

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	
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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 LAUNDRY, SANDY LANE, LUR DAVEN
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.  7/11/16
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	
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
exchanging 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 wagons

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

Contact number:

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.
