

Proposed development: Full Planning Application: Erection of 3no. 3 bed, 5 person terraced dwellings with 6 proposed new car parking spaces, together with 4 car parking spaces provided for the existing residents.

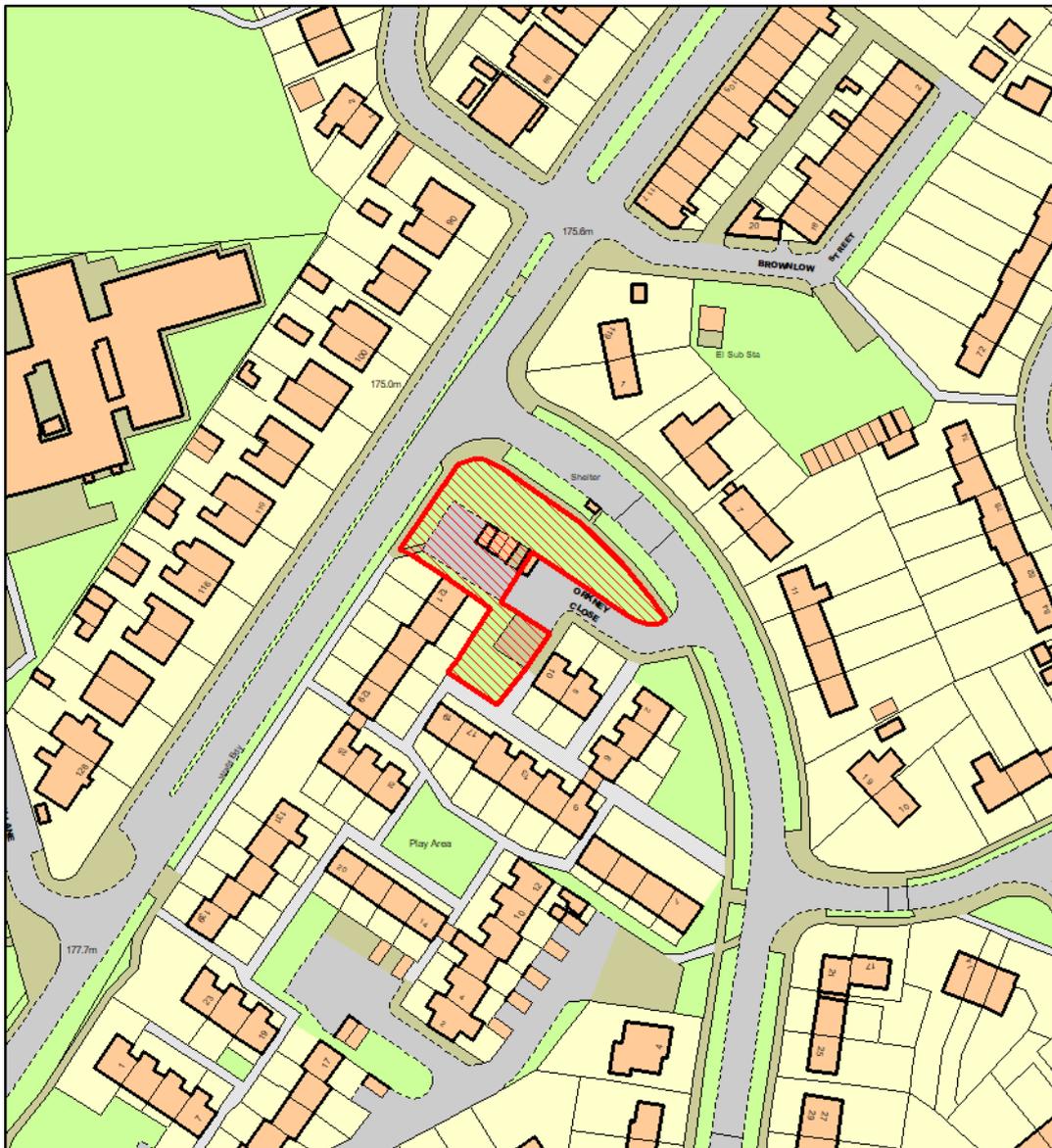
Site address:

**Vacant Land corner of Shadsworth Road / Dunoon Drive / Orkney Close
Blackburn**

Applicant: Together Housing Group

Ward: Blackburn South East

**Councillor Tony Humphrys
Councillor Vicky McGurk
Councillor Jim Shorrocks**



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 due to the receipt of a 27 signature petition objecting to the proposal, on account of the intention to remove 4 established trees. This is in accordance with the Council's adopted Scheme of Delegated.
- 2.2 The proposal is in the form of a full planning application. Its submission follows pre-application consultation undertaken between the applicant and the Council. It is considered that the final scheme responds appropriately to representations made during the pre-application process.
- 2.3 Detailed assessment of the application finds that the proposed development corresponds with the Council's overarching housing growth strategy, as set out in the Core Strategy and Local Plan Part 2. Delivery of a quality housing development will be secured, at an in-fill plot within the Shadsworth Housing Estate, Blackburn. Moreover, from a technical point of view, all issues have been addressed through the application or are capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) is owned by the applicant – Together Housing – and forms part of the wider Shadsworth Estate. It measures 1081.00 square metres in area.
- 3.1.2 The site represents one of 3 'infill' sites within the estate targeted for additional, demand led affordable housing, as part of a wider place making strategy for the estate, promoting a vision to:
- Unlock challenges and provide residents with a pathway towards a better quality of life.
 - Attract and retain households to be part of a wider, invigorated and more diverse community.
 - Ensure viable long term asset and neighbourhood management and create a wider asset management strategy which supports the place making vision.
- 3.1.3 The 3 sites infill sites are located at: Dunoon Drive / Orkney Close (the site – no. 2), Brodick Road and Brownlow Street. Permission has been granted for 2, 3 bed dwellings at the Brodick Road site (no 3), in January 2023, under delegated officer powers. An application for the Brownlow Street site (no.1)

for 5 dwellings was submitted on the 30th January 2023, and is still being considered. The location of the 3 sites is illustrated below (Design & Access Statement, Loop Systems Ltd, Dec 2022).



3.1.4 For context, Together Housing group own a large proportion of the existing Shadsworth Estate, including over 800 properties.

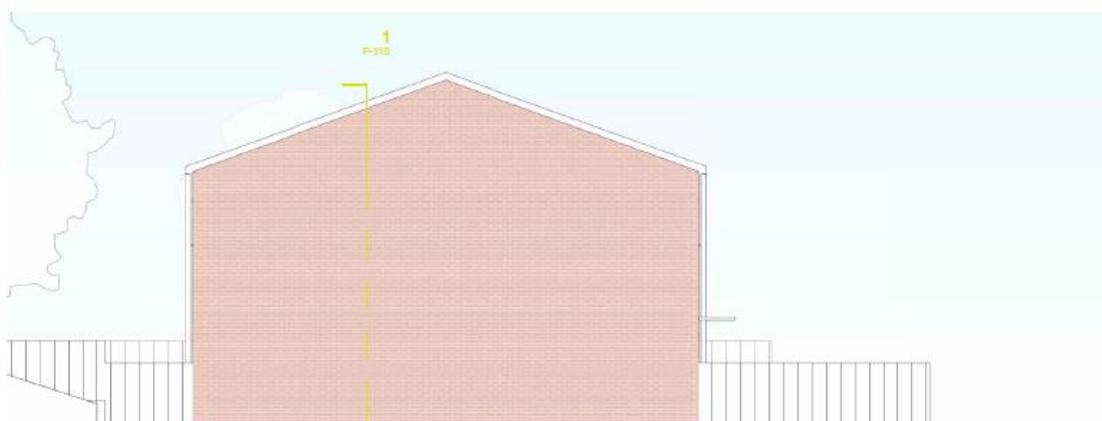
3.1.5 Built in the 1950's, the area is populated with a range of house types including 2 and 3 bedroom homes in semi-detached and terraced typologies. The estate is also home to two storey maisonette flats, a park, a school, and a community and retail hub

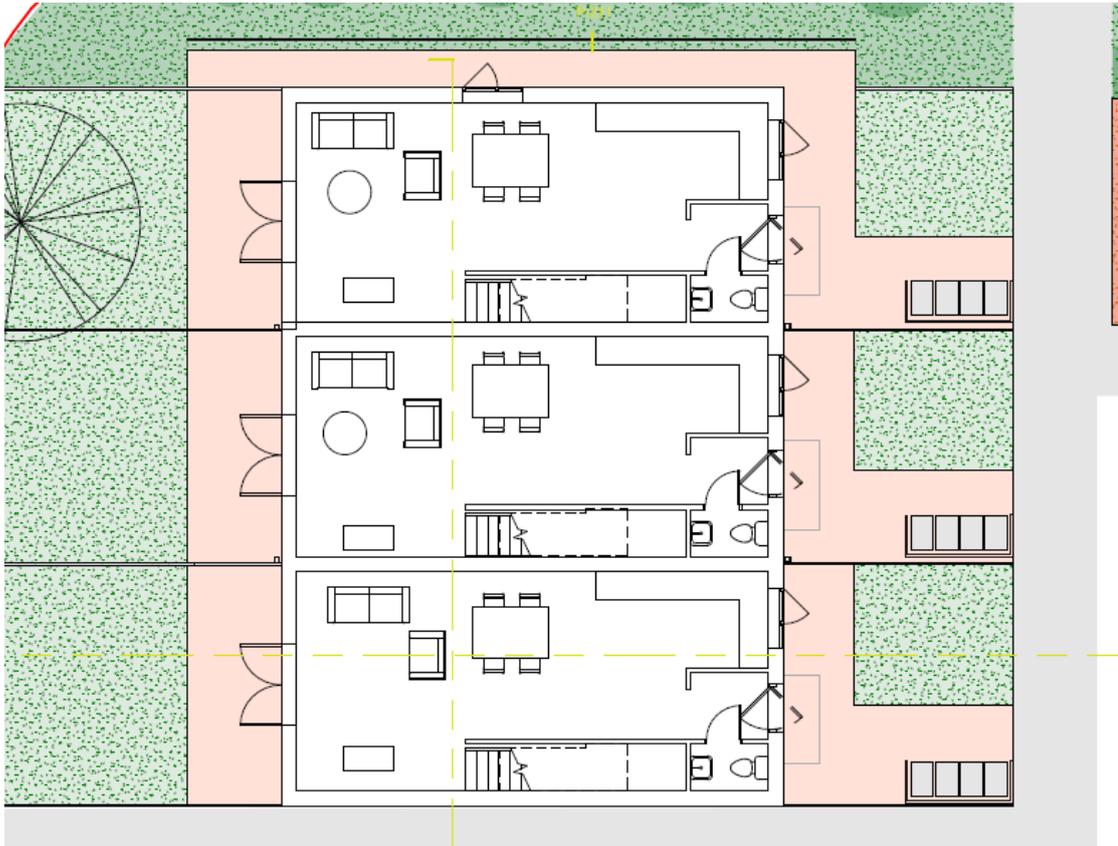
3.1.6 The site is located at the junction of Shadsworth Road / Dunoon Drive / Orkney Close, Blackburn, at the north west edge of the estate. It is partially previously developed land – ie. surfaced highway and partial soft landscaping – ie. tree planted grass verge. It not allocated for any specific purpose in the Local Plan.

3.2 Proposed Development

3.2.1 Full planning permission is sought for the erection of 3no. 3 bed, 5 person terraced dwellings, as 'affordable homes' (managed by the applicant) with six

proposed new car parking spaces, together with 6 car parking spaces provided for the existing residents. Full details are set out in the submitted drawings and Design & Access Statement. The proposed site plan and house types are illustrated as follows: (Design & Access Statement, Loop Systems Ltd, Dec 2022).





Site Photos taken 23rd November 2022:





Site Photos taken 5th December 2022:





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
- CS5 – Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS8 – Affordable Housing Requirement
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development

3.3.4 Local Plan Part 2 (LLP2)

- 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 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development

3.4 Other Material Planning Considerations

3.4.1 BwD Residential Design Guide Supplementary Planning Document (2015)

This document provides targeted advice to ensure high quality new homes. It aims to ensure that new development reflects the individual and collective character of areas of the Borough and promotes high standards of design. The document also seeks to ensure a good relationship between existing and proposed development in terms of protecting and enhancing amenity.

3.4.2 Air Quality Planning Advisory Note

3.4.3 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.

3.4.4 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;
- Accessibility and Transport; and
- Design / Character & Appearance.

3.5.2 Principle

Core Strategy Policy CS1 explains that the overall planning strategy for the Borough is one of '*Targeted Growth*' and identifies a need for '*a limited number of small scale urban extensions*'

3.5.3 Policy CS5 explains that the preferred location for new housing, where market conditions permit its delivery, will be the inner urban areas of Blackburn and Darwen.

3.5.4 Policy CS7 encourages the development of a full range of new housing over the life of the Core Strategy in order to widen the choice available in the local market.

3.5.5 Policy 18 requires detached and semi-detached house types to be the principal element of housing mix on any site capable of accommodating such housing.

- 3.5.6 As a proposal for family house types that widen the choice in the housing market, within the urban boundary, it is broadly consistent with the strategic objectives of the Core Strategy.
- 3.5.7 Orkney Close in general and in particular the section fronting Shadsworth Road, is defined by its terraced street pattern. In this context, proposed town houses, in a row of three, is considered the most appropriate type for the (in-fill) site.
- 3.5.8 Moreover, the homes would be for affordable provision and, as such, are supported by the Councils' Strategic Housing and Development Manager, as a tenure type that is evidently in demand within the locale.
- 3.5.9 The principle of the development is, therefore, found to be acceptable, in accordance with the provisions of the Local Plan and The Framework's presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters:
- 3.5.10 Amenity
Policy 8, supported by the Residential Design Guide SPD, requires a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to pollution or nuisance, privacy / overlooking, and the relationship between buildings.
- 3.5.11 Separation between proposed and existing dwellings is in accordance with the Council's adopted minimum standards. Mutually acceptable levels of amenity will, therefore, be secured, with regards to sunlight / daylight admissions, privacy and general relationship between buildings.
- 3.5.12 The Council's Public Protection consultee has made the following recommendations:
- Submission of a Noise Impact Assessment (NIA) to determine likely impacts of traffic noise, prior to determination of the application; and the following (summary) conditions:
 - standard contaminated land;
 - provision of electric vehicle charging points;
 - noise and vibration monitoring of pile driving (if applicable); and
 - limited construction hours.
- 3.5.13 Submission of a NIA is considered unnecessary and unreasonable, given the pre-existing street pattern along Shadsworth Road. Instead, standard noise mitigation can be secured via a condition, requiring submission of a noise attenuation / glazing scheme.
- 3.5.14 Conditions should be applied as recommended, with the exception of electric vehicle charging points, which is unnecessary, as provision is now mandated under the current Building Regulations regime.

3.5.15 Dwellings broadly accord with the minimum internal floor space prescribed by the Nationally Described Space Standards.

3.5.16 Adequate amenity space is provided to service the needs of future householders.

3.5.17 The site falls within the defined Development High Risk Area, as a result of historic coal mining activity. Accordingly, a Coal Mining Risk Assessment has been submitted with the application and reviewed by The Coal Authority, who offer no objection, subject to conditions to secure a scheme of intrusive site investigations and validation of any necessary remediation works.

3.5.18 Accordingly, the development is found to make a positive contribution and to appropriately safeguard amenity levels, in accordance with the requirements of Policy 8, The Residential Design Guide SPD and The Framework.

3.5.19 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.

3.5.20 With reference to drainage, no objection is offered by the Council (as Lead Local Flood Authority) or United Utilities, subject to submission, via condition, of a foul and surface water drainage scheme, taking account of the drainage hierarchy.

3.5.21 An Arboricultural Impact Assessment (AIA) / Tree Survey has been submitted with the application, confirming the intention to remove four trees. An amended layout has since being agreed with the applicant, which goes some way to addressing public concern expressed over loss of trees. Trees identified as T03 and T04 are now to be retained, as recommended by the Council's Arboricultural consultee, whilst trees T05 and T07 will be removed (see Figure 1 below). Loss of the two trees is necessary to accommodate the development. Their loss is considered to be outweighed by the provision of additional demand led affordable housing to the area, as well as the economic benefits arising from development of the infill sites for housing, in the context of the overall place making aspirations for the estate, subject to replacement tree planting within the immediate locale, if necessary off-site, within an area of communal open space within the applicants ownership. Replacement shall be at a rate of two new trees for every one removed. A detailed scheme shall be secured via condition, as will adherence to the submitted AIA, including specified excavation methodology, the design of proposed surfacing and protection of retained trees during construction phase.



Figure 1: Revised amended site plan showing retention of trees T03 and T04 – received 1st March 2023.

3.5.22 Tree removal will be limited to outside of the bird nesting season, secured via condition.

3.5.23 A site wide landscaping scheme, including replacement tree planting at the stated ratio above, and a biodiversity net gain strategy shall also be secured via condition, in the interest of assimilating the development into the natural environment and to secure an uplift in biodiversity. Measures in addition to planting shall include provision of bat and bird boxes and hedgehog passes in boundary fences.

3.5.24 Accordingly, on balance, the environmental impact of the development is found to be acceptable, in accordance with the requirements Policies CS13, 9 and 40, and The Framework.

3.5.25 Highways / Accessibility 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.

3.5.265 garages have recently been demolished at the site. The proposal includes 6 defined parking spaces for the proposed dwellings and an additional 4 for existing dwellings; dimensions of which are broadly in accordance with the Council's benchmark standard (2.4m x 5m). The

proposal will result in a formalised parking area for residents of the immediate locale which is considered to achieve an overall benefit. Parking for proposed dwellings, although not in-curtilage, is otherwise in accordance with the Council's 2 spaces for each 3 bed dwelling. Moreover, the spaces are laid out in courtyard form, adjacent to rather than within the carriageway, thereby avoiding direct conflict with highway users.

3.5.27 The proposal, in part, involves development of adopted highway (within the ownership of the applicant). The Council's Highways consultee asserts the need for the applicant to apply for a formal closure of the highway, through the Government office of the North East prior to undertaking any works. The cost will be borne by the applicant. An informative in this regard shall be applied to the decision notice.

3.5.28 Construction phase disruption will be minimised by the application of a Construction & Environmental Management Plan (CEMP), secured via condition.

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

3.5.30 Design / Character & Appearance

Policy 11, supported by the Residential Design Guide SPD, requires a good standard of design that is expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. This includes enhance and reinforcing the established character of a locality. Key aspects of character which must be taken into account are the following:

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

3.5.31 A Design and Access Statement is submitted with application. This sets out key design principles of the development, following analysis of the surroundings, including specific character traits of existing built form, in response to policy and general design requirements.

3.5.32 Proposed dwellings are proportionate to plot sizes, offering adequate outdoor amenity space, as well as proportionate in scale when considered against the wider context.

3.5.33 Proposed external materials of red brick and grey tiled roofs and fenestration reinforce the defining characteristics of the locale. Full details, including precise brick types, will be secured via condition, as will boundary treatments.

3.5.34 The proposed layout demonstrates a positive relationship between buildings and to the general street scape. As previously noted, a detailed landscaping scheme will ensure an appropriately assimilated development.

3.5.35 Overall, the design of the development is found to be in accordance with the requirements of Policy 11, The Residential Design Guide SPD and The Framework.

3.5.36 Summary

This report assess the full planning application for the erection of 3no. dwellings and car parking spaces. 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, on balance, meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, 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 Growth & Development 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 application form received 19th October 2022 and with the following (amended) drawings:

Location Plan LOOP-338.5.2-E-001-A;
Existing Site Plan LOOP-338.5.2-E-100-A;
Existing Elevations A LOOP-338.5.2-E-210-A;
Existing Elevations B LOOP-338.5.2-E-211-A;;
Amended Proposed Site Plan LOOP-338.5.2-P-100-B;
Amended Proposed Ground Floors LOOP-338.5.2-P-110-B;

Amended Proposed Upper Floors LOOP-338.5.2-P-111-B;
Amended Proposed Elevations A LOOP-338.5.2-P-210-B;
Amended Proposed Elevations B LOOP-338.5.2-P-211-B; and
Amended Proposed Section LOOP-338.5.2-P-310-B;

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

3. Prior to commencement of above ground works hereby approved, and notwithstanding the submitted details, written and illustrative details of the external walling, roofing, window and door 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. Prior to commencement of above ground works hereby approved, and notwithstanding the submitted details, 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 (December 2015).

8. Prior to commencement of the development hereby approved, foundation methodology shall be established. Should construction works involve pile foundations, prior to the commencement of those works, a programme for the monitoring of noise & vibration generated during construction shall be submitted to and approved by the Local Planning Authority. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. At each location, noise & vibration levels shall not exceed the specified levels in the approved programme unless otherwise approved in writing by the Planning Authority or in an emergency.

REASON: To minimise noise and / or vibration disturbance at adjacent residential premises, in the interest of ensuring acceptable levels of amenity; in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

9. Prior to the commencement of the development hereby approved, a scheme detailing the specification of the glazing and ventilation serving habitable rooms shall be submitted to and approved in writing by the Local Planning Authority. Glazing and ventilation shall be installed in strict accordance with the approved detail and shall be so retained for the duration of the approved use.

REASON: To secure a satisfactory level of amenity for future occupants, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

10. Prior to commencement of the development hereby approved, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- v) 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;
- vi) measures to control the emission of dust and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from construction works.

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in order to protect the visual amenities of the locality and to comply with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

11. No development shall commence until;

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

REASON: To ensure a safe form of development in response to historic coal activity at the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

12. Prior to the first occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON: To ensure a safe form of development in response to historic coal activity at the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

13. Prior to occupation of the development 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 native tree and shrub planting on site, in order to compensate for lost trees, local habitat and biodiversity. Replacement trees should be provided at a minimum ratio of two trees for every one removed, including, if necessary, off-site on land within the applicants ownership. Trees shall be large standard sizes. Hard surfaces shall be implemented in accordance with the agreed details. Planting of trees and shrubs shall be implemented during the first available planting season after completion of the development. 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 appropriate soft landscaping of the site, in the interests of visual amenity and ecology, in accordance with Policies 9 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

14. The construction of the development hereby permitted 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.

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. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme 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;
- (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); and
- (iii) A timetable for its implementation.

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

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

REASON: To promote sustainable development, 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. No site clearance 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 survey work or on-site inspections undertaken by a suitably qualified person(s).

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

18. The development hereby approved shall be constructed in strict accordance with the submitted Arboricultural Impact Assessment (ref. Arbtech AIA 01, Aug 2022) and the Arboricultural Survey (5th Aug 2022), including implementation of specified proposed surfacing; excavation methodology; and tree protection measures for the duration 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.

19. Prior to commencement of the development hereby approved, a scheme for Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for bat & boxes attached to or within the fabric of dwellings and hedgehog passes in boundary fences. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

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

20. Prior to occupation of the dwellings hereby approved, the parking bays indicated on the submitted Proposed Site Plan, numbered P-100 - B, shall be implemented and made available for use.

REASON: In order to ensure appropriate parking provision to serve existing and proposed dwellings, in the interests of highway safety and efficiency, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

5.1 No planning history exists for the site.

6.0 CONSULTATIONS

6.1 BwD Public Protection

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

Condition - Residential Noise Amenity Assessment

Prior to commencement of the proposed development, an assessment shall be submitted to the Local Planning Authority (LPA) that determines the likely impacts of traffic noise upon future residents of the development. Where appropriate the assessment must identify mitigating measures to alleviate those impacts. Reference should be made to the National Planning Policy Framework and Noise Policy Statement for England. Written approval of the assessment must be obtained from the LPA and all agreed mitigating measures installed prior to commencement of the approved use and thereafter retained for the duration of this use.

Reason: To ensure an acceptable standard of residential amenity.

NB: Ventilation Scheme

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

Air Quality: Standard Mitigation

Condition

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

- A dedicated electric vehicle charging point shall be provided for at least 1 parking bay. It shall have weatherproof external points with an internal switch to disconnect electrical power. All other parking spaces will be provided with passive wiring to allow future charging point connection with a minimum rating of 3.7kW 16A.
- Gas fired domestic heating boilers shall not emit more than 40mg NO_x/kWh

REASON: In accordance with Paragraph 110a and 112e of the NPPF. The condition also implements the Council's Air Quality Advisory Note and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. National government

policy is encouraging a transition away from internal combustion engines and towards ultra-low emission vehicles, including EVs, over the next 20 years. The government has committed to end the sale of new petrol and diesel cars and vans by 2030.

CONTAMINATED LAND CONDITIONS

Condition 1

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

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

Condition 2

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

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

Condition 3

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

REASON: To protect the health of future occupiers of the site in accordance with Policy ENV3 of the Blackburn with Darwen Borough Local Plan.

Construction Phase Control Conditions

Condition – Hours of Site Works

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

Monday to Friday: 08:00 – 18:00 hours

Saturday: 09:00 - 13:00 hours

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

Reason

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

Noise & Vibration Control

Condition

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

Reason

To minimise noise/vibration disturbance at adjacent residential premises.

6.2 Bwd Drainage (Lead Local Flood Authority)

LLFA Position:

We have no objections to the proposals.

6.3 BwD Arboricultural Officer

Assessment:

I have viewed the site and considered the development layout with regard to the AIA.

The Layout requires the removal of two mature Cheery trees T07 T08 and three early mature Norway Maples T03 T04 T05.

The Cherries are not long lived trees and the Maples have a potential useful life of 40 years plus.

T08 Cherry is shown to be retained in the rear garden of one of the housing.

Indicative landscaping is shown to the gable end of the new end house. The available space between the house and footpath is insufficient to accommodate medium to large species trees. But would be suitable for larger shrubs and possibly a small tree. Therefore any new tree planting could be incorporated on the land in the vicinity of the parking bays. It appears this strip of land could accommodate two replacement trees.

Conclusions.

The development layout would result in a notable loss of tree cover with limited suitable, available land for compensatory planting.

It would be desirable to retain one of the Maples T03 T04 with a new planted between the car parking bay and the road junction of Orkney Close and Dunoon Drive. However this would require the loss of one or more parking bays.

With the retention of the one of the Maples, the inclusion of three replacement trees would substantially compensate for the loss of visual amenity.

Consideration could be given to given to some tree planting of site to meet any requirements for net loss.

Replacement trees would need to large standards sizes to avoid the risk of damage from vandalism.

6.4 BwD Highways

Parking

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

- 2 spaces for a 2/3 bed
- 3 spaces for a 4+ bed

The proposal is for 3 3bed properties. They would each require 2 car parking spaces. A total of 10 spaces are being provided within the red edge of the site.

The remaining spaces are being provided in replacement of the 5 garages that were removed from the site.

There is no mention within the application, on how the parking will be managed; thought should be given to dedicating the required spaces to the new dwellings.

ACCESS & LAYOUT

There is an existing access into the site from Orkney Close

There is existing adopted highway that runs through the site, which will be built upon. Before, this can proceed; formal closure of the highway is required through Government office of the North East The closure may require stats diversion, which the applicant would be required to cover the cost of.

The D & A statement accompanying the application suggests a technical note has been submitted in support of the application, however none has been received

No details of boundary treatment have been provided, please request further information (or condition accordingly) to ensure sightlines at the junction of Dunoon Drive/Shadsworth Road are not hindered by boundary treatment ie rear fencing to the new properties.

No details of swept path to support refuse vehicles turning in the remaining highway has been offered. This should be demonstrated and provided for assessment

6.5 **BwD Strategic Housing**

The proposal to build Four 3 bed houses form part of the Together Housing Groups' proposals to carry out regeneration projects in the Shadsworth Housing Estate

The homes would be for affordable provision and as such would be supported by the Housing Growth team.

Subject to the proposal meeting Planning policies and Building Control regulations

6.6 **BwD Cleansing**

No objection.

6.7 **The Coal Authority**

The Coal Authority Recommendation to the LPA

Please see below our recommendation for planning condition wording, although we appreciate that you may wish to make some amendments to the choice of words.

1.No development shall commence until;

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the first occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

The Coal Authority has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

6.8 United Utilities

DRAINAGE

We request the following drainage condition is attached to any subsequent approval:

CONDITION

Prior to the commencement of development, 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;*
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and*
- (v) 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.

6.9 Public consultation

40 letters were posted to the local community on 31st October 2022. Site notices were also displayed. In response, a single representation of objection was received, in the form of a 27 signature petition - see Summary of Representations (Section 9.0).

7.0 **CONTACT OFFICER: Nick Blackledge – [Principle Planner].**

8.0 **DATE PREPARED: 3rd March 2023.**

9.0 SUMMARY OF REPRESENTATIONS:

Objection to Planning of Houses and Destruction of Trees

on

Shadsworth Rd - Danoon Drive

We occupants of Shadsworth Rd and Dunoon Drive oppose the destruction of the well established Trees and land in order to squeeze 6 houses on the Land.

Name	Address	Post Code	Signature
Jeanette Pugh	106 Shadsworth Rd	BB1 2HP	[Redacted]
DAVID PUGH	106 SHADSWORTH RD	BB1 2HP	[Redacted]
Anne Marie Harvatt	108 Shadsworth Rd	BB1 2HP	[Redacted]
CALLUM BOYLE	108 SHADSWORTH RD	BB1 2HP	[Redacted]
Ellie Charnley	"	"	[Redacted]
Holly Boyle	108 Shadsworth Rd	BB1 2HP	[Redacted]
MARGARET HINDLE	100 SHADSWORTH RD	BB1 2HP	[Redacted]
THOMAS HINDLE	100 Shadsworth Rd	BB1 2HP	[Redacted]
Jake Entwistle	43 DUNOON DRIVE	BB1 2JY	[Redacted]
Victor Entwistle	43 DUNOON DRIVE	BB1 2JY	[Redacted]
E. Duchworth	33 MALLANTRAE ROAD	BB1 2HS	[Redacted]
G. BERRY	14. FARMHOUSE RD	BB1 2BS	[Redacted]
M. Pugh	5 Dunoon Drive	BB1 2JW	[Redacted]
B. Pugh	9 Dunoon Drive	BB1 2JW	[Redacted]
Kelly Ainsworth	17 Orkney Close	BB1 2JR	[Redacted]
Shelby Bonsor	123 Shadsworth Road	BB1 2HP	[Redacted]
David Yrig	98 Shadsworth Road	BB1 2HP	[Redacted]
Jessica Eisten	2 Skye Cres	BB1 2JH	[Redacted]
JAY CARRINGTON	2 Skye Cres	BB1 2JH	[Redacted]

Objection to Planning of Houses and Destruction of Trees

on

Shadsworth Rd - Danoon Drive

We occupants of Shadsworth Rd and Dunoon Drive oppose the destruction of the well established Trees and land in order to squeeze 6 houses on the Land.

Name	Address	Post Code	Signature
S. Pollock	3 DUNOON DRIVE	BB1 2JW	
J. D.	27 DUNOON DRIVE	BB1 2JW	
D. GORNER	17 DEAR KID	BB1 2EP	
C. Bray	6 Delph Close	BB1 2BL	
M. Winkipull	8 SKYE CRESENT	BB1 2JN	
J. Smith	15 Farnhouse	BB1 2BS	
I. MACK	22 HASTINGS CLOSE		
A. Bortlett	26 Rendle Drive	BB2 3DS	

Objection to Planning of Houses and Destruction of Trees

on

Shadsworth Rd - Danoon Drive

We occupants of Shadsworth Rd and Dunoon Drive oppose the destruction of the well established Trees and land in order to squeeze 6 houses on the Land.

Name	Address	Post Code	Signature
Jasno Hall	1144 SHADSWORTH RD	BB1 2JN	
Sharon Cook	20 Brownlow Street	BB1 2JW	
Susan Cook	20 Brownlow Street	BB1 2JW	
Andrea Meredith	117 Shadsworth road	BB1 2JW	
Simon Gibb	4 Skotland Close	BB1 2JP	
Paul Crumpton	6 Danoon Drive	BB1 2JJ	
Jane Wallace	102 SHADSWORTH RD	BB1 2HP	
JT WALLACE	102 SHADSWORTH RD	BB1 2HP	

Objection to Planning of Houses and Destruction of Trees

on

Shadsworth Rd - Danoon Drive

We occupants of Shadsworth Rd and Dunoon Drive oppose the destruction of the well established Trees and land in order to squeeze 6 houses on the Land.

Name	Address	Post Code	
Lynda Woods	24 Park Lee Road	BB230X	

Objection 1 – David Wallace, 102 Shadsworth Road, Blackburn, Received 02.01.2023

Dear Mr Blackledge

I wish to respond to the planning of houses on the corner of Shadsworth Road/Dunoon drive junction.

This land has 5 well established trees which have been here for a number of years, with many birds visited. Yes I know you will plant new trees but how long will it take be established or destroyed? Also this land is is not big enough for 3 houses let alone 6 with all the parking slots proposal.

Many of the neighbours here disagree with this proposal but are not used to the process of how to complain.

It is a bad time to object due to the time of year and postal strikes so could I propose that I have 1 week to raise a petition to object this plan?

Should you wish to contact me or call me please do.

Kind regards

David Wallace