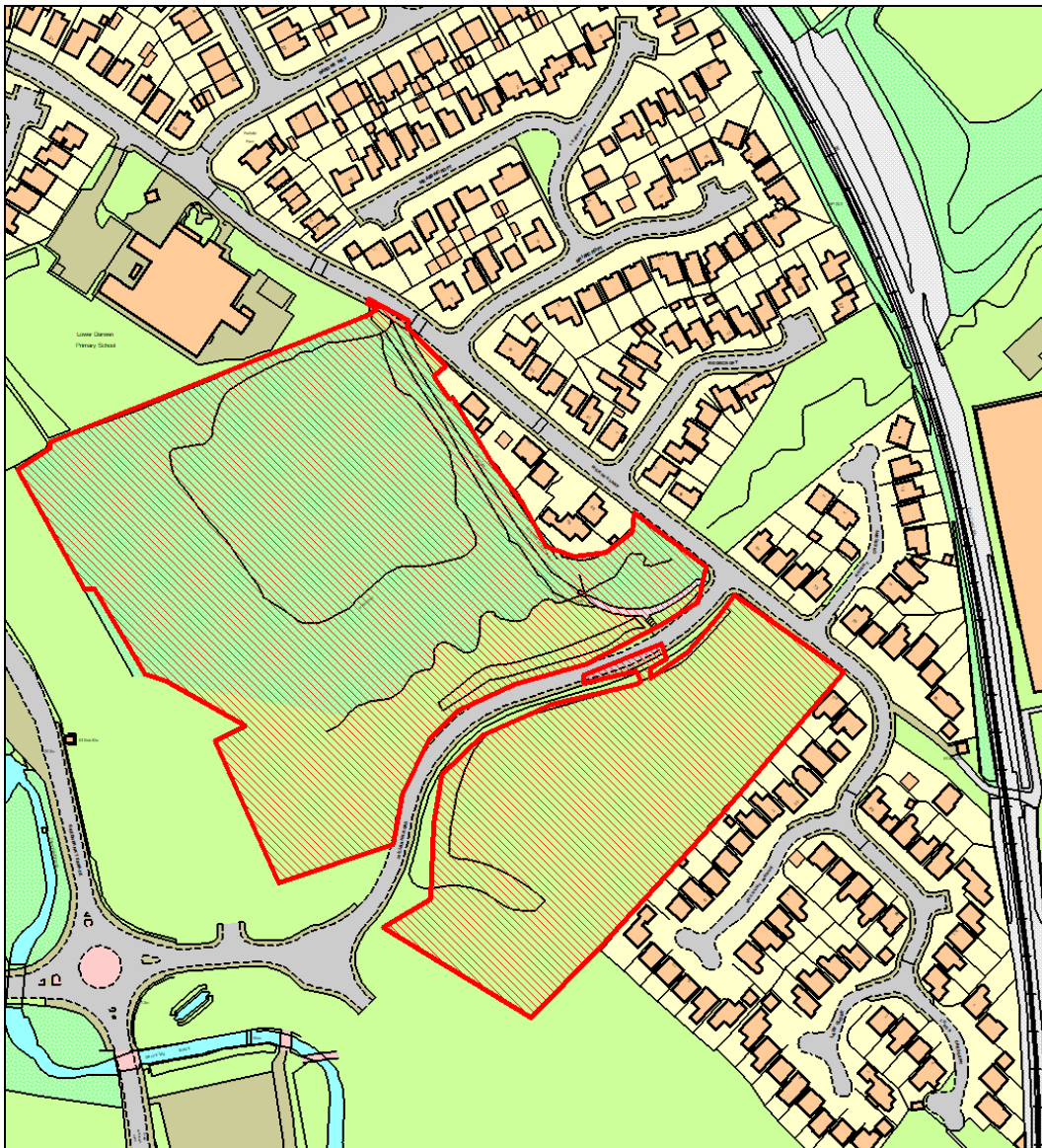


Proposed development: Reserved Matters Application for Approval of reserved matters for the appearance, layout, scale and landscaping for the erection of 76 dwellings pursuant to permission 10/18/1149

**Site address:
Land at Greenbank Terrace and Milking Lane
Lower Darwen
BB3 0RN**

Applicant: Elan Homes Ltd

**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.

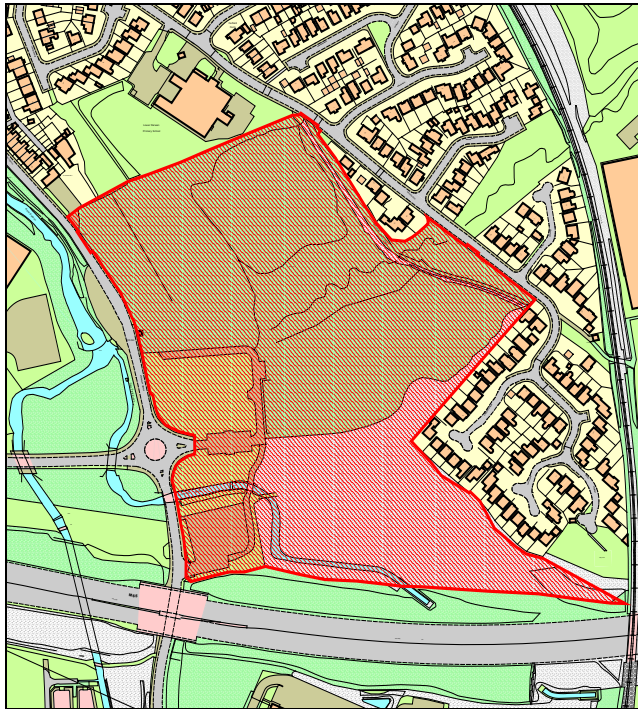
2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1** This application considers Reserved Matters (RM) for 76 dwellings, in two separate plots, pursuant to hybrid planning permission 10/18/1149 granted by the Committee in February 2020.
- 2.2** Members are advised that matters pertaining to the assessment of this RM application are limited to appearance; landscaping; layout and scale. The principle of the proposal has already been established at outline stage.
- 2.3** This application is presented to Committee on account of the application being a significant major planning application, and the Council's interest in the land, in accordance with the Scheme of Delegation in the Council's Constitution.
- 2.4** The 10/18/1149 hybrid approval established full planning permission for a new link road and access points; and outline approval with all matters reserved (except for access) for a mixed use development comprising a maximum of the following: 100 dwellings (C3), 9,000m² of employment use and careers hub (B1/B2/B8/D1), and associated ancillary works. This RM application relates to the provision of 76 dwellings, which sits comfortably below the 100 dwelling maximum.
- 2.5** The access road approved under 10/18/1149 between Greenbank Terrace and Milking Lane is now fully open for public use. All pre-commencement conditions for the full planning permission part of the hybrid approval (for the access road) have been fully discharged. Other conditions in relation to the outline part of the hybrid application remain in place. Relevant information relating to outline conditions that required further information to be submitted as part of the RM application have been submitted with this application.
- 2.6** Members will recall that RM approval was granted for 3 industrial units at the Committee on 21 October 2021 (ref 10/21/0597). Approval of the RM scheme for 76 dwellings will allow further progress to be made towards the re-development of the whole site. Assessment of the application finds that the proposal will deliver a high quality scheme that will assist in meeting the Council's strategic aims and objectives, including housing and economic growth, and the regeneration benefits of bringing this visually prominent site into use.
- 2.7** All relevant issues have been addressed through the application or can be controlled or mitigated through additional planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The 76 dwellings all lie within the red edge of the wider development site of 9.45 hectares, which was approved by hybrid application 10/18/1149, and shown below.



- 3.1.2 The site is a former paper mill and landfill site, which lies to the immediate south west of Milking Lane and to the north east of Greenbank Terrace, Lower Darwen. A stream runs east-west through the site, leading to the River Darwen via a culvert which runs under Greenbank Terrace to the west of the site. To the immediate north of the site is Lower Darwen Primary School and to the north and east are modern residential developments.
- 3.1.3 The site is linked to junction 4 of the M65 motorway via the Eccleshill Link Road to the west via Greenbank Terrace. Aside from the new access road, the site is otherwise undeveloped (see aerial photo below, which was taken before the new access road was constructed).



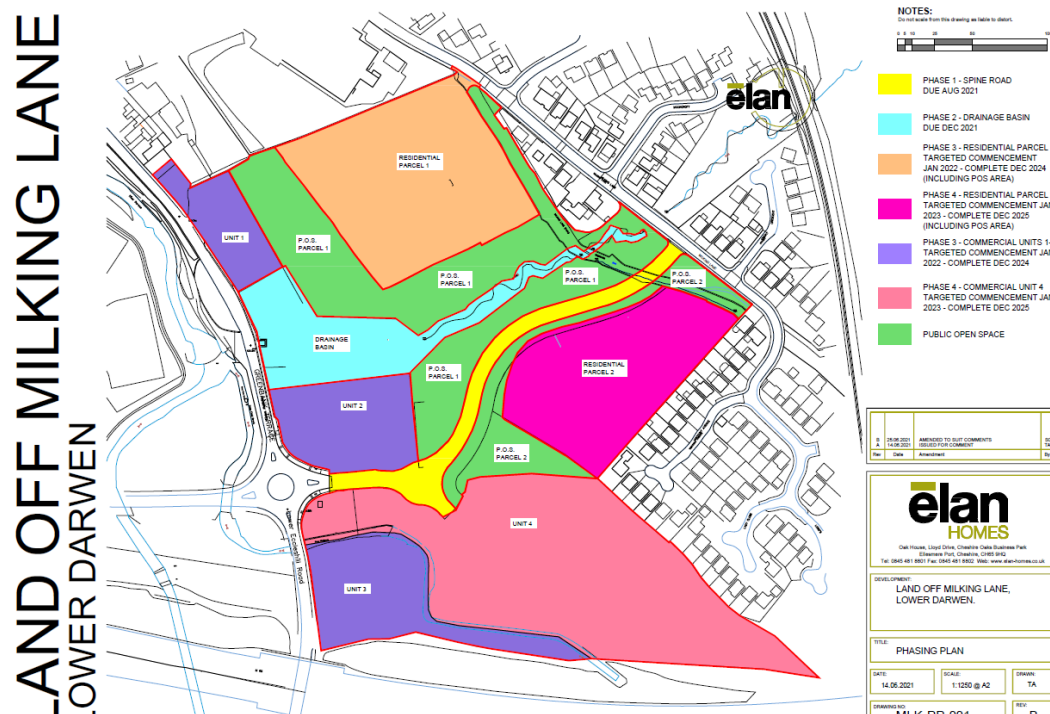
- 3.1.4 The 76 dwellings would be separated from the employment uses by the natural topography of the site. There is a sharp drop in land levels on the site. Both of the 2 residential parcels are on much higher land than the recently approved industrial units (10/21/0597) which are to the south-west of the proposed dwellings.
- 3.1.5 The proposed dwellings would be split into 2 distinctly separate parcels of land, with separate access points, with the newly constructed link road which was approved under the hybrid approval (10/18/1149) as well as public open space, in-between the 2 parcels. The 2 parcels of land are shown below (Parcel 1 to the north west, and Parcel 2 to the south east):





3.1.6 The principle of residential development (up to 100 dwellings) was established under 10/18/1149.

3.1.7 A phasing plan has been submitted which shows when the plots are expected to be brought forward. The 2 residential parcels are in orange (Parcel 1) and pink (Parcel 2) in the image below.



3.1.8 The above phasing plan also shows the 2 parcels of public open space (in green), separated by the new link road (in yellow) running between Milking Lane and the Greenbank Terrace/Paul Rink Way/Lower Eccleshill Road roundabout. The 3 employment units recently approved under RM 10/21/0597 are in purple, with further details of Plot 4 yet to come forward.

3.1.9 The 3 employment units approved under 10/21/0597 were assessed in the knowledge that the 2 parcels of residential development were under

consideration, and appropriate mitigation measures were applied to that approval.

3.1.10 Supporting documents submitted with this RM application include:

- Location Plan
- Planning Layout – Colour
- Planning Layout – B&W
- Car Parking Layout
- Landscaping Layout
- External Finishes Layout
- External Finishes Schedule
- Movement Strategy Plan – (Condition 21 of OPP)
- Housetype & Garage Planning Drawings
- Street Scenes
- Topographical Survey
- Fence and Gate Details
- Wall Details
- Phasing Plan (Condition 18 of OPP)
- Swept Path Analysis (Condition 20 of OPP)
- Construction and Environmental Management Plan (Condition 22 of OPP)
- Traffic Management Plan (Condition 22 of OPP)
- Biodiversity and Habitat Management Plan (Condition 24 of OPP)
- Updated Ecological Appraisal (Condition 25 of OPP)
- Noise Assessment (Condition 26 of OPP)
- Drainage Strategy Layout (Conditions 27 of OPP)
- Surface Water Construction Phase & Future Management plan (Condition 28 and 29 of OPP)
- Flood Risk Assessment (Including Flood Resilient Scheme details) (Condition 39 and 41 of OPP)
- Existing & Proposed Levels Plan (Condition 40 of OPP)
- Remediation Strategy (Condition 42 of OPP)
- Transport Note (Incorporating Road Maintenance Arrangements (Condition 44 & 46 of OPP)
- Street Lighting Layouts (Condition 44 & 46 of OPP)
- Street Lighting Calculations (Condition 44 & 46 of OPP)
- Tree Protection Scheme (Condition 45 of OPP)
- Electric Vehicle Charging Point Details (Condition 47 of OPP)
- Planning & Design and Access Statement

3.2 Proposed Development

3.2.1 Reserved Matters are sought for appearance; landscaping; layout and scale for 76 dwellings, pursuant to hybrid / outline approval 10/18/1149, as set out in the submitted drawings.

3.2.2 The site measures 4.55 hectares (11.25 acres) with 2.43 hectares (6.01 acres) making up the net developable area delivered across the 2 parcels:

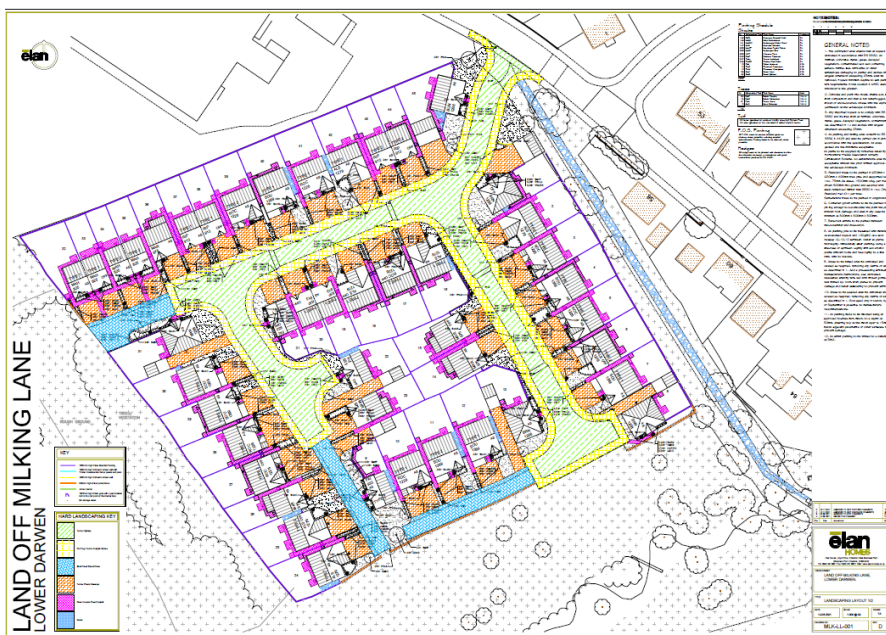
- Parcel 1: measuring 3.44 net developable acres: 45 residential units;
- Parcel 2: measuring 2.6 net developable acres: 31 residential units.

3.2.3 The development density would be 31.27 units per hectare, and the POS surrounding both parcels would be 21,189m². The proposed scheme provides for 76 units and a total floor area of 84,004sq.ft.

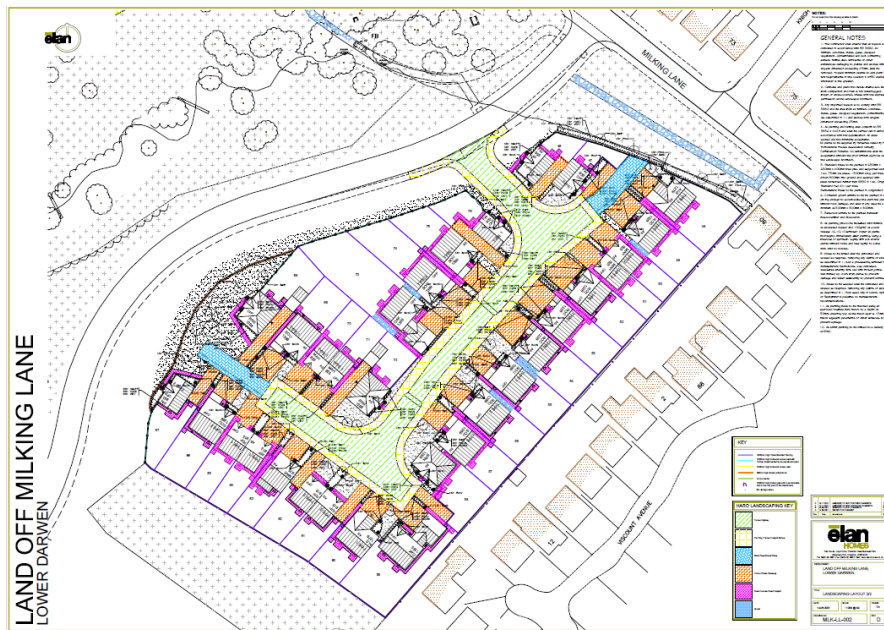
3.2.4 The general layout of the 2 parcels of dwellings, including the areas of public open space, are shown below:



3.2.5 The detailed proposed layout of Parcel 1 to the north-west of the new link road, is shown below:



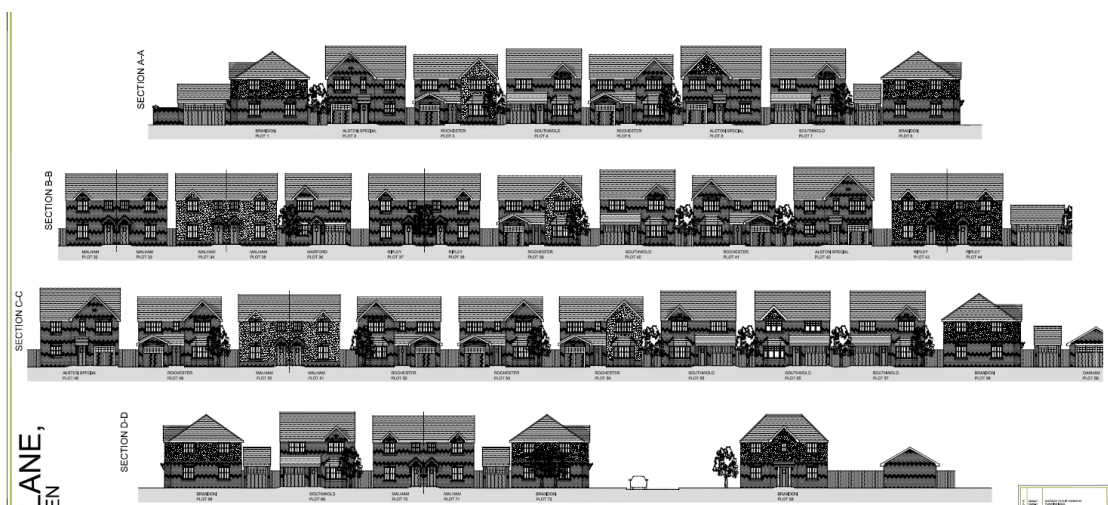
3.2.6 The detailed proposed layout of Parcel 2 to the south-east of the new link road, is shown below



4.0 The amount of POS proposed over delivers the amount required by the Green Infrastructure SPD on the amenity grassland provision of 15.75sqm per dwelling with over 21,000m² provided.

4.1.1 As agreed at the outline stage, in accordance with the outline approval, there are no affordable dwellings being provided on site. The viability of the project does not allow for on-site provision therefore all 76 units will be sold as open market dwellings. An off-site affordable housing contribution, also including a contribution towards green infrastructure, is being agreed through the planning process, under a planning based viability process.

4.1.2 The houses would comprise a mix of either 3 or 4 bed detached or semi detached dwellings. The external appearance / house types are shown below.



Parcel 1 - Photos – taken 28th September 2021:



Looking south into the access of Parcel 1 (taken from Milking Lane)



Looking north-west towards Parcel 1 (taken from the new link road)

Parcel 2 - Photos – taken 28th September 2021:



Looking south-east towards Parcel 2 (taken from Milking Lane)



Looking south-east into the access for Parcel 2 (taken from the new link road)



Looking east into Parcel 2 (taken from new link road)



Looking north into Parcel 2 (taken from the new link road).



Looking north-east towards Parcel 2 (taken from the new link road)

4.2 Development Plan

4.2.1 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.

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

3.3.2 Core Strategy

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

3.3.3 Local Plan Part 2 (LPP2) (December 2015):

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport

- Policy 11: Design
- Policy 28: Development Opportunities
- Policy 41: Landscape

4.3 Other Material Planning Considerations

3.4.3 National Planning Policy Framework (The Framework) (2021)

The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 2 – Achieving sustainable development
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenges of climate change, flooding and coastal change
- Section 15 – Conserving and Enhancing the Natural Environment

Green Infrastructure Supplementary Planning Document
Residential Design Guide Supplementary Planning Document

4.4 Assessment

4.4.1 Assessment of this Reserved Matters application is limited to the following matters:

- **Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.
- **Layout:** Includes buildings, routes and open spaces within the development and the way they are laid out in relation to buildings, routes and open space outside the development.
- **Scale:** Includes information on the size of the development, including the height, width and length of each proposed building.
- **Landscaping:** The improvement or protection of the amenities of the site and the surrounding area; this could include planting trees or hedges as a screen.

4.4.2 The hybrid / outline approval for this site allows for up to 100 dwellings. This RM application relates to the provision of 76 dwellings, in 2 parcels, and Public Open Space.

5.0 Appearance

5.1.1 Appearance is considered against Policy 11 of LPP2, which requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. This includes enhance and reinforcing the established character of a locality. Key aspects of character which must be taken into account are the following:

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

5.1.2 The appearance of the proposed dwellings, comprising a mix of 3 and 4 bed detached and semi detached Elan Homes standard house types as set out in the submitted details, is considered appropriate for this location and respects the character of the surrounding area, using the topography to good effect.

5.1.3 The immediate area surrounding the site is predominantly residential in nature, and the surrounding streets have a range of differing house forms and styles.

5.1.4 The proposed materials for the proposed dwellings comprise grey roof tiles, red brick with buff artstone, and some facings off white rough cast render, to match the existing palette of materials in the area. The scheme will therefore be complementary to the character of the area as a whole and as such the proposals will not appear incongruous in the street scene.

5.1.5 The proposed boundary treatment, comprising walls, piers, and timber close boarded fencing, is also appropriate and would be in keeping with the area.

5.1.6 As identified in the noise report, some acoustic fencing is required along the southern boundary of some of the rear gardens nearest to the M65 motorway to the south. The visual impact of this acoustic fencing, which rises to 3m in parts, can be mitigated through appropriate landscaping / screening directly adjacent the boundary treatment in the POS. This will ensure the development integrates well into its surroundings.

5.1.7 A small parcel of land on Milking Lane at the entrance to Plot 1 has been identified as an area that could host an entrance feature. The applicant has

shown this indicatively on the submitted plans. Further detail can be secured by condition.

- 5.1.8 Accordingly, the proposed appearance of the development is found to be acceptable.

Layout

- 5.1.9 Layout is assessed against Policy 11, as well as Policies 8 and 10.
- 5.1.10 Policy 8 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 privacy / overlooking, and the relationship between buildings, including adequate daylight and sunlight admission.
- 5.1.11 The layout and siting of the internal access roads and dwellings, have been designed using the approved / existing access points from Milking Lane and the new link road, and have been influenced by existing site constraints, levels and watercourses. Access for Parcel 1 would be taken from the existing point on Milking Lane. Access for plot 2 would be from the existing access from the new link road.
- 5.1.12 The proposed scheme has been well designed, making good use of existing site constraints, and introducing front gardens and landscaping wherever possible. The dwellings have been positioned to achieve an acceptable relationship with nearby residential properties, including appropriate separation distances to ensure outlook and privacy is not unduly compromised, either to occupiers of existing nearby dwellings, or the occupiers of the proposed new dwellings, thereby ensuring acceptable levels of amenity.
- 5.1.13 Each plot would have a private rear garden with external access, a front driveway and/or garage for parking, and the vast majority of plots would have front garden areas, which is welcomed.
- 5.1.14 No representations were received from local residents during the consultation period. The Council's Public Protection Officer raised no objections, subject to various conditions, including the installation of acoustic fencing to mitigate against motorway noise. Various conditions have already been attached to the 10/18/1149 hybrid / outline approval, and the 10/21/0597 RM approval for 3 industrial units.
- 5.1.15 The proposed layout is therefore considered acceptable and complies with Policies 8, 10 and 11.

Access

- 5.1.16 Access does not form part of this RM application. The link road and access points into the 2 residential parcels were approved under the outline approval 10/18/1149 and have been constructed. However, the internal movements,

parking and refuse collection etc. all still need to be considered when assessing the layout at this stage.

- 5.1.17 Assessment of access arrangements and other highway matters are considered against Policy 10 of LPP2, which requires that road safety and the safe, 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 Parking standards.
- 5.1.18 The proposal is considered acceptable from a highway safety and efficiency perspective, following review of the submitted layout by the Council's Highways consultee. Revised plans were negotiated during the application process to address initial concerns. Subsequent amendments included improved sightlines, traffic calming measures, and ensuring appropriate provision of parking spaces, including dimensions for garages to meet the requirements set out in the adopted BwD parking standards.
- 5.1.19 Whilst raising no objections, the Council's Highways Officer did recommend a number of conditions to be attached to this application. Various conditions have already been attached to the 10/18/1149 hybrid approval, including S278 works. Appropriate conditions have therefore been attached where directly relevant to this RM application.
- 5.1.20 The layout, including access, parking and movements associated with the internal access roads and the 76 dwellings is considered acceptable. The proposed layout therefore complies with Policy 10 of the Local Plan; the adopted parking standards; and the NPPF.

Scale

- 5.1.21 The proposed scale of development is considered appropriate for the locality, and would provide a good housing mix, and boost local housing supply.
- 5.1.22 The scale, including density, footprint and plot size and height of the proposed dwellings is also appropriate for this location. The dwellings would be 2 storeys high, comprising a mix of semi detached and detached dwellings that would fit in neatly with the surrounding residential area on Milking Lane.
- 5.1.23 Accordingly, the proposed scale of the development is found to be acceptable.

Landscaping

- 5.1.24 Landscaping is assessed against Policy 11.
- 5.1.25 Condition 25 of the hybrid approval required the submission of a landscaping plan prior to or at the same time as the submission of the first reserved matters application.

5.1.26 The proposed hard and soft landscaping treatments within each development plot have been designed with front gardens and soft landscaping. The landscaping within the residential parcels is therefore considered acceptable.

5.1.27 POS

5.1.28 Notwithstanding the submitted detail, a more detailed scheme for the public open space, including management and maintenance, can be required by condition. This will ensure an appropriately detailed scheme is submitted prior to commencement of development, and is implemented and maintained in accordance with the approved details thereafter.

5.1.29 PROW

5.1.30 A PROW runs through the site, part of which has already been re-directed and constructed along the north eastern area of the wider development site, including access to a new footbridge crossing over Davyfield Brook from the new link road.

5.1.31 The remaining part of the PROW along the north western part of the wider site, to the west of Davyfield Brook, remains untouched, and further details of the PROW will be provided as part of the aforementioned POS detail that will be attached as a condition to this approval.

5.1.32 Biodiversity / Ecology

5.1.33 The initial response from GMEU raised some issues / concerns which required addressing by the applicant. These were addressed during the application process, and appropriate conditions can be attached.

5.1.34 As discussed above, a detailed scheme for the POS will be required to be submitted at a later date via an appropriate condition. Further detail will also be submitted as part of an application to discharge conditions 23 and 24 of the hybrid / outline approval, following a full ecological survey. Biodiversity mitigation plans will be provided to highlight habitat creation and retention throughout the site.

5.1.35 Accordingly, the proposed landscaping is found to be acceptable.

5.1.36 Summary

5.1.37 This report assesses the Reserved Matters planning application for 76 dwellings. The relevant range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the aims and objectives of the Local Development Plan and The Framework.

5.1.38 Hybrid approval 10/18/1149

5.1.39 Members are advised of the following conditions attached to the Outline permission. These have been / will be addressed under the condition discharge application process at the appropriate time.

5.1.40 Full permission for the new access road

5.1.41 The following conditions relating to the hybrid (full permission) for the new access road have all been discharged / complied with:

- Condition 1: Timeframe
- Conditions 2 - 4: Pre-commencement drainage details
- Condition 5: Contamination
- Condition 6: Pre-commencement construction management
- Condition 7: Pre-commencement tree survey
- Condition 8: Working hours
- Condition 9: Pre-commencement landscaping
- Condition 10: Motorway drainage
- Conditions 11 - 13: Pre-commencement drainage details
- Condition 14: Highways / visibility splays
- Condition 15: Approved drawings

5.1.42 Outline consent

5.1.43 The following conditions were attached to the hybrid (outline approval). Some of these conditions have been discharged, others remain outstanding. The detail submitted with this RM application directly addresses the requirements of conditions 16, 17, 18, 20, 21, 25 and 26, all of which required further detail to be submitted at or prior to the submission of the first RM application:

- **Condition 16:** Reserved matters submission
- **Condition 17:** Timeframe
- **Condition 18:** Phasing plan
- Condition 19: Pre-commencement S106
- **Conditions 20 -21:** Highways: Swept paths, Footpaths and cycle linkages
- Condition 22: Pre-commencement Construction method statement
- Conditions 23 - 24: Pre-commencement Ecology surveys, and Landscape and Habitat management plan
- **Condition 25:** Landscaping scheme
- **Condition 26:** Noise survey
- Conditions 27 - 29: Pre-commencement drainage details
- Condition 30: Drainage
- Condition 31: Contamination
- Condition 32: Working hours
- Condition 33: Pre-commencement Highways/motorway junction
- Condition 34: Highways/motorway junction
- Condition 35: Pre-commencement boundary fencing

- Condition 36: Motorway drainage
- Condition 37: Travel Plan
- Conditions 38 – 42: Pre-commencement flood mitigation, ground levels, and remediation strategy
- Condition 43: Highways / visibility splays
- Condition 44 (and duplicate Condition 46): Street management plan
- Condition 45: Pre-commencement Tree survey
- Condition 47: Air quality
- Condition 48: Site uses

5.1.39 Conditions 38, 39, 40, and 41 of the hybrid permission will be replaced by a new condition on this application, as agreed with the Environment Agency, for an updated Flood Risk Assessment.

6.0 RECOMMENDATION

6.1.1 Approve.

6.2 Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions:

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

MLK-LP-001-D Location Plan

MLK-PL-001-H Planning Layout

MLK-PL-003-F Planning Layout B-W

MLK-CPL-001-D Car Parking Layout

MLK-EF-001-D External Finishes Layout

MLK-LL-001-D Landscaping Layout 1-2

MLK-LL-002-D Landscaping Layout 2-2

MLK-MSP-001-D Movement Strategy Plan

MLK-PP-001-C Phasing Plan

TYP-SK.001 TYPICAL ENTRANCE FEATURE DETAILS

ELA125 - 003 - SWEPT PATH ANALYSIS - Rev P2

MLK-SS-001 C Street Scenes

MLK-G-P/MAL-01 A Malham Type 1

MLK-G-P/MAL-02 A Malham Type 2

MLK-G-P/RIP-01 A Ripley Type 1

MLK-G-P/RIP-02 A Ripley Type 2

MLK-G-P/AVI-01 A Aviemore

MLK-G-P/FAI-01 A Fairford Type 1

MLK-G-P/FAI-02 A Fairford Type 2

MLK-G-P/MARK-01 A Marford

MLK-G-P/ROC-01 A Rochester Type 1

MLK-G-P/ROC-02 A Rochester Type 2

MLK-G-P/ALS-SP-01 B Alston Special LG Type 1

MLK-G-P/ALS-SP-02 B Alston Special LG Type 2

MLK-G-P/BRN-01 A Brandon

MLK-G-P/BUN-01 A Bunbury

MLK-G-P/OAK-01 B Oakham LG Plans
MLK-G-P/OAK-02 B Oakham LG Elevations
MLK-G-P/SOU-01 B Southwold LG Type 1
MLK-G-P/SOU-02 B Southwold LG Type 2
MLK-G-P/GAR-01 B Non-Standard Size Garages
EXT WORKS GENERAL G-10 A Gravel Path Detail
EH.TS.106 Topographical Survey
EXT WORKS FENCE G-06 A 1800mm High Close Board Fence
EXT WORKS FENCE G-07 A 2000mm High Close Board Fence
EXT WORKS FENCE G-16 A Typical Garden Gates
EXT WORKS WALL G-01 A FREESTANDING WALL & PIER GENERAL
NOTES
EXT WORKS WALL G-07 A 1800MM HIGH STANDARD SCREEN WALL
WITH CLOSE BOARD PANELS
EXT WORKS WALL G-11 A 1800MM HIGH STANDARD SCREEN WALL
MLK-TMP-001 REV A Traffic Management Plan
Biodiversity and Habitat Management Plan, Job no. BOW17/965, by Bowland
Ecology, dated 28th June 2021
Miller Goodall Noise Assessment (Report Number: 102490-1-R01, dated 23rd
March 2021)
Construction and Environmental Management Plan, by Elan Homes, dated
October 2021 (Rev C)

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

2. The development hereby approved shall not commence until the applicant has entered into a written agreement with the Local Planning Authority confirming the funding details of off-site highway works which shall be delivered by the Council via a Section 278 Agreement, to include carriageway resurfacing, reinstatement of traffic calming measures and associated drainage works close to the entrance to Parcel 1 of the development. Parcel 1 of the development hereby approved shall not be fully occupied until the agreed funds for the specified S278 works set out in the written agreement have been transferred to the Local Planning Authority.

REASON: In order to reinstate the adopted highway to a satisfactory standard, in the interests of continued highway safety and efficiency, in accordance with Policy 10 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

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

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

4. Prior to the occupation of each dwelling hereby approved, the car parking spaces identified on the approved plans for that dwelling shall be implemented and thereafter retained.

REASON: To ensure that off-street parking is maintained for the safe, efficient and convenient movement of all highway users in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

5. Notwithstanding the submitted details in the "Construction and Environmental Management Plan, by Elan Homes, dated October 2021 (Rev C)" and "Traffic Management Plan, MLK-TMP-001, REV A", prior to commencement of the development hereby approved, a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- I) the parking of vehicles of site operatives and visitors
- II) loading and unloading of plant and materials
- III) storage of plant and materials used in constructing the development
- IV) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- V) wheel washing facilities
- VI) measures to control the emission of dust and dirt during construction
- VII) a scheme for recycling/disposing of waste resulting from demolition and construction works

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, in order to protect the amenity of the occupiers of the adjacent properties, in order to protect the visual amenities of the locality and to comply with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

7. 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.

8. The measures set out in the “Milking Lane, Lower Darwen: Biodiversity and Habitat Management Plan, Job no. BOW17/965, by Bowland Ecology, dated 28th June 2021” shall be implemented in accordance with the submitted details, or any subsequent revisions approved in writing by the Local Planning Authority.

REASON: In the interests of biodiversity, in accordance with Policies 9 and 41 of the Blackburn With Darwen Local Plan.

9. Notwithstanding the Landscaping Scheme which has been submitted, an updated scheme showing additional landscaping enhancements to the proposed open spaces, boundary treatments, and bin collection areas along with a timetable for implementation shall be submitted to and approved by the Local Planning Authority prior to first occupation. The development shall thereafter be carried out in accordance with the approved details.

REASON: In the interest of visual amenity and biodiversity, in accordance with Policies 9 and 41 of the Blackburn With Darwen Borough Local Plan Part 2.

10. Prior to first occupation of the development hereby approved, a lighting scheme shall be submitted to and approved by the Local Planning Authority. The lighting appraisal shall incorporate sensitive lighting to show minimum light spillage outside of the built form. The lighting shall thereafter be implemented in accordance with the approved details.

REASON: To ensure no adverse light spillage onto the adjacent habitats of value or the wider landscape, in accordance with Policies 9 and 41 of the Blackburn With Darwen Local Plan.

11. Notwithstanding the indicative detail submitted “Typical Entrance Feature Details: TYP/SK-001”, full details of a site entrance feature, including timetable for implementation, shall be submitted to and approved by the Local Planning Authority prior to first occupation. The feature shall thereafter be constructed in accordance with the approved details.

REASON: To enhance the visually prominent access into the site from Milking Lane, in the interests of visual amenity, in accordance with Core Strategy Policy 16, and Policy 11 of the Blackburn With Darwen Local Plan.

12. Prior to occupation of each phase of the development, all traffic noise control measures, including acoustic barriers, identified in the “Miller Goodall Noise Assessment (Report Number: 102490-1-R01, dated 23rd March 2021)” shall be constructed in accordance with the approved details and thereafter retained for the duration of the approved use.

REASON: To ensure an acceptable and sustainable standard of residential amenity, in accordance with Policy 8 of the Blackburn With Darwen Local Plan.

13. During the construction phase, the dust control measures, identified in the submitted “Construction and Environmental Management Plan, by Elan Homes, dated October 2021 (Rev C)” and “Traffic Management Plan, MLK-TMP-001, REV A”, shall be implemented for the duration of all site development works.

REASON: To ensure appropriate measures are taken to minimise loss of amenity and environmental impacts during the construction phase, in accordance with Policies 8 and 10 of the Blackburn With Darwen Local Plan.

7.0 PLANNING HISTORY

- 7.1 **10/18/1149** - Hybrid Planning Application - Full planning permission - new link road and access points; Outline planning permission with all matters reserved (with all matters reserved except for access) for a mixed use development comprising a maximum of the following: 100 dwellings (C3), 9,000m2 of employment use and careers hub (B1/B2/B8/D1), and associated ancillary works. (Approved 20/02/20, subject to various conditions).
- 7.2 **10/21/0597** – Reserved Matters for the appearance, layout, scale and landscaping of the employment units 1, 2 and 3, pursuant to permission 10/18/1149 – Approved October 2021.
- 7.3 **10/21/1112** - . Formation of additional car parking and landscaping to plot 1 pursuant to reserved matters application 10/21/0597 – Approved November 2021.
- 7.4 **10/20/0627** - DOC application for conditions 1-15 of the full application part (access road) of the hybrid approval 10/18/1149 (All complied with / discharged).
- 7.5 **10/18/0911** – Demolition of 2 vacant office buildings (Prior Approval not required - 02/10/2018).
- 7.6 **10/15/1119** - The erection of up to 180 dwellings, open space and associated works including the construction of a link road together with the demolition of the existing redundant office buildings (Refused 17/11/2016 – S106 Agreement not completed).

- 7.7 **10/10/0551** - Residential development and link road at land between Milking Lane and Greenbank Terrace (Approved with conditions 19/11/2012).
- 7.8 **10/05/0317** - Redevelopment of the former Lower Darwen Paper Mill site to create high quality Business Park (Approved with conditions 28/06/2006).

8.0 CONSULTATIONS

Highways / PROW

Revised comments (following receipt of amended plans):

All matters raised in our initial assessment have been satisfactorily addressed.

*In addition to the Grampian condition already agreed
Please attach the following standard conditions and Informatives:*

Conditions:

Condition 2, 3 (visibility splay for internal drives and to remain for perpetuity)

Condition 7 (car parking space retention within curtilage)

Condition 8 (although construction method received...there is some concerns about the location of the site operatives car parking, and the wheel washing area not being defined) I would request we attach this to ensure the right level of details is submitted

Condition 9 (approval of engineering drawings for tech approval)

Condition 90 (entering into a Section 38 Agreement)

Informatives:

10, 11, 13, 14, 15 and 17.

Initial comments:

*PROW – The diversion route for the footpath running through the site has now been confirmed.
No Issues from PROW*

The submission details have been reviewed, and a site investigation has been undertaken.

The proposal is for approval of reserved matters for the appearance, layout, scale and landscaping for the erection of 76 dwellings pursuant to permission 10/18/1149

Parking

The parking should be in accordance with adopted parking standards which sets a requirement as follows:

- *2 spaces for a 2/3 bed and;*
- *3 spaces for a 4+ bed*

All car parking spaces on the drives should measure at 5.5m (in accordance with the adopted Residential Design Guide), and all garages should be 3m x 6m.

On inspection of the drawings received, it is noted that the garages are not in accordance with the Councils Design standards. If these do not meet the required 3m x 6m, then alternative space is to be found within curtilage to accommodate the third space (this applies to all of the 4beds). Please request clarification and amendment.

To note the drives lengths that are provided down the side of the property vary from property to property, there is no consistency. For some that are too long, in others too short, please ensure all drives meet the council's requirement of a minimum of 5.5m for each parking spaces. The 3bed properties in some locations have too many parking spaces (4 in total)

ACCESS & LAYOUT

There are two new access points offered in support of the new housing. One access will directly enter/exit out onto Milking Lane, with the other turning out onto the New Mill Bank Lane. Both accesses are acceptable.

Sightlines for the two main junction are acceptable; we would request these measures together with Pedestrian sightlines be applied to all drives.

The internal carriageways width are 5.5m and two 2.0m footways. The roads would appear tight on the bends and would therefore, in our opinion require widening to accommodate the ability to allow two vehicles to pass one another with ease, please request revision. No attempt to soften the treatment of the streets is presented; full exploration of MFs is not evident in the scheme received.

There are two shared roads (serving plots 24-27 & 10-13), these are quite lengthy and have no turning heads. They are serving more than three properties and should have requisites areas to turn, please request revision or at a minimum provide connections for safe pedestrian route. Notwithstanding the above, consideration should also be given to street lighting and where this will be accommodated. A service verge should be provided to the front the properties (it is not required on both sides).

If no turning areas are to be provided, some thought should be given to where the bins will be congregated for collection, they should not clutter the highway.

We have reviewed the swept path drawing which is provided. This highlights that movement of the vehicles in the turning head, and it shows some issues especially in terms of space. Please could we request the turning areas are adjusted to assist the refuse vehicles to turn with ease?

OFF-SITE HIGHWAY WORKS

During early dialogue with the Growth Team, it was recognised that the highway, which incorporates Road Humps along Milking Lane, to the front of the site, is poor. This development would impact upon this further, and it is for this reasons we would request that the highway (and associated Drainage and humps) is refreshed and resurfaced, from the site frontage though to the end of the school frontage further along Milking Lane. All works are to be carried out at the developer's expense. Please attach a Grampian condition to that effect.

OTHER

Standard matters applicable to all housing scheme, please consider:

- *Construction method statement will be required to be submitted for approval*
- *new and renewed footways surrounding the site, all costs to be Borne entirely by the developer.*
- *Any structures supporting or retaining the highway would require formal approval, please condition*
- *street furniture affected by development should be removed and relocated where necessary at location to be agreed by highways officer - all costs to be borne by the developer*
- *any old entrances that are no longer required shut be permanently closed off and reinstated back to full footway*

- **Please note:** Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority officer Simon Littler on Mob: 07766 5780

In principle, we would offer no objections subject to the above issues being addressed satisfactorily.

Please note: Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority officer Simon Littler on Mob: 07766 578007 Please attach standards conditions/Informatives: Highways 1, 2, 3, 5, 8, 9, 90 10, 11, 13, 14, 15, and 17

Ecology (GMEU)

Initial response from GMEU raised some issues / concerns which required addressing by the applicant. These were addressed during the application process, and the final response from GMEU is as set out below:

Further to your two recent emails (1.11.2021 and 27.10.2021) I have considered the updated documents: -

- ☐ *Biodiversity & Habitat Management Plan (same dates as previous but with plan at Appendix 3)*
- ☐ *CEMP (October 2021 – Rev C)*
- ☐ *Amendment to Traffic Management Plan to show biodiversity areas (rev B)*
- ☐ *Email from Shaun McCarthy (Elan Homes 1 November 2021)*

I have the following comments to make: -

- *I am content that the adjustments made to both the resubmitted documents are satisfactory. The necessary implementation of the amended detail can be secured via condition.*
- *I note that in the email chain from Elan Homes received by GMEU this morning, there is a comment from Shaun McCarthy (27.10.2021) which indicates that a pre-occupation review of the POS landscape would be suitable to attach to a permission (point 7). I would suggest that it would be helpful to apply such a condition and that GMEU would be willing to undertake a further site visit to advise on this matter further at an appropriate point prior to occupation.*
- *I note that Elan Homes accept the condition for a lighting scheme (Point 9).*
- *In my view subject to the application of appropriate conditions the matters raised in GMEU's response have been addressed and the application can be forwarded for determination in respect of biodiversity.*

I hope this is helpful. If you do have any further matters you wish GMEU assist with please contact me.

Environment Agency (EA)

We have no objection to the development as proposed, however we do wish to indicate that further work will be required for the developer to discharge pre-commencement conditions imposed on this phase of the development at outline planning stage. Details of the further work required to discharge these conditions are detailed below.

We have reviewed the submitted Flood Risk Assessment, produced by Betts Hydro, referenced HYD616_MILKING.LANE_FRA, Revision 1.0, dated 07 June 2021 and would like to make the following comments:

The wider site contains areas of Flood Zones 2 & 3, however the FRA demonstrates that the location of the proposed residential dwellings in this application are located in Flood Zone 1,

an area of the site that is at low risk of flooding from rivers. The FRA recommends that FFL's are 150mm above ground level and we are therefore satisfied that the FRA demonstrates the residential dwellings will be safe from flooding without increasing flood risk elsewhere.

Outline Planning Conditions

Development of each phase of the site is subject to pre-commencement planning conditions the EA requested to be included at the outline stage of planning for this site. This reserved matters application does not contain sufficient information to satisfy the discharge of any of these pre-commencement conditions. Details of the missing information can be found in the detailed comments for each condition below.

Discussions between the applicant and the local authority planning team have indicated that the details requested by conditions 38, 39, 40 and 41, can now be governed by a single new condition that outlines the content of a revised FRA for the site. We have no objection to this approach and have included a suggested planning condition that encompasses the information that will be required for submission by the applicant to ensure compliance with the detail requested at the outline planning stage.

Condition 38

We are aware that the de-culverting of Davyfield Drain has taken place on site. However, the implications of opening the drain have altered the flood map for the wider site and therefore the details of the de-culverting scheme should be included in a revised FRA for the wider site in order to discharge condition 38 for this and future phases of development.

Condition 39

We have reviewed the hydraulic model for the watercourses impacting the site as part of the "full" application for the spine road which formed part of the earlier hybrid application. Therefore, we do not require the model to be submitted for review a second time, however the findings of the hydraulic model should be submitted and added to a revised FRA for the wider site to paint the new picture of flood risk on the site as a result of the de-culverting and building of the spine road. The revised FRA should indicate whether or not future phases of development may require compensatory storage to be provided and if so, details of the scheme proposed should be supplied.

Condition 40

The revised FRA should include the new anticipated flood depths for the parts of the site being brought forward for development. Ideally a topographic survey which shows both pre and post development levels should be supplied, along with the revised flood map for the site generated by the hydraulic modelling. If ground raising within the new flood extent is being proposed, then compensatory storage may need to be supplied, in accordance with condition 39 above.

Condition 41

Consideration of the new flood levels on site as part of a new FRA will be required to assess the adequacy of proposed finished floor levels and other flood resilience measures. The revised flood depths will also be important when considering safe access and egress should flooding occur.

Revised Condition to replace conditions 38, 39, 40 & 41

Prior to the commencement of each phase of built development, a revised FRA should be submitted. The FRA should include the following detail;

- Details of the de-culverting of Davy Field Drain

- *Details of ground raising for the building of the spine road*
- *A summary of the findings of the hydraulic modelling undertaken as a result of the de-culverting works and building of the spine road*
- *A revised flood map for the site generated by the hydraulic modelling exercise as a result of the de-culverting and construction of the spine road*
- *Pre and post development topographic levels for each phase of the development*
- *Anticipated flood depths for a range of flooding events, incorporating an allowance for climate change, to be supplied for each phase of development being brought forward*
- *Details of any proposed ground raising within the flood extent and a scheme for compensatory storage if required*
- *Details of finished floor levels and other flood resilience measures to be incorporated into the design*
- *Consideration of safe access and egress*

Condition 42

This is a 4 part condition that relates to prior contamination on the site.

We have reviewed the following reports;

- *REMEDIATION STATEMENT for Milking Lane, Darwin, dated July 2021 REPORT Ref No: 21ELA052/RS by Betts Geo*
- *Desk Study & Ground Investigation Report for Milking Lane, Lower Darwin, Blackburn, dated August 2015, REPORT Ref No: 15RSA011/DSGI*

The Phase 1 site is currently used as public open space with trees and vegetation and there is a stockpile along the western border. There was limited Benzo(a)pyrene contamination in this Phase. Limited groundwater was encountered in WS7 to WS10 in the post fieldwork groundwater monitoring. No significant contamination was encountered and no groundwater contamination was undertaken.

Phase 1 requires no further investigation or assessment. The proposed clean cover system of 600mm (150mm topsoil/450mm subsoil) as per NHBC guidance for all garden areas is acceptable.

Any reuse of materials on this site should be undertaken using CLAIRE Code of Practice declarations. Should the inert landfill require deeper excavations, further chemical analysis should be undertaken to confirm the inert nature with depth.

The reports satisfy parts 1, 2 & 3 of this contaminated land condition, and we look forward to the submission of the Verification report on completion of the works to satisfy part 4 of condition 42.

For clarity, the revised FRA condition to replace conditions 38, 39, 40 & 41 of the outline consent (referred to above), is not relevant to this RM application. This matter will be addressed under the discharge of conditions process for the outline approval 10/18/1149.

Education

[No comments received].

Electricity North West

[No comments received]

Property / Growth

The Housing Growth Team would welcome good quality family homes in this location. The principle of residential dwelling which responds to the Council's growth strategy would be supported subject to it meeting planning policy requirements and approval from Development Management.

In accordance with the Council's Affordable Homes Policy the developer will be required to provide 20% of the scheme for affordable housing. This can be on site, off site or through a S106 commuted sum payment.

We are supportive of new housing developments coming forward and will be willing to consider negotiating affordable homes provision/commuted sum requirement to support scheme viability.

Drainage / LLFA

Lead Local Flood Authority Position,

We would confirm that the drainage conditions may be discharged subject to the applicant obtaining Consent to Discharge to the watercourse.

Public Protection

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

Comment: Environmental Impact of Planning Application 10/21/0597

This proposed residential development could be significantly impacted by planning application 10/21/0597 for industrial/commercial development on adjacent land. You have assured me that any adverse environmental impact arising from the said ind/commercial development will be prevented by the implementation of conditions imposed on that development with specific reference to floodlighting and noise pollution. Additionally, the wider air quality impact of these two developments, the new link road running across this development area and any other relevant committed developments in the locality will be assessed in accordance with the air quality assessment recommended in respect of 10/21/0597.

I recommend the following revised conditions taking account of the above assurances.

CONTAMINATED LAND

Condition – Unresolved Requirements (Reference 10/18/1149 Condition 42*)

Prior to each phase of development approved by this planning permission, no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site, in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- **An options appraisal and remediation strategy** giving full details of the remediation measures required and how they are to be undertaken.*
- **A verification plan** providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and*

identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

REASONS: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework and to prevent deterioration of a water quality element to a lower status class in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2 (December 2015).

** I can confirm that according to latest version of the Remediation Statement .. I can now recommend discharge condition 42 part 3. As stated in my email sent on 30/9/21 the Decision Notice on this site is unusual in that the contaminated land conditions, normally we use two, have been merged into 1 condition with 4 parts. Part 4 and full discharge of condition 42 will require a final Verification report detailing all agreed remedial measures post completion of the site.*

Comment: Traffic Noise Loss of Amenity

The Miller Goodall 'Noise Assessment' (Report Number: 102490-1-R01) identifies that the traffic noise level in outdoor amenity space will exceed the upper guidance noise limit of 55dB(A)Leq cited in BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings (para. 7.7.3.2). The assessment identifies that traffic noise levels, with proposed acoustic barriers installed, will be up to 58dB(A)Leq (see report para. 10.7.4). In accordance with the Noise Policy Statement for England - third aim (see para. 2.24 & 2.25), noise control measures should be implemented to improve the health and quality of life of residents taking account of the guiding principles of sustainable development. You have indicated that 3m high acoustic barriers are appropriate for this development; I would recommend that all the acoustic barriers are at least 3m high to minimize noise disturbance in outdoor amenity spaces thereby improving the health and wellbeing of future residents.

Condition: Traffic Noise Control Measures

Prior to occupation of the development all acoustic barriers identified in the Miller Goodall 'Noise Assessment' (Report Number: 102490-1-R01) shall be constructed with a minimum height of 3m and thereafter retained for the duration of the approved use. All other traffic noise control measures recommended in the Miller Goodall 'Noise Assessment' shall be implemented and thereafter retained for the duration of the approved use.

Reason: To ensure an acceptable and sustainable standard of residential amenity.

NB: Ventilation Scheme

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

Condition – Air Quality Standard Mitigation for Houses

The following mitigation measures shall be implemented prior to the commencement of the approved use:

- a. There shall be one electric vehicle charging point at each house with a garage or driveway. An appropriate charging point for a single dwelling will have a Type 2 connector and a minimum rating of 3.7kW 16A. External points will be weatherproof and have an internal switch to disconnect electrical power.*
- b. Gas fired domestic heating boilers shall not emit more than 40mg NOx/kWh*

REASON: In accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2 and Paragraph 110 of the National Planning Policy Framework 2019, which states that developments should be designed to enable charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This implements the requirements of Council's Air Quality PAN and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. These are readily achievable mitigation measures that reflect current good practice and help to reduce the cumulative impact of current and future developments.

Construction Phase Control Conditions:

Condition – Hours of Site Works

There shall be no site operations on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday 08:00 – 18:00 hours

Saturday 09:00 - 13:00 hours

Any variation of the above hours restriction must be approved in writing by the Planning Authority.

Reason

To ensure appropriate hours of site work to minimise noise during the construction phase.

Condition – Dust Control

The dust control measures identified in the submitted 'Construction and Environmental Management Plan' dated June 2021 (Rev B) shall be implemented for the duration of all site development works.

Reason

To ensure appropriate dust control measures to minimise loss of amenity during the construction phase.

Noise & Vibration Control

Condition

The commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a programme for the monitoring of noise & vibration generated during demolition & construction works. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. At each location, noise & vibration levels shall not exceed the specified levels in the approved programme unless otherwise approved in writing by the Planning Authority or in an emergency.

Reason

To minimise noise/vibration disturbance at adjacent residential premises.

Floodlighting Control (Construction Phase)

The following condition is recommended if security floodlighting is required on site.

Condition

A floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the works.

Reason

To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity.

Informative:

When assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in 'Guidance Notes for the Reduction of Obtrusive Light' GN01 produced by The Institution of Lighting Professionals, available at:

<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>

NB: The proposed development is within an E3: Medium District Brightness Area.

Informative - Construction Noise

All activities associated with the construction/demolition works shall be carried out in accordance with British Standard 5228: Code of Practice for Noise & Vibration Control on Construction & Open Sites – Parts 1 and 2.

Tree Officer

No real concerns here, the majority of the trees on the site were/are self-seeded and low grade. The exception is G7, a group of boundary trees on school land, which are to be adequately protected with fencing.

The proposed landscaping is mostly planting native trees as mitigation with the select placement of ornamental trees typical for a site such as this. The maintenance and management details are adequate.

I have no objections.

Cleansing

No issues

Highways Agency

Referring to the notification of a reserved matters planning consultation dated 6th September 2021 for the approval of reserved matters for the appearance, layout, scale and landscaping for the erection of 76 dwellings pursuant to permission 10/18/1149 on land at Greenbank Terrace and Milking Lane Lower Darwen BB3 0RN, National Highways formal recommendation is that we:

a) offer no objection;

Highways Act Section 175B is / is not relevant to this application

This represents National Highways formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should you disagree with this recommendation you should consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2015, via transportplanning@dft.gsi.gov.uk.

Network Rail

No comments

Lancashire Constabulary

A scheme of this size and scale could create additional demand on local policing resources, I therefore should be extremely grateful if you could signpost the applicant to the website for the Police preferred security scheme for new developments, Secured by Design - www.securedbydesign.com

The dwellings should be built in accordance with the Secured by Design New Homes 2019 design guide so that physical security measures can be incorporated into the development to keep people safe and feeling safe. I recommend that the scheme seeks to achieve Secured by Design gold certification. The careers hub and employment space should be developed in accordance with the Secured by Design Commercial guidance 2015. I recommend that the applicant develops all elements of the scheme to achieve full Secured by Design certification. Application forms for Secured by Design schemes can be found on the Secured by Design website. There is also an interactive design guide for residential developments and one for commercial schemes on the Secured by Design website which demonstrates good design features that prevent and detect crime.

Security measures to keep people safe and feeling safe are required to be incorporated into new developments in accordance with:-

• Section 17 of the Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and (b) the misuse of drugs, alcohol and other substances in its area crime and disorder in its area.

As the application progresses throughout the planning process to Reserved Matters, please contact the Lancashire Constabulary Designing Out Crime Team at ALO@lancashire.pnn.police.uk for further security advice.

United Utilities (UU)

With reference to the above planning application, United Utilities wishes to draw attention to the following points.

It should be noted that we have previously commented on the Outline Application (Planning Ref: 10/18/1149) to which the above application relates. Our previous response (Our Ref: DC/18/5232) is available from the Local Planning Authority.

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The 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 following drainage options in the following order of priority:

- 1. into the ground (infiltration);*
- 2. to a surface water body;*
- 3. to a surface water sewer, highway drain, or another drainage system;*
- 4. to a combined sewer.*

Further information regarding Developer Services and Planning, can be found on our website at <http://www.unitedutilities.com/builders-developers.aspx>.

Further to our review of the submitted Drainage layout drawing, prepared by Elan Homes, Drawing No: 001, Rev: P1, Dated 05/21, the plans are acceptable in principle to United Utilities. However, we required to see the full master plan for the proposed foul & surface water outfalls on the southern development area as it is not clear where it will be connecting to the network. We notice that the proposal incorporates a SuDS component(s) which interacts with a sewer network that may be offered for adoption by United Utilities and therefore recommend the applicant seeks further advice regarding the SuDS design. They should visit our website: www.unitedutilities.com/builders-developers/larger-developments/wastewater/sustainable-drainage-systems/

The applicant can discuss the above with **Developer Engineer, Robert Brenton**, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition. You may find the below a useful example.

Example condition

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances. If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key

determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Water supply

Our water mains may need extending to serve any development on this site and the applicant may be required to pay a contribution.

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Please note, all internal pipework must comply with current Water Supply (water fittings) Regulations 1999.

United Utilities' property, assets and infrastructure

A water main crosses the site. As we need unrestricted access for operating and maintaining it, we will not permit development over or in close proximity to the main. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is enclosed. The applicant must comply with our 'Standard Conditions' document. This should be taken into account in the final site layout, or a diversion may be necessary. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion required as a result of any development will be at the applicant's expense. If considering a water mains diversion, the applicant should contact United Utilities at their earliest opportunity as they may find that the cost of mains diversion is prohibitive in the context of their development scheme. The Water Industry Act 1991 affords United Utilities specific rights in relation to the maintenance, repair, access and protection of our water infrastructure;

☞ Sections 158 & 159, outlines the right to inspect, maintain, adjust, repair or alter our mains. This includes carrying out any works incidental to any of those purposes. Service pipes are not our property and we have no record of them.

☞ Under Section 174 of the Act it is an offence to intentionally or negligently interfere with any resource main or water main that causes damage to or has an effect on its use or operation. It is in accordance with this statutory provision that we provide standard conditions to assist developers when working in close proximity to our water mains.

Both during and post construction, there should be no additional load bearing capacity on the main without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

For advice regarding protection of United Utilities assets, the applicant should contact the teams as follows:

Water assets – DeveloperServicesWater@uuplc.co.uk

Wastewater assets – WastewaterDeveloperServices@uuplc.co.uk

It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

A number of providers offer a paid for mapping service including United Utilities. To find out how to purchase a sewer and water plan from United Utilities, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>.

You can also view the plans for free. To make an appointment to view our sewer records at your local authority please contact them direct, alternatively if you wish to view the water and the sewer records at our Lingley Mere offices based in Warrington please ring [0370 751 0101](tel:03707510101) to book an appointment.

Due to the public sewer transfer in 2011, not all sewers are currently shown on the statutory sewer records and we do not always show private pipes on our plans. If a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

For any further information regarding Developer Services, including application forms, guides to our services and contact details, please visit our website at <http://www.unitedutilities.com/builders-developers.aspx>

Publicity

- 7.22 239 neighbouring properties were consulted during the consultation process relating to the initial scheme, and 4 site notices were posted on 07/09/2021. A press notice was also issued on 28/09/2021. No representations were received.
- 7.23 Final non material revisions to the site layout plans, to address initial highways concerns and to meet the parking standards, resulted in a further site notice (14 days consultation period) being displayed on 19th November 2021. The formal deadline for consultation responses is therefore 3rd December 2021. Any subsequent responses that are not already covered in this report, will be reported to the committee in the update report.
- 7.24 It is noted that a Certificate was not served as part of this application. However, an application for reserved matters is not an 'application for planning permission' to which Article 7 of the 1995 Order relates. It is Art 4 that governs the submission of applications for reserved matters and all this requires is that an application shall be made in writing. Reserved Matters application is not an application made under regulation 3 of the 1988 Regulations and is instead made under Article 4 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended). Article 5 specifies that applications under regulation 3 require a certificate required by Article 7 but it does not state that a certificate needs to be submitted for those submitted under Article 4.
- 7.25 The certificate's omission from a reserved matters application isn't simply because it isn't an application for planning permission, but because the owner will already have been notified about the proposed developed at the outline stage. If the ownership changes then the new owner will be made aware of the outline consent through the standard search performed by their solicitor.

9.0 CONTACT OFFICER: Tom Wiggins – Planner, Development Management.

10.0 DATE PREPARED: 03rd December 2021