

Public Document Pack

Planning and Highways Committee

Thursday, 20th June, 2019

6.30 pm

Meeting Room A, Blackburn Town Hall

AGENDA

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Date Published: Wednesday, 12 June 2019
Denise Park, Chief Executive

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)

PLANNING AND HIGHWAYS COMMITTEE Wednesday, 29 May 2019

PRESENT – Councillors: Smith (Chair), Akhtar H, Browne, Connor (substitute for Slater J) Hussain I, Jan-Virmani, Khan, Khonat, Marrow (substitute for Hardman), Oates, Riley and Slater N (substitute for Pearson).

OFFICERS - Gavin Prescott (Development Manager), Rabia Saghir (Legal), Safina Alam (Highways) and Wendy Bridson (Democratic Services).

RESOLUTIONS

92 Welcome and Apologies

The Chair welcomed everyone to the first meeting of the Committee for the Municipal Year 2019/2020.

Apologies were received from Councillors Casey, Hardman, Pearson and Slater.

93 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 18th April 2019 be confirmed and signed as a correct record.

94 Declaration of Interest

RESOLVED – There were no Declarations of Interest received.

95 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.

96 Planning Application 10/18/1153

Applicant – Ms G Lomax

Location and Proposed Development – Land adjoining Moorthorpe Cottage, Park Road, Darwen, BB3 2LQ

Outline planning application with all matters reserved except for access and layout; for erection of 9 dwellings with detached garages.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Members were minded to defer the application against Officer recommendation. Deferred to the next meeting to enable thorough

consultation with neighbouring properties and also further clarity on information included within the main report and update report.

97 Planning Application 10/18/1094

Applicant – Lidl UK Gmbh

Location and Proposed Development – Furthergate Works, St Clements Street, Blackburn, BB1 1AB.

Full Planning Application: Demolition of existing building and the erection of a Lidl store (Use Class AW1) with associated works including improved access, parking area and landscaping.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED - Approved subject to the conditions highlighted in the Director’s Report. The additional representation included in the Update Report was noted.

98 Planning Application 10/19/0196

Applicant – Mr Christopher Gore

Location and Proposed Development – West Pennine Remembrance Park, Park Lodge, Entwistle Hall Lane, Edgworth, Bolton, BL7 0LR.

Variation / Removal of Conditions: Removal of Conditions No’s 1 (temporary 12 month use) and 6 (prior notification of internment dates), and variation of Condition Nos. 2, 3, 4 & 5 to remove reference to ‘temporary’; pursuant to planning application 10/17/1428.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED - Approved subject to the conditions set out in the Director’s report.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed

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

<u>MATERIAL:</u>	<u>NOT MATERIAL:</u>
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: 20/06/2019

Application No	Applicant	Site Address	Ward
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10/18/0959

Mr Sajid Patel 2 Cambay Villa Billinge End Rd Blackburn BB2 6PT	The Grand Venue Harrison Street Trade Park Harrison Street Blackburn BB2 2JN	Blackburn Central
-----------------------------------------------------------------------------	------------------------------------------------------------------------------------------	-------------------

Variation/Removal of Condition/Minor Material Amendment for Variation of condition No. 5 pursuant to planning application 10/16/1208 - to amend the opening hours to Monday -Sunday 11:00 - 23:00

RECOMMENDATION: Permits

10/18/1116

Pleasington Lakes Regeneration Ltd C/O Agent	Brokenstone Road Blackburn BB3 0LL	Livesey With Pleasington
-------------------------------------------------	------------------------------------------	--------------------------

Full Planning Application/Outline Planning Application for Hybrid planning application seeking full planning permission for remediation and means of access, along with outline planning permission (with all matters reserved except access) for redevelopment of the site to include over 28ha of open space, paddocks and landscaping and up to 450 residential units (use class C3), along with any ancillary parking, amenity, and all other associated public, semi public and private realm, soft/hard landscaping, infrastructure and highway works, access and a new internal road network connecting with the existing road network.

RECOMMENDATION: Permits

10/18/1153

Ms G Lomax Moorthorpe Cottage Park Road Darwen BB3 2LQ	Land adjoining Moorthorpe Cottage Park Road Darwen BB3 2LQ	West Pennine Whitehall
--------------------------------------------------------------------	---------------------------------------------------------------------	---------------------------

Outline Planning Application for Outline planning application with all matters reserved except for access and layout for erection of 9 dwellings with detached garages

RECOMMENDATION: Permits

Application No	Applicant	Site Address	Ward
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Application Type

10/19/0113

Mr A Shorrocks 8 Moorlands Court Darwen BB3 3LQ	Land at Fountain Street Darwen BB3 2NL	Darwen West
----------------------------------------------------------	----------------------------------------------	-------------

Full Planning Application for Construction of 10 no. semi detached dwellings

RECOMMENDATION: Permits

10/19/0289

M Jackson Hindle Arms 18 Rakes Bridge Blackburn BB3 0QH	Hindle Arms 18 Rakes Bridge Blackburn BB3 0QH	Blackburn South & Lower Darwen
---------------------------------------------------------------------	--------------------------------------------------------	--------------------------------

Full Planning Application for Change of use from public house to 7 apartments including parking and landscaping of the site and installation of roof lights to front and rear elevation.

RECOMMENDATION: Permits

REPORT OF THE DIRECTOR

Plan No: 10/18/0959

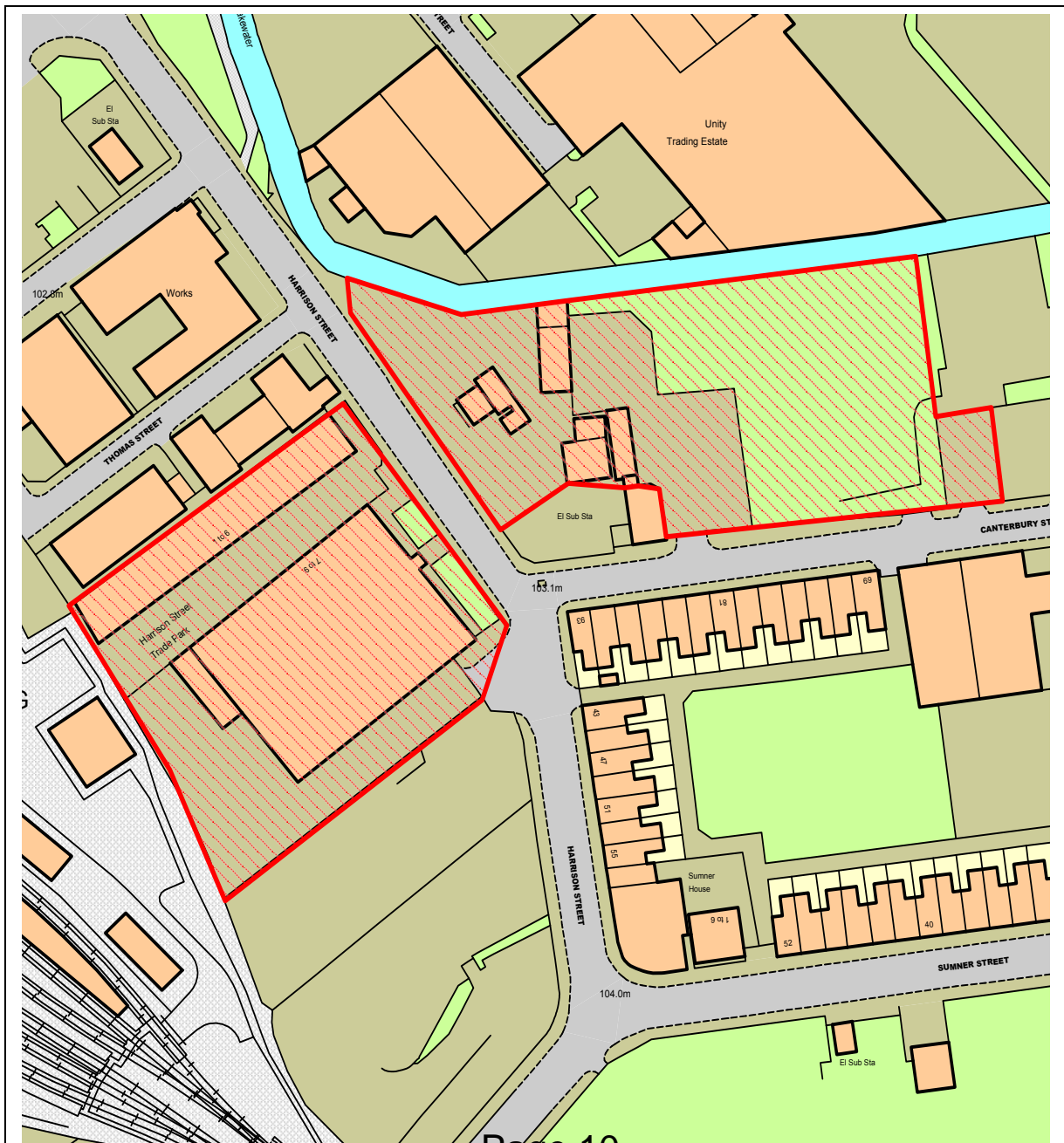
Proposed development: Variation of Condition No. 5 pursuant to planning application 10/16/1208 - to amend the opening hours to Monday -Sunday 11:00 - 23:00.

**Site address:
The Grand Venue
Harrison Street
Blackburn
BB2 2JN**

Applicant: Mr Sajid Patel

Ward: Blackburn Central

**Councillor Zamir Khan
Councillor Mahfooz Hussain
Councillor Saima Afzal**



1.1 **Approve;** subject to conditions set out in paragraph 4.1 of this report.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The application is submitted under Section 73a of the Town and Country Planning Act 1990. It seeks to amend the original planning permission granted for the “change of use from existing B2 industrial use to a D2 Banqueting Suite use with single storey front extension and external alterations and additional car parking to the area occupied as car wash”, in October 2017, by way of a variation to Condition no. 5 relating to hours of use. The condition set outs the following requirement:

The use hereby approved shall only take place between the following hours: Monday to Sunday 11:00 to 19:00.

Any variation of these hours must be approved in writing by the Local Planning Authority.

REASON: To safeguard the amenities of nearby residential premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

The proposal seeks to vary the opening hours of the permitted use, operating under the name of ‘The Grand Venue’, to the following:

The use hereby approved shall only take place between the following hours: Monday to Sunday 11:00 to 23:00.

Any variation of these hours must be approved in writing by the Local Planning Authority.

REASON: To safeguard the amenities of nearby residential premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

2.2 Members are advised that the original permission established the principal of the development including associated highway matters. This recommendation relates only to the merits of the proposed amended hours of use, with a view to securing adequate levels of residential amenity by safeguarding residents from the threat of excessive night time noise. No other matters have been considered.

2.3 The application follows complaints received by the Council’s Planning Enforcement and Public Protection teams, in August 2018, from local residents, alleging late night opening, beyond the permitted 7pm closure time, and a subsequent joint investigation involving night time monitoring which established that the use was operating, on occasion, until between the hours of 11pm and 2am; in breach of the aforementioned condition. Consequently, a Breach of Condition Notice (BCN) was issued on 19th September 2018 requiring cessation of the unauthorised opening hours. To date, the Notice has evidently not been complied with and complaints periodically persist. This position is confirmed by the Council’s Public Protection Night Time Noise Nuisance Monitoring Team, who have witnessed first-hand opening in breach

of the permitted hours. Members are advised that pursuance of the BCN is held in abeyance, pending the outcome of this application.

- 2.4 On account of the available evidence of disturbance to residential amenity generated by noise arising from patrons leaving the premises, including associated vehicular noise, the proposal in a permanent sense is currently considered to be unacceptable. A temporary 12 month permission is instead recommended, to allow further night time monitoring, in order to establish noise levels experienced when a Noise Management Plan is in operation. The effectiveness of the Plan will, to some extent, inform whether or not a permanent permission would eventually be acceptable.
- 2.5 As a robust additional measure, the applicants are required to fund all associated costs of a Traffic Regulation Order (TRO), in order to introduce residents only parking along Harrison Street and Canterbury Street. This measure is considered necessary in order to prevent patrons of the Grand Venue from parking on the roadside in front of resident's houses – a situation that has caused considerable disturbance. This measure will be applied at the earliest opportunity and will remain in force for the duration of the approved use.
- 2.6 The recommended temporary permission together with resident's only parking is considered to be acceptable; in accordance with the Local Development Plan and The Framework.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is the Grand Venue and associated outdoor car parking /servicing areas. The building is a large former industrial warehouse, located to the west of Harrison Street, Blackburn. Whilst a range of commercial uses dominate the immediate locality, residential uses are located in close proximity to the application site, to the south west.

3.2 Proposed Development

- 3.2.1 Variation of Condition No. 5 pursuant to planning application 10/16/1208 - to amend the opening hours to Monday -Sunday 11:00 - 23:00.

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

3.3.4 Local Plan Part 2

- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (The Framework).

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay (paragraph11).

3.5 Assessment

3.5.1 Notwithstanding the original full assessment, Members are advised that assessment of this application is limited to the impact of noise generated from the Grand Venue use, including external noise generated by patrons and their vehicles, and the extent of its impact on neighbouring residential amenity.

3.5.2 A Noise Assessment / Management Plan has been submitted to supplement the application. This has been peer reviewed by the Council's Public Protection consultee, on the basis that a permanent permission is proposed. Objection to the proposal is offered, on account of the likely noise nuisance at residential properties, arising from guests parking their vehicles in the streets and walking to and from the premises up to 23:00hrs; as witnessed by Public Protection colleagues on a number of occasions. This objection is, however, subject to the understanding that patron vehicles will be parked on the public highway, outside residential properties, as well as off-street within the confines of the application site and adjacent car park leased from the Local Authority. Potential support for a temporary 12 month permission is offered if control of patrons vehicles parking clear of the public highway can be assured; in order to allow proactive monitoring of the effectiveness of the proposed 'Noise Management Plan'. This is, however, dependant on Harrison Street, Sumner Street and Canterbury Street being included in any residents only parking limitation.

3.5.3 Members are advised that the applicants have agreed to fund a TRO for residents only parking restrictions along Harrison Street, Sumner Street and Canterbury Street, in order to significantly reduce the threat of noise

disturbance along these streets. Notwithstanding this, the proposal is considered, on balance, to be acceptable for a temporary 12 month trial period. The residents parking initiative will be secured by an appropriately worded condition, to require an application for the TRO to be made to the Local Authority within 28 days of the decision date of the application.

3.5.4 Conditions to secure the temporary permission and implementation of the approved Management Plan will also be applied.

4.0 RECOMMENDATION

4.1 Approve subject to:

(i) Conditions imposed on the original permission and which relate to the following matters:

Original conditions:

- Standard commencement condition
- Submission of a soundproofing scheme
- Submission of a scheme for control of cooking odours
- No externally audible 'Call to Prayer'
- Unexpected contamination
- Submission of a scheme for electric vehicle charging points
- Submission of a scheme detailing offer of a minibus service
- Submission of samples for external walling and roofing
- Submission of a Risk Assessment and Method Statement for works undertaken within 10m of the adjacent operational railway
- Standard drawing number condition

Varied / additional conditions:

- The use hereby approved shall only take place Monday to Sunday between the hours of 11:00 to 23:00
- The submitted 'Noise management Plan' to be implemented with immediate effect
- Within 28 days of the date of approval, an application to the Local Authority shall be made for a TRO to introduce residents only parking along Harrison Street, Sumner Street and Canterbury Street.

5.0 PLANNING HISTORY

5.1 10/16/1208 - approval of Change of use from existing B1/B2 use to Banqueting Suite (Grand Venue – Use Class D2) (with single storey front extension and external alterations and additional car parking.

6.0 CONSULTATIONS

6.1 Public Protection

Objections are raised based on Canterbury Street not included in the TRO for residents parking.

- 6.2 Public consultation has taken place, with 62 letters posted to neighbouring addresses and display of three site notices on 10th October 2018. In response, a 29 signature petition was received on 9th November 2018. This petition was reported to members at the 20th December 2018 Committee meeting. The petition is set out in the summary of representations below. In addition, a letter from the MP Kate Hollern was received dated 3rd December 2018, sent on behalf of the constituent Miss Deborah Brown of No.53 Harrison Street, Blackburn, in respect of ongoing noise / nuisance complaints and the Council's planning enforcement process. A holding response was sent to the MP on the 20th December 2018 stating:

"I can confirm that a Variation of Condition application was submitted on the 10th October 2018, to condition No. 5 pursuant to planning application 10/16/1208 - to amend the opening hours to Monday -Sunday 11:00 - 23:00 (ref: 10/18/0959). A petition was received on the 5th October 2018, containing 28 petitioners citing "impact of late night opening and associated noise, including car horns and drums". Also the objections relate to parking issues affecting access to houses. A report is being presented to the Planning & Highways Committee at their meeting on the 20th December 2018, requesting that the members note the receipt of the petition. The objections raised are being considered as part of the assessment of the application. At this moment in time, the application is still be assessed with officers in the Public Protection service, as officers are awaiting the submission of a noise assessment, and it will be presented to the Committee once the assessment is completed. The owners have appointed an agent to submit applications to address each of the conditions that have not been complied with, and a formal Discharge of Condition application is expected to be submitted in the New Year."

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

8.0 DATE PREPARED: 7th June 2019

9.0 SUMMARY OF REPRESENTATIONS

09 October 2018

Dear Nick Blackledge

In response to the letter we received on the 29/10/2018 about the

DSF Delmec Ltd
Harrison Street Trade Park
Harrison Street
Blackburn
BB2 2JN
Reference: 10/18/0959

We have thoroughly read all the details about the planning application submitted by the more commonly known The Grand Venue wedding hall and banqueting suit.

We do not agree that they should extend their opening and closing times, wither it be temporary or permanent; this is due to the following reasons.

Firstly from the first event that they held they began late opening and closing time which have already extended from the 31/12/2017 up until the 29/10/2018.

Secondly we have already been trying to get help and advice about the nuisance they have been causing at unruly hours, as we found a letter on the Blackburn with Darwen website (see appendices 1) which stated they had conditions to abide too such as opening and closing times etc. We have tried to seek advice because of this letter by contacting the local Police, Blackburn with Darwen planning team, the noise nuisance neighbourhood team and Kate Hollern the local MP. which have all tried to help in their own way.

Thirdly we received the planning application letter late and had to request a copy after finding out from a fellow neighbour.

Fourthly the abuse intimidation, cost, nuisance and noise we have endured cannot go on with neighbours already vacating their properties due to the effects on there daily lives.

We as a family have tried to approach "Saj Patel" "Sajid Vali" and spoke directly to him as well as his staff and guests to try and compromise and resolve the situation. They put cones

neighbours already vacating their properties due to the effects on their daily lives.

We as a family have tried to approach "Saj Patel" "Sajid Vali" and spoke directly to him as well as his staff and guests to try and compromise and resolve the situation. They put cones outside two properties one being ours, however once we contacted services the novelty wore off and as a consequence the noise intensified. An example of this was witnessed by a member of the noise nuisance team who saw the staff cleaning and hoovering at 01:30am.

The petition we started (see appendices 2) shows how many neighbouring properties DO NOT SUPPORT or agree to later opening and closing times it also shows how many people/ properties are affected by their behaviour, which has only validated our opinion. However the negative aspect of interacting with the neighbours is finding out how many have gone over or tried contacting Sajid/ The Grand Venue to then only receive empty promises, intimidation and ignorance. Neighbours themselves are vulnerable with some not sure what they can do or the laws of this country concurrent some cannot speak English or communicate effectively.

These properties are family homes and we should not endure this intrusion or made to feel like we should leave, after all Sajid cannot buy all the properties on the street.

The Grand Venue Wedding Hall should have not been allowed to submit this new planning application pending investigation, and if they cannot understand or comprehend the letter (see appendices 1) which was dated last year then how are they allowed to run a business, especially ones that has animals and explosive fireworks next to tanks of fuel.

The information we heard in regards to them not understanding their own opening and closing times does not coincide with the letter we received from Kate Hollern the local MP (see appendices 3) which confirm that " the client has confirmed the hours of operation will be 11.00 am till 7.00 pm 7 days a week."

If you want any supporting videos and pictures of their late opening and closing time we have already had to endure please don't hesitate to contact us by post or on one of the following:

Otherwise take note of (appendices 4) which clearly shows that they are advertising and selling tickets to an event that will extend three and a half hours over their agreed times without this planning application being agreed.

Finally supporting evidence displays their untrustworthy behaviour and the fact they cannot keep to their written agreements let alone their word. They should not be approved extensions in their opening and closing times and if anything they should be sanctioned and supervised after-all they have been ignoring the council up until recently.

Yours Sincerely

Miss Debra Brown

Petition

Pettion- Stop the Grand Venue Wedding
Hall

Have you been affected by The Grand Venue Wedding hall on Harrison Street, Blackburn. For example late opening and closing times, light pollution, inadequate access to property due to parking, noise such as car horns, fireworks, drums or even disruption to your daily lives.

The Grand Venue Wedding Hall is suppose to be open between 11:00- 19:00 they are currently applying to extend these time to 11:00- 23:00 seven days a week if you DO NOT SUPPORT this intrusion please sign and state the property you represent.

Thank you for your support.

- 53, HARRISON ST, BB2 2JE
55. " " " " " "

57 Harrison Street BB2 2JE

52 Sumner Street BB2 2LD

47 Harrison Street BB2 2JE.

43 HARRISON ST BB2 2JE.

50 SUMNER ST

40 Summer St BB2 2LD

Byrom Street BB2 2LE

1 CANTERBURY ST. BB2 2HT

UNIT 1 67 CANTERBURY ST BB2 2HT

U U U U U

1 Canterbury St

CLASS CANTERBURY ST

UNIT 7 BYROM STREET BB2 2LE

Unit 1 Byrom Street

NORTHERN RAIL DEPOT.

Network Rail

Network Rail

ELITE SYM

TOOLSHACK

SUMNER ST

Northern Rail Depot.

U U U

Nippon Dai Martial Arts Unit 8
Old Fire Station

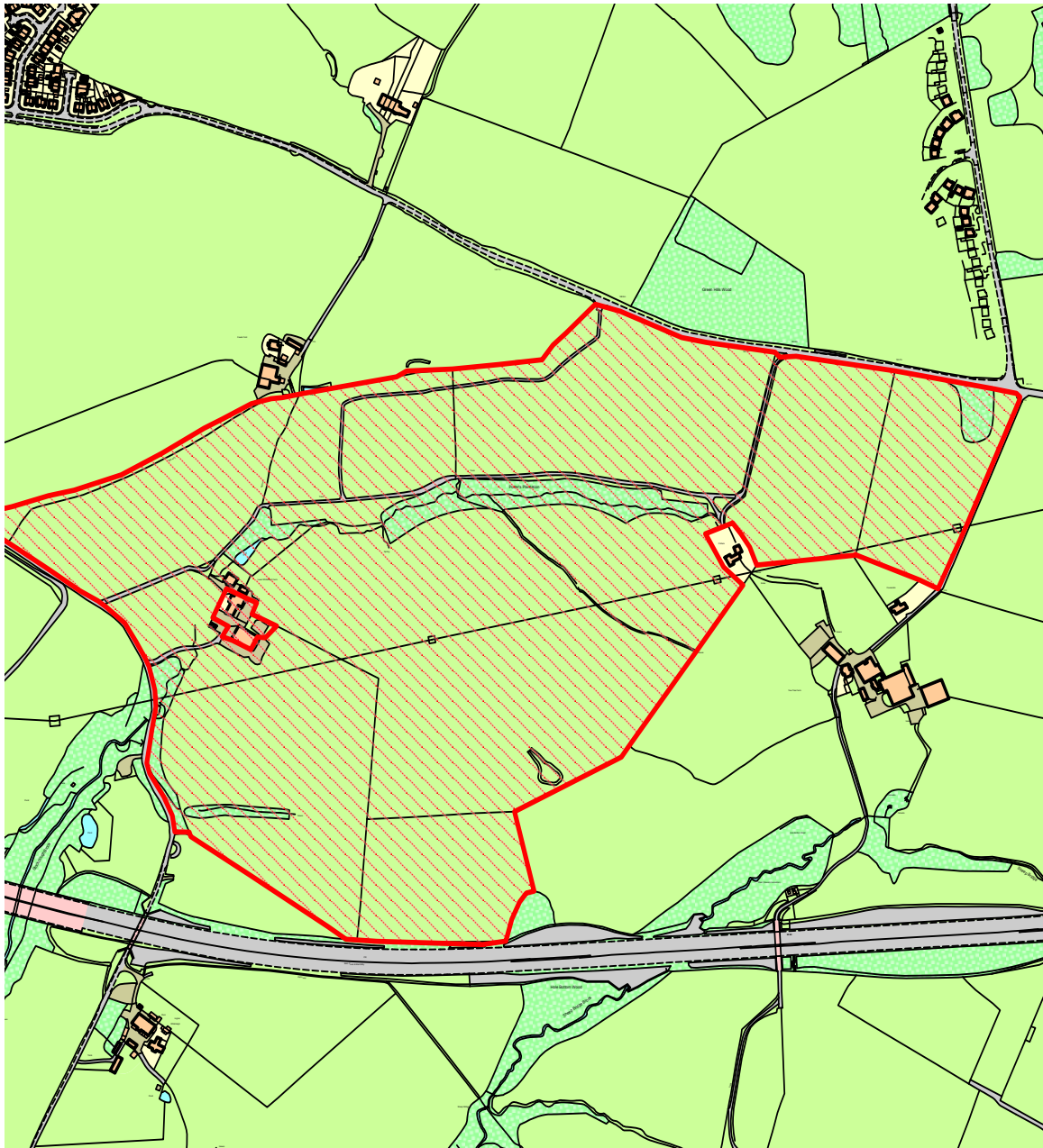
unit 3 old fire station

Proposed development: Full Planning Application/Outline Planning Application for Hybrid planning application seeking full planning permission for remediation and means of access, along with outline planning permission (with all matters reserved except access) for redevelopment of the site to include over 28ha of open space, paddocks and landscaping and up to 450 residential units (use class C3), along with any ancillary parking, amenity, and all other associated public, semi public and private realm, soft/hard landscaping, infrastructure and highway works, access and a new internal road network connecting with the existing road network.

**Site address: Brokenstone Road, Blackburn, BB3 0LL
Applicant: Pleasington Lakes Regeneration Ltd**

Ward: Livesey With Pleasington

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



1.0 SUMMARY OF RECOMMENDATION

- 1.1 **APPROVE** – Subject to recommended conditions and the applicant entering in to a Section 106 legal agreement relating to financial contributions towards; off-site highway works; off-site affordable housing provision; off-site green infrastructure provision and/or maintenance in the West Blackburn locality; and off-site provision of additional primary school places in West Blackburn.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 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. Additional weight in support of the proposal is provided by; the schemes sustainability credentials that will include contributions to local education provision and works to the strategic road network; the opportunity to remediate the site, which has previously been blighted by tipping, and consideration of the fall-back position that enables the site to be otherwise developed for holiday lodges and associated infrastructure. 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 covers an area of approximately 46 hectares and is effectively divided into two by Stockclough Brook and a linear belt of woodland known as Potters Plantation (circa 1.4 hectares) that runs from the eastern boundary close to the property of Yew Tree, west towards Lower Whitehalgh Farm. The woodland and watercourse clearly defines the northern and southern sections of the site. The northern section of the site is open land south of Broken Stone Road and measures approximately 16.4 hectares where the development will take place. The southern section of the site is also open grassland with the M65 motorway defining the southern boundary and is approximately 28.2 hectares.
- 3.1.2 The site is irregular in shape and undulates. It slopes generally from the high point in the north eastern corner, adjacent to Broken Stone Road, to the westernmost point of the site, which is circa 55m lower. The site is generally open countryside with distant views to the south and south west towards the West Pennines. The site is bounded by the M65 transport corridor on the southern edge.
- 3.1.3 Several properties are located on the site periphery. Most notably these include Fowler Fold to the north, Potters Farm to the east and Lower

Whitehalgh Farm to the west. The farm buildings of Whitehalgh Farm remain on the south western boundary of the site, some of which are now occupied by Acorns Day Nursery. Potters Farm lies just outside the site boundary on the easternmost side of the site. The northern portion of the site also includes spoil heaps, containing previously tipped material, which appear as unnatural man-made features in contrast to the natural topography and land form throughout much of the remainder of the area. An overhead power line traverses the southern section of the site in an east to west direction.

- 3.1.4 The site is located on the south-western fringe of Blackburn, in close proximity to the 'Gib Lane' housing allocation (Local Plan reference 16/9), which is currently being developed by Kingswood Homes (Phase A), Wain Homes (Phase B) and Story Homes (Phase C).

3.2 Proposed Development

- 3.2.1 The proposal is a hybrid application seeking full permission for the remediation of the site, alongside an outline planning permission (with all matters reserved except access) for redevelopment of the site for up to 450 residential units, along with associated new access, landscaping, parking and associated works.

- 3.2.2 The application is supported by indicative layout details that identify the residential development occurring on the northern section of the site, covering an area of 16.4 hectares. This equates to a net density of development of approximately 28 units per hectare. The applicant's submission anticipates the mix of development to comprise; 40% semi-detached 3 bedroom units and 60% detached 4 and 5 bedroom units, including 38 self-build plots to the western edge of the site (adjacent to Stockclough Lane). As the current application is in outline form only those elements would be fixed by subsequent reserved matters applications should the current application be supported. Due consideration to the Council's identified housing needs would inform the actual target mix at the time of any reserved matters applications.

- 3.2.3 The proposal provides for two new 5.5m wide vehicular access points on to Broken Stone Road, spaced circa 300m apart. Both access points allow for in and out movements from the site and will be linked by a new pedestrian footway. An additional vehicular access is to be provided from Stockclough Lane, though this would be limited to serving the 38 self-build plots. No through traffic movement would be permitted from the Stockclough Lane entrance, save for access required by emergency vehicles.

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
- CS8 - Affordable Housing Requirements
- CS13 – Environmental Strategy
- CS15 – Protection and Enhancement of Ecological Assets
- CS17 – Built and Cultural Heritage
- CS18 – The Borough’s Landscapes
- CS19 – Green Infrastructure
- CS21 – Mitigation of Impacts/Planning Gain
- CS22 – Accessibility Strategy

3.3.3 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 5 – Countryside Areas
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 12 – Developer Contributions
- Policy 18 – Housing Mix
- Policy 24 – Rural Exceptions
- Policy 36 – Climate Change
- Policy 38 - Green Infrastructure
- 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) – 2019:

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. In this regard Paragraph 8 of the NPPF states:

“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective– to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective– to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective– to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”

3.4.3 Paragraph 11 of the Framework explains that for decision taking, this means approving development proposals that accord with an up-to-date development plan without delay.

3.5 Assessment

3.5.1 In assessing this application there are a number of important material considerations that need to be taken in to account. They are;

- Principle of development
- Highways and access
- Public Protection
- Flood Risk and Drainage
- Ecology
- S106 Contributions

3.5.2 **Principle of Residential Development:** The principle of the location of the residential element of the proposed development needs to be considered against policies CS1 and CS5 in Core Strategy; and Policy 1, Policy 5 and Policy 24 of the Local Plan Part 2.

3.5.3 Policy CS1 identifies that the “...majority of new development in the Borough will be in the urban areas of Blackburn and Darwen, with a larger proportion being in Blackburn.” The Policy recognises the potential need for expansion of the urban areas of Blackburn and Darwen. Policy CS5 reinforces the geographical distinctions set out in Policy CS1 by confirming the “...preferred

location for new housing, where market conditions permit its delivery, will be the inner urban areas of Blackburn and Darwen.” It also identifies that, “Over the life of the Core Strategy some housing development may take place in planned small scale urban extensions.”

3.5.4 The intention for urban extensions set out in the Core Strategy has been delivered through policies and allocations in the Local Plan Part 2. The site is not an allocation within the Local Plan.

3.5.5 Policy 1 of the Local Plan Part 2 defines the urban boundary for Blackburn and Darwen. Policy 5 covers development proposals in the countryside areas. Policy 24 sets out the approach to rural exceptions sites.

3.5.6 The site is within the area of the Borough designated as countryside (Policy 5 of the Local Plan Part 2). The residential elements of the scheme are therefore not in compliance with Policy 5. Moreover, the residential elements do not accord with the approach set out in Policies CS1 and CS5 of the Core Strategy; and Policy 1 of the Local Plan Part 2. The development proposed does not fall within the category of site that would be considered as a rural exception site (Policy 24).

3.5.7 The residential elements of the proposal also fall to be considered against the housing policies in the Core Strategy and Local Plan Part 2, most notably policy CS6 (Housing Targets).

3.5.8 The Council has updated its five year land supply position to April 2019 and this presents a significantly different situation compared to the previous statement. This is due to changes introduced by the updated NPPF (February 2019) and attendant Planning Practice Guidance (PPG). The key changes can be summarised as follows:

- Blackburn with Darwen’s Core Strategy was adopted in 2011, and as a result its strategic housing policies are more than five years old and are therefore out of date.
- As required by NPPF, the Borough’s local housing need should therefore be calculated using the standard method set out in NPPF and the PPG.
- Work on a new Local Plan has commenced, with an Issues and Options consultation taking place in January 2019. This will include an up to date assessment of the borough’s housing need figure.
- Until adoption, the standard method will be used to calculate the borough’s housing need, as required by NPPF.

3.5.9 The resultant calculation of five year land supply is set out in the updated statement - as reported in a separate item on the agenda of the June 2019 meeting of the Planning & Highways Committee. The five year land supply now amounts to 9.9 years. This changes the previous position (2018) where the

Council acknowledged that there was not a five year land supply (4.4 years). The policies in the Core Strategy and Local Plan Part 2 can therefore be accorded full weight with respect to the application of housing policies that set out the framework for where development should be located.

3.5.10 In relation to this point the applicant's submission advises; *"Policy CS5 notes that the preferred locations for new housing development will be within the inner urban areas, but it also accepts that over the life of the Core Strategy some housing development may take place in planned small scale urban extensions. The first preference for locating any urban extension sites will be in land not currently in Green Belt, such as this site on broken Stone Road*

Furthermore the Core Strategy does accept that "... the Targeted Growth Strategy recognises that there is a finite supply of land for development in the inner urban areas, and that our aspirations for high quality upper market housing and regionally-important employment development require land in attractive settings... over the life of the Core Strategy two issues will emerge: firstly, continued concentration of development in the urban area is unlikely to be sustainable and will result in poorer-quality environments; and secondly, the supply of development sites within the urban area suitable to accommodate the types of housing we wish to see, particularly upper market and executive housing, is likely to diminish within the Plan period".

Specifically in relation to this area, the supporting text identifies that "the general extent of Green Belt will be maintained – with the possible exception of the Gib Lane area at the west of Blackburn. Parts of this area have been subject to development pressures in recent years.... while the area remains outside Green Belt, there remains a degree of expectation that it may one day be brought forward for development".

Although this area generally is covered by Policy 5 of the Local Plan Part 2, which relates to the countryside area, in the absence of the delivery of all allocated sites within the Local Plan, all solutions to deliver the main elements of the housing strategy of the Core Strategy should be considered".

3.5.11 The applicant's submission also adds; *"What should also be acknowledged is that a five year supply is not a cap on development, especially if the Council is to deliver its wider objective of growth identified above. The currently adopted Core Strategy is split into six spatial interventions that would contribute towards the targeted growth approach and one area includes the Quantity, Quality and Mix of Housing. As such additional housing is still needed in Blackburn to assist the delivery of this overarching strategy... In this interim scenario, the Council should continue to support suitable sustainable development proposals, to ensure that the Core Strategy's overarching aim and the continued Growth of Blackburn with Darwen is not frustrated".*

3.5.12 Policy 7 of the Local plan relates to sustainable and viable development. An assessment of the application proposals against the three dimensions of sustainable development are covered in depth within the submission and have been a core element of the s106 negotiations that have accompanied the planning assessment. The three separate strands, as identified within the NPPF, are set out below;

3.5.13 Sustainable Principles

(i) Economic - The economic benefits which can be expected to be delivered by the application are described below:

- The development scheme will support up to 130 Full Time Equivalent (FTE) construction jobs over the course of the 5 year build period.
- The development will generate circa £57m of construction expenditure which will support local construction businesses and those in the supply chain of contractors.
- The Gross Value Added contribution of the development to the economy is expected to be £10.6m.
- Based on the average household expenditure (2017) it is estimated that the total annual expenditure generated by the new households once the scheme is fully occupied would be a total of £13m expenditure per annum and in particular it is estimated that £5.7m in comparison and £2.2m in convenience retail expenditure per annum (which will be mainly invested within the local economy) would be generated.
- The development of 450 homes has the potential to generate approximately £6.8m in Council Tax over 10 years, based on 2018-19 Council Tax - Band C charges for Blackburn.
- The development will generate New Homes Bonus payments of circa £3.6m in the 6 years following the completion of the development.

(ii) Social - The proposed development would also secure significant social benefits, positively contributing to creating a strong, vibrant and healthy local community. These benefits include:

- Increased provision of high quality housing;
- Provide additional family housing to rebalance the ageing age profile of the area;
- Will provide around 1,465 persons into the area to address the 2.3% population decline currently anticipated for the Livesey and Pleasington ward;
- The presence of new residents will enhance the skills base available to employers in the local area and potentially benefit local business productivity;
- Contributions towards the delivery of a primary school of the adjacent Gib Lane site;

- The provision of housing which will enhance the viability and vitality of local facilities and services; and
- Provision of a significant amount of new publicly accessible open space, which will link with surrounding green infrastructure and serve the south west of Blackburn.

(iii) Environmental - As part of the proposed development consideration has been given to enhancing landscape and biodiversity on site where practicable. The environmental benefits that would be secured by the development are described below:

- Preserving Plotters Plantation;
- The remediation and relocation of contaminated stockpiles that will be carried out as soon as planning permission is issued to ensure that end users and vulnerable waters are not at risk from contamination and this would provide a major beneficial impact.
- Monitoring of the gas risk from the adjacent site to the west and the undertaking of any remediation as necessary;
- Provision of a significant amount of publically accessible open space;
- Enhanced landscape management of the site; and
- Additional hedgerow and tree planting

3.5.14 Site Remediation: The contaminated land within the site relates to waste material deposited in bunds along the northern boundary of the site adjacent to Broken Stone Road. The spoil heaps are unauthorised deposits of waste paper and wood materials that remain following an inert waste and composting treatment operation in the late 1990's and early 2000's under a Waste Management Exemption License.

3.5.15 In 2000 and following complaints from the landowner, the Environment Agency (EA) undertook investigations and found that non-compliant waste materials were being accepted on the site by the operator. As a result, leachate and noxious odours emanating from the heaps were entering into Stockclough Brook, a water course that runs through the centre of the site. Subsequently, the EA and Blackburn with Darwen Council, issued an enforcement notice for the cessation of operations and for the removal of the non-compliant waste to an offsite landfill.

3.5.16 Further investigation of the remaining spoil heaps was undertaken by Capita in 2011 on behalf of Castleland Ltd. The investigation revealed that the remaining waste consists of a combination of quarry waste, demolition material arisings, made-ground, re-worked natural material and topsoil. It also identified the presence of metals, Polycyclic Aromatic Hydrocarbons (PAHs) and Total Petroleum Hydrocarbons (TPH) at levels that may present a risk to end users. In addition asbestos was encountered within the stockpiles. There

remains the potential for mobile contaminants such as the (hydrocarbons / PAH's) to leach from the stockpiles into Stockclough Brook.

3.5.17 Extant Planning Approval: When weighing the planning balance for the principle of development on the site, Members are also encouraged to consider the presence of an extant planning permission, otherwise referred to as the 'fall-back position'

3.5.18 Outline planning application (Ref: 10/09/0569) was submitted in June 2009 for a proposed holiday village for a reduced scheme than that previously submitted. This included the creation of three new lakes surrounded by 94 static holiday lodges, a members' facility building, landscaping and ground remodelling and associated car parking, access and servicing. The planning application was granted permission with conditions. Approval of the subsequent reserved matters application (Ref: 10/10/08282), and an extension of time application (Ref: 10/12/0139) followed. Subsequently the Council have also considered and approved condition discharge applications. The approvals have been partially implemented following works forming part of the access arrangements from Stockclough Lane. It follows that the permissions remain open and as an available fall-back position should be considered a material consideration when determining the current application.

3.5.19 Summary Assessment of the Principle of Residential Development

Blackburn is classified as the highest order settlement in the borough and in respect of this the Core Strategy Policy CS1 states: "The majority of new development in the Borough will be in the urban areas of Blackburn and Darwen, with a larger proportion being in Blackburn". The site is situated in a countryside location on the edge of the settlement boundary of Blackburn, immediately adjacent to properties being delivered as part of the Gib Lane allocation.

3.5.20 Overall there is conflict with the countryside policies of the development plan, however, this is considered a temporary issue as the Government has recently changed the assessment of housing and while BwD prepare a replacement Local Plan. This temporary scenario needs to be weighed against the Council's clear aims of housing and economic growth and the clear support offered by wider policies in the Development Plan. The current adopted Local Plan clearly sets out a growth strategy to deliver significant amounts of new housing and employment development. This should not be frustrated in the short term given the recent changes in the NPPF, while the Council prepare a new Local Plan. Even more so where existing policy CS7 details the types of housing that are expected to be delivered over the plan period including "Housing that meets the needs of high wage earners (higher market and "executive housing)" which the Council's Policy Note confirms that the proposals will deliver.

- 3.5.21 Furthermore there are significant material considerations relating to the available fall-back position and land remediation opportunities which add weight to the planning balance that planning permission should be granted at the site.
- 3.5.22 **Principle of Open Space/Recreational Element** : The overarching planning policy for the site is Policy 34 from the Local Plan Part 2, which supports tourism-based development, especially for uses associated with the recreational use of the Moors. It expects that all recreational development must be sensitive to the natural environment that is the tourism asset of the West Pennine Moors and secure appropriate maintenance of the facility in the long term.
- 3.5.23 The development framework for the green infrastructure, connectivity and approach to open space land uses are required to realise this wider masterplanning opportunity to enhance the physical and functional connections with nearby open space in the area and the wider area of the West Pennine Moors.
- 3.5.24 Although the current proposal is in outline form and does not address the layout, it is anticipated that the Witton Weaver's Way will be incorporated into the site and enhanced with pedestrian/cycle links through Fowler Fold Farm to the proposed school and village centre on the Gib Lane development and the amenities on the northern side of Livesey Branch Road (St Bede's High School, St Francis' Primary school). The BSR development will make this route more accessible southwards into Tockholes for the whole community and link it to a new east west pedestrian/cycle route through the site along the brook corridor to connect into the existing footpath to the west. This should be supported through the contribution of £350,000 towards 'community infrastructure' to be spent on wider public open space and green infrastructure in the area.
- 3.5.25 The remaining south easterly upslope will be maintained as a natural landscape with meadow planting, informal footpaths and tree belts with a vantage point on the high ground giving views south across Tockholes and the Roddlesworth valley. This is likely to be interspersed with footpaths. Overall this should be seen as a significant natural asset for both the existing and the proposed wider community in this area and the area will significantly improve the connectivity and usability of this open space as supported by Policy CS20 (usability of open space). To secure the delivery of this the applicant remains in discussions with a number of parties including the Environment Bank, the Land Trust and the Woodland Trust to act as steward to support maintain and enhance this area as necessary.
- 3.5.27 In summary, the location of the site in its regional context as well as the quality of the landscape and natural features on its doorstep ensure that this element of the proposal is wholly in accordance with Policy 34 of the Local Plan Part 2 and is supported by a range of wider policies which support the

environment (CS13), ecological assets (CS15), built and cultural heritage (CS17), the landscape (CS18), green infrastructure (CS19 and Policy 40). The open space provided as part of this development should be seen as a significant benefit of this proposal and is supported by the Policies in the Council's development plan.

3.5.28 **Highway Assessment:** 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, as well as ensuring the wider sustainability agenda is supported.

3.5.29 **Public Rights of Way (PROW):** The Council's PROW officer, having reviewed the indicative layout presented in support of the application, has commented that it appears as though the Witton Weavers Way is to remain on its current line but the public footpath to the North of the site needs a minor diversion. The applicant will be required to contact the PROW team to discuss any alterations to the definitive line of the footpaths to request an application form for this. Also if any Temporary closures are required, again the applicant needs to contact PROW for the appropriate forms and guidance notes. Otherwise the development is on accordance with Policies CS22 and 10

3.5.30 **Review of Transport Assessment:** The initial submission was accompanied by a transport assessment. The Council have commissioned an independent review of the document by AECOM, the most pertinent observations are set out below;

- The TA assesses the accessibility of the development by sustainable modes, including foot, cycle, bus and rail. The appraisal identified a public footpath which currently runs through the site from Broken Stone Road to Stockclough Lane. There is also a footpath within the vicinity of the site which runs south between Broken Stone Road, at its junction with Gib Lane, and the M65. There are currently no footways along Broken Stone Road, however the proposed development includes provision of a 2m wide footway running along the site's frontage. This would connect to other pedestrian routes at the Gib Lane site to the north. The TA acknowledges that cycling could be a feasible travel option for residents, but makes no mention of dedicated provision.
- The nearest bus access is to the west of the site on the A6062 Livesey Branch Road, to the east of the roundabout junction with Horden Rake and Coverdale Drive. The TA notes that these stops are "approximately 800m from the centre of the site". However, this is a straight-line distance, and the actual walking distance to these stops is in excess of 1km. Further bus access is available on Leyburn Road to the north of the site, which would be accessible through the Gib Lane site, although the walking distance to these stops is approximately 1.5km. In both cases, the walking distance is considered to significantly exceed the generally accepted distance of 800m, or 1,000m for commuting journeys.

- *Proposed Development Trip Generation:* This section of the TA presents a trip generation exercise undertaken to estimate the likely trip generation of the extant site and the proposed development. These values have then been compared to estimate the additional trips generated by the development. It is noted that although permission was granted for the development of a holiday village, this was never taken forward and the lot remains vacant.
- Trip generation for the extant site and the proposed residential development were estimated using the TRICS database. Sites in London and outside of England were omitted. The trip rate for the extant site is based on 'Residential, Holiday Accommodation' type land using appropriate location categories. The number of trips generated has been estimated using the 94 holiday lodges that were previously permitted for development. The trip rate for the proposed development is based on 'Residential, Houses Privately Owned' type land using appropriate location categories. The number of trips generated has been estimated using the 450 dwellings outlined in the development proposal.
- The comparison between trips generated by the extant site and the proposed development estimates an additional 263 two way new vehicle trips during a weekday AM peak hour and a total of 249 two-way new vehicle trips during a weekday PM peak hour, compared to the previously consented application. The TA notes that these trips would be distributed across three site access junctions, and therefore would have "no material traffic impact on the proposed site access junctions and the surrounding local highway network". AECOM do not agree with this assertion, since all of the site access junctions ultimately connect onto Broken Stone Road / Horden Rake. As such the proposed development is likely to have a material impact on the local highway network.

3.5.31 In conclusion AECOM consider that the assessment undertaken by Capita is generally acceptable, although additional information has been requested in order to fully assess and support the analysis presented within the Capita TA. It is recommended that contributions are sought towards corridor improvements along Broken Stone Road in order to facilitate and encourage walking and cycling trips associated with the proposed community uses on the site.

3.5.32 Following negotiation with the applicant and the Local Authority highway department it has been agreed that three specific areas require addressing, those being (i) provision of a footway along the Broken Stone Road frontage to aid pedestrian movements and provide connectivity to the forthcoming phases of the Gib Lane development site (ii) white lining provision within Stockclough Lane, and (iii) junction improvements to the Livesey Branch Road /Preston Old Road junction adjacent to the Feilden Arms in order to aid movement within the Borough's strategic road network. Furthermore, it has been agreed by all parties that these would be best delivered through the

s278 process and as such will be dealt with via Grampian condition, rather than encompassed within the s106 legal agreement.

3.5.33 The Council's highway team have also reviewed the proposed access arrangements. They observe;

The principle site access points will be from two new junctions linking to Broken Stone Road. Generally the submitted details are satisfactory, though the submission is not supported by swept path analysis for larger vehicles (ie 3 axle refuse vehicles). Given that there is agreement for the junctions and other off-site highway works to be delivered through the s278 process it is considered that the specific geometry of the junction can be satisfactorily addressed via planning condition

A secondary site access is to be provided via Stockclough Lane. Given the limited capacity of the lane it is agreed by all parties that access in to the site should be limited to a maximum of 38 plots. This would be consistent with the applicant's intentions to provide a maximum of 348 self-build plots. Furthermore, that level of traffic would also be consistent with the anticipated vehicles associated with the fall-back position afforded by the 'Pleasington Lakes' development on the site. The proposal also details the provision of a 20m long vehicle passing point close to the site entrance, which is supported. Similar to the Broken Stone Road access the application is not supported by a swept path analysis, though again this can be adequately addressed via planning condition.

3.5.34 In addition to the above matters in order to ensure compliance with Policy 10 further conditions are required to address; limitation to 38 plots accessing the site from Stockclough Lane, save for access by emergency vehicles; construction method statement to be agreed; 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.

3.5.35 Members should be aware that a separate assessment of the impact of the development upon the strategic road network is being undertaken by Highways England. Currently a holding objection (as detailed at section 6.6 of this report) is in place, though a response has been issued by the applicant and it is intended that the matter, including HE's revised comments, be presented to Members via the Committee Update Report

3.5.36 **Flood Risk and Drainage:** Policy 9 sets out that development will be required to demonstrate that it will not be at an unacceptable risk of flooding. The application has been supplemented by a Flood Risk Assessment (FRA) that concludes;

- The government 'long term flood risk information' for flood risk from river or the sea shows that the entire site is located within Flood Zone 1.

Therefore, in line with current guidance the proposed development is not subject to a sequential test.

- The government 'long term flood risk information' for flood risk from surface water flood indicates that the vast majority of the site is located within areas of very low risk of flooding. Areas of high and medium flood risk from surface water are constrained within the existing watercourse channels, where surface water flooding would naturally be expected. A number of areas of low risk of surface water flooding are also present that correspond with natural topographic lows and channels within the site.
- The proposed development will significantly increase the amount of impermeable area on site that will generate surface water run-off. To manage this additional surface water run-off a drainage system, incorporating a number of SuDS techniques, is proposed; with flows being attenuated and stored to the 1% Annual Event Probability (AEP) event plus 40% allowance for climate change. Please refer to the outline drainage strategy (BSR-CAP-00-XX-RP-DR-0001) for further information.
- There are no public sewers located within the site and so there would be no instances of flooding from sewers within the site. The nearest public sewers are located within Broken Stone Road to the north and Stockclough Lane.
- BGS online maps show the site is underlain with soil generally consisting of silty and sandy clays with gravel that is consistent with glacial till. This material would generally give a low permeability. Groundwater levels from the borehole scans range between 1.0 to 8.8 metres below ground level. Three of the borehole scans are shown to be wells and springs, this would indicate that the groundwater levels within the area are generally high.
- Both watercourses that cross the site appear to originate from issues near Yew Tree Farm. Therefore, the site is currently considered to be at a high risk of groundwater flooding, however, provision of a carefully considered earthworks and land drainage scheme within high risk areas would mitigate the risk.
- The nearest reservoir is the Abbey Village Reservoir located approximately 1.6 km south west of the site. The nearest canal is the Leeds and Liverpool Canal located approximately 0.3 km west of the site. The government 'long term flood risk information' for flood risk from reservoirs shows that the site is not at risk of flooding from reservoirs.

3.5.37 In summary, when considering all sources of flooding the proposed development site is considered to be at a low risk. Further investigations are needed to establish the groundwater levels on site and the proposed earthworks and land drainage design should fully consider these findings to mitigate the flood risk from groundwater.

3.5.38 Following a review of the application, no objection has been offered by United Utilities or the Lead Local Flood Authority; subject to the application of conditions to ensure; foul and surface water to be drained on separate systems; surface water drainage scheme adhering to the principles set out in the NPPG to be agreed; and a scheme for the future maintenance and management of surface water drainage to be agreed .

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

3.5.40 Land Contamination: The application has been supported by a comprehensive contaminated land report, which has informed further dialogue between the applicant's consultants and the Council's Environmental Protection team. The most recent position set out by the Environmental Protection officers is as follows;

“Based on the information within the letter and that within previous correspondence, I would reiterate that the potential contamination issues on the majority of the site can be dealt with via condition.

In terms of the western portion of the site, which has been risk assessed as a characteristic situation 5 as a result of the identified ground gas, there remain too many uncertainties at this stage to apply the standard contaminated land condition. It may be possible to apply a bespoke condition, but the physical extent to which this condition would apply is unclear and further risk assessment would be required to determine this. In addition, it would be difficult to apply a condition relating to works off site. It may be possible to apply a condition requiring that the gas regime must be reduced to a characteristic situation 3 or lower in order to design appropriate remedial measures. However, if the source of the gas is off site, then it may be impossible to comply with this condition as the applicant would not have any control over the source. As such, without further comprehensive risk assessment, the recommendation of the original memo from this Section dated 7th January 2019 remains the current position, ie:

It may not be possible to develop appropriate gas protection for the north western part of the site. Significant further work is required regarding the gas risk in this part of the site in order to undertake a quantitative risk assessment at the site and to confidently understand the gas regime. Until this work is completed, it is not possible for this Section to support the indicative layout presented as part of the application for the north western part of the site”.

3.5.41 Accordingly the use of the Council's standard land contamination conditions would not be appropriate. Instead it is proposed that the condition is modified to reflect the progress made to date and outline the further site investigation work required to inform the subsequent remediation strategy.

3.5.42 Noise and Vibration: The application is supported by a noise impact assessment report. The methodology used is in line with the requirements of BS 5228 for construction noise and vibration, along with the methodology in ProPG for the proposed residential use of the site. A 3D noise propagation prediction model, validated with on-site noise level measurements, has been built to determine the potential noise levels in the locality.

3.5.43 The assessment for the impact of the construction upon surrounding noise sensitive receptors indicates that although the outline, worst case, construction noise assessment has highlighted the potential for non-significant adverse effects to occur at some specific locations, these effects are unlikely to occur frequently and if the contractor follows general Best Practicable Means as per the approved code of practice BS 5228, the environmental effect of construction noise would be low.

3.5.44 When considering the noise implications for the proposed residential use the report advises that The recommended internal noise levels should be readily achievable providing appropriate façade and ventilator performances are provided. However, some dwellings along Broken Stone Road may require enhanced glazing in order to control traffic noise break-in. The noise levels in external gardens are likely to be below recommend upper limit of 55 dB LAeq,16h. Some gardens directly adjacent to Broken Stone Road may require enhanced garden fences or walls to ensure that the outdoor noise levels are below this value. This will need to be assessment further at a later stage when detailed site layout proposals are set.

3.5.45 The recommendations of this report on noise and vibration is to grant consent with suitable noise conditions to ensure the following:

- Construction works in close proximity to the nearest residential receptors will need to ensure the use of Best Practicable Means in line with the approved code of practice in BS 5228.
- The three noise sensitive receptors around the boundary of the site are informed of work progress when works are planned within 100m.
- HGV traffic during construction preferably uses the access along Broken Stone Road rather than along Stockclough Lane to minimise any potential effects on the receptor at Little Acorns Nursey, if appropriate to do so.
- Internal noise levels at all properties will need to meet the internal noise levels as per Table 2-3 provided
- External noise levels within gardens should not exceed 55 dB LAeq,16h.

3.5.46 Air Quality: The Proposed Development was assessed with regards to the air quality impacts on local sensitive receptors as a result of changes in traffic movements. In the 2019 'Do Something' scenario, the assessment indicated that there were 3 Slightly Adverse impacts and 43 Negligible impacts. A number of worst case assumptions are made from the model scenarios, particularly in relation to the 2019 'Do Something' scenario. The current levels

of mitigation to reduce the impact of the Proposed Development on local air quality are therefore deemed sufficient.

3.5.47 The risk assessment for potential dust impacts during construction of the Development concluded the site has a medium risk of dust soiling impacts and a low risk in terms of human health impacts. As a consequence, a comprehensive dust management programme will be implemented following best practise techniques for the management of dust on site. On the basis of the correct implementation of dust management techniques, construction activities are predicted to have, at worst, Slight Adverse impacts and are likely to have 'Negligible' impacts at the large majority of receptors, for the large majority of the construction programme. It is concluded that, assuming appropriate construction and operational mitigation measures are followed the proposed development is suitable to be considered for planning permission in terms of air quality.

3.5.48 The air quality assessment and its conclusions are supported by the head of public protection, who offers no objection subject to standard conditions relating to dust control, provision of external plug sockets to facilitate electronic vehicle charging and maximum boiler emission standards

3.5.49 Otherwise the Council's Public Protection Team has reviewed the application and offers no objection to the development subject to conditions to safeguard the amenity of future occupants of the site and those existing residents in the area. These conditions relate to land contamination; control on working hours (08:00 to 18:00 Mondays to Fridays, 09:00 to 13:00 Saturdays, Not at all on Sundays and Bank Holidays); scheme for provision of acoustic glazing and mechanical ventilation of dwellings within 25m of Broken Stone Road; dust suppression scheme to be agreed

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

3.5.51 The application is supported by an Ecological Appraisal and Bat Transect Survey Report. The document has been appraised by the Council's ecology consultant and the following observations are offered;

The Capita Ecology Report (2018) detailed a number of ecological surveys that have been undertaken on the site, the most recent of which was a Provisional Ecological Assessment (PEA) which was undertaken in December 2017 and a bat transect survey undertaken in summer 2018. The 2018 ecology report provides recommendations for a range of habitats and species. We consider that the following issues that were raised in the report's recommendations now need to be added as planning conditions with the protected species surveys undertaken prior to determination:

- Section 6.3.3.2 of the Ecology report provides recommendations for bat surveys of eleven trees and three buildings. Therefore, before any work

starts on the site, presence / absence bat survey of eleven trees and three buildings should be undertaken.

- We recommend that a HSI or eDNA great crested newt surveys are carried out to determine the presence or absence of great crested newts if more than a year elapses since the previous HSI survey.
- Sections 6.4 of the report states that invasive weeds are present on the site. Therefore, before any work starts on the site a detailed survey to map the full distribution of invasive plants species on the site should be undertaken. This best time to complete the survey is April – June when plants are becoming more noticeable. An invasive plant species survey report, complete with a detailed mitigation plan, should be submitted to the Local Planning Authority. We would expect the appointment of a competent remediation/ invasive species specialist with relevant.
- Section 5.3.5 of the report suggests that the site could be used by ground nesting and non-ground nesting bird species. Therefore, if site clearance work is proposed to be undertaken in the spring and summer months the site should be subject to a pre-site clearance check for nesting birds. It should be noted that if there is a hiatus between site clearance and construction and the site is left cleared then if construction starts during the spring and summer months an additional check for nesting birds (especially ground nesting birds) should be undertaken before work starts.
- Before work is undertaken on the site an Ecology and Landscape plan should be submitted to the Local Planning Authority.
- Tree protection measures in accordance with BS5837:2012

3.5.52 Subject to the above matters being controlled by planning condition the proposal is considered to accord with Policy 9 of the local plan

3.5.53 **S106 Contributions** In order to make the development acceptable in planning terms the following areas are to be addressed through the s106 legal agreement that will accompany any planning approval

3.5.54 **Affordable Housing:** 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%

3.5.55 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 or off-site provision, and submitted a viability report that has been independently appraised. The outcome of which is that it is accepted that due to the other liabilities on the site and other contributions being sought there is not adequate room to provide in accordance with the 20% threshold. Instead a contribution of £750,000 has been agreed towards off-site provision.

3.5.56 Education: The Council, through an independent assessment by *Edge Analytics*, has identified future primary school provision requirements associated with the current proposal and other committed development in the locality. The outcome is that the developer is required to make a contribution of £2,480,000 towards the construction of a new school facility in the area.

3.5.57 Green Infrastructure: Although the site includes a large area that will remain free from development, in lieu of on-site green infrastructure / public open space and community facilities within the West Blackburn area a sum of £350,000 is required.

3.5.58 Off-Site Highway: As stated previously in this report, the majority of the off-site highway improvements are to be managed via a s278 process and controlled via Grampian Planning Condition. However, a sum of £26,000 has been fixed in relation to contribution towards road safety improvements on Stockclough Lane

4.0 RECOMMENDATION

4.1 Approve subject to;

- (i) **That delegated authority is given to the Head of Service for Planning to approve planning permission subject to an agreement under Section 106 of the Town and Country Planning Act 1990, relating to the payment of financial contributions which relate to the following matters:**
 - (a) **£350,000 as a contribution towards Green Infrastructure. This will be spent on Green Infrastructure / Public Open Space and associated community facilities within the West Blackburn area/rural areas**
 - (b) **£750,000 as a contribution towards the provision of affordable housing in the borough.**
 - (c) **£26,000 as a contribution towards road safety improvements on Stockclough Lane.**
 - (d) **£2,480,000 as a contribution towards additional primary school places in West Blackburn.**

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

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

- Outline application time limit
- Reserved matters to be agreed; appearance, layout, landscaping and scale
- Phasing plan to be agreed
- Scheme detailing off-site highway improvements at junction of Livesey Branch Road and Preston Old Road to be agreed and implemented

- Scheme detailing design of Broken stone Road and Stocklough Lane junctions, including swept path analysis, to be agreed and implemented
- Scheme detailing footway and street lighting to Broken Stone Road frontage
- Limitation to a maximum of 38 plots being accessed from Stocklough Lane
- Construction method statement to be agreed and implemented
- 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 within the site to be submitted and agreed.
- Foul and surface water on separate systems
- Surface water drainage scheme to be submitted and agreed
- Scheme for future maintenance and management of the SuDS to be submitted and agreed
- Limitation on HGV construction access to the site from Broken Stone Road only
- Bat surveys undertaken in accordance with section 6.3.3.2 of submitted Capita Ecology report (2018)
- Further great crested newt surveys should development commence more than 1 year from date of original survey
- Invasive species survey and mitigation plan to be agreed
- No vegetation clearance from March to August (inclusive) unless absence of bird nesting activity identified by suitably qualified ecologist
- Ecology and landscape plan to agreed and implemented
- Tree protection measures
- Construction hours restriction (08:00 to 18:00 Mondays to Fridays, 09:00 to 13:00 Saturdays, Not at all on Sundays and Bank Holidays)
- Scheme for suppression of dust during development to be agreed
- Scheme for acoustic glazing and mechanical ventilation of all dwellings within 25m of Broken Stone Road
- Contaminated land investigation, mitigation and validation
- External plug socket provision
- Maximum boiler emission standards
- Phased programme of archaeological investigation, scheme to be agreed and implemented

5.0 PLANNING HISTORY

5.1 The following planning applications affect the application site ;

10/06/0855 - Outline Application for 120 static lodges, creation of 5 lakes and ancillary infrastructure (Withdrawn)

10/07/1149 – Outline Application for 120 static lodges, creation of 5 lakes and ancillary infrastructure (Refused and Dismissed on Appeal)

10/09/0569 - Outline Application for 94 static holiday lodges, creation of 3 lakes and ancillary infrastructure (Approved)

10/10/0828 - Reserved Matters Application pursuant to outline approval 10/09/0569 to address appearance, scale and landscaping (Approved)

10/12/0139 - Extension of Time application pursuant to outline approval 10/09/0569 (Approved)

5.2 There have also been a series of condition discharge applications pursuant to the outline approval(s) affecting the site. Following the approval of the details reserved by condition site access works were partially implemented. The effect of this is to keep the permission alive. Members are therefore advised that the site has an extant permission for the provision of 94 static lodges, ancillary infrastructure and creation of 3 lakes, as detailed in the 10/09/0569 approval and subsequent reserved matters approval in 2010. Furthermore, this forms a material consideration when determining the current proposal

6.0 CONSULTATIONS

6.1 Public Consultation:

Public consultation has taken place, with 152 letters posted to neighbouring addresses. Site notices have been displayed and a press notice issued. In response, 6 letters of objection have been received when including the response from the clerk of Livesey Parish Council. The objections are set out within section 9.0 of this report

6.2 Education Section

No objection subject to financial contribution to support delivery of additional primary school provision in the locality.

6.3 Environmental Services

No objections.

6.4 Public Protection

The Head of Public Protection initially requested a pre-determination assessment relating to the potential impact of farming activity in the locality upon the residential amenity of future occupants of the site. In the absence of any identified threat and with due consideration to the close proximity of committed residential developments on the adjacent Gib Lane housing allocation this requirement was considered to be unreasonable.

Requirement for 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.
- Gas fired domestic heating boilers shall not emit more than 40mg NOx/kWh
- Electric vehicle charging point for each dwelling
- A scheme employing best practicable means for the suppression of dust during the period of construction to be agreed/implemented.
- Land contamination scheme of investigation, mitigation and subsequent validation
- Restriction preventing HGV vehicles accessing the site from Stocklough Lane

6.5 Highways:

No objection in principle. Principle of access locations supported, though further work on design and demonstration of compliant swept path required. Restriction on maximum of 38 plots accessing site from Stocklough Lane required. Condition relating to off-site highway improvements to Livesey Branch Road and Preson Old Road junction required.

Additionally standard 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.

6.6 Highways England

A holding objection has been issued by Highways England whilst the matters outlined further in this section are addressed. An additional response from the applicant was provided 6th June 2019 – that response and the subsequent Highways England position will be set out within the Update Report to the Planning & Highways Committee.

The latest position issued by Highways England was received 30th May 2019 and reads as;

Highways England Comments on Transport Assessment and Capita Technical Note 002

Having considered the latest TN, there remain several outstanding issues before Highways England is able to form a view on these proposals. The issues are regarding the methodology and assumptions set out in the TN regarding the trip distribution from the proposed development site. The trip rates, are previously agreed as being robust, so we offer no further comment on the trip rates for the proposed development site.

Our previous response notice advised that trip distribution should be based on the most recent 2011 Census data. The TN sets out that undertaking a trip

distribution exercise based on the most recent 2011 Census Journey to Work data does not account for trips associated with other purposes such as education and shopping.

The TN states that *'It is considered that all trips for purposes other than commuting shall be retained within Blackburn with Darwen given the range of amenities on offer within the Borough'*.

Neither the TN nor the 2018 Transport Assessment and Framework Travel Plan provide any information regarding the existing level of local facilities within the immediate area to support the above statement. We therefore cannot comment on the appropriateness of the above-stated assumption, and so Highways England requests that Capita provide justification that all trips other than commuting will be retained within Blackburn with Darwen, and set out the existing local facilities within proximity of the proposed development.

The TN also sets out that Table NTS0502 (Trip Start time by trip purpose) of the National Travel Survey has been used to derive the percentage of commuting trips during both the AM and PM peak hours which is stated as being 31% and 36% respectively. These commuting trip percentages have been derived through the exclusion of business trips which are stated as *'not likely to have a residential origin or destination'* and education trips due to *'a large proportion of these are likely to be undertaken by other modes'*. This methodology is not appropriate as no supporting justification has been provided to support either of the two assumptions that are stated. For either of these assumptions to be supported, travel surveys should be provided with set out the existing travel patterns for these trip purposes within the area.

Although the percentage of business trips is not significant in itself, the assumption discounts individuals who do not travel to the same location of work on a regular basis. Highways England therefore requests Capita to provide supporting evidence for the discount of business trips and the 50% reduction applied to education trips from the proposed development.

The TN subsequently states that the AM and PM peak hour commuting trip percentages are calculated without considering labour market demographic statistics for the Blackburn with Darwen area; citing a lower than national average of economic activity in the Borough and a larger proportion than the national average of individuals described as 'looking after home and family' support the stated commuting trip percentages. Highways England requests Capita to provide clarity on this statement and whether either themselves or the applicant have undertaken demographic research for occupancy of the proposed development.

Journey to Work data from the 2011 Census has been interrogated for the associated MSOA012 for Blackburn with Darwen which sets out that percentage of commuting trips travelling via Junction 3 and Junction 4 of the M65 is 9% and 12% respectively. Highways England considers the methodology and subsequent results to be acceptable.

Taking into account the AM and PM peak hour commuting trip percentages derived from the National Travel Survey and the 2011 Census Journey to Work impact percentages at Junction 3 and Junction 4 of the M65, the TN sets out the commuting trips that are projected to impact the aforementioned junctions. We are unable to comment on the reasonableness of the total commuting trips until queries regarding the methodology (see above) are addressed.

Notwithstanding, the TN states that the trip generation for the proposed development is '*negligible and within daily fluctuations in traffic flows*'. This statement is derived through the commuting trips being assessed against traffic surveys undertaken in 2011 for both motorway junctions and the percentage impact of the development trips against these traffic flows. The use of 2011 traffic surveys are not considered to be appropriate as the results are observed to be outdated and not in line with industry best practice. Highways England therefore cannot comment on the highway impact of the development at either motorway junction, as the baseline conditions are not clearly set out to be referenced against. The inclusion of percentage impacts is not considered to be appropriate in the instance of high-volume links such as motorway junctions as it may underrepresent the highway impact of development. Highways England therefore requests the following from Capita to enable a clear understanding of the highway development impacts at M65 Junction 3 and M65 Junction 4:

- Baseline highway conditions for M65 Junction 3 and Junction 4 are set out. Traffic surveys should be commissioned to provide an accurate representation of the current operating conditions at both junctions on the Strategic Road Network.
- The highway impact associated with the proposed development should not be presented as percentage impacts against the existing traffic flows.

Only once all of the above points and queries have been appropriately addressed (which are entirely justified and reasonable to expect) will Highways England be able to reach a view as to whether further capacity assessments of the SRN junctions are required / final view on this planning application.

6.7 Strategic Housing

The principle of residential dwelling and mix would be acceptable as the proposals indicate a housing offer, which responds to the Council's growth strategy. In accordance with the Council's Affordable Homes Policy the developer will be required to provide 20% of the scheme for affordable housing. This can be on site, off site or through a S106 commuted sum payment.

6.8 Lancashire Constabulary

No objections, but recommended that the scheme should be developed to achieve 'Secured by Design' accreditation. A series of design considerations

are advocated, including but not limited to; external lighting, maximising natural surveillance from properties, minimising use of blank elevations, landscaping considerations including the use of defensive space planting, in-curtilage parking and use of 1.8m close boarded perimeter fencing. Additionally, due to the high number of thefts and burglaries at construction sites, further measures to secure sites during the construction phase.

6.9 United Utilities

No objection subject to conditions relating to (i) foul and surface water being drained on separate systems (ii) a surface water drainage scheme, based on the hierarchy of drainage options within the NPPG, to be agreed; and (iii) sustainable drainage management and maintenance plan to be agreed.

6.10 Lead Local Flood Authority

The applicant is required to submit details for the proposed surface water drainage scheme including SuDs, as required in the Flood Risk Assessment. The proposals must be submitted and approved prior to commencement of development.

6.11 Ecology

The Capita Ecology Report (2018) detailed a number of ecological surveys that have been undertaken on the site, the most recent of which was a Provisional Ecological Assessment (PEA) which was undertaken in December 2017 and a bat transect survey undertaken in summer 2018.

The 2018 ecology report provides recommendations for a range of habitats and species. We consider that the following issues that were raised in the report's recommendations now need to be added as planning conditions with the protected species surveys undertaken prior to determination:

- Bat surveys undertaken in accordance with section 6.3.3.2 of submitted Capita Ecology report (2018)
- Further great crested newt surveys should development commence more than 1 year from date of original survey
- Invasive species survey and mitigation plan to be agreed
- No vegetation clearance from March to August (inclusive) unless absence of bird nesting activity identified by suitably qualified ecologist
- Ecology and landscape plan to agreed and implemented
- Tree protection measures

6.12 Livesey Parish Council – 19th December 2018:

The Parish Council object to the proposal on the following grounds;

- The site is not allocated
- The land remediation should have been undertaken previously. What guarantees are in place that it will occur?

- Existing housing commitments in the area of 700 on Gib Lane, 650 on Heys Lane and 500 on former Sappi site
- Concern that not enough customers to buy planned number of houses
- This and other developments changing the area
- Concerns that the sustainable facilities will be offloaded by the Council to local volunteer groups at a later date
- Concerns related to pricing of the provision and thus then becoming a liability for the Parish Council

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

8 DATE PREPARED: 7th June 2019

9. SUMMARY OF REPRESENTATIONS

Objection – Marie Blundell, 2a Green Row, Livesey, Blackburn, Rec – 07/12/2018.

Dear Mr Prescott, Mr Kenny (10/18/1116)

I received a notice of planning permission for Brokenstone Road. Regards large scheme.

Absolutely no !

We have building going on and planned everywhere on this immediate area, building that was never identified in my purchase search in 2016. Imagine our surprise. The surrounding roads are tiny, where do you think all this access traffic is going.

The Gib Lane nightmare has only just been resolved from that new build.

No this is crazy, why is all this green space being taken to build all this expensive housing.

2a Green Row

Livesey

Darwen

Objection Brian Stockdale, Rec – 10/12/2018.

Dear Sir,

I was horrified and disappointed to hear about the above planning application for another massive estate bordering on Brokenstone Road

The original application for Pleasington Lakes Holiday Village in 2007 which was eventually accepted proved to be no more than a way of producing a foothold for further residential development. A fact that was self evident to many people at the time due to the ridiculous situation near the M65 for a "holiday park".

The documents in this application don't even spell the names correctly, should be Brokenstone not Broken Stone as in the application. Also I have never hear of anywhere called Pleasington on Brokenstone Road! I also have objections regarding the development company being registered in the Isle of Man thus ensuring that the many millions that the developers will make will not even be subjected to UK tax.

Social Housing is needed in Blackburn, that is obvious, what is even more obvious is that this development does in no way satisfy these needs as the location and layout of the houses show.

Brokenstone Road is already under threat from the emerging Sycamores Estate at the top of Gib Lane, yet another even larger development will cause even more hazards on the country lane especially on the sharp bend at the bottom of the hill by the top of Horden View . I acknowledge that 30mph and 40mph speed limits are now in force but these are largely ignored.

In conclusion this development is not needed and will be an additional potential danger regarding traffic on Brokenstone Road, it will also be a blight on what open countryside we have left in Blackburn, for these and all the above reasons I would ask the council to reject this application.

Objection – Tony & Daphne Kitchen, 64 Horden View, Blackburn, Rec – 16/12/2018.

FAO Mr G Prescott

I am writing to object to the above planning application

1. The congestion of the existing road network in this area. Major redevelopment of Brownstone Rd/Horden Rake/ Gib Lane/Bogheight Rd will be needed to cope with extra traffic that the development will generate, approximately 600 more vehicles.
2. The existing surface and waste water drainage will not cope with the extra demands required from up to 450 residential units without major upgrading, extra pipe work being put in place which will cause major road works and disruption in the area for many months. There are already problems with drainage to Livesey Rd area due to the sub soil being glacial moraine with many boggy areas in adjacent fields, therefore existing drainage will be required causing more disruption.
3. Local amenities, schools, health and public services are not substantial enough to cope with existing housing developments in the area, let alone approx 450 more residential units.
4. Present development of Livesey Rd and Gib Lane is slowing due to low numbers of sales already, surely this is a sign that more properties are not viable and will not sell in the present economic climate, therefore the builder will not complete the development causing problems for local infrastructure, residents and Blackburn Council.
5. There are too many green spaces being built on in this area, green spaces that are needed for our physical and mental wellbeing.

I think the whole development is waste of time and money.

Regards Tony and Daphne Kitchen
64 Horden View Blackburn BB2 5DH

Rory Needham, Livesey Parish Council, Rec – 19/12/2018.

Dear Mr Kenny,

Councillors from Livesey Parish wish to object to the planning application detailed below:

PLANNING APPLICATION 10-18-1116

Full Planning Application/Outline Planning Application - Hybrid planning application seeking full planning permission for remediation and means of access, along with outline planning permission (with all matters reserved except access) for redevelopment of the site to include over 28ha of open space including community hall (use class D1/D2, with ancillary bike hire and cafe, sports pitch, paddocks and landscaping and up to 450 residential units (use class C3), along with any ancillary parking, amenity, and all other associated public, semi public and private realm, soft/hard landscaping, infrastructure and highways works, access and a new internal road network connecting with the existing road network At Brokenstone Road Blackburn BB3 0LL.

The reasons for the objections are listed below:

- ❖ This site was not allocated for housing in the local plan, and there are other areas that could be used as the council has fell behind in its planned numbers.
- ❖ There is extensive remediation work required that should have been carried out by the local council many years ago. Only part of the remediation work has been carried out and if houses are not selling then the site will not be cleared of contamination. What guarantees are there that the land will be cleared?
- ❖ Excluding the above application there would be potentially 700 houses being built around Gib Lane, 650 houses at the Heyes Lane site east of Brokenstone Road, and a further 500 houses being built on the Sappi Site. Surely this extensive building work is sufficient for this area.
- ❖ Developers will only build houses that they can sell and there is a concern that there are not enough customers to buy the planned housing numbers.
- ❖ The vast developments that are proposed are completely changing the area that is now becoming unrecognisable.
- ❖ There are concerns that the sustainable facilities that would be provided would at a future date be offloaded by the Council to Local Volunteer Groups that appears to be the strategy of the Council across the town.
- ❖ Further concerns are that that the provision provided initially would eventually become unaffordable through increased pricing of the provision. These provisions would then become a liability for the Parish Council and a further burden on the Parish Precept levied on local residents.

Can you please bring this objection to the attention of the Planning Committee.

Kind regards
Rory Needham (Mr)

Objection – Robert & Wendy Bell, The Black Bull Inn, Brokenstone Road, Rec – 22/12/2018.

Dear Sir

After having studied, with dismay, the information on your website regarding yet another building proposal in this area, we write with our concerns.

(1) The plan seems to have access points to and from this proposed development onto Brokenstone Road. We took over The Black Bull on Brokenstone Road 7 years ago and have witnessed numerous accidents on this road since our occupancy. Although the road speed limit has changed since the Gib Lane developments, cars still go along this road at very fast speed and if another access to yet another development is allowed further traffic would be created and therefore increasing the risk of yet more accidents on this stretch of road.

(2) Some of our customers walk to our pub and back home again along Brokenstone Road towards the proposed building project and at times have turned up at the pub fearing for their life as they have nearly been knocked over. The traffic is so fast, the road is dark with very little lighting and there are no adequate paths for people to walk along. There will obviously be more traffic and potentially the risk of more people either nearly being injured or in fact actually being injured.

(3) Obviously this proposal is going to be of a detrimental visual impact on all the people living in this area who have already had a lot of the environment swallowed up by the houses on the Gib Lane development.

(4) There will be too many vehicles travelling on a road which will not be able to sustain that amount of traffic as it is a lane and not a significant main road to take that amount of traffic.

There are so many houses with the Gib Lane development in this area, that the rural countryside has been spoilt and this development would take another massive proportion of rural countryside.

We also do not think that safety has been of paramount importance relating to this development and massive vehicle increase.

Yours faithfully

Robert and Wendy Bell
The Black Bull Inn
Brokenstone Road

Objection – Martin & Margaret Powell, 59 Gib Lane, Blackburn, Rec –

Dear Mr Kenny

Planning Application 10/18/1116 - Brokenstone Road Blackburn BB3 0LL

Further to our telephone conversation earlier today we detail below my objections to this application:

1. The application has not been notified to the residents of Gib Lane and adjoining roads and many residents are not aware of the application. There have been items in the Lancashire Telegraph but not everyone reads that newspaper.
2. Comments in the press give the impression that the applicant has agreed to carry out the needed remedial work on the site in return for planning permission. Is this the case?
3. I enclose a letter sent to you in 2012 in response to the planned holiday village development. Please note our comments, in particular item 3.

4. The damage to the site caused by illegal tipping in 2000 has been a problem since then, exacerbated by the Council's reluctance to pursue the various landowners to undertake the required remedial work. Is this application seen as an easy way to solve the problem?
5. The site of the proposed development is not on land allocated for housing development under the Local Plan and falls outside the Urban Boundary. To grant planning permission here would be contrary to the Borough's own policies. The site is shown as part of the West Pennine Moors.
6. To grant planning permission on this site would lead to an assumption that the Urban Boundary would be extended to the M65 along its route and would invite further applications.

7. The proposed development of 450 houses with an average of 2 vehicles each would add considerably to the traffic congestion in the area adding to the congestion which has yet to arise from the developments in the Gib Lane and Heys Lane areas.
8. The area is not served by public transport. The nearest bus stop is at the Green Lane/Livesey Branch Road junction where there is a 30-minute service to and from Blackburn (last bus leaves Blackburn at 19.28) and a 60-minute service from Blackburn to Chorley (last bus leaves Blackburn at 18.10). The information in the application is out of date. The bus stop is 0.7 miles from the entrance to the site off Brokenstone Road with a change of elevation of 217 feet. This is not a pleasant walk in inclement weather particularly when carrying shopping or school bags.

If you wish to discuss these points with us, please do not hesitate to make contact.

REPORT OF THE DIRECTOR

Plan No: 10/18/1153

Proposed development: Outline planning application with all matters reserved except for access and layout; for erection of 9 dwellings with detached garages.

**Site address:
Land adjoining Moorthorpe Cottage
Park Road
Darwen
BB3 2LQ**

Applicant: Ms G Lomax

Ward: West Pennine

**Councillor Colin Rigby
Councillor Jean Rigby
Councillor Julie Slater**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application is reported to Committee following deferral at the May Committee meeting. The stated reasons for deferral relate to Member's requests for the width of the private access road to be corroborated and for the update report presented to May's meeting to be amalgamated with the main report. These issues are set out in the assessment at paragraph 3.5 onwards.
- 2.2 The proposal is in outline form. It seeks to establish the principle of the residential development of the site for 9 units (some with detached garages), access from the public highway and the layout. All other detail is to be addressed under a subsequent application for *Reserved Matters*.
- 2.3 Notwithstanding May's deferral, the proposal is considered demonstrably acceptable. It corresponds with the Council's overarching housing growth strategy through delivery of high quality family housing consistent with the surrounding area; in accordance with the strategic aims and objectives set out in the Core Strategy and Local Plan Part 2. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is primarily allocated as a 'Development Opportunity'; identified as 'Long Clough, Darwen'; in accordance with the Adopted Policies Map of the Local Plan Part 2 for Darwen. The private drive that serves to access the site is not included in the allocation and is instead unallocated. The entirety of the site lies within the outer confines of Darwen's Urban Boundary, adjacent to open countryside
- 3.1.2 The application site is privately owned; comprising 0.99 hectares in area and is located within the Whitehall district of Darwen, to the north of Whitehall Road. Access is taken off Printshop Lane / Park Road to the north east, along a private drive that currently serves 5 dwellings. The drive runs adjacent to the length of Chestnut Grove to the west. Moorthorpe Cottage and its associated curtilage lies to the north of the proposed dwellings and is the property closest associated with the development. The site area to be developed is grass and shrub land, bordered by mature trees and woodland

groups protected by Preservation Order. The private access drive is hard surfaced. Land levels rise gently from east to west.

3.1.3 The immediate locality features large family dwellings set in spacious grounds within a wider area characterised by woodland and adjacent countryside. A woodland belt separates the application site from dwellings located along Whitehall Road to the south east, beyond which lies the Grade II listed Whitehall Park. The Grade II listed property 'Woodlands' is located to the north of the site.

3.1.4 Darwen town centre is approximately 1.3 miles to the north, accessible by public transport along the A666. It offers a typical range of amenities and includes public rail and bus transport hubs which provide convenient connections to locations such as Blackburn, Bolton, Preston and Manchester. The M65 motorway lies approximately 3.2 to the north.

3.2 Proposed Development

3.2.1 Outline planning permission is sought for a residential development of 9 detached houses. The application considers the principle of residential development, the layout of the proposed dwellings and access from the public highway into the site. The remaining details relative to appearance, design, landscaping and scale (including bedroom numbers / internal layout) will be considered under a subsequent application for *Reserved Matters*.

3.2.2 The proposal seeks to deliver a high quality development of family sized detached dwellings set within proportionate sized plots; each including either detached or integral garages. Highway infrastructure is laid out in cul-de-sac form with appropriately incorporated turning facilities. Retained woodland will define the landscape characteristics of the outer perimeter of the development. Detailed additional hard and soft landscaping will be addressed at reserved matters stage.

3.3 Development Plan

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

3.3.2 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:

3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 - Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS8 – Affordable Housing Requirement

- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS18 – The Borough’s Landscapes
- CS19 – Green Infrastructure

3.3.1 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 28 – Development Opportunities
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

3.4 **Other Material Planning Considerations**

3.4.1 Green Infrastructure (GI) SPD

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’. In particular paragraph 59 which advocates the Government’s objective of significantly boosting the supply homes through delivery of a sufficient amount and variety of land where it is needed; that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 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;

- Ecology;
- Trees;
- Amenity impact;
- Affordable Housing
- Green Infrastructure

Principle

- 3.5.2 Members are advised that the principle of residential development is guided by the sites allocation as a *Development Opportunity*; as set out in Policy 28/10 of the Local Plan Part 2. The policy supports development of *very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland*. Very small scale is not defined by the Policy, though it is considered that the layout of the 9 dwellings and associated infrastructure as proposed is consistent with the principles of *very small scale*. In this context, a previous permission for a single dwelling within the allocation is included in the assessment (ref. 10/16/1349). It should also be recognised that the site allocation is significantly larger than the application site and that the principle of residential development within the entirety of the allocation is accepted; notwithstanding a wider assessment.
- 3.5.3 It is recognised that the proposal involves loss of some trees and woodland. This is subsequently addressed within the 'Development and the Environment' body of the Report.
- 3.5.4 Although only a proposed layout is considered under this application, rather than a detailed assessment of scale and design of house types, it is sufficiently evident that the house typology presented is consistent with the aims and objectives of providing family sized homes to help widen the choice of house types in the Borough; as advocated by Policies CS7 and 18.
- 3.5.5 Policy CS8 and the GI SPD require new housing development to contribute toward affordable and public open space within the Borough, including new provision or enhancement of existing public open space. The locational nature of the site, as a transition between urban and rural, directs that affordable housing is not expected to be provided on site. Instead, an off-site contribution is considered appropriate. A GI contribution will be appropriately spent on enhancements in the locality. Members are advised that the applicant has committed to a Section 106 Legal Agreement for contributions equivalent to 20% affordable housing and £1406 per unit for GI; subject to planning permission.
- 3.5.6 A representation was received 5th June on behalf of the applicant, highlighting Outline permission granted in 2015 for 22 dwellings at a similar nearby residential development opportunity site at Ellerslie, off Bury Fold Lane, with a site area of 2.3ha; comparable to the 2.27ha site area of the Long Clough allocation subject of this assessment. The site allocation policy (for Ellerslie) (Policy 28/12) sets the accepted principle of 'small scale residential'. It is suggested that this permission (for 22 dwellings) is a precedent setting for 'small scale' and that the 9 dwellings proposed are, therefore, justified as 'very small scale'. Moreover, standard rural density for

housing is cited at circa 12/13 houses / acre, in contrast with the site allocation density of 1.8 houses per acre. It should, however, be recognised that the site lies within the urban boundary; albeit adjacent to countryside; in accordance with the Local Plan Part 2.

3.5.7 Local residents have expressed concern as to the principle of a residential development in this locality. Members are advised that the sites Local Plan Part 2 allocation as a *Development Opportunity* ensures that a residential development is acceptable in principle; as justified by the aforementioned approach. The following matters are also required to be assessed as part of this outline application:

3.5.8 Amenity

Policy 8, supported by the SPD, requires a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

3.5.9 As an outline application, amenity assessment is limited to the proposed layout which seeks to set the position of the dwellings, the extent of their curtilage and highway infrastructure. The layout demonstrates appropriate separation standards will be achieved between each proposed dwelling and existing dwellings adjacent to the site, notwithstanding any modest land level differential throughout the site; in accordance with separation standards set out in the SPD. Mutual levels of residential amenity will, therefore, be achieved to safeguard from overlooking and dominance. Moreover, retention of the woodland group identified as W3, will form an appropriate physical separation between the development and properties to the south along Whitehall Road.

3.5.10 Although the proposal will intensify vehicular use of the private drive, the level of activity is not considered to result in significant noise impact on existing adjacent residents.

3.5.11 Application of planning conditions are recommended by the Council's Public Protection consultee to require assessment of underground conditions to guard against ground contamination and provision of electric vehicle charging points to mitigate air quality impact (in accordance with the Council's adopted *Air Quality Planning Advice Note*). A degree of disturbance during construction phase of the development is acknowledged as inevitable. This disruption is, however, temporary and considered acceptable, subject to application of a condition limiting hours of construction, in order to secure appropriate noise and vibration protection during construction works.

3.5.12 Environment

Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.

3.5.13 Trees

The proposal involves removal of individual trees and woodland within the site, subject to Tree Preservation Order *Moorthorpe Whitehall TPO 2003*. Notwithstanding the limitations set out in policy 28 in relation to trees on the site, their amenity value is appropriately assessed against the primacy of Policy 9, which sets out that; *development will be expected to incorporate existing trees into the design and layout of the scheme. Where it appears likely a proposed development will result in the loss of or harm to **trees of significant amenity value, nature conservation or intrinsic value**, the Council will consider making a Tree Preservation Order to ensure that due consideration is given to the importance of the trees in the planning process.* Accordingly, a Tree Survey and proposed Tree Removal Plan have been submitted in support of the application. The submission identifies proposed removal of 4no. individual trees within the site, identified as T31, T32, T33 and T34 on the Tree Removal Plan, a woodland group identified as G5 and partial removal of woodland group identified as G6. The submission has been peer reviewed by Urban Green, in the context that the principle of residential development is accepted, on account of the sites allocation. The review is summarised as follows:

3.5.14 It is considered that T31 (Grey Willow), detailed as a category C tree, is of low amenity value that should not constrain the development.

3.5.15 T32 (Sycamore) is detailed as a category A tree. This categorisation is, however, considered very generous and should be considered a category B, due to its impaired condition. Consequently, its retention beyond 40 years is unlikely. Moreover, it is accepted that the proposed highway infrastructure work would encroach within the Root Protection Area (RPA) of this tree to such an extent that retention would not be advisable.

3.5.16 T33 (Grey Willow), detailed as a category U tree displays significant decay. Its condition is such that it cannot realistically be retained in the context of the development.

3.5.17 T34 (Sycamore) is detailed as category B tree with potential to develop into a category A worthy of retention. It is recommended that, during construction work, the ground within the RPA should be excavated using hand tools under supervision of an Arboricultural Consultant to assess the extent of the root proliferation, in order to inform a decision on retention or removal of the tree.

3.5.18 G5 is a mixed group of Lime, Oak, Beach, Horse Chestnut and Sycamore trees. The Lime trees are considered inconsistent with the nature and form of the rest of the woodland on the site. Moreover, removal of G5 would visually expose the Northern aspect of W3, which is a high quality natural and well-developed group. In this context, G5 should not constrain development.

3.5.19 The 'overstorey' trees within group G6 should be retained. The 'understorey' rhododendron and standing deadwood should not constrain development.

- 3.5.20 Any other suppressed, dying, diseased or dangerous trees should be removed.
- 3.5.21 Comment was received from the Woodland Trust on 28th May 2019, recommending the introduction of a 15m 'buffer zone' between the woodland and the built environment; notwithstanding that the Trust accepts that the area of woodland within the site (Long Clough) is not designated as ancient on Natural England's Ancient Woodland Inventory. During a subsequent discussion with the Trust, it was accepted that the representation was made very late in the planning process and that implementation of the recommended 15m buffer would likely be unreasonable, on account of the extent to which the proposed layout would be compromised and the sites allocated status as a Development Opportunity; in accordance with the Local Plan Part 2. Moreover, the absence of such a recommendation from the Council's Arboricultural and Ecology consultees is also recognised.
- 3.5.22 Members are advised of an appeal decision in 2016, allowing the erection of a single dwelling, within the site allocation (adjacent to Moorthorpe Cottage; ref. 10/16/1349 – as aforementioned), despite the loss of a number of trees within a protected woodland. In determining the appeal, the Inspector applied very significant weight to the absence of a robust assessment of the trees amenity value, and to the merits of a Woodland Management Plan to promote future sustainability of the remaining woodland. The above arboricultural assessment is considered to appropriately establish the amenity value of the trees to be removed as a result of the proposal; citing their limited value as justification for removal; in the context of the sites allocation.
- 3.5.23 Consequently, in accordance with this independent review, no objection is offered against the proposed development; subject to a review of T34, retention of 'overstorey' trees within G6 and tree / woodland protection measures; to be secured through application of appropriately worded conditions.
- 3.5.24 Ecology
Policy 9 set out that; *development likely to damage or destroy habitats or harm species of international or national importance will not be permitted. Development likely to damage or destroy habitats or species of principal and local importance will not be permitted unless the harm caused is significantly and demonstrably outweighed by other planning considerations and an appropriate mitigation strategy can be secured.* Accordingly, an Ecological Impact Assessment has been submitted in support of the application. The submission has been peer reviewed by the Greater Manchester Ecology Unit (GMEU), in the context that the principle of residential development is accepted, on account of the sites allocation. The review is summarised as follows:
- 3.5.25 Improved or semi-improved grassland on site are considered *species-poor* habitat types. Their loss is not, therefore, considered to be of ecological significance.

- 3.5.26 Notwithstanding the aforementioned loss of trees / woodland, the development will not affect any specially designated nature conservation sites. The ecological value of the retained surrounding woodland is, however, recognised for its high quality, providing habitats with high value for conservation. Accordingly, minimum buffer protection zones will be required between retained trees and the built development. Robust tree / woodland protection measures during construction phase of the development will be required, to be delivered through a Woodland Management Plan; secured by condition
- 3.5.27 Public open space within the development confines will be limited. Public access into the adjacent woodland should be appropriately managed as part of a holistic Woodland Management Plan.
- 3.5.28 A replacement tree and shrub planting scheme across the site will be required to help mitigate against the loss of trees / woodland.
- 3.5.29 It is accepted that the development is unlikely to affect the conservation status of Otters, Great Crested Newts, Bats or Reptiles. No further survey work is, therefore, required in this regard. However, on account of the highly protected status of Reptiles and Great Crested Newts, further precautionary methodology during construction phase of the development and beyond is considered justified, in the form of adoption of Reasonable Avoidance Measures (RAM's).
- 3.5.30 Badgers are known to be present in the area. On account of their mobile habitat and protected status, including their setts, (under the terms of the Protection of Badgers Act 1992), a pre-construction Badger Activity Survey is required, to inform the need or otherwise of a Method Statement, detailing measures to be taken to avoid harm to Badgers and their setts. It should be acknowledged that a License may be required from Natural England to implement an approved Method Statement; independent from the planning process.
- 3.5.31 In view of the recognised presence of invasive plant species on site, a Method Statement is required to ensure appropriate control / eradication of species during the course of development.
- 3.5.32 All additional surveys and Method Statement's shall be undertaken by a suitably qualified ecologist.
- 3.5.33 All birds and their eggs are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). Accordingly, no tree felling or vegetation clearance required to facilitate the development, should be permitted during the optimum bird nesting season of between March and August, unless the absence of nesting birds is established beforehand.
- 3.5.34 Additional comment was received from GMEU, on 25th May 2019. This followed receipt of verbal communication to GMEU from a local resident,

expressing concern at the ecological impact of the development and a subsequent site visit (undertaken by GMEU).

3.5.35 The following summary recommendations were put to the LPA by GMEU following their site visit:

- Safeguarding areas of more interesting flora, particularly those closer to the woodland edges, through making use of the proposed 'buffer zone' between the built development and the surrounding woodland and through appropriate reduction in rear private garden space.
- Introduction of additional native species planting reflecting the plant species present in the southern field, to be delivered through the required landscaping scheme; secured by condition.
- Off-site Green Infrastructure, as provided through Section 106 contribution, to include new native species planting.

3.5.36 These comments are not considered to fundamentally alter the initial assessment from an ecological perspective. The stated recommendations can be secured through the Woodland Management Plan and Landscaping conditions as set out in paragraph 4.1 of the main report.

3.5.37 Consequently, in accordance with this independent review, no ecological objection is offered against the proposed development; subject to all surveys and protection / mitigation methodology to be secured through application of appropriately worded conditions.

3.5.38 Drainage

Appropriate drainage methodology is required to be implemented, with foul and surface water to be drained on separate systems. Surface water drainage shall be achieved in accordance with the non-statutory Technical Standards for Sustainable Drainage Systems (March 2015); to be secured by condition.

3.5.39 Highways

Policy 10 requires that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced, and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.40 A Highways and Transport Technical Note (TTN) has been submitted in support of the application. The proposal is accepted as sufficiently modest so as not to warrant a more detailed formal assessment of associated transport impacts on the wider highway network.

3.5.41 Access to the site is by means of a private access road that currently serves Moorthorpe Cottage and 4 other dwellings. The Council's highway's consultant expressed initial concern at the restricted width of the access road. Whilst a single passing point is proposed adjacent to plot no. 1, no other passing points are achievable, on account of the limited width of the access road and third party ownership of land either side.

- 3.5.42 A representation received on the 28th May 2019 queries the width of the private access road along its length; in particular the measurement around the 90 degree turn. Members reiterated this concern at the May meeting. Consequently, the width of the road was re-assessed by Officers at a site visit undertaken on 4th June 2019. Measurements across the width of the road were taken at 5m intervals, from the gate posts at the entrance up to Moorthorpe Cottage. Measurements taken represent the approximate width of the metalled surface, which is somewhat difficult to establish due to vegetation growth on either side. The exercise was witnessed by local resident Mrs Ahmed and the measurements mutually agreed. The principle width between the gate posts is recorded at 3.7m; in accordance with the measurement represented in May's report. The narrowest point between the overhang at the top of the gate posts is circa 3.5m. The width of the road thereafter varies between a minimum of 3.9m and a maximum of 4.7m, up to the c.90 degree turn that leads into the confines of Moorthorpe Cottage. The 'sweep' at the turn is measured at a maximum of 6.9m, narrowing to 5.9m between the gate post at Moorthorpe and the kerb edge. Measurements thereafter, taken across the width at 10m intervals, establish a minimum of 3.7m and a maximum of 4.6m.
- 3.5.43 The Manual for Streets publication advocates a minimum width of 4.1m for 2 cars to pass side by side on a straight road. It is accepted that the majority of vehicles using the access road will be private cars. A maximum increase of 3 vehicles per hour at peak times is anticipated by the TTN, amounting to average peak hour flows of 1 vehicle every 8.6 minutes along the access road. The volume of additional traffic is considered to be manageable, regardless, of the narrowest 3.9m width of the access road up to the 90 degree turn, given that this measurement is present at only a single 5m interval in a total of 32 intervals measured. Every other measurement is equal to or in excess of the minimum 4.1m passing width. Beyond the c.90 degree turn, width is accepted as consistently narrower than 4.1m, at generally 3.7 / 3.8m. A passing point is, however, proposed in relatively close proximity to this length of the access, just beyond the entrance into Belthorpe which is considered to alleviate the threat of excessive vehicular passing conflict within this stretch of the access; particularly in the context of the site allocation and acceptable principle of residential development. Whilst the position is accepted by the Highways consultee, additional concern has been expressed as to the potential for larger vehicle conflict. Such conflict is, however, likely to be sufficiently infrequent to avoid excessive conflict.
- 3.5.44 In order to support pedestrian safety, a delineated footway is recommended along the length of the access road. The footway will form a shared surface with motor vehicles.
- 3.5.45 Submitted tracking details demonstrate appropriate 3 axle refuse manoeuvrability within the site.
- 3.5.46 A service verge should be included within the new internal road, in the form of a 2m strip to accommodate all services, to facilitate eventual adoption. An

800mm service strip would be deemed acceptable in the event of it hosting only street lighting columns.

3.5.47 Although off-street parking will be fully assessed a *Reserved Matters* stage, the proposed layout offers appropriate provision in the form of driveways and internal or detached garages.

3.5.48 A Construction Management Statement will be required to safeguard highway users and residential amenity alike, during construction phase of the development.

3.5.49 Notwithstanding Highway consultee's concern at the access arrangements, no fundamental objection is offered. Accordingly, refusal of the application on highways efficiency / safety impact is not considered to be justified; on account of the site allocation as a residential development opportunity, and subject to the aforementioned outstanding matters being secured through application of appropriately worded conditions.

3.5.50 Design / Heritage

Policy 11 requires a good standard of design and 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.

3.5.51 Policy 39 requires development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset.

3.5.52 A full design assessment will be undertaken at *Reserved Matters* stage, relative to the built form of the dwellings, landscaping and impact on character and appearance. The Grade II listed property 'Woodlands' and Grade II listed Whitehall Park are located in proximity to the application site, to the north and south respectively. Impact on the designated heritage assets, therefore, needs to be considered. Woodlands lies physically separate to the application site, visually separated by mature trees. The proposal, notwithstanding the absence of scale and design details, is accepted as not unduly impacting on any vista into or out of the property. These same principles apply to the setting of Whitehall Park which is physically and visually separated by mature trees to the south of the application site. Accordingly, the development would not have any adverse impact on the designated heritage assets. Moreover, the assessment is relative to the accepted principle of residential development by virtue of the site allocation. A more detailed heritage appraisal will, however, be undertaken at *Reserved Matters* stage; supplemented by submission of a Heritage Impact Assessment to be secured by condition.

3.5.53 Other Matters

During assessment of the application, representation was received confirming third party ownership of the private access road ie. land outside of the applicant's ownership. Consequently, a Certificate B declaration has been

served on each alternative owner; ensuring the correct procedural planning process has been followed. Members are advised in this regard that ownership of the access track is not fundamental to the determination of the application. Any right of access to be considered in conjunction with this proposed residential development is, therefore, a private legal matter independent from the planning process.

3.5.54 Summary

This report assesses the full range of issues pertaining to the Outline planning application for the residential development of land at Moorthorpe Cottage, Darwen. In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation.

4.0 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 £35,154; broken down as follows:

- **£1406 per unit towards Green Infrastructure in the area (details of where to be spent to be confirmed) and**
- **£2500 per unit towards provision of affordable housing in the borough.**

(ii) Conditions which relate to the following matters:

- Application for approval of all reserved matters must be made not later than the expiration of three years beginning with the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the date of the approval of the last of the reserved matters to be approved. Details of the following matters (subsequently referred to as the reserved matters) shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works:-
 - a) Appearance
 - b) Landscaping
 - c) Scale
- Submission of external walling and roofing materials
- Submission of boundary treatments
- Submission of Arboricultural Method Statement and of tree protection measures
- Submission of Woodland Management Plan
- Retention of G6 'overstory' trees
- Hand tool excavation of tree T34, supervised by an Arbicultural Consultant to assess extent of root proliferation to inform decision to retain or remove
- Submission of a landscaping scheme to include compensatory tree planting

- Submission of a Reasonable Avoidance Measures scheme relative to preservation of reptiles and Great Crested Newts
- Submission of a Badger activity survey
- Submission of a Control / Eradication Method Statement for management of invasive species
- No tree felling or vegetation clearance between March and August, unless the absence of nesting birds has been established
- If construction of the development has not commenced within two years of the date of submitted Extended Phase 1 Habitat Survey (Pennine Ecological – December 2014), an updated Ecology Report shall be submitted to and approved in writing by the Local Planning Authority. Any required mitigation shall inform the Biodiversity Enhancement Strategy and landscaping strategy for the development
- Foul and surface water to be drained on separate systems
- Submission of a sustainable urban drainage system (SUDS) and management plan to cater for surface water
- Submission of Heritage Impact Assessment
- Submission of a delineated footway scheme along the access road
- Submission of management and maintenance details for new highway infrastructure within the development
- Submission of highway infrastructure engineering details including drainage, street lighting and street construction
- Submission of a scheme delineating a service verge
- Submission of a Construction Management Statement
- Visibility splays not to be obstructed by any building, wall, fence, tree, shrub or other device exceeding 1m above crown level of the adjacent highway
- Contaminated land - submission of detailed proposals for site investigation
- Contaminated land – submission of validation report demonstration effective remediation
- Unexpected contamination
- Provision of dedicated motor vehicle charging points
- Submission of dust suppression scheme
- 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
- Permitted Development Rights to be removed
- Development in accordance with submitted details / drawing nos.

5.0 PLANNING HISTORY

5.1 The following historic planning application is of relevance to the proposal:

10/16/1349 – Approval of a single dwelling – refer to paragraph 3.5.22.

6.0 CONSULTATIONS

6.1 Arboricultural consultee: Urban Green

No objection subject to tree protection measures; retention of 'overstorey' woodland group G6; hand tool excavation of root protection area to tree T3 and no tree felling during bird nesting season

6.2 Ecology consultee: GMEU

No objection subject to reasonable avoidance measures for reptiles; Badger activity survey; invasive species management methodology.

6.3 Drainage

No objection subject to foul and surface water drainage schemes.

6.4 United Utilities

No objection subject to foul and surface water drainage schemes.

6.5 Public Protection

No objection subject to:

6.5.1 *Amenity*

Recommended 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.
- Contaminated land

6.5.2 *Air Quality*

- Provision of a dedicated electric vehicle charging point at all dwellings.
- Limitation of gas powered boiler types to control emissions.

6.6 Highways Authority

No objection subject to;

- Submission of Construction Method Statement.
- Delineation of footway and provision of service maintenance strip

6.7 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 and GI.

6.8 Environmental Services

No objection

6.9 Public consultation has taken place, with 42 letters posted to neighbouring addresses and display of three site notices on 17th November 2018 and again on 16th January 2019; as a result of amended detail being submitted. In response, 45 representations were received and 3 general comments which are shown within the summary below.

6 CONTACT OFFICER: Nick Blackledge, Planning Officer – Development Management.

7 DATE PREPARED: 7th June 2019.

8 SUMMARY OF REPRESENTATIONS

Objection Mrs Lynda Ahmed, 14 Chestnut Grove, Darwen Rec – 18/01/2019

- > Following your letter sent on the 10/12/2018 I write to register my
- > objections to this planning application for the following reasons and in order of concern and is therefore addressed in the main on planning grounds/ and highways.
- >
- > 1) Access to the proposed application is totally unsuitable due to safety reasons...the road at the side of my house measures only 13ft 2 inches is single width with no ability for passing cars.
- > There is a 90degree bend, a blind bend which is totally unacceptable on safety grounds...inability to see oncoming vehicles, inability to see children playing/people walking up the rd, inability to see any small service vehicles coming up the said drive.
- > The entrance to the drive is is both narrower than stated and is unsafe due to the posts on either side.
- > The road is in an unfit state of repair and safety... Surely of an unacceptable standard for the highways authority.
- > Stuart Hammond from the cleansing depart should refuse this planning application due to the size and safety of these refuse wagons not being able to serve this development....as incorrectly stated ..point 9... The refuse wagons are not allowed up the said rd due to safety and accessibility ... Without implicit consent they use Chestnut Grove...a private road to ...to serve these customers who bring their bins down to the top of park rd and refuse men move them through a hedge onto our drive to their wagons until two weeks ago I used to take all these bins back!
- > Service vehicles, delivery vans, utilities etc would find it difficult and unsafe to serve this proposed site ...lane only wide enough for one vehicle at a time .
- > Emergency vehicles especially a fire engine would be unable to serve this development due to inability to turn the acute bend...it would have to be shunted up.
- > The services in place at present are ancient and at times ineffective ...drains for sewerage are absolutely not suitable being built over 100 yrs ago to serve only 5 properties. Surface water regularly comes off the proposed land through my garden and down chestnut grove due to ineffective drains and drainage of applicants lawn.
- > Other services eg gas electricity and water would need major development if it was to serve 9houses.

- > Up the proposed drive and of course my drive chestnut grove there is no street lighting and no mention of any street lighting in the plan...surely safety must be an issue.
 - > The access to this drive is via a small rd with poor visibility and rd surface...bearing in mind there are two schools yards away from this entrance ...one school is served by taxis which use this unadopted highway...a safety issue for the children and care givers.
 - > There is of course a tree preservation order on most of these trees to safeguard the value that trees play in ecology.
 - > As you can see there are many reasons why this planning application should be refused...access and safety being the main issues.
 - > NB. Within this planning statement...there is reference to the use of Chestnut Grove/ my garden being used for access... May I suggest to you that this is a private road, moreover it is a private garden which you will find is not for anyone to use as access .
 - > I trust that you will read and digest my objections and comments and realise these are strong reasons to reject planning application in its entirety .
-

Objection Jonathan Ashton, 12 Chestnut Grove, Darwen, BB3 2NQ

Good Evening,

I have received notification of amendments made to planning application 10/18/1153.

Despite the amendments I still wish to object with the reasons outlined in my original objection that can be found below.

Kind Regards

Jonathan Ashton

12 Chestnut Grove

BB3 2NQ

Sent from my iPhone

Good Evening,

I would like to place on record my objections to the planning application ref - 10/18/1153 on the following grounds:

In the documentation it states that the access road is wide enough for a car to pass a large vehicle such as a bin wagon. This is wholly inaccurate, two cars cannot pass safely without encroaching onto private land on either side of the road. In fact the bin wagon does not use the access road due to this and the bins from the nearby properties to Moorthorpe Cottage are brought down the road and left on the roadway causing an obstruction. The bins are emptied outside my house on Chestnut Grove, and a further 9 bins, the obstruction caused to the roadway and the additional noise and disturbance would be unacceptable. I'm sure the council can verify that this road is not used or on a bin wagon route.

There are also no feasible passing points on the access road that are not private driveways and this is unacceptable for a road of that length.

The lack of lighting on the road and it's narrow nature would also present a significant hazard to any pedestrians on the road during hours of darkness.

If cars attempted to pass they would pull off the designated roadway onto private land that the mains sewer runs down, over the years there have been numerous occasions where this sewer has overflowed or been blocked by damage / tree roots. The repair works have been funded by local residents, and I believe a further 9 properties would create significant additional use and issues which in turn could create significant environmental health issues.

The new property that has been built has also had to utilise a tractor and trailer to get materials to site due to large vehicles being unable to make the tight right hand turn that borders 14 Chestnut Grove. During the construction phase the additional traffic, noise and general nuisance would create significant disturbance to all residents and would also badly damage the road surface especially on this corner and with the additional traffic generated following the build would create disturbance to

a very quiet area. The road is a private road and all repairs funded by residents the additional use would have unacceptable financial implications on the residents.

The area is also surrounded by trees, many of which have TPOs, and I would be unhappy for any to be affected or damaged during the build.

To summarize, I object on the grounds of;
Severely inadequate access / passing points / turning points
Noise and disturbance to existing residents
Potential loss / damage of trees
Environmental / sewerage concerns.

Kind Regards
Jonathan Ashton

Objection Mrs J.M Johnston Rec – 21/01/2019

Dear Mr Blackledge

With reference to the amended version of this application (ref your letter dated 16 January 2019) I wish to make the following comments.

The site is an area of grazing land and woodland which adjoins Darwen Moor, and as such provides a valuable habitat for many species of native flora and fauna including foxes, deer, bats and hedgehogs, all of which I frequently see in my garden. It is also a nesting site for birds. It is an area of unique beauty, and should not be spoiled. Local people have worked as a group for many years to keep this part of Darwen as lovely as possible. All generations - elderly people, parents and children - have been involved, and it would be a shame to lose this. Why should we as a community allow one person to desecrate this beautiful area of Darwen after years and years of hard work to maintain its natural beauty?

Objection Mr C Royle, 10 Chestnut Grove, Darwen Rec – 28/05/2019

Dear Planning,

Regarding the Details of Planning Application (Amendment) I would like to confirm after eventually finding the amendments on your web site that I continue to object to this application in its entirety. Also after having more time to consider this application as we had limited time over the Christmas Holiday I believe that Blackburn's own ecology policy is CS15 and point 3 states that general habitats which may support species of principal importance either for shelter, breeding or feeding purposes (both natural and built features), will be protected from development, in accordance with the Environmental Strategy set out in Policy CS13. This is woodland with deer, rabbits, badgers and other animals and this policy should be considered carefully with regards to this application. Also has the applicant completed the correct ownership certificate of the road or is this the amendment as it is somewhat confusing to those of us not up on Planning. Finally I would consider that although the applicant does have access on the Private Road the proposed properties will not and this would be a civil matter not planning.

Objection Mr & Mrs Glynn, Montrose, Whitehall Road, Darwen Rec – 28/01/2019

Additionally this track is narrow, unsuitable for two vehicles passing, with 3 blind spots. Also the nature of the tight turn, especially where the drive meets Moorthorpe House, access by longer vehicles is impossible. This track is bordered by private land with large TPO trees either side and is totally unsuitable for further vehicles.

3. 3.5/3.6 of the planning statement mentions:

There are no public rights of way on the site although a public footpath is located to the south of the woodland strip to the south. SSSI known as the West Pennine Moors is located to the west of the site. **It is possible for the proposed development to connect to the moors via a dedicated footpath.**

The red edge of the plan does not encompass a “dedicated footpath” cutting through the ancient woodland to the south of the proposed development. The planning statement advocates taking care of the ancient woodland and its diversity, cutting a footpath through it is a contradiction and would be a travesty. The red edge of the plan stops before any “possible footpath” and no footpath is shown on any of the plans. I hope the council show real commitment to protecting the woodland and request the removal of the suggestion of any footpath linking to the moors from any development. The ecology of the area is diverse with many TPOs and designated originally as an area of “special landscape” and needs protecting.

4. Additionally, Japanese Knotweed is present, very, very close to the applicant’s land, close to the start of the public footpath to the moors, at the South of the plan. Any footpath would risk spreading this invasive species into the woodland if it hasn’t spread already onto the applicant’s land.
5. I also question the electricity supply which runs through the woodlands, via pylons overground, down to properties on/near the applicant’s land. If these powerlines are to be used to support any development I suspect they will have to be increased and buried, again disrupting the natural habitat.

6. The ecological report only covers the time the site was visited, the area is regularly used by Roe Deer, bats are plentiful and quite possibly roosting on site (a full bat survey should be completed, before any further consideration. Bat activity is curtailed in the winter months and would need to be surveyed when active again in late spring/early summer). Also the woodland has a large display of native bluebells in the spring.

Conclusion

- No public highway to the proposed development, majority of track not owned solely by applicant.
- Access to site is not of an adoptable standard and unsuitable for further vehicles. The Highway Survey is inaccurate in parts, with the access lane narrow with 3 blind spots and dangerous and unsuitable for larger service vehicles.
- Planning statement suggests a possible footpath joining development to public footpath at the south. This isn't incorporated into any of the red edged boundary and completely at odds with the applicant's wish to preserve the integrity of the remaining ancient woodland.
- Presence of Japanese Knotweed nearby a risk of contamination onto site, if not already on the land edged in blue on plan (even more so if a footpath is built).
- Presence of bat species and the need to establish whether bats are roosting on site. Protection of a unique area designated originally as a "special landscape" with many TPOs.

We request that consideration is given to all the points above and the planning application is refused on the above grounds.

Objection Mark & Charlotte Taylor, Dunkeld House, Whitehall Road, Darwen Rec – 30/01/2019

Dear Sir, This letter is to further object to the amendment to the proposed "development" of Moorthorpe land. Nine houses? where is the space? There is barely space for one. Access is none existent and Moorthorpe Drive is totally impractical. If there are nine ,four bedroom houses, how many cars will that generate? I would estimate around three per house, and that is before visitors ect. Light pollution and noise. When you look at the the slickly produced planning application you would think they were doing us a favour . The land also has a very steep incline which is not apparent when viewing on the page. All the people from planning need to physically view this land to realise its folly.

Thank you

Objection Joanne Mackey, Lynfield, Park Road, Darwen Rec – 30/01/2019

Re: amended plans

Thank you for your correspondence regarding the amended plans.

My position has not changed as the only amendment is that you have now included the road which does not belong to the applicant.

As co owner of this road I am legally responsible for its maintenance and therefore have the right to refuse access to the heavy plant and machinery that a build of this size will require, I do not give my consent either to this road being excavated to install the services these properties will require.

All my previous objections still stand and I object to this proposal in its entirety .

Objection Judith Wright, The Greg, Whitehall Road, Darwen Rec – 30/01/2019

27-1-19
Ref 16/18/1153 and amended planning
application re. land adjoining Moorhosp
Cottage.

Mr. W. Blackledge,
Growth and Development Dept.
Blackburn w. Darwen Town Hall
Blackburn
BB1 7DY

Dear Mr. Blackledge, I submit my objections to the

above planning application. The private road now designated for access is quite unsuitable for heavy traffic. It is a single track lane too narrow for two vehicles to pass, there are no passing places and has a sharp, blind corner; refuse trucks must reverse up part of the drive and get no further; emergency vehicles answering a call from the proposed development could not reach their destination.

Furthermore, we must protect our shrinking green areas and biodiversity. The land under consideration has fine mature trees; is the area not covered by a T.P.O? The whole area is a haven for wildlife - deer, badgers and bats would not survive major disturbance, noise and human activity. The same goes for a wealth of

bird life = jays, a resident pair of crows, redpolls, nuthatches, goldfinches, wrens, siskins, greenfinches, woodpecker, tawny owls, long-tailed tits, coal tits, blue tits, great tits to name but a few.

Lastly, part of the proposed site would mean the disturbance to, if not the loss of, extensive carpets of native bluebells. Are they not protected by the Wildlife and Countryside Act (1981)?

I hope the application will be denied

Objection Victoria & Robert Eyre, Parkland, Whitehall Road, Darwen Rec – 30/01/2019

Regarding Blackburn with Darwen outline Planning Application 10/18/1153 amendment dated 15th January 2019

To whom it may concern,

This is a letter of objection to the outline Planning Application 10/18/1153 land adjoining Moorthorpe Cottage BB3 2LQ amendment dated 15th January 2019.

The amendment has not made any changes which change our objections listed below so we still object to the outlined plan amendment.

We purchased the property Parkland on Whitehall road in October 2016, this purchase was based on the comfort that we would never be overlooked due to Whitehall park being in front of us to the south and the woodland at the back of us to the north. There was no information on the return of searches from our solicitors which suggested this land to the rear of us could be built on. The development provisional plan completely breaks up what is a natural habitat for all kinds of wildlife species.

This proposed development will clearly cause loss of privacy as the proposed houses will be in line with the end of our back garden and in the winter months when the leaves are shed visibility to our back garden and vice versa will be present.

Light pollution to the rear of our property may also be an issue throughout the winter months

It appears for the character of the area at present that the developer is trying to maximise the number of houses on the land without any thought for appearance, disturbance and the wildlife which lives there.

The development looks completely out of keeping when compared to the existing houses on Whitehall road and Chesnut Grove.

The woodland is awash with bats, owls and deer to name but a few, to put a housing development in the middle of this will only have a negative effect on this wildlife, it will take the shelter away from the deer in Winter, it will create more artificial light at night which will have a negative effect on owls and bats and it will no doubt take the roosting areas away from bats which are ever present in woods.

Reading through the, 'Moorthorpe Cottage Tree Survey and Constraints report' it clearly states in section 3.8 that all trees are subject to a Tree Preservation order within the proposed development, yet further down in the document in section 5.17 it states the area of trees Group G5 could be a candidate for removal, how is this when these trees are clearly covered by a TPO?

There is a fear that the narrow woodland (W3 and G5 Drawing 1 Tree Constraints plan) between the rear of our property and the open grass land in the proposed development will be compromised and possible trees felled which shouldn't be as they are covered by a TPO. This will have a negative effect on the general surroundings of Whitehall road and the surrounding existing properties as it is the trees and park which make the area so beautiful.

In summary the objection to the proposed development is;

- Out of keeping with surrounding land, buildings and properties
- It will have an adverse effect on all sorts of wildlife and plant life
- It will affect the privacy and will overlook residents on Whitehall road
- The developer will inevitably remove trees which are protected under the TPO in areas around the perimeter of the proposed development
- It will cause light and noise pollution to the area

We believe a housing development in the middle of a wood on the edge of Darwen Moors is not something which should be approved and would be irresponsible to do so, due to the points made above,

Objection Mrs B A Starbuck, Belthorpe, Park Road, Whitehall, Darwen, BB3 2LQ

Objection to Planning Application Adjoining My Property
Ref 10/18/1153

Re Amendment 16th January 2019

Dear Sir,

I find the fact that the initial outline plan did not include the correct detail on the proposed access to the development shows a level of incompetence on behalf of P Wilson & Company. In addition on the Planning portal they state that Woodlands is a Residential Home. It has not been a residential home for over 12 years. It is now a school. The company show a lack of attention to detail in these matters and my my points raised below reiterate that.

My objection to the proposed development remains the same as stated in my previous letter. **'The access to the proposed development is totally unsuitable. The drive is a single track Private Road with no street lighting, pavement or passing place. The road is Privately owned & maintained by the residents that share the drive. At the entrance to Moorthorpe Drive there are 2 stone gate posts that are less than 3.5m apart.'**

There is no reference on the amendment on the suitability of the access and indeed how large vehicles will be able to manoeuvre safely, pass other vehicles and not damage shrubs and trees to each side of the drive. They would also be driving over century old drains that are fragile in their current state.

I would like to see a diagram of how a 12m Rigid delivery vehicle can negotiate the Private Road through the gate posts and round the 90deg bend at the top.

There is a 'blind corner' towards the top of the drive just before the gate posts to Moorthorpe. Here the drive becomes even narrower with my driveway and the entrance to Moorthorpe Grange coming straight off it. Another blind spot for traffic passing. There is still no street lighting or pavement.

The drains from Moorthorpe, Belthorpe & Moorthorpe Cottage barely cope with the quantity of waste & rainwater now – indeed when there is a downpour the drains overflow onto and down Moorthorpe Drive.

The development would bring an increase in traffic & pedestrians that would far exceed a 'safe' environment & access and would potentially put myself & my family at risk. The increase in pollution & noise from the cars and service vehicles to & from the proposed development will have a major detrimental impact on the existing residents & wildlife in the immediate Whitehall area.

I whole heartedly am against the outline plan of the proposed development and the amendment and as co owner of Moorthorpe Drive – a Private Road am seeking legal advice.

Objection The Greg, Whitehall Road, Darwen Rec – 30/01/2019

^{BB1 757}
Dear Mr. Blackledge, I submit my objections to the above planning application. The private road now designate for access is quite unsuitable for heavy traffic. It is a single track lane too narrow for two vehicles to pass, there are no passing places and has a sharp, blind corner; refuse trucks must reverse up part of the drive and get no further; emergency vehicles answering a call from the proposed development

could not^u reach their destination.

Furthermore, we must protect our shrinking green areas and biodiversity. The land under consideration has fine mature trees; is the area not covered by a T.P.O? The whole area is a haven for wildlife - deer, badgers and bats would not survive major disturbance, noise and human activity. The same goes for a wealth of

bird life = jays, a resident pair of crows, rook, nuthatches, goldfinches, wrens, siskins, greenfinches, woodpeckers, tawny owls, long-tailed tits, coal tits, blue tits, great tits to name but a few.

Lastly, part of the proposed site would mean the disturbance to, if not the loss of, extensive carpets of native bluebells. Are they not protected by the Wildlife and Countryside Act (1981)?

I hope the application will be denied

I hope the application will be denied

Objection Mr & Mrs Perricone, Werneth Brae, Whitehall Road, Darwen Rec - 30/01/2019

Dear Mr Blackledge

Below are my objections and concerns regarding this building application. We want to object to all five of the amendments, taking into consideration comments below.

Access

Access on to and off the main straight drive way leading to Moorthorpe Cottage comes off a sharp corner onto Ross Street , this being a congested road serving Ashleigh School. Traffic surveys supporting this application do not reflect this. To access the main driveway to Moorthorpe Cottage off Ross Street there are three small tracks which converge at the two stone gate posts at the bottom of the drive enclosing a small grass triangle of TPO protected trees? The track for Print Shop then to the gate posts is only 3.3 meters wide and unsuitable for motor vehicles. The exit/entrance between the two stone posts and adjoining walls form a blind junction with the Print Shop track running across it.

The main drive way already services six large houses all with the capacity to park or garage four cars, the drive being a single track with no passing areas and the land either side being privately owned and bordered by large TPO trees. The narrowest point is 3.20 meters wide with the widest being 4.20 wide. Where the drive meets Moorthorpe House it turns sharp right at 90 degrees, thus any vehicle larger than six meters cannot access this, which is also a blind corner.

Servicing Vehicles and Emergency Services.

The refuse wagon contrary to what is stated in the application cannot access the drive way in its full length in a forward direction as it cannot turn round, it has to reverse up the drive, it frequently unseats the header stones on the stone pillars at the drives entrance. When the wagon reaches the right hand 90 degree turn at the top of the drive, it cannot access any further up. The Fire Brigade and Ambulance services can access the drive but can go no further than Moorthorpe House, they cannot turn at the top of the drive as there is no space.

Environment and Ecology.

The area of land proposed for building is an area of natural beauty and supports a diverse ecology. This includes, Deer, Bats , Owls, Badgers, Woodpeckers and a wide range of flora and fauna. It has as recently as 2012 had an extensive ecological and environmental improvement. There are many TPO trees. Losing this to housing would be a massive blow to the local environment and devastating to wildlife. There are not many stunning natural habitats in the Borough, it seems criminal to destroy this.

Incorrect Application Statements

Point 4.8 of the planning statement is incorrect; all access will be via the main drive from the Print Shop track. Point 9 and point 18 of the Highways and Technical Notes 1. are incorrect. A waste disposal wagon cannot be passed by a vehicle whilst on the drive, it cannot access Moorthorpe Cottage, it is not safe for pedestrians and cars to be on the driveway together.

Objection Mr D Duxbury, Inglewood, Whitehall Road, Darwen Rec – 30/01/2019

I am writing with regard to the above application with my objections and concerns.

Environment and Ecology

The area proposed is an area of natural beauty and supports a diverse natural habitat. There are many TPO trees which provide a habitat for Deer, badgers, Bats, Owls and many birds. The ecology system would be compromised and the impact to the environment devastating.

Access

There are many access issues on and off the main driveway which would impact on service vehicles and emergency services as well as the community and safety.

Conclusion

Access, drainage and environmental concerns highlight the inadequate nature of this application.

Objection Mr Bentley, Windy Knowe, Whitehall Road, Darwen Rec – 30/01/2019

Dear Sirs

I am writing to object to the amended plan to the original planning application for 9 dwellings at land adjoining Moorthrop Cottage you ref 10/18/1153

The amended plan now shows access from the bottom of Moorthrop Drive, but this is a private road owned by three residents on the drive.

Also the road is a single track with no lighting or pavements which would not satisfy

adoptable standards.

Has pointed out in my original objection this area to be developed is an area of special landscape with a large number of mature trees, and should not be intruded into.

Objection Richard Cross, Lynross, Ross Street, Darwen Rec – 31/01/2019

Dear Sir,

Re; Planning application 10/18/1153 Land adjacent to Moorethorpe Cottage

Below are my concerns and objections to the above application

1. Access from the main driveway onto Ross street is via a complex junction of narrow tracks including print shop track. It makes a blind junction with the print shop track.
2. Access at the bottom of the main drive gate posts is only 3 meters wide.
3. The main drive is only 4.0 meters wide.
4. Two cars cannot pass side by side on any part of the drive way.
5. There are no pavements, street lighting, gullies or gutters on any part of the drive.

6. Refuse trucks cannot turn off the main drive way at Moorethorpe House as the side drive to Moorethorpe Cottage and Belthorpe turns at virtual right angle to the main drive. Refuse trucks cannot be passed by any other person/vehicle whilst on the main drive way.

8. Emergency vehicles cannot turn off the main drive way onto the drive leading to Moorethorpe Cottage.

9. The side drive off the main drive to Moorethorpe Cottage is a blind corner/junction.

10. Moorethorpe Cottage does not own the whole drive between Moorethorpe House and Moorethorpe Cottage, Belthorpe owns half of it. see enclosed map.

11. Numerous blind driveways enter onto the main drive way.

12. More appropriate entrance to this development is at the top of Whitehall Rd.

Objection Lynda Ahmed Rec – 04/02/2019

Once again I write responding to various communication you have had with me and also the residents association.

Just to confirm I wholly object to this outline planning application /and amendments on the grounds of access, in the main ...safety...in your planning portal it gives woodlands as a home for the elderly..may I correct you in that it is a school for children who have been excluded from mainstream school. 32 children and their teachers and their taxis...use this junction road 5 days per week.. I hope you will take our objections seriously Regards Mrs Lynda Ahmed

Objection Janet Aspden, 1 Crescent Road, Surrey Rec – 05/02/2019

re: **Amended Application 10/18/1153**

Applicant Ms G Lomax

The Erection of 9 Dwellings with Detached Garages on land Adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I am the owner of the lower part of the drive at Moorthorpe, Whitehall, Darwen and the land either side of the lower part of the drive. (H M Land Registry title no. LAN 123805.)

I note that the amendment to this application shifts access to the land the subject of the application from Chestnut Grove to the drive at Moorthorpe.

The application states "The site is located off Park Road, down a private access road, the road is owned by the Applicant and 3 other owners. I am informed that the Applicant has rights of way over those parts of the access road that are not owned by the Applicant."

The above statement is incorrect, in so far as it relates to the land which is the subject of this application. There are no access rights along Moorthorpe Drive, referred to as the access road, to the parcel of land for which planning permission is sought. This can clearly be seen from the title to the Applicant's property (LAN29609).

Accordingly, it appears that this application is fundamentally flawed.

Access matters apart, my concerns in respect of this application are as follows:-

1. At present, access along the drive is to five properties. Even the level of traffic which these properties engender gives rise to problems:-
 - a. Vehicles speed down the drive and straight through the gateposts. Vehicles passing at ninety degrees at the foot of the drive to and from Print Shop travel at a similar speed. There is the danger of collisions between vehicles and also a danger to pedestrians because the track to and from Print Shop is a popular footpath leading to the Moors and is also used by horse riders and bicyclists.
 - b. Council vehicles, dustbin lorries and some delivery vehicles have difficulty gaining access along the drive due to its narrow width and the need to drive around narrow sharp corners; they use Chestnut Grove instead.
 - c. There are no passing place on the drive and with a substantially greater number of vehicles travelling to and fro, it can reasonably be expected that vehicles will drive onto the verges to allow mutual passage, thereby trespassing on the land either side of the drive. This can also be expected to impact on tree roots - see below.

If permission were to be granted, it would seem that Chestnut Grove would still be used for access, and thus this application should take in the interests of the owners of Chestnut Grove.

2. In building any properties, heavy vehicles carrying materials can be expected to cause damage to the fabric of the drive which was constructed for horses and carriages, always assuming that they are able to squeeze through the gate posts in any event. Similarly, regular use by significantly more vehicles can be expected to cause damage and give rise to the need for regular maintenance in respect of the drive for which those having access have a shared responsibility.

It would be unreasonable to add almost double the existing number of properties, and add probably at least three times the existing number of private motor vehicles without there being a detailed maintenance agreement in force. Alternatively, if the drive is to be adopted, then it would have to meet adoption requirements. This would seem to be unlikely for the reason below.

3. There are protected trees running along either side of the drive and their canopy covers the width of the drive. Construction of a pavement for pedestrians, widening the drive and the installation of passing places appear to be ruled out due to damage which can be caused to the tree roots whether by actual damage or by squashing the soil thereby depriving the roots of water and oxygen. As mentioned above, the verges are not in the ownership of the Applicant.
4. In addition to maintenance of the drive, the adequacy of sewers and any other water drainage must be considered with specific maintenance agreements in force.

For the avoidance of doubt, I have received no Notification from the Local Planning Authority detailing this application. Nor have I received the same from P Wilson & Company even though I have requested it by email.

Objection Mr C Royle, 10 Chestnut Grove, Darwen Rec – 14/02/2019

Dear Mr Kelly,

Please find listed below comments with regards to planning application of the erection of 9 dwellings at land adjoining Moorthorpe Cottage, Off Park Road Darwen, BB3 2LQ. I am not sure why after sending back the original objection in early January why you now need a new objection but here you are.

Firstly the Private Road which is proposed as access to the 9 dwellings is only narrow and it is not possible for cars to pass safely as there is privately owned dense woodland and kerbed edge bordering the road. Large Vehicles especially the Council Refuse Vehicle do not use this road as stated as they cannot safely get through the gate posts at the bottom which are only 3.5 Mtrs wide not 4.8 Mtrs wide as stated and indeed the road only widens to 3.65 Mtrs. Instead they come up Chestnut Grove and the bins are brought across through a gap in a bush onto Chestnut Grove. On reading Chapter 2 core policies page 13 Policy 10 i believe you state that Development will be permitted provided it has been demonstrated that road safety and the safe, efficient and convenient movement of all highway users (including refuse collection vehicles, the emergency services, cyclists and pedestrians) is not prejudiced.

I would also like to advise that recently on two occasions the top of one of the gate posts have been knocked off by only a relatively small commercial vehicle which again confirms access is difficult and unsafe. Had any pedestrian been close by they would have been killed. As far as i am aware in accordance with the relevant guidelines. The general rule of thumb is that development of more than 5 units should be served by a road that satisfies adoptable standard. General dimensions are Residential Street-Single carriageways shall be 5.5 m wide (2 x 2.75 m wide lanes) with an optional 2mtr wide verge and a 2mtr wide footway on each side. The applicant should be able to demonstrate this can be achievable but as the Road is Privately owned by 3 residents and the applicant only as access whilst a civil matter not planning the applicant does not have a right to access the proposed properties.

The private road at the top then turns at 90 degrees and at this point cars coming down from Moorthorpe Cottages have a blind spot which is unsafe for both drivers and pedestrians and the lack of any lighting makes it unsafe and dangerous. The house currently being built with the agreement of Lynfield the bungalow on the left at the top of the road let building supplies be dropped onto his garden and taken round to the house by smaller vehicles as it was impossible for these vehicles to make the 90 degree turn so how can access be made to develop 9 dwellings. A Fire engine would struggle to get around this corner which must be considered from a safety point of view.

The junction at the bottom of the Private Road is not safe especially when school children are being dropped off at Ashleigh School and cars are left un attended on the bend and side road close to the entrance. There is also a lot of traffic going through the entrance to the right of the Private Road which go up to the Special Needs School and access is often in front of the Private Road then a left turn made up Holly Tree Close. There will be a large impact on traffic in the Queens Road /Whitehall/Park Road area with traffic exiting and joining the A666 effecting especially during school times. Highway safety would be compromised greatly .I should mention at this stage that on maps issued by Blackburn with Darwen Council the property which is now a school behind Chestnut Grove which uses the access down Holly Tree Close is down as a nursing Home. This School currently has

over 30 pupils who are dropped off Monday to Friday along with over a dozen members of staff.

Noise and pollution of large vehicles must be taken into consideration if building was to go ahead and also the continuous traffic caused by what could be more than 50 cars per day not including delivery/service vehicles.(if they can get up)

Surface water is already a problem from Moorthorpe Cottages as it comes directly into the garden at No 14 Chestnut Grove and finds its way coming down Chestnut Grove. We also currently have problems with sewage as the sewage overflows from the man hole cover on the land just in front of No 14s garden wall and makes its way down Chestnut Grove. This constantly needs rodding and has tree roots pushing up the cover. The drains in this area are over 100 years old and are not adequate now for the four properties.

Environmentally there are many trees in the meadow which are subject to TPOs and this area was originally designated as an area of special landscape and as such the proposal could be contrary to your Policy New Residential Development of the Local Plan in that the proposal will detrimentally affect the character of the area. Impact on trees must be dealt with now and not left to condition. Arboriculture Officers should have the information needed to carefully consider the impacts. There is a need for a detailed landscaping scheme now and not as Reserved Matters due to the character of the site and this cannot and should not be deferred.

The land has a lot of wildlife including deer ,badger sets and is full of bluebells. The woodlands are governed by regulations in relation to destruction or re-shaping of trees that have been providing wood, shelter, shade, oxygen and a habitat for wildlife for hundreds of years. It will not be possible for these trees to regenerate themselves as they have done over many decades if this planning is approved denying our future generations the beauty of this Woodland area. Indeed Blackburn's own ecology policy is CS15 and point 3 states "General habitats which may support species of principal importance either for shelter, breeding or feeding purposes(both natural and built features) ,will be protected from development ,in accordance with the Environmental Strategy set out in policy CS13. I would expect the Council to take care when considering this policy in respect of the application.

The Government's latest consultation (ended January 2019) guidelines not just loss of ecologic value but rather developments to deliver a "biodiversity net gain necessary for developments when granting planning permission. Biodiversity net gain is an approach which aims to leave the natural environment in a measurably better state than before hand. Therefore this must be considered strongly at the outline planning stage.

Can you please consider all my points some which may not be applicable as I know there are only certain issues you take into account and refuse this application on the above grounds where necessary.

Objection Lynda Ahmed Rec – 15/02/2019

Dear Mr Blackledge I write to you again after looking at the local plan for Blackburn and Darwen, within the Accessibility and Transport policy "that development will only be permitted provided it has been demonstrated that road safety and the safe efficient movement of all highway users including refuse collections, pedestrians, cyclists and emergency vehicles are not prejudiced"well quite clearly this planning application bears no resemblance in terms of access/safety to your local plan policy.

I must state that this whole planning application is certainly objected to on the grounds of access and safety.

Objection Diane Hartley, 8 Chestnut Grove, Darwen Rec – 18/02/2019

RE: PLANNING APPLICATION 10/18/1153

Dear Mr Prescott,

I am writing to state my objections to the above planning application for 9 dwellings with detached garages on land adjoining Moorthorpe Cottage, Park Road, Darwen.

I object on the following grounds:-

- Access to the site is from a private road which runs parallel to Chestnut Grove. This road has two stone pillars at the entrance to it. The tops of the pillars overhang and restrict the width of the access. This is measured at 3.5m and is not sufficient for heavy goods vehicles or large construction vehicles. The road itself widens to approximately 3.7m, not the 4.8m as stated. Both sides of the road are lined with woodland, shrubs and decaying leaves, which due to the nature of the tree canopy, are never completely cleared no matter what the time of year. This leaves the road slippery and muddy at the edges. The road is already in a very poor state with potholes and large areas of tarmac worn away. I would also like to point out that as the road is narrow, there is insufficient room for a large vehicle or lorry and a car to pass side by side at any point on this road, as is stated in point 9 of the Highways and Technical Note Part 1. Neither are there any passing points on the road. Indeed, the weekly council refuse vehicle does not use this road to empty the bins of residents who already live there. Instead the residents leave their bins outside number 14 Chestnut Grove and they are pulled across the grass verge and emptied by the refuse collectors and left. If this road was easily accessible, why is Chestnut Grove being used? At the top of the road there is a 90° turn to the right which makes it very difficult, if not impossible, for large or long commercial vehicles to make this bend. This would also be the case for emergency vehicles such as fire appliances. The development would create a significant increase in traffic, and whilst the majority of the road is straight, there are no pavements or street lighting. This would increase the danger for

pedestrians which include children who walk along it to get to school.

- Ashleigh Primary School is very close to the entrance of the road. Traffic increases at the beginning of the school day and particularly at the end when most parents are waiting to collect children at the same time. I notice from the traffic survey carried out on 21/09/18 that 3.30pm, the end of the school day, was not included and would have indicated a more substantial increase in traffic and a significant amount of parked cars along Ross Street, Park Road and the surrounding streets. Also, because of the geography of the area, heavy goods vehicles would only be able to access the road from Park Road (which joins the A666, marked D), rather than travelling along Queens Road, right onto Park Road (marked A) and turning left through the stone pillars (this would not be possible due to the sharp and narrow turn).
 - In the Planning Statement, it states "All access will be via the existing drive off Chestnut Grove" (4.8) and "This will provide adequate visibility at the site entrance and the existing access road on Chestnut Grove is adequate to service 9 residential units" (6.1.3.3). This is not the case. There is no access to the site from Chestnut Grove. Chestnut Grove and Holly Tree Close are private roads which were recently resurfaced by the residents at their own cost.
 - The whole area marked for development as well as the area including Chestnut Grove and Holly Tree Close has a blanket TPO on them. As residents we were informed a number of years ago by the council about this, and reminded that we were not allowed to fell or cut back any of the trees. We have adhered to this, in fact this is one of the reasons we chose to live in this woodland area. Therefore I strongly object to the impact this development would have on the environment and on the number of trees that would have to be felled to accommodate it. This would affect local wildlife and I am sure would impact on the deer that we see in the woodland opposite Chestnut Grove, which clearly come down from the site area.
 - We are aware of more than one instance of the drains being blocked on the road and raw sewage running down the surface. A further housing development would increase the environmental health hazard and I would also question the viability of services to this site.
 - As referred to in the Lancashire Evening Telegraph, Blackburn with Darwen has already exceeded government and local targets on the number of houses needed to be built in the borough <https://www.lancashiretelegraph.co.uk/news/17326913.blackburn-with-darwen-borough-housing-starts-and-sales-on-the-rise/>. Therefore there is no need for further developments in this area.
-

REPORT OF THE DIRECTOR

Plan No: 10/19/0113

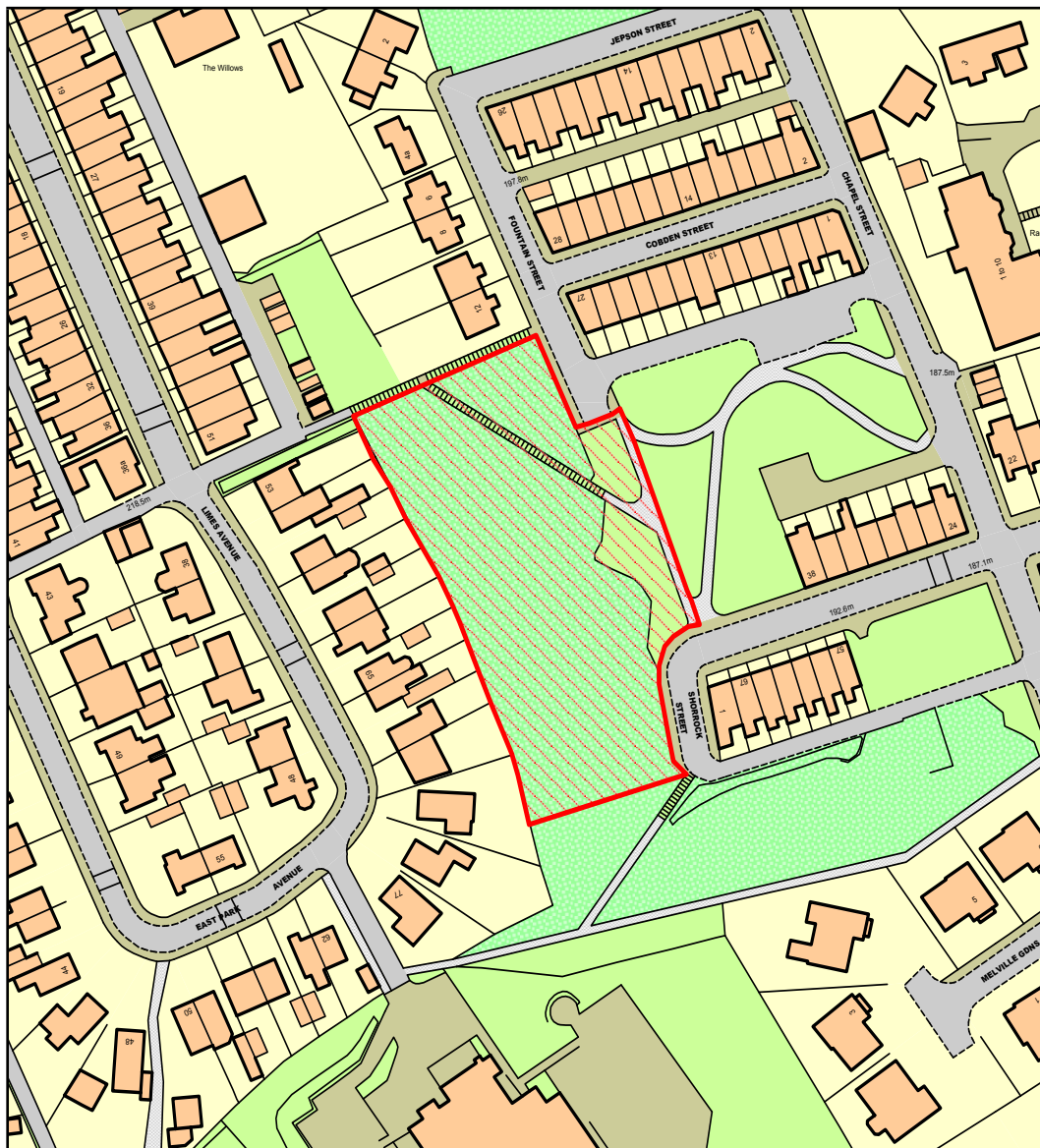
Proposed development: Full Planning Application for Construction of 10 no. semi-detached dwellings

**Site address:
Land at Fountain Street
Darwen
BB3 2NL**

Applicant: Mr A Shorrocks

Ward: Darwen West

**Councillor: Dave Smith
Councillor: Brian Taylor
Councillor: Stephanie Brookfield**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The proposed development is consistent with the Borough's strategic aims and objectives, in that it corresponds with the Council's overarching growth strategy, through delivery of quality housing which will assist in widening the choice on offer for families in the Borough, in a sustainable location. It also secures mitigation for loss Green Infrastructure (GI), in the form of enhanced provision in the locality. This is in accordance with the Local Development Plan. 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 essentially rectangular in shape, measuring circa 0.3 hectares in area. It lies within Darwen's Urban Boundary and is allocated as Green Infrastructure (GI); in accordance with the Local Plan Part 2. Its position to the west of Fountain Street and Radford Street is within an area predominantly residential in character, defined by dwellings of mainly terraced form, with the exception of a row of semi-detached to the immediate north.
- 3.1.2 Access is taken from the southern end of Fountain Street, beyond which lies a pedestrian footway that links through to Radford Street. The footway cuts through the GI area which comprises the steeply sloping, woodland covered application site and open grassed space to the east. A pedestrian footway runs adjacent to the northern boundary of the site linking Fountain Street with Limes Avenue. A secondary footway runs through the site linking into this footway from the approximate point of the footway linking Fountain Street with Radford Street. An alternative access runs through to Limes Avenue from Shorrock Street, outside of the application, along the southern edge of the GI allocation. Topography of the area generally sees land levels rise significantly from east to west.
- 3.1.3 The site is well served by the local road network, and access to local amenities and public transport links along the A666 are within a reasonable walking distance. Darwen town centre, a short distance away, offers frequent services for commuters to destinations including but not limited to Manchester, Bolton, Clitheroe and Preston.

3.2 Proposed Development

- 3.2.1 The proposal is a full planning application for the erection of 10no. semi-detached dwellings (5no. pairs) with gardens, and associated highway infrastructure and landscaping.
- 3.2.2 The dwellings will be laid out in linear form, fronting the open space to the east. A significant proportion of woodland, including trees protected by Preservation Order, will be lost to accommodate the development.
- 3.2.3 A new access road, including footway, will link Fountain Street with Radford Street, displacing the existing footpath.
- 3.2.4 Due to the constraints and topography of the site, each dwelling will be set over 4 floors, presenting as 3 storey (with utilised roof space) to the street scene and traditional 2 storey at the rear.
- 3.2.5 Each dwelling has a gross internal floor area of 163.78 square metres, plus an integral garage of 17.93 square metres.

3.3 Development Plan

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

3.3.2 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 - Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS8 – Affordable Housing Requirement
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS18 – The Borough’s Landscapes
- CS19 – Green Infrastructure

3.3.3 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 18 – Housing Mix
- Policy 38 – Green Infrastructure on the Adopted Policies Map

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

3.4 Other Material Planning Considerations

3.4.1 Green Infrastructure Supplementary Planning Document (GI SPD)

3.4.2 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.

3.4.3 National Planning Policy Framework (The Framework) (2019)

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
- Section 15 – Conserving and Enhancing the Natural Environment

3.5 Assessment

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

- Principle of residential development;
- Trees;
- Ecology;
- Highways;
- Amenity;
- Design;
- Drainage;
- Affordable housing.

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; particularly Policy 9 – Development and the Environment, and Core Strategy Policies CS1, CS5, CS6, CS7, CS8 and CS19.

3.5.3 The site lies within Darwen's defined Urban Boundary and is allocated as Green Infrastructure (GI); in accordance with Local Plan Part 2 Policies 1 and 9 respectively. The proposal is consistent with Policy CS5 which sets out that the preferred location for new development will be within the urban area. It will also contribute towards delivery of family housing, consistent with policies CS6 and CS7 and in making a contribution for off-site affordable housing provision as set out in CS8.

3.5.4 The entirety of the application site is allocated as GI. The Council's adopted GI SPD quotes Natural England's definition of GI as "*...a strategically planned and delivered network of high quality green spaces and other environmental features. It should be designed and managed as a multifunctional resource capable of delivering a wide range of environmental and quality of life benefits for local communities. GI includes parks, open spaces, playing fields, woodlands, allotments and private gardens*". The SPD sets out the acknowledged multiple functions of GI as:

- Setting the scene for growth, creating a good quality of place and quality of life and supporting sustainable economic growth;
- Supporting physical and mental health and well-being;
- Providing for recreation, leisure and tourism;
- Supporting the rural economy;
- Helping to manage flood risk;
- Supporting mitigation and adaptation to climate change;
- Positively benefitting the historic environment; and
- Enhancing the ecological network and promoting biodiversity.

3.5.5 The developed area consisting of 5 pairs of dwelling houses and associated front and rear gardens will result in the loss of a portion of the GI. The remaining area of the application site, including land to the south of the developed area and a tree belt to the west, adjacent to dwellings on Limes Avenue, will be retained as publicly accessible open space. The remaining GI allocation outside of the application site extending eastwards up to Chapel Street and Melville Street is unaffected by the proposal.

3.5.6 Consideration of the partial loss of the GI is appropriately assessed against paragraph 5, entitled "Green Infrastructure", of Policy 9 of the Local Plan Part 2, which sets out that:

Development involving the partial or complete loss of land identified as GI on the Adopted Policies Map or any unidentified areas of open space including playing fields; and any development which otherwise has the potential to result in the severance of GI connections, will not be permitted unless:

- i) The development can be accommodated without the loss of the function of open space;
- ii) The impact can be mitigated or compensated for through the direct provision of new or improved GI elsewhere or through the provision of a financial contribution to enable this to occur; or

- iii) The need or benefits arising from the development demonstrably outweigh the harm caused and the harm can be mitigated or compensated for so far as is reasonable.

3.5.7 It is accepted that the proposal will result in the partial loss of GI. Policy 9 does not, however, prohibit development in such circumstances, provided at least one the above criteria (i –iii) is achieved. As the proposal seeks to mitigate the partial loss of the GI / open space through a financial contribution (captured through a Section 106 Agreement) of £14,060 (1406 per dwelling), it is considered compliant with criterion ii. This contribution will provide additional equipment on the play areas and / or path enhancement works at Bold Venture Park, Darwen.

3.5.8 Accordingly, Members are advised that the development is considered to be acceptable in principle, on account of a Section 106 contribution for compensatory GI improvements and the sites evidently sustainable location; in accordance with the aims and objectives of the Local Development Plan and The Framework; subject to assessment of additional matters set out in paragraph 3.5.1.

3.5.9 Environment

Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.

3.5.10 Trees

Policy 9 with regard to tree assessment emphasises that, where it appears likely development will result in the loss of or harm to trees of significant amenity, nature conservation or intrinsic value (including veteran trees and woodland), the Council will consider making a Tree Preservation Order to ensure that due consideration is given to the importance of the trees in the planning process and that, where development is proposed which would result in the loss of protected trees, planning permission will only be granted where:

- i. The removal of one or more trees would be in the interests of good arboricultural practice; or
- ii. The desirability of the proposed development outweighs the amenity and / or nature conservation value of the trees.

3.5.11 An Arboricultural Impact Assessment has been submitted to supplement the application. It states that the proposal will result in the loss of “38 low category trees”, 6 of which are protected by *Tree Preservation Order (TPO)*; identified as T10, T13, T14, T15, T16 and T17 on the Council’s TPO plan for the area (Fountain Street TPO – applied 25th July 1990), and T13, T14, T25, T36, T37 and T42 on the submitted tree survey plan. The Assessment has been independently peer reviewed by the Council’s Arboricultural consultee for the application; Urban Green. The review establishes the dominant on-site species as Ash, Birch and Maple with younger, smaller or occasional

Sycamore, Willow and Horse Chestnut with an understory of Cherry and Hawthorn.

- 3.5.12 The tree identified as T38 on the submitted tree survey is noted as a semi mature birch tree, regarded as a Category B tree, in accordance with British Standards guidance, with the potential to develop into a Category A tree. It is not protected by TPO. Although the value of the specimen is acknowledged, the proposal, as involving much of the embankment to be cut away would likely impact on the rooting area of this tree. Moreover, the Root Protection Area (RPA) of the tree would significantly encroach into the proposed highway linking Fountain Street with Radford Street / Shorrock Street.
- 3.5.13 A total of 11 trees with TPO's applied were assessed as part of the proposed development. A Sycamore (T65) is to be retained, as it is in good physiological and structural condition. As a current category B tree, with the potential to develop into a category A, it will offer significant visual amenity value in the context of the proposed development.
- 3.5.14 Two Birch (T56 & T62) trees may also be retained if the development allows it. The amenity value of these trees is, however, considered to be limited, to such an extent that they would not qualify as worthy for protection when assessed in accordance with the current tree evaluation method for Tree Preservation Orders (TEMPO). Retention of these trees, is not, therefore, considered necessary at all costs.
- 3.5.15 The TPO trees proposed to be removed are all Birch specimens. Birch are considered as pioneer trees and one of the shortest British native species, reaching maturity at around 40 years before they start to decline. Since the 1990 TPO application was imposed the trees have developed many defects, as would be expected with birch trees past maturity. To have been suitable for a TPO 30 years ago, the trees would have been at least early mature. The rate of decline, therefore, will only increase over the coming years. In this context, the trees are considered to have limited amenity value to the immediate surrounding area and no objection is, therefore, offered against their removal.
- 3.5.16 It is accepted that there are no other TPO trees on site that warrant retention over development.
- 3.5.17 The merits of applying a group TPO is considered to be limited, on account of the low amenity value of the wooded area, notwithstanding its highly visible position. Their current value, when assessed against current British Standards methodology, would be a Category C. The absence of any evident past management of the area, including woodland thinning, is recognised as a contributory factor in the low amenity assessment.
- 3.5.18 T38 is a semi-mature Birch tree that should be regarded as a Category B tree. It is assessed as worthy of retention if the development allows. On account of its position relative to the construction of the new highway, it is accepted that retention may not be possible. It is considered that care should be taken during construction phase of the development to preserve the RPA of the tree

and that TPO should be applied if it is retained. If retention is, however, too restrictive due to construction methodology, it is considered that retention should not constrain development. A condition to require hand tool excavation to assess the extent of root proliferation to inform the decision as to retain or remove the tree is recommended.

3.5.19 A significant boundary tree cover to the rear of the site, adjacent to properties on Limes Avenue, will remain in place.

3.5.20 The Urban Green assessment is considered to be an appropriately robust approach to establishing the value of trees to be removed. The assessment clearly concludes that there are no objections to the proposed development, from a tree removal perspective.

3.5.21 Notwithstanding assessment of trees to be lost, due consideration should be applied as to protection of trees to be retained both on site and immediately adjacent to the site. The successful retention of the trees depends on robust protection measures during construction and management strategy thereafter. The most appropriate means for this to be achieved is through an Arboricultural Method Statement; to be secured through application of an appropriately worded condition.

3.5.22 A substantial replanting scheme, including numbers and species, will also be secured by condition to adequately compensate for the loss of trees. Replanting will be undertaken at an appropriate location within the vicinity of the site.

3.5.23 The assessment is considered to demonstrate support for the proposal from an arboricultural perspective; in accordance with the requirements of Policy 9 and The Framework.

3.5.24 Ecology

Policy 9 with regard to ecology assessment emphasises that development likely to damage or destroy habitats or harm species of international or national importance will not be permitted. That development likely to damage or destroy habitats or species of principal importance, Biological Heritage Sites or habitats or species listed in the Lancashire Biodiversity Action Plan will not be permitted unless the harm caused is significantly and demonstrably outweighed by other planning considerations and an appropriate mitigation strategy can be secured; and that development likely to damage or destroy habitats or species of local importance will not be permitted unless the harm caused is outweighed by other planning considerations and an appropriate mitigation strategy can be secured.

3.5.25 Although the site does not have any special ecological status beyond the Local Plan Part 2 GI allocation, two nature conservation sites are identified as within 440 metres of the site; these are the West Pennine Moors Site of Special Scientific Interest (SSSI) and the Darwen Moor Biological Heritage Site. Although the site falls into the Impact Risk Zone for the West Pennine Moors SSSI, no further consultation or assessment is required in this regard, on account of the planning application proposing less than 100 units.

- 3.5.26 A Preliminary Ecological Appraisal has, nonetheless been submitted to supplement the application. It has been initially peer reviewed by the Council's ecology consultee Capita Ecology, who recommended the undertaking of ground level tree root assessment and a Bat Activity Transect Survey, due to the woodland providing potential habitat for bats and as a commuting corridor between other potential roosts within surrounding buildings and the wider landscape. The assessments / surveys were subsequently submitted and peer reviewed. Since April 2019, the Council's Ecology Consultee has been amended and all assessments are now peer reviewed by the Greater Manchester Ecological Unit (GMEU). As part of GMEU's peer review of the submission they were sent details of the initial submission and the initial comments made by Capita Ecology. Review of the ground level bat roost assessment (undertaken 7th April 2019) found 17 trees to have low potential to support roosting bats, of which seven are proposed to be lost to the development. On account of this identified low potential, it is recommended that a precautionary bat inspection of the trees immediately prior to felling is undertaken, by a suitably qualified person and that, if any bats are found, work should cease and advice sought from a suitably qualified bat worker; to be secured by an appropriately worded condition.
- 3.5.27 A single tree (identified as A7 in the assessment) was found to have a moderate bat roosting potential. This tree is, however, to be retained.
- 3.5.28 In recognition of the sites potential as a bat commuting corridor, as established by the Bat Transect Survey, additional bat activity surveys are recommended to be undertaken during the activity season (between mid-May and August), in order to inform the importance of the area for bats and any necessary mitigation. The surveys are to be secured by condition.
- 3.5.29 GMEU also recommend tree protection measures, aligned with those required by under the Arboricultural Method Statement, in order to prevent root system damage.
- 3.5.30 Capita Ecology's initial recommendations for conditions requiring a Badger Activity Survey; a strategy for the eradication / management of invasive, non-native species on site and a lighting strategy to minimise impact on bats and their insect food should also be applied.
- 3.5.31 Ecological enhancement should also be provided in the form of a comprehensive soft landscaping scheme, in addition to the tree re-planting scheme; to be secured by condition.
- 3.5.32 The assessment is considered to demonstrate support for the proposal from an ecological perspective; in accordance with the requirements of Policy 9 and The Framework.
- 3.5.33 Drainage
Appropriate drainage methodology is required to be implemented, with foul and surface water to be drained on separate systems. Surface water drainage shall be achieved in accordance with the non-statutory Technical

Standards for Sustainable Drainage Systems (March 2015); to be secured by condition.

3.5.34 Amenity

Policy 8, supported by the SPD, requires a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

3.5.35 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. The sites topography guards against any impact on existing dwellings to the rear of the site along Limes Avenue. Acceptable levels of mutual amenity are, therefore, achieved.

3.5.36 Application of planning conditions are recommended by the Council's Public Protection consultee to require assessment of underground conditions to guard against ground contamination; to provide electric vehicle charging points and to control boiler emissions in order to mitigate air quality impact (in accordance with the Council's adopted *Air Quality Planning Advice Note*). A degree of disturbance during construction phase of the development is acknowledged as inevitable. This disruption is, however, temporary and considered acceptable, subject to application of a condition limiting hours of construction, in order to secure appropriate noise and vibration protection during construction works.

3.5.37 Accordingly, compliance with Policy 8 of the Development Plan is achieved.

3.5.37 Highways / Accessibility / Transport

Policy 10 requires that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced, and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.38 A Transport Statement has been submitted to supplement the proposal. The Council's highways consultee has reviewed the submission and offers no objection to the proposal. The layout demonstrates appropriate 2 space off-street parking for each of the 3 bed properties; comprising 1 driveway space and one integral garage space. All spaces, including garages sizes are accepted as compliant with the Council's adopted standard.

3.5.39 A new estate road is proposed, linking the southern edge of Fountain Street with the northern edge of Radford Street. It will run across the front of the proposed properties, providing appropriate access to each. The road is compliant with the adoptable 5.5m carriageway / 2.0m footway standard.

- 3.5.40 Public objections have been received expressing concern towards an increase in traffic travelling through the highway network off the A666 to and from the site. Any traffic increase is, however, accepted by the highway consultee as manageable and not sufficiently impactful to demonstrably harm highway efficiency.
- 3.5.41 Public objections have also been received expressing concern at the loss of the pedestrian links through to Limes Avenue from Fountain Street adjacent to the northern edge of the site and Shorrocks Street to the south of the site. Members are advised that these links remain fundamentally unaffected by the proposal and will continue to provide efficient and convenient pedestrian passage to and from St. Joseph's Primary School. The only change in this regard will be the loss of the connective secondary footpath linking the footpath currently running between Fountain Street and Radford Street with the footpath running along the northern edge of the site.
- 3.5.42 Application of conditions to require submission of retaining structures adjacent to the public highway and a Construction Management Statement are necessary for approval, prior to commencement of development.
- 3.5.43 The assessment is considered to demonstrate support for the proposal from an highway efficiency perspective; in accordance with the requirements of Policy 10 and The Framework.
- 3.5.44 Design / Character and Appearance
Policy 11 requires a good standard of design and 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.
- 3.5.45 The proposal will be laid out in linear form, comprising 5 identical pairs of semi-detached garden fronted dwellings, contiguous with existing semi-detached dwellings fronting Fountain Street. On account of the sloping nature of the site, each dwelling will be split level, presenting as three storey to the street scene (total height c. 13m) and two storey to the rear (total height c.7.6m); in contrast to the two storey form adjacent. Notwithstanding this increase in height, the topography of the application site and the open space that it front's, represents a setting somewhat unique from the typical characteristics of the surrounding area. Through appropriate utilisation of existing topography, the development will appear well-integrated and proportionate to its surroundings, forming a distinct grouping overlooking the open space to the front. Dwellings will also be proportionate to individual plot sizes, on account of adequate sized front and rear gardens. Moreover, the gable roof forms and fenestration proposed suitably responds to the character of the developed area.
- 3.5.46 External walling and roofing treatments and detailed boundary treatments will be secured by condition.

3.5.47 Accordingly the development is considered to accord with the high standard of design principles set out in Policy 11 and the Residential Design Guide SPD of the Development Plan, and The Framework.

3.5.48 Affordable Housing

Payment of a Section 106 Commuted Sum for £25,000 will be secured to deliver off-site affordable housing.

3.5.49 Other matters

At the time of writing this report, Members should be aware of a separate Prior Notification Telecommunications application relating to the installation of a 25 metre high telecommunications mast and associated equipment on land to the west side of Chapel Street, Darwen, submitted by Internexus (ref: 10/19/0365). The siting of the proposed mast is on the GI land to the west of the application site presented to members, and will be directly facing the proposed dwellings. A decision on this application is due to be made by the 23rd July 2019.

3.5.49 Summary

This report assesses the full planning application for the residential development on land at Fountain Street, Darwen. In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the aims and objectives of the Local Development Plan and The Framework.

4.0 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 £39,060; broken down as follows:**

- **£1406 per unit towards Green Infrastructure in the area (details of where to be spent to be confirmed) and**
- **£2500 per unit towards provision of affordable housing in the borough.**

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
- Submission of external walling and roofing materials
- Submission of boundary treatments

- Submission of Arboricultural Method Statement, including tree protection measures
- Submission of tree replanting scheme to be agreed in a location close to the application site
- Hand tool excavation of tree T38, supervised by an Arboricultural Consultant to assess extent of root proliferation to inform decision to retain or remove
- Submission of a hard and soft landscaping / biodiversity scheme
- Submission of Bat Activity Surveys between May and August
- Submission of a Badger Activity Survey
- Submission of a Control / Eradication Method Statement for management of invasive, non-native species
- No tree felling or vegetation clearance between March and August, unless the absence of nesting birds has been established
- Submission of a lighting strategy
- If construction of the development has not commenced within two years of the date of submitted Preliminary Ecological Appraisal (LKC Group – February 2019), an updated appraisal shall be submitted to and approved in writing by the Local Planning Authority. Any required mitigation shall inform the biodiversity enhancement / mitigation strategy and landscaping strategy for the development
- Foul and surface water to be drained on separate systems
- Submission of a sustainable urban drainage system (SUDS) and management plan to cater for surface water
- Submission of a delineated footway scheme along the new access road
- Submission of management and maintenance details for new highway infrastructure within the development
- Submission of highway infrastructure engineering details including drainage, street lighting and street construction
- Submission of details relating to retaining structures adjacent to the public highway
- Removal of lighting column within woodland
- Submission of a Construction Management Statement
- Visibility splays not to be obstructed by any building, wall, fence, tree, shrub or other device exceeding 1m above crown level of the adjacent highway
- Contaminated land - submission of detailed proposals for site investigation
- Contaminated land – submission of validation report demonstration effective remediation
- Unexpected contamination
- Provision of air quality mitigation in the form of dedicated motor vehicle charging points and boiler emissions
- Submission of dust suppression scheme
- 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
- Permitted Development Rights to be removed
- Development in accordance with submitted details / drawing nos.

5.0 PLANNING HISTORY

5.1 No planning history exists for the site.

6.0 CONSULTATIONS

6.1 Arboricultural Consultee (Urban Green)

Detailed comments refer to paragraphs 3.5.12 to 3.5.23. No objections to the proposed development going ahead:

Care should be taken to retain T38, however if this is too restrictive, it should not constrain development;

T65 should be retained with the current TPO (T9);

T56 (TPO T11) and T62 (TPO T12) should be retained if possible but with a current TEMPO assessment would not qualify for a TPO so should not constrain development;

The tree group has a whole would not qualify for a TPO with a current TEMPO assessment and should not constrain development;

The remaining TPOs were placed in 1990 – the trees have declined since and with a current TEMPO assessment would not qualify for a TPO and should not constrain development.

6.2 Drainage Section

No objection subject to foul and surface water drainage schemes (including SUDS) conditions.

6.3 Environmental Services

No objection.

6.4 Public Protection

No objection subject to conditions:

Noise

- 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 *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 subject to conditions:

- Submission of Construction Method Statement.

- Junction improvements including traffic calming measures
- Submission of retaining structure details adjacent to public highway

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.

6.7 Capita & GMEU Ecology

No objection subject to conditions:

- Bat Activity Surveys
- Badger Activity Survey
- Precautionary bat inspection of the trees immediately prior to felling to be undertaken, by a suitably qualified person
- Eradication / management of invasive, non-native species
- Tree protection measures
- No tree felling during bird nesting season
- Ecological enhancement by means soft landscaping and tree replanting scheme
- Lighting strategy to safeguard bat habitat

6.8 Education

No objection

6.9 United Utilities

No objection subject to conditions:

- Separate foul and surface water drainage systems
- Submission of Sustainable Urban Drainage scheme
- Submission of a Sustainable Urban Drainage Management and Maintenance plan.

6.10 Lancs Fire Service

Standard advice offered

6.11 Public consultation has taken place, with 41 letters posted to neighbouring addresses; a press notice published 23rd March 2019; and display of three site notices on 28th February 2019. In response, 41 objections and 4 general comments were received which are shown within the summary below. In addition, two objections have been received from the Ward Councillors as summarised in Section 9.

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

8.0 DATE PREPARED: 5th June 2019.

9.0 SUMMARY OF REPRESENTATIONS

Objection – Councillor Brian Taylor – 07/03/2019 & 30/03/2019:

I too share some of your concerns, particularly traffic, wildlife, steps to the school which I used to take my children up and down, and of course the trees.

I have copied the planning officers in to this email, and will ask them to consider these concerns. I have serious concerns regarding the wildlife habitat, traffic and trees. Please accept this as an objection to the PA.

Objection – Councillor Stephanie Brookfield – 09/04/2019:

I would like to object to the above Planning Application. Reference 10/19/0113

I'm concerned with the number of trees that would need to be cut down for this development.

Also the whole area is a corridor for wildlife and is designated as green infrastructure in the local plan.

Objection – Karen Porter, Rec – 28/02/2019

Hi

I received a letter today about the proposed planning permission at the end of Fountain Street I live on Fountain street and have done for 20yrs , to build 10 houses on that land would be detrimental to the residents who live there and surrounding streets we it will be to compact with traffic which we have a problem with now spoil a nice area taking away all the trees which i'm heard to believe have a protection order on them .There is a lot of young children play around this area on the fields at the end of Fountain street also most of all the privacy issue to existing residents going to have houses overlooking them ,noise as well .

Regards

Karen Porter

Objection – Warren Chapman, Rec – 01/03/2019

FAO Nick Blackledge

Hello Nick, I live near to the planned development and I am very concerned about the potential loss of trees. I am a Chartered Landscape Architect and have a good understanding of the significance of this woodland belt. I would like to OBJECT to this proposal in the strongest terms based upon;

1. Impact on Green Infrastructure. According to your Infrastructure and Delivery Plan 2016 green infrastructure is to be protected, especially with regards to connectivity. This piece of woodland on steeply sloping ground forms part of a "green corridor" linking the SSSI of the moorland with the listed landscape of Bold Ventue Park. It is a vital habitat link from countryside into this urban fringe setting. It will not be possible to compensate for this loss within the development.

2. Air Quality. According to your Air Quality Advisory Note this area of woodland sits above the Darwen Town Centre air quality management area. This piece of woodland acts as mitigation for pollution rising from the valley below, protecting homes and the nearby primary school and is a carbon store. These functions cannot be retained in this locality if the woodland is felled.

3. Highway safety. The existing junction of Radford St and the A666 gets congested due to short cutting to avoid congestion further along the A666. Radford St is steep and narrow and will form the primary exit route for the 10 New dwellings. These extra cars will increase congestion and pollution immediately adjacent to existing homes. Road traffic accidents are likely to increase as cars struggle to stop and pass on the steep road and pull out onto the A666.

4. Visual impact. The existing woodland forms a highly visible green backdrop to the houses around Fountain Street and can be seen from many locations. Including from across the valley. It forms part of the rural fringe setting to that typifies this part of Darwen. The loss of this woodland will have a detrimental impact on local character and the setting of existing dwellings. The visual quality of the trees as a group has not been considered in the Arboricultural Report that forms part of the application.

5. Surface Water Flooding. The existing woodland belt helps protect houses below from surface water flooding and reduces the amount of surface water entering the piped drainage system. Darwen has a history of flash flooding that is getting more prevalent due to climate change. Removal of this woodland increases the likelihood of flash flooding in the immediate area AND in the valley below through over burden of existing drains.

Please can you confirm that all these points will be considered by yourself in deciding this application. I have copied Cllr Smith into this e-mail as part of my on going communication with him on this matter.

Regards

Warren Chapman BA (hons) Dip LA C.M.L.I.

Objection – Matthew McCain, 59 Radford Street, Darwen, Rec – 04/03/2019

Dear Mr Prescott

I am writing with regards to the planning application Ref. 10/19/0113 for development of land at Fountain Street, Darwen.

Whilst I have no particular objections to houses being built on the land at that location, I do object to the proposal to link Radford Street and Fountain Street by means of extending the road from Fountain Street to a new junction with Radford Street.

My reason for this is that the upper section of Radford Street is currently relatively quiet as it is effectively a cul-de-sac. I believe that this proposal would greatly increase the traffic using the upper section of Radford Street as it would create a short-cut from Radford Street to the houses on Fountain Street / Cobden Street and Jepson Street.

Equally, traffic accessing the top of Radford Street would likely cut through via Jepson Street and Fountain Street, therefore increasing traffic in those two streets.

I feel that the proposal would benefit the area more from a traffic perspective if the new development was a cul-de-sac rather than a thoroughfare. An increase of 10 houses is unlikely to greatly affect traffic in Radford Street, however, a thoroughfare creating access to other properties would. An entrance from either Fountain Street or Radford Street would be acceptable and in my opinion would provide the least impact from increased traffic.

I hope you take my comments into consideration.

Kind Regards
Matthew McCain

59 Radford Street, BB3 2PB

Objection Mary Cullen, Fountain Street, Darwen, Rec – 04/03/2019

I strongly object to the woodland on Fountain Street being destroyed to build houses!! Wildlife live in the trees including owls.

There will be increased traffic on the steep narrow streets.

There is enough "brown Land" in Darwen instead of getting rid of the Greenland!

The children play in the Woodland.

I want Darwen to be greener and healthy place to live in, especially for the children.

The site on Belgrave Road has never been finished, it's an eyesore!!

Why can't that land be used?

I hope you take the feelings of the people in this area when you consider your decision

Mary Cullen
Fountain Street
Darwen

Objection Mary Cullen, Fountain Street, Darwen, Rec – 04/03/2019

I strongly object to the building of 10 houses on green land on Fountain Street.

1. Most of the woodland will be cut down to build these house into a STEEP BANK.
2. This woodland provides habitat for the wild life. There are owls in the trees.
3. There will be more traffic using the steep narrow roads leading to the main road.
3. Children play in this area.

I want to keep Darwen greener and a healthy place to live.

There is a lot of brown land in Darwen that could be used Why can't the houses be built on the site on Belgrave Road that was never finished?

The road is wider and nearer to the main road.

Please think seriously about your decision.

I look forward to hearing from you _____

Objection David Rushton, 67 Limes Avenue, Darwen, Rec – 04/03/2019

We strongly object to the proposed development related to the above application reference.

We feel that there is already far too much traffic in this area, especially in the catchment area of St Joseph's School. The council seems unable or unwilling to address this, so why add to the problem. This area is already densely populated and we need to retain what limited green space we have. Currently, we have an attractive view of trees to the rear of our property, which will be seriously spoilt should planning be granted.

We are also concerned about the risk of our property and that of our neighbours, land-sliding down the hill.

A better idea would be to create an access road to St Joseph's School and take out the high volume of traffic from parents who constantly block our drives, scratch our cars and subject us to verbal abuse when we ask them not to. Delivery vehicles also need access to the school, via streets that are too narrow and ill equipped to deal with these vehicles. I work shifts and have been woken up numerous times because of inconsiderate drivers parking badly and illegally and I'm woken to be requested to move cars that aren't mine. Enough is enough. NO MORE HOUSES

David Rushton
67 Limes Avenue
Darwen
Lancashire
BB32SG

Objection Valerie Kitchen, Cobden Street, Darwin, Rec – 05/03/2019

I object to the building of the houses on Fountain Street for the following reasons: 1/The trees that would be cut down are home to lots of wildlife and enhance the look of the area. Children use the space as a playground which is on their doorstep and parents can keep an eye on them whilst enjoying the fresh air and out doors. 2/The area around Cobden Street and Radford is already congested with lots of parked cars not only from residents but also from the employees of Capita at India Mill. This congestion is already causing problems especially for emergency vehicles and anyone wishing to go down Radford street by car has trouble seeing if anything is coming up as it is full of parked cars.3/There is nowhere for the work traffic that would be required for the building work except to block the already full streets making life difficult for everyone. 4/Where would the families from 10 more homes park their cars? There is hardly enough space at the moment on Cobden Street. I hope you will look at my objections before any decision is made and take them into account. Yours sincerely, Valerie Kitchen resident on Cobden Street for 17 years and proud home owner.

Objection Valerie Kitchen, Cobden Street, Darwin, Rec – 06/03/2019

In my previous email I forgot to mention that an owl lives in the trees in question and surely this needs to be protected. We are constantly being told about the effects on the environment for wildlife and also ourselves. This needs to be taken into consideration. Also I use my back gate entrance all the time as the front is always full of vehicles this opens straight onto a back alley with no pavement so not suitable for lots of traffic to use as an access road. As we all only have back yards and no gardens we have to keep at least one bin in the alley as there not room in the yards. What provisions do you intend to put in place for us residents in this situation on the left hand side of Cobden Street? I look forward to your response. _____

Objection – Richard & Alison Hartley, 26 Cobden Street, Darwen, Rec – 05/05/2019

FAO Nick Blackledge/Our local councillors,

My husband and I would like to object to the planning application for 10 homes to be built on the land on Fountain Street Darwen Reference 10/19/0113.

Our concerns are as follows;

There will be an increase in the traffic using the narrow steep streets leading to the main road (A666)

Parking is already a concern and will be even worse.

Most of the woodland will be cut down to build houses into a steep bank- this woodland provides homes for wildlife including owls, helps to clear pollution from the air we breathe, enhances the value of our homes, provides space for children to play and for us to get together as a community (we often do this as an example we have a bonfire every November) and makes Cobden Street and the surrounding area a greener healthier place to live

Please we urge you to turn down this application.

Objection – Cobden Street Resident, Rec – 05/03/2019

The building of 10 houses at the top of Cobden street and Redford street is very upsetting there will be taking down beautiful trees a place for children to play where they are all safe and can be seen by there parents .I live on Cobden street and it is going to be terrible to park and emergency vehicles can hardly get up them there will be wagons and all sorts of machines up and down the street for at least 12 months Also as you turn onto Redford street you cannot see what is coming up with all the cars parked from Capita it is a dangerous street now Cobden street resident

Objection – Kirsty & Chris Wadman, 27 Cobden Street, Darwen, Rec – 05/03/2019

We would like to object to the proposed house build behind Cobden street for the following reasons:

1. Access to St Joseph's primary school on Limes Avenue by walking up the two sets of steps. This encourages families to walk and also relieves the congestion on Limes Avenue and East Park Avenue
2. This area is not disused. It is used by children to safely play out and brings community together
3. The area is already congested with vehicles due to Capita not providing sufficient parking for employees. They use Radford St and Cobden street for additional parking
4. The trees are inhabited by owls and bats, wildlife should be protected
5. If the houses are approved, where do the building vehicles propose to park in an already congested area as per the points above
6. Water pressure is already low and this would be even lower with additional houses

We feel an open meeting to discuss with all affected residents would be appropriate.

Objection Lynn McAuley, 12 Jepson Street, Darwen, Rec – 05/03/2019

I wish to object to planning application 10/19/0113

The wooded area is not disused, it is home to bats and owls, a safe place for our children to play and access to St Josephs School.

The construction would cause chaos for residents with extra traffic, noise, destruction of wildlife, pollution, it would take away a safe play environment for many local children.

Radford Street and Chapel Street are already congested due to insufficient parking for Capita employees, this will make the situation worse with construction vehicles accessing this area making it dangerous for children who are encouraged to walk to school.

I would appreciate it if a meeting could be held for all local residents to to air their views.

Objection Johnny Aspden, Rec – 05/03/2019

As a neighbour of the proposed development, I object to the planning application put forward. The reasons for this are:

- * the removal of trees proposed on the site, with 11 TPO's in place. The small woodland is a place where young children play, wildlife resides and local people use regularly. In regard to the wildlife, I'm not aware of any ecological survey that has been carried out, having looked at the application, as there is a small colony of bats that live there and it is also visited by owls.

- * another green area lost to development when there are numerous options to use up brownfield sites in Darwen, by using this land it takes away an aesthetically pleasing space, by using brownfield it shows the local authority making a positive move from disused, unattractive plots toward aesthetically pleasing. A relevant example of this is the construction of 2 dwellings recently on Chapel Street in the same area and I strongly believe that this doesn't create a precedent for the application.

- * there will be an increase in traffic using the steep, narrow streets, something that will become a major issue for residents. I imagine also there is not much scope to improve infrastructure in the area and that a section 106 agreement has not been proposed.

- * the land was or is council owned and is identified within the local plan as green infrastructure. In relation to policy 40 - Integrating Green Infrastructure with New Development, the proposed build does nothing really to meet the criteria and fails to adhere to one of the core policies - Policy 9 Development and the Environment, where all that is put forward in this objection is relevant.

I hope this carries some weight towards even considering the objection towards this application,

Thanks

Objection Craig Hill, 67 Radford Street, Darwen, Rec – 05/03/2019

Dear Sir/Madam,

I am writing to inform you that my family and I have strong objections to the proposed planning application **10/19/0113**.

The application if successful will have a very negative effect on our health, the local environment and its wildlife as well as the further erosion of natural and safe environments for children to play.

With increased cars and traffic there will be an elevated build-up of CO2 emissions and with the destruction of all the local trees there will be decreased filtration and purity of the air we breathe.

Darwen has long been a rural area with dispersed housing, interwoven with natural woodland. This is what makes it suit a beautiful, peaceful and natural place to live. I fully accept and understand the need for growth and expansion but with so much land available surrounding Darwen I fail to understand why it is deemed necessary or acceptable to destroy what little local wildlife and natural greenery remaining between areas of housing. Further condensed urbanisation and degradation of intermittent woodland is going against the UK's target to reduce emissions and increase health. If anything, woodland should be being developed further between urban areas.

The local woodland that is set to be destroyed is also home to a myriad wildlife include a nesting family of owls. From my front door I have also seen bats, badgers and an uncountable variety of birds including peregrine falcons.

Please, before pushing through this application to meet home building criteria, have serious consideration for the health of our town, its wildlife and the environment and consider the vision of Darwen in the future and how condensed building should become.

Kind regards
Craig Hill

Objection John and Renee Whittingham, 28 Radford Street, Darwen, Rec – 05/03/2019

With reference to the above planning application, there are a number of reasons why it should not be granted.

1. The site is not really suited to development for housing due to the nature of the terrain. The slope is so steep that any houses built could not possibly have user friendly outside space.
2. Radford Street (one of the steepest in Darwen) has already become a through route to other streets in the locality, to a dangerous level.
3. The site goes across the top of Radford Street, meaning much of the access will be via the top section of Radford Street (the steepest section), which in wintery weather becomes extremely dangerous, with vehicles either failing to get to the top, and therefore skidding back down into the lower crossroads, or having made it to the top, literally skate back down, often out of control.

We live on that upper section, and see the frightening and dangerous events daily in bad weather. To intentionally add to the amount of traffic using that section would be a dereliction of duty on the part of the Planning Committee.

Yours faithfully

John and Renee Whittingham
28 Radford Street

Objection Dr C J Tonge, 7 Limes Avenue, Darwen, Rec – 06/03/2019

I should like to object to the proposed application for the building of houses on this wooded area. It will result in loss of habitat for wild-life and a play area for children. The number of birds in this area has already declined significantly in the past 10 years.

I am also concerned about any further increase in traffic on the Radford Street/Chapel Street/Almond Street route. Driving along this route has become increasingly difficult in recent years. Additional traffic would also increase the danger to the children who play in the area.

I should be grateful if you would take these comments into account whilst considering the application.

Objection Robert Pickup, 75 Limes Avenue, Darwen, Rec – 06/03/2019

Good afternoon,

I correspond to pass the following comments on the above application,

1 ———Today wed 6 th March 3.30/ 4.00 pm. BWD BC public document website will only allow site location plan and application form to be downloaded , this thus greatly restricts my ability to comment fully, I request you send Email attachments Asap

2————The site was designated as green infrastructure around 20 years ago following representation by the local community, it provides a valuable green space in a well developed urban area.

3————The site was provided with an area TPO at the same time following representation by the local community

4————The site provides for informal green recreation space and is well used by local children.

5————The site would be expected under Ppg's need an environmental impact assessment by before any decisive deliberations.

6————The site should need extensive excavations possibly affecting upper Limes Ave built up land stability re the proximity to one of the Darwen valley very significant geological fault systems, with a down throw of around 300 mts in close proximity.

I lived in the area up to 15 years ago for decades and was responsible on behalf of Blackburn Naturalists /LWT / Darren civic society for the community involvement leading to its current legal and council status.

I am copying in Sue Riley of Blackburn Naturalists Field Club / LWT for information, just in case they have both dropped off your consultation protocol.

I look forward to commenting in further detail once your website is fully operational and or after the Irving an email with attachments.

Objection Susan A Whalley & John R Banks, 49 Limes Avenue, Darwen, Rec – 07/03/2019

Dear Mr Blackledge,

We are writing to object in the strongest terms about the recent Planning Application (10/19/0113) to build ten semi-detached houses on Fountain Street, BB3 2NL.

First of all we have concerns about any development in which over an acre of deep, well-drained soil where almost seventy trees grow is to be replaced by a largely impermeable surface. The Planning Application fails to consider the risks of increased surface runoff including flooding lower in the drainage basin. There are sound reasons to conserve all of the smaller areas of woodland within the town in order to reduce the flood risk to all residents.

It has been noted elsewhere that this woodland has a disproportionately high value to this area of Darwen. The trees provide a green backdrop to the view from hundreds of houses in the southern part of the town including those across the valley. The extent to which they increase the value of houses thereabouts is difficult to quantify but undoubtedly significant. The woodland also provides a safe amenity where local children can play close to their homes. If the new houses are built those children will be forced to play on streets with increasing amounts of traffic.

We note that within this 1.2 acre site there are 68 sizeable trees and that 24 of these are ash, a species presently threatened by Chalara dieback disease and the emerald ash borer beetle. Healthy specimens should be conserved so that the diversity of the species allows a resistance to evolve against dieback and the ash borer beetle. The proposed development retains just 23 trees only four of which are ash. Although there is an intention to plant ten new trees in a corridor west of the new houses these will obviously be very small for many years and the attractiveness of the area will be greatly diminished.

Furthermore, this area is inhabited by various species of bat. Pipistrelles are certainly present and there may also be the less common Brown long-eared and Noctule species. All three species may roost in trees and feed on insects found on tree and shrub foliage. They are all protected in the UK under the Wildlife and Countryside Act 1981. It should be noted that bats are emerging from hibernation now at the time of the Planning Application. In the coming months, during the summer, females will form maternity colonies in trees like those found including ash. In addition to bat habitation the trees support a diverse and beautiful butterfly population including Brimstones, Clouded yellows, Commas and Common blues. Bird species observed include jays, short-eared owls, peregrine falcons and sparrowhawks. It is likely that all will be lost if the development does ahead.

When we spoke to Councillor David Smith about three years ago he stated that the owner of the Fountain Street site was unknown. It now seems that the owner of the land has been identified. I cannot close my letter without reminding the Council that the nearby McInerney Homes/Belgrave Heights site has remained undeveloped for almost ten years. The local press has reported that this is because the ownership of the land was disputed after McInerney went into administration. We strongly feel that it would be sensible and desirable to facilitate the completion of Belgrave Heights rather than to consent to the application for Fountain Street.

With trust that good sense will prevail.

Objection Abbigail Burch, 28 Cobden Street, Darwen, Rec – 07/03/2019

Hello,

My name is Abbigail Burch, i am the home owner of 28 Cobden Street, Darwen, Lancashire, BB3 2NY.

I moved to my property in August 2018. In the last week i have received a letter through the door stating that there has been a planning application for 10 semi detached houses across the top of my street.

This cannot happen. This news has devastated our family, had we known about this we would not have moved to Cobden Street. We moved here as it was easy access to St Josephs Primary School and to my parents house, directly up the steps at the top of Cobden street onto 45 Limes avenue.

There are multiple reasons why we object to this planning permission and hope that their request is denied.

Along with the above mentioned, there will be;

- An increase in traffic in the area, which will change the neighborhood completely.

Currently it is a safe grassy area for children to play with no through traffic in which all residents around our area are happy with. If you add a road across with more houses there will be speeding, traffic and parking problems, being so close to school and to a grassy playing area for the children this would be highly unsafe and would attract more problems to the area.

- Cutting down our woodland.

This is a serious issue for me and the other residents as these trees; Help clear pollution, bring value to our homes as this is one of the most loved areas of Darwen (Because of all of the wooded areas) This woodland also provides homes for wildlife, it is beyond unthinkable to take that away. This woodland is enjoyed by so many. It's a frequent walk through area and it brings Joy to those in the area. Darwen is increasingly turning into property developments forgetting about the need for Green. We need to make Darwen a healthier, greener place to live.

Planning applications for the development on Fountain street must be denied, Please do not take away from one of the only remaining beautiful areas of Darwen, Bold venture along with the surrounding streets are known for being areas with woodland.

- The steps in that area both at the top of Cobden street and Radford Street are essential in my daily life.

EVERYDAY. The removal of this wooded area and steps would effect our lives massively.

I Object to planning application reference: 10/19/0113 and I really do hope my comments along with the many other residents are taken on board as it is our right to lead a happy healthy life in the homes we chose to buy in YOUR town.

Objection Angela Slater, 25 Cobden Street, Darwen, Rec – 07/03/2019

Ref:- 10/19/0113 – Full planning application – Land at Fountain Street, Darwen, BB3 2NL.

Objections:-

1. This is a small residential area which is already blighted by traffic and parking problems. The planning application states that the ten houses will have driveways and single garages. Will monitoring be in place to ensure that these are used for this purpose? None of the houses on Radford Street and Cobden Street have the luxury of off road parking. None of the houses on the already developed side of Fountain Street that have garages use them for that purpose leading to more on road parking.
 2. The traffic/parking in this area is already horrendous due to the workers from the mill parking on Radford Street and Chapel Street and car drivers using the roads as a short cut to avoid the town centre. The junction of Radford Street/Chapel Street is already a hazard.
 3. None of the surrounding roads to the proposed site will be able to cope with the heavy construction traffic coming and going from the site. The mess caused to the roads by this – mud etc left on the roads while the area is being cleared can cause slipping accidents to pedestrians/car drivers and therefore is a potential health and safety hazard. The roads are steep and narrow and not fit for this purpose or an increase in traffic.
 4. The area provides a number of pedestrian routes to the Limes Avenue estate which allows access to the local primary school. If this is taken away there will be more traffic from parents collecting and dropping off their children at the school. This will lead to more traffic at already congested times on the Limes Avenue estate. This raises serious dangers and safeguarding risks for the children, school and the community in general.
 5. The trees help clear pollution from the air, provide homes for wildlife/bird life (why should the owl be made homeless?) and also provides a place for the children to play. The trees make the area a greener and healthier place to live. To say the area isn't used is rubbish.
 6. The water pressure in the area is not good already – the addition of these ten properties will make it worse.
-

Objection – Claire Yates, Rec 07/03/2019

Dear Sirs

Please take this email as objection to the above planning proposal.

More housing will have a negative impact on the wildlife living there and the loss of a lot of trees which we need to help clear pollution and make Darwen a greener space. In addition to this it is a place where our children play.

Also, the proposed site to build would only be accessible from 2 small streets resulting in increased traffic making this dangerous for our children. _____

Objection L McDonald, 8 Rydal Avenue, Darwen, Rec – 07/03/2019

To who it may concern.

As a resident of the Blodventure area i Strongly object to the above planning application on the following grounds.

- *increased traffic on already congested area
- *loss of trees and wildlife in the area where the planning application has been made.
- *Loss of access via the steps to St Joesphs school to avoid using Limes Ave as traffic is too congested and dangerous for children and pedestrians.
- *Loss of privacy and views for houses located on Limes ave that the houses would back onto decreasing property value.
- *Loss of sunlight and privacy into house that back directly onto proposed sight.
- * Loss of community land and play / social area directly in front of proposed site.

Objection Christine Ahern, Rec – 07/03/2019

Objection to planned development of 10 semi detached houses .

Trees and wildlife affected by this , our home will be affected by the removal of trees which provides security and privacy which will affect the value of our home Not to mention the wildlife that is in abundance around the trees , where will the owl go we get every night??? Hedgehogs , squirrels etc .

Cars from India mill already park lower down than fountain st , more traffic,pollution etc

Objection Christine Ahern, Rec 06/05/2019

Will affect value of house and create more traffic in the area

Where is the owl going to go that we here every night, hedgehogs squirrels etc.

Give wildlife a chance think of them for once .

Objection Susan Riley, 75 Limes Avenue, Darwen, Rec 07/03/2019

I am writing with respect to the planning application for construction of semi-detached houses on the bank of land above Fountain St.

Reference: 10/19/0113

The land is of interest to me as part of the local environment. This development would be problematic for a number of reasons:

1... The area chosen is shown on the BwD plan 2015 as a protected green site and would feature as a Locally Important Site under Protection and Enhancement of Ecological Assets Policy CS 15.

2... There is limited space for trees to grow along the valley side between the river Darwen and the moorland above. These trees were planted at least 20 years ago and constitute a small area of woodland. Trees absorb carbon dioxide and are therefore helpful in deterring Climate Change. Their roots absorb water which will tend to reduce flooding when there is heavy rainfall. This woodland therefore supports adaptation to climate change as mentioned in Quality of Place, Chapter 7, Integrating Green Infrastructure and Ecological Networks.

3... Site Allocations and Development Management Policies Dec.2015 Policy 9 suggests that Development that would result in the further fragmentation of Blackburn with Darwen's ecological network should not be permitted. This area forms a stepping-stone site connecting the river Darwen, Ashton Park and on to the moorland above. It is also part of a corridor running along the valley side from Bold Venture Park towards The Print Shop and on to the Cemetery.

See also Blackburn with Darwen Core Strategy, Jan.2011 regarding General Habitats in accordance with Environmental Strategy set out in Policy CS13

Integrating Green Infrastructure and Ecological Networks, Quality of Place, Policy 40 suggests that public open space should be protected and that as part of an ecological network this green infrastructure should not be compromised.

and that Green Infrastructure enhances the ecological framework and promotes biodiversity.

4... Quality of Place, Policy 40 Also suggests that it is important to create or in this case maintain a good quality of place and of life. Research shows that people's stress levels are reduced when exposed to green areas in urban locations. This area gives a place where children can play in a green environment but still be within easy reach of their families.

5... In order to produce a stable area for building, excavation might be needed, which could cause damage to the ground under and foundations of upper Limes Avenue.

6... Japanese Knotweed (*Fallopia japonica*) grows in an area of this site.

Objection Maxine Morgan, 8 Jepson Street, Darwen, Rec – 07/03/2019

To whom this may concern

I wish to object about the above planning. My reasons are that by building these it would increase the traffic dramatically on both Radford st and Chapel st. These areas are highly congested already with the cars that are parked from Capita as they haven't got sufficient parking facilities. Also the safety factor of more vehicles and big wagons using the road isn't good at all for the local children both at home and attending local schools daily.

Why get rid of the local woodlands to built yet more houses in Darwen? The town seems to like approving plans for more housing regardless of the wildlife that live in these trees. Bats and owls live in them why destroy there habit?

Children don't have many places to enjoy the outdoors these days and this area provides a safe outdoor environment for them. Why take that away from them. Do that and they will have less to do and then that's when they start getting themselves into trouble.

These houses could/will affect the value of everyone's property as who would want to live in an area that had beautiful greener taken away for an eye sore housing development? Is it fair that we have to suffer for a developers greed in building more houses that Darwen doesn't need at all. We have got 3 development of the go at the minute.

We need to make Darwen a healthier environment for everyone and these trees help to clear the pollution from the air. Think about the community and their health and well-being.

It's time to look after the people of Darwen and stop thinking about the money that you will receive from selling the land! Because the money it never spent on this town. Darwen is the forgotten town but you still increase the council tax yearly.

Objection James Hatch, 57 Limes Avenue, Darwen, Rec – 07/03/2019

Dear planning officers,

I am not one that usually complains but feel that I really must protest at the proposed development to the rear of Limes Avenue.

Planning application ref 10/19/0113 on the following grounds,

- 1) The public footpath that will be lost is a long standing one and has been there longer than the 40 years that I have lived on Limes Avenue
- 2) The loss of yet another green space that is used by local children as a play area
- 3) The loss of all those mature trees which harbour a lot of insect and bird life

I did read the details contained within the planning application, in particular the ecological survey and feel I should comment on that.

I had to wonder at what time of the day and at which time of year it was conducted. During the warm period in the year it is alive with bats.

I spend some evenings just sat on my back doorstep watching them yet they report seeing only one. The woodland is also a popular hunting ground for owls which judging by all the sounds emanating from them indicate more than a handful. The berries found on many of the trees are a vital source of food for many birds prior to the lean times of winter. As well as the birds identified in their survey there are large numbers of fieldfares feasting on the autumn berries.

They mentioned several mammals in their survey and yet failed to give a single mention to our largest local mammal - namely the Roe Deer. There can be little doubt that the local deer population frequent such areas whilst pursuing their nocturnal browsing. They are not there all the time but neither are they anywhere else all the time.

I know that it is one of the places that they do visit from time to time as **I have** seen deer in that area myself.

There are very many other reasons why this application should be rejected and guess others will have listed them but my first concern was wildlife

There has been a previous planning application (many years ago) to develop that same plot of land and the then planning committee saw fit to reject it on many of the grounds that myself and others will no doubt have brought up. I hope that the current committee will show the same concern at the potential loss of yet another green space. Wherever you look green spaces are being lost when there are brown field sites that could be developed. I am worried that the time may come that children will be asking what that grass stuff is they read about in text books. I read your notice of the planning application with dismay and pray that nature wins the day.

Objection Janet Glover, 45 Limes Avenue, Darwen, Rec – 07/03/2019

Hello,

My name is Janet Glover and, i am the home owner of 45 Limes Avenue Darwen BB3 2SG.

In the last week i have received a letter through the door stating that there has been a planning application for 10 semi detached houses across fountain Street.

This cannot happen. This news has devastated our family, had we known about this we would not have moved to Limes Avenue.

There are multiple reasons why we object to this planning permission and hope that their request is denied.

Along with the above mentioned, there will be;

- An increase in traffic in the area, which will change the neighborhood completely. Currently it is a safe grassy area for children to play with no through traffic in which all residents around our area are happy with. If you add a road across with more houses there will be speeding, traffic and parking problems, being so close to school and to a grassy playing area for the children this would be highly unsafe and would attract more problems to the area.

-Cutting down our woodland.

This is a serious issue for me and the other residents as these trees; Help clear pollution, bring value to our homes as this is one of the most loved areas of Darwen (Because of all of the wooded areas) This woodland also provides homes for wildlife, it is beyond unthinkable to take that away. This woodland is enjoyed by so many. It's a frequent walk through area and it brings Joy to those in the area. Darwen is increasingly turning into property developments forgetting about the need for Green. We need to make Darwen a healthier, greener place to live.

You are also blocking light and obstructing view of lots of Limes avenue residents who you can appreciate paid a lot of money to buy houses up here.

Planning applications for the development on Fountain street must be denied, Please do not take away from one of the only remaining beautiful areas of Darwen, Bold venture along with the surrounding streets are known for being areas with woodland.

The steps in that area both at the top of Cobden street and Radford Street are essential in my daily life.

These cannot be removed! These are steps we use daily, and one of our main purposes for buying a property here! We plan to use St Josephs and would walk up them steps every morning and afternoon to take our granddaughter to school in September! Along side this, I am extremely close to my daughter and dad who live at 28 cobden street(Also writing to you to object) and we use these steps without fail EVERYDAY. The removal of this wooded area and steps would effect our lives massively.

I Object to planning application reference: 10/19/0113 and I really do hope my comments along with the many other residents are taken on board as it is our right to lead a happy healthy life in the homes we chose to buy in YOUR town.

Objection Eric Glover, 45 Limes Avenue, Darwen, Rec – 07/03/2019

My name is Eric Glover and, i am also the home owner of 45 Limes Avenue Darwen BB3 2SG.

In the last week i have received a letter through the door stating that there has been a planning application for 10 semi detached houses across fountain Street.

This cannot happen. This news has devastated our family, had we known about this we would not have moved to Limes Avenue.

There are multiple reasons why we object to this planning permission and hope that their request is denied.

Along with the above mentioned, there will be;

- An increase in traffic in the area, which will change the neighborhood completely. Currently it is a safe grassy area for children to play with no through traffic in which all residents around our area are happy with. If you add a road across with more houses there will be speeding, traffic and parking problems, being so close to school and to a grassy playing area for the children this would be highly unsafe and would attract more problems to the area.

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I Object to planning application reference: 10/19/0113 and I really do hope my comments along with the many other residents are taken on board as it is our right to lead a happy healthy life in the homes we chose to buy in YOUR town.

Objection Cathie Clay, 29 Radford Street, Darwen, Rec – 07/03/2019

I would like to register my objection to the building of houses at the top of Radford st / behind Limes Ave.

Not only will this increase traffic on a street (Radford) that already has issues due to the lack of parking spaces due to Capita staff parking on the street it will now have more traffic due to this build.

I was born in Radford st and spend many an hour playing in the wooded area at the top of the street, checking out the nature ie: owls, birds, rabbits, etc

Regarding land at Fountain Street, Darwen, BB3 2NL

In reply to the letter dated 25th February 2019, I wish to object to this planning proposal. My concerns are as follows:-

1) I believe that the top of Radford Street, where I live, was originally cleared of dwellings many years ago. This was to open up the area and provide a landscaped area and a breathing space for residents. This planning application is a retrograde step in robbing current residents of a modest green space and is in direct contrast to the enlightened approach of that bygone Council.

2) This area around Radford Street, and adjoining streets, is heavily congested all day long with parked vehicles, I believe, of the India Mill workforce plus residents. 10 dwellings means at least another 10-15 cars which would exacerbate this problem.

3) The last time this area was threatened in such a manner, the standing MP at the time (Sir David Trippier?), indicated that there was a tree preservation order on this area between Fountain Street and Limes Avenue. How such a variety of trees can be so willfully removed, along with the resident wildlife, is beyond me. I hear owls using that wooded area at night. Though I suspect that the powers guiding this application through couldn't give a 'hoot' about this particular environment.

4) There must be suitable brownfield sites in Darwen that would benefit from this kind of development. I would also like to add my observation that, in my capacity of canvasser for the electoral register in the Whitehall area, there are many empty properties. Some of these appear to have been empty for years. These, with a little effort, would provide considerable homes.

Thank you for your consideration.

Objection Alex Newton, Rec 07/03/2019

I live close to the area relating to the above application which I understand is under consideration.

I should be grateful if you would note my objection to the application to develop this site which I understand will (inevitably) involve cutting down trees and turning what is essentially a piece of woodland into a small housing development.

1. There has already been a significant loss of woodland in the area at the top of Belgrave Road which has had a detrimental impact upon the wildlife that used it. I am aware that the council was slow to recognise what the potential developer was doing on that large plot and rather belatedly sought to protect the 80 or so trees that were felled the outcome of which was no substitute for preventing the loss in the first place. I would therefore hope therefore that in considering the above application the town planning department will give very active consideration to the impact that it is likely to have upon the green infrastructure.
2. Besides the impact upon the wildlife that is likely to use the woodland and the detrimental visual impact that would arise if the woodland is cleared, I am concerned about the impact upon drainage/flooding. Increased surface water (which would arise if the area is built-upon, is only likely to increase the risk of flash flooding that is occurring more and more and is increasingly evidence in the streets/drains in the Bold Venture, Belgrave area.
3. I appreciate that the council will be keen to encourage the building of new homes but hopefully not to the detriment to those that are already in existence.

Please would you confirm that you will be taking these factors into account as I am sure I am not the only person expressing concerns of this nature.

Objection Rachael, Rec – 07/03/2019

I want to object to the planning application that has been submitted to build 10 houses that runs from Cobden Street to Radford Street at the rear of Limes Avenue.

I'm objecting because there will be an increase in traffic using the steep hills and narrow streets leading to the main road.

Most of the woodland area will be cut down to build houses on the steep bank where the trees are growing and animals I'm living.

This woodland area helps with the carbon footprint also provides homes for wildlife, enhances the value of my home also our young infants play in this area.

Also building 10 homes will increase the traffic flow on our 2 narrow streets where it is already busy and recently there was a fire and the fire engines struggled getting up the streets around our area.

Objection Natalie Bannister, 26 Jepson Street, Darwen, Rec 07/03/2019

I strongly object to the woodland on Fountain Street being destroyed to build houses my reasons for this are:

Wildlife live in the trees including owls will have their habitat taken away bats have also been seen flying around this area on a summer evening
There will be increased traffic on the already busy steep narrow streets
There is enough "brown Land" in Darwen instead of getting rid of the Greenland
The children will have their play areas removed as parents are trying to encourage children to have fresh air and be healthier instead of playing computer games .
I want Darwen to be greener and healthy place to live in, especially for the children.
The site on Belgrave Road has never been finished, it's an eyesore can this land not be put to use instead of it being an eyesore

I hope you take the feelings of the people in this area when you consider your decision

Objection Mr Naylor, Rec – 08/03/2019

Dear sir. I'm lead to believe that a planning application has been made to build 10 new houses on wooded area at the back of cobden Street in Darwen. May I object to this planning please. Apart from distroying the wild life in the area it going to bring more traffic to our once quiet roads around here to. Those trees help keep the air that we breath clear. There's enough houses up here we don't need anymore. Thanks in advance

Objection Daniela Romano & Family, Rec 08/03/2019

Dear All,

I, on behalf of all my family at 51 Limes Avenue, STRONGLY OBJECT to the proposed build.

This is a conservation area that will be put strongly under further pollution for numerous reasons should the build go ahead.

We are completely against it and even the possibility of a branch on a single being cut is out of the question.

Sincerely,

Objection Luke Slomka, 16 Cobden Street, Darwen, Rec – 11/03/2019

Hi local council officials

I live at 16 Cobden street Darwen and am told there is a proposal to build houses on the wooded area that runs from the top of Cobden street to Radford street at the rear of Limes Avenue. I want to have my name added to any others that oppose this planning application. I value the green spaces and the wildlife they bring, if they have to be destroyed for this development then it should not go ahead in my opinion.

If there are any meetings going ahead about this is there any chance I could be informed or could you provide direction so I can find the information online please?

Thanks for any help and feedback you might be able to give

Objection Rachel Demaine, Rec – 13/03/2019

FAO Nick Blackledge

Dear Mr Blackledge,

I'm writing to express my objection to the above planning application (Land off Fountain Street, Darwen).

The construction will require the felling of a substantial number of mature trees and destruction of natural habitat.

The Bold Venture area is known and valued for its green spaces and this development will erode this green space.

There is an unfinished development only a short distance from this proposed site (off Belgrave Road). The emphasis should be to find a solution to this issue rather than grant permission for a new development and the associated green space and habitat loss.

I hope these issues are taken into consideration during the decision making process.

Objection, Angela Slater, 25 Cobden Street, Darwen, Rec – 30/03/2019

Good morning

Following receipt of your letter dated 29th March my objections remain the same as previously emailed to you. A shortened version:-

1. This is a very small residential area and not adequate for the size of development.
2. The parking/traffic is horrendous already. Where will the construction workers park ?
3. The proposed development site is a hub of the immediate local community offering a play area for the local children to be safe in who through no fault of their own do not have the luxury of gardens to play in.
4. The surrounding roads – Radford Street, Chapel Street Cobden Street, the rear of Cobden Street and Jepson Street are not adequate to cope with the construction traffic.
5. The water pressure in the area is not good so start with.

Dear sir/madam

I have today received a communication from you with regard to the planning application 10/19/0133 (Fountain Street Darwen)

I still object on all the grounds in my previous protest sent to you which I will repeat below based on the ecological damage to trees and wildlife.

The survey undertaken by the petitioners agents really was a joke. Just to reiterate two reasons. The survey would have been done during the day so I am not surprised they only saw one bat. Do they not know that bats are nocturnal? Wildlife exists during the night as well as during the day and the area is alive with bats in the evening and night. I myself spend regular evenings in summer sat watching their antics as they feed on the prolific insect life which is due to trees on the area. I myself have a bat box on the back of my house which has been there for years. I would certainly not have put that there if there was no local bat activity.

Owls - well I guess they probably would not see many of those during the day either but in the summer those trees are well used by owls

Roe deer - guess they did not see any of those either but they do come down off the moors and browse from time to time in that bit of woodland.

The path that passes diagonally across that land is claimed not to be adopted but it has been in existence longer than I have lived on Limes Avenue and that is 40 years in September and it has lights on it placed there by the council. I understand that parcel of land is not part of the percentage of green belt allocated by Blackburn with Darwen Council as free to be developed and I would urge the planning committee to reject these plans and keep this area a wildlife haven in perpetuity.

I hope that previous protests by neighbours will not be discounted because of changes to the application. But just in case the text of what I sent the first time..

I had to wonder at what time of the day and at which time of year it was conducted. During the warm period in the year it is alive with bats.

I spend some evenings just sat on my back doorstep watching them yet they report seeing only one. The woodland is also a popular hunting ground for owls which judging by all the sounds emanating from them indicate more than a handful. The berries found on many of the trees are a vital source of food for many birds prior to the lean times of winter. As well as the birds identified in their survey there are large numbers of fieldfares feasting on the autumn berries.

They mentioned several mammals in their survey and yet failed to give a single mention to our largest local mammal - namely the Roe Deer. There can be little doubt that the local deer population frequent such areas whilst pursuing their nocturnal browsing. They are not there all the time but neither are they anywhere else all the time.

I know that it is one of the places that they do visit from time to time as I have seen deer in that area myself.

There are very many other reasons why this application should be rejected and guess others will have listed them but my first concern was wildlife

There has been a previous planning application (many years ago) to develop that same plot of land and the then planning committee saw fit to reject it on many of the grounds that myself and others will no doubt have brought up. I hope that the current committee will show the same concern at the potential loss of yet another green space. Wherever you look green spaces are being lost when there are brown field sites that could be developed. I am worried that the time may come that children will be asking what that grass stuff is they read about in text books. I read your notice of the planning application with dismay and pray that nature wins the day.

Comment – Debbie & Bernard Lloyd, 53 Limes Avenue, Darwen, Rec – 04/03/2019

Been looking at the planning information. For a few years we have been trying to contact the owner of the land with regard to Japanese knotweed. This is growing on the land behind our garden and has encroached into our garden. We have no objection to the houses on condition that the knotweed is removed from our property.

Comment – Susan Whalley & John Banks, 49 Limes Avenue, Darwen, Rec – 26/04/2019

Dear Sir/Madam,

The photographs in the Amendment clearly show that the height of the existing mature tree canopy forms a significant natural backdrop to the locality around Fountain Street. We appreciate that there is a genuine attempt to maintain the appearance of this area of trees if the housing is built but still harbour serious concerns. This is because the trees already present are large and mature. It would be many years before new saplings would attain the grandeur of the existing trees... perhaps thirty years or more. We feel it is important that this development includes the planting of large, semi-mature trees to replace those being removed.

Comment – Angela Slater, 25 Cobden Street, Darwen, Rec – 26/04/2019

Good afternoon

Following on from your letter dated 23rd April 2019 please see below:-

6. **Existing use** – the land is a hub of the local community and is important to the area. The children play there – who through no fault of their own do not have the luxury of gardens to play in. The annual bonfire is held there and other community activities. The land/trees enhance the area. Approximately five years ago the land was classed as conservation. What has changed ?

9. **Vehicle parking** – this is a very small residential area that already struggles to cope with the traffic/parking as it is. Whilst 20 spaces are proposed - the plans show a driveway and a single garage for each house – how many will be used for that purpose which will then lead to more on road parking. The residents of Cobden Street, Jepson Street and Radford Street do not have drives or garages and the development will take away very much needed on road parking. These same streets and including the back of Cobden Street are not suitable for construction vehicles to and from the site.

18. **Employment** – the application states that no staff will be employed. Will the developer be doing all the work on his own ? Again with the parking issues already mentioned where will the developer park and any staff should the developer decide he needs some once work has started ?

22. **Site visit** – I would expect somebody from the planning authority to go at the site due to the very big effect this will have on the local residents.

With regards to the land being unregistered was the notice in the Lancashire Telegraph adequate ? Fewer and fewer people read newspapers these days.

Regards

Comment - Angela Slater, 25 Cobden Street, Darwen, Rec – 03/05/2019

Good morning

Following on from my email below I would also like to add the following:-

Access/parking provision/effect of the development in the area.

The writer of the report obviously has no in depth knowledge of the area and the problems with parking and access, to say there are clear views and access from Radford Street onto Bolton Road is wrong.

Having yet again struggled to turn off Bolton Road onto Radford Street yesterday due to the amount of cars waiting to get onto Bolton Road due to the amount of passing traffic. This is a very regular occurrence. The junction is a nightmare as at times is the junction at Radford Street/Chapel Street.

During the working week there is rarely a clear view from Radford Street if you are turning right onto Bolton Road due to the amount of cars parked on Bolton Road and also to the left of Radford Street. This can also be the case at weekends.

The writer of the report cannot simply guess how the occupants of the proposed houses will get to them. Just because the most direct route is Bolton Road onto Radford Street doesn't mean to say that 's the route which they will take.

The area also has takeaways on Bolton Road at the bottom of Radford Street which also can cause traffic congestion.

REPORT OF THE DIRECTOR

Plan No: 10/19/0289

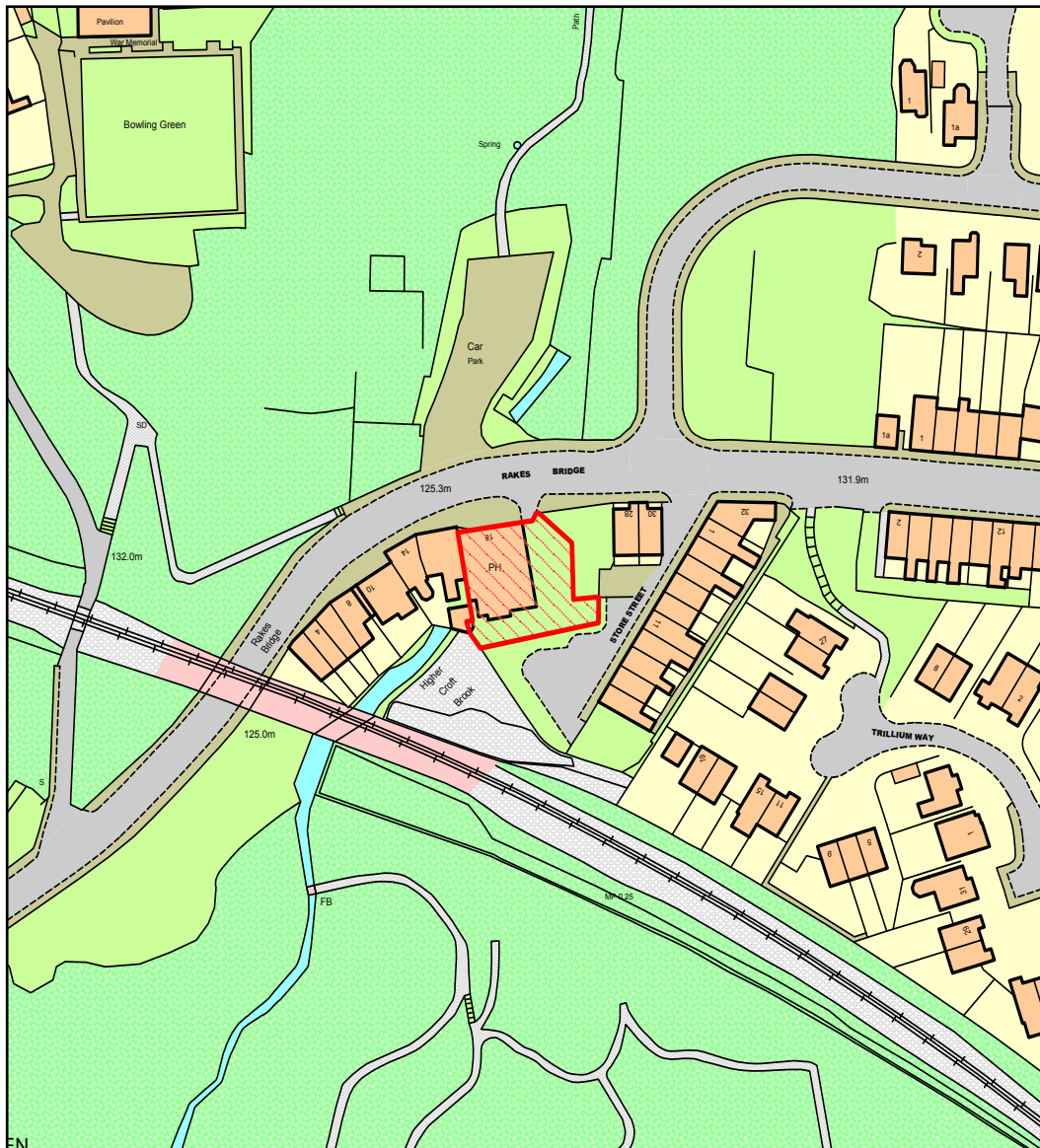
Proposed development: Full Planning Application for Change of use from public house to 7 apartments including parking and landscaping of the site and installation of roof lights to front and rear elevation.

**Site address:
Hindle Arms
18 Rakes Bridge
Blackburn
BB3 0QH**

Applicant: M Jackson

Ward: Blackburn South & Lower Darwen

**Councillor: Denise Gee
Councillor: Jacqueline Slater
Councillor: John Slater**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions; as set out in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This application is presented to the Committee through the adopted Chair Referral Process of the Scheme of Delegation. The proposed development is consistent with the Borough's strategic aims and objectives, in that it corresponds with the Council's overarching growth strategy, through delivery of housing which will assist in widening the choice on offer in the Borough, in a sustainable location. This is in accordance with the Local Development Plan. 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 the vacant Hindle Arms Public House, located and accessed to the south of Rakes Bridge, Darwen. The building is 3 storey's high and is served by an outdoor area to the side and rear. The area is generally defined by its residential character, with the site flanked by dwellings to the east and west. The site is unallocated in the Local Plan Part 2. An area of Green Infrastructure occupies land forward of the site, to the north.

3.1.2 The site is well served by the local road network and convenient pedestrian links exist to a range of nearby amenities in the centre of Lower Darwen. Blackburn and Darwen town centres are also within easy reach, offering public transport hubs to locations further afield such as Bolton, Preston and Manchester.

3.2 Proposed Development

3.2.1 Planning permission is sought for conversion of the Public House into 7no. self-contained apartments with provision of 7no. off-street parking spaces, installation of roof lights and general landscaping; as set out in the submitted drawings. The existing point of vehicular access into the site will be utilised.

3.2.2 Members are advised that the application follows a proposal for a House in Multiple Occupation (HMO) which was withdrawn on account of its failure to comply with the requirements of the Development Plan. The current scheme proposes self-contained accommodation and that is demonstrably not a HMO.

3.3 Development Plan

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

3.3.2 Core Strategy

- CS1 - A Targeted Growth Strategy
- CS5 - Locations for New Housing
- CS6 - Housing Targets
- CS7 - Types of Housing
- CS16 - Form and Design of New Development

3.3.3 Local Plan Part 2

- Policy 1 - The Urban Boundary
- Policy 7 - Sustainable and Viable Development
- Policy 8 - Development and People
- Policy 9 - Development and the Environment
- Policy 10 - Accessibility and Transport
- Policy 11 - Design
- Policy 18 - Housing Mix
- Policy 19 - Apartment Development and Houses in Multiple Occupation
- Policy 35 - Protection of Local Facilities

3.4 Other Material Planning Considerations

3.4.1 Houses in Multiple Occupation and Residential Conversions and Sub Divisions SPD.

3.4.3 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 11 – Making effective use of land; in particular paragraph 188 d) which advocates that decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing.
- Section 12 – Achieving well-designed places

3.4.4 Technical housing standards – nationally described space standards

3.5 Assessment

3.5.1 The key issues in relation to this application are:

- Principle
- Amenity
- Drainage
- Highways
- Design

3.5.2 Principle

Policy CS5 supports new housing in accessible locations within the urban area of Blackburn and Darwen, where it cannot be delivered within the inner urban areas. Policy CS7 supports a range of new housing, including meeting the needs of those on lower income. The proposal in this regard is considered to be consistent with these policies.

3.5.3 Consideration as to the loss of the community public house should be afforded proportionate weight in the assessment. To this end, Policy 35 is of relevance. It sets out the principles of guarding against loss of facilities that are identified as being an asset of value to the community or otherwise considered to be importance to the sustainability of the community which it serves. Whilst the premises are accepted as not having formal protection by way of *Asset of Community Value* status, they may be considered to be of sufficient importance to the sustainability of the local community that they serve.

3.5.4 NPPF reinforces the need for LPA's to; *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs* (para. 92).

3.5.5 The applicant submits that the Public House (Hindle Arms) was closed circa 2012. This is corroborated by the Council's Revenues and Benefits records. It is further submitted that in 2015, the premises were raided by the Police and found to be host to a significant cannabis factory. Although the Council has no information to corroborate this statement, it has no evidence to the contrary. Accordingly, this statement is uncontested. In this context and the otherwise evident health of the local community, in terms of commercial occupancy levels and quality housing provision, the premises are not considered to be of sufficient importance to the sustainability of the local community.

3.5.6 Moreover, it is evident from Google Street View that the freehold to the premises was marketed in 2015. Although the submitted supporting statement does not set out the marketing time period or the market price, it is considered that sufficient evidence exists to demonstrate that the site has been appropriately marketed.

- 3.5.7 The Local Development Plan reaffirms NPPF's principles of sustainability which includes support for sustainable economic development and encouragement of effective re-use of land; subject to the principles of high quality design and securing a good standard of amenity for all existing and future occupants of land and buildings. In this regard, the benefits of bringing the long redundant site back into use, is afforded significant weight.
- 3.5.8 The Core Strategy sets out the principle of housing locations, targets and types. Local Plan Part 2, Policy 19 guides the principle of conversion to apartments. The policy sets out that:
- 3.5.9 The Council will only exceptionally support the development of bedsits, bed and breakfast and hostel accommodation, either through new build or through the conversion of existing buildings. These forms of development will only be acceptable where all the following criteria are met:
- i) the proposal does not, in isolation or in conjunction with other planned, committed or completed development, erode the amenity of neighbouring properties, the physical, social, environmental or economic character of the surrounding area, or the supply of family housing;
 - ii) in the case of conversions, the property is suitable for conversion without the need for any substantial extensions which would have an unacceptable effect on residential amenity and the character of the area;
 - iii) the site can accommodate the necessary parking and manoeuvring areas in a way which preserves residential amenity and the qualities of the street scene; and
 - iv) adequate refuse / recyclable waste collection facilities are provided.

3.5.10 Addressing each of the above in turn:

Despite local objection to the contrary, the proposal is for self-contained apartments and not for HMO provision. This is clearly represented on the submitted drawings which demonstrate self-contained accommodation, absent of communal living areas. The submitted supporting statement illustrates the floor areas of the rooms:

Ground Floor:

Flat 1 – 37sqm (wc/shower, seating area, bedroom, kitchen);
Flat 2 – 37.68sqm (wc/shower, seating area, bedroom, kitchen);
Flat 3 – 45.17sqm (wc/shower, seating area, bedroom, kitchen);
Flat 4 – 47.37sqm (wc/shower, seating area, bedroom, kitchen);

First Floor:

Flat 5 – 43.84sqm (wc/shower, seating area, bedroom, kitchen);

Flat 6 – 45.58sqm (wc/shower, seating area, bedroom, kitchen);

Second Floor:

Flat 7 – 60sqm (wc/shower, seating area, bedroom, kitchen)

- 3.5.11 The proposal is not considered to erode amenity levels for neighbouring properties, on account that the dilapidated state of the premises will be remedied, thereby enhancing the physical and environmental character of the area, and by maintaining an acceptable relationship with neighbouring properties. Moreover, the proposal will have economic and social benefits by way of generating additional revenue from a range of new homes for present and future generations; as advocated by NPPF's sustainable development principles.
- 3.5.12 The building is accepted as suitable for conversion, on account of its robust structure and sufficient internal space to accommodate the 7no. apartments proposed; thereby preserving neighbouring amenity levels and the character / appearance of the area.
- 3.5.13 The Council's parking standards require 1no. car space per C3 dwelling. The requisite 7no. spaces are provided on the site layout, in a manner that appropriately preserves amenity levels and the quality of the street scene.
- 3.5.14 The proposed layout demonstrates that adequate refuse / recyclable waste facilities can be provided within the site.
- 3.5.16 Policy 18 sets out that apartment development for the general market will only be acceptable where it is the most appropriate form of housing, given the local context or the characteristics of the site. The conversion is considered to be an appropriate form of housing given the characteristics of the site and the need to secure an effective and viable alternative use.
- 3.5.17 Accordingly, having due regard to the above circumstances, the proposal is considered acceptable in principle; in accordance with the NPPF'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:
- 3.5.18 Amenity
Policy 8 requires a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to privacy / overlooking, and the relationship between buildings.
- 3.5.19 Appropriate separation is achieved between habitable windows within the side elevation of the property and habitable windows to dwellings along Store Street, which are set at an oblique angle; thereby achieving acceptable levels of mutual privacy. The position of habitable windows in every other regard is also acceptable.

3.5.20 Internal space standards are considered acceptable, in affording an adequate standard of living, whilst having regard to all other material considerations in support of the application; notwithstanding very minor shortfalls when assessed against the national space standards. Adequate outdoor amenity space is also provided.

3.5.21 The proposal is supported by the Council's Housing Standards consultee; following receipt of a minor modification incorporating a lobby area to serve the access into the second floor apartment, in order to minimise fire risk.

3.5.22 Accordingly, compliance with Policy 8 and supporting SPD policies is achieved.

3.5.23 Environment

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

3.5.24 Although the site lies outside of a defined flood zone, it does lie adjacent to identified Flood Zones 2 and 3. The threat of flooding is not, however, considered to be a significant risk; ensuring ground floor occupants of the property are appropriately safeguarded. The Council's Drainage consultee offers no objection to the proposal.

3.5.25 Accordingly compliance with Policy 9 is achieved.

3.5.26 Highways

Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.27 7no. off street parking spaces are provided. Although internal manoeuvring space is recognised as limited, it is considered acceptable; in recognition of the availability of alternative parking directly across the road at the unrestricted public car park and having due regard the de-intensification of the site use from a public house to the proposed apartments.

3.5.28 Accordingly, compliance with Policy 10 is achieved.

3.5.29 Design / Character and Appearance

Policy 11 requires a good standard of design and 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.

3.5.30 Appropriately modest external alterations to provide additional bedroom window openings are acceptable. Moreover, the benefit of bringing the building back into use is recognised as important due to its positive effect upon the character and appearance of the area.

3.5.31 Accordingly, compliance with Policy 11 and SPD policies is achieved.

3.5.32 Other Matters

The above assessment appropriately addresses the material considerations associated with the proposal. Other issues raised in objections received are not considered material to this assessment. The issue of alleged encroachment / right of access for bin storage is considered to be a private matter, in the absence of evidence demonstrating encroachment onto land outside of the applicant's ownership. The issue of occupancy demographic is also beyond the scope of the planning process.

3.5.33 Summary

This report assesses the full planning application for the residential conversion of the former Hindle Arms Public House, Raikes Bridge, Darwen. In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the aims and objectives of the Local Development Plan and The Framework.

4.0 RECOMMENDATION

4.1 Approve subject to:

Conditions which relate to the following matters:

- Commence within 3 years
- External walling and roofing materials to match existing
- Implementation of the parking layout, prior to first occupation of the approved apartments
- Limited hours of construction / renovation works
- Development in accordance with submitted details / drawing nos.

5.0 PLANNING HISTORY

5.1 10/18/1171 – withdrawn application for HMO

6.0 CONSULTATIONS

6.1 Public Protection

No objection subject to conditions:

- No construction / Renovation works outside the following hours:
- Monday to Friday: 08:00 to 18:00
- Saturday: 09:00 to 13:00
- No works on Sundays or Bank / Public Holidays.
- Submission of scheme electric vehicle charging points. Given small scale the nature of the development and the expense of providing an electric vehicle charging scheme, this condition was considered unreasonable.

6.2 Housing Standards

No objection whilst citing the need to comply with Building Regulations; reference to room sizes and recommendation of a second floor lobby area to avert fire risk – secured by an amended drawing.

6.3 Drainage Section

No objection.

6.4 Public consultation has taken place, with 16 letters posted to neighbouring addresses and display of a site notice on 11th April 2019. In response, 4 objections were received which are shown within the summary below.

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

8.0 **DATE PREPARED: 5th June 2019.**

9.0 SUMMARY OF REPRESENTATIONS

Objection John & Ursula Miller, 16 Rakes Bridge, Lower Darwen, Rec – 10/04/2019.

Ref: 10/19/0289

Dear Mr Blackledge

We are emailing to object to the proposed plan to change use of the Hindle Arms Public House to a C3 dwelling house. Further to the previous objection submitted ref 10/18/1171 (see email below), our reasons given still apply. We believe there is little difference in C3 and C4 categories and C3 status can be changed to C4 status, without permission, due to the fact that the area does not have a high concentration of this property type. (To our knowledge there is an HMO property on Fore Street, Lower Darwen, which is for sale). On reading the supporting document it appears that the applicant has not researched local amenities as stated and at the time the application was submitted there were no Public Houses open for business and there has not been a bus service operating throughout the Village since June last year.

In addition to this we would sincerely hope if the decision is made to pass this plan, the Council take in to careful consideration that they will effectively be giving the applicant permission to “take” and encroach on to our property. Furthermore provisions have not been made for our right of access, which is needed in order for our refuse bins to be emptied. We have attached our title plan (LA457034), the title plan (LA766378) for 18 Rakes Bridge, purchased from HM land registry and also the Existing Site Plan and Proposed Site Plan from the Councils website for your information and comparison.

We feel the proposed plan is impacting negatively on our lives, as we put our house on the market last year in order to move to a more suitable property to look after a parent suffering with dementia, but prospective buyers were put off, due to the uncertainty of what was going to happen to the site next door. After discussing with the Agents, who said people were discouraged because of the proposed HMO, we made the decision to withdraw it from sale. Unfortunately people do not want to live next door to, or in close proximity to this type of property. We also hope the Council will take in to account while considering the plan that we would potentially have at least 7 new neighbours. We also refer to Blackburn with Darwen Councils **Supplementary Planning Document: Houses in Multiple Occupation and Residential Conversions and Sub-Divisions** – see highlighted paragraphs

2.5. The Borough also experiences substantial pressure to create houses in multiple occupation or HMOs. Although there may be exceptions, the general view, based on observation and stakeholder evidence, is that the majority of Blackburn and Darwen's HMOs, along with the creation of very small dwelling units through the sub-division of terraced houses, are having a seriously detrimental impact on the growth, regeneration, image, attitudes to investment (both inward and local) and sustainability of communities and neighbourhoods where they are concentrated.

2.6. The range and impact of issues is complex and inter-related; problems are a result of both the characteristics and lifestyle of the typical HMO or converted flat occupant in Blackburn and Darwen and the impact of the use on property which tends to be poorly maintained and present a poor appearance. Altogether the cumulative effect of these issues/problems has had a destructive impact on the physical environment, social inclusion and economic functioning of both the residential areas where they are located and the town centre. This situation is likely to be exacerbated by further such development in those neighbourhoods and surrounding areas where there high concentrations of this type of dwelling are already established. Many such areas are deprived with community and neighbourhood sustainability already fragile.

2.7. It is feasible that a number of HMOs or small converted flats in Blackburn with Darwen are being occupied by young, working households. At a time when owner occupation is unaffordable to many

current non-owners, this type of accommodation can represent a rational response to market conditions. However there is an informed view that the typical Blackburn with Darwen resident in an HMO/hostel or sub-divided house, particularly within the inner urban area where the greatest concentrations are located, tends to be a vulnerable person with a chaotic lifestyle who is low paid or unemployed and on benefit. The result of this is an imbalanced community and a breakdown of social cohesion. The transient nature and high turnover of population, many of whom have no connection to Blackburn with Darwen, in such accommodation, undermines community cohesion, neighbourhood sustainability and "civic pride".

2.8. There is also evidence of a number of environmental issues including fly tipping and accumulated rubbish; of increased crime and perceptions of crime; and of anti-social behaviour.

2.9. The nature of the Borough's housing areas means that all these issues, relating both to HMOs and to the sub-division of housing into self-contained flats, are often concentrated into particular areas. Where this is the case there is significant potential for the character of areas to be fundamentally changed, and for an area's housing choice to be skewed away from family accommodation. This impacts negatively on the image of a neighbourhood and hence on demand, both from potential residents who are in a position to choose where they live, and from developers.

POLICY H9 – CONVERSION OF BUILDINGS INTO FLATS AND HOUSES IN MULTIPLE OCCUPATION

The Council will allow proposals for the conversion of buildings into flats, bedsits, bed and breakfast and hostel accommodation, provided that:

i. the proposal does not erode the amenity of neighbouring properties and the character of the surrounding area; ii. the property is suitable for conversion without the need for any substantial extensions which would have an unacceptable effect on residential amenity and the character of the area; iii. the conversion works comply with the relevant Housing Acts and adopted local policies with particular reference to fitness, personal washing facilities, internal arrangements, space standards and fire regulations, including means of escape; iv. easily accessible garden or outdoor amenity space is provided to serve the needs of residents; v. the site can accommodate the necessary parking and manoeuvring areas in a way which preserves residential amenity and the qualities of the street scene; and vi. adequate refuse collection facilities are provided.

We do understand that there is a need for this kind of Housing, however we do not feel Lower Darwen Village is a suitable area for this type of property.

We look forward to you acknowledging receipt of this email.



© Crown Copyright 1974

TITLE No **LA 457034**

Title number LA766378

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 9 MAR 2018 at 18:00:23. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

A: Property Register

This register describes the land and estate comprised in the title.

BLACKBURN WITH DARWEN

- 1 (26.09.1995) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 18 Rakes Bridge, Lower Darwen, Darwen (BB3 0QH).
- 2 (26.09.1995) The mines and minerals together with ancillary powers of working are excepted.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (24.09.2014) PROPRIETOR: HINDLE RESIDENTIAL LIMITED (Co. Regn. No. 9118758) of 51 Bengal Street, Manchester M4 6LN.
- 2 (24.09.2014) The price stated to have been paid on 26 August 2014 was £171,000.
- 3 (24.09.2014) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (26.09.1995) The land in this title is with other land subject to a yearly rentcharge of £9.18s.4d. created by a Conveyance dated 2 January 1840 made between (1) Thomas Hutchinson (2) Richard Hacking and (3) James Gillies.

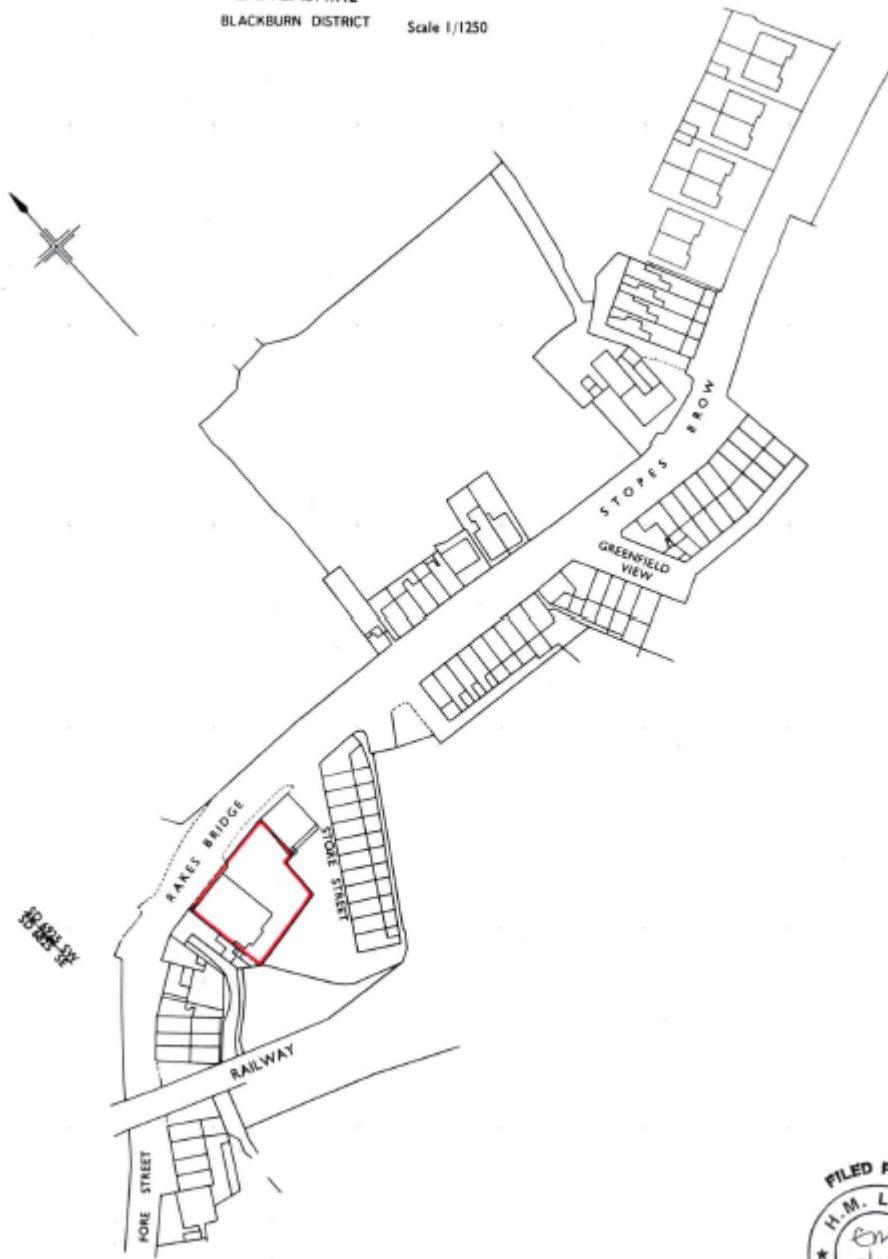
NOTE: Copy filed under LA457034.

- 2 (26.09.1995) The Conveyance dated 2 January 1840 referred to above contains covenants and exceptions and reservations.

End of register

H. M. LAND REGISTRY

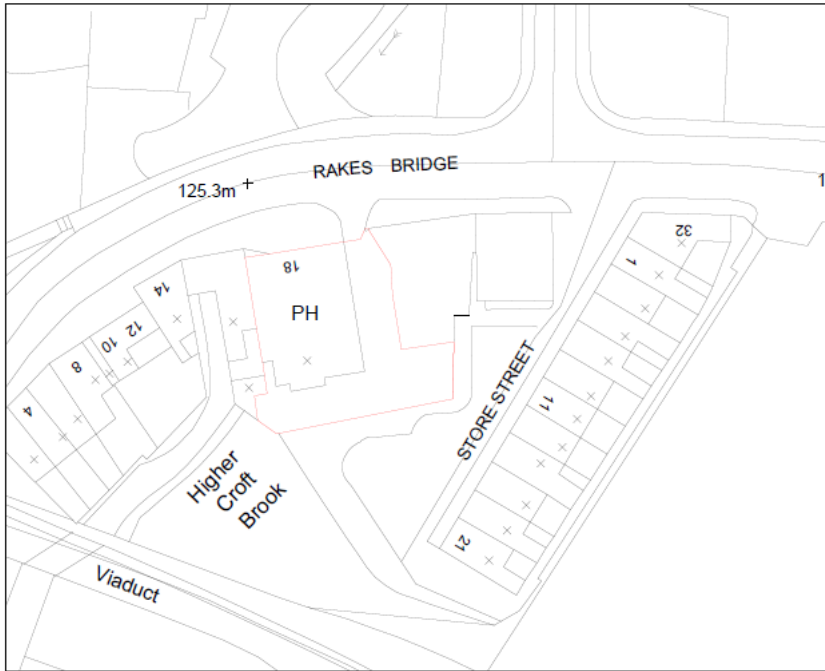
© NATIONAL GRID PLAN SD 6925 SECTION D
LANCASHIRE
BLACKBURN DISTRICT Scale 1/1250



TITLE No. **LA 766378**



© Crown Copyright 1974



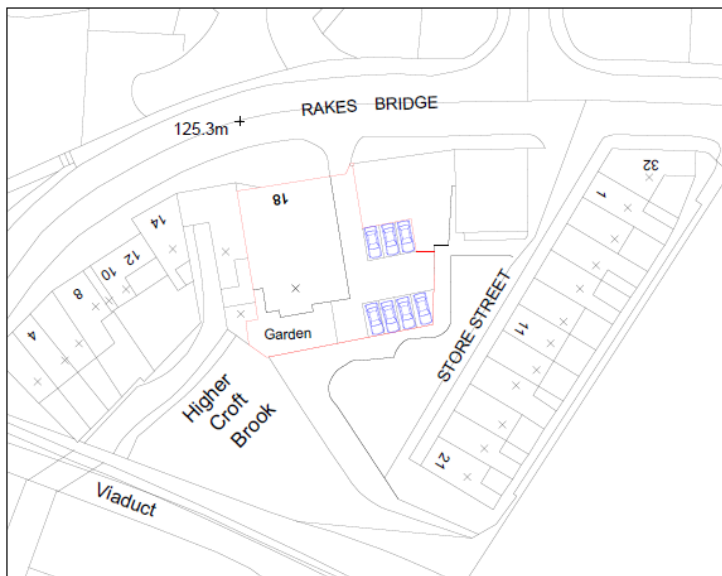
Existing Site Plan



Location Plan 1:1250



Proposed Site Planning and Building at The Hindle Arms 18 Rakes Bridge Darwen BB3 0QH	
CLIENT:	
DATE:	March 2016
SCALE:	1:100 @ A1
DWG NO:	Parking Existing Site Plan
L.A.:	
AMENDMENTS:	DATE:
ENTWISTLE DESIGN SERVICES 7 Edgelyth Ashby Village Clonwyd PLY 15A Tel: 01207 274676 E-Mail: info@entwistle.co.uk	



Proposed Site Plan



Proposed Site Planning and Building at The Hindle Arms 18 Rakes Bridge Darwen BB3 0QH	
CLIENT:	
DATE:	March 2016
SCALE:	1:100 @ A1
DWG NO:	Parking Proposed Site Plan
L.A.:	
AMENDMENTS:	DATE:
ENTWISTLE DESIGN SERVICES 7 Edgelyth Ashby Village Clonwyd PLY 15A Tel: 01207 274676 E-Mail: info@entwistle.co.uk	

Objection Lily Miller, Rec – 08/04/2019

To whom it may concern

I am writing to object to the new planning application for the Hindle Arms. My reasons for this are much the same as my previous objections to the last application.

1. As I understand, the current application is 'C3 dwelling' C3 dwelling houses have extensive permitted development rights for alterations, extensions, outbuildings, etc and also for change of use to a C4 house in multiple occupation. So the applicant could still turn the property into a HMO at a later date. This is unacceptable.
2. This would cause huge amounts of congestion with traffic making it unsafe for the residents.
3. The car park located across the road is already occupied by current residents. This build would make it difficult for residents to park.
4. This would most probably attract the wrong clientele making it unsafe for everybody, especially children.
5. It is feared that these particular clientele would bring crime to the area.
6. House prices will plummet and degrade the area.
7. Nobody will want to move to Lower Darwen.
8. This will be a huge eye sore in what is currently a beautiful area.
9. Local business' will suffer greatly as a result of this.
10. My father, residing at number 16 has a right of way to the rear of the pub as stated in his title deeds. The applicant is planning on unlawfully blocking that access making it extremely difficult for my father to take out his waste bins. This would also be a safety hazard as it would be there only escape if there was a fire.

I would like you to consider these points before making a decision on this planning application. If granted this will completely destroy the village.

I would appreciate if you could send safe receipt of this email and I look forward to hearing your response.

Objection Michelle Knowles, Rec – 17/04/2019

As a resident in Lower Darwen (estate across the road from this proposed development). I would like to object to his proposal. As I understand from reading a C3 development:

Comprises use as a dwellinghouse (whether or not as a sole or main residence) by:

- *a single person or by people to be regarded as forming a single household,*
- *not more than six residents living together as a single household where care is provided for residents or*
- *not more than six residents living together as a single household where no care is provided (other than a use with Class C4)*

C3 dwellinghouses have extensive permitted development rights for alterations, extensions, outbuildings, etc and also for change of use to a C4 house in multiple occupation, i.e. multiple occupation with up to six residents

I understand that the request is for 7 apartments but from what I have read, you cannot have more than 6 residents living together. From what I have read once a C3 dwellinghouse has been approved it is quite simple to get this changed to a C4 HMO, which I firmly believe will take place.

As a resident in Lower Darwen (estate across the road from this proposed development). I have grave concerns about the potential increase of anti-social behaviours this property may cause. As local residents we are already suffering a significant increase in burglaries from our properties and vehicles. On a daily basis we are seeing more and more criminals in the area trying to break into properties, vehicles and also “yobbish” behaviour such as tipping over local bins and kicking off wing mirrors.

Over the last few years I have lived in Lower Darwen I have found the traffic has increased as the village turns into a small town and the road infrastructure cannot take this. We are also between 2 motorway junctions and the minor roads cannot take this. We already have issues with speeding and parking.

Currently Lower Darwen is an attractive family area, however we have no provision for play areas, due to lack of funding, which means our local children play on neighbourhood streets. The site of the proposed development is also situated between 2 local primary schools, and this causes concern if persons residing at this property are subject to police and probation licencing requirements and are a risk to children and vulnerable adults. It has also just been approved for more housing to

be built in Lower Darwen which I am assuming will attract more families with children to the local area.

I feel this proposed development would have a negative effect on community cohesion.

Lower Darwen is also now disadvantaged as there is no public transport running through the village and is therefore inaccessible for students to local colleges or those without means of transport.

I request this information is registered within the Planning Consideration Panel and politely request that the council facilitate an opportunity for a more thorough neighbourhood consultation on this proposal via a neighbourhood meeting so that wider options and discussions can be had

Objection Mrs Eaton, 14 Rakes Bridge, Lower Darwen, Rec – 24/04/2019

Dear Mr. Blackledge, Mr Kelly

I am writing to strongly object to the change of use of the Hindle Arms to seven apartments. This application is no better for Lower Darwen than the last one was. It is going to attract the wrong type of people to reside in what is now a quiet area. We as residents of Rakes Bridge do not want to be constantly seeing and hearing

police and ambulances around us. The type of people who would want to live in the property would probably need monitoring, but they will not get this. If the residents are taking drugs or alcohol I am worried about their safety on the dangerous road outside and that

of any unsuspecting car drivers.

If you were to take a look at the property now, it looks like a fly tip. I would have thought that making an application like this it would have been kept tidy. What will it look like when the job is complete? Who will be responsible then?

I would like to ask the applicant if he would want such an establishment on his nice little Street and his house losing value. Property values will no doubt go down, which will probably see the people of lower Darwin making a quick getaway from a speedily declining area.

If this goes ahead will it set a precedent? WHAT NEXT? Uncle Jacks? Blackamoor? both closed down.

DEPARTMENT OF GROWTH & DEVELOPMENT

ORIGINATING SECTION: Planning.

REPORT TO: Planning & Highways Committee – 20th June 2019

TITLE: Petition regarding Full Planning Application for the retention of single storey side and rear extension, new side gate and activity wall in the rear garden and proposed landscaping to the front

At

3 Royshaw Close

Blackburn

BB1 8RW

Ref: 10/19/0443

Applicant: Ms Imtiaz Bibi

Ward: Roe Lee

Councillor Phil Riley

Councillor Sylvia Liddle

Councillor Ron Whittle

1.0 PURPOSE OF REPORT

1.1 To inform Members of the receipt of two petitions relating to the above planning application.

2.0 BACKGROUND AND DETAILS

2.1 A planning application for the above development was received on 13th May 2019 and was registered on 15th May 2019.

2.2 Two petitions containing 21 signatures against the proposal was received on 2nd June 2019. The reasons against the proposal are given as follows:

2.3 Reasons:

- Design and materials not in-keeping with the area
- Lighting it sensitive and intrusive and more in keeping with an industrial estate
- Activity wall is a retaining wall
- Drainage/water run off issues
- Loss of greenery due to tarmacking of the entire site
- imbalance of the two semi-detached properties

- Increase in land levels to the rear garden
- Ugly shed like building has been erected
- Prison like fencing and cameras

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

3.0 **RECOMMENDATION**

3.1 It is recommended that the Committee note the receipt of the petitions.

4.0 **BACKGROUND PAPERS**

4.1 Planning application 10/19/0443 contains details of the application and can be viewed at:

[http://planningdms.blackburn.gov.uk/NorthgateIM.websearch/\(S\(dgpht045mpvt3345tvxulw45\)\)/Results.aspx](http://planningdms.blackburn.gov.uk/NorthgateIM.websearch/(S(dgpht045mpvt3345tvxulw45))/Results.aspx)

5.0 **CONTACT OFFICER** – Rebecca Halliwell – Planner 01254 585118

6.0 **DATE PREPARED** – 5th May 2019.

Planning permission 3 Royshaw Close

10/19/0 443

The householders in Royshaw Close take pride in their properties and surroundings

The shed that has been constructed on the side of number 3 with the black doors and the corrugated plastic windows is the first thing you see as you approach the Close and the residents feel it is not in keeping with the aesthetics of the area

REQUESTS TO LANDSCAPE THE FRONT

Previously to the present owners purchase this was a lawn and trees I didn't know landscaping consisted of removing every bit of greenery and replacing it with tarmac without placing any drainage which results in surface water running onto the footpath and across the road to the drain

What does worry me is that the house attached to it is for sale and if the new owners think this is acceptable we could be approaching the Close and looking at the equivalent of a municipal carpark .

The three large spotlights on the front of the house are more in keeping with an industrial estate these are offensive to the neighbours on the opposite side of the Close as they are positioned wrongly and set so sensitive that anyone walking on the Close, passing traffic or even a cat will activate them .

The result is the bedrooms and lounges of the houses are continually floodlit by lights switching on and off as each one is activated we have photographic evidence of this

One of the neighbours has great difficulties due to an eye condition and has made several requests to him personally to adjust them but this has been ignored

THE REQUEST FOR RETENTION OF SIDE AND REAR EXTENSION

When he purchased the property the house was identical to the attached semi with a detached garage .

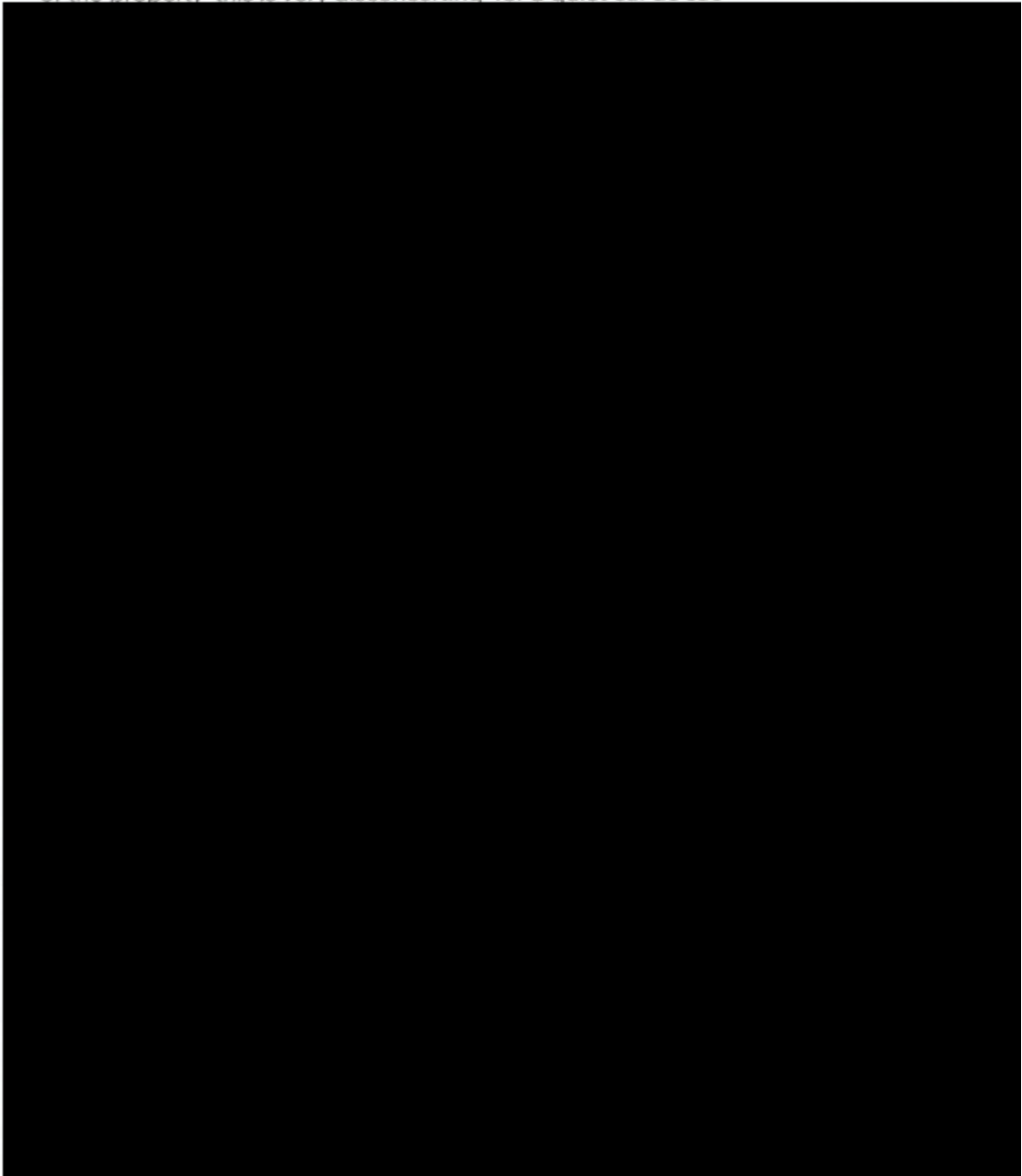
All the buildings have been added and attached by the current owner

Many of us have lived here for nearly fifty years and and new neighbours have all

joined into the community of the Close we enjoy the scenery and wildlife this environment brings

What we as neighbours cannot understand is why anyone would purchase a property if you dislike the environment so much that you have to destroy all the greenery surrounding it as well as claiming extra land at the rear then removing all the trees and shrubs from that piece of land.

The level of the back garden has been raised with hardcore ignoring drainage issues before erecting what is in fact a retaining wall and calling it an activity wall, ugly shed like buildings, tarmac everywhere, and prison like fencing, surveillance cameras and huge security lights at both the rear and front of the property this is very disconcerting for a quiet cul de sac



Residents of Royshaw Avenue BB1 8RJ

Planning Ref: 10/19/0443

3 Royshaw Close

We the residents of Royshaw Avenue who live in close proximity to the property do not feel that the work so far undertaken is in keeping with the area and wish to lodge the following concerns with regard to this retrospective application:

Corrugated plastic windows in the side extension.

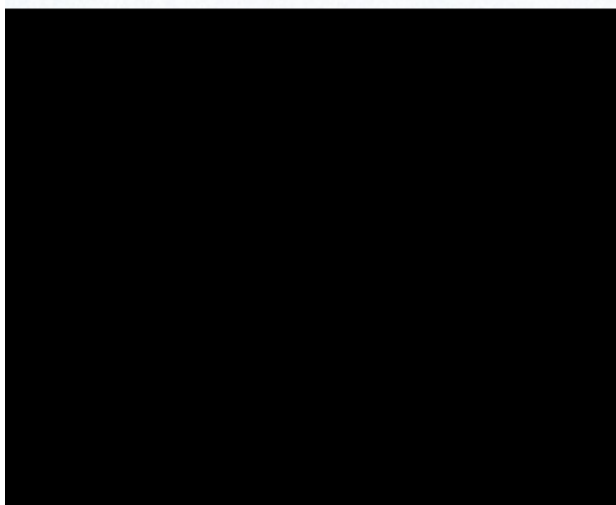
Large industrial style door to side extension.

Security lighting that is very sensitive and often intrusive.

An activity wall that is also a retaining wall.

Cannot find a new side gate.

Landscaping to the front consists of tarmac the entire area. Water runoff from such a large area could cause damage to neighbouring gardens/property.





REPORT OF: DIRECTOR OF GROWTH & DEVELOPMENT
TO: PLANNING AND HIGHWAYS COMMITTEE
ON: 20th JUNE 2019
ORIGINATING SECTION: PLANNING (DEVELOPMENT MANAGEMENT SERVICE)
WARDS AFFECTED: ALL
COUNCILLORS: ALL

TITLE OF REPORT:

FIVE YEAR HOUSING SUPPLY STATEMENT: 1st April 2019 – 31st March 2024

1. PURPOSE OF THE REPORT

- 1.1 To present Members with an update on the recently published five year housing supply statement 1st April 2019- 31st March 2024.

2. BACKGROUND

- 2.1 The National Planning Policy Framework (NPPF) (2019) requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement. It is expected that local planning authorities should have an identified five year housing supply at all points during the plan period.
- 2.2 Members will be aware that the current adopted development plan for Blackburn With Darwen Borough Council is the Core Strategy (adopted January 2011), and the Local Plan Part 2 Site Allocations and Development Management Policies (adopted December 2015).
- 2.3 The Five Year Housing Supply Statement: 1st April 2019 – 31st March 2024 replaces the June 2018 Housing Land Supply Position Statement, and was published on the Council's planning website on the 5th June 2019. It sets out the housing requirement and assesses the land supply available to deliver this requirement. The Statement can be found here:

<http://www.blackburn.gov.uk/planningdocs/policies/Housing-Land-Position-Statement.pdf>

3. RATIONALE

3.1 Paragraph 73 of the NPPF (2019) states:

“local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old.”

3.2 Members are advised that as the Council’s Core Strategy was adopted in 2011, its strategic housing policies are more than 5 years old and are therefore out of date.

3.3 As a result of the strategic housing policies being out of date the NPPF requires that the Council’s local housing need should be calculated using the standard method. This standard method is based on household growth projections and house-price to earnings affordability data published by the Office for National Statistics (ONS).

3.4 Members are advised and are aware that work is currently being undertaken on a new Local Plan which will consolidate the two documents (Core Strategy and Site Allocations) into one document, with a view to adopting the Plan in 2021/22. An Issues and Options Consultation was undertaken in January 2019, and a Preferred Options Consultation is scheduled for early 2020. This latter consultation will include an up to date assessment of the borough’s housing need figure. Until the new Local Plan is adopted, the standard method as required by the NPPF will be used to calculate the borough’s housing need.

3.5 In October last year the Government consulted on using older 2014-based ONS household projections, rather than the more up-to-date lower 2016 projections, to calculate local housing need. Following this consultation, the Government confirmed in February 2019 that the 2014-based ONS household projections should be used in the standard method calculation.

3.6 Using the 2014 based household growth projections along with the updated house-price to earnings affordability data within the standard method results in the Council having a **local housing need figure of 157 dwellings per annum** (refer to Table 1).

Table 1: Local housing need (based on 2018 start year)

Housing Growth 2018-2028 (2014 Household Projections)	1,526
Ratio of median house prices to median wages (2017)	4.46
Local Housing Need (dwellings per annum) ⁴	157

3.7 Paragraph 73(a) of the NPPF requires there to be at least a 5% buffer on top of the 5 year housing requirement, *“to ensure choice and competition in the market for land”*.

- 3.8. Members are advised that the level of the buffer is now determined through the Housing Delivery Test, which has been introduced as part of the 2019 revised NPPF. The results for the 2018 Housing Delivery Test (HDT) were published by the Minister of Housing, Communities and Local Government (MHCLG) on the 19th February 2019. This identified that Blackburn With Darwen Borough Council has delivered 72% of the housing requirement, as defined by the Housing Delivery Test Measurement Rule Book (HDT Rule Book), and is therefore required to include a **20% buffer** to its five year housing land supply position. Members are advised that paragraph 73(c) of the NPPF requires authorities with delivery below 85% of the housing requirement to include a 20% buffer.
- 3.9 Using the standard methodology to identify the Council's local housing need figure (Table 1), in addition to adding the required 20% buffer, Table 2 highlights the Council's five year local housing need is 942 dwellings which equates to 188 dwellings per annum.

Table 2: Five year local housing need

	Annual local housing need	5 year local housing need
Local housing need using standard method	157	785
20% buffer	31	157
TOTAL	188	942

- 3.10 Paragraph 3.1. above refers to the NPPF requiring local planning authorities to identify deliverable sites. The NPPF defines deliverable as:
- Available now;
 - Suitable location for development;
 - Sites with detailed planning permission should be considered until the permission expires;
 - If site has outline planning permission for major development, allocated in the development plan, identified on the Council's Brownfield Register, it can only be considered if there is evidence the completions will be begin on site within 5 years.
- 3.11 NPPF paragraph 70 (2019) allows local planning authorities to also include windfall sites as part of the supply with evidence that they will be delivered. The term 'windfall sites' is used to refer to those sites which become available for development unexpectedly and are therefore not included as allocated land in a planning authority's development plan. These types of sites consistently come forward within the borough and therefore provide a continued source of supply. For example, over the last 10 years, at total of 314 units have been completed on schemes under 5 units, equivalent to an average of 31.4 units per annum. On this basis an allowance of 30 dwellings per annum totalling 150 units over the five year period on unallocated schemes under 5 dwellings has been included in the supply details – refer to Table 3.

- 3.12 Members are advised that Table 3 summarises the Council's five year housing land supply position. The table shows that the Council has a **9.9 year supply of deliverable housing over the period 2019-2024** based on an annual requirement of 188 dwellings.

Table 3: Five year housing land position

HOUSING REQUIREMENT		
A	Local Housing Need (Standard Methodology): Dwellings per annum 2019-36	157
B	Local Housing Need: Total requirement for 1st April 2019 to 31st March 2024 (A x 5)	785
C	20% buffer as a result of Housing Delivery Test	157
D	Total housing requirement for period from 1st April 2019 to 31st March 2024 (B+C)	942
E	Annual requirement for period from 1st April 2019 to 31st March 2024 (D/5)	188
HOUSING SUPPLY		

F	Sites with planning permission currently under construction (number of units outstanding)	1084
G	Net outstanding full planning permissions expected to be built by 31st March 2024 (discounted by 10% for lapses)	254
H	Dwellings allocated in Local Plan Part 2 that are expected to be built by 31st March 2024	230
I	Large sites anticipated to come forward by 2024 (with supporting evidence)	189
J	Small site windfall allowance	150
K	Demolitions	50
L	Expected housing supply for the period from 1st April 2019 to 31st March 2024 (F+G+H+I+J-K)	1857
M	Housing Supply in Years (L / E)	9.9

- 3.13 The published Housing Supply Statement identifies the sites that make up the housing land supply for the period 2019-2024 i.e Table 3, Criteria F, G, H and I.

4. POLICY IMPLICATIONS

- 4.1 Whilst the latest housing land supply position shows that the Council has a 9.9 year supply, this is only a minimum requirement, and the ambitious growth agenda which has been successfully delivered since 2015 needs to be maintained and continued, to ensure there is a continued pipeline of sites being delivered which is linked to the employment economic growth strategy for the borough. The current adopted Local Plan clearly sets out a growth strategy to deliver significant amounts of new housing and employment development. This should not be frustrated in the short term given the recent changes in the NPPF, while the Council prepare a new Local Plan. As such, unallocated sites, including windfall sites will be considered on a site by site basis taking into account the local plan policies and how sustainable those sites are. The

Preferred Options Consultation as part of the new Local Plan will consider an up to date assessment of the local housing need which will take into account the continued growth aspirations of the borough.

5. FINANCIAL IMPLICATIONS

5.1 None

6. LEGAL IMPLICATIONS

6.1 None

7. RESOURCE IMPLICATIONS

7.1 None

8. EQUALITY IMPLICATIONS

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

9. CONSULTATIONS

9.1. Planning Cross Party Working Group – 18th June 2019

10. RECOMMENDATION

10.1 That the Committee note the content of the report

Contact Officer: Gavin Prescott, Planning Manager (Development Management)
Date: 7th June 2019

Background Papers: Five Year Housing Supply Statement 1st April 2019 – 31st March 2024



REPORT OF: DIRECTOR OF GROWTH & DEVELOPMENT
TO: PLANNING AND HIGHWAYS COMMITTEE
ON: 20th JUNE 2019
ORIGINATING SECTION: PLANNING (DEVELOPMENT MANAGEMENT SERVICE)
WARDS AFFECTED: ALL
COUNCILLORS: ALL

TITLE OF REPORT:

DEVELOPER CONTRIBUTIONS ANNUAL REPORT 2017/18

1. PURPOSE OF THE REPORT

- 1.1 To present Members with an update on the recently published Developer Contributions Annual Report 2017/18 for Blackburn With Darwen Borough Council.

2. BACKGROUND

- 2.1 Under Section 106 (S106) of the 1990 Town & Country Planning Act, a Local Planning Authority (LPA) can seek obligations, both physically on-site and contributions for off-site, when it is considered that a development will have negative impacts that cannot be dealt with through conditions in the planning permission. Regulations state that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- Necessary to make the development acceptable in planning terms;
 - Directly related to development; and
 - Fairly and reasonably related to scale and kind to the development.
- 2.2 The Council cannot ask for contributions for affordable housing, other obligations in certain circumstances:
- Developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000sqm (gross internal area);
 - Starter homes exception sites are not required to make affordable housing or tariff-style S106 contributions. [*Planning Practice Guidance para 031 (November 2018)*]

- 2.3 The Community Infrastructure Levy (CIL) Regulations 2010, National Planning Policy Framework (NPPF), paragraph 54 (2019), and Planning Practice Guidance “Planning Obligations”, paragraph 12 (2019), require all local planning authorities to publish their developer contributions data on a regular basis and in an agreed format. Local planning authorities that have received developer contributions must publish, at least annually, an infrastructure funding statement summarising their developer contributions data.
- 2.5 The Council published their latest 2017/18 Developer Contributions Annual Report 2017/18 on the 4th June 2019. This can be found on the following link:
- <http://www.blackburn.gov.uk/planningdocs/policies/Blackburn-with-Darwen-Developer-Contributions-Report-2017-18.pdf>

3. RATIONALE

The Process for Off-Site Financial Contributions:

- 3.1 Where it is determined that on-site infrastructure and/or affordable housing required by policy is not appropriate, the Council will request from developers a financial contribution to meet these needs outside of the development site through a S106 obligation.
- 3.2 The financial contribution requirement for off-site green infrastructure provision is set via the Green Infrastructure & Ecological Networks Supplementary Planning Document (SPD), and the Affordable Housing Developers Guide sets out the tariff for off-site affordable housing contributions. Both documents can be accessed on the Council’s planning website at www.blackburn.gov.uk/Pages/Planning-policies.aspx
- 3.3. Contributions towards required highway works are agreed on a case by case basis, evidenced through the assessment of the impact of the development on the local highway network and what mitigation works are required. Other contributions can relate to Education i.e. contributions towards expanding any existing or school, or towards the provision of a new school, and these are agreed on a case by case basis.
- 3.4. The process is summarised in a flowchart that can be found on page 6 of the annual report document.
- 3.5. The report summarises the total contributions received in 2017/18, and the total spent in the same period. This shows at March 2017, a net S106 total of £600,211 was available to fund public open space, highways and affordable housing projects in the borough. During 2017/18, £455,095 was received in contributions with £368,700 spent within the same period. This consists of £227,100 funding the delivery of new affordable housing in the borough, and £141,600 spent on improving existing or creating new open spaces.

- 3.6 In summary therefore, as at 31st March 2018, there is a net total of £686,606 in S106 contributions available to spend on affordable housing, public open space and highway projects in the borough.

S106 Monies Received as at 31st March 2017 (net)

Infrastructure type	S106 monies available (£)
Public open space	368,823
Affordable housing	168,500
Highways	62,888
TOTAL	600,211

S106 Contributions Received In 2017/18

Infrastructure type	S106 contributions received (£)
Public open space	31,000
Affordable housing	302,958
Highways	121,137
TOTAL	455,095

S106 Contributions Spent In 2017/18

Infrastructure type	S106 contributions spent (£)
Public open space	141,600
Affordable housing	227,100
Highways	0
TOTAL	368,700

Total S106 (net) Amount Available to Spend as at March 2018 (£)

Net total as of March 2017	600,211
s106 Income received 2017/18	455,095
Total	1,055,306
Minus monies spent 2017/18	-368,700
TOTAL	686,606

- 3.7 The report goes further by reporting on where the contribution monies have been spent over the last 10 years relating to public open space, affordable housing and highways (page 8). This is summarised in Appendix A of this report. It also reports on what S106 contributions have been secured which will be paid in future years, either once development has commenced on site or once a specified number of homes have been delivered on the site (pages 10-12 of the statement, and summarise in Appendix B of this report).
- 3.8 Section 3 of the report sets out the S278 projects in the year 2017/18. S278 agreements under the 1980 Highways Act are legally binding agreements between the local highway authority (Blackburn With Darwen Borough Council) and the developer to ensure delivery of necessary highway works as a result of new development.
- 3.9 Section 4 of the report provides case studies of developments in the Borough where on-site infrastructure has been provided. These case studies relates to developments at:
- Land west of Gib Lane, Blackburn
 - Land at Cranberry Lane, Darwen
 - Riverside Heights, Shorey Bank, Darwen
- 3.10 The annual report for 2018/19 is being prepared and is likely to be published in the autumn of this year.

4. POLICY IMPLICATIONS

4.1 None

5. FINANCIAL IMPLICATIONS

5.1 None

6. LEGAL IMPLICATIONS

6.1 None

7. RESOURCE IMPLICATIONS

7.1 None

8. EQUALITY IMPLICATIONS

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

9. CONSULTATIONS

9.1. Planning Cross Party Working Group – 18th June 2019

10. RECOMMENDATION

10.1 That the Committee note the content of the report

Contact Officer: Gavin Prescott, Planning Manager (Development Management)

Date: 6th June 2019

Background Papers: Blackburn With Darwen Developer Contributions Annual Report 2017/18

APPENDIX A - PROJECTS DELIVERED OFF-SITE BY S106 CONTRIBUTIONS OVER THE PAST 10 YEARS:

	Development site	S106 contributions spent (£)	Project delivered
Public open space	Planning app. Ref: 10/05/1076 Former Kwik Save site, Bolton Road, Blackburn	21,798	Investment in Wolseley Street play area. Green Park bowling green, Blackburn - maintenance of formal recreation area.
	Planning app. Ref: 10/14/0547 Land at Parsonage Road, Blackburn	64,100 4,400	Roe Lee Park, Blackburn play improvements Pemberton/Hardy Street community garden - monies spent on creating a fenced community garden/mini allotment to provide a series of vegetable beds that residents will tend to.
	Planning app. Ref: 10/12/1166 Pearl Street, Blackburn	13,300	Pearl Street, Blackburn playground and fencing improvements.
	Planning app. Ref: 10/16/1194 Former Eclipse Mill, Blackburn	26,000	Fensicowles War Memorial, Blackburn playground improvements.
	Contributions received from: Planning app. Ref: 10/08/0669 25 Elswick Street, Darwen	1,700	Olive Lane, Darwen bowling green improvements.
	Planning app. Ref: 10/13/0604 Former Ellenshaw Arms, 76 Kay Street, Darwen		
	Planning app. Ref: 10/11/0019 Old nursery site, Lincoln Road, Blackburn	1,500 2,600	Queen's Park, Blackburn playground - provision of new swings. Audley Lane community garden and play area - improvements made to existing play area including cutting down overgrown shrubbery, cleansing the site and repairing the path and benches.
	Planning app. Ref: 10/15/0494 Former Punch Bowl Public House, Roman Road, Darwen	4,700	Restoring sport to Square Meadows, Darwen.
	Planning app. Ref: 10/06/0082 Land adjacent to Springfield Street, Darwen	4,800	Bold Venture Park, Darwen - supply and fit new play equipment to replace old/vandalised equipment.
	Planning app. Ref: 10/11/0704 Former Darwen Moorland High School, Knott Street/Union Street, Darwen	7,000	Funding for Bold Venture Park, Darwen play facelift.
	Planning app. Ref: 10/12/0589 & 590 Land north of Egerton Road, Belmont (Former Belmont Bleachworks)	15,400	Belmont Moss and village play area, Ryecroft Lane, Belmont - provision of public open space and children's casual play space in the Belmont area.

	Development site	S106 contributions spent (£)	Project delivered
Affordable housing	Include contributions received from:	227,100	To facilitate the delivery of the Council's affordable homes programme in the Griffin area.
	- Planning app. Ref: 10/15/1556 Former Bear Hotel, Bolton Road, Blackburn		
	- Planning app. Ref 10/17/0089 Land to rear of 110 Whinney Lane, Blackburn		
	- Planning app. Ref: 10/12/0170 Land off Laburnum Road/Clarendon Road (India Mill), Blackburn		
	- Planning app. Ref 10/15/1231 Utefield House, 73 Oozehead Lane, Blackburn		

	Development site	S106 contributions spent (£)	Project delivered
Highways	Planning app. Ref: 10/05/0832 Redevelopment of the Mall Shopping Centre, Blackburn	300,000	Contribution towards the Pennine Reach rapid bus transport scheme.
	Planning app. Ref: 10/14/0547 Land at Parsonage Road, Blackburn	75,000	Junction improvements at Whalley Road/Parsonage Road
	Planning app. Ref: 10/17/0211 Land at Gib Lane, Blackburn (Phase C)	60,000	Footpath extension along Gib Lane.

APPENDIX B - S106 CONTRIBUTIONS SECURED FOR FUTURE YEARS:

	Development site	S106 amount (£)	Proposed s106 works to be delivered
Education	Planning app. Ref: 10/17/0578 Land at Yew Tree Drive, Blackburn	810,000	Provision of additional primary school places in North Blackburn as a result of new developments in this location.
	Planning app. Ref: 10/18/0895 Roe Lee housing site (Council land), Blackburn	500,000	

	Development site	S106 amount (£)	Proposed s106 works to be delivered
Highways	Planning app. Ref: 10/17/1313 Land at Cranberry Lane, Darwen	312,000	Contribution towards Darwen East Development Corridor (DEDC) and PROW improvements.
	Planning app. Ref: 10/17/0578 Land at Yew Tree Drive, Blackburn	690,000	Toucan crossings at Lammack Road, Pleckgate Road, Whinney Lane; improvements to Brownhill junction, Yew Tree Drive and sustainable transport measures.
	Planning app. Ref: 10/17/0211 Land at Gib Lane, Blackburn Phase C	280,000	£20,000 sustainable transport; £260,000 improved access to A666 via Bog Height Road.
	Planning app. Ref: 10/16/1132 Land at Gib Lane, Blackburn Phase A	221,000	Finishing site access off Livesey Branch Road, enhancements to Finnington Lane/Moulden Brow junction; upgrading of bus stops along Livesey Branch Road.
	Planning app. Ref: 10/16/0789 Land at Pole Lane North, Darwen	320,000	£150,000 highways drainage works; £100,000 top course southern footway, £30,000 for traffic management and road safety initiatives around Darwen East Distributor Corridor (DEDC).
	Planning app. Ref: 10/15/0496 Former Sappi Paper Mill, Feniscowles, Blackburn	73,000	Towards travel planning.
	Planning app Ref 10/15/0901: Land at Gib Lane, Blackburn Phase B	60,000	Roundabout at Gib Lane/Brokenstone Road

	Development site	S106 amount (£)	Proposed s106 works to be delivered
Public open space	Planning app. Ref: 10/17/0138 Former Waterfield Mill, Balmoral Road, Darwen	37,962	Path/infrastructure repairs and new play equipment at Whitehall Park/enhance children's play area at Watery Lane.
	Planning app. Ref: 10/16/0838 Beechwood Garden Centre, Blackburn	21,090	Maintenance and improvement Higher Croft Woods and River Parkway Nature Reserve.
	Planning app. Ref: 10/16/0077 Old Blackburnians, Lammack Road, Blackburn	217,186	£110,000 pavilion refurbishment; £9,207 Lammack Juniors pitch replacement; £97,979 playing field replacement.
	Planning app. Ref: 10/15/1306 Land adjacent 68 School Lane, Guide	500	Towards children's casual play space.
	Planning app. Ref: 10/15/0047 Near Scotland Farm, Chapman Lane, Hoddlesden	500	Repairs to paths and additional shrubs at memorial garden in centre of Hoddlesden.
	Planning app. Ref: 10/14/0440 Springside Works, Belmont	10,000	To control invasive plant species around the site.
	Planning app. Ref: 10/13/0414 Stanley Arms, Pemberton Street, Blackburn	500	Towards casual children's play space in the locality.
	Planning app. Ref: 10/13/0170 Chetham Farm, High Street, Turton	500	Towards open space in the locality.
	Planning app. Ref: 10/13/0094 Former Cemetery Public House, Cemetery Road, Darwen	1,000	Towards casual play space in the locality.
	Planning app. Ref: 10/12/0714 Victoria Mill, Station Road, Chapelton	3,500	Towards public open space in locality.
	Planning app. Ref: 10/09/0629 Tewkesbury Street, Blackburn	33,600	Towards improvement and maintenance of open space in locality.
	Planning app. Ref: 10/05/1118 Palm Street, Blackburn	10,800	Towards improvements to children's play space in locality.

	Development site	S106 amount (£)	Proposed s106 works to be delivered
Affordable housing	Planning app. Ref: 10/18/0396 Land at Billinge End Road	12,500	All contributions received will be used to provide off-site affordable housing within the Borough.
	Planning app. Ref: 10/17/1313 Land at Cranberry Lane, Darwen	138,000	
	Planning app. Ref: 10/17/0578 Land at Yew Tree Drive, Blackburn	100,000	
	Planning app. Ref: 10/17/0211 Land at Gib Lane, Phase C	210,000	
	Planning app. Ref: 10/16/1398 Roe Lee Farm, Sandringham Close, Blackburn	20,000	
	Planning app. Ref: 10/16/0838 Beechwood Garden Centre, Blackburn	38,250	
	Planning app. Ref: 10/15/1343 Cathedral Court, Blackburn	30,000	
	Planning app. Ref: 10/15/1306 Land adj. 68 School Lane, Guide	1,000	
	Planning app. Ref: 10/15/0496 Former Sappi Paper Mill, Blackburn	350,000	
	Planning app. Ref: 10/15/0047 Near Scotland Farm, Chapman Lane, Hoddlesden	1,000	
	Planning app. Ref: 10/14/0547 Land at Parsonage Road, Blackburn	161,600	
	Planning app. Ref: 10/14/0440 Springside Works, Belmont	50,000	
	Planning app. Ref: 10/13/0414 Stanley Arms, Pemberton Street, Blackburn	1,000	
	Planning app. Ref: 10/13/0170 Chetham Farm, High Street, Turton	1,000	
	Planning app. Ref: 10/13/0094 Former Cemetery Public House, Cemetery Road, Darwen	2,000	
	Planning app. Ref: 10/11/0068 Charles Street, Blackburn	61,500	

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