

# Planning and Highways Committee

Thursday, 19 January 2017

18:30

Meeting Room A, Blackburn Town Hall

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## AGENDA

### PART I: ITEMS FOR CONSIDERATION IN PUBLIC

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- 3 **Declarations of Interest in Items on this Agenda**  
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### PART 2: ITEMS FOR CONSIDERATION IN PRIVATE

Date Published: Wednesday, 11 January 2017  
Harry Catherall, Chief Executive

**PLANNING AND HIGHWAYS COMMITTEE**  
**15<sup>th</sup> December 2016**

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

**OFFICERS** – Gavin Prescott (*Planning*), David Proctor (*Planning*), Brian Bailey (*Director of Planning & Prosperity*), Mike Cliffe (*Transport*) Asad Laher (*Legal*), Safina Alam and Christine Wood (*Democratic Services*)

**RESOLUTIONS**

**66**    **Welcome and Apologies**

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

**67**    **Minutes of the last Meeting held on 17<sup>th</sup> November 2016**

**RESOLVED** – That the minutes of the last meeting held on 17<sup>th</sup> November 2016 were confirmed and signed as a correct record.

**68**    **Declarations of Interest**

Councillor Keith Murray declared another interest in agenda item 4.1 (planning application 10/16/1132) (submitted letter outlining comments and concerns relating to the application) and left the room prior to discussion and determination on the item.

**69**    **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>
At this point in the meeting prior to discussion and determination of planning application 10/16/1132, Councillor Keith Murray left the meeting.			
10/16/1132	Kingswood Homes UK Ltd	Land off Livesey Branch Road, Blackburn, BB2 5BX  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.	Approve subject to:  Delegated authority be 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.  <u>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</u>  With conditions as stated in the Director's original report and also conditions as

<u>Application No.</u>	<u>Applicant</u>	<u>Location and Description</u>	<u>Decision under Town and Country Planning Acts and Regulations</u>
			detailed in the Director's update report
At this point in the meeting, following determination of planning application 10/16/1132, Councillor Keith Murray returned to the meeting.			
Each Member of the Committee confirmed that they had considered and understood any Equality Impact Assessments associated with the planning application 10/16/0975 as follows:			
10/16/0975	Mr John Loveridge	Former Lawnmower Specialists Site  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.  Councillor John Slater spoke objecting to the application on behalf of local residents.	Approve subject to conditions as detailed in the Director's original report and also conditions as detailed in the Director's update report

## 70 Local List of Heritage Assets

A report was submitted to advise the Committee of the list of Heritage Assets for the Borough so as to have regards to their heritage significance when determining planning applications.

The Committee was advised that local listing was 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 Committee was also advised that the purpose of the list was to enable better protection for those parts of the historic environment that were valued by the local community, but not of national significance.

The assets were recognised as undesignated heritage assets which were different from designated heritage assets such as listed buildings.

It was reported that the selection criteria and scoring for local listing had been approved on 14<sup>th</sup> November 2011 by the Executive Member for Regeneration and nominations had been subsequently invited from the general public in January 2012. Local Plan Policy 39 on Heritage would form the basis for assessing applications which affected local heritage assets. Due to the large number of nominations received, a small selection had been considered for local listing to form the first stage with additional stages to follow in subsequent years. A copy of the Local list of heritage assets: First Stage Local List October 2014 was attached to the report for information.

It was further reported that the list included a higher concentration of buildings from Blackburn than Darwen due to the large number of nominations received from the Blackburn area. Members were advised that it had been proposed that a later update of the list should include more from the Darwen area and engage directly with the Darwen History Society for possible nominations. The list was considered to represent a good range of the most significant heritage assets that were valued by the local community.

**RESOLVED** – That the Planning and Highways Committee note the list of Locally Listed Heritage Assets.

**71 Petition: Planning Application 10/16/0827 – 15 Devonport Road, Blackburn, BB2 1EG, Conversion of existing building to 20 no. residential apartments (C3) at Time House**

A report was submitted to advise the Committee of the receipt a petition on 30<sup>th</sup> September 2016 containing 48 signatures objecting to planning application 10/16/0827 as detailed above.

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

**RESOLVED** – That the Planning and Highways Committee

1. Note receipt of the petition; and
2. Note that the issues raised would inform the assessment of the proposal; and
3. That the Lead Petitioner be informed of the decision once made.

**72 Petition: Planning Application 10/16/0907 – Kirk Scaffolding, Greenbank Works, Gorse Street, Blackburn, BB1 3EU, 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**

A report was submitted to advise the Committee of the receipt of a petition on 18<sup>th</sup> October 2016 containing 17 signatures objecting to planning application 10/16/0907 as detailed above.

Grounds for objection were outlined in the report.

**RESOLVED** – That the Planning and Highways Committee

1. Note receipt of the petition; and
2. Note that the issues raised would inform the assessment of the proposal; and
3. That the Lead Petitioner be informed of the decision once made.

**73**     **Petition: Planning Application 10/16/1124 – 45 Railway Road, Darwen, BB3 2RJ – Change of use from former public house into Islamic Education Centre and Mosque with ancillary living accommodation and erection of single storey rear extension**

A report was submitted to advise the Committee of the receipt of a petition on 18<sup>th</sup> November 2016 containing 395 signatures supporting planning application 10/16/1124 as detailed above.

Grounds for supporting the application were outlined in the report.

**RESOLVED** – That the Planning and Highways Committee note the petition.

**74**     **Petition regarding the withdrawal of Public Transport by Transdev from Queen’s Park/Audley Area**

Councillor Phil Riley (Executive Member for Regeneration) provided an update on a petition that had recently been received by the Council containing 377 signatures from residents of Audley, Queens Park and North Road areas who had stated that they “are extremely disappointed that buses which run through Audley Range are going to be no longer available” and for the Council to “look into this issue as a matter of urgency as this new bus route is going to have a negative impact on many people’s lives”.

Councillor Riley advised that the decision to re-route the Shadsworth Shuttle bus service away from Audley and North Road had been taken on a commercial basis by local bus operator Transdev Lancashire United. Since 1986 when local bus services had been deregulated, bus companies had been free to register, cancel or vary routes with the Traffic Commissioner at eight weeks’ notice. Unfortunately the Council’s scope for stepping into areas such as Audley Range and

directly subsidising replacement bus services when they were commercially withdrawn was becoming more limited, given the financial position it has been faced with since 2010.

The Committee was updated on actions taken by the Council since the service had been de-registered in the Summer of 2016 as follows:

- Considered carefully whether to step in and subsidise the vacated route
- Liaised with Transdev over the deregistration and whether a less frequent service could be provided commercially
- Liaised with other local bus companies in relation to whether it could be incorporated into other bus routes
- Discussed options with Members, Community Officers and not-for-profit Community Transport companies.
  
- A 2 sided leaflet had been produced with the assistance of Travel Assist and Dial A Ride to advertise alternative transport provision, and that a bookable / ring-up door to door service was available on Mondays / Wednesdays and Fridays from the North Road / Queens Park / Audley area to go to shops etc. This was a chargeable service with fares ranging from £2 to £5 return.
  
- 1600 leaflets had been produced and delivered to residents with the help of Ward Councillors / Neighbourhood teams / RSLs / Transport Officers.
  
- Neighbourhood teams had worked with other agencies to identify vulnerable residents and drum up interest for an alternative service, and to identify clusters of people - where people could possibly gather around a community centre and then make their way together to the shops i.e. buddy up / friendship clubs etc - information then shared with Travel Assist and Dial A Ride.
  
- Care Network had assisted in the circulation of leaflets and Dial A Ride application forms on an ongoing basis and at the Your Support Your Choice event on 1<sup>st</sup> December 2016.

It was also reported that the Council had received a registration from Travel Assist who had registered a fixed route service (called the TA05) from Royal Blackburn Hospital - North Road - Romney Walk - Queens Road - Audley Range - Church Street (Markets) doing 3 return trips a

day, three days a week Monday, Wednesday and Friday. NoWCARDs would be accepted on this route which would be trialled for a 6 month period. Travel Assist were planning to start the route on the 19<sup>th</sup> December 2016.

**RESOLVED** – That the Planning and Highways Committee

1. Note receipt of the petition; and
2. Note the update from the Executive Member for Regeneration; and
3. That the Lead Petitioner be advised of the update.

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

A report was submitted to advise the Committee that Natural England had 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. A copy of the the notification of SSSI document from received from Natural England was attached to the report for information.

The Committee was advised that the enlarged site was now known as West Pennine Moors SSSI with immediate effect. Background to the notification was outlined in the report.

It was reported that Natural England had stated that the SSSI notification would 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 provided formal recognition of the site's national importance which would help all those with an interest to realise the landscape's potential for people and wildlife.

The Committee was advised that Natural England has informed the Council of the legal right to make objections and representations about this notification and that 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<sup>th</sup> March 2017.

The Committee was also advised that an assessment of all current and future planning applications within the extended SSSI would need to take the designation into account as a material planning consideration.



**RESOLVED** – That the Planning and Highways Committee note the designation.

**76**     **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.

**77**     **Enforcement: The Ennis, Halley Road, Darwen, BB3 1JB**

A report was submitted requesting authorisation to take enforcement action against all persons having an interest in land known as The Ennis, Halley Road, Darwen BB3 1JB. A copy of the Ordnance Survey Plan was attached to the report for information.

Grounds for the request were outlined in the report.

**RESOLVED** – That the Planning and Highways Committee authorise the Director of HR and Legal Services, in consultation with the Director of Planning and Prosperity to issue an enforcement notice to secure the removal/reduction of the unauthorised fencing of the property that was adjacent to the highway.

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:

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

<b><u>MATERIAL:</u></b>	<b><u>NOT MATERIAL:</u></b>
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**

**Plan No: 10/16/1194**

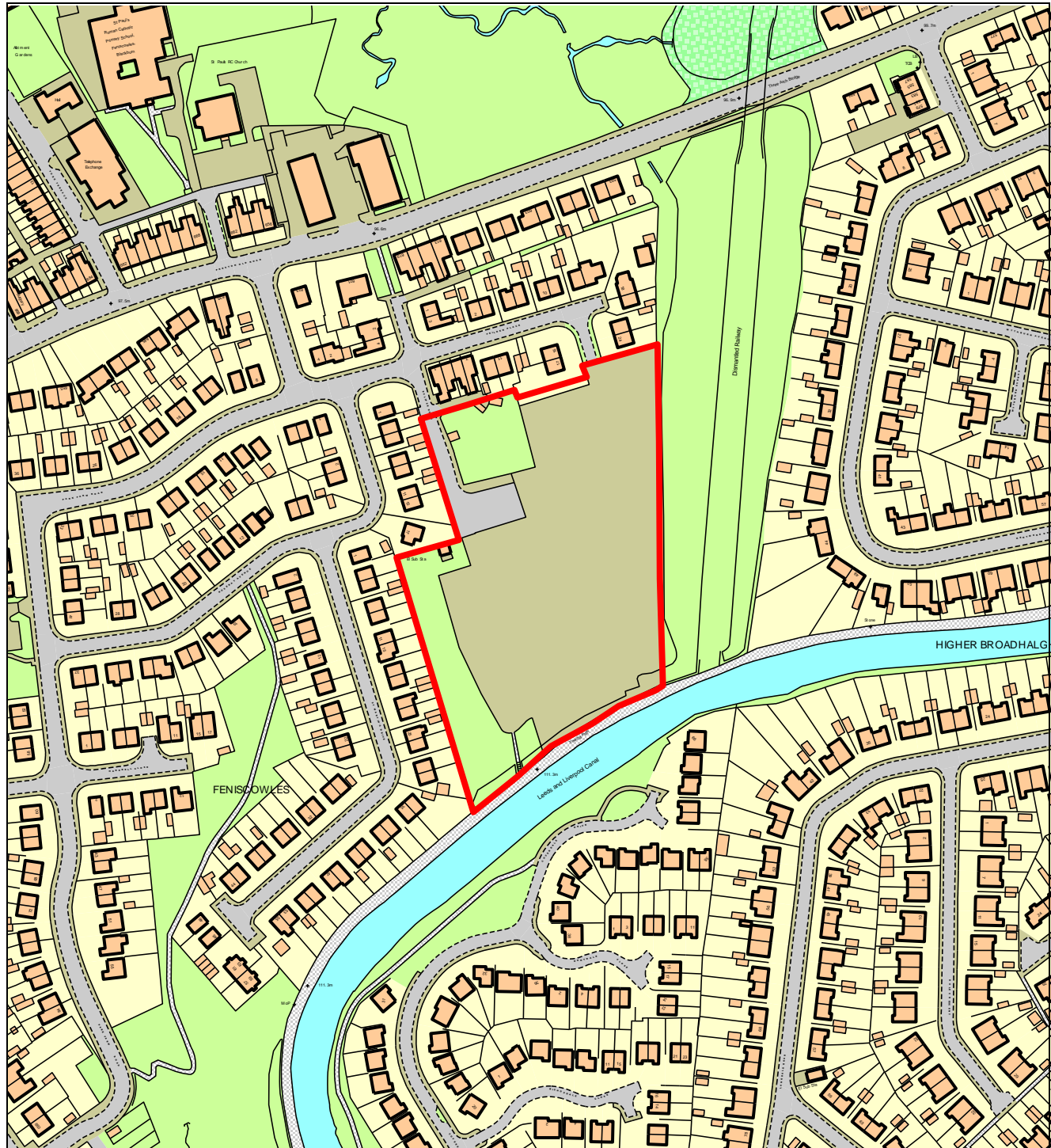
**Proposed development: Full Planning Application for residential development of 51 dwellings including associated infrastructure.**

**Site address: Former Eclipse Mill, Eclipse Road, Feniscowles, Blackburn, BB2 5HF.**

**Applicant: McDermott Homes 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 public open space – see paragraph 4.1 for details.**

## 2.0 **KEY ISSUES / SUMMARY OF PLANNING BALANCE**

2.1 The proposal will deliver a high quality housing development which will widen the choice of family housing in the Borough, providing 3 and 4 bed dwellings. It supports the Borough's planning strategy for housing growth as set out in the Core Strategy and delivers housing at a brownfield site which has been previously approved for a housing development. 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 development relates to the 1.7 hectare former Eclipse Mill industrial premises, which has now been demolished. The site is currently vacant and spoil from the demolition remains on site artificially raising land levels. The site is located within a residential area being bound by housing to the north and west, the canal is elevated above and runs along the southern boundary and the former railway corridor adjoins the site to the west. There is currently a single vehicular access to the site via Eclipse Road.

3.1.2 Public transport links run along Preston Old 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 and access to the canal.

### 3.2 **Proposed Development**

3.2.1 The proposal is a full planning application for the erection of 51 no. two storey/2.5 storey residential dwellings and associated infrastructure. There will be 19 no. 3 bed and 32no. 4 bed dwellings, 45no. being detached with the remaining 6no. being 3 pairs of semi-detached.

3.2.2 All dwellings have off street parking through provision of garaging and driveways. Vehicular access will be via Eclipse Road only. The development requires removal of trees/ shrubs to the north and western boundaries adjacent to existing housing. Landscaping will be undertaken to provide a tree lined street, all dwellings have front gardens and a comprehensive landscaping scheme has been submitted.



3.2.3 Materials proposed for the dwellings are red brick walling with a grey concrete roof tile, white uPVC windows and doors and black uPVC fascias and gutters.

## **3.2 Development Plan**

3.3.1 The Development Plan comprises the Core Strategy and 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
- CS4 – Protection and reuse of employment sites
- 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 18 – Housing Mix
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development

## **3.4 Other Material Planning Considerations**

### **3.4.5 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.

### 3.4.6 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;
- Highways and access;
- Drainage;
- Design and Layout;
- Amenity impact;
- Ecology;
- Contaminated land;
- Affordable housing; and
- Green Infrastructure.

### 3.5.2 Principle

3.5.3 The principle of the development is considered under the Blackburn with Darwen Local Plan Part 2: Site Allocations and Development Management Policies; and the Core Strategy (particularly Policies CS, CS4 and CS5).

3.5.4 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.

3.5.5 Policy CS4 of the Core Strategy seeks to protect employment land from redevelopment unless it is an isolated site within a predominantly residential area and causes loss of amenity for residents. In such circumstances residential development is appropriate subject to other relevant Core Strategy policies. The site shares a boundary with residential gardens to the north and west, the only access to the site is via residential roads that are not designed to accommodate larger vehicles associated with an employment use. Whilst the site is now vacant the former mill was in industrial use and given its close proximity to dwellings may have had an amenity impact for residents dependent on use. On this basis, loss of the employment site for residential purposes is acceptable and in accordance with Policy CS4, subject to other Core Strategy policy.



3.5.6 Full planning permission for 38no. dwellings at the site was resolved to be approved by the Planning and Highways Committee in July 2012, reference 10/12/0369. This permission is currently live, expiring on 18 March 2017.

3.5.6 As a previously developed site, with a live full planning approval for residential, 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.

### 3.5.7 Highways and Access

A detailed Transport Assessment was submitted with the application, which 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.

3.5.8 The Transport Assessment offers evidence to support the assertions made in relation to the trip generation and traffic impact of the proposed development. These discussions indicate that there are unlikely to be any severe impacts associated with the development proposals, which has been supported by the Council's independent assessment.

3.5.9 It is therefore considered that there are no highway safety concerns in relation to the development proposals on the local highway network. However, further consideration of a representation by a local resident also needs to be considered. Part of a local representation raised concern regarding the lack of road markings on the local highway network as follows:

*'What are the proposals for the two 4 way junctions that traffic from the new estate would have to negotiate before they access the A 674 ? At the moment there is no STOP or GIVE WAY sign. Minor collisions have happened; a major one is waiting to happen.'*

3.5.10 The guidance document Manual for Streets which chiefly relates to the layout and design of residential roads states at paragraph 9.3.9, '*Some schemes, primarily on lower volume roads, feature unmarked junctions that require drivers to negotiate their way through with the aim of controlling speeds. At UK residential sites studied in the preparation of MfS, unmarked junctions performed well in terms of casualties....*' For unmarked junctions, it is recommended that the geometry on junction approaches encourages appropriate speeds. However, in

consideration of the concerns raised by local residents the introduction of road markings should be considered.

- 3.5.11 Based on this assessment of the TA and neighbouring comments, the developer has committed to mark out the highway from Eclipse Road to Park Farm Road.
- 3.5.12 The site is also to be designed to be accessible by pedestrians and cyclists, with footways provided through the site from Feilden Place along with access to the Leeds Liverpool Canal. Further detail regarding the cycle access to the canal is to be sought via condition, as a cycle ramp is proposed.
- 3.5.13 The development will be accessible by public transport on Preston Old Road, with the proposed upgrade of 2no. bus stops and cycle signage to be provided for by the developer, should the application receive approval.
- 3.5.14 Swept path analysis shows that the layout works and is capable of accommodating a three-axle bin lorry.
- 3.5.15 133no. car parking spaces are proposed; with each 3 bed property having 2no. car parking spaces and all, except 1no., of the 4no. bed properties having 3no. car parking spaces. This includes integral garages, detached garages and driveway space. The garages proposed do not provide the standard internal dimensions of 3 metres by 6 metres to ensure they are usable to park a car. The developer has been requested to amend the garage sizes; however, this has not been forthcoming.
- 3.5.16 Each dwelling has off-street car parking by way of a drive way, and the garage sizes proposed would not render them unusable as a car parking space, with the internal dimensions being 2.6m x 5.6m on the Chatham, 2.4m x 5m on the Cleveland, 2.6m x 5m on the Garth and 2.7m x 5.2m on the Maidstone. It is considered that on balance, the car parking provision is considered to acceptable and would not warrant refusal of the application.
- 3.5.17 Concern is raised from the Highways Engineer that the footway widths proposed are less than 2m, at 1.8 metre. This marginal width reduction is not considered to represent a serious highway safety concern, particularly given that the site provides footways on either side of the road and would receive residential traffic only having no through route.
- 3.5.18 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 potential impacts on the network. As such, the scheme is in accordance with the requirements of Policy 10 of the Local Plan Part 2.

### 3.5.19 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, a flood risk assessment has been submitted. The overall strategy is to drain the site (both foul and surface water) into the main sewer.

3.5.20 The Council's Drainage engineers and United Utilities have assessed the proposed drainage details, and have confirmed that the drainage design is acceptable given the existing brownfield nature of the site, the lack of availability for onsite attenuation and the low risk nature of the site flooding.

3.5.21 Subject to adherence of the flood risk assessment, the development is considered to be acceptable and in accordance with the requirements of Policy 9 of the Local Plan Part 2.

### 3.5.22 Design and Layout

All dwellings are 2 storey or 2.5 storey, with the mix of house types providing visual interest with a dual pitched roof style and projecting pitch roofed details. Construction materials are red brick with grey roof tiles. The scale and material of dwellings is considered in keeping with adjacent housing. Landscape planting within the street will also help soften the visual appearance and assimilate the development into its natural surroundings of the canal and historic rail corridor

3.5.23 The visual appearance of the site currently detracts from the surrounding area, and is of particular concern bearing in mind the proximity of the public towpath and views from the canal corridor. Construction of the proposal would therefore contribute toward the regeneration and enhancement of the site.

3.5.24 In terms of housing mix, the proposal includes 19 no. 3 bed and 32no. 4 bed dwellings. With the exception of 6no. dwellings, all are 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.

3.5.25 Details of the proposed boundary treatments have been provided. The treatments include brick and timber panels walling to the rear gardens of corner properties, hedgerows, a post and rail fence to the southern boundary with the canal and 1.8m close boarded fencing for rear gardens.

3.5.23 The submitted details include a landscape scheme, which provides for comprehensive planting of predominantly native species. Of the species proposed, there is to be berry bearing plants which will encourage biodiversity. There has been some tree loss on site during the course of the application, however, these trees were not protected

and their removal was proposed as part of the previous application. A condition will be required to ensure that the trees to be retained on site should be protected during construction.

3.5.24 The comprehensive details submitted illustrate a design and layout which show dwellings, infrastructure and landscaping which accords with the provisions of the Local Plan Part 2 and provides a high quality scheme.

3.5.25 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.

3.5.26 Proposed measures to protect residential amenity during the construction phase are set out within the submitted Environment Management 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.

3.5.27 The Council's 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.

3.5.28 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.

3.5.29 Neighbouring dwellings on St Martins Drive and Rosebay Avenue have a rear facing aspect toward the development and have a minimum separation distance of 22m to proposed dwellings. There is a land level difference which varies between 0.6m and 2m, however the proposed separation distances are considered acceptable and in accordance with the 21m specified in SPD guidance. Existing tree planting along this side of the site will be removed for both arboricultural reasons and to facilitate the development. Replacement tree planting is indicated on plan and will be required to help soften the built form of the development to existing dwellings and provide an element of screening once matured. Boundary treatment along this boundary will be a 1.8m high featheredge screen fence tight up to the existing boundary fences.

The development also maintains access to existing garaging currently accessed off Eclipse Road.

3.5.30 Neighbouring dwellings of 1-11 Feilden Place have a rear facing aspect to the development and a land level difference of between 0.1 – 0.7m. They oppose the side gable and garden ground of Plots 1 and 11. Direct separation between dwellings on Feilden Place and Plot 1 is a minimum of 13.5m to the rear wall, being slightly closer than the live consent. There could be an impact towards these dwellings, particularly those with windows in the outriggers. However, there is still a separation maintained by virtue of the rear access road, and until recently a tall hedge was in situ. The impact towards these dwellings is not considered to be harmful, and the distance in this instance is acceptable.

3.5.31 Plot 11 is sited around 11 metres away from dwellings on Feilden Place, however, it is off-set, having no direct gable to rear aspect relationship. As such, separation is considered acceptable. The rear facing aspect of Plot 12 overlooks the turning head/front gardens of no. 17 Feilden Place and this relationship is considered acceptable. 24 Feilden Place has a side to side relationship to Plot 13. Separation distances are very similar to those already approved on the “live” consent.

3.5.32 Each dwelling also has access to private garden areas and off street car parking. The proposal is therefore considered to provide satisfactory levels of amenity for prospective and existing residents.

#### 3.5.33 Ecology

Policy CS15 seeks to protect and enhance the Boroughs ecological assets with the aim of establishing and preserving functional networks. CS19 also supports protection and enhancement of green networks with Policy 9 requiring that there is no unacceptable impact on environmental assets or interests.

3.5.34 The site is previously developed, featuring a large area of former hardstanding. A number of trees on site have already been removed to facilitate development, in accordance with the previously approved scheme.

3.5.35 Comments received from Capita Ecology indicated that the proposal could result in the loss of biodiversity on site. As such, an amended landscaping scheme has been submitted which provides for comprehensive planting of predominantly native species and re-planting of trees lost. Of the species proposed, there is to be berry bearing plants which will encourage biodiversity. Additionally, details of bat and bird bricks have been submitted which will be installed on 18no. dwellings.

3.5.36 Himalayan Balsam eradication and avoidance measures for lizards and slow worm will be implemented throughout the period of construction. Vegetation removal will be conditioned to take place outside March – September and a lighting scheme will be required by condition.

3.5.37 It is considered that development would not have significant impact on protected or priority species and 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 and CS15 and CS19 of the Core Strategy.

3.5.38 Contaminated land

A desk top study and site investigations have been carried out, which suggest that the site is partially contaminated given its previous use. The results of the further site investigations will be required to be reported via a pre-commencement planning condition, also identifying any necessary remediation and validation.

3.5.39 Affordable Housing

A viability appraisal, based on a set of assumptions agreed between the Council and the developer, suggests that there is no scope for the provision of affordable housing. This is largely as a result of the brownfield nature of the site. However, the developer is required to submit, by way of a Section 106, an appraisal of the site post development. If there is uplift in the values, the developer will be required to pay a commuted sum to be agreed at that point.

3.5.40 Green Infrastructure

Policy CS19 requires that we seek the protection, enhancement, extension and creation of networks of green and open spaces between major land uses and between urban and rural areas, which will be connected by a variety of forms including new and improved off-road walking / cycling routes, enhancing the roles of the canal and riverside walkways, and streetscape improvements, such as tree planting.

3.5.41 The proposal features a pedestrian and cycle link to the Leeds Liverpool Canal, which will enhance the connectivity and access to green infrastructure. Furthermore, pedestrian access is proposed from Feilden Place into the site. It is considered that the site offers a high level of connectivity and legibility to green infrastructure within the borough. Furthermore, replacement planting and ecological mitigation/enhancement is also proposed.

3.5.42 A native hedgerow is proposed to the southern boundary of the site with a post and rail fence. This treatment is considered to provide a high quality boundary which will enhance the site's relationship with the canal.

3.5.43 The proposal incorporates no on-site public open space. This is due to the viability of the site, i.e. there needs to be a certain amount of



dwellings on site to make the proposal viable for it to develop. However, a contribution of £51,000 is proposed by the developer to provide off-site public open space. This is broadly in line with the suggested figure within the adopted Green Infrastructure and Ecological Networks SPD. Local Members and the Environment Service has suggested that the monies are spent at Rosebay Woods (for general upgrading) and at Feniscowles & Pleasington War Memorial Recreation Ground (for upgrading and new children's play equipment). This is to be worked into the Section 106 agreement.

3.5.44 Feniscowles & Pleasington War Memorial Recreation Ground is not a Council owned site. As such, the Section 106 will require that the Council has no responsibility for any future maintenance of the play area.

3.5.45 Compliance with Policy CS19 is considered to have been achieved.

3.5.46 Air Quality

Public Protection has advised that it is good practice to install electric vehicle charging points and low mission gas boilers in each dwelling. The site's closest Air Quality Management Area is at Witton. It is considered that this is a significant distance away from the development, and whilst any means of improving air quality are welcomed, a condition requiring these measures is not necessary to make the development acceptable. The developer may wish to install these measures; however, conditions will not be imposed.

3.5.47 Summary

This report assesses the full planning application for the residential development of at Eclipse Mill. In considering the proposal, a wide range of material considerations have been taken into account.

3.5.48 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 housing development that meets the policy requirements of the Local Plan, Core Strategy and National Planning Policy Framework.

## **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 £51,000 towards:
  - a. £25,000 towards the upgrading and general improvements of Rosebay Woods.

- b. £26,000 towards the upgrading of the current playground area (incorporating new playground equipment, replacing the surface of the playground, signage, and fencing improvements) at the play area on the Feniscowles and Pleasington War Memorial Ground.

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
- Landscaping scheme to be implemented
- Off-site highways works to be implemented, comprising:
  - Marking out of highway at Park Farm Road/Preston Old Road junction to Eclipse Road.
  - Upgrading of 2no. bus stops on Preston Old Road
  - Cycle signage
- Visibility splays to be protected
- Post development condition surveys of site access (and repairs made as necessary)
- Method for removal of trees on or adjacent to the canal embankment
- Detailed plans of the proposed retaining wall to be constructed adjacent to the canal embankment
- Details of proposed access to the towpath
- Tree protection during construction
- Site clearance works outside bird nesting season
- Permitted development rights to be removed
- Lighting scheme
- Pile Driving Noise & Vibration Control
- Contaminated land site investigations, remediation and validation
- Drainage to be installed as outlined in the flood risk assessment.
- Limitation of construction site works to:
  - 08:00 to 18:00 Mondays to Fridays
  - 09:00 to 13:00 Saturdays
  - Not on Sundays and Bank Holidays
- Drawings condition to require all drawings, surveys and proposals are adhered to.

#### 4.0 PLANNING HISTORY

10/12/0369 – full planning permission for 38no. dwellings – resolved to be approved by Planning and Highways Committee in July 2012.

10/03/1258 – demolition of mill and redevelopment of land for new residential development – refused on 18<sup>th</sup> March 2004 for the following reasons:



1. *The proposed development would contribute to an oversupply of land for housing in Blackburn with Darwen in relation to the annual completion targets established in Policy 12 of the emerging Joint Lancashire Structure Plan, and is therefore contrary to Policy 12 of this plan.*

2. *In contributing to an oversupply of land for housing in Blackburn with Darwen, the development proposed would harm the spatial strategy for the North West established in Regional Planning Guidance 13 (2003).*

3. *The development proposed would fail to meet any of the housing needs identified in the Intervention Area under the Housing Market Restructuring Initiative.*

4. *The proposed development involves an element of residential development on land not previously developed, and is therefore contrary to Policy H2 of the Blackburn with Darwen Borough Local Plan, and Policy 12 of the emerging Joint Lancashire Structure Plan.*

5. *The proposed access from Feilden Place is considered to be substandard, and therefore detrimental to highway safety, contrary to Policy T10 of the Blackburn with Darwen Borough Local Plan.*

## 5.0 **CONSULTATIONS**

5.1 **Public Consultation:** 121 letters were sent to neighbouring properties, along with the erection of site notices and a press notice. 3 letters of comment and 3 letters of objection have been received. The developer carried out their own public consultation prior to the application being submitted.

5.2 The objections received related to highways and increased traffic.

5.3 **Education:** No objections.

5.4 **Lancashire Constabulary:**

- The scheme should be developed to achieve Secured by Design accreditation. Reason: to reduce the risk of burglary, criminal damage and vehicle crime.
- All external doors and windows should be PAS 24/2012 certificated or an alternative accepted security standard. This includes the pedestrian doorset linking the garage to the dwelling. Reason: to comply with Building Regulation Approved Document Q and reduce the opportunity for burglary.
- Ground floor glazing on rear and side elevations should be laminated and windows should be fitted with restrictors. Reason: to deter attempts at burglary and opportunist crime.
- The rear and side of the garden should be fitted with a 1.8m high close boarded timber fence and a 1.8m high lockable gate should be fitted flush with the front of the dwelling. The side of plot 12 should be fitted with a 1.8m high fence as it directly adjoins the public footpath link. Reason: to prevent easy access to the rear and side of the dwelling and to deter attempts at burglary.

- Due to the location of the public footpath running through the scheme, the front of plots 13-18 should be fitted with a low level buffer such as hoop top railings or 1m high shrubbery to prevent casual intrusion into the curtilage of their property. This type of layout could potentially create nuisance for the residents of these plots. Reason: to reduce the opportunity for antisocial behaviour and juvenile nuisance.
- Interconnecting and hidden footpaths compromise the security of new housing developments. Schemes should be designed to make an intruder feel uncomfortable operating in that environment and where possible vehicle and pedestrian routes should be limited. Link footpaths to neighbouring housing schemes should be avoided. Reason: Link footpaths provide an offender with easy and fast access onto and off the site. Cul-de-sac style arrangements with 1 vehicular entrance route in and out are recommended.
- Lights should be installed at all external doorsets. Reason to promote natural surveillance and make a less attractive target for an intruder as the chance of being seen is increased. External lighting is often provided at the front doors however as most dwelling burglaries target the side and rear elevations, external lighting should be installed at all doors.
- Utility meters should be located as close to the front elevation as possible. Reason: to remove the need to access private areas to obtain readings.
- 13 amp non-switched fused spurs should be installed to enable easy installation of an intruder attack alarm by the homeowner. Reason: to deter potential intruders from targeting the dwellings for burglary.
- If sheds are provided they should be located in visible areas of the garden, fitted with a lockable door and have no windows. Reason: Windows allow intruders a view of valuables stored inside.
- Garages should be fitted with a light and the vehicular doorset should be certificated to LPS 1175 Issue 7 Security Rating 1 or STS 202 Issue 3 Burglary Rating 1. Reason: to promote natural surveillance and prevent forced entry.
- Shared driveways should be avoided. Often this arrangement is used as a cut through by pedestrians within a housing development causing nuisance for residents which leads to calls for assistance to Lancashire Constabulary. Reason: to avoid unnecessary opportunity for nuisance and anti-social behaviour which can affect the quality of life of residents.
- The site must be adequately secured throughout the construction phase. Construction sites are easy targets for opportunist thieves. There are a number of threats to consider including theft, vandalism and criminal damage. The site should be secured at the perimeter with fencing and gates such as 2m high hoarding as well as other measures such as CCTV and security patrols. Reason: to deter and detect crime.

5.5 **Strategic housing:** In accordance with the Council's Affordable Homes Policy the developer will be required to provide 20% of the

scheme as affordable homes. However, due to the location and aspirational housing proposed for the site the Council's preference would be for a commuted sum payment as opposed to on-site provision.

*Following submission of the HCA DAT Appraisal, agreement has been reached with the developer regarding a final valuation post development.*

- 5.6 **Drainage:** No objections, providing the surface water drainage is installed in accordance with the Flood Risk Assessment.
- 5.7 **Public Protection:** No objections, subject to the imposition of conditions relating to:
- Electrical Vehicle charging points
  - Boiler emissions
  - Contaminated land
  - Construction management of dust
  - Construction hours
  - Pile Driving Noise & Vibration Control
- 5.8 **Canal and River Trust:** No objections, subject to the imposition of conditions relating to:
- Retaining wall to be constructed adjacent to the canal embankment.
  - No excavation or other engineering work to the embankment that retains the Leeds and Liverpool canal (adjacent to plots 37 to 42 inclusive).
  - Removal of permitted development rights on plots 37-42.
  - Method statement for removal of trees on or adjacent to the canal embankment.
  - Proposed access to the towpath to be constructed.
- 5.9 **Environment Agency:** No objections.
- 5.10 **Parish Council:** There were concerns regarding residential issues:
- Access to Fielding Place.
  - Access for people to walk through the site on to the canal which it was felt was a security issue, which would exacerbate crime in the area such as burglary and also pedestrian access disorder.
  - There would also need to be section 106 monies for highways improvements as well as 106 monies to improve local provision because the scheme had taken away the original green spaces.
- 5.11 **Coal Authority:** No objections.
- 5.12 **Capita Ecology:** In line with the current proposals (Site Layout, Drawing PL1.0 July 2016), it appears that areas of broadleaved woodland, scrub woodland, tall ruderal, scrub and rough grassland which comprise approximately half of the site will need to be removed (the other half being the area of former mill buildings comprising hard standing with encroaching scrub, also to be removed). The site is also directly bordered with the Leeds and Liverpool Canal on the southern boundary, which could increase its ecological value in supporting species such as invertebrates and foraging and commuting bats. The residential development including gardens is proposed to be built against all of the boundaries of site and so no habitat appears to be retained within the site boundary.

No species specific surveys have been undertaken; however the site has been detailed as having potential to support reptiles, invertebrates, nesting birds and bats. At present the development will result in a net loss of biodiversity and is therefore unsustainable. This is therefore not in line with Policy CS13: Environmental Strategy of the Blackburn with Darwen Core Strategy, January 2011, the National Planning Policy Framework (NPPF) in aiming to achieve sustainable development by achieving a net gain in biodiversity and the obligations on public bodies to conserve and enhance biodiversity as required by the Natural Environment and Rural Communities (NERC) Act 2006. The applicant needs to demonstrate they have considered the mitigation hierarchy i.e. avoidance of impact to biodiversity, mitigation, compensation as a last resort and enhancements to biodiversity to demonstrate the development's sustainability. It is advised the following is secured to reduce the risk of an impact to habitats and protected species and to ensure the development is sustainable:

- Habitat including the woodland, scrub and grassland, particularly on the borders of site should be retained in a protective buffer from the development to ensure these habitats which are currently connected to wider habitats are not fragmented and therefore degraded. Therefore the impact of the loss of biodiversity and to the aforementioned species is minimised.
- It is proposed that the development area largely comprises the hardstanding/previously developed area rather than removing larger areas of further habitat on site. This may require a reduction in housing density. The proposals should include a green buffer around the boundaries of site which is not impacted by artificial lighting to retain a wildlife corridor around the site which connects to wider habitat and ensure the network of habitats is not degraded.
- If the amount of woodland currently proposed is to be removed, the applicant will have to propose habitat creation on site or elsewhere locally that addresses this biodiversity loss and achieve a net gain in biodiversity as required by the NPPF. This could be in the form of new native woodland or a range of biodiversity-rich habitats that compensates for this loss of biodiversity. Proposals should be submitted to the local planning authority for review and approval including details of habitats to be created, landownership details, species lists and measures to secure the long term management of the habitats.
- If the amount of woodland currently proposed is permitted to be removed bat activity surveys will also be required (in line with current guidelines) to ensure the impacts to these foraging and commuting bats is fully understood and where necessary avoided, mitigated and compensated for. Details of this should be reported to the local planning authority prior to determination.
- The Ecology Report (Ecological Surveys and Impact Assessment, Envirotech, signed off on 6th October 2016) details the site as offering no bat roosting potential and therefore no emergence/return to roost surveys should be required.

- Vegetation removal should not be undertaken between March and September as birds will likely be breeding on this site. Any vegetation removal within this breeding/nesting season must involve an initial inspection by a suitably experienced ecologist to confirm the absence of nesting birds. Any nests must be protected from development. The mitigation scheme for the development will need to include measures to avoid or mitigate the loss of habitats to nesting birds.
- A lighting strategy should be produced to ensure artificial lighting is minimised and at least directed downwards and away from any trees/woodland and the river corridor for review and approval by the local planning authority.
- The Ecology Report details the site as having suitable habitat for slow worm and common lizard however no reptile surveys have been undertaken. Therefore there is a risk that reptiles could be present and which could be harmed during the works as well as subject to extensive habitat loss and disturbance. It is an offence to intentionally kill or injure reptiles species and the development needs to include measures to avoid this risk. Surveys should be undertaken to establish if reptiles are present (in line with good ecological practice, i.e. 7 survey visits in suitable weather conditions utilising artificial covering devices (roof felt, corrugated sheeting or similar)), prior to the determination of the application. This is to ensure impacts are avoided within the development or are sufficiently considered and mitigated for. However, if the ecologist has robust reasoning as to why this is not required, it is advised that a method statement is produced and adhered to throughout the works to avoid killing and harming reptiles and that sufficient suitable reptile habitat is retained on site. The method statement should include precautionary working methods such as staged vegetation removal in the presence of a suitably experienced ecologist.
- The landscaping should include at least 60% native species of benefit to wildlife including native trees, shrubs and grassland seed mixes, ideally including berry bearing shrubs and trees, heavy standard native trees and should not be excessively pruned back to ensure they retain greater ecological value. At present, the landscaping proposals (Dwg no 5311.01 Sept 16), particularly the shrubs and hedges, are largely non native varieties and do not fully address the amount of habitat loss that would result from the proposals.
- Bat and bird boxes could be installed on retained trees and buildings and bat tubes could be incorporated into the new buildings. Any vegetation removal should be left in piles in the surrounding woodland to create habitat for invertebrate and other species.
- The Ecology Report details Himalayan balsam on site. A strategy should be devised to ensure this is managed by a specialist, removed from site and does not spread into wider habitats as spreading it into the wild is an offence under the Wildlife & Countryside Act 1981 (as amended).



### 5.13 Highways:

*Parking* - The parking allowances in accordance with the adopted parking standards are;

- 2 spaces for a 3bed and ;
- 3 spaces for a 4bed

The scheme on the delivery of 51 homes would require a total of 134 parking spaces, yet the application form states only 102 are being delivered. Which plots do not have the required parking spaces – please seek clarification.

The drives on the front of the plots should all provide 5.5m for each vehicle, not all the spaces shown measure to this requirements.

The plots which have garages are substandard in size and do not conform to the council's requirements. Please request this is amended to meet with the council's required standard?

Amendment of the layout to address the car parking's shortcoming is to be received for approval.

*Access/Layout* - Access into the site is taken from Eclipse Road; this is an adopted highway. The site layout presented by the developer incorporates this area into their scheme, and makes changes to the width the road which now varies in size, from the its junction with Eclipse Road/Fielden Place, into the site.

The footway width is below the standard 2m, and there is no consistency or justification for the changing carriageway width, where at one point is 7.3m wide. Some rationale and thought is to be given to the site access/layout into the site and how this will be managed. Is the highway to be closed and readopted, or a temporary closure applied?

The footways should continue into the site from the existing connective footways along Eclipse Road. The back street which is unadopted has been reduced in width from 4m to 3m – rights of access is to be maintained for the properties that have a frontage to this back street. All footways should be 2.0m wide, they are currently shown a 1.8m – the carriageway widths that are provided through the site are acceptable. I would just add a note however that the carriageway width should not be less than the 4.1 m wide. There scheme layout does not offers any influences towards manual for street. There should be character on the streets to break up the visual appearance and enhance the quality of the area.

No visibility splays are offered adjacent to the driveways, details or assurances are to be received to confirm that the splays would be unhindered at all times.

The connection to the towpath and cycle linkages are encouraging. We would however request a condition is attached for the details in relation to the setting out of the cycle ramp, together with the signage to promote cycling routes linking up to the crescent, are provided for approval.

*Servicing* - Tracking has been provided with the submission, turning circle 2 and 3 and very close to the kerbside, will require some adjustment to navigate around the turning heads at the end of the cul-de-sacs.

*Transport Assessment* - the TA offers evidence to support the assertions made in relation to the trip generation and traffic impact of the proposed development. These discussions indicate that there are unlikely to be any severe impacts associated with the development proposals.

However, we would recommend that clarification be sought regarding the location and design of the cycle access to the canal towpath. It is also recommended that contributions from the developer be sought towards:

- the introduction of a 20mph zone covering the Park Farm Road estate;
- improvements to bus stops on Preston New Road and
- cutting back of foliage and measures to discourage parking on the footway on Eclipse Street.

Should it be considered necessary to satisfy the concerns of local residents the provision of road markings at junctions between the site and Preston Old Road should also be included.

*Off-Site Highway Works* - Whilst on site I noted there were no traffic markings between Eclipse Road and Park Farm Road, with the present no of residential houses relatively low, there is probably no need, however with the increase of movement that the development would present, I would suggest that the highways are marked out from the site up to the junction of Park Farm Road/Preston Old Road, in accordance with a scheme to be approved by the Local Highway Authority. This condition should also include the cycle signage's which are to be agreed with by the relevant officer at the Local Authority.

*Other* - General principles that are applicable to all housing developments:

- Wheel wash and method statement
- Construction method Statement to be submitted for approval
- Roads to be constructed to adoptable standards and presented for adoption through Section 38 agreement.
- Any old entrance that are no longer required should be permanently closed and reinstated back to footway
- Any street furniture that is in the path or any way affected by development should be removed/relocated at the developer's expense.
- Footways around the periphery of the site are to be resurfaced to modern adoptable standards
- Any damage sustained to the carriageway en route to the site via the residential street by construction vehicles, is to be repaired to the local highway authorities satisfaction. I would recommend a conditions survey is carried out prior to commencement of works.

To conclude, the principle of the development is acceptable I would offer no objections – subject to those matters as outlined in my report above being resolved satisfactorily.

#### 5.14 **United Utilities:**

Following our review of Flood Risk Assessment, we can confirm the proposals are acceptable in principle to United Utilities.

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. V1.2, Dated 14 November 2016) which was prepared by (Weetwood). Any variation to the discharge of foul or surface water shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

5.15 **Design Officer:** The development is broadly in keeping with the residential character of the area and they have addressed issue of connectivity raised at pre-app by providing a footpath link to Fielden Place. The front forecourts to the dwellings are dominated by car parking and will need to ensure that there are appropriate landscape and boundary treatments to mitigate against the dominance of the car. A detailed landscape framework would be useful or if more feasible conditioned as well as appropriate maintenance. I have noted that the garage to plot 41 forms the end focus of the access road, it would be preferable if this was re-sited to the opposite side of the dwelling.

6.0 **CONTACT OFFICER:** Kate McDonald, Planning Team Leader (Implementation)

7.0 **DATE PREPARED:** 5 January 2017



## Summary of Representations

### Objections

Belinda Clarke, 4 Eclipse Road, Feniscowles BB2 5EZ

I notice today they are starting to take the trees down on the Eclipse Mill Housing Site? So I take it full planning permission has been given? You asked in the letter you sent us if we had any comments? My main concern like many is the traffic. The junction to this new housing estate is NOT suitable for another 100+ cars. The junction to Rosebay and Park Farm is not suitable for more traffic. The junction to the main road leading onto Preston Old Road is not suitable for more traffic. Park Farm Estate is ACCESS ONLY for the residents yet we have traffic speeding through all the time and cutting through to get to Livsey Branch Road and the schools. It is already a problem.

When we bought our home we bought it as a cul de sac meaning not much traffic by our home. Now? Possibly another 100+ cars? Have you actually seen the junction from Eclipse Road / Feilden Place / Park Farm Road? If not I suggest you come out and take a look. It is already a problem with traffic. Will my comments matter? I doubt it as they are already taking the trees down as I type.

Regards

Belinda Clarke

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### Peter Miller 3 Feilden Place

Dear Sir/Madam,

My name is Peter Miller and I currently live at 3 Feilden Place in Feniscowles. The plans for the proposed development of the old Eclipse Mill Site indicate a 4 bed detached property (GAR 101.80) in direct proximity to the rear of my house. I strongly object to this new build. With the exception of my next door neighbour at no. 5 no other residents have a new build so close to their homes. My property has no rear garden and this new build will not

only block the view but also the light. My neighbour at no.5 cannot submit an objection because the house is currently unoccupied.

If this new build is removed from the plans I will withdraw my objection

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### **Annette McMeel 4 Rosebay Avenue BB2 5HT**

I would like to object to the above planning application.

The proposal to build 51 new homes in an already built up area is unacceptable.

After viewing the plans online my objections are based upon the added traffic this would cause to an already busy area is unacceptable. I don't believe the figures submitted by McDermott homes in relation to traffic usage. During rush hours, and because of the close proximity of 3 local primary and junior schools, parking and traffic is already unacceptable. The addition of 50 new properties will only compound these issues. There is only one access road to the site from Park Farm Road via Preston Old Road, and I can only for see the additional traffic causing longer delays. The lack of additional road access is unacceptable and will only add to the number of motorists who cut through the estate daily from the Livesey Branch entrance to Park Farm Road.

Could you please confirm receipt of my correspondence.

Kind Regards  
Annette McMeel

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## Comments

### John Duckworth 18 Feilden Place

I should like to make the following comments / questions

- Traffic flow data is from 2004 and hardly relevant in 2016/17 and beyond

On 28/11/16 in a 30 minute period between 8-35 and 8-55 am 120 vehicles used the junction of Park Farm Road and the A674 rather than 97 in an hour.

The judgement which has been made that 8 extra two-way vehicle movements will be made in peak hours is based on 13 additional dwellings not 51. As the true figure will be over 30 is a Transport Assessment not appropriate? What are the proposals for the two 4 way junctions that traffic from the new estate would have to negotiate before they access the A 674 ? At the moment there is no STOP or GIVE WAY sign. Minor collisions have happened; a major one is waiting to happen.

- Table 6.1 indicates that further action is required in several instances – has this happened especially in the case of asbestos?
- By far the greatest concern for my property is the possible impact of the disposal of surface water. Whilst the report states that any groundwater would not be expected to accumulate to any significant depth on the site it does not look at any implications for existing properties adjoining the proposed site. My property is

at a lower level and situated close to the south-east corner of the site where Figure 6 indicates that the susceptibility to flooding from groundwater is significant. Is it intended that any surplus rainwater from the site will flow into the existing drains on my property?

Why would an employee of McDermott Homes say that building work is due to commence on March 1<sup>st</sup> before the application is accepted

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### **Ian & Wendy Walsh 24 Feilden Place Feniscowles**

I am writing to put across a few points of view across regarding the proposed McDermot development on eclipse mill eclipse road feniscowles, Blackburn.

Just to make clear we at number 24 Feilden Place have no objections to the building of houses, as this will alleviate many years of nuisance behavior on the land adjacent to our property, its just that one or two things have come up , since viewing the plans.

1) Firstly the last time planning was agreed for the housing development it was for 39 houses, as yourselves as counselors agreed with residents 50 plus houses was to many, How come now the proposed house numbers 50 plus again?. Is this because they have indicated that there will be more 3 beds affordable housing?.

2)Why do we have to open up a cul de sac, to a walkway, last time it was a road , this time a path why?, we bought the house because it was in a cul de sac, what right do yourselves have to open up a walkway?, when we have maintained the blocked end with fencing and shrubbery / trees etc, for over 20 plus years, what health and safety issues will this have on us when we are reversing up the cul de sac at night, people walking through ie :Children,playing which we will not be able to see., especially since the very dim new lighting came into play.We object strongly to any opening up of access, can these people not walk down eclipse road . This is apparently what one of your Councillors wants, not the builders Mcdermott homes!, as they would rather leave as a cul de sac.

3) The drainage has been mentioned last time and at the meeting with Mcdermotts , this time around, they want to put surface water onto us through the cul de sac from a certain amount of housing, we say that our drains cannot contain that amount of surface water coming into our properties/land and onto road surface . Also were are they sending the foul sewage , as many residents in Feilden place have lots of problems with blocked drains, and with

the main tank which travels through eclipse and under the garage culvert, often needing rodding.

4) Lastly will any traffic measures but implemented ie: When turning into park farm road from the Preston old road, we have mentioned many times to Councillors about a give way, and with extra traffic from an estimate of more than 100 more cars , will this be implemented by highways, with as much enthusiasm as they seem to show about wanting to open up the cul de sac, in Feilden place. Think Health and Safety !!! Children !!!!!

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## **M Bethwaite 22 Feilden Place Feniscowles Bb2 5EX**

~~RE: Feilden Place~~

Many thanks for the recent notification regarding the proposed development, dated 7<sup>th</sup> November '16 and I would like to address an issue.

Having perused through the details filed on line, I notice that the "Proposed Layout Drawing PL01" indicates a pedestrian access through the "cul de sac", onto Feilden Place and I would like to propose that highway be continued through.

As the pedestrian access/pavement, has been indicated to continue through to Feilden Place, it would also be prudent to follow with the highway section. Thereby, enabling two safe means of access/egress for the residents of the new development, as well as providing the same, for service and emergency vehicles.

This would not only provide alternative routes for the new residents and service vehicles of the development, but also the residents of Feilden Place, by ensuring that existing highway and pavement on Feilden Place, is kept relatively free and clear of pavement obstructing vehicles.

Visitors to the new development, may merely use Feilden Place, for parking and use the pedestrian access, due to the current single vehicular access shown and cause further access problems for the residents on Feilden Place.

I would appreciate, if this could be reviewed and considered.

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## **Support**

### **Councillor Pearson**

Please consider this email to be my formal response to the Consultation.

Overall I welcome the application despite the fact that it does not exactly match our earlier expectations. What is important is that the former derelict mill site with its unsuitable tenants is replaced by good quality family homes appropriate to the locality. I think the application supports this.

More important to me is the contribution the developer needs to make to the local recreation facilities which his purchasers will no doubt require.

Feniscowles is remote from many of the Council's own facilities and especially so for those many residents who leave the Borough for their daily work.

The community does, through the Feniscowles & Pleasington War Memorial Trust offer wide and varied recreational and sports facilities at little cost to the taxpayer. Such facilities do however need local financial support.

I hope therefore that in discussing this application with the applicant we make it clear that financial support is required either through formal Section 106 payments or indeed directly to The Trust and these are essential and will enhance his application in the eyes of our local people.

Regards

Cllr John C Pearson

Livesey with Pleasington Ward

Blackburn with Darwen Borough Council



<b>REPORT OF:</b>	<b>THE DIRECTOR OF PLANNING &amp; PROSPERITY</b>
<b>TO:</b>	<b>PLANNING AND HIGHWAYS COMMITTEE</b>
<b>ON:</b>	<b>19 JANUARY 2017</b>
<b>ORIGINATING SECTION:</b>	<b>PLANNING SERVICE</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>
<b>COUNCILLORS:</b>	<b>ALL</b>

**TITLE OF REPORT:**

**Planning Appeal Outcomes and Performance**

**1. PURPOSE OF THE REPORT**

- 1.1 To inform Members that of the outcomes of recent planning or enforcement appeal decisions.

**2. BACKGROUND**

- 2.1 The performance of local planning authorities in determining applications is measured by the speed with which applications are dealt with and the quality of decisions made by local planning authorities measured by the proportion of decisions on applications that are subsequently overturned at appeal.
- 2.2 Data showing the performance of local planning authorities against the speed and quality measures are published by the Department for Communities and Local Government on a quarterly basis.
- 2.3 There is no current target, but going forward, i.e. applicable from the 2018 designation round, should more than 10% of an authority's total number of decisions on applications made during the assessment period be overturned at appeal, the authority may be placed in special measures.

**3. RATIONALE**

- 3.1 During the last two months, the Council has received 8 appeal decisions, 7 of which have been dismissed. Table 1 details each address.
- 3.2 This performance is good indicator of the quality of decision making at Blackburn with Darwen, demonstrating that we are making good decisions.



- 3.3 Notable decisions include 2 and 4 Clarence Street. These were appeals against Enforcement Notices for the unauthorised change of use of the property into 2 x one bedroom flats. The Inspector noted that the flats provided an internal space of 32.5 square metres and 33 square metres, which caused harm to living conditions due to inadequate internal living space. As such, the development was considered inappropriate for the characteristics and context of the site in conflict with the aims and objectives of Local Plan Part 2 Policy 18 (and thereby LP Policy 19). Additionally, access to the rear yard for occupiers of the first floor flats is via the internal stairs, the public footpath, and along the side access way. The Inspector did not agree that the yard is directly or easily accessible for first floor occupiers. Given the number of users from the four flats, together with poor accessibility for occupiers of the first floor flats, the relatively small size of the shared yard, and lack of privacy, he considered that the development failed to provide a reasonable level of useable outdoor amenity space for each of the flats. The combined shared use of the yard erodes the individual amenity of others and would conflict with Local Plan Part 2 Policy 19 (i).
- 3.4 Atlas Mill planning and enforcement appeal face similar issues. The Inspector concluded that the internal space was substandard, potential to cause loss of privacy, and insufficient amenity space; resulting in the overdevelopment of the property because of its intensified residential use.
- 3.5 These decisions are a material consideration when determining applications for conversions to flats.
- 3.6 The appeal decision for 4 Vicarage Drive, Darwen is against the decision to refuse a roof lift. The Inspector concluded that increasing the ridge height of No. 4 would seriously disrupt this positive design feature and it would fail to reflect the pattern of development along the Drive. It would also detract from the harmonious visual symmetry that exists between the group of 3 similar dwellings of which No. 4 forms part. For these reasons, the development proposed would significantly detract from the visual appearance of the dwelling itself and it would be harmful to the established character of the area.
- 3.7 19-21 Harwood Gate was allowed on appeal, an application for sub-division of property into 2no. separate dwellings with associated extensions. The application was refused by the Council due to substandard separation distances. Unfortunately, the Inspector chose to ignore the Council's separation distances and allow a distance to some 8m, concluding that the proposed extensions would not harm the living conditions of the occupiers of neighbouring dwellings. The Council would normally requires 21m between facing habitable room windows. However, she concluded that the proposed bedroom window would be in addition to an existing one and therefore, if the new one were to be obscure glazed the extension would not cause additional overlooking to this property. Furthermore, the conservatory at No 31 is screened from the rear elevation of the appeal property by a large shed. In addition, the appeal house is built on much lower ground than No 31 which would substantially mitigate the effect of the extension upon this neighbouring property.

3.8 This decision is disappointing, and the Council would still maintain that there is a significant impact between the dwellings, however, the Inspectors decision is final and the assessment is noted.

**Table 1 - Appeal Decisions December 2016 - January 2017**

10/16/0274	5 Mosedale Blackburn	Dismissed	Delegated
10/16/0314	19-21 Harwood Gate, Blackburn	Allowed	Delegated
ENF	2 Clarence Street, Darwen	Dismissed	Enforcement
ENF	4 Clarence Street, Darwen	Dismissed	Enforcement
10/16/0832	4 Vicarage Drive, Darwen	Dismissed	Delegated
10/16/0501	322 Preston New Road, Blackburn	Dismissed	Delegated
10/15/1483	Atlas Mill, Atlas Rd, Darwen	Dismissed	Delegated
ENF	Atlas Mill, Atlas Rd, Darwen	Dismissed	Enforcement

**4. POLICY IMPLICATIONS**

4.1 Noted in the application of policies to planning applications with similar material issues.

**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 None.

**10. RECOMMENDATION**

10. That the Committee note the report.

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

Date: 10 January 2017