

# Public Document Pack

## Planning and Highways Committee

Thursday, 21st February, 2019

6.30 pm

Meeting Room A, Blackburn Town Hall

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### AGENDA

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**Petition relating to Planning Application 10-18-1093**

**6. Petition re: Bus Service 33 Darwen to Royal Blackburn Hospital**

Verbal update to inform the Committee of a petition received in relation to the withdrawal of the 33 Darwen to Royal Blackburn Hospital commercial bus service. The Executive Member for Regeneration and Growth, Councillor Phil Riley will update the Committee and the Lead Petitioner.

**7. Petition re Oakfield House**

**Petition Report - Oakfield House  
Oakfield House Petition**

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**PART II - THE PRESS AND PUBLIC MAY BE EXCLUDED  
DURING CONSIDERATION OF THE FOLLOWING ITEMS**

**8. Enforcement Report**

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Date Published: Wednesday, 13 February 2019  
Harry Catherall, Chief Executive

## PLANNING AND HIGHWAYS COMMITTEE

Thursday, 20 December 2018

**PRESENT** – Councillors; Smith (in the Chair), Akhtar, Brookfield (substitute for Richards), Casey, Davies, Hardman, Jan-Virmani, Khan, Khonat, Marrow (substitute for Daley), Oates, Riley and Slater.

**OFFICERS** - Gavin Prescott (Development Manager), Michael Green (Legal) and Safina Alam (Highways) and Wendy Bridson (Democratic Services).

### RESOLUTIONS

**53     Welcome and Apologies**

The Chair welcomed everyone to the meeting. Apologies were received from Councillors Daley and Richards.

**54     Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the last meeting held on 15<sup>th</sup> November 2018 be confirmed and signed as a correct record.

**55     Declaration of Interest**

**RESOLVED** – There were no Declarations of Interest received.

**56     Planning Applications for Determination**

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

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** – That the following decisions be made on the applications:

**57     Planning Application 10-18-0317**

**Applicant** – Blackburn Waterside Regeneration Ltd

**Location and Proposed Development** – Former Sappi Paper Mill, Livesey Branch Road, Blackburn, BB2 5HX

Variation of conditions 2, 6, 14, 15, 16, 18, 19, 22, 29, 32, 33, 36, 37, 38, 40, 41, 43 and 44 pursuant to planning application 10/15/0496 relating to outline planning permission with all matters reserved save for access for a mixed use development of a maximum of the following: 500 dwellings, 3,224m<sup>2</sup> of B1a employment use, 9,192m<sup>2</sup> of B1c employment use, 333m<sup>2</sup> of A1 commercial use, 1,110m<sup>2</sup> community building, structural planting and landscaping, informal open space and associated ancillary works, to facilitate a phased development.

**Decision under Town and Country Planning Acts and Regulations –** Approved, subject to reapplying all conditions imposed upon the extant permission 10/15/0496 (as amended); and including the additional condition referred to in paragraph 2.5 of the Directors Report.

Should the Deed of Variation to the S106 Agreement not be completed within 6 months of the date of this resolution (or within an agreed extension of time confirmed in writing by the Head of Service for Planning), the Head of Service for Planning will have delegated powers to refuse the application.

**58 Planning Application 10-18-0740**

**Applicant –** Blackburn Waterside Regeneration Ltd

**Location and Proposed Development –** Sappi Paper Mill, Livesey Branch Road, Blackburn, BB2 5HX

Variation of Legal Agreement / S106 for Variation to Section 106 Planning Obligation for Planning Application 10/15/0496.

**Decision under Town and Country Planning Acts and Regulations –** Approved variation of the S106 Agreement pursuant to Planning Application 10/15/0496. Should the Deed of Variation to the S106 Agreement not be completed within 6 months of the date of this resolution (or within an agreed extension of time confirmed in writing by the Head of Service for Planning), the Head of Service for Planning will have delegated powers to refuse the application.

**59 Planning Application 10-18-0895**

**Applicant –** Persimmon Homes Lancashire

**Location and Proposed Development –** Land at Roe Lee, Off Ramsgreave Drive, Blackburn

Full Planning Application (Regulation 3) for Development of 155 dwellings and associated landscaping and highways works.

**Decision under Town and Country Planning Acts and Regulations –** Approved subject to the recommended conditions highlighted in the Director's report and the pre-commencement conditions set out in the Update Report subject to the applicants agreeing to them in accordance with the provisions of paragraph 55 of the NPPF and the Town and Country Planning (Pre Commencement Conditions) Regulation 2018.

In the event that there is no agreement with the wording of the pre-commencement conditions, delegated authority shall be given to the Head of the Planning Service to agree the revised wording of the conditions.

Delegated authority is given to the Head of Service for Growth and Development 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 in line with the following;

- (a) £500,000 as a contribution towards off-site highway works, including junction improvements at Brownhill Roundabout, gateway features in North Blackburn, road markings, signage, removal of crash barriers and reinstatement of central reservation;
- (b) £181,000 as a contribution towards the provision of off-site affordable housing; and
- (c) £500,000 as a contribution towards the cost of provision, expansion or other improvement of primary educational facilities in the North Blackburn locality.

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Head of Service for Planning will have delegated powers to refuse the application.

**60 Planning Application 10-18-0957**

**Applicant** – Maple Grove Developments

**Location and Proposed Development** – Cathedral Square, Blackburn

Full Planning Application (Regulation 3) for Erection of a six storey building comprising ground floor commercial uses A1, A3 and A4 with offices above and area of open space.

**Decision under Town and Country Planning Acts and Regulations** – Approved subject to the recommended conditions highlighted in the Director's Report and additional conditions highlighted in the Update Report.

**61 Planning Application 10-18-1054**

**Applicant** – Blackburn with Darwen Borough Council

**Location and Proposed Development** – Land linking Richmond Terrace to Barbara Castle Way, Blackburn

Full Planning Application (Regulation 4) for New link road connecting Richmond Terrace to Barbara Castle Way.

**Decision under Town and Country Planning Acts and Regulations** – Approved subject to the conditions highlighted in the Director's Report and additional condition as highlighted in the Update Report.

**62 Petition Objecting to Planning Application 10-18-1097**

Members were informed of the receipt of a petition objecting to planning application 10/18/1097 regarding Reserved Matters Application seeking consent for the access within the site, landscape, layout, appearance, scale pursuant to outline planning application 10/15/0496 for Phase 1b at the former Sappi Paper Mill, Livesey Branch Road, Blackburn, BB2 5HX, comprising of 150 dwellings and associated infrastructure.

Following consultation letters issued to the public on 15<sup>th</sup> November, 6 individual objections to the proposal had been received. The Petition was received on the 4<sup>th</sup> December 2018 and contained 20 signatories. Details of the objections raised in the petition were summarised in the report.

Members were advised that the application was still being considered by officers.

**RESOLVED** – That the Committee note the petition, that the issues raised will inform the assessment of the proposal and that the lead petitioner be informed of the decision once made.

**63 Petition - Grand Venue, Harrison Street, Blackburn**

Members were informed of the receipt of a petition objecting to noise nuisance caused to residential properties as a consequence of unauthorised late night opening at the Grand Venue, Harrison Street, Blackburn.

The Committee was informed that planning permission had been granted subject to a number of conditions, on 20<sup>th</sup> October 2017, under delegated powers for a change of use from industrial premises to a banqueting suite.

The Committee heard that following complaints made to the Council, alleging late night opening and parking problems with associated noise nuisance, a Breach of Condition Notice had been issued.

The Petition was received on the 5<sup>th</sup> October 2018 and contained 28 signatories.

The conditions were currently being addressed and the Committee was informed that ultimate failure to comply may lead to enforcement action.

**RESOLVED** – That the Committee note the petition and that the lead petitioner be informed of any decision taken, including the outcome of the current application to seek extended opening hours and any subsequent enforcement proceedings.

**64 Exclusion of the Press and Public**

**RESOLVED** - That the press and public be excluded from the meeting during consideration of the following item in view of the fact that the business to be transacted is exempt by virtue of paragraph 5 of Schedule 12A to the Local Government Act 1972.

**65 Enforcement Report**

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at 3 Gibraltar Street, Blackburn, BB1 8DF.

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

**RESOLVED** – That authorisation be given to the proposed enforcement action at 3 Gibraltar Street, Blackburn, BB1 8DF.

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: 21/02/2019

Application No	Applicant	Site Address	Ward
10/18/0326	M J Hart Homes c/o Agent	Land off Albert Street Hoddlesden	East Rural
Full Planning Application for Erection of 14 dwellings			

#### RECOMMENDATION: Permits

10/18/1048	Hearle Homes Mr Mike Critchley Unit 4 Canterbury Street Blackburn BB2 2HT	Land at Tower View Darwen	Darwen South
Full Planning Application for Erection of 17 houses with associated roads, pavements, garages and gardens			

#### RECOMMENDATION: Permits

10/18/1220	Blackburn with Darwen Borough Council Blackburn with Darwen Borough Council Mr Martin Eden 4th Floor Blackburn Town Hall Blackburn BB1 7DY	Car Park Old Bank Lane Blackburn	Audley & Queens Park
Variation/Removal of Condition/Minor Material Amendment for Remove Condition No.2 pursuant to planning application 10/17/1083 - Improvements to the Old Bank Lane/Shadsworth Road Junction.			

#### RECOMMENDATION: Permits

Application No	Applicant	Site Address	Ward
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10/19/0026

Blackburn with Darwen Borough Council Blackburn with Darwen Borough Council Mrs Ghazala Sulaman-Butt One Cathedral Square Blackburn BB1 1FB Full Planning Application (Regulation 3) for Installation of 2.4m security fencing	Land to the rear of Briar Road, Blackburn	Roe Lee
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**RECOMMENDATION: Permits**

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**REPORT OF THE DIRECTOR**

**Plan No: 10/18/0326**

**Proposed development: Full Planning Application for Erection of 14 dwellings**

**Site address:  
Land off Albert Street  
Hoddlesden**

**Applicant: M J Hart Homes**

**Ward: West Pennine**

**Councillors for West Pennine  
Councillor Julie Slater  
Councillor Colin Rigby OBE  
Councillor Jean Rigby**

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## **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's Development Plan supports new development within the defined village boundary of Hoddlesden. 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 previously developed land, last in use as allotments but now cleared, in close proximity to village centre of Hoddlesden. The village centre lies within a designated Conservation Area but does not encompass the application site. The site measures approximately 1.40 hectares, it is irregular in shape, falling from south west to north 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 north, south, and west by residential properties, which are predominately of terrace design but differing ages and materials. Dwellings closer to the north are constructed of stone and slate with more modern dwellings to the west constructed of brick, render, stone cladding and concrete roof tiles. The southeast corner of the site is bounded by a small park, commonly referred to as the Millennium Green with wider views out across the valley.

3.1.3 The site, given its rural location, is not well served by public transport with the only service currently in operation being the limited Travel assist service. The site is considered 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 5km of the site.

### **3.2 Proposed Development**

3.2.1 The proposal is a full planning application for the erection of 14 dwellings with associated new access, landscaping, parking and associated works.

3.2.2 The proposed development provides a net density of approximately 10 units per hectare, when considering the developable area of 1.40 hectares. The 14 units comprise of; 14no detached houses, 1no. 3-bed, 8no. 4-bed and 5no. 5-bed. The properties have a modern appearance, with the units fronting onto a new central road. The dwellings will be constructed with a mix of brick and stone facing materials with slate roofs, subject to samples.

3.2.3 The development will be served by a new vehicular and pedestrian access, which is to be positioned of the junction of Albert and Sydney Street. The development includes landscaping throughout including a balancing pond. 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.

### **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 6 – Village Boundaries
- 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, 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

The Adopted Policies Map defines Village Boundaries for Belmont, Chapeltown, Edgworth, Hoddlesden and Pleasington. Policy 6 of the Local Plan states that the Development in the rural area shall be located within these boundaries unless it is specifically supported by another policy in the Local Plan. The site is located within the Hoddlesden village boundary defined on the proposals map.

3.5.4 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 vehicular and pedestrian access at the junction of Albert and Sydney Street. In addition, temporary provision will be made for 6 car parking spaces for residents during construction which will be reduced to 4 permanent spaces upon completion of the development.
- 3.6.3 Parking provision for the development is in accordance with the Council's adopted parking standards; 2 spaces for 2/3 bed units and 3 spaces for 4+ bedroom properties. Furthermore the driveway parking spaces are all compliant with the adopted space requirements of 5.5m x 2.4m and 3m x 6m for garage spaces.
- 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;
- The scheme accords with local and national policy as the application site is adjacent to good transport linkages and other attractions to minimise trips and share trip movements.
  - The site has a sustainable location and the site layout is designed to accord with good practice.
  - There are no operational issues that would arise if the development was to proceed, as such the scheme would have little or no impact on the local network.
  - It is considered that there are no reasons that could be considered severe in nature to prevent the scheme to be approved from a transportation point of view.
- 3.6.5 Highways Colleagues appraised the submission and whilst no objection was offered in principle concerns were raised in relation to construction vehicles traffic, accessibility of refuse vehicles and generally access and egress to the site. The applicant has sought to address these concerns through, dialogue with council officers, submission of vehicle tracking details, onsite neighbour parking during and post construction alongside off-site highways works.
- 3.6.6 Following the initial submission and subsequent discussions on highways issues raised by Council Officers, the applicant has put forward additional

details to overcome the issues. This includes a robust construction management plan to include:

- Restriction of goods vehicles entering the site to rigid wagons of no more than 12m length.
- Any deliveries involving larger vehicles will be broken down off-site on the applicant's land at the junction of Harwoods Lane and Roman Road and transported to the site in a compliant vehicle.

3.6.7 The applicant has also shown willingness, if the local planning authority, following consultation with residents, considers that temporary traffic management arrangements should be made on Albert Street, Graham Street and/or Sydney Street. The applicant will meet the council's reasonable costs in implementation. Further to this the applicant has agreed to fund the provision of traffic calming measures on Queens Street to control the speed of traffic entering the village from the east. The measures will comprise of a Vehicle Activated Speed Sign (VASS) and textured surfacing to the highway located on the approach to Graham Street from the East.

3.6.8 The Council's Highway Team having reviewed the supplementary information welcomes the changes, but also sets 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,
- Wheel washing type and location;
- Control of dust and dirt;
- Recycling and disposing of waste;
- Turning of vehicles within the site
- Overall management of site operations
- 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

(5) During and post construction parking plan for adjoining residents

(6) Traffic management scheme

(7) Prior to commencement a condition survey of the highway would need to be undertaken to ensure a record is taken of the condition of the highway. All damage sustained as a consequence of the development (construction work) to the highway would need to be remediated by the developer, at their costs.

(8) Grampian condition, for works to be carried out as part of a 278 scheme. This would include;

- VASS (Vehicle Activated Speed Sign)
- Textured Surfacing to the entrance at Graham Street
- Improved sightlines at junction of Sydney Street/Queen Street

3.6.9 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 9 units per hectare, when considering the developable area of 1.49 hectares. The 14 units comprise of; 14no detached houses, 1no. 3-bed, 8no. 4-bed and 5no. 5-bed. The properties have a modern appearance, with the units fronting onto a new central road. The dwellings will be constructed with a mix of brick and stone facing materials with slate roofs, subject to samples.

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. 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 walls.
- 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 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); and the provision of electric charging points and gas boiler emissions to safeguard air quality.
- 3.8.4 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 seen fundamental changes to the proposed drainage layout, which initially proposed to connect drainage to the adjacent Millennium Green, The revised scheme now incorporates a larger balancing pond and a connection to existing drainage. The report concludes;

#### Foul Water Drainage

- United Utilities has confirmed that foul drainage should be connected to the existing 300mm diameter, combined sewer, which is located to the north west of the site, adjacent to 9 Sydney Street.
- Connections will be subject to approval with United Utilities.

#### Surface Water Drainage

- Based on the information combined in the Worms Eye site investigation, it is evident that the underlying strata is unsuitable to sustain soakaways as a method for the disposal of surface water run-off.
- Where surface water runoff is to be directed to a river or watercourse, discharge rates from the site should be limited to 5l/s or Qbar, whichever is the greater. For this site, surface water run-off rates to the combined sewer should be limited to 15.7 l/s. Discharge rates to be agreed with the Lead Local Flood Authority / Flood Risk Management Team.
- The principles set out in this report should form the basis for the detailed design for the management of surface water run-off from the scheme.
- This will ensure that the development proposals do not represent an increased flood risk to others.
- Subject to the above, the development proposals should be considered satisfactory in respect of flood risk.

3.9.3 Following a review of the revised information, no objection has been offered by United Utilities. The Lead Local Flood Authority is currently assessing the revised information which will be provided by way of an update report. Subject to no objection from the local lead flood authority, and the application of conditions to ensure implementation of the drainage scheme detailed in the strategy, and a scheme for the future maintenance and management of surface water drainage to be agreed, the application is considered to accord with the Council's Development Plan policies for drainage and flood risk.

### 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 on-site provision, and entered into a S106 agreement to provide affordable housing (at 30% discounted market sale) in perpetuity for 1 selected plot (House Type A). The dwelling must remain at a discount for future eligible households.

### 3.11 Summary

3.11.1 This report assesses the full planning application for 14 dwellings on a parcel of previously developed land, accessed from junction of Albert and Sydney Street, Huddlesden. 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 2018.

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

- (i) That delegated authority is given to the Director of Growth & Development to approve planning permission subject to an agreement under Section 106 of the Town and Country Planning Act 1990, relating to the provision of a plot to provide affordable housing (at 30% discounted market sale) in perpetuity. The dwelling must remain at a discount for future eligible households.**

Should the s106 agreement not be completed within 6 months of the date of this resolution, the Director of Growth & Development 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.
- Permitted development rights to be removed (Part 1, Classes A to E)
- Land contamination (standard conditions)
- 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.
- Development to be undertaken in accordance with recommendations set submitted Ecological Survey and Assessment
- Drainage to be undertaken in accordance with the submitted Strategy
- Pre and post residents parking scheme to be agreed and implemented prior to commencement.
- Traffic management scheme
- Pre and post highway condition survey and repair strategy.
- Grampian condition, for works to be carried out as part of a 278 scheme. This would include;
  - VASS (Vehicle Activated Speed Sign)
  - Textured Surfacing to the entrance at Graham Street
  - Improved sightlines at junction of Sydney Street/Queen Street
- Landscaping and planting scheme to be agreed.
- Provision of electric charging points and gas boiler emissions to safeguard air quality.

## **5.0 PLANNING HISTORY**

5.1 10/17/0940: Erection of 24 Dwellings. Withdrawn

## **6.0 CONSULTATIONS**

### **6.1.1 Drainage Section**

Revised comments to be provided by way of an updated report.

### **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

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

### 6.1.5 Highways:

The submitted Transport Statement is noted and accepted. The application would be supported, subject to adequate parking being provided for the residents of the streets adjacent which would then support the construction vehicle route into and out of the site. This is to be offered prior to commencement of works on site, details of this would be required for approval. Prior to commencement a condition survey of the highway would need to be undertaken to ensure a record is taken of the condition of the highway. All damage sustained as a consequence of the development (construction work) to the highway would need to be remediated by the developer, at their costs.

Further safety measures as discussed and presented in the statement are to be attached as a Grampian condition, for works to be carried out as part of a 278 scheme. This would include;

- VASS (Vehicle Activated Speed Sign)
- Textured Surfacing to the entrance at Graham Street
- Improved sightlines at junction of Sydney Street/Queen Street

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.

Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority officer Simon Littler on Mob: 07766 578007 Please attach standards conditions/Informatives: Highways, 1, 2, 3, 4, 5, 7, 8, 9, 90, 10, 11, 12, 15, and 17



#### 6.1.7 Heritage and conservation

No objection offered.

#### 6.1.8 Strategic Housing

The Housing Growth Team would support the development of good quality family homes in this location. The principle of residential dwelling and mix would be acceptable as initial proposals indicate a housing offer, which responds to the Council's growth strategy. We would be supportive of the proposal subject to it meeting planning policy requirements and approval from Development Management.

In accordance with the Council's Affordable Homes Policy the developer will be required to provide 20% of the scheme for affordable housing. This can be on site, off site or through a S106 commuted sum payment. We are supportive of new housing developments coming forward and will be willing to consider negotiating affordable homes provision/commuted sum requirement to support scheme viability.

#### 6.1.9 Lancashire Constabulary

No comments received.

#### 6.1.10 United Utilities

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing TC/P5848/16/002, Rev F - Dated 14/11/2018 which was prepared by Thomas Consulting. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 5 l/s as previously agreed with United Utilities. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

#### 6.1.11 Capita Ecology

The Ecology Report provided by Pennine Ecology dated July 2017 has been reviewed in line with the proposals. The report indicates that the site is of limited ecological value and clearly identifies biodiversity receptors impacted by the development, we consider the development to be sustainable.

However, the residential development of 14 units is located on the edge of the existing village boundary and may contribute to the deterioration of the green belt which is contrary to planning policy CS5 with release of development.

In addition, the site lies within the Natural England SSSI Impact Risk Zone (IRZ) of the West Pennine Moorland SSSI, however consultation with Natural England may not be necessary as their threshold for consultation is any rural residential development of 50 or more houses outside existing settlements/urban areas. In any case the issues that would need to be addressed will be direct land take within the SSSI (the development appears to be 740 m outside the SSSI), disturbance that could affect the upland bird assemblage and any associated impacts that could lead to a deterioration of habitats within the SSSI such as increased recreation and access.

We would also recommend in line with providing enhancements for the scheme:

- Vegetation loss should be minimised around the boundary of the site and retained vegetation should be protected in line with BS 5837:2012 Trees in relation to design, demolition and construction as these will provide an important linkage to the wider environment. Any loss should be compensated for with native species planting.
- Biodiversity on the site should be enhanced through a detailed landscape strategy in order to retain general character and include biodiversity, compensation and management for the development in order to provide biodiversity gains.
- Avoidance of installation of artificial lighting wherever possible in light of the above and restrict its usage where complete avoidance is not possible (using hoods/cows etc.) and direct light away from any vegetation and tree line. See the Bat Conservation Trust Guidelines - Artificial lighting and wildlife, for details [http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html).

#### 6.1.12 Public consultation

Public consultation has taken place, with 66 letters posted to neighbouring addresses. Site notices have been displayed and a press notice issued. This consultation process was undertaken again following receipt of updated information. In response, 66 letters of objection have been received and the material planning considerations are summarised below. A selection of the written objections are set out within section 9.0 of this report.

- -Highways: Access/traffic/Safety
- -Public transport
- - Visual Impact on conservation area
- - Privacy
- - Ground conditions: Flooding
- - Deficiencies in social facilities: Schools/doctors
- - Loss of privacy
- - Capacity of physical infrastructure, e.g. in the public drainage or water systems

- - Ecological Impact
- - Landscaping

5 Letters of support have also been received; these are contained within section 9 of the report.

- 7 CONTACT OFFICER: Alec Hickey, Senior Planner, Development Management**
- 8 DATE PREPARED: 4<sup>th</sup> February 2019**

## 9 SUMMARY OF REPRESENTATIONS

### Objection Mr McIlveen. Rec – 14/05/2018

Re: Proposed Development in Hoddlesden (planning ref 10/18/0326)

I am writing with regards to the proposed development on the allotments in Hoddlesden. As a Hoddlesden resident who lives close to the proposed development, I am extremely worried for the following reasons:

- 1) Despite the fact that this application is for a reduced number of dwellings compared with the previous unsuccessful application, the fact remains that the additional traffic generated by this proposal would be detrimental to the centre of the village and would be very dangerous. Already cars speed through the village and any increase in the number of vehicles would result in a significantly increased risk of a serious accident. There are regular “near-misses” at the junction of Sydney Street and Queen Street. Moreover, the additional volume of cars would have an **unacceptable impact on the village’s already overcrowded roads.**

through roads for a housing development. Already the junctions of Queen St / Sydney St and Queen St / Graham St regularly experience accidents and near-misses, with cars parked dangerously and visibility poor; the increase in traffic would greatly exacerbate this problem. In addition these roads are already in a very poor state of repair, any additional traffic would cause them to deteriorate even faster.

Furthermore, residents of Hargreaves St are required to reverse out of the lane at the rear of their properties, due to the lack of a turning point. As such, the existing junction of Hargreaves St / Albert St / Sydney St, which has also already experienced accidents, would become **substantially more dangerous and accident-prone.** There are 11 existing dwellings along Hargreaves Street, with approximately 15 vehicles. Some of these are able to park on the lane at the back of Hargreaves Street, but others have to take pot luck on Sydney/Albert/Graham Street. A MAJOR issue for me is the fact that this proposal contains **no acknowledgement whatsoever of the existence of the lane and its current traffic volume.**

- 2) Parking is a huge issue around the village's terraced streets and the development would exacerbate the problem. Whilst the proposal shows that parking would be provided for the new houses, some households would have additional vehicles and guests, all of whom would end up parking on the terraced streets, **taking the already limited spaces from residents.**

Additionally, when the streets become congested, they frequently become impassable, especially for larger vehicles. Our most serious concern is that emergency vehicles such as **fire engines and ambulances would be unable to access the houses** (and this would include the houses in the proposed development).

- 3) There is still no suitable access to the site. Sydney St, Albert St and Graham St are part of a conservation area with narrow cobbled streets. They were never designed to be

It is not at all clear what the arrangement would be for the junction between the lane and Sydney Street. There seems to be a continuation of the pavement right across the lane. This is in my view extremely dangerous, as pedestrians would not always be aware of traffic coming down the lane, as visibility is so poor.

- 4) The proposed balancing pond will be dangerous. The size of the pond and its location make it likely that children would play in it, at serious risk to their lives.

In addition, I am concerned that the balancing pond will not adequately address the **significant drainage issues of the site.** Already the access road to Hargreaves St frequently becomes waterlogged by surface water run off from the allotments site. This in turn causes problems on Sydney St. Development of the site and its being hardscaped would lead to a **massive increase in water run off** and potentially to the flooding of existing houses.

It is also very unclear where the outflow from the balancing pond would go. It would seem to somehow connect to the culvert which runs along the middle of Hoddlesden Millennium Green. This culvert already floods on a regular basis and any additional volume of water would create a very dangerous flooding situation. In addition, as I am sure you are aware, the Green is a Fields in Trust heritage site, and as such, specific approval to achieve the connection would need to be granted.

- 5) Running under Sydney St and Albert St there is a disused railway tunnel that used to serve the mines. Would the existing road structure above the tunnel be strong enough to support heavy construction traffic followed by a significant increase in residential traffic?
- 6) Given the recent discovery of unrecorded mine shafts in the area of the new Darwen Relief Road, surely a mining survey should be undertaken on the site of the proposed development to rule out any similar surprises, which could well render the development unviable.

- 7) There is already a large surplus of applications to St Paul's Primary School in the village. With the increased population from the development, would children in the village be guaranteed a place at the school?
- 8) In order for the proposed site layout to be implemented, I believe this would necessitate taking land owned by other residents. In particular this applies to the proposed footpath out onto Chapman Road, and the proposed improvements to the junction of Sydney Street and Queen Street. Surely this would not be permitted?
- 9) Once again, the drainage strategy report which accompanies this application is completely invalid as it references a plan which includes access from Chapman Road. This is exactly the same document as was submitted with the previous application, and clearly needs to be updated to reflect the actual plan layout before the application can proceed.
- 10) The application includes an updated transport statement. I would make the following points :
  - a. The accident review section on page 14 refers to one recorded accident in 2013, and concludes that this level of accidents would not be considered an issue. I know for a fact that there have been several accidents around the junctions of Sydney Street and Graham Street, including one just a few days ago. The fact that these were not recorded, presumably because the emergency services were not called, does not mean that these should not be taken into consideration.
  - b. The report includes a parking survey which was carried out over a single 3 hour period on a single day. This can hardly be considered representative of the actual situation, and in my view is a totally inadequate snapshot on which to base any planning decision. The report references an appendix A which is supposed to provide the full survey data, but this is missing from the document. Therefore as it stands this report is incomplete and should be re-issued before the application is allowed to proceed.
  - c. In addition, it is not all clear what the analysis of the survey is trying to state. I am assuming that the column labelled "% Cap." is the % capability of the road in question? If that is the case, then there are anomalies in the analysis, as in the summary the Ranken Arms car park appears to have 133% capability, which is clearly impossible.

- d. Once again, the transport statement includes details of the Number 33 bus service which are incorrect. In addition it is understood that this bus service is due to be **withdrawn** in June 2018 because of a lack of funding. This will mean that the application site will have **zero public transport access**.
- e. In summary, the transport statement fails to address the concerns raised in the pre-application responses back in 2015. The statement that Back Hargreaves

Street is not affected is completely untrue, and the claim that the impact on Sydney/Albert/Graham Street is sufficiently mitigated to allow accordance with MFS guidance is just not sustainable.

To summarise, the issues with this application which are outlined above, mean that it should not go ahead. The fundamental issue with this application is a lack of suitable vehicular access, as required by the original pre-app responses, which is far from sufficiently mitigated simply because the number of dwellings has been reduced. **There are already significant problems with parking and traffic at the present time**, and if this development were to be approved, this would result in a very much more dangerous situation, one which would inevitably result in even more accidents and potential injury or worse still, loss of life. **I therefore urge you to do the right thing and reject this application.**

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Objection H Metcalfe, 65 Glenshiels Avenue. Rec – 18/05/2018

Re: Application Reference 10/18/0326 Land off Albert Street Hoddlesden

Dear Sir,

I wish to object to the building proposal from M J Hart Homes for the development of 14 new residences on the land off Albert St, for the following reasons:

1. 14 new homes, with the addition of a possible 28 cars from the new proposed residences, would result in total chaos along the access routes of Sydney Street and Queen Street. These streets are already congested and at risk of accidents from vehicle's lack of clear vision onto the main Hoddlesden Road.
  2. Residents of Sydney Street and Queen Street use these cobbled streets to park. The streets become over congested at peak times, with hardly any room for the width of a single vehicle to manoeuvre around, for larger vehicles it is impossible. What happens if emergency services require access to the new development?
  3. Hardgreaves Street is a single track road and not fit for additional car use, there is no room for vehicles to turn and cars are often forced to reverse up this road risking accidents.
  4. The Balancing pond sited at the top of the development could prove attractive to young children 'playing out', as the size is similar to a small swimming pool. This could put children at grave danger.
  5. The development will put further pressure for flooding of the much valued Millennium Green, which experienced two bad flooding's last winter.
  6. The drainage strategy report is invalid as it references a plan which includes access by Chapman Road, the present application does not have access from Chapman Road.
  7. The accident review section on page 14 refers to a report carried out in 2013, this is invalid and requires to be updated to 2018.
  8. The map submitted by M J Hart has streets named incorrectly, this level of inaccuracy is concerning.
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Re: Proposed Development in Hoddlesden (planning ref 10/18/0326)

I am writing with regards to the proposed development on the allotments in Hoddlesden. As a Hoddlesden resident who lives close to the proposed development, I am extremely worried for the following reasons:

- 1) Despite the fact that this application is for a reduced number of dwellings compared with the previous unsuccessful application, the fact remains that the additional traffic generated by this proposal would be detrimental to the centre of the village and would be very dangerous. Already cars speed through the village and any increase in the number of vehicles would result in a significantly increased risk of a serious accident. There are regular “near-misses” at the junction of Sydney Street and Queen Street. Moreover, the additional volume of cars would have an **unacceptable impact on the village’s already overcrowded roads.**
  
- 2) Parking is a huge issue around the village’s terraced streets and the development would exacerbate the problem. Whilst the proposal shows that parking would be provided for the new houses, some households would have additional vehicles and guests, all of whom would end up parking on the terraced streets, **taking the already limited spaces from residents.**

Additionally, when the streets become congested, they frequently become impassable, especially for larger vehicles. Our most serious concern is that emergency vehicles such as **fire engines and ambulances would be unable to access the houses** (and this would include the houses in the proposed development).

- 3) There is still no suitable access to the site. Sydney St. Albert St and Graham St are part

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of a conservation area with narrow cobbled streets. **They were never designed to be through roads for a housing development.** Already the junctions of Queen St / Sydney St and Queen St / Graham St regularly experience accidents and near-misses, with cars parked dangerously and visibility poor; the increase in traffic would greatly exacerbate this problem. In addition these roads are already in a very poor state of repair, any additional traffic would cause them to deteriorate even faster.

Furthermore, residents of Hargreaves St are required to reverse out of the lane at the rear of their properties, due to the lack of a turning point. As such, the existing junction of Hargreaves St / Albert St / Sydney St, which has also already experienced accidents, would become **substantially more dangerous and accident-prone.** There are 11 existing dwellings along Hargreaves Street, with approximately 15 vehicles. Some of these are able to park on the lane at the back of Hargreaves Street, but others have to take pot luck on Sydney/Albert/Graham Street. A MAJOR issue for me is the fact that this proposal contains **no acknowledgement whatsoever of the existence of the lane and its current traffic volume.**

It is not at all clear what the arrangement would be for the junction between the lane and Sydney Street. There seems to be a continuation of the pavement right across the lane. This is in my view extremely dangerous, as pedestrians would not always be aware of traffic coming down the lane, as visibility is so poor.

- 4) The proposed balancing pond will be dangerous. The size of the pond and its location make it likely that children would play in it, at serious risk to their lives.

In addition, I am concerned that the balancing pond will not adequately address the significant drainage issues of the site. Already the access road to Hargreaves St frequently becomes waterlogged by surface water run off from the allotments site. This in turn causes problems on Sydney St. Development of the site and its being hardscaped would lead to a massive increase in water run off and potentially to the flooding of existing houses.

It is also very unclear where the outflow from the balancing pond would go. It would seem to somehow connect to the culvert which runs along the middle of Hoddlesden Millennium Green. This culvert already floods on a regular basis and any additional volume of water would create a very dangerous flooding situation. In addition, as I am sure you are aware, the Green is a Fields in Trust heritage site, and as such, specific approval to achieve the connection would need to be granted.

- 5) Running under Sydney St and Albert St there is a disused railway tunnel that used to serve the mines. Would the existing road structure above the tunnel be strong enough to support heavy construction traffic followed by a significant increase in residential traffic?
- 6) Given the recent discovery of unrecorded mine shafts in the area of the new Darwen Relief Road, surely a mining survey should be undertaken on the site of the proposed development to rule out any similar surprises, which could well render the development unviable.

7) There is already a large surplus of applications to St Paul's Primary School in the

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village. With the increased population from the development, would children in the village be guaranteed a place at the school?

8) In order for the proposed site layout to be implemented, I believe this would necessitate taking land owned by other residents. In particular this applies to the proposed footpath out onto Chapman Road, and the proposed improvements to the junction of Sydney Street and Queen Street. Surely this would not be permitted?

9) Once again, the drainage strategy report which accompanies this application is completely invalid as it references a plan which includes access from Chapman Road. This is exactly the same document as was submitted with the previous application, and clearly needs to be updated to reflect the actual plan layout before the application can proceed.

10) The application includes an updated transport statement. I would make the following points :

- a. The accident review section on page 14 refers to one recorded accident in 2013, and concludes that this level of accidents would not be considered an issue. I know for a fact that there have been several accidents around the junctions of Sydney Street and Graham Street, including one just a few days ago. The fact that these were not recorded, presumably because the emergency services were not called, does not mean that these should not be taken into consideration.
- b. The report includes a parking survey which was carried out over a single 3 hour period on a single day. This can hardly be considered representative of the actual situation, and in my view is a totally inadequate snapshot on which to base any planning decision. The report references an appendix A which is supposed to provide the full survey data, but this is missing from the document. Therefore as it stands this report is incomplete and should be re-issued before the application is allowed to proceed.

- c. In addition, it is not all clear what the analysis of the survey is trying to state. I am assuming that the column labelled “% Cap.” is the % capability of the road in question? If that is the case, then there are anomalies in the analysis, as in the summary the Ranken Arms car park appears to have 133% capability, which is clearly impossible.
- d. Once again, the transport statement includes details of the Number 33 bus service which are incorrect. In addition it is understood that this bus service is due to be withdrawn in June 2018 because of a lack of funding. This will mean that the application site will have zero public transport access.
- e. In summary, the transport statement fails to address the concerns raised in the pre-application responses back in 2015. The statement that Back Hargreaves Street is not affected is completely untrue, and the claim that the impact on Sydney/Albert/Graham Street is sufficiently mitigated to allow accordance with MFS guidance is just not sustainable.

To summarise, the issues with this application which are outlined above, mean that it should not go ahead. The fundamental issue with this application is a lack of suitable vehicular access, as required by the original pre-app responses, which is far from sufficiently mitigated simply because the number of dwellings has been reduced. **There are already significant problems with parking and traffic at the present time**, and if this development were to be approved, this would result in a very much more dangerous situation, one which would inevitably result in even more accidents and potential injury or worse still, loss of life. **I therefore urge you to do the right thing and reject this application.**

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Objection Mr Leslie Marsden, 3 Graham Street, Darwen

Re: Proposed Development in Hoddlesden (planning ref 10/18/0326)

I am writing with regards to the proposed development on the allotments in Hoddlesden. As a Hoddlesden resident who lives close to the proposed development, I am extremely worried for the following reasons:

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- 2) Parking is a huge issue around the village’s terraced streets and the development would exacerbate the problem. Whilst the proposal shows that parking would be provided for the new houses, some households would have additional vehicles and guests, all of whom would end up parking on the terraced streets, **taking the already limited spaces from residents.**

Additionally, when the streets become congested, they frequently become impassable, especially for larger vehicles. Our most serious concern is that emergency vehicles such as **fire engines and ambulances would be unable to access the houses** (and this would include the houses in the proposed development).

- 3) There is still no suitable access to the site. Sydney St, Albert St and Graham St are part of a conservation area with narrow cobbled streets. They were never designed to be through roads for a housing development. Already the junctions of Queen St / Sydney St and Queen St / Graham St regularly experience accidents and near-misses, with cars parked dangerously and visibility poor; the increase in traffic would greatly exacerbate this problem. In addition these roads are already in a very poor state of repair, any additional traffic would cause them to deteriorate even faster.

Furthermore, residents of Hargreaves St are required to reverse out of the lane at the rear of their properties, due to the lack of a turning point. As such, the existing junction of Hargreaves St / Albert St / Sydney St, which has also already experienced accidents, would become **substantially more dangerous and accident-prone.** There are 11 existing dwellings along Hargreaves Street, with approximately 15 vehicles. Some of these are able to park on the lane at the back of Hargreaves Street, but others have to take pot luck on Sydney/Albert/Graham Street. A MAJOR issue for me is the fact that this proposal contains **no acknowledgement whatsoever of the existence of the lane and its current traffic volume.**

It is not at all clear what the arrangement would be for the junction between the lane and Sydney Street. There seems to be a continuation of the pavement right across the lane. This is in my view extremely dangerous, as pedestrians would not always be aware of traffic coming down the lane, as visibility is so poor.

- 4) The proposed balancing pond will be dangerous. The size of the pond and its location make it likely that children would play in it, at serious risk to their lives.

In addition, I am concerned that the balancing pond will not adequately address the **significant drainage issues of the site.** Already the access road to Hargreaves St frequently becomes waterlogged by surface water run off from the allotments site. This in turn causes problems on Sydney St. Development of the site and its being hardscaped would lead to a **massive increase in water run off** and potentially to the flooding of existing houses.

It is also very unclear where the outflow from the balancing pond would go. It would seem to somehow connect to the culvert which runs along the middle of Hoddlesden Millennium Green. This culvert already floods on a regular basis and any additional volume of water would create a very dangerous flooding situation. In addition, as I am sure you are aware, the Green is a Fields in Trust heritage site, and as such, specific approval to achieve the connection would need to be granted.

- 5) Running under Sydney St and Albert St there is a disused railway tunnel that used to serve the mines. Would the existing road structure above the tunnel be strong enough to support heavy construction traffic followed by a significant increase in residential traffic?
- 6) Given the recent discovery of unrecorded mine shafts in the area of the new Darwen Relief Road, surely a mining survey should be undertaken on the site of the proposed

development to rule out any similar surprises, which could well render the development unviable.

- 7) There is already a large surplus of applications to St Paul's Primary School in the village. With the increased population from the development, would children in the village be guaranteed a place at the school?
- 8) In order for the proposed site layout to be implemented, I believe this would necessitate taking land owned by other residents. In particular this applies to the proposed footpath out onto Chapman Road, and the proposed improvements to the junction of Sydney Street and Queen Street. Surely this would not be permitted?
- 9) Once again, the drainage strategy report which accompanies this application is completely invalid as it references a plan which includes access from Chapman Road. This is exactly the same document as was submitted with the previous application, and clearly needs to be updated to reflect the actual plan layout before the application can proceed.

- 10) The application includes an updated transport statement. I would make the following points :
- a. The accident review section on page 14 refers to one recorded accident in 2013, and concludes that this level of accidents would not be considered an issue. I know for a fact that there have been several accidents around the junctions of Sydney Street and Graham Street, including one just a few days ago. The fact that these were not recorded, presumably because the emergency services were not called, does not mean that these should not be taken into consideration.
  - b. The report includes a parking survey which was carried out over a single 3 hour period on a single day. This can hardly be considered representative of the actual situation, and in my view is a totally inadequate snapshot on which to base any planning decision. The report references an appendix A which is supposed to provide the full survey data, but this is missing from the document. Therefore as it stands this report is incomplete and should be re-issued before the application is allowed to proceed.
  - c. In addition, it is not all clear what the analysis of the survey is trying to state. I am assuming that the column labelled “% Cap.” is the % capability of the road in question? If that is the case, then there are anomalies in the analysis, as in the summary the Ranken Arms car park appears to have 133% capability, which is clearly impossible.
  - d. Once again, the transport statement includes details of the Number 33 bus service which are incorrect. In addition it is understood that this bus service is due to be **withdrawn** in June 2018 because of a lack of funding. This will mean that the application site will have **zero public transport access**.
  - e. In summary, the transport statement fails to address the concerns raised in the pre-application responses back in 2015. The statement that Back Hargreaves Street is not affected is completely untrue, and the claim that the impact on Sydney/Albert/Graham Street is sufficiently mitigated to allow accordance with MFS guidance is just not sustainable.

To summarise, the issues with this application which are outlined above, mean that it should not go ahead. The fundamental issue with this application is a lack of suitable vehicular access, as required by the original pre-app responses, which is far from sufficiently mitigated simply because the number of dwellings has been reduced. **There are already significant problems with parking and traffic at the present time**, and if this development were to be approved, this would result in a very much more dangerous situation, one which would inevitably result in even more accidents and potential injury or worse still, loss of life. **I therefore urge you to do the right thing and reject this application.**



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Objection Mrs D Entwistle, 20 Browning Street, Darwen. Rec – 16/05/2018

Re: Proposed Development in Hoddlesden (planning ref 10/18/0326)

I am writing with regards to the proposed development on the allotments in Hoddlesden. As a Hoddlesden resident who lives close to the proposed development, I am extremely worried for the following reasons:

- 1) Despite the fact that this application is for a reduced number of dwellings compared with the previous unsuccessful application, the fact remains that the additional traffic generated by this proposal would be detrimental to the centre of the village and would be very dangerous. Already cars speed through the village and any increase in the number of vehicles would result in a significantly increased risk of a serious accident. There are regular “near-misses” at the junction of Sydney Street and Queen Street. Moreover, the additional volume of cars would have an **unacceptable impact on the village’s already overcrowded roads.**
  
- 2) Parking is a huge issue around the village’s terraced streets and the development would exacerbate the problem. Whilst the proposal shows that parking would be provided for the new houses, some households would have additional vehicles and guests, all of whom would end up parking on the terraced streets, **taking the already limited spaces from residents.**

Additionally, when the streets become congested, they frequently become impassable, especially for larger vehicles. Our most serious concern is that emergency vehicles such as **fire engines and ambulances would be unable to access the houses** (and this would include the houses in the proposed development).

- 3) There is still no suitable access to the site. Sydney St, Albert St and Graham St are part of a conservation area with narrow cobbled streets. They were never designed to be through roads for a housing development. Already the junctions of Queen St / Sydney St and Queen St / Graham St regularly experience accidents and near-misses, with cars parked dangerously and visibility poor; the increase in traffic would greatly exacerbate this problem. In addition these roads are already in a very poor state of repair, any additional traffic would cause them to deteriorate even faster.

Furthermore, residents of Hargreaves St are required to reverse out of the lane at the rear of their properties, due to the lack of a turning point. As such, the existing junction of Hargreaves St / Albert St / Sydney St, which has also already experienced accidents, would become **substantially more dangerous and accident-prone.** There are 11 existing dwellings along Hargreaves Street, with approximately 15 vehicles. Some of these are able to park on the lane at the back of Hargreaves Street, but others have to take pot luck on Sydney/Albert/Graham Street. A MAJOR issue for me is the fact that this proposal contains **no acknowledgement whatsoever of the existence of the lane and its current traffic volume.**

It is not at all clear what the arrangement would be for the junction between the lane and Sydney Street. There seems to be a continuation of the pavement right across the lane. This is in my view extremely dangerous, as pedestrians would not always be aware of traffic coming down the lane, as visibility is so poor.

- 4) The proposed balancing pond will be dangerous. The size of the pond and its location make it likely that children would play in it, at serious risk to their lives.

In addition, I am concerned that the balancing pond will not adequately address the **significant drainage issues of the site.** Already the access road to Hargreaves St frequently becomes waterlogged by surface water run off from the allotments site. This in turn causes problems on Sydney St. Development of the site and its being hardscaped would lead to a **massive increase in water run off** and potentially to the flooding of existing houses.

It is also very unclear where the outflow from the balancing pond would go. It would seem to somehow connect to the culvert which runs along the middle of Hoddlesden Millennium Green. This culvert already floods on a regular basis and any additional volume of water would create a very dangerous flooding situation. In addition, as I am sure you are aware, the Green is a Fields in Trust heritage site, and as such, specific approval to achieve the connection would need to be granted.

- 5) Running under Sydney St and Albert St there is a disused railway tunnel that used to serve the mines. Would the existing road structure above the tunnel be strong enough to support heavy construction traffic followed by a significant increase in residential traffic?
- 6) Given the recent discovery of unrecorded mine shafts in the area of the new Darwen Relief Road, surely a mining survey should be undertaken on the site of the proposed

development to rule out any similar surprises, which could well render the development unviable.

- 7) There is already a large surplus of applications to St Paul's Primary School in the village. With the increased population from the development, would children in the village be guaranteed a place at the school?
  - 8) In order for the proposed site layout to be implemented, I believe this would necessitate taking land owned by other residents. In particular this applies to the proposed footpath out onto Chapman Road, and the proposed improvements to the junction of Sydney Street and Queen Street. Surely this would not be permitted?
  - 9) Once again, the drainage strategy report which accompanies this application is completely invalid as it references a plan which includes access from Chapman Road. This is exactly the same document as was submitted with the previous application, and clearly needs to be updated to reflect the actual plan layout before the application can proceed.
- 10) The application includes an updated transport statement. I would make the following points :
- a. The accident review section on page 14 refers to one recorded accident in 2013, and concludes that this level of accidents would not be considered an issue. I know for a fact that there have been several accidents around the junctions of Sydney Street and Graham Street, including one just a few days ago. The fact that these were not recorded, presumably because the emergency services were not called, does not mean that these should not be taken into consideration.
  - b. The report includes a parking survey which was carried out over a single 3 hour period on a single day. This can hardly be considered representative of the actual situation, and in my view is a totally inadequate snapshot on which to base any planning decision. The report references an appendix A which is supposed to provide the full survey data, but this is missing from the document. Therefore as it stands this report is incomplete and should be re-issued before the application is allowed to proceed.
  - c. In addition, it is not all clear what the analysis of the survey is trying to state. I am assuming that the column labelled "% Cap." is the % capability of the road in question? If that is the case, then there are anomalies in the analysis, as in the summary the Ranken Arms car park appears to have 133% capability, which is clearly impossible.
  - d. Once again, the transport statement includes details of the Number 33 bus service which are incorrect. In addition it is understood that this bus service is due to be **withdrawn** in June 2018 because of a lack of funding. This will mean that the application site will have **zero public transport access**.

- e. In summary, the transport statement fails to address the concerns raised in the pre-application responses back in 2015. The statement that Back Hargreaves Street is not affected is completely untrue, and the claim that the impact on Sydney/Albert/Graham Street is sufficiently mitigated to allow accordance with MFS guidance is just not sustainable.

To summarise, the issues with this application which are outlined above, mean that it should not go ahead. The fundamental issue with this application is a lack of suitable vehicular access, as required by the original pre-app responses, which is far from sufficiently mitigated simply because the number of dwellings has been reduced. **There are already significant problems with parking and traffic at the present time**, and if this development were to be approved, this would result in a very much more dangerous situation, one which would inevitably result in even more accidents and potential injury or worse still, loss of life. **I therefore urge you to do the right thing and reject this application.**

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Objection Mrs H McIlveen Rec – 14/05/2018

Dear Mr Mr Prescott and Mr Hickey

Re: Proposed Development in Hoddlesden (planning ref 10/18/0326)

I am writing with regards to the proposed development on the allotments in Hoddlesden. I am not against some development of the land and the estate seems to be well designed and in keeping with the area. However, I am astounded yet again that the applicant feels that there is a viable access to the development from Sydney street. As a Hoddlesden resident who lives close to the proposed development, I am extremely worried about the impact this development would have on the village. There are already significant road safety issues in this area and any increase in traffic would exacerbate these problems.

My main concern is for the safety of pedestrians, cyclists and drivers. I regularly walk to and from the local school with two children walking at the side of a pram. In order to cross at the zebra crossing (which is the only safe place to cross such a busy road) I am required to cross Albert street and/or Sydney street. I either then walk to the bottom of Sydney street and turn left to walk on the zig-zag signs on the main road (there is no pavement here) towards the zebra crossing. Or, I walk on the pavement in front of the Ranken Arms and across the Ranken Arms car park, being very careful to avoid reversing cars, to get to the crossing. During my journey to and from school, I am sometimes required to dodge cars reversing out of Hargreaves street into Bowling Green Close and cars coming down Bowling Green Close and across Albert street into Sydney street. Only the other day, a young cyclist was crossing the bottom of Back Hargreaves street and narrowly avoided being hit by a car travelling up Sydney street. I also had to step back on to the main road on Thursday as a car nearly reversed into me whilst I was crossing. Someone with a visual impairment wouldn't stand a chance! Visibility is very poor for both drivers and pedestrians due to the layout and the congestion of traffic on these narrow, cobbled

streets.

At certain times of the day it is particularly bad. Visitors to the area regularly park outside the Carus Centre on the main road or on Sydney street. Drivers visiting the village shop regularly turn around by driving up Graham street, across Albert street and down Sydney street. Drivers stop at the bottom of Sydney street to drop people off at Carus centre and there is the increased traffic from the overflow from the pub when there's a function on. I've seen cars turning into Sydney street, then having to reverse onto the main road because there is already a car on Sydney street coming towards them. Whilst driving up Sydney street I sometimes meet a car trying to turn into Sydney street from Albert street. One of us is required to reverse to let the other through. Also, there are times when it would be impossible for an emergency vehicle to get through.

There are eleven houses on Hargreaves street, some of which have two or three cars, yet this road does not seem to be recognised as a right-of-way on the plan. Delivery vans regularly drive up and down the back of Hargreaves street, as do residents and visitors. If there was an increased flow of traffic from Bowling Green Close, the existing problems would be made much worse.

I notice on the proposed plan that car parking spaces would be offered to three houses in the vicinity. Two of these houses currently have no associated vehicles (one is empty) and the third has three vehicles which are usually parked on Sydney street and Albert street. Therefore, this would have no effect on the number of cars parked, as whenever there's a space, someone else fills it.

There have been many accidents and near-misses over the years and any increase in traffic could result in someone losing their life. One really has to live in this area to fully appreciate the problems we already face on a regular basis.

Although this latest application is for a reduced number of houses, I feel it is my duty to object as the safety of residents and visitors is of paramount importance and I would be devastated if anyone, particularly a child were to be involved in a serious/fatal accident.

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### Objection Natalie Koncsol Rec – 16/05/2018

#### Re: Proposed Development in Hoddlesden (planning ref 10/18/0326)

I am writing with regards to the proposed development on the allotments in Hoddlesden. As a Hoddlesden resident who lives close to the proposed development, I am extremely worried for the following reasons:

- 1) Despite the fact that this application is for a reduced number of dwellings compared with the previous unsuccessful application, the fact remains that the additional traffic generated by this proposal would be detrimental to the centre of the village and would be very dangerous. Already cars speed through the village and any increase in the number of vehicles would result in a significantly increased risk of a serious accident. There are regular “near-misses” at the junction of Sydney Street and Queen Street. Moreover, the additional volume of cars would have an **unacceptable impact on the village’s already overcrowded roads.**
  
- 2) Parking is a huge issue around the village’s terraced streets and the development would exacerbate the problem. Whilst the proposal shows that parking would be provided for the new houses, some households would have additional vehicles and guests, all of whom would end up parking on the terraced streets, **taking the already limited spaces from residents.**

Additionally, when the streets become congested, they frequently become impassable, especially for larger vehicles. Our most serious concern is that emergency vehicles such as **fire engines and ambulances would be unable to access the houses** (and this would include the houses in the proposed development).

- 3) There is still no suitable access to the site. Sydney St, Albert St and Graham St are part of a conservation area with narrow cobbled streets. They were never designed to be through roads for a housing development. Already the junctions of Queen St / Sydney St and Queen St / Graham St regularly experience accidents and near-misses, with cars parked dangerously and visibility poor; the increase in traffic would greatly exacerbate this problem. In addition these roads are already in a very poor state of repair, any additional traffic would cause them to deteriorate even faster.

Furthermore, residents of Hargreaves St are required to reverse out of the lane at the rear of their properties, due to the lack of a turning point. As such, the existing junction of Hargreaves St / Albert St / Sydney St, which has also already experienced accidents, would become **substantially more dangerous and accident-prone.** There are 11 existing dwellings along Hargreaves Street, with approximately 15 vehicles. Some of these are able to park on the lane at the back of Hargreaves Street, but others have to take pot luck on Sydney/Albert/Graham Street. A MAJOR issue for me is the fact that this proposal contains **no acknowledgement whatsoever of the existence of the lane and its current traffic volume.**

It is not at all clear what the arrangement would be for the junction between the lane and Sydney Street. There seems to be a continuation of the pavement right across the lane. This is in my view extremely dangerous, as pedestrians would not always be aware of traffic coming down the lane, as visibility is so poor.

- 4) The proposed balancing pond will be dangerous. The size of the pond and its location make it likely that children would play in it, at serious risk to their lives.

In addition, I am concerned that the balancing pond will not adequately address the **significant drainage issues of the site.** Already the access road to Hargreaves St frequently becomes waterlogged by surface water run off from the allotments site. This in turn causes problems on Sydney St. Development of the site and its being hardscaped would lead to a **massive increase in water run off** and potentially to the flooding of existing houses.

It is also very unclear where the outflow from the balancing pond would go. It would seem to somehow connect to the culvert which runs along the middle of Hoddlesden Millennium Green. This culvert already floods on a regular basis and any additional volume of water would create a very dangerous flooding situation. In addition, as I am sure you are aware, the Green is a Fields in Trust heritage site, and as such, specific approval to achieve the connection would need to be granted.

- 5) Running under Sydney St and Albert St there is a disused railway tunnel that used to serve the mines. Would the existing road structure above the tunnel be strong enough to support heavy construction traffic followed by a significant increase in residential traffic?
- 6) Given the recent discovery of unrecorded mine shafts in the area of the new Darwen Relief Road, surely a mining survey should be undertaken on the site of the proposed

development to rule out any similar surprises, which could well render the development unviable.

- 7) There is already a large surplus of applications to St Paul's Primary School in the village. With the increased population from the development, would children in the village be guaranteed a place at the school?
- 8) In order for the proposed site layout to be implemented, I believe this would necessitate taking land owned by other residents. In particular this applies to the proposed footpath out onto Chapman Road, and the proposed improvements to the junction of Sydney Street and Queen Street. Surely this would not be permitted?
- 9) Once again, the drainage strategy report which accompanies this application is completely invalid as it references a plan which includes access from Chapman Road. This is exactly the same document as was submitted with the previous application, and clearly needs to be updated to reflect the actual plan layout before the application can proceed.



- 10) The application includes an updated transport statement. I would make the following points :
- a. The accident review section on page 14 refers to one recorded accident in 2013, and concludes that this level of accidents would not be considered an issue. I know for a fact that there have been several accidents around the junctions of Sydney Street and Graham Street, including one just a few days ago. The fact that these were not recorded, presumably because the emergency services were not called, does not mean that these should not be taken into consideration.
  - b. The report includes a parking survey which was carried out over a single 3 hour period on a single day. This can hardly be considered representative of the actual situation, and in my view is a totally inadequate snapshot on which to base any planning decision. The report references an appendix A which is supposed to provide the full survey data, but this is missing from the document. Therefore as it stands this report is incomplete and should be re-issued before the application is allowed to proceed.
  - c. In addition, it is not all clear what the analysis of the survey is trying to state. I am assuming that the column labelled “% Cap.” is the % capability of the road in question? If that is the case, then there are anomalies in the analysis, as in the summary the Ranken Arms car park appears to have 133% capability, which is clearly impossible.
  - d. Once again, the transport statement includes details of the Number 33 bus service which are incorrect. In addition it is understood that this bus service is due to be **withdrawn** in June 2018 because of a lack of funding. This will mean that the application site will have **zero public transport access**.
  - e. In summary, the transport statement fails to address the concerns raised in the pre-application responses back in 2015. The statement that Back Hargreaves Street is not affected is completely untrue, and the claim that the impact on Sydney/Albert/Graham Street is sufficiently mitigated to allow accordance with MFS guidance is just not sustainable.

To summarise, the issues with this application which are outlined above, mean that it should not go ahead. The fundamental issue with this application is a lack of suitable vehicular access, as required by the original pre-app responses, which is far from sufficiently mitigated simply because the number of dwellings has been reduced. **There are already significant problems with parking and traffic at the present time**, and if this development were to be approved, this would result in a very much more dangerous situation, one which would inevitably result in even more accidents and potential injury or worse still, loss of life. **I therefore urge you to do the right thing and reject this application.**

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Objection Residents of Hoddlesden Rec 18/05/2018

I am writing with regards to the proposed development on the allotments in Hoddlesden. As a Hoddlesden resident who lives close to the proposed development, I am extremely worried for the following reasons:

- 1) Despite the fact that this application is for a reduced number of dwellings compared with the previous unsuccessful application, the fact remains that the additional traffic generated by this proposal would be detrimental to the centre of the village and would be very dangerous. Already cars speed through the village and any increase in the number of vehicles would result in a significantly increased risk of a serious accident. There are regular “near-misses” at the junction of Sydney Street and Queen Street. Moreover, the additional volume of cars would have an **unacceptable impact on the village’s already overcrowded roads.**
  
- 2) Parking is a huge issue around the village’s terraced streets and the development would exacerbate the problem. Whilst the proposal shows that parking would be provided for the new houses, some households would have additional vehicles and guests, all of whom would end up parking on the terraced streets, **taking the already limited spaces from residents.**

Additionally, when the streets become congested, they frequently become impassable, especially for larger vehicles. Our most serious concern is that emergency vehicles such as **fire engines and ambulances would be unable to access the houses** (and this would include the houses in the proposed development).

- 3) There is still no suitable access to the site. Sydney St, Albert St and Graham St are part of a conservation area with narrow cobbled streets. They were never designed to be through roads for a housing development. Already the junctions of Queen St / Sydney St and Queen St / Graham St regularly experience accidents and near-misses, with cars parked dangerously and visibility poor; the increase in traffic would greatly exacerbate this problem. In addition these roads are already in a very poor state of repair, any additional traffic would cause them to deteriorate even faster.

Furthermore, residents of Hargreaves St are required to reverse out of the lane at the rear of their properties, due to the lack of a turning point. As such, the existing junction of Hargreaves St / Albert St / Sydney St, which has also already experienced accidents, would become **substantially more dangerous and accident-prone.** There are 11 existing dwellings along Hargreaves Street, with approximately 15 vehicles. Some of these are able to park on the lane at the back of Hargreaves Street, but others have to take pot luck on Sydney/Albert/Graham Street. A MAJOR issue for me is the fact that this proposal contains **no acknowledgement whatsoever of the existence of the lane and its current traffic volume.**

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In addition, I am concerned that the balancing pond will not adequately address the **significant drainage issues of the site.** Already the access road to Hargreaves St frequently becomes waterlogged by surface water run off from the allotments site. This in turn causes problems on Sydney St. Development of the site and its being landscaped would lead to a **massive increase in water run off** and potentially to the flooding of existing houses.

It is also very unclear where the outflow from the balancing pond would go. It would seem to somehow connect to the culvert which runs along the middle of Hoddlesden Millennium Green. This culvert already floods on a regular basis and any additional volume of water would create a very dangerous flooding situation. In addition, as I am sure you are aware, the Green is a Fields in Trust heritage site, and as such, specific approval to achieve the connection would need to be granted.

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- 6) Given the recent discovery of unrecorded mine shafts in the area of the new Darwen Relief Road, surely a mining survey should be undertaken on the site of the proposed

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- 8) In order for the proposed site layout to be implemented, I believe this would necessitate taking land owned by other residents. In particular this applies to the proposed footpath out onto Chapman Road, and the proposed improvements to the junction of Sydney Street and Queen Street. Surely this would not be permitted?
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## Objection Sayver Koncsol Rec – 16/05/2018

Re: Proposed Development in Hoddlesden (planning ref 10/18/0326)

I am writing with regards to the proposed development on the allotments in Hoddlesden. As a Hoddlesden resident who lives close to the proposed development, I am extremely worried for the following reasons:

- 1) Despite the fact that this application is for a reduced number of dwellings compared with the previous unsuccessful application, the fact remains that the additional traffic generated by this proposal would be detrimental to the centre of the village and would be very dangerous. Already cars speed through the village and any increase in the number of vehicles would result in a significantly increased risk of a serious accident. There are regular “near-misses” at the junction of Sydney Street and Queen Street. Moreover, the additional volume of cars would have an **unacceptable impact on the village’s already overcrowded roads.**
  
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Additionally, when the streets become congested, they frequently become impassable, especially for larger vehicles. Our most serious concern is that emergency vehicles such as **fire engines and ambulances would be unable to access the houses** (and this would include the houses in the proposed development).

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Furthermore, residents of Hargreaves St are required to reverse out of the lane at the rear of their properties, due to the lack of a turning point. As such, the existing junction of Hargreaves St / Albert St / Sydney St, which has also already experienced accidents, would become **substantially more dangerous and accident-prone.** There are 11 existing dwellings along Hargreaves Street, with approximately 15 vehicles. Some of these are able to park on the lane at the back of Hargreaves Street, but others have to take pot luck on Sydney/Albert/Graham Street. A MAJOR issue for me is the fact that this proposal contains **no acknowledgement whatsoever of the existence of the lane and its current traffic volume.**

It is not at all clear what the arrangement would be for the junction between the lane and Sydney Street. There seems to be a continuation of the pavement right across the lane. This is in my view extremely dangerous, as pedestrians would not always be aware of traffic coming down the lane, as visibility is so poor.

- 4) The proposed balancing pond will be dangerous. The size of the pond and its location make it likely that children would play in it, at serious risk to their lives.

In addition, I am concerned that the balancing pond will not adequately address the **significant drainage issues of the site**. Already the access road to Hargreaves St frequently becomes waterlogged by surface water run off from the allotments site. This in turn causes problems on Sydney St. Development of the site and its being hardscaped would lead to a **massive increase in water run off** and potentially to the flooding of existing houses.

It is also very unclear where the outflow from the balancing pond would go. It would seem to somehow connect to the culvert which runs along the middle of Hoddlesden Millennium Green. This culvert already floods on a regular basis and any additional volume of water would create a very dangerous flooding situation. In addition, as I am sure you are aware, the Green is a Fields in Trust heritage site, and as such, specific approval to achieve the connection would need to be granted.

- 5) Running under Sydney St and Albert St there is a disused railway tunnel that used to serve the mines. Would the existing road structure above the tunnel be strong enough to support heavy construction traffic followed by a significant increase in residential traffic?
- 6) Given the recent discovery of unrecorded mine shafts in the area of the new Darwen Relief Road, surely a mining survey should be undertaken on the site of the proposed

development to rule out any similar surprises, which could well render the development unviable.

- 7) There is already a large surplus of applications to St Paul's Primary School in the village. With the increased population from the development, would children in the village be guaranteed a place at the school?
  - 8) In order for the proposed site layout to be implemented, I believe this would necessitate taking land owned by other residents. In particular this applies to the proposed footpath out onto Chapman Road, and the proposed improvements to the junction of Sydney Street and Queen Street. Surely this would not be permitted?
  - 9) Once again, the drainage strategy report which accompanies this application is completely invalid as it references a plan which includes access from Chapman Road. This is exactly the same document as was submitted with the previous application, and clearly needs to be updated to reflect the actual plan layout before the application can proceed.
- 10) The application includes an updated transport statement. I would make the following points :
- a. The accident review section on page 14 refers to one recorded accident in 2013, and concludes that this level of accidents would not be considered an issue. I know for a fact that there have been several accidents around the junctions of Sydney Street and Graham Street, including one just a few days ago. The fact that these were not recorded, presumably because the emergency services were not called, does not mean that these should not be taken into consideration.
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To summarise, the issues with this application which are outlined above, mean that it should not go ahead. The fundamental issue with this application is a lack of suitable vehicular access, as required by the original pre-app responses, which is far from sufficiently mitigated simply because the number of dwellings has been reduced. **There are already significant problems with parking and traffic at the present time**, and if this development were to be approved, this would result in a very much more dangerous situation, one which would inevitably result in even more accidents and potential injury or worse still, loss of life. **I therefore urge you to do the right thing and reject this application.**

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Re: Proposed Development in Hoddlesden (planning ref 10/18/0326)

I am writing with regards to the proposed development on the allotments in Hoddlesden. As a Hoddlesden resident who lives close to the proposed development, I am extremely worried for the following reasons:

- 1) Despite the fact that this application is for a reduced number of dwellings compared with the previous unsuccessful application, the fact remains that the additional traffic generated by this proposal would be detrimental to the centre of the village and would be very dangerous. Already cars speed through the village and any increase in the number of vehicles would result in a significantly increased risk of a serious accident. There are regular “near-misses” at the junction of Sydney Street and Queen Street. Moreover, the additional volume of cars would have an **unacceptable impact on the village’s already overcrowded roads.**

- 2) Parking is a huge issue around the village’s terraced streets and the development would exacerbate the problem. Whilst the proposal shows that parking would be provided for the new houses, some households would have additional vehicles and guests, all of whom would end up parking on the terraced streets, **taking the already limited spaces from residents.**

Additionally, when the streets become congested, they frequently become impassable, especially for larger vehicles. Our most serious concern is that emergency vehicles such as **fire engines and ambulances would be unable to access the houses** (and this would include the houses in the proposed development).

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Objection Mrs H McIlveen. Rec – 09/02/2018

Dear Mr Mr Prescott and Mr Hickey

Re: Proposed Development in Hoddlesden (planning ref 10/18/0326)

I am writing with regards to the proposed development on the allotments in Hoddlesden. I am not against some development of the land and the estate seems to be well designed and in keeping with the area. However, I am astounded yet again that the applicant feels that there is a viable access to the development from Sydney street. As a Hoddlesden resident who lives close to the proposed development, I am extremely worried about the impact this development would have on the village. There are already significant road safety issues in this area and any increase in traffic would exacerbate these problems.

My main concern is for the safety of pedestrians, cyclists and drivers. I regularly walk to and from the local school with two children walking at the side of a pram. In order to cross at the zebra crossing (which is the only safe place to cross such a busy road) I am required to cross Albert street and/or Sydney street. I either then walk to the bottom of Sydney street and turn left to walk on the zig-zag signs on the main road (there is no pavement here) towards the zebra crossing. Or, I walk on the pavement in front of the Ranken Arms and across the Ranken Arms car park, being very careful to avoid reversing cars, to get to the crossing. During my journey to and from school, I am sometimes required to dodge cars reversing out of Hargreaves street into Bowling Green Close and cars coming down Bowling Green Close and across Albert street into Sydney street. Only the other day, a young cyclist was crossing the bottom of Back Hargreaves street and narrowly avoided being hit by a car travelling up Sydney street. I also had to step back on to the main road on Thursday as a car nearly reversed into me whilst I was crossing. Someone with a visual impairment wouldn't stand a chance! Visibility is very poor for both drivers and pedestrians due to the layout and the congestion of traffic on these narrow, cobbled

streets.

At certain times of the day it is particularly bad. Visitors to the area regularly park outside the Carus Centre on the main road or on Sydney street. Drivers visiting the village shop regularly turn around by driving up Graham street, across Albert street and down Sydney street. Drivers stop at the bottom of Sydney street to drop people off at Carus centre and there is the increased traffic from the overflow from the pub when there's a function on. I've seen cars turning into Sydney street, then having to reverse onto the main road because there is already a car on Sydney street coming towards them. Whilst driving up Sydney street I sometimes meet a car trying to turn into Sydney street from Albert street. One of us is required to reverse to let the other through. Also, there are times when it would be impossible for an emergency vehicle to get through.

There are eleven houses on Hargreaves street, some of which have two or three cars, yet this road does not seem to be recognised as a right-of-way on the plan. Delivery vans regularly drive up and down the back of Hargreaves street, as do residents and visitors. If there was an increased flow of traffic from Bowling Green Close, the existing problems would be made much worse.

I notice on the proposed plan that car parking spaces would be offered to three houses in the vicinity. Two of these houses currently have no associated vehicles (one is empty) and the third has three vehicles which are usually parked on Sydney street and Albert street. Therefore, this would have no effect on the number of cars parked, as whenever there's a space, someone else fills it.

There have been many accidents and near-misses over the years and any increase in traffic could result in someone losing their life. One really has to live in this area to fully appreciate the problems we already face on a regular basis.

Although this latest application is for a reduced number of houses, I feel it is my duty to object as the safety of residents and visitors is of paramount importance and I would be devastated if anyone, particularly a child were to be involved in a serious/fatal accident.

Support Mr Allan Millward, 8 Carus Avenue, Darwen Rec – 18/05/2018

Dear Mr Prescott/Mr Hickey

RE DEVELOPMENT TO THE REAR OF CARUS AVENUE HODDLESDEN application number 10/18/0326

I recently received an objection letter through my door. It asked me to sign the objection for the new proposed housing development to the rear of my property. Surely these letters cannot be considered as credible objections as they are the objections of one man (I have enclosed a copy for you to see).

I would like to point out that the allotments to the rear of my property have been in decline for decades and they were a real eyesore. These large executive homes can only enhance the village by bringing more affluent people to the area and it will certainly tidy up this very unsightly allotment site.

I strongly support this development.

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Objection Mrs E Keough, 35 Bayne Street, Darwen. Rec 18/05/2018

I have just read a letter that is circulating around the village asking people to sign it in objection to the planning application for houses at the rear of the Ranken Norms Public House.

One of the points raised in the letter was oversubscription to the village school. I live on Bayne Street near to St Paul's Primary School and I must say that the traffic

problem to and from the school is a major problem mainly because people from out of the Village having to drop their children off by car.

It is my view that if there was more children attending the school within walking distance this would result in less car journeys to and from the school. On this point I am expressing my support for the development.

Support Mrs S Marshall, 63A Glenshiels Avenue, Darwen Rec – 18/05/2018

*Re Planning Application 10/18/0324*

*There is an objection letter that has been distributed around the village of Hoddlesden and I disagree with the points raised in the letter.*

- 1) Accidents at the junctions of Sydney Street and Graham Street. I have lived in this area since 1977 and I have never heard of any accidents at these junctions, not even minor ones.*
- 2) Congestion around Sydney Street, Graham Street and Hargreaves Street, This development is creating extra car parking for some of the residents around these terraced streets.*

*I would like to express being in favour of this development as I think the village is very short of larger executive homes. I would also point out that the new footpath to the Millennium Green will be most beneficial to people like myself living on the estate above the proposed development site.*

*I hope my points are took into consideration when making you final decision and not just by masses of the same letter signed by anyone.*

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Support Mrs Susan Howarth, 11 Pleasant View, Darwen. Rec – 18/05/2018

Dear Sirs

I have received a letter that was posted through my door asking to object to the above planning application.

Having looked at the architects drawings it appears that this development is creating off road parking for the use of the residents around Sydney Street/Hargreaves Street and to me this must only be a good thing and would like to support this development. I would also like to add that I think it enhances the area and I like the idea of creating a new walk way to the Millennium Green.

Thank you for your time to read this.

## Support Mrs McCluskey Rec 16/05/2018

### LETTER OF SUPPORT

In reference to the above development/planning application.

I would like to show my support to the proposal with the following five points to be agreed as part of the planning.

I own a property on Albert St & everyone knows that the car parking at present is very restricted, especially in the evening.

That said, I definitely wouldn't want to see yellow lines on the 3 cobbled streets of - Albert St , Sydney & Graham St. As these streets are in the conservation area the character cobbles should remain, as part of the heritage of the village.

As I understand from the plans submitted, the developer has made provision for 11 car parking spaces, plus 4 new garages, behind Hargreaves St. Can I suggest these are for Hargreaves St only This would free up space in front of mine & the other properties on Albert St.

Looking at the plans, it appears that the developer has also made provision for pavements & 2 footpaths.

This would be very welcome. Far too many new estates have no provisions for children walking to school & the lack of pavements makes many new developments dangerous with cars on the highways with no pavements. I'm pleased to see the foot path from Chapman Rd on to the new development also.

The new footpath directly onto the millennium green area is an enhancement to the original estate on Chapman Rd, bringing green public space nearer.

Studying the plans it looks like all houses have private parking provisions for at least two vehicles, this again is welcomed.

With the above points in mind I would have no hesitation in welcoming the new 14 house development behind Hargreaves Rd & Chapman Rd Hoddlesden.



**REPORT OF THE DIRECTOR**

**Plan No: 10/18/1048**

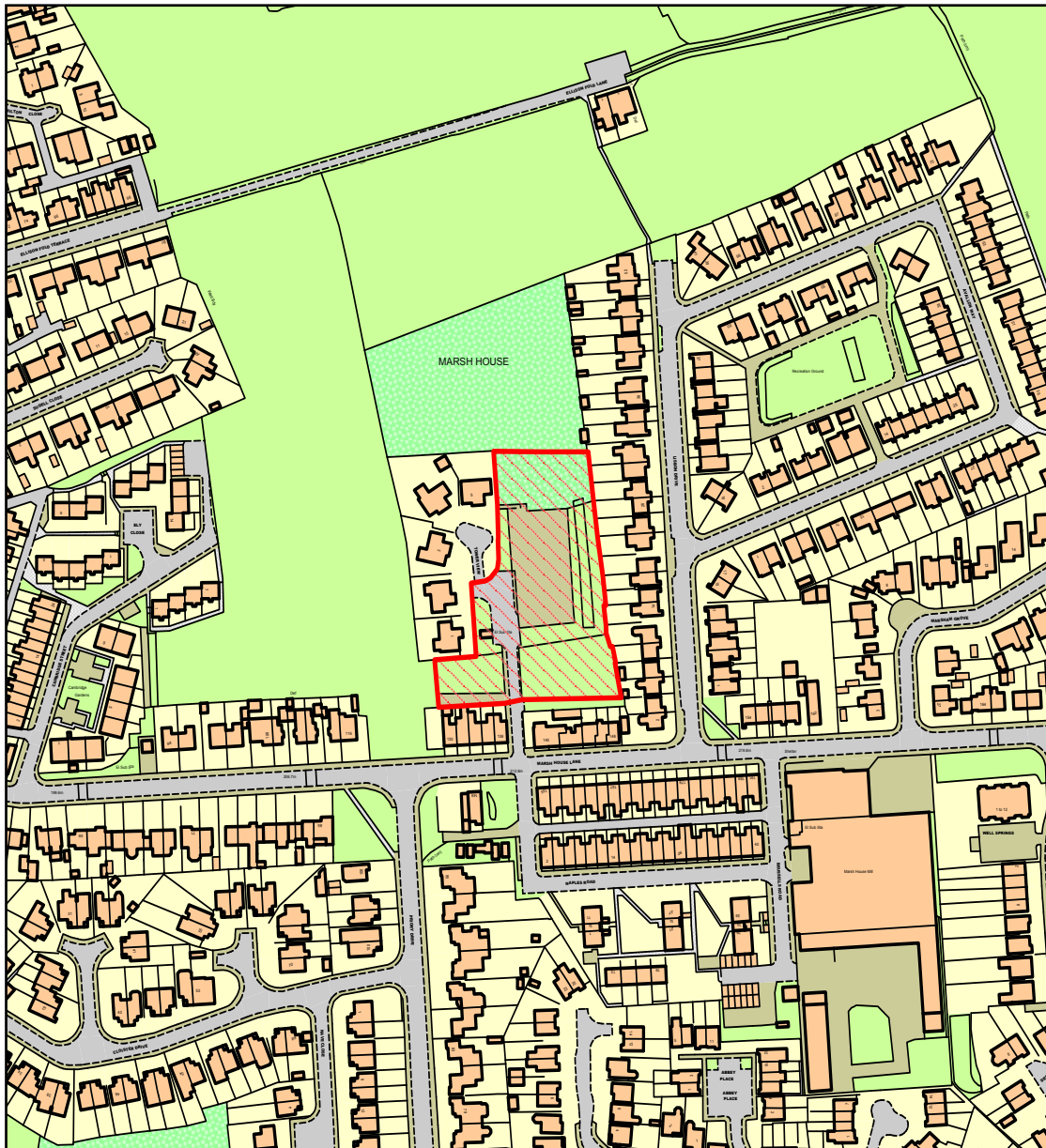
**Proposed development: Full Planning Application for Erection of 17 houses with associated roads, pavements, garages and gardens**

**Site address:  
Land at Tower View  
Darwen**

**Applicant: Hearle Homes**

**Ward: Darwen South**

**Councillor Kevin Connor  
Councillor Lilian Salter  
Councillor Neil Slater**



## **1.0 SUMMARY OF RECOMMENDATION:**

- 1.1 APPROVE – Subject to a Section 106 Agreement relating to the provision of off-site Green Infrastructure and conditions as set out in paragraph 4.1.**

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

- 2.1 The proposal will deliver a high quality housing development which will assist in widening the choice of family housing in the Borough; in accordance with the Borough's strategic aims and objectives 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 planning application is submitted following the Council's disposal of the site through an informal tender process. The proposal generally follows the indicative layout produced in the marketing particulars for the site prior to its sale.
- 3.1.2 The application site lies within the Darwen's Urban Boundary. Although it is unallocated, it lies to the immediate south and east of a housing allocation identified as "East Darwen Development Corridor" which includes Bailey's Field; in accordance with the Local Plan Part 2. The site was previously Council owned. It comprises land formerly occupied by Tower View Adult Day Centre, an allotment and associated highway infrastructure occupying an area of circa 0.46 hectares (1.14 acres). The Day Centre was demolished following appropriate assessment of a separate prior notification of demolition application.
- 3.1.3 Access to the site is taken from Tower View which is linked to Marsh House Lane, to the immediate south. The area is defined by its residential character, featuring terraced house types along Marsh House Lane to the south and Lisbon Drive to east, and detached bungalows to the north and west of Tower View. Land levels generally fall gradually in an east to west direction. A sharper fall occurs along the eastern extremity of the site. As a location in relative proximity to the edge of the urban boundary, it offers close links to the open countryside to the east.
- 3.1.4 Public transport links run along Marsh House Lane directly into Darwen town centre; a circa 5 minute road journey. Pedestrian links offer an alternative circa 15 minute journey into the town centre. Darwen train station offers frequent services for commuters to destinations including but not limited to Manchester, Bolton, Clitheroe and Preston.

## **3.2 Proposed Development**

- 3.2.2 The proposal is a full planning application for the erection of 17no. dwelling houses and associated highway infrastructure enhancements.
- 3.2.3 The proposal seeks to deliver a quality development, essentially in the form of a cul-de-sac, of four different house types, comprising a mix of 12no. 3 bed semi-detached units and 5no. 4 bed detached units. Dedicated off street parking spaces are provided, including garages for the detached units. 4no. communal off street parking spaces are also proposed for visitors and / or existing residents of Tower View / Marsh House Lane.
- 3.2.4 Enhancement to the existing point of access along Tower View is proposed to provide surfacing and traffic calming to an adoptable standard.
- 3.2.5 Layout is largely constrained by the surrounding houses. Plot 1 is the single unit proposed to the west of Tower View, positioned side on to properties along Marsh House Lane. Plots 2 – 7 are positioned to the east of Tower View, parallel to and facing the rear of properties on Marsh House Lane. Plots 5 – 13 are in linear form fronting the proposed road and plots 14 – 17 sit perpendicular to these off the proposed turning head.

## **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
- CS19 – Green Infrastructure

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

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 18 – Housing Mix

- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

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

#### **3.4.1 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 (The Framework)**

The Framework sets out the government’s aims and objectives against which planning policy and decision making should be considered. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places

### **3.5 Assessment**

3.5.1 In assessing this application, the following important material considerations have been taken into account:

- Principle;
- Highways and access;
- Drainage;
- Design and Layout;
- Amenity impact;
- Ecology;
- Contaminated land; and
- Green Infrastructure.

#### **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 and the Core Strategy.

3.5.3 The site lies within the urban boundary of Darwen but is otherwise unallocated. Although outside of the preferred location for new housing within the defined Inner Urban Area, the proposal is consistent with the Core Strategy’s overarching aims and objectives of achieving economic gain

through new development and of promoting new house building with the urban areas of Blackburn and Darwen.

3.5.4 Policies CS7 and 18 promote a wider choice of housing. The proposal offers a range of family sized detached and semi-detached typology in a locality where it will make a positive contribution to the character of the local area; on account of the current vacant status of the site and the principles advocated in The Framework relative to making effective use of land.

3.5.5 Accordingly, the principle of the development is accepted as consistent with Development Plan and The Framework's presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters:

3.5.6 Accessibility and Transport

The development is essentially laid out in cul-de-sac form utilising existing access arrangements from the north of Marsh House Lane along Tower View; which will be extended in a northerly direction to include a turning head. Properties will be accessed from the east and north of the cul-de-sac, with the exception of plots 2 – 7 will be accessed from formation of an internal road running parallel to rear of properties on Marsh House Lane.

3.5.7 Details, including a Transport Statement, have been reviewed by the Council's Highways consultee. No objection is offered; on account of a proposed adoptable upgrade to the access / egress arrangements through introduction of a marked junction and a footway along the western section of Tower View to link with the existing bungalows, appropriate refuse vehicle tracking within the amorphous turning head, and off-street parking in accordance with the Council's adopted standards is also demonstrated.

3.5.8 The development will be located within the urban area, in a location that benefits from excellent public transport links to Darwen Town Centre and that is well served by pedestrian and cycling routes

3.5.9 Accordingly, the proposal provides for the safe and efficient movement of highway users and accords with the principles of sustainable modes of transport, in compliance with the aims and objectives of the Development Plan and The Framework; subject to submission of a Construction Management Plan, to ensure safety and efficiency during construction phase and introduction of junction improvements / traffic calming. These requirements will be secured by means of appropriately worded conditions.

3.5.10 Design and Layout

A Design and Access Statement is submitted in support of the application, setting out the key design principles. Layout is essentially dictated by the existing road form and dwellings to the south east and west of the site. Nonetheless, the orientation and scale of the layout is considered to maximise the sites potential, in creating a welcoming entrance and a general form that provides unity and reflects the defining characteristics of the surrounding area.

- 3.5.11 Although opportunity for communal landscaping is limited, it is proposed to areas forward of plots 2 – 7 and to the west of the access road, adjacent to the sub-station. Individual plots will feature appropriate highway fronted landscaping.
- 3.5.12 The area generally offers a variety of house types. A mixture of house types are proposed including 12no. 3 bed semi-detached and 5no. 4 bed detached; typologies of a scale and nature that are appropriate in context. Each of the dwellings, although varied in scale, feature vertically emphasised form with a mix of gable roof profiles and proportionate fenestration. Use of external materials appropriate to the setting will be secured by an appropriately worded condition.
- 3.5.13 Proposed boundary treatments are acceptable.
- 3.5.14 Accordingly, the design principles proposed are considered consistent with the aims and objectives of the Development Plan and The Framework.
- 3.5.15 Amenity  
The proposed layout incorporates appropriate separation standards between proposed dwellings within the site and those adjacent to the site; as advocated by the Residential Design Guide SPD; ie. a minimum of 21 metres between facing windows of habitable rooms of two storey dwellings and 13.5 metres between habitable rooms and a blank wall / non-habitable rooms; whilst having due regard to the topography of the site. Acceptable levels of mutual amenity are, therefore, achieved.
- 3.5.16 Amendments secured during the application process ensure that gross internal floor areas are compliant with the nationally described space standards; ensuring satisfactory levels of internal amenity for occupants of proposed dwellings.
- 3.5.17 In accordance with the Council's air quality management aims and objectives, application of conditions to secure provision of one electric vehicle charging point at each dwelling and for a limitation of gas fired boiler emissions is recommended by the Council's Public Protection consultee.
- 3.5.18 A Phase 1 Geo Environmental Desk Study / Coal Risk Assessment has been submitted. Contaminated land conditions to safeguard future residents from any threat of ground contaminants is recommended by the Council's Public Protection consultee and a scheme of intrusive site investigations and (if necessary) a scheme of remedial works and their implementation is recommended by the Coal Authority; to be secured by conditions.
- 3.5.19 Given the proximity of the site to existing dwellings, there is a likelihood of some disruption during construction of the development. Accordingly, construction phase conditions are recommended to limit hours of construction; to require submission of a dust suppression scheme and a programme for the monitoring of noise and vibration if pile driving foundation methodology proves necessary.

3.5.20 Conditions relative to sound proofing and ventilation of the proposed dwellings is also recommended by the Council's Public Protection consultee, to safeguard from external noise disturbance. The conditions are, however, considered unnecessary due to the absence of any noise intrusive uses identified that may give rise to excessive noise disturbance.

3.5.21 Subject to the implementation of the necessary recommended conditions and adherence to the approved site layout, the impact of the development, including during construction, appropriately complies with the aims and objectives of the Development Plan and The Framework.

### 3.1.22 Ecology

A Preliminary Ecology Appraisal has been reviewed by Capita Ecologists. The Appraisal is considered to appropriately address any potential ecology issues at the site. Notwithstanding this, a second bat emergence survey is recommended to supplement one undertaken in August 2017, in respect of demolition works. Members are, however, advised that the Tower View Adult Day Centre was demolished in 2018, under the prior notification of intended demolition procedures set out in the General Permitted Development Order 2015 (as amended); (application ref. 10/17/1119).

3.1.23 A net loss of local priority habitat is identified as a result of the loss of allotments sited to the western entrance to the site. Although limited opportunity exists within the site for mitigation, a landscape plan will be required by condition to secure planting of appropriate species to compensate for some loss. Moreover, an agreed Section 106 commuted sum payment of £20,000 from the developer will provide for enhanced off-site Green Infrastructure provision, offering further compensation.

3.1.24 Recommendations of the Preliminary Ecology appraisal should be adhered to throughout construction of the development; to be secured by condition.

3.1.25 The overall ecological impact of the development is considered consistent with the aims and objectives of the Development Plan and The Framework.

### 3.1.26 Trees

As the site does not accommodate any protected trees, constraint in this regard is limited. 6no. trees of moderate value will be lost to accommodate plots 1, 2, 3, 4, 6 and 7. The benefits of the development are, however, considered to outweigh their loss. Moreover, replacements tree planting will be carried out throughout the site as part of a wider landscape scheme which will result in a net increase of trees.

### 3.1.27 Drainage

A Drainage Feasibility Study has been reviewed by the Council's Drainage consultee and United Utilities. Drainage within the site is considered appropriate, subject to application of conditions to ensure a foul and surface water drainage scheme; in accordance with the aims and objectives of the Development Plan and The Framework.

### 3.1.25 Affordable Housing

A Viability Appraisal has been submitted and audited by the Council's Growth Team. The appraisal is considered to demonstrate that there is no viability within the development for provision of affordable housing; having regard to land value, market conditions and construction costs. Payment of a Section 106 commuted sum in this regard is not, therefore, required.

### 3.1.26 Summary

This report assesses the full planning application for the residential development of land at Tower View, Darwen. In considering the proposal, a wide range of material considerations have been taken into account.

3.1.27 In addition to the matters described above, local residents raised the following concern:

3.1.28 Presence of unadopted land between the boundary of plot no. 1 and 1 Tower View. This land is outside of the red edge boundary of the application site and is, therefore, beyond the control of the applicant. Consequently, the status quo in this regard will be maintained.

## 4 RECOMMENDATION

### 4.1 Approve subject to:

- (i) Delegated authority is given to the Director for Growth and Development to approve planning permission, subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of a commuted sum of £20,000 towards: off-site provision of Green Infrastructure.

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

- (ii) Conditions which relate to the following matters:

- Commence within 3 years
- Materials to be submitted
- Implementation of tree protection measures
- Contaminated land - submission of detailed proposals for site investigation
- Contaminated land – submission of validation report demonstration effective remediation.
- Unexpected contamination
- Submission of coal mining activities report and implementation of recommendations, where necessary.
- Provision of dedicated motor vehicle charging points
- Submission of dust suppression scheme
- Submission of pile driving noise / vibration assessment
- Limited hours of construction:  
08:00 to 18:00 Mondays to Fridays



09:00 to 13:00 Saturdays

Not at all on Sundays and Bank Holidays

- Submission of a Construction Management Plan
- Submission of Junction improvement scheme / traffic calming
- Submission of a foul and surface water drainage scheme
- Submission of landscaping scheme, to include ecological biodiversity measures
- Tree protection measures during construction phase
- Site clearance outside bird nesting season
- Implementation of measures identified in Preliminary Ecological Appraisal
- Permitted Development Rights to be removed
- Development in accordance with submitted details / drawing nos.

## **5 PLANNING HISTORY**

- 5.1 10/17/1119: Prior notification of demolition of Tower View Adult Day Centre

## **6 CONSULTATIONS**

6.1 Arboricultural Officer

No objection.

6.2 Drainage Section

No objection subject to foul and surface water drainage scheme.

6.3 Environmental Services

No objection subject to appropriate resolution of refuse vehicle tracking.

6.4 Public Protection

*Noise*

Recommended conditions:

- soundproofing and mechanical ventilation conditions. This condition considered unreasonable, given lack of evidence base to justify its inclusion;
- Site working hours to be limited to between 8am-6pm (Monday-Friday) and 9am-1pm on Saturdays. No works on Sundays or Bank Holidays.
- Pile driving noise / vibration assessment

6.4.1 *Dust*

Recommended condition:

- Submission of dust control suppression scheme;
- All heavy commercial vehicles carrying bulk dusty materials into or out of the site to be sheeted. This condition is considered unreasonable and unenforceable, given the limited control the applicant can exert on alternative contractors / suppliers away from the site.

6.4.2 *Air Quality*

- Provision of a dedicated electric vehicle charging point at all dwellings.

- Limitation of gas powered boiler types to control emissions.

#### 6.4.3 Contaminated Land

- Submission of detailed proposals for site investigations.
- Submission of validation of remedial measures.
- Unexpected contamination.

#### 6.5 Highways Authority

No objection following satisfactory resolution of vehicle tracking and subject to;

- Submission of Construction Method Statement.
- Junction improvements including traffic calming measures

#### 6.6 Strategic Housing

No objection in recognition of the proposal contributing towards the Council's housing offer and growth strategy; subject to Section 106 contribution towards affordable housing. The scheme was demonstrably no viable, following an audit of the applicants Viability Appraisal, if affordable housing contributions were to be required.

#### 6.7 Coal Authority

No objection subject to a scheme of intrusive site investigations and (if necessary) a scheme of remedial works and their implementation.

#### 6.8 Education Services

No objection.

#### 6.9 Electricity North West

No response offered.

#### 6.10 Capita Ecology

A second Emergence Survey was recommended relative to the demolition of Tower View Adult Day Care Centre. This is not necessary due to the building having been previously demolished, following the aforementioned prior notification of demolition application.

Otherwise, no objection subject to implementation of recommendations contained in Preliminary Ecology Appraisal.

#### 6.11 United Utilities

No objections, subject to submission of a Sustainable drainage management and maintenance plan.

conditions requiring separate foul and surface water systems, submission of a drainage scheme and details of maintenance of the sustainable drainage system; as required by the Local Flood Authority.

#### 6.12 Public consultation has taken place, with 50 letters posted to neighbouring addresses; a press notice published 22<sup>nd</sup> November 2018; and display of

three site notices were displayed on 12<sup>th</sup> November 2018. In response, one representation was received which is shown within the summary below.

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

**8 DATE PREPARED: 7<sup>th</sup> February 2019.**

## 9 SUMMARY OF REPRESENTATIONS

### Objection Mr & Mrs Hamer, 1 Tower View, Darwen Rec: 27/11/2018

For the attention of - Nick Blackledge

Re the planning application for the erecting of 17 houses :-

We welcome the development of the area which would see the current unadopted road be resurfaced and with streetlighting but would like to raise some concerns as follows:-

1. The current parking of 6 cars approximately which are from the residents immediately off marsh house road, currently in the proposed entrance / exit to the area makes this one lane traffic only. On the original design approach on no 4 double yellow lines was proposed, the current planning application does not show or allow for this. And we feel there would also be a concern that should these vehicles park on the main road thereafter it may and could produce a blind spot for traffic exiting our road on to the main road which can be extremely busy currently, and with the roundabout controlling traffic for vehicles pulling out. ON the assumption that each property has a double driveway and potentially could own 2 vehicles not only is this insufficient, there may be any numerous vehicles trying to enter or exit.
2. The path on the left hand side when entering, could this be reduced to allow for more room for the passing of two vehicles.
3. The original design approach showed 4 Visitor bays, we note this has been reduced to 2 on the proposed. We consider this to be insufficient based on the current residents and visitors to the area bearing in mind, the current land available now will have been developed upon forcing these vehicles to park elsewhere ?
4. At the rear of plot no 1 proposed there appears to be an area of land, from boundary line to plot no 1 and the no 1 tower view, which seems to be unadopted land why is this ?
5. Obviously we have discussed various and all of the above with our current neighbours, and there seems to be a general feeling of the same.

Mr Mrs Hamer  
1 tower view  
Darwen



**REPORT OF THE DIRECTOR**

**Plan No: 10/18/1220**

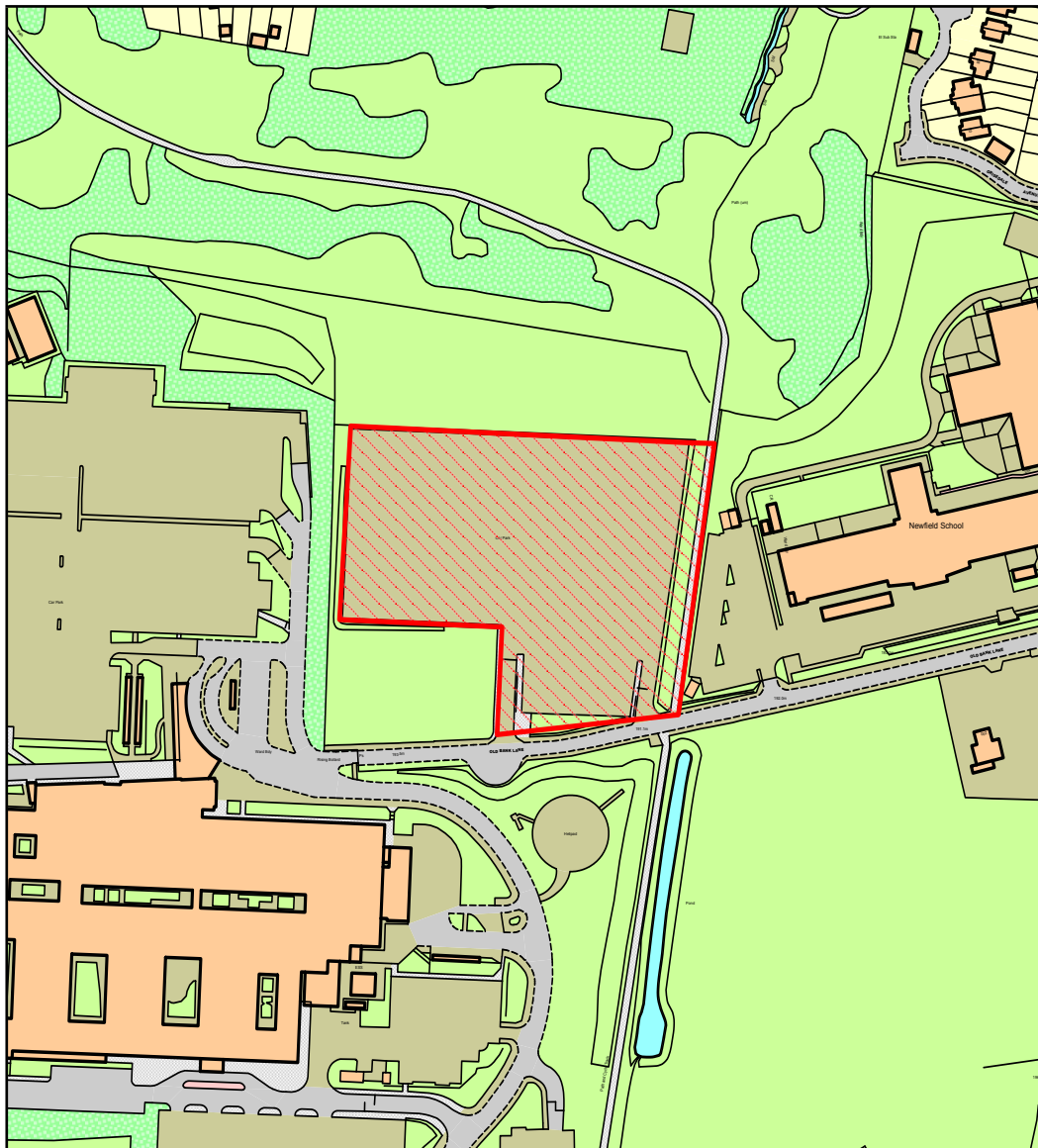
**Proposed development: Removal of Condition No.2 pursuant to planning application 10/17/1083 - Improvements to the Old Bank Lane / Shadsworth Road Junction.**

**Site address:**  
Car Park  
Old Bank Lane  
Blackburn

**Applicant: Blackburn with Darwen Borough Council**

**Ward: Audley & Queens Park**

**Councillor Yusuf Jan Virmani**  
**Councillor Maryam Batam**  
**Councillor Salim Sidat**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE.**

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

2.1 Members are advised that the application is presented to Committee on account that the applicant is the Council's Director of Environment & Operations and the application site is Council owned; in accordance with the requirements of Regulation 3 of The Town and Country Planning General Regulations 1992.

2.1.1 The application concerns itself with the proposed removal of the following condition (no.2), applied to planning permission granted for the construction of a 517 spaces car park on land to the north of Old Bank Lane by the Committee in October 2017 (ref. 10/17/1083).

*Within 6 months of the implementation of the car park hereby approved, a scheme detailing proposed improvements to the Old Bank Lane and Shadsworth Road junction and a timetable of works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.*

*REASON: In the interests of highway safety, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.*

2.1.2 Construction of the car park is complete and it has been fully operational since May 2018. It primarily serves as overflow parking provision for users of Royal Blackburn Hospital (RBH), whilst alleviating pre-existing road congestion along Haslingden Road, caused by queuing traffic accessing the main hospital car park. The intention of the condition is to deliver improvements to the Shadsworth Road / Old Bank Lane junction arrangements to aid efficiency, on account that the majority of vehicles accessing and egressing the car park will travel from and to the direction of the junction.

2.1.3 Careful consideration has been applied to the demonstrable negligible impact use of the car park has had on the safe operation of the junction and the potential for future development of the area. Accordingly, the proposed modification works are deemed redundant and, therefore, financially inefficient. In this context, removal of the condition is considered to be justified.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The car park formerly comprised undeveloped land to the north of Old Bank Lane, to the east of the RBH campus. To the west of the site lies a surface level car park serving the hospital and to the east Newfield School. North of

the site is open land covered in low lying vegetation. The area generally is characterised as mixed, comprising the extent of the hospital, employment units and residential properties.

- 3.1.2 The works required by the condition are to highway land within the control of the Council circa 370m to the east, currently formed by a mini-roundabout and adjoining public footway / grass verges at the junction of Shadsworth Road and Old Bank Lane, Blackburn.

### **3.2 Proposed Development**

- 3.2.1 The application is submitted under the provisions of Section 73 of the Town and Country Planning Act 1990 for the proposed removal of the condition set out at paragraph 2.1.1, which is attached to the permission granted for the Old Bank Lane Car Park. Approval of this application, as a minor material amendment, would amount to a modification of the original permission.

### **3.3 Development Plan**

- 3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 3.3.2 The Development Plan comprises the Core Strategy, the adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal the following are considered to be the most relevant policies:

#### **3.3.3 Core Strategy**

- CS22 – Accessibility Strategy

#### **3.3.4 Local Plan Part 2**

- Policy 10 – Accessibility and Transport

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

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

- 3.4.1 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.

### **3.5 Assessment**

- 3.5.1 The continued safe, efficient and convenient movement of highway users is the key material consideration that needs to be taken into account in



assessment of the application, having regard to the functionality of the car without significant detriment to the operational efficiency of the Shadsworth Road / Old Bank Lane junction; in the context of Policy 10 of the Local Plan Part 2.

- 3.5.2 The Council's highways consultee reports that, during the 10 months the car park has been operational, it is evident that there has been little negative effect on the safe operation of the junction; including no adverse queue lengths on Old Bank Lane or Shadsworth Road and no reported issues from the school site adjacent to the car park.
- 3.5.3 Moreover, given that Shadsworth Leisure Centre is now closed, the land will likely present a future redevelopment opportunity. On account of the lands proximity to the junction, the existing entrance into the leisure centre may be relocated to reduce the number of turning manoeuvres in the confined junction space and to secure a general improvement in safety for all highways users. In addition, the position of the existing Zebra crossing will be re-evaluated to ensure its position is optimised for pedestrian movement.
- 3.5.4 When considered against the significant financial implications of undertaking the works (as required by the planning condition) and the future redevelopment of the Shadsworth Leisure Centre site, removal of the condition is considered to be acceptable; in accordance with the aims and objective of the Development Plan.

## **4 RECOMMENDATION**

- 4.1 **Approve;** subject to the removal of condition no. 2 on the original planning permission granted for the car park.

## **5 PLANNING HISTORY**

- 5.1 Approval of: Construction of 517 space surface level car park comprising 467 standard spaces (2.5m x 5m) and 50 larger spaces (3.75m x 6.2m); an additional 20 motorcycle spaces, new barrier-controlled access from Old Bank Lane, boundary footpath along southern perimeter, landscaping, timber knee-high fence rail, 28No. 6m high LED lighting columns and 2no. CCTV masts/cameras. Ref. 10/17/1083. Date of approval: 20<sup>th</sup> October 2017.

## **6 CONSULTATIONS**

- 6.1 Consultation was carried out by means of displaying two site notices. Ward Councillors were also consulted. No written representations were submitted.

## **7 CONTACT OFFICER: Nick Blackledge, Planner**

**8      DATE PREPARED: 4<sup>th</sup> February 2019.**

**REPORT OF THE DIRECTOR**

**Plan No: 10/19/0026**

**Proposed development: Full Planning Application (Regulation 3) for Installation of 2.4m security fencing**

**Site address:**

**Land to the rear of Briar Road, Blackburn**

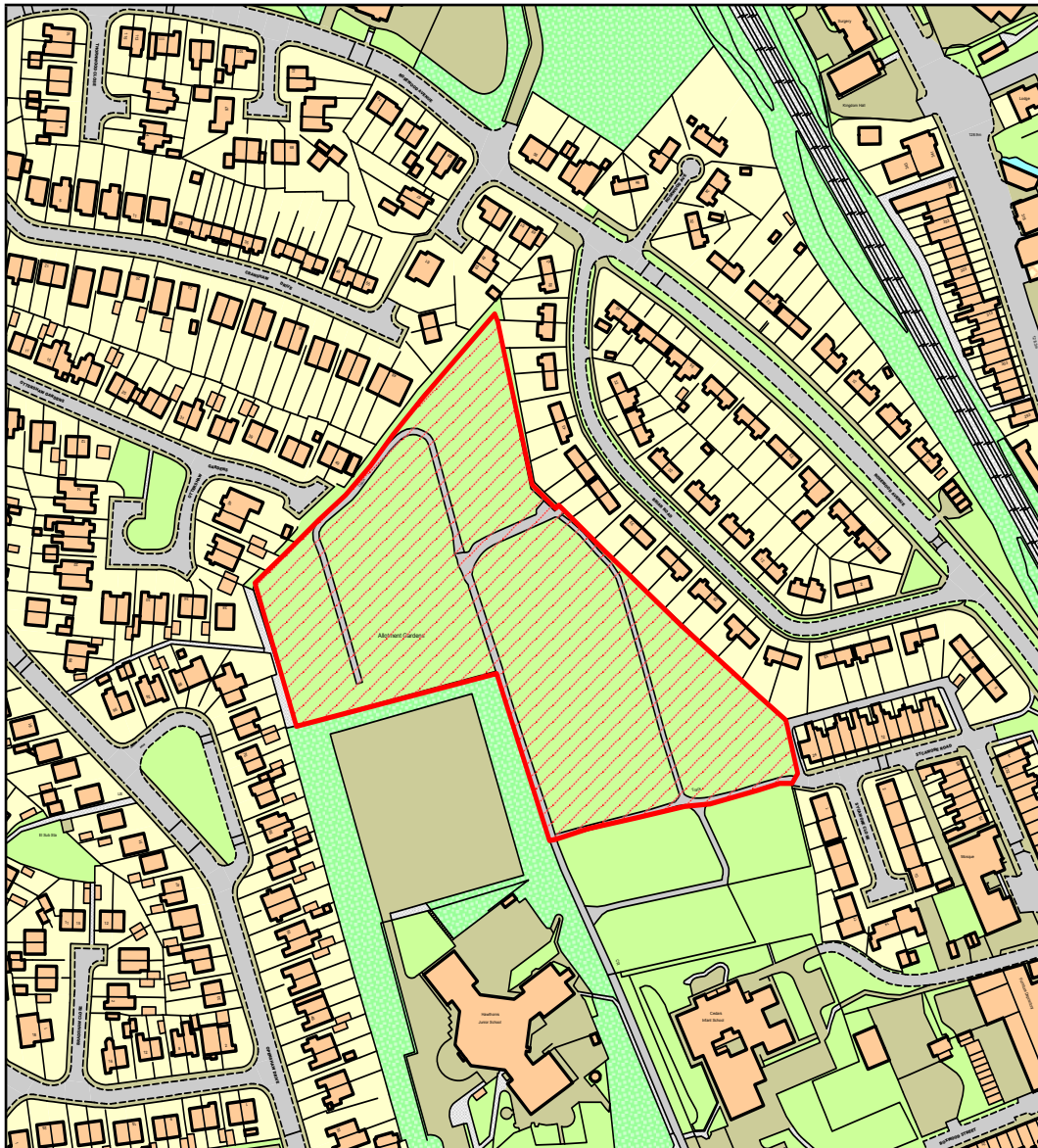
**Applicant: Blackburn with Darwen Borough Council**

**Ward: Roe Lee**

**Councillor Phil Riley**

**Councillor Sylvia Liddle**

**Councillor Ron Whittle**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – Subject to conditions**

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

2.1 Members are advised that the application is presented to Committee on account that the applicant is the Council and the application site is council owned; in accordance with the requirements of Regulation 3 of The Town and Country Planning General Regulations 1992.

2.1.1 The proposed fence will deliver a high quality form of boundary treatment, as a means of enhanced security for mutually affected householders and allotment users. The site has suffered from declining occupancy levels and is considered vulnerable to security risk, with reported instances of vandalism, general break-ins and fly-tipping significantly increasing the Council's financial burden. This security enhancement will help reduce maintenance costs and will make a significant contribution to the continued sustainability of the allotment site, which is recognised for its health and wellbeing benefit to the local community.

2.2.2 As a proposal compliant with the aims and objectives of national policy and the Local Development Plan, it will secure appropriate levels of amenity and will adhere to advocated good design principles. 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 use of planning conditions.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The application site comprises circa 2.2 hectares of Green Infrastructure within Blackburn's Urban Boundary; as identified in the adopted Local Plan Part 2. Locally known as Teak Street Allotments, the site accommodates a series Council owned allotment plots and associated infrastructure on land formerly occupied by terraced dwellings which were demolished circa 40 years previously. The sites primary access is to the north of St James Road, along a dedicated track that runs between Cedar Street Infant and Junior Schools which bound its southern edge. The north east and western boundaries are formed by residential properties. Topography rises sharply from east to west.

### **3.2 Proposed Development**

3.2.1 The proposal is a full planning application for the erection of a 2.4 metre high paladin style fence, constructed in 5mm galvanised wire and green powder coated. It will be positioned along a circa 65 metre section of the eastern boundary of the allotment site, to the immediate rear of dwellings numbered 15 – 37 Briar Road and will join up with an existing palisade fence.

### **3.3 Development Plan**

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

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

#### **3.3.3 Core Strategy**

- CS1 – A Targeted Growth Strategy
- CS11 – Facilities and Services
- CS16 – Form and Design of New Development
- CS20 – Cleaner, Safer, Greener

#### **3.3.4 Local Plan Part 2**

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 11 – Design
- Policy 38 – Green Infrastructure & Ecological Networks with New Development

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

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

3.4.1 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 8 of the Framework advocates promoting healthy communities; section 11 with making effective use of land and section 12 with achieving well-designed places.

### **3.5 Assessment**

3.5.1 The following are the key material considerations that need to be taken into account in assessment of the application:

- Principle;
- Amenity impact;
- Environment;
- Design;
- Health.

#### 3.5.2 Principle of the development

The principle of the proposal is accepted, in accordance with Policy 7 of the Development Plan, and The Framework's presumption in favour of sustainable development, which should proceed without delay, unless demonstrable adverse impacts which significantly outweigh the benefits of a proposal are identified; subject to assessment of the following matters:

#### 3.5.3 Amenity

Policy 8 sets out that development will be permitted where it can be demonstrated that it would secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself.

3.5.4 The fence proposed is a typical paladin construction; wholly commensurate within a residential setting. It will be constructed on allotment land on the outside of existing rear boundary treatments to properties on Briar Road. Its 2.4m height is not considered excessive when assessed against its relationship with the rear of these dwellings; ensuring appropriate levels of amenity are maintained for householders. It should be recognised that a fence can be erected in the proposed position up to a height of 2m without the need to apply for planning permission; in accordance with the provisions of the General Permitted Development Order 2015 (as amended). Consequently, this assessment relates only to the additional height of 400mm.

3.5.5 The fence will also accord with the policy principle of securing appropriate levels of mutual safety for users of the allotments and local residents, as an improved means of security. Compliance with Policy 8 is achieved.

#### 3.5.6 Design / Character and Appearance

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

3.5.7 The paladin design of the fence, featuring galvanised wire mesh at 5mm intervals supported by steel columns, is appropriate in context. Its position and existence of established trees and vegetation in proximity will assist in minimising its visual prominence. The proposed green powder coating will further enhance its appearance and assimilation into the surroundings. Compliance with policy 11 is achieved.

### 3.5.8 Environment

Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, green infrastructure, habitats, species, trees and the efficient use of land.

3.5.9 Notwithstanding the presence of a mature tree and established vegetation in proximity to the proposed fence, the minimally invasive foundation work ensures no harm to environmental assets on or bordering the site. Compliance with Policy 9 is achieved.

### 3.5.10 Summary

This report assesses issues associated with the full planning application for the proposed fence. In considering the proposal, a range of material considerations have been taken into account and the development is considered to have sufficient merit to achieve compliance with the aims and objectives of the Development Plan and The Framework.

## **4 RECOMMENDATION**

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

Conditions which relate to the following:

- Commence within 3 years
- Fence to be erected in accordance with the submitted detail, including green powder coating treatment.

## **5 PLANNING HISTORY**

5.1 No relevant planning history

## **6 CONSULTATIONS**

6.1 45 neighbouring properties were consulted by letter and three site notices were displayed. Ward Councillors were also consulted. Although a significant volume of telephone enquiries were received, no written representations were submitted from householders. An objection was, however, submitted on their behalf by Ward Councillors Ron Whittle and Sylvia Liddle which is shown in the summary below.

6.2 Council's Property Management team – no objection.

**7 CONTACT OFFICER: Nick Blackledge, Planner**

**8 DATE PREPARED: 30<sup>th</sup> January 2019.**

## DEPARTMENT OF GROWTH & DEVELOPMENT

**ORIGINATING SECTION:** Planning.

**REPORT TO:** Planning & Highways Committee.

**TITLE:** Petition regarding Full Planning Application (Retrospective) for Construction of 11 single storey units (part retrospective for units 3A and 7), extension to unit 11 and change of use of unit 6 to flexible uses B1 (offices and light industrial) and B8 (storage), access, car parking and new boundary treatment

**At**

**Old Fire Station**

**Byrom Street**

**Blackburn**

**BB2 2LE**

**(Ref: 10/18/1093)**

**Applicant: Jays Properties**

**Ward: Blackburn Central**

**Councillors: Cllr Saima Afzal**

**Cllr Faryad Hussain**

**Cllr Zamir Khan**

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### **1.0 PURPOSE OF REPORT**

1.1 To inform Members of the receipt of one petition relating to the above planning application.

### **2.0 BACKGROUND AND DETAILS**

2.1 A planning application for the above development was received on 9<sup>th</sup> November 2018 and made valid on 14<sup>th</sup> December 2018.

2.2 A petition containing 29 signatures supporting the proposal was received on 14<sup>th</sup> January 2019. The reasons for this support are given as follows:

2.3 Reasons:

- Supports jobs and brings new employment and business opportunities.



- Invests in and builds new units, and prevents the yard area from becoming an eyesore and attracting rubbish (which has previously been an issue).

2.3 Thirty duplicated letters of support have also been received, all individually signed. However, twenty-nine of these letters are from people who have also signed the petition.

2.4 At the time of the Petition Report being prepared, no decision on the application had been reached.

### 3.0 **RECOMMENDATION**

3.1 It is recommended that the Committee note the petition.

### 4.0 **BACKGROUND PAPERS**

4.1 Planning application 10/18/1093 contains details of the application and the petition and can be viewed at:  
[http://planningdms.blackburn.gov.uk/NorthgateIM.websearch/\(S\(p1pmyr55oi1qbqr5eba1lwzw\)\)/Results.aspx](http://planningdms.blackburn.gov.uk/NorthgateIM.websearch/(S(p1pmyr55oi1qbqr5eba1lwzw))/Results.aspx)

5.0 **CONTACT OFFICER** – John Wilson – Planner 01254 585142

6.0 **DATE PREPARED** – .14<sup>th</sup> January 2019

FAO Blackburn Council Planning Department  
**Petition**

Dear Sir/Madam,

Application Reference 10/18/1093

Construction of 11 single storey units (part retrospective for units 3A and 7), extension to unit 11 and change of use of unit 6 to flexibleuses B1 (offices and light industrial) and B8 (storage), access, car parking and new boundary treatment

Old Fire Station, Byrom Street, Blackburn, BB2 2LE

I/we the undersigned **SUPPORT** the above proposal.

I/we have no problems with the site as currently operating from the former fire station and support the proposed development for new units in the yard area recently bought by Yaseen Enterprises and which will

- Support jobs and bring new employment and business opportunities
- Invest and build new units and prevent the yard area becoming an eyesore attracting rubbish which has previously been an issue in the area

## **DEPARTMENT OF GROWTH & DEVELOPMENT**

**ORIGINATING SECTION: Planning.**

**REPORT TO: Planning & Highways Committee.**

**TITLE: Petition regarding Full Planning Application for Change of use from an office building to a C2a class use Open Rehab Unit with supporting facilities. Erection of a single storey front extension to serve as a new entrance point**

**At**

**Oakfield House**

**93 Preston New Road**

**Blackburn**

**BB2 6AY**

**(Ref: 10/18/1184)**

**Applicant: ASC Real Estate Investments Ltd**

**Ward: Wensley Fold**

**Councillor David Harling**

**Councillor Mohammed Khan**

**Councillor Quesir Mahmood**

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### **1.0 PURPOSE OF REPORT**

1.1 To inform Members of the receipt of one petition relating to the above planning application.

### **2.0 BACKGROUND AND DETAILS**

2.1 A planning application for the above development was received on 12<sup>th</sup> December 2018 and made valid on 4<sup>th</sup> January 2019.

2.2 A petition containing 102 signatures against the proposal was received on 8<sup>th</sup> February 2019. The reasons against the proposal are given as follows:

2.3 Reasons:

- The area is saturated with similar establishments.
- 24 hour use.
- Out of character with the Conservation Area.
- Parking problems.
- Loss of privacy.
- Worries about future expansion.

- Noise disturbance.
- Unsociable hours.
- No need in the area.

2.4 At the time of the Petition Report being prepared, no decision on the application had been reached.

### 3.0 **RECOMMENDATION**

3.1 It is recommended that the Committee note the petition.

### 4.0 **BACKGROUND PAPERS**

4.1 Planning application 10/18/1184 contains details of the application and can be viewed at

[http://planningdms.blackburn.gov.uk/NorthgateIM.websearch/\(S\(vj4sdh55sfwc0555ya11wdei\)\)/Results.aspx](http://planningdms.blackburn.gov.uk/NorthgateIM.websearch/(S(vj4sdh55sfwc0555ya11wdei))/Results.aspx)

5.0 **CONTACT OFFICER** – John Wilson – Planner 01254 585142

6.0 **DATE PREPARED** – 8<sup>th</sup> February 2019.

The following under signed. Object to  
Planning application 10/18/1184

Oakfield House  
93 Preston New Road  
Blackburn  
Lancs  
BB2 6AY

Reasons for objections

- ① The area is saturated with similar establishments
  - ② 24hrs use.
  - ③ Out of character with the area (conservation area).
  - ④ Parking Problems.
  - ⑤ Loss of privacy.
  - ⑥ Worries about future expansion.
  - ⑦ Noise disturbance.
  - ⑧ Unsociable hours.
  - ⑨ No Need in the Area.
- We reserve the right to continue the petition.

Garth Price Petition Contacts

[Redacted]

Z. abar Tabal

[Redacted]

### Petition to

<b>Petition summary and background</b>	Reference: 10/18/1184 Oakfield house 93 Preston New RD
<b>Action petitioned for</b>	Blackburn Lancs BB2 6AY

Printed Name	Signature	Address	Comment	Date
McMammed Masjid				29/1/19
MADID RAZAR				29/1/19
STEPHEN WILSON				29.1.18
ZAKIR HUSSAIN				29/1/19
FIDA HUSSAIN				29/1/17
Jemal Kabbani				29/01/19
Lance Patel				29/01/19
Suhel Meek				29/01/19
Wajid Hussain				29/01/19
Abdul Malik				29/1/19
A. MASOOD RAZAR				29/1/19
F. DE VECE				29/1/19
S. CORRY				29/01/19
I. SONVADI				29/01/19
B. Patel				30-1-19
W. Wilson				30-1-19
A. Haddad				30-1-19
N. CLAVEN				30-1-19
L. KELLY				30-1-19
F. O. PRICE				30/1/19
TEHISA AKHTAR				30-1-19
Sue Taylor				30-1-19
B. W. WOOD				31-1-19
ZAFAR IZBAL				31-1-19
M. IZBAL				31/01/19
IVAN JOHNSTONE				31/01/19
				31/01/19
SUSAN AINSWORTH				7-2-19
M. WARD				7/2/19
				7/2/19

**Petition to**

Petition summary and background	Ref no: 10/18/1184 Oakfield House
Action petitioned for	93 Preston New Rd BB26AY

Printed Name	Signature	Address	Comment	Date
DOMINIC MORRIS				29/01/19
ANNE MARIE SMITH				29/01/19
Kieran James Scafe				29/01/19
Scott Gray				29/01/19
EMORRIS				29/01/19
Nicholas Morris				29/01/19
Jacob Morris				29/01/19
Michael Randall				26.1.19
Thomas Smith				29-01-19
<del>AT</del>				
M BASHIR				31/01/19
M. ZAM				31/01/19
BASHIR AHMED				31/01/19
A. S. HAD.				31/01/19
ZAHRA YAKEN				31/01/19
ADIA AHMED				31/01/19
M. ALI				31/01/19
D. HUSSAIN				31/01/19
Fang Saadique				31/01/19
Shayel Ali				31/01/19
ADNAN				31/01/19
ZAFAR				31/01/19
Noorah Khan				31/01/19
Kaysar Hussain				31/01/19
HAELZ RASHID MEHMOOD				31/01/19
MORRIS				31/01/19
T. SHEPHERSON				31/01/19

**Petition to**

Petition summary and background	Reference 10/18/1184 Oakfield House 93 Preston New Rd Blackburn Lanes BB2 6AY
Action petitioned for	

Printed Name	Signature	Address	Comment	Date
SAKIB ZARIF				31/01/2019
MOHAMMED ZAMIR				31/01/2019
CRANE HIGHWAY				31/01/2019
KHALIDA ZARIF				31/01/2019
FRED WAZIRI				3/01/2019



### Petition to

Petition emergency and background	Reference 10/18/1184 Oakfield house 93 Preston New RD Mackburn Lanes BB2 6AY
Action petitioned for	

Printed Name	Signature	Address	Comment	Date
ZAFAR IQBAL				31/1/19
ZAFFAR SOBAC				31/1/19
SANWAR HUSSAIN				31/1/19
MOHAMMED Y. NABI				31/1/19
HIFZA K. YASOUB				31/1/19
Saima Yasoub				31/1/19
SIFAFAH YASOUB				31/1/19
MOHAMMED AYUB				31/1/19
Saima Ayub				31/1/19
MONAWAR HUSSAIN				31/1/19
MUSARAT HUSSAIN				01/02/19
TASAMIR HUSSAIN				01/02/19
ZADA KHANUM				01/02/19
Razia B.				01/02/19
Talib Hussain				1/2/19
NADIA ZAFAR				1/2/19
DAMYAL MUNIR				5/2/19
LIYAKAT RASA				5/2/19
VALL RASA				5/2/19
NADIA RASA				5/2/19
ZUNEKHA RASA				5/2/19

### Petition to

<b>Petition summary and background</b>	Reference 10/18/1184 <del>001184</del> Oakfield House 93 Preston New Road Blackburn Lancs
<b>Action petitioned for</b>	

Printed Name	Signature	Address	Comment	Date			
J. Iqbal				03/02/19			
O. Zafar				03/02/19			
N. ZAFAR				03/02/19			
N. Zafar				03/02/19			
S. Shauket				03/02/19			
A. NAAZ				03/02/19			
M. RAMZAN				31/2/19			
P. Ramzan				"			
S. RAMZAN				"			
Z. Ramzan				"			
A. Ramzan				"			
Muhammad Ghani				4/02/19			
Zaher Islam				05/02/19			
Zahab Islam				05/02/19			
Adil Islam				5 Feb 2019			
Farruk Islam				05/02/19			
Snakeela Islam				05 Feb 2019			

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

Document is Restricted

UPDATE REPORT

**PLANNING APPLICATION 10/18/0326 - Erection of 14 dwellings: Land off Albert Street, Hoddlesden**

Drainage and Flood Risk

The Lead Local Flood Authority response have reviewed the revised drainage and flood assessment and offer no objection subject the following conditions being imposed as part of any approval.

Condition 1:

Further drainage design information and detail is required to be submitted and approved by the Local Authority prior to commencement, namely;

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

Reason: To ensure that the basin/ pond is designed in accordance with current best practice and does not increase the risk of flooding.

Condition 2:

No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
  - i. on-going inspections relating to performance and asset condition assessments
  - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner.

Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reasons:

- a) To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development
- b) To reduce the flood risk to the development as a result of inadequate maintenance
- c) To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

Subject to the recommend conditions the application would be compliant with Policy 9 of the adopted Local Plan Part 2 in demonstrating that the application will not give rise to an unacceptable impact through flood risk or reduction in water quality.

### Ecology

The recommend conditions set out that the development be undertaken in accordance with the submitted Ecological Survey and Assessment. The updated Ecology response received from the council's Ecologists at Capita now recommends that a separate condition is attached for an Invasive Species Management Plan to be provided prior to commencement of the development as Himalyan Balsam and Japanese Knotweed are both present on the site.

Subject to the recommend condition the application would be compliant with Local Plan Part 2 Policy 9 and the NPPF in preventing the spread of invasive species.

### Objections

The re-consultation process has seen a further 19 letters of objection received which includes the removal of two previous letters of support. The letters raise no additional material planning considerations but expand on issued raised within the first consultation period. For the most part the submitted objections are signed copies of the following letter:

*1. Despite many letters of objection which have previously been submitted concerning this application, which highlight the major road traffic issues currently existing in the crowded streets which lie adjacent to the site (Sydney/Albert/Graham Street), and which it is assumed will be able to cope with the significant increase in road traffic arising from this development were it to be passed, there continues to be absolutely no recognition or concern registered by the relevant planning and highways groups. Anyone who lives in this area must cope with massive over-parking and severe traffic congestion on a daily basis right now. There are frequently situations where vehicles are unable to pass along the road due to double-parking, often on pavements. There is a real personal health and safety issue here today, particularly at peak times, and when parents are struggling to get children to the local school. There is a wealth of photographic evidence which I believe has been shared with the planning authority which shows very clearly the current issues.*

*2. There is a particular concern amongst the elderly residents who live on these streets that the emergency services would not be able to gain access to attend a serious incident, due to the traffic volume and over-parking, and it must be stressed that this is the case now, today. The addition of anything up to 30 additional vehicles trying to gain access to and from the proposed*

*development would just serve to exacerbate an already very serious problem. The question was asked as to whether any of the services had even been consulted about this issue?*

*3. With respect to refuse collections, again it is already the case that the weekly refuse collection vehicles often struggle to gain access to properties due to parked and moving vehicles. At one point in the discussion it was suggested that residents would be forced to take their bins out to the end of the road in order to get them emptied! Many residents became extremely concerned that they would not be physically able to do this.*

*4. The major changes to the latest version of this application attempt to address the issue of construction traffic during the building of the new development. There is a swept path analysis, which purports to demonstrate that a 12 metre rigid truck would be able to drive along Graham Street and Albert Street to gain access to the site. The simple reality of the actual situation is that this would only be possible if there were no parked vehicles along the entire route, a situation which almost never exists. Even the proposed provision of 6 temporary parking spaces would be woefully inadequate to resolve the issue, and in my view is just not practical. There was mention of a consultation between residents and the applicant to discuss what traffic management restrictions would need to be implemented during the construction phase, but we were informed that this had been abandoned, because the applicant refused to be involved. I have to ask if anyone in authority at the council actually gives any consideration to the existing residents of this area, why are we not being allowed the opportunity to consult to express our views and concerns about a development which will undoubtedly have a very significant impact on our lives, with absolutely no benefit whatsoever? In our view there needs to be positive engagement between the authorities and residents before any decisions are taken on this, so that the decision-makers are made fully aware of the issues on the ground. Questions were asked about the likely duration of the construction phase, and whether there would be any constraints placed on the developer to complete the construction within a reasonable period of time. With respect to this element of the revised application, it is understood that a new report by the Highways Dept is now awaited. Surely until this has been received and residents have had a chance to review it, no firm date can be set for this application to go to Planning Committee, as it is fundamentally incomplete!*

*5. The other major change in this version of the application concerns the outflow from the proposed balancing pond. It is proposed that this now connects into the existing combined sewer which runs underneath the lane to the back of Hargreaves Street. This lane provides the only means of vehicular access for the residents of Hargreaves Street. Has any consideration been given to the inevitable disruption that would be caused whilst this work was carried out? In addition, it is believed that the sewer is in a very poor state of repair, and there are real concerns about the ability of the sewer to cope with the volume of water in the event of a flooding incident. We were told that this proposal has not yet been approved by the council flood team, and yet it is proposed that this application goes to planning committee on 21st Feb???*

*In conclusion, there is a very strong feeling, almost amounting to anger, that the legitimate views and concerns of local residents to this application, have been and continue to be largely ignored by the relevant authorities. It is particularly unacceptable that there has been no opportunity for local consultation or discussion, and the belief is that the council seem hell-bent*

*on waving this flawed application through on policy grounds, without any regard for the significant consequences to the health and safety of existing local residents.*

*The fact that the application is still incomplete, as reports are still awaited from the flood team and Highways Dept, surely the deadline for submission of comments must be extended to give residents a reasonable chance to review these reports and submit further comments if necessary.*

*Finally, I genuinely believe there exists a widespread view amongst local residents that the proposed site itself would be acceptable, and certainly a vast improvement on the eyesore we have to look at today. It is the external connections to the site which are fundamentally flawed, and the question was, once again, posed as to why alternative means of access could not be explored more thoroughly.*

*I very much hope that you will consider the above very seriously indeed before this application is allowed to proceed to the decision stage. There are many residents who would welcome the opportunity to discuss their concerns with you on a face-to-face basis, and I would respectfully ask you to give that very serious thought.*

**The consultation responses with regards to highways impacts are acknowledged however, when considering development proposals the council must follow the Development Plan unless material considerations indicate otherwise. The NPPF 2018 at paragraphs 108-111 relates to applications for development, and decisions should ensure:**

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;**
- b) safe and suitable access to the site can be achieved for all users; and**
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.**

**At Paragraph 109 the NPPF is clear that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.**

**Highways Colleagues have undertaken a detailed review of the submitted Transport Statement and of the existing highway network, and subject to the section 278 scheme for off-site highways works (see paragraph 3.6.8 of the main report) and recommended conditions set out in the report (see paragraph 4 of the main report), can ensure the safe, efficient and convenient movement of all highway users is not prejudiced by the development in accordance with the Council's Development Plan and the NPPF 2018.**

**Officers are aware that a drain has collapsed within the vicinity of the site when a refuse truck passed over it. However, It is acknowledged in section 3.9.3 of the main report that United Utilities raise no objection to scheme subject to the imposition of the recommended**

conditions. It is outside the scope of this planning application to question the suitability of UU infrastructure to accommodate the proposal give no objection has been raised.

The Council's Drainage Team (as Local Lead Flood Authority) have raised no objection in principle subject to the relevant technical information and long term management/maintenance being agreed by conditions as set out above. In view of the fact that no objections have been received from consultees, Officers are satisfied that subject to adherence to compliance with the aforementioned conditions, the development is considered acceptable, in accordance with the requirements of the Policy 9 of the Local Plan Part 2.

#### **PLANNING APPLICATION 10/18/1048 – Erection of 17 dwellings: Land off Tower View, Darwen**

Confirmation of where Section 106 monies (as detailed in section 3.1.23 of the main report) are to be spent: Improvements to sports facilities at Square Meadow, Holden Fold, Darwen.

#### **PLANNING APPLICATION 10/19/0026 – Installation of 2,4m security fencing: Land to rear of Briar Road, Blackburn**

Clarification of comments received:

A representation was received on 19th February, from Cllr Ron Whittle, querying the main report's content. It states that, despite reference made to an objection from himself and Cllr Liddle (dated 7th February) in the report, the text summary is not appended. He also clarified that the representation was not in fact an objection to the fence per se but a suggestion that a reduced height of 1.8m would be less over-bearing than the 2.4m proposed. The text is reproduced below:

*“Myself and Councillor Sylvia Liddle visited Briar Road to assess the impact of the proposed 2.4 metre fence on residents. We viewed the proposed line of the fencing through the gaps between the houses and with the resident's consent went into two of the rear gardens to how it would look.*

*As you know this fence is to be erected along the rear garden boundary of the houses on Briar Road. Briar Road is generally below the level of the Teak Street Allotment Site. Especially in the centre of Briar Road the rear gardens slope steeply upwards to the Allotment Site. Given this, erecting a 2.4 metre fence will be quite imposing on the residents. We suggest that a 1.8 metre fence would afford the same level of security but will not be as over-bearing.*

*We recognise the need for a new boundary fence but it is the height of it which is the issue”.*