

# Public Document Pack

## Planning and Highways Committee

Thursday, 17th March, 2022

6.30 pm

Meeting Room A

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### AGENDA

- |     |  |           |
|-----|--|-----------|
| 1.  | Welcome and Apologies  |           |
| 2.  | Minutes of the Previous Meeting                                |           |
|     | Minutes of Previous Meeting                                    | 3 - 5     |
| 3.  | Declaration of Interest  |           |
|     | Declaration of Interest Form                                   | 6         |
|     | Material Consideration   | 7 - 8     |
| 4.  | Planning Applications for Determination                        |           |
|     | Agenda   | 9 - 10    |
| 4.1 | Planning Application 21/0708                                   |           |
|     | Detached Garage to rear of Dandy Row, Dandy Row, Darwen        | 11 - 35   |
| 4.2 | Planning Application 21/1270                                   |           |
|     | Land Junction of Eden Street, Higher Eanam, Blackburn          | 36 - 47   |
| 4.3 | Planning Application 21/1294                                   |           |
|     | Former Darwen Paper Mill Site, Lower Eccleshill Road, Darwen   | 48 - 100  |
| 4.4 | Planning Application 21/1320                                   |           |
|     | The Grand Venue, Unit 2 Harrison Street Trade Parks, Blackburn | 101 - 108 |
| 4.5 | Planning Application 21/1328                                   |           |
|     | Plot 4, Greenbank Terrace, Lower Darwen, Blackburn             | 109 - 146 |

<b>4.6</b>	<b>Planning Application 22/0006</b>	
	<b>Meadowcroft Barns, Chapel Grange, Chapeltown, Bolton</b>	<b>147 - 166</b>
<b>4.7</b>	<b>Planning Application 22/0060</b>	
	<b>St Paul's RC Church, Preston Old Road, Blackburn</b>	<b>167 - 178</b>
<b>4.8</b>	<b>Planning Application 22/0064</b>	
	<b>Former Hoddlesden Mill, Johnson New Road, Hoddlesden</b>	<b>179 - 253</b>
<b>4.9</b>	<b>Planning Application 22/0121</b>	
	<b>Telecommunications Site, Parklands Way, Blackburn</b>	<b>254 - 262</b>
<b>5.</b>	<b>Petition</b>	
	To inform Members of the receipt of a petition objecting to a current planning application (ref. 10/21/1397 for the proposed change of use from a dwelling (Use Class C3) to a café (Use Class E (a/b) at 117 Whalley Range, Blackburn.	
	<b>Petition objecting to an application for full planning permission for the following development: 'Change of Use from dwelling (C3) to cafe (Class E (a/b) including new shop front and installation of roller shutters' at 117 Whalley Range, Blackburn, BB1 6EE</b>	<b>263 - 268</b>
	<b>Petition report - 117 Whalley Range (copy of petition).pdf</b>	

Date Published: Wednesday, 09 March 2022  
Denise Park, Chief Executive

# Agenda Item 2

## PLANNING AND HIGHWAYS COMMITTEE

### Thursday, 17 February 2022

**PRESENT** – Councillors, David Smith (Chair), Akhtar, Casey, Z Khan, Jan-Virmani, Riley, Browne, Harling, Marrow, Baldwin, Floyd (substitute for Khonat), M Hussain (substitute for Desai) and N Slater (substitute for Ja Slater).

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

#### RESOLUTIONS

##### 56 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Suleman Khonat who was substituted by Cllr Jackie Floyd, Cllr Jacquie Slater who was substituted by Cllr Neil Slater and Cllr Samim Desai who was substituted by Cllr Mahfooz Hussain.

##### 57 **Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held on 20<sup>th</sup> January 2022 be confirmed and signed as a correct record.

##### 58 **Declaration of Interest**

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

##### 59 **Planning Application 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

##### 59.1 **Planning Application 20/0223**

**Applicant** – Mr K Dearden – Walsh & Dearden Ltd.

**Location and Proposed Development** – Sough Works, Sough Road, Darwen BB3 2TS

Full Planning Application for Erection of 10 starter units

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

**RESOLVED** – Approved subject to the conditions highlighted in the Directors Report

##### 59.2 **Planning Application 20/1258**

**Applicant – Persimmon Homes and Northern Trust**

**Location and Proposed Development – Land at Spring Meadows, Darwen**

Full Planning Application for partial re-plan of development site known as Spring Meadows (approved under application reference 10/19/0317) involving 24 homes creating an additional 7no. new homes

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

**RESOLVED** – Approved subject to the conditions highlighted in the Directors Report

**59.3 Planning Application 21/0745**

**Applicant – UV Care Blackburn Ltd**

**Location and Proposed Development – Land Off Eleanor Street, Blackburn BB1 1JD**

Full Planning Application for: Proposed 4 Storey Care Home, and 2 Storey Assisted Living Apartments (Use Class C2), and associated external parking

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

**RESOLVED** – Approved subject to the conditions highlighted in the Directors Report and the amended conditions stated in the Update Report

**59.4 Planning Application 21/0826**

**Applicant – Rocplas**

**Location and Proposed Development – Land off Carl Fogarty Way, Blackburn**

Erection of 4-storey building incorporating Use Classes B8 and E uses with formation of new access point from Carl Fogarty Way and associated works

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

**RESOLVED** – Approved subject to the conditions highlighted in the Directors Report and additional conditions stated in the Update Report

**59.5 Planning Application 21/1134**

**Applicant – Dwell Developments**

**Location and Proposed Development – Land attached to 378 Bolton Road on corner of Bury Fold Lane, Darwen**

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



**RESOLVED** – Approved subject to the conditions highlighted in the Directors Report

**59.6     Planning Application 21/1210**

**Applicant** – Longshaw Infants School

**Location and Proposed Development** – Longshaw Infants School, Crosby Road, Blackburn BB2 3NF

Full Planning Application (Regulation 4) for Erection of Single Storey Nursery Building

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

**RESOLVED** – Approved subject to the conditions highlighted in the Directors Report and the Update Report

**59.7     Planning Application 21/1393**

*This item was moved to the first item on the agenda*

*Speakers – Mr Westwell (Objector)  
                  Mr Martin Eden (In Support)*

**Applicant** – Blackburn with Darwen Borough Council

**Location and Proposed Development** – Pleasington Cemetery, Tower Road, Blackburn BB2 5LE

Construction of new prayer room facility including soft landscaping works and associated parking

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

**RESOLVED** – Approved subject to the conditions highlighted in the Directors Report

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

<b><u>MATERIAL:</u></b>	<b><u>NOT MATERIAL:</u></b>
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: 17/03/2022

Application No	Applicant	Site Address	Ward
Application Type			
10/21/0708	Mr Mick Graham 11 Briar Croft Lower Darwen England	Detached Garage to rear of Dandy Row Dandy Row Darwen	Darwen East
Full Planning Application for Conversion of existing detached garage to dwelling house, with associated works			

#### RECOMMENDATION: Permits

10/21/1270	Barnfield Blackburn Ltd Barnfield Construction Ltd 8 Kenyon Road Lomeshaye Ind. Est. Nelson BB9 5SP	Land Junction Of Eden Street Higher Eanam Blackburn BB1 3AT	Blackburn Central
Variation/Removal of Condition/Minor Material Amendment for Variation of condition no 2 pursuant to application 10/20/1099 'Variation of Condition No2 pursuant to planning application 10/20/0251' New industrial development comprising of 2 No. B2/B8 units' layout change to the design			

#### RECOMMENDATION: Permits

10/21/1294	Acornfield Properties Ltd Mr Baber Majid Chichester House 91 Moss Lane East Manchester M15 5GY	Former Darwen Paper Mill Site Lower Eccleshill Road Darwen BB3 0RW	Darwen East
Full Planning Application for The erection of 2no. Industrial warehouse units for use classes B2/B8/E(g)(iii) with ancillary office spaces with the construction of new access, hard and soft landscaping			

#### RECOMMENDATION: Permits

Application No	Applicant	Site Address	Ward
Application Type			
10/21/1320			
Mr Sajid Patel 2 Cambay Villa Billinge End Road Blackburn BB2 6PT	The Grand Venue Unit 2 Harrison Street Trade Parks Harrison Street Blackburn BB2 2JE	Blackburn Central	
Variation/Removal of Condition/Minor Material Amendment for Variation of condition nos. 2 and 11 pursuant to planning application 10/18/0959 to permit a futher 12 month temporary permission and revision to the Noise Management Plan, respectively.			
RECOMMENDATION: Permits			
10/21/1328			
Barnfield Blackburn Ltd. 8 Kenyon Road Nelson BB9 5SP	Plot 4 Greenbank Terrace Lower Darwen Blackburn BB3 0RN	Blackburn South & Lower Darwen	
Reserved Matters Application for Approval of the reserved matters for the appearance, layout, scale and landscaping of employment unit on plot 4 pursuant to permission 10/18/1149			
RECOMMENDATION: Permits			
10/22/0006			
Meadowcroft Barns Ltd c/o The Old Shippon 126 High Street, Chapeltown Bolton BL7 0EX	Meadowcroft Barns Chapel Grange Chapeltown Bolton BL7 0EX	West Pennine	
Variation/Removal of Condition/Minor Material Amendment for Variation of Condition No.2 "approved drawings" pursuant to planning application 10/20/0798 "Erection of 4 dwellings with associated access road, landscaping and parking" - amendments to the site layout and house design			
RECOMMENDATION: Permits			
10/22/0060			
Synergy Day Care Ltd T/A Tudor House Day Nursery Former St Paul's RC Church Preston Old Road Feniscowles Blackburn BB2 5EP	St Paul's Rc Church Preston Old Road Blackburn BB2 5EP	Livesey With Pleasington	
Full Planning Application (Retrospective) for Change of Use from Place of Worship/Church Hall (Class F) to Day Nursery (Class E) (Retrospective)			
RECOMMENDATION: Permits			
10/22/0064			
Kingswood Homes (UK) Ltd 8 Bridge Court Liverpool New Road Preston PR4 5JT	Former Hoddlesden Mill Johnson New Road Hoddlesden	West Pennine	
Reserved Matters Application for Approval of the reserved matters for the appearance, layout, scale and landscaping for the erection of 72 residential units comprising 58 detached and semi-detached dwellings and 14 apartments pursuant to application 10/21/0008			
RECOMMENDATION: Permits			
10/22/0121			
Cornerstone c/o Agent Hive 2 1530 Arlington Business Park Theale RG7 4SA	Telecommunications site Parklands Way Blackburn BB2 4RH	Ewood	
Full Planning Application (Regulation 4) for Removal of 12m high street furniture style mast with 3No. antennas with GRP shroud, 6No. cabinets, 1No. pillar and all ancillary development and installation of 20m high street furniture style mast with 6No. antennas, 3No. cabinets and all ancillary development			
RECOMMENDATION: Permits			

## REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/0708

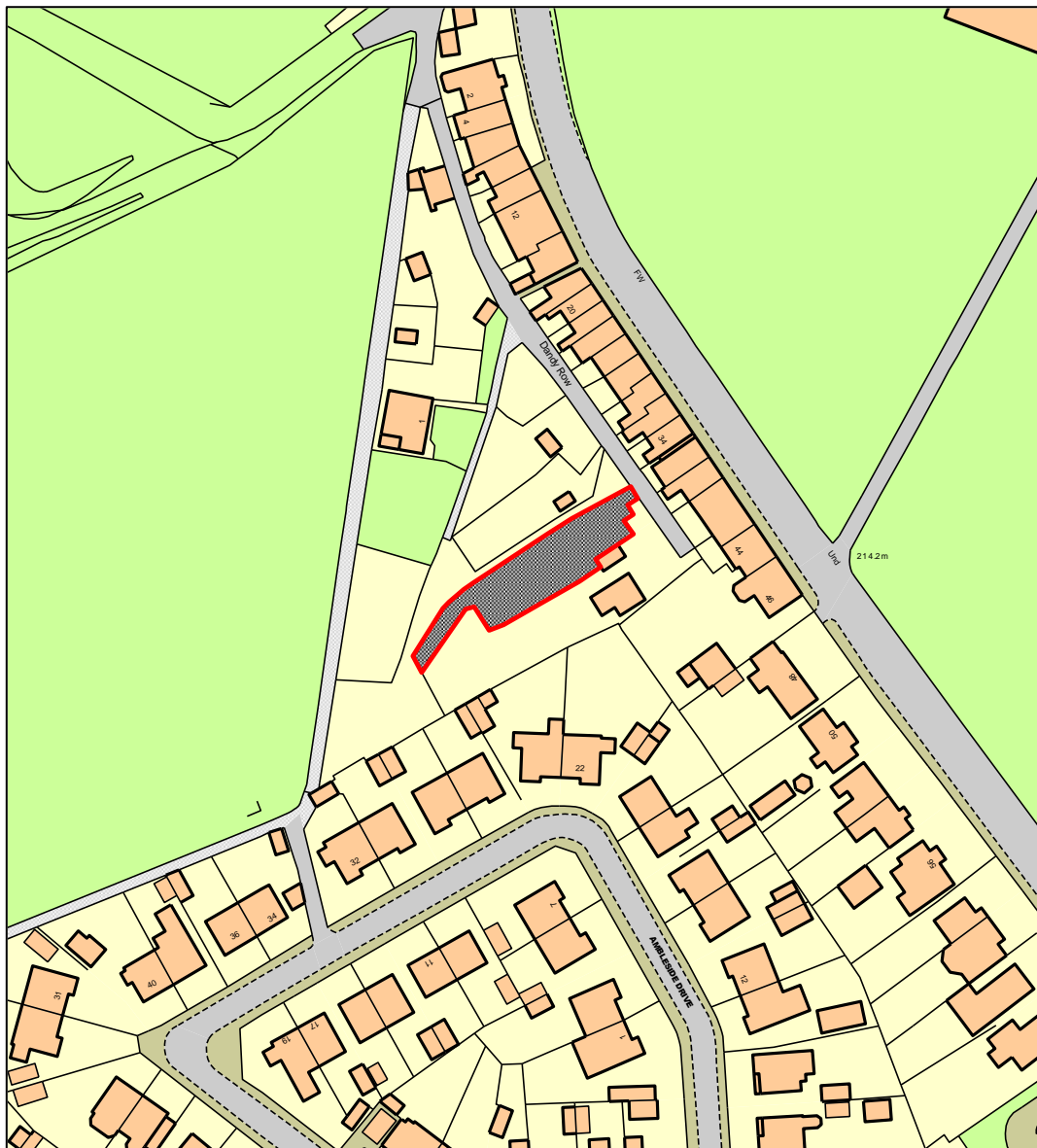
**Proposed development: Conversion of existing detached garage to dwelling house, with associated works**

**Site address: Detached Garage to rear of Dandy Row, Dandy Row, Darwen**

**Applicant: Mr Mick Graham**

**Ward: Darwen East**

**Councillor Katrina Fielding  
Councillor Jane Oates  
Councillor Paul Nathaniel Browne**



## **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 through the Chair Referral process, and given the number of public objections received. The objections raised principally concern the access and parking arrangements of the site. Concerns in the way of land ownership, residential amenity impacts and potential obstructions to a footpath have also been raised in the representations made.
- 2.2 The proposed development has been publicised through letters to residents of the nearest 12 adjacent properties, initially on 05<sup>th</sup> July 2021. A site notice was also posted by the previous case officer. In addition, 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 proposals would deliver a one-bedroom dwelling within a sustainable location for new housing development. Vehicle access would be gained from Dandy Row, via Roman Road, to the north of the site. The proposed dwelling would be afforded its own private garden space with parking for two vehicles to the front of the building shown on the submitted plans.
- 2.5 On balance, the proposals 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;
- Assessing any procedural matters raised;
  - Establishing the principle of development;
  - Ensuring any necessary external alterations to the building are visually appropriate;
  - Safeguarded the residential amenities of the immediate neighbours;
  - Ensuring adverse impacts on the local highway network are avoided;
  - Ensuring adequate parking provision is made;
  - Assessing the potential for terrestrial contamination, and;
  - Minimising the impacts of the development on air quality.



### 3.0 RATIONALE

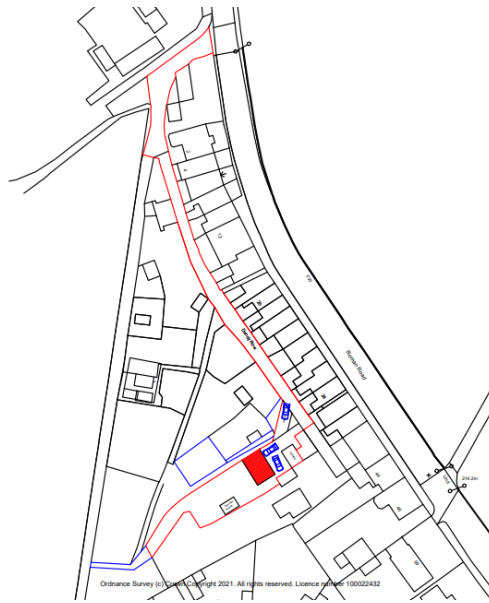
#### 3.1 Site and Surroundings

- 3.1.1 The application site is a freestanding double garage, garden areas and access road located to the east of the settlement boundary of Darwen. Discounting the access road, the site covers circa an area of circa 0.13 acres. The garage building and summerhouse currently occupy the site with the remainder used for parking and as private garden space.
- 3.1.2 Open garden land and outbuildings surround to three sides with terraced dwellings on Dandy Row positioned to the east. The garage has a footprint of circa 51 square meters and a dual-pitched roof up to 4.2m in height. Natural stone quoins, bricks, render and slates have been used to externally finish the building and it is currently fitted with brown metal roller shutter doors to the front and rear.

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 As detailed above, this planning application involves the conversion of a freestanding double garage to a one-bedroom dwelling with a lounge, kitchen and bathroom areas. Access would be maintained from Dandy Row by an existing access point. A parking and manouvering area would be formed to the front of the dwelling for two vehicles. The rear garden area and summerhouse would be retained and used in conjunction with the proposed dwelling.

Figure Three – Proposed Site Plan and Floor Plan



- 3.2.2 In order to facilitate the conversion, the roller shutter doors would be removed to the front and rear elevations and replaced with a more domesticated fenestration. A door and two windows would be installed to the front (northeast) with a window and set of bi-fold doors installed to the rear (southeast). A door and window would be removed from the side (southeast) with the openings bricked over to form a blank elevation. In addition, a pair of rooflights would be removed from the front roofslope and installed to the rear.

**Figure Four – Existing and Proposed Elevation Plans**



### **3.3 Case Officer Site Photos**



### **3.4 Development Plan**

#### **3.4.1 Core Strategy Part 1 (2011):**

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

#### **3.4.2 Local Plan Part 2 (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 36: Climate Change

#### 3.4.3 Residential Design Guide Supplementary Planning Document (SPD) (2012)

#### 3.4.4 Blackburn with Darwen Parking Standards (2014)

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

- Section 9: Promoting sustainable travel

### **4.0 ASSESSMENT**

#### 4.1 Procedural Matters

4.1.1 Concerns have been raised in public comments given potential discrepancies with land ownership. During the course of the application an amended Location Plan (Figure Two) has been submitted showing the application site boundary covering access arrangements from Roman Road together with visibility splays around the proposed driveway. The Applicant acknowledges that they do not own all of the land within the application site boundary. Some is also unregistered with HM Land Registry.

4.1.2 However, such matters are not material grounds to resist planning applications where the correct notification procedures have been followed. The Agent has confirmed that a Certificate D Notice was posted in a local newspaper (Lancashire Telegraph) in August 2021. Such measures are sufficient to demonstrate compliance with nationally prescribed procedures and the proposals are thus acceptable with reference to land ownership and the service of ownership certificates.

4.1.3 Further concerns have been raised in public comments alleging that the site may be used as a holiday let. However, the description provided does not align with those assertions and the submitted information only makes reference to use of the building as a private dwelling. Finally, concerns have been raised given the implementation of various unauthorised works. Whilst that may be the case, this application ultimately seeks to regularise those works alongside converting the garage to a dwelling.

#### 4.2 Principle of Development

4.2.1 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 1 identifies the preferred location for all new development to be within the defined urban areas of Blackburn and Darwen.

With specific reference to housing, those requirements are reinforced by Policy CS5 and the site benefits from such a location.

- 4.2.2 Moreover, services, facilities and regular public transport links are all within walking distance and the site is in a sustainable location for new housing development, thereby complying with the relevant requirements of the aforementioned housing distribution policies.
- 4.2.3 Both Policies CS7 and 18 prioritise family housing over all other forms of housing. The proposed one-bedroom unit would not fall within that category. However, the limited size of the existing building directly prevents the provision of family housing. Therefore, the proposals are acceptable when the physical characteristics of the site are taken into account and the principle of residential development is established.
- 4.2.4 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 Design and Visual Amenity

- 4.3.1 The site is positioned within an urban area that has a relatively varied streetscene. 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.
- 4.3.2 With regards to residential developments, those requirements are reiterated by the guidance contained within the Design SPD. The style and form of architecture must be influenced by the surroundings with designs complementing existing features in the locality.
- 4.3.3 The existing building is contained within a cluster of outbuildings that differ in their size and appearance. Any works proposed to convert the garage would be contained within its existing fabric and they would not be harmful to architectural character of the building. Moreover, they would not appear unacceptably out of place when the varied streetscene of the site is taken into account. A condition is recommended to control the quality and finish of any external construction materials to be used.
- 4.3.4 A further condition is recommended to prevent the construction of further outbuildings within the garden area in order to preserve the open nature of the wider site. Subject to compliance with those conditions, the proposed development would be acceptable in relation to design and visual amenity, in accordance with Policy 11 and the guidance of the Design SPD.

#### 4.4 Residential Amenity

- 4.4.1 As detailed above, dwellings are positioned immediately to the east and safeguarding the amenities of those residential neighbours is an important planning consideration. 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.
- 4.4.2 Impacts in the way of noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the relationship between buildings should also be considered. In addition, the Design SPD details a number of standards and minimum separation distances to prevent any adverse impacts in that respect. Concerns have been raised in public comments on residential amenity grounds.
- 4.4.3 No increases in the massing of the building are proposed to facilitate the conversion. Public comments have stated that the garage has been erected taller than the building approved in 2003 and an approval here would ultimately regularise such works. However, the approved plans for application 10/03/0117 detail a 4.2m high garage, which is also detailed on the plans submitted for this application. The proposals would thus not appear overbearing to neighbours.
- 4.4.4 In relation to overlooking, windows are proposed to two elevations. Any rear facing windows would face away from adjacent dwellings. An existing garage would prevent the proposed kitchen window overlooking the adjacent dwellings on Dandy Row. A bathroom window is proposed within 21m of those dwellings. Therefore, a condition is recommended to ensure that window is obscurely glazed in order to minimise overlooking for neighbours.
- 4.4.5 Further concerns have been raised in public comments alleging that CCTV has been installed without the relevant permissions. However, owing to ample separation, the presence of such installations is not unacceptably invasive to the living environments of the immediate neighbours. Moreover, CCTV systems can be installed on any buildings under the provisions of permitted development, subject to certain criteria being met.
- 4.4.6 BwD Public Protection have reviewed the merits of the proposals and no objections have been raised. A condition has been advised to control construction working hours, which is recommended to be added in order to minimise disruptions for neighbours during that phase. Subject to compliance with the attached conditions, the proposed development would not be harmful to the amenities of the immediate neighbours, in accordance with the relevant requirements of Policy 8 and the guidance of the Design SPD.

#### 4.5 Parking and Highways

- 4.5.1 The site is currently accessed via a single-track road and those arrangements would remain unaltered. 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.



- 4.5.2 Parking should also be provided in accordance with the BwD Parking Standards and one-bedroom dwellings must have at least one off-street parking space. Concerns have been raised in public comments on highways and parking grounds. In addition, an objection has been raised by BwD Highways given the constrained nature of the proposed access arrangements.
- 4.5.3 It is acknowledged that the proposed access arrangements are less than ideal for a new dwelling. Visibility at the junction with Roman Road is also suboptimum. That said, the site's lawful use as a double garage and associated parking area must be taken into account in establishing any highways impacts.
- 4.5.4 Paragraph 111 of the Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety and such a position is difficult to demonstrate when the site's lawful use is taken into account. Given that the Framework is a nationally adopted planning policy document, its requirements are a material consideration for all planning applications.
- 4.5.5 That position was appraised as part of application 10/19/1099 and a balanced approach was applied in approving that application. It should also be noted that a number of residents already park to the rear of Dandy Row and the level of traffic movements associated with these proposals would not have a demonstrable impact on the overall safety or capacity of the surrounding highway network.

Figure Five – Existing parking area to rear of Dandy Row



- 4.5.6 Specific concerns have been raised in public comments given the potential for the development to further degrade the surface of Dandy Row, which is an unadopted highway. However, such activity is very difficult to quantify and attribute to specific users of the road. Moreover, the upkeep of unadopted roads is controlled by non-planning legislation and such concerns cannot be lawfully used to resist planning applications.
- 4.5.7 The submitted plans show an adequate level of off-street parking to the front of the building. A condition is recommended to ensure parking is provided in

accordance with that plan in the interests of minimising obstructions along Dandy Row. Manoeuvring arrangements within the site would be relatively constrained yet the slow-moving nature of Dandy Row would remove the potential for unacceptable highway safety implications to arise through vehicles reversing out.

4.5.8 Wider concerns have been raised in public comments regarding the presence of a footpath that runs along the north boundary. That route appeared to be in tact at the time of the site visit. Moreover, the route is not allocated as a formal public right of way based on current records and there are no material grounds to ensure it remains unobstructed through redevelopment of the site.

4.5.9 When those factors are considered collectively, and on balance, the proposed development would be acceptable in relation to highways and parking, in accordance with Policy 10 and the BwD Parking Standards.

#### 4.6 Drainage Systems

4.6.1 Policy 9 contains general requirements regarding flood mitigation and the provision of adequate drainage systems. BwD Drainage have reviewed the proposals and no objections have been raised, subject to the imposition of an appropriate condition to control surface water drainage systems, which is recommended to be added.

4.6.2 A further condition is recommended to ensure foul and surface waters are drained on separate systems, in accordance with the requirements of national planning practice guidance. Subject to compliance with those conditions, the proposed development would be acceptable in relation to flooding and drainage, in accordance with Policy 9.

#### 4.7 Contamination

4.7.1 With reference to potentially contaminated land, further requirements within Policy 8 state that all development proposals should secure effective remediation. This is to ensure a safe environment can be provided for any future occupants and residential uses are afforded an elevated level of protection when compared to other less sensitive uses.

4.7.2 In response to those requirements, BwD Public Protection have advised that the three standard contamination conditions should be added to any approvals issued, which are recommended. Subject to such matters being satisfactory addressed through conditions, the proposed development would be acceptable in relation to contamination, in accordance with Policy 8.

#### 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.



4.8.2 In response to those requirements, a condition has been advised by BwD Public Protection to ensure air quality mitigation measures are applied in the form of installing an electric vehicle charge point and efficient gas boiler, which is recommended to be added.

4.8.3 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.

#### 4.9 Summary

4.9.1 This application involves the conversion of a freestanding double garage to a one-bedroom dwelling. The implementation of various associated works is also proposed including external alterations to the building and the formation of a two car parking area.

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 principle and in terms of design and visual amenity, residential amenity, highways and parking, drainage systems, contamination, and 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) (amendment submitted 14<sup>th</sup> October 2021), Proposed Site Plan (1:200), Existing Elevations Plans (1:50), Proposed Elevations Plans (1:50), Existing Layout Plan (1:50) and Proposed Layout Plan (1:50).

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 exact type of all the external materials to be used in the construction of the development hereby approved, complete with details confirming the exact type of doors and windows to be installed, 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 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).

4. 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 Class E of Part 1 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 prevent further outbuildings being erected within the site, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5. The development hereby approved shall not be brought into use unless and until, the window serving the 'Bathroom' on the approved plan 'Proposed Layout Plan (1:50)' has been fitted with obscured glazing with a level of obscurity of Level 3 or above, unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree of obscurity and the effects of obscure glazing must not be negated by way of opening.

REASON: In order to protect the privacy of the occupiers of adjacent property, 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).

6. All construction/demolition works to be undertaken as part of the development hereby approved shall only take place between the hours of 8:00 – 18:00, Mondays – Fridays, and 9:00 – 13:00 on Saturdays. In addition, no such works shall be undertaken whatsoever on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise noise disruptions from construction/demolition works, 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. The dwelling hereby approved shall not be occupied unless and until, the parking and manouvering areas as defined on the approved plan 'Proposed Site Plan (1:200)' have been constructed and completed in their entirety. The parking and manouvering areas provided shall thereafter remain in perpetuity with the development and be permanently available for the parking of vehicles associated with the occupants of the dwelling.

REASON: In order to ensure vehicle 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).

8. Prior to its installation, technical details confirming the exact type of surface water system to be installed 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 be implemented in strict accordance with the approved details and the dwelling shall not be occupied until they have been provided in their 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).

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

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).

10. 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).

11. 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).

12. 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).

13. The dwelling hereby approved shall not be occupied unless and until, the following air quality mitigation measures have been provided in their entirety, 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).

## **6.0 PLANNING HISTORY**

- 6.1 10/03/0117 – Erection of detached double garage and formation of access – Approved, with conditions – June 2003.
- 6.2 10/19/1099 (1 Dandy Row) – Erection of timber dwelling – Approved with conditions – January 2020.

## **7.0 CONSULTATIONS**

- 7.1 BwD Highways – In summary, we offer objections to the application, as the proposal would be detrimental to highway safety and contrary to Policy 10 of the Local Plan.

(Parking) In accordance with adopted parking standards, the converted property would require 1 car parking space to support the 1bed dwelling. Adequate provision has been provided within the curtilage to support the 1bed accommodation.

(Access) Vehicle access is to be taken from an unadopted single narrow track. No details of sightlines have been provided, when exiting out onto Roman Road. In our opinion, the sightlines are hindered by gradients which are not level to the road, absence of a footway along Roman Road and boundary wall to property at the junction. We are concerned that the occupant of the new dwelling house would not be able to safely exit the track onto the highway.

- 7.2 BwD Public Protection – No objections. Should this application be approved, conditions should be imposed to control the risks associated with ground contamination and construction working hours. A further condition should also be imposed to ensure specific air quality mitigation measures are provided in support of the development.
- 7.3 BwD Drainage – No objections. A condition should be imposed on any permissions issued to control the design of the proposed soakaway.
- 7.4 BwD Housing Growth – No objections, subject to proposals meeting building regulations and planning policies.
- 7.5 BwD Cleansing – No objections.
- 7.6 Darwen Town Council

## 7.7 Ward Cllrs

## 7.8 Summary of Public Responses

- The Applicant does not own all of the land within the application site;
- The building may be used as a holiday let;
- Unauthorised works have been undertaken previously;
- The garage has been built higher than the approved building;
- Losses of privacy may be caused;
- CCTV has been installed at the site;
- Disruptions may be caused during the construction phase;
- The access and manouvering arrangements are inadequate;
- Further degradation of the surface of Dandy Row may occur;
- Vehicle parking is constrained locally;
- Obstructions to public footpaths may be caused.

**8.0 CONTACT OFFICER:** Christian Barton – Planning Officer

**9.0 DATE PREPARED:** 4<sup>th</sup> March 2022

## 10.0 SUMMARY OF REPRESENTATIONS

### **Objection – Helen Knott, 34 Dandy Row, Darwen, Received 07.07.21**

To whom it concerns

I will never allow Michael Graham no access on the lane as these plans show him having access past my house. Also Mr Graham whilst owing the garage was illegally tapping into the mains for electricity as he never had a meter and was charging all his all his tools. I rang north west electricity which was recorded and they disconnected his electricity done by fraud and also the consumer unit and leads connected to my house. As soon as I messaged Mick Graham who do u pay for electricity since he has lights and a camera system. His reply was I will turn everything off by 11pm. I have reported this to action fraud and north west electricity confirmed in an email he was using my electricity so that's fraud. No neighbours want him to have access as they know he tapped into the main cable underground illegally. If this goes ahead I will get a solicitor involved as he still hasn't repaid electricity that was connected to my house for 5 years. Nobody pays £80 a week for electricity unless someone interferes and my house used to own the garage hence the connection underground. Nobody has been sent a letter further down where the access is. The plans are incorrect also and all my neighbours are concerned. If u want the case number from action fraud or north west electricity I will send it but maybe ask Mr Graham how he has been paying electricity for 5 years and it's not through my neighbour. If u go ahead all the neighbours are aware of his scam and they aren't happy and won't give access. Regards Helen Knott 34 Dandy Row. BB3 3BL

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### **Objection – Craig Walkden, 36 Dandy Row, Darwen, Received 07.07.21**

Hi Clare

we live at number 36 Dandy Row and this property is directly behind our home, whilst we don't really object to this application, we must stress some concerns regarding access to this property, this access is on a unadopted road given this is yet another application for a residential dwelling (there will likely be more in the not to distant future) this access road is getting more and more traffic coming through and the condition of road has/is deteriorating significantly, with all the extra council tax payments as well as will existing payments received can the council now adopted this access road and make it suitable for the extra everyday use.

we look forward to your reply.

KIND REGARDS

CRAIG WALKDEN.

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### **Further Comments - Craig Walkden, 36 Dandy Row, Darwen, Received 13.07.21**

a couple of further questions regarding this application,  
is there sufficient room for access for emergency vehicles ?

what are the prospects of a further application being put in a later date to extend the existing dwelling, would this application be granted easier given the fact it would already be a dwelling ?

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**Objection – Mrs Pickering, Unknown address, Received 25.07.21**

Dear Mr Prescott,

I write regarding the planning application as above. I have objections regarding noise when the work is carried out.

I have objections regarding access and impact on a very small back road( back of Dandy Row ) which is unadopted as far as I'm aware so if heavy vehicles caused damage who would put this right ?

The plans lack details and have contradictions. The proprietor has already dug trenches way beyond his land as if the plans have been approved which is very concerning.

I have the adjacent land;he appears to already flout planning as the pictures attached show - our sheds are side by side.When I moved in they were the same height and the neighbouring was wooden. It is now brick and has been extended in length/ width and height.

Has anyone checked if the applicant even owns the land ? Neighbours cannot seem to find ownership in the applicant's name .

Kind regards

Mrs Pickering





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**Objection – Jim Sullivan, 32 Dandy Row, Darwen, Received 25.07.21**

Good morning, I have several concerns about the Conversion, initially this garage was built by a Mr Geoff Claypole who did live in Number 34 Dany Row, He did try to get a planning permission for a conversion on several occasions but was refused, one being the increase traffic flow, he was told to erect self closing gates as the drive went over a Public footpath they have since been removed, he didn't install a radon barrier so in that respect it makes Mr Grahams proposal a little difficult, my other concerns are Mr Graham brings long wheel base vans trailers with diggers on up the lane which impacts on my property on several occasions he has been very close to taking my rear garden wall down, he has also dug an access road from the bridle way at the square meadow to his property through I believe private/council land. We do have several children who play in the lane and everyone is aware and they drive very slowly. If you have already visited the site you will see he has installed a multi-burner stove. The impact of this conversion to the local neighbours will be a major disruption, he will be digging up the lane to access electricity and drains also he will be digging up the bridle way to access water and as he is not a resident of Dandy Row does he have access to use the lane ? Mr Graham seems to ride roughshod over rules and regulations and peoples thoughts to carry out what he wants ! we are a very close neighbourhood who look after each other we have several elderly folk on the row who like to enjoy sitting in the lane and chatting I feel this conversion will impact on the quality of the neighbourhoods daily life

Many Thanks

Jim Sullivan

32 Dandy Row

p.s I have been lead to believe that he plans to let his son live there, who is a bit of a party animal this will bring further grief to Dandy Row, Windemere Drive and Ambleside Drive as you can imagine the amount taxis and vehicles using the lane

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**Further Objection – Helen Knott, 34 Dandy Row, Darwen, Received 24.07.21**

Hi

I am Helen a single parent on dandy row I have previously emailed about fraud about mick Graham and have emails to prove this by electricity north west and Eon. So sorry but my second email is that the lane is narrow which we maintain ourselves so more drivers will ruin it. My daughter now plays out on the lane as she is too young to go to the field and more cars up the lane I will then be on pins. Also I worry if a fire breaks out in the back as there is no parking upfront due to cars. The noise of building will cause a disruption and the lane getting messed up. I have privacy issues as mick Graham has a camera overlooking my bedroom and next doors without permission. He has built an outbuilding higher than when it was a wood shed. He has put a log burner and tv meaning a different use of the building. The noise and strangers of if he lets the property out and will he mend the lane. Disruption of getting water and the sewage below his building also electricity since i hope he doesn't tap in again illegally. My main objective is there is a footpath that comes at the side of his land. Once the previous owner had to put gates up and mick Graham hasn't done this for five years. He has to drive over a public footpath to his land. He hasn't had permission all this time. He has told my neighbour he will say it's a holiday let, then say it makes no money to go back to a

commercial and say he can't sell it then he will get planning as he said he knows several on the council and then get planning for it to be a house.

If he has access to people on the council I will make sure they are prosecuted. I am emailing Mathew Jackson as he is a decent councillor. For now please look on the lane as he crosses a public footpath to go into his land and only dandy row have access to the lane if u live here. I trust the right councillors will oppose another builder thinking he can buy the council but I have a great opinion since his access is in front of my wall not after so he's drawing is incorrect too.

Please stop this going ahead as it's a small lane and he hasn't put gates up, security overlooks my bedroom when he gets electricity. He has also built another sun house against a neighbours fence she is so upset.ps why would u won't a holiday let in Darwen when he lives in Darwen? Only to build a house. Please think about the retired neighbours and my daughters safety on the lane without cars at the minute. One last thing the entrance is past so many more houses so why didn't they get a letter.

Kind Regards

Helen Knott

34 Dandy Row

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#### **Objection – Brian & Eileen Cowen, 44 Dandy Row, Darwen Received 24.07.21**

Dear Gavin Prescott

We object to the above plan which we believe inappropriate for the reasons given below.

❖ **The plan edged in red.** We believe that the area edged in red is possibly not owned by the applicant nor that he has control over the whole area.

➤ The land to the south-west of the existing garage has been used recently as an allotment by the applicant but we have not received any notification that this vacant land has been claimed. Should ownership be disputed, any development of the site could be halted or reversed with disruption and a possible eyesore being left.

➤ The strip of land immediately behind number 36 Dandy Row has been used by the occupants of number 36 since the previous owner developed it as a seating/garden area in the early years of this century. Thus, there is no access to the site directly from the track behind 36 Dandy Row, as the plan implies.

❖ **Access to the proposed dwelling.**

➤ Access to the site would be from behind 34 Dandy Row and would cross the pathway which links Roman Road and Holden Fold/Ambleside Drive. This footpath is an ancient right of way linking two highways, is marked as a footpath on 19<sup>th</sup> century Ordnance Survey maps and is in regular use to this day, despite its narrowing by fences erected by previous owners of the garage site. Its status was acknowledged by Blackburn Borough Council when an enforcement order was executed by the Council, with police in attendance, to remove the obstructions placed on it by the builder of the garage.

➤ Access to the garages/ parking spaces behind Dandy Row already causes considerable wear on the unmade track behind the houses. Additional housing with an anticipated 2-car parking provision would cause further erosion. Residents of the proposed house would not have frontage on Roman Road and so would have to

drive up the track each time they left or returned to the house. The alternative would be to park on Roman Road where there is already a parking problem.

➤ Access from the rear of the proposed house. Access to the rear by vehicle would not be possible because of the narrowness of the unmade track running along the east side of Square Meadow, a public footpath/bridleway. It would also pass very close to the new dwelling at number 1 Dandy Row. Access from Ambleside Drive is impassable to vehicles because of the pinch-point at the SE corner of Square Meadow.

❖ **The height of the existing and proposed building.** The garage was erected higher than planned because the builder built up the land before starting work. Any house built on the same foundations would overlook the bedrooms of numbers 36 to 30 and possibly further along Dandy Row.

❖ **The old wooden garage which should have been demolished.** The proposed site also includes a smaller garage which should have been demolished once the new garage had been completed to prevent the space being used for access and egress. A wall should have replaced it to prevent the users of the garage from adding to the wear and tear on the trackway behind numbers 38-44. This may have been overlooked by the Council because soon after the completion of the building work, the builder/owner, living at number 34 Dandy Row, went bankrupt and then spent time in prison for an unrelated offence. The subsequent sale of the garage may have confused matters at the time. The old wooden garage has been gradually replaced by brick walls and tiled roof and has been extended more than a metre forward into the common turning space. The roof has also been raised.



View of garage from number 44 - 2 June 2008





View of garage from number 44 - 24 July 2021

Yours sincerely Brian and Eileen Cowen

**Further email Objection – Brian & Eileen Cowen, 44 Dandy Row, Darwen Received 30.08.21**

The Planning Manager

Blackburn Borough Council

Dear Gavin Prescott

We object to the above application which we believe inappropriate for the reasons given below.

❖ **The plan edged in red**

We believe that the area edged in red is not owned by the applicant nor that he has control over the whole area it encloses.

- The land immediately behind the proposed dwelling was fenced and only recently used as an allotment by the applicant but we have not received any notification that this vacant land has been claimed. Should ownership be disputed, any development of the site could be halted or reversed with disruption and a possible eyesore being left.
- The strip of land immediately behind number 36 Dandy Row has been used by the occupants of number 36 since the previous owner developed it as a seating/garden area in the early years of this century. Thus, there is no access to the site directly from the track behind 36 Dandy Row, as the plan shows. Access is from behind number 34 and across the ancient pathway linking Roman Road with Holden Fold.

- The site area is given as 513 square metres. This must include land which does not belong to the applicant nor is under his control.

❖ **Access to the proposed dwelling and previous planning decisions**

- Access to the proposed dwelling would need to be from behind 34 Dandy Row and would cross the pathway which links Roman Road and Holden Fold/Ambleside Drive. This footpath is an ancient right of way linking two highways, is marked as a footpath on 19<sup>th</sup> century Ordnance Survey maps and is in regular use to this day, despite its narrowing by fences erected by previous owners of the garage site. Its status was acknowledged by Blackburn Borough Council when an enforcement order was executed by the Council, with police in attendance, to remove the obstructions placed by the builder of the garage.
- Access to the garages/ parking spaces behind Dandy Row already causes considerable wear on the unmade track behind the houses. Additional housing with an anticipated 2-car parking provision would cause further erosion. Residents of the proposed dwelling would not have frontage on Roman Road and so would have to drive up the track each time they left or returned to the house. The alternative would be to leave the two vehicles on Roman Road where there is already a parking problem.
- Access from the rear of the proposed dwelling. Access to the rear by vehicle would not be possible because of the narrowness of the unmade track running along the east side of Square Meadow, a public footpath/bridleway. It would also pass very close to the new dwelling at number 1 Dandy Row. Access from Ambleside Drive is impassable to vehicles because of the pinch-point at the SE corner of Square Meadow.
- Turning a vehicle on the land in front of the proposed building. There is insufficient space in front of the proposed dwelling to enable cars to be turned. The applicant already has problems in accessing his site. He has to drive his vehicle to behind number 40 Dandy Row, make a 3-to-5 point turn, drive back along the track past his garage and then reverse into it.
- The only vehicular access is from below number 2 Dandy Row. This track has developed over the years as more residents have acquired cars. It is an unmade road which is maintained at intervals by the residents. There would be more wear-and-tear on almost the entire length of the track. Visitors to the proposed dwelling would cause further problems of parking as well as wear.

❖ **Privacy. The height of the existing and proposed building**

- The garage was erected higher than planned because the builder built up the land before starting work. Any house built on the same foundations would overlook the bedrooms of numbers 36 to 30 and possibly further along Dandy Row.

❖ **Previous planning decision - the old wooden garage which should have been demolished**

- The proposed site also includes a smaller garage which should have been demolished on completion of the new replacement garage - Planning Dept reference RHN/P/10/01/0958. This was to prevent the space being used for access and egress. A wall should have been built in order to prevent users of the garage from adding to wear and tear on the trackway behind numbers 38-44. This may have been

overlooked by the Council because soon after the completion of the building work, the builder/owner, living at number 34 Dandy Row, went bankrupt and then spent time in prison for an unrelated offence. The subsequent sale of the garage may have confused matters at the time. The old wooden garage has been gradually replaced by the applicant with brick walls and tiled roof and has been extended more than a metre forward into the common turning space. The roof has also been raised.

Yours sincerely

Brian and Eileen Cowen

## **REPORT OF THE STRATEGIC DIRECTOR**

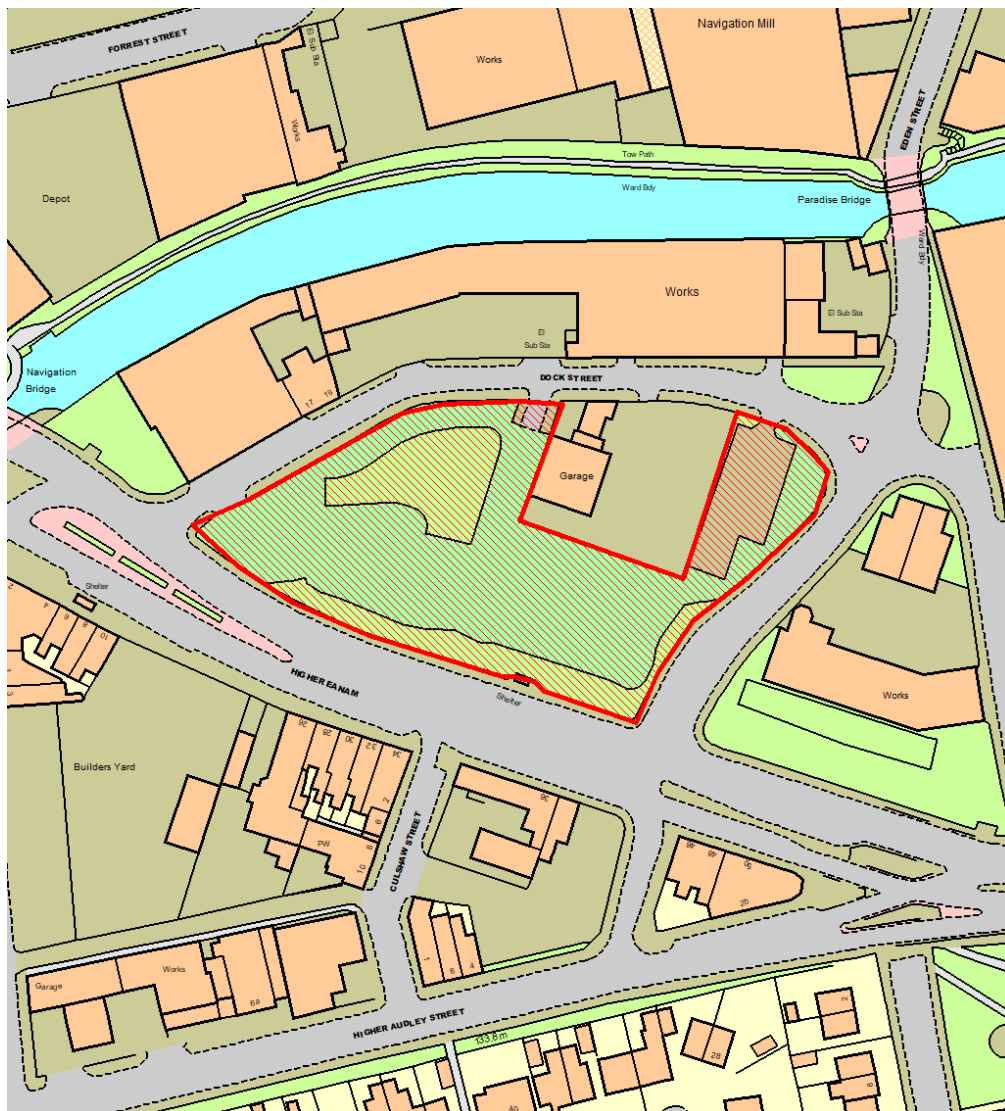
**Plan No: 10/21/1270**

**Proposed development: Amendment for Variation of condition no 2 pursuant to application 10/20/1099 'Variation of Condition No2 pursuant to planning application 10/20/0251' New industrial development comprising of 2 No. B2/B8 units' layout change to the design**

**Site address:  
Land Junction Of Eden Street  
Higher Eanam  
Blackburn  
BB1 3AT**

**Applicant: Barnfield Blackburn Ltd**

**Ward: Blackburn Central Councillors: Samim Desai; Mahfooz Hussain; Zamir Khan**





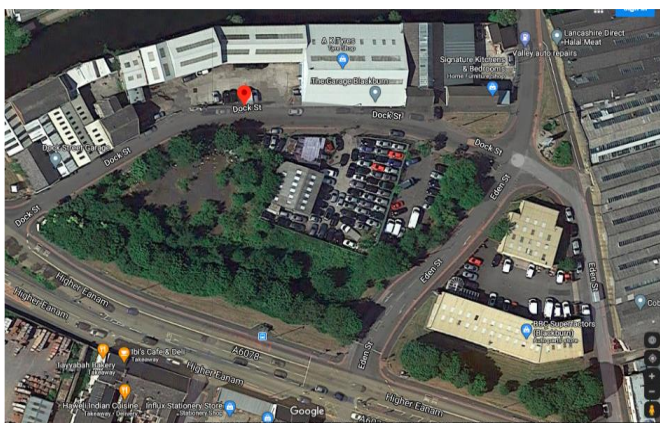
1.1 **APPROVE** – Subject to the recommended conditions set out within section 4 of this report

2.1 This application is presented to the Planning and Highways Committee, in accordance with the Scheme of Delegation, as the application site is within the ownership of Blackburn with Darwen Borough Council and the application is therefore submitted under Regulation 4 of the Town & Country Planning Regulations 1992.

2.3 The proposal is considered to 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.

### 3.1 Site and Surroundings

### 3.1.2 Satellite image and site photographs:





## 3.2 Proposed Development

3.2.1 This application relates to a variation of condition 2 of planning approval 10/21/1099, which itself was a variation to planning approval 10/20/0251. The extant consent permits the construction of a single commercial building providing circa 12,850ft<sup>2</sup> of floorspace for use within classes B2 and B8, with associated parking and service yard.

3.2.2 The current variation of condition application seeks to amend the approved site plan and elevation drawings to enable the following changes to the existing approval;

- Re-siting of the building 6m to the east
- Relocation of roller shutter doors and service yard from the east elevation to the north elevation

- Provision of a shared access and egress point on to Dock Street to replace the currently approved independent access and egress points on to Dock Street. Associated changes to the position of service yard and parking areas.

### **3.2 Development Plan**

3.2.1 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.

3.2.2 The 'Development Plan' comprises the adopted Core Strategy DPD (2011) and adopted Local Plan Part 2 – Site Allocations and the Development Management Policies (2015). The following policies are considered relevant in assessment of the proposed development;

#### **3.2.3 Core Strategy**

- Policy CS1 – A Targeted Growth Strategy
- Policy CS11 – Facilities and Services
- Policy CS16 – Form and Design of New Development
- Policy CS22 – Accessibility Strategy

#### **3.2.4 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

### **3.3 Other Material Planning Considerations**

#### **3.3.1 National Planning Policy Framework (NPPF) (July 2021)**

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 6: Building a Strong, Competitive Economy
- Section 9: Promoting Sustainable Transport
- Section 12: Achieving Well-Designed Places

### 3.4 Assessment

- 3.3.1 The principle of development is agreed by the extant planning approvals 10/20/0251 and 10/20/1099. The assessment for Members is whether the modifications to the position and design of the building and vehicular access/egress and servicing arrangements set out within the current variation of condition application are acceptable.
- 3.3.2 Design/Appearance: Policy 11 of LPP2 is of relevance and requires all new development to present a good standard of design. Development will be expected to demonstrate an understanding of the wider context and make a positive contribution to the local area, including enhancing/ reinforcing the established character of the locality.
- 3.3.3 Extant approval 10/20/1099 provides for the development of a single commercial building, massed to the south east corner of the site towards the Higher Eanam frontage. The approved building measures approximately 58m in length, 22m in width and 7.1m in height. The unit has glazing detail to the south east corner and is otherwise constructed with metal cladding, with monochrome blocks of cladding to break up the overall massing. Roller shutter doors are provided within the east elevation.
- 3.3.4 The proposal currently under consideration retains the general size and form of the extant scheme, with the exception of a 200mm increase to the overall height of the building. The amendments detail a relocation of the building approximately 6m to the east and repositioning of the roller shutter doors to the north elevation.



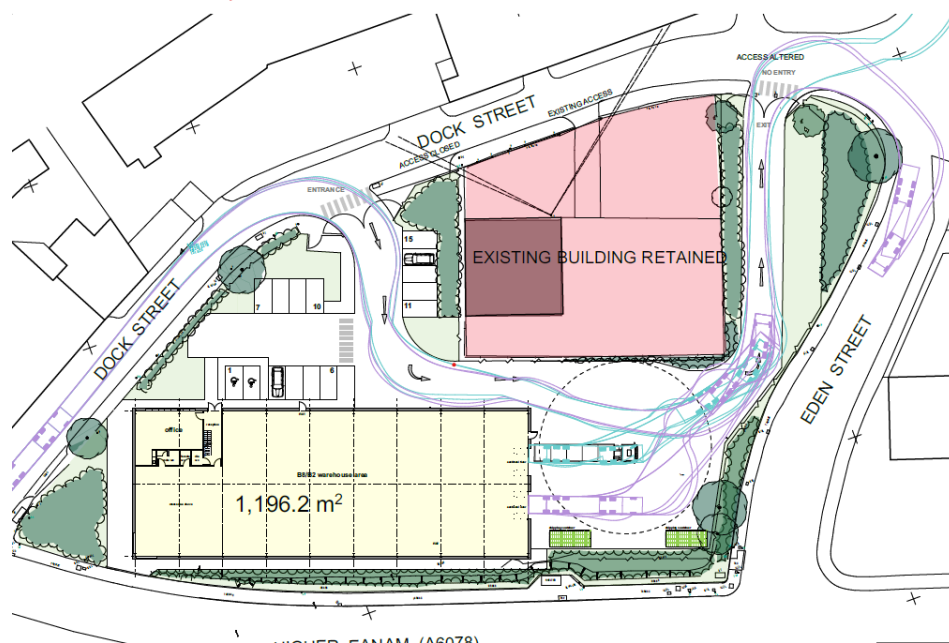
Proposed elevations within 10/21/1270

- 3.3.5 The amended proposals are considered to be limited in scope. The proposals continue to relate appropriately to the setting, which is of mixed character, with two-storey brick built properties opposing the site on the southern side of Higher Eanam and development to the north being more industrial in

appearance, with a mix palette of materials being evident. Furthermore, the proposals offer a substantial improvement to the area by way of bringing a derelict and overgrown site back in to meaningful use. Subject to consideration of materials at a later date the proposed amendments remain consistent with Policy 11

3.3.6 Highways: Core Strategy Policy 22: Accessibility Strategy and Local Plan Policy 10: Accessibility and Transport, aim to ensure that new developments provide appropriate provision for access, car parking and servicing so as to ensure the safe, efficient and convenient movement of all highway users is not prejudiced.

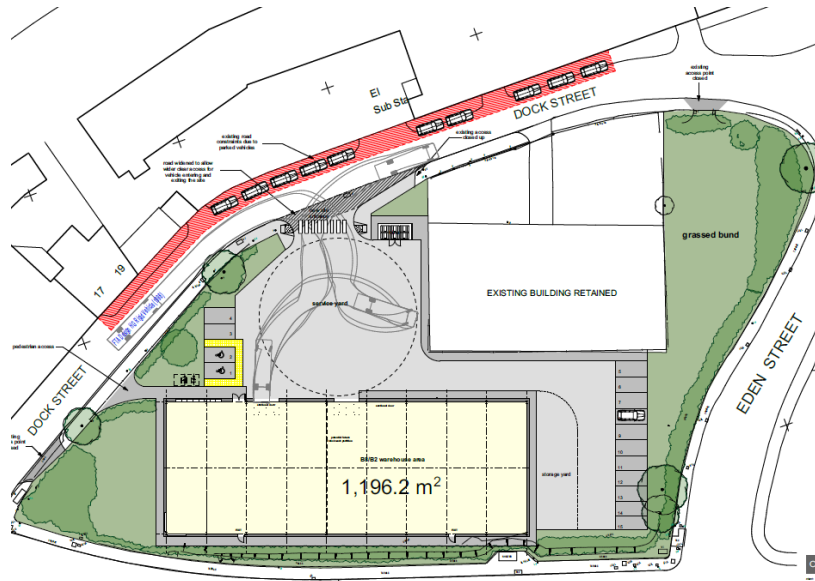
3.3.7 The extant approval provides for separate access and egress points on to Dock Street, with parking on the north side of the building and a service yard to the east. 15 parking spaces are provided in accordance with the Council's adopted parking standards.



Layout within extant approval 10/20/1099

3.3.8 The amended proposals received 2<sup>nd</sup> March 2022 provides for a shared access/egress point on to Dock Street. This includes revisions to a small section of the existing footway on the south side of Dock Street. Given the relocation of the roller shutter doors to the north elevation the service yard area has also been relocated to the north side of the building. Parking provision remains at 15 spaces, with disabled provision adjacent to the entrance on the north west corner of the building and the remaining spaces relocated to the east of the building.





Proposed layout within 10/21/1270

- 3.3.9 The Council's highway team offered some initial concerns with the proposed shared access/egress due to potential conflict between service vehicles and parked vehicles on the north side of Dock Street. This promoted the amendments received 2<sup>nd</sup> March 2022, which widened the proposed access/egress point and angled a section of footway. This change was supported by a vehicle tracking drawing for a 10m fixed axle vehicle (NB: condition 5 of the extant approval prevents servicing by articulated vehicles).
- 3.3.10 Subject to the re-application of the conditions within the extant approval, specifically conditions; 5 (restriction on which limits the type of vehicle servicing the development); 6 (detailed design of access/egress); 7 (construction methods statement); and 8 (safeguarding of visibility spays) the revised scheme is not considered to harm the safe, efficient and convenient movement of highway users. Accordingly, the proposal is consistent with the requirements of Policy 10 of the Local Plan.
- 3.3.11 Residential Amenity: Local Plan Policy 8 supports new development that secures a satisfactory level of amenity for surrounding uses and for occupants/ users of the development itself.
- 3.3.12 The extant approval includes a number of conditions to safeguard the amenity of occupants of residential flats within the first floor of the properties on the south side of Higher Eanam, as well as the area more generally.
- 3.3.13 The current proposal does not lead to any additional concerns regarding loss of amenity. Indeed, the relocation of the roller shutter doors and service yard from the east to north of the building actually serves to reduce potential harm. Subject to re-application of the conditions on the extant approval, as detailed within section 4 of this report, the proposal is considered to remain consistent with the requirements of Policy 8.

**3.3.12 Other Matters:** Notwithstanding the matters discussed above, the revised scheme remains acceptable subject to the re-application of those conditions attached to the extant permission and set out within section 4 of this report.

## **4.0 RECOMMENDATION**

### **4.1 Approve subject to the following conditions;**

**1.** The development hereby permitted shall be begun on or before the 25th August 2023  
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 -18.183\_007 rev C, received 11th May 2020

Elevations: 18.183\_004 rev P, received 2<sup>nd</sup> March 2022

Site plan: 18.183\_001 rev P, received 2<sup>nd</sup> March 2022

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

**3.** Prior to the commencement of development hereby approved, samples of all external walling, roofing materials, and their colour to be used in the construction of the building work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document

**4.** Prior to the commencement of development hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Trees and shrubs shall be planted on the site in accordance with the landscaping scheme during the first available planting season. The scheme shall include details of materials to be used for hard surfaces, and details of species to be planted, with their siting and planting distances, and shall be implemented during the first available planting season after the commencement of development. Trees and shrubs dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: To ensure that there is a well laid scheme in the interests of amenity in accordance with Policy 9 of the Blackburn With Darwen Borough Local Plan Part 2

**5.** No premises hereby approved shall be serviced by articulated vehicles.

REASON: Due to the restricted servicing arrangements within the site and to safeguard highway safety interests, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan part 2

**6.** Notwithstanding the submitted details, no development shall occur until a scheme detailing the closure of existing vehicular access/egress points on to Dock Street and the formation of the new access/egress points have been submitted to and approved in writing by the Local Planning Authority.

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

- 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 avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in order to protect the visual amenities of the locality and to comply with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

9. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) separate systems for the disposal of foul and surface water;
- (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or surface water sewer for the 1 in 1 year and 1 in 100 year rainfall events (including a climate change allowance of 20%), which shall not exceed the pre-development rate;
- (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate;
- (iv) evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- (v) details of flood exceedance routes (both on and off site);
- (vi) details of how surface water will be managed and pollution prevented during the construction phase;
- (vii) a timetable for implementation, including details of any phased delivery; and

The duly approved scheme shall be implemented before above groundworks are commenced, or within any other timescale first agreed in writing with the Local Planning Authority.

REASON: 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 in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

**10.** Prior to the commencement of development, a detailed method statement for the removal or long-term management/eradication of Japanese Knotwood on the site shall be submitted to and approved in writing by the local planning authority. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

**REASON** To ensure that the invasive species present on site are prevented from spreading and/or eradicated, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2

**11.** Protective fencing shall be installed around all trees being retained within the application site, in accordance with British Standard 5837: Guide for trees in relation to construction. 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 should remain intact and in place until all works are completed on the relevant phase of the site. This fencing should be considered sacrosanct and 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

**12.** The removal of vegetation from the site shall be conducted outside the bird nesting season (March to August) or within 48 hours of a suitably qualified ecologist having confirmed the absence of any nests. If present, any nests must be protected from works until they are no longer in use.

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

**13.** Prior to the first occupation of the development hereby approved, a scheme detailing the provision of 2no.bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the approved details.

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

**14.** Prior to the first occupation of the development hereby approved, a scheme detailing the siting and appearance of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the approved details.

**REASON:** In the interests of visual amenity and highway safety, in accordance with Policies 10 and 11 of the Blackburn with Darwen Borough Local Plan Part 2

**15.** Prior to any B2 use occupying any unit hereby approved, details of any emission(s) likely to arise from commercial or industrial activity shall be submitted to 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 thereafter retained.

**REASON:** To prevent an adverse impact on neighbouring land uses, in accordance with Policy 8 of the Blackburn with Drawen Local Plan Part 2

**16.** The use of the premises hereby approved shall be limited to between the hours 07:00 to 22:00

REASON: To ensure that noise from the development does not give rise to a loss of residential amenity to neighbouring residents, in accordance with Policy 8 of the Blackburn with Darwen Local Plan Part 2

**17.** Prior to occupation of any unit hereby approved, the developer shall submit a report that classifies the intended use in accordance with Blackburn with Darwen Council's Planning Advisory Note: Air Quality (the PAN), includes any assessments required in Figure 2 of the PAN, and identifies appropriate mitigation. The recommendations of the report must be agreed in writing by the Local Authority and implemented.

REASON: To safeguard air quality and to address climate change in accordance with the requirements of Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2

**18.** Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:

(i) Two copies of a comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.

(ii) Two copies of the findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority.

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

**19.** Subject to the requirements of condition 18, prior to the occupation 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

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

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

## **5.0 PLANNING HISTORY**

10/20/0251 – industrial development consisting of 2no. B2/B8 units

10/20/1099 - Variation of Condition No2 pursuant to planning application 10/20/0251" New industrial development comprising of 2 No. B2/B8 units" - change to the design - "variation to remove drawing 18.183.001 rev G and substitute with drawing 18.183.001 rev K with "revised design for 1No. unit 12,875sqft"

## **6.0 CONSULTATIONS**

Public Consultation: 34 neighbouring premises have been consulted individually by letter and a site notice displayed. No representations have been received

Highways: Initial concerns that the single access/egress point would lead to conflict between larger vehicles leaving the site and parked vehicles on the north side of Dock Street. Amended details received 2<sup>nd</sup> March 2022 have altered the position and width of the access/egress and are supported by a vehicle tracking drawing. Revised parking layout and service yard position acceptable. No further concerns subject to the re-application of a condition requiring construction details of the new access/egress as attached to extant approval 10/20/1099.

Public Protection: No objection subject to re-application of conditions attached to extant planning approval

**7.0 CONTACT OFFICER:** Martin Kenny, Principal Planner

**8.0 DATE PREPARED:** 3<sup>rd</sup> March 2022

## **REPORT OF THE STRATEGIC DIRECTOR**

**Plan No: 10/21/1294**

**Proposed development: Full Planning Application for The erection of 2no. Industrial warehouse units for use classes B2/B8/E(g)(iii) with ancillary office spaces with the construction of new access, hard and soft landscaping**

**Site address:**

**Former Darwen Paper Mill Site  
Lower Eccleshill Road  
Darwen  
BB3 0RW**

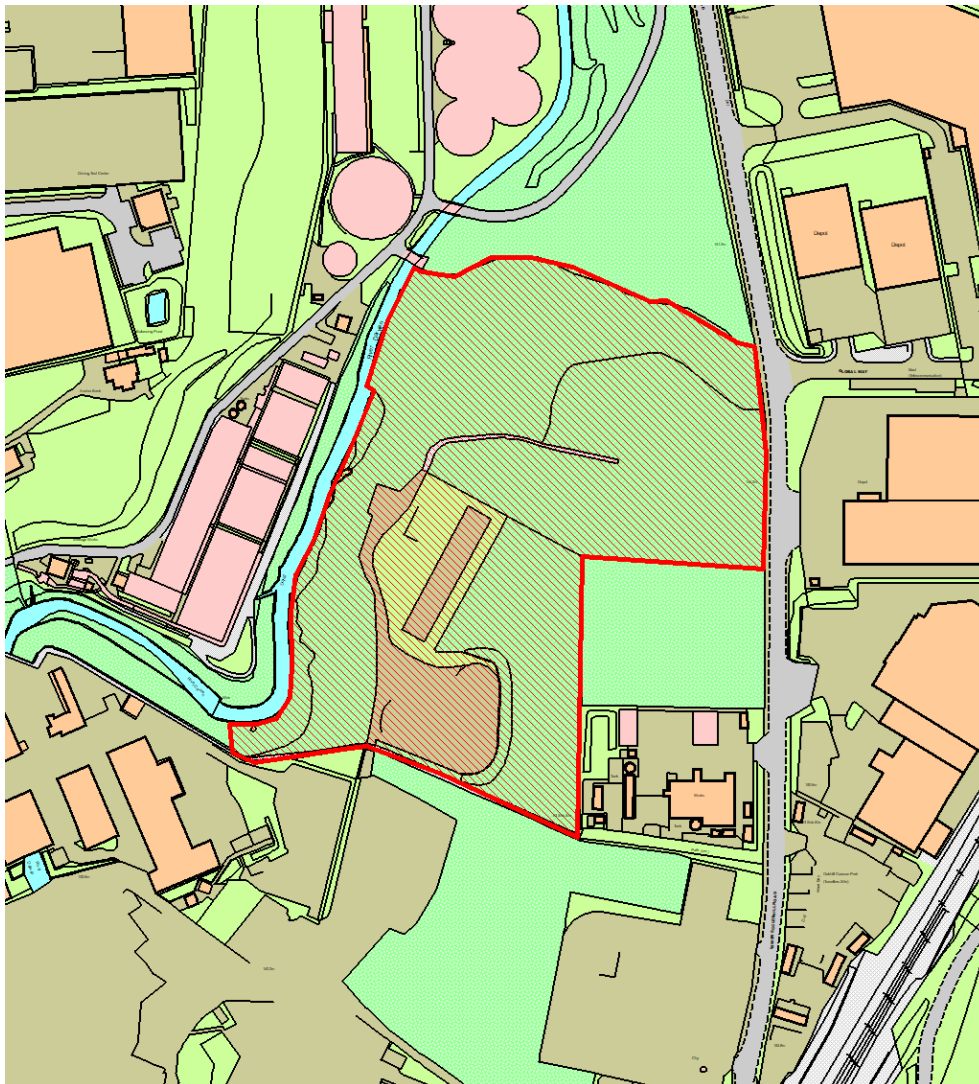
**Applicant: Acornfield Properties Ltd**

**Ward: Darwen East**

**Councillor Paul Browne**

**Councillor Katrina Louise Fielding**

**Councillor Jane Margaret Oates**



## **1 SUMMARY OF RECOMMENDATION**

- 1.1 The proposed development is recommended to be granted planning permission, subject to completion of a S106, and the conditions detailed in Section 5.

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

- 2.1 This application is for the erection of 2no. Industrial warehouse units; a speculative application for Use classes B2/B8/E(g)(iii) with ancillary office spaces, together with the construction of a new access, and hard and soft landscaping. The site is currently vacant; comprising predominantly fields to the north and concrete pads from sewage tanks and filter beds in the south. Historically, the site was the Darwen papermill, and more recently it was used as water treatment works. Given its former use, the land is known to be heavily contaminated, and substantial remediation work is required.
- 2.2 This is a major planning application, comprising 9,867sqm of new internal floorspace on a 35,152sqm site. It is presented to the Planning and Highways Committee due to the objection received from the occupiers of adjoining premises, Crown Paints. A summary of all the responses received is detailed below in Section 6.
- 2.3 The proposed development has been publicised through letters to adjacent occupants. 40 Neighbour letters were issued. A site notice was also displayed outside the site on 1<sup>st</sup> December 2021, and a Press notice was published on 22<sup>nd</sup> December 2021. In addition, a number of reconsultations have taken place with bespoke consultees (in particular the Council's Highways consultee, the Public Protection / Contaminated Land Officer, and the Environment Agency) upon the receipt of amended/updated/additional information provided to address initial concerns.
- 2.4 The Council's development plan supports new commercial developments and associated works within the defined urban boundary and employment areas, provided they constitute sustainable development, and accord with the development plan when taken as a whole. The proposal would deliver two modern industrial buildings, bringing a long standing vacant previously developed site back into active use, and economic, social and environmental benefits.
- 2.5 The scale and appearance of the buildings would be similar to other warehouses within the industrial area. The proposed warehouses would be rectilinear steel frame structures, utilising standard dual pitched roof profiles, roller shutters, dock levellers, personnel doors, and curtain wall glazing. The warehouses would utilise the existing topography of the site to mitigate the visual impact. Installation of retaining walls would allow the buildings to be constructed at a lower level, reducing the appearance by one storey when viewed from the east.

- 2.6 It is proposed to use a variation of grey coloured cladding which would gradually become lighter, allowing the elevation to fade into the skyline. The walls and roofs would be clad with trapezoidal sheet metal cladding, with areas of flat panel cladding to the principal elevations.
- 2.7 Primary vehicular access into the site for all vehicles would be from Lower Eccleshill Road, on the Eastern boundary of the site. Approval has previously been granted for the access road and visibility splays from Lower Eccleshill Road (10/20/1226). The public footpaths around the periphery of the site would be unaffected by the proposals. Appropriate vehicular parking, servicing and manoeuvring would be incorporated within the site, including mobility and cycle/motorcycle parking, and safe pedestrian routes/crossings.
- 2.8 The proposal is considered 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.
- 2.9 The key issues to be addressed in determining this application are;
- Principle of development; (including infrastructure / S106 requirements)
  - Design and visual amenity;
  - Residential amenity;
  - Highways issues, parking, servicing;
  - Foul and surface water drainage;
  - Ecology;
  - Contamination;
  - Climate change and air quality;
  - Neighbour objection (Crown Paints).
- 2.10 The following supporting information was submitted with the application:
- Security Needs Assessment
  - Planning Statement
  - Design and access statement
  - Landscape strategy / assessment
  - Tree constraints report / Arb Impact assessment and method statement
  - Preliminary ecological appraisal and otter survey report
  - Construction Environmental Management Plan (CEMP)
  - Noise assessment
  - Remediation strategy, Site investigation report, etc
  - Mineral Resource Assessment
  - Flood risk assessment and Drainage strategy
- 2.11 Various additional / revised documents received during assessment of the application include:
- Revised Remediation Strategy (received 4<sup>th</sup> January 2022).

- Revised Noise assessment (received 11<sup>th</sup> January 2022).
- Additional plan to address EA concerns (info only) (received 13<sup>th</sup> January 2022 and 23<sup>rd</sup> February 2022).
- Formal response to objection from Crown Paints.
- Revised site Plan and addendum to Transport Assessment Report (to address Highways comments), received 18<sup>th</sup> February 2022 and 02<sup>nd</sup> March 2022.
- Revised CEMP (Biodiversity) to address GMEU Ecology comments, received 16<sup>th</sup> February 2022.

### 3 RATIONALE

#### 3.1 Site and Surroundings

3.1.1 The application site is a plot of vacant previously developed land located within the defined urban boundary of Blackburn, within a secondary employment area in Darwen. The site generally slopes downwards from east to west, away from Eccleshill Road, down towards the river. There are some trees and a PROW on the periphery of the site, which would be unaffected by the proposal. The site lies within a Coal Low Risk area, and a Mineral Safeguarding Area, predominantly within a Flood Risk 2 area, but a small section at the outer (western) edge near the river is in Flood Risk 3.



*Figure One – Satellite image of the site*

3.1.2 The site covers an area of circa 35,152sqm. Within the proposed two buildings, a total of 9,867sqm of new internal floorspace would be created.

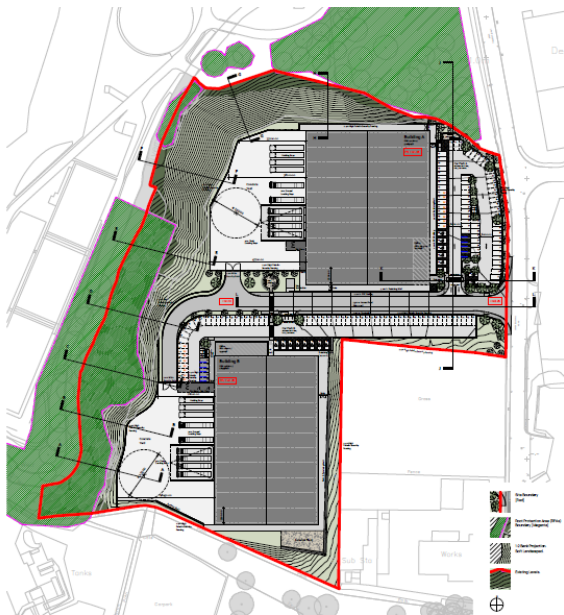




*Figure Two – Location Plan showing the extent of the site*

### 3.2 **Proposed Development**

3.2.1 As detailed above, this application seeks full planning permission for the erection of two industrial buildings, namely Building A (external measurements circa 65m x 75m) and Building B (circa 50m x 85m), creating a combined total of 9,867sqm of new internal floorspace.



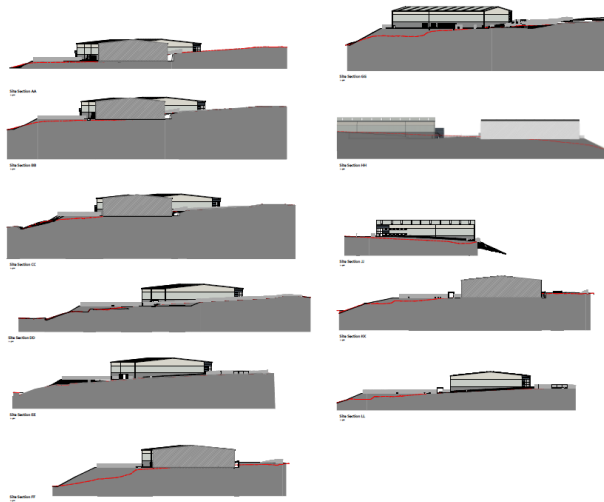
*Figure Three –Proposed Site Plan*

3.2.2 Both buildings would have gable ended central ridged roofs. As shown in the proposed sections below, due to the sloping land, the buildings would appear as split level buildings, with finished floor levels lower than the Eccleshill Road level. When measured from the immediate external finished floor level, the maximum heights of the buildings would be:

Building A ridge: 16.7m – eaves 14.5m

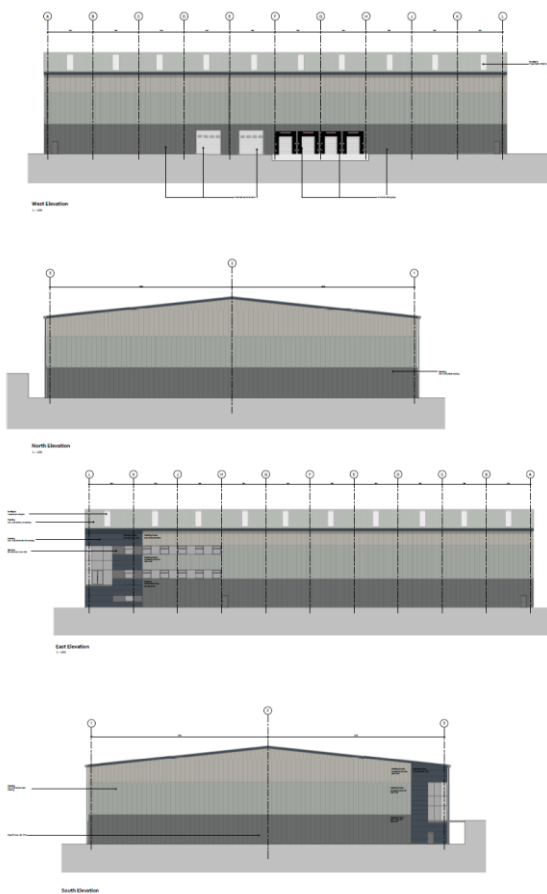
Building B ridge: 16.1m – eaves 13.3m



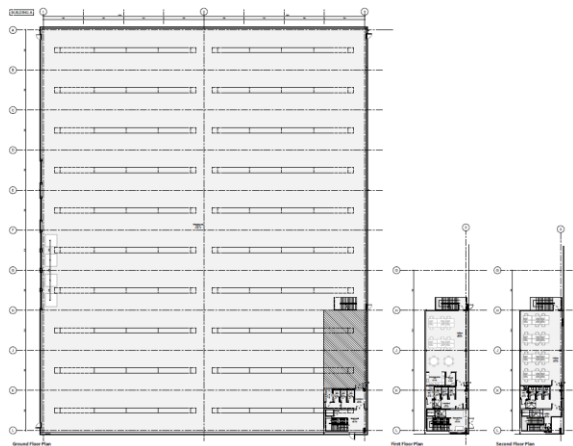


*Figure Four (above) – Proposed sections (Buildings A and B)*

3.2.3 Different shades of grey cladding would be used to give a horizontal layered effect to the external finish of the building, as shown in the proposed elevations, below. This gives the effect of the building fading into the sky.



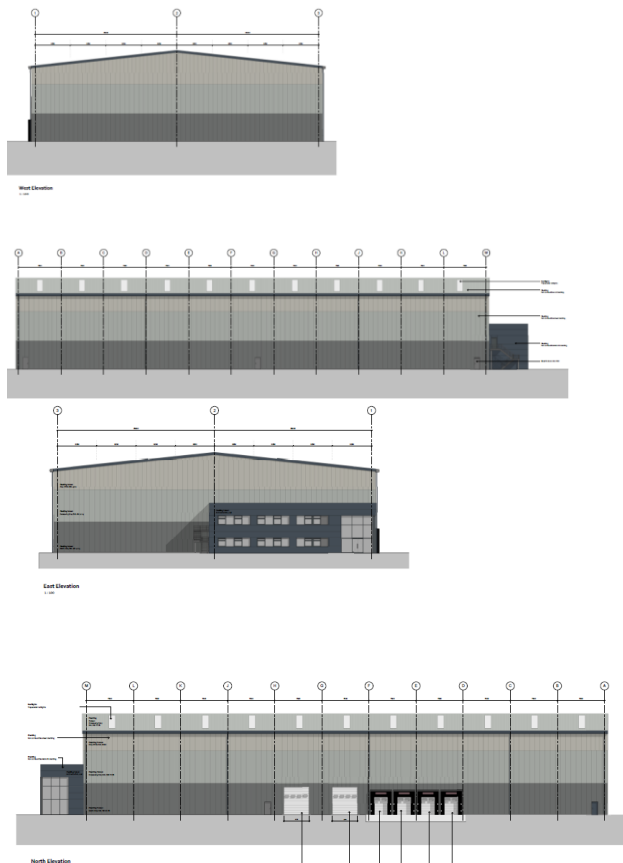
*Figure Five (above) – Proposed Elevation Plans (Building A)*



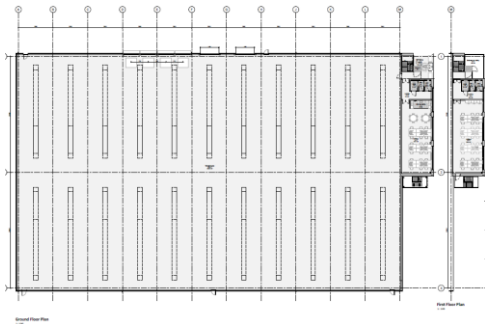
*Figure Six (above) – Proposed Floor Plan (Building A)*

3.2.4 As can be seen in Figures 5 and 6 above, the majority of the building would be industrial floorspace. Building A would include some ancillary integral offices in the corner of the building, at ground, first and second floor levels. The external appearance of the office part of the building would be finished in a deeper grey to distinguish its use from the rest of the building.

3.2.5 Building B would be very similar, but slightly different. Although the ancillary offices would again be in the corner of the building and in a darker grey external finish, the offices would only span two levels (ground and first floor level) and the office area would appear as a flat roof add-on rather than an integral part of the building. This can be seen in Figures 7 and 8 below.



*Figure Seven (above) – Proposed Elevation Plans (Building B)*



*Figure Eight (above) – Proposed Floor Plan (Building B)*

3.2.6 Access to the site would be taken from Eccleshill Road to the east (as per a previous planning approval for access and visibility splays approved under ref 10/20/1226). The new internal access road would be constructed to include separate accesses to each of the 2 buildings and their associated servicing areas, with pedestrian footways, crossing point, and parking (to include mobility parking and cycle storage, etc), as well as some soft landscaping. The proposed site layout including internal access road and parking areas is shown in Figure Nine below:



*Figure Nine (above): Internal access road and parking areas*

3.2.7 Boundary treatment would comprise paladin fencing, which is appropriate for the intended use in this industrial setting.

### 3.3 Site Photos





*Photos taken from Eccleshill Road on 1<sup>st</sup> December 2022*

### 3.4 **Planning history**

3.4.1 Relevant recent planning applications include:

- 10/17/1037 - Erection of 152 no. dwelling houses including access and associated infrastructure – REFUSED 16<sup>th</sup> March 2018
- 10/20/1226 - Proposed drop kerb and formation of a new site access – APPROVED 25th June 2021

### 3.5 **Development Plan**

3.5.1 **Blackburn with Darwen Core Strategy**

3.5.2 **Local Plan Part 2 (adopted 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 15: Secondary Employment Areas
- ☐ Policy 36: Climate Change
- ☐ Policy 39: Heritage

#### 3.5.3 **Other material considerations**

3.5.4 **Blackburn with Darwen adopted Parking Standards**

- ☐ B1 (Offices): Business Parks – 1 space per 40sqm of floorspace
- ☐ B2 (General Industry): 1 space per 60 sqm of floorspace
- ☐ B8: (Storage and Distribution) – 1 space per 100sqm of floorspace

3.5.5 **National Planning Policy Framework**

## 4.0 ASSESSMENT

### 4.1 Principle of Development (including Infrastructure / S106 requirements)

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. In relation to developments within secondary Employment Areas, Policy 15 details that planning permission will be granted for industrial development with a clear requirement to locate in a commercial area, provided that an appropriate overall balance of uses will continue to be maintained in that Area.

4.1.2 The proposed use is an appropriate use for this site and the proposal is supported in principle. The nature of the proposal would not conflict with the overall function or developability of the Employment Area. The proposed development would therefore be acceptable in principle, and in accordance with Policies 1 and 15.

#### Infrastructure / S106 requirements

4.1.3 The proposal requires an appropriate contribution to infrastructure, which has been subject to negotiation with the applicant, and an agreed figure has been reached.

4.1.4 As advised by the Council's Highways Consultee / Growth Team, a commuted sum of £89,230 is necessary as a proportionate contribution towards the Goosehouse Lane/Hollins Grove signalised junction improvement. Improvements to the Goosehouse Lane/Hollins Grove signalised junction are required to improve capacity, address safety concerns and improve pedestrian and cycle facilities to improve the accessibility of allocated sites nearby. The need has been determined through Transport Assessments submitted in support of nearby developments and other studies undertaken by the council. These studies have identified a preferred solution which has a cost estimate of £550,000. The Local Plan sites which are deemed likely to impact on the junction have been identified and trip generation calculations undertaken using TRICS data consistent with those adopted for the transport assessment of the emerging local plan. The S047 Hollins Mill, Darwen site is one of seven sites identified. The S047 site contribution toward the scheme is £256,211. The proposed development utilises 3.5 hectares of the 10.05 hectare site when considered in its entirety. As such, 35% of the S047 contribution has been allocated to the proposed development at £89,230. This has been agreed with the applicant.

4.1.5 A contribution is also required to meet Biodiversity Net Gain requirements, which cannot be achieved on site. Therefore, as advised by GMEU Ecology, an appropriate commuted sum of £10,000 has been agreed with the applicant.

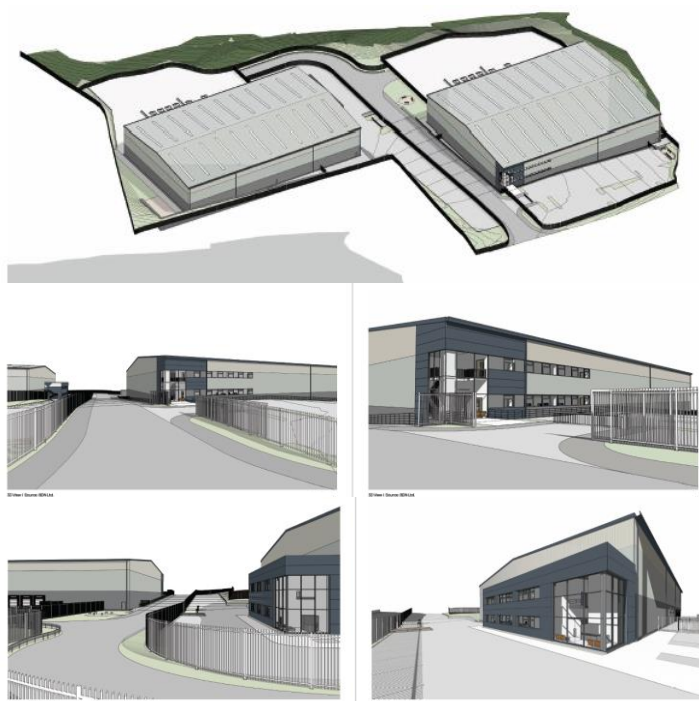
4.1.6 A monitoring fee of 1% would be added to the S106 contributions.

4.1.7 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 occupies a relatively prominent position adjacent to Eccleshill Road. However, the land slopes down away from the road which lessens the visual impact / massing of the buildings. Notwithstanding this, the surrounding area is industrial in use and character, which is reflected in the history of the application site itself. The surrounding industrial buildings have no uniform appearance, and differ in form, size and scale (particularly the adjacent Crown Paints site) but the proposed buildings would not look out of place with other buildings in the vicinity.

4.2.2 As detailed above, the proposed buildings would be constructed with ridged roofs and modern construction materials, which would provide a contemporary design. The size, scale, height and design of the units is appropriate for their intended use and setting. They would not appear as overly prominent or incongruous additions in the streetscene / local landscape. The applicant has provided 3D drawings / artist impressions of the proposed appearance of the buildings, as shown below in Figure Six.



*Figure Nine – Proposed 3D views / artists impression (taken from the applicant's Design and Access statement)*

4.2.3 The proposed external construction materials would predominantly comprise various shades of grey cladding, arranged in horizontal layers (darker at the bottom, lighter higher up), with glazing and an even darker grey cladding used for the ancillary offices. The proposed materials and modern appearance is considered appropriate for this setting.

4.2.4 A condition can be attached to secure a detailed hard and soft landscaping scheme to further integrate the buildings into their setting. The proposed development would therefore 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.

4.3.2 Given the industrial setting, the adjacent industrial uses, and the industrial use proposed, the potential for adverse amenity impacts arising from the proposal amenity would be limited. The use is appropriate for this location, and it is noted that a previous application for residential development was refused (for various reasons). The Council's Public Protection Officer has raised no objections to the proposal, subject to various conditions to be attached. The proposal would not be harmful to the amenities of the immediate neighbours once operational.

4.3.3 A further condition can be attached for a construction management plan, to minimise disruption for neighbours and on local roads during the construction phase. Subject to compliance with these conditions, the proposed development would be acceptable in relation to residential amenity.

4.3.4 Matters pertaining to the "Agent of Change" principle are discussed later in this report, under the header: Crown Paints objection.

#### 4.4 Highways issues, Parking, Servicing

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.

4.4.2 Further to initial comments from the Highways consultee, a revised site plan with some minor amendments, and an updated transport statement was provided. This additional detail submitted has adequately addressed these previous concerns.

4.4.3 As amended, the Council's Highways consultee raises no objections to the proposal. The access arrangements into the site are deemed to be

acceptable, together with the sightlines. Given the speculative use of the premises, the parking spaces required under the BwD parking standards vary. The applicant has proposed 80 space for Warehouse 1 and 76 for Warehouse 2. The amount and layout of parking spaces provided is considered acceptable and meets the required standards. A safeguarded pedestrian access route is detailed on the plan, along with cycling and mobility parking, which are considered acceptable.

- 4.4.4 Notwithstanding this, a Grampian condition is required to finalise the design and layout of the new access point. An acceptable footway has been provided into the site from the highway and connected up to the entrance of the building, this is welcomed. This footway however does not give safe access from the highway into the site, as there is no footway along the frontage of the site. The Grampian 278 agreement for offsite highway works would facilitate both this and the construction of the site access.
- 4.4.5 Subject to compliance with the aforementioned conditions, the proposed development is considered acceptable in relation to highways, parking and servicing, in accordance with Policy 10.
- 4.4.6 A commuted sum towards highways infrastructure has also been agreed, as set out in para 4.1.3 of this report under the header: Principle of Development (including infrastructure / S106 requirements).

#### 4.5 Foul and surface water drainage

- 4.5.1 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.
- 4.5.2 BwD Drainage have reviewed the proposals and no objections have been raised, subject to conditions. United Utilities (UU) have also raised no objections, subject to an appropriate drainage condition.
- 4.5.3 UU did raise initial concerns regarding the need for a public sewer diversion. However, UU subsequently clarified that this was is not a formal objection, rather a flag to the applicant that there is an asset protection matter that requires resolution. The applicant is aware of the need to divert the public sewer and has made an approach to UU regarding this matter. The applicant intends to enter into a diversion agreement following the planning decision, and the detail and acceptance of a sewer diversion will be progressed by the applicant directly with UU. A planning condition is not required to enforce a sewer diversion.
- 4.5.4 Subject to the drainage conditions, the proposed development would be acceptable, in accordance with Policy 9.



#### 4.6 Ecology

- 4.6.1 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 Construction and Environmental Management Plan (subsequently updated in line with comments received from GMEU Ecology, and found to be acceptable) was submitted. Appropriate ecology conditions, including implementation of the measures outlined in the CEMP and supplementary reports, can be conditioned accordingly.
- 4.6.2 The recommended landscaping condition will also ensure a certain level of replacement habitat is provided, with appropriate native species. Subject to compliance with those conditions, the proposed development would be acceptable in relation to ecological considerations, in accordance with Policy 9.
- 4.6.3 In terms of Biological Net Gain requirements, the ecological benefits of the proposal on site are limited. Therefore a commuted sum for off site Biodiversity Net Gain has been agreed, as set out in para 4.1.3 of this report under the header: Principle of Development (including infrastructure / S106 requirements).

#### 4.7 Contamination

- 4.7.1 Policy 8 contains 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.
- 4.7.2 There are extremely high levels of contamination on this site due to its former use as a papermill.
- 4.7.3 Initial Ground Investigation Reports have already been undertaken by the applicant. These have been subject to a detailed review by the Council's Contaminated Land Officer, who has raised concerns about the methodology and remediation measures given the extremely high levels of methane present.
- 4.7.4 Whilst it was hoped that these issues could be adequately resolved prior to determination of the application, this has not been possible due to the complexity detail. Assessment of the additional / revised information is ongoing.
- 4.7.5 The Contaminated Land Officer and the applicant have therefore agreed that in order for this application to be determined within the intended timescale, the standard pre-commencement contamination conditions should be attached to the decision, and can therefore be addressed through the Discharge of Conditions process.

- 4.7.6 Subject to compliance with those conditions, the proposed development would be acceptable in relation to contamination, in accordance with Policy 8.
- 4.7.7 The Environment Agency (EA) raised an initial objection to the proposal due to the proximity of the development to the main river. In response to this, additional sectional detail was provided to demonstrate that an 8m access strip would be retained. Whilst the EA have confirmed that this is acceptable and has allayed their concerns, the rest of the updated cross sections will also need to be provide before the objection can be formally lifted. This additional detail has now been provided, and it is expected that the EA will confirm the removal of their initial objection.
- 4.7.8 The final response from the EA will be reported to Committee in the Update Report.
- 4.9 Climate Change and Air Quality
- 4.9.1 Policy 36 requires all development proposals to minimise contributions to carbon emissions and climate change, both directly from the development and indirectly arising. Given the size of this proposal, Public Health has requested an Air Quality Impact Assessment to be submitted prior to commencement of the development. The report shall include a screening assessment which determines whether an Air Quality Assessment (AQA) is necessary. Where an AQA is necessary, 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'.
- 4.9.2 Subject to compliance with the above condition, the proposed development would be acceptable in relation to climate change and air quality, in accordance with Policy 36.
- 4.10 Neighbour objection (Crown Paints)
- 4.10.1 The occupiers of the adjoining premises, Crown Paints, raised an objection to this proposal. The Council sought to facilitate / encourage the applicant and Crown Paints to work together to reach a mutually acceptable outcome. However, the applicant was clear that the application should be determined as submitted on the planning merits of the application, in line with the development plan for BwD and national policy and guidance, as well as any other material considerations.
- 4.10.11 The main issue raised by Crown Paints relates to the site access and the potential impact on Crown Paints' access and existing operations, as well as their own aspirations for future expansion. However, at this stage there has been no planning application submitted by Crown Paints and therefore very little if any weight can be afforded to those expansion plans.
- 4.10.12 The detail of the proposal, and the likely impact on the existing operation of Crown Paints, has been assessed by the Council's Highways consultee and

is found to be acceptable on highways grounds, subject to appropriate conditions.

4.10.13 Another issue raised is the “Agent of Change” principle. This term relates to whether the existing Crown Paints operations would adversely affect the proposed development and whether any mitigation measures for this application are required. This issue was discussed with Public Protection Officers and the Environment Agency (EA). Public Protection were satisfied that any adverse impacts would be appropriately mitigated against, particularly given the proposed industrial use, and not a more sensitive use such as residential.

4.10.14 The EA also commented that the Crown Paints factory is regulated by the EA through an environmental permit, and Crown Paints site is operating in accordance with the conditions of their permit.

#### 4.11 Summary

4.11.1 This application involves the erection of 2 new industrial units and associated access road, parking and servicing etc.

4.11.2 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, parking and servicing, drainage, ecological considerations, contamination, and climate change and air quality.

4.11.3 The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and despite the objection from Crown paints, which has been duly considered in this report, there are no material reasons to object to the application.

## 5 **RECOMMENDATION:**

**Approve subject to;**

**(i) That delegated authority is given to the Strategic Director of Place to approve planning permission subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990, relating to the payment of financial contributions which relate to the following matters:**

- Highways: A commuted sum of £89,230 as a proportionate contribution towards the Goosehouse Lane/Hollins Grove signalised junction improvement, to improve capacity, address safety concerns and improve pedestrian and cycle facilities to improve the accessibility of allocated sites nearby.

- Biodiversity Net Gain: A commuted sum of £10,000 towards appropriate off-site biodiversity net gain.
- Monitoring Fee: A monitoring fee of 1% to be added to the s106 contributions.

Should the s106 agreement not be completed within 6 months of the date of this resolution, the Strategic Director of Place will have delegated powers to refuse the application

**(ii) Conditions relating to the following matters.**

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:

- S2854\_3-00\_P01 – Location Plan
- S2854\_3-03\_P06 – Proposed Site Plan
- S2854\_3-04\_P02 - Building A - Plans
- S2854\_3-05\_P04 - Building A – Elevations 01
- S2854\_3-06\_P02 – Building A – Elevations 02
- S2854\_3-07\_P02 - Building A – Roof Plan
- S2854\_3-08\_P03 - Building B - Plans
- S2854\_3-09\_P03 - Building B – Elevations 01
- S2854\_3-10\_P03 – Building B – Elevations 02
- S2854\_3-11\_P02 - Building B – Roof Plan
- S2854\_3-12\_P04 – Proposed Site Sections

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

2. 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.

3. Notwithstanding the submitted details, 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 be 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).

4. Before any construction works hereby approved are commenced, a Landscape and environmental management Plan (LEMP) detailing full measures to enhance existing habitats and the creation of new habitat to secure full habitat and species

mitigation shall be submitted to and approved in writing by the Local Planning Authority. Within the LEMP document the following information shall be provided:

- Full details of locally native tree and shrub planting proposals include species, percentage of each species, planting density and target habitat and target condition based on UK Hab and defra metric definitions;
- Full details of any grassland proposals including seed mix, sowing density and target habitat and target condition, based on UK Hab and defra metric definitions;
- Proposed management prescriptions for all habitats created for a period of no less than 25 years;
- Full details of habitat enhancement proposals for retained woodland along the river Darwen and target condition based on UK Hab and defra metric definitions;
- Full details of bird nesting box provision and measures for otter along the River Darwen;
- Timetable of delivery for all habitats and;
- A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition

The development shall be undertaken and thereafter maintained in accordance with the approved LEMP unless otherwise agreed in writing by the LPA.

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).

5. Notwithstanding the detail submitted with the application, prior to the commencement of development hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Trees and shrubs shall be planted on the site in accordance with the approved landscaping scheme 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. The landscaping shall be maintained and retained thereafter to the satisfaction of the local planning authority.

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 local ecology, and to comply with the requirements of Policy 9 and 11 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 development on site, the tree protection measures as set out in the "Tree Constraints Report and Preliminary Method Statement by e3p, Reference: 80-511-R-2-1, Dated: May 2021, and Arboricultural Impact Assessment and method statement, by e3p, Reference 80-511-R2-3, dated November 2021), shall be erected around the trees to be retained. The protective fencing shall remain in place for the duration of the site preparation and demolition and/or construction period, and no excavation, materials storage, waste disposal or other activities shall

take place within the fenced-off area. The development shall proceed in full accordance with the approved details.

REASON: To secure the protection, throughout the time that the development is being carried out, of trees within or adjacent to the site which are of amenity value to the area, in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

7. The development hereby approved shall be implemented in strict accordance with all of the measures of ecological mitigation detailed within the Construction Environmental Management Plan: Biodiversity by e3p, Reference 80-511-R4-2, dated February 2022.

REASON: In order to minimise harm to local ecological populations during construction works, 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).

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

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

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

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

10. 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, 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).

11. The noise rating level arising from the commercial/industrial premises shall not exceed:

- Daytime (07:00 - 23:00 hours) - 49dB(A)
- Night-time (23:00 - 07:00 hours) - 34dB(A)

at any residential premises for the duration of the approved use. Assessment shall be made in accordance with BS4142 'Methods for rating and assessing industrial and commercial sound'.

REASON: To ensure an acceptable standard of amenity in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan.

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

REASON: To ensure an acceptable standard of commercial amenity in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan.

13. Prior to the commencement of the development an air quality impact assessment shall be submitted, in writing, to the Local Planning Authority (LPA). The report shall include a screening assessment which determines whether an Air Quality Assessment (AQA) is necessary. Where an AQA is necessary, 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'.

REASON: In accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2 and Paragraph 110 of the National Planning Policy Framework 2019, which states that developments should be designed to enable charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This implements the requirements of Council's Air Quality PAN and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. These are readily

achievable mitigation measures that reflect current good practice and help to reduce the cumulative impact of current and future developments.

14. During the construction phase, 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: In order to minimise disruptions for neighbours during the construction phase, 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).

15. 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, where relevant;
- f) Measures to control noise and vibrations from construction works, where relevant;
- 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).

16. No development shall commence on site unless and until, a scheme for the construction of the site access, together with any required off-site works of highway improvement, has been submitted to and approved in writing by the Local Planning Authority. No development shall commence on site until the approved scheme has been implemented in its entirety, unless otherwise agreed in writing.

REASON: In order to ensure an appropriate access point is constructed, in the interests of highway and 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).



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

REASON: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway, 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. Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy 10/11/40 of the Blackburn with Darwen Borough Local Plan Part 2.

19. Prior to the occupation of any of the units hereby approved, details of the proposed arrangements for future management and maintenance of the proposed access road within the development shall be submitted to and approved by the Local Planning Authority. The road 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 residential / highway safety in accordance with Policy 10 of the Blackburn With Darwen Borough Local Plan Part 2.

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

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

21. The development hereby approved shall not be brought into use unless and until, the vehicle parking and cycle storage provision as detailed in the approved plans in condition 1 have been provided in their entirety. The provisions installed shall thereafter remain in perpetuity with the development, unless otherwise agreed in writing.

REASON: In order to ensure adequate parking is provided and 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).

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

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

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

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

REASON: To promote sustainable development, 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).

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

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).

24. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

REASON: In order to prevent harm to nesting birds during construction works, 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).

25. Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for himalayan balsam, japanese knotweed and rhododendron should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

REASON: To ensure that the invasive weed species Japanese knotweed present on site is prevented from spreading and/or eradicated, in accordance with Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

## **6 CONSULTATIONS**

### **6.1 Growth team**

No objection in principle, subject to a S106:

#### Highways

A commuted sum of £89,230 is necessary as a proportionate contribution towards the Goosehouse Lane/Hollins Grove signalised junction improvement.

Improvements to the Goosehouse Lane/Hollins Grove signalised junction are required to improve capacity, address safety concerns and improve pedestrian and cycle facilities to improve the accessibility of allocated sites nearby. The need has been determined through Transport Assessments submitted in support of nearby developments and other studies undertaken by the council. These studies have identified a preferred solution which has a cost estimate of £550,000. The Local Plan sites which are deemed likely to impact on the junction have been identified and trip generation calculations undertaken using TRICS data consistent with those adopted for the transport assessment of the emerging local plan. The S047 Hollins Mill, Darwen site is one of seven sites identified. The S047 site contribution toward the scheme is £256,211. The proposed development utilises 3.5 hectares of the 10.05 hectare site when considered in its entirety. As such, 35% of the S047 contribution has been allocated to the proposed development at £89,230.

#### Biodiversity Net Gain

An assessment of biodiversity impact should be undertaken and submitted with the planning application, demonstrating at least 10% net gain. If this cannot be achieved on site, an appropriate commuted sum contribution towards appropriate off-site biodiversity net gain would be necessary.

#### Monitoring Fee

A monitoring fee of 1% would be added to the s106 contributions.

If the S106 requirements cause concern in terms of development viability, the applicant is encouraged to provide a viability appraisal with the planning application which illustrates why all or part of the requested commuted sums cannot be achieved. The Council would like to work with the applicant to achieve a viable proposal.

The submitted viability appraisal would need to be independently reviewed at a cost of £2,950 for a non-residential scheme (to be funded by the applicant and commissioned by the Council). Following the independent assessment, any further advice required from the Council's appointed Viability Consultant would be charged at a cost of £175 per hour (to be funded by the applicant and commissioned by the Council).

### **6.2 GMEU (Ecology)**

#### **6.2.1 No objection in principle:**

Thank you for consulting the GMEU

#### Summary

Ecological issues include otter, nesting birds, invasive species, proximity to a watercourse and mitigation for loss of a significant area of low ecological value habitat.

#### Otter

The presence of otter in the adjacent watercourse has been confirmed . There appears some confusion with the name of the watercourse as it appear to be the River Darwen according to OS maps but is called Alum House Brook on google earth and by the ecological consultant. Otter are protected under the habitat regulations and the Wildlife and Countryside Act 1981 (as amended). Whilst no direct impacts to the watercourse are proposed, section FF indicates major earthworks adjacent to the river, with landforming proposed. This area was cleared of vegetation prior to the ecological assessment and is now shown as tall ruderal habitat, where previously it was scrub. Any significant disturbance that could have occurred would have happened during vegetation clearance. I am satisfied that the risks during earthworks adjacent to the river can be dealt with under reasonable avoidance measures.

Proposals to protect otter during construction are included within section 4.4.5 and include updated surveys prior to earthworks, an ecological clerk of works, tool box talks to contractors etc. I am satisfied that these are adequate to safeguard the favourable conservation status of this species, the main risk being creation of a holt in the working area prior to work commencing. I recommend that section 4.4.5 is conditioned subject to the numbering remaining unchanged and the CEMP being accepted.

If the details of the CEMP are not accepted prior to determination and conditioned, I recommend a condition along the following lines is applied to any permission. Prior to commencement of earthworks a survey of the river for otter holts will occur and a reasonable avoidance measures method statement for otter provided. The findings and method statement will be agreed in writing by the LPA prior to any works on site and implemented in full. .

#### Badger

No evidence of badger was found on the site. However it was concluded that the site was suitable and that they could move on to the site prior to earthworks commencing. Measures have been provided in the proposed CEMP. If the details of the CEMP are not accepted prior to determination and conditioned, I recommend a condition along the following lines is applied to any permission.

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

#### Other Protected Species and hedgehog

Impacts on other protected species are unlikely to occur as the habitats are sub-optimal with no evidence of any other such species present, though bats no doubt forage along the river. The CEMP includes measures to protect amphibians and reptiles that may be found on the site as well as external lighting that could impact on the river. No further information or measures are required.

Hedgehog could make use of the dense bramble on site as nesting habitat. Measures are included under section 4.4.4 of the CEMP. If as noted for badger and otter the CEMP is not adopted, I recommend a condition along the following lines is applied to any permission.

Prior to commencement of earthworks or vegetation clearance a reasonable avoidance measures method statement for hedgehog will be provided and agreed in writing by the LPA.

#### Nesting Birds

No further tree removal is proposed. Dense bramble scrub is however still present in places that will be lost and some pruning back of trees may still occur.

Potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

#### Invasive Species

Japanese knotweed, himalayan balsam and rhododendron were recorded on the site. All three are included within schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. It is an offence to introduce or cause to grow wild any plant listed under this schedule. It is possible that the rhododendron can be avoided but I recommend a condition along the following lines is applied to any permission.

Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for himalayan balsam, japanese knotweed and rhododendron should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

#### Proximity to River Darwen

As noted above there is some confusion on the name of the watercourse and as I am not local, I cannot be definitively sure what the name of the watercourse is, but would assume that the OS and drainage report is correct and that it is the River Darwen. However the name is not critical as the issue, which is that there is the potential to negatively impact on the ecological potential of the river during construction and post development if any surface water or other discharges are directed towards the river.

The main risk appears to be during earthworks along section F-F which appears to be creating a steeper slope above the river. ie there will be a risk of debris falling down the slope in to the river and if heavy rain occurred during construction of sediment run-off.

I would suggest that the fairly standard measure within section 4.1 of the CEMP are not adequate for this area of earthworks. I believe a silt fencing and heavy duty physical fencing to catch debris and run off should be installed prior to the commencement of earthworks along this section of the watercourse. This detail could be provided via condition or they could amend the CEMP to provide full details of the measure along this section of the earthworks.

Post development surface water discharge is shown as being directed towards the River Darwen. I am not qualified to determine whether the attenuation and measures to remove pollutants will be adequate to prevent negative impacts on the ecology of the river, but assume the Environment Agency and local drainage advisors will ensure this is the case.

Contributing to and Enhancing the Natural Environment

Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of over 2ha of what is currently primarily low ecological value grassland but did until relatively recently (2020 based on google earth) include areas of scrub and young woodland medium value habitats. I accept however that these were early successional habitats with aerials from 20 years ago showing the woodland restricted to the river corridor and much of the remainder of the site as grassland or hardstanding. Therefore, whilst the baseline value could be argued as being higher than currently shown in the ecological assessment when development commenced, I will accept the current baseline from May 2021.

There is still however the potential for net loss of biodiversity resulting from this development. The indicative landscape proposals show woodland, scrub and grassland creation along the boundary with the River Darwen, with smaller areas along other boundaries. My feeling is that if a high quality habitat creation and enhancement scheme is carried out, on what will be the regraded land and the retained woodland, an area in excess of 1 ha, that mitigation can be achieved on-site. I would suggest that the defra metric v3 is used to prove that on-site mitigation is possible but it is not essential.

The actual landscape proposal plan however has a number of potential issues these include:

- The wildflower grassland appears to be on a steep slope. This could make maintenance and management difficult. Whilst not opposed to the grassland, which is appropriate given that grassland is the main habitat lost, it may be better to trade up habitats and plant all the slope with native trees and shrubs;
- The tree and shrub planting excluding the ornamental areas, include a number of species that are not native or locally native, including field maple, Norway maple, Italian alder, hornbeam, potential non-native willow and sorbus varieties, dogwood, wayfaring tree and scots pine. If these species are utilised they would likely prevent on-site mitigation being achievable as they would prevent the planting scheme achieving high value or good condition. If on-site mitigation is to be achievable only a very low percentage of species that are not locally native would be permissible and preferably none.

Species mitigation and enhancement should also be provided for nesting birds and I would suggest for otter too, given the pre-development vegetation clearance near to the river.

I therefore recommend that a Landscape and environmental management plan is produced and an amended landscape plan showing only locally native species as well as proposals for nesting birds and otter.

A condition along the following lines would suffice.

Before any construction works hereby approved are commenced, a Landscape and environmental management Plan (LEMP) detailing full measures to enhance existing habitats and the creation of new habitat to secure full habitat and species mitigation shall be submitted to and approved in writing by the Local Planning Authority. Within the LEMP document the following information shall be provided:

- Full details of locally native tree and shrub planting proposals include species, percentage of each species, planting density and target habitat and target condition based on UK Hab and defra metric definitions;
- Full details of any grassland proposals including seed mix, sowing density and target habitat and target condition, based on UK Hab and defra metric definitions;
- Proposed management prescriptions for all habitats created for a period of no less than 25 years;

- Full details of habitat enhancement proposals for retained woodland along the river Darwen and target condition based on UK Hab and defra metric definitions;
  - Full details of bird nesting box provision and measures for otter along the River Darwen;
  - Timetable of delivery for all habitats and;
  - A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition
- The development shall be undertaken and thereafter maintained in accordance with the approved LEMP unless otherwise agreed in writing by the LPA.

You may feel 25 years is premature, though this is the length of time that defra will want to see once net gain becomes mandatory. I have omitted requesting outright a defra metric as I am fairly happy that a good scheme along the Darwen corridor is enough but feel free to add it in.

### **6.2.3 In response to the above comments, the applicant submitted a revised CEMP.**

### **6.2.4 Further to the updated CEMP, GMEU Ecology responded as follows:**

Happy with the amended CEMP with regards the watercourse. No objection to this plan being conditioned.

The CEMP covers my issues regarding otter and hedgehog, so my initial recommendations of the 9th December are superseded if the CEMP is conditioned.

The CEMP does not include a resurvey for badger so this recommended condition still applies.

The CEMP does mention nesting birds, but I recommend a standalone condition is still applied.

Invasive species are not mentioned in the CEMP so a separate condition will be required.

The CEMP does not cover information relating the LEMP so I still recommend that a condition along the lines that I have recommended is applied.

RE BNG:

The government in a recent paper discussing the financial burden net gain would put on the public sector based its costings on £11k per BU. (page 32 of report). They acknowledge that in reality the unit cost will vary dependent on the habitats to be created and or enhanced and note a likely range of £9k - £15k, which is very similar to the suggested range provided to Greater Manchester by the Environment Bank of £9,250 to £14,500 per unit. Defra also however noted that having looked at cases that had already occurred they had found cost ranging from £6k per unit to £25k per unit.

In GM £10k appears popular probably because of the maths and towards the bottom end of the range.

Some developers have demanded evidence of a receptor site upfront, but most have been happy to just agree the sum and walk away

Without knowing the exact loss difficult to be 100% sure but given I felt that a high quality scheme could achieve a net gain, it is unlikely to be a major loss and not as yet mandatory so I would be happy to accept £10k for an approximate loss of 1BU

## 6.3 Highways

### 6.3.1 Initial response:

PROW – Please add Highways 11 to this application as the proposed development is close to footpath 252 Darwen

The submission details have been reviewed.

The proposal is for the erection of 2no. Industrial warehouse units for use classes B2/B8/E(g)(iii) with ancillary spaces with the construction of new access, hard and soft landscaping

#### Parking

In accordance with the adopted parking standards based on the uses proposed would equate to the following;

- Warehouse No. 1
  - Warehouse use  $4746\text{sqm}/1 \text{ car space per } 100\text{sqm} = 47.46$
  - Office use  $385\text{sqm}/1 \text{ car space per } 35\text{sqm} = 11$
  - Total = 59
- Warehouse No. 2
  - Warehouse use  $4366\text{sqm}/1 \text{ car space per } 100\text{sqm} = 43.66$
  - Office use  $370\text{sqm}/1 \text{ car space per } 35\text{sqm} = 10.57$
  - Total = 48

This amounts to a total of 113 spaces.

The applicant has indicated a total of 146 spaces on the application form and has provided 80 space for Warehouse 1 and 76 for Warehouse 2.

The number of spaces is far in excess of the numbers I reached in my assessment.

As you will note, I have assessed against a predominant B8 use, as they have referred to the units as warehousing. If indeed the spaces suggested as warehouse was a B2 use, then that would equate to 164 spaces.

Please seek clarification on the parking requirement and assessment.

The arrangement and layout of the car park is also of concern. The car park is located very close to the junction and some bays would hinder movement. Further consideration should be given to the layout, parking should be removed from near the junction.

All bays should conform to the Councils standard parking bays 2.4m x 4.8m with 6m manoeuvrability into and out of the site.

10% provision for disabled bays has been provided, this is welcomed

Cycle's provision has also been included. Details of coverage and shelter should be attached as condition.

However no provision for PTW has been included in the layout, please seek further details.

Access



Vehicular access into the site is to be provided from the already approved access off Lower Eccleshill Road, this is acceptable. A 7.3m wide road with 2 2.0m footways either side of the carriageway is being proposed at a gradient of 1:20. Please seek confirmation that the gradient is to remain the same up to the access out onto Lower Eccleshill Road. Sightlines have been shown on drawings referenced within the Transport Statement, there is concern that the splays are obstructed, please present details on how these would be cleared and maintained.

An acceptable footway has been provided into the site from the highway and connected up to the entrance of the building, this is welcomed. This footway however does not give safe access from the highway into the site, as there is no footway along the frontage of the site. We therefore request that the developer is required to enter into a Grampian 278 agreement for offsite highway works to be undertaken to facilitate both this and the construction of the site access. This should be accompanied by the required/associated lighting and drainage works as necessary. Consideration should also be given to how the pedestrians would cross onto the other side when the footway finishes...a pedestrian refuge island should also be considered.

A request for S106 contributions should be forthcoming from Adam to support this development.

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.

#### Servicing

Swept Path and vehicle details are provided within the Technical Addendum. All swept paths provided are acceptable.

No details of frequency of movement are offered, please request this information for completeness

#### Transport Statement

This one is presented as an update to the DTPC work for the site access application we reviewed a while ago. Swept paths also appear to be acceptable. There is a marginal increase in trips as compared to previous applications and a contribution towards the proposed improvement scheme at Goose House Lane / Hollins Grove Street would be warranted if further funding is needed to deliver the scheme.

My only concern is that the visibility splay extends beyond the back of footway so the area would need to be kept clear of vegetation or other obstructions and as such an appropriately worded condition would be needed. I also wonder if there is going to be a pedestrian access to the site from the path to the south. This would be beneficial in terms of site accessibility for employees wanting to walk/cycle to work. Please seek confirmation.

#### 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.

### **6.3.2 Further to the above comments, the applicant submitted a revised site plan and an addendum to the transport assessment report.**

### **6.3.3 Further response from Highways:**

Additional details received 21st February 2022

The information received has been assessed.

The matters outstanding have in the majority been addressed satisfactorily. There is one matter outstanding, which is:

Parking: the request to remove parking close to the main entrance was to avoid conflict of those moving into the site and parking that would occur in close proximity to the main junction. Acknowledgement of this was made on the notes in red, citing a plan would follow with the amendment. The subsequent report offered by SK transport dismisses, as they are not clear which bays I refer to. In response, bays nos. 70-76 should be removed and resited (away from the junction), within the site, to support safe manoeuvring into and the curtilage.

Location of the PTW's are now provided. As cited previously, please attach a condition for details to be provided for coverage and security with regards to cycle and PTW modes of transport.

Aside from the above, no further objections to offer,

Please could you attach all conditions previously mentioned and also under other/Standards conditions/Informatives

### **6.3.4 Further to the above response, the Highways consultee clarified that the one matter referred to in the above response as being outstanding has in fact been addressed, and that no objections are raised.**

## **6.4 Lancs Constabulary (ALO)**

### **6.4.1 No objections. General comments only.**

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. Further details about Secured By Design, including application forms and security specifications can be found at [www.securedbydesign.com](http://www.securedbydesign.com) .

I would be grateful if you could forward the attached document and below recommendations to the applicant for reference.

In order to keep people safe and feeling safe and to prevent crime and disorder, the following security measures should be incorporated into the design: -

- A secure boundary limits trespassers and will channel visitors into the site through the appropriate main entrance. A secure boundary will also frustrate the intruder intent on breaking into the building and limit the quantity or type of goods that can be stolen. Therefore, a minimum 1.8m high boundary treatment should be installed along the site perimeter. Lockable gates of similar height the boundary treatment should be installed and used when the site is unoccupied.
- Footpaths should not run to the rear of, or provide access to industrial units, rear yards, or neighbouring buildings as these have been proven to generate crime and provide hiding places for criminals out of plain sight of legitimate users. Private footpaths that serve as emergency exit routes at the rear or sides of industrial premises should be secured with gates with locking systems that restrict access but still facilitate emergency egress if required.
- External downpipes can be used as informal climbing aids to access low roofs and upper floor windows and should be contained within a wall cavity to reduce this risk. If this is not possible, they should be either square or rectangular in section, flush fitted against the wall or housed within secure 2.4m high anti-climb metal shrouding. Bends in pipes and horizontal runs should be minimized as they can also 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, handrails, low walls, and the proposed external extraction flue or other external furniture, which may facilitate easy access to upper floors and roofs.
- Industrial units in areas where activity at night and over the weekends is reduced, can become prone to criminal attack such as burglary and criminal damage etc through the walls and roofs. Therefore, the walls and roofs should be designed to withstand such attacks and materials resistant to manual attack or damage should be used to ensure the initial provision of security. However, where lightweight construction is being considered, for example the use of insulated sheet cladding, a reinforced lining such as welded steel mesh can enhance the security of the building fabric and should be considered to mitigate the risk to crime.
- As a minimum, all external door sets and those high-risk internal doors e.g. storerooms housing valuable items, CCTV equipment or cash etc. should be certified to LPS 1175 issue 8, SR2: PAS 24/2016; STS 201 or STS 202: Issue 3, BR2 or other equivalent/higher security standard. Commercial properties across Lancashire have been previously targeted for burglary and criminal damage with glazing being damaged during the commission of such offences, therefore glazing must include at least one pane of laminated glass that is securely fixed in accordance with the manufacturer's instructions and certified to BS EN 356 2000 rating P1A.
- Emergency exit doors can be vulnerable to intruder attack, anti-social behaviour, and criminal damage. Emergency door exit release devices, such as door panic latches and 'pad-bars' on doors that provide an important aid to egress in the event of an emergency should be free from external hardware, kept clear at all times and be illuminated to promote natural surveillance.
- Ground floor and other easily accessible windows should meet the requirements of LPS 1175 Issue 7/8, PAS 24:2016 (or equivalent/higher security standard), incorporate P1A standard laminated glazing and be fitted with 'restrictors' to prevent 'sneak-in' type offences.
- Roller Shutters should be fitted to external doors and windows and should be tested and certified to LPS 1175: Issue 7/8 security standards and linked to the intruder alarm system. Roller Shutters assist in frustrating and preventing easy access to premises by offenders and should be fully secured when the business is not in use. Commercial Premises

in Lancashire are at an increased risk of being targeted for burglary and damage offences where roller shutters are not fitted.

- Anti-ram bollards certified to PAS68 and installed to PAS69 standards or IWA14 should be installed to protect vulnerable areas e.g. main entrance doors, roller shutters, pedestrian walkways etc to protect against vehicle borne attack.
- Access control arrangements should be in place on 'private' entrance doors and on internal door sets to prevent unauthorised access into parts of the building deemed as private e.g. Offices, staff rooms, etc. The associated doors must incorporate an electronic access control system, with an electronic lock release or keypad 'Digi-locks' (pin codes should be changed on a regular basis). This is crucial in areas where high value items such as CCTV recording equipment, IT/computers and cash may be stored. This reduces the risk of opportunist crime when the building is open and slows down offender movement within areas of the buildings when closed, so the opportunity for theft is reduced.
- Early detection and warning of unauthorised entry into each unit is imperative i.e. before the building envelope is breached. The buildings should have a bespoke wireless or hardwired and monitored Intruder Alarm system installed to EN50131 (Grade 1-4) and comply with the National Police Chiefs Council Policy 'Guidelines on Police Requirements and Response to Security Systems'. The alarm installation company 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 risk assessment should identify whether the design of the alarm system incorporates a combination of internal passive infrared detectors, magnetic door and window contacts, break glass acoustic or vibration detectors, wall or ceiling sensor cable and personal attack facilities.
- CCTV - For the purposes of the prevention and detection of crime, the installation of a comprehensive day/night capable CCTV system is recommended for all units here. The systems should be a recorded HD digital colour CCTV, installed to BS EN 62676 series. All external elevations of the buildings should be covered and the internal entrance as a minimum. The images must be clearly marked with the time, date and location to aid detection should an offence occur. Cameras must not be located where they can be easily disabled or tampered with.
- CCTV recording equipment must be stored securely and only accessed by authorised trained staff in system use and image retrieval. Recorded data should be stored for a 30-day period, before deletion and where not required for evidential purposes. Adequate clear signage should inform users of the site that CCTV is present and in operation. The CCTV system should also comply with the General Data Protection Regulation 2018 and be registered with the Information Commissioner's Office.
- Parking facilities should be designed to the National Safer Parking 'Park Mark' specifications. The specific security measures and standards recommended within this Scheme can help to reduce crime, anti-social behaviour, and the fear of crime, to ensure the safety of people and vehicles. Further information about the Scheme, security measures, standards and security rated products can be found at [www.parkmark.co.uk](http://www.parkmark.co.uk).
- The external lighting scheme should be sufficient to cater for lawful activities after dark and comply with BS 5489-1:2020. The lighting scheme should support both formal and informal surveillance by evenly distributing light i.e. not create dark shadows, provide good colour rendition and not cause glare or light pollution.
- Façades that contain doors, roller shutters or windows should be illuminated in hours of darkness using dedicated vandal resistant dusk till dawn LED light fitments.
- Bin Storage Area – Recycling areas and bins, particularly those with wheels, can be used for climbing and the contents used to start fires. Therefore, consideration should be given to using waste containers with lockable lids. Any boundary treatments to the bin store

area should allow some natural surveillance to reduce the risk of the area being targeted for burglary, damage and nuisance. The areas should be well illuminated and covered by CCTV.

- If this unit is open to the public, any planned internal Service Counters should be of a high and wide design with restricted access for staff to reduce instances of customers reaching over the counter to intimidate or assault staff or steal items. Service and payment areas should be covered by CCTV.
- To minimise the type or quantity of goods that could be stolen, keys to doors, windows and vehicles should be kept within insurance and security rated safe/key safes e.g. LPS 1175 Issue 7/8 which has been robustly fixed to the fabric of the building, in accordance with the manufacturer's instructions, within alarmed rooms or stored in a secure off-site location.
- Cash should be 'banked' on a regular basis and ideally not stored overnight on-site; however, if stored on-site for short periods, it should be kept within an insurance and security rated safe attached to the fabric of the building in an alarmed room. Ideally, cash should be collected by a cash handling company or by at least two trained members of staff (vary route, times, and days), using a dedicated cash carrying bag and personal attack alarm.
- Mail Delivery should ideally be made to an externally mounted steel mailbox.
- Construction site security -The site should be secured throughout the construction phase with security measures including a monitored alarm system (with a response provision) for site Security Systems & Alarm inspection Board (SSAIB) approval. Any onsite CCTV recording equipment must be stored securely and located within an alarmed building/cabin. The above measures are necessary 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.

## **6.5 Tree Officer**

### **6.5.1 No objections**

I have no objections to the proposals. All the required Tree Constraints, Survey and Arb Method Statement have been submitted and are suitable for approval.

## **6.6 Canal & River Trust**

### **6.6.1 No comments.**

The Canal & River Trust is a statutory consultee under the Town and Country Planning (Development Management Procedure) (England) Order 2015. The current notified area applicable to consultations with us, in our capacity as a Statutory Consultee was issued to Local Planning Authorities in 2011 under the organisations former name, British Waterways. The 2011 issue introduced a notified area for household and minor scale development and a notified area for EIA and major scale development.

This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

We are happy to comment on particular applications that fall outside the notified areas if you would like the Canal & River Trust's comments in specific cases, but this would be outside the statutory consultation regime and must be made clear to us in any notification letter you send.

Should you have a query in relation to consultation or notification of the Canal & River Trust on planning applications, please email us at [planning@canalrivertrust.org.uk](mailto:planning@canalrivertrust.org.uk)

## **6.7 Fire Service**

### **6.7.1 Standard comments/advice only – an Informative can be added.**

The proposed Planning Application has been noted and the Fire Authority gives its advice in respect of access for fire appliances and water supplies for firefighting purposes to the site.

## **6.8 Darwen Town Council**

### **6.8.1 No comments received.**

## **6.9 Drainage**

### **6.9.1 No objections**

Lead Local Flood Authority Position

We have no objections to the proposals but require the following conditions

Condition:

Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development hereby approved shall be carried out in full accordance with the surface water drainage strategy submitted with the application . The measures contained within the Drainage Strategy which are designed to ensure that the post-development rate of surface water runoff from the site does not exceed the pre-development (greenfield) rate.

Reason:

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 surface water in accordance with the requirements of Policy 9 -

Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

Condition 2

There is a public sewer crossing the site. The applicant is required to consult United utilities and comply with their requirements

Condition 3

The applicant is required to consult the Environment Agency regarding the outfall to the river and also apply for consent to discharge under the Land Drainage Act

**6.10 Cleansing**

**6.10.1 No issues.**

**6.11 Environmental Services – Public Protection**

**6.11.1 No objections, subject to conditions:**

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

**CONTAMINATED LAND**

Contaminated land report(s) has been submitted with this application and will be peer reviewed by the Environmental Protection Service - recommendations will be provided as soon as possible.

**Condition - Industrial/Commercial Noise Control (Day & Night Uses)**

The noise rating level arising from the commercial/industrial premises shall not exceed:

- Daytime (07:00 - 23:00 hours) - 49dB(A)
- Night-time (23:00 - 07:00 hours) - 34dB(A)

at any residential premises for the duration of the approved use. Assessment shall be made in accordance with BS4142 'Methods for rating and assessing industrial and commercial sound'

Reason: To ensure an acceptable standard of residential amenity.

**Air Quality:**

**Condition - 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 report shall include a screening assessment which determines whether an Air Quality Assessment (AQA) is necessary. Where an AQA is necessary, 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'.

REASON: In accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2 and Paragraph 110 of the National Planning Policy Framework 2019, which states that developments should be designed to enable charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This implements the requirements of Council's Air Quality PAN and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. These are readily achievable mitigation measures that reflect current good practice and help to reduce the cumulative impact of current and future developments.

**Floodlighting**

Should the proposed development include outdoor lighting I would recommend the following condition:

Condition – Floodlighting (as appropriate)

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.

## **6.12 Contaminated Land Officer**

### **6.12.1 Initial holding objection received:**

Do you know if the applicants on this site have specifically requested no pre-commencement condition with this application?

The contaminated land consultants they have used have not followed our guidance in submitting a phase 1 first, allowing us to review it, then moving forward to a phase 2 and final remediation strategy. Instead they have gone ahead and completed and then submitted a large Phase 1, Phase 2 and Remediation Strategy all at once after completion. Although the sensitivity of the end use is low (commercial) the contaminative site history is complex and potentially highly contaminated. As such it is likely I will have lots of questions regarding these reports and they will require thorough review.

Given the time already elapsed and that Andy was chasing me on this one, if the applicants do not mind a pre-commencement condition then I would recommend both our standard contaminated land conditions are attached to any resulting Decision Notice. However, if they do not want a pre-commencement contaminated land condition then they will have to wait for my full review and answer any queries that I'm almost certain I will have regarding the three large reports submitted with the application, which will take more time to get satisfactory answers.

Regardless, as they are proposing some remediation, it will require the Prior to occupation standard validation condition either way.

**6.12.2 Various further discussions and additional information was submitted during the course of the application. Due to the likelihood that the contamination issue could not be satisfactorily addressed prior to committee, it was agreed that the standard pre-commencement contamination conditions could be attached.**

### **6.12.3 Contaminated Land Officer - latest comments (25/02/2022):**

They are now proposing additional gas monitoring due to the presence of paper pulp and very high methane measured on site to date. Since your deadline is a week today, it is not possible for them to complete this and analyse the results before then. As such, were the application successful, I would recommend both of Blackburn's standard contaminated land conditions are attached to any resulting decision notice. It will require the Pre-commencement condition on any Decision Notice to regulate this additional gas monitoring and the standard prior to occupation condition to regulate any agreed remediation which will certainly be required on this site. I have included two copies of our typical contaminated land conditions below.

Please note these will be in addition to whatever the EA end up recommending. Since the EA are currently objecting to the application, a significant and unusual step, but it makes sense on such a contaminated site next to a river, I will not waste more time arguing with their consultant for even more gas monitoring etc at this time as the application may be rejected.

If the applicants are able to satisfy the EA before your decision deadline then they will ,likely recommend their own Controlled Waters contaminated land conditions. Please note these would be attached in addition to our human health contaminated land conditions and would be satisfied and regulated not by me but the EA in relation to controlled waters (here the river).

Our standard pre-commencement contaminated land condition:

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

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

Standard prior to occupation, validation condition:

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

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

#### **6.12.4 The applicant has agreed to the standard pre-commencement conditions being attached.**

#### **6.13 United Utilities (UU)**

##### **6.13.1 Initial response:**

With regards to the above-mentioned planning application, United Utilities is aware of the scheme and is currently reviewing the submission documents in more detail to understand the potential impact of the proposal on our infrastructure. A detailed letter setting out our formal response will be sent to you as soon as possible and we will try to work within your deadlines.

We therefore request that the scheme is not determined until our formal response has been issued.

I would be grateful if you could acknowledge receipt of this by way of a reply email.

#### **REQUEST FOR FURTHER INFO**

With regards to the above development proposal, United Utilities Water Limited ('United Utilities') wishes to provide the following comments.

#### **United Utilities' Property, Assets and Infrastructure – REQUEST FOR FURTHER INFORMATION PRIOR TO DETERMINATION**

The applicant should be aware of water mains in the vicinity of the proposed development site. Whilst this infrastructure is located outside the applicant's proposed red line boundary, the applicant must comply with our 'Standard Conditions for Works Adjacent to Pipelines'. We provide this information to support the applicant in identifying the potential impacts from all construction activities on United Utilities infrastructure and to identify mitigation measures to protect and prevent any damage to this infrastructure both during and after construction. This includes advice regarding landscaping in the vicinity of pipelines.

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.

To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk) as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.

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](mailto:DeveloperServicesWater@uuplc.co.uk)

Wastewater assets – [WastewaterDeveloperServices@uuplc.co.uk](mailto: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.

#### Darwen Wastewater Treatment Works

There is an existing United Utilities wastewater treatment works in close proximity. Please be aware that these operational sites can be a source of noise, odour and/or flies.

It is important that the existing belt of trees and scrubland situated between the proposed development and the existing Wastewater Treatment Works is retained as intended.

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

#### Condition 1 – Surface water

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

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

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

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

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

#### Condition 2 – Foul water

Foul and surface water shall be drained on separate systems.

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

If this proposal results in a trade effluent discharge to a public sewer, the applicant will need Trade Effluent Consent to discharge to the Public Sewer. The applicant must discuss this with the retailer of their wastewater services.

The applicant can discuss any of the above with Developer Engineer, Robert Brenton, by email at [wastewaterdeveloperservices@uuplc.co.uk](mailto: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 a main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

#### Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

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

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

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.

### 6.13.1 Final response from UU received on 23/02/2022:

### 6.13.2 No objections, subject to conditions.

Just to confirm that Gemma's previous response dated 23rd December is not a formal objection, rather a flag to the applicant that there is an asset protection matter that requires resolution.

Having reviewed the recent information it is clear that the applicant is aware of the need to divert the public sewer and has made an approach to UU regarding this matter. We note Rodrigo's email to you yesterday stating that they intend to enter into a diversion agreement following the planning decision. The detail and acceptance of a sewer diversion should be progressed by the applicant directly with UU.

To confirm, we have no objection to the proposal in principle, subject to the requested planning condition regarding drainage (detailed in Gemma's earlier response). We do not require a planning condition to enforce a sewer diversion.

## 6.14 Environment Agency (EA)

### 6.14.1 Initial comments:

It is unclear whether the development as proposed provides the statutory requirement of a clear and unobstructed 8 metre access strip for maintenance adjacent to the Main River Darwen. We therefore object to this planning application and recommend that planning permission is refused.

#### Reasons

Under the Environmental Permitting Regulations 2016, an Environmental Permit is required for any flood risk activities within 8 metres of a main river. The proposed development is in close proximity to the River Darwen, which is designated a main river.

Based on the information submitted, the distance between the development and the top of the bank is unclear. We require that an 8 metre wide stretch of unobstructed land is left between the top of bank and the development to ensure that flood flows are not obstructed, the stability of the bank is not compromised and the natural bank habitat is undisturbed.

#### Overcoming our objection

To overcome these objections, the applicant should provide a series of cross section drawings based on topographical data, that clearly identifies the extent of the proposed development and its proximity to the top of bank.

A minimum of 8 metres must be left between the top of the bank and the development. The revised drawings must identify the top of bank in relation to the channel width and water line and demonstrate no development, including any proposed boundary fencing, retaining walls etc. within 8metres.

#### Environmental permit - advice to applicant

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence

- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

#### **6.14.2 Further comments from EA received January 2022:**

As you know we have currently objected to this application on the grounds that the proximity of the development to the Main River is unclear.

My groundwater/contaminated land consultee did however flag that the wrong paperwork has been submitted and the Remediation strategy and borehole logs are missing from the application. Assuming that the applicant is able to overcome our Main River objection, then the absence of these documents will be a factor and submission of them would be conditioned at the next pass if they overcome the Main River issues. I just thought it was worth flagging, as we will need to see them if it comes back again.

#### **6.14.3 Further information received from the applicant on 13<sup>th</sup> January 2022:**

Please find attached drawing showing in a blue hatch the 8m strip from the bank as requested.

I trust this demonstrates that the referred statutory requirement is being complied with. Should you require further information in respect of this matter please let me know.

#### **6.14.4 Further response received from the EA on 14<sup>th</sup> January 2022:**

I will get this logged as an amended plan and reconsult the flood risk team.

I can see that they have marked on the FZ3 extent and the 8metre access strip. I have looked again at the cross sections with the application and there does appear to be quite a bit of cut and fill going on. It might be helpful if they can clearly indicate on this new plan, the current top of the bank of the River Darwen, as that is what we need to see before work to create the building platform starts.

I will log this and pass it across to the team, but it may help our understanding to remove the objection if they can clearly mark this on the plan and resubmit it to yourselves

#### **6.14.5 Further response received from EA on 23/02/2022 (re contamination concerns)**

We maintained our objection on 01 February on the basis that we had reviewed the updated proposed site plan, titled S2854\_3.03 and proximity to the river still has not been sufficiently addressed. The top of the river bank was not marked on the plan and therefore it was still unclear if a full unobstructed 8metres had been left between the top of the bank and the development.

If they had managed to overcome that, we would still have requested that our 4 part contaminated land condition would be included. I have just spoken with my colleague in contaminated land and he did take a look at the bore hole logs that you had sent through via email that the applicant hadn't submitted at the time we first looked at this. He was satisfied with the detail and has said that what we have seen through so far would satisfy parts 1 and 2 of our condition, but that there is no interpretation of what the results show to indicate what the risks to controlled waters would be. They now need to come up with a remediation strategy for the site, because the presence of methane and the other results would indicate that there are contaminants in the site that could be mobilised to pollute the river.

So in a nutshell, still an objection from us as the proximity to the river is unclear and if they manage to overcome that there would need to be a pre-commencement condition imposed to address the remediation of the site, particularly given the risk to controlled waters.

#### **6.14.6 Further response from EA received 28/02/2022**

Hi Tom, our problem with this one is not contaminated land, we are happy that this can be covered by using our standard 4 part CL condition. It is our 8m maintenance strip from the river objection that they haven't satisfactorily overcome, because it is not clear where the top of the bank is on their plans, so we don't know where they are measuring our 8m access strip from.

We are still waiting to see a dimensioned drawing that says, "this line indicates the top of the river bank" which then clearly shows that they are leaving 8 metres from the top of the bank, with no built development or anything that would stop machinery accessing the strip. If we can get that, we can remove our objection and just request a CL condition.

#### **6.14.7 A further plan (for the EA for information only) was provided by the applicant on 28/02/2022, and a further response from the EA were received on 03/03/2022.**

Hi Tom, it isn't contamination, it is the 8m access to the river that we are objecting on.

I have asked my flood consultant to give me his thoughts on whether that can be overcome based on the cross section they have provided. He has promised to get back to me tomorrow morning. If they can, then we will just remove the objection and ask for our usual 4 part contaminated land condition to be added.

As soon as he lets me know if the objection can be lifted or not I will email you.

#### **6.14.8 Further comments received from the EA on 04/03/2022.**

Hi Tom, my flood risk colleague has just got back to me.

Based on the latest cross section we would be looking to maintain our 8m access strip objection on this one for now. They need to demonstrate where the top of the bank is currently, before they start cutting and filling. We can then assess whether the cut and fill operations would be acceptable and we would issue a permit for them. We could then assess if our 8m access strip for maintenance is being respected.



Could you get the applicant to submit something that gives that clarity with levels on a dimensioned drawing?

This one is showing as responded to on our system, do you want me to take the last cross section as a formal reconsult and provide the above comments in a formal response? Happy to do that and provide a reply maintaining our objection at this stage if it helps, just let me know.

Hi Tom, sadly it is not really something we could condition, because we need to be clear about what they are planning within 8m of the existing top of bank. There is a very real chance we wouldn't issue a permit for the works adjacent to the river if we are not happy, so the planning consent would be unimplementable I imagine if they cannot do the cut and fill in the way that they are proposing.

I think that they just need to give us a bit more clarity and we can reassess if what they are proposing adjacent to the main river is acceptable.

#### **6.14.9 Further response from the EA on 07/03/2022.**

Hi Tom, apologies for the delay. I am not sure we can get/give the assurance the applicant is hoping for before the committee meeting on Monday.

Below are the comments from my flood risk colleague.

- The first attachment shows approximately where we would consider the top of bank to currently be and an amended cross section will be required from the applicant to agree to this.
- The second attachment shows the profile tool with the edge of the watercourse and top of the bank annotated.
- We are happy with the proposal that the fence will be 8m away from the current top of bank. However, once section FF is reprofiled the NEW top of bank will only be 2m away.
- We are waiting for AP internal confirmation that they are happy with the 2m easement that will be left between the NEW top of bank and the fence once the land re-profiling has been complete.
- Ultimately, if approved at planning, this land re-profiling will need to subject to a Flood Risk Activity Permit

After using the profiling tool that we have, he has concluded that the current top of the bank is closer to the yellow highlighted area on the attached Profile Tool detail document. Whilst we are happy that the proposed fence line will be over 8m away, once the bank is reprofiled it leaves just two metres from the new top of the bank, see attached "EA Amendment to top of bank section". This may be acceptable to our assets team but we haven't been able to check this with them today. The ground reprofiling will require a Flood Risk Activity Permit and we wouldn't grant a permit for anything that the assets team would be unhappy with, as it is they that determine required access for maintenance.

I think there will be a compromise that can be achieved but maybe not in time for Monday's committee. If I hear anything back from the Assets team on Monday I will let you know as soon as possible.

#### **6.14.10 A new cross section plan was provided by the applicant on 07/03/2022 and the EA was reconsulted. A further response was received from the EA on 07/03/2022.**

Hi Tom, we have taken a look at the cross section FF from the applicant which you sent across, attached above.

We are satisfied that the current top of the river bank has been indicated at the point we feel is presently the top of the bank, and the reprofiling proposed would allow a clear 8metres from the proposed fence line to the new bank top post-development.

We would however like to see the rest of the cross sections up dated accordingly before we remove our objection, these will also be required for the application of an environmental permit if any reprofiling of the river bank is required within 8metres of the Main River Darwen. Once we have reviewed the revised sections I will remove the objection and request that our standard 4 part contaminated land condition be included on the decision notice to cover any outstanding information regarding the investigation and remediation of the site.

I hope that this is the information that you require to produce your report for the committee and we look forward to receiving the revised cross sections from the applicant. I will provide a formal planning response once we have received and reviewed the new cross sections and any other documents that form part of the submission have been updated to reflect the new cut and fill arrangement adjacent to the river.

**6.14.11 The final response from the EA, confirming no objections, is now awaited. This will be reported in the Committee Update report.**

**6.14.12 Additional EA comments (regarding the “Agent of change principle” only):**

The Crown paints factory is regulated by us through an environmental permit and whilst we don't object on behalf of industries that we regulate, we expect them to raise concerns about nearby development if they think that the amenity of the new development will be impacted by their operations.

We take the position that the Crown Paints site is already operating in accordance with the conditions of their permit and as long as they continue to operate within the scope of their permit, any new development must have regard to the proximity of the facility. They should also be aware that we would not seek to alter the conditions of an existing permit in response to complaints from a new sensitive receptor located nearby. We would be of the view that if the new development considers that they may be impacted by the factory's operations, then it is up to the new development to incorporate features within the design to mitigate any amenity impact on the users of it during its construction.

## **7 Publicity**

**7.2.1** 40 Neighbouring properties were consulted during the consultation process, and site notices were posted on 1st December 2021. A press notice was also issued on 28<sup>th</sup> September 2021. One representation was received, from Jerry Spencer Associates, acting on behalf of Crown Paints, who adjoin the site (and who have expansion plans of their own, but have not been the subject of a planning application to date).

**7.2.2** The two main points of the objection relate to:

- i) The impact of Crown Paints' own operations on the application site (the Agent of change principle) and
- ii) The impact on Crown Paints' own expansion plans, which include a new access close to where the application site access is.

7.2.3 The objection letter is published in its entirety in Section 10, together with the response from the applicant.

**8.0 CONTACT OFFICER: Tom Wiggans – Planning Officer**

**9.0 DATE PREPARED: 8th March 2022**

## 10.0 SUMMARY OF REPRESENTATIONS

### **Objection: - Jerry Spencer Associates for Crown Paints Limited, received 15<sup>th</sup> December 2021:**

I represent Crown Paints, whose polymer plant occupies the site immediately to the south of the current application site. My client is not objecting to the principle of the type of development which is proposed, but is concerned that the layout of the development might harm or even prevent the upgrading of their site, including installation of measures to bring it up to current industry safety standards.

Crown also wish to appraise the Planning Authority that the current operation at the polymer plant causes noise and smell over a 24- hour operation, and that they would not be willing to curtail operations in the event of complaints made by future occupiers, as this could jeopardise production across the Darwen operation. In this regard, a mixed industrial and warehouse development is preferable to a housing development, but we ask you to take the known environmental impacts of the current Crown operation into consideration in assessing the suitability of the proposals on the adjacent application site. Crown would be willing to provide measurements of noise and smell as currently experienced.

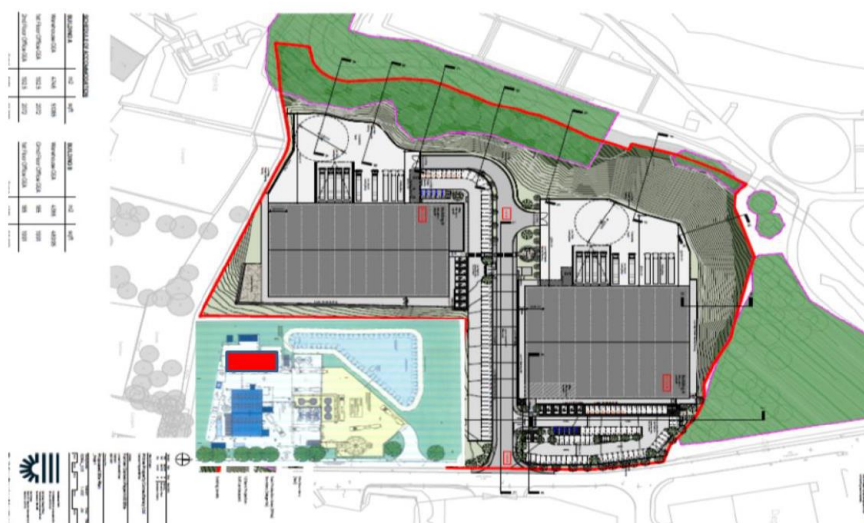
In extreme circumstances, the polymer plant could potentially experience an exogenic heat reaction resulting in very high temperatures. It is for this reason the Crown wish to upgrade the safety standards of the plant by installing control measures which include excavation of a lagoon to hold water used as a retardant in the event of such a reaction. The company has advanced plans to install these measures as shown on the attached plan. The plan involves provision of a new egress from the site, to allow for one way traffic in and out, as the present access is considered to be dangerous. The estimated number of vehicle movements into the Crown site is up to 9 bulk delivery tanker loads per day in peak periods. The level of lorry movements would be considerably higher than this during the construction phase of the proposed lagoon and additional plant.

The plan shows how close the proposed Crown access point would need to be to the access proposed under the current application, and my client is concerned that the Highway Authority might not allow two access points so close together. We note that an access has been approved for the current application site already (10/20/1226) but it appears that Crown were not notified of this and so did not comment at the time.

One possible solution to the issue, were the Highway Authority to object to two access points, would be for the two sites to share an access, and Crown would be willing to enter into discussions about this. However, as the current application seeks permission to create two security-fenced compounds incorporating the areas on either side of the access road, it seems that the option to share the access with Crown is not likely to be available as an amendment to this proposal.

We are unaware of whether a second separate access from Crown's site would be allowed if the current application were to be approved. We must therefore object to it on the grounds that it potentially prevents Crown from delivering appropriate safety measures, including the new access to the adjacent polymer Plant.

Below: Crown proposals superimposed onto the plan for application number 10/21/1294



**In response to the objection from Crown Paints, the applicant provided a full written response on the 14<sup>th</sup> January 2022, which is shown in full, below:**

I write on behalf of the applicants (Acornfield Properties Ltd) for the above application. This letter responds to a third party letter received from the adjacent occupier. The comments made by Crown Paints (hereon referred to as Crown) expressly state that they do not object to the principle of development. They acknowledge that their current operations at the polymer plant causes noise and smell over a 24- hour operation, and that they would not be willing to curtail operations in the event of complaints made by future occupiers. The Crown comments relate mainly to access matters and set out a concern that the proposal 'might harm or even prevent the upgrading of their site, including installation of measures to bring it up to current industry safety standards'. They refer to the potential proximity of access junctions for a new access they may need and concerns about their construction traffic. A plan is provided showing a high level masterplan of how the Crown site might be redeveloped in the future. The redevelopment is suggested to relate to the need to incorporate a lagoon as part of safety measures. The letter acknowledges that the Crown proposals have no formal status, no consent and have not been submitted for any planning approval. In response, the applicant is firmly of the view that, in material planning consideration terms, no weight can be placed on the concerns raised by Crown and they do not form a reason to resist or amend the submitted scheme.

Consent ought to be granted. The reasons are:

1. With regards the noise/odour matter, resolution of an existing problem caused by a third party is not reasonable or relevant to the proposed development, and as it is not a commercial use proposed adjacent to the Crown use, matters of amenity are not a material consideration. If there are any existing breaches of other legislation with regards to noise/odour, they should be addressed under relevant legislation.

2. Alleged prejudice to a future access cannot be afforded any weight. The Crown proposals have no planning status. There is no committed development benefiting from consent for the works and therefore no obligation for the Transport Assessment to consider them. Indeed, the proposals are presented as a future ambition (no timescales provided) which have yet to be fully developed. The plan shown is thus indicative and subject to design change. The expansion land in question lies adjacent to the operational Crown site and holds a long frontage to Lower Eccleshill Road. This affords the site the opportunity of designing its layout in such a manner as to allow for an access to be set

away from the boundary with the application site. On this basis, it would be unreasonable to restrict development on the application site to 'protect' the flexibility for Crown to design their site, if they ever wished to redevelop it. There is ample space and opportunity for the neighbour to use its site for its purposes, and thus there is no prejudice to the use of that land.

3. In determining the application, the Planning Authority must take account of material considerations and place weight accordingly. Material considerations must also relate to the use of land not the private interests of any occupier. There is no committed development in this case that could be affected and any safety concerns Crown have to resolve are a matter for its business. Future, as yet uncertain plans, cannot be afforded any weight or constitute a reason to amend or resist the application.

4. Concern around impact on construction traffic for the Crown scheme cannot be afforded any weight as in the absence of a scheme and an understanding of its construction, they are simply unknown. Further, it would be for CEMP for that site to address such matters.

5. The application site has an extant and established fallback position of an access approved under application Ref: 10/20/1226 approved 25 June 2021. This establishes an access to the application site close to the boundary with the land controlled by Crown. That access is very similar to the access now sought in design and specification. That access point as shown in the figures below is approved in a position 5m closer to the boundary with the Crown site. The current application thus offers a small improvement (if one were required) to set the access a little further away (5m north). In any event, given the approved access (to which Crown did not object) is extant and is capable of implementation, it provides a robust fallback which is of very significant weight.

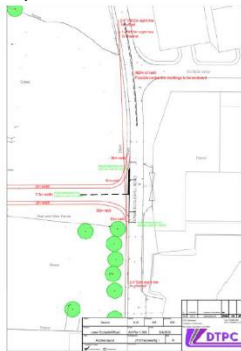


Figure 1 – Extant approved access



Figure 2 – Proposed access

6. The submitted Transport Assessment for the current application prepared by SK Transport in 2021 confirms that the access and traffic generated by the proposed development is appropriate and can be accommodated in the highway network. The road is a 30mph road and the access point can achieve sight lines to meet standards.

The TA at paragraph 2.15 confirms that:

"The consented access layout is attached as Appendix B. This shows a simple priority arrangement with a 7.3m wide access road, 2m footways and compound radii of 10m and 36m. The identified visibility requirements based on observed speeds on Lower Eccleshill Road were identified as 2.4m x 87m to the north and 2.4m x 52m to the south, each substantially in excess of the normal 30mph requirement".

It confirms at paragraph 2.16 that with regards the consented junction:

"The assessment showed that the junction would operate comfortably with substantial spare capacity in both the AM and PM peak".

The TA then sets out an assessment of the proposed junction and confirms at paragraph 4.12 that: "The site access is predicted to operate within capacity in all of the scenarios tested".

The TA concludes that the proposal and access fully accord with NPPF (Para 111) and Policy 10 of the Local Plan Part 2.

On this basis there is no highways reason why consent ought not be granted. The local highways authority did not object to the previous access granted. Indeed, the council's reason for approval No.1 stated "The proposal is of appropriate design and appearance and would not compromise highway safety in accordance with Policies 10 and 11 of the Blackburnwith Darwen Local Plan Part 2 (December 2015)". As the current proposal proposes the same access in an almost identical position, and as the TA concludes that is also acceptable, there can be no highways objections to this application either.

7. In the absence of a highway objection and as the proposed commercial use is in accord with the Local Plan, NPPF and will deliver significant social and economic benefits to the local area, through job creation (during construction and operation), training opportunities and GDP, there are a number of significant considerations which in the planning balance weigh in favour of the proposals.

We trust the contents of this letter will be given full weight in the consideration of this application, and the application be approved to deliver investment, jobs and economic value to the area.

**An additional response from the applicant to the Crown paints objection was received on 14/01/22 (shown below):**

Following on our conversation earlier today, I have received the attached feedback from the Transport Consultant.

I trust his assessment satisfactorily addresses the concerns regarding the proposed additional access at Crown Paints. The odour and noise issues have been addressed by the letter provided. Should you have any queries or require further information please let me know.

We have reviewed the objection received from the adjacent operator (Crown) and considered options that may be possible to accommodate their requirements.

Firstly, we attempted to review on the basis of the masterplan provided for the adjacent site within the objection letter but this image is distorted. The distortion can be seen in the ovoid appearance of the turning circles within the proposed development layout which unfortunately means we are unable to use this.

As an alternative, we have considered the potential for creation of a new access within the section of currently undeveloped frontage to the south of the proposal site. The normal minimum separation distance for junctions on the same side of a 30mph road is 43m (centreline to centreline), this is based on visibility requirements. The visibility splay distance is typically 43m on a 30mph road but the actual visibility requirement on the south side of the consented access was slightly higher at 52m, based on observed vehicle speeds.

I have therefore marked up in the attached plan the separation that is achieved between the proposed site access and the existing Crown access (106m) and the separation distances that would be expected to position a possible additional access between the two, based on the typical 30mph requirement of 43m and the slightly higher 52m requirement based on observed speeds in the vicinity of the proposed access.





## **REPORT OF THE STRATEGIC DIRECTOR**

**Plan No: 10/21/1320**

**Proposed development: Minor Material Amendment for Variation of condition nos. 2 and 11 pursuant to planning application 10/18/0959, to permit a further 12 month temporary permission and revision to the Noise Management Plan, respectively.**

**Site address:**

**The Grand Venue**

**Unit 2 Harrison Street Trade Parks, Harrison Street**

**Blackburn**

**BB2 2JE**

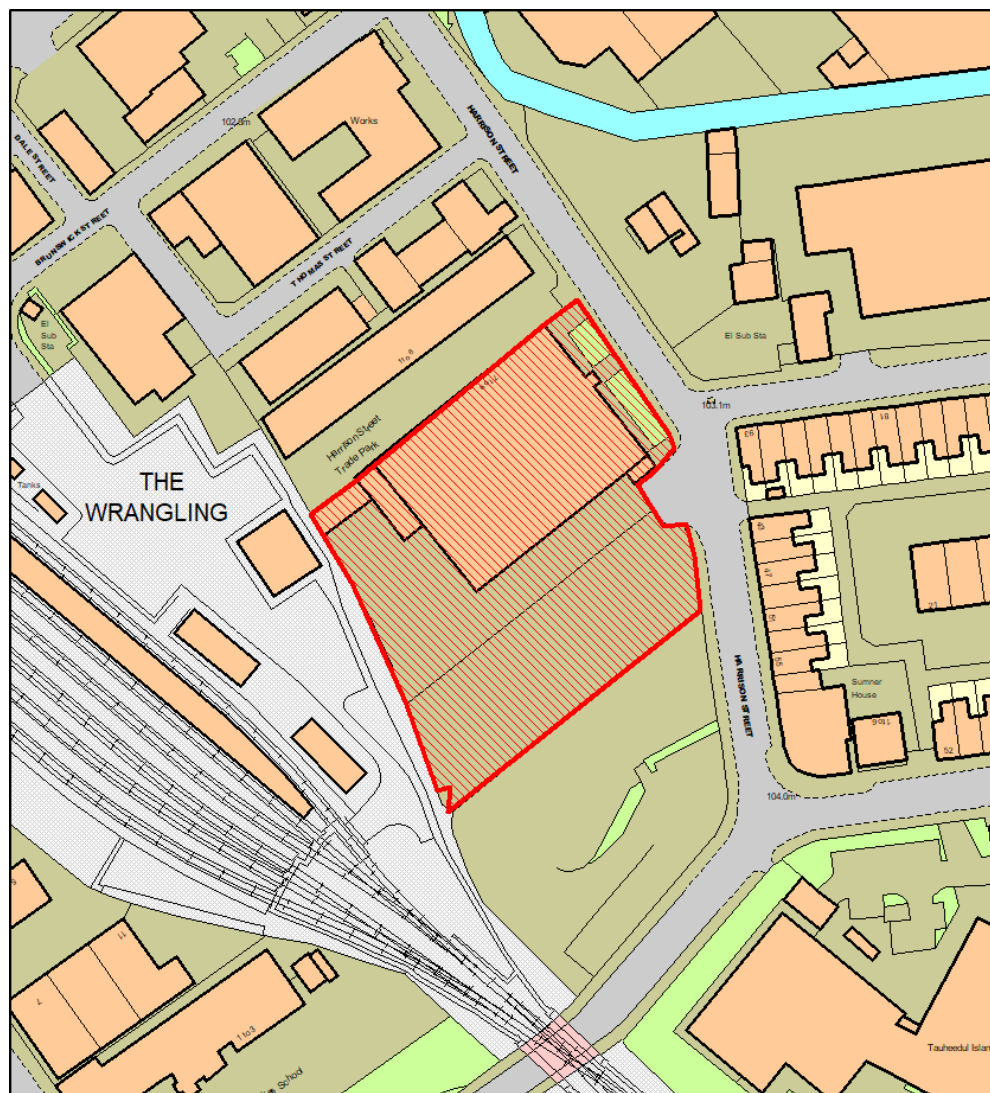
**Applicant: Mr Sajid Patel**

**Ward: Blackburn Central**

**Councillor Zamir Khan**

**Councillor Mahfooz Hussain**

**Councillor Samin Desai**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 Approve; subject to conditions set out in paragraph 4.1 of this report.**

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

- 2.1 The application is reported to Committee as minor material amendment to a previous Committee determined application. This is in accordance with the Council's adopted Scheme of Delegation.
- 2.2 The application is submitted under Section 73 of the Town and Country Planning Act 1990. It seeks to amend a previous (minor material) amendment to the original planning permission granted for the "*change of use from existing B2 industrial use to a D2 Banqueting Suite use with single storey front extension and external alterations and additional car parking to the area occupied as car wash*". The previous amendment was approved in June 2019. The original grant of planning permission was in October 2017.
- 2.3 The application follows complaints received by the Council's Planning Enforcement and Public Protection teams, in August 2018, from local residents, alleging late night opening, beyond the (originally) permitted 7pm closure time, as secured via condition. A subsequent joint investigation involving night time monitoring established that the use was operating, on occasion, until between the hours of 11pm and 2am. Consequently, a Breach of Condition Notice (BCN) was issued on 19<sup>th</sup> September 2018 requiring cessation of the unauthorised opening hours. Subsequent to this, an application to extend opening hours to between 11:00 and 23:00 was submitted (ref. 10/18/0959). This application was approved in June 2019 for a temporary twelve month period, to allow officers the opportunity to monitor late evening noise impacts. Due to the arrival of the pandemic, in early 2020, a full twelve month monitoring period proved impossible and the situation was held in abeyance. This application revives the proposed temporary 12 months permission, to allow monitoring in the context of the additional measures introduced to the Noise Management Plan.
- 2.4 Members are advised that the original permission established the principal of the development including associated highway matters. This recommendation is limited to the merits of the proposed amended hours of use and amendment to the Noise Management Plan, with a view to safeguarding residents from the threat of excessive late evening noise. No other matters have been considered.
- 2.5 Members are advised that, as robust additional noise and highway impact mitigation measures, the applicants have funded all associated costs of a Traffic Regulation Order (TRO), in order to introduce residents only parking along Harrison Street and Sumner Street, in accordance with condition 12 attached to the previous minor material amendment (ref. 10/18/0959).

- 2.6 The recommended 12 month temporary permission and amended Noise Management Plan is considered acceptable, as a mutually agreeable interim resolution to allow the situation to be monitored.

### **3.0 RATIONALE**

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

- 3.1.1 The application site is the Grand Venue and associated outdoor car parking /servicing areas. The building is a large former industrial warehouse, located to the west of Harrison Street, Blackburn. Whilst a range of commercial uses dominate the immediate locality, residential uses are located in close proximity to the application site, to the south west.

#### **3.2 Proposed Development**

- 3.2.1 A variation to Condition Nos. 2 and 11, attached to permission 10/18/0959, is sought. The conditions set out the following requirements:

Condition 2:

*The development hereby approved shall be for a temporary period only and shall cease on or before 20th June 2020.*

*REASON: In order that the effect of the development upon the amenities of the surrounding area can be assessed during this period, and that any future application can be decided based on this assessment, in accordance with the National Planning Policy Framework and Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2*

Condition 11:

*The submitted 'Noise Management Plan' produced by Miller Goodhall, dated 18th January 2019, shall be implemented with immediate effect.*

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

#### **3.3 Development Plan**

- 3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 3.3.2 The Development Plan comprises the Core Strategy, the adopted Local Plan Part 2 – Site Allocations and Development Management Policies and the Darwen Town Centre Conservation Area SPD. 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
- CS11 – Facilities and Services

### 3.3.4 Local Plan Part 2

- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People

## 3.4 **Other Material Planning Considerations**

### 3.4.1 National Planning Policy Framework (The Framework).

## 3.5 **Assessment**

### 3.5.1 Amenity

Policy 8 requires development to make a positive contribution and to secure satisfactory levels of amenity and safety is for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution and the relationship between buildings.

### 3.5.2 An updated Noise Management Plan has been submitted and agreed by the Council's Public Protection consultee. Updates include:

- No Fireworks – There shall not be any fireworks lit at the Grand Venue premises nor off-site in association with Grand Venue events;
- No Queuing Vehicles – There shall not be any vehicles queuing on Harrison Street nor Canterbury Street associated with any Grand Venue event. Stewards must ensure that the site and any associated off-site parking areas are accessible to guests on arrival and direct them immediately to park their vehicles;
- One-way traffic management system – This system shall operate at all times during events at the Grand Venue premises;
- Taxi/Mini-bus Rank – A rank shall be provided at the rear of the Grand Venue premises for drop-off and pick-up of guests;
- Access/Exit Doorways – all doors to the outside areas at the Grand Venue premises shall be fitted with door closing devices and must not be propped open at any time;
- Marshalling by Stewards – Stewards shall be employed to marshal guests in the outdoor areas at the Grand Venue premises to maintain order and prevent noisy occurrences such as revving car engines, sounding car horns, shouting or raised voices of guests and any other noisy behaviour of guests; and
- Event Music – shall be limited to background music only unless agreed in writing by the Environmental Protection Service at Blackburn with Darwen Borough Council in respect of specific events held at the Grand Venue.

3.5.2 It is also recommended by the consultee that the proposed 12 month temporary permission be reduced to 9 months. 12 months is, however, considered reasonable and consistent with the 12 month permission previously granted.

3.5.3 Subject to the above measures, the proposal is found to be acceptable, in accordance with the requirements of Policy 8 and The 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 28th October 2017 ie. date of the original planning permission 10/16/1208.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be for a temporary period only and shall cease on or before 17<sup>th</sup> March 2023.

REASON: In order that the effect of the development upon the amenities of the surrounding area can be assessed during this period, and that any future application can be decided based on this assessment, in accordance with the National Planning Policy Framework and Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

3. Prior to the implementation of the development hereby approved, a scheme detailing soundproofing shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development.

REASON: To protect the neighbouring premises from any adverse noise levels in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

4. Prior to the implementation of the development hereby approved, a scheme for the control of cooking odours and fan noise from the premises shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter retained.

REASON: To prevent adverse amenity to occupiers of neighbouring premises from cooking odours and/or extraction system noise in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

5. There shall be no externally audible "Call to Prayer" from the building or within the application site at any time.

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

6. The use hereby approved shall only take place between the following hours:  
Monday to Sunday 11:00 to 23:00.

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

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

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

8. Prior to the implementation of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing provision of an electrical vehicle charging point. The approved scheme shall be implemented prior to first occupation of the development.

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

9. Prior to the implementation of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the offer of a minibus service for the transportation of attendees to and from the venue. The scheme shall detail when the service is to be made available and details of its management and monitoring. The scheme shall be implemented in accordance with the approved details.

REASON: In order to promote an alternative mode of transportation to and from the venue, in the interests of minimising highway congestion, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan.

10. Notwithstanding the submitted details, prior to the implementation of the development hereby approved, samples of all external walling, roofing materials and their colour to be used in the construction of the building work

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

11. The submitted amended 'Noise Management Plan' produced by Miller Goodhall, dated 19th January 2022 (Version 2), shall be implemented with immediate effect.

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

12. Within 28 days of the date of this approval, an application shall be made to the Local Highway's Authority for a Traffic Regulation Order (TRO) to introduce residents only parking along Harrison Street, Canterbury Street and Sumner Street. All associated costs, which are to be borne by the applicant, shall include TRO advertising / publication; road markings and signage; and 1 annual permit per property for the duration of the approved use.

REASON: To safeguard the amenities of nearby residential premises and the area generally and in the interest of highway efficiency; in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Prior to the erection of the extension hereby approved to the rear of the building, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the adjacent operational railway infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The approved Risk Assessment and Method Statement shall be adhered to throughout construction works.

REASON: In the interests of public safety, in accordance with Policy 8 of the Blackburn With Darwen Borough Local Plan Part 2.

14. This consent relates to the submitted details marked received on 7th November 2016; amended plans marked received 12th April 2017 and 14th June 2017; amended details received 1st October 2018; Noise Management Plan dated 18th January 2019, and amendments received 26<sup>th</sup> November 2021, including amended Noise Management Plan, dated 22<sup>nd</sup> January 2022; any subsequent amendments approved in writing by the Local Planning Authority.

REASON: To clarify the terms of this consent.

## **5.0 PLANNING HISTORY**

- 5.1 10/18/0959 - Variation of Condition No. 5 pursuant to planning application 10/16/1208 - to amend the opening hours to Monday -Sunday 11:00 - 23:00. Approved 20<sup>th</sup> June 2019.
- 5.2 10/16/1208 - Change of use from existing B1/B2 use to Banqueting Suite (Grand Venue - Use Class D2 ) with single storey front extension, external alterations and additional car parking. Approved 20<sup>th</sup> October 2017.

## **6.0 CONSULTATIONS**

### **6.1 Public Protection**

#### **Comments: Revised Noise Management Plan**

I note the inclusion of my recommended additional noise control measures in the revised Noise Management Plan(NMP). Given the distress caused to residents in the locality arising from noisy wedding events at the Grand Venue, I **would recommend that the additional temporary period is reduced to 9 months.** This still allows sufficient time to assess whether the business operator(s) can apply all the restrictions/controls in the revised NMP/imposed planning conditions and operate the business without causing residents significant loss of noise amenity.

### **6.2 Public Consultation**

Public consultation has taken place, with 52 letters posted to the local community on 19<sup>th</sup> January 2022. No comments were received.

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

## **8.0 DATE PREPARED: 4<sup>th</sup> March 2022.**



## **REPORT OF THE STRATEGIC DIRECTOR**

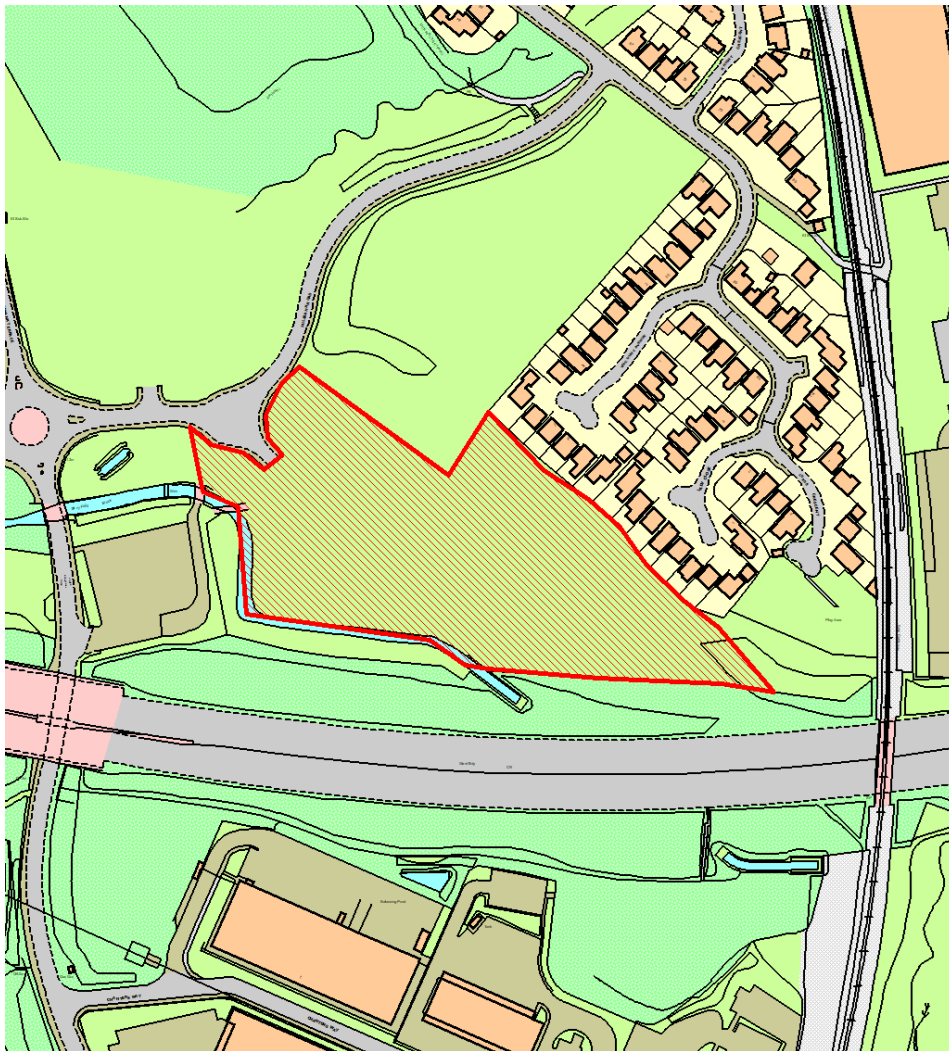
**Plan No: 10/21/1328**

**Proposed development: Reserved Matters Application for Approval of the reserved matters for the appearance, layout, scale and landscaping of employment unit on plot 4 pursuant to permission 10/18/1149**

**Site address:  
Plot 4 Greenbank Terrace  
Lower Darwen  
Blackburn  
BB3 0RN**

**Applicant: Barnfield Blackburn Ltd.**

**Ward: Blackburn South & Lower Darwen  
Councillor John Slater  
Councillor Jacqueline Slater  
Councillor Denise Gee**



## **1 SUMMARY OF RECOMMENDATION**

- 1.1 APPROVE – Subject to conditions; as set out in paragraph 4.1.

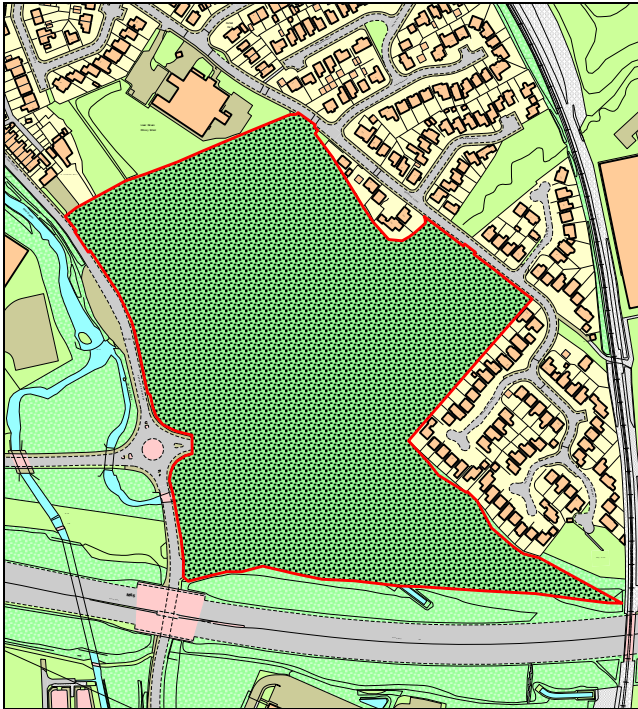
## **2. KEY ISSUES/SUMMARY OF PLANNING BALANCE**

- 2.1 This application considers Reserved Matters (RM) for an industrial unit (Plot 4), pursuant to a hybrid planning permission 10/18/1149 granted by the Committee in February 2020. Following the RM approval for industrial units on Plots 1-3 (ref 10/21/0597 and 10/21/1112) and residential development of 76 houses in 2 parcels (ref 10/21/1001), this is the final RM submission under the hybrid application 10/18/1149.
- 2.2 Members are reminded 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, and the Council's interest in the land, in accordance with the Scheme of Delegation in the Council's Constitution.
- 2.4 The 10/18/1149 hybrid approval established full planning permission for a new link road and access points; and outline approval with all matters reserved (except for access) for a mixed use development comprising a maximum of the following: 100 dwellings (C3), 9,000m<sup>2</sup> of employment use and careers hub (B1/B2/B8/D1), and associated ancillary works. This RM application relates to the provision of 35,000 sqft (3,251m<sup>2</sup>) internal floorspace of the approved employment use.
- 2.5 The access road approved under 10/18/1149 between Greenbank Terrace and Milking Lane is fully operational. All pre-commencement conditions for the full planning permission part of the hybrid approval (for the access road) have been fully discharged. Other conditions in relation to the outline part of the hybrid application remain in place, and presently there are a number of current applications for the discharge of various conditions attached to both the previous outline and the various RM approvals on this site.
- 2.6 Approval of the RM scheme for this fourth and final industrial unit will facilitate the complete re-development of the whole site. Assessment of this 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 regeneration benefits.
- 2.7 All relevant issues have been addressed or can be controlled or mitigated through additional planning conditions.

### 3 RATIONALE

#### 3.1 Site and Surroundings

- 3.1.1 The proposed employment unit on Plot 4 lies within the red edge of the wider development site, comprising 9.45 hectares, which was approved by hybrid application 10/18/1149 (shown below).



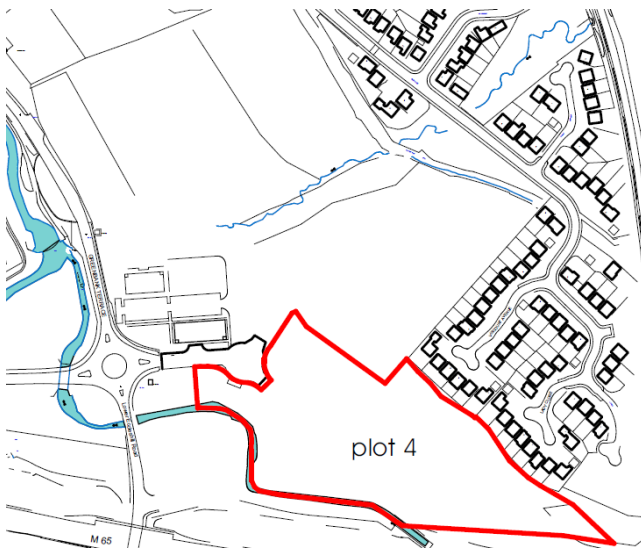
*Figure 1: red edge of the hybrid/outline approval 10/18/1149*

- 3.1.2 The site is a former paper mill and landfill site, which lies to the immediate south west of Milking Lane and to the north east of Greenbank Terrace, Lower Darwen. A stream runs east-west through the site, leading to the River Darwen via a culvert which runs under Greenbank Terrace to the west of the site. To the immediate north of the site is Lower Darwen Primary School and to the north and east are modern residential developments.
- 3.1.3 The site is linked to junction 4 of the M65 motorway via the Eccleshill Link Road to the west via Greenbank Terrace. Aside from the new access road, the site is otherwise undeveloped (see aerial photo below, which was taken before the new access road was constructed).



*Figure 2: Aerial view of the hybrid site*

- 3.1.4 The industrial unit on Plot 4 would be located along the southern part of the hybrid site, as shown below:



*Figure 3: Red edge of Plot 4*

- 3.1.5 This southern area of the site is allocated as being suitable for high quality development in the Adopted Policies Map of the Blackburn With Darwen Borough Local Plan Part 2, as can be seen (in Orange: ref 28/9) on the plan below:





Figure 4: Local Plan allocation

- 3.1.6 The 10/18/1149 Outline planning permission established the principle for a mixed use development, and illustrative plans divided the site into 2 distinct development zones, with a use class for each plot. All the employment units are sited along the western / southern part of the site, which are on significantly lower land and therefore distinctly separated from the residential parcels above them to the north / east by the steep topography of the site.
- 3.1.7 A phasing plan has been submitted which shows when the plots are expected to be brought forward. The distinct zones can be clearly seen in the image below (including Unit 4, which is in light red):

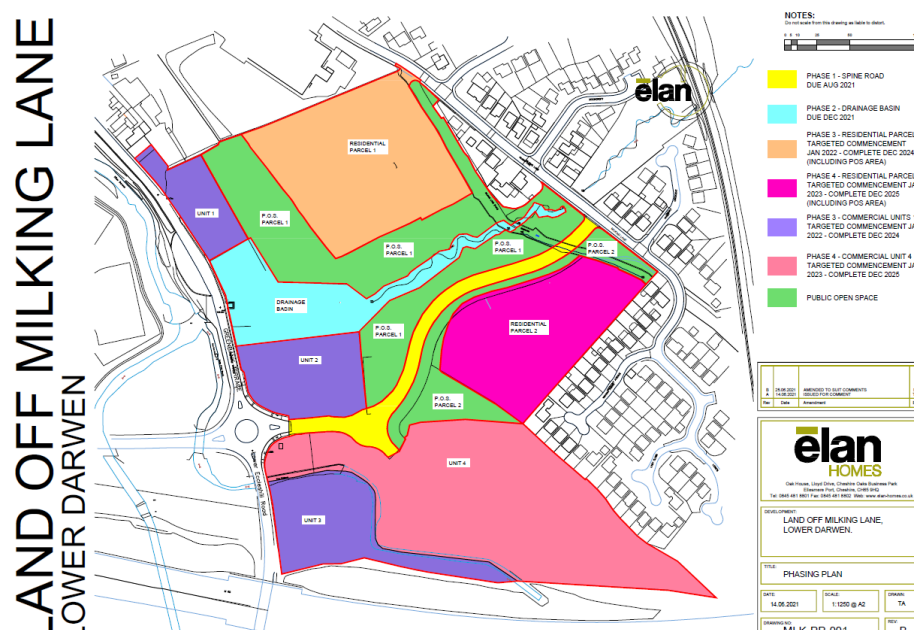


Figure 5: Phasing plan

3.1.8 The above plan also shows the link road (in yellow) which was approved under 10/18/1149, and which has now been fully constructed. It runs between Milking Lane and the Greenbank Terrace/Paul Rink Way/Lower Eccleshill Road roundabout. Unit 4 would be accessed from an existing roundabout on the new link road.

3.1.9 The employment unit applied for in this RM application is assessed in the context of the surrounding residential uses, including those approved under the RM application for 76 dwellings on the 2 upper parcels of the site (ref 10/21/1001).

### 3.2 Proposed Development

3.2.1 Reserved Matters are sought for appearance; landscaping; layout and scale of industrial Unit 4, pursuant to outline application 10/18/1149, as set out in the submitted drawings.

3.2.2 Unit 4 would be the largest of the 4 commercial units on the hybrid site, comprising 35,000 sqft (3,251m<sup>2</sup>) of internal floor space. The unit has been designed as a self-contained development, which is accessed from an existing roundabout off the new link road, and would have its own service yard and car parking, surrounded by landscaping. This, along with the natural steep topography of the site (with the residential uses being sited on much higher land), would provide a natural buffer to the existing (and recently approved) residential areas.

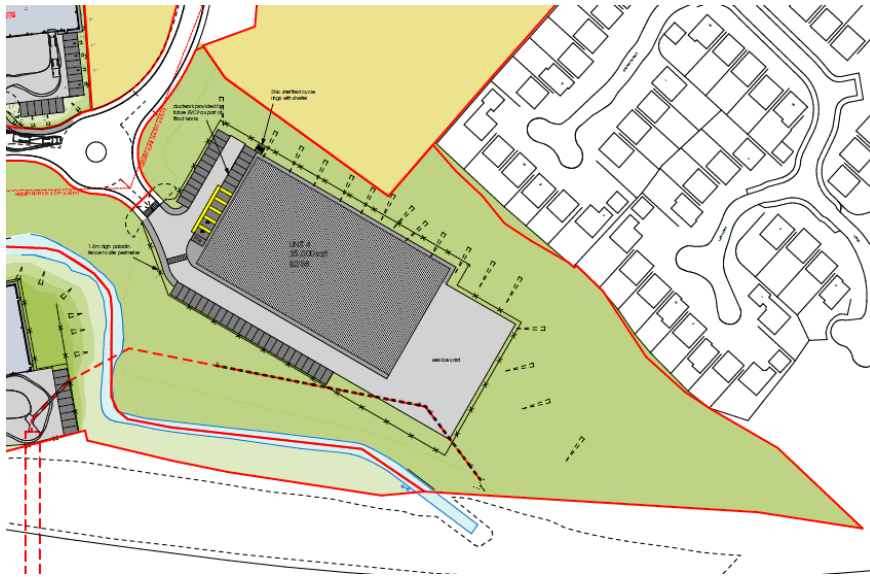
3.2.3 The service yard would be situated to the southernmost point of the building close to the M65 motorway. Parking will be provided along the access to the service yard, and to the north of the proposed unit.

3.2.4 Unit 4 is shown in context with all the recently approved RM developments (i.e. the 3 employment plots and the 2 residential parcels), in the site plan below:



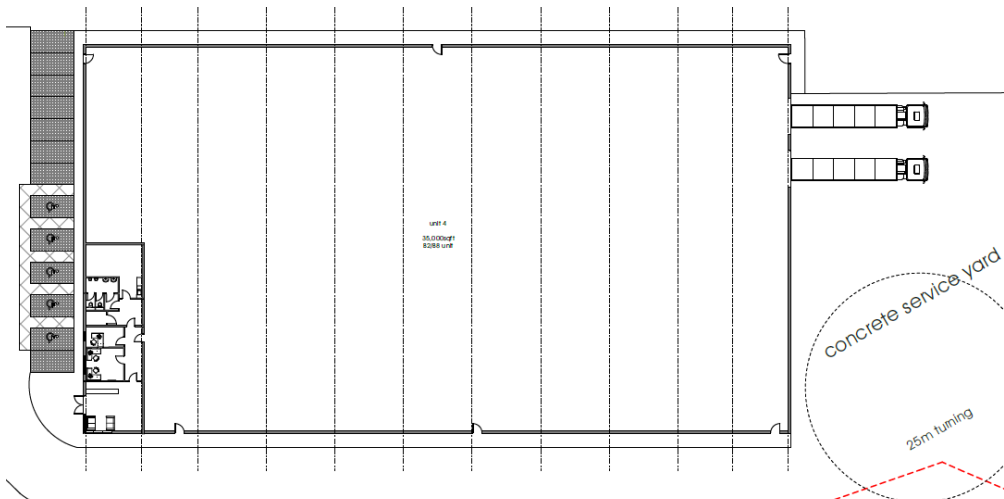
*Figure 6: Site plan in the local context*

### 3.2.5 Plot 4 Site plan



*Figure 7: Unit 4 site plan*

- 3.2.6 The scale of Unit 4 would be relative to its proposed use and reflects the speculative nature of the development based on current market demands. The proposed floor plan is shown below.

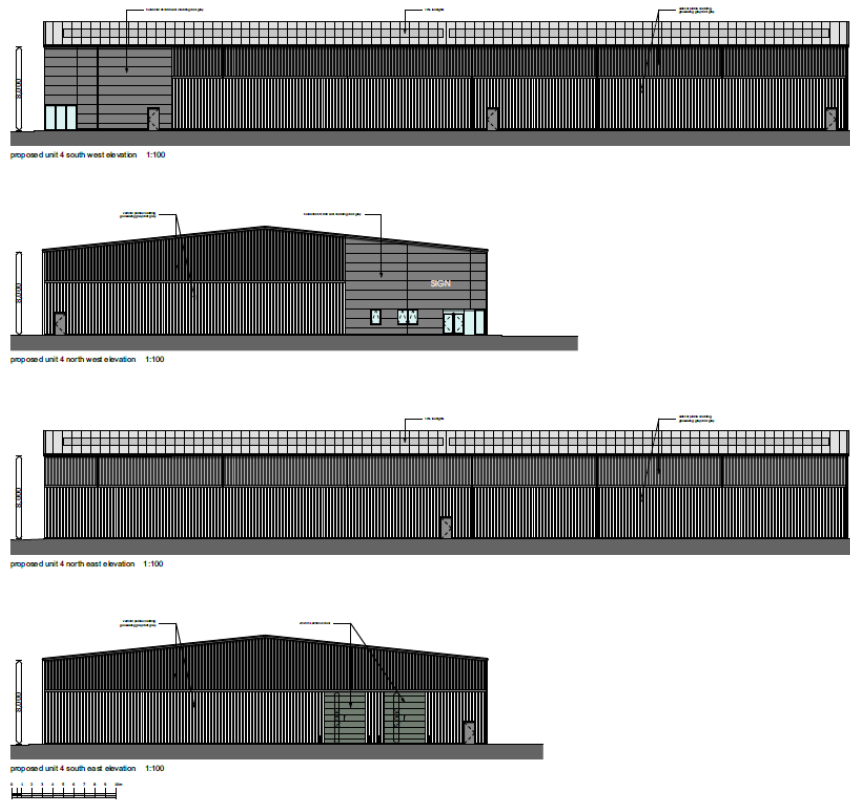


*Figure 8: Floor plan*

- 3.2.7 Unit 4 would have an eaves height of 8m. This height reflects the plan size of the unit and sits well within the plot, and in the surrounding area, including using the natural topography to good effect.
- 3.2.8 The buildings appearance has been designed using high quality contemporary metal faced cladding materials in varying arrangements which are robust and reflect the industrial nature of the unit.

3.2.9 The building would have a modern appearance, with materials comprising a mix of dark grey vertical wall cladding and vertical profile cladding, with goosewing grey vertical profile cladding to most of the lower part of the building. The use of different profile cladding materials would break up the mass of the building and highlight different office and service areas of the building.

3.2.10 Roof lights would be integrated into approximately 10% of the roof space, as shown in the proposed elevations below.



*Figure 9: Elevations*

### 3.2.11 Plot 4 – site photos







*Photos taken 14<sup>th</sup> December 2021.*

### **3.4 Planning history**

#### **3.4.1 Relevant recent planning applications include:**

- **10/22/0097** - Discharge Condition No 3 "revised flood risk assessment" pursuant to planning application 10/21/0597
- **10/22/0096** - Discharge Condition Nos 22 "Construction Method Statement", 23 "ecological surveys and mitigation", 24 "Biodiversity and Habitat Management Plan", 27 "foul and surface water drainage scheme", 28 "surface water construction phase management plan", 29 management and maintenance plan for sustainable drainage system", 33 "design and construction details of highway improvements to M65 Junction 4 circulatory and signals", 38 "scheme for de-culverting of Davyfield Drain", 39 "hydraulic model and flood risk report", 40 "existing and proposed ground levels", 41 "flood resilient scheme", 42 "remediation strategy", and 45 "arboricultural method statement" pursuant to planning application 10/18/1149
- **10/21/1432** - Discharge Condition Nos 2 "written agreement relating to the off-site highway works", 5 "Construction & Environmental Management Plan", 6 "scheme for the management and maintenance of the proposed streets", 7 "full engineering, drainage, street lighting and constructional details of the streets", 9 "landscaping scheme", 10 "lighting scheme", 11 "scheme for the site entrance" pursuant to reserved matters planning application 10/21/1001
- **10/21/1424** - Discharge of Condition Nos 19(part) "S106 Agreement", 20(part) "swept path analysis", 21(part) "movement strategy", 22(part) "Construction Method Statement", 23(part) "Ecological surveys and mitigation plans", 24(part) "Landscape and Habitat Creation and Management Plan", 25(part) "Landscaping Scheme", 26 (part) "Noise impact assessment of both employment uses and existing ambient traffic noise", 27 (part) "Foul and surface water drainage scheme", 28(part) "Surface Waters construction phase management plan", 29(part) "Management and maintenance plan for the sustainable drainage system", 37 (part) "Travel Plan", 38 "Scheme for the de-culverting of Davyfield Drain", 39 "Hydraulic model and flood risk report", 40 (part) "existing and proposed ground levels", 41 "Flood resilient scheme", 42(part) "Remediation strategy", 44(part) "Future management and maintenance of the proposed streets", 45(part) "Tree survey" and 46(part)

"Future management and maintenance of the proposed streets" pursuant to hybrid planning application 10/18/1149

- **10/21/1112** - Formation of additional car parking and landscaping to plot 1 pursuant to reserved matters application 10/21/0597 - Approved
- **10/21/1001** – Application for Approval of reserved matters for the appearance, layout, scale and landscaping of 76 dwellings, pursuant to permission 10/18/1149 – Approved.
- **10/20/0627** - DOC application for conditions 1-15 of the full application part (access road) of the hybrid approval 10/18/1149 - All complied with / discharged.
- **10/18/1149** - Hybrid Planning Application - Full planning permission - new link road and access points; Outline planning permission with all matters reserved (with all matters reserved except for access) for a mixed use development comprising a maximum of the following: 100 dwellings (C3), 9,000m<sup>2</sup> of employment use and careers hub (B1/B2/B8/D1), and associated ancillary works. (Approved 20/02/20, subject to various conditions).
- **10/18/0911** – Demolition of 2 vacant office buildings (Prior Approval not required - 02/10/2018).
- **10/15/1119** - The erection of up to 180 dwellings, open space and associated works including the construction of a link road together with the demolition of the existing redundant office buildings (Refused 17/11/2016 – S106 Agreement not completed).
- **10/10/0551** - Residential development and link road at land between Milking Lane and Greenbank Terrace (Approved with conditions 19/11/2012).
- **10/05/0317** - Redevelopment of the former Lower Darwen Paper Mill site to create high quality Business Park (Approved with conditions 28/06/2006).

### **3.5 Development Plan**

3.5.1 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.

3.5.2 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:

3.5.3 Blackburn With Darwen 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

#### 3.5.4 Blackburn With Darwen Local Plan Part 2 (LPP2) (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 28: Development Opportunities
- Policy 41: Landscape

#### 3.5.5 **Other Material Planning Considerations**

#### 3.5.6 National Planning Policy Framework (The Framework) (2021)

3.5.7 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

#### 3.5.8 Blackburn with Darwen adopted Parking Standards

### **4 Assessment**

4.1 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.

4.1.1 The hybrid / outline approval for this site allows for 9,000sqm of employment use and careers hub (B1/B2/B8/D1). This RM application relates to the provision of 3,251sqm of employment use in Unit 4. When added to the 4,520sqm of employment use previously approved for the 3 other units, this totals 7,771sqm of employment use. This falls comfortably within the 9,000sqm allowed for at outline stage. As such the proposal is acceptable in principle.

4.1.2 Unit 4 would be sited to the lower, south eastern area of the site, and has been designed as speculative employment use.

#### 4.2 Appearance

4.2.1 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.

4.2.2 Although larger in terms of floorspace, the appearance of Unit 4 would be broadly similar to the 3 other units recently approved. It has been designed using high quality contemporary metal faced cladding materials in varying arrangements which are robust and reflect the industrial nature of the units. The use of different profile cladding materials breaks up the massing of the buildings.

4.2.3 The proposal also uses the topography of the site to good effect and respects the character and history of the site and wider area. A 1.8m high paladin fence is considered appropriate boundary treatment, which would integrate

appropriately into the street scene. Accordingly, the proposed appearance of the development is found to be acceptable.

#### 4.3 Layout

- 4.3.1 Layout is assessed against Policy 11, as well as Policies 8 and 10.
- 4.3.2 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.
- 4.3.3 As noted above, the proposed units will be appropriately sited and would not be detrimental to the street character.
- 4.3.4 The layout has been designed using the approved access point from a roundabout on the new link road, and the siting has been influenced by existing site constraints, topography / levels, and watercourses. Unit 4, like the majority of the employment uses (Unit 1, and Units 2, 3 and 4) is concentrated along the southern edge of the hybrid site.
- 4.3.5 The unit has been designed as a self-contained development with its own service yard and car parking surrounded by landscaping. The position of the units achieve an acceptable relationship with nearby residential properties, including the dwellings closest to the proposed unit, to the north-east (as well as the residential development parcels approved under RM application 10/21/1001). The separation distances are acceptable, and any impact arising from the height and massing of the building is significantly mitigated against by the substantial drop in land levels from the existing housing down to the development site at Plot 4.
- 4.3.6 Although some concerns were raised in one letter of objection from a local resident, the principle of development has already been approved at outline stage, and the impact on residential amenity as a result of this RM application is considered acceptable. One concern raised by the neighbour was about potential glare. Following discussions with the applicant, it was considered that the only cladding colour that would give glare is anything metallic, and the applicant had no objection to avoiding using this. An appropriate condition can therefore be attached.
- 4.3.7 The Council's Public Protection Officer raised no objections, subject to various conditions to mitigate the impacts. The majority of the suggested conditions have already been attached to the 10/18/1149 hybrid / outline approval. Therefore it is not necessary to repeat these conditions at RM stage.

#### 4.4 Access

- 4.4.1 Access does not form part of this RM application. The link road and access points were approved under the outline approval 10/18/1149. However, the internal movements, servicing and parking provision etc. within each plot still needs to be considered when assessing the layout at this stage.

- 4.4.2 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.
- 4.4.3 The proposal is considered acceptable from a highway safety and efficiency perspective, following review of the submitted layout by the Council's Highways consultee. The number of parking spaces is also considered acceptable. Assessed against the adopted parking standards, based on the total floor area, and applying a worst case scenario (i.e. a Class B2 use) the provision required would be 55 spaces. 50 car parking spaces are proposed, which is acceptable. 5 of the total bays are designated for disabled use, and provision is made for electric vehicles and cycle / PTW spaces. All bays provided conform to the council's standard bay sizes and manoeuvrability spaces.
- 4.4.4 Minor amendments to the layout were requested during assessment of the application. Revised plans / additional detail provided by the applicant included details of a safe pedestrian access connecting safely and directly to the entrance of the building; sightline details; swept path of vehicles entering turning and leaving the site; and further detail of the frequency of movements, size of vehicles, and a service vehicle parking area.
- 4.4.5 As amended, the Council's Highways consultee has raised no objection to the proposal and is satisfied that the additional detail has addressed all initial concerns. Whilst raising no objection, the Council's Highways Officer did recommend a number of conditions to be attached to this application. However, the majority of those conditions relate to access, which has already been addressed by conditions attached to the 10/18/1149 hybrid approval, including the S278 works. Appropriate conditions have therefore only been attached where directly relevant to this RM application.
- 4.4.6 The access, parking and movements associated with Unit 4 is therefore considered acceptable, and the impact on highway safety is considered acceptable. The proposal therefore complies with Policy 10 of the Local Plan; the adopted parking standards; and the NPPF.

#### 4.5 Scale

- 4.5.1 Unit 4 has been designed to reflect current market needs for employment uses and in addition to the already approved units 1-3, would distribute the area for employment use across the overall development site to create a varied community of commercial units.
- 4.5.2 The scale of the proposed unit would be appropriate for the size of plot, its location and topography, and the proposed floorspace falls within the maximum amount of floorspace as set out in the hybrid approval.

4.5.2 The unit has been designed to reflect the proposed use and would accommodate a large open warehouse/production space with small ancillary office and amenities.

4.5.3 The building size would reflect the size of the plot and would sit neatly within the topography of the site and the local area.

4.5.4 Accordingly, the proposed scale of the development is found to be acceptable.

#### 4.6 Landscaping

4.6.1 Landscaping is assessed against Policy 11. Condition 25 of the hybrid approval required the submission of a landscaping plan prior to or at the same time as the submission of the first reserved matters application.

4.6.2 The proposed hard and soft landscaping treatments within plot 4 have been designed to form a south east facing concrete service yard, car parking and footpaths away from existing housing to the northeast.

4.6.3 The development plot is to have a boundary treatment comprising a 1.8m high paladin fence, which is appropriate for this location / use.

4.6.3 Notwithstanding the detail submitted with this application, further detail will be submitted as part of an application to discharge conditions 23 and 24 of the hybrid / outline approval, following a full ecological survey. Biodiversity mitigation plans will be provided to highlight habitat creation and retention throughout the site.

4.6.4 Accordingly, the proposed landscaping is found to be acceptable.

#### 4.7 Summary

4.7.1 This report assesses the Reserved Matters planning application for an industrial unit in Plot 4, the final part of the hybrid site requiring RM approval.

4.7.2 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.

#### 4.8 **Other matters**

4.8.1 Members are advised of the following conditions attached to the Outline permission. These are currently being addressed under the condition discharge application process.

##### 4.8.2 Hybrid approval 10/18/1149 (Full permission for the new access road)

4.8.3 The following conditions relating to the hybrid (full permission) for the new access road have all been discharged / complied with:

- Condition 1: Timeframe
- Conditions 2 - 4: Pre-commencement drainage details
- Condition 5: Contamination
- Condition 6: Pre-commencement construction management
- Condition 7: Pre-commencement tree survey
- Condition 8: Working hours
- Condition 9: Pre-commencement landscaping
- Condition 10: Motorway drainage
- Conditions 11 - 13: Pre-commencement drainage details
- Condition 14: Highways / visibility splays
- Condition 15: Approved drawings

#### 4.8.4 Hybrid approval 10/18/1149 (Outline consent)

4.8.5 The following conditions were attached to the hybrid (outline approval). Some of these conditions have been discharged, others are currently under assessment. Detail for discharge has been submitted not only through the Discharge of Conditions process for the outline approval, but also additional conditions that were attached to the subsequent RM applications for employment and residential use. The outline conditions are shown below:

- Condition 16: Reserved matters submission
- Condition 17: Timeframe
- Condition 18: Phasing plan
- Condition 19: Pre-commencement S106
- Conditions 20 -21: Highways: Swept paths, Footpaths and cycle linkages
- Condition 22: Pre-commencement Construction method statement
- Conditions 23 - 24: Pre-commencement Ecology surveys, and Landscape and Habitat management plan
- Condition 25: Landscaping scheme
- Condition 26: Noise survey
- Conditions 27 - 29: Pre-commencement drainage details
- Condition 30: Drainage
- Condition 31: Contamination
- Condition 32: Working hours
- Condition 33: Pre-commencement Highways/motorway junction
- Condition 34: Highways/motorway junction
- Condition 35: Pre-commencement boundary fencing
- Condition 36: Motorway drainage
- Condition 37: Travel Plan
- Conditions 38 – 42: Pre-commencement flood mitigation, ground levels, and remediation strategy
- Condition 43: Highways / visibility splays
- Condition 44 (and duplicate Condition 46): Street management plan
- Condition 45: Pre-commencement Tree survey
- Condition 47: Air quality
- Condition 48: Site uses



#### 4.8.6 Flood risk

- 4.8.7 During the assessment of the RM approval for the residential parcels (10/21/1001), detailed discussions were held between the LPA, the EA, and the applicant, and it was agreed to seek a new/revised condition to replace conditions 38, 39, 40 & 41 of the outline consent. The revised condition would need to be applied for separately under the removal / variation of conditions process, and the condition suggested was to be worded as follows:

*“Prior to the commencement of each phase of built development, a revised FRA should be submitted. The FRA should include the following detail;*

- ☐ *Details of the de-culverting of Davy Field Drain*
- ☐ *Details of ground raising for the building of the spine road*
- ☐ *A summary of the findings of the hydraulic modelling undertaken as a result of the de-culverting works and building of the spine road*
- ☐ *A revised flood map for the site generated by the hydraulic modelling exercise as a result of the de-culverting and construction of the spine road*
- ☐ *Pre and post development topographic levels for each phase of the development*
- ☐ *Anticipated flood depths for a range of flooding events, incorporating an allowance for climate change, to be supplied for each phase of development being brought forward*
- ☐ *Details of any proposed ground raising within the flood extent and a scheme for compensatory storage if required*
- ☐ *Details of finished floor levels and other flood resilience measures to be incorporated into the design*
- ☐ *Consideration of safe access and egress”*

- 4.8.8 However, during the assessment of this current application for Plot 4 (and in light of the various discharge of conditions applications that have subsequently been submitted and are currently under assessment for both the outline and RM matters approvals), further discussions were held between the LPA and the EA, where it was mutually agreed that the best way forward would in fact be to retain the original conditions attached to the outline approval. This would enable determination of the current application for Plot 4 without unnecessary delay, whilst being safe in the knowledge that the outstanding conditions of the outline still need to be addressed through the discharge of conditions process.

- 4.8.9 In light of the above, the EA confirmed that no objections were raised to this RM application.

#### 4.8.10 United Utilities (UU) assets

- 4.8.11 UU initially raised some concerns about the impact of the proposal on their assets. However, following further discussions between UU, the applicant, and the LPA, UU are satisfied that any potential issues can be resolved and have clarified that no objections are raised, subject to attaching appropriate conditions.

#### 4.8.12 Summary of other matters outstanding

4.8.13 Further work is required to discharge all the relevant conditions attached to the outline consent (and subsequent RM approvals) for this site. However, following discussion with statutory consultees including EA and UU, these matters will be addressed through the discharge of conditions process, and no objections are raised to this current RM application, which can be approved without delay.

4.8.14 The current application for the approval of the RM application for Plot 4 is therefore considered acceptable, subject to appropriate conditions, and complies with policy.

## 5 RECOMMENDATION

**That 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. 18 107, Dwg no. 033 A, @ A1 - Plot 4 – Land Registry.

Job no. 18 107; Dwg no. 037 F, @ A1 – Proposed site layout plan.

Job no. 18-107; Dwg no. 012 T, @ A1 - Employment layout.

Job no. 18-107; Dwg no. 035 A, @ A0 - Proposed elevations.

Job no. 18-107; Dwg no. 036 A, @ A0 – Proposed floor plan.

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

2. Cycle storage detailed on plans Job no. 18 107; Dwg no. 037 F, @ A1 – Proposed site layout plan 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. No construction shall commence on Plot 4 (including any earthworks) until details of the means of ensuring the water main/s laid within the site boundary are protected from damage as a result of the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a survey that identifies the exact location of the water main;
- the potential impacts on the water main/s from construction activities (including any construction compound);

- the impacts post completion of the development on the water main infrastructure that crosses the site and identify necessary mitigation measures;
- a timetable for implementation to protect and prevent any damage to the water main infrastructure both during construction and post completion of the development; and
- a pre construction condition survey.

A post construction survey shall be provided within 3 months of completion of the development.

Any mitigation measures shall be implemented in full prior to commencement of development on Plot 4 in accordance with the approved details and timetable and shall be retained thereafter for the lifetime of the development. In the event that the survey of the water main/s identify the buildings/plots as within a 5m standoff either side of the main (10m in total), the developer shall submit evidence to the Local Planning Authority that a diversion has been agreed with the relevant statutory undertaker and that the approved works have been undertaken prior to the commencement of development of the affected plot.

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

4. The noise rating level arising from the commercial/industrial premises shall not exceed 50dB(A) at residential premises. Assessment shall be made in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'

REASON: To protect neighbouring residents from any adverse amenity due to noise from the site in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

5. The approved uses shall be restricted to the following times:  
Monday to Sunday: 07:00 - 23:00 hours.  
Any variation of the above hours restriction must be submitted to and approved in writing by the Local Planning Authority.

REASON: To protect neighbouring residents from any adverse amenity due to noise from the site in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

6. 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. No cladding used on the external elevations shall be metallic in colour.

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

## **6 CONSULTATIONS**

### **6.1 Ecology – GMEU**

#### **6.1.1 Initial response:**

Apologies for the delay in GMEU's response, the application appeared as unallocated on our system and had not been passed to me as the case officer, even though I have dealt with the other elements of this site. I have now had an opportunity to consider the proposal and have the following comments to make in this Reserved Matters application: -

☐ I note from the Design and Access Statement (Campbell Driver Partnership) that the landscape plan will be submitted as part of the discharge of conditions 23 and 24. This will be accompanied by a full ecological survey.

☐ Given the length of time since the initial outline submission in 2019 it is recommended that the ecological surveys are updated. This should include the presence and location of Invasive Non-Native Species (INNS). Any new substantive matter in relation to ecological protected species or INNS should be accompanied by suitable mitigation proposals.

☐ I am not cognisant with the framing of the conditions in relation to ecological updates, but is strongly recommended that the results of the updated surveys are submitted prior to the commencement of works on site to include any earthworks or other enabling activity. This is to ensure that INNS species are not caused to spread around the site and to avoid inadvertent infringement of the legislation. This is particularly in relation to species such as badger and/or bats in trees that may require removal. From recollection the area under question did support INNS but no protected species issues were noted, however this is now nearly 3 years ago.

☐ The layout provides for a sufficient stand-off to the river corridor and it is recommended that the landscape plan in this area supports locally native species, to maintain and improve the biodiversity connectivity through the site.

☐ A Construction Environmental Management Plan (CEMP) should be required and this should seek to retain semi-natural habitat of value and to protect the watercourse from the accidental spillage of spoil or stored materials.

☐ The Reserved Matters scheme does not appear to include a lighting design and it is recommended that when one is submitted that it considers sensitive lighting to the southern boundary of the plot adjacent to the watercourse. In line with the NPPF (July 2021 para 185 c) we recommend that applicants follow the Institute of Lighting Professionals guidance (01/21 obtrusive lighting and 08/18 wildlife sensitive lighting). This should include consideration and design for highways access, car parking and any external security/way marking lighting. If the submission of the lighting scheme has not been required via condition associated with the outline it is recommended that a condition be implemented as part of the RM.

I hope you find these comments helpful and I look forward to receiving consultations on the landscape and lighting proposals in due course. In the interim if you have any queries, please do not hesitate to contact me.

### 6.1.2 Response from applicant on 31<sup>st</sup> January 2022:

The information submitted to discharge conditions 23 and 24 of the outline approval was updated as of January this year. Please find attached the reports.  
[Commercial Ecological Report, and Biodiversity and Habitat Management Action Plan]

### 6.1.3 Further response from GMEU

Thank you for supplying the additional information in relation to the above site. I have considered the detail in light of this under the two application numbers.

10/21/1328 Reserved Matters

☐ The landscape and ecology comments are addressed below under condition discharge 10/21/1424.

☐ The Ecology Survey indicates that no further site clearance should occur, as the development areas have already been cleared. A CEMP should be secured via condition and include a 5m stand-off with temporary high visibility fencing for the protection of the retained vegetation along the watercourse. The CEMP should also include the fencing off the area of Japanese knotweed (see below) to 7m from the edge of above ground stems.

☐ A sensitive lighting should be submitted and implemented to the southern boundary of the plot adjacent to the watercourse. In line with the NPPF (July 2021 para 185 c)) we recommend that applicants follow the Institute of Lighting Professionals guidance (01/21 obtrusive lighting and 08/18 wildlife sensitive lighting). This should include consideration and design for highways access, car parking and any external security/way marking lighting. If the submission of the lighting scheme has not been required via condition associated with the outline it is recommended that a condition secure this.

10/21/1424 Conditions discharge

Condition 23 (part) Ecological surveys and mitigation plans – The updated surveys (Bowland Ecology, 18.1.2022) is sufficient to discharge Condition 23.

The applicants should note that the Report identifies that no further vegetation clearance should occur, as it would appear that development plots have already been prepared. Additionally, Japanese knotweed has been identified just north of the boundary to Plot 4 – covered by RM application 10/21/1328. This stand of Japanese knotweed should be fenced to 7m from upright growing stems and continue to be treated in order that any further earth moving does not cause this highly invasive species to spread. Japanese knotweed is considered contaminated waste (Environmental Protection Regulations 1991) and is an Invasive Non-Native Species (Schedule 9 Wildlife & Countryside Act).

Condition 24 (part) Landscape and Habitat Creation & Management Plan (LHCMP) and Condition 25 (part Landscape Scheme)

The landscape scheme appears to be submitted within the LHCMP. It is very broad brush and is proposing to create Open Mosaic Habitat around the margins of Unit 4. I would suggest that this is not the most appropriate or beneficial habitat to create as it is an early successional habitat which will rapidly develop into rank grassland with scrub. I would suggest that given the substrate is likely to be nutrient poor and acid grassland : heath occurs/occurred elsewhere on the site, that creation of this habitat type would be more beneficial to biodiversity. I would therefore recommend the use of British Flora BFS2 acid grassland wildflower seed mix and plug planting of heather (*Calluna vulgaris*). Suitable cutting regime should be applied to the acid grassland and management on rotation of areas of heather. I would remove wild privet (*Ligustrum vulgare*) from the hedgerow mix as it can become dominant within such locations. I would wish to see a specification of the proportions for each of the hedgerow species.

The specification and locations for bat and bird boxes is acceptable. I would suggest that the LHCMP requires some adjustment prior to discharge of Condition 24 and 25.

I hope you find these comments helpful. If you have any queries, please get in touch.

## **6.2 Electricity North West (ENW)**

### **6.2.1 No comments received.**

## **6.3 Highways Agency**

### **6.3.1 No objections:**

Please find attached response Notice confirming that we have no objection to this application. This is on the basis however that our requirements in relation to the site boundary fencing are governed by Condition 35 of the original consent, which will need to be discharged at a later date. It is worth noting that this requires the boundary fencing to be at least 1 metre away from the motorway boundary fence and not less than 2 metres in height (1.8 metres is referred to in this application). Given the distance between the site and the motorway, and also that the area of the development located closest to the motorway would not be anticipated to be intensively used by the general public / those working within the site, we could be flexible about the height in relation to 1.8 metres on this occasion.

National Highways Ref: 93398

Referring to the consultation on a planning application dated 7th December 2021 referenced above, in the vicinity of the M65 motorway that form part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection;

Highways Act Section 175B is / is not relevant to this application.<sup>1</sup>

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk

Roads) Direction 2018, via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk) and may not determine the application until the consultation process is complete.

## 6.4 Lancashire Constabulary

### 6.4.1 No objections:

We would advocate that this aspect of 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](http://www.securedbydesign.com). I would be grateful if you could forward the attached document 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.

## 6.5 Network Rail

Network Rail has no comments.

## 6.6 United Utilities

### 6.6.1 UU Initial response:

*Please see attached our response to the above application, which requests clarification from the applicant prior to determination regarding protecting United Utilities Water Main. The details how address our concerns are within the response.*

*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 Hybrid Application (Planning Ref: 10/18/1149) to which the above application relates. Our previous response (Our Ref: DC/18/5232) is available from the Local Planning Authority. This included a condition to*

*protect our water main within the application boundary. We are disappointed to note that our recommended condition was not placed on the decision notice of 10/18/1149.*

*As referred to above, United Utilities has a significant water asset within the red line boundary. It is important for both the applicant and LPA to understand that we will not permit development over or in close proximity this strategic water main. Although the new information within the submission acknowledges the location of the asset, we recommend the applicant engages with us to agree the necessary protection measures as soon as possible to avoid issues further into the development process.*

*Our recommendation to the LPA is that the application is not progressed further until the protection measures afforded to the asset is confirmed with us so that the implications for the proposed site layout can be fully understood and redesigned if necessary prior to determination.*

*The applicant must continue discussions as soon as possible and provide an update to United Utilities in line with our 'Standard Conditions' guidance document. This is attached alongside this representation for reference.*

*For advice on protecting United Utilities assets, the applicant is advised to contact Sara Livesey via [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk).*

*We also recommend the applicant contact [PropertyGeneralEnquiries@uuplc.co.uk](mailto:PropertyGeneralEnquiries@uuplc.co.uk) to discuss the necessary agreements regarding the separate legal easement afforded to the water man, which has a UU references of R 689 and R 285. Further information can be found below under United Utilities' property, assets and infrastructure.*

#### *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).*

*If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of*



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

*The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.*

#### *Management and Maintenance of Sustainable Drainage Systems*

*Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.*

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

#### *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.*

#### *Water supply*

*Our water mains may need extending to serve any development on this site and the applicant may be required to pay a contribution.*

*For larger premises or developments of more than one property, including multiple connections, where additional infrastructure is required, a water network behaviour/demand modelling exercise would be required to determine the network reinforcements required to support the proposed development. With this in mind we recommend the applicant contacts us at the earliest opportunity.*

*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](mailto: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*  
*As noted above, according to our records there are easements crossing the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. The easements dated 28/07/1975, 13/12/1876 UU Refs: R689 & R285 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 with 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.*

*We recommend the applicant contacts our Property Services team to discuss how the proposals may interact with the easement. They should contact [PropertyGeneralEnquiries@uuplc.co.uk](mailto:PropertyGeneralEnquiries@uuplc.co.uk).*

*As noted above, a strategic water main crosses the site. As we need unrestricted access for operating and maintaining it, we will not permit development over or in close proximity to the main. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is enclosed.*

*The applicant must comply with our 'Standard Conditions' document. This should be taken into account in the final site layout, or a diversion may be necessary. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion required as a result of any development will be at the applicant's expense. If considering a water mains diversion, the applicant should contact United Utilities at their earliest opportunity as they may find that the cost of mains diversion is prohibitive in the context of their development scheme.*

*The Water Industry Act 1991 affords United Utilities specific rights in relation to the maintenance, repair, access and protection of our water infrastructure;*

☐ Sections 158 & 159, outlines the right to inspect, maintain, adjust, repair or alter our mains. This includes carrying out any works incidental to any of those purposes. Service pipes are not our property and we have no record of them.

☐ Under Section 174 of the Act it is an offence to intentionally or negligently interfere with any resource main or water main that causes damage to or has an effect on its use or operation. It is in accordance with this statutory provision that we provide standard conditions to assist developers when working in close proximity to our water mains.

Both during and post construction, there should be no additional load bearing capacity on the main without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

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](mailto:DeveloperServicesWater@uuplc.co.uk)

Wastewater assets – [WastewaterDeveloperServices@uuplc.co.uk](mailto: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>

#### **6.6.2 Applicant's response to UU comments:**

Thanks for sending through the response from your consultation with UU. Would it be possible to deal with this by way of condition similar to condition 5 detailed on the reserved matters approval for units 1-3? We will be appointing a surveyor to locate the exact position of the main and providing an assessment of impacts and method statement for mitigation measures. In the interim we will liaise with Sara Livesay at UU to understand any immediate concerns on layout etc.

Trust this is ok

#### **6.6.3 Further comments received from UU, Feb 2022:**

**6.6.4** We are still in discussions to understand whether development would detrimentally impact our asset. This is predominantly whether the loading would be acceptable. We can agree a pre-commencement condition if you are happy to proceed as per your previous email.

6.6.5 The suggested use of a pre-commencement condition was clarified as being acceptable to the applicant.

## 6.7 Environment Agency

### 6.7.1 Initial response:

Hi Tom, I am conscious that I should have got a response back to you for the reserved matters application for the commercial plot at Greenbank Terrace 10/21/1328.

I tried to give you a call just before Christmas about the best approach to take for this application in light of how we dealt with the other two reserved matters applications for the site that we have already responded to (10/21/1001 and 10/21/0597).

I think we still need to give some bespoke comments re. the flood risk and contamination aspects of this parcel even if we proceed on the same footing as the other applications where we replaced the conditions on the outline with a new catch all type condition on this reserved matters application.

This is probably the most difficult part of the site in terms of flood risk and severity of contamination, so I was hoping you could give us a bit more time to come up with the bespoke comments. Would an extension until the end of the month be okay? Also, could you let me know if the same approach re. the new condition is the way you would prefer to proceed?

### 6.7.2 EA Additional comments

Thank you for consulting us on the above application which we received 06 December 2021

Environment Agency position

The site is subject to a number of pre-commencement conditions which were applied to the outline consent for this phase of the development. We have no objection to the detail of this reserved matters application however, no detail has so far been submitted to satisfy the requirements of the conditions on the outline consent.

The discharge of these planning conditions is required because the building of the spine road has altered levels on the site and therefore altered the flood picture for the site as a whole.

Plot 4 is affected by flood risk and is also the location of an historic landfill associated with the former mill that was located on the site. We therefore have the following comments for the LPA/applicant

Flood Risk

Development of each phase of the site is subject to pre-commencement planning conditions which the EA requested to be included at the outline stage. This reserved matters application does not contain sufficient information to satisfy the discharge of any of these pre-commencement conditions. Details of the missing information can be found in the detailed comments for each condition below.

Discussions between the applicant and the local authority planning team have indicated that the details requested by conditions 38, 39, 40 and 41, can now be governed by a single new condition that outlines the content of a revised FRA for the site. We have no objection to this approach. We have included a suggested planning condition that encompasses the information that will be required for submission by the applicant to ensure compliance with the detail requested at the outline planning stage. The existing FRA is no longer representative of the conditions on site.

#### Condition

No development approved by this reserved matters planning application, relating to the employment unit on Plot 4, shall commence until such time as a revised flood risk assessment has been submitted to and approved in writing by the local planning authority.

The report shall include the following details:

- Acknowledgement of the impact of the de-culverting of Davyfield Drain and the building of the spine road
- Findings of the hydraulic model including the summary report for the watercourses approved under Discharge of Condition application 10/20/0627, for the wider site as a result of the de-culverting and construction of the new spine road. If compensatory storage is to be provided, details should be submitted to the LPA
- Finished ground levels and proposed finished floor levels for Plots 1, 2 and 3 should be supplied and the FRA should indicate what other flood resilience measures are proposed

#### Reason

To reduce the risk of flooding to the proposed development and future users by ensuring that there are no detrimental impacts to flood storage of flood flow routes in accordance with Policy 9 of the Blackburn With Darwen Borough Local Plan Part 2 (2015).

#### Contaminated Land

There is no additional information submitted with this application to address the area of historic landfill located in this phase of the development. As part of our response to previous phases of development on this site we have reviewed the following documents:

REMEDIATION STATEMENT for Milking Lane, Darwen, dated July 2021 REPORT Ref No: 21ELA052/RS by Betts Geo

Desk Study & Ground Investigation Report for Milking Lane, Lower Darwen, Blackburn, dated August 2015, REPORT Ref No:15RSA011/DSGI

And would offer the following comments;

No groundwater sampling has been undertaken, and the report also indicates that leachability testing to assess the contaminants within the landfill has also not been undertaken. Consideration should be given to assessing the actual hard standing over the landfill and the decrease in infiltration that this may result in, to decrease influx.

There is currently inadequate information about this phase of the development in the documentation to make a contaminated land assessment.

### **6.7.3 A meeting was held with the EA to discuss the above comments.**

#### **6.7.4 The final EA response, received on 11/02/2022, confirmed no objections were raised:**

Thanks for the levels for the residential plot, that is the missing information that we require. In order to discharge the conditions for the housing, could you ask for the following to be uploaded to the discharge of conditions application (10/21/1424)?

The levels drawing you have just sent through  
The summary report of the hydraulic modelling  
The revised flood map for the site  
The scheme for the de-culverting of Davy Field Drain (this may be included in the hydraulic modelling report)

The latter three pieces of evidence were submitted for the discharge of conditions for the road which I think is 10/20/0627.

If you can arrange for these to be uploaded and for us to be re-consulted, I will just check with my flood risk colleague and we will get a response back to you asap.

If she is happy, it should be a full discharge of conditions 38, 39, 40 & 41, but a partial discharge of condition 42 re. contaminated land, until we get the verification report to satisfy the final point of the condition.

With regards the reserved matters applications for the housing 10/21/1001 and the SE commercial parcel (plot 4) 10/21/1328, we are fine for those to be determined. We did however recommend that catch all condition to go on the reserved matters decision notice for the commercial plot to replace the conditions from the outline. I am happy for you to disregard that if the preferred approach is now that we will fall back on the discharge of the conditions from the outline decision notice.

### **6.8 Drainage**

#### **6.8.1 No objections:**

Lead Local Flood Authority Position  
We would confirm approval of the reserved matters

### **6.9 Public Protection**

#### **6.9.1 No objections, subject to conditions:**

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

Condition - Industrial/Commercial Noise Control  
The noise rating level arising from the commercial/industrial premises shall not exceed 50dB(A) at residential premises. 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 – Hours of Use Restriction

The approved use shall be restricted to the following times:

Monday to Sunday: 07:00 – 23:00 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.

#### 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](http://www.blackburn.gov.uk/upload/pdf/Contaminated_Land_Guidance.pdf)  
[www.blackburn.gov.uk/upload/pdf/Validation\\_Policy\\_Document\\_FINAL.pdf](http://www.blackburn.gov.uk/upload/pdf/Validation_Policy_Document_FINAL.pdf)
- A suitably qualified, competent & impartial person shall fulfil the requirements of the condition.

#### NOTES FOR PLANNING

When a condition is recommended by the Environmental Protection Team to be attached to the consent, guidance should be sent out to the applicant outlining how this condition should be addressed. The guidance is also available on the website:

[www.blackburn.gov.uk/upload/pdf/Contaminated\\_Land\\_Guidance.pdf](http://www.blackburn.gov.uk/upload/pdf/Contaminated_Land_Guidance.pdf)

[www.blackburn.gov.uk/upload/pdf/Validation\\_Policy\\_Document\\_FINAL.pdf](http://www.blackburn.gov.uk/upload/pdf/Validation_Policy_Document_FINAL.pdf)

It should be made clear that it is the responsibility of the developer to undertake an adequate risk assessment of the site, and to propose measures to ensure that these risks are appropriately addressed for the safe development of the site. The developer is also responsible for ensuring that appropriate competent professional advice is available. Those providing expert advice to developers should be aware of the future reliance that may be placed on it.

If requested, and where appropriate, written confirmation that parts, or indeed all, of the condition has been satisfied should be provided by the Head of Planning after consultation with the Environmental Protection Team. Some conditions should be ongoing, however, where there is no obvious end point, for example where ongoing monitoring of contamination or of the continued integrity of a remedial scheme is necessary. Any such written confirmation should be provided, clearly stating which part(s) of the condition have been satisfied. Also, it should be stated that "the decision as to whether the condition has been satisfied has been taken by the Head of Planning on the basis of the information supplied by the developer. However, this does not mean that the land is free from contamination", and that "the responsibility for the safe development and secure occupancy of the site rests with the developer".

#### Air Quality:

##### Condition - 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 report shall include a screening assessment which determines whether an Air Quality Assessment (AQA) is necessary. Where an AQA is necessary, 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'.

REASON: In accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2 and Paragraph 110 of the National Planning Policy Framework 2019, which states that developments should be designed to enable charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This implements the requirements of Council's Air Quality PAN and the Principles of Good Practice in the EPUK & IAQM guidance



Planning for Air Quality. These are readily achievable mitigation measures that reflect current good practice and help to reduce the cumulative impact of current and future developments.

Informative:

The Council has published a Planning Advisory Note (PAN) 'Air Quality' for guidance available at: <http://www.blackburn.gov.uk/Pages/Planning-policies.aspx>. Details of Air Quality Management Areas declared by Blackburn with Darwen Borough Council and the associated Local Air Quality Management reports can be downloaded at [www.blackburn.gov.uk](http://www.blackburn.gov.uk). The applicant is advised to contact Simon Kirby or Karen Huddart of the Environmental Protection Team to validate the scope of the air quality assessment (Tel : 01254 267699, [publicprotection@blackburn.gov.uk](mailto:publicprotection@blackburn.gov.uk)). As a minimum requirement, the Principles of Good Practice in the EPUK & IAQM guidance 'Planning for Air Quality' should be applied to all developments of this size.

Floodlighting

Should the proposed development include outdoor lighting I would recommend the following condition:

Condition – Floodlighting (as appropriate)

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.

Informative:

When assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in 'Guidance Notes for the Reduction of Obtrusive Light' GN01 produced by The Institution of Lighting Professionals, available at: <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>

NB: The proposed development is within an E3: Medium district brightness area.

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.

Informative:

When assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in 'Guidance Notes for the Reduction of Obtrusive Light' GN01 produced by The Institution of Lighting Professionals, available at:

<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>

NB: The proposed development is within an E3: Medium District Brightness Area.

Informative - 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.

## **6.9.2 Additional comments from Public Protection re potential glare:**

Building glare arising from the sun's reflection isn't something that EP legislation covers

## **6.10 Cleansing**

### **6.10.1 No objections**

No issues.

## 6.11 Highways

### 6.11.1 No objections, subject to conditions:

### 6.11.2 Initial response:

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

*The proposal received is for Approval of the reserved matters for the appearance, layout, scale and landscaping of employment unit on plot 4 pursuant to permission 10/18/1149.*

#### *Parking/Access*

*In accordance with the adopted parking standards, based on the total floor area. We have assessed it against a B2/B8 use, the parking allowances would be as follows:*

- 3251sqm/(B8) 1 car space per 100sqm = 33*
- 3251sqm/(B2) 1 car space per 60sqm = 55*

*If we were to assess it against the worst case scenario, then the provision would be 55 spaces. 50 car parking spaces are proposed, this is acceptable. 5 of the total bays are designated for disabled use. I would add that there should be a provision made for electric vehicles, please could we seek consideration of this.*

*All bays provided conform to the council's standard bay sizes and manoeuvrability spaces*

*No details of cycle or PTW spaces have been provided, these should be sited near the entrance of the building secure and covered.*

#### *Access & Layout*

*The vehicle access is already off the roundabout from Mill Bank Road. This is a newly created access road which will support this site and others.*

*A pedestrian access is shown off the highway, however this does not connect safely or directly to the entrance of the building. Please seek details showing a safeguard delineated route.*

*Sightlines details are not offered. We suspect these will be acceptable, however we would request that the splays on either side of the access are kept free from vegetation and obstructions, when setting out boundary treatment.*

#### *Servicing*

*No details on swept path of vehicles entering turning and leaving the site have been provided. This together with frequency of movements, confirmation of largest vehicle to visit the site, a service vehicle parking area associated with vehicles waiting to load whilst one is unloading is to be offered for assessment. Please seek further details.*

#### *Other*

*Construction Method Statement is required, please condition*

*Matters also to be considered are:*

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)*

- 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
- 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.

*To conclude, in principle we support the application, subject to the matters as outlined being addressed satisfactorily.*

6.11.2 The applicant submitted a revised plan and additional information to address the initial Highways Officer concerns.

6.11.3 In response to the amended plan / additional detail provided, the Highways Officer responded as follows:

*Additional details received 2<sup>nd</sup> February 2022*

*The information has been reviewed.*

*All matters have been considered and responded to satisfactorily  
No further objection to offer*

*Saf – 28<sup>th</sup> February 2022*

## 6.12 PROW

### 6.12.1 No objections

No PROW issues

## 6.13 Tree Officer

### 6.13.1 No objections. No detailed comments received.

The RM application was conditioned no.7 for tree information and Con 9 was for Landscaping.

## 7 **Publicity**

7.2.1 64 Neighbouring properties were consulted during the consultation process, and site notices were posted on 14th December 2021. A press notice was also issued on 22nd December 2021. One representation was received, from a local resident.

7.2.2 A summary of the issues referred to in the letter of objection from the neighbour is set out below:

- High pressure water main
- Sunlight reflection

- Noise, light and air pollution
- Pile driving in the construction phase – potential for vibration causing land slippage on the embankment
- Landscaping and reinstatement of lost vegetation

7.2.3 The objection letter is shown in full in Section 10.

7.2.4 The planning matters referred to in the letter of objection that are pertinent to this current RM application are noted.

7.2.5 The above matters were / are being addressed through the conditions attached to the outline approval. In relation to potential glare, this can be addressed by an appropriately worded condition, and is referred to in more detail in the main body of this report.

**8.0 CONTACT OFFICER: Tom Wiggans – Planning Officer**

**9.0 DATE PREPARED: 4th March 2022**

## 10.0 SUMMARY OF REPRESENTATIONS

### **Mr Kevin Lloyd, 14 Lady Close, Lower Darwen. Received – 20<sup>th</sup> December 2021:**

With reference to the above please find my objections/comments below:

1. The recently submitted planning application clearly shows that parts of the concrete storage yard and car park in respect of unit 4 are built over the high pressure water main. This high pressure water main serves the estate on which I live. It is my understanding that in accordance with planning department comments in respect of unit 3 there should be no building over a high pressure main and also that there should be a clear space to either side of this main. These restrictions should also apply to unit 4.
2. I would also like to see some restriction as to the use of materials used in the construction of this building which minimise the effect of sunlight reflection. There is already a building on the other side of the M65 which when the sun shines on the roof makes it virtually impossible for me to look through my house windows to the rear of my property. There are massive flash backs.
3. I assume that there will be restrictions in respect of noise, light and air pollution.
4. I further assume that there will be no pile driving in the construction phase in view of vibration causing land slippage on the embankment. My neighbours are convinced that their rear fences have slipped due to unnecessary land clearance activity in respect of the removal of trees and bushes on the embankment to the rear of both mine and their properties. Please reference to local councillors and local member of Parliament.
- 5 I presume that there will be substantial reinstatement of vegetation lost through the planting of indigenous trees and shrubs etc on the embankment at the rear of my house to prevent further slippage. Such planting has already been specified by the planning department in respect of the other units proposed for this site.

## **REPORT OF THE STRATEGIC DIRECTOR**

**Plan No: 10/22/0006**

**Proposed development: Variation of Condition / Minor Material Amendment for: Variation of Condition No.2 "approved drawings" pursuant to planning application 10/20/0798 "Erection of 4 dwellings with associated access road, landscaping and parking" - amendments to the site layout and house design.**

**Site address:  
Meadcroft Barns  
Chapel Grange  
Chapeltown  
Bolton  
BL7 0EX**

**Applicant: Meadowcroft Barns Ltd**

**Ward: West Pennine**

**Councillor Jean Rigby  
Councillor Julie Slater  
Councillor Neil Slater**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – Subject to conditions, as set out in paragraph 4.1.**

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

- 2.1 This planning application is submitted under the provision of section 73 of the Town and Country Planning Act 1990, pursuant to approval of 4 dwellings with integral garages and associated access road, landscaping and parking. The application represents a *minor material amendment* seeking to vary previously approved drawings (set out in condition no.2 of 10/20/0798) to amend the site layout and house types. The application is reported to Committee as a proposed amendment to the original application, which was determined by the Committee in February 2021. This is in accordance with the adopted Scheme of Delegation.
- 2.2 Members are advised that the principle of 4 dwellings with associated access road, landscaping and parking is established by the original grant of planning permission. Assessment of this application is strictly limited to the proposed amendment.
- 2.3 Assessment of the application establishes that the proposal remains consistent with the Borough's strategy for housing growth, in accordance with the Development Plan, subject to repetition of conditions attached to the original permission.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site (the site) is located within the Chapeltown Village envelope and on the periphery of the Chapeltown Conservation Area. It comprises part of the former farmyard area of Meadowcroft Farm which is redundant since the farming enterprise relocated.
- 3.1.2 The parcel of land is irregular in shape, it historically had farm buildings occupying the southern part which were removed in 2017, and large areas of concrete hardstanding throughout.
- 3.1.3 The site is accessed via an established 'field gate' that links to the adjacent residential cul-de-sac, Chapel Grange. Residential properties close bound the west, east and southern edges of the site.
- 3.1.4 The southern boundary of the site abuts the Chapeltown Conservation Area and the curtilage of the barn attached to 114 High Street. The aforementioned properties, along with 110-112 High Street, are Grade II listed buildings.



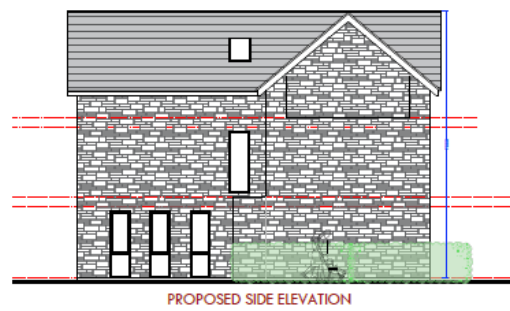
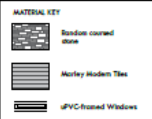
## 3.2 Proposed Development

3.2.1 Variation of Condition No.2 "approved drawings" pursuant to planning application 10/20/0798 "Erection of 4 dwellings with associated access road, landscaping and parking" - amendments to the site layout and house design. Details are set out in the submitted drawings. The proposed layout and elevations for each dwelling are shown below (M K W Architecture, 10/01/2022 (layout), and 07/03/2022 (elevations)).



### Plot 1 - Elevations



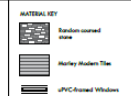


NB: All boundary and party wall matters to be confirmed by client and subject to necessary boundary surveys.

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**mkw:architecture**  
*an initiative of David Laundy and Associates*  
 david@mkw.co.uk

**Architects:** David Laundy, Richard H. Laundy, Mark W. W. Laundy  
**Address:** 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 8



**Land to Rear of 110 High Street: Elev**  
NB: All boundary and party wall matters to be confirmed by client and subject to necessary boundary surveys.

[illegible]

PROPOSED FRONT ELEVATION

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PROPOSED REAR ELEVATION

PROPOSED SIDE ELEVATION

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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:

- CS7 – Types of Housing
- CS16 – Form and Design of New Development
- CS17 – Built and Cultural Environment

- Policy 6 – Village Boundaries
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 18 – Housing Mix

- Policy 39 – Heritage

### 3.4 Other Material Planning Considerations

#### 3.4.1 Residential Design Guide Supplementary Planning Document

#### 3.4.2 National Planning Policy Framework (The Framework)

The area of The Framework especially relevant to this proposal is:

- Achieving well-designed places

### 3.5 Assessment

#### 3.5.1 In assessing this application is limited to the following matters:

- Amenity impact;
- Environmental impact;
- Highways and access; and
- Design and layout.

#### 3.5.2 Amenity

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

#### 3.5.3 The proposed amendment involves a reduction in the size of plot 4, arising from an erroneous southern boundary drawn on the original layout which cut through an adjacent building. The amended site layout addresses the issue, clarifying that the land in question falls outside of plot 4 and will not be utilised as domestic garden space.

#### 3.5.4 No additional amenity impacts arise from the amended position of the houses or their design, with particular regard to window orientation and scale; their scale being broadly consistent with those originally approved. This is notwithstanding the objection received from the resident of no. 6 Chapel Grange, in response to the proposed dwelling at plot 3 being positioned circa 800mm closer to the common boundary, as indicated on the extracted site plan below – broken red line being the original position and solid black the proposed (M K W Architecture, 10/01/2022):





It is considered that no greater material impact arises from the proposed amendment on the amenity of the householders at no. 6, than that originally approved, by reason of; the oblique angle of the proposed dwelling relative to habitable windows at no. 6, the circa 2.6m metres maintained between the proposed facing elevation and the boundary, a minor reduction in height of circa 200mm from that originally approved, and the presence of a substantial boundary hedge which will visually screen the overwhelming majority of the development (illustrated below):



View from the garden of no. 6 Chapel Grange in direction of adjacent plot 3.

A satisfactory relationship between the proposed buildings within the site and proposed and existing buildings adjacent to the site will, therefore, be maintained.

3.5.5 Accordingly, the amendment is found to be in accordance with the requirements of Policy 8 and The Framework.

3.5.6 Environment

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

3.5.7 No additional environmental impacts arise from the proposed amendment.

3.5.8 Highways / Access and Transport

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

3.5.9 Access / egress into from Chapel Grange and the provision of in-curtilage parking are unaffected by the proposed amendment. This includes the integral garage size of plot 2 remaining in accordance with the minimum benchmark standard of 6m x 3m.

3.5.10 Accordingly, the amendment is found to be in accordance with the requirements of Policy 10 and The Framework.

3.5.11 Design and Heritage / Character and Appearance

Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. Policy 39 reflects The Framework in requiring development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset.

3.5.12 The scale of the amended house types remain broadly consistent with those previously approved, in terms of floor space and overall height, thereby remaining proportionate to the plot size and existing dwellings adjacent to the site.

3.5.13 One of the main issues identified with dwellings previously approved, which, in part, influences the amendment, is the absence of direct ground floor access into the garden space. This is now remedied by provision of proposed patio doors.

3.5.14 Design of the dwellings remain a contemporary interpretation of traditional dwellings in proximity to the site and a reflection of those on the adjoining cul-de-sacs. Facades will be finished in stone / reconstituted stone, secured via condition no. 8 (at paragraph 4.1).

3.5.15 No additional impacts arise against the Grade II listed buildings and the adjoining Conservation Area, than the original proposal.

3.5.16 Accordingly, the amendment is found to be in accordance with the requirements of Policies 10 and 39, and The Framework.

3.5.17 Summary

Assessment of the relevant material considerations of this proposed minor material amendment finds the proposal to be in accordance with Development Plan and The 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 the original permission i.e. 18<sup>th</sup> February 2021.

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

2. Unless explicitly required by condition within this permission, the development hereby permitted shall be carried out in accordance with the proposals as detailed on drawings received 4<sup>th</sup> January 2022 and numbered: *to be added*.

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

3. Demolition, including removal of the existing concrete base(s) of the former agricultural buildings, or construction work shall not begin until a scheme for protecting the surrounding residential premises from noise, vibration and dust from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

REASON: To safeguard the amenity of neighbouring properties by reducing the noise/vibration levels emitted from the site, in accordance with Policy 8 of the Blackburn with Darwen Local Plan Part 2.

4. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- i) separate systems for the disposal of foul and surface water;
- ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or surface water sewer for the 1 in 1 year and 1 in 100 year rainfall events (including an appropriate allowance for climate change), which shall not exceed the pre-development rate;
- iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate;

- iv) evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- v) details of flood exceedance routes (both on and off site);
- vi) details of how surface water will be managed and pollution prevented during the construction phase;
- vii) a timetable for implementation, including details of any phased delivery; and
- viii) details of a management and maintenance plan for the drainage system after completion, including any arrangements for adoption by an appropriate public body or statutory undertaker.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings hereby approved are first occupied, and maintained as such thereafter.

REASON: 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 in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan Part 2 (2015), and the National Planning Policy Framework.

5. No development shall commence until a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement with associated plan 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; and,
  - VIII) Measures to safeguard the construction site from crime and disorder.

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in order to protect the visual amenities of the locality, and in order to safeguard the site from crime and disorder in accordance with Policies 8, 10 and 11 of the Blackburn with Darwen Borough Local Plan Part 2 (2015) and the National Planning Policy Framework.



6. The proposed hours of construction shall be restricted to: Monday to Friday: 8 a.m. - 6 p.m, Saturdays: 8 a.m. - 1 p.m, and not on Sundays or Bank Holidays.

REASON: To safeguard the amenities of the adjacent residential properties in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 (2015).

7. Notwithstanding the approved plans and prior to any above ground works commencing of the development hereby approved, samples of all external walling, roofing, windows, doors and drainpipe materials, and their colour to be used in the construction of the building work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory and sympathetic to the adjoining Chapeltown Conservation Area and the setting of designated heritage assets, in accordance with Policies 8, 11 and 39 of the Blackburn with Darwen Borough Local Plan Part 2 (2015), the Blackburn with Darwen Residential Design Guide Supplementary Planning Document, and the National Planning Policy Framework.

8. Notwithstanding the approved plans, the proposed dwellings shall be finished in stone/reconstituted stone, unless otherwise agreed in writing by the Local Planning Authority, samples of which shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the proposed development. The approved materials shall be implemented in accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory and sympathetic to the adjoining Chapeltown Conservation Area, and the setting of designated heritage assets, in accordance with Policies 8, 11 and 39 of the Blackburn With Darwen Borough Local Plan Part 2 (2015), the Blackburn With Darwen Residential Design Guide Supplementary Planning Document, and the National Planning Policy Framework.

9. Details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority before any development at that plot takes place. The development shall thereafter be implemented in accordance with the duly approved details.

REASON: To ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of Policies 8 and 11 of the Blackburn with Darwen Borough Local Plan Part 2 (2015), the Blackburn with Darwen Residential Design Guide

Supplementary Planning Document and the National Planning Policy Framework.

10. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

REASON: In order to prevent any habitat disturbance to nesting birds in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan Part 2 (2015) , the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

11. Notwithstanding any details shown on the approved plans and the requirements of condition no. 2 [approved plans] of this permission, within 3 months of development first taking place details of the siting, height, design, materials and finish of boundary treatments for each plot shall be submitted to and approved in writing by the Local Planning Authority. The duly approved boundary treatments shall be constructed in full accordance with the approved details before the dwelling on that plot is first occupied, and shall be retained as such thereafter.

REASON: In the interests of the security of future occupiers, to ensure adequate levels of privacy between neighbouring dwellings/ buildings and in the interests of visual amenity, in accordance with the requirements of Policies 8 and 11 of the Blackburn with Darwen Local Plan Part 2 (2015).

12. Within three months of development first taking place a hard and soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs. The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas that are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

REASON: To ensure an appropriate mitigatory landscaping scheme that is in the interests of visual amenity, and aims to provide suitable habitat compensation, in accordance with the requirements of policies 8 and 11 of

the Blackburn with Darwen Local Plan Part 2 (2015), and the National Planning Policy Framework.

13. Notwithstanding any details contained within the application, a scheme for the installation of any external lighting on the building(s) and the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before any lighting is installed. The scheme shall include details of the lighting's: (i) position and height on the building(s) and/or site; (ii) spillage, luminance and angle of installation; and (iii) any hoods to be fixed to the lights. Any external lighting shall only be installed in accordance with the duly approved scheme.

REASON: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers or adversely impact commuting and foraging bats, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan (2015) and the National Planning Policy Framework.

14. All first floor windows shown on the north facing elevation of Plot 1 shall be obscurely glazed to a minimum of level 4 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before the dwelling hereby approved is first occupied and shall be retained as such thereafter.

REASON: To safeguard the privacy of occupiers of neighbouring dwellings on Chapel Grange and ensure satisfactory levels of amenity, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Local Plan Part 2 (2015) and the National Planning Policy Framework.

15. All first floor windows and rooflights shown in the north-west and south-east facing elevations of Plot 3 shall be obscurely glazed to a minimum of level 4 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before the dwelling hereby approved is first occupied and shall be retained as such thereafter.

REASON: To safeguard the privacy of occupiers of 6 Chapel Grange and 10 Tower Court to ensure satisfactory levels of amenity, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Local Plan Part 2 (2015) and the National Planning Policy Framework.

16. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the new dwelling unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual

amenities of the development and locality and the amenities of nearby residents in accordance with Policies 8, 11 and 41 of the Blackburn with Darwen Local Plan Part 2.

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

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2 (2015).

## 5.0 PLANNING HISTORY

Application Number	Description of Development	Decision	Date
10/20/0798	Erection of 4 dwellings with integral garages and associated access road, landscaping and parking	Approved with conditions	18/02/2021
10/19/0299	Demolition of farm buildings and erection of 2 dwellings with integral garages and associated access	Approved with conditions	31/05/2019
10/15/1006	Demolition of farm buildings and erection of 2 dwellings with integral garages and associated access	Approved with conditions	05/04/2016
10/10/0625	Erection of 2 dwellings with integral garages and associated access	Approved with conditions	14/09/2011
10/05/1320	Demolition of existing Animal Stock buildings and erection of 2 No. Detached Houses with Garages and Home/Work space	Approved with conditions	22/03/2006

## 6.0 CONSULTATIONS

- 6.1 As an application to limited to proposed amendments to the layout and house types, no consultations were carried out other than public consultation.

### 6.2 Public Consultation

Consultation has taken place, with 24 letters posted to the local community on 14<sup>th</sup> January 2022. A site notice was also displayed and a press notice was published 14<sup>th</sup> February 2022. In response, 3 objections were received (see Summary of Representations).

## 7.0 CONTACT OFFICER: Nick Blackledge - [Principal Planner]

## **8.0 DATE PREPARED: 4<sup>th</sup> March 2022**

## **9.0 SUMMARY OF REPRESENTATIONS**

### **Objection – Neil Page. Received 17/01/2022.**

As discussed, we have spent a lot of time and effort over recent years debating this development so I'm surprised that we are once again discussing yet further changes to accommodate the developer's needs. Indeed, from the information you shared on the reasons for the changes, I'm flabbergasted as to how the original plans were actually approved by Blackburn Planning in the first instance ? I understand that incorrect drawings has not only meant that Plot 4 has to be totally redesigned, but the fact that no one spotted that there was no ground floor access to rear gardens has now meant the redesign of the rest of the other plots.

It would be good to understand what this now means for the original decision which was obviously based on incorrect information ?

With regards to the new planning application, it's extremely difficult to understand the full impact to my property because of the nature of the information provided. I can however initially see that there is further movement of the properties (especially Plot 3) towards my boundary which is totally unacceptable. This topic was debated at length previously and I do not propose to go around the same issues once again.

I know that you have not yet had time to review the new information in detail, but I would welcome your comments as to how you envisage the proposed changes will be and the impact on the surrounding properties. More than happy to discuss via a site visit when available.

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### **Objection – Andy Lavin, 10 Tower Court, Chapeltown, BL7 0FA. Received 28/01/2022.**

I am writing to make an objection to the revised planning application for the building of 4 houses on the 'Land to the rear of Meadowcroft Farm, 114 High Street Chapeltown.

I have copied in Jean and Colin Rigby who took a keen interest in this application in February 2021, to ensure that they are aware of the revised plans that have been submitted.

The building materials on the plans appear to show 20% reconstituted stone (at the most) and over 80% white render which I would like to object to in the strongest possible terms on the basis that this breaches condition number 8 of the planning permission, is not in keeping with the neighbouring properties, and is not sympathetic to the adjoining Chapeltown Conservation Area and the setting of designated heritage assets, in accordance with Policies 8, 11 and 39 of the Blackburn With Darwen Borough Local Plan Part 2 (2015), the Blackburn With Darwen Residential Design Guide Supplementary Planning Document, and the National Planning Policy Framework.

Please see Condition 8 from the planning application approval (dated: 18/02/21):

8. Notwithstanding the approved plans, the proposed dwellings shall be finished in stone/reconstituted stone, unless otherwise agreed in writing by the Local Planning Authority, samples of which shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the proposed development. The approved materials shall be implemented in accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory and sympathetic to the adjoining Chapeltown Conservation Area, and the setting of designated heritage assets, in accordance with Policies 8, 11 and 39 of the Blackburn With Darwen Borough Local Plan Part 2 (2015), the Blackburn With Darwen Residential Design Guide Supplementary Planning Document, and the National Planning Policy Framework.

I would also like to include here Condition 7 which is also relevant to my objection and ask that this is also adhered to:

7. Notwithstanding the approved plans and prior to any above ground works commencing of the development hereby approved, samples of all external walling, roofing, windows, doors and drainpipe materials, and their colour to be used in the construction of the building work shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

REASON: To ensure that the external appearance of the development is satisfactory and sympathetic to the adjoining Chapeltown Conservation Area and the setting of designated heritage assets, in accordance with Policies 8, 11 and 39 of the Blackburn with Darwen Borough Local Plan Part 2 (2015), the Blackburn with Darwen Residential Design Guide Supplementary Planning Document, and the National Planning Policy Framework.

I would ask that you ensure the houses are built with 100% reconstituted stone in line with condition 8. If this is not possible there should be a minimum of 75% reconstituted stone (for example 3 sides/elevations out of 4 built of stone/reconstituted stone).

Please note that it is my understanding that this is the same developer who built the white 'eco houses' on the site of the old mill at the end of Station Road in Chapeltown. These are an absolute eyesore and are totally out of keeping with the rest of the village and the Chapeltown Conservation Area. They can be seen from across the valley on High Street as you enter the village from the north and stick out like a sore thumb. Please can you ensure that Condition 8 is applied to these new plans to ensure that the houses are built out of real stone or reconstituted stone and not out of white render (or stone cladding).

I would like to include comments from one of my previous communications with you on this matter - please see the excerpt from an email from Gavin Prescott to Andy Lavin dated 17th Feb 2021: "There will be no stone cladding".

At the time of the approval (18th Feb 2021), I discussed with you (Gavin) the need for the finished materials/external walls to be reconstituted stone matching the Chapel Grange and Tower Court developments which you (Gavin) agreed would be the requirement...and that stone cladding panels and white render were not sympathetic to the surrounding properties and adjoining Chapeltown Conservation Area and therefore not acceptable. I hope there will be a satisfactory outcome to these points in line with our previous discussions and the agreed planning conditions.

Please can you confirm that all the planning conditions attached to the planning approval granted 18/02/21 will still apply to the new plans being proposed here (10/22/0006).

I thank you in advance for considering this objection letter and trust you will continue to support and protect local residents, both present and future who would like to see the character of the village and the adjoining Chapeltown Conservation Area preserved for future generations. I would welcome

the opportunity to discuss this with you and invite you to call me at your convenience to discuss further.

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**Objection – Nick Whittaker & Rose Walker, 126-128 High Street, Chapelton, BL7 0EX. Received 31/01/2022.**

With regard to the above planning application, I wish to raise a few points and objection.

I understand that the 4 dwellings have had permission granted already, and I have no issues with the dwellings themselves now, but wish to raise some issues mainly with boundary lines.

Firstly, regarding Plot 4, which I believe is too close in one of its corners. One corner is planned to be so close to the boundary, it will not allow occupants to traverse the boundary of the property. Plot 2 is also very close at one corner. I feel this could lead to future issues over boundary problems, particularly with the existing hedge on my property.

The boundary between the property at 126-128 is delineated by an existing wooden fence (constructed by the previous owners, the Holden farming family) and a stone wall which has stood over 150 years and runs from behind Plot 2, along to Plot 4, then down to the main road (High Street), where it ends next to a newly constructed bin store.

The wooden fence runs from approximately half way up Plot 2 up to the end of the property bought by the current developers at the old Mill Lane. This lane led to the old mill, upon which Chapel Grange was built. The fence finishes at the top corner of the lawn at 126-128, where the old Mill Lane is. This was the extent of the Holden family land, sold to the developers, and has been confirmed by the family.

The fence has fallen into a state of disrepair over the years, and is falling over in places after the disrepair and clearing of ground for the plots (Photos 1).

Also, the stone wall around the old farmyard has also fallen into disrepair in several places, falling down in one place behind Plot 2 (Photos 2). Also, a section of the wall next to Plot 4 is in a dangerous state, having fallen down during the renovation work on the development (Photos 3). This section of wall fell onto a member of my family. This was during renovation while skips were placed alongside the wall, and later diggers were ground scraping around the wall.

This wall continues down to the main road, High Street, where a bin store has been constructed. The end of this wall is unfinished and the stones are loose and prone to fall off if passers by wobble them (eg children or revellers) (Photos 4).

My understanding is that the owner of the property/developer will rectify the fallen wall at the top end of drive where the digger/skips have undermined it, causing a partial collapse and also the bottom road end where there is now a bin store but an unstable wall and lack of supporting feature. We have concerns that the damage to both ends is further deteriorating and also affecting the

integrity of the whole partition wall. We would be grateful to understand what is happening with this

We are also concerned at how close the houses to the rear of the boundary walls, we have established mature trees and note all the trees on the adjacent property have now been removed and that roots will probably be more focused on our side, being an extremely close boundary, trees will naturally overhang and undoubtedly roots will be spread below and it is important for this to be understood.

(continued after photos)



Photos 1 showing disrepair of fence behind Plots 1 and 2.





2. Photos showing collapsed wall behind Plot 2

Photos 3 showing dangerous collapse of stone wall next to Plot 4. This is in danger of further collapse, and is unsafe to go close to.



Photo 6: Showing proposed gate beyond extent of development land, approximately 20 metres.

Finally, the proposal appears to show a drain running from the old farm yard going under the corner of my property at 126-128. After talking with the original owners, I believe this is marked in the wrong position, not going under my land, just purely under the development land. I would like this to be confirmed/amended.

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Photos 4 showing unfinished party wall.



Regarding the boundary between 126-128 and the developments next to Plots 1 and 2. This is delineated by a wooden fence (as mentioned) and the purchased land finishes at the old Mill Lane, where this fence stops (Photo 5). The plans appear to show that this is a gated community of 4 plots, indicating the gate approximately 20 metres beyond the end of the property development land (Photo 6). This land is not part of the purchased property, and would block off access to the section of land that was on the Mill Lane, for which I wish to continue access. The gate for the development property should only enclose the actual land where the property is. There will be access over this small section of land to the new properties, but I do not believe it is owned.

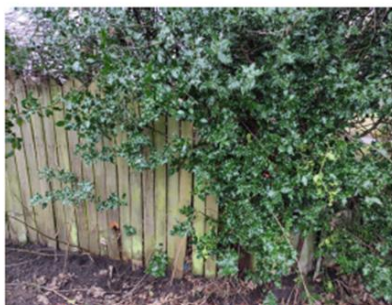


Photo 5: End of fence showing end of development property.

## **REPORT OF THE STRATEGIC DIRECTOR**

**Plan No: 10/22/0060**

**Proposed development: Full Planning Application (Retrospective) for Change of Use from Place of Worship/Church Hall (Class F) to Day Nursery (Class E) (Retrospective)**

**Site address:**  
**St Paul's Rc Church**  
**Preston Old Road**  
**Blackburn**  
**BB2 5EP**

**Applicant: Synergy Day Care Ltd T/A Tudor House Day Nursery**

**Ward: Livesey With Pleasington**

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



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 **APPROVE** subject to the conditions set out within section 4 of this report

## **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, following the receipt of an objection from Livesey Parish Council. The objection is set out within section 6 of this report.
- 2.2 The retrospective proposal secures a viable use for a redundant building in accordance with the National Planning Policy Framework's stated aims of achieving sustainable development and meeting service needs of local communities. The proposal is also satisfactory from a technical point of view, with all issues relative to the assessment having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The proposal relates to the former St. Paul's RC Church, which is positioned off Preston Old Road in the Feniscowles area of the Borough. The application site is set back approximately 32m from the main arterial route and is accessed via an unnamed road that serves the site and the adjacent St Paul's RC Primary School.
- 3.1.2 The application site measures circa 0.34Ha, with the existing building massed to the western edge, with parking areas to the front and side. The remainder of the site is grassed. The immediate area around the site is predominantly residential in character, though does include a petrol filling station that abuts the south-eastern edge of the site. A number of other community and commercial buildings lay to the west of the site, towards the junction of Preston old Road and Livesey Branch Road.

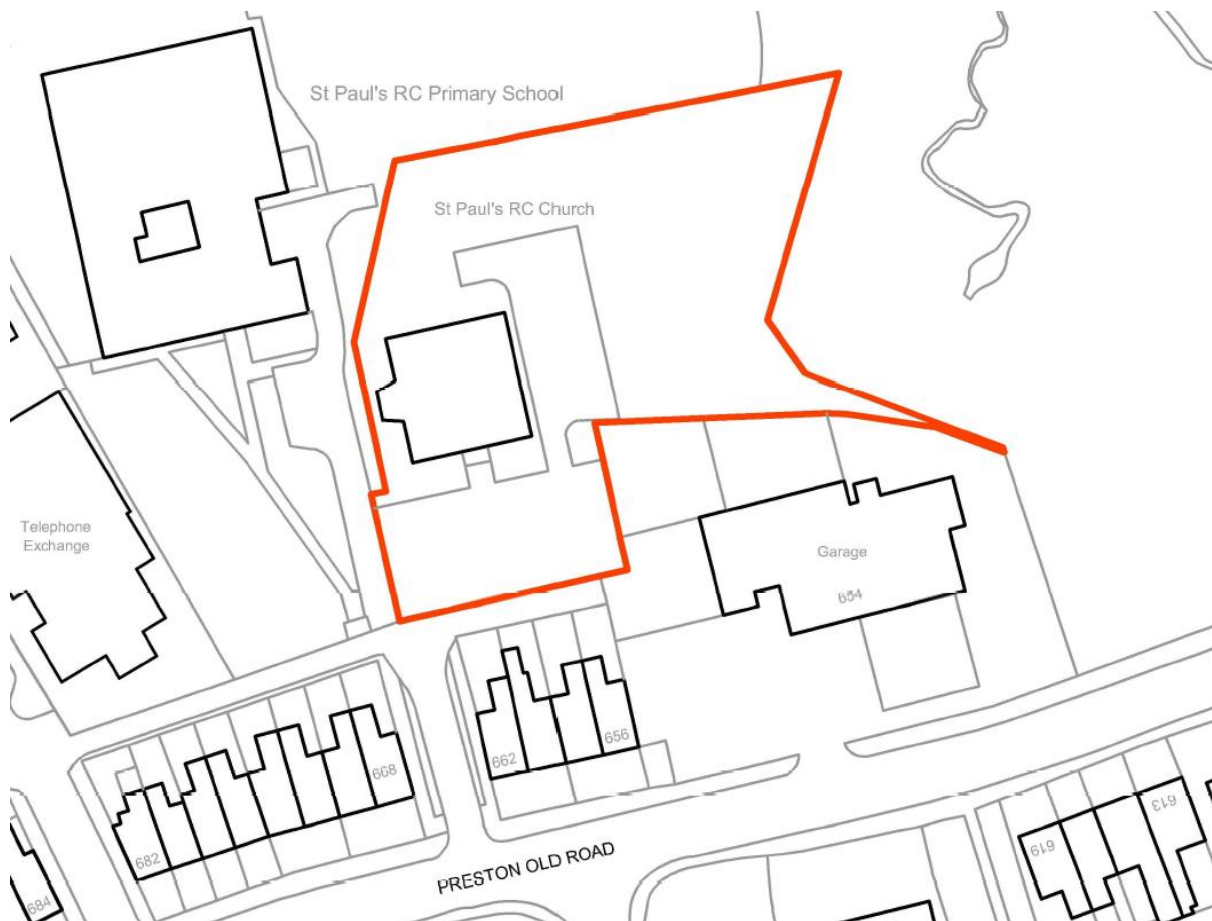




Google street view image above of site and below of entrance to the site from Preston Old Road



Case officer site photographs of application site.



### 3.2 Proposed Development

Retrospective planning approval is sought for a change of use of the premises from a place of worship (class F1) to a children's nursery (class E[f]). No external alterations to the building are proposed.  
Extract from submitted proposed ground floor plan.



### **3.3 Development Plan**

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

3.3.2 The 'Development Plan' comprises the adopted Core Strategy DPD (2011) and adopted Local Plan Part 2 – Site Allocations and the Development Management Policies (2015). The following policies are considered relevant in assessment of the proposed development;

#### **3.3.3 Core Strategy**

- Policy CS1 – A Targeted Growth Strategy
- Policy CS11 – Facilities and Services
- Policy CS22 – Accessibility Strategy

#### **3.3.4 Local Plan Part 2**

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 10 – Accessibility and Transport

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

#### **3.4.1 National Planning Policy Framework (NPPF) (July 2021)**

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 9: Promoting Sustainable Transport

### **3.5 Assessment**

#### **3.5.1 Principle of Development:**

Policy 1 of the Local Plan and CS1 of the Core Strategy identifies the preferred location for all new development to be within the defined Urban Boundary, which the site is situated within.

3.5.2 Policy CS11: Facilities and Services advises that the range and quality of public services and facilities will be expanded and enhanced, in particular, in the following locations; (i) The town centres of Blackburn and Darwen; (ii) Neighbourhood shopping centres; (iii) Existing key public buildings/facilities; and (iv) Other accessible locations. The proposal is identified as being consistent with point (iv) given the facility will, primarily, support local needs

for nursery provision. This provides opportunity for the use to be accessed on foot, as well as linked trips associated with the adjacent school. Furthermore, the site's proximity to the A674, a main arterial route, provides access to public transport.

3.5.3 Section 8 of the NPPF also supports the principle of the development. At paragraph 93 a requirement to "provide the social, recreational and cultural facilities and services the community needs" through planning policies and decision making is set out. The proposed nursery use is considered to be an essential service for the local community.

3.5.4 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;

3.5.5 Highways:

Core Strategy Policy 22: Accessibility Strategy and Local Plan Policy 10: Accessibility and Transport, aim to ensure that new developments provide appropriate provision for access, car parking and servicing so as to ensure the safe, efficient and convenient movement of all highway users is not prejudiced.

3.5.6 The objection received from Livesey Parish Council is set out within section 6 of this report. The objection is primarily based on highway related concerns. Specifically, the amount of traffic that the proposed use will generate, the close proximity to St Paul's RC Primary School and lack of additional parking and manoeuvring space. The formal consultation process, including the adjacent school, has not generated any additional objections.

3.5.7 Further information regarding staffing and attendance levels was sought from the applicant in order to determine the parking requirement for the nursery use. The applicant has confirmed the nursery employs two full time and two part time members of staff. The maximum attendance level is 20 children per day.

3.5.8 The Council's adopted parking standard for crèches and day nurseries is 1.5 car spaces per 2 members of staff, plus drop-off zone (in or outside curtilage) of 1 car space per 10 children. Thus when considering the staffing and attendance levels supplied by the applicant the overall parking requirement is 5 spaces. The existing provision within curtilage far exceeds this parking requirement, with 16 spaces marked out in front of the building. Appropriate manoeuvring space is also provided within the car park area and a separate area for servicing exists to the side of the building. Given the over-provision against the Council's guideline requirement, the Parish Council's objection due to lack of parking cannot be substantiated.

3.5.9 The Highways Team has also set out justification for the over-provision that also serves to address the wider concerns from the Parish Council regarding



proximity to the primary school and concerns with highway safety generally. The officer advises; *“I am conscious of the facility adjacent to the school, and although the D & A statement suggest that parents can walk and use Public Transport (we would certainly encourage this to continue) the vast majority of trips inevitably are made by car. In this locality, there are existing concerns with restrictive on street availability to support drop off and pick off, and to ensure the nursery does not add to the capacity concerns we would in this instance support the existing parking provision to aid parents dropping off and picking up nursery children”.*



Extract from Proposed site plan

3.5.10 The applicant has also provided additional information relating to the servicing needs for the development. We are advised that servicing is limited to food deliveries that occur approximately once a week, commonly between 9am and 10pm to avoid school traffic. The deliveries are from a medium transit type van and are undertaken within the side/rear parking area via the service

entrance. Subject to those arrangements, no conflict with the safe, efficient and convenient movement of highway users are identified.

3.5.11 Notwithstanding the broad acceptance of the parking and servicing levels the Highways Officer has requested a number of planning conditions to secure details of; a delineated pedestrian route from the site entrance to the building entrance; provision of cycle and PTW parking; and submission of a green travel plan in order to promote the use of sustainable transport measures. Given the current application is retrospective, it is suggested that conditions are worded to require submission of the information within 3 months of any planning approval. Suggested conditions are set out within section 4 of this report.

3.5.12 Consideration has been given as to whether a condition should be imposed to restrict maximum numbers of children attending to 20, in line with the current attendance levels supplied by the applicant. However, given the significant over-provision of parking, as detailed at section 3.5.8 of this report there is no justification on highway grounds to do so.

3.5.13 Subject to the above considerations, the proposal is considered to comply with the requirements of Policy 10 of the Local Plan and CS22 of the Core Strategy

#### 3.5.14 Other Matters:

The objection from Livesey Parish Council is also partly in relation to the application being retrospective. Members are advised that this objection is without merit given that section 73A of the Planning Act, amongst other things, provides for retrospective planning applications to be made in respect of development that has been carried out without planning permission. On that basis it would be unreasonable for the Council to resist the application due to it being submitted retrospectively.

3.5.15 The Parish Council has also raised questions whether the nursery is registered, with reference to two of the seven run by the applicant's group being registered by Ofsted, whilst the remainder are not. The government's guidance, which can be found at [www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted/registration-exemptions](http://www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted/registration-exemptions) clarifies that childcare providers looking after children under the age of 8 can elect to register with a childminder agency instead. On that basis it is unclear how registration with Ofsted or otherwise is material to the assessment of the application. Similarly, questions relating to Council contributions towards the upkeep of the nurseries (in the applicant's group) are not material to the determination of this application

## 4.0 RECOMMENDATION

### 4.1 Approve subject to conditions relating to the following matters;

1. Notwithstanding the submitted details, within 3 months of the date of this permission a revised site layout drawing detailing;

- a delineated pedestrian route from the site access to building entrance
- provision of parking for cycles and PTWs

shall be submitted to and approved in writing by the Local Planning. The approved scheme shall be implemented and thereafter retained.

REASON: To ensure the safe, efficient and convenient movement of all highway users and to promote the use of sustainable modes of transport, in accordance with the requirements of Policy 10 of the Blackburn with Darwen Borough Local Plan

2. Within 3 months of the date of this planning permission, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Green Travel Plan shall identify measures that the occupiers will adopt to promote sustainable transport for staff, visitors, and deliveries and shall include details of how the proposed measures are to be implemented and monitored. The scheme shall be implemented in accordance with the approved details.

REASON: In the interests of sustainable transport objectives and in accordance with Policy 10 of the Local Plan Part 2

## 5.0 PLANNING HISTORY

10/08/0713 – Renewal of roof coverings and replacement windows

10/00/0773 – Proposed single storey extension and addition of ten parking spaces

## 6.0 CONSULTATIONS

Public Consultation: 12 neighbouring properties and the adjacent St Paul's RC Primary School have been individually consulted by letter and a site notice displayed. No representations have been received.

Livesey Parish Council – comments received 14<sup>th</sup> February 2022:

The Livesey Parish Council objected to the above scheme for the following reasons:

### **Objection1**

“The objection for the above is primarily based upon the amount of additional traffic that will be generated by putting a nursery next door to a junior school whilst providing very little additional parking or turning space for the additional usage. When the hall was used as a place of worship there was very little, if any, crossover traffic, the school and the hall worked in synchronicity.

Today, the school generates more than enough traffic during the drop off and pick up times to create congestion in and around the school entrance, York Terrace and Park Farm Road which requires careful negotiation by those who live in the vicinity. Euro garages next door are extremely courteous in allowing their premises to be used by some parents who drive to the school to pick up their children and without their co-operation I dread to think how much worse and intolerable the traffic would be.

To therefore now consider allowing a nursery to be placed adjacent to the school creates an ever increasing burden upon what is really nothing more than a village on what is now a major thoroughfare towards junction 3 of the M65 and extended motorway network.

The application is further objected to due to it being retrospective and I believe it is a deliberate ploy to carry this through planning without issue”.

### **Application**

The actual application for the nursery states the name of the company as being Synergy day care Ltd T/A Tudor House Day Nursery (Feniscowles) and the Planning Design and Access Statement in its introduction makes play of the “Public Houses” in a mixed communal setting - there is, as we know, one Public House. The report gives the impression of a large community with a wide road access and traffic flow.

“Under Access and Parking It suggests the entrance to the grounds of the proposed Nursery will remain unaffected to which I draw your attention to the above and the amount of congestion already within the vicinity. Further, it states the existing parking arrangements are to remain, I question the reality of the car parking arrangements for just such a change in usage”.

Finally the report draws our attention to the National Planning Policy Framework (NPPF) and the Ministerial statement ‘Planning for Growth’ paragraph 38 ‘our obligation that decision-makers at every level should seek to approve applications for sustainable development where possible.’ I would like to draw your attention to the following paragraph within the same framework document headed ‘Pre-application engagement and front-loading.’ which states:

39. “Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties”:

40. “Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage.” :

41. “The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits.”

### **Objection 2**

“Based upon the evidence submitted above, I object to the application being made retrospectively. The evidence indicates a businessman sophisticated enough to enable him to know and utilise the planning procedure in a lawful manner. He has enough experience in his field of work to know what is required of him and how to follow

procedures and he has shown through his movement around Companies house documents, that he is aware of the legalities within a business setting. He has several Nurseries, one being less than two miles from his proposed site and there are sufficient facilities within the present area to accommodate current demands.

When the new Kingswood estates et al are completed I am sure the demand will increase exponentially but as there are no community facilities being built currently in that area perhaps he should be advised to speak to planning to see where within the new developments such amenities could be placed and then consult with the Parish Council at that time.

Can you please bring this objection to the next planning committee meeting”.

***Rory Needham***

***Clerk to the Parish Council***

#### Highways:

In accordance with the adopted parking standards the proposal would be assessed against the following: (based on no of class/no of staff - 1.5 car spaces per 2 staff plus drop-off zone (in or outside curtilage) of 1 car space per 10 children.)

The submitted document did not offer the required information and subsequently, confirmation was requested through the Case officer for further details. The information forthcoming outlines 2 full time staff and 2 part time staff, together with a maximum of 20 children. When measuring this against the parking standards this amount to 3 spaces for staff car parking and 2 spaces for drop off and pick up.

The parking arrangements and no of spaces shown within the curtilage amounts to 16 (existing) spaces (incl 1 disabled), this is far in excess of the numbers allowed. However I am conscious of the facility adjacent to the school, and although the D & A statement suggest that parents can walk and use Public Transport (we would certainly encourage this to continue) the vast majority of trips inevitably are made by car. In this locality, there are existing concerns with restrictive on street availability to support drop off and pick off, and to ensure the nursery does not add to the capacity concerns we would in this instance support the existing parking provision to aid parents dropping off and picking up nursery children.

Details of cycle and PTW provision should be provided, this is to be sited near the entrance, covered and secure. Please condition.

To safeguard those walking to the nursery, we would request a safe delineated route is to provided from the highway to the entrance of the building, please condition.

I would advise that the nursery is asked to submit a Travel plan within 6 months of operation to better encourage use of alternative sustainable transport measures.

Children's Services: No comments.

**7.0 CONTACT OFFICER:** Martin Kenny, Principal Planner

**8.0 DATE PREPARED:** 4<sup>th</sup> March 2022

## **REPORT OF THE STRATEGIC DIRECTOR**

**Plan No: 10/22/0064**

**Proposed development: Reserved Matters Application for: Approval of the reserved matters for the appearance, landscaping, layout and scale for the erection of 72 residential units comprising 58 detached and semi-detached dwellings and 14 apartments' pursuant to application 10/21/0008.**

**Site address:  
Former Hoddlesden Mill  
Johnson New Road  
Hoddlesden**

**Applicant: Kingswood Homes (UK) Ltd**

**Ward: West Pennine**

**Councillor Julie Slater  
Councillor Jean Rigby  
Councillor Neil Slater**



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

- 1.1 This significant major planning application is submitted in the form of a Reserved Matters proposal for 72 residential units, relating to Appearance; Landscaping; Layout; and Scale. The application is pursuant to the grant of outline planning permission as part of a hybrid permission comprising:
- a) full planning permission for demolition of buildings, remediation works including re-contouring of the site to form development platforms; and
  - b) outline planning permission with all matters reserved, except for means of vehicular access from Johnson New Road, for residential development comprising up to 79 new dwellings.
- 1.2 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 the Borough. It supports the Borough's planning strategy for housing growth as set out in the Core Strategy, through delivery of housing at a site for which the principle of housing led development is established via the site's inclusion in the Council's Brownfield Register. 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.
- 1.3 Members are advised that the outline permission establishes the principle of housing led development at the site, for up to 79 dwellings with associated access arrangements off Johnson New Road. This application seeks permission for the remaining reserved matters, as listed above.
- 1.4 Conditions are attached to the outline permission pertaining to a range of technical matters which are set out at paragraph 4.2. Where necessary, these matters will be considered under separate discharge of condition applications, submitted at the appropriate time.

## **2.0 RATIONALE**

### **2.1 Site and Surroundings**

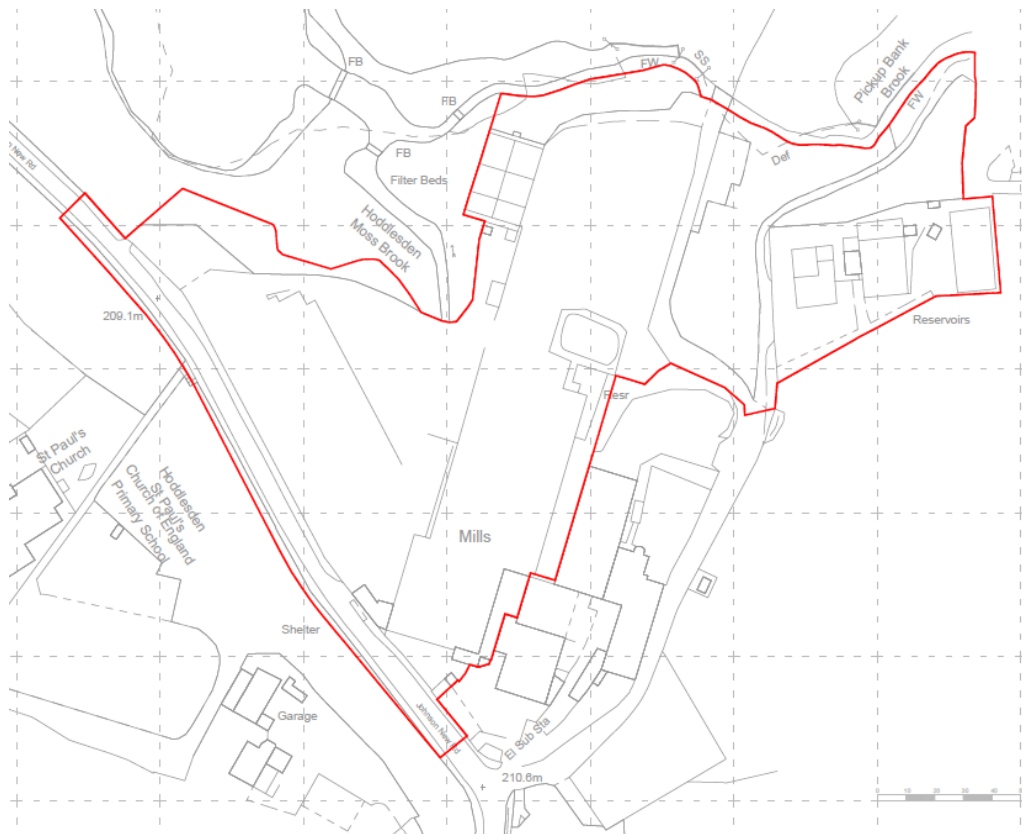
- 2.1.1 The application site (the site) relates to the former Hoddlesden Mill complex, located towards the north east village boundary of Hoddlesden, comprising an area of circa 2.92 hectare. The site has been vacant since 2003 when the former textiles production ceased. The mill was subject of a major fire in 2008 and the buildings on site were subsequently demolished in 2009. The Site received full planning permission in December 2015 for the development of 87 residential dwellings under planning application reference 10/10/0875.
- 2.1.2 The site is made up of three plateaus, supported by a number of existing retaining walls. It is accessed from the existing entrance position off Johnson New Road, to the south west.



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



Aerial image of the site (Design & Access Statement, Kingswood Homes, Jan 2022)



Site Location Plan (Kingswood Homes, October 2021).

## 2.2 Proposed Development

- 2.2.1 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 outline permission.
- 2.2.2 The application is submitted in reserved matters form. It seeks approval of reserved matters for the appearance, landscaping, layout and scale for the erection of 72 residential units comprising 58 detached and semi-detached dwellings and 14 apartments' pursuant to application 10/21/0008.
- 2.2.3 The site layout indicates 72 new homes within the area subject to the grant of outline permission. Re-routing of the culvert is proposed, rather than repairs to the existing structure as proposed under the hybrid consent), as well as re-routing of the Public Right of Way (PROW) within the east of the Site. The proposed layout is shown below:



Proposed site layout (Design & Access Statement, Kingswood Homes, Jan 2022)

- 2.2.4 The layout includes an area within the north east corner of the site, included within the outline permission, and an area to the south east, not included within the outline permission which is indicated as an area proposed for future (residential) development. Members are advised that the current application is limited to the layout shown above. Any future application submitted for the

indicatively proposed areas will be treated on its own individual merit at that time.

#### 2.2.5 Key aspects of the proposal can be summarised as follows:

- The layout is based around dwellings fronting Johnson New Road and the primary internal access road sweeping through the Site.
- A 3 storey apartment block is proposed to the south of the Site fronting onto Johnson New Road (Plots 43-56). Private communal areas will be provided to the side of the building.
- The proposed landscaping takes every opportunity to introduce high quality landscape features within the layout to enhance the ecology opportunities and the character of the development. This includes tree planting and hedgerows along the street frontages.
- A carefully designed use of materials references the heritage of the site.
- The site is constrained by challenging land levels. Proposed house types will minimise the scale of engineering works required, to ensure an appropriate transition of ridge heights across the site.
- Diversion of the Culvert:  
Rather than repairing the structure of the culvert running through the Site as envisaged within the hybrid consent, Kingswood Homes proposes the redirection of the culvert through the Site which is a more effective and appropriate engineering solution. The proposed route of the culvert through the Site will align with the secondary internal access road.

#### 2.2.6 The proposed housing mix schedule is set out below (Design & Access Statement, Kingswood Homes, Jan 2022):

House Type	Dwelling Type	Beds	Area	Storeys	Occurance
Apartment Type 1	Apartment	1	50 m <sup>2</sup>	1	1
Apartment Type 2	Apartment	2	62 m <sup>2</sup>	1	5
Apartment Type 3	Apartment	2	64 m <sup>2</sup>	1	3
Apartment Type 4	Apartments	2	67 m <sup>2</sup>	1	5
Byre 3M	Detached House	4	125 m <sup>2</sup>	3	6
Byre 4	Detached House	4	135 m <sup>2</sup>	2	5
Byre 5	Detached House	5	162 m <sup>2</sup>	2	4
Dovecote 3	Detached House	4	146 m <sup>2</sup>	3	5
Dovecote 4+	Detached House	4	133 m <sup>2</sup>	3	2
Farmhouse 5	Detached House	5	164 m <sup>2</sup>	2	1
Forge 4	Detached House	4	105 m <sup>2</sup>	2	5
Forge 4 Reversed	Detached House	4	110 m <sup>2</sup>	2	2
Haybarn 3	Detached House	3	109 m <sup>2</sup>	2	4
Haybarn 4	Detached House	4	119 m <sup>2</sup>	2	9
Thresher 3M	Detached Bungalow	3	125 m <sup>2</sup>	2	3
Weaver 3	Semi-Detached House	3	87 m <sup>2</sup>	2	2
Weaver 4	Detached House	4	151 m <sup>2</sup>	2	10

- 2.2.7 Full details of the proposal are set out in the submitted drawings, as well as the Planning Support and Design and Access Statements.
- 2.2.8 Site remediation benefits from the grant of full planning permission under the original hybrid permission, subject to conditions set out a paragraph 4.2.

### **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 d 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**

- 3.4.1 Blackburn With Darwen Council Brownfield Register (2017)
- 3.4.2 Residential Design Guide Supplementary Planning Document (2015)

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

### 3.4.4 Air Quality Planning Advisory Note

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

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

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

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

The importance of making effective use of land to meet the need for homes is set out in The Framework at paragraphs 119 and 120c, thus:

*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land<sup>47</sup>.*

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

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

### 3.4.7 Local Plan Review

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

## 3.5 **Assessment**

### 3.5.1 As aforementioned, 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

Proposed building will feature a range of materials and finishes. Although the site lies within the settlement boundary of Hoddlesden, it is visually separated from the remainder of the village. Kingswood's Farmstead range of house types is proposed, in response to site's heritage and its rural fringe position and to provide a sense of integration with the defining village character traits of Hoddlesden. It is noteworthy that these house types are a successful range at the Green Hills development, on land to the West of Gib Lane, Blackburn, which occupies a comparative rural fringe position. Key design aspects of the house types are as follows:

- Dwellings will be constructed of a mix of red and grey brick, white render, reconstituted stone and timber and grey cladding.
- Dwellings fronting onto Johnson New Road will generally be constructed of reconstituted stone to create a strong visual connection with the stone faced vernacular of Hoddlesden Village Centre.
- The apartment building fronting onto Johnson New Road will be constructed of reconstituted stone but will include timber cladding and detailing on the lift shaft to provide an appearance of a chimney, likened to that of the former Hoddlesden Mill.

### 3.5.3 A comprehensive materials breakdown is included in the submitted Materials Matrix Mix.

### 3.5.4 Example house types, apartments, street scenes and external materials are shown below (Design & Access Statement, Kingswood Homes, Jan 2022):



**Front Elevation (Johnson New Road)**  
1 : 100



**Side 2 Elevation**  
1 : 100



**Rear Elevation**  
1 : 100



**Side 1 Elevation**  
1 : 100





Section A-A



Section B-B



Section C-C



1. Red/Brown Facing Brick
2. Facing Stone
3. Mid/Dark Grey Windows
4. White Render
5. Grey Brick
6. Mid/Dark Grey Rendered Canopies
7. Natural/Grey Timber Cladding

- 3.5.5 Areas of public open space are proposed to the north, as an appropriate response to the site transition into open countryside beyond.
- 3.5.6 A mix of informal and formal hedgerows, tree lined street and planted green space softens the built form and provides opportunities for bio-diversity net gain.
- 3.5.7 To maintain a softer, more rural vernacular, 'urban-style' boundary treatments have been kept to a minimum across the development. Local stone walls frame the entrance to the site and tie in with the existing walls along Johnson New Road whilst either stone or brick piers with close boarded fences are used where plot boundaries face the street. These are softened with planting to create a more rural aesthetic. Low level hedgerows to front garden boundaries soften the street-scape to provide a more rural, characterful vernacular.
- 3.5.8 The appearance of the development is found to be in accordance with Policies 9 and 11 of The Local Plan Part 2, the Residential Design Guide SPD, and The Framework.
- 3.5.9 Landscaping  
A detailed landscape strategy is submitted with the application. As touched upon above, tree planting is proposed with the site wherever possible to ensure an appropriately integrated street scene, as well as areas of open space to the north of the site.
- 3.5.10 Landscaping seeks to embrace the existing woodland areas located along the site's northern and north-west boundaries by locating the dwellings so that the gardens are backing on to this aspect. This gives the new development its character whilst allowing residents to benefit of views across to Johnson's Reservoir and rolling countryside beyond.
- 3.5.11 The proposal incorporates pockets of green space which provide public amenity areas, a vegetative buffer from the street and permeable green links to the countryside. Low-level hedgerows line the front gardens along the primary route, along with structural tree planting to create a tree lined avenue which serves to soften the street edges and give a more rural and less urban character to the development.
- 3.5.12 Public amenity spaces will be planted with a mix of indigenous species including formal and informal planting such as structural shrubs and colourful wildflower, with the introduction of hedgerows which seek to increase biodiversity and create a buffer between the footpath and the street.
- 3.5.13 Front, off-street parking has been kept to a minimum where possible and parking is instead located to the side of each plot in order to minimise the impact of cars along the street scene and mitigate detracting from the site's rural character. Where front parking is unavoidable, a mix of formal and informal planting along with established tree-lined avenues seek to diminish

its effect on the street frontage and link the development into its surrounding woodland context.

3.5.14 Proposed planting schedules, including species and densities have been reviewed by the Council's Arboricultural Officer, who offers no objection, recognising an appropriate mix of native species. This includes 518sqm of woodland compensatory area that will complement and the buffer the existing BHS. This area will also act to enhance the habitat connectivity around this part of the site by replacing the vertical brick wall lined settlement lagoons with woodland edge habitat characterised by Silver Birch (*Betula pendula*), Hazel (*Corylus avellana*), Ivy (*Hedera helix*), Spindle (*Euonymus europaeus*), Holly (*Ilex aquifolium*), Dog-rose (*Rosa canina*) and Guelder Rose (*Viburnum opulus*). An appropriate management and maintenance regime is also included. Implementation of all approved detail will be secured via conditions.

3.5.15 Emphasis that The 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, considered against the overwhelming majority of the sites brownfield status and its inclusion on the Council's Brownfield Register, which affords permission in principle for housing led development.

3.5.16 An Arboricultural Impact Assessment (AIA) and Tree Survey were submitted with the hybrid application, including protection measures for retained trees. Compliance thereof is secured via condition attached to the outline permission.

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

3.5.18 Layout

The proposed layout is in response to a detailed analysis of the site and its constraints, as well as local context. The layout is show above at paragraph 3.2.3.

3.5.19 The established point of access into the site drives the position of primary internal road, off which are secondary cul-de-sacs. A definable street hierarchy is proposed, aiding permeability and legibility. Contouring to the primary road provides street character, as well as traffic calming opportunities. Its 5.5m carriageway width with 2.2m footways either side is in accordance with the Council's adopted standards. Connecting, secondary roads will be 4.5m wide, with a footway on one side and service verge on the other. Appropriate vehicular and pedestrian routes are, therefore, achieved.

3.5.20 The single point of access is considered acceptable, considered against the significant site and constraints around ground levels and the existence a restrictive covenant requiring retention of the stone wall fronting onto Johnson New Road.

3.5.21 In-curtilage parking is provided in the form of driveways to houses which is broadly in compliance with the following benchmark standards:

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

3.5.22 Proposed garages will be fully in accordance with the following benchmark standard:

- 3m x 6m per car space.

3.5.23 In curtilage parking for the apartments is recognised as sub-standard. For the thirteen two bed and single one bed apartment, a total of 14 spaces are proposed, against a benchmark standard of 27. This is recognised as a significant shortfall, to which the applicant offers the following (summary) response):

*The only safe and practical location for parking spaces for the apartments is to the rear of the building accessed off the internal road. There isn't sufficient space to provide 26 car parking spaces for the 13 apartments, however we've considered this in further detail as requested and have a number of points to make. Firstly, there is considerable secure cycle parking provision adjacent to the apartment block to somewhat offset this shortfall in provision of car parking spaces and Darwen Train Station is just 1.6 miles – an 11 minute cycle from the site with 10 secure cycle storage spaces on the platform which will go some way to encouraging future occupants to take all opportunities to embrace sustainable modes of transport as envisaged within the NPPF. Secondly, we have undertaken engagement with estate agents for market feedback to establish the need for apartments in this location and the majority of responses identified that there would be demand from individuals looking to downsize, or small families- which generally have a single vehicle per family. Thirdly, we could look at the possibility of changing some of the 2 beds to 1 beds as a last resort.*

3.5.24 Dialogue with the applicant is ongoing in this regard with a view to potentially agreeing an increase in the number of 1 bed apartments proposed to reduce the parking requirement. Outcome / recommendation of the parking assessment for the apartments will be included in a subsequent update report.

3.5.25 A submitted Swept Path Analysis and visibility splays drawing demonstrates the road networks ability to accommodate a 3 axle refuse vehicle and acceptable visibility.

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

3.5.27 The layout does not include provision of a turning head to the south east corner of the site between plots 41 and 42. It is, however, anticipated that this will be addressed under a future application covering the commercial land adjacent. Notwithstanding this, a turning area will be available within the apartment car park. Although this isn't positioned at the end of the street, there is only a single plot beyond proposed beyond this point which has space to turn within their driveway. Although not an optimum current circumstance, the layout in this regard is accepted, when weighed against the benefits of delivery, taking account of unit numbers to ensure viability of the development.

3.5.28 A secondary access for fire rescue is accepted as not feasible, due to land levels, general constraints and the existence of a restrictive private covenant. It should also be acknowledged that a secondary access would only be desirable rather than a policy requirement.

3.5.29 PROW (footpath 233) runs through the eastern portion of the site, from north to south, as indicated on the submitted site layout as a retained route. BwD PROW offer no objection. Any subsequent proposed diversion must, however, be subject to a modification order to have the route moved on the definitive map, with all costs to be met by the developer.

3.5.30 The submitted site layout confirms proposed footway improvements along the full frontage of Johnson Road, traffic calming and a pedestrian crossover of Johnson New Road.

3.5.31 Although a Construction and Environmental Management Plan has been submitted with this application and reviewed by the Council's Highways consultee, this is a requirement secured via conditions attached to the outline permission, as is construction of the Johnson New Road access. Final approval will, therefore, be through the condition discharge regime. Control over visibility splays is also secured via condition attached to the outline permission.

3.5.32 Support for the development is offered by the Council's Highways consultee, following a detailed review of the submission.

3.5.33 The layout amounts to a medium net density of 36 dwellings per hectare. Proposed dwellings are highway fronting. 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.

3.5.34 Shortfalls of these interface distances are, however, proposed between a number of proposed dwellings and between proposed and peripheral

commercial uses outside the south east corner of the site, resulting in a degree of policy conflict. Nonetheless, a relaxation of standards is considered justified in this instance, due to a quantum of units needed to address significant viability challenges arising from necessary ground remediation and land level inconsistencies. Densities across Hoddlesden Village are also recognised as comparable to that proposed. Moreover, the adopted SPD supports a relaxation in separation standards were justified.

3.5.35 As aforementioned, proposed housing mix is an appropriate response to the sites rural fringe location and the Council's aspiration for delivery of quality family housing.

3.5.36 The proposed apartments are appropriate in widening the choice of housing available to those seeking to downsize. Their position fronting Johnson New Road with car parking concealed to the rear, is suitable within the overall context.

3.5.37 It is accepted that opportunities for public open space within the site is limited, due to the site constraints and viability challenges. The layout does, however, incorporate areas of public space and connection to the surrounding areas. The area within the north east corner of the site which accommodates tanks as a legacy of the former industrial use, is absent of development and dedicated as open space, notwithstanding the possibility of a future application proposing development of this area, together with the existing commercial uses adjacent. Public open space is also proposed to the north west of the site, overlooking the reservoir and countryside beyond, and to the rear of the proposed apartments.

3.5.38 In response to the sites challenging topography, retaining structures are necessary, up to a maximum height of 4.4m but typically between 0.6m and 2.0m. Their position are indicated on a submitted preliminary site levels drawing. Additional structural and elevational detail will be secured via condition.

3.5.39 The Council's Ecology consultee has expressed some concern about proximity to the West Pennine Moors SSSI and encroachment into the Biological Heritage Site (BHS), at the northern edge of the site, where 3 plots are proposed. In response, the applicant's ecologist's justification includes the following:

SSSI:

*The site lies 0.7 kilometres to the west of the West Pennine Moors Site of Special Scientific Interest (SSSI) (OS grid reference: SD 687 183) which is designated for its extensive mosaic of upland and upland-fringe habitats. The West Pennine Moors SSSI is of special interest for the following nationally important features that occur within and are supported by the wider habitat mosaic: blanket bogs; wet and dry heathlands; acid and lime-rich flushes; rush pastures and mire grasslands; acid grasslands; neutral hay meadows and pastures; wet and dry broadleaved woodlands and scrub; diverse assemblages of*

*upland moorland, in-bye and woodland breeding birds; breeding black-headed gulls (Chroicocephalus ridibundus), Mediterranean gulls (Larus melanocephalus) and grey herons (Ardea cinerea); and populations of Starry Lady's-mantle (Alchemilla acutiloba), Large-toothed Lady's-mantle (A. subcrenata) and Floating Water-plantain (Luronium natans).*

*The site lies within a Site of Special Scientific Interest (SSSI) Impact Risk Zone. The SSSI Impact Risk Zone requires the Local Planning Authority to consult with Natural England on likely risks from the following development categories (Ordnance Survey, 2020):*

- *Pipelines, pylons and overhead cables. Any transport proposal including road, rail and by water (excluding routine maintenance). Airports, helipads and other aviation proposals.*
- *Wind turbines.*
- *Planning applications for quarries, including: new proposals, Review of Minerals Permissions, extensions, variations to conditions etc. Oil and gas exploration / extraction.*
- *Residential development of 100 units or more.*
- *Any residential development of 50 or more houses outside existing settlements / urban areas.*
- *Any industrial / agricultural development that could cause air pollution (including industrial processes, livestock and poultry units with floorspace greater than 500m<sup>2</sup>, slurry lagoons greater than 200m<sup>2</sup> and manure stores greater than 250 tonnes.*
- *General combustion processes greater than 20 megawatt energy input. Including energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis / gasification, anaerobic digestion, sewage treatment works, other incineration / combustion.*
- *Landfill including inert landfill, non-hazardous landfill, hazardous landfill.*
- *Any composting proposal with more than 500 tonnes maximum annual operational throughput. Including open windrow composting, in vessel composting, anaerobic digestion, other waste management.*
- *Large infrastructure such as warehousing / industry where net additional gross internal floorspace is greater than 1,000m<sup>2</sup> or any development needing its own water supply."*

*I have re-consulted MAGiC maps and the Impact Risk Zone on 10th February 2022 is the same as cited above.*

*As the proposals are on brownfield land and lie within the 'Village Development Boundary' I have assumed that the proposals do not meet the criteria as outlined above and BwD is not required to consult with Natural England in this instance.*

BHS:

- *Encroachment of the developed site, particularly gardens, into the BHS;*
- *The absence of a buffer between the developed land and the BHS in some locations; and*
- *The absence of information in the Construction Environment Management Plan (CEMP) describing the measures to be applied to protect the BHS, particularly during construction.*

*It is advised that, in accordance with The Mitigation Hierarchy (i.e. avoid, mitigate, compensate) all measures feasible have been applied to avoid encroachment of the developed land, including gardens, into the BHS. As illustrated on the Preliminary Site Levels (drawing 210952-EDGE-XX-XX-DR-C-001 Rev P02) prepared by Edge Consulting Engineers this has included the use of retaining walls up to a height of 4.4 metres (but typically between 0.6 metres and 2.0 metres), as needed, to minimise the land take and earthworks needed to practically built out this physically constrained site.*

3.5.40 The site is confirmed as within the defined village boundary and included on the Brownfield Register. Moreover, the quantum of housing proposed and its position relative to the SSSI is within the above threshold criterion. Accordingly, it is accepted that Natural England are not a statutory consultee for the application. They have, however, been consulted in an advisory capacity and offer no objection.

3.5.41 With regard to the BHS; the sites inclusion within the village boundary and Brownfield Register is again relevant. The use of retaining structures to minimise land take and the extensive compensatory planting proposed, including around the entire margin of the BHS with native woodland species (new native scrub planting of at least 440sqm against loss of 329sqm) supports the proposed layout.

3.5.42 Applying the above context, this minor encroachment into the BHS is, considered, on balance, to be justified, when weighed against the economic, environmental and social benefits otherwise arising from redevelopment of the site. Natural England have fully assessed the submitted details. No objections have been raised as Natural England considers that the proposed development will not have significant adverse impacts on designated sites. With regards to the West Pennine Moors SSSI, based on the submitted plans, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified.



- 3.5.43 Proximity of dwellings to the existing commercial uses adjacent at the south east corner of the site will be considered in the context of noise impacts via the condition discharge process. The applicant is required to submit a Noise and Commercial Sound Assessment to ensure no adverse noise impacts arise from the development. Any recommended mitigation identified will be the sole responsibility of the applicant, in order to safeguard the commercial uses.
- 3.5.44 It is proposed that the culverted section of Hoddlesden Brook which runs through the site from north to south will be re-routed, as a change to the intention at hybrid stage to carry out repairs to the existing structure. The intended diversion is indicated on the submitted site layout and schematic drainage layout. BwD Drainage, as Lead Local Flood Authority, offer no objection to the proposal, subject to compliance with the submitted detail via condition.
- 3.5.45 The layout in a general sense forms a cohesive and quality collection of semi-rural housing, with adequate provision of public open / amenity space and street character, when considered in the context of the challenging constraints of the site.
- 3.5.46 Apartment parking notwithstanding, the layout of the development is otherwise found, on balance, to be in accordance with Policies 8, 9, 10, 11 and 40 of The Local Plan Part 2, and The Framework.
- 3.5.47 Scale  
The range or proposed houses types are set out above, at paragraph 3.2.6. They are predominantly two storey 3, 4 and 5 bed detached, with a pair of semi-detached, three bungalows, thirteen, 2 bed apartments and one 1 bed apartment. The apartment block draws upon the scale of the former Vernon Carus Mill which previously occupied the site. The proposal harnesses the site's topography so that whilst reaching four and a half storeys in total, the building appears as three and a half from its primary elevation on Johnson New Road to not detract from its contextual surroundings.
- 3.5.48 The range of house types provide for a varied yet proportionate street scape which responds to the changing land contours across the site. Examples are shown below (Design & Access Statement, Kingswood Homes, Jan 2022)







3.5.49 Proportionate and well-designed boundary treatments feature across the site, including robust brick and stone construction at key locations adjacent to communal areas.

3.5.50 The overall scale of the proposal is considered to respond appropriately to the sites to the rural fringe location, ensuring a sympathetic and proportionate development, influenced by the industrial and rural the character of the site and wider area. Extensive site wide planting across will further help assimilate the development into its surroundings.

3.5.51 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.

3.5.52 Section 106 obligations

Members are reminded of the outcome of a viability appraisal undertaken at outline application stage, which established no viability in the development if Section 106 contributions were to be sought. This outcome has been weighed against the economic, environmental and social benefits otherwise arising from delivery of the development. These include: A valued housing contribution involving a New Homes Bonus and increased Council Tax receipts; redevelopment of a brownfield site that has remained vacant for many years and which has been subject to failed attempts to be brought into use for residential development - a circumstance that serves to highlight the heavily constrained nature of the site; and resolution of a derelict site that has blighted the neighbourhood for many years.

3.5.53 Summary

This report assesses all material matters relevant to this reserved matters planning application for the former Hoddlesden Mill site at Johnson New Road, Hoddlesden. A significant number of public objections have been

received which are reproduced at paragraph 6.11. The main focus of the objections is impact on highway efficiency, public service infrastructure and the character of Huddlesden Village arising from the number of homes proposed. These issues are, however, outside of the scope of this reserved matters application. Instead, they were considered in detail at outline stage, when the principle of housing led development of up to 79 homes and all other associated material impacts were found to be acceptable, when considered against the significant benefits arising from the redevelopment of this brownfield site, notwithstanding significant viability challenges which evidently established that the development would be unviable if section 106 financial contributions were to be mandated.

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 as a whole and The Framework, in support of the Council's strategic growth objectives.

### **3.0 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 17<sup>th</sup> January 2021 and drawings numbered: *to be added*.

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

2. The exterior of the buildings hereby approved shall be constructed in strict accordance with the submitted Materials Matrix received 17<sup>th</sup> January 2022.

REASON: To ensure that the external appearance of the development is satisfactory; in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

3. Prior to commencement of the development hereby approved, elevation, structural and technical specifications of proposed retaining walls within the site shall be submitted to and approved in writing by the Local Planning Authority. The walls shall be constructed in accordance with the approved details.

4. The development hereby approved shall be implemented in strict accordance with the Boundary Treatments Plan, numbered P2102\_P2102\_SP(90)10.

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.

5. The development hereby approved shall be carried out in strict accordance with the submitted Arboricultural Impact Assessment, dated January 2022. 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.

6. The development hereby approved shall be carried out in strict accordance with the submitted 'Detailed Landscape Proposals' drawings, numbered c-2021-01 (sheet 1 of 2) and c-2021-02 (sheet 2 of 2). Planting Schedules for 'Cockridge', 'Witton Weavers' and 'Ridge Heights', received 25<sup>th</sup> October 2021. 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.

7. Prior to commencement of any above ground works, a hard landscaping plan 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 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.

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. 3. 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. Notwithstanding the submitted details, prior to occupation of the development hereby approved, a bat and bird nesting box scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved detail prior to occupation of the development and shall be so retained.

REASON: To compensate for loss of bird nesting habitat, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

- 4.2 To re-iterate, assessment of this application has been undertaken in the context of the residential development of the site and access having previously been established by the outline planning permission. Members are advised of the following conditions attached to the hybrid permission (full and outline) which are required to be complied with and, in some cases, discharged at the appropriate time:

**Full Permission:**

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

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

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

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

3. Prior to commencement of the development hereby approved, the developer must submit to the Local Planning Authority for written approval:

i) A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.

ii) Findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated

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

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

4. Upon completion of remediation works and re-contouring of the site to provide development platforms, a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

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

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

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

6. Demolition and remediation works construction hereby approved shall only take place between the hours of 08:00 and 18:00 Monday to Friday, 09:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

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

7. Prior to the commencement of development (excluding demolition) for those elements approved in full and as part of the submission of the first reserved matter, for those elements approved in outline, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This

investigation shall include evidence of an assessment of ground conditions, the potential for infiltration of surface water in accordance with BRE365, a survey of existing drainage arrangements and the potential to discharge surface water to the highway drainage system;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s;

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

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

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

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

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

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

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

9. Prior to commencement of the development hereby approved, a Demolition Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall provide for the following:

- An appropriate 'stand-off' zone from the Biological Heritage Site to prevent accidental incursion by machinery, dust and debris;



- identification of any existing drainage to watercourses and sealing (temporarily if there is an intention to utilise post development) prior to any earthworks;
- an appropriate 'stand-off' zone from all watercourses within the site;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling / disposing of waste resulting from demolition and construction works.

Construction shall proceed in strict accordance with the approved detail for the duration of the works.

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

10. Demolition works shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2017, authorising the specified development to go ahead;
- Or
- b) A statement in writing from the relevant body (Natural England) to the effect that it does not consider that the development will require a licence. In these circumstances, a Method Statement should be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall be produced by a suitably qualified specialist and it shall demonstrate methodology preventing injury to bats (Wildlife & Countryside Act 1981).

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

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

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

12. Prior to commencement of earthworks, a Badger survey and of the site and within 30m of boundaries for badger setts shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures shall be carried out in strict accordance with the approved assessment.

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Outline Permission**

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

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

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

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

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

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

22. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance

with the proposal received 5<sup>th</sup> January 2021 and drawings numbered: *to be added*.

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

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

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

24. Prior to occupation of the development hereby approved, a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM, as required by Condition 3 attached to the grant of full planning permission. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

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

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

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

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

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

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

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

28. Gas fired domestic heating boilers shall not emit more than 40mgNO<sub>x</sub>/kWh.

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

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

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

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

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

31. Prior to the commencement of development (excluding demolition) for those elements approved in full and as part of the submission of the first reserved matter, for those elements approved in outline, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions, the potential for infiltration of surface water in accordance with BRE365, a survey of existing drainage arrangements and the potential to discharge surface water to the highway drainage system;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s;

- (iii) The drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+40% climate change allowance) rainfall event and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event
- (iv) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD; and
- (v) Foul and surface water shall drain on separate systems within the site.

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

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

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

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

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

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

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

34. Prior to occupation of the development hereby approved, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

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

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

- An appropriate 'stand-off' zone from Biological Heritage Site to prevent accidental incursion by machinery, dust and debris;
- identification of any existing drainage to watercourses and sealing (temporarily if there is an intention to utilise post development) prior to any earthworks;
- an appropriate 'stand-off' zone from all watercourses within the site;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling / disposing of waste resulting from demolition and construction works.

Construction shall proceed in strict accordance with the approved detail for the duration of the works.

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

36. Notwithstanding the submitted details, an updated Bat and Bat Roosts Survey shall be submitted to and approved in writing by the Local Planning Authority with a Reserved Matters application:

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

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

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

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

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

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

38. Notwithstanding the submitted details, an updated Badger Survey shall be submitted to and approved in writing by the Local Planning Authority with a Reserved Matters application:

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

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

39. No works to trees shall occur between the 1st March and 31st August in any year unless and until a detailed bird nest survey, undertaken by a suitably



experienced ecologist, has been submitted to the Local Planning Authority in writing, confirming that no active bird nests are present.

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

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

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

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

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

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

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

43. Prior to the construction of any of the streets referred to in condition 42, full engineering, drainage, street lighting and construction details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

REASON: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development;

and to safeguard the visual amenities of the locality and users of the highway, in accordance with the requirements of Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

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

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

## **4 PLANNING HISTORY**

### **5.1 10/21/0008 – Hybrid planning application for:**

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

Approved in September 2021.

- 5.2 10/10/0875 – Full planning application for 87 residential dwellings together with associated infrastructure. Approved in December 2015 – now expired.
- 5.3 10/06/0225 – Outline planning application for a mixed use development including residential, employment, sheltered housing, community facility, access and landscaping. Approved in August 2007 - now expired.
- 5.4 10/07/0707 – Full planning application for the provision of on-site open space - Withdrawn.
- 5.5 10/08/0245 – Planning application for mixed use development comprising 94 dwellings, community facility, employment uses with associated landscaping, foul pumping station, access and ancillary works – Withdrawn.

## **6.0 CONSULTATIONS**

### **6.1 Public Protection**

The following recommendations are covered by conditions applied to the Outline permission.

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:

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

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

#### **Comment: Industrial/Commercial Noise Control Condition**

I understand that the industrial/commercial condition imposed in respect of 10/21/0008 cannot be applied pre-determination for this reserved matters application. It should be appreciated that, if the only suitable & sufficient noise control scheme requires the inclusion of a buffer zone, the site layout of residential premises will have to be amended accordingly.

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

#### **Condition: Traffic Noise Loss of Amenity**

Prior to the commencement of the development a traffic noise control scheme shall be submitted to the Local Planning Authority (LPA) for written approval. The scheme must be agreed, in writing, by the LPA and all noise control measures implemented before commencement of the approved use and retained for the duration of the use.

Reason: To ensure an acceptable standard of residential amenity.

#### **NB: Ventilation Scheme**

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

#### **NB: Traffic Noise Control Measures**

Any necessary control measures may require alterations to proposed boundary treatments and dwelling glazing/proposed ventilation.

#### **Air Quality:**

Condition – Electric vehicle charging at houses

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

**Condition - Electric vehicle charging for apartments**

Dedicated electric vehicle charging points shall be provided for at least 10% of parking bays each with weatherproof external points with an internal switch to disconnect electrical power. All other parking spaces will be provided with passive wiring to allow future charging point connection with a minimum rating of 3.7kW 16A.

Reason: In accordance with Paragraph 110 of the National Planning Policy Framework and the Council's Air Quality Advisory Note.

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

Any gas fired boiler installed at the development to heat a dwelling shall not emit more than 40mg NO<sub>x</sub>/kWh.

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

**Construction/Demolition 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.

**Dust Control:** The submitted 'Construction Environment Management Plan:

Former Hoddlesden Mill' (January 2022) dust control measures shall be implemented throughout both demolition and construction works at the development site.

**Reason:** To minimise loss of amenity at 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/Demolition Phase)**

**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.

**6.2 Drainage (BwD – Lead Local Flood Authority)**

No objection.

**6.3 BwD Arboricultural Officer**

No objection.

**6.4 Environment Agency**

Environment Agency position

We have no objection to this reserved matters application, however we note that the culvert is not being removed as we were originally advised and there are no additional documents to date addressing the prior contamination on the site.

Culverted watercourse – advice to LPA

The watercourse on the site is designated an ordinary watercourse and as such the poor condition of the culvert is a matter for the Lead Local Flood Authority to address.

We therefore refer you to our previous response dated 01 March 2021, to the discharge of conditions application for this site, your reference 10/21/0008. Our response outlines the issues still outstanding regarding the remediation of the site.

**6.5 Ecology (GMEU)**

Thank you for consulting the GMEU on the amended site layout, CEMP and ecological information.

Proximity to West Pennine Moors SSSI

With regards my recommendation that Natural England be consulted, this still applies. However, I take on board ERAP's point that the guidelines do not require consultation if you regard this development as falling within an existing urban area as the threshold is 100 houses. The threshold being 50 houses for rural areas.

### Loss of BHS

Detailed clarification has been provided on the level of impact to the BHS, which I welcome. This has confirmed that just over 0.1ha of the BHS will be lost which it is argued is unavoidable. I acknowledge that by using retaining walls they have reduced the impact on the BHS. However I am still unclear why it is unavoidable, though I assume the developer would argue financial viability as they could simply remove the houses that encroach in to the BHS, some of which plots 1, 2, 3 and 22 appear, if I am reading the plans correctly, to be outside village development boundary.

ERAP have also provide useful information on what habitats will be lost and details on mitigation through 0.044ha woodland creation on land adjacent the BHS. 0.0329ha of woodland will be lost within the BHS. Other habitats lost are scrub, ruderal habitats and bare ground. They note that additional planting will occur around the boundary of the site, though these areas appear to fall within parts of the BHS that will not be developed. It is not clear whether these are enhancements or due to further loss of the BHS during the construction phase that will be replanted. (I would also note that spindle is not locally native and should not be included within the planting plan, particularly within a BHS.).

The detailed information supplied therefore appears to:

- indicate a probable loss of biodiversity contrary to the NPPF;
- fails to answer my concern regarding narrowing the corridor along the Brook as the mitigation that is being provided is away from the Brook and;
- indicate further impacts to the BHS during construction that will be replanted.

Therefore, whilst welcoming the information, I still do not fully understand why the impact on the BHS is necessary and I am still not convinced that adequate mitigation is being provided for habitat losses, particularly if the additional planting within the BHS is due to damage during construction followed by restoration.

### Bats and External Lighting

I welcome the additional information. This confirms my opinion that the external lighting will have no negative impact on bats.

### Barn Owl

Additional information has been provided. A bespoke barn owl tower is to be constructed. Subject to the detail that will follow as part of condition 13 of the full application no further information is required at this time.

### Contributing to and Enhancing the Natural Environment

As noted above, further clarification is still in my opinion required to demonstrate adequate mitigation will be provided for loss of habitats on the site. I would suggest that if they believe adequate mitigation is being provided they apply the defra metric v3 to the habitats lost and gained. There is land to the east that appears to have no

development or landscaping that would provide adequate land to provide such mitigation.

The information provided on species mitigation is more than adequate and no further information required.

#### CEMP

Ecological issues have been covered in the CEMP, an ecological clerk of works appointed and I note that site compounds are located well away from the BHS boundary though adjacent to the culverted watercourse, so capping of any existing drainage should occur prior to site compound set up. Clarification is recommended on the exact location of protective fencing and I recommend silt fencing is placed along the base of any physical fencing when in close proximity to either of the Brooks. These details could however be conditioned.

### **6.6 Canal & Rivers Trust**

No comment offered.

### **6.7 BwD Highways**

#### Access/Layout

Vehicular access to the site is obtained from Johnson New Road, which is the one of the main routes into and out of the village. The residential properties proposed are to be served off one access, with the exception of the frontage properties which will be accesses off individual drives. It is recommended that an additional access to serve the site is considered, the need to ensure that there is an alternative emergency access should the one and only vehicle access becomes blocked. There is no firm guidance supporting this, but is advocated as good practice The Fire authorities we understand adopts a less numbers driven approach, and assess the site based on a risk assessment. In order to support your proposals, we request this be considered.

The internal roads layout provided is designed as a 5.5m carriageway and 2 2.0m footways either side. The connecting roads off the main access road are designed at 4.5m wide, there is an indication that these are to be supported by a footway on one side and service verge on the other. We would support this, as the development should support safe pedestrian passage throughout the site.

There is a concern that the road which will serve plots 31 and 41, will not have a turning head under this current application. I understand one will be provided under phase 2. However we need to safeguard the current position and a turning head should provide at the end of the road, please request amendment is offered.

No vehicle and pedestrian sightlines have been received. Please could we seek this for approval for both the junction and all drives?

Having announced that the internal roads layout was lacking in references to Manual for Streets at the outline stage, I still do not see any evidence of this being incorporated.

- The road layout has been designed pre manual of streets, no opportunity to soften the appearance of the hard landscaping has been introduced, it is our opinion that this can be explored further
- No gradient details of the site are offered, please seek confirmation

Confirmation is required on whether the streets will be presented for adoption.

Are there any retaining structure supporting the highway, if they are then approvals need to be sought prior to any works commencing. Please condition if required.

We have received a swept path of a 2 axle refuse vehicle. This needs to be re-run with a 3 axle refuse vehicle. Please seek further details

### **Parking**

We have reviewed the parking, in accordance with the adopted parking standards. The requirements are;

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

Having reviewed the drawings received, the scheme appear to deliver on the required number for the houses.

The parking requirement for the apartments is:

- 1 space per 1 bed apartment
- 2 spaces per 2-3 bed apartment

14 - 2bed apartments are proposed. This would generate an allowance of 28 spaces. On the details received one 1 space has been provided per apartment, this is considerably lower than the standards would suggest. I am concerned this would have a negative impact upon the immediate area, as owners of the premises will report to park on street on the internal road, and on Johnson New Road. We request further consideration to this matter.

We would request confirmation that the garages supporting the parking provision are 3m x 6m.

Please confirm.

### **Off-Site Highway Works**

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

The works sought were

- Improvement of footway along the full frontage of the site on Johnson New Road, this is to include associated lighting and drainage works where necessary
- Traffic calming measures to include speed reduction along Johnson New Road
- Improvement of pedestrian linkages into the village and crossing over Johnson New Road, allowing access to wider sustainable modes of transport, and accessibility to the village and beyond



- Placement of a junction table at the access point (on Johnson New Road) to alert motorists to a main junction - and thus heightening the importance of new access/ junction
  - Improved bus stop facilities on Johnson New Road (shelter, access, kerb etc.)
- All elements of the off-site highway works are to be secured under a Grampian condition; scheme to be submitted for approval and works to be carried out prior to the occupation of dwellings on the site.

### **OTHER**

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

Matters also to be considered are:

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

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

Additional details received 28<sup>th</sup> Feb 2022

We have reviewed the details received.

We would offer the following comments:

### **Access/Layout:**

- A minor alteration is required to highway design and this a footway is required to the front of plots 22-27 (this can be managed through technical approval) no amendment is necessary, just acknowledgment.
- Sightlines have been offered. We request that condition 2 and 3 are attached to ensure splays are kept unhindered for perpetuity
- There is a concern that the road which will serve plots 31 and 41, will not have a turning head. The response received to this is not adequate. The arrangement shown for turning of vehicles, is to utilise the entrance to the car

park serving the apartments. This inadequate as this would impact on movement and parking associated with properties. A tuning head should be provided, please seek further details.

- The points made in addressing the request for inferences towards Manual for Street characteristics, in our opinion still does not go far enough. The introduction of a table junction in the centre of the site, is insufficient, there is no character or softening of the streets
- Swept path received shows encroachment into parking bays for plot 21 to undertake the turn, this require further amendment and adjustment. The vehicle travelling down the access roads serving plots 27-29, cannot turn, this is unsatisfactory and should have a tuning space/head. If none is to be provided, then an adequate bin collection point at the entrance of the road should be provided, off the highway.
- The widening of bends has not been considered sufficiently.

### **Parking**

- We are still of the opinion that the parking to support the apartment is inadequate and would have an adverse impact upon the highway and safety of the network and highway users. We would maintain that the parking levels be increased, or alternatively we are happy to support the units reverting to 1bed only.

The **construction method statement** received has been reviewed.

Further work is required before the methodology presented is acceptable.

- The development will require a formal wheel washing system, and not just a karcher pressure washer. The initial start on site will inevitably have significant movement of material, with this in mind and also recent experience of site management at developments through the borough, a formal mechanical system will be required, please request further details.
- Details of the location of this system and how the water runoff and mud deposits will be collected and disposed of, is also required to be submitted.
- All operative parking should be maintained within the site at all times. At no point should vehicles be parked on Johnson New Road. Please confirm.

Aside from the above, please attach all matters outlined under; off site highway works, other/ standard conditions & Informatives, as they are all still applicable.

## **6.8 BwD Public Rights of Way**

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

If the developer intends to alter the route of this footpath they must first apply for a modification order to have the line moved on the definitive map. All costs for this

must be met by the developer. This application form can be obtained from BWDBC website or directly from:  
[Public.rightofway@blackburn.gov.uk](mailto:Public.rightofway@blackburn.gov.uk)

Whilst site preparation and construction is underway the developer needs to apply for a temporary closure for the footpath if the public are going to be at any risk during this period.

The initial closure lasts for six months and can be extended after this. The cost for the temporary closure process and any subsequent extensions again needs to be met by the developer and the relevant forms can be obtained from the BWDBC website or directly from [public.rightofway@blackburn.gov.uk](mailto:public.rightofway@blackburn.gov.uk)

If the developer intends to change the surface of this public footpath they must seek prior approval from the Highways Authority for this work. There is no charge for this application and a form can be obtained from:  
[Public.rightofway@blackburn.gov.uk](mailto:Public.rightofway@blackburn.gov.uk)

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

#### 6.9 Lancashire Constabulary

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

#### 6.10 Natural England comments received 7<sup>th</sup> March 2022:

##### **SUMMARY OF NATURAL ENGLAND'S ADVICE**

##### **NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

##### **West Pennine Moors Site of Special Scientific Interest (SSSI)**

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

##### **Additional Information**

Natural England is currently undertaking some research into potential impacts from recreational disturbance on the West Pennine Moors SSSI. Due to the close proximity of the proposal to nearby Hoddlesden Moss and Pick Up Bank, relatively quiet areas of the SSSI, increases in disturbance could have a significant effect on ground nesting birds. We advise the developer is made aware of the close proximity of the proposal to the SSSI and impacts recreational disturbance can cause.

Should the proposal change, please consult us again.

## 6.11 Public Consultation

Public consultation has taken place, with 74 letters posted to the local community on 19<sup>th</sup> January 2022. Site notices were also displayed and a press notice was published 14<sup>th</sup> February 2022. In response, 63 objections and 1 general comment were received (see Summary of Representations).

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

## 8.0 **DATE PREPARED: 7<sup>th</sup> March 2022.**

## 9.0 **SUMMARY OF REPRESENTATIONS**

### **Objection – Steve Hartley, Britannia House, Junction Street, Darwen, BB3 3RB. Received 21/01/2022.**

Hi nick,

I think I should make a formal objection to the plans submitted.

Kingswood Homes are aware of the access which is required for agricultural purposes, but unfortunately they have disregarded this as it is not shown.

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### **Objection – Lisa Cooper, BB3 3PU. Received 26/01/2022.**

I wish to raise an objection to the planning submitted for the above site.

I believe this amount of housing will have a negative impact on both the residents of the village and the countryside.

Though I am a resident of Darwen, my son and his family live in the village of Hoddlesden. I am horrified that this beautiful village my two year old granddaughter is growing up in will be unrecognisable. Not to mention the fact that the village school cannot accommodate this influx.

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### **Objection – Mr Ulvarez, 25 Chapman Road, Darwen, BB3 3LU. Received 26/01/2022.**

We would like to lodge an objection on the proposal of building over 100 homes on the plot near Hoddlesden.

We moved here just over a year ago and the reason we chose Hoddlesden was due to the small village community and all the beautiful surrounding area.

The village and school are not built to cope with such a large influx of people neither are the roads built for having large amounts of traffic. We believe the development would have a negative impact on all the wildlife and surrounding scenery, as well as the infrastructure of the village as a whole.

---

**Objection A J Brooks, 13 Browning Street, Darwen, BB3 3NE. Received 26/01/2022.**

I would like to add my objection to the proposed planning of 72 residential buildings at the former Hoddlesden Mill, Johnson New Road, Hoddlesden. Apparently there is to be a phase 2 which will add another 28 dwellings. Absolutely unacceptable when as of October 2020 there were 2717 empty houses across Blackburn with Darwen, and still over a 1000 as of April 2021.

I currently live in a semi rural village community, surrounded by beautiful countryside, with all the amenities we need. Your proposal would change this dynamic instantly.

We do not have the infrastructure to support the increase in volume of traffic, which in turn would exacerbate pollution and noise. There is no plan for vehicular access to this proposal, the current amount of vehicles in and transitting through the village is unacceptable/unsustainable, villagers are already struggling to park safely outside, or in some cases near to their own properties.

Not only this, the development is going to have a negative impact on the Lodge and surrounding countryside, we need social housing not 4 bedroom luxury dwellings and apartments.

This is a conservation area, my home is Grade 2 listed, and you seem to think that by throwing in another 100 houses, probably 200 vehicles, as most households have 2 cars, over loading our excellent primary school, and creating a possible commuter corridor is beneficial.

I completely disagree, Blackburn with Darwen council should be solving the housing issues by utilising existing properties not destroy village communities for the sake of money making property deals.

---

**Objection – Abbie-Leigh Wallace, Bailey Wallace, Jason Wallace, Kym Haworth, BB3 3LT. Received 26/01/2022**

This email is for the attention of Nick Blackledge. I would like to raise numerous objections to the Hoddlesden Mill Development on behalf of my household (BB3 3LT).

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**Objection – Jane Coughlin, BB3 3LU. Received 26/01/2022.**

I am contacting you, again, to oppose the above planning application at Hoddlesden Mill. A total of 100 houses in 2 phases is ludicrous for a small rural area like Hoddlesden. My grounds for objection are:

1. The infrastructure cannot support this level of development.

- Long Hey Lane leading over Pickup Bank is a small, on the whole, single track, rural road not designed for heavy usage, in fact, it is in need of total repair now.
- Johnston New Road is another small rural road, which cannot support an increase in traffic, let alone the disruption the construction vehicles would cause.
- 100 houses = at least 100 cars!

- A lack of reliable, affordable public transport in the area means people are forced to use their cars.
- Unfortunately, this area is already used as a rat run from 5am till 6pm and onwards, this development would only make this situation worse.

2. The school would not be able to support an increase in students. It is all well and good saying that the developer may build another classroom ( as proposed elsewhere in Darwen), but who will pay to maintain and staff that classroom for 20 + years? Not the developer.

3. The land itself : This area was previously used in the chemical industry, how contaminated in the land? Wouldn't it need to be cleaned? A walk around the lodge, shows that chemicals are seeping out of the land.

4. Demand for local GP's, dentists and at the hospital - has this been factored into the plan?

5. Negative impact on local wildlife in the area. The area has over the years been taken over by nature - this should be encouraged.

6. A development of this size will have a negative impact on the surrounding scenery of the area, around the lodge and Yate and Pickup Bank. It would change forever the feel and appearance of Hoddlesden, one of the few remaining villages in the area.

7. Darwen had already got 6 active building sites, 1 on Cranberry Lane, 2 on Pole Lane, 1 on Tower View and at least 1 on Ellison Fold/Bailey Field, and 1 behind The Rankin Pub in Hoddlesden. This level of development, added to the Blackburn developments, must meet the council's quota for new housing.

8. See no 7 - there is already a development in Hoddlesden of 14 "executive" properties, in an area with limited access i.e. Graham St, Sydney St and Albert St. Which also impacts on the all the issues raised here.

8. I realise that the council are keen to lure in buyers from Bolton and North Manchester to the area by providing "executive housing" - this is not the area for that .

I hope my concerns are taken into consideration.

I realise that there is a need for "affordable" first time housing and also sheltered housing in Hoddlesden. Many years ago a smaller development ,on the Hoddlesden Mill site, which focused on children wishing to stay in Hoddlesden being able to buy their first home, along side sheltered housing flats, again in the main for the elderly of Hoddlesden who wished to downsize. If the council are keen to develop the area and thus increase their council tax income in this way, perhaps they need to look at a similar low rise, local people first, scheme. Julie Slater was the I councillor at the time.

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**Objection – Hannah Margaret Marsden, BB3 3NT. Received 26/01/2022.**

I am emailing to object to the planned development of over 100 houses on the Hoddlesden Mill site.

This amount of construction and added housing will severely affect the infrastructure of Hoddlesden. From the population of the schools to the inevitably high volume of traffic this amount of extra housing will create. Hoddlesden is a beautiful area with the reservoir creating such a wonderful home for all different wildlife, which will no doubt be devastated by the affects of the construction works and then in future the people living on what used to be rural land.

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**Objection – Geoff Young. Received 26/01/2022.**

I am writing to object about the development of Hoddlesden mill because of the number of people these houses will bring with them. Not to mention the cars, and their works vehicles they will undoubtedly house. My neighbour has four vehicles only three drivers vehicles between them. That's just one dwelling. This is not an exception this is the norm. The village school is too small, the roads are already too congested. There are horses that canter through the village each day. There is quite literally too much traffic now with nowhere to park. So, there is a possibility of another four hundred extra vehicles from dwellings plus, visiting cars, far too many. The people who use the pub and the club will drive to them instead of walking. Therefore the village will be gridlocked when, drinking, taking the children to school etc..

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**Objection – Dean McCluskey, 2 Hargreaves Street, Hoddlesden, BB3 3NB. Received 26/01/2022.**

I am writing to you to record my strong opposition to the development reference 10/22/0064. I live at 2 Hargreaves Street and know the area very well having lived here for over 20years. I, like all Hoddlesden residents I have spoken to, also raised an objection to the last public outreach in 2020 for this development.

The scale of the proposed development is significantly out of proportion to Hoddlesden village and would irreversibly destroy the rural village setting. The development (and certainly the scale of the current proposals) simply cannot be accommodated with the current infrastructure of Hoddlesden, both in terms of roads and education.

The corner bend of Johnson New Road (near to the Cooper Rigg entrance) frequently has road traffic accidents and near misses. The surrounding roads are already noticeably busier due to the extent of house building in the area and people using nearby Pick Up bank as a commuters 'rat run'. I know there have been numerous complaints over the past 6months concerning Hoddlesden and Pick Up Bank being used as a cut through for commuters resulting in roads being grid locked and walls edging onto the roads being damaged by HGVs and other careless drivers. Adding dozens of new houses will only make this problem more commonplace.

Hoddlesden Primary School (St Paul's) is already oversubscribed and whilst the village as a whole agree it must stay in its current location, the school cannot be expected to accommodate such an expansion to the local population.

I also have reservations about the impact this development will have on wildlife in the area. We are fortunate to frequently see a wide variety of animals and birds in the woods surrounding Hoddlesden Mill, I expect any potential development to make significant provisions to protect the local wildlife.

Let me be clear, Hoddlesden does not support this development and I trust this objection will be taken seriously.

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**Objection – Mrs Karen & Mr Stephen Moran, 1 Meadow Head Cottages, Long Hey Lane, Pickup Bank, Darwen, BB3 3QD. Received 26/01/2022.**

I am sending this email regarding the building of houses for phase 1 and 2 at Hoddlesdon Mill.

Both myself and my partner live at 1 Meadow Head Cottage and strongly object to any construction works to be able to go ahead in this small village.

This would impact strongly on the school and the road traffic is already very heavy, not to mention the impact on the beautiful scenery around the lodge and surrounding areas. The traffic would not be good for the environment and the animals that are currently are this area.

The increase of traffic would also have a major impact on many cyclists and walkers around.

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**Objection – Sheila Dewhurst, BB3 3RD. Received 26/01/2022.**

I as a resident of the village of Hoddlesden object to the amount of houses planned on the sight of the mill. We are already blighted with the amount of cars parked on our close on a daily basis. This amount of extra houses would be detrimental to the village

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**Objection – Sarah Louise Douglas, BB3 3NE. Received 26/01/2022.**

I write to raise my objection to the proposed development on the hoddlesden mill site. I moved to hoddlesden as it is a nice rural and quiet area, so many new homes would absolutely change that. Hoddlesden is a small community and I personally feel the development will impact us greatly as stated the village cannot support the number of new potential residents and it would be a major problem where road traffic is concerned causing unnecessary congestion among other issues. The village would be no more. The area of hoddlesden is one of stunning rural countryside a beauty this development WILL most definitely ruin. Can we not keep any of our countryside!

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**Objection – Amy Dutton, 45 O'er The Bridge, Hoddlesden, BB3 3NL. Received 27/01/2022.**

I am writing to state my opposition to the proposed development of Hoddlesden Mill.

I firmly believe that additional housing on this plot would cause damaging changes to the heart of the village; its infrastructure would change immeasurably and we would lose vital green land that is so precious.

Plans to promote natural wildlife reserves or woodland spaces would be gratefully received, and could benefit the community in numerous, even profitable, ways if handled sensitively.

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**Objection – Paul Blake, 45 O'er The Bridge, Hoddlesden, BB3 3NL. Received 27/01/2022.**

For the attention of Nick Blackledge, I am writing to state my opposition for the development of Hoddlesden mill.

Everywhere I look, there's new housing developments being built. Why put another eyesore in a beautiful village like Hoddlesden ?

Not to mention the the amount of extra traffic and pollution.

Please listen to the actual residents of this village.

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**Objection Wendy Dewhurst. Received 27/01/2022**

I would like to put my objection in regarding the 100 houses to be built in Hoddlesden.

- 1 : Extra traffic in such a small village.
- 2 : School could not take extra pupils.
- 3 : Nowhere for children to play.
- 4 : Total infrastructure of Hoddlesden could not stand this amount of houses.

Surely the planned building of the new school at Blacksnape would be better built on the Mill, and houses built up near plying fields.

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**Objection – Suzanne Slater, 40 Glenshiels Avenue, Hoddlesden, BB3 3LS. Received 27/01/2022.**

As a resident of Hoddlesden, I have only just received information regarding the proposal for the site at Hoddlesden Mill.

I wish to put forward my objection of this proposed development with immediate effect.

Hoddlesden has for many many years been known for its own individuality of being a small village with beautiful countryside, one of the many reasons I chose to purchase my house and reside here.

The village will not be able to sustain such a vast increase in a new development of houses. Firstly the school is already over-subscribed and this would put pressure on the residents already living in the village with children who will want to apply for a school place.

The main critical objection to the proposal is quite simply the increase of road traffic and accessibility to the site. The route through waterside is already a danger route and the road is far too narrow to cope with the demand, this also has an impact on the residents of Waterside.

Hoddlesden Road leading up to the mini roundabout at Blacksnape has already had an increase in traffic due to the development on Pole Lane and this is of course only going to increase with the new development further down.

I trust that my objection be put forward and considered.

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**Objection – Adrian & Marianne Sutcliffe, BB3 3LS. Received 27/01/2022.**

\_Good Afternoon

As local residents and parents my wife and I would like our objections noted in regards to the plans (reference provided above) of more than 100 houses/flats being built in our little village.

This kind of increase in the number of homes in the area would heavily impact on road traffic and air quality. We have already witnessed an increasing number of vehicles travelling to and through the village area following the granting of other planning permissions on other developments in the surrounding area, This is already doing damage to our already unfit and pot hole ridden roads in and out of the village and town.

Furthermore the local infrastructure such as the village school and town doctors surgery wouldn't be able to cope with the demands put on them with this increase of residents on top of the large increase already being put on them following the other developments nearby.

I would also point out that the homes being built wouldnt be in keeping with the village. We also have to raise the issues of density and possible over-development of the site as well as the adverse impact which the proposed development might have on the character of the village and on the residential amenity of neighbours.

We think the development looks ugly, it is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing development in the vicinity. The wildlife and scenery would also be negatively impacted upon.

See sense and reject this proposal of yet more unneeded development in this village not to mention this town.

Maybe look into the two sites yet to break ground or the other five unfinished and unsold developments nearby for a hint that no more development is needed, all seven of these sites are within a few hundred metres of this proposed site, the development is smothering our village, town and small infrastructure.

See sense please.

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**Objection – Wendy Whalley, 18 Glencoe Avenue, Hoddlesden, BB3 3LW. Received 27/01/2022.**

I am writing having heard about the proposal to build around 100 new homes next to Johnson's reservoir, Hoddlesden.

We moved into the area 6 years ago, because of the quiet rural location and feel that the village community will be lost as result of the proposed building of all these new homes.

Most families have more than one car/vehicle and so the increased number in the small village will have a devastating impact not only on the local environment, but we feel that the narrow and windy roads are insufficient to deal with the extra traffic.

We appreciate that the land requires development, but this amount of housing will spoil the village community, not to mention the impact on local services/schools etc.

The reservoir is an area much appreciated by villagers and local nature lovers particularly for fishing and dog walking. We feel that the introduction of additional houses would reduce the amount of green spaces and spoil the scenery.

Is there no option to reduce the number of new homes built? Are there no other areas that could be used for this purpose so that we can retain the beautiful surroundings which our village enjoys?

Again, we fully appreciate the need for new homes across the country, but we have too few real villages in this part of Lancashire and feel this would be the end of ours.

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**Objection – David Eastham. Received 27/01/2022.**

We as a household of Hoddlesden object to the development of the Hoddlesden Mill Site.

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**Objection – Steve Thomas, 27 Glencoe Avenue, Hoddlesden, BB3 3LW. Received 27/01/2022.**

I wish to raise an objection to the proposed development of Hoddlesden Mill.

I must object on the grounds that too many new homes would change the village beyond reason, and the infrastructure we have cannot support this number of new residents.

The impact on St. Paul's school and the amount of new traffic, not to mention the negative impact on the beautiful scenery around the lodge and surrounding area would be detrimental to the community.

I therefore ask that this development be refused and the views of the residents that actually live here be taken into account.

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**Objection – Dean Robinson, BB3 3NP. Received 27/01/2022.**

I am emailing to raise an objection to the development of Hoddlesden Mill. Such a large quantity of houses would ruin a small local village not to mention ruining the countryside and scenery surrounding it. There is also the issue of infrastructure which I don't believe has been addressed as I do not believe the current roads would be able to cope with the additional traffic let alone the impact on the local school.

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**Objection – HJ Thomas, 27 Glencoe Avenue, Hoddlesden. Received 27/01/2022.**

I wish to raise an objection to the proposed development of Hoddlesden Mill.

I object on the grounds that too many new homes would change the village beyond reason and the infrastructure we have cannot support this number of new residents.

The impact on St Paul's school and the amount of new traffic, not to mention the negative impact on the beautiful scenery around the lodge and surrounding area, would be detrimental to the community.

I therefore ask that this development be refused and the views of the residents that live here be taken into account.

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**Objection – Wendy & Andrew Whalley, BB3 3LW. Received 27/01/2022.**

I am writing having heard about the proposal to build around 100 new homes next to Johnson's reservoir, Hoddlesden.

We moved into the area 6 years ago, because of the quiet rural location and feel that the village community will be lost as result of the proposed building of all these new homes.

Most families have more than one car/vehicle and so the increased number in the small village will have a devastating impact not only on the local environment, but we feel that the narrow and windy roads are insufficient to deal with the extra traffic.

We appreciate that the land requires development, but this amount of housing will spoil the village community, not to mention the impact on local services/schools etc.

The reservoir is an area much appreciated by villagers and local nature lovers particularly for fishing and dog walking. We feel that the introduction of additional houses would reduce the amount of green spaces and spoil the scenery.

Is there no option to reduce the number of new homes built? Are there no other areas that could be used for this purpose so that we can retain the beautiful surroundings which our village enjoys?

Again, we fully appreciate the need for new homes across the country, but we have too few real villages in this part of Lancashire and feel this would be the end of ours.

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**Objection – Roger Bowker, Stand Farm, Hoddlesden, BB3 3QS. Received 28/01/2022.**

We wish to state to you our job opposition to the proposed development of the Hoddlesden Mill site.

While I believe that the site needs to be developed the number of properties proposed by the applicants is far and away to many not only for the area in question but also for the position which put together I believe will be detrimental to our village.

The position of the development with the number of properties being proposed is immediately adjacent to a very sharp bend on a hill and is directly opposite an exit from the village school.

Hoddlesden has a good mix of properties in most price ranges and I feel that the extremely large number being proposed on the site considering its actual size are being aimed at the buy to let market.

The idea that some of the properties are being developed for older people who may want to downsize is in my opinion an effort by the developers to cover their real plans, as I stated earlier this site is at the bottom of a very steep hill and moving down there would isolate elderly people as the only village shop is at the top of the hill and public transport is at best sporadic.

Another relevant point is the lack of school places at St Paul's C of E primary. A development of this size would only be a detriment to the village and would create a carbuncle totally out of sync with the natural organic development of the village.

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**Objection – Claire Rott, BB3 3PD. Received 28/01/2022.**

I wish to object to the Hoddlesden Mill Development on the grounds that it would change the infrastructure of the village which would not support the massive increase in traffic. It would also impact on the unspoilt scenery.

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**Objection – Leah Hart, 6 St Paul's Terrace, Hoddlesden, BB3 3NP. Received 28/01/2022.**

I am writing as a resident of the Hoddlesden area to dispute the upcoming development of houses next to Johnson's Reservoir.

This site has had the opportunity to return to nature in recent years, and it is an absolute travesty it is due in be turned into houses. I know from personal experience that this site supports an ecosystem with many species, including bats and owls, and I am also aware of Blackburn with Darwen's plan to increase green infrastructure to support the goal of becoming carbon neutral by 2030. Therefore, turning this site into a nature reserve should be considered and would not only support this target but support local environmental sustainability. Green spaces have more value than new houses by providing many ecosystem services, including human health, mental health and wellbeing.

There is no end to green infrastructure being turned into soulless boxes at the expense of nature, purely for financial gain - which must stop. We are the ones who have the power to put all other species and nature before ourselves.

One hundred houses built on this site would increase light, air and sound pollution significantly, with urban garden fertilisers quite easily reaching the reservoir, further disturbing the ecosystem and poisoning local water (even more than it already is).

From a people's perspective, our peaceful and green area means everything to us, and the village just can't support such a large influx of people. Traffic would increase significantly, and there would be a huge impact on the school.

The community object to this development and want to preserve this beautiful slice of nature, and it would be greatly appreciated if our voices were heard.

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**Objection – Mr JW Heaton, 55 Carus Avenue, Hoddlesden, BB3 3LN. Received 28/01/2022.**

Re above reference and Hoddlesden Mill development.

I wish to object to this proposal on the grounds:

There is no infrastructure changes planned for Road improvements for safety

There is no planned development of the Village school to take the likelihood of an increase in students

There is no proposal to increase alternative green transport links eg Buses (now 3 per day, none after 6pm) none at weekend) Cycle lanes have not been incorporated into the plans.

There will be no added Doctors or Dentist surgeries planned for the increased population the nearest being Darwen which is already struggling to meet its current patient needs.

The village of Hoddlesden is losing its identity which has been maintained for the past 50 years now with the developments of Housing to Pole Lane and Marsh House Lane are within touching distance of the Village. This new development will stretch the village Boundary into Waterside and Yate and Pickup Bank these villages losing their unique identities in the process.

Woodland and natural habitats for animals will be lost which will increase pressure on the remaining countryside In their search for food and dwelling.

In an age when we are told trees are the earths salvation we think nothing of ripping up trees and natural beauty to create executive housing NOT affordable housing built on brownfield sites which there are many in the Blackburn with Darwen Borough.

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**Objection – Dale Waddington, 2 Gleneagles Avenue, Hoddlesden, BB3 3LP. Received 28/01/2022.**

Re. Proposed development of Hoddlesden Mill. Application No. 10/22/0064

As a concerned resident of Hoddlesden I would like to object to this proposed development on the main ground that these additional new dwellings would have detrimental effect upon the village of Hoddlesden.

Main concerns include:

- Massive increased volume in traffic along the very narrow Johnson New Road and towards Grane Road via Pickup Bank.
  - Eg. 100 dwellings x 2 working adults = an additional 200 vehicles twice a day commuting.
  - Increased risk of accident through Pickup Bank which in many places is a single track road.
- In 2011 the population of Hoddlesden was 1,239 (source Wikipedia). 100 new dwellings at say an average of two persons per dwelling would increase the village population by approximately 16%. Is this really an acceptable increase for a small village community?
- Additional volume of traffic past the main access route to St. Pauls School increasing the risk of an accident involving a child.
- Permanent destruction of the overall aesthetic appearance of the Village and in particular the detrimental visual impact adjacent to Johnsons Reservoir.

Please apply this letter as a formal objection to the application and in addition could you please keep me informed of the planning progress and decision by the council.

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**Objection – Callum Duxbury, 5 Earls Drive, Hoddlesden, BB3 3RD. Received 28/01/2022.**

Hello,

I am writing to you with regards to the proposed housing development at Hoddlesden Mill next to Johnson's reservoir.

I would like to lodge my objection to this development as I feel It will negatively impact the surrounding area, too many

new houses would change the village beyond reason, the infrastructure we have cannot support the additional number

of people. I feel this will directly impact the local school, road traffic and not to mention the scenery around the lodge

and surrounding area.

Local residents are in agreement that this amount of new housing would instantly have a negative effect on the dynamic of our village,

and I would like to state that I object to this development (REF: 10/22/0064).

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**Objection – Warren Gillen, 22 St Paul’s Terrace, Hoddlesden, BB3 3NP. Received 28/01/2022.**

Please accept this email as my planning objection to the housing scheme planned for Hoddlesden Mill.

I am sure it doesn’t need spelling out to you, as you’re a “town planner”, what effect such a big development will have on such a small village:

My simple maths:

100 plus, Homes = 200 plus Cars = 500 Plus people!

Into: 1 small capacity A road, in & out! - 1 over subscribed school! - No leisure facilities

It just does not work!!

This is on top of the climate impact such a development will have on such things as, Air pollution, local flooding, plus the overall debasement of the beautiful scenery and wildlife of the lodge, which at present attracts some rare migrating water birds during the autumn season.

I hope you will not be bullied by developers promising councils low impact considerate developments, when all they want to do is cash in on the profits being generated in the current climate of the housing market.

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**Objection – Elizabeth Farrington, 21 Clifton Terrace, Hoddlesden, BB3 3NR. Received 28/01/2022.**

I wish to register an objection to the proposed housing development at Hoddlesden Mill on the grounds that it would change Hoddlesden beyond reason from this quiet village.

One hundred new households will make Johnstone New Road even more dangerous for pedestrians as the pavement simply ends at Clifton Terrace and St Paul's Terrace. Adding to the road traffic with over one hundred additional households would exacerbate this situation.

The water pipes burst frequently along our section of road. Consequently, our water supply often has to be turned off, sometimes for prolonged periods in order to effect repairs to the pipes. The infrastructure struggles to support the people who already live here.



The beautiful countryside of Hoddlesden will also be adversely affected by the proposed development. There will also be the prolonged noise pollution caused by building.

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**Objection – Millie Clarke, BB3 3LU. Received 28/01/2022.**

I am writing in respect of the planning on the mill site in Hoddlesden. I feel that the number of houses that are proposed are far too many for the existing surrounding roads, especially on long hay lane when in many places it is a signal road access way.

I also feel it would cause disruption to the existing wildlife that I regularly watch including deers which are seen quite often due to the lack of human activity.

As all my children attend St Paul's Primary I walk to school as there is already no parking availability in the area as the school is already over subscribed. Adding more houses, more cars and more school admissions will overwhelm the area and local population.

I don't disagree the site does need some kind of attention and I feel would benefit from some kind of development including a habitat for wildlife to make it more environmentally friendly. There is also development passed and set to start for houses in the area already in the near future. I feel the amount of houses is too much of a stretch for a small village with few/narrow roads.

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**Objection – Heather Brown, 10 Sydney Street, Hoddlesden, BB3 3LZ. Received 28/01/2022.**

I wish to object strongly to the proposed development at Hoddlesden Mill .

My concerns are

1 - pressure on existing infrastructure, the school etc . There is no provision for extra classes .

2 - impact on the local environment. Places like the reservoir and the Millennium green will suffer from increased footfall . As a local volunteer I know this will result in more litter and more work needed on footpaths .

3 - my main objection is to do with TRAFFIC .

Two of the roads are single lane - Pickup Bank and Johnson New road , which is lined with parked cars through Waterside village . It is already a well used route to the Roman road and can be difficult to pass other vehicles in the daytime .

Pickup Bank is another well used route to the Grane road by traffic heading for the M66 Eastbound and the M65 junction 5 .

These routes are on sat navs and can already become blocked by large vehicles.

An extra 100 cars will add unacceptably to the problem.

The other route away from the site goes through Hoddlesden village itself . I live in the centre of the village and the traffic can already be a problem as people using the two 'rat runs' mentioned earlier go through the village at speed . Imagine more than 100 new vehicles travelling through the village with parked cars and children and old people crossing . I am very dismayed by this prospect .

The other very important consideration for me as an asthma sufferer is air quality for residents of Hoddlesden village .

More vehicles, more emissions.

There is little or no public transport for this area , it seems to me that a development of houses where the residents would be compelled to use private vehicles is in contravention of the government's own undertakings re COP 26 .

4 - Environmental concerns

What provision is there for low energy features ? Solar panels , heat pumps etc . These houses will be there for 50 + years they should be built accordingly . Not just another development of ordinary energy hungry houses .

I hope you will take local and global concerns into consideration. As the planning officer you have a responsibility to the community and our future . Not to destroy our local and wider environment and quality of life .

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**Objection – Michelle Rose. Received 28/01/2022.**

FAO Nick Blackledge  
Hoddlesden Mill  
Planning objection

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**Objection – Lynne Gillen, BB3 3NP. Received 28/01/2022.**

I would like to register my objections to the housing development on the Hoddlesden Mill site. It is currently an eyesore and would welcome some development, however the proposal for 100 houses would be unfeasible for such a small village and the existing infrastructure.

Please let me know if you need any further information.

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**Objection – Simon Kaminski, BB3 3LU. Received 31/01/2022.**

I wish to lodge my objection to the plans to develop houses next to Johnson's reservoir. As a village resident I feel that the extra populus will have a negative impact on the school, local infrastructure, wildlife and traffic. This is a small farming village and should remain so for the benefit of the community.

---

**Objection – Graham Pollitt, BB3 3PD. Received 31/01/2022.**

I am writing this email to raise an objection to the planned development at Hoddlesden Mill.

I live in nearby Waterside and already Johnson New Road is heavily used road.

Building more houses would only make the road even busier.

Please could you add my objection to your list.

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**Objection Peter & Georgina Isherwood, 51 Glenshields Avenue, Hoddlesden. Received 31/01/2022.**

Ref: 10/22/0064

We are concerned about the large amount of houses that are planned at Hoddlesden Mill.

This will result in excess of 200 people using the local roads that are completely inadequate to take the increased traffic.

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**Objection – Chloe McCluskey, 2 Hargreaves Street, Hoddlesden, BB3 3NB**

I am writing to voice my objection to the planned development at Hoddlesden mill. I am a Hoddlesden resident and agree that the land at the mill could be put to better use. However, I completely disagree with the planned number of houses as it currently stands. The developers clearly have their eyes set on hefty profit rather than a sustainable, environmentally considered local village project. I would urge planners to reconsider the allowance of so many properties.

Johnson New Road is notoriously bad for people speeding. Having a primary school on one side of the road and a housing development on the other sounds like a recipe for disaster. The site is also within a stones throw of Johnson reservoir, where the paths are small and would be easily overwhelmed by the increased footfall from more than 70 houses. Local roads, including those at Pickup bank are also far too small to support the increased number of vehicles that over 70 houses would bring. I cannot understand the thought process behind such a large development being considered appropriate for a village of Hoddlesdens size and infrastructure.

Please reconsider the plans as they currently stand.

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**Objection – Mr & Mrs D Buck, BB3 3NP. Received 31/01/2022.**

Further to receiving the above notice regarding the proposal of over a 100 houses next to Johnson's Reservoir, we feel we have no other option than to object to the above planning.

As a community too many new properties would vastly change the Village beyond reason. As such we do not have the infrastructure or means to support the number of people or vehicles. It would have a huge negative impact especially so close to the school.

Also the school does not have the facilities, staff or means to support such a huge influx of potential families thus impacting the learning and development of existing children.

The impact on the surrounding area is huge, taking away beautiful scenery around the lodge and surrounding area.

Whilst we appreciate more housing is necessary, this is NOT the place to do it!

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**Objection – Mr & Mrs Chappell, BB3 3QD. Received 31/01/2022.**

We are writing to voice our objection and concern regarding the recent planning approval for the above mentioned site.

Firstly can you please confirm how many houses have actually been granted for planning permission? Some reports state 74 then an additional 28 on stage 2 - when was stage 2 passed? A document from September 2021 states UPTO 79!! Please can you clarify this.

We cannot understand how the council can justify such a development. We already have building work ongoing behind the Ranken, another site at Victoria Buildings, also Lower Eccleshill and not to mention the development on Baileys field.

Has any consideration been taken into account on the impact building so many houses would have on Hoddlesden village and the lovely countryside that surrounds it? Certainly the infrastructure cannot sustain this amount of houses. The school has been oversubscribed for quite some time. The roads - in particular Pickup Bank cannot cope with more passing through traffic and are already in a bad state of repair. Bin collections were removed from out lying areas due to cost - why introduce more houses and bins.

The impact on our countryside and wildlife is very much a concern to us. There are a number of badger setts in the area, barn owls and bats. Has a report been done to ensure that these are protected? Furthermore the site in question is classed as 'contaminated' due to its previous use. How does this impact the environment/pollution when the building work starts? The council surely has a duty to protect and preserve such a lovely village, wildlife and surrounding area, not turn it into a town or worse.

We would be grateful if you would clarify the above as soon as possible.

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**Objection – Lindsay Bottomley, BB3 3RD. Received 31/01/2022.**

I'd like to raise an objection to the above referenced development.

I live in the area and the School is already over subscribed with a big waiting list. I haven't even been able to get my own child into the school which i live 2 minutes away from. I have to travel 1 hour per day to take/pick up my youngest child to another school.

To build so many houses on this new site and not consider extending the school at the same time is too much.

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**Objection – Eleanor Carter, 6 Kings Drive, Hoddlesden, BB3 3<sup>RD</sup>. Received 31/01/2022.**

I wish to raise an objection to the above project.

As a resident of Hoddlesden I cannot object too strongly on the building of so many houses in such a small village community. My husband and I moved here from Manchester to escape the town environment and feel this project would destroy the beautiful village community we moved to.

As residents on Kings Drive we cannot stress enough the impact of so many more children attending St Paul's Church of England Primary School will have on our neighborhood.

Already the amount of cars, during school drop off and pick up times, in our Drive and all the surrounding streets is difficult to say the least.

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**Objection – Tomas Rybar, Holker Barn, Long Hey Lane, Hoddlesden, BB3 3QD. Received 31/01/2022.**

We have just been recently informed about this planning permission in Hoddlesden ref 10/22/0064, we knew that there are going to be a few houses built.

But I think we have been misinformed regarding the numbers of the houses that are going to be built in the area. Now we got the information that there are going to be a couple phases to the building works and only in the first phase there are going to be 74 houses built and 28 to come in phase two. All these along with 14 houses built behind Ranken arms!

It's nice for developers to build plenty of houses in a lucrative area and make profit, but has anyone ever thought how big an impact this will have on village and residents?

Village and environment will completely change during the building process and when it's all done. Roads through Hoddlesden and Waterside aren't built for heavy traffic. There is often a problem for bus or bin vagon squeeze through due to amount of parked cars. What about the supply chain for new builds?

And the amount of cars, deliveries etc. coming with new residents later on!

What about reservoir and nature on its own? all will change to brick and tarmac everywhere around. This massive project will radically disturb and change wildlife and it's never going to be the same.

We live on property where public footpaths cross and I'm very worried about the impact on our privacy and safety. In the past 12 months we had a few incidents in front of our gate with big trucks. There is a 7.5 ton limit but drivers are ignoring it and I believe there will be much more with the amount of deliveries required to the building site.

And I can go on and on with possible complications and disruptions to our lives.

We're not against building houses and transforming a very sad looking area to nice estate but we believe less than half of new builds would be enough. I believe we are not alone who moved here for nice peaceful countryside life and this development will take it away from us.

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**Objection – Georgie Moorhouse, BB3 3QD. Received 31/01/2022.**

This email is to object the new proposal for the new housing estate in Hoddlesden. I believe this development is too large for this area for several reasons.

1. The location will have a major environmental impact to the surrounding area and local farmers. As the fields shown on the development are used as access to move animals across the land.
2. I strongly believe that St. Pauls primary school will not have the capacity to allow for extra students which may be brought to the area especially with the new developments happening elsewhere within the area.
3. Long hey lane leading to Johnson's new road is also in a poor state and already not wide enough for the current traffic on the road before introducing more cars / vans.

In order for this development to not create such a negative impact to Hoddlesden I strongly believe that it should be considered for the number of houses on the proposed plans to be lowered by at least 40% to minimise the issues raised above causing a major impact to this village.

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**Objection – Heather Metcalfe, BB3 3LS. Received 31/01/2022.**

Please NO ....not another mess in the village. We already have a site mess off Albert Street. A planning permission which should never have been granted considering the difficulties and lack of safe access. The site now lies derelict and far from finished - what an eyesore!!!

I believe the builder has now applying to have many of the conditions of the build removed - how ridiculous! What is the point of putting in conditions and then removing them??

Please we've got to live here....think again, we are a village and want to stay a village, we have neither the infrastructure nor the school to cope with this number of houses. The site has big safety issues reference poisons left from it's original mill site use. Please don't leave us with another building cock-up!

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**Objection – Neil & Margaret Mayoh, 10 Earls Drive, Hoddlesden, BB3 3RD. Received 31/01/2022.**

Att. Of Nick Blackledge. Ref. 10/22/0064 Hoddlesden Mill Dear Mr Blackledge, We are Mr and Mrs D.N. Mayoh and live at 10 Earls Drive, Hoddlesden. BB3 3RD. We would both like to strongly object to the planning of houses on Hoddlesden Mill. We already have congestion problems in the village, especially at school times, and the thought of all the proposed houses fills us with dread. Have you really thought about the impact this will have on our village life?? Maybe the Council is only concerned with the extra revenue this will bring. We really think it's time you thought about people instead of your pockets.

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**Objection – Robert Barnes-Hudson, 28 St Paul's Terrace, Hoddlesden, BB3 3NP. Received 31/01/2022.**

I understand that there is a plan to build over 100 houses on the old mill site in Hoddlesden.

I believe that if this goes through it will cause untold stress on the community here. There just isn't the infrastructure to support such a development.

We have one road through the village and the traffic is already heavy enough and the state of the road isn't the best now. The part of the road that comes from Eccleshill to Waterside is particularly poor.

Not only that, but the stress of the lorries etc... that will be required to complete the development will cause upheaval and disrepair beyond belief on the one road we have as a main thoroughfare.

The village hasn't the necessary amenities to cope with the 3-400 extra residents that the development would bring. No buses, only a tiny shop, no facilities for youngsters and only a small primary school. This village would be changed beyond recognition with this development and only the developers will benefit.

There's also the youths the extra housing would bring. There's nothing for them to do in the village and I believe that they would be hanging around the war memorial at the centre of the village, drinking, smoking god only knows what and generally causing a nuisance and disturbance in this peaceful place.

All in all, the only reason this will go ahead is for people, who won't have to put up with the disruption (during or after), to make a massive profit.

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**Objection – Jennifer Kay, BB3 3LS. Received 31/01/2022.**

Please consider this email my objection the the proposed plans to develop next to Johnson's reservoir, ref as stated above.

As a village resident I'd like to object on the grounds that this development would change the village, bringing in too many cars causing infrastructure issues. This would also have a major impact to the local wildlife

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**Objection – Jennifer Dobson, 5 Glencoe Avenue, Hoddlesden, BB3 3LW. Received 01/02/2022.**

As a resident of hoddlesden village I would like to object to the building of 74 houses plus a further 28 on the second phase for the hoddlesden mill site  
I feel it would be detrimental to the whole village  
If built there would be far too much traffic for this very small village, plus our small school, the children have always been very safe going into school and on the way home plus's the elderly going to the shops and community centre

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**Objection – Letizia Blaschi. Received 01/02/2022.**

I am writing to express my concerns over the intention to build on the old Carus site. Hoddlesden is a small village which cannot take any further houses. The road running through Hoddlesden is already a busy road which currently has motorists speeding up and down it as it is without adding to this.

Also, the disruption which will be caused by the builders and wagons coming through Hoddlesden and the constant digging up of the roads which always comes with new builds and in such close proximity to the school is a concern.

The new estate will put huge pressure on the school which could find children already living in Hoddlesden missing out on school places at St. Paul's because of the number of young families which would no doubt be buying these properties.

The current residents of Hoddlesden have paid more than the average price for a property to be in a quiet and peaceful village which would no longer be the case should this development go ahead. We already have issues with bored teens in the village without the need for more.

I do not believe it would be a good idea for this build to go ahead and I hope you will take mine and other residents worries into consideration before making any decisions.

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**Objection – Mrs F A Fawcett, The Dog House, 21 Chapman Road, Hoddlesden, BB3 3LU. Received 02/02/2022.**

To whom it may concern.

BB3 3LU

I am writing to strongly object to the proposed building of an extra 28 houses bringing the total to 100 plus on the carus mill site. We are a small village not a town which Blackburn with Darwen Council seem to think we are. The school could not possibly accommodate the extra numbers of children. The traffic coming out onto Johnsons New Rd would be dangerously near blowing. Parents drop their children at the bottom of the steps and pick up in the afternoon. Many parents work these days and there is no room to park on Baynes St or Dukes Drive. I have lived and worked in the village for forty three years and could now be classed as a villager. There is building work in progress at the top of Sydney Street. Please turn down this planning application.

Yours sincerely

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**Objection – Dave Ashworth, BB3 3LS. Received 02/02/2022.**

I would like to register my objection for the development of the old mill ground into a site for new homes.

My reasons for this are:

Increased traffic through the village which has very little deterrent for speeding drivers at the best of times especially approaching the zebra crossing coming down Hoddlesden Rd into the village.



The congestion it would cause up and down Pick Up Bank with increased traffic to the Graine Road which has very limited passing places and is at most a single lane.

Increased air pollution additional traffic.

Expanding the boundaries of the village beyond what is necessary and taking away rural areas and impacting on the habitat of the wildlife in and around the reservoir and fields.

---

**Objection – P Cooper, 16 Waterside Terrace, BB3 3PD. Received 02/02/2022.**

**Re the planning application for the former Hoddlesden Mill.**

Hoddlesden is a small village community. The proposals for development must therefore be restricted in size and aesthetics to maintain the character, ecology and community of the area.

There should be due diligence to the Council's key objectives on climate change policy which are to: Use resources sustainably so as not to add to the burden of climate change emissions in Blackburn with Darwen or elsewhere. New builds contributes to increase in emissions, therefore it needs to be constrained and proportionate.

The aim to align policy to climate change mitigation and adaptation objectives to create sustainable places where people want to live, work and visit and capture the benefits to health and the economy from the move to a climate friendly borough. It is contradictory to promote a rural area which is diminished by excess building, as this is contrary to being climate friendly. Moving to a climate friendly borough promotes areas where people can enjoy green open natural spaces as this is more beneficial to mental and physical health and the economy.

To make and facilitate the transition to cleaner, greener fuels and more active travel, is not achieved by an undue increased building. As this area has poor roads and a minimal public transport system. this will cause more car activity and pollution.

To uphold the storage of carbon by naturally by increasing tree cover, protecting soils and enhancing natural habitats. These are a features and character of the immediate and wider area, which need to be retained. Adjoining the site is Carus lodge and surrounding green area which should be preserved and protected, in line with council policies and help achieve this objective.

To provide the basis for change we must aim for wider understanding of the climate emergency and stronger partnerships and networks, which can be utilized in this case by not overburdening the area with excess housing, but keep it proportionate.

Infrastructure pressure from too many houses will create issues not only affect the village of Hoddlesden. Extra traffic will increase pressure and pollution on Johnson road and consequently the of villages of Waterside and Eccleshill, which already have safety concerns, including no pavement for pedestrians . There will be additional pressure on the junction of Johnson road with Roman road, plus the roads into Darwen.

Additional infrastructure concerns also include undue pressure on the school of St Paul's which is at capacity, as are local healthcare providers, including G.P.s and the Royal Blackburn Hospital.

The sewage system is known to be unable to take increased capacity; this therefore needs assessment and upgrade.

I strongly urge you to take the concerns of the local residents into your decision, to uphold and retain the character of the area and the community, preserve the local environment, and ecology, and fully evaluate the increased pressure on the infrastructure.

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**Objection – Julie Royds, 6 Earls Drive, Hoddlesden, BB3 3RD. Received 02/02/2022.**

I wish to object to the proposed development of Hoddlesden Mill. Over 100 houses on the site is far too many for a small village which does not have the infrastructure to cope with such a massive change. The local school is already full and traffic has increased substantially with people using pickup bank as a cut through. The mill site needs to be developed and would make an excellent site for new housing just not the quantity proposed.

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**Objection – Linda Ashworth, BB3 3LS. Received 02/02/2022.**

I would like to register my objection for the development of the old mill ground into a site for new homes.

My reasons for this are:

Increased traffic through the village which has very little deterrent for speeding drivers at the best of times especially approaching the zebra crossing coming down Hoddlesden Rd into the village.

The congestion it would cause up and down Pickup Bank with increased traffic to the Grane Road which has very limited passing places and is at most a single lane.

Increased air pollution additional traffic.

Expanding the boundaries of the village beyond what is necessary and taking away rural areas and impacting on the habitat of the wildlife in and around the reservoir and fields.

Insufficient infrastructure both in Hoddlesden & Darwen to cope with the increased population i.e. schools, doctors, police etc.

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**Objection – Dawn Summerfield, Luddington Hall Farm, Johnson Road, Darwen. Received 07/02/2022.**

I am writing to object to the proposed planning application at Hoddlesden mill. The proposal to build 74 houses and then a further 28 houses on phase two, would instantly change the dynamic of the village and would change the village beyond reason. Also the infrastructure is not build to support this number of people, it would impact the sewage works, the school and especially the roads for the number of cars this would have and the amount of traffic on the surrounding country lanes. It would have a negative impact on the country side and the beautiful area around. Please do not grant this proposal.

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**Objection - Mark Summerfield. Received 07/02/2022.**

I am writing to object to the proposed planning application on the former Carus site. I understand that with the two phases of development there are over a hundred houses planned for construction.

The additional loading on local infrastructure, roads and schools will result in an unsustainable loss of quality of life for the residents of Hoddlesden and the surrounding areas. Whilst it is understandable that the village is a desirable area to live in, continued overdevelopment risks losing the very character that makes it so special.

With this in mind I ask the planning office to turn down the application.

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**Objection – Mrs Jill O’Shaughnessy, 2 Meadowhead Cottage, Long Hey Lane, Pickup Bank, BB3 3QD. Received 07/02/2022.**

Thank you for your recent letter informing me of yet another planning application for: Reserved matters application – Approval of the reserved matters for the appearance, layout, scale and landscape for the erection of 72 residential units comprising 58 detached and semi-detached dwellings and 14 appartements pursuant to application 10/21/008

I wish to lodge a strong objection to this planning application and detail the reasons for your due consideration.

Hoddlesden and surrounding Pickup Bank are small village communities, and this major scheme of house building will destroy the village and surrounding area beyond reason. The infrastructure alone cannot support this influx of people and the unbelievable number of vehicles that will inevitably come with them.

You state in this application this is for a development of 72 residential properties but in the application details Kingswood Homes (UK) Ltd openly admit they are actively seeking further land form ‘Allandor’ and ‘Cooper Rig’ and if they receive planning permission this will further compound the issues I have raised totalling over 100 new properties in this village.

1. Ecological survey:

I note from the planning application that the Ecological survey was conducted via Desktop survey back in 2020.

It is important that this work be brought up to date, many species in the area benefitted from the reduction in traffic, both vehicle and human during the pandemic and it is neither appropriate nor feasible to think the situation remains the same 18 months on. My property backs onto the site and I can report increased sightings of both bats and owls in the last 12 months.

As a matter of course the survey, and I suggest in person, is repeated before any planning permission is even considered.

2. Traffic:

There is no mention of the increase in traffic across the whole surrounding area and this was a serious matter at the first planning application with many objections, that appears to have been dismissed by the council. In the original submission there was a transport survey but

the extent of any impact an increase of some 200 extra vehicles on our country roads will have has never been modelled or fully investigated.

The 2021 Transport report looked at the impact of the site and the subsequent impact of extra vehicles but no mention of Long Hey Lane. The report merely stated the junction between Johnson New Road and Long Hey Lane may need altering. How divisive of Kingswood Homes (UK) Ltd to offer to widen this junction and pour yet more vehicles into Pickup Bank, this alone shows an utter lack of consideration past the revenue this company will generate from building houses on the site.

As the report only looked at the suitability of Junction 3 to cope with extra traffic, I suggest this is a serious oversight. Why have Darwen Council not requested an adequate review of all surrounding roads? The report researched into Marsh House Lane, a wide well surface road with speed reducing measures, but not Long Hey Lane, this oversight must be rectified, and the risk properly assessed. You have made no attempt to analyse traffic numbers or excessive speeds on Long Hey Lane to date never mind the impact of a significant increase in vehicles in the village as a result of this development. I find it a damning indictment that as my Council you have paid absolutely no attention to the impact of further increased traffic on the road. If you do go ahead and grant this appalling development permission then the amount of trade traffic, large vans and I am quite sure heavy trucks, whilst banned from the road, will use this route making life even more miserable for Pickup Bank residents, there is nothing in Kingswood's documents to prevent this from happening. The transport survey has in no way assessed the resultant extra 150-200 vehicles to be generated by the 79 new homes adding significant impact to our already crowded lanes, especially Long Hey Lane.

I wish to enlighten you of the situation today on Long Hey Lane so you can put this into context of the devastating impact this development on the Hoddlesden mill site will have.

Pickup Bank is Hamlet and a large number of residents own and regularly ride horses on the lane. Residents have chosen to live in this beautiful Lancashire countryside for the simple reason it should be a peaceful and tranquil place to live.

I have lived in Pickup Bank for nearly 23 years and have witnessed first-hand the exponential growth in traffic using the lane as a "rabbit run" to access both Grane Road and Lower Darwen. There are significant pinch points in the day 0700-0900 and 1600-1900hrs when the lane often becomes impassable, due to both the sheer volume of traffic and the appalling driving when people either do not know how to navigate the many single passing places on the lane or choose not to show that courtesy.

In the evening rush in particular it is commonplace to see traffic jammed all the way from one end of the lane to another. It mainly falls to local residents to deal with shifting traffic and at the worst times this becomes a job for the police. These regular traffic jams effectively lock Pickup Bank residents in and indeed out of their own homes sometimes for hours.

Due to volume of current traffic the state of the road is of serious concern and should make the Council realise there is already too much traffic for this area to cope with. The whole of the lane is a series of potholes, not only is this a danger to walkers, horse riders but also the

many cyclists who use the road. Even without this planned development there is a serious need to relay the road service, filling a few potholes will not suffice.

Whilst I have provided an honest account of the volume of traffic there is another serious issue at times when the road is less busy with drivers speeding in excess of 50-60+ m.p.h. The road has blind bends and single passing areas and there is a regular screech of brakes outside my property as cars meet head to head. The danger to other drivers, cyclists, horse riders and pedestrians is significant and there is NO pedestrian, equestrian or cycle infrastructure to provide this safety on Long Hey Lane and you now want to worsen this situation!

With reference to the planned development I need to see the plans for how traffic control will be assured. How will you reduce traffic speed on Long Hey Lane, this needs to be 20mph. What signage will there be for single lane passing places and what measures will be put in place to actively deter vehicles from using the lane as a cut through.

The negative impact on this beautiful area of Lancashire and the heritage of our countryside is something I will fight strongly to protect.

**I hereby lodge my objection on the grounds that too many houses would change the village and surrounding area beyond reason, and the infrastructure we have cannot support this number of people – for instance the impact on the school, the road traffic, not to mention the negative impact on the beautiful scenery around the lodge and surrounding area.**

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**Objection – Cliff Peacock. Received 07/02/2022.**

I would like to object to the above. The Village of Hoddlesden does not have the infrastructure to support the proposed development of 100 houses at Johnson's Reservoir. At present, the existing amenities include a corner shop, and there is nothing else. The shop has its own problems with cars constantly double parking outside the shop, making it dangerous to cross on foot. Our small village has limited parking space, so it struggles to accommodate its existing residents' needs, who are without garages and therefore rely on on-street parking, which can be difficult with, e.g. visitors to the pub add to existing capacity which do however, accommodate at the moment.

In addition to the above proposed new development, a dozen unfinished houses are just behind Sydney street. During the build for Sydney, street access and egress were not controlled. The Sydney street development was previously allotments and a nice green space that has been replaced with a giant mound of overgrown rubble and half-finished houses abandoned for two years. I mention this in relation to the new proposal, which is ten times the size and therefore has the capacity to disrupt the community even more

This is not Nimbyism, but an example of a build anywhere and everywhere approach without due consideration for existing residents or the required infrastructure to support a growing population. There is only one school in the village which would not have the capacity to accept more primary pupils. In addition, there are no local dentists or doctors surgeries. The current through road that leads up to pickup bank already struggles with a high density of traffic dangerously clustering on the corner of Johnson New road and Long Hey Lane (that leads to Hoddlesden Road). There is also a

large volume of fly-tipping, which would only increase. Please help us keep our village safe and liveable.

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**Objection – Miss C Thompson. Received 09/02/2022.**

Please accept this email as my Objection to the planning/building of the housing development at The Mill site in Hoddlesden.

Hoddlesden is one of the most beautiful, idyllic villages in the North West with beautiful, untouched scenery and is not a built up area and it should NEVER be a built up area. Please do not allow this building to go ahead!

Where will all the wildlife go?

Where will all the children play out?

Where will all the litter go?

Where will all the pollution effect?

How will the roads manage with the extra cars?

What about the horses who go hacking on the roads? Making it very unsafe for them and their riders?

What about pickup bank? That road is already dangerous with the amount of passing traffic so you would be willing to make that busier, thus making it more dangerous, causing more accidents?

Walking is good for everyone's mental health, where will we walk when it's full of housing estates?

I grew up in and around Hoddlesden and I know my family members who have since passed would be turning in their grave at what the construction companies are planning just to line their expensive pockets with more money. They do not care about the town, the wildlife, livestock, public, homeowners, children; all they care about is how expensive they can make the houses, how many expensive holidays they can go on this year, how many Michelin star meals they can afford while the rest of us are worrying about how to keep the gas and electricity on to keep our babies warm and fed with the current price rises.

Please please please do not allow them to take over our beautiful village!

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**Objection Mrs Catherine Olney-Falzon, Hoddlesden Hall, Baynes Street, Hoddlesden. Received 10/02/2022.**

**Re: Planning application reference 10/22/0064**

Name: Mrs Catherine Olney-Falzon

Address: Hoddlesden Hall, Baynes Street, Hoddlesden, Nr Darwen, Lancs, BB3 3NH

**Site**

The amended proposed site layout shows an extended site boundary. Whilst this doesn't suggest additional buildings on it at this time, it raises concerns that an annexe has been added through the

process which will allow for further development in future. As such, as it stands it currently gives the impression that this area is being prepared for further development at a later stage. This is a concerning suggestion as planning has already been approved for 72 households which is a huge additional to very small rural village community. Furthermore, this impression is further supported by the statement which confirms that this is 'in pre-application' stage.

When cross referenced with the tree removal plan it suggests there is intended to widescale protected tree clearance for something that as yet has not been approved. This is exceptionally concerning and seems to be at complete odds with the nature of tree protection orders. Owners of protected trees must not carry out, or cause or permit the carrying out of, any of the prohibited activities without the consent. However here removing huge swathes of protected tree area is clearly not a concern. Furthermore, the local planning policy to conserve green belt land as this is identified on the BwD application page seems not to be a concern.

I am pleased to note the intention to plant trees to provide a more sympathetic frontage, and request that it is a condition that they are established trees to be more sympathetic to the environment and also to offset some of the impact on the environment of the carbon nature of the development itself and the addition of 72 households. Furthermore we need additional detail and commitments to extent of this.

However, in itself at this point in time, there does not seem to be adequate consideration given for screening of the development in terms of the actual impact of building the properties and also screening for the proposed street lighting in a rural area such as this.

### **Scale**

The planning statement clearly lays out the intention to develop the site using large houses similar to those at the Kingswood Homes' Green Hills developments in Feniscowles.

Looking at the plan I can see the proposal for a three storey apartment block (four from the rear) fronting onto Johnson New Rd. There are additionally instances of Byre 3M, Dovecote 3 and Dovecote 4+ which are all three storey properties. In total there are 13 occurrences of these across the site. Whilst a number are towards the rear of the development and as such will be more sympathetic to the environment the apartment block, plots 4,33-39 and 65 will be at odds with the local environment and a heritage site.

### **Layout**

The planning statement indicates the plan is to divert the culvert. This is extremely concerning. This is an area of high risk of flooding which has been identified elsewhere with the documents. Culverts are prone to blockage in any event. To further add the possibility of a diversion to this does not seem to be properly risk assessed, and leads to the possibility of further environmental damage.

Furthermore changes of this nature have knock on effects for local wildlife and I have not seen adequate assurances through the supporting material that this has been anticipated and allowed for.

Additionally whilst I have seen anticipation of how roads within the proposal will support the development, I can see no anticipation on how this will work with the current infrastructure. Roads in this area are already single line of traffic in the mornings due to residents needs to be able to park near their homes. I can see no anticipation how the local infrastructure will be supported to accommodate the additional level of traffic outlined from these proposals.

**Objection – Jayne & David Smith, Lower Scholes Farm, Pickup Bank, Darwen. Received 15/02/2022.**

I understand there is planning for a total of 100 houses to be built on the above site, in 2 phases. Whilst I agree the site does need something doing with it, I do not agree that this is in our community's best interest and that you are not giving that due consideration.

Hoddlesden is a small village and as such cannot support such a big increase on our roads, at our school and around our beautiful green land. It will totally spoil the village.

As a resident of pickup bank for many years, indeed my husband was born on the farm where we live 58 years ago, we feel you must listen to what our community has to say. I know many residents will be writing to you on this matter, and surely you must stop and listen to what we have to say.

Why can't the area be used in another way. A nature reserve, a park, somewhere nice for people to visit. There is a new development at the old Wellybobs site not too far away...isn't that enough!?

I await with interest your reply and urge you to listen to long-standing residents of this beautiful village.

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**Comment – Sandra Gray, 9 Browning Street, Hoddlesden, BB3 3NE. Received 31/01/2022.**

I want to reiterate my statement in my application to you on 1 February 2021 when planning permission for remediation works was being considered from BXB. Firstly, residents of Hoddlesden will be pleased to see that the derelict land on the above site is under consideration for development. However, 74 houses is far too many and I am told there will be a phase 2 of a further 28 properties (is this correct?)

- 1 There should be a community consultation before the permission is granted.  
Our community needs an input to this development.
- 2 The properties should be in keeping with the history and character of Hoddlesden village which is in Green Belt and in close proximity to a conservation area. The design of the properties should be high-end which would mean fewer properties than suggested.
- 3 There are many older residents in the village who would welcome bungalow-style properties or even sheltered accommodation. If these were available they could sell their existing properties which would become available for sale. This would allow them to stay in their community.
- 4 Hoddlesden village is isolated with one shop and a public house. No public transport other than Travel Assist which is very infrequent.



- 5 The primary school is over-subscribed and there are no suitable play areas for children.
  - 6 Traffic assessment – During construction access must be maintained along Johnson New Road and Long Hey Lane. Long Hey Lane is already being used as a “Rat Run” causing damage to stone walls and the ground is constantly being damaged by heavy vehicles.
  - 7 Environment – This area is riddled with mines from previous years. It is also a flood plain. I could not find an environmental report.
-

## REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/0121

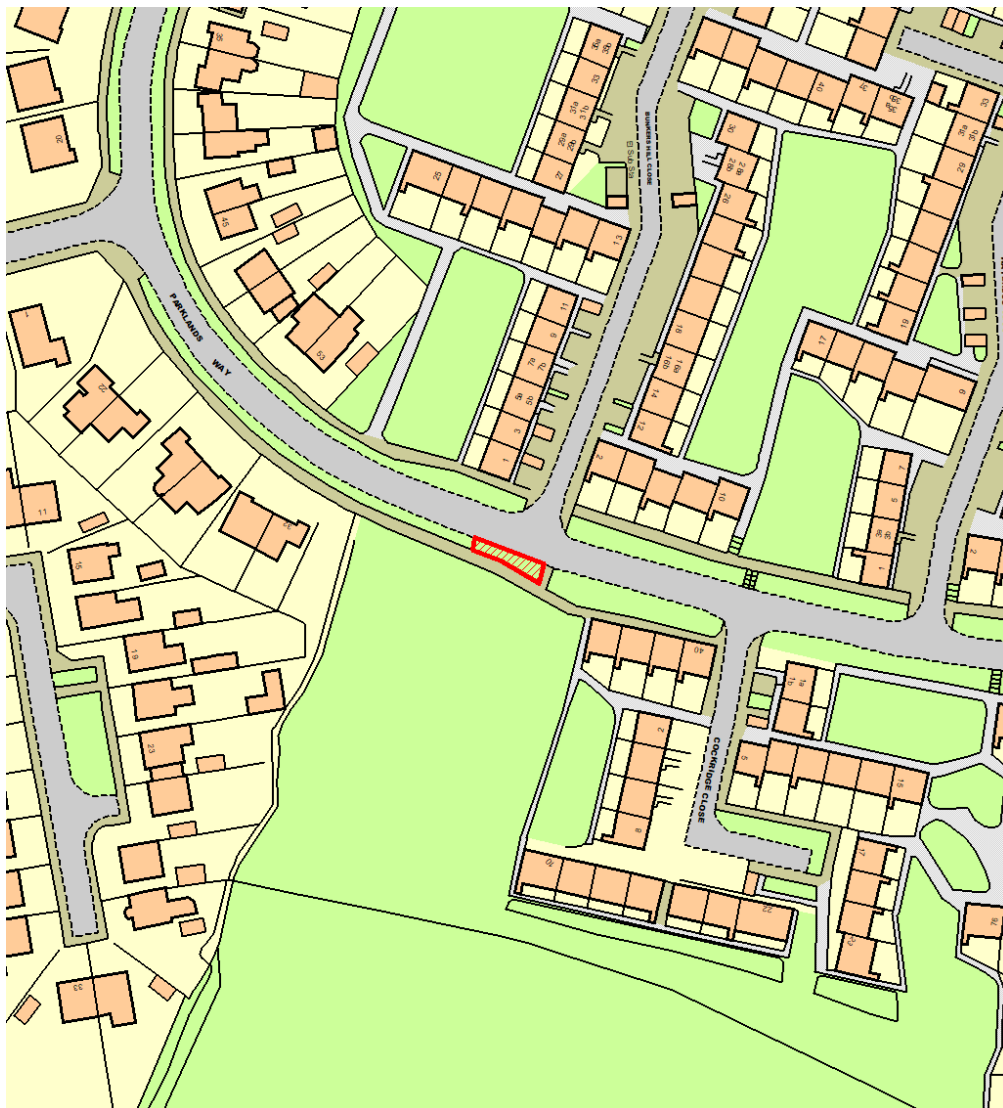
**Proposed development: Full Planning Permission - Removal of 12m high street furniture style mast with 3No. antennas with GRP shroud, 6No. cabinets, 1No. pillar and all ancillary development and installation of 20m high street furniture style mast with 6No. antennas, 3No. cabinets and all ancillary development**

**Site address: Telecommunications site, Parklands Way, Blackburn, BB2 4RH**

**Applicant: Cornerstone c/o Agent**

**Ward: Ewood**

**Councillor Jon Baldwin  
Councillor Maureen Bateson MBE  
Councillor Jim Casey**



## **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, and given the fact that the application site forms part of the public highway network, thereby falling within the ownership of the Council.
- 2.2 The proposed development has been publicised through letters to residents of the nearest 13 adjacent properties on 09<sup>th</sup> February 2022. A site notice was also displayed outside of the site on 22<sup>nd</sup> February 2022. No public representations have been made insofar. Should any be made ahead of the date of committee, they will be presented as part of a committee update report.
- 2.3 The Council's development plan supports new telecommunications developments 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 replacement telecommunications mast and associated ground-based radio equipment housing cabinets for the provision of 5G mobile technology.
- 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 as follows;
- Establishing the technological need for the development
  - The design of the proposals
  - Establishing likely impacts on the visual amenity of the area
  - Ensuring the amenities of residential neighbours are adequately safeguarded
  - Ensuring public health is adequately safeguarded
  - Establishing likely impacts on the public highway network

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

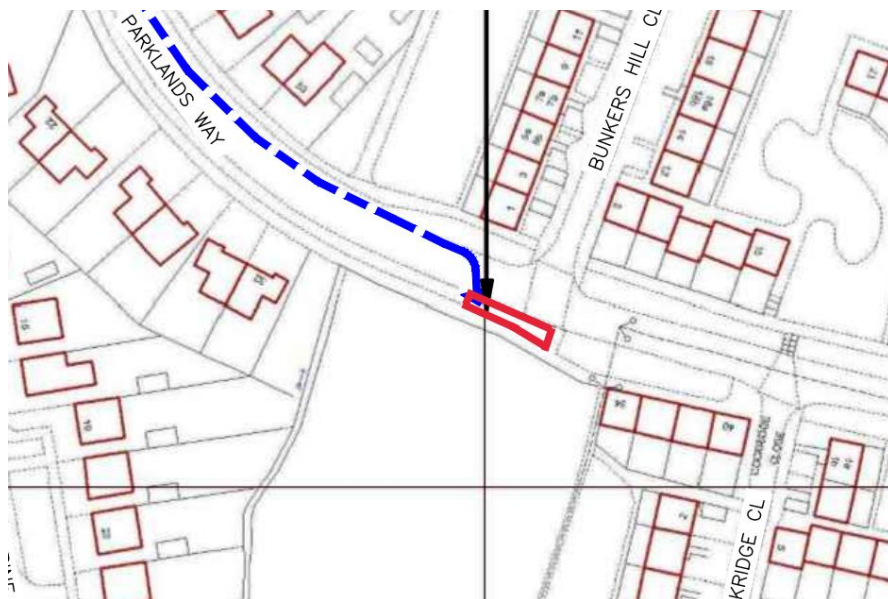
- 3.1.1 The application site is small strip of grassed public highway land located within the settlement of Blackburn. The site covers an area of circa 75 square meters and the carriageway of Parklands Way defines the north boundary.

- 3.1.2 A 12.5m high telecommunications mast and various associated ground-based radio equipment housing cabinets are currently in place, which were approved under application 10/14/0527 (Prior Approval application). Two-storey dwellings and open public amenity land surround to all sides. Land levels rise towards the south where the town gives way to agricultural land uses.

Figure One – Satellite image of the site



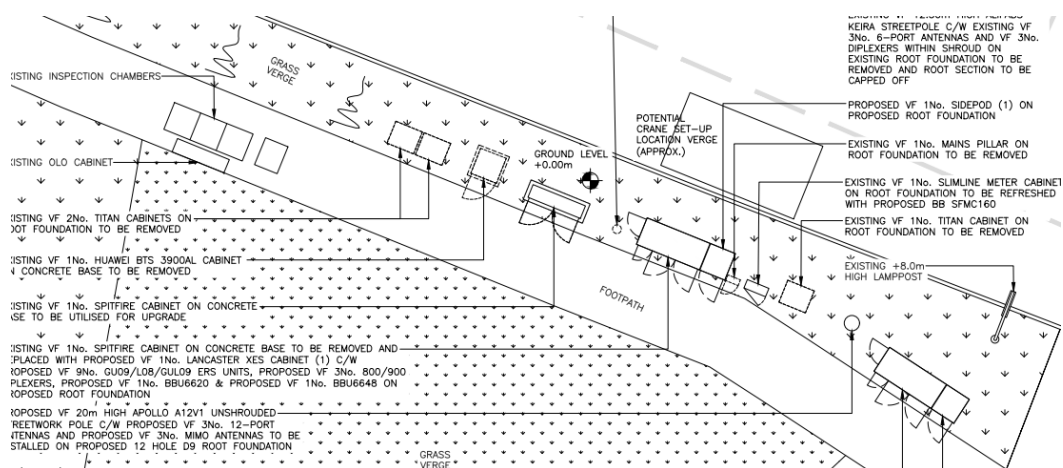
Figure Two – Location Plan showing the extent of the site



### 3.2 Proposed Development

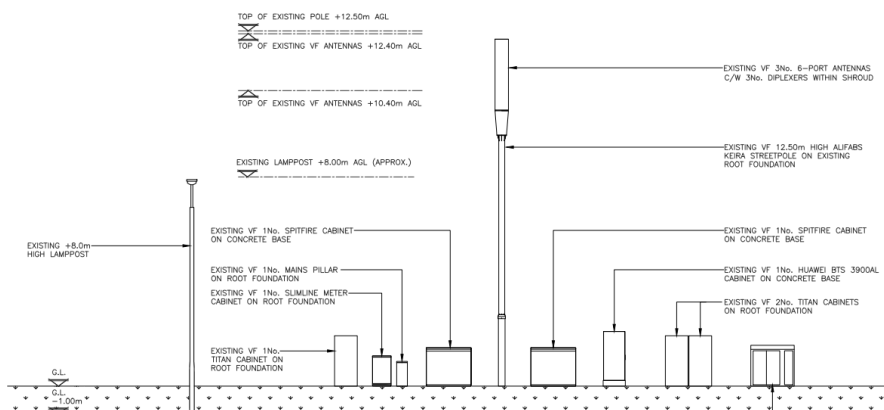
- 3.2.1 This planning application initially involves the initial removal of a 12.5m high streetpole and six associated ground-based radio equipment housing cabinets. In their place, a replacement 20m high street furniture style mast would be installed with six antennas. In addition, three associated ground-based radio equipment housing cabinets would also be installed.

**Figure Three – Proposed Site Plan**

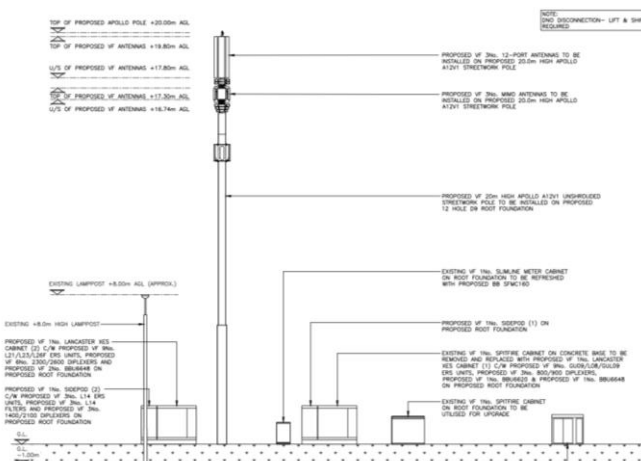


3.2.2 The proposed mast would be installed on a roof foundation with the antenna affixed to its highest part. The associated ground-based radio equipment housing cabinets would vary in size and style according to their intended use. All the installations would be grey in colour corresponding with the street furniture locally.

**Figure Four – Existing Streetscene Plan**



**Figure Five – Proposed Streetscene Plan**



### 3.3 Case Officer Site Photos



### 3.4 Development Plan

#### 3.4.1 Local Plan Part 2 (adopted December 2015):

- Policy 8: Development and People
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 44: Telecommunications

#### 3.4.2 The National Planning Policy Framework

- Section 10: Supporting high quality communications

## 4.0 **ASSESSMENT**

### 4.1 Technological Need

4.1.1 Within Policy 44, there are initial requirements regarding need to explore alternative opportunities to erecting new telecommunications masts. In support of those requirements, a Supporting Statement has been submitted outlining the technical requirements of the proposals.

4.1.2 Given that new 5G technologies operate in higher frequency bands than older systems, they are more susceptible to inference from street clutter such as trees and buildings, thereby requiring a higher structure to achieve the same coverage footprint as say for example 4G technologies. Furthermore, unlike older systems 5G frequencies use adaptive beamforming technologies to increase capacity and data speeds to the user. For effective beamforming the antenna will normally need to be mounted higher than conventional antennas.

4.1.3 These factors drive a requirement for an increase in antenna height for the provision of 5G technologies and there are no existing buildings locally of the

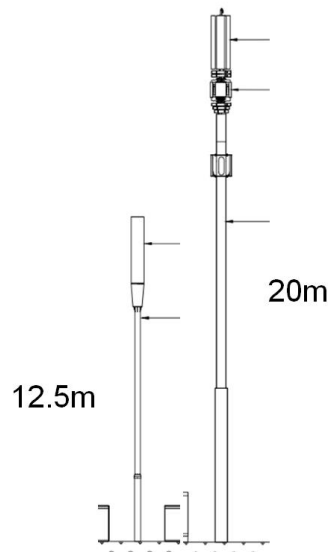


required height to support the proposed technology. Therefore, the supporting information provided adequately confirms that a 20m high mast is required in order to meet the needs of the development, in compliance with the initial requirements of Policy 44.

#### 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 the visual amenity of the local area. Specific sections within Policy 11 concern character, townscape, and the public realm. Positive aspects of character must be taken into account and reinforced in new developments, including the established height of the adjacent buildings and the relationship between development proposals and the streetscene.
- 4.2.2 New development is required to create an attractive and coherent townscape both within the development itself and by reference to its integration with the wider built environment through respecting the scale of adjacent buildings and adding definition to the streetscape. In addition, new development must create a high quality and stimulating public realm that prioritises the needs and amenities of people. The overall design and furnishing of developments within public spaces must be implemented in a way that complements the character of the area and minimises street clutter.
- 4.2.3 With specific reference to telecommunications developments, Policy 44 reinforces those requirements. The impacts of such forms of development on townscape quality of areas must be minimised, within the constraints of operating requirements, through appropriate siting, design, materials and colour schemes.
- 4.2.4 In addition, Paragraph 115 of the Framework states that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.
- 4.2.5 Figure Five below shows the comparative heights of the existing and proposed masts. A height increase of circa 60% would be applicable. It is acknowledged that the proposed 20m mast would form an overly prominent feature within its immediate setting. The exclusively residential character of the surrounding area is also noted. That said, there is already a tall telecommunications mast (12.5m in height) and number of radio equipment housing cabinets on site and the presence of those existing structures must be given a significant level of weight in assessing this application.

Figure Six – Comparative heights of the existing and proposed masts



4.2.6 The height of the proposed mast coupled with the open character of the area would make camouflaging the development impossible. That said, both the mast and associated cabinets would be grey in colour, thereby ensuring a certain level of visual consistency is maintained with existing street furniture. In addition, the total number of cabinets would be reduced, thereby reducing the overall amount of street clutter associated with the development.

4.2.7 When those positions considered alongside the technological need for the development, the proposals would not cause any material level of harm to the aesthetical character of the locality or the townscape generally, in accordance with Policy 11, the relevant requirements of Policy 44 and Paragraph 115 of the Framework.

#### 4.3 Residential Amenity and Public Health

4.3.1 Policy 8 states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses with reference to the relationship between buildings. An adequate level of separation would be maintained between the nearest residential properties to ensure the development does not appear oppressive to neighbours.

4.3.2 Concerning public health, the Code of Best Practice on Mobile Network Development in England (2016) states that telecommunications systems should comply with guidelines laid down by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and that LPAs should not seek to determine health and safety matters that are subject to separate public health controls.

4.3.3 Provided applications are accompanied with an ICNIRP certificate, no further judgement on health and safety issues can be applied as part of planning applications. Such a certificate accompanies the application and BwD Public Protection have raised no objections on public health grounds having viewed it.



The proposed development is thus acceptable in relation to residential amenity and public health, in accordance with Policy 8.

#### 4.4 Highway Safety

- 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. As detailed above, the proposals would be contained within a grassed strip of the highway and no obstructions would be caused for pedestrians. Equally, both the proposed mast and cabinets would be sufficiently set back from the carriageway edge to prevent any visibility issues for passing motorists.
- 4.4.2 BwD Property Services have reviewed the merits of the application and a request has been made to lay a hard surface around the development in order to aid future highways maintenance efforts. However, such requirements are controlled by highways legislation and through the issuing of permits in order to undertake works within the public highways network. When those factors are considered, the proposed development is thus acceptable in relation to highway safety, in accordance with Policy 10.

#### 4.5 Summary

- 4.5.1 This application involves the installation of a replacement telecommunications mast and associated radio equipment housing cabinets. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies detailed in Section 3.4.
- 4.5.2 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 relation to technological need, design and visual amenity, residential amenity and public health, and highway safety.
- 4.5.3 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.**

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 (100), 201,

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

3. The external finishes applied to the development hereby approved shall be as stated on the application form and approved drawings and those details shall not be varied within the prior written consent of the Local Planning Authority.

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

## **6.0 RELEVANT PLANNING HISTORY**

- 6.1 10/10/0176 – Installation of a streetworks monopole supporting 3no Vodafone antenna and 3no O2 antenna within a GRP shroud overall height 13.8m 2no equipment cabinets and ancillary development – Approved by deemed consent – April 2010.
- 6.2 10/14/0527 – Replacement of existing 13.8m monopole with 15m dual user monopole housing 3no. antennas and new ancillary cabinet equipment – Approved, with conditions – July 2014 (Prior Approval application).

## **7.0 CONSULTATIONS**

- 7.1 BwD Public Protection – No objections, given the submission of an ICNIRP declaration certification.
- 7.2 BwD Property Services – No objection. Ideally, a solid base would be laid around the development to aid grounds maintenance.
- 7.3 Ward Cllrs
- 7.4 No public comments have been received

**8.0 CONTACT OFFICER:** Christian Barton – Planning Officer

**9.0 DATE PREPARED:** 03<sup>rd</sup> March 2022

## **DEPARTMENT OF PLACE (GROWTH & DEVELOPMENT)**

**ORIGINATING SECTION:** Planning (Development Management).

**REPORT TO:** Planning & Highways Committee on 17<sup>th</sup> March 2022

**TITLE:** Petition objecting to an application for full planning permission for the following development:  
*'Change of Use from dwelling (C3) to cafe (Class E (a/b) including new shop front and installation of roller shutters' at 117 Whalley Range, Blackburn, BB1 6EE*

**WARD:** Bastwell & Daisyfield

**Councillor:** Parwaiz Akhtar

**Councillor:** Iftakhar Hussain

**Councillor:** Shaukat Hussain

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### **1.0 PURPOSE OF REPORT**

- 1.1 To inform Members of the receipt of a petition objecting to a current planning application (ref. 10/21/1397 for the proposed change of use from a dwelling (Use Class C3) to a café (Use Class E (a/b) at 117 Whalley Range, Blackburn.
- 1.2 The application is submitted by AA Properties (Blackburn) Ltd.

### **2.0 BACKGROUND AND DETAILS**

- 2.1 The planning application was received by the Local Planning Authority (LPA) on 17<sup>th</sup> December 2021, and was subsequently registered on 29<sup>th</sup> December 2021, after previously being made invalid due to insufficient plans being submitted. Neighbour consultation letters were sent out on the date of registration to 7 addresses local to the application site. A Site Notice was also displayed in close proximity to the proposal building which also advertised the application.
- 2.2 The Petition was received by the LPA on 18th January 2022. The Petition objects to the application on the grounds of highway impacts, pointing out due to lack of parking in the area it is suspected vehicles will park illegally to the front of the site. Reference is also made that concerns over parking has the potential to cause increased anti-social behaviour between driver's resultant of vehicles impeding the road network. Other matters alleged include increased noise disturbance associated with the proposed use, privacy concerns given the relationship of windows and fly tipping / environmental problems.

- 2.3 The petition contains 16 signatures, directly from nearby addresses on Whalley Range and Snow Street. The petition is appended to this report.
- 2.4 Members are advised that assessment of the planning application is ongoing and that all material issues that must be considered in the decision making process will be addressed. Should the application be recommended for approval, it will be reported to the Planning and Highways Committee for determination. Alternatively, the application may be refused under delegated officer powers.
- 3.0 **RECOMMENDATION**
- 3.1 It is recommended that the Committee note the petition.
- 4.0 **BACKGROUND PAPERS**
- 4.1 The petition subject of this report, including signatures and comments.
- 4.2 Planning application 10/21/1397.
- 5.0 **CONTACT OFFICER** – Jamie Edwards - Planning Officer
- 6.0 **DATE PREPARED** – 2<sup>nd</sup> March 2022.

Mahmood Hussain (Owner)  
4 Snow Street  
Blackburn  
BB1 6EH  
17<sup>th</sup> January 2022

Planning Service  
Old Town Hall  
Blackburn  
BB1 7DY

**RE: Planning permission for retail premises at 117 Whalley range**

Reference Number: 10/21/1397

Dear Planning Office,

Firstly, we would like to thank BWD planning department for writing out to us in relation to the proposed planning permission at 117 Whalley Range. After having reviewed the application, holding discussions with many of the nearby residents, obtaining a general consensus with wider local community we would all like to put forward a joint objection or at least some points for consideration to the BWD council on the impact this application subject to approval will have. There are number of points addressed in this document ranging from the already increasing anti-social behaviour problems, issues around car parking, welfare of our children and vulnerable adults, increase in traffic and etc. Having read the planning application which makes reference to policies within BWD local plan part 2 - such as Policy 8, 10 & 32, we find ourselves with conflicting views.

**Anti-social behaviour/transport**

You may be aware that in recent years across Whalley Range there has been a sudden rise in cafe shops and dessert bars. Unfortunately for us we have one stone's throw from our house which has caused a nuisance from 8am until midnight daily. During the day its mostly people parking on double yellow lines to grab a hot drink and by evening there is no double yellow line in sight as each inch is covered by a parked car. Each car will be full of passengers having a drink of tea and catching up with friends. There is never any consideration from these drivers who are parked on double yellow lines causing a congestion for cars/people who are just trying to get home and stuck yards away from their homes. Through the evening until midnight, you find daily noise pollution through shouting and screaming, loud music and engines revving and frequently someone getting into a fight. Majority of the time this is through frustration of drivers trying to pass where cars on both sides are parked on double yellow lines.

This same scenario can be observed across the entire stretch of Whalley range and even in places where council has intervened by putting up no parking signs and bollards to prevent people parking. The steps taken proved inefficient as cars still use same lines to park.

What we have found is due to standstill traffic daily many drivers use other side streets such as ours as a shortcut to bypass traffic. This has led to increased traffic into the streets where most drivers would come in over 20mph putting our kids at risk.

We strongly feel against any further retail (in this case we believe it to be another cafe) premises being opened within our close vicinity as it will only cause further instances of traffic build up and attract more anti-social behaviour due to inconsiderate drivers parking on yellow line blocking the highway.



### **Car Parking**

Unfortunately, we live in an oversubscribed area for car parking due to many households having more than one vehicle. The increased number of cars has meant that we daily have to roam around trying to find car parking and sometimes this proves very difficult leading to parking our cars few blocks away. Finding a parking space during the day especially on a weekend has now started to become an issue as shoppers will park their cars on side streets leaving the residents to find parking blocks away. There are some spaces on single yellow lines which can be utilised in the evenings by residents, but we often find these are taken by again people visiting local shops. We understand car parking is not our right especially when we are talking about public roads however some consideration needs to be made for residents who are vulnerable and families who have young children. Due to traffic build up we are now finding there isn't even an option to park in the middle of our streets for loading and unloading purposes due to impatient shop-goers or people trying to cut traffic from Whalley range by using the side streets.

### **Rear of the property in question**

Having spoken to other residents across the stretch of Whalley range who live directly behind or in-front of a shop/cafe/takeaway. They have advised how pests cause an absolute mayhem in the back streets especially when businesses do not close bins, bins are too full or leave waste outside just in bags. We already have an issue with fly tipping at the side of our backstreet where frequently we find people doing driveby fly tipping (numerous times large items such as mattresses are left blocking access to main road). We have an on going issue with pests, we welcome data to be pulled from BWD pest control department where call-outs have been made potentially linked to fly tipping inviting more pests.

Our children play outdoors in the back streets as we feel they are in a safe environment from vehicles on the main street - having observed some of the other back streets on Whalley range I would not be comfortable with our children playing outside due to pests and substances left outdoors in bags. And not to mention the smell of the rotten food thrown out or substances poured in the back street for rain to wash it away and block the drains! I am sorry but that is a no!

The property in question already breaches our privacy (the rear windows are facing our rear windows) however this was permitted on the basis that it's a residential premises and we know who our neighbours are and to some extent felt safe. However, given the nature of this premises becoming a cafe we do not wish to see workers standing in the back street having a cigarette or having a chat whilst on a break. We have young children with school commitments who will be disturbed.

### **Other matters**

There are several places within close proximity offering the same services, one of which is within yards from this property. Ultimately this proposal is for a cafe albeit this particular one being dressed as a Arabic themed. We do not see this offering anything unique to what already is not available from other shops close by.

### **Conclusion**

Over recent years we have seen our area grow from a pleasant residential area to a commercial hub for fast food, clothing, cafes and etc. We strongly feel our kids are no longer safe to play outdoors and more importantly there is not enough recreational investment/initiatives in the area covering all ages. We feel there is a strong push to convert Whalley range into a high street type of setting but we strongly object. We feel our local council should be making every effort to reject such planning applications and focus on building/converting redundant buildings into retail premises in close proximity to town center i.e., on the other side of Barbara castle way. We would like our area to remain a predominant residential area and not become a hub for shoppers and cafe's. We see this application make way for other similar properties across the same block!

Also, prior to awarding permission on further such developments consideration needs to be sought on traffic management and appropriate enforcement. We welcome any surveys to be completed however these need to be done during peak hours which are from 7pm until 11am (not the traditional peak times).

We hope consideration could be given to the points raised above. We do NOT wish for any face to face consultations - we feel this will not be a forum we'd openly be able to express our concerns. This document has been signed by all willing parties who are directly impacted and whom have been contacted by the planning office. Some households share same views but do not wish to voice their concern/sign below, they feel confidentiality may potentially be compromised and are uncomfortable putting their details below. Please can I urge that our concerns be addressed in confidence/confidentially and our personal details are not shared with the other stakeholders.

Thank you for you time reading our response and look forward to hearing from you.  
Regards

MAHMOOD HUSSAIN 4 Snow street  
MAMMED SHABIR 6 SNOW ST  
ABDUL IQBAL 2 SNOW STREET - B1 6TH  
MOHAMMED MALIK 103 WHALLEY RANGE  
MOHAMMED AGHAZ 105 WHALLEY RANGE  
QURBAN HUSSAIN 115 Whalley Range  
MAYMAN 127 whalley Range  
M. INTIZAR 123/ whalley Range  
12W  
SAJID MUSSAIN 119/121  
Whalley Range  
MAGSOOD A. 14 SNOW ST  
KHALID HUSSAIN 16 SNOW ST  
FIZAN AKHTAR 18 SNOW ST



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Thank you for you time reading our response and look forward to hearing from you.  
Regards

BARBAR LOBAR 1 SNOW STREET Blackburn

RONAK SNOW STREET Blackburn

EW Sublin 11 snow street -

CHALID KURN 109. WHALLEY RANGE  
BB1 6EE