

Planning and Highways Committee

Thursday, 15 December 2016

18:30

Meeting Room A, Blackburn Town Hall

AGENDA

PART I: ITEMS FOR CONSIDERATION IN PUBLIC

- 1 Welcome and Apologies
- 2 Minutes of the Previous Meeting
Minutes of the previous meeting held on 17th November 2016 3 - 8
- 3 Declarations of interest
If a Board Member requires advice on any items involving a possible Declaration of Interest which could affect his/her ability to speak and/or vote he/she is advised to contact Christine Wood at least 24 hours before the meeting
DECLARATIONS OF INTEREST FORM 9 - 10
- 4 PLANNING MATTERS
CURRENTmaterial considerations 11 - 12
planning applications summary 13 - 14
- 4.1 Planning application - Land off Livesey Branch 15 - 52
Road, Blackburn, BB2 5BX (10-16-1132)
- 4.2 Planning application - Former Lawnmower 53 - 78
Specialists Site, Sandy Lane, Lower Darwen,
BLACKBURN, BB3 0PU (10-16-0975)
Equality Impact Assessment 10-16-0975 79 - 84
- 5 Local List of Heritage Assets 85 - 88
Local list first stage table of heritage assets Sept 2015 89 - 98
- 6 Petition regarding Full Planning Application - 10- 99 - 100
16-0827 - 15 Devonport Road, Blackburn
- 7 Petition regrding Full Planning Application - 10- 101 - 102
16-0907 - Kirk Scaffolding, Greenbank Works,

- Gorse Street, Blackburn**
- 8** **Petition regarding Full Planning Application - 10- 103 - 104**
16-1124 - Full Planning Application for change of
use from former public house into Islamic
Education Centre and Mosque - 45 Railway
Road, Darwen, BB3 2RJ
- 9** **Natural England Notification of West Pennine 105 - 108**
Moors Site Special Scientific Interest
West Pennine Moors SSSI Lancashire, Bolton, 109 - 138
Bury, Blackburn with Darwen
WestPennineMoors_Summary Ext Map1 (2) 139 - 140
WestPennineMoors_Summary Ext Map2 141 - 142

HIGHWAY MATTERS

**PART II - THE PRESS AND PUBLIC MAY BE
EXCLUDED DURING CONSIDERATION OF THE
FOLLOWING ITEMS**

PART 2: ITEMS FOR CONSIDERATION IN PRIVATE

- 10** **Enforcement - The Ennis, Halley Road, Darwen,,
BB3 1JB**
(A report to request that the Committee authorise
enforcement action)

Date Published: Tuesday, 06 December 2016
Harry Catherall, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE
17th November 2016

PRESENT – Councillors Dave Smith (*in the Chair*), Akhtar P (*substitute for Hussain F*), Ali, Brookfield (*substitute for Groves*), Casey, Hardman, Hussain I, Khan Z, Khonat, Murray, Nuttall, Oates, Riley, Roberts (*substitute for McKinlay*), Slater Ja

OFFICERS – Gavin Prescott (*Planning*), David Proctor (*Planning*), Asad Laher (*Legal*), Safina Alam and Christine Wood (*Democratic Services*)

RESOLUTIONS

54 **Welcome and Apologies**

The Chair welcomed everyone to the meeting. Apologies were received from Councillors Groves, Hussain F and McKinlay.

55 **Minutes of the last Meeting held on 15th September 2016**

RESOLVED – That the minutes of the last meeting held on 28th July 2016 were confirmed and signed as a correct record.

56 **Declarations of Interest**

There were no declarations of interest.

57 **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>
10/15/1119	Mr Richard Topham	Greenbank Terrace/Milking Lane, Lower Darwen	Refused due to failure to enter into the Section 106 planning obligation, the application failed to provide for affordable housing; thus failed to comply with Policy CS8 of the Blackburn with Darwen Core Strategy and Policy 12 of the Blackburn with Darwen Local Plan Part 2

58 Petition: Clarendon Road East, Blackburn

A report was submitted to advise the Committee of the receipt of a petition containing 17 signatures requesting traffic calming measures on Clarendon Road East, Blackburn.

Petitioners claimed that vehicles were often speeding on the road and young motor cyclists raced up and down the road causing much noise and nuisance.

Petitioners felt that the introduction of speed humps would assist in alleviating this problem and their concerns regarding the safety of their children.

The Committee was advised that there was a severely limited budget available for implementing casualty reduction schemes at known accident black spots.

The Committee was further advised that no accidents had been recorded on Clarendon Road East in the previous five years and therefore the road would not qualify for the introduction of a scheme at the present time.

RESOLVED – That the Planning and Highways Committee: -

1. Support the Officer recommendation that the petitioners request for the introduction of speed humps be refused; and
2. That the Lead Petitioner be informed of the decision.

59 Petition: Bank Street, Darwen

A report was submitted to advise the Committee of the receipt a petition containing 18 signatures requesting the introduction of residents' parking on Bank Street, Darwen.

Grounds for the request were outlined in the report.

The Committee was advised that under the revised Residents Parking Policy, due to be submitted to the Executive Board (anticipated December 2016) for approval, the request met the criteria for consideration. It was reported that several other requests had been held in abeyance until the policy had been ratified.

It was further reported that the policy was clear that, at times, it may not be possible to progress all requests for feasible schemes (where demand exceeded available resources). Requests would be prioritised using the assessment factors. Requests that were unable to be progressed would be placed on a waiting list.

RESOLVED – That the Planning and Highways Committee

1. Support the Officer recommendation that the petitioners' request be added to the waiting list of schemes to be considered upon approval of the residents' parking schemes policy; and
2. That the Lead Petitioner be informed of the decision.

60 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.

61 Enforcement Update

A report was submitted to present the Committee with an overview on Enforcement matters.

RESOLVED – That the Planning and Highways Committee note the report.

62 Enforcement: Land at Weasel Lane, (Kiln Bank), Tockholes

A report was submitted requesting authorisation to take enforcement action against all persons having an interest in land at Weasel Lane, Tockholes, Darwen (as outlined in the ordnance survey plan and photograph that was attached to the report) in respect of two unauthorised buildings on the land.

Backgrounds details including grounds for the request were outlined in the report.

RESOLVED – That the Planning and Highways Committee authorise the Director of HR, Legal and Corporate Services, in consultation with the Director of Planning and Prosperity, to issue an enforcement notice to secure the removal of the unauthorised buildings at Weasel Lane, (Kiln Bank) Tockholes.

63 Enforcement: 12 Plane Street, Blackburn

The Committee was advised that the request to take enforcement action against all persons having an interest in 12 Plane Street, Blackburn, BB1 6LR had been withdrawn following the receipt of a planning application (ref: 10/16/1227) and pending the determination of the application.

RESOLVED – That the above be noted.

64 Enforcement: 17 Market Street Lane, Blackburn

A report was submitted requesting authorisation to take enforcement action against all persons having an interest in land at 17 Market Street Lane, Blackburn, BB2 2DE, (as outlined on the Ordnance Survey plan and photograph as attached to the report) to pursue the removal of UPVC windows and to replace the windows with timber sash windows at ground, first and second floor elevations.

Background details including grounds for the request were outlined in the report.

RESOLVED – That the Planning and Highways Committee authorise the Director of HR, Legal and Corporate Services in consultation with the Director of Planning and Prosperity, to issue an enforcement notice, if ultimately necessary, to replace the UPVC windows with timber sash windows within a 24 month period, ground floor window to be replaced immediately, first floor windows to be replaced within 12 months and the second floor windows to be replaced within 24 months of the date on the Enforcement Notice at 17 Market Street, Lane, Blackburn BB2 2DE.

65 Enforcement: Land at Sett End Woods, Blacksnape

A report was submitted requesting authorisation to take enforcement action against all persons having an interest in land at Sett End Woods, Blacksnape Road, Hoddlesden as outlined on Ordnance Survey Plan and photograph, which were attached to the report.

Background details including grounds for the request were outlined in the report.

RESOLVED – That the Planning and Highways Committee authorise the Director of HR, Legal and Corporate Services in consultation with the Director of Planning and Prosperity to consider the issuing of an enforcement notice to secure the removal of the unauthorised residential caravan and extension and other associated storage units on the land at Sett End Woods, Blacksnape Road, Hoddlesden.

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 DECEMBER 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 PLANNING & 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: 15/12/2016

Application No	Applicant	Site Address	Ward	Application Type
----------------	-----------	--------------	------	------------------

10/16/1132

Kingswood Homes UK Ltd FAO Mr Paul Jones Kingswood Homes (UK) Ltd 8 Bridge Court Liverpool New Road Little Hoole Preston PR4 5JT	Land off Livesey Branch Road Blackburn BB2 5BX	Livesey With Pleasington
---	--	--------------------------

Full Planning Application for Erection of 167 No. residential dwellings, new village green/public open space, provision for a future community building, new access junction to Livesey Branch Road, associated highway infrastructure and drainage attenuation measures forming Phase A of the wider Gib Lane Masterplan site.

RECOMMENDATION: Permits

10/16/0975

Mr JOHN LOVERIDGE Former Lawnmower Specialists Site Sandy Lane Lower Darwen Blackburn BB3 0PU	Former Lawnmower Specialists Site Sandy Lane Lower Darwen Blackburn BB3 0PU	Fernhurst
--	---	-----------

Full Planning Application for Change of use of land from commercial use for use as a private residential caravan site comprising of the siting of 1 x static caravan and 3 x touring caravans and the erection of an amenity building, following the demolition of the existing site building.

RECOMMENDATION: Permits

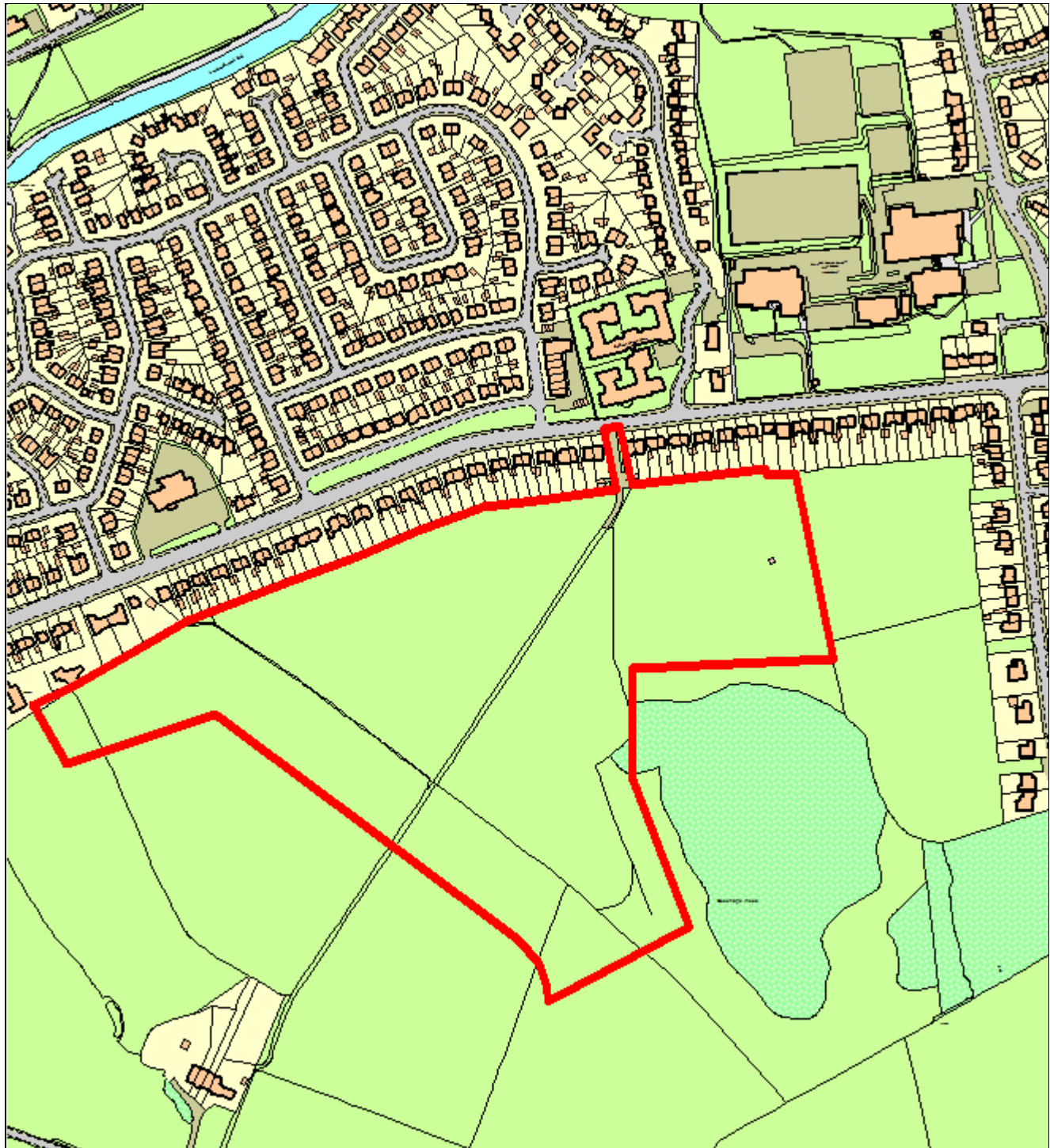
Proposed development: Full Planning Application for Erection of 167 No. residential dwellings, new village green/public open space, provision for a future community building, new access junction to Livesey Branch Road, associated highway infrastructure and drainage attenuation measures forming Phase A of the wider Gib Lane Masterplan site.

Site address: Land off Livesey Branch Road, Blackburn

Applicant: Kingswood Homes UK Ltd

Ward: Livesey With Pleasington

Councillor Derek Hardman	
Councillor John Pearson	
Councillor Paul Marrow	



1.0 SUMMARY OF RECOMMENDATION –

- 1.1 APPROVE – Subject to a Section 106 Agreement relating to the provision of off-site highway works to facilitate the development, upgrading of bus stops and sustainable transport initiatives – see paragraph 4.1 for details.**

2.0 KEY ISSUES / SUMMARY OF PLANNING BALANCE

- 2.1 The proposal will deliver a high quality bespoke housing development which will widen the choice of family housing in the Borough. It supports the Borough's planning strategy for housing growth as set out in the Core Strategy, it delivers housing at a site which is allocated for housing development in the Local Plan Part 2 and it meets the objectives identified within the Gib Lane Masterplan. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The site in question forms part of a wider landholding known as Land to the West of Gib Lane, situated on the western side of Blackburn between Livesey Branch Road, Gib Lane and Brokenstone Road / Horden Rake. The wider development area measures approximately 54 hectares (133 acres) and is recognised as being key to the delivery of housing for the Borough. To the north of the site is the residential area known as Livesey which is dominated by suburban housing development with a mix of supporting services, including schools, shops and a nursing home.
- 3.1.2 Public transport links run along Livesey Branch Road to the north of the site and there are a number of pedestrian and cycle routes in the vicinity including the Witton Weavers Way which runs through the site. Access is available directly from Livesey Branch Road.
- 3.1.3 The application site is 10.4 hectares in area (25.7 acres) and lies within the northern part of the wider site. It currently comprises poor quality grassland which is bisected by the Witton Weavers Way public right of way. Along its northern boundary are rear gardens and boundaries of properties along Livesey Branch Road.
- 3.1.4 The land is open fields, currently used for grazing purposes, with the land rising upwards to the south. Beyond the current application site boundary the land continues to rise. Parts of the northern boundary of

the site are formed by trees and hedges adjoining adjacent residential properties.

3.2 Proposed Development

- 3.2.1 The proposal is a full planning application for the erection of 167 no. residential dwellings, new village green / public open space, provision for a future community building, new access junction to Livesey Branch Road, associated highway infrastructure and drainage attenuation measures; forming Phase A of the wider Gib Lane Masterplan site.
- 3.2.2 The proposed layout seeks to deliver a development which accords with the Livesey Character Area of the wider Masterplan. The layout shows suitable access to the local road network and accommodates 167 dwellings with associated landscaping and drainage attenuation. The layout shows how the residential development will be arranged around a new village green with space for a future community building. It is proposed to have a village character with clusters of dwellings alongside less dense residential development towards the southern part of the site. Water attenuation swales and landscaped green buffer areas are proposed along the northern boundary with properties on Livesey Branch Road.
- 3.2.3 The proposed development provides a residential density of 34.65 dwellings per hectare (based on the nett site area of 4.82 ha), or 16 dwellings per hectare (based on the gross site area of 10.4 ha), with residential buildings overlooking the proposed village green. The properties are a mix of semi-detached and detached dwellings with clusters of small terraces to form a strong edge to the village green. The mix of properties is 2 no. 2 bedroom apartments, 85 no. 3 bedroom dwellings, 77 no. 4 bedroom dwellings and 2 no. 5 bedroom dwellings.
- 3.2.4 The village green is central to the proposal. It's bordered by the Witton Weavers Way to the west and the main road through the site to the east. The green will be open and laid in grass with feature planting. Space for a future community building is proposed along the southern edge of the green to generate activity.
- 3.2.5 The northern part of the site includes a large area of open space which accommodates swales as part of the drainage strategy. These areas will be informally landscaped.
- 3.2.6 Access is proposed off Livesey Branch Road, through an existing gap between properties, which also includes the Witton Weavers Way public right of way. This will form one of the vehicle access points into the wider Gib Lane masterplan area. Secondary access will be achieved from Gib Lane via the Phase B site which is currently being

developed. Vehicular and pedestrian routes can be linked into the development of the wider area.

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

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

3.3.3 Local Plan Part 2

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

3.4 Other Material Planning Considerations

3.4.1 Gib Lane Masterplan

The site is within the Gib Lane Masterplan area, forming Phase A of the delivery strategy. The Masterplan was the subject of public consultation and was prepared in consultation with the majority of the land owners. It was approved in February 2015, and as such is a material consideration which should be taken into account when considering this and future proposals for the area.

3.4.2 The overall vision for the Gib Lane Masterplan Area is set out below:

The land to the west of Gib Lane will be a high quality, sustainable neighbourhood that is integrated socially and physically with the existing urban area.

It will be an aspirational place to live with approximately 440 new homes being provided in the plan period until 2026, including a significant proportion of larger family housing, a new primary school and a village green which forms the natural focal point of the site.

The site will have a strong local identity. It will be characterised by attractive, well-designed buildings and spaces and will comprise a number of distinctive areas with their own unique character which responds to the characteristics of that particular part of the site.

Development will capitalise upon the outstanding panoramic views from the site and will respond positively to the topographical character of the site and the rural setting provided by the West Pennine Moors. It will be structured by existing landscape features and will incorporate a network of green spaces that provide opportunities for informal recreation and contribute to the area's green, leafy character.

The site will be well-connected to existing facilities and services, with a permeable layout that maximises linkages and integration within the site and to the wider area. The comprehensive footpath / cycleway network within the site, including an enhanced Witton Weavers Way, will encourage walking and cycling as an alternative to travelling by car and will improve access to public transport services.

3.4.3 In order to achieve the vision the masterplan has a set of the following objectives:

1. To create a new sustainable neighbourhood which is integrated socially and physically with the existing urban area but which has its own distinct local identity.

2. To deliver a high quality scheme which consists of well designed, attractive houses, buildings and spaces with a semi-rural form and layout that utilises local built and landscape character and architectural styles in either a traditional or contemporary design response.

3. To provide a mix of housing through different character areas that respond to the different constraints and opportunities of the site, including a significant provision of larger, family properties in a well landscaped setting.

4. To ensure the scheme design and layout creatively responds to the topographical character of the site, the unique West Pennine rural setting and the existing landscape features of the site.

5. To provide a clear and permeable street hierarchy with a tree-lined primary route from Livesey Branch Road to Broken Stone Road, streets designed to limit traffic speeds and a network of footpaths and cycleways which encourage walking and cycling.

6. To protect and enhance Witton Weavers Way as a primary green route which traverses through the development.

7. To provide a high quality living environment with an attractive network of green spaces, including a village green, ridge park and a managed and improved Cockridge Wood which provides a biodiversity, landscape and recreational / play function.

8. To maximise linkages and integration between the site and existing communities to the north, Heys Lane to the east and the wider West Pennine countryside to the south.

9. To manage surface water run-off through a coordinated network of sustainable drainage (SuDS) techniques which are integrated into, and enhance, the green infrastructure network.

10. To ensure that appropriate infrastructure is provided alongside the new development at the right time and in the right place.

3.4.4 Key considerations within the Masterplan document in relation to the current proposal are:

H1 – Housing Layout;
H2 – Housing Density; and
H3 – Housing Mix.

3.4.5 Five character areas are identified in the Masterplan to take account of the existing landscape, ecological and topographical characteristics of the site and relationship with surroundings. The site which is the subject of the current planning application is within the Livesey Green Character Area, focused around the village green and is considered to be the main activity hub of the development. The Masterplan indicates that this site should create a sense of arrival to the new neighbourhood and that swales and landscaping should be created along the rear boundaries of existing Livesey Branch Road properties. The Masterplan then sets out a range of characteristics which should be adhered to in terms of design and layout. These include layout and density, land use, scale and form, streets, spaces and landscape and boundary treatments and enclosure.

3.4.6 Residential Design Guide Supplementary Planning Document

This document provides targeted advice to ensure high quality new homes. It aims to ensure that new development reflects the individual and collective character of areas of the Borough and promotes high

standards of design. The document also seeks to ensure a good relationship between existing and proposed development in terms of protecting and enhancing amenity.

3.4.7 National Planning Policy Framework (NPPF)

In particular Section 6 of the NPPF relates to delivering a wide choice of high quality homes, and Section 8 relates to promoting healthy communities.

3.5 **Assessment**

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

- Principle and compliance with Masterplan objectives;
- Highways and access;
- Drainage;
- Design and Layout;
- Amenity impact;
- Ecology;
- Contaminated land; and
- Affordable housing.

3.5.2 Principle and Compliance with Masterplan Objectives

3.5.3 The principle of the development is considered under the Blackburn with Darwen Local Plan Part 2: Site Allocations and Development Management Policies (particularly Policy 16 – Housing Land Allocations); and the Core Strategy (particularly Policies CS1 and CS5).

3.5.4 Local Plan Policy 16 allocates land for development within the 15 year life of the Plan, subject to key development principles. This proposal represents residential development of a significant scale on Site 16/9 – the Gib Lane Development Site, Blackburn. The site has been brought forward in line with the adopted Gib Lane Masterplan covering the wider 56 hectare Gib Lane area. Key development considerations identified in the Local Plan Part 2 include the following:

- Impact on the countryside;
- Protection of important landscape features;
- Drainage and flood risk;
- Access and highways improvements;
- Public rights of way;
- Water supply and waste water infrastructure;
- Primary school capacity; and
- Ecological impacts.

- 3.5.5 Core Strategy Policy CS1 sets out the principle that development will be concentrated within the urban area, in which the site is located according to Policy 1 of the Local Plan Part 2. Furthermore, the NPPF requires local authorities to maintain a continuous five-year supply of deliverable housing sites, which this site contributes towards.
- 3.5.6 Outline planning permission for housing development at the site was granted by the Planning and Highways Committee in July 2015, reference 10/14/1331. This outline permission is extant and established the principle of a housing development on the site.
- 3.5.7 As an allocated housing site, with an extant outline planning approval, the principle of the current proposal is considered to be acceptable, and in accordance with the provisions of the development plan in terms of delivering a high quality residential site with the urban area. This is subject to the more detailed considerations also being in accordance with adopted development plan policy and national guidance.
- 3.5.8 Highways and Access
The traffic impact on local roads associated with the development of the site was fully considered when the outline planning application was approved in July 2015 (reference 10/14/1331) and found to be acceptable. A detailed Transport Assessment was submitted with the outline application, and an updated addendum to the Transport Assessment has been submitted to support the current proposal due to the proposed increase in the number of units from 145 no. in the outline approval to 167 no. in the current proposal.
- 3.5.9 The transport assessment report evaluates the existing transport and highways context of the site, access, parking and servicing conditions, trip generation and junction capacity. This allows an assessment as to whether the highways network has the capacity to accommodate the potential increases in traffic as a result of significant new residential development. The assessment takes account of all committed development around the site and forecast increases in transport movements associated with allocated development sites across the Borough.
- 3.5.10 Overall, the objective of the development is to create a new residential area with a range of on-site facilities to reduce reliance on the car and to reduce overall journey lengths, where possible. The provision of a new primary school within the Masterplan area, and extensive public open space on the site are illustrations of how on-site facilities will reduce the need to travel to such facilities off-site on the local highways network.
- 3.5.11 The site is also to be designed to be accessible by pedestrians. Footways are to be provided and key routes through the site such as the Witton Weavers Way will be enhanced. Similarly, cycle facilities will be provided.

3.5.12 The development will be accessible by public transport on Livesey Branch Road, with the proposed upgrade of bus stops to be funded via a commuted sum, should the application receive approval. The primary route through the site has also been designed accommodate a potential future bus route.

3.5.13 In terms of vehicular access, the submitted details show the main access via Livesey Branch Road, with vehicle links through to the adjacent Phases B, D and E sites. A selection of surfacing materials are proposed to add character to the streets, the finer details of which will be inspected at technical highways approval stage.

3.5.14 As a result of the overall impact of the whole Masterplan site on the local highways network, a number of off-site highway works are identified through the Infrastructure Delivery Plan within the Masterplan. Each development phase is attributed an element of the infrastructure works. For this proposal, which is Phase A of the Masterplan, the following is identified:

- New vehicular access onto Livesey Branch Road;
- Enhancements to the Finnington Lane / Moulden Brow junction;
- Phase 1 of the primary street connecting Livesey Branch Road with Broken Stone Road;
- New pedestrian refuge and footway widening on Livesey Branch Road; and
- Upgrading of bus stops on Livesey Branch Road.

The applicant has agreed to deliver these works, the majority of which will be captured through a Section 106 legal agreement.

3.5.15 In order to encourage the use of more sustainable modes of transport, a Travel Plan has also been submitted to support the application. This identifies a range of measures, including:

- Provision of Community Rail Lancashire, and site specific, transport information packs to each property;
- Travel Survey Incentives;
- Community cycle storage stands;
- Weavers Wheel Cycle Route signage;
- Marketing, promotions and awareness raising campaigns; and
- Monitoring and evaluation.

The applicant has agreed to provide a commuted sum for these transport initiatives through a Section 106 legal agreement.

3.5.16 The highway works set out in paragraph 3.5.14, and the travel planning initiatives set out in paragraph 3.5.15 are recommended to be funded by the developer through a Section 106 agreement requiring a commuted sum totalling £451,000. Subject to this, the development is considered to have an acceptable impact on highways movements.

- 3.5.17 It should be noted that the above infrastructure to be provided by Phase A will also allow the later phases of the Gib Lane site to be brought forward.
- 3.5.18 The main vehicular access to the site is proposed to be off Livesey Branch Road, between No's 451 and 453 Livesey Branch Road. An access road will be provided plus a footway on each side to ensure good linkages with the existing pedestrian infrastructure. A raised junction table with resin bonded surface dressing in a contrasting colour to the adjacent highway is proposed, along with small narrowing of the carriageway and a pedestrian refuge island. These features will allow the site entrance to be identified, and also ensure the safety of pedestrians close to the site entrance. A local resident has commented that the proposed road narrowing at the access is unacceptable, bringing potential for accidents. However, the proposed entrance arrangement is considered to be a well-engineered and safe solution which has been designed by Capita on behalf of the Council.
- 3.5.19 A hierarchy of streets is proposed within the site, with a main route through the site, tertiary streets and private / shared space streets. The main route is to be 6 metres wide, with 2 metre wide footways; and the tertiary streets are designed for 20 mph vehicular speeds with a width of 4.8 metres. Swept path analysis shows that the layout works and is capable of accommodating a three-axle bin lorry. Sufficient off-street parking within the curtilages of properties is to be provided.
- 3.5.20 The proposed site layout provides a 2.5 metre wide footpath and cycle link, which increases to 3 metres wide within the Phase B site leading east to Gib Lane. The 2.5 metre width was considered sufficient in this case to ensure that the rural feel is retained without compromising the space available for the adjacent sustainable drainage features. A 2.5 metre wide path is also retained along the line of the Witton Weavers Way public right of way, which will link through to Phases D and E. The road through the site will also link to Phases B, D and E. This will ensure integration into the surrounding locality in accordance with the Masterplan requirements.
- 3.5.21 A total of 420 off-street car parking spaces are proposed as part of the current proposal, which is an average of just over 2.5 spaces per property. This includes integral garages, detached garages and driveway space. The garages have internal dimensions of 3 metres by 6 metres to ensure they are usable to park a car. This car parking provision is considered to be acceptable.
- 3.5.22 A construction management plan has been submitted, setting out how the construction process will be managed to ensure that consideration is given to highway safety and residential amenity during the construction phase. This is considered to be acceptable, subject to the following adjustments which the applicant proposes to submit in

advance of the committee meeting – to be reported within the Update Report:

- Site working hours to be 8am-6pm (Monday-Friday) and 9am-1pm on Saturdays. No works on Sundays or Bank Holidays;
- Contractor parking will be located on site once the initial roadway is constructed. Details to be provided regarding how contractor parking will be managed before the roadway is in place;
- Details of wheel wash type and location;
- Details of traffic management; and
- Ensure site security gates avoid conflict with residents access and Livesey Branch Road.

3.5.23 Overall, the scope of information submitted in support of the transport and highways aspects of the proposal illustrate an acceptable highways layout and off-site highways works that will mitigate the likely impacts on the network. As such, it is in accordance with the requirements of the Masterplan and Policy 10 of the Local Plan Part 2.

3.5.24 Drainage

The site lies in Flood Zone 1, which is low risk on the Environment Agency's Flood Zone Map. However, as a result of the size of the proposed development, the topography and known problems associated with surface water across the site a detailed surface water drainage strategy has been submitted. The overall strategy is to incorporate a Sustainable Urban Drainage (SuDS) system throughout the site which will involve surface water retention features within the scheme that will store rainwater for discharge to the surface water sewer outfalls to the north of the application site.

3.5.25 The objective of the proposed system is to ensure that drainage from the proposed development does not lead to any further flooding issues in the locality. Phase A will accommodate much of the SuDS due to the topography of the Gib Lane site which slopes downwards to the north. The SuDS will largely be provided within the linear park which is proposed for the northern boundary of Phase A. The detailed strategy for this first phase of the development has been designed to ensure that it does not hinder future phases.

3.5.26 The Council's Drainage engineers have scrutinised the proposed drainage details, and have confirmed that the drainage design is acceptable. The detention basins have been sized to serve the proposed development as well as future developments within the catchments.

3.5.27 Suggestions were made regarding some small amendments: to ensure the side slopes of the swales and basins are not less than a 1 in 3 gradient, and to introduce terracing to the side slopes where possible. It was also suggested that wet bases (150-225mm deep) could be formed in the larger basins to enhance the appearance. In response, the applicant submitted amended details on 29th November 2016. Any

further comments from drainage colleagues will be provided in the Update Report for Committee.

3.5.28 A management / maintenance plan has been submitted, describing how a management company will be set up to maintain the open areas within the development. Drainage colleagues have requested further details regarding maintenance of the SUDS areas, which the applicant has agreed to provide for agreement in advance of the Committee meeting; to be confirmed in the Update Report for Committee.

3.5.29 Subject to adherence to the principles within the drainage strategy the development is considered to be acceptable.

3.5.30 Design and Layout

The Masterplan identifies the application site as Phase A, the Livesey Green character area, and anticipates a medium density residential development of approx. 30-35 dwellings per hectare (dph), with the proposal complying with this at 34.65 dwellings per hectare. The area is focused around a village green with the main access and primary route from Livesey Branch Road which is traversed by the Witton Weavers footpath. A linear park on the northern boundary is outlined in the Masterplan to incorporate Sustainable Urban Drainage in a landscaped parkland setting, which is incorporated within the proposal.

3.5.31 A detailed design and access statement has been provided, which sets out the key design principles, derived from the Masterplan, which have informed the site layout:

- Protecting sustainable routeways;
- Providing optimum outdoor space;
- Feathering the edge of development;
- Ensuring the development can enhance biodiversity;
- Integrating green and blue infrastructure; and
- Offering a wide range of housing typologies and enhancing sustainability.

The development is described as being set within a “*landscaped campus’ providing a therapeutic and multi-sensory environment for the residents*”.

3.5.32 When designing the development, the applicant’s design team has considered typical farmstead plan forms from the area to establish the layout and house types, drawing on the upland West Pennine setting of the site. This has led to the proposed housing being arranged in a series of small blocks within which rural courtyards and shared space streets are proposed. Five specific character areas are described within the Design and Access Statement, with each one having its own positive identity.

3.5.33 In terms of housing mix, the proposal includes 3 no. 2 bed apartments, 84 no. 3 bed houses, 77 no. 4 bed houses and 2 no. 5 bed houses. Of the total number of units to be built, 92% are detached or semi-

detached. Policy 18 of the Local Plan Part 2 illustrates that the Council requires detached and semi-detached housing to be the principal element of the dwelling mix on any site that is capable of accommodating such housing, and therefore the proposal meets this policy requirement. An objection letter from a local resident and Livesey Parish Council questions whether the proposed areas of terraced blocks are acceptable. There are small areas of terracing proposed, fronting onto the village green and main arterial road. This has been included to provide a strong frontage to the greens and offers natural surveillance of this public area from people's homes. Given the design intent to create different character areas it is appropriate to incorporate a range of housing typologies to assist with wider placemaking aspirations.

3.5.34 The Masterplan, at section 3.4, identifies that the topography of the site provides opportunities for broad panoramic views in all directions. The proposed layout has responded to this within the Greenhills View character area (Design and Access Statement, p.63) by incorporating 3 storey homes on the hillside, which are split level homes (3 storey from one side but only 2 storey on the other). These units work with the significant change in gradient on this part of the site and are an appropriate design solution addressing this opportunity on the site. The 3 storey properties are detached thereby permitting views between units and breaking down the overall massing. They have also been designed as narrow split level housing typologies which given the detached configuration ensure they are not overly dominant. In broad urban design terms these homes are an important part of the strategy to frame the village green and to create a real sense of place.

3.5.35 A local resident, and Livesey Parish Council, have commented that the Masterplan, para 3.4, *"makes reference to the layout being sympathetic to the landform in order to preserve important views and to avoid disturbing the surrounding rural character"*. They assert that the 3 storey houses are not in keeping with this Masterplan requirement, and that they will damage the rural views from Billinge Hill, Wainwright Monument and part of Pleasington cemetery. The Masterplan section referred to in fact finds that *"there are a limited number of views towards the site and, in particular, the site is not visible in its entirety from any of the dwellings within the study area, apart from those immediately bordering the site"*. The Masterplan also suggests that the topography of the site provides opportunities for broad panoramic views in all directions, a point which is maximised through the inclusion of the 3 storey dwellings. For the reasons set out above, the 23 no. proposed 3 storey dwellings are acceptable in accordance with the Local Plan and the Masterplan.

3.5.36 The homes throughout the proposed development have been specifically designed for this site, with carefully considered internal layouts to offer a variety of configurations to appeal to families of varying sizes and needs. Furthermore, the building materials have

been considered on a plot by plot basis to create varied and attractive street scenes. A detailed materials matrix has been submitted with the application, which sets out the proposed materials plot by plot. In summary, the proposed materials are a mixture of traditional brick in a variety of shades, fibre cement weatherboard cladding (which is a low maintenance, rot free material with the appearance of timber), metal cladding, thin-leading-edge roofing tiles with mock joints creating a slate appearance and uPVC windows in two shades of grey.

3.5.37 Details of the proposed boundary treatments have been provided, alongside a detailed layout to illustrate the boundary treatments for each part of the site. The treatments include brick walls, brick and timber panels, hedgerows with brick pillars, close boarded fencing for rear gardens, hit and miss timber fencing at the rural edge, and timber bollards. Lancashire Constabulary initially raised a concern regarding the design of the rear garden fences at the rural edge, and therefore the applicant addressed this through a revised boundary treatment plan which was submitted on 2nd November 2016.

3.5.38 An attractive entrance wall feature is proposed to be implemented close to the existing garages at the site entrance. Should the application be approved, details of this entrance feature will be required via a suitably worded planning condition.

3.5.39 The submitted details include a landscape masterplan and management scheme, which describes how a management company will be set up to maintain the open areas within the development. Drainage colleagues have requested further detail regarding maintenance of the SUDS areas, which the applicant has agreed to provide for agreement in advance of the Committee meeting. The proposal includes the loss of four individual existing trees, one group of trees and part of a hedgerow, all of which are classified as low quality except two of the individual trees which are of medium quality. Their loss is justified because they are located within the proposed drainage basins, and because a new tree planting scheme is to be implemented which utilises a diverse range of tree species. It's recommended that the trees to be retained on site should be protected during construction, via a suitably worded planning condition.

3.5.40 The comprehensive details submitted illustrate a design and layout which show dwellings, infrastructure and landscaping which accords with the provisions of the adopted Masterplan and Local Plan Part 2.

3.5.41 Amenity Impact

Given the proximity of the site to existing residential areas and the likelihood of some disruption during site operations, the Head of Public Protection has raised a number of issues that need to be considered in the assessment of the current proposal.

- 3.5.42 An air quality assessment has been submitted, which considers the development's potential impacts on air quality particularly due to the proximity of the site to the Moorgate Street / Livesey Branch Road junction which has for some time been an area of concern in terms of poor air quality. Although it is not a designated Air Quality Management Area, and there have been recent improvements to air quality in the vicinity of this junction, a development of the scale proposed has the potential to have an impact. In response to an initial appraisal of the air quality assessment by Public Protection, a revised assessment was submitted for review on 1st December 2016. Updated advice from Public Protection will be provided within the Update Report for Committee.
- 3.5.43 Proposed measures to protect residential amenity during the construction phase are set out within the submitted Construction Management Plan and Dust Suppression Plan. Subject to the implementation of these measures, and a restriction of hours of operation on site via a suitable planning condition, the construction impact on residential amenity will be suitably controlled.
- 3.5.44 The Council's adopted Residential Design Guide Supplementary Planning Document (SPD) provides advice to enhance the quality of new homes, including the protection of the amenity of existing residents. Space standards are an important consideration when assessing such impact. These standards have been considered when assessing the current proposal, both within the site and in relation to surrounding properties which are either existing or under construction.
- 3.5.45 The Residential Design Guide SPD indicates an appropriate separation of 21 metres between facing windows of habitable rooms of two storey dwellings, unless an alternative approach is justified to the Council's satisfaction. Where windows of habitable rooms face a blank wall or a wall with only non-habitable rooms a separation of no less than 13.5 metres shall be maintained, again unless an alternative approach is justified to the Council's satisfaction.
- 3.5.46 A number of existing properties along Livesey Branch Road, and approved properties within the Phase B site, have habitable rooms to their rear which face directly towards the proposed development site. In order to ensure an acceptable level of amenity is achieved for residents of these properties, and of the residents of the proposed dwellings, the separation distances as required by the SPD have been achieved, with the exception of two plots at the eastern extent of the site which are a fraction below 21 metres. An initial objection was received from Wainhomes, who are developing at Phase B, and in response to this concern the applicant subsequently adjusted the layout. Plot 149 remains a fraction below the 21 metres (approximately 20.2 metres), and Plot 145 was revised by repositioning a bedroom window to overcome separation distances between habitable rooms. Considering that the properties within the application site, and within

the Phase B site, are positioned at an oblique angle on roughly even floor levels; in addition to the consideration of the detailed position of habitable rooms and in some instances more than one window serving each room, it is suggested that the separation distances proposed will provide an acceptable level of residential amenity in accordance with the SPD and Local Plan Policy 8.

3.5.47 Within the site, there are some instances of front to front separation distances below those set out in the SPD, for example between plots 155 and 158, and between plots 138 and 153. The applicant has incorporated these shorter separation distances in some parts of the site in order to create the village feel sought by the Masterplan. In addition to separation distances, the SPD also refers Blackburn's character, identifying a range of character typologies including villages. Of particular relevance is the following extract:

"Villages

The smaller traditional settlements often on the edge of the urban area create the scale and character of a village that new developments in such places should reflect. This is not about making places that look old but is about creating an intimate village scale and character by the design and layout of streets and properties, and by the relationships between buildings. Often, traditional villages are successful because of the organic layout and 'cheek by jowl' building forms, where buildings are varied, develop interesting relationships and include local architectural features."

3.5.48 The proposals for this development have been considered with the specific intention of creating a tighter more rural urban grain rather than a standard suburban housing layout which would not be appropriate given the location of the site on the edge of Blackburn and its upland setting. The applicant has prepared bespoke house types that are designed to be used in a way which creates continuous street frontages with a tight grain and narrower streets in some areas which makes reference to the village \ rural upland Pennine Village that the residential design guidance refers to. Allowing some occasional instances of front to front separation of less than 21 metres, within the specific courtyard areas, is considered to be appropriate given the design intent described above.

3.5.49 Within the submitted Design and Access Statement (DAS) is a section relating to the characteristics and form of nearby villages. Narrow lanes and a tighter urban grain are identified as distinctive features. Section 7 of the submitted DAS provides more information regarding how the proposals have been developed to respond to context including traditional Lancashire farm buildings which would be typically arranged in a tight cluster with courtyard areas. The submitted layout draws upon the village and farmstead theme in terms of the overall layout and as a consequence there has been a conscious effort to incorporate narrow road widths and a tight urban grain rather than to

create a suburban development that could be found in any location. The submitted DAS clearly justifies the design approach taken, in accordance with the NPPF which encourages high quality and states that achieving good design is about creating places, buildings, or spaces that work well for everyone and will adapt to the needs of future generations.

3.5.50 Ecology

The ecological impact of the proposal was fully considered when the outline planning application was approved in July 2015 (reference 10/14/1331) and found to be acceptable, subject to a condition relating to bats as they are a protected species:

- *Where trees are identified for removal they shall be inspected to identify features with roosting potential, including the presence of bat activity, prior to development works commencing. The survey should be undertaken and the results submitted to the local planning authority with reserved matters pursuant to this application. Where suitable features are identified, emergence and/or re-entry surveys should be undertaken to ascertain the presence or likely absence of bats, such surveys being undertaken and submitted prior to the approval of reserved matters.*

As the outline permission is extant, and could be implemented any time before May 2018, it is not reasonable to request a re-survey at this point. However, the submitted application has included a bat survey to address the condition from the outline approval.

3.5.51 The submitted Bat and Badger Survey Report (Haycock and Jay Associates Ltd, 2016) found that scattered mature trees along the north west field boundary contain potential roosting features for bats. Capita Ecologists have reviewed the report and commented that if any of these trees are to be removed, they should be inspected for their potential to support bat roosts. This inspection has been completed as noted above. If the trees with bat roosting potential are to be removed, further survey work will be necessary (aerial climbing surveys or emergence/re-entry surveys) for bats. Capita Ecology commented that the results of these surveys should be provided prior to determination of the application, however outline planning approval has already been granted. It's therefore proposed to include a condition requiring the further survey work to take place prior to works affecting the identified trees, i.e. before Construction Phase A3. Transect surveys to determine bat activity across the site were undertaken in August, September and October 2016. As identified in Section 3.3 of the Bat and Badger Survey Report, due to the late commissioning of surveys no bat activity transects were undertaken in Spring, as recommended in the Good Practice Guidelines (Bat Surveys for Professional Ecologists: Good Practice Guidelines, Collins, J, 2016). However, the report's conclusions state it was considered that this survey effort sufficiently identified the level of use and value of the site for bats and Capita Ecologists agreed that the surveys and data provided is sufficient.

- 3.5.52 A low level of bat activity was recorded during the surveys. The majority of bat activity recorded was to the east of the site and at Cockridge Wood, along a defunct hedgerow boundary and an area of marshy grassland. Social calls were recorded in the north west corner of the site during October, which may indicate the presence of an autumn swarming or hibernation site nearby. Therefore, vegetated corridors and linear features should be retained, protected and enhanced at the site throughout site clearance and development. Isolating the woodland habitat by development or hard landscaping should be avoided. The layout has been designed accordingly, and a suitably worded condition is recommended to protect trees and other vegetation which is to be retained throughout the construction period. Further recommendations regarding the avoidance of lighting impact on bats and other nocturnal species are suggested to be included as informative notes should the planning application receive approval.
- 3.5.53 The site borders an area of Lowland Mixed Deciduous Woodland Habitat of Principal Importance. Policy CS13 of the Core Strategy states that “*Development will only be permitted where it creates no unacceptable environmental impact*” and so the woodland habitat should be protected with a suitable buffer zone and fencing. The proposed layout allows for this necessary protection.
- 3.5.54 The habitat report covers the whole Masterplan area beyond the current application site, and identifies that Himalayan Balsam is present to the south west of the site and rhododendron has been recorded in Cockridge Wood to the south east of the site. Later phases of the Masterplan site may need to secure a method for eradication of these species in accordance with best practice guidelines. Complete eradication of the species from the Masterplan site would be considered a biodiversity enhancement, contribute to the sustainability of the development and improve biodiversity in the local area by allowing native species to dominate.
- 3.5.55 Habitat suitable to support badgers has been identified at the site, however the updated badger survey did not record any current evidence of badgers at the site. Capita Ecologists agreed with the submitted report advising that a condition should be attached to the application, should it be approved, to state that a pre-commencement survey for badgers should be undertaken if the development has not commenced within 12 months of the previous survey. A suitably worded condition is recommended in accordance with this advice.
- 3.5.56 Habitat suitable for nesting birds, including ground nesting species is present within the site. Therefore, in accordance with the existing outline planning permission, a condition is recommended to ensure that vegetation removal is undertaken outside of the nesting bird season (March to August, inclusive). Where this is not possible, a nesting bird check should be undertaken immediately prior to construction taking

place. Should any nests be observed a suitable buffer will be necessary and must remain in place until the nest is no longer in use.

3.5.57 Most of the site is grazed semi-improved grassland with some marshy grassland and paddock. These habitats do have some potential for foraging and breeding species; however, these are likely to be common. As such the development of the land and loss of the habitats is unlikely to have significant negative impacts on the ecological value of the area.

3.5.58 It is considered that providing suitable conditions are applied to the planning approval, the impact of the development upon ecology will be suitably mitigated and compliant with Policy 9 of the LPP2.

3.5.59 Contaminated land

A Preliminary Risk Assessment and Site Investigation Scope has been submitted, which confirms that the site is not likely to present a significant risk from contamination. The submitted Preliminary Conceptual Model concludes that intrusive investigation is required and this precautionary approach is welcomed. A period of gas monitoring is also taking place. The results of the site investigations will be required to be reported via a pre-commencement planning condition, also identifying any necessary remediation and validation.

3.5.60 Within the required site investigations report, reference will be made to a nearby historic animal burial pit as a potential source of ground contamination; to consider any necessary implications and remediation before works commence.

3.5.61 Affordable Housing

A viability appraisal, based on a set of assumptions agreed between the Council and the developer, suggests that there is no viability within this first phase for the provision of affordable housing. Again, this is largely as a result of the developer agreeing to fund the extensive off-site highway works and sustainable drainage measures which will benefit the whole masterplan site. The benefit of this compromise is that the remaining phases of the wider Masterplan site will be more attractive to developers in the future. The delivery of housing numbers required by the Council, including affordable housing, is therefore more likely.

3.5.62 Summary

This report assesses the full planning application for the residential development of land off Livesey Branch Road, Blackburn. In considering the proposal, a wide range of material considerations have been taken into account.

3.5.63 In addition to the matters described above, local residents raised the following concerns:

- *Will the details within the market appraisal at para 3.11 of the Masterplan be applied across the site i.e. upper market housing at upper market prices? Whilst this is not a material planning consideration in assessing this application, the developer has confirmed that full account has been taken of current and predicted market demand, with advice taken from relevant local agents, and the houses will be priced accordingly in line with the Masterplan.*
- *The Masterplan specifies that dwellings should be on irregular plots and avoid small gaps between, much of the layout ignores this requirement with minimum distances sufficient to provide only access paths to the rear of dwellings. The development cells across the site are irregular and have been arranged to create a varied streetscene and unfolding views. This means that many units, contrary to the above, are within irregular shaped plots often featuring corner turning units which pay special attention to both street frontages.*
- *Witton Weavers is presently a farm track 3 metres wide, this will need to be maintained at this width to enable large farm vehicles and livestock transport to access the remaining fields at all times or be integrated with the road network. The Witton Weavers Way is currently 2.2 metres wide and the proposed layout increases the width to 2.5 metres as requested by Public Rights of Way Officer.*
- *Concerns with the durability of the cladding proposed for some properties and the metal cladding for porches - cladding is less durable than brick. The type of cladding proposed is resistant to weathering and discolouration. Natural timber has not been proposed due to discolouration issues. The proposed Cedar cladding is resistant to rot, insects and moisture. It is approved by the BBA subject to appropriate installation as meeting the requirement of Building Regulations 2010.*
- *The position of the intended school is not shown but it will require adequate parking for those bringing or collecting children and extra parking spaces should be provided around the village green to enable free movement of traffic to be maintained. We are all well aware of school parking problems and this is an opportunity to design most of the problem out before it appears. This is noted, and the main arterial road adjacent to the village green has been designed to allow for on-street parking. Further considerations relating to the school will be considered in future phases.*
- *On the Wainhomes drawings [Phase B Site] the stream outfall from their development is shown connecting into existing pipework behind Livesey Branch Road, but on this site. Is the route of the pipework acceptable to Kingswood Homes and has it been allowed for in the site layout. Yes, the 375mm pipe from the Wainhomes*

site is picked up by the drainage proposals of the site which is the subject of this current application.

- *The Wainhomes development will not sit comfortable with these proposed designs, the Wainhomes dwellings being of a larger scale and different materials.* This comment relates to the adjacent site, whose owners chose not to engage in the masterplanning exercise. The current application is considered on its own merits and is found to be in accordance with the Masterplan.
- *There does not appear to be provision for connecting SUDS drainage or foul sewers from the proposed Story Homes development into this site. I believe this was the intention of the Masterplan document and the Witton Estates drainage scheme. Have United Utilities been consulted on the overall site plan and how the different phases will be integrated for foul drainage?* Yes, United Utilities have been consulted and the design includes provision at Manholes S1-05 and S2-01 for surface water from the Phase C development. The foul water design also includes provision for the Phase C site at Manhole F1-42B.
- *I presume the access for existing garages near the site entrance will be given due thought to avoid inconvenience for the home owners.* The developer is in contact with the garage owners to manage this situation.
- Regarding the submitted cross-sections: *The detailed section views distance dimensions are substantially different at Section A = 75.8m, B = 68m, C = 71m & D = 78.3m. This appears to be a deliberate attempt to mislead the reader by presenting graphically large sectional views which have been stretched and adding fictional distance dimensions which indicate a far larger distance between the existing properties and the new build.* The cross sections are indicative in relation to the existing premises beyond the site boundary as the applicant does not have access to the private gardens at this stage, however they are as accurate as they can be. A discrepancy was identified in terms of the measurement on the sections and therefore a revised cross section plan was received on 14th November 2016 to address it. The key point to note is that the new build development is located far in excess of 21 metres away from neighbouring properties which is the separation distance of new build housing in relation to existing properties as set out in the adopted Residential Design Guide SPD.
- Regarding phasing of construction: *This requires clarification on the timing of the 'SUDs' completion. The plan is colour coded to indicate phases of work A1, A2 & A3. The northern edge of the site contains all three phases which is stating a four year timescale for completion, so potentially four years before full drainage completion and the associated disruption and disturbance to*

existing residents. The area covered by phase A3 is the last to be completed and is where the worst flooding currently occurs. There needs to be a commitment from the developer that all SUDs along the northern edge of the site be completed, landscaped and planted within phase A1 to limit the disruption and disturbance to the local residents. The detailed phasing across the whole 167 houses has yet to be finalised but the developer intends to install 50% of the proposed swales / detention basins as soon as development commences and for the cellular storage system also to be installed at this point. This will allow sufficient drainage capacity to accommodate the dwellings installed before it is required. The smaller village green area is also proposed to be installed as soon as development commences.

3.5.64 The assessment of the proposal clearly shows that the decision must be made in terms of assessing the merits of the case against any potential harm that may result from the implementation of the development. This report concludes that the proposal provides a high quality bespoke housing development and meets the policy requirements of the saved Local Plan, Core Strategy, National Planning Policy Framework and the Gib Lane Masterplan.

3.5.65 The development proposals are the result of extensive design development which will provide a unique and special development in terms of quality for Blackburn.

4 RECOMMENDATION

4.1 Approve subject to:

- (i) Delegated authority is given to the Head of Service for Planning and Infrastructure to approve planning permission subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of a commuted sum of £451,000 towards: the design of a new vehicular access onto Livesey Branch Road; green travel planning initiatives; construction of the new vehicular access onto Livesey Branch Road; enhancements to Finnington Lane / Moulden Brow junction (to alleviate pressure on Preston Old Road / Livesey Branch Road junction); and upgrading of bus stops on Livesey Branch Road.

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Head of Service for Planning and Infrastructure will have delegated powers to refuse the application.

- (ii) Conditions which relate to the following matters:
 - Commence within 3 years

- Materials to be implemented
- Landscaping scheme to be implemented
- Landscaping management and maintenance plan to be implemented
- Off-site highways works to be implemented
- Transport initiatives to be implemented
- Visibility splays to be protected
- Retention of householder parking spaces (and garages)
- Construction management plan to be implemented
- Condition surveys of site access at 3 stages
- Drainage scheme to be implemented, including maintenance proposals
- Foul and surface water to be drained on separate systems
- Green infrastructure areas to remain undeveloped
- Arboricultural method statement measures to be implemented
- Tree protection during construction
- Site clearance works outside bird nesting season
- Badger presence to be resurveyed if works commence beyond 12 months
- Further bat survey prior to works affecting relevant trees (phase A3)
- Proposed finished floor levels to be implemented
- Permitted development rights to be removed
- Contaminated land and coal site investigations
- Unexpected contamination
- Air quality mitigation
- Limitation of construction site works to:
 - 08:00 to 18:00 Mondays to Fridays
 - 09:00 to 13:00 Saturdays
 - Not at all on Sundays and Bank Holidays
- Dust management plan to be implemented
- Site entrance feature to be agreed

5 PLANNING HISTORY

- 5.1 Outline Planning Permission was granted in July 2015, reference 10/14/1331 for the erection of up to 145 no. new residential dwellings, new village green and A3 cafe use, and site wide features of green infrastructure and drainage attenuation measures forming Phase A of wider site Masterplan.
- 5.2 Pre-application enquiry reference: 7062 (July 2016), for proposed residential development. The pre-application enquiry received a favourable response.

6 CONSULTATIONS

- 6.1 Arboricultural Officer

No objections. Suggested Swamp Cypress trees to be planted in the drainage basins, which the applicant is considering.

6.2 Drainage Section

Confirmed the drainage design is acceptable, and made the following recommendations:

- All side slopes to the swales and basins are to be not less than 1 in 3;
- Terracing to side slopes of basins to be introduced where possible;
- Wet bases 150-225mm deep to be formed in the larger basins (to enhance the appearance);
- Liaison with United Utilities regarding adoption of the cellular storage system; and
- Revised maintenance plan to be provided.

Amended drainage details were received on 29th November 2016 in response to these suggestions. Updated comments from the drainage section will be reported in the Update Report for Committee.

6.3 Education Section

No objections.

6.4 Environmental Services

No objections.

6.5 Public Protection

Noise

Requested a programme for the monitoring of noise during construction works, specifying the measurement locations and maximum permissible noise levels at each location. However, this was not justified in planning terms, and not necessary providing hours of construction are restricted by a suitable condition.

6.5.1 *Dust*

A dust management plan was requested, which was subsequently provided by the applicant and accepted by Public Protection.

6.5.2 *Floodlighting Control*

If it is intended to have security floodlighting during the construction phase, a control scheme was requested. The applicant confirmed that floodlighting will not be used.

6.5.3 *Hours of Site Works*

A condition was recommended, that there shall be no site operations on any Sunday or Bank Holiday nor on any other day except between the following times: Monday to Friday 08:00 – 18:00 hours and Saturday 09:00 - 13:00 hours. This condition is proposed.

6.5.4 *Contaminated Land*

In summary, the applicant has been asked to address the following:

- Adapt the conceptual site model and text with the 2016 Preliminary Risk Assessment to make reference to the animal burial pit as a potential source of ground contamination.
- Adapt the site investigation scope report to take account of the animal burial pit. In particular, ensure that ground gas monitoring is carried out on the appropriate border of the Phase A site. Similarly, groundwater should be monitored to see whether the flow direction is toward Phase A and analysed for appropriate pathogens.
- Adapt the analyte lists and the proposed site investigation plan to take into account the above comments.
- Ensure that ground gas monitoring is also carried out within the on-site areas of unknown filled ground and areas of shallow coal mining and adapt the SI plan accordingly to reflect this.

A pre-commencement condition is recommended in order to resolve these matters.

6.5.5 *Air Quality*

The initial Air Quality Assessment Report was revised in response to Public Protection comments. Further comments were provided as follows (in summary):

- The revised report doesn't predict concentrations at receptors at the Moorgate St / Livesey Branch Road junction. There is a contour map showing predicted pollution levels, but more detail is needed. Worst case exposure at receptors by the Moorgate St / Livesey Branch Road junction should be modelled.
- Monitored urban background concentrations of NO₂ should be used in preference to the modelled Defra map backgrounds. DT1 would be representative of exposure on Livesey Branch Road, DT36 would be representative of background concentrations in the vicinity of receptor R7, and DT23 would be representative of background at R5.

6.5.6 In response to these comments, a further revised air quality report was received on 1st December 2016. Updated Public Protection comments will be provided in the Update Report to Committee.

6.6 Highways Authority

In principle, supportive of the scheme. Initial comments included:

- Parking spaces to meet adopted standards;
- Consider reducing the width of the main route, and attempt to soften the treatment of the streets;
- Connection through the site is noted, however there are links which have not been pursued, the most notable one being from plots 68 to 69;
- Where shared surfaces are proposed, clarify if there is to be a service verge around the edge of the carriageway;
- Clarity regarding bin collection points;
- The footway connections to the Witton Weavers Way and those connecting to the surrounding site to enhance wider movement should be 3m wide to accommodate footway and cycle ways;

- Further explore the crossover points where the highway meets Witton Weavers' Way, to maintain a priority gateway for pedestrians;
- Highway surfacing materials will be subject to formal technical highways approval;
- Clarity is required on which areas are to be adopted;
- Sightlines to be clarified;
- Tracking plan to be revised;
- Turning heads which end within the site curtilage have not been extended up to the boundary of the site;
- Conditions to be attached for off-site highway works as agreed within the approved masterplan document for Phase 1, they are;
 - New vehicular access onto Livesey Branch Road, new junction and associated TRO's;
 - New pedestrian refuge on Livesey Branch Road;
 - Upgrading of bus stops on Livesey Branch Road; and
 - Upgrade of Finnington Lane includes MOVA and associated works.
- To allow the new entrance to be put in place from the outset, a condition is proposed requesting a highway condition survey to be taken prior to works commencing, after 60 houses have been completed and then a further survey at completion of the 115th house, to establish if the construction has caused damage and to allow a list of remedial works to be compiled (if necessary) which would need to be undertaken prior to the completion of the last property;
- Construction method statement is required;
- The Transport Assessment Addendum offers evidence to support the assertions made in trip generation and traffic impact at the site accesses across the proposed site. This indicates that there is no severe impact on the access points. However, there are a number of issues on the local highway network which may impact delivery of the Gib Lane masterplan. It should be noted that these impacts are due to a number of factors and not just this single proposed development. It is recommended that the Section 106 agreement should be discussed to increase the funding available due to the increased number of dwellings across a number of planning applications than initially agreed. This should be a proportional uplift based on the percentage increase in housing units as compared to the masterplan. This will ensure sufficient funding is received to deliver the mitigation measures required to support delivery of the Gib Lane masterplan.

6.6.1 In response to the above comments, a revised layout has been submitted, in addition to a plan showing areas for adoption and a Construction Management Plan. It's noted that should the overall Gib Lane Masterplan site exceed 700 units, the potential for further off-site highway works will need to be revisited.

6.7 Public Rights of Way Officer

The design is acceptable regarding alignment of the Public Right of Way and the crossing points. The applicant will need to apply for temporary closure and diversion of the Witton Weavers Way during the works to ensure the safety of the public, and for permanent diversion of Witton Weavers Way at the entrance to the site where it is shown to be diverted to follow a Public Footway. The applicant will need to apply for an upgrade of the Witton Weavers way to a Public Bridleway for its entirety throughout the development site. An agreement shall be put in place to ensure that the upgrade to Bridleway is implemented as soon as practical following the start of the works.

6.7.1 The diversion applications are to be dealt with separately to the planning application, and whilst a bridleway upgrade is desirable it is not reasonable to insist on it via a planning condition as it does not meet the tests for the use of planning conditions in this case.

6.8 Travel Planning Officer

Detailed comments were provided, welcoming the travel planning proposals and suggesting small amendments. A series of green travel planning initiatives were suggested, which are recommended for inclusion as part of the Section 106 agreement. The small amendments are to be incorporated into the site's Travel Plan prior to the Committee Meeting.

6.9 Strategic Housing

In summary, the proposed development will contribute positively to the Council's aspiration to see new homes being developed in the Borough as part of the Growth priority. The Borough is significantly under-represented in larger, good quality family homes and is actively supporting developments which increase the choice of homes in the borough. This scheme proposes to provide new mid to higher value family housing to cater for identified needs and aspirations in the Borough. The Housing Growth Team is supportive of the proposal subject to it meeting the Council's planning policies.

6.10 Lancashire Constabulary

No objections, but recommended measures to reduce crime risk including:

- Amending the hit-and-miss fence;
- Security standards for external doors and ground floor windows;
- Garden lighting;
- Avoid windows in garages or sheds.

6.10.1 In response to these comments, the boundary treatment plan was amended and all garage windows (only 2 instances) are to be obscure-glazed.

6.11 Coal Authority

No objections, subject to conditions. The Coal Authority concurs with the recommendations contained within the submitted Coal Mining Risk

Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

6.11.1 The Coal Authority recommends that a condition is imposed, should planning permission be granted, requiring these works prior to commencement of development.

6.12 Electricity Northwest

Considered the proposal and found it has no impact on Electricity Distribution System infrastructure or other ENW assets. Any requirements for a supply of electricity will be considered as and when a formal application is received.

6.13 Environment Agency

Confirmed that no comment to be provided.

6.14 Capita Ecology

In summary:

- As the previous survey was undertaken in 2013, an updated Ecology Walkover of the site should be carried out and the results along with recommendations for mitigation and compensation should be provided.
- The development should be screened for an Environmental Impact Assessment.
- Recommendations are made for the protection and enhancement of the Lowland Mixed Deciduous Woodland Habitat of Principal Importance. It is also recommended that habitat connectivity across the site is maintained.
- Habitats lost at the site that are suitable to support protected species should be replaced with habitats of equal value.
- The current status of non-native invasive species at the site should be re-surveyed as part of the updated Ecology Walkover. If invasive species are likely to be affected by the development, a method for their eradication should be produced to ensure there are no offences under the Wildlife and Countryside Act 1981 (as amended).
- Further information is required relating to trees that will be removed/affected by the development and their potential to support bat roosts, further surveys for bats may be required.
- A condition should be attached to the application to state that a pre-commencement survey for badgers should be undertaken if the development has not commenced within 12 months of the previous survey.
- The information provided in Section 5.3.21 and 5.3.22 of the Extended Phase 1 Habitat Survey Report should be conditioned to ensure the protection of nesting birds during development.
- Ecological enhancements should be considered at the site to contribute to the sustainability of the development and in line with

the National Planning Policy Framework (NPPF) and Natural Environment and Rural Communities (NERC) Act 2006, these should be provided within the updated Ecology Walkover Report and shown on the landscaping plans.

6.14.1 The above comments are considered within section 3.5.50-58, and it is confirmed that the proposal was screened as to the need for Environmental Impact Assessment.

6.15 United Utilities

No objections, subject to conditions requiring separate foul and surface water systems, submission of a drainage scheme and details of maintenance of the sustainable drainage system. These details have been provided.

6.16 Livesey Parish Council

Unanimous objection, for the following reasons (also referring to the objection by K Murray which is reported in the Summary of Representations):

- *Does not meet the local plan as houses linked in a terrace form, not the high end family homes proposed for this site.*
- *master plan para 3.4 layout should be sympathetic to the land form to preserve important views and to avoid disturbing the local rural character, 3 storey on the highest point of site are not in keeping with the master plan.*
- *3.11 of master plan as far a possible upper market houses at upper market prices.*
- *The master plan specifies that dwellings should be in irregular plots and avoid small gaps between, much of the layout ignores this requirement with minimum distances sufficient to provide only access paths to the rear.*
- *Some of the houses are to be finished in cladding and as such is inferior to brick.*
- *The master plan stated the site should be of a uniform character, these do not fit in with the Wainhomes proposal, as they are much larger scale and different materials.*
- *In summing up our objections we believe these houses will be more affordable housing (as stated by the builders at the meeting held at St Bedes) they do not meet the aspirations set out for this site and we ask you to reject this application, what was sold to residents at the Master plan consultation was quality family housing, what is being proposed is not.*

Responses to these points are set out at paragraph 3.5.63.

6.17 Public consultation has taken place, with over 270 letters posted to neighbouring addresses; a press notice was published on 27th October 2016; and three site notices were displayed on 19th October and again on 29th November. In response, five letters of objection have been received which are shown within the summary of representations below.

Summary of Representations

Planning Application 10/16/1132 Kingswood Homes Phase A Gib Lane masterplan

Within the Local Plan² there is reference to the housing mix in Blackburn with Darwen being dominated by terraced properties, these are still being built – Drakes Close, small terraces on the Infirmary site and others, particularly on those sites with affordable homes. What is proposed here includes blocks of dwellings linked together in a terrace form, are these acceptable under the circumstances?

Considering the Masterplan, para 3.4 makes reference to the layout being sympathetic to the landform in order to preserve important views and to avoid disturbing the surrounding rural character, 3 storey houses 9 metres tall on the higher part of the site are not in keeping with this requirement in the Masterplan how do you propose to resolve this aspect? As proposed these 3 storey houses will damage the rural views from Billinge Hill, Wainwright Monument and part of Pleasington cemetery.

Para 6.4 of the Masterplan states “ Development proposals will be expected to contribute towards the enhancement of existing bus facilities and should be designed to ensure it has the potential to accommodate a bus service in the future.

Please confirm this future bus route and provision for bus stops and other furniture can be integrated into the site should the need arise later.

There is understandably no indication of likely house prices at this stage but please confirm the details within the market appraisal para 3.11 of the Masterplan have been noted and as far as possible will be applied across the site ie. upper market housing at upper market prices.

For Livesey Green the dwelling density should be 30-35 per hectare, does this proposal conform considering the increased number of dwellings now proposed? The Masterplan specifies that dwellings should be on irregular plots and avoid small gaps between, much of the layout ignores this requirement with minimum distances sufficient to provide only access paths to the rear of dwellings. The proposed layout does not have sufficient detail to define boundary treatment which presumably will be required to conform to the Masterplan and be decided in reserve matters.

Witton Weavers is presently a farm track 3 metres wide, this will need to be maintained at this width to enable large farm vehicles and livestock transport to access the remaining fields at all times or be integrated with the road network.

It is pleasing to see that the designers have attempted to vary the street scene and to remove much of the vehicle parking behind the building line.

I have a few concerns with the durability of the cladding proposed for some properties and the metal cladding for porches, cladding is less durable than brick, I wonder how the buildings will look in 20 years time?

The proposed road narrowing at the road access is unacceptable, Livesey Branch Road is already busy at peak times, narrowing the road will bring potential for accidents. It is for the developer to integrate with what is already there, not to change the road layout to suit the developer's needs, I presume this will be dealt with by highways and a similar compromise to that used on Gib Lane will be agreed. Given that this will be the most heavily used access for much of the site, it is vital that the details are satisfactory for free flowing traffic on Livesey Branch Road as the first priority.

The position of the intended school is not shown but it will require adequate parking for those bringing or collecting children and extra parking spaces should be provided around the village green to enable free movement of traffic to be maintained. We are all well aware of school parking problems and this is an opportunity to design most of the problem out before it appears.

Drainage and SUDS. I note the drainage calculations from the drainage study, please confirm that the detention basins proposed have adequate capacity to cope with the total drainage requirement for storage in this area and that provision has been made to link in to drainage needs from higher up the site.

On the Wainhomes drawings the stream outfall from their development is shown connecting into existing pipework behind Livesey Branch Road, but on this site. I presume the route of the pipework is acceptable to Kingswood Homes and has been allowed for in their site layout.

I am disappointed that the Wainhomes development will not sit comfortable with these proposed designs, the Wainhomes dwellings being of a larger scale and

different materials. The Masterplan was intended to ensure the site as a whole presented a uniform character, unfortunately the Wainhomes designs are their standard products and not laid out to the principles set out in the masterplan – only the primary route.

I would point out that the Wainhomes site will need the road connection to Phase A as an escape route as soon as possible in ice and snow as access onto Gib Lane may not be practical due to the inclined road and north facing slope.

There does not appear to be provision for connecting SUDS drainage or foul sewers from the proposed Story Homes development into this site. I believe this was the intention of the Masterplan document and the Witton Estates drainage scheme. Have United Utilities been consulted on the overall site plan and how the different phases will be integrated for foul drainage?

I would remind you of the Local Plan 2 Core policies page 10 of the Site Allocations and Development Management Policies paras. 2.14-2.16 which refers to development and people.

In particular para. 2.6 is most relevant, “Some developments can have a very high direct impact on people closest to it. It is important that planning manages this impact to ensure no one suffers from unsatisfactory conditions as a result of new development”. I would expect the situations closest to the existing homes on Livesey Branch Road to be carefully controlled to minimise the impact of development and potential flooding risks from the detention basins. I presume the access for existing garages near the site entrance will be given due thought to avoid inconvenience for the home owners.

Regards,

Keith Murray

2nd November 2016

Sent: 12 November 2016 14:48

To: Planning

Subject: Planning Application 10/16/1132

I refer to your letter dated 18 October 2016 and I hope my comments will be taken into consideration. I couldn't respond within the due dates as I have been away from home.

I would like to object for the following reasons:

The proposal will drastically damage the appearance of the landscape.

Livesey/Feniscowles/Pleasington is now the most attractive side of Blackburn, mainly because there are still some open green spaces and because the residents of these areas plus the visitors respect the beauty and look after the properties and gardens.

Livesey Branch Road with two major schools and a large number of houses plus a supermarket and playing field is always a very busy road, both with local residents and people wishing to access the motorways or Preston. The access road to this development, almost opposite the entry to Holly Tree shops and houses seems an unbelievably dangerous idea with people slowing down to enter or exit the entrance.

The drains are also a major problem with water flowing on to Livesey Branch Road when we have a lot of wet weather.

I cannot believe that the proposal of 167 dwellings, new village green/public space, provision for a future community building on this site has even been a consideration, mainly because of the danger it will create with all the extra traffic.

I would like to be kept informed of the progress of this application as well as notice of any meetings.

Thank you

Josephine Bunyan

Gib Lane

Mr A Gardner

503 Livesey Branch Road
Blackburn
BB2 5DB

Re Planning Application – 10/16/1132

Please find attached my comments to the application detailed above.

1. Cross Sections 01, Drawing Number CS01

Plan view details four section locations A,B,C & D with length dimensions of A = 56, B = 47, C = 39 & D = 46 indicating distances from existing properties to the proposed new build. Note – Section A indicates an existing home back garden length of approx. 25m which appears to be correct.

The detailed section views distance dimensions are substantially different at Section A = 75.8m, B = 68m, C = 71m & D = 78.3m.

This appears to be a deliberate attempt to mislead the reader by presenting graphically large sectional views which have been stretched and adding fictional distance dimensions which indicate a far large distance between the existing properties and the new build.

2. Design Statement – Phasing Plan Page 82

This requires clarification on the timing of the ‘SUDs’ completion.

The plan is colour coded to indicate phases of work A1, A2 & A3. The northern edge of the site contains all three phases which is stating a four year timescale for completion, so potentially four years before full drainage completion and the associated disruption and disturbance to existing residents.

Note – The area covered by phase A3 is the last to be completed and is where the worst flooding currently occurs.

Detailed within phase 1 text is a comment that the SUD’s and the ‘village green’ be brought forward in the early phases?

There needs to be a commitment to the local residents from the developer that all SUDs along the northern edge of the site be completed, landscaped and planted within phase A1 to limit the disruption and disturbance to the local residents.

Sent: 21 November 2016 16:26

To: Planning

Subject: FW: Planning Application 10/16/1132 Kingswood Homes

Dear Sir/ Madam,

At the last Livesey Parish Council Meeting held in November 2016 , Councillors unanimously objected to planning application 10/16/1132 put forward by Kingswood Homes. Please see the list below that has been put forward by the Parish Councillors which should be put before your next planning meeting. Also enclosed is a letter from Keith Murray which you may have already have on file which should form part of the objection.

Please take into account the following:

- Does not meet the local plan as Houses linked in a terrace form, not the high end family homes proposed for this site.
- master plan para 3.4 layout should be sympathetic to the land form to preserve important views and to avoid disturbing the local rural character, 3 storey on the highest point of site are not in keeping with the master plan.
- 3.11 of master plan as far a possible upper market houses at upper market prices.
- The master plan specifies that dwellings should be in irregular plots and avoid small gaps between, much of the layout ignores this requirement with minimum distances sufficient to provide only access paths to the rear.

- Some of the houses are to be finished in cladding and as such is inferior to brick.
- The master plan stated the site should be of a uniform character, these do not fit in with the Wainhomes proposal, as they are much larger scale and different materials.
- In summing up our objections we believe these houses will be more affordable housing (as stated by the builders at the meeting held a St Bedes) they do not meet the aspirations set out for this site and we ask you to reject this application, what was sold to residents at the Master plan consultation was quality family housing, what is being proposed is not.

Kind regards
Rory Needham
Clerk to Livesey Parish Council

H. Holly Tree Village
Holly Tree Village
Harris corner
Blackburn
BB2 5AB
7/11/2016

Dear Sir, I am writing to express my strong objection to the Planning Application made by Kingswood Homes UK Ltd, on land off Siversy Branch Rd. this is a green field, I and others agree that our green fields should be protected, there are other Brown Sites within Blackburn and Darwen Borough, that could be developed instead, I would point out that within one mile of this site, there are many houses for sale and to rent, and at one modern development not far from this site there is a cluster of at least five for sale boards at the entrance to this development, so why is there a need to build more houses? also who can afford them?

At one meeting with the local residents at St Bede's School, we were told that any houses built in this area would be executive style homes, this does not seem to be the case with this Planning Application by Kingswood Homes U.K. LTD.

I think it is also very worrying as the entrance to this site is directly opposite a Nursing Home, and in close proximity to a School, with all the disruption and pollution that this will cause, also along Liversley Branch Rd, this has become a very busy main road, can it take more traffic? - I do not think so.

Lastly this Planning Application is on land that has a Public Footpath.

Yours Sincerely

Claire Campbell

PLANNING APPLICATION NO 10/16/1132

Erection of 167 No. residential dwellings, new village green/public open space, provision for a future community building, new access junction to Livesey Branch Road, associated highway infrastructure and drainage attenuation measures forming Phase A of the wider Gib Lane Masterplan site, by Kingswood Homes.

I write in connection with the above planning application. I have examined the plans and I wish to object to the development of these houses in this location.

Wainhomes holds an extant permission (10/15/0901) for 79 dwellings on land west of Gib Lane, which is the adjoining parcel of land to the above referenced proposed Kingswood Homes development. You will be aware that construction of our consented development is now under way. From our existing approved layout we wish to make the following comment, as reason for the objection against planning application no. 10/16/1132:-

1. The Full planning application submitted by Kingswood Homes includes a site layout. This site layout fails to meet Blackburn with Darwen Borough Council's adopted minimum separation distances, by a significant margin, thereby creating unacceptable levels of amenity for the future occupants of plots 18-25, of the already approved Wainhomes layout. This is contrary to Policy 8 of the Blackburn with Darwen Local Plan Part 2 and Policies RES 2G of the adopted Residential Design Guide Supplementary Planning Document.

Therefore, it is asked that you request Kingswood Homes to resubmit a layout that follows the space standards required for all new residential developments and conforms with principles established in the adopted 'Gib Lane Masterplan'. Should a revised layout fail to be produced, I would urge you to refuse this planning application.

7 **CONTACT OFFICER: Helen Holland, Planning Team Leader (Strategy).**

8 **DATE PREPARED: 2nd December 2016**

Proposed development: Full Planning Application for Change of use of land from commercial use for use as a private residential caravan site comprising of the siting of 1 x static caravan and 3 x touring caravans and the erection of an amenity building, following the demolition of the existing site building.

Site address: Former Lawnmower Specialists Site, Sandy Lane, Lower Darwen, Blackburn, BB3 0PU

Applicant: Mr JOHN LOVERIDGE

Ward: Fernhurst

Councillor Jacqueline Slater	
Councillor John Slater	
Councillor Denise Gee	



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – subject to conditions listed in section 4.0 of this report

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The main issues to consider when determining this application are;

- Principle of Development
- Highway safety
- Impact of the development upon the residential amenity of neighbouring residents.
- Amenity standards for future occupants of the site
- Whether any harm arising from the above issues is outweighed by other considerations, including the level of need for gypsy and traveller sites, personal circumstance and Human Rights considerations.

2.2 In early 2015 the Council considered and ultimately refused a planning application (10/15/0005) for a mixed use of the site including the continued operation of a class B1 business use and the residential occupation by a gypsy family. The applicant appealed both the refusal of the planning application and an enforcement notice that required the unauthorised residential use to cease and associated caravans and lighting columns to be removed. Both matters were considered by the Planning Inspectorate at a public hearing, 9th February 2016. The Inspector, in his report dated 4th May 2016, dismissed both appeals; concluding that the development would “have a materially detrimental effect on the living conditions of future occupiers” and “the development would, potentially, increase the risk to occupiers of the site from pedestrian and vehicle conflict” arising from the proposed mixed business and residential use of the site.

2.3 The applicant has sought to address the previous reasons for refusal by removing the business use within the site. The Planning Inspector’s decision to dismiss the applicant’s appeals provides the substantive basis for all the material planning factors associated with the current revised proposals, and forms a significant material planning considerations in this particular case.

2.4 The removal of the established business use of the site effectively removes the previous reason for refusal, by allowing for a revised layout that is consistent with the standards set out in the Council’s Permanent Caravan Site Licence Conditions (PCSLC). Further, the cessation of the business activity and removal of the building would also remove conflict arising from sub-standard manoeuvrability and lack of clear separation between the residential and business movements within the site. Otherwise, the proposal is considered satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is rectangular in shape and approximately 0.11 ha in area. It is located within a predominantly residential area, with pockets of commercial development. Houses are located immediately north and south of the proposal. The site is currently occupied by a vacant single storey light industrial premises, which was previously used for the maintenance and repair of lawnmowers. The building is attached to another industrial building in use as a joiner's workshop. The site is accessed via an unmade track, emerging adjacent to no.21 Sandy Lane. The track serves two residential properties and the commercial uses previously referenced.

3.2 Proposed Development

3.2.1 The proposals for the site are;

- The cessation of all commercial activities on the site
- The demolition of the existing building
- The siting of 1 static mobile home and 3 touring caravans
- The construction of an amenity block measuring 4m x 3m and 3m in height.

3.2.2 The site is currently occupied by the applicant and his extended family, though the application is not identified as being retrospective as the current unauthorised occupation of the site will have to cease to enable demolition works to take place. On that basis the current proposal is considered to be prospective development.

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 Blackburn with Darwen Core Strategy (January 2011)

CS10: Accommodation for Gypsies, Travellers and Travelling Showpeople.

CS16: Form and Design of New Development

3.3.3 Blackburn with Darwen Local Plan Part 2 (December 2015)

Policy 8: Development and People

Policy 10: Accessibility and Transport

Policy 11: Design

Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople.

3.4 Other Material Planning Considerations

3.4.1 The National Planning Policy Framework and National Planning Policy for Traveller Sites are also relevant to the determination of this application, as is the Council's PCSLC. As stated previously in section 2.3 of this report, the Inspectors findings in relation to the appeal of planning application 10/15/0005 are also a significant material consideration for the determination of this application.

3.5 Assessment

3.5.1 The main issues to consider when determining this application are;

- Principle of development
- Highway safety
- Impact of the development upon the residential amenity of neighbouring residents.
- Amenity standards for future occupants of the site
- Whether any harm arising from the above issues is outweighed by other considerations, including the level of need for gypsy and traveller sites, personal circumstance and Human Rights considerations.

3.5.2 Principle of Development: With regards to principle of the development in this location, the site has no specific designation in the Local Plan. In relation to the Gypsy or Traveller status of the applicant the Inspector concluded in his findings of the 10/15/0005 appeal "that the overwhelming evidence is that the Appellant and proposed occupiers have led a nomadic way of life in the past and continue to do so. I am satisfied that the Appellant and the occupiers of the site, who are Irish Travellers, satisfy the gypsy and traveller definition for planning purposes stated in the glossary to the Planning policy for traveller sites (PPTS) August 2015". In the absence of any change in circumstance in the intervening period between the appeal and current application, it is reasonable to conclude that the status remains unchanged and assessment should continue on that basis.

3.5.3 The National Planning Policy for Traveller Sites sets out the Government's overarching aim to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers whilst respecting the interests of the settled community. The policy sets out a number of aims to help achieve this, including promoting more private traveller site provision, increasing the number of traveller sites in appropriate locations with planning permission, addressing under provision and maintaining an appropriate level of supply, enabling provision of suitable accommodation from which travellers can access education, health, welfare and employment

infrastructure and for local planning authorities to have due regard to the protection of local amenity and local environment.

3.5.4 Policy CS10 of the Borough's adopted Core Strategy covers 'Accommodation for Gypsies, Travellers and Travelling Showpeople' and sets out the key issues that need to be considered when assessing the suitability of a site for Gypsy and Traveller pitches and Travelling Showpeople plots. These issues reflect national policy and are:

- Extent and nature of need;
- Amenity of occupiers of the site;
- Access to transport links, services and facilities; and
- Amenity for surrounding users.

Gypsy and Traveller status for planning purposes

6. The Appellant's father was a scrap metal dealer and travelled around Ireland and the north of England but he did not have a fixed base. He travelled and camped at the roadside in search of work earning a livelihood. In 2000 the Appellant moved on a public site in Rochdale. However, family disputes resulted in the Appellant and his dependants, his wife, daughter, son, daughter-in-law and father-in-law as well as grandchildren, leaving Rochdale and resuming an itinerant lifestyle around 2005.

7. The Appellant and his immediate dependants continue to travel around the northwest, northeast and southeast of England, and in Scotland, in search of building and landscaping work. In addition, the family visit gypsy and traveller fairs in Appleby as well as Ballinasloe, Ireland.

On the basis of the available evidence, I consider that the overwhelming evidence is that the Appellant and proposed occupiers have led a nomadic way of life in the past and continue to do so. I am satisfied that the Appellant and the occupiers of the site, who are Irish Travellers, satisfy the gypsy and traveller definition for planning purposes stated in the glossary to the Planning policy for traveller sites (PPTS) August 2015.

3.5.5 When forming Policy 20 of the adopted Local Plan Part 2, the Council has undertaken a Partial Review of the Lancashire Gypsy and Traveller Accommodation Assessment (GTAA) which identifies a need for Gypsy and Traveller pitches and refers to the provision of 16 additional pitches for gypsy and traveller accommodation by 2016, and a further 18 between 2016-2026. This should be on privately owned sites in the first instance. Sites must also safeguard the health of occupiers and provide satisfactory amenity for them, be adequately accessible to transport

routes and local services/ facilities, and provide acceptable levels of amenity for neighbours.

- 3.5.6 By including 20 pitches at the expanded site at Ewood in the calculations, theoretically, the Council has 5.6 years supply of gypsy and traveller sites. However, when assessing this position during the 10/15/0005 planning appeal the Inspector stated;

“yet these [the pitches at Ewood] have not come forward thus there is a deficit”. Further, “planning permission has not been granted for the additional 20 pitches and it is unclear when development would come forward and whether it would be viable. The allocation policy of these additional pitches is unclear because families already on the waiting list would need to be offered a pitch first, because it seems to me they are likely to be in urgent need of a pitch. There is no timetable to show when this site would come forward. In my opinion, there is no clear evidence to show that Ewood is deliverable within the next five years and it should not be included in the five year supply of sites. In the context of this particular appeal, I find that the Council cannot show that it has five year supply of gypsy and traveller sites”.

- 3.5.7 *“The availability or lack of alternative accommodation is a relevant consideration. To be a realistic alternative, accommodation has to be suitable, affordable, available and acceptable. It is reasonable to consider whether alternative accommodation is available and to its suitability. Evaluation of alternatives can involve considerations of the particular needs of the Appellant, requirements and financial resources and the rights of the local community to environmental protection. In this context, the appeal parties agree that there are no public sites available at the current time. In addition, there is no private site with planning permission, or identified land for which an application for permission can be made by the Appellant.”*

- 3.5.8 Given the above context it is considered that the proposal would contribute to meeting identified need for Gypsy and Traveller sites and would be in line with the Council’s preference for private sites coming forward to meet this need. The principle of a traveller site in this location is therefore supported, subject to other policies of the development plan.

- 3.5.9 Highway Safety: Policies CS10 and Policy 20 of the Local Plan Part 2 (LPP2) require accommodation for gypsies and travellers to have good transport links to primary and other main routes. Policy 8 of the LPP2 requires development to secure a satisfactory level of safety for occupants or users of the development itself. Policy 10 relates to accessibility and transport. Among other things it states development

will be permitted provided it has been demonstrated that appropriate provision is made for vehicular access, off-street servicing and parking.

3.5.10 Vehicular and pedestrian access to the site will be via Sangara Drive, an unmade and un-adopted single track currently serving two residential properties and two industrial units. No changes to the track or junction with Sandy lane are proposed. Five Dedicated parking spaces within the site are offered to support the proposal. Four of which are consistent with the Council's standard parking bay sizes, whilst the fifth is a larger bay to accommodate transit vehicles.

3.5.11 A recurring theme within the public objections was highway safety; principally the heavily trafficked stretch of road where the access track joins Sandy Lane and the likely conflict from potentially large vehicles towing caravans through the predominantly residential area.

3.5.12 The Inspector did not offer detailed comment on the access arrangements during the previous appeal, instead concentrating upon the internal site arrangements. However, it was noted by the Inspector that the proposed residential use of the site would not result in a material increase in vehicular movements. Given the current proposal is less intensive than that previously considered on appeal, due to the complete removal of commercial uses, it is reasonable to conclude that the Inspector's view stands that vehicular movements to/from the site will not significantly increase as a consequence of the proposal.

3.5.13 The Council's Highway Officer has given careful consideration to the matter, concluding that whilst access to the premises is via an un-adopted private track, it is sufficiently wide enough to accommodate caravans. Visibility at the junction is identified as being adequate in both directions; however some improvement to the vegetation on the left when exiting would be desirable. Movement resulting from a residential use is minimal and would not cause any capacity issues to the surrounding highway network.

3.5.12 With regard to the internal parking provision and manoeuvring space; the proposal has been considered against the PCSCL as there is no specific parking standard for caravan sites within the Council's adopted parking standards. The PCSCL requires 1 car space per caravan and 1 additional car space per 5 caravans. The proposed parking arrangements on the amended site plan are consistent with this standard. To enable caravans to arrive on site they will be pulled by a transit van; parking for this (a 7m x 3m bay) is shown and deemed to be acceptable. Finally, the arrangement for all 5 parking spaces allows adequate manoeuvrability to and from the spaces.

3.5.13 In summary, whilst the perception of those objecting to the development is that the access arrangements are unsatisfactory, the Inspector on the previous application did not oppose the intended access/egress. That position has been corroborated by the Council's

Highway Officer who has indicated that the access track is sufficiently wide to accommodate the intended use and that the visibility at the junction with Sandy Lane is adequate. Whilst the cutting back of vegetation would be 'desirable' it is not set out as necessary to allow for safe access and thus refusal of the application on those grounds cannot be substantiated. The internal parking and manoeuvrability are noted as being consistent with the PCSCL and the Council's adopted space standards. Thus, overall, the development meets the requirements of Core Strategy Policy CS10 and LPP2 Policies 10 and 20

- 3.5.14 Amenity of Neighbouring Residents: Policy 20 requires that gypsy/traveller development does not have an unacceptable impact on the amenity of neighbouring properties. Policy 8 also sets out that development will be permitted where it can demonstrate, amongst other criteria, that it would secure a satisfactory level of amenity for surrounding uses with reference to issues including; noise, vibration, odour, light, dust, pollution, privacy/overlooking and the relationship between buildings.
- 3.5.15 The public objections cover a broad range of issues. Recurring themes include loss of amenity due to noise and disturbance from business activity at the site, overlooking and inappropriate lighting of the site.
- 3.5.16 It is considered that the residential element of the proposal is not a noise generating use, nor would it create high levels of disturbance to neighbours. The concerns relating to noise from business activities at the site are unsubstantiated as none are proposed within the current application and the existing light industrial use is to cease, should the current application be successful.
- 3.5.17 The concerns relating to loss of amenity from inappropriate lighting of the site are based on the current arrangements, as the applicant has erected a number of lighting columns on the periphery of the site. The need for the lighting is related to site security, though a balance needs to be struck between that and safeguarding the amenity of residential properties; principally those on Tottenham Road. This conflict was noted within the application 10/15/0005 appeal, with the Inspector concluding that external lighting, amongst other matters, could be the subject of a planning condition. There is no compelling reason within the current application to deviate from that position. Indeed, the Council's Head of Public Protection has not objected to the application, subject to a series of conditions including an external lighting scheme being agreed.
- 3.5.18 With regard to concerns relating to loss of privacy/overlooking of surrounding properties, the Council does not have an adopted separation between caravans and dwellings. However, the adopted minimum separation distances set out within the Council's residential design guide would appear relevant. The proposal complies with the

requirements of 21m between the windows of habitable rooms and 13.5m from a two-storey gable to windows of habitable rooms.

3.5.19 In summary, due to the nature of the use and proximity to neighbours the residential element of the proposal is not considered to be detrimental to the amenity of neighbouring properties. Concerns emanating from external lighting of the site can be satisfactorily addressed through a suitably worded planning condition. The proposal is therefore considered to meet the requirements of Core Strategy policy CS10 and LPP2 Policies 8 and 20, subject to planning conditions relating to; lighting scheme to be agreed, limit on commercial activities at the site and controls on the working hours and dust suppression during demolition of the existing commercial building.

3.5.20 Amenity of Future Occupants: Core Strategy Policy CS10 and LPP2 Policies 8 and 20 also require successful proposals to secure a suitable level of amenity for future occupants of the site. They also support traveller site proposals which demonstrate that the development will safeguard the health of occupiers and provide a satisfactory level of amenity for them, by reference to a range of factors including but not limited to the space available for each family, noise, odour, land contamination and the disposal of refuse and foul water. The PCSLC has no planning status but provides an important contextual background for assessing the types of layout that would be likely to secure a satisfactory level of amenity by providing minimum standards in relation to layout and site provisions.

3.5.21 The previous application at the site, 10/15/005, was in-part refused due to the sub-standard arrangement. Within the current proposal the applicant has sought to address this fundamental concern, principally through the removal of the commercial use of the site, which provides for a larger area for the siting of the caravans. The Council's Housing Standards section have indicated that the amended plan, received 14th November 2016, is found to be compliant with the PCSLC, save for the internal layout of the amenity block. That issue could be secured separately through the site licensing arrangements, should the current application be supported.

3.5.22 In summary, the current proposal addresses the concerns that led to the refusal and subsequent dismissal on appeal of planning application 10/15/0005. The amended layout is, in the main, compliant with the PCSLC and the development plan policies CS10, LPP2 Policy 8 and 20. This position is subject to suitably worded conditions relating to; maximum number of caravans within the site, limit on commercial activities at the site and layout in accordance with the amended plans received 14th November 2016. Outstanding issues related to the internal layout of the amenity block have been communicated to the agent, though can be satisfactorily addressed through the site licensing process.

3.5.23 Human Rights and Equality: The proposal must also be considered against the provisions of the Human Rights Act 1998. In particular Article 8 (respect for private and family life); Article 11 (freedom of assembly and association); Article 14 (prohibition of discrimination); First Protocol - Article 1 (protection of property); First Protocol - Article 2 (right to education), in respect of a person's private and family life, their possessions, home, other land and business assets.

The Planning Authority must also have due regard to its public sector equality duty under section 149 of the Equality Act 2010 when assessing the proposal. The Equality Duty requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it.
- Foster good relations between people who share a protected characteristic and people who do not share it.

Such protected characteristics include age, disability, gender reassignment, pregnancy/ maternity, marriage and civil partnership (elimination of discrimination only), race, religion or belief, sex and sexual orientation.

3.5.24 The applicant, within application 10/15/005, has previously indicated that he and his family have many connections with the Blackburn & Darwen travelling community, spending the last 10 years in the Borough; a number of which were illegal encampments. For the stability of his family the applicant has decided to find a suitable site to provide his family with a safer home environment, whilst allowing access to the motorway network to enable the family to continue travelling throughout the year. The applicant has confirmed that 2 of their 4 children living at the site attend St James School, Lower Darwen. The family has 2 other children of below school age. There have been no representations within the current application to deviate from the previously identified position.

3.5.25 The Council has a draft protocol for 'Managing Unauthorised Encampments/ Sites in the Borough of Blackburn with Darwen' this protocol relates to unauthorised encampments/ sites on land owned by someone else. Although the site is in ownership of the applicant, it was deemed to be good practice to follow the protocol for 'Managing Unauthorised Encampments/ Sites in the Borough of Blackburn with Darwen' to ensure consistency. The protocol requires a welfare assessment to be completed prior to any enforcement activity taking place.

3.5.26 In accordance with the above protocol, the applicant was asked to complete a Welfare assessment as part of the 10/15/0005 application, which was to be used to inform completion of an Equality Impact Assessment (EIA). Unfortunately the agent/ applicant declined to complete the Welfare Assessment. A full EIA could not be undertaken due to a lack of information regarding the families who are occupying the site. Therefore all the information at hand has been used to complete the initial assessment.

3.5.27 The EIA assessment concluded that in the event of refusal of the planning application there will be negative impacts on the applicant. Following the unsuccessful appeal in relation to 10/15/005, planning enforcement action required the cessation of the unauthorised use, including the removal of caravans from the site, by the 4th November 2016. This would render the applicant homeless in the event they have no alternative accommodation to move to. It should be noted that there is no availability of pitches on Council owned traveller sites, which may encourage the applicant to seek accommodation further afield or make use of unauthorised encampments. The Home School Liaison officer for GRT Families has also confirmed 3 of the 4 children living on the site are enrolled at a local school; enforcement action could therefore impinge on education if distance between alternative accommodation and the school inhibits access for the children. The children have previously been on the Children Missing from Education (CME) list and there is a risk that if enforcement activity goes ahead that this will happen again. The EIA in relation to the current application is mindful that all these factors remain unaltered and need to be given due consideration when determining the current planning application. (Copy attached).

3.5.28 The personal circumstances of the applicant are recognised and It is acknowledged that refusal of planning permission and the taking of enforcement action would involve an interference with the rights of the travellers that are protected under the Human Rights Act 1998 and Equality Act 2010. These rights are, however, qualified rather than absolute and they must be balanced against the public interest in upholding planning policy to protect the environment and occupiers' health, safety and amenities. Notwithstanding the recommendation set out in this report, should Members consider refusal of the application they must in the light of the same factors that have informed consideration of equality impacts, conclude refusal to be a proportionate response and would not lead to an unacceptable violation of any of the applicant and family's Human Rights.

4.0 RECOMMENDATION – APPROVE, subject to the following conditions;

- Samples of construction materials
- Scheme detailing the appearance of the commercial premises, post demolition, to be agreed
- Lighting scheme to be agreed
- Occupation of the site limited to maximum of 1 static and 3 touring caravans
- No occupation of the site by any persons other than those with gypsy or traveller status
- No business activity within the site
- First occupation not to occur until after demolition of the existing commercial premises within the site.
- Landscaping scheme, including hardstanding and boundary treatment, to be agreed
- Dust suppression scheme for demolition and construction phases to be agreed
- Hours of demolition and construction restricted to; 8am to 6pm Monday to Friday, 9am to 1pm Saturday, No site operations on Sunday or Bank Holidays
- Unexpected land contamination
- Approval in accordance with the amended plan received 14th November 2016 (reference: drawing no.2_revision A)

5.0 PLANNING HISTORY

5.1 The following applications relate to the application site:

Ref	Description	Decision
9037K	Extension to workshop/ garage	Approved on 13/01/1977
10/86/1449	Workshop extension	Withdrawn
10/86/1695	Workshop extension	Approved on 13/01/1987
10/08/0995	Felling of Poplar tree	Approved on 16/01/2008
10/14/1123	Retention of existing commercial use with part change of use to accommodate 1 static caravan, 3 touring caravans and erection of amenity building	Withdrawn
10/15/005	Retention of existing commercial use with part	Refused and dismissed on appeal

	change of use to accommodate 1 static caravan, 3 touring caravans and erection of amenity building	
--	---	--

6.0 CONSULTATIONS

6.1 Head of Public Protection:

No objection subject to the following conditions being attached;

- An outdoor floodlighting scheme to be submitted and approved by the local planning authority before first occupation
- Unforeseen land contamination
- Hours of site works during demolition/construction works to be limited to;
 - Monday to Friday: 8am to 6pm
 - Saturdays: 9am to 1pm
 - Sundays: No site operations
- All commercial vehicles carrying bulk materials to/from the site shall be sheeted.

6.2 Housing Standards Section:

Subject to the amended plans received 14th November 2016, the proposal complies with the PCSLC, with the exception of the position of the hand basins within the amenity block.

Should approval be granted, the owner must apply for a caravan site licence with immediate effect and this will impose certain requirements on the site including the layout and number of vans, amongst other requirements.

6.3 Highway Section:

Access: The Access to the premises is via an un-adopted private track. It is sufficiently wide enough to accommodate caravans. Visibility at the junction is adequate in both directions; however some improvement could be made to the vegetation on the left when exiting. Movement resulting from a residential use, is minimal and would in our opinion not cause any capacity issues to the network.

Parking: Parking is offered to support the scheme, 4 spaces are shown on the drawing received. The caravan use has been considered against the Permanent Caravan Site Licence Conditions – Blackburn with Darwen Borough Council, (a there is no specific use class within the adopted parking standards that would be applicable) which sets the criteria as follows: 1 car space per caravan/building & 1 car space per 5 caravans – this amounts to 4 spaces. The number of parking spaces being provided is therefore acceptable.

To enable the caravans to arrive on site, they will be pulled by a transit van, parking for this is also to be accommodated with the site, and indeed the layout present a 3m x 7m parking space this is deemed acceptable.

The arrangement of the all the parking spaces allows adequate manoeuvrability into and out of the parking spaces – this is acceptable.

To conclude, the proposal for a purely residential use is supported on highway grounds, the layout and arrangement of the site and consideration to parking is deemed acceptable, we therefore offer no objections to the application

- 6.4 Ward Members: A member referral request has been received, which has been signed by all three ward members; Cllr John Slater, Cllr Jackie Slater and Cllr Denise Gee.
- 6.5 Public Consultation: Following receipt of the application 174 neighbouring properties were individually consulted by letter and 2 site notices erected. Upon receipt of the amended plan received 14th November 2016, the consultation exercise was repeated. 58 letters of objection have been received. A number of the objections are set out below, whilst the full list are available on request from the planning section.

7.0 CONTACT OFFICER: Martin Kenny, Senior Planner

8.0 DATE PREPARED: 2nd December 2016

Member Referral Form

Pg 1


Form MR2

**Member Request for Referral of Delegated Item to
the Planning and Highways Committee**

Application Reference:	10/16/975
Application Address:	Former LAUNMOWER, SANDY LANE, LUR DARTMOUTH
Member/s requesting referral:	Name (capitals)
	Cllr DENISE GEE
	Cllr JOHN SLATER
	Cllr JAQUELINE SLATER
Date of Referral:	20/10/16

Has the application been refused permission/withdrawn within the last 12 months?
YES

Reason/s for Referral:

Type of reason (choose at least one).	How that reason applies in this case.	Planning Manager's observations.
Local Plan and Guidance.		
Code of Conduct and transparency issues.	The owner has been known to be threatening to anyone who dare speak against his planning intentions	Agreed application to be
Planning history of site is complex and as a result has a bearing on the case.	Due to the inspectorate finding this site unsuitable and the owners have not adhered to any of the planning requests, subsequently causing issues for residents.	presented to next available committee meeting.
Identifiable precedent issues.	The vehicle size is not true to usage (ie) long base vehicles not cars tow the size of caravans planning required for	 7/11/16
The development is an unusual response to a particular set of site issues that warrant debate.	The un-adopted road is unfit for heavy usage. Also the entrance exit is single road and will cause traffic issues	
Other material considerations, namely... (insert in next box).		

Form MR2

Signed Cllr 

Cllr 

Cllr 

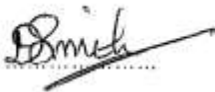
Member to submit this form to:
 Email – planning@blackburn.gov.uk
 Letter - Planning Service (Implementation Group) FAO Gavin Prescott, Planning Manager
 Blackburn with Darwen Borough Council
 Blackburn Town Hall
 King William Street
 BLACKBURN BB1 7DY

The request will be considered by the Chair of Planning and Highways Committee, and/or the Vice-Chair of Planning and Highways Committee, and the Opposition Committee Spokesperson for Planning. In the event of an equality of votes for and against referring a matter to Committee, the Chair (or vice-Chair in the absence of the Chair) has a casting vote.

Referral **accepted** for the reasons stated above.

Referral **rejected** for one or more of the following reasons: (tick/circle as appropriate)

1. Policy issues are not finely balances to warrant referral
2. Probity issues are insufficiently significant to warrant referral
3. Planning history of site is insufficiently significant to warrant referral
4. There are no significant issues of precedent to warrant referral
5. The development is not an unusual response to a particular set of site issues that warrant referral.
6. Other material considerations

The Chair of Planning and Highways Committee on Signed 

And/or the Vice-Chair of Planning and Highways Committee on Signed

And the Opposition Committee Spokesperson for Planning on Signed

One copy of this form to be returned to Member/s. One copy to be retained on monitoring file.

Objections

Sent: 29 September 2016 16:48

To: Planning

Subject: planning application 10/16/0975 letter dated 26/09/2016

Dear Mr Kenny

I am writing with my objection regarding the static and touring caravans at the former Lawnmower site at Sandy Lane.

Touring caravans coming and going all time of the day and night is not acceptable the road is not very wide the traffic is quite heavy already without adding more traffic not only will there be the caravans but also more traffic with vehicles associated with the owners of the caravans as well.

I understand that John Loveridge has already been turned down once let hope that this happen again as I for one do not want to see caravans on my doorstep.

Yours Sincerely

Julie Johnston

68 Sandy Lane

Darwen, BB3 0PN.

Sent: 30 September 2016 08:35

To: Planning

Subject: Ref 10/16/0975

I am writing in correspondence to the planning application letter which was sent on the 26/09/16.

I cannot understand why this is even being considered again after being rejected before and even on appeal it was rejected not to mention their ignorance to all orders made whilst continuing to live on the land behind my house. Since their arrival they have caused damage to the surrounding areas and even cut down trees without permission. They have done nothing but ignore/show a total lack of respect to the law/authorities whilst adding more traffic, noise and unnecessary lightening to what is a residential area.

We have more than enough traveller parks already close to the proximity and I would really appreciate it if this got put to bed for once and for all by showing them that the laws are there for everyone to abide by.

Kind regards,
Mr and Mr Sargeson
26 Tottenham RD, Lower Darwen

Sent: 04 November 2016 11:00
To: Planning
Subject: Planning application Ref.No.10/16/0975.

I write in connection with the above planning application. I wish to object strongly to this application for the the reasons below.

1. The site is completely surrounded by residential properties.
2. Erection of an amenity building in view of many of the above properties is totally inappropriate.
3. The impact of traffic and parking particularly around the caravans will be a problem (noise and pollution).
4. There will be a significant loss of privacy and amenity. The site would change from basically a 9 to 5 five day week commercial operation to a 24/7 development with associated loss of privacy/amenity to adjoining residential properties.

I would be grateful if you could add my above objections to the planning application
With kind regards.

Adelaide Scales.
30 Grenada Close, Lower Darwen, bb30sb.

Sent: 03 November 2016 18:25
To: jake.berry.mp@parliament.uk; Planning
Subject: Fwd: 10/16/0975

I want to object to the planning application 10/16/0975

There has been a new application for the site which includes the demolition of the existing building and change of use of the land to provide a private residential caravan site for an extended gypsy family (comprising 1 static caravan pitch and 3 touring caravan pitches). The proposal also details the provision of an amenity block for use by the residents. I want to object against the new application on the grounds that:

The design of the development is not compatible with the surrounding area, there are two traveller sites in the local area already and the land is not for residential use. The

design is not acceptable in terms of 'bulk' and size the road is difficult enough in terms of access and large vehicles manoeuvring in and out of the premises would create problems for the residents and create an impact on traffic on sandy lane. This land is not for residential use and he has already been rejected for planning permission so should not be allowed to submit again.

Thanks

Jim Kavanagh
6 Dominica Ave
Lower Darwen

Sent: 09 November 2016 19:31

To: Planning

Cc: jake.berry.mp@parliament.uk

Subject: Objection to Planning Application for Travellers site on Sandy Lane
10/16/0975

Dear Sir,

I write in connection with the planning application 10/16/0975. I wish to object strongly to this application for the below reasons :

The planning application would accommodate far greater numbers that can be controlled by Planning Restrictions, as this is a private Site there will always be a possibility of unauthorised expansion, if this were to happen the cost would be passed on to the Tax Payer in respect of extra people living on the site and would be detrimental to the Community in regards to the impact on neighboring Amenities, Crime and Policing, resulting in demands placed on Local Infrastructure.

The site adjoins Residential Housing, just feet from existing family home back doors and this will/does dominate the settled Community. The Site does not respect local context and the caravans would/have significantly altered the fabric of the area and would be entirely out of character for the area and Local Environment - Generating Noise, Disturbance, Smells and Pollution (mainly rubbish).

This particular site is not suitable due to important concerns in respect of Access, Traffic flow, Road Safety, Conservation and Environmental issues.

The Council has responsibilities under The Human Rights Act to consider particular Protocol 1, Article 1, which states that a person has the right to a peaceful enjoyment of all of their possessions which includes the Home and other land. The proposed application would have/has a dominating impact on us and our right to quiet enjoyment of our property (Article 8 of The Human Rights Act that a person has the substantive right)

I would be grateful if you could add my above objections to the planning application with immediate effect. I would also like to be kept updated with any developments as this application progresses.

With kind regards

Jane Maudsley, 18 Grenada Close, Lower Darwen, Darwen, BB3 0SB

8 Woodland Place
Lower Darwen
Darwen
Lancashire
BB3 0PX

Dear Martin Kenny

Re Planning Application 10/16/0975 Relating to the demolition of the existing building and change of use of land to provide a private residential caravan site for an extended gypsy family (comprising 1 static caravan pitch and 3 touring caravan pitches) as well as the provision of an amenity block.

I write in connection with the above planning application. I wish to object strongly to this application for the following reasons.

- The site design and its location are not in keeping with the surrounding area. A residential caravan site is completely out of character.
- There is no footpath and creates a hazard as there are no safe walking routes to schools, shops, and other amenities. Pedestrians, including children will still have to walk through an industrial site to access local amenities. There are no plans to add footpaths.
- Impact on traffic will increase as large vehicles some with touring caravans (as stated in the planning application they are travellers) use a single track road which merges with Sandy Lane which has cars parked on both sides and in front. This

doesn't generally cause a problem during business hours, as many of the residents are working themselves. This is a hazard as drivers using Sandy Lane will have visibility issues when large vehicles are pulling out from Sangara Drive.

The traffic in this area has increased significantly since the DVLA test centre opened as most routes use Lower Darwen for practical driving tests. Driving instructors also often use Sandy Lane when on lessons.

- The demolition of part of the commercial building could have an impact on trade and could cause unemployment.
- I am also worried this will create further pressure on the local police, as there has been less police presence in the whole community since the budget cuts. This may also have an impact on crime rates.

With Kind Regards

Ryan Hoole

Sent: 03 November 2016 19:27

To: Planning

Subject: Planning Application 10/16/0975

3rd November 2016

Dear Sir

Re Planning Application 10/16/0975 Change of use to a private residential caravan site comprising of the siting of 1 X static caravan and 3 touring caravans and the erection of an amenity building following the demolition of the existing site building at the former Lawnmower Specialist Site, Sandy Lane, Lower Darwen BB30PU

I write in connection to the above Planning Application to voice my objections. I have examined the plans and I know the site well, having lived opposite the site for many years. I wish to strongly object to planning permission being given.

My objections to this development are:

This site is for commercial use and should be kept solely for that purpose. The change of a residential use of this type will constitute the affect and it is not compatible with the surroundings and the character of the area. This could also lead to further over development and over population.

The access lane to this site situated on Sandy Lane, is directly opposite my house. The junction is unsuitable for heavy flow of traffic, it is already an overly used road. The use of many large vans and cars will have a huge impact as it is already a congested area. Sandy Lane is a busy road for parking, which makes visibility dangerous when vehicles are entering or leaving the access lane.

Children use Sandy Lane to travel/walk to Darwen Vale and Lower Darwens schools, this would have an impact on highway safety. This increase of traffic from early morning to late at night will profoundly affect my privacy due to noise pollution and disturbance from headlights shining directly into my lounge.

I am also concerned about the mature Horse Chestnut trees that line the driveway/lane to the site, many, if not all of these trees have a Preservation Order on them. I also believe over use of traffic on this driveway will disturb the wildlife which live in these trees. Children also play on this wooded area and these open spaces are a premium and the amenity should be retained. Together with a neighbour I tend to, and have redeveloped an unkept area to one side of the access lane to the site, with the owners permission. We have cleared rubbish and debris and planted many shrubs, bulbs and flowers to enhance our neighbourhood. I take great pride in the area I live in and many residents have commented on our effort, time and hard work changing this once unkempt area into a colourful pleasing garden and these comments have encouraged me and my neighbour to maintain more of this area.

I would be grateful if you could add my objections to the planning application with immediate effect. I would also like to be kept updated with any development as this application progresses.

With kind regards

Kim Whalley

10 Sandy Lane, Lower Darwen, BB30PU

Trinity Church, Lower Darwen
(United Reformed and Methodist)

c/o 112 Sandy Lane
Lower Darwen
BB3 0PN

Sunday 9th October 2016.

Re: Planning Application 10/16/0975

Dear Sir/Madam,

I write on behalf of the congregation of Trinity Church with reference to the above application for the siting of 1 static caravan, 3 touring caravans plus an amenity block on land adjacent to Lawnmower Specialists, off Sandy Lane, Lower Darwen. We have discussed the matter today at church and we would like to express the following concerns.

The proposed development is in a very quiet area of Lower Darwen which is surrounded by residential accommodation, some of which is very close to the land in question, and change of use would more than likely increase the noise from the land in the evenings and at weekends – over and above the noise generated by Lawnmower Specialists which was only noticeable during working hours.

Another concern is the access to the land. Currently the only access is via a single track road, lined with large mature trees, which opens onto Sandy Lane at a very narrow point with houses on both sides and close to a junction and a bend in the road. Residents' cars are often parked on both sides of this part of Sandy Lane along with cars belonging to visitors to the Terranean Tiles showroom on the corner of Sandy Lane and Cross Street. Cars parked when Blackburn Rovers are playing at home means that as a church we occasionally have problems parking on Sandy Lane for our morning services or evening meetings. The prospect of vans or cars with caravans entering or leaving this access road on a more regular basis would undoubtedly increase the likelihood of accidental damage to adjacent cars, to property and to the trees lining the access road, some of which may be subject to tree preservation orders.

As a result of the above comments we urge rejection of the planning application 10/16/0975 when it comes before the planning committee for consideration.

Yours sincerely,

Mr A G Grime (Church Secretary)

24 Tottenham Road
Lower Darwen
BB3 0PY

Re: Planning Application 10/16/0975

Dear Sir/Madam,

I write with reference to the above application for the siting of 1 static caravan and 3 touring caravans plus an amenity block on land adjacent to Lawnmower Specialists, off Sandy Lane, Lower Darwen.

As a resident of Tottenham Road, which is immediately adjacent to this property, I know the area well and I consider such an application to be very unsuitable. The proposed development is in a very quiet area of Lower Darwen which is almost completely surrounded by residential accommodation, some of which is very close to the land in question. Such a change of use would almost certainly increase the noise from the land in the evenings and at weekends – over and above the noise generated by Lawnmower Specialists which was only noticeable during working hours. As my house overlooks the area in question this would impinge on the quiet nature of the area at the rear of my property.

Another major concern is the access to the land. Currently the only access is via a single track road, lined with large mature trees, which opens onto Sandy Lane at a very narrow point, with houses on both sides of the road, and close to a junction and a bend in the road. Residents' cars are often parked on both sides of this part of Sandy Lane along with cars belonging to visitors to Blackburn Rovers, on match days, and to the Terranean Tiles showroom on the corner of Sandy Lane and Cross Street. The prospect of vans/cars with caravans entering or leaving this access road on a more regular basis would undoubtedly increase the flow of traffic and the likelihood of accidental damage to adjacent cars, to property and to the trees lining the access road, some of which may be subject to tree preservation orders.

Hence I wish to register my opposition to the above planning application.

Yours sincerely,

S. C. Wilkinson

Objection to Planning Application
10/16/0975

Planning
Lower Ground Floor
Town Hall
King William Street
Blackburn, BB1 7DY

Dear Sir

Re: Planning Application 10/16/0975: Relating to the demolition of the existing building and change of use of the land to provide a private residential caravan site for an extended gypsy family (comprising 1 static caravan pitch and 3 touring caravan pitches) as well as the provision of an amenity block.

I write in connection with the above planning application. I wish to object strongly to this application

This is an industrial site. It will impact on traffic
exhny site not improve area and will leave us
overlooking a derelict demolished site losing privacy
It will not add to our Greenbelt area and is not
fit for domestic purpose for caravans. we have
already had abused usage of site including
more caravans vans wayons

for the below reasons: (additional sheets may be attached if more space is required.)

I would be grateful if you could add my above objections to the planning application with immediate effect.

With Kind regards

Your Address:

18 Tottenham rd lower Darwen

How to object - Important Information

Local opposition to a proposal is not in itself a reason for refusing planning permission, unless this opposition is based on valid and substantiated planning grounds. Comments, which are not based on material (relevant) planning matters, cannot be taken into account.

Material planning matters include...

- Is the design of the development compatible with the surrounding area? (this is particularly important within conservation areas and within the setting of a listed building).
- Is the design acceptable in terms of 'bulk' and size?
- Impact on traffic
- Car parking
- Will the development constitute an 'over development of the site'?
- What is the effect of the development on daylight or sunlight on adjoining properties?
- Will the development result in a loss of privacy or amenity to the adjoining properties (e.g. by overlooking residential properties).
- What effect will the development have on parking, traffic or road access or visibility? Does the development comply with the council's policies as contained in the Local Plan or other documents?

Material planning matters do not include...

- spoiling your view
- devaluing your property
- nuisance caused by construction work
- disliking the applicant.
- Commercial competition

The Council cannot accept comments which include statements of a defamatory nature. If such comments are identified they will be returned and will not be taken into consideration when assessing the planning application.

Name of the activity being assessed	Planning Application 10/16/0975 Change of use of land from commercial use for use as a private residential caravan site comprising of the siting of 1 x static caravan and 3 x touring caravans and the erection of an amenity building, following the demolition of the existing site building.				
Directorate / Department	Regeneration	Service	Planning & Transport	Assessment lead	Martin Kenny
Is this a new or existing activity?	<input type="checkbox"/> New <input checked="" type="checkbox"/> Existing	Responsible manager / director for the assessment		Gavin Prescott	
Date EIA started	03/10/2016	Implementation date of the activity		Pending	

SECTION 1 - ABOUT YOUR ACTIVITY

How was the need for this activity identified?	The Council became aware of an unauthorised GRT encampment at Sangara Drive, Darwen via complaints from local residents. Planning Enforcement intervention has resulted in submission of a planning application from the site owner: <i>Planning application ref: 10/15/0005 – Sangara Road, Lower Darwen - Retention of the existing commercial use and retention of use of part of site as a residential caravan site to accommodate 1 static caravan, 3 touring caravans and the erection of an amenity building was subsequently refused and dismissed on appeal. Cessation of the ongoing residential caravan use and removal of caravans and other paraphernalia is required by the 4th November 2016 by the enforcement notice. The current planning application 10/16/0975 seeks to remedy the previous reason for refusal.</i>
What is the activity looking to achieve? What are the aims and objectives?	<p>The Council has an obligation to investigate unauthorised development which they are made aware of. In this circumstance this process required submission of a planning application to determine acceptability, or otherwise, of the unauthorised development. Enforcement action to require cessation of the unauthorised use and removal of caravans has already been issued, before being subsequently amended through the appeal related to 10/15/005.</p> <p>The Council has a draft protocol for 'Managing Unauthorised Encampments/ Sites in the Borough of Blackburn with Darwen' this protocol relates to unauthorised encampments/ sites on land owned by someone else.</p> <p>The ongoing unauthorised activity on this site relates to a GRT encampment on land which is owned by the GRT and the Authority is aware that a family also resides on the site where this activity is taking place. Although the site is in ownership of the GRT, it was deemed to be good practice to follow the protocol for 'Managing Unauthorised Encampments/ Sites in the Borough of Blackburn with Darwen' to ensure consistency. The protocol requires a welfare assessment to be completed prior to any enforcement activity taking place.</p>
Services currently provided (if applicable)	In context, the Council provides a Planning Service which enables those wishing to undertake development to enquire if planning permission is necessary, obtain advice on a particular development prior to submission of a planning application and the assessment of planning applications. Further advice on the Councils Planning Service can be obtained from the Council's website: http://www.blackburn.gov.uk/Pages/planning-land-property.aspx
Please outline recommendations that have been identified for implementation following a review of the activity.	A welfare assessment will be carried out in order to inform the planning decision regarding unauthorised use of the site as a GRT site. The purpose of the assessment is to be informed of any health, welfare and education issues that need to be considered prior to making a planning decision.

Type of activity	<input type="checkbox"/> Budget changes <input type="checkbox"/> Change to existing activity	<input type="checkbox"/> Decommissioning <input type="checkbox"/> Commissioning	<input type="checkbox"/> New activity <input checked="" type="checkbox"/> Other [Planning activity]
-------------------------	---	--	---

SECTION 2 - UNDERSTANDING YOUR CUSTOMER**Who else will be involved in undertaking the equality analysis and impact assessment?**

Please identify additional sources of information you have used to complete the EIA, e.g. reports; journals; legislation etc.

- Core Strategy (adopted January 2011) <http://www.blackburn.gov.uk/Pages/Core-Strategy-.aspx>
- Local Plan Part 2 Site Allocations and Development Management Policies (adopted December 2015) <http://www.blackburn.gov.uk/Pages/Local-plan-part-2.aspx>
- National Planning Policy Framework
- Planning Policy for Traveller Sites – Communities and Local Government
- Permanent Caravan Site License Conditions for Blackburn with Darwen Borough Council.
- Model Standards 2008 for Caravan Sites in England – Communities and Local Government.
- Designing Gypsy and Traveller Sites Good Practice Guide - Communities and Local Government.

Who are you consulting with? How are you consulting with them? (Please insert any information around surveys and consultations undertaken)

Departments of the Council: Planning, Legal and Democratic Services, Education (Home School Liaison officer for GRT Families)

The Agent acting on behalf of the applicant has been asked, and refused, to complete the required Welfare Assessment during consideration of the previous enforcement appeal, in order for the Council to understand any welfare and equality implications.


Who does the activity impact upon?	Service users	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly		
	Members of staff	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly		
	General public	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Indirectly		
	Carers or families	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Indirectly		
	Partner organisations	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Indirectly		
Does the activity impact positively or negatively on any of the protected characteristics as stated within the Equality Act (2010)?	Positive impact	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Marriage & Civil Partnership	<input type="checkbox"/> Pregnancy & maternity
		<input type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation	
	Negative impact	<input checked="" type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Marriage & Civil Partnership	<input type="checkbox"/> Pregnancy & maternity
		<input checked="" type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation	
	Don't know	<input type="checkbox"/> Age	<input checked="" type="checkbox"/> Disability	<input type="checkbox"/> Gender reassignment	<input type="checkbox"/> Marriage & Civil Partnership	<input checked="" type="checkbox"/> Pregnancy & maternity
		<input type="checkbox"/> Race	<input type="checkbox"/> Religion or belief	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual orientation	


Does the activity contribute towards meeting the Equality Act's general Public Sector Equality Duty?		Refer to p.2 of the guidance
DUTY	DOES IT CONTRIBUTE?	EXPLAIN HOW
Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act (<i>i.e. the activity removes or minimises disadvantages suffered by people due to their protected characteristic</i>)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	The Council acknowledges that Gypsy Roma Traveller families in general do suffer discrimination and harassment. However, there are authorised sites within the borough that can be used by GRT families. The function of Local Authorities with the role of planning is to promote sustainable development which seeks positive improvements in the quality of the built natural and historic environment as well as people's quality of life. The planning process is applied equally to all unauthorised development irrespective of any protected characteristics held by the applicant(s). The Council complies with the Equality Act (2010) in all the services it provides. Elected members are democratic representatives for residents in their areas, and are responsible for providing a voice for their residents in decisions made by elected members and the Council.
Advance equality of opportunity between those who share a protected characteristic and those who do not (<i>i.e. the activity takes steps to meet the needs of people from protected groups where these are different from the needs of other people</i>)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Foster good relations between people who share a protected characteristic and those who do not (<i>i.e. the function encourages people from protected groups to participate in public life or in other activities where their participation is disproportionately low</i>)	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

ASSESSMENT	Is a full EIA required?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Please explain how you have reached your conclusion (<i>A lack of negative impacts must be justified with evidence and clear reasons, highlight how the activity negates or mitigates any possible negative impacts</i>)		
A full EIA cannot be done at this moment in time due to a lack of information (no response to welfare assessment received) regarding the families concerned who are occupying the site. Therefore all the information at hand has been used to complete the initial assessment.		
<p>In the event of refusal of the planning application there will be negative impacts on the applicant (occupying the site). Following a refusal, planning enforcement action which will require cessation of the unauthorised use and will include removal of caravans from the site. This could render the applicant homeless in the event they have no alternative accommodation to move to. It should be noted that there is no availability of pitches on Council owned traveller sites, which may encourage the applicant to seek accommodation further afield or make use of unauthorised encampments. The Home School Liaison officer for GRT Families has also confirmed 3 of the 4 children living on the site are enrolled at a local school; enforcement action could therefore impinge on education if distance between alternative accommodation and the school inhibits access for the children. The children have previously been on the Children Missing from Education (CME) list and there is a risk that if enforcement activity goes ahead that this will happen again.</p> <p>It is acknowledged that the refusal of planning permission and the taking of enforcement action would involve an interference with the rights of the travellers that are protected under the Human Rights Act 1998. In particular Article 8 (respect for private and family life); Article 11 (freedom of assembly and association); Article 14 (prohibition of discrimination); First Protocol - Article 1 (protection of property); First Protocol - Article 2 (right to education). The rights concerned are, however, qualified rather than absolute and, given the need to protect the environment, the risk to the health and safety of the travellers and the damage to the public interests arising from the stationing of the caravans are so serious as to outweigh any interference to those rights. Furthermore the interference is both necessary and proportionate.</p>		

The appeal in relation to planning application 10/15/0005 and the enforcement notice fully considered the equality impact upon the appellant. The Inspector concluded that “Interference with the occupiers’ Human Rights must be balanced against the public interest in upholding planning policy to protect the environment and occupiers’ health, safety and amenities. In the light of the same factors that have informed my consideration of equality impacts, I am of the firm view that dismissal of the appeal would be a proportionate response and would not lead to an unacceptable violation of any of the Appellant or her family’s Human Rights, which thus carry only some weight”.

SIGN-OFF

SIGNATURE OF EIA LEAD OFFICER	
DATE COMPLETED	02/12/2016

SIGNATURE OF HEAD OF SERVICE / DIRECTOR	
DATE SIGNED	05/12/2016
<i>This signature signifies the acceptance of the responsibility and ownership of the EIA and the associated Action Plan (if applicable)</i>	



Item 5

REPORT OF: THE DIRECTOR OF PLANNING & PROSPERITY

TO: PLANNING AND HIGHWAYS COMMITTEE

ON: 15th December 2016

ORIGINATING SECTION: PLANNING SERVICE

WARDS AFFECTED: ALL

COUNCILLORS: ALL

TITLE OF REPORT:

Blackburn With Darwen Borough Council – Local List of Heritage Assets

1. PURPOSE OF THE REPORT

- 1.1 To inform Members of the Local list of Heritage Assets for the Borough so as to have regard to their heritage significance when determining planning applications.

2. BACKGROUND

- 2.1 Local listing is a means for a local community and a local authority to jointly decide what is in their area that they would recognise as a 'local Heritage asset'. The purpose of the list is to enable better protection for those parts of the historic environment that are valued by the local community, but not of national significance. The assets are recognised as undesignated heritage assets which are different from designated heritage assets such as listed buildings.
- 2.2 The selection criteria and scoring for local listing was approved on 14th November 2011 by the Executive Member for Regeneration. Nominations were subsequently invited from the general public in January 2012. Given the large number of nominations received, a small selection of these were considered for local listing to form the first stage with additional stages to follow in subsequent years. A panel convened in July 2014 to consider and score the nominations, and these were approved by Executive Member for Regeneration on 8th October 2015. The list can be viewed on the Council's web site and is appended to this report.

3. RATIONALE

- 3.1. The National Planning Policy Framework advises Local Planning Authorities (LPA) to set out a positive strategy for the conservation and enjoyment of the historic environment in their local plan. Emphasis is placed on 'sustaining and enhancing the significance of heritage assets' and recognising that assets are an 'irreplaceable resource and should be conserved in a manner appropriate to their significance. Heritage assets not designated under statutory regimes but recognised by the LPA as having local heritage significance merit consideration in planning decisions with the LPA taking a balanced judgement having regard to the scale of any harm or loss and the significance of the Heritage Asset. The Local list will comply with this objective and give greater clarity to potential developers. No greater protection is afforded to the assets but their heritage significance is a material consideration in determining planning applications.
- 3.2 The nominated buildings were assessed by a panel against a number of criteria such as their age and rarity value, association with a notable person or event, eighteenth and nineteenth century industrial assets contributing to manufacturing expansion of the Borough, visual townscape, and architectural value and of archaeological interest.
- 3.3. A total of 32 buildings were considered for scoring by the panel and of these 24 were selected for local listing. Details of the buildings and their scores are appended to this report. The buildings included represent a broad range of types and include places of worship, mills, schools and alms-houses.
- 3.4 The list includes a higher concentration of buildings from Blackburn than Darwen due to the large number of nominations received from the Blackburn area. It is proposed that a later update of the list includes more from the Darwen area and engages directly with the Darwen History Society for possible nominations. The list is considered to represent a good range of the most significant heritage assets that are valued by the local community

4. POLICY IMPLICATIONS

- 4.1 Local Plan Policy 39 on Heritage will form the basis for assessing applications which affect local heritage assets.

5. FINANCIAL IMPLICATIONS

- 5.1 None

6. LEGAL IMPLICATIONS

- 6.1 None

7. RESOURCE IMPLICATIONS

- 7.1 None

8. EQUALITY IMPLICATIONS

8.1 None

9. CONSULTATIONS

9.1. Owners of locally listed buildings were consulted in October 2014.

10. RECOMMENDATION

10.1 That the Committee note the list of Locally Listed Heritage Assets.




Contact Officer: Jackie Whelan, Principal Planner,
Conservation Design




Date: 25th November 2016




Background Papers: none



Appendix 1:



Local list of heritage assets: First Stage Local List October 2014


no	Heritage Asset	Description	Image	score
	Places of Worship			
1.	Wesleyan Methodist Church, Clayton St Blackburn	Building dates from 1881 with stone front and brick side elevations. It has five bays with a pedimented centre supported by attached Corinthian columns and pilasters. Window openings are round arched. Has good townscape presence.		1.Rarity 2. Historical Association 1 3. Industrial 4. Townscape 2 5. Architectural 2 6. Archaeological. 1 Total score 6
2.	Sacred Heart RC Church, Preston New Road	Dates from 1937-8 by E.Bower Norris and S. M Reynolds. Good example of an inter war church constructed of brick in the Romanesque style with a NW campanile and semi-circular window less apse. Calm interior with round arches to the processional aisles.		1.Rarity 2 2. Historical Association 3. Industrial 4. Townscape 2 5. Architectural 2 6. Archaeological. Total score 6
3.	Leamington Road Baptist Chapel, Leamington Rd.	Designed by Briggs and Wostenholme, dated 1893. An exotic red brick and terracotta building incorporating Romanesque motifs. Has a gabled centre piece with octagonal turrets framing a large window with terracotta tracery, gabled entrances to each side. There is similar treatment on Granville Rd where an attached school continues in more muted style. The building is a landmark in the area.		1.Rarity 2 2. Historical Association 3. Industrial 4. Townscape 2 5. Architectural 2 6. Archaeological Total score 6




no	Address	description		
4.	St James, St James Rd	Dates 1873-4 and designed by Frederick Robinson of Derby. The church has a high north tower with a stepped parapet and slated pyramid roof. Lancets to roof incorporating stepped triplets to clerestory. Stained glass to north aisle.		1.Rarity 2. Historical Association 1 3. Industrial 4. Townscape 2 5. Architectural 2 6. Archaeological 1 Total score 6
5.	St Stephen, St Stephen Road.	Dates 1908, by Cheers and Smith of Blackburn. Extended in 1930. The west end has a big window of five stepped lancets beneath a super arch. Clerestory has closely spaced lancets and east window with tracery in free gothic style. Arcades with alternately and octagonal and circular polished granite columns with foliated caps. Good early c20 E window by Shrigley & hunt.		1.Rarity 2. Historical Association 2 3. Industrial 4. Townscape 2 5. Architectural 2 6. Archaeological Total score 6
6	St Phillips church Spire, Phillips Street.	1880-1. designed by John Lowe of Manchester but only tower left which forms landmark in the terraced streets. Tower has tall narrow bell openings with decorative detailing, crenellated parapet and flat pinnacles.		1.Rarity 2. Historical Association 2 3. Industrial 4. Townscape 2 5. Architectural 2 6. Archaeological Total score 6




	Mills and Warehouses			
7	Cob Wall Works	Cob wall beside the river Blakewater. A bobbin and shuttle works which started as a water powered mill, rebuilt in the mid 1870s and 1880s. constructed of brick with a long two storey gable range and a square chimney behind.		1.Rarity 2 2. Historical Association 3. Industrial 2 4. Townscape 2 5. Architectural 2 6. Archaeological Total score 8
8	Bastfield Mill, Beech St Blackburn	Weaving shed on the River Blakewater, built in 1862 by James Astley of Brunswick Mill. Surviving buildings are two storey of random stone construction, with rusticated quoins, square section stone gutters, plain lintels and cills to windows. There is a two storey yarn preparation and warehousing projection on the east side and a loading bay to first floor. South end has two large doors with rusticated quoins. There is a square chimney on the south gable. The opposite gable has a slender tower.		1.Rarity 2. Historical Association 1 3. Industrial 2 4. Townscape 2 5. Architectural 1 6. Archaeological Total score 6
9	Daisyfield Mill Daisy Street Blackburn	Spinning mill with ground floor loom shop built in 1839 by John Sharples & Co, who were calico manufacturers. It was extended in 1844, had 11, 000 spindles, 192 looms, and then was further extended in 1859 with a weaving shed. A fire in 1861 resulted in the restoration of the mill. Daisyfield Mill Spinning & manufacturing Co were formed in 1875. Much of mill later demolished, re-roofed weaving shed & warehouse.		1.Rarity 2. Historical Association 2 3. Industrial 2 4. Townscape 2 5. Architectural 2 6. Archaeological Total score 8

10	Durbar Mill chimney Didsbury St	Weaving shed constructed 1912 by the East end Mill Co. Leased to Thomas Kenyon salesman of Burmah Mill. The shed principally produced India trade goods and later diversified into crepes, poplins, fancies, sateens etc. Principally of brick construction single storey with stone highlights. Tall chimney dominates the area with stone collar and is a distinctive landmark. Weaving sheds altered.		1.Rarity 2 2. Historical Association 1 3. Industrial 1 4. Townscape 2 5. Architectural 6. Archaeological Total score 6
11	Waterfall mills, Mill Hill, Blackburn	A large integrated cotton spinning and weaving mill established by John Fish in 1851-2. The original buildings contained 40,000 mule spindles and 600 looms worked by a 60hp beam engine. Further extended in 1859 and new boiler house erected in 1899. Surviving buildings comprise original four storey spinning block with beam engine house attached to west gable with rebuilt weaving shed to rear. Engine House fronts Peel Street and incorporates semi-circular pediment, elaborate key stone arch window and 'Waterfall Mills' inscribed in glazed brick.		1.Rarity 2. Historical Association 1 3. Industrial 2 4. Townscape 2 5. Architectural 2 6. Archaeological 1 Total score 8


12	Canal Foundry, Quarry St, Birley St, Manor Sutton St, and Bancroft St	One of the largest industrial complexes in the centre and a foundry that specialised in the production of steam engines, mill wrighting, coal winders etc. Founded by William Yates and George Parkinson c 1835-6. The main buildings cover a rectangular site with a three storey group of buildings along Birley Street. The oldest portions of the foundry including the erecting and old boiler shops are to northern end of the site, gable ends of the machine shops front Quarry Street. Square tower and tall arched openings to some elevations. Foundry is built of brick with internal steel frames, cast iron columns and box section steel pillars.		1.Rarity 2 2. Historical Association 2 3. Industrial 2 4. Townscape 2 5. Architectural 1 6. Archaeological Total score 9
13	Soho Foundry Cicely Lane.	Warehouse and offices of John Dugdale's Foundry which produced weaving machinery, built c.1885. Constructed in brick three storeys high with Lombard friezes at the eaves and above windows.		1.Rarity 2 2. Historical Association 2 3. Industrial 2 4. Townscape 2 5. Architectural 2 6. Archaeological Total score 10

14	Woodfold Mill, Darwen	<p>A good integrated site comprising weaving shed of 532 looms erected in 1875 and the only surviving example of a weaving shed in darwen dating to 1870s, Western section of site has three storey preparation building 16 bays long with a yarn cellar at the northern end. Northern light roof was installed after a fire in 1914. The integral engine house extends the width of the building and the façade is framed by pilasters and a triangular stone pediment. In the centre is large round headed window with Key stone and quoins. Adjoining the engine room is the boiler house with two doors divided by cast iron columns. To the rear is a reduced square brick chimney.</p>		<p>1. Rarity 2 2. Historical Association 3. Industrial 2 4. Townscape 2 5. Architectural 2 6. Archaeological</p> <p>Total score 9</p>
----	-----------------------	--	---	--

	Other			
15	Fire Station, Byrom Street.	Erected in 1921-2 by Walter Stirrup, a brick building with stone dressings, designed in the Baroque style. Building has a prominent parapet, with the engine doors divided from one another by columns. Lower flanking pavilions with hipped roofs and narrow pedimented entrance bays. The tower is a prominent feature with a baroque top which can be viewed from afar.		<ul style="list-style-type: none"> 1. Rarity 2 2. Historical Association 2 3. Industrial 1 4. Townscape 2 5. Architectural 2 6. Archaeological <p>Total score 9</p>
16	Little Harwood War Memorial, Whalley Old Road	A clock tower of constructed of stone with clasping buttresses, angle pinnacles and an inset spire clad in Westmoreland slate, by LH Maxwell and GG Dickinson of Blackburn. Memorial was unveiled in 1923.		<ul style="list-style-type: none"> 1. Rarity 2 2. Historical Association 2 3. Industrial 4. Townscape 2 5. Architectural 2 6. Archaeological <p>Total score 8</p>
17	Mill Hill Hotel, Bridge Street	An exuberant Edwardian Public house built in 1902 for Thwaites brewery. Constructed in red brick and stone details with a corner oriel topped by a lead dome and upper windows with projecting cills supported by consoles growing from the keystones of the windows below.		<ul style="list-style-type: none"> 1. Rarity 2 2. Historical Association 1 3. Industrial 4. Townscape 2 5. Architectural 2 6. Archaeological <p>Total score 7</p>

18	Derbyshire Almshouses, off St Silas Road.	An attractive row of Almshouses by Stones and Gradwell c 1895, comprising a single storey terrace of 6 cottages constructed of stone with projecting half timbered gables.		1.Rarity 2 2. Historical Association 2 3. Industrial 4. Townscape 2 5. Architectural 2 6. Archaeological Total score 8
19	Former Star Cinema, Plane Tree Road	An Edwardian Cinema in the Baroque style erected in 1910. Constructed of red brick with stone dressings and stripes. There is a large semi-circular window in the gable over a row of attached columns. It was converted in a mosque in late C20th.		1.Rarity 1 2. Historical Association 2 3. Industrial 4. Townscape 2 5. Architectural 2 6. Archaeological Total score 7
20	Darwen Vale School, Lower Darwen	Two storey red brick linear building fronting Bolton Road with an imposing frontage set back from a landscape area. Central double height columned entrance and clock tower feature. Circa early C20th good example of a former grammar school. Extended in 2010 and refurbished by McCaslan Architects.		1.Rarity 1 2. Historical Association 2 3. Industrial 4. Townscape 2 5. Architectural 2 6. Archaeological Total score 7

21	Astley Bank, off Bolton Rd, Darwen	A large three storey house, in its own grounds of mid nineteenth century date. Constructed in Ashlar stone of restrained design. Flat topped porch with a round arched portal and iron balustrading on top. Garden front is symmetrical with central pedimented entrance bay and a porch with a round arched portal flanked by canted bays.		1. Rarity 2 2. Historical Association 2 3. Industrial 4. Townscape 2 5. Architectural 2 6. Archaeological Total score 8
22	County Court House Victoria Street.	Two/three storey red brick building with stone dressings circa 1912 in the Edwardian Baroque style. Semi-circular arched heads to ground floor windows with key stone details and original sliding sashes to windows. Mansard top floor and stone parapet detail. An important visual landmark surrounded by C20th development.		1. Rarity 1 2. Historical Association 1 3. Industrial 4. Townscape 2 5. Architectural 2 6. Archaeological Total score 6
23	Feniscowles Old Hall, Links lane, Pleasington	Feniscowles Old Hall, sits on a bank high above the river Darwen and records indicate that a branch of the Lords of Livesey family have held the freehold as far back as 1404. The house was restored in 1726 by Thomas Livesey and in the wall of the barn letters 'TL & AL' initials of Thomas and Alice Livesey can be found with the date 1732. The house is of stone construction with a gabled front porch, inside on the first floor is a surviving wattle and daub timber panel.		1. Rarity 2 2. Historical Association 2 3. Industrial 4. Townscape 1 5. Architectural 2 6. Archaeological 1 Total score 8

24	Barlow Institute and bowling green, Bolton Road Edgworth	<p>Gifted by the Barlow family in 1909, it is a red brick building with stone dressings in the Elizabethan style. There is a crenelated three storey entrance tower and many mullioned and mullioned and transomed windows. Originally there was a community laundry, slipper baths, gym and library and now is used as community rooms. There is a park to the rear.</p>		<p>1. Rarity 2 2. Historical Association 2 3. Industrial 4. Townscape 2 5. Architectural 2 6. Archaeological</p> <p>Total score 8</p>

DEPARTMENT OF PLANNING & PROSPERITY

Item 6

ORIGINATING SECTION: Planning.

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

TITLE: Petition regarding Full Planning Application 10/16/0827 - Conversion of existing building to 20 No. residential apartments (C3) at Time House 15 Devonport Road, Blackburn BB2 1EG

Applicant: Elliot Investments Ltd

Ward: Wensley Fold

Councillor Qesir Mahmood	
Councillor Mohammed Khan	
Councillor Dave Harling	

1.0 **PURPOSE OF REPORT**

1.1 To inform Members of the receipt of a petition objecting to planning application 10/16/0827. Copies of the petition are available in Democratic Services.

2.0 **BACKGROUND AND DETAILS**

2.1 Planning application reference 10/16/0827 was submitted to the Planning Authority on 6th September 2016. The application seeks consent for a change of use to create 20no. residential apartments, with alterations to the external façade of the building

2.2 Public consultation letters were issued on the 12th September and a petition containing 48 signatories received 30th September 2016. The grounds of objection within the petition are:

- The submitted parking survey accompanying the application does not truly reflect parking issues in the locality.
- Parking need for the development to be met partially on-street, which will impact upon the surrounding community
- Local car parks are generally oversubscribed, including double parking.
- Safety concerns related to highway impact of the development

3.0 **RECOMMENDATION**

3.1 It is recommended that the Committee note the petition, 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** – 2nd December 2016

DEPARTMENT OF PLANNING & PROSPERITY

Item 7

ORIGINATING SECTION: Planning.

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

TITLE: Petition regarding Full Planning Application 10/16/0907 - Change of use from B2 General Industrial to coach park facility including the erection of 2 No prefabricated workshop buildings and 1 No. prefabricated office cabin at Kirk Scaffolding Greenbank Works, Gorse Street, Blackburn BB1 3EU

Applicant: Moving People Ltd

Ward: Little Harwood

COUNCILLORS:

Councillor Abdul Patel	
Councillor Naushad Surve	
Councillor Pat McFall	

1.0 PURPOSE OF REPORT

1.1 To inform Members of the receipt of a petition objecting to planning application 10/16/0907. Copies of the petition are available in Democratic Services.

2.0 BACKGROUND AND DETAILS

2.1 Planning application reference 10/16/0907 was submitted to the Planning Authority on the 23rd September 2016. The application seeks consent for; Change of use from B2 General Industrial to coach park facility including the erection of 2 No prefabricated workshop buildings and 1 No. prefabricated office cabin.

2.2 Public consultation letters were issued on the 28th September and a petition containing 17 signatories received 18th October 2016. The grounds of objection within the petition are:

- The continual noise the development will bring to the area
- Increase in carbon emission related pollution
- The increase in the detrimental impact on the safety of our children and pedestrians due to increase in traffic of larger vehicles. Speeding and traffic is already a significant problem in the area.

- The safety of vehicles and drivers, as there is already regular speeding on this road, especially around the hump of the bridge on Gorse Street. Along with regular damage to parked cars of residents and visitors

3.0 **RECOMMENDATION**

- 3.1 It is recommended that the Committee note the petition, 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** – 2nd December 2016

DEPARTMENT OF GROWTH & PROSPERITY

Item 8

ORIGINATING SECTION: Planning

**REPORT TO: Planning & Highways Committee
15th December 2016**

TITLE: Petition regarding Full Planning Application for Change of use from former public house into Islamic Education Centre and Mosque with ancillary living accommodation and erection of single storey rear extension at 45 Railway Road, Darwen, BB3 2RJ

(Ref: 10/16/1124)

Applicant: Mr Manir Ahmed

Ward: Sunnyhurst

Councillor Dave Smith	
Councillor Brian Taylor	
Councillor Pete Hollings	

1.0 PURPOSE OF REPORT

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

2.0 BACKGROUND AND DETAILS

2.1 Planning application reference 10/6/1124 was submitted to the planning authority on 14th October 2016. Consent is sought for Change of use from former public house into Islamic Education Centre and Mosque with ancillary living accommodation and erection of single storey rear extension.

2.2 Public consultation letters were issued on 20th October 2016. A re-consultation was undertaken with neighbours and statutory consultees on 11th November 2016 following an amendment to the scheme.

2.3 A 395 named petition supporting the proposed development was received on 18th November 2016 reading:

“I am a member of the general public and I have no objections to the application to change the railway pub to an Islamic centre/mosque. I support and strongly believe it will be highly beneficial for the young Muslim public to gain the opportunity to attend Islamic teachings locally as well as all other Muslim members to attend the daily prayers”

3.0 **RECOMMENDATION**

3.1 It is recommended that the Committee note the petition.

4.0 **BACKGROUND PAPERS**

4.1 None

5.0 **CONTACT OFFICER** – Nazia Ali Rizvi (585344)

6.0 **DATE PREPARED** –.20th November 2016



REPORT OF:	THE DIRECTOR OF PLANNING & PROSPERITY
TO:	PLANNING AND HIGHWAYS COMMITTEE
ON:	15 DECEMBER 2016
ORIGINATING SECTION:	PLANNING SERVICE
WARDS AFFECTED:	NORTH TURTON WITH TOCKHOLES EAST RURAL SUNNYHURST WHITEHALL EARCROFT MARSH HOUSE FERNHURST
COUNCILLORS:	ALL

TITLE OF REPORT:

Natural England Notification of West Pennine Moors Site of Special Scientific Interest (SSSI)

1. PURPOSE OF THE REPORT

1.1 To inform Members that Natural England has reviewed the SSSI boundary White Coppice Flush SSSI to include more land of special interest, including much of the land previously notified as Oak Field SSSI and Longworth Clough SSSI. The enlarged site is now known as West Pennine Moors SSSI and takes effect immediately.

2. BACKGROUND

2.1 The West Pennine Moors rise above Manchester and the Lancashire plain and function as one landscape for wildlife, water and approximately 1 million people who live nearby. The area of highest importance for its upland habitat, rare plants and breeding birds is notified as a SSSI. The SSSI covers over 7,600ha but this is less than 20% of the wider West Pennines area.

2.2 Natural England have stated that the SSSI notification will stimulate sustainable conservation within the upland landscape and encourage the widest possible collective commitment to safeguard the function and services provided by the West Pennine Moors. In particular, wildlife and water provision along with recreational and economic interests. Notification provides

formal recognition of the site's national importance which will help all those with an interest to realise the landscape's potential for people and wildlife.

- 2.3 The West Pennine Moors SSSI is notified under section 28C of the Wildlife and Countryside Act 1981. Three SSSIs have been notified previously in the West Pennine Moors area: White Coppice Flush SSSI (0.56ha, notified in 1985), Oak Field SSSI (21.01ha, notified in 1985) and Longworth Clough SSSI (24.18ha, notified in 1994). The West Pennine Moors SSSI rationalises and clarifies the special interests of the area within a single designation, combining and linking the three previously notified SSSIs with substantial extensions totalling 7,616.72 ha (total SSSI area: 7,662.40 ha).

3. RATIONALE

- 3.1 The West Pennine Moors SSSI is a diverse mosaic of semi-natural upland habitats centred on three large expanses of blanket bog, with associated heathlands, flushes, woodlands and grasslands. These habitats support breeding birds that depend on upland, in-bye/moorland-fringe and woodland habitats, and a number of Nationally Rare and Scarce plant species. The site is of special interest for the following nationally important features that occur within and are supported by the wider habitat mosaic:

- Blanket bog.
- Upland Heathland
- Flushes
- Moorland fringe grasslands
- Woodland (upland semi natural)
- Breeding birds (upland assemblage)

4. POLICY IMPLICATIONS

- 4.1 An assessment of all current and future planning applications within the extended SSSI will need to take the designation into account as a material planning consideration.

5. FINANCIAL IMPLICATIONS

- 5.1 None.

6. LEGAL IMPLICATIONS

- 6.1 None.

7. RESOURCE IMPLICATIONS

- 7.1 None.

8. EQUALITY IMPLICATIONS

- 8.1 None.

9. CONSULTATIONS

- 9.1 Natural England has informed the Council of the legal right to make objections and representations about this notification. Any representations, including those supporting the notification, or objections should be made in writing to Natural England's Cheshire, Greater Manchester, Merseyside and Lancashire Area Team by 17 March 2017.

10. RECOMMENDATION

10. That the Committee note the designation.

Contact Officer: Kate McDonald, Acting Team Leader (Planning Implementation)

Date: 30 November 2016

Background Papers: Notification of SSSI from Natural England



West Pennine Moors SSSI
Lancashire, Bolton, Bury, Blackburn with Darwen

*Notification under section 28C of the Wildlife
and Countryside Act 1981*

Issued by Natural England's Cheshire, Greater Manchester, Merseyside &
Lancashire Area Team on **17 November 2016**

Contact points and further information

This notification document is issued by Natural England's Cheshire, Greater Manchester, Merseyside & Lancashire Area Team.

Our address for correspondence is:

West Pennine Moors SSSI Team
Natural England
Second floor, Arndale House
The Arndale Centre
Manchester
M4 3AQ

Telephone: 0300 060 0050

Email: westpenninemoors@naturalengland.org.uk

Online: please visit the following website and search for 'West Pennine Moors': https://consult.defra.gov.uk/consultation_finder/

Your contact point for enquiries relating to this notification is: the West Pennine Moors SSSI Team consisting of Rosemary Budd, Karen Rogers, Ben Hibbins and Amy Cowburn.

A second document (*West Pennine Moors - supporting information*) is available on request from the address above. This contains information and extracts from relevant documents that have been used in the decision to notify this SSSI under Section 28C.

The date of notification of the West Pennine Moors SSSI is **17 November 2016**

Contents

1. Summary.....	4
2. The legal background.....	4
3. Making representations.....	5
4. Reasons for notification.....	6
5. Site boundaries.....	6
6. Management of the SSSI.....	8
7. Supporting information.....	8
8. Legal documents.....	8
<i>Annex 1 Citation.....</i>	<i>9</i>
<i>Annex 2 Views about Management.....</i>	<i>15</i>
<i>Annex 3 List of operations requiring Natural England's consent.....</i>	<i>23</i>
<i>Annex 4 Map(s) showing the land notified.....</i>	<i>29</i>

1. Summary

- 1.1. This document explains why the West Pennine Moors is notified by Natural England as a Site of Special Scientific Interest (SSSI).
- 1.2. The West Pennine Moors rise above Manchester and the Lancashire plain and function as one landscape for wildlife, water and approximately 1 million people who live nearby. The area of highest importance for its upland habitat, rare plants and breeding birds is notified as a SSSI. The SSSI covers over 7,600ha but this is less than 20% of the wider West Pennines area.
- 1.3. This SSSI notification will stimulate sustainable conservation within the upland landscape and encourage the widest possible collective commitment to safeguard the function and services provided by the West Pennine Moors. In particular, wildlife and water provision along with recreational and economic interests. Notification provides formal recognition of the site's national importance which will help all those with an interest to realise the landscape's potential for people and wildlife.
- 1.4. The West Pennine Moors SSSI is notified under section 28C of the Wildlife and Countryside Act 1981. Three SSSIs have been notified previously in the West Pennine Moors area: White Coppice Flush SSSI (0.56ha, notified in 1985), Oak Field SSSI (21.01ha, notified in 1985) and Longworth Clough SSSI (24.18ha, notified in 1994). The West Pennine Moors SSSI rationalises and clarifies the special interests of the area within a single designation, combining and linking the three previously notified SSSIs with substantial extensions totalling 7,616.72 ha (total SSSI area: 7,662.40 ha).
- 1.5. The annexes to this document are the legal papers that detail the scientific interest of the West Pennine Moors SSSI and the management required to maintain this interest, as well as maps of the site. You have a right to make representations or objections about the notification of this SSSI. Part 3 of this document explains how to do this.
- 1.6. Additionally, Natural England's consent is required by owners and occupiers before the operations listed in Annex 3 can be carried out. We will work closely with owners and managers, as well as other bodies, to ensure that existing operations and new works that are not likely to damage the special features of the SSSI can be carried out as usual.

2. The legal background

- 2.1 White Coppice Flush SSSI is enlarged under section 28C of the Wildlife and Countryside Act 1981 (as amended) and is now known as the West Pennine Moors SSSI. With effect from the date of this notification under section 28C, the previous notification of White Coppice Flush SSSI ceases to have effect (section 28C(5)). The previous notifications of Oak Field SSSI and Longworth Clough SSSI do not cease to have effect from the date of this notification but, subject to the confirmation of this notification under Section 28(5) of the Wildlife and Countryside Act 1981, Natural England will treat those notifications as though they cease to have effect.
- 2.2 Part 8 of this notification document contains the following legal papers required by section 28C the Wildlife and Countryside Act 1981:
 - a citation detailing the reasons for notification under section 28C (*Annex 1*);
 - a statement of Natural England's views on the management of the SSSI (*Annex 2*);
 - a list of operations requiring Natural England's consent (*Annex 3*); and
 - maps identifying the land subject to this notification under section 28C (*Annex 4*).

- 2.3 This notification has several effects. The key ones can be summarised as follows:
- owners and occupiers must give Natural England notice before carrying out, causing or permitting to be carried out any of the activities in the list of operations at *Annex 3*;
 - owners of land included in the SSSI have a legal obligation to notify Natural England within 28 days if the ownership or occupancy of the land changes;
 - it is an offence for any person intentionally or recklessly to destroy or damage the special features of the SSSI or to disturb any of the fauna; and
 - other public bodies must consult Natural England before carrying out or authorising any works that may damage the SSSI.
- 2.4 If you require any further information or advice on how this notification affects you, please do not hesitate to contact Natural England at the address shown at the beginning of this notification document.

3. Making representations

- 3.1 You have a legal right to make objections and representations about this notification. Any representations, including those supporting the notification, or objections should be made in writing to Natural England's Cheshire, Greater Manchester, Merseyside & Lancashire Area Team by **17 March 2017**. Representations can be sent by post, e-mail or online to the addresses shown on page 2. You may wish to seek legal or independent advice and your representative may wish to write to us on your behalf.
- 3.2 Natural England's Cheshire, Greater Manchester, Merseyside & Lancashire Area Team will consider your objections or representations and will try to resolve them. If there are no unresolved objections, approval to confirm the notification will be considered by an appropriate Natural England Director within nine months of this notification.
- 3.3 Any unresolved objections or representations will be considered by the Board of Natural England within nine months of this notification. If there are unresolved objections, confirmation of this notification is likely to be considered at the Board meeting provisionally scheduled for July 2017. Please note the desirability of the notification (for instance, for socio-economic reasons) will not form part of the Board's decision. Following consideration of objections and representations, the Board of Natural England may confirm or withdraw all or part of this notification. In reaching its decision the Board will consider whether, in light of the objections and representations received, Natural England remains of the opinion that the site is of special scientific interest. If you wish to emphasise any of your objections or representations to the Board in person, you should tell us when you write to us. You will then be advised of the date and location of the Board meeting.
- 3.4 Natural England will accept correspondence relating to unresolved objections up to seven days prior to the Board meeting at which the confirmation is due to be considered. Correspondence received after this date will only be presented to the Board in very exceptional circumstances and you will be expected to provide justification as to why there has been a delay in providing the information. The decision whether this information will be submitted to the Board is entirely at Natural England's discretion. The reason that there is a seven day cut off is to allow Board members sufficient opportunity to consider all of the issues and read all the relevant paperwork before they meet to take their decision.
- 3.5 Natural England has a policy of openness, which reflects our obligations under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000. This legislation provides a legal right of access to information held by public bodies. This means that we will provide information on how we make our decisions on SSSIs to any person on request. This includes details of objections and representations received. We will assume, therefore, that your representation or objection can be made publicly available unless you indicate with clear and valid reasons which (if any) part(s) of these you wish to be excluded from this arrangement. However, you should be aware that the requirements of the legislation may mean that we cannot comply with your request that this information

be withheld. We do, however, respect people's privacy and will take all reasonable steps to consult you before reaching a decision on disclosure of the information.

- 3.6 As an individual or organisation with an interest in the West Pennine Moors SSSI your information will be stored and processed on a computer database that will be operated within the Data Protection Act 1998. This Act gives individuals the right to know what data we hold on them, how we use it and to which third parties it is disclosed. For the purposes of the Data Protection Act, the data controller is Natural England, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX.

4. Reasons for notification

- 4.1 The West Pennine Moors SSSI is a diverse mosaic of semi-natural upland habitats centred on three large expanses of blanket bog, with associated heathlands, flushes, woodlands and grasslands. These habitats support breeding birds that depend on upland, in-by/moorland-fringe and woodland habitats, and a number of Nationally Rare and Scarce plant species. The site is of special interest for the following nationally important features that occur within and are supported by the wider habitat mosaic:

- **Blanket bog**

The principal vegetation of the blanket bogs is a community of hare's-tail cottongrass *Eriophorum vaginatum* with heather *Calluna vulgaris*, common cottongrass *Eriophorum angustifolium* and purple moor-grass *Molinia caerulea*. In areas where the water table is close to the bog surface, bog-mosses *Sphagnum* species are commonly found. More species-rich blanket bog vegetation occurs in patches with bilberry *Vaccinium myrtillus*, crowberry *Empetrum nigrum*, cranberry *Vaccinium oxycoccos*, bog-rosemary *Andromeda polifolia* and, very locally, royal fern *Osmunda regalis*.

As a result of previous management and/or wildfire, some areas are dominated by purple moor-grass. This community often contains dense patches of bog mosses (including the peat-forming papillose bog-moss *Sphagnum papillosum*) below the grass canopy.

- **Upland heathland**

On the shallower soils of the lower slopes lie small distinctive patches of wet heath, containing cross-leaved heath *Erica tetralix* and bog-mosses, and larger expanses of dry heath. As a result of previous grazing and burning management, the dominant species of the dry heath communities is heather, although more species-rich areas also support bilberry, tormentil *Potentilla erecta*, heath bedstraw *Galium saxatile* and wavy hair-grass *Deschampsia flexuosa*.

- **Flushes**

Acid flushes are an important component of the blanket mire landscape. Many support species such as round-leaved sundew *Drosera rotundifolia*, sedges including common sedge *Carex nigra* and mosses which may otherwise be scarce across the peatlands.

Of greater rarity is the suite of lime-rich flushes, such as those occurring on the Anglezarke/Withnell Moor complex and at White Coppice Flush, where the spring water is so rich in lime that it forms calcareous deposits. The springs contain carpets of lime-loving mosses and the insectivorous plants round-leaved sundew and common butterwort *Pinguicula vulgaris* grow around them.

- **Moorland fringe grasslands**

Throughout the lower slopes of the moorland blocks and the enclosed in-by land are areas of rush pasture and mire grassland. The more species-rich stands are dominated by blue-green sedges such as star sedge *Carex echinata* and common sedge, with sweet vernal-grass *Anthoxanthum odoratum*, red fescue *Festuca rubra*, cuckooflower *Cardamine pratensis* and a thick carpet of brown mosses.

Most of the meadows and pastures of the in-bye on the lower slopes are acid in nature, with some of these communities extending on to the lower slopes of the moorland blocks. The dominant grass is common bent *Agrostis capillaris*, with mat-grass *Nardus stricta*, sheep's-fescue *Festuca ovina* and heath-grass *Danthonia decumbens* present at lower frequencies, along with tormentil, heath bedstraw, selfheal *Prunella vulgaris*, cat's-ear *Hypochaeris radicata* and autumn hawkbit *Scorzoneroides autumnalis*.

The more limited number of unimproved neutral hay meadows are equally significant. These traditionally managed grasslands support frequent sweet vernal-grass and red fescue, with pignut *Conopodium majus*, common mouse-ear *Cerastium fontanum*, meadow vetchling *Lathyrus pratensis*, yellow-rattle *Rhinanthus minor* and red clover *Trifolium pratense*. One particular example supports an outstanding population of globeflower *Trollius europaeus*.

- **Woodland**

Upland woodlands, some ancient, are found along steep-sided cloughs and water courses. Typically, these are oak woods with a species-poor heathy understorey in a mosaic with other, generally wet woodland and scrub. Of greatest diversity is Longworth Clough where, amongst the many flushes, is an area of an uncommon wet woodland type with alder *Alnus glutinosa* and greater tussock-sedge *Carex paniculata*.

Smaller stands of trees are scattered across the upland massifs, many of which are unfenced and grazed with the wider moorland habitats. These woodlands have thinner canopies than the dense woodland blocks and can support a richer ground flora.

- **Breeding birds**

The open moorland and adjacent moorland fringe or in-bye support a diverse assemblage of upland breeding birds including teal *Anas crecca*, red grouse *Lagopus lagopus*, merlin *Falco columbarius*, peregrine *F. peregrinus*, golden plover *Pluvialis apricaria*, lapwing *Vanellus vanellus*, dunlin *Calidris alpina*, curlew *Numenius arquata*, short-eared owl *Asio flammeus*, wheatear *Oenanthe oenanthe*, raven *Corvus corax* and twite *Linaria flavirostris*.

The SSSI also supports a diverse assemblage of woodland breeding birds, including scarce and/or rapidly declining species such as tree pipit *Anthus trivialis*, wood warbler *Phylloscopus sibilatrix*, spotted flycatcher *Muscicapa striata*, pied flycatcher *Ficedula hypoleuca* and willow tit *Poecile montana*.

Belmont Reservoir and the surrounding area support nationally important numbers of breeding black-headed gulls *Chroicocephalus ridibundus* and Mediterranean gulls *Larus melanocephalus*. An important colony of grey herons *Ardea cinerea* nests in plantation woodland on the banks of Turton and Entwistle Reservoir.

- **Flowering plants**

The unimproved neutral hay meadows at Sunnyhurst in the north-west of the site support important populations of two Nationally Rare species: starry lady's-mantle *Alchemilla acutiloba* and large-toothed lady's-mantle *A. subcrenata*. One of the water-bodies within Troy Quarry is home to an important population of the Nationally Scarce floating water-plantain *Luronium natans*.

5. Site boundaries

- 5.1 The SSSI boundary has been drawn to encompass land supporting the features of special interest, including areas required to ensure the viability and long-term sustainability of these features. The site boundary centres on the three large moorland blocks of the West Pennine Moors which are the most intact peatlands. Radiating out from these stretches of blanket bog, the boundary incorporates areas of heathland on steeper slopes and upland flushes, grading into moorland fringe grasslands at lower levels. All areas within the

boundary are deemed to be key nesting and foraging habitat for breeding birds, particularly as many of the upland, in-bye and woodland birds nest in one habitat and forage in others.

- 5.2 As a general principle, the boundary encompasses moorland hydrological units and is aligned with management units, such as enclosure and property boundaries. The boundary of the SSSI has been drawn to follow the nearest physical feature on the ground where possible. This usually follows existing walls, fence lines, hedgerows, ditches, drains, drove roads and metalled roads. Where the boundary follows a road, the inner edge of the road has been used and the road has therefore been excluded from the site. Conversely, where the boundary is drawn to a stream, ditch or drain, the outer bank has been used therefore including the stream, ditch or drain in the site.
- 5.3 Further clarification on the location of the SSSI boundary can be found in the Supporting Information document referenced in part 7. Alternatively, if you have queries in relation to specific areas of land, please contact Natural England's Cheshire, Greater Manchester, Merseyside & Lancashire Area Team at the address on page 2 of this document.

6. Management of the SSSI

- 6.1 Landowners and managers are critical to the ongoing management of the SSSI. Natural England aims to foster the best possible relationship with those managing the land so that its biodiversity can be conserved whilst also securing wider benefits. This notification includes a statement (*Annex 2*) of the management that Natural England considers is needed to conserve and enhance the features of special interest. Different management may be appropriate in different parts of the site and this statement is not intended to detail the exact requirements at specific locations. It provides a guide for discussions with owners and managers on action to achieve positive management of the SSSI.
- 6.2 Owners and occupiers will require consent before undertaking some operations in the SSSI. This notification includes a list of operations requiring Natural England's consent in *Annex 3*. The basis for the selection of these operations is set out in the Supporting Information document. Some operations may already be taking place and where they do not cause any damage they will be given consent. We will work with landowners and managers to agree lists of such existing and planned operations which can be approved.
- 6.3 Where an operation has been granted a consent, licence or permission from another public body a separate consent will not generally be required from Natural England; other public bodies are required to consult Natural England before such consents, licences or permissions are issued.

7. Supporting information

- 7.1 The detailed information which has been used to assess the importance of this SSSI (*West Pennine Moors SSSI – supporting information*) is available on request from the address on page 2.

8. Legal documents

- 8.1 Attached at *Annexes 1-4* that are the legal documents required by section 28C of the Wildlife and Countryside Act 1981.

Annex 1

Citation

This is a legal document on which you have a right to make objections or representations, as explained in part 3 of this notification document.

Site Name: West Pennine Moors **Unitary Authority/County:** Lancashire; Blackburn with Darwen; Bolton; Bury

District: Chorley; Hyndburn; Rossendale

Status: Site of Special Scientific Interest (SSSI) notified under section 28C of the Wildlife and Countryside Act 1981

Local Planning Authority: Lancashire County Council; Greater Manchester Combined Authority; Blackburn with Darwen Borough Council; Bolton Council; Bury Council; Chorley Council; Hyndburn Borough Council; Rossendale Borough Council

Ordnance Survey 1:50,000 sheets: 103, 109 **National Grid reference:** SD687183

Notification date: 17 November 2016 **Area:** 7,662.40 ha

Reasons for notification

The West Pennine Moors SSSI supports an extensive mosaic of upland and upland-fringe habitats. It is of special interest for the following nationally important features that occur within and are supported by the wider habitat mosaic:

- blanket bogs;
- wet and dry heathlands;
- acid and lime-rich flushes;
- rush pastures and mire grasslands;
- acid grasslands;
- neutral hay meadows and pastures;
- wet and dry broadleaved woodlands and scrub;
- diverse assemblages of upland moorland, in-bye and woodland breeding birds;
- breeding black-headed gulls *Chroicocephalus ridibundus*, Mediterranean gulls *Larus melanocephalus* and grey herons *Ardea cinerea*; and
- populations of starry lady's-mantle *Alchemilla acutiloba*, large-toothed lady's-mantle *A. subcrenata* and floating water-plantain *Luronium natans*.

General description

The West Pennine Moors comprise three distinct areas of moorland bordered by major roads to the west and east, stretching from Horwich and Bolton in the south to Darwen in the north and to Haslingden and Ramsbottom in the east. Whilst geologically a continuation of the Millstone Grit series of the main Pennine range of uplands, it is physically separated from the South Pennines by the Irwell Valley. The area still retains the traditional Pennine character of open moorlands, from which streams descend into wooded cloughs, pastures and meadows, whilst being distinctive in character as a result of its western-oceanic influence and lower altitudes.

Once the major source of income, agriculture is now fragmented by the built environment, industry and housing. This is a landscape of upland livestock farming and traditional field boundaries on large estates set against the strong urban character of many densely-populated nearby towns. The high rainfall and numerous streams running from the uplands made the area important as a supply of drinking water to the nearby conurbation of Greater Manchester. The many rivers and streams also led to the area's prominence in the industrial revolution, with the valleys supporting many textile and other mill industries, as well as mining and quarrying. Industrialisation has left its mark on the West Pennine Moors, most noticeably the chain of reservoirs nestling between the moorland blocks, which now provide key habitat for birds, and the legacy of historic air pollution that has left many of the upland habitats lacking in species diversity.

Upland habitats

The Millstone Grit geology of the region is a hard rock which impedes drainage and has given rise to the development of large flat-topped plateaus covered with deep peat above 400m altitude. The blanket bogs occur over almost 4,000 ha of the West Pennine Moors on Withnell, Anglezarke and Rivington Moors in the west, and Darwen and Turton Moors, Haslingden, Oswaldtwistle and Holcombe Moors further east.

The principal vegetation of the blanket bogs is a community of hare's-tail cottongrass *Eriophorum vaginatum* with heather *Calluna vulgaris*, common cottongrass *E. angustifolium* and purple moor-grass *Molinia caerulea*. Where the water table is close to the bog surface, bog-mosses, including flat-topped bog-moss *Sphagnum fallax*, fringed bog-moss *S. fimbriatum*, red bog-moss *S. capillifolium* and lustrous bog-moss *S. subnitens*, are commonly found in the understorey. Less commonly encountered species have a patchier distribution, such as the population of lesser cow-horn bog-moss *Sphagnum inundatum* on the southern flanks of Winter Hill. The blanket bog on Withnell Moor is typical of lower elevations within the West Pennine Moors.

More species-rich blanket bog occurs in patches but is more prevalent on Turton Moor. Flowering plants associated with these communities are bilberry *Vaccinium myrtillus*, crowberry *Empetrum nigrum*, cranberry *Vaccinium oxycoccos*, bog-rosemary *Andromeda polifolia* and, very locally, royal fern *Osmunda regalis*. As a result of previous management and/or wildfire, some areas are dominated by purple moor-grass. This community can contain dense patches of bog-mosses (including the peat-forming papillose bog-moss *Sphagnum papillosum*) below the thick grass canopy.

On the shallower soils of the lower slopes there are small distinctive patches of wet heath containing cross-leaved heath *Erica tetralix* and bog-mosses. Larger expanses of dry heath are often found in association with disused mine workings where, as a result of previous grazing and burning management, the dominant species is heather. More species-rich areas also support bilberry, tormentil *Potentilla erecta*, heath bedstraw *Galium saxatile* and wavy hair-grass *Deschampsia flexuosa*. The heathland at Haslingden Grane is particularly important for its small population of adders *Vipera berus*.

Blanket bog and heath are less common in the Ramsbottom to Ogden Reservoir area where very species-poor acid grassland dominated by mat-grass *Nardus stricta* is more frequently recorded, often related to the steeper sloping topography of this moorland area.

Acid flushes are an important component of the blanket mire landscape. Many support species such as round-leaved sundew *Drosera rotundifolia*, sedges, including common sedge *Carex nigra*, and mosses which may otherwise be scarce across the peatland areas. Oak Field provides the best example of the area's acid flushes, including species infrequently encountered elsewhere, such as bog asphodel *Narthecium ossifragum*, white sedge *Carex canescens*, marsh arrowgrass *Triglochin palustris* and marsh violet *Viola palustris*.

Of greater rarity is the suite of lime-rich flushes, such as those occurring on the Anglezarke/Withnell Moor complex and that at White Coppice Flush, where the spring water is so rich in lime that calcareous deposits are forming. The springs contain carpets of lime-loving bryophytes in which curled hook-moss *Palustriella commutata* is characteristic and conspicuous. Around the springs are the insectivorous plants round-leaved sundew and common butterwort *Pinguicula vulgaris*, as well as other lime-rich flush vegetation, such as greater tussock-sedge *Carex paniculata*, long-stalked yellow-sedge *C. lepidocarpa* and tawny sedge *C. hostiana*.

The open moorland and adjacent moorland fringe or in-bye support a diverse assemblage of upland breeding birds including teal *Anas crecca*, red grouse *Lagopus lagopus*, merlin *Falco columbarius*, peregrine *F. peregrinus*, curlew *Numenius arquata*, short-eared owl *Asio flammeus*, wheatear *Oenanthe oenanthe*, raven *Corvus corax* and twite *Linaria flavirostris*. The higher areas of blanket bog with shorter vegetation and pools are important for nesting golden plover *Pluvialis apricaria* and dunlin *Calidris alpina*. Other species require a mosaic of extensive habitats for successful nesting and foraging, nesting on the unenclosed moorland whilst often foraging elsewhere, including wet grassland and rush pastures in the in-bye fields below the moorland line. Breeding lapwing *Vanellus vanellus* nest and forage on the in-bye areas of the SSSI.

Moorland fringe grasslands

Throughout the lower slopes of the moorland blocks and the enclosed in-bye land are areas of rush pasture and mire grassland. While the majority of these communities tend to be species-poor, the more species-rich stands are dominated by blue-green sedges such as star sedge *Carex echinata* and common sedge, with sweet vernal-grass *Anthoxanthum odoratum*, red fescue *Festuca rubra*, cuckooflower *Cardamine pratensis* and a thick carpet of brown mosses.

Although small in area, the meadows and pastures of the in-bye are some of the most species rich areas within the West Pennine Moors. The majority of these grasslands on the lower slopes are acid in nature, with some of these communities extending on to the lower slopes of the moorland blocks. Of special note are the grasslands, both traditional hay meadows and pastures, of Bradley's Farm. The dominant grass of these communities is common bent *Agrostis capillaris*, with mat-grass, sheep's-fescue *Festuca ovina* and heath-grass *Danthonia decumbens* in frequent association with tormentil, heath bedstraw, selfheal *Prunella vulgaris*, cat's-ear *Hypochaeris radicata* and autumn hawkbit *Scorzoneroides autumnalis*. These fields also support a population of the locally rare grass purple small-reed *Calamagrostis canescens*.

The more limited number of unimproved neutral hay meadows are equally significant, especially those at Sunnyhurst in the north-west of the site where populations of the Nationally Rare starry lady's-mantle *Alchemilla acutiloba* and large-toothed lady's-mantle *A. subcrenata* occur within the traditionally managed grasslands. Among other species, these grasslands support frequent sweet vernal-grass and red fescue, with pignut *Conopodium majus*, common mouse-ear *Cerastium fontanum*, meadow vetchling *Lathyrus pratensis*, yellow-rattle *Rhinanthus minor* and red clover *Trifolium pratense*. Additionally, a remnant pasture in the Belmont area supports an outstanding population of globeflower *Trollius europaeus*. In addition to their flowering plants, traditionally managed grassland fields in the West Pennine Moors also support a rich diversity of fungi, the area being good for waxcaps in particular. Of significance is the pink waxcap *Hygrocybe calyptriformis* var. *calyptriformis* which is found at three locations within the site.

Woodland

The West Pennines Moors include a number of woodlands along steep-sided cloughs and some water courses. Typically, these are upland oak woods with a species-poor heathy understorey interspersed with a mosaic of other, generally wet woodland and scrub types, which often provide a transition to more open moorland habitats.

Stronsey Bank, Lead Mine's Clough, Dean Wood, Tiger's Clough, Hall Wood and Longworth Clough are ancient woodlands, with a predominance of sessile oak *Quercus petraea* or pedunculate oak *Q. robur* in the canopy, alongside abundant downy birch *Betula pubescens*, silver birch *B. pendula* and rowan *Sorbus aucuparia*. Holly *Ilex aquifolium* and hazel *Corylus avellana* are common in the understorey. On the ground, wavy hair-grass is interspersed with ferns, such as hard-fern *Blechnum spicant* or lemon-scented fern *Oreopteris limbosperma*, bilberry and wood-sorrel *Oxalis acetosella*.

The woodland within Longworth Clough is the most diverse, with a mosaic of woodland, scrub, heathland and grasslands. There is a well-developed shrub layer in places, including bird cherry *Prunus padus*, hawthorn *Crataegus monogyna* and guelder-rose *Viburnum opulus* on the wet, lime-rich ground. Within the many flushes of this woodland is also an area of an uncommon wet woodland type with alder *Alnus glutinosa* and greater tussock-sedge.

Smaller stands of trees are scattered across the upland massifs, many of which are unfenced and grazed with the wider moorland habitats. These woodlands have thinner canopies than the dense woodland blocks and, as a result, support a richer ground flora. For example, the wet woodland at Owshaw Clough, interspersed with numerous species-rich flushes, has frequent marsh hawk's-beard *Crepis paludosa*, greater bird's-foot-trefoil *Lotus pedunculatus* and meadow vetchling, as well as marsh valerian *Valeriana dioica* and many blue-green sedges.

The woodlands are also important because they support a diverse assemblage of woodland breeding birds, including scarce and/or rapidly declining species such as tree pipit *Anthus trivialis*, wood warbler *Phylloscopus sibilatrix*, spotted flycatcher *Muscicapa striata*, pied flycatcher *Ficedula hypoleuca* and willow tit *Poecile montana*. Some species, including buzzards *Buteo buteo* and

ravens, nest in the woodlands and hunt for food over the adjacent moorland and in-by. Tree pipits require more open areas, particularly in the transition from woodland to moorland and grassland.

Flowering plants

In addition to the lady's-mantles in the meadows mentioned above, one of the water-bodies within Troy Quarry is home to an important population of the Nationally Scarce floating water-plantain *Luronium natans*.

Breeding birds

As well as the upland moorland, in-by and woodland breeding bird assemblages described above, the SSSI supports important breeding populations of gulls and herons. Belmont Reservoir and the surrounding area supports nationally important numbers of breeding black-headed gulls *Chroicocephalus ridibundus* and Mediterranean gulls *Larus melanocephalus*, which nest together throughout the spring and early summer. Upland breeding birds also use the open water and nearby pasture-land for foraging, including large numbers of lapwing and curlew. In addition to its breeding birds, Belmont Reservoir supports an exceptional population of common toad *Bufo bufo*.

Other bird species also benefit from the man-made water bodies within the area, including grey heron *Ardea cinerea* which nests in a large heronry in plantation woodland on the banks of Turton and Entwistle Reservoir.

Annex 2

Views about Management

This is a legal document on which you have a right to make objections or representations, as explained in part 3 of this notification document.

Views About Management

Wildlife and Countryside Act 1981 Section 28(4) as inserted by
Schedule 9 to the Countryside and Rights of Way Act 2000

Natural England has a duty to inform the owners and occupiers of land within the **West Pennine Moors Site of Special Scientific Interest (SSSI)** of its views on how to manage the habitats and species of interest for nature conservation. This statement sets out our views on how the SSSI's special conservation interest can be conserved and enhanced.

Please be aware not all of the management principles outlined in this statement will be equally appropriate to all parts of the SSSI. There may also be other management activities, not outlined here, which could be beneficial to the conservation and enhancement of the features of interest.

Also be aware that this statement does not provide consent for any of the 'operations requiring Natural England's consent'. You need to have written consent from Natural England if you want to carry out any of those operations. Natural England welcomes discussion with owners, occupiers and users of the SSSI to ensure that the management of this site conserves and enhances the habitats and species of interest, and to ensure that all necessary prior consents are obtained.

Background

The West Pennine Moors SSSI has a wide range of upland habitats including large expanses of blanket bog interspersed with a mosaic of dry and wet upland heath, wet flushes, grasslands and clough woodlands. These habitats support significant populations of breeding birds and flowering plants. Many habitat, bird and plant features of interest rely on similar management but others have more specific requirements to keep them in good condition.

Blanket bog is a peatland habitat that is confined to cool, wet climates. Peat forms where certain plants decompose very slowly under waterlogged conditions. In ideal circumstances, the peat develops over large expanses of uplands, effectively 'blanketing' them. The wet, nutrient-poor growth conditions provided by peat means that the bogs and their associated pools support unique communities of specialised plants and animals. Upland heaths develop where thinner soils are nutrient-poor and acidic and are dominated by dwarf shrubs, especially heather. Rarer wet heath occurs on similar soils but in water-logged conditions, giving rise to a different community of plants including cross-leaved heath, bog asphodel and bog-mosses.

Within the blanket bog and upland heath areas, groundwater sometimes rises to the surface, giving rise to slowly seeping flushes and faster-flowing springs. Mosses, liverworts, sedges and rushes typically dominate upland flush vegetation. The open moorland habitats support a distinctive breeding bird community including many scarce and declining breeding species largely or completely confined to upland areas such as merlin, curlew, whinchat and twite. The mosaic of upland habitats described above should be maintained and managed to safeguard the diversity of the assemblage.

Clough woodlands are remnants of a more widely wooded landscape, surviving due to their inaccessibility on steep and often wet slopes. Oak, birch and rowan woodland is typical of upland cloughs, with an understorey of heath-like vegetation and a dense moss layer. Wet woodland, found in the clough bottoms and valleys, is usually dominated by alder and willow species and often supports important insects. Many woodland birds inhabiting the West Pennine Moors woodlands are scarce and/or rapidly declining species, such as cuckoo, tree pipit, wood warbler, spotted and pied flycatchers and willow tit. It is important to ensure that woodland management benefits these species in particular.

The West Pennine Moors SSSI also consists of ground lying below the moorland line, some of which is enclosed in-by farmland. Fen meadows and rush pastures form in a similar way to upland flushes, where the resulting habitats depend on the nature of the groundwater surfacing in

the area. As with their upland counterparts, these habitats also support a diverse range of plants and insects, including substantial sedge-based communities. Small areas of acid and neutral in-bye grassland have also been retained under traditional management. These are species-rich communities, benefitting from years of careful management with low or no nutrient inputs, a hay cut and grazing, or simply low intensity grazing. These grasslands support populations of Nationally Rare lady's-mantles.

The standing open water habitats of the area, including drinking-water reservoirs and quarry pools, provide additional diversity of habitat within the wider upland mosaic. These areas support nationally important numbers of breeding black-headed and Mediterranean gulls, a large heronry and a population of the Nationally Scarce floating water-plantain.

Upland habitats

The views about management in this section relate to: blanket bog, dry and wet heath, acid and lime-rich flushes, rush pastures and mire grasslands and all additional upland breeding bird habitat.

Where bogs, wet heath and flushes occur, very little management is required due to the impoverished ecological conditions. These sensitive wet habitats require careful grazing to maintain their interest, ordinarily to maintain structural diversity in the habitat (plants of different ages and sizes) and to prevent the area becoming invaded by trees and shrubs. Cattle or sheep are the preferred stock for these situations but hardy ponies can also be used. Grazing is also the preferred management for dry heath. The most important management factors are the timing and intensity of grazing and, in general, light summer grazing is the preferred regime. Winter grazing can often lead to stock preferentially eating dwarf shrub species, while over-grazing at any time of the year can damage the ground and promote the dominance of grasses. Both can lead to a decline in the botanical interest of the site. Extensive grazing regimes are also key to creating appropriate habitats for and minimising disturbance to a range of ground-nesting birds such as snipe, redshank, lapwing and curlew.

The use of burning as a management tool is damaging to blanket bog, wet heath and flush communities and should be avoided. Where grazing is not possible on dry heath habitat, careful periodic burning may be a useful tool for maintaining structural diversity but it is not advisable to introduce burning to areas that have not been burned before or have no recent history of burning. Burning should only be undertaken during the winter and should follow a burning rotation that promotes maximum biodiversity – ideally small patches on a long rotation. Larger areas of mature and over-mature heather should always be available for breeding birds, particularly nesting merlin, short-eared owl, curlew and twite. All management by burning should follow the guidance set out in the 'Heather and Grass Burning Code'.

Cutting is a possible alternative to burning on areas of dry heath and may be favoured. If cutting is used, care must be taken to remove the resultant litter or germination of seedlings will be inhibited. Cutting can be usefully employed to create firebreaks. However, care must be taken when using the machinery required for cutting as this can be damaging to the fragile upland peat soils. Cutting should be avoided where possible on wet habitats, for example where dry heath grades to wet heath, blanket bog or an upland flush.

No new drainage should be introduced to blanket bogs, wet heaths, flushes or their catchment areas, and deepening of any existing surface drainage should be avoided. Where water levels are controlled in bogs the water table should be maintained at or around the surface of the peat. It may be appropriate in some cases to block existing drains to prevent further lowering of the water table where this appears damaging. On bogs that have been disturbed, it may be beneficial to create new pools to allow moss re-colonisation and provide additional habitat for waders such as dunlin. Equally, in upland flushes, management must maintain or restore the natural hydrological process particularly in quantity and quality of water supply. Nutrient enrichment from stock feeding and other sources is damaging to all bog, wet heath and flush habitats and should be avoided. Care should also be taken to avoid any nutrient enrichment from adjoining water courses.

Sympathetic and extensive management as described above will also benefit the species comprising the upland and in-bye breeding bird assemblage that need a mosaic of habitats with

vegetation of varying ages and structures. Of particular importance is the retention of taller heather in places, such as on slopes or along watercourses, that may provide suitable nest sites for merlin, hen harrier, short-eared owl and twite. Conversely, shorter vegetation particularly on flatter, gently sloping land provides nesting and feeding sites for birds such as golden plover, lapwing and curlew. It is also particularly important to maintain the open nature of the land surrounding Belmont Reservoir and in other in-bye areas. Predator control may also be beneficial to protect the breeding sites of ground nesting birds. Equally, in some locations it may be beneficial to retain and develop local cover of native scrub, scattered trees and woodland where this is consistent with management objectives for upland and in-bye breeding birds.

As the unenclosed moorland habitats within this site are highly sensitive to inorganic fertilisers and pesticides, application should be avoided. Bracken control may be desirable where uniform single species stands are demonstrated to be invading habitats of importance. However, some sporadic patchy bracken areas within the heathland mosaic provide nest sites for whinchat, twite, ring ouzel and linnet.

Moorland fringe grasslands

Mire grassland and rush pasture

The views about management in this section relate to rush pasture and mire grassland habitats.

Rush pasture and mire grassland requires active management if it is to retain its conservation interest. Light summer grazing is the traditional method of achieving this, although the timing and intensity depends on local conditions, such as the need to avoid disturbing ground-nesting birds. Light trampling can be beneficial in breaking down leaf litter and providing areas for seed germination but heavy poaching should be avoided. Cattle are often the preferred stock because they produce an uneven, structurally diverse sward, are more tolerant of wet conditions and are able to better control tall grasses and rank vegetation. Where cattle are not available, ponies or hill sheep may be suitable livestock. An element of managed scrub, both within and around a field can be of importance to birds and insects, as can a surrounding hedge. Cultivation, increased drainage or the application of pesticides, herbicides or fertilizer is likely to be damaging and should be avoided.

Acid and neutral grasslands

The views about management in this section relate to: acid grassland, neutral hay meadows and pastures, including those with restoration potential and those supporting the Nationally Rare lady's-mantles.

Unimproved grasslands tend to be species rich and rely on regular removal of the grass sward and dead plant material to maintain their diversity. Management should keep a relatively open sward without causing excessive poaching. In hay meadows, this is traditionally achieved by closing the fields to stock, cutting the spring and early summer growth as hay, and grazing the aftermath in the late summer/early autumn. On pasture land this management is achieved by grazing alone. In both cases, the precise timing of management and intensity of grazing depends on local factors, including soil type, past management, altitude and current weather conditions, but only light grazing should take place until after ground-nesting birds have fledged and any short-lived, characteristic plants have set seed. Heavy poaching is damaging to all lowland grasslands and must be avoided.

The application of pesticides including herbicides would be damaging and should be avoided, although the targeted application of weed-killer may sometimes be appropriate to control invasive plants such as creeping thistle or ragwort. Fertilisers should also be avoided but periodic application of well-rotted farmyard manure may be acceptable on fields managed as hay meadows, particularly if there is a proven history of use with no harmful effect on the nature conservation interest. Occasional applications of lime may also be acceptable on neutral grasslands where this is a long-established practice. In addition, occasional management of invasive scrub and bracken may be necessary.

Starry and large-toothed lady's-mantles are herbaceous perennials of traditionally-managed upland hay meadows which have not been improved by re-seeding or the heavy application of fertilisers,

and whose cutting is delayed until after the plants have set seed. The slightly smaller and more delicate large-toothed lady's-mantle can survive in pasture as long as summer grazing is light enough to allow the plants to flower and set seed, although it does equally well in hay meadows, which is where this species is mostly found in the UK. Starry lady's-mantle is larger and bulkier, and able to compete in quite tall grassland, where management with a late hay cut is important for it to thrive. Neither species will survive in intensively managed grass fields, especially those cut for silage. There may be circumstances when specific management measures are needed to ensure the well-being of these currently small populations. In these situations the management will be discussed and agreed on a case-by-case basis.

Woodland

The views about management in this section relate to: upland oak woodland, wet woodland and scrub, habitat supporting woodland breeding birds and conifer plantation supporting grey herons.

A diverse woodland structure with some open space, some areas of dense understorey and a canopy of more mature trees is important. A range of tree ages and species within and between blocks of trees is desirable. Some dead and decaying wood such as fallen logs, old hollow trees or old coppice stools is essential for providing habitats for fungi, dead wood invertebrates and nesting areas for breeding birds. In this type of upland woodland, there is a graded edge to open habitat features, with scrub features including bracken and bramble vegetation providing transitional habitat.

Deer management and protection from rabbits, squirrels or livestock are often necessary. Pheasant and other game rearing is not recommended because the feeding leads to increased nutrients and the birds' foraging behaviour causes damage to the ground flora. In the case of upland woodlands, it can be beneficial to permit moderate to low levels of grazing to develop a patchy shrub layer and maintain ground layer vegetation structure. This creates conditions suitable for wood warblers and pied flycatchers. Heavy browsing should be avoided because it damages the ground flora and prevents successful regeneration.

Felling, thinning or coppicing may be used to create or maintain variation in the structure of the wood. For example, it may be appropriate to thin areas of dense, closed canopy to create more dappled shade and to encourage development of the shrub layer. Where they are a threat to the interest of the wood, non-native trees, shrubs and other plants, especially invasive plants such as *Rhododendron ponticum* or Himalayan balsam, should be targeted and removed. Natural regeneration from seed or stump regrowth (as in coppice) is preferable to planting.

Open space, either temporary gaps created by felling, coppicing or wind-throw, and more permanent areas such as rides and glades, benefits insects such as butterflies. Open spaces should be of sufficient size to ensure that sunny conditions prevail for most of the day. A more open woodland structure with large glades and rides will benefit tree pipits. Rides and glades may require cutting to keep them open.

Areas of wet woodland usually benefit from minimum intervention and are often best left undisturbed to limit damage to the fragile soils associated with them and their natural hydrology - a diverse woodland structure can be achieved and maintained primarily by natural factors. Such conditions favour scrubby willow, alder and birch stands and promote abundant deadwood, benefitting the willow tit in particular.

Whilst breeding in woodlands, some woodland bird species need a variety of other habitats nearby, including open in-by-land, wet grasslands and flushes, and scrub. It is important that this mosaic of supporting habitats is maintained throughout the SSSI.

In locations supporting heronries, management should maintain areas of woodland or plantation with a high proportion of tall mature trees (typically between 15-30m high) to provide suitable roosting and nesting sites for grey herons. In particular, disturbance of the woodland block during the breeding season (late February to early August) should be kept to a minimum. Recreational use of the woodland should be discouraged, whilst shooting for game should be avoided completely in areas where the birds are nesting. Grey herons search for food over extensive areas

away from their nesting sites so open water and wetland habitats present within the wider West Pennine Moors site should be retained to maintain foraging habitat.

Other features including open water bodies

The views about management in this section relate to: the Nationally Scarce floating water-plantain and breeding black-headed and Mediterranean gulls.

Floating water-plantain is an aquatic plant that requires slightly acidic, nutrient-poor to moderately nutrient-rich lakes, where it grows in water up to 2 metres deep. Although it can occupy a variety of aquatic habitats, in the West Pennine Moors it is growing in a disused quarry pool. Management should maintain water supply, quality and clarity. Neither fish nor other species, particularly water plants, should be introduced. While the species is tolerant of a small amount of disturbance, excessive disturbance should be avoided. The plant needs high levels of light so overhanging trees and other vegetation may require control. Given the importance of the species, consideration should be given to transplanting (with Natural England's permission) to other suitable water bodies nearby in order to build the resilience of the local population.

Where breeding black-headed and Mediterranean gulls are present, particularly in and around Belmont Reservoir, the lake shores and the neighbouring wet grassland, management should maintain shorter vegetation and keep shrub cover to a minimum to provide suitable nesting sites. Disturbance in the immediate vicinity of nesting birds should be kept to a minimum during the breeding season (April-August). Management should also ensure nesting areas are inaccessible to mammalian predators such as foxes.

Date Notified: 17 November 2016

Annex 3

List of operations requiring Natural England's consent

This is a legal document on which you have a right to make objections or representations, as explained in part 3 of this notification document.

Operations requiring Natural England's consent

Wildlife and Countryside Act 1981 Section 28 (4)(b) as substituted by Schedule 9 to the Countryside and Rights of Way Act 2000

The operations listed below may damage the features of interest of the **West Pennine Moors SSSI**. Before any of these operations are undertaken you must consult Natural England, and may require our consent.

It is usually possible to carry out many of these operations in certain ways, or at specific times of year, or on certain parts of the SSSI, without damaging the features of interest. If you wish to carry out any of these activities, please contact your Natural England Area Team who will give you advice and, where appropriate, issue consent. Please help us by using the 'notice form' (provided at notification and available on request) to ask for consent to carry out these operations.

In certain circumstances it will not be possible to consent these operations, because they would damage the features of interest. Where possible the Area Team will suggest alternative ways in which you may proceed, thereby enabling consent to be issued. To proceed without Natural England's consent may constitute an offence. If consent is refused, or conditions attached to it which are not acceptable to you, you will be provided with details of how you may appeal to the Secretary of State.

Standard reference number	Type of operation
----------------------------------	--------------------------

- | | |
|------|--|
| 1. | Cultivation, including ploughing, rotovating, harrowing and re-seeding. |
| 2. | Grazing and alterations to the grazing regime (including type of stock, intensity or seasonal pattern of grazing). |
| 3. | Stock feeding and alterations to stock feeding practice. |
| 4. | Mowing or cutting vegetation and alterations to the mowing or cutting regime (such as from haymaking to silage). |
| 5. | Application of manure, slurry, silage liquor, fertilisers and lime. |
| 6. | Application of pesticides, including herbicides (weedkillers) whether terrestrial or aquatic, and veterinary products. |
| 7. | Dumping, spreading or discharging of any materials. |
| 8. | Burning and alterations to the pattern or frequency of burning. |
| 9. | Release into the site of any wild, feral, captive-bred or domestic animal, plant, seed or micro-organism (including genetically modified organisms). |
| 10. | Killing, injuring, taking or removal of any wild animal (including dead animals or parts thereof), or their eggs and nests, including pest control and disturbing them in their places of shelter. |
| 11. | Destruction, displacement, removal or cutting of any plant, fungus or plant remains, including tree, shrub, herb, hedge, dead or decaying wood, moss, lichen, fungal fruiting body, leaf-mould, turf or peat. |
| 12. | Tree and/or woodland management and alterations to tree and/or woodland management (including planting, felling, pruning and tree surgery, thinning, coppicing, changes in species composition, removal of fallen timber). |
| 13a. | Draining (including moor-gripping, the use of mole, tile, tunnel or other artificial drains). |

Standard reference number	Type of operation
13b.	Modification to the structure of water courses (streams, springs, ditches, dykes, drains), including their banks and beds, as by re-alignment, regrading, infilling, damming or dredging.
13c.	Management of aquatic and bank vegetation for drainage purposes.
14.	Alterations to water levels, water tables and water utilisation (including irrigation, storage and abstraction from existing water bodies and through boreholes). Also the modification of current drainage operations such as through the installation of new pumps.
15.	Infilling or digging of ditches, dykes, drains, ponds, pools, marshes or pits.
16a.	Freshwater fishery production and/or management, including sporting fishing and angling, and alterations to freshwater fishery production and/or management.
20.	Extraction of minerals including peat, shingle, hard rock, sand and gravel, topsoil, subsoil, and spoil.
21.	Destruction, construction, removal, rerouting, or regrading of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks, including soil and soft rock exposures or the laying, maintenance or removal of pipelines and cables, above or below ground.
22.	Storage of materials on blanket bog, heathland, flushes, rush pastures, mire grasslands, species-rich meadows or pastures or in woodlands.
23.	Erection of permanent or temporary structures or the undertaking of engineering works, including drilling.
24a.	Modification of natural or man-made features (including cave entrances) and clearance of boulders, large stones, loose rock or scree.
24b.	Battering, buttressing or grading of geological exposures and cuttings (rock and soil) and infilling of pits and quarries.
26.	Use of vehicles or craft other than on made-up roads or tracks.
27.	Recreational or other activities likely to damage or disturb the features of special interest.
28a.	Game and waterfowl management and hunting practices and alterations to game and waterfowl management and hunting practice.
28b.	Use of lead shot.

Notes

- i. This is a list of operations appearing to Natural England to be likely to damage the special features of the SSSI, as required under section 28 (4) (b) of the Wildlife and Countryside Act 1981 (as amended).
- ii. Where an operation has been granted a consent, licence or permission from another authority, separate consent will not be required from Natural England. However, other authorities are required to consult Natural England before such consents, licences or permissions are issued.
- iii. Any reference to 'animal' in this list shall be taken to include any mammal, reptile, amphibian, bird, fish, or invertebrate.

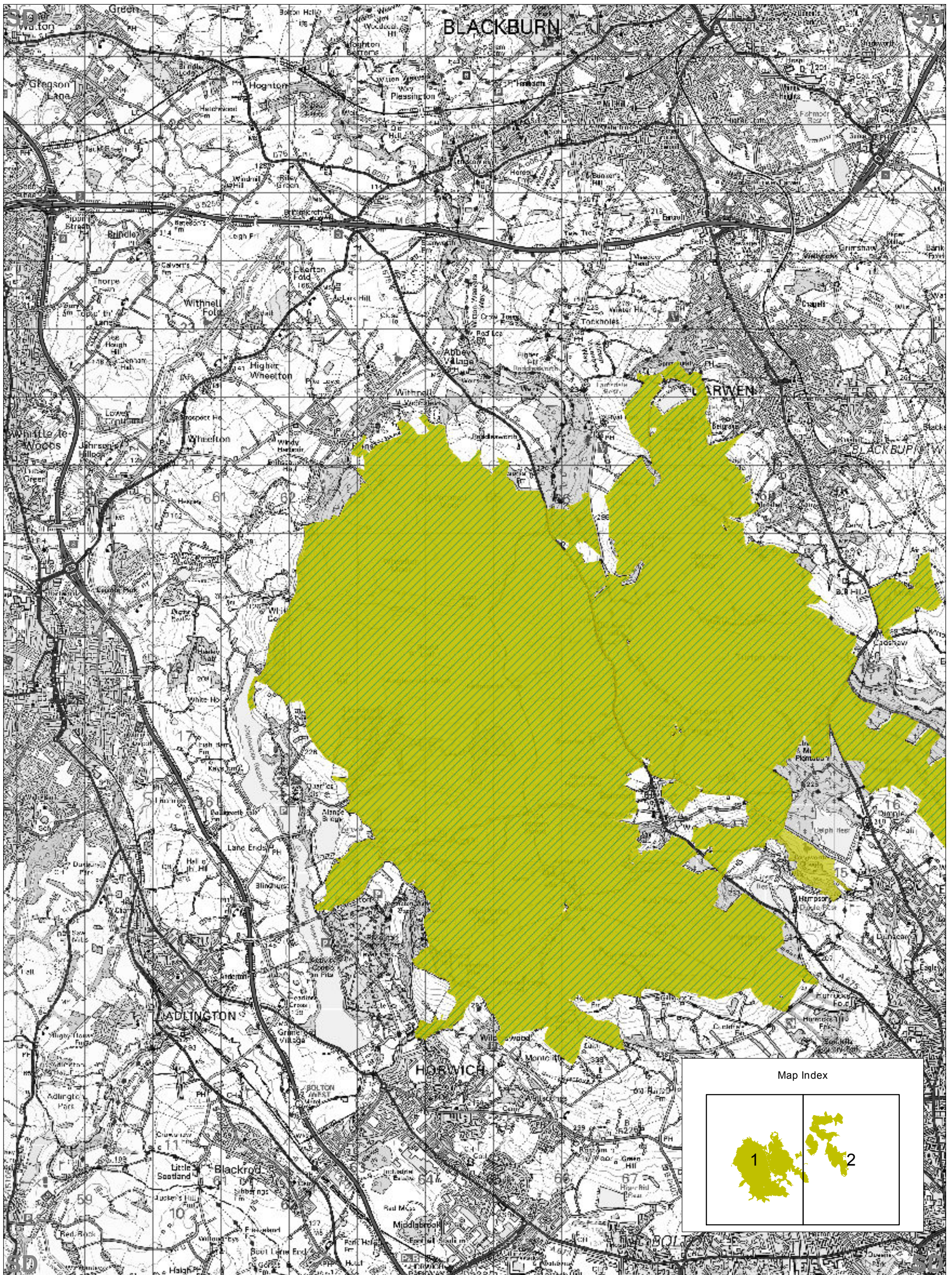
Date notified: 17 November 2016

National Grid reference: SD687183

Annex 4

Map(s) showing the land notified

This is a legal document on which you have a legal right to make objections or representations, as explained in part 3 of this notification document.

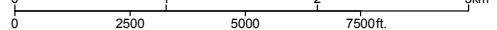


Site of Special Scientific Interest
West Pennine Moors
 Lancashire, Greater Manchester
 Notification Date:

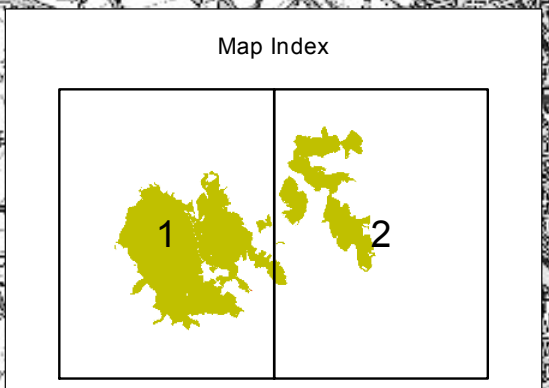
Site of Special Scientific Interest
 7662.40 Hectares
 Land not previously notified under section 28
 of the Wildlife and Countryside Act 1981 7616.72 Hectares

Theme ID:
 1481826
 Grid Ref:
 SD687183
 Version:
 20160921
 Plotted:
 17/11/2016

Scale 1:50,000 at A3
 Map 1 of 2

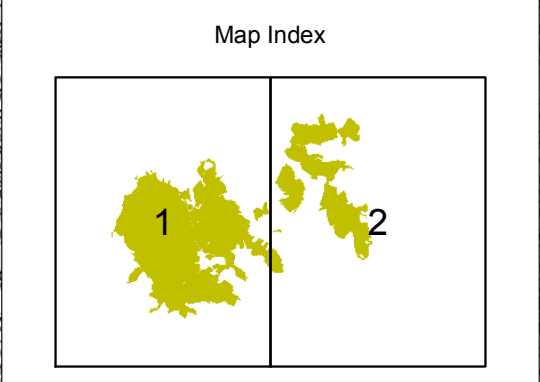
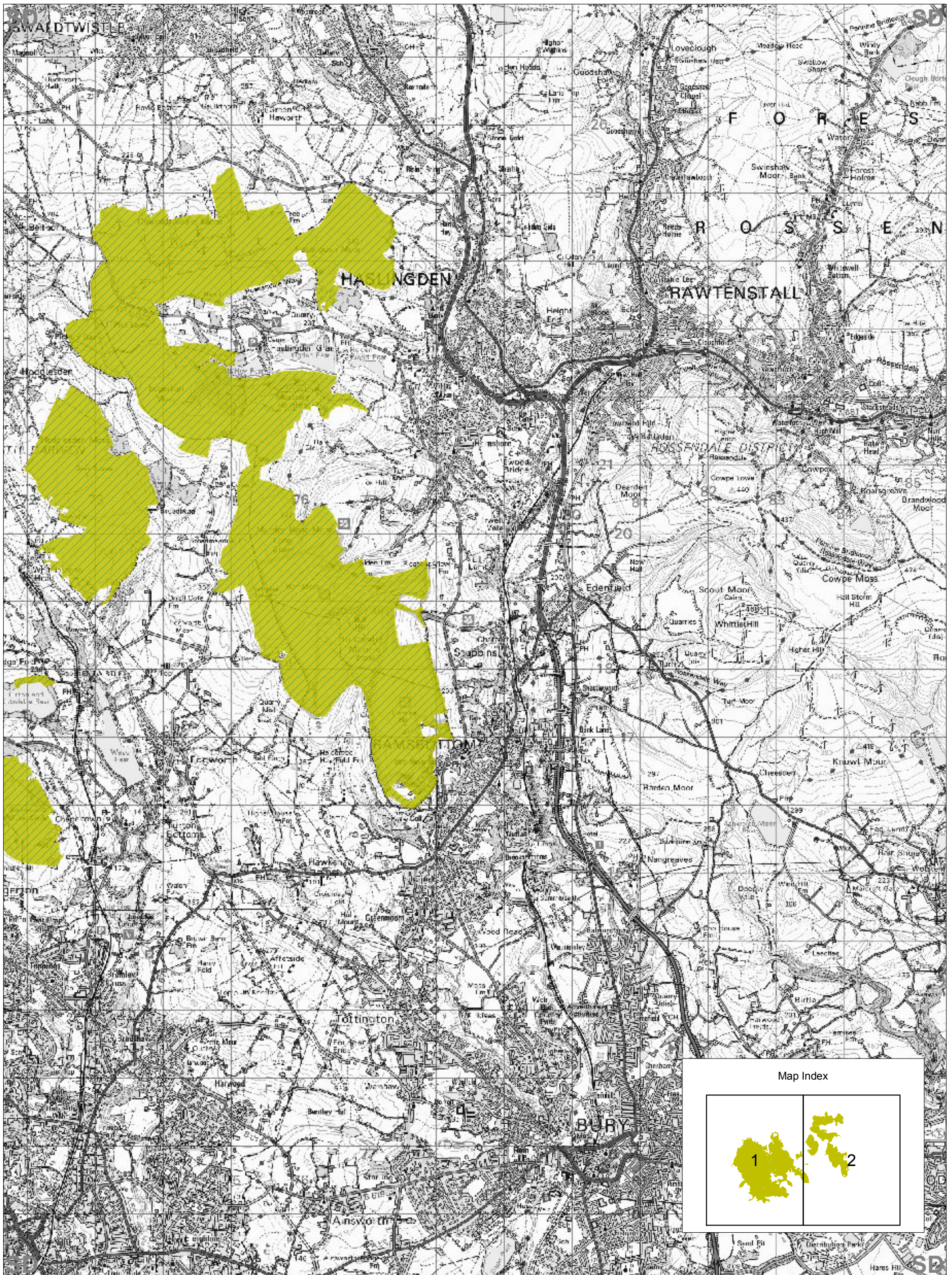


Grid North



Reproduced by permission of Ordnance Survey on behalf of HMSO.
 © Crown copyright and database right 2016.
 All rights reserved. Ordnance Survey Licence number 100022021.
 © Natural England 2016





Site of Special Scientific Interest
West Pennine Moors
 Lancashire, Greater Manchester
 Notification Date:

Site of Special Scientific Interest
 7662.40 Hectares
 Land not previously notified under section 28
 of the Wildlife and Countryside Act 1981 7616.72 Hectares
 Page 141 of 142

Theme ID:
 1481826
 Grid Ref:
 SD687183
 Version:
 20160921
 Plotted:
 17/11/2016

Scale 1:50,000 at A3
 Map 2 of 2
 0 2500 5000 7500m 3km
 Grid North

Reproduced by permission of Ordnance Survey on behalf of HMSO.
 © Crown copyright and database right 2016.
 All rights reserved. Ordnance Survey Licence number 100022021.
 © Natural England 2016



