manoeuvrability. For those reasons, the proposed development would not have a harmful impact upon the PROW networks in the local area, in compliance with Policy 10.

4.8 Arboricultural Considerations

- 4.8.1 As detailed above, the site is covered by a GI allocation and a number of mature trees are contained within in. Although none of those trees are protected by a preservation order, there are a number of veteran trees within the site, which are afforded an elevated level of protection under the latest version of the NPPF. Paragraph 80c) states – development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 4.8.2 In addition, Policy 9 states that all development proposals are expected to incorporate existing trees into the design and layout of the scheme. If the removal of one or more trees is permitted as part of a development, a condition will require that an equivalent number or more new trees are planted either on or near the site, unless a clear justification is provided for not doing so. In support of those requirements, a Tree Survey – Arboricultural Implications Assessment and Method Statement has been submitted, which has been amended during the course of the application.
- 4.8.3 The assessment indicates that 15 specimens would be removed together with one group of trees. Pruning works would also be required for a number of retained trees. None of the trees to be removed are of an A-grade quality. Both the BwD Arboricultural and Ecological Advisors have reviewed the merits of the proposals and no formal objections have been raised. However, a number of concerns have been raised regarding tree loss and lack of a formal supplementary planting scheme.
- 4.8.4 Although the BwD Arboricultural Advisor holds the view that a more tree sensitive scheme could likely be devised, they have suggested a number of conditions to mitigate any impacts caused. The recommended landscaping condition therefore includes a specific requirement to agree the scope of a replacement planting scheme. The condition recommended also includes a specific requirement to submit details on how the retained woodland will be periodically managed moving forward. A further condition is recommended to ensure the development proceeds in accordance with all of the measures contained within the amended Tree Survey – Arboricultural Implications Assessment and Method Statement.
- 4.8.5 In support of the above, a Construction and Ecological Mitigation Plan (CEMP) has been submitted during the course of the application. Some residual concerns are still applicable from the BwD Ecological Advisor yet they have appraised the submission of such a document. A condition is recommended to ensure the development proceeds in strict accordance with the measures advised in the CEMP. For clarity, ecological impacts are covered below.
- 4.8.6 Furthermore, final comments from the BwD Ecological Advisor have suggested that a financial contribution of £15k would further compensate for tree losses on site. Payment will be agreed through a Section 106 agreement. Those

matters are covered in a greater level of detail in subsequent sections of this report.

- 4.8.7 Subject to compliance with those conditions in their entirety, there are wholly exceptional reasons embed within this proposal to justify trees loss and a suitable compensation strategy exists through the conditions imposed. When those factors are considered, and on balance, the proposed development is thus acceptable in relation arboricultural considerations.

4.9 Ecological Considerations

- 4.9.1 Further requirements within Policy 9 state that all development proposals must avoid unacceptable impacts on environmental assets or interests, including habitats and species. In support of those requirements, a Preliminary Ecological Appraisal has been submitted with amendments secured during the application process. Concerns have been raised in public comments regarding the potential for negative ecological impacts to be caused. The BwD Ecological Advisor has reviewed all of the information provided and the merits of the proposals as a whole. No formal objections have been raised yet a number of inadequacies in the information presented have been identified.

- 4.9.2 Given the level of trees loss proposed, the potential to remove bat roosts has been identified. Some of the trees to be removed have potential roosting features that warrant further inspection prior to being felled. However, the BwD Ecological Advisor is satisfied that such matters can be adequately controlled by condition. It will be down to a suitably qualified professional to quantify roosting potential within the site and identify any necessary measures of mitigation. A condition is therefore recommended in that respect. In addition, the attached external lighting condition will further regulate the developments impacts on local bat populations, once operational.

- 4.9.3 A condition is recommended to ensure any vegetation clearance and demolition works take place outside of the bird-breeding season in order to minimise harm to avian populations. The submitted CEMP details a number of ecological enhancement measures. A condition is recommended to ensure the development is implemented in accordance with those measures. A further condition is recommended to agree the scope of a scheme to eradicate invasive plant species from the site, as per the request by the BwD Ecological Advisor.

- 4.9.4 It should also be noted that the conditions imposed to mitigate trees loss would also provide significant ecological benefits. When those factors are considered, and subject to compliance with the recommended conditions, the proposed development would be acceptable in relation to ecological considerations.

4.10 Drainage

- 4.10.1 Further requirements within Policy 9 state that all development proposals should not be subject to an unacceptable risk of flooding, or adversely contribute to the risk of off-site flooding. In response to those requirements, a Sustainable Drainage Strategy (SDS) has been submitted. United Utilities have

reviewed the merits of the proposals and they are satisfied that the measures contained within the submitted SDS are adequate.

4.10.2 That said, the SDS is light on detail in the way of a maintenance strategy. The comments provided by United Utilities suggest that such details are required for all major proposals. The comments provided by BwD Drainage also accord with that position. An appropriately worded condition is therefore recommended that captures all of the above requirements accordingly. Subject to compliance with that condition, the proposed development would be acceptable in relation to drainage, in accordance with Policy 9.

4.11 Archaeology

4.11.1 In relation to development proposals that could potentially affect nationally or locally important archaeological remains, Policy 39 contains an expectation to better reveal and increase understanding of those remains and their settings unless it is demonstrated that this is not possible or desirable. Development affecting locally important archaeological remains and their settings will only be permitted where the public benefits of the development outweighs the local value of the remains.

4.11.2 LCC Archaeology have reviewed the merits of the proposals. They will affect a non-designated heritage asset, the former site of Higher Croft House (Lancashire Historic Environment Record PRN 984), thought to have been built in 1634, but demolished some time before 1977. As per the request by LCC Archaeology, it is therefore recommended that a condition be imposed to excavate the site and record any archaeological remains found. Subject to compliance with that condition, the proposed development would be acceptable in relation to archaeology, in accordance with Policy 39.

4.12 Contamination

4.12.1 Further requirements within Policy 8 state all development proposals on previously developed land must be remediated to a standard that provides a safe environment for users of the development whilst also ensuring contamination is not displaced. In response to those requirements, a Phase 1 Land Contamination Assessment has been submitted. BwD Public Protection have closely reviewed that survey yet a number of discrepancies have been raised in the data and findings presented.

4.12.2 Given that position, BwD Public Protection have advised that all three standard contamination conditions should be added as a precautionary measure. It is therefore recommended that those conditions all be added. Subject to compliance with that condition, the proposed development would be acceptable in relation to contamination.

4.13 Crime

4.13.1 Further requirements within Policy 8 state that all development proposals must incorporate positive measures aimed at reducing crime and improving

community safety, including appropriately detailed design. In response to those requirements, a Crime Impact Statement has been submitted, which has been prepared by Lancs Police.

4.13.2 The crime prevention measures advised within the submitted statement adequately conform to the requirements of the guidance referenced by Lancs Police below. Subject to the imposition of a condition to ensure the development proceeds in accordance with those measures, the proposed development would be acceptable in relation to crime prevention, and compliance with Policy 8 is thus achieved.

4.14 Air Quality

4.14.1 Policy 36 requires all development proposals to minimise contributions to carbon emissions and climate change, both directly from the development and indirectly arising from factors such as travel to and from the development. Concerns have been raised in public comments in relation to air quality. In response to such matters, BwD Public Protection have advised that electric vehicle charging points should be provided and efficient gas boilers installed through condition, which is recommended.

4.14.2 The recommended condition requesting the installation of cycle storage would also assist in improving air quality in the local area through promoting sustainable modes of travel to and from the site. Subject to compliance with those conditions, the proposed development would be acceptable in relation to air quality, in accordance with Policy 36.

4.15 Planning Gain / Section 106 Financial Contributions

4.15.1 A financial contribution £15,000 is secured, following agreement in principle between the Council and the applicant during the course of the application. A copy of the Planning Obligation Statement has been forwarded to legal for authorisation. The amount agreed has been advised by the BwD Ecological Advisor and will be used for the creation and/or enhancement of off-site open space provision. Committee are requested to grant planning permission, subject agreement of those matters.

4.16 Summary

4.16.1 This application involves the construction of 11 one-bedroom apartments (Use Class C2: Residential institutions) within 2 single-storey blocks of accommodation to provide social care and support for people living with autism. Associated private external amenity spaces, car parking and landscaping would also be provided in support of the development.

4.16.2 Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.4.

4.16.3 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, highways and parking, ecological considerations, drainage, contamination, arboricultural considerations, air quality, and the wider considerations raised from public and consultee comments. 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:

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

An agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £15,000; plus a monitoring fee of £150.

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Strategic Director of Place will have delegated powers to refuse the application.

5.2 The following conditions and informative notes are also recommended;

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 (BHC-KMA-XX-XX-DR-A-1000 – Revision P1), BHC-KMA-XX-XX-DR-A-1100 – Revision P1, BHC-KMA-XX-XX-DR-A-1200 – Revision P3, BHC-KMA-XX-XX-DR-A-2000 – Revision P3, BHC-KMA-XX-XX-DR-A-2100 – Revision P2, BHC-KMA-XX-XX-DR-A-2101 – Revision P2, BHC-KMA-XX-XX-DR-A-2102 – Revision P2, BHC-KMA-XX-XX-DR-A-2200 – Revision P2, BHC-KMA-XX-XX-DR-A-2201 – Revision P2, BHC-KMA-XX-XX-DR-A-2202 – Revision P2, and BHC-KMA-XX-XX-DR-A-2203 – Revision P2.

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

3. The development hereby approved shall be restricted solely to secure accommodation for assisted living and following the development hereby approved being brought into use, no alternative uses shall be operated from within the site under the broader provisions of Use Class C2, unless otherwise agreed in writing.

REASON: In order to prevent alternative uses being formed that may be harmful to the social character of the area, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

4. Occupation of the development hereby approved must be brought forward by a Registered Provider of Social Housing, to be commissioned and agreed by Commissioners within Blackburn with Darwen Borough Council, with a scheme detailing a timeframe of the lease model, building specifications and stakeholders to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on site.

REASON: In order to ensure that the proposal meets an evidenced need for specialist accommodation, to allow the development to proceed without an unacceptable adverse impact on existing provision, and to comply with the requirements of Policy 47 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5. Prior to the commencement of any above ground works on site, details confirming the colours and finishes of all the external materials to be used in the construction of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the approved materials and details, unless otherwise agreed in writing.

REASON: To ensure a satisfactory form of development is achieved, 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. No development shall commence on site unless and until, a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be exclusively limited to the following;
 - a) Details of proposals for supplementary landscaping around all aspects of the development;
 - b) Details confirming the types and extents of any areas of hardstanding to be applied;
 - c) Details confirming the heights, types, and positions of any new boundary treatments, including fencing and gates;
 - d) Details confirming that any trees lost will be replaced at a ratio of at least 2:1;
 - e) Details indicating the location, arrangement, species, sizes, specifications, numbers, and planting densities of all new planting;
 - f) Details indicating the location and arrangement of any required tree protection measures for the trees to be retained within the site and on the site boundaries, and;
 - g) Details of an annual management plan for any trees/shrubs to be retained.

The approved scheme shall be implemented in its entirety within the first available planting season following the substantial completion of the development. Any tree/shrub or other planting that is lost, felled, removed, uprooted, dead, dying or diseased or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

REASON: In order to ensure that the development is adequately landscaped so as to integrate with its surroundings, 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).

7. No above ground works shall commence on site unless and until, a scheme confirming bin storage arrangements has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details and none of the apartments shall be occupied until they have been provided in their entirety, unless otherwise agreed in writing.

REASON: In order to ensure appropriate and visually sensitive bin storage arrangements are put in place, in the interests of visual amenity and highway safety, and to comply with the requirements of Policies 10 and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

8. Prior to their installation, details overviewing the types, positions and heights of any new external light sources to be incorporated as part of the development hereby approved, including highways lighting columns, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise light pollution from the development, in the interests of residential amenity and minimising harm to local bat populations, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

9. No development shall commence on site unless and until, a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction phase, and it shall provide for, but not be exclusively limited to;
 - a) The parking of vehicles of site operatives and visitors;
 - b) The loading and unloading of plant and materials;
 - c) The storage of plant and materials used in constructing the development;
 - d) Wheel washing facilities;
 - e) Measures to control the emission of dust and dirt from construction works;

- f) Measures to control noise and vibrations from construction works;
- g) A scheme for recycling/disposing of waste resulting from construction works;
- h) Details of the type, position and height of any required external lighting;
- i) Details of working hours;

The development shall thereafter proceed in strict accordance with all of the measures detailed within the submitted Construction Method Statement, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to control the logistics of the construction phase, in the interests of residential amenity and highway safety, and to comply with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

10. Visibility splays around the new access point hereby approved 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: In order to optimise visibility for motorists egressing the site, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

11. None of the apartments hereby approved shall be occupied unless and until, the cycle storage and motorcycle parking provision as detailed on the approved plan 'BHC-KMA-XX-XX-DR-A-1200 – Revision P3' have been provided in their entirety, unless otherwise agreed in writing in the Local Planning Authority.

REASON: In order to encourage sustainable modes of transport, in the interests of highway safety and combating climate change, and to comply with the requirements of Policies 10 and 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

12. None of the apartments hereby approved shall be occupied unless and until, the car parking provision as detailed on the approved plan "BHC-KMA-XX-XX-DR-A-1200 – Revision P3' has been provided in its entirety, unless otherwise agreed in writing in the Local Planning Authority.

REASON: In order ensure an adequate level of parking is provided in support of the development, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

13. The development hereby approved shall be implemented in strict accordance with all of the measures of ecological mitigation detailed within the submitted Tree Survey – Arboricultural Implications Assessment & Method Statement (amended), prepared by Indigo Surveys, and dated May 2020.

REASON: In order to minimise harm to trees within the site during the construction phase, in the interests of local ecology, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

14. The development hereby approved shall be implemented in strict accordance with all of the measures of ecological mitigation detailed within the submitted Construction and Ecological Mitigation Plan, prepared by Arbtech, and dated November 2021.

REASON: In order to minimise harm to trees and ecology within the site during the construction phase, in the interests of local ecology, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

15. No development shall commence on site unless and until, a detailed bat roost assessment of any trees to be removed and any that require crown lifting/tree surgery work to facilitate any part of the development hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The survey shall include details of soft fell products for all trees identified as having a roosting potential together with further appropriate measures of mitigation, where relevant. Any works undertaken shall be supervised by a suitably qualified professional, with details provided. The development shall thereafter proceed in strict accordance with the agreed details, unless otherwise agreed in writing.

REASON: In order to minimise harm to bat populations within the site during the construction phase, in the interests of local ecology, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

16. No vegetation clearance and/or demolition associated with the development hereby approved shall take place whatsoever between March to August inclusive, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise harm to local bird populations, in the interests of local ecology, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

17. No development shall commence on site unless and until, a Method Statement has been submitted to and approved in writing by the Local Planning Authority that details the measures to be undertaken to prevent the spread of the invasive plant Japanese Knotweed during any site clearance works. The development shall thereafter be implemented in strict accordance with the approved details, unless otherwise agreed in writing.

REASON: In order to minimise harm to local plant populations, in the interests of local ecology, and to comply with the requirements of Policy 9 of the Blackburn

with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

18. No development shall commence on site unless and until, a surface and foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be exclusively limited to the following;
- a) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). Any investigations undertaken shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - b) 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;
 - c) Details showing foul and surface waters being drained on separate systems, where achievable;
 - d) A maintenance strategy for the surface water drainage system to be installed, and;
 - e) A timetable for implementation.

The submitted scheme shall be prepared fully in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In addition, the development hereby approved shall not be brought into use unless and until the agreed scheme has been implemented in its entirety.

REASON: To promote sustainable development, to manage the risk of flooding and pollution, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

19. No development shall commence on site unless and until, a scheme detailing the implementation of a programme of archaeological works has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details, unless otherwise agreed in writing.

REASON: In order to safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, in the interests of adequately recording archaeological remains, and to comply with the requirements of Policy 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

20. No development shall commence on site unless and until, a Contamination Method Statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination, which may be present on site, has first been submitted to and approved in writing by the Local Planning Authority. The submitted Statement shall detail the following;

- a) An investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority, and;
- b) A comprehensive remediation scheme including an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination).

All the agreed remediation measures shall thereafter be carried out in strict accordance with the approved implementation timetable under the supervision of a geotechnical professional and they shall be completed fully in accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

21. Prior to first use of the development hereby approved, two copies of 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 any necessary supplementary information. 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 protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

22. Should contamination be encountered unexpectedly during redevelopment of the site, all works should cease, and the Local Planning Authority 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 Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen

Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

23. The development hereby approved shall be implemented in strict accordance with all of the crime prevention measures detailed within the submitted Crime Impact Statement, prepared by Lancashire Constabulary, dated 05th June 2020.

REASON: In order to ensure crime prevention measures are in place to support the development, in the interests of community safety, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

24. No above ground works shall commence on site unless and until, the following air quality mitigation measures have been provided, which accord with a scheme that shall have first been submitted to and approved in writing by the Local Planning Authority;

- a) There shall be one electric vehicle charging point at each house with a garage or other off-road parking. An appropriate 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, and;
- b) Gas fired domestic heating boilers shall not emit more than 40mg NO_x/kWh

The development shall thereafter be implemented in strict accordance with the approved details and none of the apartments shall be occupied until they have been provided in their entirety, unless otherwise agreed in writing.

REASON: In order to minimise carbon emissions from the development, in the interests of addressing climate change, and to comply with the requirements of Policy 36 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

Specific Informatives

1. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.
2. 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). Construction method statement/demolition method statement is to be received this

should include wheel washing. 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 273838 to undertake a condition survey. Any old entrances that are no longer required should be closed and reinstated back to full footway, at the developers expense.

6.0 RELEVANT PLANNING HISTORY

- 6.1 10/12/1152 – 14 no. new 3 & 4 Bedroom Houses with detached garages – Approved with conditions – March 2014.
- 6.2 10/18/0504 – 16 new build single storey dwellings for supported living – Refused – September 2019.

Reason for refusal

- *The proposal for the 11 supported living units represent non-commissioned development that does not form part of the Council's strategy for the provision of health services, and would result in additional users of publicly-provided support services where an identified local need does not exist, leading to an increase in the level of demand for publicly-provided support services, to an extent that is likely to result in a deterioration of the level of service available to existing users, contrary to Policy 47 of the Blackburn with Darwen Borough Council Local Plan Part 2 (2015) and the National Planning Policy Framework (2019).*

7.0 CONSULTATIONS

- 7.1 BwD Adult Social Care – In order to meet existing and future demands Adult Social Care is keen to ensure that a 'Commissioning' approach is taken to existing and future provision for accommodation and care services for vulnerable people. This is critically important to ensure that the development is used specifically for the intended vulnerable people and is supported by revenue funding. Where there isn't a commitment to commissioned revenue support any such development should be considered speculative. Policy 47 of the Borough's Development Management Planning Policy sets out areas in which Adult Social Care can assess Planning Applications to ensure that all new provision for services for vulnerable people meet strategic needs. To address the appropriateness of the proposed project each point of the policy will be addressed.

(Need for the development) Adult Social Care support the development in principle, as the development could meet a need we have identified in the borough and therefore in line with our Commissioning Strategy. However the proposed size and number of units is larger than what we need. The development proposed can potentially support individuals with complex needs from across a wider geographical footprint therefore we would want to consider

any commissioning need for this development together with wider Health and Social Care System Partners before supporting its approval.

(Nature and scale of the development) Presently there is no purpose built accommodation for people with complex and challenging behaviours within the borough. The design offers a robust build which is required for this client group. The location is secluded and is suitable for this cohort. Whilst there is a need in Blackburn with Darwen for a small development, this proposal is much larger and would offer more units than our demand. However, there is demand across Lancashire for a development of this type. We would wish to work with health partners to ensure that there is a proper commissioning process supporting revenue commitment and that we are able to deliver the type and quality of accommodation /support that is needed.

(Increase in demand for service) We cannot support any specialist supported housing without the necessary commissioning agreements in place with Health Partners. We are increasingly looking at joint financial planning with our partners to ensure that the system remains coherent and sustainable and in line with the demand.

As such, we cannot offer support for this application at this time. We would wish to continue to work with the developer and are actively engaging with Health partners to ensure agreements can be put in place to reduce the financial risk to the authority.

(Update) – The proposal for the Centurion development is supported by BwD Adult Social Care. We have evidenced a need for accommodation for people who have complex needs and this site and the development will help meet the requirement for specialist accommodation. The design will allow us to meet the following outcomes for Blackburn and Darwen;

Promote innovation within housing and care, through the use of technology and specialist design. Address the accommodation needs of complex individuals – meeting the needs and aspirations of those who require 24 hour care and support and improve outcomes. Deliver national priorities locally. Reduce the cost of care to the local health and social care system. Deliver crisis accommodation in an more appropriate environment

In order to do achieve this, we require the following conditions;

The scheme can only be brought forward by a Registered Provider of Social Housing agreed by Commissioners within BwD Council. The timeframe for any lease model used to fund the scheme, should be 10 years (initially). The model and stakeholders should be agreed with BwD Commissioners. Developers work closely with BwD Commissioners, throughout the build, to ensure that the building meets the specification and the needs of the agreed client group. The care provider is commissioned by the Council.

7.2 BwD Housing Growth – The principle of residential dwelling would be acceptable on this site which sits within a highly residential area of south east

Blackburn. The Housing Growth Team require evidence/demand data to support the need for this type of specialist accommodation. The scheme needs to be approved by the Council's Adult commissioning team with a clear understanding of how it will be managed. The Adults team will need to agree a nomination and selection process which gives priority to local need.

We would consider the proposal subject to the provision of satisfactory demand data and commissioning/acceptance by the Adults team. Final proposals will need to meet planning policy requirements and approval from Development Management. There will be no additional requirement for affordable housing as the scheme would be deemed to be providing affordable homes on site

- 7.3 BwD Arboricultural Advisor – In principle, we have no objection to the application. Should this application be approved, we would suggest a condition for a fully detailed landscaping scheme that mitigates the inevitable loss of trees across the site.

A number of key points need to be considered prior to approval of the application, which include; Tree Protective Fencing locations and the various tree constraint issues. Details of services and potential for impacting upon the RPA's to be highlighted on a site layout plan. The proposed retaining wall to be constructed will be in close proximity to existing trees. Any machinery to be used should not be allowed to encroach into the RPA. The proposed path area that runs adjacent to large existing trees needs careful construction consideration. What approach is the applicant to take with regards the re-surfacing of the existing access road? Exact details need to be submitted via a AMS on how they are going to avoid root damage. Ideally, the access road is kept to the same width, otherwise the mature and their roots will be compromised.

(Update) The comments provided by the Agent regarding the cost implications of submitting of a full AMS at this stage are understandable. What we would say to that is that if you are minded to approve the application, and/or if it is likely that it would be approved at any committee, it would not be unreasonable to request the AMS upfront. Having said that, they do seem to be a reputable company and if the proposed pre-commencement site visit is to be with myself and the Arb Consultant, as mentioned below, then that would ease my concerns somewhat with regards to the conditioning of the AMS.

There are concerns at this stage regarding the proposed retaining wall. We wonder if the architect realises the tree issues (loss and impact) of including a wall when it is only 0.6m. We would suggest a post and rail fence would be more appropriate in this situation. In addition, we have concerns regarding the widening of the access road, and in particular, the area to be widened right next to the tree T41, which is a B cat 24m high Beech tree. We do feel that the proposed design layout has not really considered the trees in this area and that the arb information has come afterwards. The recommendations as laid out in BS 5837 state that the constraints imposed by trees, both above and below ground, should inform the site layout design, rather than the other way around. We honestly think that a slight modifying of the layout will be more beneficial to

the health of the trees going forward in to the future. The access widening/changing should only take place outside of any RPA's.

(Update) The submitted 'description of amendments' states: '*Updated the Arboricultural Impact Assessment (AIA) in line with our revised plans. The comments in relation to 'widening of the access road'. In addition, the amended AIA section 4.6 states: '4.6. The proposed widening of the existing access encroaches the crowns and RPAs of the trees T37 and T40, and the RPAs of T31, T32, T36 and T37. Therefore, the crowns should be pruned to provide 3.5 - 5m ground to crown clearance, and the new vehicle access should be of tree-root sensitive design and installation to minimise the impact on the RPA's and ground i.e., no dig installation, existing soil level retained, cellular confinement system (Cellweb/Geoweb) and preferably a permeable surface treatment; detail to be illustrated in the landscape schemer*'.

The proposed use of a cellular confinement system is fine but we are wondering if the agent knows the cost and practical implications of the process? It is also proposed that this system is used for the new footpath that runs parallel to the access road. If this is going to be used for that they the costs will be huge. There are other issues that concern me about this development. The proposed retaining wall is just 2 feet in height (0.6m) and yet there are proposals to remove 7 trees, 4 of which are B category. This seems unnecessary.

Further information is required regarding resurfacing works and the need for a boundary wall. If you are minded to approve the application, a lot of these issues can be dealt with via an Arb Method Statement.

7.4 BwD Highways – In summary, we have no principle objections, subject to the below matters being resolved satisfactorily.

(Parking) In accordance with the adopted parking standards, the requirements associated with a sheltered living accommodation facility, are specific for the users. There is the ability to agree a defined number of spaces that the facility would require subject to full justification setting out the needs for both visitors and operational management. The Design and Access Statement present the parking to be provided is for staff as residents do no drive and have no vehicle. The planning application cites 10 staff, yet 20 spaces (inc. 4 disabled) are proposed. This would appear to be excessive, and further justification is requested to support the 20 spaces indicated.

We acknowledge the additional 3 larger bays also proposed, which will aid the transportation of the residents to various excursions, this is acceptable. It is noted that there is cycle parking for 10 to be made available within the building, this is also accepted. There is no mention of any motorcycle parking, this should be accommodated within the site. The car park layout and arrangement conforms to the councils adopted bays sizes including accessibility into and out of the bays.

(Access) Access to the properties is via Highercroft Road, which is adopted highway, We would expect the access is to be from Fishmoor Drive, rather than

via Stopes Brow, perhaps confirmation of this from the applicant will placate some of the woes expressed by the objectors. The internal access road is sufficient in carriageway width. Previously we had expressed the lack of footway connection from Highercroft Road into the site, this has now been provided. Further consideration should also be given to services such as street lighting columns of this footway.

No details of visibility splays are provided at the entrance to the site from Highercroft Road, please request further details. There are two gates proposed within the scheme, it is therefore assumed that the site will remain private and not be adopted. No details of the operation of these gates is provided. There is no turning area prior to the gates, to aid those who have inadvertently ventured down the access road, please could we seek further details in how this will be dealt with.

(Servicing) No auto track details have been provided or information on the frequency of service vehicle and type. We would request this is provided for further assessment.

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

(Update) There is no justification offered in support of the Parking numbers as previously requested. An amended layout that is offered does take into account the request for motorcycle spaces, which is welcomed. Confirmation is also received that there will be no gates to the development, this is acceptable. No details of swept path or delivery details, frequency of visits and type of vehicles is received.

If you are minded to approve the scheme, that I would request the outstanding matters are all conditioned, together with matters outlined under other and attach all the standards conditions and Informatives listed previously.

- 7.5 BwD Public Protection – No objections. Should this application be approved, conditions should be imposed to control air quality mitigation measures, external lighting sources, construction working hours, and the logistics of the construction phase (dust, noise, and vibrations). Informative notes should also be added regarding light pollution for construction/demolition noise.

(Contamination) The above report is based mainly on a Groundsure search. We would always encourage as diverse a range of information as possible to be included within a Phase 1 Desk Study. Although a Wormseye Coal Authority report is referred to from 2010 a similar Wormseye Desk Study from 2010 and available online with an earlier application (10/12/1152) is not referred to. However due to the proposed gas monitoring and intrusive investigation in the later 2020 Fraser report, were the application to be successful, we would recommend that both Blackburn with Darwen's standard contaminated land conditions are attached to any Decision Notice.

- 7.6 BwD Drainage/Lead Local Flood Authority – No objections. Should this application be approved, an appropriately worded condition should be imposed to control drainage systems. Such a condition is necessary in order to ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, to ensure adequate measures are put in place for the disposal of foul and surface water, and to agree the scope of any future maintenance of surface water drainage systems.
- 7.7 BwD Ecological Advisor (GMEU) – (Planning Context) The adjacent woodland and the southern part of the Site is within the Lancashire Woodland Network (see extract below – application site marked with purple pin and blue boundary). The Woodland Network forms part of the coherent functioning ecological network (Lancashire Ecological Network) across Lancashire. These are identified features under the NPPF (February 2019, paragraph 170 d)).

The Site is also encompassed within Blackburn's Green Infrastructure (Local Plan Part 2 Green Infrastructure – Policy 38) as identified in the Adopted Policies Map (December 2015). Policy 40 of the adopted Local Plan (Dec 2015) provides the context by which the Planning Authority will integrate GI and Ecological Networks with new development. Whilst the Planning Statement recognises Blackburn's Core Strategy policy framework (Policy CS15 – Protection and Enhancement of Ecological Assets, 2011) it fails to follow this through to the Local Plan Part 2 designations.

The weight and planning balance associated with the impacts of the scheme (as discussed below in 'Loss of Broadleaved Woodland') are a matter for the Planning Department to consider. It is recommended that the Council's Tree Officer, if there is one and they have not already done so, are consulted on the application. Matters relating to the condition and amenity value of the trees are not within GMEU's remit.

(Preliminary Ecological Assessment – validity and impact assessment) The Preliminary Ecological Appraisal (the Report) appears to have used reasonable effort to assess the site for priority habitats of substantive value and the likelihood that protected/Principal species (Section 41 NERC [Natural Environment & Rural Communities Act 2006]) are present or may be present at other times. While the survey itself is considered valid, however, we do not concur with the impact assessment on habitats as identified in Table 3 of the Report. There are a number of matters that will need clarifying due to inconsistencies between submitted reports. Additional work will need to be undertaken for substantive issues, which can be achieved via conditions (Loss of Broadleaved Woodland Habitat of Principal Importance) The Report identifies that the site supports broadleaved trees which is identified as a priority habitat (Habitat of Principal Importance – Section 41 NERC [Natural Environment & Rural Communities Act 2006]). This is shown in Appendix 1 of the Report as a wide wooded edges adjacent to the bare ground (previously developed built footprint) and to the south of the site. Table 3 of the Report appears not to consider this as an impact either on site or as a feature which supports and buffers the adjacent wider area of woodland. It is considered that

this is an omission in the impact assessment of the proposal which needs further consideration and mitigation/compensation within the scheme.

The Arboricultural Impact Assessment (AIA) indicates that 32% (15 trees and 1 Group) of the mature/semi-mature within the Site boundary will need to be removed to accommodate the proposal. It is unclear how this is represented on the AIA Tree constraints plan as it would appear that the trees scheduled for removal have not been clearly indicated on the plan. Replacement tree planting is proposed and appears to be in the region of 18 trees with smaller crown capability than those that are being lost. In general terms, in seeking compensation for tree loss GMEU would recommend a replacement ratio of 2 for 1. It would appear that there is little capacity within the current scheme to achieve this on-site.

The loss of the mature/semi-mature trees will also include the loss of scrub and regenerating trees which are elements of a functioning woodland. Given the footprint of the proposal, the areas to the north of the site will no longer function as woodland, but are likely to become part of the manicured margin of the development. In the absence of a landscape scheme, it is not possible to draw a more detailed conclusion.

It is recognised that the southern part of the site will be retained, except to create access. However, more detailed plans for this area's management has not been provided (see Landscape below). Benefits of the scheme appear to indicate that improvements will be made to the wider woodland area (outside the edge red?) in amenity terms, but there is no detail of whether what this comprises and whether it can be considered as compensation for habitat loss within the Site. A reduction in the built footprint would provide a greater opportunity to retain trees within the site and potentially the ability for this to represent a more functioning woodland habitat.

(Other biodiversity material considerations – Japanese knotweed – Schedule 9 Wildlife & Countryside Act 1981 and Environmental Protection Regulations 1991) Both the Report and the AIA tree constraints plan show that Japanese knotweed is present on the site. However, the locations marked differ between the two documents' plans. Notwithstanding the confusion regarding the location of this Invasive Non-Native Species (INNS), any permission if granted will need to be supported by a detailed Japanese Knotweed Management Plan.

This will need to consider an updated survey will need to be provided to accurately identify stands of the plant which need to be treated. Construction methodology such as erection of barrier fencing 7m from growing stems, signage, soil handling/storage protocols and machinery biosecurity should be considered. In addition, a treatment/removal strategy will need to be supplied from a suitably skilled contractor to demonstrate how the plant will be dealt with both under the footprint of the built form and in areas of retained vegetation. The submitted scheme will need to demonstrate an ongoing retreatment schedule of control and eradication including monitoring for a minimum of 5 years. Despite the confusion over the distribution of the JK INNS, we are satisfied that this matter can be dealt with via condition on any approval if

granted. I would recommend that this is a standalone document which is cross referenced in a CEMP (Construction Environmental Management Plan), that could be provided by condition.

(Bats – Habitats Regulations 2017 and Wildlife & Countryside Act 1981) The Report indicates that the only trees with bat roosting potential are to be found on trees at the south-west corner of the site, in an area to be retained. Cross referencing with the condition statement in the AIA indicates that a number of the trees to be removed have features which warrant further inspection for bat roost potential, as they support crack/fissures, deadwood/dieback or in part are covered with dense ivy which obscures close inspection of the tree.

Additional survey work will be needed to clarify the differences between the two reports' assessments. As this is a matter of clarification I am satisfied that this can be a pre-commencement condition on any permission if granted. The pre-commencement survey should encompass a detailed bat roost assessment of all trees to be removed and any which require crown lifting/tree surgery work to provide access (T37 and T40) or for Health & Safety reason around the built form. An aerial inspection of individual trees where cavities are observed from ground inspection or results are inconclusive, a bat activity survey prior to felling where necessary, and details of soft fell protocols for all trees identified with bat roost potential, including supervision by Ecological Clerk of Works (ECoW), should all be submitted in support of discharging the condition. The Report identifies that lighting should be controlled in the operational development (Table 3; Woodland and Bats). This matter can be implemented via a condition on any permission and as indicated in the Report follow the most recent professional guidance of (Bat Conservation Trust and the Institute of Lighting Professionals). Additionally, it is recommended that the conditioned CEMP (see above) include details of construction lighting along with any details on working hours etc.

Nesting birds and vegetation clearance (Wildlife & Countryside Act 1981) A condition should be applied to ensure that all vegetation clearance including trees, scrub, undergrowth (e.g. bramble) and the dismantling of the boundary wall occurs outside the breeding season (March – August inclusive), unless it can be demonstrated by a suitably qualified person that no bird nesting activity is present.

(Landscaping Proposals) Detailed landscape proposals within the submission have not been provided. As the application is for full permission and there is a significant loss of trees and associated woodland within the scheme, I consider this a serious omission that impairs the ability to assess the mitigation/compensation for the biodiversity impacts of the scheme. The landscape strategy, as alluded to in the Design & Access Statement, includes the objective of integration of the scheme within the wider landscape character and includes upgrades of the footpath. However, there is no mention of the planting specification, except in broadest terms of native species. As indicated above the scheme does not appear to provide replacement planting on a 2 for 1 basis. There is no indication of any future management of the retained area of woodland to the south of the Site.

Given the limited extent of remaining area for a landscape treatment, the introduction of wildflower grassland seems over ambitious and not a feature which would compensate for the loss of mature woodland trees. The Report indicates the use of bird and bat boxes along with ecologically permeable fencing. These are well known enhancement measures, however, the introduction of 2 bat boxes and two bird boxes seems a poor provision given the extent of loss of mature/semi-mature trees and the understorey that it supports. There may potentially be an opportunity to discuss improvements within the adjacent woodland, if the Local Authority consider it appropriate, to provide additional levels of compensation off-site.

The applicant has not used a Biodiversity Offset metric for the proposal to assess if a Biodiversity Net Gain has been achieved on this scheme, as signposted within the forthcoming Environment Bill (first reading November 2019). However, it may not be considered necessary should a suitable landscape and habitat management scheme be forthcoming and securable. We strongly recommend that the Planning Authority seek a full landscape scheme prior to the approval of this or any future iteration of a scheme on this Site.

(Update) We note the confirmation that no tree removal will be required to accommodate the new access road. This is to be welcomed and lessens some of the impact within the Woodland Network. The remainder of the site appears to not have altered in its impacts on the woodland habitat/loss of trees as the extent of the footprint of the scheme has not altered to any significant degree. The Ecological Appraisal has been adjusted to reflect the AIA loss of trees, which is a third (32%) of the recorded trees within the site. There has also been adjustment to ensure that there is consistency on the extent of Japanese knotweed on the site.

The updated AIA appears now to show more clearly the extent of the loss of woodland on the northern, eastern and southern margins of the site (including group G2), which will result in fragmentation and reduction in the buffering effect that the current site provides to the Woodland Network. The adjusted plans are still not supported by any landscaping proposals or any long-term management requirements/enhancements, despite the proposal appearing to seek approval for this element. This makes forming a view regarding the level and type of compensation difficult to assess either in a traditional sense or against a Biodiversity Metric. There appears to be no adjustment within the Ecology Report regarding the quantum of the biodiversity enhancements which are proposed.

As indicated in the earlier response, GMEU recommend that the Council's own tree officer is consulted on the scheme if they have not already provided comments. Additionally, the weight given to the loss of broadleaved woodland priority habitat is a matter for the Council to place in the planning balance. However, GMEU would conclude that it appears that the amendments have not substantively altered the identified impacts of the proposal on the woodland habitat.

(Update) As far as can be ascertained the amended layout of the scheme (uploaded 09.11.2021, rev P3) has not altered substantively in terms of its impacts on the priority woodland and it would appear that there is no landscape scheme submitted. Therefore, concerns raised previously still apply.

However, a new document has now been submitted; 'Construction and Ecological Mitigation Plan' ([CEMP] Arbtech, 05/11/2021, issue 1.4) has been provided. We have the following comments to make on the CEMP. This document provides details of both construction activities and features along with a scheme for Biodiversity Enhancement. In general terms, these two documents would be submitted under separate covers. We can confirm that the detail is adequate and sufficient for the most part, except for the species specification for replanting. We would suggest that the applicant considers the use of locally native species typical of the landscape character of the site's location. We can confirm that the construction protection details, which would normally be encompassed in a CEMP are adequate. However, the Planning Authority may wish to see details and locations of protective fencing and construction lighting. This can be secured via condition.

The Biodiversity Enhancement as proposed within the submitted CEMP document and shown on plan (BHC-KMA-XX-XX-DR-A-1200, rev P3 in the CEMP) is appropriate and proportionate and I would recommend that a separate Biodiversity Enhancement condition is used to secure the implementation of this scheme. This detail includes the features previously recommended by GMEU including – 6 x bird boxes, 6 x bat bricks & 4 x bat boxes, 2 x hedgehog shelters and ecologically permeable fencing.

(Update) In relation to the potential to provide a woodland management plans, without a baseline Biodiversity Net Gain metric calculation, it is difficult to make a cost per unit assessment. However, it would not be reasonable at this stage to expect the applicant to produce one. The Environment Act is seeking to provide a 'unit' cost for off-set and this is currently considered to be £10,000/unit, but as explained this does not equate well with this proposal.

Alternatively, GMEU has begun to do some research work on costings for the Greater Manchester Combined Authority (GMCA). The GMEU research and the BNG unit costs include an oversight management element to the administering body. Examples include

- Average cost* for woodland creation and management of 1ha of woodland £29,377
- Average cost* for woodland restoration and management of 1ha of woodland £28,862
- 5 year treatment plan for 0.6ha of invasive species was £12,500 (GM local contractor quote for on-site works)

(*note based on 8 costed examples from across the UK)

Given that this application site is approx. 0.5ha, we would suggest that a commuted sum in the region of £15,000 based on these examples might be a reasonable off-site approach.

- 7.8 BwD PROW Officer – The Access to the proposed development is a Public footpath so please add highways 11 informative to this application. Any change of surface to the access road must first be authorised by the Highway Authority prior to any improvements /alterations made. If the construction traffic is going to impact on the use or safety of the Public footpath (151 Blackburn or 114 Blackburn) whilst construction is under way, the applicant needs to apply for a temporary closure of the footpath.

(Update) The submitted information makes reference to upgrading the existing paths. I would like to reiterate the previous comment. Any change of surface to the access road must first be authorised by the Highway Authority prior to any improvements /alterations made.

- 7.9 BwD Cleansing – No details regarding for bin storage and bulky rubbish storage areas are detailed on the submitted plans.

(Update) It total they space for four bins, whether in one or two bin stores. These bins cannot be taken up/down steps btw, so that could be an issue for them in terms o designing a step-free access in/out of the bin store. The Council require bins to be presented to the edge of the adopted highway so it will be for the staff/residents to pull the bins from the bin store, to the collection point at the edge of the development.

- 7.10 BwD Housing Standards – No objections.

- 7.11 LCC Archaeology – The proposals will affect a non-designated heritage asset, the former site of Higher Croft (Lancashire Historic Environment Record PRN 984), thought to have been built in 1634, but demolished some time before 1977. The 1849 1 st Edition Ordnance Survey 1:10560 mapping (Lancashire Sheet 70, surveyed 1845-47) and the 1894 1 st Edition Ordnance Survey 1:2:500 mapping (Lancashire Sheets 70.04 and 70.08, surveyed 1891) show a small complex of buildings on this site, all of which have since been lost. It is presumed that Higher Croft House, the main building at the site, was demolished to make way for the 'The Centurion' public house, which was built a little to the north.

As set out in the accompanying Planning Statement, the site was previously used as a Public House and associated car parking areas. The report states these were demolished in 2008 and cleared down to ground level leaving tarmac areas and substructure, including foundations, of the public house. There is therefore a potential for below-ground archaeological remains of Higher Croft, and possibly earlier structures, to be encountered by the proposed development.

Consequently should the Local Planning Authority be minded to grant planning permission to this scheme, the Historic Environment Team would advise that

the applicants be required to undertake a programme of archaeological work. This should be carried out prior to any development of the site and secured by means of an appropriately worded condition. Such a condition is necessary to ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site. Note, 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".

- 7.12 United Utilities – 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. Following our review of the submitted Flood Risk Assessment, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice: The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. FRA 20 1153, Dated May 2020) which was prepared by Centurion Blackburn Ltd. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details. This is to ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consult with the Lead Local Flood Authority regarding the exact wording of any condition. The development shall subsequently be completed, maintained and managed in accordance with the approved plan. This is 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.

- 7.13 Lancs Fire and Rescue – It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 (Access and facilities for the Fire Service).
- 7.14 Lancs Police – A representative from the Lancashire Constabulary Designing Out Crime team has had extensive involvement in the early planning stages and completed the attached Crime Impact Statements which are still relevant to the proposal with the exception of the below further recommendations regarding upgraded standards for communal entrance doorsets. We would advocate that the development be designed and constructed using the security principles and security rated products as stated in the attached Secured By Design (SBD) 'Homes 2019' Design Guide.

7.15 Ward Cllrs – Councillor Gee commented on the application on the 23rd Jun 2020 - The Borough has enough provision for the use proposed. An inadequate level of staff parking is proposed. A number of public rights of way will be effected due to the position of the plot.

7.16 Summary of Public Responses – see summary of representations for the full comments.

- The proposed use is not appropriate for the area;
- A Green Infrastructure allocation covers the site;
- Conflicting information has been submitted regarding the proposed use;
- No details have been provided regarding intended occupants;
- Access arrangements are not appropriate;
- Additional traffic and parking demands may result from the proposal;
- Traffic calming measures would be required;
- Obstructions may be caused for emergency service vehicles;
- Public rights of way will be lost;
- The development may affect local wildlife;
- Archaeological remains may be positioned within the site;
- The proposed security measures are inadequate for the proposed use;
- Negative impacts on air quality may be caused;
- The proposal will place additional pressure on public services;

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 10th January 2022

10.0 SUMMARY OF REPRESENTATIONS

Objection – Councillor Denise Gee. Received 23/06/2020

I would like to submit our objection to this planning application on the grounds of this is not the appropriate use.

1. This site has already failed to meet planning need due to the borough have enough provision and I am informed that is still the status.
 2. I do not see that there is enough provision to park for staffing requirements.
 3. The public rights of way will be effected due to the position of the plot
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Objection – Joan Parkhouse, 103 Highercroft Road, Lower Darwen. Received – 10/06/2020

I am emailing regarding the letter we received this morning reference 20/20/0451.

I am seriously concerned about this application having researched the category of residents that will be living there. The letter states the residences will be for provision of specialist mental health and social care. However the category does not mention these terms.

Category C2a is for a prison, young offenders institution, detention centre , short term custody centre or military barracks .

This is extremely worrying for us as residents on Higher Croft Road and calls into question the consideration that has been given to residents' security, health and well being in allowing this application to be brought forward.

I do not believe it is a suitable position in which to place such an institution.

The letter states residents can attend the council meeting and I wish to do so.please inform me of the date of the Planning Committee meeting as soon as possible.

Objection – Joan Parkhouse, 103 Highercroft Road, Lower Darwen. Received – 24/06/2020

OBJECTIONS TO PLANNING APPLICATION 10/20/0451

- The planning application was rejected in September 2019 because it was not commissioned by the council as it was felt there was not a need for it and the unit would put a strain on already strained resources. Has the council now commissioned this unit?
- The secure unit would have an adverse effect on the ambience of this semi rural, residential street. Residents feel unnerved by the category C2a of the planning application, listing as it does, prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks. A recent Lancashire Evening Telegraph article cited the planning application was for people with autism, but there is no mention of mental health and social care in the category. The lack of transparency on the application means that residents are concerned a change of the status of residents of the secure unit could be undertaken without further consultation which would have a detrimental effect on our safety and wellbeing.
- There is a Right of Way through the site, with a designated path at the north end of it. This is referred to in the Lancashire County Council map of Rights of Way as part of the River Darwen Pathway and is covered by the Countryside and Rights of Way Act 2000. This Act refers to a Right of Way as 'a path on which the public have a legally protected right to pass and re pass'. This right of way is regularly used by families and dog walkers. The building of the secure unit would fundamentally change the nature of the access to this path as it would open walkers to a vulnerability which is not currently there.

• Flow of traffic is already an issue for residents on Higher Croft Road in relation to none residents parking too close to the barrier. Children's centre workers regularly park at the barrier causing difficulty of usage. Several years ago a 'PLEASE KEEP CLEAR' sign was painted on the road but this was largely ignored. Residents feel that this unit would exacerbate this problem, with drivers realising they can park on a quiet street without restrictions, causing difficulties for us in terms of congestion and safety. Our main worry is that emergency services may have their access compromised. Have the emergency services been consulted regarding this ?

• The site is identified in the Green Infrastructure Supplementary Planning Document for Blackburn with Darwen as a site of local ecological importance and an area of priority habitat (Stepping Stones Map 1) forming part of the Higher Croft and Newfield valley, site ref: 174. Has a habitat and ecology impact assessment been carried out for the site re the proposed development in line with the National Planning Policy Framework (Section 11) Conserving and Enhancing the Natural Environment? If so, where is this published?

• In February 2020, residents were part of a consultation regarding a large housing development of family housing in close proximity to this planning application. Has the impact of this application been considered in relation to the housing development, given the category of the secure unit and the close proximity of a Children's centre, a pharmacy and family housing?

Objection – Joan Parkhouse, 103 Highercroft Road, Lower Darwen. Received – 09/07/2020

OBJECTIONS TO PLANNING APPLICATION 10/20/0451

BACKGROUND

Higher croft Road is a quiet, residential street with a mix of families with young and older children, couples and elderly residents. People who live on the road stay, because it is a peaceful and safe environment. Many people on the road, including myself, have lived there for over 30 years.

With Higher Croft Woods behind one side of the road – which as you will know has a designation of a Biological Heritage Site, signifying its importance for nature conservation in the county, and with the playing fields on the other side of the road – which has a path which forms part of the River Darwen Parkway route, residents take full advantage of the countryside surrounding our houses, including the Right of Way through the Centurion site.

We are opposed to the proposed development on a number of points :

• The planning application was rejected in September 2019 because it was not commissioned by the council as it was felt there was not a need for it and the unit would put a strain on already strained resources. Has the council now commissioned this unit?

• Whilst the change of category from C2a to C2 is noted, the development still raises a number of concerns and questions for residents on Higher Croft Road in terms of our security and safety.

☐ In relation to the company filing the application. How could they make such a fundamental mistake as putting the wrong category in such an important document? And only change it after prompting from the Planning Department? This does not engender confidence in their ability to run a secure unit

☐ Breaches in security in such units are not unprecedented. Any breach in security of this unit would subject residents of Higher Croft Road to unnecessary risk, which would have an adverse effect on our health and wellbeing. What is the company's record on breaches in security of the units they currently run?

☐ An article from The Daily telegraph in 2017 cites a reported 64% rise in patients absconding from secure mental health units since 2014, with an impact on the resources of emergency services,

particularly the police. Have the police been consulted in relation to this possible increase in their workload and the impact on their policing of the area?

NHS England's Security Levels for Adult Secure Service Specifications are extremely worrying for residents of Higher Croft Road

Grave and immediate danger to self and others

Medium – serious risk of harm to self and others

Significant risk of harm to self and others

None of these categories alleviate our anxiety, given the possibility of breaches of security by residents of the unit in such a quiet, residential family oriented area.

- There is a Right of Way through the site, with a designated path at the north end of it. This is referred to in the Lancashire County Council map of Rights of Way as part of the River Darwen Pathway and is covered by the Countryside and Rights of Way Act 2000. This Act refers to a Right of Way as 'a path on which the public have a legally protected right to pass and re pass'. This right of way is regularly used by families and dog walkers. The building of the secure unit would fundamentally change the nature of the access to this path as it would open walkers to a vulnerability which is not currently there.

- Flow of traffic is already an issue for residents on Higher Croft Road in relation to none residents parking too close to the barrier. Children's centre workers regularly park at the barrier causing difficulty of usage. Several years ago a 'PLEASE KEEP CLEAR' sign was painted on the road but this was largely ignored. Residents feel that this unit would exacerbate this problem, with drivers realising they can park on a quiet street without restrictions, causing difficulties for us in terms of congestion and safety. Our main worry is that emergency services may have their access compromised. Have the emergency services been consulted regarding this ?

- The site is identified in the Green Infrastructure Supplementary Planning Document for Blackburn with Darwen as a site of local ecological importance and an area of priority habitat (Stepping Stones Map 1) forming part of the Higher Croft and Newfield valley, site ref: 174.

Has a habitat and ecology impact assessment been carried out for the site of the proposed development in line with the national Planning Policy Framework (Section 11): Conserving and Enhancing the National Environment ? If so, where has this been published?

- In February 2020, residents were part of a consultation regarding a large housing development of family housing in close proximity to this planning application. Has there been an impact assessment and appropriateness of location for this application for a secure unit in relation its close proximity to family housing, Highercroft woods, the Children's Centre and local schools?

Objection – Joan Parkhouse, 103 Highercroft Road, Lower Darwen. Received – 23/12/2020

I am writing in response to the amendments to application 10/20/0451.

Firstly, the timing of the letter and the deadline for responses are extremely disappointing given the Christmas and new year period and the lack of availability of your department to clarify any queries. So, we are left with a great deal of frustration given that we have been very conscientious in tracking the progress of the application.

In your letter you state that the amendments to the application can be seen on the council planning website. These are not immediately accessible and quite hard to find to be honest and some of our

residents are very upset that the planning department appear to be making it very difficult for residents to access important information they could affect their safety and well being in their own homes.

I note the applicant has completed a biodiversity survey which implies there is no affect to the site by the building. We accept this.

There is no reference that I can see in the amendments to the agreement of other local authorities agreeing to fund their residents staying at the site. Has this been agreed?

We have contacted the Forestry Commission regarding the trees on the site to request support from them to preserve the trees.

Given the short time frame for your responses we may not have a decision by 6/1/21. Will any decision after that be considered?

Will our original objection emails still be considered , as a number of valid points were made on those that haven't been addressed by the amendments?

Objection – Elena Tyler, 105 Highercroft Road, Lower Darwen. Received – 11/06/2020

I am writing to oppose a planning application to build secure residential units on the former Centurion Public House, reference number: 10/20/0451.

I am a resident at 105 Higher Croft Road - directly opposite where the single-story blocks are proposed to be built. The development of such a facility is causing great worry not only to myself but the surrounding neighbourhood, therefore through my opposition I will list some key comments that need to be considered by yourself.

There are a number of conflicting effects that the build will have on our residential amenity. The unit will create disturbance in many different ways, from the wildlife living in the woods to the use of my road.

At the proposed site entrance on Higher Croft Road there is a locked barrier which is covered by a Traffic Prohibition, this is used by emergency service vehicles as they are unable to gain access to the road via Lower Darwen. The influx of traffic and parking, which the unit will almost certainly bring, will have adverse effects on the ability for emergency services to access the road through the barrier. Outlined in the planning application is car parking for those using or visiting the unit, from past experience when the land bore a Public House the amount of traffic was phenomenal – posing not only a risk to the general public who use the area but also having a detrimental effect on the levels of pollution.

The facility will also affect the character of the neighbourhood, a few hundred yards in both directions from the planning site are other facilities which vulnerable people use daily. A number of nurseries and schools surround the site, as well as a health centre and children's playgrounds. No information has been given as to what category of persons will be living in the proposed secure unit therefore, I feel it is inappropriate to then place such a facility amongst such vulnerable assets of the community.

I understand and completely support the care and rehabilitation of mental health service users, but I feel that the location of the site is inadequate to best facilitate the needs of patients as well as the surrounding community. History shows that secure units are not always as secure as they are meant to be, if a service user was to abscond would this not pose a threat to the children walking home from school? Or the elderly dog walkers on their evening stroll? There have been many cases of

residents going AWOL from such units and injuring others in the process, this is not something I want for my neighbours or my community.

Overall, I feel as though there are many other sites within Blackburn and Darwen which are much more suitable to be used as secure accommodation for those with specific mental health needs than the former Centurion Public House. I would also like to re-iterate I am in no way discriminating against those who lack capacity and fully support their rehabilitation into independent living, but the protection of a community must come first.

Objection – Dorothy & Frank Barton, 87 Highercroft Road, Lower Darwen. Received – 12/06/2020

Dear Mr Prescott

I am writing to lodge an objection to the above planning Application on the site of Former Centurion Public House Higher Croft Rd Blackburn BB3 0QT

While I understand the urgent need for these units and the needs of the people who because of Mental Health issues cannot live safely in the community. I also have great sympathy for their families who need to know they are in a safe and secure environment.

I feel however that the location of the above site is not a suitable place for this facility located as it is on the edge of a large wooded area which stretches behind the full length of Higher Croft Rd to Stopes Brow and from behind Higher Croft Rd to Newfield Drive in width

Children from the Higher Croft Estate and surrounding areas often play in these woods, some unaccompanied. It is also used by children on the Newfield Drive side to go to and from St James's School at the top of Stopes Brow and on the other side often used by children going to Darwen Vale Academy Bolton Rd at the top of Sandy Lane and Lower Darwen Primary School on Milking Lane.

If at anytime a resident of this establishment managed to abscond (certainly not a rare event in other similar units) its location would present a real danger to the public especially to unaccompanied children and a perfect hideout for the one who had absconded.

In addition to this there is a path running in front of the Higher Croft cottages past the proposed units which is used by residents of our road going to attend doctors appointments, for access to the Library, Chemist, shops and Energy Zone S A M S and used by some families going to the children's Centre at the top of Higher Croft Rd. This path is quite secluded beyond the cottages until you reach the Doctors Surgery and in winter especially quite dark.

Thank you for your considerations

Objection – Mr & Mrs F & D Barton, 87 Highercroft Road, Lower Darwen. Received – 24/06/2020

I am writing to lodge an objection to the above planning
Application on the site of
Former Centurion Public House
Higher Croft Rd
Blackburn
BB3 0QT

While I understand the urgent need for these units and the
needs of the people who because of Mental Health issues
cannot live safely in the community.
I also have great sympathy for their families who need to know they are in a safe and secure
environment.

I feel however that the location of the above site is not a suitable place for this facility located as it is
on the edge of a large wooded area which stretches behind the full length of Higher Croft Rd to
Stopes Brow and from behind Higher Croft Rd to Newfield Drive in width.

Children from the Higher Croft Estate and surrounding areas often play in these woods, some
unaccompanied. It is also used by children on the Newfield Drive side to go to and from St James's
School at the top of Stopes Brow and on the other side often used by children going to Darwen Vale
Academy Bolton Rd at the top of Sandy Lane and Lower Darwen Primary School on Milking Lane.

If at any time a resident of this establishment managed to abscond (certainly not a rare event in
other similar units) it's location would present a real danger to the public especially to
unaccompanied children and a perfect hideout for the one who had absconded.

In addition to this there is a path running in front of the Higher Croft cottages past the
proposed units which is used by residents of our road going to attend doctors' appointments, access
to the Library, Chemist, shops and Energy Zone SAMS and used by some families going to the
children's Centre at the top of Higher Croft Rd. This path is quite secluded beyond the cottages until
you reach the Doctors Surgery and in winter especially quite dark.

Objection – Mr Frank & Mrs Dorothy Barton, 87 Highercroft Road, Lower Darwen. Received – 23/12/2020

To say we were shocked to receive this letter two days before Christmas with a response date limited to the 6th January 2021 is an understatement

It is unclear what has changed in the application only that C2 becomes C2a with no explanation of what that would mean.

We as a group of residents of Higher Croft Rd have been kept informed throughout by our representative Mrs Joan Parkhouse and even though she has asked to be kept informed of any progress concerning this application even as recently as just over a week ago she was told that nothing had changed.

I personally have recently seen how Councils can operate Friends of ours who live in Horwich have been the victims of the underhand dealings of Bolton Council who did not even inform Horwich Councillors of their actions it is Appalling.

Please explain clearly what these changes are and know that we are alert to what can happen under the radar

Objection – Mr D Calvert, 6 Highercroft Cottages, Lower Darwen. Received – 18/06/2020

With regards to the above application I have strong reservations with regards the suitability of this application in this area and wish to lodge my objection for a number of reasons detailed below.

Firstly the application is not in keeping with the Government and Council's " Local Plan " in particular Policy 47 as I feel it will largely be used by people not currently resident in the town and will thus cause an even greater burden on the towns already stretched finances and resources such as our NHS, Police ,Fire and Ambulance Services.

There is also the issue of four public footpaths / rights of way that either cross or circumnavigate the site (three of which are widely used and one being disused) Three of these are used daily by the wider public to access Highercroft Nature Reserve and The Darwen Parkway. Given the widespread use I feel that greater public consultation needs to take place with all users and not just the few local residents.

And given that the proposal involves permanently closing 3 of these paths we are going to lose valuable rights of way. Also the proposed "new" path would have a detrimental effect on the "Human Rights" of the residents of Highercroft Cottages due to the increased footfall .

Another issue that the application fails to address is the historical / archaeological significance of the site (it being the site of Highercroft Hall) although the Hall has long since gone the foundations and possible cellars need properly recording and saving for future generations as it forms part of the town's historical past.

Another issue would be the effect of increased traffic to and from the site with the entrance being a known historical blackspot (from when the site was a public house) with two single carriageways merging into a two lane carriageway with the entrance being a blind spot. Traffic calming measures would certainly need to be considered / incorporated.

We have also got a issue of staff failing to use car parks and parking on local streets (as is the case with The Childrens Centre) in order to save a long drive around to get to work due to the barrier part way up Highercroft rd .This causes congestion on the local streets.

Then we have the issue of the scale and type of proposed fencing in this so-called "secure unit " with fencing being made of wood and only being 1.8 metres high - this will undoubtedly cause worry and stress to local residents and users of the nearby " Children's Centre" affecting people's Human Rights.

Another concern would be the effect on the viability of the proposed large scale housing project that is planned for the area by the Council and whether prospective buyers would wish to buy a house in such close proximity to a " Secure Mental Unit " given that the target purchasers would be families with young children. The Council seem to largely have public backing for the housing scheme but might public opinion change in view of this application going ahead ?I hope the planning team / committee are able to take on board some / all of these concerns when making your decision.

Objection – D Calvert, 6 Highercroft Cottages, Lower Darwen. Received – 25/06/2020

With regards the above application and in light of the letter advising us of the amended change of category from C2a to C2 we now have no concerns with regards to the security issues we raised however all other issues raised remain the same.

We also have real concerns that this change may be used as a "back way in " were this amended application is passed and the development gets built and used for 12 months or so then a "change of use " to category C2a gets put in and we get no say into that decision that the council would take. We would therefore seek some assurances that it would be a condition of passing the application that a condition of no change of future use is to be allowed.

Once again I hope that these concerns are taken on board when making your decision

Objection – Dr K Nickson & Dr I Nickson, 66 Highercroft Road, Lower Darwen. Received – 18/06/2020

I would like to formally submit my objections to the planning application notice ref: 10/20/0451. I am a resident at 66 higher Croft Road, in the near vicinity of the proposed building. I have numbered my objections below:

1. Lack of clarity

I have found there to be a lack of clarity in the plans available on the Blackburn with Darwen council website.

The plan is to build a C2a dwelling for mental health and social care provision. My understanding of the C2a classification is:

Use for a provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.

Would the new facility be classed as a secure hospital? Does the facility need the C2a classification if it is to be an assisted living facility for people with autism (as suggested by the local newspaper) In the future, could it change use within the same category without informing local residents? e.g secure hospital to young offenders institute.? Are the proposed security measures in the planning application applicable to a category C2a facility? As a parent of two young children, I would like to know what safeguarding measures have been taken to protect the safety of both residents within the facility and residents in the wider community. I feel that I need further clarification on these points above in order to make an informed decision on this point.

2. local environment

Has consideration been given to the local environment? In the immediate vicinity of the proposed dwelling there is a childrens centre with nursery, a doctors surgery, pharmacy, library, childrens' play parks and local shops with a primary school a little further away. Most of these facilities are regularly used by vulnerable people/minors on a daily basis. The woodland and wildlife habitats surrounding the site are also very diverse. I feel that a C2a facility would also cause a sense of unease within the local community if it were to be placed in the proposed site due to the public footpaths around the site being very secluded.

3. Site access and traffic disruption

Has site access been fully considered? Access to the site would be from the fishmoor drive side of the site, large construction deliveries/equipment may struggle with access. The road surface on fishmoor drive is poor and it also has numerous speed bumps and there is a tight turn onto Higher Croft road, and again into the site.

Higher Croft gate access. There is gated access at the top of Higher Croft road which is covered by Traffic Prohibition This gate is needed for access by the emergency services to attend any emergencies on Higher Croft road. Are you able to guarantee that access to the gate at the top of Higher Croft road would never be blocked at any time? I understand that there is a carpar in the proposed plans, however, there is no guarantee that staff/visitors will use it. The likelihood is that staff/visitors will drive up Higher Croft road, park at the top and walk the few hundred yards to work thus increasing traffic and pollution on the road. It will also impact the safety of the many children living on the road if the road were to become busier.

I completely understand and support the care and rehabilitation of mental health sufferers, however, I feel that the proposed development site is unsuitable for the intended purpose.

Objection – Andrew Hayhurst. Received – 19/06/2020

Please accept the lateness of my submission, following a recent circular which drew my attention to the proposed development application No above, I looked on the BWD planning web site to ascertain the detail of the development. I do understand that the notification process has to have a geographical limit and had it not been for my neighbour's diligence this application would have passed me by. The consultation terminated at 61 Highercroft Rd and I live at 59.

Having reviewed the application details and associated documents I feel compelled to point out that (though I may have missed it), the environmental impact survey report does not make reference to the fact that the site is identified in the adopted: Green Infrastructure Supplementary Planning Document for Blackburn With Darwen as a site of local ecological importance and area of priority

habitat (stepping Stones Map 1), forming part of the Highercroft and Newfield Valley, site ref 174. I believe the only reference made to any ecological site of significance is to the River Darwen Parkway some 500m away.

By permitting this development to proceed this would fragment the site and potentially create an artificial barrier to the free movement of wildlife through the area and adversely affect the wider Lancashire Ecological Networks, whilst also interrupting the off road footpath network connecting Highercroft /Newfield Valley with the River Darwen Valley.

I believe that by not taking account of the site's status as a stepping stone site, I do not feel that adequate consideration has been given: Under Section 8 of the SPD and Core Strategy policy CS19 taken to: avoid, mitigate or compensate for the loss of amenity and disruption to the wildlife corridor which would result from the fragmentation of this local area of ecological importance.

Objection – John & Christine Swift, 63 Highercroft Road, Lower Darwen. Received – 19/06/2020

To the committee,
We live on the above road where a proposal to build a C2A building has been lodged.

We are appealing this application.

We are an elderly couple and have lived on this road for 20 Years,we bought here due to it's quiet and safe nature.

The proposal raises serious issues with regard to access to the proposed building. Higher Croft Road is accessed from Lower Darwen via a single track lane for approx 300 meters, this causes considerable congestion especially at peak times with traffic having to reverse out from the bottom section onto the main road to allow vehicles to get out of the road which itself creates a danger to vehicles on the main road.

With this proposal comes the very real risk of contractors and visitors using this restricted access point,then to find the top of the road is blocked by a very necessary barrier. That will in turn make them park on an already congested residential road creating problems for residents and a serious danger for young children playing in the area, there a lots of young families on the road.

We feel that the safety and security of the residents of the road will be compromised with the building of a C2A unit with no certainty of security.

Objection – John & Christine Swift, 63 Highercroft Road, Lower Darwen. Received – 10/07/2020

Revised objection to Your ref: 10/20/0451

We live on the above road where a proposal to build a C2 (revised) building has been lodged.

We are objecting to this application.

It does seem strange that the applicant has changed the category after you received objections.

We are an elderly couple and have lived on this road for 20 Years, we bought on this road due to it's quiet and safe nature.

We enjoy living on Higher Croft Road and feel very safe and secure with the neighbours we have around us, there is a very good community spirit among the residents.

The proposal raises very serious issues with regard to access to the proposed building. Whilst the proposed building is at the top of the road and must be accessed via Fishmoor Drive, Higher Croft Road is accessed from Lower Darwen via a single track lane for approx 300 meters, this causes considerable congestion especially at peak times with traffic having to reverse out from the bottom section onto the main road to allow vehicles to get out of the road which itself creates a danger to vehicles on the main road.

With this proposal comes the very real risk of contractors and visitors using this restricted access point, then to find the top of the road is blocked by a very necessary barrier. That will in turn make them park on an already congested residential road (Higher Croft Road) creating problems for residents and a serious risk of danger for young children playing in the area, there a lots of young families on the road.

Has a risk assessment been provided by the applicant with regards the safety and security of the proposed facility? If so when will the residents receive a copy? If not why not?

What have the police and other emergency services had to say on this proposal? They will be the ones having to respond to call outs.

We feel that the safety and security of the residents of the road will be compromised with the building of a C2 unit with no certainty of security.

Objection – John & Christine Swift, 63 Highercroft Road, Lower Darwen. Received – 04/01/2021

Revised observations to Your ref: 10/20/0451

In response to your recent letter dated 21/12/20

As you already have a letter from us re this application I will reply only to this application letter.

In your previous letter to Mrs Parkhouse (I assume this was for the residents as we did not receive a copy), I see that you stated that the applicant would have to get consensus from other local authorities that they will pay for any residents that use the facility.

I do not see that commitment from any local authorities nor confirmation from the applicant that this has been completed.

If this commitment has not been received by the council then the application surely cannot proceed.

If you have received this commitment can you confirm by forwarding a copy of it.

It is concerning that we have received this letter in Christmas week when all are busy, it does seem that someone is trying to get this application through without giving residents enough time to consider their response to the revision.

I am writing to notify you of my objection to a planning application to build secure residential units on the former site of the Centurion Public House, reference no. 10/20/0451.

I appreciate that provision should and must be provided for specialist mental health and social care but am

concerned that such a facility, with its C2a classification, would not be appropriate for this site, security being the main issue.

This site is surrounded by homes of families, many with young children and those of venerable elderly folk. Very close to the site is a Children's Centre, a Health Centre, a pharmacy

and a children's playground all involving a large footfall of young children and the elderly.

A number of nursery, infant and junior schools, are within the neighbourhood which necessitate young children travelling to and fro close to this proposed facility...

raising some concerns for their safety.

As no details have been given about the security of this facility or more precisely its use, given its C2a classification you can perhaps appreciate my concern.

Objection – Mr & Mrs Longden, 72 Highcroft Road, Lower Darwen. Received – 29/06/2020

I have recently received the planning notice as detailed above, from my understanding the category of the plan will be to build a C2a dwelling, a secure residence in our quiet and secluded area so close to woodland behind our homes.

Please consider these points below;

- Has there been any consideration for the local amenities such as the children's centre, community centre, library, doctor's surgery pharmacy & local shops.
- Vulnerable residents, school children & elderly walking in the area feeling currently 'safe' as they walk home or to the shops, doctors or library, I feel the character of the area will change. Is this fair for resident?
- Higher Croft Road barrier access would be an issue due to excess parking & congestion around the entrance to the site, which would be detrimental to emergency services attending our homes on Higher Croft Road. Currently we have parking issues with visitors or staff attending the Children's Centre & leaving their cars parked near the barrier as it is a short cut, prior to the Training 2000 (school) being demolished, again staff used the barrier

area to park so this congestion issue near the barrier is ongoing and will only exasperate the problem, it must not be dismissed whilst considering this new application.

- I completely support the rehabilitation of social & mental health service and certainly do not discriminate against the autistic service users as the suggested use recently in our local newspaper. However, there was no mention about the possibility the Centurion site may at some point be used for; prison, young offenders institution, detention centre, Is this an intended 'loophole' for the C2a Category for change of its use at a later date?
- It is a totally unsuitable secluded site in the midst of the peacefulness ambience behind our homes, doesn't seem safe or fair that my family & other residents 'feeling of safety' be compromised by the constant possibility & worry about a breach in the security of this proposed C2s Category dwelling.
- Also the shared path which is a 'public right of way' past Higher Croft cottages is used daily by many residents including vulnerable elders & children of all ages walking home from secondary schools. Residents attend the library, community centre, doctor's surgery & chemist. Again, very secluded, currently without the worry of 'absconders' from the proposed 'secure' residency

I trust you will consider our concerns in due course. Look forward to a satisfactory outcome to this planning application.

Objection – Ms C Waring, 105 Highercroft Road, Lower Darwen. Received – 14/07/2020

I am writing to oppose a planning application to build secure residential units on the former Centurion Public House, reference number: 10/20/0451.

I oppose on these grounds;

The planning application was rejected in September 2019 because it was not commissioned by the council as it was felt there was not a need for it and the unit would put a strain on already strained resources. Has the council now commissioned this unit?

In relation to the company filing the application. How could they make such a fundamental mistake as putting the wrong category in such an important document? And only change it after prompting from the Planning Department? This does not engender confidence in their ability to run a secure unit

Whilst the change of category from C2a to C2 is noted, the development still raises a number of concerns and questions for residents on Higher Croft Road in terms of our security and safety.

Breaches in security in such units are not unprecedented. Any breach in security of this unit would subject residents of Higher Croft Road to unnecessary risk, which would have an adverse effect on our health and wellbeing. What is the company's record on breaches in security of the units they currently run?

An article from The Daily telegraph in 2017 cites a reported 64% rise in patients absconding from secure mental health units since 2014, with an impact on the resources of emergency services, particularly the police. Have the police been consulted in relation to this possible increase in their workload and the impact on their policing of the area?

NHS England's Security Levels for Adult Secure Service Specifications are extremely worrying for residents of Higher Croft Road

- * Grave and immediate danger to self and others
- * Medium – serious risk of harm to self and others
- * Significant risk of harm to self and others

None of these categories alleviate our anxiety, given the possibility of breaches of security by residents of the unit in such a quiet, residential family oriented area.

There is a Right of Way through the site, with a designated path at the north end of it. This is referred to in the Lancashire County Council map of Rights of Way as part of the River Darwen Pathway and is covered by the Countryside and Rights of Way Act 2000. This Act refers to a Right of Way as 'a path on which the public have a legally protected right to pass and re pass'. This right of way is regularly used by families and dog walkers. The building of the secure unit would fundamentally change the nature of the access to this path as it would open walkers to a vulnerability which is not currently there.

Flow of traffic is already an issue for residents on Higher Croft Road in relation to none residents parking too close to the barrier. Children's centre workers regularly park at the barrier causing difficulty of usage. Several years ago a 'PLEASE KEEP CLEAR' sign was painted on the road but this was largely ignored. Residents feel that this unit would exacerbate this problem, with drivers realising they can park on a quiet street without restrictions, causing difficulties for us in terms of congestion and safety. Our main worry is that emergency services may have their access compromised. Have the emergency services been consulted regarding this ?

Has a habitat and ecology impact assessment been carried out for the site of the proposed development in line with the national Planning Policy Framework (Section 11): Conserving and Enhancing the National Environment ? If so, where has this been published?

The site is identified in the Green Infrastructure Supplementary Planning Document for Blackburn with Darwen as a site of local ecological importance and an area of priority habitat (Stepping Stones Map 1) forming part of the Higher Croft and Newfield valley, site ref: 174.

In February 2020, residents were part of a consultation regarding a large housing development of family housing in close proximity to this planning application. Has there been an impact assessment and appropriateness of location for this application for a secure unit in relation its close proximity to family housing, Higher Croft woods, the Children's Centre and local schools?

Objection – Karen Jones. Received – 12/11/2021

My name is karen jones and I've received a residents letter asking me to forward observations for the planned autistic centre at the old centurion site Ref10/20/0451

I'm seriously concerned about parking as we live in the adjacent cottages and the parking outside our homes is private .

We don't want the facility users and visitors using our private spaces outside our homes .

We are asking that you recognise this and enforce it by putting up signage stating clearly that it's resident parking and our visitors only .

Also at the barrier which stops traffic using it as a thoroughfare .from the main road .

It used to have signage on the floor stating KEEP CLEAR for the emergency services and larger vehicles that would otherwise get stuck at the bridge .

What I'm observing is that we need help for this to be kept fair and respect the neighbours that are already here and things run smoothly .. meaning people can get to work and go back and forth as they please without car parking wars ..

There are never any problems around here regarding car parking normally please don't start upsetting everybody for the sake of not putting up A few signs and updating inadequate signage .

If you can't help me with this or put this forward to anyone who can please could you point me in the right direction so that it can be sorted out properly before this facility happens .

I don't have your direct email address .

Could you reply ASAPP so that I know you have received this ..

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/0977

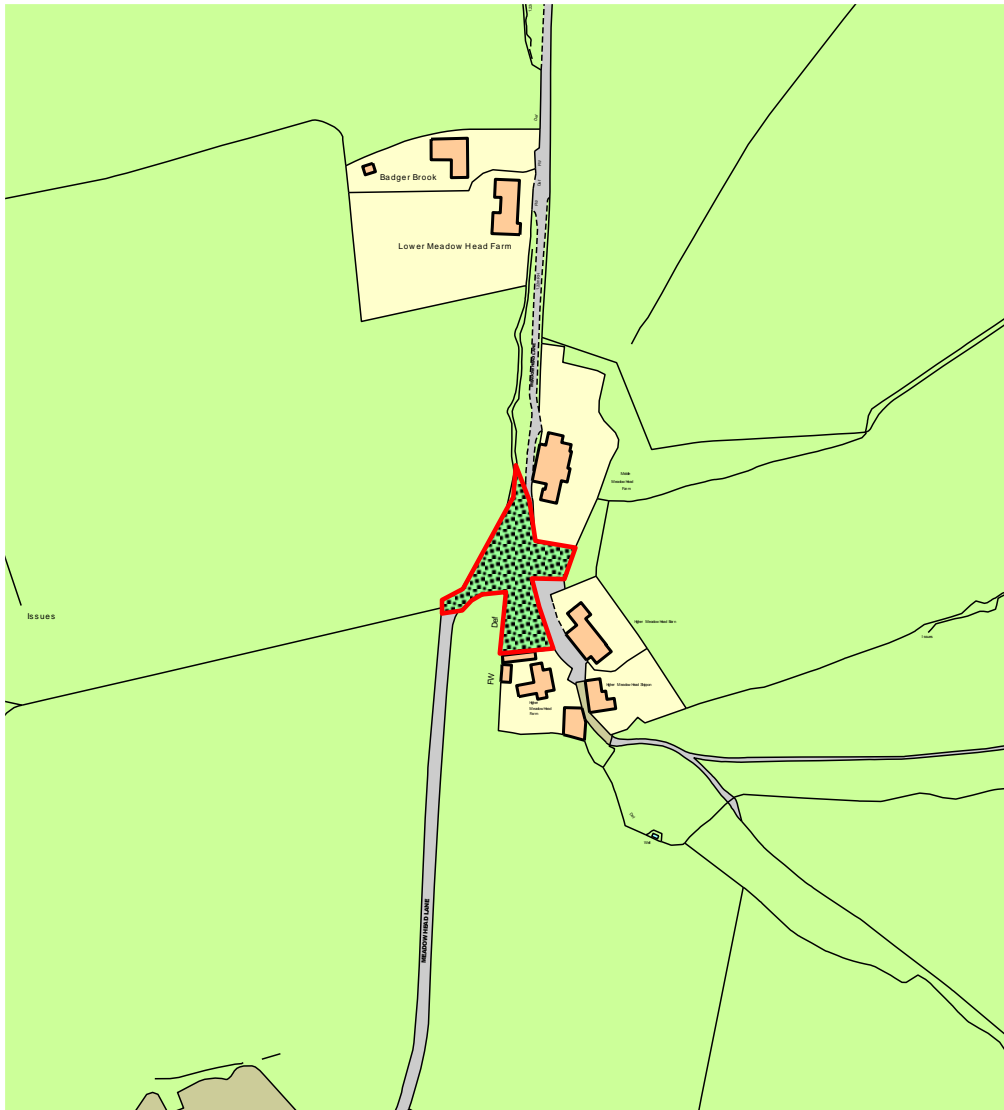
Proposed development: Proposed demolition of existing stables and garage, removal of sand paddock, and erection of a detached dwelling

Site address: Stables adjoining Higher Meadow Farm, Meadow Head Lane, Tockholes, Darwen, BB3 0LQ

Applicant: Mr & Mrs Driver

Ward: Darwen West

**Councillor Brian Taylor
Councillor Dave Smith
Councillor Stephanie Brookfield**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be **granted planning permission**, subject to the conditions and informative notes 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 Council's scheme of delegation "Chair Referral Process", and given the fact that a number of public objections have been received. The objections raised principally concern the site's position within the green belt and the nature of the application. A number of wider concerns have also been raised, which involve the potential for adverse impacts on the amenities of the immediate neighbours and the local highway network to occur, and increased flood risk.
- 2.2 The proposed development has been publicised through letters to residents of the nearest 6 adjacent properties. A site notice was displayed outside of the site on 25th October 2021. In addition, a number of further notifications have taken place with neighbours upon the receipt of amended/updated information.
- 2.3 The Council's development plan supports new residential development and associated works, provided they constitute sustainable development and accord with the development plan, when taken as a whole.
- 2.4 The proposal will deliver a single, family dwelling within a sustainable location. Vehicle access would be gained from Meadow Head Lane, via Bog Height Road. The proposed dwelling would be afforded its own private garden space with parking for three vehicles shown on the submitted plans.
- 2.5 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.
- 2.6 The key issues to be addressed in determining this application are;
- The sites position within the green belt;
 - Ensuring openness within the site is adequately maintained;
 - Ensuring the proposed design is appropriate;
 - Minimising adverse landscape impacts;
 - Safeguarded the residential amenities of the immediate neighbours;
 - Ensuring adverse impacts on the local highway network are avoided;
 - Parking provision;
 - Minimising the developments impacts on local ecology;
 - Assessing the potential for terrestrial contamination, and;
 - Minimising the impacts of the development on air quality.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is a parcel of land located to the northeast of the hamlet of Tockholes, within the green belt. The site covers circa an area of circa 0.4 acres. A stables and domestic garage currently occupy the site with the remainder used for equestrian purposes.
- 3.1.2 The stables is a squat flat-roofed structure with separate areas for stabling and storage. The double garage is a taller pitched-roof structure with a storage lean-to projecting from the east elevation. Dwellings of varying styles surround to two sides with open agricultural fields to the east and west.

Figure One – Satellite image of the site



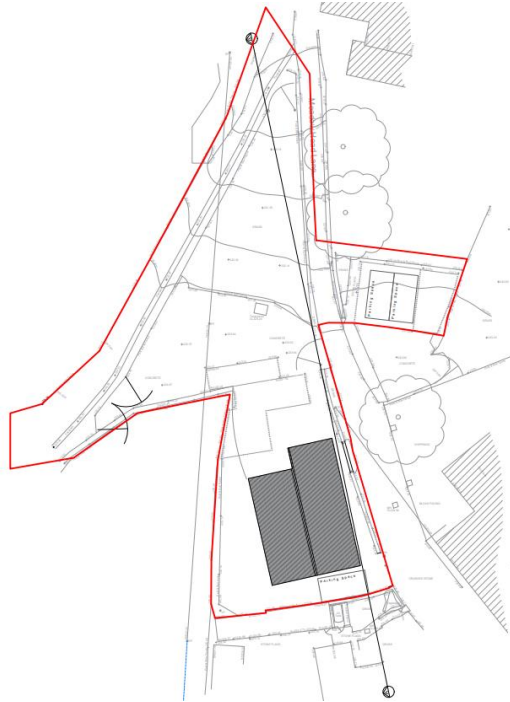
Figure Two – Location Plan showing the extent of the site and access point



3.2 Proposed Development

- 3.2.1 This planning application involves the initial demolition of the stables block and garage. In their place, a single-storey three bedroom dwelling is proposed. The dwelling would have a footprint of circa 158 square meters and a dual-pitched roof up to 5.4m in height. It would likely have natural stone elevations, a slate roof and timber doors and windows.

Figure Three –Amended proposed site plan



- 3.2.2 A garden area would be provided to the north of the plot with parking provided to the east, where the garage to be demolished currently stands. A single parking bay is also shown to the south of the proposed dwelling. The submitted amended plans are detailed below in Figures Four – Six.

Figure Four – Amended proposed elevation plans

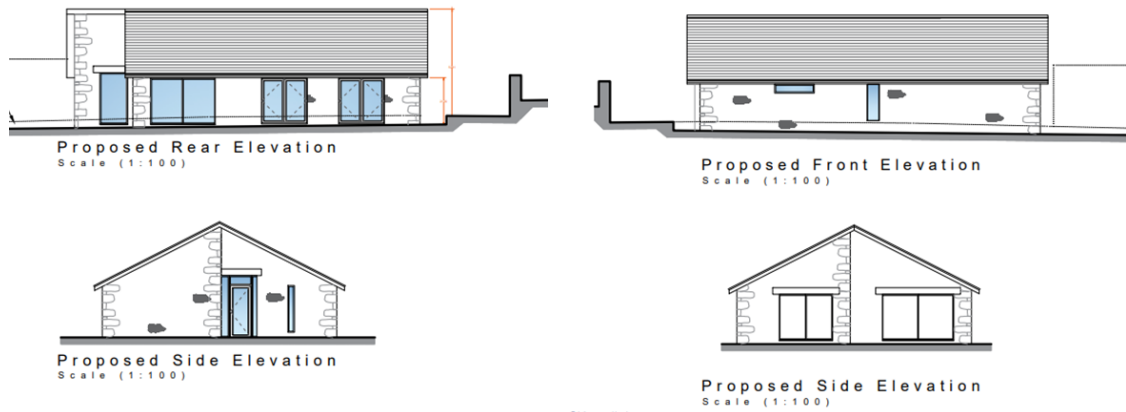


Figure Five – Amended proposed streetscene elevation plan

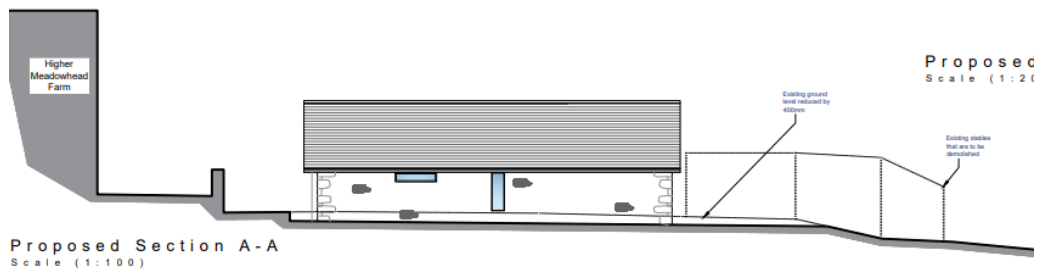
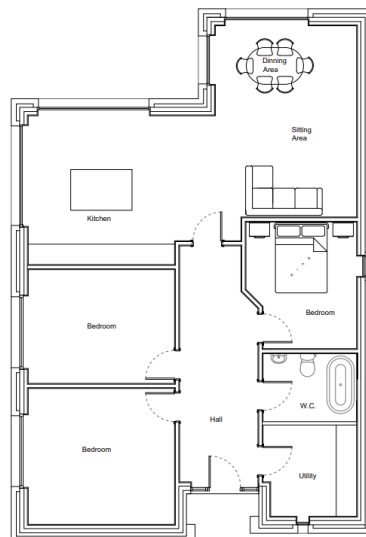


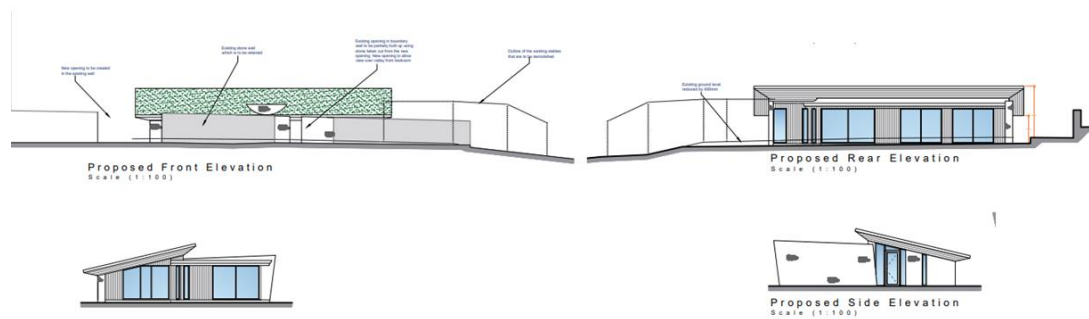
Figure Six – Amended proposed floor plan



3.2.3 Initially, a more modern dwelling was proposed, which is shown below in Figure 7. That dwelling would have had a shallow-pitched green roof and contemporary glazing arrangement. The submitted forms states that natural stone and render would be applied to the elevations yet the submitted

elevation plans also appear to show the extensive use of timber cladding. For clarity, that dwelling has been superseded with subsequent amended plans.

Figure Seven – Superseded elevation plans



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Core Strategy Part 1 (adopted January 2011):

- Policy CS5: Locations for New Housing
- Policy CS7: Types of Housing

3.4.2 Local Plan Part 2 (adopted December 2015):

- Policy 3: The Green Belt
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design

- Policy 18: Housing Mix
- Policy 36: Climate Change
- Policy 41: Landscape

3.4.3 Residential Design Guide Supplementary Planning Document (SPD)

3.4.4 BwD Parking Standards

3.4.5 The National Planning Policy Framework

- Section 13: Protecting green belt land

4.0 ASSESSMENT

4.1 Impacts on the Green Belt

4.1.1 Within the development plan, there are general requirements to ensure new housing development is proposed in sustainable locations, and in accordance with market conditions. Policy CS5 identifies the preferred location for all new housing development to be within the urban areas of Blackburn and Darwen. There are currently no direct policy provisions within the development plan for newbuild rural housing for the general market.

4.1.2 That said, given the sites position within the green belt, the provisions on Policy 3 must be taken into account. A number of concerns have been raised in public comments on that basis. Policy 3 states that within the green belt, planning permission will not be granted for inappropriate development, except in very special circumstances or where another policy in the local plan specifically supports a proposal. The construction of new buildings is inappropriate development in the green belt, except in a number of specific circumstances.

4.1.3 Those exceptions include limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact upon the openness of the green belt, or further conflict with the purposes of including land within the allocation.

4.1.4 For clarity, the NPPF defines previously developed land (PDL) as – *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.*

4.1.5 The majority of the site has a lawful equine use, which is an established use when applying the PDL definition detailed above. In addition, the stables buildings to be demolished have been there for decades and they are permanent and visible structures within their immediate setting. The garage to be demolished is contained within the lawful domestic curtilage of Higher Meadow Head Farm. Such land uses also fall within the PDL definition detailed above when the sites position outside of a built-up area is taken into account. The proposal therefore meets with the initial requirements of Policy 3. In addition, a family-sized dwelling is proposed, which is prioritised over all other forms of housing under Policies CS17 and 18.

4.1.6 When assessing losses of openness, the principle considerations involve comparing the volumes of the buildings to be replaced with those that are proposed. This proposal would involve replacing two buildings for one. Volume comparison calculations have been provided and a net reduction of 17.7% in volume would be applicable here. Moreover, a 16.7% reduction in floorspace would be applicable.

Figure Eight – Submitted volume comparison calculations

	Existing built form	Proposed Dwelling	Difference (%)
Volume (m3)	512	435	-77(17.7)
Footprint (m2)	175	150	-25(16.7)
Height (m)	Building 1- 5.6 Building 2- 3.5	3.9	-1.7 +0.4

4.1.7 Whilst it is acknowledged that the proposed dwelling would be taller than the existing stables building, when the reductions in massing are considered alongside the fact that built form within the site would be consolidated into a single building, the proposal would not have a greater impact upon the openness of the green belt. Moreover, a condition is recommended to prevent further development within the site under the provisions of permitted development. Such a condition is necessary in order to ensure openness within the site is adequately safeguarded following occupation of the dwelling.

4.1.8 Specific concerns have been raised in public comments regarding parked cars and the potential for a number of parked vehicles to diminish openness within the site. However, such activities are transient in their nature. They are thus difficult to quantify it would be unreasonable to impose a specific condition to regulate such activity. A condition is recommended to ensure the proposed parking area is provided prior to occupation. Such a condition will ensure demolition of the existing garage takes place whilst also ensuring a specific area of the site is allocated for parking. The amounts and locations of hardstanding to be provided in support of the development can also be further controlled through the recommended landscaping condition.

4.1.9 Subject to compliance with those conditions, the proposal would not have a greater impact upon the openness of the green belt. In addition, further conflict

with the purposes of including land within the allocation would be adequately minimised. The proposed development is thus acceptable in relation to impacts on the green belt.

4.1.10 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 Landscape Impacts

4.2.1 In general terms, Policy 11 requires all 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. Policy 41 states development will only be permitted provided there is no unacceptable impact on landscape character or the principal traits associated with it. With regards to newbuild dwellings, those requirements are reiterated by the guidance of the Design SPD. The style and form of architecture must be influenced by the surroundings with designs complementing existing features in the locality. Concerns have been raised in public comments on design grounds.

4.2.2 The site is positioned off a rural road on a relatively exposed hillside. Dwellings of varying styles intersperse the immediate locality with natural stone, pebbledash, render, and slate roofing materials characterising the area. Initially, an overtly contemporary design was proposed with the use of a green roof and heavy glazing arrangement. Amended plans have subsequently been received showing a much more simplified design. A slate pitched roof bungalow is now proposed that would be significantly more in keeping with the established character of the locality.

4.2.3 The scale and form of the proposed dwelling would be appropriate when related to the massing of the adjacent properties, which are both one and two stories in height. Its footprint and positioning would also appear consistent with the irregular and organic formation of those properties. A number of glazed doors would be inserted to the north and west elevations yet those design features would not seem out of place when viewed in the context of the varied surrounding properties. The proposed dwelling is thus acceptable in terms of aspect, form, and scale.

4.2.4 A minimal amount of information is detailed on the amended plan in relation to the proposed construction materials. However, such matters can be adequately controlled by condition and the use of natural stone and/or pebbledash for the elevations would be the preferred option, which is recommended. A further hard and soft landscaping condition is recommended. Such a condition is necessary in order to provide planting to soften the massing of the development together with visual enhancements. Subject to compliance with those conditions, the proposed development would be acceptable in relation to design and landscape impacts, in accordance with Policies 11 and 41.

4.3 Residential Amenity

- 4.3.1 Policy 8 states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the relationship between buildings. The Design SPD details a number of standards and minimum separation distances to prevent any adverse impacts in that regard.
- 4.3.2 A number of concerns have been raised in public comments on residential amenity grounds. In relation to the potential for pollution from log burners and flues, it should be noted that no such installations are detailed on the submitted plans. In addition, a condition is recommended to remove permitted development rights for such installations. The construction of external ventilation systems in the future will be subject to a full planning application together with all of the assessments that come with it. Once occupied, the proposal would thus not cause any adverse levels of pollution or nuisance for the immediate neighbours.
- 4.3.3 The proposed dwelling would be relatively modest in height and positioned a sufficient distance away from the adjacent dwellings to prevent any adverse losses of light. In relation to privacy, windows are proposed to all four elevations. The windows in the west elevation would face away from dwellings and any north facing windows would not directly overlook windows at the adjacent property, Higher Meadow Head Farm.
- 4.3.4 The glazed door and utility room window to the south elevation would face a boundary wall and outbuildings. Those openings would serve non-main habitable rooms and the narrow window serving the utility room would not lead to any adverse levels of overlooking for neighbours were that room to be used for a different purpose in the future. The plans indicate that the existing wall on the east boundary would be retained providing screening for the windows in that elevation. A condition is recommended to ensure that occurs. Subject to compliance with that condition, the proposed development would not be detrimental to the domestic privacy of the immediate neighbours.
- 4.3.5 A further condition is recommended to agree the logistics of the construction phase. Such a condition is necessary given the constrained nature of the site and close proximity of dwellings. Subject to compliance with those conditions, the proposed development would be acceptable in relation to residential amenity, in accordance with the guidance of the Design SPD.

4.4 Parking and Highways

- 4.4.1 An overarching requirement for all development proposals to not prejudice road safety or the safe, efficient and convenient movement of all highway users is contained within Policy 10. Parking should also be provided in accordance with the BwD Parking Standards. Three-bedroom dwellings should have two off-street parking spaces and two covered cycle storage areas.

- 4.4.2 The parking bay shown on the submitted plan to the south of the proposed dwelling would likely present manoeuvring difficulties. That said, the other parking area is adequately sized to meet the demands of the development. A condition is recommended to ensure the parking area is provided prior to occupation. A further condition is recommended to agree the scope of cycle storage areas in order to encourage sustainable modes of transport.
- 4.4.3 Concerns have been raised in public comments given the constrained access arrangements of the site. Such matters were noted on the site visit, as was the unmade and restricted nature of the access road. A condition is thus recommended to control the logistics of the construction phase, which includes additional requirements to control the size of vehicles serving the site during construction works. Such a condition is necessary in order to minimise disruptions to the local highway network during the construction phase.
- 4.4.4 Subject to compliance with those conditions, the proposed development would be acceptable in relation to parking and highways, in accordance with Policy 10, and the BwD Parking Standards.

4.5 Flooding and Drainage

- 4.5.1 Policy 9 contains general requirements regarding flood mitigation and the provision of adequate drainage systems. Concerns have been raised in public comments on drainage and flooding grounds. BwD Drainage and United Utilities have reviewed the proposals and no objections have been raised, subject to the imposition of an appropriate drainage condition.
- 4.5.2 A well-designed new surface water drainage system within the site would likely alleviate any localised flooding problems and the types and locations of foul drainage systems can be adequately controlled through condition. Subject to compliance with the attached drainage condition, the proposed development would be acceptable in relation to flooding and drainage.

4.6 Ecological Considerations

- 4.6.1 Further requirements within Policy 9 state that all development proposals should avoid unacceptable impacts on environmental assets or interests, including trees, habitats, and species. The site currently has no mature trees or shrubs within it. Therefore, any impacts on local ecological populations would be limited to the removal of buildings within the open countryside. In support of those requirements, a Bat, Barn Owl and Nesting Bird Survey has been submitted. The survey confirms a low roosting potential for bats yet former use by swallows was noted within one of the buildings to be demolished.
- 4.6.2 A number of mitigation measures are detailed within the survey and a condition is recommended in order to ensure those measures are applied in their entirety. A further condition is recommended to agree ecological enhancement measures for swallows and bats within the site, in accordance with the comments provided by the BwD Ecological Advisor. Subject to compliance with

those conditions, the proposed development would be acceptable in relation to ecological considerations, in accordance with Policy 9.

4.7 Contamination

4.7.1 In relation to previously developed sites and potentially contaminated land, further requirements within Policy 8 state that all development proposals must secure effective remediation. This is to ensure a safe environment can be provided for any future occupants and to prevent the displacement of contamination during construction works.

4.7.2 In response to those requirements, BwD Public Protection have advised that the standard contamination conditions should be added to any approvals issued, which are recommended. Subject to compliance with those conditions, the proposed development would be acceptable in relation to contamination, and compliance with Policy 8 is thus achieved.

4.8 Climate Change and Air Quality

4.8.1 Policy 36 requires all development proposals to demonstrate how they have been designed to minimise contributions to carbon emissions and climate change. In response to those requirements, a condition has been recommended by BwD Public Protection to ensure air quality mitigation measures are applied in the form of installing electric vehicle charge points and efficient gas boilers, which is recommended.

4.8.2 The condition imposed regarding covered cycle storage would also assist with that arrangement. Subject to compliance with those conditions, the proposed development would be acceptable in relation to climate change and air quality, in accordance with Policy 36.

4.9 Summary

4.9.1 This application involves the initial demolition of an existing stables and garage and removal of a sand paddock. In replacement, the erection of a single detached dwelling with associated parking and garden areas is proposed.

4.9.2 Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.4.

4.9.3 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 relation to impacts on the green belt, and in terms of design and landscape impacts, residential amenity, parking and highways, flooding and drainage, ecological considerations, contamination, climate change and air quality.

4.9.4 The proposed 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:

5.1 Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions and informative notes;

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 (1:1250), Plan 001 – Revision A, Plan 002 – Revision B, and Plan 003 – Revision C.

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

3. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the Second Schedule of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), and following the issuing of this decision, no development as specified in Classes A – G, of Part 1 of Schedule 2, and Class A of Part 2 of Schedule 2 of that Order, shall be carried out on any part of the site, without express planning permission first being obtained from the Local Planning Authority.

REASON: In order to maintain the openness of the green belt, in the interests of visual amenity and landscape quality, and to comply with the requirements of Policies 3, 11 and 41 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

4. The dwelling hereby approved shall not be occupied unless and until, the garage has been demolished in its entirety and the parking area provided in strict accordance with the details shown on the approved plan 'Plan 002 – Revision B'. The parking area provided shall thereafter remain in perpetuity with the development and it shall be permanently available for the parking of vehicles associated with the occupants of the dwelling.

REASON: In order to maintain the openness of the green belt, to ensure parking is provided in support of the development, and to comply with the requirements of Policies 3 and 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5. No development commence on site unless and until, a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be exclusively limited to the following;
 - a) Details of proposals for supplementary landscaping around all aspects of the development;
 - b) Details confirming the types and extents of any areas of hardstanding to be applied;
 - c) Details confirming the heights, types, and positions of any new boundary treatments, including fencing and gates;
 - d) Details indicating the location, arrangement, species, sizes, specifications, numbers, and planting densities of all new planting; and,

The approved scheme shall be implemented in its entirety within the first available planting season following the substantial completion of the development. Any tree/shrub or other planting that is lost, felled, removed, uprooted, dead, dying or diseased or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

REASON: In order to ensure that the development is adequately landscaped so as to integrate with its surroundings, in the interests of visual amenity and landscape quality, and to comply with the requirements of Policies 3, 11 and 41 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

6. Prior to the commencement of any above ground works on site, details confirming the exact type of all the external materials to be used in the construction of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the approved materials and details, unless otherwise agreed in writing.

REASON: In order to ensure a satisfactory form of development is achieved, 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).

7. The existing wall on the east boundary of the site shall be retained in accordance with the details shown on the approved plan 'Plan 003 – Revision C', unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise overlooking for neighbours, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

8. No development shall commence on site unless and until, a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be strictly adhered to throughout the

construction phase, and it shall provide for, but not be exclusively limited to the following;

- a) The parking of vehicles of site operatives and visitors;
- b) Details of the sizes and types of vehicles to be visiting the site;
- c) The loading and unloading of plant and construction materials;
- d) The storage of plant and construction materials;
- e) Details of construction working hours;
- f) Measures to control noise and vibrations from construction works, where relevant;
- g) Measures to control dust from construction works, where relevant;
- h) A scheme for the recycling/disposing of waste, and;
- i) Details of the type, position and height of any required external lighting.

The development shall thereafter proceed in strict accordance with all of the measures detailed within the submitted Statement, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To control the logistics of the construction phase, in the interests of residential amenity and minimising disruptions on the local highway network, and to comply with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

9. Prior to the commencement of any above ground works on site, a scheme detailing cycle storage facilities for the dwelling hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details and the dwelling shall not be occupied until the approved scheme has been provided in its entirety, unless otherwise agreed in writing.

REASON: In order to encourage modes of transport that do not require car parking provision, in the interests of highway safety and minimising impacts on air quality, and to comply with the requirements of Policies 10 and 38 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

10. No development shall commence on site unless and until, a scheme for the disposal of foul and surface waters arising from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for separate systems for the disposal of foul and surface waters and the dwelling shall not be occupied until the agreed scheme has been implemented in its entirety, unless otherwise agreed in writing.

REASON: To ensure adequate drainage systems are in place to service the development, in the interests of managing the risk of flooding and pollution, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

11. The development hereby approved shall be implemented in strict accordance with all of the measures of ecological mitigation detailed in the submitted Bat, Barn Owl and Nesting Bird Survey, prepared by Envirotech, and dated 09th June 2021.

REASON: In order to minimise harm to local ecology through redevelopment, in the interests of the natural environment, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

12. No development shall commence on site unless and until, a scheme detailing ecological enhancement measures for bats and swallows provided within the site has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall thereafter be implemented in strict accordance with the approved details and the dwelling shall not be occupied until the approved scheme has been provided in its entirety, unless otherwise agreed in writing.

REASON: In order to minimise harm to local ecology through redevelopment, in the interests of the natural environment, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

13. No development shall commence on site unless and until, a Contamination Method Statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination, which may be present on site, has first been submitted to and approved in writing by the Local Planning Authority. The submitted Statement shall detail the following;

- a) An investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority, and;
- b) A comprehensive remediation scheme including an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination).

All the agreed remediation measures shall thereafter be carried out in strict accordance with the approved implementation timetable under the supervision of a geotechnical professional and they shall be completed fully in accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

14. Prior to first use of the development hereby approved, two copies of 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 any necessary supplementary information. 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 protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

15. Should contamination be encountered unexpectedly during redevelopment of the site, all works should cease, and the Local Planning Authority 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 Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

16. The dwelling hereby approved shall not be occupied unless and until, the following mitigation measures have been provided, unless otherwise agreed in writing by the Local Planning Authority;

- a) There shall be one electric vehicle charging point at each house with a garage or other off-road parking. An appropriate 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, and;
- b) Gas fired domestic heating boilers shall not emit more than 40mg NOx/kWh

REASON: In order to minimise carbon emissions from the development, in the interests of addressing climate change, and to comply with the requirements of Policy 36 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

Relevant Informative Notes

1. (Contamination) All reports shall be prepared in accordance with BS10175:2011 (as amended), CLR 11 and any other relevant, appropriate and authoritative publications. The Local Planning Authority will not accept any liability for

remediation works. The responsibility for the safe development and occupancy of the site, at all times, rests with the developer. Failure to comply with above condition may result in enforcement action being taken by the Local Authority under the Environmental Protection Act 1990. You are strongly advised to contact the Environmental Protection Team of the Public Protection Service to discuss the requirements of the Contaminated Land Condition (Karen Huddart or David Johnson tel: 01254 267699). The guidance documents entitled 'Contaminated Land Planning Guidance' & 'Validation Policy Document' should be read before you investigate the site. This guidance is available on the Council web site. A suitably qualified, competent & impartial person shall fulfil the requirements of the condition.

2. (Construction/Demolition Noise) All activities associated with the construction/demolition works shall be carried out in accordance with British Standard 5228: Code of Practice for Noise & Vibration Control on Construction & Open Sites – Parts 1 and 2.

6.0 PLANNING HISTORY

- 6.1 No relevant planning history.

7.0 CONSULTATIONS

- 7.1 BwD Ecological Advisor (GMEU) – An ecology survey has been undertaken and submitted as part of the application (Bat, Barn Owl and Nesting Bird Survey, envirotech dated 9th June 2021). The survey was undertaken in June 2021 and appears to have been carried out by an experienced ecologist following best practice guidelines. The site does not have any nature conservation designations, legal or otherwise, nor does it meet the description of proposed works for Natural England's Impact Risk Zone in relation to the West Pennine Moors (SSSI).

The buildings on the site were assessed as having low potential to support roosting bats and as such, a dusk activity survey was undertaken on 2nd June 2021. No evidence of bats was found in the buildings, and no bats were recorded emerging from the building during the activity survey. Reasonable survey effort appears to have been used to demonstrate that no bats are currently roosting in the building proposed for conversion. However, all species of bats and their roosts receive legal protection, and bats are mobile in their habitats and can colonise new roosts, even in unlikely places.

Buildings have the potential to support nesting birds, and the nests of all wild birds are protected by the Wildlife and Countryside Act, 1981 (as amended). No evidence of species such as barn owl (Schedule 1) was found, however evidence of swallow nests was found within the stable. Building demolition should be timed to avoid the main bird nesting season (March – August inclusive) unless it can otherwise be demonstrated that no active bird nests are present. Given the loss of swallow nesting habitat in the stable, adequate mitigation should be secured which should be incorporated into the new

development (N.B. swallows usually nest under open roof spaces so a covered canopy or large porch are usually required to support swallow nests).

As a precaution, we would advise that an informative is used so the applicant is aware of the legal protection that certain species receive. If protected species, such as bats are found or suspected of being present at any time during works, work should cease immediately and advice sought from a suitably qualified ecologist.

Opportunities to enhance the building for wildlife, such as bats should also be considered, in line national planning guidelines which state that opportunities to improve biodiversity in and around developments should be integrated as part of their design (NPPF section 175d) and section 9.2.1.1 of the ecology report.

- 7.2 BwD Public Protection – No objections. Should this application be approved, the standard contaminated land conditions should be imposed. In addition, the standard air quality conditions regarding electric charging and boiler efficiency should be imposed.
- 7.3 BwD Drainage – No objections. An appropriate condition should be imposed on any permissions issued to control the discharge of foul and surface waters. Such a condition is necessary to ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water.
- 7.4 BwD Arboricultural Advisor – No objections.
- 7.5 BwD PROW Officer – No objections. An informative note should be added to any permissions issued regarding not obstruction adjacent public footpaths.
- 7.6 United Utilities – (Drainage) Our records show that there are no known public sewers in the vicinity of the proposed development. 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. We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined in the NPPG.

(Water supply) If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project which should be accounted for in the project timeline for design and construction.

- 7.7 Summary of Public Responses (see summary of representations for full details):
- The site is located within the green belt
 - An inappropriate form of development is proposed within the allocation;

- The site is not allocated for housing in the development plan;
- Harm to the openness of the green belt may be caused;
- Parked cars may further diminish openness;
- The site should not be considered as 'previously developed land';
- The proposed design is not appropriate;
- Additional overlooking may be caused for neighbours;
- Losses of light may be caused for neighbours;
- Log burners/flues may cause pollution for neighbours;
- The site access is constrained for large construction vehicles;
- No surface water drains are in place within the site;
- Surface water flooding already occurs locally;
- Flood risk of adjacent properties may be increased;
- The site has no foul sewer connection;
- Damage to the unadopted access road may be caused;
- An inadequate power supply exists within the site.

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 10th January 2022

10.0 SUMMARY OF REPRESENTATIONS

Objection – Anonymous- Received - 28/09/2021

FAO Christian Barton

Comments on application ref: 10/21/0977 (Full planning application – Proposed demolition of existing stables and garage, removal of sand paddock and erection of detached welling)

My name and address are included in my covering email but I am exercising my right to remain anonymous in the feedback provided below in the interests of maintaining existing neighbourly relations. I have a good relationship with the proposed applicant but, as mentioned in my covering email, I have outlined a number of points below which set out why this planning application should not be approved. I have summarised the key points clearly below and expanded on each of these points with further commentary to substantiate these points.

Key points for consideration

1. Construction of new buildings is inappropriate in Green Belt and the Green Belt is specifically protected in BwD's own LDP. The proposed development does not pass any of the tests set out in the NPPF (July 2021) in relation to new buildings on Green Belt as well as Policy 3 of BwD Council's own Local Plan. The proposed development damages the openness of the immediate surrounding area.
2. The proposed development is unnecessary and an application by the same applicant for the same site was submitted and rejected a number of years ago.
3. Information provided in the Supplementary statement is incorrect and, in some cases, deliberately misleading
4. Proposed character of building is not in keeping with the surrounding area
5. Previous precedents do not support this application
6. Insufficient local infrastructure will result in negative impact on surrounding area

Justification for key points

1. Construction of new buildings is inappropriate in Green Belt and the Green Belt is specifically protected in BwD's own Local Plan. The proposed development does not pass any of the tests set out in the NPPF (July 2021) in relation to new buildings on Green Belt as well as Policy 3 of BwD Council's own Local Plan. The proposed development damages the openness of the immediate surrounding area and does not meet any of the exceptions set out in the NPPF below.
 - a. *"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*
 - i. *buildings for agriculture and forestry;*
 - ii. *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
 - iii. *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
 - iv. *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
 - v. *limited infilling in villages;*
 - vi. *limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."*
 - b. The government attaches great importance to Green Belts which is acknowledged in paragraph 13 of the NPPF (July 2021). This proposed development contradicts all aspects of what the NPPF and Local Plan aim to achieve in protecting the Green Belt. The NPPF states that *"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."* This proposed application is not in keeping with this national framework of BwD's own adoption of this within the Local Plan.
 - c. The impact of openness cannot be judged simply by summing the volume of multiple existing stables and animal shelters and using this to justify one single large building in its place. Any site visit clearly shows that the proposed dwelling damages openness through the positioning of the proposed dwelling on a currently open part of the site as well as through damaging the character of the area as a result of the style of the dwelling proposed which is not in keeping with the local area.
 - d. Green Belt legislation exists to prevent exactly this type of unnecessary development from eroding the area's precious green space, which is enjoyed by walkers and horse riders on the paths which surround two sides of the development site. Approval of this application would directly contradict the Council's own guidance and intentions around development of Green Belt.

guidance and intentions around development of Green Belt.

2. The proposed development is unnecessary and an application by the same applicant for the same site was submitted and rejected a number of years ago.
 - a. This application constitutes an unnecessary change of use from existing equestrian use with no residential development, into a residential property that significantly damages openness for the surrounding area.
 - b. An application by the same applicant was submitted and rejected on this site a number of years ago (I understand this was circa 25 years ago and so pre-dates BwD's online records). There are no material changes in terms of planning considerations since that time as the character of the area and the nature of this being Green Belt has not changed.
 - c. BwD's own Local Plan illustrates that the area where the proposed site is located is not an area intended for development and is specifically referenced as an area intended to be protected for its natural openness and enjoyment for local walkers, horse riders and residents.
 - d. BwD's housing construction targets will be met through several major allocated development sites across the area. These sites are allocated to meet the target volumes set at a national level and in doing so creating communities and

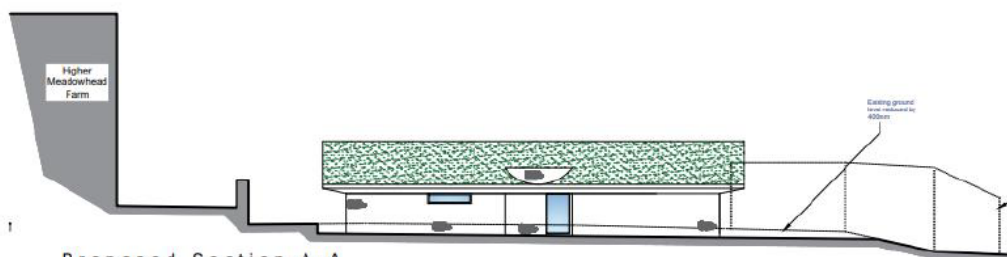
infrastructure that supports these developments. This proposed application is not in one of those site allocations as illustrated in the Local Plan.

3. Information provided in the Supplementary Statement for this application is incorrect and, in some cases, deliberately misleading
 - a. States existing use is 'equestrian and residential' but this is not the case as there is no residential property on this site
 - b. Site referenced as a brownfield site however this is marked as Greenfield land on BwD's own local planning documents. This land would not be considered to be 'previously developed' under any sensible definition as the existing buildings are stables and animal shelters with no residential use. The site was previously part of the curtilage of a dwelling but was split off by the applicant prior to the sale of the adjacent residential property. This is therefore not a residential site.
 - c. Materials listed in the planning application are not consistent with those stated in the Supplementary Statement or as illustrated in the proposed building design. The proposed dwelling is unlikely to be constructed of materials that are consistent with the surrounding properties based on the proposed design. The proposed dwelling will therefore not only destroy openness but it will also not 'blend in' to the character of the surrounding area.
 - d. The Supplementary Statement references the 'host property' and implies that this application is an enhancement to an existing property. This is not the case and this proposed application will be detrimental to the 'host property' due to the conflict in character and proximity of external doors overlooking each other which is completely out of character with the existing properties in the area, which all have private / non-overlooked entrances to each property.
 - e. The Supplementary Statement suggests that the development is centred around the renovation of existing buildings, however this is not the case. A site inspection clearly shows that the comprise stables and animal shelters which will be demolished and play no part in the proposed development as they are not substantial buildings which could be used for domestic purposes.

- f. Q22 on the Application for Planning Permission form is incorrect, the site can be seen from the bridalway and footpath that runs on both sides of this site. The area is popular with local walkers and horse riders and the feeling of openness in this area is a fundamental part of the area's character and appeal.
- g. Reference is made to existing building 2 sitting at a height of 3.5m above ground level which is not correct and creates a misleading argument to justify that the proposed development will be less intrusive than the existing stables. This is incorrect and misleading.
- h. The comparison of roof heights on existing garage/stables versus the proposed dwelling does not take into consideration the position of buildings on the site. The only substantial existing building on this site is the garage which is located on a separate part of the site (the easterly section which lies on the east side of Meadow Head Lane). This part of the site backs on to tall conifers and is not intrusive to the eyeline from footpaths or for local residents. However to compare this roof height to that of the proposed development, which occupies a large part of the centre of the site which is currently open is simply not comparable and is misleading. On paper, this justification sounds credible, but any site visit would show that, in reality, openness is destroyed by the proposed development.
- i. Paragraph 3.12 in the applicant's Supplementary Statement therefore makes no sense to anyone who has seen the site in person. The argument that the proposed dwelling increases openness compared to the existing stable buildings is not a credible suggestion. See the comparison below which shows the impact on the openness as illustrated in the applicant's own existing and proposed elevations. Note that this also excludes the inevitable additional items associated with a dwelling that erode the feeling of space, such as parked vehicles, garden fences, flues, external lighting, etc. These associated items are understandably not shown in the applicant's drawings but are an inevitable consequence of approving the development of a new dwelling on land where no dwelling currently exists.



Existing Section A-A
Scale (1:100)



Proposed Section A-A
Scale (1:100)

4. Proposed character of building is not in keeping with the surrounding area
 - a. I recognise the applicant's attempt to work within the site constraints and to propose a dwelling that fits within the site constraints (specifically maintaining the lowest possible roof height whilst still being a liveable dwelling), however this would result in a property that is totally out of keeping with the surrounding area. This illustrates that the site is too constrained for the approval of a dwelling and the various needs and constraints on this site cannot be satisfied whilst still resulting in an appropriate dwelling.
 - b. Despite the application being for a low-rise shallow-roof bungalow, elements of the dwelling and its surroundings will still create issues. E.g. the height of flues for oil and wood-fired appliances. Note that there is no natural gas supply to this area and so heating is likely to be through a combination of oil and wood (as per all existing surrounding dwellings). The prevailing westerly winds would likely cause emissions issues for Higher Meadow Head Barn which lies directly to the East (and therefore downwind) of the proposed site and which has numerous openable windows and rooflights at a height greater than any sensible flue height at the proposed dwelling.

Similar issues are likely to also be suffered by the two adjacent properties to the south and south-east respectively (Higher Meadow Head Farm and Higher Meadow Head Shippon).

- c. The low dwelling height also wouldn't prevent potentially large/commercial vehicles being parked on the driveway which would be further detrimental to the feeling of openness and would be particularly detrimental to the dwelling immediately adjacent to the proposed site (Higher Meadow Head Farm) and the dwelling directly opposite (Higher Meadow Head Barn). Parked vehicles are understandably not shown on the elevations but clearly would be associated with the dwelling in reality. For this proposed three-bedroom dwelling, it is not unreasonable to expect at least two cars to be parked on a regular basis. There would be nothing to prevent the occupants of the proposed dwelling parking several large vehicles on the site which would significantly impact the feeling of openness for the surrounding dwellings as well as members of the public enjoying the footpaths and bridle ways that run on either side of this site.
5. Previous precedents do not support this application
 - a. An application was submitted and rejected by the same applicant for the same site a number of years ago
 - b. The High Court case cited in the applicant's Supporting Statement (*Euro Garages Limited & (1) The Secretary Of State For Communities And Local Government (2) Cheshire West And Chester Council (2018)*) is very different to the application proposed here and is therefore irrelevant and inappropriate to be referenced. The Euro Garages case has a different character of site with different surroundings and very different sites pre-planning. The applicant's site on Meadow Head Lane cannot be compared to a garage forecourt fuel station. This case therefore does not set any precedence as to a High Court decision.

6. Insufficient local infrastructure will result in negative impact on surrounding area
 - a. Access road during construction – there is no turning circle large enough for typical ‘grab wagons’ used by construction suppliers to deliver materials. When existing residents on the lane order building materials, vehicles currently use the driveways of other residents with verbal approval for access and turning. This permission is unlikely to be granted to the developer of this site and so there would be no way of transporting building materials and other construction vehicles to the site without neighbourly disputes and potential damages occurring. As an illustration of this, BwD’s own refuse collection vehicles do not drive up Meadow Head Lane for this exact reason and these refuse collection vehicles have a much tighter turning circle than a typical ‘grab wagon’. Heavy construction vehicles using this unadopted lane would also cause significant disruption, damage and personal expense to other residents as the road surface is vulnerable to damage, particularly from heavy commercial vehicles.
 - b. Access road for completed dwelling – the private access road (Meadow Head Lane) is unadopted and suffers surface water damage and is susceptible to damage from surface run-off and additional wear from additional vehicles using the lane. There are also no passing places on the lane and so additional traffic due to an additional dwelling would be damaging to the road surface and potentially to surrounding wildlife in hedges and verges as a result of necessary ‘passing points’ being informally created by vehicles mounting the verges.

- c. Flooding and surface water handling – this area has no surface water drainage and so all surface water is discharged through local soakaways created by each resident at their properties. The proposed site in particular (more so than other sites in the area) creates surface run-off that already flows onto and down Meadow Head Lane. Additional hard landscaping on this site will likely make this worse which will cause further damage to the access road as well as posing a particular increased flood risk to Middle Meadow Head Farm, which is already susceptible to flooding from surface water coming down the lane and pooling at the side of this property. The owner of this property has already spent additional time and money mitigating this flood risk but the proposed development is likely to make this worse again and risks damaging that property.
- d. Water supply – There are restrictions on water supply capacity in the area so there are likely to be issues in installing a sufficiently-sized water supply pipe for residential purposes.
- e. Sewerage treatment and discharge – This is no public sewer in this area and so all properties have their own sewage treatment vessels with either a soakaway or surface discharge. The proposed site is constrained and would likely result in surface discharge of treated effluent down the lane. These surface discharges are theoretically clean but inevitably create some smells which would be located very close to Middle Meadow Head Farm and would impact their property.
- f. Electricity supply – while the proposed site has an existing electrical supply, this is unlikely to be rated to the typical 100A supply required for a domestic property. There have been known issues with local transformer capacity on Meadow Head Lane and so the proposed development is likely cause issues in terms of reliability and disruption of supply for other surrounding properties, if indeed the local infrastructure is sufficiently sized to meet this demand at all.

Objection – Mr & Mrs Fowley, Higher Meadow Head Barn, Tockholes, Darwen. Received - 11/10/2021

I act for and I'm instructed by Mr and Mrs A Fowley who reside at Higher Meadow Head Barn, Meadow Head Lane, Tockholes, Darwen. They have received a letter of notification from the Planning Authority dated 4 October under planning reference 10/21/0977. The planning case officer is Christian Barton and the date by which a formal response is required is set at no later than 25 October 2021.

I met my clients on site on 7 October; they have reviewed the on-line planning file and the documents available as, indeed, I have.

My clients formally object to the proposed development; they put forward for consideration, the following factors that are both material and relevant to this development and its assessment as being inappropriate development in the Green Belt.

The Green Belt

The application site lies wholly within designated and statutory Green Belt. As the planning authority is aware, such a designation and the policies that arise therefrom is not a local designation, it is set at a national level. The Blackburn with Darwen Core Strategy alongside the Local Plan part 2 are adopted plans; they are up to date and the Green Belt policies contained therein are effectively taken from the National Planning Policy Framework (The Framework). The planning authority will be fully aware of the statutory requirement placed upon them to determine the application proposal strictly in accordance with the Development plan, including the Framework, unless material circumstances, specific to the planning proposal and amount to "very special circumstances", are sufficient to set aside the presumption against the development.

Chapter 13 of The Framework is headed **Protecting Green Belt Land**. At paragraph 137, the National Framework is clear. The application proposal does not even meet this test! At paragraph 138, the five purposes of the green belt are set down; with regard to the application proposal, this clearly fails the test set down in sub-paragraphs **c and e**; the proposal neither safeguards the countryside from encroachment nor does it assist in urban regeneration.

Turning now to the specific application proposal and its assessment in terms of: **Proposals affecting the Green Belt;**

Paragraph 147 is very explicit both in its terminology and its purpose; Inappropriate development is, by definition, harmful to the Green Belt and **should not be approved except in very special circumstances** (my underlining and bold highlight).

At Paragraph 148 the Framework is explicit; the planning authority should ensure that substantial weight is given to any harm to the Green Belt. Further, "very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

At paragraph 149, the Framework policy is again very consistent in that it clearly states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The Framework then goes on to list exceptions a-g; the application proposal fails to meet any of the criteria set down in these sub-paragraphs including and specifically sub-paragraph g!

Blackburn with Darwen Core Strategy-Adopted January 2011

In part 4: Targeted Growth and Spatial Interventions, section 10 is the most relevant against which to assess the planning proposal. This relates to Protecting and Enhancing the Environment. Policy CS14 relates specifically to The Green Belt. When assessed against this overarching Core Strategy Green Belt policy, the proposed development is clearly inappropriate, it is therefore by definition, harmful to the purposes of policy CS14; there are no mitigating circumstances pertinent to the proposal that remotely assimilate to "very special circumstances". The proposal must be refused.

Blackburn with Darwen Local Plan Part 2-Adopted December 2015

Chapter 2 of the Local Plan Part 2 specifically identifies and sets down the Core Policies of the Plan. Policy 3 of the core policies relates specifically to The Green Belt. This policy unequivocally states beyond doubt that development will not be permitted within the Green Belt unless "very special circumstances" are considered to apply and that said circumstances together with all other circumstances relevant to the proposal outweigh the harm caused to the Green Belt by inappropriate development. For reasons already expressed elsewhere in this submission, there are no very special circumstances applicable in the proposal that remotely outweigh the substantial harm caused to the Green Belt.

Summary of Objections

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The application proposal fails to assist in safeguarding the countryside from encroachment and fails to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The application proposal is completely contrary to the overall aims and objectives of Green Belt policy at both national and local level; the development amounts to inappropriate development and no considerations apply to the development that remotely relate to "very special circumstances" that would outweigh the harm caused to the Green Belt such as to allow the setting aside of Green Belt policy and the presumption against inappropriate development.

Further, the local planning authority is required by statute to determine the application in accordance with development plan policy; they have a duty to ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

At paragraph 149, the Framework policy is again very consistent in that it clearly states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. The Framework then goes on to list exceptions a-g; the application proposal fails to meet any of the criteria set down in these sub-paragraphs including and specifically sub-paragraph g!

The building/s to be demolished are frankly little more than functional stables built some time ago, they appear to be of concrete construction and unused for their original purpose. The land cannot be described as previously developed and brownfield and even if it was, then the amount of new development and attendant creation of a new residential curtilage, must fall to be considered as "any other harm" in terms of an assessment as to whether "very special circumstances" arise that would allow setting aside the presumption of a refusal on Green Belt policy.

If the planning authority is in any doubt as to the efficacy of Green Belt policy in this particular part of the development plan area, they are respectfully requested to refer to planning application 10/13/0615. There has certainly been no change in Green Belt policy since this application was determined; of greater significance and, a material consideration in the determination of application 10/21/0977, is the subsequent

planning appeal decision relative to application 10/13/0615 and referenced **APP/M2372/D/13/2205939**.

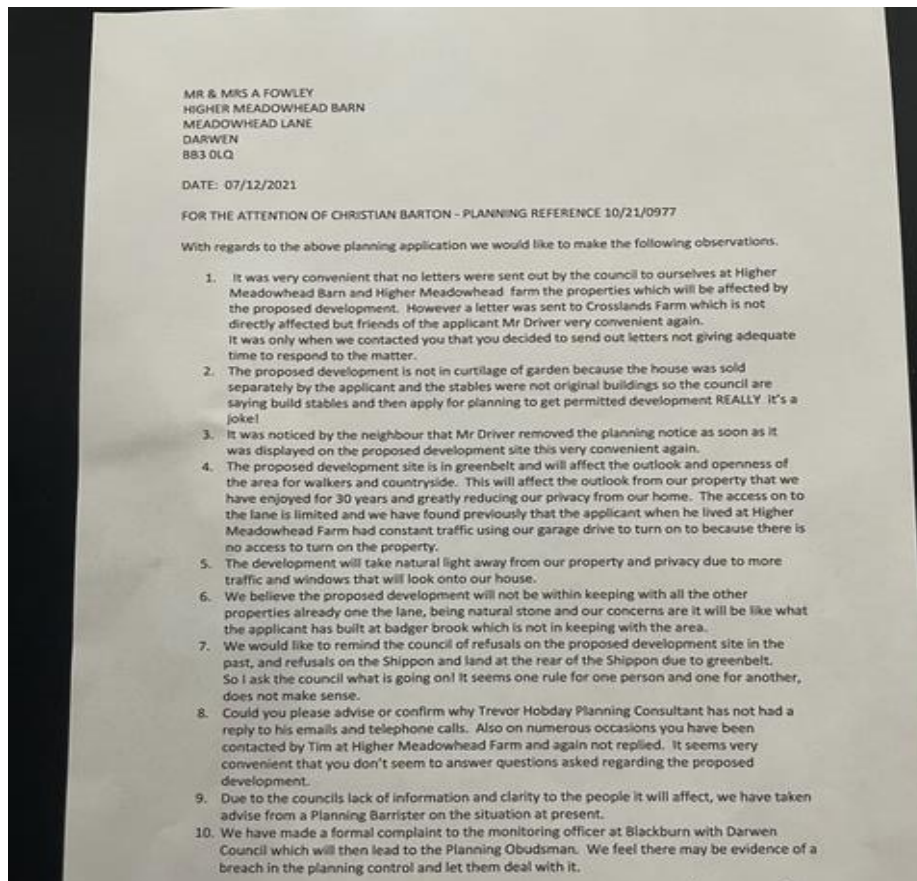
My clients consider that there is no substantive evidence contained in application 10/21/0977 that would amount to "very special circumstances" sufficient to allow the planning authority to draw a conclusion that there is no harm caused to the Green Belt. The proposal clearly amounts to inappropriate development; by definition therefore, it is harmful to the Green Belt and should not be approved.

Trevor Hobday MRTPI

Submitted on behalf of Mr and Mrs Fowley

Higher Meadowhead Barn, Meadowhead Lane, Tockholes, Darwen.

Objection – Mr & Mrs Fowley, Higher Meadowhead Lane, Darwen. Received -07/12/2021



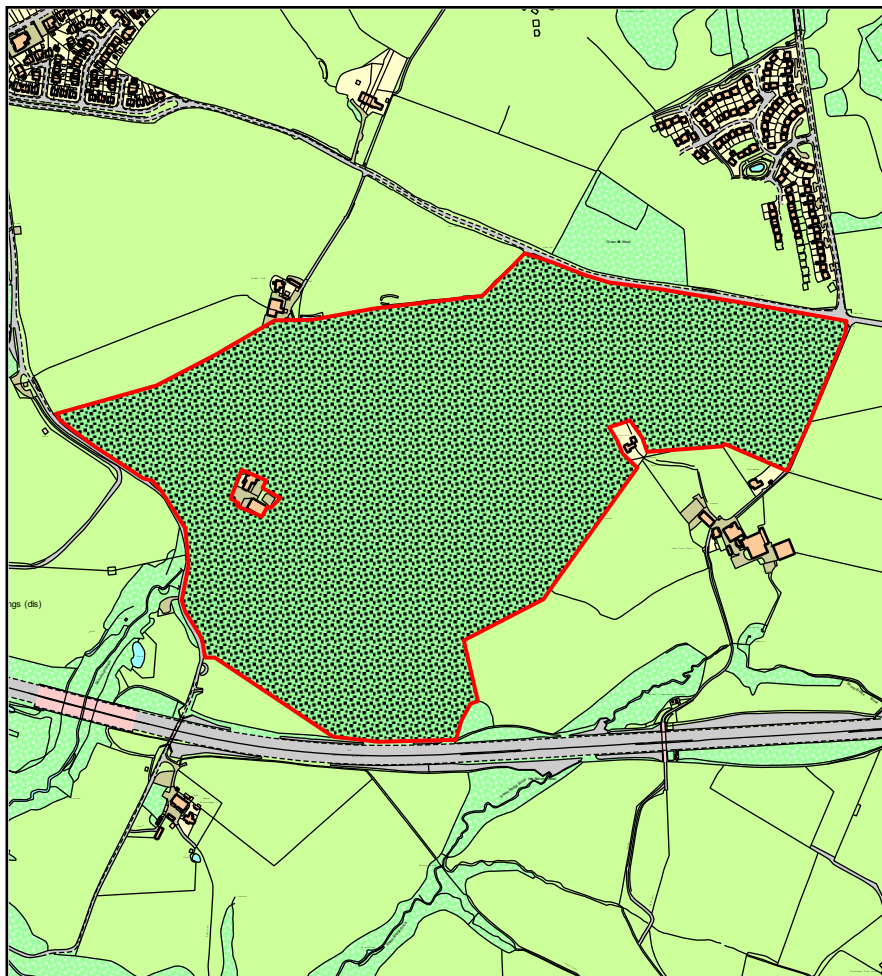
Proposed development: Reserved Matters Application for: Approval of reserved matters for the appearance, landscaping, layout and scale of 450 residential units, pursuant to planning application 10/18/1116 'redevelopment of the site to include over 28ha of open space, paddocks and landscaping and up to 450 residential units (Use Class C3), along with any ancillary parking, amenity, and all other associated public, semi public and private realm, soft/hard landscaping, infrastructure and highway works, access and a new internal road network connecting with the existing road network'

**Site address:
Land at Brokenstone Road
Blackburn
BB3 0LL**

Applicant: Pleasington Lakes Regeneration Ltd and Taylor Wimpey UK Ltd

Ward: Livesey With Pleasington

**Councillor Derek Hardman
Councillor Paul Marrow
Councillor Mark Russell**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This significant major planning application is submitted in the form of a Reserved Matters proposal for 450 dwellings, relating to Appearance; Landscaping; Layout; and Scale. The application is pursuant to the grant of Outline Planning Permission for up to 450 dwellings, with all matters reserved except for access. Outline permission was granted as part of a hybrid application which included the grant of full permission for remediation of the site. Site remediation has begun, in accordance with an approved Remediation Strategy.
- 2.2 Assessment of the application establishes that the proposal will deliver a high quality bespoke housing development which will widen the choice of family housing, in support of the Borough's planning strategy for housing growth, as set out in the Core Strategy. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.
- 2.3 Members are advised that the outline permission established the principle of a housing led development at the site, of up to 450 dwellings with associated access arrangements off Broken Stone Road. This application seeks permission for, and is limited to, the remaining reserved matters, as listed above.
- 2.4 Outline permission was subject to a Section 106 Agreement securing financial contributions towards local education provision and works to the strategic road network. Additionally, conditions are attached to the outline permission pertaining to a range of technical matters. Where necessary, these matters will be considered under separate discharge of condition applications, submitted at the appropriate time. Full details of the financial contributions and conditions are set out at paragraphs 4.1.2 and 4.1.3.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) covers an area of circa 46 hectares and is effectively divided into two by Stockclough Brook and a linear belt of woodland known as Potters Plantation (circa 1.4 hectares) that runs from the eastern boundary close to the property of Yew Tree, west towards Lower Whitehalgh Farm. The woodland and watercourse clearly defines the northern and southern sections of the site. The northern section of the site is open land south of Broken Stone Road and measures approximately 16.4 hectares

where the development will take place. The southern section of the site is also open grassland with the M65 motorway defining the southern boundary and is approximately 28.2 hectares.

- 3.1.2 The site is irregular in shape and undulates. It falls generally from the high point in the north eastern corner, adjacent to Broken Stone Road, to the west, which is circa 55m lower. The site is generally open countryside with distant views to the south and south west towards the West Pennines. The site is bounded by the M65 transport corridor on the southern edge.
- 3.1.3 Several properties are located on the site periphery. Most notably these include Fowler Fold to the north, Potters Farm to the east and Lower Whitehalgh Farm to the west. The northern portion of the site also includes spoil heaps which appear as unnatural man-made features in contrast to the natural topography and land form throughout much of the remainder of the area. The spoil heaps are a legacy feature of unauthorised works carried out in the late 1990's and early 2000's, which remain following an inert waste and composting treatment operation under a Waste Management Exemption License. Land remediation involving re-contouring of the affected portion of the site is subject to the aforementioned grant of full planning permission, as part of the hybrid application and was an important material consideration in support of housing led development.
- 3.1.4 An overhead power line traverses the southern section of the site in an east to west direction.
- 3.1.5 The site is located on the south-western fringe of Blackburn, in close proximity to the 'Gib Lane' housing allocation (Local Plan reference 16/9).
- 3.1.6 In accordance with the adopted Local Plan part 2, the site lies within open countryside.
- 3.1.7 The site is defined by the red edge, as illustrated below:



Extracted from Design Justification Statement (mpsl planning & design, Sept 2021)

3.2 Proposed Development

- 3.2.1 The application follows pre-application discussions between the applicant and Council's Officers. These discussions have helped inform the design and technical aspects of the proposal, within the parameters of the site constraints. The development will jointly delivered by Taylor Wimpey PLC and Barratt Homes.
- 3.2.2 Approval of Reserved Matters, following Outline Approval, is sought for the appearance, landscaping, layout and scale for 450 dwellings along with any ancillary parking, amenity, and all other associated public, semi public and private realm, soft/hard landscaping, infrastructure and highway works, access and a new internal road network connecting with the existing road network, pursuant to the outline permission. Details are set out in the submitted drawings and Design & Access Statement.
- 3.2.3 The submitted planning layout (below) illustrates how the site is to be developed. It is derived from the indicative plans submitted at the outline stage.



Illustrative Site Layout, mpsl planning & design.

3.2.4 Dwellings will comprise a mix of 60% detached 4 and 5 bed dwellings and 40% semi-detached 3 bed dwellings. This is in response to the Council's aspiration for the site to deliver a range of larger, executive style properties for this area of Blackburn. The full accommodation schedule is listed below, as extracted from the submitted Design Justification Statement (mpsl planning & design, Sept 2021):

ACCOMMODATION SCHEDULE		
House Type	Description	No.
LAVENHAM	5 Bed Detached	19
KINGHAM	4 Bed Detached	21
MANFORD	4 Bed Detached	20
COLTHAM	4 Bed Detached	24
TRUSDALE	4 Bed Detached	20
LYDFORD	4 Bed Detached	28
LYDFORD SEMI	4 Bed Semi Detached	12
WOODCOTE	4 Bed Semi Detached	28
HEMSWORTH	4 Bed Detached	16
ALDERNEY	4 Bed Detached	31
HALE	4 Bed Detached	22
ASHBURTON	4 Bed Detached	12
LAMBERTON	4 Bed Detached	18
ALFRETON	4 Bed Detached	22
KINGSVILLE	3/4 Bed Semi/Mews	25
BRAXTON SEMI	3 Bed Semi Detached	36
AMERSHAM	3 Bed Detached	9
BYFORD SEMI	3 Bed Semi Detached	12
EASEDALE	3 Bed Semi Detached	6

ACCOMMODATION SCHEDULE		
House Type	Description	No.
MAIDSTONE	3 Semi Detached	10
ELLERTON	3 Bed Semi/Mews	34
LUTTERWORTH	3 Bed Detached	7
GOSFORD END	3 Bed SEMI - Detached	18
	TOTAL	450

Figure 7: Schedule of accommodation.

- 3.2.5 The development proposals include open space to the south of the site, which will include an informal play and picnic area and a footpath will link from the picnic area south into the recreation area. This follows the contours up to a Viewing Area at the high point on the site to provide panoramic views southeast over Tockholes toward Darwen Tower. Overall, the site benefits from approximately 28.2ha of landscaped area. An overview of the different character areas and wider landscape strategy is provided in the Design and Access Statement and detailed further in the supporting landscape plans.
- 3.2.6 Potters Plantation is the sites biggest landscape asset and this proposal seeks to maintain this feature within the middle of the site. It forms a buffer to the residential development to the north of the site and a transition area to the greenspace to the south of the site. The development has been designed in detail such that there will be no impact on the plantation, indeed there are significant areas of open space adjoining the plantation.
- 3.2.7 The area to the south of Potters Plantation is currently unused, with limited access and with a topography which is a constraint to access. This proposal seeks to regrade large areas of this open space as part of the remediation process which in turn will be enhanced to provide better and more convenient access through additional footpaths.
- 3.2.8 The proposal also seeks to improve biodiversity of the site with large areas of wildflower meadow planting.
- 3.2.9 The landscape strategy has been designed to provide high percentages of native tree and shrub planting across the Site. Shrub planting has been carefully chosen to create year round interest, offering a variety of colours and textures across the Site. Front garden space will comprise lawned areas complimented by a mix of native / ornamental shrub and hedge planting which will naturally blend with development edges and peripheral areas, creating an overriding character.
- 3.2.10 Private driveways, where applicable, are separated with native tree planting which vary in size, offering seasonal colour and visual interest within the street scape. Rear gardens will be turfed apart from the areas of hardstanding reserved for refuse and patios. Refer to the landscaping plans prepared by Pegasus, submitted as part of the application for further details.
- 3.2.11 The outline permission includes two new vehicular access points on to Brokenstone Road, spaced circa 300m apart. Both allow for in and out movements from the site and will be linked by a new pedestrian footway. This will also be reflected in this application. Vehicular access into the site will be provided for via two main vehicular access junctions off Brokenstone Road to the north. The proposed vehicular access junctions will be priority controlled and have 5.5 metre carriageways, 2 metre footways and corner radii of 6 metres. Visibility Splays of 2.4 metres by 43 metres are provided at each junction in line with the proposals for the introduction of 30mph speed limit on Brokenstone Road. An emergency only access / egress from Stockclough

Lane is also included. Emergency use only will be secured via provision of a retractable bollard.

3.2.12 Pedestrian and cycle accesses to the site would be also provided via the proposed site access junctions. The public right of way which passes to the east of Fowler Fold Farm and south into the application site will also be incorporated into the scheme and will be enhanced as it passes through the site, supported by open space and connected informal play spaces.

3.2.13 Within the site there is a hierarchy of roads, with differing materials to make the hierarchy clear. The main spine road through the site includes some tree planting chicanes to slow the movement of vehicles.

3.2.14 The spine road connects into a series of smaller secondary and tertiary roads, some of these connect into private drives.

3.2.15 The following parking provision is proposed in accordance with the Council's benchmark standards:

- 2 - 3 bedrooms house – 2 car spaces and 2 secure cycle spaces per dwelling;
- 4 + bedrooms house – 3 car spaces and 2 secure cycle spaces per dwelling; and
- All proposed garages have internal dimensions of 6 metres by 3 metres.

3.2.16 The overhead power cable which crosses the site will be removed / redirected, in consultation with the relevant statutory body.

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 Requirements
- CS16 – Form and Design of New Development
- CS18 – The Borough's Landscapes
- CS19 – Green Infrastructure

3.3.4 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 16/9 – Housing Land Allocations (Gib Lane Development Site, Blackburn)
- Policy 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

3.4 **Other Material Planning Considerations**

3.4.5 Residential Design Guide Supplementary Planning Document

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

3.4.6 National Planning Policy Framework (NPPF)

In particular Section 5 of the NPPF relates to delivering a sufficient supply of high quality homes, and Section 8 relates to promoting healthy and safe communities.

3.5 **Assessment**

3.5.1 Assessment of this Reserved Matters application is limited the following matters:

- **Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.
- **Landscaping:** The improvement or protection of the amenities of the site and the surrounding area; this could include planting trees or hedges as a screen.
- **Layout:** Includes buildings, routes and open spaces within the development and the way they are laid out in relation to buildings, routes and open space outside the development.
- **Scale:** Includes information on the size of the development, including the height, width and length of each proposed building.

3.5.2 Appearance

A range of house types is proposed across the development, taking reference from the ongoing development on the opposite side of Brokenstone Road and the rural character in general. Although the development will be delivered by two house builders, a coordinated approach to house styles, including elevational treatments, is demonstrated.

3.5.3 Three character areas are proposed, in response to the defining characteristics of the site, particularly features peripheral to the proposed built development. A range of external materials and elevation styles are proposed. The character areas are defined, as illustrated below:



- Green Edge 
- Urban Edge 
- Development 

Extracted from Design Justification Statement (mpsl planning & design, Sept 2021)

3.5.4 The 'Green Edge' comprises properties positioned immediately adjacent to woodland to the south (Potters Plantation), Brokenstone Road to the north, Stockclough Lane to the west and the eastern boundary. These dwellings will feature reconstituted stone, artstone detailing and grey roof tiles. House types and an example street scene are illustrated below:





Extracted from Design Justification Statement (mpsl planning & design, Sept 2021)

3.5.5 The 'Urban Edge' character comprises clusters of properties towards the central portion of the site. Character is derived from the housing development to the north, and the wider context. Dwellings will feature red brick facings, contrasting brick details and grey roof tiles. House types and an example street scene are illustrated below:



Extracted from Design Justification Statement (mpsl planning & design, Sept 2021)

3.5.6 The 'Development Edge' comprises clusters of properties within the site, and will also be used to define key vistas and the open space to the south of Fowler Fold. Dwellings will feature buff brick facings, buff brick voussoirs (wedge shape), tile window sills, contrasting brick band course, contrasting



Extracted from Design Justification Statement (mpsl planning & design, Sept 2021)

- 3.5.7 Dwellings are proportionate in scale, comprising predominantly 2 storey's. Some 2.5 storey's feature within the central portion of the site, at key locations. All are reflective of local vernacular.
- 3.5.8 Implementation of all external walling and roofing materials will be secured via condition.
- 3.5.9 Pockets of public open space feature across the site with footpath links providing permeability through and beyond the site. A tree lined 'green finger' of open space assists in breaking up the eastern portion of the built development, connecting to a footpath link to the south of Potters Plantation. Open space also breaks up the central and western portions of the built development, as a north to south 'greenway', maintaining the Public Right of Way (PRoW) / Witton Weavers Way which continues beyond, in a northerly direction.
- 3.5.10 In response to the topography of the site, drainage attenuation basins feature to the south of a section of the central portion, adjacent to Potters Plantation and to the south west corner of the western portion.
- 3.5.11 Appropriately robust brick and reconstituted stone boundary treatments are included at key points within and on the fringe of the built development, adjacent to the sensitive public realm. Existing stone walls will be retained

and made good, where necessary. Close boarded timber fences will generally delineate property boundaries to the side and rear. Implementation of the boundary treatments and submission of details confirming incorporation of Hedgehog passes (as part of a Biodiversity Enhancement Plan to also include provision of Bird and bat boxes) shall be secured via condition.

3.5.12 The site includes a 28 hectare expanse of open space to the south of the built development which includes an engineered mound towards the southern end formed from remediated materials. The mound serves as a 'viewing platform'.

3.5.13 The appearance of the development is found to be in accordance with Policies 9, 10 and 11 of The Local Plan Part 2, and The Framework.

3.5.14 Landscaping

Full soft landscaping details, including planting species and densities, have been submitted the application.

3.5.15 Existing trees are to be retained where possible. Those that are to be removed are limited to two single specimens and seven small groups. None are protected by Preservation Order and all are required to be removed to either facilitate building or in the interests of arboricultural good practise, due to declining health. The protected Potters Plantation will be unaffected, as confirmed by the submitted Tree Survey / Tree Removal Plan. All retained trees will be appropriately protected during construction phase. Retained perimeter trees and hedgerows will be supplemented with new native planting to create natural landscape corridors, offering ecological as well as visual benefit.

3.5.16 Feature trees will be used to create focal points within the development and offer seasonal interest. Internal to the site, a combination of street trees with fastigate (columnar evergreens) form and flowering ornamental trees along with a range of hedgerows will strengthen the visual aesthetic of the street scene.

3.5.17 Landscaping is considered to appropriately integrate with the existing natural land form. Pockets of green public open space / green corridors feature across the site at suitable key locations, effecting the break-up of the built development into defined parcels. These corridors serve as a visual 'draw' towards Potters Plantation and the open space beyond. Tree lined streets, including grass verges, feature along sections of the main collector road. Trees are also included with a significant proportion of front gardens.

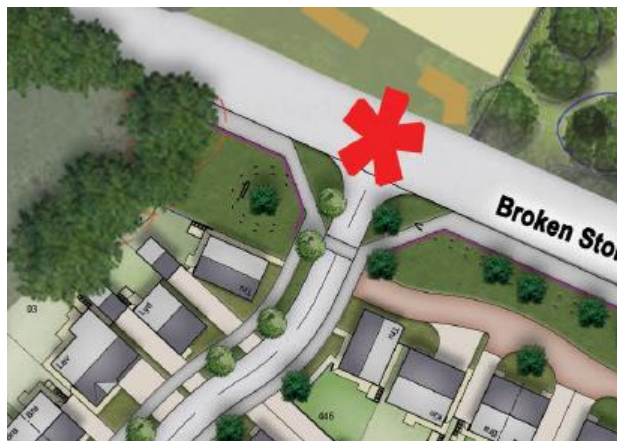
3.5.18 Surface water management areas are also proposed, in the form of drainage attenuation basins, which, as well as an engineered drainage solution, will assist place making and serve to enhance the site ecological potential. Management of surface water during construction phase will be secured via condition.

3.5.19 The Site benefits from features such as existing field boundary vegetation, Witton Weaver's Way long distance recreational route, Potters Plantation and a varied topography.

3.5.20 Witton Weavers Way cuts through the Site close to Fowler Fold Farm and links users from Broken Stone Road to the wider countryside south of the M65 motorway. The proposals have sought to minimise vehicle crossings across Witton Weavers Way, whilst creating an attractive section of the route and desirable setting for future residents. A convivial space within meadow grassland will offer opportunities for social interaction.

3.5.21 The key areas of open space within the developable area are defined and illustrated as follows (Design Justification Statement (mpsl planning & design, Sept 2021):

- Entrance - The arrival space, west of the site access, will include a combination of meadow seeding, native tree planting and seasonal bulbs around a feature oak tree, area of hardstanding, and wooden bench;



- Public Open Space – The area to the south of Fowler Fold features self-binding gravel with setts to the edge and wooden benches surround a feature oak. The space itself is surrounded by various elements to encourage informal play, such as earth mounds, boulders and logs (salvaged from the site where possible). Beyond this, mown paths are illustrated within a seeded meadow as anticipated desire lines which will contribute to sustainable movement and enhanced connectivity.



- Green corridors are created across the site, adjacent to Brokenstone Road and continuing along the eastern and southern edge of the built development, connecting to Potters Farm; along the north western boundary adjacent to Brokenstone Road; a continuation of the public open space north of Stockclough Brook; and green fingers connecting development parcels with Potters Plantation and the wider area.



- Ensuring permeability between the built development and new open space is a key feature. A network of new paths will promote walks through this expansive park of grassland. A viewing platform is created in the form of a landscaped earth bund.



3.5.22 Dwellings are set within plots featuring front gardens complimented by a mix of native and ornamental shrubs. Rear gardens will be turfed, aside from areas reserved for refuse storage and patios.

3.5.23 Emphasis that the revised Framework (July 2021) applies to tree planting, in the context of design and bio-diversity enhancement, should be acknowledged. The scope of planting proposed is considered to appropriately respond to the Frameworks requirements.

3.5.24 The Council's Arboricultural consultee is supportive of the landscape proposals, in acknowledgement of a good mix of native trees, hedges and shrubs with some ornamental species suitable for residential development. Implementation will be secured via condition, as will submission of a future Management and Maintenance Strategy.

3.5.25 Planting also supports a significant ecological enhancement of the site, affording opportunities for increased habitat, including that of the invertebrate population, and improved foraging opportunities for bats and birds.

3.5.26 Landscaping of the development is found to be in accordance with Policies 9, 11 and 40 of The Local Plan Part 2, and The Framework.

3.5.27 Layout

Primary vehicle / pedestrian access is proposed to the southern side of Broken Stone Road, in the form of two access junctions. The principle of the access arrangements was established at outline stage. The eastern access position is, however, slightly different to that approved under the outline permission, having been relocated to the west to allow outward facing development adjacent to Brokenstone Road. An emergency access is also

proposed from Stockclough Lane, following a technical review of the site, and dialogue with the Council's Highways consultee. A new 'private' access will be created to and cater for residents of Potters Farm, to the south. Development along Broken Stone Road is set back behind a landscape corridor which connects with public space to the northern corner. A new 2m wide footpath will be provided along the length of the site boundary, defined by a new stone wall.

3.5.28 Existing vegetation is retained to peripheral edges, which will be integrated into areas of open space and green corridors. As previously noted, open space includes an approximate 28 hectare expanse to the south of the built development.

3.5.29 A well-defined street hierarchy is proposed, aiding permeability and legibility. Traffic calming measures in the form of contoured street patterns and build outs are also included. These measures also add to street character which is further established by proportionate and well positioned frontage planting.

3.5.30 The primary vehicular route through the site is 5.5m in width and is designed to be easily distinguishable from other routes. It features robust road edges and vehicle crossovers to private drives. Strong structural landscaping and shrub planting provide an attractive route. The secondary routes are 4.8m width, with a series of narrower private, unadoptable, drives serving up to 6 properties. Carriageway widths are appropriate in defining a transition from the primary road network route through to the smaller tertiary routes.

3.5.31 The overall highway proposal provides for a legible and efficient street network.

3.5.32 The existing PRow's are retained in their current alignment and incorporated into the above noted strategic green corridor.

3.5.33 The site is well served by pedestrian and cycle links within and to destinations beyond, including connections to Witton Weavers Way and public open space to the south of the site.

3.5.34 In-curtilage parking is provided in the form of driveways and garages. The overwhelming majority of plots benefit from the benchmark standards, as set out below. A very modest shortfall in driveway dimensions and integral garages is, however, proposed to some plots. All detached garages are the requisite dimension. Overall, given the benefits arising from the development, and having regard to The Framework's presumption in favour of sustainable development, parking provision is considered to be acceptable.

- 2 spaces for a 2/3 bed;
- 3 spaces for a 4+ bed;
- Driveway dimensions 5.5m x 2.4m per car space; and
- Garage dimensions 3m x 6m per car space.

3.5.35 The majority of in-curtilage parking is provided to the side of dwellings, thereby avoiding unwarranted hard surface / car dominated frontages and affording opportunity for additional green space.

3.5.36 Support for the layout is offered by the Council's Highways consultees, following a detailed review of the submission, subject to conditions attached to the outline permission and submission of details pertaining to highway retaining structures secured via an additional condition.

3.5.37 Development is outward facing to peripheral edges (with the exception of the northern boundary), taking advantage of the attractive landscape features. Properties are orientated to provide active frontages to all streetscapes. Dwellings which are located on corner plots, at street intersections, are to be articulated to define the corner and provide active interfaces on both sides.

3.5.38 Interface distances (between proposed dwellings) is broadly compliant with the following adopted standards:

- 21m between facing habitable room windows;
- 13.5m between habitable room windows and non-habitable room windows / blank elevations;
- For each additional storey above 2 storeys or where land levels create an equivalent difference, an additional 3m separation will be required.

3.5.39 Interface distances between proposed and peripheral existing dwellings is in accordance with the adopted standards.

3.5.40 Housing mix, as set out above, is appropriate and in accordance with the Council's strategic requirements.

3.5.41 A sub-surface Pumping Station is proposed adjacent to Plot 144. In response to a Public Protection query concerning noise generation, it is confirmed pumps run submerged in water below ground and that they are to be located a minimum 15m from the nearest (proposed) dwelling. No additional noise assessment is required in this regard.

3.5.42 The layout of the development is found to be in accordance with Policies 8, 9, 10, 11, 18 and 40 of The Local Plan Part 2, and The Framework.

3.5.43 Scale

Proposed dwellings are a mix of 2 and 2.5 storey 3, 4 & 5 bed detached, semi-detached and town / mews (as set out in the above schedule). All are proportionate to their plot sizes and the serving street network.

3.5.44 The range of house types provide for a varied yet proportionate street scape, in response to local vernacular and the site constraints. Illustrative street scenes are shown below follows (Design Justification Statement (mpsl planning & design, Sept 2021):

Illustrative Street Scene - Fronting Broken Stone Road



Illustrative Street Scene - Fronting internal Street



Illustrative Street Scene - Fronting internal Street



3.5.45 As previously recognised, proportionate and well-designed boundary treatments feature across the site.

3.5.46 The overall scale of the proposal is considered to respond well to existing peripheral housing and to the rural fringe, thereby ensuring a sympathetic and proportionate development. Furthermore, extensive planting across the site will help soften and aid assimilation into the surroundings.

3.5.47 The scale of the development is found to be in accordance with Policies 8, 9, 10, 11 and 40 of The Local Plan Part 2, and The Framework.

3.5.48 Summary

This report assesses the Reserved Matters planning application for 'Land at Broken Stone Road, Blackburn. In considering the proposal, all relevant material considerations relating to this application have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the Local Development Plan, and The Framework, in support of the Council's strategic growth objectives.

3.5.49 To re-iterate, this assessment has been undertaken in the context of the residential development of the site and access having previously been established by virtue of the outline planning permission.

3.5.50 Other Matters

Members are advised that remediation of the site was subject to the grant of full planning permission under the hybrid application. Remediation has lawfully commenced and shall be in strict accordance with an approved remediation strategy, including a detailed Materials Management Plan, overseen by the Environment Agency.

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:

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

House Types: *to be added*

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

2. The exterior of the dwellings hereby approved shall be constructed in strict accordance with the Materials Layout drawing numbered 19090 07 Rev A and *materials product details to be added*.

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. The development hereby approved shall be implemented in strict accordance with the boundary treatments specified in elevation drawing numbered: 19090 06 and layout drawing numbered: 19090 05 Rev B.

REASON: To safeguard residential amenity and to ensure the external appearance of development is acceptable, in accordance with Policies 8 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

4. 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.

5. Prior to commencement of any sub-structure works, a Surface Water Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details for the duration of construction works.

REASON: To ensure a safe form of development during construction that poses no unacceptable risk of flooding, pollution to water resources or human health, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

6. The development shall be carried out in strict accordance with the submitted Tree Constraints Plan, numbered: UG_911_ARB_TCP_01, the Tree Survey dated 1/03/2021 & 05/03/2021, the Tree Works Schedule drawing numbered: UG_911_ARB_TWS_01, the Tree Removal Plan numbered: UG_911_ARB_TRP_01 and the Tree Protection Plan numbered: UG_911_ARB_TPP_01. 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.

7. The development hereby approved shall be implemented in strict accordance with the Plot Landscape Detail drawings received *to be added* and numbered: P20-3528_001 Rev ?, P20-3528_002 Rev ?, P20-3528_003 Rev ?, P20-3528_004 Rev ?, P20-3528_005 Rev ?, P20-3528_006 Rev ?, P20-3528_007 Rev ? and P20-3528_008 Rev ?. Planting shall be carried out during the first available planting season following completion of the works, and thereafter retained. 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 of healthy trees and shrubs in the interests of visual amenity and biodiversity, in accordance with Policies 9, 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

8. Prior to occupation of the development hereby approved, a Landscape Management and Maintenance Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall cover all landscaped areas of public open space and it shall detail a programme of works including scheduled frequencies of weeding and watering for the duration of the development, as well as replacement planting of dead diseased or damaged trees and shrubs within a five year period from the implementation of the approved landscape scheme referenced in condition no. 20. The strategy shall be implemented in accordance with the approved detail.

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

9. Visibility splays within the site shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height 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.

10. Prior to commencement of any sub-structure works, detailed specification of highway retaining structures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved detail.

REASON: To ensure the safe construction of highway infrastructure, in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

11. Prior to commencement of any sub-structure works, and notwithstanding the submitted details, a Biodiversity Enhancement Plan for the built development area, shall to be submitted to an approved in writing by the Local Planning Authority. The plan shall include the following measures:

- Hedgehog passes (130 x 130mm); and
- bird and bat boxes within the development.

The development 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.

4.1.2 Section 106 obligations

Members are advised that the outline permission was subject to the applicant entering into an agreement under S106 of the Town & Country Planning Act 1990, requiring the following financial contribution:

- £350,000 as a contribution towards Green Infrastructure. This will be spent on Green Infrastructure / Public Open Space and associated community facilities within the West Blackburn area/rural areas;
- £750,000 as a contribution towards the provision of affordable housing in the borough;
- £26,000 as a contribution towards road safety improvements on Stockclough Lane; and
- £2,480,000 as a contribution towards additional primary school places in West Blackburn.

4.1.3 Members are further advised of the following conditions attached to the hybrid permission which address outstanding matters and which are required to be complied with and, in some cases, formally discharged at the appropriate time:

1. Application for approval of all reserved matters must be made not later than the expiration of three years beginning with the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the date of the 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.

2. Details of the following matters (subsequently referred to as the reserved matters) shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works:-

- a) Appearance.
- b) Landscaping.
- c) Layout.
- d) Scale.

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.

3. At the same time or prior to the submission of the First Reserved Matters application for the development hereby permitted, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of the maximum number of dwellings and other development to be implemented within each phase of the development. The development shall only be implemented in accordance with the approved Phasing Plan. The Phasing Plan may be amended from time to time with the written approval of the Local Planning Authority provided that the proposed phasing is likely to give rise to any significant environmental effects which have not been assessed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 then such amended Phasing Plan shall be accompanied by an Environmental Statement prepared in accordance with the said 2017 Regulations.]

REASON: To ensure the satisfactory phasing of the development and to ensure that the development is delivered in a coordinated and planned way.

4. No development, except remediation, shall occur until a scheme detailing the following offsite highway works has been submitted to and approved in writing by the Local Planning Authority;

- Highway improvements to the junction off Livesey Branch Road and Preston Old Road.

The cost of the approved scheme shall be borne entirely by the developer. The approved scheme shall be implemented fully in accordance with a phasing and construction management plan to be agreed writing by the Local Planning Authority.

REASON: In the interests of the safe, efficient and convenient movement of all highway users in accordance with requirements of Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

5. Notwithstanding the submitted details, no development, other than remediation, shall commence until a scheme detailing the design of the Broken Stone Road and Stockclough Lane vehicular access points, including swept path analysis, has been submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the approved details shown in the Broken Stone TA: November 2018.

REASON: In the interest of safe, efficient and convenient movement of all highway users, in accordance with the requirements of Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

6. No development, other than remediation, shall commence until a scheme detailing the provision of a footway and street lighting to the Broken Stone Road frontage has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to first occupation of the development and thereafter retained.

REASON: in the interests of the safe, efficient and convenient movement of all highway users, in accordance with the requirements of Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

7. The Stockclough Lane site access, as agreed by condition 5 of this planning approval, shall provide vehicular access to a maximum of 38 dwellings within the application site.

REASON: Given the restricted nature of Stockclough Lane, the restriction is necessary to safeguard the safe, efficient and convenient movement of all highway users, in accordance with the requirements of Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

8. Prior to commencement of a phase of the development hereby approved, a Construction Method Statement for that phase 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 including decorative displays and facilities for public viewing, where appropriate
- 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.

REASON: In order to safeguard the safe, efficient and convenient movement of all highway users, and to safeguard the amenity of adjacent uses and the locality generally, in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

9. Prior to the occupation of any phase of the development hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within that phase shall be submitted to and approved by the Local Planning Authority. The streets in that phase 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.

10. Prior to the construction of any of the streets referred to in condition 9 of this planning approval, full engineering, drainage, street lighting and constructional details of the streets for that phase shall be submitted to and approved in writing by the Local Planning Authority.

The development of that phase 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.

11. Foul and surface water shall be drained on separate systems.

REASON: To manage the risk of flooding and pollution of water resources, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan Part 2.

12. Prior to the commencement of any phase of the development, other than remediation, a surface water drainage scheme for that phase, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme for that phase must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

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

13. Prior to occupation of a phase the development hereby approved, a sustainable drainage management and maintenance plan for that phase 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 for that phase shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a residents' 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, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

14. Heavy Goods Vehicles associated with the construction of the development hereby approved shall only access the site via the Broken Stone Road vehicular access points and at no time via the Stockclough Lane access.

REASON: In order to safeguard road safety and the efficient convenient movement of all highway users given the restricted width of Stockclough Lane and to safeguard the amenity of adjacent residential and commercial uses in that locality, in accordance with the requirements of Policies 8 and 10 of the Blackburn with Darwen Local Plan Part 2.

15. Bat surveys shall be undertaken and submitted to the Local Planning Authority for approval prior to the removal of those trees identified within section 6.3.3.2 of the Capita 'Ecological Appraisal and Bat Transect Survey Report: August 2018' received 4th December 2018. The development shall be carried out in accordance with any recommendations or requirements set out in the approved bat surveys.

REASON: To safeguard protected species and biodiversity interests generally, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan Part 2.

16. Prior to commencement of development further HSI or eDNA great crested newt survey, informed by the Capita Ecological Appraisal Report: August 2018, shall be undertaken and the findings submitted to the Local

Planning Authority for approval. The development thereafter shall be in accordance with the agreed details.

REASON: To safeguard protected species and bio-diversity interests generally, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan Part 2.

17. No vegetation removal shall occur during the bird nesting season (March to August) unless the absence of bird nests has been established by a suitably qualified ecologist.

REASON: In the interests of biodiversity, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

18. No development, other than remediation, shall occur until an Ecology and Landscape plan has been submitted to and approved in writing by the Local Planning Authority. The plan, as a minimum, shall take in to account the following issues during the construction phase and future occupation of the site, with reference to the findings of the Ecological Appraisal and Bat Transect Survey Report (August 2018);

- Invasive species survey and mitigation plan
- The results of the additional ecology surveys required by conditions 15 and 16 of this permission;
- Proposals for any further ecological surveys that are thought to be necessary;
- The creation of new habitats (i.e. new ponds);
- The retention, protection and enhancement of habitats that are of biodiversity value (i.e. deciduous woodlands, watercourses and ponds);
- The creation of landscape corridors so as to link habitat within and outside the site especially for commuting and foraging bats;
- Any Reasonable Avoidance Measures Method Statements (RAMMs) that are required (especially for protected species issues);
- The protection of species including common amphibian species, hedgehogs and small mammals;
- The design of lighting to minimise light spill on ecological resources. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) at <http://www.bats.org.uk/>; and
- The prevention of pollution.

REASON: To safeguard protected species and bio-diversity interests generally, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan Part 2.

19. Protective fencing shall be installed around all trees being retained within each phase of the application site, in accordance with British Standard 5837: Guide for trees in relation to construction, as detailed on Amenity Tree Care Tree Constraints Plan (ref: TR-01-Sheet 1V1) . This fencing should be installed prior to the commencement of any building works, ground works,

demolition works or storage of any machinery, equipment or materials on site on that particular phase. This fencing shall remain intact and in place until all works are completed on the relevant phase of the site. No soil levels should be altered within the perimeter of this fence and no building materials or waste products should be stored inside the fence line.

REASON: The existing trees represent a public benefit by way of visual amenity and should therefore be protected at all times in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

20. Prior to commencement of any phase of the development hereby approved a scheme employing the best practicable means for the suppression of dust during the period of demolition/construction of that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved measures in the scheme shall be employed throughout this period of development.

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

21. Prior to the construction of any plots within 25m of Broken Stone Road, a scheme detailing measures for noise control shall be submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the approved details.

REASON: To ensure the development provides a satisfactory level of amenity for future occupants, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

22. No construction work shall begin on site until the extent of ground gas impact has been delineated and agreed with the Local Authority, a comprehensive gas risk assessment has been agreed with the Local Authority, and a gas remedial options appraisal has been presented for agreement with the Local Authority based on current best practice and guidance. Residential buildings should not be built on CS4 or higher sites unless the type of construction or site circumstances allow additional levels of protection to be incorporated, e.g. high performance ventilation or pathway intervention measures, and an associated sustainable system of management of maintenance of the gas control system, e.g. in institutional and/or fully serviced contractual situations. For residential dwellings, management and maintenance will only be acceptable where pathway intervention measures (e.g. venting trenches) are beyond the extent of the building(s), on or close to the boundary of the property in a position where access can be guaranteed throughout the lifetime of the development (BS8485:2015 + A1:2019).

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

23. Prior to the occupation of any phase of the development hereby approved, two copies of 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 Local Plan Part 2.

24. Prior to first occupation, each dwelling shall be equipped with an external electronic plug socket.

REASON: To facilitate electronic vehicle charging and to mitigate air quality impacts arising from the development, in accordance with the requirements of Policy 36 of the Blackburn with Darwen Local Plan Part 2.

25. Any gas fired domestic heating boilers within any dwellings shall not emit more than 40mg NO_x/kWh.

REASON: To mitigate air quality impacts arising from the development, in accordance with the requirements of Policy 36 of the Blackburn with Darwen Local Plan Part 2.

26. 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 for that phase. This must be carried out in accordance with a written scheme of investigation for that phase, which shall first have been submitted to and agreed in writing by the Local Planning Authority. All archaeological works should be undertaken by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance of the Chartered Institute for Archaeologists. The development shall be carried out in accordance with these agreed details.

REASON: To ensure and safeguard the investigation of matters of archaeological or historical importance associated with the development, in accordance with the requirements of Policy 39 of the Blackburn with Darwen Local Plan Part 2.

27. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the details submitted 4th December 2018 and the following amended or additional information;

- Proposed Site Access off Stockclough Lane: CS/094118-CAP-HGN-ZZ-SK-P-003_rev P01, received 24th April 2019
- Capita Technical Note 003 – Broken Stone Road, Response to HE comments.

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

5.0 PLANNING HISTORY

5.1 The following planning applications relate to the site ;

10/06/0855 - Outline Application for 120 static lodges, creation of 5 lakes and ancillary infrastructure (Withdrawn)

10/07/1149 – Outline Application for 120 static lodges, creation of 5 lakes and ancillary infrastructure (Refused and Dismissed on Appeal)

10/09/0569 - Outline Application for 94 static holiday lodges, creation of 3 lakes and ancillary infrastructure (Approved)

10/10/0828 - Reserved Matters Application pursuant to outline approval 10/09/0569 to address appearance, scale and landscaping (Approved)

10/12/0139 - Extension of Time application pursuant to outline approval 10/09/0569 (Approved)

6.0 CONSULTATIONS

6.1 Public Protection

Comment: Previous Env. Protection Consultation Advice

- **10/18/1116** – I requested a pre-determination residential amenity impact assessment as follows, in respect of Fowler Fold & Lower Whitehalgh Farms:

Impacts of Existing Farming Uses

Predetermination - Residential Amenity Impact Assessment

An assessment shall be submitted that determines the likely impacts of the adjacent farm activities upon future residents of the development. Where appropriate, the assessment must identify mitigating measures to alleviate those impacts. Reference should be made to the National Planning Policy Framework and Noise Policy Statement for England. All potential impacts must be assessed including noise, flood light and odour.

The applicant (or consultant appointed by the Applicant) should contact Andy White (tel: 01254 267634) to discuss the required assessment detail.

Reason: To ensure an acceptable standard of residential amenity.

Informative:

Dwelling Ventilation

It should be noted that any proposed dwelling(s) ventilation scheme(s) MUST provide adequate thermal comfort for residents.

- I understand that Planning Management Services decided not to require the above requested assessment.
 - Planning permission was granted for this development with condition(s) attached in respect of residential amenity without any further consultation with me.
 - None of the imposed conditions addressed residential amenity concerns arising from the premises of Fowler Fold nor Lower Whitehalgh Farms.
 - I understand that, other than recent changes of use (post 10/18/1116 DN), I cannot request any further residential amenity assessment in respect of the current reserved matters application (10/21/1083). Please let me know if this position changes.
- **Recent change of use at Lower Whitehalgh Farm**
 - A doggy day care business 'Just Pawing Around' opened at the former Whitehalgh Farm premises during 2020.
 - I recently visited the business and concluded that a predetermination residential noise amenity impact assessment is required, as follows:

Predetermination

With reference to the above application, I will require the following additional information before I can make my recommendations.

Predetermination - Residential Noise Amenity Impact Assessment

An assessment shall be submitted that determines the likely impacts of the 'Just Pawing Around' doggy day care business, at the former Lower Whitehalgh Farm, upon future residents of the development. Where appropriate, the assessment must identify mitigating measures to alleviate those impacts. Reference should be made to the National Planning Policy Framework and Noise Policy Statement for England. All potential impacts must be assessed.

The applicant (or consultant appointed by the Applicant) should contact Andy White (tel: 01254 585585) to discuss the required assessment detail.

Reason: To ensure an acceptable standard of residential amenity.

Members are advised that assessment of this application is limited to the stated *Reserved Matters*. Amenity issues outside the scope of the reserved matters have been accounted for during assessment of the hybrid / outline application, either during the course of the assessment or secured via conditions attached to the outline permission.

Predetermination of potential noise impacts arising from the doggy day care business is considered unreasonable, given that the outline permission (for housing) was granted prior to the grant of planning permission for the doggy day care use. Notwithstanding this position, a minimum separation of 60m is proposed between houses and the doggy day care, which is considered sufficient to guard against any significant noise disturbance towards future residents of the development. Moreover, the opportunity for any future noise

nuisance complaints to be investigated is provided by statutory noise nuisance powers afforded by the Environmental Protection Act 1990.

6.2 Drainage (BwD – Lead Local Flood Authority)

No objection.

6.3 BwD Arboricultural Officer

I have no objections to the proposals.

The Arb information submitted is all present and in accordance with the required BS 5837. The Tree Protective Fencing Plan is correct and enforceable.

The landscaping details submitted are suitable for approval and show a good mix of native trees, hedges and shrubs with some ornamental species suitable for residential development such as this. The maintenance and management details are all present as is the schedule and plant specification.

6.4 Environment Agency

Environment Agency position

We have no objection to the reserved matters application as proposed.

Contaminated Land – Advice to LPA/applicant

In our response to the Outline application, we requested our standard four-part planning condition in relation to the submission of a satisfactory desk study, site investigation, remediation strategy and subsequent validation report. Our recommended condition was not included on the subsequent Decision Notice approving the application, however Condition 23 does require the submission of a verification report to confirm that the site has been remediated in accordance with the approved remediation strategy.

Prior to the determination of the Outline approval, we were not consulted on a remediation strategy for this site and there is no reference to an approved strategy on the Council website for application 10/18/116, nor is it identified on the Decision Notice. However, we did receive a copy of the following report directly from the applicant's consultant:-

- Broken Stone Road Remediation Statement and Costings by Envirotec (Referenced: ESG/BSR/RSC; Dated: 19 July 2019)

We reviewed this statement in relation to the risk to controlled waters and we have agreed the strategy with the consultant. It is assumed that this is the strategy used in the remediation activities that are taking place on site and that it will be this strategy against which the future discharge of Condition 23 will be assessed. It would however be helpful if this could be confirmed as part of the current application.

Importation of Material – Advice to applicant

The remediation of the site will require the importation of materials and may require a permit and we have the following advice for the applicant:-

If excavated materials are to be re-used on-site, the applicant will need to ensure they comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Alternatively, the applicant will need to re-use the excavated material in accordance with the CL:AIRE Definition of Waste Code of Practice. Meeting these criteria will mean waste permitting requirements do not apply.

Where the material is waste, they will be required to obtain the appropriate waste permit or exemption from us. In addition any treatment of waste on site will require a permit.

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery as set out in Article 3(15) of the WFD is; any operation, the principal result of which, is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

Members are advised that site wide remediation is considered via condition 23 attached to the outline permission.

6.5 United Utilities

With reference to the above planning application, United Utilities wishes to draw attention to the following points.

It should be noted that we have previously commented on the Outline Application (Planning Ref: 10/18/1116) to which the above application relates. Our previous response (Our Ref: DC/18/5284) is available from the Local Planning Authority.

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Further information regarding Developer Services and Planning, can be found on our website at <http://www.unitedutilities.com/builders-developers.aspx>.

REQUEST FOR ADDITIONAL INFORMATION PRIOR TO DETERMINATION

We would be grateful if the applicant can submit a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum (mAOD). We would also ask that the applicant provides an indicative foul & surface water drainage strategy including points of discharge, discharge rates, methods of attenuation incorporating SuDS where possible as well as cover and invert levels to mAOD. We request

that this information is submitted for our review and comment prior to the determination of this application. On receipt of this information we will be able to provide further comment.

The applicant can discuss 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).

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.

Members are advised that submission of a foul and surface water drainage strategy is secured via condition attached to the outline permission. Moreover, the Lead Local Flood Authority offer no objection to this reserved matters application, on the understanding that foul and surface water drainage is to be managed via this condition. The pre-determination request for additional information is not, therefore, considered necessary in this instance.

Submission of a drainage management and maintenance regime for the lifetime of the development, will be secured via an additional condition attached a RM permission.

6.6 GMEU Ecology

GMEU did not comment on the original hybrid application but I have considered the matters identified by Capita in their consultation response (10.12.2018 to 10/18/1116). GMEU recognise that this is a Reserved Matters application and as with the Capita response, there are no overriding substantive reasons to alter Capita's initial assessment.

I could not locate some documents within the on line web site, but this may be my oversight. However, if these documents have yet to be supplied, I have noted where they may be required in advance of the determination or via a condition.

I have the following comments to make: -

Features of identified Biodiversity value

- The original reports (Capita 2018) identified a number of features within the application site which had value for biodiversity or represented a constraint: -

- Woodland (Potter’s Plantation) along Stockclough Brook as a Priority Habitat (Section 42, NERC 2006 [Natural Environment and Rural Communities Act]), hedgerows important under the Hedgerow Regulations (1997)
- Stanworth Valley Woods Biological Heritage Site (BHS 62SE02) at the western end of the site.
- Trees of low, moderate and high potential for roosting bats (Habitats Regulations 2019) See comments below.
- Stockclough Brook and associated tributaries
- Invasive Non-Native Species (INNS – Schedule 9 Wildlife & Countryside Act 1981 and Environmental Protection Regulations 1992); Japanese knotweed (TN02) in two locations within the development footprint, Himalayan balsam (TN03 6 locations) and montbretia (TN01)
- Potential for ground nesting and other nesting bird species
- Potential for great crested newt – this matter has been dealt with via condition discharge 10/21/0813
- For ease of reference I have extracted from the original Ecological Assessment, the Phase 1 Habitat Plan, target note descriptions and table identifying the trees with bat roost potential.

Protection of features of Biodiversity value within the proposed layout of the submitted scheme

- I understand that the Council are due to meet on site the week commencing 8 November 2021) to discuss the site. The following provides GMEU’s input into any ongoing discussions: -
 - The original reports identified that features of biodiversity value should be retained within the proposal. I would advise that I have concerns about the proximity of parts of the layout (mpsl planning & design ‘Proposed Site Layout’ dwg 01 – 03, rev H) and or landform changes to these identified features: -
 - Proximity to Stockclough Brook at plots 187 – 192
 - Proximity of earthworks at section B-B of indicative site sections (mpsl planning & design dwg 09 rev -)
 - Proximity of road and built form to Potter’s Plantation at plots 270, 310, 315 – 331
 - Proximity and potential for the removal/tree surgery work to trees with bat roost potential. This will require a cross reference with the original ecological assessment (see extract attached) and the submitted tree survey. **Additional survey work will be required if any of these potential roost trees of moderate or high value are to be removed.** It is recommended that this is **clarified prior to approval** and that an agreed approach is provided.
 - Proximity of the western attenuation pond and the Biological Heritage Site and any realignment/improvements that might occur to Lower Whitehalgh Farm access track.
 - It is unclear on plan what is proposed at the brook crossing at the eastern end of the site. It would appear that the watercourse is culverted already where the PRoW crosses it. This matter should be **clarified** with the applicant. However, further increased lengths of culverting should be avoided if at all possible.
- The landscape proposals are not clear if the Important Hedgerows are to be retained. These hedgerows occur to the western end, northern boundary as the western end and of the site on the west side of Stockclough Lane (see extract of 2018 report). It would appear that there are landscape features proposed in some of these locations. This should be **clarified with the applicant** and it is recommended that these hedges are retained within the scheme.

- I was unable to locate a drainage scheme but I have concerns regarding what I assume are attenuation swales and their proximity to the Potter's Clough woodland (south of hammerhead at plot 232/226). I would also **seek clarification regarding the outfalls for the attenuation ponds/swales into Stockclough Brook** and any additional need to remove trees to accommodate drainage to a headwall into the brook.
- The original report indicates that a sensitive lighting scheme should be provided. GMEU recommend that this covers highways and footpaths (incl access onto PRoW if proposed) along with external domestic lighting. Particular attention should be paid to the features of biodiversity value as identified above. GMEU recommend that lighting schemes follow the Institute of Lighting Professionals Guidance (01/21 obtrusive lighting and 08/18 wildlife sensitive lighting). I would recommend that the scheme is secured via **condition** to be agreed and implemented prior to first occupation of the scheme or a completed phase.

Landscape scheme & Biodiversity Enhancement

- I am unclear if there is a landscape scheme submitted for the POS? It appears that permission is sought for the creation of the 28ha of Public Open Space? **If a landscape scheme for the POS has been submitted GMEU would welcome the opportunity to comment.** If this detail is not yet present I would wish to see detail of: -
- The footpath specifications particularly where the PRoW or other paths cross the brooks and other watercourses.
- Sufficient details if it is proposed to replant/reseed the existing grassland in the POS.
- Outline/full details for the management of the POS via a Landscape and Ecological Management Plan (LEMP). This can ultimately be dealt with via **condition**.
- Any planting proposals to compensate for the loss of trees and/or important hedgerows.
- Biodiversity Enhancement Plan for the residential development itself to include adjustment to the boundary treatment details (mpsl planning & design drg no 06 rev -) to include hedgehog passes (130 x 130mm). Specification and plan showing bird and bat boxes within the development. This can be ultimately be secured via **condition**.
- GMEU are willing to comment on the built forms landscape if the Council feel that is appropriate.

Construction Environmental Management Plan

- I understand that remediation works is currently suspended, but that this is a matter outside of the Local Authority's auspices. However, I would recommend in relation to the construction depending on the extent of the remedial works/earth moving that a CEMP should be secured via **condition**. This may variously need to include: -
- Construction surface water management procedures including sediment fencing/sediment trapping, temporary holding tanks and any dewatering/over-pumping arrangements that might be required.
- Method Statement to deal with the INNS (Japanese knotweed, Himalayan balsam). In relation to Japanese knotweed a specialist contractor should provide sufficient details along the lines of: -
 - Detailed mapping of the distribution of the plant across the site, updated from the 2018 surveys.
 - Suitable signage and protection from vehicle tracking and/or earth moving. This is usually 7m from above growing parts of the plant (see [research](#))
 - [Treatment programme](#) GMEU cannot recommend which method of treatment is most appropriate but we advise this may be on or more of the following –
 - Spraying over multiple seasons (3 – 5 years). An Environment Agency permit might be required to treat the plant adjacent to a watercourse

- Root/rhizome injection (3 years)
- Burying on site with suitable depth and geotextile root barrier membrane
- Removal and disposal at a licenced tip
- Biosecurity protocols for machinery and soil handling & storage
- Monitoring and retreatment programme for minimum of 5 years post site clearance
- If remediation works have already impacted areas which support Japanese knotweed (see TN02 locations on extracted plan), it is recommended that the Local Authority secure a monitoring and retreatment programme for a period of 5 years. The LPA in this case may wish to secure this under a separate **condition**.
- Details of temporary fencing and stand-off to protected trees plus root protection zone, important hedgerows and watercourses.
- If additional vegetation clearance is to go ahead measures to check for both ground nesting grassland birds and birds within scrub/woodland, undergrowth including bramble. Vegetation clearance should avoid the bird breeding season (March – August inclusive) unless it can be demonstrated, by a suitably qualified individual, that no breeding activity is present or named Ecological Clerk of Works (EcOW) has instituted an agreed protection methodology.

In **summary and conclusion**: -

- GMEU have concerns about the protection and retention of biodiversity features associated with the layout. We hope that the Local Authority may wish to incorporate those into their discussions with the applicant.
- The submission of a landscape scheme for the southern area of the 28ha of POS should be provided and reviewed
- Additional clarification is sought on a number of matters, some of which it is recommended will need to be resolved prior to determination
- A number of conditions are proposed which can be appended following submission of details/amendments.
- A Biodiversity Enhancement Plan and a Landscape Ecological Management Plan should be provided.

Members are advised that the applicant is reviewing outstanding Ecology matters, the outcome of which will be included in an Update Report.

6.7 The Coal Authority

The Coal Authority Response: **Material Consideration**

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

The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth associated with thick coal seam outcrops.

Notwithstanding the above, and despite our consultation response letter dated 21 December 2018, the content of which recommended the imposition of a planning condition, it would appear that no condition relevant to coal mining legacy was ever imposed on the permission. Consequently, on the basis that this application is for the approval of matters reserved by

condition, none of which relate to coal mining legacy, the Coal Authority has **no objections** to this reserved matters submission. I

It is therefore assumed that issues relating to coal mining legacy were dealt with at the outline stage.

The Coal Authority Recommendation to the LPA

The Coal Authority raises **no objections** to this planning application.

In the interests of public safety, however, and in the event that matters relating to coal mining legacy were not addressed at the outline stage, the Coal Authority would recommend that, should planning permission be granted for this proposal, the following wording is included as an Informative Note within the Decision Notice:

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent Building Regulations application. Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from the Coal Authority's Property Search Service at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0845 762 6848. Further information is available on the Coal Authority website www.coal.gov.uk

6.8 Lancs Archaeology

The planning application states that works have already started in relation to the proposed remediation of the site. Condition 26 of the outline planning permission (10/18/1116) clearly states that:

"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 for that phase. This must be carried out in accordance with a written scheme of investigation for that phase, which shall first have been submitted to and agreed in

writing by the Local Planning Authority. All archaeological works should be undertaken by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance of the Chartered Institute for Archaeologists. The development shall be carried out in accordance with these agreed details."

We were recently consulted on a planning application (10/21/0813) to discharge condition 26, to which we advised that the condition be partly discharged (as an agreed programme was in place), but that full discharge should await the completion of all on-site archaeological investigations and their subsequent analysis, reporting and archiving.

The applicant's archaeological consultant, Pegasus, has today (03/11/2021) confirmed that although works have commenced they are currently removing modern rubbish, and have yet to reach a level across site where they might impact the old ground surface and have the potential to damage or destroy surviving features of archaeological interest.

Given the lack of consultation with the Historic Environment Team, there is some concern that the contractors currently on site may not be aware of the need for a programme of archaeological work to be undertaken as part of the remediation of the site (bund removal), and the limitations put on that work in the *Written Scheme of Investigation: Strip, Map and Sample* (Pegasus Group, July 2021). Other parts of the site are also to be the subject to an initial stage of archaeological investigation by means of the excavation of a number of archaeological trial trenches.

Consequently I would advise the Borough Council that the applicant be required to provide written confirmation that it is their intention to fully implement the methodology outlined in the submitted WSI as part of the remediation work, that their contractor is fully aware of the requirements of the WSI, and will be adhering to the requirements of both sections 4.8 and 4.9 of the WSI:

"upon the removal of the final layers, when approaching the original ground level, the machine carrying out the bund removal must be fitted with a toothless bucket and care must be taken to achieve the removal of the bund to ground level and no deeper."

"There must not be any excavation below ground level and "digging in" or scooping out the bottom levels of the bund will not be acceptable. The archaeologists on site will be present to monitor the removal of the final layers of the bunds to ensure that enough of the ground level is exposed to enable the mapping of any archaeological features exposed under the bunds."

This will therefore also require details of the archaeological organisation commissioned to undertake the works outlined in the WSI, as well as the date on which their attendance on site will commence.

The Borough Council may also wish to consider it prudent, for the avoidance of any doubt or confusion, to repeat the condition on any full planning permission that they are minded to grant.

Members are advised that the applicant's agent has provided written confirmation that it is their intention to fully implement the methodology outlined in the submitted WSI as part of the remediation work, that their

contractor is fully aware of the requirements of the WSI, and will be adhering to the requirements of both sections 4.8 and 4.9 of the WSI.

6.9 Lancashire Constabulary

No objection subject to Secured by Design Homes 2016' principles.

6.10 BwD Highways / PROW

PROW – I've had a look at this planning application and the statement says that the two footpaths running through the site are to remain in situ.

Footpath 3 Livesey to the North of the site seems to be ok however footpath 4 at the Southern side of the site doesn't quite follow the definitive line so this may require a small diversion, also looking at the plan footpath 3 doesn't appear to link with Stockclough lane. As the definitive statement says "from Stockclough lane to Broken stone road we need to ensure that it does connect with Stockclough Lane.

Whilst the work is being carried out for site preparation and construction, footpath 4 will require a temporary closure order, it may be possible to keep footpath 3 open throughout the duration of the works as long as the public may use the path safely. If there is any risk to the public then a temporary closure order will need to be in place on footpath 3 too prior to any work commencing.

Also any change of surface to the public rights of way will first need authorisation from the Highway Authority.

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

The application received is for Approval of reserved matters for the appearance, landscaping, layout and scale pursuant to planning application 10/18/1116 'redevelopment of the site to include over 28ha of open space, paddocks and landscaping and up to 450 residential units (use class C3), along with any ancillary parking, amenity, and all other associated public, semi public and private realm, soft/hard landscaping, infrastructure and highway works, access and a new internal road network connecting with the existing road network.

Parking

The parking should be in accordance with adopted parking standards which set a requirement as follows:

- 2 spaces for a 2/3 bed and;
- 3 spaces for a 4+ bed

Each car parking space on the drive should measure 5.5m (in accordance with the adopted Residential Design Guide & adopted Parking Standards). Please ensure compliance, there are some instances, where this in my opinion falls short.

All garages should whether integral or detached be 3m x 6m. The garage details supplied by both developers, do accord with the councils standard sizes. This is welcomed.

Access/Layout

The scheme has been reviewed. The majority of the road and footways align with the council's perceived layout. We welcome the addition of tree lined street and the street character introduced to support place making.

The main roads into the site should be 5.5m wide and have two 2.0m footways either sides of the carriageway. The secondary roads appear to be 4.8m, this is acceptable. Some widening of the road on the bends to support larger vehicles traversing is necessary. Please consider Some further design observations, which can be changed at technical approval:

- The road serving plots 414-415 should have a footway on one side.
- The roads serving plots 87-100 should have a footway on one side
- All footways running through the open spaces, and connecting through to the adjoining and connectives sites, should be widened to incorporate cycles. We therefore advocate and request a combined 3m footway/cycleway, on all paths. There was on the initial plan, a path that ran around the edge parallel to 382 to 372, please request this be reintroduced.
- The footways connections to the witton weavers way and those connecting to the surrounding site to enhance wider movement should be 3m wide to accommodate footway and cycle ways.
- The crossover points where the highway meets witton weavers' way does not embrace the crossover point – or maintain a priority gateway for pedestrians. Further exploration of this is required. This can be carried out at technical approval stage.
- We would welcome some material change to enhance the character of the development, at key locations. This can be agreed at Technical Approval stage.
- No details of sightlines have been offered, although details of boundary treatment has been forthcoming. The information on the boundary treatment is however limited and does not cover the whole of the residential estate - this can be dealt with via condition

Through the application process, dialogue has been ongoing with regards to retaining structures supporting the highway (at the end of the Turning heads). No definitive method has been agreed, this will require further assessment and approval. Please condition.

Swept path for a 3 axle refuse vehicle has been provided, this is acceptable.

Transport Addendum

The report received has been reviewed, the report that was submitted at outline stage addressed the main issues and was deemed satisfactory. Some comments have been offered on the current document, but relate more to pedestrian and cycle connection, these have been captured in my assessment.

The only other outstanding matter relates to the works at the junction of Livesey Branch Road/Preston Old ...the following thoughts are offered by our Transport Consultant..

I note the s278 general arrangement drawing is included in the appendices although this does not appear to have been referenced within the text of the Transport Statement. Has the signalisation scheme for Livesey Branch Road / Preston Old Road been checked and agreed to confirm it is deliverable in this location?

The lane widths look quite narrow to me and I would have some concerns with how larger vehicles negotiate the junction. The swept paths are not shown on the drawing in the appendices to determine if a large vehicle can make a turn with the stop lines in the positions

shown. If the stop lines are pushed back the intervisibility splay requirements are unlikely to be achievable.

We would request this is added as a condition for further work to be undertaken.

OFF-SITE HIGHWAY WORKS

Two new access points are to be introduced out onto Brokenstone Road, this together with the widened new footways, and lighting to be carried out in conjunction with speed reductions and traffic calming measures (from the Junction of Horden Rake/Brokenstone Road through to Junction of Gib Lane/Brokenstone Road) are to be attached as a Grampian Condition.

The addition of two crossing points across Brokenstones stones Road is also to be conditioned, consideration to be given to horse crossing (toucan, with Pegasus).

Previous condition attached on the Outline Planning Application included the need for junction improvements to be carried out at Livesey Branch Road/ Preston Old Road. This (as reported above) needs to re-attached as a condition for off-site highway works. Some evidence has been provided within the Transport Statement, but delivery of works as outlined is still questionable as a full details analysis has not been undertaken and presented.

OTHER

Standard matters applicable to all housing scheme, please consider:

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

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

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

Please attach standards conditions/Informatives: Highways 1, 2, 3, 5, 7, 8, 9, 90 10, 11, 13, 14, 15, and 17

6.11 Chorley Borough Council

No objection.

6.12 Livesey Parish Council

Brokenstone Road and Pleasington Lakes Transport plan

The transportation statement issued on Behalf of Taylor Wimpey and Barrett Homes covers the basic requirements of what is required to meet today's road use but fails to address certain issues that will arise in the near future.

According to the Office for national statistics, two car households now outweigh families with two children by just over two million. The number of cars and vans on the road in the UK as of 2020 was; 32,697,408, the past 25 years has seen an increase in vehicles of 42.5%. If vehicles continue to increase at the same rate, then by 2045 there will be some 45 million cars on the roads of the UK. (Department of Transport)

The average number of cars and vans per household in 2019 was 1.21 however, if London is excluded from the figures it rises to 1.3 per household. The Northwest has an average car and van ownership of 1.19 per household with only 22.3% of homes not having any vehicle access at all.

These figures are not entirely accurate, they work on ownership and not use in respect of commercial vehicles being taken home by employees and parked overnight outside of their properties. This may be beneficial to the employer but it throws the problem out onto our roads.

All of these are points to take in when designing a new estate or extending a village and herein lies the issue with Pleasington lakes. The transport plan which has been produced in support of a Reserved Matters application for the provision of 450 residential units on the site makes mention the development will consist of three, four and five bedroomed properties which is in line with BWD parking standards (point 2.2.9):

2-3 bedroomed houses- 2 car parking spaces per dwelling and 1 secure cycle space.
4+ bedroomed houses; 3 parking spaces per dwelling + 2 secure cycle spaces.

The transportation plan at no point mentions whether the proposed garages (point 2.2.10) will be in addition to the agreed car parking spaces or not. Likewise, whilst the report mentions the garage size will adhere to the accepted minimum standard size of 3.0 x 6.0m no mention is made of the agreed garage opening size. A minimum being 2.25m whilst 2.35m is a preferred garage doorway excluding the up and over garage doors that can take an additional 50mm from the width.

Whilst these may appear to be small points it is exactly these issues that will ensure garages are fit for purpose and used for the reason intended thus removing cars off the streets in the first instance. It will also allow for those who may take home a company van which invariably ends up being parked on the road causing obstructions for both emergency and service vehicles.

A further point is ingress and egress from the development. Whilst understandable that a council wish to make it far easier to cycle in the area, no account appears to have been taken of the fact that both entrances are up quite a steep hill off Brokenstone Road. Many people will therefore either;

- 1) push their potential cycles up the hill, potentially being at risk of being hit by an oncoming vehicle
- 2) Go through the intended emergency entrance off Stockclough Lane and then push up towards their property which, conjures up an interesting image.
- 3) Use the car, which is the most likely option.

This brings me to a final point that being public transport, there appears to be no provision for any form of public transport in any of the new estates surrounding the area therefore no way for those households who do not drive which, in the Northwest stands at 22.3%.

Whilst accepting of the fact that these dwellings are to be aimed towards the 'executive' market are we to assume then they all have access to vehicles? In which case the points above are to be considered and in households which are multi-generational there will be even more need for additional parking (without even allowing for any visitors to the dwellings) or are we to assume 22.3% of the population do not fit the criteria therefore this percentage is to be ignored?

In simple terms there is insufficient evidence to support car parking requirements and insufficient evidence to suggest driveways will be 6.0m or that garages will be fit for purpose. Further, there is little evidence beyond mention of secure cycle parking to give credibility to the line in the conclusion that;

'The proposed site layout connects with the approved off-site pedestrian and cycle provision in the vicinity of the application site.'

I have seen nothing in the plans covering both Pleasington Lakes, Brokenstone road (unless referring to the new 2m pathway intended for pedestrians) and no mention covering the extended plans towards Livesey Branch Road and Preston old road despite details given such as new double yellow lining within the carriageway to be done. I therefore have grave concerns over the viability for any form of secure cycle parking on any dwelling to be of any real use.

Consider the recently released Huncoat Garden village plan (<http://www.huncoatgardenvillage.co.uk/the-masterplan/>) under Hyndburns future development plans and we see a planned for schools, roads, shops, transport infrastructure and an attempt to get community involvement. It may consist of a larger development of 1504 properties but, when put against the whole of the existing and potential building taking place in Feniscowles it is comparable.

I therefore believe the council should re-visit their plans and advise both council and Parish council upon their future plans within this area.

Planning Application 10/21/1083, Land at Brokenstone Road Blackburn BB3 0LL

Livesey Parish council reiterate their concerns about the wholesale urbanisation of our green fields and loss of open space facilities in the area. We will eventually have a minimum of 8000 extra people living in the parish without adequate provision for improved highway connectivity. Yet again the support infrastructure has failed to be addressed, provision for local health and welfare facilities or nursery provision are not mentioned or recommendations made on how these will be provided for the wider area. This application is perceived to be bearing a disproportional amount of S106 contribution to make up for other sites in the area.

This planning application enables the council to overcome the issues they permitted with the uncontrolled dumping on the site over 10 years ago. The site is approximately 46 hectares with 16.4 hectares being designated for residential development at a density of about 27 dwellings per hectare. It is disappointing to see that yet again the Council intend to permit 36 - 2.5 story dwellings when there is adequate space to permit only 2 story dwellings and improve the general layout and setting of the development.

We have not commented on the general site layout or the provisions made for residents which the Planning process controls. The developer claims to be providing superior executive homes but these do not have adequate plot sizes to claim they are executive in style as described in the council draft housing provision guidelines published in 2013.

In the design justification statement para 5.9.1, the primary street through the site is a significant distance from the dwellings at the west of the site up to the first exit onto Brokenstone Road, it is largely uphill and is likely to cause traffic difficulties in snow and frosty weather. A West exit onto Stockclough Lane is considered essential for the benefit of the new residents rather than the inconvenient alternative route through the site.

Brokenstone Road

This is already a busy road and with the ongoing developments and possible further developments in years ahead in the area, it is essential that the road is of adequate width and drainage, lighting and footpaths both sides of the road to serve the developing resident communities. The proposed footpath within the site along part of Brokenstone Road is primarily of use for residents and not the general public on the highway. Adequate provision must also be made for walkers using this road and the PROW from the Story Homes sites which connect to this proposed development. Introducing a 30mph limit on the road will not slow traffic sufficiently to improve safety and adequate physical means to reduce speed will be essential. The 30 mph now on Bog Height Road has had little effect on traffic speed in the area as a speed survey will confirm. The restricted width and blind bends on the lower part of Brokenstone Road also need to be adequately remedied to make the road safe for the increased traffic flow and particularly the HGV's which will travel to this development and the later phases of Kingswood Homes site along Brokenstone Road.

Transport Statement

The proposal to install traffic lights and remodel the junction at the Fielden's Arms is a retrograde proposal and will result in tailbacks and delays for traffic to and from the Toll Bar. It is well remembered that until the introduction of this mini roundabout some 40+years ago, traffic at this junction built up with tailbacks of half a mile at peak morning and evening busy periods.

Tree Planting and woodland

As there has been significant loss of hedgerows and some trees in the wider area as a result of other developments it is recommended that the woodland buffer close to the motorway is reinforced with a mixture of trees and shrubs which will encourage and replace a variety of wildlife habitat following that destroyed by urbanisation of the wider area. A green corridor connection through to Cockridge Wood is desirable.

There is a significant amount of open space, woodland and proposed tree planting to the South of the developable site, can the Council confirm how these areas will be managed, will the open grassland be regularly cut to maintain it as a recreational area, will the woodland and tree planting be regularly checked and trees replaced if dead or dying.

The drainage strategy outlined in 10/18/1116 proposed a restricted discharge rate into Stockclough Lane to the equivalent of 151 dwellings, storing the rest in a wet well for over

70cubic meters. What has been resolved with UU particularly considering the other developments in the area which are already in progress? Resolution of the foul discharge is critical to this development and should be resolved **before** planning approval is granted and pumping to the Black Bull seems unrealistic.

Members are advised that the principle of housing led development of up to 450 homes was established at outline stage, as were transport impacts of the development.

The proposed layout is broadly in accordance with the Council's benchmarks standards for in-curtilage parking.

6.13 Public consultation has taken place, by means of 315 letters posted to the local community on 10th September 2021, display of site notices and publication of a press notice on 21st October 2021. In response, 8 objections were received and 1 general comment (see Summary of Representations).

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

8.0 DATE PREPARED: 5th January 2022.

9.0 SUMMARY OF REPRESENTATIONS

Objection – Mr & Mrs Moseley, 12 Horden View, Blackburn. Received – 18/10/2021

I am writing to object to the above mentioned planning application.

The reasons are as follows:

- 1) The extra traffic that this large estate will have on the very narrow road (Broken Stones Road) as this road is already over stretched by traffic at present (with traffic ie large wagons up and down at all hours from the new housing estate on Gib Lane)
 - 2) No mention of any extra schools being provided for ie infant, junior or secondary pupils to accommodate the extra volume of children this estate will have to cater for.
 - 3) No mention of a Community Centre as these seem to be vanishing from our town which once had a lot more than we have today.
 - 4) No mention of extra GP's Surgery/Medical Centre to accommodate the extra patients that are going to need medical services
 - 5) No local food shops mentioned as this is something that all of the people will require food
 - 6) The wild life which will be affected by the lorries back and forth at all times of the day which will result in loss of wildlife. We need to protect these creatures from over building as nobody seems to care about them.....
 - 7) The weather is a hazzard as a lot of water (from the rain) runs down Broken Stones Road, the rain has over the past several years diverted into Horden View, St Michaels Close and St Davids Close and has nowhere to go as the drains are all blocked by a lot of rubbish ie Autumn leaves and mud to name a few....
-

Objection – Marie Tomlinson, 2a Green Row, Darwen. Received – 18/10/2021

To whom it may concern

I absolutely disagree with this planning proposal.

How is that volume of additional traffic and population not leading to a safety issue. There are no walk ways or paving on broken stone road it's a deeply dangerous road for pedestrians already, having personally been hit by a vechical.

The build of the estate on Gig Lane is bad enough with the addition of the new estate to the bottom also currently being built ...with the resort lodge business too...the roads are narrow and pavement less ...it's absolutely ridiculous.

In the past 4 months we have had 3 power failings and our water is constantly being disrupted due to the increasing connections to the service, by the new builds.

The ridiculous mini round about serve no purpose and are a hindrance to the traffic.
Does Darwen require further high price, high end housing in this limited community. It's just all so short sightedover a thousand new builds within this tiny area. Someone is getting a bribe and sure.

Objection – Peter Eaves, 3a Green Row, Darwen. Received. – 01/11/2021

I'm writing to you to object to the planning application - 10/21/1083.

There are three main reasons for my objection:

1. Erosion of green belt - The land being considered for development is an area of green belt that consists of fields, woodland and a stream bed. Having walked a large part of the area in question I know that it's home to several deer, owls and bats. The loss of this land will be detrimental to the overall enjoyment and appearance of the area.
 2. Contaminated land - From conversations with various people in the area, the land has previously been used as a dump and therefore should be considered contaminated.
 3. Road infrastructure - This is the largest issue with the proposed development. Based on the number of properties being considered for the area I'd estimate that approx 1000 additional vehicles will be utilising the current roads. The main access road, Brokenstone Road, a narrow road, with no footpaths is not suitable to accommodate the extra volume of traffic that will be generated. This also goes for Heys lane which again cannot support the proposed additional traffic.
-

Objection – Pam Gedzielewski, 5 Green Row, Darwen. Received – 20/10/2021

I am writing in relation to the above reserved matters application for the erection of 450 residential units at land off Brokenstone Road, Blackburn BB3 0LL.

I live at 5 Green Row, off Heys Lane, Blackburn BB3 0LJ. My main concern about this application is the volume of traffic which will be created. I note that vehicle access to the site will be via two roads off Brokenstone Road. Brokenstone Road is a narrow, country road leading to other country roads in the area. There is currently another development on the north side of Brokenstone Road which, when completed, will significantly increase the volume of traffic using these country roads. I feel that a further development of so many houses will create unacceptable levels of traffic on unsuitable roads.

Objection – Timothy A Williams. Received – 21/10/2021

My full name is Timothy A Williams of 96 Gib Lane, Blackburn, BB2 5BP.

Mr Gavin Prescott recently sent a letter dated 11 October 2021 asking for comments on the proposed development to the land to the southerly side of Broken Stones Road.

I also refer to planning applications 10/21/1083 and 10/18/1116 and I also attach the email stream that I had with you and your colleagues at the start of the year.

Looking through the various plans, forms, pieces of analysis that have been submitted with these plans on your planning portal I cannot see any thought has been given to Footpaths along Broken Stones Road. If approved, the additional 100s of houses to this area and with everyone being encouraged to walk or cycle rather than use cars I think a footpath, cycle lane, or at least much wider carriage way is a pre-requisite to any plans being approved.

Thankfully, from the analysis documents that have been submitted, there does not appear to have been a fatal accident in Broken Stones Road but from my own experience (noted in the attached emails) and with the ridiculous speeds that people drive on the road together with the encroaching vegetation and stone walls it will just be a matter of time.

Would you please ensure that this email and the other emails are included in the documents that the planning committee have available to them for consideration.

Objection - Mr & Mrs Geraghty, Stockclough Cottage, Stockclough Lane, Blackburn. Received – 01/11/2021

Although we live on Stockclough Lane, (Stockclough Cottage), it is rather concerning that although neighbouring properties received details of this development and associated paperwork, we received none? Nevertheless, there are a number of aspects to the development that raise concerns and we would require confirmation and clarity on the enclosed;

Point 2.2.6 – Emergency Entrance onto Stockclough Lane.

I am unsure why an emergency entrance is required onto Stockclough Lane as the site has its two required entrances. Further, it is essential that at no time in the future, is this entrance or any other created will allow access and exit from the development and further extensions of the development onto Stockclough lane. I would like written confirmation of this.

2.2.3

Broken Stone Road is a narrow and dangerous road, with the two new entrance and exit points, it is essential that there are sufficient speed reduction measures put in place. Although reducing the speed limit to 30mph will help, there needs to be stronger measures, similar to those in place through Tockholes. An average speed camera system from the Black Bull Pub down to the round-about on Livesey Branch Road would be necessary.

During the development and construction of the site, we require written confirmation that NO construction vehicles will utilise Stockclough Lane as an exit or entrance and no vehicles will be parked/stored on the road at any times.

The drainage system on Broken Stone Road continues to worsen and since the Gib Lane development and knock-on effect on the natural water table, flooding is occurring whenever there is rainfall. It is vital that the development upgrades the drainage to this road and surrounding areas. Any damage caused to Stockclough Lane and properties on it, due to flooding would be a direct cause of the development. Again, this must be acknowledged.

Across the development there is an “Existing Sewage Easement”. Should this be damaged during the development, the surrounding land and roads are in danger of serious flooding. Can this also be acknowledged, and detail plans shown how this will be avoided.

There does not seem to be an outline of the drainage/sewage system for the development and where the waste will be diverted? Please advise.

During the building works, any serious “piling” or construction noise must be kept to a minimum and any “shock” damage caused must be compensated for.

I am keen that all the above are acknowledged and would like the opportunity to discuss.

Objection – Robert & Wendy Bell, The Black Bull Inn, Broakenstone Road, Darwen. Received – 01/11/2021

Dear Sir

After having studied, with dismay, the information on your website regarding yet another building proposal in this area, we write with our concerns.

(1) The plan seems to have access points to and from this proposed development onto Brokenstone Road. We took over The Black Bull on Brokenstone Road nearly 11 years ago and have witnessed numerous accidents on this road since our occupancy. Although the road speed limit has changed since the Gib Lane developments, cars still go along this road at very fast speed and if another access to yet another development is allowed further traffic would be created and therefore increasing the risk of yet more accidents on this stretch of road.

(2) Some of our customers walk to our pub and back home again along Brokenstone Road towards the proposed building project and at times have turned up at the pub fearing for their life as they have nearly been knocked over. The traffic is so fast, the road is dark with very little lighting and there are no adequate paths for people to walk along. There will obviously be more traffic and potentially the risk of more people either nearly being injured or in fact actually being injured.

(3) Obviously this proposal is going to be of a detrimental visual impact on all the people living in this area who have already had a lot of the environment swallowed up by the houses.

(4) There will be too many vehicles travelling on a road which will not be able to sustain the amount of traffic more houses would create. Brokenstone Road is a lane and not a significant main road. It is in a state of disrepair with many pot holes and has deteriorated since lorries have been up and down the road clearing the site the subject of this planning permission.

(5) There are so many houses within the Gib Lane development in this area, that the rural countryside has been spoilt and this development would take another massive proportion of rural countryside.

We also do not think that safety has been of paramount importance relating to this development. The existing road network is not fit for purpose to be connect to a new internal road network. The massive increase of vehicles during any construction and afterwards with householders vehicles would create far too

much traffic for this road and accidents will be inevitable.

Objection – Rebecca Smith. Received – 10/11/2021

Hi there,

I am emailing in response to the letter we received in regards to the Reserved Matters Application for the planning application 10/21/0343. We would like to register our concerns over the development as we live at Fowler Fold Farm, located on the northern border of the proposed development. We are also aware of the plans across the road (Application number 10/21/0813) which concern is, however we understand that the consultation period for this site is perhaps already over.

Our concern comes from the fact that our farm sits on a public footpath that connects these 2 sites and which runs across our farm. We believe that an increase in walkers looks to jeopardise our use of the fields and subsequently our livelihood.

We would like to propose that the footpath be redirected around our fields through the proposed housing development (10/21/0343) and not through our fields, which contain livestock. We understand that the proposed development across the road (10/21/0813) will have a recreation space located near the top of our field, that we believe could link up nicely to the proposed development if the footpath was rerouted around our fields.

We have since contacted the Blackburn department for public footpaths and understand that redirecting a public footpath is difficult but as our livelihood could be considerably at risk, it seemed best to raise our concerns now.

If any further information is required we would be happy to provide it and can be contacted to give assistance.

Comment – Kevin Greenwood FCCA, Lower Horden Barn, Brokenstone Road, Feniscowles. Received – 15/10/2021

Many thanks for your letter concerning the Planning application for Land at Brokenstone rd. adjacent to my property Lower Horden Barn , Brokenstone Rd

As our water supply runs across the field as well as Telecoms lines I would like assurances that these supplies will not be interrupted and that any development takes this into account

AS the traffic is already busy on Brokenstone rd with an unsafe speed limit for us to leave our property I would also like to understand what is proposed for developing the road in order to make it safe for all vehicles using this road , there is also a major development off Gib Lane with additional cars and traffic

It is a shame that nature once again suffers at the hands of so called progress

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/1104

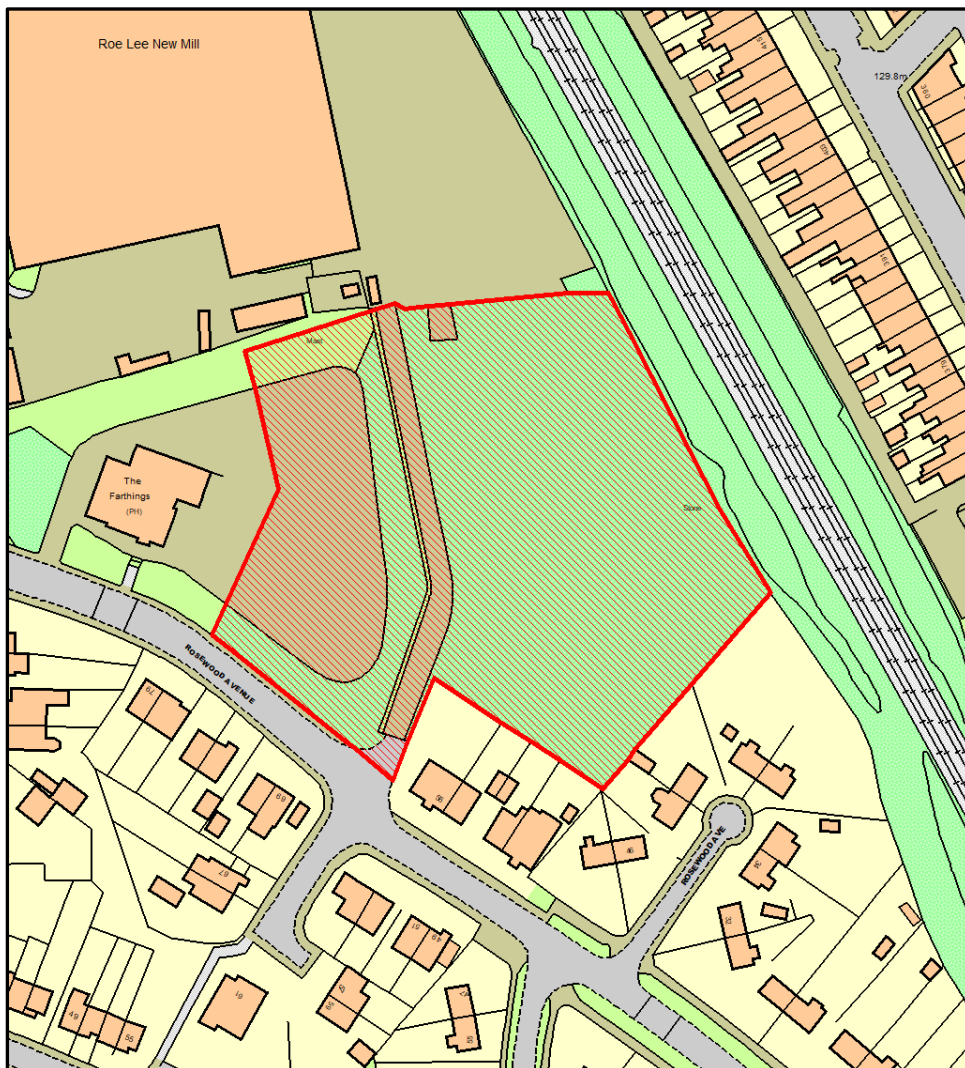
Proposed development: New development comprising of 20no new industrial units (E[g], B2 and B8 Use) with new off road parking, bin store areas, secure cycle areas, landscaping, and formation of new access point off Rosewood Avenue, with associated works.

Site address: Land adjacent to Roe Lee Business Park, Rosewood Avenue, Blackburn, BB1 9SZ

Applicant: Mr Jangeer Yasan

Ward: Roe Lee

Councillor Phil Riley
Councillor Sylvia Liddle
Councillor Ron Whittle



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 the application involves major commercial development outside of an allocated site. An objection has also been received from a Ward Councillor, together with a number of members of the public. The objections raised principally concern the nature of the proposed use and associated noise and traffic. Trees loss and the potential for detrimental impacts on local ecology to occur have also been cited as potential concerns. A summary of the consultee responses received and public comments made is provided below, in Sections 7 and 9 respectively.
- 2.2 The proposed development has been publicised through letters to residents/occupants of the nearest adjacent properties. Two site notices were also displayed outside of the site on 22nd October 2021. In addition, a number of consultations have taken place with neighbours and consultees upon the receipt of amended/updated information.
- 2.3 The Council's development plan supports new commercial developments and associated works within the defined urban boundary, provided they constitute sustainable development, and accord with the development plan when taken as a whole.
- 2.4 The proposal will deliver a total of 20 commercial units covering 6 blocks. Use Class E(g) (formerly B1[c]), B2, and B8 uses would all be operated from the site. A new vehicle access point would be formed from Rosewood Avenue, which would be the only access point into the site. Each unit would be afforded its own service areas with a shared parking area proposed to the northwest corner of the plot. Cycle storage provision, contained bin storage, and supplementary landscaping is also shown on the submitted plans around the site.
- 2.5 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.
- 2.6 The key issues to be addressed in determining this application are;
- Establishing the principle for development;
 - Design and assessing visual amenity impacts;
 - Assessing the potential for residential amenity impacts;
 - Assessing the potential for highways impacts;
 - Ensuring the site has adequate parking to service the development;

- Ensuring the safety and structural integrity of the adjacent railway line is not compromised;
- Mitigating tree loss;
- Assessing the potential for ecological impacts;
- Foul and surface water drainage considerations;
- Ensuring flood risk is minimised;
- Assessing the potential for terrestrial contamination;
- Crime prevention, and;
- Minimising the proposals impacts on climate change and air quality.

3.0 RATIONALE

3.1 Site and Surroundings

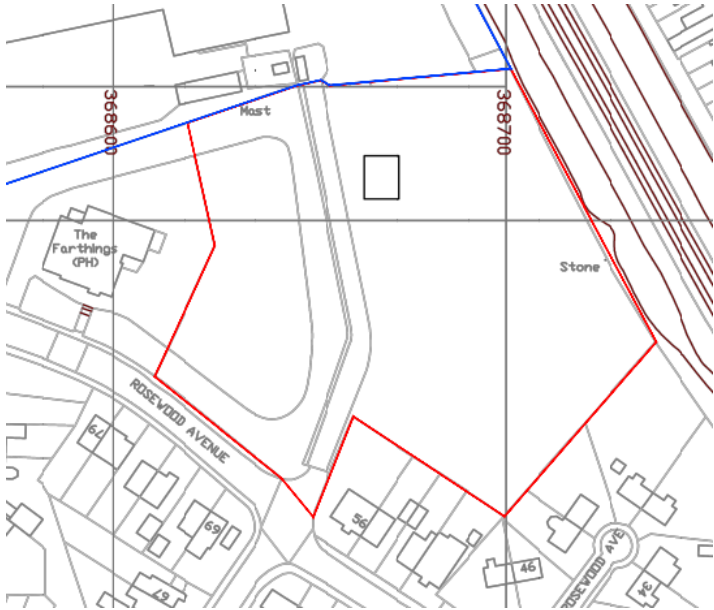
3.1.1 The application site is a plot of unallocated land located within the defined urban boundary of Blackburn. The site is currently wooded to the eastern side with the western side being more open and covered with hardstanding. The site currently contains a number of mature and self-seeded trees internally and along the site boundaries. Pedestrian access alone was previously gained from the south off Rosewood Avenue yet recent works have been undertaken to widen the access point for vehicular use.

Figure One – Satellite image of the site



3.1.2 The site covers an area of circa 2.5 acres and has an irregular shape. A footpath spans its centre yet this is not defined as a public right of way. Semidetached properties and gardens surround to the south with commercial land uses to the north. A railway line and embankment is positioned immediately to the east with a public house and car park to the west.

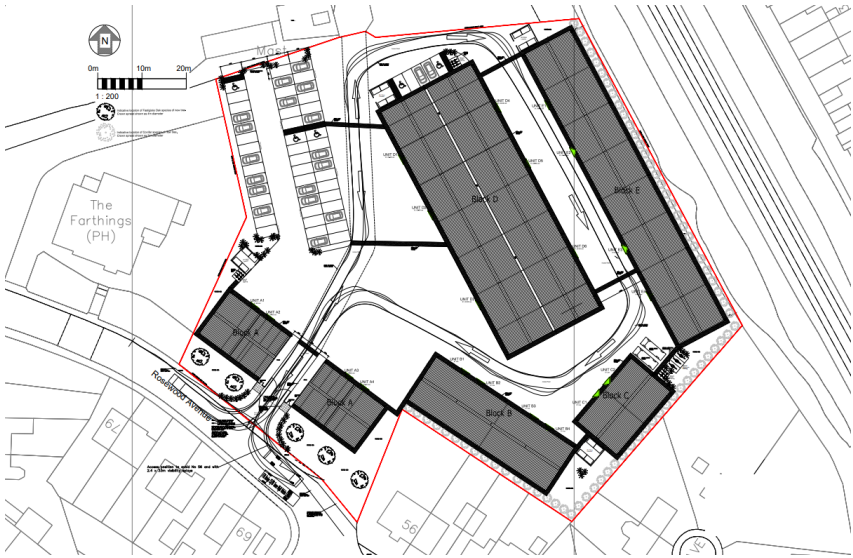
Figure Two – Location Plan showing the extent of the site and existing access point



3.2 Proposed Development

3.2.1 As detailed above, this application seeks full planning permission for the erection of 20 single-storey industrial units to be operated within the parameters of Use Classes Class E(g) (formerly B1[c]), B2, and B8. The units would stagger a total of six blocks. Initially, Block A was a single unit positioned closer to the east yet that block has been split and repositioned further to the west to allow for access amendments.

Figure Three – Amended proposed site plan



3.2.2 Amended plans have been received during the application process showing a new bellmouth junction from Rosewood Avenue. The existing access point would be closed entirely and all traffic would be enter and egress via the new

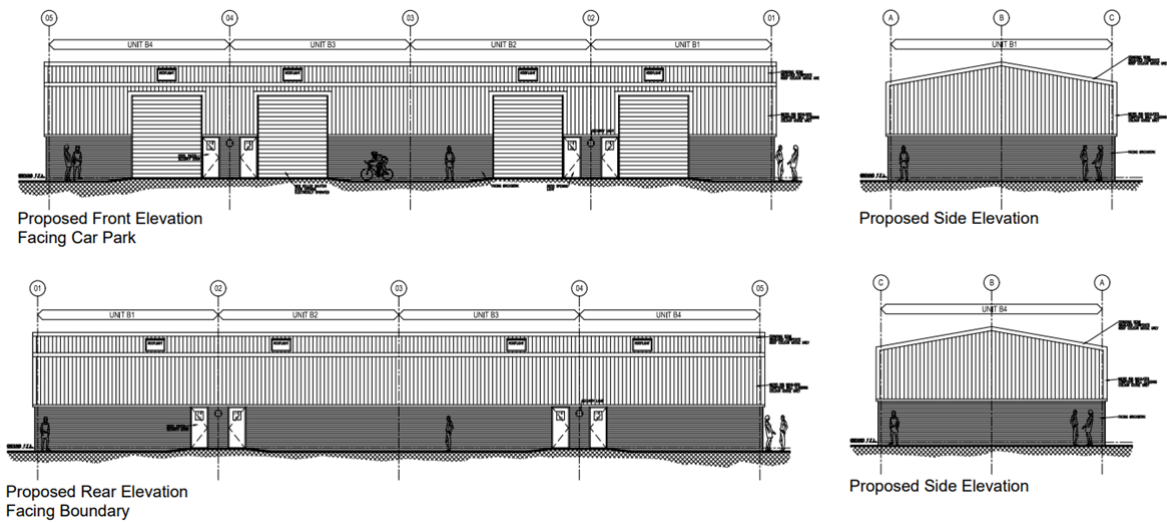
access point. The new access point would have a 5.5m wide carriageway with 2m footways installed either side. A pair of pedestrian gates would stagger the junction with a vehicle security gate installed centrally. Supplementary landscaping would also be provided around the access point inclusive of mature trees with shrubbery lining the junction splays.

Figure Four – Close-up of access detail



- 3.2.3 Within the site, a one-way system would be operated with vehicles tracking north between the shared carpark and Block D, then tracking south between Block D and E to egress the site. Service areas would be provided to the front of each of the units of varying widths. A 49-space carpark would be provided to the northwest corner of the plot, inclusive of 3 disabled bays. In addition, 5 further spaces would be provided to the north of Block D, inclusive of 2 disabled bays. Bin storage areas and cycle racks would intersperse the site serving each of the units together with supplementary landscaping.
- 3.2.4 As detailed above, Block A would be split in half to allow for a new access point to be formed. Each half would have a footprint of circa 184 square meters, a dual-pitched roof up to 6m in height, and 2 units within (Use Classes E[g] and B8). Block B would have footprint circa 403 square meters, a dual-pitched roof up to 6m in height, and 4 units within (Use Class E[g]). Block C would have footprint circa 202 square meters, a dual pitched roof up to 6m in height, and 2 units within (Use Class E[g]).
- 3.2.5 Block D would have footprint circa 1332 square meters, a dual-pitched roof up to 6m in height, and 6 units within (Use Classes E[g], B2 and B8). Block E would have footprint circa 806 square meters, a dual-pitched roof up to 6m in height, and 4 units within. Units E1 and E2 would have a Use Classes of E[g], B2 and B8 with no B2 uses proposed for Units E3 and E4, given their relatively close proximity to the adjacent dwellings on Rosewood Avenue.

Figure Five – Elevation plans of Block B



3.2.6 The proposed units would all have a conventional portal-framed construction. Their elevations would have a brick plinth with goosewing grey micro-rib insulated composite wall cladding proposed. Standing seam insulated composite cladding would be used for the roof in the same colour. Each of the units would have an electrically operated steel faced roller-shutter security door with personal door installed to the rear. Tarmac would be installed as hardstanding. No formal details of new boundary treatments have been provided at this stage.

3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Core Strategy Part 1 (adopted January 2011):

- Policy CS2: Typology of Employment Land

3.4.2 Local Plan Part 2 (adopted December 2015):

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 36: Climate Change

3.4.3 BwD Parking Standards

4.0 **Assessment**

4.1 Principle of Development

4.1.1 Policy 1 identifies the preferred location for all new development to be within the defined urban boundary, which the site is situated within. Outside of allocated sites, there is no direct policy provision for new commercial developments within the Local Plan. That said, Policy CS2 identifies a need for neighbourhood opportunity employment sites close to residential areas, with vacant sites being specifically highlighted, subject to unacceptable impacts on residential amenity being avoided. For clarity, those requirements are covered in subsequent sections of this report. The proposed development therefore complies with Policy 1 together with the initial requirements of Policy CS2.

4.1.2 Concerns have been raised in public comments regarding the sites allocation for housing within the Roe Lee Master Plan. However, the site only occupies a small part of the master plan area and this proposal would not unacceptably undermine its ability to deliver housing locally. When that position is considered alongside the benefits of developing a vacant unkempt site, and the provision of employment space in times when there are national shortages of such provision, the sites part-allocation within the master plan does not warrant resisting the development on those grounds. The proposed development is thus acceptable in principle.

4.1.3 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 all 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. The site is currently contained by built form and tall boundary vegetation. It provides a neutral contribution to the prevailing character of the locality and this proposal

would be classed as back-land infill development. In addition, the site is positioned the transitional cusp between residential land uses to the south and commercial land uses to the north.

- 4.2.2 As detailed above, the proposed units would have a conventional construction and appearance. The style of the units would be consistent with a number of similar previous developments in the Borough. When viewed in the context of the commercial units to the north, their layout, scale and massing would not seem out of place within this contained site. Moreover, the proposed materials are common to such forms of development locally. The proposed units would thus be acceptable in relation to aspect, design and scale, subject to the external construction materials to be used being further finalised through planning condition.
- 4.2.3 The part of the site most visible from the public domain would be the access point. Currently, a number of mature fruit trees line the boundary with Rosewood Avenue, all of which will be lost to the development. That said, the amended proposed site plan details supplementary landscaping around the access point that will compensate for the losses in that area and provide visual enhancements. Subject to the imposition of a condition to further agree the scope of hard and soft landscaping details around the whole site, the proposed development would be acceptable in relation to design and visual amenity, in accordance with Policy 11.

4.3 Residential Amenity

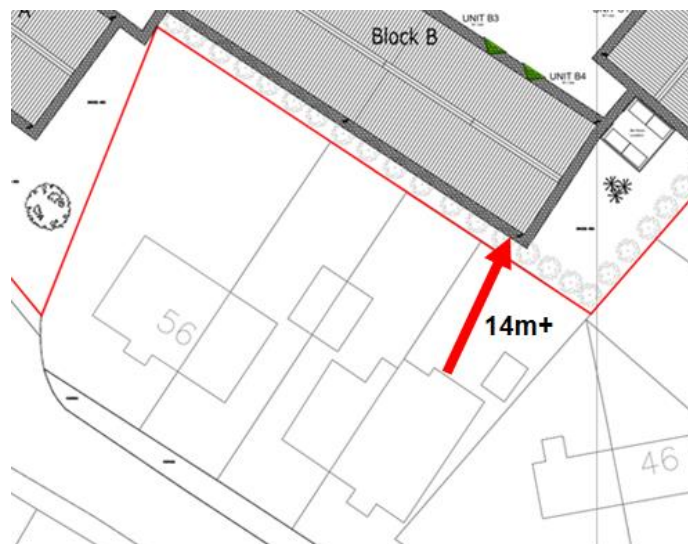
- 4.3.1 Policy 8 states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the relationship between buildings. Concerns have been raised in consultee and public comments on residential amenity grounds. When viewed in the early stages, such matters were a principle consideration and they have been subject to extensive discussions with BwD Public Protection during the application process.
- 4.3.2 Through that process, a number of amendments have been secured that have significantly improved the application in a residential amenity sense. The units directly adjacent to dwellings will not be used for B2 purposes. Those uses are confined to the units that are furthest away from dwellings. Moreover, the proposed use classes for Blocks B and C are limited to Class E(g) alone, which are generally considered acceptable uses within residential areas. A condition is recommended to restrict use the units to those shown on the latest amended proposed site plan. Such a condition is necessary in order to prevent more noise intensive uses forming within the broader provisions of Class E. Although carried out mostly on highways grounds, the construction of a new access point set further away from 54 and 56 Rosewood Avenue would also significantly reduce any disturbance from comings and goings for those neighbours.
- 4.3.3 BwD Public Protection have reviewed the submission and a number of conditions have been recommended on noise grounds. Those conditions

involve restricting the operating hours of the site to those applied for and ensuring any noise emissions do not exceed certain thresholds. It is recommended that both of those conditions be added in order to adequately safeguard to aural amenities of the immediate neighbours. A further condition is recommended in order to agree an external lighting scheme in order to ensure light pollution does not cause a nuisance for neighbours once the development becomes operational.

4.3.4 In addition to the above, a number of further conditions have been advised by BwD Public Protection in order to control working hours, dust emissions, noise and vibrations, and floodlighting during the construction phase. It is recommended that a construction method statement condition be added that consolidates those requirements. Such a condition is necessary in order to minimise disruptions for neighbours during the construction phase.

4.3.5 When considering any potential impacts in the way off losses of light, it should be noted that there are set standards regarding the proximity of commercial buildings to dwellings within the development plan. Blocks B and C would be positioned the closest to the adjacent dwellings on Rosewood Avenue. In excess of 14m would separate the proposed units from those properties and the distances involved would be sufficient to prevent any overbearing impacts. Owing to its nature, the proposal would not be detrimental to domestic privacy yet tall boundary trees would be removed that currently provide screening for gardens. The attached landscaping condition therefore includes a specific requirement to plant semi-mature trees to the rear of Blocks B and C in order to ensure the seclusion of those areas is adequately restored over time.

Figure Six – Plan showing separation distances between Blocks B and C and proposals for boundary landscaping



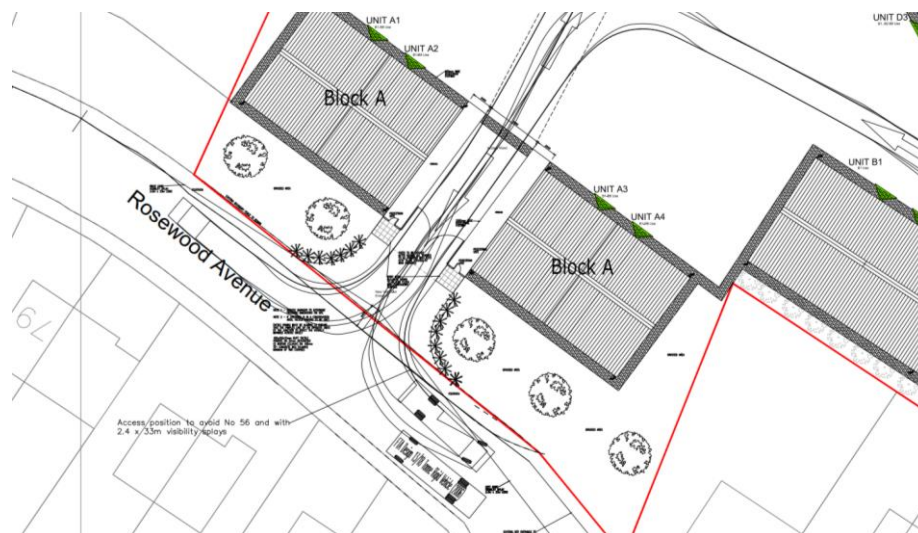
4.3.6 Subject to compliance with the above conditions in their entirety, the relationship between the proposed units and adjacent dwellings would not be detrimentally impacted upon and the proposed development is thus acceptable in relation to residential amenity.

4.4 Highways, Servicing and Parking

4.4.1 Policy 10 outlines a general requirement for all development proposals to not prejudice road safety, or the safe and convenient movement of all highway users. Parking should also be provided in accordance with the BwD Parking Standards. Public objections have been raised on parking and highways grounds. As detailed above, amendments have been secured during the application process showing a new access point off Rosewood Avenue. Such amendments have provided significant improvements for the access arrangements of the site.

4.4.2 BwD Highways have reviewed the submitted Transport Assessment and forecasted traffic movements data. No specific concerns have been raised in that respect and the local highway network is capable of adequately absorbing the anticipated level of traffic movements. In addition, the new junction would provide adequate visibility splays for both directions of traffic. Conditions are recommended to agree the scope of any required works of highways improvements around the access, complete with gradient details, and to ensure visibility around the access point is not obstructed in the future. A further condition is recommended to ensure the vehicle gate is installed a sufficient distance away from the new footway. Such a condition is necessary to prevent vehicles waiting in the carriageway for the gate to be unlocked/opened. Subject to compliance with those conditions, the proposal would not have a harmful impact upon the safety of the public highway network.

Figure Seven – Plan showing adequate visibility splays

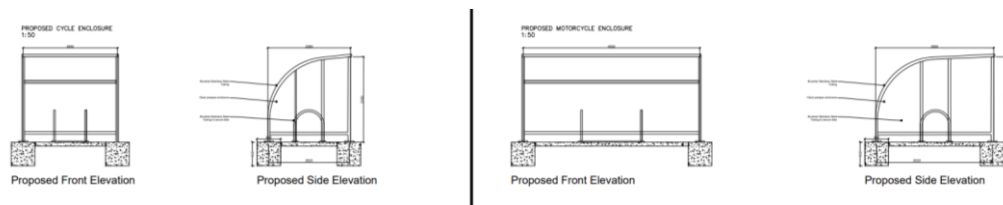


4.4.3 In relation to vehicle manouvering within the site, again, amendments have been secured showing significant improvements. Together with a new access point, Blocks D and E have been spaced further apart, which will allow for a greater level of manoeuvrability between those blocks. BwD Highways have reviewed the merits of the amended proposals and no objections have been raised. Servicing of the site would be restricted to rigid vehicles with articulated lorries not to enter. A condition is recommended to ensure that occurs given the

relatively constrained layout of the site. Further conditions are recommended to agree the scope of delineated pedestrian routes around the site and signage that raises awareness for the one-way system to be operated. Subject to compliance with those conditions, the scope for conflict to materialise between site users would be appropriately minimised.

- 4.4.4 In relation to parking, when the parking requirements of the site are weighed against the BwD Parking Standards, an acceptable level of provision is proposed. A condition is recommended to ensure a formalised parking layout is provided in support of the development. It should also be noted that an abundance of informal parking opportunities exist around the site and the displacement of parked cars onto the public highway network should not pose any particular problems moving forward.
- 4.4.5 Covered cycle storage is detailed on the plans around the site. BwD Highways have suggested that such provision should be placed closer to the entrances of the buildings in order to encourage use. Such detail is not shown on the amended proposed site plan yet the three cycle racks proposed would be visible from many parts of the site, which is acceptable. A condition is recommended to ensure cycle storage is provided in accordance with the submitted details in order to encourage the use of sustainable modes of transport.

Figure Eight – Proposed plans for covered cycle and motorcycle storage



- 4.4.6 Finally, a further condition is recommended to agree the logistics of the construction phase, as requested by BwD Highways. Subject to compliance with the attached conditions in their entirety, the proposed development would not lead to any detrimental impacts upon the highway network. In addition, the attached conditions would ensure that each of the proposed units could be adequately serviced, thereby minimising the risk of issues being displaced onto the public highway network, in compliance with Policy 10 and the BwD Parking Standards.

4.5 Railway Infrastructure

- 4.5.1 The site is positioned directly adjacent to the railway line and a number of formal requests have been made by Network Rail in order to safeguard its structural integrity. Such matters have been raised in the interests of public safety, which is covered by Policy 8. Network Rail have reviewed the merits of the proposals and no principle objections have been raised. A number of conditions have been advised however in order to prevent harm to their interests.

4.5.2 On that basis, a condition is recommended regarding the submission of a method statement and risk assessment relating to the construction and operational phases of the development. Such a condition will agree the scope of foundation works and excavations within 10m of the embankment together with any required works to boundary treatments. The condition recommended has merged two of those advised by Network Rail in the interests of clarity. A 3m easement zone is requested. The building of Block E is positioned 3m from the embankment. It is noted that a footway and landscaping is shown within the easement zone. That said, such minor works would not unduly compromise the structural integrity of the embankment nor would they hinder future maintenance efforts to a detrimental extent.

4.5.3 A further condition has been recommended regarding the submission of a surface water drainage scheme. Such matters are covered in a greater level of detail in subsequent section of this report and Network Rail will be consulted on any future conditions discharge applications being an adjacent landowner. Subject to compliance with the attached conditions, the proposed development would not prejudice the integrity or safety of adjacent railway infrastructure.

4.6 Arboricultural Considerations

4.6.1 As detailed above, a large part of the site is currently covered by vegetation. The majority of the trees and shrubs within are self-seeded shrubby specimens and overgrown conifers, with the exception of three mature trees in the northeast corner. The plans indicate that all of the trees would be removed. None of the trees are protected and the legal fallback position is that landowner could clear-fell the site at any point. That said, Policy 9 states that all development proposals are expected to incorporate existing trees into the design and layout of the scheme, where achievable.

4.6.2 If the removal of one or more trees is permitted as part of a development, a condition is required to ensure an equivalent number or more new trees are planted within the site. The BwD Arboricultural Advisor has reviewed the merits of the proposals and no objections have been raised. Subject to the imposition of a condition to ensure replacement trees are provided as part of an appropriate planting scheme, the proposed development would be acceptable in relation to arboricultural considerations.

4.7 Ecological Considerations

4.7.1 Further requirements within Policy 9 state that all development proposals must avoid unacceptable impacts on environmental assets or interests, including habitats and species. In response to those requirements, a Preliminary Ecological Appraisal has been submitted. The BwD Ecological Advisor has reviewed the submitted appraisal and merits of the scheme as a whole. No objections have been raised and no species of merit were found during the site investigations. A number of measures of mitigation are detailed within the submitted appraisal, which include specific measures for hedgehogs. A condition is recommended to ensure the development proceeds in accordance

with those measures of mitigation in order to minimise harm to local wildlife populations.

4.8 In addition, the BwD Ecological Advisor has advised a number of further conditions. It is therefore recommended that further conditions be imposed to prevent tree clearance during the bird-nesting season and to agree measures to eradicate invasive plant species from the site. Subject to compliance with those conditions, the proposed development would be acceptable in relation to ecological considerations.

4.9 Flooding and Drainage

4.9.1 Further requirements within Policy 9 state that it must be ensured that all proposals are not subject to an unacceptable risk of flooding, or adversely contribute to the risk of off-site flooding. The site is located wholly within Flood Zone 1 and the risk of fluvial flooding is deemed to be negligible. That said, it is positioned within an area that is at risk of pluvial flooding and initial concerns were raised by BwD Drainage in that respect.

4.9.2 In response to those concerns, the Agent has submitted an amended Flood Risk Assessment. BwD Drainage have reviewed the amended assessment and are satisfied that their concerns have been addressed, subject to the imposition of a number of conditions. It is therefore recommended that a condition be imposed to agree the scope of a full foul and surface water drainage strategy. The condition will include a requirement to submit details of cross-sections and finished floor levels.

4.9.3 A further condition is recommended to ensure the relevant surveys are undertaken for the culvert that spans the site. Such condition is necessary in order to prevent damage to the culvert, which may in turn lead to localised flooding through improper construction techniques. Subject to compliance with those conditions, the proposed development would be acceptable in relation to flooding and drainage, in accordance with Policy 9.

4.10 Contamination

4.10.1 Within Policy 8, there are further requirements to ensure development proposals on previously developed land can be remediated to a standard that provides a safe environment for users of the development whilst also ensuring contamination is not displaced. BwD Public Protection have reviewed the merits of the proposal and a condition regarding the potential to discover unforeseen contamination during construction works has been advised. Subject to compliance with that condition, the proposed development would be acceptable in relation to contamination.

4.11 Crime Prevention

4.11.1 Further requirements within Policy 8 state that all development proposals must incorporate positive measures aimed at reducing crime and improving community safety, including appropriately detailed design. In response to those

requirements, a Crime Impact Statement has been submitted, which has been reviewed by Lancs Police.

4.11.2 The crime prevention measures advised within the submitted statement adequately conform with the requirements of the guidance referenced by Lancs Police below. Subject to the imposition of a condition to ensure the development proceeds in accordance with those measures, the proposed development would be acceptable in relation to crime prevention, and compliance with Policy 8 is thus achieved.

4.12 Climate Change and Air Quality

4.12.1 Policy 36 requires all development proposals to minimise contributions to carbon emissions and climate change, both directly from the development and indirectly arising from factors such as travel to and from the development. BwD Public Protection have reviewed the merits of the proposals. A condition has been advised regarding the submission of an Air Quality Impact Assessment. It is recommended such a condition be imposed. Subject to compliance with that condition, the proposed development would be acceptable in relation to climate change and air quality, in accordance with Policy 36.

4.13 Wider Considerations

4.13.1 Further concerns have been raised in public comments regarding the potential for additional traffic to destabilise the structural integrity of adjacent properties, the erection of unauthorised boundary treatments, alleging the adjacent site is being used for car sales, and the potential for the proposal to devalue adjacent properties.

4.13.2 Owing to ample separation, use of the rearranged access point would not cause any stability issues for adjacent properties. The recently erected boundary treatments have been regularised under application 10/21/1016, approved by the Committee at the November 2021 meeting. Alleged use of the adjacent site for car sales is not documented on the enforcement system and there was no evidence of such activity during the site visit. It should also be noted that the lawful use of that land is a carpark as it formerly served the adjacent public house.

4.13.3 Finally, any impacts on the values of adjacent properties cannot be given any weight in the planning process. Those comments therefore have no material impact on the assessment of this planning application.

4.14 Summary

4.14.1 This application involves the erection of 20 commercial units with associated works, including the formation of a new access off Rosewood Avenue. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.4.

4.14.2 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, highways, servicing and parking, railway infrastructure, arboricultural considerations, ecological considerations, flooding and drainage, crime prevention, and climate change and air quality, together with the wider considerations raised within public and consultee comments.

4.14.3 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. Case specific informatives are also recommended that raise awareness in relation to the protection of nesting birds and the requirements of any works as part of the public highway network.

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 (ROELEE/01), ROELEE/02, ROELEE/03, ROELEE/04 – Revision B, ROELEE/05 – Revision A, ROELEE/06 – Revision A, ROELEE/07 – Revision A, ROELEE/08, ROELEE/09, ROELEE/10, ROELEE/11, and ROELEE/12.

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

3. Prior to the commencement of any above ground works on site, details confirming the colours and finishes of all the external materials to be used in the construction of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the approved materials and details, unless otherwise agreed in writing.

REASON: To ensure a satisfactory form of development is achieved, 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).

4. No above ground works shall commence on site unless and until, a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be exclusively limited to the following;
 - a) Details of proposals for supplementary landscaping around all aspects of the development;
 - b) Details for semi-mature boundary planting adjacent to Blocks B and C;
 - c) Details confirming the types and extents of any areas of hardstanding to be applied;
 - d) Details confirming the heights, types, and positions of any new boundary treatments, including fencing and gates;
 - e) Details confirming that any trees lost will be replaced at a ratio of at least 2:1;
 - f) Details indicating the location, arrangement, species, sizes, specifications, numbers, and planting densities of all new planting; and,
 - g) Details indicating the location and arrangement of any required tree protection measures for the trees to be retained within the site and on the site boundaries.

The approved scheme shall be implemented in its entirety within the first available planting season following the substantial completion of the development. Any tree/shrub or other planting that is lost, felled, removed, uprooted, dead, dying or diseased or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

REASON: In order to ensure that the development is adequately landscaped so as to integrate with its surroundings, 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).

5. Following occupation of any of the units hereby approved, the following units shall be restricted solely to the following uses, unless otherwise agreed in writing by the Local Planning Authority;
 - a) Units A1 – A4: Use Classes B8 and E(g);
 - b) Units B1 – B4: Use Class E(g);
 - c) Units C1 and C2: Use Class E(g), and;
 - d) Units E3 and E4: Use Classes B8 and E(g).

REASON: In order to prevent more noise and car parking intensive uses being operated within this constrained site, in the interests of residential amenity and highway safety, and to comply with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

6. All of the units hereby approved shall only be open between the hours of 7:00 – 23:00, Monday – Saturday and 9:00 – 21:00 Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise noise pollution for neighbours, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

7. Following any of the units hereby approved being brought into use, the noise rating level arising from the units shall not exceed 41dB(A) at adjacent residential premises for the duration of the approved use. Assessment shall be made in accordance with BS4142:2014 (Methods for rating and assessing industrial and commercial sound).

REASON: In order to minimise noise pollution for neighbours, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

8. Prior to their installation, details overviewing the types, positions and heights of any new external light sources to be incorporated as part of the development hereby approved, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise light pollution from the development, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

9. No development shall commence on site unless and until, a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction phase, and it shall provide for, but not be exclusively limited to;
 - a) The parking of vehicles of site operatives and visitors;
 - b) The loading and unloading of plant and materials;
 - c) The storage of plant and materials used in constructing the development;
 - d) Wheel washing facilities;
 - e) Measures to control the emission of dust and dirt from construction works;
 - f) Measures to control noise and vibrations from construction works;
 - g) A scheme for recycling/disposing of waste resulting from construction works;
 - h) Details of the type, position and height of any required external lighting;
 - i) Details of working hours;

The development shall thereafter proceed in strict accordance with all of the measures detailed within the submitted Construction Method Statement, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to control the logistics of the construction phase, in the interests of residential amenity and highway safety, and to comply with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

10. No development shall commence on site unless and until, a scheme finalising details of the new access point has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for but not be exclusively limited to the following;

- a) Detailed plans showing the new access;
- b) Cross-sections and gradient details of the new access;
- c) Details showing any required works of highways improvements;
- d) Details showing any required signage, and;
- e) Proposals to close the existing access point.

The development shall thereafter proceed in strict accordance with the approved scheme and none of the units shall be occupied until the approved measures have been provided in their entirety, unless otherwise agreed in writing.

REASON: In order to finalise the proposed access details, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

11. Visibility splays around the new access point hereby approved 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: In order to optimise visibility for motorists egressing the site, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

12. Prior to their installation, details confirming the exact position of any gates required around the new access point hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details, unless otherwise agreed in writing.

REASON: In order to ensure any gates installed are adequately set back from the public highway, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

13. Following any of the units hereby approved being occupied, no articulated lorries are permitted to enter the site at any point, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to prevent articulated commercial vehicles entering this constrained site, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

14. Prior to the commencement of any above ground works on site, a scheme detailing delineated pedestrian access routes around all parts of the site shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details and none of the units hereby approved shall be occupied until they have been provided in their entirety, unless otherwise agreed in writing.

REASON: In order to ensure pedestrian manoeuvrability around the site is optimised, in the interests of pedestrian safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

15. Prior to the commencement of any above ground works on site, a scheme detailing signage for the one-way system shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details and none of the units hereby approved shall be occupied until they have been provided in their entirety, unless otherwise agreed in writing.

REASON: In order to ensure vehicle manoeuvrability around the site is optimised, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

16. None of the units hereby approved shall be occupied unless and until, the car parking provision as detailed on the approved plan 'ROELEE/04 – Revision B' has been provided in its entirety. Any car parking provided shall thereafter remain in perpetuity with the development.

REASON: In order to ensure adequate car parking provision is in place to service the development, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

17. None of the units hereby approved shall be occupied unless and until, the cycle and motorcycle parking provision as detailed on the approved plans 'ROELEE/04 – Revision B and ROELEE/12' has been provided in its entirety.

REASON: In order to encourage sustainable modes of transport, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn

with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

18. No development shall commence on site unless and until, a method statement and risk assessment appraising the developments impacts on the adjacent railway embankment, including details showing any required excavations, grounds works, and works to boundary treatments to be carried out within 10m of the railway embankment, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details, unless otherwise agreed in writing.

REASON: In order to minimise the risks concerning the safety and stability of the adjacent railway line, in the interests of public safety, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

19. No development shall commence on site unless and until, a surface and foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be exclusively limited to the following;

- a) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). Any investigations undertaken shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- b) 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;
- c) Details showing foul and surface waters being drained on separate systems, where achievable;
- d) Details showing cross-sections and finished floor levels, and;
- e) A timetable for implementation.

The submitted scheme shall be prepared fully in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In addition, the development hereby approved shall not be brought into use unless and until the agreed scheme has been implemented in its entirety.

REASON: To promote sustainable development, to manage the risk of flooding and pollution, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

20. The development hereby approved shall be implemented in strict accordance with all of the measures of ecological mitigation detailed within the submitted Preliminary Ecological Appraisal, prepared by Verity Webster and dated September 2021.

REASON: In order to minimise harm to local ecological populations, in the interests of local ecology, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

21. No vegetation clearance associated with the development hereby approved shall take place whatsoever between March to August inclusive, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise harm to local bird populations, in the interests of local ecology, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

22. No development shall commence on site unless and until, a Method Statement has been submitted to and approved in writing by the Local Planning Authority that details the measures to be undertaken to prevent the spread of the invasive plant Himalayan Balsam during any site clearance works. The development shall thereafter be implemented in strict accordance with the approved details.

REASON: In order to minimise harm to local plant populations, in the interests of local ecology, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

23. No development shall commence on site unless and until, a scheme has been submitted to and approved in writing by the Local Planning Authority detailing a CCTV survey of the culverted watercourse/surface water drain that spans the site and any relevant findings. The CCTV survey shall be supported with any proposed repairs for approval, where relevant. In addition, the buildings must be designed to avoid imposing any load on the culvert and designed to provide access for future maintenance. The development shall thereafter be implemented in strict accordance with the approved details and none of the units shall be occupied until they have been provided in their entirety.

REASON: In order to minimise the risks of damaging the culvert, in the interests of preventing flooding, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

24. Should contamination be encountered unexpectedly during redevelopment of the site, all works should cease, and the Local Planning Authority 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 Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen

Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

25. The development hereby approved shall be implemented in strict accordance with all of the crime prevention measures detailed within the submitted Crime Impact Statement, dated October 2021.

REASON: In order to ensure crime prevention measures are in place to support the development, in the interests of community safety, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

26. No development shall commence on site unless and until, a scheme to reduce impacts on air quality has been submitted to and approved in writing by the Local Planning Authority, which accords with the Blackburn with Darwen planning advisory note on air quality. The development hereby approved shall thereafter be implemented in strict accordance with the approved scheme and none of the units shall be occupied until the agreed measures have been provided in their entirety, unless otherwise agreed in writing.

REASON: In order to minimise negative impacts on air quality, in the interests of combatting climate change, and to comply with the requirements of Policy 36 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

Specific Informatives

1. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (As amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.
2. 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). Construction method statement/demolition method statement is to be received this should include wheel washing. 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 273838 to undertake a condition survey. Any old entrances that are no longer required should be closed and reinstated back to full footway, at the developers expense.

6.0 RELEVANT PLANNING HISTORY

- 6.1 10/00/0354 – Erection of building to be used for manufacturing and warehousing – Refused – August 2000.
- 6.2 10/03/1012 – Residential Development (19 units) – Refused (appeal dismissed) – December 2005.
- 6.3 10/04/1094 – Regeneration of land for mixed employment and residential development (part resubmission) – Refused (appeal dismissed) – December 2005.
- 6.4 10/21/1016 – Retention of 2m High fencing to west and south of the site with entrance gates from Rosewood Avenue – Approved, with conditions – November 2021.

7.0 CONSULTATIONS

- 7.1 BwD Highways – In summary, we have no principle objections, subject to the below matters being satisfactorily addressed.

(Parking) We have assessed the parking against the floorarea provided within the application form and measured those against the adopted parking standards, the breakdown are as follows:

- B1 Light Industrial 1 car space per 40sqm/1268sqm = 31.7 spaces
- B2 General industrial 1 car space per 60sqm/579sqm = 9.65
- B8 Storage and warehousing 1 car space per 100sqm = 12.69

This amount to 54 car parking spaces. The scheme has provided 71 car parking spaces (which includes 7 disabled parking spaces) which is far more than the allowance generated in accordance with the floorarea, in some circumstances to avoid spillage on the highway, support would be given to parking numbers over the permitted no's, adequate justification would need to be received to support this.

All parking bays, should conform to the required bays sizes, (4.8m x 2.4m) with 6m manoeuvrability into and out of the bays. All bays should conform to this. The end bays on the layout received do not achieve the required manoeuvrability. Cycle and PTW parking has been provided within the site, in three separate locations. We would prefer these to be more visible and closer to the entrances of the building. Details and coverage of the facilities is welcomed.

(Access/Layout) The vehicular access is to be taken from Rosewood Avenue. This is an existing access which is to be utilised. The access road falls away from the highway, so an access to the site would be challenging, a level plateau is required at the bellmouth to support safe egress for service vehicles exiting out onto the highway, please request further amendments.

The access width should be 5.5m metres wide with 2.0m metres footways either side of the carriageway. A clear pedestrian link should be provided from the highway into the site, this should also be continuous width of 2.0m. Conflict between cars and ped should be designed out.

No details of sightlines at the access point have been provided, these are required for review. Having visited the site, I am concerned with the lack of clear visibility to the left hand splay, this is virtually non-existent. The site would benefit from the access being realigned to the centre of the frontage to achieve adequate sightlines, but understand there will be a cost implication associated with this. If the sightlines cannot be achieved then an alternative access strategy should be sought. Details are required.

We note, that there are gates located to the entrance, please request further information on how these will be managed and controlled. With they be open during the working hours? Please seek further information, this may affect the network if not managed.

(Servicing) A swept path of a rigid vehicle and refuse vehicle has been provided, there are some reservations with the layout and operations of the servicing arrangement. This detail is lacking. No information to support where the servicing points will be, the frequency of visits, and most importantly confirmation is required on what the largest size vehicle visiting the site will be. This will need to be controlled via condition.

When examining the internal access arrangements, I would question whether there is sufficient space for circulation for all service vehicles. For example a large rigid vehicle (as used in the swept path analysis provided) when backed up to a number of units would likely impede the movement of other vehicles along the path shown within the swept path analysis or of vehicles moving to/from the car park. Of particular concern is the area between Block D and E where it appears a vehicle parked parallel on both sides would be likely to prevent any through movements. The size, shape, layout of buildings should be reconsidered to ensure each unit can be serviced adequately by appropriate vehicles without impeding the movement of other vehicles.

(Transport Statement) The parameter and site selection used to generate trip generation rates from the TRICS database appear reasonable and I do not believe there is a need to undertake junction modelling of any nearby junctions. It should however be considered that the proposed development would give rise to additional industrial type traffic within a predominantly residential area which would not be appropriate if it wasn't for the existing similar land use on an adjacent plot of land.

(Update) In response to our initial concerns expressed, some matters have been addressed satisfactorily, and some require further details, or conditioned accordingly. In response to the parking statement, the spaces have been reduced, this is acceptable. Ideally some parking provision should have been located close to each unit, however to ensure that the conflict between the car and service vehicles are kept separate, I will in this instance accept the layout

presented. (please attach Highways 4 to ensure car park is laid as approved plan).

The spaces conform to the councils parking standards. No response is forthcoming on the gradients into the site, this can be included in the site access condition, which I have requested to be attached (standards Condition No. 1). As the access point has now been moved central to the site, and widened to support wider service vehicles, we welcome this as a betterment. This allows for better and improved sightlines. (please attach 2, 3 to ensure visibility are kept clear). A note is attached to the plan to suggest the gates would be locked out of hours, and the tenants would be given keys to access if they needed to, this is acceptable.

The gates should be placed at least one rigid vehicle width in from the back of footway. It is presented with the details received, that the largest vehicle to site would be a rigid vehicle, please could we seek clarification of the size of this rigid and condition this vehicles as being the largest to attend site. The internal servicing area which was previously restricted has now been approved, and offers a greater area between Block D and E to support ad hoc service vehicle unloading whilst not preventing other service vehicles to pass by.

(Other) Construction Method Statement is required, please condition. 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). Any old entrances no longer required will require closing and formally reinstating back to full footway. 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

7.2 BwD Public Protection – Should this application be approved, the following conditions should be imposed;

Condition 1 (Unforeseen contamination) – Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the Local Planning Authority (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. This is to protect the health of future occupiers of the site in accordance with Policy ENV3 of the Blackburn with Darwen Borough Local Plan.

Condition 2 (Hours of Use Restriction) – The approved use shall be restricted to the following times – Monday to Saturday: 07:00 – 23:00 hours and Sunday and Bank Holidays: 09:00 – 21:00hours. Any variation of the above hours restriction must be approved in writing by the Planning Authority. This is to ensure appropriate hours of use to minimise noise disturbance at residential premises.

Condition 3 (Industrial/Commercial Noise Control) – The noise rating level arising from the commercial/industrial premises shall not exceed 41dB(A) at residential premises for the duration of the approved use. Assessment shall be made in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'. This is to ensure an acceptable standard of residential amenity.

Condition 4 (Air Quality – Large Commercial Development) Prior to the commencement of the development an air quality impact assessment shall be submitted, in writing, to the Local Planning Authority (LPA). The scope of the assessment must be agreed with the LPA in writing. The assessment shall recommend appropriate mitigation if an adverse impact is identified in accordance with the LPA planning advisory note: 'Air Quality' and agreed in writing with the LPA. In accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2.

Condition 5 (Floodlighting) An outdoor floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the approved use. This is to minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity.

Condition 6 (Construction Working Hours) There shall be no site operations on any Sunday or Bank Holiday nor on any other day except between the following times – Monday to Friday 08:00 – 18:00 hours and Saturday 09:00 - 13:00 hours. Any variation of the above hours restriction must be approved in writing by the Planning Authority. This is to ensure appropriate hours of site work to minimise noise during the construction phase.

Condition 7 (Dust Control) The commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a scheme employing the best practicable means for the suppression of dust during the period of demolition/construction. The approved measures in the scheme shall be employed throughout this period of development unless any variation has been approved in writing by the Planning Authority. This is to ensure that satisfactory measures are in place to alleviate any dust & dirt impact at adjacent residential premises.

Condition 8 (Noise and Vibration) Should pile-driving works be required, 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. This is to minimise noise/vibration disturbance at adjacent residential premises.

Condition 9 (Construction Floodlighting) Should floodlighting be required as part of the construction phase, a floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the works. This is to minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity.

Informative notes should also be added regarding ground contamination, air quality mitigation, external lighting sources, construction noise, noise from roller shutters doors, sound insulation, and preserving residential amenity.

- 7.3 BwD Ecological Advisor – The application site does not support any notable habitats and is considered to have only limited potential to support any specially protected or priority species, but it does support some broadleaved trees of local nature conservation value. Currently the plans show the majority of trees on the site as being lost to the development, although new tree planting is planned at the site boundaries as compensation. The new planting will maintain the habitat corridor along the adjacent railway.

We would recommend that, if permission is granted to the proposal, no tree clearances should take place during the optimum time of year for bird nesting (March to August inclusive). A Method Statement should be prepared giving details of measures to be taken to prevent the spread of the invasive plant Himalayan balsam during any site clearance works. The site has some potential to support hedgehogs and other small mammals. Care should be taken when clearing vegetation. All understorey vegetation should be cut to ground level by hand and left for at least one week prior to clearance of trees and ground vegetation. This will allow animals to move out of their own volition. Units 5-10 are close to the boundaries of residential dwellings. If these Units were to be moved further into the site it would allow for a larger buffer zone and more boundary planting at this interface.

- 7.4 BwD Drainage – We have concerns regarding the proposed application as the site is at high risk from surface water flooding as shown on the Environment Agency surface water flood map. Flood depths could be up to 900mm. The Flood Risk Assessment includes proposals to raise the level of part of the land and to deploy flood barriers during a flood event. These measures are not acceptable because floodwater would be displaced from this area and cause possible flooding to more vulnerable areas. We would also object to any alternative proposals to allow the development to flood.

(Update) Objection removed. Should this application be approved, the following conditions should be imposed;

Condition 1 – Prior to commencement the applicant is required to submit design details of the surface water drainage scheme. The scheme shall be designed in accordance with the recommendations in the amended Flood Risk Assessment for attenuation and limiting the pass forward flow to greenfield rates.

Condition 2 – The finished floor levels of the units shall be as recommended in the Flood Risk assessment. Prior to commencement the applicant is required to submit level details and cross sections of the units to confirm the finished levels.

Condition 3 – Prior to commencement the applicant is required to carry out a CCTV survey of the culverted watercourse/ surface water drain. The CCTV survey shall be submitted to the Local Authority together with any proposed repairs for approval. The buildings must be designed to avoid imposing any load on the culvert and also designed to provide access for future maintenance.

- 7.5 BwD Arboricultural Advisor – In terms of trees and vegetation, there's not a lot of quality on the site. The area is mostly made up of hugely overgrown Leylandii hedging along the boundaries of the site with the majority in very poor condition. The trees are in such a poor form, due to an earlier topping, that they are now potentially dangerous and could soon start to break up.

The rest of the site is predominantly self-seeded scrub with some of the larger trees again in poor condition. The Beech and Sycamore that we looked at on the boundary with the railway line are of particular concern. There is however three mature Sycamore trees in the top NE corner of the site that appeared to be in good condition and it would be desirable for these to be retained and factored into the design layout. Any planning approval will need to set a condition for a landscaping scheme that attempts mitigation of vegetation lost on the site.

- 7.6 BwD Cleansing – No objections.

- 7.7 BwD Property Services – No objections.

- 7.8 United Utilities – (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.

We would be grateful if the applicant can submit a plan outlining the proposed levels (including finished floor levels ,ground levels and cover level and invert level for the proposed drainage on site) shown in metres above Ordnance Datum. We would also ask that the applicant provides an indicative foul & surface water drainage strategy. We request that this information is submitted for our review and comment prior to the determination of this application. On receipt of this information we will be able to provide further comment. Noting this is a Full application, we request that the applicant provides a detailed drainage plan, and that United Utilities has opportunity to review and comment on this plan prior to determination of this application.

Without the provision of this information, we strongly recommend that conditions are imposed on any permissions issued to requesting the submission of a full drainage scheme and to ensure foul and surface waters are drained on separate systems.

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.

(United Utilities' Property, Assets and Infrastructure) A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer may be necessary. All costs associated with sewer diversions must be borne by the applicant.

- 7.9 Lancs Police – Section 17 of the Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and (b) the misuse of drugs, alcohol and other substances in its area and reoffending in its area. We would advocate that the installation be designed and constructed using the security principles

and security rated products as stated in the attached SBD 'Commercial Developments 2015' Design Guide.

- 7.10 Lancs Fire and Rescue – It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'. It should be ensured that the proposal is provided with suitable provision of Fire Fighting water.
- 7.11 Network Rail – We have no objections in principle to the proposal, but below are requirements which must be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary - therefore undertaking the works with the agreement and supervision of Network Rail is required. This is to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the existing operational railway and for the avoidance of doubt of both the council and the developer who may not be aware of the potential for outside party proposals to impact upon the railway.

Network Rail recognises that conditions are imposed for a planning purpose and that they are fairly and reasonably related to the development and not be manifestly unreasonable. We believe that the comments included in this email are indeed fair and reasonable and relate to Network Rail's need to ameliorate the impacts that might otherwise flow from the development.

(Measurements to railway tracks and railway boundary) When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc.) and boundary treatments (including support zones) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

(RAMS) The developer is to submit directly to Network Rail, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs.

Network Rail would request that a condition is included in the planning consent as follows: "A method statement and risk assessment must be submitted to the council and Network Rail for review and agreement prior to works commencing on site." This is to ensure that the construction and subsequent maintenance of

the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

(Fencing) The applicant will provide at their own expense (if not already in place). A suitable trespass proof steel palisade fence of a minimum height of 1.8m adjacent to the boundary with the railway/railway land. The fence must be wholly constructed and maintained within the applicant's land ownership footprint. All foundations must be wholly constructed and maintained within the applicant's land ownership footprint without over-sailing or encroaching onto Network Rail's boundary. The fence must be set back at least 1m from the railway boundary to ensure that Network Rail can maintain and renew its boundary treatments. Existing Network Rail fencing, and boundary treatments, must not be damaged or removed in any way. Network Rail will not allow any maintenance works for proposal fencing or proposal boundary treatments to take place on its land. Proposal fencing must not be placed on the boundary with the railway. Any fencing over 1.8m in height will require agreement from Network Rail with details of foundations and wind loading calculations submitted for review. The fence should be maintained by the developer and that no responsibility is passed to Network Rail.

(Encroachment) The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary. All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.

Buildings and structures must not over-sail Network Rail air-space. Any future maintenance must be conducted solely within the applicant's land ownership. Rainwater goods must not discharge towards or over the railway boundary. Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure. Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

(Scaffolding) Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or

maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

(Drainage proposals and Network Rail land) In order to comply with the NPPF, the applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. If the developer and the council insists upon a sustainable drainage and flooding system then the issue and responsibility of flooding, water saturation and stability issues should not be passed onto Network Rail. We recognise that councils are looking to proposals that are sustainable, however, we would remind the council that flooding, drainage, surface and foul water management risk as well as stability issues should not be passed '*elsewhere*', i.e. on to Network Rail land. The drainage proposals are to be agreed with Network Rail and surface water drainage on the site should be removed by a closed sealed pipe system.

The HSE identifies railways as a Major Hazard Industry. An earthwork failure within a high-hazard area has the potential to result in a catastrophic accident with multiple fatalities or long-lasting environmental issues. It should be noted that where the actions of an adjacent landowner have caused a landslip on the railway the loss adjusters are likely to advise recovery of Network Rail costs from the 3rd party, which would include costs of remediation and recovery of costs to train operators. Many railway earthworks were constructed in the Victorian period and are susceptible to failure by water saturation. Water saturation leads to an increase in pore water pressure within the earthwork material. Please also note that railways, and former railway land adjacent to it, is considered as contaminated land due to historic use of railways, which can affect the suitability of infiltration drainage.

Network Rail would request that a condition is included in the planning consent as follows – Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to the Local Planning Authority and Network Rail. This is to protect the adjacent railway from the risk of flooding, soil slippage and pollution.

(Excavation and Earthworks and Network Rail land) In order to comply with the NPPF, the applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

Network Rail requests a condition is included in the planning consent as follows – Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to the Local Planning Authority and Network Rail. This is to protect the adjacent railway and its boundary.

(3m Gap) Network Rail requires that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments.

(Trees) Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future.

(Basic Asset Protection Agreement – BAPA) As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

7.12 Ward Cllrs – There are concerns that the industrial unit blocks B and C are very near the houses 40-56 Rosewood Avenue. It is appreciated that the developer wants to maximise the number of units on the site but feel that in doing so they are pushing them too close to the neighbouring houses. The developer obviously recognises this as an issue, which is presumably why they cite other instances of industrial units being adjacent to houses elsewhere in the borough. As each planning application has to be assessed on its own merits, yet it is not felt that the siting of poor or historic decisions made elsewhere can have much bearing.

7.13 Highways England – No objections.

7.14 Summary of Public Responses

- The site is allocated for housing in the Roe Lee Master Plan;
- Noise impacts may be caused for neighbours;
- Boundary trees will be lost that currently provide screening;

- Additional traffic movements will be generated;
- The existing access is not suitable for the proposed use;
- The local highway network already experiences high volumes of traffic;
- Negative impacts on local wildlife may be caused;
- Trees have already been felled on site;
- Additional traffic movements may destabilise the structure of properties;
- Unauthorised boundary treatments have been recently erected;
- The adjacent site is being used for car sales
- Local property prices will be devalued.

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

DATE PREPARED: 06th January 2022

9.0 SUMMARY OF REPRESENTATIONS

Objection – Councillor Ron Whittle, Roe Lee Ward. Received – 04/11/2021

I'm concerned that the industrial unit blocks B and C are very near the houses 40-56 Rosewood Avenue. I appreciate that the developer wants to maximise the number of units on the site but feel that in doing so they are pushing them too close to the neighbouring houses.

The developer obviously recognises this as an issue, which is presumably why they cite other instances of industrial units being adjacent to houses elsewhere in the borough. As each planning application has to be assessed on its own merits I don't think citing perhaps poor or historic decisions made elsewhere can have much bearing.

Objection – Mrs Green. Received – 19/10/2021

Strongly recommend planning should not be given this will impact on house prices for residents, it's bad enough now with roe lee business park units being used for drugs this is a residential area not industrial

Objection – Saima Ali, 56 Rosewood Avenue, Blackburn. Received – 03/11/2021

This email is my objection to the planning application on the land adjoining my property.

As mentioned on your letter this land is being considered for industrial units and I am extremely concerned about the impact this will have on myself and other residents in the local area.

For several reasons, Not only are you destroying nature and natural wildlife in the area there will be constant noise

nuisance from the heavy goods vehicles. If they are going to be using the road at the side of my garden , which more likely they will as a locked gate has been put up, this will cause a major driving hazard. The gate can not be seen when driving up or down the main road.

I would also like to point out that Myself and residents were not informed about the gate or metal fencing going up on rosewood Avenue! Or that the farthing pub car park had been purchased and was going to be used as a car sales place. I queried this with the council several times and was advised each time that they were not aware of the situation and would come out to investigate. It appears someone from the council eventually did come out several months later as all the residents promptly received letters informing us of this plan, however as stated this was after the gate and metal fencing had already been erected! .

The constant moving of heavy good vehicles by the side of my house will also cause the ground to destabilise causing structural damage to my property. And causing my building insurance policy to skyrocket.

If in future I decide to sell my property this development will have a major consequence on devaluing house prices for my property and other properties in the area.

Several months earlier I came across the person who had purchased the land and he was was in the process of carrying out work. Myself and residents noticed trees being cut down, he informed us he had bought the land for 300k and had the right to cut away the trees including the ones on the boundary of my garden!. The trees on my boundary and my neighbours provide us with privacy and safety especially with having young children.

Myself and other residents are feeling very stressed about this situation and we would like clarity as to what is happening.

We would like to be involved in any future meeting/committee regarding this land

Objection – Councillor Ron Whittle, Roe Lee Ward. Received – 04/11/2021

I'm concerned that the industrial unit blocks B and C are very near the houses 40-56 Rosewood Avenue. I appreciate that the developer wants to maximise the number of units on the site but feel that in doing so they are pushing them too close to the neighbouring houses.

The developer obviously recognises this as an issue, which is presumably why they cite other instances of industrial units being adjacent to houses elsewhere in the borough. As each planning application has to be assessed on its own merits I don't think citing perhaps poor or historic decisions made elsewhere can have much bearing.

Objection – Residents. Received – 17/12/2021

regarding the proposed
planning application for the
development of a new Industrial unit.
Has a resident on Rosewood Avenue,
I would ask you if you would consider
coming to the Avenue at different times
of the day seven days a week just
to see what we have to put up with.
Due to Skew Bridge being at the bottom
of the Road there is no alternative
for wagons, lorries etc which is too low
for them to get under, traffic that detour
containers all come up at full speed.
The state of the roads there's soil, much
rubbish all over, at the bottom of the

road we have double parked cars
Starting right on the bend at certain
times of the day, a trailer, double
decker bus, vans, if they can't
park on the road the grass verge will do.
There is a Scrap yard at the bottom
Would you like it on your doorstep.
Never mind dropping curbs, landscaping

have a good look round. Car parking on
either side at traffic lights at Bastwell
the State of the Whalley New Rd just
past it, dust bins out side houses.

We live here and appear to have to put
up with it. what a disgrace

Maybe it would be a good idea to have
the area a good clean up by the
Council give us something to be proud of
have a good look round see how
we live. its embarrassing.

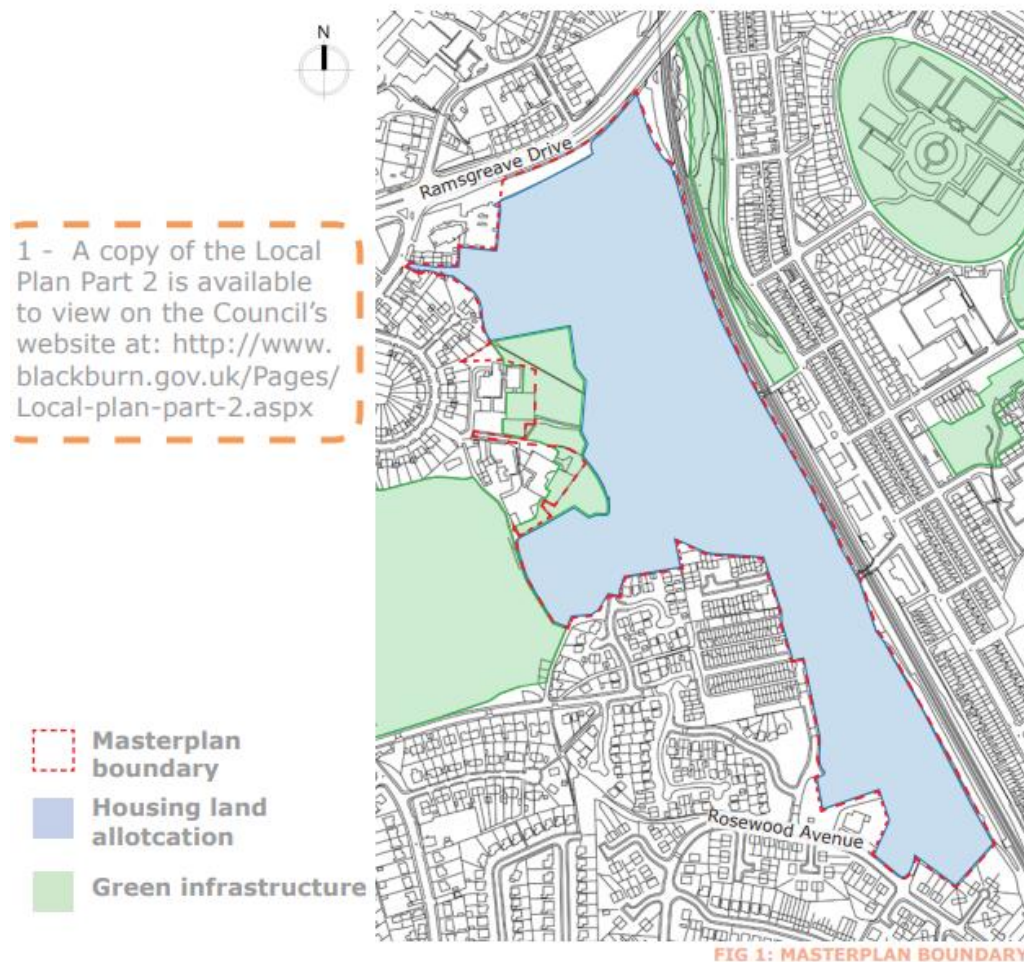
Do we need anymore traffic, the
answer is NO!

This is my opinion.

Comment – Mr Gibbons, 19 Rosewood Avenue, Blackburn. Received – 29/09/2021

Please can I draw your attention to the MASTERPLAN FOR ROE LEE DEVELOPMENT SITE (adopted by the Council on 09 December 2016) which encompasses this development proposal site (application 10/21/1104).

Page 3 of the MASTERPLAN indicates the Masterplan Boundary and states Housing Land Allocation. Here coloured in blue.



This should not be ignored or forgotten.

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/1200

Proposed development: Full Planning Application for: Proposed demolition of rear conservatory and erection of rear double and single storey extensions and front porch.

**Site address:
5 Moorcroft
Lower Darwen
BB3 0RY**

Applicant: Mr A Ali Butt

Ward: Blackburn South & Lower Darwen

**Councillor John Slater
Councillor Jacqueline Slater
Councillor Denise Gee**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This householder planning application is reported to the Committee following receipt of 6 objections from the local community. Committee referral is in accordance with the adopted Scheme of Delegation – “Chair Referral process”.

2.2 This recommendation follows detailed assessment of initial drawings and subsequent amendments, in consultation with neighbouring properties and Ward Members, with specific reference to design, neighbouring amenity impact and parking provision. The proposal is found to be consistent with the Development Plan and The Framework.

2.4 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.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site (the site) relates to a detached dwelling house and associated curtilage (Use Class C3a), located within the urban boundary of Lower Darwen, to the north west of Moorcroft. Moorcroft is a cul-de-sac that sits within a wider housing development. The property is flanked by dwellings to the sides and rear.

3.2 Proposed Development

3.2.1 Full planning permission is sought for the erection of rear double and single storey extensions and a front porch. Reconfigured ground floor living space, including a new kitchen, and an additional first floor bedroom is proposed. An additional in-curtilage parking space is also proposed. Full details are set out in the submitted 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
- CS16 – Form and Design of New Development

3.3.4 Local Plan Part 2 (LLP2)

- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 10 – Accessibility and Transport
- Policy 11 – Design

3.4 **Other Material Planning Considerations**

3.4.1 Residential Design Guide Supplementary Planning Document (2015) polices:

- RES E1 Materials
- RES E2 45 Degree Rule
- RES E3 Separation distances
- RES 4C Garages and Parking
- RES E5 Over development
- RES E4 Detailing your extension RES E7 Rear extensions
- RES E16 Porches

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

The following area of The Framework is relevant to the proposal:

- Section 12: Achieving well-designed places

3.4.3 National Planning Policy Guidance (NPPG).

3.5 **Assessment**

3.5.1 In assessing this application, the following important materials considerations have been taken into account:

- Principle of the development;
- Residential amenity impact;
- Highways - Accessibility and Transport; and
- Design / Character & Appearance.

3.5.2 Principle

In land use terms, as a site within the urban boundary, the principle of the development is accepted, in accordance with the NPPF's presumption in favour of sustainable development, which should proceed without delay,

unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters:

3.5.3 Amenity

Policy 8 includes a requirement for development to contribute positively to the area and to secure a satisfactory level of amenity and safety for surrounding uses, including reference to privacy / overlooking, and the relationship between buildings.

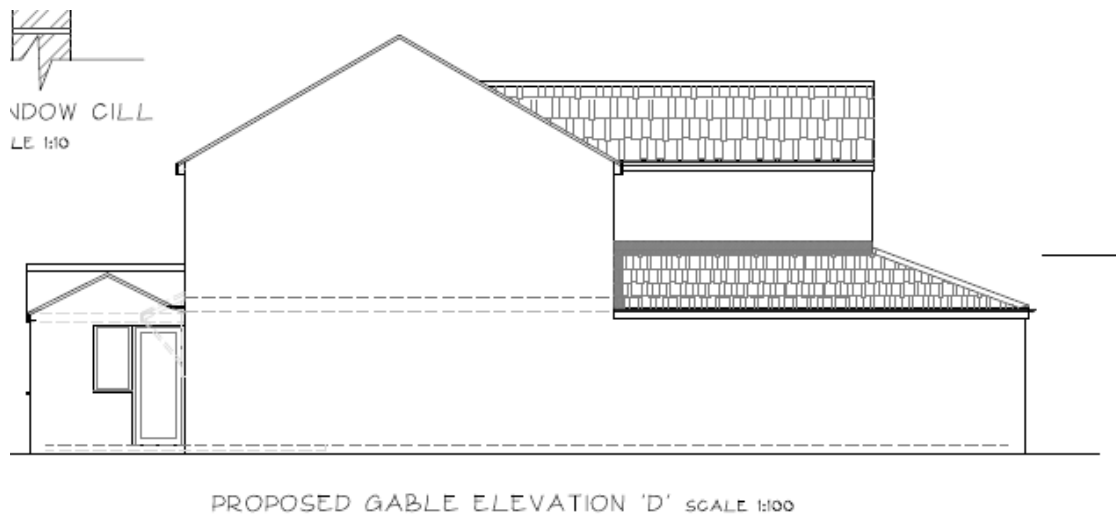
3.5.4 The rear single storey extension will run the full width of the house and project circa 7.2m, up to a height of 2.55m to eaves and 3.56m to the ridge. It will be separated by circa 2.5m from the conservatory to the rear of the neighbouring dwelling at no. 7. Adequate separation, the relatively modest height proposed and the intervening existing circa 1.8m high boundary treatment, guard against any significant loss of light / overshadowing to the neighbouring conservatory.

3.5.5 Separation of circa 6.4m between the proposed first floor extension and the upper floor bedroom window at no. 7 guards against any significant loss of light / overshadowing, as demonstrated by application of the 45 degree guidance. Separation of circa 4.4m to the common boundary guards against any significant sense of dominance towards the rear garden space of no. 7 and overshadowing to the conservatory. The existing relationship between the site (right hand property) and no. 3, and the proposed rear extensions are shown below.





Proposed rear elevation: Extracted from proposed drawings, Younus Khan Architectural Consultant, Oct 2021



Proposed side elevation facing no. 7: Extracted from proposed drawings, Younus Khan Architectural Consultant, Oct 2021

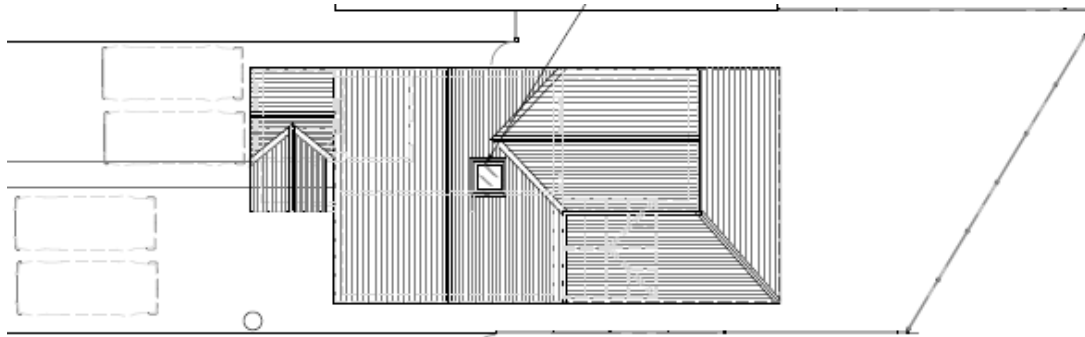
- 3.5.6 Although the ground floor extension represents a significant increase in floor space, it is noteworthy that the 'Permitted Development' rights for a detached dwelling afford the opportunity to extend by up to 8m in length, subject to prior notification of such to the Local Planning Authority.
- 3.5.7 Separation of circa 1.7m between the first floor extension and the common boundary shared with no. 3 and the presence of a single storey extension at no. 3, along the boundary, guards against any sense of dominance towards no. 3. Separation of circa 6.5m to an upper floor bedroom window at no. 3, guards against any loss of light / overshadowing.
- 3.5.8 Separation between proposed bedroom windows to the first floor and first floor bedroom windows to the rear of no. 2 Briarcroft, to the rear of the site, is in excess of the 21m minimum standard.

3.5.9 Accordingly, the relationship between the proposal and neighbouring dwellings is found to be acceptable, in compliance with the requirements of Policy 8, the Residential Design Guide SPD and The Framework.

3.5.10 Highways

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 parking, in accordance with the Council's adopted standards.

3.5.11 An additional bedroom is proposed, generating the need for an additional in-curtilage parking space. Two additional spaces are proposed, in exceedance of the Council's minimum benchmark standard for a 5 bedroom dwelling. These are illustrated below:



Extracted from proposed drawings, Younus Khan Architectural Consultant, Oct 2021.

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

3.5.13 Design / Character & 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.

3.5.14 The extensions are considered a proportionate addition to the host dwelling, through adherence to the following design principles advocated in the SPD:

- Subordinate first floor ridge line;
- matching first floor roof profile;
- matching external materials;
- proportionate fenestration; and
- adequate retention of outdoor amenity space.

3.5.15 The hipped roof profile of the ground floor rear element is also suitably sympathetic. Moreover, as a hipped roof, rather than a gable, it has a reduced mass which limits impact on the neighbouring property.

3.5.16 The porch to the front of the property (shown below), projects perpendicular from the existing single storey element. Its modest scale, matching gable roof profile and matching materials ensure a sympathetic addition to the street scape. Moreover, the alteration is considered in the context of varied frontages to properties along Moorcroft.



Extracted from proposed drawings, Younus Khan Architectural Consultant, Oct 2021

3.5.17 Matching materials will be secured via condition.

3.5.18 Accordingly, the proposal is found to constitute good design, in accordance with the requirements of Policy 11, the Residential Design Guide SPD and The Framework.

3.5.19 Other Matters

Local residents have expressed concern at the scale of the proposal, as a disproportionate addition, in contrast to local context and the prospect of the property becoming a House in Multiple Occupation (HMO). Justification of scale is offered above. As regards a HMO, such concern is unfounded. The proposal seeks alterations to an existing dwelling, no change of use is proposed.

3.5.20 Summary

This report assesses the householder planning application. 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:

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 application received as detailed on the Location Plan and drawings numbered:

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

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

REASON: To ensure that the external appearance of the development is satisfactory, in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

5.0 PLANNING HISTORY

5.1 No planning history exists for the site.

6.0 CONSULTATIONS

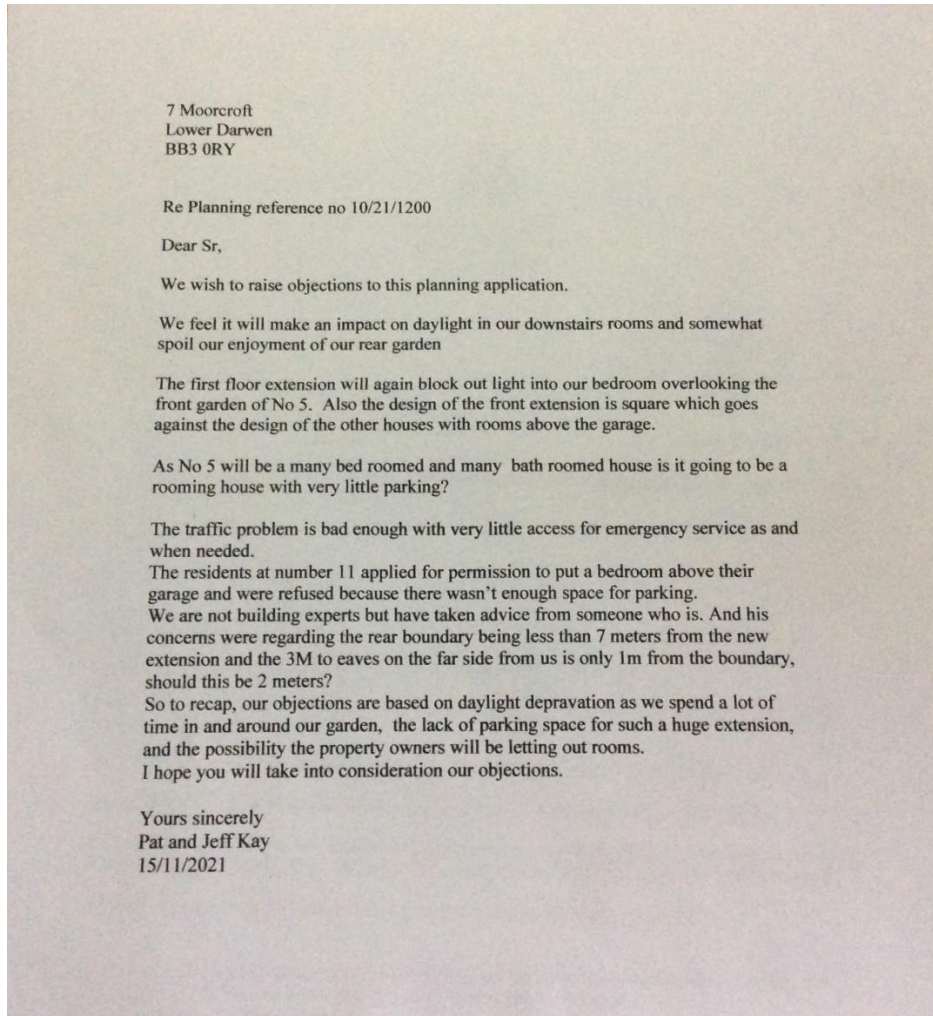
6.1 As a householder application, consultation was limited to the public and Ward Members. 8 letters were posted to the local community. In response, 6 objections were received (see Summary of Representations).

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

8.0 DATE PREPARED: 7th January 2021

9.0 SUMMARY OF REPRESENTATIONS

Objection – Pat & Jeff Kay, 7 Moorcroft, Lower Darwen. Received – 15/11/2021



Objection - Steve Fielding, 10 Moorcroft, Lower Darwen. Received – 15/11/2021

I wish to raise my **objection** to the proposed planned alterations to
5 MOORCROFT LOWER DARWEN Application no 10-21-1200

The proposed changes to the front elevation to incorporate a dormer above what was a garage, this has already been converted to a room.

The change to the frontage of the property is **out of character** with the rest of the houses on the cul-de-sac NONE having an extension of this type, giving rise to a dormer bedroom /room. There are

some four bedroom houses with a sloped roof above the integral ground floor garage yielding a slightly larger 4th bedroom on the first floor (which were built as per the original plans of 1989 }

The housing on the cul de sac were designed and were planned in 1989 for detached 3 and 4 bedroom residential dwellings and essentially it remains the same.

I question the need for such extensive alterations generating numerous extra rooms and bathrooms, is this purely for residential use or is it planned for this to become an investment property for example a house for multiple occupancy .

If the plan is at some stage for this to become a house of multiple occupancy it would be out of balance with all the other houses on the cul de sac which are just family 3 and 4 residential family homes .Another obvious concern is with increased occupancy the requirement for additional parking

Objection – Steve Fielding, 10 Moorcroft, Lower Darwen. Received – 01/12/2021

Dear sir

Can I thank Nick Blackledge for the time he spent yesterday with us ,explaining the extent of the planning application as noted below.

I am please to see the proposed alterations to the front elevation have now been altered.

However as stated on my original submission . I still question the need for such extensive alterations generating numerous extra rooms and bathroom's is this purely for residential use or an investment property .The proposed alterations appear to almost double the existing footprint of the original house.

The housing on the cul -de -sac of Moorcroft and in all the surrounding developments off Milking Lane ,of which there have been many and indeed more are planned around the new Millbank Road area have always been essentially for 3 and 4 bedroom residential dwellings .So a proposed dwelling of this size and with so many rooms would be a first in the area and out of kilter with the rest of the housing in the area .

Objection – Mrs G Gunn, 9 Moorcroft, Lower Darwen. Received – 16/11/2021

Dear Sirs

I would like to object to the planning application as detailed above.

One of the main concerns is the future use of this property as it is being converted from a 4 bedroom property to what could be numerous more bedrooms (unclear on the future plans) but it could be 6 or 7 bedrooms.

Is this going to be a multi-occupancy property?

It would not fit in with existing properties on the close which are 3 or 4 bedrooms.

The plans seem to have been "pushed" through as there has not been much time for any objections, the plans had only been submitted in October.

The external appearance does not conform with the existing properties

Parking is another issue with only limited parking spaces at the property and limited on street parking available. It can prove difficult to park on the close now, without the possibility of additional cars adding to congestion.

Objection – Peter Leach, 15 Moorcroft, Lower Darwen. Received – 16/11/2021

I wish to comment on the above application. I feel that it should not be approved because of the problems associated with parking.

Moorcroft is a small development consisting of 21 houses, which are accessed by a single road leading to a small hammerhead at the top. When constructed in the early 90's, drives were provided for parking for each property, which at the time were adequate. However with the increase in car ownership in the last 30 years this is now no longer the case. Due to the narrowness of the road there are frequently problems for delivery vehicles because of cars double-parked on the road, and this could prove very problematic for emergency vehicles, should the need arise.

The proposed extension would see the addition of 2 further bedrooms to the property (a ground floor guest bedroom and another on the 1st floor). It is very likely that the increased occupancy will result in additional vehicles which will cause further congestion.

I would also point out that a few years ago your department rejected a similar application for a similar extension for the very same reason at No 11 Moorcroft.

Objection – Daphne & Richard Hill, 2 Briarcroft, Lower Darwen. Received – 17/11/2021

Dear Sir/Madam,

I am writing to inform you of our concerns regarding the planning application @ 5 Moorcroft Lower Darwen.

We already feel that we are overlooked by this house, we can see people in the house even without lights on & if the building is coming nearer our fence then the problem will be worse. The building will not be far off our fence & we appear to be the only neighbour that they look directly onto.

A double storey extension will make it all the more easier to look directly into our garden & there will be more people living in the house as it will have more bedrooms & very little outside space.

We have no problems with the owners & we don't how long they have owned the property for but they have not done any repairs to the fence when there have been problems with the tennant's dogs etc so we are a little wary as to how good the extension will look & blend in with the rest of the surrounding buildings.

Objection – Daphne & Richard Hill, 2 Briarcroft, Lower Darwen. Received 25/11/2021

We have looked at the new proposed planning application & cannot see anything that is different from our view of the back of the house. We feel it will be too near our fence & there will be very little garden left.

Our original thoughts about this application still stand, the building will be out of keeping with the rest of the houses in the street.

Objection – John Ashurst, 3 Moorcroft Lower Darwen. Received – 02/12/2021

I am writing with respect to the above planning application for 5 Moorcroft, Lower Darwen.

I do not feel that the proposed changes impact my household though I have some serious reservations about the impact of such a large dwelling in Moorcroft.

Cars being parked on the road/pavements is already a problem, such a large dwelling will certainly make this problem worse as at best the drive at number 5 can hold 2 small cars.

I feel that without more off road parking at number 5 this application is going to lead to more on road parking which could result in increased difficulties for young families with prams or people in wheelchairs etc.

Objection – John Ashurst, 3 Moorcroft, Lower Darwen. Received – 06/12/2021

A couple of years ago the drain in my drive became blocked because of wet wipe type products being flushed in the toilet.

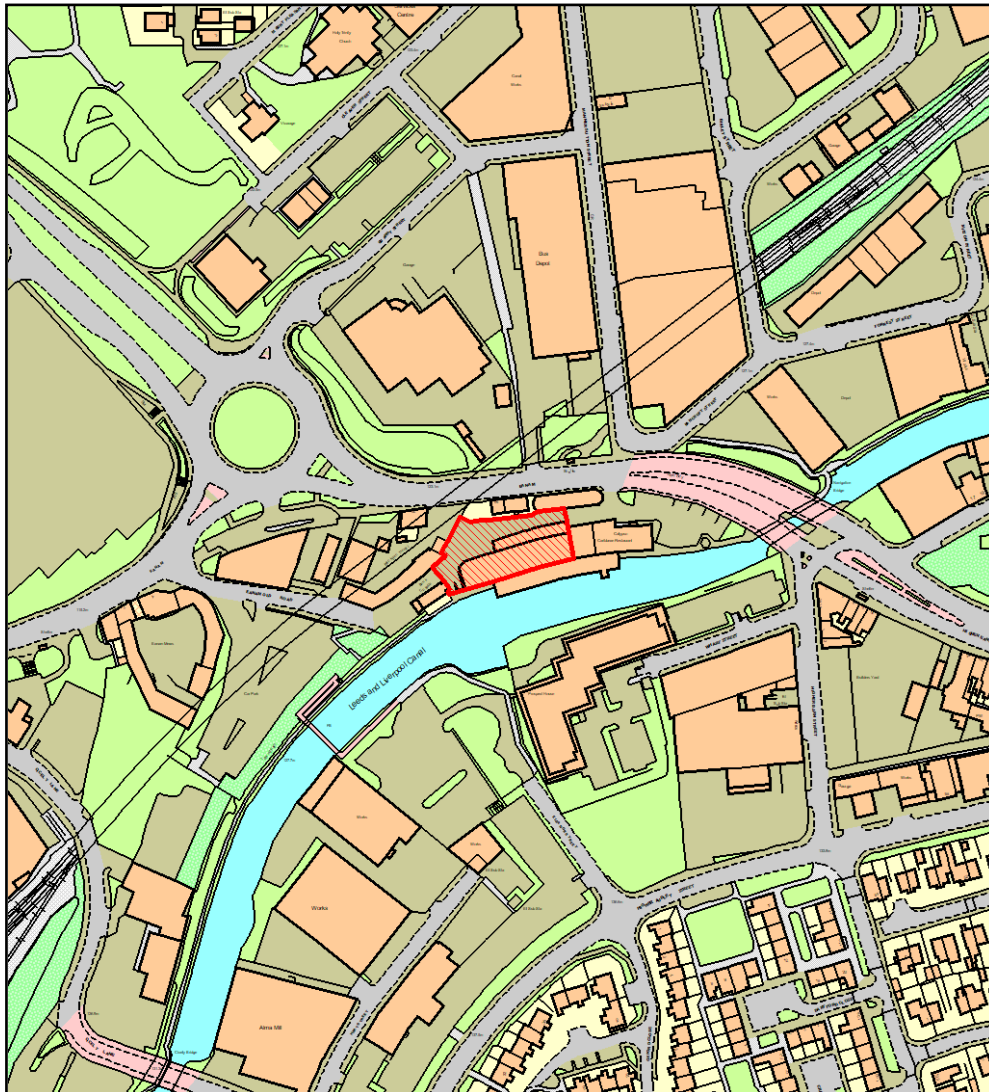
I seem to recall that the drain from number 5 joined up into the one under my property. With a larger dwelling will the drains cope considering that I have already had a problem?

Proposed development: Listed Building Application (Regulation 4) for Replacement of 1980's timber frame windows and doors, replacement with new stand-sheet sash windows with pivot hung types and modern aluminium framed doors

**Site address:
Blackburn Business Development Centre
Eanam Wharf
Blackburn
BB1 5BL**

Applicant: Blackburn With Darwen Borough Council

Ward: Blackburn Central Councillors: Samin Desai, Mahfooz Hussain, and Zamir Khan



1.0 SUMMARY OF RECOMMENDATION

1.1 CONSENT IS GRANTED, subject to the conditions recommended within Paragraph 5.1.

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, as Blackburn with Darwen Borough Council is the Applicant. The planning application has been submitted under Regulation 4 of the Town & Country Planning Regulations 1992.

2.2 The proposal will allow for external alterations by way of replacing the existing timber frame windows and doors with stand-sheet sash timber windows and aluminium framed doors to the host building which is Grade II listed building. As such, it is important to ensure the historic and special architectural importance of the listed building is preserved and where possible enhanced.

2.3 Overall, the proposal is deemed to be acceptable given it will not result in any harm to the significance of the listed building nor will it impact upon the character and appearance of the Eanam Conservation Area.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site relates to Eanam Wharf Business Centre (also known as Blackburn Business Centre) which is situated in the Blackburn Inner Urban Boundary approximately 600m east of the Town Centre.

3.1.2 The proposal site is a former stone built canal warehouse and wharf building which are three storey in height. The south elevation of the building stands on the north bank of the Leeds and Liverpool Canal.



Figure 1: Google aerial view of the application site

3.1.3 The warehouses are Grade II Listed. The site also lies within the designated Eanam Wharf Conservation Area. The immediate surrounding area is characterised with other listed industrial heritage buildings. To the north is British Waterways Office and Canal and adjacent to the west is Bank Cottage.

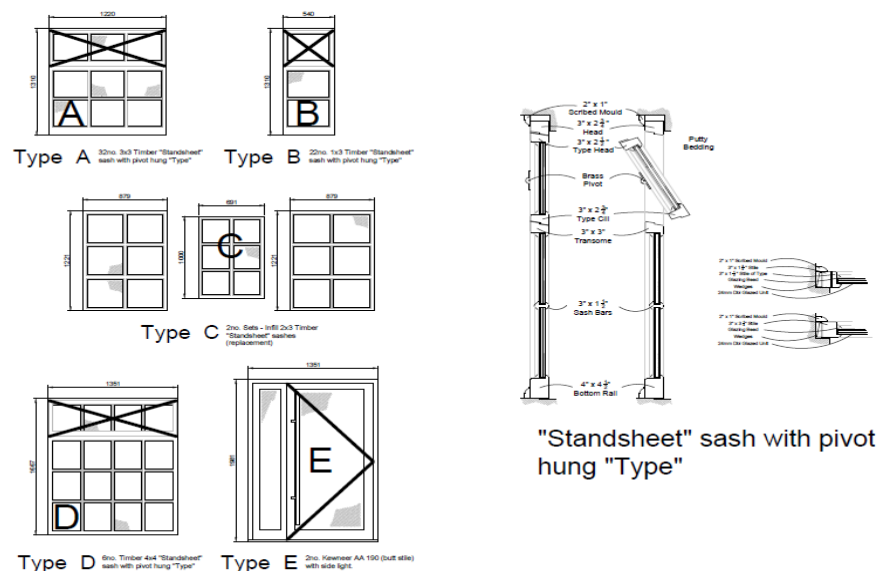
3.1.4 In the mid-1980s the building was granted planning permission for a repurpose and refurbishment to form a public house/restaurant, and office spaces to form the Blackburn Business Centre as presently evident (planning ref. 10/86/1034).

3.2 Proposed Development

3.2.1 The proposed development site as set out in the submitted Heritage Impact Statement will 'comprise of two out of the three warehouses which are part of a larger grouping including a transit shed and original warehouse which are attached to the east.

3.2.2 The proposal seeks to replace the existing 1980s, single glazed timber windows which were installed as part of the buildings conversion. The replacement windows will be traditional stand sheet sash windows with pivot hung 'types' with brass pivot hinges and latches. The arrangement of the glazing bars will depend on the size and proportion of the windows. The main (type A, B and D) windows will have a 3 by 3, 1 by 3 and 4 by 4 arrangement, as shown below in figure 2. The glazing will be energy efficient double glazing.

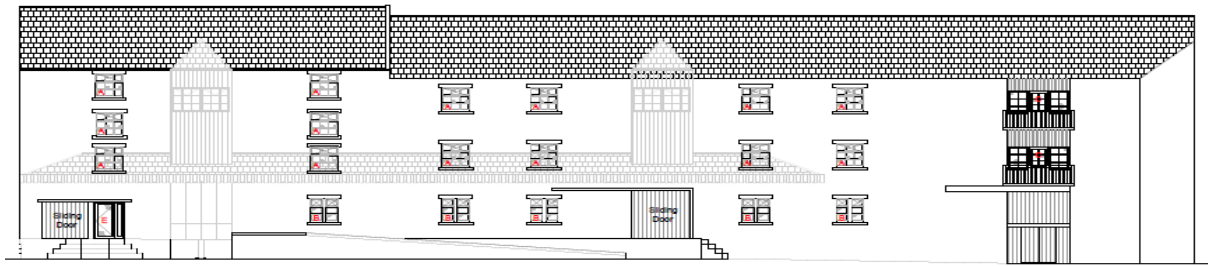
3.2.3 The main entrance door and door to the south elevation will also be replaced with a low profile aluminium door with side light which will be behind timber sliding doors.



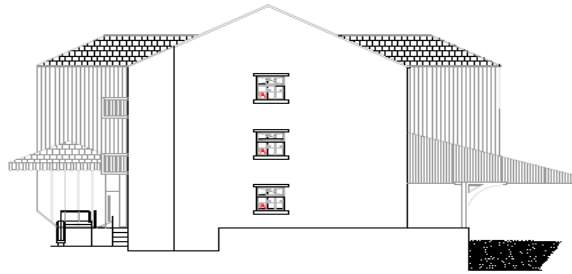
Window / Door Details - 1:50

Window Section Detail - 1:20

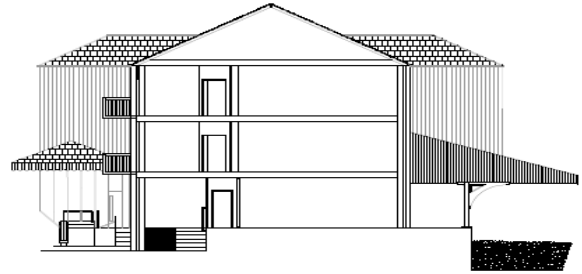
Figure 2: Proposed window and door details



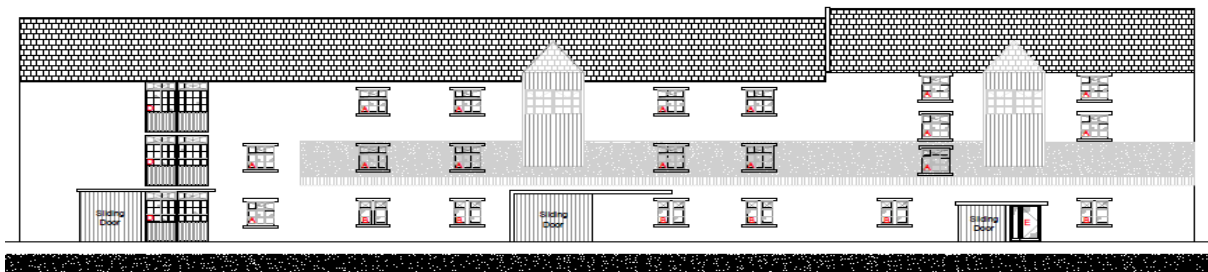
South Elevation 1:100



East Elevation 1:100



Section A-A 1:100



North Elevation 1:100

Figure 3: Proposed Elevations

3.3 Case Officer Photos



3.4 Development Plan

3.4.1 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.

3.4.2 The 'Development Plan' comprises the adopted Core Strategy DPD (2011) and adopted Local Plan Part 2 – Site Allocations and the Development Management Policies (2015).

3.4.3 Core Strategy

- Policy CS16 – Form and Design of New Development
- Policy CS17 – Built and Cultural Heritage

3.4.4 Local Plan Part 2

- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 11 – Design
- Policy 39 – Heritage

3.5 Other Material Planning Considerations

3.5.1 National Planning Policy Framework (NPPF) (July 2021)

- Section 2: Achieving sustainable development
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment

4.0 Assessment

4.1.1 When assessing this application there are a number of important material considerations that need to be taken into account. They are as follows:

- Principle of Development
- Impact of the proposal on the significance of the Listed Building and appearance/character of the Eanam Conservation Area
- Design/Visual Amenity
- Amenity

4.1.2 Principle of Development

4.1.3 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;

- 4.1.4 Impact of the proposal on the significance of the Listed Building and appearance/character of the Eanam Conservation Area
- 4.1.5 The first consideration in the assessment of this application is the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1) of the Act states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest, which it possesses.
- 4.1.6 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 4.1.7 Section 16 of the National Planning Policy Framework (NPPF) concerns itself with development affecting heritage assets. Conservation Areas are considered to be designated heritage assets when assessing planning applications against the Framework.
- 4.1.8 P.199 of the Framework states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance. P.202 identifies that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits.
- 4.1.9 Policy 39 of the LPP2 (2015) relates to heritage, and requires development with the potential to affect any designated or non-designated heritage asset, either directly or indirectly including by reference to their setting, will be required to sustain or enhance the significance of the asset.
- 4.1.10 The main issues to consider are whether the proposal will harm the significance (architectural and historic importance) of the listed building and the character and appearance of the Eanam Conservation Area (CA).
- 4.1.11 Firstly, the Conservation Officer has stated that the building is regarded as being of high significance resultant of its historic association to the development of the canal and former uses and in its built form and relationship with the other canal side buildings / structures.
- 4.1.12 However, it has been noted that the conversion of the building into office space in the mid-1980s (10/86/1034) resulted in both internal and external works which altered the appearance of the building. As such, all the existing windows are considered to be modern in the form of divided timber 'top-hung' casement style. It is acknowledged that these existing windows have no

intrinsic value other than the contribution they make to the appearance of the building.

4.1.13 The proposed replacement windows will be timber, pivot hung windows incorporating brass pivot hinges and latches which are of a traditional 'workshop' style commonly used in the early C20. The Council's Conservation Officer recognises that the new style of window will better reflect a more traditional style of window, and as a consequence has greater integration and compliments the industrial character of the Wharf building.

4.1.14 On the above basis, the new windows will not cause any harm or loss of significance to this listed building and is seen to be an overall improvement and enhancement to the character and appearance of the host property.

4.1.15 The proposal also seeks to replace the existing front main entrance door and rear (south elevation) ground floor door with slim profile aluminium doors with side lights. Given the positioning of doors these will not be visually prominent as they sit behind sliding timber doors. As such, this provided a simple treatment for enclosing the current openings, and is considered to preserve the buildings significance.

4.1.16 Whilst not a requirement as part of the LBC assessment nor will the works cause any noticeable harm to the immediate setting and group relationship between the adjacent listed buildings.

4.1.17 The agent has confirmed the proposed standsheet sash windows which are to be constructed with Sapele timber will be finished in a linseed oil based paint of anthracite grey colour. The aluminium door would also match the colour of the windows (i.e. anthracite grey). The proposed finishes are considered acceptable and given coherence is maintained between both the proposed windows and doors in terms of colour the proposed work will not cause any discernible harm to the listed building.

4.1.18 To conclude, the proposal would meet the statutory test 'to preserve' and 'enhance' and would cause no harm to both the significance of the Listed Building and character and appearance of the Eanam Conservation Area. Therefore, no balancing exercise is required as per NPPF P.202. As such, the proposal meets the objectives of Chapter 16 of the NPPF and accord with Policy CS17 and LPP2 (2015), Policy 39.

4.1.19 Design/Visual Amenity

4.1.20 Policies CS16 and 11 require 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.

4.1.21 The proposed external alterations, as already established in the previous subsection are considered to be sympathetic and overall will significantly improve and enhance the appearance of the host building.

4.1.22 As such, the proposed development is acceptable in visual design terms, thereby according with Policies CS16 and Policy 11.

4.1.23 Amenity

4.1.24 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.

4.1.25 The site is positioned within an exclusively commercial area. The proposal is solely a replacement of design/materials to the existing windows, main entrance door and door at the rear of the building. No new window/door openings are to be created.

4.1.26 On that basis, the proposal will not result in any impact upon surrounding amenity, and is therefore acceptable, in accordance with Policy 8.

4.1.27 Summary

4.1.28 Taking into account all of the above, the proposal is considered to meet the requirements of the relevant Development Plan policies, subject to conditions in order to make the development acceptable in planning terms.

5.0 RECOMMENDATION

5.1 Consent is granted subject to the following conditions:

1. The works hereby approved shall be begun before the expiration of three years from the date of this consent. No later than three days after works first begin on site, written notice shall be given to the Local Planning Authority of the date on which works are first commenced.

REASON: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to ensure the Local Planning Authority is informed of the commencement of the first works on the site.

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

- Location Plan
- Drawing No. EW-CAP-01-00-DR-BS-1001 P1 – Site Plan / Roof Void Plan;
- Drawing No. EW-CAP-01-00-DR-BS-1003 P1 – Proposed Elevations; and
- Drawing No. EW-CAP-01-00-DR-BS-1004 P1 – Detailed Drawings, Window / Door Details - Received 16th November 2021

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

3. The materials to be used on the external surfaces of the development as indicated on Detailed Drawings – Drawing No. EW-CAP-01-00-DR-BS-1004 P1 received on the 16th November 2021 and the submitted application form shall be implemented as indicated unless otherwise agreed in writing by the Local planning Authority.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 and 39 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

6.0 PLANNING HISTORY

APPLICATION NUMBER	DESCRIPTION OF DEVELOPMENT	DECISION	DATE
10/04/1004	Internal alterations to create additional toilet areas	Withdrawn	27/08/2004
10/04/1003	Installation of additional toilet facility	Approved	04/11/2004
10/00/0001& 10/99/0952 (Full app and LBC)	Minor alterations to south elevation: 2 new windows, 2 mechanical vent outlets and 1 new timber screen; all materials to match existing. Minor alterations to internal partitions	Approved	13/04/2000
10/94/0404 & 10/94/0399 (Full app and LBC)	Proposed Disabled Ramp Access to existing building	Approved	14/07/1994
10/91/0760 & 10/91/0886 (Advertisement app and LBC)	Signage and floodlighting to the Wharf Public House	Approved	13/08/1991
10/86/1036 & 10/86/1034 (Full app and LBC)	Renovation/conversion of the previous Canalside Warehouses into a number of uses: public house/restaurant, ancillary area to above, inc. flat, exhibition/office area, Blackburn Business Development Centre & unknown use (possible office etc)	Approved	12/08/1986
10/82/2101 & 10/82/2100 (Outline app and LBC)	Refurbishment and conversion of former British waterways depot to craft studio/workshops and public house/restaurant	Approved	02/02/1983
10/80/2295 (Outline app)	Conversion of existing warehouse and office buildings to office, public house, kitchen and training facilities	Approved	09/04/1981
10/79/2148 (Outline app)	Conversion of existing canal Depot into a complex of mixed use workspaces to accommodate Arts, Crafts, Commerce, Industry	Approved	14/01/1980

	and Leisure		
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7.0 CONSULTATIONS

7.1 Statutory Consultation

Due to the proposals affecting a listed building and the proposed works to be carried out are to a building within the Eanam Conservation Area the Council's Conservation Officers, Historic England, the Historic Amenity Societies and Lancashire Archaeology Advisory Service have been formally consulted on the application.

No objections have been received from these statutory consultees. Their comments particularly those from the Council's Conservation Officer have been referred to throughout sub-section 4.1.4 – 4.1.18 of this report.

7.2 Public Consultation

Public consultation has taken place by means of 10 letters posted to surrounding neighbouring addresses on 19th November 2021. The application was also displayed by Site Notice given the application site is a Grade 2 Listed Building and is situated within the designated Eanam Conservation Area. This notice was positioned at the entrance of the application site on Higher Eanam. A press notice also advertised the proposal on 22nd December 2021. In response to the public consultation, no letters of representation have been received.

8.0 CONTACT OFFICER: Jamie Edwards, Planning Officer

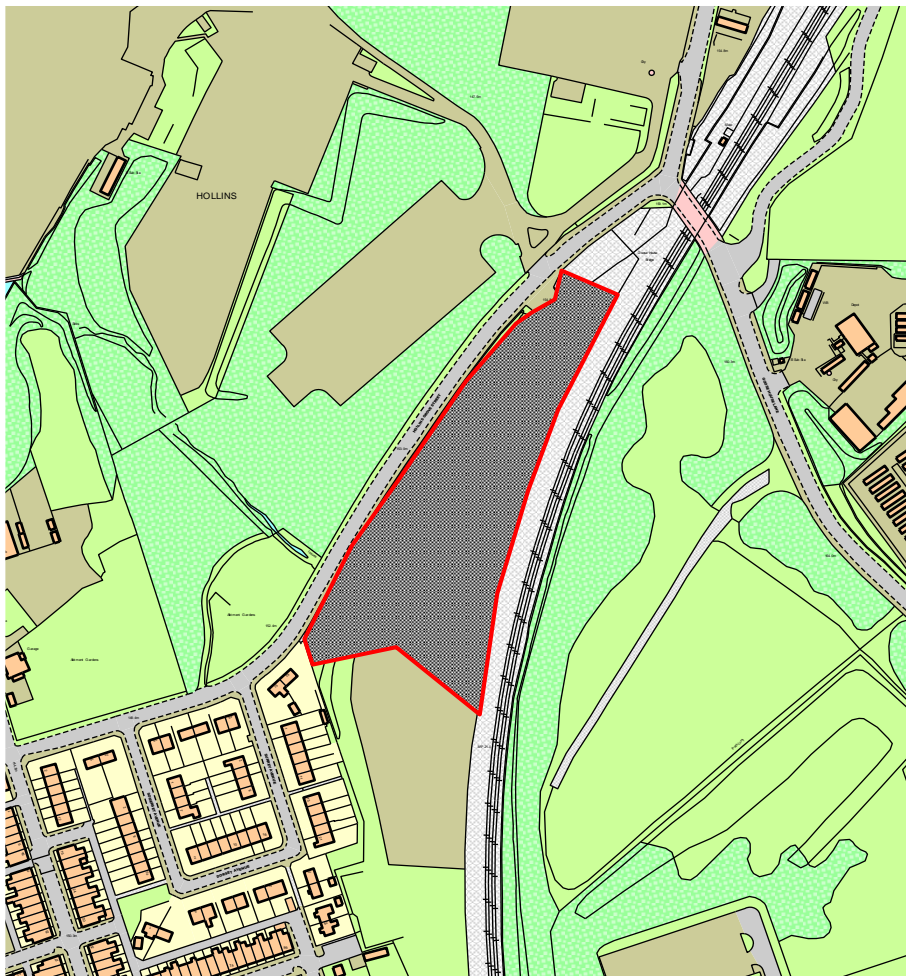
9.0 DATE PREPARED: 07 January 2022

Proposed development: Reserved Matters Application for Approval of the matters reserved by the Outline (Hybrid) planning permission ref: 10/20/0107 (Appearance, Landscaping, Scale and Layout) for the erection of 13no. Industrial units with associated landscaping and access to the land off Hollins Grove Street

**Site address:
Hollins Industrial Park
Hollins Grove Street
Darwen
BB3 1HG**

Applicant: Hollins Industrial Park Ltd

**Ward: Darwen East
Councillor Paul Browne
Councillor Katrina Louise Fielding
Councillor Jane Margaret Oates**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions; as set out in paragraph 4.1.

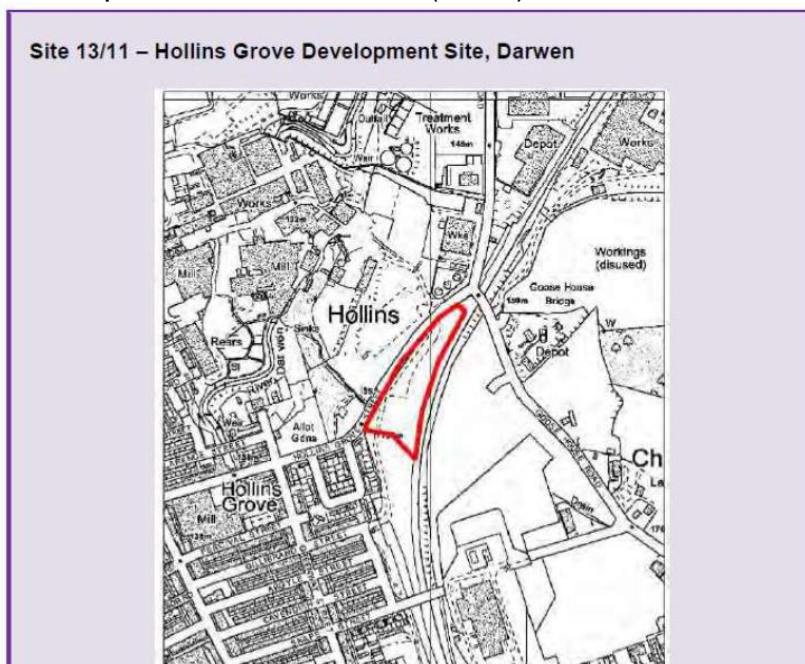
2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application considers Reserved Matters (RM) for 13no. Industrial units with associated landscaping and access to the land off Hollins Grove Street, pursuant to a hybrid planning permission 10/20/0107 granted by the Committee on 17th July 2020.
- 2.2 Members are advised that matters pertaining to the assessment of this RM application are limited to *appearance; landscaping; layout and scale*. The principle of the proposal has already been established at outline stage.
- 2.3 This application is presented to Committee on account of the application being a significant major planning application, in accordance with the Scheme of Delegation in the Council's Constitution.
- 2.4 The 10/20/0107 hybrid approval established full planning permission for 37 dwellings including creation of a new vehicular access to the Southern end of the site, and Outline permission with "Access" (with all other matters reserved) for B1, B2, and B8 uses including alterations to the existing access to the Northern end of the site.
- 2.5 Members are reminded that from the 1st September 2020, uses falling within Class B1 were abolished and replaced by the new Use Class E.
- 2.6 This RM application relates to the provision of 13 industrial units, which will be located in the northern part of the site, as approved under the original hybrid/outline approval. The proposed use now applied for under this RM application is entirely for Class B2 and B8 use only, with no Class B1 (now Class E) units. The application has been assessed on this basis.
- 2.7 The site is a long-standing vacant employment allocation. Assessment of the application finds that the proposal will deliver a high quality scheme that will assist in meeting the Council's strategic aims and objectives, including economic growth, and the regeneration benefits from bringing the site into active use with a viable development.
- 2.8 All relevant issues have been addressed through the application or can be controlled or mitigated through additional planning conditions.
- 2.9 Various conditions relating to the hybrid / outline approval have been discharged under ref 10/20/0827, referred to in more detail later in this report (para 3.5 – other matters).

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site comprises a former Railway Goods yard, and lies within the Inner Urban Area. 1.3 hectares of the site at its northern end is allocated as Primary Employment Area and is allocated as an Employment site within the adopted Local Plan Part 2 (LPP2):

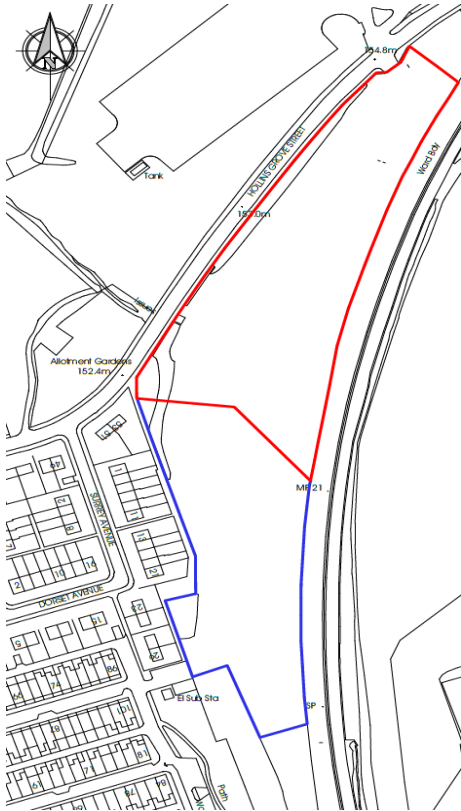


3.1.2 The site is within a High Risk Coal Mining Area, and in a high risk contamination area. The site is located on the northeast side of Hollins Grove Street, opposite the rear boundary and access of Crown Paints Ltd to the west of the site. The Blackburn-Bolton railway line runs to the east of the site. Aggregate Industries (Express Asphalt) are to the north of the application site, and approximately 100m to the south-east is Lucite International Ltd. (LIL).

3.1.3 The proposed industrial units would be located within the northern part of the approved Hybrid application site, with full planning permission granted for 37 dwellings located in the southern part (outside the red edge of this RM application).

3.1.4 The site is irregular in shape being relatively long and narrow and tapering at the northern end. It is relatively flat and is bounded with a metal fence on all sides, and trees along the Hollins Grove Street frontage. The existing vehicular access point lies towards the northern point of the allocated Employment site.

3.1.5 The location plan is shown below:



3.1.6 This aerial photo (below) shows the relationship of the RM site with the surrounding area:



3.2 Proposed Development

3.2.1 Reserved Matters are sought for appearance; landscaping; layout and scale of 13 industrial units, pursuant to outline application 10/20/0107, as set out in the submitted drawings.

3.2.2 The 13 industrial units would be located predominantly in two rows, along the eastern and western edges of the site, with an access road in-between. This linear layout would include 5 units on the western side of the site, and 8 units

on the eastern side. The other unit would stand on its own, closer to the site access.

3.2.3 Landscaping would mainly be along the western (Hollins Grove Street frontage) side of the site. There would also be a substantial green buffer on the south side of the RM site to shield the residential dwellings that will be located to the south.

3.2.4 The proposed site layout plan is shown below:



3.2.5 The total gross development would comprise a total of 2,280sqm/ 24,750sqft, occupying approximately 21% of the total site area.

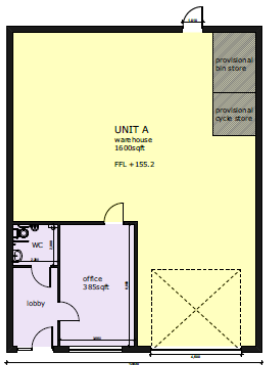
3.2.6 Units 1-10 would each have a floor space of 186sqm / 2000sqft, and Units 11-13 would have a floor space of 140sqm / 1500sqft.

3.2.7 The scheme makes provision for 40 off-road parking spaces (including 13 disabled bays) and includes a shared service yard / access road.

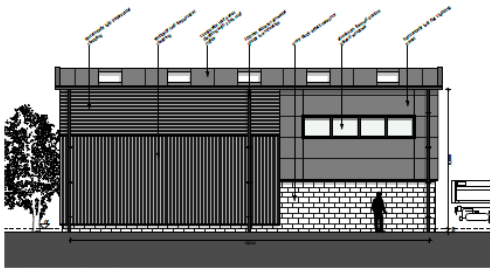
3.2.8 The proposed units would measure circa 6m to the eaves, with a shallow central ridged roof. Materials would comprise a mix of aluminium, cladding and grey block effect masonry.

3.2.9 The elevations and floor plans of the proposed units are shown below.

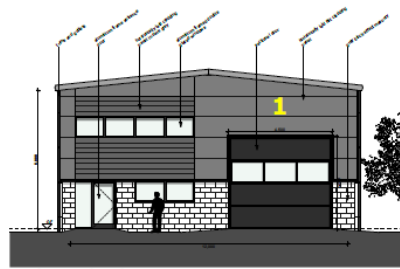
3.2.10 Unit 1



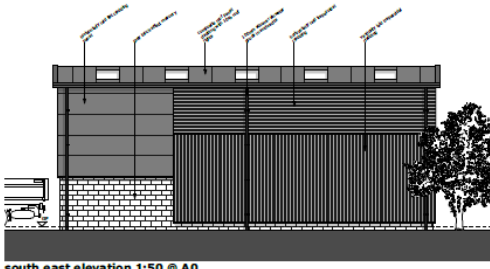
unit 1 proposed floor plan 1:50 @ A0



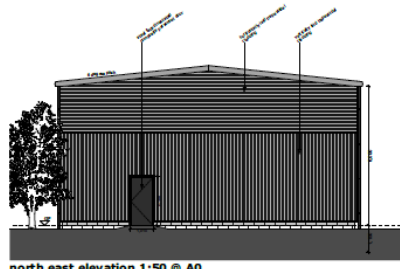
north west elevation 1:50 @ A0



south west elevation 1:50 @ A0

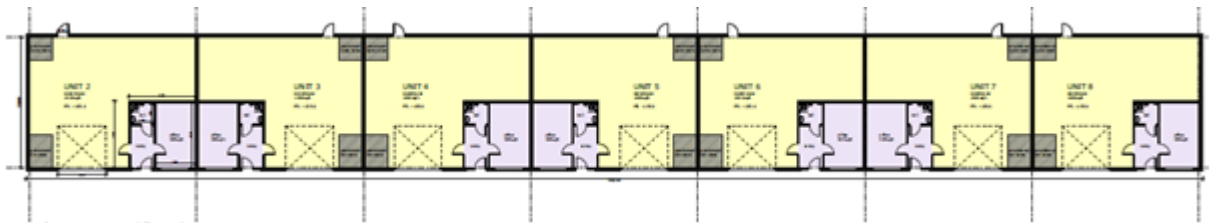


south east elevation 1:50 @ A0

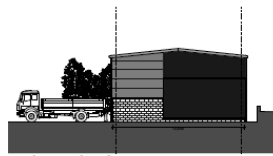
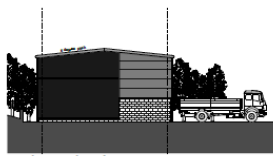
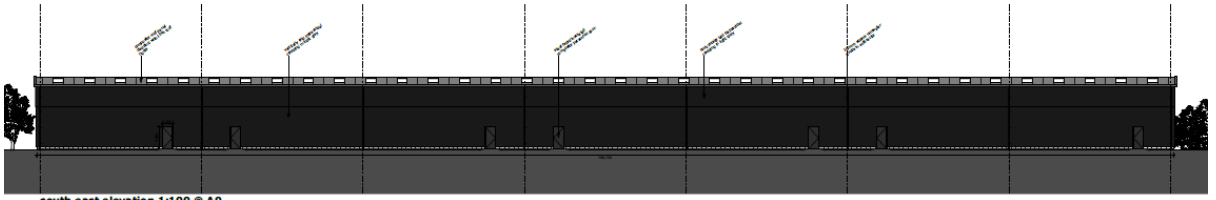
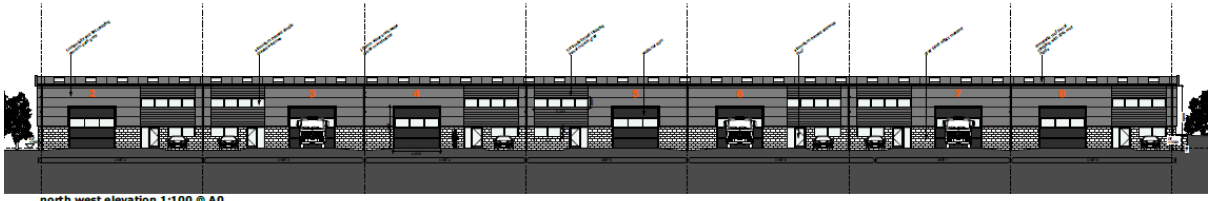


north east elevation 1:50 @ A0

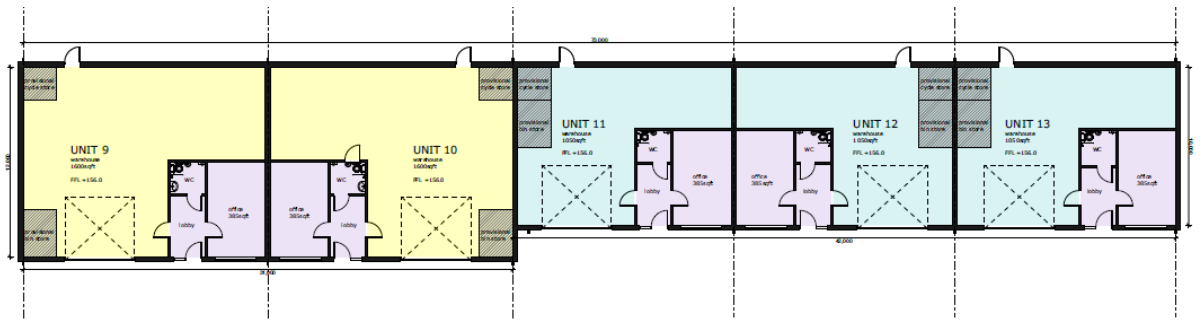
3.2.11 Units 2-10

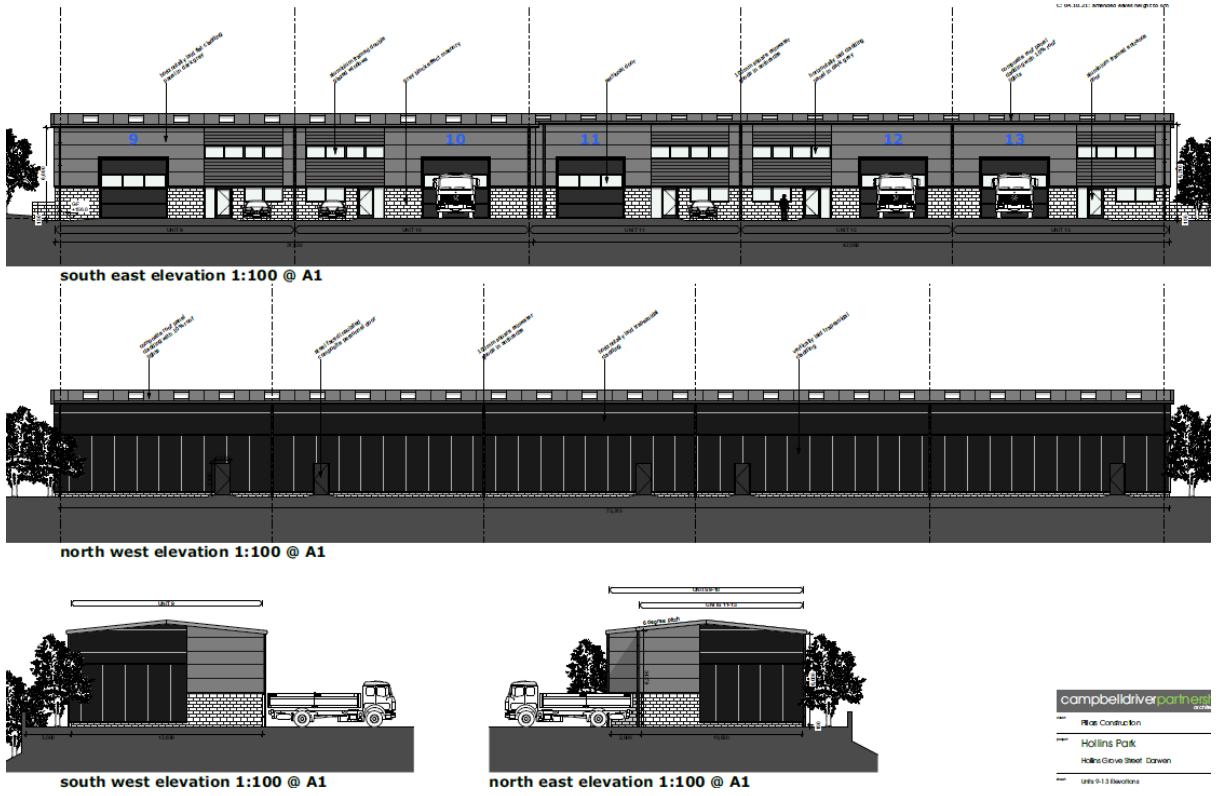


units 2-8 proposed floor plans 1:100 @ A0



3.2.12 Units 9-13





3.2.13 Site photos (taken 14/12/2021):







Site is on the right (photo taken from Hollins Grove Street)



Site access from Hollins Grove Street (access on left, above). This photo is from the applicant's Design and Access Statement.

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 Blackburn With Darwen 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:

3.3.2 Core Strategy

Policy CS1: A Targeted Growth Strategy

Policy CS2: Typology of Employment Lane

Policy CS3: Land for Employment Development

Policy CS4: Protection and reuse of employment sites

Policy CS13: Environmental Strategy

Policy CS15: Protection and Enhancement of Ecological Assets

Policy CS16: Form and Design of New Development

Policy CS18: The Borough's Landscapes

3.3.3 Local Plan Part 2 (LPP2) (December 2015):

- Policy 1: The Urban Boundary
- Policy 2: The Inner Urban Area
- 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 13: Employment Land Allocations
- Policy 28: Development Opportunities
- Policy 41: Landscape

3.4 Other Material Planning Considerations

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

3.4.2 The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 2 – Achieving sustainable development
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenges of climate change, flooding and coastal change

- Section 15 – Conserving and Enhancing the Natural Environment

3.4.3 Blackburn with Darwen Parking Standards

4.0 Assessment

4.1.1 Assessment of this Reserved Matters application is limited to the following matters:

- **Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.
- **Layout:** Includes buildings, routes and open spaces within the development and the way they are laid out in relation to buildings, routes and open space outside the development.
- **Scale:** Includes information on the size of the development, including the height, width and length of each proposed building.
- **Landscaping:** The improvement or protection of the amenities of the site and the surrounding area; this could include planting trees or hedges as a screen.

4.1.2 The hybrid / outline approval for this site showed an indicative layout relating to the proposed employment uses, and illustrated that approximately 1653m² of employment uses could likely be accommodated on the site.

4.1.3 This RM application would comprise 2,280m² of Class B2/B8 employment use, in 13 units. Whilst this is more than was indicatively referred to at outline stage, there was no floorspace restriction in the outline approval. As such there is no conflict with this RM application and the outline approval.

4.1.4 In principle, development of this site s already been established and is welcomed, subject to assessment of the specific impacts, and is supportive of Policy 13: 'Employment Land Allocations' and Policy CS3: Land for Employment Development.

4.1.5 Appearance

4.1.6 Appearance is considered against Policy 11 of LPP2, which 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.

4.1.7 The appearance of all 13 industrial units would be very similar, and all the units attached to each other would be the same, thereby ensuring a uniform appearance. The units would all measure circa 6m to the eaves, with a shallow central ridged roof. Materials would comprise a mix of aluminium, cladding and grey block effect masonry which is intended to break up the perceived mass and provide a modern finish.

4.1.8 The appearance is appropriate for an industrial development such as this, and the proposal respects the character and history of the site as well as the wider area. Accordingly, the proposed appearance of the development is found to be acceptable.

4.1.9 Layout

4.1.10 Layout is assessed against Policy 11, as well as Policies 8 and 10.

4.1.11 Policy 8 requires that a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to privacy / overlooking, and the relationship between buildings, including adequate daylight and sunlight admission.

4.1.12 The layout of the 13 units has been designed around the existing access point and have been influenced by site constraints, including the irregular shape of the site, the existing access point, and boundary treatments.

4.1.13 The proposed units would be appropriately sited, screened from the public highway by a row of trees, and would not be detrimental to the street character.

4.1.14 The industrial units, located in the northernmost part of the wider hybrid site, achieve an acceptable relationship with nearby residential properties, including those approved under the full permission within the hybrid approval. A green buffer at the southern end of the site contributes to achieving an acceptable level of amenity for the occupiers of existing and proposed dwellings in the vicinity.

4.1.15 The Council's Public Protection Officer raised no objections, subject to various conditions to mitigate the impacts. However, it is not necessary to repeat conditions that have already been attached to the hybrid approval.

4.1.16 Highways matters in relation to the layout and access are considered below.

4.1.17 Access

4.1.18 Access does not form part of this RM application. The access was approved under the hybrid application. However, the internal movements, including servicing and parking provision etc. still need to be considered when assessing the layout at this stage.

4.1.19 Assessment of access arrangements and other highway matters are considered against Policy 10 of LPP2, which requires that road safety and the safe, 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.

4.1.20 The proposal is assessed against the Class B2/B8 use applied for. The scheme makes provision for 40 off-road parking spaces (including 13 disabled bays) and includes a shared service yard. The proposed site layout plan ensures a vehicle can enter the site, can both turn in to and out of the site in both directions and manoeuvre easily and safely within the site, thus enabling all vehicles to enter and leave the site in a forward gear. Moreover, the scheme also makes provision for sufficient off-road parking; all unit blocks have sufficient space for occupiers of each unit to park and operate and are capable of receiving deliveries without restricting the free flow of vehicles entering and leaving the site. The scheme also includes a pedestrian walkway and crossing which enables safe internal movement on foot.

4.1.21 Subject to minor amendments to the layout, to improve pedestrian and cycle access within the site, and which can be secured by condition, the proposal is considered acceptable from a highway safety perspective, following review of the submitted layout by the Council's Highways consultee.

4.1.22 The parking provision meets the requirements set out in the adopted BwD parking standards for Class B2/B8 use.

4.1.23 Whilst raising no objection, the Council's Highways consultee did recommend a number of conditions to be attached to this application, including S278 works. However, the site access has already been approved under the hybrid approval, and numerous conditions were attached to the outline approval addressing highways matters, including S278 works. Additional conditions can only be attached to this application, which are directly relevant to this RM application.

4.1.24 The access, parking and movements associated with all 13 of the units is therefore considered acceptable, and complies with Policy 10 of the Local Plan; the adopted parking standards; and the NPPF.

4.1.25 Scale

4.1.26 The scale of the proposed units would be appropriate for this location.

4.1.27 The total gross development would comprise a total of 2,280sqm/ 24,750sqft, occupying approximately 21% of the total site area.

- 4.1.28 Units 1-10 would each have a floor space of 186sqm / 2000sqft, and Units 11-13 would each have a floor space of 140sqm / 1500sqft.
- 4.1.29 The scale of the buildings and plots would be relative to their use, and reflect current market demands. Each would accommodate an open floorspace with small ancillary office and amenities, and an internal cycle store.
- 4.1.30 With an eaves height of 6m, the relatively low eaves and ridge heights reflect the plan size of each unit, and ensure that the buildings will sit neatly within the constraints and natural features of the site and the local area.
- 4.1.31 Accordingly, the proposed scale of the development is found to be acceptable.
- 4.1.32 Landscaping
- 4.1.33 Landscaping is assessed against Policy 11.
- 4.1.34 The proposed hard and soft landscaping treatments have been designed to include the access road, service yard, car parking and footpaths.
- 4.1.35 The eastern side of the site abuts the railway. Accordingly, landscaping is focussed on the western and southern edges of the site, and uses natural screening to good effect. The proposal also includes a green buffer between the industrial units and the residential development to the south.
- 4.1.36 Accordingly, the proposed landscaping is found to be acceptable.
- 4.1.37 Biodiversity Net Gain is assessed separately, below.
- 4.1.38 Biodiversity Net Gain (BNG)
- 4.1.39 Whilst new developments are required to demonstrate Biodiversity Net Gain, this application relates only to Reserved Matters of an approved outline permission, and as previously referred to in this report, consideration can only be given to the Reserved Matters applied for (namely appearance, layout, scale, and landscaping).
- 4.1.40 Furthermore, the biodiversity mitigation and enhancement condition on the approved outline permission (condition 17) has been discharged.
- 4.1.41 However, notwithstanding this, one of the Reserved Matters now applied for is landscaping, and the landscaping detail submitted with this RM application differs from what was submitted to discharge condition 17 (lack of native hedgerows for example).
- 4.1.42 This RM proposal also increases the total number of units on the site from the previous detail provided, and there are predicted BNG losses. A condition can therefore be attached to ensure further information is provided with regard to BNG, including the BNG metric and interpretation report, rather than screen shots of the documents.

- 4.1.43 It is accepted that off site measures cannot be secured to make up for the biodiversity loss, but there are measures that can be done to improve the proposals (to provide mitigation and enhancements for biodiversity).
- 4.1.44 Features such as native hedgerows can be secured by a new condition attached to this RM application, to ensure ecological enhancements are demonstrated (for example the use of predominantly native species and those identified as pollinator species) and to secure further ecological enhancements such as bat and bird boxes, either within the new units or within the retained boundary trees.
- 4.1.45 With the aforementioned condition, the proposal is considered acceptable in terms of meeting BNG requirements.
- 4.1.46 Summary
- 4.1.47 This report assesses the Reserved Matters planning application for 13 industrial units. In considering the proposal, the relevant range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the aims and objectives of the Local Development Plan and The Framework.
- 4.1.48 Other matters
- 4.1.49 Members are advised of various conditions attached to the hybrid permission.
- 4.1.50 Conditions 1 to 7 of the hybrid approval 10/20/0107 relate to the outline consent; conditions 8-14 relate to the full permission granted (for 37 dwellings); and conditions 15 to 46 relate to all aspects of the hybrid approval.
- 4.1.51 All of the conditions required to be discharged prior to commencement of development, have been discharged whether in full or in part. All other outstanding conditions will be addressed under the discharge of conditions process (DOC), at the appropriate time.
- 4.1.52 The following conditions attached to the hybrid permission have been discharged, under DOC application 10/20/0827, dated 2nd August 2021:
- 4.1.53 Discharged conditions relating to the full permission of the hybrid permission:
- Condition 9 - Materials samples
- 4.1.54 Discharged conditions relating to all aspects of the hybrid permission:
- Condition 16 – Ecological survey
 - Condition 17 – Scheme for biodiversity mitigation and enhancement
 - Condition 18 – Scheme of hard and soft landscaping
 - Conditions 19 & 20 – Intrusive site investigations
 - Condition 21 - Remediation
 - Condition 22 – Desk study (partial discharge)
 - Condition 24 – Remediation (partial discharge)
 - Condition 26 – Foul and surface water drainage scheme
 - Condition 27 – Culverted watercourse (partial discharge)

- Condition 30 – Monitoring of noise and vibration
- Condition 33 – Access/highways works
- Condition 34 – Construction method statement
- Condition 36 – Street engineering/lighting
- Condition 38 – Railway boundary
- Condition 41 – Site access/highways works (partial discharge)
- Condition 45 – Electricity Northwest assets

3.5.55 Members are advised that assessment of this RM application is limited to the stated Reserved Matters. Amenity issues outside the scope of the reserved matters have been accounted for during assessment of the hybrid / outline application, either during the course of the assessment or secured via conditions attached to the outline permission.

5.0 RECOMMENDATION

5.1 Approve.

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

1. 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:

Job no. 21.128, Dwg no. 001 A: Location Plan
 Job no. 21.128, Dwg no. 002 K: Proposed site plan
 Job no. 21.128, Dwg no. 101 B: Unit 1 Plan and elevations
 Job no. 21.128, Dwg no. 201 B: Units 2-8 Plans
 Job no. 21.128, Dwg no. 202 C: Units 2-8 Elevations
 Job no. 21.128, Dwg no. 301 B: Units 9-13 Plans
 Job no. 21.128, Dwg no. 302 C: Units 9-13 Elevations
 1001 Revision PO3: Proposed drainage layout
 SHD383-SHD-HLG-HOLL-DR-EO-Design Layout-R0: Commercial lighting layout
 202.3.02 A: Soft Landscape Developed Design (Commercial element)

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

2. The cycle storage for all units, specified in the approved details referred to in Condition No.1. shall be implemented prior to occupation of the plots, and retained in accordance with the approved details.

REASON: To provide for safe sustainable travel options, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

3. The external walling and roofing materials to be used in the construction of the development hereby permitted shall be as specified in the approved details referred to in Condition No.1.

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

4. No development shall take place unless and until a revised scheme for soft landscaping, including a Biodiversity Net Gain metric and interpretation report, has been submitted to and approved in writing by the Local Planning Authority. In particular the scheme shall include mitigation and enhancements for biodiversity, and demonstrate ecological enhancements such as the use of predominantly native species and those identified as pollinator species, as well as further ecological enhancements such as provision of bat and bird boxes, either within the new units or within the retained boundary trees. The design features and equipment that comprise the scheme shall be fully implemented in accordance with the approved plans and particulars prior to the development first being brought into use, or alternatively in accordance with a phasing scheme which has been agreed in writing by the Local Planning Authority, and shall thereafter be retained in place at all times unless otherwise agreed in writing with the Local Planning Authority.

REASON: The proposed scheme has significantly increased the number of proposed units on the site. Features such as native hedgerows should for example be included in the scheme, to ensure that the development has no adverse impact on biodiversity, and secures a net gain to biodiversity, in accordance with Policy 9 of the Blackburn with Darwen Local Plan Part 2, and the requirements of the National Planning Policy Framework.

5. The units hereby approved shall only be used for the purposes included within Class B2 and B8 of The Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose.

REASON: To ensure appropriate parking levels in accordance with the Council's adopted standards, in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

6. Prior to occupation of any of the units hereby approved, final layouts of pedestrian and cycle access routes within the site shall be submitted to the Local Planning Authority for approval, laid out in accordance with the approved details and thereafter permanently retained.

REASON: To make the site more accessible for employees and visitors and to ensure appropriate access for pedestrians and cyclists is fully available for use at the time of occupation of the buildings, in accordance with Policy 10 of

the Blackburn With Darwen Borough Local Plan Part 2, and the adopted Blackburn With Darwen parking standards.

7. The noise rating level arising from the commercial/industrial premises hereby approved shall not exceed 53dB(A) at residential premises for the duration of the approved use. Assessment shall be made in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'

REASON: To ensure an acceptable standard of residential amenity, in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

6.0 PLANNING HISTORY

- 6.1 **10/20/0107** – Hybrid application for full planning permission for 37 dwellings including creation of a new vehicular access to the Southern end of the site, and Outline permission with “Access” (with all other matters reserved) for B1, B2, and B8 uses including alterations to the existing access to the Northern end of the site – Approved July 2020.
- 6.2 **10/20/0827** – Discharge of conditions application pursuant to Hybrid application 10/20/0107.
- 6.3 **10/17/1357**- Erection of 84no. new dwellings with associated external works and car parking - Withdrawn 19/06/2018
- 6.4 **10/11/1128** - Extension of time on application 10/08/0568 - Outline application for residential development, 48 Units, together with associated open space and landscaping works and B1/B2 (Business/Industrial) development and associated car parking – Approved with Conditions 19/01/2012.
- 6.5 **10/08/0568** - Outline application for residential development, 48 Units, together with associated open space and landscaping works and B1/B2 (Business/Industrial) development and associated car parking – Approved with Conditions 30/12/2008
- 6.6 **10/07/1385** - Outline application for residential development (82 units) together with associated open space and landscaping works and B1/B2 (Business/Industrial) development and associated car parking - Refused 25/03/2008
- 6.7 **10/04/1158** - Removal of condition 5 on consent 10/03/1233 relating to painting of boundary fence. Removal of condition 3 on permission 10/03/1233 relating to submission of landscaping scheme. Modification of condition 5 on consent 10/03/0189 and condition 6 on consent 10/03/1233 to extend hours of use from 8.00-17.00 Mon-Fri, 8.00-12.00 Saturday to permit

use from 7.30 -18.00 Monday to Saturday - Withdrawn 22/08/2005

- 6.8 **10/04/0860** Additional lighting columns; two lengths of 2.2m palisade fence to close gap between existing fences; alterations to existing palisade fence; additional CCTV column; and alterations to existing lighting - Withdrawn 22/08/2005
- 6.9 **10/03/1233** - Installation of temporary offices, hard surfaced area, lighting columns and CCTV cameras, perimeter fencing and storage containers and alterations to site access – Approved with Conditions 24/03/2004
- 6.10 **10.90/1994** - Outline application for Commercial and residential development – Approved with Conditions 23/05/1991
- 6.11 **10.90/1993** - Commercial development (Classes B1, B2 & B8) - Offices, Industry, Storage - Withdrawn 23/05/1991

7.0 CONSULTATIONS

6.1 **Coal Authority:**

No objection.

The application site falls partly within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to development proposals. More specifically, the Coal Authority's information indicates that a coal seam is conjectured to outcrop at site, which may have been worked in the past.

You will be aware from our consultation response letter of 10 March 2020, that the Coal Authority raised no objection to outline planning 10/20/0107. This was subject to the imposition of conditions on any permission granted to secure the investigation and, if necessary, the remediation of coal mining legacy that may affect the site, prior to the commencement of development. This reflected recommendations made in the applicant's Coal Mining Risk Assessment.

We are therefore pleased to note that conditions 19, 20 and 21 of the planning permission subsequently issued on 17 July 2020 broadly reflect the recommendations of the Coal Authority.

On the basis that coal mining legacy matters were appropriately addressed through the imposition of conditions on the outline consent, and as there are no recorded coal mining features at surface within the site which could affect the spatial layout of development, the Coal Authority wishes to raise no objection to this reserved matters submission.

6.2 **Drainage (Lead Local Flood Authority):**

No objection.

We can confirm approval of the reserved matters.

The applicant will need to apply for consent to discharge to the watercourse if they have not already done so.

6.3 **Lancs Constabulary (ALO)**

No objections.

Thank you for consulting the Lancashire Constabulary DOCO's in respect of this Reserved Matters application, my colleagues Rachel Hines and Davina Helm have previously produced detailed Crime Impact Assessments for aspects of this scheme in 2019 and 2020, outlining the recommended security measures for the development. These security measures are still relevant to the development and should be considered by the Case Planning Officer and the applicant etc. I have attached a copy of the CIA completed by Rachel to this email which refers to 10/20/0107.

Further to this and with the updates to the reserved matters in mind, we would continue to advocate that the scheme be designed and constructed using the security principles and security rated products as stated in the attached SBD 'Commercial Developments 2015' Design Guide. Further details about Secured By Design, including application forms and security specifications can be found at www.securedbydesign.com.

I would be grateful if you could forward the attached documents and recommendations to the applicant for reference.

These security comments and recommendations have been made in order to keep people safe and feeling safe and to prevent crime and disorder in accordance with :-

- Section 17 of the Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and (b) the misuse of drugs, alcohol and other substances in its area and reoffending in its area.

Crime prevention advice is given without the intention of creating a contract. Neither the Home Office nor the Police Service accepts legal responsibility for the advice given. Fire Prevention advice, Fire Safety Certificates conditions, Health & Safety Regulations and Safe Working Practices always take precedence over any Crime Prevention issue. Recommendations included in this report have been considered for a specific site and take into account information available to the Police.

Should you require anything further on this proposal then please do not hesitate to contact me.

ALO Response to the hybrid application, dated 29 January 2020:

Crime Impact Statement

Proposal: 37 Dwellings and 6 Commercial Units

This planning application has been subject to extensive design guidance at the pre planning stages in November 2019. As a result the scheme has now been amended by the applicant. New commercial and residential schemes have the potential to create additional demand on local policing resources with calls for service. I therefore recommend that this development be built to the police preferred security specification Secured by Design. This was also recommended in November 2019 in the design advice provided at pre planning stages.

Secured by Design provides a framework to ensure that the physical security measures of the commercial units and the dwellings are to a standard to prevent forced entry as well as

creating a safe layout where offenders feel uncomfortable operating. Case studies have shown that Secured by Design certified schemes experience less burglary, vehicle crime and criminal damage. Further guidance on Secured by Design is available from the above office or at www.securedbydesign.com

In order to keep people safe and feeling safe I reinforce the following recommendations made for security and safety in November 2019 at the pre planning stages by my colleague:-

Dwellings

The layout should promote natural surveillance by varying the orientation of the dwellings and allowing clear views across any open space. Building recesses or concealed front entrance doors/porches should be avoided, as they can restrict natural surveillance and create hiding places.

Cul-de-sac arrangements help to deter casual intruders looking for opportunist crime, as they may be more likely to stand out, be observed or challenged. Link footpaths into cul-de-sacs should be avoided, as they increase permeability into and out of the site, thus compromising the security initially gained by the layout. Back to back gardens help to keep the area secure and deter intruders, as they restrict access and intruders are more likely to be seen.

It is important to avoid the creation of windowless elevations and blank walls immediately adjacent to public spaces; this type of elevation, tends to attract graffiti, inappropriate loitering and ball games that may cause noise nuisance for some residents. If they are unavoidable, due to site or planning constraints, defensive and/or climbing plants can be considered in these areas.

Porch canopies should be 'pitched' rather than 'flat', if access can easily be gained via the canopies to first floor windows.

Boundary treatments should be of a sufficient height and design to deter intruders. 1.8m high close-boarded 'anti-lift' fencing is usually suitable for the perimeter of rear/side gardens and dividing fences. Those boundary treatments that abut public open spaces should be supplemented with 300mm trellis to increase the height and act as a deterrent, and incorporate maintained defensive planting.

Parking spaces within the curtilage of the dwelling it serves reduces the opportunity for vehicle crime. They should be located where they can be 'overlooked' from an 'active' room i.e. a room from where there is a direct and regular visual connection to the parking space e.g. a living room or kitchen, and be well lit.

Maintained defensive planting or low-level knee-rails should be incorporated around any parking spaces that abut public spaces, to reduce anti-social behaviour and remove 'desire lines' across private spaces.

Poorly observed and concealed access alleyways at the rear of dwellings should be avoided wherever possible, as they can generate crime and the fear of crime. However, if they cannot be designed out of the scheme due to site or other restrictions, the rear/side boundary treatments that abut these areas should be reduced to 1.5m in height and topped with 300mm trellis, be well lit and secured with locking robust gates (lockable from both sides and installed as close to the front building line as possible). This will promote natural surveillance into the alleys from the surrounding properties and restrict unauthorised access.

Lighting is required to each dwelling elevation that contains a door set i.e. photoelectric 'dusk until dawn' LED fittings. Good, even coverage of street lighting will enable views within the development when natural light is minimal and certified to BS 5489:2013. The lighting scheme should be developed by a qualified Lighting Engineer and Member of the Institute of Lighting Professionals.

Landscaping should be designed so that trees and large shrubs will not grow to obscure lighting columns or impede natural surveillance as they mature, especially in the summer months, or be utilised as a climbing aid into the rear/side gardens of dwellings. Site and front garden planting of feature shrubbery and suitable trees (e.g. open branched or light foliage or columnar fastigiated habit) should be considered.

The security requirements for external door sets, including letter plates, door viewers, hinges and door chains, glazing and windows should be compliant with Building Regulations Approved Document 'Q' Security (Unauthorised access) 2015 document; however, PAS 24:2012 referred to in this document has been superseded by PAS24:2016 and should be applied across the new housing scheme. Windows that abut public areas should also include 'restrictors' to reduce the opportunity of 'sneak-in' type thefts.

Each dwelling should be fitted with an Intruder Alarm system, installed to PD6662:2017 standards and comply with the National Police Chiefs Council Policy 'Guidelines on Police Requirements and Response to Security Systems'. PD6662:2017 is an essential security standard if a householder requires a police response to their intruder alarm if activated. It is imperative that any unauthorised attempts to gain entry into each premises be detected at the earliest possible opportunity and a combination of door/window contacts, passive infrared detectors, impact detectors and personal attack facilities should be considered. Alarm systems must be subject to an annual maintenance contract, to ensure they work effectively at all times and to reduce false alarm activations.

Commercial units

The scheme should be designed and developed in accordance with the Police preferred security specification 'Secured by Design (SBD) 'Commercial 2015' security principles, measures and accredited SBD products. Further information can be found at www.securedbydesign.com

A secure boundary will help manage the commercial site by limiting trespassers and guide visitors into the main entrance. Therefore, boundary treatments should be security rated 'anti-climb' weldmesh fencing, to a height of 2.4m from the external level i.e. on the public side, such as security standard LPS 1175:issue 8. When closed, access into the site must be restricted to both vehicles and pedestrians by installing security rated 2.4m high 'anti-climb' locking gates (with no gaps underneath when locked). The locking devices and hinges must not provide informal climbing aids.

Access to any low or flat roofs must be restricted at all times, as there is a real risk to criminal intrusion from these areas. External downpipes can be used as climbing aids to access low roofs or higher windows; therefore, they should be contained within a wall cavity to eliminate this risk. If they cannot, they should be either square or rectangular in section, flush fitted against the wall or housed within a secure high anti-climb metal shroud. Bends in pipes and horizontal runs should be minimized as they create climbing platforms.

Accessible pipework should be of a fire resistant material. In addition, careful consideration should be given to the location of waste bins; low rails; fencing; planters; or other external furniture, which may also facilitate easy access onto the roofs.

Where applicable, roof/building lead flashing replacement materials should be considered, such as zinc, aluminium, non-metallic products etc. to reduce the risk of theft. Alternatively, non-visible forensic security marking can be applied to the lead, which can be a low cost way of protecting the material and can be applied without altering its appearance. This type of security marking is specific to the building, so that recovered stolen metal can be traced back to its source.

The walls and roof of each building should be designed to withstand burglary, criminal damage etc. by utilising materials resistant to manual attack or damage using implements or tools. Where lightweight construction is utilised, a reinforced internal lining, such as thick gauge welded steel mesh, should be installed, to enhance the fabric of each building and mitigate against the risk of intrusion through cutting, prising or removing accessible brickwork.

Early detection and warning of an unauthorised entry into each unit is imperative; therefore, bespoke and monitored Intruder Alarm systems should be installed, compliant with PD6662 (Grade 2-4) standards and the National Police Chiefs Council Policy 'Guidelines on Police Requirements and Response to Security Systems'; The alarm installation company/companies should be certified by the National Security Inspectorate (NSI) or Security Systems Alarm Inspection Board (SSAIB), as both organisations promote high standards of service within the security community.

A comprehensive risk assessment conducted by a qualified Intruder Alarm Engineer should identify whether the design of the alarm system incorporates a combination of internal passive infra-red detectors, magnetic door and window contacts, break glass acoustic or vibration detectors, wall or ceiling sensor cable, location of personal attack facilities and site perimeter detection. The alarm systems must be subject to annual maintenance contracts, to ensure they work effectively at all times and reduce false alarm activations.

External entrance and exit door sets, parking facilities and internal areas such as offices or storage areas that contain valuable stock/IT should include more formal surveillance i.e. a monitored and recorded HD digital 1080p (as a minimum standard) IP colour CCTV system, installed to BS EN 62676 series guidance; The CCTV cameras should aim to capture clear full body and facial images of those entering each unit and the overall site. Captured images must be clearly marked with the time, date and camera location, to aid detection should an offence occur.

Cameras must not be located where they can be easily disabled or tampered with e.g. by cutting wires, attacking camera lenses etc. If they can, they must be housed within a protective cage (which should not negatively affect the images) to reduce their risk to damage. Alternatively, tamper detection cameras could be installed to detect any such attack at an early stage. However, external cameras can also be mounted on dedicated 'anti-climb poles' to reduce this risk; care must be taken to ensure they do not just capture the tops of heads, if too high. Each camera must be checked regularly to ensure they are clean and working effectively.

Recorded images should be stored onto a secure 'Cloud' server as 'back-up' and/or on recording equipment on site, and should only be accessed by trained and authorised staff. A growing trend has shown that onsite recording equipment is being destroyed or stolen to avoid offender identification; therefore, it must be kept within a secure and alarmed room,

ideally within a steel lockable cabinet certified to LPS 1175 SR1 or STS 202 BR1. Digital Video Recorders should be of a high quality to ensure clear images can be retrieved. Recorded data should be stored for a minimum 30-day period, before deletion and where not required for evidential purposes. The whole CCTV system should be maintained and reviewed regularly to ensure it remains 'fit for purpose'.

The external site lighting scheme should comply with BS 5489-1:2013. The scheme should ensure that any suspicious behaviour could easily be seen and reported from nearby buildings or passing pedestrians/vehicles. The lighting scheme should evenly distribute the light, not create dark shadows, provide good colour rendition, not cause glare or light pollution and should support both formal and informal surveillance. The façade of each building should be well lit by using dedicated vandal resistant photoelectric 'dusk until dawn' LED light fittings. The lighting design should adequately cover the parking facilities and be co-ordinated with the CCTV installation to ensure that the lighting complements the CCTV system. Light fittings must be protected where vulnerable to vandalism and any lighting columns should be 'anti-climb'.

External door sets and ground floor or other easily accessible windows must be security rated and tested/certified to PAS24:2016, as a minimum, or LPS 1175: Issue 7/8 or STS 201 or STS 202: BR2.

Roller shutters must be tested and certified to LPS 1175:issue 7 SR2 /issue 8 or STS 202: Issue 3, Burglary Rating 1 and be linked to the intruder alarm system.

Glazing in external doors sets and ground floor or other easily accessible windows must include one pane of laminated glass, securely fixed in accordance with the manufacturer's instructions and certified to BS EN 356 2000 rating P1A.

Restrictors should be installed on ground floor or other easily accessible windows to prevent 'sneak-in' type thefts (unless designated emergency exits).

Emergency exit doors can be vulnerable to intruder attack, anti-social behaviour and criminal damage. Break glass emergency door exit release devices, door panic latches and 'pad-bars' on doors that provide an important aid to egress in the event of an emergency have proven to be abused, rendering some buildings insecure for long periods of time. Therefore, these door sets should be free from external hardware, kept clear at all times, be well lit to promote natural surveillance, linked into the fire alarm system and fitted with an internal audible alarm that will alert staff of unauthorised use.

Intruders must not have unfettered access into 'private' areas, such as high risk areas that contain valuable workshop equipment or offices where IT equipment, confidential information etc. may be stored. These door sets should be restricted and access gained by a proximity fob or card or via a digital push button door entry system and incorporate automatic door closers i.e. only accessible to staff. The system must allow for unrestricted egress from the building in the event of an emergency.

External waste bins should incorporate lockable lids and be secured in place to prevent them being stolen, especially those with wheels that can be used to transport stolen goods and act as an informal climbing aid. In addition, bins should be stored away from the units to reduce the risk of arson. Waste bin storage areas should be well lit and any boundary treatments should allow natural surveillance into the area, to reduce the risk of them being targeted for burglary, damage or nuisance. These areas should be covered by the CCTV system.

The site should be secured throughout the construction phase with adequate security measures to reduce the risk of burglary, theft and criminal damage, including a;

☑ Robust 2.4m high anti-climb weld mesh perimeter fence with matching lockable gates;
☑ Monitored alarm system (with a response provision) for site cabins where tools, materials and fuel could be stored;

☑ Monitored and/or recorded HD digital colour CCTV system. Any onsite CCTV recording equipment must be stored securely and located within an alarmed building/cabin.

The above security measures should be incorporated into the design to keep people safe and feeling safe in accordance with;

- Section 17 of the Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006)

Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and (b) the misuse of drugs, alcohol and other substances in its area crime and disorder in its area.

Should you require anything else in respect of this matter, please do not hesitate to contact me.

In response to the above comments, the applicant has commented as follows:

Lancs Constabulary have already commented on 10/20/0107 application and their recommendations have been incorporated.

6.4 Network Rail

No (further) comments received (Initial automated response below):

This is an automated response to confirm that your e-mail has been received by the Network Rail Town Planning (London North West Route).

We aim to respond to all enquiries within the consultation time frame and look forward to being able to assist you.

Any comments received from Network Rail will be reported in the Update Report. However, the applicant has commented as follows:

With regards to ENWL, we are currently working with them in respect of the diversion of commercial cables belonging to Crown Paints on our site. There will be no objections as their cables are being removed.

6.5 Electricity Northwest

No comments received. Any comments received from Electricity Northwest will be reported in the Update Report. However, the applicant has commented as follows:

With regards to ENWL, we are currently working with them in respect of the diversion of commercial cables belonging to Crown Paints on our site. There will be no objections as their cables are being removed.

6.6 **Highways:**

The submission details have been reviewed.

Parking

It is suggested within the Technical Addendum submitted in support of the application that the application is for B2/B8. Confirmation and clarification is requested to ensure that the B1 use (combined with B2 and B8) granted at the outline Stage is no longer being applied for. If this is correct then the following would be applicable for parking requirements.

In accordance with the adopted parking standards, the proposal is for a mixed B2/B8 use. The applicant has rightly sought to provide for the largest generator of the two uses, based on parking needs. The site has been measured against a B2 allowance which amount to 38 spaces (2280sqm/1 car space per 60Sqm). 40 spaces have been provided by the applicant, this includes 9 disabled spaces. The disabled provision is greater than the 10% normally required, but we are happy to accept and move forward with the parking with the provision provided.

The arrangement of the spaces as shown accord with the council's standard bay sizes, and manoeuvrability into and out of the bays.

Cycle provision has been provided within each unit, this is welcomed.

No parking for PTW's has been provided, this should be considered and accommodated for within the site. Please request details or condition accordingly.

Access

Vehicular access is to be taken from the existing access, albeit the access is to be improved to allow two way access into the site and to support and maintain access for Network Rail.

A pedestrian island has been introduced to support pedestrian movement across the bellmouth. This is deemed acceptable.

The location of the access is placed opposite to a junction for the industrial site on the opposite side of the road, if the development were to proceed some form of improvement to assist movement into both sites would need to be considered and implemented – further consideration is to be given to this. Please attach a 278 Grampian condition for offsite highway works this would include the construction details (to include gradients to ensure a level plateau is provided to the edge of the highway) required to facilitate the widened access and pedestrian island.

The application provides for a gated development. We request clarification on when these gates would be operational, and how they would be controlled. Please request further details.

I note the gates are positioned 10m into the side from the back of footway, based on the statement offered within the Technical Addendum, the largest vehicle to the site is expected to be a 10m rigid, in this case the 10m pull off the highway is deemed acceptable.

Sightlines have been provided at the entrance out onto Hollins Grove Street (in the Technical Addendum) these are acceptable. Please attach condition 2.

A pedestrian route into the site is provided, however the widened route appears to run to the rear of the units, rather than the front of the units where access would be required. Please request amendment or condition accordingly.

Servicing

Swept Path and vehicle details are provided within the Technical Addendum. They convey that the largest vehicle to the site would be a 10m rigid, they also support a suitably worded condition to ensure that vehicles are restricted to no greater than a 10m rigid.

No details of frequency of movement are offered, please request this information for completeness

All swept paths provided are acceptable.

Transport Statement

Following assessment of the technical addendum then following comments have been offered by our consultant.

I am content with the proposed level of parking, servicing arrangements and that changes to trip generation are not material and therefore do not warrant further traffic impact assessment work.

However, please could you consider/raise the following?

- 1) Please seek confirmation that the pedestrian refuge at the site access and the footway extension, dropped kerbs and tactile paving across the Network Rail access are to be provided as these do not appear on the site layout plan.
- 2) Please request a pedestrian/cycle entrance to the site from Hollins Grove Street in the Southwest corner of the site. Additional pedestrian routes should also be provided around the perimeter of the area of hardstanding to provide ease of access to the units to the East of the site from this access point. This will help to make the site more accessible for employees and visitors.

Please request consideration of the points made.

OTHER

- 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)
- Construction method statement is to be received this should include wheel washing
- 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 273838 to undertake a condition survey.
- Any old entrances that are no longer required should be closed and reinstated back to full footway, at the developers expense
- Condition survey to be undertaken prior to commencement on site, to record the status to support any claims of damage that may be caused as a consequence of construction vehicles to and from the site

To conclude – in principle we would support the scheme, subject to the above matters being addressed satisfactorily.

Members are advised that assessment of this application is limited to the stated *Reserved Matters*. Highways related issues outside the scope of the reserved matters have been accounted for during assessment of the hybrid / outline application, either during the course of the assessment or secured via conditions attached to the outline permission, including S278 works.

Further to the above comments, the applicant has subsequently clarified a number of points, including confirmation that the gates will remain open during operational hours and only closed at night time and during holidays. Each unit will have key to open and close the gates during this time. It should also be noted that the gate is set back circa 20m from the highway and therefore, is unlikely to result in any vehicles backing up onto the highway.

The proposal is considered acceptable from a highways perspective, subject to a condition being attached for minor revisions to be made to the pedestrian and cycle routes within the site. Any further points of clarification, amended plans or any other details received prior to the committee meeting will be included in the Update Report.

6.7 Highways (PROW)

No implications to PROW.

6.8 Highways (Travel Plans)

Please find attached my comments regarding the Travel Plan aligned to this application.

Please note my comments are more supporting comments for the applicant to be aware of in regards to current Active Travel and Bus Service improvements that are currently in development:

The submitted Travel Plan has been considered and read in line with the Transport Statement on how travel demand can be better met in a manner which ensures access by all modes of transport, maximises access to the site by sustainable modes protects safety of all road users and sets out a programme of measures to achieve this.

Comments are structured as they appear in the Travel Plan and referenced where appropriate by heading and paragraph.

The Travel Plan reviewed is the one submitted as part of the 10/20/0107 application

Cycle Accessibility

It should be noted that the site is close to the strategic cycle route 'Weavers Wheel'. The site is in close proximity to the signed spur of the wheel. Blackburn with Darwen Borough Council are currently developing a Local Cycling and Walking Infrastructure Plan (LCWIP) that will be looking at better connecting cycling and walking routes across the Borough. It will be important as part of the Travel Plan development that the allocated Travel Plan Coordinator for the site is made aware of the LCWIP development ensuring connectivity routes are promoted on site and ensuring the site connects and has the adequate facilities on site to support an increase in cycling activity, including shower and locker facilities and adequate secure cycle parking facilities.

Public Transport – Table 3.2

Review of the public transport – The 981 is operated by Blackburn Private Hire and operates as a commercial service operating also as a School Service to Cannon Slade in Bolton. The service operate catering for school drop off and pick up and therefore cannot be relied upon as a fully true commercial bus service with very limited frequency.

3.15 – It should be noted that in the December 2022 the rail service between Blackburn and Manchester will restore its half hourly all day services, this has been hourly in light of the pandemic.

3.17 – In my professional opinion bus rail connectivity is currently not coordinated. Local bus network connectivity is also particularly problematic as an example to get from Huddlesden to the site using public transport to get to site for 9am would take 1 hour and 21 minutes, on what is a short journey. It should be noted that although the 33 bus service currently operates along Goose House Lane, from 29th December 2021 there will only be three journeys per day each way. This operation will be in place until April 2022 where the service will be reviewed and very much dependant on the future Bus Service Improvement Plan funding announcements, expected in 2022. The three services operating until April 2022 are: Royal Blackburn Teaching Hospital – Darwen 0940, 1210 and 1555
Darwen – Royal Blackburn Teaching Hospital 1015, 1245 and 1635

IMPORTANT POINT TO NOTE

Blackburn with Darwen Borough Council in partnership with Lancashire County Council have produced and submitted a Bus Service Improvement Plan to the Department for Transport and are currently working on an Enhanced Partnership with the local bus operators, operating within the Borough. The BSIP is the first step into delivering on the National Bus Strategy and will be key to delivering on bus priority and improvement measures that will over time make public transport the mode of choice in Blackburn with Darwen.

Our first aim is to grow the market back to pre-pandemic levels of patronage and deliver a more sustainable network, which will lead to further investment.

This plan will deliver a multi-million pound investment in the Lancashire region's public transport system. We will deliver a strong Inter Urban Bus Network, using Superbus principles, which will provide bus priority measures to help speed up services. As well as the Inter Urban Network we intend to improve many other local bus services including evening and Sunday service enhancements and increased frequencies where appropriate. We will build on the tendered network that serves many of our rural towns and villages and we will support the investment in low and zero emission vehicles with operators.

To ensure buses become easier and more attractive to use we will develop multi operator and other ticketing initiatives, provide more comprehensive information and ensure it is available in multiple formats and provide data than can be developed in new ways to help users.

We will investigate new ways of delivering bus services that meet local demands and markets not already served. Demand Responsive Transport (DRT) is just one option to consider for those hard to reach areas. We will continue to support our Community Transport services for those less able to access bus services and we will also link with Active Travel for those who wish to walk and cycle as part of their overall journey.

The key theme running through our plan will be people. We must ensure that the services being provided meet local needs therefore we will continue to engage with user groups, and we will establish a Lancashire Passengers Charter.

Our Bus Service Improvement Plan will be updated annually to enable us to remain flexible to changes and demands but with the right investment to deliver these changes we will go towards making Lancashire the best place to live, work, visit and prosper. As such it will be critical again for the development site and its Travel Plan Coordinator to be fully engaged with the BSIP process, its development should look to improve public transport connectivity that could benefit accessibility to the site. Dependant on funding allocated from DfT, there may be consideration given for developments to support bus service improvements.

6.9 Growth Team
No comments

6.10 GMEU Ecology

Initial response:

I am looking at this application for reserved matters for the outline permission on application 10/20/0107. Could you request that the actual BNG metric and interpretation report are submitted, rather than screen shots of the documents. From a quick look at what has been submitted, losses for the biodiversity value of the site appear to be predicted. GMEU have previously had discussions with the former case officer (Claire Booth) regarding this when conditions on the outline permission were considered, and we accept that there isn't a way to secure off site measures to necessarily make up for this loss. However there are measures that can be done to improve the proposals, in line with the requirements of condition 17 (to provide mitigation and enhancements for biodiversity) and I would suggest that more information needs to be submitted with this regard, especially as the proposed scheme has significantly increased the number of proposed units compared to other submissions for the site.

Subsequent comments from agent on 20/12/2021:

I confirm receipt of the email and will discuss with the Ecologist as to the relevant steps required as these have already been discussed during the Hybrid application. I will update you over the next couple of days

Additional comments from agent on 21/12/2021:

Please see condition 17 discharged.

Further comments from GMEU Ecology, on 05/01/2022:

Thank you for coming back to me. It seems that are options are fairly limited as you say. Condition 17 may have been discharged, but the soft landscaping proposed at reserved matters is different to what was submitted to discharge the condition (lack of native hedgerows for example). Could we secure features such as these via a condition and to ensure that the detailed landscape details demonstrate ecological enhancements (use of predominantly native species and those identified as pollinator species) and also secure further ecological enhancements such as provision of some bat and bird boxes, either within the new units or within the retained boundary trees.

I understand that the timescales are tight and it is a difficult application ecology-wise, so really appreciate any additional gains that can be secured at this stage.

In line with the above comments, a condition can be attached to ensure Biodiversity Net Gain is achieved.

6.11 **Public Protection**

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:

CONTAMINATED LAND CONDITIONS

Condition 1

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

- i. A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Detailed proposals for subsequent site investigation based on the CSM shall be included as appropriate; the developer will be advised whether any further site assessment is required.
- ii. If required by the LPA, the findings of the approved site investigation work, including an appropriate assessment of risks to both human health and the wider environment, arising from contaminants in, on or under the land (including ground gas) will be submitted. Where unacceptable risks are identified an updated CSM, remedial options appraisal and detailed remediation scheme shall be presented for approval. No deviation shall be made from this scheme without the written express agreement of the LPA.

Condition 2

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

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

Condition 3

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

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

INFORMATIVE:

- All reports shall be prepared in accordance with BS10175:2011 (as amended), CLR 11 and any other relevant, appropriate and authoritative publications.
- The Local Planning Authority will not accept any liability for remediation works.
- The responsibility for the safe development and occupancy of the site, at all times, rests with the developer.
- Failure to comply with above condition may result in enforcement action being taken by the Local Authority under the Environmental Protection Act 1990.

- You are strongly advised to contact the Environmental Protection Team of the Public Protection Service to discuss the requirements of the Contaminated Land Condition (Karen Huddart or David Johnson tel: 01254 267699).
- The guidance documents entitled 'Contaminated Land Planning Guidance' & 'Validation Policy Document' should be read before you investigate the site. This guidance is available on the Council web site. These hyperlinks will give you direct access :
www.blackburn.gov.uk/upload/pdf/Contaminated_Land_Guidance.pdf
www.blackburn.gov.uk/upload/pdf/Validation_Policy_Document_FINAL.pdf
- A suitably qualified, competent & impartial person shall fulfil the requirements of the condition.

Condition – Hours of Use Restriction

The approved use shall be restricted to the following times:

Monday to Sunday: 08:00 – 18:00 hours

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

Reason

To ensure appropriate hours of use to minimise noise disturbance at residential premises.

Condition - Industrial/Commercial Noise Control

The noise rating level arising from the commercial/industrial premises shall not exceed **53dB(A)** at residential premises for the duration of the approved use. Assessment shall be made in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'

Reason: To ensure an acceptable standard of residential amenity.

Condition – Air Quality Emissions Amenity Impact Assessment Prior to Occupation of Commercial Units

Prior to any new business occupying a unit(s) hereby approved, details of any emission(s) likely to arise from commercial or industrial activity shall be submitted to and approved in writing by the Local Planning Authority (LPA). Where the emission(s) is considered by the LPA to be detrimental to other business or residential amenity a control scheme shall be submitted to and approved in writing by the LPA. All emission control measures approved by the LPA shall be implemented prior to commencement of operations and retained thereafter.

REASON: To prevent unacceptable loss of commercial and residential amenity, in accordance with Policy 8 of the Blackburn with Darwen Local Plan Part 2 and the National Planning Policy Framework.

Informative: Emissions include dust and other air pollutants. Relevant guidance is provided in the National Planning Policy Framework.

Condition: Air Quality Total Emissions Assessment – Commercial Development

The developer shall submit a Total Emissions Assessment for the commercial development which identifies appropriate mitigation and timescales for implementation. The assessment

will be submitted before full approval is granted so appropriate mitigation can be conditioned.

Reason: To mitigate impact on air quality.

Condition - Floodlighting

An outdoor floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development 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.

Construction Phase Control Conditions

Condition – Hours of Site Works

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

Monday to Friday 08:00 – 18:00 hours

Saturday 09:00 - 13:00 hours

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

Reason

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

Condition – Dust Control

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

Reason

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

Noise & Vibration Control

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

Condition

The commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a programme for the monitoring of noise & vibration generated during demolition & construction works. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. At each location, noise & vibration levels shall not exceed the specified levels in the approved programme unless otherwise approved in writing by the Planning Authority or in an emergency.

Reason

To minimise noise/vibration disturbance at adjacent residential premises.

Floodlighting Control (Construction Phase)

The following condition is recommended if security floodlighting is required on site.

Condition

A floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the works.

Reason

To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity.

Other Informatives:

Informative: Roller Shutters

Roller shutter(s) fitted to a shop window &/or door must **NOT** cause a noise nuisance at residential premises during opening/closing operation of the shutter(s) in accordance with the Environmental Protection Act 1990. Electrically operated shutters are recommended.

Informative: Sound Insulation

The applicant should ensure that the premises has adequate sound insulation to minimise the transmission of sound to adjacent dwellings.

Any measurement & assessment of manufacturing noise impact shall be made in accordance with relevant advice contained within British Standard 4142 : 2014 ' Method for rating and assessing industrial and commercial sound' and the 'Noise Policy Statement for England'. The developer shall have due regard to BS 8233:2014 'Sound Insulation & noise reduction for buildings – Code of Practice', in order to minimise the transmission of noise from the building(s).

Informative: Statutory Nuisance Loss of Amenity

The Applicant should be aware that this planning approval does not prejudice any investigation or formal proceedings deemed appropriate by the Council under the Environmental Protection Act 1990 for statutory nuisance.

Members are advised that assessment of this application is limited to the stated *Reserved Matters*. Amenity issues outside the scope of the reserved matters have been accounted for during assessment of the hybrid / outline application, either during the course of the assessment or secured via conditions attached to the outline permission.

Notwithstanding this, the recommended condition, to ensure appropriate noise levels to the nearest residential dwellings, has been attached for completeness. No such condition was attached to the hybrid approval.

6.12 **Cleansing**

No issues.

6.13 **United Utilities (UU)**

With reference to the above planning application, United Utilities wishes to draw attention to the following points.

It should be noted that we have previously commented on the Outline Application (Planning Ref: 10/20/0107) to which the above application relates. Our previous response (Our Ref: DC/20/762) is available from the Local Planning Authority.

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Further information regarding Developer Services and Planning, can be found on our website at <http://www.unitedutilities.com/builders-developers.aspx>.

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).

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.

Example condition

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.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

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.

Water supply

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for. In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' property, assets and infrastructure

According to our records there is an easement crossing the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. The easement dated 13/09/1984 UU Ref: Z565 has restrictive covenants that must be adhered to. It is the responsibility of the developer to obtain a copy of the document, available from United Utilities Legal Services or Land Registry and comply to the provisions stated within the document. Under no circumstances should anything be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24 hour access.

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement. Therefore a modification of the site

layout may be necessary. All costs associated with sewer diversions must be borne by the applicant.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>.

You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring 0370 751 0101 to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

For any further information regarding Developer Services, including application forms, guides to our services and contact details, please visit our website at <http://www.unitedutilities.com/builders-developers.aspx>

6.14 Environment Agency (EA)

We have no objection to the details submitted with this reserved matters application.

We note that no details have been submitted with this application to address the contaminated land issues on the site. We therefore take this opportunity to remind the applicant that no development may take place until further investigation of the site has been undertaken and a remediation strategy has been submitted to the LPA for approval in accordance with condition 24 of the outline planning consent.

We look forward to reviewing this information and ask that we be consulted when it is supplied by the applicant.

6.15 Tree Officer

I remember dealing with Claire on this site last year and advising that the proposed landscaping is suitable for approval. The proposal to plant native tree and hedge species around the site is good and the occasional ornamental tree planting around the residential area is also fine. The planting spec is all present and correct.

I think there was an outstanding maintenance and management report that is now complete and covers all the relevant points. If you need me to provide any detailed comments get back to me but I have no objection to the proposals.

6.16 Publicity

69 neighbouring properties were consulted during the consultation process relating to the initial scheme, and a site notice was posted on 14/12/2021.

A press notice was also advertised in the local newspaper (Press notice 22/12/2021). No representations were received.

8.0 CONTACT OFFICER: Tom Wiggans – Planner, Development Management.

9.0 DATE PREPARED: 07th January 2022

DEPARTMENT OF PLACE, GROWTH AND DEVELOPMENT

ORIGINATING SECTION: Planning

REPORT TO: Planning & Highways Committee on 20th January 2022.

TITLE: Petition objecting to an application for full planning permission for the following development:

'Change of use of first floor from E(G)(i) Offices to F1(a) Educational Class Rooms (retrospective)' at First Floor 49-51 Preston New Road, Blackburn BB2 6AE

WARD: Wensley Fold

Councillor: Mohammed Khan

Councillor: Dave Harling

Councillor: Quesir Mahmood

1.0 PURPOSE OF THE REPORT

- 1.1 To inform Members of the receipt of a petition objecting to the above mentioned development.
- 1.2 The application is submitted by Unity Educational Trust.

2.0 BACKGROUND AND DETAILS

- 2.1 The planning application (10/21/1312) was received by the Local Planning Authority (LPA) on 24th November 2021. 65 neighbourhood letters of consultation were sent on 31st November 2021.
- 2.2 The Petition was received by the LPA on 16th December 2021. The Petition objects to the application on the grounds of highway impacts arising from large volumes of cars entering New Park Street, which is a Cul-de-sac. It is alleged that vehicles associated with the Madressa use double park along New Park Street, obstructing the entrance / exit of the car park at the rear of New Park Street, and occupy the car park associated with Kaspas and the Queen Vic Chippery, during drop off and pick times. Anti-social behaviour, including abuse and damage to vehicles, warranting Police intervention, is also alleged.
- 2.3 The petition, containing 15 signatures, is appended to this report.
- 2.4 Member's are advised that assessment of the planning application is ongoing and that all material matters that must be considered in the decision making process will be addressed. This includes highway impacts arising from the use. An officer recommendation will be available in due course. The statutory 8 week determination date expires 19th January 2022, though a decision may fall outside of this timescale, in the event of a mutually accepted extension of time.

3.0 RECOMMENDATION

3.1 That the petition be noted by Members and that the lead petitioner be informed of any decision taken, including the outcome of the current planning application.

4.0 BACKGROUND PAPERS

4.1 The petition subject of this report, including signatures, comments and covering email.

4.2 Planning application 10/21/1312.

5.0 CONTACT OFFICER: Nick Blackledge; Principal Planner, Development Management.

6.0 DATE PREPARED: 6th January 2022.

This is a petition against the change of use of the first floor from E(G)(i) Office to F1 (a) Educational classrooms at First Floor

45 – 51 Preston New Road

Blackburn

BB2 6AE.

We the residents of New Park St are totally objecting to this Education centre been given planning permission by the planning department of Blackburn.

The main reason is the large volume of cars entering New Park St. Which is only Cul-de-sac ,no through road to alleviate the chaos it causes to the residents of New Park St. The Children parent's just double park on both sides of the street and block the entrance and exit to the car park at the rear of New Park Street, they also occupy the car park belonging to the Queen Vic chippy and Kaspas ice cream parlour opposite New Park St. They also leave their cars untended for over 10 minutes when they are dropping off and picking up their children to the school, often illegally parking and obstructing traffic. Many times, when the residents have asked the drivers to move their vehicles in a polite manner only to be met with a barrage foul language and abused aimed at us residents. The police were called on one occasion due to the hostile manner which one of the drivers was behaving towards the residents while parking on our street.

Not only do they treat us with contempt but also hit our cars when manoeuvring their vehicles. Then final straw is when they cause gridlock in the street and no vehicular movement is possible to enter or leave the Street, complete disorder, and chaos. This is a very small Cul -de-sac Street not capable of handling large volume of traffic.

We the undersigned are against the granting of the permission for the planning application for the above building because they don't have a car park of their own, to accommodate for the parents of the children attending the Education building .

Date	Address	Signature
13-12-2021	103 NEW PARK ST	
13-12-2021	101 NEW PARK ST	
13-12-2021	99 NEW PARK ST	
16/12/21	QUEEN VIC CHIPPY	
13-12-2021	95 New Park St	
13-12-2021	7-9-11 BATHURST ST	
16 12. 20-21	KASPAS	
13-12-2021	89 NEW PARK ST	
13-12-2021	87 NEW PARK ST.	
15-12-21	1 Bathurst St	
15-12-21	59 Bathurst St	
15-12-21	33 BATHURST ST	
15-12-21	81 new Park Street	
16 12-21	77 New Park St	
16 12 21	Barbrook, Washington SAMARITANS	