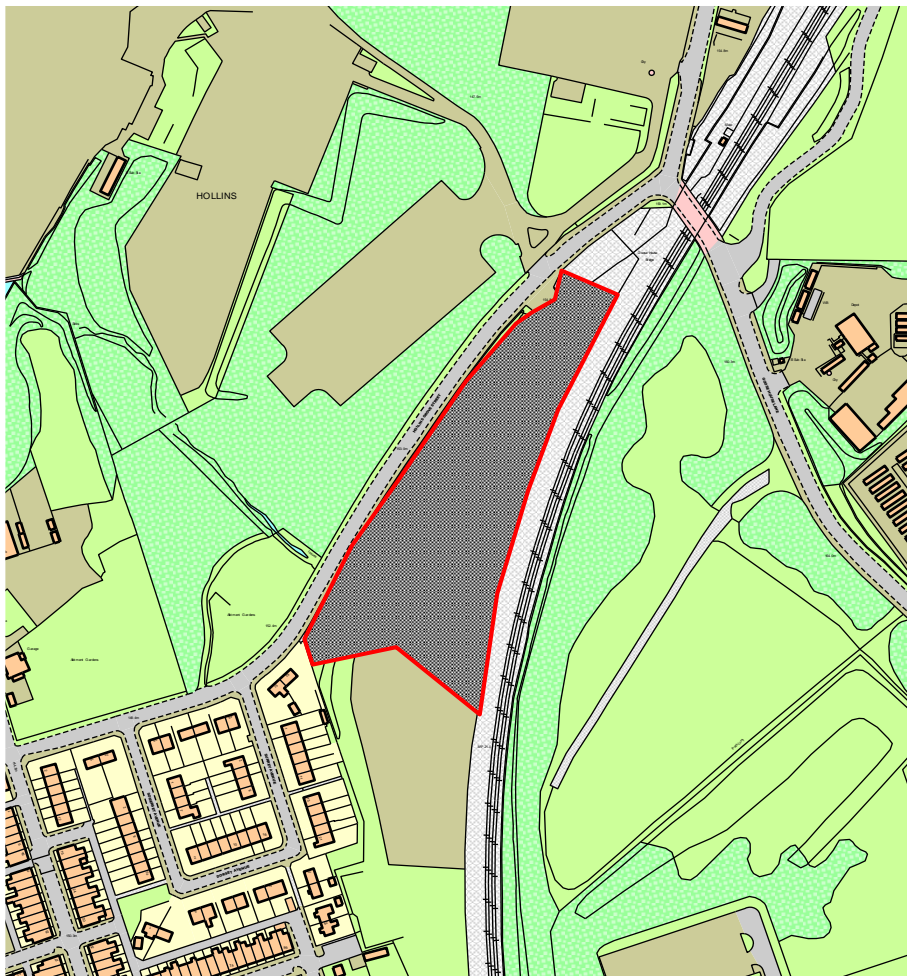


Proposed development: Reserved Matters Application for Approval of the matters reserved by the Outline (Hybrid) planning permission ref: 10/20/0107 (Appearance, Landscaping, Scale and Layout) for the erection of 13no. Industrial units with associated landscaping and access to the land off Hollins Grove Street

**Site address:
Hollins Industrial Park
Hollins Grove Street
Darwen
BB3 1HG**

Applicant: Hollins Industrial Park Ltd

**Ward: Darwen East
Councillor Paul Browne
Councillor Katrina Louise Fielding
Councillor Jane Margaret Oates**



1.0 SUMMARY OF RECOMMENDATION

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

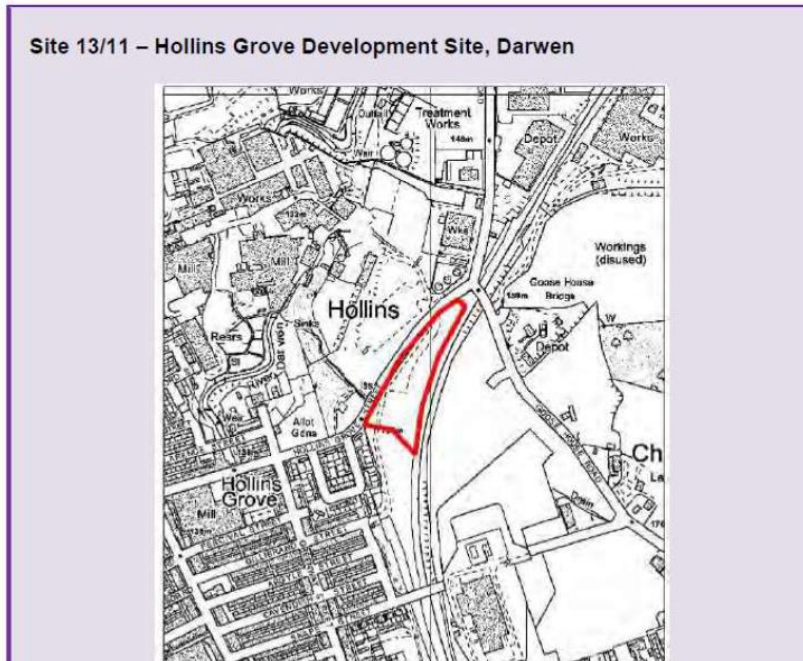
2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application considers Reserved Matters (RM) for 13no. Industrial units with associated landscaping and access to the land off Hollins Grove Street, pursuant to a hybrid planning permission 10/20/0107 granted by the Committee on 17th July 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, in accordance with the Scheme of Delegation in the Council's Constitution.
- 2.4 The 10/20/0107 hybrid approval established full planning permission for 37 dwellings including creation of a new vehicular access to the Southern end of the site, and Outline permission with "Access" (with all other matters reserved) for B1, B2, and B8 uses including alterations to the existing access to the Northern end of the site.
- 2.5 Members are reminded that from the 1st September 2020, uses falling within Class B1 were abolished and replaced by the new Use Class E.
- 2.6 This RM application relates to the provision of 13 industrial units, which will be located in the northern part of the site, as approved under the original hybrid/outline approval. The proposed use now applied for under this RM application is entirely for Class B2 and B8 use only, with no Class B1 (now Class E) units. The application has been assessed on this basis.
- 2.7 The site is a long-standing vacant employment allocation. 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 economic growth, and the regeneration benefits from bringing the site into active use with a viable development.
- 2.8 All relevant issues have been addressed through the application or can be controlled or mitigated through additional planning conditions.
- 2.9 Various conditions relating to the hybrid / outline approval have been discharged under ref 10/20/0827, referred to in more detail later in this report (para 3.5 – other matters).

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site comprises a former Railway Goods yard, and lies within the Inner Urban Area. 1.3 hectares of the site at its northern end is allocated as Primary Employment Area and is allocated as an Employment site within the adopted Local Plan Part 2 (LPP2):

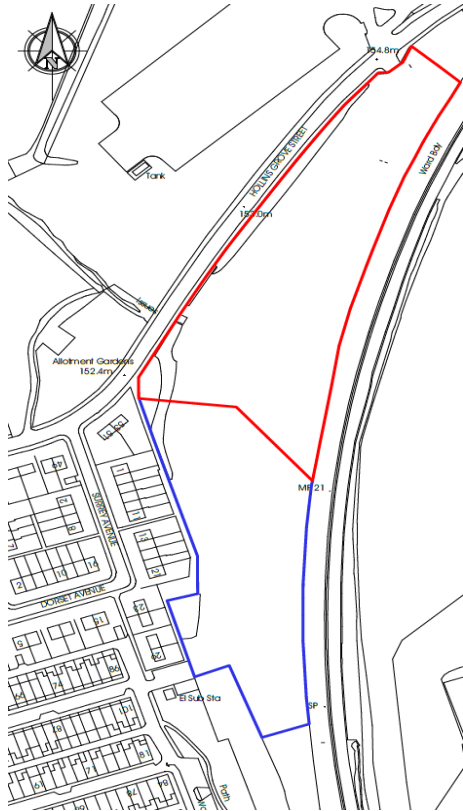


3.1.2 The site is within a High Risk Coal Mining Area, and in a high risk contamination area. The site is located on the northeast side of Hollins Grove Street, opposite the rear boundary and access of Crown Paints Ltd to the west of the site. The Blackburn-Bolton railway line runs to the east of the site. Aggregate Industries (Express Asphalt) are to the north of the application site, and approximately 100m to the south-east is Lucite International Ltd. (LIL).

3.1.3 The proposed industrial units would be located within the northern part of the approved Hybrid application site, with full planning permission granted for 37 dwellings located in the southern part (outside the red edge of this RM application).

3.1.4 The site is irregular in shape being relatively long and narrow and tapering at the northern end. It is relatively flat and is bounded with a metal fence on all sides, and trees along the Hollins Grove Street frontage. The existing vehicular access point lies towards the northern point of the allocated Employment site.

3.1.5 The location plan is shown below:



3.1.6 This aerial photo (below) shows the relationship of the RM site with the surrounding area:



3.2 Proposed Development

3.2.1 Reserved Matters are sought for appearance; landscaping; layout and scale of 13 industrial units, pursuant to outline application 10/20/0107, as set out in the submitted drawings.

3.2.2 The 13 industrial units would be located predominantly in two rows, along the eastern and western edges of the site, with an access road in-between. This linear layout would include 5 units on the western side of the site, and 8 units

on the eastern side. The other unit would stand on its own, closer to the site access.

3.2.3 Landscaping would mainly be along the western (Hollins Grove Street frontage) side of the site. There would also be a substantial green buffer on the south side of the RM site to shield the residential dwellings that will be located to the south.

3.2.4 The proposed site layout plan is shown below:



3.2.5 The total gross development would comprise a total of 2,280sqm/ 24,750sqft, occupying approximately 21% of the total site area.

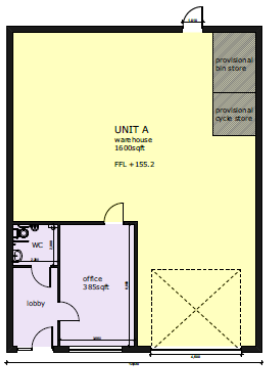
3.2.6 Units 1-10 would each have a floor space of 186sqm / 2000sqft, and Units 11-13 would have a floor space of 140sqm / 1500sqft.

3.2.7 The scheme makes provision for 40 off-road parking spaces (including 13 disabled bays) and includes a shared service yard / access road.

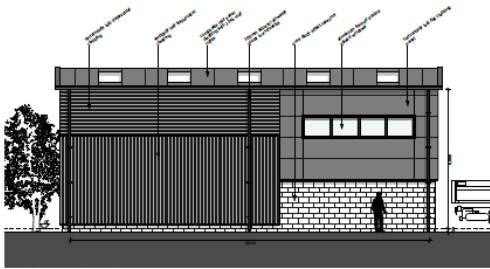
3.2.8 The proposed units would measure circa 6m to the eaves, with a shallow central ridged roof. Materials would comprise a mix of aluminium, cladding and grey block effect masonry.

3.2.9 The elevations and floor plans of the proposed units are shown below.

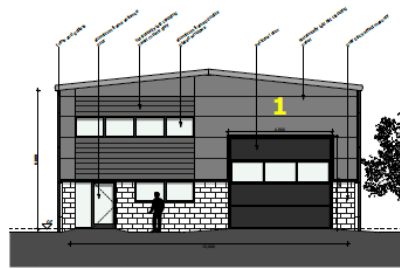
3.2.10 Unit 1



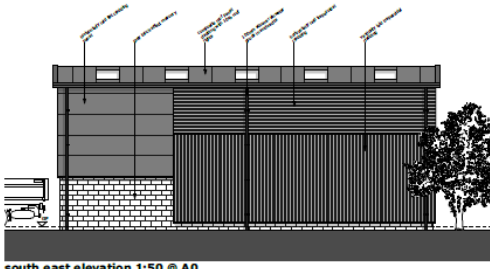
unit 1 proposed floor plan 1:50 @ A0



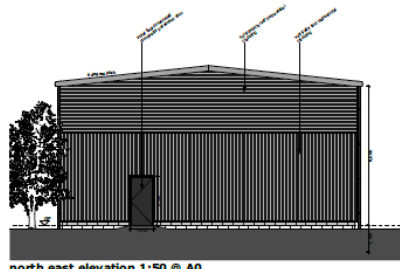
north west elevation 1:50 @ A0



south west elevation 1:50 @ A0

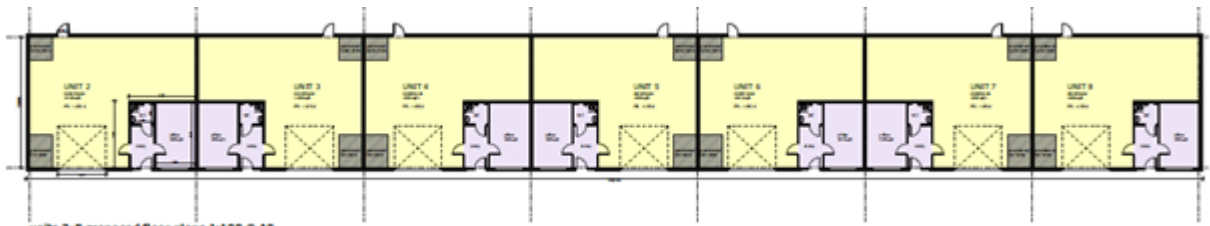


south east elevation 1:50 @ A0

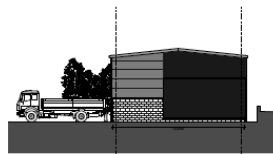
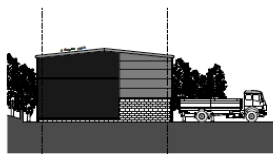
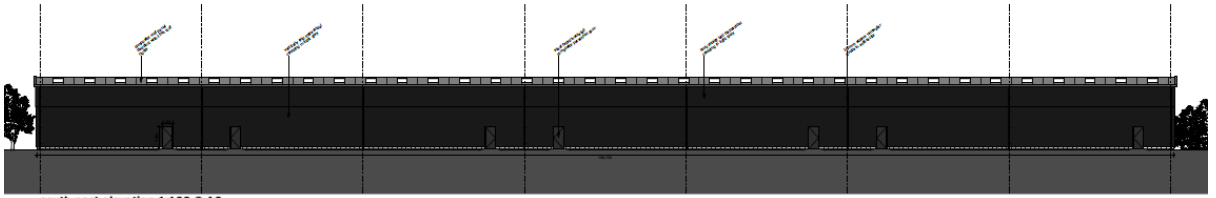
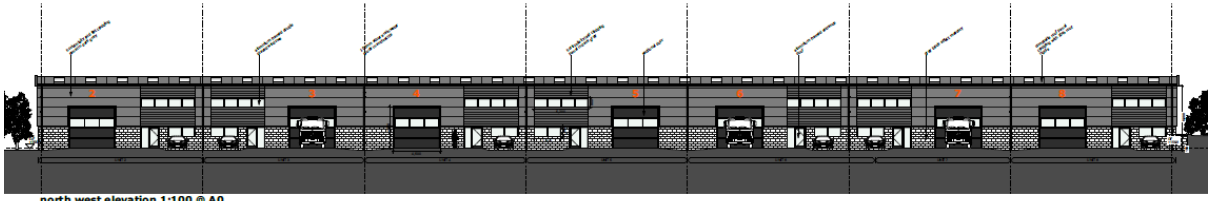


north east elevation 1:50 @ A0

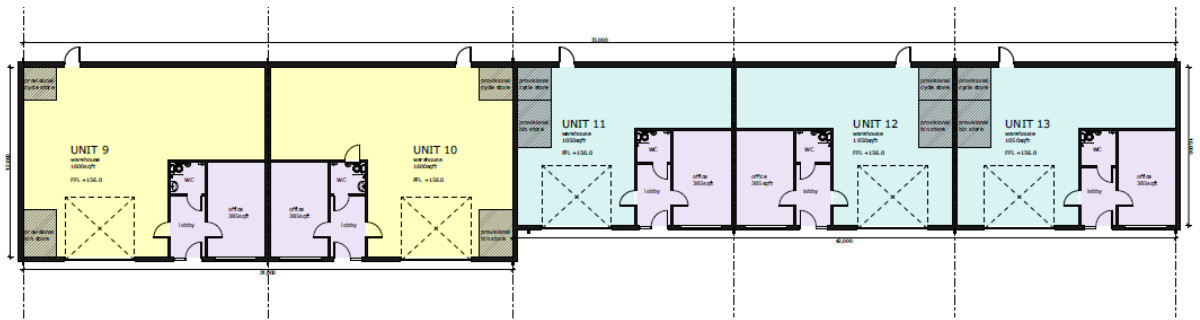
3.2.11 Units 2-10



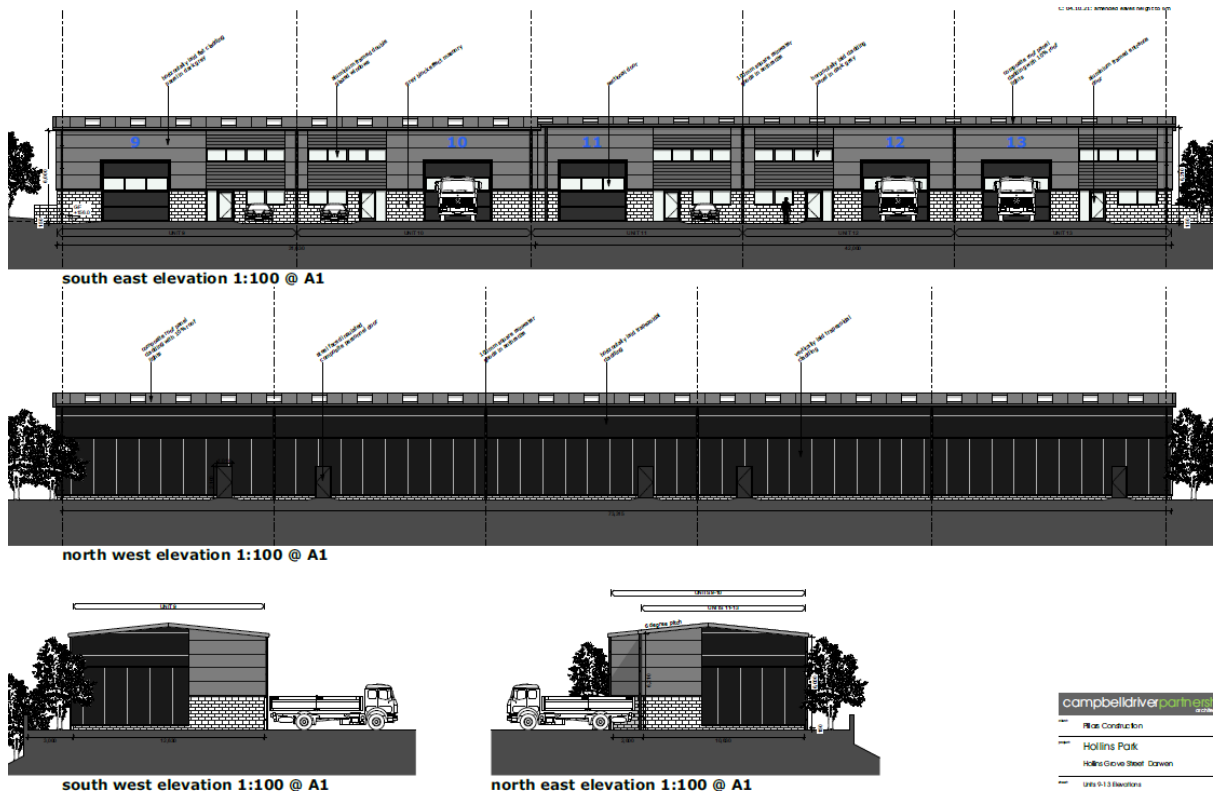
units 2-8 proposed floor plans 1:100 @ A0



3.2.12 Units 9-13



units 9-13 plans 1:100 @ A1



3.2.13 Site photos (taken 14/12/2021):







Site is on the right (photo taken from Hollins Grove Street)



Site access from Hollins Grove Street (access on left, above). This photo is from the applicant's Design and Access Statement.

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 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 CS1: A Targeted Growth Strategy

Policy CS2: Typology of Employment Lane

Policy CS3: Land for Employment Development

Policy CS4: Protection and reuse of employment sites

Policy CS13: Environmental Strategy

Policy CS15: Protection and Enhancement of Ecological Assets

Policy CS16: Form and Design of New Development

Policy CS18: The Borough's Landscapes

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

- Policy 1: The Urban Boundary
- Policy 2: The Inner Urban Area
- 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 13: Employment Land Allocations
- Policy 28: Development Opportunities
- Policy 41: Landscape

3.4 Other Material Planning Considerations

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

3.4.2 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

3.4.3 Blackburn with Darwen Parking Standards

4.0 Assessment

4.1.1 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.

4.1.2 The hybrid / outline approval for this site showed an indicative layout relating to the proposed employment uses, and illustrated that approximately 1653m² of employment uses could likely be accommodated on the site.

4.1.3 This RM application would comprise 2,280m² of Class B2/B8 employment use, in 13 units. Whilst this is more than was indicatively referred to at outline stage, there was no floorspace restriction in the outline approval. As such there is no conflict with this RM application and the outline approval.

4.1.4 In principle, development of this site s already been established and is welcomed, subject to assessment of the specific impacts, and is supportive of Policy 13: 'Employment Land Allocations' and Policy CS3: Land for Employment Development.

4.1.5 Appearance

4.1.6 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.

4.1.7 The appearance of all 13 industrial units would be very similar, and all the units attached to each other would be the same, thereby ensuring a uniform appearance. The units would all measure circa 6m to the eaves, with a shallow central ridged roof. Materials would comprise a mix of aluminium, cladding and grey block effect masonry which is intended to break up the perceived mass and provide a modern finish.

4.1.8 The appearance is appropriate for an industrial development such as this, and the proposal respects the character and history of the site as well as the wider area. Accordingly, the proposed appearance of the development is found to be acceptable.

4.1.9 Layout

4.1.10 Layout is assessed against Policy 11, as well as Policies 8 and 10.

4.1.11 Policy 8 requires that 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.

4.1.12 The layout of the 13 units has been designed around the existing access point and have been influenced by site constraints, including the irregular shape of the site, the existing access point, and boundary treatments.

4.1.13 The proposed units would be appropriately sited, screened from the public highway by a row of trees, and would not be detrimental to the street character.

4.1.14 The industrial units, located in the northernmost part of the wider hybrid site, achieve an acceptable relationship with nearby residential properties, including those approved under the full permission within the hybrid approval. A green buffer at the southern end of the site contributes to achieving an acceptable level of amenity for the occupiers of existing and proposed dwellings in the vicinity.

4.1.15 The Council's Public Protection Officer raised no objections, subject to various conditions to mitigate the impacts. However, it is not necessary to repeat conditions that have already been attached to the hybrid approval.

4.1.16 Highways matters in relation to the layout and access are considered below.

4.1.17 Access

4.1.18 Access does not form part of this RM application. The access was approved under the hybrid application. However, the internal movements, including servicing and parking provision etc. still need to be considered when assessing the layout at this stage.

4.1.19 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 standards.

4.1.20 The proposal is assessed against the Class B2/B8 use applied for. The scheme makes provision for 40 off-road parking spaces (including 13 disabled bays) and includes a shared service yard. The proposed site layout plan ensures a vehicle can enter the site, can both turn in to and out of the site in both directions and manoeuvre easily and safely within the site, thus enabling all vehicles to enter and leave the site in a forward gear. Moreover, the scheme also makes provision for sufficient off-road parking; all unit blocks have sufficient space for occupiers of each unit to park and operate and are capable of receiving deliveries without restricting the free flow of vehicles entering and leaving the site. The scheme also includes a pedestrian walkway and crossing which enables safe internal movement on foot.

4.1.21 Subject to minor amendments to the layout, to improve pedestrian and cycle access within the site, and which can be secured by condition, the proposal is considered acceptable from a highway safety perspective, following review of the submitted layout by the Council's Highways consultee.

4.1.22 The parking provision meets the requirements set out in the adopted BwD parking standards for Class B2/B8 use.

4.1.23 Whilst raising no objection, the Council's Highways consultee did recommend a number of conditions to be attached to this application, including S278 works. However, the site access has already been approved under the hybrid approval, and numerous conditions were attached to the outline approval addressing highways matters, including S278 works. Additional conditions can only be attached to this application, which are directly relevant to this RM application.

4.1.24 The access, parking and movements associated with all 13 of the units is therefore considered acceptable, and complies with Policy 10 of the Local Plan; the adopted parking standards; and the NPPF.

4.1.25 Scale

4.1.26 The scale of the proposed units would be appropriate for this location.

4.1.27 The total gross development would comprise a total of 2,280sqm/ 24,750sqft, occupying approximately 21% of the total site area.

4.1.28 Units 1-10 would each have a floor space of 186sqm / 2000sqft, and Units 11-13 would each have a floor space of 140sqm / 1500sqft.

4.1.29 The scale of the buildings and plots would be relative to their use, and reflect current market demands. Each would accommodate an open floorspace with small ancillary office and amenities, and an internal cycle store.

4.1.30 With an eaves height of 6m, the relatively low eaves and ridge heights reflect the plan size of each unit, and ensure that the buildings will sit neatly within the constraints and natural features of the site and the local area.

4.1.31 Accordingly, the proposed scale of the development is found to be acceptable.

4.1.32 Landscaping

4.1.33 Landscaping is assessed against Policy 11.

4.1.34 The proposed hard and soft landscaping treatments have been designed to include the access road, service yard, car parking and footpaths.

4.1.35 The eastern side of the site abuts the railway. Accordingly, landscaping is focussed on the western and southern edges of the site, and uses natural screening to good effect. The proposal also includes a green buffer between the industrial units and the residential development to the south.

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

4.1.37 Biodiversity Net Gain is assessed separately, below.

4.1.38 Biodiversity Net Gain (BNG)

4.1.39 Whilst new developments are required to demonstrate Biodiversity Net Gain, this application relates only to Reserved Matters of an approved outline permission, and as previously referred to in this report, consideration can only be given to the Reserved Matters applied for (namely appearance, layout, scale, and landscaping).

4.1.40 Furthermore, the biodiversity mitigation and enhancement condition on the approved outline permission (condition 17) has been discharged.

4.1.41 However, notwithstanding this, one of the Reserved Matters now applied for is landscaping, and the landscaping detail submitted with this RM application differs from what was submitted to discharge condition 17 (lack of native hedgerows for example).

4.1.42 This RM proposal also increases the total number of units on the site from the previous detail provided, and there are predicted BNG losses. A condition can therefore be attached to ensure further information is provided with regard to BNG, including the BNG metric and interpretation report, rather than screen shots of the documents.

4.1.43 It is accepted that off site measures cannot be secured to make up for the biodiversity loss, but there are measures that can be done to improve the proposals (to provide mitigation and enhancements for biodiversity).

4.1.44 Features such as native hedgerows can be secured by a new condition attached to this RM application, to ensure ecological enhancements are demonstrated (for example the use of predominantly native species and those identified as pollinator species) and to secure further ecological enhancements such as bat and bird boxes, either within the new units or within the retained boundary trees.

4.1.45 With the aforementioned condition, the proposal is considered acceptable in terms of meeting BNG requirements.

4.1.46 Summary

4.1.47 This report assesses the Reserved Matters planning application for 13 industrial units. In considering the proposal, 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.

4.1.48 Other matters

4.1.49 Members are advised of various conditions attached to the hybrid permission.

4.1.50 Conditions 1 to 7 of the hybrid approval 10/20/0107 relate to the outline consent; conditions 8-14 relate to the full permission granted (for 37 dwellings); and conditions 15 to 46 relate to all aspects of the hybrid approval.

4.1.51 All of the conditions required to be discharged prior to commencement of development, have been discharged whether in full or in part. All other outstanding conditions will be addressed under the discharge of conditions process (DOC), at the appropriate time.

4.1.52 The following conditions attached to the hybrid permission have been discharged, under DOC application 10/20/0827, dated 2nd August 2021:

4.1.53 Discharged conditions relating to the full permission of the hybrid permission:

- Condition 9 - Materials samples

4.1.54 Discharged conditions relating to all aspects of the hybrid permission:

- Condition 16 – Ecological survey
- Condition 17 – Scheme for biodiversity mitigation and enhancement
- Condition 18 – Scheme of hard and soft landscaping
- Conditions 19 & 20 – Intrusive site investigations
- Condition 21 - Remediation
- Condition 22 – Desk study (partial discharge)
- Condition 24 – Remediation (partial discharge)
- Condition 26 – Foul and surface water drainage scheme
- Condition 27 – Culverted watercourse (partial discharge)

- Condition 30 – Monitoring of noise and vibration
- Condition 33 – Access/highways works
- Condition 34 – Construction method statement
- Condition 36 – Street engineering/lighting
- Condition 38 – Railway boundary
- Condition 41 – Site access/highways works (partial discharge)
- Condition 45 – Electricity Northwest assets

3.5.55 Members are advised that assessment of this RM application is limited to the stated Reserved Matters. Amenity issues outside the scope of the reserved matters have been accounted for during assessment of the hybrid / outline application, either during the course of the assessment or secured via conditions attached to the outline permission.

5.0 RECOMMENDATION

5.1 Approve.

5.2 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:

Job no. 21.128, Dwg no. 001 A: Location Plan

Job no. 21.128, Dwg no. 002 K: Proposed site plan

Job no. 21.128, Dwg no. 101 B: Unit 1 Plan and elevations

Job no. 21.128, Dwg no. 201 B: Units 2-8 Plans

Job no. 21.128, Dwg no. 202 C: Units 2-8 Elevations

Job no. 21.128, Dwg no. 301 B: Units 9-13 Plans

Job no. 21.128, Dwg no. 302 C: Units 9-13 Elevations

1001 Revision PO3: Proposed drainage layout

SHD383-SHD-HLG-HOLL-DR-EO-Design Layout-R0: Commercial lighting layout

202.3.02 A: Soft Landscape Developed Design (Commercial element)

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

2. The cycle storage for all units, specified in the approved details referred to in Condition No.1. shall be implemented prior to occupation of the plots, and retained in accordance with the approved details.

REASON: To provide for safe sustainable travel options, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

3. The external walling and roofing materials to be used in the construction of the development hereby permitted shall be as specified in the approved details referred to in Condition No.1.

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.

4. No development shall take place unless and until a revised scheme for soft landscaping, including a Biodiversity Net Gain metric and interpretation report, has been submitted to and approved in writing by the Local Planning Authority. In particular the scheme shall include mitigation and enhancements for biodiversity, and demonstrate ecological enhancements such as the use of predominantly native species and those identified as pollinator species, as well as further ecological enhancements such as provision of bat and bird boxes, either within the new units or within the retained boundary trees. The design features and equipment that comprise the scheme shall be fully implemented in accordance with the approved plans and particulars prior to the development first being brought into use, or alternatively in accordance with a phasing scheme which has been agreed in writing by the Local Planning Authority, and shall thereafter be retained in place at all times unless otherwise agreed in writing with the Local Planning Authority.

REASON: The proposed scheme has significantly increased the number of proposed units on the site. Features such as native hedgerows should for example be included in the scheme, to ensure that the development has no adverse impact on biodiversity, and secures a net gain to biodiversity, in accordance with Policy 9 of the Blackburn with Darwen Local Plan Part 2, and the requirements of the National Planning Policy Framework.

5. The units hereby approved shall only be used for the purposes included within Class B2 and B8 of The Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose.

REASON: To ensure appropriate parking levels in accordance with the Council's adopted standards, in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

6. Prior to occupation of any of the units hereby approved, final layouts of pedestrian and cycle access routes within the site shall be submitted to the Local Planning Authority for approval, laid out in accordance with the approved details and thereafter permanently retained.

REASON: To make the site more accessible for employees and visitors and to ensure appropriate access for pedestrians and cyclists is fully available for use at the time of occupation of the buildings, in accordance with Policy 10 of

the Blackburn With Darwen Borough Local Plan Part 2, and the adopted Blackburn With Darwen parking standards.

7. The noise rating level arising from the commercial/industrial premises hereby approved shall not exceed 53dB(A) at residential premises for the duration of the approved use. Assessment shall be made in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'

REASON: To ensure an acceptable standard of residential amenity, in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

6.0 PLANNING HISTORY

- 6.1 **10/20/0107** – Hybrid application for full planning permission for 37 dwellings including creation of a new vehicular access to the Southern end of the site, and Outline permission with “Access” (with all other matters reserved) for B1, B2, and B8 uses including alterations to the existing access to the Northern end of the site – Approved July 2020.
- 6.2 **10/20/0827** – Discharge of conditions application pursuant to Hybrid application 10/20/0107.
- 6.3 **10/17/1357**- Erection of 84no. new dwellings with associated external works and car parking - Withdrawn 19/06/2018
- 6.4 **10/11/1128** - Extension of time on application 10/08/0568 - Outline application for residential development, 48 Units, together with associated open space and landscaping works and B1/B2 (Business/Industrial) development and associated car parking – Approved with Conditions 19/01/2012.
- 6.5 **10/08/0568** - Outline application for residential development, 48 Units, together with associated open space and landscaping works and B1/B2 (Business/Industrial) development and associated car parking – Approved with Conditions 30/12/2008
- 6.6 **10/07/1385** - Outline application for residential development (82 units) together with associated open space and landscaping works and B1/B2 (Business/Industrial) development and associated car parking - Refused 25/03/2008
- 6.7 **10/04/1158** - Removal of condition 5 on consent 10/03/1233 relating to painting of boundary fence. Removal of condition 3 on permission 10/03/1233 relating to submission of landscaping scheme. Modification of condition 5 on consent 10/03/0189 and condition 6 on consent 10/03/1233 to extend hours of use from 8.00-17.00 Mon-Fri, 8.00-12.00 Saturday to permit

use from 7.30 -18.00 Monday to Saturday - Withdrawn 22/08/2005

- 6.8 **10/04/0860** Additional lighting columns; two lengths of 2.2m palisade fence to close gap between existing fences; alterations to existing palisade fence; additional CCTV column; and alterations to existing lighting - Withdrawn 22/08/2005
- 6.9 **10/03/1233** - Installation of temporary offices, hard surfaced area, lighting columns and CCTV cameras, perimeter fencing and storage containers and alterations to site access – Approved with Conditions 24/03/2004
- 6.10 **10.90/1994** - Outline application for Commercial and residential development – Approved with Conditions 23/05/1991
- 6.11 **10.90/1993** - Commercial development (Classes B1, B2 & B8) - Offices, Industry, Storage - Withdrawn 23/05/1991

7.0 CONSULTATIONS

6.1 **Coal Authority:**

No objection.

The application site falls partly within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to development proposals. More specifically, the Coal Authority's information indicates that a coal seam is conjectured to outcrop at site, which may have been worked in the past.

You will be aware from our consultation response letter of 10 March 2020, that the Coal Authority raised no objection to outline planning 10/20/0107. This was subject to the imposition of conditions on any permission granted to secure the investigation and, if necessary, the remediation of coal mining legacy that may affect the site, prior to the commencement of development. This reflected recommendations made in the applicant's Coal Mining Risk Assessment.

We are therefore pleased to note that conditions 19, 20 and 21 of the planning permission subsequently issued on 17 July 2020 broadly reflect the recommendations of the Coal Authority.

On the basis that coal mining legacy matters were appropriately addressed through the imposition of conditions on the outline consent, and as there are no recorded coal mining features at surface within the site which could affect the spatial layout of development, the Coal Authority wishes to raise no objection to this reserved matters submission.

6.2 **Drainage (Lead Local Flood Authority):**

No objection.

We can confirm approval of the reserved matters.

The applicant will need to apply for consent to discharge to the watercourse if they have not already done so.

6.3 **Lancs Constabulary (ALO)**

No objections.

Thank you for consulting the Lancashire Constabulary DOCO's in respect of this Reserved Matters application, my colleagues Rachel Hines and Davina Helm have previously produced detailed Crime Impact Assessments for aspects of this scheme in 2019 and 2020, outlining the recommended security measures for the development. These security measures are still relevant to the development and should be considered by the Case Planning Officer and the applicant etc. I have attached a copy of the CIA completed by Rachel to this email which refers to 10/20/0107.

Further to this and with the updates to the reserved matters in mind, we would continue to advocate that the scheme be designed and constructed using the security principles and security rated products as stated in the attached SBD 'Commercial Developments 2015' Design Guide. Further details about Secured By Design, including application forms and security specifications can be found at www.securedbydesign.com.

I would be grateful if you could forward the attached documents and recommendations to the applicant for reference.

These security comments and recommendations have been made in order to keep people safe and feeling safe and to prevent crime and disorder 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 and reoffending in its area.

Crime prevention advice is given without the intention of creating a contract. Neither the Home Office nor the Police Service accepts legal responsibility for the advice given. Fire Prevention advice, Fire Safety Certificates conditions, Health & Safety Regulations and Safe Working Practices always take precedence over any Crime Prevention issue. Recommendations included in this report have been considered for a specific site and take into account information available to the Police.

Should you require anything further on this proposal then please do not hesitate to contact me.

ALO Response to the hybrid application, dated 29 January 2020:

Crime Impact Statement

Proposal: 37 Dwellings and 6 Commercial Units

This planning application has been subject to extensive design guidance at the pre planning stages in November 2019. As a result the scheme has now been amended by the applicant. New commercial and residential schemes have the potential to create additional demand on local policing resources with calls for service. I therefore recommend that this development be built to the police preferred security specification Secured by Design. This was also recommended in November 2019 in the design advice provided at pre planning stages.

Secured by Design provides a framework to ensure that the physical security measures of the commercial units and the dwellings are to a standard to prevent forced entry as well as

creating a safe layout where offenders feel uncomfortable operating. Case studies have shown that Secured by Design certified schemes experience less burglary, vehicle crime and criminal damage. Further guidance on Secured by Design is available from the above office or at www.securedbydesign.com

In order to keep people safe and feeling safe I reinforce the following recommendations made for security and safety in November 2019 at the pre planning stages by my colleague:-

Dwellings

The layout should promote natural surveillance by varying the orientation of the dwellings and allowing clear views across any open space. Building recesses or concealed front entrance doors/porches should be avoided, as they can restrict natural surveillance and create hiding places.

Cul-de-sac arrangements help to deter casual intruders looking for opportunist crime, as they may be more likely to stand out, be observed or challenged. Link footpaths into cul-de-sacs should be avoided, as they increase permeability into and out of the site, thus compromising the security initially gained by the layout. Back to back gardens help to keep the area secure and deter intruders, as they restrict access and intruders are more likely to be seen.

It is important to avoid the creation of windowless elevations and blank walls immediately adjacent to public spaces; this type of elevation, tends to attract graffiti, inappropriate loitering and ball games that may cause noise nuisance for some residents. If they are unavoidable, due to site or planning constraints, defensive and/or climbing plants can be considered in these areas.

Porch canopies should be 'pitched' rather than 'flat', if access can easily be gained via the canopies to first floor windows.

Boundary treatments should be of a sufficient height and design to deter intruders. 1.8m high close-boarded 'anti-lift' fencing is usually suitable for the perimeter of rear/side gardens and dividing fences. Those boundary treatments that abut public open spaces should be supplemented with 300mm trellis to increase the height and act as a deterrent, and incorporate maintained defensive planting.

Parking spaces within the curtilage of the dwelling it serves reduces the opportunity for vehicle crime. They should be located where they can be 'overlooked' from an 'active' room i.e. a room from where there is a direct and regular visual connection to the parking space e.g. a living room or kitchen, and be well lit.

Maintained defensive planting or low-level knee-rails should be incorporated around any parking spaces that abut public spaces, to reduce anti-social behaviour and remove 'desire lines' across private spaces.

Poorly observed and concealed access alleyways at the rear of dwellings should be avoided wherever possible, as they can generate crime and the fear of crime. However, if they cannot be designed out of the scheme due to site or other restrictions, the rear/side boundary treatments that abut these areas should be reduced to 1.5m in height and topped with 300mm trellis, be well lit and secured with locking robust gates (lockable from both sides and installed as close to the front building line as possible). This will promote natural surveillance into the alleys from the surrounding properties and restrict unauthorised access.

Lighting is required to each dwelling elevation that contains a door set i.e. photoelectric 'dusk until dawn' LED fittings. Good, even coverage of street lighting will enable views within the development when natural light is minimal and certified to BS 5489:2013. The lighting scheme should be developed by a qualified Lighting Engineer and Member of the Institute of Lighting Professionals.

Landscaping should be designed so that trees and large shrubs will not grow to obscure lighting columns or impede natural surveillance as they mature, especially in the summer months, or be utilised as a climbing aid into the rear/side gardens of dwellings. Site and front garden planting of feature shrubbery and suitable trees (e.g. open branched or light foliage or columnar fastigiata habit) should be considered.

The security requirements for external door sets, including letter plates, door viewers, hinges and door chains, glazing and windows should be compliant with Building Regulations Approved Document 'Q' Security (Unauthorised access) 2015 document; however, PAS 24:2012 referred to in this document has been superseded by PAS24:2016 and should be applied across the new housing scheme. Windows that abut public areas should also include 'restrictors' to reduce the opportunity of 'sneak-in' type thefts.

Each dwelling should be fitted with an Intruder Alarm system, installed to PD6662:2017 standards and comply with the National Police Chiefs Council Policy 'Guidelines on Police Requirements and Response to Security Systems'. PD6662:2017 is an essential security standard if a householder requires a police response to their intruder alarm if activated. It is imperative that any unauthorised attempts to gain entry into each premises be detected at the earliest possible opportunity and a combination of door/window contacts, passive infrared detectors, impact detectors and personal attack facilities should be considered. Alarm systems must be subject to an annual maintenance contract, to ensure they work effectively at all times and to reduce false alarm activations.

Commercial units

The scheme should be designed and developed in accordance with the Police preferred security specification 'Secured by Design (SBD) 'Commercial 2015' security principles, measures and accredited SBD products. Further information can be found at www.securedbydesign.com

A secure boundary will help manage the commercial site by limiting trespassers and guide visitors into the main entrance. Therefore, boundary treatments should be security rated 'anti-climb' weldmesh fencing, to a height of 2.4m from the external level i.e. on the public side, such as security standard LPS 1175:issue 8. When closed, access into the site must be restricted to both vehicles and pedestrians by installing security rated 2.4m high 'anti-climb' locking gates (with no gaps underneath when locked). The locking devices and hinges must not provide informal climbing aids.

Access to any low or flat roofs must be restricted at all times, as there is a real risk to criminal intrusion from these areas. External downpipes can be used as climbing aids to access low roofs or higher windows; therefore, they should be contained within a wall cavity to eliminate this risk. If they cannot, they should be either square or rectangular in section, flush fitted against the wall or housed within a secure high anti-climb metal shroud. Bends in pipes and horizontal runs should be minimized as they create climbing platforms.

Accessible pipework should be of a fire resistant material. In addition, careful consideration should be given to the location of waste bins; low rails; fencing; planters; or other external furniture, which may also facilitate easy access onto the roofs.

Where applicable, roof/building lead flashing replacement materials should be considered, such as zinc, aluminium, non-metallic products etc. to reduce the risk of theft. Alternatively, non-visible forensic security marking can be applied to the lead, which can be a low cost way of protecting the material and can be applied without altering its appearance. This type of security marking is specific to the building, so that recovered stolen metal can be traced back to its source.

The walls and roof of each building should be designed to withstand burglary, criminal damage etc. by utilising materials resistant to manual attack or damage using implements or tools. Where lightweight construction is utilised, a reinforced internal lining, such as thick gauge welded steel mesh, should be installed, to enhance the fabric of each building and mitigate against the risk of intrusion through cutting, prising or removing accessible brickwork.

Early detection and warning of an unauthorised entry into each unit is imperative; therefore, bespoke and monitored Intruder Alarm systems should be installed, compliant with PD6662 (Grade 2-4) standards and the National Police Chiefs Council Policy 'Guidelines on Police Requirements and Response to Security Systems'; The alarm installation company/companies should be certified by the National Security Inspectorate (NSI) or Security Systems Alarm Inspection Board (SSAIB), as both organisations promote high standards of service within the security community.

A comprehensive risk assessment conducted by a qualified Intruder Alarm Engineer should identify whether the design of the alarm system incorporates a combination of internal passive infra-red detectors, magnetic door and window contacts, break glass acoustic or vibration detectors, wall or ceiling sensor cable, location of personal attack facilities and site perimeter detection. The alarm systems must be subject to annual maintenance contracts, to ensure they work effectively at all times and reduce false alarm activations.

External entrance and exit door sets, parking facilities and internal areas such as offices or storage areas that contain valuable stock/IT should include more formal surveillance i.e. a monitored and recorded HD digital 1080p (as a minimum standard) IP colour CCTV system, installed to BS EN 62676 series guidance; The CCTV cameras should aim to capture clear full body and facial images of those entering each unit and the overall site. Captured images must be clearly marked with the time, date and camera location, to aid detection should an offence occur.

Cameras must not be located where they can be easily disabled or tampered with e.g. by cutting wires, attacking camera lenses etc. If they can, they must be housed within a protective cage (which should not negatively affect the images) to reduce their risk to damage. Alternatively, tamper detection cameras could be installed to detect any such attack at an early stage. However, external cameras can also be mounted on dedicated 'anti-climb poles' to reduce this risk; care must be taken to ensure they do not just capture the tops of heads, if too high. Each camera must be checked regularly to ensure they are clean and working effectively.

Recorded images should be stored onto a secure 'Cloud' server as 'back-up' and/or on recording equipment on site, and should only be accessed by trained and authorised staff. A growing trend has shown that onsite recording equipment is being destroyed or stolen to avoid offender identification; therefore, it must be kept within a secure and alarmed room,

ideally within a steel lockable cabinet certified to LPS 1175 SR1 or STS 202 BR1. Digital Video Recorders should be of a high quality to ensure clear images can be retrieved. Recorded data should be stored for a minimum 30-day period, before deletion and where not required for evidential purposes. The whole CCTV system should be maintained and reviewed regularly to ensure it remains 'fit for purpose'.

The external site lighting scheme should comply with BS 5489-1:2013. The scheme should ensure that any suspicious behaviour could easily be seen and reported from nearby buildings or passing pedestrians/vehicles. The lighting scheme should evenly distribute the light, not create dark shadows, provide good colour rendition, not cause glare or light pollution and should support both formal and informal surveillance. The façade of each building should be well lit by using dedicated vandal resistant photoelectric 'dusk until dawn' LED light fittings. The lighting design should adequately cover the parking facilities and be co-ordinated with the CCTV installation to ensure that the lighting complements the CCTV system. Light fittings must be protected where vulnerable to vandalism and any lighting columns should be 'anti-climb'.

External door sets and ground floor or other easily accessible windows must be security rated and tested/certified to PAS24:2016, as a minimum, or LPS 1175: Issue 7/8 or STS 201 or STS 202: BR2.

Roller shutters must be tested and certified to LPS 1175:issue 7 SR2 /issue 8 or STS 202: Issue 3, Burglary Rating 1 and be linked to the intruder alarm system.

Glazing in external doors sets and ground floor or other easily accessible windows must include one pane of laminated glass, securely fixed in accordance with the manufacturer's instructions and certified to BS EN 356 2000 rating P1A.

Restrictors should be installed on ground floor or other easily accessible windows to prevent 'sneak-in' type thefts (unless designated emergency exits).

Emergency exit doors can be vulnerable to intruder attack, anti-social behaviour and criminal damage. Break glass emergency door exit release devices, door panic latches and 'pad-bars' on doors that provide an important aid to egress in the event of an emergency have proven to be abused, rendering some buildings insecure for long periods of time. Therefore, these door sets should be free from external hardware, kept clear at all times, be well lit to promote natural surveillance, linked into the fire alarm system and fitted with an internal audible alarm that will alert staff of unauthorised use.

Intruders must not have unfettered access into 'private' areas, such as high risk areas that contain valuable workshop equipment or offices where IT equipment, confidential information etc. may be stored. These door sets should be restricted and access gained by a proximity fob or card or via a digital push button door entry system and incorporate automatic door closers i.e. only accessible to staff. The system must allow for unrestricted egress from the building in the event of an emergency.

External waste bins should incorporate lockable lids and be secured in place to prevent them being stolen, especially those with wheels that can be used to transport stolen goods and act as an informal climbing aid. In addition, bins should be stored away from the units to reduce the risk of arson. Waste bin storage areas should be well lit and any boundary treatments should allow natural surveillance into the area, to reduce the risk of them being targeted for burglary, damage or nuisance. These areas should be covered by the CCTV system.

The site should be secured throughout the construction phase with adequate security measures to reduce the risk of burglary, theft and criminal damage, including a;

☑ Robust 2.4m high anti-climb weld mesh perimeter fence with matching lockable gates;
☑ Monitored alarm system (with a response provision) for site cabins where tools, materials and fuel could be stored;

☑ Monitored and/or recorded HD digital colour CCTV system. Any onsite CCTV recording equipment must be stored securely and located within an alarmed building/cabin.

The above security measures should be incorporated into the design to keep people safe and feeling safe 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.

Should you require anything else in respect of this matter, please do not hesitate to contact me.

In response to the above comments, the applicant has commented as follows:

Lancs Constabulary have already commented on 10/20/0107 application and their recommendations have been incorporated.

6.4 Network Rail

No (further) comments received (Initial automated response below):

This is an automated response to confirm that your e-mail has been received by the Network Rail Town Planning (London North West Route).

We aim to respond to all enquiries within the consultation time frame and look forward to being able to assist you.

Any comments received from Network Rail will be reported in the Update Report. However, the applicant has commented as follows:

With regards to ENWL, we are currently working with them in respect of the diversion of commercial cables belonging to Crown Paints on our site. There will be no objections as their cables are being removed.

6.5 Electricity Northwest

No comments received. Any comments received from Electricity Northwest will be reported in the Update Report. However, the applicant has commented as follows:

With regards to ENWL, we are currently working with them in respect of the diversion of commercial cables belonging to Crown Paints on our site. There will be no objections as their cables are being removed.

6.6 **Highways:**

The submission details have been reviewed.

Parking

It is suggested within the Technical Addendum submitted in support of the application that the application is for B2/B8. Confirmation and clarification is requested to ensure that the B1 use (combined with B2 and B8) granted at the outline Stage is no longer being applied for. If this is correct then the following would be applicable for parking requirements.

In accordance with the adopted parking standards, the proposal is for a mixed B2/B8 use. The applicant has rightly sought to provide for the largest generator of the two uses, based on parking needs. The site has been measured against a B2 allowance which amount to 38 spaces (2280sqm/1 car space per 60Sqm). 40 spaces have been provided by the applicant, this includes 9 disabled spaces. The disabled provision is greater than the 10% normally required, but we are happy to accept and move forward with the parking with the provision provided.

The arrangement of the spaces as shown accord with the council's standard bay sizes, and manoeuvrability into and out of the bays.

Cycle provision has been provided within each unit, this is welcomed.

No parking for PTW's has been provided, this should be considered and accommodated for within the site. Please request details or condition accordingly.

Access

Vehicular access is to be taken from the existing access, albeit the access is to be improved to allow two way access into the site and to support and maintain access for Network Rail.

A pedestrian island has been introduced to support pedestrian movement across the bellmouth. This is deemed acceptable.

The location of the access is placed opposite to a junction for the industrial site on the opposite side of the road, if the development were to proceed some form of improvement to assist movement into both sites would need to be considered and implemented – further consideration is to be given to this. Please attach a 278 Grampian condition for offsite highway works this would include the construction details (to include gradients to ensure a level plateau is provided to the edge of the highway) required to facilitate the widened access and pedestrian island.

The application provides for a gated development. We request clarification on when these gates would be operational, and how they would be controlled. Please request further details.

I note the gates are positioned 10m into the side from the back of footway, based on the statement offered within the Technical Addendum, the largest vehicle to the site is expected to be a 10m rigid, in this case the 10m pull off the highway is deemed acceptable.

Sightlines have been provided at the entrance out onto Hollins Grove Street (in the Technical Addendum) these are acceptable. Please attach condition 2.

A pedestrian route into the site is provided, however the widened route appears to run to the rear of the units, rather than the front of the units where access would be required. Please request amendment or condition accordingly.

Servicing

Swept Path and vehicle details are provided within the Technical Addendum. They convey that the largest vehicle to the site would be a 10m rigid, they also support a suitably worded condition to ensure that vehicles are restricted to no greater than a 10m rigid.

No details of frequency of movement are offered, please request this information for completeness

All swept paths provided are acceptable.

Transport Statement

Following assessment of the technical addendum then following comments have been offered by our consultant.

I am content with the proposed level of parking, servicing arrangements and that changes to trip generation are not material and therefore do not warrant further traffic impact assessment work.

However, please could you consider/raise the following?

- 1) Please seek confirmation that the pedestrian refuge at the site access and the footway extension, dropped kerbs and tactile paving across the Network Rail access are to be provided as these do not appear on the site layout plan.
- 2) Please request a pedestrian/cycle entrance to the site from Hollins Grove Street in the Southwest corner of the site. Additional pedestrian routes should also be provided around the perimeter of the area of hardstanding to provide ease of access to the units to the East of the site from this access point. This will help to make the site more accessible for employees and visitors.

Please request consideration of the points made.

OTHER

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- Construction method statement is to be received this should include wheel washing
- Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway
- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authorities office on Tel: 01254 273838 to undertake a condition survey.
- Any old entrances that are no longer required should be closed and reinstated back to full footway, at the developers expense
- Condition survey to be undertaken prior to commencement on site, to record the status to support any claims of damage that may be caused as a consequence of construction vehicles to and from the site

To conclude – in principle we would support the scheme, subject to the above matters being addressed satisfactorily.

Members are advised that assessment of this application is limited to the stated *Reserved Matters*. Highways related issues outside the scope of the reserved matters have been accounted for during assessment of the hybrid / outline application, either during the course of the assessment or secured via conditions attached to the outline permission, including S278 works.

Further to the above comments, the applicant has subsequently clarified a number of points, including confirmation that the gates will remain open during operational hours and only closed at night time and during holidays. Each unit will have key to open and close the gates during this time. It should also be noted that the gate is set back circa 20m from the highway and therefore, is unlikely to result in any vehicles backing up onto the highway.

The proposal is considered acceptable from a highways perspective, subject to a condition being attached for minor revisions to be made to the pedestrian and cycle routes within the site. Any further points of clarification, amended plans or any other details received prior to the committee meeting will be included in the Update Report.

6.7 Highways (PROW)

No implications to PROW.

6.8 Highways (Travel Plans)

Please find attached my comments regarding the Travel Plan aligned to this application.

Please note my comments are more supporting comments for the applicant to be aware of in regards to current Active Travel and Bus Service improvements that are currently in development:

The submitted Travel Plan has been considered and read in line with the Transport Statement on how travel demand can be better met in a manner which ensures access by all modes of transport, maximises access to the site by sustainable modes protects safety of all road users and sets out a programme of measures to achieve this.

Comments are structured as they appear in the Travel Plan and referenced where appropriate by heading and paragraph.

The Travel Plan reviewed is the one submitted as part of the 10/20/0107 application

Cycle Accessibility

It should be noted that the site is close to the strategic cycle route 'Weavers Wheel'. The site is in close proximity to the signed spur of the wheel. Blackburn with Darwen Borough Council are currently developing a Local Cycling and Walking Infrastructure Plan (LCWIP) that will be looking at better connecting cycling and walking routes across the Borough. It will be important as part of the Travel Plan development that the allocated Travel Plan Coordinator for the site is made aware of the LCWIP development ensuring connectivity routes are promoted on site and ensuring the site connects and has the adequate facilities on site to support an increase in cycling activity, including shower and locker facilities and adequate secure cycle parking facilities.

Public Transport – Table 3.2

Review of the public transport – The 981 is operated by Blackburn Private Hire and operates as a commercial service operating also as a School Service to Cannon Slade in Bolton. The service operate catering for school drop off and pick up and therefore cannot be relied upon as a fully true commercial bus service with very limited frequency.

3.15 – It should be noted that in the December 2022 the rail service between Blackburn and Manchester will restore its half hourly all day services, this has been hourly in light of the pandemic.

3.17 – In my professional opinion bus rail connectivity is currently not coordinated. Local bus network connectivity is also particularly problematic as an example to get from Huddlesden to the site using public transport to get to site for 9am would take 1 hour and 21 minutes, on what is a short journey. It should be noted that although the 33 bus service currently operates along Goose House Lane, from 29th December 2021 there will only be three journeys per day each way. This operation will be in place until April 2022 where the service will be reviewed and very much dependant on the future Bus Service Improvement Plan funding announcements, expected in 2022. The three services operating until April 2022 are: Royal Blackburn Teaching Hospital – Darwen 0940, 1210 and 1555
Darwen – Royal Blackburn Teaching Hospital 1015, 1245 and 1635

IMPORTANT POINT TO NOTE

Blackburn with Darwen Borough Council in partnership with Lancashire County Council have produced and submitted a Bus Service Improvement Plan to the Department for Transport and are currently working on an Enhanced Partnership with the local bus operators, operating within the Borough. The BSIP is the first step into delivering on the National Bus Strategy and will be key to delivering on bus priority and improvement measures that will over time make public transport the mode of choice in Blackburn with Darwen.

Our first aim is to grow the market back to pre-pandemic levels of patronage and deliver a more sustainable network, which will lead to further investment.

This plan will deliver a multi-million pound investment in the Lancashire region's public transport system. We will deliver a strong Inter Urban Bus Network, using Superbus principles, which will provide bus priority measures to help speed up services. As well as the Inter Urban Network we intend to improve many other local bus services including evening and Sunday service enhancements and increased frequencies where appropriate. We will build on the tendered network that serves many of our rural towns and villages and we will support the investment in low and zero emission vehicles with operators.

To ensure buses become easier and more attractive to use we will develop multi operator and other ticketing initiatives, provide more comprehensive information and ensure it is available in multiple formats and provide data than can be developed in new ways to help users.

We will investigate new ways of delivering bus services that meet local demands and markets not already served. Demand Responsive Transport (DRT) is just one option to consider for those hard to reach areas. We will continue to support our Community Transport services for those less able to access bus services and we will also link with Active Travel for those who wish to walk and cycle as part of their overall journey.

The key theme running through our plan will be people. We must ensure that the services being provided meet local needs therefore we will continue to engage with user groups, and we will establish a Lancashire Passengers Charter.

Our Bus Service Improvement Plan will be updated annually to enable us to remain flexible to changes and demands but with the right investment to deliver these changes we will go towards making Lancashire the best place to live, work, visit and prosper. As such it will be critical again for the development site and its Travel Plan Coordinator to be fully engaged with the BSIP process, its development should look to improve public transport connectivity that could benefit accessibility to the site. Dependant on funding allocated from DfT, there may be consideration given for developments to support bus service improvements.

6.9 **Growth Team**

No comments

6.10 **GMEU Ecology**

Initial response:

I am looking at this application for reserved matters for the outline permission on application 10/20/0107. Could you request that the actual BNG metric and interpretation report are submitted, rather than screen shots of the documents. From a quick look at what has been submitted, losses for the biodiversity value of the site appear to be predicted. GMEU have previously had discussions with the former case officer (Claire Booth) regarding this when conditions on the outline permission were considered, and we accept that there isn't a way to secure off site measures to necessarily make up for this loss. However there are measures that can be done to improve the proposals, in line with the requirements of condition 17 (to provide mitigation and enhancements for biodiversity) and I would suggest that more information needs to be submitted with this regard, especially as the proposed scheme has significantly increased the number of proposed units compared to other submissions for the site.

Subsequent comments from agent on 20/12/2021:

I confirm receipt of the email and will discuss with the Ecologist as to the relevant steps required as these have already been discussed during the Hybrid application. I will update you over the next couple of days

Additional comments from agent on 21/12/2021:

Please see condition 17 discharged.

Further comments from GMEU Ecology, on 05/01/2022:

Thank you for coming back to me. It seems that are options are fairly limited as you say. Condition 17 may have been discharged, but the soft landscaping proposed at reserved matters is different to what was submitted to discharge the condition (lack of native hedgerows for example). Could we secure features such as these via a condition and to ensure that the detailed landscape details demonstrate ecological enhancements (use of predominantly native species and those identified as pollinator species) and also secure further ecological enhancements such as provision of some bat and bird boxes, either within the new units or within the retained boundary trees.

I understand that the timescales are tight and it is a difficult application ecology-wise, so really appreciate any additional gains that can be secured at this stage.

In line with the above comments, a condition can be attached to ensure Biodiversity Net Gain is achieved.

6.11 **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:

CONTAMINATED LAND CONDITIONS

Condition 1

Prior to the commencement of construction works on site, the developer must submit to the Local Planning Authority (LPA) for written approval:

- i. A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Detailed proposals for subsequent site investigation based on the CSM shall be included as appropriate; the developer will be advised whether any further site assessment is required.
- ii. If required by the LPA, the findings of the approved site investigation work, including an appropriate assessment of risks to both human health and the wider environment, arising from contaminants in, on or under the land (including ground gas) will be submitted. Where unacceptable risks are identified an updated CSM, remedial options appraisal and detailed remediation scheme shall be presented for approval. No deviation shall be made from this scheme without the written express agreement of the LPA.

Condition 2

Prior to the commencement of the permitted use, the developer must submit a comprehensive validation report to the LPA for written approval. The report shall demonstrate effective remediation in accordance with the agreed remediation scheme. All the installed remediation must be retained for the duration of the approved use and the LPA periodically informed in writing of any ongoing monitoring and decisions based thereon as appropriate.

REASON: To ensure that the site has been made 'suitable for use', and as such, does not pose a risk to future users of the site or the wider environment.

Condition 3

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 ENV3 of the Blackburn with Darwen Borough Local Plan.

INFORMATIVE:

- All reports shall be prepared in accordance with BS10175:2011 (as amended), CLR 11 and any other relevant, appropriate and authoritative publications.
- The Local Planning Authority will not accept any liability for remediation works.
- The responsibility for the safe development and occupancy of the site, at all times, rests with the developer.
- Failure to comply with above condition may result in enforcement action being taken by the Local Authority under the Environmental Protection Act 1990.

- You are strongly advised to contact the Environmental Protection Team of the Public Protection Service to discuss the requirements of the Contaminated Land Condition (Karen Huddart or David Johnson tel: 01254 267699).
- The guidance documents entitled 'Contaminated Land Planning Guidance' & 'Validation Policy Document' should be read before you investigate the site. This guidance is available on the Council web site. These hyperlinks will give you direct access :
www.blackburn.gov.uk/upload/pdf/Contaminated_Land_Guidance.pdf
www.blackburn.gov.uk/upload/pdf/Validation_Policy_Document_FINAL.pdf
- A suitably qualified, competent & impartial person shall fulfil the requirements of the condition.

Condition – Hours of Use Restriction

The approved use shall be restricted to the following times:

Monday to Sunday: 08:00 – 18:00 hours

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

Reason

To ensure appropriate hours of use to minimise noise disturbance at residential premises.

Condition - Industrial/Commercial Noise Control

The noise rating level arising from the commercial/industrial premises shall not exceed **53dB(A)** at residential premises for the duration of the approved use. Assessment shall be made in accordance with BS4142:2014 'Methods for rating and assessing industrial and commercial sound'

Reason: To ensure an acceptable standard of residential amenity.

Condition – Air Quality Emissions Amenity Impact Assessment Prior to Occupation of Commercial Units

Prior to any new business occupying a unit(s) hereby approved, details of any emission(s) likely to arise from commercial or industrial activity shall be submitted to and approved in writing by the Local Planning Authority (LPA). Where the emission(s) is considered by the LPA to be detrimental to other business or residential amenity a control scheme shall be submitted to and approved in writing by the LPA. All emission control measures approved by the LPA shall be implemented prior to commencement of operations and retained thereafter.

REASON: To prevent unacceptable loss of commercial and residential amenity, in accordance with Policy 8 of the Blackburn with Darwen Local Plan Part 2 and the National Planning Policy Framework.

Informative: Emissions include dust and other air pollutants. Relevant guidance is provided in the National Planning Policy Framework.

Condition: Air Quality Total Emissions Assessment – Commercial Development

The developer shall submit a Total Emissions Assessment for the commercial development which identifies appropriate mitigation and timescales for implementation. The assessment

will be submitted before full approval is granted so appropriate mitigation can be conditioned.

Reason: To mitigate impact on air quality.

Condition - Floodlighting

An outdoor 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 approved use.

Reason

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

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 commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a scheme employing the best practicable means for the suppression of dust during the period of demolition/construction. The approved measures in the scheme shall be employed throughout this period of development unless any variation has been approved in writing by the Planning Authority.

Reason

To ensure that satisfactory measures are in place to alleviate any dust & dirt impact at adjacent residential premises.

Noise & Vibration Control

The following condition is recommended if pile driving works are required on site.

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.

Other Informatives:

Informative: Roller Shutters

Roller shutter(s) fitted to a shop window &/or door must **NOT** cause a noise nuisance at residential premises during opening/closing operation of the shutter(s) in accordance with the Environmental Protection Act 1990. Electrically operated shutters are recommended.

Informative: Sound Insulation

The applicant should ensure that the premises has adequate sound insulation to minimise the transmission of sound to adjacent dwellings.

Any measurement & assessment of manufacturing noise impact shall be made in accordance with relevant advice contained within British Standard 4142 : 2014 ' Method for rating and assessing industrial and commercial sound' and the 'Noise Policy Statement for England'. The developer shall have due regard to BS 8233:2014 'Sound Insulation & noise reduction for buildings – Code of Practice', in order to minimise the transmission of noise from the building(s).

Informative: Statutory Nuisance Loss of Amenity

The Applicant should be aware that this planning approval does not prejudice any investigation or formal proceedings deemed appropriate by the Council under the Environmental Protection Act 1990 for statutory nuisance.

Members are advised that assessment of this application is limited to the stated *Reserved Matters*. Amenity issues outside the scope of the reserved matters have been accounted for during assessment of the hybrid / outline application, either during the course of the assessment or secured via conditions attached to the outline permission.

Notwithstanding this, the recommended condition, to ensure appropriate noise levels to the nearest residential dwellings, has been attached for completeness. No such condition was attached to the hybrid approval.

6.12 **Cleansing**

No issues.

6.13 **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: 10/20/0107) to which the above application relates. Our previous response (Our Ref: DC/20/762) 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>.

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

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. In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit <https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/> and go to section 7.7 for compulsory metering.

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

According to our records there is an easement crossing the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. The easement dated 13/09/1984 UU Ref: Z565 has restrictive covenants that must be adhered to. It is the responsibility of the developer to obtain a copy of the document, available from United Utilities Legal Services or Land Registry and comply to the provisions stated within the document. Under no circumstances should anything be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24 hour access.

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement. Therefore a modification of the site

layout may be necessary. All costs associated with sewer diversions must be borne by the applicant.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

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 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>

6.14 Environment Agency (EA)

We have no objection to the details submitted with this reserved matters application.

We note that no details have been submitted with this application to address the contaminated land issues on the site. We therefore take this opportunity to remind the applicant that no development may take place until further investigation of the site has been undertaken and a remediation strategy has been submitted to the LPA for approval in accordance with condition 24 of the outline planning consent.

We look forward to reviewing this information and ask that we be consulted when it is supplied by the applicant.

6.15 Tree Officer

I remember dealing with Claire on this site last year and advising that the proposed landscaping is suitable for approval. The proposal to plant native tree and hedge species around the site is good and the occasional ornamental tree planting around the residential area is also fine. The planting spec is all present and correct.

I think there was an outstanding maintenance and management report that is now complete and covers all the relevant points. If you need me to provide any detailed comments get back to me but I have no objection to the proposals.

6.16 Publicity

69 neighbouring properties were consulted during the consultation process relating to the initial scheme, and a site notice was posted on 14/12/2021.

A press notice was also advertised in the local newspaper (Press notice 22/12/2021). No representations were received.

8.0 CONTACT OFFICER: Tom Wiggans – Planner, Development Management.

9.0 DATE PREPARED: 07th January 2022