

Proposed development: Minor Material Amendment for: Removal of condition No. 27 "Off-Site Highways Works" pursuant to planning application 10/21/1426 "Hybrid planning application comprising - Full permission for the erection of 160 dwellings and 50 apartments in two blocks together with access roads and landscape treatment (Phase 1); and outline permission for the erection of 100 apartments in four blocks with all matters reserved except for access (Phase 2).

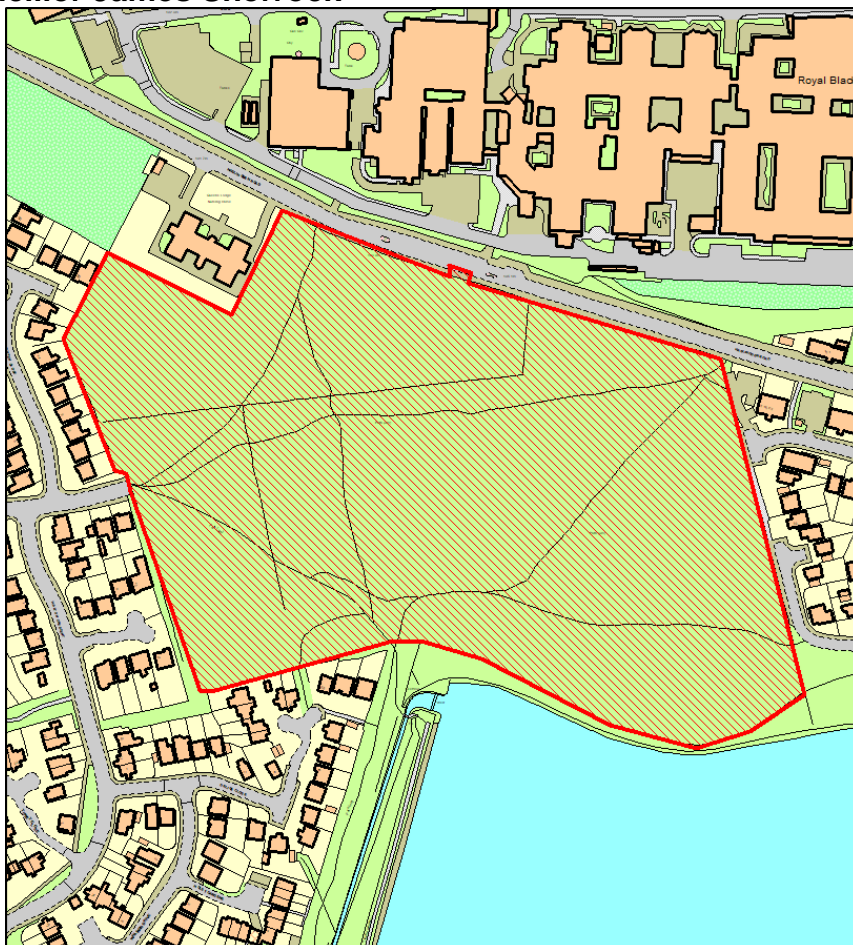
Site address:

**Land Bounded by Haslingden Road and Fishmoor Reservoir
Haslingden Road
Blackburn**

Applicant: Keepmoat Homes (North West 1)

Ward: Blackburn South East

**Councillor Tony Humphrys
Councillor Vicky McGurk
Councillor James Shorrocks**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 APPROVE – Subject to the removal of condition 27 on extant planning permission 10/21/1426.**

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is reported to Committee as it represents a minor material amendment to a major residential planning application, originally determined at Committee level. This is in accordance with the Council's adopted Scheme of Delegation.
- 2.2 The application is submitted under the provisions of Section 73 of the Town and Country Planning Act 1990 (as amended). The proposal seeks to remove condition 27 - off-site highway works for an access and pedestrian crossing point – applied to the full permission element of the hybrid planning permission 10/21/1426, dated 14th September 2022.
- 2.3 Removal of the condition is sought due to agreement between the applicant and the Council that works required by the condition will now be undertaken by the Council, thereby discharging the applicant's responsibilities in this regard and rendering the condition no longer necessary. Works will be incorporated into the next phase of widening works to Haslingden Road, which includes the development site frontage, under the provisions of Section 278 of the Highways Act 1980. This phase of work is in addition to road widening and junction improvements recently completed along Haslingden Road, inclusive of its junction with Old Bank Lane to its junction with Lions Drive. Members are advised that the applicant will contribute an agreed monetary sum, which represents their share of the s278 works cost – ie the works specified in the condition.
- 2.4 The amendment will continue to deliver a high quality bespoke housing development, which will widen the choice of family housing in the Borough, consistent with the planning strategy for housing growth as set out in the Core Strategy and Local Plan Part 2.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) is allocated for housing led development. It is identified as Site 16/7 – Haslingden Road Development Site (SE Blackburn), in accordance with Policy 16 of the Local Plan Part 2.

- 3.1.2 The site is located within Blackburn's Outer Urban Area, positioned to the south of The Royal Blackburn Hospital and north of Fishmoor Reservoir, off Haslingden Road. It comprises circa 6.7 hectares of open grassland.
- 3.1.3 The subject works are considered as 'off-site' – ie forward to the site, on Haslingden Road.

3.2 Proposed Development

- 3.2.1 The current application is submitted under the provisions of Section 73 of Town and Country Planning Act 1990, as a minor material amendment to the original grant of planning permission. The amendment seeks to remove condition 27, which requires of the applicant:

Prior to occupation of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the following off-site highway works:

- *Localised widening of the defined site access to provide a bellmouth entrance / exit, including a right turn exit lane; and*
- *provision of a formalised pedestrian crossing point across Haslingden Road.*

The approved scheme shall be implemented prior to occupation of the development.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policies 10 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

3.3 Development Plan

- 3.3.1 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:

3.3.2 Core Strategy

- Policy CS22: Accessibility Strategy

3.3.3 Local Plan Part 2

- Policy 10: Accessibility and Transport

3.4 Other Material Planning Considerations

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

3.5 Assessment

- 3.5.1 Assessment is limited to the merits of removing condition 27.
- 3.5.2 The request to remove the condition follows agreement between the Council and the applicant that delivery of the works required by the condition will now be undertaken by the Council, whereas previously they would be the responsibility of the applicant.
- 3.5.3 The Council will be delivering works as part of the next phase of the Haslingden Road widening scheme. The proposed works are currently being finalised and will include:
- A section of approximately 200 metres of Haslingden Road which will be widened on the south side in front of the development site;
 - all statutory services diverted;
 - a new Access bell mouth into the development site (Keepmoat S278 works) which will connect to the development's S38 highways works; and
 - a Zebra crossing adjacent to the access to the new housing development.
- 3.5.4 Accordingly, it is accepted, in consultation with the Council's Highway's consultee, that condition 27 of the original grant of planning permission, can be removed, as it is no longer necessary due to the Council having full control and responsibility for delivery of the works required by the condition.
- 3.5.5 Summary
This report assesses the minor material amendment for removal of condition 27, attached to hybrid planning permission granted under application no. 10/21/1426, for the erection of the erection of 160 dwellings and 50 apartments in two blocks together with access roads and landscape treatment (Phase 1 – full planning permission); and for the erection of 100 apartments in four blocks with all matters reserved except for access (Phase 2 – outline planning permission). The relevant material consideration has been assessed and this report finds that the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, Supplementary Planning Documents and the National Planning Policy Framework and the National Planning Policy Guidance.

4.0 RECOMMENDATION

4.1 Approve subject to:

Delegated authority is given to the Strategic Director of Growth & Development to approve planning permission, subject to the following conditions, as attached to the original grant of planning permission, and removal of condition 27:

Full planning permission

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission – ie. 22/07/2025.

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the application received 22nd December 2021 and with the following drawings:

Location Plan: KHNW.M2.A.0000 Rev B;
Existing Site Plan: KMHW.M2.A.0000 Rev A;
Site Layout: KMHW.DR.A.1000 Rev S;
Plot Sections: KMHW.DR.A.XXXX;
Site Sections: KHNW.DR.A.14000;
Material and Boundary Treatments: KMHW.DR.A.3000 Rev J;
Timber Gate Elevation: NW3_SD_GATE;
Feature Brick garden Wall with Piers: 4077-KHNW-FW;
Heavy Duty Vertical Lap Fence: 4077-BTD;
Story Heights Plan: KHNW.DR.A.10000;
Surface Materials Plan: KHNW.DR.A.3100;

Apartment Block A Elevations: 21-123 300-BLKA Rev C;
Apartment Block A Fire Plan: 21-123 700-BLKA;
Apartment Block A Ground Floor Plan: 21-123 200-BLKA;
Apartment Block A Stair Plan: 21-123 602-BLKA;
Apartment Block A First Floor Plan: 21-123 501-BLKA;
Apartment Block A Second Floor Plan: 21-123 201-BLKA;
Apartment Block A Third Floor Plan: 21-123 203-BLKA;
Apartment Block A Roof Plan: 21-123 203-BLKA;
Apartment Block A Substructure Plan: 21-123 100-BLKA;
Apartment Block A Sections: 21-123 600-BLKA;
Apartment Block A Details: 21-123 601-BLKA;
Apartment Block A Window and Door Detail: 21-123 800-BLKA;
Apartment Block B Elevations 21-123 300-BLKB Rev C;
Apartment Block B Fire Plan: 21-123 700-BLKB;
Apartment Block B Ground Floor Plan: 21-123 200-BLKB;
Apartment Block B Stair Plan: 21-123 602-BLKB;
Apartment Block B First Floor Plan: 21-123 201-BLKB;
Apartment Block B Section: 21-123 600-BLKB;
Apartment Block B Details: 21-123 601-BLKB;
Apartment Block B First Floor Plan: 21-123 501-BLKB;
Apartment Block B Second Floor Plan: 21-123 202-BLKB;
Apartment Block B Roof Plan: 21-123 203-BLKB;
Apartment Block B Substructure Plan: 21-123 100-BLKB; and
Apartment Block B Window and Door Schedule: 21-123 300-BLKB;

House Types:

The Abbey 1060 Rev 1;
The Bamburgh 1200 Rev 4;
The Danbury 1080 Rev 1
The Dorchester 3030 Rev 1;
The Eaton 1290 Rev 1;
The Fairfield 1050 Rev 1;
The Henbury 5050 Rev 1;
The Lambeth 5180 Rev 3;
The Milford 5190 Rev 3;
The Preston 5170 Rev 2
The Raven 1390 Rev 3;
The Shipley 1400 Rev 1; and
The Stratton 1210 Rev 1;

Materials Schedule: Rec 1/04/2022; and
amended details received 14/11/2022.

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

3. The exterior of the buildings hereby approved shall be constructed in strict accordance with the materials specified in the submitted Materials Schedule, received 1st April 2021.

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

4. The development hereby approved shall be completed in strict accordance with the submitted Material and Boundary Treatment plan, Ref. KMH.W.DR.A.3000 Rev J, Boundary Treatment plan, Ref. 4077-BTD and Feature Brick Garden Wall with Piers plan, Ref. 4077-KHNW-FW.

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 commencement of the 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 and to prevent unacceptable levels of water pollution, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

6. Prior to 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. Construction phase of the development hereby approved shall only take place between the hours of 08:00 and 18:00 Monday to Friday, 09:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

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

9. Construction of the development hereby approved shall be carried out in strict accordance with the submitted Construction Environmental Method Statement, produced by Keepmoat Homes, Ref. 4077/CEMP, dated March 2022. All measures which form part of the approved details shall be adhered to throughout the period of construction.

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.

10. 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.

11. Noise mitigation measures specified in Section 4.0 'Noise Assessment & Mitigation Scheme' (4.4 - 4.12 inc.) of the Hepworth Acoustics Report, No. P21-571-R01v1 (December 2021), shall be implemented in full prior to operational use of the development hereby approved and shall be so retained.

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

12. At least 10% of parking bays hereby approved for the apartment buildings will be provided with a mode 3 electric vehicle charging point, delivering a minimum charging rate of 3.6 kW via a Type 2 connector, prior to occupation of the apartments. The charging points shall be so retained.

REASON: In the interests of air quality management and protection of health, in accordance with Policies 8 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Prior to commencement of any above ground works hereby approved, and notwithstanding the submitted details, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide for the following:

- Provision of infrastructure to allow for mode 3 electric vehicle charging points, delivering a minimum charging rate of 3.6 kW via a Type 2 connector at each dwelling; and
- provision of electric vehicle charging points, of the type specified above, for a specified number of houses, to be agreed.

The approved scheme shall be implemented prior to first occupation of the development.

REASON: In the interests of air quality management and protection of health, in accordance with Policies 8 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

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

REASON: In the interests of improving air quality and to protect the health of resident, in accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

16. Prior to the commencement of any above ground works and notwithstanding the submitted details, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to an approved in writing by the Local Planning Authority. The drainage schemes shall be in accordance with the hierarchy of drainage options in the national planning practice guidance (or any replacement thereof) and the principles set out in the submitted Flood Risk Assessment and Drainage Strategy (prepared by Betts Hydro, ref. ER18, October 2019). The drainage schemes shall include:

- (i) A restricted rate of discharge of surface water agreed with the local planning authority;
- (ii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iii) Foul and surface water shall drain on separate systems;
- (iv) Details of how existing surface water flood risk will be managed and mitigated;
- (v) Details of the proposed foul water pumping arrangements; and
- (vi) Details of the attenuation ponds including cross section drawings and volumes.

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 and no surface water shall discharge to the public sewer either directly or indirectly. The approved drainage schemes shall be implemented in full prior to the occupation of the first dwelling, maintained and managed in accordance with the approved details, and retained thereafter for the lifetime of the development.

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

17. 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.

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

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

19. Prior to commencement of any site works, an Arboricultural Method Statement, including a Tree Removal Plan as necessary and a Tree, Hedgerow, and Scrub (peripheral to the reservoir) Protection Plan, shall be submitted to and improved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved detail. Specified tree and hedgerow 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.

20. Prior to commencement of any above ground works hereby approved, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall provide for the following:

- Small mammal / amphibian gaps of 130mm x 130mm in the footing, concrete pad or gravel board of the 1.8m feathered board fencing, notwithstanding the type and position of such referenced at condition no. 4; and
- Bat or bird boxes, or informal hibernacula for common amphibians/reptiles.

The development shall be completed in strict accordance with the approved strategy.

REASON: To provide appropriate mitigation against ecological impacts arising from drainage, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

21. The development hereby approved shall be implemented in strict accordance with the 'Landscape Masterplan' ref. LDS507-04A 1 & 2, Planting Plan 1 of 3 ref. LDS507-01A, Planting Plan 2 of 3 ref. LDS507-02A, and Planting Plan 3 of 3 ref. LDS507-03A, as prepared by Landscape Design Solutions (NW) Ltd. Planting shall be carried out during the first available planting season following completion of the development, and thereafter retained. Trees and shrubs dying or becoming diseased, removed, or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and / or shrubs.

REASON: To ensure that there is a well laid scheme of healthy trees and shrubs in the interests of visual amenity and biodiversity, in accordance with Policies 9, 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

22. Notwithstanding landscaping details approved under condition no. 20, a planting scheme, including a planting timetable, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail additional provision of suitable marshy grassland seeding to the sloped edges of and aquatic native species within the approved drainage attenuation ponds. Planting shall be carried out in accordance with the approved scheme, and thereafter retained. Planting dying or becoming diseased, removed, or being seriously damaged within five years of planting shall be replaced by species similar to those originally required to be planted.

REASON: To provide appropriate ecological and biodiversity enhancement measures, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

23. Prior to occupation of the development hereby approved, a Landscape and Environmental Management and Maintenance Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall cover all landscaped areas of public open space, subject to details approved under condition nos. 20 and 21, and it shall detail a programme of works including scheduled frequencies of weeding and watering as well as monitoring of habitats for a period of 30 years. The strategy shall be implemented in accordance with the approved detail upon completion of the development.

REASON: To ensure that there is a well maintained scheme of healthy trees and shrubs in the interests of amenity in accordance with Policies 9, 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

24. Prior to the commencement of the development hereby approved, a comprehensive Habitat Creation / Biodiversity Enhancement Strategy and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the agreed details

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

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

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

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

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

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

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policies 10 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

28. Measures contained within the submitted Travel Plan Framework, produced by CBO Transport ref. CBO-0717-006, Issue 2, dated 10/02/2022, shall be implemented upon occupation of the development hereby approved and be so retained unless otherwise agreed in writing by the Local Planning Authority.

REASON: To provide and promote sustainable transport measures and to minimise traffic flow, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

29. Garages hereby approved shall only be used for the purpose of parking domestic vehicles and / or domestic storage. They shall not be externally altered or converted into habitable room space until and unless planning permission has been granted.

REASON: In order to retain sufficient off street parking spaces, in the interests of highway safety and efficiency, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

30. Prior to occupation of the apartments hereby approved, and notwithstanding the submitted details, a refuse storage scheme shall be submitted to provide for the following bin storage for each apartment:

- A store to accommodate at least 3 x 1100 litre bins for non-recyclable waste, plus a further 5 x 1100 bins for glass, cans, plastic recyclables; and
- Adequate storage areas(s) for bulky waste items such as furniture, mattresses etc.

REASON: In order to secure adequate refuse storage for occupants of the apartments, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

Outline planning permission

31. Details of the appearance, landscaping, layout and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

REASON: Because the application is in outline only and no details have yet been furnished of the matters referred to in the Condition, these are reserved for subsequent approval by the Local Planning Authority.

32. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

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

33. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

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

34. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 5th January 2021 and drawings numbered: to be added.

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

35. Prior to commencement of the 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 and to prevent unacceptable levels of water pollution, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

36. Prior to 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.

37. 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.

38. Construction phase of the development hereby approved shall only take place between the hours of 08:00 and 18:00 Monday to Friday, 09:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

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

39. Prior to commencement of the development hereby approved, and notwithstanding details approved for Phase 1 of the development under condition 9, 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:

- management of construction traffic;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in demolition and construction;
- 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 noise and vibration;
- measures to control the emission of dust; and
- a scheme for recycling / disposing of construction waste. Not included in submitted CEMP

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

40. At least 10% of parking bays hereby approved for the apartment buildings will be provided with a mode 3 electric vehicle charging point, delivering a minimum charging rate of 3.6 kW via a Type 2 connector, prior to occupation of the apartments. The charging points shall be so retained.

REASON: In the interests of air quality management and protection of health, in accordance with Policies 8 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

41. 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.

42. Noise mitigation measures specified in Section 4.0 'Noise Assessment & Mitigation Scheme' (4.4 - 4.12 inc.) of the Hepworth Acoustics Report, No. P21-571-R01v1 (December 2021), shall be implemented in full prior to operational use of the development hereby approved and shall be so retained.

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

43. Prior to commencement of any above ground works hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing provision of an electrical vehicle charging points for each dwelling. The approved scheme shall be implemented prior to first occupation of the development.

REASON: In the interests of air quality management and protection of health, in accordance with Policies 8 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

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

REASON: In the interests of improving air quality and to protect the health of resident, in accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

46. Prior to the commencement of any above ground works and notwithstanding the submitted details, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to an approved in writing by the Local Planning Authority. The drainage schemes shall be in accordance with the hierarchy of drainage options in the national planning practice guidance (or any replacement thereof) and the principles set out in the submitted Flood Risk Assessment and Drainage Strategy (prepared by Betts Hydro, ref. ER18, October 2019). The drainage schemes shall include:

- (i) A restricted rate of discharge of surface water agreed with the local planning authority;
- (ii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iii) Foul and surface water shall drain on separate systems;
- (iv) Details of how existing surface water flood risk will be managed and mitigated;
- (v) Details of the proposed foul water pumping arrangements; and
- (vi) Details of the attenuation ponds including cross section drawings; and volumes thereof.

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 and no surface water shall discharge to the public sewer either directly or indirectly. The approved drainage schemes shall be implemented in full prior to the occupation of the first dwelling, maintained and managed in accordance with the approved details, and retained thereafter for the lifetime of the development.

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

47. 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.

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

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

49. Prior to commencement of any site works, an Arboricultural Method Statement, including a Tree Removal Plan as necessary and Tree / Hedgerow Protection Plan, shall be submitted to an improved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved detail. 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.

50. Prior to occupation of the apartments hereby approved, and notwithstanding the submitted details, a refuse storage scheme shall be submitted to provide for the following bin storage for each apartment:

- A store to accommodate at least 3 x 1100 litre bins for non-recyclable waste, plus a further 5 x 1100 bins for glass, cans, plastic recyclables; and
- Adequate storage areas(s) for bulky waste items such as furniture mattresses etc.

REASON: In order to secure adequate refuse storage for occupants of the apartments, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

- 5.1 10/21/1426: Hybrid planning application comprising - Full permission for the erection of 160 dwellings and 50 apartments in two blocks together with access roads and landscape treatment (Phase 1); and outline permission for the erection of 100 apartments in four blocks with all matters

reserved except for access (Phase 2). Approved by P&H Committee 21st April 20222.

6.0 CONSULTATIONS

6.1 BwD Highways

No objection.

6.2 Public consultation

Consultation was carried out by display of site notices and publication of a press notice. No comments were received.

7.0 CONTACT OFFICER: Nick Blackledge – [Principal Planner].

8.0 DATE PREPARED: 1st February 2023.