

**Proposed development:**

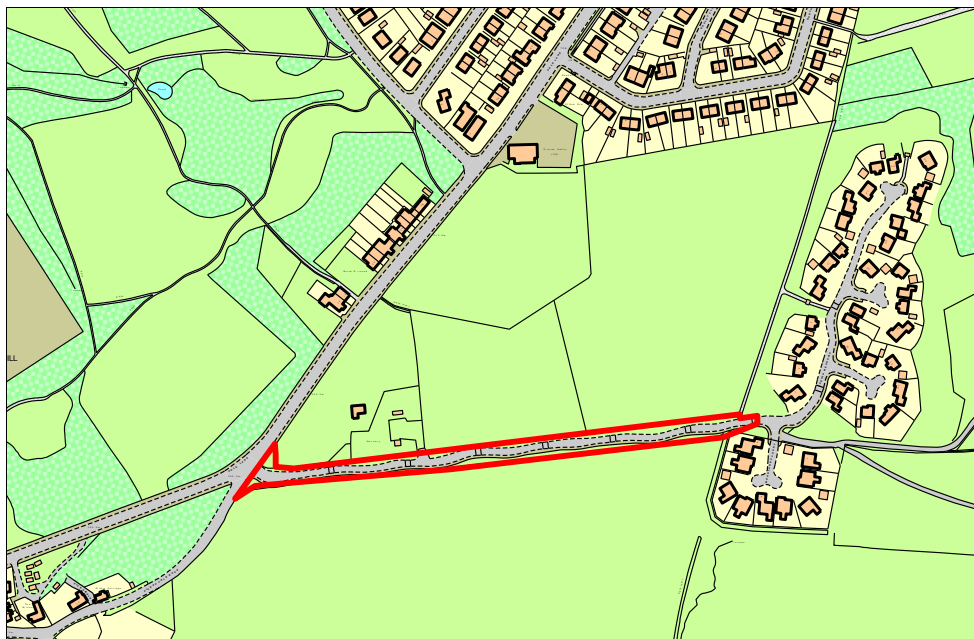
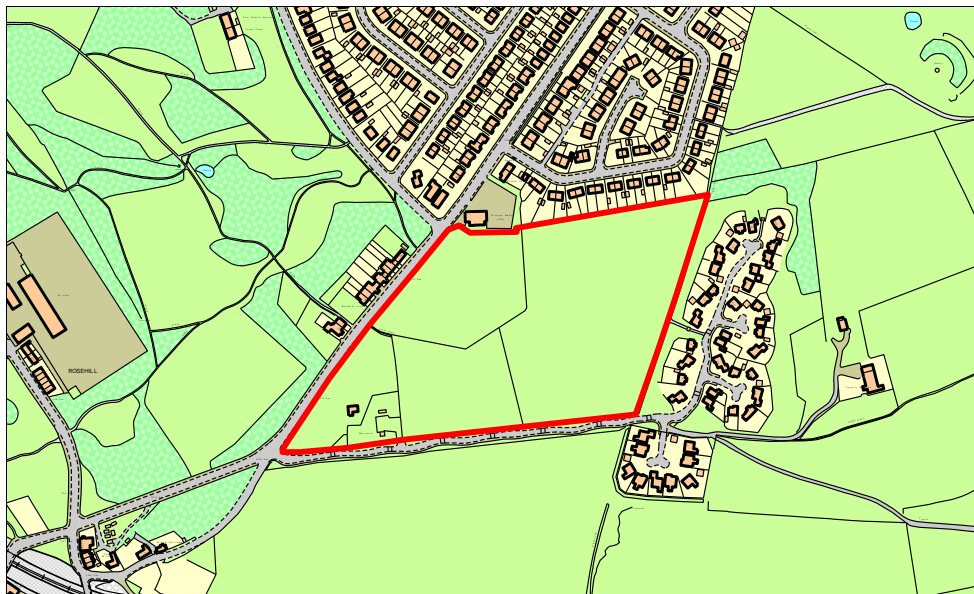
- 10/16/0789: Reserved Matters Application for erection of 126 dwellings pursuant to Outline Planning Approval 10/12/0933.
- 10/17/0250: Works to straighten and upgrade Spring Meadows Road so that it can be adopted.
- 10/17/0414: Variation to Section 106 Planning Obligation for Planning Application 10/12/0933.
- 10/17/0418: Removal of Condition No.8 of Outline Planning Approval 10/12/0933.

**Site address:** Land at Pole Lane, Darwen

**Applicant:** Ruttle Plant Holdings

**Ward:** Marsh House

<b>Councillor</b>	<b>Kevin Connor</b>
<b>Councillor</b>	<b>Neil Slater</b>



## **1.0 SUMMARY OF RECOMMENDATIONS –**

- 1.1 **10/16/0789: Reserved Matters Application for erection of 126 dwellings pursuant to Outline Planning Approval 10/12/0933.  
APPROVE – Subject to revised Section 106 Agreement relating to off-site highway works, community benefit and development phasing.**
- 1.2 **10/17/0250: Works to straighten and upgrade Spring Meadows Road so that it can be adopted.  
APPROVE – Subject to revised Section 106 Agreement relating to development phasing.**
- 1.3 **10/17/0414: Variation to Section 106 Planning Obligation for Planning Approval 10/12/0933.  
APPROVE.**
- 1.4 **10/17/0418: Removal of Condition No.8 of Outline Planning Approval 10/12/0933.  
APPROVE – Subject to revised Section 106 Agreement for off-site highway works, community benefit and development phasing.**

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

- 2.1 The proposals will deliver a high quality housing development which will widen the choice of family housing in the Borough, provide an upgraded road and improved road safety. They support the Borough's planning strategy for housing growth as set out in the Core Strategy and will deliver housing at a site which is allocated for housing development in the Local Plan Part 2. The proposals are also satisfactory from a technical point of view, with all issues having been addressed through the applications and the Section 106 agreement, or capable of being controlled or mitigated through planning conditions.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The site is located on the eastern side of Pole Lane, and is bounded by Spring Meadows road along the southern boundary, Spring Meadows residential properties to the east and Rudyard Drive and the Craven Heifer Public House are located to the north. Residential cottages lie to the west of the site across Pole Lane. The housing development area measures approximately 5.7 hectares, comprises rough grassland and was most recently used for the grazing of horses. The road development area is approximately 1 hectare and adjoins the southern boundary of the housing site.

- 3.1.2 Public transport links run along Pole Lane to the west of the site and there are a number of pedestrian and bridle routes in the vicinity. A Public Right of Way bisects the housing development site, and another follows the eastern boundary.

### **3.2 Proposed Development**

- 3.2.1 The housing development site was granted Outline Planning Permission (access) by the Planning and Highways Committee in July 2013, for the erection of up to 133 dwellings. The outline approval was subject to conditions, detailed at section 5.1, and also a Section 106 agreement for an off-site contribution towards affordable housing.
- 3.2.2 Approval is now sought for four items:
- Reserved Matters approval for 126 dwellings at the housing development site; for appearance, landscaping, layout and scale;
  - Full planning permission to upgrade and straighten Spring Meadows Road;
  - Removal of condition no.8 of the outline planning permission, which required off-site highway works; and
  - A revised Section 106 agreement, removing the requirement for a contribution towards affordable housing and replacing it with a necessity for off-site highway works, community benefit and an agreed phasing for delivery of the upgraded road and new drainage connection.
- 3.2.3 The proposed layout seeks to deliver a development which accords with the requirements of the Blackburn with Darwen Core Strategy and Local Plan Part 2. The appearance, landscaping, layout and scale shows suitable amenity and design; accommodating 126 family dwellings with associated landscaping and drainage attenuation features. The layout shows how the residential development will be arranged, with landscaped green areas proposed along the alignment of the public right of way.
- 3.2.4 The properties are a mix of 3, 4 and 5-bed semi-detached and detached dwellings, which have been designed to suit the traditional edge-of-town setting with modern design quality. The mix of properties is: 48no. 3-bedroom dwellings, 74no. 4-bedroom dwellings and 4no. 5-bedroom dwellings.
- 3.2.5 The central part of the housing site includes an area of Green Infrastructure alongside the existing Public Right of Way, which is to be retained and upgraded to become a cycle route.
- 3.2.6 The main vehicular access to the housing development site, which was approved at outline stage, is located off Pole Lane. Private individual driveway access to 17 of the proposed dwellings is proposed off Spring Meadows, and to 7 dwellings directly off Pole Lane. These driveways are considered as part of the current reserved matters application regarding "layout".
- 3.2.7 The existing road at Spring Meadows is unadopted and has a winding form which has not proved to be convenient or effective for road users. In order to achieve an attractive layout for the housing development and the setting, the new dwellings should be oriented to face towards the street. To achieve this design objective, improve the road alignment and to resolve the long-standing issues preventing adoption of the drainage and road, the applicant proposes to form an adoptable 5.5m highway with 2m footways on either side. Traffic calming is to be provided by occasional narrowings using build-outs.

### **3.3 Development Plan**

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

#### **3.3.2 Core Strategy**

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

#### **3.3.3 Local Plan Part 2**

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 16/15 – Housing Land Allocations (Pole Lane, Darwen)
- Policy 18 – Housing Mix
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape.

### **3.4 Other Material Planning Considerations**

#### **3.4.1 Residential Design Guide and Borough Wide Design Guide Supplementary Planning Documents (SPD)**

The SPD documents provide targeted advice to ensure high quality new homes. They aim to ensure that new development reflects the individual and collective character of areas of the Borough and promotes high standards of design. The documents also seek to ensure a good relationship between existing and proposed development in terms of protecting and enhancing amenity.

#### **3.4.2 National Planning Policy Framework (NPPF)**

In particular Section 6 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 As an allocated housing site with an outline planning approval in place, the principle of the current proposal for housing 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 designated urban area. This is subject to the more detailed considerations also being in accordance with adopted development plan policy and national guidance. The principle of the current proposal for the upgraded road is also considered to be acceptable and in accordance with the development plan because it serves to replace and improve an existing road.

3.5.2 In assessing the proposals there are a number of important material considerations that need to be taken into account as follows:

- Highways layout and impacts;
- Drainage;
- Design and Layout;
- Amenity impact;
- Ecology;
- Contaminated land and historic mining; and
- Affordable housing.

3.5.3 Furthermore, Local Plan Policy 16/15 allocates the housing site for development within the 15 year life of the Plan, subject to key development principles, the following of which are relevant to the current reserved matters application:

- Need to consider / mitigate impacts on public rights of way that cross the site.
- Incorporation of SuDS and measures to control surface water run-off.
- Minimise the impact of development on the countryside and enhance access to the countryside.
- Completion of appropriate ground investigation works to establish the extent of any ground contamination and whether any mitigation measures are required.

3.5.4 Highways Layout and Impacts

The traffic impact on local roads associated with the development of the housing site was fully considered when the outline planning application was approved in July 2013 (reference 10/12/0933) and found to be acceptable, subject to conditions.

3.5.5 The layout of the housing site has been designed to allow safe and convenient access for pedestrians, cyclists and car drivers. The road entering the site from Pole Lane is to be 5.5 metres wide, with 2 metre wide footways on either side. Within the site, the road width reduces to 4.8 metres. Off-street parking spaces within the curtilages of properties are to be provided and the proposed site layout provides a 3 metre wide footpath and cycle link along the line of the existing public right of way.

3.5.6 In accordance with the Residential Design Guide SPD, every 3-bedroomed dwelling within the site is to have 2no. off-street parking spaces either within a driveway or garage. Dwellings with 4 or 5 bedrooms have 3 off-street parking spaces. The majority of the garages (around 80%) have internal dimensions of 3 metres by 6 metres to ensure they are usable to park a car. The garages for three of the house types are marginally below this size. Whilst the Council's preference is to ensure that all garages are 3 metres by 6 metres,

on balance, this car parking provision is recommended to be accepted because it affects a small number of the units and is only marginally below the standard.

- 3.5.7 The development will be accessible by public transport on Pole Lane, with the proposed upgrade of 2 x bus stops to be funded via a commuted sum within the new Section 106 agreement, should the applications receive approval. A new pedestrian crossing on Pole Lane is also proposed to be funded through the new Section 106 agreement.
- 3.5.8 In terms of vehicular access, the main access point from Pole Lane for the housing development site was approved at outline stage, and the proposed layout illustrates 17no. driveways via Spring Meadows Road and 7no. individual driveways from Pole Lane. A selection of surfacing materials and narrowings via build-outs are proposed to add character to the streets, the finer details of which will be inspected at technical highways approval stage.
- 3.5.9 As a result of the impact of the proposal on the local highways network, a number of off-site highway works were identified through the Outline Planning Approval, required via Condition No.8:
- (1) Upgrade of two bus stops adjacent to the site;
  - (2) Provision of a pedestrian crossing adjacent to the main vehicular access to the site; and
  - (3) Installation of a mini roundabout and highway widening at the junction of Pole Lane and Sough Road.
- Items (1) and (2) are proposed to be implemented through the revised Section 106 agreement. With regards to item (3), since the outline permission was granted, the specifics of highway improvements required in the area have evolved via the Council's overall strategy for the Darwen East Distributor Corridor. Highway design work on the potential upgrade of the junction of Pole Lane and Sough Road have highlighted that a mini roundabout will not be an appropriate solution, and consultation responses from residents in the area have highlighted a need to improve highway safety in the area. Furthermore, issues over the adoption of Spring Meadows have arisen, and have become the priority at this stage of housing growth in east Darwen.
- 3.5.10 Spring Meadows road is currently unadopted, principally due to an unadoptable drainage system following an over-build at Moorlands Court. To solve this issue, the applicant proposes to upgrade Spring Meadows road (planning application 10/17/0250) and to divert the drainage from Spring Meadows at manhole S10, into the housing development site; to allow for the drainage system and the road to be adopted.
- 3.5.11 In addition to the off-site highway works currently required by Condition 8, the existing Section 106 agreement requires a commuted sum contribution of £400,000 towards affordable housing in the Borough. When setting the level of any financial contribution, Policy 12 of the Local Plan Part 2 confirms that the Council will take into account the total contribution liability incurred by developments arising from all policy and site specific requirements, to ensure that the overall level of contribution required will allow developments to remain viable, wherever this is compatible with securing essential works that are fundamental to the acceptability of the proposal.

3.5.12 Therefore in order to allow for the essential drainage diversion works and road construction, whilst maintaining scheme viability, detailed costs of the additional works were provided, appraised and found to be reasonable. This consideration, in addition to the change in strategy for the Pole Lane / Sough Road junction has led to the current proposals to remove condition no.8 for off-site highway works, and to remove the requirement for a contribution towards off-site affordable housing, and to replace them with a revised Section 106 agreement providing a commuted sum for:

- a pedestrian crossing adjacent to the main vehicular access;
- upgrade of 2 x bus stops adjacent to the site; and
- a community benefit contribution for traffic management and road safety initiatives around the Darwen East Development Corridor.

The revised Section 106 agreement is also proposed to establish phasing requirements for the commencement and completion of the upgraded Spring Meadows Road, and for final connection of the site drainage.

3.5.13 Subject to the signing of the new Section 106 agreement, the overall scope of information submitted in support of the transport and highways aspects of the proposals illustrate an acceptable highways layout and provision of off-site highway works that will mitigate the likely impacts on the network. Any future traffic impacts of additional developments in the area will be considered as and when the detailed applications, or reserved matters applications, are submitted. As such, the proposals are in accordance with the requirements of the Local Plan Part 2.

#### 3.5.14 Drainage

The sites lie in Flood Zone 1, which is low risk on the Environment Agency's Flood Zone Map. However, as a result of the significant size of the proposed development and the requirement for a drainage diversion, an outline drainage strategy has been submitted. This illustrates a proposal to incorporate a Sustainable Urban Drainage (SuDS) system, with an attenuation pond. The drainage strategy will limit surface water flows to greenfield run-off rates.

3.5.15 The Council's Drainage engineers have scrutinised the proposed outline drainage strategy, and have confirmed that it is acceptable subject to the provision of a full detailed drainage design before the works commence in accordance with the condition which has been attached to the outline approval.

3.5.16 Should the reserved matters application receive approval, a management / maintenance plan, describing how a management company will be set up to maintain the open areas within the development, will be required via a suitably worded condition.

#### 3.5.17 Design and Layout

Policy 11 of the Local Plan Part 2 requires all new development to present a good standard of design, to demonstrate an understanding of the wider context and make a positive contribution to the local area. The policy sets out a list of detailed design requirements relating to character, townscape, public realm, movement, sustainability, diversity, materials, colour and viability.

3.5.18 A design and access statement has been provided for the reserved matters application, which sets out the key design principles which informed the initial site layout. Following detailed discussions, and comments from statutory

consultees, the layout was further improved. The applicant's design team has considered the character and appearance of the immediate built environment, and incorporated contemporary design solutions to establish the layout and house types.

- 3.5.19 In terms of housing mix, the development proposes a mix of 3, 4 and 5-bed semi-detached and detached dwellings, which have been designed to suit the traditional suburban setting on the edge of Darwen. The properties comprise 48no. 3-bedroom dwellings, 74no. 4-bedroom dwellings and 4no. 5-bedroom dwellings. 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 by providing 100% of this type of housing the reserved matters proposal meets this policy requirement.
- 3.5.20 A detailed materials matrix has been submitted with the reserved matters application, which sets out the proposed materials for each plot. In summary, the proposed materials are a mixture of traditional brick in brown or red, stone lintels and cills, off-white render, red or grey roofing tiles, dark grey uPVC windows and front doors in grey, green, teal or black. Subject to the inspection of material samples, which is necessary in accordance with condition no.3 of the outline planning approval, the proposed materials are considered to be acceptable in accordance with Policy 11.
- 3.5.21 Details of the proposed boundary treatments were initially provided with the reserved matters application, however an amended scheme is to be submitted to correspond with the revised site layout. An appropriate scheme of boundary treatments will be required via a suitably worded planning condition, to ensure compliance with design and ecological requirements.
- 3.5.22 The submitted details for the reserved matters application include a landscape plan, providing for landscaped green infrastructure within the site in accordance with Local Plan Policy 40. The applicant proposes to implement a management scheme, requiring a management company to be set up to maintain the open areas and SuDS areas within the development in perpetuity. Should the application receive approval, a suitably worded condition is recommended to ensure the management scheme is implemented.
- 3.5.23 Subject to suitable conditions, the comprehensive details submitted with the applications illustrate a design and layout which show dwellings, infrastructure and landscaping which accords with the provisions of the adopted Local Plan Part 2.
- 3.5.24 Amenity Impact  
Given the proximity of the site to existing residential areas and the Craven Heifer public house, and the likelihood of some disruption during site operations, the Council's Head of Public Protection requested pre-determination noise and odour assessments, which were subsequently submitted by the applicant. The Head of Public Protection will provide detailed comments in relation to noise, odour, air quality and land contamination in advance of the committee meeting, to be reported in the Committee Update Report.



- 3.5.25 The Residential Design Guide 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 reserved matters proposal, both within the site and in relation to surrounding properties which are either existing or likely to be present in the future on the adjacent allocated housing site to the south of Spring Meadows.
- 3.5.26 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.
- 3.5.27 A number of existing surrounding properties have habitable rooms facing directly towards the proposed housing development site. In order to ensure an acceptable level of amenity is achieved for residents of these properties, and of the residents of the proposed dwellings, the separation distances as required by the SPD have been achieved in accordance with Local Plan Policy 8. The required separation distances have also been achieved within the site, with some minor exceptions, and the separation across Spring Meadows road towards the adjacent allocated housing site are considered to be acceptable.
- 3.5.28 Overall, the development of 126 dwellings gives a marginally lower density than that shown in the indicative scheme for 133 dwellings at the outline stage. This reduction is in part due to the requirement in condition no.20 of the outline approval to *include provision for large family housing incorporating the following as minimum specifications for properties on the triangle of land bounded by Pole Lane, Spring Meadows and the Public Right of Way which crosses the site in an west to east direction:*
- *minimum floorspace of 1,100 sq. ft.;*
  - *minimum side to side distances of 4 metres; and*
  - *double garage and driveway.*
- This provision is met within selected plots in the specified area, which comprises 10% of the whole development proposed. A further 4 dwellings meeting this requirement are located immediately to the north of the central green corridor.

#### 3.5.29 Ecology

The ecological impact of the proposal was fully considered when the outline planning application was approved in July 2013 and found to be acceptable, subject to provision of a landscaping scheme through the reserved matters application to include provision for the retention and enhancement of wildlife corridors along the northern and eastern boundaries as identified in the 'Ecological Survey and Assessment' by Environmental Research and Advisory Partnership dated August 2008. The revised layout illustrates that wildlife corridors will be retained to the northern and eastern boundaries of the site through additional planting of native species. Along the northern boundary of the site, the wildlife corridor is included within private gardens, with fencing in this area designed to allow the free passage of amphibians and mammals.

- 3.5.30 Capita Ecology commented on the initial layout and landscaping scheme, recommending adjustments to the wildlife corridor and the planting details. The site layout was subsequently amended, and revised landscaping details are to be provided in advance of the committee meeting to address these matters; to be reported in the Update Report for Committee.
- 3.5.31 It is considered that subject to receiving further information prior to the committee meeting, the impact of the development upon ecology will be suitably mitigated and compliant with Policy 9 of the Local Plan Part 2.
- 3.5.32 Contaminated Land and Previous Coal Mining  
Before the development commences, condition no's 5 and 18 of the outline planning approval require the developer to submit a comprehensive desk study report in relation to land contamination, to complete detailed site investigations where necessary and to complete a scheme of further works and investigations to identify the risks and most appropriate treatment of the recorded mine entries within the application site. Subject to the discharge of these conditions, the proposals are acceptable in accordance with Local Plan Policy 9.
- 3.5.33 The Coal Authority initially expressed concerns in relation to the proposed housing layout, because accurate positions of the historic mine entries within the site had not been identified. The applicant subsequently carried out site investigations to locate the mine entries, to ensure that the proposed layout is achievable. The details have been forwarded to the Coal Authority for comment in advance of the committee meeting, to be reported in the Update Report for Committee.
- 3.5.34 Affordable Housing  
For the reasons set out at paragraphs 3.5.9-13, there is no viability within this development for the provision of affordable housing either on-site or elsewhere in the Borough. Again, this is largely as a result of the developer agreeing to fund the extensive highway work, drainage works and road safety initiatives which will benefit the immediate area. In accordance with Local Plan Policy 12, the Council must take into account the total contribution liability incurred by developments arising from all policy and site specific requirements. With this policy in mind, and in order to ensure that the development is allowed to remain viable and proceed, it's recommended that the Section 106 contribution should be adjusted as proposed.
- 3.5.35 Summary  
This report assesses the reserved matters application for 126 dwellings at Pole Lane, Darwen, in addition to the full planning application for the upgrade of Spring Meadows road, the removal of outline condition no.8 and the revision to the associated Section 106 agreement. In considering the proposals, a wide range of material considerations have been taken into account.
- 3.5.36 In addition to the matters described above, local residents raised the following concerns:
- *There is far too much traffic using Pole Lane – and very fast traffic too causing safety issues.*
- The submitted details, considered out outline planning application stage, indicate sufficient capacity on the local highway network. The comments regarding existing safety issues are noted, however as an existing problem

a new development cannot be expected to provide the solution. Nonetheless, a commuted sum is proposed from the developer to contribute towards traffic management and road safety initiatives in the area.

- *Losing green space and habitats.*  
The principle of housing development at the site was established when the Local Plan Part 2 was adopted by the Council in December 2015, following examination by the Secretary of State which included a sustainability appraisal.
- *Lack of places in local schools.*  
The Blackburn with Darwen Schools and Education Department were consulted, and confirmed that there are sufficient school places to meet the pupil yield from the development.
- *No-mans land will be created by the wildlife corridor along the northern boundary; concerned about security and fly tipping.*  
In response to these concerns, the site layout was revised to ensure that the wildlife corridor will be located within rear private gardens. The boundary treatments along the corridor will need to allow movement of wildlife, and covenants will be placed on the affected properties to ensure maintenance of the wildlife corridor in perpetuity.
- *No need for the development, which should take place on brownfield sites in the centre of Darwen.*  
The Borough's housing requirement was established when the Core Strategy was adopted by the Council in 2011, and subsequently the principle of housing development at the application site was confirmed when the Local Plan Part 2 was adopted by the Council in December 2015, following examination by the Secretary of State.
- *Driveways onto Spring Meadows will impede traffic movements unless the lane is upgraded.*  
This concern has been addressed by the proposal to upgrade and improve the lane.

3.5.37 The assessment of the proposal clearly shows that the planning decision must be made in terms of assessing the merits of the case against any potential harm that may result from the implementation of the development. This report concludes that the proposal provides a high quality housing and road development and meets the policy requirements of the Local Plan Part 2, the Core Strategy and National Planning Policy Framework.

3.5.38 The development proposals are the result of extensive design development and site investigations which will provide a positive contribution to the immediate area and to the housing offer in Darwen.

## **4 RECOMMENDATION**

### **4.1 10/16/0789: Reserved Matters Application for 126 dwellings**

### **4.2 Approve subject to:**

- (i) Delegated authority is given to the Director of Growth and Development 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 £70,000 towards: a pedestrian crossing adjacent to the main vehicular access, upgrade of 2 x bus stops adjacent to the site and for community benefit (traffic management and road safety measures in the East Darwen area); and relating to agreed phasing of drainage and road construction.

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Director of Growth and Development will have delegated powers to refuse the application.

- (ii) Conditions which relate to the following matters:
- Landscaping and SuDs management and maintenance plan to be submitted, and implemented;
  - Retention of householder parking spaces (and garages);
  - Detailed road and footway finishes to be submitted; and
  - Details of boundary treatments.

**4.3 10/17/0250: Full planning application for works to straighten and upgrade Spring Meadows Road**

**4.4 Approve subject to:**

- (i) Delegated authority is given to the Director of Growth and Development to approve planning permission subject to an agreement under Section 106 of the Town & Country Planning Act 1990 as noted above.

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Director of Growth and Development will have delegated powers to refuse the application.

- (ii) Conditions which relate to the following matters:
- Commence within 3 years;
  - Drainage scheme;
  - Construction method statement; and
  - Technical details and traffic calming to be agreed, to be built to adoptable standards.

**4.5 10/17/0414: Variation to Section 106 Planning Obligation**

**4.6 Approve.**

**4.7 10/17/0418: Removal of Condition No.8 on Outline Planning Approval 10/12/0933**

**4.8 Approve subject to:**

- (i) Delegated authority is given to the Director of Growth and Development to approve planning permission subject to an agreement under Section 106 of the Town & Country Planning Act 1990 as noted above.

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Director of Growth and Development will have delegated powers to refuse the application.

## **5 PLANNING HISTORY**

- 5.1 Outline Planning Permission was granted in July 2013, reference 10/12/0933 for the erection of up to 133 no. new dwellings, subject to the following conditions:
1. Application for approval of reserved matters within 3 years;
  2. Reserved matters to be approved before commencement (appearance, landscaping, layout and scale);
  3. Samples of materials;
  4. Arboricultural method statement and tree protection plan;
  5. Contaminated land desk study and site investigations;
  6. Contaminated land validation report;
  7. Unexpected contamination;
  8. Off-site highway works;
  9. Protection of visibility splays;
  10. Construction method statement;
  11. Hours of construction;
  12. Existing and proposed ground levels;
  13. Acoustics report and sound attenuation;
  14. Drainage scheme;
  15. Archaeological investigation scheme;
  16. Dust suppression scheme;
  17. Monitoring of noise and vibration during works;
  18. Investigations to identify risks from recorded mine entries;
  19. Remove permitted development rights for classes A-F;
  20. Provide large family housing specified;
  21. Implement in accordance with submitted details.

## **6 CONSULTATIONS**

- 6.1 Arboricultural Officer  
No comments received.
- 6.2 Drainage Section  
No objections, subject to conditions.
- 6.3 Education Section  
No objections. There are sufficient school places to meet the pupil yield from these developments.
- 6.4 Environmental Services  
Road widths to accommodate refuse vehicles, including turning circles to minimise reversing, plus also space at each plot to accommodate 3 bins.
- 6.5 Public Protection  
Advised that comments will be provided in relation to noise, cooking odour, ground contamination and air quality; to be reported in the Committee Update Report.

## 6.6 Local Highways Authority

Summarised and bulleted comments:

- Tekgrip DSR material should be introduced.
- The private drive space being created to serve plots 75-80, would appear to be lacking distinctiveness and character and would appear disjointed.
- The footpath transition through the site need to be reaffirmed, the latest drawing shows a dotted line at what is assumed is the back of a footway/service verge. Clarification is necessary.
- Tracking of refuse vehicle is awaited.
- Sightlines have not been received [*not necessary as conditioned on the outline approval*].
- All drives should be 5.5m in length to accommodate a single vehicle and 11m in length if the arrangement was to park one vehicle behind the other.
- A condition should be attached to ensure all visibility splays are kept unhindered. [*This is a condition of the outline permission*].
- There should be a condition attached to ensure completion of the road is tied in with this development proposal.
- Details of the road narrowings should be conditioned.
- More detail is needed to show what would be presented to the Spring Meadows frontages, in terms of boundary treatments.
- The Spring Meadows road should be built to adoptable standards, and traffic calming to be agreed.
- A condition survey is to be carried prior to commencement of development and also once base course is laid to ensure that the any defects can be recorded.
- A resolution to the road which has remained unadopted for many years is welcomed, and would encourage collaborative working with the developer to enable us to proceed towards adoption as soon as is practicable.
- Informatives recommended.

## 6.7 Public Rights of Way Officer

With regard to the Planning Policy, the development plan asks that “*The development does not directly affect any public right of way, unless the right of way is maintained or the proposal provides for its replacement by an equally attractive, safe and convenient route.*”

Whilst the development does directly affect a public right of way (FP 202) in terms of its “use and enjoyment by the public” i.e. it replaces a green field path with a semi-urban shared use path, it does appear to be ‘maintained’ on its current alignment and as such meets the policy test.

Further comments were provided for information for the developer in terms of highways legislation.

## 6.8 Lancashire Constabulary

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

- Door and window standards;
- Fencing details and lockable gates;
- Security lighting;
- Cul-de-sac layout; and
- Surveillance of landscaped areas.

## 6.9 Coal Authority

Initially raised a concern that the location of historic mine entries should be identified in order to inform the site layout. This information has subsequently

been provided by the applicant, and if further comments are provided from the Coal Authority they will be reported in the Committee Update Report.

6.10 Electricity Northwest

Considered the proposal and provided advice for the applicant. Also confirmed that there is a 6.6kV wood pole line crossing the proposed site, which will require to be diverted.

6.11 Environment Agency

Confirmed that no comment to be provided.

6.12 Capita Ecology

Capita Ecology commented on the initial layout and landscaping scheme, recommending adjustments to the wildlife corridor and the planting details. The site layout was subsequently amended, and revised landscaping details are to be provided in advance of the committee meeting to address these matters; to be reported in the Update Report for Committee.

6.13 United Utilities

No comments received.

6.14 Clinical Commissioning Group

Confirmed no comments to make.

6.15 NHS

No comments received.

6.16 Public consultation has taken place, with over 250 letters posted to neighbouring addresses; a press notice has been published; and site notices displayed. In response, 13 residents have submitted letters of objection which are shown within the summary of representations below.

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

8 **DATE PREPARED: 13<sup>th</sup> April 2017**

## Summary of Representations

### Objections:-

Miss J Reeves, 9 Pole Lane Darwen

I was very concerned on receiving your letter regarding the proposed housing development there are many negative reasons for my negative feelings. Firstly it will have will traffic congestion as the Road is used to full capacity now with a constant flow. It has reached saturation point. It will destroy a last green belt area to become an eye sore and a road accident area. There is no need for a huge building site there, Building should be confined to brown fill areas which could benefit from. Also drainage potentially more building work will make flood.



happen more frequently. Lack  
of amenities. It won't benefit Darwin  
People will just use that area as  
a corridor to get through. In effect  
taking from Darwin. But not contributing  
Darwin as a town is too narrow for  
all this development. So I am  
totally apposed to this.

## D, Holden 66 Rudyard Drive Darwin

I wish to comment on the above.

- 1) There is far too much traffic using pde lane - and very fast traffic too.
- 2) Losing yet another green field, these will need be replaced.
- 3) Lack of places in schools etc. All the wildlife, regularly see deer on the fields mentioned.
- 4) Surely, there are enough houses

that could be saved, rather than demolished!

Very disappointed if this goes ahead.

## Jason Barton 14 Rudyard Drive Darwen

Whilst we and others still strongly object to the development, I have some issues with the latest plans that were submitted

Firstly the development has a row of semi detached houses which back onto Rudyard Drive. Why have those house been placed there. Could they have not been on the border of the field on the opposite side of Rudyard Drive, so that they would not back onto other property?

Also the developer has indicated a stretch of land bordering the back of our gardens and the back of the proposed new build, in effect a no mans land. Whilst we are content with that, who would maintain that stretch and do the developers intend to plant any trees/bushes? Again if so who maintains these?

Next the issue of drainage. There is a natural spring which flows underneath a lot of the properties on Rudyard Drive. Do the developers intend to divert this spring to the drains they install. What we don't want to happen is that further waters are diverted under our properties

When the original plans were drawn up, many years ago now, they didn't take into account any further development that could take place on the land south of Spring Meadows. A planning application has now been granted on that land. This will mean a further 200+ house, potentially with 2 cars per household. What has the developer or council in mind for traffic flow and calming, given that pole lane is a busy stretch of road and is used a rat run for traffic going to and from Bolton avoiding using the main road in Darwen

I hope the above views are taken into account when finally deciding the application

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## Clive Weston 106 Pole Lane Darwen

To whom it may concern,

I am writing as a resident of Pole Lane, Darwen, concerned about the impact of traffic from the erection of a further 110 dwellings by Ruttle Plant Holdings.

As a resident of Pole Lane for 40 years my concerns regarding traffic fall into two categories, firstly the increased volume of traffic, and secondly the speed at which traffic travels during all hours of the day and night. With the volume of traffic, it has become increasingly difficult and dangerous to back cars on and off the driveways of local residents. As a resident of this area and local citizen, I am disappointed that the council continually wishes to damage the quality of life and safety of Pole Lane residents. Since traffic-

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calming measures were installed on Marsh House Lane, the volume of traffic speeding up Pole Lane has greatly increased. By increasing the number of homes on Pole Lane yet further, with no suggestion or acknowledgement of a need for new traffic measures on Pole Lane, it would appear that the council's feasibility studies take little account of impact on safety and noise levels for existing Pole Lane residents.

I am well aware that police patrols for speed-checks often take place on Pole Lane, however this has in no way reduced the actions of drivers habitually speeding up this residential Lane. Such speeding is likely due to the fact that Pole Lane is a relatively straight road with a noticeable gradient. With an additional planned 110 families set to use Pole Lane after your proposed development, it is necessary that the Council finally begin to take some consideration of the existing residents it claims to represent. I would appreciate the Council making efforts and steps to include, as part of any future housing development on Pole Lane, the consideration of lasting and effective traffic calming measures to ensure the safety and well-being of residents.

Under the 1990 Planning Act (previously under Section 106) I believe the Council are able to put a requirement upon the developers to include such traffic calming measures – and at a cost that should be incurred by the developer, not the Council.

Whilst it appears clear that the Council is not able to stand in the way of central government desire to boost house building statistics, I believe they should at least be willing to use the opportunity to take into consideration the safety and well-being of some of their longstanding residents.

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J. E. Reeves 9 Pole Lane

Dear Mr Bailey as a resident of Pole Lane Darwen I am strongly opposed to this development. The area in which they are intending to build on is on one of the few areas which are still Green field in Darwen and in a semi Rural location. I would be very concerned as I dont feel there is sufficient need for this development there are plenty of Brown fill sites which would benefit from this large influx of houses and rejuvenate the apperance of the more central areas of Darwen . I am also concerned about the possability of flooding as i dont believe that the the proposed method of drainage will be sufient .I personally have had major problems with the land drainage with water ingress under my foundations . which caused me to have pools of water . Water does not seep into the earth as the area under my home is made of impervious clay. which does not allow water to drain through .I had to pay to get a land drain sunk but they could not get through the clay . Paid for Dry rot specialists had to have complete new Floors If all these houses are built. More and more land is going to be concreted and .It is becoming coming more aparent that with global warming more care has to be taken to ensure water is allowed to drain away naturally. Traffic is also a major problem and I feel that a pleasant area will be destroyed for ever by allowing the building of 110 new homes. . It is very busy now on Pole Lane and building more houses would obviously exacerbate the problems .

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## Stuart & Diana Conn 8 Spring Meadows Darwen

Hi, I would like to object to the planning application, I know planning was originally passed for this site despite the objections of the local residents, I would like to point out that in December 2012 permission was granted for the build to start by December 2014 it did not so permission lapsed. If permission is again granted what conditions would be imposed and if so why bother when the developer can ignore the deadline and just re-apply for permission at a later date? What is the point of having a deadline in the first place? I would also like to point out that the lane leading to Spring Meadows is currently un-adopted by the council and has been the case since 1995 since the estate was built. With no apparent progress towards it becoming adopted. The current owners have not in anyway maintained the verges or road surface and have left it as an abandoned scrubland. Has the appropriate permission to obtain access on to the lane for the eight driveways been obtained? Eight houses with direct access off Spring Meadows Lane would cause serious congestion to an already narrow and convoluted lane, having travelled up and down this lane for the last twenty odd years I can safely say it is just about fit for practice any more traffic accessing the lane would be a problem, anyone visiting one of the said eight houses and no pulling directly on to their drives would seriously impede the right of way for other road users

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Bethany Wolstencroft 22 Pole Lane

As I very keen animal lover, I am absolutely disgraced with your decision to erect [110 dwellings at pole lane](#).

There are thousands of animals on that field such as; Rabbits, Badgers, deer, stouts, mice, foxes, hedgehogs. This is just some of the wildlife that lives there. You will be destroying their homes, they will have no where else to go to. They will die. I do not understand, as you are supposed to support the wildlife but yet you will kill off thousands just to create some homes that aren't even needed. There are plenty of houses for people to live in, so why do we need more?

I am completely disgusted with this idea, If you were going to do anything in them fields, why not create a wildlife reserve? Instead of making many animals homeless and even creating death.

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## Helen Johnson 26 Spring Meadows Darwen

With reference to the above planning application. I would like to repeat comments that I have already submitted to previous plans. The plans still indicate a number of houses/drives that have access directly on to the existing lane that is used to access Spring Meadows, Moorlands Court and the farmland beyond.

This lane is not designed to cope with a large volume of traffic and it is not very wide. The existing use of the lane is already quite high and is not really wide enough for two cars to pass whilst both are moving. Adding a number of houses that will only have access via that lane is not going to help, and, no matter how much space is given to driveways and garages, people no longer use them for the purposes originally intended, they park on the road and the road in question is a narrow windy lane that will very quickly become congested with cars parked on it – you only have to look at the number of cars and vans and sometimes caravans that are parked around Spring Meadows to realise that garages and driveways are not used for parking! The planning assumption of two cars per house is also out of date, many households nowadays have 3 or 4 depending on the business they are in or the number of grown up children, so again, inevitably they will spill out onto the narrow, windy lane.

I'll be honest – I don't want houses to be built on the fields, it's nice having the horses and the greenery to look at. I know that is not a reason to object and I know that this will eventually go ahead, but please be sensible with it – unless the lane is upgraded, which these plans are not showing, then do not have houses leading straight out on to the existing Spring Meadows lane, it will not work, it will cause chaos and frustration.

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## Mr & Mrs Fort 1 Pole Lane Darwen

Regarding the planning application from Ruttle plant holdings, it would be better if the council got builders to finish off what they have started like the housing development at the bottom sudell rd on the main road where now it is a mess, is this is what's going to happen again an us occupiers will have to look at a mess , there are plenty of brown field areas in Darwen that could provide cheap new housing for the young couples wanting to start on the housing ladder instead of ruining a country area here at Pole lane, I absolutely oppose the building of houses here on Pole lane,

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## Mrs Emma Jefferson 22 Pole Lane Darwen

I am writing to oppose the planning of 110 dwellings on Pole Lane Darwen. I am against this for a number of reasons. Firstly the building of these homes will have a massive impact on our privacy. We bought our home 6 years ago because of its location; woodland at the back and open fields at the front. The building of these houses will mean we will be directly overlooked. Secondly the level of traffic will increase which is already a problem, creating noise and pollution in the area.

The field that has been proposed is a home to lots of wildlife including deer, badgers, hedgehogs, birds of prey, foxes, stoats, field mice, rabbits. Our family see this wildlife on a daily basis and are appalled that hundreds of animals will be forced from their homes in order to make way for buildings. This land should be protected not destroyed. Lastly, I am concerned regarding this risk of flooding to my home during heavy rainfall. The land currently acts like a sponge during heavy rainfall and once flooded, a moderate flow of water persists down Pole Lane until the field has drained. Building on this land will prevent this sponge like effect, causing a flood risk to surrounding properties, such as mine and my neighbours.

Please consider my comments, I am totally against this proposal and see no benefit to Darwen in building these dwellings at this site.

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## David Bent 55 Chapter Road Darwen

With reference to the above application I wish to pass comment with regard to a number of issues:

### 1. The inadequacy of the road system within the area to deal with an increased load

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I note from the plans that the routes out from the new housing estate will be via Pole Lane. From this lane there are only three possible exits.

1. Via Marsh House Lane – through an already busy double mini roundabout system (with traffic calming measures) which forms significant queues at peak times.
2. Via Priory Drive – which subsequently either leads to the congested double mini roundabout noted above or past the new Academy with a 20mph limit and a considerable number of children at school opening and closing times. This route also contains significant traffic calming measures. Additionally there is already an intention to extend the end of Priory Drive thus creating a busy crossroads at this location.
3. Via Redearth Road – meeting at a very difficult junction adjacent to two narrow, angled, railway bridges where traffic already builds up significantly at peak times leading to significant queues building up northwards on Pole Lane which, with additional traffic from the proposed development, would easily back-up and pass the proposed entrance to this development.

I would therefore contend that the location is not suitable from the perspective of the additional traffic flow in the area. I would object to the proposed planning permission on the grounds that the road network is not suitable for additional traffic.

### 2. The inappropriateness of the site and setting for the development –

The section in the original report for Outline Application (10/12/0933) referencing the application site and its setting is disingenuous and misleading in its comments. The report on the Reserved Matters Application (10/16/0789) continues these implications.

1. Under a picture of rural cottages the Outline Application states that “The two storey dwellings are rural in character but their terracing and the addition of three storey properties provides a more urban feel along the street scene.” It fails to note that the “three story property” is clearly rural in character and is a small, old school building over 200 years old adjacent to an old burial ground. The roof line and eaves of this property appear no more than the average modern detached house because the property is both small and sits below the level of Pole Lane. The implication of the report is that the “terracing” of the cottages provide an “urban feel” this is clearly not the case. This impression is furthered in the Reserved Matters Application by stating that “The site is predominantly surrounded by detached, semi-detached and terrace housing

with the majority being in new British vernacular in style.”(sic). The terraced properties referred to are old weavers’ cottages and in no way similar to brick or stone built terraces of the nineteenth and early twentieth century or “new British vernacular.”

2. The Outline Application states that the site is enveloped by urban land to the north, east and west. The Reserved Matters Application states that the site is predominantly surrounded by housing. This is stretching the truth somewhat. The land to the north is indeed a housing estate. However, the land to the east is only a small housing development and the so-called urban land to the west consists of a small row of mainly weavers’ cottages.

3. The Reserved Matters Application (10/16/0789) includes a panoramic view which, by the very nature of such views, shows a distorted image which gives the impression of significant housing on the west side of Pole Lane opposite the proposed site. These properties are, in fact a small row of weavers’ cottages and the small former school mentioned above.

4. I contend that this development will isolate an area of open land to the west of Pole Lane thus reducing the continuous open, undeveloped landscape in this area. This is not simply a continuation of a housing estate but a development that will cut off areas of woodland and open land thus damaging far more of the landscape than that used for the construction of the houses. On page 15 of the report relating to the Reserved Matters Application it clearly shows how the development of this site will lead to the near surrounding of land to the west of Pole Lane.

I would therefore contend that the location is not suitable from the perspective of the setting for the application. I would object to the proposed planning permission on the grounds that the setting is not suitable for the additional buildings.

### **3. The lack of school places within the immediate area –**

There are two schools within the immediate area of the proposed development these are St Peter’s Church of England School in Darwen and St Paul’s Church of England School in Hoddlesden. One of these schools is near to capacity and one is over subscribed. While there are other schools within the Darwen area the fact that the nearest schools are not able to accommodate the expected increase in the number of pupils will clearly lead to an increase in the number and duration of car journeys taking place at the busiest times of day. This will lead to an exacerbation of the issues raised in point 1 (above).

I would therefore contend that the location is not suitable due to the lack of school places in the immediate area. I would object to the proposed planning permission on the grounds that the current schooling facilities are inadequate.

Furthermore this application fails to consider that there is already much land in the Darwen area that is either available for housing or already has planning permission for dwellings such as the old Belgrave Mill site, the old Moorland School site, the Pot House pub site, etc.

In conclusion, therefore, I contend that the application should be rejected on the grounds of traffic flow (point 1 above), an inappropriate setting (point 2 above) and a lack of school places in the immediate area (point 3).

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## Cath Marsden 112 Pole Lane Darwen

I am writing with regards to the proposed development of 110 houses off Pole Lane.

My family and I live on Pole Lane. In terms of the local infrastructure, the idea of another 110 families in this area is deeply worrying. Pole Lane is already too busy, the volume of traffic is ridiculous and only seems to be getting heavier, with many drivers travelling well in excess of the 30mph speed limit. The traffic is a major concern, both for noise and safety issues. Attempting to leave the drive is often precarious, with much of Pole being single parked.

I have no doubt that the proposed development will go ahead, but as a resident I urge you to consider speed restriction measures. Marsh House Lane is much slower because of the speed bumps and I think Pole lane would benefit from the same measures. Speed bumps are needed from the top to the bottom of Pole Lane, not just at the access to the development - it is the volume and speed of all vehicles using Pole Lane that needs to be managed, not just the entrance to the proposed site. A speed restriction of 20mph would also be sensible.

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