

PLANNING & HIGHWAYS COMMITTEE
THURSDAY, 15th FEBRUARY 2018
UPDATE:

1 **10/17/1313 – Land at Cranberry Lane, Darwen**

Officer's response (in bold) to objections received from the Marsh House Ward Councillors: Kevin Connor, Neil Slater; Lynn Perkins and Darwen Town Councillor Lilian Salton, dated 10th November 2018:

Objection:

“In submitting our objections to this application we are minded to point out that objections raised to planning application 10/15/0219, on what is fundamentally the same site, are still pertinent and were not satisfactorily addressed at the Planning Meeting which passed the application for 110 dwellings; namely:-

- *The site is within the Darwen critical Drainage Area [Flood Zone 1] with at least one culvert running through the site which feed into the head waters of the River Darwen. Recent downpours and flooding in Darwen, with the river overflowing, demands that this issue be fully addressed including future liability for any flooding compensation claims. At least five councillors from different parties, on the planning committee, expressed concerns about flooding and provision of flood control.”*
- **It is acknowledged in section 3.5.16 of the main report that the site lies within Flood Zone 1, which the Environment Agency categorize as low probability of flooding. The application site is however, located close to the River Darwen and as a result of the size of the proposed development and topography of the site; Flood Risk and Drainage are critical aspects of the scheme. The Council's Drainage Team (as Local Lead Flood Authority) and United Utilities have both raised no objection in principle subject to the relevant technical information and long term management/maintenance being agreed by conditions as set out in section 3.5.20 of the report. In view of the fact that no objections have been received from consultees, Officers are satisfied that subject to adherence to compliance with the aforementioned conditions, the development is considered acceptable, in accordance with the requirements of the Policy 9 of the Local Plan Part 2.**

- *“We considered 110 dwellings, to be overprovision on this site because of our concerns that any development should reflect the semi-rural nature of the site and not overburden existing amenities or infrastructure. Clearly 138 dwellings would also be over provision and feel any developer viewing the 101 objections submitted for 110 dwellings would have seriously thought about sticking to 110 or be more adventurous by reducing the number, in order to fit in with local opinion.”*
- **The Site allocation, LPP2 Policy 16 16/17, estimates that the site can deliver 110 dwellings of which 105 are expected to be delivered by 2019. The proposed layout will deliver 138 units. The policy does not preclude a higher number of units being provided on site subject to a detailed consideration of matters of design and layout etc. The report is considered to address these concerns through the relevant sections and demonstrates that consideration has been given to the rural nature of the site boundaries. Additionally, the applicant has demonstrated that the economic viability of the scheme, through their Viability Appraisal submission, is dependent on delivery of the proposed number of units. This appraisal has been independently assessed.**
- *“Putting more traffic onto Cranberry Lane will add to existing problems on the lane. The proposed East Darwen Corridor Road, will only compound problems at the lanes junction with Watery Lane and Sough Road at peak periods.”*
- **Highways Colleagues have undertaken a detailed review of the submitted Transport Assessment and of the existing highway network, and subject to the requested commuted sum for off-site highways works (see paragraph 3.5.12 of the main report) and recommended conditions set out in the report (see paragraph 4.1 of the main report), will ensure the safe, efficient and convenient movement of all highway users is not prejudiced by the development in accordance with the Council’s Development Plan and the NPPF.**
- *“Whilst the site is not Green Belt, it does adjoin land that is within the Green Belt. The Green Belt review recommended that all other parcels of land adjoining the site, with one small exception, should remain in the Green Belt. We have serious concerns, if this application is approved for the 138 properties, there will be a temptation to use it to reconsider this recommendation. We strongly*

propose that this recommendation is written into any conditions, to prevent any future encroachment.”

- **Any future development on adjacent sites would be subject to a separate planning application and determination against local and national planning policies. The imposition of a planning condition restricting further development on adjacent sites would fail to comply with the application of the 6 tests when applying conditions, required by the NPPF, and therefore cannot be recommended.**

Update on Garage Parking Provision:

As noted in section 3.5.11 of the main report, integral garages are below the adopted standard of 3 x 6 metres and have been discounted from the total to be provided. The development provides 308 parking spaces against a requirement of 371 spaces however, as shown in the table below, the sizes provided, whilst below adopted standards, are considered adequate to provide additional parking. The proposed removal of Permitted Development Rights as recommended in the report (see paragraph 4.1), will prevent any potential future loss to parking provision. On balance and taking into account the NPPF’s presumption of sustainable development, the proposed parking provision is considered to be acceptable in order to secure the development of the site. Below is a schedule of the house types and parking provision.

House Type	Units	Garage Type	Adopted standard 6 x 3 metres
Ashdown	6	N/A	N/A
Ashdown 2	1	N/A	N/A
Bromley	8	Detached	Yes
Bromley 2	4	Detached	Yes
Bromley 3	2	Detached	Yes
Chatham	33	Integral	No: approx. 5.6 x 2.6m
Garth	20	Integral	No: approx. 5.6 x 2.7m
Maidstone	21	Integral	No: approx. 5.5 x 2.7m
Oakhurst	26	N/A	N/A
Sherbourne	6	Integral	No: approx. 5.5 x 3m
Windermere	3	N/A	N/A
Winster	8	N/A	N/A

Clarification on the S106 Agreement off-site highway contributions and the Grampian Condition (S278 Agreement):

Paragraph 3.5.12 of the main report makes reference to off-site highway works and S106 contributions. For clarification for the members:

In accordance with the findings of the submitted Transport Assessment, the applicant is committed to a financial contribution of £276,000 towards off-site highway works to be secured through a S106 Agreement. This is solely a contribution towards the DEDC improvements (namely Pole Lane/Sough Road/Grimshaw Street junction), which also includes any upgrade of bus stops on Cranberry Lane close to the development to provide access kerb as a minimum and bus shelters where these can be safely accommodated within the adopted highway.

The proposed Grampian condition see paragraphs 3.5.14 and 4.1 of the main report is proposed for:

- Construction of a footway along the frontage of the application site on Cranberry Lane, with associated lighting and drainage
- Localised widening, together with resurfacing along the frontage of the site on Cranberry Lane

In addition to the above, there is also a financial contribution of £36,000 secured through the S106 Agreement towards the proposed alterations to the existing 4no Public Rights of Way that cross the application site (see paragraph 3.5.17 of the main report) This will also look at connecting the existing footpaths to Jacks Key Drive and Knowlesley Road (where possible) to provide a convenient pedestrian/cycle link between the development and St Barnabas CofE Primary School and other amenities along the A666.

2 10/17/1378 Land at Tower Road, Blackburn

A letter has been received from Kate Hollern MP on the 14th February, on behalf of the Feniscliffe Residents Association relating to a number of issues regarding the proposed development for the Members to consider. A copy of the letter is attached to this report.

A further response has been received from the Council's Ecological Consultants on the 13th February, regarding the submitted Ecological report.

"I can confirm that this report is suitable for the purposes of identifying (an update of) ecological interest of the site and providing the developer with proposals for addressing loss of biodiversity as a result of the development. The applicant will need to demonstrate how these are being adopted. As this is an outline application we understand these details are likely to follow.

In formulating the final plans for the scheme we would expect to see the detail of landscaping including species mixes and planting areas within the scheme to be detailed in the design measures that it appears you will be expecting to see as part of a reserved matters application. Where possible the applicant should demonstrate how they are implementing the recommendations of the ecology report. These should be designed to address biodiversity loss and achieve net gains where possible in line with the requirements of the NPPF. The bat mitigation and replacement roost would go some way to address the loss of biodiversity on site but retaining existing flight lines, replacing loss of trees and creating species-rich grassland to buffer impacts to the neighbouring Biological Heritage Site would assist in minimising this loss and maximise the biodiversity on site post-construction. “

In addition, Natural England on the 13th February, confirmed that they wished to make no comments on the planning application.

“Natural England has not assessed this application for impacts on protected species. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.”

Paragraph 3.5.26 of the main report makes reference to the boundary of the Green Belt remaining unchanged and no part of the application site has been removed from the Green Belt. Members are advised this is incorrect for the following reasons.

The previous 1983 Blackburn District Local Plan showed the majority of the application site being in the urban boundary with the portion of the site to the west beyond the houses on Tower Road being in the Green Belt. Similarly, in the Blackburn With Darwen Local Plan (2002), the undeveloped part of the application site was allocated as Protected Open Space, with again the portion of the site beyond the housing on Tower Road to the west being in the Green Belt.

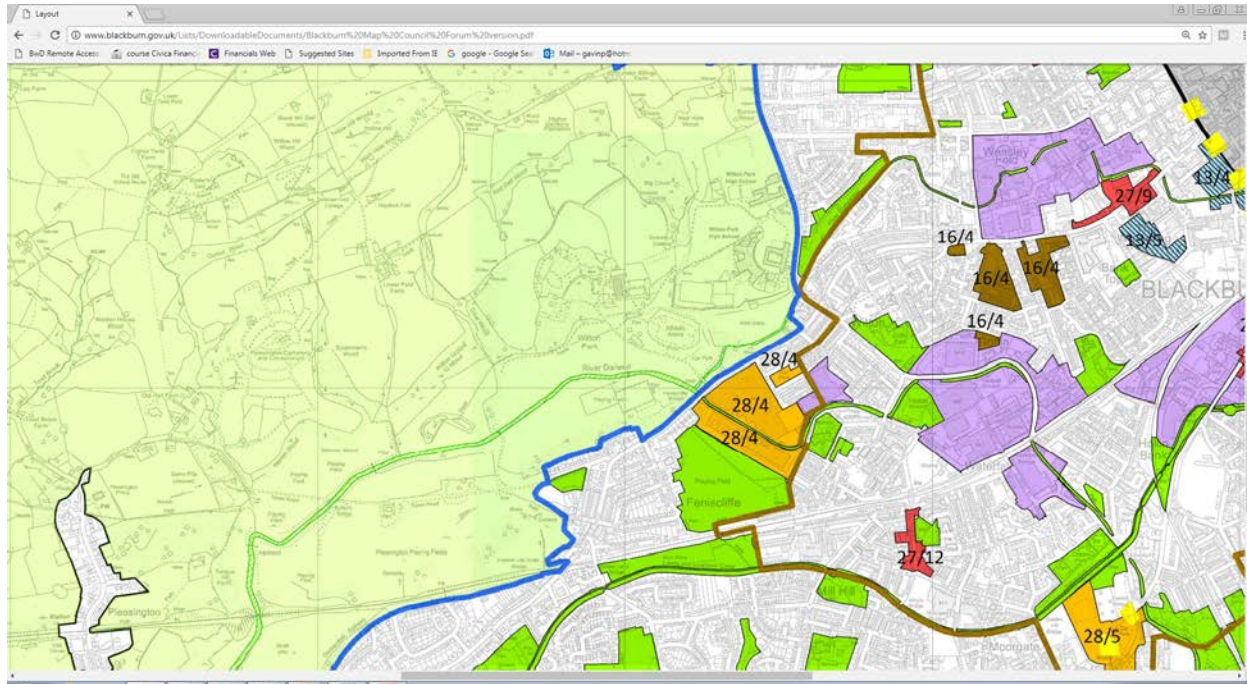
The current Local Plan Part 2 (December 2015) sees the majority of the undeveloped part of the application site fronting Tower Road and Hillcrest Road being designated as Green Infrastructure. The portion of the site beyond the housing on Tower Road to the west has now been removed from the Green Belt and included in the urban boundary with no designation. The reasoning behind this change is as follows.

The Green Belt Study (September 2013) (Ref 5.11 – Evidence Documents) was submitted by the Council as evidence in the examination of the Local Plan Part 2 in 2014. The Study was the first Green Belt review in the Borough since 1982. Section 8 of the Study refers to “Anomalies in the existing Green Belt boundary.” The Study was required to consider any anomalies/drafting errors which weakened the robustness of the existing inner Green Belt boundary abutting the urban area of Blackburn and Darwen.

Considerations include consistency, digitising errors, and outdated situations where recent development crosses the boundary. Annex 3, Area 3, Parcel 3/11 is the most pertinent to the application site on Tower Road/Hillcrest Road (see attached plan). It was determined in the Study, that the current boundary of the Green Belt at the eastern edge of Pleasington Playing Fields adjacent to Hillcrest Road “*is not visible on the ground and should be realigned to follow the edge of the amenity open space and has a clear boundary.*” As such, the Green Belt boundary in this particular location was realigned in the Site Allocations map. Therefore, the application site for 10/17/1378 is now wholly within the urban boundary.

Concerns have been raised by the Fenisccliffe Residents Group via Kate Hollern MP as to why the Council are considering a planning application for residential development on land which has been allocated as “*amenity greenspace*” following a high score in an “Open Space Audit” which was submitted as evidence in the examination of the Local Plan Part 2.

It is confirmed to Members that the Open Space Audit (May 2014) and the Open Space Assessment (May 2014) identified the “Hillcrest Road – amenity greenspace” as good quality scoring 56% due to its size, natural greenspace and being easily accessed by local residents (ref: 120). This was submitted as evidence to the Planning Inspector in the examination of the Local Plan Part 2, and as a result the site was allocated as Green Infrastructure (December 2015) – extract below from the Site Allocations Map.



The main report has fully justified the reasoning why the principle of residential development on the application is acceptable (see paragraphs 3.5.2 to 3.5.17). For clarity, Members are referred to paragraphs 2.2 and 2.3 of the main report, and fundamentally are advised that Policy 9(5) of Local Plan Part 2 allows for development which involves the partial or complete loss of land identified as Green Infrastructure provided at least one of the criteria set in the policy is met. The following is an extract from the policy:

Policy 9. Development and the Environment

1. Development will be permitted where, following implementation of any required mitigation, there is no unacceptable impact on environmental assets or interests, including but not limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees, and the efficient use of land.

Climate Change
2. Development will be required to demonstrate that it has taken full account of issues relating to climate change. Planning permission will not be granted for development which would either lead to an unacceptable contribution to climate change by virtue of carbon emissions, be itself at high risk from the effects of climate change, or cause an increase in the level of risk from the effects of climate change in another location.
3. Development will be required to demonstrate that it will not be at an unacceptable risk of flooding. Where appropriate this will include a requirement to demonstrate that there is no sequentially preferable location in which the development could take place, and if necessary, that the development complies with the Exception Test.
4. Development with the potential to create significant amounts of new surface water run-off will be expected to consider and implement where required, sustainable drainage systems (SuDS) or other options for the management of the surface water at source.

Green Infrastructure
5. Development involving the partial or complete loss of land identified as Green Infrastructure on the Adopted Policies Map, or any unidentified areas of open space including playing fields; and any development which otherwise has the potential to result in the severance of green infrastructure connections, will not be permitted unless:
 - i) The development can be accommodated without the loss of the function of the open space;
 - ii) The impact can be mitigated or compensated for through the direct provision of new or improved green infrastructure elsewhere, or through the provision of a financial contribution to enable this to occur; or
 - iii) The need for or benefits arising from the development demonstrably outweigh the harm caused, and the harm has been mitigated or compensated for so far as is reasonable.

In this particular case, criterion (ii) of the Policy is complied with as the impact relating to the loss of the Green Infrastructure is mitigated or

compensated through direct provision of new or improved spaced elsewhere through a financial contribution. Members are advised that mitigation for the loss of the space is proposed via:

- (i) The retention of a significant and enhanced area of open space along the Tower Road frontage including the retention of the avenue of trees. The proposed layout relating to this open space and landscaping would be fully considered at the Reserved Matters to ensure the open space serves a purpose and maintains its functionality.
- (ii) The provision of a financial contribution to contribute towards open space and pathway improvements in the area immediately adjacent to Witton Park.

Gavin Prescott
Development Manager
15th February 2018