

Public Document Pack

Planning and Highways Committee

Thursday, 19th September, 2019

6.30 pm

Meeting Room A, Blackburn Town Hall

AGENDA

- | | | |
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Date Published: Wednesday, 11 September 2019
Denise Park, Chief Executive

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

OFFICERS - Gavin Prescott (Development Manager), Michael Green (Legal), Safina Alam (Highways) and Shannon Gardiner (Democratic Services)

RESOLUTIONS

35 Welcome and Apologies

The Chair welcomed everyone to the meeting.

Apologies were received from Councillors Akhtar and Hardman.

36 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 11th July 2019 be confirmed and signed as a correct record.

37 Declaration of Interest

There were no Declarations of Interest received.

38 Planning Application Summary

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.

39 Planning Application 10-19-0467

Speaker – Mr Ian Sykes (Objector)

Applicant – Capita

Location and Proposed Development – Land at Clarendon Road East, Blackburn, BB1 5PZ.

Outline Planning Application for residential development (up to 60 dwellings) and associated works with all matters reserved.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED - Approved subject to the conditions highlighted in the Director's Report and Section 106 Agreement relating to the provision of off-site

affordable housing and off-site Green Infrastructure, and other conditions ensuring tree retention and / or replacement.

40 Planning Application 10-19-0495

Speakers – Mr Kris Furness, Applicant (In Support of Application), Councillor Roy Davies, Ward Councillor (Objector) and Councillor Denise Gee, speaking as member of the public, (Objector)

Applicant – Mr Kris Furness

Location and Proposed Development – Suez Recycling and Recovery UK Ltd, Lower Eccleshill Road, Eccleshill, Darwen, BB3 0RP

Full Planning Application for Demolition of existing waste transfer and materials recycling buildings and construction of an energy from waste facility (EFW) with ancillary infrastructure and landscaping.

Decision under Town and Country Planning Acts and Regulations –

Following discussion of the Application, a Named Vote was requested

For – Councillors; Smith, Brookfield, Casey, Hussain, Jan-Virmani, Khan, Khonat, Oates and Riley

Against – Councillors; Browne, Slater (N), Pearson and Slater (Ja)

RESOLVED – Approved subject to the revised conditions contained within the Update Report.

41 Planning Application 10/19/0528

Speaker – Linda Wright, Agent (In Support of Application)

Applicant – Mr Ian Winrow – Belmont Bull LLP

Location and Proposed Development – Black Bull Public House, 101 High Street, Belmont, Bolton, BL7 8AJ

Full Planning Application for Change of use of former Public House and landlord's flat to six self-contained flats, demolition of the single storey rear extension, erection of a new single storey rear extension and associated car parking.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director's Report.

42 Planning Application 10/19/0542

Applicant – Capita

Location and Proposed Development – Land at Lomond Gardens, Blackburn

Outline Planning Application (Regulation 4) for Outline planning application with all matters reserved for residential development (up to 35 dwellings).

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director's Report and Section 106 Agreement relating to the provision of off-site affordable housing and off-site Green Infrastructure.

43 Planning Application 10/19/0634

Speaker – Asjad Hussain, Applicant (In Support of Application)

Applicant – Mr A Hussain

Location and Proposed Development – 32 Eden Park, Blackburn, BB2 7HJ

Full Planning Application for Proposed Balcony to first floor rear bedroom window.

Decision under Town and Country Planning Acts and Regulations –

After discussions had taken place, 7 Members were minded to approve the application against Officer recommendation.

RESOLVED – Approved. The proposal is of appropriate design and appearance and would not be severely detrimental to the residential amenity for occupiers of the dwelling or neighbouring dwellings in terms of loss of privacy/overlooking in accordance with the relevant local plan policies.

44 Tree Preservation Order 2019 - Hawkshaw Bank Road

Members were requested to endorse the actions of the Council's Arboricultural Officer / Planning Manager in making and serving the Hawkshaw Bank Road Tree Preservation Order 2019, and confirm the TPO without modification.

The Committee heard that following concerns raised by a local resident that trees on the land would be removed as the private land was being put up for sale, an evaluation was carried out where two trees had scored highly in terms of amenity value.

The current owners, Official Receivers and auctioneers had been written to informing them of the TPO. To date, no letters of objections or endorsements had been received.

RESOLVED – That the recommendations be approved.

45 Exclusion of the Press and Public

That the press and public be excluded from the meeting during consideration of the following items 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.

46 Enforcement 315 - Land at Kiln Bank

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in Land at Kiln Bank, Off Weasel Lane, Tockholes.

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

RESOLVED – That authorisation be given to the proposed enforcement action at Land at Kiln Bank, Off Weasel Lane, Tockholes

47 Enforcement 316 - Meadowbrook Rise, Haslingden Road, Blackburn

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in Meadowbrook Rise, Haslingden Road, Blackburn.

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

RESOLVED – That authorisation be given to the proposed enforcement action at Meadowbrook Rise, Haslingden Road, Blackburn.

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

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

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

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

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

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

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

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

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

Reasons for Decision

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

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

REPORT OF THE DIRECTOR

Plan No: 10/19/0443

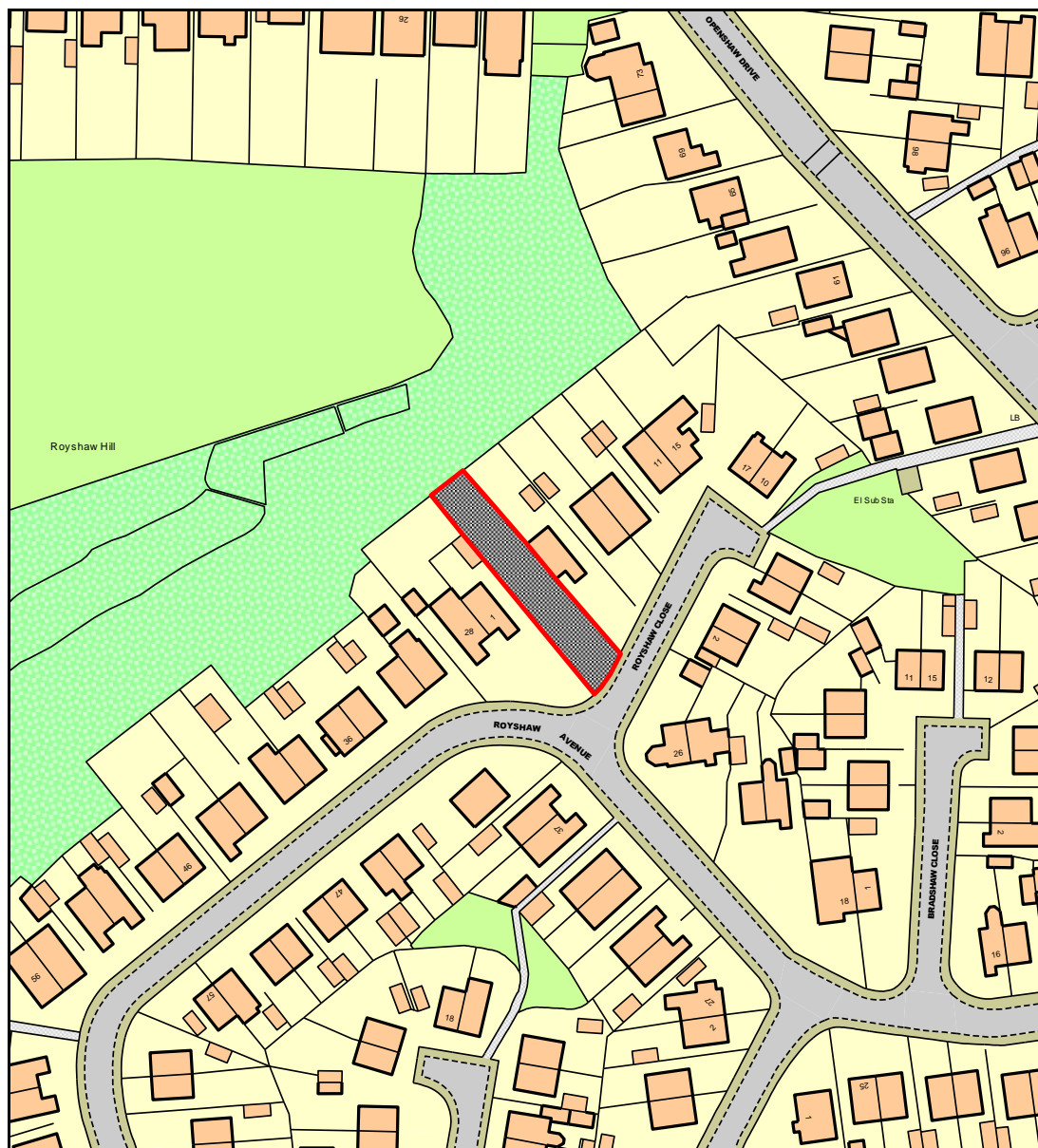
Proposed development: Retention of single storey side and rear extension, new side gate and activity wall in the rear garden, landscaping to the front and extension of residential curtilage to the rear.

Site address:
3 Royshaw Close
Blackburn
BB1 8RW

Applicant: Ms Imtiaz Bibi

Ward: Roe Lee

Councillor	Phil Riley
Councillor	Sylvia Liddle
Councillor	Ron Whittle



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – subject to the recommended conditions set out in section 5.0 of this report.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This application is presented to the Committee through the Chair Referral process in accordance with the Scheme of Delegation as the works are retrospective. The proposed development has been publicised through letters to residents of adjoining properties. Two petitions containing 21 signatures against the proposal were received on 2nd June 2019. A formal re-consultation was carried out following the receipt of an amended scheme. The petition was submitted once again objecting to the proposed development on the 9th August 2019. A summary of the comments is set out in section 7 below.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site comprises of a single storey semi-detached dwelling located on the northern side of Royshaw Close off Royshaw Avenue, within the urban boundary of Blackburn.

3.2 Proposed Development

3.2.1 Planning permission is sought for the retention of the single storey side and rear extension, the side gate, the activity wall and the proposed landscaping to the front of the dwelling. Details are as follows:

3.2.2 **Single Storey Side** – the development included the conversion of the detached garage into a toilet, store and workshop. The single storey wrap around element consists of a covered garage element down the side elevation with a maximum height of 3m and a 3m rear projecting element. The proposal requires consent due to the corner element which does not project out from either the rear of the side elevation.

3.2.3 **Side Gate** – this element is attached to the front of the side extension. This comprised of a black folding security gate as submitted. This was not considered to be in keeping with the host dwelling or surrounding area and did not represent a form of development which harmonised with the host dwelling. Subsequently, this has been amended to incorporate a timber boarded stained gate of a more traditional design.

3.2.4 **Activity Wall** – The applicant has landscaped their rear garden area to create a 2.8m high activity wall 450mm deep made from concrete with climbing elements attached. A 1m high mesh fence has also been erected to the top of the activity wall. The climbing wall is to be dressed with a vertical garden and timber cladding.

3.2.5 **Proposed Landscaping to the front** – The applicant has created an area of hardstanding to the front of the dwelling by tarmacking the drive area with border planters to the sides.

3.2.6 It was also brought to the Council's attention that the red edge as submitted incorporates land outside of the applicants' ownership to the rear of the property. Subsequently, the applicant has served notice B on the land owner and therefore consent is also sought for the extension of the residential curtilage.

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 Local Plan Part 2 (2015) (LPP2)

Policy 8: Development and People

Policy 10: Accessibility and Transport

Policy 11: Design

3.4 Other Material Planning Considerations

3.4.1 Residential Design Guide SPD

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.

3.4.2 National Planning Policy Framework (NPPF)

The National Planning Policy Framework (Framework) is a material consideration in planning decisions. The Framework sets out a presumption in favour of sustainable development in Paragraph 7, which is the "golden thread" running through both plan-making and decision-taking. It identifies in Paragraph 8 that there are three overarching objectives to sustainable development. These are Economic, Social and Environmental. Paragraph 11 of the Framework explains that for decision making, this means approving development proposals that accord with the development plan without delay.

3.5 Assessment

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

- Visual Amenity;

- Residential Amenity; and
- Highways.

3.5.2 Visual Amenity

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

The alterations to the side gate are considered to be more in-keeping and appropriate. The use of timber boarding represents a more traditional gate and staining it is considered to be of a more appropriate colour. Visually this will reduce the harshness of the development.

Extensions can be perceived as being prominent if not carefully sited and particular care should be taken with schemes visible from public vantage points. Further to this any extension should be well proportioned and sit comfortably with the original dwelling. It should respect the scale and proportions of the original dwelling.

Policies RES E7 Rear Extensions and RES E8 Single Storey Side Extensions of the Residential Design Guide requires that single storey extensions appear subordinate in design and the materials used, roof shape, style and proportion of windows and doors of the extension reflects and adds to the appearance of the house and its surroundings.

The side element is screened by the side gate and is only partially visible from the highway and therefore would not be considered a prominent addition. It is single storey in nature and therefore appears commensurate in nature to the host dwelling. The single storey rear element would not be considered a prominent addition within the streetscene as it would be screened by the existing dwelling and the side element; it would therefore not have an adverse impact upon the appearance of the dwelling.

The use of matching materials such as the facing render and the UPVC window finish would maintain coherence between the main dwelling and the development. The development will therefore not result in any harm to the appearance of the host dwelling or the surrounding area and would accord with LPP2 Policy 11 and RES E1, E7, E8 and E9 of the Residential Design Guide.

Members should note that the only element of the development which requires planning permission is the corner element. The side extension which projects of the side elevation of the existing dwelling and the rear element which projects of the rear elevation meet the requirements of the General

Development Permitted Order and is considered to be permitted development.

Taking into consideration the above it is considered that the side and rear extension would have no greater an impact than what can be erected under the permitted development and therefore would meet the requirements of Policy 11 of the LPP2.

The activity wall is located to the rear of the dwelling and therefore would not be visible from the streetscene and would therefore not be considered a prominent addition. The softening of the design of the wall by the introduction of a vertical garden and timber cladding will soften and reduce the visual impact of the wall. It is, therefore, considered that the activity wall does not have a harmful impact upon the host dwelling or the surrounding area and accords with Policy 11 of the LPP2.

The creation of the hardstanding area to the front of the dwelling is retrospective. Members should note that the material used is porous tarmac and the development allows water to drain through and is therefore permeable. The proposed development, therefore, falls within the remits of permitted development and does not require planning consent. The applicant also proposed to inset border planters down either side of the hardstanding area which will soften the proposed development to an extent.

It is acknowledged that the other dwellings in the immediate area benefit from grassed front garden areas with a small area of driveway to the side. In terms of visual impact, I am of the opinion that the hardstanding has no greater and impact than what the applicant could install under permitted development.

Therefore, it is considered that the proposed development accords with Policy 11 of the LPP2.

3.5.3 Residential Amenity

It is important to consider the potential impact the proposed development would have on the residential amenity of the occupiers of nearby dwellings. LPP2 Policy 8 states that development must secure a satisfactory level of amenity for surrounding uses with reference to issues including; loss of light, privacy/overlooking and the relationship between buildings. This is reiterated and further guidance is supplied within the Residential Design Guide.

The side elevation which faces towards No. 28 Royshaw Avenue will accommodate 3 window openings which will allow light into the covered garage. As the development does not include any habitable window it would therefore not result in overlooking or loss of privacy.

It is acknowledged that the rear element would have an impact upon the windows present upon the rear elevation of No. 3 Royshaw Close, however, the fall-back position is that permitted development allow for a 3m extension to be erected without the need for planning consent. It is therefore considered

that the development would have no greater impact than what can be erected without planning consent.

Compliance with Policy 8 of the LPP2 is therefore achieved.

3.5.4 Highways

The development does not increase the size of the property in terms of bedrooms. Therefore, the current parking standard does not change. The property is a 3 bed dwelling which requires the provision of 2 car parking spaces.

The erection of the side and rear extension included the loss of the driveway to the side of the dwelling and the conversion of the garage to a workshop. However, it is considered that there is adequate parking to the front of the dwelling. The provision of the hardstanding area ensures that the property can provide more than 2 off-street parking spaces.

Accordingly, the proposal accords with Policy 10 of the LPP2.

4.0 CONCLUSION

Taking into account the above, the granting of the retention of the development does not result in any significant harm to the character and appearance of the existing dwelling or the surrounding area nor does it cause any significant harm to the amenity of neighbouring residents.

5.0 RECOMMENDATION: Approve subject to Conditions which relate to the following matters:

- Time – the amendments (changes to the side gate, the cladding of the rear activity wall with a vertical garden and timber cladding and the removal of the fence to the rear) to the development must be completed within 2 months of the decision date
- Plans

6.0 PLANNING HISTORY

N/A

7.0 CONSULTATIONS

Two petitions containing 21 signatures against the proposal was received on 2nd June 2019. The reasons against the development are given as follows:

Reasons:

- Design and materials not in-keeping with the area
- Lighting is sensitive and intrusive and more in keeping with an industrial estate

- Activity wall is a retaining wall
- Drainage/water run off issues
- Loss of greenery due to tarmacking of the entire site
- imbalance of the two semi-detached properties
- Increase in land levels to the rear garden
- Ugly shed like building has been erected
- Prison like fencing and cameras

8.0 CONTACT OFFICER: Rebecca Halliwell - Planner

9.0 DATE PREPARED: 4th September 2019

10.0 SUMMARY OF REPRESENTATIONS

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.

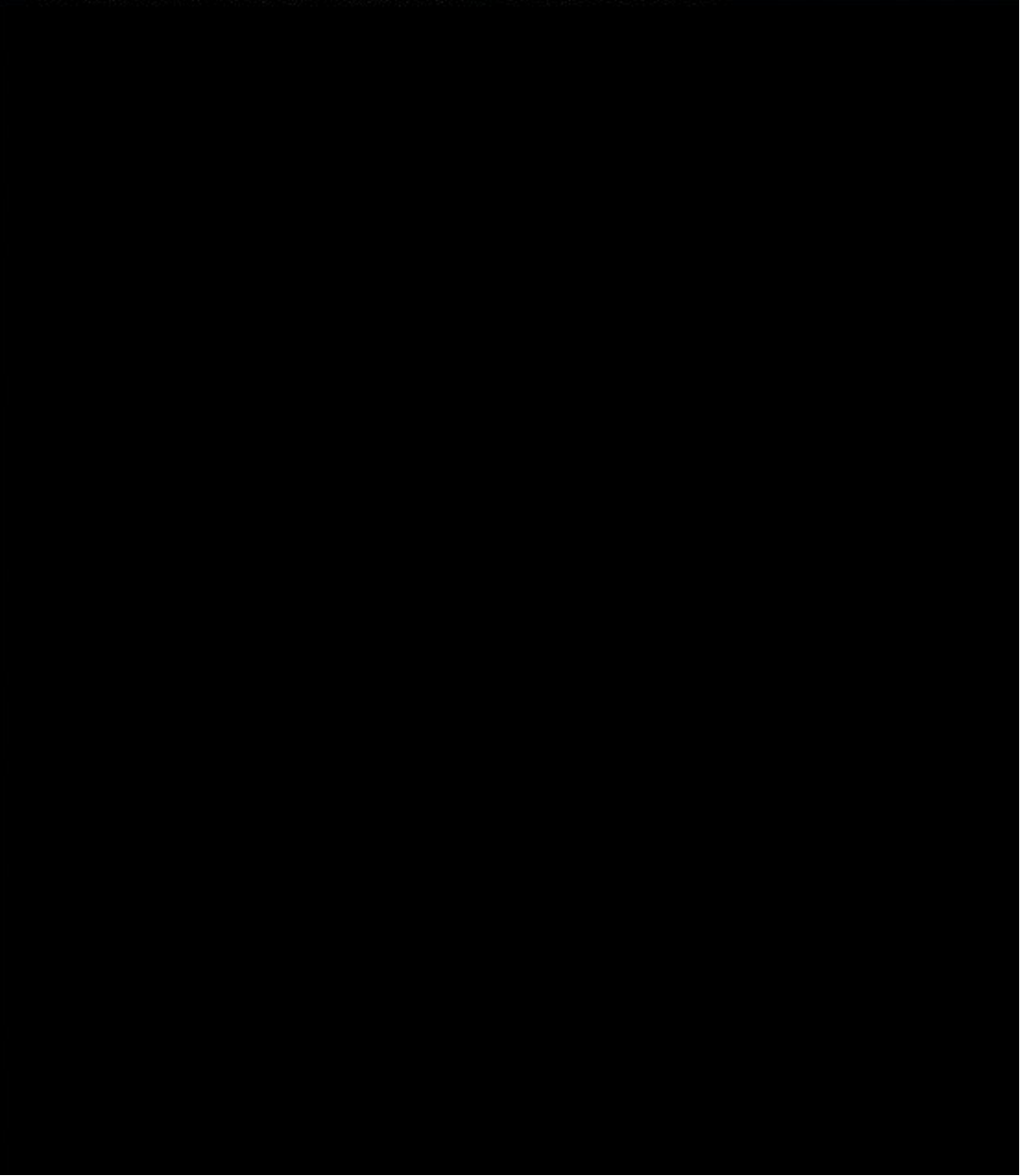
All the buildings have been added and attached by the current owner

Many of us have lived here for nearly fifty years and 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, tarmacing 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.

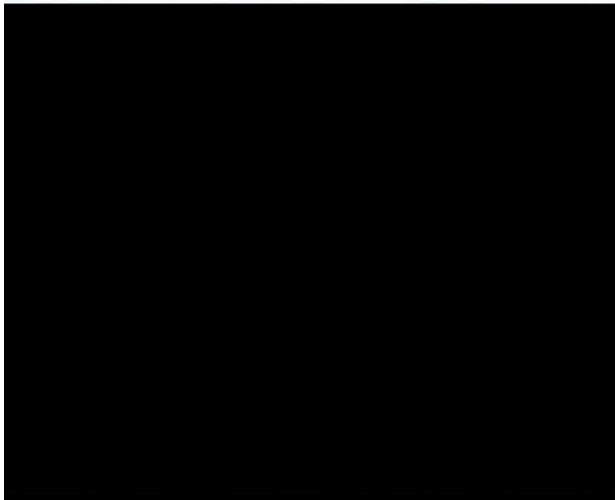
Large industrial style door to side extension.

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



REPORT OF THE DIRECTOR

Plan No: 10/19/0617

Proposed development: Reserved Matters Application for Reserved Matters Application for the appearance, landscaping, layout and scale of 55 dwellings following outline approval 10/17/1380

Site address:
Old Blackburnians Memorial Ground
Lammack Road
Blackburn
BB1 8LA

Applicant: Miller Homes

Ward: Billinge & Beardwood

Ward Councillors:
Cllr Jackie Flloyd
Cllr Julie Daley
Cllr Tasleem Fazel



1.0 SUMMARY OF RECOMMENDATION

- 1.1 APPROVE** – Subject to recommended conditions.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1.1** Following approval of outline application 10/17/1380 for residential dwellings approval is sought for the appearance, landscaping, layout and scale of 55 dwellings.
- 2.1.2** The proposal will deliver a 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 the recommended planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1** The site area measures 2.34 hectares and is an irregular shape.
- 3.1.2** The site is bounded by residential development to the north (Willow Trees Drive) and playing pitches to the east and south (owned by Blackburn with Darwen/Pleckgate School and Queen Elizabeth Grammar School respectively). To the west is Lammack Road, where Lammack Methodist Church and the Hare and Hounds public house are situated either side of the access.
- 3.1.3** To the boundaries of the site there are a number of individual and groups of trees with hedgerows.
- 3.1.4** 2.5 The land is currently used as a football pitch, with the Old Blackburnians Football Club operating from the site. There are presently two full pitches on the land, along with a car park and clubhouse.
- 3.1.5** As a consequent of the current use the land is relatively flat, but with a slight fall from north to south and west to east.
- 3.1.6** There is a public right of way which runs along the southern boundary of the site.

3.2 Proposed Development

- 3.2.1** The application follows an outline approval for residential development of up to 75 residential dwellings, including details of the means of access, and

demolition of existing club house (application reference: 10/16/0077). This permission was then varied under application reference 10/17/1380 and a new decision notice was issued on 31 October 2018. It is this later application 10/17/1380 which this Reserved Matters Application is pursuant to.

- 3.2.2 The Outline permissions included a S106 agreement that secured a financial contribution towards replacement playing field and pitches and the refurbishment of the changing rooms at Old College Playing Fields. 10/17/1380 also included the reorientation and improvement of the Lammack Juniors pitch immediately adjacent to the development site. The Outline permission also secured an off-site affordable housing contribution.
- 3.2.3 Due to Access being approved at Outline stage, approval is sought for the appearance, landscaping, layout and scale of 55 dwellings. The dwellings are to be a mix of, 3, 4 and 5 bedroom houses. All of which are to have driveways providing off-road parking provision and rear gardens.
- 3.2.4 A Surface Water drainage pond is proposed in the south-east corner of the site.

3.3 Development Plan

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

3.3.2 Core Strategy:

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

3.3.3 Local Plan Part 2:

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 18 – Housing Mix
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 - Landscape

3.3.4 Supplementary Planning Documents/ Guidance

- Residential Design Guide
- Green Infrastructure & Ecological Networks

3.4 **Other Material Considerations**

- National Planning Policy Framework
- Planning Practice Guidance, updated March 2019

3.5 **Assessment**

3.5.1 Reserved matters applications are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, (i.e. they can be 'reserved' for later determination). This application seeks approval for the matters relating to scale, layout,

3.5.2 The main considerations in determining this reserved matters application therefore relate to whether the proposed, appearance, landscaping, layout and scale of the development are acceptable, having regard to the policies of the Blackburn with Darwen Local Plan, Development Plan Documents and any other material planning considerations.

3.5.3 In determining the application, the main issues to therefore consider are:

1. Outline permission for the site and principle of development;
2. Layout
3. Scale;
4. Appearance;
5. Landscaping; and,
6. Other Matters

Outline permission for the site and principle of development

3.5.4 It is important to note that the principle of this residential development, including means of access, has been established by the outline approval referred to in the planning history section, application 10/16/0077, and the subsequent Section 73 application to vary the original consent (applications 10/17/1380).

3.5.5 At outline stage the indicative illustrative site plans illustrated a maximum of 75 new dwellings to be sited on the site.

3.5.6 Although the dwellings proposed are larger in size in terms of the number of bedrooms being provided, this is not considered to be harmful as the provision of larger, family housing responds to identified local needs as evidenced in the Council's SHMA and is in line with the Council's Housing Strategy.

LAYOUT

- 3.5.7 'Layout' is defined within the Town and Country Planning (Development Management Procedure Order) 2015, as amended (DMPO) as;

"the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development."

- 3.5.8 Condition 2 of application 10/16/0077 required 'Layout' to include the provision of on- site Public Open Space in accordance with the Council's requirements set out in adopted Green Infrastructure Supplementary Planning Document and details of sustainable drainage systems to be provided for the whole site to ensure the appropriate links are made beyond the outline site.

Public Open Space

- 3.5.9 Areas of public open space are provided throughout the layout, equating to 0.84 acres. These include an area adjacent to the vehicular access, an area in the north-west corner of the site, and areas along the south and east boundaries.
- 3.5.10 The area of open space proposed is considered to be satisfactory and will assist in providing an attractive scheme, along with soft landscaping within garden frontages.
- 3.5.11 Local Plan Part 2, Policies 8 and 11 require proposals to contribute positively to the overall physical, social, environmental and economic character of the area in which the development is sited, demonstrate an understanding of the wider context and make a positive contribution to the local area.
- 3.5.12 The proposed development is for 55 dwellings. This is within the parameters of the Outline Planning Permission. The site measures 2.34 hectares, therefore the proposals have a gross density of 23 dwelling per hectare which is reflective of the surrounding area.
- 3.5.13 A range of 3 and 4-bedroom house types have been chosen having regard to local need and demand. All of the house types are two storeys and detached which reflects the existing housing adjacent to the site.
- 3.5.14 The proposed development layout provides properties that have been set in suitably sized plots appropriate to the proportions of the house they are associated with. This complements the surrounding residential area which follows this same precedent.
- 3.5.15 The layout allows for a network of interconnecting public footpaths and pathways which aid a sense of cohesion and connectivity across not only the site itself but the wider area.

Drainage and Surface Water Flooding

3.5.16 The Local Lead Flood Authority (LLFA) (BwD) initially objected to the drainage proposals put forward. The objection was based on the banks of the drainage basin being too steep.

3.5.17 The submitted amendments have amended the basin design to meet the required 1:3 gradient. In doing this the applicant has amended the housetype on Plot 50 to a smaller type to gain the space to do this. Whilst this information has been provided, to ensure the attenuation pond complies with best practice and safety requirements, the LLFA require construction details of the Surface Water Detention Basin to be submitted prior to its construction, a condition is duly recommended.

3.5.18 Subject to the aforementioned condition, the Local Lead Flood Authority has withdrawn its objection.

3.5.19 United Utilities have also commented on the proposals and recommend that prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing.

Parking and Highway Safety

3.5.20 The matter of 'Access' was approved as part of the Outline application. The Highway Authority has therefore focused on the internal layout of the site.

3.5.21 Following a meeting with the developer the following amendments have been secured: -

- The disabled spaces for the church have been moved away from the development access.
- A note has been added to the church car park in regards of ownership.
- The two bends within the site have been widened to 6m as agreed (widths are now indicated on the layout).
- Rumble strips and a change of highway surface has been indicated along the straight length of road as agreed.
- A footpath has been added in place of verge adjacent to Plot 30 leading to Plot 41.
- Turning heads have been reviewed and increased when necessary. Updated tracking has been provided.

3.5.22 Highways are satisfied with the amendments put forward, and thus the proposals are considered to accord with Local Plan Part 2 Policy 10.

3.5.23 In respect of the overall layout of the proposals, the proposals provide:

- a sense of arrival into the site from Lammack Road.

- A clear hierarchy of streets made up of a spine road, streets and private drives
- Adequate separation distances to existing dwellings surrounding the site
- Adequate separation distances within the site – initially two plots resulted in unsatisfactory separation and have subsequently been replaced with an alternative housetype and the layout has been adjusted to achieve the Council's minimum separation distances
- Opening up of the PROW to the south creating an attractive vista for pedestrians
- Incorporation of existing landscape features into the proposed layout where it has been possible, and has sought to replace trees along the northern boundary where trees currently are to limit the perception of overlooking with green spaces to be provided throughout the site.
- Dwellings orientated to view into the site and provide overlooking of the public spaces.

Crime and Disorder

3.5.24 Paragraphs 91 and 95 of the Framework requires planning decisions to aim to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion'. Local Plan Policy 8.v) also requires this;

"Development will be permitted where it can be demonstrated that:

v) the development incorporates positive measures aimed at reducing crime and improving community safety, including appropriate detailed design, the provision of adequate facilities for young people, and the creation of a suitable mix of uses."

3.5.25 The layout of the development has been designed to create natural surveillance and address the key principles of 'Secured by Design' guidance. In particular, the public footpath will be directly overlooked by residential properties.

3.5.26 The development also includes clearly defined and well-lit public, private and semi-private spaces, defensible space to each property frontage, and well defined routes which benefit from natural surveillance, all of which discourage crime.

3.5.27 In light of the above, it is considered that the proposed development will be consistent with the principles of the Framework and Local Plan Part 2, Policy 8 in terms of 'designing out crime' and has adopted the principles of Secured by Design. Subject to the development being carried out in accordance with

the details included within the submitted Crime Impact Statement, Lancashire Police Unit raises no objections.

- 3.5.28 Overall the proposals are considered to provide a safe and satisfactory layout that takes account is reflective of the surrounding area, and provides sufficient and parking provision for future occupiers, satisfactory separation distances between all between the proposed dwellings and the neighbouring dwellings on Willows Trees Drive, a well landscaped development, as required by Local Plan Part 2, Policies 8, 9, 10 and 11.

SCALE

- 3.5.29 'Scale' is defined within the DMPO as;

"the height, width and length of each building proposed within the development in relation to its surroundings."

- 3.5.30 In terms of the scale of development on the site, the height, width and length of each building is reflective of the dwellings in the immediate locality, and thus this matter is considered to be acceptable and accord with the design requirements within Local Plan Part 2, Policy 11.

APPEARANCE

- 3.5.31 The chosen housetypes have a traditional style which will allow the development to blend into the character of the area and would sit comfortably alongside the properties on Willows Trees Drive.

- 3.5.32 The materials palette features brown/ orange brick walls and grey roof tiles to further reflect the architectural style of surrounding properties. However, in order to ensure the roof tiles and walling materials are suitable for the locality, in the interests of visual amenity, it is recommended that should Members be minded to approve the application, a condition requiring samples of all materials be imposed.

- 3.5.33 The current metal palisade fence along the southern boundary of the site with the Public Right of Way (PROW) will be removed and the dwellings along the southern boundary of the site have been orientated to have frontages overlooking the Public Footpath. This will provide surveillance of the Footpath which accords with Local Plan Part 2, Policy 8 v).

LANDSCAPING

- 3.5.34 'Landscaping' – This is defined with the DMPO (2015) as follows:

"landscaping", in relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or

protecting the amenities of the site and the area in which it is situated and includes—

(a) screening by fences, walls or other means of enclosure;

(b) the planting of trees, hedges, shrubs or grass;

(c) the formation of banks, terraces or other earthworks;

(d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and

(e) the provision of other amenity features;”

3.5.35 The landscaping plan proposes new and replacement tree planting, an area of open space and a semi-permanent pond.

3.5.36 In addition to the above, landscaping is proposed along all street frontages as well as in garden areas and areas of public open space. This should provide for pleasant street scenes to be created and the amended landscaping proposed and the inclusion provides to mitigate against the loss of this parcel of land, designated as Green Infrastructure.

3.5.37 The Landscaping Plans submitted with this application demonstrate that extensive landscaping is proposed. New trees and hedges are proposed within the site to enhance the appearance of the development and will subsequently increase the biodiversity of the land, all of which are to be managed by a private management company.

3.5.38 The application is accompanied by a Landscape and Ecology Management Plan that covers detailed maintenance operation for an initial maintenance period of 2 years, followed by an establishment period covering years 3-5. During this period the operations proposed are to ensure new planting and grass is establishing well and showing healthy growth, and that woodland groundcover planting is provided as per the submitted drawings.

3.5.39 Long term management proposals are included for years 6 to 25 (the maturing phase), this period will involve less intensive management of planting, although ongoing monitoring will be essential to ensure the character of the woodland is maintained and replacement planting is carried out when necessary to ensure good species diversification. Long term management of the woodland may include some felling of mature trees at the end of their life span to maintain healthy development of the woodland. Any felled trees are to be replaced with a suitable species to retain the character of the woodland.

3.5.40 The above-mentioned Management Plan also includes short-long term management proposals for the surface water detention basin.

3.5.41 In order to ensure the site is landscaped in accordance with the details submitted and maintained in accordance with the Ascerta, Landscape and Ecology Management Plan, it is recommended that a condition be imposed

requiring the contents of the Management Plan to be carried out over the times stated.

3.5.42 Turning to fences, walls or other means of enclosure, the application is supported with a drawing illustrating the position of boundary treatments. The boundary treatments proposed are considered to be appropriate.

3.5.43 Overall, the matter of Landscaping is considered to be acceptable and accord with Local Plan Part 2, Policies 8 and 11.

Other Matters

Biodiversity and Trees

3.5.44 The land on which Outline approval has been granted is part of the borough's Green Infrastructure provision. As well as having a recreational value the land also contributes to the boroughs biodiversity.

3.5.45 Paragraph 170 of the National Planning Policy Framework states. "*decisions should contribute to and enhance the natural and local environment by*" amongst other things, "*minimising impacts on and providing net gains for biodiversity*".

3.5.46 The application site is dominated by species-poor 'amenity' grassland previously used as sports pitches, although there are some trees, scrub and marshy grassland at the site boundaries with some local nature conservation value. The site has limited potential to support any specially protected species, although some further precautionary species surveys are recommended including recommended that if the Old Blacks building has not been demolished by 2020 survey for bats should be repeated. Thus a condition is recommended in this regard. Bats are mobile in their habits and the building has moderate potential to support bats.

3.5.47 A tree on the site has been assessed as having some bat roosting potential; this tree must be inspected for bats before felling or pruning works are carried out. All UK Bats and their roosting sites are specially protected. This should be secured by the recommended condition.

3.5.48 Condition 23 of the Outline approval also ensures nesting birds are protected by ensuring no vegetation clearance takes place during the optimum time of year for bird nesting (March to August inclusive) and for the replacement of lost bird nesting habitat bird boxes (at least 6 in number).

3.5.49 The submitted landscaping plans include details of bat and bird boxes, however only include the provision of two Swift Boxes, and 1 Sparrow Terrace. The condition require a further three bird boxes and thus the details submitted are insufficient. An additional 3 bird boxes can be secured by condition and such a condition is recommended.

Invasive Species

3.5.50 It was considered at the Outline stage that conditions relating to removal of invasive species (Japanese Knotweed, Himalayan Balsam and Cotoneaster), pollution prevention to avoid impacts to watercourses; and conditions are on the Outline approval requiring removal of these, Condition 17 pursuant to application 1017/1380.

Biodiversity Net-Gain

3.5.51 During the course of the application, the Council has made the applicants aware of the recently published updated Planning Practice Guidance on Biodiversity and achieving net-gain for biodiversity that reaffirms the requirements of paragraph 170 of the National Planning Policy Framework and in response the applicants have put together an extensive landscaping scheme which includes the planting of trees and hedgerows and proposes the inclusion of a number of bat boxes and swift and sparrow boxes within the development.

3.5.52 The amendments received on the 12 August 2019 provided details on the landscaping scheme for the drainage basin in way of planting to the pond to encourage biodiversity, and have agreed to provide a semi-permanent pond. The new gradients of the bankings of the ponds also provide additional space towards biodiversity.

3.5.53 It is noted that replacement tree planting will be carried out to replace any trees lost to the scheme and relatively extensive new mixed native shrub planting will take place. There is little in the way of new grassland creation to compensate for the loss of a significant area of open grassland, although the new houses will have garden spaces. A Surface Water Detention Basin is proposed which would hold water for most of the year as a permanent or semi-permanent pond to maximise its potential biodiversity value, and for more terrestrial habitat to be created adjacent to the pond. This contributes to the scheme achieving on-site biodiversity net gain.

3.5.54 A landscape corridor will be retained at the southern boundary of the site. I would conclude that, providing the Landscape Creation and Management Plan submitted for the development is implemented in full and the recommendation regarding the detention basin above is adopted, the scheme could be considered acceptable in ecology terms.

3.5.55 Overall, subject to the imposition of conditions requiring the landscaping proposed to be undertaken and securing the semi-permanent pond, and for the installation of a further three bird boxes, a net-gain to biodiversity should be achieved. The proposals therefore accord with Paragraph 170 of the Framework.

3.5.56 To ensure the biodiversity value of the site once developed is not diluted, it is recommended that any lighting on the site be approved by the LPA. A condition is therefore recommended.

Ground conditions

3.5.57 Local Plan Part 2 Policy 8 iii) concerns itself with land contamination. A site investigation has been undertaken at the site; however the submitted report notes that this was limited due to the active nature of the site. As such, it was only possible to excavate window samples at the time of the site works. In addition, a gas monitoring well could not be included in WS118 where the thickest made ground was identified due to the active nature of the sports pitch on which it was situated. Therefore, the report recommends further site investigation when access allows.

3.5.58 The report concludes that significant further investigation and testing is required to determine the extent of both asbestos and Polycyclic Aromatic Hydrocarbons (PAH) contamination at the site. In addition, the ground gas assessment should be completed (including the risk assessment of the carbon monoxide (CO). Officers support this conclusion and thus it is recommended that conditions requiring further Site Investigations are imposed.

Noise

3.5.59 A Noise Report Fence Specification SF1 and Layout Plans. Colleagues in Public Protection agree that noise has been assessed in accordance with the guidance; in particular the Sport England noise guidance relating to pitches, given the eastern boundary of the site abuts playing pitches.

3.5.60 In order to ensure the amenity of future occupiers of the development is satisfactory, the report concludes that alternative ventilation is required for the following living rooms facing the sports fields:

- Plots 1 to 5
- Plots 40 to 45
- Plots 48 to 52
- Plot 55

3.5.61 1.8m acoustic barriers along the southern boundary of gardens 39, 40 and 52 and the eastern boundary of garden 55 are also proposed. However, the location of this fencing is not evident in the submitted plans and fence specifications. A condition seeking details of this fence is therefore suggested.

3.5.62 Also, a close boarded fence specification has been submitted (SF1), but Officers recommend that it is amended to include details of the gravel board and a requirement that it is "free from holes, sealed at the base and have a minimum mass of 5kg/m²" as specified in the Noise Report and this has been requested from the developers. Receipt of the necessary amendments will be reported in the Update Report. Should they not be submitted, a condition should be imposed requiring this.

Air Quality

3.5.63 This matter was assessed at the time of the Outline application. However, in light of the Council's Air Quality PAN. Officers of Public Protection have

suggested electric vehicle charging points be installed on all properties. This is included in the list of recommended conditions. Moreover, the additional tree planting that is proposed will go some way towards mitigating the impact on local air quality.

Summary and Conclusions

3.5.64 This report assesses the full planning application for 55 dwellings on a parcel of land, accessed from Lammack Road, Blackburn at the side of the Hare & Hounds Public House. In considering the proposal a wide range of material considerations have been taken in to account during the assessment of the application.

3.5.31 It is concluded 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 the recommended planning conditions.

4.0 RECOMMENDATION

4.0.1 The application is recommended for approval subject to the following conditions being imposed:

- RM's approved
- List of Approved Drawings
- Material Samples
- Further Site Investigations and remediation
- Construction details of Surface Water Detention Basin
- Site drainage carried out in accordance with submitted details
- Further Bat Survey should building not be demolished by 2020.
- Bat survey of Tree which supports a bat roost prior to its removal
- Requirement for an additional 3 Bird Boxes over and above the 3 submitted
- Bat lighting scheme
- Implementation of the Ascerta, Landscape and Ecology Management Plan, dated 24th May 2019, Reference: 1115.18
- Alternative ventilation be installed in Plots 1-5, 40-45, 48-52 and 55
- Submission of details and installation of Acoustic Fence
- Electric Vehicle Charging Points
- Crime Impact Measures to be implemented in accordance with the Wardell Armstrong; Crime impact Statement
- Removal of Permitted Development rights for Extensions, alterations and hard surfaces
- Removal of permitted development rights for fences and means of enclosure

5.0 PLANNING HISTORY

5.0.1 There have been the following relevant planning applications for the site:

Application Reference	Description	Decision	Date
10/16/0077	Outline approval for residential development of up to 75 residential dwellings, including details of the means of access and demolition of existing club house	Approved with Conditions	02 August 2017
10/17/1380	Variation of Condition No.4 pursuant to planning application 10/16/0077 to replace drawing number no. BS 12-106/11 with Drawing no. BS 12-106/11 Rev A to provide an improved arrangement of the playing pitches	Approved with Conditions	31 October 2018
10/17/1391	Deed of Variation of Section 106 Agreement associated with planning application 10/16/0077 to amend the Blackburn Community Sports Club Junior Pitch Replacement and Orientation Works by Replacing Plan 3 in the Agreement from Drawing No. BS 12-106/11 to Drawing No BS 12-106/11 Rev A and amending the associated Schedule of Works and costings.	Approved	31 October 2018

6.0 CONSULTATIONS

6.1.1 Due to the application being for 'Major' development affecting a Public Right of Way, the application has been advertised in the Press and by Site Notice. 115 neighbours have also been consulted. 17 representations have been received; please see Section 9 of this report for full details.

6.1.2 Statutory Consultees have responded as follows:

Contaminated Land – Further survey work required to identify the risks and mitigate.

Highways – No objections to the amendments.

Lancashire Police – No objections subject to conditions.

Local Lead Flood Authority – No objections to the amendments, but construction details required for the attenuation/ detention basin.

Public Rights of Way – No objections, but wish to reinforce that the developer will need to apply for a temporary closure prior to any works commencing and they may also need to apply for a change of surface if the finished path surface differs from what is in place now.

As the definitive line of the footpath is not to change, no diversion order will be required.

Public Protection – Conditions relating to air quality matters are required.

Sport England - No objections.

Strategic Housing – BwD – No objections

United Utilities – No objections

Waste Management – No objections

7.0 CONTACT OFFICER: Claire Booth
8.0 DATE PREPARED: 06 September 2019

9.0 SUMMARY OF REPRESENTATIONS:

Obj – Alan & Cynthia M Thompson – 14 Willow Tree Drive – Rec 03.07.19

Dear Sir,

Ref: 10/19/0617
outline approval 10/17/1380

I am writing in reply to your letter of the 27th June 2017 regarding the above planning application for development at the Old Blackburnians Memorial Ground on Lammack Road.

I re-iterate all the points made in my previous letter regarding proposed development at the rear of ~~our~~ property, especially as this land was left in perpetuity as playing fields.

Our society needs green open spaces for our communal well-being as the far sighted person who left the land originally realised.

Access to any proposed development will be a major hazard to all present residents, none of whom are in favour of this proposal. I write as a resident of over 50 years.

Yours faithfully,

Obj - Neil Chamberlain - Rec 04.07.19

Dear Claire

I seem unable to contact you by telephone so I will put this in writing instead, with reference to the above reserved matters application, I have knowledge that the developers will be raising the level of the land currently used as the memorial pitches yet I see no drawings on your web-site to detail this, could you please explain what the situation is?

Secondly I can see that the trees (T11, T12 T13 T14 at the back of the houses at no 14, 16 and 18 Willow Trees Drive are being completely removed and yet I see no replacement trees on the plans, the only proposed trees will be at the front of the new properties. Thus residents will have our current level of privacy obliterated leaving our properties totally exposed. The reason those trees are there are three fold, firstly to provide shade from the sun on our south facing properties, to provide some privacy and thirdly to help remove the vast amounts of water that accumulate at the back of these properties. That area where the trees are is a soak away and is aided by a chippings filled trench that runs the length of the pitches down to the Lammack Juniors pitch. Again looking at these plans, absolutely no provision has been made to drain this area and my concern is that the already wet and sometimes under water gardens that we 'enjoy' here, (owing to lack of drainage maintenance by the OBAFC), will when these two essential factors are removed create something akin to a swamp area on my postage stamp sized lawn.

What planners seem to have completely overlooked is that there is a natural spring that emerges approximately no 1 Willow Trees Drive and flows diagonally under the road (although in winter this often emerges on top of the road and freezes) and is actually channelled (in a concrete channel) through no 12 Willow Trees Drive just below the floorboards . Originally at the emergence from the house in a land drain it continued across gardens and onto the football pitches. Whilst some redirection may have taken place when no 12's driveway was tanked and they had a dual story extension added some 10 or 12 years ago, I am reasonably sure that this spring was reconnected by orange flexible plastic piping to the land drain that terminates on the pitches.

My concerns are that once all the months of disruption take place, which will obviously impact on our lives, if the height of the land is being increased as I have been informed it is, the large trees are taken away and **not replaced** and the **soak aways blocked off**, the residents at nos 14 16 and 18 will be left with swimming pools at the bottom of their gardens exactly as happened at the bottom end of Willow Trees Drive some 15 years ago when the all weather pitches were created by putting a wall of earth at the back of the houses and zero drainage. Jack Straw eventually had to intervene and retrospective drainage be fitted at considerable cost to the borough to rectify the issue.

Whilst it is probably inevitable that the houses will be built, it is essential that such a development project is carried out with a duty of care and high level of consideration for existing residents in a way that will minimize the impact on the residents and our properties.

Regards

Obj – Salim Patel – 4 Knighton Avenue – Rec 04.07.19

Dear sir/madam

I am writing to you to object to the planning application ref: 10/17/1380.

My objections to this planning application is as follows:

1) The noise levels at present are horrendous where I live on Knighton avenue from cars and other vehicles increasingly using it to get in and out of Blackburn. I am awakened every morning from 6am

onwards with constant noise of the traffic, this does not allow me to open my windows on a hot summers day. By adding 55 properties in the old Blackburnian site which is practically opposite where I live will bring in Atleast 400 people and 200 cars approx to the area. Added to this the development of 250 properties on Yew tree drive will add a further 1000 people and 500 vehicles that will use whinney lane/Knighton avenue and lammack road to get in and out of Blackburn which will considerably increase the noise levels and pollution levels where I live. Many join lammack road from Knighton Avenue, which means queuing of cars leading to increase noise and pollution outside my house. Added to this we have parents that come to pick up and drop off their children at lammack primary school will lead to the noise levels, the pollution levels congestion levels become unbearable. It is absolute nightmare now It will become a health & safety risk for me and my family as well as others where I live. I am looking at installing triple glazing windows but at present I do not have the funds to do so. All because of the noise and pollution from the already busy lammack road whinney lane/Knighton avenue from the traffic.

2) The access point to the site which will be 10 yards away from my house will be used by heavy machinery diggers, regular trucks entering and leaving the site which will lead to increased pollution noise throughout the time of the development. This will also disturb my sleep on my days off on the weekends. Added to this once construction starts the constant noise from building work for months if not years will make it impossible to have a decent nights sleep.

3) The site lines coming in and out of the entrance of the new build is poor and I'm sure needs further investigating. Lammack road is not built for the present level of traffic let alone another 1500 residents using it to go back and forth from their homes. Lammack road at the junction of four lanes end is really narrow and tight. The traffic lights has no filter for right turners which means all traffic is stood still until someone from the opposite lane lets the right Turner through. Many times even today there's queues of cars down to the hare & hound pub waiting to get in and out of Blackburn. The increase number of people living in the area due to this planning application and the Yew Tree drive development will increase the queuing for longer periods and even at off peak times which will lead to increased pollution levels, congestion and noise levels. This will affect the health of me, my family and many other residents in the area.

4) The increase of noise and pollution levels will have a detrimental affect in the value of my property. These are house that are not needed as the yew tree drive/ ramsgreave drive development and the development at Roe lee is more than enough to fulfil the housing needs in the area.

5) The traffic situation is dangerous at the moment for children and the elderly who cross whinney lane, lammack road to reach their destinations. All the extra traffic from this application will makes things worse and could lead to a fatality.

I look forward to your response in this matter as I strongly object to this planning application.

Yours faithfully

Obj – Mrs Christine Kelly – 149 Quebec Road, Lammack – Rec 06.07.19

Good afternoon, Ref 10/19/0617

I wish to object to the above planning application on the grounds that the roads around Lammack are already used as a speed track and any more cars will make them far too dangerous for pedestrians and young children to use and that there are more than enough new houses being built in the area.

My details are - Mrs Christine Kelly 149 Quebec Road Lammack Blackburn BB2 7DP

Please confirm receipt of my objection

Regards

Obj – Dave Kelly – 149 Quebec Road – Rec 06.07.19

Good afternoon,

I wish to object to planning application 10/19/0617

My details are - Dave Kelly 149 Quebec Rd Lammack Blackburn BB2 7DP

Please confirm receipt of my objection

Obj – Amy Irshad – 154 Pleckgate Road – Rec 06.07.19

I propose the above development, as a resident and tax payer of Blackburn. Mainly due to the already overstretched resources of the community, but also the area just doesn't have adequate infrastructure.

We're stretched enough as it is, without the developments already planned. God knows why you're now wanting more!

Regards,

Obj – Alex & Lyndsay Jackson – 34 Harrier Drive – Rec 10.07.19

Reference 10/19/0617 - 55 Dwellings on land known as Old Blackburnians Land

Dear Ms Booth

There are a number of considerations in respect of this planning application. Below, I outline my objections to planning consent being granted. Mainly on the grounds surrounding road safety.

1. My main concern and objection to planning consent being granted surrounds road safety. co-incidentally, on the date as my objection letter, two serious accidents occurred on the 09/07 on Lammack Road, if you examine local accident statistics, Lammack Road already figures highly in this aspect.
2. Road Safety – it has been proven fact that Lammack Road in the vicinity of a proposed development that would require an additional road junction is a dangerous accident-prone section of road, by the siting of a static speed camera 180yards from the proposed access road to proposed development.
3. In addition to the static camera, a mobile speed camera is regularly positioned (outside the Methodist Church) – this is within a few yards of the proposed new junction. Again, the ruling surrounding siting of mobile speed cameras has to be in a location with an excessive number of accidents.
4. The siting of any speed camera, static or mobile, has to comply with certain minimum accident criteria, this includes fatal accidents and injuries' of varying degrees and non-compliance of vehicle speed limits – this information is freely available.
5. The access to the proposed building site on Old Blackburnians, will be between the Methodist Church and Hare & Hounds Public House. This would be an additional road junction onto already an accident prone road and what is already a very busy junction with Whinney Lane. At school times in the morning and afternoon, this junction is already difficult and dangerous to negotiate, an additional uncontrolled junction would increase accident potential.
6. It is a well-known fact that at school times parking in the vicinity of the proposed new road junction is dangerous and will without doubt will lead to further congestion and increase the risk of serious /fatal accidents.
7. It is acknowledged by Lammack Primary School, that parking is a problem and currently very dangerous, they have been displaying notice boards "please use the Hare and Hounds car park" - this facility will be lost when a new road junction is made at that location
8. Parking is a problem at school times, car drivers collecting and dropping off children are failing to comply with various laws - this behaviour is being condoned by the Council and Police, as no action is ever taken against car drivers blatant disregards for safety and the laws. These laws are made for a reason - road safety and an attempt to avoid accidents and injury. Laws are being broken, such as parking within 10mts of a road junction, reversing out into main roads, failing to observe parking road marking restrictions and carrying out dangerous manoeuvres. The Council should take responsibility for this situation and

consider that the introduction of new road junctions, causing additional traffic, both vehicle and pedestrian will introduce further danger.

9. Currently cars are parked outside the Methodist Church and the Hare and Hounds on a regular daily basis, this parking will cause a lack of visibility for anybody attempting to emerging from the proposed new access road from the development on Old Blackburnians.

55 new properties, it would be anticipated that each house would own at least 2 cars, this equates to 110 additional vehicles plus all the service/delivery vehicles comings and goings will result in additional accident potential

10. More housing, more children will result in more vehicle traffic to and from the school, exacerbating the current parking problems that result in congestion and danger to life.

11. Lammack residents, as a result of details outlined in item 8 already suffer from noise, nuisance and disturbance – additional housing will exasperate this socially unacceptable situation

Has the council carried out due diligence in respect of road safety in this location and considered the impact on safety?

In respect of other issues and concerns – have the Council carried out due diligence and be able justify the following: -

- A. The Council have already given planning consent for three other nearby new housing developments, the current schools in the area do not have the capacity to accept additional children, if we consider the 55 proposed new houses on Old Blackburnians, this could result in anything up to 100 new children in the area requiring primary/secondary education – if we add on the possibility of the number of children that could be generated from the three other nearby new sites, the number of new properties in the area will exceed 300, this could generate anything up further 400 children. Has the council carried out due diligence on educational needs and social requirements?
- B. In the Lammack area there is already a lack of social facilities in the area for both children and adults, the loss of the football pitches on Old Blackburnians, is yet another loss, surely the Council must consider that Instead of more unnecessary housing, it would be socially more desirable/acceptable to consider that land is used for socially acceptable uses, such as a park, sport facilities and or playgrounds?
- C. We have lost more than an unacceptable level of green belt in the Lammack and nearby surround area for house building – Two sites on Whinney Lane that encompass green belt land adjoining Yew Tree Drive, one site next to the Knowles Arms (EGO Restaurant) Brownhill and one site on land adjoining Royal Oak Pleckgate Road. Do the Council feel that further loss of

Green belt land for housing is acceptable?

- D. Why do the Council consider that there is a need for so many additional houses in the Lammack and nearby surrounding locations?

I look forward to receiving confirmation that you have received this communication, along with your views and comments on the points raised

Obj – Mr A Sumner – 135 Lammack Road – Rec 12.07.19

Dear sir/madam

Re - your letter dated 27th June 2019 (copy enclosed) regarding planning application for new housing on The Old Blackburnians Memorial Ground off Lammack Rd, Blackburn.

Having discussed the above proposal with a number of residents it would appear that there are a some issues regarding the planned development mentioned in your letter.

The overall feelings of most residents is that there are no serious objections to this development, but there are very strong feelings regarding the safety aspect.

As it stands at present the residents of Lammack Rd. are plagued with drivers often travelling at speeds in excess of 50 miles/per hour in a 30 mile per hour zone.

As I am severely disabled myself and permanently in need of a wheel chair this makes crossing the road particularly hazardous for myself as you will appreciate.

What should also be considered is that whilst building is in progress heavy vehicles will be travelling on Lammack Rd. over this said period of time, and more importantly there is a primary school situated on this route not far from the proposed entrance to this new estate, which I think you will agree makes it even more critical that safety measures are put into place before development of this site commences.

The general opinion of most residents is that providing the Council is prepared to put into place on Lammack Rd. prior to building commencing a number of safety measures i.e speed cameras, speed bumps etc. then there should be no objections from the residents to this development going ahead as planned.

I look forward to your prompt reply.

Yours sincerely

Obj – Chris & Christine Fossard – 84 Lammack Road – Rec 16.07.19

Dear Sir,

Thank you for further information concerning the planning application for 55 dwellings at the Old Blackburnians Memorial Ground near Lammack Road. The application includes land adjacent to two sides of our property and we would like to make the following comments:

1. 55 3 and 4 bedroom dwellings will mean that there will be at least 55 and up to 100 or more vehicles requiring access to and from the new development.
2. Only one single carriageway running between the Methodist Church and the Hare and Hounds public is envisaged as access between the new dwellings and Lammack Road. The junction with Knighton Avenue and Whinney Lane is busy and likely become more so with other new developments in the area.
3. The loss of parking spaces due to the building of the access road will result in increased parking on Lammack Road making it more congested and dangerous.
4. This increased congestion will lead to more pollution at school times particularly. There is now clear and well-documented evidence that pollution causes irreparable damage to the health of those close to the traffic, especially children.
5. We are also concerned by the planned road's proximity to our garden which will produce both air and noise pollution.
6. We understood from the original application that there were to be a number of 'affordable houses'. Please could this matter be clarified as to how this affects the original outline planning application and how the developers intend to compensate for this. There is mention in the application but no details.
7. We are concerned by the loss of green areas in Lammack in view of climate change and would welcome your views as to how this could be mitigated.

Thank you for taking the time to read our comments regarding the planning application.

Yours faithfully,

Obj – Ian Robertson – 78 Lammack Road – Rec 17.07.19

I write with reference to the above application at the **Old Blackburnians Memorial Ground, Lammack Road, Blackburn BB1 8LA.**

I own the property adjoining this land, the Hare and Hounds pub, which forms part of the access to the proposed site and I am trying to be helpful. I have four points to raise and be answered:

- (1) On the plans there is no access shown to the car park of the Hare and Hounds. There has been access to the site for over 100 years. Miller Homes visited the pub late last year to confirm this and

reiterated it a couple of weeks ago but have not formally informed me. It is not shown on the plans and that is, at best, an innocent omission or a deliberate attempt to block off the pub. Therefore, the plans are not legal as they stand in my opinion.

(2) Has there been a traffic assessment on the impact of 55 houses (probably at least 100 extra cars) using a very limited junction. It just isn't suitable. Also, Lammack Road and Four Lane Ends do not have the capacity to take this on together with the impact from the development on Yew Tree Drive.

(3) There will be a 1 metre high wall delineating the pub and the access road so will that not have an adverse impact on sight lines and is there enough width for utility and emergency vehicular access?

(4) Parking in the area is horrendous and there are many documented problems. 12 car parking spaces have been provided next to a new sub station and can you confirm these are public spaces? All currently available parking (through the areas owned by the Old Blacks, Church and Hare and Hounds) are very busy every day and used by the schools. Is there now to be only 12 spaces for the public?

I look forward to your responses.

Obj – Mr Sufyaan Patel – 32 Willow Trees Drive – 18.07.19

I am writing to contest and express my discontent on Planning Application Reference 10/19/0617 for the proposed 55 dwellings at the Old Blackburn Memorial Ground, Lammack road playing fields.

There are numerous reasons why this planning appeal should be reconsidered and rejected. There are already considerable parking issues in and around Lammack road and the branching cul-de-sac streets of willow trees drive, Grasmere Avenue, Whinney Lane and Knighton Avenue.

There is considerable School traffic Congestion for 2-3 hours per day from Lammack school and any additional traffic from the proposed 55 dwellings and associated 55 plus cars would make this situation unbearable.

There are also reservations that the plans submitted comply with planning policies. New houses need to be approximately 21m away from the rear which the developer needs to comply with.

One must question the need for such a large 55 dwelling housing estate, or if at all when there are currently 3 large housing estates being built concurrently and now near ready within the Lammack area. There 3 large housing estates are at whinney Lane Hedgerows estate built by Wain Homes, second is Roe Lee gardens estate built by Miller Homes and thirdly on Ramsgreave drive estate being built by Persimmon homes. With the above in mind this area is being heavily populated area.

Please can you confirm receipt of this email? And I look forward to hearing from you soon.

Yours sincerely

Obj – David Clark – Pleckgate High School – Rec 18.07.19

I write in relation to the planning application near to Pleckgate High School at Old Blackburnians Memorial Ground, Lammack Road (10/17/1380).

As a school we are pleased that new houses will be built close to the school. However, we are concerned that with additional properties this will add additional users to the busy public footpath that runs through our school boundary from Lammack Road to Pleckgate Road.

We ask whether it is possible to re-route this current footpath so that it does not directly run through the school. This path is a considerable safeguarding issue for the school and we are concerned that with an increase in users this will become even more difficult to manage safely.

Please can you respond to me directly via my email address or by letter to the school as follows:

David Clark

School Business Manager

Pleckgate High School

Pleckgate Road

Blackburn

BB1 8QA

Regards,

Obj – Mr & Mrs S A Toase – Whinney Lane Resident – Rec 20.07.19

I am writing to object against the recent proposals of the 55 homes behind old blackburnians and the hare and hounds public house, the above two reference numbers are on the notifications poster.

I am appealing on the grounds of:

Lack of infrastructure to support more homes and traffic Increase in traffic in an already busy area
Lack of any action from council to improve current situation Increase in traffic around school Lack of
school places available Already two developments in close proximity not yet completed or sold.
Building on green field sites before brown field sites The amount of derelict land and property that
could be used instead.

Increased risk to residents, public and school with increase in traffic.

No plans to alleviate the traffic flow on Whinney lane and Lammack Road.

Destruction of wildlife habitats.

Increased risk of flooding to the beck and local properties.

Could you please acknowledge receipt of this email.

Regards

Obj – Mrs F Tomlinson – 30 Lammack Road – Rec 26.07.19

Good morning,

I wish to object to the planning permission for dwellings to be built behind Old Blackburnians. As I am sure you are aware there are already numerous homes being built at Whinney Lane and Ramsgreave.

How can the local community sustain this?

Not enough places at the 2 local schools already.

Build up of traffic is already at a dangerous level.

Not enough GP surgeries. I always struggle for appointments.

No local play area, corporation park is the nearest and not fit for purpose.

Unlikely the homes will be for 1st time buyers.

No parking for the tournaments around QEGs as it is.

Regards

Obj – Sylvia Ackers – 14 Petrel Close, Lammack – Rec 26.07.19

Dear Sirs,

I wish to voice my objections to the above proposed development.

The area has already lost valuable green spaces and for the number of houses proposed it will put added strain on an already oversubscribed infrastructure of schools & roads etc.

The council should be concentrating on undeveloped brown sites in the town centre not destroying green spaces that will never be recovered.

Regards.

Obj – Mr A Sumner – 135 Lammack Road – Rec 14.08.19

Dear sir

Re - my letter dated 3 / 7 / 19. (copy enclosed)

I have not received any reply to my previous letter regarding safety measures on Lammack Rd. Blackburn.

As you may or may not know since my last correspondence there have been a number of quite serious accidents at the junction of Lammack Rd. and Ramsgreave.

It does mention in one paragraph of your original letter to residents quote "due to high volumes of correspondence received we are unable to acknowledge any comments submitted " but I believe that you have only received a small number of replies regarding this matter, and I therefore believe that some sort of reply under the circumstances would not be too much to ask before I meet again with other residents in the area.

As I mentioned previously I am severely disabled and have had a number of problems in the past crossing Lammack Rd. due to speeding traffic so I think you will appreciate why this matter is of so much importance to me.

Could you please confirm that the safety measures on Lammack Rd. outlined in my original letter would be completed before work begins on the new site

I again look forward to your prompt reply.

Kind regards

2nd Obj – Mr A Sumner & Residents - Rec 23.08.19

Your Ref. No. 10 / 19 /0617

Date 20 / 08 / 19

Re-your last letter dated 15th Aug. 2019 (copy enclosed)

Rather than sending out a standard letter just to pasify the residents could you please for the last time tell me if the safety measures I have mentioned in my previous correspondences be put in place before the said development takes place on Lammack Rd. Blackburn.

As I have said in my past two letters , and other residents will confirm, these people don't just drive fast but drive like maniacs along this stretch of road.

Being severley disabled makes it very difficult for me to do as you ask and go on line or attend council meetings as suggested in your letters.

I would therefore again ask you to give me a simple answer to a simple question will the council be prepared to confirm that the safety measures previously asked for will be put in place in before work commences on Lammack Rd.

I assure you that I do have better things to do than sitting here writing letters, but I feel strongly that unless we receive a positive answer to this very serious question that you leave myself and the other residents with no other option than to write to the Telegraph explaining that Blackburn Council do not have any concerns or respect for the residents of Lammack Rd. many of whom may I point out have paid their council taxes for a great number of years, and it will be some time before the council receives any revenue from the proposed new site I

I look forward hopefully to a possitive reply.

Kind regards

BLACKBURN WITH DARVEN
Borough Council.

CLAIR BOOTH 22 Willow Trees Dr
Development Department Blackburn
29th August 2019 BB1 8LB

Dear Ms Booth,

Thank you for
giving the opportunity to
reply to your letter of
15th August 2019 Ref 10/19/0617

I feel the planning &
development of Old Blackburn
-ians Memorial Ground
presents a unique way
for Blackburn in
becoming a leader
in re-development.

May I suggest, it
has now become
widely accepted that
carbon increases must
be cut. One way is

is the planting of more
trees and may well
be legislated for in
the future. For the
benefit of all preservation
of the remaining established
trees. It would be a
first to consult the
Woodland Trust.

Finally, I would
like to add the
foresight of our forebears
in planning park-land
& housing at ROCHES
PARK 1923. Perhaps a
combination we could
learn from Mr. To-day

Thank you for reading
the content of my letter
it may go in some way
in what it the

Best for all the
Residents & Developer.
Please arrange for this
letter to be read out at the
meeting of the Planning Committee

Yours sincerely

REPORT OF THE DIRECTOR

Plan No: 10/19/0676

Proposed development: Full Planning Application (Regulation 3) for Proposed SEN Classroom extension plus external canopy including internal alterations

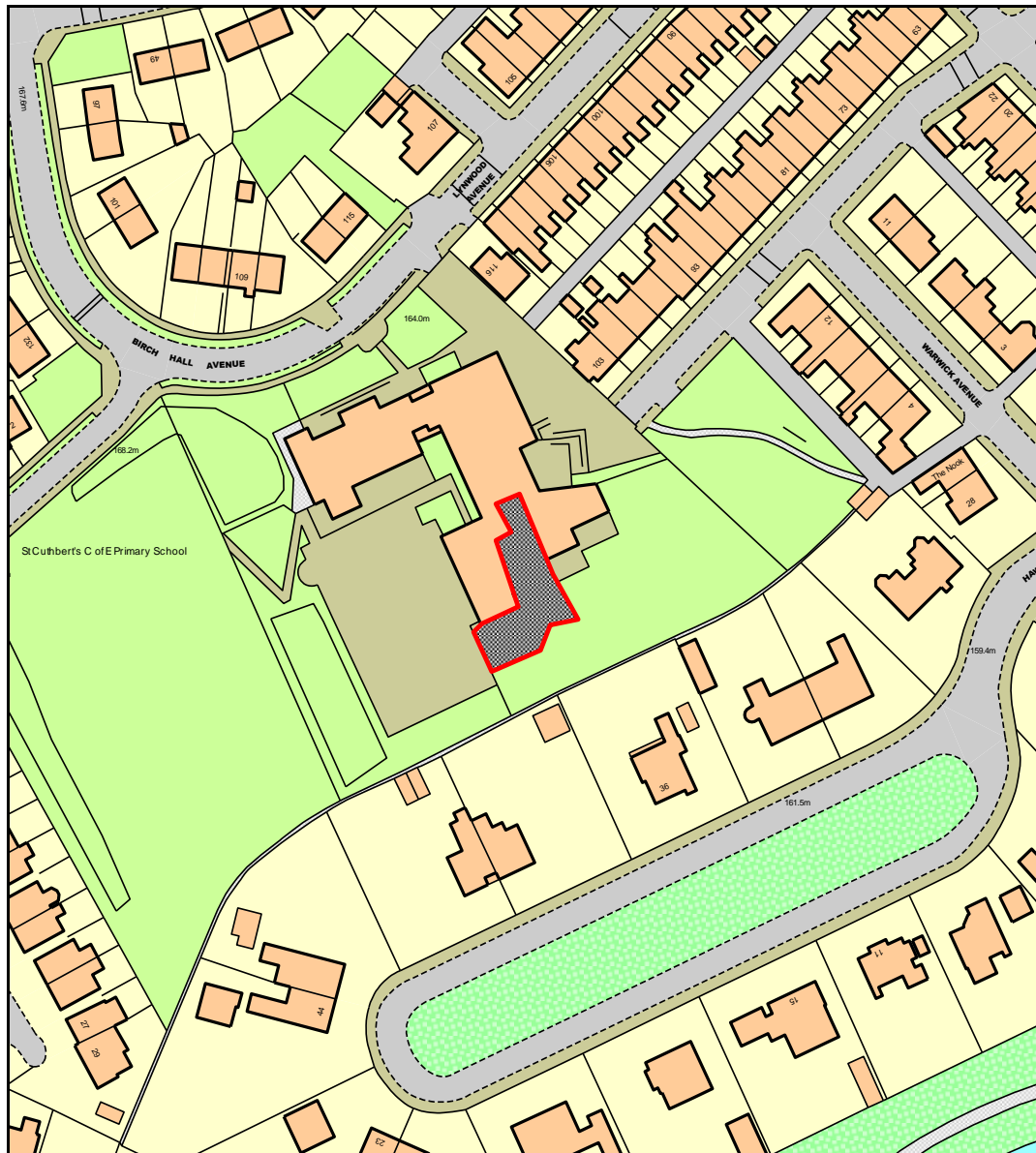
Site address:

St Cuthberts Church of England School
St Albans Road
Darwen
BB3 0HY

Applicant: Blackburn with Darwen Borough Council

Ward: Darwen West

Councillor	Stephanie Brookfield
Councillor	Dave Smith
Councillor	Brian Taylor



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is **recommended to be approved** planning permission for the reasons as discussed in Section 3.5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is being presented to the Committee on account of the application having been submitted by the Council's Department for Growth and Development.
- 2.2 The key issues to be addressed are as follows:
- The context of the development
 - The design of the development
 - Possible ecological implications of the development

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The location of the school is on land between Birch Hall Avenue and Hawkshaw Avenue, Darwen. Warwick Avenue, St. Albans Road and Lynwood Avenue are to the east of the site.
- 3.1.2 The proposed development is on the south (rear elevation) of the school, with the rear elevations of the dwellings on Hawkshaw Avenue being a minimum 30 metres from the extension, and the rear elevations of the dwellings on Warwick Avenue a minimum of 75 metres away.

3.2 Proposed Development

- 3.2.1 The proposal is for a single storey extension to an existing classroom of 4.1 metres, with a further projection of 4.2 metres forming a covered play area or canopy. Aluminium-framed west side and rear elevations with black timber cladding provides an open aspect towards the forest school, with pull-down shutters providing security for times when the school is closed. The east side elevation is largely timber-clad with two aluminium-framed openings, also provided with shutters.
- 3.2.2 The flat roof to the classroom extension has a height of 3.9 metres, consistent with the existing classroom, whilst the covered play area has a height of 3.5 metres.

3.3 Development Plan

3.3.1 Blackburn with Darwen Borough Local Plan Part 2 – Site Allocations and Development Management Policies (December 2015)

- 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 National Planning Policy Framework (NPPF) (July 2018):

- Section 8: “Promoting Healthy Communities”
- Section 12: “Achieving Well-Designed Places”

3.5 Assessment

3.5.1 Context: Paragraph 72 of the NPPF requires ‘great weight’ to be given to the need to expand or alter schools.

3.5.2 The proposed development provides for a single storey extension comprising of an extension to the existing SEN classroom projecting out by 4.1 metres from the existing rear elevation, with a further 4.2 metres to form a covered play area opening out towards the Forest School. The flat roof to the classroom extension has a height of 3.9 metres, consistent with the existing classroom, with the covered play area having a height of 3.5 metres.

3.5.3 The Design and Access Statement submitted sets out the thinking behind the proposed development: The school is looking to cater for an additional three to five pupils and if possible to accommodate additional pupils for future proofing. Whilst existing space is sufficient for the existing thirteen pupils there is no allowance for break out, therapy, group teaching, sensory provisions and SEN office, and the facilities needed cannot be accommodated within this area / footprint. The proposal applies option 2 from BwD’s Feasibility Study which seeks to provide a new SEN classroom as an extension of an existing class base plus internal alterations to create sensory and therapy rooms, an SEN office, new staff toilet facilities and a Primary Hygiene Suite. The proposal also allows for the formation of a canopy / external sheltered play and learning area.

3.5.4 The NPPF requires a sufficient supply of school places to meet the needs of existing and new communities, and the approach of LPAs should be to take a proactive, positive and collaborative approach. The proposed development is therefore considered to be in accordance with the NPPF in providing for the development of facilities at the school.

- 3.5.5 Policy 8 of Local Plan Part 2 requires development to incorporate positive measures aimed at the provision of adequate facilities for young people. The extension to the SEN classroom with its additional facilities and the open play area is considered to be in accordance with this Policy in that the development secures additional support for children with particular educational needs.
- 3.5.6 Policy 11 requires development to demonstrate an understanding of the wider context, with Policy 8 requiring neighbour amenity to be protected. The setting of the development is a school located within its own grounds, with the proposed extension set back from the general rear elevation of No. 36 Hawkshaw Avenue by some 30 metres, with a much larger separation distance to Warwick Avenue. The presence of trees in large numbers along the rear boundaries of the school form a screening to the development that is considered to ensure minimal visual impact on neighbouring residences. The proposed extension is single storey and subordinate to the main building.
- 3.5.8 The proposed development is therefore considered to be in accordance with the Local Plan Part 2.
- 3.5.9 *Design:* Both NPPF Paragraph 127 and Policy 11 of Local Plan 2 require development to express a high quality architectural style.
- 3.5.10 The proposed development breaks into the simple architectural rhythm formed by a 'stepped' projection of the single storey classrooms at the rear of the existing building. Classroom 3 projects furthest, at the west end of the school, with each subsequent classroom being set back between 3.5 and 3.7 metres behind its westerly neighbour. The result of the extension to Classroom 2 leaves it projecting some 4.6 metres forward of Classroom 3, rather than 3.5 or so metres behind it.
- 3.5.11 Materials proposed also break with the established fabric of the existing school building. Black stained timber cladding is proposed for the walls, with the classroom extension providing a bold and contemporary addition to the school building, and its walls linking into the covered play area (or 'canopy'). Elements of the materials and design are considered to provide an aesthetic link with the forest school, whilst the open nature of the rear elevation of the covered area is considered to provide the spatial link.
- 3.5.12 The NPPF requires development to be sympathetic to local character whilst not preventing or discouraging appropriate innovation or change (Paragraph 127). It is considered that the design and materials work well in understanding the context of the school building projecting out towards its forest school in a manner in which the building and the natural world work together.
- 3.5.13 Moreover, it is considered that the design and layout of the extension and 'canopy' reflect the aspirations of the school, as required by NPPF Paragraph 125.

3.5.14 The proposed development is therefore considered to be in accord with the NPPF and with Policy 11 of the Local Plan 2.

3.5.15 Ecology: Policy 9 of Local Plan 2 requires development to take into account the potential for impact on protected species and their habitats. An Ecology Survey was carried out on behalf of the school and submitted as part of the application.

3.5.16 The sections of the school within the zone of influence of the extension were assessed by a suitable ecological consultancy known the unit. No evidence of bats was found and the building assessed as having negligible bat roosting potential. It is considered that the level of impact to the existing building is small and the design of the building low risk. As individual bats can turn up in unexpected locations it is recommended that an informative addressing the discovery of bats is included in the planning permission.

3.5.17 No impacts on potential bird nesting habitat is indicated on the proposed site layout. As there is however potential bird nesting habitat in close proximity to the development, an informative is also recommended regarding the action to be taken on the discovery of a bird's nest.

3.5.18 Section 170 of the NPPF 2018 states that the planning system should contribute to and enhance the natural and local environment. The development will impact on a very small area of amenity grassland, a low value ecological habitat. The Council's Ecological Consultants consider that gain can be easily achieved through the provision of a small number of bat or bird boxes or the planting of a native tree. It is recommended that an informative be added to the planning permission advising the applicant as to achieving this net gain.

4.0 RECOMMENDATION

4.1 The proposed development is therefore **recommended to be granted planning permission** subject to the following condition:

Materials to match existing

5.0 PLANNING HISTORY

5.1 10/14/0008 – First floor extension. This application was submitted directly by the School Governors and not by the Local Authority. The application was approved under delegated powers on 7th March 2014.

5.2 10/09/1092 – Non-material amendment to application 10/09/0276 to reduce the width of the proposed south elevation. This application was submitted directly by the School Headteacher. The application was approved under delegated powers on 5th January 2010.

- 5.3 10/09/0276 – Extension to existing classrooms. This application was also submitted directly by the School Headteacher. The application was approved under delegated powers on 15th June 2009.

6.0 CONSULTATIONS

- 6.1 Four neighbouring properties were consulted. No comments or objections were received.
- 6.2 GMEU (Ecologists): No significant ecological issues were identified by the developer's ecological consultant. Potential ecological issues relating to bats, nesting birds and landscaping can be resolved via condition and or informative.

7.0 CONTACT OFFICER: John Wilson, Planner – 01254 585142.

8.0 DATE PREPARED: 5th September 2019

REPORT OF THE DIRECTOR

Plan No: 10/19/0677

Proposed development: Full Planning Application for residential development of 30no. dwellings, including provision of drainage infrastructure, public open space and associated works together with public car parking area, together with demolition of existing buildings and associated works including bat mitigation measures.

Site address:

Land South of Tower Road and West of Hillcrest Road
Feniscliffe
Blackburn
BB2 5LF

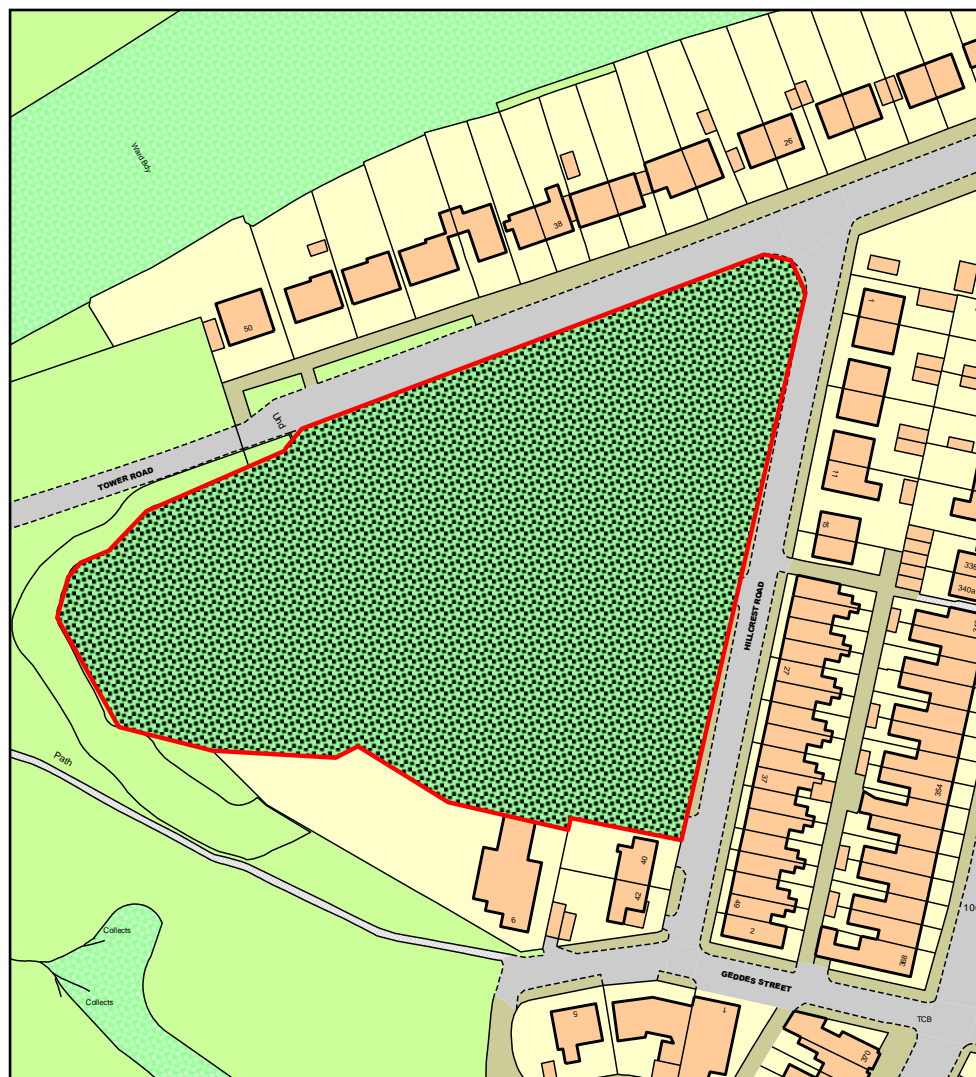
Applicant: Applethwaite Ltd

Ward: Livesey With Pleasington

Councillor: Derek Hardman

Councillor: John Pearson

Councillor: Paul Marrow



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The proposal is in the form of a full planning application. Members are advised that outline planning permission was granted under a previous application in 2017. Although an application for Reserved Matters could be submitted subsequent to the granting of outline permission, the applicant pursued the alternative option of a full planning application, to enable a single process full assessment. Notwithstanding this, members are further advised that, as the outline permission is currently extant, a Reserved Matters application could also be advanced.
- 2.2 The assessment establishes that the proposal corresponds with the Council's overarching housing growth strategy, as set out in the Core Strategy and Local Plan Part 2. It suitably demonstrates delivery of a high quality development, consistent with the surrounding area, including a solution to the section of the site blighted by the redundant Home for Older Persons. It would also make an important contribution towards the Council's housing delivery target and it will add to the vitality of the local housing market. Moreover, from a technical point of view, all issues have been addressed through the application or are capable of being controlled or mitigated through planning conditions.
- 2.3 Approval of the application will allow positive progress to be made towards demolition of the redundant building. Development on the footprint of this building alone would not provide a viable scheme, prohibiting re-development and allowing the negative impact on the area to grow over time, as the building continues to deteriorate. It is, therefore, necessary to advance a high quality development on the whole of the proposed application site. Whilst an area of open space will be lost, this concern is robustly mitigated by two actions; the retention of a significant and enhanced area of open space and the provision of a commuted sum of £1000 per dwelling which will contribute towards enhanced open space and pathway improvements in the area of Pleasington Playing Fields / Witton Park, immediately adjacent to the site.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The site is currently owned by Blackburn With Darwen Borough Council. It is one of the Council's surplus strategic land assets detailed for housing; in accordance with the strategic aims and objectives of the Council's Growth and Development Business Plan 2019 – 2023. Following a robust tender process,

the applicants, Applethwaite Ltd, were chosen the developer. Disposal of the land thereto, is agreed, should planning permission be granted

- 3.1.2 The application site is an irregular shape, with an area of circa 1.25 hectares; comprising c.0.35 hectares of brownfield land and c.0.90 hectares of open green space. It accommodates a redundant Home for Older Persons in the southerly corner. Land levels are relatively consistent throughout. The building and its associated parking and servicing area account for the aforementioned brownfield portion which is included on the Council's Brownfield Register. The remainder of the site is open space, of which approximately half is allocated as Green Infrastructure (GI) in the Local Plan Part 2 Site Allocations and Development Management Policies. This is primarily identified as the green space to the north of the redundant building, extending west to the access gates into Pleasington Playing Fields and returning in a south easterly direction back to towards the building. The open space to the west of the building extending up to the urban boundary is unallocated. The site features a number of trees, both within the confines of the redundant building and along the length of Tower Road. Access to into the development is proposed via Tower Road, at the northern boundary.
- 3.1.3 Spatially, the site lies within the outer extremities of Blackburn's urban boundary, circa 100m west of Preston Old Road, occupying a corner position at the junction of Tower Road (to the north) and Hillcrest Road (to the east). To the immediate south is housing and beyond is Geddes Street which adjoins Hillcrest Road. To the west is Witton Country Park which accommodates Pleasington Playing fields; an area which forms part of a Biological Heritage Site, within a much wider Green Belt allocation. No part of the application site lies within the Green Belt.
- 3.1.4 The surrounding area to the north, east and south is characterised as residential. Tower Road, along its length opposite the application site, hosts a range of detached a semi-detached family house types. Hillcrest Road opposite the application site hosts a mix of semi-detached and terraced house types.
- 3.1.5 The suburban location is generally regarded as very desirable, benefitting from its edge of Green Belt setting. It is a sustainable location for housing, with convenient access to a bus service along Preston Old Road, Cherry Tree Train Station and local convenience shops and is served by primary and secondary schools.

3.2 Proposed Development

- 3.2.1 Full planning permission is sought for a residential development of 30no. dwellings (14no. 3 bed & 16no. 4 bed), including provision of drainage infrastructure, public open space and associated works together with public car parking area, together with demolition of existing buildings and associated works including ecological mitigation measures; as set out in the submitted drawings and supporting Planning Statement.

- 3.2.2 Submission of the application follows detailed pre-application advice offered to the applicants and their consultant, setting out relevant issues to be addressed. In the context of the aforementioned outline permission and having regard to the Development Plan, including the Council's strategic growth objectives and national planning policy, the proposal received a positive appraisal; notwithstanding the Council's current demonstrable five year housing supply figure of 9.9 years.
- 3.2.3 A community consultation exercise was also undertaken, under the applicant's initiative; details of which are set out in the submitted Statement of Community Consultation.

3.3 Development Plan

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

3.3.3 Core Strategy

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

3.3.4 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 3 – The Green Belt
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 18 – Housing Mix
- Policy 38 – Green Infrastructure on the Adopted Policies Map
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development

- Policy 41 – Landscape

3.4 Other Material Planning Considerations

3.4.1 Green Infrastructure Supplementary Planning Document.

3.4.2 Residential Design Guide Supplementary Planning Document.

3.4.3 Blackburn With Darwen Brownfield Land Register.

3.4.4 National Planning Policy Framework (The Framework)

Overall, The Framework aims to raise economic performance by ensuring the quantity, quality and mix of housing reflect that required, with an expectation to maintain a 5-year housing land supply. Quality design should be secured and environmental impacts minimised. Effective use of under-used or vacant land is also emphasised. Areas of The Framework especially relevant to the proposal are as follows:

- Delivering a sufficient supply of homes
- Building a strong, competitive economy
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment.

3.5 Assessment

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

- Principle of residential development and demolition;
- Amenity;
- Environment;
- Highways;
- Design;
- Green Infrastructure;
- Affordable housing.

3.5.2 Principle

The principle of the development is considered under the Blackburn with Darwen Local Plan Part 2: Site Allocations and Development Management Policies; particularly Policy 9 – Development and the Environment, Core Strategy Policies CS1, CS5, CS6, CS8 and CS19 and the Council's Brownfield Register.

3.5.3 The site lies within the defined Urban Boundary; in accordance with Core Strategy Policy CS1, and Local Plan Part 2 Policy 1, which set out the principle that the preferred location for new development will be within the

urban area. Proposed house types consist of an appropriate mix, in response to the defining character of the area, and in accordance with Core Strategy aims and objectives of delivering a wider choice of quality family homes.

3.5.4 The application site includes 0.90 hectares of GI and unallocated open space. The Council's GI SPD quotes Natural England's definition of GI as a *strategically planned and delivered network of high quality green spaces and other environmental features. It should be designed and managed as a multifunctional resource capable of delivering a wide range of environmental and quality of life benefits for local communities. GI includes parks, open spaces, playing fields, woodlands, allotments and private gardens.* The SPD sets out the acknowledged multiple functions of GI as:

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

3.5.5 Consideration of the loss of the GI and unallocated open space is appropriately assessed against paragraph 5, entitled "Green Infrastructure", of Policy 9 of the Local Plan Part 2, which sets out that:

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

- i) The development can be accommodated without the loss of the function of open space;
- ii) The impact can be mitigated or compensated for through the direct provision of new or improved GI elsewhere or through the provision of a financial contribution to enable this to occur; or
- iii) The need or benefits arising from the development demonstrably outweigh the harm caused and the harm can be mitigated or compensated for so far as is reasonable.

3.5.6 It is accepted that the proposal will result in the partial loss of GI. Policy 9 does not, however, prohibit development in such circumstances, provided at least one the above criteria (i –iii) is achieved. As the proposal seeks to mitigate the partial loss of the GI / open space through a financial contribution (captured through a Section 106 Agreement) of £1000 per dwelling, it is considered compliant with criterion ii. This contribution will provide significant investment in the wider green network, including enhancements to Witton Park.

- 3.5.7 The proposal is also recognised as retaining a significant proportion of open space at the corner of Tower Road and Hillcrest Road and along the length of Tower Road up to Pleasington Playing Fields gated entrance, including retention of the avenue of trees. The area will be subject to environmental improvements to enhance and sustain its community value as a quality open space, through provision of a comprehensive landscaping scheme, in the interests of visual amenity, public functionality and biodiversity. It should be acknowledged that approximately 35% (4440sqm) of the application site will remain open and accessible to the public, taking into account a combination of footways, roads, public parking areas and open land.
- 3.5.8 The benefits of Witton Park should also be recognised as mitigating against the partial loss of the GI / open space and, accordingly, is afforded weight in this assessment. The park is a vast expanse of public open space and woodland, access to which is immediately adjacent to the application site, offering a range of recreational opportunity to the local community and beyond.
- 3.5.9 The principle of redeveloping the redundant building and its associated curtilage as a brownfield site is accepted, in accordance with its inclusion on the Council's Brownfield Register; subject to appropriate consideration of ecological issues associated with the established presence of bat roosts within the building and impact on wider ecological habitat within the application site. It is accepted by the Council's ecologist that appropriate mitigation and enhancement is offered to ensure that demolition of the building is acceptable. A detailed assessment with regard to ecological impact and biodiversity measures is presented at paragraph 3.5.25 of this report.
- 3.5.10 The submitted Ecological, Bat and Tree Reports have been reviewed by the Council's ecology consultee. They acknowledge that the removal of the building and trees adjacent to it will result in some loss of bat habitat and that a net loss of biodiversity may well occur. It is, however, considered that the loss can be sufficiently mitigated through introduction of alternative bat roosts incorporated into the design of proposed new dwellings, installation of bat boxes on trees prior to demolition of the building, through the minimised loss of existing trees / vegetation and a robust landscaping strategy. Incorporation of proposed protection measures for trees to be retained should also be adhered to throughout on site operations. In this context, permission previously granted for the demolition of the Home for Older People and erection of a bat house to mitigate the loss of bat habitat (ref. 10/14/1329), should be acknowledged. The bat house is, however, no longer required due to the design features to be incorporated within the new residential scheme, to provide an alternative habitat.
- 3.5.11 A developer affordable housing financial contribution will apply to the development. Payment will be secured through a Section 106 Agreement; details of which are set out at paragraph 4.1.
- 3.5.12 Recognition of the Council's current five year housing supply position should be included in the assessment. When the aforementioned (extant) outline

permission was granted, the Council was unable to demonstrate a five year supply. At the time the figure stood at 3.6 years. The current five year housing supply figure stands at 9.9 years; as published June 2019 in the Council's Five year housing supply statement. Notwithstanding this current position, the principle of the proposal is considered compliant with the Development Plan and The Framework. Moreover, very significant weight is attached to the extant outline permission, which may be advanced regardless of this current assessment.

3.5.13 In the absence of any significant and demonstrable adverse impacts of the development, in the context of demolition of the building on protected species, the financial contribution towards affordable housing and GI, the sustainable location of the site, and fall-back position of the outline permission, the principle of the proposal is accepted as compliant with the Development Plan and The Framework.

3.5.14 Amenity

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

3.5.15 The submitted site layout includes 30no. dwellings with associated curtilage, internal highway infrastructure, a communal car parking area and public open space. No discernible increase in existing land levels is proposed. The layout demonstrates compliance with the Council's adopted separation standards, as set out in the Residential Design Guide SPD, with regard to interface between proposed habitable rooms within the application site and between those outside of the application site, along Tower Road and Hillcrest Road. Appropriate separation is also achieved between habitable rooms and blank elevations.

3.5.16 Of the existing dwellings adjacent to the application site, the relationship between 6 Geddes Street and plot no. 14 requires specific attention. The dwelling proposed at plot 14 will project forward of the rear elevation of no. 6 by circa 6m. Application of the 45 degree criterion, as set out in the Council's Residential Design Guide SPD, indicates a mutually acceptable relationship, with regard to safeguarding light levels into the adjacent rear room of the single storey element at no. 6, which the householder has confirmed is in use as a domestic gym. Appropriate separation from the common boundary guards against any sense of dominance towards the extensive rear garden space of no. 6, and the absence of primary windows in the side elevation of either property ensures no loss of privacy to internal living space.

3.5.17 Mutual privacy levels are also achieved to outdoor garden space, notwithstanding the modest elevated level of plot no.14. The rear garden space of plot no.14 will be positioned adjacent to the less sensitive front garden of no. 6, which is currently used for the purpose of off street parking, including siting of a caravan. The less sensitive front garden to plot no. 14 will be positioned circa 1.5m from the common boundary adjacent to a small section of no. 6's rear garden. This converse garden relationship between the

two properties is not considered to result in excessive loss of privacy. A proposed 1.8m high fence along the common boundary will further safeguard privacy levels for occupants of no. 6.

3.5.18 Each of the proposed dwellings will be served by good sized plots, with appropriately orientated rear gardens; ensuring ample private space to service the needs of householders.

3.5.19 A Phase 1 and 2 Contaminated Land Report has been submitted and reviewed by the Council's Public protection consultee. The undeveloped part of the site is accepted as free from any form of contamination and need not be subject to further investigation. It is mutually agreed that the area occupied by the Home for Older persons, subject demolition works, requires further intrusive investigation to inform the need or otherwise for remediation. These works will be secured by condition.

3.5.20 A Coal Mining Activity Report and subsequent intrusive ground investigation has been reviewed by the Coal Authority, in view of historic coal mining activity within the site. As the investigations do not identify any threat to the development from coal mining activity, no objection is offered.

3.5.21 Electric vehicle charging points are to be provided for each property, in accordance with a submitted scheme. Control of boiler emissions will be secured by condition. These measures will contribute towards mitigation of air quality impact; in accordance with the Council's adopted *Air Quality Planning Advice Note*.

3.5.22 A degree of disturbance during construction phase of the development is recognised as inevitable. Such disturbance is, however, temporary and considered acceptable, subject to application of a condition limiting hours of construction, and for works to be undertaken in accordance with a submitted Demolition / Construction Method Statement, in order to secure appropriate noise and vibration protection during construction works.

3.5.23 Accordingly, the development is considered compliant with safeguarding amenity objectives of the Development Plan and The Framework.

3.5.24 Environment

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

3.5.25 Drainage

A drainage strategy has been submitted and reviewed by United Utilities and the Council's Drainage consultee. Percolation tests within the site have established that on-site surface water soakaway would not be feasible. A proposal to install a cellular storage system and a hydrobrake which limits surface water run off to acceptable discharge rates into a culverted water course, within Council owned land off Tower Road, is considered by the

consultees to be an acceptable alternative. Implementation of the approved strategy will be secured by condition. A future maintenance and management scheme for the implemented drainage measures will be secured by condition.

3.5.26 Ecology

An Ecological Report and a Bat Survey, including a series of Emergence Survey's, the latest series of which were undertaken in July and August 2018. Information has been reviewed by the Council's Ecology consultee (GMEU). The bat surveys confirm that the redundant building is used by a small number of roosting bats; a maximum of two common Pipistrelles and one Brown Long-Eared. It is recommended that mitigation and compensation measures, as identified in the Ecology Survey Report (2017), be adopted and implemented; ensuring harm to bats will be avoided and their conservation status unaffected. Such measures will be secured by condition.

3.5.27 In terms of general habitat, the site is considered relatively species-poor grassland of limited conservation value. Introduction of a submitted and comprehensive landscape strategy is considered to ensure sufficient compensation for loss of open green space and to achieve acceptable biodiversity gain. Adjacency to Pleasington Playing Fields / Witton Country Park and its associated ecological and biodiversity benefits should also be recognised. Implementation of the landscaping scheme will be secured by condition.

3.5.28 Protection of nesting birds will also be secured by condition, by means of restricting works to trees and vegetation to outside the optimum period for bird nesting; between March and August.

3.5.29 An invasive plant species remediation method statement should also be secured by condition.

3.5.30 Trees

No protected trees are present either within the site or immediately adjacent thereto. A number of trees are, however, proposed to be removed; as identified in the submitted Arboricultural Impact Assessment. The majority are within or adjacent to the area of demolition. No objection is offered as to the removal of these trees, on account of the aforementioned landscape strategy which includes compensatory replanting through the site. Existing trees along Tower Road and the southern and western boundary of the site are to be retained.

3.5.31 In the context of an ecological assessment of the site and in accordance with the EU Habitats Directive, an *Appropriate Assessment*, as set out in National Planning Policy Guidance (updated 22nd July 2019), as to the impact of the development on habitat and species, is not considered necessary, on account of such assessment relating only to impacts on *Special Areas of Conservation, Sites of Community Importance, Special Protection Areas and any relevant Marine Sites and the impact of relevant species or habitats which form their component part for which designation is made*. The application site is not within any of the impact zones for these protected sites, as identified by

Natural England. This position is confirmed by the Council's ecology consultee.

3.5.32 Accordingly, the development is considered compliant with the environmental objectives of the Development Plan and The Framework.

3.5.33 Highways / Accessibility / Transport

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

3.5.34 No objection to the proposal is offered from a highway safety and efficiency perspective, following review of the submitted layout, house types and a Transport Statement by the Council's highways consultee. The layout demonstrates appropriate off-street parking for each of the properties, through provision of a mix of garage and driveways; broadly in accordance with the Council's adopted standards.

3.5.35 The Transport Statement does not highlight any significant impact on the existing highway network. Works to existing infrastructure is accepted as unnecessary to support the development. Access into the site will be taken from Tower Road, to the north. Private drives will be accessed from the new internal road for 24no. of the dwellings. Hillcrest Road will serve as access for 6no. of the dwellings. Access / egress arrangements throughout the site are acceptable; subject to achieving continued visibility splays and sight lines.

3.5.36 Pre-application community consultation highlighted pre-existing parking issues, particularly along Hillcrest Road, as a consequence of displaced parking following introduction of a Traffic Regulation Order (TRO) limiting on street parking along Preston Old Road, to the east of the application site, and commercial uses in the vicinity. In support of resident's concerns and to help alleviate on street parking demand, a 15 space car park is offered, within the south east corner of the site. The car park will be fully marked out and surfaced, in accordance with submitted detail, and will be available for use by the community. No limitations to its use will be applied, though provision of signage advertising its availability will be considered; independent from the planning process. The car park will be gifted to the Council by the developer upon completion of the development and is a welcomed inclusion, as a concession to local residents concerns. Members are, however, advised that the car park is not a policy requirement to make the development acceptable in planning terms, nor is it incumbent upon the developer to address pre-existing parking issues in the area, including those that may arise during occasional large scale events hosted in Witton Park which are licensed up to a maximum of six per year. Planning policy, in the context of off street parking, is limited to provision for each of the proposed dwellings; in accordance with adopted standards. Consideration beyond this principle is not justified in the assessment of this application. Regardless, the proposal clearly demonstrates an overall net gain in parking provision for the existing community.

- 3.5.37 The Transport Statement sets out a proposed TRO for double yellow lines along Hillcrest Road. The proposal is not, however, supported as this will result in the loss of the existing on-street provision, having regard to the accepted parking issues in the area and the risk of negating the purpose of the proposed off street car park. On street parking availability along Hillcrest Road will, therefore, be retained, with the exception of the points of access into private driveways.
- 3.5.38 In response to community concerns, the existing footpath incorporated along the public open space adjacent to Tower Road, will be extended up to the entrance to Pleasington Playing Fields. Funding for additional footpath provision could potentially be explored, to extend the path to facilitate safe entry around the gated entrance.
- 3.5.39 Implementation of a submitted Demolition / Construction Method Statement will be secured by condition, in order to safeguard highway safety and efficiency, and to protect existing residential amenity.
- 3.5.40 Conditions to require full specification of the proposed highway infrastructure will be also be secured by condition.
- 3.5.41 Accordingly, the development is considered compliant with the highway objectives of the Development Plan and The Framework.
- 3.5.42 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.
- 3.5.43 Layout of the development responds appropriately to the shape of the site and surrounding constraints. A number of dwellings will be outward facing along parts of Tower Road and Hillcrest Road, orientated in such a way as to retain the existing boundary of the site and continue the areas urban grain. This ensures that views into the site are maximised by maintaining a suitable highway frontage. Orientation also maximises sunlight into rear gardens for the benefit of future householders. Overall, the dwellings present an appropriate mix of detached and semi-detached types, at a scale proportionate to individual plot sizes and in response to properties in the immediate vicinity, which include detached, semi-detached and terraced.
- 3.5.44 In response to community concerns around the loss of publicly accessible open space, the layout incorporates a significant amount of compensatory open space, primarily positioned at the corner of Tower Road and Hillcrest Road but also running much of the length of the Tower Road frontage, up to the gated entrance into Pleasington Playing Fields. As well as providing a functional public area, it also serves to soften the appearance of the development on approach along Tower Road from the west, particularly in response to the sites position as an urban to rural transition. A robust planting scheme is proposed for this open space and throughout the site, including private gardens which, together with retention of many existing trees along the

perimeter of the site, will ensure a visually sensitive development and one that will offer adequate levels of ecological and biodiversity mitigation. Appropriate hard landscaping will be provided throughout.

3.5.45 Proposed house types are commensurate in scale with the surrounding typology. 6no. types are proposed, comprising 14no. 3 bed and 16no. 4 bed. 24no. will be detached and 6no. will be semi-detached. The houses are considered to constitute good design, through use of appropriate roof form, elevational detail, proportionate fenestration and walling / roofing materials that respond well to the immediate surroundings. Materials will be secured by condition, in accordance with details already submitted.

3.5.46 Robust boundary treatments will feature across the site, including 1.8m high brick walls fronting public areas and 1.8m high timber panelled fencing between plots. The communal car park will be enclosed by means of a 2.1m high timber panelled fence.

3.5.47 Accordingly the development is considered compliant with the design objectives of the Development Plan and The Framework.

3.5.48 Financial Contributions

An off-site affordable housing contribution of £255,000 (£12,500 per dwelling) is agreed with the developer. The payment includes a discount under the Vacant Building Credit allowance; as set out in The Framework. Discount is applied on account of the area occupied by the building to be demolished, which is the equivalent of approximately 10 dwellings.

3.5.49 A Green Infrastructure contribution of £30,000 is also agreed with the developer. This will provide enhanced GI within Witton Park / Pleasington Playing Fields.

3.5.50 Contributions will be secured by means of a Section 106 Agreement.

3.5.51 Summary

This report assesses the full planning application for the residential development of land at Tower Road, Blackburn. 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.

3.5.52 The following non-material issues have been raised in public representations received during the course of the application. As non-material issues, they are not afforded weight in the assessment of the application:

- Imposition of a timescale upon the developer for completion, with applicable penalties for non-compliance.
- Imposition of a condition to control future use of the open space within the development, to ensure it remains as such. This is not considered reasonable or necessary to the acceptability of the development. If plans are approved, any future unauthorised development (including use) of the

open space can be controlled under enforcement provisions of the Town and Country Planning Act 1990.

4.0 RECOMMENDATION

4.1 Approve subject to:

(i) Delegated authority is given to the Director for Growth and Development to approve planning permission, subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £285,000; broken down as follows:

- £1000 per unit towards Green Infrastructure in the area (details of where to be spent to be confirmed) and
- £12,500 per unit, inclusive of Vacant Building Credit, equivalent to approximately 10 units, towards provision of affordable housing in the borough.

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

(ii) Delegated authority is given to the Director for Growth and Development to approve planning permission, subject to conditions which relate to the following matters:

- Commence within 3 years
- Implementation of approved external walling and roofing materials
- Implementation of approved boundary treatments
- Implementation of Arboricultural Method Statement, including tree protection measures
- Implementation of approved (hard and soft) landscaping and biodiversity strategy
- Implementation of approved mitigation and compensation measures; as set out in the submitted Ecology Survey Report (Oct 2017)
- Submission of a Control / Eradication Method Statement for management of invasive, non-native species
- No tree felling or vegetation clearance between March and August, unless the absence of nesting birds has been established
- Foul and surface water to be drained on separate systems
- Implementation of the approved drainage strategy
- Submission of a drainage maintenance and management strategy
- Submission of management and maintenance details for new highway infrastructure within the development
- Submission of highway infrastructure engineering details including drainage, street lighting and street construction
- Implementation of approved Demolition / Construction Management Statement
- Visibility splays not to be obstructed by any building, wall, fence, tree, shrub or other device exceeding 1m above crown level of the adjacent highway

- Contaminated land - submission of detailed proposals for intrusive site investigations for area subject to demolition works
- Contaminated land – submission of validation report demonstrating effective remediation to affected areas
- Unexpected contamination
- Implementation of approved dedicated electric motor vehicle charging points
- Control of boiler emissions
- Limited hours of construction:
 - 08:00 to 18:00 Mondays to Fridays
 - 09:00 to 13:00 Saturdays
 - Not at all on Sundays and Bank Holidays
- Development in accordance with submitted details / drawing nos.

5.0 PLANNING HISTORY

5.1 The following planning applications relate to the application site:

10/01/0741 - Feniscliffe Bank Home for Older Persons: Planning permission for new car park (430 sqm), conservatory (75 sqm) and renewal of existing steel fire escape. Approved by Planning & Highways Committee.

10/14/1329 - Feniscliffe Bank Home for Older Persons: Planning permission for demolition of building and construction of masonry bat house to mitigate for loss of habitat for roosting bats. Approved by Planning & Highways Committee.

Note: Could not be implemented, as a licence from Natural England could not be granted without approval of a detailed application to redevelop the area.

10/17/1378 - Land at Tower Road: Outline planning permission for up to 30no. dwellings and demolition of redundant building. Approved by Planning & Highways Committee.

6.0 CONSULTATIONS

6.1 Drainage Section

No objection subject to the following condition:

- Submission of maintenance and management strategy
- Submission of a surface water construction phase management plan

6.2 United Utilities

No objection subject to the following condition:

- Implementation of approved drainage strategy

6.4 Education Section

No response offered.

6.5 Environmental Services

No objection.

6.6 Public Protection

No objection subject to the following conditions:

Noise

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

Air Quality

- Provision of a dedicated electric vehicle charging point at each dwelling.

Contaminated Land

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

6.7 Highways Authority

No objection subject to the following conditions:

- Implementation of Demolition / Construction Traffic Management Statement
- Submission of proposed highway infrastructure technical details
- Submission of management and maintenance details for proposed highway infrastructure
- No obstruction to visibility splays

6.8 Ecology

No objection subject to the following conditions:

- Implementation of the recommendations of the Ecology and Bat Survey's, to secure mitigation / compensation for habitat
- Implementation of approved landscape strategy
- No works to trees / vegetation during bird nesting season
- Submission of invasive species treatment strategy

6.9 Strategic Housing

No objection – support offered for good quality homes with an appropriate mix of house types etc, subject to affordable housing contribution.

6.10 Coal Authority

No objection following review of detailed intrusive site investigation report.

6.11 Lancashire Police

No objection whilst referencing Secured By Design Homes 2019 document.

6.12 Lancashire Fire Service

No objection whilst referencing access for fire appliances and water supplies for fire fighting purposes and Building Regulations requirements.

- 6.13 Public consultation has taken place, with 208 letters posted to neighbouring addresses; a press notice published 26th July 2019; and display of three site notices on 18th July 2019. In response, 15 objections and 2 general comments were received which are shown within the summary below.

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

8.0 DATE PREPARED: 4th September 2019.

9.0 SUMMARY OF REPRESENTATIONS

Comment - Loran Moriarty, 27 Hillcrest Rd - Rec 02.09.19

I was away at the time of writing and sending this email (below, dated 14.8.19), so didn't have access to the posters on Tower Road and Hillcrest Road (which have your name on). The Planning Application page on the council's website also didn't list any details for you for submitting responses (I checked every document) and the only council name was Nick Blackledge.

Anyway, I'd hoped that it would get passed on to the relevant person (in this case you) as it was sent within the time frame for responses, and referenced the planning application reference in the email title.

Please could you confirm that someone did forward it to you, and if they didn't, please can you accept this email as my official submission (which was submitted to the planning department in time, just not sent directly to you).

It's not a major objection anyway as you can see from the text below, and all things that the developers can hopefully take on board to make the development as environmentally and ecologically sound and thoughtful as it can and should be in this day and age.

Comment - Loran Moriarty, 27 Hillcrest Rd - Rec 02.09.19

Just a quick follow up:

Here is some information regarding ensuring the protection of Hedgehogs during construction. As you can imagine, being right next to the park, the site is currently used very frequently by hedgehogs (there might even be some hedgehog holes alongside the steel post and rail fence that runs the length of the retirement home boundary), and PTES have produced the attached document to ensure developers are aware of their duties and allow for proper mitigation to ensure best practise. I would forward it to the developer, but I don't think they'd reply.

Kind regards,

Development threats to hedgehogs

If you are concerned about a proposed development which will have an impact on your local hedgehog population, this page provides some guidance on how to influence developers and the planning authority to achieve a good outcome.

Hedgehogs themselves are partially protected from being taken or killed under Schedule 6 of the Wildlife and Countryside Act 1981, but there is no particular legal protection for their habitat. Consequently, arguments have to be presented to encourage sensitive development if there is a good population of hedgehogs on a proposed development site rather than opposing the development entirely.

Pre-application: Engaging with developer

If you are aware that a site has been earmarked for development but has not yet been formally submitted through the planning process, it is possible to contact the developer and make suggestions as to how the plans could be inclusive of the hedgehogs on site. Under the Localism Act 2011 there is a requirement for developers to carry out a pre-application consultation with local residents, so this could be an appropriate channel. Otherwise, the developer is likely to have contact details available on their website.

As the presence of hedgehogs alone will not be sufficient to prevent a successful planning application, it is better to convince the developer to make hedgehog-friendly modifications to their plans than to fight a losing battle against the development as a whole. These could include:

- Putting holes at suitable points in all new fences and walls to provide access for hedgehogs to all areas of the site
- Planting of native hedgerows across the development
- Providing log piles to increase nesting options for the hedgehogs
- Building a pond (with shallow sides for access) to provide water supply and insect food sources
- If the development includes communal areas, implementing a sensitive post-development management plan, such as carefully monitoring the use of garden machinery (such as strimmers) which can be lethal to hedgehogs and reducing chemical inputs

Some of the above will be of great amenity value to new residents or office workers, as will the continued presence of hedgehogs on the site. It is important to stress this point, as many developers will understandably be more interested in the benefits to the overall value of their development than implementing any strategies purely for hedgehog conservation. Many developers will also be keen to foster good relations with the existing local community, and so helping a treasured resident population of hedgehogs is a relatively easy way for them to achieve this.

Post-application: Engaging with local planning authority

If a planning application has been submitted, the local planning authority will welcome representations from local residents and interested parties regarding the proposals. Similar arguments to the pre-application technique can be used to persuade the planning authority to

encourage the developer to make adjustments to their proposal. This process is carried out through local planning portals, where documents relating to each individual planning application are made publicly available.

To find your local planning authority and the application in question:

http://www.planningportal.gov.uk/wps/portal/genpub_LocalInformation

If you already know your local planning authority and the application reference number, a web search will bring you to the relevant planning portal page.

Planning authorities should take the following into account when making decisions and it is worth reminding them of these obligations in any representations regarding the application, pointing out that hedgehogs are in decline and that providing a coherent network for them can aid population recovery:

UK Biodiversity Action Plan (BAP) Priority Species

Hedgehogs are listed as a UK priority species due to their continued population decline. Although the BAP scheme has been replaced by the UK Post-2010 Biodiversity Framework, the priority list is still used to inform wildlife priorities at various levels of governance across the UK and provide advice on good management practice. This does not, however, amount to legal protection.

The Natural Environment and Rural Communities Act (NERC Act) 2006 contains a statutory duty:

“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”

National Planning Policy Framework 2012

11. Conserving and enhancing the natural environment

109 - The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

Bern Convention on the Conservation of European Wildlife and Natural Habitats

Hedgehogs are listed in Appendix III of the Bern Convention (to which the UK is a signatory). This agreement recognised that *“wild flora and fauna constitute a natural heritage of aesthetic, scientific, cultural, recreational, economic and intrinsic value that needs to be preserved and handed on to future generations.”*

Wild Mammals Protection Act 1996

Prohibits cruel activities

Other recommendations:

Contact your local Wildlife Trust: Many Wildlife Trusts around the UK have dedicated planning officers or knowledge bases and it is possible that they have already engaged with the development site that near you and potentially already visited the site. They can also provide advice on mitigation for hedgehogs and other species at the site.

Contact Natural England: they manage the licence and mitigation process for species, although hedgehogs are only partially protected they will be able to provide some advice. The new [Gov.uk](https://www.gov.uk) website is not particularly user friendly but there are contact details for the licensing department of Natural England at the bottom of this webpage <https://www.gov.uk/construction-near-protected-areas-and-wildlife> - they may also be able to give advice on whether a licence has been issued for this site and the mitigation that has been agreed with the people carrying out the works.

Visit the PTES website: we have compiled various recommendations and advice on our own website for you to use, so please access that here: <https://ptes.org/planning-development-biodiversity/>

Responding to individual Applications:

Hedgehog Street do not normally respond to individual applications as we prefer to focus our efforts in ensuring that housing developers mitigate for hedgehogs in any development work that they do. This is because hedgehogs are only partially protected, objections along those lines are often disregarded.

However, we can provide a quote from Hedgehog Street that you can include in your own response to the application, where we can outline our strong concerns around hedgehog declines in the UK and that new housing developments put these at risk. We can also suggest various mitigation practises that can be adopted during development to ensure minimal disturbance or hedgehog-friendly features are included in the design of the new housing etc.

Quotation:

"Hedgehog numbers are rapidly declining nationally – with a third of the hedgehog population having been lost since the millennium – we aim to engage people in wildlife conservation as well as encouraging developers to help our prickly friends who are at risk from habitat disturbance or destruction.

Hedgehogs have been seen in the area of this development and are likely to be feeding and nesting in or around the development site. As they are at BAP (Biodiversity Action Plan) priority species and partially legally protected, we would like to suggest that you take certain steps to mitigate for these animals in your development work:

- *Ensure adequate ecological surveys are undertaken to survey for hedgehogs in the area*
- *Mitigation should always seek to avoid direct mortality to the animals and disturbance of hibernating or breeding animals.*

- Works taking place during October to March should be carefully undertaken to avoid injuring hibernating animals by undertaking works in suitable habitat slowly, being particularly careful when using machinery within a foot of ground level or when removing brash/log piles.
- Additionally, mitigation should seek to reduce any potential fragmentation of habitats though the introduction of physical barriers to dispersal such as hardstanding, fences and artificial lighting. Modern fencing systems that extend to ground level, particularly those with concrete gravel boards, are impermeable to hedgehogs. Where feasible, fencing should be created without the use of concrete gravel boards. A 13 x 13cm gap in gravel boards or at the bottom of the fence allows hedgehogs to pass through. Hedges or hedgerows are preferable to fences to define property boundaries.
- Please avoid using fence netting unless 13cm off of the ground as this may cause entanglement and painful death for the hedgehog
- Piles of dead wood and brash piles can be provided to mitigate for the removal of suitable nesting sites. Scrub patches (particularly brambles) that provide suitable hibernation nesting habitat are thought to be a limiting resource for hedgehogs and small patches of this habitat may be used by many animals. Therefore, where an area of scrub is lost, efforts should be made to replant areas with scrubby native hedgerow species such as bramble and hawthorn.
- Management and maintenance practices should take into account the presence/potential presence of hedgehogs and leave leaf litter in place or in piles as well as leaving log or brash piles. Where possible, in any development the total area of hard standing should be minimised in favour of grassland or permeable 'living driveways'.

Hedgehogs travel around one mile every night through parks and gardens in their quest to find enough food, nest sites and a mate. We suggest that for any new housing developments, Hedgehog 'highways' are cut in the garden fences of new homes to improve connectivity throughout the development and help protect this endangered species. Examples of this have been seen across numerous UK developers in the media, including [Barratt Homes/David Wilson Homes](#), [Russell Armer Homes](#), [Redrow Homes](#) and [Morris Homes](#) to name a few. If you are interesting in joining these and introducing simple solutions like 'Hedgehog Highways' into your developments please contact hedgehog@ptes.org and we can work together to bring these animals back from the brink."

- Emily Wilson, Hedgehog Officer at Hedgehog Street (a joint campaign from the People's Trust for Endangered Species and the British Hedgehog Preservation Society).

Comment - Loran Moriarty, 27 Hillcrest Rd – Rec 14.08.19

I'm just writing to submit my comments regarding the proposed development off Tower Road and Hillcrest Road.

I live at 27 Hillcrest Road, so am directly affected by the development.

Overall, I think the plans are acceptable: given the fact that we knew houses were always going to be built, and at least some of the green has been retained. Ideally, more of it would have been retained: for example, if the four houses opposite 15 and 17 Hillcrest Road were omitted from the plan, it would create a much bigger space for the green. I'm well aware that this is unlikely, but it would be ideal from a personal perspective too, as I currently have a lovely view of Billinge Woods, which improved my mood significantly (having had mental health issues in the past).

From a selfish perspective, based on the proposed plan as it stands at present, there is a gap between the two houses proposed to be opposite me, so that's some recompense, as it will increase the light and sightlines from my location.

With regards to the house designs: I feel they pay very little heed to the existing architectural vernacular of the houses on Hillcrest Road or Tower Road. I live at 27 and the style opposite me is to be the Newton. Some of the upper bedroom windows are tiny: the windows on the houses currently on Hillcrest Road are huge, and hugely beneficial for letting light in. There's an obvious style to Victorian and Edwardian houses and simple geometric rules to follow.

Additionally, I'd be suggesting smooth red brick rather than the Tuscan Red Multi: the smooth red is a much closer match to the old engineering brick of all the surrounding houses: the Tuscan Red Multi just isn't sympathetic, and just shows a lack of consideration of the existing architecture. This is surely a simple tweak.

If the houses could mirror the existing, the development would sit much better from an aesthetic perspective.

I also wanted to ensure that there would be a minimum space of 21metres between my windows and the windows of the new houses, as recommended in BwD's Residential Design Guide Supplementary Planning Document RES 2G (attached).

I like the fact that the houses on Hillcrest Road have drives - this all helps my case for privacy (the retirement home is presently way back from my house which suits me fine). The fact that there will be double yellow lines is of some concern as at present, the road is constantly double parked. I appreciate that a car park is being provided, but I wondered whether a permit scheme should be implemented to ensure it is (existing) residents and their families who can actually park there.

With regards to the planting plan, I was pleasantly surprised. I'm very encouraged to see trees planted in all of the gardens of the proposed houses, and most (if not all native) provide significant wildlife value, which will encourage biodiversity.

The plan for the green (which I presume won't have been popular with many residents) is also a positive step (apart from it being much smaller than it is at the minute) - I'm happy to see wildflower meadows amidst the amenity grass, and again, the trees will provide an interesting feature and provide for wildlife. However, wildflower meadows require a well thought out management regime to allow them to flourish - this information is readily available, but does need to be adhered to to ensure success.

On the subject of wildlife, a large number of hedgehogs (really) use the existing site. Given their precipitous decline, it would be nice (or good if it could be enforced?) if the new fences had hedgehog holes incorporated: these need only be very small (13cm x 13cm) and allow for hedgehogs to traverse from garden to garden - being right next to the park (where there's a sizeable population) I feel this could be a valuable addition to the site, and a serious consideration at little to no additional cost, but with the potential for enhancing the biodiversity of the site and helping maintain their numbers and keep them safe from the new roads that will traverse the site.

Likewise, a number of swifts and housemartins nest on Hillcrest Road: there's a huge array of specifically designed brick nest products that allow for them to nest in new houses: swift bricks are something that are being increasingly utilised, and I feel that given the significant decline in swift numbers, and the presence of a summer population (breeding) that this is something that should be given serious consideration, given the location. This is something the RSPB are currently advising

developers to commit to, and we all have a commitment to ensuring that any development is beneficial to wildlife (especially with the ecological crisis and climate crisis high on the political agenda and popular consensus).

<https://www.telegraph.co.uk/news/2019/05/09/rspb-asks-government-ensure-developers-build-bird-boxes-new/>

I feel it's worth highlighting (as I have several times to the council) that traffic calming measures of some form (average speed cameras?) should be utilised on Tower Road, and potentially Hillcrest. Vehicles often race in the park, and out of it, and it's not unusual to see vehicles in the park in excess of 60mph (including overtaking in a racing style). The recent accidental demolition of the park gate posts and near fatal accident is further proof that this is a real problem. Considering there was an event on with thousands of young people entering and exiting the park that day, it's a miracle that no one other than the drivers were hurt. I appreciate due to hearses that speed bumps are impractical, but perhaps a chevron system?

I'd appreciate it if you could confirm receipt of this email, and if you could genuinely impress on the developers the small but significant issues I've highlighted here.

I've tried to keep it as positive as possible, as I'm sure you'll have received a great deal of objections, and whilst I'd obviously love the retirement home to be knocked down and left as a meadow with views out to Hoghton Tower (and a potentially exponential increase in the value of my house), I also live in the real world. That's why if these small features to help wildlife, and small elements of architectural detailing could be genuinely looked into I'd be happy and feel that this was a genuinely democratic process. It could also just be a good news story for the council/ Applethwaite. The media likes a developer to look like a good guy and I'm sure the developer would too.
Kind regards,

Comment – Keith Murray, 34 Gib Lane – Rec 16.08.19

This scheme will increase the demand for parking by removing almost all the spaces now used on the west of Hillcrest Road, the additional 15 residential spaces are not sufficient for the demand. To alleviate this problem it is recommended that on street parking is permitted on the north side of Blackburn Road similar to that at Witton with provision for parking on the pavement. There is more road width here than when the bus lane was in place at Witton and such a provision would be appropriate.

The scheme proposed requires 10 mature trees to be removed, altering the character of the area and removing habitat for local wildlife, does the council no longer consider mature trees to be a local amenity, particularly as the felling of a single mature tree has in the past been considered sufficient to turn down a planning application.

Please confirm that the minimum separation distance of 21 metres between facing windows is achieved throughout the proposed scheme and that garages and parking spaces comply with the space standards specified by the Council.

The original application for this site stalled when it was realised that permission required special approval to protect the resident bats.

In 2016 onwards it was proposed to demolish Fenisccliffe Bank Home for the Elderly and Council budget of £80,000 was allocated to cover demolition. In 2017 this was reallocated for demolition at

Tower View Darwen and the scheme for Feniscliffe Bank reemerged as a much wider scheme 10/17/1378 including the rest of the land up to Tower Road and the public open space.

The scheme is not required for the Local Plan and is just a means of gaining income for the Council to spend on other priorities by land grabbing from the Leisure and Culture portfolio which also loses some of its assets due to the reduction in open space.

There were objections raised by local residents but outline planning was pushed through regardless and approved 23/2/2018 another demonstration of an uncaring council not listening to local residents, I doubt if this scheme would have progressed in a Labour dominated ward.

There is similar open space in Roe Lee Park along Emerald Avenue, ideally placed for similar or much larger development without the significant impact on local residents, will this similarly be considered as a development potential? Development here would also overcome the sporadic occupation by travelers and reduce grass cutting.

Dear Sir

8th Aug 19.

I write as a resident of Tower Rd.
& wish to make you aware of our concerns
regarding future building plans on the green
adjoining our premises.

The proposed double yellow lines for Hillcrest Rd
& Tower Rd will add to difficulty in parking
on this busy road.

Funerals - daily to the crematorium could
be delayed causing distress to all.

Leisure activities already mentioned
previously will be affected by the plans
for Whitten Park becoming an Events Venue.
Parking will now be greatly affected as
the use of the entrance to Pleasing fields
is a major part of these events.

A recent accident on Saturday 27th July
at 9.30 pm in the middle of an event
caused major disruption - the gatepost &
wall being demolished and no
access of exit by vehicles being possible.

This matter needs attention as it is evident
that safety matters have not been
fully addressed.

Yours sincerely

I would like to raise two objections to the planning application at the Land South of Tower Road and West of Hillcrest Road.

The objections/comments are as follows:

Parking constraints

The development has considered the loss of parking by allocating a car parking for what appears to be 14-16 cars. The average number of cars parked on Hillcrest is over 21 and as such this space will not sufficiently support the demand for parking in the area. There are no measures detailed to explain how parking will be allocated and as such this space could simply be used by visitors to the local businesses in the area or local businesses themselves. There is no guarantee it will alleviate pressure for local residents affected by the development.

The increased number of events at Witton Park and Pleasington Playing fields, and the introduction of car parking fees at Witton Park entrance has led to an increase in traffic in the area and non-residents parking on the side roads. There are times when it is not possible to park near your home or even on the same street. The parking constraints at Preston Old Road add further pressure to this already busy area.

Area of green / open space

The plans indicate a small area of green to be retained on the existing land. In light of the loss of land used daily by local residents for recreational use (many homes in the area have small gardens and this space is used as a public meeting place and for children to play freely) I would urge the council to retain this land as **designated public open space** so that it can continue to be used by existing residents for recreational use.

The plans indicate that numerous trees will be planted in this limited space. This would change the landscape of the area, add shading and darkness to a once open and bright space and reduce the use of the space to nothing more than a dog walking area. There are trees already lining Tower Road and I urge the Council to review this and leave the space with an open aspect and to be used as a multi-functional area for all to enjoy.

Obj - Mrs Michaela Heather - Rec 07.08.19

I am writing to lodge my objection to planning application 10/19/0677.

My objections are I do not believe the developer has taken consideration on the impact to residents of Hillcrest Road with relation to parking. The road already has a serious parking problem that is compounded by the double yellow lines on Preston Old Road. With most houses on Preston Old Road and Hillcrest having an average of 2 cars parking is already lacking. The local businesses only add to the issue.

I feel that the proposed car park is insufficient when taking into account the parking restrictions that are proposed on Hillcrest Road. The planning department and developers need to take serious action to alleviate these issues and look to make Hillcrest Road resident only parking with permits. Another consideration is the parking bay being increased.

The increased use of Witton Park being used for events is seeing Hillcrest Road and surrounding streets having massive issues with parking and disruption to the area. I would like to say that I believe all these valid issues need to be addressed as a matter of urgency.

Obj – Leigh Keen, 11 Hillcrest Rd - Rec 06.08.19

I refer to the planning application no 10/19/0677 and after viewing the documents online would like to register the following objections.

TRAFFIC

As a resident of Hillcrest road there are already severe issues with parking due to the 8am - 6pm Mon - Sat restrictions in place on Preston Old Road. Having spoken with residents living on Preston Old Road some 60% of families living there have at least 3 cars which is why there is an average of anything between 22- 26 additional cars parking on Hillcrest Road every single night.

The 81 page desktop traffic assessment included in the full plans completely ignores the impact of the parking restrictions on Preston Old Road and the knock on effect this has to the surrounding area. It mentions vehicle movements are taken into account from when Feniscliffe Bank functioned as an old peoples home (which had its own long standing traffic restrictions outside the entrance). What the assessment fails to take into account is the fact that the restrictions on Preston Old Road are recent in comparison and also the increase in cars per household. the proposed 15 space car park on the junction with Geddes St will simply not solve the problem as the spaces will be taken by visitors to the parade of shops you mention in the assessment i.e Cherry Tree Dental practice, Eye care Opticians who have no parking provision to name a couple.

A scheme similar to what you have employed to the east of Witton Park where cars are permitted to park with two wheels on the pavement could easily work on both sides of the main road and would free up valuable space if restrictions were removed. On the day/time when the assessment was carried out the traffic restrictions were in force but there was no mention of where the affected cars were having to park. The plans simply cannot be passed without full consideration being given to a proper parking assessment by officers.

The assessment also fails to mention the increase in traffic on evenings and weekends down Tower Rd following the introduction of Council parking charges at the main Witton Park car park. Several cycling and running clubs have relocated car parks which now causes an overflow forcing people to park all the way down the verge inside the entrance to Pleasington Playing fields (happy to provide photographs) forcing pedestrians to have to walk in the middle of the road sharing the space with speeding cars. There is also a complete failure to take into account the fact that Tower road now has to cope with the additional traffic involved with the Council approved increase of music festivals from 3 to 6 and that is just one company organising events, just how many other events are planned?

The traffic assessment will also not cover the recent car accident where a stolen speeding vehicle completely destroyed the gates to Pleasington Playing fields and blocked Tower road for 6 hours causing mayhem for coaches and taxis aiming to collect people leaving the dance festival. It was only by chance that pedestrians leaving the dance festival were not killed as that is now the approved pedestrian exit now that the park has become an entertainment venue.

OPEN SPACE

It is my understanding that the open space being left will be owned by the developer and maintained by a landscape management company at cost to the new homeowners. I want to see a planning constraint adding to the P&H Committee's decision to ensure that the remaining green space is designated public open space. The Council have throughout the planning process have always led me to believe that they would maintain ownership, control and maintenance of the green space. This is clearly not case, and as such the open space needs protecting.

The landscape statement included in the plans shows some 20 trees being planted on the open space, these will further restrict the open space being left and I would ask that these are removed from the scheme. An orchard was mentioned at the consultation event by the developer which nobody wanted or agreed to. As we are losing 2/3 of our open space what open space we are being left needs to remain OPEN SPACE!

FOOTPATH LINK

I have noticed that footpath link into Witton Park has been removed from the plans even though 52.3% of people asked at the consultation event wanted a link for safe entry into the park via the Pleasington entrance and all the previous plans designed by the council, including the tender document, have shown a footpath link. Applethwaite even included it in their consultation design, but now say in the public consultation document included in the full application, that it is now outside their area of ownership. THIS HAS TO BE INCLUDED in the final plans and the S106 monies raised from the housing will go some small way to improving the existing entrance as the Council stated in the original Outline Planning Application.

A lack of footpath and safe crossing places and a footpath intersection, which leads to nowhere, right on the now destroyed Pleasington entrance is an impediment to safe access especially for those with disabilities and also young children.

As this land is outside the applicants ownership or control, it is within the P&H Committee's powers to include this within the scope of the application.

I very much hope that you give due consideration to my objections and I wish to be consulted before design principles are put in place.

Obj - Feniscliffe Bank Resident Association – Rec 06.08.19

Following the recent meeting with yourself and Nick Blackledge regarding planning application 10/19/0677 the Feniscliffe Bank Residents Association would like to register the following objections.

- The footpath link into Witton Park has been removed from the plans even though 54% of people asked at the consultation event wanted a link for safe entry into the park via the Pleasington entrance and all the previous plans designed by the council have included a footpath link. Applethwaite say in the consultation document that it is now outside their area of ownership. This has to be included in the plans and the S106 monies raised from the housing will go some way to improving the entrance as stated in the original Outline Planning Application.
The recent car crash during the music festival where the gateway and pedestrian entrance were demolished by a speeding stolen car, and blocked Tower road for 6 hrs, highlights the need for safe access into the park via the Pleasington entrance for the community as well as people accessing the numerous music/dance festivals being organised as this is the organised pedestrian entrance/ exit during events.
- Also the 81 page desktop traffic assessment included in the plans completely ignores the impact of the parking restrictions on Preston Old Road and the knock on effects to surrounding roads when they are in force. Most houses on the main road have 3 cars, which is why there is an increase of anything from 22-26 additional cars after 6pm every night onto Hillcrest Road.

A parking scheme similar to that implemented by the Council to the east of Witton Park where cars are permitted to park with two wheels on the pavement would work on both sides of the main road and free up valuable spaces if the restrictions were removed at the same time.

- What is not being fully addressed is the parking issues on Hillcrest road when the restrictions mentioned above are in force, as the plans being submitted (a 15 space car park), and the added restriction of double yellow lines going down half the length of the street on the development side of the road, are going to cause major problems. A full parking needs assessment should be carried out to ascertain just what impact the development will have on the current parking situation. Local business users park on Hillcrest road as well as people using the park when events are on for a quick getaway due to traffic jams on Tower road as no traffic control measures are ever put in place and this again is not being taken into account. Also there is no mention of the increase in traffic in the past two years, now that the park has become a public entertainment/festival venue, plus the addition of a parking charge at the main car park located in Witton Park.
- It is our understanding from our meeting with yourselves that the open space being left will be owned by the developer and maintained by a landscape management company at cost to the new homeowners. The Residents Association want a planning constraint adding to the P&H Committee's decision to ensure that the remaining green space is designated public open space. The Council have throughout the planning process have always led us to believe that they would maintain ownership, control and maintenance of the green space. This is clearly not case, and as such the open space needs protecting.
- The landscape statement included in the plans shows some 20 trees being planted on the open space, these will further restrict the open space being left and Residents Association would like these removing from the scheme. An orchard was mentioned at the consultation event by the developer which nobody wanted or agreed to. As we are losing 2/3 of our open space what open space we are being left needs to remain OPEN SPACE!

We hope you give due consideration to the Feniscliffe Bank Residents Association objections and we wish to be consulted before design principles are put in place.

Obj – Mr David Mellody - Rec 06.08.19

I would like to register my objections to the current plans that have been submitted by Applethwaite for the Tower Road housing development.

As a local resident that uses the green on a regular basis to walk my dog, I am dismayed to see that the plans show an abundance of trees will be planted on what remains of the green. If so many trees are planted it will change the green from being a nice bright open space into a woodland area which I strongly object too.

I would also like to raise additional concerns I have about the limited amount of parking space that is proposed in the plans. Our neighbourhood already suffers from a severe lack of parking spaces. The additional traffic that the new development will generate, together with any additional parking restrictions associated with this development will only compound what is already an unacceptable situation for my fellow residents and myself!

I understand that Applethwaite are now the legal owners of the land identified in the plan document that includes the green. Can you guarantee that they are legally bound not to carry out any further development on that piece of land? If not, I would like to register my objection to that situation too.
Yours sincerely

Obj – Alison Elwood - Rec 05.08.19

Hello,

I wish to protest and voice my concerns re the new development on Tower Road/Hillcrest Road. I am the owner of 340 Preston Old Road Blackburn BB2 5LJ. My husband and I both have vehicles. After looking at the plans, and speaking to the residents, I am very concerned, were we are going to park our vehicles.

Which we do so on Hillcrest Rod as we cannot park in front of our home on Preston Old Road until after 6pm and it has to be moved before 8am

Please do tell me were we can park, You are going to place double yellow line's all the way down Hillcrest Road, and make a permit holders small car park for 13 cars, when the new estate is built. We obviously would not be eligible for one of these spaces. Again please tell me were I can park our two vehicles ? I pay my taxes, and just want to park in the vicinity of my own home. You have not thought about the residents, and I feel very strongly that this is a miss justice, and is really not fair on other residents.

If you lifted the ban so we can park our cars outside our home, as the road is wide enough, and you have a bus lane further down towards Witton Park gates. this would elevate some of the problem. I will also slow cars/vans and lorries down passing though.

Alternatively, if the council, can lower the pavements, outside, I would be happy, to make a small drive outside my own home.

Again, I would like a response, as to were you suggest Preston Old Road residents will park their vehicles.

Yours faithfully

Obj - H Kabbara – 360 Preston Old Road, Blackburn - Rec 02.08.19

I am writing in connection with the new development of 30 homes on the Tower Road site. I would like to inform you that I object to the planned red line parking project proposed on Hillcrest Road as this has been our parking access for over 20 years. I live in 360 Preston Old Road in front of which there is a yellow line that can be parked on only after 6:00 PM and on Sunday. I would like to point out that I have three vehicles in my household. As a result, if the proposed red line project goes ahead it will not only affect my household parking but also will depreciate the value of my house. I hope you take my objection into consideration and your help in this very serious matter is appreciated.

Kind regards,

Obj – Mr Barry Richmond - 340A Preston Old Road, Blackburn - Rec 02.08.19

Dear Sir/Madam

There are a few concerns I have regarding the Application 10/19/0677.

1) with regards to parking it as come to my notice that there will be double yellow lines going down to one side of Hillcrest road restricting parking and also the proposed 15 bay parking I have learnt will be permit parking and these will be going mainly to the residents on Hillcrest Rd ' as I live on Preston old Rd directly behind the entrance to the old nursing home I generally use Hillcrest to park due to the restriction on parking outside my house. And in peak times over 25 vehicles park on one side of Hillcrest Rd

I feel that this will lead to us not having anywhere to park our vehicles safely . This could be a problem and would need looking at possibly by removing the parking restrictions or dropping the kerbs outside my property so I could park my vehicle on my front.

2) With regards to the piece of open land to be left for public use I have found out that this is not going to be council owned but by the new residents on a management contract which could stop public use . Having lived in the area for over 30 years I feel that we will have no near green land to just sit around and which as been the case over the time I have lived in the area.

I would be greatfull if these points could be looked into on the planning application.

Yours Faithfully

Obj - Shelagh Ellison - 1 Hillcrest Road - Rec 31.07.19

For the attention of Nick Blackledge I refer to the above planning application and i strongly object to the loss of public open space.

On the plan there is very little viable open green space for children to play safely and unsupervised. What space there is looks like it is going to have trees planted and bushes, THIS IS NOT PUBLIC OPEN SPACE

Obj - Mr M Howarth - 38 Tower Road - Rec 31.07.19

To whom it may concern

I write in regard to application number 10/19/0677 your department have asked for comments on the upcoming building work on Tower Road & Hillcrest Road. Having lived on Tower Road not for over 18 years it is with regret that I find that the council see fit to sell off a valued green space just so that they can make a few pounds. You have no regard for the residents of this area, we struggle now with parking issues. How can the building of 30 more houses, plus at least another 50 vehicles on this development make sense to anyone? The issue at the weekend with the accident at the main entrance into Pleasington should tell you that this is a totally bad idea to put the access road to the estate off Tower Road. You need to think about giving all residents on both roads permits to park

and make the whole area permit parking only. You also need to look at speed calming measures. We were promised that the "Green Space" would not be cut into two which of course you have done, how you as planning officials can hold your heads in public is beyond me. The council say that there is a shortage of housing, but how can this be with over 600 houses being built within 1 mile of my address? The only thing that this development will increase is local people leaving Blackburn for pastures new which you cannot blame anyone for doing.

Yours with disgust

Obj - Jack Ellison - 1 Hillcrest Road – Rec 31.07.19

I object to the acceptance of this planning application proposal in its present form for the following reasons,

The amount of £1000 per dwelling Section 106 contributions alleviate the the loss of the unallocated open space on the site but does not take into account the loss of of Green Infrastructure corridor.

Insufficient Green Infrastructure ,according to the developement proposal ,has been retained to function as a leisure/recreational facility in defiance of Blackburn with Darwen Core Strategy 19,Policies 38 & 40.

If the number of dwellings is reduced , i.e. plots 1-5 on the phasing and logistics plan removed from the developement, it would leave enough green infrastructure to be a viable recreational facility especially as a safe play area for children in accordance with the above policies.

Applethwaite Homes held a public consultation in April 2019 to register residents views and comments.

The retention of theGreen Infrastructure area of the site was my main concern and indeed that of most people who attended that meeting.

The proposed site layout on this application is the same as on the Site Logistics Layout (Drawing SLL-01) which is dated November 2018 showing that Applethwaite had already decided on the developement rendering the April 2019 public consultation null and void.

All open space on the developent must be kept as public access open space.

Thankyou for your attention

Obj - Mrs Karen Atkins - Resident of Preston Old Road - Rec 31.07.19

Dear Mr Kelly/Mr Blackledge

I am writing to you to voice my concerns over the above planning application. I am a resident in the Feniscliffe area and am concerned about the issue of parking, the housing estate will cause an impact to the available parking on Hillcrest Road and Tower Road, but also Preston Old Road, Feniscliffe Drive and Cecilia Road. I am aware that there has been a car park proposed within the new estate but this will not address the issue as it is already a struggle to park due to the shops on Preston Old Road, existing restricted parking in the area and multiple car families in the area, that

had been significant in the past 3 years alone. There is also visitors to the residents in the new homes. I feel that this will also compromise the safety of residents/ people in the area due to the increase of cars in the area. I would also request that money from section 1 be released to fund a safe path that is accessible to pushchairs, wheelchairs and pedestrians to gain access to the park , especially as we are to lose significant green space in the area. It has been for quite some time difficult to navigate entry into the park, especially with pushchairs and children due to the traffic up and down Tower Road. I have on many occasions witnessed cars speeding. As you aware there was an incident last weekend at the entry gates to the park at Witton Park, where a car destroyed an entire wall. It was lucky that nobody was badly injured or there was a fatality. There are to be more music events and often large Asian funerals held on a regular basis also . Therefore I feel that a analysis is needed at a peak time to look at the Impact this will have on not just Hillcrest Road/ Tower Road residents but Feniscliffe Residents as a whole . I hope that your planning department will put safety first rather than monetary gain.

Regards

To Whom it May Concern,

I am writing
in reference to planning application
at the land South of Tower Rd and
West of Hillcrest Rd Ferncliffe
Blackburn BB2 5HF, I am
making an objection to the
property at the side of me
as it is a invasion of privacy.
We walk a lot in the garden
as my son is disabled and
we grow all our own vegetables
as a care plan for disabled
people, as your land is elevated
you would be able to see
directly in our garden, also
one of our key workers gardeners

Reference 10/19/0677 54

lives in the caravan directly
facing the proposed property, I
hope you respect our privacy
and come to a amicable
agreement, I would like to arrange
a meeting with appothwaites to
explain our circumstances further
yours Sincerely

Obj - Steve Talbot - 23 Hillcrest Road - Rec 30.07.19

Mr Prescott / Mr Blackledge

I am writing to you with my concerns and objections to the proposed development at Land South of Tower Road and West of Hillcrest Road ref application 10/19/2019.

In response to your letter 10/19/0677 dated 11 July 2019.

Find below my objections, concerns and comments which I trust you will consider in your deliberations on this application.

As the new houses (Ref phase 4) opposite the existing established houses on Hillcrest Road will be closer to the road, I would object as I suggest there is a breach of privacy as they will be closely overlooking the existing housing when complete. Plans suggest a 18M minimum distance.

Another main issue would appear to be an adequate provision of parking as the new houses (phase 4) have drives that exit onto Hillcrest Road this will reduce the current on street parking by circa 8-10 cars. Possibly more, if these new residents have insufficient space for the numbers of household cars on their drives.

I note a potential off street public parking area for 16 cars which in reality is only an additional 6-8 cars as above.

The egress onto Hillcrest Road from the new properties is also of concern for safety reasons. The development creates 6 points of exit / entry onto an already narrow street and with parked cars creating a blind sighted exit and view for moving traffic using Hillcrest Road. I would welcome a traffic police report of this proposed situation.

The loss of the existing extensive green space Tower/Hillcrest roads for the young and elderly to enjoy is also a major concern. The use of Witton Park for recreational purposes at certain times has ceased to be a safe environment as other users openly flaunt the speed limits and use non legal vehicles creating an uncomfortable space. Local residents using the green space were at least comfortable that not only they could see their children at play but so could others in this close community.

I note the bat survey still suggests that bats are still present and I often see them at dusk flying and taking food in flight. I would also suggest there may be other ecological issues in this area and has a total survey been undertaken on the site to evaluate if there is a potential habitat for other species such as newts etc... ?

What provision is being enforced to minimise disturbance and nuisance to residents such as hours of working and limiting working days? Also there is likely to be lots of dust, dirt and mud on the surrounding properties and roads. As Tower Road is access to Pleasington cemetery grieving families will have to pass this building site on the final mile of their deceased loved ones journeys, hopefully not having to have their thoughts distracted by the activities on this site.

What is the proposed schedule/ duration of events can the council specify a timescale to the developer if the application is successful to minimise disruption etc... with perhaps penalties for non compliance ?

Can the existing schools accommodate the potential additional influx of children especially when you consider the extensive developments off Gib Lane, Livesey Branch Road, Brokenstone Road, Heys Lane etc.... ?

To alleviate the parking would the council consider removing the parking restrictions on Preston Old Road parallel to the rear of Hillcrest Road ?

If the council is successful in its bid for holding more events in Witton Park this may also increase / worsen the parking / traffic safety in the immediate vicinity.

Steve Talbot (resident 23 Hillcrest Road)

Although you say you are unable to acknowledge comments submitted, I would welcome a courtesy receipt email, thank you.

REPORT OF THE DIRECTOR

Plan No: 10/19/0748

Proposed development: Discharge of planning conditions 4 and 5 pursuant to planning application 10/18/0417.

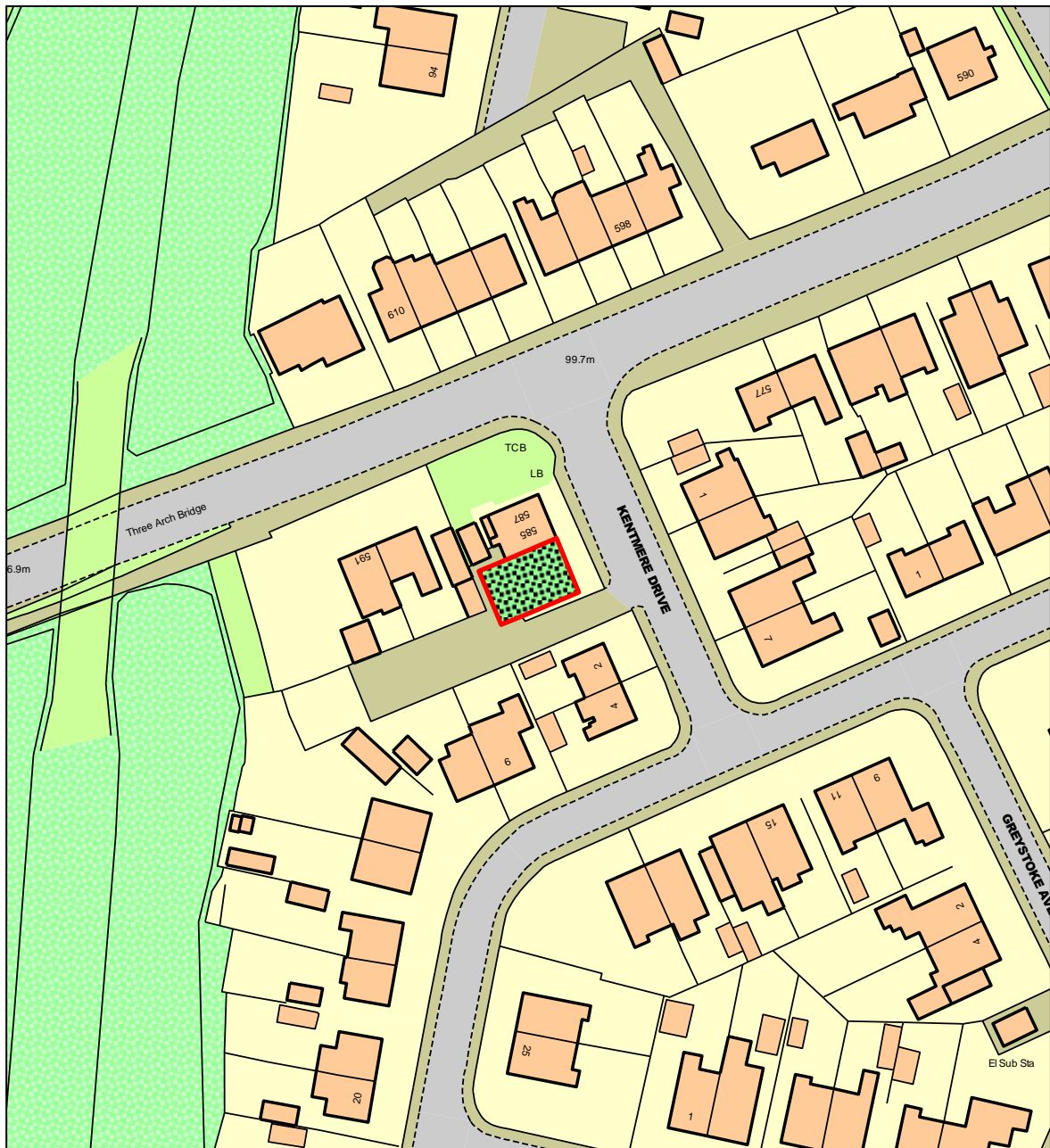
Site address:

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

Applicant: Mr S Stuttard

Ward: Livesey With Pleasington

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



1.0 SUMMARY OF RECOMMENDATION

- 1.1 It is recommended that Conditions 4 and 5 pursuant to application 10/18/0417 relating to the necessary extraction system and parking management statement be discharged.

2.0 KEY ISSUES/ SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to Planning Committee for determination as part of the Chair Referral process due to the interest in this Discharge of Condition application from nearby residents and local Councillors.
- 2.2 Local residents, Ward Councillors and Livesey Parish Council raise concerns about the parking of customers being detrimental to highway safety; namely preventing two-way traffic in and out of the housing estate and parking on corners and generally inconsiderately. In addition, Livesey Parish Council has also requested that the extraction system be fit for purpose.
- 2.3 The details submitted in respect of the two conditions have been assessed by colleagues in Public Protection, Planning and Highways and are considered to satisfy the requirements of the two conditions pursuant to planning application 10/18/0417.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application relates to The Arches cafe occupying a double frontage situated within a short parade of shops which contains the Arches café and a Hairdressers located on the west side of Kentmere Drive, close to its junction with Preston Old Road.
- 3.1.2 Other than the two businesses at this point, the surrounding area is predominantly residential in nature with dwellings located to the north, east, south and west of the business premises.
- 3.1.3 The buildings in which the hairdressers 'Permutations' and The Arches café both occupy are located on the entrance/ exit road to and from the wider estate.
- 3.1.4 A parking layby exists in front of the premises which provide parking for approximately three vehicles. To the side of the property two cars are able to park off street with one car is able to park to the rear. Aside from the above spaces customer parking is on-street.

3.2 Proposed Development

- 3.2.1 Planning and Highways Committee granted permission in August 2018 for retrospective permission to regularise the use of two former retail units (A1 use) as a single café-restaurant use (A3 use) – application 10/18/0417.

- 3.2.2 Permission was granted by Members subject to the imposition of two conditions relating to the installation of an extraction system at the premises and the production of a Parking Management Plan.
- 3.2.3 Following refusal of Discharge of Condition application 10/18/1148, this application seeks to discharge two conditions pursuant to planning application 10/18/0417.
- 3.2.4 The conditions were as follows:

Condition no. 4:

“Within one month of the date of decision, either the provision of a system for the extraction and filtration of cooking odours or, a Certificate from the Environmental Protection/ Food Team confirming the odour levels are acceptable has been submitted to and approved in writing by the Local Planning Authority. If an extraction scheme is necessary, the scheme shall include:

(i) details of the siting, design and finish of any external plant and/or flue(s), including measures to ensure that any flue(s) extends not less than 1 metre beyond the eaves of the building and the terminal does not impede the upward flow of exhaust gases;

(ii) manufacturer's operating instructions; and,

(iii) a programme of equipment servicing/maintenance. The extraction system shall thereafter be installed in accordance with the duly approved scheme within three months of the approval and, at all times when food is being cooked on the premises, the extraction/ventilation equipment shall be operated, maintained and where necessary repaired in accordance with the manufacturer's instructions and programme of equipment servicing/maintenance.

REASON: In order to ensure the efficient dispersal of any odours emanating from the premises in the interests of the amenity of neighbouring occupiers and to ensure that any ventilation flues/ducting can be accommodated without detriment to the character and appearance of the host building and surrounding area in accordance with the requirements of Policies 8 and 11 of the Blackburn with Darwen Local Plan Part 2.”

- 3.2.5 Condition no.5:

“Within one month of the date of this decision, the applicant shall provide in writing to the Local Planning Authority a Parking Management Statement and details of the Coordinator. Such details shall be agreed in writing by the Local Planning Authority and implemented within one month of the date of this decision, and retained thereafter to the satisfaction of the Local Planning Authority.

REASON: To mitigate the parking impacts of their development and encourage more sustainable travel to and from the site in accordance with Policy 10 of the Blackburn with Darwen Local Plan Part 2.”

3.2.6 For condition no. 4, the application initially proposed a large extraction flue and the manufacturers details supplied indicated that it would be both excessively noisy and of detriment to the character and appearance of the host building and the surrounding area. The proposals have been amended during the course of the application and a smaller extraction flue and associated equipment has been erected.

3.2.7 For condition no.5, a Parking Management Statement has been submitted. This has been amended during the course of the application to include publicity on social media and a plan illustrating parking availability to the side and rear of the cafe.

3.3 Development Plan

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

3.3.2 Core Strategy

Policy CS1: A Targeted Growth Strategy

3.3.3 Local Plan Part 2

Policy 1: The Urban Boundary

Policy 8: Development and People

Policy 9: Development and the Environment

Policy 10: Accessibility and Transport

Policy 11: Design

Policy 32: Local and Convenience Shops

Policy 33: Protection of Local Facilities

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (NPPF) – 2018:

The National Planning Policy Framework (herein after referred to as The Framework) is a material consideration in planning decisions. The Framework

sets out a presumption in favour of sustainable development, which has three overarching objectives (social, economic and environmental) which are independent and in mutually supportive ways.

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

3.4.3 Paragraph 109 of the National Planning Policy Framework clearly advises that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

3.5 Assessment

3.5.1 Planning permission was granted by Planning & Highways Committee at the meeting on the 16th August 2018 for: “Retrospective change of use from A1 convenience store to A3 cafe-restaurant”.

3.5.2 Two conditions were imposed requiring, firstly; details of any odour extraction system deemed necessary by the Environmental Protection and Food Teams, and secondly relating to submission of a Parking Management Statement. Each condition will be dealt with in turn.

3.5.3 Condition 4: Odour Control:

3.5.4 Following approval of the planning application, Officers from the Public Protection/ Food teams re-visited the café and determined that odour emanating from the café, and within the café, needed to be properly dealt with and thus advised the applicant that an extraction system was necessary at these premises.

3.5.5 The extraction flue system submitted with refused Discharge of Condition application 10/18/1148 was a substantial structure and had a large extraction fan. The proposed extraction scheme caused Officers of the Council concern over both its size and visual impact and with the noise that it would generate. Approval of the initial details would have been likely to have generated additional complaints from surrounding residents. Hence the reason the previous application to discharge the condition was refused.

3.5.6 For the above reason, in conjunction with the Council's Public Protection team, Officers have worked closely with the applicant prior to this latest application, in order to try and secure suitable, less visually harmful and less noisy extraction equipment for these premises. Working with the applicant has resulted in an extraction system being fitted at the premises which is considered by Officers to be fit for purpose and visually acceptable.

3.5.7 On the basis of the above, the extraction system installed and erected is considered to satisfactorily ensure the amenity of users of the café and surrounding neighbours is protected and be appropriate in its size, siting and appearance to the locality.

3.5.8 The revised details are considered to comply with the requirements of the condition and although the details were not submitted in one month of the date of the Committee decision, the details put forward, and which have been subsequently erected, go to the heart of the condition which was in order to ensure the efficient dispersal of any odours emanating from the premises in the interests of the amenity of neighbouring occupiers and to ensure that any ventilation flues/ducting could be accommodated without detriment to the character and appearance of the host building and surrounding area, in accordance with the requirements of Policies 8 and 11 of the Blackburn with Darwen Local Plan Part 2. For these reasons it is recommended that Members discharge condition number 4 pursuant to planning application 10/18/0417.

3.5.9 Condition 5: Parking Management Statement

In respect of this condition, it is recognised one month has passed since the Committee decision, however, it is important to assess whether that the heart of the condition has been addressed satisfactorily.

3.5.10 On the 1st August 2019, Cllr Hardman wrote to Officers stating:

"I believe the residents have provided enough evidence to prove the traffic situation has not been resolved. Nobody wants the arches to close but this road is the only access and exit for the estate and has become a bottleneck and sometimes dangerous and irresponsible parking on both sides including the junction corners cannot continue this needs to be resolved before discharging the condition."

3.5.11 On the same date Cllr Pearson also wrote to Officers stating:

"I fully support Cllr Hardman and residents of the Kentmere Estate. Too much development of all types is being allowed to proceed across Livesey with Pleasington Ward without proper attention to traffic and road safety."

3.5.12 Members will see from Councillors Hardman and Pearson that resident objections primarily relate to the car parking of customers visiting the café taking place on Kentmere Drive and the nuisance this causes to residents of the Kentmere Drive estate. Members are asked to note that all of the objections received at the time of the retrospective planning application were taken in to account during consideration of the planning application and the proposals effect on highway safety were considered not to be severe.

3.5.13 In addition, at both the time of the planning application and since, the Highway Authority have considered the introduction of a Traffic Regulation Order (TRO) on Kentmere Drive. However they do not recommend one for two reasons;

- 1) Potential displacement of vehicles on to adjoining roads which are less suitable; and

2) Enforcement cannot happen on a daily basis, and this will inevitably mean that any restrictions all along Kentmere Drive are likely to be regularly flouted by short-term visitors.

3.5.14 The Highway Authority considers that there is not a prominent road safety issue caused by the parking on Kentmere Drive, an estate road and does not cause a harmful impact to the network, as required by Paragraph 109 of the National Planning Policy Framework. From a Network Management perspective they have recommend that parking restrictions are not considered for implementation at this location.

3.5.15 Turning back to the condition in question, the condition was imposed to explore other ways of managing customer parking.

3.5.16 The submitted Parking Management Statement has been reviewed with the Council's Highway Officers. The statement initially submitted lacked detail but the agent has sought to address the insufficiencies within an amended Parking Management Statement that was received on the 23.08.2019. This includes details of the Parking Management co-ordinator who is the proprietor of The Arches Café, Mr Simeon Stuttard and commitment to undertake the following actions:

1. Place signage in windows – these signs have been placed in both front windows and are to remain in place at all times.
2. Parking information on the menu board/mirror within the café – Evidence has been provided that the proprietors have written statements inside the café encouraging good parking and commitment has been given that these or similar statements will be retained at all times.
3. Staff are trained to engage with customers and encourage them to park on Preston Old Road. It is advised that staff are trained by Mr Stuttard when they start work about the importance of customer parking and they are made aware of parking leaflets and signage in the café.
4. Leaflets are available in the café highlighting good parking. These are to be instore at all times.
5. Wherever possible if a customer is seen to be parking inappropriately a member of staff tries to suggest an alternative place to park.
6. Use of social media - Information on the village Facebook page with posting each month about considerate parking.

3.5.17 The amended Parking Management Statement reflects the advice provided by the Highway Authority who advised if evidence was provided of points 1, 3 and 4, a plan was included illustrating the parking that is available to the rear and side of the premises, and the applicants committed to publicise on the business Facebook page that customers should park considerately, they are satisfied the condition had been addressed.

3.5.18 On this basis, Officers are in a position to formally recommend that Condition no.5 pursuant to the planning permission be discharged.

4.0 RECOMMENDATION

4.1 It is recommended that Condition nos. 4 and 5 pursuant to application 10/18/0417 be discharged.

5.0 RELEVANT PLANNING HISTORY

Application Number	Description	Decision	Date
10/18/1148	Discharge Condition Nos 4 and 5 pursuant to planning application 10/18/0417	Refused	16/04/2019
10/18/00417	Retrospective change of use from A1 convenience store to A3 cafe-restaurant	Approved with Conditions	20/08/2018

6.0 CONSULTATIONS

6.1 No public consultation of the details submitted for the discharge of details reserved by condition application has been undertaken due to the type of application. However, the local Ward Councillors were notified. This notification has led to 7 representations being received. These are summarised as follows:

- Odour from lack of extraction system due to rear door of premises being open is harmful to residential amenity
- Parking on, near and opposite the junctions at either end of Kentmere Drive.
- Parking on pavements – dangerous to pedestrian safety; prevents use by pedestrians including disabled people and mothers and prams and pushes pedestrians in to the road
- Gates and driveways blocked by parked cars
- Double parking
- Restricted access to the area for emergency vehicles due to parked vehicles
- Residents cars being damaged as a result of double parking and vehicles squeezing past
- Residents being verbally abused by frequenters of the café when residents approach them about their parking.

6.2 The objections received are included at the end of this report for Councillors information.

6.3 Livesey Parish Council

Livesey Parish Council wishes to object to the **Discharge of conditions 4 and 5 on planning application 10/18/0417.**

These conditions were part of the planning process and were of concern to the Parish Council and local residents in the area. Residents were very

concerned regarding parking in the area, and I believe that the conditioning unit to alleviate food smells was needed to conform with environmental standards. The Parish Council would wish to be assured that the Parking Management Plan had conditions attached so if it did not work then the plan could be revisited, and that the extractor fan installed was fit for purpose.

Can you please bring this objection to the attention of the Planning Committee before their next meeting.

6.4 Cllr Derek Hardman

"I believe the residents have provided enough evidence to prove the traffic situation has not been resolved. Nobody wants the arches to close but this road is the only access and exit for the estate and has become a bottleneck and sometimes dangerous and irresponsible parking on both sides including the junction corners cannot continue this needs to be resolved before discharging the condition."

6.5 Cllr John Pearson

"I fully support Cllr Hardman and residents of the Kentmere Estate. Too much development of all types is being allowed to proceed across Livesey with Pleasington Ward without proper attention to traffic and road safety."

6.6 Public/ Environmental Protection

With reference to the planning application I have the following comments relating to the discharge of condition 4.

Planning had advised me that action was required to reduce the impact of cooking odour from the café on neighbouring residents. However, particular emphasis was to be placed on visual amenity and the need to reduce any noise from a potentially noisy external fan. Alternative options were discussed with the applicant, but they went ahead and installed a system before it had been agreed with the authority.

The café now has an extraction system with a stack that discharges above eaves height. The extraction system doesn't satisfy the relevant guidance, but I have visited on three occasions post-installation whilst the café was open and there wasn't a significant odour at the boundary of neighbouring premises. There is no external fan, so fan noise isn't an issue.

In light of the circumstances, it is reasonable to take a pragmatic view and conclude that the condition can be discharged.

6.7 Representations received:

Obj – Keith & Wendy Shephard – Address Unknown - Rec 02.08.19

I write concerning the above mentioned application.

I wish to add to the growing number of concerns about the above mentioned business. We have lived on Kirkstone Avenue for 15+ years. There has always been a couple of shops on the entrance road (Kentmere Avenue) since before we moved here and the parking for these shops has never been a great problem. However since the above mentioned premises has become a cafe/restaurant the access onto the estate has become a huge problem because of visiting clients. They seem to think they can park wherever and however they like. This causes problems at the junctions either end of the entrance road because you cannot see past the cars parked on the corners of the junctions and up to the junction with Kentmere and Preston Old Road. It is a wonder there hasn't been a serious accident at this junction because you have to pull out to see if there is traffic coming.

The cars are sometimes parked badly in that they are a long way from the kerb making the road narrow, or parked at an angle sticking out into the road. We also have a caravan that we like to go away in and we have to check if we can get through between the cars before we can set off. It makes the journey difficult trying to squeeze past. We shouldn't have to time our holidays because of inconsiderate parking.

There is also a problem caused by heavier commercial and farm vehicles that narrow the road more than a normal car would.

Sometimes there is a further problem caused by double parking when some passing customers call in for takeaway food for breakfast or lunch.

We do not feel that we should have to struggle to use the road into where we live because of inconsiderate parking. The signs provided by the business owner are not very clear from the road and I would argue that nothing is ever done to make sure people are asked to move once they have seated themselves in the restaurant. Several times we have struggled to get through the parked cars. Nobody comes out to move and I don't see why I should have to go in and ask.

This is a nice quiet residential estate not a town centre site where you would expect this type of business. No consideration seems to have been taken for the people who live here and how it affects their lives. As for the suggested parking spaces by the owner he obviously doesn't care or think about the dangers that can be caused by parking so near to busy road junctions.

Do we need a serious accident before something is done to stop this sometimes dangerous and inconsiderate parking.

Obj – Mr R Pickthall – 7 Kentmere Drive - Rec 07.08.19

I am writing in response to your letter dated 02.08.19.

My reason for this letter is to once again, raise my concerns regarding the parking issue relating to the customers of the Arches establishment.

As you can see from the sketch below, my location is No7 Kentmere Drive.

Being located on the corner, I do suffer from inconsiderate and hazardous parking from Arches customers cars mounting the kerbs in the areas marked with the green arrows. The cars, vans and wagons are constantly parking up, and can dwell for long periods of time.

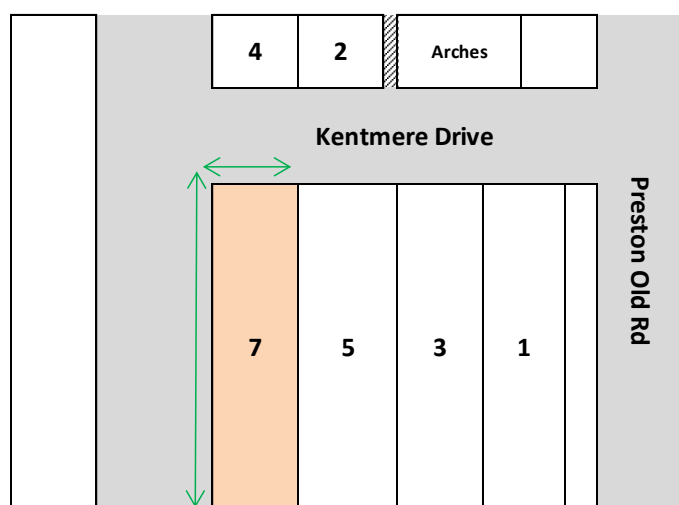
In summary, my main concerns are:

- Limited space / access to own property due to parked vehicles
- Front gate / drive regularly being blocked by parked vehicles
- Lack of respect to privacy of property from visiting Arches customers

- Unable to use pavement with pushchair due to vehicles mounting kerbs (Regularly causes pushchairs/prams to walk in road)
- Restricted access for emergency service vehicles to the area, due to parked vehicles
- Increased risk of own vehicle being damaged, due to hazardous / double parking
- Vehicles parking on the junction adjacent to No4 and No7
- Vehicles attempting to carry out 'U' turns at the junction adjacent to No7

In addition, there are growing frustrations within the affected local residents, which has led to numerous arguments with vehicle owners.

My suggestion would be to enforce parking restrictions of some kind, which would still allow residents to park in front of / at the side of their own homes.



Obj – Mr S Sharples – 15 Kentmere Drive – Rec 07.08.19

Ref: Response to memo dated 02 August 2019 to Councillor Derek Hardman, 12 Wythburn Close, Cherry Tree, Blackburn, BB2 5HQ.

Dear Clair Booth, I am sending this email to once again complain about the parking around The Arches, 581-583 Preston Old Road. Every day except Monday (when the Arches is closed) cars and various vans and wagons are parked on pavements, on corners of junctions, opposite junctions thus making crossing the road (i.e. Kentmere Drive) and squeezing past vehicles very difficult for able people, the old and disabled people alike, the blind and wheelchair users come to mind as well as mother's with babies in prams who have either to squeeze past or push the pram into the road itself to get around badly parked vehicles.. Be aware that some of these vehicles take up half or more of the pavement, The Arches just doesn't have the parking space for the number of customers it caters for from breakfast on so the customers park anywhere they think is convenient for them and do not take into consideration the needs and problems of others. Please do your utmost to sort out this problem before there is a serious crash or even worse than that someone gets seriously hurt.

Obj – M Facett – 10 Kentmere Drive – Rec 16.08.19

Unfortunately the link www.blackburn.gov.uk/view to view the application does not work I assume condition 4 is regarding the filtration system or lack of.

This summer has been spent with the windows shut to prevent odours inside the house.

Sitting in the in garden is unpleasant with all the cooking odours emitting from the ALWAYS open back door of the cafe.

Condition 5 Parking problems appear to be getting worse. The main concern is that Emergency vehicles cannot gain access to the estate and on several occasions patrons have had to leave their meals in order to move their cars to allow HGV and delivery vehicles to gain access to the estate. A better solution is needed.

Also Drivers are not obeying the Highway Code by parking less than 10 meters from junctions .Cars are also parked blocking pavements necessitating pedestrians to walk in the road also on more than one occasion whilst walking on the pavement I have had to get out of the way of vehicles mounting the kerb to park with 2 wheels on the pavement. The pavement should be for pedestrians not cars.

Regards

Obj - Chris Norse – 12 Kentmere Drive – Rec 16.08.19

For the attention of Claire Booth

Dear Sirs,

Re: Reserved Matters Application – Discharge of conditions 4 & 5 on planning application 10/18/0417 at The Arches, 581-583 Preston Old Road Blackburn BB2 5HD

I refer to the above application and would advise that I have been unable to open the Discharge of Conditions documents on line for this case.

I enclose a copy of an email I sent to Councillor Derek Hardman on the 23rd May, 2109 expressing my concerns regarding dangerous parking on Kentmere Drive. Since sending the email, two emergencies have occurred on Kentmere Drive, one involving a fire appliance and ambulance and the other an ambulance. Fortunately these incidents occurred on a Monday when The Arches Café is closed allowing the emergency vehicles to pass as normal.

I reiterate that I wish The Arches business all the best but if the parking situation does not improve and comply with the Road Traffic Act (vehicles should be parked a minimum of 10m/32ft from a junction) there will be a serious accident.

Please see attached plan (not to scale).

Yours sincerely,



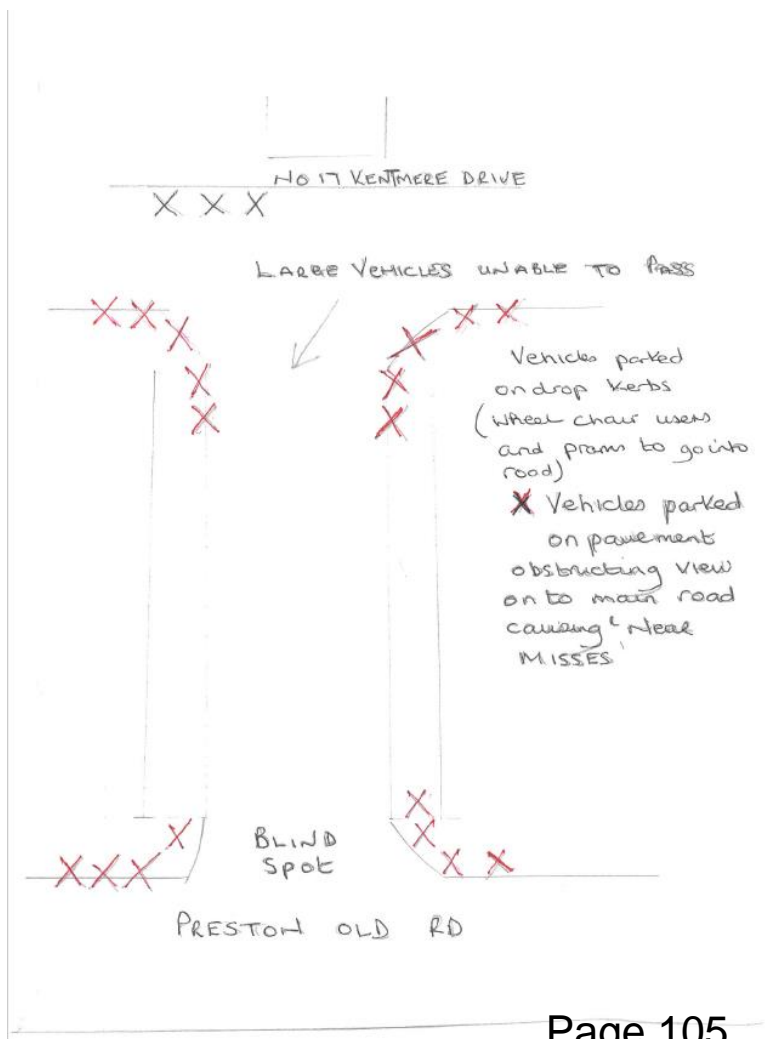
Dear Councillor Hardman

I am concerned regarding the indiscriminate parking of vehicles (cars, van and LGV's) at the following locations.

1. Junction of Kentmere Drive and Preston Old Road, Blackburn
The parking of vehicles using The Arches café is causing a blind spot (vehicles only parking 2 metres from junction and vehicles parked on the pavement). Several near misses have occurred and it is only a matter of time before a serious accident happens.
2. The T-junction of Kentmere Drive (opposite 17 Kentmere Drive)
This is the only entrance and exit to Kentmere Drive estate. On several occasions recently vehicles have been parked inconsiderately on all sides of the T-junction. This restricts the passage of large vehicles (see enclosed photographs). Wheelchair users and people pushing prams are having to move into the road to pass the obstructing vehicles.

As former Station Commander of Blackburn Fire Station I have dealt with many fatal accidents and I am writing to you to try and avert another one. The attached photographs taken recently show a vehicle that could not get through. People from the café had to come outside and move their vehicles. Had the vehicle been a fire appliance or ambulance attending a 999 call and someone had died, the delay of the emergency vehicle would be the subject of a coroners court. Something needs to be done before an accident happens with either double yellow lines or possibly residents only parking and visits by enforcement officers at busy times.

I have no problem with the café business as this has become a community meeting place and would like to wish them all the best but the parking by their customers must be addressed.



Obj – Mr Ashcroft – 4 Kentmere Drive – Rec 03.08.19

This is in regard to Planning Ref. 10/19/0748 Around discharge of conditions 4 & 5. Both of these were supposed to be completed within 6 months but it has been more like 18 months, & only the extraction done. The main problem was & still is the parking. At the planning hearing it was stated there was 6 parking spaces available, which was & still is incorrect 2 space are taken by the flat above the arches, 1 at the back, for the flat above the hairdressers, which leaves 3 in front of the 3 shops. Usually the 2 hairdressers take up 2 spaces leaving 1 space.

In this Application it does say there is no parking space which is correct. There are 2 notices in the window, 1 on a mirror & on facebook. I can only presume that the patrons of the Arches cannot read or have ever read the highway code. They constantly park on the junction on both sides of the road. I hope an ambulance or fire engine never have to get on the estate at these times. They also park on the junction sometimes sticking out onto Preston Old road, or on Preston Old Road so as to block whoever is trying to get off the estate. There have been 3 accidents at this junction while I have lived here at No. 4 Kentmere, due to vision being block by parked vehicles on this junction.

The couple nxt. door have only lived here 18 months & have had their car bumped twice, my son had his car bumped & the chap at No.17 has had his bumped. Next door have now extended their drive so they don't have to park on the road outside their own house. This doesn't help them much because the inconsiderate patrons often park halfway across their driveway. Should anyone say anything to some of these patrons, they are met with abuse & treats. Some of the residents have nearly come to blows because of this. As for the staff coming out & telling customers to move, I have never seen this. I have seen tables& chairs blocking the footpath, as do the advertising boards placed, not only blocking the foot path, but their vision when exiting onto Preston Old Road.

It was said in the original meeting that the Arches was the hub of the community, which it was, when it was a corner shop. People could walk to it from the estate, there are numerous convenience stores now, within walking distance.

The patrons who come to the Arches are not local & all come in cars. Some are women who don't come in one car, they all come individually in cars & stay for 3 hours sometimes. It is advertised as a Coffee shop/butty shop. This is also not true as it operates as a restaurant/cafe. People don't just get their bacon butty & go, they sit in & eat. It would appear to be very popular, however not with the local residents, who could walk there. The shops are not the problem, it is the lack of parking for the shops. There are numerous pubs that have shut, that if they had sited the Arches there would have had the parking for this business.

The council mentioned yellow lines, or residents parking only signs, but this has not happened. As for traffic wardens or police doing something about the parking. I've only ever seen the police using the Arches, not doing anything about the bad parking of the patrons. This not only affects the residents near the shop now, but those trying to get on 7 off the estate now, when the shop is busy.

Regards Mr Ashcroft (No.4 Kentmere Drive)

7.0 CONTACT OFFICER: Claire Booth MRTPI, Senior Planning Officer

8.0 DATE PREPARED: 06 September 2019

ORIGINATING DIVISION:	HIGHWAYS AND TRANSPORTATION
REPORT TO:	BLACKBURN WITH DARWEN BOROUGH COUNCIL PLANNING AND HIGHWAYS COMMITTEE
DATE:	30TH July 2019
TITLE:	PETITION – ZEBRA CROSSING
WARD:	Shear Brow and Corporation Park Bastwell and Daisyfield
COUNCILLORS:	Parwaiz Akhtar Iftakhar Hussain Shaukat Hussain Hussain Akhtar Suleman Khonat Zainab Rawat

1.0 PURPOSE OF THE REPORT

The purpose of the report is to advise the Committee of a petition from parents of pupils of St James School, Blackburn.

2.0 BACKGROUND

A petition was received on 23rd July 2019, stating that the parents request the installation of a zebra crossing facility on Earl Street outside of St James Primary School.

The petition is signed by 50 parents.

3.0 DETAIL

St James Primary School is situated at the top of Earl Street, Blackburn.

The petition alleges that parents and children are having difficulty crossing Earl Street due to the number of parked vehicles on both sides of the road near the junction of Oozebooth Terrace. It is also alleged that there have been a few near misses where people have nearly been hit by vehicles.

The petition was accompanied by a letter of support from the Headteacher of St James School.

Despite the issues alleged in the petition there are no corroborating reports. A police

check for the last 12 months showed 12 recorded vehicle versus vehicle and street furniture collisions. There have been no recorded pedestrian collisions.

There are existing waiting restrictions on Earl Street outside the school in the form of school keep clear markings along with double yellow lines. There are also road narrowing points with priority give ways which effectively slow traffic down.

In terms of road safety, the Council, as with Council's nationally, prioritises road safety funding based upon collision data held by the Police, with priority being given to locations where there are incidents recorded that have led to a serious or fatal outcome. Whilst we appreciate this isn't the ideal approach to road safety interventions, it has become necessary to adopt this approach across Local Authorities nationally, within the context of limited funding being made available.

It is recommended therefore that the request for a zebra crossing facility be rejected.

4.0 IMPLICATIONS

Customer	None
Financial	Yes
Anti-poverty	None
Crime and Disorder	None

5.0 RECOMMENDATION

It is recommended that:

- the Committee support the officer recommendations that the request for the introduction of a zebra crossing on Earl Street is rejected.
- the lead petitioner is informed of the decision.

6.0 BACKGROUND PAPERS:	Petition Letter of support
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7.0 CONTACT OFFICERS:	Gina Lambert
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8.0 DATE PREPARED:	30 th July 2019
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ORIGINATING DIVISION: HIGHWAYS AND TRANSPORTATION
CAPITA

REPORT TO: BLACKBURN WITH DARWEN BOROUGH COUNCIL
PLANNING AND HIGHWAYS COMMITTEE

DATE: 30th July 2019

TITLE: OBJECTION – Proposed TRO Willowbank Road Darwen

WARD: Darwen West

COUNCILLORS: Stephanie Brookfield
David Smith
Brian Taylor

1.0 PURPOSE OF THE REPORT

The purpose of the report is to advise the Committee of a letter of objection to the proposed TRO as detailed below:-

Willowbank Lane, Darwen.....No Waiting At Any Time

2.0 BACKGROUND

A complaint was received from the cleansing department about the obstruction of access for refuse collection vehicles by parked vehicles outside numbers 12 and 14 Willowbank Lane Darwen. It is proposed to introduce no waiting at any time restriction on Willowbank Lane to prevent parked vehicles from obstructing access.

3.0 DETAIL

Approval to advertise this proposed Traffic Regulation Order was given on 22nd February 2019 and this was advertised on 27th June 2019. Following advertising, a letter of objection was received from a resident of Willowbank Lane.

The objector has lived on the lane for 20 years and alleges that there have not been any problems until another resident made a complaint regarding the inconsiderate parking of a large van on the road.

Their reasons for objecting to the proposal are:-

- The van has now been moved
- All residents understand that they should not park in the turnaround area at any time
- The cleansing team have spoken to residents on many occasions since the complaint without any issue
- The local PCSO has been monitoring the area for over a year and has not seen any reason for concern
- A recent incidence of obstruction of the refuse collection vehicle was the first for weeks and this prohibition of waiting seems unfair to mindful neighbours
- The concern is that at weekends, visitors will have to park further down the road which will cause congestion and more complaints

The objector suggests a compromise. *Would it not be possible to place a single yellow line with no waiting 8-5 on week days?*

This proposal is intended to prevent obstructive parking in a turnaround area which would prevent the refuse collection operatives from carrying out their work. This would impact the collection service negatively as they would have to make repeat visits. Although there will be a resultant loss of parking in this area, all properties have off street parking and there is on street parking available at other locations on the road. Officers' recommendation therefore is to make the order as advertised.

4.0 IMPLICATIONS

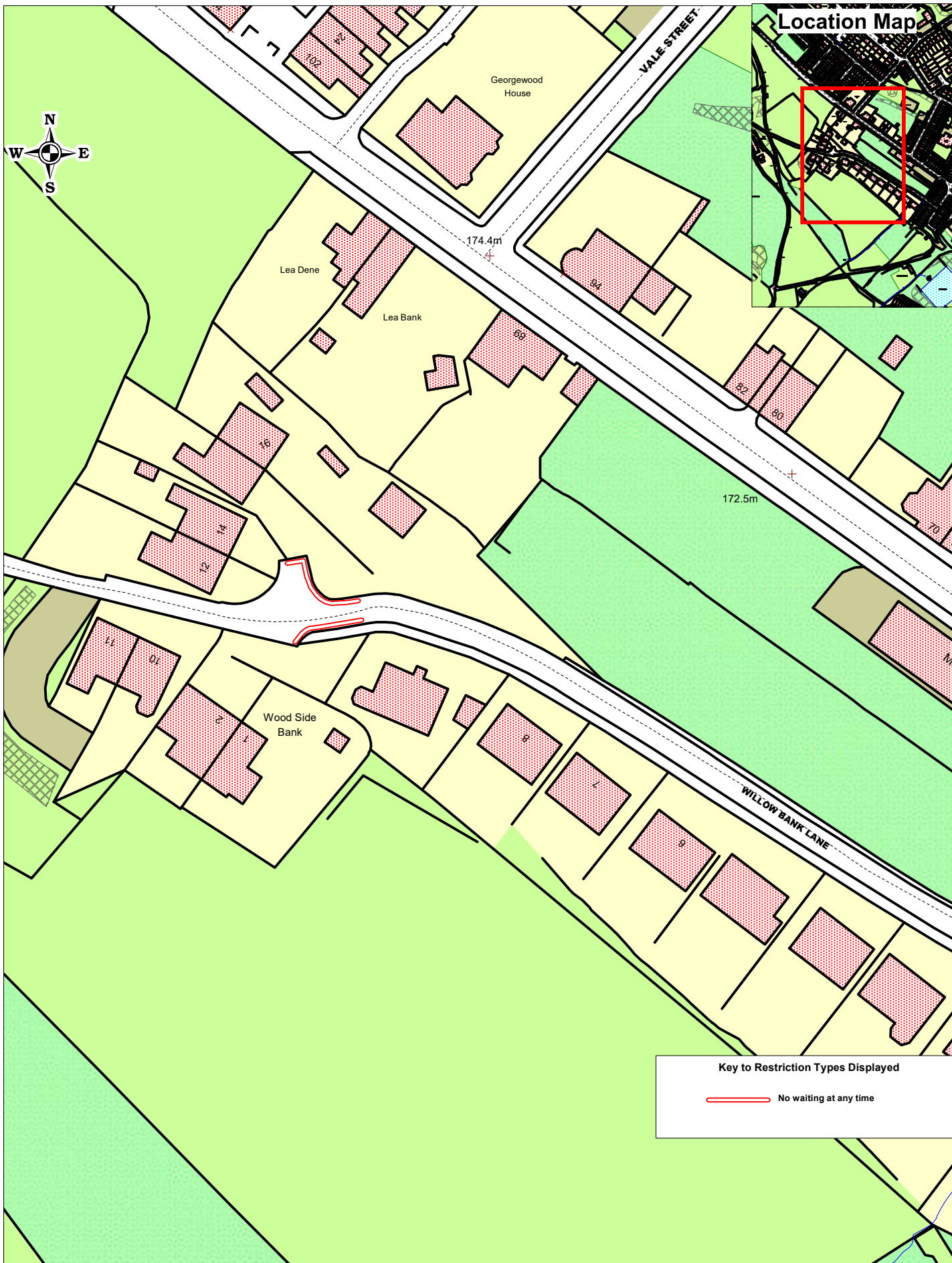
Customer	Amenity
Financial	The costs of implementing the scheme will be met from the Traffic budget
Anti-poverty	None
Crime and Disorder	None

5.0 RECOMMENDATION

It is recommended that the Committee recommends that the Executive Member support the officer recommendations that:-

- The objection is overruled.
- The Order is made as advertised.
- The objectors are informed of the decision.

6.0	BACKGROUND PAPERS:	Letter of objection Plan
7.0	CONTACT OFFICERS:	Gina Lambert
8.0	DATE PREPARED:	30 th July 2019



Key to Restriction Types Displayed

——— No waiting at any time

SCALE	1 : 910
DATE	10/01/2019
DRAWING No.	
DRAWN BY	
CHECKED BY	

I am Shaun Murray and live at 15 Willow Bank Lane Darwen BB3 1NX.

With regards to proposed parking restrictions on Willow Bank Lane. I wish to support the application by the Council. Over the past 3 years we have had issues with regards to residents and visitors parking with no consideration for other residents and our needs to use the turn around point safely. On 3 occasions during this time my lawn has been driven over by the Councils own refuse collection vehicle because of vehicles being parked in such a way that my garden had been used as an extension to the road by them. This damage has been repaired on all 3 occasions at the Councils expense.

I would also draw your attention to the fact that this inconsiderate parking could be potentially putting lives on Willow Bank Lane at risk. I currently work for Lancashire Fire Service, - part of my duties include driving the appliance to incidents. I have grave concerns that emergency response time could be affected by the vehicles being parked in such a way. As you are aware any fire fighter entering a building fire must be supported by water. Lancashire appliances carry 1000 liters this will last around 9 minutes, so it is important that we can find water quickly so we can get water onto the fire ground. The next fire hydrant is located at the junction of Willow Street and Willow Bank Lane. This is approximately 150 meters from the hydrant at the top of the lane.

I would like to draw your attention to the attached photos showing the fire hydrant that serves the top of Willow Bank Lane.

As you can see this hydrant is situated on the footpath that is used by certain residents to park commercial vehicles. I have also spoken to my neighbors who also support the proposal.

Mr David Rawcliffe 16 Willow Bank Lane Darwen BB3 1NX. Mr Tim Jump Higher Woodhead Farm Darwen BB3 1NX.

I trust this email will help the Executive Member make the correct decision.

Thanks.

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Regards

S Murray

ORIGINATING DIVISION: HIGHWAYS AND TRANSPORTATION

REPORT TO: BLACKBURN WITH DARWEN BOROUGH COUNCIL
PLANNING AND HIGHWAYS COMMITTEE

DATE: 30th July 2019

TITLE: OBJECTION – PROPOSAL TO VARY THE BOROUGH OF
BLACKBURN SCHOOL ENTRANCE CLEARWAY ORDER
2018

WARD: Shear Brow and Corporation Park

COUNCILLORS: Cllr Hussain Akhtar
Cllr Suleman Khonat
Cllr Zainab Rawat.

1.0 PURPOSE OF THE REPORT

The purpose of the report is to advise the Committee of four emails of objection to an element of the proposed variation to a TRO as detailed below:-

No stopping on entrance markings Mon – Fri 8am – 5pm Dukes Brow, Blackburn

2.0 BACKGROUND

As part of a safety scheme in the vicinity of Queen Elizabeth Grammar School, it was proposed to introduce extended school keep clear restrictions on West Park Road, East Park Road and Dukes Brow. In addition to the above, this proposal includes minor modifications to existing school keep clear restrictions around St Anne's School and revocations of redundant orders in the vicinity of St Peter's School Mill Hill.

3.0 DETAIL

Approval to advertise this proposed Traffic Regulation Order was given on 27th March 2019 and it was advertised on the 20th June 2019. Following advertising, four emails of objection were received from residents of Dukes Brow objecting to the proposal to introduce school keep clear markings on the residential side of the road as well as the school side.

The objectors are all residents of Dukes Brow and allege that

- This restriction will result in elderly residents and visitors having to walk further as they will not be able to park near their homes during the operational times of the restriction.
- Parents and grandparents concerned that this will have an impact on young children's safety as they will have to walk further from their parking place.
- Couriers and delivery drivers will not be able to stop due to the loading/unloading ban
- Residents will have to carry shopping etc a further distance from parked vehicles
- All objectors request that this proposal be reconsidered and ask if another solution can be found such a less onerous restriction, a permit parking scheme or a one way driving order.

In addition to the proposed variation to the school keep clear order as detailed above, an experimental order, **Page 14** if confirmed, will introduce a restriction of

waiting and loading on the adjoining sections of Dukes Brow operational Monday to Friday 8am-5pm school term time only. It is unclear which of these restrictions, the residents are objecting to as their emails refer simply to proposed parking restrictions. However as the variation to school keep clear order is the only order which can be objected to in this way, this report will deal with objections to that proposal and the comments will also be kept on file for when the objection period of the experimental order has passed (i.e after the first 6 months of its life) and changes may be made to the order based on these comments.

The proposal to introduce a School Keep Clear restriction on the residential as well as the school side of Dukes Brow will reduce parking along this stretch of properties in an area where few have off street parking. However, concerns have been expressed by the school over safety issues as children arrive at and leave school. There have also been concerns about congestion due to increased traffic flow at peak times. The proposed measures will ensure the area is free of parked vehicles at peak times which will significantly increase road safety for vulnerable road users whilst improving traffic flow and reducing congestion

It is recommended therefore that the order be made as advertised and the area be monitored to ascertain the effectiveness of the improvements.

It is felt that

4.0 IMPLICATIONS

Customer	Amenity
Financial	The costs of implementing the scheme will be met from the Traffic budget
Anti-poverty	None
Crime and Disorder	None

5.0 RECOMMENDATION

It is recommended that the Committee recommends that the Executive Member support the officer recommendations that:-

- The objections are declined.
- The Order is made as advertised.
- The objectors are informed of the decision.

6.0 BACKGROUND PAPERS:	4 emails of objection Plan
7.0 CONTACT OFFICERS:	Gina Lambert
8.0 DATE PREPARED:	21 st August 2019

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted