

Public Document Pack

Planning and Highways Committee

Thursday, 16th November, 2023

6.30 pm

Meeting Room A, Blackburn Town Hall

AGENDA

1. **Welcome and Apologies**
2. **Minutes of the Previous Meeting**
Minutes of the Previous Meeting 4 - 8
3. **Declaration of Interest**
Declaration of Interest Form 9
4. **Committee Agenda**
Committee Agenda 16.11.2023 10 - 11
 - 4.1 **Planning Application 10/23/0532**
Land off Yew Tree Drive and Whinney Lane, Blackburn 12 - 21
 - 4.2 **Planning Application 10/23/0587**
Land at Holden Fold, Darwen 22 - 118
 - 4.3 **Planning Application 10/23/0777 & 10/23/0778**
St Johns Centre, Victoria Street, Blackburn 119 - 148
 - 4.4 **Planning Application 10/23/0779**
3 Buckthorn Lane, Livesey, Blackburn 149 - 160
 - 4.5 **Planning Application 10/23/0858**
Audley and Queens Park Childrens Centre, Learning Centre, Pringle Street, Blackburn 161 - 169
5. **Tree Preservation Order**
To request that the Committee endorse the actions of the Council's Arboricultural Officer/Planning Manager

(Development Management) in making and serving 206 Preston New Road, Blackburn 2023 Tree Preservation Order (TPO) (ref: BWD5).

To request that the Committee confirm 2023 Tree Preservation Order (TPO) (ref: BWD5) without modification.

Tree Preservation Order 170 -
206 Preston New Road TPO Plan.pdf 176
TPO Schedule 1 Spec - 206 Preston New Road St Silas Road.pdf

PART 2 - THE PRESS AND PUBLIC MAY BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEM

6. Enforcement

To obtain authorisation to take enforcement action against all persons having an interest in the land at 2 Shear Bank Close, Blackburn, BB1 8AW, as outlined on the attached Ordnance Survey Plan, in respect of unauthorised development consisting of a 1.8m fence to the front elevation of the property.

ENFORCEMENT – 2 Shear Bank Close, Blackburn BB1 8AW 177 -
Location Plan 2 Shear Bank Close.jpg 184

7. Enforcement

To obtain authorisation to take enforcement action against all persons having an interest in the land at 784 Livesey Branch Road, Blackburn, BB2 5DN, as outlined on the attached location plan, in respect of the change of use of the land from a residential use to a mixed use of residential and the storage and breaking up of cars.

ENFORCEMENT – 784 Livesey Branch Road, Blackburn, BB2 5DN 185 -
784 Livesey Branch Road location plan.jpg 192

8. Enforcement

To obtain authorisation to take enforcement action against all persons having an interest in the land at 27 & 29 Feniscliffe Drive, Blackburn, as outlined on the attached location plan, in respect of the unauthorised dormer extension to the rear second storey spanning the entire roof of the two separate semi-detached dwellings.

**ENFORCEMENT – Nos 27
Location Plan 27 and 29 Feniscliffe Drive.jpg**

**193 -
198**

9. Enforcement

To obtain authorisation to take enforcement action against all persons having an interest in the land at 46 Fecitt Brow, Blackburn, BB1 2AZ, as outlined on the attached Location Plan, in respect of unauthorised development consisting of engineering operations, resulting in the increase of land levels to the front garden of the dwelling, including new front retaining wall and perimeter fencing.

**Committee Report ENF 46 Fecitt Brow
Committee report location plan 46 Fecitt Brow 16th nov
2023.jpg**

**199 -
205**

Date Published: Wednesday, 08 November 2023
Denise Park, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE

Thursday, 19th October 2023

PRESENT – Councillors, David Smith (Chair), Imtiaz (Vice Chair), Casey, Khan, Marrow, Desai, Mahmood, McCaughran, Jackson, Patel, Khonat, Slater and Slater (substitute for Baldwin).

OFFICERS – Saf Alam, Michael Green, Martin Kenny and Tina Kuczer

RESOLUTIONS

Welcome and Apologies

The Chair welcomed everyone to the meeting. A special welcome was offered to Cllr Sabahat Imtiaz who had agreed to stand as Vice Chair of the Planning and Highways Committee.

Apologies were received from Cllr Jon Baldwin and was substituted by Cllr Neil Slater.

The Chair advised the Committee of recent planning appeal successes in relation to 5 Moorcroft, 33 Blackburn Road and 10 Brantfell Road. All had been refused at appeal. The Chair offered his thanks to all involved in the process.

Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 14th September 2023 be agreed and signed as a correct record.

Declaration of Interest

RESOLVED – There were no declarations of interest received.

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.

Planning Application 10/22/0223

Applicant – Cawder Construction

Location and Proposed Development - Land at Borrowdale Avenue, Blackburn –
Erection of 13 bungalows

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

This was a supplemental report covering amended drainage matters and revisions to a number of previously recommended conditions. The application was presented to the Planning and Highways Committee in May 2022 with a recommendation to approve. The report was to be read in conjunction with the previous committee report. The proposed amendments related to the drainage matters alone. Any foul waters would be drained directly into the combined sewer with a new connection installed adjacent to Plot 1. Surface waters would be drained with the use of a SuDS scheme. The scheme would comprise of a combination of measures to reduce the flow of surface waters and attenuate it within the site.

Decision under Town and Country Planning Acts and Regulations –

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

Planning Application 10/23/0538

Speaker – Mr Asif Iqbal (Objector)

Applicant – Divine Patisseries Ltd

Location and Proposed Development - Units 7 and 7a Brookhouse Business Centre, Whalley Range, Blackburn - Full Planning Application for Proposed single storey side extension to replace part of previously approved decking area

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

The application was presented to the Planning and Highways Committee due to the history of the application site. The previous planning application (the original approval 10/22/1004) was also reported to the Planning Committee on 16th February 2023. The application was deferred at the 17th August 2023 Committee meeting to allow further consideration of the proposed development relating to the increased footprint and capacity of the premises. There were concerns expressed relating to the non-compliance by the applicant relating to the opening hours of the premises pursuant to Condition No.3 of application 10/22/1004.

The Committee were advised that the non-compliance of the opening hours is an enforcement issue, and not a matter for the planning application. These are 2 distinct

issues. The proposed enclosure would only be small scale and the overall maximum capacity would not change from the existing situation. The proposal would reduce the existing capacity of the café/restaurant, as the construction of the enclosure would result in a small area of the existing decking becoming inaccessible, therefore there would be a slight reduction in the overall café/restaurant floor space. Furthermore, due to the proposed enclosure of the currently decked area it was felt that noise pollution would be reduced. Following the repainting of double yellow and white lines in the vicinity of the establishment and with access to an on-site car park, enforcement legislation could now be utilised and the premises be monitored.

Decision under Town and Country Planning Acts and Regulations –

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

Planning Application 10/23/0598

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development - 49 Market Street, Darwen - Full Planning Application (Regulation 3) for Replacement timber shop front

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

The proposal related to external alterations by way of creating new shop fronts and did not involve any change to the existing use of the premises, the balance of use within the shopping frontage was unaffected and therefore no conflict with Policies 26 and 31 arose. Active frontages would be maintained and therefore the character and vitality of the town centre, street scene and immediate area would be retained.

Decision under Town and Country Planning Acts and Regulations –

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

Planning Application 10/23/0616

Applicant – Keepmoat Homes

Location and Proposed Development - Land Bounded by Haslingden Road and Fishmoor Reservoir, Haslingden Road, Blackburn - Full Planning Application for: Construction of residential development comprising the erection of 168 dwellings and 37 apartments together with access roads and landscape treatment

The proposed development was recommended to be granted planning permission subject to a Section 106 Agreement to secure payment of a commuted sum totalling £961,772, for additional secondary school places; works towards the south east

Blackburn major highway / transport scheme; additional general practice capacity; and conditions.

This proposal was a stand-alone application. It was not an amendment to the original grant of planning permission as the changes proposed were considered to fall outside of the scope of those that could be considered minor material amendments. Its submission followed pre-application consultation undertaken between the applicant and the Council. It was considered that the final scheme responded appropriately to representations made during the pre-application process.

Members were advised of a correction to paragraphs 3.12 and 3.14 (amended to 3.5.12 and 3.5.14 during the committee meeting) with reference to hospital worker accommodation. The apartments would not be limited to hospital workers but be delivered and secured as affordable housing working in conjunction with Great Places.

Decision under Town and Country Planning Acts and Regulations –

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

Planning Application 10/23/0640

Applicant – Mr Michael Young

Location and Proposed Development Land to rear of 136 to 142 Sandy Lane, Lower Darwen - Full Planning Application for Construction of two bedroom bungalow with associated drive and fencing

The application was put before the Planning and Highways Committee in accordance with the Scheme of Delegation, due to the receipt of public objections (6no). Public objections, in part, addressed issues relating to anti-social activity at the site, including late night noise and fires. Members were advised that the concerns relating to any unauthorised development within the site and associated activity were not material when considering the proposal for a bungalow.

Members were also advised that the applicant had confirmed there was no intention to have touring caravans within the application site once the bungalow was constructed and the application did not propose any.

It was acknowledged that the back street is un-adopted and currently uneven and unsurfaced. Also recognised were the substandard sightlines at the junction of the access track and Sandy Lane, due to vehicles parked on the highway. However, the un-adopted access was already subject to regular vehicular movement – and those vehicles are also subject to the impaired sightlines presented at the junction with Sandy Lane. No evidence of accident history had been provided to support a recommendation for refusal on highway safety grounds.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to conditions set out within section 4 of the report

Petition

Members were informed of the receipt of a petition supporting a current Section 73 application relating to the removal of condition No.6 - "There shall be no external amplified call to prayer from the premises". pursuant to planning application 10/21/0628 'Retrospective planning application for two storey detached Islamic Education Centre' The application premises was the New Mosque Building, Land at rear of Whitehead Street & Foxhouse Street, Blackburn

The application was submitted by The Committee Secretary.

RESOLVED – That the petition be noted and that the lead petitioner be informed of any decision taken, including the outcome of the application.

Enforcement

A report was submitted to obtain authorisation for enforcement action against all persons having an interest in the land at Masjid E Zainabia and Imambargah, Logwood Street, Blackburn, BB1 9TU, in respect of unauthorised change of use for the storage of motor vehicles.

Background information including grounds for the request were outlined in the report. It was noted that two previous Appeals had been dismissed and the storage of vehicles refused.

RESOLVED – Authorisation was granted for the Deputy Director of Legal & Governance, in consultation with the Strategic Director of Growth and Development and Deputy Chief Executive, to issue an Enforcement Notice to cease the use of the car storage element of the Masjid-E-Zainaizia Mosque, Logwood Street.

DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

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

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

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

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



BwD Council - Development Control

General Reporting

REPORT NAME: *Committee Agenda.*

REPORT OF THE STRATEGIC DIRECTOR OF GROWTH & DEVELOPMENT AND DEPUTY CHIEF EXECUTIVE

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND PAPERS

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

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

PLANNING APPLICATIONS FOR DETERMINATION Date: 16/11/2023

Application No	Applicant	Site Address	Ward
Application Type			
10/23/0532			
	Wainhomes NorthWest Limited Kelburn Court Daten Park Birchwood Warrington WA3 6UT	Land off Yew Tree Drive and Whinney Lane Blackburn BB2 7DN	Billinge & Beardwood
Variation/Removal of Condition/Minor Material Amendment for Variation of condition No. 29 pursuant to planning application 10/17/0578 'Residential Development comprising 272 homes, public open space, landscaping, drainage, associated highway works, infrastructure and engineering works and demolition of existing garages' to allow for changes to housetypes, layouts and materials			
RECOMMENDATION: Permits			
10/23/0587			
	Countryside Partnerships Mr Neil Lewis 301 Bridgewater PLace Birchwood Park Warrington WA3 6XG	Land at Holden Fold Darwen	Darwen East West Pennine
Full Planning Application for Erection of 477 residential dwellings with public open space, landscaping, sustainable drainage systems (SuDs), demolition of existing stable buildings, new parking associated with the sports pavilion, additional parking off Knowle Lane, and vehicular access points off Holden Fold, Moor Lane and Roman Road			
RECOMMENDATION: Permits			
10/23/0777			
	Blackburn with Darwen Borough Council 5th Floor Duke Street Blackburn BB2 1DH	St Johns Centre Victoria Street Blackburn	Blackburn Central
Full Planning Application (Regulation 3) for Conversion and extension of existing Grade II Listed Church to provide office accommodation			
RECOMMENDATION: Permits			

Application No	Applicant	Site Address	Ward
----------------	-----------	--------------	------

Application Type

10/23/0778

Blackburn with Darwen Borough Council 5th Floor Duke Street Blackburn BB2 1DH	St Johns Centre Victoria Street Blackburn	Blackburn Central
---	---	-------------------

Listed Building Application (Regulation 3) for Conversion and extension of existing Grade II Listed Church to provide office accommodation

RECOMMENDATION: Consent

10/23/0779

Justine Sharp 3 Buckthorn Lane Livesey Blackburn BB2 5AR	3 Buckthorn Lane Livesey Blackburn BB2 5AR	Livesey With Pleasington
--	---	--------------------------

Full Planning Application for Mixed use comprising commercial kitchen as part garage conversion and dwellinghouse (Sui Generis) and insertion of door within side elevation

RECOMMENDATION: Permits

10/23/0858

Blackburn With Darwen Borough Council Town Hall King William Street Blackburn BB1 7DY UK	Audley And Queens Park Childrens Centre Audley And Queens Park Neighbourhood Learning Centre Pringle Street Blackburn BB1 1SF	Audley & Queens Park
---	--	----------------------

Full Planning Application (Regulation 3) for Erection of 3 No. single storey extensions, new entrance canopy and internal reconfigurations

RECOMMENDATION: Permits

Proposed development: Variation/Removal of Condition/Minor Material Amendment for Variation of condition No. 29 pursuant to planning application 10/17/0578 'Residential Development comprising 272 homes, public open space, landscaping, drainage, associated highway works, infrastructure and engineering works and demolition of existing garages' to allow for changes to housetypes, layouts and materials

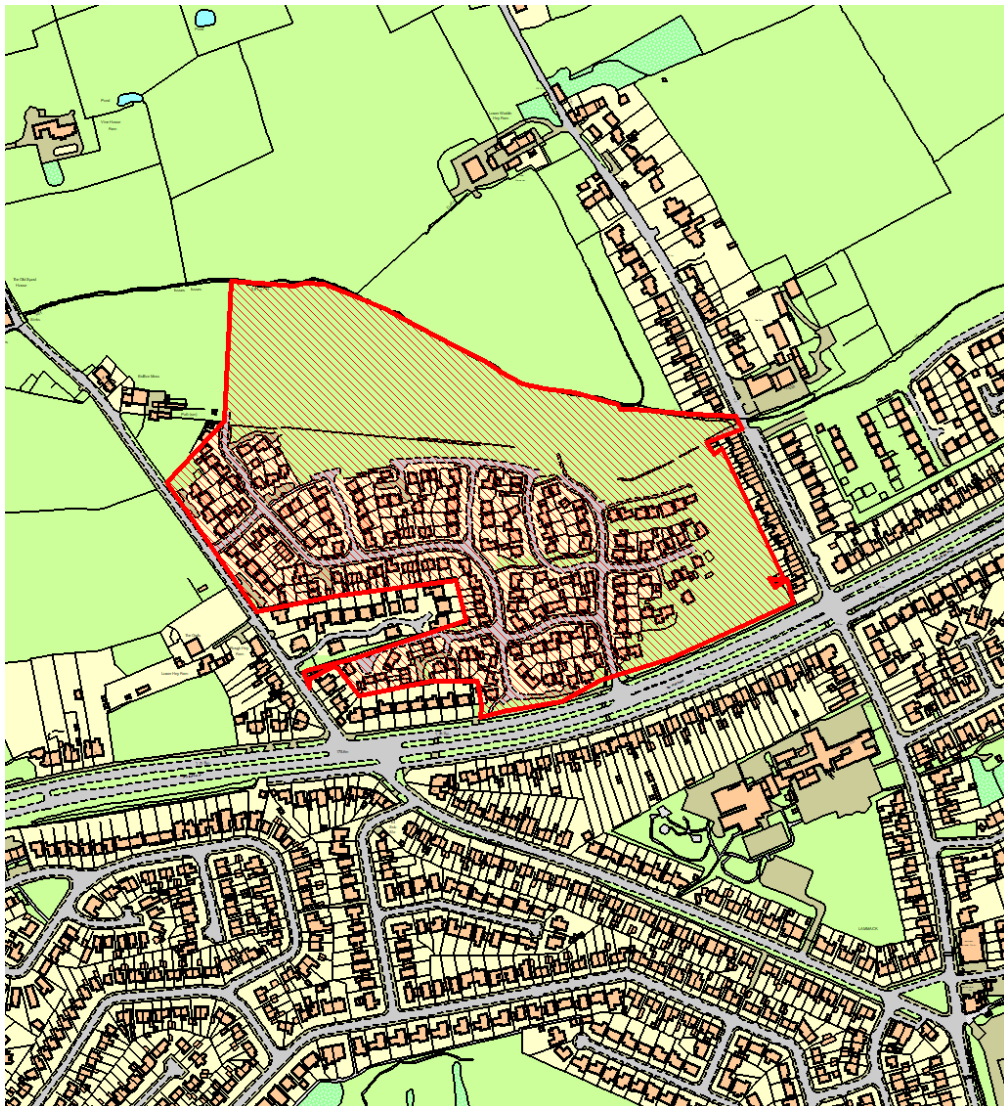
Site Address:

**Land off Yew Tree Drive and Whinney Lane
Blackburn
BB2 7DN**

Applicant: Wainhomes NorthWest Limited

Ward: Billinge & Beardwood

**Councillors: Tasleem Fazal
Jackie Floyd
Mohammed Irfan**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 **APPROVE** subject to the amendment of condition 29 (approved drawings) imposed upon extant planning approval 10/17/0578

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 In accordance with the Council's scheme of delegation, this application is before the Planning & Highways Committee as it represents an amendment to a major residential planning application. The proposal seeks to amend condition 29 (approved drawings) of planning approval 10/17/0578: *“Residential Development comprising 272 homes, public open space, landscaping, drainage, associated highway works, infrastructure and engineering works and demolition of existing garages”*
- 2.2 The amendments represent modest changes to the previously approved development. The amended scheme will continue to deliver a high quality bespoke housing development, which will widen the choice of family housing in the Borough, consistent with the planning strategy for housing growth as set out in the Core Strategy and Local Plan Part 2

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application relates to the northern edge of the active Wainhomes residential development, as approved under 10/17/0578. The site forms the western section of housing land allocation 16/2: which is referred to as the North Blackburn Development Site. The site measures 12.8 and comprises land situated to the north of Yew Tree Drive, the east of Whinney Lane and west of Barker Lane/Lammack Road.

3.2 Proposed Development

- 3.2.1 The current application seeks to modify condition 29 imposed upon the extant permission 10/19/0317. Condition 9 identifies the approved drawings for the development.
- 3.2.2 The proposed changes are, in part, necessitated by the need to provide an easement to the watercourse on the northern edge of the site. As a consequence there is a change to the previously agreed layout to remove a highway loop and replace with private drives. In addition the proposals also seek changes to house types, amend outbuildings and facing materials.

3.2.3 The proposed amendments are outlined below;

1. Plots 148 to 155 (previously 206 to 217) changed from 2 bed apartments (Oakmere Types) to 3 bed Semi-detached dwellings in the same configuration.
2. Plot 158 - previously Plot 150. Plot handed and garage detached. Changed from Stone in favour of all Brickwork.
3. Plot 157 - previously Plot 149. Render omitted in favour of all Brickwork.
4. Plots 159/160 - previously 151/152. Slight amendment to positions on plan to accommodate technical stand-off requirements for the watercourse to the North.
5. Plot 151 - previously Plot 153. Render omitted in favour of all Brickwork.
6. Plots 162 to 171 - previously Plots 154 to 163 reconfigured to omit the Highway loop in favour of 2 separate shared drive configurations that meet with Access for Fire Regulations. This allows for the accommodation of the technical stand-off requirements for the watercourse to the North. The footpath connection along this Northern edge remains in place albeit configured differently.
7. Plot 162 - previously 154. Render omitted in favour of all Brickwork.
8. Plots 161/162 - previously Plots 153/154. Shared garage block to rear garden separated.
9. Plot 164 - previously Plot 156. Render omitted in favour of all Stone elevation.
10. Plot 170 - previously Plot 162. Render omitted in favour of all Stone elevation.
11. Plots 168/169 - previously Plots 160/161. Plot types changed and split into 2 detached units.
12. Plot 172 – previously Plot 164. Plot handed and pulled further Southwards. Garage taken out of the Streetscene and tucked up the side of the dwelling.
13. Plots 173/174 – previously Plot 165. Plot changed into 2 small plots taking better advantage of the aspect to the North onto the Greenspace. Both plots proposed in Stone elevations.
14. Plot 175 – previously Plot 166. Render omitted in favour of all Stone elevation.
15. Plots 176/177 – previously Plots 167 to 170. 4no dwellings replaced with 2no dwellings. Changed from 3 bed Baird House Types to 5 bed Larch House Types with all Brick Elevations.
16. Plot 178 – previously Plot 171. Newton house type changed to Newton Special version with outrigger to the rear. Stone elevation omitted in favour of all Brickwork to link better with Plots 176/177.
17. Plot 179 – previously Plot 172. Render omitted in favour of all Stone elevation.
18. Plot 180 – previously Plot 173. Plot handed.
19. Plot 181 – previously Plot 174. Slight adjustment to its position on the ground. Render omitted in favour of all Stone elevation.
20. Plot 192 – previously 185. Same type as approved but name change.

21. Plot 195 to 198 – previously Plots 188 to 190. 3 Block of 2 beds changed to 4 Block of 2 beds and associated parking to front amended / reconfigured.
22. Plot 199 – previously Plot 191. Garage block detached from house and slid Southwards past the rear elevation of the property to gain garden access.
23. Plot 200 – previously 192. Same type as approved but name change.
24. Plot 202 – previously Plot 194. Render omitted in favour of all Stone elevation.
25. Plots 203/204 – previously Plots 195/196. Newton house types changed to Newton Special version with outrigger to the rear. Stone elevation omitted in favour of all Brickwork.
26. Plot 205 – previously Plot 197. Render omitted in favour of all Stone elevation.
27. Plots 206 to 208 – previously Plots 198 to 200. Brickwork omitted in favour of all Stone elevation.
28. Generally across all plots the boundary alignments have been rationalised and boundary details changed during the design review process.

3.2.4 The following images detail the previously approved layout and proposed changes;



Fig 1: Northern edge of the approved layout under 10/17/0578



Fig 2: Amended proposal under consideration

3.2 Development Plan

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

3.3.2 Core Strategy

- CS16 – Form and Design of New Development

3.3.3 Local Plan Part 2

- Policy 8 – Development and People
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 18 – Housing Mix

3.4 Other Material Planning Considerations

3.4.1 Residential Design Guide Supplementary Planning Document

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

3.4.2 North Blackburn Masterplan

The site is within the North Blackburn Masterplan area, forming Phase A to D of the delivery strategy. The Masterplan was the subject of public consultation and was prepared in consultation with the land owners/promoters. It was adopted by the Council 16th March 2017015, and as such is a material consideration when considering this and future proposals for the area.

3.4.3 National Planning Policy Framework (2023)

3.5 Assessment

3.5.1 Condition 29 of 10/17/0578 requires development to proceed in accordance with the identified approved drawings. The current proposal seeks to revise the approved layout to address the need for an easement to the watercourse adjoining the northern edge of the site. In addition, there are changes to house types and facing materials.

3.5.2 Design and Layout:

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 a good understanding of the wider context and make a positive contribution to the local area, including enhancing/ reinforcing the established character of the locality. Similar requirements are also set out within Policy CS16

3.5.3 The consented scheme, 10/17/0578, sought to provide distinct character areas within the development; denoting the transition from the existing urban boundary on Yew Tree Drive, to the rural areas that adjoins the site's northern boundary. This approach was achieved through the use of lower densities on the northern edge and a shift from brick towards a mix of brick, render and stone facing materials.

3.5.4 The amended layout is not considered to deviate from the general approach highlighted above. The proposed changes to house types and plot boundaries do not materially affect the proposed density of development, whilst the changes to materials, as detailed within section 3.2.3 of this report, do not alter the transitional approach required by the adopted masterplan.

3.5.5 The new property types that are to be integrated in to the layout are broadly consistent with those approved under 10/17/0578. They are considered to have a modern appearance, though continue to reflect the vernacular form. The house types represent an appropriate variety of styles and, together with their orientation, will create varied and attractive street scenes.

3.5.6 Policy 18 of the Local Plan Part 2 illustrates that the Council requires a detached and semi-detached housing offer to be the principal element of the dwelling mix on any site that is capable of accommodating such housing. The current proposal remains compliant with this requirement. Indeed, the proposed changes include the replacement of apartment blocks within semi-detached properties within the north east corner of the site.

3.5.7 Consequently, compliance with the North Blackburn Masterplan and policies 11, 18 and CS16 is achieved.

3.5.8 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. The Council's adopted residential design guide SPD provides additional guidance with particular reference to separation distances between dwellings to ensure the amenity of residents is protected.

3.5.9 The Residential Design Guide SPD indicates an appropriate separation of 21 metres between facing windows of habitable rooms of two storey dwellings, unless an alternative approach is justified to the Council's satisfaction. Where windows of habitable rooms face a blank wall or a wall with only non-habitable rooms a separation of no less than 13.5 metres shall be maintained, again

unless an alternative approach is justified to the Council's satisfaction. The development remains consistent with these requirements, both in relation to the relationship to properties within the site and those on the periphery. Compliance with Policy 8 and the SPD is achieved.

3.5.10 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.

3.5.11 The proposals do not affect the previously agreed access points linking to the surrounding highway network. The principle highway related change relates to the removal of a highway loop adjacent to plots 159 and 163, due to a conflict with the easement required to the watercourse on the northern edge of the site. The amended scheme provides for the use of shared private driveways instead.



Figure 3: Previous permission showing the highway loop.



Figure 4: Showing the amendment to the layout adjacent to Plots 159 to 163.

3.5.12 The further amended details provided 25th October 2023, address the need for the tracking of fire engines and refuse trucks within the altered sections of highway. The proposals have been appraised by highway colleagues who have advised the revised layout is satisfactory. As part of the assessment of the revised layout the scheme has also been reviewed by colleagues within the environmental services team who have removed earlier objections due to bin carry distances for refuse workers now being limited through the provision of a bin store adjacent to plot 164.

3.5.13 The amended scheme remains consistent with the Council's adopted parking standards, with two and three bedroom properties having 2 in-curtilage parking spaces and four and five bedroom units having three spaces.

3.5.14 Consequently, the proposals remain in accordance with the requirements of policies CS22 and 10

3.5.15 Public Objection:

The single public objection, as detailed at section 9 of this report, seeks to revisit the principle of development within the site. Given the principle of development has already been secured by the extant permission 10/17/0578, the objection should not be given weight when assessing the merits of the application.

3.5.16 Summary:

This report concludes the proposed revisions to the extant planning approval continues to provide a high quality housing development with associated infrastructure, which meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, the adopted master plan for the North Blackburn area and the National Planning Policy Framework

4.0 RECOMMENDATION

Delegated authority is given to the Strategic Director of Growth and Development and the Deputy Chief Executive to approve the revised planning application subject to the reapplication of all conditions imposed upon planning permission 10/17/0578 and amendment to conditions 29, to read as below;

Condition 29

This consent relates to the submitted details marked received 9th May 2017 and to the Environmental Management Plan (reference: I&BPB7192R001F0.1_revision 0.1/Final) and Updated Ecology Report (reference: I&BPB7192R002F0.1_revision 0.1/Final) received 1st September 2017, Swept Path Analysis (drawing reference: 1956-SP01) received 12th September, Supplementary Highway Note received 27th September 2017, Amended section drawing (reference: 1519/WHD/YTD/SE01) received 20th October 2017 and the following amended details received 25th October 2023;
Boundary Treatment Plan 01; ref 011519WHD/YTD/BT01_revision D
Boundary Treatment Plan 02: ref 1519WHD/YTD/BT02_revision D
Fire Appliance Access Plan 01: ref 1519WHD/YTD/FA01_revision C
Fire Appliance Access Plan 02: ref 1519WHD/YTD/FA02_revision B
Materials Plan: ref 1519WHD/YTD/MP02_revision B
Site Layout Plan: ref 1519WHD/YTD/PL01_revision HX

And to any to subsequent amendments approved in writing by the Local Planning Authority.

REASON: To clarify the terms of this consent.

5.0 PLANNING HISTORY

- 5.1 10/17/0578 - Residential Development comprising 272 homes, public open space, landscaping, drainage, associated highway works, infrastructure and engineering works and demolition of existing garages (Approved by the Committee at their meeting in May 2018).

6.0 CONSULTATIONS

- 6.1 Public Consultation: 65 neighbouring properties have been individually consulted by letter, site notices displayed and a press notice issued. One letter of objection has been received and is set out at section 9 of this report.
- 6.2 Highways: Request for swept path analysis addressed through amended and further details received 25th October 2023. No objection.
- 6.3 Environmental Services: Initial concerns in relation to bin carry distances and refuse wagon manoeuvring addressed by amended details received 25th October 2023. No objection.

7.0 **CONTACT OFFICER: Martin Kenny, Planning Officer**

8.0 **DATE PREPARED: 2nd November 2023**

9.0 SUMMARY OF REPRESENTATIONS

Objection – J Whittaker, 239 Lammack Road, Blackburn. Received: 26/07/2023.

Martin Kenny
growth + development
The boss, Rishi Sunak, says house
building should be done on brown
belts and cities. Concreting over green
belts, as this council is doing, is
destroying our countryside!
It's all about greed and not 'Planet
Earth'.

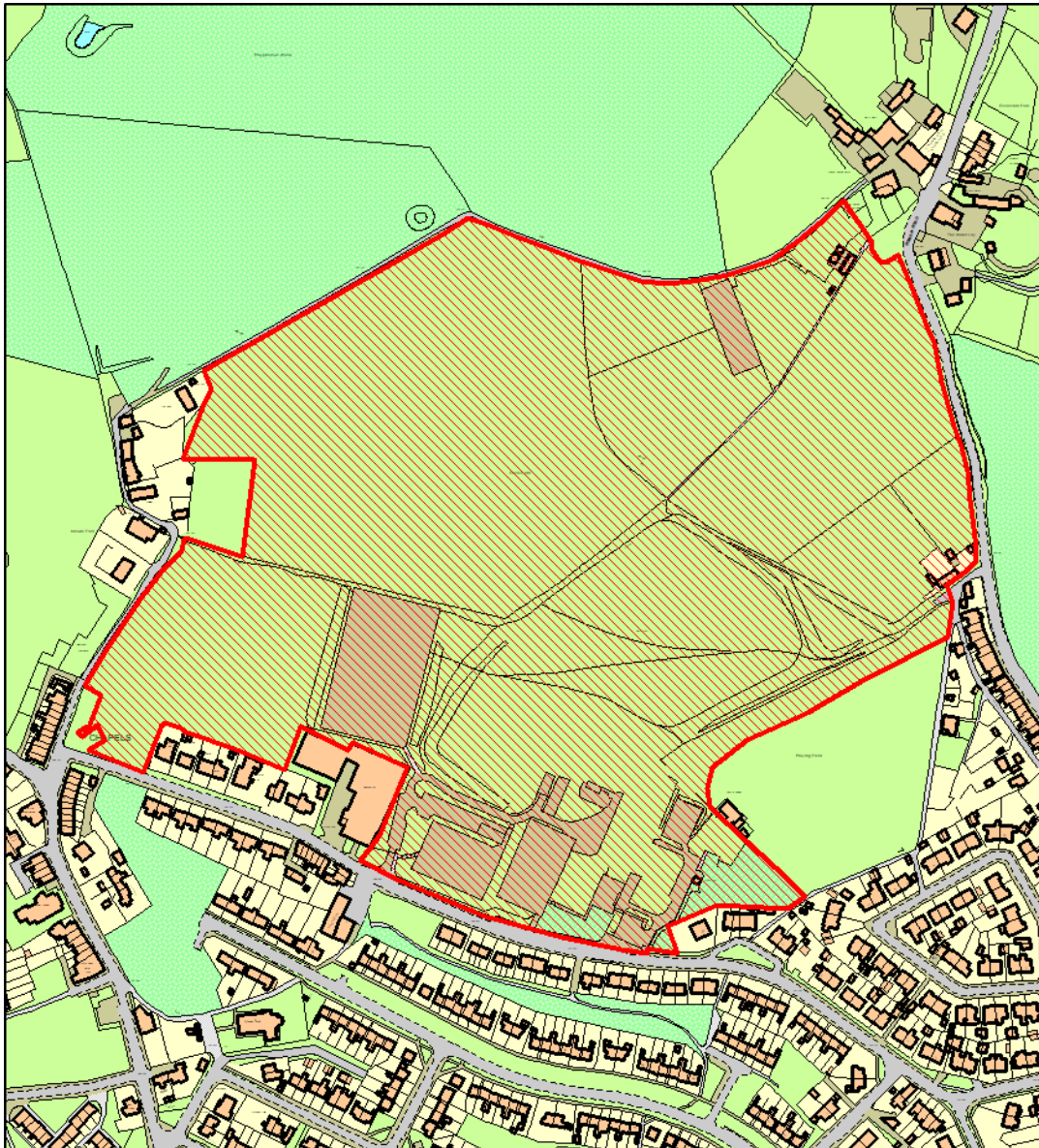
Proposed development: Full Planning Application for: Erection of 477 residential dwellings with public open space, landscaping, sustainable drainage systems (SuDs), demolition of existing stable buildings, new parking associated with the sports pavilion, additional parking off Knowle Lane, and vehicular access points off Holden Fold, Moor Lane and Roman Road.

**Site Address:
Land at Holden Fold
Darwen**

Applicant: Countryside Partnerships

**Ward: Darwen East
Councillor Martin McCaughran
Councillor Katrina Fielding
Councillor Matt Gibson**

**Ward: West Pennine
Councillor Jean Rigby
Councillor Julie Slater
Councillor Neil Slater**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 APPROVE – Subject to a Section 106 Agreement to secure payment of a commuted sum totalling £3,457,804 for additional primary school places in Darwen, secondary school and special needs places across the borough; highway improvement works and sustainable transport initiatives necessary to support the development; additional General Practice capacity; Green Infrastructure / Public Open Space provision towards the upgrade of Square Meadows Sports facility; provision for off-site Biodiversity Net Gain; together with provision of on-site affordable homes (24no.) to be “first homes”, and all the non-adopted green spaces and footways are dedicated for public use, and conditions. Full details are set out at paragraph 4.1.**

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The proposal is in the form of a full planning application. Submission follows pre-application consultation undertaken between the applicant and the Council. It is considered that the final scheme responds appropriately to representations made at pre-application stage and throughout the application process.
- 2.2 Detailed assessment of the application finds that the proposed development corresponds with the Council’s overarching housing growth strategy, as set out in the Core Strategy and Local Plan Part 2 and the emerging Local Plan. It also broadly accords with the principles set out in the site specific Masterplan (Holden Fold – February 2021). Delivery of a high quality housing led development will be secured, focussed on land that is allocated for housing, at Holden Fold, Darwen. Moreover, from a technical point of view, all issues have been addressed through the application or are capable of being controlled or mitigated through planning conditions and a Section 106 Agreement.
- 2.3 The scale of the proposed development directs the need for it to be screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the ‘EIA Regulations’) and supporting Planning Practice Guidance (PPG). This exercise was undertaken via an application submitted by the applicant for in EIA screening opinion (ref. 10/23/0572). Screening found that the proposal does not amount to EIA development. It does not, therefore, require submission of an Environmental Impact Assessment.

3.0 RATIONALE

3.1 Site and Surroundings

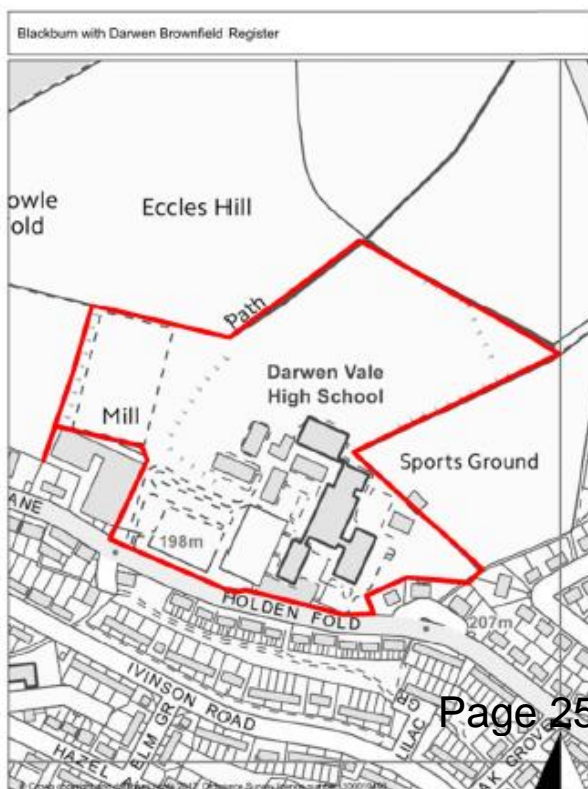
- 3.1.1 The application site (the site) is currently in multiple private ownership, and the area formally occupied by Moorland School is owned by the Council. Ownership would transfer to the applicant, should the application be approved.
- 3.1.2 The site comprises 18.5 hectares (45 acres). It is located at the northern edge of Darwen and is made up of pastoral agricultural fields and the site of the former Darwen Moorland High School - previously developed land - included as such on the Council's Brownfield Register. The school closed in 2008 and the buildings were demolished in 2016. Since then, level areas have been created for use as playing fields. Elsewhere reasonably small grazing paddocks are subdivided by hedgerows, walls and fencing.
- 3.1.3 The site is traversed by a network of public rights of way which form pedestrian links between Holden Fold and open land and between Holden Fold and Roman Road along the eastern boundary.
- 3.1.4 At the southern boundary is the urban edge of Darwen, where semi-detached housing features along Holden Fold, opposite the principal entrance to the former school. The route to the west of Holden Fold becomes Moor Lane where housing features on both sides of the road together with a small industrial unit.
- 3.1.5 The western boundary of the site is formed by Knowle Lane, a narrow access route which serves a group of residential properties. For most of its length it is an unadopted road. A public footpath runs through the collection of houses leading to Polyphemus Woods which is at the northern boundary of the site.
- 3.1.6 The eastern boundary is adjacent to Roman Road, where the land falls towards the hamlet of Eccleshill Fold at the north eastern corner. At this point Manor House Farm Cottage is an immediate neighbour. This is a designated heritage asset (Grade II listed). At the south eastern corner is Square Meadow playing fields.
- 3.1.7 There is a general fall in land level across the site from the southern boundary towards the north-west and the north-east. The lowest points are along the western margin.
- 3.1.8 There are reasonably level plateaus to the north of the land once occupied by the school buildings. These were created through localised bulk earthworks and they were used as school playing fields. Beyond the plateaus, the fall of the land is more pronounced.
- 3.1.9 The site does not lie within a protected ecological or landscape designation and is within an area with the lowest potential for flood risk (Zone 1).

3.1.10 In accordance with the bespoke site policy in the Local Plan Part 2, the site is brought forward in line with the 'Holden Fold Masterplan' which was adopted in February 2021, produced in collaboration with the sites current owners.

3.1.11 The site is identified below (extract from Holden Fold Masterplan, Feb 2021, Cass Associates).



3.1.12 The extent of land included on the Council's Brownfield Register is identified below (extract from BwD Brownfield Land Register). Any such land included on the register automatically benefits from permission in principle for housing led development. The register confirms the land as having the capacity to accommodate 142 dwellings.



3.1.13 Members are advised that with regards to the application site at 18.5 hectares (45 acres) the split between Council owned and private ownership is indicated below:

Land Ownership	Land Area (Acres)	%
Private Landowners	24.27	53.86%
Council	20.79	46.14%
Totals	45.06	100.00%

Source: Executive Board Report “Disposal of Land – Holden Fold of Land at Holden Fold, Darwen for residential development” – 8th December 2022.

3.1.14 Notwithstanding that the site is located within the defined Urban Boundary, it is also located within a defined Mineral Safeguarding Area.

3.2 Proposed Development

3.2.1 Full planning permission is sought for Erection of 477 residential dwellings with public open space (POS) landscaping, sustainable drainage systems (SuDs), demolition of existing stable buildings, new parking associated with the sports pavilion, additional parking off Knowle Lane, and vehicular access points off Holden Fold, Moor Lane and Roman Road.

3.2.2 The proposal involves demolition of stable buildings located in the north east corner of the site.

3.2.3 The submitted amended site layout, shown below (Woodcroft Design for Countryside properties, October 2023), confirms how the site would be developed. The following house types would be delivered:

- 101 two-bedroom dwellings;
- 247 three-bedroom dwellings; and
- 129 four-bedroom dwellings.

3.2.4 Provision of 119 affordable homes would be included in the development, delivered as follows:

- 47 no. two bedroom dwellings;
- 36 no. three bedroom dwellings;
- 12no. four bedroom dwellings; and
- 24no. three bedroom detached ‘First Homes’.



- 3.2.5 The net developable area of the site would be 12.67 hectare which gives a net density of 37.66 dwellings per hectare.
- 3.2.6 The development would provide 4.49ha of POS / Green Infrastructure. This includes a key area of open space adjacent to the access off Holden Fold. The POS would be accessible by pedestrian and cycle links throughout the site by the existing Public Rights of Way (PRoW) to provide continued connectivity between Holden Fold, Polyphemus Wood and Roman Road.
- 3.2.7 A Neighbourhood Equipped Area of Play (NEAP) is also provided within the main area of open space towards the southern end of the site which is accessible by the proposed pedestrian link paths to the existing sports and recreation ground.
- 3.2.8 Sample house types / street scenes are shown below (Design & Access Statement, Woodcroft Design for Countryside properties, May 2023).

Detailed Design - Street Scenes



3.2.9 Full details of the application are available on the Council's website.

3.3 Development Plan

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of planning applications must be made 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. Joint Lancashire Minerals and Waste Local Plan: Core Strategy DPD (February 2009) (Blackburn and Darwen Borough Council, Blackpool Council and Lancashire County Council, 2009); Site Allocations and Development Management Policies – Part One (September 2013) DPD (Blackburn and Darwen Borough Council, Blackpool Council and Lancashire County Council, 2013a); Site Allocations and Development Management Policies – Part Two (September 2013) DPD (Blackburn and Darwen Borough Council, Blackpool Council and Lancashire County Council).

3.3.3 Blackburn with Darwen Core Strategy Policies:

- Policy CS5: Locations for New Housing
- Policy CS6: Housing Targets
- Policy CS7: Types of Housing
- Policy CS8: Affordable Housing Requirements
- Policy CS13: Environmental Strategy
- Policy CS15: Protection and Enhancement of Ecological Assets
- Policy CS16: Form and Design of New Development
- Policy CS17: Built and Cultural Heritage
- Policy CS18: The Borough's Landscapes
- Policy CS19: Green Infrastructure
- Policy CS21: Mitigation of Impacts / Planning Gain
- Policy CS22: Accessibility Strategy

3.3.4 Blackburn with Darwen Local Plan Part 2 (2015) Policies (LPP2):

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 12: Developer Contributions
- Policy 16: Housing Land Allocations (16/12 - Holden Fold Darwen)
- Policy 18: Housing Mix
- Policy 36: Climate Change
- Policy 40: Integrating Green Infrastructure & Ecological Networks with New Development

- Policy 39: Heritage
- Policy 41: Landscape

3.3.5 Members are advised during the examination of LPP2 in December 2014, the Planning Inspector proposed revisions to the housing requirement and supply, which led to proposed modifications resulting in the removal of one allocated site, but the inclusion of two additional sites. (MM7). Policy 16/12 “Former Darwen Moorland High School/Land at Holden Fold”, was one of the sites that was proposed to be increased in size to include the greenfield land. The original allocation related to the school site (buildings and playing fields) only as indicated on the Brownfield Register (refer to paragraph 3.1.12). The site was assessed as part of the Green Belt Study, being a combined site providing the regeneration of a school site, together with a logical urban extension. The name of the allocation was changed to “Land at Holden Fold” (MM20). The site allocation was therefore increased to include the additional land as referred to in paragraph 3.1.11, and there is clear support from landowners for the development of the additional land in the short term. The modifications were subject to a public consultation for a period of six weeks from the 18th May 2015. On the 26th October 2015, the Planning Inspector confirmed that the LPP2 was sound and acceptable, and as such, LPP2 was formally adopted by the Council in December 2015 (ref: Report on the Examination of Blackburn With Darwen Site Allocations and Development Management Policies Local Plan Part 2, File Ref: PINS/M2372/429/1, dated 26th October 2015).

3.3.6 Policy CS1 (Safeguarding Lancashire’s Mineral Resources) of the Core Strategy identifies that Lancashire’s mineral resources will be identified and conserved where they are of economic, environmental or heritage value. Policy M2 (Safeguarding Minerals) restricts development in minerals safeguarded areas except in certain circumstances.

3.4 Other Material Planning Considerations

3.4.1 Emerging Blackburn with Darwen Borough Local Plan 2021 – 2037:
Blackburn with Darwen Borough Council is reviewing their current adopted Local Plan. The review will lead to a new Local Plan to replace the existing and will cover the period 2018 to 2037. As an emerging document, it carries weight in the decision making process.

3.4.2 The emerging Local Plan remains subject to ongoing Examination by Planning Inspectors. Following the examination hearings (early 2023), the Council has prepared a number of changes to the Submission Plan, including those requested by the Planning Inspectors, through a series of ‘Main Modifications’. These modifications were published, alongside a consolidated version of the Local Plan reflecting all (minor and major) proposed modifications, on 21 August 2023 for a 6 week consultation period, which closed on 2nd October 2023.

3.4.3 In the context of an emerging Local Plan, Paragraph 48 of the National Planning Policy Framework confirms that:

Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); and*
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).*

3.4.4 The emerging Plan allocates the land for housing under Policy H044-46.

3.4.5 Holden Fold Masterplan (Feb 2021):

The Masterplan provides spatial principles for land use, transport, design and green infrastructure. Fundamentally, it gives a structure to the development of the whole site and ensures that it is not developed in a piecemeal manner. It has been produced in collaboration with the Council, the land owners and the applicant / developer. Consultation on the masterplan and supporting technical studies took place over a four week period between 7th September and 5th October 2020.

3.4.6 BwD Residential Design Guide Supplementary Planning Document:

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

3.4.7 BwD Green Infrastructure SPD:

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

3.4.8 Air Quality Planning Advisory Note.

3.4.9 National Planning Policy Framework (Sept 2023) (The Framework):

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

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

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a sufficient supply of homes
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities

- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal erosion
- Section 15: Conserving and enhancing the natural environment

3.4.10 National Planning Policy Guidance (NPPG).

3.5 **Assessment**

3.5.1 In assessing this full application there are a wide range of important material considerations that need to be taken into account, which include the following:

- Principle of the development;
- Planning Gain / Section 106 contributions
- Amenity impact;
- Environmental impact;
- Highways / Accessibility & Transportation impacts;
- Design / Visual Impact;
- Climate change; and
- Heritage.

3.5.2 Principle of the Development

The site is located within a defined Mineral Safeguarding Area. A Mineral Resource Assessment (MRA) has, therefore, been submitted with the application.

3.5.3 Paragraph 209 of The Framework states:

“It is essential that there is a sufficient supply of minerals to provide infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.”

3.5.4 Paragraph 210 states:

“c) safeguard mineral resources by defining Mineral Safeguarding Areas; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);”

d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;”

- 3.5.5 Based on geological records it is known that all of the proposed development site contains mineral resources, including coal bearing strata and sandstone.
- 3.5.6 Policy M2 (Safeguarding Minerals) explains that planning permission will not be supported for non-minerals development unless the applicant can demonstrate that, amongst other matters:
- The mineral concerned is no longer of any value or has been fully extracted.
 - The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.
 - The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the mineral being worked.
 - There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource. The prior extraction of minerals is not feasible due to the depths of the deposit.
 - Extraction would lead to land stability problems.
- 3.5.7 Environmental considerations are critical to the feasibility of mineral extraction. In this instance, key consideration include the juxtaposition of the site to residential constraints afforded by roads and power lines and the impacts that would arise from extracting the minerals.
- 3.5.8 The MRA concludes that:
- There is no potential value in extracting the minerals, the extent and nature of which would not be commercially viable;
 - There is no prospect of prior extraction;
 - There is an overriding need for the proposed development;
 - The introduction of residential receptors would not result on proximal sterilisation of the wider MSA; and
 - The mineral is effectively sterilised by the land use context.
- 3.5.9 There is no prospect of minerals ever being worked in the future, so there is no conflict with the objectives of The Framework; and there is a clear, identified need for development in contributing to the borough's strategic housing delivery targets in the medium term, as evidenced by the current Local Plan and the emerging Plan.
- 3.5.10 The LPA accepts the findings of the MRA, in the absence of any contradictory evidence. The proposed development is, therefore, found to be in accordance with the requirements of the Joint Lancashire Minerals and Waste Plan, the Local Plan and The Framework.
- 3.5.11 The principle of housing led development at the site is considered under the Blackburn with Darwen Core Strategy Policies CS1, CS5, CS6 and CS7; and Local Plan Part 2: Site Allocations and Development Management Policies,

Policy 16 – Housing Land Allocations. Policy 16/12 (Holden Fold Development Site) allocates the site for housing.

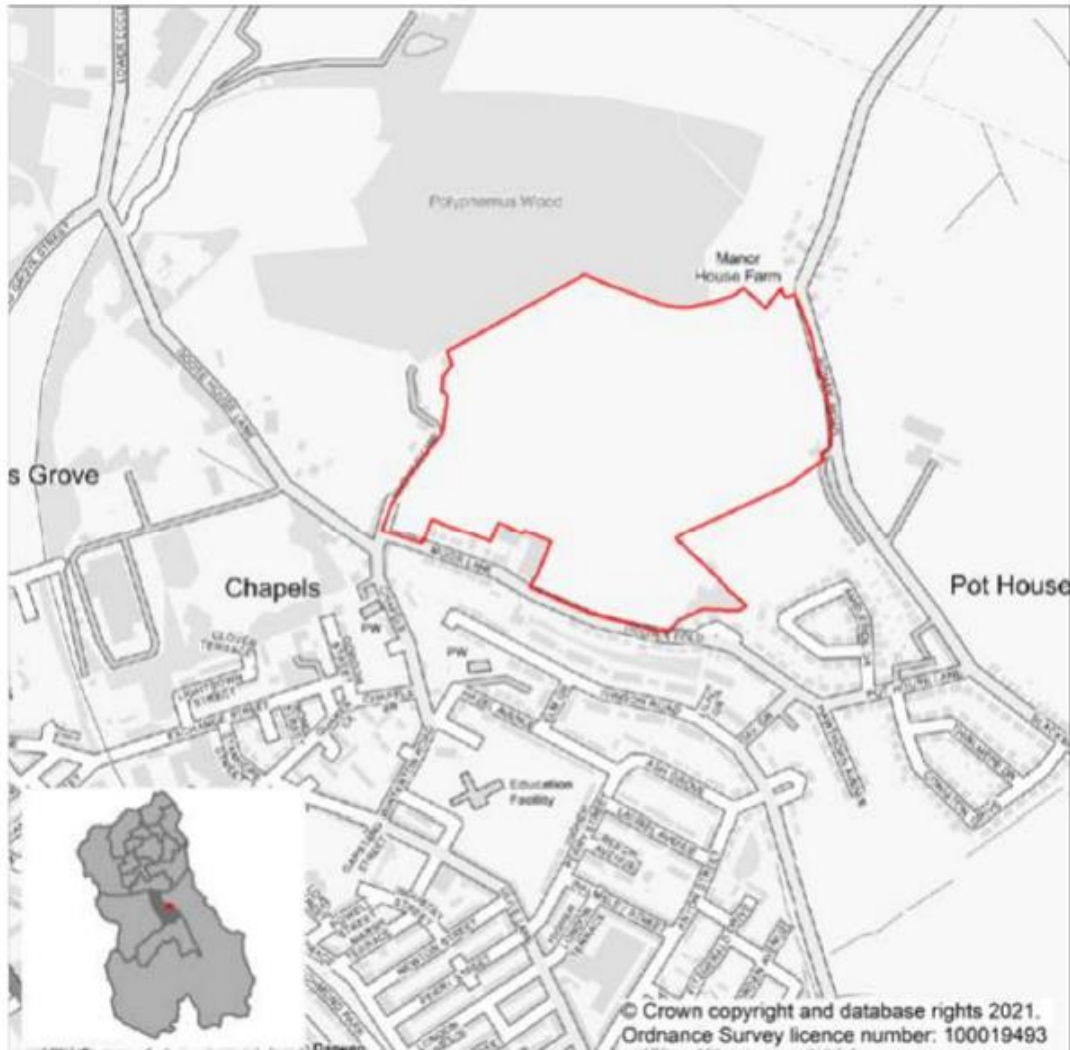
- 3.5.12 Core Strategy Policy CS1 explains that the overall planning strategy for the Borough is one of *'Targeted Growth'* and identifies a need for *'a limited number of small scale urban extensions'*.
- 3.5.13 Policy CS5 directs that the preferred location for new housing, where market conditions permit its delivery, will be the inner urban areas of Blackburn and Darwen. The Council's spatial strategy aims to ensure that new housing is built in the right place.
- 3.5.14 Policy CS6 Sets out the Councils numerical housing targets, up to the year 2026. A key focus for the Core Strategy is to avoid undermining weak housing markets in parts of the borough.
- 3.5.15 Policy CS7 encourages the development of a full range of new housing over the life of the Core Strategy in order to widen the choice available in the local market.
- 3.5.16 Policy 1 of the Local Plan states that the defined Urban Area is to be the preferred location for new development. Development in the Urban Area will be granted planning permission where it complies with the other policies of this Local Plan and the Core Strategy. The site is located within the urban area boundary defined on the proposals map.
- 3.5.17 Policy 7 on Sustainable and Viable Development echoes the presumption in favour of sustainable development set out in The Framework. Thus, applications that accord with policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 3.5.18 The sites housing allocation (Policy 16/12) confirms acceptability of the principle of housing led development.
- 3.5.19 The policy and the Masterplan set out an estimated yield of 315 homes by 2026, with housing delivery expected to continue beyond 2026.
- 3.5.20 Key development considerations set out in the policy and which form the basis of the masterplan principles, are as follows:

KEY DEVELOPMENT CONSIDERATIONS

1. A coherent design covering the whole site is required which identifies unifying characteristics and considers components including transport and site access, green infrastructure, landscape character and visual impact, drainage and ground conditions.
2. The allocation and subsequent development of the site will establish an amended urban boundary with the Green Belt. The proposed green infrastructure framework for the site should incorporate the creation of a robust Green Belt boundary that will be enduring beyond the plan period, be readily recognisable and create linkages throughout the site to enable beneficial use of the countryside/Green Belt.
3. The site is located within the West Pennine Moors. Development proposals will be required to be designed so as to minimise the potential impacts of development on the landscape character, ecological and recreational value of the West Pennine Moors.
4. Potential impacts of development on landscape character of surrounding countryside including protection of important landscape features such as areas of adjacent woodland.
5. The southern section of the site is within a designated Critical Drainage Area. Consider surface water management and the potential requirement to provide SuDs for on-site attenuation.
6. A network of public rights of way cross the site and run along the northern boundary. The development layout and scheme detailing should provide good connectivity to this established network including mitigation of any adverse impacts.
7. This is a key housing allocation on the edge of the urban area. The development should take full advantage of its potential to expand the housing offer in Darwen and the borough as a whole.
8. An area of green infrastructure/protected open space known locally as Square Meadow is located on the eastern boundary of the site. This area is used as a community sports pitch. The development should explore the opportunities to extend/enhance this use and create linkages with the on-site and surrounding network of open spaces.
9. Protection of adjacent designated heritage assets and their setting including Manor House Farm Cottage and church buildings at Lower Chapel and Church of St James'.
10. A contribution is required towards the provision of additional primary school capacity in Darwen.
11. Provide a contribution towards the Darwen Eastern Distributor Corridor.

3.5.21 Each of the identified policy requirements are discussed in detail throughout this assessment under the relevant policy header.

3.5.22 The site is proposed to be allocated for housing in the emerging Local Plan (emerging Policy H044-46). The policy reduces the size of the allocation to accord with the proposed site boundary, as confirmed below (BwD Emerging Local Plan 2021 – 2037). The policy estimates a yield of 397 homes over the plan period and 433 overall.



3.5.23 Although the proposed number of homes (477) exceeds the site yield figure (for houses) stated in the adopted and emerging policies, as well as the Masterplan (433), it is important to recognise that figures are indicative rather than absolute. The proposed number is established by taking into account a number of factors, including but not limited to the overall developable area of the allocation and economic viability.

3.5.24 Policy 18 of LPP2 concerns itself with Housing Mix. The policy requires detached and semi-detached housing to be the principle element of the dwelling mix on any site that is capable of accommodating such housing and where such housing would make a positive contribution to the character of the local area. The proposed mix - 101 two-beds; 247 three-beds; and 129 four-beds - is consistent with the policy requirement

3.5.25 Concern has been expressed that the Council is exceeding its housing delivery targets to an unwarranted extent. It is accepted that the Council can currently demonstrate a housing land supply well in excess of five years –

currently 21 years. It is, however, important to recognise that The Framework's requirement for Local Planning Authority's to demonstrate a five years housing land supply, is a *minimum* standard. Five years is not in a ceiling.

3.5.26 NPPG is clear that the standard method for calculating housing need arrives at a minimum number. It also sets out examples of when it might be appropriate for local authority areas to plan for higher levels of housing need than the standard method. The examples in Paragraph 10 of NPPG (Reference ID: 2a-010-20201216) include but are not limited to:

- growth strategies for the area that are likely to be deliverable;
- strategic infrastructure improvements; or
- an authority agreeing to take on unmet need from neighbouring authorities

3.5.27 Blackburn with Darwen's *strategic growth objectives* are clearly defined in both the adopted and emerging Local Plan. Housing delivery is a key focus of Economic growth. The Council's Economic Needs Update Report (Iceni, Sept 2021) confirms that, to support the borough's economic growth forecast, there would need to be provision of 447 new homes per year.

3.5.28 The significantly advanced status of the emerging Local Plan and receipt of confirmation, in principle, from the appointed Inspectors for the Examination in Public (January 2023), that the strategic objectives around housing need are sufficiently evidenced based and that forecasted delivery rates are achievable, represents an up to date and robust justification for the Council's approach to housing delivery, which is consistent with the alternative approach of planning for higher levels of housing need.

3.5.29 Accordingly, as a proposal which would deliver an appropriate mix of homes, on a site allocated for housing, the principle of the development is found to be entirely acceptable, in accordance with the strategic aims and objectives of the Development Plan, The Masterplan and The Framework.

3.5.30 Affordable Housing

Policy CS8 requires all new residential development to contribute towards meeting an identified need for affordable housing. This can be achieved through on-site provision, or through a commuted sum to be used in supporting the delivery of affordable housing elsewhere in the Borough. The overall target is for 20% of new housing to be affordable.

3.5.31 Core Policy 4 (CP4) of the emerging Local Plan explains that developments of ten or more dwellings require at least 20% of homes delivered to be affordable, in accordance with Policy DM5.

3.5.32 The Council's Housing Economic Needs Assessment 2018 (HENA) identifies the need for 108 affordable dwellings per annum in the Borough. The HENA identifies a 'notable need' for affordable housing in the Borough. The HENA also suggests that affordable housing delivery should be

maximised where opportunities arise, particularly for affordable housing to rent.

- 3.5.33 An Affordable Housing Statement (AHS) has been submitted with the application. This confirms that the proposal would deliver 119 affordable homes – 25% of the total – which would be built by the applicant. 95 would be transferred to a Registered Provider – Together Housing (TH) – who would retain management responsibility for the homes and 24 would be ‘First Homes’ sold and marketed by Linden Homes, as part of the Vistry Group. The AHS provides details of how the homes would be transferred and managed by TH. The Council’s Strategic Housing Manager is supportive of the proposal. Compliance with the AHS would be secured via condition. First Homes would be secured via the S106 Agreement.
- 3.5.34 The submitted site layout confirms the location of the proposed affordable homes which would be pepper potted around the site. All houses would be finished to the same standard, to ensure a ‘tenure blind’ development is achieved.
- 3.5.35 Delivery of affordable housing amounting to 20% of the proposed total, is found to be in accordance with the requirements of Policy CS8 and The Masterplan.
- 3.5.36 Developer Contributions via Section 106 Agreement
Impacts on infrastructure and services arising from the development should be mitigated. The Council is committed to ensuring that an appropriate balance is struck between securing necessary investment from new development and maintaining the financial viability of high quality development that will lead to growth.
- 3.5.37 Policies CS21 and 12 require new development to contribute to mitigating its impact on infrastructure and services, considered in the context of all policy and site specific requirements, through Section 106 Agreements.
- 3.5.38 Emerging Policy 12 (CP12) confirms that development will be expected to contribute to the provision of new infrastructure, or the improvement / replacement of existing infrastructure, which is required to meet the needs arising from the development, to mitigate its impacts, and / or to serve the needs of the wider area.
- 3.5.39 The Council has produced an Infrastructure Delivery Plan (Dec 2021), in support of the emerging Local Plan. It provides an evidence base for infrastructure needs arising from planned development in the draft Local Plan for the period up to 2037, taking account of social, environmental and economic infrastructure requirements.
- 3.5.40 Financial contributions off the applicant totalling **£3,457,804** are mutually agreed. The Contributions would be secured via a Section 106 Agreement, in accordance with a payment profile. The contributions would be for the following:

Education

The Pupil Yield Study (Edge Analytics, Oct 2021) has confirmed that additional primary school places would be required in Darwen as a result of major housing developments in the area. A contribution of **£1,000,000** would, therefore, be secured to provide additional primary school places in Darwen, as well as secondary school place provision across the Borough and special needs places within the borough.

Highways

A total contribution of **£1,875,000** would be secured to fund highway improvement works and sustainable transport initiatives necessary to support the development. This would include £950,000 for the Darwen East Development Corridor and £925,000 to provide a new junction at Moor Lane, Darwen. The new junction benefits from planning permission granted in May this year (application ref. 10/23/0143). The works will be delivered by the Council.

Health Facilities

As requested by Lancashire and South Cumbria Integrated Care Board (ICB), a contribution of **£342,088** would be secured. This would provide increased general practitioner capacity; specifically towards the reconfiguration and extension at Hollins Grove surgery, Darwen Health Centre & Spring-Fenisco surgeries (Springfield Surgery 102 Bolton Road, Darwen).

Green Infrastructure (GI) / POS

The Masterplan recognises the proposed development as an opportunity to leverage some investment into Square Meadow Sports Facility. Accordingly, a contribution of **£50,000** would be secured for the upgrade of the facility. GI will also be provided on site within each phase of the development and managed in perpetuity. The on-site provision of GI will form part of the s106 agreement rather than be included as a planning condition.

Biodiversity Net Gain (BNG)

A BNG Assessment has been submitted with the planning application which has been reviewed by the Councils Ecology consultants at GMEU. The net gain assessment indicates a requirement of 9.78 biodiversity units (BU) in order to achieve a 10% net gain, as required by emerging Local Plan. The requisite BU equates to a financial contribution of **£156,480** (£16,000 per BU), as compensation to provide off-site mitigation.

Monitoring Fee

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

3.5.41 The Section 106 payment profile would be as follows:

HOLDEN FOLD, DARWEN											
Countryside Homes - S106 Payment Profile											
Planning Reference	10/23/0587										
Number of Dwellings	477										
		Payment Profile									
S106 Category	S106 Contribution	Feb-2024	Feb-2025	Feb-2026	Feb-2027	Feb-2028	Feb-2029	Feb-2030	Feb-2031	Feb-2032	Feb-2033
1 Monitoring	£34,236		£3,804.00	£3,804.00	£3,804.00	£3,804.00	£3,804.00	£3,804.00	£3,804.00	£3,804.00	£3,804.00
2 Health / Integrated Care Board	£342,088		£342,088.00								
3 Education	£1,000,000				£500,000.00	£500,000.00					
4 Highways	£1,875,000	£925,000.00	£450,000.00	£500,000.00							
6 Public Open Space/FOSM	£50,000		£50,000.00								
7 Affordable Housing	On Site										
8 10% Biodiversity Net Gain	£156,480			£39,120.00	£39,120.00	£39,120.00	£39,120.00				
Totals	£3,457,804	£925,000.00	£845,892.00	£542,924.00	£542,924.00	£542,924.00	£42,924.00	£3,804.00	£3,804.00	£3,804.00	£3,804.00

3.5.42 Sports Facilities:

Sport England (SE) comment that the additional population generated by the new development (c. 1440 residents) would increase demand for sports facilities in the borough, and that a s106 contribution should be requested to fund enhancement and / or new facility projects identified in the Playing Pitch and Outdoor Sports Strategy (PPOSS). Using SE's Sports Calculator, they request a total contribution of £893,858 would be required to meet additional demand.

3.5.43 The Council has questioned the methodology used by SE in arriving at their forecasted increase in population, on the grounds that evidence from house builders on currently active / recently completed housing sites in Blackburn and Darwen, show that typically over 70% of homes are occupied by existing residents of the borough. Therefore, a reasonable assumption would be that only a relatively minor proportion of the population occupying the site should be incorporated into SE calculation.

3.5.44 Notwithstanding the above, a Viability Assessment has been submitted by the applicant, to inform whether or not the development would be viable if all financial contributions were to be secured, including that of SE. Independent audit of the assessment concludes that the development would not be viable in this case. As confirmed by Policy CS21, the viability of development is a material consideration.

3.5.45 Accordingly, refusal of the application, for reason of failure to secure the SE contribution, must be weighed against the benefits arising from the development. It is considered that the social, environmental and economic benefits of the development, at a site allocated for housing, considered in the context of the Framework's presumption in favour of sustainable development, outweighs refusal of the application. Members are, therefore, recommended to support the application.

3.5.46 The Viability Appraisal Summary is appended to this report as Appendix 1.

3.5.47 These financial contributions represents a proportionate, evidence based contribution from the developer which would provide the necessary infrastructure, facilities and biodiversity measures to adequately mitigate the impact of the development, whilst ensuring the development remains viable, in accordance with the requirements of Policies CS21 and 12, and The Masterplan.

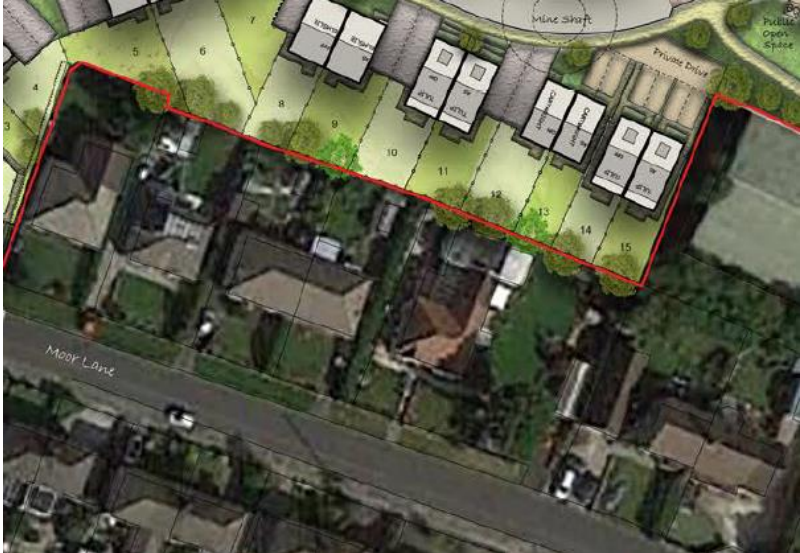
3.5.48 Amenity

Policy 8 requires development to contribute positively to the overall physical, social, environmental and economic character of the area. It is also required to secure a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings

3.5.49 Relationship between buildings:

Assessment of the submitted site layout and cross section detail confirms that separation between proposed dwellings and existing dwellings around the periphery of the site is broadly in accordance with the Council’s adopted minimum standard of 21m between primary *facing* windows and 13.5m between primary windows and blank elevations.

3.5.50 The relationship between proposed Plots 12 and 13 and the bungalow Summer Hill, Moor Lane has been assessed as acceptable. A site inspection has confirmed the absence of windows in the rear elevation of Summer Hill, other than a roof light. A ground floor conservatory is, however, identified to the rear of Summer Hill, which has fully glazed elevations, including a side elevation that would be circa 13m away from the rear habitable room windows of Plot 13. As a conservatory benefitting from windows on three sides, it is considered reasonable that the occupants of Summer Hill could utilise blinds along the side facing Plot 13, in order to mitigate any loss of privacy. Below is an extract from the submitted amended site plan showing the location of Plots 12 and 13 and the relationship with the properties on Moor Lane.



3.5.51 Separation between proposed dwellings within the site would be broadly compliant with the adopted standards. Shortfalls would, however, exist as follows:

Facing Plots	Adopted Separation Standard(M)	Proposed Separation(M)
18 - 27	13.5	10.5
34 & 35 – 54 & 55	21	18
8 & 9 – 42 & 43	21	15.5
126 & 127 – 138 & 139	21	16
125 - 140	21	13
421 - 427	21	19.5
184 – 217 & 218	21	20
185 - 215	21	19.5
186 - 214	21	19.5

3.5.52 The Residential Design Guide SPD, at Policy RES 2G, supports a relaxation of adopted separation standards where an alternative approach is justified. The areas in which modest shortfalls would arise are generally confined to the west of the site, close to existing areas which feature a tighter urban grain. As proposed to proposed relationships and having regard to The Frameworks presumption in favour of sustainable development as well as the developments viability, such relaxation is considered justified in this instance.

3.5.53 Generous external space would be provided for all homes to serve the needs of householders, with reference to amenity and refuse storage, without impacting on neighbouring occupants.

3.5.54 Noise:

A Noise Impact Assessment (NIA) has been submitted with the application to assess potential noise impacts arising from traffic noise and activities undertaken at Bee Hive Mill. The assessment has been reviewed by the Council's Public Protection consultee, who recommends a condition to secure acoustic barriers to proposed dwellings, in accordance with the recommendations of the NIA. Submission of a Glazing and Ventilation scheme is also recommend via condition.

3.5.55 Lighting:

In the interests of safeguarding residential amenity, it is recommended that a lighting scheme for lighting proposed around the car parking area which would serve Friends of Square Meadows (FoSM) sport facility, is submitted via condition.

3.5.56 Air Quality:

An Air Quality Impact Assessment (AQIA) has been submitted with the application and reviewed by the Council's Public Protection consultee. The main source of air quality impact would be emissions generated by road traffic, associated with both operational and construction phase of the development. Traffic modelling included in the submitted Transport Assessment (TA) has also been reviewed to aid assessment. Submission of further information is recommended to verify traffic modelling outcomes and to inform necessary mitigation. Accordingly, submission of an additional AQIA, commensurate

with the information required for a Type 3x development (in accordance with the BwDBC Air Quality Advisory Note), is recommended to be secured via condition. Submission of a Construction Phase Dust Management Plan is also recommended. However, dust control measures specified in the submitted Construction and Environmental Management Plan (CEMP) are considered adequate.

- 3.5.57 Provision of electric vehicle charging points for each dwelling is also recommended by Public Protection. Charging points for every new home is, however, a requirement of the current Building Regulations regime (Approved Document S). Therefore, as a matter controllable under alternative legislation, it would not be necessary for charging points to be secured within the scope of this application.
- 3.5.58 Submission of a Green Travel Plan is recommended via condition, to promote and manage sustainable methods of travel, thereby reducing reliance on the use of private vehicles.
- 3.5.59 Construction Phase:
The submitted CEMP contains mitigation measures considered to proportionately address impacts arising during construction phase, including highway cleansing and general nuisance (noise dust etc). Implementation of the CEMP would be secured via condition.
- 3.5.60 A bespoke condition to require submission of a noise and vibration monitoring scheme, should pile driving (or similar) be required for foundation methodology, is recommended.
- 3.5.61 Limited construction hours of between 08:00 - 18:00 hours Monday to Friday and 09:00 - 13:00 on Saturdays would be secured via condition.
- 3.5.62 Contaminated Land:
A Phase 1 Geo-Environmental Desk Study (July 2017) supports the Masterplan. It identifies that low level contamination could be present in Made Ground, as well as the potential for contamination hotspots. Intrusive ground investigation shall be submitted with an application, to inform a detailed strategy to address any contamination or ground gas issues.
- 3.5.63 A Phase 1 and a combined Phase 2 & Phase 3 Remediation Strategy has been submitted with the application, following intrusive site investigations comprising 20 window sample boreholes and 72 trial pits. Ground conditions found across the site typically comprises made ground or topsoil, over deposits of predominantly Glacial Till CLAY over gravel, representative of bedrock or mudstone in the northern section of the site and sandstone in the southern section of the site. The information has been reviewed by the Council's Public Protection consultee. Information contained within the submission is currently insufficient to conclude that the proposed Remediation Strategy would be acceptable. Accordingly, application of the Council standard contaminated land conditions is recommended.

- 3.5.64 **Coal Mining Legacy:**
The site falls within a defined Development High Risk Area, as confirmed by submission of a Shallow Mining Site Investigation Works Report. The report has been reviewed by the Coal Authority, who concur with the recommendations of the report that coal mining legacy potentially poses a risk to the proposed development and that further intrusive site investigation works and remediation works should be undertaken prior to development. Accordingly, submission of a scheme of intrusive site investigations and remedial works, as necessary, is recommended to be secured via condition; as is verification of the undertaking of any approved remedial works. Subject to these conditions, the Coal Authority offers no objection.
- 3.5.65 Accordingly, it is found that satisfactory levels of amenity and safety would be secured for existing and future residents. The development is also considered to contribute positively to the overall physical, social, environmental and economic character of the area, in accordance with the requirements of Policy 8, The Masterplan and The Framework.
- 3.5.66 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
- 3.5.67 **Drainage:**
The Masterplan requires that the new site drainage system should be designed with capacity to prevent flooding during a 1 in 30 year storm event and to contain water generated from a 1 in 100 year plus climate change storm event, whilst recognising that use of soakaways may not be feasible, and that surface water attenuation should be provided through a combination of sustainable drainage systems (SuDS) features and more traditional storage methods.
- 3.5.68 A Flood Risk Assessment (FRA) and drainage strategy is submitted with the application, notwithstanding that the site lies entirely within Flood Zone 1 (low risk), which have been reviewed by the Councils Drainage consultee, as Lead Local Flood Authority, and United Utilities (UU). The FRA concludes that there is a low risk of flooding from fluvial sources. Focus is, therefore, on the management of surface water runoff arising from the development.
- 3.5.69 A site wide drainage strategy has been designed which ensures positive drainage of the site into two existing surface water sewers in the existing road network to the south of the site via five above ground attenuation basins.
- 3.5.70 The surface water strategy splits the site into two, with an eastern and western network. Both networks drain via gravity fed networks within the proposed highways and or through open channels. Above ground SuDS feature within the site - there are two attenuation basins on the eastern side, one mid-east and one to the south, in response to the site topographical characteristics. These basins will be connected by a piped network and

discharge into an existing surface water sewer in Holden Fold at a rate of 27l/s. The 3 basins serving the western side of the site are located close to the northern and western boundaries and also discharge into an existing surface water sewer at the junction of the site with Moor Lane. The discharge from the western side will be restricted to 45 l/s. Below are extracts from the submitted amended site plan showing the location of the proposed basins along the western side of the development site, and the mid-east and southern boundary of the site.



3 basins along the western boundary



2 basins – mid-east & to the south

- 3.5.71 It is accepted that no increased flood risk would arise that would otherwise impact downstream areas.
- 3.5.72 The proposed foul water would discharge to the existing combined water network with a proposed diversion, as shown on the drainage strategy drawing.
- 3.5.73 Assessment of flood risk and proposed mitigation thereof is consistent with the policy requirement. The Council's Drainage consultee, as Lead Local Flood Authority offer no objection to the proposed drainage methodology, subject to securing implementation of the approved scheme and submission of a Construction Phase Surface Water Management Plan via conditions. A Management and Maintenance Strategy for the lifetime of the surface water drainage system would also be secured via condition, notwithstanding submitted details which have not been peer reviewed at the time of writing this report. Informal confirmation that United Utilities (UU), offer no objection to the drainage methodology has been received via the developer. To date, formal confirmation of the same, direct from UU, is outstanding. It will be represented in an Update Report.
- 3.5.74 Ecology:
A Preliminary Ecological Appraisal has been submitted with the application and reviewed by the Council's Ecology consultee (GMEU). It is confirmed that the site is not a designated site nor adjacent to a designated site and the site

is not of significant ecological value. The site falls within the Impact Risk Zone of the West Pennine Moors Site of Special Scientific Interest (SSSI) which is located approximately 2km southwest of the site.

- 3.5.75 Great Crested Newts (GCN): Three ponds were identified within 250m of the site and subject to an environmental DNA analysis. No evidence of GCN was recorded, with eDNA results negative. It is confirmed that no further information or measures are required.
- 3.5.76 Badger: No evidence of badger was recorded. However habitat is suitable for foraging with habitat nearby suitable for sett creation. Reasonable avoidance measures are recommended which would be secured via condition. It further recommend that an updated survey is undertaken prior to earthworks, given the ability of badger to colonise a site. The survey would be secured via condition.
- 3.5.77 Other Protected Species: It is confirmed that all other protected species are reasonably discounted from breeding on the site, though various birds of prey could forage across the site. No further information or measures are required.
- 3.5.78 Nesting Birds: Although no breeding bird surveys have been carried out, it is accepted that the site is sub-optimal for ground nesting birds owing to the levels of recreational disturbance. A condition prohibiting tree, shrub and turf stripping works between 1st March and 31st August in any calendar year is recommended.
- 3.5.79 Other Wildlife: The site has the potential to be utilised by priority species such brown hare, hedgehog and common toad. It is, however, acknowledged that the site is not of significant importance for any such species and that any present can be displaced during construction, and that post development species such as common toad and hedgehog could potentially benefit from the more varied habitat. Implementation of the outline recommendations referenced in sections 5.4.2, 5.4.5 and 5.4.6 of the Appraisal should be secured via condition.
- 3.5.80 Invasive Species: Himalayan balsam was recorded on the site. Submission of an Eradication Method Statement should, therefore, be secured via condition.
- 3.5.81 Contributing to and Enhancing the Natural Environment: Paragraph 174 of The Framework states that the planning policies and decisions should contribute to and enhance the natural and local environment. It is confirmed that the development would result in the loss of a large area of low ecological value grassland and smaller areas of other habitats, which would be replaced primarily with housing and vegetated gardens. Areas of public amenity space would remain.
- 3.5.82 Bats: Bat Emergence Survey's have been submitted with the application, in relation to the proposed demolition of stable buildings. The surveys confirm

no presence of bat roosts in any of the buildings. Accordingly, it is accepted that the proposed development would not have any adverse impact on roosting sites.

- 3.5.83 Bat activity was recorded, demonstrating that the site is used as foraging habitat. Given the sub-optimal open nature of the site, it is accepted that bats are not likely to be reliant on the fields. Moreover, the retained and new linear features would provide adequate mitigation. No further survey information is required and no constraints, therefore, exist for the demolition of the stable buildings.
- 3.5.84 It is also recommended that a scheme for bat & bird boxes / bricks, as well as hedgehog passes is secured via condition.
- 3.5.85 Biodiversity Net Gain: The Framework states that development should provide a net gain in biodiversity. The emerging Local Plan requires a 10% net gain is achieved on major development. Given the advanced stage of the plan, as well as the scale of the proposed development, notwithstanding that the 10% net gain is not currently mandated at national level, under the Environment Act 2021, a 10% uplift is required. Following assessment of a submitted Biodiversity Metric 4.0 Calculation Tool, it is confirmed that the development would result in the loss of 5.48 biodiversity units, with 9.78 units required to achieve the 10%. As the 10% cannot be achieved on site, a financial contribution of £156,480 (£16,000 per biodiversity unit) would be secured via a Section 106 Agreement, as aforementioned, to provide off-site mitigation. A specific site is not currently identified, as work is ongoing to identify optimum opportunities across the borough for where the money should be spent. An area local to the site would be the preferred option.
- 3.5.86 Multi-functional green infrastructure / informal green space is a strong component of the Masterplan, with opportunities for ecological / biodiversity enhancements
- 3.5.87 It is expected that the green infrastructure will be maintained in perpetuity by a management company which will be funded through a service charge on individual houses
- 3.5.88 Trees / Landscaping: The Masterplan confirms that trees across the site are generally of low value. An Arboricultural Impact Assessment (AIA), Landscape Plan, Planting Plans and a Landscape Environmental Management Plan have been submitted with the application. Each has been reviewed by the Council's Arboricultural consultee.
- 3.5.89 The AIA identifies 41 groups of trees and 32 individual trees across the site. 39 individual trees, 31 tree groups and 2 sections of two tree groups are proposed for removal to facilitate the development. Of the 26 Category B (moderate grade) individual and groups of trees listed, 5 individual trees and 3 groups would be retained. None of the 3 Category A (High grade) would be retained. Most of the tree retention is situated in the south, east corner of the site, in the vicinity of the proposed play area. The applicant has provided

written confirmation that the community hedgerow which defines the northern boundary of FoSM would be retained, subject to any necessary minor pruning works, to tie the hedgerow into adjacent (proposed) landscaping. Retention and a scheme of pruning would be secured via condition.

- 3.5.90 As confirmed by the Council's Arboricultural consultee, considered in the context of the sites allocation for housing, the identified tree removal is accepted. The Landscape documents provide comprehensive planting details, including a schedule for the maintenance and aftercare of the soft landscaping, set out in the Landscape, Environmental Management Plan. The specified maintenance should ensure establishment of planting material. The zone landscape plans detailing ornamental shrub planting mix, provide a suitable mix of species.
- 3.5.91 It is accepted that proposed planting will provide suitable landscape structure for the housing layout and the overall extent of proposed planting would adequately mitigate loss of existing trees.
- 3.5.92 Tree protection, or retained trees throughout construction phase, is specified in the AIA.
- 3.5.93 Compliance with the AIA and landscape planting and management would be secured via conditions.
- 3.5.94 Accordingly, the environmental impact of the development is found to be acceptable and in accordance with the requirements of Policies 9 and 40, The Masterplan and The Framework.
- 3.5.95 Accessibility and Transportation
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.
- 3.5.96 A Transport Assessment has been submitted with the application, which has been reviewed by the Council's transport consultee.
- 3.5.97 Access: Proposed access into the site from Holden Fold, Moor Lane and Roman Road is in accordance with the Masterplan principles, and design codes set out in Manual for Street, as follows:

Holden Fold: this is proposed as a simple priority junction with a 6m wide access road and 2m footways. Visibility splays of 2.4m x 43m would be provided.



Roman Road: A new roundabout junction would be provided at the location. The access road would be 6m wide with 2m footways and visibility splays of 2.4m x 43m. The proposal is also supported by the extension of the 30mph speed limit along Roman Road to the north of the site, to include the new access junction.



Moor Lane: A simple priority junction with a 6m wide access road and 2m footways would be provided.



- 3.5.98 Internal layout: A defined street hierarchy, providing legibility through the site, would be provided, including a 5.5m wide road with 2.0m footways linking Holden Fold to Roman Road, akin to a spine road / primary street, providing vehicular access to the majority of plots. It would also be feasible as a bus route, should one be introduced in the future. It is confirmed that no land retaining features are required to support the highway network, and that all streets would be adopted and delivered through a Section 38 Agreement. Full engineering and future maintenance details would be secured via condition.
- 3.5.99 Trees would feature along much of the length of the street, on both sides of the carriageway, to create character and habitat. Moreover, studies find that tree lined streets can contribute towards traffic calming. More bespoke traffic calming measures would be agreed by highway engineers at technical approval stage, under s278 (Highways Act) regime.
- 3.5.100 Review of a swept path analysis for the site confirms that standard sized refuse vehicles would be able to manoeuvre throughout the street network.
- 3.5.101 A central footway and cycle way would run through the site from its north east corner at Roman Road, through the Holden Fold at the south. The route would be lit by low level bollards and light spill from lighting columns on adjacent streets. The route would be managed by an appointed management company, as would all areas of POS.
- 3.5.102 Housing is appropriately oriented to face the outer margins of the site and green spaces and green pedestrianised corridors. Urban lanes and varying surface finishes at key junctions would be provided, at soften the visual appearance of the street network.
- 3.5.103 Parking: The Council's benchmark standards would be broadly achieved across the site, defined below. It is considered prudent to require garages to

be retained as such, via condition, to prevent conversion into habitable living space, in order to ensure retention of in-curtilage parking.

- 2 & 3 bed houses – 2 car spaces and 2 secure cycle spaces per dwelling;
- 4 bed houses – 3 car spaces and 2 secure cycle spaces;
- outdoor parking space dimension – 5.5m x 2.4m; and
- garage dimension 3m x 6m.

3.5.104 A 25 space car park is proposed to serve FoSM sports facility which does not currently benefit for a formalised parking area. It is considered that the car park would represent a betterment for the users of FoSM, as well as the wider community, by reducing the frequency of overspill on-street parking. Refer to image in para 3.5.97.

3.5.105 Community parking is also proposed in the form of a 5 space car park to serve POS towards the south of the site, including a Neighbourhood Equipped Area of Play (NEAP), full details of which would be secured via condition; and 8 spaces at the north of the site, to serve visitors to Polyphemus Woods.

3.5.106 Impact on the existing highway network: Forecasted trip generation based on the Trip Rate Information Computer System (TRICS) and National Trip End Model (NTEM), confirms no significant adverse impacts would arise on the network.

3.5.107 Junction modelling confirms the following:

3.5.108 The proposed site access at Holden Fold would operate well within capacity in all scenarios tested.

3.5.109 The proposed site access at Roman Road / Pothouse Lane would operate well within capacity in all scenarios tested. It is however shown to be operating close to capacity in the 2031 with the development scenario.

3.5.110 The existing junction at Roman Road / Blackamoor Road, would not be significantly impacted. The Council is, however, currently assessing the junction to determine if further improvements can be made to the signal phasing, staging or the controller to improve performance.

3.5.111 The existing junction at Roman Road / Marsh House Lane would not be significantly impacted, notwithstanding that the Local Plan Transport Study predicts the junction would operate over capacity in 2025. Accordingly, it recommends a compact roundabout junction as an improvement to the existing mini-roundabout layout scheme be introduced by 2037. It should be noted that no contribution is sought from the proposed development for these works.

3.5.112 The existing Ellison Fold / Marsh House Lane junction would operate well within capacity in all scenarios tested.

3.5.113 Active Travel England (ATE):

From 1st June 2023, ATE are statutory consultees on applications for 150 homes or more. The active travel programme promotes a shift towards sustainable transport networks. Aspirations are to create a 'travel revolution' to make places truly walkable and for cycling to be a mass form of transit.

3.5.114 ATE comment that they are not in a position to support the application and recommend further assessment, evidence and / or dialogue. Their comments are set out in full under the consultation section of this report, at paragraph 6.18.

3.5.115 ATE recommend provision of a pedestrian link, in the form of a ramped access, from the southern edge of the site, to primary routes to schools and other key amenities; a 5m wide segregated footpath and cycle path through the centre of the site; provision of cycle lanes along the main routes through the site; and general improvements to existing off-site infrastructure to incentivise walking and cycling.

3.5.116 In response, the applicant argues that the scheme has derived from lengthy pre-application discussion, taking into account multiple factors, including Masterplan principles, the developable area of the site and viability; and that none of the features requested by ATE are a requirement of the Masterplan or the site specific policy. With reference to ATE's comment on the proposed number of homes, the policy quantum of 433 is not an upper limit, as previously acknowledged. The 477 homes proposed, is considered to be an acceptable and proportionate outcome, considered in the context of the scheme's viability, whilst broadly achieving the aspirations of the Masterplan. To require the scheme to accommodate ATE's recommended changes would require a fundamental re-design which would present significant viability challenges.

3.5.117 The applicant also cites the fact that no ATE representation was made during the examination in public of the emerging Local Plan, which proposes retention of the sites allocation for housing, or the Masterplan consultation.

3.5.118 The applicant also cites that the Local Transport Note 1/20 offers guidance around highway infrastructure design. It is argued that, as the guidance does not have formal policy status, the Council has applied the '*flexibility on infrastructure design*' to support an evidently viable scheme. The guidance is confirmed as follows:

Local authorities are responsible for setting design standards for their roads. This national guidance provides a recommended basis for those standards... and:

The guidance contains tools which give local authorities flexibility on infrastructure design.

3.5.119 It is considered that the applicant presents a compelling argument, that ATE's recommendations are advanced at an unreasonably late stage of the planning

process. Members are, therefore, recommended to disregard the recommendations of ATE, on the basis that the proposal is broadly policy and Masterplan compliant, in the context of highway infrastructure and general permeability and connectivity principles.

3.5.120 A Travel Plan setting out the measures to be employed to encourage the use of sustainable modes of transport, particularly walking and cycling, should be secured via condition.

3.5.121 Further, Members should be assured that, whilst ATE are a statutory consultee on the application, absence of their support can be overruled by Committee, without any statutory requirement for the application to be referred to the Secretary of State, as one recommended to be approved. This is confirmed by the absence of any ATE reference within the Consultation Direction (2021) or any revision thereto, as per the following statement received from the Department for Levelling Up, Housing & Communities; and that it is for the LPA to *consider* comments:

“Thank you for your email of 23 August. I can confirm that The Town and Country Planning (Consultation) (England) Direction 2021 has not been revised or superseded. It is for the local planning authority responsible for any planning application to interpret the Direction and relevant guidance or legislation.

Under the Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2023, which came into force on 1 June 2023, Active Travel England (ATE) became a statutory consultee on certain planning applications (Article 2 of the Order). Local planning authorities are expected to consider the views of such bodies in their determination of applicable planning applications. Again, we cannot offer further advice on how a Local planning authority should interpret the Order.”

3.5.122 PRoW:

A network of Public Rights of way traverse the site and run along its northern boundary. The Council's Public Rights of Way consultee confirms the following:

3.5.123 It is confirmed that Footpath 12 along the northern edge of the site would be unaffected by any proposed building operations.

3.5.124 Footpaths 247A, 248 would require a diversion. Footpath 10 would require a temporary closure during construction works. These requirements would be conveyed via an informative.

3.5.125 Footpaths 10 Eccleshill and Footpath 249 Darwen which run from Roman Road through to Holden fold could be recorded as adopted Highways and could be signed as shared routes with a minimum width of 3.5m. This would eliminate the need to process a legal order to realign the paths and increase the legal rights from footpaths to Bridleways.

3.5.126 Safeguarding highway safety and efficiency, as well as residential amenity, would be secured by the submitted CEMP.

3.5.127 Delivery of off-site highway improvements at the Moor Lane, Knowle Lane and Holden Fold junction are to be delivered by the Council, as secured under a separate grant of planning permission (ref/ 10/23/0143). Although a definitive timetable for the works is not currently available, they are expected to commence within the first quarter of next year.

3.5.128 Accordingly, highway impacts arising from the development are found to be acceptable and in accordance with the requirements of Policy 10, The Masterplan and The Framework. It should be recognised that the Framework, at paragraph 111, gives a clear direction that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

3.5.129 Design / Character and Appearance

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

- i) Existing topography, buildings and landscape features and their integration into the development;
- ii) Layout and building orientation to make best use of existing connections, landmarks and views;
- iii) Building shapes, plot and block sizes, styles colours and materials that contribute to the character of streets and use these to complement character;
- iv) Height and building line of the established area;
- v) Relationship of the buildings to the street; and
- vi) Frontage treatment such as boundary walls.

3.5.130 The Masterplan confirms that development of the site shall be design led. The high level vision for the site is a development which will provide a mix of houses set in a framework of landscape corridors which will run between distinct housing parcels.

3.5.131 Common themes and details should be consistent across each housing parcel in order to provide visual cohesion and a degree of unity for the development as a whole.

3.5.132 There also needs to be a positive relationship between new development and surrounding countryside or existing buildings and roads. This means that new houses would face outwards at the margins of the site. New housing should also front on to the landscape corridors.

3.5.133 In broad terms, the Masterplan promotes the following mix of land uses (Holden Fold Masterplan 2021):

Land Use	Approximate Area (ha)
Residential	13.75
Greenspace (including water bodies)	4.58
Square Meadow (including car park)	1.64
Total	19.97

3.5.134 A Design and Access Statement is submitted with application. This sets out key design principles of the development, in response to the Masterplan. It acknowledges that the proposal has taken account of local constraints and opportunities to create a sensitive and functional layout.

3.5.135 27 different house types are proposed, of a 2, 3 and 4 bed mix. These would be arranged as outward facing urban blocks punctuated by interconnected green spaces (POS). A net density of 37.66 dwellings per hectare is proposed, over a developable area of 12.67ha. Green spaces would account for 4.49ha. POS would accommodate above ground SuDS, in the form of drainage attenuation basins. Footpath links would provide attractive routes through the site and beyond, including to Polyphemus Woods to the north. A NEAP is proposed towards the southern end of the site, adjacent to FoSM. As noted above, tree lined streets would feature through the site.

3.5.136 Typical house types are shown below (Design & Access Statement, Woodcroft Design for Countryside properties, May 2023). Their architectural styles are derived from the local area. A mix of brick types are proposed. Final details of external walling and roofing materials is not currently available. Details would, therefore, be secured via condition. Common design features include:

- Houses are a maximum of 2.5 storey's in height;
- Formal spacing of windows and doors with some asymmetry;
- Simple plan form with expressed gables;
- Square and splayed bay windows;
- Casement windows;
- Occasional asymmetry generated by bay or dormer window;
- Deep overhanging eaves with deep barge boards Materials;
- Walls will be a selection of three brick types;
- Roofs will have grey roof tiles;
- Brick heads and cills to front in contrasting brick;
- Brick heads to rear;
- Vertical emphasis to windows; and
- Grey roof tiles. Deep overhanging eaves with deep barge boards.

Detailed Design - Appearance



3.5.137 The principle access into the site, off Roman Road, would be managed via a roundabout. It is designed as a distinguishing gateway feature.

3.5.138 The rural edge of the site, immediately south of Polyphemus Woods would remain semi-open, delineated by a 1.4m high post and rail fence.

3.5.139 Boundary treatments will be appropriately robust brick walls to areas facing the public realm. Typical timber panelled fencing will otherwise delineate properties. Implementation of the submitted detail will be secured via condition.

3.5.140 Existing dry-stone walling would be retained and repaired as necessary, so far as is practicable.

3.5.141 The proposed comprehensive, managed landscaping strategy supports the development which would aid its assimilation into the natural environment and offer significant ecological benefit.

3.5.142 The layout, scale and appearance of the proposal is considered an appropriately design led response to the Masterplan and one which would not undermine the character of the immediate area, nor the wider landscape character of the countryside, including that of the West Pennine Moors.

3.5.143 Overall, the design of the development is found to be in accordance with the requirements of Policy 11, The Residential Design Guide SPD, The Masterplan and The Framework.

3.5.144 Heritage

Policy 39 requires development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset.

3.5.145 An Archaeology and Built Heritage Assessment has been submitted with the application.

- 3.5.146 In terms of Built Heritage, the report identifies that the site is in the vicinity of Manor House Farm Cottage, which is a Grade II Listed Building, located in Eccleshill Fold to the north of the site. Although the development will result in a change of character of some of the agricultural land around the Manor House Farm Cottage, the land within the application site does not form part of the known historically associated land, which extends to the north and west of the former farmhouse. The development will also be offset from the site boundary, which is closest to the heritage asset, with a buffer of green space and planting being provided. This is in line with the adopted masterplan associated with the site allocation. Such a change to the wider surrounds is accepted as resulting in a very minor level of harm to the significance of the asset, which is quantified as less than substantial, at the lowermost end of the spectrum. It is considered that such low level harm is comprehensively outweighed by the social, environmental and economic benefits of the proposal, at a site allocated for housing led development.
- 3.5.147 LCC Archaeology recognise that the proposed development site contains the following non-designated heritage assets recorded on the Lancashire Historic Environment Record:
- 3.5.148 Accordingly, submission of a programme of archaeological work is recommended to be secured via condition.
- 3.5.149 The development is found to be in accordance with the requirements of Policy 39 and The Framework.
- 3.5.150 Climate Change
All development must demonstrate how it has been designed to minimise its contribution to carbon emissions and climate change, both directly from the development and indirectly arising from factors such as travel to and from the development.
- 3.5.151 An Energy and Sustainability Statement has been submitted with the application. The Statement explains that design measures have been incorporated into the development, in order to minimise energy demand. A key element would be a 'fabric first approach' to construction, featuring enhanced insulation specification, a reduction in thermal bridging and elimination of air leakage pathways. All homes would meet the minimum requirements of Part L of the Building Regulations 2021. Moreover, it is expected that the majority of homes will be constructed after implementation of the Future Homes Standard - expected to be mandated in 2025 – which targets improvements in heating / hot water systems, and reducing heat waste, as a means of future proofing.
- 3.5.152 Solar PV systems to roofs and air source heat pumps are proposed.
- 3.5.153 Overall, the measures proposed are considered a proportionate response to energy efficiently, in accordance with the requirements of Policy 36, The Masterplan and The Framework.

3.5.154 Other Matters

The Woodland Trust (the Trust) have objected to the proposal, on account of likely impact to their site – Polyphemous Wood, located to the immediate north of the site – which would add to the management cost of the wood. The Trust emphasise that they have not given permission for access from the site into the woods, and that no details are provided as to how Trust land would be managed. It is confirmed that none of the application site, as defined by the red edged location plan, sits within Trust owned land.

3.5.155 Members are advised that the Trust were consulted on the Masterplan. In response to the following comments received from the Trust, the Masterplan was amended:

“Concerned about impacts to Woodland Trust's site at Polyphemus Wood. Recommend a 20m buffer of 50% planting of semi-natural vegetation between the proposed development and the woodland. Also that gardens of houses are not backed onto the site due to problems of waste tipping, littering, spreading of invasive and non-native species, disturbance, pet intrusion etc.”

3.5.156 The proposed layout incorporates a buffer between the edge of the development and Polyphemus Wood which would be broadly in accordance with the Masterplan. Also, gardens would be outward facing towards the wood. It should be acknowledged that the Trust made no representation, either at Masterplan consultation stage or during the emerging Local Plan examination, citing concern around recreational pressures on their land.



3.5.157 The Masterplan guides the movement and connectivity through the site and linkages beyond, including connecting to the existing PRow network. The proposal includes connection to the PRow adjacent to the northern edge of the site. The wood is already publicly accessible via the PRow network. Any deviation by members of the public from the network, onto Trust land, and any pressures arising from the development on its management and maintenance, is outside of the scope of this application and beyond the control of planning law generally.

3.5.158 Members are advised that the Trust is not a statutory consultee for the application and that their comments carry very little material weight in its

determination. Moreover, it is considered that matters raised by the Trust at Masterplan stage have been satisfactorily incorporated into the development.

3.5.159 Sport England (SE): SE initially objected to the application, on account that the proposed site layout would encroach onto football pitches at FoSM, and reduce the extent of playing field by approximately 0.3ha. The objection was offered in the capacity of a statutory consultee. Accordingly, this element of the proposal has been amended and the original boundary for FoSM reinstated, to ensure no loss of playing fields.

3.5.160 The original site boundary, encroaching into FoSM playing field is shown in yellow below, as identified and supplied by SE:



3.5.161 The revised site boundary is shown in red below confirming removal of the playing field from the application site, thereby addressing SE objection:



3.5.162 SE further recommend a form of boundary treatment to FoSM, to guard against balls encroaching into neighbouring residential gardens. Details of such would be secured via condition.

3.5.163 Summary

This report assesses the full planning application for erection of 477 residential dwellings with POS, landscaping, sustainable drainage systems (SuDs), demolition of existing stable buildings, new parking associated with the sports pavilion, additional parking off Knowle Lane, and vehicular access points off Holden Fold, Moor Lane and Roman Road.

3.5.164 In considering the proposal, all *material* considerations have been taken into account. The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal balanced against any potential harm that may arise from its implementation. This report finds that the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, The Holden Fold Masterplan, Supplementary Planning Documents and the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 Approve subject to:

- (i) **Delegated authority is given to the Strategic Director of Growth and Development and the Deputy Chief Executive to approve planning permission, subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £3,457,804 (including a monitoring fee), as set out at para 3.5.40, and provision of on-site affordable homes (24no.) to be “first homes”, together with all the non-adopted green spaces and footways being dedicated for public use.**

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Strategic Director of Growth and Development and Deputy Chief Executive will have delegated powers to refuse the application.

- (ii) **The following conditions:**

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

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance

with the application received 6th July 2023 and with the following drawings / plans / information: *(to be added)*.

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

3. Prior to commencement of any above ground works hereby approved, and notwithstanding the submitted details, written and illustrative details, including colours and textures, of the external walling, roofing and window materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

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

4. The development hereby approved shall be implemented in strict accordance with the submitted Boundary Treatment plan, ref. 22-04-P03 Rev C; and Proposed Boundary Treatment (elevations) plan, ref. 21-42-BT01.

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

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

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

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

6. 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.

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 adopted Blackburn with Darwen Borough Council Local Plan Part 2.

8. Prior to commencement of any above ground works hereby approved, a Glazing and Ventilation Scheme, demonstrating adequate soundproofing to all dwellings, shall be submitted to and approved in writing by the Local Planning Authority. Glazing and ventilation shall be implemented in accordance with the approved details.

REASON: To ensure an acceptable level of amenity for occupants of the development, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

9. Acoustic Barriers shall be implemented and be so retained, prior to occupation of dwellings hereby approved, in accordance with the recommendations of the submitted The 'Noise Impact Assessment' (Reference: 23.025.1.R4) dated 8th August, 2023 - acoustic barriers for gardens (Section 5: Mitigation, Sub-Section 5.1.2 & Figure 1 'Daytime Grid Noise Map with Mitigation' in Appendix 6).

REASON: To ensure an acceptable level of amenity for occupants of the development, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

10. Prior to the commencement of any above ground works hereby approved, and notwithstanding the submitted details, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the location, type, dimensions and luminance levels of proposed lighting to the car parks serving the Public Open Space and Friends of Square Meadows, at the southern end of the

site. The approved lighting scheme shall be implemented prior to operational use of the car parks.

REASON: In order to safeguard neighbouring residents from light pollution, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

11. Demolition and construction phase of the development hereby approved shall only take place between the following hours:

- 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.

12. Should pile driving, vibro compaction or similar foundation works be required on site, prior to the commencements of those works, a programme for the monitoring of generated noise and vibration shall be submitted to and approved in writing by the Local Planning Authority. The programme shall specify the measurement locations and maximum permissible noise and vibration levels at each location. Noise and vibration levels shall not exceed the specified levels in the approved programme.

REASON: In order to safeguard neighbouring amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Prior to commencement of the development hereby approved, and notwithstanding the submitted details, an Air Quality Impact Assessment for a Type 3x development, in accordance with that specified in the BwDBC Air Quality Advisory Note (2018), shall be submitted to and approved in writing by the Local Planning Authority. All identified mitigation measures shall be implemented in accordance with the approved detail.

REASON: In the interests of air quality management and protection of health, in accordance with Policies 8 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

14. All mitigation measures specified in the submitted Construction and Environmental Management Plan (Countryside Partnerships, May 2023) shall be implemented throughout the duration of the construction phase of the development.

REASON: In order to avoid the deposit of debris into watercourses and onto the highway, and in order to protect local amenity generally from noise, dust and vibration, in accordance with Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

15. Prior to occupation of the development hereby approved, and notwithstanding the submitted details, a site specific Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved Green Travel Plan measures shall be implemented upon occupation of the development and shall be so retained.

REASON: To provide and promote sustainable transport measures and to minimise traffic flow, in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

16. No development shall commence until;

a) a scheme of further intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

REASON: To ensure a safe form of development in response to historic coal activity at the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

17. Prior to the occupation of the development hereby approved, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON: To ensure a safe form of development in response to historic coal activity at the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

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

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

19. Precise nature of condition to be confirmed in update report – ie compliance or pre-commencement condition.

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

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

21. Prior to occupation of the development hereby approved, and notwithstanding the submitted details, 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.

22. Reasonable avoidance measures / mitigation, as set out in Section 5 of the submitted Preliminary Ecological Appraisal (Urban Green, ref. UG2039, May 2023), shall be adhered to through construction phase of the development hereby approved.

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

23. Prior to the undertaking any earthworks, an updated badger survey and review of the badger working measures in section 5.4.7 of the submitted Preliminary Ecological Appraisal (Urban Green ref. UG2039, May 2023), shall be submitted to and approved in writing by the Local Planning Authority. Any required updated working measures shall be implemented in accordance with the approved detail.

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

24. If no site clearance or construction works commence by May 2025, an updated Ecological Appraisal 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: To ensure the protection of ecology and biodiversity in general, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

25. 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.

26. No site clearance shall be undertaken 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.

27. The felling of the tree identified as T1 shall be carried out in accordance with the recommendation in the submitted Preliminary Ecological Appraisal (Urban Green ref: UG2039, section 6.2).

REASON: To protect roosting bats, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

28. Prior to any above ground works hereby approved, and notwithstanding the submitted details, a scheme to provide for the following shall be submitted to and approved in writing by the Local Planning Authority:

- Bat and bird boxes / bricks; and
- hedgehog passes.

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

REASON: To promote and enhance ecological and biodiversity, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

29. The development hereby approved shall be implemented in strict accordance with the submitted Arboricultural Impact Assessment (Urban Green, July 2023, ref. UG2039).

Supervised tree works shall be in strict accordance with the recommendations of section 4.5.5.

Specified tree and/or hedgerow 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.

30. The development hereby approved shall be implemented in strict accordance with the following landscape drawings (Urban Green, June 2023):

- Whole Site Landscape Plan: UG_2039_LAN_GA_DRW_101 Rev P02;
- Soft Landscape Plan 1 of 4: UG_2039_LAN_SL_DRW_201 Rev P02;
- Soft Landscape Plan 2 of 4: UG_2039_LAN_SL_DRW_202 Rev P02;
- Soft landscape Plan 3 of 4: UG_2039_LAN_SL_DRW_203 Rev P02; and
- Soft Landscape Plan 4 of 4: UG_2039_LAN_SL_DRW_203 Rev P02

Planting shall be carried out during the first available planting season following completion of the development, 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.

31. Prior to occupation of the development hereby approved, measures set out in the submitted Landscape and Environment Management Plan (Urban Green, June 2023), shall be implemented in full, and remain in perpetuity. Management and maintenance of soft landscaped areas shall be in perpetuity. (*precise wording to be confirmed in Update Report*).

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.

32. Drainage, street lighting and general 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.

33. Prior to the occupation of the development 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 residential / highway safety, in accordance with Policy 10 of the Blackburn With Darwen Borough Local Plan Part 2.

34. 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 Policies 10 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

35. Garages hereby approved shall only be used for the purpose of parking domestic vehicles and / or domestic storage. They shall not be externally altered or converted into habitable room space until and unless planning permission has been granted.

REASON: In order to retain sufficient off street parking spaces, in the interests of highway safety and efficiency, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

36. 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 building; in accordance with the requirements of Policy 39 of the Blackburn with Darwen Borough Local Plan Part 2 and the National Planning Policy Framework.

37. Prior to the commencement of any above ground works hereby approved, the position, type and dimensions of a boundary fence to the northern perimeter of Friends of Square Meadow playing fields shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be implemented and be so retained, in accordance with the approved detail, prior to occupation of plots 309 – 312, 325 – 332, 345 – 351, and 397 – 398 inclusive.

REASON: In order to guard against balls encroaching into residential gardens, in the interests of residential amenity, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

38. The Affordable housing hereby approved shall be provided in accordance with the submitted Affordable Housing Statement, produced on behalf of Together Housing and Countryside Partnerships, dated June 2023 (received by the Local Planning Authority 27th July 2023); and the Proposed Site Layout – General Arrangements, ref. 22-04-P01 Rev D.

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

39. Prior to occupation of the development hereby approved, technical specifications of the proposed Neighbourhood Equipped Area of Play (NEAP) shall be submitted to and approved in writing by the Local Planning Authority. The NEAP shall be installed in strict accordance with the approved detail.

REASON: In order to ensure provision of quality play equipment, in accordance with Policies 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

40. Prior to commencement of the development hereby approved, a scheme of pruning works to the Community Hedgerow along the northern boundary of Square Meadow Sport Facility, as identified on drawing number (*to be added*), shall be submitted to and approved in writing by the Local Planning Authority. Pruning shall be carried out in strict accordance with the approved scheme. The Hedgerow shall otherwise be retained.

REASON: In order to protect the community hedgerow, to ensure its assimilation into the adjacent development, and in the interests of good arboricultural practice, in accordance with Policies 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

5.1 No relevant planning history exists for the site. The following application which sits outside of this application site boundary, was approved by Planning & Highways Committee on 25th May 2023:

- 10/23/0143: Highway re-alignment works incorporating associated improvements to drainage, street lighting and road markings, new footway along Moor Lane, together with creating off street car parking areas on Knowle Lane (9no spaces) and Moor Lane (27no spaces), at Junction of Holden Fold/Moor Lane/Chapels/Goose House Lane Darwen

6.0 CONSULTATIONS

6.1 BwD Public Protection

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

CONTAMINATED LAND

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 - Air Quality Assessment

The developer shall submit a written assessment of the potential air quality impact of the proposed development undertaken in accordance with the Council's Planning Advisory Note (PAN): 'Air Quality'. The assessment must be approved in writing by the Local Planning Authority (LPA) before commencement of the development and any air pollution control mitigation measures implemented in accordance with the LPAs requirements.

Reason:

To identify & mitigate any adverse air pollution health impacts associated with the proposed development.

Comment: Consideration of Garden Outdoor Amenity Spaces

The noise amenity standard applied for this site in the 'Noise Impact Assessment' (Reference: 23.025.1.R4) dated 8th August, 2023 is 55dB(A) Leq; this is 5dB(A) higher than the desirable standard cited in BS8233 'Sound Insulation & noise reduction for buildings – Code of Practice'. Please let me know if a review is required that meets the desirable standard.

Condition – Traffic Noise Control: Sound Proof Glazing & Ventilation

The applicant shall submit a written glazing and ventilation scheme that demonstrates adequate soundproofing provision within the proposed dwellings. The scheme must be approved in writing by the Local Planning Authority prior to commencement of development works and installed & retained for the duration of the approved use.

Reason: To prevent traffic noise disturbance at the dwellings.

Informative: The developer should have regard to BS 8233: 'Sound Insulation & noise reduction for buildings – Code of Practice'.

NB: Ventilation Scheme

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

Condition – Acoustic Barriers Noise Control Scheme

The 'Noise Impact Assessment' (Reference: 23.025.1.R4) dated 8th August, 2023 recommendations in respect of acoustic barriers for gardens (Section 5: Mitigation, Sub-Section 5.1.2 & Figure 1 'Daytime Grid Noise Map with Mitigation' in Appendix 6) shall be implemented prior to commencement of the approved use and thereafter retained for the duration of this use.

Reason: To prevent loss of noise amenity at residential premises.

Condition – Floodlighting (other than street lighting, 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 submitted 'Holden Fold, Darwen: Construction & Environmental Management Plan' (Dated: 16th May 2023) dust control measures shall be implemented throughout the construction works at the development site.

Reason: To minimise loss of amenity at 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.

Condition - Noise & Vibration 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 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.

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.

If the authority is minded to approve the application, I recommend the following Air Quality mitigation conditions:

Condition – AQA

Prior to the commencement of construction works on site, details commensurate with the information required for a Type 3x development (in accordance with the BwDBC Air Quality Advisory Note) should be submitted for approval and agreed in writing by the LPA. Mitigation agreed and based thereon should be incorporated within the development, and verification of the agreed mitigation should be provided on completion of the works.

Reason: In accordance with Paragraph 104, 185 and 186 of the NPPF, the Council's Air Quality Advisory Note and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality in order to reduce the impact of the development on air quality & mitigate any adverse effects on public health and the wider environment.

Condition – Domestic gas boiler emissions

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

Reason: The condition implements the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality.

Condition – Electric vehicle charging

Each dwelling with a dedicated parking space or garage will have its own electric vehicle charging point. In the case of apartments without dedicated parking for individual units, 10% of parking bays shall be fitted with electric vehicle charging points. All charging points will have a Type 2 connector and a minimum charging rate of 3.7 kW.

Reason: Reason: In accordance with Paragraph 110a and 112d of the NPPF. The condition also implements the Council's Air Quality Planning Advisory Note. National government policy is encouraging a transition away from internal combustion engines and towards ultra-low emission vehicles, including EVs, over the next 20 years. The government has committed to end the sale of new petrol and diesel cars and vans by 2030.

Condition – Dust Management Plan

Earthworks and construction activity shall not commence until a dust management plan submitted by the developer has been agreed in writing with Blackburn with Darwen Borough Council. The agreed dust management plan shall be implemented for the duration of the earthworks and construction activity at the site and measures shall

be commensurate with those outlined in table 19 of the Redmore Environmental report entitled 'Air Quality Assessment Holden Ford, Darwen Reference: 6634r2, 29th August 2023'

Reason: This condition is recommended to mitigate the risk of dust soiling and associated health impact at neighbouring residential premises during earthworks and construction. The developer's assessment concluded that the unmitigated risk of dust soiling is high from earthworks, construction and trackout. The potential risk of human health impacts is medium from trackout and low from earthworks and construction.

Condition: Green Travel Plan

Notwithstanding any details submitted as part of the application, none of the buildings hereby approved shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall thereafter be implemented in accordance with the duly approved details and timetable contained therein. The Travel Plan shall contain:

- a. details of a Travel Plan co-ordinator;
- b. details of measures to be introduced to promote a choice of travel modes to and from the site;
- c. a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
- d. a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under (b) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

Reason: In order to promote modal shift and increased use of sustainable methods of travel, and in accordance with paragraphs 110, 112 and 113 of the NPPF.

It is the understanding of this Section that an application has been submitted in relation to the above site, but has not yet been determined. As such, there is no contaminated land condition currently attached to the application. Therefore, the following comments are aimed at providing an overview of the type of information which would be required by this Section in relation to contamination, should the contaminated land condition be attached. It does not pre-empt any planning decision, and must not be interpreted as such.

A Phase 1 and a combined Phase 2 & Phase 3 Remediation Strategy. Unfortunately the information contained within the submitted reports are insufficient to allow this Section to recommend the full discharge of condition 1, the standard contaminated land condition used by this authority.

Additional information specific to the reports provided for this site, required in order to expedite the discharge of condition 1, is requested in the form of bulleted points below. All other comments provided are general, and are aimed at informing the format and/or content of any future reports submitted to this Section, and/or informing the requests for further information. Comments have been divided into separate headings for ease of reference.

Therefore, based on the information provided, should permission be granted I would recommend that the standard contaminated land conditions are applied:

6.2 BwD Drainage (Lead Local Flood Authority)

LLFA Response as follows

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

Condition 1

Prior to commencement a surface water management plan detailing how surface water run-off from the site will be managed throughout the construction of the development . The plan shall detail how the control flooding and pollution will be managed. The plan must be approved by the Local Authority.

Reason

To prevent any increase in risk from flooding and pollution from the development

6.3 BwD Environmental Services

No objection.

6.4 BwD Highways

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

The proposal seeks consent for the Erection of 477 residential dwellings with public open space, landscaping, sustainable drainage systems (SuDs), demolition of existing stable buildings, new parking associated with the sports pavilion, additional parking off Knowle Lane, and vehicular access points off Holden Fold, Moor Lane and Roman Road.

The site has an adopted masterplan underpinning the layout/scheme. The development layout and orientation of the roads certainly conforms to the adopted layout.

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

The scheme appears to deliver on the required number of parking spaces, with the exception of plots 18-26 (these all should have 3 spaces per dwellinghouse, but do not, only have 2 per property)

All parking spaces should be 5.5m in length, to avoid any obstruction or overhanging on the highway

All Garages conform to council's requirement of 3m x6m (Integral and external)

Access/Layout

The site is bounded by Roman Road/Holden Fold/Moor Lane/Knowle Lane.

Holden Fold – this is proposed as a simple priority junction with a 6m wide access road and 2m footways. MfS visibility splays of 2.4m x 43m are available.

Roman Road – A new roundabout junction is to be provided at the location. The access road will be 6m wide with 2m footways and MfS compliant visibility splays of 2.4m x 43m supported by the extension of the 30mph speed limit on Roman Road to the north to include the new access junction.

Moor Lane – A simple priority junction with a 6m wide access road and 2m footways. MfS visibility splays of 2.4m x 43m are available.

The internal roads layout provided are designed as a 5.5m carriageway and 2 2.0m footways either side of the carriageway. There are a number of areas that require further considerations/confirmation

- Along the rural edge there are no footway and no verge, it would seem appropriate to have a verge along this stretch if only to locate street lighting columns.
- The verge between the footway and carriageway should be maintained through a management company operated by the developer.
- The tree lined streets are welcomed.
- The connecting roads off the main access road are designed at 4.5m wide.
- It is always beneficial to have clear boundary lines for property curtilages, at the moment the properties straddle adjoining property frontages.
- The combined footway/cycleway should be a minimum of 3m, this should be adequately lit.
- It is good to see some detail within the street scene and a nod to traffic calming in a measured way has been considered with Manual for Streets in mind. There are some areas that could do with some further interventions, and we welcome engagement at Highway Technical Approval stage to consider this further (please attach condition 9, 90)
- 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.
- All paths that connect off into the countryside and through the sites and which are by definition standalone should be managed and maintained by the

developer through a management company. These should be always be accessible at all times

There does not appear to be any swept on the internal roads, could this be provided for assessment.

Transport Assessment

Development trip generation is based on TRICS person trip rates and Census mode share data. The approach is considered acceptable.

2011 census origin-destination data has been used as the basis of traffic distribution for development traffic. The approach is considered acceptable.

Assessment flows have been development for 2026 and 2031 using NTEM adjusted Temprow growth factors. The approach is considered acceptable.

The TA has identified the locations at which the development would have an impact as follows:

Site Access / Roman Road Junction

The junction modelling shows that the junction will operate at 0.933 RFC in 2023 AM peak rising to 1.056 in 2031. The results only exceed 1.000 RFC in 2031 with the addition of background growth. Please can it be confirmed if the modelling of this junction presented in the 2020 TA reflects the latest junction layout and geometric dimensions as I am aware the design has progressed since the submission of the 2020 TA?

Site Access / Moor Lane

The junction modelling shows that the junction will operate well within capacity in all scenarios tested. It has previously been indicated that the proposed priority arrangement would be converted to a mini-roundabout junction with kerblines etc. having been designed to minimise the works required to convert the priority arrangement to a mini-roundabout. **Is the intention now to retain the priority arrangement?**

Site Layout / Servicing: The Transport Assessment states at para 3.10 that "It was the intention to only provide a link between Roman Road and Holden Fold access. The Moor Lane access was to serve a single development plot only with no vehicular through route to the rest of the site." The site layout plans provided indicate that there will be a through route from Moor Lane to Roman Road in line with previous discussions. **Please can this be confirmed as being the case?**

Blackburn with Darwen Borough Council will discuss with local bus operators regarding the possibility of diverting existing services or introducing new services to better serve the site.

Site Access / Holden Fold

The junction modelling shows that the junction will operate well within capacity in all scenarios tested.

Roman Road / Pothouse Lane

The junction modelling shows that the junction will operate well within capacity in all scenarios tested. It is however shown to be operating close to capacity in the 2031 with development scenario.

Roman Road / Blackamoor Road

The junction performs over capacity and is expected to worsen with the addition of background growth and traffic from new development. This was anticipated following the introduction of the Blackamoor Link Road but represents an improvement on what could reasonably have been expected if the previous layout had been retained. The impact of the proposed development at the junction despite being over capacity is minimal. Blackburn with Darwen Borough Council are currently assessing the Roman Road / Blackamoor Road junction to determine if further improvements can be made to the signal phasing, staging or the controller to improve the performance of the junction.

Roman Road / Marsh House Lane

The junction is predicted to operate over capacity in 2025 with or without development traffic. The impact of the proposed development at the junction despite being over capacity is minimal. The Local Plan Transport Study predicts the junction will operate over capacity and recommends a compact roundabout junction as an improvement to the existing mini-roundabout layout scheme be introduced by 2037. No contribution is offered from the proposed development.

Ellison Fold / Marsh House Lane

The junction modelling shows that the junction will operate well within capacity in all scenarios tested.

Summary of additional information required.

- Please confirm that a route through the site is proposed between the Moor Lane access and Roman Road as indicated on the site layout (Para 3.10 of the TAAR).
- Please confirm if the previous intention to convert the site access junction on Moor Lane from a priority junction to a mini-roundabout is no longer the case with the priority arrangement to be retained?

Off-site highway works

A total contribution of £1,950,000 will be required to fund highway improvement works and sustainable transport initiatives necessary to support the development. This will include £950,000 for the DEDC and £1,000,000 (maximum, final amount to be confirmed) to provide a new junction at Moor Lane, Darwen. Please could this be secured through a S106 agreement.

In addition to the S106, the following works should be considered when delivering the access points, which will be undertaken through a 278 agreement.

(Please condition - 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)

- The provision of crossing facilities for pedestrians and cyclists across Holden Fold at the connection point with the proposed cycleway which links to routes on the opposite side of Holden Fold.
- Improvements to walking and cycling routes between Holden Fold and Chapel to provide more attractive walking and cycling links between the proposed development and St James's Primary Academy, local shops, the Punch Hotel, etc.

OTHER

Construction method statement has been received. The narrative offered is largely acceptable, with the exception of wheel wash. With the enormity of the site, and during its initial start on site, we would request a formal wheel washing system in employed, once the majority of pre-construction have been completed, we would accept a move towards a lesser form of wheel wash such as jet wash.

The report suggests that there is a construction layout plan in the appendices, however none is provided, this should be offered in support of the layout and setting out, please request further detail.

General Mattes 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, up to 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 observations which need to be considered further

Please note: Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority

Please attach standards conditions/Informatives: Highways 1, 2, 3, 7, 8, 9, 90, 10, 11, 12, 13, 14, 15, and 17

6.5 BwD Public Rights of Way

Footpath 247A Darwen which runs from Roman Road and connects with Footpath 10 at Eccleshill will require a diversion as the footpath will be obstructed by the development.

Footpath 248 Darwen which runs from footpath 249 Darwen through to Knowle Lane (Footpath 250) Darwen requires a minor diversion to realign the route.

Footpath 10 Eccleshill requires a minor diversion to realign the route.

Any shared routes need to be a minimum of 3.5m wide, signed as shared routes and included as adopted highways.

Footpath 12 Eccleshill on the north side of the plan appears to be outside of the landownership/site Boundary however there are proposed access points from this path in to the housing development. If there is no requirement for stock control at these points they need to be left at 1.2m wide gaps.

Any structures to be installed on Public rights of way can only be approved if there is a requirement for stock control and would need prior authorisation from the Highway Authority.

Any change of surface to a public right of way requires prior authorisation from the Highway Authority.

Footpath 10 Eccleshill, 249 Darwen, 248 Darwen and 247A Darwen will all require temporary closures in place **prior to any work commencing on site.**

6.6 BwD Arboriculture Officer

Assessment:

I have considered the contents of the Arboricultural Impact Assessment (AIA), Landscape plan, planting plans and Landscape, Environmental Management Plan.

The AIA details lists those trees to be removed for development proposals in the Tree Works Schedule.

Of the 26 Cat B (moderate grade) individual and groups of trees listed, 5 individual trees and 3 groups are to be retained.

None of the 3 Cat a (High grade) are to be retained.

Most of the tree retention is situated in the south, east corner of the site, in the vicinity of the proposed play area.

Tree protection is provided for those trees and hedges to be retained. A tree protection plan can be found in the AIA.

The AIA contains the following recommendations.

4.11. Recommendations

4.11.1. Urban Green have been instructed to prepare an Arboricultural Method Statement to support the application.

4.11.2. All operations that could affect trees on and adjacent to the site must be considered as part of the project management of the Proposed Development. It is therefore recommended that an Arboricultural Consultant is appointed as part of the design and management team to advise on pre-development issues and supervise on-site operations.

4.11.3. The Arboricultural Consultant may also have an advisory role in the preparation of site including tree surgery works and the protection of trees during demolition processes.

4.11.4. The Arboricultural Consultant shall be responsible for inspecting all protective fencing prior to the commencement of all onsite activity.

Landscape proposals:

The Landscape documents provide comprehensive planting details, including a schedule for the maintenance and aftercare of the soft landscaping in the Landscape, Environmental Management Plan. The specified maintenance should ensure establishment of planting material.

The zone landscape plans detailing ornamental shrub planting mix, provide a suitable mix of species.

Conclusions.

The proposed planting will provide suitable landscape structure for the housing layout.

The Arboricultural Impact Assessment (AIA), The Landscape Plans, Planting plans and Landscape, Environmental Management Plan, are suitable to be included with conditions as part of any approval.

You may wish to consider including a condition for arboricultural site supervision as detailed in the above AIA recommendations.

6.7 BwD Housing Growth

No objection.

6.8 BwD Education

No response offered.

6.9 BwD Property

No response offered.

6.10 BwD Forward Planning

SECTION 106 REQUIREMENTS – Land at Holden Fold, Darwen 10/23/0587

Erection of 477 residential dwellings with public open space, landscaping, sustainable drainage systems (SuDs), demolition of existing stable buildings, new parking associated with the sports pavilion, additional parking off Knowle Lane, and vehicular access points off Holden Fold, Moor Lane and Roman Road

Education

The [Pupil Yield Study](#) (Edge Analytics, Oct 2021) has confirmed that additional primary school places will be required in Darwen as a result of major housing developments in the area. A Section 106 contribution of £1,000,000 will therefore be sought to provide additional primary school places in Darwen, secondary school places provision across the Borough and special needs places within the borough.

Highways

A total contribution of £1,875,000 will be required to fund highway improvement works and sustainable transport initiatives necessary to support the development. This will include £950,000 for the DEDC and £925,000 to provide a new junction at Moor Lane, Darwen.

Affordable Housing

In line with Policy CS8: Affordable Housing Requirements and the emerging Local Plan Policy CP4: Housing Development, there will be requirement for 20% affordable units to be provided on site, equivalent to 95 units.

Health facilities

Lancashire and South Cumbria Integrated Care Board (ICB) has requested a total commuted sum of £342,088 towards the reconfiguration and extension at Hollins Grove surgery, Darwen Health Centre & Spring-Fenisco surgeries.

Green Infrastructure / Public Open Space

A contribution of £50,000 is necessary for the upgrade of Square Meadows Sports Facility. Green Infrastructure will also be provided on site within each phase of the development and managed in perpetuity. The on-site provision of GI will form part of the s106 agreement rather than included as a planning condition.

Sports Facilities

In their response to the planning application for the site, Sport England (SE) has highlighted that the additional population generated by the new development will increase demand for sports facilities in the borough, and that a s106 contribution should be requested to fund enhancement and/or new facility projects identified in the Playing Pitch and Outdoor Sports Strategy (PPOSS). Using SE's Sports Facilities Calculator, they suggest a total contribution figure of £893,858 would be required to meet additional demand for sports facilities generated by the development.

Biodiversity Net Gain (BNG)

A BNG assessment was prepared as part of the planning application which has been reviewed by ecologists at GMEU. The net gain assessment indicates a requirement of 9.78 biodiversity units in order to achieve 10% net gain. A financial contribution of £156,480 (£16,000 per biodiversity unit) will therefore be required as compensation for the units.

Monitoring Fee

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

6.11 Lancashire Constabulary

General Design advice:

The Lancashire Constabulary Designing Out Crime Officers can support the applicant through the Secured by Design process from the application stage through to certification. Contact ALO@lancashire.police.uk.

The typical types of crimes recorded at housing developments throughout Lancashire include burglary, (of which, a large proportion occur via ground floor rear or side door or window points of entry), criminal damage and vehicle crime,

6.12 NHS Integrated Care Board

The ICB has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation with the payment of an appropriate financial contribution.

In line with the Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122)/Section 106 requests for development contributions must comply with the three specific legal tests:

1. Necessary
2. Related to the development
3. Reasonably related in scale and kind

We have applied these tests in relation to this planning application and can confirm the following specific requirements. The calculations supporting this requirement are set out in Appendix 1.

	Total Chargeable units	Total	Project
General Practice	477 (1361 persons)	£342,088	Towards reconfiguration and extension at Hollins Grove surgery, Darwen Health Centre & Spring-Fenisco surgeries.

The obligation should also include the provision for the re-imburement of any legal costs in incurred in completing the agreement.

We would highlight *“that failure to secure the contribution we have requested effectively means that we are objecting to the application”*.

Justification for infrastructure development contributions request

This proposal will generate approximately 1361 new patient registrations based on average household size of 2.4 ONS 2017.

The proposed development falls within the catchment area of Hollins Grove surgery, Darwen Health Centre & Spring-Fenisco surgery. This need, with other new developments in the area, can only be met through the extension and reconfiguration of the existing premises in order to ensure sustainable general practice.

(The Hollins Grove surgery is located less than 0.9 miles from the development and Darwen Health Centre 1.1 miles and Spring-Fenisco 1.3 miles and would therefore be the practices where the majority of the new residents register for general medical services.)

From an ICB perspective the growth generated from this proposed development would not trigger consideration of the commissioning of a new general practice; it would however trigger a requirement to support the practice to understand how the growth in the population would be accommodated and therefore premises options. It is not a resilient, sustainable or attractive service model to commission new practices serving a small population, specifically from a workforce perspective. The same principle applies to branch surgeries within a close proximity to the main surgery site. It is however important to note that general practice capacity would need to be created in advance of the growth in population so that both the infrastructure and workforce are in place. We would therefore be seeking the trigger of any healthcare contribution to be available linked to commencement of development.

Please note that general practice premises plans will be kept under review and may be subject to change as the ICB must ensure appropriate general medical service capacity is available as part of our commissioning responsibilities.

The ICB is of the view that the above complies with the CIL regulations/Section 106 and is necessary in order to mitigate the impacts of the proposal on the provision of

general practice services. In accordance with CIL regulation 123 the ICB confirms that there are no more than four other obligations towards this project.

I would be grateful if you could advise when this application will be considered and if you require any additional information to assist the decision making process in advance of the committee report being prepared.

6.13 GMEU Ecology

Thank you for consulting the GMEU

Summary

No specific ecological issues were identified by the ecological consultant. The main issue is mitigation for a large area of primarily low ecological value grassland. Further bat surveys are also recommended.

Proximity to West Pennine Moors SSSI

The development will theoretically increase recreational pressure, that impacts on the West Pennine Moors SSSI given it is located with 2 miles of the Moors. I therefore recommend that Natural England are consulted if they have not already. I am satisfied however that the risks are low and that no further information or measures are required.

Bats

Buildings and structures on the site were assessed as having low bat roosting potential. In line with best practice one additional bat emergence survey has been recommended. I was unable to find such a report. Current guidance states it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision (UK Government Guidance within the ODPM Government Circular 06/2005). I therefore recommend that prior to determination: *Further bats surveys in line with the recommendations of section 6.2 of the preliminary ecological appraisal are provided.* One tree was also assessed as having low bat roosting potential. In line with best practice the consultant has recommended that this tree is soft felled. I recommend a condition along the following lines is applied.

The felling of the tree T1 shall be carried out in accordance with the recommendation in preliminary ecological appraisal, Urban Green ref: UG2039, section 6.2 already supplied to and agreed in writing by the LPA

Great Crested Newts (GCN)

Three ponds were identified within 250m of the site and subject to eDNA analysis. No evidence of GCN was recorded, with eDNA results negative. I have no reason to doubt the findings of the report, the finding for two of the pond in accordance with a survey for another development. No further information or measures are required.

Badger

No evidence of badger was recorded, however the habitat was suitable for foraging with habitat nearby suitable for sett creation. Reasonable avoidance measures are recommended. I would agree but would also recommend an updated survey prior to earthworks given the ability of badger to colonise a site. I therefore recommend a condition along the following lines is applied to any permission.

Prior to earthworks an updated badger survey and review of the badger working measures in section 5.4.7 of ecological appraisal, Urban Green ref: UG2039. will be carried out and agreed in writing by the LPA. The updated working measures will then be implemented in full.

Other Protected Species

All other protected species were reasonably discounted from breeding on the site, though various birds of prey could forage across the site. I am satisfied however that the site is unlikely to be an essential foraging area for any such species. No further information or measures are required.

Nesting Birds

No breeding bird survey appears to have been carried out. I would normally have expected a development of this scale to have provided such a survey. I take on board however the consultant's view that the site is sub-optimal for ground nesting birds owing to the levels of recreational disturbance. I am therefore satisfied that nesting birds can be dealt with via a condition along the following lines.

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

Other Wildlife

The consultant notes that the site has the potential to be utilised by priority species such as brown hare, hedgehog and common toad. I am satisfied however that the site will not be of significant importance for any such species and that any present can be displaced during construction and that post development species such as common toad and hedgehog could potentially benefit from the more varied habitat. I therefore recommend that outline recommendations with sections 5.4.2, 5.4.5 and 5.4.6 are dealt with via a condition along the following lines

No earthworks or vegetation clearance shall occur until a reasonable avoidance measures method statement for mammals and amphibians including hedgehog, brown hare and common toad covering site clearance and construction have been provided to and agreed in writing by the LPA

Invasive Species

Himalayan balsam was recorded on the site. I therefore recommend a condition along the following lines.

Prior to any earthworks a method statement detailing eradication and/or control measures for himalayan balsam 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.

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 a large area of low ecological value grassland and smaller areas of other habitats, to be replaced primarily with housing and vegetated gardens, with small areas of amenity space. It would appear unlikely that 10% biodiversity net gain could be achieved, though I accept this is not as yet mandatory and that the site has been allocated. The housing policy does however require the developer to take account of the ecological issues associated with the site. *I therefore recommend that prior to determination a biodiversity net gain assessment of the site is provided.*

With regards wildlife no significant issues have been identified. I recommend however that permeability is maintained through the site for species such as hedgehog and that a bird and bat box/brick strategy for the site is provided. *These details can be provided via condition.*

A valid bat report has been provided. This included dusk surveys of the buildings identified as having low bat roosting potential, carried out at an optimal time of year. No evidence of any bats roosting, in any of the buildings was recorded. It is therefore very unlikely that the proposed development will have any adverse impacts on bats roosting sites. Bat activity was however recorded demonstrating that the site is used as foraging habitat. I am satisfied however that the open nature of the site is sub-optimal and that bats are not likely to be reliant on these fields and that the retained and new linear features will provide adequate mitigation. No further survey information is required.

I recommend an informative along the following lines is applied to any permission.

Whilst the buildings to be demolished have been demonstrated to be very low risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s).

BNG: I am satisfied that the amendments are reasonable. The changes are simply down to 97 of the proposed 302 trees now targeted to achieve medium size after 27 years, in-line with my comment that some of the urban trees would likely exceed 30cm dbh after 30 years.

I therefore accept that the development will result in the loss 5.48 biodiversity units with 9.78 BU required to achieve 10% net gain.

I assume the developer will wish to make a financial contribution as compensation. Given the main habitat lost is grassland and grassland creation one of the less costly habitats to create, I recommend a rate of £16k per BU but ultimately it is up to Blackburn to determine the commuted sum and also what net gain is required given 10% is not a yet mandatory. I should however also note that, not all the contribution need be spent on grassland management given the low value of some of the grassland. Enhancement of the adjacent Woodland Trust sites would also be acceptable.

6.14 United Utilities

Awaiting formal response. Informal confirmation that the drainage strategy is acceptable, has been received via the applicant.

6.15 The Coal Authority

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Shallow Mining Site Investigation Works Report (October 2021, prepared by KK Group) that coalmining legacy potentially poses a risk to the proposed development and that further intrusive site investigation works and remediation works should be undertaken prior to development.

Accordingly, the Coal Authority recommends the imposition of the following conditions:

1. *No development shall commence until;*
 - a) *a scheme of further intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;*
 - b) *any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.*

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. *Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site*

investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

The Coal Authority therefore **has no objection** to the proposed development **subject to the imposition of the conditions to secure the above**. *This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.*

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

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

6.16 Environment Agency

No constraints for the EA on this site.

6.17 Sport England

Thank you for consulting Sport England on the above planning application. Within the submission, reference to the Masterplan and the consultation response which was provided by Sport England in relation to the Masterplan is attached for your reference.

Summary:

1. Sport England **objects** to this application as the proposal fails to meet any of the Playing Fields Policy Exceptions or comply with paragraphs 99 and 187 of the NPPF.

An assessment is set out below.

2. In addition, Sport England **objects** to this application as the proposal will generate demand for sporting provision, and this is not adequately addressed in the current planning application.

An assessment is set out below.

Sport England – Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 99) and Sport England’s Playing Fields Policy, which is presented within its ‘Playing Fields Policy and Guidance Document’: https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport#playing_fields_policy

Sport England’s policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

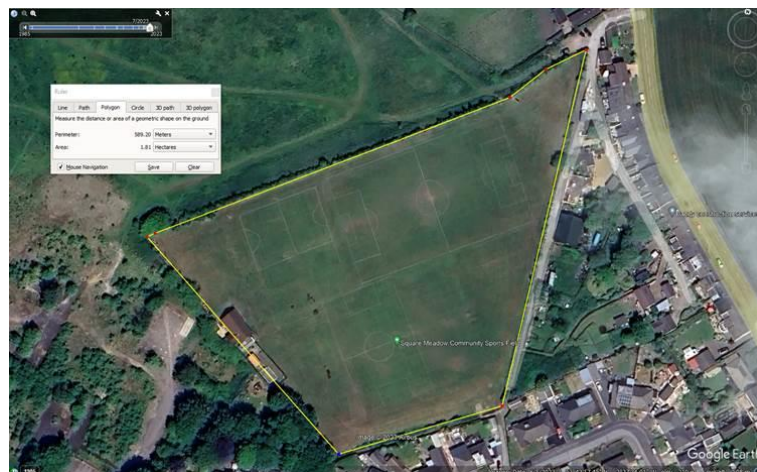
The Proposal and Impact on Playing Field

Impact on Square Meadow Community Sport Field:

The proposal is for the construction of a total of 477 No. residential dwellings with public open space, landscaping, sustainable drainage systems (SuDs), demolition of existing stable buildings, new parking associated with the sports pavilion, additional parking off Knowle Lane, and vehicular access points. Part of the proposed site is on land at Square Meadow Community Sport Field which uses land currently forming playing field. A ‘Proposed Site Layout – General Arrangement’ plan, Drawing No. 22-04-P01 has been submitted to show how the residential development will be set out.

Square Meadow Extent of playing field = 1.81ha:

The proposal reduces the extent of playing field at Square Meadow by approximately .3ha as shown on the extract below.



Approximate remaining size of Square Meadow Playing Fields = 1.51ha (loss of .3ha playing field).

Football pitches have been marked out on the site in a variety of ways over the years, it appears that currently the site provides;- a 2 x undersized mini-pitch located in an areas which could provide this to FA standards; and an U13/U14 pitch (82m x 50m) with non-standard run off areas. It is considered that the playing field as a whole could provide these three pitches with run-off areas to Sport England/FA standards. The proposal shows the development area encroaching onto the northern/north western section of this playing field and will result in the loss of its capability of the playing field to provide the football pitches.

In addition, the introduction of residential development on the existing playing fields will result in non-sporting uses being located closer to the pitch areas. Paragraph 187 of the NPPF states that 'Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.' Insufficient information has been provided to enable a complete assessment of the impact of the residential development on the use of the remaining football pitches in terms of potential ball strike and car parking lighting.

Sport England does not assess the technical detail of the submitted Noise Impact Assessment and will assume that the Council's own Environmental Protection will advise on this through their consultation response.

Overall, the proposal results in the net loss of playing field for which no replacement in terms of quality and quantity has been provided to meet Exception 4 of the Playing Fields Policy and paragraph 99 of the NPPF and insufficient consideration presented of how any subsequent conflict between the residential and sports use will be mitigated in order to comply with paragraph 187 of the NPPF.

Blackburn with Darwen Playing Pitch and Outdoor Sports Strategy (PPOSS) – Oct 2021

The PPOSS indicates that there are pressures on the existing facility stock, with insufficient capacity to meet the demands from adult, junior and 9v9 teams across the week and pressures at peak time for 5v5 and 7v7 teams and that situation does not improve significantly based on future demand.

Square Meadow is identified as containing 1 x 5v5; 1 x 7v7; and 1 x 9v9 pitch and was due to undergo improvements to drainage. The site was identified to be protected.

Impact on Darwen Moorland High School playing fields:

The proposal will take place on land which formed the playing fields for a high school, now closed and demolished. No development has taken place on the playing fields since they were used as part of the school provision and Google images show that a set of goal posts have remained in situ on the turf playing field until June this year (2023).

The reference to five years within the Order is purely in relation to whether Sport England should be consulted in a statutory capacity. The fact that a playing field may not have been marked out for pitch sport for more than five years does not mean that

it is no longer a playing field. That remains its lawful planning use whether marked out or not. There is no positive obligation (under planning law) for any playing field to be actively used as such. Therefore, any development proposal affecting such playing fields will be assessed against Sport England's Playing Field Policy and should accord with paragraph 99 of the National Planning Policy Framework.

Loss amounts to the total area, which was used by the school, being approximately 3.56 ha.

School Extend of Playing Fields = 3.56 ha



Sport England's Active Places power provide information regarding the sports provision at the site as follows:

A floodlit All-Weather Pitch to the west of the site

400m athletics track

3 x rounders pitches

1 x softball pitch

3 x adult football pitches

1 x U11/U12 football pitch

1 x senior rugby pitch

Area to west of building capable of fitting a mini/5-a-site pitch

The school building contained a 4-court sports hall of 561smq and a 1 court activity hall of 180sqm

No provision has been made for its replacement on or off the application site – no provision within the S.106 as proposed.

Overall, the proposal results in the net loss of playing field for which no replacement in terms of quality and quantity has been provided to meet Exception 4 of the Playing Fields Policy and paragraph 99 of the NPPF and insufficient consideration has been presented in view of the relationship between the residential buildings and sports

facilities and how any impact will be mitigated in order to comply with paragraph 187 of the NPPF.

Assessment is made against the Playing Fields Policy Exceptions E1- E5 as follows:

Sport England’s role is to protect playing fields. In order to be clear on the definition of a playing field, The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines a playing field as ‘the whole of a site which encompasses at least one playing pitch’. This definition is also provided within the glossary to the Government’s National Planning Policy Framework. The definition refers to the whole of a site and therefore does not just cover land which is currently laid out as pitches. It also does not differentiate between different types of ownership e.g. public, private, or educational ownership. Sport England considers proposals affecting playing fields in light of the National Planning Policy Framework (NPPF) (in particular Para. 99) and against its own Playing Fields Policy, which states:

‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
 - land which has been used as a playing field and remains undeveloped, or
 - land allocated for use as a playing field
- unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.’

Sport England Policy Exceptions	
E1	A robust and up to date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.
E2	The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.
E3	The proposed development affects only land incapable of forming part of a playing pitch and does not: <ul style="list-style-type: none"> ▪ reduce the size of any playing pitch; ▪ result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas); ▪ reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality; ▪ result in the loss of other sporting provision or ancillary facilities on the site; or ▪ prejudice the use of any remaining areas of playing field on the site.
E4	The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of

	<p>development, by a new area of playing field:</p> <ul style="list-style-type: none"> ▪ of equivalent or better quality, and ▪ of equivalent or greater quantity, and ▪ in a suitable location, and ▪ subject to equivalent or better accessibility and management arrangements.
E5	The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

Sport England has considered the proposals with regard to the specific exception criteria identified in the above policy and made the following assessment:

E1: Does not apply, it has not been demonstrated that there is an excess of playing pitches in terms of school or community playing pitch provision, there is no evidence to suggest that the playing fields affected are not needed.

E2: Does not apply, the propose ancillary facilities supporting the use of Square Meadow Sports Field affect the quantity or quality of playing pitches adversely affect their use.

E3: Does not apply, the development affects land marked out as pitches in the case of Square Meadow Playing Field.

E4:

a) No effective replacement playing field has been proposed for the loss of Playing field at Square Meadow Sports Field nor for the loss of playing field and pitches at the former school site of Darwen Moorland High School.

b) No effective assessment of ball strike has been proposed in relation to the proximity of the proposed residential development to Square Meadow Sports Field.

E5: Does not apply, the proposed development is not for a sport facility.

The National Planning Policy Framework paragraph 99 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Based on the above assessment the proposal does not meet any of the policy exceptions in Sport England’s Playing Fields Policy or paragraph 99 of the NPPF because the area of playing field lost would not be adequately replaced.

In addition, insufficient consideration has been presented in view of the relationship between the residential buildings and sports facilities and how any impact will be mitigated in order to comply with paragraph 187 of the NPPF.

Consultation with National Governing Body's for Sport

Sport England has a memorandum of understanding with the pitch sport National Governing Bodies and consults with them on planning proposals. On this occasion, in relation to the submitted addition information, Sport England has consulted with the Football Foundation; Rugby Football Union; and England Athletics; England and Wales Cricket Board; Rugby League; England Rounders; those responses received are summarised as follows: -

Football Foundation:

- *FF nor Lancashire FA are aware of any affiliated use of the playing field which was formerly attached to Darwen Vale High School. No record of its last affiliated user or use. Goal posts in situ.*
- *The pitches and facilities at Square Meadow Community Sports Field are presently used by Glenside Juniors which has a total of eighteen teams from U7s to U14s and has seen a growth from season 2021/22. Prior to this, Darwen Rangers had teams playing on the site in 2016/17 season, this ranged from between four and nine separate teams, Blue Star is also believed to have played at the site in the last five years.*
- *The proposed residential development would appear to have a detrimental impact on the use of the pitches and facilities at Square Meadow Community Sports Field. The red line boundary directly encroaches onto marked pitches to the north of the playing field.*
- *Pitches should still be accommodated in this area, the provision of post and rail perimeter fencing and proposed soft landscaping (not material mitigation) may not be sufficient to reduce or eliminate the effect of ball strike risk from the pitches, an assessment for which would be required to evidence any risk and to advise any ball stop mitigation which may be required.*
- *Additional car parking would be beneficial, though there may be planning implications to consider with the introduction of car park lighting in proximity to the existing houses adjacent to the south.*
- *Residential removes existing turf and hard playing surfaces. Appropriate mitigation (plus additional contribution to improve local facilities in lieu of the new housing created by loss of the site) should be secured for the loss of these facilities which could be brought back into use. With the Blackburn with Darwen Playing Pitch Strategy now considered to be out of date there is no current evidence base to identify whether these facilities require protecting to meet demand and future use, so without this should be sought to be mitigated.*

Rugby Football Union:

- *The playing field land was not previously utilised by any community rugby union clubs.*
- *The RFU is not aware of any use of the land by any community rugby union clubs.*
- *The playing field and marked pitches at Square Meadow Community Sports Field are not accessed by rugby union users.*

England Athletics:

- *Not aware of any use of the school playing field for athletics.*
- *Not aware of any use of Square Meadow Community Sports Field for athletics.*

Any s106 from the proposed development for a rugby union contribution, based on Sport England's housing growth calculator, should be direct towards Blackburn RUFC as the sole rugby union clubs in the Local Authority.

Sport England – Non-Statutory Role and Policy

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications: <https://www.gov.uk/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space#open-space-sports-and-recreation-facilities>

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations. Further information on the objectives and Sport England's wider planning guidance can be found on its website: <https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport>

The occupiers of new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up-to-date Sports Facilities Strategy, Playing Pitch Strategy or other relevant needs assessment.

The proposal is for 477 dwellings with additional facilitating works.

Assessment against Sport England's Objectives and the NPPF

Calculations have been previously provided by Sport England in response to the request for comment on the related Masterplan – as attached. However as the total number of dwellings differs from that provided a revised assessment is set out below. The population of the proposed development is estimated to be 1,145 based on the average occupancy rate of 2.4 people per dwelling (ONS data). This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with the NPPF, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

INDOOR FACILITIES & AGP:

You may be aware that Sport England's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. The calculator uses population breakdowns from the ONS

population projections and from locally derived figures for sports halls, pools, indoor bowls and artificial grass pitches. It then uses information Sport England has gathered from the National Halls and Pools Survey, Benchmarking Service, Indoor Bowls User Survey, and General Household Survey, on who uses facilities and applies this to the actual population profile of the local area. This ensures that the calculation is sensitive to the needs of the people who actually live there.

The SFC indicates that a population of 1,440 in this local authority area will generate a demand for a total of **£531,139** which is broken down as:

Facility Requirements:

Artificial Grass Pitches	
Demand adjusted by	0%
Pitches	0.04
<u>vpwpp</u>	28
Cost if 3G	£41,528
Cost if Sand	£37,564

Indoor Bowls	
Demand adjusted by	0%
Rinks	0.01
Centres	0.00
<u>vpwpp</u>	2
Cost	£6,027

Sports Halls	
Demand adjusted by	0%
Courts	0.34
Halls	0.08
<u>vpwpp</u>	99
Cost	£232,542

Swimming Pools	
Demand adjusted by	0%
Square meters	12.89
Lanes	0.24
Pools	0.06
<u>vpwpp</u>	78

Estimated demand and costs for new pitches (matches and training demand) and ancillary provision

	Number of pitches to meet estimated demand	Capital Cost	Lifecycle Cost (per annum)	Changing Rooms (number)	Changing Rooms (capital cost)
Natural Grass Pitches	0.79	£71,577	£14,917	0.75	£141,972
Adult Football	0.14	£14,609	£3,083	0.28	£52,524
Youth Football	0.29	£24,736	£5,195	0.29	£55,504
Mini Soccer	0.27	£8,202	£1,722	0.00	£0
Rugby Union	0.03	£5,311	£1,137	0.07	£12,531
Rugby League	0.00	£0	£0	0.00	£0
Cricket	0.06	£18,719	£3,781	0.11	£21,414

(vpwpp = visits per week in peak period)
(Based on Sport England Build Costs Quarter 3 2022)
A copy of the full SFC report is available on request.

NATURAL TURF PITCHES:

Sport England use the Playing Pitch Calculator to establish the additional requirement for natural turf playing pitches derived from the population increase resulting from the proposed development. For this proposal, this additional demand requirement amounts to **£362,719** and is set out below:

NB: The 'Lifecycle Cost' is for the maintenance of any provision and should be multiplied by a factor of 10 years therefore in this case the total Lifecycle cost is 149,170.

Should the LPA require the full Playing Pitch Calculator data, this can be forwarded if requested.

Based on Sport England Build Costs Quarter 3 2022

Lifecycle Costs - Based on a % of the total project cost per annum as set out in Sport England's Life Cycle Costs Natural Turf Pitches and Artificial Surfaces documents (April 2012)

<https://www.sportengland.org/facilities-planning/design-and-cost-guidance/cost-guidance>

SUMMARY:

The additional demand for sports facilities is estimated at a cost of **£893,858**.

Sport England would expect any new sport development to meet an identified demand. Sport would not wish to see new sport facilities developed on site that are of the wrong type and do not meet a demand and therefore remain unused.

This requirement is in response to the demand created by the proposed new development and should not be confused with the need to separately provide for replacement of the playing field in this instance.

We trust the above provides an indication of sporting need and assists the Council in negotiations with the applicant in assessing the financial contribution requirement towards sport in the local area and Sport England would encourage discussion with the Council's Leisure officers to identify those areas and facilities most requiring investment.

Conclusion

Considering the above, Sport England **objects** to the application because it is not considered to accord with any of the Exceptions to Sport England's Playing Fields Policy or with Paragraph 99 or 187 of the NPPF.

Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's holding objection, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2021, the application should be referred to the Secretary of State, via the Planning Casework Unit.

If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s), and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.

Possible resolution

Sport England would be pleased to review the objection with a view to considering potentially withdrawing it when we have received amended plans and documentation that addresses the following:

Statutory:

1. Amendment to the proposed layout to remove any loss of playing field at Square Meadow Sports Field or provision of replacement playing field to meet Sport England Playing Field Policy Exception 4; and
2. Provide additional information to address any impact from ball strike in relation to the proposed residential development to meet Sport England Playing Field Policy Exception 3; and
3. Provide additional information in relation to car park lighting in relation to the proposed residential development to meet Sport England Playing Field Policy Exception 3.

Non-Statutory:

1. Details of the planning mechanism to secure off-site provision to provide additional sports facilities to meet the demand arising from the proposed residential development.
2. Provision of replacement playing field identified above at former Darwen Moorland High School to meet Sport England Playing Field Policy Exception 4

Additional Advice – Active Design 3

Notwithstanding the above the following is advice offered to inform the LPA's determination of the application.

Sport England, in conjunction with Public Health England, has produced 'Active Design 3' (May 2023), a guide to planning new developments that create the right environment to help people get more active, more often in the interests of health and wellbeing. The guidance sets out ten key principles for ensuring new developments incorporate opportunities for people to take part in sport and physical activity. The Active Design principles are aimed at contributing towards the Government's desire for the planning system to promote healthy communities through good urban design. Sport England would commend the use of the guidance in the master planning process for new residential developments.

6.18 Active Travel England

Assessment

Deferral: ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.

The site is allocated for residential development within the Blackburn with Darwen Local Plan Part 2: Site Allocations and Development Management Policies (2015) under allocation '16/12 Holden Fold Development Site, Darwen'. This estimates that 315 houses will be delivered on site by 2026, with further housing beyond this date. The site is also a draft allocation in the emerging Local Plan under draft Policy H044-46: Land at Holden Fold Darwen, with 397 residential units expected to be delivered by 2037, and a further 36 houses beyond this (433 in total). On this basis, the principle of developing the site for residential use appears acceptable, although the quantum of housing proposed exceeds that identified within the emerging plan.

In general, the site layout offers a good degree of permeability for walkers and wheelers. Paragraph 4.6 of the Transport Assessment (TA) confirms that footways within the development would be 2m wide, although it should be ensured that the widths of all footpaths (routes away from roads) are also a minimum of 2m to allow wheelchair users to pass without obstruction. In addition, a continuous connection to the north side of Holden Fold should be provided where the footway crosses the private drive in front of plot 452.

It is unclear from the submitted documentation whether the speed limit on the estate roads will be set at 30mph, 20mph or a mix of the two. In respect of cycling, LTN 1/20 Figure 4.1 (Appropriate protection from motor traffic on highways) establishes that a mix of traffic is suitable on roads with a speed limit of 20mph where there is no more than 200 passenger car units per peak hour or 2,000 passenger cars per day. This will apply for some roads within the site, although a protected space for cycling may be required on the main through routes in accordance with Figure 4.1, or alternatively a 3m-wide shared foot/cycleway should be provided on either side of the road.

In addition, the proposed foot/cyclepath running through the site does not appear wide enough for this purpose. There would be significant merit in providing dedicated cycling (3m wide) and walking (2m wide) routes alongside this alignment to allow for the safe movement of all users. Where this route straddles estate roads, it should also be ensured that there are suitable access points and connections for cyclists so as not requiring the crossing of verges or using footpaths to access this route.

Table 2.1 (Access to Local Amenities & Services) in the TA shows the distances and approximate walking times to local amenities from a point along Holden Fold. The nearest retail unit listed (Pothouse Stores) has been converted into a house, meaning that the nearest everyday amenity from the southern edge of the site is the local primary school (800m), and further still when measured from within the site. It is therefore considered that the site is not highly accessible to a range of key amenities in terms of distance. However, and noting that the site is allocated for housing, it should be ensured that the quality of active travel routes to these amenities is of good quality to ensure that opportunities for walking, wheeling and cycling is maximised. In this regard, the TA does not quantify the number of active travel movements likely to be generated by the development, and a qualitative assessment of key routes is limited to a statement in paragraph 2.13 that the character of local roads makes these

a suitable environment for cycle trips. However, given that the NPPF clearly states that active travel should be prioritised, the omission of any meaningful assessment of off-site routes is disappointing. Without a solid understanding of the quality of off-site infrastructure linking the site to a range of key amenities, there is a limit to how effective any travel plan can be in promoting a modal shift towards active travel, as is required by paragraphs 104, 105, 110 and 112 of the NPPF.

In view of the above, it is considered that further information and site layout amendments are required before ATE can recommend suitable conditions and/or obligations as appropriate, to include:

- Confirmation that all footways/paths within the site would be a minimum of 2m wide;
- A continuous footway connection should be provided between the north side of Holden Fold and plot 452;
- Confirmation of speed limits to be applied, and for design amendments to be incorporated on site plans where the current on-road provision for cyclists would not adhere to the 'Provision suitable for most people' standard in Table 4.1 of LTN 1/20;
- Segregation of the current shared foot/cyclepath running through the site, with minimum 2m wide footpath and 3m wide cyclepath provided and suitable access points/connections provided from adjacent estate roads for cyclists;
- The TA should be updated to include a quantitative and qualitative assessment of active travel trips/routes to key amenities, to identify where localised improvements would enable a higher take-up of walking, wheeling and cycling.

It is recommended that this advice be forwarded to the agent, developer and local highway authority.

6.19 National Gas

Regarding planning application 10/23/0587 at site location 'Land at Holden Fold, Darwen,' there are no National Gas assets affected in this area.

The location used to confirm that there are no National Gas assets affected is the location at: 369678, 423153.

6.20 LCC Archaeology

The proposed development site contains a number of non-designated heritage assets recorded on the Lancashire Historic Environment Record, visible on 19th century Ordnance Survey mapping of the site:

PRN20803 – A covered well recorded as 'Walsh Fountain' recorded on the Ordnance Survey 1st Edition 1:10560

PRN37315 – The former sites of three 'Old Coal Pits' recorded on both the Ordnance Survey 1st Edition 1:10560 & 1:2500, & Dandy Row Colliery, recorded on the Ordnance Survey 1st Edition 1:2500 as comprising a disused shaft and buildings

PRN40050 – Dandy Row Sandstone Quarry recorded on the Ordnance Survey 1st Edition 1:10560

Fields in the north of the site are recorded in the Lancashire Historic Landscape Characterisation Programme (LCC & English Heritage, 2002) as being Ancient Enclosure (land which has been enclosed prior to c. AD1600) and the stone field boundaries in this area may therefore contain features such as gate posts, sheep throughs etc., and may demonstrate a relative chronology (butt joints).

The site is also crossed by the Township boundary between Over Darwen and Eccleshill. Recent work in Cheshire has found that many are associated with substantial ditches which may preserve palaeoecological data.

Given that the date and nature of the archaeological deposits that might survive on the site are such that they would in all likelihood be regarded as having only a local significance the HET would concur with the conclusions reached in section 7.5 of Pegasus Group's Archaeology and Built Heritage Assessment (June 2023) that they would not be a constraint to development. Having said that they would still be of sufficient significance to require preservation by record.

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

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

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

6.21 Lancashire Fire Service

No comment offered.

6.22 Public consultation

345 letters were posted to the local community on 10th July 2023. Site notices were also displayed and a press notice was published on 4th August 2023. In response, 17 objections and 7 general comments were received (see Summary of Representations). In summary, the objections relate/comments relate to:

- Destruction of the Community Hedge within the northern boundary of Square Meadow Community Playing Field
- Inadequate infrastructure – education and health facilities

- Detrimental impact on surrounding highway network
- Loss of green space
- Impact on wildlife
- Concerns over additional parking on Knowle Lane
- Proposed roundabout on Roman Road is dangerous
- Increased pollution
- Too many houses being built

Members are advised that with regards to the Community Hedge referred to above, a condition is proposed to be imposed (No 41, paragraph 4.1 above), that ensures a scheme is to be submitted for approval relating to any proposed pruning works, and the hedge shall be retained, and the issue is addressed in paragraph 3.5.89 above.

7.0 CONTACT OFFICER: Nick Blackledge, Principal Planning Officer

8.0 DATE PREPARED: 3rd November 2023.

9.0 SUMMARY OF REPRESENTATIONS

Objection - Eric Veitch , Mayfair, Roman Road, Darwen, BB3 3BN and , Haydon, 39 Ivinson Road

Darwen, BB3 0EN – received 2nd November 2023.

Ref 10/23/0587

Attention of Nick Blackledge

Registration of objection

The attachments for the documents (both plan and supporting documents) on the planning site all appear to be the proposed site layout - General arrangement 22-04-PO1 therefore it is not possible to fully consider the full implications of this amended planning application. Can this now be delayed, the correct documents uploaded and extra time given to enable a reasonable evaluation.

Administration objection - the above drawing refers to Land North of Holden Fold - Blackburn - can we have the correct identity as far as I am aware this site is actually in Darwen.

I commented on the original application as follows

From what I see of the plans there is consideration of vehicle movements on / from the proposed development, and the junctions look well detailed, but with no consideration of the impact of this and recent other developments on the current infrastructure, particularly: -

The housing access point and junction modifications proposed at the bottom of Moor Lane does nothing to address the volume of traffic at what is a difficult junction to Chapels, and surely compounds the situation.

The pinch points at the top of Moor Lane / Holden Fold do not appear to have been addressed and will only get worse.

The increased traffic volume on Roman Road and current speed issues do not appear to have been addressed.

Increased volume of traffic on Lower Eccleshill – often queued up to the Lower Darwen roundabout due to the junction at the railway bridge and the pinch point for HGVs on the bridge.

The quickly deteriorating condition of the roads in these areas.

Whilst controlled development is to be lauded, especially on brown field sites, can the council actually justify the need for these 477 new houses, and whilst taking the additional revenue from the stratospheric expansion of housing and industrial units, can they take their responsibility for the provision of the supporting highways infrastructure in what will be the main vehicle links to the motorway at Lower Darwen, the Roman Road route to Blackburn and the various interconnections at Shadsworth, and also the routes to the south of the town.

From what I see in the amended application none of the above appears to have been considered or addressed and therefore I add a further objection to the planning application until I can see proof of actions to address these.

Regards.

Eric Veitch & Haydon

Objection – Brian Cowen, 44 Dandy Row. Received 26th October 2023.

Hi, Nick

Thanks for the callback this morning. I have listed below the reasons why I believe the hedge along the northern side of Square Meadow should be retained.

The proposed destruction of the Community Hedge within the northern boundary of Square Meadow Community Playing Field.

- This is a **Woodland Trust Wild Harvest** hedge – hazel, blackthorn, crab apple, elder, dog rose, chosen with the intention that local people and wildlife would be able to help themselves to the fruit
- The whips were provided freely by **Woodland Trust** with gaps filled during the following planting seasons, additional whips also provided by the **Trust**
- Planting of the Community Hedge was begun in winter 2015 by volunteers, including parents of the children who play on Square Meadow, and has been voluntarily maintained since with wire and post fencing as a temporary protection while the plants take hold
- The boundary of Square Meadow was defined by a stone wall, the footings of which are still in place; the hedge has been planted on the Square Meadow side of that boundary
- The apple trees at the western end of the hedge were planted unofficially by someone around 50 years ago
- There is an established English oak, probably between 30 and 40 years old, on the embankment which also seems in danger of being destroyed
- The hedge provides wind protection for children playing on this community field and also for the increasing number of local walkers for whom this facility is a healthy area in which to roam and to walk their dogs
- The hedge is now home to wildlife and its destruction would destroy this habitat, for instance, there are hairstreak butterflies around the eastern end of the hedge and birds are always heard and seen within the bushes
- The hedge would provide a visual enhancement to this aspect of the housing development

Regards

Brian Cowen

Objection – John & Susan Nickson, 3 Windermere Drive, Darwen, BB3 3BQ. Received: 13/07/2023.

In response to the planning application 10/23/0587 :-

1) 477 Residential dwellings will bring many families into the area and the infrastructure regarding education and health facilities will be inadequate - they will need improving dramatically.

The other developments in Darwen are large, particularly Miners Gate which is this immediate area.

2) vehicular access points into this area will be off already narrow , heavily used roads . 477 residential houses will result in a huge increase in vehicles all through the day but particularly in rush hour. These B roads are already heavily used. The access road planned from Roman Road leading into Blackburn and to M65 will be impossibly heavy.

This road is very narrow with many bends and in the near future will have extra traffic already from the Hoddlesden housing development and the farm development at Eccleshill.

The access points from Holden Fold and Moor Lane will increase vehicle use to Pot House Lane and indeed all the other minor roads in the area .

We feel that this development application is far too big and with no evidence for improvements in infrastructures

We therefore object to this application and feel it should be rejected.

Objection – Pauline Inglis, 28 Dandy Row, Darwen, BB3 3BL. Received: 14/07/2023.

I am concerned regarding the extra amount of traffic this will create on Roman Road. This is already a very busy road with speeding traffic. The proposed roundabout site will create more problems especially for residents of Dandy Row and does not seem to be a suitable place for this.

Furthermore and more serious a recent survey of a property on Dandy Row concluded that an outside wall which had to be repaired was as a result of vibrations from traffic.

If there is to be more traffic more damage will be done to properties on This row of houses.

Please take this into consideration .

Objection – Kerry Duval. Received: 14/07/2023.

I have received your letter about the planning application for 477 new houses to be built on the land on Holden Fold Darwen.

I think the application should be rejected due to the following reasons :

- It is already nearly impossible to get a doctors appointment on the same day at Darwen Health Centre due to lack of doctors available.

- The schools in the area are already full and struggling to cope with children who have SEN difficulties

- SEN children are struggling to excess proper education because of a lack of SEN schools in the area, meaning more money is needed to fund transport out of the area to get them to school.

A new SEN school is needed

- Darwen is a ghost town with no proper shops here, forcing people to either go online or travel to Blackburn for clothing, shoes, toys etc.

- The extra cars on the road mean that there is more danger of accidents in the area.

- There is already problems with young people causing trouble around Darwen because there is no where for them to go. Darwen Youth Zone isnt available much during the week.

- The parks in the area are being ruined by teenagers so there isnt anywhere for parents to take their young children

Unless there is a new hospital, more doctors and new schools coming to the area, adding 477 new homes is going to add extra stress to the doctors, schools and hospital that is already here

The NHS is already under pressure and people are struggling to get the treatment they need for whatever conditions they have.

Objection – Craig Walkden, 36 Dandy Row, Darwen. Received: 14/07/2023.

We have just received notification of the above planning application, this is a very large number of new properties in area that has already a large volume of old and recently built or currently being built properties and the current infrastructure has not grown with these extra properties, we currently live on Dandy Row Roman Road which is very close to this proposed new development and this is going to severely impact our property and surroundings the extra traffic from this development alone is going to increase dramatically on what is already a nightmare for all residents in our area, there is a big issue with the speed at which people drive up and down has long been a big problem but nothing gets done this is also likely to increase and sooner or later a fatality will occur.

We recently had to have all the front of our cottage repointed and other remedial work carried to the property we were informed by the builder that the problems were more than likely caused by the sheer amount of traffic that uses the road, again this issue is only going to get worse.

We are all going suffer severe disruption whilst this development is taking place we are also going to lose a large amount of green space which is currently used by many people.

On the plan it shows a roundabout is going to be constructed just after the current stable block, the road isn't in my opinion wide enough to take such a roundabout and certainly not at that point.

Whilst we feel that the need for housing for the ever growing population the sort of housing being proposed will not be affordable to many local residents and therefore bring purchasers from outside the area again impacting on the severe shortage of doctors, dentists and school places for local residents.

We feel that this development will go ahead despite the concerns of many residents, but for us residents in the immediate area that are going to be severely disrupted we hope to be the compensated for disruption not to mention the damage all extra traffic may cause to this particular row of very old cottages which date back to 1824.

Objection – Chelsea Adams. Received: 14/07/2023.

To whom this may concern regarding the above planning.

From a local resident living in the area I have only just received my letter due to late posting from shortage of staff at darwen sorting office.

Myself and 2 children are not best pleased regarding the planning as we walk here daily with our 2 dogs aswell as my sister with her daughter and dog, my mum also. As well as fellow dog walkers or just locals getting out and about to stretch their legs. It is a great bit of green space for many whom cant get out and about as much as others aswell. Our green spaces and wildlife are being destroyed due to developer's taking over. Our memories being built on just like baileys field that was also used dailey. Our wildlife are struggling and it is already and slowly having there freedom took away. I for one would rather have wildlife living in there natural habitats knowing they dont have to try find else where to live which I have witnessed myself since baileys has been built on now this. I would choose wildlife and green space over humans and buildings in our already over run town.

The frustrating thing is that there is just not enough facilities to have more houses built in are beautiful town I say beautiful now but as the years go on it will be even more over run and over populated. We as residents should actually be listened to for once. This is our town.

Could you please let me know when this disaster starts to happen as polyphemus woods which is protected by woodland trust could your verify that it will not be touched?

Objection – Michael Hunt, 35 Coniston Drive, Darwen. Received: 14/07/2023.

I am completely opposed to the proposed new build as detailed above.

The infrastructure in Darwen is just not there, yes we have an abundance of pound shops and takeaways, but, Doctors, Dentists, schools, youth organisations, appropriate road infrastructure and parking provisions are even insufficient now, so any increase would be a disaster.

The building on redundant mines and mine shafts without any thoughts given to them have been pushed through so I suppose any objections will be met in the same way.

Objection – Hazel Walsh, Lower Darwen. Received: 14/07/2023.

I'd like to object to the proposal to build 477 houses on the Holden Fold site in Darwen where the old school used to be. Application no 10/23/0587.

As a resident of Lower Darwen the traffic is already insane during rush hour in the local area, the doctors and dentists are already struggling to fit in the current residents and the infrastructure is not in place to welcome another 800 plus cars and 1000 plus residents. Not to mention all the wildlife that will be destroyed by changing the current green areas.

I'd appreciate your thoughts on this can be addressed before we build another almost 500 houses in an area already over populated.

Objection – Mrs M Armstrong, 21 Windermere Drive, Darwen, BB3 3BQ. Received: 17/07/2023.

Dear Martin Reference 10/23/0587. Re planning application for land on Holden Fold Darwen . I am writing regarding the proposed work starting for 477 housing development. Has anybody been to see the proposed area you are thinking of

developing this? I have wrote before about congestion on Holden Fold this area is country Lanes not suitable for heavy volume of extra traffic or any more housing . I've seen plans for double yellow lines outside 15 - 30. Knowle Lane , also pink painted area , that will be totally useless and waste of time and money , the few that park outside of these houses don't cause the problem it's the very large wagons also the amount of traffic now using this road going to moterway junction 4. How can you justified another 477 houses being built on Holden Fold this is a stupid plan by somebody who does not live in this area,or care about residents, or travellers using these roads now. The future around Holden Fold and Knowle Lane , is surely getting more problems now with all the units building in progress now, The government have with drawn plans for more housing not realistic 300,000 not needed around Lancashire . Darwen is/ was a village beautiful surroundings fields like living in country. Now with all the development that take into place it's a town with no Schools, Few Doctors no Banks . Poor roads in / out off Darwen. No way does it need or can cope with more volume of traffic on Moor Lane or Roman Road . Have your inspectors and planners not spent more then five Minuit looking and observe or visited this area lately, or spoken to residents on moor Lane, Knowle Lane, Roman Road. Or are you only thinking about the Rates income your wanting !!! I am hoping you will rethink your planning for for Holden Fold and surrounding area . ASAP before you all in planning office cause untold major problems.

Objection – Karen King. Received: 17/07/2023.

In relation to the above planning application, we would like to log an objection against it, as the parking currently at chapels is getting beyond the joke, people have no respect for the residents, the main culprits are the ones that use the church, they park where they want, and that includes our disabled bay.

By building on Holden fold, this is just going to compound the issue, I would also like to know where the new schools and doctors surgery's are going to be built to accommodate all the new residents on the new estate, we struggle to get appointments as it is, without an influx of additional people also needing the schools and surgeries

Objection – D Chappell, 46 Dandy Row, Darwen. Received: 20/07/2023.

The last time we received a letter from yourselves was about 300 odd houses. Now we are talking about 477. Darwen facilities cannot cope with the amount of people we have here now. We have not got the schools or health centre to serve the number of people you are talking about.

The main objection would be the traffic this road is like the grand prix has it is. There are two roads into Blackburn so how can this be feasible for another 477 houses.

Do Blackburn council not appreciate the countryside I know you wanted to join the two towns when we had to come in with you but it is not what Darwen people want.

Objection – Elizabeth Taylor, 1 West View, Knowle Lane, Darwen, BB3 0EG. Received: 24/07/2023.

I write in relation to the proposal of 477 residential dwellings to be built on land at Holden Fold.

Having been a resident here for over 20 years I have many concerns.

The new parking behind the houses will not benefit me as the carpark isn't behind my house so I would have to walk to back of my house with an 18 month old and a dog. In the winter months this isn't practical as the back is muddy, slippy and there is no lighting, meaning I would have to walk round to the front.

The traffic flow, particularly during rush hour, is already at a stand still. I believe a new roundabout is to be put in place and personally this will only make matters worse given the position of it and the amount of traffic using it. Of an evening there are cars double parked from the punch pub to the bend of goosehouse Lane, making it a one way road. And it takes up to 25 minutes to get from the corner of goose House Lane to the M65 roundabout!!! This will also only be made worse with all the additional industrial sites being built.

There are a number of wildlife in the area that will lose their homes. Deer, heron, numerous birds and owls.

The biggest, main concern for me is the infrastructure of all these new dwellings. Where are the doctors, dentists, schools to accommodate all these new houses. Not just on this site but

everywhere. The council has already authorised numerous sites to be built without thought for any additional health care or education buildings to compensate for this.

IF, and only if you were to allow the building to take place, surely it would make more sense to build a health and education hub like Buckshaw Village.

I understand that would also mean extra traffic in the area but if anything was to be built, that would make more sense.

As the roundabout has already been given the go ahead and with the numerous investigations going on in the area, I can only assume whatever the residents say will be ignored as it will bring in a lot of money.

All I can ask is that someone comes to speak to residents, ask people of Darwen what they would like in the area and please listen to the people.

The doctors are already full with a waiting time of over a week and you can't get in a dentist unless you pay to go private. The waiting list is over 18 months

Objection – Stephen Aspin, 1 Chapels, Darwen. Received: 28/07/2023.

I live at 1Chaples Darwen and the above development is going to strongly impact our area... traffic at present is at breaking point even before a spade is put in the ground.. once all the houses are built ,at peak times in particular it will be complete gridlock!! Also all the new residents that this will create within the town.. there are no places available even NOW for doctors, dentists are schools.. so how will they be accommodated? And sad to say the crime rate is going to go through the roof!! Personally I am completely against this development as are many of the residents of this area...

Objection – Adele Watson, 14 Dandy Row, Darwen, BB3 3BL. Received: 31/07/2023.

My objection to this development is numerous Wildlife, where are they going to go ? Increase of traffic Roman road can't cope with the amount of traffic as it is. There is not enough doctors or dentists in town so how are they going to cope with an increase. Blackburn hospital is bursting at the seams you just need to spend an evening in A&E to see the chaos. Surly adding to the local community will only make this worse.

Objection – G Proctor, Cottage Cattery, 20 Knowle Lnae, Darwen. Received: 31/07/2023.

I am raising my concerns regarding the plan for additional parking off Knowle Lane who is this for ? as my understanding was that this land has been allocated to provide a Residents Car Park with 9 spaces and signage (Residents Only Parking)to compensate for the loss of parking on Knowle Lane,due to the Holden Fold/Moor Lane reconfiguration

Objection – Eric Veitch, Mayfair, Roman Road, Darwen. Received: 31/07/2023.

Some time ago During the public consultation at Darwen Academy for the proposed Ellison Fold Way I discussed with the then Growth and Development Executive, and was quite disgusted at the time, about the lack of the councils clear transport plan for the proposed road as it was indeterminate about the north end of the road, which subsequently was routed onto Holden Fold without any apparent consideration for the bottle necks that ensued along Holden Fold and Moor Lane and the creation of a very difficult junction with Pot House Lane. At the time I raised concerns about the possible compounding of this issue when building on the old Moorland High school site happens and when the old Wolstenholme Bronze Powders site, currently occupied by Suez, becomes the combined Blackburn and Darwen recycling site, only to be advised that The Moorland site would never be built upon as it was a brown filed site and they did not know anything about the Suez site.

I don't claim to be psychic, but these both turned into Blackburn wit Darwen's future vision, but with apparent little regard for the impact on the local roads and infrastructure for schools etc.

This has been compounded by the recent, significant, development of industrial units along many aspects of Lower Eccleshill and the pending re-location of the PERSPEX facility to Chapels Park in addition to other significant expansions of housing to the near South of Darwen at Ellison Fold Way, Close to the Craven Heifer, Cranberry area and various developments at Waterside and the former Welly Bobs Farm. All with the propensity of compounding traffic around the intended development without any apparent clear highway strategy.

From what I see of the plans there is consideration of vehicle movements on / from the proposed development, and the junctions look well detailed, but with no consideration of the impact of this and recent other developments on the current infrastructure, particularly: -

The housing access point and junction modifications proposed at the bottom of Moor Lane does nothing to address the volume of traffic at what is a difficult junction to Chapels, and surely compounds the situation.

The pinch points at the top of Moor Lane / Holden Fold do not appear to have been addressed and will only get worse.

The increased traffic volume on Roman Road and current speed issues do not appear to have been addressed.

Increased volume of traffic on Lower Eccleshill – often queued up to the Lower Darwen roundabout due to the junction at the railway bridge and the pinch point for HGVs on the bridge.

The quickly deteriorating condition of the roads in these areas.

Whilst controlled development is to be lauded, especially on brown filed sites, can the council actually justify the need for these 477 new houses, and whilst taking the additional revenue from the stratospheric expansion of housing and industrial units, can they take their responsibility for the provision of the supporting highways infrastructure in what will be the main vehicle links to the motorway at Lower Darwen, the Roman Road route to Blackburn and the various interconnections at Shadsworth, and also the routes to the south of the town.

Objection – Laura Walkden & Partner, 10 Dandy Row & 24 Dandy Row, Darwen, BB3 3BL.

Received: 07/08/2023.

I live at 10 dandy row and my partner lives at 24 dandy row. I am writing on behalf of both households .

We would like to put forward various points to oppose this application:

1. As many others will have mentioned the woods and greenery at the back where the proposed properties will be built are a conservation area home to many wildlife including deers which can be seen every day by the residents.
2. The traffic and noise on Roman road is already horrific- adding so many houses (most have 2 cars) will create so much more traffic and increase risk of accidents.
3. The proposed access at Roman road is on a horrendous bend in which we have seen many near misses and again increasing risk of accidents.
4. There is already a shortage of schools, parks, doctors etc- adding all those houses with an average of 2-4 people per house will mean there is more waiting time and less availability from services including the GP. There is already a huge strain on the NHS. I myself work for the nhs in the community and struggle getting in and out of Darwen as it is and often not on time to see my service users.
5. When I moved to 10 dandy row 3 years ago I had to have the front wall of my house erected and rebuilt as it was bowing. It was highlighted on my survey this was due to the vibrations of the busy road to to the about of traffic over time. Increasing the users of the road will only make this happen again over time or make other houses worse- and how would be be compensated for this? It cost me £10,000 to be repaired.

I hope you take the time to read these points and other residents in the area as it will hugely impact us. I hope they're taken into consideration and this planning application does not succeed as it will be a huge downfall for the community.

Objection – Rich Field, Dandy Row, Darwen, BB3 3BL. Received: 01/08/2023.

In respect of the above application I do not believe sufficient consideration has been given in respect of the following and the application should be declined in its entirety:-

- 1) The impact of increased traffic particularly on the Roman Road which is over-used currently and not fit for the amount of traffic.
- 2) The proposed roundabout above the Waterside junction is ridiculous and could only cause further traffic congestion with the effective detrimental impact of the environment.
- 3) The impact of increased pollution. Electric vehicles are no answer as it has been proven that they have a greater impact on the environment than current petro-models especially when recyclability and production are taken into account.

- 4) Wildlife and conservation is already under tremendous threat in the locality and an impact study should be undertaken
- 5) Public Health services are already at full stretch and are struggling to cope with the current population explosion in the borough.
- 6) Blackburn Royal Hospital is struggling to cope currently with patient numbers and lack of facilities
- 7) There is a lack of provision for the inevitable increase in school populations across the board from infants right up to seniors.
- 8) There are many brown belt areas in the borough that should be developed further rather than impact on green belt edges. Otherwise the borough will look like an ever-expanding canker in the form of a "Polo Mint" with a barren interior!
- 9) Inevitably there will be increased light pollution coupled with the detrimental effect of LED street light with the known dangerous EMF radiation produced therefrom and untested 5G.

There are many more objections from more educated people than us I'm sure

Comment – Terence Trobe, 26 Dandy Row, Darwen. Received: 17/07/2023.

Regarding the above planning application, it would be fair to say that as I have lived at no 26 Dandy Row, Darwen BB3 3BL since 1971 that I would prefer that the Council had not decided that they wished to build in excess of 470 houses within 70 metres of my home.

Having said that and as this has been the plan since the Moorland School was demolished in 2016 and the fact that the council issued detailed plans of the development in early 2021, I had accepted that this would be the case but there has been one significant change during the past 2.5 years since we received the original notification.

The change is quite simply the traffic situation which has become even more obvious during the last 12-18 months.

The main entry/exit to the new development is via a roundabout which is shown on the plan on the Roman road, this is situated on a steep hill between two quite severe bends and is approximately 80 metres from my house.

I would estimate that the flow of what I call normal traffic has increased by 15- 20% during the past 12-18 months and this coupled with the obvious increase in additional heavy goods vehicles has become my main cause for concern as the houses on Dandy Row were built many years ago (Mine in 1823) and they do not have the benefit of today's regulations regarding foundations etc.

We already have evidence that no-10 Dandy Row had to have the whole of the front of the house removed and rebuilt.

I feel that because of this change and before any plans are passed regarding this phase of the development the relevant council department responsible for Highways or whoever would be responsible should be looking into this again and the residents of Dandy Row should be notified of the results.

Like elsewhere Monday-Friday during 7.30- 9am and 4pm- 6pm would be the busiest but the increase is evident at other times.

Comment – Michaela Atherton Davies, 7 West View, Knowle Lane, Darwen, BB3 OEG. Received: 25/07/2023.

1. As residents of the borough there is opposition to so many houses being built - I personally can understand housing being built but you are proposing to build not only on brownfield site but also take the surrounding fields which are used by walkers, off road cyclists and host a whole range of wildlife which is a joy to see and be part of - the massively contradicting part is you proposed cycle lanes past houses that will go to more concrete areas as you are literally taking the last of the fields.
2. There is no comments on local facilities - the GP surgery already struggles to offer appointments - having myself struggled to get myself and 3 children seen by a GP, the local hospital is already maxed out - you cannot get an appointment quickly or efficiently, the school places are reduced and there is lack of choice when it comes to decent education, there is a congestion on local roads as there is no overall way to cross Darwen without using local roads resulting in more pollution which is evident on windows of houses etc.
3. Regarding the knowle lane narrowing and car parking - there is no support from any of the residents - you haven't answered any of our concerns or provided evidence that this is required. We do not wish for the car park- we don't wish for the junction to be narrowed causing more issues with traffic
4. You propose a cycle lane which again is not required - a footpath should be just that a footpath - you are suggesting that we will be safe stepping out of our homes onto the street directly with bikes speeding past.
5. You have not provided the environmental survey to the residents as asked for previously .
6. In the planning it states designated public open space - please provide details as currently we have that without the nearly 500 houses or noise issues that will come with.
7. The new car parking does not allow for us to be able to charge our vehicles if we switch to electric - currently there are pilot schemes for terraced houses to have these facilities - in the current climate where you are encouraging it you are also taking away our choices and will be forcing us to move or making our homes less attractive to sell therefore reducing the price of my property.
8. The new car park has no CCTV which means our vehicles are at risk - I can provide evidence of Cars being broken into in other areas of Darwen - we would literally have zero protection.
9. The new houses themselves cause traffic issues - how are you going to control this - will there be a clause to reduce the amount of cars per household?
10. The car park proposed has not got designated spaces which means its unlikely all will get to park - where do you suggest we park as currently we all manage to park and residents of west view communicate with each other to sort when it's open to others its unlikely to have this.
11. Would the housing be affordable - by this we mean less than £150k as that's the kind of housing needed in Darwen.

12. Why build more houses when as I travel through Darwen there are many empty properties that need to be renovated - can the council run a scheme for that instead - you may find that you win support from the local people who elected and pay for you.

13. What will we benefit from this development as residents?

Comment – Louise Richardson, 16A Holden Fold, Darwen, BB3 3AU. Received: 28/07/2023.

I'm writing to you about the planning application with the above reference. I am worried about the extra traffic this will cause, at present traffic speed up and down Holden Fold already. There have been a few accidents, with one accident a van got turned on its side and just missed my vehicle by millimetres and the car involved ending up going through some front garden railings, as a result, it's unsafe for children to play in the front gardens. Another incident resulted in a neighbour's vehicle being written off.

Could you please consider putting in traffic calming measures on Holden Fold, Knowle Lane and Moor Lane or turning the front gardens into drive ways.

Thank you for taking the time to read my concerns.

Comment – Brian & Eileen Cowen, 44 Dandy Row, Darwen, BB3 3BL. Received: 31/07/2023.

Suggestions for Improving the proposed development on land to the north of Holden Fold.

- To move the proposed roundabout on Roman Road to halfway along the stretch of road between Manor House Farm and Dandy Row.
 - The build-up of traffic outside Dandy Row cottages, especially at peak traffic times would be lessened.
 - Waiting traffic at the proposed siting would cause an obstruction of access to the garages and parking areas behind Dandy Row.

 - There is no provision for a footpath along Roman Road linking this proposed development and the new housing at Davyfield Farm. To link these two developments would encourage healthy walking and protect pedestrians from the increased traffic generated by the new building projects as well as providing the final footpath link between Blackburn and eastern Darwen.

 - Holden Fold/Moor Lane has become more hazardous due to the extra traffic generated by the building of Ellison Fold Way. The proposed exit onto Holden Fold near to Square Meadow would add to the current road safety problems.

 - The current sewer leading from Dandy Row to Holden Fold was installed before the agricultural land was converted to the school playing field, when the land sloped gently from the height of Square Meadow to the opposite field wall. If the hedged boundary of Square Meadow were to be sloped as Capita suggested a few years ago, removing part of the hedge and encroaching on the edge of the playing field, the sewer would be left much nearer the surface than is usual.
-

Comment – Haydon, 39 Ivinson Road, Darwen, BB3 0EN. Received: 31/07/2023.

Some time ago During the public consultation at Darwen Academy for the proposed Ellison Fold Way I discussed with the then Growth and Development Executive, and was quite disgusted at the time, about the lack of the councils clear transport plan for the proposed road as it was indeterminate about the north end of the road, which subsequently was routed onto Holden Fold without any apparent consideration for the bottle necks that ensued along Holden Fold and Moor Lane and the creation of a very difficult junction with Pot House Lane. At the time I raised concerns about the possible compounding of this issue when building on the old Moorland High school site happens and when the old Wolstenholme Bronze Powders site, currently occupied by Suez, becomes the combined Blackburn and Darwen recycling site, only to be advised that The Moorland site would never be built upon as it was a brown filed site and they did not know anything about the Suez site.

I don't claim to be psychic, but these both turned into Blackburn wit Darwen's future vision, but with apparent little regard for the impact on the local roads and infrastructure for schools etc.

This has been compounded by the recent, significant, development of industrial units along many aspects of Lower Eccleshill and the pending re-location of the PERSPEX facility to Chapels Park in addition to other significant expansions of housing to the near South of Darwen at Ellison Fold Way, Close to the Craven Heifer, Cranberry area and various developments at Waterside and the former Welly Bobs Farm. All with the propensity of compounding traffic around the intended development without any apparent clear highway strategy.

From what I see of the plans there is consideration of vehicle movements on / from the proposed development, and the junctions look well detailed, but with no consideration of the impact of this and recent other developments on the current infrastructure, particularly: -

The housing access point and junction modifications proposed at the bottom of Moor Lane does nothing to address the volume of traffic at what is a difficult junction to Chapels, and surely compounds the situation.

The pinch points at the top of Moor Lane / Holden Fold do not appear to have been addressed and will only get worse.

The increased traffic volume on Roman Road and current speed issues do not appear to have been addressed.

Increased volume of traffic on Lower Eccleshill – often queued up to the Lower Darwen roundabout due to the junction at the railway bridge and the pinch point for HGVs on the bridge.

The quickly deteriorating condition of the roads in these areas.

Whilst controlled development is to be lauded, especially on brown filed sites, can the council actually justify the need for these 477 new houses, and whilst taking the additional revenue from the stratospheric expansion of housing and industrial units, can they take their responsibility for the provision of the supporting highways infrastructure in what will be the main vehicle links to the motorway at Lower Darwen, the Roman Road route to Blackburn and the various interconnections at Shadsworth, and also the routes to the south of the town.

Comment – Patricia Cooper. Received: 07/08/2023.

Blackburn with Darwen borough is reportedly one of the poorest in the country with working residents increasingly turning to food banks. As the average house price is £285k, but new builds often exceeding this, the ability of locals to buy or rent will be unaffordable. This lack of affordable housing in this application will disrupt and displace the community.

As millions of pounds have been paid to the council by the house building consortium, this financial benefit could raise a conflict of interest between the developers planning applications for permission from the council and residents concerns and needs that are presented to the council. Thus, compromising the council ability to act impartially in the public interest, on this planning application and make an unbiased approach.

The number of 447 houses proposed is excessive . It will be environmentally damaging due to loss of habitat and pollution from construction, and increased traffic.

The history of mines on the proposed site is a construction hazard and has the potential to create future hazards for households. Water and flood management may have implications for the area.

This development needed to avoid dominating the current view including that to the nearly listed manor house.

This number of increased residents will place increased pressure on the infrastructure, including health care and schools. Residents in the area are already having child directed to schools outside the area during to lack of local capacity

Whilst some issues are not within the remit of the council, a lack of facilities for the increased number of households will impact on the accessibility to services with a resulting detrimental health and education impact for residents. Therefore a wider consultation with relevant bodies needs to be undertaken to determine the way forward, for sufficient resources for residents.

The available access roads in this area are unsuitable for construction vehicles. Current residents will experience unacceptable noise and nuisance, and increased pollution.

Increased exposure to car pollution is known to be detrimental for health, thus putting more pressure on health providers.

There is a lack of public transport to the area which will increase car usage.

The increase of domestic vehicles for the development is estimated to be approximately 954 plus. The current roads are unsuitable and unable to support this.

The road from Holden Fold to Goose house will put unreasonable strain on the junction.

The proposal to put a link road from this site to join Roman Road will put increased traffic on a narrow road with a steep incline and blind bends. The traffic created will result in an increasingly hazardous thus dangerous area.

Increased traffic on Roman road will cause congestion and danger at the junction of Roman road and Johnson Road. Difficulty of access from Johnson Road onto Roman Road will cause disruption and difficulties for residents of Eccleshill and Waterside due to lack of alternative route.

APPENDIX 1.



VIABILITY APPRAISAL SUMMARY

Planning Application Reference No.	10/23/0587
Site Address	Land North of Holden Fold, Darwen, BB3 3AU
Development Description	Erection of 477 residential dwellings
Applicant	Countrywide Partnerships
Number of houses (or floorspace if non-residential)	477
Date of Appraisal	October 2023

Open Market Gross Development Value (GDV)	£115,591,900
Open Market Net Development Value (NDV) = GDV less Sales Incentives	£N/A
GDV of Pre Sale (PS) Element (Contract to be evidenced)	£0

Average Sales Rate per square foot	£260.98
Profit Level – as a % of GDV of Open Market Value	12.99%
Profit Level on Cost %	14.93%
Average Build Rate per square foot	£138.45
All in build cost – [Includes – House Build (Superstructure), Plot Costs (Incl Substructure), Infrastructure, Overheads and Prelims]	£69,513,949
Additional build costs	£0
Schedule of abnormalities	£11,946,816
Contingency on build costs and abnormalities	2.5%
Professional fees on build costs and abnormalities	6%
Sales and Marketing Costs	3.5%
Section 106 requirements	£4,360,600
Section 106 contributions agreed	£3,466,742
Finance cost	8%
Tax Relief	£0
Land Value at date of planning application submission	£413,000
Benchmark Land Value	£6,195,000
Agreed Stamp Duty @ X%	£174,094
Agreed Site Legal & Agents Fees @ X% of Land Value	1.5%
TOTAL GROSS DEVELOPMENT COSTS (excluding land value)	£111,900,000
Surplus = NDV - GDC	£0

REPORT OF THE STRATEGIC DIRECTOR

Plan Nos: 10/23/0777
and 10/23/0778

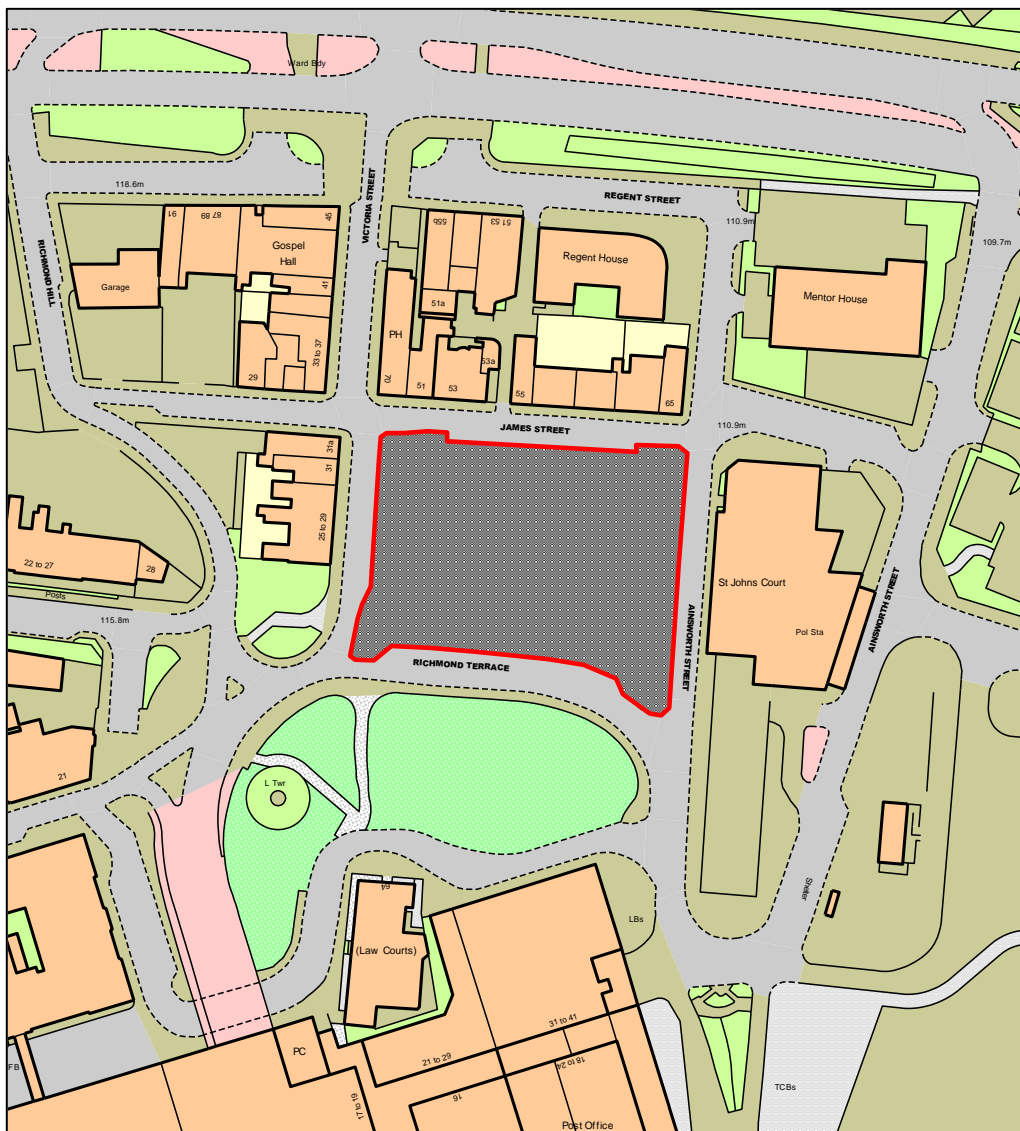
**Proposed Development: Full Planning Permission and Listed Building Consent:
Conversion and extension of existing Grade II Listed Church to provide office
accommodation**

Site Address: St Johns Centre, Victoria Street, Blackburn

Applicant: Blackburn with Darwen Borough Council

Ward: Blackburn Central

**Councillor Samim Desai
Councillor Mahfooz Hussain
Councillor Zamir Khan MBE**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be granted both Full Planning Permission (10/23/0777) and Listed Building Consent (10/23/0778), subject to the conditions and informative note detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 These applications are presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the applications are made on behalf of the Council.
- 2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 58 adjacent properties on 11th September 2023. In addition, two site notices were displayed on 15th September 2023. No public comments have been received for the application so far. Should any comments be received ahead of the committee meeting they will be presented as part of a committee update report.
- 2.3 The Council's development plan supports new employment and heritage developments, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 The proposed developments involve the complete refurbishment of the fire damaged Grade II listed St John the Evangelist Church. The proposals involve converting the church into a flexible work space, providing offices, meeting rooms and lettable desks. A number of external works are proposed to facilitate the refurbishment including the construction of a new roof, the installation of new windows and internal remodelling.
- 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 as follows;
- Principle of Development
 - Heritage Assets
 - Archaeology
 - Design and Visual Amenity
 - Residential Amenity
 - Highways and Parking
 - Arboricultural Considerations
 - Ecological Considerations
 - Drainage Considerations
 - Land Contamination
 - Wider Sustainability Benefits
 - Crime Management

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 As detailed above, the application site is a Grade II listed building that is currently in a state of disrepair following a significant fire in April 2019. The site is located within Blackburn Town Centre and the Richmond Terrace Conservation Area. Mixed-use buildings surround to three sides with an open landscaped area positioned to the south. 51 – 53 James Street to the north and 25 – 31 Victoria Street to the west are also Grade II listed buildings.

Figure One – Location Plan and Satellite Image



Figure Two - Site Photographs (taken 26th September 2023)







3.1.2 The site covers an area of circa 0.8 acres and it is located on Victoria Street, in the northern part of Blackburn Town Centre. The site is located on a rectangular plot bounded by James St, Ainsworth St, Victoria St and Richmond Terrace. The site includes a churchyard, historical burial places and a number of mature trees, which are protected by a Tree Preservation Order area (Blackburn Town Centre TPO 1991 – Old 37A1).

3.1.3 The church was completed in 1789. Limestone form its main body. It has a rectangular plan with a square tower at its west and chancel projection to the east. The Vestry was added in 1865 with the galleries and chancel additions in 1891. The building contains features including cill band, Doric columns, pedimented tripartite windows and semi-circular clerestory lights. A number of stained glass windows also survived the fire, which depict a number of saints and religious figures.

3.2 Proposed Development

3.2.1 As detailed above, the proposals seek consent for the renovation and re-use of the currently derelict Grade II listed St John the Evangelist church, to provide office accommodation. The proposals involve converting the church into flexible workspace, providing offices, meeting rooms and lettable desks. Landscaping works are also proposed throughout the churchyard.

3.2.2 The redevelopment will see the creation of four floors utilising space in the former church and its belltower. The design includes the creation of a new pitched roof with a series of rooflights to all four sides to replace the Victorian structure lost in the fire. The new roof would utilise modern materials such as

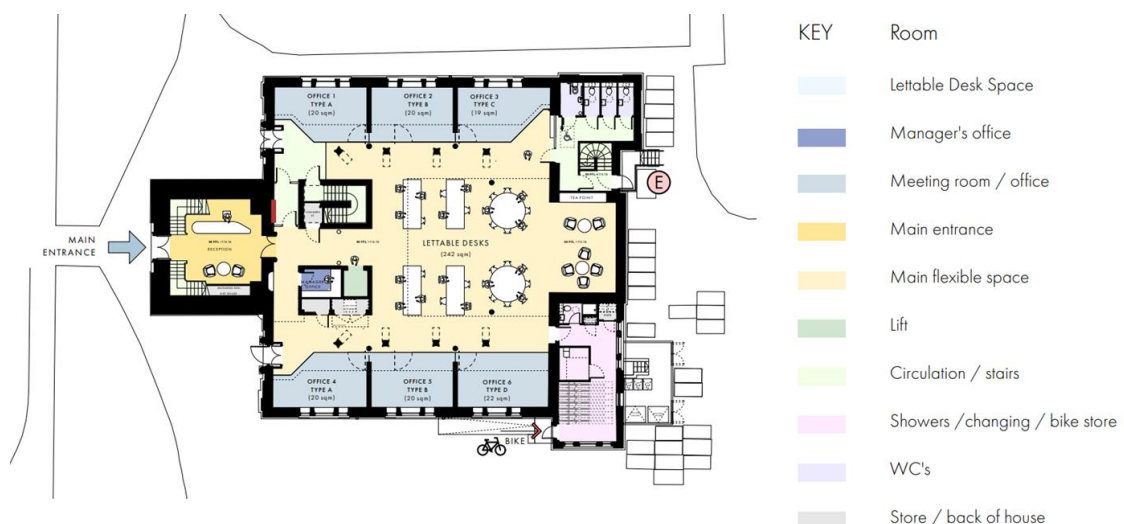
standing seam zinc to the pitched roof areas, and anodized cappings/cladding; highlighted as ‘to provide a suitable contrast between the ‘old’ and the ‘new’ whilst ensuring the modern design of the new element is of a suitable high standard and not pastiche’. The pitched roof terminates at a ring of clerestory glazing to the central office accommodation above which sits a flat roof.

Figure Three – Proposed Visualisation and East Elevation



3.2.3 Internally, the proposed reconfiguration includes the creation of a new staircase and a wheelchair accessible lift to ensure access throughout the building for all users. The first floor would be formed by a mezzanine level, with glazed fronted office spaces. The second floor would provide a series of cellular office spaces. These would sit partially within the pitched roof and would be set back on the east side providing views of the chancel and height to the amenity spaces. The third floor would predominantly be a glazed extension that breaks the line of the pitched roof, providing more cellular office accommodation.

Figure Four – Proposed Ground Floor Plan



3.2.4 Modern interventions that are detrimental to the significance of the building would be removed, whilst historic fabric would be retained and repaired, specifically decorative plasterwork, joinery, the cast-iron/timber clad columns in the main nave, and the decorative plasterwork ceiling on the ground floor of the

tower. The existing floor coverings would be removed and reused. The existing historic floor and roof structures in the tower would be retained and repaired. Similarly, the stone bull-nose stairs on the ground floor of the tower and cantilevered stone stairs on the first and second stages of the tower would be retained, repaired and enhanced accordingly.

3.2.5 Externally, an extensive scheme of repair would be undertaken to the masonry shell of the building including some rebuilding of parapets, new stone indents where details and weathering's have been lost, redressing and defrassing stone, full repointing of all elevations and new leadwork to strings, ledges, pediments and parapets. The remaining stained glass and plain leaded windows would be cleaned and repaired. The surviving timber windows and louvres would also be repaired.

3.2.6 Additionally, new anodised aluminium framed fixed light windows would be installed in the existing clerestory openings. The existing historic doors, frames, architraves and historic ironmongery would be repaired. Existing ramps and railings would be removed with new access ramps and paths installed. The existing grave slabs and monuments within the churchyard would be repaired and combined with a new landscaping scheme. New planting, including shrubs, hedges and wildflower grasses would be included as part of the scheme.

Figure Five – Proposed Landscaping Scheme



3.3 Case Officer Site Photos – taken 26th September 2023



3.4 Development Plan

3.4.1 Core Strategy:

- Policy CS2: Typology of Employment Land
- Policy CS16: Form and Design
- Policy CS17: Built and Cultural Heritage

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 26: Town Centres – a Framework for Development
- Policy 36: Climate Change
- Policy 39: Heritage

3.4.3 Local Plan (Emerging) 2021-2037

- Policy CP2: Urban Boundary
- Policy CP5: Climate Change
- Policy CP6: The Natural Environment
- Policy CP7: The Historic Environment
- Policy CP8: Securing High Quality and Inclusive Design
- Policy CP9: Transport and Accessibility
- Policy CP11: Town Centres and Commercial Development
- Policy DM2: Protecting Living and Working Environments
- Policy DM12: Clean and Green Energy

- Policy DM13: Flooding/SuDS
- Policy DM17: Trees and Woodland
- Policy DM26: Heritage Assets
- Policy DM27: Design in New Developments
- Policy DM33: Town Centres

3.4.4 Blackburn Town Centre Supplementary Planning Document (SPD) (2018)

3.4.5 Blackburn with Darwen Parking Standards (2014)

- Standalone Office Buildings: 1 car space per 35 sqm.

4.0 ASSESSMENT

4.1 Principle of Development

4.1.1 The proposed development involves the provision of flexible office space within Blackburn Town Centre. Core Policy CS2 states that Blackburn Town Centre will be considered a suitable location for employment development including offices. Those requirements are underpinned by Policy 26. Therefore, the proposed redevelopment of the church to provide office use is compliant with the objectives of Policies CS2, 1 and 26 together with the Blackburn Town Centre SPD.

4.1.2 The Emerging Local Plan also identifies Blackburn Town Centre as the principal location for new commercial development, with the eastern investment area highlighted as key to supporting the development of skills and local businesses. For those reasons, the proposed development is acceptable in principle, in accordance with the relevant requirements of Policies CP2, CP11 and DM33.

4.1.3 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

4.2 Heritage Assets

4.2.1 As detailed above, St John the Evangelist Church is a Grade II listed building that is located adjacent to other Grade II listed buildings and within the Richmond Terrace Conservation Area. All of those features are designated heritage assets for the purposes of heritage policy. Policy CS17 encourages the retention, re-use or conversion of key assets, and the integration and promotion of the Borough's cultural assets. Policy 39 requires all development proposals that have the potential to affect any designated heritage asset, either directly or indirectly, including by reference to their setting, to sustain or enhance the significance of the asset. Those requirements are underpinned by Policies CP7 and DM26.

- 4.2.2 These proposals have been subject to comprehensive pre-application discussions over the past 18 months. A number of concessions have been made to appease the concerns of the Georgian Group. The proposals are supported by a Heritage Statement and Impact Assessment together with a number of other technical documents that appraise the need for the proposed works alongside their heritage impacts. A review of the proposals has been undertaken by the BwD Heritage Advisor, the Georgian Group and Historic Buildings and Places. It should be noted at this stage that no objections have been raised by any of those consultees and they are broadly supportive of the proposals.
- 4.2.3 As detailed above, the church has been substantially damaged by fire and these proposals provide a valuable opportunity to resurrect it and reinstate much of its former glory. Fortunately, the building broadly retains its architectural form. Many original features within the external shell and tower are intact. The properties significance lies in its architectural (aesthetic), historical and communal context, primarily evidenced in the building's retained fabric and architectural form/appearance. In this regard, the listed building can be attributed as having a high significance in the context of the requirements of the aforementioned heritage policies.
- 4.2.4 The most noticeable proposed visible change to the building would be the construction of the new roof. The first part of the proposed new roof would be finished in grey standing seam zinc but the feature would follow a similar profile to that of the original roof. Beyond this the roof would be raised to provide additional office space. The lantern style windows would be a highly noticeable change to the form and appearance of the building. That said, it is acknowledged that a modern approach is required for this project when the current condition of the building is considered alongside the wider viability issues.
- 4.2.5 The use of modern materials will clearly differentiate the old from the new. Additionally, the two core elements that would rise through the roof and clerestory for the mechanical plant and lift overrun (to service and enable the new use), would be partly screened from view as they would be positioned between the belltower and the proposed raised up section of new roof. This outcome would greatly reduce their visibility and wider impact. Appropriate external materials and finishes are also proposed for the new roof. A condition is recommended to ensure the new roof is implemented in accordance with the submitted materials details in order to ensure a satisfactory form of development is achieved.
- 4.2.6 The rest of the exterior features would be predominantly retained, with the addition of fixed aluminium windows utilising the existing half-moon clerestory window openings. Internally, whilst the proposed new floors, lift shaft and staircase would be modern, the proposed first-floor mezzanine would adequately reflect the historic galleries and positively respond to the layout of the existing building. This design would also provide a sense of openness and height, like the church would have had previously. Equally, the setback nature of the second floor on the east side continues the view of the chancel and

openness with the glazing providing further views. The submission is supported by evidence documents confirming that the internal space and key features are appreciated within the scheme. Although some relatively significant internal changes are proposed, they can be justified when the current condition of the building and overarching objectives of the refurbishment project are taken into account.

- 4.2.7 Additionally, the proposals include the retention and repair of the existing fabric including its windows, all of which are positive elements of the proposed work. Where windows glass/frames are to be replaced/repared, a condition is recommended regarding the submission of further details including materials, styles and profiles. Further conditions are recommended regarding the submission of technical details for the proposed secondary glazing and a methodology for the cleaning and repair of any retained windows.
- 4.2.8 Regarding wider heritage impacts, a number of listed buildings are positioned nearby and the site contributes positively to the setting of those buildings. Largely, the proposals involve the retention and repair the existing parts of the building, which would enhance its contribution to the setting of nearby listed buildings. However, the proposed new roof will be a noticeable addition to the building, particularly the raised part from the lantern windows upwards and the two core elements that rise through the roof and clerestory for the mechanical plant and lift overrun, which do not follow a similar profile to that of the roof that was lost in the fire.
- 4.2.9 That said, this modern roof structure would only be easily viewed from the immediate north and south of the proposal site and when viewing from the east. Similarly, when viewing the other listed buildings and their setting, to the west, the tower would largely screen the raised core elements, and the visibility of the new roof as a whole would be more limited as it is screened by intervening buildings. It should also be noted that the south and east of the proposal site has been substantially modernised over the years with the modern shopping centre, surface car parks and multi-storey buildings, which have all eroded the wider historical setting somewhat.
- 4.2.10 In the above context, whilst the proposed new roof would follow a similar profile to that of the roof lost in the fire, the modern additions that sit higher, would be a noticeable addition and contrast to the historic aesthetic significance of the setting of the listed buildings. Nevertheless, given the distance of some of the listed buildings and the screening from intervening buildings and mature trees the harm caused will be negligible, with the exception of the closest listed buildings on James Street and Victoria Street. In their case, the visual impact would be more noticeable and some slight harm would be caused to the setting of those buildings. The same outcome is also applicable to the setting of the Richmond Terrace Conservation Area, as noted in the comments provided by the BwD Heritage Advisor.
- 4.2.11 When considered collectively, the proposals would cause some degree of harm to the historical significance of the site, adjacent listed buildings and conservation area. In this situation, Policy 39 states that such forms of

development will only be permitted where the impact is outweighed by the public benefit arising from the development. Where some impact on significance is considered acceptable, the Council will require a programme to be implemented of recording the asset in its original condition, prior to any work being carried out.

4.2.12 For clarity, the latter part of those requirements have already been partly satisfied through the submission of an Archaeological Desk-Based Assessment. When considering public benefits, a multitude would be provided by these proposals. In addition to the repair and refurbishment of a currently derelict listed building within a prominent town centre location, a number of commercial benefits would also be provided once the development becomes operational.

4.2.13 Conclusively, those benefits would far outweigh the slight harm that would be caused to the historical significance of heritage assets. On that basis, and subject to compliance with the aforementioned conditions, the proposed development would be acceptable with reference to heritage assets, in accordance with the relevant requirements Policies, CS17, 39, CP7 and DM26.

4.3 Archaeology

4.3.1 The site houses an abundance of archaeological remains owing to its former use. Policy 39 requires development with the potential to affect nationally or locally important archaeological remains is expected to better reveal and increase understanding of those remains and their settings, unless it is demonstrated that this is not possible or desirable. Those requirements are also underpinned by Policy DM26.

4.3.2 As detailed above, an Archaeological Desk-Based Assessment supports the application. LCC Archaeology have reviewed the submitted assessment and the merits of the application as a whole. No objections have been raised yet some discrepancies have been identified in the findings of the assessment with regards to the potential presence of unrecorded inhumations. Therefore, a condition has been advised regarding the submission of a programme of archaeological works and a formal watching brief, which is recommended to be added. Subject to compliance with that condition, the proposed development would be acceptable with reference to archaeology, in accordance with the relevant requirements Policies 39 and DM26.

4.4 Design and Visual Amenity

4.4.1 The application site is a standalone feature architecturally. It is positioned within a cluster of historic buildings with more modern buildings positioned further afield to the south. Policy CS16 requires all new development to be of a high standard of design, and to respect and reinforce local character. Policy 11 requires all new development to demonstrate an understanding of the wider context and make a positive contribution to the local area. Those requirements are underpinned by Policies CP8 and DM27.

4.4.2 A full heritage appraisal of the development is detailed above in Section 4.2. A positive outcome in that respect also ensures compliance with aforementioned design policies regarding the works to the building itself. Regarding landscaping, an acceptable scheme has been submitted following the receipt of the comments by the BwD Arboricultural Advisor.

4.4.3 The scheme has been sensitively designed around the existing features within the site alongside its historic use. A condition is recommended to ensure the development is landscaped in accordance with the submitted scheme. Subject to compliance with that condition, the proposed development would be acceptable with reference to design and visual amenity, in accordance with the relevant requirements of Policies CS16, 11, CP8 and DM27.

4.5 Residential Amenity

4.5.1 Residential buildings are positioned to the north on James Street and safeguarding the amenities of those neighbours is an important material planning consideration. Policy 8 states that all development proposals should secure a satisfactory level of amenity for surrounding occupants in relation to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the general relationship between buildings. Those requirements are underpinned by Policy DM2.

4.5.2 Owing to ample separation, the massing of the proposed roof lift would not appear overbearing to the neighbours on James Street. The levels of separation and nature of the proposed end use would prevent any materially harmful privacy implications for those neighbours. Furthermore, the proposals involve the provision of office space, which is a low-intensity use when considering the potential for noise impacts.

4.5.3 Conditions are recommended to control construction working hours and the logistics of the construction phase. Such conditions are necessary to minimise noise impacts for neighbours during that phase of the development. Subject to compliance with those conditions, the proposed development would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policies 8 and DM2.

4.6 Highways and Parking

4.6.1 The site occupies a town centre location with an abundance of parking opportunities and regular public transport links positioned nearby. Policy 10 outlines a general requirement for all development proposals to not prejudice road safety, or the safe, efficient and convenient movement of all highway users. Those requirements are underpinned by Policy CP9. Parking should also be provided in accordance with the adopted Parking Standards, where achievable.

4.6.2 A Transport Statement has been submitted in support of the application. BwD Highways have reviewed the submitted statement and the application as a whole. No objections have been raised. There is no requirement to clarify

serving arrangements when the nature of the proposed end use is taken into account. Servicing can only take place from the highway and that is the historic arrangement of the site.

- 4.6.3 The site has no off-street vehicle parking provisions or appropriate land to provide such facilities. That said, such an outcome is not a cause for a concern with this site when its town centre location is taken into account. 14 cycle racks are proposed internally, which is acceptable for the scale and type of the development proposed.
- 4.6.4 Following submission of the application the applicant has expressed an intention for the cycle racks to be located externally in order to remove the fire risks associated with the charging of electric bikes. The area to the north of the belltower would likely provide a suitable place for such provisions. A condition is recommended to control those details.
- 4.6.5 The previously recommended condition to control the logistics of the construction phase is also necessary on highways grounds given the nature of the site and surrounding street network. Subject to compliance with those conditions, the proposed development would be acceptable with reference to highways and parking, in accordance with the relevant requirements of Policies 10 and CP9.

4.7 Arboricultural Considerations

- 4.7.1 The site contains a number of mature trees that are protected by a TPO, as detailed above. Policy 9 states that development will be permitted where, following implementation of any required mitigation, there is no unacceptable impact on environmental assets or interests, including trees. Development is expected to incorporate existing trees into the design and layout of the scheme.
- 4.7.2 Where development is proposed which would result in the loss of protected trees, planning permission will only be granted where the desirability of the proposed development outweighs the amenity and/or nature conservation value of the trees. If the removal of one or more trees is permitted as part of a development, a condition will require that an equivalent number or more new trees are planted either on or near the site, unless a clear justification is provided for not doing so. Those requirements are underpinned by Policy DM17.
- 4.7.3 An Arboricultural Constraints Appraisal and Impact Assessment has been submitted in support of the application. The BwD Arboricultural Advisor has reviewed the submitted reports and the merits of the application as a whole. No objections have been raised. Two Sycamores would be removed to provide services to the development. Although not ideal, Policy 9 supports such works provided the desirability of delivering the development outweighs the value of the trees to be lost. Such a position is applicable to these proposals given the extensive public benefits provided.

4.7.4 The submitted landscaping scheme includes the provision of low-lying planting alone. The provision of additional trees within the site is not possible given the internal constraints. A condition is recommended regarding the submission of an Arboricultural Method Statement and Tree Protection Plan, as requested by the BwD Arboricultural Advisor. Subject to compliance with that condition, the proposed development would be acceptable with reference to arboricultural considerations, in accordance with the relevant requirements of Policies 9 and DM17.

4.8 Ecological Considerations

4.8.1 The site is a vacant building that has the potential to provide habitat for protected species. Policy 9 states that development will be permitted where, following implementation of any required mitigation, there is no unacceptable impact on environmental assets or interests, including habitats and species. Development likely to damage or destroy habitats or harm species of international or national importance will not be permitted. Those requirements are underpinned by Policy CP6.

4.8.2 A Preliminary Bat Roost Assessment, Ecological Advice Note and Nesting Bird Check has been submitted in support of the application. The BwD Ecological Advisor has reviewed the submitted reports and the merits of the application as a whole. No objections have been raised and they are satisfied that the works can be undertaken without causing any undue harm to protected species.

4.8.3 The BwD Ecological Advisor has highlighted the need to obtain a license from Natural England before any works can proceed that could potentially cause harm to bats. It is recommended that a condition is added to control those details. The previously recommended condition requiring implementation of the submitted landscaping scheme would also provide adequate uplift in the way of biological net gains. Subject to compliance with those conditions, the proposed development would be acceptable with reference to ecological considerations, in accordance with the relevant requirements of Policies 9 and CP6.

4.9 Drainage Considerations

4.9.1 The submitted application form states that surface waters would be drained via a main sewer. General requirements within Policy 9 require all development proposals to be serviced with adequate drainage systems. Those requirements are underpinned by Policy DM13. A Drainage Strategy has been submitted in support of the application. Both BwD Drainage and United Utilities have reviewed the submitted statement and the merits of the application as a whole. No objections have been raised.

4.9.2 The strategy involves disposing surface waters via a combined sewer, which is the least favoured option when considering the hierarchy detailed within national Planning Practice Guidance. That said, the constraints within the site prevent any other options being feasible, which has been acknowledged by

consultees. As proposed, the development is thus acceptable with reference to drainage, in accordance with the relevant requirements of Policies 9 and DM13.

4.10 Land Contamination

4.10.1 The proposed end-use involves visiting members of the public and land contamination must be assessed on that basis. Policy 8 contains further requirements to ensure development proposals on previously developed land can be remediated to a standard that provides a safe environment for users of the development whilst also ensuring contamination is not displaced. Those requirements are also underpinned by Policy DM2.

4.10.2 A Phase 1 Preliminary Risk Assessment and Phase 2 Geo-Environmental Investigation, Risk Assessment and Remediation Strategy has been submitted in support of the application. A review of the submitted documents has been undertaken by BwD Public Protection and they are satisfied that land contamination does not pose any significant risks.

4.10.3 The Phase 2 report contains a number of mitigation measures aimed at minimising any potential impacts associated with ground gas. A condition is recommended to ensure the development is implemented in accordance with those measures. Subject to compliance with that condition, the proposed development would be acceptable with reference to land contamination, in accordance with the relevant requirements of Policies 8 and DM2.

4.11 Wider Sustainability Benefits

4.11.1 The proposals have been designed with the use of a number of sustainable and energy saving technologies. Policy 36 requires all development to demonstrate how it has been designed to minimise its contribution to carbon emissions and climate change. Those requirements are underpinned by Policies CP5 and DM12.

4.11.2 An Energy Strategy Report has been submitted in support of the application. The report identifies that approaches will be applied to reduce energy consumption through the use of a number of passive measures. Subject to the development being implemented in accordance with those details, which will be further controlled at the Building Regulations stage, the proposals would provide a number of wider sustainability benefits, in accordance with the relevant requirements of Policies 36, CP5 and DM12.

4.12 Crime Management

4.12.1 In order to prevent crime and disorder and to keep people safe and feeling safe, crime prevention strategies should be integrated into the design of developments as early as possible. Further requirements within Policy 8 state that all development proposals must incorporate positive measures aimed at reducing crime and improving community safety, including appropriately detailed design. Those requirements are also underpinned by Policy DM2.

4.12.2 In response to those requirements, the development should be designed and constructed using the security principles and security rated products detailed within the Commercial Developments Secured by Design Guide (2023), which is outlined in the submitted Crime Impact Statement. An Informative Note should be added to any approvals issued raising awareness to those requirements. Subject to those obligations being followed, the proposed development would be acceptable with reference to crime management, in accordance with the relevant requirements of Policies 8 and DM2.

4.13 Summary

4.13.1 These applications seek Full Planning Permission (10/23/0777) and Listed Building Consent (10/23/0778) for the conversion and extension of the Grade II listed St John the Evangelist Church to provide office accommodation. Subject to appropriate conditions, the proposed developments would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.4.

4.13.2 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 proposals would be acceptable in principle and in terms of heritage assets, archaeology, design and visual amenity, residential amenity, highways and parking, arboricultural considerations, ecological considerations, drainage considerations, land contamination, wider sustainability benefits and crime management.

4.13.3 The developments therefore comply with the development plan. There is a positive presumption in favour of approving the developments and there are no material reasons to object to the applications.

5.0 **RECOMMENDATION:**

That delegated authority is given to the Strategic Director of Growth & Development and Deputy Chief Executive to approve permission for the Full Planning Application (10/23/0777) and Listed Building Consent (10/23/0778) applications, subject to the following conditions and informative note;

5.1 Full Planning Application

5.1.1 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.

5.1.2 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 (L0001), L0100, L0101, L0102, L0103, L0105, L0106, L0110, L0200, L0201, L0202, L0203, L0210,

L0211, L0212, L0213, L03002 D, L0301 D, L0302 D, L0303 D, L0304 C, L0400 B, L0401 B, L0402 B, L0403 B, L0500 B, L0501 B, L0502 B, L0503 B and SJC-WSP-A-XX-DR-L-10000-P01.

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

- 5.1.3 The materials and finishes to be used for the construction of the new roof of the development hereby approved shall be as stated on the submitted application form and approved drawings.

REASON: Those materials/finishes are acceptable for this development and site, in the interests of preserving the historical significance of the listed building, and to comply with the requirements of Policy 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.1.4 Prior to their installation, details confirming the materials, styles and profiles of any new windows 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.

REASON: In order to control the types of windows to be installed, in the interests of preserving the historical significance of the listed building, and to comply with the requirements of Policy 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.1.5 Prior to their installation, details confirming the materials, styles, profiles and technical specifications of any secondary glazing 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.

REASON: In order to control the type of secondary glazing to be installed, in the interests of preserving the historical significance of the listed building, and to comply with the requirements of Policy 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.1.6 Prior to any such works taking place, a methodology for the cleaning and repair of any windows to be retained 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.

REASON: In order to control the extent of those works, in the interests of preserving the historical significance of the listed building, and to comply with the requirements of Policy 39 of the Blackburn with Darwen Borough Council

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

- 5.1.7 No excavation or ground disturbance works on the application site, including any required for clearance/demolition, site preparation, tree removal, compounds, services, landscaping, etc. shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological works, to include a formal watching brief to the standards and guidance set out by the Chartered Institute for Archaeologists as an integral part of all investigation, excavation and other groundworks required for the development. This watching brief must be carried out by an appropriately qualified and experienced professional contractor and in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority and shall include a contingency plan for the unexpected discovery of significant remains as well as the appropriate legal licences for the recovery of human remains. These works shall result in the compilation and deposition of a formal report on the works undertaken and the results obtained. The development shall be carried out in accordance with the agreed details.

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

- 5.1.8 The development hereby approved shall not be brought into use unless and until, the landscaping measures as shown on the approved plan 'SJC-WSP-A-XX-DR-L-10000-P01' have been implemented in their entirety, unless an alternate approach is submitted to and approved in writing by the Local Planning Authority.

REASON: In order to ensure the development is adequately landscaped, in the interests of biodiversity and visual amenity, and to comply with the requirements of Policies 9 and 11 of the Blackburn with Darwen Borough Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015)

- 5.1.9 Any construction works associated with the development hereby approved shall only take place between the hours of 8:00 – 18:00 Monday – Friday and 9:00 – 13:00 on Saturdays. No such works shall take place on Sundays or Bank Holidays whatsoever.

REASON: In order to minimise noise disturbances for neighbours from construction 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).

- 5.1.10 No development shall commence on site unless and until, a Construction Method Statement has first been submitted to and approved in writing by the

Local Planning Authority, which shall provide for but not be exclusively limited to the following;

- 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;
- d) The locations of any required scaffolding;
- e) The locations of operational cranes, where relevant;
- f) Measures to control the emissions of dust and dirt, where relevant;
- g) Measures to control noise and vibrations, where relevant;
- h) Details of wheel washing facilities, where relevant;
- i) A scheme for the recycling/disposing of waste;
- j) Details of any required security hoardings;
- k) Details of the type, position and height of any required external lighting, and;
- l) A compound plan showing the location/arrangement of the above provisions.

The development shall thereafter be implemented in strict accordance with all of the measures detailed within the approved Construction Method Statement.

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).

- 5.1.11 Prior to their installation, details confirming any required external cycle storage facilities to be installed in support 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.

REASON: In order to agree the scope of those provisions, in the interests of encouraging the use of sustainable modes of travel, 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).

- 5.1.12 No development shall commence on site unless and until, an Arboricultural Method Statement and Tree Protection Plan has first been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details and any tree protection fencing installed shall remain in situ until the external works hereby approved have been substantially completed.

REASON: In order to ensure adequate protections are afforded for any retained trees, in the interests of good arboricultural practice, 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).

- 5.1.13 No development shall commence on site unless and until, a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations (Amendments) (EU Exit) 2019 authorising the specified activity/development to go ahead has first been submitted to and approved in writing by the Local Planning Authority.

REASON: In order to ensure adequate measures are put in place for the protected of bats , in the interests of good ecological practice, 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).

- 5.1.14 The development hereby approved shall be implemented in strict accordance with the mitigation measures detailed within the submitted Phase 2 Geo-Environmental Investigation, Risk Assessment and Remediation Strategy (LKC 22 1292), prepared by the LK Group and dated November 2022.

REASON: In order to ensure adequate measures are put in place to safeguard against the risks associated with ground gas, in the interests of public safety, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.2 Listed Building Consent

- 5.2.1 The works hereby approved shall be begun before the expiration of three years from the date of this consent. No later than three days after works first begin on site, written notice shall be given to the Local Planning Authority of the date on which works are first commenced.

REASON: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to ensure the Local Planning Authority is informed of the commencement of the first works on the site.

- 5.2.2 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 (L0001), L0100, L0101, L0102, L0103, L0105, L0106, L0110, L0200, L0201, L0202, L0203, L0210, L0211, L0212, L0213, L03002 D, L0301 D, L0302 D, L0303 D, L0304 C, L0400 B, L0401 B, L0402 B, L0403 B, L0500 B, L0501 B, L0502 B, L0503 B and SJC-WSP-A-XX-DR-L-10000-P01.

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

- 5.2.3 The materials and finishes to be used for the construction of the new roof of the development hereby approved shall be as stated on the submitted application form and approved drawings.

REASON: Those materials/finishes are acceptable for this development and site, in the interests of preserving the historical significance of the listed building, and to comply with the requirements of Policy 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.2.4 Prior to their installation, details confirming the materials, styles and profiles of any new windows 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.

REASON: In order to control the types of windows to be installed, in the interests of preserving the historical significance of the listed building, and to comply with the requirements of Policy 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.2.5 Prior to their installation, details confirming the materials, styles, profiles and technical specifications of any secondary glazing 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.

REASON: In order to control the type of secondary glazing to be installed, in the interests of preserving the historical significance of the listed building, and to comply with the requirements of Policy 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.2.6 Prior to any such works taking place, a methodology for the cleaning and repair of any windows to be retained 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.

REASON: In order to control the extent of those works, in the interests of preserving the historical significance of the listed building, and to comply with the requirements of Policy 39 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.2.7 No excavation or ground disturbance works on the application site, including any required for clearance/demolition, site preparation, tree removal, compounds, services, landscaping, etc. shall take place until the applicant, or their agent or successors in title, has secured the implementation of a

programme of archaeological works, to include a formal watching brief to the standards and guidance set out by the Chartered Institute for Archaeologists as an integral part of all investigation, excavation and other groundworks required for the development. This watching brief must be carried out by an appropriately qualified and experienced professional contractor and in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority and shall include a contingency plan for the unexpected discovery of significant remains as well as the appropriate legal licences for the recovery of human remains. These works shall result in the compilation and deposition of a formal report on the works undertaken and the results obtained. The development shall be carried out in accordance with the agreed details.

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

- 5.2.8 The development hereby approved shall not be brought into use unless and until, the landscaping measures as shown on the approved plan ‘SJC-WSP-A-XX-DR-L-10000-P01’ have been implemented in their entirety, unless an alternate approach is submitted to and approved in writing by the Local Planning Authority.

REASON: In order to ensure the development is adequately landscaped, in the interests of biodiversity and visual amenity, and to comply with the requirements of Policies 9 and 11 of the Blackburn with Darwen Borough Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015)

- 5.2.9 No development shall commence on site unless and until, an Arboricultural Method Statement and Tree Protection Plan has first been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved details and any tree protection fencing installed shall remain in situ until the external works hereby approved have been substantially completed.

REASON: In order to ensure adequate protections are afforded for any retained trees, in the interests of good arboricultural practice, 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).

5.3 Case Specific Informative Note

- 5.3.1 We would strongly advocate that this development be designed and constructed to Secured by Design security standards, using the SBD ‘Commercial Developments 2023’ Design Guide specifications. Further details about Secured by Design, including application forms and security specifications can be found at www.securedbydesign.com.

6.0 PLANNING HISTORY

6.1 No relevant planning history.

7.0 CONSULTATIONS

7.1 BwD Heritage Advisor – As I am required to do so, I have given the duty's imposed by s16(2), s.66(1) and s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments. It will be down to the LPA to consider whether the benefits (public) of the case outweigh the identified less than substantial harm caused by the proposed works. P.199 on the NPPF requires great weight needs to be given to that harm. P.202 of the NPPF allows for the benefits to be weighed against the harm and the benefits include securing an optimum viable use for the building.

If the LPA is satisfied that a positive balance can be achieved then the proposal would meet the objectives of Chapter 16 of the NPPF and accord with the heritage policies of the Local Plan.

7.2 The Georgian Group – The Group overall welcomes the application to reuse this important historic building. We advise that we register no objection in principle to this application but offer some advice and comments.

St. John's Church is a fine example of a later-eighteenth-century urban church by an unknown architect, built c.1789 in classical style. The tower was added c.1802 and the church was again altered during the mid-late nineteenth-century. Prior to the 2019 fire, the church had been in use as a community centre. The 2019 fire resulted in the loss of most of the interior of the church including historic joinery and destroyed the roof structure. The primary significance of the church is therefore now in the aesthetic value of its classically composed exterior and in its communal value contributing strongly to character and setting of the surrounding Richmond Terrace Conservation Area.

(Pre-application engagement and remit) The Group's Casework Committee offered pre-application advice on this scheme. This advice is summarised in the applicant's planning statement section 5.0 and noted in Design and Access Statement Section 8.0. The Group thanks the applicant for their willingness to engage positively with us in pre-application discussions whilst developing this scheme.

We note that the scheme presented is much the same as the scheme on which The Group's Casework Committee last offered pre-application advice. Given this similarity, the comments offered below reiterate the advice offered by the Casework Committee.

The Group confines our comments to elements of the building within our statutory remit dates of 1700-1837. We do not offer comment on elements of the building outside of our statutory remit and defer to other expert amenity societies and consultees for comment thereon.

(Roof Extension) The Group advises that the proposed roof extension would be a conspicuous and prominent addition causing some harm to the aesthetic value and historic character of the building. It would also have some visual impact on the character and setting of the Richmond Terrace and Northgate Conservation Areas and on the setting of some nearby listed buildings.

The Group recognises that the applicant has offered significant revisions to reduce the impact of the roof extension during the design process and development of the proposals; notably lowering the height of the extension and altering the materials palette to be less assertive. We also further recognise the new revision within this application to omit a previously proposed link between the roof extension and the tower. We advise that this omission will help to provide some separation between the distinctive architectural styles of the modern roof extension and the historic building.

The Group acknowledges that the applicant has provided evidence within their supporting documentation demonstrating the necessity to include the roof extension to provide additional floor space needed to ensure that the proposed scheme of reuse is viable.

The Group advises that, in consideration of the harm which the proposed roof extension would cause and taking into account the justifications and mitigations submitted by the applicant, the LPA must be fully satisfied that the terms of NPPF (2021) paragraphs 200 and 202 are met and fulfilled viz. (200) *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.* (202) *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

(Windows) The Group recognises that where historic glazing survives it is proposed to be repaired and retained in line with the stained and leaded glass assessment. We however also note that it is proposed to install secondary glazing and external powder coated protective mesh and that several windows are proposed to be reinstated/replaced. We advise that no specifications or drawings are provided within the supporting documentation to specify the details of these interventions. We recommend that these further details should be submitted by the applicant for assessment by the LPA Conservation Officer. We advise that these documents should be submitted either prior to determination or secured by way of condition.

(Repair and Retention) The Group welcomes the applicants well considered and broadly conservation led approach to repairing and retaining historic fabric and fixtures and fittings throughout the building. The programme of repair and retention will be a considerable benefit helping to conserve the significance of the historic building.

(Conclusion) When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the special interest of the building, as opposed to keeping it utterly unchanged. This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 they also have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The Group advises that we overall welcome this application to return the former church of St. John the Evangelist to use and we register no objection in principle. We do however register some concerns about the impact of the proposed roof extension and regarding the lack of specifications regarding proposed window interventions.

We advise that if the LPA must carefully consider the balance of harm and benefits within the proposed scheme and we recommend that, if minded to grant consent, they must be satisfied that the terms and tests of The NPPF section 16 and the Planning (Listed Buildings and Conservation Areas) Act 1990 are fully met and fulfilled.

- 7.3 LCC Archaeology – The above applications are accompanied by an archaeological desk-based assessment (DBA, J B Archaeology Ltd, 2022) and a Heritage Statement and Impact Assessment (HS, Crosby Granger Architects, 2023). Reference is made in those documents to an earlier Heritage Statement (Buttress Architects, 2019), a Geotechnical Study (LK Consult Ltd, 2022), a Ground-Penetrating Radar Survey (Malcolm Hughes Ltd, 2022), and a detailed topographic survey of the graveyard with a photographic record of each headstone (TriCAD Solutions, 2022), but copies do not appear to have been included on the application web site. We would be grateful if copies could be made available to us.

We would have no comment to make on the great majority of the proposed repairs and alterations to the standing structure of the building and are content to leave this to the expertise of the specialists and the Council's Conservation Advisors. We would note that the HS Section 5.0 item 5 states that "The lower stage is now missing it's clocks but holes remain for the mechanism" and section 5.0 item 51 refers to the retention, repair and refurbishment of the bell and bell frame. Particular advice on these items may be available from the appropriate specialists on the Blackburn Diocesan Advisory Committee.

With regard to works to the floors of the building we note the statement in the DBA Section 4.18 that "... Due to the relatively modern date of the church it is considered unlikely that there would be any inhumations within the body of the church. The inspection of the interior of the building did not reveal any ledger stones or surviving wall mounted monuments which could relate to internal

burials ...". It should be noted that whilst less common, it is not unknown for burials to have taken place within the body of an Anglican church during the period in which worship was occurring here. We are not reassured that such will not exist because of the lack of ledger stones, given the presence of woodblock flooring across the nave and alterations to the nave and chancel flooring which could hide such stones.

It should also be noted that there is a possibility that burials originally outside in the churchyard have been incorporated within the present building during the construction of the tower, the 'enlargements' of 1848, the addition of the vestry in 1865 (tho' the basement will have removed burials there), or the alterations to the chancel (HS, Section 2.4.4). The unanticipated presence of such 'formerly external' burials at a shallow depth within Victorian additions to a church became a major problem during re-flooring works at St Mary's Church in Penwortham, leading to delays for re-designs and archaeological excavation as well as added expense. The works at that church also identified previously unknown burial vaults within the body of the church.

It is possible that the geotechnical study, ground-penetrating radar survey or other works will have investigated the ground within the church for burials, but without a copy of the relevant reports (above) we cannot comment on their results and must recommend that the possibilities for burials within the walls be fully and appropriately investigated. It is recommended that such investigations are undertaken at the earliest opportunity and are accompanied by an appropriate archaeological scheme of monitoring and recording, as well as a Home Office Licence or other appropriate legal permission for the possible recovery of human remains.

With regard to works to the external spaces, there does not appear to be a plan of all the external works that will be undertaken, although outline plans for external illumination are provided and it is noted that the existing foul sewer connection is to be rebuilt on the existing line. We are reassured that the project team are aware of the presence of the graveyard here and that it is intended to retain the existing monuments and memorials both within and without the church. HS Section 5.0 item 14 states that "... all monuments, tombs, significant features and grave slabs [are] to remain in situ ..." and item 15 states that "... memorial slabs as ground surface can be relocated but must stay within the grounds of the Churchyard although the preference is for these to remain in-situ ...".

It should be noted that the practice of laying down grave slabs as paving was formerly widespread but is now seen as somewhat disrespectful and often leads to unnecessary damage to the stones. In addition, such slabs are often of a stone and a finish which are unsuitable for such use, becoming very slippery through wear and/or algae growth. We would agree with the comment made in the DBA that works in this area have the potential to disturb human remains. It is possible that these will be in-situ burials, but it is more probable that works will encounter disarticulated fragments. As such a formal archaeological watching brief will be necessary during any groundworks, with a contingency plan being in place to deal with the discovery of in-situ burials.

This should include proposals for the recovery, recording and reburial of any recovered human remains along with an appropriate Home Office licence or other legal permissions for such work as may be required. The works recommended above can be required by planning condition.

- 7.4 Historic Buildings and Places – In summary whilst we maintain concerns at the oversailing of the present roofline, we do not wish to lodge formal objections in that regard. Having now reviewed the plans, we did misunderstand the lift overrun. This is not in fact asymmetrically – placed and although it will conceal the eastern face of the bottom stage of the tower it will do so symmetrically and in materials that will not cause any confusion with historic fabric.

We can now well appreciate that this is the best last hope for the building and we welcome confirmation that the insurance settlement has been allocated to this project rather than diverted to other purposes. We are conscious too that the pre-app discussions with the Georgian Group have already led to concessions on the lowering of the cills to the lunettes and the withdrawal of the proposal for the link bridge across the chancel. We can therefore in good conscience withdraw any express or formal objection to the grant of listed building consent and planning permission.

- 7.5 Historic England – We provide advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

- 7.6 BwD Arboricultural Advisor – I have referred to the following documents – Stage 2 External Works (Landscaping soft and hard), Arboricultural Constraints Appraisal and Arboricultural Impact Assessment (AIA)

The AIA refers to the removal of G2 consisting of two Sycamores. These are graded as moderate value trees. Due to the constraints of the site associated with burials on the site this is the only practical solution to allow access for new underground services.

T2 Lime extends close to the church and some minor pruning to clear the building would be advisable. Also T1 Lime is close to the front of the church and partially obscures the tower. Some pruning of T1 could enhance the views of the church. The Stage 2 External Works includes comprehensive, high quality, indicative proposals for hard and soft landscaping. This can enhance the setting without impeding on the existing trees.

It is understood that due to the constraints associated with gravestones, construction equipment such as cranes would be located outside the church site. However, there may be other development activities and associated equipment required within the church grounds, which may require consideration with regard to tree protection. Such issues can be dealt with by way of a condition for a method statement for tree protection.

(Conclusion) The proposals for new landscaping which can enhance the site without visually compromising the setting of the listed building. A condition for full landscape details would be appropriate. Also, an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP).

- 7.7 BwD Highways – In summary, we offer no objections, subject to the below matters being satisfactorily addressed.

(Parking) The property is located within/close to the town centre boundary. There are a number of public car parks that are sited in close proximity to offer supportive parking needs to the development. The schemes provides 14 cycle parking spaces (this should also include PTW parking). No details on where these are located is provided. These should be near the entrance covered and secure. Details of security and coverage is also required. Condition or provide clarification.

(Transport Statement) This has been reviewed, the movement associated with the proposal is not significant to raise any concerns. The report is deemed acceptable.

(Access & internal site Layout) There is no current vehicle access point into the site. The pedestrian access is to remain the same. No details on servicing needs/frequency has been provided, I suspect this to be low and can be managed by on street arrangements, please confirm.

(Other) Construction Method Statement is required to support the development, please condition.

- 7.8 BwD Public Protection – No objections. A Phase 1 Desk Top Study has been completed for the site by LK Consult. The site was recorded as a derelict church building. It was recommended an intrusive investigation was undertaken to confirm the extent of any contamination and characterise the gas and groundwater regime.

A Phase 2 Intrusive Investigation has been completed for the site by LK Consult. Two boreholes and six and pits were excavated along with some geotechnical investigations. No significant contamination was identified within the made ground. There was no visual / olfactory evidence of hydrocarbons or volatile contaminants in any locations. Based upon the encountered ground conditions no gas monitoring was considered necessary.

- 7.9 BwD Drainage – We have no objections to the proposals, as long as the developer gains consent from United Utilities to connect into their combined sewer.

- 7.10 United Utilities – We have no comments to make on the application.

- 7.11 BwD Ecological Advisor – The bat surveys provided to inform the application have recorded a small bat roost in the building to be converted. The roost was small, and of a relatively common bat species, so I would conclude that the

conversion works could proceed without causing harm to bats, providing that mitigation and compensation measures are implemented. A License will need to be obtained from Natural England before any works can proceed which could cause harm to bats, which should be secured by condition.

7.12 BwD Cleansing – No objections.

7.13 BwD Property Services – No objections.

7.14 Lancashire Constabulary – We would strongly advocate that this development be designed and constructed to Secured by Design security standards, using the SBD ‘Commercial Developments 2023’ Design Guide specifications.

7.15 Lancashire Fire and Rescue – It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 ‘Access and facilities for the Fire Service’. If Document B, Part B5 cannot be fully complied with then, in certain circumstances, the installation of a residential sprinkler system may be used as a compensatory feature, but professional advice should be sought in such cases.

7.16 No public responses received

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 6th November 2023

10.0 SUMMARY OF PUBLIC REPRESENTATIONS

10.1 None received.

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0779

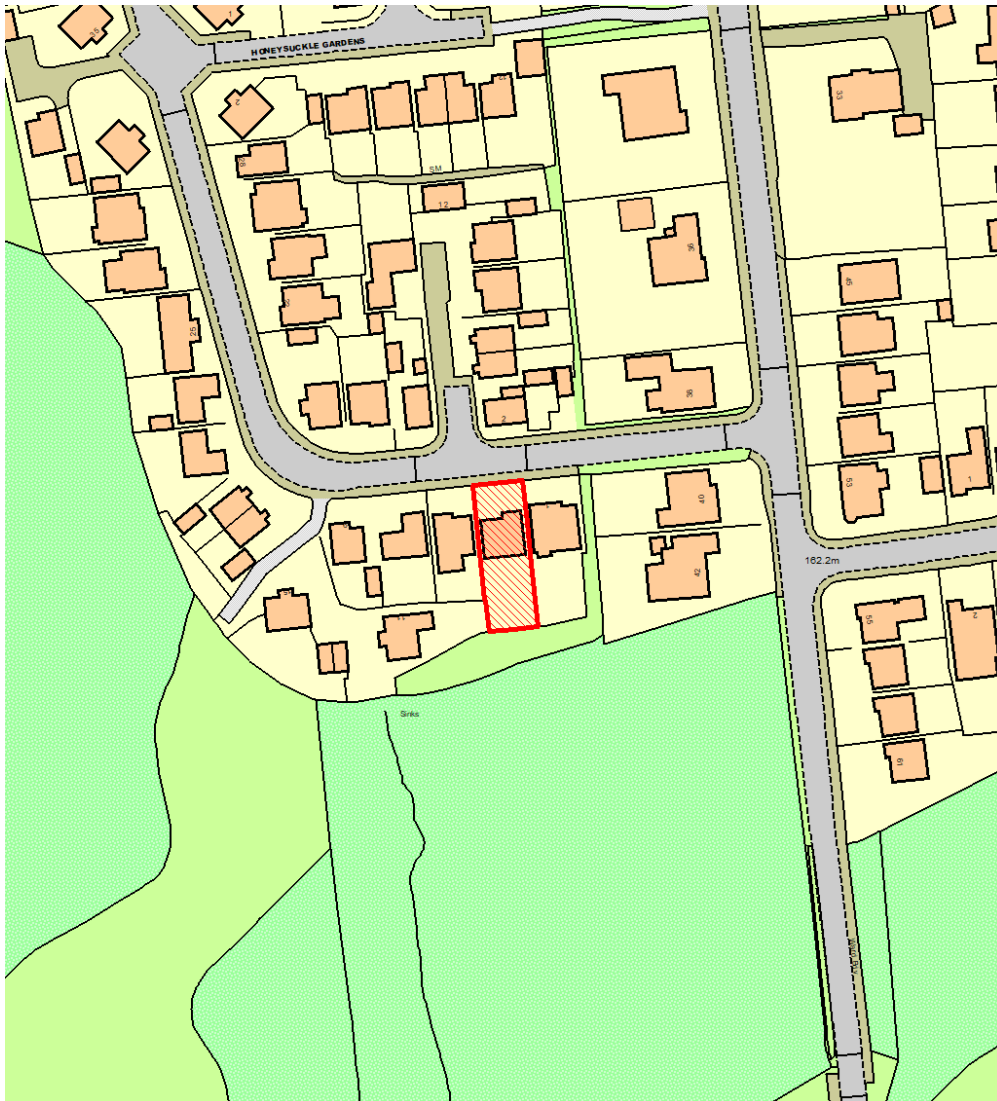
Proposed development: Full Planning Application for Mixed use comprising commercial kitchen as part garage conversion and dwellinghouse (Sui Generis) and insertion of door within side elevation

Site Address:
3 Buckthorn Lane
Livesey
Blackburn
BB2 5AR

Applicant: Justine Sharp

Ward: Livesey With Pleasington

Councillors: Derek Hardman
Paul Marrow
Mark Russell



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The planning application is presented to Committee in accordance with the Scheme of Delegation of the Council's Constitution due to an objection having been received on the 2nd October 2023 from Livesey Parish Council (refer to paragraph 4.1.21).
- 2.2 The proposal seeks to part convert the existing integral garage into a commercial kitchen, with external alterations to facilitate the conversion.
- 2.3 Assessment of the application finds that the proposal is acceptable in terms of its size, scale and appearance, and would not unacceptably compromise residential amenity or highway safety. The proposal therefore complies with the relevant development plan policies. Therefore, in accordance with the presumption in favour of sustainable development as set out in the NPPF, the proposal is considered acceptable subject to the conditions listed.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site relates to a two storey, detached dwelling situated on the southern side of Buckthorn Lane, Blackburn, which is part of the recently constructed housing development to the west of Gib Lane.
- 3.1.2 The immediate street scene in which the application site is situated is characterised by semi-detached and detached, two storey dwellings. The application property is part of planning approval 10/15/0901 for the 'residential development for 79 dwellings', which was approved by the Committee at their meeting in May 2016.
- 3.1.3 Condition no.18 imposed on this permission removed the permitted development rights for Part 1, Classes A-E, and Condition No.7 removed the permitted development rights relating to the conversion of the garage. As such, planning permission is required for the conversion of part garage to commercial kitchen.

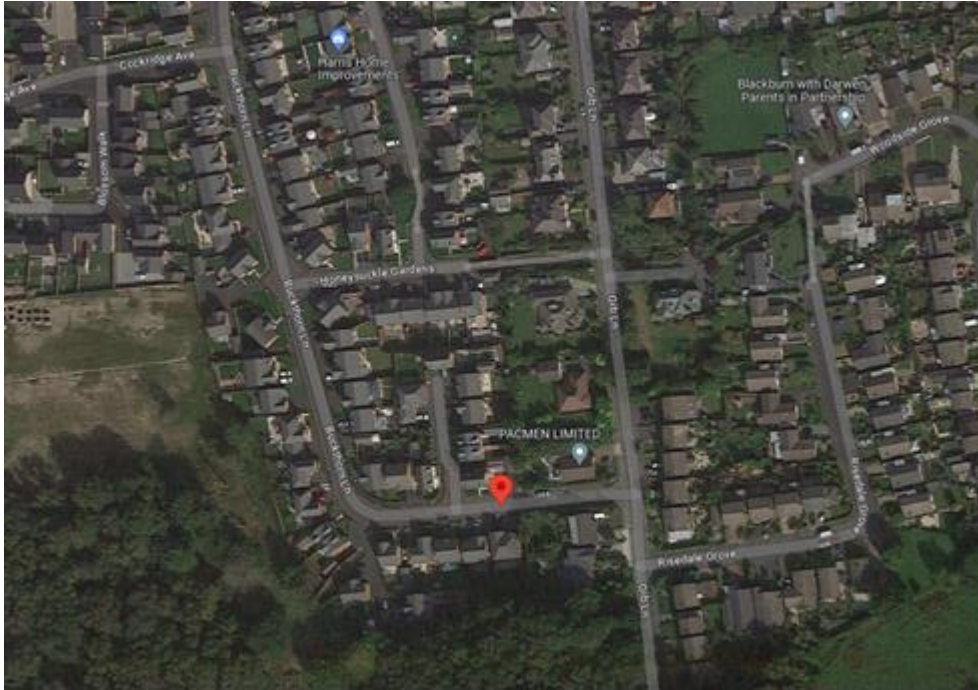


Figure 1: Google aerial view of the application site

3.2 Proposed Development

3.2.1 The proposal relates to a change of use/full planning application for a 'mixed use comprising commercial kitchen as part garage conversion and dwellinghouse (sui generis) and insertion of door within side elevation'. The existing 'up and over' garage door will be retained due to the commercial kitchen conversion being located within the back half of the garage. Access to the commercial kitchen will be gained via the proposed insertion of door.

3.2.2 Figure 2 below relates to the Supporting Statement submitted by the agent acting on behalf of the applicant.

PLANNING APPLICATION FOR PART CHANGE OF USE OF INTEGRAL GARAGE TO PRIVATE DWELLING TO DOMESTIC SCALE COMMERCIAL KITCHEN

3 BUCKTHORN LANE, BLACKBURN

SUPPORTING STATEMENT

AUGUST 2023

This statement is prepared to support a planning application for part conversion of an integral garage to a small commercial kitchen to facilitate a food preparation business currently running from the property at 3 Buckthorn Lane, Blackburn.

Bluebell Bakes has been running out of the family kitchen for 4 years. The proposed garage conversion is simply to extend the space into the garage so that Bluebell Bakes & the family have their own dedicated space.

Bluebell Bakes is run solely by Jessica Sharp, daughter of Justine Sharp (the applicant) (with no other employees). Blackburn Council food hygiene department have inspected Bluebell Bakes annually and she is registered as a business with Blackburn Council.

Customer orders are a mixture of delivery and collection, during business hours but these are usually only 1 or 2 per day so there is not a significant increase in footfall or traffic to the property. There are no food deliveries to the property as Jessica gets her ingredients from supermarkets which she collects herself. It should be noted that this is not a full-time business. Jessica works 4 days a week in a local café. Her business is split into 2 sectors. She caters for cold buffets (including sandwiches, sausage rolls, pork pies, fruit platters and cheese) but her main business is celebration cakes, traybakes & cupcakes which are made & decorated on the premises.

The new kitchen is proposed to allow the existing kitchen within the main property to be undisturbed by the running of the business. The only change to the external appearance of the dwelling will be a new external door into the new kitchen.

The new kitchen will be approximately 7 sq.m in size taking up roughly half of the existing garage, with the front half retained for storage for the dwelling house.

The business operates using only small scale domestic appliances and noise and smell will be kept to a minimum. There is no requirement for industrial scale mechanical extraction and ventilation will be provided by a standard domestic kitchen vent.

The dwelling house will remain principally a private residence with the business being a secondary use. The general hours of operation of the business could be anywhere between 9am-5pm Monday to Friday but, as mentioned above, the business is only run part-time as Jessica has another job working 4 days a week in a local café.

The business utilises extra refuse bins but these are stored out of view to the side and rear of the property.

Further information was provided by the applicant on the 11th October 2023:

I have just spoken to the Council's Highways Officer who would like a few more details regarding deliveries/customers collecting orders and how this would be managed long term?"

As stated previously Jessica collects her ingredients in 95% from supermarkets / cash & carries. Deliveries from suppliers are very rare.

From a customer point of view the majority of orders are delivered to the customer or to venues. There are occasionally - maybe once or twice a week - where customers collect their orders from the house. But this is just a handover taking a few minutes and we have enough space in front of the house to not impact any of the neighbours.

Figure 2: Supporting Statement.

3.2.3 The existing and proposed plans and elevations are shown below at Figure 3:

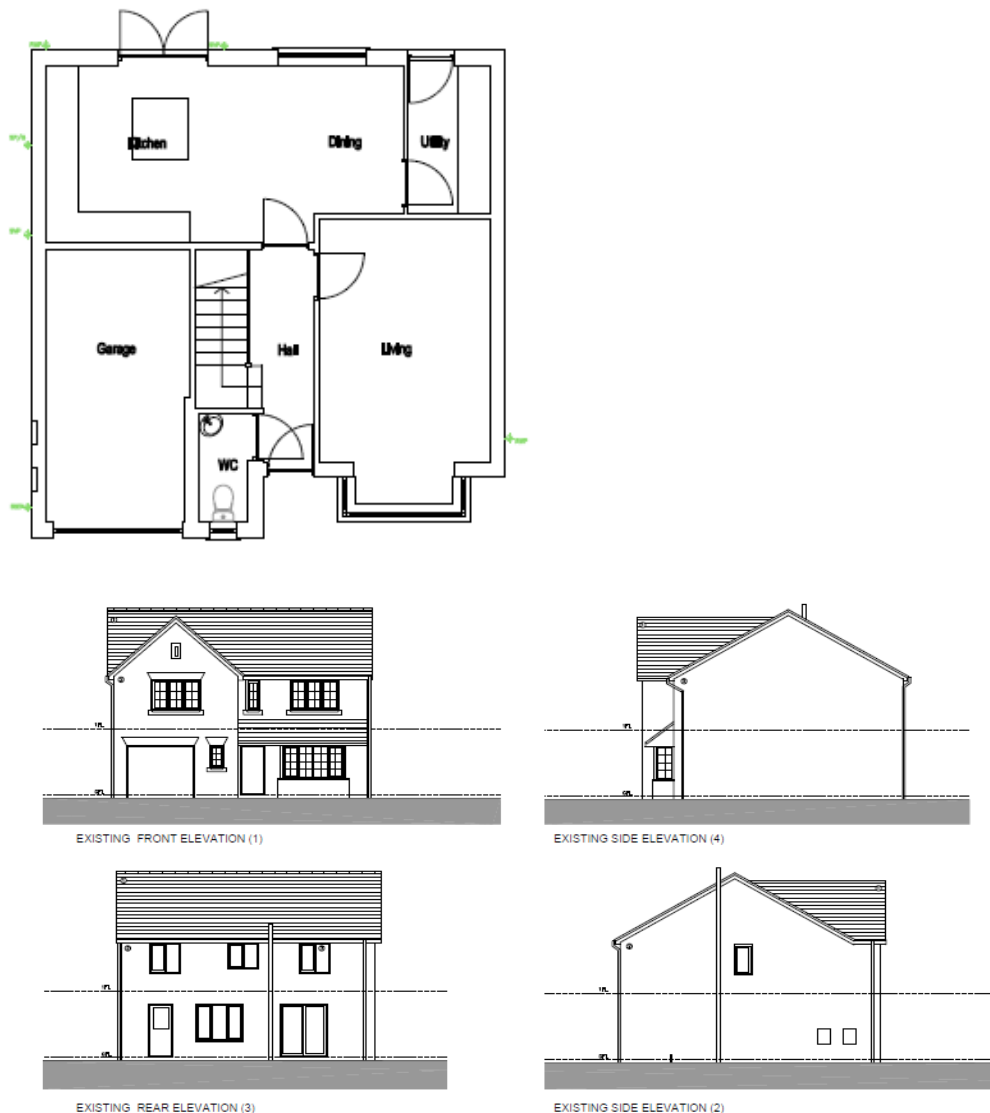


Figure 3 (i): Existing floor and elevation plans.

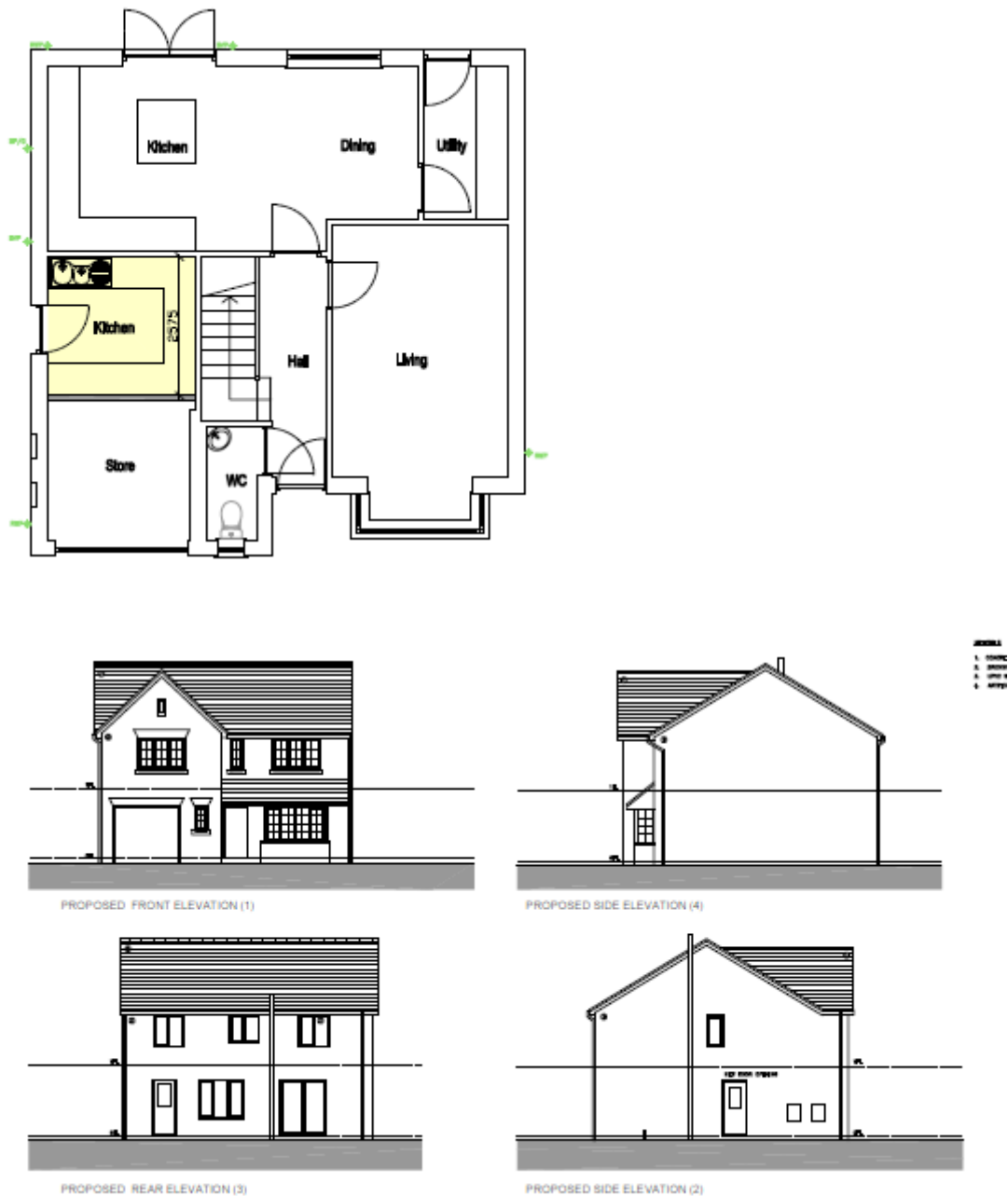
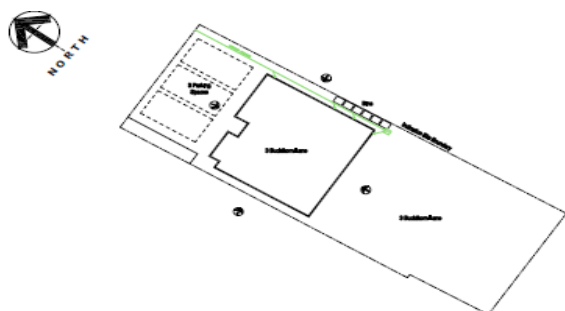


Figure 3 (ii) Proposed floor plans and elevation plans.

3.2.4 Figure 4 below shows the proposed site plan, illustrating the parking spaces.



3.3 Case Officer Photos – taken 11th September and 13th October 2023



3.4 Development Plan

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

3.4.2 Blackburn with Darwen Borough Local Plan Part 2 (2015)

- Policy 8: Development and People
- Policy 10: Accessibility and Transport
- Policy 11: Design

3.4.3 Residential Design Guide Supplementary Planning Document Revised Edition (September 2012)

- RES E1: Materials

3.5 Other Material Planning Considerations

3.5.1 National Planning Policy Framework (NPPF)

4.0 Assessment

Principle

4.1.1 The supporting statement referred to in para 3.2.2 above, was received as part of the planning application to detail the need of the proposed commercial kitchen. Please see below extracts from the submitted supporting statement;

4.1.2 *“Bluebell Bakes has been running out of the family kitchen for 4 years. The proposed garage conversion is to extend the space in to the garage so that Bluebell Bakes and the family have their own dedicate space.*

Bluebell Bakes is run solely by Jessica Sharp, daughter of Justine Sharp (the applicant).

It should be noted that this is not a full-time business. Jessica works 4 days a week in the local café. The business operates using only small scale domestic appliances and noise and smell will be kept to a minimum. There is no requirement for industrial scale mechanical extraction and ventilation will be provided by a standard domestic kitchen vent.

The dwellinghouse will remain principally a private residence with the business being a secondary use. The general hours of operation of the business could be anywhere between 9am-5pm, Monday to Friday. “

4.1.3 Bluebell Bakes is solely run by Jessica Sharp (the daughter of the applicant), there are no other employers of the business. The business serves the local community and appears to be a very popular business.

4.1.4 The application relates to a single domestic garage at a two storey dwelling, which is proposed to be part converted into a semi-commercial kitchen that provides for celebration cakes, cupcakes, savouries, tray bakes and buffets.

4.1.5 The use of the garage for the purpose applied for, would operate at a level only a little above that which could be regarded as ancillary to the main dwellinghouse. With appropriate controls relating to the use, it is considered there can be scope for small-scale commercial activity in residential areas provided it causes little harm to amenity. As such, the principle of the development is supported subject to other policy considerations discussed below.

Residential Amenity

4.1.6 It is important to consider the potential impacts the proposed development would have on the residential amenity of the occupiers of nearby dwellings. Local Plan Part 2, Policy 8 ii) requires new development to “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 or other pollution or nuisance, privacy/overlooking and the relationship between buildings.”

- 4.1.7 The proposed part conversion of garage to commercial kitchen would be located within the rear half of the garage. There is to be no alteration to the existing front elevation of the garage with the ‘up and over’ door being retained. There will also be no adverts or window display, so the property retains its domestic appearance.
- 4.1.8 The supporting statement confirms *‘the business operates using small scale domestic appliances. There is no requirement for an industrial scale mechanical extraction and ventilation will be provided by a standard domestic kitchen vent’.*
- 4.1.9 In order to protect the residential amenity of neighbouring occupiers, Public Protection have recommended that a condition should be applied to any approval which limits the use of the commercial kitchen to Monday – Friday with the hours of use being 9:00 -17:00. This will minimise any noise/cooking odour to ensure no disturbance to adjacent residential properties occurs.
- 4.1.10 The proposed insertion of door within the side elevation to allow access in to the commercial kitchen is acceptable from a residential amenity perspective.
- 4.1.11 The proposal is considered to meet the requirements of Policy 8 of the LLP2 (2015) and supporting SPD Policies.

Design and Visual Amenity

- 4.1.12 Policy 11 of the Blackburn with Darwen Local Plan Part 2 (2015) requires all new development to *“present a good standard of design and will be expected to:*
- i) Demonstrate an understanding of the wider context; and*
 - ii) Make a positive contribution to the local area.”*
- 4.1.13 As stated previously, the front elevation of the property will not be altered. The existing garage ‘up and over’ door will be retained.
- 4.1.14 The proposed insertion of the door on the eastern side elevation is also acceptable from a visual amenity perspective. The proposed door will not be viewed from the street scene and will have no impact on the design of the local area.

Highways

- 4.1.15 Policy 10 of the LPP2 (2015) requires that road safety and the safe, efficient and convenient movement of all highway users is not prejudices and that appropriate provision is made for vehicular access, off-street servicing and parking in accordance with the Council’s adopted standards.

- 4.1.16 The applicant has confirmed that customer orders are a mixture of delivery and collection. The collections of orders are during business hours and are usually 1 or 2 per day. There are no food deliveries to the property, all ingredients are purchased from supermarkets which are collected.
- 4.1.17 It was noted on a site visit that 3 off-street parking spaces are available at the front elevation of the property. According to the approved site layout, originally the property would have featured two parking spaces on the front driveway, however, it appears that the owners of the property have hard surfaced the soft landscaped area to create an additional parking space. Under the planning approval 10/15/0901 permitted development rights were removed for Part 1, Classes A-E, however Members are advised that Class F has been retained, allowing part of the driveway to be hard surfaces subject to compliance with the conditions of Part 1, Class F of the General Permitted Development Order (GPDO).
- 4.1.18 The supporting statement (refer to para 3.2.2), provides details regarding deliveries and collections from 'Bluebell Bakes', please see below;
- "Customer orders are a mixture of delivery and collection, during business hours but these are usually only 1 or 2 per day so there is not a significant increase in footfall or traffic to the property. There are no food deliveries to the property as Jessica gets her ingredients from supermarkets which she collects herself. It should be noted that this is not a full-time business. Jessica works 4 days a week in a local café. Her business is split into 2 sectors. She caters for cold buffets (including sandwiches, sausage rolls, pork pies, fruit platters and cheese) but her main business is celebration cakes, traybakes & cupcakes which are made & decorated on the premises".*
- 4.1.19 The Council's Highways Officer has raised concerns for the proposals which were discussed verbally regarding deliveries/collections and on-street parking capacity which could be affected. However, a condition will be attached to ensure that the business is not open to customers outside the hours of 9-5. This will ensure that if any collections are to take place no unacceptable levels of disturbance will be caused. Furthermore, the applicant has already confirmed that they receive no food deliveries and all ingredients are collected themselves from the supermarket. Compliance with Policy 10 of the LPP2 (2015) is therefore achieved.

Further Comments:

- 4.1.21 An objection was received from Livesey Parish Council regarding the Covenants on the title deeds for the application property. After this the acting agent for the submission was contacted in relation to these issues. This being said covenants are a separate matter that are required to be resolved between the applicant and the landowner/freeholder of the title deed covenant. Therefore, this does not fall within the scope of the assessment relating to the planning application, and as such, members are advised to not take this issue into consideration.

5.0 RECOMMENDATION

Delegated authority is given to the Strategic Director of Growth and Development/Deputy Chief Executive to approve the planning permission, subject to the following conditions.

5.1 Approve subject to the following conditions:

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

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

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

Proposed Elevations, Drawing Number PL/07, Date Received 08/09/2023
Proposed Floor Plans, Drawing Number PL/06, Date Received 08/09/2023
Proposed Site Block Plan, Drawing Number PL/05, Date Received 08/09/2023
Supporting Statement, Date Received 08/09/2023

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

3. The approved use shall be restricted to the following times and shall not be open to customers outside of these hours:

Monday to Friday: 9:00 – 17:00 hours
Any variation of the above hours restriction must be approved in writing by the Local Planning Authority.

REASON: To ensure appropriate hours of use to minimise any noise/cooking odour disturbance at adjacent residential premises.

4. The development hereby permitted shall be carried on / occupied only by the applicant trading as 'Bluebell Bakes', and not by any other person.

REASON: For the avoidance of doubt, and to protect the neighbouring amenity in accordance with Policy 8 of the Local Plan Part 2 (2015).

5. The garage use hereby permitted, is restricted to the use applied for only, and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: For the avoidance of doubt, and to protect the neighbouring amenity in accordance with Policy 8 of the Local Plan Part 2 (2015).

6. No advert shall be displayed anywhere on or in the garage or the main dwelling such that it can be seen from outside the property.

REASON: To protect the visual amenity of the local area in accordance with Policy 11 of the Local Plan Part 2 (2015).

6.0 PLANNING HISTORY

- 6.1 10/79/1589 – Erection of houses and bungalows
- 6.2 10/88/0116 – Residential development
- 6.3 10/15/0901 – Residential development for 79 dwellings
- 6.4 10/16/0714 – Discharge conditions 2,4,8,9,10,15,17 of 10/15/0901
- 6.5 10/16/0765 – Non-material amendment for revised house type (Montgomery) on application 10/15/0901
- 6.6 10/17/0564 – Discharge of conditions 8 and 17 pursuant to planning application 10/15/0901

7.0 CONSULTATIONS

- 7.1 Public Consultation – neighbouring properties were consulted by letter on the 8th and 11th September 2023. No representations have been received.

8.0 CONTACT OFFICER: Emily Colebourne, Assistant Planning Officer

9.0 DATE PREPARED: 26th October 2023

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/23/0858

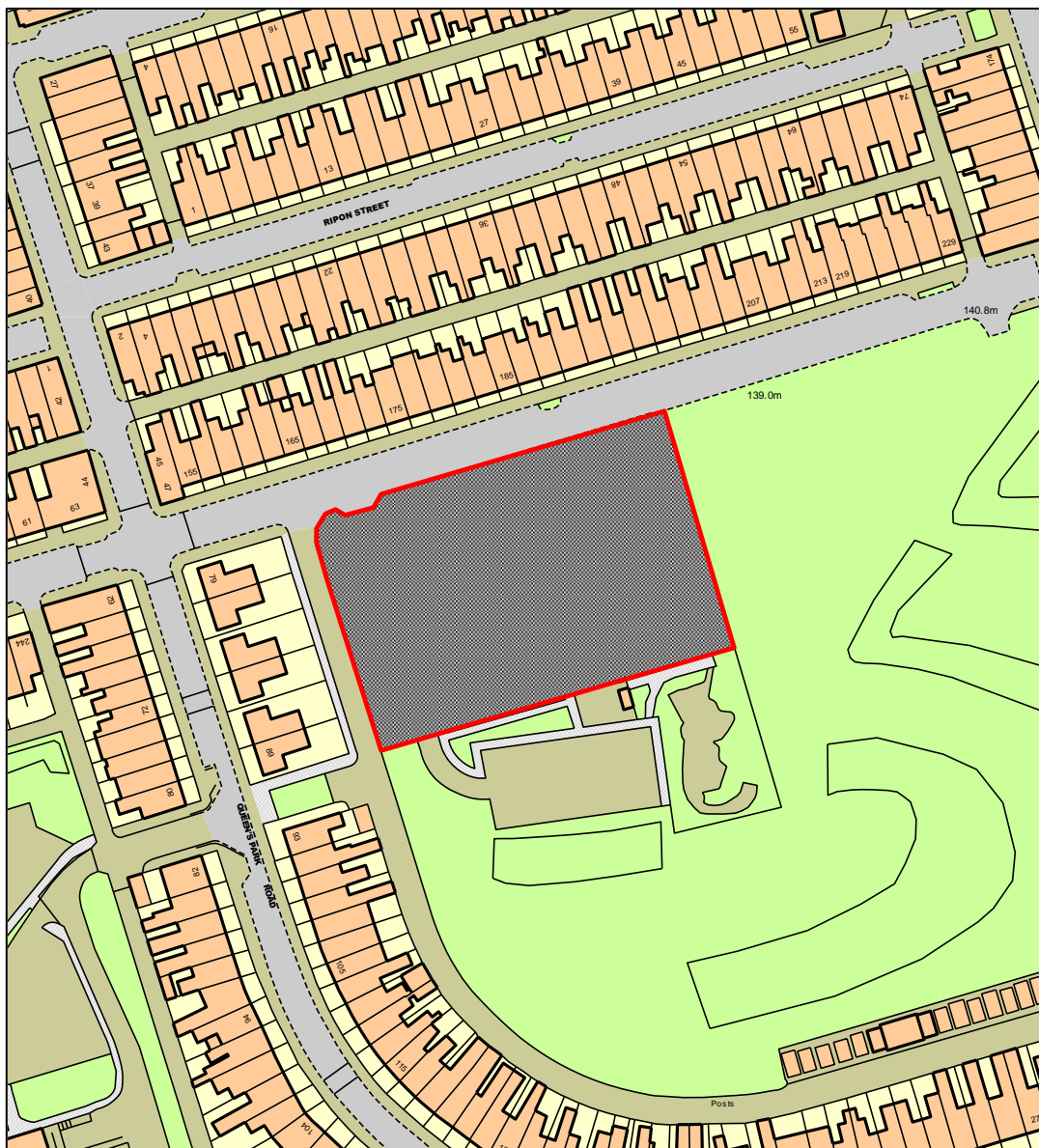
Proposed Development: Erection of 3 No. single storey extensions, new entrance canopy and internal reconfigurations

Site Address: Audley and Queens Park Children's Centre/Audley and Queens Park Neighbourhood Learning Centre, Pringle Street, Blackburn, BB1 1SF

Applicant: Blackburn with Darwen Borough Council

Ward: Audley and Queens Park

**Councillor Altaf Patel
Councillor Ehsan Raja
Councillor Salim Sidat MBE**



1.0 SUMMARY OF RECOMMENDATION

1.1 The proposed developments are 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 Constitution, and given that the application has been made on behalf of the Council.

2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 29 adjacent properties on 03rd October 2023. In addition, a site notice was displayed on 05th October 2023. No public comments have been received for the application so far. Should any comments be received ahead of the meeting they will be presented as part of a committee update report.

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

2.4 The proposed developments involve the erection of 3 single-storey extensions to the community building. A new entrance canopy is also proposed to the east elevation alongside slight roof alterations. The extensions would be implemented in conjunction with a number of internal reconfigurations to improve the facilities of the building.

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 as follows;

- Establishing the principle of development
- Green Infrastructure
- Design and visual amenity
- Parking provision
- Land contamination

3.0 RATIONALE

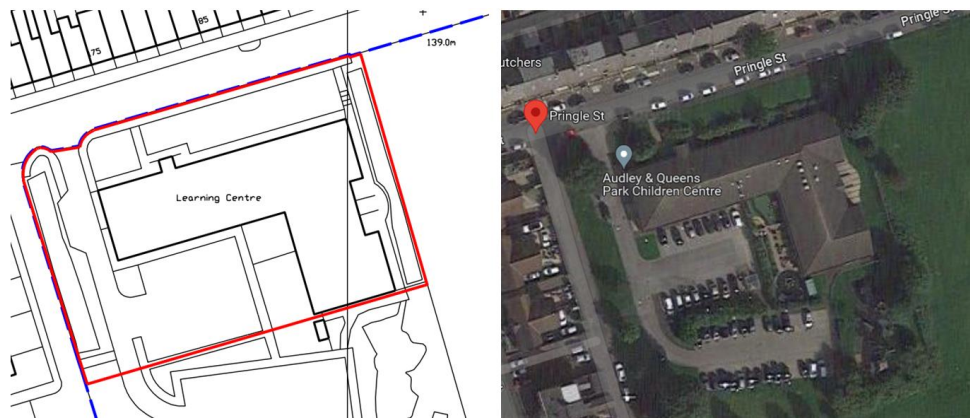
3.1 Site and Surroundings

3.1.1 The application site is a single-storey community building that is positioned within the settlement of Blackburn. It forms part of the Queen's Park Road Green Infrastructure (GI) allocation. Dwellings surround to two sides with open land positioned to the south and east. The building mostly has red brick elevations, grey concrete roofing tiles and brown uPVC doors and windows.

The wider site contains landscaped areas with two carparks positioned to the south of the building.

- 3.1.2 Audley and Queens Park Children's Centre provides early education for children aged between 2 - 4 years' old. The Children's Centre opens from Monday to Friday during school term time only. It has an ancillary café and library. In 2019, the Centre had capacity for up to 77 children, but operated over capacity with around 100 children on roll. Due to the existing over-capacity and the forecasted growth in demand for places, it has been deemed necessary to expand and enhance the facility to meet the needs of the local community.

Figure One – Location Plan and Satellite Image



3.2 Proposed Development

- 3.2.1 As detailed above, the proposed development involves the erection of 3 single-storey extensions and a new entrance canopy in conjunction with a number of internal reconfigurations. This application specifically relates to the Children's Centre, which is located within the eastern portion of the building.
- 3.2.2 The larger of the extensions would infill an area off the south and west elevations. It would have a footprint of circa 85 square metres and a flat roof 3.2m in height. A roof lantern would be installed centrally and its elevations would be externally finished with dark grey and red bricks. A flexible youth space would be provided within. A number of light pipes would also be inserted into the south and west roofslopes.

Figure Two – Proposed South and West Elevations



3.2.3 The two smaller extensions are proposed from the east elevation. They would have footprints of circa 11 square metres and flat roofs 3.2m in height. Dark grey and red bricks would also be used to externally finish the extensions. Together with the new canopy, the two extensions would provide a new entrance point, meeting room and extended receptions areas. The proposed development seeks the addition of circa 100sqm of new floorspace.

Figure Three – Proposed East Elevation



3.2.4 The internal configurations would allow for the provision of further flexible spaces, a workshop, improved prayer room facilities, an office suite and additional seating areas. The premises will continue to operate in line with the existing opening hours of the facility. The Centre currently employs 16 members of childcare staff. The introduction of the Inspire Motivate Overcome (IMO) Charity to the site is expected to increase the number of employees and children attending site.

Figure Four – Proposed Floor Plan



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Core Strategy (2011):

- Policy CS11: Facilities and Services

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

4.0 **ASSESSMENT**

4.1 Principle of Development

4.1.1 The site is located within the defined urban boundary, which are identified as the preferred locations for all new development by Policy 1. Policy CS11 states that the range and quality of public services and facilities will be expanded and enhanced; in particular, at accessible locations. The site benefits from such a position. Furthermore, BwD Children's Services are supportive of the proposals. The proposed development is therefore acceptable in principle, in accordance with Policies CS11 and 1.

4.1.2 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

4.2 Green Infrastructure (GI)

4.2.1 As detailed above, the site is located within the Queen's Park Road GI allocation. Policy 9 states that development involving the partial loss of land identified as GI will not be permitted unless the development can be accommodated without the loss of the function of the open space.

4.2.2 Given that the development would only cover a small part of the allocation, no harmful impacts would be caused for its overall function. As proposed, the development is thus acceptable with reference to GI, in accordance with the relevant requirements of Policy 9.

4.3 Design and Visual Amenity

4.3.1 The site is a large community building that is a standalone feature within the streetscene. Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the site's wider context and making a positive contribution to visual amenity.

4.3.2 The proposed extensions would appear relatively small-scale when related to the massing of the existing building. Flat roofs would be used, which would appear at odds with the main pitched roof. However, the form of the extensions would not appear unacceptably out of place given the utilitarian style of the existing building. The proposed canopy would also appear as a proportionate and unimposing structure once built.

4.3.3 Grey bricks are proposed for the majority of the elevations with feature bands of red bricks also proposed. The use of such materials would differentiate the age of the extensions from that of the main building alongside providing a certain level of visual interest. Moreover, the style of the proposed doors and windows would match those of the existing building.

4.3.4 A condition is recommended to ensure the development is implemented in accordance with the submitted materials details. Subject to compliance with that condition, the proposed development would be acceptable with reference to design and visual amenity, in accordance with the relevant requirements of Policy 11.

4.4 Residential Amenity

4.4.1 Dwellings surround to two sides and safeguarding the amenities of those neighbours is an important material planning consideration. Policy 8 states that all development proposals should secure a satisfactory level of amenity for surrounding occupants in relation to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the general relationship between buildings.

4.4.2 Owing to ample separation, the proposed extensions would not appear overbearing or cause any adverse privacy implications for the closest neighbours. The development would not intensify usage of the site to a level

that would be harmful to the aural amenities of neighbours. Furthermore, no additional measures are necessary to control the construction phase of the development when the relatively small-scale nature of the extensions is taken into account. As proposed, the development is thus acceptable with reference to residential amenity, in accordance with the relevant requirements of Policy 8.

4.5 Parking Provision

4.5.1 The site has two relatively large carparks to the south of the building, which provide in excess of 40 spaces. Policy 10 requires all development proposals to not prejudice road safety or the safe, efficient and convenient movement of all highways users. Adequate parking provision and servicing arrangements should also be provisioned in support of new development.

4.5.2 The proposed extensions would not result in the loss of any existing off-street vehicle parking facilities. The proposals would have the potential to increase the capacity of the site, and therefore parking requirements. That said, the existing carparks are adequately sized to accommodate any additional parking requirements associated with the development. On that basis, the proposed development is acceptable with reference to parking provision, in accordance with the relevant requirements of Policy 10.

4.6 Land Contamination

4.6.1 The development involves excavations within a public site and land contamination must be assessed on that basis. 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.

4.6.2 BwD Public Protection has reviewed the merits of the application and no objections have been raised. A condition has been advised to control the potential for contamination to be unexpectedly encountered during redevelopment works, which is recommended to be added. Subject to compliance with that condition, the proposed development would be acceptable with reference to land contamination, in accordance with the relevant requirements of Policies 8.

4.7 Summary

4.7.1 This application involves the erection of 3 No. single storey extensions, a new entrance canopy and internal reconfigurations. 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.

4.7.2 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 Green

Infrastructure, design and visual amenity, parking provision, and land contamination.

- 4.7.3 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:

Delegated authority is given to the Strategic Director of Growth and Development and Deputy Chief Executive to approve planning permission, subject to the following conditions;

- 5.1 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.

- 5.2 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 (P501), P1200, P1201, P2000, P2100, P3000, P3050, P3100 and P3200.

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

- 5.3 All the external construction materials and finishes to be used for the development hereby approved shall be as stated on the submitted application form and approved drawings.

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).

- 5.4 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: In order 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).

6.0 RELEVANT PLANNING HISTORY

- 6.1 10/03/0278 – Phase 2 - Surestart Building (Early Learning Centre) with car park – Approved, with conditions – July 2003.
- 6.2 10/02/0559 – Access Point Building for educational use with car park, entrance and exit – Approved, with conditions – October 2002.

7.0 CONSULTATIONS

- 7.1 BwD Children’s Services – No objections.
- 7.2 BwD Public Protection – No objections. Should the application be approved, a condition should be imposed regarding unexpectedly encountering land contamination during redevelopment works.
- 7.3 BwD Drainage – No objections.
- 7.4 BwD Property Services – No objections.
- 7.5 Ward Cllrs – No objections.
- 7.6 No public responses received

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 03rd November 2023

10.0 SUMMARY OF REPRESENTATIONS – none received.

Agenda Item 5

REPORT OF THE STRATEGIC DIRECTOR OF GROWTH & DEVELOPMENT & DEPUTY CHIEF EXECUTIVE

ORIGINATING SECTION: PLANNING (DEVELOPMENT MANAGEMENT)

REPORT TO PLANNING & HIGHWAYS COMMITTEE – 16th November 2023.

TITLE: Tree Preservation Order – Northwood Nursing & Residential Care, 206 Preston New Road/St Silas Road, Blackburn Tree Preservation Order 2023 (ref: BWD5)

WARDS: Billinge and Beardwood
COUNCILLORS: Tasleem Fazal.
Jackie Floyd.
Mohammed Irfan

1.0 PURPOSE OF THE REPORT

- 1.1 To request that the Committee endorse the actions of the Council's Arboricultural Officer/Planning Manager (Development Management) in making and serving 206 Preston New Road, Blackburn 2023 Tree Preservation Order (TPO) (ref: BWD5).
- 1.2 To request that the Committee confirm 2023 Tree Preservation Order (TPO) (ref: BWD5) without modification.

2.0 RECOMMENDATION

- 2.1 That the actions of the Arboriculturalist and Planning Manager (Development Management) in making and Northwood Nursing & Residential Care, 206 Preston New Road/St Silas Road, Blackburn 2023 Tree Preservation Order (TPO) be endorsed.
- 2.2 Northwood Nursing & Residential Care, 206 Preston New Road/St Silas Road, Blackburn 2023 Tree Preservation Order (TPO) (ref: BWD5) is confirmed without modification.

3.0 BACKGROUND & RATIONALE

- 3.1 On the 22nd May 2023, a formal "Notice of intent to undertake works in a conservation area" was submitted by the Home Coordinator at Northwood Nursing & Residential Care, 206 Preston New Road, Blackburn to undertake pruning works to the Lime trees (ref: 10/23/0431) The system of notification (211 notice) provides the Council an opportunity to consider if trees should be made subject to a TPO.
- 3.2. The notification for works included options for pruning and possible removal of the Lime trees. The Council cannot consider multiple options for works and the Council's Arboricultural officer sought clarification. A site meeting was arranged with the Home Coordinator and the owner attended, to clarify the proposed work.

Options for pruning were discussed which could resolve nuisance issues of low branches causing obstructions to vehicles, shading to the property and safety concerns. Also concerns regarding the disruption to a low boundary wall at the base of each tree were raised. It is recognised growth and expansion of the buttress of each tree, has over time resulted in movement to the wall. Repair and rebuilding options to allow for the retention of the trees were discussed. The owner's preference was however to remove both of the trees.

3.3 The two Lime trees are large and the owner of the property is concerned about their safety and potential for falling branches.

From the site visit undertaken by the Arboricultural Officer (refer to Images 1 and 2), both trees looked to be in good health with vigorous canopies. It was recommended to the owner, that pruning to remove any weak or defective branches will keep the trees in an acceptable safe condition, thus safety concerns can be alleviated. If the health and stability of the trees are in question then a professional health and safety inspection report would need to be submitted that provides evidence that these trees are at risk. During the consultation period the Council has not received any objections or information contesting either trees condition.



Image 1: Photos of proposed TPO Lime trees and access to St Silas Road – taken 13th July 2023.



Image 2: Photos of base of protected trees, site access and boundary wall – taken 13th July 2023.

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes: 4

**Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes: 4

d) Other factors

Trees must have accrued 7 or more points (with score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally

Score & Notes: 1

unsuitable for their location

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc s. 211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes: 5. on site discussion with owner has expressed a preference for removal of both trees.

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total: 18

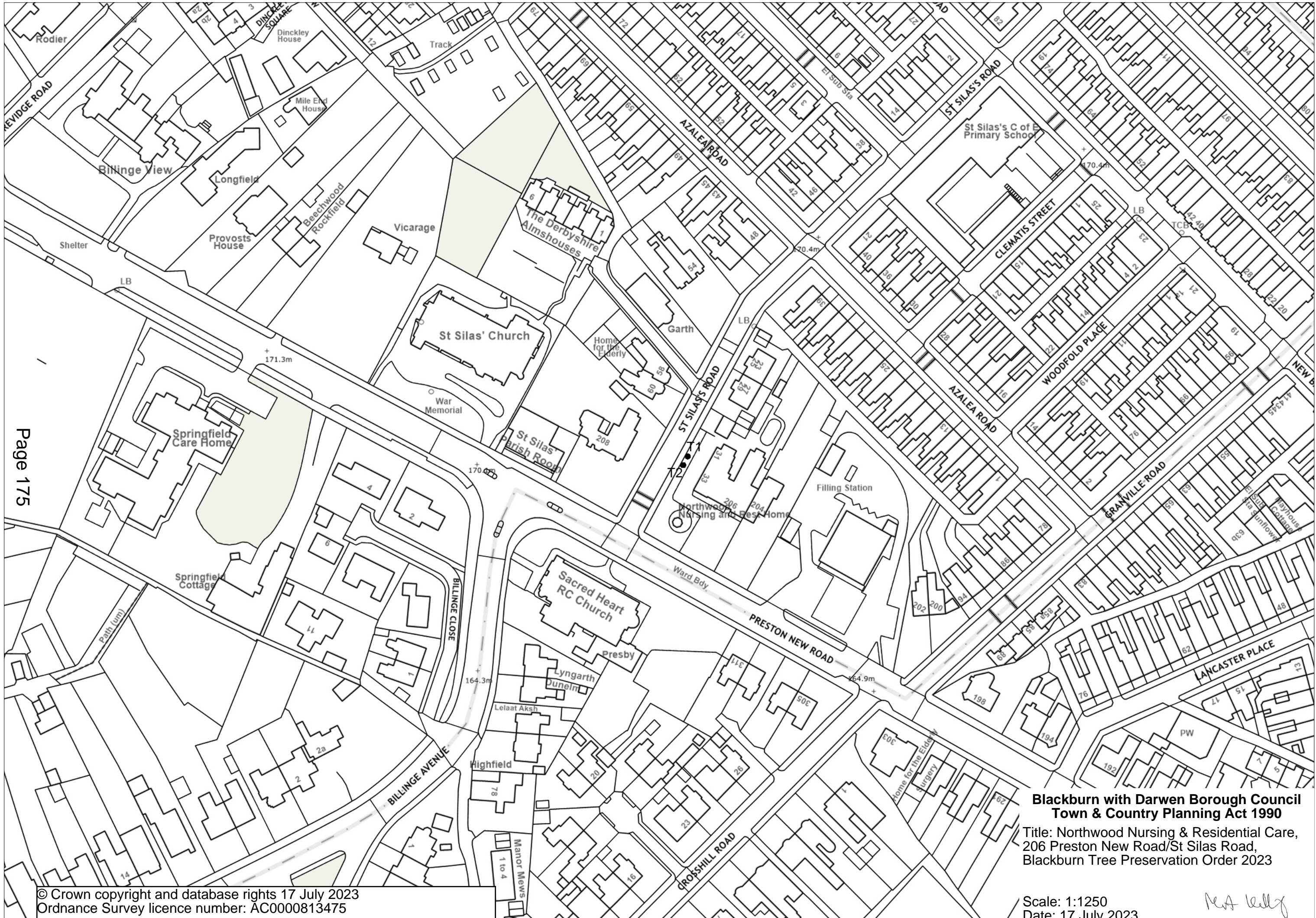
Decision: Make TPO

CONSULTATIONS:

- 3.8. The current freeholders of the land, where the tree is located, the neighbouring properties, and the ward councillors/Chair of the Committee were informed of the proposed TPO on the 17th July 2023
- 3.9 Acknowledgement of the TPO was received from the Chair fo the Committee on the 18th July 2023.
- 3.10 No objections to the provisional Order have been received.
- 3.11. The application to fell the two Lime trees in a conservation area was not justified on the grounds that the trees are unsafe or the damage to the low wall associated with the bases of the trees is warranted. If the health and safety of the trees are in question, then a professional health and safety inspection report would need to be submitted to provide evidence the trees pose an identifiable risk. From the Arboricultural Officer's site visit both trees looked to be in good health with vigorous canopies which are highly visable and make a strong visual impact in the area. Repairs to the wall can be carried out which do not necitate the removal of the trees.
- 3.12 It is fully appreciated both trees cause a common nuisance. Such nuisance can be mitigated with appropriate pruning works whilst maintaining the value and intergatery of the two trees. The owner could seek to resolve nuisance issues with an application to carry out works to the trees.
- 3.13 The two trees scored 16 on a TEMPO assessment that fully warrants them worthy of protecting. Therefore, it is considered that the TPO should remain unless a justified reason is presented as evidence in a future application.

4.0 CONTACT OFFICER: Gavin Prescott, Planning Manager
(Development Management)

5.0 DATE PREPARED 24th October 2023



Blackburn with Darwen Borough Council
Town & Country Planning Act 1990
Title: Northwood Nursing & Residential Care,
206 Preston New Road/St Silas Road,
Blackburn Tree Preservation Order 2023

Neil Kelly

SCHEDULE 1

SPECIFICATION OF TREES

**LOCATION: Northwood Nursing & Residential Care, 206
Preston New Road/St Silas Road,
Blackburn Tree Preservation Order 2023**

Trees Specified Individually

(encircled in black on the plans)

Reference On Map	Description	Situation
T1	Lime	North of access off St Silas Road
T2	Lime	South of access of St Silas Road

Trees specified by reference to an area

(within a dotted black line on the plans)

Reference On map	Description	Situation
	None	

Groups of Trees

(within a broken line on the plan)

Reference on map	Description	Situation
	None	

Woodlands

(within a continuous black line on the plans)

Reference on map	Description	Situation
	None	

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

Document is Restricted

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

Document is Restricted

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

Document is Restricted

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

Document is Restricted

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

Document is Restricted

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

Document is Restricted

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

Document is Restricted

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

Document is Restricted