

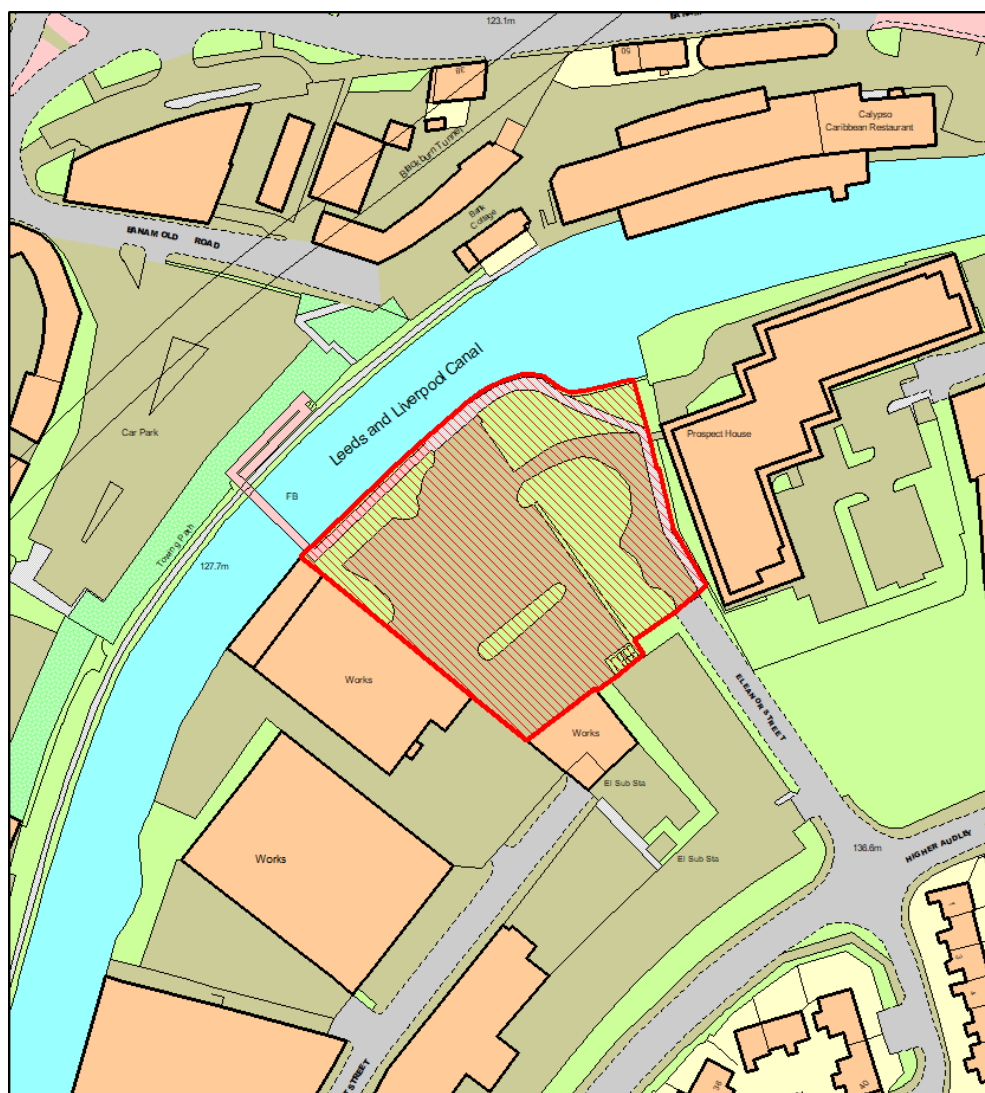
Proposed development: Full Planning Application for: Proposed 4 Storey Care Home, and 2 Storey Assisted Living Apartments (Use Class C2), and associated external parking.

**Site address:
Land Off Eleanor Street
Blackburn
BB1 1JD**

Applicant: UV Care Blackburn Ltd

Ward: Blackburn Central

**Councillor Samim Desai
Councillor Zamir Khan
Councillor Mahfooz Hussain**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions set out at paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application is reported to Committee as a major application at a non-allocated site. This is in accordance with the Council's adopted Scheme of Delegation.
- 2.2 Assessment of the application finds that the proposal corresponds with the Council's overarching growth strategy, as set out in the Core Strategy and Local Plan Part 2.
- 2.3 More specifically, assessment demonstrates the ability to deliver a high quality development which supports medium term demand for dedicated care and assisted living accommodation, without detriment to the surrounding area. Moreover, the development would re-purpose a long vacant site and alleviate instances of anti-social behaviour, including but not necessary limited to fly-tipping. The application is also acceptable from a technical point of view, with all issues having been addressed through the application or capable of being controlled or mitigated through planning conditions.
- 2.4 Assessment, takes account of outline planning permission previously granted by the Committee, on 24th October 2016, for a 4 storey, 88 bed care home, as an important material consideration, being within the current Development Plan period; notwithstanding that this permission has now lapsed.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) comprises 0.45 hectares. It is located within the urban boundary, a short distance to the east of Blackburn Town Centre and is bound by the Leeds and Liverpool Canal to the north, Twin Valley Homes office accommodation to the east and industrial premises (Spice Factory) to the west. The Eanam Conservation Area and Listed Buildings are located to the east, on the opposite side of the Canal.
- 3.1.2 The site is vacant and representative of *previously developed land* (brownfield), with remnants of mills walls remaining, as a legacy of its former industrial use. A hard surface also exists, corresponding with the footprint of the former mill. Vehicular access is via Eleanor Street / Higher Audley Street from the south.
- 3.1.3 The surrounding area is a mix of residential and commercial uses, punctuated by a range of local amenities.

3.1.4 The site is identified by the red edged area, extracted from Google aerial imagery:



3.2 Proposed Development

3.2.1 Full planning permission is sought for the erection of a 4 storey care home, comprising 70 beds and a 2 storey building comprising 7, 1 bed assisted living (self-contained) apartments (Use Class C2). External parking and landscaped areas are also proposed.

3.2.2 The proposed new home will provide 24-hour care for the residents of the home, and will be registered with the Care Quality Commission (CQC).

3.2.3 The new care home will incorporate the following facilities:

- All bedrooms will be full wet room en-suite bathrooms;
- 24-hour care provision;
- residents coffee shop, Library, Gym, and various lounge and dining areas assisted bathrooms/ wc's;
- hairdressing and cinema;
- kitchen, laundry, staff facilities etc;
- secure landscaped garden complete with raised flower beds; and
- large reception area, and family meeting room.

- 3.2.4 Vehicular access into the site will be from that already established off Eleanor Street, from which an internal road will sweep into a central car park.
- 3.2.5 A total of 18 parking spaces including 2 disabled spaces, and an ambulance, delivery bay, will be provided for visitors and staff. In addition, there will be a covered cycle store, and a loading bay for service vehicles and an ambulance. The car parking areas are provided at the front of the new care home.
- 3.2.6 It is submitted that the proposal would provide state of the art facilities, in exceedance of the national minimum spatial requirements, as defined in the Care Standards Act 2000 and those of the CQC.
- 3.2.7 Full details are set out in the submitted drawings and Design and Access Statement. The rendered image and proposed site plan below, show the development in-situ (AP Architecture Ltd).





3.3 Development Plan

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

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

3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS13 – Environmental Strategy
- CS15 – Protection and Enhancement of Ecological Assets
- CS16 – Form and Design of New Development
- CS17 – Built and Cultural Heritage
- CS19 – Green Infrastructure
- CS21 – Mitigation of Impacts / Planning Gain

3.3.4 Local Plan Part 2

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

- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 38 – Green Infrastructure on the Adopted Policies Map
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 47 – The Effect of Development on Public Services

3.4 Other Material Planning Considerations

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

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

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

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a sufficient supply of homes
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 16: Conserving and enhancing the historic environment

3.4.2 National Planning Policy Guidance (NPPG).

3.5 Assessment

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

- Principle of the development;
- Amenity impact;
- Environmental impact;
- Highways and access; and
- Design and layout.

3.5.2 Principle

The site has no specific designation and lies within the defined Inner Urban Boundary, which is the preferred location for new development, in accordance with Core Strategy Policy CS1, and Local Plan Part 2 Policy 1. In land use terms, therefore, the principle of the proposal is acceptable.

3.5.3 Effect on Public Services

Policy 47 seeks to ensure that development meets the needs of the local populous in the first instance. Importantly there is concern for development which ostensibly provides accommodation or services used by vulnerable people, but which is provided in an ad-hoc way with little or no reference to wider strategies for commissioning support services. This can result in users going on to require a wide range of other support services provided by the public sector and placing greater pressure on such services. In this context, development will be granted planning permission provided that infrastructure, facilities and services exist, or can be provided via the development, which will allow the development to proceed without an unacceptable adverse impact on existing provision.

3.5.4 The Council's Adult Service's Strategic Commissioning consultee initially offered an objection to the proposal. Objection was based on the notion that there is no current demand for a facility of the size proposed, due to an over provision of residential care beds in the borough, with a forecasted under provision only arising from 2030; and that additional development before 2030 could place undue pressures on the existing residential care market, leading to migration of people with high care dependency from outside of the local authority area, thereby pressuring local health and care services. Absence of a formal commissioning agreement with a health care / social care provider was also cited as a concern.

3.5.5 An 'Older People's Projection Model' has been provided to aid assessment. The model forecasts an over-provision of residential care in 2025 of just 28 beds and an overall deficit of 52 beds for registered care; 2025 being considered broadly representative of the likely timeline for delivery of the development. It is confirmed (by Adults Services) that the forecast does not account for the beds previously granted outline permission in 2016. The permission has, however, since lapsed, meaning those beds can be disregarded.

3.5.6 The applicant has submitted their own 'Needs Assessment' which forecasts a deficit of beds at 2025 and a continued upward trending deficit up to 2030, based on a 10 minute drive catchment. A forecasted deficit of beds at 2025 is, therefore, mutually agreed. Consequently, this additional provision proposed would serve to address to the issue.

3.5.7 It is also noteworthy that the Council's Strategic Housing Market Assessment (2014) recognises that there will be a considerable growth in the number of elderly households which will increase the need for additional residential care solutions, forecasting an increase in the need for housing with car of 40% borough wide.

3.5.8 Following dialogue with Adult's Services around the level of available evidence to reasonably support refusal of the application, their objection was, in effect, withdrawn, as confirmed by communication received from the Council's Strategic Director of Adult Services, Health and Strategic Commissioning People; as set out at paragraph 6.2.

3.5.9 Members are advised that the available evidence is not sufficiently robust or representative to explicitly demonstrate that conflict with the aims and objectives of Policy 47 will arise from the proposal, contrary to the initial objection. In addition, members are also advised there is not enough available evidence to support the imposition of a condition relating to a formal commissioning agreement with a health care / social care provider.

3.5.10 Moreover, the overall benefits otherwise arising are significant and are considered to weigh heavily in favour of the proposal. These include environmental gain arising from re-use of previously developed land subject to persistent fly-tipping and other ant-social behaviours, particularly when considered in the context of the historic canal corridor and proximity of heritage assets, as illustrated in the image below; economic gain arising from creation of up to 70 full-time jobs (Planning Support Statement, AP Architectural Ltd, Sept 2021); and social gain arising from dedicated elderly care accommodation.



3.5.11 Amenity

Policy 8 requires development to make a positive contribution and to secure satisfactory levels of amenity and safety is for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

3.5.12 The development would make a positive contribution to the area, given the derelict and generally unsightly nature of a site, which is visually prominent from the Canal towpath to the north.

3.5.13 Relationship between buildings:

The proposed buildings would be located within a mixed area, including office accommodation to the east, industrial premises (The Spice factory) to the west, as well as a dwelling and offices opposite, to the north, beyond the Canal. Separation between proposed habitable (bedroom) windows and those in the front elevation of the dwelling on the opposite side of the Canal is circa 30m which is in accordance with the minimum standard set out in the SPD. Opposing habitable windows within the development range from between 25m and 28m, also in accordance with the minimum standard. No windows are proposed facing adjacent buildings. An acceptable relationship between buildings is, therefore, achieved, ensuring satisfactory levels of amenity.

3.5.14 Noise / odour / pollutants:

Noise and Odour Assessments were submitted with the previous application in 2015. The Council's Public Protection consultee acknowledges that no significant change to surroundings uses has occurred since.

3.5.15 Although odour and, to a lesser extent noise, from nearby commercial uses, including Khan Khazana commercial cooking and the Spice Factory remain evident from within the site, impact is not considered to be severe towards internal living conditions for residents of the care facility, subject to implementation of suitable double glazing and mechanical ventilation. Such measures will be secured via conditions, as recommended by Public Protection.

3.5.16 Whilst Public Protection do not offer objection to the proposal, they assess odour impact on proposed outdoor residential amenity spaced to be 'moderate adverse', whilst recognising that mitigation is unachievable. Although a modest degree of conflict arises with the safeguarding amenity objectives of the policy, such conflict is not considered to outweigh the benefits otherwise arising from the proposal.

3.5.17 Public Protection also recommend assessment and remediation, if necessary, of ground contamination to be secured via application of the Council's standard contaminated land conditions, to protect the health of future residents.

3.5.18 It is inevitable that some disruption for occupants of adjacent premises will arise during construction of the development. Submission, of a Construction and Environmental Management Plan (CEMP) and control over hours of construction, via conditions, would guard against any significant disruption and disturbance.

3.5.19 Safety:

The Canal & Rivers Trust have assessed the impact of the proposal on the structural integrity of the Canal and the threat of contamination thereto, during and post construction. No objection is offered, subject to submission of a Risk Assessment and Method Statement, via condition.

3.5.20 Accordingly, it is found that satisfactory levels of amenity and safety would be secured future residents and surrounding uses, in accordance with the requirements of Policy 8 and The Framework.

3.5.21 Environment

Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.

3.5.22 Flood risk / drainage:

A Flood Risk Assessment and Drainage Strategy has been submitted with the application and reviewed by the Council's Drainage consultee (as Lead Local Flood Authority) and United Utilities. No objection is offered, subject to submission of a detailed foul and surface water drainage strategy, via condition. United Utilities request for submission of finished floors levels (FFL's) prior to determination of the application has been superseded by submission of revised FFL's as a correction to the erroneous information contained on the original drawing.

3.2.23 Ecology:

An ecological appraisal of the site has been submitted with the application and reviewed by the Council's specialist consultee. As no habitats on site have any roost features for bats, no further activity survey work is required. Provision of bat (and bird) boxes will, however, be secured via condition, in order to enhance roosting and nesting opportunities.

3.2.24 Potential habitat for nesting birds was found in the trees and scrub, although no substantive evidence was found. Clearance of trees and vegetation outside of the bird nesting season (March to August) will, however, be secured via condition.

3.2.25 No evidence of protected mammals or priority invertebrates, reptiles or of invasive species was found either on site or within 250m.

3.2.26 Accordingly, it is accepted that there are no significant ecological constraints to developing the site and no objection is offered.

3.2.27 Trees;

The removal of self-seeded trees and scrub from within the site is proposed. No objection is offered in this regard from the Council's Arboricultural Officer. Protective fencing to trees adjacent to the site will be secured via condition throughout construction works. A comprehensive landscaping scheme will also be secured via condition, to provide mitigation for tree loss, biodiversity enhancement and in the interests of visual amenity.

3.2.28 Accordingly, the environmental impact of the development is found to be acceptable and in accordance with the requirements of Policies 9 and 40, and The Framework.

3.2.29 Highways / Access and Transport

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

3.2.30 A Transport Statement has been submitted with the application and reviewed by the Highways Council's consultee. No significant changes to the highway network have occurred since the previous grant of planning permission for a development of comparable scale to that currently proposed. Forecasted traffic generated by the proposal is accepted as within the tolerance of the local network capacity.

3.5.31 Access to the site will be taken from Eleanor Street (off Higher Audley Street) to the south. Although the street is currently adopted, it is unsurfaced and is closed off to traffic due to frequencies of fly-tipping. Consequently, the street will be upgraded with a surface treated carriageway width of 5.5m and a pedestrian footway width of 1.8m. Works will be secured via condition.

3.5.32 18 parking bays, including 2 disabled, are proposed. A dedicated ambulance delivery is also proposed. Parking is deemed acceptable to cater for demand arising from staff and visitors. Residents are unlikely to have a car due to their medical condition. Moreover, the site is in a highly sustainable location, with good pedestrian and public transport links to a range of amenities. Proposed on-site amenities including a hair salon and a cinema may also limited the need for transportation. Any additional parking could be displaced to Eleanor Street without disruption to the network since this road does not serve as a means of access to any other property. The internal road provides for adequate servicing space and manoeuvring of refuse vehicles, as demonstrated by the submitted swept-path analysis.

3.5.33 Impact of the proposal on highway safety and efficiency is accepted, considered in the context of The Framework's direction at paragraph 11, which states:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

3.5.34 Submission of the aforementioned CEMP will address highway impacts arising from construction, including road cleansing.

3.5.35 A covered area for cycles and powered two wheel vehicles will be secured via condition.

3.5.36 Accordingly, highway impacts arising from the development are found to be acceptable and in accordance with the requirements of Policy 10 and The Framework.

3.5.37 Heritage and Design

Policy 11 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.

3.5.38 Policy 39 reflects The Framework in requiring development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset. In this context, a Heritage Statement has been submitted with the application and reviewed by the Council's Heritage consultee, who offers no objection.

3.5.39 Eanam Wharf Conservation Area (CA), which includes a number of Grade II listed buildings, is located to the north of the site, on the opposite side of the Canal. A rendered image of the proposal, from the perspective of the CA, is submitted to aid assessment of its impact (see paragraph 3.2.7).

3.5.40 The presence of a mix of building proportions locally, including large industrial and modern office buildings straddling the site, comparable in scale and mass to those proposed, ensures a development that will not appear out of place and which will integrate into its surroundings. The distinct change in character and scale of buildings adjacent to the application site is in stark contrast to those on the opposite side of the Canal within the CA. Views of the CA and Listed Buildings from the public realm of the canal towpath and footpath immediately north of the site will be unaffected by the proposal. The proposed layout also provides an outward facing development, towards the Canal and largely screens the less aesthetic parking and servicing element of the proposal. Moreover, the previous grant of planning permission for a building of similar scale and mass is acknowledged as precedent setting. For these reasons, the proposal is considered to have no discernible impact on the character and setting of the CA and Listed Buildings.

3.5.41 Lancashire Archaeology recommend submission of an archaeological investigation, recoding and analysis is secured via condition, on account of the potential for archaeological remains of the former Canton Mill (c.1865) which is considered a non-designated heritage asset.

3.5.42 The general design concept is of contemporary style buildings, broadly proportionate in scale to those adjacent. Red brick is included in the elevations, as part of a traditional mixed palette of materials, reflective of local residential vernacular. Coloured render and window frames are also proposed. The roof will have a plain modern roof tile. Example material images are show below. Final details will be secured via condition.



Extracted from Design and Access Statement, (AP Architecture Ltd, March 2021)

3.5.43 The garden areas will be designed to incorporate both formal gardens and less formal areas around the care home. Areas where residents can grow their own vegetables for use in the home will be included. Full (hard and soft) landscaping details will be secured via condition.

3.5.44 A gated refuse storage area is proposed, located to provide easy access for both staff and collection of waste.

3.5.45 Overall, the design of the development is found to be in accordance with the requirements of Policies 11 and 39 and The Framework.

3.5.46 Summary

This report assesses the full planning application for 4 Storey Care Home, and 2 Storey Assisted Living Apartments (Use Class C2), and associated external parking. In considering the proposal, a wide range of material considerations have been taken into account. The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal balanced against any potential harm that may arise from its implementation. This report finds that the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, adopted Supplementary Planning Documents and the National Planning Policy Framework.

4.0 **RECOMMENDATION**

4.1 **Approve subject to:**

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

The following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received *to be added* and with the following drawings / plans / information: *to be added*.

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

3. Notwithstanding the submitted details, prior to commencement of any above ground works hereby approved, written and illustrative details, including colours and textures, of the external walling, roofing and window materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

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

4. Notwithstanding the submitted details, prior to commencement of any above ground work hereby approved, a scheme of boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the precise location, height and construction materials of all boundaries. The approved scheme of boundary treatment(s) shall be implemented prior to first occupation of the development and retained thereafter.

REASON: To ensure that the external appearance of the development is satisfactory, in accordance with Policy 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5. Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:
 - i) A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.
 - ii) Findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority.

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

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

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

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

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

8. Should pile driving works be required on site, prior to the commencements of those works, a programme for the monitoring of generated noise and vibration shall be submitted to and approved in writing by the Local Planning Authority. The programme shall specify the measurement locations and maximum permissible noise and vibration levels at each location. Noise and vibration levels shall not exceed the specified levels in the approved programme.

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

9. The construction of the development hereby permitted shall only take place between the following hours:
Monday to Friday: 08:00 to 18:00
Saturday: 09:00 to 13:00
Sundays or Bank Holidays: No site operations

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

10. Prior to commencement of the development hereby approved, a written scheme describing how odour from neighbouring commercial uses will be removed from air drawn into the mechanical ventilation system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the development and be so retained thereafter.

REASON: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

11. All habitable rooms serving the development hereby approved will be provided with mechanical ventilation and double glazing to reduce the impact of external noise. The double glazed window assemblies will achieve a sound reduction index (Rw) of at least 36dBA. The mechanical ventilation and double glazing will be retained for the duration of the approved use.

REASON: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

12. No development shall take place unless a Risk Assessment and Method Statement outlining the construction of foundations and construction works in proximity to the Leeds & Liverpool Canal have first been submitted to and approved in writing by the Local Planning Authority. The details shall:

- Include the design, depth and means of construction of the foundations of the new building (including cross sections in relation to the canal wash wall) and access path alongside the canal, together with any other proposed earth moving and excavation works required in connection with the development;
- Detail measures to limit loading from any land level changes upon the canal wash wall;
- Detail measures that will be taken to protect the wash wall of the canal and to limit any vibrations that could impact the wash wall structure during construction;
- Detail the location of stockpiles and construction equipment on site; and
- Include details of any protective fencing to be erected to safeguard the waterway infrastructure during construction.

The development shall thereafter be carried out in strict accordance with the agreed Risk Assessment and Method Statement.

REASON: In the interests of safeguarding the land stability of land adjacent to the canal, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Prior to the commencement of development hereby approved, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (v) Incorporate mitigation measures to manage the risk of sewer surcharge as required;
 - (vi) Full details of overland flow paths and any associated mitigation measures as required; and
 - (vii) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

14. Prior to occupation of the development hereby approved, 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:
- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - (ii) 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, in accordance with the requirements of Policy 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

15. No works to trees shall occur or demolition commence between the 1st March and 31st August in any year unless and until a detailed bird nest survey, undertaken by a suitably experienced ecologist, has been submitted to the Local Planning Authority in writing, confirming that no active bird nests are present.

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

16. Prior to commencement of the development hereby approved, a scheme detailing the provision of bat and bird boxes within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved detail prior to operational use of the site and shall be so retained.

REASON: To ensure enhanced bat and bird nesting opportunities, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

17. The development shall be carried out in strict accordance with the submitted Arboricultural Impact Assessment, prepared by Martin F Holland, dated September 2021 (Drg No. 1). Specified tree protection measures shall be adhered to throughout the period of construction.

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

18. Prior to commencement of above ground works hereby approved and notwithstanding the submitted details, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of materials to be used for hard surfaces and native tree and shrub planting, to compliment local priority habitat and to provide for a net gain in biodiversity. Hard surfaces shall be implemented in accordance with the agreed details. Planting of trees and shrubs shall also be implemented in accordance with the approved details, during the first available planting season following completion of the development. Trees dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those

originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: To ensure an appropriate appearance to the site and in the interests of amenity and ecology, in accordance with Policy 9 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

18. Prior to commencement of the development hereby approved, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide for the following:

- An appropriate 'stand-off' zone from the Canal;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling / disposing of waste resulting from demolition and construction works.

Construction shall proceed in strict accordance with the approved detail for the duration of those works.

REASON: In order to safeguard protected habitat; to avoid the deposit of debris into watercourse and onto the highway, in order to protect the amenity of the occupiers of the adjacent properties and in order to protect the visual amenities of the locality, in accordance with Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

19. No development, demolition, clearance or preparatory work shall take place until the applicant, or their agent or successors in title, has secured the implementation of a phased programme of archaeological investigation, recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. All archaeological works should be undertaken by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance of the Chartered Institute for Archaeologists (www.archaeologists.net).

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site, in accordance with Policy 39 of the Blackburn with Darwen Borough Local Plan Part 2.

20. Prior to occupation of the development hereby approved, the carriageway and footpath along the length of Eleanor Street shall be fully re-instated to adoptable standard and so retained.

REASON: In the interests of highway safety and efficiency, in accordance with Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2.

21. Prior to commencement of the development hereby approved, a scheme for the provision of covered and secure cycle and motorbike parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the development and shall be so retained.

REASON: To ensure parking provision for alternative modes of transport, in accordance with Policy 10 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

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

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

23. Prior to operational use of the development hereby approved and notwithstanding the submitted details, a refuse storage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide the location(s) of an enclosed communal area for bin storage with containers of an appropriate capacity and number, to include recyclable storage of paper, glass and cans, general rubbish and clinical waste. The approved scheme shall be implemented prior to occupation of the approved development and be so retained.

REASON: In order to ensure adequate bin storage facilities and in the interests of visual amenity, in accordance with Policies 8 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

- 5.1 The site has a detailed planning history of consented developments that have not subsequently been built. This includes the following applications:

- 10/07/0651 – Development of 70 Apartments with associated parking and landscaping works – Approved with Conditions 28/09/2007;
- 10/13/0585 – Development of 70 Apartments (application to extend time limit of Application 10/07/0651) – WITHDRAWN; and
- 10/15/0296 – Development of 4 storey 88 Bed care home Approved with conditions 24/10/2016.

6.0 CONSULTATIONS

6.1 Public Protection

No objection:

There have been previous applications for similar developments on this site. When commenting on the most recent application (10/15/0296) I expressed concern regarding the potential impact of noise and odour on the occupants of the development. The applicant submitted noise and odour assessments. Permission for 10/15/0296 was granted, subject to a range of conditions including 18 (noise) and 7 (odour).

I've re-visited the site and checked out the neighbouring businesses. There don't seem to be any major changes.

From a noise point of view, the new proposed layout is slightly better. But Bateman Thermotooling continue to operate in the building by the SE perimeter of the site, so I'd still recommend the same condition. Suitable acoustic glazing and mechanical ventilation should provide adequate mitigation inside the buildings. Noise in the outdoor amenity areas shouldn't be an issue.

Odour from commercial cooking at Khana Khazana, and to a lesser extent the Spice Factory, is still evident. There was an obvious spicy aromatic cooking smell on the development site earlier today, and on at least one previous occasion. I'd like to comment separately on odour impact inside the development and odour impact in outdoor amenity spaces:

- Inside the buildings - if the developer implements a suitable odour scheme, which is likely to incorporate odour control and sourcing ventilation intakes away from the odour sources, then odour from neighbouring sources is unlikely to affect amenity inside the proposed buildings.
- Outside in outdoor amenity spaces – At times, the odour of commercial cooking will be evident in the proposed garden areas. I suspect that a representative assessment of outdoor odour would identify a 'moderate adverse' impact (odour character easily recognised, evident for an estimated 20% of the time, high receptor sensitivity). Outdoor amenity space wasn't as much of a feature for the previous development, more like greenspace in front of the buildings as opposed to garden areas, so I had less of an issue with the previous developer's odour assessment which concluded that, "... odour issues should not be viewed as a constraint to planning consent for the proposed development, subject to the inclusion of relevant mitigation." I can't see a way of mitigating the impact of odour in outdoor amenity spaces.

So in conclusion:

1. The impact of neighbouring noise sources upon residents inside the proposed development can be mitigated with suitable glazing and mechanical ventilation, and noise in outdoor amenity areas is unlikely to be an issue.
2. The impact of neighbouring odour sources upon residents inside the proposed development can be mitigated. This mitigation is likely to include odour control and locating ventilation intakes away from odour sources.
3. The impact of neighbouring odour sources on any outdoor amenity space is likely to be 'moderate adverse'. I can't see a way of mitigating the impact of odour in outdoor amenity spaces.

I recommend the following conditions if permission is granted for this development:

Odour Condition:

Prior to commencement of the development hereby approved, a written scheme describing how odour from neighbouring commercial uses will be removed from air drawn into the mechanical ventilation system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the development and retained thereafter.

Reason - To safeguard the amenity of prospective occupants of the development

Informative - A suitable scheme is likely to incorporate odour control and locating ventilation air intakes away from the odour sources.

Noise Condition:

All habitable rooms will be provided with mechanical ventilation and double glazing to reduce the impact of external noise. The double glazed window assemblies will achieve a sound reduction index (Rw) of at least 36dBA. The mechanical ventilation and double glazing will be retained for the duration of the approved use.

Reason - To safeguard the amenity of prospective occupants of the development.

Contaminated Land:

I refer to the report entitled 'Desk Study with Walkover Survey, at Eleanor Street, Blackburn, November 2021'. The report has been prepared by Sub Surface North West Ltd on behalf of UV Care Blackburn Ltd.

It is the understanding of this Section that an application has been submitted in relation to the above site, but has not yet been determined. As such, there is no contaminated land condition currently attached to the application. Therefore, the following comments are aimed at providing an overview of the type of information which would be required by this Section in relation to contamination, should the contaminated land condition be attached. It does not pre-empt any planning decision, and must not be interpreted as such.

Based on the information provided, should permission be granted I would recommend that the standard contaminated land conditions are applied as well as the Watching Brief condition.

Desk Study

The desk study has been based, in the main, on a Groundsure report. This Section would always recommend as wide a consultation as possible when compiling the desk study, as per BS10175:2011 (as amended).

In particular at this site, it should be noted that there has been a long history of fly tipping at the site. The walkover identified some particular areas of concern, including a fuel tank, but items such as IBCs and building/demolition type waste has been deposited at the site

historically. As such, care should be taken, when undertaking any subsequent investigation, to provide sufficient coverage to identify potential contamination from historical fly tipping.

In terms of the pollution incidents identified in the Groundsure report, it is not clear whether the incident 63m east of the site originated 63m east, or the impact was identified 63m east. This should be borne in mind when conducting further work at the site.

Nevertheless, given the details of the proposed development, sufficient desk study information has been provided and no further desk study information is required.

Preliminary Conceptual Site Model (CSM)

The CSM has been presented in section 2.5 of the report. A number of potential sources of contamination have been identified. It should be noted that the mill on site had a chimney associated with it. This is potentially another point source, and should be targeted as part of the further works.

- Please update the CSM to include the historical chimney on site
-

The receptors identified include young children. Given the nature of the development, it is not clear whether your children would be the most appropriate receptor. However, it is acknowledged that this type of assessment may be more conservative.

Further works

The report concludes that an intrusive ground investigation is required at the site. The proposed details of this should be submitted to this Section for agreement before the works begin on site.

- Please submit the site investigation proposals for agreement

I would take this opportunity to reiterate that the responsibility for the safe development of the site rests with the developer. Actions or omissions on their part may lead to liability being incurred under Part IIA of the Environmental Protection Act 1990. Those providing expert advice to developers should be aware of the future reliance that may be placed on it.

All parties involved with waste and soil movement at the site should be aware that materials illegally deposited or deposited at inappropriate sites may be subject to relevant landfill taxes, payable by all parties. Only robust due diligence is a defence against joint liability. Illegal deposits can include moving waste soil material on sites, or between sites, without the appropriate permits, exemptions or duty of care.

6.2 BwD Adults Services

Initial objection:

COMMENTS:

In order to meet existing and future demands Adult Social Care is keen to ensure that a Commissioning Approach is taken to existing and future provision for accommodation and care services for vulnerable people.

Policy 47 of the Borough's Development Management Planning Policy sets out areas in which Adult Social Care can assess Planning Applications to ensure that all new provision for services for vulnerable people meet strategic needs. The policy addresses the following areas:

- 1) Need for the development

The council is currently working on a future Market Position statement as we emerge from the global pandemic and within that we will seek to test further our sufficiency and future demand not only for LD but for autism, mental health, elderly persons, extra care, residential care, nursing care and specialist needs such as for our ageing Asian population. We would then wish to work with health partners to ensure that there is a proper commissioning process supporting revenue commitment and that we are able to deliver the type and quality of accommodation /support that is needed for the long term that serves and supports the needs of Blackburn with Darwen.

The global Covid pandemic has created a lack of confidence in the residential care market and at the present time there is lack of demand. Adult Social Care modelling shows that we have an over provision of 79 residential care beds in 2021 and will only experience an under provision of care beds from 2030.

The local authority has just completed Albion Mill providing 74 supported housing apartments and it will be some years before we need additional care and support specialist housing provision.

Additional developments before 2030 could cause an over provision of care beds putting pressure on the existing market or importing people with high care needs from out of the area putting pressures on local health and care services.

C V Care Blackburn Ltd have not approached Adult Social Care to discuss the need for this development. The care market has changed significantly since October 2016, when a previous planning application for care provision was approved, and we do not accept that the previous approval sets a precedent.

2) Increase in Demand for service

We should not be supporting any residential and specialist supported housing without the necessary commissioning support from Health Partners. We are increasingly looking at joint financial planning over the medium term to ensure that the system remains coherent and sustainable.

It would appear that the application is not supported by any formal commissioning agreement with a health care/social care provider at this stage. As such we cannot offer support for this application and would recommend refusal as a specialist supported housing scheme. Clearly should our position change in the future it would result in commissioning against a known or projected demand and would have the agreement of health and care partners.

Additional Response:

I have not had anything further from Zoe or the commissioning team. Therefore if you cannot justify anything other than recommendation for approval then we are limited as to what else we can do.

I've cc'd Zoe into this email and therefore would suggest if you don't hear anything by 4pm today you proceed with Nick Blackledge's recommendation for approval.

**Regards and thanks,
Sayyed M Osman**

Strategic Director (Statutory DASS)
Adult Services, Health and Strategic Commissioning People
Blackburn with Darwen BC

6.3 BwD Arboricultural Officer

No objection:

Looking through the proposals I presume they are looking to clear fell the site. In principle, I have no objection to that as its mostly self-seeded scrub and a derelict site. The tree survey does show the need for protective fencing for some trees off site. If you could include a reference to this on your summing up that would be useful. The applicant will also have to show how they are going to mitigate the loss through a fully detailed landscaping scheme.

I am not sure if you use a site clearance condition as standard relating to timing and bird nesting. There is dense understory vegetation and will be suitable nesting habitat.

6.4 BwD Strategic Housing

Concerns:

The proposed scheme seeks to provide assisted living units which are not currently identified as required in the borough. The Council's Adults team has assessed that current provision and live schemes under development will provide adequate new older persons housing to meet the Boroughs demand to 2025.

Any new scheme would need the support of the Adults commissioning team to ensure there is suitable demand for the new units.

As such Strategic Housing Growth would not support this application unless it was also supported by the Adults Commissioning team as meeting local need.

We would suggest the developer contact the Council's Adults commissioning team at the earliest to understand local demand.

Strategic Housing Growth would be supportive of new housing developments that meet the Council's strategic objectives.

6.5 United Utilities

Further to the provided, Combined Drainage Layout, Ref: 0999-06-LEB-BML-XX-XX-RP-C-0500, Rev: P01, Dated: 19.06.2021, By: Barnsley Marshall Limited, United Utilities request a further review of the proposed site levels. This is because the proposed cover levels and ground levels immediately outside of the building (in particular reference to those at the Main Entrance) are situated at a higher elevation than the proposed Finished Floor Level of the main building. It is best practice to avoid levels falling towards a building and therefore it is prudent to elevate the building above the surrounding ground levels and associated drainage cover levels.

In addition, the proposed site is located at a topographic low point within the wider area. United Utilities therefore requests that the applicant assesses all risks of flooding to and from the development site including the risk from overland flows from elevated ground outside the site boundary and how these could be managed to minimise the risk to the proposed buildings.

We request this information is submitted for our consideration prior to determination of this application.

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.

Once the Council is satisfied that the application can be determined, we request the following drainage condition is attached to any subsequent approval to reflect the above approach. Notwithstanding the information required to satisfy the recommended drainage condition, we wish to reiterate that the information requested above is submitted prior to determination of this application:

Condition 1 - Foul and Surface Water Drainage Condition

Prior to the commencement of development (excluding demolition) details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (v) Incorporate mitigation measures to manage the risk of sewer surcharge as required;
- (vi) Full details of overland flow paths and any associated mitigation measures as required; and
- (vii) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the 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:

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.

6.6 BwD Drainage (as LLFA)

Lead Local Flood Authority Position

We have no objections subject to the development being carried out in full accordance with the surface water drainage / Flood Risk Assessment.

6.7 BwD Cleansing

They have 2 bin stores, totalling 10 bins, although I am not sure if they have sized for 1100 ltr size bins or not.

They will need to allow for 2 types of recycling bin (if they contract with us for collection that is) – one for paper, and one for plastic, glass and cans, along side general rubbish bins, plus also perhaps some clinical waste bins of course.

6.8 Canal & Rivers Trust

The main issues relevant to the Trust as statutory consultee on this application concern:

- a) The impact on the structural integrity of the Leeds & Liverpool Canal;
- b) The impact on the character and appearance of the waterway corridor;
- c) The proposed method of surface water disposal to the canal;
- d) Measures to reduce the risk of contamination to the waterway during and post construction; and
- e) Measures to enhance biodiversity on site.

Based on the information available our substantive response (as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is to advise that suitably worded **conditions are necessary** to address these matters. Our advice and comments follow:

The impact on the structural integrity of the Leeds & Liverpool Canal

The proposals include the formation of a new building and replacement pathway within close proximity of the canal edge. Loading from new foundations or hardstanding areas have the potential to result in surcharging upon the canal wash wall. The wash wall is not designed as a retaining structure, and **additional loading caused by the new foundations, as well as associated construction works, could increase the risk of localised land slips into the canal in this location.**

Land stability is a material planning consideration, as highlighted by paragraph 183 (part a) of the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (e.g. Paragraph 001 Reference ID: 45-001-20140306). We consider therefore that this advice and

guidance clearly identifies that the planning system has a role to play in minimising the risk and effects of land stability on property, infrastructure and the public.

To address the above concern, we advise that a risk assessment and method statement should be provided to outline the proposed works and foundation designs to ensure that the final design would not result in adverse loading towards the waterway. **This could be reserved through the use of an appropriately worded condition.** Suggested wording is provided below:

“No development shall take place unless a Risk Assessment and Method Statement outlining the construction of foundations and construction works in proximity to the Leeds & Liverpool Canal have first been submitted to and approved in writing by the Local Planning Authority. The details shall:

- Include the design, depth and means of construction of the foundations of the new building (including cross sections in relation to the canal wash wall) and access path alongside the canal, together with any other proposed earth moving and excavation works required in connection with the development;***
- Detail measures to limit loading from any land level changes upon the canal wash wall;***
- Detail measures that will be taken to protect the wash wall of the canal and to limit any vibrations that could impact the wash wall structure during construction;***
- Detail the location of stockpiles and construction equipment on site; and***
- Include details of any protective fencing to be erected to safeguard the waterway infrastructure during construction;***

The development shall thereafter be carried out in strict accordance with the agreed Risk Assessment and Method Statement”

The impact on the character and appearance of the waterway corridor

The development site would be visually prominent when viewed from the canal. In line with the objectives of emerging Core Policy 7 (from the consultation draft of the emerging Local Plan), we advise that the Local Planning Authority should seek to ensure that the development is of a high-quality design, which enhances the surroundings and integrates with the green infrastructure network.

The proposed layout, with surveillance of the canal and access way to the canal bridge could help promote active travel and use of the canal, which could benefit residents and the wider community.

The setting of the canal is presently enhanced by the trees subject to removal. We advise that a degree of soft landscaping, incorporating native species, should be incorporated alongside the scheme to help compensate for the loss of trees and to visually integrate the site in with the neighbouring Green Infrastructure corridor.

We also advise that the final landscaping design on site should seek to appropriately screen the bin store area, which could otherwise detract from the outward appearance of the site, as

well as the attractiveness of the pedestrian route to the canal. Consideration could also be given towards minor amendments to re-site this elsewhere on site, further from public view.

In order to promote public access to the wider Green Infrastructure Network along the canal, we advise that landscaping works should incorporate surface improvements as necessary to the existing pathway that links up to the footbridge across the canal.

Surface Water Discharge

The proposals indicate a proposed surface water discharge to the canal. **We advise that full details of the proposed surface water drainage system, including details of any attenuation and the position of the outfall, would be required** so that it can be ensured that the proposals will not result in the formation of a pollution pathway to the canal or impact adversely upon water management or navigation within the canal. **Details could be reserved via the use of appropriately worded condition(s).**

Whilst a historic licence was granted to the previous occupier of the land, upon closure of the factory the site was demolished and cleared and the licence was subsequently terminated in 2003. The formation of a new connection, even re-using existing infrastructure, **would require consent from the Trust in our capacity as landowner. The applicant is advised to enter discussions with the Trust's utilities section at utilitiesenquiry@canalrivertrust.org.uk to discuss further.**

Measures to reduce the risk of contamination to the waterway

The site consists of previously developed land, which has the potential to contain contamination that could be released to the wider environment, including the canal, during development.

To reduce this risk, we recommend that the Local Planning Authority, taking account of relevant expert advice, should consider whether the proposals should be supported by relevant phase I and II geoenvironmental data to help inform the level of contamination on site and necessary remediation measures.

We advise that construction works should include measures to prevent the exposure of dust or unmanaged discharges into the canal or river. **Details could be included within a Construction and Environmental Management Plan (CEMP).** We recommend that any such Plan should include details of measures to manage the discharge of dust from site, and measures to limit unintentional runoff from exposed soils.

Measures to enhance biodiversity on site

Although the submitted ecology appraisal identifies no protected species or important habitats on site, we do advise that the aims of emerging policy DO6 'Natural Environment' from the consultation draft of the Local Plan and paragraph 174 (d) of the National Planning Policy Framework both seek to ensure that net gains for biodiversity are achieved where possible. In the case of this site, we would encourage the planting of native species to enhance the biodiversity along the canal edge, which could strengthen the role of the waterway as a Green Infrastructure resource. **Details could be provided within an approved landscape plan.**

Other Matters

The proposals include works in close proximity to the canal. **In our capacity as landowner, we wish to advise that the applicant/landowner may likely be required to comply with the Trust's 'Code of Practice for Works affecting the Canal & River Trust'.** The formation of a new surface

water discharge to the canal, even re-using existing infrastructure, would also require **consent from the Trust in our capacity as landowner**.

We therefore request that, in the event of a positive determination, the following informatives are appended to the decision notice:

“The applicant/developer is advised to contact the Canal & River Trust’s Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works would comply with the Trust’s “Code of Practice for Works affecting the Canal & River Trust”

“The applicant is advised to contact the Canal & River Trust’s Utilities Section in order to seek consent for the formation of a surface water discharge to the Leeds & Liverpool Canal. The Trust’s utilities section can be contacted at utilitiesenquiry@canalrivertrust.org.uk.”

6.9 Lancs Archaeology

The proposed development was the former site of Canton Mill, a non-designated heritage asset recorded on the Lancashire Historic Environment Record, PRN 14049, built in 1865 and demolished in 1980, after which the site was used as a car park. The 1850s & 1860s were two decades in which there were significant changes in the means of power transmission in mills, evidence of which can be determined archaeologically.

The re-use of the site solely for car parking is considered unlikely to have resulted in the total clearance of the site, and there is a potential for archaeological remains of the mill's power system to survive. Interest in Canton Mill, as the site was known, is however likely to be limited to an area in the north-east corner of the site, where a chimney and engine/boiler house can be seen on a 1960s aerial photograph of the site.

Such remains, if they do survive on site, would not be considered a constraint on the proposed redevelopment of the site, but would be of sufficient local significance to merit their archaeological investigation and recording. This could be secured by means of the following condition:

Condition: No development, demolition, clearance or preparatory work shall take place until the applicant, or their agent or successors in title, has secured the implementation of a phased programme of archaeological investigation, recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. All archaeological works should be undertaken by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance of the Chartered Institute for Archaeologists (www.archaeologists.net).

6.10 Environment Agency

The previous use of the proposed development site as a cotton mill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is;

- located adjacent to a surface watercourse, and
- located upon a secondary aquifer A

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework. Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

No development approved by this planning permission 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:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. 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 in (3) 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.

6.12 BwD Highways

Parking

In accordance with the adopted parking standards based on the use proposes that requirement for the facility would be as follows:

- C2 use 1 car space per 5 beds/70 beds proposed = 7 spaces
- C3 use 1 space per apartment = 7 spaces

A total allowance is therefore 14 spaces.

18 spaces are proposed (incl 2 disabled bays), please request justification.

All spaces conform to council standard bays sizes for manoeuvrability into and out of the bays.

No provision has been made available for cycles and PTW spaces. Details for this, together with coverage and shelter should need to be submitted for approval.

We note there is an ambulance bay is situated in on the bend, this may be better situated in a parallel form in front of the entrance.

Access

The Vehicular access into the site is to be taken from Eleanor Street. This section of highway me be adopted, however is in need of repair, both to the carriageway and footway, please attach condition for the surface to be brought up to adoptable standards in support of access to the site

There is no pedestrian connective route being proposed from the highway into the site. Please request this to be provided.

The connection to the canal /towpath from Eleanor Street should be refreshed and made available for use, please condition.

There is no mention of gates at the entrance to the development. Are any gates proposed, if so how will they be managed and controlled, please seek further clarification.

Servicing

A Swept path has been provided, this shows that a refuse vehicles can navigate through the site, turn and exit in forward gear.

No details of service vehicles in support of the facility have been provided. Further information should be provided for frequency of movements, the largest vehicle to visit the site. Please seek clarification, or condition accordingly.

Transport Statement

The report has been reviewed, the impact upon the network is not severe, and the proposal is deemed acceptable.

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. Please also attach condition 5 and 15 from the previously approved scheme 10/15/0266.

6.13 BwD Heritage

No written comments received but verbal confirmation of support for the application offered.

6.14 GMEU Ecology

No response offered.

6.15 Lancashire Constabulary

No objection, standard comments.

6.16 Lancashire Fire Service

No objection, standard comments.

6.17 Public consultation

Neighbourhood consultation letters were sent out on 29th September 2021, to 29 addresses local to the application site. In addition, two site notices were displayed and a press notice was published in the Lancashire Telegraph on 21st October 2021. No comments were received.

7.0 CONTACT OFFICER: Nick Blackledge - [Principal Planner]

8.0 DATE PREPARED: 8th February 2022.