

Proposed development: Full Planning Application for Erection of a steel fence to existing mill wall (resubmission of 10/17/0524).

Site address: New Century Works, 6 Higher London Terrace, Darwen,

Applicant: Mr Peter O'Gorman

Ward: Sudell

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| Councillor Roy Davies | |
| Councillor Eileen Entwistle | |
| Councillor Jane Oates | |



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – subject to conditions.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The proposal will see the construction of a green powder coated steel paladin style fence. It will be affixed to the inside of a red brick factory wall extending above the wall by 1.450 metres. The combined height of the wall and proposed fence will be 2.950 metres. It will sit to the rear of nos. 40 – 56 Anyon Street. The applicant submits that the fence is required as a security measure to prevent unlawful tipping of domestic waste onto the factory roof. The application represents a resubmission of a previously refused retrospective applicant to consider an unauthorised palisade fence in the same location, at a total height (including the factory wall) of 3.45 metres.

2.1.1 The key issues to be addressed are as follows:

- Principle of the development
- Impact of the development on the neighbouring residential amenity.

2.1.2 Careful consideration has been applied to the visual appearance of the proposal and its impact on residential amenity; particularly to the outlook from residential properties on Anyon Street and its benefit to the applicant by way of improved security and the associated economic benefits of savings achieved from the avoidance of having to lawfully dispose of waste thrown onto the application site.

2.1.5 The proposal is considered to support the Council's Core Strategy objectives, as well as achieving compliance with relevant national and local plan policies of the adopted Blackburn with Darwen Borough Local Plan Part 2.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site lies within the Inner Urban Area of Darwen. It consists of a section of wall along the eastern perimeter of a factory known as New Century Works. The factory is located within the heart of a residential area, bounded by residential terraced rows to the north, south and east. To the west lies a series of domestic garages.

3.1.2 The section of wall which will host the proposed fence is a traditional red brick construction, commonly found around the perimeter of

factories of the era. It abuts the back alley serving dwellings on Anyon Street and sits circa 8 metres from the rear elevation of nos. 40 – 56 inclusive.

3.2 Proposed Development

- 3.2.1 Planning permission is sought for the erection of a circa 40 metre long, green powder coated, steel paladin style fence, projecting 1.450 metres above the height of the existing factory wall.

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, the adopted Local Plan Part 2 – Site Allocations and Development Management Policies and the Darwen Town Centre Conservation Area SPD. 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
- CS20 – Cleaner, Safer, Greener

3.3.4 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 11 – Design

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

3.5.1 Principle of the development

The principle of the proposal is accepted, in accordance The Framework's presumption in favour of sustainable development, which should proceed without delay, unless demonstrable adverse impacts which significantly outweigh the benefits of a proposal are identified.

3.5.12 Design / Visual Amenity

Policy 8 sets out that development will be permitted where it can be demonstrated that it would secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to overlooking, and the relationship between buildings.

3.5.13 Policy 11 sets out that a good standard of design 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.

3.5.14 The proposed fence is a typical paladin construction. Its height of 1.450 metres above the existing factory wall is not considered excessive when assessed against its relationship with dwellings it opposes on Anyon Street, particularly given the context of the pre-existing industrial outlook onto the factory roof, which sits at a lower level to Anyon Street. Moreover, its proposed treatment with a green powder coat will further reduce its visual impact.

3.5.14 The fence should also be viewed in context of the existing fence it seeks to replace, which is recognised as an inappropriate, unattractive palisade design. The proposed fence is much less visually obtrusive and it will significantly reduce the existing sense of enclosure.

3.5.15 The existing fence presents a significant safety concern, as it is affixed to the outside of the factory wall, projecting into the back alley. The proposal will provide a remedy as it will be affixed to the inside of the factory wall, thereby safeguarding users of the back alley.

3.5.16 It is considered that weight should also be attached to the applicants personal circumstances. It is claimed that unlawful deposition of waste onto the factory roof is a repeated occurrence. The applicant states that the problem has been eradicated since erection of the existing fence; notwithstanding its unauthorised status. The proposed fence, at the reduced height is considered to provide equal protection.

3.5.17 The scheme is considered compliant with Policies 8 and 11 of the Local Plan Part 2.

3.5.24 Summary

This report assesses the full planning application for the proposed car park and associated work. In considering the proposal, a wide range of material considerations have been taken into account and the development is considered to have sufficient merit to achieve compliance with the Development Plan.

4.0 RECOMMENDATION

4.1 Approve subject to:

Conditions which relate to the following matters:

- Commence within 3 years.
- Removal of unauthorised fence within 28 days of the date of approval

5.0 PLANNING HISTORY

- 5.1 10/17/0524 – Retrospective application for erection of steel palisade fence to existing mill wall; refused planning permission 14th June 2017 for the following reason:

The fence, by virtue of its siting and utilitarian design, represents a visually intrusive feature, harmful to the outlook of neighbouring dwellings; contrary to Policies 8 and 11 of the Blackburn with Darwen Borough Plan Part 2.

6.0 CONSULTATIONS

- 6.1 9 neighbouring properties were consulted by letter and a site notice was displayed. Ward Councillors were also consulted.

- 6.1.2 Two objections were received expressing concern towards the unsightly appearance of the fence, from a Ward Councillor and a local resident. It should be noted that the local resident objection appears to be based on the understanding that the application represents a second request for planning permission for the existing unauthorised fence.

7.0 CONTACT OFFICER: Nick Blackledge, Planner

8.0 DATE PREPARED: 6th October 2017.

9.0 SUMMARY OF REPRESENTATIONS

Objection – Councillor Roy Davies 29.08.2017

I object to this planning application as I consider it to be unsightly to residents who live in the street, and the height being completely unnecessary.

Objection Jill Bury, 40 Anyon Street, Darwen 29.09.17

THIS WAS
MY VIEW
SINCE
1978
TIL
2017



How
WOULD
YOURSELF
OR
MR. GPRIN
LIKE
THIS TO
LOOK AT
EVERY
DAY!



10/17/1063

MY FAMILY - AND I ARE
SO SAD FOR THE VIEW WE
ARE NOW LEFT TO LOOK AT!

SINCE 1978 WE HAVE LIVED
IN OUR HOME WHICH WE OWN!

THE INVASION OF THE FENCE
2017 HAS SEEN BETTER TIMES.

SILBURY
40 ANYON ST,
DARWIN LANCES
BB3 3AA.

REF 10/17/1063

GAVIN PRESCOTT

27.9.17

- TODAY I WAS WALKING DOWN-
HILL TO MY HOUSE - 40 ANYON ST.,
DARWIN BB3 3AA, AND BY CHANCE
SPOTTED THIS (NOTICE OF PLANNING
APPLICATION) TAPED TO A POST, FIVE
HOUSE LENGTHS FROM MY HOME.

- THE BIGGEST JOKE IS APART
FROM MYSELF NO-ONE ON THIS
ROW WOULD GIVE A TOSS IF THE
FENCE WAS THERE OR NOT. ALSO
THEY WOULD NEVER HAVE BOTHERED
TO READ THE NOTICE.

- NOT LONG AGO COUNCILLOR JANE
OATES PERSONALLY CAME TO MY
HOUSE TO STATE THAT YES, AS SHE

HAD PROMISED MANY MANY MONTHS AGO THE FENCE HAD BEEN REFUSED AND WOULD BE COMING DOWN.

- I PLEADED MY CASE OF DISGUST THAT SUCH A STRUCTURE HAD BEEN ERECTED WITH NO THOUGHT OF THE DISTRESS IT WOULD CAUSE

TO THE HOME OWNERS THAT NOW WOULD BE BLIGHTED WITH THEIR VIEW.

- GRANTED, AS I SAID, THE NEIGHBOURS ON THIS STREET HAVE LITTLE OR NO CARE WHAT THEIR VIEW IS.

- HOWEVER I AM EXTREMELY UPSET THAT EVEN THOUGH I STRONGLY PLEADED MY CASE, PRODUCED, PHOTOS OF MY VIEW BEFORE AND AFTER THIS HIDEOUS FENCE WAS ERECTED. THIS MAN IS STILL BEING ALLOWED ANOTHER SHOT AT KEEPING HIS FENCE.

- (resubmission of 10/17/05 24)

- SO WILL HE BE ALLOWED HIS FENCE AS LONG AS HE JUST KEEPS RE-APPLYING

- I HOPE JUSTICE WILL PREVAIL BECAUSE I STRONGLY OBJECT TO THIS STRUCTURE.
- I AM SPEAKING AS LOUDLY AS

I CAN BECAUSE I AM A LONE WOLF IN THIS CASE.

- APPARENTLY MR. PETER O'GORMAN HAS COMPLAINED ABOUT PERSONS THROWING HOUSEHOLD WASTE ONTO HIS PREMISES SO FUELING HIS REASON FOR ERECTING THIS STRUCTURE.
- I VIEW EVERY DAY THE GOINGS ON AFFECTING HIS PREMISES AND NEVER EVER HAVE I SEEN SUCH WASTE THROWN ONTO THE ROOFS.

- I OBJECTED TO HIS LAST APPLICATION, PUT IT IN WRITING, PHOTOS TO PROVE THE ASSAULT THIS HAS PUT ON MY VIEW (WHICH SHOULD STILL BE ON THE RECORDS.)

MRS. MARION JILL BURY
40 ANYON ST. BB3 3AA.
DARVING LANCASHIRE