

Proposed development: Hybrid planning application for Full permission for 37 dwellings including creation of a new vehicular access to the Southern end of the site and Outline permission with 'Access' (with all other matters reserved) for B1, B2, and B8 uses including alterations to the existing access to the Northern end of the site.

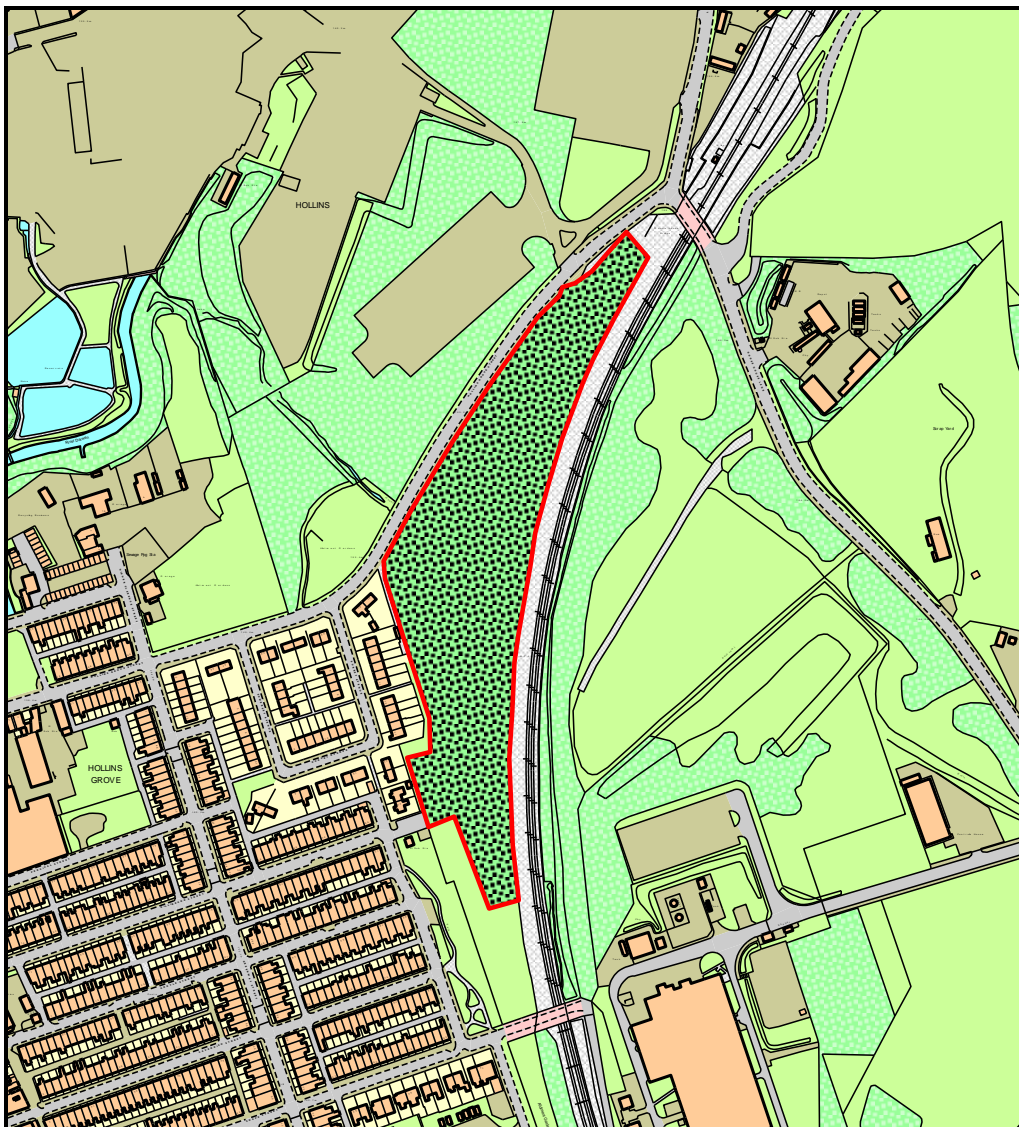
Site address:

**Land at Hollins Grove Street
Darwen
BB3 1HG**

Applicant: Pillars Darwen Ltd

Ward: Darwen East

Councillors: Jane Oates, Roy Davies, Paul Browne



1. SUMMARY OF RECOMMENDATION

- 1.1 APPROVE – Subject to conditions as set out in paragraph 4.1 and the applicant entering in to a Section 106 legal agreement relating to financial contributions towards off-site highway works for the Darwen East Corridor.

2. KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1.1 This application is presented to the Committee in accordance with the Scheme of Delegation, Chair Referral Process. The application site has been vacant for a considerable amount of time and the proposals seeks to bring forward a viable mixed use development.
- 2.1.2 The proposed residential portion of the development would encroach in a minor way in to a long-standing vacant employment allocation, however, the proposal needs to be viewed in its entirety and the proposed development would see a notable employment development at the site which will be supportive of Policy 13: 'Employment Land Allocations' and Policy CS3: Land for Employment Development which will secure the site for future B1, B2 and B8 uses.
- 2.1.3 The site is located within the Inner Urban Area with the southern part of the site located adjacent to the residential core of Darwen. Housing on the southern, unallocated end of the site, which abuts dwellings on Surrey Avenue and Gillibrand Street and those terraces which extend off it, is thus acceptable in principle.
- 2.1.4 The housing mix proposed is similarly acceptable as the proposals indicate a housing offer, which responds to the Council's growth strategy and the layout of the residential development will provide a satisfactory development, which, subject to all of the suggested conditions will ensure that future occupants and those bordering the site are not significantly harmed by the proposals.
- 2.1.5 The suggested planning conditions will also ensure that the businesses located with the Primary Employment area will not be significantly harmed by the proposals. Similarly, other suggested conditions will protect the safety of all railway users and seek to secure a sustainable development which will be landscaped to provide mitigation and net-gains for biodiversity and mitigate against the air quality impacts of the development.
- 2.1.6 For all the above reasons, subject to all of the recommended conditions a sustainable development will be achieved. On this basis it is thus recommended that conditional planning permission be granted subject to the applicants signing a S106 agreement for the monies towards highway works on the Darwen East Corridor.

3. RATIONALE

3.1.1 Site and Surroundings

3.1.2 The application site is located on the east side of Hollins Grove Street opposite the rear boundary and access of Crown Paints Ltd which exists to the west of the site. The Blackburn-Bolton railway line exists to the west of the site.

3.1.3 The site is irregular in shape being long and narrow and tapering to the northern and southern ends. It is relatively flat and is raised up from Hollins Grove Street. The site is bounded with a metal fence on all sides.

3.1.4 Aggregate Industries (Express Asphalt) exist to the north of the application site. Approximately 100m to the south-east is Lucite International Ltd. (LIL) who is understood to develop and manufacture acrylic-based products and operate 24hrs a day. Crown Paints Ltd headquarters exists to the west of the site. The Manchester Victoria to Blackburn railway line runs along the entire eastern site boundary and is at grade with the proposed development site. Hollins Grove Street exists along the north-west boundary of the site and is set below the site. This boundary is mostly bounded by deciduous trees and the metal industrial fencing. No trees are present at the existing vehicular access point. Along the south-western boundary, residential properties exist on Surrey Avenue, Gillibrand Street and 53 Hollins Grove Street.

3.1.5 1.3 hectares of the site at its northern end is allocated as Primary Employment Area and is allocated an Employment site within the adopted Local Plan Part 2 (LPP2). The existing vehicular access point lies towards the northern point of the allocated Employment site.

3.1.6 The site is within a High Risk Coal Mining Area, is in a high risk contamination area and is constrained on the west side by Hollins Grove Street and the East side by the railway line.

4. Proposed Development

4.1.1 The proposal is a hybrid application seeking full permission for 37 residential units comprising a mix of 3 and 4 bed properties with associated parking and gardens on the southern portion of the site, alongside an outline planning permission (with all matters reserved except for 'Access') for B1, B2 and/ or B8 uses on the northern half of the site, along with associated new access points, landscaping, parking and associated works including the remediation of the land.

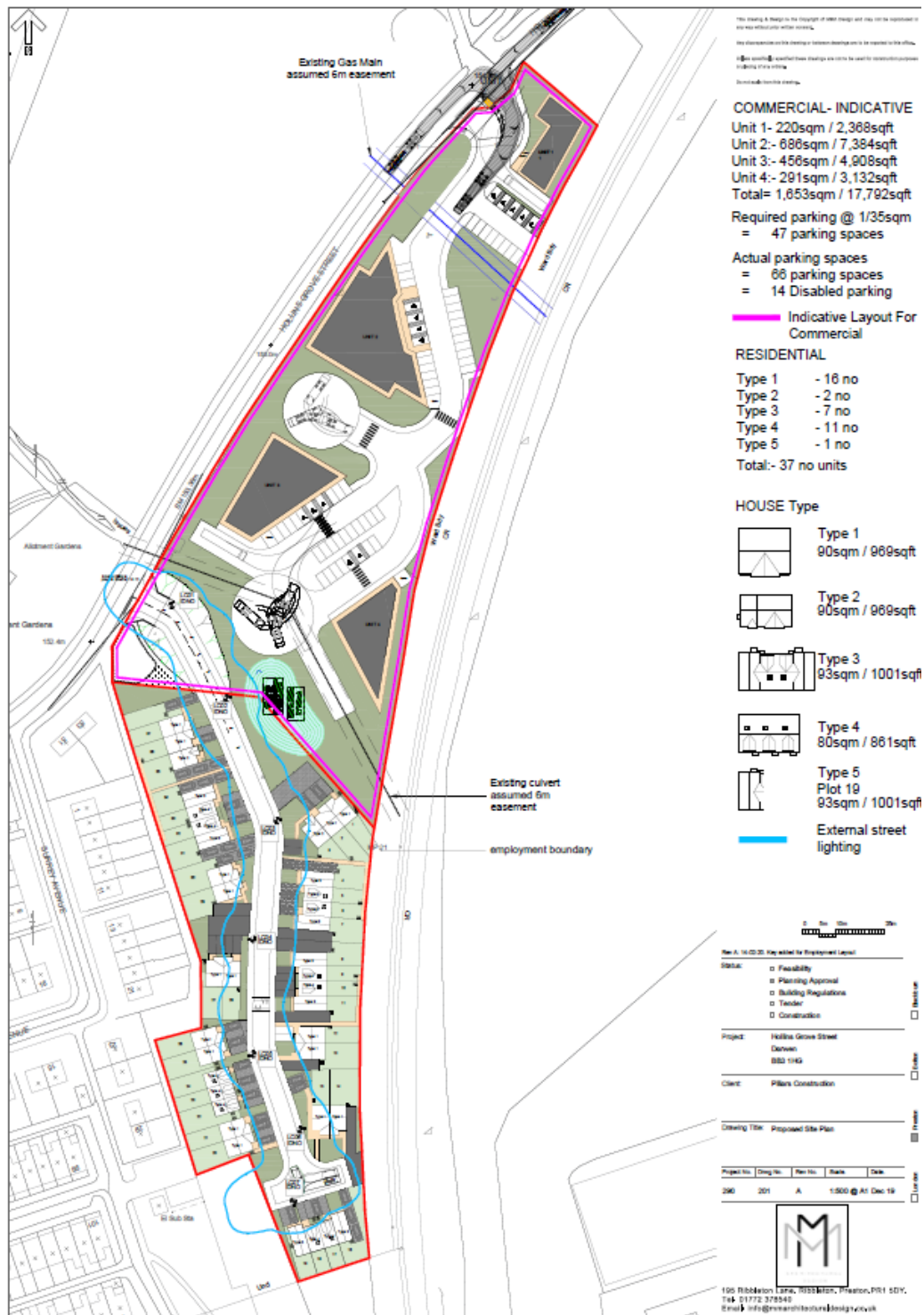
4.1.2 The dwellings are to be a mix of 2 and 3 storeys in height and faced in a mix of brick and render under tile roofs. Each dwelling is to have at least two parking spaces and a private garden.

4.1.3 Indicative layout proposals relating to the proposed employment uses on the northern half of the site also accompany the application which illustrates

approximately 1653 sq.m of employment uses could likely be accommodated on the site.

4.1.4 Both parts of the site are to have their own vehicular accesses on to Hollins Grove Street. The existing access at the northern end of the site. An acoustic barrier is proposed to separate the employment uses from the residential half of the site.

Extract from submitted Site Plan:



5. Development Plan

5.1 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:

5.2 Core Strategy (2011)

- Policy CS1 – A Targeted Growth Strategy
- Policy CS3 - Policy CS3: Land for Employment Development
- Policy CS4 – Protection and Re-Use of Employment Sites
- Policy CS5 – Locations for New Housing
- Policy CS6 – Housing Targets
- Policy CS7 – Types of Housing
- Policy CS8 – Affordable Housing Requirements
- Policy CS9 – Existing Housing Stock
- Policy CS13 – Environmental Strategy
- Policy CS15 – Protection and Enhancement of Ecological Assets
- Policy CS16 – Form and Design of New Development
- Policy CS21 – Mitigation of Impacts / Planning Gain

5.3 Local Plan Part 2 (2015):

- Policy 1: The Urban Boundary
- Policy 2: Inner Urban Boundary
- Policy 8: Development & People
- Policy 10: Accessibility & Transport
- Policy 11: Design
- Policy 12: Planning Contributions
- Policy 12: Employment Land Allocations
- Policy 14: Primary Employment Areas
- Policy 18: Housing Mix
- Policy 26: Climate Change
- Policy 40: Integrating Green Infrastructure & Ecological Networks with New Development

5.4 Supplementary Planning Documents (SPDs) and other relevant documents

- Residential Design Guide SPD
- Biodiversity and Ecological Networks SPD
- Housing and Economic Needs Survey (December 2018)

5.5 National Planning Policy Framework (NPPF) – 2019:

The National Planning Policy Framework (Framework) is a material consideration in planning decisions. The Framework sets out a presumption in favour of sustainable development, which is the “golden thread” running

through both plan-making and decision-taking. In this regard Paragraph 8 of the NPPF states:

“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective– to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective– to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective– to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”

Paragraph 11 of the Framework explains that for decision taking, this means approving development proposals that accord with an up-to-date development plan without delay.

5.6 Other Relevant Legislation

- Human Rights Act 1998
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Section 17 of the Crime and Disorder Act, 1998

6. **Assessment**

In assessing this application there are a number of important material considerations that need to be taken in to account. They are;

- Principle of Development
- Effect on neighbouring businesses
- Highway Safety
- Design and visual amenity
- Residential Amenity and amenity of future occupiers

- Biodiversity
- Flood Risk and Drainage
- Viability and Planning Contributions

6.1 **Principle of Development**

6.1.1 These hybrid proposals seek Outline planning permission for B1, B2 and/ or B8 uses on the northern half of the site and to erect 37 dwellings on the southern part of the site. The acceptability of the proposals in principle are accordingly discussed below:

Employment Site: Outline Proposals

6.1.2 The northern half of the site is within a Primary Employment area. Local Plan Part 2, Policy 14 concerns itself with development in these area and states;

6.1.3 *“Within the Primary Employment Areas as defined on the Adopted Policies Map, planning permission will be granted for development in Use Classes B1, B2 and B8, provided there is no conflict with the overall function and developability of the Area.*

6.1.4 1.33 hectares of the northern part of the site is allocated as a designated Employment Site within the Blackburn with Darwen Local Plan Part 2 under Site 13/11 within Policy 13: ‘Employment Land Allocations’. This policy similarly requires the site to be used for B1, B2 or B8 employment generating uses. This Hybrid application proposes a mix of B1, B2 and/ or B8 uses on the majority of the allocated Employment site and is thus in accordance with Policy 14.

6.1.5 However, the residential access road and joint soft landscaping and a drainage attenuation pond encroach in to part of the designated Employment site.

6.1.6 Given the area of the employment site will still partly be utilised by the allocated Employment site to provide a landscaped area/buffer between the residential units and the allocated employment land therefore ensuring the long-term use of the allocated employment site this would not significantly prejudice the amount of business and industrial land in the Borough.

6.1.7 The re-development of this site which has been vacant in excess of a decade and has a spoiled appearance which detracts from visual amenity is welcomed, as to are the proposed residential units bounding housing to the south and south-west of the site which will be more preferable than an industrial/business use with regards to neighbouring residential amenity.

6.1.8 In addition, in 2012 Outline permission was granted for the erection of 48 residential units and to develop the allocated employment site for commercial employment generating uses over the same extent of land. Whilst the BwD Local Plan was updated in December 2015, the policy for employment uses and particularly this site have not markedly altered.

6.1.9 The commercial area design is still based on the previous scheme recommended by the Local Authority. Whilst it is recognised that the previous scheme had one central access to serve both the employment and residential uses, the Highway Authority requested separate accesses to avoid vehicular conflict and prevent queuing occurring entering the site on Hollins Grove Street and impacting on the junction with Goose House Lane.

6.1.10 Whilst it is acknowledged that the proposed residential portion of the development would encroach in a minor way in to a long-standing vacant employment allocation, on balance, the proposal needs to be viewed in its entirety and the proposed development would still see a notable employment development at the site which will be supportive of Policy 13: 'Employment Land Allocations' and Policy CS3. Even if the section of land was to remain as an Employment Allocation, it would not necessarily result in additional employment floor space being created as a portion of this land will be used for landscaping and water attenuation purposes for both parts of the development. Indeed it will be explored later in this report that it is likely that this area of land be used as a landscape buffer to protect both future occupiers of the residential half of the site and in turn protect any future users of the site being overly restricted by the southern half of the site.

6.1.11 LPP2 Policy 13/11 specifically states the key development considerations for this site are;

- 1. Careful consideration should be given to the design and use of employment developments in close proximity to the residential dwellings;*
- 2. Development should be designed to provide an active frontage towards the adjacent railway line and also towards Hollins Grove Street;*
- 3. The amenity of employees within the site should be protected in terms of potential noise from the railway;*
- 4. Potential land contamination due to industrial history of the site, likely to require remediation.*

These matters are addressed in full during the course of this report and will be discussed in the relevant sections.

Residential Site: Full permission proposals

6.1.12 The southern half of the site is not included within the Primary Employment Area designation. A portion of the land is however included within the allocated Employment site.

6.1.13 In respect of the proposed residential dwellings on the southern end of the site, the principle of the location of the residential element of the proposed development needs to be considered against policies CS1 and CS5 in Core Strategy; and Policy 2 of the Local Plan Part 2.

- 6.1.14 Policy CS1 identifies that the “...majority of new development in the Borough will be in the urban areas of Blackburn and Darwen, with a larger proportion being in Blackburn”.
- 6.1.15 Policy CS5 reinforces the geographical distinctions set out in Policy CS1 by confirming the “...preferred location for new housing, where market conditions permit its delivery, will be the inner urban areas of Blackburn and Darwen”. The application site is within the inner urban area of the borough, specifically Darwen.
- 6.1.16 Policy 2 relates to the Inner Urban Area. The identified and adopted Inner Urban Area is considered to be located in close proximity to services and amenities.
- 6.1.17 The site is located within the Inner Urban Area. The southern part of the site is located adjacent to the residential core of Darwen Housing on the southern, unallocated end of the site, which abuts dwellings on Sydney Avenue and Gillibrand Street and those terraces which extend off it is therefore acceptable in principle.
- 6.1.18 The housing mix proposed is acceptable as the proposals indicate a housing offer, which responds to the Council’s growth strategy and the residential scheme abuts an existing residential area. Local Plan Part 2, Policy 18: ‘Housing Mix’, seeks high quality family housing and the proposals provide this.
- 6.1.19 During assessment of the submitted Transport Assessment it is evident that nearby Public Rights of Way need to be upgraded to assist pedestrian linkages and accessibility to services and amenities to and from the site.

5 Year Housing Land Supply

- 6.1.20 The submitted Planning Statement which discusses the proposals compliance with the Council’s adopted Plan policies, states the Council does not have a 5 year housing land supply and therefore this should be given significant weight in the assessment of this application. This assertion is based on 2018 figures and therefore is now incorrect. This Council is able to demonstrate a 9.9 year land supply. As this is the case, paragraph 11 of the National Planning Policy Framework indicates that applications should be assessed in accordance with Council’s development plan. It is recognised that a 5 year supply is not a maximum and therefore the sustainability of sites should be considered to ensure houses are located in sustainable locations. For the reasons stated above, these dwellings are considered to be suitably located in the Inner Urban Core.

Affordable Housing

6.1.21 It is important that developments provide at least 20% of the site for high quality affordable housing. In appropriate circumstances, where a financial contribution is preferable to an on-site solution for other planning reasons, and, where the Council agrees, it is instead to be provided through a financial contribution of £12,750 per unit.

6.1.22 The application was accompanied by a Viability Assessment. This has been reviewed by an Independent assessor who confirms that the site would become financially unviable to provide, amongst other things, affordable housing. The matter of planning contributions will be discussed later in this report.

Principle of Development Conclusions

6.1.23 The site is located within the boroughs Inner Urban Area which is considered to be the most suitable area for providing new homes.

6.1.24 In the main, the proposed B1, B2 and B8 uses on the allocated employment site accord with Policies 14 and 14 of the LLP2.

6.1.25 Whilst it is acknowledged that the proposed residential portion of the development would encroach in a minor way in to a long-standing vacant employment allocation, on balance, the proposal needs to be viewed in its entirety and the proposed development would still see a notable employment development at the site which will be supportive of Policy 13: 'Employment Land Allocations' and Policy CS3: Policy CS3: Land for Employment Development.

6.1.26 Overall these hybrid proposals are acceptable in principle.

6.2 Effect on Neighbouring Businesses

6.2.1 Paragraph 182 of the NPPF states;

“Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”

6.2.2 LPP2 Policy 9 also concerns itself with the impact on neighbouring properties.

6.2.3 There are several B2 industrial uses in the locality that could adversely impact the amenity of future residents of the proposed dwellings.

- 6.2.4 Both Express Asphalt located to the north of the site on the north site of Goose House Lane and Crown Paints, located to the west of the application site on the opposite side of Hollins Grove Street raised queries about how their businesses and their operations will be protected and have requested that the local planning authority carefully assess this. Lucite International is also located to the south-east of the site.
- 6.2.5 The local planning authority has duly done this by properly considering the requirements of Paragraph 182 of the Framework.
- 6.2.6 The local planning authority is satisfied that retention of the allocated Employment Site will provide an appropriate buffer between Express Asphalt and the new properties. Similarly, the allocated employment site also abuts the rear boundary of Crown Paints therefore, they will also be safeguarded from future residents affecting their operations. This will however, be subject to the dwellings having suitable protective glazing and thus conditions will be required to protect all surrounding business. Subject to the imposition of suitable conditions neither future occupants nor existing businesses will be adversely affected.
- 6.2.7 Crown Paints Ltd also wanted confirmation from the local planning authority that the electricity supply to their headquarters will not be compromised by the construction works associated. A response from Electricity North West Ltd (ENWL) identified that their assets and easements exist on the site. The applicants provided additional information to the local planning authority in conjunction with ENWL to ensure the development can be constructed without causing disruption to Crown Paints Ltd operations. Crown Paints para-legal team have reviewed the additional information received and subject to the imposition of planning conditions to secure the protection of ENWL's assets and ultimately to safeguard the operations of all local businesses, raise no additional concerns. Their required conditions will duly be imposed.

6.3 **Highway Safety/Accessibility**

- 6.3.1 In considering this aspect 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, as well as ensuring the wider sustainability agenda is supported.
- 6.3.2 The application is supported by a Transport Assessment, which has been independently reviewed. Whilst some amendments have been sought by the Highway Authority and local planning authority, on the whole, the Council agrees with the contents of the Transport Assessment that the proposed development will not cause a material harm to the safety of the highway network.

- 6.3.3 A planning contribution is to be paid towards the highway works along the East Darwen Corridor and also to upgrade two Public Footpath's in close proximity to the site.
- 6.3.4 BwD Highway Authority has also reviewed both the full and outline proposals. In terms of the Outline portion of the site, the only matter applied for is 'Access'. The Highway Authority is satisfied that the point of access and the necessary widening is acceptable subject to the access being suitably constructed and visibility splays being kept clear the proposals are considered to accord with the requirements of LPP2 Policy 10.
- 6.3.5 In terms of the residential portion of the site, the scheme presents a suitable access, sufficient off-road parking provision for each dwelling and a turning head within the development to allow all users of the residential development, including three-axle vehicles such as refuse wagons, to enter and leave the site in a forward gear.
- 6.3.6 The initial proposals provided details of the turning for four-axle vehicles, such as fire engines. BwD Highway Authority considered this turning to be 'tight'. When questioned, they are satisfied that a Refuse Wagon can turn easily within the Turning Head which will visit the site on a regular basis. 4-axle vehicles are considered not to be regular vehicles to residential estates and advise that the application should not be refused on this basis.
- 6.3.7 The Highway Authority has raised concern about the straightness of the access road which they consider will lead to higher than safe speeds occurring. They have suggested incorporating 'build-outs' in to the final road layout or other such traffic-calming measures and the imposition of a suitably worded planning condition will secure these.
- 6.3.8 In order to prevent these hybrid proposals being reliant solely on the private car, as well as the development contributing to the nearby footpath(s) being upgraded, a condition requiring a Travel Plan will also be imposed. The Travel Plan is also required to mitigate against the air quality impact of the proposals and their future occupation. This Travel Plan will be secured by condition.
- 6.3.9 Subject to the usual highway conditions relating to the construction processes of both parts, safe construction of the site access, clear visibility splays, implementation of the car parking layout proposed, the development being designed to adoptable standards, the site being adequately drained, and traffic-calming measures being implemented, the residential proposals and the Access details relating to the Employment site accord with the requirements of LPP2, Policy 10.

6.4 **Design and Visual Amenity**

- 6.4.1 The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve.

6.4.2 Local Plan Part 2 (LPP2), Policies 8 and 11 require proposals to contribute positively to the overall physical, social, environmental and economic character of the area in which the development is sited, demonstrate an understanding of the wider context and make a positive contribution to the local area.

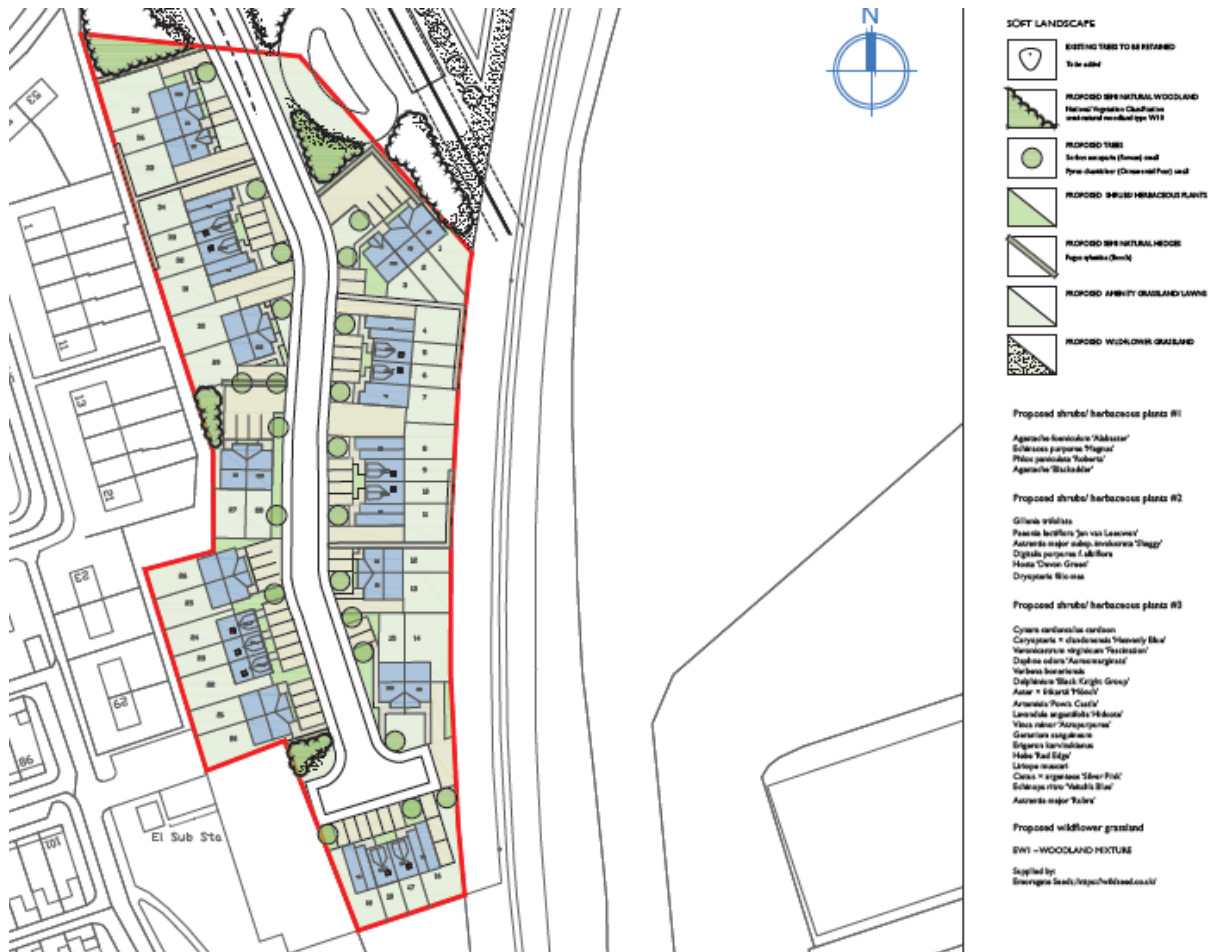
6.4.3 The dwellings are to be a mix of render and brick under tile roofs. The properties on the corner of Hollins Grove Street and Surrey Avenue are render under slate roofs. The properties on Surrey Avenue are constructed of brick under slate roofs. Provided the roofs are covered in slate or a suitably slate coloured tiled, the proposed mix of materials will complement the existing materials in the immediate locality. A condition requiring samples of the walling, roofing, and window materials and colours will be imposed to ensure that the dwellings achieve an acceptable appearance.



Typical example of the elevations relating to one of the house types:

6.4.4 LPP2 Policy 13/11 requires all development on the site to have a forward facing frontage towards the railway line. Whilst the residential layout does not achieve this, all rear elevations have been given windows to serve main habitable rooms and some dwellings are orientated to side on to the railway and have windows positioned in the gable to add some interest. Whilst this does not meet the requirements of this part of LPP2 Policy 13/11, we have to take in to account that the proposals propose to develop a long-term vacant site. This outweighs this requirement.

6.4.5 A soft landscaping plan accompanies the application and whilst on the whole landscaping is satisfactory, due to the proposals failing to provide any information on the impact on biodiversity, any necessary mitigation or enhancement, it is considered to be premature to agree to the submitted landscaping scheme. A condition securing satisfactory landscaping which addresses neighbouring amenity, air quality mitigation and biodiversity mitigation and net-gain will be secured by planning condition.



Extract from submitted soft landscaping plan:

6.4.6 Subject to the above-mentioned conditions, the proposals are considered to accord with LPP2 Policy 11 and the relevant parts of Policy 13/11.

6.5 **Residential amenity and amenity of future occupants of the application site**

6.5.1 Policy 8 of the LPP2 relates to the impact of development upon people.

6.5.2 Importantly, at section (ii) of the policy there is a requirement for all new development to secure satisfactory levels of amenity for surrounding uses and future occupants of the development itself. Reference is made to matters including; noise, vibration, odour, light, dust, privacy/overlooking and the relationship between buildings. Policy 8 (iii) deals with safely remediating

contaminated sites, with iv) focusing on Air Quality and point (v.) focussing on designing development to avoid crime.

Noise

- 6.5.3 The proposed employment uses must not cause significant loss of residential amenity at the proposed dwellings or extant dwellings in the locality. The local planning authority therefore suggest that the applicant plans this part of the development site very carefully to minimise the likelihood of loss of amenity. The applicant should also be aware that it is likely that the hours of use, particularly in respect of proposed B2 and B8 premises, will be limited appropriately to protect residential amenity. The final layout of this area should reflect the need to separate the B2 and B8 uses from dwellings by creating a 'B1 buffer zone' and utilising the orientation and design of all the units to shield residents from likely causes of loss of amenity e.g. noise, vibration, flood lighting, odour, dust. These matters will be considered under the Reserved Matter of Layout at that stage.
- 6.5.4 The submitted enviro/solution 'Noise Assessment' (dated Feb., 2020) recommends noise control in their assessment of the noise implications of the proposed employment use and its impact on the proposed occupiers of the residential half of the site
- 6.5.5 The submitted enviro/solution 'Noise Assessment' (dated Feb., 2020) provides noise control recommendations, including acoustic glazing and ventilation, and the proposed plans indicate an acoustic fence is to be located on the shared boundary of the two portions of the site which is also a recommendation of the assessment.
- 6.5.6 Subject to the imposition of all conditions recommended by the Council's Public Protection team, all existing and future residents should not be adversely affected by these hybrid proposals.

Vibration

- 6.5.7 The vibration impacts of constructing the development will be controlled by a planning condition once the developers have undertaken work to assess the amount of vibrations and the noise from vibrations that will occur to ensure they will be to acceptable standards. Such a condition is recommended.
- 6.5.8 Network Rail also require a risk assessment and method statement to be submitted to and approved in writing by Network Rail and the local planning authority relating to vibrations and its impact on Network Rails infrastructure to prevent any piling works and vibration from de-stabilising or impacting the railway. Their condition will also be imposed.

Dust

- 6.5.9 During the period of construction dust may impact existing neighbouring residents who boarder the site. This can be controlled by a suitably worded

planning condition requiring a scheme for the suppression of dust to be submitted to and agreed in writing by the local planning authority and duly adhered to during the construction process. A condition to secure this is recommended to ensure that satisfactory measures are in place to alleviate any dust and dirt impact at adjacent residential properties.

Amenity of neighbouring residents

6.5.10 Local Plan Policies 8 and 11 concern themselves with the design of new development and also the effect of new development on both existing residents and future residents of the site itself. Section 12 of the NPPF also seeks to achieve well-designed places stating at paragraph 124 - "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...."

6.5.11 In October 2018 the Government have introduced a national design guide emphasising the need for well-designed development.

6.5.12 At a local level, the Council's Residential Design Guide SPD focuses specifically on new residential development, and sets out, amongst other things, separation standards.

6.5.13 The proposed layout of the residential development provides a well-considered layout, which provides sufficient space between the proposed dwellings and existing dwellings with all dwellings meeting the minimum separation standards set out in the Residential Design Guide SPD. The adjoining residents on Hollins Grove Street, Surrey Avenue and Gillibrand Street will all therefore have an acceptable level of privacy and amenity.

6.5.14 Given some of the plots are only separated from existing adjoining property on one side and the railway line on the other, it is considered the permitted development rights to extend/ alter the dwellings should be removed to ensure that the LPA can assess the impact of all proposals on neighbouring residents given that some of the dwellings are positioned at the standard separation distances, and the development as a whole. Subject to the imposition of the condition, it is considered that the proposed residential development accords with the requirements of Policy 8 of the LPP2.

Land Contamination

6.5.15 At section (iii) of LPP2, Policy 8 states it is important that in the case of previously developed, other potentially contaminated or unstable land, a land remediation scheme is secured which will ensure that the land is remediated to a standard which provides a safe environment for occupants and users and does not displace contamination. Policy 13/11 also requires the site to be remediated to a safe standard for users of the site.

- 6.5.16 The site is a former railway sidings and is classed as being previously developed. It is also within 250m of other contaminated land areas. The site is also within a High Risk Coal Mining Area.
- 6.5.17 The application has been supported by a contaminated land report which is based on dated sources where the applicants appear to have used the findings of previous contaminated land surveys undertaken on site which are now over ten years old. This is not considered to be acceptable and therefore to protect future occupiers of the development from contamination the Council's Contaminated Land team are satisfied that provided updated surveys and any necessary mitigation/ remediation is undertaken prior to commencement of any development on the site, the development need not be refused on this basis. Planning conditions can adequately secure this to ensure the safety of future users of the site and are duly recommended.
- 6.5.18 The application site also falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.
- 6.5.19 The applicant has submitted a Desk Based Coal Mining Risk Assessment (LK Group, January 2020). This report is informed by appropriate mining information for the application site and this proposed development.
- 6.5.20 The report identifies a potential risk from probable unrecorded coal mine workings at shallow depth beneath the application site. Accordingly, the report recommends that intrusive site investigations should be undertaken to determine the presence or otherwise of shallow workings. The Coal Authority expects that these investigations should take into account the development as a whole. In addition, the investigations should target the two coal outcrops indicated as being present as well as areas of probable unrecorded coal mine workings. Where shallow coal mine workings are encountered with the potential to influence surface stability a suitable scheme of remediation to consolidate workings should be proposed and implemented.
- 6.5.21 The exact form and extent of intrusive site investigations need to be agreed with the Permitting Section of The Coal Authority as part of the applicant's permit application. These intrusive site investigations should be prepared and conducted by a suitably competent person and findings used to inform an appropriate scheme of remedial measures if necessary. In addition, it would be prudent if consideration was also afforded to the risk posed by mine gas to the application site and proposed development.
- 6.5.22 The Coal Authority recommends the imposition of conditions on both the full and outline parts of this hybrid application to secure a safe form of development. These will duly be imposed.

Air Quality

6.5.23 LPP2 Policy 8 iv) requires the development to not give rise to a deterioration of air quality in an Air Quality Management Area or result in the declaration of a new AQMA, unless the harm caused is significantly and demonstrably outweighed by other planning considerations and a comprehensive mitigation strategy can be secured.

6.5.24 A Total Emissions Assessment is required in order to assess pollutant emissions from the scheme and to determine the appropriate level of mitigation required to offset associated impacts. This assessment has been prepared in accordance with the Blackburn with Darwen Borough Council (BwDBC) planning advisory note (PAN)¹ and the Department of Environment, Food and Rural Affairs (DEFRA) guidance², to provide a quantification of the development emissions, and proposes a mitigation strategy .

6.5.25 The air quality assessment and its conclusions are supported by the head of BwD Public Protection, who offers no objection subject to standard conditions relating to dust control, provision of external plug sockets to facilitate electronic vehicle charging and maximum boiler emission standards. Subject to the local planning authority agreeing the details, the site will be landscaped and suitable tree and soft planting will also mitigate against the air quality impacts of the development. Similarly, the applicants have recognised that the Travel Plan for all users of the site which encourages walking and cycling rather than car borne journeys will also mitigate the air quality impacts of the development. The proposals therefore accord with criteria iv.) of Policy 8 of the LPP2.

Crime and Disorder

6.5.26 Section 17 of the Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006) requires Blackburn with Darwen Council, as a 'responsible authority', to consider crime and disorder (including antisocial behaviour and other behaviour adversely affecting the local environment); and the misuse of drugs, alcohol and other substances in the exercise of all its duties, activities and decision-making.

6.5.27 Both the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) set out guidance in creating safe and accessible communities.

6.5.28 LPP2 Policy 8 (v) requires the development to incorporate positive measures aimed at reducing crime and improving community safety, including appropriate detailed design, the provision of adequate facilities for young people, and the creation of a suitable mix of uses.

6.5.29 Lancashire Police Constabulary has produced the submitted Crime Impact Assessment and has no objections subject to the site being developed in accordance with the recommendations of this Crime Impact Assessment. A suitably worded planning condition will secure this.

6.5.30 The Construction Management Plan will also cover the site being suitably secured during the construction period to prevent crime from taking place during construction of the development.

6.5.31 Subject to the suggested condition it is considered these hybrid proposals will accord with both local and national crime and disorder prevention policies.

Summary

6.5.32 To summarise, the Council's Public Protection Team has reviewed the application and offers no objection to the development subject to conditions to safeguard the amenity of future occupants of the site and those existing residents in the area. These conditions relate to land contamination; air quality mitigation, control on working hours (08:00 to 18:00 Mondays to Fridays, 09:00 to 13:00 Saturdays, Not at all on Sundays and Bank Holidays); a scheme for provision of acoustic glazing and mechanical ventilation of dwellings; and a dust suppression scheme to be agreed.

6.6 **Biodiversity**

6.6.1 The Council has a legal duty to consider the conservation of biodiversity within the District; this is of significant importance when considering the impact of both major and minor developments.

6.6.2 Policy 9 of the LPP2 supports development where there is no unacceptable impact upon environmental assets, including habitats and protected species.

6.6.3 The site is a vacant previously developed site adjoining the railway line and has tree cover along its boundaries which connect to other trees and woodland in the area.

6.6.4 The National Planning Policy Framework (NPPF) now requires development to provide a net-gain for biodiversity and a 10% net gain requirement is very likely to be made mandatory sometime this year. Paragraph 170 of the NPPF states:

“Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; ...”

6.6.5 The site has been identified by the Council's Ecologists as a Priority Habitat on the site (Open Mosaic Habitat) and the site has potential to support Priority Species. To establish the quality of the habitat, and also the presence or otherwise of protected/priority species further survey work is required.

6.6.6 Notwithstanding the above, it is noted from the Ecology surveys submitted to inform the application, and from the Council's advisors own assessments, that this site has limited potential to support any specially protected species, so they do not believe that a grant of permission without the additional surveys

being completed would place the Council in the position of facing any legal challenges when things return to normality. That is, there is unlikely to be a fundamental legal principle for refusing the application on nature conservation grounds. Rather, the additional surveys are required to influence the final design of the scheme and to determine the extent of provision for biodiversity (either on or off site) which may be required.

- 6.6.7 In reaching this view, the Council's advisors also take into account that these are exceptional times, that this is in part an Outline application, and that we know that many ecological consultancies have stopped work during the Covid 19 pandemic.
- 6.6.8 However, officers must stress that this advice applies only to this site and should not be taken to apply to other applications - this is an exception due to the global pandemic and is based on this site alone. Advice will be provided on each application on a case-by-case basis.
- 6.6.9 For these reasons, conditions requiring the further survey work recommended within the submitted Ecology Report and any mitigation and the need to provide a net gain for biodiversity will be secured by planning condition and also within the landscaping conditions for the site.

6.7 **Flood Risk and Drainage**

- 6.7.1 Local Plan Part 2 Policy 9 concerns itself with drainage and states that: *"Development with the potential to create significant amounts of new surface water run-off will be expected to consider and implement where required, sustainable drainage systems (SuDS) or other options for the management of the surface water at source."*
- 6.7.2 Paragraph 163 of the National Planning Policy Framework (NPPF) requires that; *"when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere."*
- 6.7.3 The National Planning Practice Guidance (NPPG) clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the drainage options in order or priority as per the NPPG.
- 6.7.4 The application has been supplemented by a Flood Risk Assessment (FRA). Following a review of the application, no objection has been offered by United Utilities or the Lead Local Flood Authority; subject to the application of conditions to ensure; foul and surface water to be drained on separate systems; protection of UU's assets, namely a Culvert, protection of the railway line, a surface water drainage scheme adhering to the principles set out in the NPPG to be agreed; and a scheme for the future maintenance and management of surface water drainage to be agreed, all of which should ensure that flooding will not increase elsewhere as a result of the development and which will not affect the adjacent railway line and the safety

of railway users. Both statutory undertakers have suggested conditions. These have been combined and are duly recommended.

6.7.5 The Environment Agency also raised issues with the site potentially polluting water courses. They stated:

6.7.6 *“The previous use of the proposed development site as a railway sidings presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Secondary aquifer B and has a culverted surface watercourse on the site which leads to the River Darwen.*

6.7.7 *We would agree with chapter 7.2.2 in the Phase 2 investigation of the above report, that further site investigation is necessary.*

6.7.8 *In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework. Without this condition we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.”*

6.7.9 As a result of the above it is recommended that both of the suggested conditions from the Environment Agency also be imposed.

6.8 **Viability and Planning Contributions**

6.9 Local Plan Policy 12 concerns itself with securing planning contributions where they make proposals acceptable.

6.10 The Council’s Growth team initially advised that the following planning contributions were required for this development:

| No of Units | Education | Highways | Public Open Space | Affordable Housing | Total |
|--------------------|------------------|-----------------|--------------------------|---------------------------|--------------|
| 37 | £0 | £92,500 | £52,022 | £471,750 | £616,275 |

6.11 In addition, the National Health Service (NHS) has also requested a planning contribution towards the direct impact on the provision of planned and acute healthcare caused by the proposed development of £51,211.00.

6.12 With regard the National Health Service request for a planning contribution of £51,211.00, the Local Planning Authority does not agree that the submitted

evidence or approach is currently sufficient to implement a consistent and justified developer tariff, which meets the necessary tests for securing planning obligations.

- 6.13 Members should note that the Council is working with our NHS partners, and other key infrastructure stakeholders, to update the Borough's Infrastructure Delivery Plan alongside our emerging new Local Plan. This proposed tariff will be considered as part of the Local Plan process and via our Duty to Co-operate.
- 6.14 Notwithstanding the above and the Council's request for the other contributions, the proposed development has been assessed in terms of viability, and evidence has been received to justify a significantly reduced developer contribution.
- 6.15 Despite identified s106 development plan requirements for highways, education, affordable housing and green infrastructure contributions, in addition to an NHS request for healthcare gap-funding contributions (a material consideration); in this particular case, the only viable contribution is £35,000.
- 6.16 The priority is to improve highway infrastructure in the area (both vehicular and non-vehicular) because these are essential works which are fundamental to the acceptability of the proposal. The Local Plan clearly states that the Council is committed to ensuring that an appropriate balance is struck between securing necessary infrastructure investment from new development, and maintaining the financial viability of high quality development that will lead to growth. Therefore, in this particular case the benefits of allowing the proposal to proceed in terms of regenerating a brownfield site in the urban area to provide growth of new housing and employment, generating jobs, is considered to outweigh the waived developer contributions.
- 6.17 For the above reasons, the proposals accord with Policy 12 of the LPP2.

6.18 **Planning Balance and Conclusions**

6.18.1 On the whole, the hybrid mixed use proposals accord with the designated land uses within the LPP2. The application site has been vacant for a considerable amount of time and the proposals seeks to bring forward a viable development.

6.18.2 It is acknowledged that the proposed residential portion of the development would encroach in a minor way in to a long-standing vacant employment allocation, however, the proposal needs to be viewed in its entirety and the proposed development would still see a notable employment development at the site which will be supportive of Policy 13: 'Employment Land Allocations' and Policy CS3: Land for Employment Development as the proposal will secure the northern half of the site for future B1, B2 and B8 uses.

6.18.3 The site is located within the Inner Urban Area with the southern part of the site being located adjacent to the residential core of Darwen. abutting dwellings on Surrey Avenue and Gillibrand Street and those terraces which extend off Gillibrand Street.

6.18.4 The housing mix proposed is similarly acceptable as the proposals indicate a housing offer, which responds to the Council's growth strategy and the layout of the residential development will provide a satisfactory development, which, subject to all of the suggested conditions will ensure that future occupants of the development and those residents bordering the site will not be significantly harmed by the proposals, particularly given householder permitted development rights will be removed so that the Local Planning Authority can formally consider any future proposals to extend or alter the proposed dwellings.

6.18.5 Importantly, the suggested planning conditions will also ensure that the businesses located with the designated Primary Employment area will not be significantly harmed by the proposals. Similarly, other suggested conditions will also protect the safety of all railway users and seek to secure a sustainable development which will be landscaped to provide mitigation and net-gains for biodiversity, and which will also mitigate against the air quality impacts of the development.

6.18.6 For all the above reasons, subject to all of the recommended conditions, a sustainable development will be achieved. On this basis it is thus recommended that conditional planning permission be granted subject to the applicants signing a S106 agreement for the monies towards highway works on the Darwen East Corridor.

7. RECOMMENDATION

7.1 Approve subject to;

- (i) That delegated authority is given to the Head of Service for Planning to approve planning permission subject to an agreement under Section 106 of the Town and Country Planning Act 1990, relating to the payment of financial contributions which relate to the following matter(s):**
 - a. £35,000 as a contribution towards the Darwen East Corridor and upgrading a nearby Public Right of Way/s.**

Should the s106 agreement not be completed within 6 months of the date of this resolution, the Head of Service for Planning will have delegated powers to refuse the application.

- (ii) Conditions relating to the following matters:**

Outline Application

- Outline application time limit
- Submission of Reserved Matters timeframe
- Approved Plans and Documents
- Reserved Matter 'Landscaping' requirements
- Emissions control scheme
- Car Parking Scheme
- Use Class Restriction

Full Application

- Application Time Limit
- Approved Plans and Documents
- Samples of walling, roofing, window and door materials
- Acoustic Glazing and Ventilation Scheme
- Removal of Permitted Development rights for extensions, alterations and for fences
- Erection of Acoustic Fence

Conditions relating to both parts of the site relating to:

- Ecology Survey
- Biodiversity mitigation and enhancement
- External lighting
- Coal Mining intrusive site investigations and mitigation
- Contaminated land and remediation
- Remediation Strategy
- Unexpected contamination
- Landscaping scheme
- Foul and surface water drainage scheme
- Locate and carry out survey on culvert within the site
- Restriction on site operations/ construction works hours
- Dust suppression scheme
- Noise and vibration reduction scheme
- Construction of Site Accesses
- Construction Method Statement
- Full Travel Plan within 3 months of occupancy of any part of the development
- Construction details of all roads within the site
- Managements and maintenance of the proposed access roads
- Trespass fence to the railway
- Vibro-Impact Risk Assessment and Method Statement
- Identifying exact relationship with Electricity North West assets and any necessary mitigation
- Proximity of scaffolding to the railway
- Vehicle safety protection measures along the boundary and within the easements with the railway line
- Air Quality mitigation in accordance with Table 6 of the Enviro Solution 'Total Emissions Assessment' dated February 2020
- Development be constructed in accordance with the details contained within the submitted Crime Impact Assessment
- Electric Vehicle charging points

8. PLANNING HISTORY

8.01 The following table details the sites planning history:

| Application Number | Development Description | Decision | Date |
|--------------------|--|--------------------------|------------|
| 10/17/1357 | Erection of 84no. new dwellings with associated external works and car parking | Withdrawn | 19/06/2018 |
| 10/11/1128 | Extension of time on application 10/08/0568 - Outline application for residential development, 48 Units, together with associated open space and landscaping works and B1/B2 (Business/Industrial) development and associated car parking | Approved with Conditions | 19/01/2012 |
| 10/08/0568 | Outline application for residential development, 48 Units, together with associated open space and landscaping works and B1/B2 (Business/Industrial) development and associated car parking | Approved with Conditions | 30/12/2008 |
| 10/07/1385 | Outline application for residential development (82 units) together with associated open space and landscaping works and B1/B2 (Business/Industrial) development and associated car parking | Refused | 25/03/2008 |
| 10/04/1158 | Removal of condition 5 on consent 10/03/1233 relating to painting of boundary fence. Removal of condition 3 on permission 10/03/1233 relating to submission of landscaping scheme. Modification of condition 5 on consent 10/03/0189 and condition 6 on consent 10/03/1233 to extend hours of use from 8.00-17.00 Mon-Fri, 8.00-12.00 Saturday to permit use from 7.30 -18.00 Monday to Saturday | Withdrawn | 22/08/2005 |
| 10/04/0860 | Additional lighting columns; two lengths of 2.2m palisade fence to close gap between existing fences; alterations to existing palisade fence; additional CCTV column; and alterations to existing lighting | Withdrawn | 22/08/2005 |
| 10/03/1233 | Installation of temporary offices, hard surfaced area, lighting columns and CCTV cameras, perimeter fencing and storage containers and alterations to site access | Approved with Conditions | 24/03/2004 |
| 10.90/1994 | Outline application for Commercial and residential development | Approved with Conditions | 23/05/1991 |
| 10.90/1993 | Commercial development (Classes B1, B2 & B8) - Offices, Industry, Storage | Withdrawn | 23/05/1991 |

9. CONSULTATIONS

- 9.1 The proposals constitute Major Development and have been advertised both in the Press and by Site Notice.
- 6.2 On receipt of the additional information from the applicant relating to Electricity North West infrastructure Electricity North West has been re-consulted to ensure that the operations of Crown Paints Ltd are not adversely affected by the proposed development.

Neighbour Representations

- 9.3 69 individual letters were sent to the local residents. In addition, site notices were posted, and a press notice advertised in the local newspaper. An objection has been received from local ward Councillor Roy Davies. This objection is referred to in Section 10 of this report.
- 9.4 As a result of the public consultation three representations have been received; two from local businesses; Castle Cement and Crown Paints, and one from Councillor Roy Davies. These three representations are included in Section 10 of this report but contained the following concerns:
- Crown Paints seek assurance that their operations will not be compromised by the development affecting Electricity North West Infrastructure present on the application site
 - Express Asphalt seek assurance that their site is safeguarded in accordance with the NPPF and that the agent of change principle is enforced to ensure that the developer is responsible for mitigating any impacts from existing operations
 - Increase in traffic on this already busy stretch of road
 - Health factors should be taken into consideration with a residual burning plant having been given permission approximately half a mile away

9.5 Statutory and Non-statutory Consultee Responses

- 6.5.1 Coal Authority – No objections, subject to the recommended conditions
- 6.5.2 Drainage/ Local Lead Flood Authority – No objections subject to the recommended conditions.
- 6.5.3 Electricity North West – No objections subject to the applicant according with their requirements
- 6.5.4 Environment Agency – No objection, subject to the recommended condition
- 6.5.5 Lancashire Fire and Rescue – No objections

- 6.5.6 BwD Growth/ Forward Planning team – No objections
- 6.5.7 Lancashire Police – Secure by Design
- 6.5.8 Highways – No objections subject to the recommended conditions
- 6.5.9 National Health Service – No objections, subject to planning contributions
- 6.5.10 Network Rail – No objections subject to the recommended conditions and the applicant meeting their requirements
- 6.5.11 BwD Public Protection – No objections subject to the recommended conditions
- 6.5.12 BwD Refuse/ Waste Management – No objections
- 6.5.13 United Utilities – No objections, subject to the recommended conditions

10.0 Summary of representations:

Objection from Darwen East ward, Roy Davies Rec 19.02.20

Hi, I object to this planning permission, this area is already being used as a short cut from the 666 which would increase by a further 37 new properties being built, there is at the back of this proposed site a large development that has been going on for 10 or so years and is still no were near completion, There are also health factors to be taken into consideration with just half a mile away a residual burning plant has been given permission, which will bring a further 300 diesel engines per day in and out of this area.

Roy Davies,

Liberal Democrat,

Darwen East Ward,

Objection from Geoff Storey, Aggregate Industries Ltd Rec 13.03.20

As discussed, please ensure that if this development is approved that the Darwen Express Asphalt site at Goose House Lane Darwen is safeguarded in accordance with the NPPF and that the agent of change principle is enforced to ensure that the developer is responsible for mitigating any impacts from existing operations .Please keep me informed of the progress of this application .Regards,Geoff

Objection from Crown Paints Ltd Rec 11.03.20

Hi Helen

As per our discussion last week I'd like to raise a concern of the application in question.

We have two 11,000 volt cables that run along the site that power our site. I understand they run across the old paper mill site and along the west side of the proposed development site. It is imperative that these are protected and there is no risk to the cables either during or after the works are complete.

Can you please request details as to how the developers intend to ensure supply to our site and precautions are being taken should the worst happen.

Cheers

Phil

Further Objection from Crown Paints Ltd, Rec 21.04.20

Dear Sirs

**PLANNING APPLICATION REF: 10/20/0107
SITE AT HOLLINS GROVE STREET, DARWEN, BB3 1HG**

1. We are instructed by Crown Paints Limited of Crown House, Hollins Road, Darwen, BB3 0BG and write in relation to the above application for planning permission (the "Application").
2. Our client does not object to the principle of the proposed development at Hollins Grove Street (the "Development Site"). However, they do have concerns regarding underground electricity cables within the vicinity of the Development Site which serve the Crown Paints site in Darwen ("Crown Paints"). We therefore highlight the following matters which Blackburn with Darwen Borough Council (the "Council") must adhere to and consider when determining the Application.
3. Our client reserves the right to formally challenge any decision of the Council in respect of the Application should the Council not: (a) evidence that it has properly consulted the relevant electricity company; and (b) make any grant of permission conditional on the applicant not damaging or disturbing the underground cable. Alternatively, if there is a requirement to divert the electricity cable because of the proposed works, a condition should be included requiring the diversion to be carried out safely and in such a way that electricity supply to Crown Paints is not disrupted.

Consultation

4. The Council is required to carry out a formal period of public consultation before determining the Application. The requirements for this consultation are set out in Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's Statement of Community Involvement ("SCI").
5. The SCI states that all relevant stakeholders will be consulted before determining any application, particularly those with an interest in an application site. Reference is also made to 'relevant gas and electricity companies' being consulted, where appropriate. We are informed that Electricity North West Limited ("ENWL") is the statutory undertaker responsible for the underground cable within the Development Site.

6. On the Council's online planning portal page for the Application, a list of consultees is contained. Encouragingly, within that list is ENWL. However, we cannot see any evidence that ENWL have been consulted to date. Nor can we see any response from ENWL.
7. Please can you ensure that ENWL and any other relevant electricity companies are properly consulted on this Application and that any representations made by them regarding the Application are taken into account. We have copied ENWL into this letter for their information.

Planning Condition

8. The Council should also make any grant of planning permission subject to an appropriate condition ensuring that the electricity cable is protected. Alternatively, if there is a requirement to divert the electricity cable because of the proposed works, a condition should be included requiring the diversion to be carried out safely and in such a way that electricity supply to Crown Paints is not disrupted.
9. Any condition should refer to all relevant guidance from ENWL, or any other relevant electricity companies, for working in the vicinity of underground electricity cables.
10. In addition to Crown Paints, there are several other important commercial premises within the vicinity of the Development Site. Therefore, it is necessary and proportionate for controls to be placed on the proposed development to ensure that neighbouring landowners/occupiers' utility supplies are not disrupted.

We have been instructed to maintain a watching brief in respect this Application and shall be following the Council's decision making closely. Our clients reserve the right to formally challenge any decision of the Council in respect of the Application should it fail to follow all due process.

Please direct any response to Will Thomas at Shoosmiths by email only.

11.0 CONTACT OFFICER: Claire Booth, Senior Planner MRTPI

12.0 DATE PREPARED: 2nd July 2020