

Proposed development: Variation of Condition / Minor Material Amendment for Variation of Condition's 2, 3, 4, 14 and 28 pursuant to planning application 10/20/0934 'Demolition of one substation building and the erection of 383 dwellings and associated works' to amend the approved layout of parcel 3 (to include reduction of units to 377), and to vary the materials schedule.

Site address:

Land to the North and South of Fishmoor Drive and Land to the East of Roman Road, Blackburn.

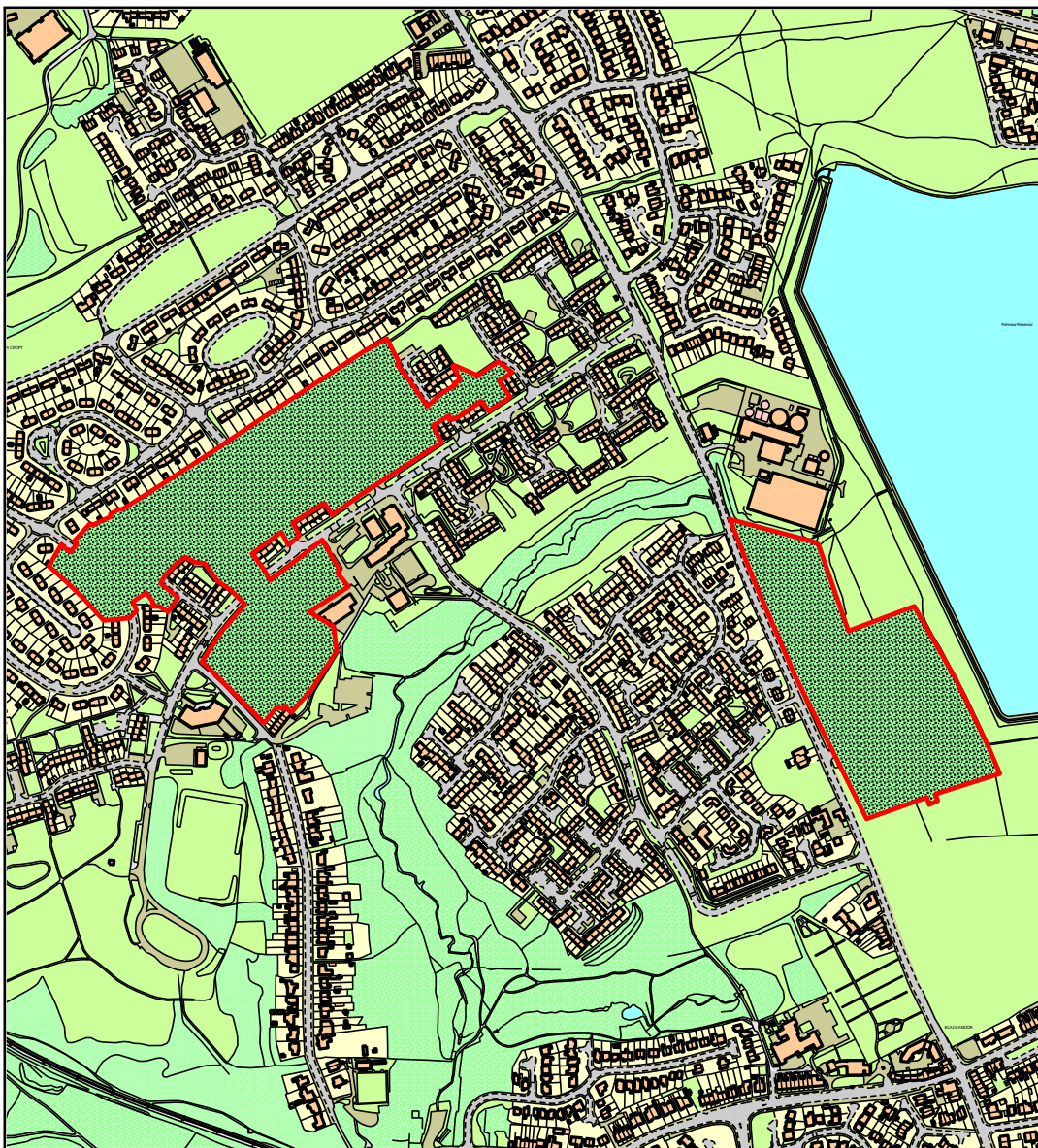
Applicant: Countryside Properties and Together Housing Group.

Ward: Blackburn South East

Councillor: James Shorrocks

Councillor: Vicky Ellen McGurk

Councillor: Tony Humphrys



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to a Section 106 Agreement relating to education provision and conditions, as set out in paragraph 4.1.

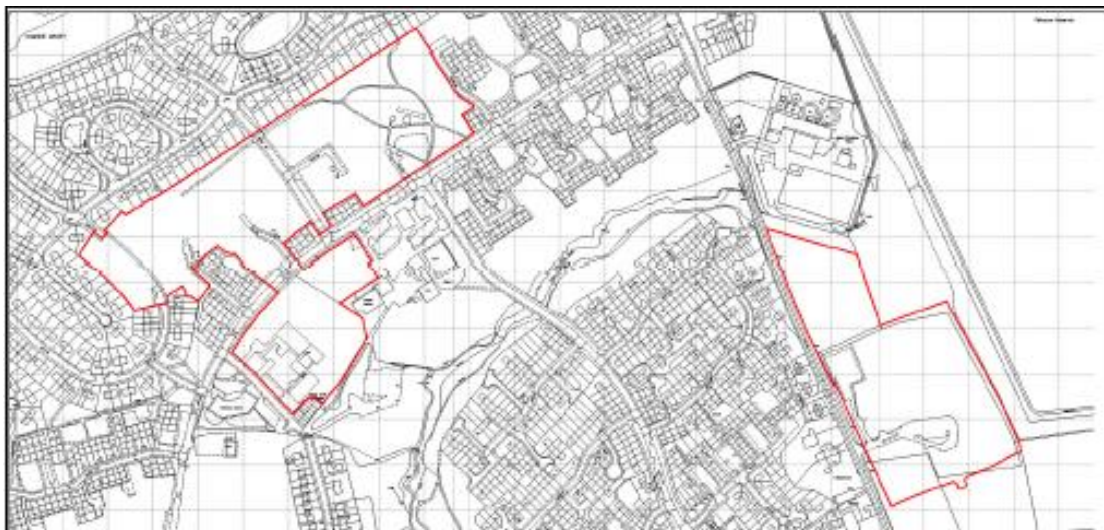
2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This planning application is submitted under the provisions of Section 73 of the Town and Country Planning Act 1990, as a minor material amendment to an application previously approved by Committee in January of this year. At that time, a resolution to grant planning permission (subject to completion of a Section 111 Agreement) was passed for the demolition of one sub-station, erection of 383 dwellings and associated works, on land to the north west and south east of Fishmoor Drive, and to the east of Roman Road, Blackburn. This amendment seeks to vary previously approved drawings and the materials schedule (set out in condition nos. 2, 3, 4, 14 and 28), at land identified as Parcel 3, located to the east of Roman Road.
- 2.2 Members are advised that the principle of the development is established under the original permission. Assessment of this application is strictly limited to consideration of the amended layout and materials schedule. This report should be read in conjunction with that presented to Committee in January (ref. 10/20/0934).
- 2.3 Assessment of the application finds the proposed amendment raises no material issues beyond those originally assessed and is found to be acceptable.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The development site sits within the Inner Urban Area of Blackburn and totals 10.95 hectares in area. This includes three defined parcels of land (Parcels 1 and 2 are linked), illustrated by the red edges of the Location Plan, below:
- Parcel 1 – Unallocated land to the north west of Fishmoor Drive;
 - Parcel 2 – Unallocated land to the south east of Fishmoor Drive;
 - Parcel 3 – Unallocated and housing allocated land to the east of Roman Road; *Blackamoor Road Development - Site Ref. 16/8* (Local Plan Part 2).



3.1.2 **The proposed amendment is limited to Parcel 3** which sits to the east of Roman Road and is bounded by Fishmoor Reservoir to the east and Fishmoor Water Treatment Plant to the north. The southern boundary runs perpendicular with Roman up to the south corner of Fishmoor Reservoir. It is previously developed land. The area south of the existing footpath connecting Roman Road with Fishmoor Reservoir is allocated for housing. Land levels generally fall gradually from east to west. The northern portion falls from south to north while the southern portion falls from north to south.

3.2 Proposed Development

3.2.1 A minor material amendment is sought to vary drawing numbers pursuant to planning application 10/20/0934 - described as 'Demolition of one substation building and the erection of 383 dwellings and associated works' - to amend the approved layout of parcel 3 to include reduction of units to 377 (from 383). The proposed changes are summarised as follows:

- *Re-siting of the eastern boundary of the site to accommodate the land to be retained by Blackburn with Darwen Borough Council;*
- *Number of units within Parcel 3 reduced from 114 to 108;*
- *Re-siting of eastern most internal road and plots 38-40, 45-46, 49, 52-53, 54-58 resited to suit; and*
- *New Walton House type renamed Walcot.*

3.2.2 Changes to the layout have been brought forward following discussions between the applicant and the Council. The amendment allows the Council to retain land between the eastern boundary of Parcel 3 and the reservoir to allow for a spillway to be constructed at a future date. The reduction in the size of the site has resulted in the loss of 6no. units from the previously approved scheme and the minor realignment of the internal road to the east of the boundary, resulting in the re-arrangement of plots 38-40, 45-46, 49, 52-53, 54-58.

3.2.3 This application also seeks to substitute the previously approved New Walton house type to a Walcot house type. The two house types are the same but have simply been renamed.

3.2.4 In addition, difficulty in sourcing sufficient bricks and roof tiles to accord with those previously approved, results in a proposed amendment to the materials schedule, to include the following materials:

Brick

Audley Red Mixture Stock;
Lambourn Orange Mixture;
Marlborough Stock;
Moray Red Mixture; and
Alderley Russet Windmill Golden Multi.

Rooftile

Wienerberger Santoft Dual Calderdale Dark Grey; and
Wienerberger Santoft Dual Calderdale Rustic.

3.2.5 The amended drawing numbers, new house type and materials schedule are represented in revisions to condition nos. 2, 3, 4, 14 and 28, set out a paragraph 4.1.

3.2.6 The following illustrations show the proposed changes to Parcel 3:



Previously approved layout (Countryside)



Proposed amended layout (Countryside)

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
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS8 – Affordable Housing Requirement
- 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 12 – Developer Contributions
- Policy 16/8 – Housing Land Allocations - Blackamoor Road Development Site (SE Blackburn)
- Policy 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 38 – Green Infrastructure on the Adopted Policies Map
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape
- Policy 47 – The Effect of Development on Public Services

3.4 **Other Material Planning Considerations**

3.4.1 Residential Design Guide Supplementary Planning Document (2015)

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

3.4.2 Green Infrastructure & Ecological Networks SPD (2015)

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

3.4.3 Air Quality Planning Advisory Note

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

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

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

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a sufficient supply of homes
- Section 6: Building a strong, competitive economy

- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal erosion
- Section 15: Conserving and enhancing the natural environment

3.4.5 National Planning Policy Guidance (NPPG).

3.5 **Assessment**

3.5.1 In assessing this minor material amendment application, the following matters are relevant:

- Amenity impact
- Environmental impact
- Highways and access
- Design and layout

3.5.2 In the context of an approved scheme for 383 dwellings, the proposed amendments of reducing the site area, removing 6 units, minor reconfiguration of the internal layout at parcel 3 and to the materials schedule constitute a minor material change to the approved planning permission which is not substantially different from that approved.

3.5.3 No additional material issues arise from this amendment to those identified and addressed under the original application. The following key matters identified and assessed with this application find the development to remain acceptable:

- Amenity impact, with reference to the relationship between proposed dwellings, remains compliant with Policy 8 of the Local Plan Part 2.
- No additional residential amenity impact arises from noise generated by the surrounding highway network. This notwithstanding the recommendation of the Councils Public Protection consultee that a statement should be provided by the applicant confirming that the proposed changes will not result in any changes to relevant conditions / mitigation. This is self-evident when comparing the previously approved layout with the proposed amendment. The development, therefore, remains compliant with Policy 8.
- No additional environmental issues arise, including drainage matters. A fundamental reason for the amendment is to allow wider retention of Council owned land between the eastern boundary of Parcel 3 and Fishmoor Reservoir to allow for future construction of a spillway. In this context, the Council's Drainage consultee (as Lead Local Flood Authority) is supportive of the changes. The development, therefore, remains compliant with Policy 9.

- No highway matters of concern arise from the minor re-positioning the eastern most internal road or the amended plots which include off-street parking provision in accordance with the Council's benchmark standards. The development, therefore, remains compliant with Policy 10.
- The re-configured layout, plot sizes and amended brick & roof tiles remain compliant with good design principles required by Policy 11 and the Residential Design Guide SPD.

3.5.4 Members are advised that this amendment does not affect the Section 106 contributions secured via the original permission, which remain as follows:

- £199,475 is to be paid prior to commencement of the development (£197,500 for education and £1,975 monitoring fee); and
- £199,475 is to be paid within 12 months after commencement (£197,500 for education and £1,975 monitoring fee).

The clawback period for unspent sums should be 5 years.

3.5.5 Furthermore, it remains that 20% on site affordable housing and integrated Green Infrastructure will be delivered.

3.5.6 Summary

This report assesses the Minor Material Amendment pursuant to the full planning permission previously granted. Assessment of the relevant material considerations finds that the development remains in accordance with Development Plan and The Framework.

4.0 **RECOMMENDATION**

4.1 **Approve subject to:**

- (i) Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £395,000; plus a monitoring fee of £3950. Payments to be phased as follows:
 - £199,475 is to be paid prior to commencement of the development (£197,500 for education and £1,975 monitoring fee); and
 - £199,475 is to be paid within 12 months after commencement (£197,500 for education and £1,975 monitoring fee).

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Head of Service for Planning and Infrastructure will have delegated powers to refuse the application.

(i) The following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original planning permission 10/20/0934 i.e. 18th June 2021.

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the application received 7th October 2020 and with the following drawings / plans numbered:

Location Plan: SK587-PH3-LP-01 Rev B

Layout Plans:

SK587-PH1-PL-01 Rev G

SK587-PH2-PL-01 Rev C

SK587-PH3-PL-01 Rev M

Materials:

SK587-PH1-MAT Rev E - Fishmoor Phase 1 Materials Schedule

SK587-PH2-MAT Rev C - Fishmoor Phase 2 Materials Schedule

SK587-PH3-MAT Rev B - Fishmoor Phase 2 Materials Schedule

Landscape Plans:

3284 101C Phase 1 - Landscape Masterplan

3284 102C Phase 2 - Landscape Masterplan

3284 103C Phase 3 - Landscape Masterplan

Boundary Plans:

SK587-PH1-BP-01 Rev D

SK587-PH2-BP-01 Rev D

SK587-PH3-BP-01 Rev D

Housetypes:

ASHB-01 - The Ashbourne - Planning Drawing

BLTH-01 - The Blyth - Planning Drawing

CORK-01 - Cork (AFF) - Planning Drawing - Submitted 21-01-06

DEE-01 - The Dee - Planning Drawing

ELLE-01 - The Ellesmere - Planning Drawing

GP-COLN-01- The Colne - Planning Drawing

GRAN-01 - The Grantham - Planning Drawing

IRWE-01 - The Irwell - Planning Drawing

Lea LEA-01 - The Lea - Planning Drawing

LONG-01 - The Longford - Planning Drawing

NWEAV-01 - The New Weaver - Planning Drawing

TREN-01 - The Trent - Planning Drawing

Trent - Planning Drawing

WEAV-01 - The Weaver - Planning Drawing
DEE-SA-01 - The Dee SA - Planning Drawing
ELUP-01- Ellesmere UP - 951 - SIG
WEUP-01 - The Weaver Underpass - Planning Drawing
DUNH-01 - The Dunham - Planning Drawing
FOSS FCT- The Foss FCT - Planning Drawing.
WCOT-01 – The Walcot - Planning Drawing
NEWASH-01 - The New Ashbourne (991) - Planning Drawing
NSTAM-01- The New Stamford - Planning Drawing

Details:

9001 - Wall Types 1 to 2 REV F-9001 Rev F
9102 - Fence Types A to D Rev A-9102
9800 - Single Garage Detached Rev A
9802 - Double (Twin) Garage Detached Rev A
9803 - Sales Garage Detached Rev E
NSD-9205 - Hooped Top Metal Railing Details
RSD9105 - Post & Rail Fence Detail-Layout1

Site Levels:

FDB1-AJP-XX-00-DR-C-1400-P4
FDB2-AJP-XX-00-DR-C-1400-P3
FDB3-AJP-XX-00-DR-C-1400-P3
FDB3-AJP-XX-00-DR-C-1401-P3

Public Open Space:

3284 104 POS Design

Topographical Plans:

SK587-PH1-TOPO-01
SK587-PH2-TOPO-01
SK587-TOPO-03 Rev A

Drainage:

FDB1-AJP-XX-00-DR-C-1000-P7 S104 AGREEMENT PLAN -
MASTERPLAN
FDB2-AJP-XX-00-DR-C-1000-P6 S104 AGREEMENT PLAN
FDB3-AJP-XX-00-DR-C-1000-P4 Rev P6 S104 AGREEMENT LAYOUT-
SHEET 1
FDB3-AJP-XX-00-DR-C-1001-P4 Rev P6 S104 AGREEMENT LAYOUT-
SHEET 2

Ecology Details:

Fishmoor Birds and Bats Proposal - Submitted 20-12-18

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

3. The exterior of the dwellings hereby approved shall be constructed in accordance with the following Material Schedules:

- Parcel 1. Ref. SK587-PH1-MAT Rev E
- Parcel 2. Ref. SK587-PH2-MAT Rev C
- Parcel 3. Ref. SK587-PH3-MAT-Rev E

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

4. The development hereby approved shall be implemented in strict accordance with the approved boundary treatments, as detailed in the following submitted 'Boundary Plan' drawings:

- Parcel 1 – SK587-PH1-BP-01 Rev D
- Parcel 2 – SK587-PH2-BP-01 Rev D
- Parcel 3 – SK587-PH3-BP-01 Rev D

REASON: To safeguard residential amenity and to ensure the external appearance of development is acceptable, in accordance with Policies 8 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5. The development hereby approved shall be implemented in strict accordance with the following agreed ground remediation strategies
 - Parcel 1 - Remediation and Enabling Works Strategy. Fishmoor. Ref. 12-359-R7-1. November 2019 e3p and Ground Gas Addendum Report Ref. 13-359-r8 Rev 1. December 2020.
 - Parcel 2 - Remediation and Enabling Works Strategy. Fishmoor. Ref. 12-359- P2-R2. November 2019 e3p and Ground Gas Addendum Report Ref. 12-359-R7 Rev 1. December 2020.
 - Parcel 3 - Remediation and Enabling Works Strategy. Fishmoor. Ref. 12-359-P3-R2. November 2019 e3p and Ground Gas Addendum Report Ref. 12-359-r8 Rev 1. December 2020.

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

6. Prior to commencement of any sub-structure works within Parcel 2, results of the proposed additional site investigations within the outline of the demolished building located in Parcel 2, shall be submitted to and approved in writing by the Local Planning Authority. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented along with an updated CSM. Remediation shall undertaken in strict accordance with the approved scheme.

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

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

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

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

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

9. Habitable room glazing and ventilation shall be installed in strict accordance with the specifications set out in the 'Acoustic Design Statement' at paragraphs 6.11 and 6.17 of the submitted 'Noise Assessment for Full Planning Application - Ref. 6780251R2/02- July 2020'.

REASON: To ensure satisfactory levels of amenity for occupiers of the development, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

10. The construction of the development hereby permitted shall only take place between the hours of 07:30 and 18:00 Monday to Friday, 07:30 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

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

11. Demolition and construction work shall take place in strict accordance with the details set out in the submitted Construction & Environmental Management Plans relating to Parcels 1, 2 and 3, received 2nd December 2020. All measures which form part of the approved details shall be adhered to throughout the period of demolition and construction.

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

12. All dwellings hereby approved shall include hard wiring for electric vehicle charging points, in accordance with the specification detailed on drawing no. NSDTF – 3011 Rev A.

REASON: In the interests of improving air quality, to protect the health of residents, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Gas fired domestic heating boilers shall not emit more than 40mgNO_x/kWh.

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

14. The development shall be implemented in strict accordance with the following drainage plan / strategy, including drainage calculations / storage rates as per the revised FRA:

- Parcel 1 – Ref. FDB1-AJP-XX-00-DR-C-1000 Rev P7
- Parcel 2 – Ref. FDB2-AJP-XX-00-DR-C-1000 Rev P6
- Parcel 3 – Ref. FDB3-AJP-XX-00-DR-C-1000-P4 Rev P6 S104 AGREEMENT LAYOUT - SHEET 1 and FDB3-AJP-XX-00-DR-C-1001-P4 Rev P6 S104 AGREEMENT LAYOUT - SHEET 2

REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding; in accordance with the requirements of Policies 9 and 36 of the Blackburn with Darwen Local Plan Part 2.

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

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

16. Prior to the commencement of development on Parcel 3, a risk assessment and method statement shall be submitted to and approved in

writing by the Local Planning Authority, detailing the measures to protect all United Utilities assets during:

- any site investigation works;
- the construction and decommissioning of all development phases, including proposed landscaping and parking; and
- the future day to day operation and maintenance of our assets post completion, ensuring United Utilities legal right to 24 hour access is maintained.

This must include proposals for reinforcements of any crossing points to ensure asset protection from heavy loads during and after construction. The approved method statement shall be in line with United Utilities' document 'Standard Conditions for works adjacent to pipelines' and it shall be adhered to throughout investigation, construction and operational phase of the development

REASON: In the interest of public health and to ensure protection of United Utilities assets, in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan.

17. Prior to occupation of any of the dwellings hereby approved, a Surface Water Management and Maintenance Scheme shall be submitted to and approved by the Local Planning Authority. The scheme shall provide for:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker;
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components), including:
 - i) on-going inspections relating to performance and asset condition assessments
 - ii) operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The approved scheme shall be adhered to in perpetuity.

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.

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

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

19. 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 part of 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.

20. The development shall be implemented in strict accordance with the mitigations recommendations set out in Section 5 of each submitted Preliminary Ecological Appraisal for Parcels 1, 2 and 3, produced by TEP, dated November 2019 and March 2020. All measures which form part of 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.

21. If no site clearance or construction works commence by November 2022, an update to the Bat Survey Report for Parcels 1, 2 and 3, produced by TEP, dated November 2020, shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures shall be carried out strictly in accordance with the approved detail.

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

22. If no site clearance or construction works commence by March 2022, an update to the Preliminary Ecological Appraisals for Parcel 1, 2 and 3, produced by TEP, dated March 2020, shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures shall be carried out in strict accordance with the approved detail.

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

23. If no site clearance or construction works commence by July 2022, an update to the Otter Survey for Parcel 3, produced by TEP, dated August 2020, shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures shall be carried out in strict accordance with the approved detail.

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

24. 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 part of 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.

25. Bat and bird boxes shall be installed at dwellings in strict accordance with the submitted 'Nesting Box Details' received 18th December 2020.

REASON: To provide roosting / nesting opportunities for Bats and birds, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

26. If no site clearance or construction works commence by March 2020, a site walkover shall be undertaken to check for evidence of Badger presence. If such presence is identified, a Badger Survey shall be submitted to and approved in writing. Any recommended mitigation measures identified shall be carried out in strict accordance with the approved detail.

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

27. No site clearance or construction works on site shall be carried out during the bird nesting season (March to August), unless the absence of nesting birds has been confirmed by further survey work or on-site inspections.

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

28. The development hereby approved shall be implemented in strict accordance with the following approved Landscape Layouts:

- Parcel 1 – 3284 101 Rev A
- Parcel 2 – 3284 102 Rev A
- Parcel 3 – 3284 103 Rev C

Trees and shrubs shall be planted on the site in accordance with the approved details during the first available planting season following completion of the works, and thereafter retained. Trees and shrubs dying or becoming diseased, removed, or being seriously damaged within five

years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and / or shrubs.

REASON: To ensure that there is a well laid scheme of healthy trees and shrubs in the interests of amenity in accordance with Policies 9 & 40 of the Blackburn with Darwen Borough Local Plan Part 2.

29. Prior to occupation of the development hereby approved, a Landscape Management and Maintenance Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall cover all landscaped areas of public open space and it shall detail a programme of works including scheduled frequencies of weeding and watering for the duration of the development, as well as replacement planting of dead diseased or damaged trees and shrubs within a five year period from the implementation of the approved landscape scheme referenced in condition no. 23. The strategy shall be implemented in accordance with the approved detail.

REASON: To ensure that there is a well maintained scheme of healthy trees and shrubs in the interests of amenity in accordance with Policies 9 & 40 of the Blackburn with Darwen Borough Local Plan Part 2.

30. The development shall be carried out in strict accordance with the submitted Arboricultural Method Statement relating to Parcel 3, prepared by TEP, dated December 2020. Specified tree protection measures shall be adhered to throughout the period of demolition and construction.

REASON: Trees represent a public benefit by way of visual amenity and should therefore be protected at all times in accordance with Policies 9 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

31. Within 3 months of the date of this decision, a scheme detailing the following highway works, to be delivered under Section 278 of the Highways Act 1980 (s278 works), shall be submitted to and approved in writing by the Local Planning Authority:

- Removal of chicanes / narrowing;
- A refresh of flat top road humps and enhancement of street character;
- Introduction of planters or similar at key junctions, including an gateway feature at the Fishmoor Drive, Roman Road junction;
- General junction improvements; and
- Bus stop upgrades to comply with DDA requirements.

REASON: To ensure the development presents a high quality entrance feature at the Fishmoor Drive, Roman Road junction and offers enhanced highway safety / efficiency features along the length of Fishmoor Drive, in accordance with Policy 11 of the Blackburn with Darwen Local Plan Part 2.

32. Prior to the occupation of the development, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety in accordance with Policy 10 of the Blackburn With Darwen Borough Local Plan Part 2.

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

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

34. The development shall be implemented in strict accordance with the details set out in the Residential Framework Travel Plan, dated December 2019.

REASON: In order to encourage sustainable transport and to comply with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

36. The affordable housing hereby approved shall be provided in accordance with the Countryside Properties and Together Commercial Ltd Affordable Housing Statement, received 6th January 2021; unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the approved dwellings remain affordable in perpetuity or appropriately disposed of, in accordance with Policy CS8 of the Blackburn with a Darwen Core Strategy and Policies 12, 18 of the Blackburn with Darwen Borough Local Plan Part 2.

37. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), no development of the type specified in Classes A - G of Part 1 of that Schedule or Class A of Part 2 of that Schedule shall be carried out unless planning permission has been granted first.

REASON: To ensure enhanced control over future development of the properties, in the interests of preserving residential amenity and the area generally, in accordance with Policies 8 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

- 5.1 Ref. 10/20/0934 - Full planning permission for 'Demolition of one substation building and the erection of 383 dwellings and associated works'.

5.0 CONSULTATIONS

5.1 Public Protection Predetermination

With reference to the above application, I will require the following additional information before I can make my recommendations.

Comment:

All conditions recommended by the Environmental Protection Unit in respect of P Ap 10/20/0934 are applicable to this variation of conditions application. Any of the proposed variations that alter agreed remediation required by condition under the previous approval must be justified in terms of any environmental consequence with particular reference to noise, ground contamination & air quality. This will require the submission of supplementary statements/reports as appropriate.

Predetermination - Residential Amenity Impact

An assessment shall be submitted that determines the likely impacts of the proposed condition variations upon future residents of the development. Where appropriate, the assessment must identify mitigating measures to alleviate those impacts. Reference should be made to the National Planning Policy Framework and Noise Policy Statement for England.

Reason: To ensure an acceptable standard of residential amenity.

NB: If there aren't any changes to relevant conditions a simple statement clarifying this would be sufficient.

5.2 Strategic Housing

No additional comment.

6.0 CONTACT OFFICER: Nick Blackledge – [Senior Planner]

7.0 DATE PREPARED: 4th August 2021.