

Planning and Highways Committee

Thursday, 15 September 2016

AGENDA

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A report requesting authorisation to take

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- 14 Enforcement - The Duke of York House, Johnson
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enforcement action
- 15 Enforcement - 2 Hayfield, Blackburn, BB2 7BP**
A report requesting authorisation to take
enforcement action
- 16 Enforcement - 114 Pringle Street, Blackburn,
BB1 1SA**
A report requesting authorisation to take
enforcement action
- 17 Enforcement - 542 Whalley New Road,
Blackburn, BB1 9AU**
A report requesting authorisation to take
enforcement action

Date Published: Thursday, 08 September 2016
Harry Catherall, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE
28th July 2016

PRESENT – Councillors Dave Smith (in the Chair), Ali, Casey, Groves, Khan Z, Hardman, Hussain I, Jan-Virman (substitute for Hussain F), Khonat, McKinlay, Murray, Nuttall, Oates, Riley, Slater Ja

OFFICERS – Kate McDonald (Planning), David Proctor (Planning), Asad Laher (Legal), Safina Alam and Christine Wood (Democratic Services)

RESOLUTIONS

20 **Welcome and Apologies**

The Chair welcomed everyone to the meeting. Apologies were received from Councillor Faryad Hussain.

21 **Minutes of the last Meeting held on 16th June 2016**

RESOLVED – That the minutes of the last meeting held on 16th June 2016 were confirmed and signed as a correct record.

22 **Declarations of Interest**

There were no declarations of interest.

23 **Planning Applications**

The Committee considered reports of the Director of Planning and Prosperity detailing the planning applications listed overleaf.

In considering the applications, the Committee took into account representations or submissions provided by individuals with the officers answering points raised during discussion thereon.

RESOLVED – (1) That the following decisions be made on the applications set out overleaf:

<u>Application No.</u>	<u>Applicant</u>	<u>Location and Description</u>	<u>Decision under Town and Country Planning Acts and Regulations</u>
10/15/0296	Father Mckenzie Holdings Ltd	Land off Eleanor Street, Blackburn, BB1 1JD Outline planning application for 4 storey 88 bed care home	Deferred for further information from Adult Social Care to be received
10/15/1081	Ellerslie Fold Management Company	Ellerslie, Bury Fold Lane, Darwen, BB3 2QG Outline planning application for outline application (access) for the erection of 22 three and four bedroom dwellings <i>Mr Donald Sharples and Mr Trevor Cowell spoke against the application</i> <i>Mr Alan Kinder and Mrs Da Silva spoke supporting the application</i>	Permit subject to delegated authority being given to the Head of Service for Planning and Transport to approve planning permission subject to the applicants first entering into an agreement under S106 of the Town & Country Planning Act 1990, relating to the payment of a financial contribution towards: a) Affordable Housing (as detailed in the report) and b) Public Open Space (as detailed in the report) with additional conditions as detailed in the Director's report
10/15/1238	Mr Joe Cooney	Land between 21 & 23 Swan Farm Close, Lower	Permit with conditions

<u>Application No.</u>	<u>Applicant</u>	<u>Location and Description</u>	<u>Decision under Town and Country Planning Acts and Regulations</u>
		Darwen, 0QU Outline planning application for proposed construction of 1 detached dwelling	
10/16/0266	Metacre Ltd	Land to the south of Spring Meadows, Darwen Outline (access) planning application for the erection of up to 134 dwellings with associated infrastructure and landscaping <i>Councillor Neil Slater spoke against the application</i> <i>Mr Chris Betteridge spoke in support of the application</i>	Permit subject to delegated authority being given to the Head of Service for Planning and Infrastructure to approve planning permission subject to the applicant first entering into an agreement under S106 of the Town and Country Planning Act 1990, relating to the payment of a financial contribution towards Affordable Housing (As detailed in the report) with additional conditions as detailed in the Director's report.

24 Blackburn with Darwen Borough Council – Local Enforcement Plan

A report was submitted to:

- Advise the Committee of the requirement for planning authorities to produce a Local Enforcement Plan; and
- To request that the Committee support the proposed plan; and
- To request that the Committee recommend adoption of the plan to the Executive Member for Regeneration

The Committee was advised that the National Planning Policy Framework (NPPF) had recommended that Council's should consider publishing a Local Enforcement Plan to manage enforcement proactively in a way that was appropriate to their area.

The NPPF had also advised that the plan should set out how Authorities would monitor the implementation of planning permissions, investigate alleged cases of unauthorised development, and take necessary, appropriate action.

The Committee was advised that the draft proposed document, which was attached to the report, was Blackburn with Darwen Council's response to the NPPF and demonstrated how the Council would investigate alleged cases of unauthorised development.

The plan, which was described as "only a guide" aimed to provide guidance on the options of the Council and how the Council would balance the demands on the services against resources available. If/when the plan was adopted it would be published on the Council's planning enforcement web page.

RESOLVED – That the Planning and Highways Committee: -

1. Note the content of the Plan; and
2. Endorse the making and rationale of the Plan; and
3. Recommend that the Executive Member for Regeneration approve and adopt the Plan; and
4. Note that the Plan will be published on the planning enforcement webpage once adopted.

25 Petition: Planning application 10/15/1402

A report was submitted to advise the Committee of the receipt of two petitions objecting to full planning application 10/15/1402, (retrospective) for change of use of number 53 from retail to café with ancillary use to the first floor (Nos 51-53) and alterations to the shop front, at 51-53 Whalley Range, Blackburn, BB1 6EA.

Grounds for objection to the application were outlined in the report.

The Committee was advised that the application had been approved under delegated powers following chair referral.

RESOLVED –

1. That the petition be noted; and
2. That the Lead Petitioner be informed of the decision.

26 Petition: Planning application 10/16/0577

A report was submitted to advise the Committee of the receipt of a petition on 20th June 2016, containing 35 signatures objecting to full planning application 10/16/0577, full planning application for change of use of number 521 Bolton Road, Blackburn from dwelling into ground floor barbers shop and first floor self-contained flat, together with new shop front.

Grounds for objection to the application were outlined in the report.

The Committee was advised that in accordance with the Council's adopted Scheme of Delegation, the application had been refused. Reasons for refusal of the application were also outlined in the report.

RESOLVED –

1. That the petition be noted; and
2. That the Lead Petitioner be advised of the decision with regard to the application.

27 Petition: King's Bridge Street, Blackburn

A report was submitted to advise the Committee of the receipt of a petition containing 12 signatures, supporting a Traffic Improvement Application requesting that calming measures be introduced on King's Bridge Street, Blackburn.

Grounds for requesting the traffic calming measures were outlined in the report. Grounds for refusal of the request for traffic calming measures were also outlined in the report.

RESOLVED –

1. That the Committee support the officer recommendation that King's Bridge Street, Blackburn does not currently meet the criteria for the introduction of traffic calming measures; and
2. That the Lead Petitioner be informed of the decision.

28 Petition: Chester Street, Blackburn

A report was submitted to advise the Committee of the receipt of a petition in August 2015, containing 18 signatures, requesting the provision of a footpath at Chester Street, Blackburn.

It was reported that Ward Councillors (Audley) had supported the petition. Grounds for the request were detailed outlining that since development of the Higher Audley area in the 1960's, car ownership had increased and a parking bay had been constructed along this length of Chester Street with an adjacent footway which connected to the existing footway at either end.

It was also reported that due to the length of the bay and also the location of a path midway between the block of properties, the residents had requested a path across the grass verge at that point.

The Committee was advised that it had been agreed that this was a reasonable request, but unfortunately the Section 106 funds available were insufficient to provide a DDA compliant path. It was reported that no other funding was available currently, and therefore it was recommended that the request be refused.

RESOLVED –

1. That the Committee support the officer recommendation that a footpath be **not** provided at the present time; and
2. That the Lead Petitioner be informed of the decision.

29 Petition: Springfield Avenue, Blackburn

A report was submitted to advise the Committee of the receipt of a petition containing 14 signatures, supporting a Traffic Improvement Application requesting that parking at the entrance to the street from Preston Old Road be restricted.

Grounds for the request were outlined in the report. Grounds for supporting the request were also outlined in the report with a recommendation for approval.

RESOLVED –

1. That the Committee support the officer recommendation to progress a Traffic Regulation Order for double yellow lines at the entrance to Springfield Avenue, Blackburn; and
2. That the Lead Petitioner be informed of the decision.

30 Diversion of Public Footpath 159 (part) Edgworth

A report was submitted to seek Committee approval for a public path order under the Highways Act 1980, Section 119 to divert part of public footpath 159 (part) Edgworth, around Lower Fold, Edgworth.

It was reported that Blackburn with Darwen Borough Council had received a Public Rights of Way application to divert footpath 159 (part). The applicant had also confirmed that he would provide the new path to a standard that was to the satisfaction of the Highway Authority.

Attached to the report were details enabling the Committee to consider promoting or not promoting the Order and also a copy of a site plan.

It was recommended that the legislative criteria had been met and that the Committee should resolve to 'Promote the Public Path Order'.

RESOLVED – That the Planning and Highways Committee promote the Public Path Order.

31 Exclusion of the Press and Public

RESOLVED – That the press and public be excluded from the meeting during consideration of the following item in view of the fact that the business to be transacted is exempt by virtue of paragraph 5 of Schedule 12A to the Local Government Act 1972.

32 Enforcement: The Duke of York House, Johnson New Road, Darwen

The Committee was advised that following receipt of a retrospective planning application (10/16/0656) at the Duke of York House, Johnson New Road, Darwen, the request to seek authorisation to consider enforcement action had currently ceased and the report had been removed from the agenda.

33 Enforcement: Land at Tockholes Road, Tockholes, Darwen (Timber Sales)

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at Tockholes Road, Tockholes, Darwen.

Grounds for the request were outlined in the report.

RESOLVED – That the Planning and Highways Committee authorise the Director of HR and Legal Services, in consultation with the Director of Planning and Prosperity, to issue an enforcement notice to secure

removal/reduction of the unauthorised means of enclosure at Tockholes Road, Tockholes, Darwen.

34 Cost estimate for possible works carried out in default at 3 Goodshaw Avenue, Blackburn

A report was submitted to advise the Committee of the anticipated costs for possible works to be carried out in default at 3 Goodshaw Avenue, Blackburn.

RESOLVED – That the report be noted.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed

**DECLARATIONS OF INTEREST IN
ITEMS ON THIS AGENDA**

Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.

Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE: **15th SEPTEMBER 2016**

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)

Material Consideration

“Material Considerations” are not limited to matters relating to amenity and can cover a range of considerations, in regard to public or private interests, provided that there is some relationship to the use and development of land.

Where it is decided that a consideration is material to the determination of a planning application the courts have held that the assessment of weight is a matter for planning judgement by the planning authority, rather than the court. Materiality is a matter of law for the Court, weight is for the decision maker. Accordingly it is for the Committee to assess the weight to be attached to each material consideration, but if a Council does not take account of a material consideration or takes account of an immaterial consideration then the decision is vulnerable to challenge in the courts.

By section 38(6) of the Planning & Compensation Act 2004 Act every planning decision must be taken in accordance with the development plan (taken as a whole) **unless material considerations indicate otherwise**. The policies and guidance contained in the hierarchy of planning documents are important material considerations and the starting point for the Committee in its assessment of development proposals and most decisions are usually taken in line with them.

However, the Committee is legally obliged to consider all material matters in determining a planning application and this means that some decisions will not follow published policy or guidance. In other words, the Committee may occasionally depart from published policy when it considers this is outweighed by other factors and can be justified in the circumstances of the particular case. Similarly, in making a decision where there are competing priorities and policies the Committee must exercise its judgement in determining the balance of considerations

The following provides a broad guide of what may and may not be material, though as with any broad guidance there will on occasions be exceptions

<u>MATERIAL:</u>	<u>NOT MATERIAL:</u>
Policy (national, regional & local)	The identity of the applicant
development plans in course of preparation	Superceded development plans and withdrawn guidance
Views of consultees	Land ownership
Design	Private Rights (e.g. access)
Visual impact	Restrictive covenants
Privacy/overbearing/amenity impacts	Property value
Daylight/sunlight	Competition (save where it promotes a vital and viable town centre)
Noise, smell, pollution	Loss of a private view
Access/traffic/accessibility	“moral issues”
Health and safety	“Better” site or use”
Ecology, landscape	Change from previous scheme
Fear of Crime	Enforcement issues
Economic impact & general economic conditions	The need for the development (in most circumstances)
Planning history/related decisions	

Cumulative impact	
Need (in some circumstances – e.g. green belt)	
Impacts upon and provision of open/amenity space	
existing use/permitted development rights/fall back	
retention of existing use/heritage issues	
fear of setting a precedent	
composite or related developments	
Off-site benefits which are related to or are connected with the development	
In exceptional circumstances the availability of alternative sites	
Human Rights Act 1998 & Equality	

Before deciding a planning application members need to carefully consider an application against the provisions of the Human Rights Act 1998.

Protocol 1 of Article 1, and Article 8 confer(s) a right of respect for a person's private and family life, their possessions, home, other land; and business assets.

Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their representation, and comments,

In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Head of Planning and Transport has concluded that some rights conferred by these Articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is proportionate, in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. Furthermore he believes that any restriction on these rights posed by the approval of an application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Other duties have to be taken into account in determining planning applications for example the promotion of measures to reduce crime, the obligation not to act in a discriminatory manner and promote equality etc.

NB: Members should also be aware that each proposal is treated on its own merits!

Reasons for Decision

If members decide to go against officer recommendations then it is their responsibility to clearly set out their reasons for doing so, otherwise members should ask for the application to be deferred in order that a further report is presented setting out the background to the report, clarifying the reasons put forward in the debate for overriding the officer recommendation; the implications of the decision and the effect on policy; what conditions or agreements may be needed; or just to seek further information.

If Members move a motion contrary to the recommendations then members must give reasons before voting upon the motion. Alternatively members may seek to defer the application for a further report. However, if Members move a motion to follow the recommendation but the motion is lost. In these circumstances then members should be asked to state clearly their reasons for not following the recommendations or ask that a further report be presented to the next meeting

REPORT OF THE DIRECTOR OF GROWTH & PROSPERITY

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND PAPERS

There is a file for each planning application containing application forms, consultations, representations, Case Officer notes and other supporting information.
Gavin Prescott, Planning Manager – Ext 5694.

NEIGHBOUR NOTIFICATION: The extent of neighbour notification is shown on the location plans which accompany each report. Where neighbours are notified by individual letter, their properties are marked with a dot. Where a site notice has been posted, its position is shown with a cross.

PLANNING APPLICATIONS FOR DETERMINATION Date: 15/09/2016

Application No	Applicant	Site Address	Ward
10/15/0296	Father Mckenzie Holdings Ltd c/o Agent	Land Off Eleanor Street Blackburn BB1 1JD	Audley
Outline Planning Application for 4 storey 88 bed care home			

RECOMMENDATION: Permits

10/16/0569	Cyberbase Limited c/o Mr Samuel Ng 78-85 Bomham Strand 10/F, Room 1001, Bonham Centre Sheung Wan Hong Kong	Former site of Frankies Bar Church Street Darwen BB3 2RE	Sunnyhurst
Full Planning Application for Development of vacant site for a 4-storey hotel with 34 rooms, 17 parking spaces, a breakfast room/bar & spa, creation of new vehicular access in Church Bank Street & on street loading bay in Bank Street			

RECOMMENDATION: Permits

10/16/0622	Mrs Marcella Bird The Coach House, Turncroft Road Darwen BB3 2BW	The Coach House Turncroft Road Darwen BB3 2BW	Marsh House
Variation of condition/minor material amendment for Erection of two bedroom house on land adjacent to existing domestic property at The Coach House, pursuant to a variation of Condition No. 9 on application 10/14/0582, to read: This consent relates to the submitted details marked received on 9th July 2014 and numbered 13-043-01 Rev A and 13-043-02, as amended by plans received on 30th September 2014 and numbered 13-043-01 Rev B and 13-043-03; as amended by plans received on 8th June 2016 and numbered 35-TCH-208 Rev A, 35-TCH-207 Rev A, 35-TCH-206 Rev A, 35-TCH-205 Rev A, 35-TCH-203 Rev A, 35-TCH-202 Rev A, and 35-TCH-201 Rev A, and any subsequent amendments approved in writing by the Local Planning Authority. REASON: To clarify the terms of this consent.			

RECOMMENDATION: Permits

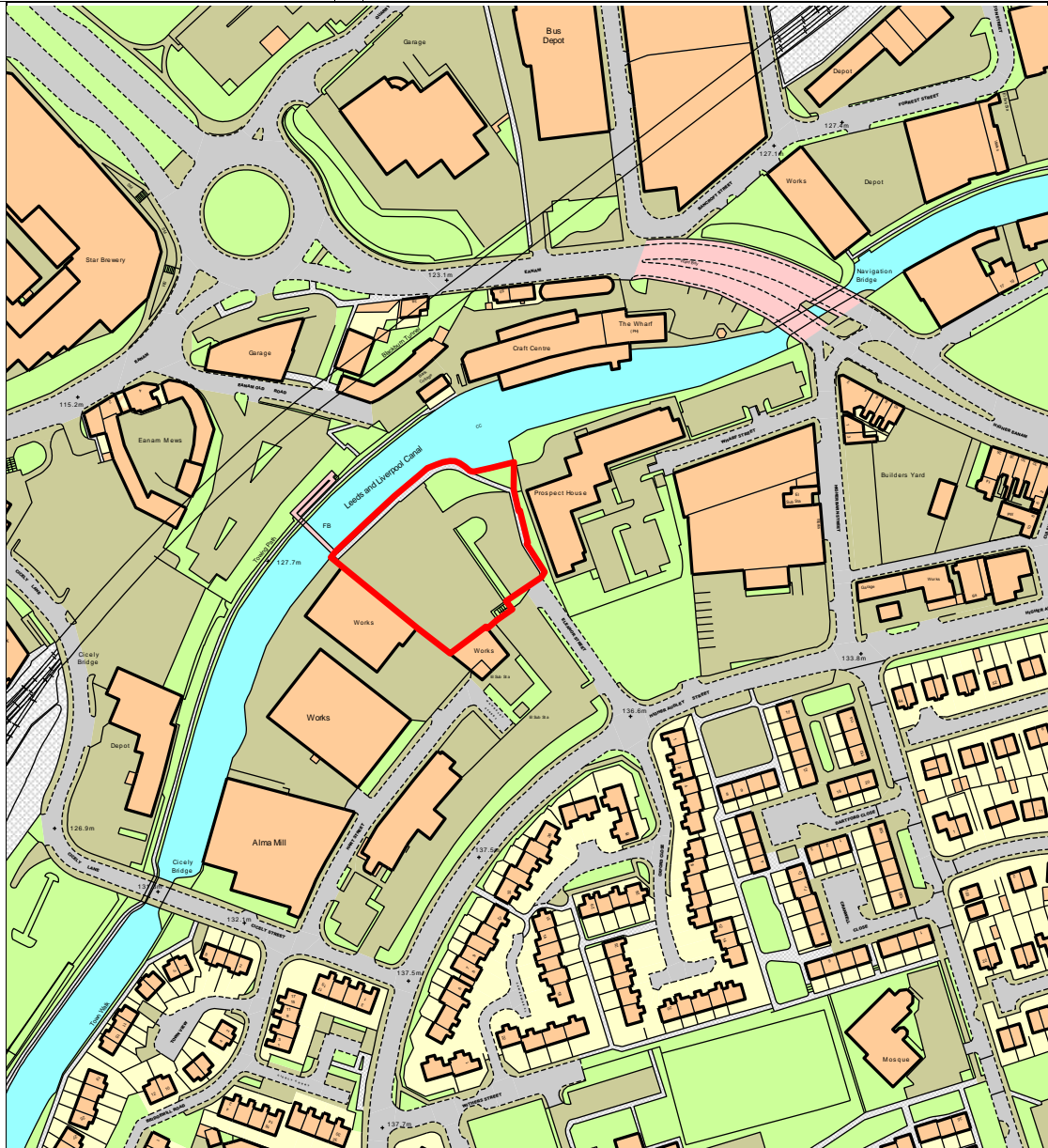
Proposed development: Outline Planning Application for a 4 storey 88 bed care home.

Site address: Land Off, Eleanor Street, Blackburn, BB1 1JD

Applicant: Father Mckenzie Holdings Ltd

Ward: Audley

Councillor Yusuf Jan-Virmani	
Councillor Zamir Khan	
Councillor Salim Sidat	



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to condition.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The main issues that are fundamental in the assessment of this proposal are:

- Principle of the development.
- Amenity of prospective occupants and neighbours of the development.
- Heritage and Design.
- Highways.
- Ecology.

2.2 In assessing the planning balance of the proposed development, it is considered that the proposal supports the Council's requirement from the Strategic Commissioning People's demand in the medium term, in terms of the number of bed spaces for this particular type of accommodation. The principle of the proposal is considered acceptable in this location, in accordance with the targeted growth strategies advocated in the Core Strategy and Local Plan Part 2. The site 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/reserved matters submission.

2.3 Members will recall this application being deferred from the July Planning and Highways Committee to enable consideration of late comments submitted by Strategic Housing, Strategic Commissioning People.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is located to the east of Blackburn Town Centre, being bound by the Leeds and Liverpool Canal to the north, Twin Valley Homes office accommodation to the east and industrial premises (Spice Factory) to the west. The site lies adjacent to the Eanam Conservation Area and Listed Buildings are located to the east on the opposing side of the Canal.

3.1.2 The site itself is now vacant, remnants of a demolished mill building walls are all that remain. The building footprint has been tarmacked and parking bays associated with a former coach park are delineated. Vehicular access is currently via Eleanor Street/ Higher Audley Street from the south.

3.2 Proposed Development

- 3.2.1 Outline planning consent is sought for an 88 bedroom care home facility. In addition to the principle of use, the application seeks confirmation with regards to access, layout and scale, with matters of appearance and landscaping reserved for future determination.
- 3.2.2 Indicative elevation drawings depict the building to be 4 storeys in height, with vehicular access being via that existing from Eleanor Street/ Higher Audley Street. The building is sited in an L-Shaped footprint adjacent to the canal and neighbouring industrial building, with landscaped amenity space to the canal frontage. There is also amenity space, car parking and servicing area located to the rear of the building. A pedestrian footpath is proposed to the eastern side of Eleanor Street, linking to the main entrance of the proposal and to the footbridge over the canal.

3.3 Development Plan

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

3.3.2 Core Strategy (January 2011):

- CS1 – A Targeted Strategy
- CS15 – Protection and Enhancement of Ecological Assets
- CS16 – Form and Design of New Development
- CS17 – Built and Cultural Heritage
- CS19 – Green Infrastructure
- CS21 – Mitigation of Impacts/ Planning Gain

3.3.3 Local Plan Part 2 (December 2015):

- Policy 1 – The Urban Boundary
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 38 – Green Infrastructure
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure & Ecological Networks with New Development
- Policy 47 – The Effect of Development on Public Services

3.4 Other Material Planning Considerations

- 3.4.1 Residential Design Guide Supplementary Planning Document (September 2012). This document provides targeted advice to ensure high quality new homes. It ensures that new development reflects the individual and collective character of areas of the Borough and promotes a high standard of design. The document also seeks to

ensure a good relationship between existing and proposed development in terms of protecting and enhancing amenity.

3.4.2 National Planning Policy Framework (NPPF). In particular Section 6 which relates to delivering a wide choice of high quality homes and Section 8 which relates to promoting healthy communities.

3.5 Assessment

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

- Principle of the development.
- Amenity of prospective occupants and neighbours of the development.
- Heritage and Design.
- Highways.
- Ecology.

3.5.2 Principle:

The site is located within the Inner Urban Area of Blackburn and has no specific designation in the adopted Local Plan Part 2 (LPP2). Policy 1 of LPP2 and CS1 of the Core Strategy are of relevance and state that the urban area is to be the preferred location for new development. The principle of a care home development on the site is therefore acceptable, subject to other relevant policies and material planning considerations.

3.5.3 Policy 47 of LPP2 seeks to ensure that development meets the needs of the local populous in the first instance. Importantly there is concern for development which ostensibly provides accommodation or services used by vulnerable people, but which is provided in an ad-hoc way with little or no reference to wider strategies for commissioning support services. This can result in users going on to require a wide range of other support services provided by the public sector and placing greater pressure on such services.

3.5.4 Concern has been raised by the Housing and Care Project Manager on such grounds, stating that there is no present need for a care home. It is reported that the proposal would place pressure on the existing residential care market within the Borough and result in inward migration of frail elderly people from surrounding areas, and that this would create risks to both Social Care and Health budgets. It is estimated that the development could result in an additional pressure of £1 million+ per annum for Social Care.

3.5.5 The updated statistics provided by the Strategic Housing, Strategic Commissioning People section indicate a deficiency of 6 bed spaces by 2020, increasing to 181 by 2025. The development could therefore contribute toward meeting this demand in the medium term. Due to the need for subsequent reserved matters determination, condition discharge and construction period, the development is not likely to be available for immediate occupation which will act to take the

completion/ occupation date of the care facility closer toward 2020, if not beyond. In addition to this, the applicant has agreed to enter into a Legal Agreement which restricts occupation to those from within the Local Authority Area only. It is considered that the revised Legal Agreement provides sufficient justification to support the proposal. Indeed the Strategic Housing, Strategic Commissioning People section has removed their initial objection to the proposal, being satisfied that the revised Legal Agreement provides a sufficient focus on local residents to mitigate the budget concerns raised. The Planning Authority will need to ensure any future applications for residential care/ extra care are subject to detailed assessment against need of such provision in order to manage the risks of oversupply and potential impact to budgets and public services.

3.5.6 Amenity:

Policy 8 of LPP2 supports new development where it can be demonstrated that it would secure a satisfactory level of amenity for surrounding uses and for occupants of the development itself. This could relate to the physical presence of the proposal/ surrounding buildings and potential impacts by way of dominance, loss of light, and overshadowing or disturbance by activity associated with the development or adjacent land uses. An adjacent business has commented that their practises are noisy and should be considered in assessment of the proposal.

3.5.7 Additional advice is contained within the Residential Design Guide SPD relating to separation distances of new proposals to existing housing.

3.5.8 The care home would be located within a mixed use area, being bound immediately by office accommodation and a spice factory, a dwelling and office accommodation are located to the opposing side of the Canal.

3.5.9 The opposing dwelling has a front facing aspect over the canal with ground and first floor habitable room windows within the front elevation. 1st, 2nd and third floor lounge/ dining windows within the proposal overlook this property. Separation of the proposal to this neighbour is approximately 30m and accords with the SPD guidance, ensuring an acceptable relationship to this property which minimises amenity impact.

3.5.10 The commercial nature and building interface distances are considered sufficient to ensure an acceptable relationship of the proposal to other neighbours of the application site.

3.5.11 The applicant has submitted noise and odour reports in support of the proposal. The reports consider likely disturbance for residents of the care facility from neighbouring land uses and offers measures to safeguard against noise and odour concerns, including mechanical ventilation and double glazing. It is considered that the mitigation

measures suggested by the reports will protect amenity of residents, indeed the Head of Public Protection has no objection to the proposal, subject to condition of such measures. It is inevitable that there will be some disruption for occupants of adjacent premises 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.

3.5.12 Heritage and Design

The application site is located adjacent to the Eanam Wharf Conservation Area where there are a number of listed buildings to the east adjacent to the canal. Policies 11 and 39 are of particular relevance to this assessment. Policy 11 requires all new development to present a good standard of design which demonstrates an understanding of the wider character and makes a positive contribution to the local area. Policy 39 requires new development to sustain or enhance the significance of the asset, substantial harm from development within the setting of an asset will only be permitted in very exceptional circumstances.

3.5.13 With regards to design, the application seeks matters relating to siting and scale, reserving appearance of the building for subsequent reserved matters assessment. The proposal seeks consent for a 4 storey development which has a landscaped front facing aspect toward the canal and conservation area. Car parking and service yard areas are located to the rear of the building. A Heritage Statement has been submitted with the application. The applicant has provided visuals of the development to illustrate external appearance of the development within the conservation area/ listed building setting.

3.5.14 Initial concerns were raised by the Design and Conservation officer to the scale and massing of the proposal and impact this would have on the setting of the conservation area/ listed buildings. Notwithstanding this, the additional visuals submitted by the applicant demonstrate that a building of this size could assimilate into this surrounding, subject to satisfactory elevation treatment. Furthermore, it is considered that there is a mix of building proportion in the locality, ranging from a traditional 2 storey dwelling to much larger industrial and office accommodation adjoining the application site. A 4 storey building on the site is not therefore considered out of character with the scale/ mass of other properties in the locality. In addition, planning history on the site indicates support for a much larger 6 storey apartment development, which was assessed to have no significant impact on the conservation area/ listed building to warrant refusal of the scheme. Layout is supported, and provides an outward facing development to the canal corridor and conservation area, hiding the less aesthetic elements of the scheme (parking, service areas) behind the building.

3.5.15 On balance, it is considered that the scale and siting of the proposal are acceptable, subject to detailed assessment of appearance. The Strategic Housing team has raised concern with regards to the internal layout and location of the development being adjacent to commercial development. Revised floor plans indicate provision of extensive lounge and dining areas on all floors, external private amenity space is also provided and floor area of bedrooms (18sqm) are all greater than the required 12sqm of floor space. The proposal is sited to be outward facing to the canal, effectively turning its back on the main commercial neighbour. It is also within walking distance of and has good pedestrian linkages to the town centre as well as open space corridor of the Leeds-Liverpool canal. It is considered that the scheme has been sensitively designed to take account of the mixed use nature of the area, and will provide occupants with a satisfactory level of amenity.

3.5.16 Highways

Policy 10 of LPP2 supports new development which provides for appropriate parking, access and servicing arrangements to ensure safe, efficient and convenient movement of all highway users. Concerns have been raised from an adjacent business with regards to parking provision proposed.

3.5.17 Access to the site will be via that existing from Eleanor Street, 18 parking spaces, and service yard area are provided on site located to the rear of the building, cycle spaces are located adjacent to the staff entrance. A footpath is also proposed to Eleanor Street, linking to the pedestrian entrance of the building and to the existing footpath over the canal. The applicant considers that parking is of appropriate provision to meet the needs of the development both in staff, occupant and visitor thresholds – a very small minority of residents will have cars. A Transport Statement and Travel Plan have been provided with the application.

3.5.18 Whilst according with adopted standards for residential institutions of 1 space per 5 bedrooms, the Highway officer has questioned the amount of parking proposed. Additional information has been provided and it has been confirmed that due to their medical condition residents are unlikely to have a car. The site is also in a highly sustainable location, with good pedestrian linkages which give access to bus and rail networks. It is considered that the parking provision proposed by the applicant is acceptable. Any additional parking could be displaced to Eleanor Street without disruption to the network since this road does not serve as a means of access to any other property, other than the application site. The layout of the parking and service area is acceptable.

3.5.19 The development will result in additional vehicles accessing the site, placing a greater pressure on the network. The submitted Transport Statement uses a similar development to anticipate expected vehicle movement resultant from the proposal, concluding that the

development will generate an additional 20 two way trips on the AM and 12 two way trips in the PM peak periods. This is not a high level of activity and existing infrastructure is considered to be able to support the additional pressure. Indeed the Highway officer has not raised this as a matter of concern.

3.5.20 Ecology

Policy 9 of LPP2 supports new development which has no unacceptable impact on habitat or protected species, seeking mitigation and compensation where necessary.

3.5.21 The proposal will necessitate felling of a number of trees on the site, the applicant has therefore undertaken tree and bat surveys to support their proposal. The Tree Survey confirms that most trees on site are Category C which are of low quality and amenity value, 2 trees adjacent to the canal are Category B which are of moderate quality and amenity value. The Bat Survey also confirms an unlikely presence of bats on the site.

3.5.22 It is considered that loss of trees can be supported due to the low categorisation of most trees on the site. It is however important that any landscaping scheme provides for replacement planting, which can be conditioned appropriately. Provision should also be made for replacement and improved habitats for birds and bats, including bird and bat boxes and foraging habitat.

3.5.23 Other Matters

The Canal and River Trust have requested a number of off site improvements to the canal corridor including resurfacing of the pathway, repair/ rebuilding of the canal wall and removal of self seeded vegetation from the canal wall. It is recognised that this request will improve the visual appearance of the canal corridor, but provision through the proposal is considered to be an onerous request on the applicant and is therefore unnecessary.

4.0 RECOMMENDATION

Approve, subject to signing and sealing of a Legal Agreement restricting occupants of the development to be from within the Borough or have close ties to the Borough in the first instance, or from outside the Borough if not meeting the first two criteria, 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 – to include replacement tree planting.

- Samples of construction materials.
- Boundary treatments.
- Hard and soft Landscaping.
- Implementation of footpath on Eleanor Street A2A.14.608_1 revision C received on 10th February 2016 prior to occupation of the development.
- Scheme for the provision of covered and secure cycle and motorbike parking.
- 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.
- Scheme for protecting existing neighbouring residential dwellings from dust during site works.
- Land contamination.
- All habitable rooms will be provided with mechanical ventilation and double glazing to reduce the impact of external noise. The double glazed window assemblies will achieve a sound reduction index (R_w) of at least 36dBA. The mechanical ventilation and double glazing will be retained for the duration of the approved use.
- The developer shall submit a written scheme describing how odour from neighbouring commercial uses will be removed from air drawn into the mechanical ventilation system. The scheme shall be approved in writing by the authority, implemented before the implementation of the development, and the measures recommended within the scheme will be retained for the duration of the approved use.
- Tree protective fencing to be erected prior to any site works, in accordance with the submitted Arboricultural Report dated May 2015.
- 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.
- 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.

- Prior to commencement of the development hereby approved, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented and retained thereafter.
- Scheme for provision of bat and bird boxes.
- 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;

5.0 PLANNING HISTORY

5.1 The following planning applications are of relevance to this proposal:

10/80/0937 – coach park – approved on 5th May 1980.

10/93/0244 – footbridge over canal – approved on 29th April 1993.

10/04/1080 - Erection of a block of 54 flats with access and parking – approved on 26th August 2004.

10/07/0651 - Development of 70 Apartments and associated car parking and landscaping works – approved on 28th September 2007.

10/10/0678 - Development of 70 apartments and associated car parking and landscaping works (extension of time application) – approved on 7th October 2010.

6.0 CONSULTATIONS

6.1 Environmental Sustainability Manager

- There needs to be sufficient bin and bin storage provision to meet the needs of the development.

6.2 Design and Conservation Officer

- The scheme is considered to have a significant scale and massing positioned very close to the canal and the existing footbridge. The development would appear cramped, and over dominant against the footpath and canal bridge and have an overbearing effect.
- The design of the elevations show minimal detail and do not respect the defining characteristics of canal architecture. The proposed mansard form at roof level is not considered inappropriate to the character of the area and the materials for this element have not been determined. More clarity is needed as to how the proposed bay features will be constructed, whilst they help add vertical interest to the elevations no information is given as to what they are made of and will appear as an afterthought. The corner feature of the development is of increased height, representing an increase in mass at the point where the canal kinks into the site, this will have a further overbearing effect on the canal, which will be exacerbated by the proposed balconies to the front elevation. Very little detail has been provide on the elevations as to the design of balconies and the external facing materials. Overall the design of the scheme is of a large urban block which would be more appropriate at a city scale, with very little meaningful landscape to enhance the canal corridor. The proposed trees adjacent the to the ramp bridge and the building would have little opportunity to grow in such a narrow landscaped space.
- The development is considered to have a negative impact on the setting of the Eanam Conservation Area and the listed buildings at Eanam Wharf. No visuals have been submitted to show how the scheme will appear from the conservation area. It considered that by virtue of its scale mass and design it will impact from views along the canal corridor and views from the within the conservation area. The Heritage statement states that the buildings being on the opposite side of the canal will have no effect on significance, however it is considered that the development will appear as a very large mass, of inappropriate design with limited landscape areas which will have an overbearing appearance on setting of the conservation area. The development will also be viewed in relation to the listed buildings from both east, west and northern vantage points as an over dominant building and will detract from the setting of the listed buildings.
- The development will thereby conflict with Policy 137 of the NPPF which requires LPAs to have regard to the setting of heritage assets and to better reveal their significance and saved policy HD11 of the Local plan.

6.3 Capita Ecology

- The Bat Tree Inspection report is sufficient and no ecological issues are raised. Reasonable avoidance measures in regards to nesting birds should be adhered to during construction.
- 6.4 Lancashire Constabulary
- No objections and recommendations to improve security of the site and building have been made.
- 6.5 Public Protection
- No objections subject to imposition of conditions relating to noise and odour mitigation to safeguard amenity of prospective occupants from neighbouring land uses, land contamination and construction hours restriction.
- 6.6 Capita Highways
- Parking accords with adopted standards for residential institutions of 1 space per 5 bedrooms. Though a further understanding of the use is required relating to staffing levels, type of care.
 - Layout of parking area is acceptable.
 - Provision of covered and secure cycle spaces.
 - Provision of mobility scooter spaces.
 - Eleanor Street should be made up to adoptable standards, though the Highway Authority cannot enforce the applicant to do so.
 - Footpath should be made up to adoptable standards.
 - Servicing details requested.
- 6.7 Strategic Housing, Strategic Commissioning People –
- Registered care demand -3 at 2016, +6 by 2020, +181 by 2025.
 - Whilst the borough is actively in a programme to provide more accommodation for older peoples as specified in the Older Peoples Housing Strategy 2011-2016, existing pipeline schemes will meet this need until 2020. Additional developments before this date could cause an over provision of care beds putting pressure on the existing market or importing people with high care needs from out of the area putting pressures on local health and care services.
 - Social Services have to provide financial help if the applicant is eligible for support. At the present time Blackburn with Darwen Borough Council fund 70%-80% of the residential care places within the borough, costs of beds are £400+ per week.
 - If an additional 88 people moved into the borough it could result in additional costs of £1 million+ per annum for Social Care.
 - Additional frail elderly people living in the borough could place additional funding pressure on the Health Service. Research shows that older people have a greater need for healthcare:
 - Nearly two-thirds of people admitted to hospital are over 65 years old.
 - There has been a 65% increase in hospital treatments(1) for those over 75 during the past 10 years, compared with 31% for those aged 15-59.

- Someone over 85 is 25-times more likely to spend a day in hospital than someone under 65 and will also tend to spend around eight days longer in hospital per stay than someone under 65 (11 days compared to 3).
- Studies suggest that older patients account for the majority of health expenditure. One analysis found that health and care expenditure on people over 75 was 13-times greater than on the rest of the adult population.
- The Department of Health estimates that the average cost of providing hospital and community health services for a person aged 85 years or more is around three times greater than for a person aged 65 to 74 years.
- Health costs for people over the age of 75 include Nursing and Therapy £4005, Primary Care £13473, Inpatient Care £76904 and Outpatient Care/ A&E £6910. In context a similar size facility in the Borough experienced 15 admissions to hospital, 32 responses to 999 calls and 40 GP call outs.
- Notwithstanding the above concerns, support for the proposal is offered based on the proposed revision of the Legal Agreement to ensure occupants are from the Local Authority area only.
- The revised Legal Agreement provides a sufficient focus on local residents to mitigate the budget concerns raised. The Planning Authority will need to ensure any future applications for residential care/ extra care are subject to detailed assessment against need of such provision in order to manage the risks of oversupply and potential impact to budgets and public services.

6.8 Canal & River Trust

Request additional information to assess visual impact of the proposal on the canal.

- Requests improvements to the footpath adjacent to and over the canal including surfacing, railings, rebuild of canal wall and removal of self seeded vegetation from canal wall.
- Submission of land contamination report and ecology surveys.

7.0 CONTACT OFFICER: Robert Buffham, Principal Planning Officer.

8.0 DATE PREPARED: 26th August 2016.

Summary of Consultations

Comment

Further to the above planning application number I would like to comment as follows:

We do not have any issue with the development as proposed, in fact we would welcome the improvement to this site. Our only concern is the level of parking proposed for the size of the development. 18 spaces for an 88 bed care home appears to be inadequate and there may be implications on the highway traffic.

This representation is made on behalf of:

Twin Valley Homes
Prospect House
Wharf Street
Blackburn
BB1 1JD

BATEMAN THERMOTOOLING LTD.

DESIGN & MANUFACTURER OF THERMOFORM TOOLING

HART STREET
BLACKBURN
LANCS



RECEIVED
23 JUN 2015

Fao Brian Bailey
Director of Growth & Prosperity,
Planning Section,
Regeneration Department,
Blackburn with Darwen Borough Council,
Town Hall,
Blackburn
Lancs
BB1 7DY

18th June 2015

Planning Application reference 10/15/0296

Dear Sir,

With reference to the above planning application, notice of which (addressed to S Bateman Sons Ltd) was received on the 16th June.

We wish to make the following comments regarding this development:

- We are immediately adjacent to proposed development.
- Our company is a small manufacturing unit with 24 hours and a 7 day week operating CNC Machining Centres & CNC Milling Machines with 22 kw Air Compressor driving these machines, we also have plans to expand the upper floor with the installation of a CNC Router machine for use in daytime/evening only.
- Our company supplies tooling for Thermoform machines to various companies based in the UK and Europe and due to very tight lead times dictated by our customers it is necessary to operate 'lights-out' (machines operating unattended).
- The summary of this is that noise from our machines should be considered by the planners.

Please acknowledge receipt of this letter.

Yours sincerely,



L. Bateman
Bateman Thermotooling Ltd



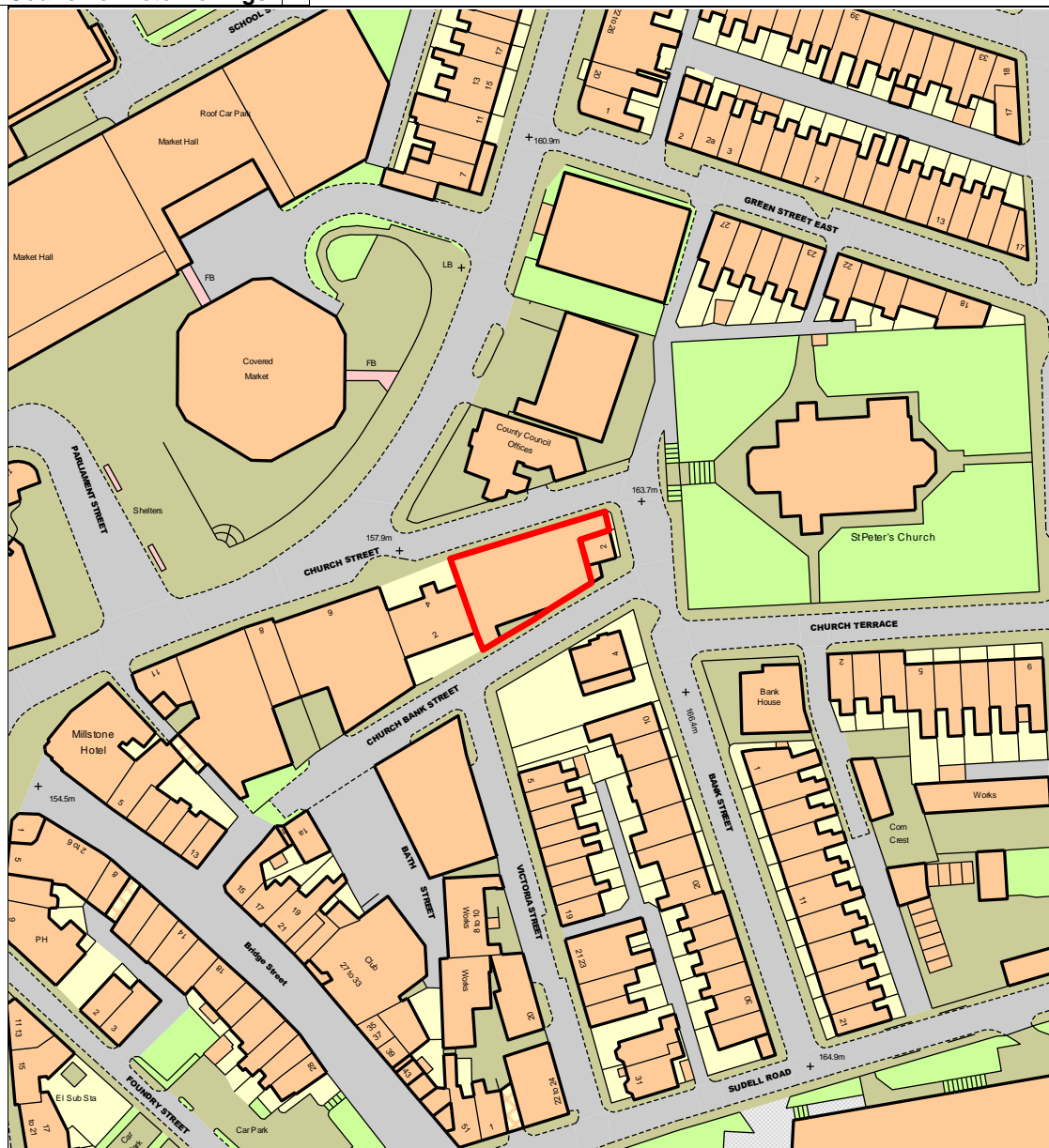
Proposed development: Full Planning Application for development of vacant site for a 4-storey hotel with 34 rooms, 17 parking spaces, a breakfast room/bar & spa, creation of new vehicular access in Church Bank Street & on street loading bay in Bank Street

Site address: Former site of Frankies Bar, Church Street , Darwen , BB3 2RE

Applicant: Cyberbase Limited

Ward: Sunnyhurst

Councillor Dave Smith	
Councillor Brian Taylor	
Councillor Pete Hollings	



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to condition.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The main issues that are fundamental in the assessment of this proposal are:

- Principle of the development.
- Amenity of prospective occupants and neighbours of the development.
- Design and Heritage.
- Highways

2.2 The application site is currently vacant bounded by hoardings, and in assessing the planning balance of the proposed development, it is considered that the redevelopment of the site would help reinstate the urban grain of the immediate surrounding area, thereby complimenting the setting of the adjacent listed St Peter's Church, and the character and appearance of the Darwen Town Centre Conservation Area.

2.3 The principle of the proposal is considered acceptable in this location, in accordance with the targeted growth strategies advocated in the Core Strategy (CS) and Local Plan Part 2 (LPP2). The site 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/reserved matters submission.

3.0 RATIONALE

3.1 Site and Surroundings

The application site relates to the former Darwen Central Club on Church Street which is located centrally within Darwen Town Centre, as identified in the LPP2. It is within a mixed commercial/ residential area being bound by commercial properties to the north and west, St Peters Church to the east and dwelling to the south.

3.2 The site itself is now vacant, with the former building on site being demolished. Hardcore from the demolition has been used to level the ground and a hoarding envelopes the site for security reasons.

3.3 Proposed Development

Full planning consent is sought for a 34 bedroom hotel and Spa facility. The building will occupy the whole site and due to land level changes will be part 2 storey to the higher land level and 4 storey to the lower.

3.4 The building will be constructed of stone, slate with contrasting panels of zinc and rock faced stone. A mansard roof is proposed with several

zinc clad dormers enabling accommodation to be provided within the roof void. 16 parking spaces are shown within a subterranean car park, accessed from the rear of the property on Church Bank Street. Servicing will be on street, taking place outside of peak periods.

3.4 Development Plan

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

Core Strategy (CS) (January 2011):

- CS1 – A Targeted Strategy.
- CS16 – Form and Design of New Development.
- CS17 – Built and Cultural Heritage.

Local Plan Part 2 (LPP2) (December 2015):

- Policy 1 – The Urban Boundary.
- Policy 8 – Development and People.
- Policy 10 – Accessibility and Transport.
- Policy 11 – Design.
- Policy 26 – Town Centres A Framework for Development.
- Policy 39 – Heritage.

3.5 Other Material Planning Considerations

National Planning Policy Framework

3.6 Assessment

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

- Principle of the development.
- Amenity of prospective occupants and neighbours of the development.
- Design and Heritage.
- Highways.

3.7 Principle of Development

The site is located within the Inner Urban Area of Darwen and Darwen Town Centre, having no specific designation in LPP2. Policy 1 of LPP2 and CS1 of the Core Strategy are of relevance and state that the urban area is the preferred location for new development.

3.8

Policy 26 states that within the Town Centre, planning permission will be granted for development involving main town centre uses. The LPP2 Glossary identifies a Hotel as a Main Town Centre use. Furthermore, Criteria ii) of Policy 26 seeks to expand the role of Town Centres by focussing new commercial development, including the provision of hotel accommodation, to such areas. On this basis it is considered that a hotel is an appropriate use for this Town Centre site and the principle of development is supported, in accordance with CS1, 1 and 26 of the Development Plan.

- 3.9 Amenity
Policy 8 of LPP2 supports new development where it can be demonstrated that it would secure a satisfactory level of amenity for surrounding uses and for occupants of the development itself. This could relate to the physical presence of the proposal and potential impacts by way of dominance, loss of light, and overshadowing or disturbance by activity associated with the development or adjacent land uses.
- 3.10 Objection has been received from a local resident with regards to proximity of the proposed building including overshadowing and overlooking of major habitable rooms, garden ground, as well as noise/ disturbance additional traffic and plant/ extraction equipment associated with the hotel use.
- 3.11 The hotel would be located within a mixed use area, being physically attached to a commercial property to the west, offices to the north, church to the east and a dwelling (4 Bank Street) to the south.
- 3.12 4 Bank Street is in residential occupation and is a 3 storey building which has a side on gable relationship to the application site. Habitable room windows within the gable oppose bedroom windows within the southern elevation of the hotel building proposed. Separation distance between this dwelling and the hotel would be approximately 11m. The proposal has been designed to recreate the size of the former building on the site, with regards to building footprint, eaves and ridge heights. Architectural drawings submitted with the application demonstrate scale of the proposal relative to the former Darwen Central Club. It is considered that the scale of development proposed will result in a similar relationship to 4 Bank Street as that of the demolished building, and would not therefore impinge on the amenity of this neighbour to any greater extent. The main difference between the former structure and proposed building is the mansard roof form, which is steeper than the previous pitched roof design. This would act to make the proposed roof form appear more prominent when viewed from habitable room windows of 4 Bank Street, though is not considered sufficient to warrant refusal of the proposal.
- 3.13 It is considered that there would be overlooking from bedroom windows of the hotel to habitable room windows within the gable of 4 Bank Street. In this circumstance it is appropriate to ensure this privacy concern is mitigated through appropriate use of obscure glazing within the proposal. This can be controlled by condition. Windows have also been angled to avoid overlooking, though this does encourage overlooking of garden ground. Notwithstanding this, the nature of overlooking from a hotel room is of a more passive infrequent nature, the garden is also enveloped by a high wall and tree planting which will act to obscure overlooking.

- 3.14 The commercial nature, as well as design of the proposal reflecting the proportionality of the former building is considered sufficient to ensure an acceptable relationship of the proposal to other neighbours of the application site. Concern has been raised with regards to vehicle noise from the proposed car park to treatment rooms within the attached health clinic. This type of disturbance is not considered to be significant given that the car park will be enclosed within the structure of the hotel.
- 3.15 It is noted that the proposed floor plans do not provide for a Kitchen. The applicant has confirmed that the Breakfast Room will operate more as a café serving reheated food only eg. Panini, soup, with no open flame cooking. The heating equipment will be located within the Breakfast Room without the need for a separate kitchen. The risk of loss of amenity from any catering activity is therefore low. Indeed the Head of Public Protection has no objection to the proposal on such grounds. Plant will be enclosed within the roof top plant room, this will need to be ventilated as confirmed by the applicant. A condition is suggested to ensure appropriate mitigation of any noise disturbance.
- 3.16 Due to the proposal being located within the Town Centre, the Head of Public Protection has requested a noise assessment which will inform appropriate mitigation for occupants of the hotel. Given the more transient nature of people using the proposal, this request for acoustic assessment is considered onerous.
- 3.17 It is inevitable that there will be some disruption for occupants of adjacent premises 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.
- 3.18 **Design and Heritage**
The application site is located within the Darwen Town Centre Conservation Area and is within the shadows of St Peters Church to the east, which is a Grade II* Listed Building. Policies 11 and 39 are of relevance to this assessment. Policy 11 requires all new development to present a good standard of design which demonstrates an understanding of the wider character and makes a positive contribution to the local area. Policy 39 requires new development to sustain or enhance the significance of the asset, substantial harm from development within the setting of an asset will only be permitted in very exceptional circumstances.
- 3.19 The planning application is supported by a comprehensive heritage statement, the applicant has provided visuals of the development to illustrate external appearance of the development within the conservation area/ listed building setting.

- 3.20 The proposal seeks consent for a part 2/ part 4 storey Hotel building and footprint fully develops the site to back of footpath. The design of the building has the classical components of a plinth, a main body and a projecting cornice with a mansard style roof and dormers. The building is intended to be contemporary in style but respects the vertical proportions and details of the nineteenth century townscape. The principal elevation on Church Street has regular series of full height vertical recessed glazed panels and dormers which echo the proportions of the previous building and other buildings in the area, the Church Bank elevation has deeply recessed panels of zinc with high level windows and canted windows facing west. The cornice eaves line is at the same height as the former building on the site and the roof pitches at 55 degrees to a ridge and topped by a flat roof section with plant above projecting 0.8metres. The scale and massing of the building has sought to match the previous building other than the roof which has a steeper pitch to accommodate rooms in the roof. The building will be clad in natural stone and slate with elements of zinc which are appropriate to the area.
- 3.21 In general terms the overall design and massing of the building would respect the character of the Conservation Area and would enhance the area by bringing a gap site back into use. There is some reservation as to the proposed roof form which is not prevalent in the area and in particular the impact of the projecting plant on views to and from the Conservation area. Darwen has a varied sky line, dual pitch roofs generally dominate though there are a number of tower features with flat topped sections. The heritage statement points to a number of different roof styles in the conservation area and the proposed roof form has to be balanced against the benefits of bringing the site back into use.
- 3.22 A key consideration is the impact of proposal on the setting of the St Peters Church. The church is sited as a key focal building on high ground in the conservation area and is framed in some views by the buildings on both side of Church Street and Church Bank Street. The building will occupy the same footprint as the previous building and as such will perform a similar framing of the view to the church, as demonstrated by the submitted visuals.
- 3.23 It is considered that the proposal would provide for the regeneration of a prominent vacant site within Darwen Town Centre and would enhance the setting of the Conservation Area and Listed Building. On this basis design and visual appearance of the development is considered to accord with Policies 11 and 39 of LPP2.
- 3.24 Highways
Policy 10 of LPP2 supports new development which provides for appropriate parking, access and servicing arrangements to ensure safe, efficient and convenient movement of all highway users. Objection has been received in relation to lack of car parking and

displacement of cars to private business car parks, reference is made to the possibility of up to 30 staff plus equating to an ongoing demand of 64 vehicles plus visitors, as well as associated increased congestion problems on Victoria Street/ Church Bank Street.

- 3.25 The revised parking layout provides for 16 parking spaces within a car park beneath the hotel building. Vehicular access to the car park will be via an entrance off Church Bank Street. The original submission provided for a service layby, though this has subsequently been removed and service vehicles will use the single yellow line on Church Street, as per other retail properties on Church Street, outside of peak times.
- 3.26 The adopted parking standard for a Hotel is 1 space per bedroom, equating to a requirement of 34 spaces for the proposal. Notwithstanding this, it is considered that the development is located within a highly sustainable location being adjacent to train and bus terminus. This provides sufficient justification to support a reduced parking allowance, indeed the Highway officer has no objection to the 16 spaces proposed on such grounds. A Hotel is classified as a C1 land use, enabling a change of use to occur to either a state funded school or registered nursery without planning consent. Given the acceptance of a reduced parking standard it is appropriate to impose a land use restriction on the development for use as a hotel only. This will enable planning assessment of any future alternative use of the building.
- 3.27 The Highway officer has raised concern to the parking layout, referring to a lack of manoeuvrability. This is based on a requirement of a 6m reversing area to the rear of parking bays. Notwithstanding this, the applicant has provided vehicle tracking of all parking bays, which demonstrates that spaces can be accessed and ensures exit from the site in forward gear. Whilst it is recognised that the parking layout is not consistent with highway requirements, the 6m requirement is not adopted Policy. The applicant has demonstrated an alternative layout which provides for a safe means of manoeuvrability and is therefore supported. Visibility when exiting the vehicular entrance to the car park is reported to be slightly compromised by the building footprint, though this would not alter visibility of vehicles or highway safety significantly.
- 3.28 The development will result in additional vehicles accessing the site (via Church Street or one way system of Victoria Street/ Church Bank Street) placing a greater pressure on the network. The level of activity associated with the development is not considered to be high and existing infrastructure is considered to be able to support the additional pressure. Indeed the Highway officer has not raised this as a matter of concern.
- 3.29 The designated service layby has been removed from the proposal amid safety concerns raised by the Highway officer. Instead, servicing

has been confirmed to be outside of peak times via single yellow lines on Church street. This is as per existing servicing arrangement for other commercial premises on Church Street and the Town Centre, the former Darwen Central Club was also serviced in this fashion. Servicing of the Hotel is therefore considered acceptable, the Highway officer has no objection with regards to servicing. The service layby is detailed on submitted drawings, it is therefore suggested that a condition is imposed removing this from the development.

3.30 Other Matters

The attached business has raised concern with regards to damage to the party wall as a result of demolition works, seeking assurance about further works on site and further damage. Members should note that this is a civil matter and responsibility for damage caused as a direct result of demolition/ construction lies with the developer/ land owner.

3.31 Submitted floor plans indicate provision of an internal dedicated bin store area. This is considered sufficient provision for the proposal in accordance with comment from Environment, Housing and Neighbourhoods.

4 **RECOMMENDATION**

Approve, subject to the following conditions:

- Construction within 3 years of the date of the decision notice.
- Samples of construction materials including mortar joint, rainwater goods and windows.
- Hard Landscaping.
- Land contamination.
- Construction Method Statement requiring:
 - the parking of vehicles of site operatives and visitors.
 - loading and unloading of plant and materials.
 - storage of plant and materials used in constructing the development.
 - 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.
- 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.
- Sample of obscure glazing to be submitted to and approved in writing by the Local Planning Authority. Agreed obscure glazing sample to be fitted to windows serving Hotel Room Numbers 05, 06, 07 as indicated on drawing number DCC-PL-012C revision C, 17, 18, 19, 20 as indicated on drawing number DCC-PL-013C revision C and 29, 30 and 31 as indicated on DCC-PL-014C revision C.

- Scheme for the control of noise from the plant room shall be submitted to and approved in writing by the Local Planning Authority.
- 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.
- Scheme for protecting existing neighbouring residential dwellings from dust during site works.
- Scheme for foul and surface water drainage.
- Sustainable drainage management and maintenance plan.
- Use restriction to a hotel.
- Removal of loading layby from planning consent.
- Approved drawing numbers.

5 PLANNING HISTORY

- 5.1 There are no historic planning applications relevant to the proposal.

6 CONSULTATIONS

6.1 Head of Public Protection

- No objection, subject to conditions requiring detail relating to land contamination and noise disturbance for occupants of the hotel.

6.2 Highways

- Parking – adopted standard of 1 space per bedroom and 1 space per 7sqm for the breakfast room/ bar, equating to 34 spaces. 16 spaces supported based on accessibility of the site, no provision required for breakfast room/ bar Town Centre parking could accommodate if used by the general public.
- Manoeuvrability of parking arrangement raises concern as some bays cannot be accessed with ease and not compliant with 6m reversing requirement.
- 10% disabled parking is provided and provision for cycles/ PTWs.
- Access – entrance to the car park is 4.1m and is not wide enough for vehicles to enter/ leave simultaneously. However this does not present a problem given the low traffic volumes. Visibility to oncoming cars/ pedestrians is hampered partially by the building proposed.
- Servicing – amendment has been received confirming that the originally proposed service layby on Bank Street will not be used, and that single yellow lines on Church Street, as per other commercial premises, will be utilised outside of peak times. This is acceptable.

6.3 Drainage

- No objection.

6.4 Environment, Housing & Neighbourhoods

- The proposal must have suitable waste storage capacity.

6.5 Historic England

- As the proposed building would occupy the same footprint of the original building and be of a similar height, we are of the view that the proposals will help to reinstate the urban grain of the area, which is to the benefit of St Peter's Church as it will preserve its setting (NPPF 137). We therefore have no objection to the proposals.
- We do note however that the development site falls within the Darwen Town Centre conservation area and whilst the size of the plot means it does not fall within our remit for consideration, we would urge the local planning authority to assure themselves that the overall elevational treatment of the building responds appropriately to local character of the area (NPPF 58).

6.6 Design and Conservation Officer

- No objection subject to conditions relating to construction materials.
- Policy 39 sets out a requirement for the conservation and enhancement of the setting of designated assets and for development to contribute positively to the significance of the Conservation Area.
- The application is supported by a comprehensive heritage statement and has also been subject to pre-application meetings. Visuals and justification for the roof top plant room have been supplied.
- The design of the building has the classical components of a plinth, a main body and a projecting cornice with a mansard style roof and dormers. The building is intended to be contemporary in style but respects the vertical proportions and details of the nineteenth century townscape. The principal elevation on Church Street has regular series of full height vertical recessed glazed panels and dormers which echo the proportions of the previous building and other buildings in the area, The Church Bank elevation has deeply recessed panels of zinc with high level windows and canted windows facing west. The cornice eaves line is at the same height as the former building on the site and the roof pitches at 55 degrees to a ridge and topped by a flat roof section with plant above projecting 0.8metres. The scale and massing of the building has sought to match the previous building other than the roof which has a steeper pitch to accommodate rooms in the roof. The building will be clad in natural stone and slate with elements of zinc which are appropriate to the area and would be subject to condition.
- In general terms the overall design and massing of the building would respect the character of the Conservation Area and would enhance the area by bringing a gap site back into use. There is some reservation as to the proposed roof form which is not prevalent in the area and in particular the impact of the projecting plant on views to and from the Conservation area. Darwen has a varied sky

line, dual pitch roofs generally dominate though there are a number of tower features with flat topped sections.

- The heritage statement points to a number of different roof styles in the conservation area and the proposed roof form has to be balanced against the benefits of bringing the site back into use.
- Of greater concern is the projecting roof plant which impacts on the overall sky line and would be especially visible from high level views. However on balance concur that the benefits of the development outweigh the small harm caused by the roof plant on the character and significance of the conservation area.
- A key consideration is the impact of proposal on the setting of the St Peters Church. The church is sited as a key focal building on high ground in the conservation area and is framed in some views by the buildings on both side of Church Street and Church Bank Street. The building will occupy the same footprint as the previous building and as such will perform a similar framing of the view to the church.

6.7 United Utilities

- No objection subject to drainage conditions.

6.8 Lancashire Constabulary

- No objections, and suggest a number of recommendations to improve security of the development, including use of Secure by Design Standards, use of infrared CCTV, use of laminated glazing, access control, lighting and car park security.

7 CONTACT OFFICER: Robert Buffham, Principal Planning Officer

8 DATE PREPARED: 31st August 2016.

Summary of Representation

Kerry Burns

24 June 2016

Dear Sir/Madam

Regarding this application as the owner of the property next door I would first like to state that I sincerely welcome improvement of this site but feel impelled to inform you of my concerns.

1. The owner of the proposed site and I are in dispute over his failure to observe party wall conditions during his demolition and this is now regrettably in the hands of my solicitor. My previously partly adjoining wall has been left without weatherproofing and is unstable. This has yet to be rectified.

I feel the owner should resolve these issues before being able to start on a new project. I believe at least I have the right of access to the wall for maintenance/repair and the plans do not appear to reflect this. Therefore until this issue is resolved I do not understand how it could be approved. I would appreciate clarification if I have misinterpreted this. I would be happy to provide more detail if required.

This also has to call into question the commitment the owner has in adhering to his legal requirements and to completing his projects.

2. The underground car park is a major worry as it will back up to my cellar rooms and be directly below one treatment room.

These concerns include;

A) Vehicle noise. Adequate soundproofing has to be established as for the last 15 years I have run a health clinic and feel it would be counter productive to subject my patients to vehicle noise whilst treating. I feel it would be preferable to have no car parking spaces along our adjacent wall.

B) The entrance to the car park should be placed at the left rather than the right side (facing the front of the proposed building) away from my entrance and therefore less likely to cause congestion/obstruction to my car park for which I need full disabled access.

C) Petrol/diesel fumes emitting from the car park and entering my building.

D) Unless my wall can be stabilised I feel, as do my builder and appointed surveyor that excavating/disturbing land above the level of my clinic could potentially be very risky. My building is approximately 200 years old and according to the owner's own surveyor's report the foundations reflect this. The demolition to date has already adversely affected my property and it is therefore not unreasonable to be concerned about any further major works. As a historic building in a conservation area I would expect this to be considered before any planning be approved.

I need to see evidence of the measures being considered in protecting any further damage to my property.

Aside from that I would need reassurance that I could continue working in my building whilst work took place in terms of safety for my staff and patients and to have assurances made in writing.

3. 17 car parking spaces for 34 rooms and staff is not adequate.

I do not wish to be plagued with people parking on my car parks if they are unable to get onto the hotel car park. In the clinic we have a podiatrist and osteopaths who have a high population of elderly clients, stroke patients and acutely infirm patients whom need to be able to park directly outside. There have been issues with other town centre users as it is. Eg. Users of the cash machines/Bank/Off-licence at the front, and users of the mosque at the back causing obstructions. The police have been involved on more than one occasion. I really feel this should be considered in relation to the services I have and continue to provide to my patients. Hotel visitors unable to access on site parking would have to walk with their luggage from the free car parks. I can see this being an issue and people stopping to drop their bags causing an obstruction to my car park or indeed on my car park as well as being potentially hazardous to my

less agile attendees.

I would think that the number of hotel rooms should reflect the parking availability, furthermore I was expected to provide staff parking on my planning application and so would reasonably expect the same requirement for a building on the same street.

4. On a positive note since the said demolition the church has appeared in full view, a point not missed by the majority of my patients who feel it has added to the character and feel of the town centre.

My property which pre-dates the last building was absolutely dwarfed by it and was considered an eyesore. As a conservation area and in line with Darwen Heritage I would suggest the building should be more in keeping with the current buildings in size. I accept it is on a hill so will appear higher but I feel aesthetically the overall height should be a consideration and how much the church would be obscured again. I have no objections for a modern style building as long as it sits well alongside the existing buildings as many other modern projects do.

I am originally from Darwen and welcome the changes to the town which I see as a real positive step in development, both the introduction of new establishments and the restoration and renovation of the old buildings. I have taken advice and deliberated at length on my points and they are genuine concerns.

I do hope that this is reflected in my email.

Tom & Julie Cummings

Robert Buffham
Cummins
Planning Service, Growth & Prosperity Dept,
Blackburn with Darwen Council
3HE
Blackburn BB1 7DY

Tom & Julie
4 Bank Street,
Darwen BB3

23rd June 2016

Application reference 10/16/0569
Former Frankies Bar,
Church St,
Darwen BB3 2RE.

Dear Sir/Madam

Below are my comments with regard to the proposed development:

Whilst I read in the pre application, that you support a development of this type, at this location, and are prepared to accept a reduction in the necessary car parking spaces required, I feel I should point out that even 34 spaces would be inadequate. According to the applicants own figures they anticipate employing 30 staff; 10 full time and 20 part time. Therefore there is potential for an ongoing demand of 64 vehicles plus visitors, for which there is no provision. It is patent that the likelihood for traffic chaos in the Church Bank St and Bank St areas would be greatly increased by this development. Furthermore the proposed loading bay opposite St Peters Church, and adjacent to Darwen Motors, a repair garage, would create further traffic problems on this sharp bend in the road. In addition, the church, attracts a substantial congregation with their cars to Sunday Service, and at other events during the week. The mosque in Victoria St also attracts significant numbers with cars, particularly during festivals such as Eid and Ramadan and furthermore the worshipers who pray at the mosque 5 times daily. To add to the traffic chaos, there is the funeral traffic from Ainsworth Funeral Service. As Church Bank St is the conduit to the rear of all the shops and the bar between Bank St and Bridge St, there is the additional problem of vans and wagons, many of which are articulated vehicles, passing up and down the street, by the proposed car park entrance. All of that is in addition to the vehicles turning right out of Victoria St. The ingress and egress of vehicles at the proposed development will inevitably create a hazard.

4 Bank St, which is adjacent to the proposed development would suffer noise pollution from the cars passing in and out of the proposed car park and also the lifts and the extractor system, which would additionally create odour pollution which is virtually impossible to eliminate even with modern filtration systems. All of this is potentially a 24 hour per day nuisance. They would, in addition suffer from a significant poor lighting environment to all the major habitable rooms in the property, caused by overshadowing . These include the master bedroom, the living room, the study, the dining room and the kitchen, all due to the height and proximity of the proposed development. Although the application shows angled windows in order to avoid overlooking the main habitable rooms this action in itself makes it unavoidable not to then overlook the garden at the rear of the property. Part of which, I am sure you are aware is also entitled to some privacy.

I strongly object to the erection of the proposed development, which to the best of my knowledge is in contravention of numerous planning laws and should be resisted with vigour. Developments in conservation areas should not be incongruous. They should be passed on merit and have minimum but positive impact on an area. They should not be rubber stamped out of desperation to fill a vacant site.

Proposed development: Variation of condition/minor material amendment for Erection of two bedroom house on land adjacent to existing domestic property at The Coach House, pursuant to a variation of Condition No. 9 on application 10/14/0582, to read: This consent relates to the submitted details marked received on 9th July 2014 and numbered 13-043-01 Rev A and 13-043-02, as amended by plans received on 30th September 2014 and numbered 13-043-01 Rev B and 13-043-03; as amended by plans received on 8th June 2016 and numbered 35-TCH-208 Rev A, 35-TCH-207 Rev A, 35-TCH-206 Rev A, 35-TCH-205 Rev A, 35-TCH-203 Rev A, 35-TCH-202 Rev A, and 35-TCH-201 Rev A, and any subsequent amendments approved in writing by the Local Planning Authority.

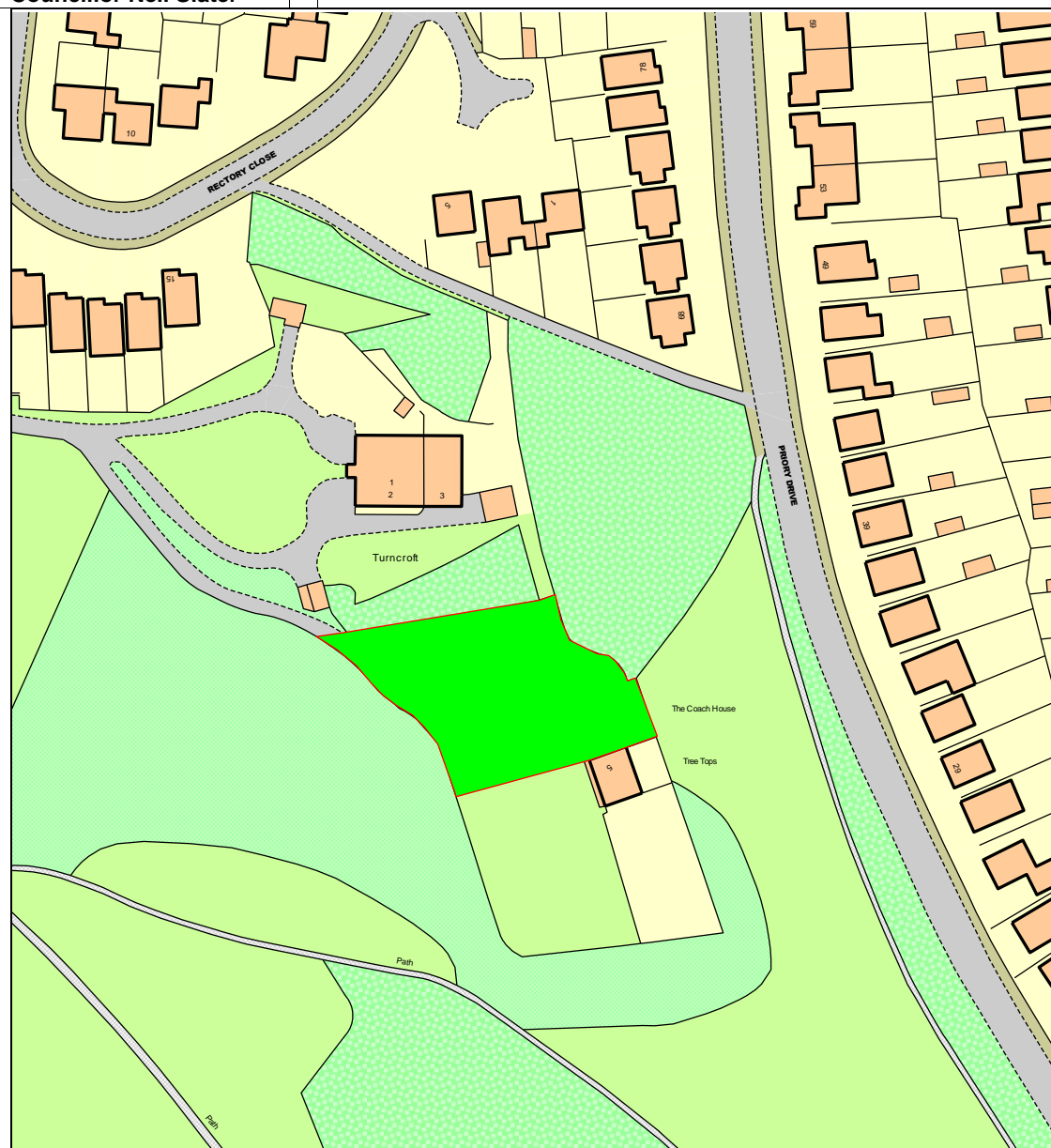
REASON: To clarify the terms of this consent.

Site address: The Coach House, Turncroft Road, Darwen, BB3 2BW

Applicant: Mrs Marcella Bird

Ward: Marsh House

Councillor John Roberts	
Councillor Kevin Connor	
Councillor Neil Slater	



1.0 SUMMARY OF RECOMMENDATION

1.1 Approve subject to the conditions applied to 10/14/0582:

- Land contamination desk study
- Comprehensive validation report
- If unexpected contamination is encountered
- Arboricultural method statement and tree protection plan
- Protective fencing to be installed
- No trees to be lopped topped, pruned or felled
- Permitted Development rights removed
- Drawing numbers (as amended by this application)
- Implementation of car parking spaces
- Materials samples to be submitted

Members are advised that the conditions relating to the land contamination desk study report, the arboricultural method statement and the position of the protective fencing have been discharged subject to observance of on-going requirements (application 10/16/0437 approved under delegated powers 29th July 2016). If members are minded to approve this application an informative will be added stipulating that the conditions already discharged will not need discharging a second time.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The key issues to be addressed are as follows:

- Overview of and requirement for this application.
- Position and scale of footprint.
- Scale and massing of proposed dwelling.
- Design.
- Landscaping.
- Overlooking.
- Trees.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is a piece of land on the north side of the curtilage to the Coach House at Turncroft.

3.1.2 The site is located immediately to the south of the former Turncroft Hall, Darwen, bounded by Priory Drive on the east and Rectory Close on the north.

3.1.3 The property in question is set within spacious grounds surrounded by woodland. The trees on site are subject to a Tree Protection Order.

3.2 Proposed Development

3.2.1 The Planning and Highways Committee approved a proposal for a two bedroom house on the land on 20th November 2014 (10/14/0582).

3.2.2 The current application has been submitted to clarify heights and assess minor changes to elevational details, principally the amount of brick to be used in the walling and window details. .

3.3 Development Plan

3.3.1 Blackburn with Darwen Borough Local Plan Part 2:
Policy 8: “Development and People”
Policy 11: “Design”

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (NPPF) Section 7: “Requiring Good Design”.

3.4.2 Blackburn with Darwen Borough Residential Design Guide SPD.

3.5 Assessment

3.5.1 Overview. Planning application 10/14/0582 was described as being for a two bedroom house. The property would be detached and with its own separate curtilage formed from part of the garden area to the Coach House.

3.5.2 The planning permission granted by the Committee in 2014 has yet to be implemented. However, the applicant has begun to discharge conditions; and prior to commencing development is looking to make some changes to the materials and details, as set out below.

3.5.3 Footprint. No change.

3.5.4 Scale. The height approved for the new dwelling was 5.7 metres. This height was not stipulated on the submitted plans but scaled off by the Case Officer and included in the Director’s Report to the November 2014 Committee. The plans submitted in respect of this application stipulate the height to be 5.9 metres. The applicant’s case is that the intention was always for the house to be this height, and that the downloading and printing of the original plans may have affected the

measurements on paper. As this would be impossible to verify, Members are being recommended to approve the new measurements.

- 3.5.5 The internal roof space is to be utilised to create first floor bedrooms. This has no impact on the external design of the building, other than the re-arrangement and addition of one to the velux windows already approved for the north-east elevation.
- 3.5.6 In terms of separation distance from the closest neighbouring property, the measurement is a minimum 29.5 metres from No. 3 Turncroft, comfortably more than that required by the Residential Design Guide SPD (21 metres). The overall shape and structure of the proposed house is unchanged. It is considered that an additional 200mm to the ridge height is unlikely to significantly increase the impact of the development on the neighbouring properties in terms of dominance or overshadowing.
- 3.5.7 Moreover, the rooflights in the north-east elevation, by now serving bedrooms, are not considered to cause undue harm to neighbouring properties owing to their position facing away from Turncroft. The front velux window added to the south-west elevation, serves the stairway and landing.
- 3.5.8 The proposed alteration to the scale of the new dwelling through the additional 200mm height and the utilising of the loft space for bedrooms is therefore considered to be in accordance with Policies 11 and 8 of the Local Plan 2 in understanding the context in which the development is to take place and in securing the amenity of neighbouring dwellings.
- 3.5.9 Design. The bulk of the application is concerned with minor changes to the details of the building as follows:
- On the south-west (front) elevation the corner window is shortened and the design of the main living area windows are six square glazed panels to three elongated glazed panels. The gable to the lobby is glazed rather than in-filled, and the design of the kitchen window is altered. Number and position of windows remain unchanged. A skylight is added to the roof above the lobby. Additional brick is added into the walling to produce what is considered to be an attractive balance between brick and render.
 - On the north-east (rear) elevation, the two windows have slightly less depth than originally proposed. Number and position of windows remain unchanged. The velux windows are re-arranged into an ordered line along the roof plane, with one additional being added.
 - Window details are changed to the three south-east elevation windows, and the brick detail running at eaves level is removed.

Number and position of windows remain unchanged. The mix of brick and render to the walling is also more balanced.

- On the north-west elevation, window details are changed. Number and position of windows remain unchanged. As with the other elevations, there is additional brick proposed for the walling to provide for a more attractive blending of materials.

Policy 11 of the Local Plan 2 requires development to express a high quality architectural style, with materials, proportions, visual order and detailing (including colour) to be used in complementing and enhancing local distinctiveness and character. The proposed alterations to the details of walling materials and fenestration are considered to achieve these requirements.

3.5.10 Landscaping. No change.

3.5.11 Overlooking. No change. Window positions remain as approved under 10/14/0582. The introduction of glazing to the lobby gable is not considered to increase overlooking given its positioning 2.4 metres above ground level and it's facing towards the front garden and driveway area. The alterations to window details are therefore not considered to be detrimental to neighbour amenity.

3.5.12 Trees. No change. The trees on site are subject to a Tree Preservation Order, and a non-dischargeable condition requires their protection throughout the development process.

3.5.13 Summary. The National Planning Policy Framework states that 'housing applications should be considered in the context of the presumption in favour of sustainable development' (paragraph 49) with good design being a key aspect of this (paragraph 56). It is considered that the proposal enhances the overall quality of housing in the area through good design, proportions, and materials, whilst protecting the amenities of neighbouring dwellings, in accordance with Policies 8 and 11 of the Blackburn with Darwen Local Plan 2.

4.0 RECOMMENDATION

4.1 Approve

5.0 PLANNING HISTORY

5.1 10/14/0582 – erection of two bedroom house on land adjacent to existing domestic property at The Coach House. Approved by Planning and Highways Committee 20th November 2014.

- 5.2 10/14/0025 – erection of two bedroom house on land adjacent to existing domestic property at The Coach House. Refused under delegated powers 27th March 2014.
- 5.3 Enquiry 05176. Response dated 30th April 2013: proposal for dwelling on land at The Coach House acceptable in principle, subject to acceptable design, parking and tree protection.
- 5.4 10/12/0970 – felling of two trees. Permission granted 21st November 2012.
- 5.5 10/10/0427 – felling of one tree. Permission granted 21st July 2010.

6.0 CONSULTATIONS

- 6.1 Eleven neighbouring properties. Two letters have been received objecting to the proposals. The points made can be summarised as follows:
- Velux windows out of keeping and causing light pollution
 - Impact on biodiversity and protected open space
 - Concern about floor levels – possibility of elevation being 10 metres above that of neighbouring dwelling.
 - Lack of foliage for part of the year leads to loss of privacy to No. 3 Turncroft Hall.
 - Development detrimental to the historic environment at Turncroft Hall.
 - Development not really in keeping with original intention to provide for elderly family – and applicant now has house and building land both on the market.
 - Significant increase in access traffic passing through grounds of No. 1 Turncroft Hall.
 - Harm to peaceful and safe environment.
 - Two storey property has more overlooking potential than bungalow.
 - Difference in land levels will block sunlight.

7.0 CONTACT OFFICER: John Wilson, Planner

8.0 DATE PREPARED: 5th August 2016

Summary of Representation

3 Turncroft Hall
Turncroft Road
Darwen

Mr & Mrs RJF Tart

12 July 2016

We are writing to you with regards to the above planning application. We object to the changes proposed in this application.

History:

(1) Reasons listed at the initial refusal of planning permission:

(i) The proposed development, being located in an area covered by a Tree Preservation Order, is prejudicial to the well-being of trees within and surrounding the site, contrary to Saved Policy HD8 of the Blackburn with Darwen Borough Local Plan.

(ii) The proposed development, by its location within a designated area of Protected Open Space and failing to be of demonstrable community benefit or ancillary to the use of the Protected Open Space, and by leading to reduced provision of open space, is contrary to Saved Policy TRL1 of the Blackburn with Darwen Borough Local Plan.

(2) Information stated in support of agreed plans:

(i) The proposal will create a two bedroom dwelling with all living accommodation at ground level, an accessible loft, garden and 2 no. car parking spaces with shared access from Turncroft Road

(i) The proposals are intended to create a contemporary appearance having regard for cost, ease of maintenance and longevity. Elevations will have a horizontal emphasis with a mixture of rendered panels, brick soldier courses and a strong plinth (to echo the surrounding existing properties) The roof will be covered in grey concrete tiles. Elevations have been considered to avoid overlooking and any loss of privacy

Reasons for objection to this application:

- 1) To place multiple Velux windows in the roof is not in keeping with any of the existing properties including the existing Coach House and all the properties at Turncroft Hall as previously stated in submitted supporting documents.
- 2) The application site is an area of designated 'Protected Open Space' on the Proposals Map. There are trees which have preservation orders on them. To change the habitat in any shape or form will have an impact on the biodiversity of the protected open space. We all have a duty to enhance the natural environment and this supported by the National Planning Framework. We all have a duty to protect our environment for our future generations.
All of the home owners at Turncroft Hall promote the biodiversity of the woodland and as such we have seen birds nesting which are in decline nationally. We have many bats living in the woodland, and also we have a family of owls nesting in a tree within immediate proximity to the proposed build. It is well documented that owls return year after year to the same place. Therefore it would not be right or proper to agree further intrusion to the conservation and biodiversity of our woodland
- 3) There is concern about any associated light pollution that multiple Velux windows will have on the surrounding environment and 'Protected Open Space' of woodland and the wildlife some of which is mentioned above (2).
- 4) It is stated that the floor level of this development will be comparable to that of the existing Coach House. Therefore the elevation of this property from number 3 Turncroft Hall will be in excess of 10 metres. Our lounge, living room and two main bedrooms will be directly overlooked by this development. By allowing this development to become a 2 storey building, it will make this feel even worse, when our light and privacy has already been greatly compromised by the agreement of this development. The Committee need to be very much aware of this as we were not given the opportunity to discuss application 10/14/0582 at the relevant planning meeting in August 2014.
- 5) We are not sure when your site visit occurred. However, the area is very different depending on the seasons. For approximately 6 months of the year the woodland has a distinct lack of foliage. Therefore this needs to be considered when considering the proposed changes as this further exacerbates the point relating the privacy.
- 6) We all have a duty to conserve and enhance the historic environment. Turncroft Hall is directly linked to India Mill Darwen, which is a listed building. As we are sure you are aware, given there is much written about the mill and Turncroft Hall being the home of Eccles Shorrock. That the area is of local interest. To allow the proposed plans to change, will further add to this blot on the landscape which does not lend itself to the environment around it.
- 7) It was stated that the purpose of this house was to allow the applicants elderly family to be nearby. I would question this if stairs are now required and all the bedrooms would be on the second floor. Most elderly people choose to have single storey living as they get older. Currently The Coach House is not inhabited by the applicant and

has not been for some time. It may also be pertinent to mention, that within in weeks of the planning application being agreed, The Coach House was put on the market, proudly boasting that it had planning permission to build. I would therefore question the actual intentions of the applicant as there appears to be lots of conflicting information. Whilst this is the applicants right to do so. Perhaps the planning committee have been misinformed?

Reassurances sought by Number 3 Turncroft Hall:

- 1) The access to the development is very difficult and the maximum size of vehicle which could gain access is 7.5 tonnes. Bearing in mind there are many young children living in adjacent properties, and St Peter's Primary School entrance will be directly affected.

How do the applicants propose large quantities of building materials will be safely manoeuvred up the lane?

- 2) In the previous decision notice it is stated 'The granting of planning permission does not entitle a developer to obstruct, move, or disturb the surface of any public footpath, bridleway, byway open to all traffic or a road used as a public path. Any proposed stopping-up or diversion of a public right of way should be the subject of an Order under the appropriate Act. Failure to comply with the above may render the developer liable to action by the Highway Authority.

We are asking for a reassurance of how this will happen? We feel it will be almost impossible not to obstruct or disturb the public footpath used mainly by school children and their parents which is the link from Turncroft Hall gates to Turncroft Road.

- 3) We ask that the Committee consider that no further changes to this building be allowed to happen and some protection is granted in writing to protect the surrounding area.

We would like to attend any planning meetings in relation to this and have an opportunity to have our voice heard, which has sadly been declined previously. Please note there is a complaint ongoing regarding this.

Mr & Mrs Crook
1 Turncroft Hall.
11 July 2016

We Object to changes being made to the above application.

I am aware that The Coach House was granted permission to build a bungalow which will overlook my property.
This was granted as the purchase of our property was going through and although not ideal a bungalow did not cause too much concern.

All properties at Turncroft Hall, The Coach House & Tree Tops are accessed via an access lane (aprox ¼ mile) that is owned by Number 1 Turncroft Hall.
I am aware that all current properties have right of way but I would have thought any new dwellings would need to have access granted?
I would not like this to become an issue at a later date.
My main concern is that if all the property owners decided to request permission to build granny flats etc, the lane, which runs directly through my garden will significantly increase in traffic....!
Thus reducing the enjoyment of our outdoor space significantly.

Also if the proposed property is given permission to be changed from bungalow to a house it also means that it will be suitable for a family and not just as a property for an aging couple?

My husband and myself bought this property so that our son, who suffers with a neurodegenerative disease could enjoy being outdoors in a peaceful and safe environment.
As the flow of traffic through my garden increases this will lessen.
Again allowing a house to be built rather than the proposed bungalow gives potential for a family with more vehicles to move in should the property be sold on at a later date.

I also have concerns with regards to my son's privacy as the new build will potentially overlook his bedroom window? As a bungalow this isn't too much of a problem, but as a two storey property it is.
He needs constant assistance as his condition is constantly progressing and he needs his privacy and dignity.
I cannot move his room due to the positioning of the house I live in and also the fact that his room has been adapted especially for him.

My final concern is that there is a significant difference in height between Turncroft Hall and the proposed property. I think aprox 10 meters?
This means that we will be extremely overlooked if a two storey property is granted. It will also block an awful lot of sunlight and give a feeling of being closed in especially in the winter months as this is the path the sun moves in.
Turncroft Hall suffers with damp due to being an old property but also due to the fact that there is a limited amount of sunlight on the building at certain times of the year.

In the winter & spring months when there are no leaves on the trees this property will be very visible and will block much needed sunlight.

I have tried to get in touch with yourself via phone as I have no idea what exactly has been proposed but your voice mail says you are currently on annual leave. If someone from the planning department would like to pay a visit and see the sight from Turncroft Hall I would be more than happy to speak with them, find out what the exact proposed plans are and voice my concerns.

I would also like confirmation that any damage caused to the lane during the build will be put right.

The lane is not made for heavy duty or wide load vehicles.

As mentioned earlier my son is severely disabled and needs to be able to pass up and down the lane at any given time.

He has regular hospital appointments and could need to be rushed to the hospital at any time.

I cannot afford for his health reasons, for the lane to have vans, wagons etc blocking the entrance.



REPORT OF: DIRECTOR OF HR, LEGAL & CORPORATE SERVICES

TO: PLANNING & HIGHWAYS COMMITTEE

ON: 15th September 2016

SUBJECT – Planning & Highways Committee Procedure Rules

PURPOSE OF THE REPORT

To update the Committee on the progress of the draft Planning & Highways Committee Procedure Rules, and seek recommendation for its approval and implementation.

RECOMMENDATIONS

1. Recommendation to Council for approval the draft Planning & Highways Committee Procedure Rules (attached)
2. Recommendation to Council to delegate authority to the Monitoring Officer in consultation with the Chair and Deputy Chair of the Planning & Highways Committee to make any minor changes to the Planning & Highways Committee Procedure Rules.
3. Notes that the annual mandatory training for Committee members will cover the Planning & Highways Committee Procedure Rules.

BACKGROUND

The Council Procedure Rules (Part 4, Section 1 of the Constitution) apply to the meetings of the full Council. Only Rules 5-9, 11-13, 16-23 (but not Rule 20) apply to meetings of committees and sub-committees of the Council with the substitution of the word “*Chair*” for “*Mayor*”. There have been various supplementary procedures that have been agreed to for the Planning & Highways Committee in relation to the determination of planning applications. These included the procedure for public speaking, representations by ward councillors, presentation of additional information at Committee, and the procedure for considering ‘alternative recommendations’ moved at Committee.

The draft Planning & Highways Committee Procedure Rules referring to the relevant parts of the Constitution consolidates the procedures and protocols for determining planning applications by the Committee. It covers membership, quorum, the role of the

Chair/Deputy Chair, the role and responsibility of the Committee, declaration of interests and clarifies the position on voting. The draft Rules also states the process for when the Committee determines against officer recommendations, when considering 'Part 2' items and the conduct expected during site visits.

RATIONALE

Members sitting of the Planning & Highways Committee need to be aware of the planning decision-making process and their role and responsibilities when determining planning applications. In particular, draft Rules will assist Members (and officers) to be clear on the rules and procedures adopted for Committee decision-making.

The annual mandatory Member training in May will cover the contents of the draft Rules to enable Committee Members to understand decision-making process at Committee and their roles.

Minor changes to the Rules may be required from time to time to reflect any changes in legislation or generally from practical considerations. In order to expedite the process for making such changes, the Monitoring Officer could be given delegated authority to make the changes.

POLICY IMPLICATIONS

As a public authority with decision-making powers, the Council must have processes and procedures that ensures transparency and fairness, in order to maintain public confidence.

FINANCIAL IMPLICATIONS

There are no Financial Implications that have been identified from this report.

LEGAL IMPLICATIONS

The Council is the Local Planning Authority and has powers and responsibilities for determining planning applications and authorising enforcement actions. Some of these powers and responsibilities are delegated to the Planning & Highways Committee. In exercising those delegated powers the Committee must have transparent decision-making procedures that ensures fairness and complies with the local government legislation.

In accordance with the Constitution Members sitting on the Planning & Highways Committee must have undertaken relevant up to date training, which covers Committee procedure and individual roles and responsibilities.

The Council can approve the draft Rules for adoption and will thereafter be inserted in the Constitution. Without appropriate delegations any changes to the Rules would need to be approved by Council.

RESOURCE IMPLICATIONS

Legal Services have prepared the draft Rules and will continue to be involved with the

Planning Team in delivering mandatory training to Members.

EQUALITY IMPLICATIONS

None

CONSULTATIONS

The draft Planning & Highways Procedure Rules have been discussed at the Planning Cross Party Working Group. During the discussions some changes were suggested, which have been incorporated. Subsequently, the draft Rules were introduced and were provided at the Member training sessions in May 2016. Members were requested to provide any feedback.

Chief Officer/Member

Contact Officer: Asad Laher, Deputy Council Solicitor/Deputy Monitoring Officer.
(01254 585495).

Date: 31 August 2016

Background Papers: None

Appendix:

Blackburn with Darwen Borough Council – Planning & Highways Committee Procedure Rules (draft).



Planning & Highways Committee Procedure Rules

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Blackburn with Darwen Borough Council - Planning & Highways Committee Procedure Rules

Introduction

The Council Procedure Rules (Part 4, Section 1 of the Constitution) apply to the meetings of the full Council. Only Rules 5-9, 11-13, 16-23 (but not Rule 20) apply to meetings of committees and sub-committees of the Council with the substitution of the word "Chair" for "Mayor". These Rules are supplemented by Planning and Highways Committee Procedures Rules (stated below) in relation to proceedings of the Planning & Highways Committee.

Should there be a conflict between the Council Procedure Rules and the Planning and Highways Committee Procedures Rules in relation to proceedings of the Planning & Highways Committee, the rules stated below shall prevail.

1 General

- 1.1 The Planning & Highways Committee ("the Committee") will comprise the number of Members of the Blackburn with Darwen Borough Council appointed by the full Council at their annual meeting (currently 15).
- 1.2 With reference to Rule 5.6 of the Council Procedure Rules all Members attending the Committee must have undertaken relevant up to date training. Members of the Committee who are unable to attend particular meetings may appoint substitute Members to attend in their place, provided they have undertaken relevant up to date training.
- 1.3 The quorum for all meetings will be one third of the whole number of Members on the Committee (i.e. currently 5 Members) and no business will be transacted if any meeting or part of a meeting will not be quorate.
- 1.4 The Committee will meet at times and places appointed and published in accordance with the requirements of the Access to Information Procedure Rules.
- 1.5 The Chair will preside over meetings of the Committee and, where the Chair is absent for the whole or part of the meeting, the Deputy Chair will preside over the meeting or that part of it. In the absence of both the appointed Chair and Deputy-Chair for either the whole of or part of a meeting, the Committee will appoint from those Members then present a person to act as Chair for the duration of that meeting or part of it. (All references to 'Chair' in these rules will be read as referring to the person acting as Chair at the relevant meeting or part of it).
- 1.6 The Chair of the Committee presides and has control of the meeting and is particularly responsible for:
 - (i) ensuring the meeting is conducted in a fair, open and transparent manner at all times
 - (ii) calling items for consideration as they appear on the Agenda,

- (iii) calling and allowing persons to speak at the Committee meeting,
- (iv) calling any matters for consideration which do not appear on the Agenda and for giving the reason(s) for the urgency of hearing such matters,
- (v) maintaining good order at the Committee meeting. For this purpose, the Chair has the right to curtail any speaker (including a Member of the Committee), or to suspend the Committee meeting in cases of disorder, until good order has been restored.

1.7 In all matters of procedure and interpretation of these rules, the Chair's decision will be final.

1.8 Decisions of the Planning & Highways Committee are not subject to 'call-in'.

2 Role and Responsibility

2.1 Elected Members have determined the Council's planning policies by adopting the Development Plan. The Planning & Highways Committee has a quasi-judicial role and when determining planning applications must adhere to the following principles:

- To act fairly and openly;
- To approach each application with an open mind;
- To weigh up carefully all the relevant issues;
- To determine each application on its merits and with reference to the Development Plan and any other material considerations;
- To avoid undue contact with interested parties that could give rise to accusations of unfair bias;
- To ensure that the reasons for their decisions are clearly stated.

"Material considerations" are not limited to matters relating to amenity and can cover a range of considerations, in regard to public or private interests, provided that there is some relationship to the use and development of land. Guidance on material considerations is contained in each agenda for the meeting.

2.2 The Planning & Highways Committee has powers delegated by the Council and are contained in Part 3, Section 3 of the Constitution, which includes matters that have been referred under the Members Referral Scheme.

2.3 The Committee also has powers to consider petitions received by the Council which relate to planning and highways issues.

3 Declarations of Interests

Members and officers will, in accordance with their respective Codes of Conduct, declare any interests they have in respect of any items appearing on that Committee's Agenda. These declarations will be made at the outset of the meeting under the item listed as 'Declarations' on that Committee's Agenda or when that item is reached on the Agenda by completing the Declarations of Interests form and submitting to the committee officer.

4 Determining applications - procedure

All matters to be determined by the Committee will be considered as follows:

- 4.1 The Chair will ask the Planning Officer to present the written report on the Agenda in respect of each item. The Planning Officer may refer to photographs, plans, diagrams and such other aids as are necessary whilst presenting the written report. All these aids will be displayed at the meeting. The Planning Officer will provide any updates to the written report verbally in respect of matters occurring after publication of the Agenda and which have subsequently been communicated to the Planning Officer.
- 4.2 Members of the public who have registered to speak may then address the Committee in accordance with the agreed protocol for public speaking at Planning & Highways Committee (a maximum of one objector followed by a maximum of one supporter). Each speaker will be allowed 3 minutes to address the Committee. In order to maintain fairness in the determining process the Chair may allow extra time to either or both the objector and supporter.
- 4.3 Any local ward councillor who is not a member of the Planning & Highways Committee, but who wishes to speak on an application, must inform the Committee Officer no later than midday, on the day before the Planning Committee meeting. The Committee Officer shall inform the Chair of such wish. The Chair shall not unreasonably withhold permission to speak. The local ward councillor shall be allowed 3 minutes to address the Committee. Where a planning application covers two or more wards and the local ward councillors in each of the ward wishes to speak on the application, the Chair shall have the discretion in allowing those councillors to speak. In exercising such discretion, the Chair shall act reasonably bearing in mind his/her responsibility for ensuring that the meeting is conducted in a fair, open and transparent manner at all times
- 4.4 No written additional information shall be circulated to Members of the Committee on the day of the meeting (except for the update reports/information through Democratic Services), unless agreed by the Chair. A registered speaker wishing to have supporting information displayed to the Committee during the meeting will be required to submit this to the Committee Officer 24 hours before the start of Committee meeting, and the content of the information to be displayed will be with the agreement of the Chair or Vice Chair.
- 4.5 The Chair will then open the debate. When a Member of the Committee wishes to speak, he or she will indicate this to the Chair. No Member will speak unless called upon to do so by the Chair. When called upon to speak, the Member will address the meeting through the Chair. If two or more Members wish to speak the Chair will ask one to speak and the other(s) will remain silent. While a Member is speaking, other Members will remain silent until invited to speak by the Chair. With the consent of the Chair, Members of the Committee will be entitled to address the meeting more than once.
- 4.6 Officers may be required at any time after public speakers have made their representations to address the Committee to answer any questions asked or to comment or clarify any points that have been raised during consideration of the application or to advise the Committee.

- 4.7 When the Chair considers all Members have had an opportunity to contribute he/she will ask for a recommendation to be moved and seconded, if not already done. If the recommendation is to do something other than agree the Officer recommendation set out in the report before Committee (“**alternative recommendation**”), supporting reasons based around relevant planning policies and material considerations should be given at that time and before taking the vote.
- 4.8 Where an alternative recommendation is moved and seconded, the Chair shall before proceeding to the vote:
- 4.8.1 invite Planning Officers to advise the Committee on the extent to which the motion alternative recommendation and the reasons given for it fall within or outside planning policy; and/or
- 4.8.2 consider whether an deferment/adjournment is required to enable the Member proposing the alternative recommendation to take advice from Officers
- 4.9 Where two or more recommendations have been moved and seconded (and subject to Rule 4.8 above), the Chair shall determine the order in which they will be put to the vote and will confirm to the Committee.

5 Voting

- 5.1 In order to vote on an application or an item, a Member of the Committee must be present throughout the entire debate on an individual application or item.
- 5.2 The Chair shall ensure that the Committee clearly understands each recommendation (including any conditions) that is put to the vote.
- 5.3 All members of the Committee will have one vote. If there are equal numbers of votes for and against, the Chair will have a second or casting vote.
- 5.4 Unless a recorded vote is demanded under Rule 16.4 of the Council Procedure Rules, the Chair will take vote by a show of hands.
- 5.5 Any matter put to the vote will be decided by a simple majority of those Members voting and present in the room at the time the vote was put.
- 5.6 Following the vote if a recommendation is not carried, the next or further recommendations will be put to the vote until a recommendation is carried
- 5.7 Any Member of the Committee may request that their name be recorded in the Minutes of the meeting recording the way they have voted in respect of any item.

6 Decisions against Officer Recommendations

- 6.1 If a vote is carried on a recommendation which is against the officer recommendation set out in the report before the Committee, the Committee must provide adequate reasoning. To ensure this and subject to Rule 6.4 below, the decision of the Committee will be deferred until the next meeting of the Committee to allow reasons or any conditions to be prepared and considered.

- 6.2 Planning officers shall not issue a Decision Notice until the revised report has been prepared and considered by the Committee.
- 6.3 At the subsequent next meeting of the Committee the revised report will be considered independently of the previous report and resolution, and any revised recommendation that is put to the vote may either be determined in line with its previous resolution or differently.
- 6.4 Where it is deemed that the report is 'balanced' and contains adequate reasoning and information (including conditions) for the Committee to make an informed decision, either in line with officer recommendations or differently, the Chair may declare that a vote carried under Rule 6.1 above shall be the Committee's decision without deferment.
- 6.5 In determining whether a report is 'balanced' under Rule 6.4 above, the Chair shall consult and seek advice from the Planning Officer.

7 Part 2 Items

- 7.1 In accordance with section 100 and Schedule 12A to the Local Government Act 1972 and the Access to Information Procedure Rules (Part 4, Section 2 of the Constitution) certain reports to the Committee, most notably those on planning enforcement, will be exempt from publication and heard and determined by the Committee in a private session (Part 2). A resolution to enter into Part 2 will be agreed in public by the Committee.
- 7.2 In relation to such 'Part 2' items the procedure to be followed by the Committee will be as for public items as described above, except that there will be no provision for public speaking before the Committee.
- 7.3 For Part 2 items the Agenda will indicate the nature of the report and the Minutes of the meeting will:
- 7.3.1 confirm which paragraph of Schedule 12A justifies the report being determined in 'Part 2' and
 - 7.3.2 will confirm the resolution made by the Committee in Part 2.

8 Site Visits

- 8.1 In addition to the submitted planning application drawings and the officer's report to Committee, site visits are regularly arranged prior to Committee meetings. All Members of the Committee are encouraged to attend the arranged site visits together so that they have the opportunity to be briefed on the proposal by the planning officer. If Members of the Committee are not able to attend the arranged site visit, they may visit the site individually at a convenient time but bearing in mind that prior arrangements may be necessary with the applicant or the owners of a neighbouring property in order to access private property.

- 8.2 The purpose of the site visit is for Members of the Committee to see the application site and surrounding area in order to assist them in making an informed decision at the meeting of the Committee. Site visits are particularly important where for example, the site is not clearly visible from public highways, where a particular site needs viewing from a neighbour's property.
- 8.3 During site visits the respective Codes of Conduct would apply to Members and Officers. Comments should be restricted to planning matters and questions should be put through the planning officers attending the site visit. Officers and Members must refrain from making comments that might be construed as supporting or opposing a particular view and from making any personal comments. Members who have declared or intend to declare an interest in the proposal may find it more appropriate to remain in the vehicle when the site is visited.
- 8.4 Where Members of the Committee and officers attending site during an arranged visit are approached by persons wishing to speak about the application, officers will explain that any representations must be made at the Committee meeting and will explain the process for doing so. They should also explain to the applicant and any interested parties that the decision will be taken in full Committee

DEPARTMENT OF GROWTH & PROSPERITY

ORIGINATING SECTION: Planning

REPORT TO: 15th September 2016 Planning & Highways Committee.

TITLE: Petition regarding Full Planning Application 10/15/0791 for change of use to create car valet centre with associated ground works and siting of 2no portacabins - at Land adjoining No.5 Limefield, Preston New Road, Blackburn, BB2 6BT

Applicant: Mr Zarif Mohammed

Ward: Corporation Park

Councillor Arshid Mahmood	
Councillor Tasleem Fazal	
Councillor John Wright	

1.0 **PURPOSE OF REPORT**

1.1 To inform Members of the receipt of two petitions objecting to planning application 10/15/0791. Copies of the petitions are available in Democratic Services.

2.0 **BACKGROUND AND DETAILS**

2.1 Planning application reference 10/15/0791 was submitted to the Planning Authority on 2nd July 2015. The application seeks consent for a change of use to create a car valet centre with associated ground works and the siting of 2no portacabins

2.2 Public consultation letters were issued on the 14th July 2015 and objections to the proposal were received, including a petition containing 38 signatories. Details of that petition were reported at the August 2015 meeting of the Planning & Highways Committee.

2.3 Amended plans were received 4th February 2016 and a further round of consultation undertaken on the 10th February 2016. Two further objections were received; one in support and the other in objection to the scheme. Details were reported at the March 2016 meeting of the Committee.

2.4 Further amended plans have been received on the 29th July 2016. Following public consultation the Council has received two petitions objecting to the scheme. The petitions contained 38 and 41 signatories

respectively, though Members may wish to note that a number of individuals had signed both documents.

2.5 The reasons for objection are common to both petitions and are as follows;

- Traffic congestion on Lancaster Place, already a very busy road with no spare capacity for resident parking
- Not in keeping with residential family orientated housing in neighbourhood
- Customers will have to exit on to Lancaster place, which is one-way and drive all the way round a residential street with children playing on the streets etc causing a hazard
- Extra traffic and pollution detrimental to all local residents, accident blackspot.

2.6 The application remains under assessment and will be dealt with in accordance with the Council's scheme of delegation.

3.0 **RECOMMENDATION**

3.1 It is recommended that the Committee note the petitions, that the issues raised inform the assessment of the proposal and that the lead petitioners be informed of the decision once made.

4.0 **BACKGROUND PAPERS**

4.1 None

5.0 **CONTACT OFFICER** – Martin Kenny (tel: 585639)

6.0 **DATE PREPARED** – 17th August 2016

DEPARTMENT OF PLANNING & PROSPERITY

ORIGINATING SECTION: Planning

REPORT TO: Planning & Highways Committee; 15th September 2016.

TITLE: Petition regarding Full Planning Application for Change of use from former day care centre into restaurant and installation of extraction flue (ref: 10/16/0096), at Limbrick Hall, 2 St Andrews Street, Blackburn.

APPLICANT: Mr Dhon Miah Ali.

WARD: Shear Brow.

Councillor: Suleman Khonat

Councillor: Hussain Akhtar

Councillor: Shiraj Vali

1.0 PURPOSE OF THE REPORT

1.1 To inform Members of the receipt of a petition relating to the aforementioned proposal, a copy of which is available in Democratic Services.

2.0 BACKGROUND AND DETAILS

2.1 Planning application reference 10/16/0096 was submitted to the Local Planning Authority on 2nd February 2016 for the proposed change of use of a former day care nursery into a restaurant and installation of an external extraction flue.

2.2 Public consultation letters were issued on 16th March 2016.

2.3 The planning application was approved on 4th May 2016, subject to conditions, as detailed in the attached Decision Notice.

2.4 A letter of objection dated 31st March 2016 was received 5th April 2016, from a Mr Mangera. Subsequently, a 24 name petition dated August 2016 was received 30th August 2016 with Mr Mangera's covering letter attached. It should be emphasised that the petition was not received during the course of the planning application assessment. The following is a summary of the objections raised.

- **Parking:** The restaurant will impact upon an already congested residential area that features a residents parking permit scheme, as a result of the opening hours of the business (12:00pm – 11:pm, 7 days a week), and close proximity to an existing restaurant (Waheeds, Randal Street) and two local mosques.
- **Vermin:** Exacerbation of a pre-existing vermin issue in the area, as a result of increased food waste.
- **Deliveries:** An increase in traffic, noise and litter.

- **Odour pollution:** Cooking odour from the restaurant and food waste.
- **Insect nuisance:** An increase in food waste resulting in an invasion of insects.
- **Noise pollution:** An increase in noise resulting from customers of the restaurant.
- **Litter:** Exacerbation of a pre-existing litter problem.
- **Smoking:** Customers smoking outside the restaurant.
- **Consultation:** Many residents say they did not receive letters notifying them of the application.

Highway assessment was carried out by the Local Highways Authority during the course of the application. On-site parking provision, and access/servicing arrangements are addressed in the Delegated Officer Report. Conditions attached to the planning permission require provision of secured on site cycle/motor cycle parking and pedestrian access to be addressed.

Amenity assessment was carried out by the Council's Public Protection team, concerning noise, odour and other potential pollution that could result in harm to local amenity, all of which is addressed in the Delegated Officer Report.

A condition to require a scheme for the control of cooking odour is attached to the permission, together with a restriction on opening hours, in order to safeguard residential amenity.

A copy of the Delegated Officer Report and Decision Notice are attached as background papers to this report.

It is acknowledged that the potential for vermin and insect nuisance was not addressed at application stage, as these matters fall outside the scope of material planning considerations. In the event of such nuisance arising, the Council's Public Protection team have available statutory powers to address complaints.

The management of litter is the responsibility of the business proprietor. Future complaints of an accumulation of waste can be directed to the Council's Environmental Control team for investigation.

Outdoor smoking is, unfortunately, a matter beyond the control of the Council. Limited control may be exerted by the business proprietor.

With regards to consultation; comprehensive consultation was carried out in accordance with the Council's statutory requirements prescribed in Article 15 of the Development Management Procedure Order (England) 2015. The following premises were consulted by letter dated 16th March 2016:

64-90 Limbrick
 41a- 51 Limbrick
 1a Shear Brow
 1-15 St Andrew's Street
 4-8 St Andrew's Street

16-26 Wellington Street St John's

3.0 RECOMMENDATION

3.1 That the petition be noted and to inform the lead petitioner of the same.

4.0 BACKGROUND PAPERS

4.1 Delegated Officer Report and Decision Notice (ref. 10/16/0096).

5.0 CONTACT OFFICER Nick Blackledge – Tel. 585112.

6.0 DATE PREPARED 2nd September 2016.

ORIGINATING DIVISION: HIGHWAYS AND TRANSPORTATION - CAPITA
REPORT TO: BLACKBURN WITH DARWEN BOROUGH COUNCIL
PLANNING AND HIGHWAYS COMMITTEE
DATE: 15th September 2016
TITLE: PETITION – DUNSOP STREET, BLACKBURN
WARD: BASTWELL
COUNCILLORS: Parwaiz Akhtar
Iftakhar Hussain
Shaukat Hussain

1.0 PURPOSE OF THE REPORT

The purpose of the report is to advise the Committee of a petition received requesting the removal of bollards from the footways at Dunsop Street, Blackburn.

2.0 BACKGROUND

A petition has been received from residents of Dunsop Street, Blackburn, requesting that the council remove the bollards from the footways of the street as they are ‘...causing accidents, damage to vehicles and health and safety issues on our street to elders and children....’

The petition was signed by 22 residents of 19 properties from a total of 31 properties on Dunsop Street.

3.0 DETAIL

Dunsop Street and the adjacent Snow Street were last constructed as block paved carriageways and flagged footways. In order to minimise damage to the flags from parking on the footways, bollards were installed at approximately 10 metre centres.

Earlier this year, the residents of Snow Street lobbied their ward councillors for the removal of these bollards. Coincidentally at that time there were problems within the ward at Whalley Range where the opening of a new ice cream parlour was causing parking issues and the ward councillors had requested the installation of bollards to alleviate the issue. It was agreed therefore that a low cost solution was to remove the bollards from Snow Street and relocate them at Whalley Range.

There is currently no such situation within the borough where bollards are required and the cost of the removal of the bollards on Dunsop Street cannot therefore be justified. For this reason, it is recommended that the petitioners request for the removal of bollards be refused.

4.0 IMPLICATIONS

Customer	None
Financial	None
Anti-poverty	None
Crime and Disorder	None

5.0 RECOMMENDATION

It is recommended that:

- the committee support the officer's recommendation that the petitioners request for the removal of bollards be refused
- the lead petitioner is informed of the decision.

6.0 BACKGROUND PAPERS: Petition

7.0 CONTACT OFFICERS: George Bell

8.0 DATE PREPARED: 22nd August 2016

ORIGINATING DIVISION: HIGHWAYS AND TRANSPORTATION - CAPITA

REPORT TO: BLACKBURN WITH DARWEN BOROUGH COUNCIL
PLANNING AND HIGHWAYS COMMITTEE

DATE: 15th September 2016

TITLE: PETITION – LEAMINGTON CLOSE, BLACKBURN

WARD: CORPORATION PARK

COUNCILLORS: John Wright
Arshid Mahmood
Tasleem Fazal

1.0 PURPOSE OF THE REPORT

The purpose of the report is to advise the Committee of a petition to prevent an obstruction on approach cul-de-sac and on approach driveways at Leamington Close, Blackburn.

2.0 BACKGROUND

A petition has been received from residents around Leamington Close, Blackburn, requesting yellow lines to prevent parking opposite driveways making access to the driveways difficult as well as causing an obstruction to other vehicles accessing Leamington Close.

The petition was signed by 26 residents of 16 properties from a total of 29 properties served by Leamington Close (11 on Leamington Close, 9 on Leamington Road and 9 on Preston New Road).

3.0 DETAIL

Leamington Close is a small cul-de-sac and is a relatively new housing development with approximately two off-street parking spaces per property.

At one point, the road into the cul-de-sac goes along the gable end of one of the properties (no. 1) and vehicles park on this stretch. The petitioners claim that these vehicles belong to the owners of properties on Preston New Road or to their visitors. The properties on Preston New Road have access to the rear from Leamington Close.

The lead petitioner in their covering documents explains that vehicles parking in this location '*.....makes it difficult for us when reversing out of our driveway...*' and '*....when driving into Leamington Close to park in our driveway it makes it difficult to see if other cars are coming up to the corner....*'

Whilst parking in this location does create difficulties for other residents, it needs to be considered against the fact that there are double yellow lines on Preston New Road at this location and prior to the Leamington Close development the residents of Preston New Road have parked to the rear of their properties.

Also with with resources available for the enforcement of traffic regulation orders, it is unlikely that enforcement would be available for double yellow lines at this location. As such were they to be implemented they would be liable to abuse. It is recommended therefore that the petitioners request for double yellow lines be refused.

4.0 IMPLICATIONS

Customer	None
Financial	None
Anti-poverty	None
Crime and Disorder	None

5.0 RECOMMENDATION

It is recommended that:

- the committee support the officer's recommendation that the petitioners request for the provision of Double Yellow Lines be refused
- the lead petitioner is informed of the decision.

6.0 BACKGROUND PAPERS: Petition

7.0 CONTACT OFFICERS: George Bell

8.0 DATE PREPARED: 25th August 2016

ORIGINATING DIVISION: HIGHWAYS AND TRANSPORTATION - CAPITA

REPORT TO: BLACKBURN WITH DARWEN BOROUGH COUNCIL
PLANNING AND HIGHWAYS COMMITTEE

DATE: 15th September 2016

TITLE: PETITION – Lilford Road One Way system

WARD: SHEAR BROW

COUNCILLORS: Suleman Khonat
Hussain Akhtar
Shiraj Vali

1.0 PURPOSE OF THE REPORT

The purpose of the report is to advise the Committee of a petition from residents of Shear Brow, Park Avenue and Shear Bank Rd, Blackburn regarding a proposed One Way order on Lilford Rd.

2.0 BACKGROUND

A petition was received on 18th June 2015, opposing to the implementation of the One Way system for the following reasons:

- There has not been any consultation undertaken with the local residents for this to be approved
- This road is a vital link from Park Avenue to the main road (East Park Road) and is used frequently by local residents as well as other road users
- There is a larger issue of cars from outside the area being parked all day on Park Avenue & Lilford Road but this has gone unaddressed
- The position of the No Entry sign does not make sense. Has it been needed, surely it would be better suited at the junction of East Park Road & Lilford Road
- As this has been paid for by the public purse, we would like to know who requested it and on what grounds. Furthermore, who will meet the cost of putting it back to its original state
- The layout appears to be conveniently beneficial for a small section of residents as opposed to the majority

The petition was signed by 58 residents from Shear Brow, Park Avenue, Shear Bank Road and Langham Road.

The lead petitioner indicates that ‘ *we ask that these works are halted immediately and a public consultation is carried out in line with regulation.* ’

3.0 DETAIL

Lilford Road is located in the Shear Brow ward, linking Shear Bank Road to East Park Road.

The exact cause as to why this petition has not been reported earlier is unknown. As such this report captures this petition in order to record for future record purposes.

The Lilford Road one way scheme was part of the a wider package of works for a casualty reduction scheme, which included a one way system and junction narrowing at both East Park Road and Shear Bank Road.

Officers had been involved in dialogue with local councillors during 2015 to resolve the issues, which had resulted in a series of site meetings. The outcome of these meetings resulted in the scheme being abandoned and reverting to the previous state.

As a consequence the petition and objections have been resolved through these meetings during the later stages of 2015.

Officers would now consider this matter closed.

4.0 IMPLICATIONS

Customer	None
Financial	None
Anti-poverty	None
Crime and Disorder	None

5.0 RECOMMENDATION

It is recommended that:

- the Committee support the officer recommendations that the petition has been resolved
- the lead petitioner is informed of the decision.

6.0 BACKGROUND PAPERS:	Petition
7.0 CONTACT OFFICERS:	Stuart Scott
8.0 DATE PREPARED:	1 st September 2016

ORIGINATING DIVISION: HIGHWAYS AND TRANSPORTATION
CAPITA

REPORT TO: BLACKBURN WITH DARWEN BOROUGH COUNCIL
PLANNING AND HIGHWAYS COMMITTEE

DATE: 8th September 2016

TITLE: OBJECTION – PROPOSED TRAFFIC REGULATION
ORDER BATCH 03 16

WARD: Queens Park

COUNCILLORS: Mustafa Desai
Faryad Hussain
Salim Mulla

1.0 PURPOSE OF THE REPORT

The purpose of the report is to advise the Committee of the receipt of one letter of objection signed by six people to one element of Batched Order 03 16. That being proposed Traffic Regulation Order for:-

Queens Park Road, Blackburn – Proposed changes to operational times of School Keep Clear restriction

2.0 BACKGROUND

The operational times of the school keep clear restriction on Queens Park Road outside Audley School is no longer in line with the school finishing time which has changed since the order was made. It is proposed to change the wording of the order to reflect this change.

3.0 DETAIL

Approval to advertise this proposed Traffic Regulation Order was given at the Regeneration SPT meeting in March 2016 and this was advertised on 12th May 2016. Following advertising, a letter of objection was received in respect of the Queens Park Road School Keep Clear element of the Batched Order. The letter of objection came from a resident of Queens Park Road and is signed by another 5 residents of the road.

The objection is based on the misunderstanding that this proposal seeks to extend the length of school keep clear restriction as well as changing its operational time to fit better with school start and finish times. The objector states that

From the plans it is clear that the zig zag lines are being increased in length reaching up to 86 Queens Park Road and 76 Queens Park Road. This in effect takes out two clear car parking spaces.....

The objector also writes

...I would ask that consideration is given to possibly changing the end time in the morning to 9.15am in order that residents who live in the area are able to return to normality.

A letter and plan were sent to the objector clarifying that the length of the school keep clear restriction would remain the same as existing and that only its operational times were proposed for change and asking that the objection be withdrawn. The letter also indicated that it will be possible to change the end time of the morning restriction to 9.15am instead of 9.30am as requested. As this is a less onerous restriction than the original proposal, there will not be a need for re-advertising. No response was received from the objector, hence the necessity for this report. As the objection is based on a misunderstanding, it is proposed to recommend that it be overruled. However the objector's request that the morning restriction end time be amended has been accepted and this will be reflected in the schedule. It is proposed therefore that the order be made with an amendment to the morning end time of the school keep clear restriction on Queens Park Road as described above.

4.0 IMPLICATIONS

Customer	Amenity
Financial	The costs of implementing the scheme will be met from the traffic budget
Anti-poverty	None
Crime and Disorder	None

5.0 RECOMMENDATION

It is recommended that the Committee recommends that the Executive Member support the officer recommendations that:-

- the objections are overruled.
- The Batched Order is made with an amendment to the proposed school keep clear restrictions on Queens Park Road.
- The objectors are informed of the decision.

6.0 BACKGROUND PAPERS:	Letter of objection Plan
7.0 CONTACT OFFICERS:	Gina Lambert
8.0 DATE PREPARED:	5 th September 2016

David FAIRCLOUGH
Director of HR Legal & Corporate Services
Town Hall,
Blackburn,
BB1 7DY

Dear Mr FAIRCLOUGH:

This letter is a formal written objection in relation to the proposed changes for which notification has been given by Blackburn with Darwen Borough Council relating to school entrance markings on Queen's Park Road, Blackburn.

It is my understanding that the following proposals are being considered,

1. The amendment of the Keep clear and no loading/unloading times to Monday – Friday to cover 8am – 9:30am and 2:30pm – 3:30pm. This is a change from the current 8:30am – 9:30am and 3:00pm – 4:00pm.
2. The introduction of no loading/unloading on the main road opposite the entrance of the school.
3. The proposed extension and re-laying of the zig zag 'Keep Clear' markings on Queen's Park Road.

In relation to point one we have no issues with this proposal as it is clear that this is required in order to ensure the safety of the children at the school however I would ask consideration is given to possibly changing the end time in the morning to **9:15am** in order that residents who live in the area are able to return to normality. The school should have started by this time and any children still arriving would be very minimal.

In relation to point 2 as per the plan we have no objections other than requiring assurances that this will not affect the parking bays currently used on the section of land between numbers 89/93 Queens Park Road as these are vitally used by local residents.


Mr FAIRCLOUGH

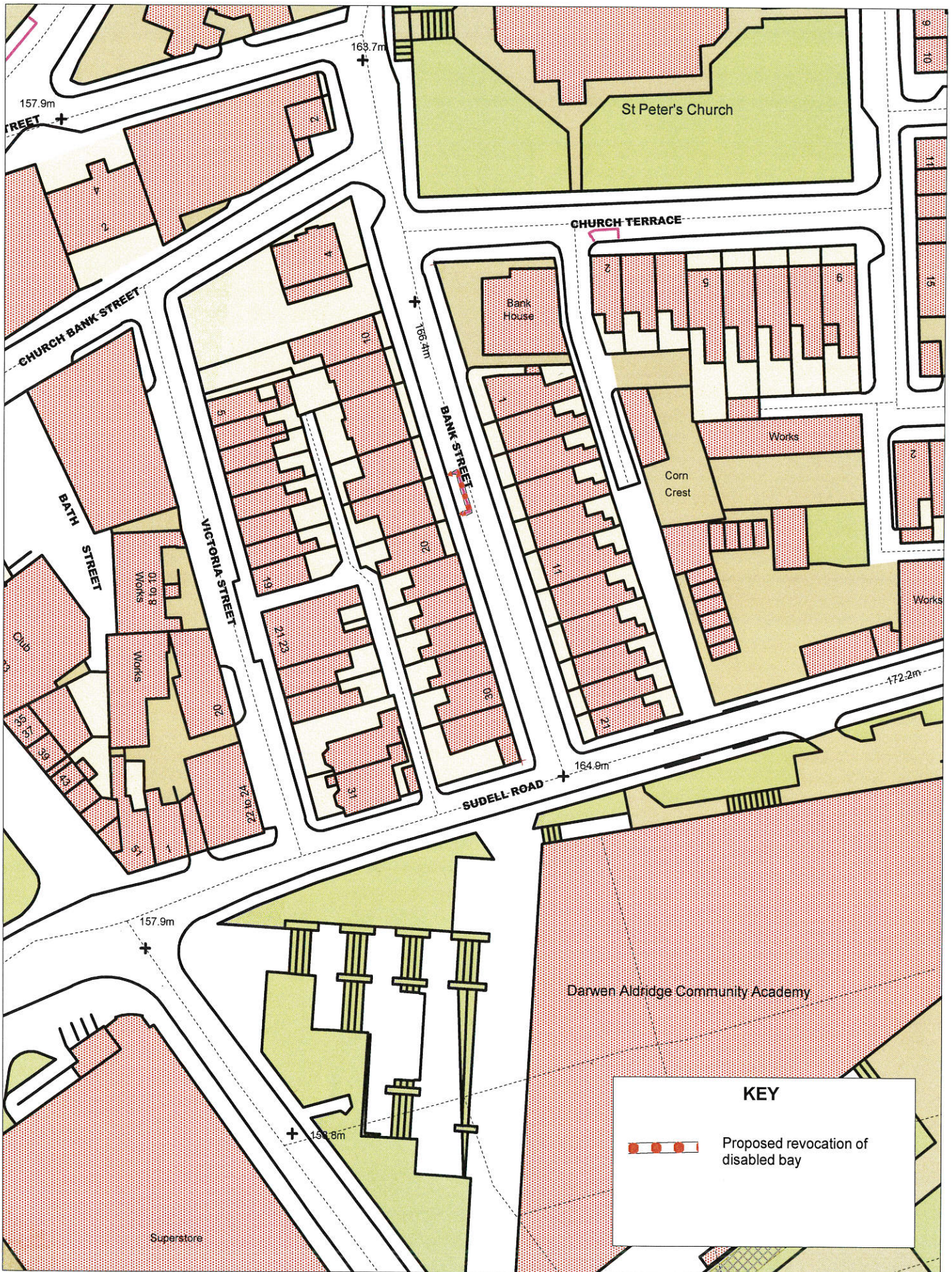
[Date]

Page 2

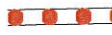
Finally this leads to point three where we have our main objection. From the plans it is clear that the zig zag lines are being increased in length reaching up to 86 Queen Park Road and 76 Queens Park Road, Blackburn. This in effect takes out two clear car parking spaces in addition to the several taken in the side road between 82 Queens Park Road and 80 Queens Park Road. This will further affect residents who reside directly in the vicinity where these proposals are being made who already do not have the enough spaces to park. In addition there are already two major safety features present on this stretch of the road in that there are speed bumps and extended pavements outside numbers 78 and 80 Queens Park Road which narrow the road and provide ample views from both sides as it has been built at an angles and therefore does not pose obstruction to the views for pedestrians looking to cross. This will also be in addition to the no loading/unloading proposed across the road. It is accepted that a Keep Clear section is required however I believe this should be extended to no further than the extended pedestrian section.

Yours Sincerely

MR & MRS I. A. Desai 84 Queen's park rd.
Blackburn BB1 1SE
MR & MRS M Arif 88 Queens park Road
~~MR & MRS~~ ~~MA~~ Blackburn BB1 1SE
MR & MRS M. Amir 94 Queens Park Road
Blackburn BB1 1SE
MR M MAYAT 105 QUEENS PARK RD
MR. MRS. Patel ~ 107 QUEEN'S PARK RD.
MR M MAYAT  Blackburn BB1 1SE
103 QUEENS PARK RD
BB1 1SE



KEY

 Proposed revocation of disabled bay

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SCALE	1 : 740
DATE	24/02/2016
DRAWING No.	
DRAWN BY	





Mon - Sat 8am to 8pm
30 mins no return within 30 mins

Mon - Sat 9.30am - 3pm and 6pm - 8pm
30 mins no return within 30 mins

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SCALE	1 : 1600
DATE	24/03/2016
DRAWING No.	
DRAWN BY	



Key to Restriction Types Displayed

- No waiting at any time
- Limited Waiting Mon-Sat 8am-6pm Limited Waiting 2 hours, No return within 3 hours

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SCALE	1 : 1430
DATE	29/02/2016
DRAWING No.	
DRAWN BY	



Page 95 of 108
**Proposed extension of No Waiting At Any Time
East park Road Blackburn**



Key to Restriction Types Displayed

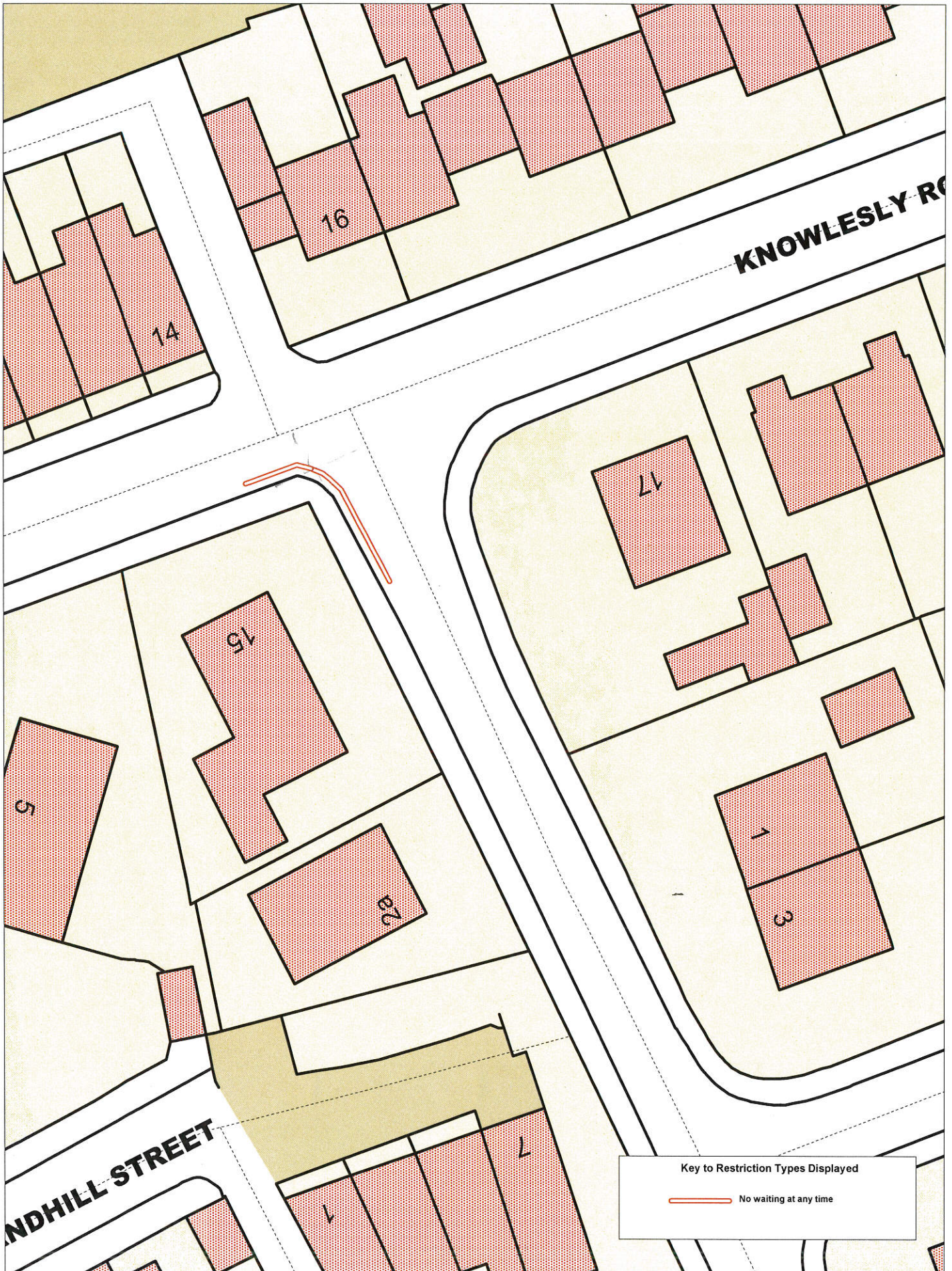
 No waiting at any time

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SCALE	1 : 500
DATE	24/02/2016
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**Proposed No Waiting At Any Time
 Edward Street Darwen**



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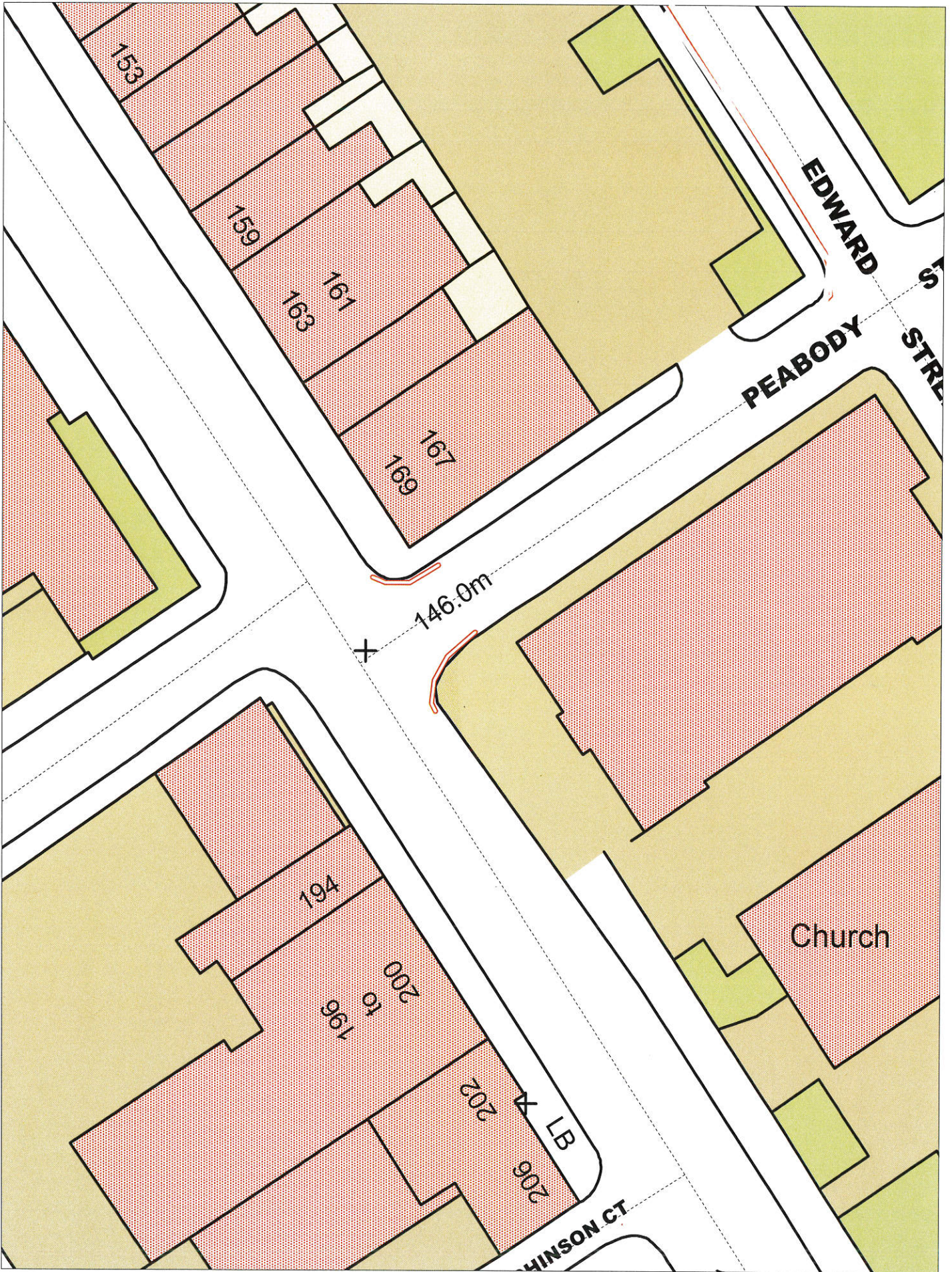
SCALE	1 : 370
DATE	29/02/2016
DRAWING No.	
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CAPITA

**Proposed No Waiting At Any Time
Knowlesly Road/Stanley Drive Darwen**



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SCALE

1 : 370

DATE

03/03/2016

DRAWING No.

DRAWN BY

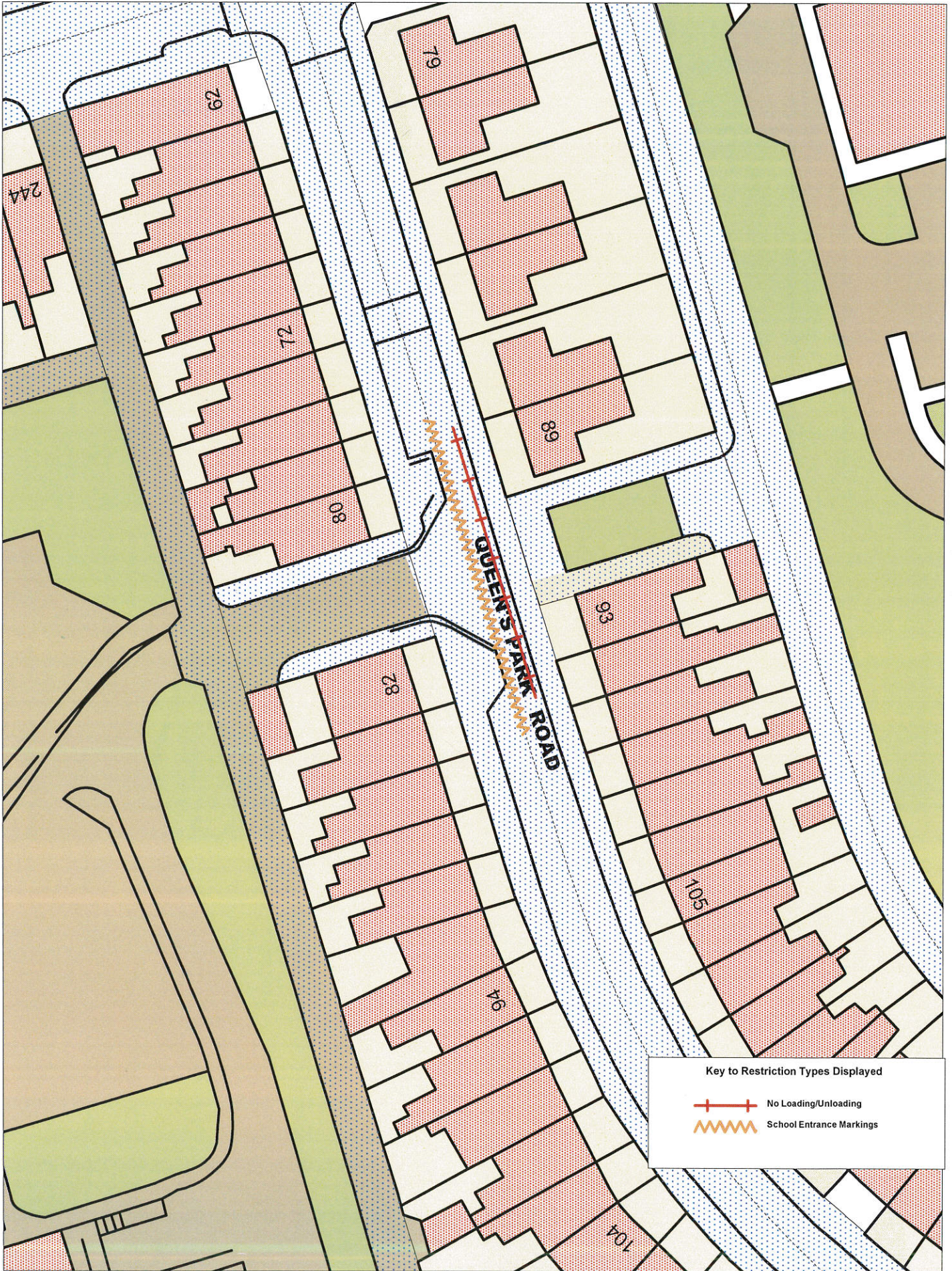
Proposed No Waiting At Any Time Peabody Street Darwen

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Key to Restriction Types Displayed

 School Entrance Markings
Mon-Fri 8am-9.30am and
2.30pm-3.30pm



Key to Restriction Types Displayed

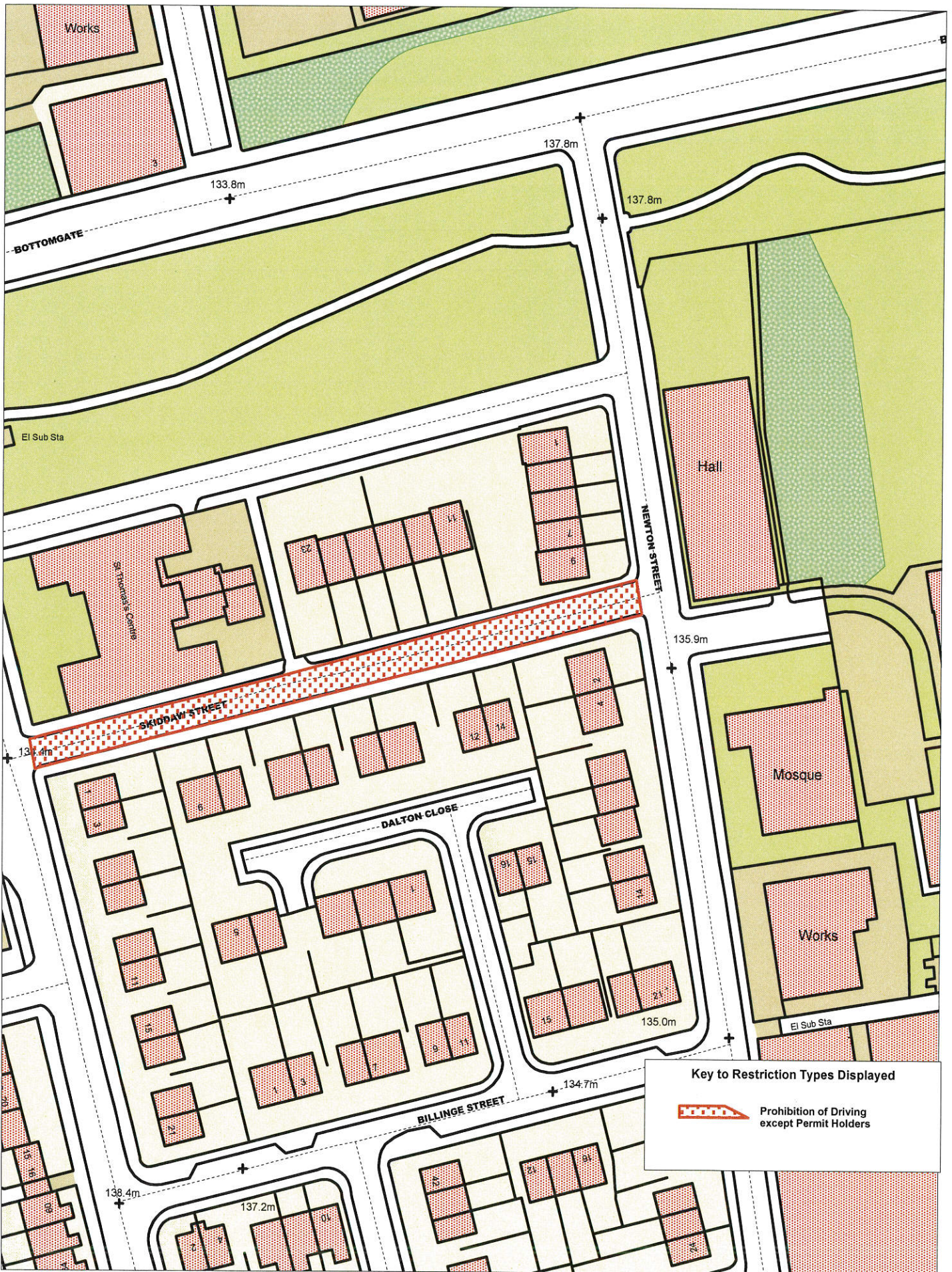
-  No Loading/Unloading
-  School Entrance Markings

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Proposed School Keep Clear and no loading/unloading
 Mon-Fri 8-9.30am and 2.30-3.30pm
 Queens Park Road Blackburn

SCALE	1 : 500
DATE	24/05/2016
DRAWING No.	
DRAWN BY	



Key to Restriction Types Displayed

 Prohibition of Driving except Permit Holders

SCALE	1 : 1000
DATE	25/02/2016
DRAWING No.	
DRAWN BY	



Key to Restriction Types Displayed

No waiting at any time

SCALE	1 : 500
DATE	29/02/2016
DRAWING No.	
DRAWN BY	



Key to Restriction Types Displayed

— No waiting at any time

—+ No Loading At Any Time

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Wilworth Crescent Blackburn



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SCALE	1 : 500
DATE	25/02/2016
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ORIGINATING DIVISION: HIGHWAYS AND TRANSPORTATION
CAPITA SYMONDS

REPORT TO: BLACKBURN WITH DARWEN BOROUGH COUNCIL
PLANNING AND HIGHWAYS COMMITTEE

DATE: 28th July 2016

TITLE: STOPPING UP OF JACK CROFT BLACKBURN UNDER
SECTION 116 OF THE HIGHWAYS ACT 1980

WARD: Queens Park **COUNCILLORS:** Mustafa Desai
Faryad Hussain
Salim Mulla

1.0 PURPOSE OF THE REPORT

The purpose of the report is to inform Members of the receipt of a request by The Kay Group UK Ltd for the Council to progress an Order for the Stopping Up of part of Jack Croft, (Rear Haslingden Road) Blackburn and to ask Members to authorise the Director of HR Legal & Corporate Services to apply to the Magistrates' Court for the necessary Order as per the attached plan.

2.0 BACKGROUND AND DETAILS

Capita Highways received a formal request for a stopping up on 7th June 2016 from The Kay Group who have agreed to meet the costs as described in the Council's Fees and Charges list.

Jack Croft is a back street which served terraced properties on Haslingden Road. As these properties have been demolished it is reasonable to take the view that it has no role as a public highway and is therefore eligible to be Stopped Up under the terms of S.116 of the Highways Act 1980.

3.0 PROCEDURE

The power to make a Stopping Up Order under the Highways Act is vested in the Magistrates' Court, and only the Highway Authority for the road to be stopped up may make the application. Section 116 allows the Magistrates' to make this order if they are satisfied that the Highway is no longer "necessary" or it "can be diverted so as to make it nearer or more commodious to the public", In this instance the applicable reasoning for the proposed closure is on the grounds of lack of necessity. The Court will require evidence that the road is unnecessary and that notices and consultations with all affected and interested parties, in accordance with the requirements of the Act, have been made, and that there are no outstanding objections to the making of the Order.

4.0 IMPLICATIONS

Customer	None
Financial	The costs of implementing the change will be met by The Kay Group. Any future cost on the Council as the Highway Authority for maintaining this Street following its closure will cease.
Anti-poverty	None
Crime and Disorder	None

5.0 RECOMMENDATION

It is recommended that Committee authorise the Director of HR Legal & Corporate Services to progress with the closure of part of Jack Croft, Blackburn and if the Department believes there is a good chance that the application will be successful, to apply to the Magistrates' Court for the necessary Order.

6.0 BACKGROUND PAPERS: None

7.0 CONTACT OFFICERS: Gina Lambert

8.0 DATE PREPARED: 11th July 2016

