

Planning and Highways Committee

Thursday, 21 September 2017

18:30

Meeting Room A, Blackburn Town Hall

AGENDA

PART I: ITEMS FOR CONSIDERATION IN PUBLIC

- 1 Welcome and Apologies
 - 2 Minutes of the Previous Meeting
Minutes 17th August 2017 2 - 3
 - 3 Declarations of Interest in Items on this Agenda
If a Board Member requires advice on any items involving a possible Declaration of Interest which could affect his/her ability to speak and/or vote he/she is advised to contact Democratic Services at least 24 hours before the meeting
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- PLANNING MATTERS**
- Material Considerations 5 - 6
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 - 4.1 Planning Application 10-17-0278 Old School 9 - 38
Grounds, Blackburn Road, Edgworth
 - 4.2 Planning Application 10-17-0620 Butlers Arms, 39 - 49
Pleasington Lane, Pleasington, Blackburn, BB2 5JH
 - 4.3 Planning Application 10-17-0694 Mondeor, 27a 50 - 61
Hoddlesden Road, Hoddlesden, Darwen, BB3 3LR
 - 4.4 Planning Application 10-17-0829 10 Clarence 62 - 71
Park, Blackburn, BB2 7FA

PART 2: ITEMS FOR CONSIDERATION IN PRIVATE

- 5 PART 2 - Enforcement Update Report

Date Published: Friday, 15 September 2017
Harry Catherall, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE
17th August 2017

PRESENT – Councillors Dave Smith (in the Chair), Brookfield, Casey, Groves, Hardman, Jan-Virmani, Khan Z, Khonat S, Liddle (substitute for Oates), Marrow (substitute for Pearson), Murray, Nuttall, Slater Ja, Whittle (substitute for Hussain).

OFFICERS – Gavin Prescott (Planning), Michael Green (Legal), Mike Cliffe (Growth & Prosperity), Wendy Bridson (Democratic Services).

RESOLUTIONS

9 Welcome and Apologies

The Chair welcomed everyone to the meeting. Apologies were received from Councillors Hussain I, Oates, Pearson and Riley.

10 Minutes of the last Meeting held on 12th July 2017

RESOLVED – That the minutes of the last meeting held on 12th July 2017 were confirmed and signed as a correct record subject to including Councillor Groves apologies. Councillor Quesir Mahmood was the substitute for Councillor Groves.

11 Declarations of Interest

No Declarations of Interest were received.

12 Planning Applications

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

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

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

<u>Application No.</u>	<u>Applicant</u>	<u>Location and Description</u>	<u>Decision under Town and Country Planning Acts and Regulations</u>
10/17/0638	Blackburn with Darwen Borough Council Strategic	Marsh House Lane / Priory Drive / Ivinson Road, Darwen Full Planning Application for Construction of the Darwen East Distributor Corridor Road with	Approve subject to the conditions as stated in the Director's original report with an amendment to construction activity taking

	Transport Blackburn	associated landscaping and lighting, and pedestrian link to neighbouring housing development. Councillor Neil Slater spoke against the application.	place between 08:00 and 18:00 hours Monday to Friday and between 08:30 and 13:30 hours on Saturday.
10/17/0774	Blackburn with Darwen Borough Council One Cathedral Square Blackburn	Darwen 3 Day Market Building School Street Darwen BB3 1BH Full Planning Application for Demolition of hexagonal 3 Day Market Hall Building and creation of new town square together with proposed screening to the Market Hall loading bays. Councillor Brian Taylor spoke in support of the application.	Approve subject to the conditions outlined in the report.

13 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.

14 Enforcement - 238 Ramsgreave Drive, Blackburn, BB1 8LL

The Director of Growth and Development submitted a report seeking authorisation to take enforcement action against all persons having an interest in land at 238 Ramsgreave Drive, Blackburn, BB1 8LL

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

Resolved- That authorisation be given to the proposed enforcement action at 238 Ramsgreave Drive, Blackburn, BB1 8LL.

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

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

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

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

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

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

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

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

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

Reasons for Decision

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

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

REPORT OF THE DIRECTOR OF GROWTH & DEVELOPMENT



LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND PAPERS

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

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

PLANNING APPLICATIONS FOR DETERMINATION Date: 21/09/2017

Application No	Applicant	Site Address	Ward
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10/17/0278	Mr Sean Readey The Brook House Bury Road Edgworth Bolton BL7 0AR	Old School Grounds Blackburn Road Edgworth	North Turton With Tockholes
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Full Planning Application for Proposed erection of 2no. detached dwelling houses and new access road.

RECOMMENDATION: Refuses

10/17/0620	Mr M. Hales Butlers Arms, Pleasington Lane Pleasington Blackburn BB2 5JH	Butlers Arms Pleasington Lane Pleasington Blackburn BB2 5JH	Livesey With Pleasington
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Full Planning Application for External decorative lighting additional outside seating area and outside bar

RECOMMENDATION: Permits

10/17/0694	Mrs J Mercer Mondeor 27a Hoddlesden Road Hoddlesden Darwen	Mondeor 27a Hoddlesden Road Hoddlesden Darwen BB3 3LR	East Rural
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RECOMMENDATION: Permits

Item 4

10/17/0829

Mr Sajeed Patel
10, Clarence Park
BLACKBURN
BB2 7FA

10 Clarence Park
BLACKBURN
BB2 7FA

Beardwood With Lammack

Full Planning Application for Proposed retrospective application to previously approved Planning Application (10/15/1539), amendments to balcony and fenestrations

RECOMMENDATION: Permits

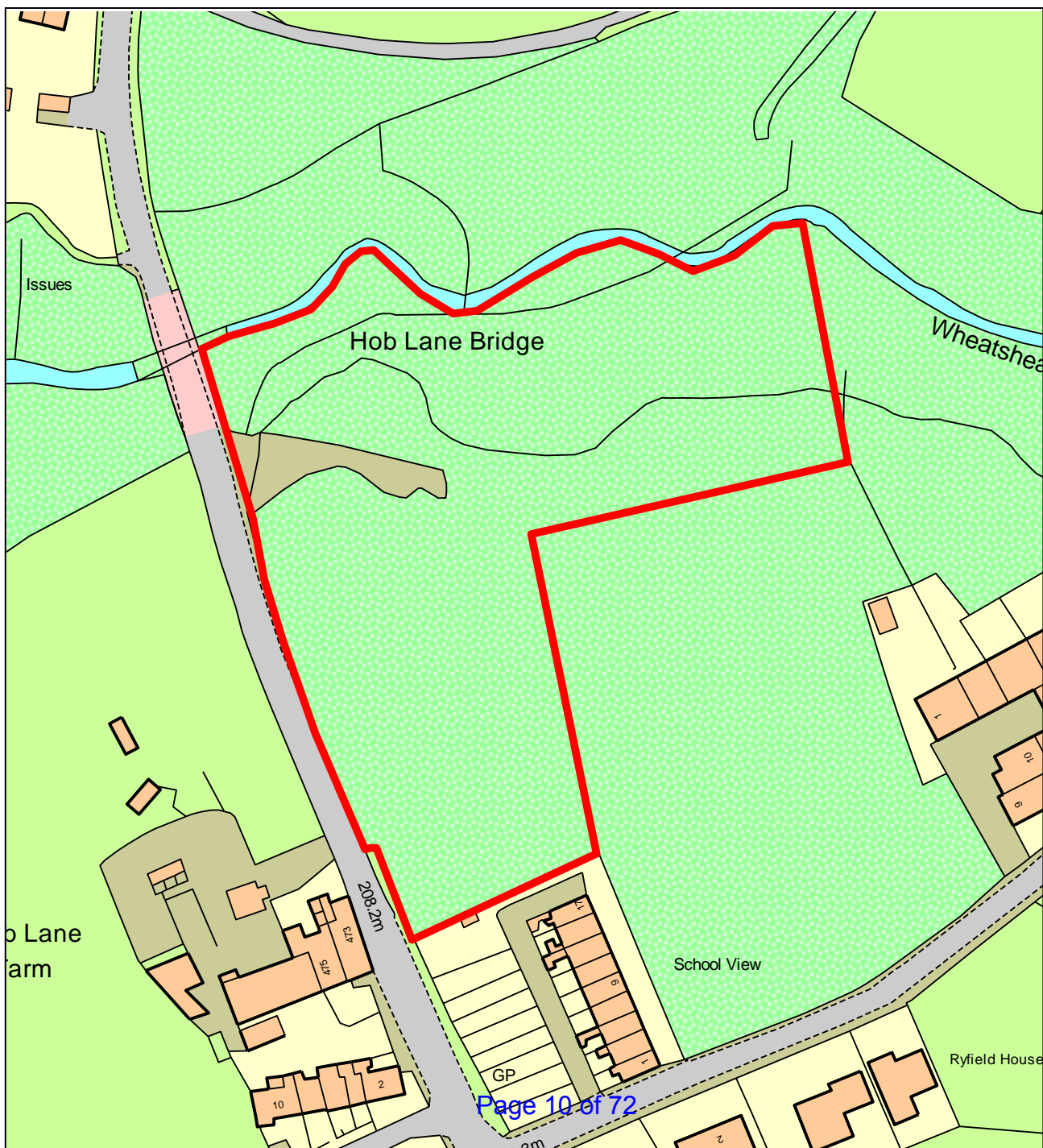
Proposed development: Full Planning Application for Proposed erection of 2no. detached dwelling houses and new access road.

Site address: Old School Grounds, Blackburn Road, Edgworth

Applicant: Mr Sean Readey

Ward:North Turton With Tockholes

Councillor Colin Rigby	
Councillor Jean Rigby	



1.0 SUMMARY OF RECOMMENDATION

Item 4.1

- 1.1 The proposed development is **recommended to be refused** planning permission for the reasons as stated in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Committee through the Chair Referral process in accordance with the Scheme of Delegation. The proposed development has been the subject of wide publicity with the local community. As a result, a total of 22no. objections have been received relating to the initial and revised proposal. A summary of the objections is provided at 6.1 below.
- 2.2 The key issues to be addressed are as follows:
- The effect of the proposed development on the West Pennine Moors Green Belt.
 - Whether or not the design of the proposed dwellings is truly outstanding or innovative to qualify as an exception to the principle of housing development not being permissible in the Green Belt, in accordance with Paragraph 55 of the NPPF.
 - The impact of the proposed development on the natural environment.
 - The relationship of the proposed development to the adjacent cottages on School Lane and to the street scene.
 - Highways considerations.
 - Principles gleaned from the recent Inspector's appeal decision on the proposed two dwellings for the nearby site off School Lane.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The site of the proposed development is located alongside Blackburn Road, between School View to the south and Wheatsheaf Brook to the north. The land lies outside the Edgworth village boundary and within the West Pennine Moors, and is allocated as Green Belt.
- 3.1.2 School View, to the south, is comprised of a row of modest stone-fronted terraced cottages, presenting their rear elevations to Blackburn Road, most of these rear elevations being rendered and having single storey extensions. The cottages are set back from Blackburn Road and separated from the main highway by long strips of garden in between. School View is located on the northern-most tip of the village boundary.
- 3.1.3 Wheatsheaf Brook to the north runs through a narrow, steeply-sided valley, with a dense covering of trees and vegetation on both banks. The land rises steeply to the south towards the application site.

- 3.1.4 The application site is not the original school grounds, but land adjacent to the school grounds. Access is by way of a rough track that climbs up a steep slope from Blackburn Road onto the land proposed for the two dwellings.
- 3.1.5 To the rear of the site is located Edgworth Views, a modern housing development off School Lane, also located within the Green Belt but formed from buildings that had previously served as a school, and therefore represented the redevelopment of a previously developed site which, whilst pre-dating the NPPF, accords with Paragraph 89 of the Framework.

3.2 Proposed Development

- 3.2.1 The proposal is for full planning permission to be granted for two detached dwellings.
- 3.2.2 The larger of the two dwellings is comprised of sitting room, kitchen, dining room, utility areas and integral double garage at ground floor and five bedrooms (two of them en-suite), two bathrooms, utility room and dressing room at first floor. Balconies are proposed to the west and east elevations.
- 3.2.3 The smaller dwelling includes an open-plan kitchen/dining/lounge area with en-suite bedroom, separate shower room and integral double garage at ground floor, and four bedrooms (three of them en-suite) and a separate bathroom and utility room at first floor. Balconies are proposed to the west and east elevations.
- 3.2.4 Access from Blackburn Road utilises the existing opening, with the driveway approaching the properties on their eastern aspects, with the rear elevations and gardens being located to the west side of the properties.
- 3.2.5 A detailed revised Supporting Planning Statement has been submitted by the applicant's agent on the 2nd August 2017, following a meeting with the Development Manager, Case Officer, and the Ward Councillor Colin Rigby on the 28th June 2017.

3.3 Development Plan

3.3.1 Blackburn with Darwen Borough Local Plan Part 2

Policy 3:	The Green Belt
Policy 9:	Development and the Environment
Policy 41:	Landscape
Policy 10:	Accessibility and Transport
Policy 8:	Development and People
Policy 11:	Design

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (NPPF):

- Section 9: Protecting Green Belt Land
- Section 11: Conserving and Enhancing the Natural Environment
- Section 6: Delivering a Wide Choice of High Quality Homes
- Section 7: Requiring Good Design

3.5 Assessment

3.5.1 The effect of the proposed development on the West Pennine Moors Green Belt. Policy 41 of the Local Plan 2 recognises the landscape setting of the Borough as being one of its principal assets, but that the landscape experiences pressures from development. High quality development may be accommodated sensitively, but any that undermines the open landscape character or the principal traits associated with it would be considered inappropriate and resisted (see paragraphs 7.13 and 7.14 of Local Plan 2).

3.5.2 Policy 41 is backed up both by the National Planning Policy Framework (NPPF) and Policy 3 of the Local Plan Part 2 governing development within the Green Belt. In Paragraph 89 of the NPPF, the Government states that “A local planning authority should regard the construction of new buildings as inappropriate in Green Belt”. It then lists six exceptions, and it is considered that the proposed two dwellings do not fall within any of the listed categories as set out here:

- i. buildings for agriculture and forestry. The proposed dwellings are for private occupancy and not related to either of these rural enterprises.
- ii. appropriate facilities for outdoor sport, outdoor recreation and for cemeteries.

iii. extension or alteration of an existing building. The proposed dwellings are new and would not fall within this category.

iv. replacement of a building. No existing building is being replaced.

v. limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan. The proposed dwellings do not represent infilling in the village of Edgworth, the application site being located outside the village boundary.

Moreover, the proposed dwellings cannot be considered as being affordable housing brought forward under Local Plan policies. The reference to ‘community needs’ cannot be related to the personal circumstances of the applicants. The Government’s Inspector, in upholding the Council’s refusal to permit two dwellings on land off School Lane, Edgworth, stated that “Personal circumstances and unmet need alone seldom clearly outweigh harm to the Green Belt and any other harm when taking account of the Government’s Ministerial Statement of 31st August 2015 and Planning Practice Guidance” (see

planning application 10/16/0134).

vi. limited infilling or the partial or complete redevelopment of Item 4.1 previously developed sites (brownfield land). No development has previously taken place on the land. The creation of an access track into the field from Blackburn Road appears to have been undertaken without the benefit of planning approval – the track having previously been refused planning permission in 1987 (10/87/1713 – see 5.2 below).

- 3.5.3 Whether or not the design of the proposed dwellings is truly outstanding or innovative. Paragraph 55 of the NPPF reiterates the limitations on development in rural areas (not specifically Green Belt in this case), but adds an additional special circumstance under which development may be permitted in rural areas – that the exceptional quality or innovative nature of the design of the dwelling would make a proposal acceptable in a rural setting. Such a design should, states Paragraph 55, be truly outstanding or innovative; should reflect the highest standards in architecture; should significantly enhance its immediate setting; and should be sensitive to the defining characteristics of the local area.
- 3.5.4 This application is submitted on the basis that the proposed dwellings meet the Paragraph 55 criteria. However, for this to be demonstrated, the Council would normally expect the scheme to have first been considered by the Places Matter Design Review Panel prior to being submitted for planning approval. This has not been done.
- 3.5.5 A number of features incorporated into the two dwellings are highlighted as meeting the criteria to be considered as Paragraph 55 dwellings. The dwellings are largely to be built with a timber frame and hempcrete system. Hempcrete is a composite material intended to provide a natural, vapour-permeable, airtight insulation material which “creates healthy (chemical-free and damp-free) indoor environments. It is a “better-than-zero-carbon material”, locking away more atmospheric carbon for the lifetime of the building than was emitted during its construction” (Source: <https://www.ukhempcrete.com/>). A 2002 report from the Building Research establishment concluded that homes built from hempcrete are energy-efficient, creating less waste and reducing heating demand. Whilst the materials in themselves are considered acceptable, they are not considered innovative. Whilst such a proposal may once have been considered as innovative its use has now moved more into the mainstream of housing construction.
- 3.5.6 A grass roof is proposed that would cover the entire building, aimed at absorbing the most of the rainwater (Environment and Design Appendix page 5). Excess rainwater is proposed to be routed to a rainwater harvesting tank for use within the garden and the toilet cisterns. However, the sustainability statement about the grass roof is considered to be at odds with the drawings which depict pitched roofs to the end gables with flat roofs formed between the front and rear roof planes to the central parts of the dwellings. The grass roof covering is

not mentioned at all in the additional Supporting Planning Statement dated July 2017. The roof material is described in the application form only as being slate, and this would accord with the elevation details within the plans. There is no annotation in the drawings to show or demonstrate how the grass covering would work on the flat roof elements. Moreover, there is no annotation to the drawings to support a statement in the application (Environment and Design Appendix page 13) that suggests the slates will be PV solar slate tiles.

- 3.5.7 A number of other features are put forward as contributing to a Paragraph 55 dwelling, but which are not considered to do so. The proposals for the storage of non-recyclable and recyclable household waste are not considered to be outstanding or truly innovative. These requirements are expected for all housing developments. Information on emission rate, heat loss parameters and low or zero carbon technologies has yet to be provided. Ground source heat pumps and proposals for the prevention of heat loss are also elements of the housing scheme. But the contribution all these would make to a sustainable development, whilst desirable, would not be considered innovative.
- 3.5.8 The immediate area to the south comprises the end of the village envelope and is characterised by a small cluster of stone built dwellings around Hob Lane and School lane which contribute to a distinctive village townscape representing a former pre-industrial hamlet. The proposed two new dwellings would have a significantly larger footprint and mass and would appear dominant buildings in the countryside setting which would be at odds with the tight grain and modest proportions of the existing buildings and detract from the openness of the Green Belt. The proliferation of gables and triangular glazing elements appear overly fussy and are at odds with the simpler proportions and modest character of the rural Pennine vernacular. In this respect they are considered to fail the criteria set out in Policy 11 of Local Plan 2 in that they fail to complement local character.
- 3.5.9 Paragraph 55 of the NPPF refers to isolated dwellings in the Green Belt needing to be truly innovative or outstanding. The appeal to wider design principles within the village of Edgeworth, where development within the village envelope has been permitted, (see, for example, pages 11 and 26 of the revised Design and Access Statement), is considered to undermine this case.
- 3.5.10 Finally, Paragraph 55 of the NPPF refers to isolated dwellings in the Green Belt. Paragraphs 5.10 to 5.12 of the revised Supporting Planning Statement make the case that the proposed 'dwelling' (para 5.12 – but please note the application is for two dwellings) represents infill dwelling and therefore has limited impact on the Green Belt. Members are advised that infill development is applicable to village development only and does not constitute an exception to Green Belt development, either in the NPPF or the Local Plan Part 2.

- 3.5.11 Members are also advised that the land is open to the north, east and west of the application site. Development therefore would not represent infilling but an extension to the village boundary. Paragraphs 79 and 83 of the NPPF emphasise the permanence of Green Belt and that 'Green Belt boundaries should be altered only in exceptional circumstances' which would involve a revision or re-writing of the Local Plan.
- 3.5.12 The impact of the proposed development on the natural environment. Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open – the essential characteristics of the Green Belt being its openness and its permanence. Paragraph 55 does not supersede this, but requires exceptional development to 'significantly' enhance the immediate setting and to be sensitive to the defining characteristics of the local area.
- 3.5.13 It is considered that the proposed development of two dwellings will result in the loss of areas of unimproved grassland habitat, representing a net loss of biodiversity on the site, contrary to Paragraph 109 of the NPPF which aims to achieve sustainable development through conserving and enhancing biodiversity.
- 3.5.14 Moreover, Policy 9 of the Local Plan states that development likely to damage or destroy habitats or species of local importance will not be permitted unless the harm caused is outweighed by other planning considerations and an appropriate mitigation strategy can be secured.
- 3.5.15 The habitat has been shown to support nesting birds. Foraging opportunities for badgers are also provided on-site, which are linked in to the foraging and sett-building opportunities provided by the adjacent woodland alongside Wheatsheaf brook.
- 3.5.16 Whilst some mitigation measures have been proposed to negate the impact of the development on badgers and reptiles, no recommendations have been made for the mitigation or enhancement of the site through an Environmental Management Plan. However, Members are advised that the proposed development is not considered to meet the criteria set by Paragraph 55 of the NPPF; and whilst a mitigation strategy may be secured, nevertheless the harm caused to the Green Belt is not considered to be outweighed by any other Planning consideration.
- 3.5.17 Existing views from School Lane allow for an open vista between Edgworth Villas, adjacent to the Lane, and the terraced dwellings along School View in the background. The view for walkers through the gap provided by the original playing fields and the application site is of woodland and the hills beyond. The proposed dwellings would substantially fill this gap. Members are reminded that the openness of this land formed part of the reason for the Inspector upholding the Council's decision to refuse the application for two dwellings on land to the south side of School Lane (Application reference: 10/16/0134,

Appeal Reference: APP/M2372/W/16/3150769, dated 8th September 2016). The proposed dwellings, if approved, would add to the ~~pressure~~ pressure to continue development into the Green Belt along School Lane as an 'infill' up to Edgworth Views.

- 3.5.18 It is further argued that, to the north of the application site, the course of Wheatsheaf Brook would provide a more acceptable village boundary than the end of the terraced properties on School View. It is considered that Wheatsheaf Brook is currently framed on both its northern and southern banks by woodland rising, on both, sides, into open land. The urbanisation of its southern aspect caused by curtilage landscaping would not only have a harmful impact on the unimproved grassland habitat and the species that use the land for foraging, but also on the open vista that currently exists between the Brook and the edge of the village. It is considered that the proposed development would erode the openness of the Green Belt and the setting of the brook and its woodland boundaries. In respect of this, the proposal would contravene Paragraph 55 of the NPPF in failing to be sensitive to the defining characteristics of the local area. The proposals have also failed to demonstrate that planning considerations in favour of the development significantly outweigh the harm done to the ecological habitat and the Green Belt, contrary to Policies 3 and 9 of the Local Plan Part 2.
- 3.5.19 United Utilities' response to consultation expressed concern to ensure the protection of Wheatsheaf Brook, a watercourse feeding Wayoh Impounding Reservoir. United Utilities requested pre-determination discussions directly with the applicant in order for protection measures to be identified and agreed. This response was forwarded to the agent acting on behalf of the applicant, but no further correspondence has been received.
- 3.5.20 The relationship of the proposed development to the adjacent cottages on School Lane and to the street scene. Policy 11 of Local Plan 2 requires development to demonstrate an understanding of the wider context and make a positive contribution to the local area. It has already been commented at 3.5.8 above that the design and massing of the dwellings would not sit comfortably in the landscape and would contrast with the traditional character of the Pennine area. The setting is generally characterised by clusters of modest dwellings or larger isolated individual dwellings or farm courts. the two proposed dwellings are not considered to be isolated, but represent a continuation of the built form beyond the village boundary along Blackburn Road. Within the streetscene, therefore, the relationship is with the modest terrace dwellings on School View.
- 3.5.21 The proposed two new dwellings, as previously stated, would have a significantly larger footprint and mass and would appear dominant buildings, at odds with the tight grain and modest proportions of the adjacent dwelling. Little in the way of scale, built form or materials relates to School View; but the proximity of the proposed dwellings to

School View establishes that relationship, which to the streetscene is incongruous. The proposed dwellings, even if they were considered acceptable design under Paragraph 55 of the NPPF, would require a greater element of separation for their design to stand alone.

- 3.5.22 The proposed new drive would also be a very dominant and visible element in the landscape especially approaching from the north, which would detract from the landscape character of the site. When considered in conjunction with other elements of hardstanding such as patio structures and side drives there would be a proliferation of hardstanding elements which would further impact on the landscape character. This is further compounded by the fact that the site is elevated from the road and these elements would appear more prominent.
- 3.5.23 The proposed two new dwellings would have their backs fronting onto Blackburn Rd which creates a poor relationship between private and public realm. It is acknowledged that this is a product of the topography. However, it would result in fencing and rear garden structures fronting onto Blackburn Road having a detrimental impact on the street scene. Most houses either front or side onto Blackburn Rd (other than the small terrace at School View) which is the preferred arrangement in urban design terms.
- 3.5.24 In terms of the relationship of the impact the proposed dwellings have on the streetscene, the immediate setting is therefore not considered to be enhanced, as required by Paragraph 55 of the NPPF and Policy 11 of Local Plan 2.
- 3.5.25 Highways considerations. The existing vehicular access currently allows for irregular access into the field which forms the application site. It is noted that this gated entrance requires turning movements at a point along the highway located in a valley between steep gradients where vehicle speeds are permitted up to 40mph. Adequate sightlines have not been demonstrated on the plans. Visibility for drivers exiting the application site is likely to be substandard, potentially leading to increased hazards to road users.
- 3.5.26 The Council's parking standards requirements associated with the application are based on the number of bedrooms. Each property is to have five bedrooms which would equate to an allowance of three spaces per property. The details offer two parking spaces within a double garage, (the space dimensions being adequate). However, the plans are not clear on where the third parking spaces are to be positioned.
- 3.5.27 It is therefore considered that the proposals are not in accordance with Policy 10 of the Local Plan 2 in ensuring road safety and the safe, efficient and convenient movement of all highway users is not prejudiced.

3.5.28 Principles gleaned from the recent Inspector's appeal decision on the proposed two dwellings for the nearby site off School Lane (referred to in paragraph 3.5.17). In dismissing the appeal against the Council's refusal of planning permission for two dwellings in the Green Belt on School Lane, the Planning Inspector highlighted three principles to be followed, and these form the summary to the above considerations:

3.5.29 Firstly, whether the proposal is inappropriate development in the Green Belt for the purposes of the NPPF and the development plan (Local Plan Part 2). In the case of this application currently before the Committee, Members are advised that the development of two dwellings within the Green Belt does not meet the exceptions set out in Paragraph 89 of the NPPF and Policy 3 of Local Plan 2 and should be refused planning permission.

3.5.30 Secondly, the effect on the openness of the Green Belt and the purposes of including land within it. Members are advised that the dwellings proposed contravene the policies for retaining the openness of the landscape and represent the extension of urbanisation into the Green Belt, contrary to Paragraphs 55 and 79 of the NPPF and Policy 3 of the Local Plan 2.

3.5.31 Thirdly, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development. Members are advised that the case for the dwellings being a Paragraph 55 development is not considered to have been made; and given the detrimental impact on the openness of the Green Belt, the grassland habitat and the streetscene, the proposals are considered to be contrary to Paragraphs 55 and 109 of the NPPF and Policies 9, 11 and 41 of the Local Plan 2.

3.5.32 In summary, it is therefore for the above reasons pertaining to the protection of the Green Belt, that Members are advised that the proposed development for two dwellings is unacceptable. Members are advised that the recommendation for refusal and reasons for refusal as set out in paragraph 4.1, are soundly based on national and local planning policies.

4.0 RECOMMENDATION

4.1 The proposed development is **recommended to be refused** planning permission for the following reasons:

- The proposed two dwellings, by virtue of their location outside of the Edgworth village boundary and within the West Pennine Moors setting, represent inappropriate development in the Green Belt through the loss of openness to the landscape, contrary to Paragraphs 55 and 89 of the National Planning Policy Framework (NPPF) and Policy 3 of the Blackburn with Darwen Borough Local Plan Part 2.
- The proposed two dwellings, by virtue of the ecological habitats to be lost and the lack of mitigation measures proposed, fail to be sensitive to the

characteristics of the landscape or to enhance the immediate setting, contrary to Paragraphs 55 and 113 of the NPPF and Policy 9 of the Local Plan Part 2.

- The proposed two dwellings, by virtue of the lack of supporting evidence, have failed to demonstrate the 'truly outstanding or innovative' design required by Paragraph 55 of the NPPF to be acceptable development within the countryside, and so remain contrary to Paragraphs 55 and 89 of the NPPF and Policy 3 of the Local Plan Part 2.
- The proposed two dwellings, by virtue of their design and position in relation to School Lane, have failed to address the connection between the site and the adjacent village setting, consequently failing to be integrated into the street scene, contrary to Paragraphs 58 and 61 of the NPPF and Policy 11 of the Local Plan Part 2.
- The proposed two dwellings, by virtue of the characteristics of Blackburn Road and their position in relation to the bend to the north of Hob Lane Bridge, have failed to demonstrate adequate sightlines to ensure clear visibility is achievable when exiting the site, contrary to Policy 10 of the Local Plan Part 2.
- The proposed two dwellings, by virtue of the lack of information, have failed to demonstrate how the water quality of Wheatsheaf Brook and Wayoh Impounding Reservoir will be protected, contrary to Policy 9 of the Local Plan Part 2.

5.0 PLANNING HISTORY

- 5.1 10/87/1713 - Construction of a vehicular access off Blackburn Road. Refused under delegated powers 16th December 1987.

6.0 CONSULTATIONS

- 6.1 20 neighbouring properties were consulted and a site notice was erected. 15 letters of objection have been received. An additional 7 letters of objection have been received to the revised proposal, though these are from the same objectors who commented on the original scheme. The objections can be summarised as follows:
- Land is in the Green Belt and development would harm its openness.
 - Land is beyond the recognised limits of the village.
 - Access is on a dangerous bend and close to a dangerous rise.
 - Application form and documentation wrong or misleading.
 - Danger of Wheatsheaf Brook being contaminated by construction materials and chemicals.
 - Ownership of land adjacent to the Wheatsheaf Brook disputed.
 - Temporary access should not become permanent.
 - The building of two five-bed houses would not add to supply of rural housing.
 - Disturbance to wildlife.

- Proposed houses will dwarf the houses on School View and the entire footprint of Edgworth Views. Item 4.1
 - Similar to School Lane application, which was refused.
 - Permission would set a precedent for others on or around the School Grounds.
 - The submitted plans are not in keeping with the local area.
 - Scale and massing on the raised level and amount of glazing out of keeping with character and appearance of the area.
- 6.2 Lancashire Archaeology. Potential for the proposed development to encounter buried archaeological remains associated with the Roman Road. A programme of archaeological work should therefore be conditioned and implemented.
- 6.3 Public Protection. No objection on environmental health grounds.
- 6.4 Highways. Three parking spaces required – only two (in the double garages) shown. No details of sightlines have been offered. These would be needed to ensure clear visibility is achieved when exiting the site. Gates need to be set back at least a car width in from the edge of the carriageway. Further details would be required.
- 6.5 North Turton Parish Council. The Parish Council has no objection in principle to the erection of two dwellings on this site, but *objects* to the siting of the proposed access, on the grounds that it is unsafe, located in a dip on a blind bend within a 40mph section of road.
- 6.6 Conservation and Design Officer. The proposed development would be sited in the Green Belt and would thereby need to demonstrate how it would meet the requirements of Para 55 of the NPPF. There is no supporting statement to clearly indicate how the proposal has met the requirements of the policy in particular the exceptional and innovative aspects of the scheme. Poor relationship with existing buildings and would detract from landscape character of the site. The scheme would need to be referred to the Places Matter design review panel to be considered for exceptional design.
- 6.7 United Utilities. The watercourse adjacent to the proposed development site feeds Wayoh Impounding Reservoir and it is critical that water quality is protected. Additional information to inform their formal response to the application was requested – specifically, potential site drainage and potential construction methods. When appropriate protection measures have been identified and agreed, United Utilities would be in a position to offer a formal response to the application. This request was forwarded to the agent on 8th July. There has been no further correspondence since.
- 6.8 Drainage. No objections, but a condition requested to require the submission of a drainage scheme for written approval prior to the commencement of development.

6.9 Ecology. The proposed development is considered to be a direct contravention of the aims of the NPPF in achieving no net loss of biodiversity. It cannot be considered that the (ecology) report or design adequately protect or enhance the local environment, including wildlife habitats, trees and grassland. As the scheme falls outside the recognised development boundary of the village of Edgworth the development is contrary to Local Plan 2 Policy 3. If the development were to proceed mitigation and protection measures relating to grassland habitat management, badgers, reptiles and nesting birds and eradication of invasive species would be required.

7.0 CONTACT OFFICER: John Wilson, Planner

8.0 DATE PREPARED: 7th September 2017

9.0 SUMMARY OF REPRESENTATIONS

Objection Mr & Mrs Naylor, Ryefield House, 6 School Lane, Edgworth ^{Item 4.1}

17.05.17

Dear Sir/Madam

Objection Letter – Planning Ref 10/17/0278

We are writing in response to the planning application reference 10/17/0278, for 2 detached dwelling houses and new access road Old School Grounds, Blackburn Road, Edgworth.

We are new residents at School Lane and whilst we did not receive any formal notification of this application from the council privately, a local residence informed us of this proposed plan and we wish to add our support to the objection.

We hereby formally give notice of our objection to this application.

This proposed building site is located within the Green Belt and would be harmful to the openness and permanence of the Green belt to allow the proposed development. For the site to be given planning permission would give, in our opinion, the precedence to allow other buildings to be constructed in the future on or around the School Grounds.

To give leverage to this objection this council supported our objection to 2 properties being built adjacent to our property under Reference APP/M2372/W16/3150769 last year. We had purchased this property for its open aspects and the focus on retaining the Green Belt in this area.

In reviewing the documents related to this application there is no evidence to support that the applicant has indeed searched other sites for this development which have no or minimal impact on the Green Belt.

The application request includes a need to build a new access road, this in our opinion gives a greater impact and disturbance to the environment and wildlife in and around the immediate areas.

Yours faithfully

Mr & Mrs S Naylor

Objection Andy Tighe, 1 School View, Edgworth 17.05.17

Item 4.1

Dear Mr. Prescott,

I wish to object to the above referenced planning application for a number of reasons, as follows: -

- The piece of land is Green Belt land and any development on it would cause significant harm to the openness of the locality and would be an encroachment into what is clearly countryside. Furthermore, the description in the application form of this land being "old school grounds" is a misrepresentation – it is farmland that in recent years has been used for grazing of cattle and sheep and it has always been totally decoupled and fenced-off from the old school football pitch, which is also Green Belt land.
- As well as being Green Belt land, it is countryside that is beyond the recognised limits of the village i.e. it is definitely not an 'in-fill' plot of land.

Whilst the above points are my main reasons for objecting, there are also a number of other points I'd like to make regarding the set of documents etc that make up the application: -

The application form & other documentation have a number of entries that I believe are either wrong or deliberately misleading e.g.

- describing the land as 'old school grounds' which it is not.
 - the access road is on a dangerous bend and close to a dangerous rise in the road, which means limited visibility in both directions on a 40mph road – the submitted photo has clearly been taken with a wide-angled lens that exaggerates the very limited visibility.
 - in the application form it states 'No' against new or altered pedestrian access, when it would clearly be yes.
 - in the application form it states 'No' against creation of a new road, which is clearly on the plans and is indeed stated in the name of the application.
 - in the application form it states that there aren't any trees or bushes on the site, yet there are and inevitably some would be removed during the construction works – the aerial photo is years out of date and not representative of the existing vegetative growth.
 - the site has Wheatsheaf Brook running alongside it, which therefore means there's a risk that construction site materials and chemicals could pollute it.
- there is a statement in one document that 'cars will not be parked on the driveway but within the garages' – common sense tells us this won't always be the case & how would it be enforced anyway? Furthermore, in the application form it doesn't repeat this statement?

I trust that you will take the above points into consideration when making your decision.

Yours sincerely,

Objection Andy Tighe, 1 School View, Edgworth, 21.08.17

Item 4.1

Dear Mr Wilson,

Thank you for your recent letter and the opportunity to comment on the changes to the planning application.

I believe that my previous objections are still relevant and so would ask that you continue to take them into account.

Furthermore, I believe that the recent amendments do not meaningfully improve the environmental aspects, nor do I believe the strict NPPF criteria would be met by this proposal.

I must also re-state a point made in my original objection letter that the proposed site is not 'derelict' nor a 'disused site' but is a lovely green field within the greenbelt.

I trust that you will again take my comments into account during the review process.

Yours sincerely,

Andrew Tighe of 1 School View, Edgworth, BL7 0PP.

Objection Colin John Wilkinson, 7 School View, Edgworth, 30.05.17

Dear Mr Prescott,

I would like to object to the planning application above for the following reasons.

I live on the very outskirts of Edgworth Village and understand that the land surrounding my area is designated as a Green Belt area. The Hob Lane area is a very open region of the village and would not benefit in any way from the erection of any new houses, especially planned in the existing Green Belt. The people in the area would lose the openness of the land and the small hamlet would also lose its character.

I also understand that the proposed plans fall outside of the development boundary for Edgworth village and there are no current plans to extend this boundary. As the proposed site is outside the boundary and is in Green Belt it should in my opinion be treated exactly the same as the application made by Mr Raymond Haworth last year, ref 10/16/0134 which was also refused for reasons of being in the Green Belt, being inappropriate and also not being an infill site within the village.

The plans submitted do not seem to be in keeping with any of the houses in our area and the access road planned is also in a very dangerous area and has only recently been re-opened as an access by the applicant.

I have lived in School View for many years with my children attending Hob Lane School some 50 years ago. The piece of land referred to has always been used as an agricultural field for livestock. It has always been open offering views up towards Entwistle and Turton Moorland. This would be lost forever if plans were allowed to go ahead.

If the plans were accepted this could set precedence for someone to build on the field directly in front of my row of houses and this is something we also do not want to happen in our lovely part of the village

Yours sincerely,

Objection Colin John Wilkinson, 7 School View, Edgworth, 01.09.17

Item 4.1

Planning Application Ref 10/17/0278 (amendment)

Dear Mr Wilson,

I would like to further object to the planning application amendment.

The planning application is on land that is 100% designated as a Green Belt area. Hob Lane is situated on the very outskirts of Edgworth Village and should really be treated as a separate 'micro-village' as the houses are quaint in style and character and are not like those referenced in the plans (by picture) which are not actually houses from Hob Lane. The proposed development could not be any further away from the type of architecture in our area if it tried. It is not in keeping with any of the houses in our small terrace rows or even with the farm opposite. I could not see any evidence of innovation in the building plans and know that Blackburn with Darwen Council already demand exceptional build quality for new buildings so this point is negated really.

We would definitely lose all of the openness of our area and I maintain that there would be no benefit in any way from the erection of any new houses, especially those planned in an existing Green Belt region. The area designated for the new build is 100% outside of the development boundary for Edgworth village. Should the plans be passed, (effectively an extension to the development boundary) the field directly adjacent to my house would surely, through precedent, be the next to be developed as an in fill and this could effectively mark the beginning of further planning applications also.

As I stated in my last letter, a previously refused application by Mr Raymond Haworth last year, ref 10/16/0134 would also likely be re-kindled. Surely this new application, irrespective of quality or innovation (of which there is no real evidence) should be handled in the same manner. The openness of Hob Lane and School Lane really needs to be protected for now and for the years to come.

As I also stated in my previous letter, I have lived in School View for many years with my children attending Hob Lane School some 50 years ago. The piece of land referred to was always used as an agricultural field for livestock and never as a playground. This is very misleading. It has always been open offering views over towards Entwistle and Turton Moorland. This would be lost forever if plans were allowed to go ahead.

Yours sincerely,

Objection John Richardson, Hill Top Farm, 18.05.17

Dear Sir

I am concerned with the above application as the Northern Boundary is stated to be the river (Wheatsheaf Brook). This is clearly not the case as the land is owned by myself and my neighbor. To confirm this look on the 1890's OS map and you will see two land holdings 184 and 185 which belong to the farm and 264 which belongs to my neighbor. Fast forward to the 1960's OS map found in the Site Map & Contours of the online application bundle and my land is now labelled 5471 and my neighbors 4577. The applicants land was 186 and 154 on the 1890's map and 4464 on the 1960's map.

I am also concerned that the temporary access which was created on Blackburn Road for access to the field is now envisaged to become permanent blocking the access to my land with the contaminated spoil that was used which contained Japanese Knotweed.

May I suggest a site visit to point out the offending spoil heap and access blockage and point out the site boundary marker installed approx 2005 whilst defending another attempt by a developer to obtain the land.

regards

John Richardson

Objection Liz & Tony Faulkner, Hill Top Barn, off Blackburn Road, Edgworth,
01.09.17 Item 4.1

To whom it may concern,

We write with concerns about land ownership and the above planning application and the proposed new site entrance and the impact on wildlife in the very near surrounding area.

Firstly, we feel that the site entrance is in a very dangerous position as that area of Blackburn Road is very fast regardless of the speed restriction imposed.

We live up the unadopted road opposite Dingle Cottage and getting out of there is quite dangerous with speeding vehicles. This new entrance is basically on a virtual blind bend and at the bottom of a dip so any traffic coming out of Edgworth village would not be seen if you were to turn right towards Darwen.

Secondly, I have attached images of an Ordnance Survey map showing the boundary line of land owned by (I believe) a Mrs Marjorie Dobie (from whom we purchased our house).

The plan numbers on the Ordnance Survey map I have are: Plan SD7217/7417 and 7517.

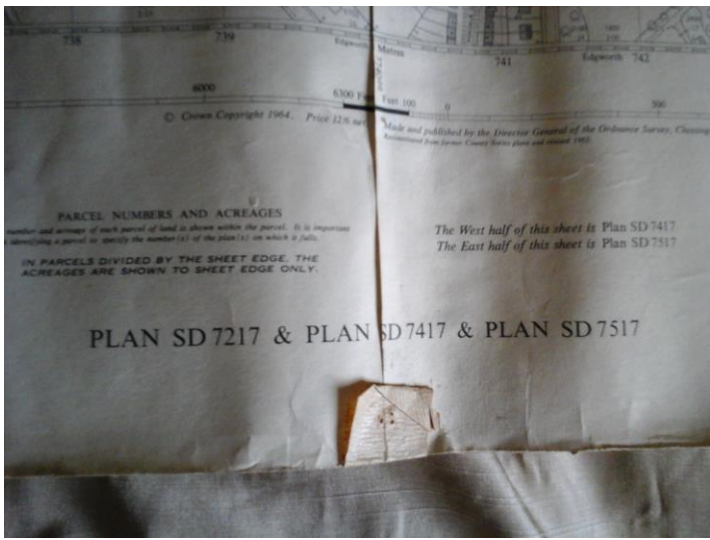
Thirdly, we would like to object to this development because of the impact on the badger set which is the dell by the stream. We feel that if planning were given this would have a severe detrimental impact on the badgers and deer found there and feel this area needs to be treated as a delicate ecological site and needs to be preserved.

We are also concerned that if planning were given, you have set a precedence and therefore, should the owner so wish to develop the rest of the sight, you would have to allow him to do so.

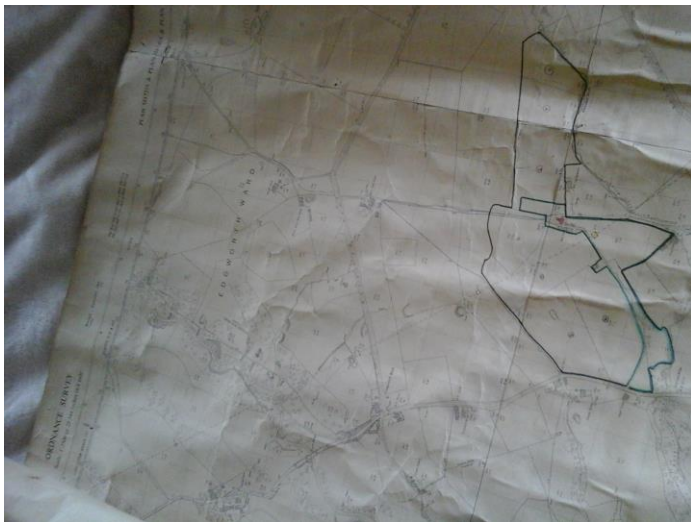
We hope you will seriously consider these points in your deliberations.

Kind Regards





Item 4.1



Objection Lucy Kenyon, 3 Edgworth Views, School Lane, Turton, 30.05.17
Item 4.1

Dear Mr Wilson

Planning Application 10/17/0278

I am writing to express my concerns regarding the above planning application for 2 very large detached houses at School Grounds, Blackburn Road, Edgworth.

I have seen the online plans for these properties and I am very concerned about the impact this will have on the local area and the beautiful views enjoyed by us and the surrounding neighbours.

This area is green belt and I do not understand how a development so big could be considered for this spot.

A recent application for two much smaller properties was recently turned down; and turned down again at appeal on the basis it was on greenbelt land. This was a much more realistic property size for 2 families. The plans submitted by Mr Reedy are for two enormous houses – to house only his family and his father – this seems unnecessary. Especially when you consider they will absolutely dwarf the neighbouring row of terraces, which house approximately 10 families.

The appeal of moving to Edgworth Views –as you may imagine was the views. Our view will be completely spoiled by these two enormous properties.

There is also the wildlife – we have a resident barn owl which uses this ground to hunt. This is a protected species and I would be concerned that this development will affect the owls and all local protected wildlife.

When considering the exit from Mr Reedy's proposed development, I fear this will add to the already dangerous turn and bend from Blackburn Road into the site and from School Lane. This will make it extremely dangerous for residents and passing vehicles.

I am led to believe that Mr Reedy already has two large properties of a similar style on Bury Road to accommodate him and his father and I do not understand why the countryside and greenbelt areas at this end of Edgworth need to be spoiled in favour of an unnecessary development.

We eagerly await news from the planning department

Kind regards

Lucy Kenyon

Objection Margaret & Terry Whittaker, 1 Edgworth Mews, 24.05.17

As residents of Edgworth village for 40 years as parents and grandparents we fear firstly for the safety aspect that these 2 huge new builds on Blackburn Rd. would create, causing major concern on that particular busy stretch of road. Prior to moving to Edgworth Views we lived at Dingle Cottage for 20 years, 150 yards from the proposed site. We saw and heard many near collisions of speeding vehicles. The traffic has increased in and out of Edgworth village over the last few years as traffic between the M65 Blackburn and Bury motorway link use it as a short cut, particularly commercial vehicles. Entry and exit from the proposed site would be extremely dangerous for residents and passing traffic. Particularly hazardous in wintry conditions because of the incline of the road either side of the proposed site, causing sliding traffic both sides.

Larger modern farm vehicles i.e. for bailing and silage in summer have no respect for the speed limit but service all agricultural farms in the area are in constant use past the proposed site.

Item 4.1

This is Green Belt Edgworth, no other buildings have been on this site. Green Belt is to prevent urban sprawl (paragraph 79 of the NPPF) keeping open land is a main characteristic of Green Belt. 2 x huge 5 bedroom houses to accomodate 2 families would not add to the supply of rural housing.

Planning application for 2 x houses on School Lane was refused because it was considered innapropriate developement in Green Belt creating significant harm to openness and the Green Belt purpose of safeguarding the countryside from encroachment.

Planning application application was refused to Mr. John Richardson of Hill Top Farm, the lane opposite Dingle Cottage mainly because he wanted to divert traffic down School Lane, he was refused because it was considered too dangerous an exit to Blackburn Rd.,

Planning application to build on Dingle Cottage Blacburn Rd., was refused because it was Green Belt.

Wild life on that area of land includes many sightings of deer, two barn owls and two curlews.

When at a site meeting earlier this year Mr Readey and Colin Rigby met with Mr. Wilson, Mr Readey assured me that if he got planning for those houses he would make sure nobody built on the football field, which is a main concern for all local residents.

Margaret and Terry Whittaker

Objection Margaret & Terry Whittaker, 1 Edgworth Views, Edgworth, 29.05.17

As residents of Edgworth village for 40 years, as parents and grandparents we raise objections to the above proposals for the following reasons:

Highway Safety

We fear firstly for the safety aspect that these two huge new builds on Blackburn Rd. We consider this development of two large detached houses, would create, causing major vehicle and pedestrian safety concern on that particular stretch of road.

Prior to moving to Edgworth Views we lived at Dingle Cottage for 20 years, 150 yards from the proposed site. We saw and heard many near collisions of speeding vehicles. The traffic has increased in and out of Edgworth village over the last few years as traffic between the M65 Blackburn and Bury motorway link use it as a short cut, particularly commercial vehicles.

Entry and exit from the proposed site would be extremely dangerous for residents and passing traffic. The access (for which permission was never granted) would be particularly hazardous in wintry conditions because of the incline of

the road either side of the proposed site, and the steep incline from the site would cause sliding traffic on all sides, resulting in a real risk to the safety of all road users.

Item 4.1

In addition, as well as being a classified road carrying a fair volume of traffic particularly at peak times which in the main have no respect for the speed limit, larger modern farm vehicles i.e. for bailing and silaging in summer, and muck spreading in winter, service all agricultural working farms in the area and are in constant use past the proposed site.

The issue of the danger on this stretch of road was recognised when the planning application was refused for Mr. John Richardson of Hill Top Farms' application, the lane opposite Dingle Cottage, due to the dangerous exit from School Lane on to Blackburn Rd. The same highway safety concerns apply at this site and are in severe in our opinion.

The sites location in the Green Belt

Secondly, we are concerned about the visual impact of the proposals.

The site is located within the boroughs Green Belt and is a green field site so therefore cannot be classed as Previously Developed Land (PDL). There has never been any buildings on the site for at least the past 40 years.

Land is designated Green Belt to prevent urban sprawl (paragraph 79 of the NPPF). The openness and permanence of the greenbelt is the main characteristic of Green Belt. The building of two substantial properties would undoubtedly conflict with the aims of national Green Belt policy as the openness and permanence of the greenbelt in this location would be forever lost. There are no special circumstances to override this fact.

As we understand there has been no change to the boundaries of the green belt in this location we trust the Local Planning Authority will apply the same protection of the green belt in this location as was seen when the planning application for two houses on School Lane was refused in 2016 because it was considered inappropriate development in Green Belt that created significant harm to openness and the Green Belt purpose of safeguarding the countryside from encroachment. In addition, a planning application to build at Dingle Cottage, Blackburn Road, was refused because it was on land designated Green Belt for similar reasons.

Visual impact of the proposals

As well as the openness of the green belt being completely lost in this location by the erection of two dwellings, the proposed dwellings would also cause significant harm to the visual amenity and the landscape character of the area.

The application site is raised above Blackburn Road. The scale and massing of the two buildings on this raised level, their siting, and the extensive amount of glazing in the proposed elevations, would be significant and would completely harm the rural open character and appearance of the area.

There are clear views of the site from the public highway and surrounding land and PROW's and there is no doubt in our mind that the proposed dwellings, plus any future outbuildings, and associated domestic paraphernalia would appear wholly out of keeping with the character and appearance of the area and would urbanise this rural area to the detriment of the visual amenity and result in the loss of open countryside.

Mr. Readey, Colin Rigby and Mr. John Wilson were earlier this year at the site meeting with the proposed plans. I stopped to query what was being discussed, Mr Readey assured me if his plans were passed then he would make sure nobody would build on the adjacent football field which is a main concern for all local residents?

We urge you to resist the proposal on this basis.

Wildlife

The site is agricultural land and is home to much wildlife. Due to the foliage on site and the roadside hedge the proposals would lead to the loss of their habitat. Wildlife in that area includes many sightings of deer, two barn owls and two curlews.

We hope that the above points are fully considered in the assessment of the application and that the Council strongly resist this application

Objection Margaret & Terry Whittaker, 1 Edgworth Views, School Lane, Edgworth 05.09.17

Dear Mr Wilson;

I write in connection to the above planning application to state that we maintain our objection to the proposals for the following reasons;

The site is within the Green Belt and there are no 'special circumstances' to allow approval of these dwellings;

The dwellings will adversely affect the openness and permanence of the Green Belt;

The dwellings will be harmful to visual amenity;

The design of the proposals does not accord with Para.55 of the NPPF; and

The access on to Blackburn Rd., is unsafe and will lead to an increase in road traffic accidents on this stretch of Blackburn Rd.,

The applicants assertion that the two dwellings proposed accord with the final bullet point of Paragraph 55 of the National Planning Policy Framework (NPPF) and therefore amounts to a special circumstance to allow two new dwellings in the Green Belt is astounding.

Item 4.1

Paragraph 55 of the framework states that new isolated homes in the countryside should be avoided unless there are special circumstances. One of those circumstances includes the exceptional quality or innovative nature of the design of a dwelling. In order to meet this test a design should be truly outstanding or innovative, helping to raise standards of the design more generally in rural areas, reflect the highest standards in architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area. We have therefore considered the scheme against this criteria.

The two dwellings are in no way of exceptional quality or innovative in its design. Indeed, the submitted D & A Statement supports this view by stating; "The conventional language towards the front of the house is repeated on all four sides of each property; This is expressed in the traditional roof form utilised by the main building, the second building and the construction details. The roofs have a standard eaves detail and punched windows within the facades are all common features present in neighbouring properties."

The design of the dwellings is similar to other new detached houses both in urban and semi rural areas throughout Lancashire. Whilst, the wide glazing within their elevations may offer a contemporary air to the houses, the two dwellings can in no way be considered to be truly outstanding or innovative as required by Paragraph 55 of the NPPF. As this is the case, no special circumstances exist to accept these dwellings in the Green Belt.

In respect of the Green Belt, to reaffirm our original objections, the presence of these dwellings will significantly detract from the openness and permanence of the Green Belt and will harm the visual amenity and landscape character of the locality,

Whilst the applicants have illustrated that only the roof of the dwellings will be visible when looking up at the site from Blackburn Rd., they will still appear as blots on the landscape in views from School Lane and surrounding countryside. Their scale of the dwellings dwarf the historic terrace in which we live, their massing conflicts with School View, and their scale, design, and massing will appear wholly at odds with the established built form and the visual amenity and character of this rural locality.

Turning to the point of whether the site is isolated from services and amenities. The applicants state on the one hand that the site is in an accessible location, but on the other hand state the proposals should be considered under Paragraph 55 of the NPPF which deals with 'isolated dwellings' in the countryside, therefore submitting conflicting information.

We question the 900 metre distance given to the centre of Edgworth. We trust the LPA will accurately assess the distances between the crossroads and the village primary school for example. Is it safe for occupiers of the proposed dwellings to walk down the access track, along the main road before reaching a pavement illuminated by street lights? We think not!

Notwithstanding the above, we strongly and respectfully urge you to resist this development in the interests of; maintaining the boroughs Green Belt, and safeguarding the visual amenity and users of the highway.

Kind Regards Margaret and Terry Whittaker
1 Edgworth Views
School Lane
Edgworth
BL70PR

Objection Mrs Michele Openshaw, 3 School View, Turton, 25.05.17

To whom it may concern,

RE: application reference 10/17/0278- 2 detached dwellings and new access road Blackburn road edgworth

I write in connection with the above planning application. I have examined the plans and know the site well as I have lived at my current address for over 20 years.

Item 4.1

I wish to **STRONGLY OBJECT** to the development of these houses in this location.

My reasons are as follows;

The appeal site is green belt land (as defined in the current local plan 2002) and the proposed properties are not in keeping with the fundamental aim of green belt policy- keeping land permanently open (paragraph 79 of the framework)

The two properties are very large and not at all in keeping with the surrounding original terraced and farm buildings in the vicinity of school lane. The construction of these two substantial dwellings on this site would result in a loss of openness, particularly as the site currently has (and has never had) any buildings or other development on it.

It is my opinion that the proposed structures would erode the contribution that the existing field makes to the open countryside on the outskirts of this picturesque village of Edgworth. The design and layout of both properties don't appear to integrate well with the appearance of other adjoining dwellings due to their significant size and modern appearance. The very presence of houses on that field would have a significant negative impact for those walking/ cycling/ riding on the local footpaths which adjoin the plot.

I have lived at my current address on School View for over 20 years and there has never been an access road to the plot until the applicant excavated access without seeking planning permission. This was done in a very underhand way with the long term goal of building on this piece of land. This access joins Blackburn road at what can only be described as a very dangerous spot. It is situated at the bottom of a large dip in the road which has very poor visibility due to its location and the many trees which obscure the view. Cars tend to approach this dip at high speed and this combined with the poor visibility would no doubt lead to road traffic accidents.

My final point takes into consideration the current family of barn owls that reside in the barn opposite the plot on Blackburn road. These owls have been thriving in this location for many years and spend every evening catching prey on this piece of green belt land. I'm sure an imposing development of houses would have a detrimental impact on their feeding patterns and thus their ongoing breeding success.

Many thanks for taking the time to consider my objections,

Yours sincerely,
Mrs Michele Openshaw

3 School View
Turton
BL70PP

Objection Mrs Michele Openshaw, 3 School View, Turton, 30.08.17

I am resending my initial objection to the below mentioned planning application. None of the issues I raised on my initial objection have been addressed with the new plans and I will be utterly disgusted with the planning department if this application goes through on GREEN BELT land.

Yours sincerely,

Michele Openshaw
3 School View, Turton

Objection Mr & Mrs Aspinall, 11 School View, Edgworth, 06.09.17

Item 4.1

In response to the notice given regarding planning application reference 10/17/0278, please accept this letter as our formal notice of objection.

We understand there have been some adjustments to the planning application, however having inspected these proposed changes our position regarding objection remains unchanged.

There are lots of legitimate reasons why this application should not go ahead. Most importantly is the conservation of our precious Green Belt. Every year more and more towns and villages are falling victim to ruthless, greedy developers who have absolutely no interest in the wellness of the environment, their only interest is financial gain. What possible contribution would the development of two massive dwellings offer to the village, which is already besieged with a huge building project in the Crowthorn area, we would say absolutely none.

We have recently witnessed a series of serious road accidents, in one instance resulting in a fatality, the situation is very serious, all roads leading to, and passing through the village are totally inadequate to cope with current traffic volumes, yet still they build and build, no consideration is given to the residents who reside here. Some days trying to leave School Lane is dreadful, traffic speeds through the 30mph zone at horrific speeds, as if it's open country, and our only solution to resolve the situation is to build more houses, and add even more traffic to the already dire situation.

We absolutely should not be sacrificing our beloved Green Belt land simply for financial gain, I honestly cannot believe that this planning application has managed to achieve this distance, the contribution that two dwellings would offer is absolutely zero, there can only be one winner here and that's the applicant rubbing his hands all the way to the bank.

Then we need to examine recently declined planning applications, including refused appeals, in this instance valid notice was adhered to regarding the current green belt regulation concerning land in the immediate area, these regulations adopted as recently as 2015, were created to protect the countryside, what is the point of spending so much time, effort and money creating these policies, to then simply bypass them on the very first application made.

We enjoy an abundance of magnificent wildlife that passes through the proposed development land and on through the Old School football ground, including deer, foxes, barn owls and even badgers, if we were to remove this important land-link, created by these wonderful creatures, then we are contributing to the demise of our beautiful open countryside.

Of course I understand the need for development, but that is already in progress on a large scale in the Crowthorn area, this is a huge project, which again seems simply concerned with personal gain, so called affordable housing held back to surpass deadlines, suggested by

local government, which inevitably means zero sales, and then remarketed at hugely inflated prices.

Very few developers have villagers' interest at heart, and this application is no different, it has simply not been thought through, pitching two huge random houses, which will 'box-in' the modest terrace homes of School View, spoil the open views enjoyed by the residents of Edgworth Views, and contribute to the demise of the open countryside enjoyed by all those living within the immediate vicinity and those visiting.

The setting created by limiting the area to such few dwellings and outbuildings located in the immediate area of the proposed development, is enough to maintain a pleasant and idyllic experience for passers-by or those visiting the area to ramble or simply take the tranquillity of the countryside. Edgworth Village truly conjures up a sense of pride that we have managed to maintain this very tranquil out-of-town atmosphere, this is so unique to the British way of life, and so important to maintaining the countryside village.

Let us not ruin what little we have left, we need houses but we also need villages and we need the countryside, virtually every inch of spare land in the village is being developed for dwellings and not a penny spent on the infrastructure. Please refer to Appeal Ref: APP/M2372/W/16/3150769, this offers a clear understanding of why the current application should not be passed.

Objection Mr & Mrs Aspinall, 11 School View, Turton, 24.05.17

Item 4.1

Dear Sir/Madan,

In response to the notice given regarding planning application reference 10/17/0278, please accept this letter as our formal notice of objection.

I understand there are a number of legitimate reasons why this application should not go ahead. Though foremost my objection is concerned with the conservation of our precious Green Belt. Every year so many towns and villages are falling victim to ruthless, greedy developers who have absolutely no interest in the wellness of the environment, their only interest is financial gain. What possible contribution would the development of two dwellings offer to a village that is already besieged with a huge building project in the Crowthorn area, my view is absolutely none.

The village of Edgworth has recently witnessed a series of serious road accidents, and in one instance resulting in death, the situation is very serious, all roads leading to and passing through the village are totally inadequate to cope with current traffic volumes, yet still they build and build, no consideration is given to us, the residents who reside here.

Some days trying to try to leave School Lane is dreadful, with endless lines of traffic streaming through, many exceeding the 30mph zone as if it's open country. How do local government resolve the situation, build more houses and add even more traffic to the already dire situation.

We absolutely should not be sacrificing our beloved Green Belt land simply for financial gain, I frankly cannot believe this planning application has even managed to achieve this distance, the contribution that two dwellings would offer is absolutely zero, there can only be one winner here and that's the applicant rubbing his hands all the way to the bank.

We should examine recently declined planning applications, including refused appeals, where valid notice was adhered to regarding current green belt regulations, which concerned land in the immediate area, these regulations adopted as recently as 2015 were created to protect the countryside, what is the point of spending so much time, effort and money creating these policies, to then simply bypass them on the very first application made.

We enjoy an abundance of magnificent wildlife passing though the proposed development land, and the Old School football ground, including deer, foxes barn owls and even badgers. so by removing this important land-link, made by all these creatures, you are contributing to the demise of our beautiful open countryside.

Of course I understand the need for development, but that is already happening in Crowthorn, this is a huge project, which again is simply concerned with personal gain, so called affordable housing held back to surpass deadlines suggested by local government, which inevitably mean zero sales, and then remarketed at hugely inflated prices.

Very few developers have villagers interest at heart, and this application is no different, it has simply not been thought through enough, pitching two random houses which will 'box-in' the modest terrace homes of School View, spoil the open views enjoyed by the residents of Edgworth Views, and contribute to the demise of the open countryside enjoyed by all those living within the immediate vicinity and those visiting or passing through.

The setting created by limiting the area to such few dwellings and outbuildings, currently located in the immediate area of the proposed development, is just enough to maintain a pleasant and idyllic experience for passers-by or those visiting the area, it truly does conjure up a sense of pride, and an acknowledgement of a very British homely pride, this is so unique to the British countryside, and so important to maintaining the countryside village atmosphere.

Let us not ruin what little we have left, we need houses but we also need villages, virtually every inch of spare land in the village is being developed for dwellings, and not one penny is spent on infrastructure. Please refer to Appeal Ref: APP/M2372/W/16/3150769, this offers a clear understanding of why the current application should not be passed.

Re Planning Application: Reference 10/17/0278

The site is outside the village boundary and in Green Belt. Any development on this field would lead to a loss of the Green Belt openness.

The access onto the main Blackburn Road is very obscure to both vehicles coming into the village and, if planning permission was given, to any vehicles coming down onto the road.

Recently planning permission for two houses on School Lane was refused and they were within the village boundary.

I also have been led to believe that there is a public footpath across the field.

Objection Neil Isherwood, 9 School View, Edgworth, 25.05.17

Dear Mr Prescott,

Please find below comments which make up myself and my partners objections to the planning application referenced above.

The proposed development and new access is located in a Green Belt area and would not meet the criteria for Green Belt as set out in the National Planning Policy Framework. The development would in my opinion also affect the openness and permanence of the Green Belt area. It would be an inappropriate development which would in essence be harmful to the Green Belt as a whole. Under the Blackburn with Darwen Local Plan Part 2 Site Allocations and Development Management Policies adopted in December 2015 and also Policy CS14 of the Blackburn with Darwen Core Strategy adopted January 2011 the general extent of the Boroughs Green Belt will be maintained and there should therefore not be any exceptional circumstances considered with this application.

The fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open, with openness identified as one of the essential characteristics of the Green Belt. The framework policy clearly states this.

The proposed site lies just to the north of School View, but is outside of the development boundary of Edgworth Village. The development site cannot be regarded as an infill site as it is at this point where the character of School View changes from village to open countryside. The construction of two dwellings on the site would result in built development where there is presently none. The identified footprint of the dwellings, the resultant bulk, scale and massing, would therefore lead to a loss of openness. This is particularly the case as the site currently has no buildings or other development on it.

The proposed site forms part of a predominantly open landscape, viewed from Edgworth Views and School Lane to the West and from School View southerly adjacent to its boundary, with the land rising within the site toward the backdrop of further open countryside. The loss of openness arising from the development would, therefore, be significant.

I understand from comments on a previous application Ref: 10/16/0134 adjacent to School Lane which was refused at Appeal level that the fields surrounding the area are characterised

as lying within the countryside rather than forming part of the village envelope. This statement also applies to the development in discussion.

Item 4.1

Other points to consider are:

The access road planned is located on Blackburn Road which is a well-used route for high traffic volumes travelling from the Bolton and Bury area to the M65 in Darwen. The access is situated at the bottom of a blind valley with very little visibility and is subject to fast moving traffic passing by from both directions. The access road is therefore at an extremely dangerous point in the road and would create potential disturbance on an already busy stretch. Whilst the access gate might have existed for a number of years, this was never actually used until the applicant recently created a temporary road to gain access to the field.

The piece of land under consideration for the planning application is referred to as Old School Grounds. This piece of land is an agricultural piece of land which was used for the grazing of cattle and livestock by local farmers. To describe the plot as Old School Grounds is a little misleading irrespective of past ownership.

Looking at the plans submitted, the developments are by no means in keeping with the surrounding buildings in the area. The Hob Lane, School Lane and School View region is known for its quaint character and charm. The proposed developments will in fact dwarf the existing properties of the area and seriously impact on the openness of the area. Looking at the footprint of the whole development area, it will also dwarf the entire footprint of Edgworth Views which is comprised of 9 dwellings with gardens. The development will certainly not be in character with the properties which lie adjacent to the proposed site.

Finally, the proposed site as described previously lies just to the north of School View. Directly to the south and east of the site lies an open field separating School View from Edgworth Views. If the site were to be given planning permission this would set precedence that might allow other buildings to be constructed on this field and also on the land adjacent to School Lane. Of course none of the land mentioned is within the development boundary of Edgworth village as set out in Blackburn with Darwen's Policies and Frameworks.

I trust this information is of assistance to you with your decision.

Best regards,

Neil Isherwood.

Objection Neil Isherwood, 9 School View, Edgworth, 01.09.17

Dear Mr Wilson,

I also noted from the pictures included in the new planning statement that the houses pictured are not actually in the Hob Lane area but are in fact mainly situated in the main part of the village. These should be ignored as they do not bear any likeness to the small houses in the Hob Lane area. The houses proposed are of a design which is not in keeping with the local area of Hob Lane, which is a small, quaint area on the very outermost edge of Edgworth Village. The mainly glass fronted design is definitely not in keeping with any house in our area.

It goes without saying that the proposed development;

1. Does not meet the criteria for Green Belt as set out in the National Planning Policy Framework.
2. Would be an inappropriate development which would in essence be harmful to the Green Belt as a whole.
3. Would permanently and irreversibly affect the openness and permanence of the Green Belt area.
4. Is outside of the development boundary of Edgworth Village.

I am led to believe that under the Blackburn with Darwen Local Plan Part 2 Site Allocations and Development Management Policies adopted in December 2015 and also ^{Item 4.1} Policy CS14 of the Blackburn with Darwen Core Strategy adopted January 2011 that the general extent of the Boroughs Green Belt will be maintained and there should not be any exceptional circumstances considered.

If this development is passed, the precedent set will surely mean that the fields adjacent to School Lane will have planning applications lodged in the future.

The fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open, with openness identified as one of the essential characteristics of the Green Belt. The framework policy clearly states this. In passing this application the possibility of urban sprawl becomes highly likely and this is totally irreversible. The open space of Hob Lane and School Lane will be lost forever.

I understand that all of my previous comments still stand and hope that those along with the comments of many other concerned neighbours clearly show reasons why this development should not be passed. This is a potentially life changing decision for some people who have invested in property in the quaint area of Hob Lane.

Best regards,

Objection Pamela Simpson, 1 Hob Lane, Turton, 18.05.17

Re: planning application reference 10/17/0278 Proposed erection of 2 detached houses and access road at Old School Grounds, Blackburn Road, Edgworth.

Dear Sir,

I wish to object to the above planning application. I believe it is an inappropriate development in the Green Belt on the edge of the village of Edgworth. This development would lead to a loss of Green Belt openness and would encroach into open countryside.

As I understand it, some limited infill is deemed appropriate, however, it is clear that this proposed development, being on the edge of the village, does not fall into that category. Instead, it would extend the built up area into open countryside, thus constituting urban sprawl which the Green Belt policy seeks to prevent.

An essential characteristic of Edgworth is its rural setting, enjoyed by residents and visitors alike, as well as being the habitat of a variety of wildlife and plants. I am concerned that developments like this would erode the very thing that we most prize and which we should protect.

I know you will not be able to reply to this letter but would appreciate an acknowledgement so that I am confident you have received it.

Objection Paul Smedley, 9 Edgworth Views, Turton, 26.05.17

Item 4.1

Whilst I did not receive a personal notification of the planning application from the council, I have seen the public notification and wish to object to the application.

The development proposed is in a Green Belt area which is located across an open field (also Green Belt) opposite my house. The plans submitted show two dwellings side by side which will in my opinion take away the openness of the countryside where I live. The reason for me choosing to live in School Lane was for myself and my young son to be able to enjoy the openness and beauty of the countryside. We will lose this if the plans are passed.

A similar application was made on land directly facing my home and it was deemed that this was an inappropriate development as it did not constitute infill within the village. This must surely be the case with this application too. The proposed application also does not fall within the development boundary for Edgworth. This should be another contributing point of objection.

The access road planned is located on a dangerous part of Blackburn Road and will inevitably cause traffic disturbance issues, especially when the bad winter weather hits the outskirts of the village.

The plans submitted of the developments are not in keeping with local buildings in the area. The shape and style will in my opinion take away the character of the local area of Hob Lane and School Lane.

I would also not like to see this proposal accepted as it might set a precedence which could mean the building of properties on the ex-playing field in front of my house.

Objection Veronica Wilson, 5 School View, Edgworth, 24.05.17

I am a resident in School View, Edgworth and have been for 16 years. I object to the building of 2 large houses on Blackburn Road on the following grounds.

- 1) The traffic implications are many. This road is used as a short cut between Blackburn/Darren and Bury and as such sees many speeding vehicles. Access and exit onto Blackburn Road would be extremely dangerous.
- 2) The area is Green Belt and such buildings would impact on the Green Belt purpose of safeguarding the countryside from encroachment. Previous planning application for 2 houses on School Lane was refused because it was considered inappropriate development on Green Belt.
- 3) The building of 2 no. 5 bed houses to accommodate 2 families would not add to the supply of rural housing.

There are many issues affecting this proposal, the main ones being access and exit to Blackburn Road and encroachment on open countryside in a Green Belt area.

Also relevant is the The disturbance of wild life including deer, owls and ground nesting curlews.

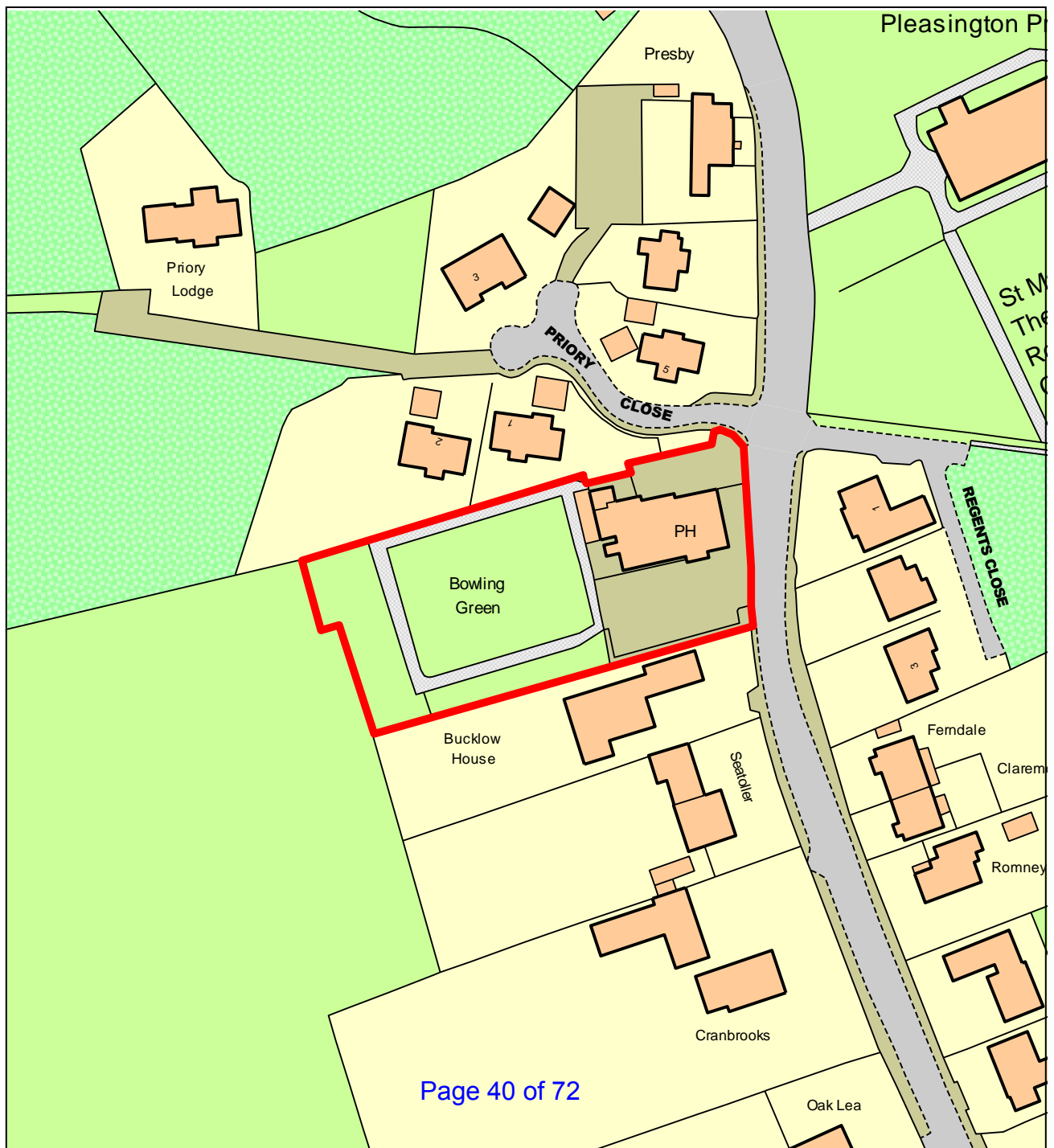
Proposed development: Full Planning Application External decorative lighting additional outside seating area and outside bar to the rear of the public house

Site address: Butlers Arms, Pleasington Lane, Pleasington, Blackburn, BB2 5JH

Applicant: Mr M. Hales

Ward: Livesey with Pleasington

Councillor Derek Hardman	
Councillor John Pearson	
Councillor Paul Marrow	



1.0 SUMMARY OF RECOMMENDATION

Item 4.2

- 1.1 The planning application is **recommended to be approved** planning permission subject to the conditions as stated in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The planning application is presented to the Committee through the Chair Referral Process in accordance with the Scheme of Delegation.
- 2.2 The proposed decking will provide an enhanced outdoor seating area, expanding the available drinking and dining area, which will extend from the rear of the public house out into the north east corner of the bowling green to create what the applicant informally describes as an 'infinity green'.
- 2.3 The key issues to be addressed are as follows:
- Principle of the development
 - Impact of the development upon neighbouring residential uses
 - Highways and transportation impact
 - Design
- 2.4 Careful consideration has been applied towards the principle of the proposal, in view of the application sites status as an 'Asset of Community Value', together with the impact of the development against neighbouring residential amenity, adequacy of on-site parking provision and the proposed design principles.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is the Butler's Arms Public House, located to the west of Pleasington Lane, within the village of Pleasington, Blackburn, outside of the defined urban area. The Public House is a traditional style detached venue, typical within a village setting. Food and drink is served, catering for the local community and beyond. To the rear of the building lies an existing outdoor seating area and bowling green, which plays host to the Public House's crown green bowling club.
- 3.1.2 Pleasington Lane is straddled by residential properties to the east and west, beyond which lies the Green Belt.

3.2 Proposed Development

Item 4.2

3.2.1 Planning permission is sought for the erection of outdoor decking to the rear of the public house building, to provide a seating and dining area; as set out in the submitted drawings.

3.2.2 A small bar is also proposed within an existing outbuilding adjacent to the decking, together with a television, a fence around the perimeter of the decking and decorative string lighting; none of which amount to development requiring planning permission and do not, therefore, form part of this assessment.

3.3 Development Plan

3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy and the 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:

3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS11 – Facilities and Services
- CS16 – Form and Design of New Development

3.3.4 Local Plan Part 2

- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 35 – Protection of Local Facilities

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (The Framework).

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay (paragraph14)

3.5 Assessment

Item 4.2

3.5.1 Principle

The Framework (para 70) emphasises the need to plan positively for the provision of community facilities. Policies CS1 and C11 of the Core Strategy encourage new development and a range of quality public facilities, which is central to the Council's vision of an 'improved offer', to attract people to move or to remain in Blackburn and Darwen.

3.5.2 Paragraph 80 of The Framework is also clear in its support for positive planning decisions for the delivery of community facilities to facilitate social interaction.

3.5.3 The applicant emphasises the support of the bowling club, who voted in favour of the proposal at their AGM and the prospect of grant funding to further develop the club going forward, should the application be supported. The sustained success of the bowling club is seen as paramount in complementing the Public House, ensuring its continued success as an important community facility.

3.5.3 The application site is recognised as an 'Asset of Community Value' gaining inclusion on the Council's Local Assets of Community Value Register on 12th December 2016 (ref: BL/2016/ENQ/07261). Accordingly, the Policy 35 of the Local Plan Part 2 should be considered. The Policy states that proposals for the change of use of buildings identified as assets of value to the local community, as being important to the sustainability of the community, will not be permitted except where it can be demonstrated that the use is no longer viable or required by the local community and that the use is not capable of being supported by enabling development or a diversified use, and that supporting evidence must be provided demonstrating that the property has been offered for sale on the open market for a period of at least 12 months at a realistic price and that no reasonable offers have been refused. Clearly the proposed development does not involve the change of use of the public house building, as it relates only to the installation of a decking area to the rear of the building, ensuring the retention of the facility and no policy conflict. In addition, it has been confirmed from the applicant that the use of the bowling green will not be affected.

3.5.4 The Principle of the proposal is, therefore, acceptable.

3.5.5 Impact upon residential amenity

3.5.6 Local Plan Part 2 Policy 8 requires development to contribute positively to the overall physical, social, environmental and economic character of the area and secure satisfactory levels of amenity for surrounding uses, with reference to noise and privacy.

- 3.5.7 The decking area proposed will cover and extend beyond an existing outdoor seating area, serving patrons of the public house. ~~Item 4.2~~ It should, therefore, be viewed on the context of a pre-existing outdoor area, rather than the introduction of a new outdoor area.
- 3.5.8 Whilst it is accepted that the development will introduce a larger seating area, additional noise generated by its use is unlikely to be excessive, given the reasonable separation that will exist between Bucklow House to the south and nos. 1 and 2 Priory Close to the north and the substantial hedgerows, which form boundary treatments to these properties and which will offer a degree of noise mitigation.
- 3.5.9 Public Protection colleagues have offered no objection to the proposal but do acknowledge the potential for noise impact, particularly during the evening. The application of sensible noise conditions will, therefore, be secured through a variation of the premises license agreement; separate from the planning application process.
- 3.5.10 It should also be recognised that noise nuisance complaints can be investigated by Public Protection colleagues, under provisions of the Environmental Protection Act 1990.
- 3.5.11 It is, therefore, considered that the development will not excessively erode residential amenity; in compliance with Local Plan Part 2, Policy 8.
- 3.5.11 Accessibility and Transport
Local Plan Part 2 Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for vehicular access, off-street servicing and parking.
- 3.5.12 The proposal will provide additional outdoor seating for drinking and dining, as demonstrated by the indicative covers shown on the submitted drawing. Whilst no additional off street parking is proposed, it is considered that the existing off street parking arrangements are adequate and that on street parking is capable of absorbing additional numbers.
- 3.5.13 It is also important to recognise the proposal as an outdoor area, the use of which will be dictated by the seasons and weather conditions, unlike an extension to the public house which would potentially generate additional customers consistently throughout the year and have a greater impact on current parking capacity.
- 3.5.14 Accordingly, it is considered that the development provides sufficient off street parking and will not prejudice highway users; in compliance with Local Plan Part 2, Policy 10.

3.5.15 Design

Local Plan Part 2 Policy 11 requires development design to be of a good standard and demonstrate an understanding of the wider context and make a positive contribution to the area.

3.5.16 The decking whilst providing additional functionality will also enhance the appearance of the outdoor area. It will present in the form of an extended drinking and eating area directly from the rear of the building and extend beyond the existing seating area, encroaching onto a section of the north east corner of the bowling green up to a maximum distance of 2.5 metres. Whilst unusual in concept, the visual appearance of the development is considered appropriate, in terms of scale and use materials; in compliance with Local Plan Part 2 Policy 11.

4.0 **RECOMMENDATION**

4.1 **APPROVE** subject to the following condition:

- Development to be commenced within 3 years of approval
- Materials to be submitted prior to commencement for approval
- Development to be carried out in accordance with approved drawings.

5.0 **RELEVANT PLANNING HISTORY**

5.1 10/00/0634 (rear single storey extension); 10/07/1132 (rear single storey extension).

4.0 **CONSULTATIONS**

4.1 18 neighbouring properties were consulted by letter and a site notice was displayed. 3 letters of objection have been received, summarised as follows:

- Associated noise and hours of use, given the proximity to residential properties, including noise from television and outside bar.
- Loss of part of the bowling green

4.2 Noise associated with the television and outside bar is not material to this assessment, given that neither amount to development. The outside bar will be introduced within an existing outbuilding and will be an ancillary feature to the main public house.

4.3 Whilst the loss of a corner of the bowling green is acknowledged as having the potential to alter the dynamic of the game, the bowling club are fully supportive of the proposal and are satisfied that the bowling green will still comfortably comply with the minimum size standard and

that the development will not prejudice the ability to host competitive matches. Regardless, the absence of a relevant policy to consider this element of the proposal dictates that it is not material to the overall assessment.

4.2 Highways Officer – no objection

4.3 Public Protection Officer – no objection

5.0 CONTACT OFFICER: Nick Blackledge, Assistant Planner

6.0 DATE PREPARED: 7th September 2017

9.0 SUMMARY OF REPRESENTATIONS

Item 4.2

Objection John C Pearson, 1 Priory Close, Blackburn 03.07.17

Dear Nick,

Re Butler's Arms, Pleasington – Planning Application 10/17/0620

Thank you for your letter of consultation dated 8th June 2017 to me as an immediate neighbour to the proposed development at the Butler's Arms. So as to be clear and in the light of my public office, I am writing here in my private capacity as an ordinary citizen to make comment on this application.

Background

I have lived at this address since 2001 and at the time of our acquisition, I and my late wife, considered carefully the implications of living next door to a Public House. At that same time the place was empty and under re-furbishment however we met the incoming landlord who outlined his plans to make the place a success. We happily accepted that situation and the pub subsequently grew into a very popular and successful venue serving the community and beyond. During the subsequent years the bowling green was very well used and we became accustomed, and indeed enjoyed (vicariously from our garden) the gentle banter and general hub-bub from the crowd which gathered on bowling days & evenings during the summer bowling season. The conduct of the premises, in "the round" was exemplary and epitomised the village pub serving drink and food.

After some years the landlord left and the pub gradually declined in its offering due, in my opinion, to the general decline in the "pub" industry coupled with a succession of poor landlords and possibly avaricious Brewery Pub Companies.

In recent times and with the occupation by the current tenant, matters have started to improve. This fact together with the pub and bowling green, now having the additional security of being listed as a "community asset" bodes well for the future. I have also spoken directly with the Applicant and he has assured me of his intent to make the place successful in co-operation with customers, users, neighbours and the community. I understand he also has a long term security in the place.

The Application

Given that situation, the external nature of the proposals being made and my proximity as a neighbour, I am open minded and prepared to broadly accept the proposed application in the interests of the local community into which the "Butlers" belongs but with some caveats for my protection. I ask that the Planning Application be carefully scrutinised and if necessary restrictions placed so as to safeguard against, bad behaviour, excess and obtrusive noise together with considerate parking by the potentially increased patronage. The premises trades, in part, on its quiet village setting, therefore it is in its interests as well as mine and those of my neighbours that this context is maintained.

Given the external nature of the proposed development, I am concerned that it's usage will, no doubt, coincide with my private enjoyment of my own garden. In this context, I find the inclusion of an external TV screen somewhat incongruent and likely to generate excessively noisy viewer participation if sporting events were shown. Likewise the inclusion of decorative lighting / floodlighting may encourage extended evening usage. I have also heard rumours of the possible inclusion of a "fire pit". These facilities must surely be intended to extend the usage beyond the time at which our normal weather is conducive to such external events. So despite the Applicant's claim that the area will be for quiet and enjoyable external dining during the day and early evening, which would be quite acceptable, I worry that we may end up with loud and boisterous behaviour for extended periods into the evenings and on far more occasions throughout the year than the present bowling activity. I would not find this acceptable. By way of example you will be aware of course of the recent wedding event where a marquee was placed over the car park (week-end 17th & 18th June) and where I understand (I wasn't at home) that we neighbours, whilst naturally not invited, "might as well have been". given our closeness to events! I would not

To conclude, it therefore seems to me reasonable that the planning consent, if given, be dependent on conditions to restrict usage to certain times, days and seasons and to further control and monitor noise & nuisance. On this last point, I understand that the Applicant's parallel Licensing Application may well also have to consider these matters. The Council must therefore ensure that nothing can slip between these two routes to approval.

Objection Mr & Mrs JC Caton, Bucklow House, Blackburn 28.06.17

Re – Application 10/17/0620 – Butlers Arms

Dear Sirs,

We are the owners of the adjacent property (Bucklow House) and would like to register our objection to the above application.

Whilst we acknowledge that we moved to a house adjacent to the pub we feel that with the proposed application the main impact this would have in respect of our property is the significant increase in noise that will occur, both with the addition of the extra seating areas, customers and the proposed outdoor TV (and associated electronic sound systems).

More details on our reasons for objection are stated below;

1 Noise from additional covers

There is already a significant amount of noise generated from the current seating areas, by adding 50 more covers which would almost double the current numbers, will substantially increase the levels of sound.

2 Noise from proposed Television

The application includes a television which would directly face our property, if there is associated sound from the television in order for this to be audible it would need to be at a level louder than the ambient noise and therefore this would create a significant increase in noise levels. In addition, there would be increased noise from people watching the television.

3 Noise from entertainment systems

Whilst the application does not include any additional equipment specifically we are concerned that there would be more activity externally and this would include the use of entertainment music systems, for example there was recently a wedding held in the same area in a marquee which generated so much noise through the PA System and associated guests that we were unable to hear our television over it.

4 Hours of use

The application does not indicate the hours that this area would be able to be used, with the addition of the lighting as per the indicated scheme by default this could now be the same as per the pub opening hours. We are very concerned that without a restriction to the hours of use that this would significantly increase the noise levels to our property at unsociable hours.

Should you require to discuss any of this with me please contact me as below,

Yours Sincerely,

Pleasington Parish Council comments 15th July 2017:

I refer to the above planning application and enclose the response from ^{Item 4.2}
Pleasington Parish Council.

While the Parish Council wish to support the interests and development of local businesses as far as possible, this must be balanced against the interests of local residents. We have two main observations to make on this application.

1. The plans include the loss of a part of the crown bowling green. The bowling green is a much appreciated local asset, as evidenced by numerous mentions in a recent residents questionnaire (undertaken by the Parish Council as preparation for the production of a Local Plan) and also by its inclusion on the Community Asset register. Loss of part of the playing surface would adversely affect the activities of the bowling club.
2. An outside bar area has the potential for causing a considerable noise nuisance to neighbouring properties, especially with live TV available. Live sporting events on TV during the summer would no doubt attract large crowds. In the application to vary the premises licence (associated with this planning application) no opening times are stated except for the present opening hours of the pub - 0800hrs - 0030hrs every day. Noise from outdoor activities very early and/or very late during these hours would be unacceptable.

Eileen Smith, Clerk to Pleasington Parish Council

Additional comments from the applicants dated 14th August 2017:

We secured the full support of the bowling club and its future by allowing the club at the AGM to vote in favour of the plans to develop the outside areas using the green to create an infinity green., this 40K project not only supports the club but enhances the availability for grants to develop and expand the club in line with my ethos here around working and supporting the community.

The future of the bowling teams and club is paramount to the success of The
Butlers Arms. Item 4.2

Many thanks

Michael Ian Hales

Director

The Butlers Arms

Pleasington

BB2 5JH

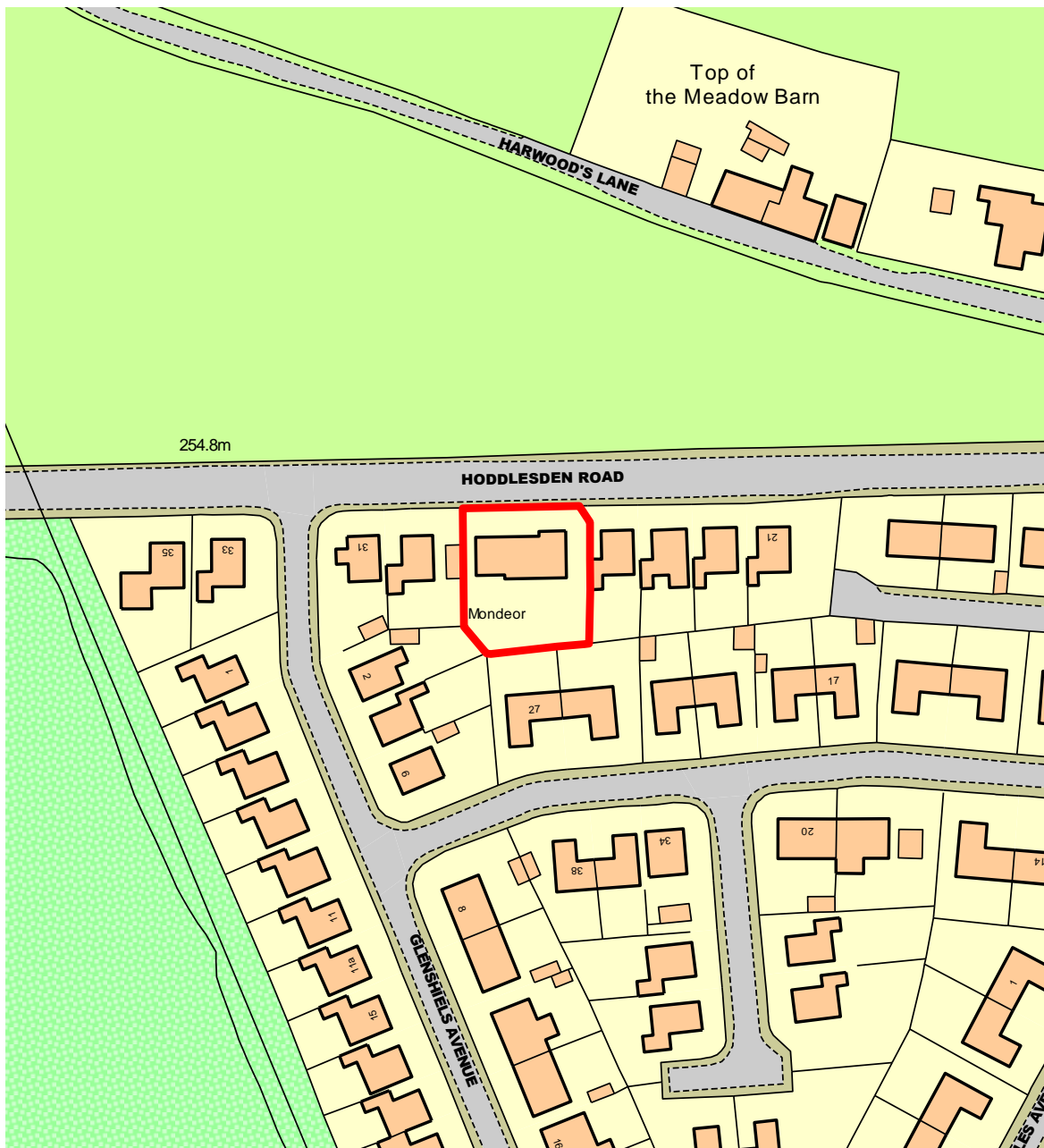
Proposed development: Full Planning Application for: Rear single storey extension to nursery.

Site address: Mondeor, 27a Hoddlesden Road, Hoddlesden, Darwen, BB3 3LR

Applicant: Mrs J Mercer

Ward: East Rural

Councillor Julie Slater



1.0 SUMMARY OF RECOMMENDATION

Item 4.3

1.1 **APPROVE – subject to conditions** – as referred to in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1. The planning application is presented to the Committee through the Chair Referral process in accordance with the Scheme of Delegation. Three letters of objection have been received from the owners of the neighbouring properties, together with an objection from the local ward councillor. The proposal seeks to provide a single storey rear extension to the existing children's nursery. The need for the extension is a result of the nursery being awarded funding from the Department for Education (DfE), following the introduction of the government's initiative of an additional 15 hours free childcare, increasing the overall allowance to 30 hours. The funding award is supported by the Council's Early Years Business Team, who identified that there was a need for more places at the Nursery based on existing capacity within the Marsh House catchment area.
- 2.2. The funding is conditional on the nursery being able to demonstrate capacity to accommodate additional children whose parents wish to take advantage of the additional free hours.
- 2.3. The key issues to be addressed are as follows:
- Principle of development
 - Impact of the development upon neighbouring residential uses
 - Parking provision and impact of the development on the surrounding highway network.
 - Risk from historic coal mining activity
 - Design of the extension.
- 2.4. Careful consideration has been applied towards the impact of the proposal on neighbouring residential amenity, given the prevailing residential character of the area, transport and highways impact and design. This is balanced against the benefits the proposal will offer to the nursery and the local community.
- 2.5. A dismissed appeal against previous refusal of planning permission for an identical rear extension has also been afforded careful consideration. The appeal was dismissed on 26th April 2013 associated with planning application 10/12/0569 – see paragraph 5.1.

3.0 RATIONALE

Item 4.3

3.1 Site and Surroundings

3.1.1 The application site is Stepping Stones Children's Nursery, located to the south of Hoddlesden Road, Darwen, within the village of Hoddlesden. The nursery is bounded to the south, east and west by residential properties. Open fields lie to the north.

3.1.2 Planning permission was originally granted for a children's nursery in 1994 which involved the conversion of a residential garage. Subsequent permissions have been granted to expand the nursery use, including a side extension in 1995 and an increase in attendees from 20 to 26 in 2003.

3.1.3 The nursery currently runs at full capacity. Each year the nursery has approximately 14 – 16 no 3 or 4 year olds accessing their free 15 hours care, over a 51 week period. The current accommodation dictates that children would not be able to take advantage of the maximum 30 hours free care they would be eligible for from September 2017, due to limited space. The additional accommodation proposed would ensure that the current children would be able to benefit from the free 30 hours and would provide an additional 8 funded places. It is on this basis that the DfE has awarded the additional capital funding, in order to finance the proposed extension.

3.2 Proposed Development

3.1.1 Planning permission is sought for a single storey rear extension measuring 7.5m by 4.6m with a flat roof at a height of 2.4m, to provide additional nursery accommodation; as set out in the submitted drawings

3.3 Development Plan

3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies; the following of which are considered the most relevant:

3.3.3 Core Strategy

- CS1 - A Targeted Growth Strategy
- CS11 – Facilities and Services

3.3.4 Local Plan Part 2.

Item 4.3

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable Development
- Policy 8 – Development and People
- Policy 10 – Accessibility and Transport
- Policy 11 – Design

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (The Framework)

3.5 Assessment

3.5.1 Principle of Development

3.5.2 The Framework (para 19) emphasizes the need for the planning system to support sustainable economic growth and operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

3.5.3 Paragraph 70 of The Framework emphasizes the need to plan positively for the provision of local services to enhance the sustainability of communities and residential environments.

3.5.4 Core Strategy Policy CS11 supports the expansion and enhancement of the range and quality of public services in accessible locations.

3.5.5 Accordingly, the principle of the proposal is considered appropriate; in accordance with Local Plan policies and The Framework's presumption in favour of sustainable development, which should proceed without delay, and its requirement for planning to support economic development, identifying and responding positively to opportunities for growth and promoting the vitality of urban areas, taking into account their different roles and characters.

3.5.6 Residential Amenity Impact

3.5.7 Policy 8, amongst other criteria, requires the development to secure a satisfactory level of amenity to occupants of surrounding properties, with regard to noise and relationship between buildings.

3.5.8 The current proposal seeks a single storey rear extension to provide additional nursery space.

- 3.5.9 A potential increase in numbers of children is acknowledged from 26 currently permitted to a maximum of 34. The applicant submits that the increase to a maximum of 8 is likely to be seldom and on occasions, numbers may fall beneath the current maximum of 26. Numbers will ultimately be dictated by the take up of the maximum 30 hours per week allowance or a fraction thereof. The applicant submits that a minimum of 4 extra children will be accommodated throughout the working day which could rise to an absolute maximum of 8.
- 3.5.10 The Marsh House catchment area has an identified need for an additional 159 child care places, as evidenced by the 2015 Health 'Live Birth' data. In order to remain eligible for DfE funding the nursery has to evidence the ability to accommodate for the 30 hours childcare, through additional floor space. If this cannot be achieved, the funding will be withdrawn. The applicant asserts that the loss of the funding will be very damaging for the business, as the inability to offer the 30 hours will inevitably result in children leaving to attend alternative nurseries which could accommodate them. This is evidenced by the closure of Hoddlesden pre-school earlier in the year, due to their inability to accommodate the introduction of the 30 hours.
- 3.5.11 The applicant also emphasises the growing, competitive market place, with a number of new nurseries having opened nearby in recent years. It is, therefore, argued that in order to remain competitive and to safeguard the business, the nursery needs to be able to provide for the 30 hours childcare. It is considered that the ongoing viability of the nursery should be afforded significant weight in the assessment, as a material change in circumstances from the previous refusal of planning permission which was upheld on appeal in 2012. Moreover, the change in local and national policy context since the appeal should also be recognised. Equally as important is to balance out the impact of the proposal on neighbouring residential amenity.
- 3.5.12 The proposal will result in an intensification of the existing use. It is, however, unlikely that an increase in numbers to the maximum of 8 will occur throughout the duration of the working day. Indeed currently, although the nursery is at capacity in terms of the maximum number of 26 children registered, it is often the case that not all 26 are in attendance at the same time. In terms of the potential take up of the 30 hours, it is considered inevitable that some children will not require any additional hours, some will require a fraction thereof and some will require the full allocation. Whilst an increase in noise may be experienced, it is considered unlikely to be excessive, beyond that currently experienced.
- 3.5.13 The Council's Public Protection team has offered no objection on amenity grounds. Importantly, they recognise that excessive noise disturbance arising from the proposal can be addressed under statutory nuisance powers afforded by the Environmental Protection Act 1990; which offers robust protection to neighbouring dwellings.

3.3.14 The proposed extension will be massed along the common boundary with no. 29 Hoddlesden Road. The single story nature of the extension and the adequate separation exists between the proposal and the principle windows to the rear of no. 29, ensures no harm to neighbouring amenity in terms of overshadowing or dominance.

3.5.15 The presence of historic coal mining activity within the site is recognised through the submission of a Coal Mining Risk Assessment, reviewed by the Coal Authority, who offer no objection to the proposal.

3.5.16 Notwithstanding the aforementioned appeal decision, and having due regard to superseded Local Plan policies and the introduction of a significant material change in circumstances regarding the viability of the business, it is considered, on balance, that the proposal carries sufficient merit to be supported on amenity grounds; in compliance with Policy 8.

3.5.17 Accessibility and Transport Impact

3.5.18 Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.19 The site currently benefits from 5 off street parking spaces. Additional staffing needs will be accommodated by increasing the hours of existing part-time staff. Any increase in vehicular activity associated with drop-off and pick-up of children is unlikely to be excessive.

3.5.20 The Council's highways officer has offered no objection to the proposal, securing compliance with Policy 10.

3.5.21 Design

3.5.22 Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.

3.5.23 The proposal features an appropriate gable roof profile, fenestration and matching materials, in compliance with Policy 11.

3.5.24 In summary, the proposed development has been carefully assessed in terms of the impact towards the adjacent properties, highway safety, and design against the benefits of the proposed development to the existing business and the local community. It is considered that the proposed extension will have no significant detrimental impact so as to justify warranting a refusal, and the ongoing viability of the nursery as

referred to in paragraph 3.5.11, should be afforded significant weight in the assessment. Item 4.3

4.0 RECOMMENDATION

4.1. **APPROVE** subject to the following conditions:

- Use to be restricted to a children's nursery and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.
- Use restricted to between the hours of 07:30 and 18:00 hours Monday to Friday. No permitted use on any Saturday, Sunday or Bank Holiday.
- Maximum number of 34 children.
- Extension to be erected in matching materials

5.0 PLANNING HISTORY

5.1. 10/93/1623 – Conversion of garage to childrens nursery granted planning permission 23rd January 1994;
10/95/0128 - Erection of side extension for porch and library in conjunction with use of property as a House and childrens nursery granted planning permission 6th April 1995,
10/99/0398 - Retrospective consent for the accommodation of up to 20 children granted planning permission 23rd August 1999,
10/03/0054 – Variation Condition No.1 (ref: 10/99/0398) : Accommodation to be increased from 20 to 26 children, granted planning permission 29th April 2003,
10/12/0569 - Rear single storey extension to accommodate 6 no. additional children, refused planning permission 7th September 2012, appeal dismissed 26th April 2013;
10/17/0064 - Conversion of garage to childrens nursery, pursuant to a variation of condition 3 on application 10/93/1623 to read: The use hereby permitted shall not take place between the hours of 6:00pm and 7:30am nor on Saturdays, Sundays or Bank Holidays, granted planning permission 20th March 2017.

6.0 CONSULTATIONS

6.1.1 Public Protection – no objection.

6.1.2 Highways – no objection.

6.1.3 Coal Authority – no objection.

6.1.4 6 neighbouring properties were consulted by letter and Ward Councillors. 4 letters of objection have been received, including one from Ward Councillor Julie Slater.

6.1.5 The material planning considerations referred to in the letters of objection are summarised as follows: Item 4.3

- Presence of a capped mine shaft within the site.
- Noise levels.
- Traffic / parking
- Absence of numbers proposed

7.0 CONTACT OFFICER: Nick Blackledge, Planner.

8.0 DATE PREPARED: 8th September 2017

9.0 SUMMARY OF REPRESENTATIONS

Item 4.3

Objection Cllr Julie Slater, 31.07.17

Please find below my comments for the relevant planning application.

As you are aware my passion is Children's Services and Education within Blackburn with Darwen and fully support funding coming from government into our area. I believe the nursery has been granted some of this to increase numbers and offer places to more children.

There has been a previous planning application to increase the size of the nursery in 2012 application number 12/05/69. Which was refused on the amenity of noise assessment in a residential area. If I remember rightly also on increased traffic and parking in a residential neighbourhood community.

I do also remember a noise survey being carried out by Andy Whites team, as the nursery is surround by residential properties on both sides and the back, with only domestic divisions such as hedges, or garden wall or fence. Most of these residents are retired and spend most of their time at home.

Having had conversations with the neighbours of the applicant and listening to their concerns. All though I support education for our children and our rural area needs more places. I have a very difficult decision to make.

However in the last application I recommend refusal and in this instance I also have to agree with the neighbours. It is not appropriate for this application and as the local councillor would like the comments to be taken on board that the application be refused on the same grounds as the previous application which I have already mentioned previously, 12/05/69.

Please note my objections on the grounds off :

- a) amenity of noise on residents
- b) increased activity in a semi rural neighbourhood community such as parking, stopping and picking up and dropping off and increased parking for staff.
- c) road safety.

I would also like to recommend another noise assessment is carried out to safeguard the residents for their health and well-being.

Objection Mr & Mrs Dixon, 2 Glenshiels Avenue, Darwen, 17.07.17

Item 4.3

Dear Mr Prescott,

We are writing to you with regard to the above planning application and would like to add our comments to be considered:

First of all we live in a rural village setting and more development is altering this, also the position of the mine shaft seems to make the extension very close to, or, on top of it. Due to the nature of these mine shafts we are concerned about subsidence occurring when the ground is disturbed plus the fact that children are playing on a possible unstable area. Our other concern is the noise, we see that the term sound buffer used but this would not affect us. The concern is that by having a larger area and longer hours this would be like having extra children thus more noise.

Objection Otto & Margaret Linne, 4 Glenshiels Avenue, Hoddlesden

Dear Mr Blackledge.

This application has been rejected on numerous occasions and again we strongly object for the following Reasons:

- 1) there is a **capped mine shaft** on the proposed side
- 2) noise levels are at times horrendous, even though the management tries to reduce it by overgrowing the trees
- 3) Staff and parents are parking on very small and busy Roads and junctions
- 4) you are unable to oversee the road junction due to parking Cars
- 5) Another concern is that this is a residential estate and there has to be a limit on how far business premises can be extended, property value will be affected.
- 6) In Application 10/17/0064 From Jan 31 2017 permission was sought to vary condition 3 on application 10/93/1623
I personally came down to the town hall and was assured that the application was for the garage space was to be used for the children
even though this had been the case for some time and there would be no application for building extensions
- 7) no numbers have been furnished on application
- 8) may we also point to the OFSTED report 301673 dated 26/03/2007 and 05/05/2010

Objection Peter Quigley, 3 Glenshiels Avenue, Hoddlesden 14.07.17

I am writing to object to planning application 10/17/0694: a proposal to build a single storey extension to the property that is being used as a children's nursery. Item 4.3

The grounds of my objection are

Parents' cars parked on the highway/pavement during drop-off and pick-up times

During these periods it is usual for there to be many cars parked outside the nursery, extending up to the junction with Glenshiels Avenue and often parking around the corner on to Glenshiels Avenue. This junction is the main access to the housing estate and the parked vehicles fully obscure the view of traffic travelling up Hoddlesden Road from drivers exiting the estate. This is particularly dangerous in the mornings when it coincides with residents leaving for work. It is also important to note that, although Hoddlesden Road is a 30 mph zone, the nature of the road is such that vehicles are usually travelling at a minimum of 30 mph and often greatly exceed this, which adds to the danger at this junction.

I am concerned that this proposed development, by increasing the capacity of the nursery (whether more children or more hours per child), will worsen the existing parking problems and thereby increase the likelihood of a serious accident at this junction.

Over development of the site

The property was built solely for residential use and has been the subject of multiple planning applications to extend the building and to increase the number of children. It is situated in an otherwise entirely residential area and any further extension to the property would create a property significantly larger than the original development with respect to its curtilage.

Previous application 10/12/0569

This previous application for a similar single storey extension was rejected on the following grounds: "The increased activity and intensity of use caused by the proposed development within a residential area would lead to a significant and regular loss of amenity for neighbouring residents in terms of increased noise and general disturbance." The published documents for the current application contain no measures to address these concerns.

Item 4.3

REPORT OF THE DIRECTOR

Plan No: 10/17/0829

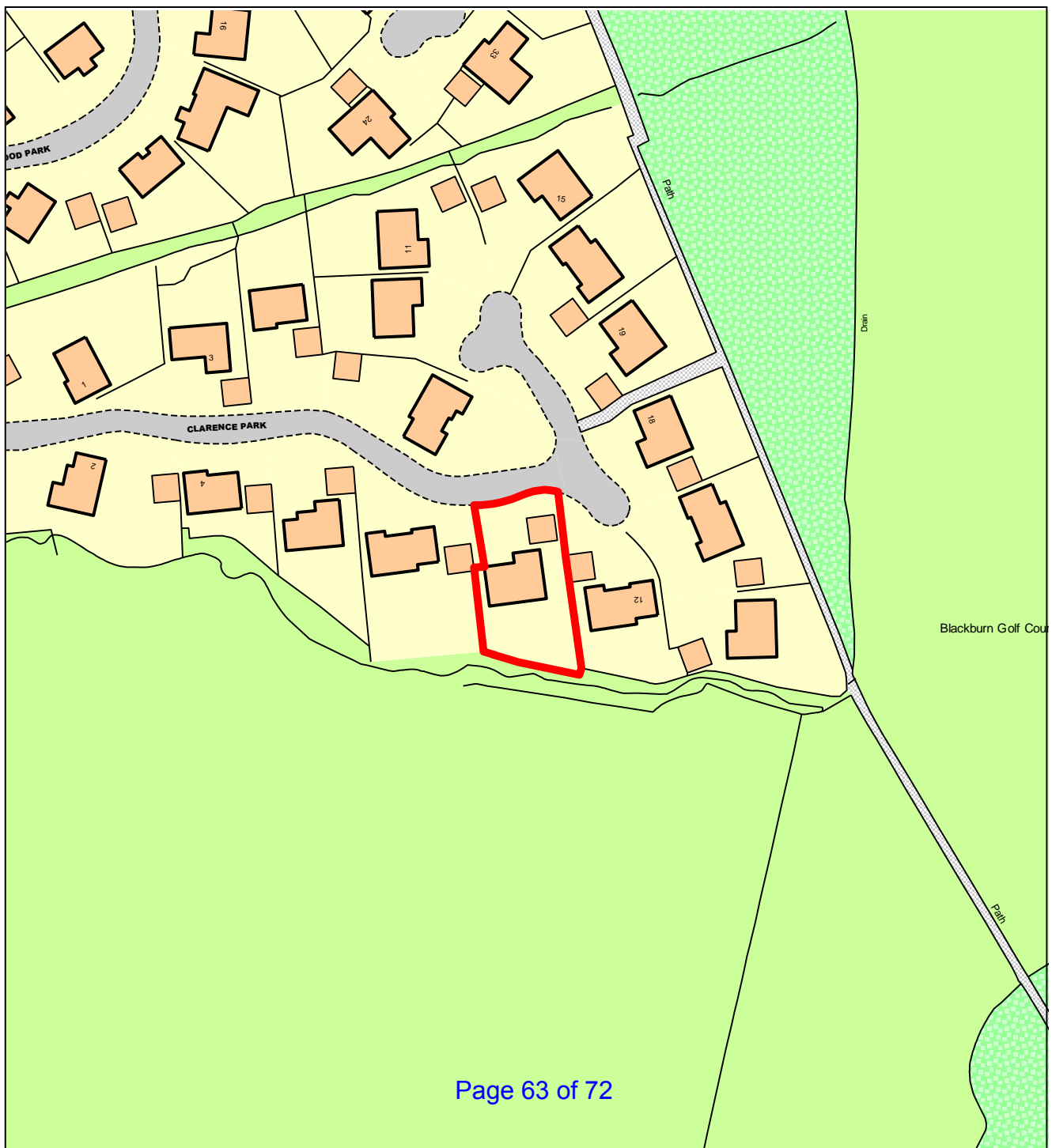
Proposed development: Full Planning Application for Proposed retrospective application to previously approved Planning Application (10/15/1539), amendments to balcony and fenestrations

Site address: 10 Clarence Park, Blackburn, BB2 7FA

Applicant: Mr Sajeed Patel

Ward: Beardwood With Lammack

Councillor Michael Lee	
Councillor Julie Daley	
Councillor Imtiaz Ali	



1.0 SUMMARY OF RECOMMENDATION

Item 4.4

1.1 The proposed development is recommended to be granted planning permission for the reason as follows:

- The proposal is of appropriate design and appearance and would not be detrimental to the residential amenity for occupiers of the dwelling or neighbouring dwellings in accordance with Policies 8 and 11 of the Blackburn with Darwen Local Plan Part 2 (December 2015) and residential Design Guide Supplementary Planning Document (as amended September 2012).

1.2 It is recommended that the application be approved subject to the following conditions:

- Materials to match the materials used in the existing dwelling
- Submission of a sample of the obscure glazing and approved glazing implemented within 1 month from the date of decision.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The application is before the committee at the request of the chair, following the receipt of 2 objections and ward member involvement. A summary of the objections is provided at 6.1 below.

The key issues to be addressed are as follows:

- Design; and
- Securing neighbouring residential amenity.

The previously refused scheme proposed a two storey extension, with an open aspect to the first floor balcony area. The development included an alternate roof design to that which was approved in December 2015 (Application Reference: 10/15/1539). The amendment included a roof overhang and installation of large clear glazed vertical emphasis windows situated to the first floor opposing the garden areas of nos. 8 and 12 Clarence Park. The proposal was considered to be unacceptable due to the significant impact on privacy loss to No. 8 Clarence Park and poor relationship of the roof overhang with the original dwelling. The current scheme proposes amendments to mitigate against the reasons for refusal.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site relates to a detached dwelling, positioned on the south side of Clarence Park. The property is constructed with red brick, featuring an original two storey rendered gable frontage. The property also comprises a large paved driveway to the front and detached garage which has been converted to living accommodation. The property has been previously extended by way of a rear

conservatory (seemingly Permitted Development), rear balcony (Application reference: 10/13/1103) and a first floor side extension (Application Reference: 10/13/0858). In September 2015, the applicant applied for demolition of existing conservatory and erection of sun room with roof terrace. The agent was advised the proposal would not be supported due the significant impact of loss of privacy to the neighbouring property (No.8). Therefore, this application was withdrawn.

3.1.2 Following the receipt of several amended drawings, planning permission was granted in March 2016 for 'Demolition of existing conservatory and erection of replacement sun room, first floor extension with covered terrace' (Application Reference: 10/15/1539).

3.1.3 The unit is served by a detached garage forward of the main house, which screens off views of the side garden area. Similarly a detached garage, belonging to the neighbouring property, no. 12, also screens views of the side from the head of the cul-de-sac.

3.1.4 Retrospective consent was sought for the 'Demolition of existing conservatory and erection of double storey rear extension with first floor balcony'(Application Reference: 10/17/0049), and was subsequently refused consent for the following reasons:

The proposal fails to harmonise with the host dwelling, by virtue of its roof construction, resulting in a 1.7 metre overhang, thereby introducing an incongruous feature to the dwellinghouse contrary to Policy 11 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

The proposal by virtue of its design would have a detrimental impact on the amenity of neighbouring dwellings by virtue of overlooking and loss of privacy, contrary to Policy 8 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

3.2 Proposed Development

3.2.1 The proposal is for amendments to the approved scheme (10/15/1539, see paragraph 5.1) for installation of vertical emphasis clear glazed panels to the side elevation facing No. 12 Clarence Park and obscure vertical panels to the side wall opposing the garden area of No.8 together with the installation of privacy screen to the side elevation of the open balcony area facing No. 8 Clarence Park.

3.3 Development Plan

3.3.1 Blackburn with Darwen Borough Local Plan Part 2:

Policy 11: "Design"

Policy 8: "Development and People"

Policy 10: "Accessibility and Transport"

Item 4.4

3.3.2 Residential Design Guide (Revised Sept 2012):

RES E9: "Two Storey Side Extensions"

RES E19: "Extensions and Parking"

RES E10: "The Terracing Effect"

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (NPPF):

Section 7: "Requiring Good Design"

3.5 Assessment

3.5.1 Design: Policy 11 requires the design, materials and shape of the proposed extension to complement local character. Policy 11 of Local Plan Part 2 amongst other criteria requires that the size, design and external appearance of extensions should harmonise with the existing building and should not unacceptably affect the character of the street. The proposal is considered to satisfy these requirements.

3.5.2 The retrospective development introduces glazed panels serving secondary windows to both the ground floor sun room and first floor bedrooms. The proposed roof would project 8.5m beyond the original, with the resultant roof form creating an overhang above the terraced area, projecting 1.7m beyond the bedroom extension. The vertical emphasis of the windows would break up the scale and mass of the largely brick detail. The introduction of an overhang would become less prominent from the side elevation and the overall scheme is considered to enhance the design characteristics by utilising materials to match the main dwelling and reducing the amount of blank detailing to the side facing walls. On balance, the proposal is considered to satisfy policy requirements set out in Local Plan Part 2 Policy 11.

3.5.3 Amenity: Policy 8, amongst other criteria supports the extension of dwellings which have no unacceptable impact on the amenity of adjacent properties through overlooking, overshadowing or dominance. The proposal would be constructed to the rear of the building, the larger part of the ground floor replaces the original conservatory. Therefore, this part of the development poses no undue concern.

3.5.4 Objections have been received from neighbouring properties at both sides, nos 8 and 12 Clarence Park. The objections relate to potential overlooking and loss of privacy to their garden areas.

- 3.5.6 No. 12 is sited east of the application site. The build line along the street is staggered, as such the above neighbouring dwelling is set back from the application plot with the front elevation sitting in line with the original rear wall of the application property. Due to the topography of the site, No. 12 is sited at a higher level. Consideration is given to the fact that No. 12 is set a distance away from the proposed development. Furthermore, the windows would oppose the side garden area which is not intensely utilised; as such the impact posed from the introduction of large glazed panels would not be of significant concern to this neighbouring dwelling.
- 3.5.7 No. 8 sits at a lower level than the application dwelling. The proposal would be constructed within close proximity to the boundary of this neighbouring dwelling. Concerns have been raised in relation to privacy loss and direct overlooking to the garden area of this property. The applicant proposes to obscure the first floor windows opposing the garden area of No. 8. At the time of the site visit these windows were obscured by frosted glass. During the visit, the planning officer assessed the amenity impact within the garden area of No.8, in the presence of the neighbouring resident; concluding there would be minimal impact. The current scheme proposes to construct a privacy screen to the side elevation of the existing open balcony opposing the garden area of No.8, the screen would utilise the same level as obscurity as with the existing obscured panels. A condition would be imposed to provide samples of the glazing prior to construction. The condition would also impose for the applicant to install the glazing within 1 month of the permission. The amended scheme with the inclusion of a privacy screen is considered to reduce the amenity impact to No. 8. As such the revised proposal is considered to satisfy policy requirements set out in Local Plan Part 2 Policy 8.
- 3.5.8 **Other:** Neighbouring dwellings at either side of the application dwelling raise issues to the applicant not adhering to the previously approved drawings (Application Reference: 10/15/1539). As stated above, planning permission was granted in March 2016, for demolition of existing conservatory and erection of replacement sun room, first floor extension with covered terrace (ref: 10/15/1539, see paragraph 5.1). Works commenced and it was brought to the Council's attention that what was being constructed was not in accordance with the approved drawings under application 10/15/1539. Following investigation by the Planning Enforcement Officer, a subsequent planning application was submitted to regularise the development under application 10/17/0049, for demolition of existing conservatory and erection of double storey rear extension with first floor balcony. This application was refused planning permission on the 20th March 2017 (see paragraph 5.1). The current scheme proposes mitigation measures to alleviate against the amenity impact with the affected property.
- 3.5.9 In summary it is considered that the proposed scheme would provide adequate measures to mitigate against the reasons for refusing the

previous scheme (Application Reference: 10/17/0049, see paragraph 5.1). The introduction of a privacy screen with acceptable levels of obscurity, together with the obscured glazing to the first floor windows would overcome the overlooking issues to No, 8 Clarence Park. As stated in paragraph 3.5.6, the separation distances between the proposal and No. 12 Clarence Park would conclude the amenity impact to be of insignificant concern to this neighbour. In relation to design, the introduction of glazing is considered to reduce the prominent impact of the roof overhang. Overall, the appearance is considered to satisfy policy requirements.

4.0 RECOMMENDATION

4.1 Approve

5.0 PLANNING HISTORY

5.1 **10/17/0049** - Demolition of existing conservatory and erection of double storey rear extension with first floor balcony – Refused 20th March 2017 for the following reasons:

- 1. The proposal fails to harmonise with the host dwelling, by virtue of its roof construction, resulting in a 1.7 metre overhang, thereby introducing an incongruous feature to the dwellinghouse contrary to Policy 11 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).*
- 2. The proposal by virtue of its design would have a detrimental impact on the amenity of neighbouring dwellings by virtue of overlooking and loss of privacy, contrary to Policy 8 of the Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).*

10/15/1539 - Demolition of existing conservatory and erection of replacement sun room, first floor extension with covered terrace – Approved 15th March 2017.

10/13/0858 - Proposed first floor extension to side of dwelling – Approved December 2013

10/11/1103 – Erection of rear balcony – Approved 7th December 2017

6.0 CONSULTATIONS

6.1 Two neighbours were consulted. Two letters of objection have been received. The objections can be summarised as follows:

- Excessive scale of development
- Loss of privacy to garden area of No. 8 and No. 12 Clarence Park

- Applicant not adhering to previously approved scheme
Item 4.4

7.0 CONTACT OFFICER: Nazia Ali Rizvi ,Planner

8.0 DATE PREPARED: 8th September 2017

9.0 SUMMARY OF REPRESENTATIONS

Item 4.4

Objection John Cripps, 8 Clarence Park, Blackburn

10/17/0829.

AS YOU KNOW THE PLANS NO 10/15/1539 WERE PASSED AND WE HAD NO PROBLEMS WITH THEM.

BUT NO 10. DID NOT BUILD THE PLANS. THEY BUILT SOMETHING ELSE.

WE HAVE A PROBLEM WITH LARGE WINDOWS AND OPEN BALCONY. WHEN WE FIRST MENTIONED THE WINDOWS TO MR PATEL HE SAID DONT WORRY THEY HAVE BLINDS IN THE TO OBSCURE THE VIEW. I DO HOPE HE DOESNT

THINK I AM THAT THICK. THEY HAVE SINCE PUT OBSCURE GLASS IN. BUT HAVE RESISTED AT EVERY OPPURTUNITY TO COMPLY WITH PLANNING.

ON THE NEW PLANS 10/17/0829. THE WINDOWS. HAVE A MEMO. (OBSCURE WINDOW) THIS AGAIN IS AN ATTEMPT TO IGNORE (OBSCURE GLASS) THEY JUST HOPE ITS NOT PICKED UP ON.

MR. PATEL HAS CALLED THE POLICE WHEN HE WAS STOOD OVERLOOKING OUR GARDEN AND WE OBJECTED TO HIM DOING SO AND HE'S THREATENED TO MOVE A WALL AT THE FRONT OF OUR PROPERTY (DRIVE) BECAUSE WE HAVE COMPLAINED. TO THE COUNCIL ABOUT THE

EXTENSION. LOVELY MAN GREAT NEIGHOUR !!!

THE ROOF LINE ON THE PLANS. ANY OF THEM ARE NOT WHAT THEY HAVE BUILT AT ALL. BUT THEY NEVER INTENDED IT TO BE. BECAUSE THEY HAVE SOLAR PANELS ON THE ROOF AND 2 ATTIC ROOMS.

NO 12 ARE NOT HAPPY AT ALL WITH THE EXTENSION.

THE WHOLE THING IS WRONG PLANS SURELY ARE TO BE FOLLOWED NOT CHANGED COMPLETELY AND THEN NOTHING IS DONE ABOUT IT. ALLS SEEM TO BE CONVENIENT TO ME.

WHO YOU KNOW NOT WHAT YOU KNOW

Objection Rec: 29.09.17, Stephen & Susan Gunn, 12 Clarence Park

Dear Mr Prescott

Further to your letter dated 24th January 2017 I write to oppose the above application on the following grounds.

1. The extension that has been built is much larger than that agreed in the original application. This is obvious as the original left side elevation plan only had 2 windows on both ground and first floor. The actual left side elevation that has been built has 3 windows on both levels. This is a significant increase in depth compared with original plan probably amounting to being over a metre larger.
 2. The windows on the first floor that directly overlook our garden are 3 full length clear windows. The original plan was for 2 partial height windows with frosted glass. The 2 partial height frosted windows at least maintained some privacy for us. The current window configuration allows an occupant of this first floor room to lie in or on their bed and look directly at our back garden and backdoor and through our study window. (And that is exactly what is happening as I write.) This is a blatant invasion of our privacy not approved in the original plan.
 3. Having increased the depth of the extension as outlined above there is now a first floor balcony extending further out from the rear of the property which because of the increased building size now overlooks the vast majority of our back garden again resulting in further loss of privacy.
- I would be grateful you would arrange to review this extension from our property us so that you can see for yourself how the actual building and the plan are very significantly different. Susan can be contacted on 07576666110
- We trust that this application will be rejected and remedial action enforced, otherwise the planning process in Blackburn with Darwen will have been made a mockery of.

Stephen and Susan Gunn

Objection Rec: 17.07.17, Stephen Gunn, 12 Clarence Park, Blackburn Item 4.4

Dear Mr Prescott

I write in response to your letter dated 11th July in response the latest retrospective planning application by our neighbour

Mr Sajeed Patel for 10 Clarence Park Blackburn.

As you are aware we opposed the original retrospective application (10/17/0049) in January on the grounds that what had been built

was very much bigger than the original planning permission and resulted in a huge loss of our privacy. I will forward our email of 29th

January outlining our objections.

You will also know that the application was refused and passed to the Enforcement officer - again I will forward the email from our councillor

Julie Daley outlining the reasons for the refusal but the decision agreed with our objections.

I wish to oppose the current application (10/17/0829) as I have reviewed the proposed plans and they do not appear to have

changed in any significant way from the extension that has been illegally built and is still a much bigger building than was originally given planning

permission for resulting in our loss of privacy.

I trust that the decision to refuse application (10/17/0049) is upheld and for the current application (10/17/0829) and when sent to Enforcement this

time the appropriate enforcement is applied.
