

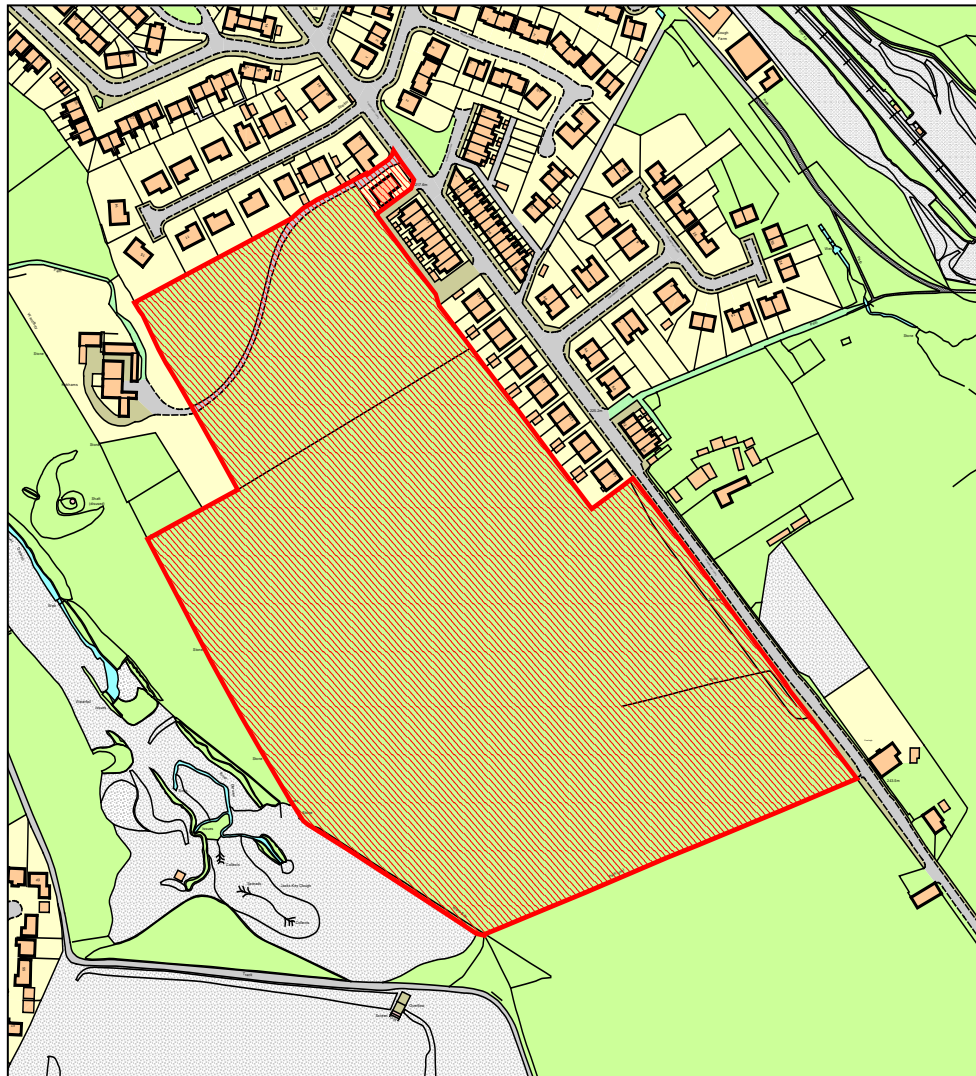
**Proposed development: Full Planning Application for; Residential development comprising 138no. dwellings, landscaping, drainage, associated highway works, substation, infrastructure and engineering works and demolition of existing house.**

**Site address: Land to the West of Cranberry Lane Darwen**

**Applicant: Mrs Cheryl Wood, McDermott Developments Ltd**

**Ward: Marsh House**

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



## **1.0 SUMMARY OF RECOMMENDATION:**

- 1.1 APPROVE – Subject to a Section 106 Agreement relating to the provision of off-site highway works to facilitate the development, alterations to Public Rights of Way and affordable housing contribution for off-site provision.**

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

- 2.1** The proposal will deliver a high quality bespoke housing development which will widen the choice of family housing in the Borough. It supports the Borough's planning strategy for housing growth as set out in the Core Strategy, and also delivers housing at a site which is allocated for housing development in the Local Plan Part 2. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1** The application site forms the housing land allocation 16/17: which is referred to as the Cranberry Lane Development Site, Darwen. The site measures 7.4 hectares and is located to the south eastern edge of Darwen. The site consists of two fields, one small and one medium scale, separated by an area of scrub / unmanaged land. The topography varies through the site however, can generally be described as falling on a relatively steep gradient from the south-eastern corner of site to the north-western and most western corners of site.
- 3.1.2** The site boundaries are made up of a variety of boundaries, including stone walls, post and wire fences, timber fences and low hedgerows. Immediately surrounding the proposed site are residential properties to the north and part of the eastern boundary, fronting Cranberry Lane and Martin Drive.
- 3.1.3** Public transport links run along Cranberry Lane, though it offers only a limited service to Darwen. Additional, bus services operate from Bolton Road (A666), offering bus services to Blackburn, and Bolton. Darwen station is the nearest rail link, circa 2.6 kilometres and offers service to Manchester, Bolton and Blackburn.
- 3.1.4** The site is crossed by 4 Public Rights of Way (PROW); FP207, FP208, FP211, and FP212. There are a number of pedestrian and cycle routes in the vicinity including the Weavers Way.

### **3.2 Proposed Development**

- 3.2.1 The proposal is a full planning application for the erection of 138 homes, public open space, landscaping, drainage, associated highway works, infrastructure and engineering works and demolition of the 99 Cranberry Lane to facilitate access and egress to the lower section of the site.
- 3.2.2 The proposed development provides a net residential density of a little under 11 dwellings per hectare, when considering the developable area of 7.4 hectares. The 138 units comprise 127 detached (92%) and 11 semi-detached (8%). The housing mix is weighted towards larger family housing with 3 and 4 bedroom properties accounting for all proposed dwellings.
- 3.2.3 The proposal seeks to deliver a high specification development split into two parts, north and south. The site is separated by a landscape buffer, each with a separate access/egress off Cranberry Lane. Emergency vehicular access is available to both north and south sites via a linked access path, controlled by collapsible posts.
- 3.2.4 Other important elements of the proposed layout include; the creation of a network of green spaces to form focal spaces and enhance views for the enjoyment of residents; an enhanced landscape corridor along centre of the site; an interconnected network of streets; improved footpath connections; housing fronting streets and spaces set out in perimeter blocks with a varied range of plot sizes and building footprints; and the built form responding to rural characteristics of the adjacent Green Belt setting, Biological Heritage Site and wider West Pennine Moors.

### **3.3 Development Plan**

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

#### **3.3.2 Core Strategy**

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

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

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport

- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 16/17 – Housing Land Allocations
- Policy 18 – Housing Mix
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

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

#### **3.4.4 Residential Design Guide Supplementary Planning Document**

This document provides targeted advice to ensure high quality new homes. It aims to ensure that new development reflects the individual and collective character of areas of the Borough and promotes high standards of design. The document also seeks to ensure a good relationship between existing and proposed development in terms of protecting and enhancing amenity.

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

The National Planning Policy Framework (Framework) is a material consideration in planning decisions. The Framework sets out a presumption in favour of sustainable development, which is the “golden thread” running through both plan-making and decision-taking. Paragraph 14 of the Framework explains that for decision taking, this means approving development proposals that accord with the development plan without delay. Section 6 of the Framework relates to delivering a wide choice of high quality homes, and Section 8 relates to promoting healthy communities.

### **3.5 Assessment**

3.5.1 In assessing this application there are a number of important material considerations that need to be taken into account as follows:

- Principle;
- Highways and access;
- Drainage;
- Design and Layout;
- Amenity impact;
- Ecology; and
- Affordable housing.

#### **Principle**

3.5.3 The Darwen District Plan which was adopted in December 1983, was the statutory Local Plan for Darwen for the period up to 1991. The site known as Kirkham’s Farm on Cranberry Lane, was allocated for new residential and related development under Policies 1.6 and 1.23. The appendix to the Local Plan showed a schedule of sites which were available for residential

development going back to 1976, which included the application site [ 7.0 hectares, 98no. probable number of units].

- 3.5.2 Under Policy RA2/2 of the Local Plan 1991 – 2006 the site was included in land identified as ‘safeguarded land’ for future development. In safeguarding this site the Council’s aim was stated as being to balance the landscape quality surrounding Darwen with the need to protect the longer term interests of the town. It was considered that, being on the periphery of the built-up area, the allocation of the land for future development would reduce the pressure to amend Green Belt boundaries. Policy RA2 was subsequently ‘saved’ pending adoption of the new Local Plan Part 2 in 2015.
- 3.5.3 The principle of the development is considered under the Blackburn with Darwen Local Plan Part 2: Site Allocations and Development Management Policies (particularly Policy 16 – Housing Land Allocations); and the Core Strategy (particularly Policies CS1 and CS5).
- 3.5.4 Policy 1 of the Local Plan states that the defined Urban Area is to be the preferred location for new development. Development in the Urban Area will be granted planning permission where it complies with the other policies of this Local Plan and the Core Strategy. The site is located within the urban area boundary defined on the proposals map.
- 3.5.5 Policy 7 on Sustainable and Viable Development echoes the presumption in favour of sustainable development set out in the NPPF. Thus, applications that accord with policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 3.5.6 Local Plan Policy 16 allocates land for development within the 15-year life of the Plan, subject to key development principles. This proposal represents residential development of a significant scale of Site 16/17 – the Cranberry Lane Development Site, Darwen. Key development considerations identified in the Local Plan Part 2 include the following:
- The southern part of the site is rural in character and surrounded by open, mainly agricultural land. Development will need to provide a transition zone between the development and the wider rural landscape to the south.
  - Incorporation of SuDS and measures to control surface water run-off (the site is within the Darwen Critical Drainage Area). Furthermore, at least one culvert runs through the site, feeding the headwaters of River Darwen (need for ongoing maintenance).
  - Investment will be required to address water pressure issues for any properties over 220m.
  - Development will need to contribute towards increased primary school provision in Darwen, and towards the creation of the Darwen East Distributor Corridor.

- The site adjoins the West Pennine Moors and development will be required to be designed so as to minimise the impact of development on the countryside and to enhance access to the countryside.
- Potential ecological impacts should be considered due to the greenfield nature of the site and proximity of the adjacent Biological Heritage Site.
- Completion of appropriate ground investigation works to establish the extent of any ground contamination and whether any mitigation measures are required; possibly due to previous mining activity.

3.5.7 Core Strategy Policy CS1 sets out the principle that development will be concentrated within the urban area, in which the site is located according to Policy 1 of the Local Plan Part 2.

3.5.8 As an allocated housing site, the principle of the current proposal is considered to be acceptable and in accordance with the provisions of the development plan in terms of delivering a high quality residential site within the urban area. This is subject to the more detailed considerations also being in accordance with adopted development plan policy and national guidance. Members are also referred to the recent Outline planning application for up to 110 dwellings on the application site, which was granted planning permission at the November 2015 Committee meeting, subject to the applicant entering into a S106 Agreement relating to off-site public open space provision, mitigation to public rights of way and off-site affordable housing provision. The S106 Agreement was completed and signed on the 14<sup>th</sup> September 2016 (ref: 10/15/0219). As such, the permission is still extant as the reserved matters application is required to be submitted two years from the date of decision ie. 14<sup>th</sup> September 2018.

### 3.5.9 Highways and Access

Core Strategy Policy 22: Accessibility Strategy and Local Plan Policy 10: Accessibility and Transport, aim to ensure that new developments provide appropriate provision for access, car parking and servicing so as to ensure the safe, efficient and convenient movement of all highway users is not prejudiced.

3.5.10 The proposal identifies two points of access off Cranberry Lane. The access to the north of the site will be accommodated following the demolition of no. 99 Cranberry Lane, whilst the southern access will be taken via an existing access into the field.

3.5.11 Parking provision for the development is in accordance with the Council's adopted parking standards; 2 spaces for 2/3 bed units and 3 spaces for 4+ bedroom properties for 83% of the site overall. The reduced figure is a result of the integral garages failing to provide the guideline dimensions within the

Council's adopted standards and have therefore been discounted. The viability assessment review has shown marginal value which would be further reduced if plots are removed in order to accommodate the guideline integral garages spaces. On balance and taking into account the NPPF's presumption of sustainable development, the proposed parking provision is considered to acceptable in order to secure the development of the site.

3.5.12 A detailed Transport Assessment (TA) was submitted in support of the application and subsequently superseded following comments from Highways colleagues. The revised assessment evaluates the existing transport and highways context of the site, access, parking and servicing conditions, trip generation and junction capacity. This allows an assessment as to whether the highways network has the capacity to accommodate the potential increases in traffic as a result of significant new residential development. The assessment takes account of all committed development around the site and forecast increases in transport movements associated with allocated development sites across the Borough. In accordance with the findings of the TA, the applicant is committed to a contribution of £276,000 towards off-site highway works, with this contribution being secured through a s106 planning agreement.

3.5.13 The applicant's revised TA concluded that;

- The proposed development will be accessed by safe and efficient vehicular access arrangements.
- The proposed development complies with local, regional and national planning policy.
- The proposed development benefits from being highly accessible on foot with the existing pedestrian footways providing access to a wide of range of services including Darwen town centre.
- The proposed development is accessible by bus and rail with services available in the vicinity of the site.
- The traffic impact assessment indicated that the proposed development would be able to be accommodated on, and will have a minimal impact on, the local highway network.
- In conclusion, the proposals will provide a sustainable development in transport terms and planning permission should be granted in accordance with the NPPF.

3.5.14 Capita Highways appraised the initial submission and updated assessment and requested contributions towards the following offsite works.

- Upgrade of bus stops on Cranberry Lane close to the development to provide access kerbs as a minimum and bus shelters where these can be safely accommodated within the adopted highway.

- Provision of a footpath connecting to the existing footpaths extending from Jacks Key Drive and Knowlesley Road be provided (where possible) to provide a convenient pedestrian/cycle link between the development and St Barnabas CofE Primary School and other amenities along the A666.
- Construction of a footway and localised widening along the frontage of the site on Cranberry Lane
- Pole Lane / Sough Road / Grimshaw Street junction is shown to be above capacity within the Traffic Impact Assessment and will inevitably be detrimentally impacted by the traffic generated by the development proposals. As such it is recommended that a contribution towards the DEDC improvement scheme at this junction be sought.

3.5.15 In response, and following subsequent dialogue with the developer, a contribution of £276,000 towards off-site provision of off-site highways works has been agreed. This will be actioned through the S 106 agreement with the £276K commuted sum, to be paid in the following instalments:

- £156K on completion of the 30<sup>th</sup> dwelling, or by 1<sup>st</sup> March 2019, whichever is earlier; and
- £120K on completion of the 60<sup>th</sup> dwelling, or by 1<sup>st</sup> March 2020, whichever is earlier.

3.5.16 In order to encourage the use of more sustainable modes of transport, a Travel Plan has also been submitted to support the application. This identifies a range of site specific measures, transport information packs to each property; Cycling and walking route information; and Monitoring and evaluation.

3.5.17 The site is crossed by 4 Public Rights of Way (PROW); FP207, FP208, FP211, and FP212 which will require route alterations. In response, and following subsequent dialogue with the developer, a contribution of £36,000 towards PROW works has been agreed. This will be actioned through the S 106 agreement.

3.5.14 A construction management plan will be required through application of a condition, setting out how the construction process will be managed to ensure that consideration is given to highway safety and residential amenity during the construction phase. The plan will include the following:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Erection and maintenance of security hoardings, including decorative displays for public viewing;
- Wheel washing type and location;
- Control of dust and dirt;
- Recycling and disposing of waste.

3.5.15 Overall, the scope of information submitted in support of the transport and highways aspects of the proposal illustrate an acceptable highways layout



and off-site highways works that will mitigate the likely impacts on the network. As such, subject to compliance with the aforementioned conditions, it is in accordance with the requirements of Policy 10 of the Local Plan Part 2.

### 3.5.16 Drainage

The site lies in Flood Zone 1, which is low risk on the Environment Agency's Flood Zone Map. However, as a result of the size of the proposed development and topography of the site a Flood Risk & Drainage Assessment has been submitted. This illustrates a proposal to incorporate a Sustainable Urban Drainage system (SuDS). The site is currently Greenfield, and therefore is not currently connected to a foul water sewer, the nearest foul sewer is however located on Cranberry Lane.

3.5.17 It is proposed to form a new storm water connection to the existing watercourse located to the northeast corner of the site. It is also proposed to form a new foul water connection into an existing United Utilities Public Foul Pumping Station located to the northeast corner of the site. The new connection will be limited to existing Greenfield run off rates, thus mimicking the existing runoff from the site, in accordance with the NPPF.

3.5.18 A new adoptable water drainage network will be constructed for the disposal of surface water flows from the residential development. A total allowable discharge rate for the site of 32.3 l/sec is proposed. Surface water attenuation will be provided on the site in the form of underground storage tanks which will ensure the majority of the surface water will be retained during the 1 in 100 year plus climate change events, swales and detention ponds will provide exceedance storage for rainfall events up to the 1 in 100 year plus climate change event.

3.5.19 The applicant's drainage consultant has asserted that by adhering to the drainage strategy outlined above, suitable drainage outfalls can be provided to cater for both the surface and foul water generated by the proposed development, subject to approval by the Lead Local Flood Authority and United Utilities respectively. Subject to detailed design, the surface water drainage principles will ensure that following redevelopment of the site, there will be no significant adverse impact on flood risk in the local area due to surface water runoff.

3.5.20 Both United Utilities and the Local Drainage Authority have scrutinised the proposed drainage details, and have confirmed that the drainage design, in principle, is acceptable, subject to the application of suitably worded conditions to ensure their effective construction and future management. Specifically those conditions will need to address;

- a) Details on how water quality will be maintained to existing standards.
- b) Full details of the detention basin/ pond, showing how the required storage volume will be achieved.
- c) Details showing that the side slopes to the basin/ pond will be a minimum of 1 in 3 with together with sufficient room for maintenance around the edge.
- d) Details showing the path of exceedance flows from the basin/pond.

e) Land Drainage Consent for the discharge to the watercourse will be required and the applicant is to contact the Lead Local Flood Authority to apply for the consent Reasons To ensure that the basin/ pond is designed in accordance with current best practice and does not increase the risk of flooding.

f) Maintenance/management of the sustainable drainage system to be secured

g) No dwelling shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the agreed details.

3.5.21 Subject to adherence to the principles within the drainage strategy and 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.

### 3.5.22 Design and Layout

Policy 11 of the Local Plan requires development to present a good standard of design, demonstrating an understanding of the wider context and make a positive contribution to the local area. The policy sets out a list of detailed design requirements relating to character, townscape, public realm, movement, sustainability, diversity, materials, colour and viability. This underpins the main principles of sustainable development contained in the NPPF.

3.5.23 Detailed Design and Access and Planning statements have been provided. They each set out the key design principles which are taken forward in the application proposals design response, reflecting the policy requirements include:

- Layout designed to provide sense of arrival from Cranberry Lane to both areas of the site
- Dwellings to face onto Cranberry Lane to retain existing character.
- Adequate separation distances with existing dwellings
- View provided out of the site at important vistas
- Road design and extent retained to a minimum within the site
- Existing landscape features incorporated into the proposed layout with green spaces throughout
- Houses orientated to view into the site and provide overlooking to public spaces.

3.5.24 The applicant's design team has placed an emphasis on a network of well-connected green spaces to assist assimilation and enhance the sites ecological value and for well-designed buildings that face the public realm, ensuring natural surveillance. The design also seeks to take advantage of the sites topography in responding to the identified benefit of views to/from the Green Belt land to the southern and western boundaries.

3.5.25 The proposed 138 units comprise 127 detached (92%) and 11 semi-detached (8%). The housing mix is weighted towards larger family housing with 3 and 4

bedroom properties accounting for all proposed dwellings. Policy 18 of the Local Plan Part 2 illustrates that the Council requires a detached and semi-detached housing offer to be the principal element of the dwelling mix on any site that is capable of accommodating such housing, and therefore the proposal meets this policy requirements of the Development Plan.

- 3.5.26 The proposed development provides a net residential density of a little under 11 dwellings per hectare, when considering the developable area of 7.4 hectares. The Site allocation 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 and as such, subject to a detailed consideration of matters of design and layout. Moreover, 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. It is, therefore, considered that the social and economic benefits of the development, including its contribution towards the boroughs housing obligations, outweigh potential concern regarding the number of units per hectare.
- 3.5.27 High quality landscaping is an important feature of this proposal. There are extensive buffer areas to the Southern boundary and public open space to the centre of the site. These will provide an attractive setting for the development and will serve to provide a distinct boundary with the Green Belt to the South. The application is accompanied by a Landscape proposal drawings and a long term management plan for the site post construction which will be conditioned to ensure the satisfactory appearance of the development.
- 3.5.28 The houses throughout the proposed development are standard house types for the developer, though have been specifically chosen for this site to help it assimilate with the context of the site. The properties have carefully considered internal layouts to offer a variety of configurations to appeal to families of varying sizes and needs. The house types represent an appropriate variety of styles and, together with their orientation, will create varied and attractive street scenes. Indicative external materials have been submitted but a full plot by plot assessment will be carried out through application of a condition to require prior approval of submitted materials.
- 3.5.29 Details of the proposed boundary treatments have been provided, alongside a detailed layout to illustrate the boundary treatments for each part of the site. Frontage and treatments within the site will include a mix of brick and stone walls with timber infills at key vistas with timber boarded fencing between the rears of properties.
- 3.5.30 Core Strategy Policy 20 and Policy 8 of LLP2 seek to reduce crime through effective design solutions. The scheme has been assessed by the Lancashire Police Architectural Liaison Officer. They have made a number of recommendations as part of their response including inter alia the use of 1.8 metre perimeter fencing; Adequate lighting; Natural surveillance of public spaces; Appropriate species and siting of landscaping ;Rear gardens to be

secured with 1.8m high close boarded fencing; Consideration towards alternative boundary treatments; External ground floor windows and doors to be PAS24/2012 certified; Central play area designed in accordance with Secured by Design guidance for 'Safer Play Areas'. Many of these matters sit outside the scope of development management, however a landscaping condition will be applied and the Lancashire Police will be consulted as part of the process to discharge the condition. The other matters could be attached as a series of informatives to the decision notice, as necessary.

3.5.31 The comprehensive details submitted illustrate a design and layout which show dwellings, infrastructure and landscaping which accords with the provisions of the relevant policies of the development plan.

### 3.5.32 Amenity Impact

Policy 8 of the LPP2 relates to the impact of development upon people. Importantly, at section (ii) of the policy there is a requirement for all new development to secure satisfactory levels of amenity for surrounding uses and future occupiers of the development itself. Reference is made to matters including; noise, vibration, odour, light, dust, privacy/overlooking and the relationship between buildings.

3.5.33 The Residential Design Guide SPD indicates an appropriate separation of 21 metres between facing windows of habitable rooms of two storey dwellings, unless an alternative approach is justified to the Council's satisfaction. Where windows of habitable rooms face a blank wall or a wall with only non-habitable rooms a separation of no less than 13.5 metres shall be maintained, again unless an alternative approach is justified to the Council's satisfaction.

3.5.34 Following assessment and receipt of an amended layout, the separation distances to the existing properties on the site's periphery are wholly compliant with the requirements of the SPD. Furthermore, between the proposed properties within the site the separation is also broadly in accordance with the Council's adopted standards, though the occasional marginal sub-standard interface exists.

3.5.35 An air quality screening assessment has been submitted, which considers the development's potential impacts on air quality particularly during construction and following the occupancy of the proposed dwellings. Although it is not a designated Air Quality Management Area (AQMA) the development does have the potential to increase in traffic at the nearest Air Quality Management Area (AQMA No.3 at Darwen town centre). In response to an initial appraisal of the air quality assessment by Public Protection, a revised assessment was submitted. The assessment report predicts the following outcomes:

- The results of the DMRB screening assessment conclude that all modelled future existing receptors are below the AQAL of 40 µg/m<sup>3</sup> for both NO<sub>2</sub> and PM<sub>10</sub>.

- The magnitude of the effects of changes in traffic flow as a result of the proposed development, with respect to NO<sub>2</sub> exposure is determined to be 'slight' to 'negligible'.
- The magnitude of the effects of changes in traffic flow as a result of the proposed development, with respect to PM<sub>10</sub> exposure, is determined to be 'negligible'.
- Although there is not predicted to be an exceedance of the AQO, the EPUK/IAQM Principles of Good Practice will be adhered to. The measures to be implemented are as follows;
  - The provision of at least 1 Electric Vehicle rapid charge point per 10 residential dwellings; and
  - Installed Worcester ErP Greenstar 24i boilers to be installed with an emissions rate of 32mg/NO<sub>x</sub>/kWh.

3.5.36 The Council's Public Protection Team has advised that the findings of the addendum report would require additional clarification to be considered representative. However, the overall impact of the development will be relatively small and the resulting increase in pollution levels will not be significant. As such, the application of appropriately worded conditions is recommended to ensure suitable mitigation; these conditions are identified in section 3.5.35 of the report.

3.5.37 Suggested conditions to safeguard the amenity of future occupants of the site and those existing residents in the area include standard land contamination conditions, historic mining conditions, hours of construction condition and a dust control condition.

3.5.38 Additional, minor mitigation measures relating to (i) the provision of external plug sockets to facilitate the use of electric vehicles (ii) maximum output levels from gas boilers within the development have also been requested as conditions. The applicant has put forward a schedule of properties that are to be provided which electric vehicles charging points, which can be controlled by condition as can the maximum output levels of gas boilers.

3.5.39 The overall impact of the proposed development is considered to accord with the provisions of the adopted and Local Plan Part 2 as any potential harm to amenity has been addressed or can be adequately controlled or mitigated through planning conditions.

#### 3.5.40 Ecology

Policy 9 of the LPP2 supports development where there is no unacceptable impact upon environmental assets, including habitats and protected species.

3.5.41 An extended phase 1 habitat survey and Protected Species Statement was submitted and fully appraised by Capita Ecology. It was found in part to be unacceptable with the comments summarised below:

- The Ecological Extended Phase 1 & Protected Species Survey report (August 2017), appears and remains to be a "draft version", therefore it

is not clear as this was for release and finalised before submission for planning purposes.

- The report fails to mention newly designated West Pennine Moorland SSSI which occurs approximately 1.4km at its closest boundary (updated November 2016), nor the applications sites location within the Impact Risk Zone (IRZ) for the designated site.
- The report makes no mention of its position within an ecological network and includes part of an identified Biological Heritage Site. A detailed ecological assessment will be required to inform scheme detailing and to demonstrate how any potential impact on biodiversity have been addressed in proposals submitted with a planning application.
- Therefore we find the report only provides sufficient information in providing a current ecological baseline for the site and are satisfied that protected species issues in conjunction with the submitted TEP bat survey report (Sept 2017) have been addressed only on site impacts,
- However the reports do not address impacts on local and nationally designated sites (pending consultation or agreements with Natural England in relation to the Statutory Designated Site).

3.5.42 In order to address the concerns raised by Capita Ecology the extended phase 1 habitat survey and Protected Species Statement has been supplemented by an addendum report and final copy versions of the original submissions. The addendum reports address issues relating to designated sites (WPM, SSSI0 and protected species including bats and badgers. The key findings include;

- The site falls outside of the IRZ for both the WPM and SSI
- Provided that the site development does not impact on the root protection zone of the adjacent BHS and is hydrologically isolated from the BHS with no run off waters entering the BHS then the only potential impacts relate to badger habitat, bat foraging routes and potential recreational pressures on Biological Heritage Site (Jacks Key).

3.5.43 Capita Ecology have fully appraised the submissions and conclude that the original reports and addendum sufficiently provide a baseline for any potential ecological issues and that there are no concerns in relation to ecology within the site and the impact of the development, subject to the use of planning conditions relating to working practices and mitigation measures identified in the Landscape Management Plan, landscape drawings, and Habitat report. Thus the overall impact of the proposed development is considered to accord with the provisions of Policy 9 of Local Plan Part 2.

#### 3.5.44 Affordable Housing

A Viability Assessment has been submitted suggesting that there is marginal viability within the development having regard to land value, market conditions, construction costs and agreed Section 106 commitments relating to offsite highway works and Public rights of Ways. Following appraisal of the assessment and subsequent dialogue with the developer, a contribution of

£138,000 towards off-site provision of affordable housing has been agreed, to be secured through Section 106. The commuted sum will be paid on completion of the 100<sup>th</sup> dwelling (or within 3 years of commencement, whichever is earlier). In accordance with Local Plan Policy 12, the Council must take into account the total contribution liability incurred by developments arising from all policy and site specific requirements. With this policy in mind, and in order to ensure that the development is allowed to remain viable and proceed, it's recommended that the Section 106 contribution should be adjusted as proposed.

#### 3.5.45 Summary:

This report assesses the full planning application for 138 dwellings on land to the west of Cranberry Lane, Darwen. In considering the proposal a wide range of material considerations have been taken in to account during the assessment of the planning application.

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

## 4 RECOMMENDATION

### 4.1 Approve subject to:

- (i) Delegated authority is given to the Director for Growth and Development to approve planning permission subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of a commuted sum of £450,000 towards: off-site highway improvements; contribution towards off-site affordable housing provision; and contribution towards Public Rights of Way alterations as set out below:

£276,000 commuted sum for off-site highway works, to be paid:

- £156K on completion of the 30th dwelling, or by 1st March 2019, whichever is earlier; and
- £120K on completion of the 60th dwelling, or by 1st March 2020, whichever is earlier.

£36,000 commuted sum for PROW works, to be paid on completion of the 60th dwelling, or by 1st March 2020, whichever is earlier.

£138,000 commuted sum for affordable housing, on completion of the 100th dwelling (or within 3 years of commencement, whichever is earlier).

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

(ii) Conditions which relate to the following matters:

- Commence within 3 years
- Materials to be submitted and implemented
- Siting and appearance of boundary treatment in accordance with submitted details
- Landscaping scheme, to be carried out in accordance with submitted details
- Development to be undertaken in accordance with Landscaping management and maintenance plan implemented
- S278 Grampian condition for off site highway works (see paragraph 3.5.14)
- sightlines clearance to be kept in perpetuity for all access points
- closure of highway where required
- Prior to the occupation of any of the dwellings hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.
- Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.
- Visibility splays to be protected
- Construction management plan to be submitted and implemented
- Water quality scheme to be submitted and agreed
- Drainage scheme to be submitted and implemented, including maintenance and management proposals
- Full details of the detention basin/ pond, showing appearance / storage volume / and exceedance flows
- Development not to be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details.
- Details of management and maintenance street to submitted and agreed
- Details of engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved
- Tree protection during construction
- No site clearance works outside bird nesting season without prior checks by Ecologist to establish no nesting birds are present.



- Development to be undertaken in accordance with the recommendations set out in Pennine Ecological Extended Phase 1 Habitat Survey Report and TYRER Partnership Bat Report (September 2017).
- Permitted development rights to be removed (Part 1, Classes A to E)
- Scheme to be agreed for installation and location of Bat and Bird boxes
- Travel Plan to be submitted and implemented following 50% of occupation or 6 months from first occupation of the site for a minimum of 5 years.
- Land contamination
- Historic coal mining investigation and submission of remediation strategy.
- Mine shaft remediation strategy to be submitted and agreed.
- Air quality mitigation; external car charging and boiler emission limitations
- Limitation of construction site works to:  
08:00 to 18:00 Mondays to Fridays  
09:00 to 13:00 Saturdays  
Not at all on Sundays and Bank Holidays
- Dust management plan to be carried out in accordance with submitted Environmental Management Plan.
- Archaeological investigation to be implemented in accordance with submitted written scheme of investigation produced by Wardell Armstrong

## **5 PLANNING HISTORY**

- 5.1 Outline planning permission for a residential development comprising up to 110 dwelling houses and associated open space, landscaping and new site access was granted in 2015 under application no. 10/15/0219, subject to the applicant entering into a S106 Agreement relating to off-site public open space and affordable housing contributions together with public right of way mitigation. The S106 was formally signed and completed on the 14<sup>th</sup> September 2016.
- 5.2 Pre-application enquiry reference: 7470 (June 2017), for proposed residential development. The pre-application enquiry received a favourable response.

## **6 CONSULTATIONS**

- 6.1 Arboricultural Officer  
No objection

- 6.2 Archaeological Advisory Service (Lancashire)

No objection subject to a condition on a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

- 6.3 Coal Authority

No objection subject conditions on:

- The undertaking of an appropriate scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works.

#### Mine Shaft – 370420-007

A condition should require prior to the commencement of development:

- The submission of a scheme of remedial works for the mine entry for approval;
- Implementation of those remedial works.

#### 6.4 Drainage Section

No objection subject to conditions to address the following matters;

- Further drainage design information and detail is required to be submitted and approved by the Local Authority prior to commencement, namely;
  - a) Details on how water quality will be maintained to existing standards.
  - b) Full details of the detention basin/ pond, showing how the required storage volume will be achieved.
  - c) Details showing that the side slopes to the basin/ pond will be a minimum of 1 in 3 with together with sufficient room for maintenance around the edge.
  - d) Details showing the path of exceedance flows from the basin/pond.
  - e) Land Drainage Consent for the discharge to the watercourse will be required and the applicant is to contact the Lead Local Flood Authority to apply for the consent Reasons To ensure that the basin/ pond is designed in accordance with current best practice and does not increase the risk of flooding.
  - f) Maintenance/management of the sustainable drainage system to be secured
  - g) No dwelling shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the agreed details.

#### 6.5 Education Section

No objection or request for commuted sum to education provision within the Borough.

#### 6.6 Environmental Services

No comments received.

#### 6.7 Public Protection

Recommendation conditions:

- Site working hours to be limited to between 8am-6pm (Monday-Friday) and 9am-1pm on Saturdays. No works on Sundays or Bank Holidays.

### 6.7.1 *Dust*

Recommended condition:

- A scheme employing best practicable means for the suppression of dust during the period of demolition/construction to be agreed/implemented.

### 6.7.2 *Air Quality*

Recommended condition:

- Provision of a dedicated electric vehicle charging point (external plug socket) at all dwellings and a restriction on emissions from gas boilers, to be secured by planning conditions.

### 6.7.3 *Contaminated Land*

Recommended condition:

- The applicant has submitted a desk study, though it is recommended that the Council's standard conditions for land contamination be applied should the scheme be supported.

### 6.8 Highways:

All contributions as requested remain for DEDEC (Sough Road/Grimshaw Street/Pole Lane junction) & PROW contribution

Conditions to be attached are as follows:

- S278 Grampian condition for off site highway works (see paragraph 3.5.14)
- sightlines clearance to be kept in perpetuity for all access points
- closure of highway where required
- Prior to the occupation of any of the dwellings hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.  
Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety.
- Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.  
Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving

the approved development; and to safeguard the visual amenities of the locality and users of the highway.

This is in addition to the standard conditions and informatives previously referred to.

6.9 Travel Planning Officer

Detailed comments were provided, welcoming the travel planning proposals and suggesting small amendments. A series of green travel planning initiatives were suggested, which are recommended for inclusion by condition.

6.10 Strategic Housing

The principle of residential dwelling and mix are acceptable in line with the Council's Local Plan. The proposal indicates a housing offer that will provide large family homes which would meet aspirational demand. The proposal also aligns to the Council's growth strategy.

The Housing Growth Team has no additional comments and would be supportive of the proposal subject to it meeting planning policy requirements and approval from Development Control.

In accordance with the Council's Affordable Homes Policy the developer will be required to provide 20% of the scheme for affordable housing. This can be on site, off site or through a S106 commuted sum payment.

We are supportive of new housing developments coming forward and will be willing to consider negotiating affordable homes provision/commuted sum requirement to support scheme viability.

6.11 Lancashire Constabulary

No objections, but recommended that the scheme should be developed to achieve 'Secured by Design' accreditation.

6.12 Environment Agency

Confirmed that no comment to be provided.

6.13 Capita Ecology

No objection. The extended phase 1 habitat survey and Protected Species Statement updated ecology report sufficiently provides for a baseline for assessment. No concerns in relation to ecology on the site, provided that the mitigation/management measures set out in the reports are implemented and adhered to throughout the development.

6.14 United Utilities

No objections, subject to conditions requiring separate foul and surface water systems, submission of a drainage scheme and details of maintenance/management of the sustainable drainage system; as required by the Local Flood Authority.

## 6.15 Public Consultation

Public consultation has taken place, with over 100 letters posted to neighbouring addresses – a process repeated on receipt of amended details. Site notices have been displayed and a press notice issued on the 24<sup>th</sup> November 2017. In response, 64 letters of objection have been received, a sample of representations can be found at section 9.0, with summary of the main areas of objection below

The application has attracted material planning objections in relation to:

- Highways: Access/traffic
- Visual Impact
- Privacy
- Ground conditions: Flooding
- Deficiencies in social facilities: Schools/doctors
- Planning History: Outline decision on the site
- Capacity of physical infrastructure, e.g. in the public drainage or water systems
- Ecological Impact
- Landscaping

In addition to the matters addressed previously in this report, local residents raised the following points [emphasised in italics with officer comments following];

- *No need for the development, which can be accommodated on brownfield sites elsewhere in the Borough.*

The borough's housing requirement was established when the Core Strategy was adopted in 2011, and subsequently the principle of housing development at the site was confirmed when the Local Plan Part 2 was adopted by the Council in December 2015, following examination by the Secretary of State.

- Loss of green spaces

The principle of housing development at the site was established when the Local Plan Part 2 was adopted by the Council in December 2015, following examination by the Secretary of State, including a sustainability appraisal.

- *Lack of places in local schools*

The Blackburn with Darwen Schools and Education Department were consulted. No objection was received or request for a commuted sum toward education provision was requested. Officers have therefore concluded that the application is acceptable in respect of available school places to accommodate the development.

- *Access to emergency stop taps located in the field*

The applicant has submitted amended plans to show a 5 metre access strip to the rear of No's 117-143 Cranberry Lane which will allow residents access to stop taps. The access strip will be maintained as part of the landscape management program for the site post construction.

- 7 **CONTACT OFFICER: Alec Hickey, Senior Planner - Development Management.**
- 8 **DATE PREPARED: January 29<sup>th</sup> 2017.**

## **9.0 SUMMARY OF REPRESENTATIONS**

### **Objection Ms A S Knowles – Martin, The Hollies, 143 Cranberry Lane, Darwen**

Dear Sir/ Madam

**Re: Full Planning Permission reference 10/17/1313 : Housing Development Cranberry Lane Darwen**

I am writing to formally object to the above application for the proposal to build 138 Houses on land west of cranberry Lane Darwen. My general objection is that the proposal is not complying with the already agreed outlining permission for the build of 110 houses on the site also the design submitted is not the one agreed in the outlining application, nor does the current application comply with the conditions imposed with the original outlining permission. ( letter of consent dated September 2016)

Specifically having read the documents submitted with the applicant I object to/ and refute the following findings/ statements.

1. Flood Risk Assessment:

The assessment submitted with the applicant is based on the calculations for 127 houses, not 138 as proposed. The assessment suggest that surface water can be discharged into the existing watercourse at Jack Keys.. this proposal was objected, to and refused as a suitable drainage plan in the outlining permission applicant by the Environment agency, who stated such a system would increase the risk of flooding in central and low level areas of Darwen . The conditions imposed in the outlining permission states that a suitable SUDS system needs to introduced, but the current assessment submitted, clearly states that the land for proposed development is not suitable for such a system. The system proposed will increase the risk of flood, and despite the calculations provided showing there is a low risk of flooding, in reality this is not the case as the field regularly holds a large amount of water and as demonstrated in early October 2017 Heavy rain fall over a 24hr period saturated the field and led to localised flooding of the Clough, the cellar of the old function room and the rear gardens of properties on Cranberry lane whose properties boarder the field. (Mine included).

Within the design aspect of the documents there is a proposal to raise the floors of the new houses by 1.5 metres to reduce the risk of flooding entering the new homes. However the local existing housing surrounding the field is already built on a lower than the field ( 143 is a metre drop between field surface and property surface) and water will run downhill and take the least

course of resistance, therefore the current proposal increase the likelihood of flooding of existing properties on the lane.

Finally in terms of the increase risk of flooding, the water currently absorbed by the field will dramatically be reduced by the current drainage proposal and therefore not only will the water run off onto existing properties but it will run off in to the existing road, which currently is subjected to flash flooding when there is heavy rainfall due to inadequate drainage. This causes damage to the road surface which is continuously been repaired for pot holes and already causes inconvenience and traffic issues in the area.

## 2. Traffic Assessment:

The traffic assessment with e current application is in part based on the traffic survey findings from July 2013, making the data over 4years out of date, since that time traffic on the lane alone has increased due to the opening of a restaurant (132 eatery) at the bottom of the lane and the dance academy which at times causes peak traffic and congestion issues. Traffic on the line is already a speed hot spot with the police having speed check signage in place in order to reduce the speed used by traffic on the lane which is excessive to the conditions of the road, single lane traffic , any increase in traffic flow on this lane would therefore increase the risk of RTCs.

On street parking which is necessary for the terraced properties makes the lane already impossible for heavy HGV and wide loads to go and down the lane without issue. Current bus services that use

## 3. Access points

Both access points submitted in the current proposal are the same as the ones stated in the original application for outlining planning permission, the demolition of existing houses (ironic and questionable as to the ethics of making people homeless), and the northern entrance to the site is proposed to be further up the lane between 143 and the Barn where there is currently access gate for farmland machinery into the field. This access point is on a single track lane which the proposal states it will widen, the access point will be the min requirement of 5.5mts wide and will come out onto a lane just after a blind summit which is outside the barn. Therefore there will be restricted view up the lane and increase risk of RTCs. The access point is also proposed to be positioned opposite the entrance to the stables, in effect creating a cross roads, both with restricted views, I do not think can possibly be complied with traffic regulations both access roads onto the lane at this point having restricted view. The northern access point and the design of plots between the access point and existing housing 143 and 70 Cranberry lane, will due to the lay out of the land create a bottle neck restricting visibly to existing home owners. The proposal for privacy fencing a tree boarders along the broader with 143 drives and along the lane to the front of the new plot will

restrict the visibility of the lane for those existing residents who need to exit their driveways, again increasing the risk of RTCS.

The design of the development does not allow traffic to flow through the development giving residents the options of 2 access points therefore the increase in traffic is specifically 54 homes ( 108 Cars for the bottom part of the development and 74( 158 cars) for the top access point. This access point cannot physically cope with such an increase in traffic flow without causing significant risk to pedestrians and existing road users.

#### 4. Infrastructure:

There is currently full planning permission for 2 housing developments on Pole Lane Darwen which is within ½ mile of the proposed site. These are for 238 homes again executive housing. Therefore it is established that most households in England have 2 cars per family that means the area is already going to see an increase in traffic in the area of 476 vehicles. In the outlining planning permission again a condition was imposed that no development was to take place on the site under the highways had improved the traffic infrastructure at the bottom of pole lane/ slough road/ Grimshaw street- the proposal was a roundabout, this however will ease traffic congestion in the area or be of any benefit to traffic that needs to exist the lane and travel over the railway bridge which has restricted access to one vehicle due to width and on street parking for existing residents in the area.

There is proposal to improve the highways with the implementation of the A666 bypass which will come out onto pole lane and traffic will flow to the previous mentioned junction with slough road / Grimshaw Street. The road infrastructure on pole lane / priory drive is not suitable for such an increase in traffic flow. Despite all the promises to improve the highways infrastructure in the area to facilitate such large housing developments, there are still only 2 routes to junction 4 M65 from the March House ward area of Darwen, the A66 or the back roads through Sudell and onto Eccles Hill. Both these routes are over used and this is clearly evident with long delays when one of the routes is restricted due to maintenance work, accidents or utility repairs. 1 ½ delay last week in reaching the Junction 4 M65 from Eccles Hill at peak traffic time.



In terms of available schooling for the additional 376 houses proposed for the Marsh House ward (238 already approved on pole lane) and 138 proposed in this application. There are no local primary schools with sufficient places available, both St Barnabas and Ashleigh primary are oversubscribed. Primary provision in the area would be outside the ward in Sudell or Holy Trinity, and these schools do not rate highly in Ofsted inspections, and therefore if you were buying an executive home do you want your children to go to underrated schools, or will these developments push out existing local residents placement opportunities for their children. If people wish to send their children to private primary education, this would require travelling out of town and therefore prove the traffic issues already highlighted.

There is only the provision of Academy high schools available in Darwen and anyone wishing to send their children to church schools or private secondary education again have to go out of town, there is currently a bus service provided for St Bedes school which is a double decker bus which uses the lane on a daily basis and proves the unsuitability of the lane for such transportation as it is unable to turn around without conducting an illegal maneuver of reversing into cranberry close with children

aboard, causing traffic obstruction and congestion. This is also true for the "regular" bus service the proposal suggests currently exists on the lane. The service is once an hour, but is not regular, the bus is a 24 seat mini bus, so hardly has the capacity to deal with 138 extra people wanting its service. So is hardly a sustainable solution to public transportation to accommodate 138 more houses.

Within a ½ mile radius the town of Darwen propose to accommodate an additional 376 families who will require the services of the NHS and dentist, Already Blackburn A& E cannot cope with the demand and it is currently impossible to sign as a New NHS dentist patient in the town, only private patients are being accepted. Again The services are capable for the such an immediate growth in population. BwD needs to start investing in Darwen before the development of extra housing. Again to access these services people will need to travel, bringing the issue of traffic back into play.

## 5. Design

As already stated in the opening paragraph of this objection letter, the proposed design submitted for full planning permission is not the same as the one approved for 110 houses. The design currently submitted was one of the original designs submitted by Bloor homes in 2015 which was objected to/ refused and in consultation with statutory bodies and local residents the final design was submitted as the most suitable. It grieves me to state that on this occasion the developers McDermott Homes nor their agent has had any consultation with local residents before submitting the application, and therefore the design submitted not only fails to comply with conditions imposed with the outlining planning permission but is also has maximum impact on the existing quality of life for local residents. The outlining planning permission imposed a conditions of giving the perception of open space when entering the site from the access points, the current design does not meet this requirement with a cluster of high density housing before there is open space proposed at the rear of the site which would only be of benefit to those living on the development.

The outlining permission had a condition that the development had to be in keeping with its current surrounding, however the design submitted has 2 storey building backing directly onto one storey bungalow structure, many of which are occupied by elderly and vulnerable residents. This design creates a large impact on the se residents in terms of privacy, and in order to solve the privacy issue the developers have proposed to surround existing properties that boarder with the development with high privacy fencing and trees. This will block light and to some access to their emergency water taps which are situated in the field. It will also not stop people in the 2<sup>nd</sup> storey building being able to look out of their windows and down into the rear gardens and rear living room windows of existing local residents. This issue of being overlooked to such a high impact is not in keeping with local residents ECHR- Right to private life and family life, as this could and should be designed out as it was in the original proposal agreed.

As previously mentioned under traffic and access the tree line boarder proposal will restrict visibly to the road for those residents living in the bun gallows when trying to exit their driveways. Also the issue of the damage tree roots could do to existing local properties with them being planted so close to the boarder of their properties and also the high impact the spread of such trees will have on intruding into existing properties and in particular for 143 there is only the required metre gap along the side of the house to the boarder of the property to allow access from the rear of the property to

the front of the house as required in fire regulations and my main concern is the growth and spread of trees along this boarder may restrict or prevent such access and who would be responsible for the maintain of such trees.

#### 6. Wildlife/ Well being

The documents submitted have failed to account for the current wildlife in the field and the over spill of wildlife from the Jack key development. Despite what is quoted in the documents submitted the field is used for the grazing of local cattle and sheep, and provides winter feed for local farming stock, and is therefore a significant contributor to the local farming community, especially now more green land is being subjected to housing developments. There is deer in the field and the field is a regular pathway for Deer going to and from The Jack Key development. There is a badger set at the end of the field near to the style into the jack key development, which the developers have not considered; there is a white barn owl that hunts on the field as it nests in the stables nearby. There are bats that regularly fly pass my window in the evening and obviously are nesting nearby and using the field as their hunting ground as does the falcon that nests in India Mill Chimney. The Field provides a rich are for the growth and sustainability of wildlife that has made Darwen such an attraction to Hikers, ramblers and provides a good source of health and wellbeing to local residents, who can play on the field, ball sports in the summer, weather permitting, cycle, dog walk and enjoy quality family time on the field. Removal of such wildlife and wellbeing facility for local residents would have such a disproportionate impact on the local community.

There are many others areas I could easily find inaccuracy with within the current applicant and there is a high level of noncompliance to the original conditions, but I do feel this letter is getting too long. So I urge BWD to reject the current proposal in its current format and force the developers to work with statutory bodies and the local residents to design a scheme that is sustainable, ethical, safe, and is workable without increasing the risk of harm to others, ensuring that there is low impact on existing elderly and vulnerable residents, and minimise the risk of flood to the local area.

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### Objection Mr & Mrs Bolan, 18 Cranberry Lane, Darwin

- Original outlining permission is for 110 houses and a different design to what is proposed – a completely different development and 28 additional houses
- New proposal does not address the conditions imposed with the outlining permission and therefore should be treated as a new proposal and rejected as was the original proposal by Bloor homes until the final design and numbers were agreed
- Risk of flooding – risk assessment is inaccurate and only based on 127 houses when this proposal is for 138 houses, conditions imposed with outlining planning permission was the introduction of a SUDS drainage system... this proposal does not meet this condition. The proposal wishes to run the surface water into existing watercourse at Jacks Key, This was strongly opposed in the original application by the EA as it increased the risk of pollution and localised flooding of the river Darwin
- Raising the house by 1.5 metres will encourage water to flow to the lower land which increases risk of flooding for local residents properties
- Raising the house by 1.5 metres will encourage water to flow to the lower land which increases risk of flooding for local residents properties
- Traffic assessment partly based on traffic survey conducted in 2013 – 4 years out of date...increase in traffic on Cranberry Lane since then with new eatery and dance school. Lane already had an issue with speed which police have put check point signs up to monitor as there is already a risk of accidents. The design does not let vehicles move through the development; therefore top access is only access for 74 houses and bottom access only available for proposed 54 houses causing increase in traffic at these points again and increase in risk of accidents as design is not for sweeping road junctions but min 5.5m junctions

- Infrastructure – there is already approved planning permission for 238 houses on Pole Lane, development of the A666 by pass will make the increase of traffic at bottom of Watery Lane/Causeway which current layout will not cope with
- Schools in area are oversubscribed. Only high school is the Academy. Church schools require bus service. The current bus service already commits an illegal manoeuvre of reversing into Cranberry Close as there is no designated turning point for the buses.. this increases the risk of vehicle collision and is not a long term sustainable solution
- Doctor/dentist local amenities already stretched and no local dentist is taking new patients
- Design – not complying with conditions of outline planning – no sense of open space on entering the site... open space is towards the rear of development and only of benefit for those on new development
- Design not in keeping with current housing – 2 storey detached backing onto 1 storey bungalows – high impact on current residents – lack of privacy breach of human rights – right to family life and privacy
- Design for high level privacy fencing and trees on border of development with current housing causing high impact on current residents
- No access to emergency water stop tap'..some of which are in the field outside the boundaries of their properties, also issue with tree roots from the development growing into local residents properties causing damage, issue of maintenance of trees on local residents side
- Wildlife – owls, deer's, bats and badgers all live or hunt on the field and it is a natural overflow for wildlife which is being encouraged on the wetland site at Jack Keys. Field supports local farming used as grazing land for cattle and sheep and provides winter food supply for local farm animals
- Condition for an archaeological site work to be conducted prior to any development which current proposal does not mention

- Brown land crees around Dower from fallen factories unused building land not used.
  - already had 2 years of heavy plating and down lane due to development of Jacks Key. Disturbance and vibration I personally have had a soot fall after vibrations.
- 

#### Objection Ms Sharon Gosling, 125 Cranberry Lane, Darwin

Further to receipt of your letter dated 6<sup>th</sup> November 2017, I would like to put forward the following objections to this planning application.

- The original outlining permission was/is for 110 houses. This new application has a different design completely and is also for an additional 28 houses. The plan was never open to consultation and came as a complete surprise when I received your letter. The new plan is using documents and research carried out for Bloor Homes and is now out of date and in my opinion should not be referenced in relation to this new application and that new research should be carried out in relation for example to infrastructure, flood risk, schools and general impact on the current housing.
- This new proposal is not addressing the conditions imposed with the outlining permission. This planning application should therefore be treated as a new proposal and rejected as was the original proposal from Bloor Homes. The final design and numbers should be open to public consultation and not a given.

- Although I have only lived in this property for 1 year I have become very aware of the condition of the field to the back of me. It has been “under-water” all year and as you will see from the photo below it is in fact a marshland. Reading through the “Risk of Flooding” document I feel this does not address the real situation. The document states at one point that the field was “dry”, however the top may be during a dry spell the lower area is always very wet and at the moment impassable. The field does in fact act as a sponge for heavy rain allowing water to flow at a more controlled rate into the River Darwen. I am concerned that should the field be built on this will no longer happen and the volume of water the River Darwen will be expected to cope with will cause flooding issues for properties at a lower level than us. Even without a build, during heavy periods of rainfall the Watery Lane area and bottom end area of Cranberry Lane suffer with flooding. The businesses at the bottom of the road were recently badly hit and the Dance School have had to have their sprung floor completely replaced.
- The Flood Risk document supplied with this application only addresses 127 houses and not the proposed 138 houses. Conditions imposed on the outlining planning permission was the introduction of a SUDS drainage system, however this application appears not to meet this condition.
- This application refers to running surface water into the existing watercourse at Jacks Key. This was strongly opposed in the original application by the Environment Agency as it increased the risk of pollution and localised flooding of the River Darwen.
- Raising the houses by 1.5 metres will encourage water to flow to the lower land which thus increases the risk of flooding for local residents properties.
- The traffic assessment is partly based on traffic surveys carried out in 2013. There have been many changes since 2013 including the opening of new businesses at the lower end of Cranberry Lane, one of these being a dance school and another eatery. Cranberry Lane and Watery Lane are already heavily congested with traffic and in the coming year this is likely to increase further as a result of the approved planning permission for 238 houses on Pole Lane.
- The proposed development does not allow for vehicles to move through the development. Instead the plan is to have two accesses, one for 74 houses and the other for 54 houses. Given the average household now have two cars the volume of traffic exiting these 5.5m junctions is dangerous. Cranberry Lane is already monitored by the police due to the high risk of accidents.

- The Cranberry Lane area can only be accessed via Cranberry Lane or by a narrow road which passes through Garden Village. Garden Village is congested due to on-street parking so the majority of traffic, should this plan be approved, will be exiting the area from Cranberry Lane. Sight lines at this junction are poor. To the South of the junction is a blind bend onto Watery Lane and to the North of the junction, heading to Sough Road, there is a narrow railway bridge. Vehicles parked on the road make this a difficult area to judge and frequently the traffic is reduced to one lane passing over at a time. With the Pole Lane development this bridge and the bottom of Pole Lane will become congested and an accident black spot. (The bottom of Pole Lane already has a bad reputation for traffic collisions)
- Enquiries at schools in the area have been that they are oversubscribed with children being turned away. The proposed development is for family housing so these children will not have a local school to attend. Darwen also only has the one high school and Church schools require a bus service. The current service has to reverse into Cranberry Close, which I consider very dangerous, however there is no turning circle for buses.
- Dentists and doctors have full lists and I have known people having to travel out the Borough in order to find an NHS Dentist.
- The proposed design of properties is large 2 storey houses. I live in a bungalow and the majority of properties overlooking this site are bungalows. The houses will overshadow our own properties taking away our right to privacy. The plan shows the gable end of a house to the back of my property which will put me into a sense of darkness. The proposed tree line is also of concern as the size the trees will grow to will put me in darkness year round. There is also no information on who will maintain these trees. I currently have a low level wall but the proposal is to install 6ft fencing which again will take light from my property. Also, the water main runs at the back of our properties and I am concerned I will not be able to reach the emergency shut off valve or indeed my water meter.

- Although there is an open space on the plan it is at the far end of the current field and only of benefit to those on the new development. I therefore believe that the design of the development is not complying with conditions of outline planning as there is no sense of open space on entering the site.
- One of the documents supplied with the application states that the land is not used for agricultural purposes and that there is no wildlife of significance. I can assure you that the land has been used for agricultural purposes for all the time I have lived here. We have cattle directly behind us and in the field to the North of me there are sheep. During the summer months the part of the field which is not marshland was frequently cut for hay and silage. With regards to wildlife I have seen evidence of badgers and regularly see deer, bats and owls.
- The previous application had the condition that archaeological site work was to be conducted prior to any development. The current proposal does not refer to this or indicate that it will be undertaken.

I hope the points above will be considered and I would strongly advise that the site be visited by those people engaged in making a decision as to whether or not this application should be approved. Services are already overstretched in the area and with the Pole Lane development going ahead this will not be eased.

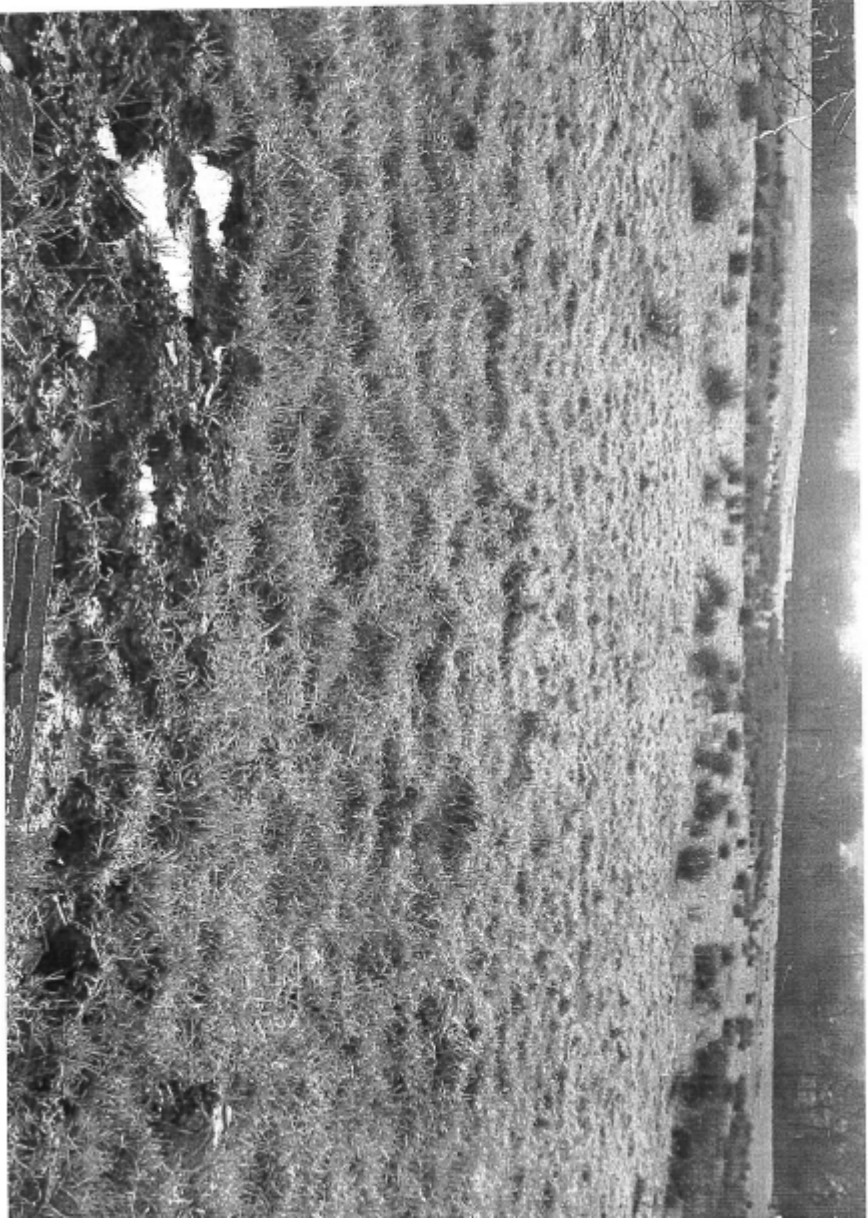
Last but not least, development was agreed in the centre of Darwen and this was only partially completed. The development has not been touched in a number of years as I understand the properties could not be sold. I would not like to think that a similar scenario was to occur here and that we would be left with half built properties and devastation for our wildlife.

I look forward to hearing from you.



Cuneiform level Back wall





Field / Marsh

## Objection Peter Brewer, 129 Cranberry Lane, Darwen

Re planning application ref 10/17/1313

Dear Mr Hickey.

I am writing to object to the planning application off Cranberry Lane Darwen.

Firstly I would like to object on a personal point of view.

I live in a true single storey bungalow which backs onto the field where the application has been submitted and If the planning for the proposed development goes ahead I will have two storey houses overlooking my property. I feel I will have privacy imposed on and the persistent noise from 138 houses will be unbearable.

I also have my water meter and emergency water stop tap situated in the field. How would I be able to access these?

Everyone knows when Darwen has heavy rainfall, areas of the town ie bottom of Watery Lane, Clough St, Grimshaw St, a long stretch of the A666 in the Avondale and Hollins Grove areas to name a few are notorious for flooding. Building a housing development such as this would greatly increase flood risk.

Cranberry Lane is hazardous as it is with traffic and 138 new houses probably with two or possibly three cars per house would have a massive impact on the area. Waiting to pull out from the bottom of Cranberry Lane is dangerous at times and more traffic would make it even worse. The small narrow bridge over the railway line close by wasn't designed to take the amount of traffic it has to deal with now. More cars will mean more accidents there, and at the bottom of pole lane.

There are brownfield and greenfield sites in and around Darwen which would be more suitable for building. The eyesore in town on the old Belgrave Mill site should be finished before any consideration is given to grant planning permission for new developments.

How would local amenities cope with the extra demand? Schools, doctors, dentists etc are already stretched to the limit.

A housing development of this size will have a devastating affect on wildlife in the area. Owls, deer, bats, badgers to name a few are regularly seen. What will happen these animals if their habitat is destroyed?

Yours faithfully.

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## Objection Denise Egan, 10 Cranberry Fold Court

I wish to object to the above planning application.

I understand that a previous application was granted but that was outline permission is for 110 houses and not 138 as now proposed.

The current application does not address the conditions imposed with the outlining permission and therefore should be treated as a new proposal and rejected. A new application outlining how the conditions are to be met, should be made by the applicant

1. I understand that this is land identified for housing, by the council, as there are many more suitable sites I find it shocking that those responsible for our town can even consider this land is suitable. There is a site abandoned by a builder, in the centre on Darwen which is an eyesore and should be developed before allowing urban sprawl.

2. The site is currently waterlogged, to the extent I am unable to walk across it from Cranberry Lane to Jack's Key. I live at the top of Cranberry Lane and water rushes down the lane in a river whenever we have rainfall. The site is at serious risk of flooding. The risk assessment done is inaccurate and based only on 127 houses when the application is for 138, conditions imposed with outlining planning permission was for the introduction of a SUDS drainage system, the new application does not meet this condition. The application wishes to run the surface water into an existing watercourse at Jack's Key. The Environment Agency strongly opposed the original application as it increased the risk of pollution and localised flooding of the river Darwen. The EA have recently completed extensive work at Jack's Key, surface water from the site should not be allowed to enter the existing water course. Also raising the new houses by 1.5 metres will encourage water to flow to the lower land which increases risk of flooding for local residents properties .

3. The traffic assessment, partly based on a traffic survey conducted in 2013, (4 yrs out of date.) is totally inadequate. There is increased traffic on Cranberry Lane since then as a new restaurant has opened directly opposite the bottom of Cranberry Lane, also a new dance school has opened in the units at the lower end of the lane which already causes hold ups and problems with parked vehicles at the times it is open. Cranberry Lane already has an issue with speeding vehicles, police have put check point signs up to monitor, as there is already a risk of accidents.

The design of the new development does not let vehicles move through the development therefore the top access is only access for 74 houses and the bottom access only available for proposed 54 houses causing increase traffic at these points again increases the risk of accidents as the design is not for sweeping road junctions but min 5:5m junctions.

The plan includes several houses with drives directly opening on to Cranberry Lane, this would be dangerous, the road is very narrow with a number of large vehicles using it on a regular basis. there is a dairy farm at the top of the lane and therefore milk tankers regularly come up and down the lane, as do horse boxes and other farm vehicles to the other farms at Cranberry Bottoms and to the moors.

The increase in traffic, if the new development was approved, would seriously impact the area, with the junction of Pole Lane and Sough Road already being an issue and queuing traffic at the junction of Watery Lane and the A666 at certain times of the day. The railway bridge near to the junction of Pole Lane and Sough Road is virtually single track and would be unable to cope.

There is already approved planning permission for 238 houses on Pole Lane, which will make the increase of traffic at bottom of lane onto Watery lane/ Causeway St untenable.

4. The application states there is a bus stop two minutes away, this is correct, but there is a VERY limited service with approximately 3 buses a day, none of which are in peak times and therefore would be useless for anyone travelling to and from work. The footpaths on Cranberry Lane are very narrow (not 2 metres as stated) and very uneven, hilly and difficult to navigate. The proposals state the houses would be convenient for commuters and people going to local services and residents could walk, there is no mention of the hill the site is on. Shops in the area are very limited, as stated above it is difficult to travel to the site from Darwen town or train station and is very hilly. Hardly anyone would walk, everyone would use their cars, Train services to Manchester/ Clitheroe are only one an hour for the majority of the day and generally only have two carriages so it is standing room only all the way to Manchester.

5. Schools in the area are oversubscribed, I know there are people who have moved into the area, to find they are unable to get their children into a local school. The only high school choice is Academies, unless children travel out of the area, similarly church schools require a bus journey A school bus which comes part way up Cranberry Lane causes delays and danger by reversing into Cranberry close, as there is no designated turning point for buses, this increases risk of vehicle collision and is not a long term sustainable solution.

6. Local doctors, dentist and other local amenities are already stretched and no local dentist is taking new patients. To demonstrate, I rang for a doctor's appointment on 23/11/17 and was given an appointment on 06/12/17.

7. The design of the new application does not comply with the conditions of the outline planning. There is no sense of open space on entering site, the only open space is towards rear of development and only of benefit for those on the new development. There should also be open space to the rear of the existing bungalows. There would be 2 storey detached houses backing on to single storey bungalows, this would have a huge impact on the current residents, resulting in an unreasonable lack of privacy. The design for high level privacy fencing and trees on the border of development and current housing would only be advantageous to the new houses as they are two stories. Further to this, back to back houses is bad planning with no sense of community with the existing homeowners

8. I also understand that the existing bungalows would have no access to their emergency water stop taps some of which are in the field outside the boundaries of their properties.

9. The plan does not address who would maintain the of trees on the side of the current properties.

10. Owls, buzzards, kestrel, deer, bats, and badgers all live or hunt on the field and it is a natural overspill for wildlife which is being encouraged on the wetland site at Jacks Key. It is also a wildlife corridor from Cranberry moor to Jack's Key and beyond.

Pennine ecological's report states there are record of badger 520metres south of the site and yet the map shows an active sett right next to the site, therefore the information Pennine have gathered is totally unreliable. Many local people have seen badgers on the proposed site. There has been a live badger sett identified within metres of the proposed site, (identified on the map) as badgers and their setts are protected and would not tolerate human intrusion so close the applicaiton should be refused.

*"Badgers are **protected** and so are the setts (burrows) they live in. Under the **Protection of Badgers Act 1992**, in England and Wales it is an offence to: Wilfully kill, injure or take a badger (or attempt to do so)."*

We should therefore protect their environment.

10. Finally there was a condition previously imposed for archeological site work to be conducted prior to any development which current proposal does not mention.

Due to all the above I ask you to reject the application.

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### Objection Malcolm Pemberton

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I wish to object to the proposed development ref 10/17/1313 on Cranberry Lane Darwen. I have read the Environmental Managment Plan and other documents which relates to this development and wish to highlight the following:

1. Access to the lower part of the development is stated that it will be accessed down a farm track which services Kirkhams Farm, whilst this is true it is also my vehicular access to my garage and also access to my garden via two sets of double gates and a single side gate leading from the track onto my driveway. With a potential/probable 116 cars accessing this route numerous times daily servicing an approximate 58 family homes, the impact on me, my family and home is extreme.
  1. Safe access to and from my home.
  2. Air & noise pollution affecting my already challenging health, due to COPD and Asthma and our quality of life, and enjoyment of my home.
  3. Damage and maintenance impact to my home due to vibrations from massive increase of traffic so close to my property wall during and after the build.

2. Original outlining permission is for 110 houses and a different design to what is now being proposed. a totally different development with an additional 28 properties.
3. The new proposal does not address the conditions imposed with the outlining permission and therefore should be treated as a new proposal and rejected as was the original proposal by Bloor Homes until the final design and numbers were agreed.
4. Risk of Flooding - the Roisk assessment is inaccurate and only based on 127 houses when this proposal is for 138 houses, conditions imposed with outlining planning permission was the introduction of a SUDS drainage system... This proposal does not meet this condition. The proposal wishes to run the surface water into existing watercourse at Jacks Key. This was strongly opposed in the original application by the Environmental Agency as it increased the risk of pollution and localised flooding of the river Darwen.
5. Raising the house by 1.5 metres will encourage water to flow to the lower land which increases risk of flooding for local residents' properties.
6. Traffic assessment partly based on traffic survey conducted in 2013 is FOUR YEARS out of date. Cranberry lane is already stretched to its limit with double parking, a dance/gym school and eatery at the bottom on Sough Road. Emergency and council vehicle access is already compromised at certain points due to double parking. The bus stop cannot be accessed by the buses due to parked cars (this is located directly opposite the proposed lower access route). There are already significant concerns regarding speeding cars and the Police have put up check point signs to monitor as there is already a significant risk of accidents. When the winter weather hits Cranberry Lane becomes a major issue with cars being abandoned and being parked as they cannot get off Cranberry Close, Cranfield View, Martin Drive, Springvale Garden Village, Tunnel and Greenfield Street. In addition at the bottom where Cranberry lane meets South Road and Watery lane. Add the extra potential 154 vehicles to this very small access point should be a major concern.

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7. The design does not allow vehicles to move through the development, the top access for 74 properties and the bottom access only available for the proposed 54 houses will cause massive increase in traffic at these points, increasing the risk of accidents in itself and significantly the design is for the junctions to be minimum 5.5m junctions and not sweeping junctions.
  8. Infrastructure - there is already approved planning permission for 238 houses on Pole Lane, development of the A666 by pass will make the increase of traffic at the bottom of Watery Lane/Causeway/South Road a situation the roadway cannot cope with. Plus the railway bridge, the number of accidents and near misses already occurring around the bridge and junction to Pole Lane this is without the by pass increased traffic and the agreed 238 houses.
  9. Schools in the area already oversubscribed. Only high School in the town is the Academy. Church schools require a bus service. The current bus service which comes up Cranberry Lane already commits illegal manoeuvres by reversing onto Cranberry Close and when it cant get up that far due to parked cars into Cumberland Close as there is no designated turning point for the buses. This increases the risk of vehicle and pedestrian collision and also as the buses regularly mount kerbs the damage to the footpaths and kerbs is a cost to the council. -
  10. Doctors/Dentist local services are already stretched with NO local dentists taking on new patients.
  11. The Design - is not complying with conditions of outline planning - no sense of open space on entering the site.... Open space is towards the rear of the development and only for the benefit of those on the new development.
  12. Design is not in keeping with current housing - 2 storey detached properties backing onto single storey bungalows - high impact on existing residents - lack of privacy, right to family life is a breach of human rights.
  13. Design shows areas of high level privacy fencing and trees along the border of the new development and existing properties. The impact of existing residents will be high. Trees height, maintenance and incursion onto existing properties by tree roots, overhanging branches, blocking of natural light and impact of seasonal growth etc i.e Autumn leaves, increased risk of injury to older and less mobile residents.
  14. Access for the Emergency stop taps for some properties will be unavailable as these are located in the field outside of their property boundaries.
  15. There is an abundance of wildlife in this area which includes: Owls, Deer, Bats, Badgers, Peregrine Falcons, Sparrow Hawks to mention a few. This area is a natural overspill for the wildlife which is being encouraged on the wetland site at Jacks Key.
  16. This proposal does not mention archaeological site work to be conducted prior to any development which the current proposal does not mention.
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Objection Dipthi Bryant, 11 Martin Drive, Darwen

**Cranberry Lane Development Reference Number 10/17/1313**

Dear Sir/Madam,

I am writing to you regarding the above application.

I moved up here 6 years ago from London, and chose this particular location due to the countryside aspects. I thought it would be a perfect location to bring up my family so they can grow up with plenty of greenery and be at one with nature due to the various forms of wildlife as well. I feel this development will have a detrimental effect on the lifestyle we have had so far.

Firstly, with the amount of water that comes from the higher fields, Kirkam's Farm soaks up a very high percentage of this water. If this development goes ahead, then all the excess will make its way to the River Darwen at the Clough, and the river will not be able to cope with this increase in water and will lead to flooding. We have already seen episodes of flooding in Darwen Town Centre, which has led to road closures and even subsidence of buildings.

Cranberry Lane is already a very busy road and two cars cannot pass on many parts of it. With 140 houses and at least another 300 cars using the lane, the road will simply not be able to cope with this extra load. The situation was bad enough when the tests were being carried out on the fields, large vehicles struggled to get up and down the lane, and the drivers were knocking on doors for people to move cars, they even had a large vehicle obstructing the lane for a few hours whilst they carried out tests and loaded/unloaded equipment, so, heaven forbid, if an emergency had occurred further up the lane, then the emergency services would have struggled to get through. Traffic is bad enough, especially at peak times and when the gym at the bottom of the lane is open, and with the new eatery, with cars parked on both sides, as well as trying to park or drive out. Building such a development where there is only one road to and from will simply lead to traffic chaos and accidents.

There is also a lack of amenities such as schools, health services and dentists to accommodate the increase in population, the people already living here have/are struggling to find these amenities.

Apparently, new houses are being built as there aren't enough houses in Darwen for the people living here, but some houses have been for sale for 2 years and still haven't sold, the majority of people in Darwen will not be able to afford these houses.

Also, there are mine shafts in the field, due to it being old mining land.

There is also the wildlife aspect, we often see wild deer running in the fields, even coming as far as our back wall. We also see and hear bats regularly, as well as owls and badgers. Building this development will have a huge negative impact on the nature and will lead to the death of all this wildlife.

There are plenty of Brownfield sites that should be built on first before using up our Greenfield sites, even then, Greenfield sites should only be used as a last resort.

We enjoy being in our garden with the vast fields and the lovely view and this development will make us overlooked and we will lose our privacy. It's very peaceful and enjoyable, but the development will make it noisy and unenjoyable.

The land is not suitable and the development is not suitable or fitting in with local surroundings, the field currently used as open space to facilitate the health and well being of local community and the proposed development will have a disproportionate impact on this.

For these reasons I strongly believe that this planning application should be not be allowed.

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