

# Public Document Pack

## Planning and Highways Committee

Thursday, 11th July, 2019

6.30 pm

Meeting Room A, Blackburn Town Hall

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### AGENDA

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**PART 2 - THE PRESS AND PUBLIC MAY BE EXCLUDED  
DURING CONSIDERATION OF THE FOLLOWING ITEM:**

7. **Enforcement Report**  
**Enforcement Report**

**100 -  
105**

Date Published: Wednesday, 03 July 2019  
Denise Park, Chief Executive

## PLANNING AND HIGHWAYS COMMITTEE

Thursday, 20 June 2019

**PRESENT** – Councillors: Smith (Chair), Akhtar, Brookfield (substitute for Khonat), Casey, Davies (substitute for Browne), Hardman, Hussain, Jan-Virmani, Khan, Oates, Riley, Slater J, Slater N (substitute for Pearson).

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

### RESOLUTIONS

**99     Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Councillors Browne, Khonat and Pearson.

**100    Declaration of Interest**

Councillor Dave Smith declared an interest in agenda item 4.4 (planning application 10/19/0113) due to knowing the applicant and several of the objectors on a personal basis.

Councillor Stephanie Brookfield also declared an interest in agenda item 4.4 (planning application 10/19/0113) due to being Ward Councillor and having objected to the application.

Both Councillors left the room prior to discussion and determination of the item.

**101    Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held on 29<sup>th</sup> May 2019 be confirmed and signed as a correct record.

**102    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.

**103    Planning Application 10/18/1153**

*Speakers* – Rob Mackenzie (Agent), and Clare Starbuck (Objector)

**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 refuse the application against Officer Recommendation for the following reason:

The proposal consisting of 9 dwellings and associated highway infrastructure in addition to the previously approved dwelling under planning application 10/16/1349, is considered to represent a scale of development that was disproportionately large, taking into account the local context, and transition with the countryside area. This was considered contrary to the requirements of Policy 28 of the Local Plan Part 2, which set out that residential development in the “Long Clough” allocation (28/10), shall be “very small scale, in the immediate vicinity of the existing dwelling” (Moorthorpe Cottage), ensuring “no loss of trees”.

**104 Planning Application 10/19/0289**

*Speakers – Matthew Jackson (Applicant) and Councillor John Slater (Ward Councillor, seeking deferral)*

**Applicant** – M Jackson

**Location and Proposed Development** – Hindle Arms, 18 Rakes Bridge, Blackburn, BB3 0QH

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.

**Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED** – Approved subject to the conditions highlighted in the Director’s report.

**105 Planning Application 10/18/0959**

**Applicant** – Mr Sajid Patel

**Location and Proposed Development** – The Grand Venue, Harrison Street, Blackburn, BB2 2JN

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

**Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED** - Approved subject to the conditions highlighted in the Director’s report. Members also noted the amendment to paragraph 2.5 in the Director’s report which was highlighted in the Update report.

**106 Planning Application 10/18/1116**

*Speakers – Phil Robinson (Agent) and Councillor John Pearson (Ward Councillor, Objector)*

**Applicant –** Pleasington Lakes Regeneration Ltd

**Location and Proposed Development –** Brokenstone Road, Blackburn, BB3 0LL

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.

**Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED –** Approved subject to the conditions set out in the Director's report. The Committee noted the additional objection highlighted in the Update report and also that S106 negotiations had now been completed.

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 this application.

**107 Planning Application 10/19/0113**

*Councillor Smith and Councillor Brookfield left the room during discussion and deliberation of this item. Councillor Akhtar was in the Chair.*

*Speaker – Russell Woods (Agent)*

**Applicant –** Mr A Shorrocks

**Location and Proposed Development –** Land at Fountain Street, Darwen, BB3 2NL

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

**Decision under Town and Country Planning Acts and Regulations –**

**RESOLVED –** Approved subject to the conditions set out in the Director's report and Section 106 Agreement relating to the provision of off-site affordable housing and off-site Green Infrastructure. The additional representation set out in the Update report was noted.

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 this application.

**108 Petition Report relating to Planning Application 10/19/0443**

A report was submitted informing the Committee of the receipt of two petitions relating to Planning Application 10/19/0443, the grounds for which were outlined in the report submitted.

Two petitions containing 21 signatures against the proposal were received on 2<sup>nd</sup> June 2019.

The Committee was advised that the application had not yet been determined.

**RESOLVED** – That the Committee note the receipt of the petitions.

**109 Five Year Housing Supply Statement 1st April 2019 - 31st March 2024**

Members were presented with an update on the recently published five year housing supply statement 1<sup>st</sup> April 2019 – 31<sup>st</sup> March 2024, which had been revised in February of this year.

In line with the National Planning Policy Framework (NPPF) (2019), the Local Authority were required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing.

The Five Year Housing Supply Statement 1<sup>st</sup> April 2019 – 31<sup>st</sup> March 2024 replaced the June 2018 Housing Land Supply Position Statement and had been published on the Council's website on 5<sup>th</sup> June 2019.

Members were informed that the Local Housing Need figure using the 2014 based household growth projections along with the updated house-price to earnings affordability data resulted in the Council having a local housing need figure of 157 dwelling per annum.

Further to this, Paragraph 73(a) of the NPPF stated that there should be at least a 5% buffer on top of the 5 year housing requirement. Members were advised that the level of the buffer was now determined through the Housing Delivery Test, the result of which identified that Blackburn with Darwen delivered 72% of the housing requirement in 2018. As this was below the NPPF's housing requirement of 85%, Blackburn with Darwen Borough Council were required to include a 20% buffer to its' five year housing land supply position. Table 2 within the report identified that the Council's five year local housing need was 942 dwellings which equated to 188 dwellings per annum.

Table 3 of the report summarised that the Council had a 9.9 year supply of deliverable housing over the period of 2019-2024, based on an annual requirement of 188 dwellings.

**RESOLVED** – That the Committee note the content of the report.

**110 Developer Contributions Annual Report 2017/18**

Members were presented with an update on the Developer Contributions Annual Report 2017/18 for Blackburn with Darwen Borough Council, which had been published on the 4<sup>th</sup> June 2019 on the Councils' website. The Committee heard that all local planning authorities were required to publish their developer contributions data on a regular basis.

Members were informed that as at 31<sup>st</sup> March 2018, there was a net total of £686,606 in S106 contributions which was available to spend on affordable housing, public open space and highways projects in the Borough.

Appendix A of the report reported on where the contribution monies had been spent over the last 10 years and Appendix B summarised the S106 contributions that had been secured for future years.

**RESOLVED** – That the Committee note the content of the report.

**111 Exclusion of the Press and Public**

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

**112 Enforcement Report**

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at 604 Bolton Road, Blackburn, BB2 4LA.

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

**RESOLVED** – That authorisation be given to the proposed enforcement action at 604 Bolton Road, Blackburn, BB2 4LA.

**113 Enforcement Report**

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at 7 Mavis Road, Blackburn, BB2 6SW.

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

**RESOLVED** – That authorisation be given to the proposed enforcement action at 7 Mavis Road, Blackburn, BB2 6SW.

**114 Enforcement Report**

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at EP Properties Ltd, School Lane, Guide, Blackburn, BB1 2HQ.

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

**RESOLVED** – That authorisation be given to the proposed enforcement action at EP Properties Ltd, School Lane, Guide, Blackburn, BB1 2HQ.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed



## DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

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

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

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

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

## Material Consideration

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Reasons for Decision

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

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



## BwD Council - Development Control

General Reporting

REPORT NAME: *Committee Agenda.*

### REPORT OF THE DIRECTOR OF GROWTH & DEVELOPMENT

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

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

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

#### PLANNING APPLICATIONS FOR DETERMINATION Date: 11/07/2019

Application No	Applicant	Site Address	Ward
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10/19/0174

Mr Yaseer Patel  
2 Heartwood Close  
Blackburn  
BB2 7QP

2 Heartwood Close  
Blackburn  
BB2 7QP

Billinge & Beardwood

Full Planning Application for Double storey extension to side and part rear, single storey extension to rear and alterations to side garden to form additional parking.

#### RECOMMENDATION: Permits

10/19/0317

Persimmon Homes and Northern Trust  
Persimmon House  
Lancaster Business Park  
Caton Road  
Lancaster  
LA1 3RQ

Land at Spring Meadows  
Darwen

Darwen South

Full Planning Application for Erection of 168 no. Residential Dwellings, Associated Infrastructure and Public Open Space

#### RECOMMENDATION: Permits

10/19/0463

Blackburn With Darwen Borough Council  
Mr Lee Kinder  
Town Hall, King William Street  
Blackburn  
BB1 7DY

Town Hall  
King William Street  
Blackburn  
BB1 7DY

Blackburn Central

Listed Building Application (Regulation 3) for Internal alterations, refurbishment and restoration of existing office spaces to the third and fourth floors

#### RECOMMENDATION: Consent: SoS

**REPORT OF THE DIRECTOR**

**Plan No: 10/19/0174**

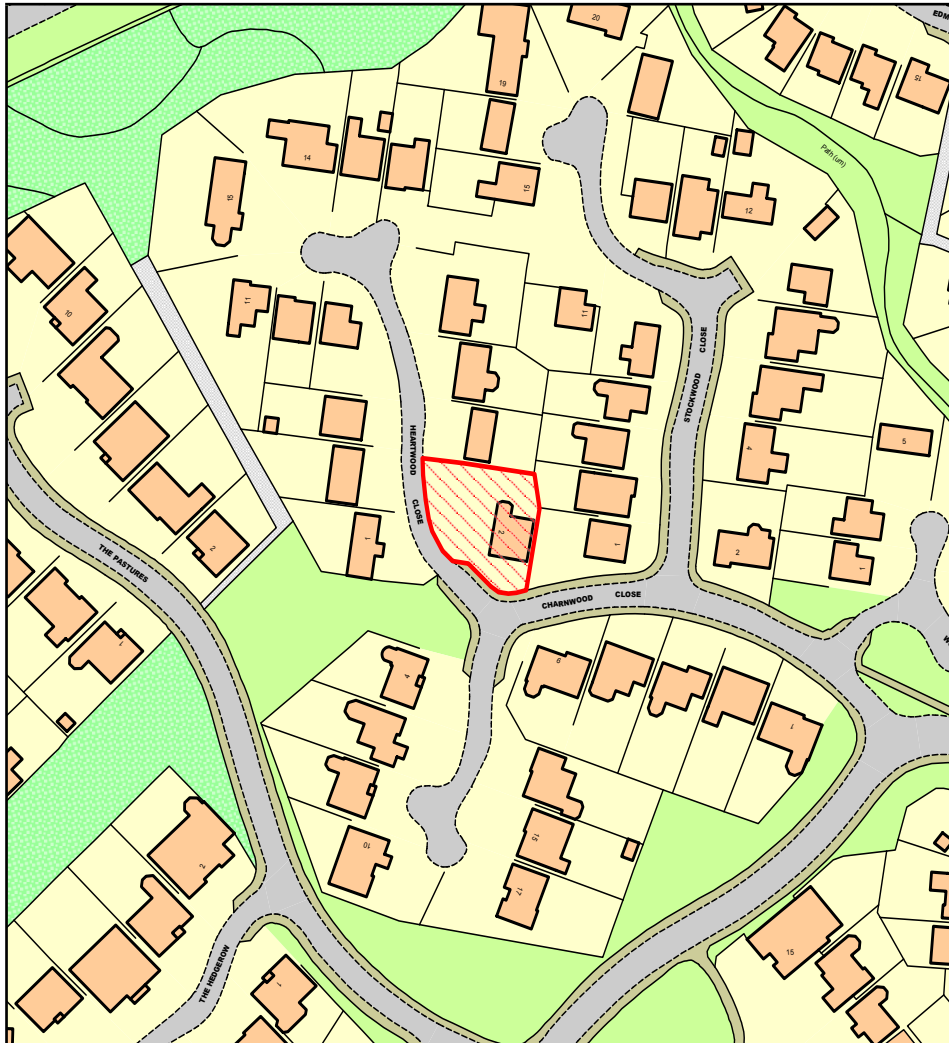
**Proposed development: Full Planning Application for: Double storey extension to side and part rear, single storey extension to rear and alterations to side garden to form additional parking.**

**Site address:  
2 Heartwood Close  
Blackburn  
BB2 7QP**

**Applicant: Mr Yaseer Patel**

**Ward: Billinge & Beardwood**

**Councillor: Julie Daley  
Councillor: Tasleem Fazal  
Councillor: Jackie Floyd**



## **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 Housholder application is presented to Committee through the Chair Referral Scheme, due to receipt of 9 neighbour objections; as summarised at paragraph 6.1, below.

2.2 The proposal subject of this assessment is an amendment to the original submission, at the request of the Case Officer, due to an inappropriate first front balcony and unacceptable scale, which resulted in a disproportionate loss of the open side garden space. The amendment is considered to address these issues through removal of the balcony, single storey side extension (attached to the proposed two storey side extension), a reduction from a 2 car width driveway to a single width driveway and removal of paving to the side of the property. The amendment is otherwise acceptable in design terms and in securing acceptable levels of mutual amenity.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The application site is a detached dwelling set in a corner plot at the junction of Heartwood Close and Charnwood Close, Blackburn. The wider area is formed by a sprawling residential development constructed during the late 1980's and early 1990's that consists primarily of large detached family dwellings.

### **3.2 Proposed Development**

3.2.1 Planning permission is sought for the erection of a double storey side extension, double and single storey rear extensions and additional single width driveway to the side of the property; as set out in the submitted drawings.

### **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

- 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

## 3.4 **Other Material Planning Considerations**

### 3.4.1 Residential Design Guide Supplementary Planning Document

#### 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 12 – Achieving well-designed places
- Section 15 – Conserving and Enhancing the Natural Environment

## 3.5 **Assessment**

### 3.5.1 Principle

The principle of the development is accepted, 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:

### 3.5.2 Amenity

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

3.5.3 The two storey side extension will extend the width of the dwelling from its western flank by circa 4.5, towards no. 1 Heartwood Close. Although bedroom windows in the side of the extension will oppose first floor bedroom windows at no. 1, an acceptable 21.5m separation will be maintained, ensuring adequate levels of mutual amenity that will guard against loss of privacy and any threat of dominance; notwithstanding the modest elevated land level of the application site.

- 3.5.4 Separation between the side elevation of the two storey rear extension and the rear of no. 1 Stockwood Close will be circa 21.5m; well in excess of the 13.5m minimum standard to be achieved - on account of the absence of proposed windows in the opposing side elevation of the extension. The single storey rear extension has no discernible impact.
- 3.5.5 Generous separation guards against any material impact on adjacent properties at no. 3 Stockwood Close and 4 Heartwood Close.
- 3.5.6 The proposed single width driveway off Heartwood Close is not considered to pose any excessive threat to amenity by way of increased noise or pollution. Regardless, the driveway is recognised as 'Permitted Development' in accordance with the limitations of Schedule 2, Class F of the (General Permitted Development) Order 2015.
- 3.5.7 Compliance with Policy 8 and supporting SPD policies is achieved.
- 3.5.8 Environment  
Policy 9 requires incorporation of appropriate drainage measures, in order to demonstrate that development will not pose an unacceptable flood risk; and for consideration to be applied to trees that offer significant amenity value.
- 3.5.9 The proposed driveway includes drainage provision to guard against surface water run-off on to the public highway.
- 3.5.10 The proposed driveway will involve loss of two small trees. Accordingly, it is considered prudent to require provision of a replanting scheme within the side garden; to be secured by condition.
- 3.5.11 Compliance with Policy 9 is achieved.
- 3.5.12 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.
- 3.5.13 The proposed driveway provides for appropriate additional off-street parking; in accordance with the Council's adopted standards for a 4 bed dwelling.
- 3.5.14 Compliance with Policy 10 is achieved.
- 3.5.15 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.
- 3.5.16 Although the proposed extensions are recognised as a significant increase in floor space of the host dwelling, they are considered to form proportionate and



harmonious additions, taking into account the substantial plot size of the application site and the large scale family dwellings that define the wider area. In this context, the extended dwelling a short distance to the east, at no. 2 Charnwood Close, is recognised. The proposal will present as almost identical the street scene.

3.5.17 Although some loss of open garden to the west will occur, a substantial and proportionate section will be retained; thereby reducing the sensitivity of the proposal and maintaining the general theme of open garden space attributed to corner plots.

3.5.18 The position of the proposed single width driveway, although additional to the existing provision, is appropriately consistent with the pattern of off street parking along Heartwood Close.

3.5.19 Compliance with Policy 11 and supporting SPD policies is achieved.

#### 3.5.20 Summary

This report assesses the Householder planning application for the proposed double storey extension to the side and rear of the dwelling, single storey extension to the rear and alterations to the side garden to form additional parking. 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) Conditions which relate to the following matters:

- Commence within 3 years
- External walling and roofing materials to match existing
- Prior to occupation of the development, submission of replacement tree planting scheme
- Development to be in accordance with submitted details / drawing nos.

## **5.0 PLANNING HISTORY**

5.1 10/10/0766 - Double storey side extension and garage conversion (approved on appeal).

5.2 10/11/0154 - Two storey side extension (amendment to 10/10/0766) and front porch.

**6.0 CONSULTATIONS:**

6.1 Public consultation has taken place, with 8 letters posted to neighbouring addresses. In response, 9 objections were received which are shown within the summary below.

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

**8.0 DATE PREPARED: 28<sup>th</sup> July 2019.**

## 9.0 SUMMARY OF REPRESENTATIONS

Obj – Dr Yasmin Zakaria & Mr Rizwan Sidat, 1 Stockwood Close, Blackburn. Rec – 17/04/2019

Growth and Development Dept.  
Blackburn with Darwen Borough Council,  
Town Hall  
Blackburn  
BB1 7DY

17 April 2019  
Reference: 19/19/0174

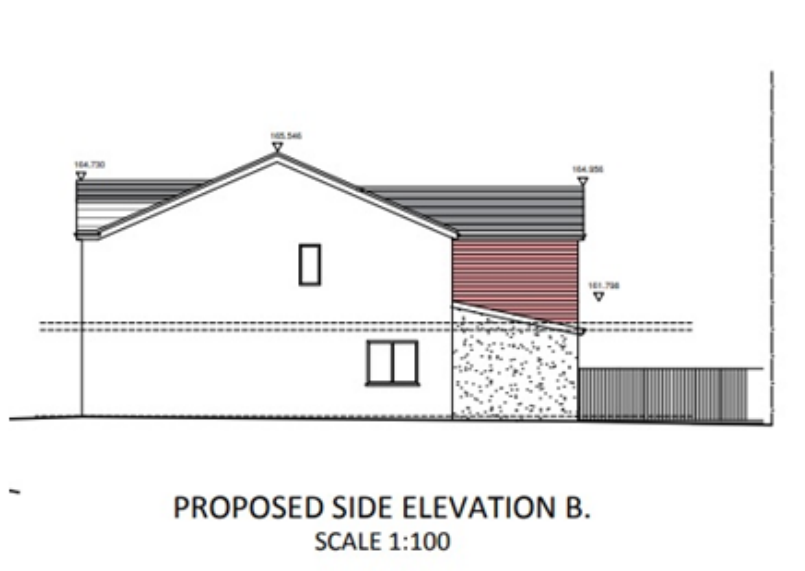
Dear Nick

**RE: Full planning application – Double Storey extension to side, single storey extension to rear including alterations to side garden to form addition parking at:**

**2 Heartwood Close  
Beardwood  
Blackburn  
BB2 7QP**

We are writing in response to the letter dated 09 April 2019  
Reference: 19/19/0174

We have taken the time to analyse the drawings of the proposed planning to the property mentioned above on the link provided in your letter.  
We particularly note that it is a two storey extension.



This is the view from our kitchen. We currently are able see over the conservatory from the kitchen, dining room and utility room.

This is where all the natural sunlight comes from into the property; especially in the evenings.

As per our telephone conversation, I believe that the extension will completely overshadow and dominate my property.

We have no objection against a single storey extension but do not give consent and object against the extension as it currently is proposed.

Please feel free to come to my property upon your site visit and see the dramatic negative bearing it will cause.

Please do not hesitate to contact us if you have any questions.

Yours sincerely

---

Obj - Dr Yasmin Zakaria & Mr Rizwan Sidat, 1 Stockwood Close, Blackburn. Rec – 29/04/2019.

Dear Nick,

Further to our meeting and assessment of the development plans,

In view of the fact that 2 Heartwood close has already had 1 extension built; which is directly overshadowing my property and overbearing from 3 of our windows; to further build a double storey to this already extended house is in our view a total overdevelopment of the property.

The extension will be overshadowing/overbearing on our property and garden

It will impact on the visual amenity and it is out of character with neighbouring properties; there are no other double storey extensions in the street.

It's a simple case of overdevelopment, as this extension more than doubles the size of the original house which has already had a big extension; to exacerbate this with an accumulation effect is totally out of character of the street.

We do not object to a single storey development but an unnecessary double storey overdevelopment will have a huge negative impact on my property. We strongly object to the building of a double storey extension.

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Obj - Dr Yasmin Zakaria & Mr Rizwan Sidat, 1 Stockwood Close, Blackburn. Rec – 20/06/2019

The recent amendments do absolutely nothing to address the original issues which are that the property is still

Overdeveloped , Overbearing and totally out of character with the rest of the two streets which the original builders designed.

It is still a two storey building which engulfs the total width of my house; with the previous and current plans, it will completely block the ground floor of our property.

There are already privacy issues with being overlooked from the current extension.

There already has been a double storey extension to this property which was originally rejected and then eventually granted on appeal.

My property is already overshadowed downstairs by this extension by 90%; to propose and grant another double storey extension to this already overdeveloped property will completely overpower us, and is out of character with the rest of the properties in the beautiful area.

This recent amendments do nothing to address the original issue and the needs of the other residents and the character of the area need to be considered before you keep approving the multiple applications for this one discriminatory property.

The proposed development conflicts harmfully in respect to living conditions of neighbouring occupiers according to legal advice.

The limitation of extensions on this property has been far exceeded already.

Please contact me if you require any more information

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Obj – Mr & Mrs Hounslow, 1 Heartwood Close, Blackburn. Rec – 28/04/2019

Date 28/04/19

**OBJECTION to Full Planning Application at 2 Heartwood Close Blackburn BB2 7QP**

**Reference 10/19/0174**

**Double Storey extension to side, single storey extension to rear including alteration to side garden to form additional parking.**

Dear Mr Nick Blackledge - Case Officer

We live opposite to the proposed development site and are writing to ask that BDBC refuse this planning application from Compass Architectural & Consultants – Daisyfield Business Centre Blackburn.

Herein are our comments and objections relating to this planning application:

The double storey extension and rear entrance will overlook our property; this will lead to a loss of privacy and will certainly impact on the peaceful enjoyment of our home and garden.

The double storey extension will be visually overbearing the 25 degree angle from centre of our lowest window. It is an inappropriate design for this part of the close. The following items are totally out of keeping with the neighbouring properties, double heights window and two number balcony areas ground and first floor at the front of the building, not sure on purpose for downstairs gym and work out room, bathroom and seating area. Is it the intention of the owner to just convert this to additional living space once planning is granted?

Loss of green space and removal of trees which have been there since the house was built. Due to existing sloping levels on the external grassed areas in the location of the proposed additional parking spaces this will mean we will view brickwork retaining structures from our lounge window, not sure why additional entrance is required for additional parking area.

Additional Parking will be opposite to our garden and home causing noise, pollution and dust at all times of the day and night. We also strongly believe this would negatively impact on the future saleability and value of our home.

We strongly urge you to refer to HM Land Registry – Charges Register item 3 makes note not to erect or permit to be erected any fences or walls in the front gardens of the dwelling houses to be built on the land other than such fences and walls shown on drawing no 53.84sd 25a see attachment

We invite you to visit our home to verify that these objections are valid.

Therefore, we ask that Growth & Development Dept of Blackburn with Darwen Borough Council refuse this Planning Application.

Should you require any additional information, clarification of any comments made, or would like to arrange a visit to our home; do not hesitate to contact us on

Title Number : LA576044

This title is dealt with by HM Land Registry, Fylde Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is 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.

This extract shows information current on 21 APR 2019 at 16:38:31 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: LA576044
Address of Property	: 2 Heartwood Close, Blackburn (BB2 7QP)
Price Stated	: £230,000
Registered Owner(s)	: YASEER MAHAMMAD PATEL of 2 Heartwood Close, Blackburn BB2 7QP.
Lender(s)	: None

Title number LA576044

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 21 APR 2019 at 16:38:31. 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 (29.04.1986) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 2 Heartwood Close, Blackburn (BB2 7QP).
- 2 The land has the benefit of the rights granted by but is subject to the exceptions and reservations contained in the Transfer dated 12 February 1988 referred to in the Charges Register.
- 3 The Transfer dated 12 February 1988 referred to above also contains a provision as to light or air.

## 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 (12.08.2016) PROPRIETOR: YASEER MAHAMMAD PATEL of 2 Heartwood Close, Blackburn BB2 7QP.
- 2 (12.08.2016) The price stated to have been paid on 15 July 2016 was £230,000.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 A Conveyance of the land in this title and other land dated 11 April 1986 made between (1) Blackburn Borough Council (Council) and (2) McLean Homes North West and Cheshire Limited (Company) contains the following covenants:-

"TO the intent that the covenant hereinafter contained shall bind the land into whosoever hands the same may come and for the benefit of the Council's adjoining or neighbouring land known as the Beardwood Estate and each and every part thereof the Company hereby covenants with the Council that it will perform the restrictions and stipulations contained in the Third Schedule hereto.

### THE THIRD SCHEDULE

(Covenants on the party of the Company)

.....  
..

- (2) not to erect or permit to be erected on the land any building or buildings other than detached dwellinghouse with suitable garage



Title number LA576044

C: Charges Register continued

*should this area  
even be developed?*

accommodation without the written consent of the Council.

(3) not to erect or permit to be erected any fences or walls in the front gardens of the dwellinghouses to be built on the land other than such fences and walls shown on Drawing No. 53.84sd 25A or any approved amendment thereof."

- 2 A Transfer of the land in this title dated 12 February 1988 made between (1) McLean Homes North West and Cheshire Limited and (2) Keith Grimshaw and Jennifer Grimshaw contains restrictive covenants.

-NOTE: Original filed.

End of register

H.M. LAND REGISTRY			TITLE NUMBER	
			LA 576044	
ORDNANCE SURVEY PLAN REFERENCE	SD 6629	SECTION	N	Scale 1/1250
COUNTY	LANCASHIRE	DISTRICT	BLACKBURN	© Crown copyright 1988



This is a copy of the title plan on 21 APR 2019 at 16:38:21. 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.

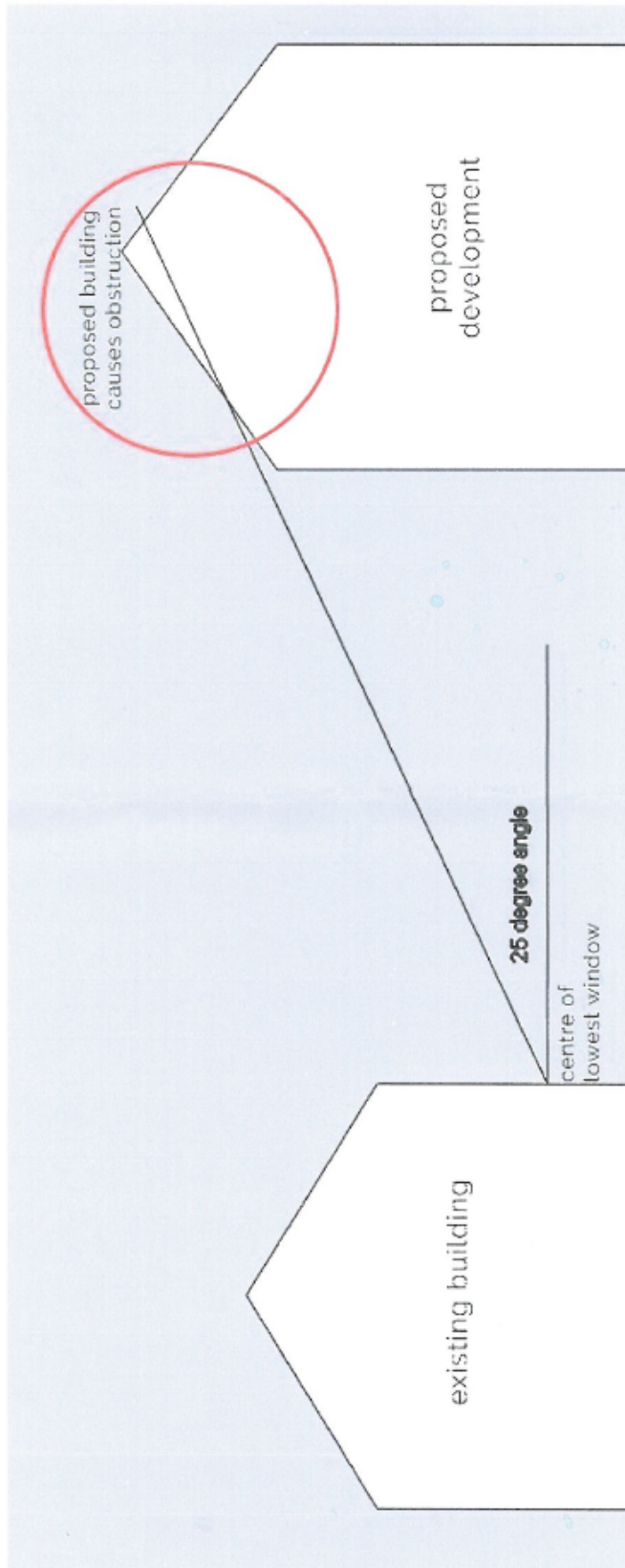
This copy is not an 'Official Copy' of the title plan. An official copy of the title plan is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

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Overboarding



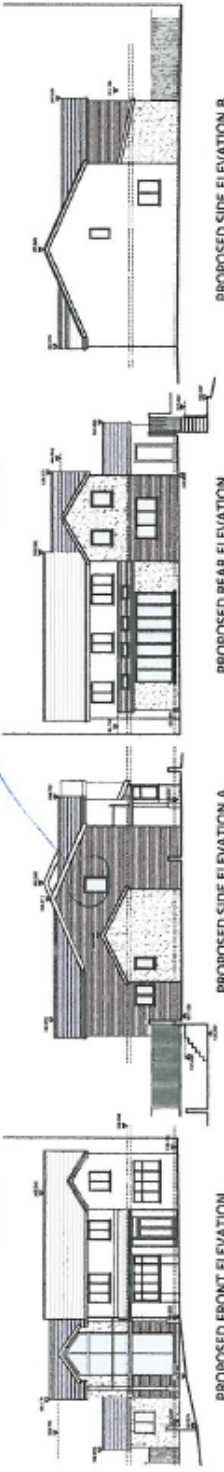
PLANNING DRAWING FOR APPROVAL

PROPOSED FLOOR PLANS & ELEVATIONS. 2 HEARTWOOD CLOSE, BLACKBURN, BB2 7QP



PROPOSED FIRST FLOOR PLAN.  
SCALE 1:150

PROPOSED GROUND FLOOR PLAN.  
SCALE 1:150



PROPOSED SIDE ELEVATION B.  
SCALE 1:100

PROPOSED REAR ELEVATION.  
SCALE 1:100

PROPOSED SIDE ELEVATION A.  
SCALE 1:100

PROPOSED FRONT ELEVATION.  
SCALE 1:100

CLIENT: MR & MRS WINTER  
 DATE: 14/05/2024  
 DRAWING NO: 04

PROPOSED DOUBLE STOREY EXTENSION TO SIDE AND SINGLE STOREY EXTENSION TO REAR INCLUDING ALTERATIONS TO SIDE GARDEN TO FORM ADDITIONAL PARKING AT:  
 2 HEARTWOOD CLOSE, BLACKBURN, BB2 7QP

**COV P A S S**  
 ARCHITECTURAL CONSULTANTS

MARKFIELD BUSINESS CENTRE  
 100-102 MARKET STREET  
 BLACKBURN  
 LANCASHIRE  
 BB2 2JA  
 TEL: 0572 482000

Obj – Mr & Mrs Hounslow, 1 Heartwood Close, Blackburn. Rec – 21/06/2019

Blackburn with Darwen Borough Council  
Growth & Development Department  
Town Hall  
Blackburn  
Lancashire  
BB1 7DY

Date 21/06/19

**OBJECTION to Full Planning Application at 2 Heartwood Close Blackburn BB2 7QP**

**Reference 10/19/0174** revised plans

**Double Storey extension to side, single storey extension to rear including alteration to side garden to form additional parking.**

Dear Mr Nick Blackledge - Case Officer

We live opposite to the proposed development site and are writing to ask that BDBC review this revised planning application for additional parking space to the side of the property from Compass Architectural & Consultants – Daisyfield Business Centre Blackburn.

Herein are our comments and objections relating to this planning application:

The proposed additional parking space to the side of the property would require brickwork retaining structure due to the level difference. Two number established trees will have to be removed, set of steps and gate shown on plan but no path from main house, does this mean extra retaining structure and path on garden area. We have reviewed the revised plans and felt that there is enough space at the front of the property for 1 additional parking space see attached mark up.

Loss of green space and removal of trees which have been there since the house was built. Due to existing sloping levels on the external grassed areas in the location of the proposed additional parking spaces this will mean we will view brickwork retaining structures from our lounge window, not sure why additional entrance is required for additional parking area.

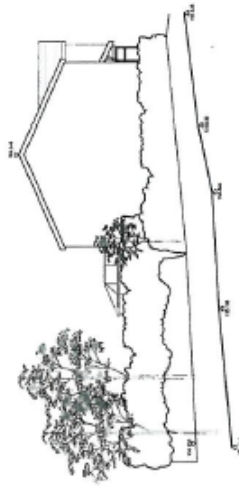
Additional Parking will be opposite to our garden and home causing noise, pollution and dust at all times of the day and night. We also strongly believe this would negatively impact on the future saleability and value of our home.

We invite you to visit our home to verify that these objections are valid.

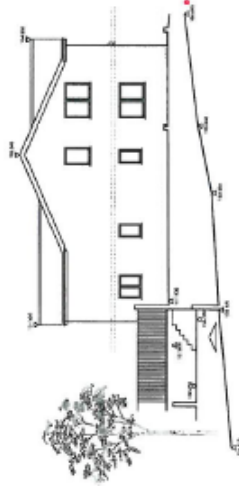
Therefore, we ask that Growth & Development Dept of Blackburn with Darwen Borough Council refuse this Planning Application.

PROPOSED SITE PLAN. 2 HEARTWOOD CLOSE, BLACKBURN, BB2 7QP

1 HEARTWOOD CLOSE  
COMMONS 21.6.19



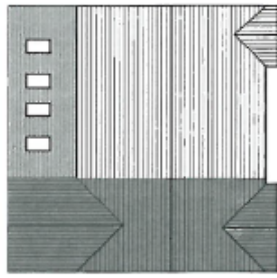
EXISTING SIDE ELEVATION FROM STREET.  
SCALE 1:100



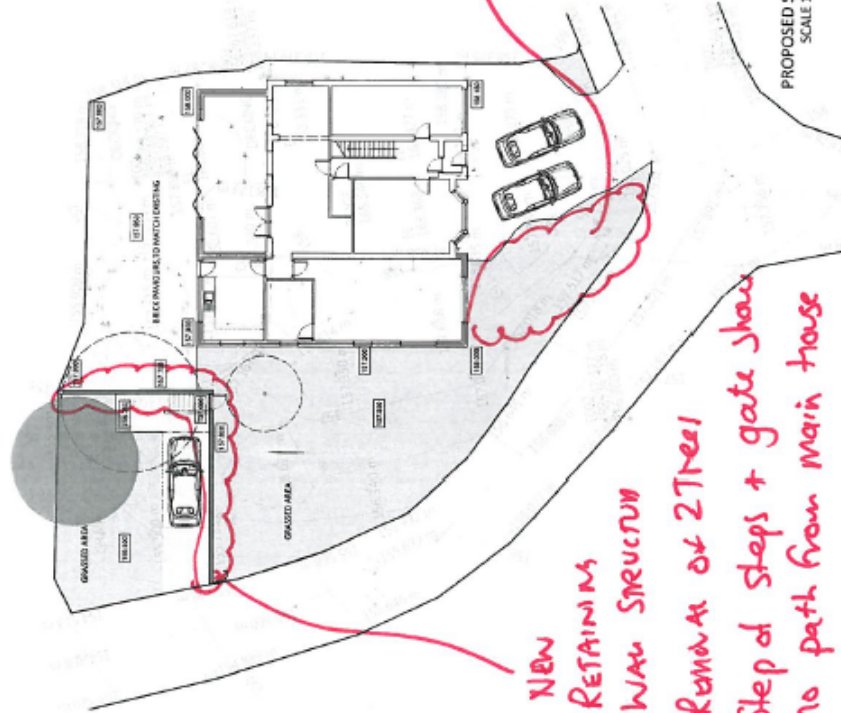
PROPOSED SIDE ELEVATION FROM STREET.  
SCALE 1:100

PLANNING DRAWING FOR APPROVAL

NOTE: TREES SHOWN RED & DASHED TO BE REMOVED.  
NOTE: ALL NEW HARDSCAPING TO MATCH EXISTING BRICK PAVED/OURS



PROPOSED ROOF PLAN.  
SCALE 1:100



PROPOSED SITE PLAN.  
SCALE 1:100

enough space here for 1 extra parking space?

- NEW RETAINING WALL STRUCTURE
- REMOVE 2 TREES
- STEP OF STEPS + GATE SHOW NO PATH FROM MAIN HOUSE

CLIENT: MR & MRS PATE  
PROJECT NO: CA2708/04/04  
DATE: 14/09/08  
DWG No: 02D

PROPOSED DOUBLE STOREY EXTENSION TO SIDE AND SINGLE STOREY EXTENSION TO REAR INCLUDING ALTERATIONS TO SIDE GARDEN TO FORM ADDITIONAL PARKING AT:  
2 HEARTWOOD CLOSE, BLACKBURN, BB2 7QP

02D  
PARKFIELD BUSINESS CENTRE  
SUITE 801  
APPLY STREET  
MANCHESTER  
M11 9H  
TEL: 01274 499322

COMFAS

PROPOSED FLOOR PLAN'S & ELEVATIONS. 2 HEARTWOOD CLOSE, BLACKBURN, BB2 7QP

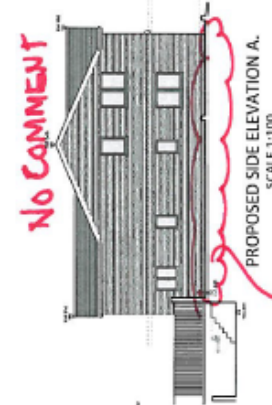
PLANNING DRAWING FOR APPROVAL



PROPOSED GROUND FLOOR PLAN. SCALE 1:50



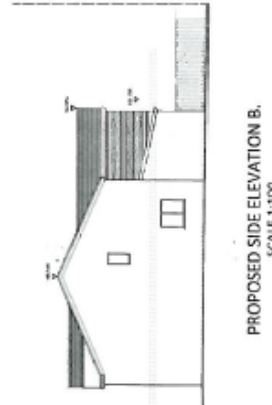
PROPOSED FRONT ELEVATION. SCALE 1:100



PROPOSED SIDE ELEVATION A. SCALE 1:100



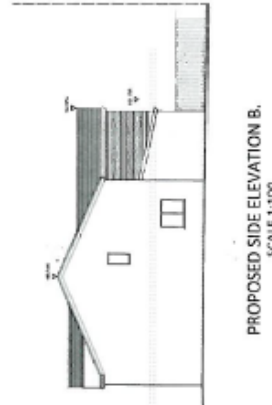
PROPOSED REAR ELEVATION. SCALE 1:100



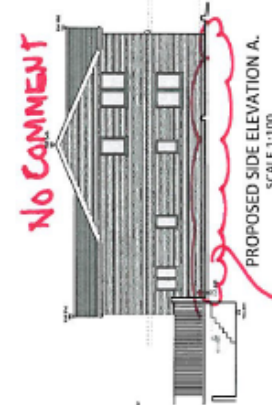
PROPOSED SIDE ELEVATION B. SCALE 1:100



PROPOSED FIRST FLOOR PLAN. SCALE 1:50



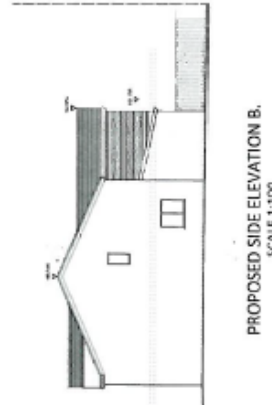
PROPOSED FRONT ELEVATION. SCALE 1:100



PROPOSED SIDE ELEVATION A. SCALE 1:100



PROPOSED REAR ELEVATION. SCALE 1:100



PROPOSED SIDE ELEVATION B. SCALE 1:100

**No Comment**

**No Comment**

CLIENT: MR & MRS BATE  
 PROJECT: 15/16 GAC/DON/15/16  
 DATE: JAN/2015  
 DRAWING: 04B

**G O M P A S S**  
 ARCHITECTURAL CONSULTANTS  
 151 COLCHESTER  
 BLACKBURN  
 LANCASHIRE  
 BB1 1LN  
 TEL: 01524 624242

**04B**  
 DRAWING RELEASED UNDER  
 THE FREEDOM OF INFORMATION  
 ACT 2000

**No part of retaining structure shown**

PROPOSED DOUBLE STOREY EXTENSION TO SIDE AND SINGLE STOREY EXTENSION TO REAR INCLUDING ALTERATIONS TO SIDE GARDEN TO FORM ADDITIONAL PARKING AT: 2 HEARTWOOD CLOSE, BLACKBURN, BB2 7QP

FAO: Mr. Nick Blackledge

Good morning sir,

I am writing with reference to the planning application that has been submitted at 2 Heartwood Close in Beardwood, Blackburn for a double storey extension to the side and a single storey extension to the rear as well changes being made to the side garden for additional parking space.  
REF: 10/19/0174

I am writing to object to the proposal on a number of grounds. These being:

1. The added size of the extension will block light to neighbouring properties, including mine.
2. Privacy of my family will be compromised with windows being so close to my property.
3. The aesthetics of the area will be compromised; with the view of a brick walled construction immediately visible right in front of the house.
4. The construction of such a large building will destroy the essence of what the Beardwood community stands for. It will be out of place with surrounding houses.
5. The destruction of garden space and additional car parking will add to congestion in the area and will have a negative impact on the immediate environment.

Thank you for your consideration in the matter.

---



Obj – G M Entwistle, 8 Heartwood Close, Blackburn. Rec – 02/05/2019

RE: OBJECTION TO PLANNING APPLICATION Ref 10/19/0174

Development at 2 Heartwood Close Blackburn BB2 7QP

Dear Sir,

I object to the planning application ref 10/19/0174

The character of the close would be changed by allowing such a large development on a property in a prominent position at the head of the close as well as having a significant impact on the neighbours and residents of Heartwood Close.

I list the material considerations I ask you to consider:

1. The site location plan omits the 2m service strip which runs along side the roadway through the grassed area. This service strip is indicated on the Land Registry title LA576044. The proposed paved area development will encroach into this strip.
2. The application has failed to indicate that a new vehicle access provision to the public highway is proposed.
3. Because of the slope of the land, the proposed retaining walls supporting the extended paved areas facing both Heartwood Close and the neighbour at no 4 are significant and will be a dominant feature prominently visible from the street. This development would enable overlooking of adjacent properties resulting in a loss of privacy.

4. The proposed extensions to the NW side of the house are of a size and position which contradicts the original vision of the Willows development, viz 'sites with spacious frontages and extensive landscaping to be in keeping with its country edge location'. Allowing this development would prominently reduce the amount of 'green space' and reduce the number of mature trees.
5. Such extensions would significantly move out the building line, perhaps creating precedence for other planning requests in the future.
6. The size and prominent positioning of the proposed extensions and retaining walls will adversely affect the amount of light being received by the neighbours on the north and north-west. This will be very noticeable particularly in the winter months.
7. The proposed balcony to the front is not in keeping with other properties in the area.
8. The development could reduce the visibility of traffic entering and leaving Heartwood Close. This could be dangerous to pedestrians bearing in mind there are no pavements on either side at that position. Additionally in early spring and late autumn when the rising sun is low in the sky and shines directly down Chamwood Close there is a danger of drivers being suddenly blinded by the sun.

I trust you will consider the above points and include them in your planning considerations.

---

Obj – Aileen J Cross, 5 Heartwood Close, Blackburn. Rec – 07/05/2019

Re: **Planning Application Ref 10/19/0174**

Double storey extension to side, single storey extension to rear including alteration to side garden to form additional parking at 2 Heartwood Close, Beardwood, Blackburn, BB2 7QP

Further to your letter of 9 April I wish to register my objection to the above planning application. My reasons for objecting are as follows:-

Although my house will not be as affected as No1 and No 3 Heartwood Close as they look directly at the side of No 2 Heartwood Close we can also see, from the right hand side of our front lounge bay window, the side of No 2.

A double storey extension would be excessive and not in keeping with the surrounding properties and will overshadow many of the surrounding properties and thereby ruin our view and cut out some of the light.

My main concern, however, is the loss of the green space and removal of trees required in order to alter the side garden to form additional parking. As one of the original householders on the close the design of this housing development was such that between every three or four houses there was a green space to be kept open and to give an altogether open space feeling to all the residents. It is within the deeds of each property that nothing should be built or planted on these green areas to change their appearance.

The property in question already has a garage and driveway, as do we all, so further parking should not be necessary and is worrying that it will become a driving hazard on that corner leaving and driving back onto the close should there be more cars parked up. It will also be an eyesore to have to look at cars parked instead of a nice open green space as was the original intention. Presumably, also some kind of support wall will be required because of the sloping nature of the grassed area which, again, will spoil the open green space.

I trust you will take my objections into consideration when dealing with the planning application for No 2 Heartwood Close

---

Obj – Aileen J Cross, 5 Heartwood Close, Blackburn. Rec – 24/06/2019

Dear Mr Blackledge

Re: **Planning Application Ref 10/19/0174**

Alteration to side garden to form additional parking at 2 Heartwood Close, Beardwood, Blackburn, BB2 7QP

Further to my letter of 29 April and your subsequent letter of 10 June informing us of the amended planning application as above, I wish to register my further objection to the new plans.

I note that it is still the intention of the owner of No 2 Heartwood Close to use part of the grassed area next to No 4 Heartwood Close for extra parking. As stated in my original letter of objection, the green spaces between the houses on Heartwood Close are intended to remain as green spaces and, within the deeds, nothing should be planted or built on that green space that is going to change its appearance.

If the owner requires extra parking would it not be preferable to just widen the current driveway so it doesn't impact on anyone else? Should there be extra car(s) on the area next to No 4 Heartwood Close then it would be a dangerous place on the bend for cars to be manoeuvring on and off this new driveway.

For the reasons as stated above please note my objections when considering this revised planning application.

---



**REPORT OF THE DIRECTOR**

**Plan No: 10/19/0317**

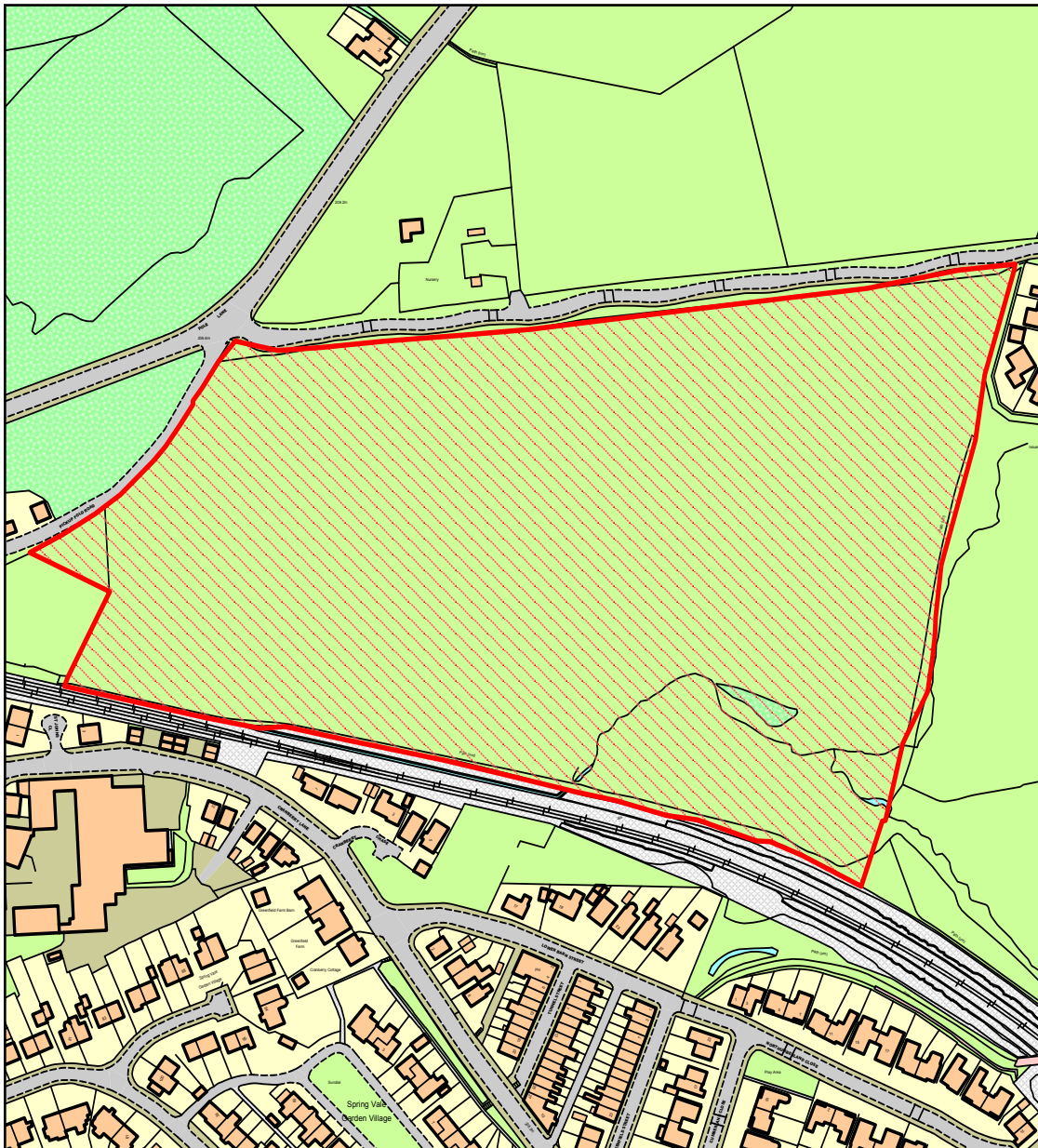
**Proposed development: Full Planning Application for Erection of 168 no. Residential Dwellings, Associated Infrastructure and Public Open Space**

**Site address: Land at Spring Meadows, Darwen**

**Applicant: Persimmon Homes and Northern Trust**

**Ward: Darwen South**

<b>Councillor Lilian Salton</b>	
<b>Councillor Kevin Connor</b>	
<b>Councillor Neil Slater</b>	



## **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 affordable housing provision; provision of Darwen East Distributor Corridor; and off-site provision of additional primary school places in East Darwen

## **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 and Local Plan Part 2. The proposal is also satisfactory from a technical point of view, with all issues relative to the assessment 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 relates to a parcel of land located within the urban boundary, to the south east of Darwen. It is approximately 6.7 hectares in area, being bound by Spring Meadows road to the north, a rail corridor to the south, housing/ open fields to the north and east, and Pole Lane to the west.
- 3.1.2 The site slopes in a north to south direction toward the rail line, with a significant lower level adjacent to the rail line created by historic mining of the area. There are no existing land uses on the site, which is vegetated by grassland, self-seeded trees and a watercourse to the lower land level. A public right of way envelopes the site to the south and east.
- 3.1.3 The land immediately north of the application site, to the opposing side of Spring Meadows road, is currently under construction to provide 126 dwellings, pursuant to reserved matters planning application 10/16/0789

### **3.2 Proposed Development**

- 3.2.1 The application seeks full planning permission for the erection of 168 dwellings, associated infrastructure and public open space.
- 3.2.2 The proposed development provides a net density of 25 units per hectare when considering the sites overall area of 6.7 hectares. The 168 units comprise of 14 x 2 bedroom properties (8.3% of overall provision), 97 x 3 bedroom properties (57.8%), 40 x 4 bedroom properties (23.8%) and 17 x 5 bedroom properties (10.1%). The properties have a modern appearance, principally constructed with red brick walling and grey roof tiles to reflect the vernacular form, though elements of render offer variety and visual interest.

3.2.3 The development will be accessed by vehicles via Spring Meadows road, with two new access/egress points being formed circa 110m apart. The new accesses and all new driveways to be formed on the northern edge of the site will align with the straightened and upgraded Spring Meadows road, as approved by Planning Application 10/17/0250, rather than the existing road layout.

### **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
- CS7 – Types of Housing
- CS8 – Affordable Housing
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS22 – Accessibility Strategy

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

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 16 – Housing Land Allocations
- Policy 18 – Housing Mix
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development

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

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

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

### **3.5 Assessment**

3.5.1 The main issues pertinent in the assessment of the proposal are:

- Principle of residential development.
- Highways (access and network impact).
- Design.
- Residential amenity.
- Flood risk/ drainage.
- Ecology.

#### **3.5.2 Principle of Development**

With regards to principle of residential development, the site is located within the Urban Boundary of Darwen. New development will be focused to such areas as stipulated by CS1 of the CS and Policy 1 of LPP2. Policy CS5 identifies the preferred location for new housing within the Borough, where market conditions permit its delivery, to be the inner urban areas of Blackburn and Darwen. The current proposal is consistent with all of the identified policy requirements

3.5.3 The site is designated within LPP2 Policy 16 as a Housing Land Allocation, specifically identified as allocation 16/16: Pole Lane South. Accordingly the principle of residential development of the site is supported, subject to Key Development Considerations referred to in Policy 16/16, namely:

1. Provision of a robust Green Belt boundary.
2. Minimise impact on the landscape character, ecological and recreational value of the West Pennine Moors.
3. Ground contamination and mitigation where necessary.
4. Consideration for surface water and use of Sustainable Urban Drainage Systems.
5. Consideration of ecological impact.
6. Connectivity to the existing Public Rights of Way network.
7. Expansion of the housing offer in Darwen and the Borough as a whole.
8. Contribution toward the provision of additional primary school capacity in the locality.
9. Contribution toward the Darwen Eastern Distributor Corridor.

The above considerations will be addressed in the remainder of the report.

3.5.4 Policy 7 on Sustainable and Viable Development echoes the presumption in favour of sustainable development set out in the NPPF. Thus, applications that accord with policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.

#### **3.5.5 Highways and Access**



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

- 3.5.6 Vehicular access to the site will be via two entrances, approximately 110m apart, on Spring Meadows. The carriageway is a single track road which serves as the sole means of access to dwellings on the Spring Meadows estate.
- 3.5.7 The design of the proposed access points into the application site are supported, subject to suitable visibility splays which can be provided by condition.
- 3.5.8 The Council's highway officer has expressed some concerns with the internal layout of the development. Principally the concerns relate to; non-compliance with Manual for Streets, sub-standard parking arrangements, further details of road gradients required; need for pedestrian footway provision; and requirements for private drives to be limited to two vehicles unless alternative bin collection arrangements are provided. These matters have been addressed by the applicant in their latest submission – the subsequent response from the Highway team will be provided via the committee update report.
- 3.5.9 The Council's Public Rights of Way (PROW) officer advises that the development doesn't affect the public rights of way which mainly run around the perimeter of the site. The developers are proposing to fence off the public footpaths during construction for pedestrian safety, however when the development is complete the PROW on the Eastern and Southern sides of the site being footpaths 195 and 196 Darwen will be incorporated within the completed development. During any landscaping works the footpaths will require temporary closures and also if the surfaces of the PROWS are to be changed, this will first require authorisation from the Highway Authority.
- 3.5.10 A Transport Assessment has been submitted in support of the application, which included survey of the local highway network and referenced committed developments close to the application site. The proposal is expected to generate a 2 way total of approximately 74 trips in the AM and 77 trips in the PM peak hour and details impact of these additional vehicles at affected junction, including Pole Lane/ Prior Drive, Sough Road/ Pole Lane junction. The TA states that an effective public transport system is essential in providing good accessibility for large parts of the population enabling opportunities for work, education, shopping, leisure and healthcare in the town and beyond. The nearest bus stops to the site are situated on Pole Lane and Priory Drive, with the closest active bus stop being located approximately 560 meters on from the centre of the site. The bus stops on Pole Lane and one of the stops on Priory Drive have a stand post and timetable only as can be seen below. Consideration should be given to the upgrade of these. The report concludes that affected junctions and the network in general can

accommodate the traffic forecast of the proposal and would have a minimal impact on the local highway network.

- 3.5.11 Design and Layout: Policy 11 of LPP2 is of relevance and requires all new development to present a good standard of design. Development will be expected to demonstrate a good understanding of the wider context and make a positive contribution to the local area, including enhancing/ reinforcing the established character of the locality. Considerations 1 and 2 of Policy 16/16 reinforce the requirements of Policy 11.
- 3.5.12 The proposed development provides a net density of approximately 25 units per hectare, when considering the development area of 6.7 hectares. The 168 units comprise of: 14 x 2 bedroom properties (8.3% of overall provision), 97 x 3 bedroom properties (57.8%), 40 x 4 bedroom properties (23.8%) and 17 x 5 bedroom properties (10.1%).
- 3.5.13 Policy 18 of the Local Plan Part 2 illustrates that the Council requires a detached and semi-detached housing offer to be the principal element of the dwelling mix on any site that is capable of accommodating such housing. Given the intended mix the proposal is wholly compliant with this requirement
- 3.5.14 The properties have a modern appearance, principally constructed with red brick walling and grey roof tiles to reflect the vernacular form, though elements of render offer variety and visual interest. Generally the proposals are considered to assimilate well with the prevailing character of the area.
- 3.5.15 The properties have carefully considered internal layouts to offer a variety of configurations to appeal to families of varying sizes and needs. The house types represent an appropriate variety of styles and, together with their orientation, will create varied and attractive street scenes. Basic details of the external materials have been submitted but it is still considered to be necessary to impose the Council's condition to require prior approval of submitted materials.
- 3.5.16 Residential Amenity: Local Plan Policy 8 supports new development that secures a satisfactory level of amenity for surrounding uses and for occupants/ users of the development itself. The Council's adopted residential design guide SPD provides additional guidance with particular reference to separation distances between dwellings to ensure the amenity of residents is protected.
- 3.5.17 The Residential Design Guide SPD indicates an appropriate separation of 21 metres between facing windows of habitable rooms of two storey dwellings, unless an alternative approach is justified to the Council's satisfaction. Where windows of habitable rooms face a blank wall or a wall with only non-habitable rooms a separation of no less than 13.5 metres shall be maintained, again unless an alternative approach is justified to the Council's satisfaction. The development is broadly consistent with these requirements, both in relation to the relationship to properties within the site and those on the periphery.

- 3.5.18 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 noise and dust management during construction phase to be agreed; and the provision of electric charging points and gas boiler emissions to safeguard air quality.
- 3.5.19 The overall impact of the proposed development is considered to accord with the provisions of the adopted and Local Plan Part 2 as any potential harm to amenity has been addressed or can be adequately controlled or mitigated through planning conditions.
- 3.5.20 Ecology: Policy CS15 seeks to protect and enhance the Boroughs ecological assets with the aim of establishing and preserving functional networks. Policy 9 seeks to avoid disturbance to protected species and provide compensatory measures when necessary, as per considerations 2 and 5 of Policy 16/16.
- 3.5.21 The site is currently grassed, with self-seeded trees and a water course located to the southern boundary. The applicant has submitted an Extended Phase 1 Habitat Survey, Reptile and Invertebrate Survey and Badger Surveys.
- 3.5.22 The submitted documents remain under review by the Council Ecological consultants. A full response on this issue will be provided via the update report.
- 3.5.23 Flood Risk and Drainage: Policy 9 of LPP2 requires development to demonstrate that it will not be at risk of flooding and use of Sustainable Urban Drainage Systems (SUDS) is required, as per consideration 4 of Policy 16/16.
- 3.5.24 The site is located within Flood Zone 1. The applicant has provided a Flood Risk Assessment (FRA) due to the site size exceeding 1 hectare, as per NPPF guidance. The FRA demonstrates that the development will be at low risk of flooding and would not increase the opportunity of flooding elsewhere. The drainage strategy for the development identifies the requirements for on-site water retention and the submitted layout provides for an attenuation pond which is to be designed of sufficient size to accommodate needs of the development. This would be an acceptable SUDS solution indeed the Councils Drainage Officer, United Utilities and Environment Agency have no objection to the proposal subject to conditions relating to; further details of the attenuation feature being agreed; future maintenance and management of the SuDs within the approved layout. On this basis it is considered is consistent with Policies 9 and 16/6 of LPP2.
- 3.5.25 Financial 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;

- 3.5.26 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%
- 3.5.27 Local Plan Policy 12: Developer Contributions, which accords with the NPPF, indicates that where request for financial contributions are made the Council should be mindful of the total contribution liability incurred by developers. The applicant has indicated their desire for off-site provision, and submitted a viability report that has been independently appraised. The outcome of which is that it is accepted that due to the other liabilities on the site and other contributions being sought there is not adequate room to provide in accordance with the 20% threshold. Instead a contribution of £150,000 has been agreed towards off-site provision.
- 3.5.28 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 £1,500,000 towards additional primary school provision in the East Darwen locality.
- 3.5.29 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 £150,000 has been fixed in relation to contribution towards the Darwen east Distributor Corridor highway improvements.
- 3.5.30 Summary: This report assesses the full planning application for 168 dwellings on a parcel of undeveloped land, accessed from Spring meadows road, Darwen. In considering the proposal a wide range of material considerations have been taken in to account during the assessment of the planning application
- 3.5.31 This report concludes the proposal provides a high quality housing development with associated infrastructure on an allocated housing site. The principle of development is agreeable with the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, and the National Planning Policy Framework. Furthermore the scheme is acceptable from a technical perspective, with all matters being adequately addressed, or capable of being appropriately controlled via planning conditions

## **4 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) £150,000 as a contribution towards the provision of affordable housing in the borough.**
- (b) £150,000 as a contribution towards delivery of the Darwen East Distributor Corridor highway improvements**
- (c) £1,500,000 as a contribution towards additional primary school places in East Darwen**

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**

- Three year time limit for development to commence
- Phasing plan to be agreed
- 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
- Further details of surface water attenuation feature
- Scheme for future maintenance and management of the SuDS to be submitted and agreed
- 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 noise and dust during development to be agreed
- Contaminated land investigation, mitigation and validation
- External plug socket provision to facilitate electronic vehicle charging
- Maximum boiler emission standards
- Materials to be submitted and agreed

## **5 PLANNING HISTORY**

10/16/0266 - Outline planning application for erection of 134 dwellings , with associated infrastructure and landscaping (Approved July 2016)

10/17/0250 - Works to straighten and upgrade Spring Meadows road so that it can be adopted (Approved May 2017)

## **6 CONSULTATIONS**

## 6.1 Highways:

PROW: the development doesn't affect the public rights of way which mainly run around the perimeter of the site. The developers are proposing to fence off the public footpaths during construction for pedestrian safety, however when the development is complete the Public rights of way on the Eastern and Southern sides of the site being footpaths 195 and 196 Darwen will be incorporated within the completed development. During any landscaping works the footpaths will require temporary closures and also if the surfaces of the PROWS are to be changed, this will first require authorisation from the Highway Authority.

No details of sightlines are offered within the submission; this should be provided for all access points including all drives. No boundary treatment should affect the visibility splays for both pedestrians and vehicles.

Layout: The roads layout has not been designed in accordance with manual of streets, no opportunity to soften the appearance of the hard landscaping has been introduced, and it is our opinion that this can be explored further. There are long stretches of road which would need some traffic calming and the introduction of deflection in the form of buildouts would support this and also provide more character to the street. – Please seek further amendments.

There are a number of other issues that require further response, they are:

- The tracking that has been provided, (as previously commented on at pre-app stage) is very tight when turning especially on the radii
- No more than 2 properties should access of a private drive, there are areas which extend beyond servicing 2/3 properties. In our opinion, these should be designed as adopted streets with turning heads and presented for adoption
- The radii at the two junction appears restrictive and below 6m radii, a tracking showing a 3 axle refuse vehicle has been provided, this shows the turn being made would be difficult – please consider revision.
- No gradient details of the site are offered, please seek confirmation

It is noted that the site is lacking in safe pedestrian permeable routes through the site. The emphasis is leaning heavily towards a shared surface approach with priority being given to the car rather than the pedestrian. We would seek revision to this in favour of the pedestrian please make the necessary amendments.

Confirmation required of the area to be presented for adoption.

Spring Meadows has a carriageway and a footway fronting on one side, this is being realigned to support the sites coming forward for development (opposite to this site). We would therefore request that the developer pay and construct the realigned footway for the full length of their site – to support the dwellings that would be exiting out onto Spring Meadows and provide safe pedestrian connectivity.

Further submissions to address the above areas of concern raised have been received, the response from the Council's Highway Officer will be reported via the update report.

6.2 Public Protection:

No objection subject to conditions relating to; electric vehicle charging points within each plot; maximum gas boiler emissions; noise and dust management plan to be agreed and implemented; construction hours restricted to 8am to 6pm Monday to Friday, 9am to 1pm Saturday; contaminated land standard conditions.

6.3 Lead Local Flood Authority:

No objection subject to conditions relating to; foul and surface water to be drained on separate systems; further details of surface water attenuation feature; scheme for future maintenance and management of the sustainable drainage systems to be agreed; construction phase surface water management plan to be agreed; amended flood risk assessment to be submitted to include a revised climate change allowance of 40%

6.4 Ecology:

See update

6.5 Education:

No objection subject to development contributing towards primary school provision in the East Darwen location.

6.6 Police Architectural Liaison Officer:

No objections. Lancashire Constabulary would advocate that this new development for residential housing should be designed in accordance with Secured by Design Homes 2019 security specifications.

6.7 Coal Authority:

The application site falls in a development high risk area. Coal Authority records indicate that there are three mine entries within the site, as well as a 'flagstone' mine entry in the western corner of the site.

The submitted coal mining risk assessment report states that although they do not consider that shallow coal workings pose risk to the development the mine entries present do and these need to be investigated further and treated and capped. There is no indication that these investigatory works have been carried out on site and our records indicate that only one mine entry, ref 370421-034, has been treated in the past. However, we note that the layout plan refers to three of the mine entries on site as being 'capped' but then goes on to state that accurate positions are yet to be surveyed. One of the recorded mine entries is

not indicated on the layout plan and there is no reference to the potential unrecorded mine entry which was located by e3p. Based on the information currently submitted we object to this planning application.

Subsequently further submissions have been made by the applicant and the Coal Authority's response will be reported via the update report.

6.8 Environmental Services

No objections.

6.8 United Utilities:

No objection subject to conditions requiring; foul and surface water to be drained on separate systems; surface water drainage scheme to be agreed; and scheme for future management and maintenance of the surface water drainage system to be agreed.

6.9 Public Consultation:

96 neighbouring properties have been individually consulted by letter, site notice displayed and a press notice issued. 4 letters of objection and 2 comments have been received (see section 9)

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

**8 DATE PREPARED: 28<sup>th</sup> June 2019**

**9 SUMMARY OF REPRESENTATIONS**



Obj – Mrs Okane. Rec – 24/04/2019.

Hi

I am apposing against the erection of 168 houses on the land at spring meadows, Darwen.

I am on Northumberland close in Darwen looking out into the land and I am concerned about the houses causing noise, traffic, pollution and affects to the wildlife.

There is a family of Deer and this will upset their habitat.

Also houses are already built off Cranberry Lane and off Pole Lane. We do not need anymore housing in this area.

Please can you advise?

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Obj – Christine Slater. Rec – 24/04/2019.

Dear Sir / Madam

Ref : 10/19/0317

These are my objections for the planning application for Spring Meadows in Darwen

There is already lots over development work ongoing in the South side of Darwen with Taylor Green on Pole Lane, Cranberry Meadows and Balmoral Gardens which will have a huge impact on traffic congestion and the infrastructure of Darwen. With the amount of houses we will need another primary school at least to accommodate all the children.

Cycling is not an option due to already congested roads around these sites and there are no cycle lanes !!!

Loss of habitat i.e.: all the deer and wildlife that roam free on this site.

Loss of privacy as the height of the site will look down into all the bungalows on Cranberry Lane

Thank you

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Obj – C & R Cooper, Moorlands Court, Spring Meadows, Darwen. Rec – 25/04/2019.

Re Land at Spring Meadows, Darwen Ref: 10/19/0317

Dear Sir

I write with reference to the above planning application and outline my objections which my husband and I feel very strongly about. No doubt the application has already been 'rubber stamped' without considering the thoughts and feelings of local residents!

Alternatives available:

There are numerous sites within the Borough much more suitable for building additional properties and many, many areas which are in very urgent need of regeneration. There are currently over 3000 empty properties and many abandoned building sites or plots available for building. Surely provisions should be made to utilise these empty properties or to demolish them and build new properties on those sites and to regenerate areas where needed.

Suitability of proposed site:

The proposed site is totally unsuitable for building because large areas of the land will need to be filled in order to make it level. I personally would not even consider purchasing a property on this plot unless the landfill has been allowed to settle for, say, 20 years or more. To build too quickly would result in the buildings subsiding or even collapsing, which could be extremely dangerous.

Increased population:

There are already 134 houses being built in the field opposite, which makes a total of 302 new properties. Assuming an average of 3 people, which is rather a low estimate, occupying each property, that is almost 1000 additional residents in this very small area. Plus there are more houses being built in the Cranberry Lane area in addition to other areas.

Is there a demand for new houses?

There is the question as to whether the houses which are currently under construction will sell, yet further planning applications are being considered before assessing if they will. There have already been proposals for the building of hundreds of houses in the Marsh House area, which will hugely impact on local amenities as listed below.

## Local amenities

The implications of all these extra residents is going to be vast and will have a huge impact on our local amenities, some of which are listed below:

Which schools are all the additional children of the potential new occupants going to go?

Is Darwen Health Centre going to have more doctors, nurses, equipment etc etc?

Is our local hospital going to have more doctors, nurses, ambulances, equipment etc etc?

Is our Fire Station going to have more fire officers, fire engines etc etc?

Are there going to be more police officers employed to cope with crime etc?

Is our town centre going to have money invested to improve the economy, create jobs, improve derelict areas, improve shopping facilities, bus services, better roof top parking, additional parking facilities etc etc?

Will the council enforce more affordable stall/shop rental charges and better conditions to encourage more businesses to trade in Darwen?

Is the council going to encourage new businesses and manufacturing in Darwen to create employment for all these additional residents and the unemployed?

Will improvements be made to the water supplies, sewers, all other essential council services in order to cope with this vast influx of residents. Will youth centres become more available to keep young people off the streets? Will more facilities be available for elderly residents? Will more services be available for vulnerable and disabled people? Will the homeless hostel in our town centre have to accommodate even more residents?

## Preservation of nature

Is any consideration being given to preserving green land for wild life for the future of our children? The field where the proposed building is to take place contains an abundance of wild life e.g. badgers, foxes, deer, barn owls, kestrels, newts, etc. To abandon the needs of nature to make way for new houses takes away our quality of life and kills animals which are essential for the preservation of future generations.

I trust that all these points will be assessed and taken into consideration, and maybe, just maybe, the application will be rejected.

Obj – Jane Cordingley. Rec – 17/04/2019

Dear Planning Team,

I hope the above proposed plan for 168 homes on the above site will be given very thorough consideration.

This proposal is far too large for the area, especially when Kier development have already started their estate on Pole Lane/ Spring Meadows, along with the development on Cranberry Lane.

- Another large development in this area will lead to heavily increased traffic in the area. ( the railway bridge on Sough Rd, is already single file traffic) Parking for 393 cars!
- Access to the estate is from a single point - Spring Meadow - is the road up to it? ( I notice there is a plan to update road)
- Increased demand for local primary schools - there are insufficient in the area - therefore parents will have a 'school run" - see points above
- Loss of green space and nature habitat
- Loss of green space = no where for increased number of children moving into area to play. A small green space on a plan labelled "public open space" is not the same.
- Does Darwen actually need this number of 4/ 5+ bed houses? 57 homes planned with 4 or more bedrooms??
- Would it more prudent to have smaller starter homes? Or look at developing other sites e.g. former Darwen Moorland school site

I trust BwD planning will take the above into consideration, and not just the amount of council tax generated when making their decision.

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Obj – Ray Pemberton, 6 Spring Meadows, Darwen. Rec – 29/04/2019.

For the attention of Martin Kenny.

I hold the view that this application relating to Land at Spring Meadows Darwen should be refused.

Accordingly, please find detailed below comments in respect of the planning application relating to Land at Spring Meadows.

- The Local Plan describes the number of homes to be delivered as 130. Why does this plan now seek permission to erect 168 units? This is way too high.
- In support of the Local Plan you have heralded your aspiration to create 4000 executive style homes to be placed on green belt land. Yet detached houses represent only 56% of the proposed accommodation schedule. Indeed some 30% are allocated to 2 and 3 bedroom Mews style properties; and 14% represent 2 and 3 bedroom semi detached properties. Policy CS7 of the Core Strategy identifies ***"that there is an under representation of higher value homes with a low percentage of housing with four bedrooms and a low number of properties in Council Tax Band D or above. It is considered that this needs to be addressed in order to attract and retain a skilled workforce and business investors."*** This plan fundamentally fails to match this aspiration and your Policies, given the proposed housing mix and should be refused as such. Over half (56.5%) of the Borough's population live in terraced property compared to 28.3% nationally. Indeed three quarters of dwellings in the Borough fall into Council Tax Bands A and B. Accordingly we don't need more Terraced properties.
- The application indicates two roads from the planned scheme that join the lane that leads to the Spring Meadows estate from Pole Lane. What authority has been obtained to do this?- this is an unadopted road and has been so for the last 20 years.
- The proposal to build on this land should be declined because of its significant impact with regard to local infrastructure principally involving traffic issues, effect on local amenities, effect on Schools and land drainage. I can find no concrete analysis having being undertaken; no comments on how or where children would be educated just another glib statement that a contribution would be forthcoming / required towards the provision of additional primary school capacity in Darwen.

- Notwithstanding the recent modifications to the surrounding roads, the ability of Watery Lane, Grimshaw Street and Pole Lane to accept further traffic loadings safely, must be called into doubt. The installation of the interactive speed sign, the number of approved speed check sites, the increased use by large Commercial vehicles as a rat run to the motorway, the increase in pedestrian use with the opening of the Darwen Academy plus the additional housing off Cranberry Lane, plus further natural increase in car usage as per nationally -collectively call into question whether a further 500 plus cars accessing and exiting Pole Lane is sustainable, particularly at peak times. This number would further increase should development occur at Baileys Field. The infrastructure cannot accommodate these numbers. The lane that leads to the Spring Meadows estate is still un-adopted some 20 years after being built, yet is expected to service vast increase in traffic flow. In addition to this, there is still the continuing issue with regard to the maintenance of the Grimshaw Street Bridge which cannot take heavy loads. I find nothing in all the documentation that highlights the issues let alone provides a remedy to them.
- The site is within a designated Critical Drainage Area. Instrumental to this application must therefore be a robust surface water management system, and the potential requirement to provide SuDs for on-site attenuation. The topography

indicates steep slopes so what happens to those properties situate towards the Railway line when heavy rain occurs?

- Development of this land should be declined since it would sanction significant urban sprawl. Given the development on land off Cranberry Lane, in addition to the current developments on Pole Lane this creates a total of circa 400 extra housing units in locations very close to each other. This is even worse when one takes account of houses proposed on Bailey's Field and on Holden Fold – these two developments would add something in the order of 600 more dwellings.
- Given the above, BwD planning policy is failing to encourage recycling of derelict and other land.
- The B w D narrative emphasizes 'much needed' housing. Look around the town to the number of uncompleted developments. No new developments should be sanctioned until all the part completed developments are finished. Development of the Land at Spring Meadows should be declined since the plan does not adequately take in to account the concept of public open space that this land provides to the community. This green belt land, currently provides health and recreation benefits to people living and working nearby and has an ecological value and contributes to green infrastructure.
- The Planning Inspector back in 2011 when refusing permission to develop land off Pole Lane, declared that building in this vicinity would blur the boundary between Town and Country. Nothing has changed and the development should be refused.
- Policy 8 of the Core Strategy- Development and People - describes in the case of previously developed other potentially contaminated or unstable land, a land remediation scheme can be secured which will ensure that the land is remediated to a standard which provides a safe environment for occupants and users and does not displace contamination. In this regard, What will be the Council's position, viz a viz in respect of it's desision to allow Blackthorn Homes to tip the spoil on to this land thereby facilitating the construction of Moorland Court? Was this not contaminated spoil?

**Comment [PR1]:** •The proposal build on land at Spring Meadows, fail to take account of the wide and varied species and habitats that currently exist on and /or utilize this land.

- The effects on nature conservation/bio diversity will be marked, as this proposed development will act as a barrier between the extensive open green space and the moorland to the south of Darwen.
  - There is a vast array of Bird wildlife including Falcons.
  - The land is regularly occupied by Deer.
  - The land provides a natural habitat for badgers.
  - There is a significant watercourse important to the wildlife and ecology that runs through the site.
-

Planning Application 10/19/0317 Persimmon Homes

With regards to the above planning application we would like to make the following comments:-

- The outline planning permission 10/16/0266 gave permission for 134 dwellings. This full planning application is for 168 dwellings an increase of 25%. Whilst it is accepted that the current application is not bound to the earlier one and that figures, more usual than not, are revised; We would hope the committee, when making its decision on the application will consider the increased numbers of dwellings on the two other developments within the vicinity and the impact on the locality of another 34 dwelling.
- This application will add to the number of vehicles using Pole Lane and adjacent roads. Residents have serious concerns over the speed of some vehicles and say there has been an increasing number, since the completion of the east Darwen Corridor road, any traffic increase will add to this problem, which has been raised numerous times over the years with no real resolution. Whilst the Highway team has not detailed the need for any speed monitoring system to make the development acceptable, we contend that the extra traffic from developments will increase the need for effective speed control measures to be introduced. As part of its deliberations the committee has an opportunity to highlight this problem, as Highways is part of its remit and ask for an effective speed monitoring system to be installed on Pole Lane and associated roads that penalises motorist who speed i.e Distinctive Average Speed Camera zone?



- Will sufficient thought be given to the number of school places and public transport provision by the committee? Previous development supporting comments from these departments have not addressed this fully, if at all. It is presumed that the education team will have some assessment of the potential increase in pupil numbers, the impact on places and the cost and this will be made transparent to the committee.
- Public transport is essential in this area and the committee again has an opportunity to highlight this. Whilst there is a bus service of up to one an hour, there isn't any bus directly to the Royal Blackburn Hospital from

Darwen, let alone from nearby this site. Hopefully the Travel Plan being offered by the applicant will be part of their presentation and will address this along with the wider choice of travel.

- Despite the best efforts of Planning Enforcement Officers residents nearby the current construction site on Pole Lane [Spring Meadows] have had much to endure with regard to obstruction of the only road leading to Spring Meadows at peak times, excessive mud on the road and handling of complaints by site personnel. We accept this is a different developer but feel nearby residents would like some reassurance that recommendations will be implemented that will prevent any repetition.
- Will there be identifiable site management the development to handle any queries/complaints; will wheel washing, weekdays only hours of working, There also needs to be some arrangement/agreement that the road from Pole Lane to Spring Meadows is not obstructed at peak times.
- There is a variety of wild life and habitats to be considered with any development in this area; already there are serious concerns about their preservation. Will protection, preservation and regular monitoring be made a condition?

Darwen South Ward Councillors: Kevin Connor; Lilian Salton; Neil Slater

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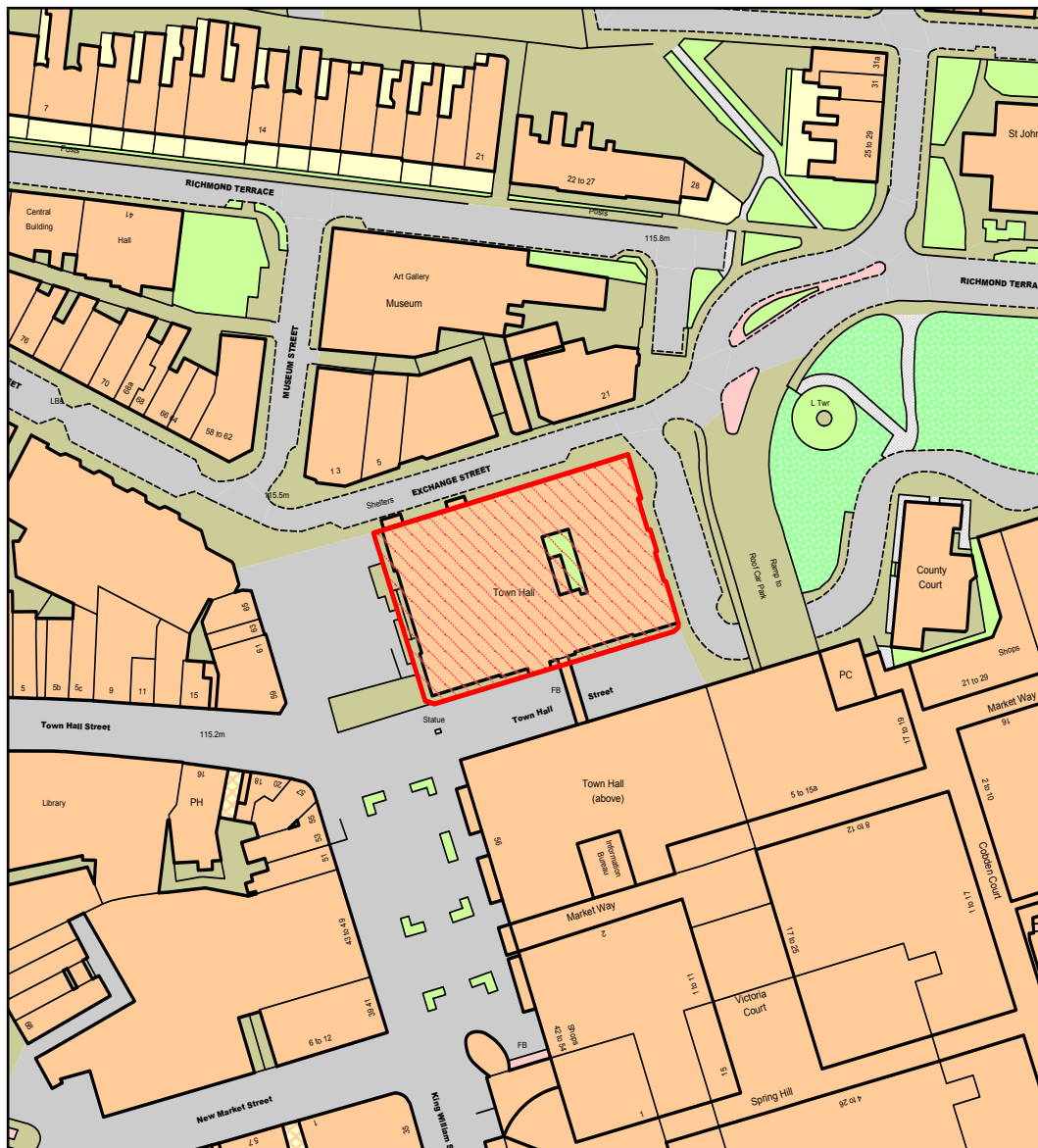
**Proposed development: Listed Building Application (Regulation 3) for Internal alterations, refurbishment and restoration of existing office spaces to the third and fourth floors**

**Site address:  
Town Hall  
King William Street  
Blackburn  
BB1 7DY**

**Applicant: Blackburn With Darwen Borough Council**

**Ward: Blackburn Central**

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



## **1.0 SUMMARY OF RECOMMENDATION**

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

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

**2.1** The proposal will allow internal alterations, refurbishment and restoration of existing office spaces to the third and fourth floors of the Town Hall, whilst ensuring the historic and special architectural importance of the listed building is preserved. It supports the Borough's planning strategy when dealing with designated heritage assets as it's considered to sustain and enhance the building. 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.

**2.2** The application is before the committee as it is a Blackburn with Darwen Borough Council site and the application has been submitted by the Council's Property Team.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

**3.1.1** The application site is a Grade II listed building which was built in 1852 by James Patterson. It is a large rectangular stone building with a rusticated ground floor, modillioned eaves cornice over the first floor, and a pierced balustrade above the attic storey. The building has stone quoins, round-arched Italianate windows, and Corinthian columns to the front at first floor. The building is used as the Town Hall, containing reception areas, council chambers, and offices.

### **3.2 Proposed Development**

**3.2.1** The proposed scheme involves the restoration and modernisation of some of the empty utilitarian spaces of the top two floors of the Municipal Offices at the rear of the Town Hall proper. The third and fourth floors occupy the top and attic storeys on the external classical façade. The scheme will restore a large room on the fourth floor with a barrel vault ceiling. A large glazed light pipe structure which carries light from the roof to floors below will also be restored. A number of functional offices on the fourth floor will be sensitively opened out in a manner which preserves enough of the walls to illustrate the original room layouts. Opening the rooms out in this way will allow the offices to become practical spaces for present day circumstances, thereby bringing the Municipal Offices back into use. Finally, both the third and fourth floors will be sensitively redecorated and fitted out as a modern workplace.

### **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

- CS16 – Form and Design of New Development

### 3.3.3 Local Plan Part 2

- Policy 8 – Development and People
- Policy 11 – Design
- Policy 39 – Heritage

## 3.4 **Other Material Planning Considerations**

### 3.4.1 National Planning Policy Framework (NPPF)

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

- Section 6: Building a strong, competitive economy
- Section 7: Ensuring the vitality of town centres
- Section 16: Conserving and enhancing the historic environment

## 3.5 **Assessment**

3.5.1 In assessing this application the key material consideration that needs to be taken into account is as follows:

- Impact on a designated heritage asset

### 3.5.2 Impact on a designated heritage asset

3.5.3 Core Strategy Policy CS17: Built and Cultural Heritage, Maximising the Asset, states that proposals for new development should identify and take advantage of opportunities to integrate with and promote the Borough's cultural assets. Local Plan Part 2 - Site Allocations and Development Management Policies, Policy 39 states that development affecting a heritage asset will be required to sustain or enhance its significance, taking into account the retention/restoration of historic features and building details and, the detailed design of the work, including scale and proportions, materials and construction details.

3.5.4 This underpins the main principles of sustainable development contained in the NPPF alongside the requirement to conserve and enhance the historic environment.

3.5.5 A detailed Heritage Statement has been provided which sets out the key requirements of NPPF 2019 paragraph 189 which states “*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected... The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance*”, reflecting the policy requirements include:

- Purpose of the Heritage Statement
- Development Proposal
- Planning Status of Heritage Asset
- Planning Policy
- Context
- Description
- Significance and Heritage Value
- List Description

3.5.6 The scheme involves the restoration and modernisation of some of the empty utilitarian spaces of the top two floors of the Municipal Offices at the rear of the Town Hall proper. The third and fourth floors occupy the top and attic storeys on the external classical façade. The scheme will restore a large room on the fourth floor with a barrel vault ceiling, the original function of which is not currently known. A large glazed light pipe structure which carries light from the roof to floors below will also be restored. A number of functional offices on the fourth floor will be sensitively opened out in a manner which preserves enough of the walls to illustrate the original room layouts. Opening the rooms out in this way will allow the offices to become practical spaces for present day circumstances, thereby bringing the Municipal Offices back into use. Finally, both the third and fourth floors will be sensitively redecorated and fitted out as a modern workplace.

3.5.7 Heritage & Conservation Colleagues have appraised the submission noting ‘the scheme complies with Development Plan policies taking into consideration the constraints of present day office requirements and a finite budget. It is acceptable in policy terms and a desirable enhancement of the Municipal Offices element of the Town Hall which also brings the 3rd and 4th floors back into use. The overall impact of the scheme will be positive with appropriate mitigation for those details where there is some minor harm to the character of the building.

3.5.8 Heritage & Conservation Colleagues have advised that given the age of the building and the potential to uncover unexpected works, a condition should be attached to allow for minor changes which might occur during the restoration process. This will ensure the scheme is developed in accordance with Local Plan Part 2 Policy 39 and in the interests of preserving and enhancing the character and appearance of the conservation area. An additional condition is also recommend to require the accompanying heritage information to be submitted to Lancashire Historic Environment Record and the Community History Service, Blackburn Central Library

3.5.8 The comprehensive details submitted illustrate that the scheme will ensure the long-term viability of the heritage asset whilst ensuring the building is sustained and where possible enhanced. As such the proposal is considered to accord with the provisions of the relevant policies of the development plan.

3.5.9 Summary:

3.5.10 This report assesses the Listed Building application for internal alterations, refurbishment and restoration of existing office spaces to the third and fourth floors at the Town Hall Blackburn. In considering the proposal a wide range of material considerations have been taken in to account during the assessment of the planning application.

3.5.11 The assessment of the proposal clearly shows that the decision must be made in terms of assessing the merits of the case against any potential harm that may result from its implementation. This report concludes the proposal will ensure the heritage asset is sustained meeting the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, and the National Planning Policy Framework 2019.

**4.0 RECOMMENDATION: Approve, subject conditions set out below which relate to the following matters:**

- Commence within 3 years
- Approved details/drawings
- Amendments to design, works or materials
- Detailed Photographic Record and Heritage Statement

## **5.0 CONSULTATIONS**

### 5.1.1 Historic England

Thank you for your letter of 24 May 2019 regarding the above application for listed building consent. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

### 5.1.2 Heritage and Conservation

The Town Hall is a grade II listed building which is not greatly understood. However, the Heritage Statement provides insights relating to the history of the building and the 3rd and 4th floors of the Municipal Offices part. My summary of the scheme is contained in the Heritage Statement page 18, Conserving their Significance and Heritage Values

Apart from the basements and similar spaces, the third and fourth floors are the least elaborate of the rooms and offices of the Town Hall/Municipal Offices. The character of the offices has not been well conserved in the past. Nevertheless, they are part of a grade II listed heritage asset and part of the overall significance of the listed building. The aesthetic values of the interior have been considerably degraded over time and the scheme seeks to restore some historical dignity to the aesthetics through an individual response to each room and a sensitive colour scheme.

In order to preserve the historical layout, and thus its evidential value, modern lightweight subdivisions will be removed and the opening out of original walls will be kept to a minimum. Where this occurs the ends and upper parts of the walls will be retained as evidence of its earlier existence.

The communal value of the offices is strongly connected to the generations of Council staff who have worked there. The continued use of the rooms for Council offices will thus preserve this. This and the historical value of the Municipal offices will be assisted by this limited study which has rediscovered the largely forgotten creation of the Municipal offices during the dark days of the First World War. A further and more detailed study of the Town Hall and Municipal Offices is highly desirable. Individual historical features have been recorded and will be preserved in situ or relocated where this is not possible. The features of greatest individual significance are the barrel vaulted ceiling and Victorian light pipe, both of which will be restored.

#### Policy and Impact of the Scheme

Core Strategy Policy CS17: Built and Cultural Heritage, Maximising the Asset, states that proposals for new development should identify and take advantage of opportunities to integrate with and promote the Borough's cultural assets. Local Plan Part 2 - Site Allocations and Development Management Policies, Policy 39 states that development affecting a heritage asset will be required to sustain or enhance its significance, taking into account the retention/restoration of historic features and building details and, the detailed design of the work, including scale and proportions, materials and construction details. The scheme meets these policies within the constraints of present day office requirements and a finite budget. It is acceptable in policy terms and a desirable enhancement of the Municipal Offices element of the Town Hall which also brings the 3rd and 4th floors back into use. The overall impact of the scheme will be positive with appropriate mitigation for those details where there is some minor harm to the character of the building.

#### Recommended conditions:

As this is a scheme where conservation standards are paramount, occasionally there is a need to respond appropriately to unexpected circumstances when works are on site. A condition which allows this and ensures that any changes are agreed with the LPA/conservation officer is very helpful in such circumstances. I suggest something along the following lines...

Any detailed amendments to the design, works or materials shall be:

- a) first approved in writing by the local planning authority;
- b) implemented in accordance with that approval; and,
- c) retained for the duration of the development.

Reason: To allow for minor changes which might occur during the restoration process, in accordance with Local Plan Part 2 Policy 39 and in the interests of preserving and enhancing the character and appearance of the conservation area.

The building is of acknowledged historic and architectural interest and a detailed photographic record and heritage statement have been submitted. I would suggest the following condition.

Prior to the start of building works the Heritage Statement for Third and Fourth Floors of the Municipal Offices Blackburn Town Hall, the Heritage Photographic Schedule 3rd Floor and the Heritage Photographic Schedule 4th Floor shall be deposited with the Lancashire Historic Environment Record and the Community History Service, Blackburn Central Library.

Reason: To ensure that an appropriate record of the historic building fabric is properly preserved.

#### 5.1.3 Public consultation

Public consultation has been undertaken, with 2 site notices affixed. No letters of representation have been received.

**6.0 CONTACT OFFICER: Alec Hickey, Senior Planner - Development Management.**

**7.0 DATE PREPARED: 26th June 2019**



## **DEPARTMENT OF GROWTH & DEVELOPMENT**

**ORIGINATING SECTION:** Planning.

**REPORT TO:** Planning & Highways Committee – 11<sup>th</sup> July 2019

**TITLE:** Petition regarding Full Planning Application for the installation of a 25m telecommunications mast and associated equipment.

**At: Livesey Urban Park,  
Livesey Branch Road,  
Feniscowles,  
Blackburn,  
BB2 4NE**

**Ref: 10/19/0365**

**Applicant: Internexus**

**Ward: Ewood**

**Councillor Maureen Bateson MBE**

**Councillor Jamie Groves**

**Councillor Jim Casey**

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### **1.0 PURPOSE OF REPORT**

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

### **2.0 BACKGROUND AND DETAILS**

2.1 A planning application for the above development was received on 23<sup>rd</sup> April 2019 and was registered on 29<sup>th</sup> May 2019.

2.2 One petition containing 303 signatures against the proposal was received on 21<sup>st</sup> June 2019. The reasons against the proposal are given as follows:

2.3 Reasons:

- Electromagnetic radiation which the masts emit may have a detrimental effect on health, flora and fauna and bat colonies in the area.
- Research on the effects of mast emissions has found that this may cause DMA damage in the brain cells of wildlife.
- If it's damaging to the wildlife what harm will it have on the local residents.

- Safety

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 10/19/0365 contains details of the application and can be viewed at:

[http://planningdms.blackburn.gov.uk/NorthgateIM.websearch/\(S\(ujm22w451ykoix45dyqyu1qq\)\)/Results.aspx](http://planningdms.blackburn.gov.uk/NorthgateIM.websearch/(S(ujm22w451ykoix45dyqyu1qq))/Results.aspx)

5.0 **CONTACT OFFICER** – Rebecca Halliwell – Planner 01254 585118

6.0 **DATE PREPARED** – 25<sup>th</sup> June 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 .

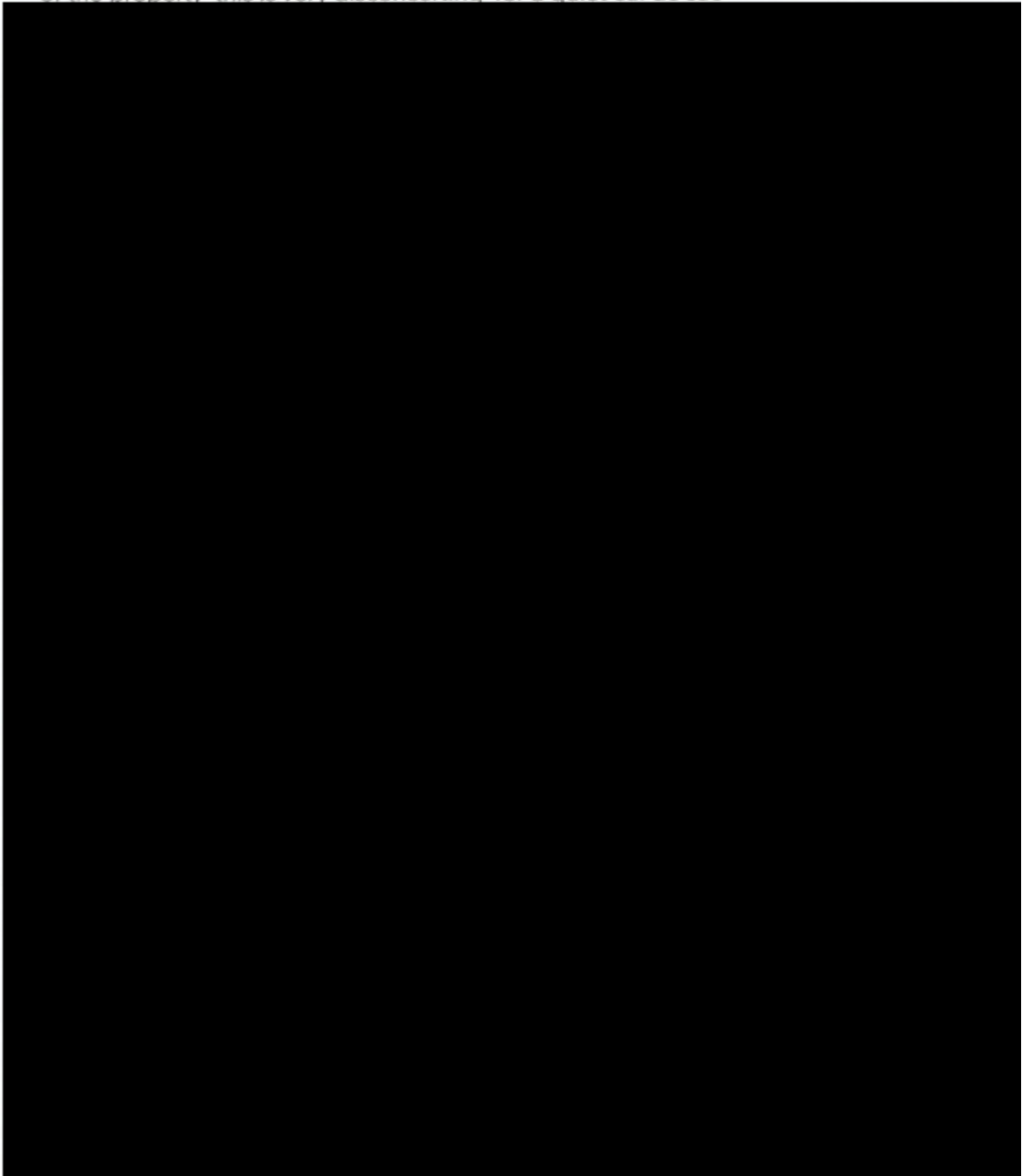
All the buildings have been added and attached by the current owner

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.

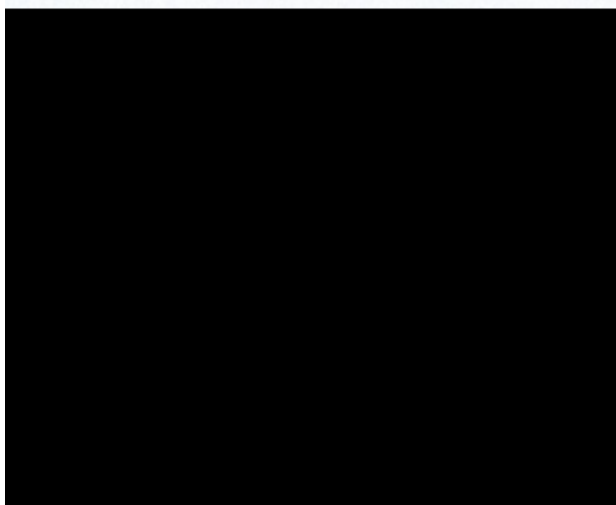
Large industrial style door to side extension.

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 paving the entire area. Water runoff from such a large area could cause damage to neighbouring gardens/property.



**From:** [Badat2 Ismail](#)  
**To:** [Halliwell Rebecca](#)  
**Subject:** RE: Livesey Urban Park Livesey Branch Road - 10/19/0365  
**Date:** 20 June 2019 11:44:02  
**Attachments:** [Signed Petition from Residents Rec 20.06.2019.pdf](#)

---

Hi Rebecca

I have received Petition from the local residents for the above site address, I have logged on M3/I@W for your ref.

Also would you like hard copy of the petition that I received for your file.

Regards  
Ismail Badat

System Administration  
Planning Section  
Blackburn with Darwen borough Council  
Lower Ground Floor  
Old Town Hall  
Blackburn  
Tel: 01254 585121 (After 1pm)  
Email: [Ismail.badat2@blackburn.gov.uk](mailto:Ismail.badat2@blackburn.gov.uk)

Tracey Burgess  
3 Heys Court  
Blackburn  
BB2 4PQ

Ref: 10/190365

Tuesday 18<sup>th</sup> June 2019

Growth & Development Dept  
Blackburn with Darwen Council  
Town Hall  
Blackburn  
BB1 7DY

Dear Sirs,

**Re: Petition to Prevent the Telecommunication Mast at– Livesey Urban Park, Blackburn.**

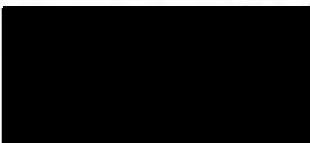
Following on from my enclosed correspondence of Friday 7<sup>th</sup> June 2019, together with the covenant from the Late Elma Amy Yerburch in respect of the above land; please find enclosed signed petition for your immediate attention.

These 303 signatures are the ones of residents within and around the Livesey area, who disagree with the erection of the Telecommunication Mast.

Should you require any further information, please do not hesitate to contact me.

I look forward to hearing from you in due course.

Yours faithfully



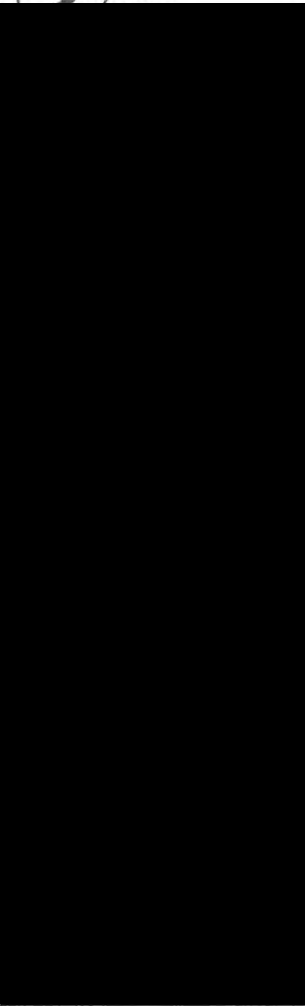
Tracey Burgess.

**PETITION TO STOP THE INSTALLATION OF 25M TELECOMMUNICATIONS  
MAST AND ASSOCIATED EQUIPMENT.**

For the Attention of Blackburn with Darwen Council.

We the citizens of the Livesey area of Blackburn, petition to reject the installation of the 25m Telecommunications Mast and associated equipment.

It is suspected that the electromagnetic radiation which they emit may have a detrimental effect on health, our flora and fauna and especially bat colonies. Research on the effects of mast emissions has found that this may cause DNA damage in the brain cells of wildlife. If this is damaging our wildlife, what harm can it have on us? We ask, for safety purposes, that the telecommunications mast is situated outside of a residential area and for this application to be denied.

Name	Address	Signature
R. ASHWORTH	35, THE EVERGREENS	
L. ASHWORTH	35, THE EVERGREENS	
S. Poetter	38 Scotland Bank Terrace	
E Williams	11	
M Word	40 Scotland Bank Terrace	
Jan Word	30 Scotland Bank Terrace	
VICKY MCCABE	11 HEYS COURT, BLACKBURN	
ANNIE REID	15 HEYS COURT	
J. SAUL	32 HEYS COURT	
S. BUNTINE	32 HEYS COURT	
A. STON	26 HEYS COURT	
C. McAllister	18 Heys court	
J. Waddell	10 Heys Court	



Name	Address	Signature
EMMA HAYES	42 Heys Close	
MICHAEL MITCHEN	42 HEYS CLOSE	
Brian Chantrell	95 Brookway	
LINDA MITCHEN	138 BROOKWAY	
MICHAEL MITCHEN	138 BROOKWAY	
Amanda CORBIN	89 Brookway	
Jamie Duxbury	89 Brookway	
Tracey CORBIN	26 Keswick Drive	
Brian Kemp	26 Keswick Drive	
GILL GARVIN	222 LIVESLEY BRANK RD	
ARRON SMETHURST	93 BROOKWAY CLOSE	
KIRSTIN COTT	93 BROOKWAY CLOSE	
CALLUM ROBERTSON	99 BROOKWAY	
GINA ROBERTSON	99 BROOKWAY	
Joshua Hitchen	18 Ailsa Road	
Bethany Graham	18 Ailsa Road	
Christina Lettherd	18 Ailsa Road	
Paul Graham	18 Ailsa Road	
TAMMY OERENSHAW	132 BROOKWAY BB2 4RE	
RICHARD YATES	132 BROOKWAY	
JACQUELINE HOWARTH	91A HOLLIN ST BB2 4AW	
CALEM WHALLEY	132 BROOKWAY	

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Name	Address	Signature
M. Ward	Branch Court	
A Golden	Branch court	
K Thomasson	Branch Court	
J Selley	Branch Court	
M DEAN	Branch Court	
M. Lax	Branch Court	
F Jones	Branch court	
D. Mercer	Branch Court	
N. Parkinson	33 Kingsley Close	
A. Parkinson	33 Kingsley Close	
Daisy Parkinson	33 Kingsley Close	
O. Parkinson	33 Kingsley Close	

Name	Address	Signature
L Howarth	14 Heys Court B1222 bar	
W Howarth	74 HEYS COURT B1222 BURN	
K BILLINGTON	12 HEYS COURT B/BURN	
J BILLINGTON	12 HEYS COURT	
S BILLINGTON	12 HEYS COURT	
L BILLINGTON	12 HEYS COURT	
A Billington	12 Heys Court	
C FLYNN	8 Heys Court	
D BURGESS	3 HEYS COURT 4PQ <sup>BB2</sup>	
L Barker	3 Heys Court	
S Ayden	3 Heys Court	

Name	Address	Signature
Bundu Chacko	9 Heys Court BB2 4PQ	
Regii Chacko	9 Hey Court BB2 4PQ	
ANN ROACH	43 Tiverton Drive	
Mark Evans	43 Tiverton Drive BB24NR	
Beth Lenehan	24 Meys Court	
Irene O'roffe	508 Preston Old road	
chelci Brindle	2 Young street	
Keon Brindle	2 Young street	
zoe Brindle	2 Young street	
Ricky Brindle	2 Young street	
<del>Clare</del> Claire Johanson	508 Preston Old road	
Hannah Johanson	508 Preston Old road	
Harry Parkinson	5 Heys Court	
B. Williams	19 Heyworth Avenue	
H. Williams	11	
Liz Denton	5 Scotland bank terr	
Joe Denton	104 Greenside Avd	
Madeline Denton	104 Greenside Avenue	
Melanie Barker	532 Buteburn Rd	

Name	Address	Signature
na R ASPIN	20, HEYS COURT	
J. Frodsham	Branch Court Cole home	
D Dudgeon	moorland Road	
<del>D. Forrest</del>	<del>71 Fowler Height close Blackburn.</del>	
P. DUDGEON	8 MOORLAND RD	
E CATTERALL	19 MOORLAND RD	
H. Heywood	14. MOORLAND RD	
P HESTER	10 MOORLAND RD	
M HESTER	— " —	
S. SMITH	15 MOORLAND ROAD	
T SMITH	15 MOORLAND RD	
L. Smith	15 MOORLAND RD	
SANDRA FLETCHER	9 MOORLAND RD, B'BUEN	
CARL FLETCHER	"	
J. HAWKINS	7 MOORLAND RD	

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For the Attention of Blackburn with Darwen Council.

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It is suspected that the electromagnetic radiation which they emit may have a detrimental effect on health, our flora and fauna and especially bat colonies. Research on the effects of mast emissions has found that this may cause DNA damage in the brain cells of wildlife. If this is damaging our wildlife, what harm can it have on us? We ask, for safety purposes, that the telecommunications mast is situated outside of a residential area and for this application to be denied.

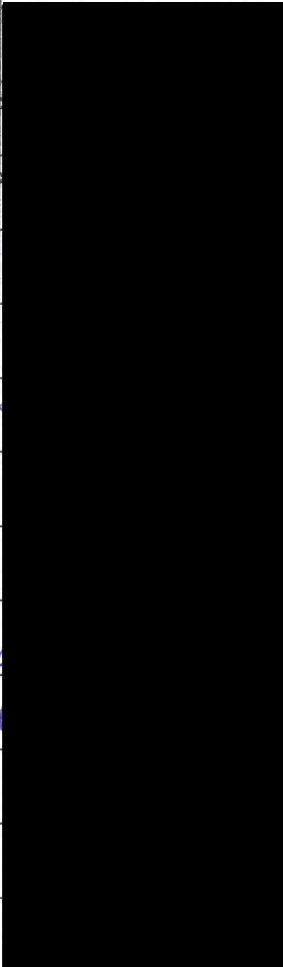
Name	Address	Signature
JAYNE WILLIAMS	19 HEYWORTH AVE, BB24SB	
D. Williams	19 Heyworth Ave	
Nichola Jackson	17 Heyworth Ave	
MARTIN JACKSON	17 Heyworth Ave	
LUKE FOX	23 HEYWORTH AVE	
IAN FOX	" " "	
NEOMI WALKER	11 " "	
Gillian Fox	23 Heyworth Ave	
Susan Farrow	29 Heyworth Ave	
Susan Catball	29 Heyworth Ave	
NEIL JOHNSTON	35 HEYWORTH AVE BB2	
Norma Johnston	" " "	
Evelyn Hartley	37 Heyworth Ave	
Anne Tingay	39 Heyworth Ave	

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Name	Address	Signature
Kelly Parkinson	5 Neys Court B/Burn <sup>BB2 4PQ</sup>	
Sarah Denmark	24 Parklands B/Burn <sup>BB2 4QS</sup>	
Craig Denmark	24 Parklands B/Burn <sup>BB2 4QS</sup>	
Lesley Nixon	128 Brookway B/Burn <sup>BB2 4RQ</sup>	
Sarah Harrison	126 Brookway B/Burn <sup>BB2 4RE</sup>	
Catherine Harrison	126 Brookway B/Burn <sup>BB2 4RE</sup>	
William Gallocher	126 Brookway BB2 4RE	
Angela Healy	56 Waterloo Close <sup>BB2 4RQ</sup>	
WAYNE JONES.	120 BROOKWAY.	
CLARE STOCKS.	120 BROOKWAY.	
Leanne Edwards	37 Andrews Close <sup>B1B</sup>	
Katie Healy	56 Waterloo Close <sup>B1B</sup>	
A. Parkinson	5 Neys Court	

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Name	Address	Signature
Lacey Thornley	132 Brookway	
Stephan Glover	20 Rummington place	
Laura Punn	71 Dukes Brow	
Jimmy Punn	71 Dukes Brow	
T MORRIS	87 brookway	
T MORRIS	87 brookway	
W. Morrison	" "	
K Procter	136 Brookway	
S Procter	136 Brookway	
B. Duckworth	136 BROOKWAY	
D Duckworth	136 Brookway	
L Edwards	136 BROOKWAY	
V. Wilson	20. Hollins Rd	
M. Wilson	"	




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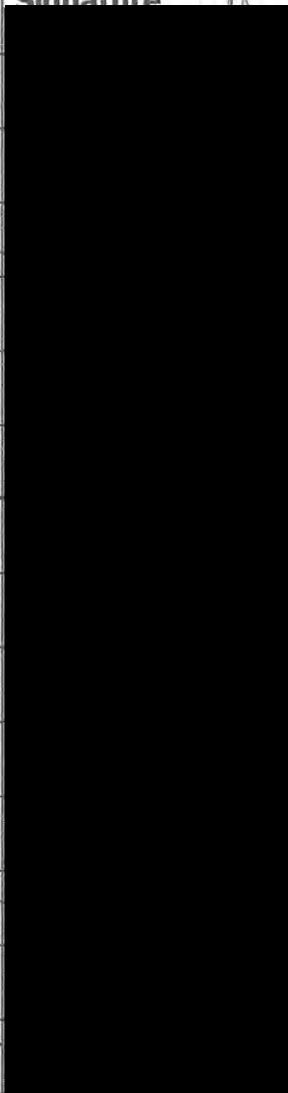
Name	Address	Signature
Lorraine Flynn	6 Andrews Close	
Lucy Collins	8 Andrew Close	
Ed Murray	3 Andrew Close	
Lisa Hargreaves	1 Andrew Close	
John Brown	1 Andrew Close	
Jonathan Murray	2 Andrew Close	
Cornel Oidham	4 Andrew Close	
W Maxwell	27 SCOTLAND BANK Terrace	
Mr M Maxwell	27 " " "	
J Brumby	29 Scotland Bank	
E Peys	" "	
D Pegg	31 Scotland Bank	
M Hyatt	21 Scotland Bank	
S MAHER	13 SCOTLAND BANK RD	

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Name	Address	Signature
David Connell		
Kathryn Connell	201 Brothers street	
Mark Connell		
Alex Connell	22 Heys Court	
Jack Briers	22 Heys Court	
Anthony Briers	22 Heys Court	
Emma Wright	37 Gortaven Close	
Paul Wright	37 Gortaven Close	
K Preston	4 Spring bank	
Donna Hoole	19 Brothers St	
Mick Holt	19 Brothers St	
Dawn Kingston	7 Graxton St	
Callum Blakis	22 Heys Court	
Riayna Meello	<del>22 Heys Court</del> 45 Kentmere Drive	
Andy Meello	<del>22 Heys Court</del> 45 Kentmere Drive	

**PETITION TO STOP THE INSTALLATION OF 25M TELECOMMUNICATIONS  
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Name	Address	Signature
ANTHONY SHARKEY	THE BROWN COLO BLACKBURN	
MICHELLE ELLWOOD	22 FIELDING CREES BLACKBURN	
STEVEN BAISET	14, FORSTONERS CREES B/Bomb	
KIRSY PRESCOTT	132 MEYS LANE BLACKBURN	
PHILIP BROOKES	132 MEYS LANE BLACKBURN	
ANDY GREENWOOD	8 DALGLISH DRIVE BLACKBURN	
MIKE ELLICOTT	7 LEYBURN RD	
ANN WICKER	14 NUTTALL ST	
CHRIS. JOHNSON	12 PLANTATION ROAD	
R. MANN	37 CREDITON CLOSE	
D SMITH	58 STANLEY ROAD	
TALBERTS	42 LIVESSEY BRACKLE	
A. HEALY	56 WATERLOO CLOSE	
N. NELSON	16 CATTERALL ST	

Name	Address	Signature
Sue James	274 Keys Court	
Tyle Jane	272 Keys Court	
Ben Darks	272 Keys Court	
K. M. Doherty	274 Keys Court	
E. Madlen	274 Keys Court	
M. Lomas	42 Keys <sup>Jane Dames</sup> <del>Court</del>	
L. Lomas	7 Keys Lane (Dames)	
D. Batty	10 Hayes Lane (Dames)	
A. Sullivan	12 Hayes Lane (Dames)	

Name	Address	Signature
Nina Francis	54 BRIAR ROAD	
Graeme Briggs	9 Kings Bridge St	
MICHAEL HODGKINS	84 KINGS RD, BLACKBURN	
Adele Brown	68 Scotland Bank	
Natasha Brown	68 scotland Bank	
TANIA TAYLOR	8 KINGS BRIDGE ST	
D. Williams	19 Heyworth Avenue	
IVOR BIGGON	1 HENRY WHALLEY ST	
Don Jay	23 Heyworth Ave	
Julden Smith	11 Hollywood RD BB24 2U	
Emma O'Malley	BB2 4NP CREDITON CLOSE	
Carla McManus	1st Philips St.	
Kelley Fison	12 Primrose Terrace	
WAYNE ALMOND	126 MOORGATE ST	
Jessica Almond	126 moorgate st	
Sharon Allison	Tiverton Drive	
Tommy Allison	— —	
L. Salome	4 Green Park Close	
Simon Pickup	40 Troon Close	
Lena Pickup	..	
Donna Salome	4 greenpark close	
Jessica Parkinson	5 Heys court	

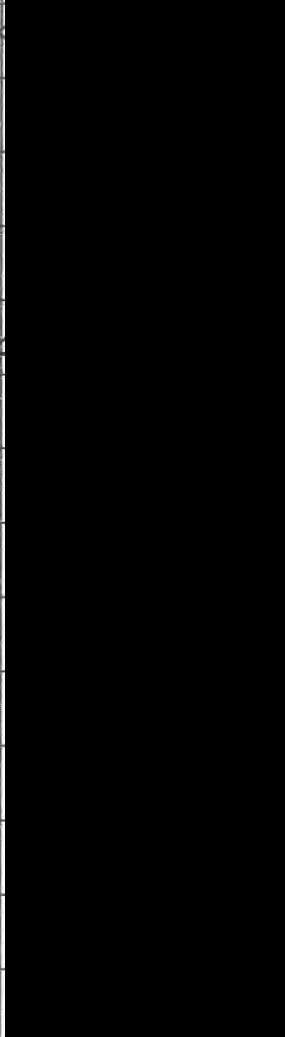
Name	Address	Signature
S. Booth	65 Arkwright Fold	
S. Booth	_____	
S. Booth	" "	
D. HARTLEY	67 Arkwright Fold	
A. Turner	69 Arkwright Rd	
L. Turner	69 Arkwright Fold	
	71 " "	
I. HAMILTON	81 ARKWRIGHT FOLD	
M. Bursa	43 Arkwright fold	
K. KNIGHT	83 ARKWRIGHT fold	
R. WRAWBY	85, ARKWRIGHT FOLD	
T. LOMAX	42 ARKWRIGHT FOLD	
P. R. Ash	1 ARKWRIGHT FOLD	
J. DEAK	41 Andrew Close	
K. DEVITT	39 ANDREW CLOSE	
M. Thompson	38 Andrew Close	
D. COOK	35 ANDREW CLOSE	
D. WATTE	51 Andrew Close	
G. EDWARDS	51 ANDREW CC BRZANT	
R. RICHMAN	17 Andrew C	
	13 Andrews close	
E. TAYLOR	11 Andrew's Close	

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Name	Address	Signature	
S. Burns	34 KEYBURN RD		
<del>S. Burns</del>	OCCINGTON		
C. Booth	Blackburn		
D. BARNES	1 Andrew Close		
B. McCaughey	Scotland Bank Terrace		
M. Hanagan	11, Plantation Rd.		
Traci Burns	23 <del>6</del> Livesey Branch Rd		
Tracey Burgess	3 Keys Court		
Patricia Platt	48 Bower Street		

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Name	Address	Signature
EVE Goddard	63 ROCKLIFFE STREET BB2 3AR	
MICK LOFTUS	63 ROCKLIFFE STREET BB2 3AR	
LISA Goddard.	63 ROCKLIFFE STREET BB2 3AR	
Kath Lemman	24 HEYS COURT BB2 4PQ	
NAT Halleron	426 Bolton RD BB2 4JQ	
Rob Maxwell	8 oak field road BB2 4JU	
Jean Breane	82 Sandy lande BB3 0PN	
Frank Hawkings	78 Scotland back BB2 4GU	
J. Hawkings	78 Scotland back BB2 4GU	
L. Thirkette	123 Scotland bank Terrace BB2 4GU	
Keith Harrison	43a Leyburn Rd BB2 4NQ	
A. Collins	43 Pendalands way BB2 4QS	
Adam CARTER	8 TRESCO CLOSE BB2 4RT	
DAVE WITNERS	9 KENDALL CLOSE BB2 4TB	



Name	Address	Signature
Gillian Withers	9 Kendall close BBum BB2 4B	[Redacted]
Luke Withers	9 Kendall close.	[Redacted]
Ben Withers	61 Brotherton Drive	[Redacted]
George carus.	15 eckersley close	[Redacted]
Liam walmsley	15 England avenue	[Redacted]
danny marden.	59 tverton drive.	[Redacted]
Jack wilkinson	36 brotherton drive	[Redacted]
Tracey Judson	4 Church Road	[Redacted]
K MAXWEL	8 OAKFIELD ROAD	[Redacted]
V. Butterfield	8 Mitton Close Bleasburgh BB2 4EH	[Redacted]
T Elliot	84 Sandy Lane	[Redacted]
		[Redacted]
		[Redacted]
		[Redacted]
		[Redacted]
		[Redacted]
		[Redacted]
		[Redacted]
		[Redacted]
		[Redacted]
		[Redacted]
		[Redacted]

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Name	Address	Signature
Christine Harrison	52 Waterloo Close BB2 4RQ	
Shona Harrison	116 Shorrock Lane BB2 4TT	
K Pierce	11 Willow St BRISTOL	
Paula Bird	37 Fowler heights close BB2 4RJ	
GORDON PERKINS	24 YOUNG ST. BB2 2RQ	
ELLEN HARRISON	52 WATERLOO CLOSE BB2 4RQ	
MICHAEL HARRISON	52 WATERLOO Close BB2 4RQ	
ANDREA HODGSON	7 Chester Avenue, Chasey, PR7 4AG	
Angela Blackburn	498 Blackpool Rd	
DEBBIE MCLEISH	65 Rockliffe St PR2 1XL BURNLEY BB23A	

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Name	Address	Signature
P. Catterall	31 Arkwright fold	
	31 Arkwright fold	
ENID WILKINSON	5 Arkwright fold	
PHIL CRAVEN	9 Arkwright fold	
Jane Craven	9 Arkwright fold	
UOL CARLSON	19 ARKWRIGHT FOLD	
Annette Claxson	19 " "	
STEVE ROWE	27 ARKWRIGHT FOLD	
MARC PICKERING	33 ARKWRIGHT FOLD	
Toni Wilson	37 Arkwright fold	
J. Pimmer	45 Arkwright fold	
E. Comoliva	49	
S. Lightbown	51 Arkwright fold	
	—— " ——	

**From:** [Badat2 Ismail](#)  
**To:** [Halliwell Rebecca](#)  
**Subject:** FW: Petition against planning application ref: 10/19/0365  
**Date:** 21 June 2019 11:07:57  
**Attachments:** [Petition ref 10 19 0365.pdf](#)  
[image001.png](#)

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Hi Rebecca

Please see attached Petition from Jayne Williams I have logged on I@W only as Jayne has already sent Objection.

Regards  
Ismail

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**From:** Planning  
**Sent:** 21 June 2019 10:47  
**To:** Halliwell Rebecca; Badat2 Ismail  
**Cc:** Kenny Martin  
**Subject:** FW: Petition against planning application ref: 10/19/0365

Please log and file as petition objection.

Rebecca, please do a report for the July Committee noting receipt of the petition ( deadline next Friday). Send a copy of the petition to democratic services explaining a report will be taken to July Committee (wendy bridson)

Martin, copied you in as I am on leave and you will be doing the Briefing meeting for July committee on the 1<sup>st</sup> July.

Gavin

Gavin Prescott  
Planning Manager (Development Management)  
Planning Service  
Growth & Development Department  
01254 585694  
[gavin.prescott@blackburn.gov.uk](mailto:gavin.prescott@blackburn.gov.uk)

ADVANCE NOTICE OF LEAVE: **Wednesday 26<sup>th</sup> June to Friday 5<sup>th</sup> July 2019**

esig



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**From:** Jayne Williams [mailto:jaynewilliams79@hotmail.com]

**Sent:** 21 June 2019 10:38

**To:** Planning

**Subject:** Petition against planning application ref: 10/19/0365

Dear Rebecca Halliwell,

Please find attached a copy of a petition against the planning application ref: 10/19/0365 for the installation of a 25m telecommunications mast on Livesey Urban Park, signed by the residents of Treetops Close, Feniscowles, Blackburn.

Yours Sincerely

Jayne Williams

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Name	Address	Signature
Emma Hughton	2 Treetops close	
Adam Maghee	2 Treetops close	
Janet Spencer		
Abbie Waldley	4 Treetops close	
Joe Nalmstey	" "	
Viv DeFazio		
John Spenser		
Cath Maghee		
EDDIE MCGHEE		
Kerry Simmons		
Rie Simmons		
CINEEDHAM		
K Boulton		
	Page 94	

## **DEPARTMENT OF GROWTH & DEVELOPMENT**

**ORIGINATING SECTION: Planning.**

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

**TITLE: Petition regarding Full Planning Application for a change of use from former public house (A4) to a Mosque/Madressa (D1)**

**At: 181 Whalley Old Road, Blackburn**

**(Ref: 10/19/00450)**

**Applicant: Dawat-e-Islami**

**Ward: Little Harwood**

**Councillor Abdul Patel**

**Councillor Mustafa Ali Desai**

**Councillor Pat McFall**

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### **1.0 PURPOSE OF REPORT**

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

### **2.0 BACKGROUND AND DETAILS**

2.1 A planning application for the above development was received on 14 May 2019 and made valid on 21 May 2019.

2.2 A petition containing 23 signatures against the proposal was received on the 17 and 18 June 2019. The reasons against the proposal are given as follows:

2.3 Summary of reasons:

- Questions the need for another mosque as there are several mosques already in close proximity. These include Masjid E -Sajedeen Mosque (Plane Tree Rd), Khanqah Mosque (Robinson Street), Darussalam (Willow Street), Taleem UI Islam (Whalley Old Road), Masjid Al Momineen (Ash Street).
- Concerned about the increase in traffic on Whalley Old Road which they advise is already congested with the above mosques and schools (St Stephens School, Islamiyah Secondary School, Rawdhatul Uloom Primary School and Little Harwood Children's Nursery). Further planning in the area will lead to additional traffic and car congestion.

- Concerned that parking on Whalley Old Road and several side streets in Little Harwood is already at capacity and to have a mosque on the main road will cause further parking issues for nearby residents.
- Concern that worshippers will be visiting the mosque 5 times a day for their daily prayer resulting in several cars attending which has the potential to cause further traffic congestion.
- Concerned the site does not have dedicated entry and exit points for smooth flow of traffic and the 'real' issue of road access and traffic generation.
- Concerned that cars are parked on both sides of Whalley Old road will be a major safety and congestion concern, especially as this is a central access road to A6119 and then to the motorway.
- Fear for the safety of children who will be walking to school or their local mosque to study in the evening from 5pm to 7.30pm.
- In Little Harwood, we also have Sahara Fold which is a care home for those retired or who have a disability. Those who reside there enjoy morning and afternoon walks with carers to newsagents, therefore disabled person's access will need to be taken into consideration.
- Residents of Wareham Street strongly believe that planning permission will lead to the building overlooking their property and therefore a loss of privacy.
- When conferences take place there is a high risk of noise and disturbance to local residents - this is already experienced from the Little Harwood Community Centre.

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

### 3.0 **RECOMMENDATION**

3.1 It is recommended that the Committee note the petition.

### 4.0 **BACKGROUND PAPERS**

4.1 Planning application 10/19/0450 contains details of the application and can be viewed at:  
<http://planning.blackburn.gov.uk/Northgate/PlanningExplorer/ApplicationSearch.aspx>



5.0 **CONTACT OFFICER** – Claire Booth – Senior Planning Officer 01254 585246

6.0 **DATE PREPARED** – 2<sup>nd</sup> July 2019

Beardsworth St

Blackburn

BB1 5PL

Reference: 10/19/0450

Dear Martin,

Thank you for the planning application letter.

We object to this application for the following reasons;

We don't feel there isn't a need for another mosque as there are several mosques already in close proximity these include Masjid E -Sajedeen Mosque (Plane Tree Rd), Khanqah Mosque (Robinson Street), Darulssalam (Willow Street), Taleem Ul Islam (Whalley Old Road), Masjid Al Momineen (Ash street).

The traffic on Whalley old road is already congested with the above mosques and Schools (St Stephens School, Islamiyah Secondary School, Rawdhatul Uloom Primary School and Little Harwood Children's Nursery) further planning in the area will lead to additional traffic and car congestion.

Parking on Whalley Old road and several side streets in Little Harwood is a nightmare and to have a mosque on a main road will cause further parking issues for nearby residents.

Worshippers will be visiting the mosque 5 times a day for their daily prayer, we envisage this will result in several cars attending which has the potential to cause further congestion.

The site does not have dedicated entry and exit points for smooth flow of traffic. This could be a real issue of road access and traffic generation.

If cars are parked on both sides of Whalley Old road this will be a major concern, especially as this is a central access road to A6119 and then to the motorway.

We also fear the safety of children who will be walking to school or their local mosque to study in the evening from 5pm to 7.30pm.

In Little Harwood we also have Sahara fold which is a care home for those retired or who have disability. Those who reside there enjoy morning and afternoon walks with carers to newsagents, therefore disabled person's access will need to be taken into consideration.

Residents of Wareham Street strongly believe that planning permission will lead to the building overlooking their property and therefore a loss of privacy.

When conferences take place there is a high risk of noise and disturbance to local residents, which we can already see from the Little Harwood Community Centre.

We hope you take all the points into consideration.

Yours sincerely,

NAME	ADDRESS
ISMAIL NAZIR SATIA	20 BEARDSWORTH ST
ADAM ISSAT	23 BEARDSWORTH ST B/BURN
AHMED PATIL	3 BEARDSWORTH ST
Mehruza Laker	6 BEARDSWORTH ST

SIGN

NAME

ADDRESS

SIGN

M. A. JOHNEE

8 BEARDSWORTH ST.

M. A. Dhusul

13 BEARDSWORTH ST

R. SHEIKH

26 BEARDSWORTH ST.

~~Shamud~~

19 ~~Beardsworth~~ ST

T. Phansa

12 Beardsworth st

A. Phansa

10 Beardsworth st

Fatima Rawat

16 Beardsworth

TAHERA PATEZ

210 WATERHAM ST

SABIR AKUSI

11 BEARDSWORTH ST

Yusuf Issat

25 Beardsworth St

YUSUF SEEDAT

22 Beardsworth st

MRS TAYLOR

14 BEARDSWORTH ST

ASRAF VANTRA

15 BEARDSWORTH ST

Ebrahim Jogee

4 BEARDSWORTH ST

Thawban Zaki

5 Beardsworth ST

MARLOW LORGAT

7 BETHEL RD

Hamida Patel

17 Bethel Road

Abdul Khalique Xeer

23 Bethel Road

Ismail Yusuf Seedat

11 Bethel Road

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

Document is Restricted