

# Public Document Pack

## Planning and Highways Committee

Thursday, 16th August, 2018

6.30 pm

Meeting Room A, Blackburn Town Hall

---

### AGENDA

1. Welcome and Apologies
2. Minutes of the Previous Meeting  
Minutes 12th July 2018 3 - 4
3. Declaration of Interest  
Declaration of Interest Form 5

### PLANNING MATTERS

- Material Considerations 6 - 7
4. Planning Applications  
Planning Application Summary 8 - 9
  - 4.1 Planning Application 10/18/0075 - Land at School Lane,  
Guide, Blackburn, BB1 2JX  
Planning Application 10-18-0075 Land at School Lane,  
Blackburn 10 - 36
  - 4.2 Planning Application 10/18/0183 - Wayoh Barn,  
Blackburn Road, Edgworth, Bolton, BL7 0PZ  
Planning Application 10-18-0183 Wayoh Barn, Edgworth 37 - 46
  - 4.3 Planning Application 10/18/0417 - The Arches, 581-583  
Preston Old Road, Blackburn, BB2 5HD  
Planning Application 10-18-0417 The Arches, Blackburn 47 - 69
  - 4.4 Planning Application 10/18/0581 - Blakewater Lodge  
Rest Home, Swallow Drive, Blackburn, BB1 6LE

	<b>Planning Application 10-18-0581 Blakewater Lodge Rest Home, Blackburn</b>	<b>70 - 74</b>
<b>4.5</b>	<b>Planning Application 10/18/0612 - Land at Bank Top / Redlam Brow, Blackburn</b>	
	<b>Planning Application 10-18-0612 Land at Bank Top, Blackburn</b>	<b>75 - 84</b>
<b>5.</b>	<b>Planning Service Performance - Processing Planning Applications</b>	
	<b>Planning Service Performance - Processing Planning Applications</b>	<b>85 - 96</b>
<b>6.</b>	<b>Petition - Display of a free standing advertisement on land at Whalley Old Road</b>	
	<b>Petition Report</b>	<b>97 - 102</b>
	<b>Delegated Decision Officer Report</b>	
	<b>Petition</b>	
<b>7.</b>	<b>Enforcement Report</b>	
	<b>ENFORCEMENT (ENF 304) - 23B RANDAL STREET, BLACKBURN, BB1 7HP</b>	<b>103 - 107</b>
	<b>ENFORCEMENT (ENF 304) – 23B RANDAL STREET, BLACKBURN, BB1 7HP premises image</b>	
	<b>ENFORCEMENT (ENF 304) – 23B RANDAL STREET, BLACKBURN, BB1 7HP Site plan</b>	
	<b>Update Report</b>	<b>108 - 110</b>

Date Published: Wednesday, 08 August 2018  
Harry Catherall, Chief Executive

## PLANNING AND HIGHWAYS COMMITTEE 12<sup>th</sup> JULY 2018

**PRESENT** – Councillors; Smith D (in the Chair), Akhtar H, Casey, Daley, Davies, Hardman, Jan-Virmani, Mahmood Q (substitute for Khonat), Oates, Richards, Riley and Slater Ja.

**OFFICERS** – Gavin Prescott (Development Manager), Rabia Saghir (Legal) and Wendy Bridson (Democratic Services).

### RESOLUTIONS

#### 9 Welcome and Apologies

The Chair welcomed everyone to the meeting. Apologies were received from Councillors Khan and Khonat.

#### 10 Minutes of the last Meeting held on 21<sup>st</sup> June 2018

**RESOLVED** – That the minutes of the last meeting held on 21<sup>st</sup> June 2018 include Councillor Brookfield as substitute for Councillor Oates.

The minutes were confirmed and signed as a correct record.

#### 11 Declarations of Interest

There were no Declarations of Interest received.

#### 12 Planning Applications

The Committee considered reports of the Director of Growth and Development detailing the planning applications listed overleaf.

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

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

<u>Applicati on No.</u>	<u>Applicant</u>	<u>Location and Description</u>	<u>Decision under Town and Country Planning Acts and Regulations</u>
10/18/0270	Mr John Wright – Places for People	Site address: Alaska Street Blackburn BB2 3AY  Proposed development: Full Planning Application for development of 73 dwellings	Approved subject to the conditions outlined in the Director's Report and the Update Report.

		with associated car parking and landscaping.	
10/18/0470	Blackburn With Darwen Borough Council	<p>Site address: College Field behind Blackburn Northern Ramsgreave Avenue Blackburn BB1 8NA</p> <p>Proposed development: Full Planning Application (Regulation 4) for Full Planning Permission for Installation of 3.030 metre high ball stopping netting along the South Eastern boundary.</p>	Deferred to enable negotiations with Director of Environment & Leisure Department.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed

## DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

**Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.**

**Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.**

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)

## Material Consideration

**“Material Considerations”** are not limited to matters relating to amenity and can cover a range of considerations, in regard to public or private interests, provided that there is some relationship to the use and development of land.

Where it is decided that a consideration is material to the determination of a planning application the courts have held that the assessment of weight is a matter for planning judgement by the planning authority, rather than the court. Materiality is a matter of law for the Court, weight is for the decision maker. Accordingly it is for the Committee to assess the weight to be attached to each material consideration, but if a Council does not take account of a material consideration or takes account of an immaterial consideration then the decision is vulnerable to challenge in the courts.

By section 38(6) of the Planning & Compensation Act 2004 Act every planning decision must be taken in accordance with the development plan (taken as a whole) **unless material considerations indicate otherwise**. The policies and guidance contained in the hierarchy of planning documents are important material considerations and the starting point for the Committee in its assessment of development proposals and most decisions are usually taken in line with them.

However, the Committee is legally obliged to consider all material matters in determining a planning application and this means that some decisions will not follow published policy or guidance. In other words, the Committee may occasionally depart from published policy when it considers this is outweighed by other factors and can be justified in the circumstances of the particular case. Similarly, in making a decision where there are competing priorities and policies the Committee must exercise its judgement in determining the balance of considerations

The following provides a broad guide of what may and may not be material, though as with any broad guidance there will on occasions be exceptions

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

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

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

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

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

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

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

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

#### Reasons for Decision

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

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



## BwD Council - Development Control

General Reporting

REPORT NAME: *Committee Agenda.*

### REPORT OF THE DIRECTOR OF GROWTH & DEVELOPMENT

#### LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND PAPERS

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

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

#### PLANNING APPLICATIONS FOR DETERMINATION Date: 16/08/2018

Application No	Applicant	Site Address	Ward
----------------	-----------	--------------	------

10/18/0075	Wainhomes (North West) Ltd & Bowsall Ltd C/O Agent	Land at School Lane Guide Blackburn BB1 2JX	Queens Park
------------	---	--	-------------

Full Planning Application for Full application for 45 dwellings with associated new access, landscaping and parking and associated works.

#### RECOMMENDATION: Permits

10/18/0183	Mr & Mrs J Czutkwona Wayoh Barn Blackburn Road Edgworth Bolton BL7 0PZ	Wayoh Barn Blackburn Road Edgworth Bolton BL7 0PZ	North Turton With Tockholes West Pennine
------------	---	---	---

Outline Planning Application for Outline planning permission for demolition of existing building and residential development of up to 5no. dwellings and site access, with all other matters reserved.

#### RECOMMENDATION: Permits

10/18/0417	Mr Simeon Stuttard 581-583 Preston Old Road Blackburn BB2 5HD	The Arches 581-583 Preston Old Road Blackburn BB2 5HD	Livesey With Pleasington
------------	--	--	--------------------------

Full Planning Application (Retrospective) for Retrospective change of use from A1 convenience store to A3 cafe-restaurant

#### RECOMMENDATION: Permits



Application No	Applicant	Site Address	Ward
----------------	-----------	--------------	------

**Application Type**

10/18/0581

Blackburn with Darwen Borough Council Old Town Hall King William Street Blackburn BB1 7DY	Blakewater Lodge Rest Home Swallow Drive Blackburn BB1 6LE	Blackburn Central
---	---	-------------------

Prior Notification - Demolition (Regulation 4) for Demolition of former rest home

---

**RECOMMENDATION: Prior Approval is not required**

---

10/18/0612

Blackburn With Darwen Borough Council Growth Team Town Hall Blackburn BB1 7DY	Land at Bank Top/Redlam brow Blackburn	Blackburn Central Mill Hill & Moorgate
---	---	---

Full Planning Application (Regulation 4) for Demolition of former Griffin Public House, No.s 35-41 Stansfield Street and No.s 12-24 Hancock Street, site enabling works and other associated works

---

**RECOMMENDATION: Permits**

---

**REPORT OF THE DIRECTOR**

**Plan No: 10/18/0075**

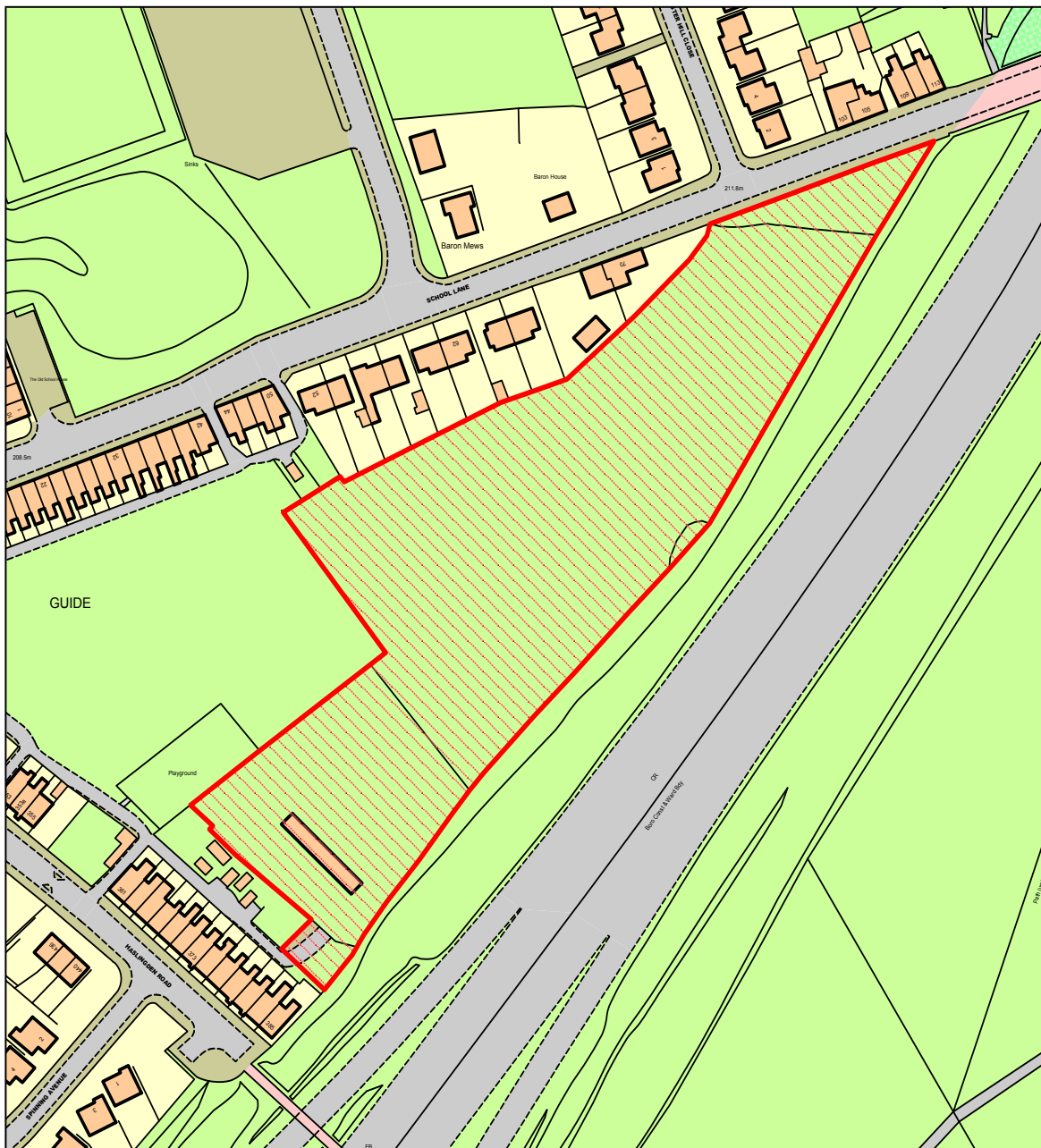
**Proposed development: Full Planning Application for Full application for 45 dwellings with associated new access, landscaping and parking and associated works.**

**Site address: Land at School Lane, Guide, Blackburn, BB1 2JX**

**Applicant: Wainhomes (North West) Ltd & Bowsall Ltd**

**Ward: Blackburn South East**

**Councillor Andy Kay  
Councillor Vicky McGurk  
Councillor Jim Shorrocks**



## **1.0 SUMMARY OF RECOMMENDATION**

1.1 APPROVE – Subject to recommended conditions (see paragraph 4.0).

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

2.1 The Council is currently unable to identify a five year housing land supply. It follows that the principle of the residential development on the site cannot be resisted as the proposal has demonstrated compliance with the principles of sustainable development. The proposal will deliver a high quality housing scheme 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. 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 is an area of undeveloped land situated on the south east edge of the Blackburn conurbation, within Guide. The site measures approximately 1.6 hectares, it is irregular in shape, both tapering and gently falling from west to east. The land is identified as an area of Green Infrastructure within the adopted Local Plan Part 2.

3.1.2 The application site is bounded to the southeast by the M65 motorway corridor. The southwestern and northern boundaries are predominantly formed by residential properties, with a range of house types, form and materials. The northwest corner of the site is bounded by a small play park, commonly referred to as Guide Play Area. The site has an existing field access linking to School Lane.

3.1.3 The site is well served by public transport, with bus stops on School Lane and Haslingden Road within a 400m walking distance. Regular bus services provide links to Rawtenstall, Haslingden, Belthorn and Blackburn. The site is also accessible to a range local facilities, including schools, retail, leisure, whilst major employment sites including the Royal Blackburn teaching Hospital, Walker Park and Shadsworth Industrial Estate are located within 2km of the site.

### **3.2 Proposed Development**

3.2.1 The proposal is a full planning application for the erection of 45 dwellings with associated new access, landscaping, parking and associated works.

3.2.2 The proposed development provides a net density of approximately 30 units per hectare, when considering the developable area of 1.49 hectares. The 45 units comprise of; 31no 4 bedroom detached houses and 11no. 3 bedroom semi-detached house. The properties have a modern appearance, with the units fronting School Lane being constructed with artstone facing materials

and those further in to the site being of red brick construction. All units will have grey concrete tile roofing.

- 3.2.3 The development will be served by a new vehicular and pedestrian access on to School Lane, which is to be positioned circa 45m to the east of the existing no.70 School Lane. The development includes landscaping throughout and provides for a 1.5m buffer zone between rear gardens and the edge of the motorway embankment on the south east boundary. Dwellings abutting the motorway corridor area will have a 3m high acoustic fence. Elsewhere the standard garden treatment will be 1.8 close boarded fencing, though gardens fronting the internal roads will be constructed with 1.8m brick walls, with timber infill panels.

### **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

#### **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 18 – Housing Mix
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development

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

#### **3.4.1 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.

#### 3.4.2 National Planning Policy Framework (NPPF) – 2018:

3.4.3 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 11 of the Framework explains that for decision taking, this means approving development proposals that accord with the development plan without delay. Section 5 of the Framework relates to delivering a wide choice of high quality homes, and Section 8 relates to promoting healthy communities.

3.4.4 The Framework places a requirement on Council’s to provide five years’ worth of housing against their housing requirements (paragraph 11 (d)). Applications involving the provision of housing, where there is a situation of local planning authorities not being able to demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73), the policies which are most important for determining the applications are then out of date. In such instances, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

### 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;
- Design and Layout;
- Amenity impact;
- Drainage; and
- Affordable housing.

#### 3.5.2 Principle

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.

3.5.3 The application site comprises an area designated as Green Infrastructure within the adopted Blackburn with Darwen Borough Local Plan Part 2 (LPP2). Policy 9 (part 5) of the LPP2 advises that development involving the partial or complete loss of green infrastructure will not be supported unless one of a number of criteria are met; (i) The development can be accommodated without loss of the function of the open space (ii) The impact can be mitigated

or compensated through the direct provision of new or improved green infrastructure elsewhere, or through financial contribution to enable this to occur; and (iii) The need for or benefits arising from the development demonstrably outweigh the harm caused, and the harm has been mitigated or compensated so far as is reasonable.

3.5.4 The Council's inability to currently demonstrate a five year supply of housing forms the basis of an argument in terms of meeting criterion (5)(iii) of Policy 9, in that the proposal will contribute towards meeting the identified shortage. That position is supplemented by the position set out in the Framework. In the event that the five year supply, plus appropriate buffer, cannot be demonstrated planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies (paragraph 11 (d)).

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.

### 3.6 Highways and Access

3.6.1 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.

3.6.2 The proposal identifies a single vehicular and pedestrian access on to School Lane, positioned approximately 70m to the east of no.70. In addition the two new dwellings that are to front School Lane will also have private driveway accesses linking to the carriageway

3.6.3 Parking provision for the development in accordance with the Council's adopted parking standards; 2 spaces for 2/3 bed units and 3 spaces for 4+ bedroom properties. Furthermore the driveway parking spaces are all compliant with the adopted space requirements of 5.5m x 2.4m. A number of the detached garages fail to meet the adopted internal parking standard of 3m x 6m; though that issue can be satisfactorily addressed via planning condition

3.6.4 A Transport Statement (TS) was submitted in support of the application which evaluated 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; and whether there would be any detriment to highway safety. The TS concluded that;

- It has been demonstrated that access to sustainable transport infrastructure from the site is good with a regular bus service, and excellent cycle and pedestrian facilities to a wide range of facilities.

- The highway network in the vicinity of the site operates within capacity and that there are no existing safety issues.
- The proposed development is predicted to generate modest levels of vehicular traffic in both the morning and evening peak hour periods which would not have a material impact on the adjacent highway network.
- The development proposals will be accessed via a new priority junction from School Lane which will incorporate new footways to link with the existing footways on the southern side of School Lane. A second access for non-motorised users will also be provided via the existing play area to the west of the site and provide convenient access to pedestrian, cycle and public transport infrastructure for residents and visitors of the site.
- Overall, our investigations have confirmed that there are no transport reasons to resist the grant of planning permission.

3.6.5 Highways Colleagues appraised the submission and whilst no objection is offered in principle there has been a request that the development provides for improved pedestrian crossing facilities and speed reduction measures on School Lane. The precise details of the position and design of the crossing and speed reduction measures have yet to be agreed. Notwithstanding, the applicant has been receptive to this request and as part of the negotiated s106 agreement there is now a contribution of £36,000 towards the provision of these items.

3.6.6 The Council's Highway Team have also set out a series of conditions required in order to support the proposal;

(1) 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.
- Phasing of the development

(2) 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.

(3) 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.

(4) Sightlines at vehicular access points to be safeguarded in perpetuity

3.6.5 In addition Highways England have requested a series of conditions to safeguard the Strategic Road Network, full details of which are set out at section 6.1.7 of this report

3.6.6 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.

### 3.7 Design and Layout

3.7.1 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.

3.7.2 The proposed development provides a net density of approximately 30 units per hectare, when considering the developable area of 1.49 hectares. The 45 units comprise of; 31no 4 bedroom detached houses and 11no. 3 bedroom semi-detached house. The properties have a modern appearance, with the units fronting School Lane being constructed with artstone facing materials and those further in to the site being of red brick construction. All units will have grey concrete tile roofing.

3.7.3 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. Given the intended mix the proposal is wholly compliant with this requirement

3.7.4 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. Basic details of the external materials have been submitted but it is still considered to be necessary to impose the Council's condition to require prior approval of submitted materials.



3.7.5 Details of the proposed boundary treatments have been provided, alongside a detailed layout to illustrate the boundary treatments for each part of the site. Front gardens are commonly open plan, with the noted exception of the two units fronting School Lane, which will utilise the existing, attractive, stone boundary wall. The standard rear garden treatment will be a 1.8m close boarded fence, but for those sections that flank the estate road the boundaries will be formed by 1.8m brick walls and piers, with timber infills. The properties backing on to the motorway corridor will have a 3m high timber acoustic fence – in response to the requested conditions set out by Highways England, whom are a statutory consultee, further details of the design and construction of that fence will be required. In addition Highways England have also requested a further condition requiring the boundary with the motorway embankment – which is separated from the acoustic fence by 1.5m – be secured by a 2m timber fence, again the details of which are to be agreed

3.7.6 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.

### 3.8 Amenity Impact

3.8.1 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.

3.8.2 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. The development is consistent with these requirements, both in relation to the relationship to properties within the site and those on the periphery.

3.8.3 The site's relationship with the M65 motorway corridor offers the greatest threat to residential amenity due to excessive noise levels. In order to mitigate the impact the submission details the provision of a 3m high acoustic fence to the edge of the plots on the southeast boundary. Notwithstanding the fact Highways England have sought further details on the construction of the fence, the Council's Public Protection team are broadly satisfied that the fence. Advising that allied to mechanical ventilation to dwellings, the scheme will provide for an acceptable level of amenity for future residents. However, concerns are raised in relation to the future maintenance of the barrier. The provision of a maintenance strip between the barrier and the motorway barrier, as detailed on the amended site layout received 24<sup>th</sup> May 2018, has partly addressed those concerns, though It is suggested that if the responsibility to maintain the structure falls on the individual home owners – as the applicant has suggested will occur – there is potential for the structure

to lose its effectiveness as an acoustic mitigation measure. This matter will be further addressed in the update report produced before the Committee meeting.

3.8.4 Otherwise the Council's Public Protection Team has reviewed the application and offers no objection to the development subject to conditions to safeguard the amenity of future occupants of the site and those existing residents in the area. These conditions relate to land contamination; control on working hours (08:00 to 18:00 Mondays to Fridays, 09:00 to 13:00 Saturdays, Not at all on Sundays and Bank Holidays); scheme for provision of acoustic glazing and mechanical ventilation of dwellings; and the provision of electric charging points and gas boiler emissions to safeguard air quality.

3.8.5 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.

### 3.9 Drainage and Flood Risk

3.9.1 Policy 9 sets out that development will be required to demonstrate that it will not be at an unacceptable risk of flooding and impact on environmental assets or interests, including habitats, species and trees.

3.9.2 The application has been supplemented by a Flood Risk Assessment (FRA) that concludes;

- There is no record of historic flooding on-site;
- The site is located within an area designated as Flood Zone 1. As a result the risk to the proposed development is considered to be very low from both fluvial and tidal sources;
- Flood risk from surface water is considered very low across the majority of the site. However, there is a low to high risk area which represents a low area in the north. Surface water from this area is shown to flow overland to the north between residential properties. As this localised low area will be levelled, it is likely that the risk from surface water to others will be improved as a result of the development;
- On-site investigations on-site show that minor Groundwater seepage was encountered at a minimum depth of 1.5mbgl. This is likely to be perched water as a resting Groundwater table was not observed to depths of 5m. As a result, the risk of Groundwater emergence on-site is considered low.;
- There are no public sewer systems on-site. There are public sewers systems surrounding the site, within highways. All of these sewers are at a lower position than the adjacent site except a 300mm diameter combined sewer located within School Lane, adjacent to the existing site entrance. However, the risk of this sewer surcharging is considered low as it has a relatively small catchment and is at a more than 4.5m depth;

- The site is not at risk from reservoir flooding;
- There are no Canal & River Trust assets within the study area and therefore the site is not at risk from this source;
- The risk of artificial sources blocking is considered low as there are no known culverts located on-site;
- As safe pedestrian and vehicular access, to and from the development, will be achievable under all conditions, a formal evacuation plan is not required;
- Following the SuDS Hierarchy infiltration based drainage should first be assessed. Due to the underlying ground conditions, it is unlikely that infiltration is a feasible option for the discharge of surface water. As a result, an alternative has been investigated. The nearest watercourse is not accessible due to the crossing of the M65 motorway; whereas the nearest watercourse west of the highway is located approximately 485m northeast of the proposed site. As the land between the site and the watercourse is under third party land ownership, it is not considered a feasible option. As a result the 300mm diameter combined sewer located to the northeast of the site is considered the most appropriate outfall option.
- Discharge into this system has been agreed with United Utilities and should not exceed the pre-development QBar Greenfield Runoff Rates;

Overall, taking into account the above points, the development of the site should not be precluded on flood risk grounds as the development will not be at risk from existing sources (provided flow paths and sufficient attenuation is provided) will not result in an increase in flooding downstream.

3.9.3 Following a review of the application, no objection has been offered by United Utilities or the Lead Local Flood Authority; subject to the application of conditions to ensure implementation of the drainage scheme detailed in the FRA and a scheme for the future maintenance and management of surface water drainage to be agreed

### 3.10 Affordable Housing

3.10.1 Core Strategy Policy CS8 advises that all new residential development will be required to contribute towards the Borough's identified need for affordable housing; this being achieved through on-site provision, or through a financial contribution towards off-site delivery. The overall target for affordable housing is set at 20%

3.10.2 Local Plan Policy 12: Developer Contributions, which accords with the NPPF, indicates that where request for financial contributions are made the Council should be mindful of the total contribution liability incurred by developers. The applicant has indicated their desire for off-site provision, and submitted a viability report that has been independently appraised. The outcome of which is that it is accepted that due to the other liabilities on the site there is not

adequate room to provide in accordance with the 205 threshold. Instead a contribution of £106,230 has been agreed towards off-site provision.

### 3.11 Summary

3.11.1 This report assesses the full planning application for 45 dwellings on a parcel of undeveloped land, accessed from School lane, Guide, Blackburn. In considering the proposal a wide range of material considerations have been taken in to account during the assessment of the planning application

3.11.2 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.

## 4.0 **RECOMMENDATION: Approve subject to**

**(i) That delegated authority is given to the Head of Service for Planning to approve planning permission subject to an agreement under Section 106 of the Town and Country Planning Act 1990, relating to the payment of financial contributions which relate to the following matters:**

- (a) £36,000 as a contribution towards off-site highway works, for a pelican crossing and speed reduction measures on School Lane, payable prior to commencement of development
- (b) £63,270 as a contribution towards off-site green infrastructure, for improvements to Guide Play Area, payable prior to commencement of development
- (c) £96,230 as a contribution towards the provision of Affordable Housing in the Borough, payable in 2 instalments (£40,000 on completion of the 20<sup>th</sup> dwelling and £56,230 on completion of the 35<sup>th</sup> dwelling); and
- (d) £4,500 as a contribution towards sustainable transport initiatives including annual travel surveys of the site, payable on completion of the 20<sup>th</sup> dwelling

Should the s106 agreement not be completed within 6 months of the date of this resolution, the Head of Service for Planning will have delegated powers to refuse the application

**(ii) Conditions relating to the following matters**

- Commence within 3 years
- Approved details/drawings
- Materials to be submitted and implemented
- Sightlines clearance to be kept in perpetuity for all access points
- Construction management plan to be submitted and implemented
- 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.
- Scheme detailing detached garages with a minimum internal dimension of 3m x 6m per vehicle to be agreed.
- Permitted development rights to be removed (Part 1, Classes A to E)
- Land contamination
- 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.
- A scheme employing best practicable means for the suppression of dust during the period of construction to be agreed/implemented.
- A scheme detailing the provision of acoustic glazing and mechanical extraction ventilation or positive input ventilation system for all dwellings to be agreed.
- No vegetation removal during bird nesting season (Mar to Aug) unless absence of bird nests established by suitably qualified ecologist.
- Development to be undertaken in accordance with recommendations set out in section 5 of the submitted Ecological Survey and Assessment
- Drainage to be undertaken in accordance with the submitted Flood Risk Assessment report
- Scheme for management and maintenance of the surface water drainage to be agreed
- No development shall commence until the design and layout of all boundary design features between the site and the M65 motorway (including but not limited to planting, fencing and retaining walls) together with working method statements have been agreed with Highways England in conjunction with the local planning authority.
- No works pursuant to this application shall begin on site until such time as the design, materials and construction methods to be adopted for the proposed acoustic barrier and earth bund have been subject to the full requirements of the Design Manual for Roads and Bridges standard BD2/12 'Highway Structures: Approval Procedures and General Design Approval Procedures', have been given Technical Approval by a competent and independent Technical Approval Authority appointed by the applicant and that this technical Approval has been agreed in writing with Highways England.
- There shall be no direct vehicular or pedestrian access of any kind between the site and the M65 motorway. To this end, a close-boarded fence or similar barrier of not less than 2 metres high shall be erected along the boundary of the site and the M6 motorway that has been

agreed with and constructed to the satisfaction of Highways England and the Local Planning Authority. Any fence or barrier shall be erected a minimum of one metre behind the existing motorway boundary fences on the developer's land and be independent of the existing motorway fence.

- There shall be no development on or adjacent to any motorway embankment that shall put any embankment or earthworks at risk.
- There shall be no earthworks within one metre of the M65 eastbound motorway boundary fence.
- No drainage from the proposed development shall run off into the motorway drainage system, nor shall any drainage adversely affect the motorway embankment.
- No works relating to the construction of the facility shall require any temporary closure to traffic of the M65 motorway.
- Access to the site for the purposes of maintaining the existing motorway boundary fence, embankment and motorway boundary landscape planting shall not be withheld to Highways England and its representatives.
- No construction works associated with this planning application shall be carried out on land in the ownership of the Highways England Company Limited under Title LA723383.

## **5.0 PLANNING HISTORY**

5.1 There is no relevant planning history for the site.

## **6.0 CONSULTATIONS**

### 6.1.1 Drainage Section

No objection subject to submission of a scheme for foul and surface water drainage

### 6.1.2 Education Section

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

### 6.1.3 Environmental Services

No objection.

### 6.1.4 Public Protection

Initial concerns regarding the acoustic barrier treatment and the ability to maintain the structure have, in part, been addressed through the amended layout submitted 24<sup>th</sup> May 2018, that provides for a maintenance strip between the proposed acoustic barrier and the motorway boundary

No objections subject to the following 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.
- Land contamination
- Gas fired domestic heating boilers shall not emit more than 40mg NOx/kWh
- Electric vehicle charging point for each dwelling
- A scheme employing best practicable means for the suppression of dust during the period of construction to be agreed/implemented.
- Further details regarding the maintenance of the acoustic barrier to ensure it remains fit for purpose for the lifetime of the development
- A scheme detailing acoustic glazing and mechanical ventilation

#### 6.1.5 Highways:

The submitted Transport Assessment is noted and accepted; there would be no material impacts arising from trip generation associated with the development. Requirement for off-site speed reduction measures and pedestrian crossing facilities on School Lane, to be secured via s106 agreement, set out.

Suggested conditions relating to; construction methods statement; details of arrangement for future maintenance and management of the proposed streets, until such time that an agreement has been entered into under section 38 of the Highways Act 1980, or a private maintenance company is established; full details of the engineering, drainage, street lighting and construction details of the streets to be submitted and agreed. Detached garages to have minimum internal dimensions of 3m x 6m per vehicle.

#### 6.1.6 Travel Planning Officer

No objection, subject to developer contributing towards sustainable transport initiatives and monitoring, including annual travel surveys of the site for five years post development.

#### 6.1.7 Highways England

The proposals, in isolation, are not expected to result in there being severe traffic impact upon the strategic road network. However, it should be noted that the nearby Haslingden Road / Blackamoor Road junction is already heavily congested at peak times, as is the M65 Junction 5 roundabout and the proposal will not improve this situation.

We would like to draw your attention to the proposed 3 metre high acoustic barrier between the dwellings that share a boundary with the motorway. We welcome the fact that the proposed barrier (the detailed design of which will need to be approved by Highways England as per the conditions we have formally recommended) is now no longer situated right-up against the motorway wooden boundary fence. However, unlike similar developments, this acoustic fence appears to serve a dual function of also being a boundary

fence for the households sharing a border with the motorway. This is unusual, as the acoustic barrier is normally a separate structure, erected at the top of a land bund along the motorway boundary (but within the development itself) with a gap between that and the property 'garden' fence boundaries.

Along the boundary with the motorway, the attached Landscape Layout Drawing ref. WH/SLG/SL/02 prepared by Baldwin Design shows access gates for maintenance at three locations along the boundary; two of which being right at the end of the end of the service road for the properties, meaning it is possible to drive a vehicle up to the gates itself. The presence of gates means that there is, in effect, a weakness in the boundary structure that would make it more vulnerable to a vehicle from within the development site breaching it during an accident and the vehicle ending-up on the motorway.

Having spoken about this with Wainhomes, they have confirmed to me that this acoustic fence will double-up at the householders garden boundary fence with the motorway and will be the responsibility of the individual householders to maintain. This raises additional concerns in terms of whether the fence itself (and therefore the security of the gates) will be adequately maintained in the future (i.e. running the risk that the proposed access gates will not be secure) and who would take action to enforce its maintenance, or lack of. Furthermore, as these properties are south-facing, the 3 metre-high fence is likely to cast a large shadow over their properties, that may in time, encourage householders to reduce the height of the fence itself (thus exposing the motorway to greater risk of intrusions from the site (e.g. children or retrieving a football that has been kicked from their garden over the fence).

In our view, at the very least, there should really be a proper maintenance regime in place for this structure through a maintenance company (as opposed to individual householders) so that as-built standards are maintained. However, this in turn again brings into question whether householders would be happy with the acoustic barrier doubling as their own boundary fence, as well as the wisdom of having the boundaries between gardens and the public access service roads, so close to the motorway. We would therefore strongly advise that consideration is given to adopting a revised boundary landscaping strategy with a view to providing greater distance (and intervening 'barrier-like' landscape features) between the gardens of the properties / ends of the service roads and the motorway boundary that includes providing secure and separate acoustic and property boundary garden fence structures, with a gap in between. This is a matter that Blackburn with Darwen Council needs to consider in conjunction with Wainhomes as part of determining this application that might subsequently affect the density of the development itself.

In the interests of maintaining the safety and integrity of the M65 motorway (in particular the stability of the adjacent motorway embankment, and in view of the lack of clarity regarding development features along the boundary between the site and the motorway, Highways England now formally recommends that the following conditions are applied to any grant of planning consent:



1. No development shall commence until the design and layout of all boundary design features between the site and the M65 motorway (including but not limited to planting, fencing and retaining walls) together with working method statements have been agreed with Highways England in conjunction with the local planning authority.
2. No works pursuant to this application shall begin on site until such time as the design, materials and construction methods to be adopted for the proposed acoustic barrier and earth bund have been subject to the full requirements of the Design Manual for Roads and Bridges standard BD2/12 'Highway Structures: Approval Procedures and General Design Approval Procedures', have been given Technical Approval by a competent and independent Technical Approval Authority appointed by the applicant and that this technical Approval has been agreed in writing with Highways England.
3. There shall be no direct vehicular or pedestrian access of any kind between the site and the M65 motorway. To this end, a close-boarded fence or similar barrier of not less than 2 metres high shall be erected along the boundary of the site and the M6 motorway that has been agreed with and constructed to the satisfaction of Highways England and the Local Planning Authority. Any fence or barrier shall be erected a minimum of one metre behind the existing motorway boundary fences on the developer's land and be independent of the existing motorway fence.
4. There shall be no development on or adjacent to any motorway embankment that shall put any embankment or earthworks at risk.
5. There shall be no earthworks within one metre of the M65 eastbound motorway boundary fence.
6. No drainage from the proposed development shall run off into the motorway drainage system, nor shall any drainage adversely affect the motorway embankment.
7. No works relating to the construction of the facility shall require any temporary closure to traffic of the M65 motorway.
8. Access to the site for the purposes of maintaining the existing motorway boundary fence, embankment and motorway boundary landscape planting shall not be withheld to Highways England and its representatives.
9. No construction works associated with this planning application shall be carried out on land in the ownership of the Highways England Company Limited under Title LA723383.

#### 6.1.8 Strategic Housing

The principle of residential dwelling and mix would be acceptable as the proposals indicate a housing offer, which responds to the Council's growth strategy. 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.

#### 6.1.9 Lancashire Constabulary

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

#### 6.1.10 United Utilities

No objections, subject to conditions requiring the drainage for the development being in accordance with that detailed within the submitted flood risk assessment prepared by RSK. Prior to occupation a sustainable drainage management and maintenance plan to be agreed.

#### 6.1.11 Capita Ecology

No objections subject to restriction upon vegetation removal during nesting bird season (March to August) unless walkover survey conducted by suitably qualified ecologist establishes no bird nests are present. In addition, the development must be undertaken in accordance with the working practices set out in section 5 of the submitted ERAP Ecology Report. Namely: lighting scheme to be agreed, provision of bat boxes, provision of bird nest boxes,

#### 6.1.12 Public consultation

Public consultation has taken place, with 57 letters posted to neighbouring addresses. Site notices have been displayed and a press notice issued. In response, 12 letters of objection have been received and a petition signed by 30 signatories. The petition was previously reported to the July meeting of the Planning & Highways Committee and the written objections are set out within section 9.0 of this report

**7 CONTACT OFFICER: Martin Kenny, Principal Planner, Development Management**

**8 DATE PREPARED: 3<sup>rd</sup> August 2018**

## 9 SUMMARY OF REPRESENTATIONS

### Objection Mrs Julie Winter, 70 School Lane, Guide, Blackburn, BB1 2LW

Dear Sirs,

I am writing to you regarding a letter sent to all residents of guide village Blackburn. The letter states that there's planned buildings of 45 dwellings on the land off school lane guide. With respect of this proposed application I would like to give you our views on why we are opposed against this. As a small village we feel that there's too much traffic as it is and building an extra 45 dwellings will make the situation worse, plus the land opposite our property also has planning for 9 dwellings which makes in total 54 more houses and in theory 108 more cars to our small village.

With these houses we feel our own houses will dramatically decrease in value as we wont be classed as semi-rural and instead of having beautiful fields at the back with wildlife all around, we will in fact have a large housing estate to look at. Also with so much building work planned its going to be unbearable living here in guide with the lorries and heavy machinery that goes with this. We would be grateful if you could acknowledge this email in respect of our views.

Yours sincerely,

---

### Objection from Janet Andrews, 66 School Lane, Guide

Mr Kenny

You need to look seriously at this. the plans for development ref 10/18/0075 .We have now got 9 Detached houses being built opposite our house. And now 45 being built behind us we bought this house for views and the open aspects at the rear Now after looking at the plans not only have i lost this i have a big double garage wright up against my garden wall how would you like that !!! i am totally against any plans and i cant see anyone agreeing to this . please could you acknowledge this email soon as you receive read it thankyou

regards

---

### Objection from Alexander Sunter, 111 School Lane, Guide

As the resident of 111,School lane, Guide I now wish to respond to the planning application for residences on the field opposite my property. My primary concern is the volume of traffic already on this road, that can at times make being a resident quite unpleasant.

Over the last twenty years or so that I have lived here, I've gradually become aware of how busy this road has become. Building a large new development on the field opposite me will only add considerably to this existing problem.

Many evenings, particularly in the Summer months I sit enjoying my evening meal in the living room only to be gaulked at by the long procession of traffic as it slowly makes its way toward the motorway. This coupled with the further developments near the reservoir on the Haslingden road will soon turn our Village into a continuation of Blackburn itself.

I am in total disagreement with this development primarily for the traffic problems it will bring with it.

---

### Objection from Janet Andrews, 66 School Lane, Guide

This is my reason for the planning to be turned down yes i understand there is a need for more homes in Blackburn. It as also been mentioned that its semi rural and people want to live in places like that . And that is the reason most people live round here these houses are going to take a lot of value off our propeties who is going to pay to live here with an estate at the back of us have you even been to look at the area before you make a decision please dont ruin it for us the residents now . The main rd school lane is so bad now since the lights where put up its going to be a death trap with all these new propeties some one is going to get killed on this rd . Its not an ideal place for 45 houses there is land all over blackamoor and roman rd that would AND COULD be used these places need nice propeties around them or is it that these places have bad reputations . this small village as not got enough rd space to acomadate more vehicles please Mr Kenny dont ruin our small village . I dont think people writing to you is going to make a difference lets face it its probably a done deal if this is so what about copensation for us the residents now. Could you please acknowledge this e-mail so that at least know it was read .  
thanks janet andrews

---

### Objection from Jeff & Deborah Avison, 113 School Lane, Guide

As resident of 113 School lane, Guide which is situated directly opposite the proposed entrance to the development of 40+ houses to the rear of school lane, Guide.

Please be advised that we OBJECT to this proposal for the following reasons:

- 1)The front of our property will be directly opposite to and detrimentally affected by traffic entering and leaving the site.
- 2)we anticipate that the proposed entrance and use of it by 90+vehicles will affect the marketability of our property and therefore will also affect its resale value.
- 3)School Lane guide is already heavily used by traffic including large, articulated lorries and hgv's. The road is gridlocked from the new traffic light junction back to and over the motorway bridge every day at peak times. The addition of up to 90 cars will further exacerbate this problem.
- 4)The standing traffic also creates a polluting atmosphere. This will be increased.
- 5) this road already needs traffic calming measures to control the speed of the vehicles already traveling on it. Additional traffic into it will only increase an already unsafe and untenable situation.
- 6)the green land around the village of Guide has already been anialated, this field is one of the few remaining green spaces with livestock , left in Guide. This development will be detrimental to the wellbeing of the village and it's residents.
- 7) the Lancashire telegraph reports (23/1/18), reports that anti-social behaviour will be reduced as a result of this development. I am unclear how this supposition has been reached, as there is currently little or no anti-social behaviour from the Guide residents. However passing traffic has caused litter and suspected drug related offences, particularly near to Rosehill terrace, Guide.

Unfortunately with a development of 40+family houses on School Lane, the propensity for families with teenagers to occupy those houses will and must have a greater likelihood for

anti social behaviour to develop in the village itself. I am at a loss how this development could ever be expected to reduce such behaviour.

8)property prices in Guide have already been detrimentally affected by the construction of the multi warehouses, ridiculously unsafe traffic light junction, excessive speeding traffic, excessive amount of traffic, hospital extension causing siren noise 24/7 and now the proposed development on beautiful land which currently accommodates horses. I ask one question... would you buy a house here???

I would be obliged if you would keep me informed by letter of this proposal.

---

### Objection from John Berry, 385 Haslingden Road, Blackburn, BB1 2NG

I am writing to clarify the situation regarding the above application, following your recent helpful telephone discussion with my stepfather, but I do not wish to object to the construction of the proposed estate.

The tree survey shows a Cypress and Goat Willow in the neighbouring residents' car park marked 1G. This seems to be 4 car parking spaces and 10m. from the boundary of the development, which touches the boundary of my back garden.

The boundary of the back garden of No. 385 Haslingden Road has existed with the exact same positioning for at least 12 years. As you are probably aware, Land Registry plans have a very small scale and do not always show the fine detail of boundaries. I believe the boundary of my property is accurately delineated by the long-standing fence.

The back lane leading to the proposed car park is so narrow that Blackburn Council's refuse vehicle cannot negotiate it. I concur with your view that there would be insufficient space to manoeuvre cars properly in the proposed car park. The use of the narrow back lane by cars going to the car park would interfere with the quiet enjoyment of the Haslingden Road houses by their residents.

Though I understand the developer has the best of intentions in offering a car park for the benefit of residents of Haslingden Road, I would be against this element of the proposal, should the Highway Authority actually find it acceptable.

---

### Objection from Mr & Mrs Winter, 70 School Lane, Guide, BB1 2LW

I am replying to the letter we received regarding a planning application for 45 dwellings on the land at school lane, Guide reference 10/18/0075.

The land in question is at the back of my property 70 School Lane, bb12lw. We are strongly opposed to this application due to the fact that there's planning for a further 9 dwellings opposite our house, which will make in total 54 more houses in our little village and due to the amount of traffic problems we currently have due to the industrial building at guide business centre with lorries and buses there's going to be even more traffic outside our properties.

We have lived here for 8 years now and the reason we purchased our property is the fact that its semi-rural with lovely views over the field and the wildlife. If these dwellings go ahead, we are going to be overlooked at the back of our property which will be invasive to our privacy, and it will be more like a housing estate than a village.

Also due to the amount of dwellings proposed, our houses are going to drastically reduce in Value.as people wont see lovely views over the country side but instead a ugly housing estate with more traffic and congestion in a little village.

I know that its probably going to be passed and me writing this letter is a pointless exercise, but I pray and hope that the council see it from our point of view, we like our village as it is.

Thank you.

---

### Objection from Mr Lee Hall, 68 School Lane, Guide, BB1 2LW

I am replying to the amended letter we received regarding a planning application for 45 dwellings on the land at school lane, Guide reference 10/18/0075.

The land in question is at the back of my property 68 School Lane, bb12lw.I are strongly opposed to this application due to the fact that there's planning for a further 9 dwellings opposite our house, which will make in total 54 more houses in our little village and due to the amount of traffic problems we currently have due to the industrial building at guide business centre with lorries and buses there's going to be even more traffic outside our properties.

We have lived here for 9 years now and the reason we purchased our property is the fact that its semi-rural with lovely views over the field and the wildlife.

All the amendment says is they've moved some houses so now i've got 2 houses backing onto my house and only a 1.8 metre fence.so basically all they are doing is moving the houses further back If these dwellings go ahead, we are still going to be overlooked at the back of my property which will be invasive to my privacy, and it will be more like a housing estate than a village.

Also due to the amount of dwellings proposed, our houses are going to drastically reduce in Value.as people wont see lovely views over the country side but instead a ugly housing estate with more traffic and congestion in a little village.As it is we have traffic backing up to the britannia pub every morning and boy racers going up and down every night like its a race track and with more houses here it will only get worse.

---

### Objection from Ruth Garwood, 2 Copster Hill Close

We have received the amended application for the 45 houses on School lane, the only difference I can see is the entrance to this estate will now be across the road at the side on our house. This isn't going to help us at all with the extra road noise as I mentioned in my last email we have replaced all our front windows with soundproofing glass & looking to replace the back windows later this year. The noise of traffic in the garden is already horrendous most days with speeding cars & bike + the amount of heavy goods wagons on School Lane. Cars pulling out from across the road will make it even worse, we already have fur trees where we are allowed & have built an extra fence & gate at the side & replaced the rear fence with more solid panels.

The volume of traffic at peak times is already queuing passed our Close in a morning & difficult to get out onto School Lane, adding the possibility of approx. 90 cars to the area (most households have 2 cars) will make this worse & also add to the delays at the traffic lights at the end of School Lane. ( for example last Sunday at 10am my partner counted 37 cars passing our house in 1 minute! ). Has the volume of traffic on School Lane been monitored recently at peak times?

The roads in Guide cannot accommodate any more traffic, it is only a few weeks ago that the whole area came to a standstill when the M65 was closed for urgent repair.

There will also be an issue of disturbance & mess this build will cause, with the dirt on the roads & noise.

As I have also previously mentioned I currently have a fantastic view at the side of my house of green fields & trees, this will be totally spoilt for everyone in this area. Why can't Blackburn council build on land that would be improved if a housing development was to be built on it & not spoil the countryside?

I look forward to the response.

kind regards

---

Objection from Simon Boocock, 355 Haslingden Road, Guide, BB1 2NG

**RE: PLANNING APPLICATION 10/18/0075 – LAND OFF SCHOOL LANE, GUIDE**

I write with regard to the above planning application for the construction of 45 dwellings with new access at School Lane, Guide.

I wish to object to the proposal in its current form. There are certain elements of the proposal that I base my objection on. These are discussed below together with a number of suggestions for modification:-

Size/Scope of the development - The development itself is too densely packed with housing. There is no planned public green space or play areas as part of this proposal. A solution would be to scale back the development to a degree, leaving areas for public green space with tree/shrub planting to mitigate for the loss of an existing green field site.

The existing stone wall that forms a boundary between the play park and the site must be retained.

Surface water management

I would raise concern that the applicant doesn't fully appreciate the significant volumes of surface water generated from this site, and the direction of flow this water takes. Significant volumes of water run from the site onto the Guide recreation park and play park causing large areas to be regularly water logged with ponding of water observed. This renders the play park unusable for large parts of the year. This is despite drainage improvements works undertaken within the past 10 years, where a herringbone drainage system was laid across the whole recreation park with discharge to a soakaway.

In addition, water from the area around the current stables flows down the un-adopted lane running behind N<sup>o</sup>s 361 to 353 Haslingden Road (Photographs 1 & 2), causing damage to the lane.



Photographs 1 & 2 showing surface water from the site running down the un-adopted lane adjacent to the play park and potholes.



The 'Flood Risk Assessment' (FRA) and 'Phase I & II Geo-Environmental Site Assessment' submitted with the planning application acknowledge high groundwater levels, with groundwater noted in all the test boreholes drilled. A perched waterbody has also been identified under the site. The historic map supplied with the planning application shows a pond on the site. The farm that was demolished to make way for the motorway to the east of the site was called 'Spring Farm', strongly suggesting springs/issues are present in the area.

By way of discharging this surface water from the site, the FRA concludes that ground conditions are not suitable for infiltration and it would be un-feasible to discharge to existing water courses. The proposed solution therefore is to discharge surface water, in addition to foul drainage, to the combined sewer network.

'Appendix 1 - United Utilities correspondence' of the FRA in reference to not being able to discharge to surface water or infiltration states, *'If these options are proven to be not viable then all surface water can drain to the 300mm combined sewer on Haslingden Road at a maximum pass flow that does not exceed greenfield run off'*. Greenfield runoff calculations are provided in Appendix H of the FRA.

**Question 1 - Please confirm if these calculations are actual site measurements or are these simply standard book figures for greenfield runoff?**

Based on the evidence above I would suggest that run off from this particular greenfield site may well exceed standard green field run off rates.

In the response from United Utilities above, they refer to discharge to the *'combined sewer on Haslingden Road'*. I note that the United Utilities public sewer records provided in Appendix G of the FRA do not show an existing connection to the combined sewer in Haslingden Road from the site. Third party owned land sits between the site and Haslingden Road.

**Question 2 - Please can you confirm how the applicant proposes to connect to the combined sewer in Haslingden Road, and the route this proposed new connection will take?**



I should also draw your attention to section 9.4.1.3 on page 29 of the FRA where it states *'The lead local flood authority has been contacted to confirm the proposed discharge rates and location. At the time of writing this assessment, no response has been received'*.

**Question 3 - Once this response is received, please can it be made available for public comment?**

In summary, my overriding concern is that by connecting both foul and surface water into the existing combined sewer could, in rainfall events, overload the combined sewer in the locality causing localised flooding.

Pedestrian links onto recreation park and play park – The site plans show two proposed new pedestrian/cycle links to the park. I would object to this on the grounds that two is unnecessary. Having two provides an additional rat run and possible increased opportunity for anti-social behaviour. It is noted in the Design and Access Statement section 5.5.15 – 'designing out crime', that this factor has been missed.

The link to the south on the development would only actually act as the nearest link to the park for only seven of the properties located to the very south west side of the development. This considered, just the one link located to the top corner of the play park should be permitted. In addition this one link should also have a means by which cyclist have to dismount to pass through.

Additional parking offered to neighbours (south of the development) – Access to this plot is via the unadopted lane to the rear of the properties on Haslingden Road. This would create extra vehicle traffic, and being adjacent to the park would cause additional health and safety issues as well as more wear to the already damaged lane.

There is also the risk that this parking may be used by non-residents and act as a focal point for anti-social behaviour.

I would also raise serious concern over future ownership, liabilities in terms of maintenance and upkeep and also legal responsibilities for example in the event the area was fly tipped. I would suggest this area be planted with trees/shrubs as part mitigation for the loss of the greenfield site.

Traffic on School Lane – I'll mention this briefly but I should make you aware that, during morning peak hours, I've noted traffic backing up from the traffic lights at the junction of Haslingden Road/School Lane, along School Lane extending on occasions beyond the motorway bridge. This should be considered in line with with the statement in the 'Transport Statement' point 2.6 which states *'The existing road network operates reasonably well in the peak hours'*.

### **Section 106 agreement**

Should planning consent be granted for this development, I would request that as part of the Section 106 agreement, the following improvements are made in Guide Village:-

1. Improvements to the unadopted lane running adjacent to the recreation park and play park to the rear of the houses on Haslingden Road. As mentioned above,

surface water running from the land has caused damage to the lane. In addition a tractor has for many years used this unadopted lane to access the stables on the land subject to this planning application. This has caused significant damage to the lane, particularly between to N<sup>o</sup>s 351 and 355 Haslingden Road (see photograph 3).



Photograph 3 – damaged caused by the water run-off and tractor to the un-adopted lane to the rear of N<sup>o</sup>s 351 and 355 Haslingden Road.

If the section 106 agreement would not cover such an activity, I would request that as the current site owner has benefitted from the unadopted lane and has caused the damage to it, as a good will gesture they agree to undertake repairs.

2. The agreement should also cover Improvements to recreational park and play park itself, for example additional tree planting. There should also be a commitment given to conduct more regular mowing and general maintenance.
3. Finally the access from School Lane between N<sup>o</sup>s 10 and 12 to the unadopted road is in a very poor state of repair. Flag stones have been stolen in recent years and there are large potholes, filled with water than has run of the site. No repairs have been conducted. In summery this particular area is an eyesore in the village.

Specifically in relation to the points 1 to 3 raised above, as an active member of the local community and regular attendee at Ward solution meetings, I request that I be involved in any future discussions/decisions.

Should you require any further information or have any questions, then please do not hesitate to contact me. In addition if required, I would be happy to meet on site to discuss any of the points raised in this letter. Please can you also keep me updated on any developments with regard to this planning application.

Thank you for taking the time to consider the points I have raised in this letter.

Yours sincerely

---

### Objection from Steven Saunders

I wish to appeal the proposed car park offered to neighbours at the back of Haslingden Road in guide as part of the new housing development.

Car parks can bring anti social behaviour, theft and damage to property if they are not security protected.

I would like the land that is going to be turned into a car park (which is unadopted land) to be made into allotments that replicates the rest of the land and offered to residents.

Kind regards

---

Objection from Stewart Green & Joan Green, 52 School Lane, Guide, BB1 2LW

**Planning Application Ref: 10/18/0075 Re: Full Planning Application, 45 Properties at Land near School Lane, Guide, Blackburn BB1 2JX**

The proposed new development is on land immediately behind our home. We wish to raise the following objections/points needing to be satisfactorily addressed to prevent personal and environmental issues impacting on ourselves and others in Guide Village because of the proposed development.

1. The proposed properties are to be built on higher and rising land behind ourselves and other properties on School Lane. There does not seem to be sufficient screening to prevent people from looking into our living spaces. Can this be adequately addressed without planting trees which would block sunlight to our garden and property?
2. The proposed development will add considerably to the existing sewerage and surface water drainage. Whilst we are not in a position to know whether the sewers are adequate in size we do know that the existing surface water drains struggle when there is heavy rainfall. With the large amount of proposed land being hard surfaced or having physical buildings built on this will mean a significant amount of extra water needing to be dealt with by the current surface water drains. We need written assurance that these surface drains will cope and not put our properties at risk of flooding.
3. There are land drainage pipes in the proposed development field which take water away through drains which run through our and other properties on School Lane. What impact will it have if these are dug up in the development? If the development goes ahead we assume that there will be significantly less water entering the land. As our house is built on clay we assume this will dry out over a period of time. Can you provide written assurance that this will not lead to any shrinkage of the clay under properties leading to possible subsidence issues in the future?
4. What assessments have been made regarding the availability of school places nearby and safe/easy passage to these for children? The main nearby Haslingden Road is far too dangerous for young children to cross on their own therefore any parents will need to transport children to school further increasing vehicular traffic, pollution and noise. Public transport is virtually non-existent in Guide. Is this now being addressed in conjunction with this proposed development?
5. Another planning Application 10/14/1237 (plus 10/17/0813) at Baron Mews we understand has been permitted which add further properties to the noise, pollution and sewerage/drainage systems. Has the impact of this also been taken into account on the proposed new development application 10/18/0075?

6. As the new properties will have at least 1 vehicle per household (and most likely 2 vehicles) this will further increase traffic and environmental pollution in an already poor situation.

Studies carried out on behalf of the proposed housing Developer indicates that they have to take action for noise pollution. This includes physical screening and mechanical ventilation because windows cannot be opened in the new dwellings because of noise issues with the site. What steps are being made for existing residents who have the same issues? We cannot open our windows because of air pollution and noise from traffic, exacerbated by the closure of Grane Road to HGV vehicles, the majority of which now seem to travel along School Lane. HGV vehicles also leave Europlast onto School Lane. We have no provision for mechanical ventilation/filters. We therefore cannot now get the adequate fresh air needed for a healthy lifestyle with the current situation.

The proposed new development will make things even worse.

We look forward to your review of the above points and to receiving a response on the issues raised.

Yours Faithfully

**REPORT OF THE DIRECTOR**

**Plan No: 10/18/0183**

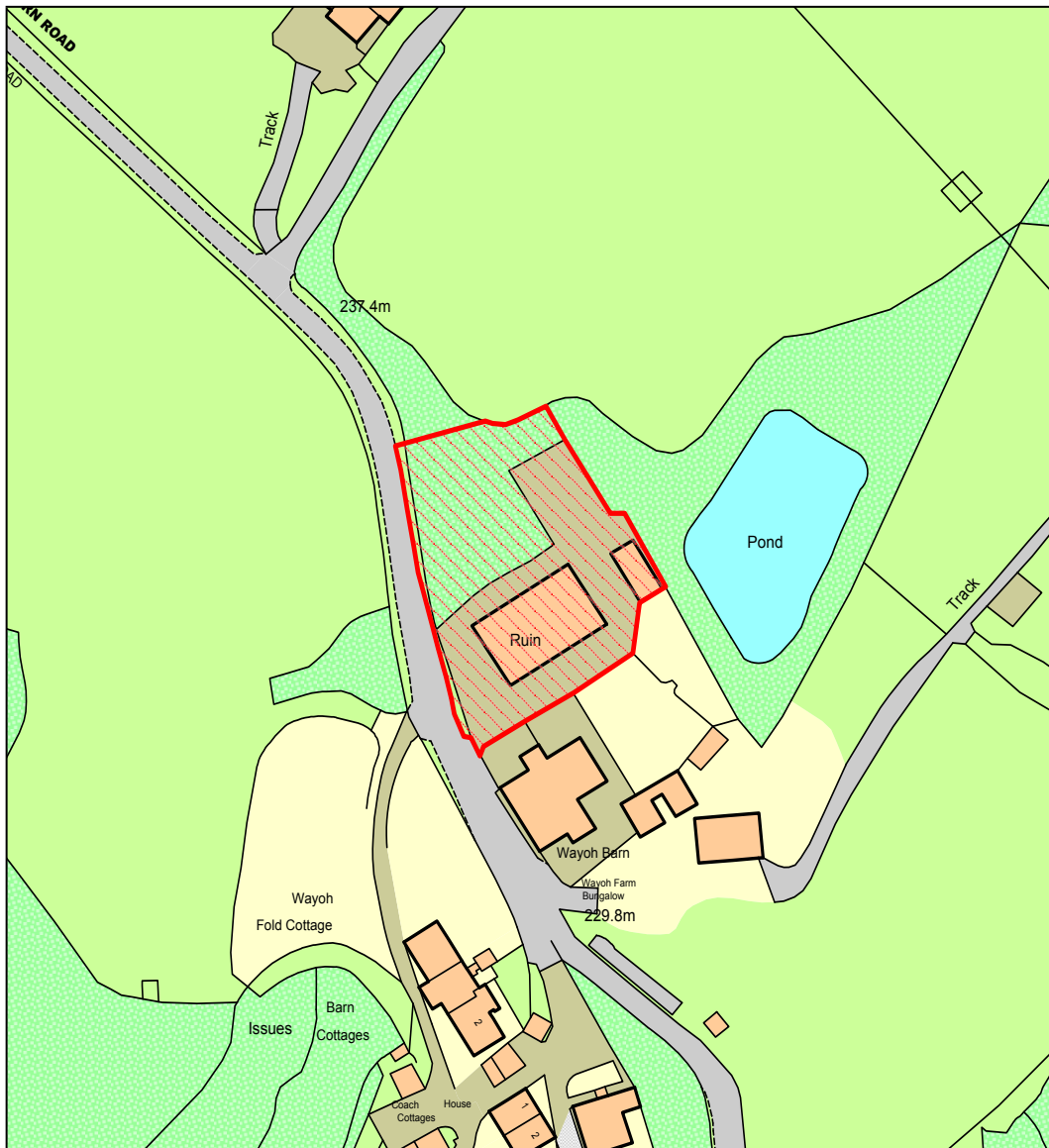
**Proposed development: Outline Planning Application for demolition of existing building, residential development of up to 5no. dwellings and site access; with all other matters reserved.**

**Site address:  
Wayoh Barn  
Blackburn Road  
Edgworth  
Bolton  
BL7 0PZ**

**Applicant: Mr & Mrs J Czutkwona**

**Ward: North Turton With Tockholes  
Ward: West Pennine**

**Councillor Colin Rigby  
Councillor Jean Rigby**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – Subject to conditions set out in paragraph 4.1 of this report**

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

- 2.1 The application is presented to Committee for determination through the Chair referral scheme; as a consequence of an objection lodged by North Turton Parish Council.
- 2.2 The proposal seeks outline planning permission for the demolition of a redundant building, residential development of up to 5no. dwellings and associated access; with all other matters reserved.
- 2.3 The principle of demolition of the building is accepted; in the absence of any associated constraints affording it protected status. The principle of residential development is accepted, in acknowledgement of the sites status as Previously Developed Land (Brownfield), in accordance with the definition set out in the National Planning Policy Framework. Access / egress arrangements for the residential development will essentially re-use the long established access into the site, incorporating modifications to ensure its acceptability.
- 2.4 The scheme will contribute towards the Council's housing delivery targets; set out in Policy 6 of the Core Strategy. Members are advised that a further Reserved Matters application will be required to consider the appearance, scale, layout and landscaping of the development, should the current outline application be approved.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site lies within an area of Countryside (as allocated by the Local Plan Part 2). It comprises a redundant commercial storage building, clad in corrugated steel and associated hard surface infrastructure; amounting to 0.218 hectares (0.5 acres) in area. It sits at an elevated position relative to Blackburn Road to the west, from where it is accessed. To the immediate south sits the applicants dwelling known as Wayoh Barn. The village boundary of Edgworth, lies circa 1200 to the south east. The site formerly hosted the applicant's builders business and was used for storage of associated building materials and machinery.

## **3.2 Proposed Development**

- 3.2.1 Outline planning permission is sought for the demolition of the redundant building, residential development of up to 5no. dwelling's and associated site access; as set out in the submitted drawings. All other matters are reserved.

## **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
- CS15 – Ecological Assets
- CS18 – The Borough's Landscapes
- CS22 – Accessibility Strategy

### 3.3.3 Local Plan Part 2

- Policy 5 – Countryside Areas
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 39 – Heritage
- Policy 41 – Landscape

## **3.4 Other Material Planning Considerations**

### 3.4.1 National Planning Policy Framework (The Framework)

Of relevance is section 5 (paragraph 67) of The Framework, which sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. Section 8 relating to the promotion of healthy communities and section 15 (paragraph 175) relating to the enhancement of the natural environment, which requires local planning authorities to conserve and enhance biodiversity, are also of relevance.

- 3.4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

### 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 of the development;
- Amenity;
- Drainage;
- Highways;
- Ecology.
- Heritage

#### 3.5.2 Principle

The application site lies within a Countryside allocation. It is submitted that the site qualifies as Previously Developed Land (PDL / Brownfield) in accordance with NPPF's definition, by virtue of its previous commercial use that was neither for the purpose of agriculture or forestry.

3.5.3 The site is accepted as last in use for storage of building materials and associated activities in support of the applicants building business, since its purchase in 1989. The applicant, however, anecdotally, accepts that the site was formerly in agricultural use prior to its purchase; a position supported by planning history for the associated barn for conversion into a dwelling in 1991; which references the adjacent agricultural building and wider agricultural unit.

3.5.4 PDL as defined by NPPF (2012) was; *'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed infrastructure. This excludes: **land that is or has been occupied by agricultural or forestry buildings**; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time'*. Members are, however, advised of an amendment to the definition set out in the revised NPPF which was introduced with immediate effect from 17th July 2018, during the course of assessing the application. The revision amends the aforementioned bolded text thus; ***land that is or was last occupied by agricultural or forestry buildings***. Accordingly, the application site is now accepted as PDL, in accordance with NPPF.

3.5.5 The principle of the proposal has also been assessed against the demonstrable absence of a five year supply of deliverable housing; supply currently stands at 4.4 years. This means that housing applications should be considered in the context of the presumption in favour of sustainable development, as relevant policies for the supply of housing are deemed to be out-of-date.



3.5.7 Accordingly, the application falls to be assessed against paragraph 11 d) of NPPF (July 2018), which requires decision taking to mean; *‘where there are no relevant development plan policies or the policies which are most important for determining the application out-of-date, granting planning permission unless:*

*i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or*

*ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’*

3.5.8 Accordingly, the principle of the proposed development is considered to be acceptable, in accordance with the sustainability principles of NPPF.

#### 3.5.9 Highways

Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced.

3.5.10 Access / egress arrangements seek, essentially, to utilise the existing access into the site from the east of Blackburn Road. Following an initial review of the proposal by the Council’s Highway’s consultee, modifications were submitted taking into account a minor realignment to the south, demonstration of acceptable sightlines and a gradient alteration over the first 10m to a maximum of 1:20; thereby securing policy compliance.

#### 3.5.11 Amenity

Policy 8 requires a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance.

3.5.12 Following a review of the submission, the Council’s Public Protection consultee offer no objection. Application of appropriately worded conditions is recommended for vehicle charging points, gas heated boiler emissions and contaminated land; relative to the redevelopment of the site.

#### 3.5.13 Drainage

Policy 9 requires development to incorporate appropriate drainage measures, in order to demonstrate that it will not be at an unacceptable risk of flooding.

3.5.14 Submission of details relative to a septic tank and sustainable drainage methodology are recommended by the Council’s drainage consultee and United Utilities.

#### 3.5.15 Ecology

A Preliminary Ecology Appraisal was submitted to supplement the proposal and reviewed by Capita Ecology. Whilst it is accepted that the site does not host habitat for Great Crested Newts, conditions are recommended relative to an ecological search of the site to ensure minimal disturbance to general habitat, prior to and during site clearance; a landscaping scheme to

encourage and enhance biodiversity; and bat roosting and bird nesting provision.

#### 3.5.16 Heritage

Lancashire Archaeological Advisory Service has offered comment on the application, advising that the site is thought to have been crossed by the line of a Roman Road from Manchester to Ribchester; recorded as Margary 7b – a non-designated heritage asset. Appropriate consideration has, therefore, been applied to the possibility that the proposal could encounter buried archaeological remains associated with the Roman Road. Accordingly, a condition is recommended to require agreement and implementation of a programme of archaeological work, prior to commencement of the development.

#### 3.5.17 Landscape Character

The site is recognised as within the West Pennine Moors designation but outside of the Site of Special Scientific Interest (SSSI). The proposed redevelopment is not considered to pose an unacceptable risk to the landscape character of the area, given the pre-existing commercial nature of the site.

#### 3.5.18 Summary

This report assesses the outline planning application for the demolition of a building, residential development of up to 5no. dwellings and associated access, at land at Wayoh Barn, Edgworth. In considering the proposal, a wide range of material considerations have been taken into account.

3.5.19 In addition to the matters set out above, the following summary third party representations have been received:

*Over development and inappropriate access / increase in traffic.*

*Flood risk.*

*Unconfirmed sighting of Great Crested Newts in the lodge on land on the opposite side of Blackburn Road to the application site.*

## 4.0 **RECOMMENDATION**

### 4.1 **Approve subject to:**

Conditions which relate to the following matters:

- Application for all reserved matters must be made not later than the expiration of 3 years beginning with the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the date of the approval of the last of the reserved matters to be approved. Details of the following matters (subsequently referred to as the reserved matters) shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works:-

- i) Appearance
- ii) Landscaping
- iii) Layout
- iv) Scale
- Provision of dedicated electrical charging points for each dwelling.
- Submission of a contaminated land report
- Submission of validation of gas protection measures
- Unexpected contamination
- Submission of scheme for siting of septic tank
- Submission of a sustainable drainage management and maintenance plan
- Foul and surface water to be drained on separate systems
- Submission of Arboricultural Method Statement
- Tree Protection during development
- Submission of landscaping scheme to include enhanced biodiversity measures
- Submission of scheme for bat box and bird nesting provision
- Submission of a programme of archaeological works

## 5.0 PLANNING HISTORY

- 5.1 No planning history exists for the application site. Application 10/91/1011 relates to the adjacent barn conversion into a dwelling.

## 6.0 CONSULTATIONS

### 6.1 Highways Authority

No objection subject to implementation of the approved access details.

### 6.2 Public Protection

No objection subject to the following conditions:

#### *Air Quality*

- Provision of a dedicated electric vehicle charging point at each dwelling.
- Limitation on gas heated boiler emissions

#### *Contaminated Land*

- Submission of a Desk Study and approved site investigation work (where necessary).
- Submission of validation to demonstrate effective remediation (where necessary).
- Unexpected contamination.

### 6.3 Drainage

No objection subject to the following conditions:

- Submission of a sustainable drainage scheme.
- Submission of details of the septic tank.

- 6.4 United Utilities  
No objection subject to the following conditions:
- Submission of a sustainable drainage scheme.
  - Foul and surface water to be drained on separate systems.
- 6.5 Ecology  
No objection subject to the following conditions:
- Ecologist lead refugia search prior to and during site clearance.
  - Bat roosting and bird nesting provision.
- 6.6 Lancashire Archaeological Advisory Service  
No objection subject to the following condition:
- Programme of archaeological works
- 6.7 Housing Growth  
No objection.
- 6.8 Natural England  
No objection.
- 6.9 Arboricultural Manager  
No objection subject to the following conditions:
- Submission of Arboricultural Method Statement
  - Tree protection measures.
- 6.10 North Turton Parish Council  
Objection on the grounds of over development and inappropriate access / traffic generation.
- 7.0 CONTACT OFFICER: Nick Blackledge, Planner – Development Management.**
- 8.0 DATE PREPARED: 2<sup>nd</sup> August 2018.**

## 9.0 SUMMARY OF REPRESENTATIONS

### Objection from G T Melia, 2 Coach House Cottages, Wayoh Fold Farm

*I saw the attached notice on a post at the top of our access road last week. Although it would have been helpful to receive a notice through the door I have now read it and see little point in receiving another.*

*We have no objection to the old barn being dropped and would not object to a single, possibly two residential dwellings being erected in its place. However, we do have concerns about building a small estate in a location which is already challenged by poor (telecoms) or absent utility services (gas).*

*Any proposal for more than two modestly sized buildings would require a realistic study on the following:*

- The traffic implications of five additional dwellings on a periodically (morning/evening) busy road into Edgworth, especially given the blind bend less than 100 metres away.*
- Resolution of the almost constant flood issues that we already experience whenever there is a storm. Current drainage on Blackburn Road at this point is already wholly inadequate. Water coming off the nearby fields overwhelms the roadside drainage and flows directly into Wayoh Fold, flooding up to three garages, including our own. The excess water has also contributed to the erosion of the access road into the Fold. We have a concern that the creation of an estate will exacerbate the problem and that the Council will continue to ignore the issue.*

*We have spoken to the owner in the past about his plans to build a bungalow. If this is the specific intention behind the outline planning permission being sought we would have no objection. However, an estate, even one built using materials sympathetic to the historic buildings in the vicinity is an entirely different proposition.*

---

### Objection from Glenys Syddall, North Turton Parish Council

North Turton Parish Council **objects** to outline planning application 10/18/0183 for the redevelopment of a brownfield site to create five detached dwellings at Wayoh Barn, Blackburn Road, Edgworth, on the grounds that it is an over development of the site, and the access is unsuitable for the additional vehicular activity which will be generated, being situated at the top of a steep hill, close to a blind bend.

---

### Objection from John Keith Shatwell & Pauline B Shatwell, Wayoh Fold Cottage

We wish to strongly OBJECT to the above numbered planning application on the following grounds:

1 The proposed entrance to the site will be directly opposite our driveway, which leads to 6 properties, 5 x 4 bed houses will possibly produce 20 vehicles extra, the road, is a busy narrow road with dangerous bends very close to the access points, a further 20 vehicles will make this an even more dangerous position.

2 Due to very bad drainage on Blackburn Road, the 6 properties opposite the proposed site suffer badly from flooding in bad weather, run off from the proposed site will only make the flooding problem worse.

3 There have been unconfirmed sightings of **Great Crested Newts** in the lodge on our land, which is very close to the proposed site, to the best of our knowledge there has been no authorised environmental reports carried out.

We believe that this application is not in the local interest, and should not be allowed.

**REPORT OF THE DIRECTOR**

**Plan No: 10/18/0417**

**Proposed development: Full Planning Application (Retrospective) for Retrospective change of use from A1 convenience store to A3 cafe-restaurant**

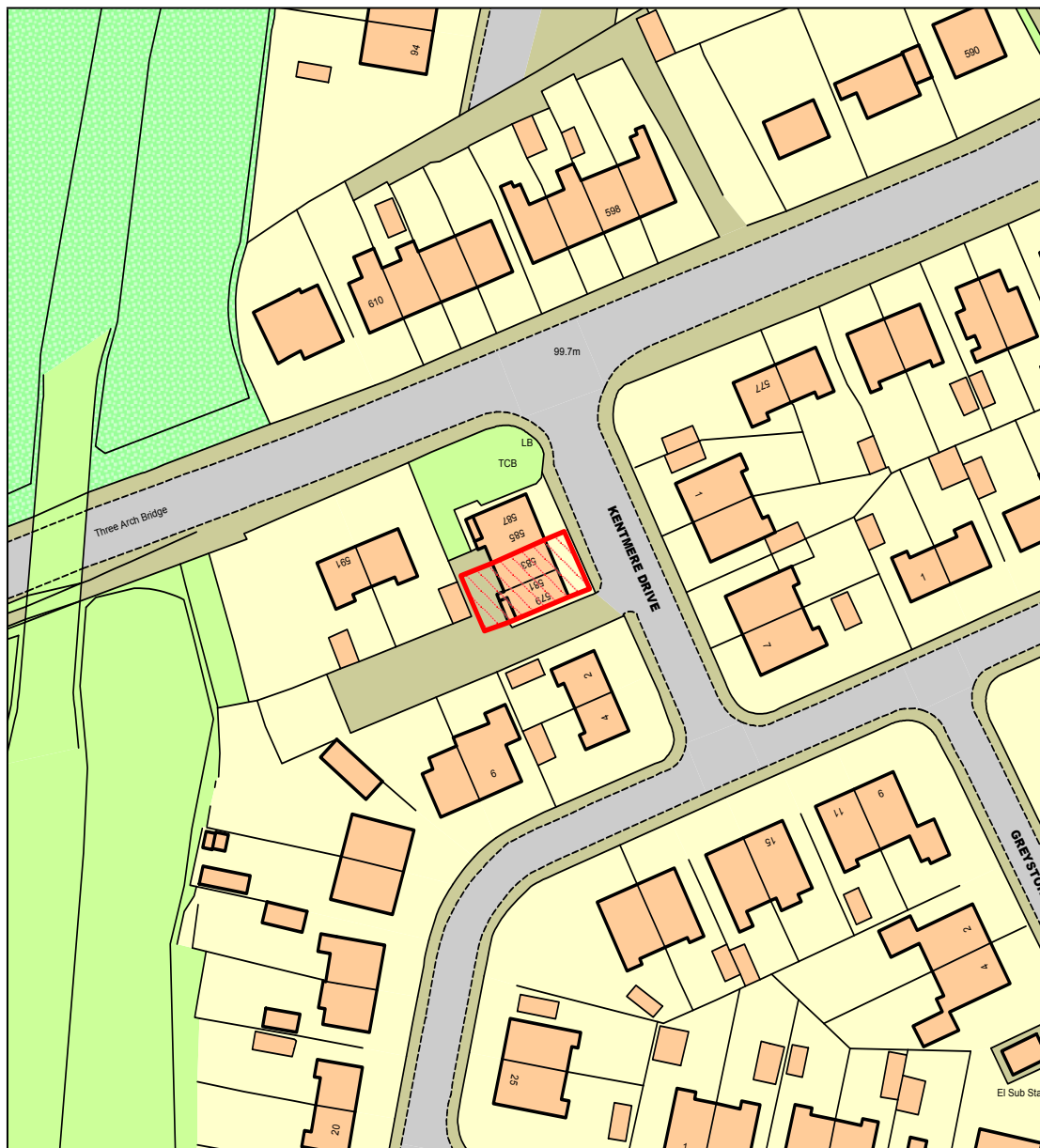
**Site address:**

**The Arches  
581-583 Preston Old Road  
Blackburn  
BB2 5HD**

**Applicant: Mr Simeon Stuttard**

**Ward: Livesey With Pleasington**

**Councillor Derek Hardman  
Councillor John Pearson  
Councillor Paul Marrow**



## **1.0 SUMMARY OF RECOMMENDATION**

1.1 APPROVE – Subject to recommended conditions (see paragraph 4.0).

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

2.1 This application is presented to Planning Committee for determination as part of the Chair Referral process due to the local interest in the application from nearby residents and the number of applications received.

2.2 The Government supports the change of use of A1 retail buildings to other uses in the Retail Use Classes (A1, A2, A3). Had the applicants notified the Council prior to opening the café, an application to change its use would not have been required and this business could have operated with no planning control.

2.3 The proposed café has provided a social hub in the local area which is within walking distance of many properties. The shop front replaced a plain and its attractive shop front with associated planting has enhanced the historic shopping parade.

2.4 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 relates to a double retail unit situated within a short retail parade of shops located on the west side of Kentmere Drive close to its junction with Preston Old Road.

3.1.2 The small retail parade contains hairdressers, 'Permutations' and the business the subject of this application, the 'The Arches' cafe.

3.1.3 Other than the two businesses at this point, the surrounding area is predominantly residential in nature with dwellings located to the north, east, south and west of the business premises.

3.1.4 The buildings in which the hairdressers and café both occupy are located on the entrance/ exit road to and from the Kentmere Drive estate.

3.1.5 A short parking layby exists in front of the premises which provide parking for approximately three vehicles. To the side of the property two cars are able to park off street with one car able to park to the rear. Customer parking is on-street.

### **3.2 Proposed Development**



- 3.2.1 Retrospective permission is sought to regularise the existing use of the two former retail units as a single café-restaurant use (A3 use).
- 3.2.2 The opening hours proposed, as amended during the application, are Monday to Saturday 08:00 to 16:00 hours. On Sundays and Bank Holidays 09:00 – 16:00.
- 3.2.3 The café seats 30. Externally the business currently has three small outside tables for 6-8 covers. This outside seating area is open to the elements so is used when the weather permits.
- 3.2.4 To the rear of the property exists an area for the storage of refuse and access to a flat roof garage which is rented annually from the owners of the adjoining hairdressers. This garage provides one parking bay for the business owners and also storage for the café business.

### **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**

Policy CS1: A Targeted Growth Strategy

Policy CS16: Form and Design of New Development

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

Policy 1: The Urban Boundary

Policy 8: Development and People

Policy 9: Development and the Environment

Policy 10: Accessibility and Transport

Policy 11: Design

Policy 32: Local and Convenience Shops

Policy 33: Protection of Local Facilities

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

3.4.1 National Planning Policy Framework (NPPF) – 2018:

The National Planning Policy Framework (herein after referred to as The Framework) is a material consideration in planning decisions. The Framework sets out a presumption in favour of sustainable development, which has three overarching objectives (social, economic and environmental) which are independent and in mutually supportive ways.

3.4.2 Paragraph 11 of the Framework explains that for decision taking, this means approving development proposals that accord with the development plan without delay.

3.4.3 The 'economic' objectives of sustainable development with the social objective to support strong, responsive, vibrant and 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 of development;
- Highway Safety;
- Amenity impact;

#### **3.5.2 Principle of development**

Section 6 of the 2018 National Planning Policy Framework requires positive planning to help create the conditions in which businesses can flourish, expand and adapt.

3.5.3 Paragraph 91 of the Framework requires planning policies and decisions to achieve healthy, inclusive and safe places which, amongst other things, promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Paragraph 92 requires plans and decisions to provide the social, recreational and cultural facilities and services the community needs, and to plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

3.5.4 Local Plan Part 2, Policy 32 deals with local shops and whilst it does not talk about retention of retail facilities it does support the creation of retail shops in areas where similar premises exist, as is the case here.

3.5.6 The letters supporting the application state that the café has become an important community hub and facility for local residents and from the various site visits Officers of the Council have made to the site this appears to be an accurate assertion. The retention of this café facility is there acceptable in principle.

3.5.7 Moreover, the previous uses of the two units are a material consideration. One unit was a convenience store with opening hours and an alcohol licence until 11pm with the other unit being a sandwich shop with unrestricted opening hours. This retrospective proposal seeks to open Monday to Saturday 08:00 to 16:00 hours and 09:00 – 16:00 on Sundays and Bank Holidays and these opening hours can be restricted by condition.

3.5.8 It is noted that in general local residents support the business, however, it is the disruption caused by parking on the highway which causes disruption and concern. This will be discussed next.

### 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 In accordance with the Council's parking standards, six parking spaces should be provided with a development of this nature and size. The submission does not offer any parking within the curtilage. As a result, the Highway Authority and other Officers have visited the site on numerous occasions at various times of the day to both observe parking numbers on the highway, and also to assess the concerns raised by the objectors which include preventing the free flow of traffic at the only point of access and egress to the Kentmere estate, cars parked on the pavement preventing both the movement of pedestrians and restricting residents visibility when entering and leaving their properties.

3.5.11 The Highway Authority advise that they observed minimum parking on the highway, with cars parked in the layby in front of the premises, and a few on the highway. On one of the visits, which was at the request of a resident at lunchtime, there were more vehicles parked on Kentmere Drive, which did not cause an obstruction to the road, although they did hinder the pedestrians as vehicles were parked  $\frac{3}{4}$  on the footway. Whilst this is the case, the Highway Authority do not consider the conditions created by customer parking to both the café and adjoining business to be so detrimental to highway safety to justify refusing the application on this basis.

3.5.12 Although this is the case, the owners of the business are fully aware of the inconvenience some of its customers parking leads to and make steps to encourage people to park sensibly. It is recommended that these steps are formalised by the applicants being asked to provide a Parking Management Statement which will require the applicant to put signs up with regards to the customer parking and make customers aware of the need to park with consideration. The business website/ online presence can also be used to encourage considerate parking. A condition is therefore recommended that an active Traffic Management Statement and Co-ordinator is in place for 5 years. Details of this statement shall be submitted to and agreed in writing by the local planning authority within one month of the decision date. The

agreed details shall be implemented also within one month of the decision date.

### 3.5.13 Amenity

There are two types of amenity, visual and residential. This section will deal with each in turn.

### 3.5.14 *Visual Amenity*

In respect of visual amenity, Local Plan Part 2, Policy 8 i) states:

*“Development will be permitted where it can be demonstrated that: i) it will, in isolation and in conjunction with other planned or committed development, contribute positively to the overall physical, social, environmental and economic character of the area in which the development is sited”*

3.5.15 The shop front provided at the café is a definite improvement on the appearance of the two previous shop fronts and contributes positively to the overall environmental character of the area on this part of Kentmere Drive. It is therefore considered that the retrospective proposal complies with Policy 8 i).

### 3.5.16 *Residential Amenity*

Local Plan Part 2, Policy 8 ii) requires development to secure a satisfactory level of amenity and safety for surrounding occupants with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

3.5.17 In respect of Noise, the close proximity of neighbouring homes and residential character of the location are both important considerations.

3.5.18 The applicants initially proposed to open until 11pm and create an enclosed seating area for ten tables of 4 covers. This was considered to have an unacceptable impact on the amenity of all nearby residents. The applicants therefore seek permission for the opening hours of Monday to Friday 08:00 – 16:00 and 09:00 – 16:00 on Sundays. The applicants wish Members to know that on Sundays they currently open until 18:00 hours as they serve Sunday lunch and that they are willing to concede these two hours to gain retrospective permission for this use.

3.5.19 The revised opening hours are considered to be appropriate daytime hours, particularly during the week when most residents are out at work. In terms of weekend opening hours, it is considered that Sundays particularly are when most residents are at home and should be entitled to less disturbance than other days of the week. The Environmental Protection team has therefore advised that starting at 10:00 hours on a Sunday would give local residents some reprieve from the disturbance caused by visitors to the café. It is therefore recommended that these suggested opening hours be imposed.

3.5.20 In respect of the retention of the existing tables outside, of which there are three small tables which seat six - eight people. Whilst a formalised external seating area was not supported by Officers which could have had up to 32 covers, the retention of the three small tables with no more than 8 covers in total is reasonable, particularly during the suggested opening hours, discussed in the following paragraphs. This could be controlled by condition and such a condition is duly recommended.

5.2.21 Turning to odour and pollution, the kitchen area does not appear to have an existing kitchen extraction system and one has not been identified on the submitted plans.

3.5.22 In February 2018 a colleague from the Food Team visited the premises and noted that the atmosphere in the Kitchen was very smoky and that the extraction should be improved. It is therefore recommend that the a condition is imposed requiring that within 6 months of the date of decision the applicant shall either obtain a written statement from the Local Authority's Business Compliance Team confirming that the current level of odour and fume extraction is adequate; or, submit a scheme for the control of cooking odours and extraction system noise from the premises. This scheme would need to be agreed in writing by the Local Authority, implemented and retained thereafter. Such a condition would ensure the amenity of nearby residents of nearby residents would not be affected by odour.

3.5.23 With regards refuse storage, this exists to the rear of the premises and adequate provision is provided for.

3.5.24 Taking account of all the above, subject to the opening hours restricting the use to the following times:

Monday to Saturday: 08:00 to 16:00

Sunday: 10:00 to 16:00;

No more than 8 covers related to the outside seating area at the front of the café, and details being received relating to the control of cooking odours, the retrospective proposal is considered to be acceptable.

## **4.0 RECOMMENDATION**

### **4.1 Approve subject to:**

Conditions which relate to the following matters:

- Opening Hours:  
Monday to Saturday 08:00 – 16:00 and,  
Sundays and Bank Holidays 10:00 – 16:00.
- No more than 8 covers outside at any one time

- Extraction being submitted, approved and fitted, or, a Certificate being received from the Environmental Protection/ Food Team confirming odour levels are acceptable.
- Traffic Management Statement and Co-ordinator for a period of 5 years. Details of this statement shall be submitted to and agreed in writing by the local planning authority within one month of the decision date. The agreed details shall be implemented also within one month of the decision date.

## 5.0 PLANNING HISTORY

5.1 There is no planning history for 581 Preston Old Road.

5.2 The following planning history exists at the site for 583 Preston Old Road:

Application Number:	Description of development	Decision	Date
10/87/1567	Use of shop as hot food take-away	Refused	12/11/1987
10/90/2051	Use of premises as Chinese hot food takeaway	Refused	10/01/1991

## 6.0 CONSULTATIONS

6.1 Neighbours: - 16no letters of objection have been received during the consultation process. Below is a summary of the objections received. The objections are set out in more detail in Section 9 of the report.

- Lack of off-street car parking
- Highway safety
- Noise
- Concern over the proposed opening hours

In addition, 2no letters of support have been received. Below is summary of the reasons for the support. The supporting letters are set out in more in Section 9 of the report.

- Asset to the local community
- Popular meeting place
- Excellent facility

6.2 Public Protection

No objection; subject to the following conditions:

### *Noise*

- Opening hours to be limited to between 8am-4pm Monday-Saturday and 10am-4pm on Sundays and Bank Holidays.

- Restriction on external seating with no more than 8 people being seated outside at the front of the café; and,
- Kitchen Odour / ventilation Condition:  
No more than 6 months from the date on this consent the developer will either:
  - Obtain a written statement from the Local Authority's Business Compliance Team confirming that the current level of odour and fume extraction is adequate; or
  - Submit a scheme for the control of cooking odours and extraction system noise from the premises. This scheme will be agreed in writing by the Local Authority, implemented and retained thereafter.
 Reason: To prevent a loss of amenity at neighbouring premises caused by cooking odours and/or extraction system noise.

6.3 Highways Authority

No objection subject to the following condition:

- Submission of a Traffic Management Statement and Co-ordinator.

6.4 Parish Council

“At the May 2018 Parish Council Meeting councillors expressed their concern at the lack of parking around this area when this restaurant will be in use. There are issues with people parking on both sides of the road and local residents find it hard to get through to their homes. Can you please ensure that there is a solution to the parking/congestion issue before the scheme is approved.”

6.5 Refuse/ Waste Management

No objection subject to the use having sufficient refuse storage.

**7.0 CONTACT OFFICER: Claire Booth**

**8.0 DATE PREPARED: 03 August 2018**

## 9.0 SUMMARY OF REPRESENTATIONS

### Objection Colin Ashcroft, 4 Kentmere Drive, Blackburn

This is in regards to the application for the change of usage of 581-583 Preston Old Road (Ref 10/18/0417). I live at no. 4 Kentmere Drive & originally was consulted when this property was opened as a off-license/butty shop. I objected then at the council meeting because of the lack of parking for the butty shop. There is already a hairdressers there & just enough room to park 4 cars outside. As it was originally a corner shop for residents to walk to, there was not a parking problem. The new usage was passed but subsequently failed due to the spar, poundshop & the sainburys opening up in the area.

The shop shut but was later re-opened as a coffee shop/butty shop with no consultation with the local community. The original hours for previous shop were 8am-11pm the new shops hours were 8am-4pm, which was better. However the coffee-shop was not a coffee-shop, it was a restaurant & the butty-shop was a sit in butty-shop. This has caused ciaoos as regards parking in the area as the shop has become more popular.

The advertising boards placed on the pavement at the junction are illegal & the tables & chairs blocking the public footpath outside the shop are also not legal. At peak times it is impossible to park outside your own house with lorries,tractors & cars not only from the butty shop but from the restaurant. If any residents complain to the customers, they are usually met with abuse. At times it is impossible should an emergency vehicle need to get on to the estate, as there is only one point of access,past this shop. On some occasions cars are pack with the back end out onto the main road, making it difficult, not only to get on the estate but off as well. There have already been numerous accidents cause through people parking on the pavement on Preston Old Road obstructing the view at this junction.

Should this application been submitted to the council before this shop/restaurant opened & parking arrangements considered I don't believe any license would have been granted. There is no car park for the restaurant & since opening the hours seem to have increased on Sundays till 6.30pm & other occasions private party's held. This then creates the problem of the guests leaving their cars parked everywhere. If this restaurant were to move to one of the vacant pubs, that has park areas. I think it would do very well, however this is a corner shop with no parking facilities available for what appears to be a rapidly expanding/popular restaurant.(just not with the local residents)

---



### Objection Colin Ashcroft, 4 Kentmere Drive, Blackburn

Having been sent a letter on my opinion about the Arches & replied. I have payed more attention this weekend. Two women parked outside my house both to close to the junction (10 metres) so as not to cause an obstruction. Both were either going to the shop or had been. I challenged both about leaving their vehicles safely parked. One apologized the other asked me what business it was of mine. I told her she was parked in contravention to the highway code & making it unsafe at the junction. It was also annoying the neighbours. She again ask what it was to do with me. As your park outside my house quite alot.

The woman didn't believe I lived at no.4 Kentmere & asked me to prove, so I went in the back door & came out the front at her Range Rover. She the became abusive & said I better be careful or someone would sort me out. I said pardon, & she repeated it continuing to get her child out of the vehicle, saying I'd have to ring the police to complain about her parking.

That was Saturday, on Sunday there was no-one park outside the shop yet their clients insisted on parking for a party which went on till 6pm on the estate. Again I challenged someone for parking to near the junction, which he move after being made aware. It was then I noticed the lack or cars outside the shop/restaurant. As I was working in the garden all afternoon I noticed that most had parked on the estate. The only reason it seems they park on the estate after one of these parties is so not to draw attention of the police after consuming alcohol with their food.

Normally during the week I am at work & don't see what is going on, but after your letter I have taken more notice at weekends & can see why my neighbours arn't happy. It isn't necessarily the shop but the people visiting it. There is no parking available for the amount of people visiting the shop for long periods of time.

---

### Objection Mr & Mrs Garrity, 2 Wythburn Avenue, Blackburn

To whom it may concern:

We are voicing our concern regarding the increasing amount of traffic parking at the entrance to a residential estate. The traffic involved is not only cars but vans, large wagons, and sometimes tractors. These vehicles are causing a dangerous obstruction to vehicles entering the estate to get to their homes. They are parking on the pavement, at the end of people's drives, and vehicles are getting damaged. We are concerned also that emergency vehicles will have difficulty getting into the estate. There is increased inability for people using prams or disability scooters, and also the partially sighted. We feel that the convenience store and coffee shop changing to a restaurant would multiply the problem even more.

Objection Nicole Voller, 589 Preston Old Road, Blackburn

Further to your recent correspondence regarding the Planning Application Number 10/18/0417 regarding The Arches 581-583 Preston Old Road, Blackburn, BB2 5HD.

I would like to express the following concerns.

Having looking at the planning application online, I have seen that they propose to be open from 08:00-23:00 – due to this property backing onto my property (garage width apart) and the noise associated with people leaving at that time of the night, I would be concerned that it would impact on my lifestyle and young son.

I also have issues regarding the parking – currently there is only a parking area to the front of the row of shops (3/4 Cars maximum). To the rear to this property is a rear paddock which is currently owned by 585 Preston Old Road (Permutations Hairdressers) and within my house deeds I have unrestrictive access to my garage at all times. At present I have come home on numerous occasions to where I am unable to access this area due to customers from The Arches obstructing the access to the side of 581 Preston Old Road, to the rear of my property. If this was to continue till 23:00 this area could become a un-authorized car park for The Arches causing access issues to both myself and my next door neighbour at 591 Preston Old Road.

I would also ask whether this barrier that they intend to put around the front of the premises would hinder vision for exiting this rear paddock, therefore causing an issue for safety driving onto Kentmere Drive.

I have also seen the comments around the waste from The Arches – I would like to state it is not a back alley – a garage is actually within the rear of The Arches, therefore I would not call that an alleyway. The large 1000 litre bin also is not within a lockable compound and since the coffee shop has opened my property has had issues with Rat's. I have also attached images to the email to show the state of the rear of the courtyard.

I look forward to any more correspondence regarding this application in the future.



Objection Mitchell Ashcroft, 4 Kentmere Drive, Blackburn

Hello

I am emailing put across my opinion on the planning request put in by The Arches (581-583 Preston old road)

Every day that shop is open I come home for my dinner anytime between 11 am and 1pm and I can't park anywhere near my house because the shop that has been running as a restaurant since it opened has no parking on site.

Just today a highway maintenance hgv was parked in front of my house and 3 other vehicles parked across from it. when I came home for my dinner. Not only is it an inconvenience for the people that live on the estate but it's also dangerous. Number 2 kentmere drive has already had damage sustained to their vehicle because of this and should an emergency service vehicle need to get onto the estate during that time they have no chance.

I finished work today slightly earlier than usual and once again I've come home to find a hgv on one side of the road with cars parked across from it leaving me to park well away from my home.

This shop was opened under false pretences from the start as they never had any intention of running it as a convenience store on their first week they hosted a wine and cake party and have since opened up on Sundays for parties, when this occurs the customers park further into the estate because most of them drink and then drive home hours later and the ones that don't drive home leave their cars for any amount of time ranging from 1 night to a few days.

I hope my concerns are taken note of and I hope to hear how the committee meeting goes.

---

## Objection Mr & Mrs Melia, 2 Kentmere Drive, Blackburn

To whom it may concern,

We are writing to you in reference to planning application 10/18/0417, after having carefully assessed the letter that was posted to our address and further plans provided online.

After discussing in depth, we would like to lodge a solid objection to such plans being carried out.

Here are our reasons:

1. **PARKING SITUATION** – There is space for approximately 4 vehicles outside *The Arches* and neighbouring hairdressers. All other customers for these businesses end up double parking all the way down the entrance to Kentmere Drive, blocking driveways and access to properties and causing daily distress for residents. The resulting 'bottleneck' is putting residents' vehicles at risk and making it very difficult to manoeuvre vehicles, particularly at the busiest times of the day.

We have had to ask several times for customers to move vehicles which block our property - which they begrudgingly do. As a family we have two vehicles and this problem is becoming more and more apparent. With very young children, we need to park our vehicles safely and near our property. This is made difficult enough for us and family and visitors have absolutely no chance in parking anywhere near our property.

The owners of *The Arches* appear to take no consideration towards us as local residents at all. They have not addressed the dire parking situation in any way. It would appear that as long as any decision like this one is good for business, then it doesn't matter how residents feel.

The application refers to the addition of a large seating area outside the front of *The Arches*. How can the business possibly look at seriously increasing customer capacity whilst still not addressing the parking issues? This is clearly absurd and displays once

again a lack of regard towards the neighbouring community, some of whom have lived here for a number of years.

2. **NOISE/ALCOHOL** – With more customers dining outside the front of the property, this will generate considerably more noise. As the establishment does serve alcohol there is a clear concern that this will fuel more noisy, aggressive and boisterous behaviour on the street.

Just this last week, there was a large group of young adults drinking alcohol outside the front of *The Arches*. They were shouting and using obscene language for about an hour, which could all be heard by our young children while we were playing in the back garden (as well as residents across the road!) - this is unacceptable. We have lived in Feniscowles the majority of our lives and it has always been a nice quiet residential area, this is not Blackburn town centre!

The owners must have known that this was happening as it was right outside their window, yet nobody addressed the situation at all - which was theirs to address not ours as nearby residents.

This links to another growing concern that with the “Change of use” to A3 (restaurant), the owners may plan on changing their opening hours to close later at night. This would attract people who are simply looking to have a drink in the evening, generating more noise and alcohol fuelled behaviour. It does appear that some events held at *The Arches* have continued later into the evening beyond standard closing hours.

3. **EXTERNAL APPEARANCE** – The erecting of a permanent steel/glass barrier structure outside of *The Arches* would prove unsightly and an eyesore for residents and passers-by. Once again this is a quiet residential housing estate, we also do want it to become another area for youths to congregate in the evenings.

In summary, we haven't lived at our property for long but we intend to make this our 'forever' family home. The plans outlined in application 10/18/0417 are only going to be damaging and generate more distress and concern for us as a family, and as residents of Kentmere Drive.

---

Objection Mr & Mrs Melia, 2 Kentmere Drive, Blackburn

**RE: PLANNING APPLICATION REF: 10/18/0417 (PART 2)**

To whom it may concern,

We are writing with reference to planning application 10/18/0417 and in addition to our original letter dated 8th May. That letter addressed a number of our concerns in relation to the proposed plans including; parking, noise/disturbance and external appearance.

The additional information provided on letter dated 14/05/2018, indicates new proposed opening hours for *The Arches* as a restaurant.

Having looked at these, the establishment wants to open until 11pm every night of the week (something we had suspected from the original plans). It is clear that this was something intentionally missed off the original application form, which seems ridiculous.

In support of our more in depth previous letter, we strongly object these opening hours being allowed. The lack of any sort of parking makes this impossible. Having more customers seated outside and drinking alcohol late into the evening is completely inappropriate and unacceptable. Again, this is a residential area! We have very young children who go to sleep in the early evening and even we are in bed way before 11pm.

Please see my previous letter (dated 8<sup>th</sup> May) for a more in depth look at the many concerns that both we and other residents share concerning these proposed plans. There is clearly no regard for the local community of residents and the local area that we have made our home. This a housing estate, NOT a high street. The plans could only be further damaging to local residents and their everyday lives.

---

Objection Susan Gavigan, 9 Kentmere Drive, Blackburn

I am emailing you with my comments on the planning application regarding The Arches .

I am unhappy about the opening hours extending to 23:00, as it is licensed and potentially will cause problems with unsocial behaviours.

The traffic is also a big issue parking on the kerb, making it difficult for elderly and young children to pass. As I am on the corner, I get extra vehicles parking, when my relatives visit they cannot park near by. It is a busy road generally, as there is only the one entrance to the estate.

---

## Objection Mr & Mrs Pickthall, 7 Kentmere Drive, Blackburn

I am writing to you to highlight my concerns regarding the inconsiderate and hazardous parking by the customers of the Arches coffee shop / Sandwich bar.

Coupled with this, we have also recently witnessed rowdy behaviour and bad language outside the premises from customers consuming alcohol bought on the premises.

My property is located on the corner across from the Arches, therefore, being situated on the corner, it attracts vehicles to the front and side of the house.

In response to the recent planning application, I would like to raise the following concerns, and would urge that you to give serious consideration to them in the decision process of this application:

- Restricted access for emergency service vehicles to the area
- Limited space / access to own property (regularly Blocking driveway gates)
- Risk of own vehicle being damaged due to hazardous / double parking
- Unable to use pavement with pushchair due to vehicles mounting kerbs
- Lack of respect to privacy of property, and total disregard for residents when drinking alcohol outside the premises

As an additional point surrounding these concerns, there are serious frustrations / unrest within the affected local residents, therefore I would appreciate your immediate attention to help settle this matter

---

### Objection Mrs Patricia Procter, 56 Kentmere Drive, Blackburn

I would just like to say that the new restaurant has brought life to the area and the outside tables and chairs also brings a continental feeling. In regards to parking, there is space at the rear of the building, could this be marked out into parking spaces which would ease the congestion on the front.

My only real concern is cars and vans parking on Preston Old Road has this is hazardous for traffic trying to leave the estate. But, I have to add that this is NOT always vehicles from the restaurant.

Most of the properties on the estate have long enough driveways for 2 cars, so there is no need to park at the front of their property.

I wish the restaurant well and hope that any problems can be resolved amicably.

---

### Objection Stephen Sharples, 15 Kentmere Drive, Blackburn

Dear Claire,

For months the residents of Kentmere Drive, principally the householders around The Arches restaurant have had to put up with huge wagons, workmen's tall van's and cars constantly using the drive as a roundabout or a turning point and parking outside their property constantly putting the house holders in danger of collision every time they want to use there own driveway, there has even been a double decked bus and a full size coach using the tee junction to turn around.

Please find a list of objections below:

1. A householder threatening to move because her driveway has been blocked.
2. How has the The Arches restaurant been trading for so long without the correct planning permission.
3. Wagons and vans parked partially on the pavement outside peoples property excluding the daylight.
4. Public footpaths are for walking on not for seating with barriers of for advertising boards.
5. People with prams have to constantly walk into a dangerous road (this is a one way in and the same way out estate) to circumnavigate the restaurant's customers vehicles the visually impaired, wheelchair users, the list goes on.

I submit this as my personal objection to the parking situation on Kentmere Drive and surrounding properties cause by The Arches, 581-583 Preston Old Road, Blackburn, BB2 5HD and feel that if the restaurant had a dedicated car park for their customers there would be no concern, but as it stands at the moment it has become a grave problem.



### Objection Mrs B Rogerson & Mrs E Johnson

I received your letter today regarding further information on the planning application referenced above. We cannot express strongly enough our objections to the proposed opening hours. My bungalow is directly opposite the premises and I do not want people eating and drinking alcohol outside until 11pm at night in front of my daughter's bedroom, this is totally unacceptable for a quiet "residential area". We take this opportunity to stress again, where are all the customers going to park their cars?, as they have no parking facilities. We find it incredible that they failed to propose the opening hours on their initial application. We feel that the immediate residents' opinions around the property should bear the most weight when the application is considered as these are the main people it will have the greatest effect on as opposed to those living on Preston Old Road. If you receive any letters of support for this application from the customers please bear in mind that they don't live next to the property and don't have to deal with the issues that we do. \_\_\_\_\_

---

### Objection Mrs B Rogerson & Mrs E Johnson

further to our telephone conversation regarding change to planning application.1/  
I presume the new proposed opening hours are permanent and to change these hours further planning permission would have to be sought as on the 29/07/18 they were still open at 6.30pm. 2/ they still have not shown how they propose to solve the parking issues and the hazard the increased traffic has caused. I am aware they are trying to run a business but they should have considered such a major issue before opening, and sought planning permission before investing in the property. In response to the proprietors I am trying to run a business, we live here and were here before the business

---

### Objection Neil Rozee, 11 Kentmere Drive, Blackburn

having reviewed the application for change of use I have several concerns which I would like to be taken in to consideration during the application process.

1 - Where the applicants are proposing to site the outside seating area is currently suitable for walking on, will there be sufficient room for a footpath once the barrier is erected.

2 - There is currently a waste bin also in the area where they propose to put the outside seating, will the bin be re-sited or removed, obviously having the bin is vital to keeping the area clean and tidy.

3 - I notice there is no plan in place for parking in the application, it has become a nightmare getting on and off the estate since the restaurant has opened, cars park everywhere with no consideration for the local residents. I have two dogs and a small child trying to get around with a pram is now very difficult and dangerous.

4 - I also have concerns about the late opening request of 11 pm, this is far too late for a restaurant in a residential street, obviously people tend to drink alcohol when going out for a meal, if people then spend all evening continuing to drink they will be leaving inebriated, making lots of noise, swearing, we are not the only family in the area with young children, I believe it is an unacceptable change especially when people will sit outside drinking during the summer months. I get up for work at 5 am and can see the proposed closing time to greatly affect my ability to get a quality nights sleep. I don't think I should be put in the situation where I have to go and complain to people drinking and making a racket to be quiet.

I feel for these reasons serious consideration should be made as to the suitability of the residential street for a restaurant.

---

### Objection Mr S Sharples

I have recently seen the above planning application on Blackburn with Darwen's web site and apart from outdoor seating, tables and a barrier it has been requested that the Arches restaurant extends it's opening times to 11.00 pm.

Please be aware that at number two Kentmere Drive (which is situated next to the Arches restaurant) live a young couple with two very young children. Opening until 11.00 pm and serving alcoholic drinks, sitting outside, car doors banging etc., all of which are not very good if you are trying to get young children to sleep.

---

Support Alan Bedwell, 21 Kentmere Drive, Blackburn

I am writing in response to a letter I recently received from your office, relating to a planning application for The Arches restaurant.

I fully support the application, as I believe the business is a great asset to the local community. Although only a relatively small cafe / restaurant, it has proved to be very popular for a great number of local residents, most of whom walk there. My wife and I have used it many times, and on occasions been joined by other members of our family. We have also made new friends, nearly all of whom live on the estate or nearby. I am aware that the restaurant is also used by residents of Lingfield Court, a sheltered housing scheme. These elderly folk either walk (albeit slowly) or take the bus for one 'stop.' This business is brilliant for those people, as it is almost on their doorstep.

Apart from the reasons above, the food is fabulous and is very reasonably priced. The owners are very very hard working, incredibly friendly and provide jobs. Without The Arches, we would have to drive, or use taxis, to visit restaurants elsewhere, thus taking our business outside of our community.

I am aware that an increase in motor vehicles has become an issue to some residents. Yes, there are more cars, and some drivers have parked near the T junction. The owners of The Arches have placed notices both outside and inside the premises, requesting drivers to park responsibly. Unfortunately we all know some drivers are just selfish, whether they park here or anywhere. Fixed penalty notices would sort this problem, but it would also result in nearly every local resident being fined!

It saddens me to say that residents close to The Arches park their cars appallingly. Cars and vans are always parked half on footpaths, quite often opposite similarly parked vehicles, creating narrow gaps for moving traffic. I am aware of the main 'complainer' regarding The Arches, and he, unfortunately, can be one of the worst offenders, leaving his car on the road, at the junction, forcing vehicles to cut the corner, thereby creating a danger. He has a large empty drive! He is a really nice guy, and neighbour, but has a bee in his bonnet about The Arches. (He recently put a 'ticket' on my daughters car when she came to visit, telling her she couldn't park near my house because she wasn't a resident!).

The easy answer would be to place yellow lines near the premises in question.

Apologies for the length of this submission. I'm just standing up for a business that is a great addition to the community.

---

I AM COMPLETELY FOR THE  
PROPOSED AMENDMENT.

SINCE THE ESTABLISHMENT  
OPENED THE MANAGEMENT AND  
STAFF HAVE CREATED A FRIENDLY  
CARING ATMOSPHERE AND CERTAINLY  
ENHANCED THE WHOLE AREA.

THE PROPOSED AMENDMENT WILL  
ADD TO THE ATMOSPHERE  
ELDERLY PEOPLE ARE FREQUENT  
VISITORS AND AT LAST HAVE  
'SOMEWHERE TO GO' AND MAKE  
NEW FRIENDS, EVERYONE IS CATERED

FOR. MOTHERS WITH YOUNG CHILDREN  
ARE ALSO FREQUENT VISITORS  
AND THE PROPOSED AMENDMENT  
IF GRANTED WILL REASSURE MOTHERS  
WITH A BARRIER IN PLACE, MORE SPACE  
WILL OBVIOUSLY BE AN ADVANTAGE

I SINCERELY HOPE THE  
APPLICATION IS SUCCESSFUL

IF SO MANY PEOPLE WILL  
BENEFIT

---

---

**REPORT OF THE DIRECTOR**

**Plan No: 10/18/0581**

**Proposed development: Prior Notification - Demolition (Regulation 4) of former rest home**

**Site address:**

**Blakewater Lodge Rest Home**

**Swallow Drive**

**Blackburn**

**BB1 6LE**

**Applicant: Blackburn with Darwen Borough Council**

**Ward: Blackburn Central**

**Councillor Saima Afzal**

**Councillor Faryad Hussain**

**Councillor Zamir Khan**



## **1.0 SUMMARY OF RECOMMENDATION**

**1.1 THAT PRIOR APPROVAL IS NOT REQUIRED; subject to works being undertaken in accordance with the submitted and reviewed information; as set out in paragraph 4.1.**

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

2.1 The application is in the form of a prior notification submission for the proposed demolition of a vacant Home for Older People. It is presented to Committee for determination due to the interest of the Local Authority as applicants and land owners; in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992.

2.2 As the application relates to land owned by Blackburn with Darwen Borough Council who are also the applicants, determination must be made by the authorities relevant Committee, in accordance with Regulation 4 of The Town and Country Planning General Regulations 1992.

2.3 As a prior notification application, assessment is based on the limitations of Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015, which sets out that any building operation consisting of the demolition of a building is permitted development unless;

(a) the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support;

(b) the demolition is "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area or;

(c) the building is a "specified building"\* and the development is undertaken during the specified period, regardless of whether, in relation to the development, a prior approval event has occurred.

\*specified building means a building used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order; which is a community asset or has been nominated as such.

2.4 Development is permitted in accordance with the above, subject to the condition that the developer must, before beginning the development, apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site.

2.5 It is accepted that the proposal is compliant with the aforementioned limitations set as (a) – (c).

2.6 Consideration has also been applied as to the method of demolition, land restoration and ecological matters through a review of the submitted

supporting information; all of which is sufficiently detailed to ensure no further consideration is required under the Prior Approval procedure.

### **3.0 RATIONALE**

#### **3.1 Site and Surroundings**

3.1.1 The application site comprises a vacant Home for Older People building and associated landscaped / parking area; located to the north east of Swallow Drive at its junction with Whalley Range, Blackburn. The surrounding area is characterised as a mix of residential and commercial.

3.1.2 The building is to be demolished and the land restored in an appropriate manner in order enable the future redevelopment of the site; the form and scale of which will be determined.

#### **3.2 Proposed Development**

3.2.1 Prior notification of the proposed demolition of the former Home for Older Building and subsequent land restoration; as set out in the submitted reports and drawings.

#### **3.3 Assessment**

3.3.1 As aforementioned, demolition is in accordance with the limitations of Schedule 2, Part 11, Class B of the (General Permitted Development) Order 2015 (as amended) and is, therefore, accepted as permitted development, subject to consideration of the method of demolition and land restoration.

3.3.2 A general "Method Statement for Demolition" has been submitted, which sets out proposed management of the key impacts of the development, including site access and vehicle movements; road cleaning; dust and air emissions; noise; vibration; water management; burning; waste management; ecology and general housekeeping. The statement supplements a demolition plan and swept path analysis originally submitted. The scheme, having been reviewed by Highways and Public Protection consultees, is considered to appropriately mitigate against excessive impact of the development on the surrounding highway network and public amenity.

3.3.3 A Bat Survey was submitted to supplement the application. No objection was offered by Capita Ecology following its review, subject to implementation of recommended methods of mitigation.

3.3.4 A Tree Survey was also submitted to supplement the application, specifying the conditions of trees on site and identifying appropriate proposed management and protection measures to be introduced.



## Summary

This report assesses the prior notification application for the proposed demolition of Blakewater Lodge. In considering the proposal, all material considerations have been taken into account to inform a balanced recommendation.

### **4.0 RECOMMENDATION**

#### **4.1 That prior approval is not required; subject to the development being carried out in accordance with the following submitted documents and drawings:**

- Method Statement of Demolition dated 9<sup>th</sup> July 2018
- Location Plan. Drawing no. 5688/BB71 001
- Demolition Site Plan and Swept Path Analysis. Drawing no. 4119/XA05 004.
- Design and Access Statement dated 11<sup>th</sup> June 2018.
- Bowland Ecology Bat Survey dated June 2018.
- General Method Statement December 2017

### **5.0 PLANNING HISTORY**

- 10/05/1251 – creation of 6 parking spaces.
- 10/17/1239 – withdrawn application for a change of use from Care Home to a range of retail uses.

### **6.0 CONSULTATIONS**

6.1 Public consultation was carried out by display of a site notice; in accordance with the requirements of the Schedule 2, Part 11 of the (General permitted Development) Order 2015

#### 6.2 Highways

No objection subject to implementation of the submitted details.

#### 6.3 Public Protection

No objection subject to implementation of the submitted details.

#### 6.5 Ecology

No objection subject to implementation of mitigation measures recommended in Section 5 of the Bat Survey..

**7.0 CONTACT OFFICER: Nick Blackledge, Planner - Development Management.**

**8.0 DATE PREPARED: 3<sup>rd</sup> August 2018.**



**REPORT OF THE DIRECTOR**

**Plan No: 10/18/0612**

**Proposed development: Full Planning Application (Regulation 4) for Demolition of former Griffin Public House, Nos. 35-41 Stansfeld Street and Nos. 12-24 Hancock Street, site enabling works and other associated works.**

**Site address:**

**Land at Bank Top / Redlam Brow  
Blackburn**

**Applicant: Blackburn With Darwen Borough Council**

**Ward: Blackburn Central**

**Ward: Mill Hill & Moorgate**

**Councillor Saima Afzal**

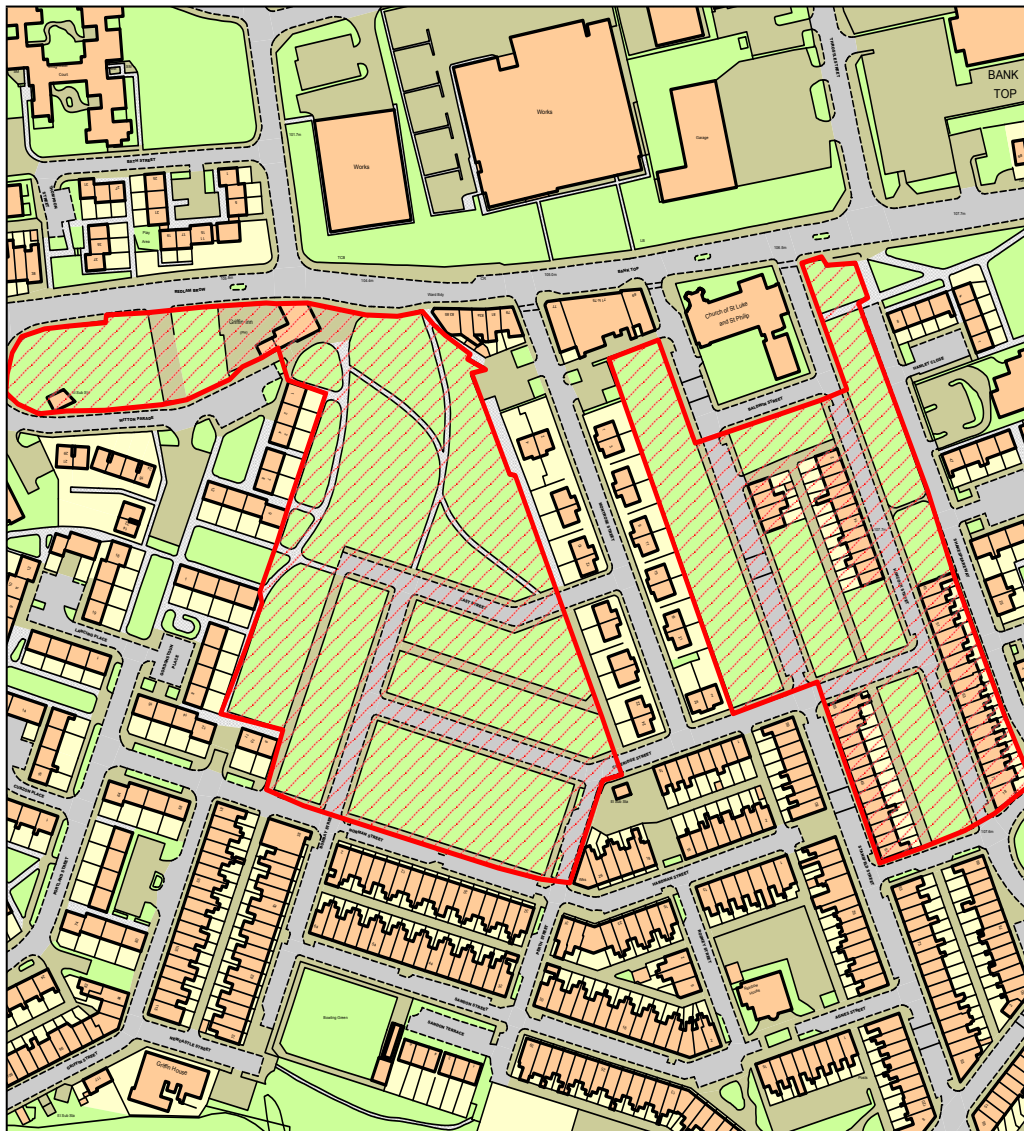
**Councillor Faryad Hussain**

**Councillor Zamir Khan**

**Councillor Julie Gunn**

**Councillor Jim Smith**

**Councillor Damian Talbot**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – Subject to conditions set out in paragraph 4.1 of this report**

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

- 2.1 The application is presented to Committee for determination due to the interest of the Local Authority as applicants and land owners; in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992.
- 2.2 The proposal seeks full planning permission for the demolition of the former Griffin Public House, nos. 35-41 Stansfeld Street and nos. 12-24 Hancock Street; site enabling works and other associated works. The application seeks to secure acceptance of the principle of demolition of the buildings and subsequent enabling works. Approval of the application will allow positive progress to be made as an initial action towards the eventual redevelopment of the site and will enable selection of a preferred contractor to undertake the works. A Council developer partner will then be selected to deliver a scheme of family homes; submission of an application for which is anticipated to be during early 2019, following comprehensive engagement with local residents and key stakeholders.
- 2.3 The principle of demolition of the buildings together with the enabling and remediation work is considered acceptable. This will represent the first stage of regeneration of the site to provide an offer of high quality and affordable homes across a range of tenures and types within a highly sustainable location; to be achieved in accordance with the vision of the Griffin SPD and an agreed Masterplan to support the application for residential development; in compliance with the Council's overarching housing growth strategy; as set out in the Core Strategy and Local Plan Part 2.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site is located south of Redlam Brow / Bank Top (A674); in a neighbourhood characterised by a range of local shopping facilities which serve a wider network of residential streets; within which lie two parcels of proposed development land previously cleared of housing, straddling Montrose Street; as set out in the submitted location and site plans. They are identified as Site 1: Redlam Brow, Witton Parade, Norman Street, Bombay Street and East Street; and Site 2: Stansfeld Street, Baldwin Street, Shakespeare Way and Hancock Street.
- 3.1.2 The overall site amounts to circa 3.76Ha (9.3 acres) and includes three areas of proposed demolition; the former Griffin Public House at Redlam Brow, nos.

35-41 Stansfeld Street and nos. 12-24 Hancock Street. The land has been acquired and cleared incrementally by the Council over the preceding 20 years.

3.1.3 Land to the north of the A674 is predominantly mixed business / industrial uses. Land to the south includes housing along Coleridge Street, Bombay Street and Norman Street; beyond which is Stancliffe Street Business Employment Area. Land to the immediate east is residential, beyond which is St Wilfrid's Church of England Academy. Land to the immediate west is residential, beyond which is Griffin Park Estate, which is a designated Conservation Area.

## **3.2 Proposed Development**

3.2.1 The application seeks full planning permission for demolition of the buildings and enabling works which will include removal of redundant and obsolete services; clearance of areas of regenerating vegetation and / or top soiled areas; treatment and remediation of land in accordance with a remediation strategy, including crushing of materials and hard surfacing; erection of hoardings and scaffolding sufficient to allow works to progress in a safe and secure manner and other associated works, as deemed necessary.

3.2.2 Demolition of the vacant buildings will open the site to provide accessible and visible development parcels at key frontages, which will support the future marketing of the residential development. Enabling works will ensure that the site is geo-environmentally and geo-technically suitable for a residential end use; that on-site contamination is mitigated or remediated to alleviate any potential risk to public health, development infrastructure and the environment; that works are carried out to a standard suitable for a residential end use, including geo-technically sound development platforms sufficient for construction of pavements and foundations to provide for a residential end use; and that remediation / reclamation activities are undertaken in such a way so as to prevent potential pollution of the environment.

## **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
- CS15 – Ecological Assets
- CS18 – The Borough's Landscapes
- CS19 – Green Infrastructure

### 3.3.3 Local Plan Part 2

- Policy 2 – The Inner 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 16 – Housing Land Allocations
- Policy 38 – Green Infrastructure on the Adopted Policies Map
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

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

#### 3.4.1 Green Infrastructure Supplementary Planning Document.

#### 3.4.2 Griffin Supplementary Planning Document (Nov 2017).

#### 3.4.3 National Planning Policy Framework (The Framework)

Of relevance is section 5 (paragraph 67) of The Framework, which sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. Section 8 relating to the promotion of healthy communities and section 15 (paragraph 175) relating to the enhancement of the natural environment, which requires local planning authorities to conserve and enhance biodiversity, are also of relevance.

#### 3.4.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

### **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 of the development;
- Amenity;
- Drainage;
- Highways;
- Ecology;
- Heritage.

#### 3.5.2 Principle

The principle of the development is considered under the Blackburn with Darwen Local Plan Part 2; Site Allocations and Development Management

Policies The site is located within the Inner Urban Area and is considered to have the capacity to significantly contribute to the borough's housing objectives. Accordingly, it is allocated as Housing Land, identified as "Griffin Development Site, Blackburn", capable of yielding 150 new homes by 2026 of which 105 are expected to be delivered by March 2019; as set out in Policy 16. The land is predominantly vacant, cleared to make way for redevelopment, with the exception of the buildings identified for demolition and other small parcels of informal open space. The principle of demolition and the enabling / remediation works is accepted, subject to review of other material considerations set out above. Although this application does not propose housing; Members are advised that the Housing Land allocation establishes the accepted principle for future housing development.

3.5.3 A small parcel of land outside of the Housing Land allocation but within the application site accommodates the former Griffin Public House; the demolition of which is similarly accepted in principle, subject to review of the other material considerations, including assessment of its heritage value, notwithstanding its non-designated heritage status.

3.5.4 Amenity

Policy 8 requires development to secure a satisfactory level of amenity and safety; with reference to noise, vibration, odour, light, dust and other pollution or nuisance.

3.5.5 The application is supported by Phase 1 Geo-Environmental Desk Study and Phase 2 Ground Investigation & Assessment to inform of the potential for ground contaminant risk. The studies have been produced on the assumption that the land will be redeveloped for low rise dwellings with associated soft landscaped gardens and infrastructure. Following review by the Council's Public Protection team, application of appropriately worded conditions are recommended to secure additional ground investigation, post demolition of the buildings, to inform the degree of threat from contaminants and to ensure implementation of appropriately robust measures of mitigation, where identified.

3.5.6 Public Protection also recommend conditions relative to working practices during the course of demolition and enabling works, in order to safeguard surrounding amenity. These include dust control measures and limited hours of working.

3.5.7 Drainage

Policy 9 requires development to incorporate appropriate drainage measures, in order to demonstrate that it will not be at an unacceptable risk of flooding and protection / appropriate mitigation of ecological habitat

3.5.8 Advice is offered as to the need to prevent demolition debris from entering any highway gully to ensure no increased risk of flooding.

### 3.5.9 Ecology

Capita Ecology has reviewed an Ecological Report submitted to supplement the application. They confirm that no further surveys are required and that reasonable avoidance measures contained in the report are adhered to throughout the development; to be secured by condition.

### 3.5.10 Highways

Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking.

3.5.11 Demolition and Construction Statements submitted in support of the application have been reviewed by the Council's Highway's consultee and found to be acceptable; subject to application of an appropriately worded condition to require implementation of the demolition and construction methodology.

### 3.5.12 Heritage

The buildings to be demolished are not designated heritage assets. They are neither listed or located within a Conservation Area. The Griffin Public House is, however, recognised as a Georgian building of some interest, recorded as an inn pre-1848. Accordingly, the building should be afforded some historic significance in the assessment. This is acknowledged by the Lancashire Archaeological Advisory Service, who have appraised the proposal and provided comment. Whilst no objection is offered, application of conditions to require production of a photographic record of the building prior to its demolition and implementation of a full watching brief during the stripping out phase and associated groundworks within the north-west part corner of its curtilage is recommended. Members are, however, advised that a full watching brief is considered a disproportionate requirement relative to the limited historic significance of the building, and that a photographic record is considered to be sufficient.

3.5.13 Notwithstanding the limited historic interest of the Griffin, its removal is considered to outweigh its preservation, given the benefit of assisting regeneration of the site for modern family housing. Moreover, future use of the building is severely hampered by the existence of a covenant preventing reintroduction of a public house and alternative uses are not considered viable in the current market.

### 3.5.14 Summary

This report assesses the planning application for the demolition of the identified building and enabling works. In considering the proposal, a wide range of material considerations have been taken into account.

3.5.15 In addition to the matters set out above, the following summary public representations have been received, citing matters that are considered to have been appropriately addressed in the report.



*That careful consideration is applied to the retention and conversion of the Griffin Public House, into an alternative use; in recognition of its age and historical significance to the locality.*

*That a decision is deferred pending a full historical investigation of the Griffin Public House and that consideration is given to integrating the building into the wider regeneration of the area; in recognition of its age and historical significance to the locality.*

#### **4.0 RECOMMENDATION**

##### **4.1 Approve subject to:**

Conditions which relate to the following matters:

- The development hereby permitted shall be begun not later than the expiration of three years from the date of the approval of the last of the reserved matters to be approval.
- Prior to commencement of the development hereby approved, a Demolition and Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition of the building. The Statement shall provide for:
  - i) the parking of vehicles of site operatives;
  - ii) area for loading of materials;
  - iii) storage of plant and materials used in demolition;
  - iv) the erection and maintenance of security hoardings;
  - v) wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
  - vi) measures to control the emission of dust and dirt during demolition;
  - vii) a scheme for recycling/disposing of waste resulting from demolition.
- No on-site demolition or construction shall take place outside the hours of 08:00 and 18:00 Monday to Friday, 08:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays. Unless otherwise agreed in writing by the Local Planning Authority.
- Following completion of demolition works and prior to undertaking of enabling works, further intrusive ground investigation to be undertaken to inform the extent of a remediation strategy to safeguard against ground contaminants for future residents of the site.
- Prior to its demolition, a photographic record of the Griffin Public House shall be produced.
- Recommendations contained within Section 5 of the Ecology Report to be implemented prior to and during demolition work.

## **5.0 PLANNING HISTORY**

5.1 No relevant planning history exists at the site.

## **6.0 CONSULTATIONS**

### 6.1 Drainage Section

No objection; subject to informative to ensure gullies are kept clear of debris.

### 6.2 Public Protection

No objection; subject to the following conditions:

#### *Noise*

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

#### *Contaminated Land*

- Submission of further intrusive ground investigations post demolition, prior to undertaking of enabling works.
- Submission of validation to demonstrate effective remediation (where necessary).
- Unexpected contamination.

### 6.3 Highways Authority

No objection subject to the following condition:

- Submission of Demolition and construction Traffic Management Statement.

### 6.4 Ecology

No objection subject to the following condition:

- Implementation of recommendations contained within Section 5 of the Ecology Report.

### 6.5 Lancashire Archaeology

No objection subject to the following conditions:

- Production of photographic record of the Griffin Public House, prior to its demolition.
- Implementation of a full watching brief during stripping out of the building and associated groundworks.

6.6 A far reaching public consultation exercise has taken place, involving 183 posted letters and display of a series of site notice within and around the application site.

**7.0 CONTACT OFFICER: Nick Blackledge, Planner – Development Management.**

**8.0 DATE PREPARED: 30<sup>th</sup> July 2018.**

## 9.0 SUMMARY OF REPRESENTATIONS

### Objection from Dave Whalley

I note with concern the proposal to demolish the former Griffin Inn (proposal 10/18/061), and would like to offer the following comments.

Blackburn has lost too many of its Georgian buildings – including the one that once stood at the junction of Spring Lane and Redlam. The Griffin, with its offset positioning, is a prominent landmark at the start of Redlam, which once housed a colony of handloom weavers. Blackburn Council has achieved good things in trying to put right the civic mistakes of the 1960s, a time when wholesale demolition resulted in the loss of many fine buildings; to the dismay of the townsfolk. The key error lay in a failure to integrate some old buildings with new developments. In order for Blackburn people to feel a sense of continuity, belonging and loyalty to the town, it is essential that the built environment retains a link with the past. Blackburn Council is not about to repeat the extensive mistakes of its predecessors, but, piecemeal, the losses continue.

The Griffin Inn is a fine building, probably a couple of centuries old, which ought to be preserved and its history investigated. A thorough study of the building, and how it relates to the area of the same name, does not appear to have been made. This should be carried out as a matter of urgency and, meanwhile I trust, a decision postponed. The Griffin should be integrated into whatever development takes place, thereby handing on to future generations the existing view towards Redlam.

Yours etc.

---

### Objection from Maggy Simms

I would like to make the following comment on proposal 10/18/0612 to demolish the Griffin pub, and hope that demolition can be averted.

The Griffin pub is a substantial late Georgian building linked closely to the history of the Griffin and Redlam area and in turn to Blackburn's local history.

Blackburn has lost most of its built heritage without pausing to consider the impact that this has on sense of place, identity and belonging. It would be sad to lose this building, which has stood for almost 200 years.

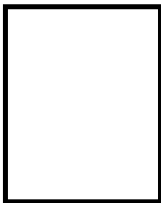
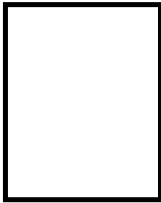
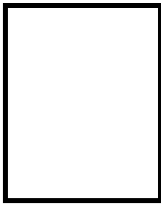
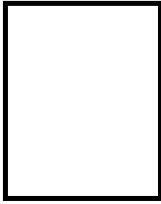
More research is needed to establish the exact age of the building or how the name of the pub came about. The surrounding area has long been identified by the same name. The building's symmetrical frontage and style is typical of the late Georgian period ie before 1837.

The location and shape of the building reflects its past heritage and that of the area. It is moulded to fit between an older routeway to its south, now partly flooded by Witton parade, and the turnpike road, Redlam Brow. These two roads give the building its unusual slightly wedge-shaped footprint.

The pub appears to have flourished as adjacent handloom weavers' communities sprang up along Redlam, providing a bowling green. There is also the site of a late Georgian bath, now Bath Street, which may have been part of the pub's varied amenities. Both 'bathing place' and bowling green are clearly marked on the 1840s maps.

Noting the Griffin SPD of 2017, it seems that there has been no understanding of the historical legacy of the Griffin pub and its position as part of the built heritage of the Griffin and Redlam Brow area.

It would be heartening to see the Griffin pub re-adapted and included into any new development as a lasting legacy to future generations and as an acknowledgement of the early working-class history of the town.



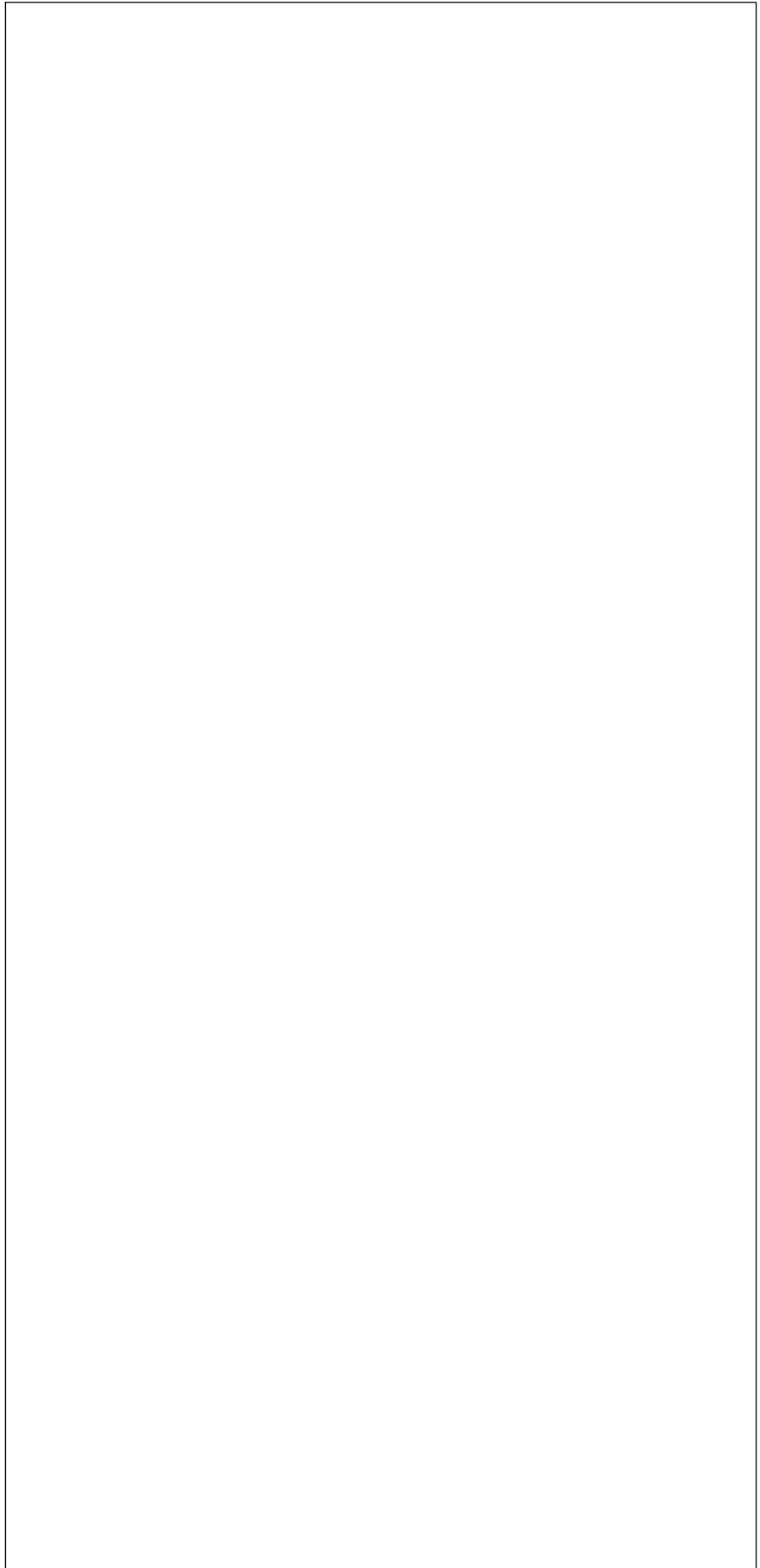
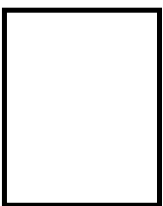
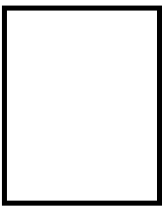
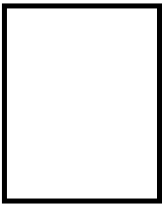
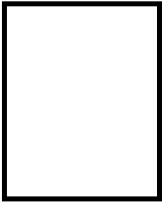
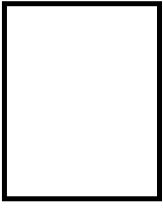
**REPORT OF: THE DIRECTOR OF GROWTH & DEVELOPMENT**  
**TO: PLANNING AND HIGHWAYS COMMITTEE**

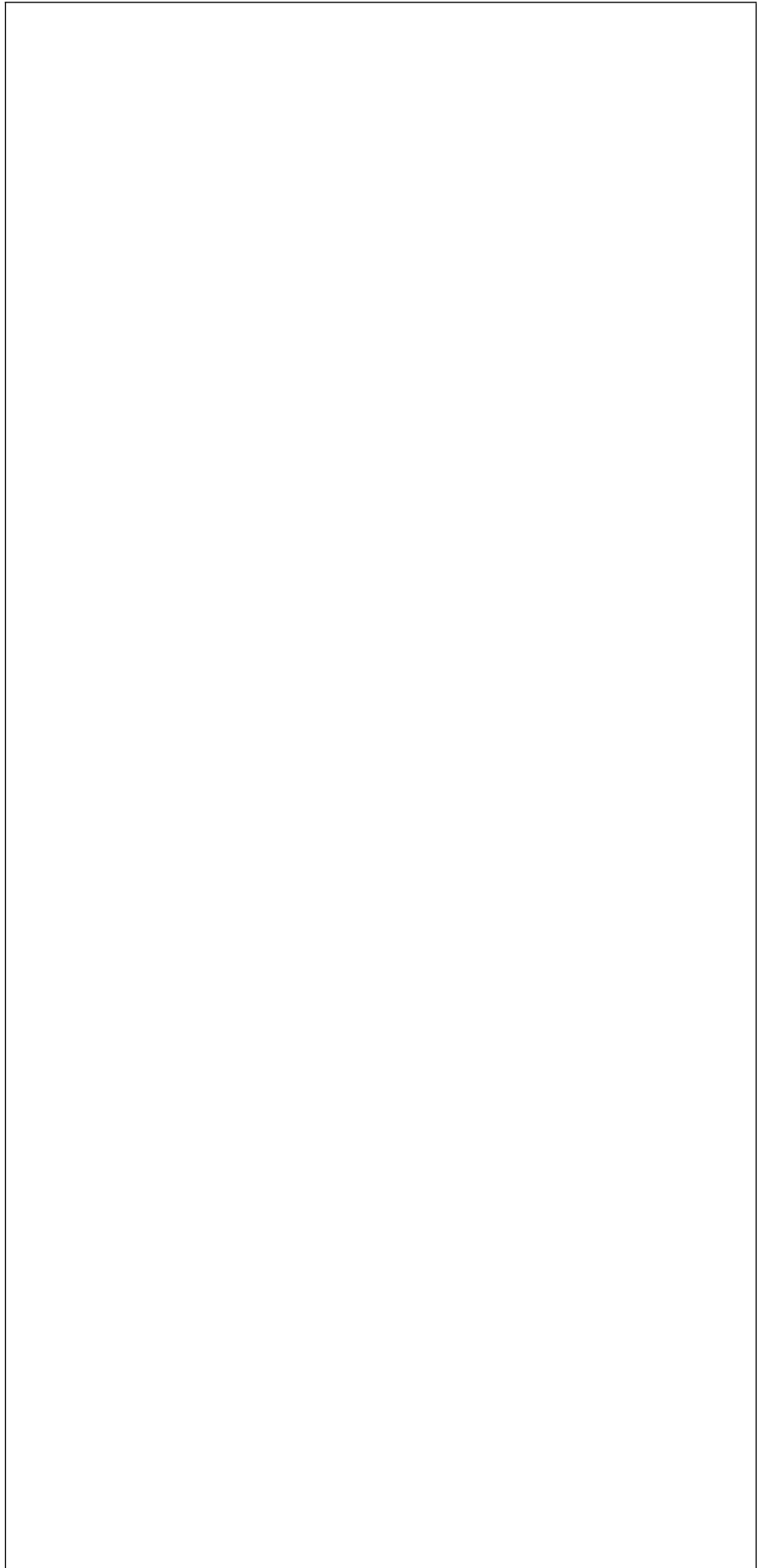
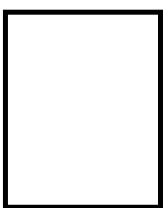
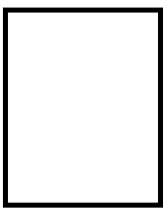
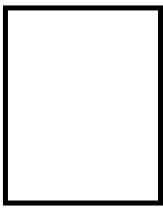
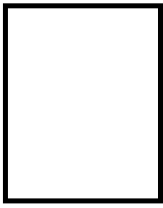
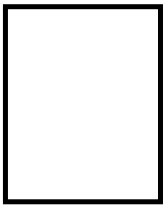
**ON: 16<sup>th</sup> AUGUST 2018**

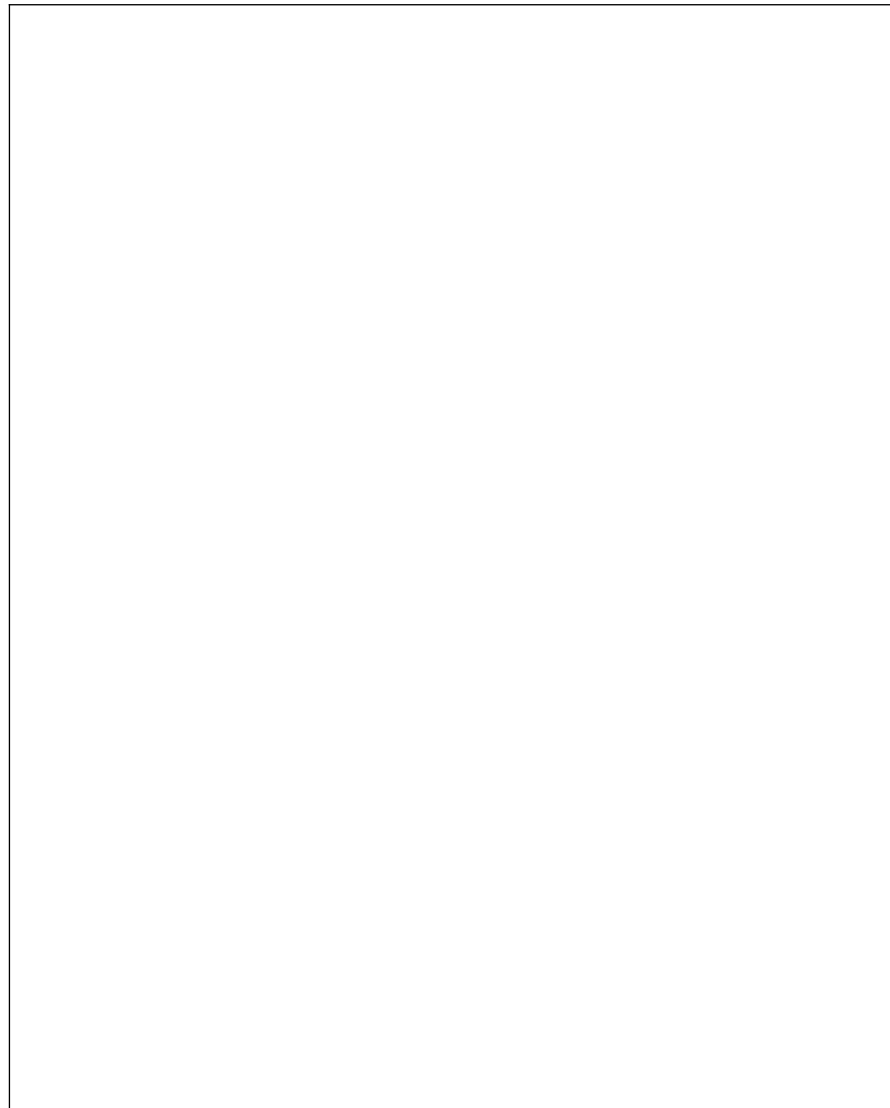
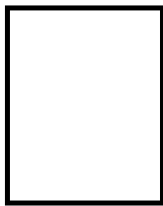
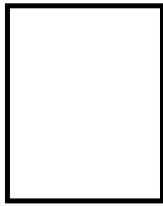
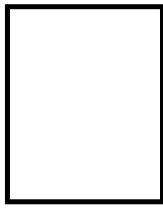
**ORIGINATING SECTION: DEVELOPMENT MANAGEMENT SERVICE**

**WARDS AFFECTED: ALL**

**COUNCILLORS: ALL**







---

**TITLE OF REPORT:**

**Planning Service Performance (Development Management)**

---

**1. PURPOSE OF THE REPORT**

- 1.1 To inform Members of the Planning Service’s current performance in processing planning applications which followed the Secretary of State for Communities and Local Government published a document in November 2016 “Improving Planning Performance – Criteria for Designation”. This set out the criteria the Government intend to use for designating a Local Planning Authority as underperforming and the thresholds that Authorities will be assessed against in the designation rounds which started in the first quarter of 2017/18.

**2. BACKGROUND**

- 2.1 The Growth and Infrastructure Act 2013 introduced measures relating to the performance of Local Planning Authorities in relation to the speed of determining major planning applications.



- 2.2 Section 1 of the Growth and Infrastructure Act inserted sections 62A and 62B into the Town and Country Planning Act 1990. Section 62A allows certain applications to be made directly to the Secretary of State if a Local Planning Authority fails to meet performance targets for the speed of determining major planning applications. Local Planning Authorities who fail to meet performance targets may be designated as poorly performing.
- 2.3 At present Local Planning Authorities must determine over 50% of major planning applications within the specified 13 week period (or 16 week period if the development requires an Environmental Impact Assessment) or within any written extension of time period agreed with the applicant. If a Local Planning Authority fails to determine 50% of major applications within the specified time period, Authorities may be designated as underperforming, placed in “special measures” and applicants may bypass the Council and submit applications directly to the Planning Inspectorate for determination. Underperforming Authorities are also required to prepare and implement an improvement plan.
- 2.4 With the publication of the “Improving Planning Performance”, further measures were introduced to improve performance.
- 2.5 The Government now proposes that the performance of Local Planning Authorities in determining both major and non-major development will be assessed separately, meaning that an Authority could be designated on the basis of its performance in determining applications for major development, non-major development or both. The assessment for each of these two categories of development will be against two separate measures of performance:
- the speed with which applications are dealt with measured by the proportion of applications that are dealt with within the statutory time or an agreed extended period; and,
  - the quality of decisions made by Local Planning Authorities measured by the proportion of decisions on applications that are subsequently overturned at appeal.
- 2.6 Therefore, the performance of Local Planning Authorities will be assessed separately against:
- the speed of determining applications for major development
  - The quality of decisions made by the Authority on applications for major development.
  - the speed of determining applications for non-major development;
  - The quality of decisions made by the Authority on applications for non-major development.
- 2.7 In order to designate LPA’s as poorly performing, the Government use the quarterly statistical returns made to Ministry of Housing Communities & Local Government (MHCLG). For the measure relating to the quality of decisions, this will be based on the numbers of appeals that are overturned during a particular

quarter. The threshold for designation for both major and non-major development, above which a Local Planning Authority is eligible for designation, is 10% of the Authority's total number of decisions on applications made during the assessment period being overturned at appeal.

- 2.8 Where a Local Planning Authority is designated, applicants may apply for planning permission directly to the Planning Inspectorate (on behalf of the Secretary of State) for the category of applications (major, non-major or both) for which the authority has been designated, subject to limited exceptions. Thus removing control from the Local Planning Authority in terms of the decision, conditions applied to any approval and fee income.
- 2.9 Soon after a designation is made the Local Planning Authority will be expected to prepare an action plan addressing areas of weakness that it identifies as having contributed to its under-performance. Where necessary, this action plan will directly address weaknesses in the processing of these types of applications.
- 2.10 Data showing the performance of Local Planning Authorities against the speed and quality measures is published by the MHCLG on a quarterly basis. The Government indicates that a Local Authority's performance will be assessed using figures which have already been provided to MHCLG.
- 2.11 The following table shows the designation thresholds and initial assessment periods.

Measure and type of Application	2017 Threshold and assessment period	2018 Threshold and assessment period	Live Table
Speed of major Development (District and County)	50% (October 2014 to September 2016)	60% (October 2015 to September 2017)	District - P151a County – P151b
Quality of major Development (District and County)	N/A – we are not assessing quality in this designation round	10% (April 2015 to March 2017 <sup>12</sup> )	District - P152a County – P152b
Speed of non-major Development	65% (October 2014 to September 2016)	70% (October 2015 to September 2017)	P153
Quality of non-major Development	N/A – we are not assessing quality in this designation round	10% (April 2015 to March 2017 <sup>13</sup> )	P154

- 2.12 It is the 2018 threshold and assessment period which is important for the designation rounds.

### 3. RATIONALE

3.1 Members will recall in the autumn of 2015, the Council received notification from the Secretary of State that at that time during the initial assessment period i.e. the preceding 2 years, the local planning authority were at serious risk of being placed in “special measures” due to the performance of dealing with majors and non-majors application not meeting the criteria set. As a result of this, the Planning Service immediately produced a “Planning Performance Improvement Plan, which set out an action plan and monitoring framework to improve the Service’s performance, and reduce any risk of the service being placed in “special measures”. This included setting a local planning performance target to be adopted that is equivalent to the upper quartile performance level nationally; recruitment process for three additional planning posts; scheme of delegation being revised. With regards to the latter this has been in place now since the 1st October 2015.

Below is the action plan that was put in place, with all the items now fully in place:

No.	Item
1	Establish local target for processing of Major and Minor applications in line with national Upper Quartile, and include in Management Accountability Framework
2	Resources – recruit to full establishment including additional Principal, Planner & Enforcement roles
3	Scheme of delegation – revise to eliminate objections trigger
4	Quality of submissions – stricter validation process – applications automatically invalid if missing information, not worked upon again or made valid until all missing information submitted
5	Digitisation of service – application boundary polygons, historic records, live records via EDMS
6	Decision making culture – approve unless demonstrable harm; focus on timescales

3.2 Since the performance threshold was introduced for the speed of determining major applications and the Action Plan was implemented, officers have sought to work with applicants to either ensure that applications are determined within the statutory period or that an extension of time can be agreed. Major developments often throw up complex issues which take a considerable length of time to resolve and they are rarely dealt within the prescribed 13 or 16 week period (for development requiring Environmental Impact Assessment). Applicants are fully encouraged to submit their schemes through the Council’s adopted Pre-Application Advisory Service, so that the issues can be identified and addressed at an early stage of the process. In many cases applicants are keen to work with officers and will agree an extension of time to formally extend the determination period where issues cannot be addressed within the statutory time period. This approach by officers applies to the determination of major and non-major applications where officers negotiate extensions of time with the applicants.

Members are advised that the designation thresholds for non-major applications measured by the Government only relates to the “minor category” and in the “other category, just householder and changes of use applications”.

3.3 As part of the monitoring framework, a Planning Service Dashboard has been produced which allows management information to be monitored relating to the performance of majors and minors planning applications, number of applications approved, and the performance of appeals. This is monitored over a monthly basis for 12 months, together with the quarterly monitoring on majors and minors for the preceding two years. The Dashboard is reported on a bi-monthly basis to the Planning Cross Party Working Group.

3.4 Figure 1 below shows the Council’s performance for the rolling period of 2 years up to 30<sup>th</sup> 2018 (measured by the Government).

<b>Blackburn With Darwen Performance for the rolling period of 2 years up to 30th June 2018</b>	published	published	published	published	published	published	published	published	published	target
<b>Majors</b>	Jul - Sep 2016	Oct - Dec 2016	Jan- Mar 2017	Apr- June 2017	July-Sep 2017	Oct-Dec 2017	Jan-Mar 2018	Apr-June 2018	24 months to end of June 2018	
Major Decisions	10	5	6	4	9	10	8	11	63	
Major Decisions within 13 weeks	5	2	4	0	5	5	4	8	33	
PPA, EoT or EIA Decisions	5	3	2	4	4	5	3	3	29	
PPA, EoT or EIA Decisions within agreed performance measure per quarter	5	3	2	4	4	5	3	3	29	
	100%	100%	86%	100%	100%	100%	100%	100%	100%	
total decisions	63						3	6	2	
within time	62						3	5	2	
<b>performance measure</b>	<b>98% target is over 60%</b>									
<b>Minors and others</b>	Jul - Sep 2016	Oct - Dec 2016	Jan-Mar 2017	April-June 2017	Jul-Sept 2017	Oct-Dec 2017	Jan-Mar 2018	Apr-June 2018	24 months to end of June 2018	
M&O Decisions	179	131	172	151	190	149	137	139	1248	
M&O Decisions within 8 weeks	130	95	124	94	125	104	101	108	881	
PPA, EoT or EIA Decisions	41	33	46	56	62	41	34	30	343	
PPA, EoT or EIA Decisions within agreed performance measure per quarter	41	33	46	56	62	38	31	31	338	
	96%	98%	99%	99%	98%	95%	96%	100%	97.68%	
total decisions	1248									
within time	1219									
<b>performance measure</b>	<b>98% target going forward is 70%</b>									

Figure 1: Blackburn With Darwen Performance for the rolling period of 2 years up to 30<sup>th</sup> June 2018

3.2 Turning to the performance measure for this period the Council determined 63 major applications during the 2 year period. 33 applications (49%) were

determined within the statutory 13 week period. However, with the agreed extension of time (62 applications) 98% were determined which exceeds the target of 60%. The predominant reason why the majority of the major applications are determined with an agreed extension of time is due to the negotiations between the Council and the applicants relating to the viability of the proposed development and the financial contributions that are sought through the Section 106 Agreements.

3.3 With regards to the non-majors performance, 70% of the applications determined during the 2 year period are determined within the 8 week statutory period, which meets the target. However, with the agreed extensions of time the performance is at 97%. Members will be aware that the Department went through a major restructure during the summer of 2017 which also included the Development Management Service restructuring its team along with a full recruitment process. As a result of this, the Service is now fully resourced with planning case officers. In addition, the Digitisation of the Planning Service is now complete, which assists in the processing of the planning applications at the validation/registration stage. This means from Figure 1 you can see that the number of required extensions of time for non-major applications are now reducing.

3.4 At the time of writing the report, performance figures for the Service over a rolling 12 month period are shown in Figures 2 and 3 for the period up to 30<sup>th</sup> June 2018. These reports are produced for the Cross Party Planning Working Group, on a bi-monthly basis.

Date	No. of apps received	No. of apps decided	No. of apps approved	No. of apps refused	No. of apps withdrawn	% apps approved	% apps refused	Major target	% majors within 13 weeks	% of majors 13 wks & agreed EoTs	Number of majors determined	No of Majors determined within 13 wks	Extension of time agreed (ppas etc) - Majors
Jul-17	82	67	63	4	7	94%	6%	50%	67%	100%	3	2	1
Aug-17	80	63	55	8	8	87%	13%	50%	50%	100%	6	3	3
Sep-17	82	69	62	7	13	90%	10%	50%	0%	0%	0	0	0
Oct-17	100	52	51	1	7	98%	2%	50%	75%	100%	4	3	1
Nov-17	100	63	54	9	7	86%	14%	50%	50%	100%	4	2	2
Dec-17	60	56	46	10	6	82%	18%	50%	66%	100%	6	4	2
Jan-18	88	50	42	8	8	84%	16%	50%	50%	100%	4	2	2
Feb-18	86	39	35	4	4	90%	10%	50%	50%	100%	2	1	1
Mar-18	80	63	52	11	2	83%	17%	50%	50%	100%	2	1	1
Apr-18	83	46	37	9	4	80%	20%	50%	50%	100%	2	1	1
May-18	102	57	47	10	6	82%	18%	50%	33%	100%	3	1	2
Jun-18	73	60	55	5	5	92%	8%	50%	83%	100%	6	5	1
Total	1016	685	599	86	77						42	25	17
Average						87%	13%	50%	57%	100%			

Figure 2: Blackburn With Darwen Performance for the period July 2017 to June 2018

Date	Minor/Other target	% minors/other within 8 weeks	% of minors/other 8 wks & agreed EoTs	Number of minors /other determined	No of minors/other determined within 8 wks	Extension of time agreed (ppas etc) - Minors
Jul-17	80%	70%	100%	64	45	19
Aug-17	80%	61%	100%	57	35	22
Sep-17	80%	65%	92%	69	45	22
Oct-17	80%	63%	98%	48	30	17
Nov-17	80%	68%	100%	59	40	19
Dec-17	80%	84%	100%	50	42	8
Jan-18	80%	70%	92%	46	32	13
Feb-18	80%	81%	100%	37	30	6
Mar-18	80%	74%	88%	61	45	16
Apr-18	80%	79%	98%	44	35	9
May-18	80%	67%	96%	54	36	16
Jun-18	80%	85%	96%	54	46	7
Total				643	461	174
Average	80%	72%	97%		38	15

Figure3: Blackburn With Darwen Performance for the period July 2017 to June 2018

- 3.5 From these figures, it can be seen that 87% of the applications determined over the 12 month period are approved, and 13% refused planning permission. The performance measure for majors and non-majors at 100% and 97% are meeting the targets set by the Government.
- 3.6 Turning to the appeals threshold criteria, no appeals have been submitted relating to major planning applications. However, as the number of major applications received by the LPA is relatively low the Council must be mindful that the 10% target figure is also relatively low so a small number of appeal overturns could have a significant impact on the Council. However, at the current time, the Council meets the performance target for the quality of decisions in relation to major applications.
- 3.7 With regards to non-majors, the latest performance figures for the 2 year rolling period up to the 30<sup>th</sup> June 2018, show that 40 appeals have been determined against 1,265 applications determined by the LPA. As stated in paragraph 2.7 above, the measure is 10% of the Authority's total number of decisions on applications made during the assessment period being overturned at appeal. Out of the 40 appeals determined by the Planning Inspectorate 13 were allowed, which amounts to 1.03% of the total number of applications determined by the LPA during the same period. As such, at the current time, the Council's meets the performance target for the quality of decisions in relation to non-major applications. The Planning Dashboard which is reported to the Planning Cross Party Working Group on a bi-monthly basis, also shows the numbers of appeals received and determined over a 12 month period. Figure 4 below shows the latest figures.

Date	No. of appeals received	No. of appeals decided	No. of appeals allowed	No. of appeals dismissed	% of appeals allowed	% of appeals dismissed
Jul-17	0	2	0	2	0%	100%
Aug-17	1	1	0	1	0%	100%
Sep-17	0	0	0	0	0%	0%
Oct-17	2	1	1	0	100%	0%
Nov-17	2	2	1	1	50%	50%
Dec-17	4	0	0	0	0%	0%
Jan-18	0	1	0	1	0%	100%
Feb-18	2	2	0	2	0%	100%
Mar-18	0	2	1	1	50%	50%
Apr-18	4	0	0	0	0%	0%
May-18	1	2	1	1	50%	50%
Jun-18	0	1	0	1	0%	100%
Total	16	14	4	10		
Average					29%	71%

Figure4: Blackburn With Darwen Performance for the period July 2017 to June 2018

3.9 Whilst the Council is currently meeting the Government's thresholds we must always remain mindful of performance targets as failure to meet the thresholds will see the Local Planning Authority being categorised as underperforming. If the Council were to be designated for poor performance, not only would there be reputational damage and a loss of confidence in the Local Planning Authority but applicants would be able to by-pass the Council and submit applications directly to the Planning Inspectorate for determination. This would be detrimental to the interests of local democracy. Therefore, it is important that the Council retains sufficient resources to enable the targets to be met and exercises caution in the refusal of major planning applications, ensuring that reasons for refusal can be robustly defended in any subsequent planning appeal.

#### 4. POLICY IMPLICATIONS

4.1 None

#### 5. FINANCIAL IMPLICATIONS

5.1 There are some financial/ resource implications arising from this report should the Council fail to meet its performance targets. In this case there would be the potential for applicants to submit planning applications directly to the Planning Inspectorate with consequent impact on the planning fee income received by the Council.

#### 6. LEGAL IMPLICATIONS

6.1 None

**7. RESOURCE IMPLICATIONS**

7.1 None

**8. EQUALITY IMPLICATIONS**

8.1 The report is for information purposes only and does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

**9. CONSULTATIONS**

9.1. Planning Cross Party Working Group.

**10. RECOMMENDATION**

10.1 That the Committee note the content of the report

**Contact Officer: Gavin Prescott, Planning Manager**  
**Date: 20<sup>th</sup> July 2018**

Background Papers: Department of Communities and Local Government – Improving Planning Performance. Criteria for designation (revised 2016). November 2016.



## **DEPARTMENT OF PLANNING & PROSPERITY**

**ORIGINATING SECTION:** Planning

**REPORT TO:** Planning & Highways Committee on 16<sup>th</sup> August 2018.

**TITLE:** Petition objecting to the display of a free standing advertisement on land at Whalley Old Road, Blackburn, opposite the entrance to Notre Dame Gardens.

**WARD:** Bastwell and Daisyfield

---

**Councillor:** Parwaiz Akhtar  
**Councillor:** Iftakhar Hussain  
**Councillor:** Shaukat Hussain

---

### **1.0 PURPOSE OF THE REPORT**

1.1 To inform Members of the receipt of a petition relating to the display of a free standing advertisement on land at Whalley Old Road, Blackburn.

### **2.0 BACKGROUND AND DETAILS**

2.1 Although the petition is not dated, it is believed to have been sent to the Council on 25<sup>th</sup> June 2018.

2.2 On 17<sup>th</sup> January 2018, the Local Planning Authority received an application for Advertisement Consent, submitted on behalf of the Council, for 3no. free-standing roadside advertisements at sites including land opposite Hall Moss Business Park, Bolton Road, Darwen; land at the corner of Salford / Penny Street, Blackburn and the subject site at land opposite Whalley Old Road / Notre Dame Gardens junction. The application was approved on 8<sup>th</sup> March 2018 and displayed sometime thereafter. Members are advised that there is no statutory duty to carry out public consultation for an application for Advertisement Consent.

2.3 Assessment of the application was limited to its impact on public amenity and highway safety. It was considered that the advertisements were appropriately sited so as not to conflict with public amenity or highway safety; in accordance with national and local policy. The Case Officers assessment is set out in the attached Delegated Report.

### **3.0 RECOMMENDATION**

3.1 That the petition be noted by Members and that the lead petitioner be informed of any decision taken.

**4.0 BACKGROUND PAPERS** Case Officers Delegated Report.

**5.0** **CONTACT OFFICER** Nick Blackledge – Tel. 585112.

**6.0** **DATE PREPARED** 6<sup>th</sup> August 2018.

## **DELEGATED DECISION OFFICER REPORT**

**Proposed development: Advertisement Consent for 3no roadside signs**

**Site address: Various locations; Salford and Whalley Old Road, Blackburn and Bolton Road, Darwen.**

**Applicant: Blackburn with Darwen Borough Council**

**Application number: 10/18/0082**

**Case officer: Nick Blackledge, Planner - Development Management**

**Recommendation: APPROVE.**

---

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), and the adopted policies of the Blackburn With Darwen Borough's Core Strategy and Local Plan Part 2 "Site Allocations and Development Management Policies", together with other relevant material planning considerations. The policies of the Core Strategy and Local Plan Part 2 that have been used to assess this application are considered to be in accordance with the NPPF, and as such are material planning considerations.

The planning service, in assessing the planning application, has had due regard to the provisions of the Human Rights Act. It is an inherent part of the decision making process to assess the effects that a proposal will have on individuals, and weigh these against the wider public interest in determining whether development should be granted planning permission. In carrying out this balancing exercise, the planning service is satisfied that it has acted proportionately.

### **PROPOSAL**

Advertisement consent is sought for the erection of 3no free standing roadside advertisements, located at Whalley Old Road and Salford, Blackburn and Bolton Road Darwen; as set out in the submitted drawings.

#### **Publicity:**

As an application for Advertisement Consent, there is no duty to publicly consult.

### **DEVELOPMENT PLAN**

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

NPPF recognises that poorly placed advertisements "can have a negative impact on the appearance of the built and natural environment" (paragraph 67). The Framework seeks to address the relationship

between an advertisement and its setting through an assessment of the potential effects on *amenity* and *public safety*.

### Supplementary Planning Guidance Outdoor Advertisements and Signs

The SPG requires that advertisements should respect the characteristics of a building on which they are displayed and the character and appearance of the local area; having regard to size, form, colour, positioning and lettering.

### Local Plan Part 2 (2015) Policies:

Policy 43: “Outdoor Advertisements”

### NPPF

NPPF attaches great importance to the design of the built environment and recognises that poorly placed advertisements can have a negative impact on the built and natural environment and that control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the Local Planning Authority’s detailed assessment (paragraph 67).

### **ASSESSMENT**

The key issues in relation to this application are:

- Visual Impact; and
- Highways Safety

### Visual Impact

Policy 43 is of relevance and supports erection of signage which does not unacceptably affect the visual or historic character of the area, create clutter or excessive advertising.

The locations of the adverts have been chosen so as to minimise harm to the visual character of the area. The absence of a significant number of existing adverts ensures no excessive contribution toward visual clutter. In context, therefore, the proposal is considered to comply with the aforementioned policy principles.

### Highways Safety

Policy 43 also supports advertisement proposals which do not obscure visibility or distract users of the highway, impinge on functional/ traffic signs or pedestrian movement.

The signs are not illuminated and will not impede visibility for users of the highway or of other pre-existing directional signs nearby.

The Highway officer has requested clarity regarding maintenance of the signs. The onus for maintenance falls with the applicant / site owner.

Accordingly, the proposal complies with the requirements of the Development Plan.

---

Nick Blackledge  
01 August 2018

We the petitioners do not approve of the unsightly advertising panel that has been erected opposite the entrance to Notre Dame Gardens and request its' removal.

The petitioners would like to know if and if so when was planning permission given for this structure and when and who was consulted prior to this which we believe is the usual requirement before decisions are made.

Name	Address
M MABIGAN	31 Notre Dame Gardens ✓
R.N. JOBAL	16 Notre Dame Gardens
B TATARYH	1+3 NOTRE DAME GARDENS
Muniba IQBAL	20 NOTRE DAME GARDENS
H Sidat	14 " " (R) AND
A CRAIG	19 " "
Schibweil	8 " "
FOZIA	4 " "
Nathan	22 " "
Aly	02 " "
M. IQBAL	24 Notre Dame Gardens
J. Inubshew	
Amir Khan	72 Notre Dame Gardens
MR HUSSAIN	11 NOTRE DAME GARDENS
MR ASIM	" " " "
MA ASIF	" " " "
P. Swatee	93. NOTRE DAME GARDENS
A-Swatee	59 NOTRE DAME GARDENS
S. member	99 NOIRE DAME GARDENS
A. AZIZ	85 NOTRE DAME GARDENS
Seedat	" " "
Z SEEDAT	" " "
S SEEDAT	
A. SHEIKH	15- NOTRE DAME GARDENS
M. H. GURNISHI	17 NOTRE DAME GARDENS
S WRIGHT	7 NOIRE DAME GARDENS
U Swatee	10? NOTRE DAME GARDENS
P. HARRISON	29 Notre Dame Gardens
Michael	81 NOTRE DAME GARDENS
Katevan	79 Notre Dame Gardens
DANE NEWTON	73 " " "

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted



By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

**PLANNING & HIGHWAYS COMMITTEE**  
**THURSDAY, 16<sup>th</sup> AUGUST 2018**  
**UPDATE:**

Members are advised with regards to Planning Applications 10/18/0581 (Blakewater Lodge) and 10/18/0612 (Land at Bank Top/Redlam Brow), reference is made to the reason why the applications have been referred to the Committee in paragraphs 2.1 of the respective reports. The reference to Regulation 4 of the Town & Country Planning General Regulations 1992 has now been replaced by Regulation 4 of **The Town and Country Planning General (Amendment) (England) Regulations 2018**.

**10/18/0075 – Land at School Lane, Guide, Blackburn**

Paragraph 3.8.3 of the main report refers to the proposed 3 metre high acoustic fence recommended by Highways England to the edge of the plots on the south east boundary that adjoins the motorway embankment. Further comments have been received from the Public Protection officers on the 3<sup>rd</sup> August these are:

1. Acoustic Glazing and Ventilation

The Acoustic Measures Plan includes some measures to mitigate noise, but it doesn't include all of the acoustic glazing and ventilation requirements considered necessary in the developer's noise report. Also, the site layout has changed, so it will be necessary to revise the glazing and ventilation recommendations in the report. I therefore **recommend the following condition:**

**Glazing and ventilation condition:**

**The developer shall submit a glazing and ventilation scheme. This scheme shall be agreed in writing by the Authority and implemented before any dwelling hereby approved is occupied.**

**Reason: To prevent loss of amenity caused by noise**

Informative: An appropriate scheme shall reflect the recommendations in the Acoustic Measures Plan and section 9.0 of the noise report (ref: 201711103 8086 Guide ProPG.docx) submitted in support of the application. The report recommendations include but are not limited to the provision of Mechanical Extract Ventilation or Positive Input Ventilation for all of the dwellings. Glazing and ventilation specifications will be required including ventilation rates.

## 2. Barrier Specification and Maintenance

There is concern that the specification of the barriers has not been agreed and there is no adequate provision for barrier maintenance. In terms of maintenance, Public Protection officers are particularly concerned about the 3m barrier protecting homes facing onto the M65.

The UK Highways Agency has issued guidance stating that noise barriers should be built to be low maintenance for 20 years and to have a 40 years of operational life, but many barriers fail after 5 or 10 years if they are not adequately maintained. The barriers that are considered necessary in the developer's noise report must be adequately constructed and maintained if they are to be effective.

If the responsibility for maintenance was to fall on individual home owners then it is unlikely that the fence will be maintained to an adequate standard. If one owner allowed their section of barrier to fall into disrepair the resulting loss in barrier performance will adversely affect their neighbours. Acoustic barriers need to be maintained in their entirety for them to be effective. If adequate provision isn't made for barrier maintenance it is likely that the fence will start to fail in 5 to 10 years and noise levels will exceed the desirable and upper noise limits specified in the relevant standards.

I therefore **recommend the following condition**

**Noise Barrier condition: The developer shall submit a scheme for the specification of all barriers identified on the Acoustic Measures Plan and the maintenance of the barrier adjoining the M65. This scheme will be approved in writing by the Planning Authority and implemented prior to the commencement of the approved use, and retained thereafter.**

**Reason: To prevent loss of amenity caused by noise**

Informative: A scheme which relies upon individual home owners maintaining the barrier will not be acceptable. Consideration should be given to the Highways Agency guidance relating to environmental barrier construction and maintenance.

**10/18/0417 – The Arches, 581-583 Preston Old Road, Blackburn**

Paragraph 3.5.18 of the main report should read:

*“The applicants initially proposed to open until 11pm and create an enclosed seating area for ten tables of 4 covers. This was considered to have an unacceptable impact on the amenity of all nearby residents. The applicants therefore seek permission for the opening hours of Monday to Saturday 08:00 – 16:00 and 09:00 – 16:00 on Sundays. The applicants wish Members to know that on Sundays they currently open until 18:00 hours as they serve Sunday lunch and that they are willing to concede these two hours to gain retrospective permission for this use.”*

Additional Representation Received offering support of the business – Margaret Shuttleworth J.P (retired) Address Unknown, dated 14<sup>th</sup> August 2018:

*“I wish to support the application from the proprietors of the Three Arches cafe for retrospective planning application for change of use from convenience store to present coffee shop/cafe. I saw the article in the local paper and was heartened by the positive comments re this retrospective application. My husband and I have lived on this estate for 56 years and never has the entrance to the estate been so attractive, due entirely to the opening of this cafe. It is a joy to see and serves a welcome need. It is used by families, friendship groups and people living alone. The proprietors are very considerate of the needs of the people living near to the cafe. The premises are clean and the food is excellent. We walk down there with regularly to enjoy the convivial atmosphere, excellent service and super food. Please do your best to bring my views before the planning committee.”*

It is also recommended to add an additional condition to those listed in paragraph 4.1 of the main report:

**The use of the premises hereby permitted is restricted to Use Class A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). REASON: In accordance with Policy 8 of the Blackburn with Darwen Local Plan Part 2, as other uses may have an unacceptable impact on neighbour amenity and/or the character and appearance of the area.**

Gavin Prescott  
Development Manager  
16<sup>th</sup> August 2018