

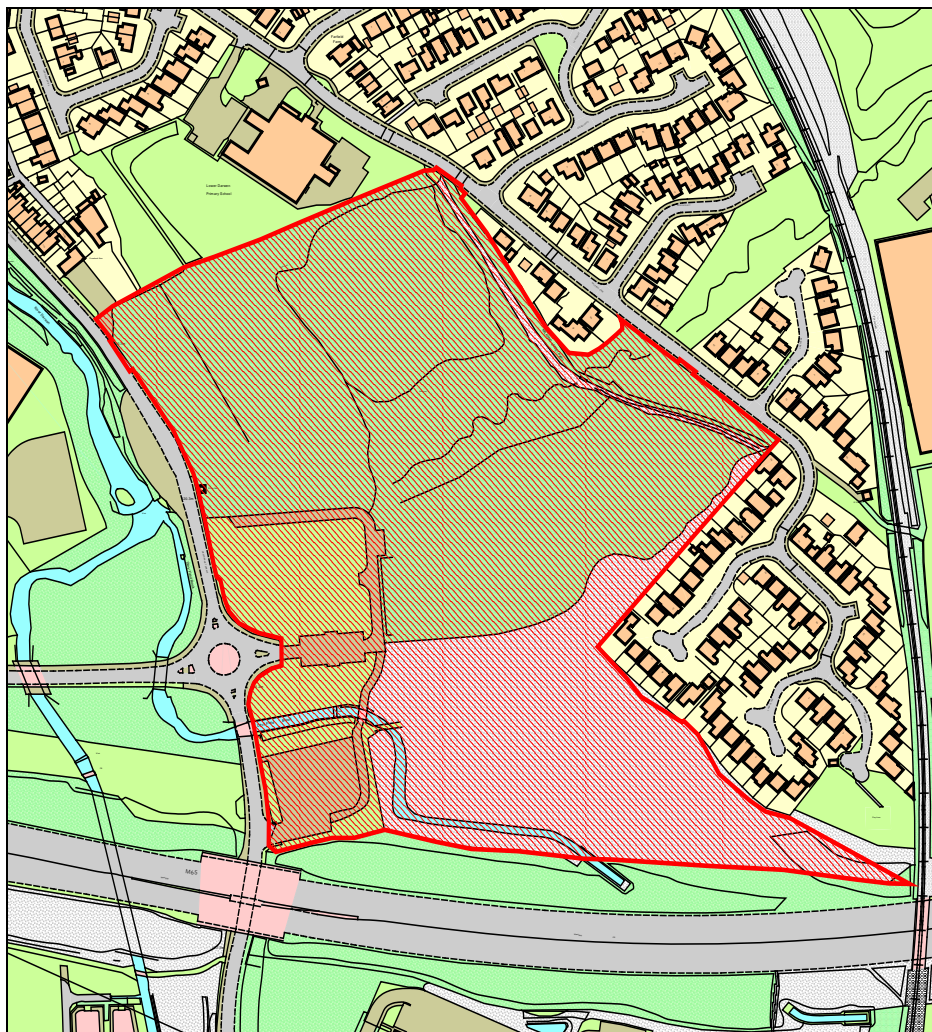
Proposed development: Hybrid Planning Application - Full planning permission - new link road and access points; Outline planning permission with all matters reserved (with all matters reserved except for access) for a mixed use development comprising a maximum of the following: 100 dwellings (C3), 9,000m² of employment use and careers hub (B1/B2/B8/D1), and associated ancillary works.

Site address:

**Land at Greenbank Terrace and Milking Lane,
Darwen,
BB3 0RN**

Applicant: Barnfield Blackburn Ltd

**Ward: Blackburn South & Lower Darwen
Councillor John Slater
Councillor Jacqueline Slater
Councillor Denise Gee**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions; as set out in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application is in the form of a hybrid planning application seeking both full planning permission and outline planning permission. It is presented to Committee on account of the application being a significant major planning application.
- 2.2 Approval of the scheme will allow positive progress to be made towards the re-development of the site and will address the challenges of a vacant dispersed site. It is, therefore, necessary to advance a high quality development.
- 2.3 The proposed development is considered satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The site the subject of the current application comprises an area of land that comprises a former paper mill and landfill site and is dominated by a mosaic of grassland, tall ruderal vegetation, woodland and scrub which had developed over previously disturbed land. The site lies to the immediate south west of Milking Lane and to the north east of Greenbank Terrace, Lower Darwen.
- 3.1.2 East of the site lies a roundabout linking the junction of Greenbank Terrace, Paul Rink Way and Lower Eccleshill Link Road. Access to the site is currently gained from either of these roads. The site is linked to junction 4 of the M65 motorway via the Eccleshill Link Road to the west via Greenbank Terrace.
- 3.1.3 This site has an area of 9.45 hectares and comprises two distinct elevated areas of land which are separated by a stream and its associated valley. The stream leads to the River Darwen via a culvert which runs under Greenbank Terrace to the west of the site. To the immediate north of the site is Lower Darwen Primary School and to the north and east are modern residential developments.
- 3.1.4 The site previously contained 2 vacant office buildings which were commenced as part of a wider Business Park redevelopment scheme of the site. The offices remained empty since their construction. Permission was granted under application reference 10/18/0911 for their demolition. It is the view of the LPA that the permission is still extant as the concrete slabs are still

present on site. The demolition was for the main structure of the buildings, which has been implemented. The site is otherwise undeveloped.

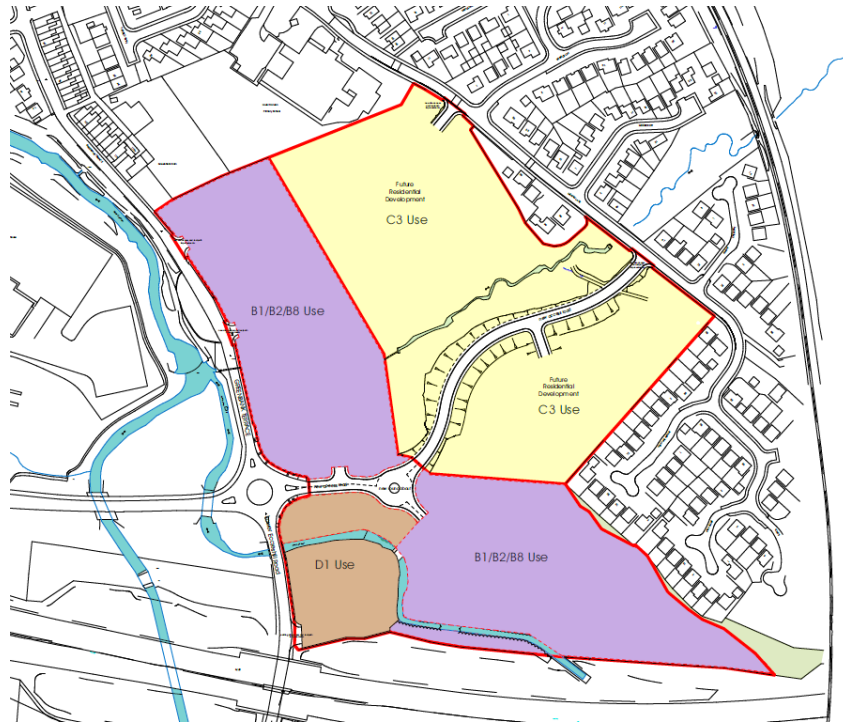
- 3.1.5 The Adopted Policies Map identifies Development Opportunities within the Borough. On these sites, planning permission will be granted for a range of new uses, either as stand- alone uses or a mix of uses. Part of the site has been allocated as suitable for high quality development as can be seen on the plan below:



- 3.1.6 Reference 28/9 relates to the site known as 'Former Lower Darwen Paper Mill, Greenbank Terrace, Lower Darwen' and has the potential use or uses for employment/residential. The parcel of land allocated within the defined development site known as 28/9 is 5.24ha. This is over half of the proposed application site.

3.2 Proposed Development

- 3.2.1 The application is a hybrid planning application, seeking full planning permission for the creation of a new link road and access points and outline planning permission for all matters reserved (all matters reserved except for access) for a mixed use development comprising a maximum of the following: 100 dwellings (C3), 9,000m² of employment use and careers hub (B1/B2/B8/D1), and associated ancillary works.
- 3.2.2 Outline planning permission is sought for a mixed use development. Prior to finalising the uses discussions were held with the LPA and a RIBA stage 1 feasibility and transport feasibility study was carried out. Subsequently, the site has been divided into 3 distinct development zones and a use class proposed for each plot.
- 3.2.3 The residential use (C3) is proposed for the upper parcel of the site. It would be located and read in association with the exiting surrounding residential uses. The employment (B1/B2 & B8) and non-residential institution (D1) uses are proposed for the lower parcels. They would be separated from the residential use by the topography of the site. The three distinct zones can be seen on the illustrative layout plan below:



- 3.2.4 The site has four existing access points, all of which are gated and disused. Three of the existing accesses are located along the western boundary of the site, two off Greenbank Terrace and one via the Greenbank Terrace/Paul Rink Way/Lower Eccleshill Road roundabout. The fourth access is located off Lower Eccleshill Road to the south of the roundabout.
- 3.2.5 The above plan also clearly shows the proposed link road which full planning permission is sought for. It is envisaged that the residential use of the proposal would be split into two parts. Approximately half of the development would be located between Lower Darwen Primary School and the brook. This would be accessed off Milking Lane via a new junction. The other part of the residential development would be accessed via a new link road, which would form a priority junction with Milking Lane (opposite property No. 67 on the northern side of Milking Lane).
- 3.2.6 The new link road would run between Milking Lane with the Greenbank Terrace/Paul Rink Way/Lower Eccleshill Road roundabout. The B1/B2/B8 & D1 elements of the proposal would access the site via the Greenbank Terrace/Paul Rink Way/Lower Eccleshill Road roundabout.

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 Core Strategy

Policy CS1: A Targeted Growth Strategy
 Policy CS2: Typology of Employment Lane

Policy CS3: Land for Employment Development
Policy CS4: Protection and reuse of employment sites
Policy CS5: Locations for New Housing
Policy CS6: Housing Targets
Policy CS7: Types of Housing
Policy CS8: Affordable Housing Requirement
Policy CS13: Environmental Strategy
Policy CS15: Protection and Enhancement of Ecological Assets
Policy CS16: Form and Design of New Development
Policy CS18: The Borough's Landscapes

3.3.3 Local Plan Part 2

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 12: Developer Contributions
- Policy 18: Housing Mix
- Policy 28: Development Opportunities
- Policy 45 Major Road Schemes

3.4 **Other Material Planning Considerations**

3.4.1 Residential Design Guide Supplementary Planning Document

3.4.2 Blackburn with Darwen Local Transport Plan 3 (2011-2021)

Blackburn with Darwen Borough Council's Third Local Transport Plan (LTP3) is a long term strategic document covering the period 2011-2021, and is the key mechanism for articulating and delivering transport policy at a local level. The plan highlights a number of key issues within the Borough to be addressed over the lifespan of the plan, including:

- The borough's young population and its relationship to the growth of car use and road accidents;
- Peak time congestion and traffic levels;
- The impact on and the effects of the changing climate;
- Chronic health issues;
- Poor localised air quality and intrusive noise;
- Car dependence;
- The effects of long standing deprivation;
- The ongoing requirement to generate jobs, improve wage and skill levels; and
- The need to create sustainable communities through economic restructuring and regeneration

3.4.3 National Planning Policy Framework (The Framework) (2019)

The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 2 – Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenges of climate change, flooding and coastal change
- Section 15 – Conserving and Enhancing the Natural Environment

3.5 **Assessment**

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

- Principle of development;
- Highways/Accessibility;
- Ecology
- Amenity;
- Drainage/Flooding;
- Design;
- Affordable Housing

3.5.2 Principle

3.5.3 The principle of the development is considered under the Blackburn with Darwen Local Plan Part 2: Site Allocations and Development Management Policies and the Core Strategy.

3.5.4 Core Strategy Policy CS1 and LPP2 Policy 1 sets out the principle that 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.

3.5.5 As set out previously the application is submitted as a hybrid application. Therefore, the two principles shall be assessed separately.

3.5.6 An illustrative layout has been submitted with the current outline proposal showing the relationship between the three proposed uses. It is important to note that at this outline stage the illustrative layout set out in the submitted plans will not be binding in any way on a developer that wishes to develop the site. A reserved matters planning application(s) will be required before any

works can start on site, which will include full details of layout, scale of development, landscaping throughout the site and appearance of the development.

3.5.7 Policy 7 relates to Sustainable and Viable Development and echoes the presumption in favour of sustainable development set out in the NPPF. Thus, applications that accord with policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.

3.5.8 The proximity to the M65 means that the proposed residential development would also be desirable for works, which would likely result in increased spending in the area.

3.5.9 The majority of the application site is a long-standing development opportunity site under Policy 28 of the LPP2, which reads as follows:

'The adopted Policies Map identifies Development Opportunities. On these sites, planning permission will be granted for a range of uses, either as stand-alone uses or as a mix of uses.

28/9 – potential use of uses: Employment / Residential"

3.5.10 Therefore, as the site is regarded as a Development Opportunity for employment and residential use as part of the Local Plan, it is considered that the proposed development put forward aligns with the future plans of the Council.

3.5.11 Therefore, the principle of the development as part of the outline permission is considered acceptable.

3.5.12 Full planning permission is sought for the link road. Paragraph 7 of the NPPF states *"The purpose of the planning system is to contribute to the achievement of sustainable development."*

3.5.13 Achieving sustainable development means that the planning system has three overarching objective, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives), as detailed in paragraph 8 of the NPPF:

a) **Economic Objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

b) **Social Objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations ... and support communities' health, social and cultural well-being; and

c) **Environmental Objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land ... and mitigating and adapting to climate change, including moving to a low carbon economy”

3.5.14 Chapter 9 of the NPPF relates to promoting sustainable transport. Paragraph 102 states “Transport issues should be considered from the earliest stages of plan- making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places”.

3.5.15 Paragraph 108 confirms that in assessing sites that may be allocated for development in plans, or specific allocations for development, it should be ensured that ... *“appropriate opportunities to promote sustainable transport modes are taken up, safe and suitable access to the site can be achieved and any significant impacts on the transport network or on highway safety can be mitigated”*

3.5.16 The East Lancashire Highways & Transport Masterplan was adopted in February 2013 and aims to align economic and transport objective across East Lancashire. The proposed introduction of business onto the application site would act as a catalyst for economic growth in the area, with high value investors already being drawn to other business in the area, due to its close proximity to the M65 motorway.

3.5.17 The Core Strategy refers to the importance of the motorway junction in terms of providing employment opportunities within the Borough. The proposed development located directly north of the M65 approximately 600m east of the access to Junction 4 makes the site an ideal location.

3.5.18 The fundamental principle of the proposed development is accepted; the link road will alleviate pressure from the new development from Greenbank Terrace and traffic through Lower Darwen. The proposal is therefore considered to accords with the Development Plan and The Frameworks’ presumption in favour of sustainable development, which should proceed

without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters, including a detailed highway impact assessment:

3.5.19 Accordingly, the principle of the proposal is accepted, as it is in accordance with the Development Plan and the aims and objective of the Framework, which advocates making effective use of land and boosting the supply of homes, 20% of which will be required to be affordable either on-site or off-site, secured through planning contributions.

3.5.20 Highways/Accessibility

3.5.21 Policy 10 directs that development will be permitted provided it has been demonstrated that:

- i. that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced;
- ii. appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards;
- iii. access by public transport is catered for either by providing for buss access into a site where appropriate or by ensuring that safe and convenient access exists to the nearest public facility;
- iv. measures are included to encourage access on foot and bicycle;
- v. the development does not directly affect any public right of way, unless the right of way is maintained or the proposal provides for its replacement by an equally attractive, safe and convenient route; and
- vi. the needs of disabled people are fully provided for, including those reliant on community transport services.

3.5.22 The Councils Highways Officer has assessed the proposal and has confirmed that in principle they offer no objections to the scheme subject to the following being addressed satisfactorily:

- 1) As part of the reserved matters scheme the scheme should make adequate provision for parking for all uses.
 - a. Residential – 2 space for 2/3 bed dwelling and 3 spaces for a 4/5 bed dwelling
 - b. B1/B2/B8 – the allowances vary between the three uses, the extreme being 1 car space per 35m².
 - c. D1 – the allowance would be dependent upon the type of use proposed. Which for this application has been allocated to fall within the 'Further and Higher Education' category, which would generate an allowance of 1 car space per 2 full time students.
 - d. Drives and garages should meet the councils standard size guidance.
- 2) There are six access points proposed into the sites, 2 new and 2 existing from Greenbank terrace and 2 from Milking Lane. The access points proposed from Greenbank terrace are acceptable in principle; however compliances to the following need to be addressed via conditions:

- No swept path of larger vehicles (i.e. 3 axle refuse vehicles manoeuvring through the junctions in both directions) has been received. This will provide support that the radii as presented are acceptable or not.
 - All junctions will be subject to and be delivered through the 278 process
 - With regards to the Greenbank Terrace frontage a footway should be provided for the full frontage of their site together with the necessary lighting, and associated works
 - No details of sightlines have been provided – please request for all access points, along with front boundary treatment
- 3) The following issues would require consideration at the reserved matters stage:
- The streets within the residential layout should have some inferences to Manual for Streets; the present layout does not make reference to this. Consideration to this should be given to create character and streets more harmonious to family living.
 - A route permeable and connective route for vehicles should be encourage
 - A swept path of all roads would be required
 - Clear servicing areas would need to be provided to aid the movement of service vehicles within the site
 - No details of site access/egress sightlines have been provided, nor any details with regards to individual drives and accesses. (For which both pedestrian and vehicle sightlines would be applicable).
- 4) A pedestrian movement strategy would also be required at the reserved matters stage which explores all pathways and their connectivity to the wider countryside and local convenience/schools etc. All paths should be a maximum of 3m wide to allow for both pedestrian and cycle passage simultaneously. To promote these paths widely consideration should be given to light these paths. This will be sought via a condition.
- 5) The officer has also confirmed that a construction method statement would be required to support the development and this will be sought via a condition.

3.5.23 The TA sets out appropriate modelling and a road safety review of the relevant area, the scope of works, including approach to the proposed development trips generation and junction capacity assessment. Personal Injury Accident data for the most recent 5 year period has been obtained from the Crashmap database for the site's surrounding area./ The accordant data does not indicate any inherent road safety issues associated with the existing layout of roads and junctions.

3.5.24 The TA concludes that it has been demonstrated that the site is well places in terms of pedestrian connectivity, with walking representing a realistic

alternative to car trips for a wide variety of local amenities. It has also been demonstrated that the site is accessible on cycle. A number of bicycle-based journeys could be undertaken using designated cycle routes, with the site being favourably positioned in the vicinity of the Weavers Wheel cycle network. It is also pertinent to mention that the site is accessible by public transport and it has been demonstrated that there is a potential for multi-modal journey via cycle, bus and rail.

3.5.25 A trip generation exercise was undertaken, to demonstrate a number of trips that could be potentially generated by the previously permitted development on site and the proposed development, as well as providing a trip generation comparison exercise. This was done in alignment with the Highways England requirements. The results show that the proposed development would generate 128 less two-way vehicle trips during the weekday morning peak hour and 103 less two-way vehicle trips during the weekday evening peak hour than the previously permitted development, when considered the proposed trip generation for the highway network peak hours.

3.5.26 The TA also assessed the following junctions:

- Fore Street/Duchess Street mini-roundabout
- Milking Lane/Greenbank Terrace priority junction
- Greenbank Terrace/Lower Eccleshill Road/Paul Rink Way roundabout
- Milking Lane/New Link Road priority junction; and
- M65 junction 4

3.5.27 The report goes on to further state that the on-site observations and analysis of the surveyed traffic flows have however demonstrated that there are a significant number of school trips attracted to Milking Lane during the weekday morning peak hour as it provides access to Lower Darwen Primary School. The report makes the assumption that the residential use of the proposed development would stagger its departure time to avoid the 30 minute peak period of the school. This will likely be the same for the business uses. Thus reducing the impact of the proposed development on the surrounding highway network.

3.5.28 To satisfy the Highways England request, an additional junction capacity assessment was carried out in regards to Junction 4 of the M65. The assessment concluded that the junction currently operates within capacity. With the addition of the committed, allocated and future development, the junction's performance would deteriorate and it would operate over capacity in both AM and PM peak hours. With addition of the proposed development traffic flows the junction would continue to operate over capacity in both AM and PM peak hours. Members should note that the actual impact of the proposed development would be imperceptible.

3.5.29 A Framework Travel Plan has been produced in support of the proposed development and should be read in conjunction with the TA. The objective of the Travel Plan are to reduce the reliance of future residents living within the development and staff working within the employment uses, as well as visitors on

travel by private car and to promote more sustainable modes of travel. The TA concludes that the proposed development is acceptable in highway, traffic and transportation terms.

3.5.30 Highways England assessed the abovementioned information and whilst they are in agreement with some of the previous outstanding issues, others still remain, particularly with regards to how the improvement scheme at the M65 Junction 4 roundabout has been modelled. They go on to further state in their response that there needs to be consistency regarding the inclusion of committed developments that generate traffic at Junction 4. Their assumption is that as this TA was produced by Capita (Blackburn), it should provide a true picture in the level of committed development generating traffic through the junction and so should be carried over into the assessment for the current Hybrid planning application for Gib Lane. This is described in further detail within the attached response Notice.

3.5.31 In light of the outstanding issues, they have recommended that they offer a holding objection to the application.

3.5.32 A response has been prepared by Capita on behalf of the Council and sent to Highways England at the time of the writing of this report. To date no response has been received. If no response is received from Highways England by the deadline for the update report publication the application will be removed off the agenda and deferred to the March 2020 Committee meeting.

3.5.33 A Public Right of Way (PROW) runs along the northern part of the site. Consideration as to the merits of diverting it or retaining its current position will be further explored at reserved matters stage. It is, however, initially suggested by the Councils PROW officer that incorporating the PROW within the development on its existing line would be the most suitable option. Should the developer decide on a diversion, an application should be made to the Highways Authority.

3.5.34 Works to the link road will run directly through the PROW, therefore, the applicant should contact the Highways Authority before works commence to apply for a temporary closure notice.

3.5.35 Ecology

3.5.36 Policy 9 with regard to ecology assessment emphasises that development likely to damage or destroy habitats or harm species of international or national importance will not be permitted

3.5.37 The ecology impact of the proposal has been fully assessed by the Greater Manchester Ecology Unit (GMEU) and found to be acceptable subject to the implementation of a number of conditions.

3.5.38 The application site, although comprising previously developed land, has been vacant and unmanaged for many years. As a consequence a wide range (mosaic) of semi-natural habitats have developed on the site, including

broadleaved woodland, scattered, trees, open and closed scrub, semi-improved grassland and semi-naturalised watercourses. This range of habitats will in turn support a range of breeding birds, small mammals, invertebrates and possibly amphibians. In addition it would appear that much of the site has been available for informal access for local people during its long period of neglect. So although not formally designated for its nature conservation value, the site could nevertheless be said to have substantive (albeit local) ecological value.

3.5.39 The GMEU officer stated in their response that whilst they understood that the application is predominantly currently in Outline and that it is only the principle of development under consideration, nevertheless there is an apparent lack of information and/or evident commitment to the retention of areas of semi-natural habitat to provide reassurance or confidence that ecological interests can, and will, be conserved if permission is to be granted to the development.

3.5.40 None of the recommendations made to protect wildlife interests in the ecology survey report submitted to inform the application (*Bowland Ecology 2018*) are reflected in the Outline plans or information submitted with the application. Instead it would appear that any detailed proposals for the layout and landscaping of the site are only to be provided at Reserved Matters stage.

3.5.41 It is also proposed that some ecological surveys are undertaken later in the planning process to inform Reserved Matters applications and/or site clearance and construction works.

3.5.42 There is also an apparent lack of detail in the full application for the proposed new access road (e.g. no detailed Landscaping or Drainage proposals are available).

3.5.43 To overcome the above mentioned issues it is recommended that the following conditions be attached adopting reasonable avoidance measures, such as:

- Further ecological surveys are required to be undertaken to inform any Reserved Matters applications. Surveys to include –
 - Surveys for invasive plant species,
 - badgers,
 - otters,
 - water voles and
 - bats
- That a comprehensive Landscape and Habitat Creation and Management Plan is prepared for the site and once approved implemented in full. The Plan should aim for, at the least, no net biodiversity losses. Recommendations made in section 5 of the Bowland Ecology Report of 2018 should be incorporated into the Plan
- That a separate Landscape Plan be prepared for the Access Road as a Condition of any approval granted to this element of the scheme

- That no vegetation or ground clearance works are undertaken during the optimum time of year for bird breeding (March to August inclusive)
- That a Construction Environmental Management Plan (CEMP) is prepared for the development. In particular details of measures to protect the watercourses on and close to the site should be provided.

3.5.44 It is acknowledged by the Council that there will be a bio-diversity nett loss within the site, however, by ensuring the submission of landscaping schemes this will mitigate the loss to an acceptable level.

3.5.45 The assessment is considered to demonstrate support for the proposal from an ecological perspective subject to the attachment of the aforementioned conditions; in accordance with the requirements of Policy 9 and the NPPF.

3.5.46 Amenity

3.5.47 Policy 8, supported by the SPD, requires a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

3.5.48 As an outline application, a full amenity assessment in respect of relationships between buildings is not possible. This will, instead, be subject to assessment at reserved matters stage. Any proposed layout will need to demonstrate compliance with the Council's adopted space standards, as set out in the Residential Design Guide SPD, ensuring adequate separation is achieved between each new unit and existing dwellings which adjoin the application site.

3.5.49 The Council's Public Protection team has been consulted on the proposal and have reviewed a preliminary Phase 1 Geo-Environmental Assessment. Although the site has a complex contaminative history, quite a large amount of previous contaminated and investigations have been completed on site and not found any major issues. As such, the officer has recommended that they have no objection to this application based on contaminated and grounds. Application of the standard contaminated land conditions is also recommended, as is a restriction in the hours of demolition / construction of the link road.

3.5.50 A pre-determination noise amenity impact assessment has been recommended by the Public Protection officer also. As the request relates solely to the noise impact s of the proposed B2 & B8 commercial land uses and existing ambient traffic noise upon future users of the development site it is considered that this could be undertaken to inform any Reserved Matters application.

3.5.51 It is considered that the construction of the link road would have a negligible impact on the neighbouring properties by virtue of the separation distance

between the siting of the road and the nearest dwellings. The proposed development is considered to accord with Policy 8 of the LPP2.

3.5.52 Drainage/Flooding

3.5.53 The Environment Agency have confirmed that in the absence of an acceptable Flood Risk Assessment (FRA) they object to the scheme and recommend that planning permission be refused for the following reasons:

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the development's flood risks. In particular, the detailed hydraulic model submitted with the FRA is inadequate, therefore we are unable to properly assess the flood risk. In particular:

1. The hydrology report uses the junction between Davyfield Drain and Davyfield Brook as the downstream locations of catchments used in the model. However, the model applies these boundaries 1.3km upstream of this location for Davyfield Brook and 500m upstream for Davyfield Drain. As a result, a large quantity of flow is lost to the flood plain, and for Davyfield Brook, the QT relationship at the junction shows a modelled peak flow 3x lower than the statistical peak flow at this location. The hydrology should be calculated at the confluence and at the location of the model boundaries, and the differences between hydrographs applied as a lateral inflow.

2. The 2D channel width in the development area is smaller than the 1D channel width and culverts have been represented using orifice units. A 2D HQ boundary upstream of the development allows flow to leave the model, but this flow could re-enter the channel after the peak and affect levels, so the active code area should be extended.

3. A 2D stability patch with a Mannings value of 10 has been used. This is far too high and needs to be reduced to a more sensible value.

4. Upper Davyfield Brook is very unstable. Potentially would be more stable if it had a mannings value <1.

3.5.54 An amended FRA and hydraulic model which addresses the issues outlined above has been supplied to the Environment Agency by the applicant.

3.5.55 At the timing of the writing of the report, no formal comments have been received from the Environment Agency regarding the amended information. If a response is not received by the update report publication date then the application will be removed from the agenda and deferred until the March 2020 Committee meeting.

3.5.56 Design

3.5.57 Policy 11 requires development to demonstrate a good standard of design which should 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.

The proposed link road will reduce the noise and air pollution impact of congestion from idling vehicles to the properties travelling from the M65 to Milking Lane. It will provide a direct route rather than the vehicles travelling down Greenbank Terrace.

3.5.58 The applicant has confirmed that a landscaping scheme for the access road will be submitted before the application is presented to the Committee. Details of this landscaping scheme will be reported in the Update Report.

3.5.59 A landscaping scheme along the link road would reduce the visual impact of the hard surfaced road. The introduction of an aesthetically pleasing, visually interesting balance of hard and soft landscape treatments. A further update on the visual impact of the link road will be reported via the update report upon receipt of the landscaping scheme.

3.5.60 As this application is seeking outline consent for the for a mixed use development only an illustrative plan has been submitted in support of the proposal. Therefore, no firm position is set out in relation to the development.

3.5.61 The applicant has, however, applied for up to 200 dwellings, 9,000m² of employment use and a careers hub.

3.5.62 It is considered that the proposed development, having particular regard to the maximum number and scale of the allocated zones, can be accommodated comfortably within the site area in a manner which assimilates sympathetically with the character of the site and its surrounding. Should the development be supported there will be a need for the submission of a reserved matters application(s) that will provide an opportunity for the Council to pursue a high standard of design that will ensure the development contributes to the strengthening of the existing housing market in the Borough as well as contributing to the Borough's 5 year supply of housing.

3.5.63 Affordable Housing

3.5.64 A condition will be attached ensuring that 20% of the housing stock brought forward as part of the reserved matters scheme will be affordable.

3.5.65 Summary

3.5.66 This report assesses the Hybrid Planning Application, which seeks full planning permission for the new link road and access points and outline planning permission with all matters reserved (with all matters reserved except for access) for a mixed use development comprising a maximum of the following: 100 dwellings (C3), 9,000m² of employment use and careers hub (B1/B2/B8/D1), and associated ancillary works.

3.5.67 In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation that is

considered to demonstrate compliance with the aims and objectives of the Local Development Plan and the NPPF.

4.0 RECOMMENDATION

4.1 Approve subject to Conditions which relate to the following matters:

4.2 Full Planning Application

- Commence within 3 years
- Materials to be implement as agreed subject to the approved details
- Implementation of approved Landscaping Scheme
- Development to be carried out in accordance with FRA
- Prior to commencement of development; submission of foul and surface water drainage scheme
- Prior to commencement of development; submission of surface water construction phase management plan including SUDS
- Prior to commencement of development; submission of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development
- Unexpected contamination
- Prior to commencement of development; submission of Construction Method Statement
- Prior to commencement of development; submission of Tree Survey
- Tree Protection during construction
- Prior to commencement of development, submission of a plan showing the swept path of larger vehicles (i.e. 3 axle refuse vehicles manoeuvring through the junctions in both directions).
- Limited hours of construction
- Development in accordance with submitted details / drawing nos.

4.3 Outline Planning Application

- All reserved matters application to be made within 3 years
- Reserved matters; landscape, layout, appearance and scale
- Scheme for provision of open space to be agreed
- Details of management/maintenance of open space to be agreed
- Materials to be submitted and agreed
- Construction methods statement to be submitted and agreed
- Highways – Grampian S278 off-site/on-site highways works
- Highways - visibility splays (pedestrian and vehicular)
- Highways, submission of a plan showing the swept path for all roads
- Ecology – Further ecological surveys
- Submission of a Landscape and Habitat Creation and Management Plan
- Submission of a Landscape plan
- Predetermination - Noise Amenity Impact Assessment
- Pre-determination – Air Quality Impact Assessment
- Submission of foul and surface water drainage scheme

- Submission of surface water construction phase management plan including SUDS
- Submission of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development
- Movement strategy, including footpath and cycle linkages through the site, to be submitted and agreed
- Standard contaminated land
- Submission of Tree Survey
- Limited hours of construction:
 - 08:00 to 18:00 Mondays to Fridays
 - 09:00 to 13:00 Saturdays
 - Not at all on Sundays and Bank Holidays
- Submission of a lighting scheme
- Provision of motor vehicle charging points for each dwelling
- Development in accordance with submitted details / drawing nos.

5.0 PLANNING HISTORY

- 5.1 **10/18/0911** – Demolition of 2 vacant office buildings (Prior Approval is not required - 02/10/2018)
- 5.2 **10/15/1119** - The erection of up to 180 dwellings, open space and associated works including the construction of a link road together with the demolition of the existing redundant office buildings (Refused 17/11/2016 – S106 Agreement was not completed.)
- 5.3 **10/10/0551** - Residential development and link road at land between Milking Lane and Greenbank Terrace (Approved with conditions 19/11/2012)
- 5.4 **10/05/0317** - Redevelopment of the former Lower Darwen Paper Mill site to create high quality Business Park (Approved with conditions 28/06/2006)

6.0 CONSULTATIONS

- 6.1 Neighbours
122 neighbouring properties were consulted during the consultation process relating to the initial scheme and the amended scheme, in addition 6 site notices were posted. A press notice was advertised in the local newspaper also. As a result of this, 6 letters of objection and 1 letter offering comments have been received (see summary of representations).
- 6.2 GMEU
No objection subject to attachment of conditions at reserved matters stage.
- 6.3 LLFA
No objection subject to the FRA meeting the Environment Agency's requirements and the attachment of a condition requiring the submission of a foul and surface water drainage scheme, a surface water construction phase

management plan and an appropriate maintenance plan for the sustainable drainage system.

6.4 Public Protection

Noise – No objection subject to the imposition of a condition requiring the submission of a noise assessment and Air Quality Impact Assessment

Contamination - No objection subject to the imposition of the standard contaminated land conditions being attached.

6.5 Highways

No objection subject to the imposition of a number of conditions, a pre-commencement condition requiring the submission of a construction method statement, a S278 Grampian condition securing off-site highways works, a plan showing the swept path of larger vehicles through both junctions, and sightlines.

6.6 Environmental Services

No comments as no detail layout has been provided. .

6.7 Lancashire Constabulary

No objections, but recommended that the scheme should be developed to achieve 'Secured by Design' accreditation.

6.8 United Utilities

No objections, subject to conditions requiring the development to be carried out in accordance with a drainage scheme and the submission of a maintenance plan prior to occupation

6.9 Housing Growth

No objection to the attached proposal subject to it meeting planning policy requirements

6.10 Environment Agency

The submitted FRA does not comply with the requirements for site-specific flood risk assessments the EA therefore object to the proposed development.

6.11 Highways England

Whilst there is agreement over some of the previous outstanding issues, some others still remain, particularly with regards to how the improvement scheme at the M65 Junction 4 roundabout has been modelled. Furthermore, there also needs to be consistency regarding the inclusion of committed developments that generate traffic at Junction 4 – our assumption is that as this TA was produced by Capita (Blackburn), it should provide a true picture in the level of committed development generating traffic through the junction and so should be carried over into the assessment for the current Hybrid planning application for Gib Lane. In light of the outstanding issues, our formal recommendation is that the holding objection on the determination of the application is extended until 21st February 2020 to enable time for them to be addressed.

6.12 Property
No objection.

6 CONTACT OFFICER: Rebecca Halliwell – Planner, Development Management.

7 DATE PREPARED: 6th February 2019

8.0 SUMMARY OF REPRESENTATIONS

Objection – W M McNicholas, 71 Milking Lane. Rec 06.01.2020

Objection to planning application: Planning Reference: 10/18/1149.

I hereby wish to lodge an official objection to the above planning application.

I have no objection to the residential development or employment and carriers hub, however, I do not want a new access road being created adjacent to my home. Being a resident of Milking lane for the last 18 years, I have been subjected to the twice daily congestion caused by the inconsiderate parents attending Lower Darwen Primary school.

I fail to see what benefit the proposed link road will have in easing problems as the parents will still park on both sides of the road and will still arrive (in some instances) an hour early to be able to park as close as possible. The new link road will only move the problem further up Milking Lane and will add to already excessive noise and environmental pollution and introduce light pollution. If planning is granted are there plans to provide triple glazing and other measures to reduce the impact on the house directly affected?

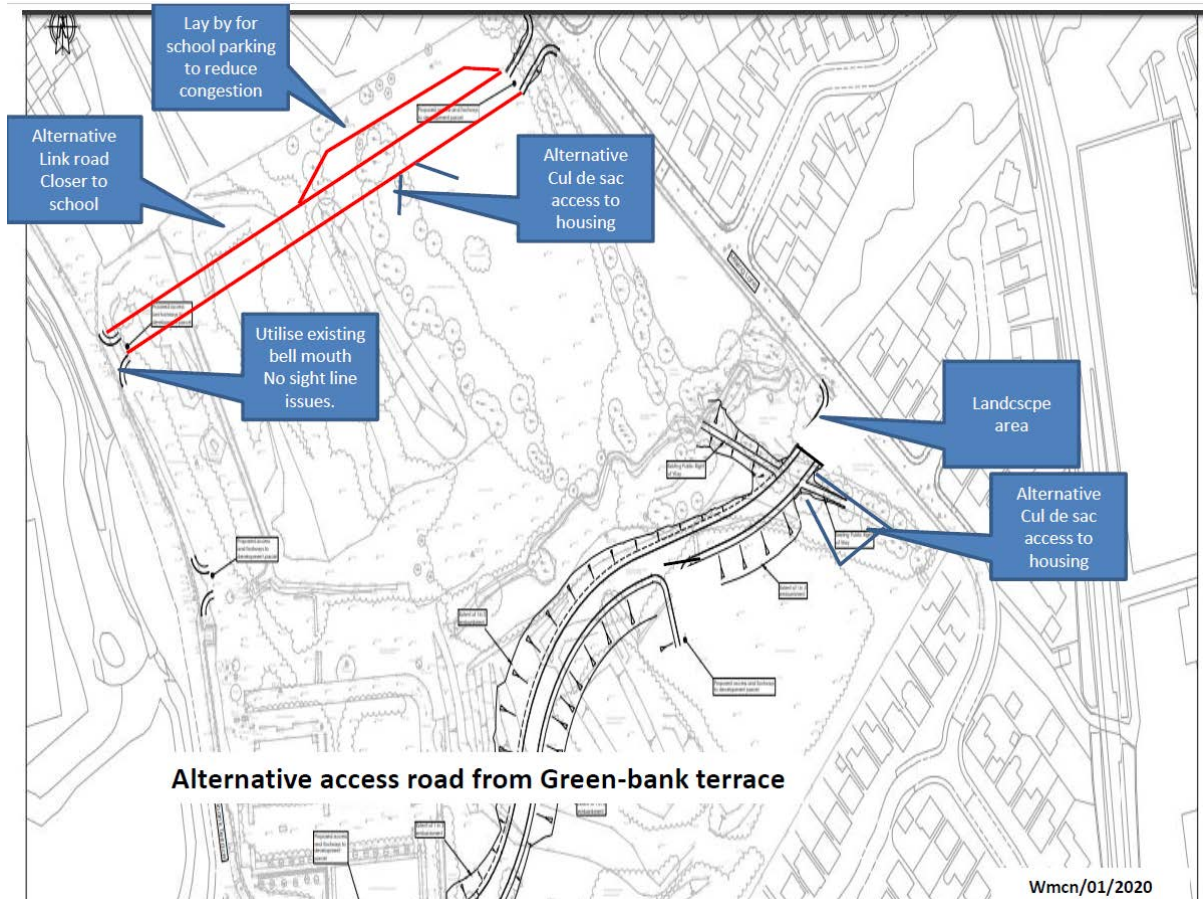
I believe there should be a balance between the need for housing and employment in Lower Darwen and for the needs of the existing residents; therefore I have an alternative proposal. If you refer to my sketch Wmcn/01/2020 I suggest the following:

- Relocate the link road and utilise the existing bell mouth adjacent to the old farm house on Green House Terrace.
- As it is an existing bell mouth there are no issues with sight lines/ section 278 upgrades.
- This will be a more cost effective alternative to the current proposal, reducing the significant civils infrastructure upgrade required.
- It will provide the ability to provide a new lay by adjacent to the school to ease parking on Milking Lane.
- Access to the other housing plot will still be maintained from the existing round about and a “cul de sac” provided to give access to the new housing, and still provide access to the bin waggon.
- The area adjacent to my property can be landscaped and public access to the historical back path can also be maintained and upgraded to provide much needed amenity space.
- What are the plans to replace all of the new trees that have grown and that have encouraged new wild life into the area?

- As the planning application is not granted it will allow the redesign to be completed and provide an opportunity to balance the planning proposal.

I look forward to your prompt response.

Yours sincerely



Objection – David Dunlop, Unknown Address. Rec 20.12.2019

FAO Rebecca Halliwell, Case Officer

The above planning permission application (10/18/1149) has recently been brought to our attention by a local resident; particularly due to his concern over its role as a local foraging site for raptors and a local wildlife amenity for residents. Unfortunately, as the deadline for comment is apparently 2nd January 2020, and given the impending seasonal holiday break (I will be on leave from this afternoon until the morning of 6th January 2020), we have insufficient charitable capacity to assess the application as thoroughly as we would wish before that deadline. However, I offer the following brief comments.

The response to Question 13 in the application form is now demonstrably incorrect given the assessment of the site made by the applicant's contracted ecological consultant, Bowland Ecology. However, on the basis of our current knowledge, we accept Bowland Ecology's assessment of the application site's ecology, the likely impacts of the development on that ecology, and the consultancy's proposed mitigation and compensation measures in outline; though we have some concern that no assessment was apparently undertaken of the suitability

or use by bats of the interior of the derelict buildings onsite, presumably because of lack of access, and we would wish to see that remedied for reason of greater certainty.

We also welcome the proposal to de-culvert and re-profile the watercourses traversing the application site; though some restoration of meanders would be a welcome addition, if and where practicable, with appropriate revegetation with native riparian and wetland plant species.

That said, none of the delivery of the mitigation or compensation measures proposed by Bowland Ecology is covered by the current hybrid application for planning permission, including the proposed ecology management plan. These are, rather, to be the subject of a reserved matters application. Given that omission, we are unable to assess how, and to what extent, this application will deliver and sustain a locally appropriate net gain in biodiversity, in accordance with NPPF and Local Plan policies, so must lodge a conditional objection.

If your authority is minded, nonetheless, to grant full consent for the proposed access roads and outline consent for the proposed housing and industrial development uses, we would wish to see all of the recommendations in the Bowland Ecology report conditioned and/or made the subject of a S106 agreement, as appropriate.

Season's Greetings

Dave

Objection – Kevin Lloyd, 14 Lady Close. Rec 19.12.2019

I am writing in respect of the full planning application received by yourselves and wish to make the following comments/objections.

Please find enclosed with this letter a copy of my comments/objections which I previously sent to yourselves when this planning application was previously submitted as an outline planning application. I should kindly be obliged if you would ignore my points 7&8 as I now understand that a link road will be constructed. However as far as I am concerned all my other comments remain valid.

I would like to emphasise the most major concern for me is the issue of the classification of land immediately to the rear of my residential property being classed as **B2 – General Industrial Use**. As I understand it this would mean that the developer would in principle have permission to site any kind of factory to the rear of my property with all the associated light, smell and noise pollution. Surely this classification is not acceptable when it is so close to existing residential properties. Such a classification could have serious and detrimental effects on the value of my property and is detrimental to the amenities enjoyed by both myself and other residents in the area. I find this totally unfair and I note that there is no B2 classification near to where the new residential properties are to be built.

APPLICATION REFERENCE 10/18/1149

Land at Greenbank Terrace and Milking Lane Darwen

With reference to the above please find my comments and objections to this proposed outline planning application:

1. The land is currently a haven for numerous wildlife including the hunting ground for birds of prey which I have seen on numerous occasions from the rear of my property. Only the other day my neighbour recorded a video on his mobile of an adult male pheasant in his garden. It is a well known fact that such corridors of land at the side of motorways in this case the M65, are used by such birds due to the continuing disappearance of their natural habitat. This planning permission would reduce their habitat even further. Such a proposal is not environmentally friendly.
2. I was under the impression that the borough council is under pressure from central government to release land both brown field and green field for residential use and most certainly not for B1,B2 and B8 development. Therefore the Borough council is flouting central government directives.
3. The area where the proposed 15,000m² of employment use is situated with proposed permission for B1,B2 and B8 use is an existing flood plain as identified on the Borough Council's website. This website also clearly identifies this as at risk of medium to high flooding. My neighbour has photos of how extensive this flooding can be. Also Lower Darwen in the Greenbank Terrace area is already nationally recognised and listed as an area at risk of significant flooding due to the River Darwen which runs along the South edge of this site and to which the stream on this site contributes. Any development on this site could create further flooding if a naturally occurring flood plain is built upon. I was under the impression that it was now generally accepted that building on a flood plain should be discouraged. Most certainly such a development could hardly be construed as a sustainable one.

4. The site is bordered by a very steep gradient on one side as recognised on the Borough Council's website and a stream with flood plain on the other side. There is a significant risk of undermining this steep gradient on top of which my property is situated. It was a Blackburn Borough Council building condition that the boundary of the property next door to me (12 Lady Close) atop this gradient was 'shored up' with railway sleepers as can be seen on the original developer (Rivermead) plans. Additionally the gradient from the corner of 12 Lady Close (where the railway sleepers are situated) and round to Viscount Avenue is largely man made and again at significant risk of slippage.
5. Given the location any such B2 general industrial or B8 warehousing and storage development could lead to land pollution, light pollution, noise and air pollution especially as the prevailing wind is from the west and would blow such pollution over my property. Again a non - sustainable and environmentally unfriendly development
6. There is no guarantee that these units would be occupied especially as the industrial units which have recently been demolished were never occupied and led to them becoming vandalised and an eye sore. It is highly likely that the same scenario would repeat itself. Given the substantial number of empty industrial unit alongside the M65 corridor and at the M65 services I can see no demand for additional capacity.
7. Would there be any restrictions as to the height and materials used in the construction of such units. It would be unacceptable to expect residents such as myself to be staring at some kind of cheaply constructed clad building.
8. There are considerable vehicular access issues with no access to the residential development from the Paul Rink M65 link road via the roundabout. This will create considerable extra traffic on Milking Lane and surrounding areas.
9. As a result of 8 above residents on Greenbank terrace will not be allowed to park their vehicles in front of their properties and will be expected to park their cars somewhere on the site? There has already been a serious incident of criminal damage in this area when the vehicles used to demolish the old industrial units were set on fire!

In summary this development is unsustainable, environmentally unfriendly and in conflict with national government policy.

Objection – Robert Murphy, Unknown Address. Rec 14.12.2019

I am writing to object to the planning application 10/18/1149.

My family own and reside at 4 Moorcroft Lower Darwen BB3 0RY. My objection is because of the additional amount of traffic using Milking Lane which is the only access to the primary school. The recent extension to the school is already causing severe congestion and I believe permission for the school extension was given on condition that another access road would be

built once planning permission is granted for the land in question. It now appears from this application that the second access is not in the planning proposal. It is for this reason that I object to the proposed application.

Robert Murphy.

14 December 2018.

Objection – Kevin Lloyd, 14 Lady Close. Rec 12.12.2019

APPLICATION REFERENCE 10/18/1149

Land at Greenbank Terrace and Milking Lane Darwen

With reference to the above please find my comments and objections to this proposed outline planning application:

1. The land is currently a haven for numerous wildlife including the hunting ground for birds of prey which I have seen on numerous occasions from the rear of my property. Only the other day my neighbour recorded a video on his mobile of an adult male pheasant in his garden. It is a well known fact that such corridors of land at the side of motorways in this case the M65, are used by such birds due to the continuing disappearance of their natural habitat. This planning permission would reduce their habitat even further. Such a proposal is not environmentally friendly.
2. I was under the impression that the borough council is under pressure from central government to release land both brown field and green field for residential use and most certainly not for B1,B2 and B8 development. Therefore the Borough council is flouting central government directives.
3. The area where the proposed 15,000m² of employment use is situated with proposed permission for B1,B2 and B8 use is an existing flood plain as identified on the Borough Council's website. This website also clearly identifies this as at risk of medium to high flooding. My neighbour has photos of how extensive this flooding can be. Also Lower Darwen in the Greenbank Terrace area is already nationally recognised and listed as an area at risk of significant flooding due to the River Darwen which runs along the South edge of this site and to which the stream on this site contributes. Any development on this site could create further flooding if a naturally occurring flood plain is built upon. I was under the impression that it was now generally accepted that building on a flood plain should be discouraged. Most certainly such a development could hardly be construed as a sustainable one.
4. The site is bordered by a very steep gradient on one side as recognised on the Borough Council's website and a stream with flood plain on the other side. There is a significant risk of undermining this steep gradient on top of which my property is situated. It was a Blackburn Borough Council building condition that the boundary of the property next door to me (12 lady Close) atop this gradient was 'shored up' with railway sleepers as can be seen on the original developer (Rivermead) plans. Additionally the gradient from the corner of 12 Lady Close (where the railway sleepers are situated) and round to Viscount Avenue is largely man made and again at significant risk of slippage.
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6. There is no guarantee that these units would be occupied especially as the industrial units which have recently been demolished were never occupied and led to them becoming vandalised and an eye sore. It is highly likely that the same scenario would repeat itself.

Given the substantial number of empty industrial unit alongside the M65 corridor and at the M65 services I can see no demand for additional capacity.

7. Would there be any restrictions as to the height and materials used in the construction of such units. It would be unacceptable to expect residents such as myself to be staring at some kind of cheaply constructed clad building.
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9. As a result of 8 above residents on Greenbank terrace will not be allowed to park their vehicles in front of their properties and will be expected to park their cars somewhere on the site? There has already been a serious incident of criminal damage in this area when the vehicles used to demolish the old industrial units were set on fire!

In summary this development is unsustainable, environmentally unfriendly and in conflict with national government policy.

Objection – Mick Miller, 2 Knight Crescent. Rec 11.12.2019

Hi

I/we were wondering if any of you in the planning office have any idea the impact this development will have on the people of Lower Darwen, the added congestion with this proposal will have a devastating effect on normal day to day life. The village certainly does not need any more industrial units, a careers hub and another 100 houses. Milking Lane, Greenbank Terrace and Goosehouse are already too congested, maybe someone should come along and do a proper study

Regards

Mick Miller
2 Knight Crescent

Comments – Cllr Denise Gee, Unknown Address. Rec 10.12.2019

Planning application 10/18/1149

I would like to put my condition in to be part of this planning application.

This application must not go ahead without the link road to Milking Lane.

Due to Milking lane having a school and high number of residents in what effectively is a cul-de-sac

We must not repeat and create a new cul-de-sac,, when the 65 has issues the traffic cannot move and we need to give this development another way out at the same time as resolving what the council created earlier.

Regards

Denise