

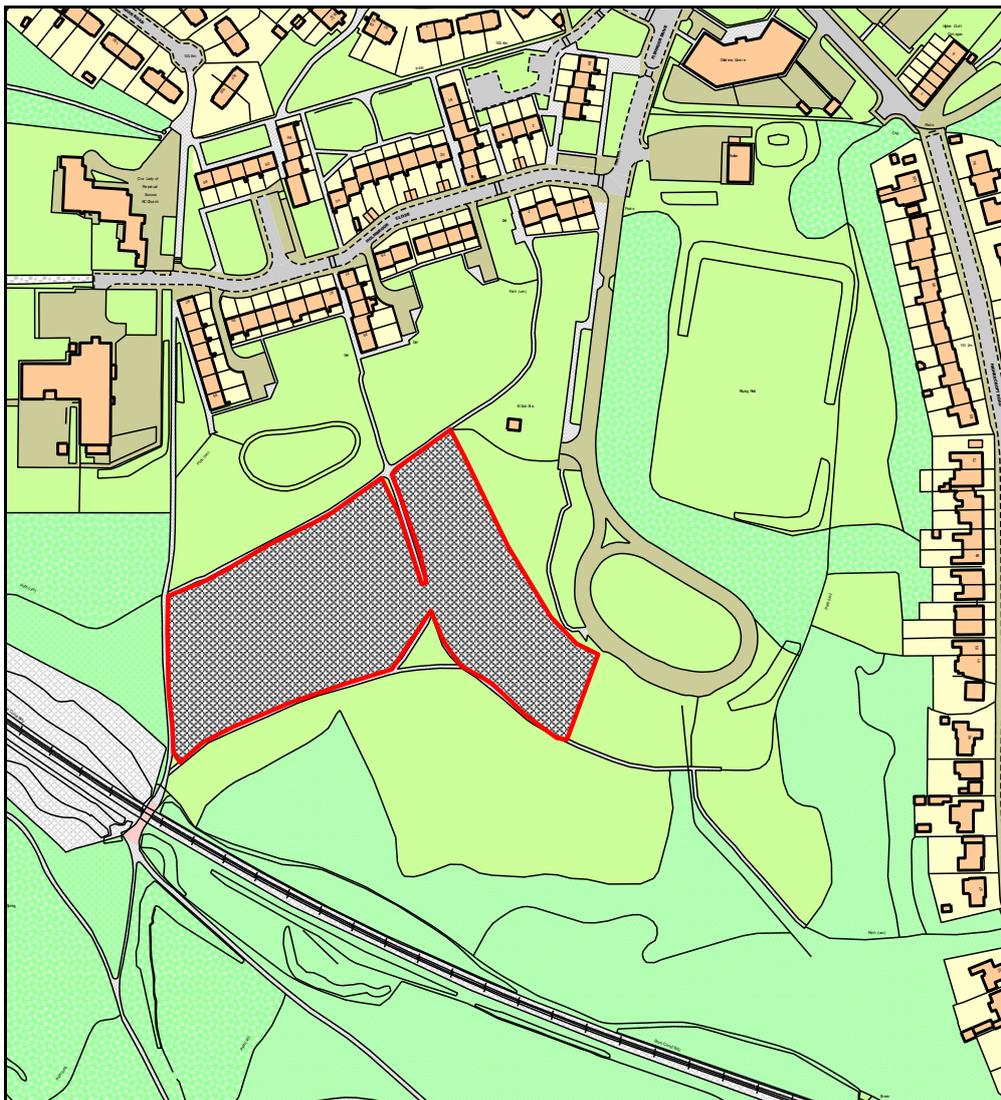
Proposed development: Full Planning Application (Regulation 4) for Formation of engineered bunds.

**Site address:
Land to the South of Holmbrook Close
Blackburn**

Applicant: Countryside Properties

Ward: Blackburn South & Lower Darwen

**Councillor John Slater
Councillor Jacqueline Slater
Councillor Denise Gee**



1.0 SUMMARY OF RECOMMENDATION

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

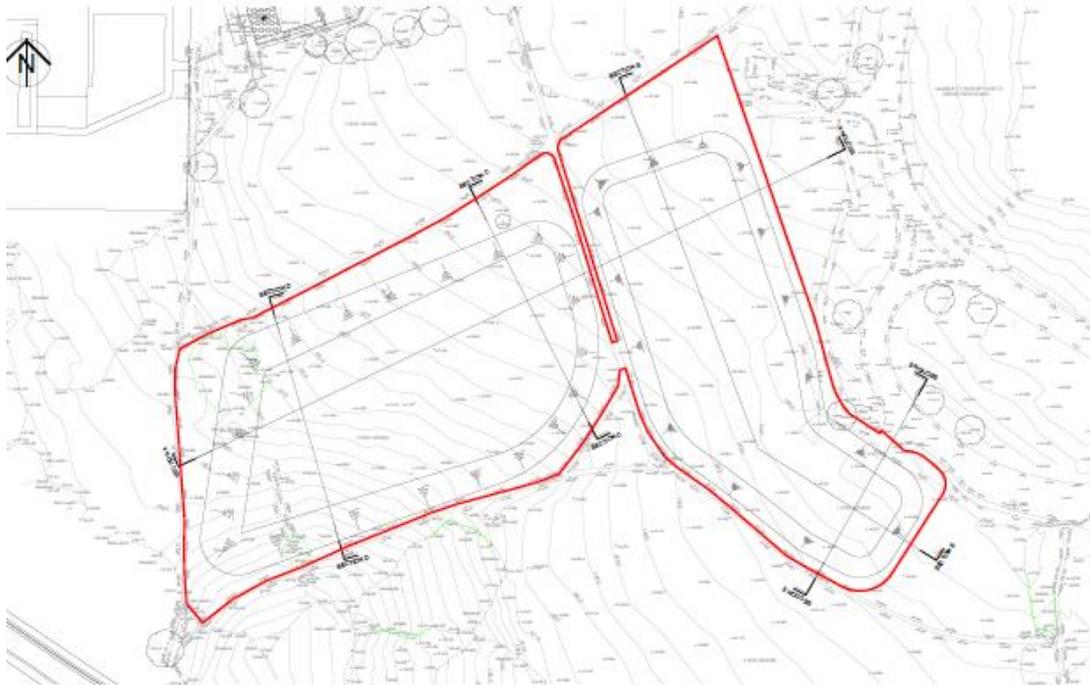
2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application seeks full planning permission for the formation of engineering bunds. It is reported to Committee as a major application type that cannot be determined under delegated powers, in accordance with the terms of the adopted Scheme of Delegation.
- 2.2 The application site (the site) is Council owned. The applicant, Countryside Properties, following pre-application discussion with Council Officers, propose the importation of inert materials derived from ground works associated with their recently approved development (with Together Housing) for 383 homes and associated infrastructure, at Fishmoor Drive and Roman Road (ref. 10/20/0934). Support of this application will offer the developer the convenience of depositing material onto previously developed (brownfield) land in close proximity which is allocated for housing and which is expected be developed for such in the short to medium term. The deposited material will be re-used for appropriate re-profiling of the land, in conjunction with future development.
- 2.2 Assessment of the submitted details establishes that the proposal corresponds with the relevant policies of the Development Plan with specific reference to the creation of engineered bunds, as a temporary landscape feature. This is pending the aforementioned redevelopment of the site for housing, on account of its position within an allocated 'Development Opportunity' in the Local Plan Part 2 (ref. *Fishmoor Drive Development Site – SE Blackburn*). Furthermore, from a technical point of view, all issues have been addressed through the planning application or are capable of being controlled or mitigated through planning conditions.

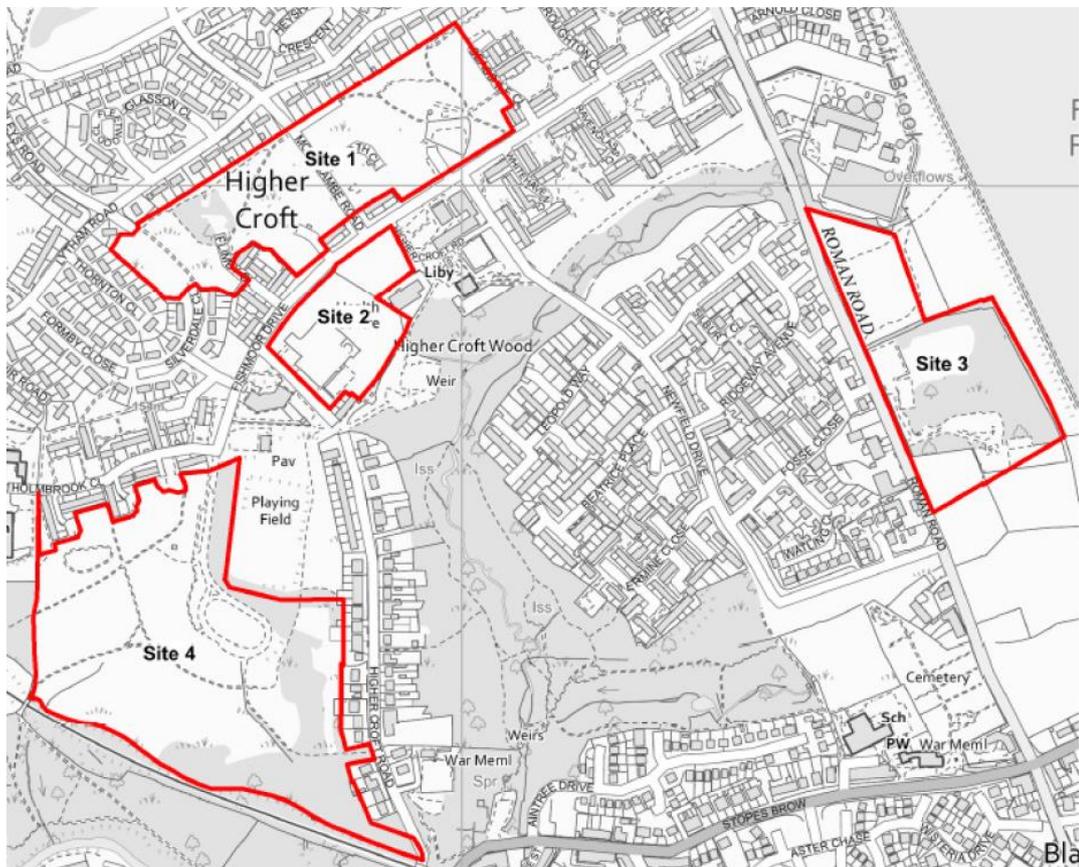
3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The site is located at the south western end of Fishmoor Drive and to the rear of Holmbrook Close, Blackburn. It measures 1.41 hectares in area and within the aforementioned 'Development Opportunities' site allocation which is referenced as Parcel 4 amongst the Fishmoor Residential Development Sites, illustrated below:



The Site



Fishmoor Residential Development Sites

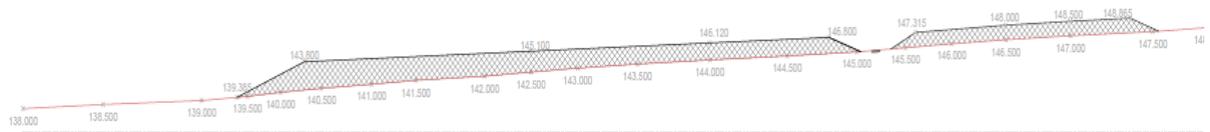
3.1.2 The site was historically a housing estate hosting former Council housing stock. The houses were demolished around the year 2000. It is informally suggested that demolition of the houses was limited to above ground structures, with sub-structures and associated infrastructure still in-situ.

3.1.3 Topographical features include a general fall of land levels from north-east to south-west and an otherwise expanse of grassed open space with a series of informal traversing footpaths. A formal Public Right of Way (PROW) running north to south abuts the western edge of the site.

3.2 Proposed Development

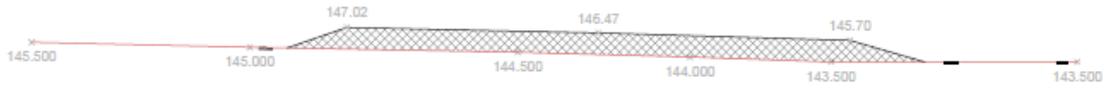
3.2.1 Full planning permission is sought for the deposition of up to 25,000 cubic metres of inert materials from Parcels 1, 2 and 3 (those being land parcels subject to the development of 383 homes), occupying an area of 1.41 hectares of an overall area occupied by Parcel 4 of 8.7 hectares. The bund positioned at the eastern side of the site will be set at a height of 1.8m, providing storage of circa 7750 cubic metres of inert material. The bund at the western side of the site will be set at a height of between 2m and 3.4m, getting higher as the bund falls with the natural slope of the site towards the south. It will provide storage of circa 15100 cubic metres of inert material.

3.2.2 The material will be deposited in the form of two engineered spoil bunds / mounds placed on to a geotextile marker layer, averaging approximately 2m in height, when measured from existing ground level. The bunds will be seeded once formed. Their levels have been derived to complement the existing topography of the site, limiting the visual impact on site and from areas beyond. Cross sectional drawings of the bunds are as follows:

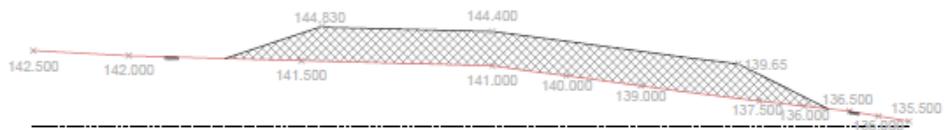


SECTION A - A





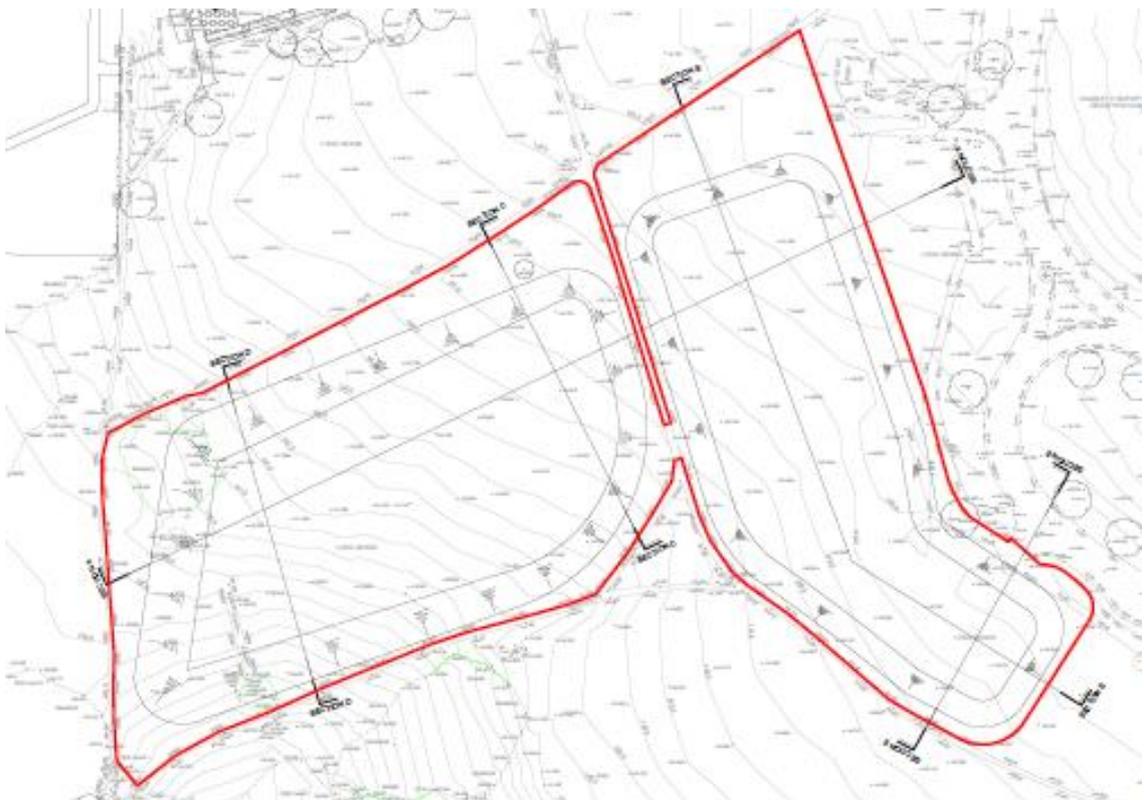
SECTION C - C



SECTION D - D



SECTION E - E



3.2.3 The location of the bunds have been carefully considered following a spatial assessment of the site, in order to avoid conflict with adjacent land uses, footpaths, legacy infrastructure, trees and challenging topography.

3.3 Development Plan

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

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

3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 – Locations for New Housing
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS18 – The Borough Landscapes
- CS19 – Green Infrastructure

3.3.4 Local Plan Part 2 (LLP2)

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 28 – Development Opportunities
- Policy 41 – Landscape

3.3.5 Joint Lancashire Minerals and Waste Local Plan

3.3.6 Joint Lancashire Minerals and Waste Development Plan

3.3.7 Joint Lancashire Minerals and Core Strategy (2009)

3.3.8 Site Allocations Development Management Policies Plan Part 1 (2013)

- Policy M2 – Safeguarding Minerals.

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (The Framework) (2019)

3.5 **Assessment**

3.5.1 In assessing this full application there are a number of important material considerations that need to be taken into account, as follows:

- Principle of development
- Amenity impact
- Environmental impact
- Highways and access
- Impact on landscape character / design

3.5.2 Principle

3.5.3 Core Strategy Policy CS1 explains that the overall planning strategy for the Borough is one of 'Targeted Growth'

3.5.4 Policy 1 confirms the urban boundary to be preferred location for new development.

3.5.5 The site sits within a wider 'Development Opportunities' site allocation, as defined by Policy 28 (site 28/6). The policy supports the grant of planning permission for residential development. As a non-residential form of development, policy conflict arises. The nature of the proposed works will, however, support a previously approved major housing development by reason of facilitating the convenient and cost efficient movement of clean material over a short distance.

3.5.6 Moreover, it should be recognised that, whilst the purpose of the policy is to support the principle of residential development at the site, it does not specifically preclude other forms of development.

3.5.7 As engineering works associated with the regeneration of the Fishmoor area, assisting the aforementioned housing development and the eventual redevelopment of the Parcel 4, the proposal is considered consistent with the strategic aims of the Fishmoor regeneration project and the wider housing focussed growth objectives of the Core Strategy. Moreover, it is not considered to be directly at odds with the site-specific allocation policy, in that the land will continue to be available for housing lead development, with an expectation that this would occur within the short to medium term, following completion of Parcels 1, 2 and 3. In this context, a feasibility study produced by Capita, considers the impact of the proposal on the future redevelopment of the site.

3.5.8 The study concludes that the proposal will have no significant impact on the economic viability of developing the site in the future. It confirms that the proposed land level increase will not have any significant environmental impacts, with specific reference to surface water management / flood risk, ecology and visual amenity. It is also important to note that the deposited

materials can be efficiently reused within the site to undertake re-profiling / landscaping works as appropriate, in association with future housing development.

3.5.9 Accordingly the principle of the proposed development is considered acceptable, in accordance with the Development Plan and The Framework.

3.5.7 Amenity

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

3.5.10 The nearest residential properties to the proposed bunds are those on Holmbrook Close, to the north. Habitable facing windows to the rear of these properties would be a minimum of 90m away. Accordingly, no amenity concerns arise for householders of these properties.

3.5.11 Our Lady of Perpetual Succour Primary School to the west is located circa 70m from the bunds and is similarly unaffected.

3.5.12 The proximity of the railway line to the south of the site dictates the need for the applicant to liaise with Network Rail, in accordance with their Asset Protection protocol. The applicant is directly advised by Network Rail that works must not be commenced on site until they have been agreed.

3.5.13 The applicants have commissioned a ground investigation report, the summary conclusion of which is that the site had variable thickness of Made Ground over expected superficial and solid geology strata and that there are potentially localised areas or 'hot spots' of contamination present, including asbestos and several heavy metals etc. The proposed deposition of materials poses no concern to pre-existing ground conditions, though it should be recognised future redevelopment of the site for housing will require a detailed contaminated land assessment and remediation strategy, as appropriate.

3.5.14 A key consideration with this proposal is ensuring that the deposited materials are clean and do not add any additional contaminants to the site. This will be controlled by the Environment Agency (EA) under their Environmental Permitting regulatory regime. Should planning permission be granted, the applicant, as acknowledged in their supporting statement, they will be legally obligated to gain the approval from the EA of a Materials Management Plan (MMP), before commencing deposition of materials. The MMP will ensure that all materials are inert, so as to pose not contamination threat. As regulations outside of the scope of planning law, the MMP cannot be required by planning condition. Instead, an informative will be applied to the grant of planning permission advising the applicant of their legal obligation.

3.5.15 Implementation of a Construction and Environmental Management Plan will guard against excessive disturbance during construction of the bunds, arising from noise, dust, vibration and the safe and efficient movement of highway users.

3.5.16 Accordingly, no excessive public amenity impacts are considered to arise from the proposal, in accordance with Policy 8 of the Development Plan and The Framework.

3.5.17 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.

3.5.18 Drainage

To be included in the update report.

3.5.19 Ecology

A Preliminary Ecological Assessment is submitted with the application. The Assessment confirms no likely impacts on the following:

- Internationally designated wild sites;
- Nationally designated wildlife sites;
- Priority habitats;
- Amphibians;
- Badger; and
- Bats;

3.5.20 Adherence to the submitted Reasonable Avoidance Measures Method Statement (RAMMS) will guard against harm to amphibians, hedgehogs. This will be secured via condition.

3.5.21 Highways

Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.22 Although bunds will be positioned adjacent to informal footpaths traversing the site and a definitive PROW to the south of the site, none will be obstructed. Existing pedestrian access will, therefore, be unaffected.

3.5.23 No significant impacts on highway safety and efficiency arise, subject to submission of the aforementioned CEMP which will include details of highway management, including carriageway cleansing as well as construction / operative vehicle parking and servicing areas.

3.5.24 It should be recognised that the containment of material relocation being confined to the Fishmoor Area (predominantly Fishmoor Drive), alleviates the

threat of adverse impacts on the wider highway network. Amenity impacts arising for residents of Fishmoor Drive would be temporary and nominal when considered in the context of the wider redevelopment programme that would be ongoing at the time.

3.5.25 Accordingly, the visual impact of the bunds is considered to be acceptable, in accordance with Policy 10 of the Development Plan and the Framework.

3.5.25 Design / Landscape Character and Appearance

Visual impact of the proposal is assessed against Policies 11 (Design) and 41 (landscape). The policies require, respectively, a good standard of design that 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, and no unacceptable impact on landscape character or the principal traits associated with it.

3.5.26 Height of the bunds will vary between circa 2m towards the northern end of the site and 3.4m at the southern end of the site, in response to the existing site topography which falls away to the south. Moreover, the bunds will gently slope at their edge from top to bottom and they will be grass seeded to further aid their assimilation into the surrounding open landscape.

3.5.27 It is considered, therefore, that the visual impact of the additional land mass on landscape character will be adequately mitigated.

3.5.28 Assessment of the impact of the bunds on visual amenity and landscape character should be considered in the context of their temporary nature and the fact that the site sits within a housing allocation that will be so developed in the short to medium term, thereby culminating the regeneration of the Fishmoor area.

3.5.29 Accordingly, the visual impact of the bunds is considered to be acceptable, in accordance with Policies 11 and 41 of the Framework and the Framework.

3.5.30 Summary

This report assesses the full planning application for the creation of engineered bunds at land to the south of Holmbrook Close, Blackburn.

3.5.31 In taking account of an appropriate range of material considerations, the assessment demonstrates that planning permission should be granted when balancing the merits of the proposal against any potential harm that may arise from its implementation. This report concludes the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, and the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 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 consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 7th October 2020 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. The development shall be implemented in strict accordance with the Reasonable Avoidance Measures Method Statement (RAMMs), produced by TEP, dated December 2020. All measures which form the approved methodology shall be implemented for the duration of the demolition and construction works hereby approved.

REASON: In order to protect ecology and biodiversity in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

4. The development shall be implemented in strict accordance with the details set out in the Invasive Non-Invasive Species Method Statement, produced by TEP, dated December 2020. All measures which form the approved methodology shall be implemented.

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.

5. The development shall be implemented in strict accordance with the details set out in the Construction and Environmental Management Plan, received 8th November 2020. All measures which form the approved methodology shall be implemented.

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.

6. The bunds hereby approved shall sit on a geotextile marker layer and shall be grass seeded once formed.

REASON: In the interests of visual amenity, landscape character and ecology, in accordance with Policies 8, 9, 40 and 41 of the Blackburn with Darwen Local Plan Part 2.

5.0 PLANNING HISTORY

5.1 No relevant planning history exists for the site.

6.0 CONSULTATIONS

6.1 Public Protection

No objection. General advice offered around management of deposited materials to ensure no additional contamination threat.

6.2 BwD Drainage

To be added in Update report.

6.3 United Utilities

To be added in Update Report.

6.4 Highways

No objection subject to submission of a Construction and Environmental Management Plan.

6.5 Public Rights of Way

No objection subject to application of an informative stating that the adjacent PROW should not, at any time, be obstructed.

6.6 Ecology

No response offered.

6.7 Network Rail

No objection subject to applicant agreeing asset protection measures:

It is noted that the applicant has completed the Network Rail development form; this should have been submitted to AssetProtectionLNWNorth@networkrail.co.uk –

At this stage the proposal documents and works details must be submitted for review to Network Rail Asset Protection – works must not commence until the works and documents are agreed by Network Rail.

6.8 Environment Agency

No response offered at the time of writing the report. Any comments received will be reported in the Update Report.

6.9 Public consultation has taken place, with 66 letters posted to the local community; a press notice published 12th November 2020; and display of site notices. No comments were received in response.

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

8.0 DATE PREPARED: 4th March 2021.