

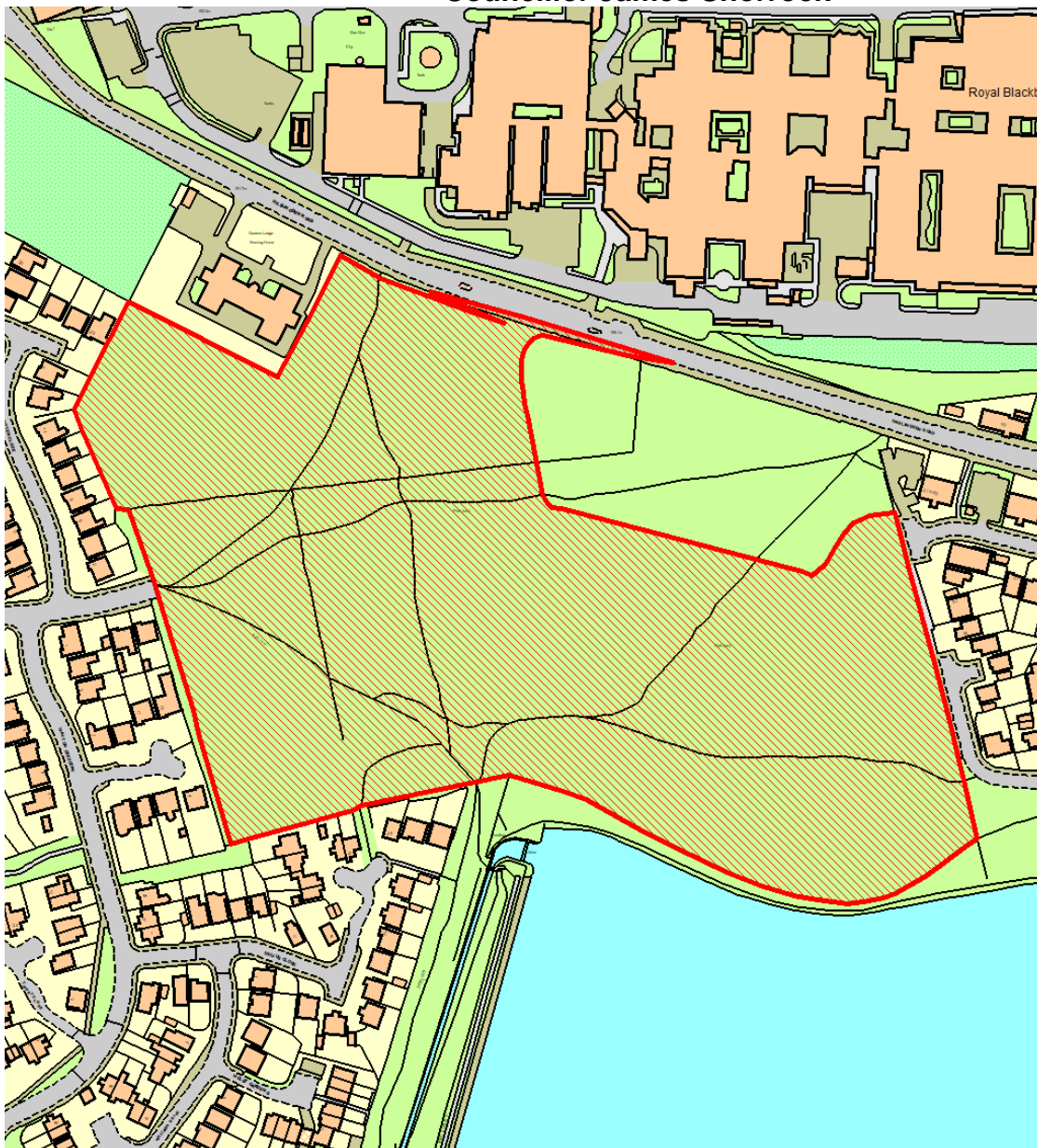
Proposed development: Full Planning Application for: Construction of residential development comprising the erection of 168 dwellings and 37 apartments together with access roads and landscape treatment.

Site address:

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

Applicant: Keepmoat Homes

**Ward: Blackburn South East Councillor Tony Humphrys
Councillor Vicky McGurk
Councillor James Shorrock**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 APPROVE – Subject to a Section 106 Agreement to secure payment of a commuted sum totalling £961,772, for additional secondary school places; works towards the south east Blackburn major highway / transport scheme; additional general practice capacity; and conditions. Full details are set out at paragraph 4.1.**

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 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.

- 2.2 This application follows a previous grant of planning permission by the Committee, in September 2022, (ref. 10/21/1426) for the following:

Hybrid planning application comprising - Full permission for the erection of 160 dwellings and 50 affordable, key hospital worker apartments in two blocks together with access roads and landscape treatment (Phase 1); and outline permission for the erection of 100 affordable, key hospital worker apartments in four blocks, with all matters reserved except for access (Phase 2).

- 2.3 The application represents changes to the full permission element of the above, by replacing one block of apartments with 8 single dwellings, resulting in a reduction in the total number of homes proposed, from 210 to 205. 20 of the single dwellings would be 'affordable' and would be transferred to a Registered Provider (RP). The remainder would be open market homes. The outline element, although not included in this application, remains extent and can be advanced to Reserved Matters stage within the defined time limitations set out in the conditions attached to the permission.

- 2.4 To be clear, this is a stand-alone application. It is not an amendment to the original grant of planning permission, as the changes proposed are considered to fall outside of the scope of those that could be considered minor material amendments.

- 2.5 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 high quality housing led development will be secured, focussed on land that is allocated for housing, to the south of Haslingden Road, adjacent to Fishmoor Reservoir, 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 and a Section 106 Agreement.

- 2.6 Given the scale of the proposed development, it is prudent to consider it in the context of Environmental Impact upon the wider area. The development has, therefore, been screened, in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations') and supporting Planning Practice Guidance (PPG).
- 2.7 As an application for 205 dwellings, it falls to be screened under Schedule 2 of the EIA Regulations. Schedule 2 development requires an EIA if it would be likely to have significant effects on the environment.
- 2.8 The proposed development falls within category 10 of Schedule 2, 'Infrastructure Projects', sub-section (b) 'Urban Development Projects'. The thresholds for residential developments, as set out in Schedule 2, relate to developments that includes 'more than 150 dwellings'. The proposed development is for 205 dwellings, above the threshold. It, therefore, requires further screening to determine whether there would likely be significant effects, either from the development in isolation or cumulatively when considered with other development in the vicinity. To achieve this, Schedule 3 of the EIA Regulations and the PPG need to be considered. Schedule 3 sets out the following selection criteria:
- The characteristics of the development;
 - The location of the development; and
 - The potential impact.

These factors are considered collectively, as part of the screening process. Taking each in turn:

2.9 Characteristics

The development is considered entirely responsive to the surrounding area with particular reference to scale and massing and to the benefits of brownfield redevelopment.

- 2.10 Technical studies confirm that the development will not cause any significant risk to human health or nuisances, subject to identified and proportionate mitigation.

- 2.11 Potential for major accidents or disasters with reference to flood risk has been considered through review of a Flood Risk Assessment which takes account of the proximity of the Fishmoor Reservoir to the development. The FRA concludes no significant flood risk. In this context, the reservoir is a water body subject to strict control under the Reservoirs Act 1975. Moreover, the site layout appropriately responds to the position of the reservoir.

2.12 Location

The development is evidently not located in an environmentally sensitive location and is consistent with the existing residential character of the area.

2.13 Potential Impact

Construction phase impact will typically relate to waste, noise, vibration and dust arising from construction activities and construction traffic. These impacts are temporary and will be appropriately managed by adherence to a Construction and Environmental Management Plan.

2.14 No significant cumulative impacts are considered to arise from the development and ongoing / committed development in the locale.

2.15 Operational phase impact will essentially be limited to noise and emissions arising from domestic car travel. Air quality impact arising from emissions is considered acceptable, subject to proportionate mitigation, following assessment of technical reports.

2.16 Accordingly, it is not considered that the proposed development gives rise to the need for an EIA.

3.0 RATIONALE

3.1 Site and Surroundings

3.2 The application site (the site) is currently Council owned and is allocated for housing led development. It measures 6.74 hectares in area and is identified as Site 16/7 – Haslingden Road Development Site (SE Blackburn), in accordance with Policy 16 of the Local Plan Part 2. It is also allocated for housing in the emerging Local Plan (Policy H039).









3.3 The site is located within Blackburn's Outer Urban Area, positioned to the south of The Royal Blackburn Hospital and north of Fishmoor Reservoir, off Haslingden Road. It comprises circa 6.7 hectares of open grassland, which is relatively consistent in level. A Public Right of Way (PRoW) runs across the site, linking Haslingden Road at the north east corner of the site with Britten Close to the west.

3.4 The area surrounding the site is defined by its mixed character. Development to the south, east and west comprises informal residential street patterns, of mainly semi-detached and detached house types. A modest element of apartment provision adjoins the site to the east. To the north of the site is the Royal Blackburn Hospital. Large scale industrial / commercial uses dominate the north side of Haslingden Road which serves as a primary route into Blackburn from the nearby M65 junction, to the east.

3.5 The site benefits from good accessibility with a selection of public transport hubs in close proximity. The nearest bus stop is located 10m from the site on Haslingden Rd (A6077), providing regular and frequent bus services into the centre of Blackburn, specifically the train station and further afield into the Ribble Valley. This gives the site accessibility to the local, regional and national transport networks, and thus provides opportunities for modes of transport other than the car.

- 3.6 The site is located in a highly sustainable location with excellent access to the rest of the North West region via Haslingden Road (A6077) and onto the M65. Within 600m of the site lies the local, newly constructed Newfield School and Blackburn Central High School. Additionally, Audley Junior School and Nursery is located within 800m.
- 3.7 Other community facilities such as a variety of eateries, royal hospital, shops, leisure facilities and religious establishments are all located within 800m of the site. Due to the site's close proximity to services and public transport, reliance on the private car will be reduced which can only have a positive impact on the environment and peoples wellbeing.
- 3.8 The site is also located near a National Cycle Route (National Cycle Route 6), which provides sustainable links to the surrounding areas. On top of this, a local route from the site to Queens Park is available. This could be added to by cycle route on site. These multiple routes encourage people to use push bikes and walk to various amenities and workplaces as an alternative to private car use.
- 3.9 The following contextual analysis plan below illustrates the sites position in relation to the distribution of local amenities (Design & Access Statement, Baldwin Design):



KEY			
	Shopping Facilities (i.e. shops, convenience stores and other commercial facilities);		Eateries (i.e. Restaurants, pubs, cafés and diners);
	Medical Facilities (i.e. doctors surgeries, pharmacies, dentists and hospitals);		Post Offices (including those within convenience stores);
	Education (i.e. pre-schools, primary schools, secondary schools, colleges and universities);		Leisure facilities (includes indoor and outdoor recreational, sport facilities & parks)
	Bus Stops		National Cycle Network Route 6

3.2 Proposed Development

3.2.1 The proposal is submitted as a full planning application, for the erection of 168 dwellings and 37 apartments (in a single block), together with access roads and landscape treatment.

3.2.2 Access is proposed from the south side of Haslingden Road. Communal open space is included along most of the southern periphery, including landscaping, drainage attention ponds and connective paths. The space takes advantage of views to the south of West Pennine Moors which feature Darwen Tower and a landmark building. The proposed site layout is shown below (Design & Access Statement, Baldwin Designs). Note that the group of four apartments block to the east of the access road are indicative only, within the area subject to the grant of outline permission. They do not form part of this application



- 3.2.3 Average net density across the site equates to circa 48 dwellings per hectare. This takes account of land developed for housing, highway infrastructure, private gardens and private parking.
- 3.2.4 The proposed apartments will be secured as ‘affordable housing’, as will 20 of the single dwellings. These homes would be transferred to a Registered Provider (Great Places) upon completion. The remaining homes would be open market provision.
- 3.2.5 Typical street scenes and a view of the site access and apartment block from the opposite side of Haslingden Road are shown below (Design & Access Statement, Baldwin Designs):



- 3.2.6 The accommodation schedule comprises of 168 houses (of differing sizes and storey heights) and 37 apartments of a 1 and 2 bedroom mix. The full mix of homes would be as follows:

- 17x Derwent: 2 storey property, with 3 bedrooms and 2 allocated parking spaces
- 10x Saltburn: 2 storey property, with 3 bedrooms and 2 allocated parking spaces
- 18x Darwell: 2 storey property, with 3 bedrooms and 2 allocated parking spaces
- 13x Ranworth: 2 storey property, with 3 bedrooms and 2 allocated parking spaces
- 20x Holgate: 2 storey property, with 3 bedrooms and 2 allocated parking spaces
- 18x Bradshaw: 2.5 storey property, with 3 bedrooms and 2 allocated parking spaces
- 17x Stanford: 2.5 storey property, with 3 bedrooms and 2 allocated parking spaces
- 10x Meldon: 2.5 storey property, with 4 bedrooms and 2 allocated parking spaces
- 16x Prenton: 2 storey property, with 4 bedrooms and 3 allocated parking spaces
- 16x Longford: 2 storey property, with 4 bedrooms and 3 allocated parking spaces
- 13x Egford: 2 storey property, with 4 bedrooms and 3 allocated parking spaces
- 4x Apartment A: 2 bedrooms and 1 allocated parking space
- 4x Apartment B: 2 bedrooms and 1 allocated parking space
- 4x Apartment C: 1 bedroom and 1 allocated parking space
- 9x Apartment D: 1 bedroom and 1 allocated parking space
- 3x Apartment E: 1 bedroom and 1 allocated parking space
- 3x Apartment F: 2 bedrooms and 1 allocated parking space
- 4x Apartment G: 2 bedrooms with 1 allocated parking space
- 6x Apartment H: 1 bedroom with 1 allocated parking space

3.2.7 A locally equipped play area (LEAP) is proposed within the public open space at the southern edge of the site.

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 Requirement
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS18 – The Borough Landscapes
- CS19 – Green Infrastructure
- CS21 – Mitigation of Impacts / Planning Gain

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 12 – Developer Contributions
- Policy 16/7 – Housing Land Allocations – Haslingden Road Development Site (SE Blackburn)
- Policy 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape
- Policy 47 – The Effect of Development on Public Services

3.4 **Other Material Planning Considerations**

3.4.1 Emerging Blackburn with Darwen Borough new Local Plan 2021-2037.

3.4.2 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.

3.4.3 BwD Green Infrastructure (GI) & Ecological Networks SPD (2015)

This document provides guidance in relation to maximising opportunities to improve existing green infrastructure and to create new green infrastructure and ecological networks.

3.4.4 BwD Planning for Health SPD (2016)

This document provides guidance on how our environment and planning decisions impact upon the health of the borough's population and how those impacts may be managed and mitigated.

3.4.5 Air Quality Planning Advisory Note

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

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

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

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a sufficient supply of homes
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal erosion
- Section 15: Conserving and enhancing the natural environment

3.4.7 National Planning Policy Guidance (NPPG).

3.5 **Assessment**

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

- Principle of the development;
- Amenity impact;
- Environmental impact;
- Highways / Accessibility & Transportation impacts;
- Design / Visual Impact; and
- Planning Gain / Section 106 contributions.

- 3.5.2 The principle of residential development is considered under the Blackburn with Darwen Core Strategy (particularly Policies CS1 and CS5) and Local Plan Part 2: Site Allcations and Development Management Policies (particularly Policy 16 – Housing Land Allocations). The sites housing allocation establishes the principle of housing led development, in accordance with Policy 16/7 of Local Plan Part 2 (LPP2). The site is also allocated for housing in the emerging Local Plan.
- 3.5.3 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*'.
- 3.5.4 Policy CS5 directs that the preferred location for new housing, where market conditions permit its delivery, will be the inner urban areas of Blackburn and Darwen.
- 3.5.5 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.
- 3.5.6 Policy 1 of the Local Plan states that the defined Urban Area is to be the preferred location for new development. Development in the Urban Area will be granted planning permission where it complies with the other policies of this Local Plan and the Core Strategy. The site is located within the urban area boundary defined on the proposals map.
- 3.5.7 Policy 7 on Sustainable and Viable Development echoes the presumption in favour of sustainable development set out in The Framework. Thus, applications that accord with policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 3.5.8 The site specific Policy 16/7 applies an estimated yield of 140 houses for the site, of which 105 are expected to be delivered by March 2019. The emerging Local Plan estimates a yield of 300 homes. The principle of 310 homes is already established under the extant permission. The currently proposal for 205 homes, in addition to the 50 granted outline permission, is, therefore acceptable. The proposed apartments and 20 of the single dwellings would be secured as affordable housing, via condition.
- 3.5.9 Other key development considerations set out in the policy are as follows:
1. The SFRA identifies that the site has a low risk of surface water flooding, although some localised shallow ponding is indicated.
 2. Consideration will need to be given to the potential for flooding from Fishmoor Reservoir.
 3. Incorporation of appropriate measures to control surface water run-off.
 4. Access to the site is to be obtained off Haslingden Road.
 5. Contribution towards improvements to local highways network in the locality

6. Potential ecological impacts should be considered due to the greenfield nature of the site and its proximity to Fishmoor and Guide Reservoirs. Mitigation measures for habitat loss should be met in the local area.

3.5.10 Policy 18 of LPP2 concerns itself with Housing Mix. The policy requires detached and semi-detached housing to be the principle element of the dwelling mix on any site that is capable of accommodating such housing and where such housing would make a positive contribution to the character of the local area.

3.5.11 The policy applies a limitation on apartment development for the general market, directing that such provision will only be acceptable where it is the most appropriate form of housing given the local context or characteristics of the site.

3.5.12 Considered in the context of Policy 18, the proposal is broadly consistent with the requirement for the principle housing mix to be detached and semi-detached. Although a broadly equivalent number of homes are proposed in apartment form, the principle land occupancy of the site would be one of family homes. Moreover, apartment provision is not inappropriate when considered against the wider local context, where apartments exist within the housing estate to the immediate east of the site, and within the Royal Blackburn Hospital complex on the opposite side of Haslingden Road. Circumstances unique to the site, being in close proximity to the hospital and the evident demand for 'affordable' hospital worker accommodation, rather than open market availability, also adds significant weight in support of the principle of apartments.

3.5.13 Detailed assessment of the above key considerations (bullet points 1 to 6), is set out relative to the specific policies to which they relate, in the continued assessment.

3.5.14 Policies CS21 and 12 require new development to contribute towards mitigating its impact on infrastructure and services, through a Section 106 planning obligation. The proposal secures financial contributions towards highway improvements and education provision, as set out at paragraph 4.1. As noted above, priority hospital worker apartments are secured as affordable on site housing, negating the need for a financial contribution in this regard.

3.5.15 That an extent planning permission exists for a broadly equivalent layout and similar number of homes, should be recognised as an important material consideration is determination of this application.

3.5.16 Accordingly, as a proposal delivering an appropriate mix of homes, on a site allocated for housing, inclusive of mitigating s106 contributions, the principle of the development is found to be entirely acceptable, in accordance with the provisions of the Development Plan and The Framework.

3.5.16 Amenity

Policy 8 requires development to contribute positively to the overall physical, social, environmental and economic character of the area. It is also required

to secure a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings

3.5.17 Relationship between buildings:

With reference to separation between proposed and existing dwellings adjacent to the site, the submitted layout demonstrates broad compliance with the Council's adopted separation standards of 21m between primary *facing* windows and 13.5m between primary windows and blank elevations. It is, however, recognised that the separation between rear windows at plot 6 and the conservatory to the rear of 16 Britten Close may represent a marginal sub-standard interface, by circa 1m. The relative angles involved are, however, considered to justify this marginal relaxation in standard. Moreover, the layout duplicates that previously approved, with reference to proposed and existing relationships around the edge of the site.

3.5.18 The relationship between the proposed dwelling at plot 28 and no. 23 Delius Close is considered acceptable, having regard to the absence of ground or first floor habitable room windows in the rear of the two storey side extension to the dwelling which sits adjacent to plot 28, and the northerly orientation of plot 28 which guards against overshadowing to the rear garden of no. 23. Moreover, it is considered that the position of the proposed gable at plot 3, although in proximity to the common boundary, would not result in an unacceptable degree of dominance or enclosure of no. 23's garden space, given its reasonably spacious nature and the otherwise unencumbered outlook to the opposite side and rear.

3.5.19 Separation between proposed dwellings within the site is broadly compliant with the adopted standards. Shortfalls do, however, exist between a number of plots. In this context, it should be recognised that the Residential Design Guide SPD, at Policy RES 2G, supports a relaxation of the adopted standards where an alternative approach is justified. As proposed-to-proposed separation and having regard to The Frameworks presumption in favour of sustainable development as well as the developments viability, such relaxation is considered justified in this instance.

3.5.20 Adequate external space would be provided for each house to serve the needs of householders, with reference to amenity and refuse storage. Proportionate, communal outdoor space would serve the apartments. Submission of additional refuse storage details for the apartments is recommended by the Council's Cleansing consultee. Details will be secured via condition.

3.5.21 Noise:

A Noise Impact Assessment has been submitted with the application and reviewed by the Council's Public Protection consultee. It is recommended that noise mitigation measures identified in the assessment, ie acoustic glazing, are implemented prior to occupation of the development and thereafter retained. Such measures will be secured via condition.

3.5.22 The Council's Public Protection consultee has questioned noise impacts arising for occupiers of apartments which benefit from an open ended balcony. The applicant's noise consultant has provided sufficient justification to support these apartments without the need for further assessment / mitigation measures, recognising that no balconies will be on the noisiest north elevation facing Haslingden Road and that they will be limited to one on each floor and on a single side of the building (west elevation). Taking into account the measured road traffic noise levels at the proposed northern elevations of the apartment buildings and a correction for the restricted angle of view, it is anticipated that noise levels would be within the tolerance levels advocated by British Standard 8233:2014 guidance.

3.5.23 Noise arising from the proposed pumping station would be insignificant, as the mechanics will be situated underground and located no closer than the standard minimum distance of 15m from a dwelling, to minimise the risk of odour, noise and nuisance, in accordance with published Sewer Sector Guidance, Appendix C, March 2020.

3.5.24 Contaminated Land:

Phase 1 and 2 reports, including a Remediation Strategy (RS), have been submitted with the application. The Council's Public Protection consultee is satisfied that the proposed RS would adequately guard against any significant impacts arising from ground contaminants. Accordingly, implementation of the agreed RS would be secured via condition.

3.5.25 Air Quality:

An Air Quality Impact Assessment (AQIA) has been submitted with the application. Review of the assessment by the Council's Public Protection consultee finds that impacts arising from the proposed development and local committed development (ie development yet to be completed that benefits from planning permission) are somewhat uncertain. Under the circumstances, the same approach to air quality mitigation as with the extant permission is considered reasonable and proportionate, taking account that the site is allocated for housing. Members are advised that electric vehicle charging points were secured via conditions attached to the extant permission. However, since then, provision of such for each home is a requirement under the current Building Regulations regime (Approved Document S). Therefore, as a matter controllable under alternative legislation, a planning condition(s) would not be necessary. Submission of a Travel Plan and implementation of dust control measure, as specified in the submitted Construction & Environmental Management Plan (CEMP), would be secured via conditions, to further mitigate air quality impacts.

3.5.26 Construction Phase:

The CEMP is considered to adequately address / mitigate environmental impact arising during construction, including but not necessarily limited to control of noise, vibration, dust emissions and highway cleansing / wheel washing.

3.5.27 Limited construction hours of between 08:00 - 18:00 hours Monday to Friday and 09:00 - 13:00 on Saturdays will be secured via condition.

3.5.28 The development is considered to make an overall positive contribution to the area, through introduction of a proportionate housing led development, at a site allocated for such, which includes retention and provision of trees and hedgerows, provision of greenspaces, wetlands and opportunities for biodiversity enhancement.

3.5.29 Accordingly, it is found that satisfactory levels of amenity and safety would be secured for existing and future residents. The development is also considered to contribute positively to the overall physical, social, environmental and economic character of the area, in accordance with the requirements of Policy 8, The Masterplan and The Framework.

3.5.30 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.

3.5.31 A Flood Risk Assessment (FRA) and drainage strategy is submitted with the application, notwithstanding that the site lies entirely within Flood Zone 1 (low risk) which have been reviewed by the Councils Drainage consultee, as Lead Local Flood Authority and United Utilities (UU). The FRA concludes that there is a low risk of flooding from fluvial sources. Focus is, therefore, on the management of surface water runoff arising from the development.

3.5.32 The FRA recognises that discharge of surface water to the ground is unlikely to be a feasible solution due to the composition of the underlying soil strata. In accordance with the drainage hierarchy, the next most sustainable solution is discharge to a water body. The nearest potential point of discharge is the overflow channel from the reservoir but United Utilities regard this as an unsuitable option. A connection to Higher Croft Brook (ordinary watercourse) to the south of the site is not practical. As an alternative UU has confirmed that it is possible to connect to the neighbouring public sewer network through four separate points of connection. At each point of connection the flow will need to be restricted and, as a consequence, there is a need for a considerable detention volume on the site. Consequently, surface water detention is to be provided by way of an attenuation pond and an underground attenuation tank along the southern margin of the site. The pond would form an integral part of the greenspace next to the reservoir and provide multiple benefits. Not only would it be essential to the management of surface water, it would also provide an attractive visual feature and encourage diversification of habitats for wildlife across the completed development.

3.5.33 Assessment of flood risk and proposed mitigation thereof is consistent with the explicit policy requirement. The Council's Drainage consultee, as Lead Local Flood Authority, and United Utilities offers no objection to the proposed drainage methodology, subject to securing implementation of the approved scheme via condition. Submission of a Management and Maintenance

Strategy for the lifetime of the surface water drainage system would also be secured via condition.

3.5.34 The existence of a drainage ditch / watercourse at the rear of Walton Crescent, to the west of the site, and how it may be impacted by the development is acknowledged. It is confirmed that the ditch is outside of the development confines, within alternative land ownership. Its retention is, therefore, secured, along with the retention of other watercourses crossing the site. The applicant is advised that any works to or adjacent to a watercourse requires consent under the Land Drainage Act and that the development should not give rise to any pollution of the watercourse. Such advice will be secured by an informative.

3.5.35 Ecology:

An Ecological Impact Assessment; a Biodiversity Net Gain Metric Calculation; a landscape scheme; and an Ecological Enhancement Strategy have been submitted with the application. To date, no formal response has been received from the Council's ecology consultee (GMEU). However, from an ecology perspective, it is considered that no significant material change in circumstances arise from when the extant permission was assessed, when it was confirmed that assessment had used reasonable effort to survey the habitats on site and make an assessment of their suitability to support protected / species of principal importance (Section 41, NERC 2006 [Natural Environment & Rural Communities Act]), notwithstanding that it was conducted during a sub-optimal time (November). Moreover, it was recognised that the relatively low value nature of the habitats present on site should not invalidate the findings of the assessment.

3.5.36 It is recommended that the following matters should be secured via conditions, notwithstanding the submitted details, in order to facilitate consultation with the Council's ecology consultee through the application discharge process:

- Protection of retained trees;
- Reasonable Avoidance Measures relating to tree, shrubs and undergrowth clearance (outside of the breeding season – March to August inclusive; and supervision of dense scrub / vegetation clearance by an Ecological Clerk of Works;
- Submission of a design and external lighting scheme;
- Submission of an amended boundary detail plan to cater for small mammals / amphibians by way a gaps at the foot of fences, to aid ecological permeability;
- Submission of planting specification around the two attenuation ponds and pond planting and replacement species planting, as specified in GMEU's comments, notwithstanding the submitted landscaping details;
- Submission of the Biodiversity Enhancement Plan to include provision of bat / bird boxes or informal hibernacula for common amphibians/reptiles; and
- Submission of a Landscaping and Environmental Management Plan for a period of 30 years minimum.

3.5.37 Trees / Landscaping:

No protected trees are located within or immediately adjacent to the site. The Council's Arboriculture consultee offers no objection, following review of the submitted Tree Survey / Arboricultural Constraints Appraisal, Arboricultural Method Statement and Landscaping Strategy. The submitted detail to date indicates that trees of value within the site and the hedgerow along the western boundary would be retained. Lower grade, self-seeded trees would be removed to facilitate the development. Retained trees would be protected during construction phase in accordance with measures specified in the submitted Arboricultural Method Statement / Tree Protection Plan. Such measures to be secured via condition.

3.5.38 The detailed Landscaping Strategy submitted with the application includes planting of a range of native and non-native species across the site. The range of planting is considered generally adequate mitigation, subject to the above amendments recommended by ecology (GMEU). Implementation of landscaping during the first available planting season after completion of the development will be secured via condition.

The Council's Arboricultural consultee offers no objection to the proposal, recognising that landscape proposals would provide a suitable level of planting and amenity, constant with the scale of the proposed development.

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

3.5.40 Highways / Access and Transport

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

3.5.41 A Transport Assessment (TA) is submitted with the application which has been reviewed by the Council's Highways consultee who, in the context of the sites housing allocation, is satisfied that the traffic impact of the proposal on the local highway network, in general, would not be excessive. The sites highly sustainable location is recognised in this context, with easy access to bus routes and a range of local amenities. All issues arising from review of the TA have been proportionately and satisfactorily addressed by the applicant.

3.5.42 Vehicular access into the site is to be taken from Haslingden Road. A new bellmouth will be created including a right turn egress. A formalised pedestrian crossing point over Haslingden Road will also be provided. These works will be delivered in accordance with a 278 improvement scheme, at the developers cost, to be undertaken by the Local Highway Authority from design

to implementation. Works will be secured via condition attached to the full permission.

- 3.5.43 The layout of the development is orientated around a main spine road which connects to Haslingden Road. This is the only point of connection. The spine road is broadly on a north to south alignment and is conceived as a reasonably broad tree lined street. The position, width and character of this spine combine to form a view corridor through the site towards the reservoir and Darwen Tower in the distance. This is a key feature of the site. The internal road network connects to this spine to form a series of street blocks. A legible street hierarchy is appropriately demonstrated. Care has been taken to ensure that there is an active and interesting outer edge to each street block. Houses are orientated to front onto streets and to overlook key greenspaces. The outcome is a clear and legible grid of streets through the development that allow for the safe and efficient movement of traffic.
- 3.5.44 The internal road layout broadly conforms with the Councils requirements for adoption, in terms of carriageway and footway width. A swept path analysis confirms appropriate manoeuvrability for refuse vehicles with the exception of the one-way street running north to south through the site, entering at plots 56 and 88 and exiting at plots 63 and 101. The 3m width is marginally sub-standard by circa 500mm when assessed against the tracking of refuse vehicles. An increase in width would, however, unacceptably impact of separation distances between dwellings. Moreover, its one-way status negates any significant concern.
- 3.5.45 The movement of pedestrians and cyclists through the site is given appropriate attention. Along Haslingden Road there is pedestrian and cycle access at two points – at the north eastern corner of the site and alongside the vehicular access. There are also connections for pedestrians at the other edges of the site. On the eastern side there will be a pedestrian link to the existing housing neighbourhood and along the southern boundary the path network will lead from the development onto the recreational routes around the reservoir. There is also a pedestrian link along the western margin to form a link to Sullivan Drive. Opportunities for additional pedestrian connection to the housing development to the east are constrained by land outside of the applicant's ownership.
- 3.5.46 The development proposes a mix of 2, 3 and 4 bed homes. Off-street parking is provided for every plot, which is broadly in accordance with the Council's adopted standards (including dimensions) of 2 spaces for 2 & 3 beds and 3 spaces for 4 beds.
- 3.5.47 Of the 168 houses proposed, 23 (10 Meldon and 13 Edford) would benefit from integral garages which accord with the Council's benchmark standard of 3m x 6m.
- 3.5.48 In-curtilage parking provision for proposed houses is, therefore, considered acceptable.

3.5.49 The proposed apartment block comprising 37, 15 2 bed and 22 1 bed apartments, will be served by 40 spaces. This represents a shortfall of 12 spaces, when assessed against the benchmark Council standard. The highly sustainable location of the development, as one located on a main road served by regular and varied bus routes, and in proximity to a range of shops and services, is considered to warrant a relaxation in the parking standard.

3.5.50 Full engineering details of carriageways, and street lighting will be secured via condition.

3.5.51 Active Travel England (ATE):

Since 1st June 2023, ATE are statutory consultees on planning applications proposing 150 homes or more. ATE's strategic objectives are to promote cycling and walking as alternative modes of sustainable transport, with a particular vision of making cycling a mass form of transit.

3.5.52 ATE recommend that additional consideration is applied to specific areas of concern identified with the proposal, including covered cycle stores for the apartments; and active travel infrastructure within the layout; and the Travel Plan.

3.5.53 In response, the applicant has committed to include a covered store for up to 37 bicycles. These are included on an amended site layout drawing.

3.5.54 In terms of active travel infrastructure, routes would be provided around the POS area to the south of the site and general connectivity through the site, including the central spine route which benefits from a 3m wide walking / cycling path. The presence of 'ransom strip' along the western edge of the site, is identified as a constraint to providing connectivity to the adjacent housing development. This matter was acknowledged during assessment of the previous application.

3.5.55 With reference to the Travel Plan Framework (TPF), the document together with the submitted TA provide a qualitative review of the pedestrian and cycle routes in the immediate vicinity of the site. Whilst it is acknowledged that these reports do not include a quantification of active travel movements associated with the development, these would not be significant – total peak hourly movements of circa 40 to 45 people based on the TRICS data included with the submission. It is considered that these numbers have no impact on the ability to form an effective active travel strategy for a development of this scale. Indeed, the scheme proposals include a number of pedestrian and cycle links to Haslingden Road to the north, Delius Close to the south and Sullivan Drive to the west which could readily accommodate these active travel movements. Submission of a full Travel Plan, based in the TPF, secured via condition, is considered a reasonable and proportionate response to ATE's concerns in this regard, whilst taking into account the existence of the extant permission and pre-application dialogue around this application.

3.5.56 Overall, the development will be well integrated into its setting from a highways accessibility perspective, being well connected to existing routes and existing development.

3.5.57 A Public Right of Way runs through the site, linking Haslingden Road with Britten Close. Defined as footpath 101 Blackburn, it will require a Diversion Order to accommodate the development and a temporary closure before any works commence on site, as acknowledged by the Councils PRow consultee. The matter is to be addressed by the applicant, as confirmed by an informative to be attached to the permission.

3.5.58 A financial contribution is secured via Section 106 towards completion of the South East Major Transport Scheme and other transport improvements and initiatives.

3.5.59 Measures contained within a Framework Travel Plan submitted in support of the application will be secured via condition.

3.5.60 Submission of the above noted CEMP will address highway impacts arising from construction, including wheel wash and road cleansing. Adherence will be secured via condition attached to the full permission. A revised CEMP will be secured via condition attached to the outline permission, to provide for the construction of the other four apartment buildings.

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

3.5.62 Design / Character and Appearance

Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. 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.

3.5.63 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. The layout is also heavily influenced by a Development Brief produced on behalf of the Council, confirming its key design and planning requirements for prospective developers, in support of the 'Invitation to Tender' stage of the process.

3.5.64 One of the key design features of the layout is the creation of a prominent gateway access from Haslingden Road leading on to a green corridor running through the approximate centre of the site, exposing views of Darwen Tower to the south and linking to a wildlife corridor / public realm area along the sites southern edge which will feature a range of planting and two drainage attenuation basins. It will also include 4 parking bays for visiting members of the public who wish to benefit from the amenity.

3.5.65 The layout will generally benefit from a connective ecological and green infrastructure network, including elements of tree lined streets and creation of areas of habitat. As previously noted, a comprehensive site wide landscaping strategy will be implemented, in order to integrate the development into its natural surroundings.

3.5.66 Layout of the developed area demonstrates a positive relationship between buildings. Open spaces are appropriately overlooked by nearby houses, thereby providing a degree of natural surveillance. Overall the layout provides for a cohesive and legible arrangement, broadly consistent with the prevailing residential pattern of the wider local.

3.5.67 Proposed apartment building would front Haslingden Road. Its position and scale being a response to the hospital buildings opposite and the general defining character along the northern side of the Haslingden Road corridor. A landscape corridor along the frontage will provide a visual sense of relief from the built form. The apartment building diminishes in scale from 4 storey's down to 2 in response to the 2 storey care home to the immediate west. Materials will broadly reflect those used in domestic buildings which straddle the site. The apartment block is illustrated below (Design & Access Statement, Baldwin Design).



3.5.68 Proposed dwellings are designed with a degree of articulation and interest, through inclusion of a mixed palette of materials, including brick types and render. Their design is broadly complimentary with the residential surroundings. Example house types and materials are illustrated below (Design & Access Statement, Baldwin Design).



3.5.69 Implementation of approved materials, indicated in the submitted Materials Schedule, will be secured via condition.

3.5.70 Boundary treatments will be appropriately robust brick walls to areas facing the public realm. Typical timber panelled fencing will otherwise delineate properties. Implementation of the submitted detail will be secured via condition.

3.5.71 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.

3.5.72 Heritage

Policy 39 requires development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset.

3.5.73 LCC Archaeology recognise that the proposed development site contains the following non-designated heritage assets recorded on the Lancashire Historic Environment Record:

- PRN14385 – Boundary marker stone shown on 1st Edition Ordnance Survey 1:2500 (1894)
- PRN14390 – Footpath shown on 1st Edition Ordnance Survey 1:2500 (1894)
- PRN14410 – Boundary marker stone shown on 1st Edition Ordnance Survey 1:2500 (1894)
- PRN14419 – Site of Bank Lane End Farm, shown on 1st Edition Ordnance Survey 1:10560 (1849)
- PRN20283 – Site of Terrace known as 'Whinney Heights', shown on 1st Edition Ordnance Survey 1:10560 (1849), but possibly shown on Greenwoods 1818 Map of Lancashire.

3.5.74 Accordingly, submission of a programme of archaeological work is recommended to be secured via condition.

3.5.75 The development is found to be in accordance with the requirements of Policy 39 and The Framework.

3.5.76 Planning Gain / Section 106 Financial Contributions

It is often the case that impacts on infrastructure and services arising from development need to be mitigated. As set out in the Local Plan Part 2, The Council is committed to ensuring that an appropriate balance is struck between securing necessary infrastructure investment from new development, and maintaining the financial viability of high quality development that will lead to growth.

3.5.77 Policies CS21 and 12 require new development to contribute to mitigating its impact on infrastructure and services, through Section 106 Agreements.

3.5.78 A financial contribution of **£961,772** would be secured, as agreed between the Council and the applicant, for the following:

3.5.79 **Education**

The Pupil Yield Study (Edge Analytics, Oct 2021) has confirmed that additional secondary school places will be required as a result of major housing developments in the borough. A Section 106 contribution of £207,200 will therefore be sought to provide additional secondary school places provision across the borough.

3.5.80 **Highways**

A total contribution of £700,000 will be required to fund the south east Blackburn major transport scheme, associated transport infrastructure improvements, sustainable transport initiatives including (but not limited to) subsidised public transport, traffic calming, providing a safer environment to encourage participation in active travel and improved walking and cycling routes. Members are advised that this figure has been reduced by £50,000 from the previous permission, due a cost saving arising from the Council carrying out highway improvement works to Haslingden Road.

3.5.81 **Health**

A total contribution of £50,000 will be required towards reconfiguration and extension at St Georges Surgery & The Cornerstone Practice, in order to create additional general practice capacity within the area, following a request from Lancashire and South Cumbria Integrated Care Board (ICB).

3.5.82 **Monitoring Fee**

A monitoring fee of £4,572.

3.5.83 The Section 106 payment profile is as follows:

S106 Payment A as per Tender – additional to Land Offer	Amount payable	At completion of land sale	At 1 st anniversary from completion	At 2 nd anniversary from completion	Total payable
Highways Parcel 1	£500,000	£0	£250,000	£250,000	£500,000
Payment A Total	£500,000	£0	£250,000	£250,000	£500,000

S106 Payment B – to be deducted from land offer	Amount payable	At completion of land sale	At 1 st anniversary from completion	At 2 nd anniversary from completion	Total payable
Education	£207,200	£0	£107,200	£100,000	£207,200
Highways Parcel 1	£200,000	£200,000	£0	£0	£200,000
Health facilities	£50,000	£50,000	£0	£0	£50,000
Monitoring fee	£4,572	£2,500	£2,072	£0	£4,572
Payment B Total	£461,772	£252,500	£109,272	£100,000	£461,772
Total S106	£961,772	£252,500	£359,272	£350,000	£961,772

3.5.84 The commuted sum represents a proportionate, evidence based contribution from the developer that would adequately mitigate the impact of the development on the subject matters

3.5.85 Summary

This report assesses the full planning application for the erection of 168 dwellings and an apartment block comprising 37 individual apartments. In considering the proposal, all *material* considerations have been taken into account. The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal balanced against any potential harm that may arise from its implementation. This report finds that the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, Supplementary Planning Documents and the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 Approve subject to:

- (i) Delegated authority is given to the Strategic Director of Growth and Development and the Deputy Chief Executive to approve planning permission, subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £961,772 (including a monitoring fee), as set out at para 3.5.78.

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Strategic Director of Growth and Development and Deputy Chief Executive will have delegated powers to refuse the application.

- (ii) 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 received 22nd December 2021 and with the following drawings / plans / information: *(to be added)*.

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

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

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

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

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

5. The development hereby approved shall be implemented in strict accordance with the approved Remediation Proposals letter dated 30th June 2023, referenced 7659KMH230630I, including Remediation Plan, ref. 7659/RP and Topsoil Reuse Plan, ref. 7659/TS, Rev A, as produced Coopers Chartered Consulting Engineers.

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

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

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

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

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

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

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

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

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

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

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

11. Noise mitigation measures specified in the Hepworth Acoustics Report, No. P21-571-R01v3 (June 2023), shall be implemented in full

prior to operational use of the development hereby approved and shall be so retained.

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

12. 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.

15. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted 'Proposed Drainage Layout', Drawing Number 4077-PEF-XX-DR-C-0500-DRAINAGE, Rev C05- Dated 17.05.23 which was prepared by Keepmoat Homes. For the avoidance of doubt surface water must drain at the restricted rate of 17.5 l/s. No surface water will be permitted to drain directly or indirectly into the combined sewer.

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

16. Prior to occupation of the development hereby approved, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

REASON: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with the requirements of Policy 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

18. The development hereby approved shall be carried out in strict accordance with the Arboricultural Constraints Appraisal, ref. MAN.1732.003.LA.R.001.00, dated September 202, produced by Enzygo Environmental Consultants; and the Arboricultural Method Statement, ref. P.1658.22.01 Rev B, dated 20th April 2022, produced by Ascerta Landscape/Trees/Ecology.

Specified tree and hedgerow protection measures shall be adhered to throughout the period of construction.

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

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

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

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

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

20. The development hereby approved shall be implemented in strict accordance with the 'Landscape Masterplan' ref. LDS507-04B, dated June 2023; Landscape Specification document, ref. LDS1507-01B/02B/03B/04B, dated 29th June 2023; Planting Plan (1 of 3), ref. LDS507-01B; Planting Plan (2 of 3), ref. LDS507-02B; and Planting Plan (3 of 3) ref. LDS507-03B, dated June 2023, produced by Landscape Design Solutions (NW) Ltd. Planting shall be carried out during the first available planting season following completion of the development, and

thereafter retained. Trees and shrubs dying or becoming diseased, removed, or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and / or shrubs.

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

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

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

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

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

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

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

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

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

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

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

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

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

27. Prior to occupation of the development hereby approved, and notwithstanding the submitted details, a site specific Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved Green Travel Plan measures shall be implemented upon occupation of the development and shall be so retained.

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

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

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

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

- A store to accommodate at least 5 x 1100 litre refuse bins for non-recyclable waste; 8 x 1100 litre bins for bulk paper recycling bins; and 8 x 1100 litre bins for mixed recycling bins (glass, cans, plastic recyclables); and
- Adequate storage areas(s) for bulky waste items such as furniture, mattresses etc.

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

30. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

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

5.0 PLANNING HISTORY

5.1

Application reference	Description of proposal	Decision
10/21/1426	Hybrid planning application comprising - Full permission for the erection of 160 dwellings and 50 apartments in two blocks together with access roads and landscape treatment (Phase 1); and outline permission for the erection of 100 apartments in four blocks with all matters reserved except for access (Phase 2)	Granted – 14 th September 2022
10/22/0914	Discharge condition nos. 5, 19, 24 and 25 pursuant to planning application 10/21/1426	Awaiting decision
10/22/1058	Non-material amendment pursuant to planning application 10/21/1426 - Slight amendments to plots 76-80 with plots 78 & 80 side parking moved to upfront	Granted – 18 th November 2022
10/22/1059	Discharge condition nos. 10, 13, 16 and 20 pursuant to planning application 10/21/1426	Awaiting decision
10/22/1067	Removal of condition no. 27 pursuant to planning application 10/21/1426	Granted – 17 th February 2023

6.0 CONSULTATIONS

6.1 BwD Drainage (Lead Local Flood Authority)

LLFA have no objection but require the following conditions:

Prior to commencement of development, submission of design details for LPA approval, of the surface water drainage system, including volume and cross section details of the attenuation ponds.

Prior to occupation of the development, submission of a drainage maintenance and management scheme to be agreed and implemented.

6.2 BwD Public Protection

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

Predetermination Review: Consideration of Apartment Balconies Use & Noise Amenity

The standard of amenity provided at apartment balconies will be relatively poor and undesirable when compared to the appropriate standard (BS8233). The balcony spaces must be designed to achieve the lowest practicable traffic noise levels if the balcony use includes relaxation eg sitting outside to enjoy fresh air, eating outside etc. Consequently, if the balconies are to be used for relaxation, a predetermination review will be required to ensure noise mitigation is considered in respect of design & location – please let me know if a review is required.

Condition – Traffic Noise Control: Sound Proof Glazing & Ventilation

The applicant shall submit a written glazing and ventilation scheme that demonstrates adequate soundproofing provision within the proposed dwellings. The scheme must be approved in writing by the Local Planning Authority prior to commencement of development works and installed & retained for the duration of the approved use.

Reason: To prevent traffic noise disturbance at the dwellings.

Informative: The developer should have regard to BS 8233: 'Sound Insulation & noise reduction for buildings – Code of Practice'.

NB: Ventilation Scheme

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

Condition – Acoustic Barriers Noise Control Scheme

The Hepworth Acoustics Report No: P21-571-R01v3 (June, 2023) recommendations in respect of acoustic barriers for Private Gardens (Section 4.5 & Figure 3 'Noise Mitigation Scheme') shall be implemented prior to commencement of the approved use and thereafter retained for the duration of this use..

Reason: To prevent loss of noise amenity at residential premises.

NB: Ventilation Scheme

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

Condition: Pumping Station Noise Amenity Impact

Prior to the commencement of the development a BS4142 'Methods for rating and assessing industrial and commercial sound' assessment shall be submitted, in writing, to the Local Planning Authority (LPA) for the pumping station. The assessment and any noise control measures must be approved in writing by the LPA. All approved control measures shall be implemented before commencement of the approved use and retained for the duration of the use.

Reason: To ensure an acceptable standard of residential amenity.

Condition – Floodlighting (other than street lighting, as appropriate)

An outdoor floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the approved use.

Reason To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity.

Informative:

When assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in 'Guidance Notes for the Reduction of Obtrusive Light' GN01 produced by The Institution of Lighting Professionals, available at: <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>

NB: The proposed development is within an E3: Medium district brightness area.

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.

Condition – Dust Control

The submitted 'Construction Environmental Method Statement' (Ref. 4077/CEMP) Dust Management Plan shall be implemented throughout the construction works at the development site.

Reason: To minimise loss of amenity at residential premises.

Condition - Noise & Vibration Control

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.

Informative - Construction/Demolition Noise

All activities associated with the construction/demolition works shall be carried out in accordance with British Standard 5228: Code of Practice for Noise & Vibration Control on Construction & Open Sites – Parts 1 and 2.

Floodlighting Control (Construction Phase)

The following condition is recommended if security floodlighting is required on site.

Condition

A floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the works.

Reason

To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity.

Informative:

When assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in 'Guidance Notes for the Reduction of Obtrusive Light' GN01 produced by The Institution of Lighting Professionals, available at: <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>

NB: The proposed development is within an E3: Medium District Brightness Area.

Air Quality

Recommendations:

If the authority is minded to approve the application I would recommend the following conditions:

Condition – AQA

Prior to the occupation of the site, details regarding the additional mitigation commensurate with the information required for a Type 3x development (in accordance with the BwDBC Air Quality Advisory Note) should be agreed in writing by the LPA. Mitigation agreed and based thereon should be incorporated within the

development, and verification of the agreed mitigation should be provided on completion of the works.

Reason: In accordance with Paragraph 104, 185 and 186 of the NPPF, the Council's Air Quality Advisory Note and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality in order to reduce the impact of the development on air quality & mitigate any adverse effects on public health and the wider environment.

Condition – Domestic gas boiler emissions

Gas fired domestic heating boilers shall not emit more than 40mg NO_x/kWh.

Reason: The condition implements the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality.

Condition – Electric vehicle charging

Each dwelling with a dedicated parking space or garage will have its own electric vehicle charging point. In the case of apartments without dedicated parking for individual units, 10% of parking bays shall be fitted with electric vehicle charging points. All charging points will have a Type 2 connector and a minimum charging rate of 3.7 kW.

Reason: Reason: In accordance with Paragraph 110a and 112d of the NPPF. The condition also implements the Council's Air Quality Planning Advisory Note. 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 2030/5.

Condition – Dust Management Plan

Earthworks and construction activity shall not commence until a dust management plan submitted by the developer has been agreed in writing with Blackburn with Darwen Borough Council. The agreed dust management plan shall be implemented for the duration of the earthworks and construction activity at the site.

Reason: This condition is recommended to mitigate the risk of dust soiling and associated health impact at neighbouring residential premises during earthworks and construction. The developer's assessment concluded that the unmitigated risk of dust soiling is high for earthwork and trackout, medium for construction, and the health risk is medium for trackout.

Condition: Green Travel Plan

Notwithstanding any details submitted as part of the application, none of the buildings hereby approved shall be first occupied until a Travel Plan has been

submitted to and approved in writing by the Local Planning Authority. The travel plan shall thereafter be implemented in accordance with the duly approved details and timetable contained therein. The Travel Plan shall contain:

- a. details of a Travel Plan co-ordinator;
- b. details of measures to be introduced to promote a choice of travel modes to and from the site;
- c. a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
- d. a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under (b) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

Reason: In order to promote modal shift and increased use of sustainable methods of travel, and in accordance with paragraphs 110, 112 and 113 of the NPPF.

Contaminated Land

Implementation of Remediation Strategy by condition.

6.3 BwD Environmental Services

No issues with the houses.

Apartments – we don't favour these as people are usually provided with bulk bins to share (no space for 3 bins for each apartment) and since people do not have 'ownership' over shared bins, one person throwing mixed rubbish in recycling bins, means we cannot empty the recycling bins. The managing agent usually takes no role in keeping the bin stores clear or educating residents and so rubbish and recyclables build up in the bin stores. As a council we pay the cost of extra disposal from these premises as the contents of the recycling bins often have to be disposed of as general rubbish.

For 37 flats bulk bin provision will mean 5 x 1100 ltr bulk refuse bins, 8 x 1100 ltr bulk paper recycling bins and 8 x 1100 ltr mxd recycling bins...PLUS from 2026 the council will be providing a separate food waste collection so the developer will also need to provide space for shared food waste collection bins, of say 6 x 240 ltr wheeled bins but these could be placed at the same time as withdrawing say 2 of the bulk rubbish bins.

6.4 BwD Highways

The application received has been assessed and a site investigation has been carried out.

The proposal seeks consent for Construction of residential development comprising the erection of 168 dwellings and 37 apartments together with access roads and landscape treatment

The site has been cleared, and is ready for development; therefore no demolition requirements are apparent.

The site is located off Haslingden Road. The scheme has been altered from that which was approved under 10/21/1426. Apartment Block B (units 187-210 have been removed) in favour of 9 houses, with further changes within the remainder of the layout. All matters as outlined and agreed at the previous approval would still remain, and should be attached. This should include the S106 highway contribution of £750k

The roads layout does not change, and remains as approved.

Aside from ensuring that the parking accords with Blackburn with Darwen Adopted parking standards, and the bays accords with the council's dimension sizes. Cycling parking should be provided for all property within curtilage.

To further support active travel and wider connections to, from and through the site. Footpath connections to Seacole Close Estate, Sullivan Drive, Delius Close and Arnold Drive should all be widened to a minimum 3m width to accommodate shared use. As previously commented a 3m wide connection as far as the site boundary permits towards Pankhurst Close should also be provided following the private driveway to property 168. The continuation of the path to Block A should also be extended to return to Haslingden Road to provide a convenient route for pedestrians accessing the site to/from the West.

The links to Seacole Close Estate, Sullivan Drive, Delius Close and Arnold Drive should all be properly connected to existing infrastructure to ensure suitable routes for pedestrians and cyclists

OTHER

A Construction Management Plan would need to be provided for approval, if different to that already approved.

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway

- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authority
- The new highways will be the subject of a Section 38 agreement to construct and adopt the roads and footways
- Any old entrances that are no longer required, should be reinstated back to full footway at the developers expense
- Footways around the periphery of the site, are to be made good, upto modern adoptable standards, this include street lighting, lining and any associated works.

Subject to the above being conditioned, and all matters being addressed, we would in principle offer no objections to the application.

Please note: Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority. Please attach standards conditions/Informatives: Highways 1, 2, 3, 7, 8, 9, 90, 10, 11, 12, 13, 14, 15, and 17

6.5 BwD Public Rights of Way

There is a footpath running across this site which is mentioned in the planning and access statement. This footpath 101 Blackburn will require a diversion order to accommodate the development.

The footpath will also need a temporary closure in place before any work commences on site, including site preparation prior to construction.

If there is to be a change of surface to this Public right of way, prior approval needs to be sought from the highway authority before work commences.

All forms can be obtained from BWDBC website or by emailing:

6.6 BwD Drainage – Lead Local Flood Authority

10/23/0616 LLFA Response

LLFA Position:

We have no objections to the proposals, but require the following Conditions:

Condition 1:

None of the dwellings hereby approved shall be first occupied until details of a management and maintenance scheme for any sustainable drainage (including both tanks and basins) to be installed as part of the development has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall cover the full lifetime of the drainage system, and as a minimum, shall include:

- (i) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company;

(ii) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of any sustainable drainage system incl. mechanical components to include details such as:

- a. on-going inspections relating to performance and asset condition assessments;
- b. operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
- c. any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

(iii) means of access and easements for maintenance purposes; and

(iv) a timetable for implementation, including details of any phased delivery.

The drainage system shall thereafter be installed in accordance with the details and timetable contained within the duly approved scheme, and shall be managed and maintained as such thereafter.

Reason:

To ensure that satisfactory measures are put in place for the management and maintenance of any surface water drainage system throughout the lifetime of the development, to minimise the risk of flooding and to limit the potential for surcharging of the sewer network in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

Condition 2:

Prior to commencement, the applicant must provide confirmation that UU have approved the connection and discharge rate to the surface water sewer.

6.6 BwD Arboriculture Officer

Designations:

Policy 9. Development and the Environment.

Assessment:

I have considered the proposals with regard to the Arboricultural Constraints Appraisal, the Arboricultural Method Statement (AMS), the landscape plans, and the planting and landscape specifications.

The site contains a few lower grade trees, situated around the boundaries.

There are some trees close to the boundary on neighbouring land which are of value and would not be impacted upon by the proposed layout.

The proposed entrance requirements will require the removal of a mature Hawthorn hedge. The landscape proposals include hedging to be planted with the new entrance, consisting of Holly, Privet and other native species.

The plant species listed in the Planting Schedules in the Landscape Specification document are suitable and appropriate for the development.

Proposed tree planting provision and species choice is appropriate for the housing and open space.

Conclusion:

The proposals will not lead to any notable loss of tree cover and can be compensated with by new planting.

Landscape proposals provide a suitable level of amenity constant with the scale of the proposed development.

Recommendations.

The landscape plans with associated documents, tree protection proposals and AMS, provide full details which are suitable to approve. Therefore a condition for further landscape provision is not required.

6.7 BwD Property

No comment offered.

6.8 BwD Strategic Housing

No objection.

6.9 BwD Education

No response offered.

6.10 BwD Housing Standards

No response offered.

6.11 United Utilities

DRAINAGE

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

CONDITION – Foul and Surface Water Drainage

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted 'Proposed Drainage Layout', Drawing Number 4077-PEF-XX-DR-C-0500-DRAINAGE, Rev C05- Dated 17.05.23 which was prepared by Keepmoat Homes. For the avoidance of doubt surface water must drain at the restricted rate of 17.5 l/s. No surface water will be permitted to drain directly or indirectly into the combined sewer.

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 ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

The importance of Sustainable Drainage Systems (SuDS)

We strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. We believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in any subsequent Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. The following may be a useful example.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local

planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

6.12 Active Travel England

Notice is hereby given that Active Travel England's formal recommendation is as follows:

Deferral: ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.

1.0 Background

Active Travel England (ATE) welcomes the opportunity to comment on this planning application for the erection of 168 dwellings and 37 apartments. The application site is allocated for development within the local development plan and is located within the Blackburn settlement boundary. It is noted that there is recent planning history at the site, however this is ATE's first involvement with the application site.

2.0 Summary

While ATE acknowledges that under planning reference 10/21/1426 planning permission was granted in 2022 for the erection of 160 dwellings and 50 apartments at the site, having reviewed the proposed development ATE has identified several areas of concern with the proposed development and feels that active travel has not been sufficiently prioritised in the current approach. Of particular concern is the lack of secure, covered bicycle storage for the apartments. However, the layout, active travel infrastructure and the Travel Plan also raise concern.

3.0 National Policy and Guidance

The National Planning Policy Framework (NPPF) states: 104. Transport issues should be considered from the earliest stages of... development proposals, so that: c) opportunities to promote walking, cycling and public transport use are identified and pursued. 110. In assessing specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; [and] b) safe

and suitable access to the site can be achieved for all users. 112. Applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas...; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; [and] c) create places that... minimise the scope for conflicts between pedestrians, cyclists and vehicles...; 113. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. Local Transport Note 1/20 (LTN 1/20) provides guidance to local authorities on delivering high quality, cycle infrastructure. More specifically relevant to this application is section 11 – Cycle parking and other equipment, and paragraphs 6.5 on shared use routes. Gear change: a bold vision for cycling and walking is the Government’s cycling and walking plan for England. This sets the Government’s vision for cycling and walking to be the natural first choice for many journeys with half of all journeys in towns and cities being cycled or walked by 2030. Active Travel England’s responsibilities for walking also extend to “wheeling”, such as the use of wheelchairs (self-propelled or powered) and mobility scooters. Inclusive mobility: making transport accessible for passengers and pedestrians provides guidance on designing and improving the accessibility and inclusivity of public transport and pedestrian infrastructure.

4.0 Opportunities

The application site benefits from a range of attributes which have the potential to facilitate walking, wheeling, and cycling. In particular, the site is located within the urban area, meaning that employment facilities and other day-to-day amenities are within a reasonable distance of the site. The development should therefore be in a strong position to encourage walking, cycling and wheeling as the priority mode of transport. In order for these opportunities to be realised, ATE considers that improvements to infrastructure will be required in order to enhance this development to be in line with local and national policy and design guidance.

5.0 Areas of Concern

In its current form, this application does not demonstrate a commitment to how the proposed development will ensure that active travel modes are prioritised. Bicycle storage

- The submitted plans do not show any secure bicycle storage associated with the apartments. The layout plan appears to show 7 bicycle stands located close to the eastern edge of the building. However, given that the development proposes 37 apartments, with a total of 52 bedrooms across these units, this provision will be inadequate and falls considerably short of Blackburn with Darwen Borough Council’s Cycle Parking Standards which advises that this development should provide 52 cycle parking spaces for the apartment building.
- In addition to a shortfall in the number of spaces, these spaces are also not secure and are not overlooked by any windows or public space. They are also uncovered. The provision therefore falls short on quality as well as quantity and is unlikely to result in any genuine uptake of bicycle parking. Residents would likely be required to store bicycles within their apartments, discouraging bicycle ownership and use.
- ATE therefore advises that secure, covered

cycle storage for 52 bicycles be provided within the building or within an appropriate associated structure. Connections from the site to the east.

- The layout of the development shows no direct connection to Pankhurst Close or Nightingale Close to the east and this would appear to be a missed opportunity to provide shorter and more direct walking, wheeling and cycling routes, particularly for dwellings in the southeastern corner of the site. Travel Plan and Transport Assessment.
- The Transport Plan (TP) and Transport Assessment (TA) do not provide a quantification of active travel movements likely to be generated by the development, and a qualitative assessment of potential routes is also missing. This results in a limited analysis or evidence base upon which an effective strategy can be built within these documents and the masterplan. Given that the NPPF clearly states that active travel should be prioritised, the omission of any meaningful qualitative or quantitative assessment and analysis is disappointing. • Initial targets for active travel mode shares should also be provided within the TP, and while it is acknowledged that targets may be adjusted after an initial survey of residents is carried out, targets based on local data should form part of the TP. Details of actions to be taken if the targets are not met should then also be outlined and committed to, with the intention for these to be secured, implemented, and monitored through the planning conditions.

3m shared footway/cycleway • Generally, shared use routes (i.e. a path or surface which is available for use by both pedestrians and cyclists) should be avoided along all new and upgraded streets, unless they fit within the limited acceptable situations listed in LTN 1/20 (see paragraph 6.5.6 and section 1.6 (2)). The development currently proposes a 3m-wide shared use footway/cycleway at the site access and also on Haslingden Road (A6077) to the east and west of the development site. However, it is acknowledged that within the Blackburn with Darwen Local Cycling and Walking Infrastructure Plan (LCWIP), Haslingden Road is identified as a 'fast commuter route' where achieving segregated LTN 1/20 compliant would be challenging due to the mix of traffic and the number of side roads and active frontages. The LCWIP advises that encouraging cyclists and pedestrians to use quieter 'primary routes' may be appropriate. ATE would therefore expect the applicant to demonstrate how this development would support the approach set out in the LCWIP.

6.0 Next Steps

ATE recommend that the local planning authority considers the above points and seeks appropriate amendments to address the areas of concern. ATE would be content to review further submitted information with a view to providing a further response and recommended conditions and/or obligations as appropriate.

6.13 Ecology – GMEU

I have now had an opportunity to consider the proposal and submitted information: -

- Ecological Impact Assessment (Enzygo, November 2020)
- Biodiversity Net Gain Draft pdf of excel metric calculation (Enzygo, November 2020)

- Landscape Scheme Amended (uploaded to planning in March, 3 sheets - Landscape Design Solutions Ltd, LDS507-01 rev A and -02, 03)
- Boundary Treatment Details – Additional Information (uploaded to planning 1st April, Keepmoat Homes, dwg no 4077-BTD rev -)

I have the following comments to make: -

The Report appears to have used reasonable effort to survey the habitats on site and make an assessment of their suitability to support protected/species of principal importance (Section 41, NERC 2006 [Natural Environment & Rural Communities Act]). The survey was conducted in November 2020, which is recognised as suboptimal for the majority of surveys. Additionally the survey is now nearly 18 months old. However, given the nature of the habitats present the habitats on site are unlikely and this is not considered to be a constraint on the assessment and does not invalidate its findings.

The Report concludes that the site supports a building of negligible value to bat roosting and the surrounding habitats within the site are of local value to biodiversity.

There is currently no known reason to contradict the findings of the Report and **the application can be forwarded to determination in respect of biodiversity without the need for any further work.**

It is recommended that in order to comply with planning policy a number of conditions/informatives should be attached to any permission if granted, as follows: - Tree protection of retained hedgerows, trees and scrub along with the boundary of the reservoir should be secured via **condition**

Precautionary approach to site clearance RAMS – Vegetation clearance including trees, shrubs and undergrowth (eg bramble) should avoid of the breeding season (March – August inclusive) unless it can be demonstrated that there is no nesting activity present. All wild birds are protected whilst nesting (Wildlife & Countryside Act 1981). Additionally, the Report indicates that whilst additional survey is not required Reasonable Avoidance Measures should be used to site vegetation clearance including supervision by an Ecological Clerk of Works. This is due to the presence of dense scrub which could not be inspected for badger signs and likelihood of common amphibians or reptiles being present including common toad (NERC Priority Species). It is recommended that these measures be secured via **condition**.

Design of the external lighting scheme, particularly along the southern boundary adjacent to the reservoir. In line with the NPPF (July 2021 para 185 c)) we recommend that applicants follow the Institute of Lighting Professionals guidance (01/21 obtrusive lighting and 08/18 wildlife sensitive lighting). This should include all elements of the proposal such as highways lighting, pedestrian/cycleway access and external domestic/security lighting as appropriate. This should be secured by **condition**.

Ecological Permeability – I note the boundary treatment plan and the associated notes. In line with best practice it is suggested that this detail should be amended to show the provision and specification of small mammal/amphibian gaps at the foot of the 1.8m feathered board fencing. This should be a gap of 130mm x 130mm in the footing, concrete pad or gravel board. This can however, be implemented via a

condition for a Biodiversity Enhancement Plan although the LPA may decide that this may also require adjustment to the boundary treatment plans.

Surface Water Drainage – The scheme includes two open water areas, which will act as attenuation and blue infrastructure. I could not locate any planting specification for these features. It should include suitable marshy grassland seeding to the sloped edges and the planting of aquatic native species marginal. I would suggest that this can be secured against a notwithstanding the submitted landscape plans condition.

Landscape Specification – The landscape layout includes a buffer to the southern edge of the proposal and this is appropriate given the presence of Fishmoor Reservoir. However, I have recommendations for adjustment as follows, which can be secured on a **notwithstanding the submitted landscape detail condition**: -

- Pond planting and aquatic specification see above
- Removal of both *Cornus sanguinea* (dogwood) and *Ligustrum vulgare* (privet) from the native scrub mix. Although both these species may be considered native they occur in natural habitats at very low density and horticulturally produced specimens of these two plants have a tendency to be competitive and dominate a shrub mixture. I would suggest they are replaced with native wild cherry (*Prunus avium*), dog rose (*Rosa canina*) and/or honeysuckle (*Lonicera periclymenum*).

Biodiversity Net Gain – Biodiversity Enhancement The scheme is supported by a pdf copy of a Biodiversity Metric calculation but no Biodiversity Net Gain Report. This means that GMEU has not been able to fully validate the conclusions drawn by the applicant. However, in this instance there would be little merit in requiring these submissions at this late stage as it is highly probable that any adjustment on verification would not result in the scheme providing a net loss in biodiversity. The summary is that there would be a net gain of +9.54% habitats and 46.31% in linear hedges. However, the scheme does not include the submission of biodiversity enhancements as identified in the Report including bat or bird boxes or informal hibernacula for common amphibians/reptiles. I would recommend that a Biodiversity Enhancement Plan is provided and implemented via **condition**, on any permission if granted.

Landscape and Environmental Management Plan In order to secure the BNG uplift that is claimed the scheme should be supported by a LEMP which demonstrates the management and monitoring of on-site habitats for a period of 30 years. This can be secured via **condition** with identification of suitable resourcing and reporting processes. Where necessary this may require a securing obligation if this responsibility is to be returned to the Local Authority.

In summary and conclusions, I am satisfied that the scheme does not require any further biodiversity assessment, but that adjustments/additional information is required in relation to the following: -

- Boundary treatments
- Landscape specification to include changes and additional information
- RAMS protocol for site clearance
- Biodiversity Enhancement Plan#
- Landscape and Environmental Management Plan

I hope you find these comments helpful. If you have any queries, please do not hesitate to contact me.

6.14 BwD Housing Standards

No comment.

6.15 LCC Archaeology

The proposed development site contains the following non-designated heritage assets recorded on the Lancashire Historic Environment Record:

PRN14385 – Boundary marker stone shown on 1st Edition Ordnance Survey 1:2500 (1894)

PRN14390 – Footpath shown on 1st Edition Ordnance Survey 1:2500 (1894)

PRN14410 – Boundary marker stone shown on 1st Edition Ordnance Survey 1:2500 (1894)

PRN14419 – Site of Bank Lane End Farm, shown on 1st Edition Ordnance Survey 1:10560 (1849)

PRN20283 – Site of Terrace known as 'Whinney Heights', shown on 1st Edition Ordnance Survey 1:10560 (1849), but possibly shown on Greenwoods 1818 Map of Lancashire.

Given the absence of any Heritage Assessment walkover of the site it is not known in the 2 boundary markers (or others) remain on site, nor if the surviving field boundaries might contain features that might merit recording.

Surviving upstanding features such as boundary stones, and the Post-medieval (1600-1850) enclosure boundaries, along with below-ground early-mid 19th century archaeological remains of Bank Lane End Farm and 'Whinney Heights' would however only be considered to have a local significance and therefore would not merit preservation in situ but could rather be recorded prior to their destruction. Consideration should however be given to the retention of the boundary markers, if they are found to still be on site, within the proposed new development.

Consequently if the Council is minded to grant planning permission to this, or any similar scheme, the HET would advise that the applicants be required to undertake a programme of archaeological work. This should be carried out prior to any development of the site and secured by means of the following condition:

Condition: No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

Note: This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists (www.archaeologists.net).

6.15 Environment Agency

No response offered.

6.16 Lancs Constabulary

No objection subject to standard recommendations.

6.17 Public consultation

159 letters were posted to the local community on 27th July 2023. Site notices were also displayed and a press notice was published 4th August 2023. In response, 4 objections and 3 general comments were received (see Summary of Representations).

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

8.0 DATE PREPARED: 2nd October 2023.

9.0 SUMMARY OF REPRESENTATIONS:

Objection – Iftekhar Hussin, 16 Pankhurst Close, Blackburn, BB1 2RB. Received: 27/07/2023.

Dear sir/madam I am writing to inform you that we do not agree to the planning application near or adjoining my property because of traffic on the local road network and objection revolving around the potential of flooding, drainage, impact on wildlife, loss of views, and over development, and car pollution and both of my children are asthmatic therefore it will impact their health.

Objection – Mr & Mrs Kay, 32 Nightingale Close, Blackburn, BB1 2RE. Received: 01/08/2023.

We, Mr and Mrs Kay of 32 Nightingale Close, Blackburn, BB1 2RE oppose the planned development on the field opposite the front of our house.

We chose our home based on the open views of the neighbouring town, reservoir and wildlife on our doorstep for which we paid a premium. We are frequented by birds of prey in the neighbouring field, bats and have the occasional deer find it's way to visit.

We are aware that a development has been planned for a number of years, however should this go ahead, **we oppose the layout directly in front of our home.**

We are mostly concerned to the planned build of some houses and trees that are in close proximity to the boundary wall in front of our home - **Plots 161-163**. Also, our home is set significantly lower than the adjacent street of Pankhurst Close and so, this would then result in impeding our natural daylight/sunlight and it being blocked out somewhat. (Not to mention our concern regarding the tree roots disturbing the boundary wall and the height in which the trees will grow which could also block out further daylight!)

Another concern of ours, is the view of rear gardens. We are well aware it is a separate development to the one in which we live on but part of our land lease terms are not to display laundry to the front of the properties. So it seems, being faced with a collection of back gardens and laundry, it is going to be somewhat unsightly and some may say an eyesore! Why the development couldn't have been designed to sympathetically mirror the neighbouring street I do not know.

Finally, an additional concern of ours is to confirm that there will be adequate bin storage for the flats/apartments being built, as we have experienced waste and vermin issues and have had constant problems with people fly tipping at the bin storage sheds, which has then led to rats in our neighbourhood and also our street.

We acknowledge that there is a development going forth, but we would kindly like to ask you to consider the thoughts and effects of the neighbouring properties.

We welcome you and any developers to our home to assess our issues and concerns based on locational proximity and to listen to your responses.

Objection – Sunil Stephen. Received: 09/08/2023.

Good morning, this is the responds regarding planning application for construction of residential development near my house. I have few concerns about the new construction such as, it may lead flooding to my garden area and there few deers and kids,birds living in in this land. Last time when they done some work this land, all the JCB,and other lorrys parked access through walton crescent and its unsafe for our children. So I strongly against this development.

Objection – Paul Hoole, 10 Britten Close, Blackburn. Received: 10/08/2023.

Plots 8,9 and 10 (3 houses)on the Latest Application have changed House Type.*

They are now a 3 storey terrace building each with a 3rd floor window overlooking mine and my neighbour's property directly. They were previously a 2 storey. They are also taller by approx. a metre.

These properties face myself and my neighbour's property directly with no angular displacement and will also be situated on higher ground, exacerbating the feeling of being overlooked. Because they are on higher ground and the building themselves are taller they will also reduce the levels of light reaching our properties and consequently interfere with my right to light.**

Because these houses are situated only 21 metres away (minimum distance), it will not be possible for me, or my neighbour, or, any future occupants of our properties to extend them to include another Bedroom (2nd Floor) .***

Notes.

*All House types on the latest application have changed their names and some are of differing layouts and design.

** This situation only occurs at these 3 plots (8,9 and 10) i.e. minimum distance, not angled, directly facing neighbouring properties, on the whole development.

***Earlier plans for this development showed these houses 30 metres away from mine and my neighbour's house.

21 metre Rule

This Rule should be changed when new developments are being considered, as it restricts existing properties to their current size, thus, limiting potential growth in adjacent existing properties. In lots of cases it's cheaper for people to to extend their property rather than move. It also penalises the existing property owners next to a new development in favour of the developer. This is simply not fair or equitable. Changing this distance to 25 or 30 metres is more realistic in these types of circumstances.

Comment – Mr & Mrs Moore, 21 Delius Close, Blackburn. Received: 08/08/2023.

Our major concern is the fact that excess water runs off the field onto Delius Close cul-de-sac because of the downward slope.

When heavy rain occurs there is always lots of surface water in the cul-de-sac because the water has nowhere to go, which indicates insufficient drainage now.

If new build continues the current drainage will not be adequate to cope with the massive increase of surface water which could result in possible major flooding for homeowners and residents near or adjoining properties.

With the downward slope water has to run somewhere and it would most likely be our homes that flood due to increased run off water.

The drains around Delius Close cannot cope now, it is plain to see.

Comment – John Turpin, 17 Delius Close, Blackburn. Received: 14/08/2023.

With reference to the above planning application, I find little evidence to show how the surface water that will run off the hard areas etc will be collected and disposed of. I live in 17 Delius Close, which is a cul-de-sac that borders both the current green land and Fishmoor Reservoir. Currently, when there is heavy rain, as there has been recently, the surface water flows downhill from the open areas to the rear of numbers 25 - 35 Delius Close and flows through the gap between 29 and 31 Delius Close where it collects in front of 22 Delius Close before eventually finding its way into the drainage system. Any increase in the amount of water flowing through that gap would require an increase in the height of the kerb stones or increased drainage in the gap between 29 and 31 to prevent this potential flooding problem.

Bearing in mind global warming and the changes to weather patterns which will include sustained periods of more intense rain, adequate drainage needs to be put in place at the groundwork stage before building starts, to satisfactorily handle the current calculated run-off of surface water and take into account future increases. Failure to do so could have serious consequences to the occupiers of property in and around Delius Close.

I should be grateful for clarification regarding this important concern.
