

**Proposed development: Variation/Removal of Condition/Minor Material Amendment for Variation of Condition No.1 "approved drawings" and Condition No. 4 "Boundary Treatments" pursuant to planning application 10/22/0064 "Approval of the reserved matters for the appearance, layout, scale and landscaping for the erection of 72 residential units comprising 58 detached and semi-detached dwellings and 14 apartments pursuant to application 10/21/0008" - to make amendments to: Plots 5 & 42 (set back 1m further from the road); Plots 12 & 13 (slight repositioning of plots); Plot 14 (handing of the property); Plots 20 & 21 (plots swapped and handed/incl of bin store/relocate rear stepped access); Plots 30, 65 & 69 (update to windows and door due to site levels); Boundary treatment to rear Plots 1-22 (rail up to 1.1m high across boundary); Boundary treatment to rear Plots 30-39 (addition of 800mm sleeper along rear gardens with 1.8m high acoustic fence to Plots 30-32 and 3m close boarded fence to Plots 33-39; Apartment building - updates to doors/windows/materials - structural design requirements & Building Regulations.**

**Site Address:**

**Former Hoddlesden Mill  
Johnson New Road  
Hoddlesden,  
BB3 3NT**

**Applicant: Kingswood Homes UK (Ltd)**

**Ward: West Pennine**

**Councillor Julie Slater  
Councillor Jean Rigby  
Councillor Neil Slater**

**INSERT LOCATION PLAN**

## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 APPROVE – subject to conditions (including those varied) set out at paragraph 4.1.**

## **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 vary conditions 1 and 4, as referenced in the above development description, applied to the reserved matters permission 10/22/0064, dated 18<sup>th</sup> March 2022, which was pursuant to the grant of outline permission under application no. 10/21/0008.
- 2.3 The amendments represent modest changes to the approved layout, including treatments to the eastern boundary adjacent to the Cooper Rigg industrial site which offer enhanced acoustic qualities to mitigate against noise arising from the site.
- 2.4 A high quality bespoke housing development, which will widen the choice of family housing in the Borough, will be delivered, notwithstanding the amendments, 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) relates to the former Hoddlesden Mill complex, located towards the north east village boundary of Hoddlesden, comprising an area of circa 2.92 hectare.
- 3.1.2 Land levels rise from the south west to north east. It is accessed from the existing entrance position off Johnson New Road, to the south west.
- 3.1.3 The site is bounded to the north and east by a steep wooded embankment, with the culverted Hoddlesden Moss Brook running south to north at a lower level. Further north approximately 50 metres from the site boundary is a reservoir which sits at a lower level.

- 3.1.4 To the west of the site on the opposite side of Johnson New Road is a wooded embankment area that rises towards Hoddlesden Village. An existing pedestrian footpath is located along this frontage that links Johnson New Road to Baynes Street past St Paul's Primary School and Church. Further west lies the village of Hoddlesden.
- 3.1.5 To the north east and south of the site are open fields, together with Pickup Bank Brook and three small redundant reservoirs. Immediately to the south east are two existing industrial units, currently operating as Cooper Rigg Fabrication and Darwen Sawing Services. A Public Right of Way (PROW) enters the site from the industrial units to the east, the PROW then runs northwards through the Site towards the open countryside.
- 3.1.6 The following aerial image and Location plan show the site relative to its immediate surroundings:



Aerial image of the site (Design & Access Statement, Kingswood Homes, Jan 2022)

## 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 (reserved matters) planning permission. The amendment seeks to vary the following conditions:

*1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 17th January 2021 and drawings / statements numbered:*

*Design & Access Statement P2102\_DAS; Planning Statement Rev 1; Location Plan P2102\_SP(90)11; Photo Location Plan P2101\_3D(90)01; Site Layout P2102\_SP(90)02 D Rev H; Boundary Treatment Plan P2102\_SP(90)10 Rev A; Swept Path Analysis P2102\_SP(90)13; House Plans & Elevations P2102\_Planning\_Housetypes; Apartments Planning Elevations P2102\_AP\_EL(20)01 Rev A; Apartments Lower and Upper Ground Floor Plan P2102\_AP\_PL(20)01 Rev A; Apartments Second Floor Plan P2102\_AP\_PL(20)02 Rev A; Apartments Third Floor and Roof Plan P2102\_AP\_PL(20)03; Illustrative Site Sections / Streetscenes A-A, B-B & C-C P2102\_SE(20)01; Illustrative Site Sections / Streetscenes D-D & E-E P2102\_SE(20)02; Materials Matrix Jan-22 Rev A; Tree Removal Plan c-2021-03; Arboricultural Impact Assessment Jan-22; Updated Badger Survey Version 1; Streetlighting Design- S38 & Private Area Calcs; Streetlighting Design- S38 & Private Area Calcs - 4m Grid-Rev; Construction Environment Management Plan Jan-22 V2; Schematic Drainage Layout and Levels 210952-EDGE-XX-XX-DR-C-2099; Preliminary Site Levels 210952-EDGE-XX-XX-DR-C-0001; Detailed Landscape Plan Sheet 1 of 2 c-2021-03 Rev B; Detailed Landscape Plan Sheet 2 of 2 c-2021-02 Rev B; Vehicle Tracking and Visibility Splays P2102\_SP(90)17; and ERAP Consultation Response 2021-325.*

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

*4. The development hereby approved shall be implemented in strict accordance with the Boundary Treatments Plan, numbered P2102 P2102\_SP(90)10 Rev A.*

*REASON: To safeguard residential amenity and to ensure the external appearance of the development is acceptable, in accordance with Policies 8 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.*

- 3.2.2 Revised drawing numbers relating to the layout and boundary treatments would be added to the conditions and amended information, as set out at paragraph 4.1, should the application be supported.

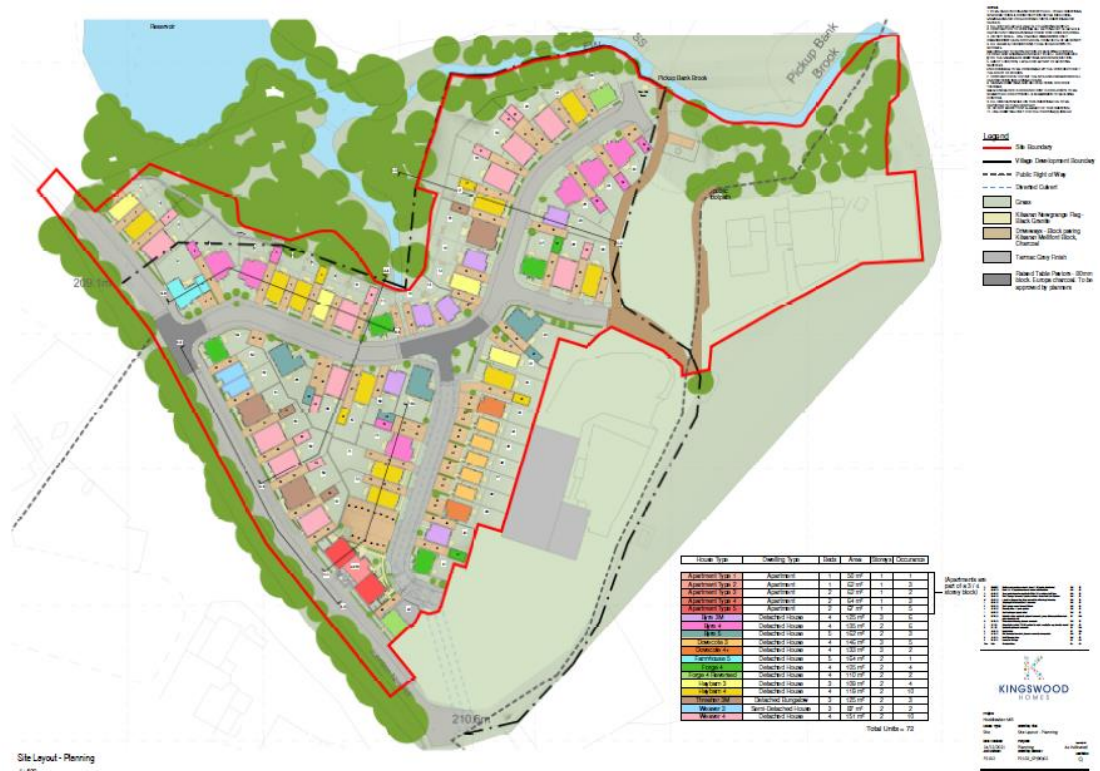
- 3.2.3 The following rationale is offered for the amendments:

| Minor Amendment  | Justification for Amendment   |
|--|---|
| Plots 5 & 42: set back 1m further from the road.   | Due to a change in the position of the retaining walls.   |
| Plots 12 & 13: slight re-positioning of both plots.  | Through the construction process, the line of the culvert has changed slightly to connect to the culvert head. This realignment of the culvert has resulted in the re-positioning of plots 12 and 13 so the easement is maintained. |
| Plot 14: Handing of the property.  | To allow for the connection of services.  |
| Plots 20 & 21: Plots swapped and handed to allow for access to the garden. Inclusion of bin store. Stepped access to the rear to be relocated.   | Due to levels and connection of services.   |
| Plots 30, 65 & 69: The back two windows on the side elevation raised to be in line with the front two windows on the side elevation. Removed side door from the utility from this elevation due to it not being compatible with the site levels. These changes are reflected on the updated House Type Pack.   | Update to windows and door due to site levels.  |
| Boundary Treatment along the rear of plots 1 to 22: a rail up to 1.1m high across this boundary. There is a wall along parts of this boundary fronting onto the reservoir and the rail will still only be 1.1m in total in height. An updated Boundary Treatment Plan has been submitted.  | To allow for views over the reservoir from private curtilage areas and ensure safety for future residents.  |
| Boundary Treatment along the rear of plots 30 to 39: a 100mm gap will be left between the edge of the Cooper Rigg building to allow for any maintenance and prevent party wall issues in the future. An 800mm sleeper will run along the rear of these gardens with a 1.8m acoustic fence on top of the sleeper from plots 30 to 32 and a 3m close boarded fence from plots 33 to 39 to provide visual screening of the Cooper Rigg factory. | Due to minor changes in the levels / tiering in the rear gardens of these plots. The addition of an 800mm sleeper will add additional height and screening to this boundary.  |
| Apartment Building: Additional doors and windows on the primary elevation and enlarging of the approved windows. Masonry smoke flute added to the side of the building. Alternative cladding to the primary elevation has been proposed in light of Building Regulations and sees the timber clad replaced by grey brick. The entire apartment building has been moved back from the road 1m.  | Updates made to the apartment building due to detailed structural design requirements and Building Regulations.   |
| Informal private amenity spaces to be demarked on the ground floor to the rear of the building with tactile paving and doors which has resulted in a reconfiguration of the parking area albeit no spaces are lost.  |   |

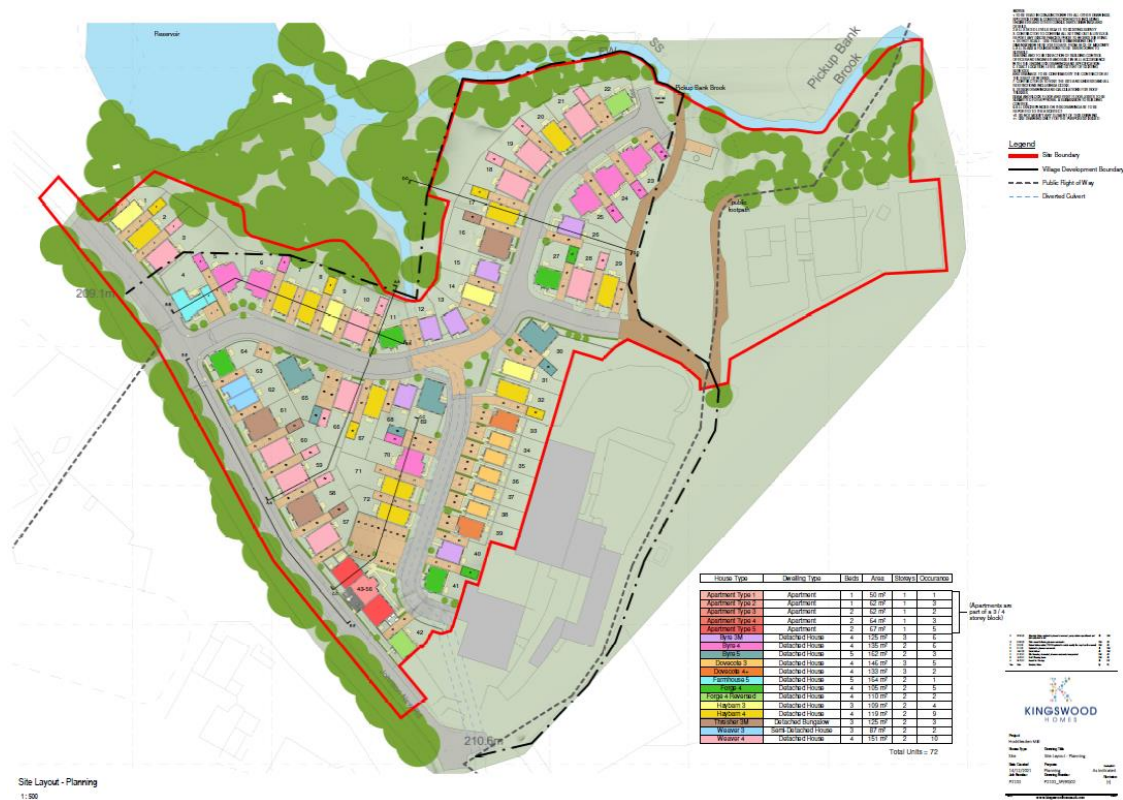
Covering letter (Kingswood Homes, April 2023)



3.2.4 The images below illustrate the minor nature of the proposed changes to the layout:



Originally approved layout (Kingswood Homes, February 2022).



Proposed amended layout (Kingswood Homes April 2023.

3.2.5 Full details are set in the submitted drawings and supporting covering letter. Assessment of the host RM application is set out in the officer's committee report, ref. 10/22/0064, dated 1<sup>st</sup> March 2022.

### **3.3 Development Plan**

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

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

#### **3.3.3 Core Strategy**

- CS1 – A Targeted Growth Strategy
- CS5 – Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS8 – Affordable Housing Requirements
- CS16 – Form and Design of New Development
- CS18 – The Borough's Landscapes
- CS19 – Green Infrastructure

#### **3.3.4 Local Plan Part 2**

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 16/9 – Housing Land Allocations (Gib Lane Development Site, Blackburn)
- Policy 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

### **3.4 Other Material Planning Considerations**

3.4.1 Blackburn With Darwen Council Brownfield Register (2017)

3.4.2 Residential Design Guide Supplementary Planning Document (2015)

#### 3.4.3 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.

#### 3.4.4 National Planning Policy Framework (NPPF).

#### 3.4.5 National Planning Policy Guidance (NPPG).

### 3.5 **Assessment**

3.5.1 The principle of residential development at the site, for 72 homes, is established by the original grant of planning permission. Assessment of this proposed amendment is limited to the details specified in the development description, assessed against the original Reserved Matters (RM), which are defined as follows:

- **Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.
- **Landscaping:** The improvement or protection of the amenities of the site and the surrounding area; this could include planting trees or hedges as a screen.
- **Layout:** Includes buildings, routes and open spaces within the development and the way they are laid out in relation to buildings, routes and open space outside the development.
- **Scale:** Includes information on the size of the development, including the height, width and length of each proposed building.

#### 3.5.2 Appearance

Very little discernible change to the appearance of the approved development would arise from the proposed amendments. Changes are very modest in the context of the development and the wider public realm. House types, save for minor window alterations and plots sizes remain as originally approved.

3.5.3 A modest change in appearance to the rear boundary of plots 33 – 39 inc. would be introduced by means of a 3m high close boarded acoustic fence with screen planting in the inside / garden side, to soften its appearance. The fence would serve to screen much of the adjacent industrial building for future occupants of those properties and would have enhanced acoustic qualities to guard against noise nuisance.

3.5.4 The appearance of the development is found to be in accordance with Policies 9 and 11 of The Local Plan Part 2, the Residential Design Guide SPD, and The Framework.



3.5.5 Landscaping

No change to the approved landscape / planting strategy for the site will arise from the proposed amendments, save for the addition of the above mentioned screen planting to the rear gardens of plots 33 – 39.

3.5.6 A very minor modification to the position of hard surfaced driveways to plots 12, 13, 20 and 21 would be introduced, without impacting the balance of hard and soft surface treatment or the amount of in-curtilage parking provision originally approved.

3.5.7 Landscaping of the development is found to be in accordance with Policies 9, 11 and 40 of The Local Plan Part 2, the Residential Design Guide SPD, and The Framework.

3.5.8 Layout

No discernible change to the overall layout of the site would arise from the proposed amendments, including house numbers, highway infrastructure and public open space.

3.5.9 Handed and swapped plots / houses remain acceptable when assessed against the original approval, which acknowledged a shortfall in the Council's adopted separation standards, thus:

*Shortfalls of these interface distances are, however, proposed between a number of proposed dwellings and between proposed and peripheral commercial uses outside the south east corner of the site, resulting in a degree of policy conflict. Nonetheless, a relaxation of standards is considered justified in this instance, due to a quantum needed to address significant viability challenges arising from necessary ground remediation and land level inconsistencies. Densities across Hoddlesden Village are also recognised as comparable to that proposed. Moreover, the adopted SPD supports a relaxation in separation standards were justified.*

3.5.10 Outlook from the rear of plots 33 – 39 would include the 3m acoustic fence, screened by planting, as referenced above. This outcome is considered a betterment for future occupants of those plots than the original scheme, by virtue of much of the industrial building to the rear being screened and enhanced noise mitigation achieved through the increased fence height.

3.5.11 The Council's Public Protection consultee has, however, requested submission of a noise assessment, prior to determination of the application, in order to consider noise impacts arising from the adjacent Copper Rigg industrial building. Members are, however, advised that the request is considered unnecessary and unreasonable, on account of the very modest changes to the layout which do not include changes to plots 33 – 39, those which abut the industrial building, other than the enhanced acoustic fencing.

3.5.12 The Council's Drainage consultee, as Lead Local Flood Authority, offers no objection to the proposal, confirming that no increased flood risk or impact on the culvert running through the site will arise.

3.5.13 The layout of the development is found to be in accordance with Policies 8, 9, 10, 11 and 40 of The Local Plan Part 2, and The Framework.

3.5.14 Scale

No change to the scale of houses originally approved will arise.

3.5.15 The only change in scale to that originally approved would be the acceptable height increase of the acoustic fence, referenced above.

3.5.16 The scale of the development is found to be in accordance with Policies 8, 9, 10, 11 and 40 of The Local Plan Part 2, and The Framework.

3.5.17 Summary

This report assesses minor amendments to the original reserved matters approval for the former Hoddlesden Mill site at Johnson New Road, Hoddlesden. In considering the proposal, all relevant material considerations relating to this application have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the Local Development Plan and The Framework, in support of the Council's strategic growth objectives.

## 4.0 RECOMMENDATION

### 4.1 Approve:

**Delegated authority is given to the Strategic Director of Growth & Development to approve planning permission, subject to the following conditions:**

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 17th January 2021 and drawings / statements numbered: Design & Access Statement P2102\_DAS; Planning Statement Rev 1; Location Plan P2102\_SP(90)11; Photo Location Plan P2101\_3D(90)01; Site Layout P2102\_SP(90)02 D Rev H; Boundary Treatment Plan P2102\_SP(90)10 Rev A; Swept Path Analysis P2102\_SP(90)13; House Plans & Elevations P2102\_Planning\_Housetypes; Apartments Planning Elevations P2102\_AP\_EL(20)01 Rev A; Apartments Lower and Upper Ground Floor Plan P2102\_AP\_PL(20)01 Rev A; Apartments Second Floor Plan P2102\_AP\_PL(20)02 Rev A; Apartments Third Floor and Roof Plan P2102\_AP\_PL(20)03; Illustrative Site Sections / Streetscenes A-A, B-B & C-C P2102\_SE(20)01; Illustrative Site Sections / Streetscenes D-D & E-E P2102\_SE(20)02; Materials Matrix Jan-22 Rev A; Tree Removal Plan c-2021-03; Arboricultural Impact Assessment Jan-22; Updated Badger Survey Version 1; Streetlighting Design- S38 & Private Area Calcs; Streetlighting Design- S38 & Private Area Calcs - 4m Grid-Rev; Construction Environment Management Plan Jan-22 V2; Schematic Drainage Layout and Levels 210952-EDGE-XX-XX-DR-C-2099; Preliminary Site Levels 210952-EDGE-XX-XX-DR-C-0001; Detailed Landscape Plan Sheet 1 of 2 c-2021-03 Rev B; Detailed Landscape Plan Sheet 2 of 2 c-2021-02 Rev B; Vehicle Tracking

and Visibility Splays P2102\_SP(90)17; and ERAP Consultation Response 2021-325; and

Amended details received 6<sup>th</sup> April 2023, in accordance with drawings numbered: *to be added*.

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

**2.** The exterior of the buildings hereby approved shall be constructed in strict accordance with the submitted Materials Matrix received 24th January 2022 Rev A.

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.

**3.** Prior to commencement of the development hereby approved, elevation, structural and technical specifications of proposed retaining walls within the site shall be submitted to and approved in writing by the Local Planning Authority. The walls shall be constructed in accordance with the approved details.

REASON: To safeguard residential amenity and to ensure the external appearance of the development is acceptable, in accordance with Policies 8 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

**4.** The development hereby approved shall be implemented in strict accordance with the Boundary Treatment Plan P2102\_SP(90)10 Rev D, received 6<sup>th</sup> April 2023.

REASON: To safeguard residential amenity and to ensure the external appearance of the development is acceptable, in accordance with Policies 8 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

**5.** The development hereby approved shall be carried out in strict accordance with the submitted Arboricultural Impact Assessment, dated January 2022. 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.

**6.** The development hereby approved shall be carried out in strict accordance with the submitted 'Detailed Landscape Proposals' drawings, numbered c-2021-01 Rev B (sheet 1 of 2) and c-2021-02 Rev B (sheet 2 of 2), received

13th March 2022. Planting shall be carried out during the first available planting season following completion of the works, 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.

**7.** Prior to occupation of the development hereby approved, a Landscape 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 and it shall detail a programme of works including scheduled frequencies of weeding and watering for the duration of the development, as well as replacement planting of dead diseased or damaged trees and shrubs within a five year period from the implementation of the approved landscape scheme referenced in condition no. 6. The strategy shall be implemented in accordance with the approved detail.

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.

**8.** Prior to commencement of any above ground works, a hard landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved detail.

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.

**9.** Notwithstanding the submitted details, prior to occupation of the development hereby approved, a bat and bird nesting box scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved detail prior to occupation of the development and shall be so retained.

REASON: To compensate for loss of bird nesting habitat, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

## **5.0 PLANNING HISTORY**

- 5.1 10/22/0064 – Reserved Matters application pursuant to outline permission granted under application no. 10/21/0008. Approved March 2022.
- 5.2 10/21/0008 – Hybrid planning application for:
- a) full planning permission for demolition of buildings, remediation works including re-contouring of the site to form development platforms; and
  - b) outline planning permission with all matters reserved, except for means of vehicular access from Johnson New Road, for residential development comprising up to 79 new dwellings.

Approved in September 2021.

- 5.3 10/10/0875 – Full planning application for 87 residential dwellings together with associated infrastructure. Approved in December 2015 – now expired.
- 5.4 10/06/0225 – Outline planning application for a mixed use development including residential, employment, sheltered housing, community facility, access and landscaping. Approved in August 2007 - now expired.
- 5.5 10/07/0707 – Full planning application for the provision of on-site open space - Withdrawn.
- 5.6 10/08/0245 – Planning application for mixed use development comprising 94 dwellings, community facility, employment uses with associated landscaping, foul pumping station, access and ancillary works – Withdrawn.

## **6.0 CONSULTATIONS**

### **6.1 Public Protection**

#### **Predetermination**

With reference to the above application, I will require the following additional information before I can make my recommendations.

#### **Comment:**

The revised noise control measures need to be assessed to determine whether they are suitable & sufficient to prevent significant loss of amenity arising from industrial activity at Cooper Rigg Ltd. (CRL).

#### **Predetermination - Residential Amenity Noise Impact Assessment**

An assessment shall be submitted that determines the likely impacts of noise, arising from the premises of CRL, upon future residents of the development. Where appropriate, the assessment must identify further mitigating measures to alleviate

those impacts. Reference should be made to the National Planning Policy Framework and Noise Policy Statement for England.

The applicant (or consultant appointed by the applicant) should contact Andy White (tel: 01254 585585) to discuss the required assessment detail.

Reason: To ensure an acceptable standard of residential amenity.

**Informative:**

**BS4142 'Methods for rating and assessing industrial and commercial sound'**

I will need a detailed assessment of CRL industrial noise impact in accordance with the aforementioned British Standard including, as follows:

- An objective assessment of tonality, impulsivity & intermittency;
- Mode of all industrial operations;
- Detailed assessment of existing context (ref: Clauses 4 & 11);
- Potential impact of assessment uncertainties.

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

LLFA Position: We have no objections to the proposals.

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

**8.0 DATE PREPARED: 1<sup>st</sup> June 2023.**