

PLANNING & HIGHWAYS COMMITTEE
THURSDAY 16TH FEBRUARY 2023
UPDATE REPORT

The following update content should be read in conjunction with the published Committee Report.

10/22/1002: Land adjoining Moorthorpe Cottage, Park Road, Darwen.

Two additional objections have been received since publication of the main report, reproduced below, after the LPA's response, as follows:

In response, to the issues raised, Members are advised as follows:

- A - Failure to Account for The New Local Plan 2021-37 (Lawfulness)
- B - Excessively Large Garages (Appearance, Scale)
- C - Definition of Major Development (Lawfulness)
- D - Inaccurate Location Plan (Lawfulness)
- E - Protection Of Veteran Trees (Landscaping, Scale)
- F - Net Loss of Trees (Landscaping, Scale)
- G - Layout Changes Since Appeal (Lawfulness)
- H - Resident Objections Omitted from Officer's Report (Lawfulness)
- I - Increased Surface Water Run-Off (Landscaping)

A – The emerging Local Plan is appropriately referenced in the report under the 'Other Material Considerations'. That is not to say that it necessary carries any weight in every given assessment. In this case, it does not carry any. The current *adopted* Local Plan is, instead, entirely relevant, as the site is currently allocated for residential development. Critically, the site benefits from an extant outline planning permission for 9 houses. As represented in the main report, the principle of residential development is established and not open for debate in this Reserved Matters application.

B – That garages are not considered excessively large. They are proportionate to the scale of habitable floor space proposed and the overall scale of the development, taking account of the wider context.

C – The objector's interpretation of the definition of a major application is factually incorrect. As represented in the main report, the application is not a 'major' application type, in accordance with the statutory definition of such.

D – The submitted Location Plan is the same as the Location Plan approved at outline stage. The referenced Moorthorpe Grange is a separate development that sits outside of the application site. The Location Plan does not account for the entire site allocation, as suggested by the objection, only the area subject to the development proposal. Nor does the Location Plan have to correspond with the Title Plan held by the Land Registry. It is known that the applicant does not have title to the entirety of the private access track. Procedurally correct certification was served on alternative land owners at outline application stage.

E – Tree removal and retention is a matter established at outline stage. The objection references Veteran Trees erroneously. Assessment at outline stage made no reference to removal Veteran Trees. Indeed the submitted Tree Survey and Constraints Report made explicit reference to there being no veteran trees, as follows:

*“A site survey and desktop searches identified that all trees are subject to a Tree Preservation Order or within a Conservation Area. **There are no veteran trees; or ancient woodland within influencing of the site.**”*

F – As above, tree removal is a matter established at outline stage. No additional trees are to be removed as a result of this Reserved Matters application.

G – Although produced by a different architect, the layout submitted with this Reserved Matters layout broadly corresponds with that approved at outline stage, save for the house types. Any changes are extremely minor and not material - ie. of no significance. Modest changes in position of houses can be attributed to the fact that houses were only indicatively shown on the site layout approved at outline stage. The scale of houses (house types) is a reserved matter.

H – The final 2 pages were inadvertently omitted from the main report. They are now included in this update report (paras. 4 & 5 – Scale & Appearance), following on from the subject objection.

I – Surface water run / flood risk is a matter established at outline stage. A detailed submission of a surface water drainage scheme is captured via a condition attached to the outline permission.

Members are advised of a minor correction to the main report. Planting of a total of 92 trees is referenced at paragraph 3.5.12. This is corrected to a total of 92 trees and shrubs.

Also, at condition 1 (para 4.1) replace 17th January 2021 with 21st October 2022.

Additional objection from Claire Starbuck, received 14/02/2023.

Objection to Reserved Matters Application 10/22/1002

I object to this planning application on behalf of the unincorporated residents association 'Whitehall Residents Against Greenfield Development' (WRAGD). This objection is on the grounds of Lawfulness, Scale, Appearance & Landscaping.

The concerns of residents are detailed in the following sections:

- A - Failure to Account for The New Local Plan 2021-37 (Lawfulness)
- B - Excessively Large Garages (Appearance, Scale)
- C - Definition of Major Development (Lawfulness)
- D - Inaccurate Location Plan (Lawfulness)
- E - Protection Of Veteran Trees (Landscaping, Scale)
- F - Net Loss of Trees (Landscaping, Scale)
- G - Layout Changes Since Appeal (Lawfulness)
- H - Resident Objections Omitted from Officer's Report (Lawfulness)
- I - Increased Surface Water Run-Off (Landscaping)

Section J also sets out some relevant differences between the Ellerslie House development and Moorthorpe Cottage since it was argued at appeal that to allow one and not the other was inconsistent.

We also would like to reference the Inspector's Report on the costs award against the council, which is not included in the officer's report, but which is necessary for councillors to understand why costs were awarded. The decision to allow the appeal and award costs are two separate decisions:

<https://democracy.blackburn.gov.uk/documents/s11117/Appeal%20costs%20decision%20-%20Land%20at%20Moorthorpe%20Cottage%2030.06.2020.pdf.pdf>

In summary, costs were awarded for "failing to produce evidence to substantiate the reason for refusal on appeal," but in producing the new Local Plan, there is now a strong body of evidence to support the committee's decision regarding the reserved matters.

This objection letter has eleven pages and must not be truncated.

2.A – Failure to Account for The New Local Plan 2021-37 (Lawfulness)

2.A.1 The officers report acknowledges that the new local plan carries weight in current planning decisions in 3.4.4:

Local Plan Review

Blackburn with Darwen Borough Council is reviewing their current adopted Local Plan. The review will lead to a new Local Plan to replace the existing and will cover the period 2018 to 2037. As an emerging document, it carries weight in the decision making process.

2.A.2 However, no further reference is made to the new local plan, including that it:

- Removes the “Long Clough” Site Allocation entirely (WRAGD 4.5)
- The council’s Site Assessment Methodology in December 2020, concluded that the: *“Site is only suitable for development on a very small scale – does not meet site size threshold of being able to accommodate 5 dwellings”*

2.A.3 Whilst the “scale” of development and the reserved matter of “scale” are different, they are closely related. A plot suitable for a certain number of 3-bedroom houses would not be suitable for the same number of 5/6-bedroom houses.

2.A.4 The new local plan also returns the urban boundary to its location prior to the 2015 Local Plan. Therefore, plots 2-8 are proposed to be built outside the urban boundary in the transition to countryside. According to BwD policy, these plots should therefore be smaller scale and lower density than equivalent sites inside the urban boundary.

2.A.5 The outline planning decision cannot be challenged by reference to the new Local Plan, but the decision on reserved matters should be informed by the new local plan and associated policies.

2.A.6 In 2017, the government made it compulsory for LPAs to review their Local Plans every 5 years. The previous Local Plan was adopted in December 2015, meaning that over 7 years have passed since adoption. The new Local Plan is at a late stage of examinations and is expected to be adopted this year. Therefore, significant weight can be attached to the new Local Plan when deciding on the reserved matters.

2.A.7 In balancing the two Local Plans, the officers report appears not to have accounted for the new Local Plan in any of its recommendations.

2.B - Excessively Large Garages (Appearance, Scale)

2.B.1 Some of the garages are two storeys or over 8m tall, which is excessive and not at all in keeping with the appearance of similar houses. For comparison, Moorthorpe House has a garage built in the 1990's which is just over 4 metres tall with the gable end facing outwards.

2.B.2 Photo of Moorthorpe House with existing garage:



2.B.3 Moorthorpe House with garage the same size as plots 4 & 6:



2.B.4 The addition of a second floor of the garage with a window suggests that future homeowners may wish to use permitted development rights to convert the garage into a living area or seek a change of use for a separate dwellinghouse. This would increase pressure on access, which was already a contentious issue at the outline planning stage.

2.C - Definition of Major Development (Lawfulness)

2.C.1 The officers report in sections 3.5.30-31 misrepresent the primary legislation that defines ‘major development’. The report claims that clause (d) cannot refer to dwellinghouses, even though dwellinghouses are also buildings and are not excluded from clause (d). At most the drafting of the legislation could be interpreted as ambiguous, but taking the planning officer’s interpretation would result in ludicrous results, such as deciding that 9 ten-bedroom houses over a 10-hectare site would be classed as not a major development.

2.C.2 From the the Development Management Procedure Order 2015:

“major development” means development involving **any one or more** of the following—

(a) the winning and working of minerals or the use of land for mineral-working deposits;

(b) waste development;

(c) the provision of dwellinghouses where—

(i) the number of dwellinghouses to be provided is 10 or more; or

(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);

(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

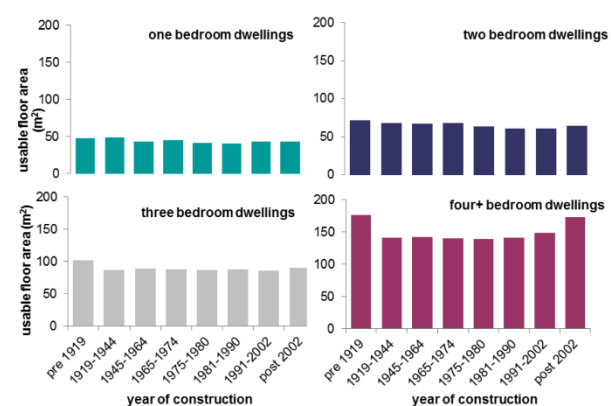
(e) development carried out on a site having an area of 1 hectare or more.

2.C.3 The application site is for 9 houses over 0.99 hectares, two figures that seems to been selected with the specific intention of avoiding clauses (c) and (e). 1000 m.sq. is equivalent to 10 newly built 3 bedroom homes according to a UK government report, therefore that (d) also applies to dwellinghouses is consistent with (c) (i) as well as the legal definition of building.

2.C.4 The reason this is important is that if the development is not classed as a ‘Major Development’, then no Section 106 developer contributions can be sought by the council. This may amount to preferential treatment for the applicant.

2.C.5 A legal opinion should be sought on the definition of “Major Development” to ensure that the determination is lawful and not subject to legal challenge.

Figure 5.2: Mean usable floor area, by number of bedrooms and dwelling age, 2012

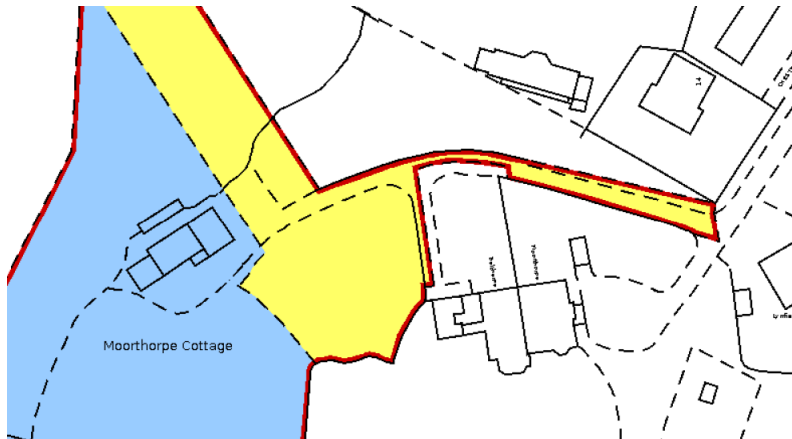


Base: all dwellings
Source: English Housing Survey, dwelling sample

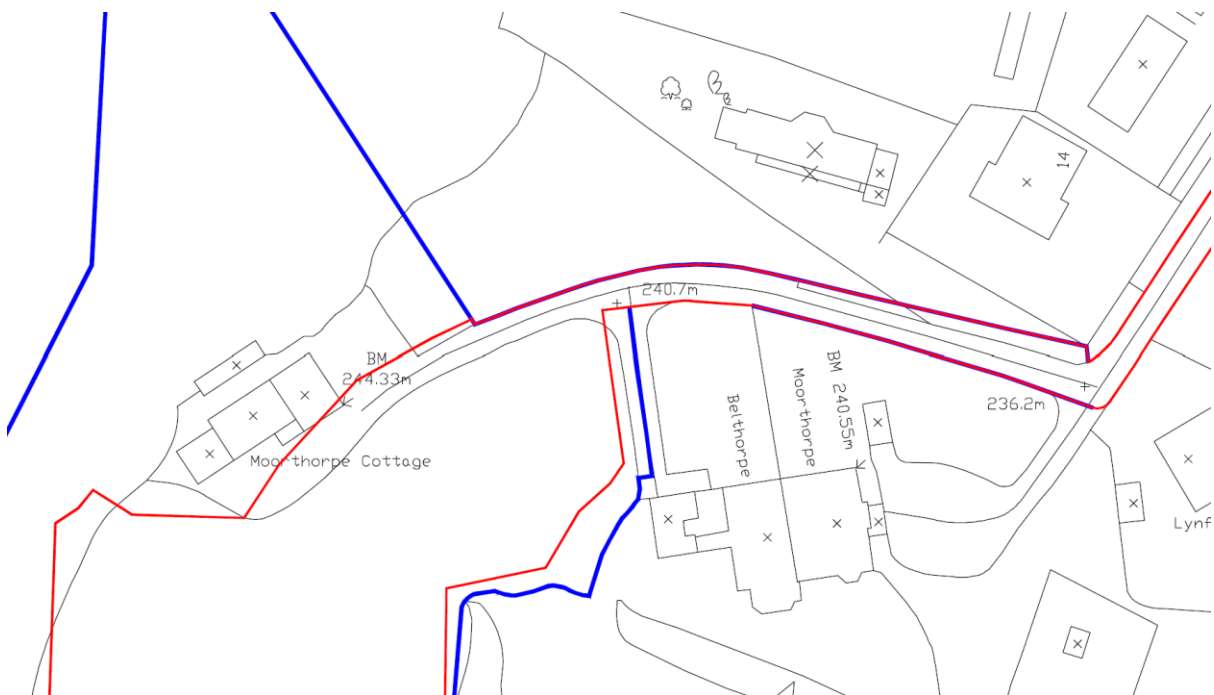
2.D - Inaccurate Location Plan (Lawfulness)

2.D.1 The location plan does not show Moorthorpe Grange immediately to the North of the application site. Moorthorpe Grange has already been built under the same site allocation in the 2015 Local Plan. It also inaccurately shows the ownership of the access road outside of Belthorpe as belonging to the applicant. The error is clear when comparing to the Title Plan.

2.D.2 Title Plan:



2.D.3 Location Plan:



2.D.4 If the location plan has been produced inaccurately, then the site area calculation may also be incorrect, and the site may meet the 1.0 hectare requirement to be classed as a major development.

2.D.5 The location plan should be updated to include all properties adjacent to and affected by the planning application.

2.E - Protection Of Veteran Trees (Landscaping, Scale)

2.E.1 Changes in the reserved matter of scale will impact the precise number of trees that must be removed which was not fully determined at the outline planning stage. Therefore, accepting such a large scale would be contrary to NPPF 180, specifically sub-section (c):

180. When determining planning applications, local planning authorities should apply the following principles:

...

*c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or **veteran trees**) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and*

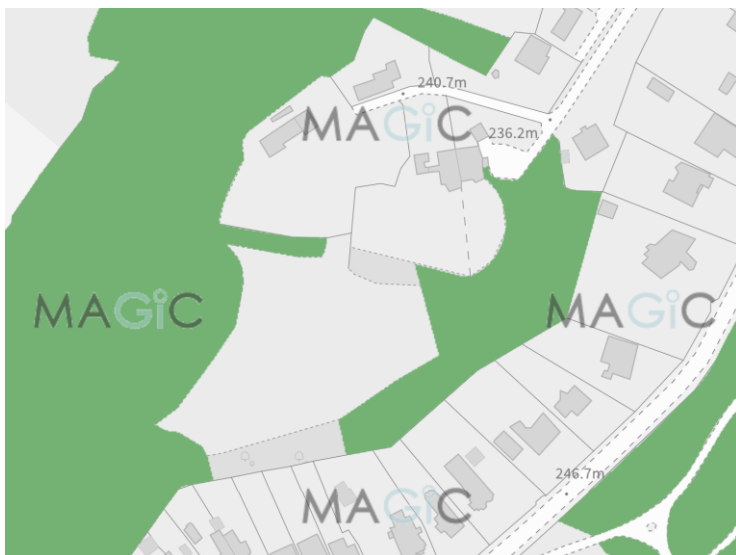
2.E.2 Footnote 63 goes on to give examples of “exceptional reasons”:

⁶³ *For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.*

2.E.3 The protection of veteran trees has by the NPPF has changed significantly because of increased recognition of their importance for biodiversity. Back in 2012, this protection was much weaker and has since been strengthened:

*planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, **unless the need for, and benefits of, the development in that location clearly outweigh the loss;***

2.E.4 The ecological impact report also neglects to identify that the deciduous woodland on the site protected by TPO is also listed on Defra’s Priority Habitat Inventory (in dark green):



2.E.5 A smaller scale of development with no loss of trees as per the original allocation in the local plan would be more consistent with the NPPF.

2.E.6 Finally, trees that do not conflict with the layout set at appeal should be retained. No justification for removing these individual trees has been provided.

2.F - Net Loss of Trees (Landscaping, Scale)

2.F.1 The total number of trees to be removed has not yet been determined, which will partly be dependent on the reserved matter of scale. Despite this issue being raised in WRAGD objection 3.11, the officer's report repeats the false claim that the landscaping proposal will plant 92 trees.

2.F.2 WRAGD Objection 3.11:

The site allocation in the 2015 Local Development Plan was on the basis of "no loss of trees or woodland", but over 70 trees will directly be removed, 65 in group W3 alone (a combination of mature lime trees, self-seeded beech trees and other saplings). In the best case of no attrition, only 36 trees will be added, a net loss of at least 34 trees, assuming no attrition or removal.

2.F.3 The landscaping proposal, which is only indicative, proposes 92 trees **and shrubs** combined. This is significant, because with a blanket TPO, any shrubs would not be protected from removal.

2.F.4 Despite that the claim that 92 trees would be planted had been refuted by WRAGD, it was still copied uncritically from the planning support statement by MacMarshalls Rural Chartered Surveyors & Planning Consultants (page 4):

Additional planting is proposed as part of the private road with the proposed road islands, adjacent to the roads and within the private gardens. A mix of species is proposed totalling 92 newly planted trees as shown on the proposed site plan.

Officer's report (section 3.5.12):

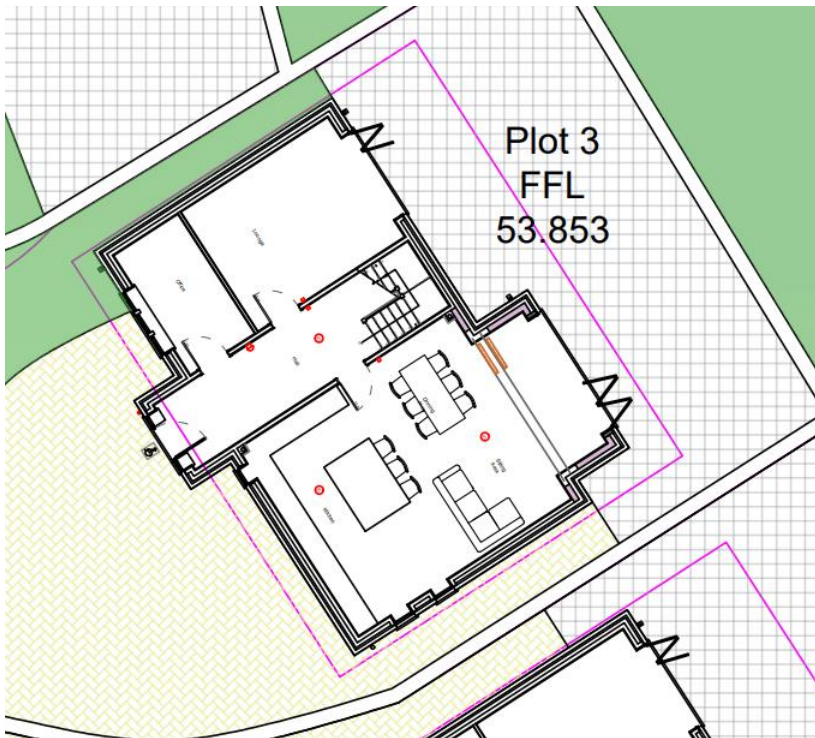
replacement planting is proposed as part of the private road within the road islands, adjacent to the roads and within the private gardens. A mix of species will provide for a total of 92 newly planted trees, as indicatively shown

2.F.5 Once the number of trees to be removed is confirmed, the replacement planting and woodland management schemes should aim for a net improvement in biodiversity (NPPF 174 & 179). Since the proposal includes the removal of standing deadwood and veteran trees at the proposed scale, it is unlikely that this would be achievable.

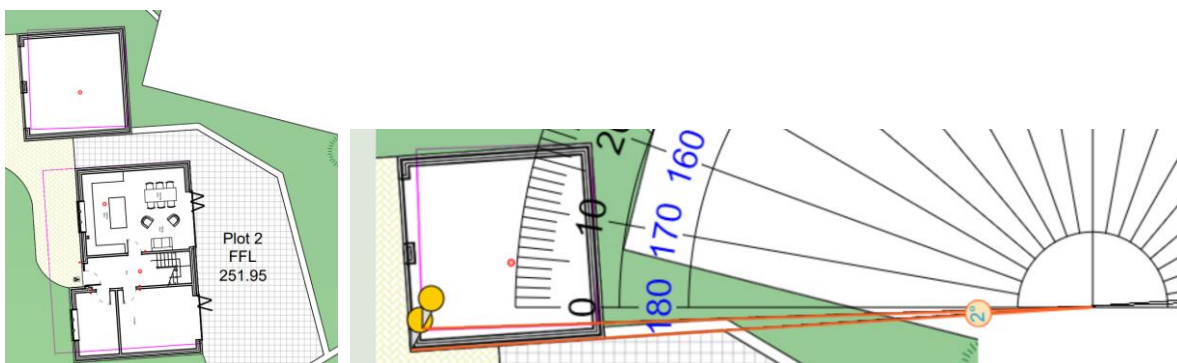
2.F.6 A reduced scale of buildings with "no loss of trees", clear garden boundary treatments to prevent encroachment of remaining woodland would be better aligned with the NPPF.

2.G - Layout Changed Since Appeal (Lawfulness)

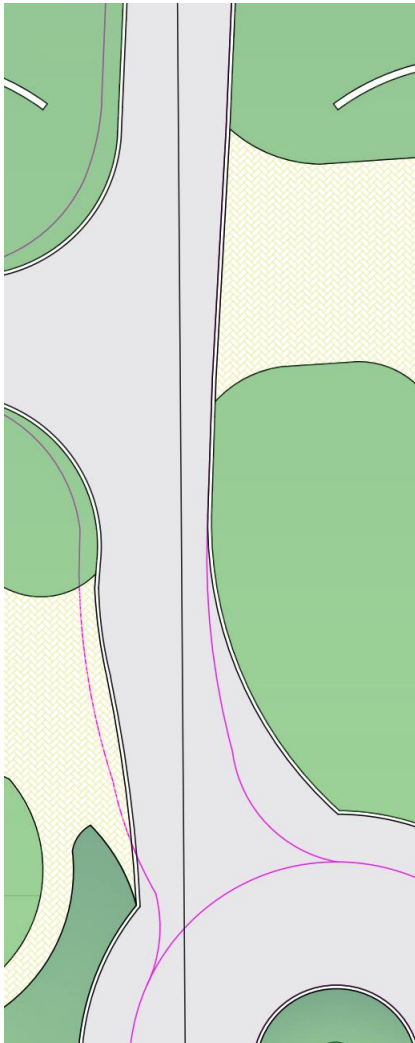
2.G.1 Some plots have the same orientation as the layout fixed at appeal, therefore the walls run parallel to the building footprints set at appeal. Taking plot 3 as an example:



2.G.2 But other buildings such as the garage of plot 2 have been rotated (in this case by 2 degrees), which is clearly visible on the original documents, but not the low resolution copied in the officer's report. The rotation is not substantial, but is still a material consideration in planning terms and a technical breach of the condition set at appeal. Compliance with the conditions set at the appeal stage should be absolute, especially since there is no difficulty in replicating the layout exactly; any differences are either intentional or careless errors.



2.G.3 The road has also changed shape and the angle at which it joins the roundabout has changed. This also constitutes a change to the agreed layout:



2.G.4 This change in route layout also invalidates the swept path analysis.

2.G.5 The errors and inconsistencies discovered in the plans to date have been substantial. It is very likely that further errors will be discovered in future, potentially even during construction.

2.H – Resident Objections Omitted from Officer’s Report (Lawfulness)

2.H.1 The officer’s report includes only 5 of 7 pages of the WRAGD Objection sent by Clare Starbuck.

2.H.2 The omitted content included residents’ collected objections on the matters of scale and appearance.

2.H.3 The omission of this information is likely to have a prejudicial effect on decision making, as these objections were given less prominence in the officer’s report and councillors will have less time to consider those objections.

2.H.4 Furthermore, councillors will not have been able to consider these objections ahead of the organized site visit which took place before the re-consultation deadline (14th February 2023).

2.I – Increased Surface Water Run-Off (Landscaping)

2.I.1 As discussed in the original WRAGD objection; surface water run-off is a considerable concern given the high proportion of hard landscaping. These objections were omitted from the officer’s report, as per section A.

2.I.2 The removal of trees and compaction of soil due to construction traffic will also contribute to surface run off.

2.I.3 This additional surface run off will impact TPO protected trees to the North of the application site and houses such as Belthorpe, Moorthorpe House, Moorthorpe Grange and 14 Chestnut Grove.

2.I.4 Surface run off is already a problem that will only be exacerbated by the scale of the proposed development for which no mitigations have yet been identified.

2.I.5 This objection is supported by the Environmental Report which notes that the application site is North facing and has poor drainage.

2.J – Comparison with Ellerslie Site Allocation

2.J.1 The Ellerslie Site Allocation is present in the new Local Plan (2021-37), the Moorthorpe Cottage allocation is not and has been removed, as detailed in section A.

2.J.2 Ellerslie lies inside the urban boundary on the new Local Plan.

2.J.3 A portion of the Ellerslie plot with outline planning approval for 19 dwellings (10/15/1081, on left below) was subsequently reduced to 6 houses at the full planning stage (10/22/0413, on right below):



2.J.4 The resulting density of dwellings was therefore significantly lower and the density calculation cited in the appeal is no longer applicable for the reserved matters application.

2.J.5 In part due to changes in the Local Plan, Ellerslie is now a poor comparator since planning policies differ significantly when a site is in the transition to countryside and outside the defined urban boundary. As noted by the Planning Officer, the new Local Plan can be given significant weight in the decision-making process.

END OF DOCUMENT

Final 2 pages of original objection omitted from the main report (Claire Starbuck):

4 Scale

4.1 The 2015 local development plan described the site as suitable for “very small scale” development. As noted in the appeal decision, the local development plan does not define “very small scale”. However, based on council policies such as the Council’s Affordable Housing Policy, there is an implication that “small scale” is 10 houses or fewer. Therefore “very small scale” is expected to be fewer than 10 houses and we believe this to be a de facto council standard.

4.2 The National Planning Policy Framework defines major housing developments as 10 dwellings or more, so the interpretation that “very small scale” can refer to 10 houses is inconsistent with the national framework.

4.3 Whilst the appeal decision addressed the points about scale, scale was a reserved matter and not in scope for the appeal decision. Therefore, determination of the definition of “very small scale” is a matter for this application, not the appeal decision.

4.4 The Blackburn with Darwen Site Assessment Methodology (SAM) dated December 2020 identifies the site as ‘S127’ with the correct address of “Moorthorpe Cottage, Park Road, Darwen”. The site summary concludes that:

“Site is only suitable for development on a very small scale – does not meet site size threshold of being able to accommodate 5 dwellings”.

This is further evidence of the de facto definition of “very small scale” which is in-line with the National Planning Policy Framework.

4.5 This site allocation has been removed from the 2021 Local Development Plan; therefore we infer that the site is deemed by the Council as unsuitable even for a very small scale development.

4.6 The application site is 0.99ha, only a portion of the 2.27ha allocated for the “very small scale” development.

4.7 The site allocated has already had a single dwellinghouse built, Moorthorpe Grange (Planning Application 10/16/1349), but this property does not feature in any of the site plans and should be accounted for in the site allocation.

5 Appearance

5.1 The overall appearance of the properties incorporates some period design elements from nearby properties such as the gable-end parapets combined with incongruous features such as modern uPVC casement windows and grey stone exterior cladding inconsistent with the character of the local area. Better use of local materials should be required.

5.2 7 of the 9 houses have three storeys, which is not in keeping with the area which are mostly two storeys. The addition of a third storey increases the likelihood of overlooking neighbouring properties outside the development site.

5.3 The inclusion of ‘Velux’ style windows and the large number and size of rear windows is also inconsistent with the period features of the property.

5.4 The arrangement, size and position of windows to the rear creates the possibility that neighbouring properties will be overlooked, with a loss of privacy. The tree group W3 is not able to provide an adequate screen for the properties on Whitehall Road as covered by previous points on landscaping. The tree group G6 is also not able to provide an adequate screen for the Belthorpe and Moorthorpe House.

Part C of the supplement contains evidence that W3 is unable to provide a screen, especially in winter, with the removal of the large mature Lime trees.

5.5 The precise impact on privacy cannot be determined because of the inconclusive layout, which appears to have been changed in violation of the conditions of the appeal decision.

5.6 The high ratio of tarmac and block paving to grass creates an appearance which is at odds with the woodland setting. It will also contribute to surface run-off as covered as landscaping objections.

5.7 The use of unnatural concrete roof tiles and uPVC windows are appropriate to the local woodland context and the historic context of the area. Natural slate roof tiles and hardwood window frames would be more appropriate.

5.8 We request that the planning department require appearance and materials consistent with high-quality housing in line with Core Strategy CS7 which seeks to widen the choice of houses within the local area and which would differentiate it from other new-build properties nearby.

Additional objection, received 15/02/2023: Kathryn Tormay

Having reviewed the amendments to Reference 10/22/1002

My objection still stands as below.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters "Appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings"

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as

" Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland".

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that "it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2."

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Kathryn Tormay

Address: Rothburgh, Whitehall Road, Darwen BB3 2LH

Additional objection, received 14/02/2023: Mr & Mrs Glynn.

Dear Sir,

I have found it difficult to ascertain exactly what the amendment to this planning application is and I have looked in some detail online.

However, whatever it is can not be massively different and I have re-submitted my comments below which oppose the whole development in it's entirety on the basis that the land should never have been included in the council's 2015 plan in the first place (amongst my other comments below).

Plus this application contravenes the description held in that plan anyway of how the land should be used. The powers that be that overturned the council's original decision not to grant planning permission should re-look at this and I hope the council is not swayed by those powers when considering the decision on these reserved matters.

Mr and Mrs Glynn

Additional objection, received 09/02/2023: Mr & Mrs Pericone.

Please take into account our previous objection to the above application on all matters arising.

Thank you

Yours sincerely

Mr and Mrs Perricone

10/22/1004 Units 7 and 7A Brookhouse Business Centre, Whalley Range, Blackburn.

Following a Committee site visit to the site on 14/02/23, the applicant agreed to provide a summary of the management of the car park. The applicant has commented as follows:

A 'Traffic Management' company is now operating the car park. They ensure that the car park is properly managed with customers having to log on to the console with a QR Code. This ensures that cars are not abandoned and allocated parking (per business) is maintained.

The following statement is provided below by the owners:

"Mi Chaii is proud to have arranged a private car park that is available for our tenants and visitors. To ensure that the car park is accessible to all, customers visiting each business will be provided with a QR Code that they can scan, enabling them to park for free for the first 45 minutes. After this time, normal parking terms will apply. It is important to note that failure to comply with the parking terms may result in a penalty ticket. The safety of our tenants and neighbours is our top priority, therefore the car

park gates will be managed and closed after 11pm to maintain a secure and safe environment. Car park managed by Creative Carparks.”

Additional condition:

The following **additional condition** is proposed:

CONDITION: Within 3 months of the date of this permission, a car park management scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, formal markings of all spaces, and details of access arrangements / restrictions, and enforcement. Within 3 months of the scheme being approved by the Local Planning Authority, the scheme shall be fully implemented in accordance with the approved details, and shall thereafter remain in place in perpetuity.

REASON: To ensure adequate parking for staff and visitors to the former Brookhouse Business Park and to ensure the car park is managed appropriately, in accordance with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

LPA Officer comments:

The applicant is of the opinion that this application does not warrant a car parking management scheme condition being attached, and has requested that a condition not be attached.

However, given the known parking issues in the area, officers consider the additional condition to be reasonable and necessary to ensure adequate parking for staff and visitors to the former Brookhouse Business Park and to ensure the car park is managed appropriately.

10/22/0920: Units 1 & 2 Brookhouse Business Centre, Whalley Range, Blackburn.

As above, following a Committee site visit to the site on 14/02/23, it is agreed that the applicant for Units 7 and 7A Brookhouse Business Centre will provide a managed car park that users of the proposal will have access to.

10/22/1006 Suez, Lower Eccleshill Road, Darwen.

As referenced in paragraph 3.1.1 of the main report, it is now agreed that the Energy From Waste permission (10/19/0495) will be terminated via a clause inserted into the Section 106, triggered by implementation of the An Anaerobic Digestion Facility permission.

The following amendments to the suite of conditions itemised at paragraph 4.1 of the main report are agreed:

Removal of the following condition – itemised as no. 8 in the main report:

Prior to commencement of the development hereby approved, and notwithstanding the submitted details, a scheme for protecting the surrounding residential and

commercial premises from noise, vibration and dust shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and adhered to throughout the period of demolition and construction.

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

The requirements of the condition are instead included in the DCEMP condition, itemised as no. 15 in the main report.

Amendment to condition itemised as no. 17 in the main report:

Replace '*Prior to commencement of development*' with Prior to above ground works.

Amendment to condition itemised as no. 19 in the main report:

Replace '*Prior to commencement of development*' with Prior to above ground works.

Removal of the following condition – itemised as no. 23 in the main report:

Prior to occupation of the development hereby approved, and notwithstanding the submitted detail, 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 20, 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.

Measures required by the condition are instead included in condition 26 (Landscape & Ecological Management Plan).

Amendment to condition itemised as no. 24 in the main report:

Removal of '*as well as a maintenance programme to be implemented post completion of the development, for a specified period of time*'.

Instead the requirement will be included in the LEMP condition, itemised as no. 26 in the main report.

Amendment to condition itemised as no. 26 in the main report:

Removal of:

- *Persons responsible for implementing the works.*
- *Details of initial aftercare and long-term maintenance.*
- *Details for monitoring and remedial measures.*
- *Details for disposal of any wastes arising from works*

Instead the requirement will be included in the LEMP condition, itemised as no. 26 and the DCEMP, itemised as no. 15 in the main report.

Nick Blackledge – Principal Planner
16th February 2023.