

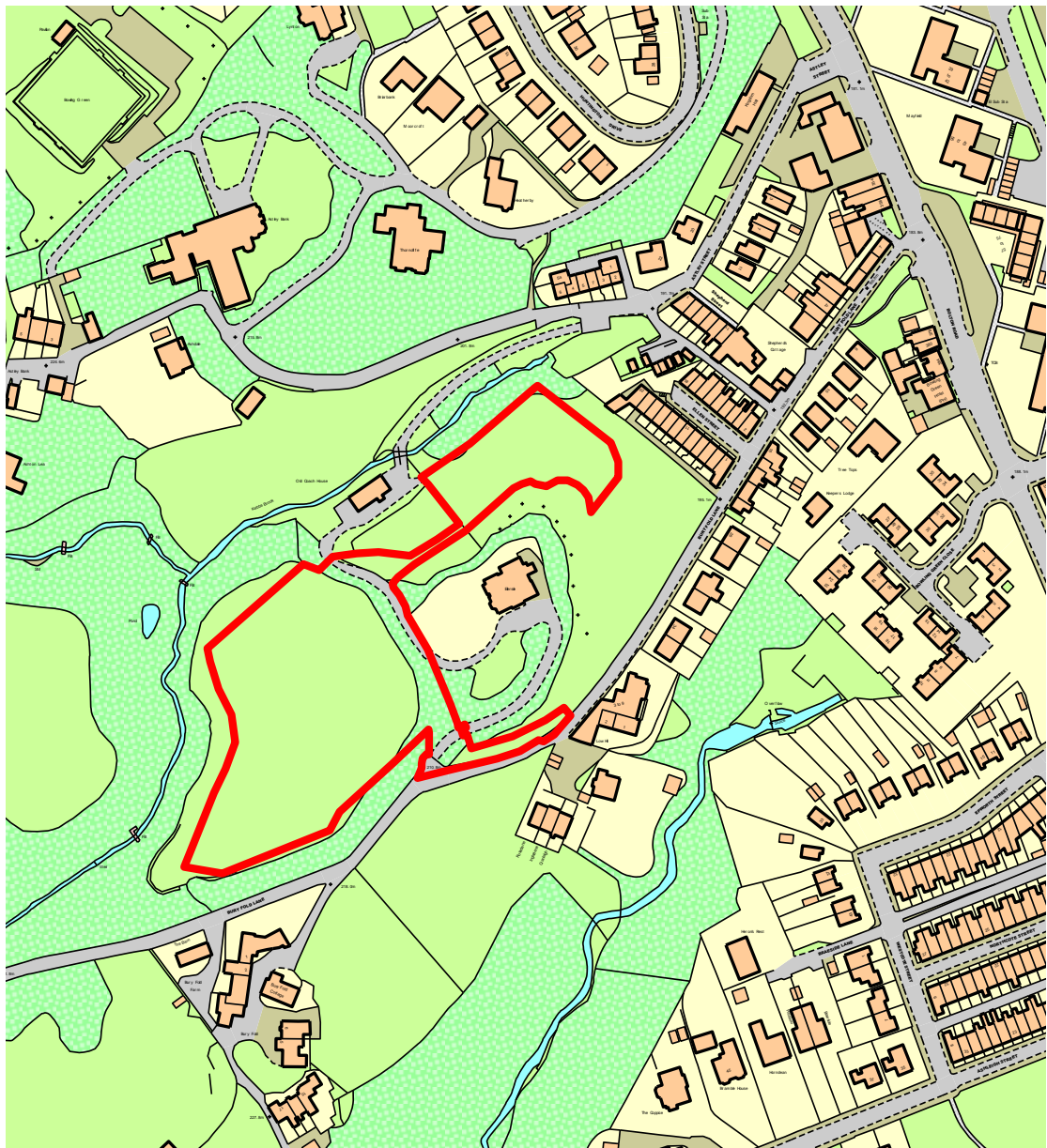
Proposed development: Outline application (access) for the erection of 22 three and four bedroom dwellings.

Site address: Ellerslie, Bury Fold Lane, Darwen, BB3 2QG

Applicant: Ellerslie Fold Management Company

Ward: Whitehall

Councillor David Foster	
Councillor Karimeh Foster	



1.0 SUMMARY OF RECOMMENDATION

1.1 Approve, subject to:

(i) an agreement under S106 of the Town & Country Planning Act 1990, relating to financial contribution toward the provision of affordable housing in the borough, enhancement of existing open space/ equipped play areas at Watery Lane and Ashton Park, and land drainage works at Blacksnape football pitches.

And the conditions referred to in Section 4 of this report.

2.0 KEY ISSUES

2.1 The outline nature of the application dictates that only the principle of residential development on the site and vehicular access are to be considered. Detail relating appearance, landscaping, layout and scale are to be assessed at the reserved matters stage.

2.2 The proposal supports the Borough's overall planning strategy of housing growth as set out in the Core Strategy and Local Plan Part 2. The proposal is also satisfactory from a technical point of view, with all issues relative to the assessment 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 application site relates to the grounds which surround Ellerslie House, which is a large detached mid-19th Century dwelling located to the south west of and within the urban boundary of Darwen. The site is bound by housing to the east and open countryside to the north, south and west. A Listed Building is located to the south at Low Hill, being sited at the edge of the footpath to Bury Fold Lane. Large mature trees, some of which are protected by Tree Preservation Order, envelope the site and there is a watercourse known as Kebbs Brook to the north. The site is accessed from the A666 Bolton Road via Bury Fold Lane.

3.1.2 Topography rises steeply from the rear of terrace properties on Ellen Street toward the main House, where the land continues to rise more gradually toward the west. There is also a drop in land level from south to north toward Kebbs Brook.

3.2 Proposed Development

3.2.1 Outline planning consent is sought for residential development of the site, seeking approval of vehicular access arrangements only. The original application form has been amended removing siting from the matters applied for. Vehicular access is shown from a spur off the existing access to Ellerslie House, via Bury Fold Lane. A revised indicative layout has been provided illustrating provision of 22 semi and detached properties, 3 within the field to the rear of Ellen Street and 19 within the larger field to the rear of the main House. Revised drawings

also indicate road widening works to Bury Fold Lane located to the south of the Ellerslie land holding.

3.3 Development Plan

3.3.1 The following policies of the Local Plan are of relevance:

Core Strategy (January 2011):

CS1 A Targeted Growth Strategy

CS5 Locations for New Housing

CS7 Types of Housing

CS8 Affordable Housing

CS15 Ecological Assets

CS16 Form and Design of New Development

CS22 Accessibility Strategy

(i) Local Plan Part 2 (December 2015):

1 The Urban Boundary

8 Development and People

9 development and the Environment

10 Accessibility and Transport

11 Design

12 Developer Contributions

18 Housing Mix

28/12 Development Opportunities – Ellerslie House, Darwen – small scale residential.

39 Heritage

40 Integrating Green Infrastructure & Ecological Networks with New Development

3.4 Other Material Planning Considerations

3.4.1 Green Infrastructure Supplementary Planning Document.

National Planning Policy Framework

3.5 Assessment

3.5.1 The main issues pertinent in the assessment of the proposal are:

- Principle of residential development.
- Highways (access and network impact).
- Design.
- Trees.
- Amenity.
- Flood risk/ drainage.
- Ecology.

3.5.2 Principle:

With regards to principle of residential development, there has been a number of concerns raised by local residents with regards to suitability of the site for residential development. The site is located within the Urban Boundary, to where the location of new development is focused

by Policy CS1 of the Core Strategy and Policy 1 of the Local Plan Part 2 (LPP2).

3.5.3 The site is allocated as a Development Opportunity in the LPP2. Policy 28 is of relevance to the proposal and specifically designates the site for small scale residential purposes. Small scale is not defined by the Policy though it is considered that the revised indicative layout of 22 dwellings accords with this classification. The dwellings proposed are of sufficient size to provide 3+ bedroom family sized properties, which are a typology of housing encouraged by Policies CS7 and 18, helping to widen the choice of house types in the Borough.

3.5.4 Policies CS8 and the Green Infrastructure SPD require new housing development to contribute toward affordable housing and public open space, including new provision or enhancement of existing public open spaces (POS). Given the location of development and transitional nature of the site between urban and rural, it is not expected that affordable housing be provided in situ and an off-site contribution toward such is supported. Environmental Services has confirmed that POS contributions would be spent to enhance existing open space/ play areas at Watery Lane and Ashton Park, as well as land drainage improvements to Blacksnape football pitches. Members should note that the applicant has committed to a Legal Agreement accepting contributions equivalent to 20% affordable housing and £1406 per unit for public open space, subject to planning permission.

3.5.5 Residents have also raised concern to existing school capacities and increased pressure the proposal will have on school roll. The Councils Education officer has been consulted on the proposal, importantly in relation to school roll pressures. No objections from a schooling perspective have been raised to the proposal.

3.5.6 Highways

The outline application refers to matters relating to access, it is therefore appropriate to assess the access arrangements and implications on the network as a result of additional vehicles associated to the development. Policy 10 of LPP2 supports new developments which provide appropriate access and do not prejudice the safe, efficient and convenient movement of all highway users. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

3.5.7 A large amount of objection to the proposal has been raised by local residents in relation to highway safety implications resultant from additional vehicle movements on Bury Fold Lane and at the junction with Bolton Road. Construction of the relocated wall is also questioned and whether necessary works can be undertaken without closure of Bury Fold Lane.

- 3.5.8 Access to the site will be via Bury Fold Lane, which varies in width, being single track in part, along its course to the proposed site entrance. The Lane is used by residents and serves as access to farm holdings. There are passing places which ease the free flow of traffic along the lane. Cars parked on the road act to reduce the carriageway width and the flow of traffic is blocked if passing places are not available. In this circumstance vehicles must reverse up/ down the Lane to allow passage of vehicles.
- 3.5.9 It is proposed that the existing access to Ellerslie be upgraded to provide the main vehicular entry to the application site. The existing track to the main house will be retained and a second road into the scheme will be provided. Works include widening of the existing junction and relocation of the boundary wall by approximately 2m to provide for improved visibility of cars/ pedestrians, as well as road widening works. A short length of footway is provided to the north side of Bury Fold Lane which will link the development to the existing footpath network.
- 3.5.10 A Transport Statement accompanied the planning application. Accident analysis indicates that there has been no reported accidents on Bury Fold Lane in the last 5 years. There are low recorded speeds on Bury Fold Lane due to vehicles anticipating the need to pull over for oncoming vehicles. Observed existing vehicle movements are 35 arriving/ departing in the AM peak and 41 in the PM peak, with the development expected to generate an additional 19 Am movements and 22 PM movements.
- 3.5.11 The design of the proposed access into the application site is supported, subject to suitable visibility splays which can be provided by condition. The main issue for consideration relates to network impact, in particular additional vehicles using Bury Fold Lane.
- 3.5.12 Initial concerns were raised by Capita Highways to the proposal with regards to lack of visibility for on coming cars on Bury Fold Lane. The proposed road widening will ensure this visibility and ease the free flow of vehicles. It is recognised that existing residents park on Bury Fold Lane and whilst this does reduce carriageway width, does not inhibit the passage of vehicles. Additional vehicles will use this road as a means of access to the development site, it is considered that the reported number of vehicles resultant from the development would not unacceptably impinge on the highway network and is able to accommodate the development without detriment to highway safety. The junction of Bolton Road/ Bury Fold Lane is delineated to provide two way traffic, visibility of oncoming cars using Bury Fold Lane will be improved through provision of a right hand turning lane on Bolton Road. On this basis it is considered that the highway impact of the proposal would not be severe and mitigation measures are proposed to improve the local road network, refusal on highway grounds should not therefore be recommended in accordance with the NPPF.

3.5.13 Policy CS22 also requires new development to be located within accessible locations so as to minimise the need to travel. The proposal has good access links to the A666 and main road network including the M65 motorway corridor. Furthermore, the development is within walking distance of a main bus route with linkages to the rail network in Darwen Town Centre. The proposal is therefore considered to be in an accessible location in accordance with Policy CS22.

3.5.14 Design

The main design assessment of residential development of the site will be undertaken at the time of the reserved matters submission. Notwithstanding this, assessment at this time must be made with regards to the proposed widening of Bury Fold Lane and the required wall relocation to facilitate.

3.5.15 Policy 11 of LPP2 is of relevance and requires all new development to present a good standard of design and will be expected to demonstrate a good understanding of the wider context and make a positive contribution to the local area, including enhancing/ reinforcing the established character of the locality.

3.5.16 A Listed Building is also located to the south at Low Hill, being sited edge of footpath to Bury Fold Lane opposing the relocated wall. Policy 39 is of relevance and states that development that will cause substantial harm to or the total loss of significance of a listed building from development within its setting, will only be permitted in very exceptional circumstances.

3.5.17 Residents have also raised objection to loss of heritage resultant from building on the land, including loss of setting of Ellerslie and Ashdale which are both former Mill owners' houses, trees and landscape character.

3.5.18 The existing wall is a 2m+ dry stone wall which retains the land behind, being located edge of carriageway it forms a dominant presence in the street which adds character to the locality and setting of the Listed Building. Widening of the road would align with the existing carriageway width of Bury Fold Lane. Detailed design of the new wall has not been provided and it is intrinsic to the final appearance that this replicates, so far as practicable, the existing structure. On this basis it is expected that the wall be of a random stone construction, ensuring that any impact to the established character of the area and setting of the Listed Building is minimal.

3.5.19 The Design and Conservation Officer has raised concern to the indicative layout provided. These concerns have been relayed to the applicant to consider within any subsequent reserved matters application. Whilst the concerns of residents are noted, it should be recognised that the Development Opportunity Allocation prioritises

residential development of the site and that due to this impact on character and setting cannot be avoided. Notwithstanding this, it is considered that a scheme of development could be achieved which respects the character of the locality. Members should note that the layout will be assessed on submission of the reserved matters application.

3.5.20 Trees

There are a number of trees on the site, those located adjacent to Bury Fold Lane are protected by Tree Preservation Order. Policy 9 of LPP2 states that development will be expected to incorporate trees into the design and layout of the scheme, so as to avoid any future conflict between buildings and trees. Support for development that results in the loss of protected tree(s) will only be given in the interests of good arboricultural practice or desirability of the development outweighs the amenity and/ or nature conservation value of trees.

3.5.21 Resident objection has been received in relation to the loss of trees, as well as the safety risks for residents in close proximity of those to be felled.

3.5.22 Amendment to the original submission has been received which has revised siting of the access road to avoid a group of trees. The submitted Arboricultural Constraints Appraisal indicates that several trees should be removed due to their likelihood of failure, this includes a tree adjacent to the existing boundary wall on Bury Fold Lane.

3.5.23 Members should note that the submitted survey has not been updated to account for relocation of the wall on Bury Fold Lane.

3.5.24 The Tree officer has raised objection to the proposed wall relocation and impact this would have to the longevity of seven protected trees adjacent to Bury Fold Lane. It should be noted that the felling of 3 of these trees is supported on arboricultural grounds.

3.5.25 Notwithstanding this, it is considered that the desirability of the development formed by the Development Opportunity allocation should take precedence, and should outweigh the potential loss of protected trees. It is suggested that conditions are imposed to ensure construction of the relocated wall is undertaken to protect longevity of trees so far as practicable, protect trees during the construction process, replacement tree planting and re-planting if trees are to die in the future.

3.5.26 The Council's Tree Officer has confirmed that trees to be felled can be done so in a safe manner, irrespective of relationship to adjacent houses.

3.5.27 Amenity

Policy 8 supports new development that secures a satisfactory level of amenity for surrounding uses and for occupants/ users of the development itself. The SPD provides additional guidance with particular reference to separation distances between dwellings to ensure the amenity of residents is protected.

- 3.5.28 Objection has been received in relation to amenity, with particular reference to overlooking of properties on Ellen Street and Astley Terrace. Residents on Astley Terrace also raise concern with regards to exposed views of proposed rear gardens and associated paraphernalia including, sheds, greenhouses, garden furniture etc... the land level change would also encourage raised decking areas, with resultant overlooking.
- 3.5.29 The planning application is made in outline form (access) with detailed siting of dwellings being reserved. The siting of dwellings proposed on the submitted Layout drawing is indicative only and the relationship between dwellings proposed and neighbours cannot therefore be assessed at this time. Notwithstanding this, the indicative layout does provide for required separation distances as specified by SPD guidance. This illustrates that residential development of the site could be achieved in order to safeguard the amenity of existing and prospective occupants, minimising any physical impact of the development by virtue of overlooking, loss of light, overshadowing or dominance.
- 3.5.30 The proposal will intensify use of the site and increase the number of vehicles using Bury Fold Lane. The level of vehicle activity associated with the development is not considered to have a significant noise impact on adjacent residents and is therefore unlikely to cause an unacceptable disturbance. It is inevitable that there will be some disruption for residents during the construction period. This disruption however is temporary, for duration of the build and is therefore acceptable. Conditions can be imposed to reduce this disruption for neighbours and construction hour's restriction, wheel wash facility and dust suppression controls are recommended.
- 3.5.31 Ecology
Policy CS15 seeks to protect and enhance the Boroughs ecological assets with the aim of establishing and preserving functional networks. Policy 9 seeks to avoid disturbance to protected species and provide compensatory measures when necessary.
- 3.5.32 Resident concerns relate to ecological value of the site and the existing presence of wildlife which will be displaced as a result of the development.
- 3.5.33 The applicant has submitted an Ecology Survey which concludes that the proposal will have no adverse impact on habitat or protected species. There are no badger setts or habitat to support great crested

newts reported on or adjacent to the site. The development would not affect bat roosts and housing is indicated to be an appropriate distance from foraging habitat. To avoid impacts on nesting birds, site clearance including tree/ shrub removal should be undertaken outside of the bird breeding season (September-February), unless further survey work indicates otherwise. This can be controlled by condition.

3.5.34 The existing tree functional network will be retained following completion of the development, and will be enhanced by additional tree planting within the scheme. This will act to provide linkages across the site, as well as about the site perimeter as existing. Capita Ecology section has no objection to the proposals subject to condition.

3.5.35 Drainage

With regards to drainage, the site is located within Flood Zone 1. Policy 9 of LPP2 requires development to demonstrate that it will not be at risk of flooding and use of Sustainable Urban Drainage Systems (SUDS) is required.

3.5.36 Residents refer to flooding problems witnessed as a result of recent storms and how tree removal and redevelopment of the site would increase risk of flooding. The Councils Drainage Officer has raised concern to the proposed drainage design and requests use of sustainable urban drainage systems (SUDS) which should mimic the existing water retention in the site and greenfield run off rate. United Utilities has no objection to the proposal subject to use of SUDS also. The development will be expected to provide for surface water drainage through use of sustainable urban drainage techniques. This will act to improve surface water drainage on the site, in theory reducing localised flood risk and can be controlled by condition.

3.5.37 Other Matters

Residents have raised concern in relation to damage resultant from the construction of the development, including vibration from heavy vehicles using Bury Fold Lane and impact to housing and road/ drainage infrastructure. Members should note that this is a civil matter and responsibility for damage caused as a direct result of construction lies with the developer/ land owner.

3.5.38 In summary, subject to a range of planning conditions which will control the reserved matters it is considered that this outline planning application be recommended for approval. The grant of this outline accepts only the principle of the residential development and access arrangements. All other matters will be the subject of future reserved matters submissions.

4 RECOMMENDATION

4.1 Approve, subject to delegated authority being given to the Head of Service for Planning and Transport to approve planning permission

subject to an agreement under S106 of the Town & Country Planning Act 1990, relating to the payment of a financial contribution towards:

- a. Affordable Housing - A formula detailing “‘x’ no. of dwellings x (42.5% of average affordable house value) x 20% =£y contribution) towards the provision of affordable housing off-site in the locality. The average affordable house value is set at £150,000.
- b. Public Open Space –. The formal provision is to be provided via a lump sum of £1406 per dwelling which would be used to enhance existing open space/ play areas at Watery Lane and Ashton Park, as well as land drainage improvements to Blacksnape football pitches. in line with the [Playing Pitch Strategy](#).

and the following conditions:

- Application for approval of all reserved matters must be made not later than the expiration of three years beginning with the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the date of the approval of the last of the reserved matters to be approved. Details of the following matters (subsequently referred to as the reserved matters) shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works:-
 - a) Appearance.
 - b) Landscaping.
 - c) Layout.
 - d) Scale.
- Samples of construction materials.
- Boundary treatments.
- Detailed scheme for the site access, road widening works and footpath on Bury Fold Lane as detailed on drawing number DES01/ DWG 02 amendment F received on 19th May 2016, to be submitted to and approved in writing by the Local Planning Authority, implementation of the approved scheme prior to commencement of the development.
- Scheme of off site highway works to provide right hand turning lane at the junction of Bolton Road and Bury Fold Lane. The approved scheme to be implemented prior to construction of the development.
- Detailed vehicular access design to ensure appropriate visibility splays to Bury Fold Lane.
- Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height greater than 1 metre above the crown level of the adjacent highway.
- Prior to commencement of the development hereby approved, a Construction Method Statement shall be submitted to, and approved

in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials used in constructing the development
 - d) wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
 - e) construction methodology for the road widening works, including relocated supporting wall on Bury Fold Lane.
- Scheme for protecting existing neighbouring residential dwellings from dust during site works.
 - Construction restricted to the hours of :
 - Monday to Friday 08:00 to 18:00.
 - Saturday 09:00 to 13:00.
 - Not at all on Sunday and Bank Holidays.
 - Vehicles associated with construction of the development shall only access Bury Fold Lane between the hours of:
 - Monday to Friday 08:00 to 18:00.
 - Saturday 09:00 to 13:00.
 - Not at all on Sunday and Bank Holidays.
 - Land contamination
 - Arboricultural method statement and tree protection plan.
 - Hard and soft Landscaping, to include replacement native tree planting and to compensate for lost habitat specified in paragraphs 3.2.1 of the submitted Extended Phase 1 Habitat Survey (Pennine Ecological – December 2014).
 - No existing trees or hedges within the development site shall be lopped, topped, felled, uprooted, pruned, or sustain root severance, without prior written consent from the Local Planning Authority.
 - All existing trees that are not shown to be removed on the approved plan and all newly planted trees becoming diseased, severely damaged, removed or dying within the development period or within five years of the completion of the development shall be replaced in accordance with a scheme to be agreed in writing by the Local Planning Authority.
 - Scheme for foul and surface water drainage.
 - Sustainable drainage management and maintenance plan.

- The siting of dwellings to retain a 5m buffer zone to tree canopies, unless further bat survey work is undertaken to demonstrate value of the site for foraging and mitigation in accordance with findings of that survey.
- Submission of a Biodiversity Enhancement Strategy, which should seek to compensate for lost habitat specified in paragraphs 3.2.1 of the submitted Extended Phase 1 Habitat Survey (Pennine Ecological – December 2014) and provision of Bat and Bird Boxes.
- Vegetation removal should not be undertaken during the nesting bird season (March to August, inclusive), unless a nesting bird check undertaken immediately prior to construction has confirmed the absence of nesting birds.
- Scheme for the eradication of invasive species from the site, including Himalayan balsam.
- Lighting scheme proposed to minimise impact upon bat foraging areas.
- If construction of the development has not commenced within two years of the date of submitted Extended Phase 1 Habitat Survey (Pennine Ecological – December 2014), an updated Ecology Report shall be submitted to and approved in writing by the Local Planning Authority. Any required mitigation shall inform the Biodiversity Enhancement Strategy and landscaping strategy for the development.

4 PLANNING HISTORY

4.1 The following planning applications are of relevance to the proposal:

3240 – 4 bungalows located to the south east of Ellerslie House—refused in 1963 for the following reasons:

- 1. The site is within an area in the Town gap where it is intended that existing uses shall remain, for the most part, undisturbed, and the access to the site via Bury Fold Lane is inadequate to serve residential development.*
- 2. Other land is available for residential development within the Borough.*

79/2317 – 13 bungalows located to the south east of Ellerslie House—refused in 1979 for the following reasons:

- 2. The site is outside the limit of urban development intended by the Local Planning Authority in this area, as defined in the North East Lancashire Structure Plan and draft Darwen District Plan.*
- 3. Development of this land would prejudice the Local Planning Authority's intention to protect the open landscape setting of the western areas of Darwen, and set a precedent for further intrusions into open landscape.*
- 4. There are suitable alternative sites in the area with the benefit of planning permission which have not yet been acted upon.*

5. *Bury Fold Lane is of inadequate standard to serve additional development on the scale proposed.*

80/2212 – dwelling to the South East of Ellerslie House – refused in 1980 for the following reasons:

1. *The site is outside the limit of urban development intended by the Local Planning Authority in this area, as defined in the North East Lancashire Structure Plan and draft Darwen District Plan.*
2. *Development of this land would prejudice the Local Planning Authority's intention to protect the open landscape setting of the western areas of Darwen, and set a precedent for further intrusions into open landscape.*

80/2213 – dwelling to the North of Ellerslie House – refused in 1980 for the following reasons:

1. *The site is outside the limit of urban development intended by the Local Planning Authority in this area, as defined in the North East Lancashire Structure Plan and draft Darwen District Plan.*
2. *Development of this land would prejudice the Local Planning Authority's intention to protect the open landscape setting of the western areas of Darwen, and set a precedent for further intrusions into open landscape.*

80/2214 – stable conversion to the North of Ellerslie House – refused in 1980 for the following reasons:

1. *The site is outside the limit of urban development intended by the Local Planning Authority in this area, as defined in the North East Lancashire Structure Plan and draft Darwen District Plan.*
2. *Development of this land would prejudice the Local Planning Authority's intention to protect the open landscape setting of the western areas of Darwen, and set a precedent for further intrusions into open landscape.*

10/84/0415 – coach house conversion to the North of Ellerslie House – approved in 1984.

10/85/1124 – coach house conversion and extension to the north of Ellerslie House – approved in 1985.

10/07/0681 – detached garage at Coach House – refused on 3rd September 2007 for the following reason:

1. *The proposal includes development within the ditch and adjacent banking of Keebes Brook, as such it would reduce the flood storage capacity of the watercourse and place the development at risk from flooding and related damage. Contrary to the provisions of Policy ENV2 of the Blackburn with Darwen Borough Local Plan and PPS25 Development and Flood Risk.*

10/11/0409 - detached garage at Coach House – approved on 22nd June 2011.

10/12/0274 - Variation of condition 3 of planning application 10/11/0409 to reduce size of garage – approved on 11th May 2012.

5 CONSULTATIONS

5.1 United Utilities

- No objection subject to condition requiring foul and surface water to be drained on separate systems and surface water drainage design to be submitted to and approved by the Planning Authority.

5.2 Strategic Housing

- The borough is significantly under-represented in larger, good quality family homes and the Council's aspiration (articulated in the local plan) is for the majority of new housing developed across the Borough to be larger family housing.
- As such the principle of housing will only be supported if it fully meets other planning policies requirements and considerations and approved by Development Management.
- In accordance with the Affordable Homes Policy the developer is required to provide a 20% affordable homes provision. Whilst there are 3 options available to the developer, the commuted sum would be the preferred option.

5.3 Education

- No objection.

5.4 Head of Public Protection

- No objection subject to conditions relating to land contamination, construction hours restriction and dust suppression.

5.5 Drainage

- Concerns raised to the drainage proposals for storm water storage on site using oversized pipes and cellular storage. This not based on sustainable SUDS techniques as required by Planning Practice Guidance.
- Further consideration should be given to SUDS to mimic natural drainage as closely as possible and removed pollutants at source.

5.6 Capita Highways

- Vehicular tracking of the new site entrance is required and should be conditioned appropriately.
- The extent of the road widening now provides two way access around the bend, therefore making the access much safer, this together with the addition of a footway is a welcomed improvement. Detail of these works should be required by condition and implemented prior to commencement of the development.
- Construction of the supporting wall requires careful consideration and methodology to ensure the highway works are delivered in a safe manner without major disruption to the residents of Bury Fold

Lane. Please attach a condition for a construction method statement.

- The network has been assessed against the movements generated from the site and it is deemed to be insignificant to warrant a refusal from highways. The additional trips generated from the site do not exceed 30 two way trips into and out of the site and it is therefore deemed to be satisfactory.

5.7 Capita Ecology

- A tree has been identified on site having the potential to support bat roosting. The applicant has confirmed that this tree is not required to be felled as a result of the proposal.
- If a 5m buffer to the woodland edge is not provided then additional bat survey work is necessary to assess importance of the site for foraging. The applicant has confirmed that there is a 5m buffer.
- Clarification whether the site can support reptiles is required. The applicant has responded stating several reasons why reptile surveys have not been considered necessary.
- Invasive species occupy the site (rhododendron) and should be dealt with care to ensure it is not spread into the wild.
- Site clearance shrub removal and tree felling should be conducted outside of the bird nesting season.
- Biodiversity Enhancement Strategy should be submitted to compensate for loss of habitat on the site including nesting birds, invertebrates, mammals and possibly foraging and commuting bats. Provision should be made for bat and bird boxes.
- Update Ecology Survey should be carried out if works do not commence more than 2 years following the date of the ecology survey (December 2014).

5.8 Environment Agency

- No need for the Environment Agency to be consulted on this proposal. The site is within Flood Zone 1, surface water drainage is an issue for the Council as Lead Local Flood Authority.

5.9 Design and Conservation Officer

- The approach to Ellerslie along Bury Fold lane has a more rural character with tight building enclosure at the lower part, opening out to landscape sections and clusters of houses in folds or farmsteads such as Bury Fold. It is considered that the layout to the scheme should adopt a character sympathetic to the rural character of the lane in the form of clusters of buildings broken up by areas of landscape, with varied building enclosure and irregular plot sizes. The length and dominance of driveways is of particular concern which dominate the scheme at present. There is scope to tighten the building enclosure and introduce cottage style buildings with varying foot prints to reflect a more village character. I have attached a notional sketch layout to illustrate the points above.

- The scheme is submitted for access and siting only, however it is still considered to represent a suburban layout which does not reflect the defining characteristic of the Bury Fold Area. In particular plots have long driveways and front boundaries are not clearly defined. Plots 16-19 especially have an over engineered driveway layout which would appear out of character with the area. The latter would be better designed as two barn dwellings which follow the contours in similar alignment with the Coach House below.

6 CONTACT OFFICER: Robert Buffham, Principal Planning Officer

7 DATE PREPARED: 13/07/2016

8 SUMMARY OF REPRESENTATIONS

Selection of Objections

Ashdale,
Astley Bank,
Darwen,
Lancs
BB3 2QB

Formal objection to the Proposed Planning Permission Application for erection of 22 three and four bedroom dwellings within the grounds of Ellerslie, off Bury Fold Lane, Darwen BB3 2QG

Application reference: 10/15/1081

My husband and I live in close proximity to the proposed housing development within the grounds of Ellerslie. We formally object to the planned development of a total of 22 houses for the following reasons.

1 Bury Fold Lane

- Bury Fold Lane is a very narrow country lane – predominantly a single track, with only 2 passing places and at least 2 blind corners. Due to the historical nature of the lane, it has in essence become a single carriageway in many areas due to the number of cars that are parked by homeowners on a daily basis which makes passing difficult.
- There is already congestion at peak periods near the narrow junction with the main road.
- The road can be treacherous in the winter months.
- Adding 2 priority of access signs does not deliver a sufficient solution to the current access problems before further housing is developed, particularly down towards the main road.
- Traffic through Darwen is very slow moving now as the main road struggles to manage with the sheer volume of traffic. There is no indication that the roads in the town will be able to cope.
- Any widening of Bury Fold Lane would destroy its quiet historical and attractive character.
- The lane would need to be widened which would be a vast expense to make the proposal of new houses viable. This is unrealistic as it is unlikely to be deliverable. Several well maintained houses would need to be compulsory purchased for the road to be successfully widened to accommodate the usage of a conservative estimate of approximately 50 extra cars. On top of that there will be the added volume of traffic from additional service vehicles such as post/delivery vans, bin collection etc.

- The lane becomes part of Bridleway 79. Consideration needs to be given to current cyclists, horse riders and dog walkers as well as other leisure users of the lane.
- The historical hamlets of Bury Fold and Printshop will be affected by any further development to the lane.
- Ellerslie had applied for planning permission to build houses before. From those people that remember, there were issues about highway access even in 1990 and applications were not passed.

2 Urban Boundary

- The fact that Ellerslie has been put inside the urban boundary is in itself very odd, as the house Ashdale which is situated across the valley to the north west is not included in the proposed boundary. Historically, the 2 houses have been linked, as William Ashton a mill owner who built himself a house - Ashdale, was a cousin of the owner of Ellerslie. William Ashton is a well known historical figure and he has much written about him as he was instrumental in freeing the moors for the good of the Darwen people.

3 Heritage Assets

- It is documented that the land between the 2 houses were set as parkland with private footpaths set between the 2 houses. (OS map of area dated 1911). Both Ellerslie and Ashdale, being mill owners' houses are heritage assets although they are not listed. The heritage assets in the area have already been changed by the new urban boundary. According to Policy 39 p111 para. 1, the proposed building on land belonging to Ellerslie must be called into question. The setting would be totally destroyed and therefore the heritage value would be spoilt. If the setting is taken away, then the heritage is ruined.
- Once the trees lose their leaves, the landscape is very open and the proposed houses will be a detriment to the heritage landscape.
- Low Hill, a house that belonged to Samuel Crompton, is documented with a blue historical plaque on Bury Fold Lane. Further traffic on the lane is a detriment to this heritage asset.
- Indeed, further investigation needs to be made as it is said that Samuel Crompton owned a further mill situated on Kebbs Brook.
- From what can be seen from the plans, the proposed architecture of the housing is not in keeping with the Victorian heritage of the area.

4 Current Land Usage in the Area

- The current land between Ellerslie and Ashdale is a wild life corridor with wild deer, bats, badgers and other creatures to be seen on a regular basis. Any proposed development must be carried out in a sensitive matter and should ensure that the openness of the countryside remains a priority.
- Indeed, the field opposite Ellerslie which belongs to Ashdale is agricultural land as is the large field to the west belonging to Ellerslie.

- With the West Pennine Moors which starts on the upper part of Bury Fold Lane (according to the Local Plan Map) being a designated protected area, it seems important that the surrounding landscape should be saved to protect wildlife and to ensure that there is no loss of biodiversity.
- Indeed, according to the Blackburn with Darwen Borough Council's Strategic Housing Land Availability Assessment (SHLAA) Update 2013, "The western edge of the site is adjacent to the West Pennine Moors Policy LNC3. Saved policy LNC3 states that development proposals that have an unacceptable impact on the landscape character, ecological resource and recreational value of the West Pennine Moors will not be permitted." I consider the proposed building at Ellerslie will have a profound impact on the landscape character and that it should therefore not be permitted. The building of any housing would be out of character with the countryside and will have a detrimental effect on the recreational value of Bury Fold Lane.
- Protection of important landscape features, such as the wood around Kebbs Brook forms an attractive feature in the landscape and is an important visual element of the environment within which the proposed site is located. It is important that the landscape and open aspect of the area isn't lost and that urban encroachment is minimised.
- Using Kebbs Brook as the new drainage outfall is not acceptable. We own half of Kebbs Brook bed and there has been no consultation with us over this matter.

5 Environmental Issues

- Noise levels are currently very low in the area and they should be kept that way as is fitting for the countryside and the adjacent designated protected area of the West Pennine Moors. The impact of 22 family homes will not promote the current noise levels.
- There are many houses that are currently on the market locally and there is no guarantee that the houses will sell. The only property that seems to be selling is local terraced housing. Indeed, there is an undeveloped site at Belgrave that has stood empty for several years as the projected housing didn't sell. The tremendous impact that this could potentially have on this lovely area of Darwen is unthinkable should the proposed houses stand empty.

6 Schools

- According to SHLAA reference 12, Ellerslie is 310m to the nearest school. This school – where I work, is oversubscribed already. There are no spare places to accommodate extra families in new housing. Does the plan propose that new schooling be built in the town?

I trust that you will consider that the suggestion of building on the grounds of Ellerslie is not granted for all the reasons above.

Yours sincerely,
Lynn & Derek Walsh

The Rock, Bury Fold Lane,
Darwen, BB3 2QD

18th October 2015

Dear Sir,

Re: Application Reference 10/15/1081 Ellerslie, Bury Fold Lane Darwen.

I refer to the above development and wish to submit the following comments:
National Planning Policy.

- Proposed development contravenes National Planning Policy. It does not contribute to delivery of sustainable development: "developments should ensure environmental, social and economic objectives will be achieved together over time." NPP.

- Should be refused on transport grounds as the "residual cumulative impacts of the development will be severe." NPP

- It will not create "an environment in which pedestrians can walk or stop to chat without feeling intimidated by motor traffic etc." [Manual for Street 2007].

Relative to Bury Fold Lane.

- It will considerably add to and not reduce the number of car trips.

Traffic Survey

- The traffic survey contains many fallacies, errors and misrepresentations. It cannot be considered as valid. It plays down existing detrimental and dangerous factors.

- Examples of Errors - Bolton Road is described as the A506 when it is the A666; Photo caption refers to "Stockport and the City."

- There are calculation errors in the statistics.

- The designation of Bury Fold Lane as UAP4 is misleading and inaccurate. It disregards the current problems associated with this road. It actively glosses over potentially dangerous factors which will be exacerbated if the development is passed.

- The junction of Bury Fold Lane and Bolton Road is described as 2 car. Two vehicles cannot pass. Parked cars severely restrict vision and prevent two vehicle access. Traffic on the main road is stopped while vehicles reverse or wait for a clear passage.

- Placing the Traffic Counter on the upper part of the Lane has excluded the majority of traffic movements using the junction.

- The counter was in place during icy weather when the movement of vehicles even at that point was reduced and therefore could not have provided a representative set of statistics.

- Photographs included do not provide a true picture of the number of vehicles normally parked on Bury Fold Lane and the A666. These were taken opportunistically at a time when there were few parked vehicles.

- The lack of off road parking results in major access problems with cars being parked on both sides of the lane and on Ellen Street.

- As an illustration, emergency services were delayed during a recent moors fire in July 2015 by parked vehicles preventing access by fire and rescue vehicles.

- There are existing access problems for ambulance, refuse and other service vehicles.

- In icy weather the lane is frequently impassable and vehicles park on Bolton Road. Vehicles from this development would add to this danger.

- Provision of signs and road markings as proposed in the development plan would do nothing to address the already dangerous conditions on Bury Fold Lane for vehicles, pedestrians, cyclists, ramblers and horse riders etc. This is a minimal concession.

- The estimation of 22 extra vehicle movements is not realistic; 23 extra properties, some having 2 and 3 parking spaces could result in a potential of at least 46 extra vehicles using the lane at peak times.

- There are no opportunities to improve/widen Bury Fold Lane to address some of these issues.

Associated Issues

- A new approved development of flats at the junction of Bury Fold and the A666 will further add to traffic congestion and create more access problems for residents; emergency services etc. and add weight to current arguments against the Ellerslie proposal.
- The development will not provide Social Housing. It does not fulfil any interpretation of housing need. It is for financial gain alone and fulfils neither demand nor requirement.
- The economic climate in Darwen is not conducive to such a development proposal.
- It will erode valuable green space and impact on the heritage environment of the area.
- The site includes several mature trees, the health of which will be adversely affected by the site works and result in long term detrimental debilitating health changes.
- There is a boundary wall which delineates the site along Bury Fold Lane. This is in a neglected and dangerous state. Its repair should be required now.
- The site works and resulting development will affect the ground water patterns and could pollute the many bore holes surrounding residents are dependent upon for their water supplies.
- Many residents were not notified by the council the public meeting convened on the 15th of October revealed.
- There will be detrimental effects on the environment from noise, traffic, flooding and rubbish if allowed to proceed.

Yours sincerely,

13 Ellen Street
Darwen
BB3 2QT

23/10/15

Re : Planning Application 10/15/1081 – Ellerslie House

To whom it may concern

I wish to object to the above plan because:-

Site Proposal

Bury Fold Lane is one of the oldest, prettiest, unique parts of Darwen, leading directly onto moorland, parkland and woodland. The old Pack-horse route runs along it – Print Shop, Belle Pad, Kebbs, Lowhill House where Samuel Crompton once lived – a special environment of extreme historical value. Introducing twenty two houses into the area will ruin this uniqueness and create an urban sprawl in a rural paradise. This amount of “executive” type housing will create nothing but an ugly housing estate with the potential of an extra 60-70 more cars.

I note on the original plan for fifty houses, ten were intended to be built in the field on the eastern side of Ellerslie which backs directly onto my property. This field is in an elevated position and any building would affect my privacy, light and general happiness by taking away the open view and rural aspect of my home. The owners are showing no consideration whatsoever for the occupants of Ellen Street.

“Existing tree cover and proposed additional planting will screen views of the development....”I would think that would block and darken my outlook even more. My neighbours and myself have already had to pay to cut back existing shrubbery which has grown too high, blocking light and creating possible danger of leaning, or even falling onto our properties. I would also like to question the distance of the new properties from my home. Under “Residential Amenity” in the proposed plan it states that a distance of 27m is achieved from plot 22 which satisfies requirements – 27metres from and to where exactly?

The dividing wall is already unstable and I would fear that any digging, building or disturbance to the field would create potential danger to our properties on Ellen Street. If this plan were to go ahead, I would certainly want some kind of guarantee that recompense would be made in the event of any damage whatsoever.

I would also like to query what the Inspector meant when he said that Ellerslie might be suitable for a “small-scale development” after viewing the area. Twenty two three and four bed-roomed houses is not on a small scale, and they certainly will not be affordable for local people.

Traffic

The lane is not like any other street or road, it leads directly onto footpaths and bridleways. It links up with moorland and parkways and is used excessively by walkers, cyclists, dog-walkers and horse-riders. It is narrow and unsuitable for excessive traffic-it's access onto the main A666 road is narrow and dangerous-entrance and exit is already a problem.

The Lane has to be safe for all users - an increase of a potential seventy more cars will create havoc. The traffic report carried out was extremely misleading and needs to be re-done. The proposed “give-way” and “Priority” signs will not work as the lane is too narrow and, dependent on weather conditions, the lane can be hazardous.

There is no room at present to park legally without causing an obstruction – the lane is too narrow, plus there is not ample room for present residents of the lane and Ellen Street to park. The T-junction at the end of Ellen Street leading onto Bury Fold Lane is already a nightmare with so many cars parked - weather conditions, weekend visitors both increase this problem.

Flooding

Already there has been extensive flooding several times down Bury Fold Lane and Astley Street (adjacent) because of the speed of water running down from the moors and the blocked drains. More homes could increase drainage problems.

The proposed application plan creates the same problems as before and I strongly object to it being passed. The council needs to do more surveys on traffic at different times of day and year, and also to look at the elevation of the field at the back of Ellen Street and how it “looms” above us.

Yours sincerely

Margaret Fajkis

Sent: 30 May 2016 13:13

To: Planning

Cc: Foster David Cllr

Subject: Planning application. Ellerslie, Bury Fold Lane, Darwen 10/15/1081

As I pointed out in an e mail to the Planning Officer, it is disappointing that the Council has curtailed reaction to these proposals by failing to post the consultation letters in time to give the 14 days notice referred to in the letter. In fact, the Council's website states that 21 days is the length of time allowed to make submissions.

I wish to raise a formal objection to the plans as amended and submitted by the applicants on the following grounds.

1. The proposal to demolish the retaining wall and widen Bury Fold Lane along the perimeter of the Ellerslie site will do nothing relieve the pressure of the additional traffic created by the development on Bury Fold Lane. The plans show three parking spaces for each of the 22 houses which means a minimum of 132 additional traffic movements a day on Bury Fold Lane even just assuming that each vehicle will leave and return just once a day, which is unlikely. As I pointed out in my submissions to the original application, the data on traffic flows in the applicant's transport report is flawed given the traffic census used as a basis for their conclusions, was taken above the majority of houses in the lane, during half term and in a week when the weather was bad and the lane icy. It is little wonder they came up with such a low figure for traffic movements.

Moreover, the additional amount of traffic will be increased by the extra delivery vehicles servicing the new households such as courier and supermarket deliveries. Even if the lane adjacent to the Ellerslie perimeter is widened to allow two vehicles to pass, the additional traffic will still have to funnel through the bottleneck of the lower part of Bury Fold Lane, which already experiences the heaviest traffic flows. Despite the misleading suggestion in the applicants transport survey that this part of the lane can carry two way traffic, a site visit will show it is a single lane road for the whole of it's length to Ellerslie. This bottleneck is exacerbated by the fact that residents on the northern side of the lower part of Bury Fold Lane have no off-street parking and their cars further restrict access.

The Council also needs to consider the fact that it is not just cars that use the lane. There are farms above Ellerslie that need to use lorries to get supplies in and out which already have great difficulty negotiating Bury Fold Lane. Additional traffic on the lane will only add to the problems. There is also the question of the access of emergency vehicles. Bury Fold Lane is one of the few points of access to Darwen Moor for fire engines, and moorland fires are quite common.

2. I see nothing in the proposals for improvements to the junction of Bury Fold Lane with the A666. This junction is inherently dangerous for a number of reasons. Cars coming down a steep incline on Bury Fold Lane have to exit onto the A666 on a downhill stretch of the main road. The situation is made more dangerous in the winter when Bury Fold Lane is often icy and vehicles can find it difficult to stop at the junction.

The provision of on-street parking on the A666 on either side of the junction makes it a blind one from the point of view of traffic exiting Bury Fold Lane and this is a potential accident black spot. Similarly, traffic turning into Bury Fold Lane from the direction of Darwen town centre, cannot use the refuge painted on the road as parked cars narrow the road to such an extent that anyone in the refuge would completely block oncoming traffic.

One of the main problems at this junction is the fact that Bury Fold Lane is single track, any vehicle waiting to come out of the lane, blocks access for any traffic wishing to enter. That means traffic can back up on the A666 in both directions waiting to enter the lane. This situation will be made much worse with the additional traffic generated by the site, particularly at peak times.

3. The lane provides access to the moors for walkers, horse riders and cyclists. Even with the demolition of the existing retaining wall, there will not be proper provision for pedestrians. There are already sections of the lane that have no pedestrian footpath. Horse riders and cyclists will have to negotiate a huge increase in traffic on a narrow road.

4. The demolition of the existing retaining wall will necessitate the felling of mature trees. This is a green field site at the edge of open countryside on the fringe of the urban area. It provides a wildlife corridor and a habitat for a number of species including owls and bats. In my view this development is an unnecessary incursion into the surrounding green belt. If it is allowed to go ahead it will, effectively, be moving the edge of the urban area closer to the West Pennine Moors. It's construction will move the urban boundary and set a precedent that could cause even more urban creep into the countryside.

This is an historic part of Darwen. Some of the town's oldest houses are close to the site and it sits close to a 14 century packhorse route, and the Darwen Green Trail. To allow the building of identikit modern houses on this side will detract from a unique part of the town.

5. Proposals by the Council for 50 houses on this site as part of the local plan have been rejected by the Planning Inspector. I would question why the Council appears to be so keen to see another 22 houses built here which would be in addition to the total number of houses proposed for Darwen. What evidence does the council have to suggest there is any demand for these additional properties which, I understand, are to be 'Executive Homes.;

Nick Serpell

5 Bury Fold, Darwen. BB3 2QE

**REFERENCE: Outline Planning Application (Amendment) 10/15/1081
at Ellerslie, Bury Fold Lane, Darwen. BB3 2QG**

Please accept this letter as my formal objection to the above proposed development.

My main cause for concern with this outline planning application is traffic and access. The amended plan shows the proposed widening of Bury Fold Lane from above Ellen Street but that will do nothing to alleviate the congestion from below Ellen Street leading down onto the A666. The plans now show 22 houses on the site, each with multiple parking spaces creating at least 100 PLUS extra cars using the lane.

In my original objection, I due reference to the original traffic assessment commissioned by the applicants and it was flawed and inaccurate and in no way truly represented the current traffic flow and access on Bury Fold Lane.

The survey point was placed directly outside the entrance to Ellerslie where it comes out onto Bury Fold Lane. The placement of this point to gather data for assessing the traffic flow on Bury Fold Lane is therefore completely useless as the vast majority of vehicle movements take place below the survey point where most of the properties that use the lane are situated. The figures and details therefore within that report were not a true reflection of the daily traffic that comes up and down the lane and cannot be relied upon. As far as I am aware, despite our requests, no further traffic survey had been done.

Bury Fold Lane can simply not support two way traffic. Even with the proposed widening of the lane, it is totally impossible for two cars to travel in opposite directions up and down the lane without the upward bound car having to mount the pavement to allow the other vehicle to pass. There is only one place, at the entrance to Ellen Street, where two cars can be side by side, without having to mount the pavement but at peak times and when cars are parked up half on the road/half on the pavement, then even this is difficult. I am referring to cars in my previous statement but the problems are magnified when any larger vehicles are concerned. You may be aware that Bury Fold Lane serves farms and their vehicles (agricultural & lorries) and these vehicles get into greater difficulties. Last year, when there were fires on the moor, the Fire Brigade used Bury Fold Lane to gain access. However, they couldn't initially get up the lane due to traffic congestion. I have also seen an ambulance struggle to get up the lane. There are potentially life threatening consequences if emergency services cannot attend. If the proposed development goes ahead and there are subsequently even more vehicles using the lane, then it will obviously make this situation even worse.

In addition to the traffic congestion on the lane itself, the junction of Bury Fold Lane with the A666 is dangerous. The A666 is an extremely busy road and vehicles exiting Bury Fold Lane cannot see any traffic coming down the road (from the Bolton direction) due to parked cars and vans/lorries. The double yellow lines by no way extend enough in order to give a clear view. On many occasions, especially during morning rush hour, I have to edge out onto the A666 inch by inch in order to see up the road to know if I can turn right. Whilst waiting to turn out of Bury Fold Lane – nobody else can turn in as the road will not allow for two way passing traffic. I have also had to reverse back into oncoming traffic so as to not block the junction. The situation is equally problematic trying to turn left out of Bury Fold Lane and for turning into Bury Fold Lane coming from the direction of Darwen town centre.

These problems only escalate during the winter months when the Bury Fold Lane can be treacherous. In snow, the lane is dangerous with cars skidding on compacted ice and snow. The lane never gets gritted and the close proximity of cars parked on the lane itself leaves a very small degree of error if your car skids. Again, the additional traffic generated by the proposed new development will only make this worse.

Bury Fold Lane also provides access to the moors and the surrounding countryside for walkers, cyclists and horse riders. Parts of the lane have no pavement as it is, and the increased volume of traffic will only make it even more difficult for pedestrians and motorists to negotiate one another.

I am also extremely concerned about the felling of the very mature trees that would be required in order to widen the lane. Isn't this a green field site that ought to be protected? The wildlife habitat will be destroyed.

I trust I will be kept informed of ongoing developments regarding this outline planning application.

Nicolas Duxbury
Priory House, 5 Bury Fold, Darwen, BB3 2QE

Sent: 07 June 2016 16:16

To: Planning

Subject: Planning application. Ellerslie, Bury Fold Lane Darwen 10/15/1081

Dear Sir Madam

Please take receipt of this email as an objection to the planning application as above.

1. The proposal of moving the wall back from the entrance of Ellerslie will not solve the traffic problem that the additional houses will cause as the lane can only take single lane traffic all the way to the entrance to the A666.
2. We were told that the traffic census would be repeated and taken further down the lane to show the amount of traffic the lane generates but this never happened. The original one was not accurate as it was taken from Ellerslie and the majority of the traffic is from the main road (A666) to Low Hill.
3. Emergency vehicles struggle to get up the lane now which was proved when the moors where on fire last year.
4. The junction of Bury Fold Lane and the A666 is already dangerous as you are unable to see to pull out and if you are waiting to pull out other vehicles cannot turn into Bury Fold and have to wait half stuck out into the main road (A666). I have before now had to reverse back into the main road as I have been unable to get into Bury Fold.

Kind regards

Fiona Fenton

17 Bury Fold Cottages

Darwen

Sent: 12 June 2016 13:57:48

To: Bailey Brian

Subject: Planning Application

Re Amended planning application ref. 10/15/1081

We wish to object to this amended application on the following grounds.

- 1) We have had no illustration of the size and type of houses to be built. We assume they will be of modern design, which will not fit the character of our area.
- 2) From our house we will be looking up at the rear of these houses. Sheds and greenhouses are not what we want to see, there are enough already.
- 3) The residents there may see fit to level off their rear gardens with the use of decking bringing noise from possible parties and barbeques etc.,
- 4) We cannot believe they want to build an expensive road for just three houses.
- 5) No screening for Astley Terrace shown on illustration.
- 6) Approximately 40 cars from these houses extra on Bury Fold Lane. It is too narrow already near the bottom at Bolton Road which will in turn affect Astley Terrace/Street, also the back street of Ellen Street and Shepherd street will become a rat run.

From. Mr & Mrs K. Knowles

1 Astley Terrace

Darwen. BB3 2PX

Ashdale,

Astley Bank,
Darwen,
Lancs
BB3 2QB

Formal objection to the Outline Planning Permission Application (Amendment) for erection of 22 three and four bedroom dwellings within the grounds of Ellerslie, off Bury Fold Lane, Darwen BB3 2QG

Application reference: 10/15/1081

My husband and I live in close proximity to the proposed housing development within the grounds of Ellerslie. We formally object to the planned development of a total of 22 houses for the following reasons.

1 Bury Fold Lane

- Bury Fold Lane is a very narrow country “quiet lane” – predominantly a single track, with only 2 passing places and at least 2 blind corners. Due to the historical nature of the lane, it has in essence become a single carriageway in many areas due to the number of cars that are parked by homeowners on a daily basis which makes passing difficult.
- There is already congestion at peak periods near the junction with the main road which narrows to single carriage approximately 5 metres up from the junction. The safety of the present road users of Bury Fold Lane is a crucial consideration to any further plans for development.

There has already been an application approved for 8 apartments (planning ref. 10/14/0562)

- with parking with access onto the lower end of Bury Fold Lane which does not appear to have been considered re the effect on extra traffic on the lane by the Planning officers or Highways Officers.
- The road can be treacherous in the winter months.
- Any widening of Bury Fold Lane would destroy its quiet historical and attractive character.
- According to the Highways Officer who attended the meeting held by Councillor Foster, (02.06.16) there will only be an extra 30 vehicles using the road at peak periods. I am since informed that the figures used are from Capita’s own figures and not from some nationally agreed data. I suspect that a conservative estimate of approximately 50 extra cars

using the lane would be more likely. On top of that there will be the added volume of traffic from additional service vehicles such as post/delivery vans, bin collection etc.

- The lane becomes part of Bridleway 79. Consideration needs to be given to current cyclists, horse riders and dog walkers as well as other leisure users of the lane.
- The historical hamlets of Bury Fold and Printshop will be affected by any further development to the lane.
- Ellerslie had applied for planning permission to build houses before. From those people that remember, there were issues about highway access even in 1990 and applications were not passed.
- Traffic through Darwen is very slow moving now as the main road struggles to manage with the sheer volume of traffic. There is no indication that the roads in the town will be able to cope.

2 Urban Boundary

- The fact that Ellerslie has been put inside the urban boundary is in itself very odd, as the house Ashdale which is situated across the valley to the north west is not included in the proposed boundary. Historically, the 2 houses have been linked, as William Ashton a mill owner who built himself a house - Ashdale, was a cousin of the owner of Ellerslie. William Ashton is a well known historical figure and he has much written about him as he was instrumental in freeing the moors for the good of the Darwen people.

3 Heritage Assets

- It is documented that the land between the 2 houses were set as parkland with private footpaths set between the 2 houses. (OS map of area dated 1911). Both Ellerslie and Ashdale, being mill owners' houses are heritage assets although they are not listed. The heritage assets in the area have already been changed by the new urban boundary. According to Policy 39 p111 para. 1, the proposed building on land belonging to Ellerslie must be called into question. The setting would be totally destroyed and therefore the heritage value would be spoilt. If the setting is taken away, then the heritage is ruined.
- Once the trees lose their leaves, the landscape is very open and the proposed houses will be a detriment to the heritage landscape.

- Low Hill, a house that belonged to Samuel Crompton, is documented with a blue historical plaque on Bury Fold Lane. Further traffic on the lane is a detriment to this heritage asset.
- Indeed, further investigation needs to be made as it is said that Samuel Crompton owned a further mill situated on Kebbs Brook.
- From what can be seen from the plans, the proposed architecture of the housing is not in keeping with the Victorian heritage of the area.

4 Current Land Usage in the Area

- The current land between Ellerslie and Ashdale is a wild life corridor with wild deer, bats, badgers and other creatures to be seen on a regular basis. Any proposed development must be carried out in a sensitive matter and should ensure that the openness of the countryside remains a priority.
- Indeed, the field opposite Ellerslie which belongs to Ashdale is agricultural land as is the large field to the west belonging to Ellerslie.
- With the West Pennine Moors which starts on the upper part of Bury Fold Lane (according to the Local Plan Map) being a designated protected area, it seems important that the surrounding landscape should be saved to protect wildlife and to ensure that there is no loss of biodiversity.
- Indeed, according to the Blackburn with Darwen Borough Council's Strategic Housing Land Availability Assessment (SHLAA) Update 2013, "The western edge of the site is adjacent to the West Pennine Moors Policy LNC3. Saved policy LNC3 states that development proposals that have an unacceptable impact on the landscape character, ecological resource and recreational value of the West Pennine Moors will not be permitted." I consider the proposed building at Ellerslie will have a profound impact on the landscape character and that it should therefore not be permitted. The building of any housing would be out of character with the countryside and will have a detrimental effect on the recreational value of Bury Fold Lane.
- Protection of important landscape features, such as the wood around Kebbs Brook forms an attractive feature in the landscape and is an important visual element of the environment within which the proposed site is located. It is important that the landscape and open aspect of the area isn't lost and that urban encroachment is minimised.

- Using Kebbs Brook as the new drainage outfall is not acceptable. We own half of Kebbs Brook bed and there has been no consultation with us over this matter.

5 Environmental Issues

- Noise levels are currently very low in the area and they should be kept that way as is fitting for the countryside and the adjacent designated protected area of the West Pennine Moors. The impact of 22 family homes will not promote the current noise levels.
- There are many houses that are currently on the market locally and there is no guarantee that the houses will sell. The only property that seems to be selling is local terraced housing. Indeed, there is an undeveloped site at Belgrave that has stood empty for several years as the projected housing didn't sell. The tremendous impact that this could potentially have on this lovely area of Darwen is unthinkable should the proposed houses stand empty.

6 Schools

- According to SHLAA reference 12, Ellerslie is 310m to the nearest school. This school – where I work, is oversubscribed already. There are presently 2 spare places to accommodate extra families in new housing. There are other church schools in the area such as St Barnabas and St Josephs but the next nearest non-denominational school is some distance away. Does the plan propose that new schooling be built in the town?

I trust that you will consider that the suggestion of building on the grounds of Ellerslie is not granted for all the reasons above.

Yours sincerely,
Lynn & Derek Walsh

14 Bury Fold Lane
Darwen
BB3 2QQ
APPLICATION NUMBER 10/15/1081 ELLERSLIE HOUSE

I have these comments to make regarding the amended planning application for the above site, which are in addition to my comments previously submitted. There is nothing in the revised plans to persuade me to withdraw my original objections, indeed quite the contrary.

The perverse decision to designate this site as a Development Opportunity has created an impossible situation in that the principle of development is already agreed, however, I am at a

loss to understand why the Planning Service seems unable to influence the design of the proposed development. Why are the design principles as stated in the newly adopted Local Plan not being applied to this site? It would appear that this policy is being deemed irrelevant when considering development on this site when in fact it should be the prime consideration.

Extract from the Local Plan:

Policy 11 – Design

1. All new development will be required to present a good standard of design and will be expected to:
 - i) Demonstrate an understanding of the wider context; and
 - ii) Make a positive contribution to the local area.

Character

New development must enhance and reinforce the established character of the locality;

There is no part of the proposal which meets the above criteria.

Even when the site was first put forward as a Housing allocation in the Submission Local Plan, the primary key development consideration was that “Development at this sitewill need to be sensitively located and designed so as to preserve the character and setting of Ellerslie House”. The site was removed as an allocation because of the unsuitability of much of the site for development, surely therefore, that key development consideration is even more relevant now.

I would also draw to your attention the fact that the adopted Local Plan states that the site is suitable for “ Small scale residential”. How can 22 houses possibly be described as small scale? A maximum of 10 new units would be pushing the limits of what the site can sustain, all of which should be detached and sited on the first area to the left of the gateway. The other 2 areas with their attendant and extensive road scheme should not be permitted.

One would have thought that plans are revised in order to address issues raised previously. In this case, the opportunity has been taken to present the most bizarre solution possible to one of the major concerns, namely that of increased traffic. The intention to widen Bury Fold Lane along the boundary of Ellerslie is of no particular value in terms of traffic and yet will have an extremely detrimental impact to the rural nature of the lane. As one person in the

recent public meeting pointed out, you could create a dual carriageway at that point and it would do nothing to mitigate the main problem which is mainly from Ellen Street down to the A666. The response of the Capita Highways representative, that the development would not create any extra parking on Bury Fold Lane, seems to deliberately miss the point. It is the volume of traffic trying to pass the existing parked vehicles – below Ellen Street - that is the problem and extra volume can only create greater problems. The daytime visits to the site when no problems are encountered don't even merit comment. At nights and weekends vehicles are parked on both sites of the Lane below Ellen Street making passing difficult, but all this has been said before.

At the public meeting, the comments from Capita Highways relating to the junction of Bury Fold Lane and the A666 and referring to the right turn lane southbound again show a lack of knowledge and understanding. One of the main problems is actually turning left into the lane when travelling from the north. There is no line of sight up the lane until you are moving round the corner and cars are always parked outside the houses at the bottom of the lane meaning that the turn can be very narrow. You often need to back out onto the A666 to make way for vehicles coming down the lane on their right hand side. As for the right turn lane, the cars parked on the A666 south of the junction often make this unusable.

Setting aside the traffic issues, the moving of the boundary wall, apart from the sheer logistics of the task, would have a detrimental effect on the character of the area, as any such works can only harm the rural nature of the area. Furthermore, how would the Local Planning Authority ensure that the replacement wall would be built entirely from the existing materials and that we would not have a repeat of the monstrous and out of character retaining walls allowed at the Belgrave Mill site.

To close, I feel that the revised plans for the proposed development will have a considerably greater impact than the original application. At least the previous plans confined themselves to destroying the setting of Ellerslie House, but now, with the proposals for the wall, the damaging impact of the application extends to adversely affect the area adjoining the site. I also have to emphasise that 22 houses is far too many and the numbers should be substantially reduced.

Yours faithfully
Helen Cowell

Selection of Supports

Dear Mr Buffham

I am writing to you following my attendance at a meeting last week which was organized by councillors Karima and David Foster, regarding my planning application at Ellerslie in Darwen.

I have to say that I was shocked at how they were positively coaching people on how to object and to try to stop the development. As the meeting progressed, the main point that was being raised was that it is difficult to get up and down the lane due to people parking on the pavement, which seemed somewhat ironic to me, given that the people who were complaining are the very people who park on the pavement. Traffic speed wasn't mentioned once.

Whilst I recognize that my writing a letter in support of this development may be seen as obviously biased, I do feel that I have some valid comments.

My family have lived at Ellerslie for over 30 years and we have never once been unable to get up or down that lane, apart from odd days when it snows. People do park on the pavement and make it narrow for other vehicles to get through.

All the large farm vehicles manage to get up and down, and have done so for as long as I have lived here. Ambulances, fire engines and bin wagons and delivery vehicles all manage to carry out their business. I have never seen an accident in all those years, nor know of one ever taking place.

Bury Fold lane is not a through road and so most people who use the lane are fully aware of the layout of the lane and drive accordingly. I wish to state that I do not believe that it is dangerous as some of my neighbours are now saying.

I would ask the question.... If it is so dangerous, why do people choose to live here, and why have there not been major complaints prior to my planning application?

Within half a mile of Bury Fold Lane, there are 2 roads which are far more tricky to negotiate and have much more traffic using them than Bury Fold Lane, these being, Cochran street – the back route to Sainsbury's and also Carr road leading up to Sough Rd.

We live in Britain and many of our roads are narrow and windy, but that's how it is particularly in rural areas and it means that we have to drive accordingly and not that we must stop people using them. Councilor Hubbard pointed out at the meeting that sometimes, if we want to live in a nice place then we may have to tolerate a smaller road . He used the houses at the strawberry Duck at Edgworth as an example. He said it was worth it to have a nice place to live and I am in agreement with him

Cochran street has a very narrow section leading to Sainsbury's car park and is right next to the car park and gates for Kaman Engineering. If this is deemed safe enough then I feel quite sure that Bury Fold Lane must be deemed safe also.

I truly believe that the small development we will build , should planning permission be granted, will be a very special and beautiful place for people to live in - surrounded by trees and woodland and will be an asset to Darwen and to Whitehall district. Visually, it will have no impact on residents on the lane as the plot is very private and surrounded by trees.

The proposed development is in line with the local plan – which states that it needs executive type homes in order to encourage professional people to either remain in the Borough or to move here. My proposed development has schools within easy walking distance – both primary and secondary, there are bus stops very close by on the A666 to Blackburn and to Bolton, there is a train station in town for people who wish to commute, it is walking distance to the town centre and has a number of local shops very close by on the A666

I have spoken to quite a few of my neighbours, and it would seem that not everyone is opposed to the development.

Having also heard the very strongly made, negative comments at Councillor Foster's meeting, , regarding our traffic survey - for the past week, I have been observing the traffic as I go about my normal business and for most of the day there is hardly anything using the lane. As with any road in the country, it is busier in the morning and at tea time. I walk my dog on the lane every day and have never felt unsafe due to traffic.

Bury Fold Lane is a lovely place to live. My family wish to remain here at Ellerslie and will be living next door to whatever will be built and we wish for it to be a very attractive and pleasant place for others to enjoy.

Yours sincerely,

Patricia Da Silva

Dear Sir

I would like to comment on the planning application at Ellerslie, further up the lane from my house.

I have looked at the plans and I think it looks like a very special development. My family have lived on this lane for almost a hundred years and we have no objections whatsoever to this application.

In fact, I have spoken to a number of people who would be very interested to buy one of the houses as it will be a really enviable and beautiful place to live.

I know that there are some people on the lane who are upset about more cars and saying that the road is dangerous. In my opinion, Bury Fold Lane is not dangerous at all and I am not aware of any accidents in all the years we have lived here. Nor have we ever had any problems driving up and down the lane – the only thing that can cause problems is people parking on the pavement or parking without consideration for other road users.

Large farm vehicles have used the lane as long we have lived here and it has never been an issue . For many years, tipping took place

up at Sharples Farm in the old stone quarry with heavy vehicles using the lane every day. There was never a problem regarding other traffic users on the lane.

Bury Fold lane is narrow, but it is quiet for most of the day when residents have gone to work and is only ever busier in the morning and in the evening, and would even then be regarded as a quiet road.

This area is one of the nicest places to live in Darwen as we are next to the countryside at the top of the lane - right up to the Tower and have access to open land on the moors, where we can walk for miles.

We hear all the time that we need more houses in Britain. It seems to me that a local person who owns the land at Ellerslie who is willing to build homes and share a beautiful rural space with others, on what is now private land, in my view, should be allowed to do so.

As a family, we are very proud of Darwen and in particular, the Bury Fold area. In my view this development can only enhance the area further, rather than detract in any way whatsoever from it.

Yours faithfully,

Gregson Knowles – on behalf of the Knowles Family
