

**PLANNING & HIGHWAYS COMMITTEE**  
**THURSDAY 18<sup>th</sup> MARCH 2021**  
**UPDATE REPORT.**

The following update content should be read in conjunction with the published Committee Report.

**10/20/0814 181 Whalley Old Road, Blackburn**

The owner of No.22 Coniston Road, Blackburn has confirmed on the 15<sup>th</sup> March, that they wish to withdraw their objection in relation to the proposed development. The owner of the property has also stated that they wish to remain anonymous.

A further representation was received by a Mr A Duckworth (no address supplied) on the 12<sup>th</sup> March. It states:

“With regard to the above planning permission, I want to state my objection. The reasons are as follows.

Little Harwood is a small village & as such already has a large Mosque & a smaller one within walking distance, to have three Mosques in a small village is excessive to say the least.

Secondly the traffic, even now without the Mosque, it is a bottle neck, with indiscriminate parking, you only have to look at Cob Wall to see what a nightmare it would be. That is the Mosque at Little Harwood end, on a Friday prayer day.

Three Mosques in a small village is way over the top, as the one on Plane Tree Rd alone could accommodate the entire Muslim population of the village, it is a converted cinema.”

The issues raised have been addressed in the main report.

**10/20/0932 Land at Holmbrook Close, Blackburn**

Members are advised that United Utilities offer objection to the development, as they are unsure whether water supply running beneath the site or immediately adjacent thereto is redundant, as well as assurance that the structural integrity of main sewers will be appropriately safeguarded. They wish this to be established prior to determination of the application, by means of an engineer attending the site and agreement of a safeguarding scheme, respectively. Neither can occur in advance of this Committee, which would cause delay in determining the application until April's Committee meeting that, in turn, would delay commencement of the 383 home development at Fishmoor / Roman Rd, approved at February's Committee.

Under such circumstances, the Local Planning Authority (LPA) is considered justified in overruling United Utilities in requiring resolution of the matters prior to determination and, instead, consider it reasonable to apply conditions to secure the necessary measures.

Members are further advised that United Utilities are not Statutory Consultees on the application and that the LPA is, therefore, within its rights to overrule the objection.

**The following conditions are recommended to be added to those set out at para. 4.1:**

**No development shall take place until a written agreement between the developer and United Utilities has been submitted to the Local Planning Authority confirming that all water supplies within the application site or within the zone of influence of the development are redundant and no longer serving customers. In the event that the water supplies are not found to be redundant, a scheme to safeguard these assets, including a programme for implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall be implemented in strict accordance with the approved detail.**

**REASON: In order to safeguard United Utilities environmental assets, in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.**

**No development shall take place until written agreement between the developer and United Utilities has been submitted to the Local Planning Authority confirming that the foul sewers within the application site will be safeguarded. In the event that a scheme to safeguard the foul sewers is required, then a scheme, including a programme for implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall be implemented in strict accordance with the approved detail.**

**REASON: In order to safeguard United Utilities environmental assets, in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.**

The following condition is also added at para 4.1, to secure surface water drainage measures, as recommended by Drainage colleagues, as Lead Local Flood Authority:

**No development shall take place until a scheme detailing a retention basin at the lower end of each of the hereby approved bunds, or an alternative means of retaining runoff, has been submitted to and approved in writing by the Local Planning**

**Authority. The scheme shall be implemented in strict accordance with the approved detail, prior to the seeding of the bunds.**

**REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 9 and 36 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.**

On the 16<sup>th</sup> March, the Environment Agency confirmed that they have no objections to the proposed development. However, given the volumes of material, the fact that the parcels of land are not adjacent to one another, and the undetermined period of storage on this parcel of the development, the following advice is offered to the applicant:

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

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.
- We have produced guidance on the recovery test which can be viewed at <https://www.gov.uk/guidance/waste-recovery-plans-and-permits#waste-recovery-activities>

Considering the specific conditions across this phased development, we advise the applicant to contact the waste permitting team at their local Environment Agency office for site specific advice and to find out if a waste activity permit will be required.”

The Council’s Highways consultee offers no objection to the proposal, subject to the submission of a revised Construction and Environmental Management Plan, to account for approximate trip generation and management thereof, to guard against vehicles awaiting entry into the site causing obstruction of the public highway. A revised traffic flow plan is also required.

Accordingly, the following conditions are also added to those set out at para. 4.1:

**Notwithstanding the submitted details, no development shall take place until a revised Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall reference approximate trip generation associated with deposition of materials and specific management of deliveries that arrive outside of their allotted time. The CEMP shall also include a Management Plan indicating:**

- **Traffic flow;**
- **material construction compound; and**
- **container, plant, equipment and material storage area(s)**

**REASON:** In order to guard against potential hazard to highway users and to protect the amenity of the occupiers of the adjacent properties, in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

**Delivery and unloading / loading of materials on site shall be limited to between the following hours:**

**07:30 - 18:00 Monday to Friday; and**

**07:30 - 13:00 Saturday.**

**No work shall be carried out on Sundays or Bank Holidays.**

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

Attention is drawn to the following amendment at para 3.25

*Accordingly, no significant highway impacts arise, in accordance with the requirements of Policy 10 of the Development Plan and the Framework.*

**10/20/1048 Former Westholme Nursery School, Preston New Road, Blackburn**

The following condition is added to those set out at para. 4.1:

**The development hereby approved shall be implemented in strict accordance with the Construction Environmental Management Plan and Traffic Management Plan produced by Civil's & Construction UK Ltd, dated 16th February 2021.**

**REASON: In order to guard against potential hazard to highway users and to protect the amenity of the occupiers of the adjacent properties, in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.**

Gavin Prescott,  
Planning Manager (Development Management)  
18<sup>th</sup> March 2021