

# Public Document Pack

## Planning and Highways Committee

Thursday, 17th October, 2019

6.30 pm

Meeting Room A, Blackburn Town Hall

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### AGENDA

1. **Welcome and Apologies**
2. **Minutes of Previous Meeting**  
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3. **Declaration of Interest**  
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- Material Considerations** 9 - 10
4. **Planning Applications for Determination**  
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- 4.1 **Planning Application 10-19-0317**  
**Land at Spring Meadows, Darwen** 12 - 41
5. **Revised Validation Checklist for Planning Application Submissions**  
To engage the Planning and Highways Committee in the review of the Council's adopted Local Validation Checklist (LVC) listing the criteria and requirements for the formal submission of planning applications.  
**Revised Validation Checklist for Planning Application Submissions Report** 42 - 82  
**Validation Requirements and appendices**
6. **Response to DCMS Consultation - Reforms to permitted development rights to support 5G deployment**  
To inform Members of the Council's response and views on the Government's proposals to amend the permitted development rights in England to grant planning permission

for mobile infrastructure to support deployment of 5G and extend mobile coverage particularly in rural areas, and the circumstances in which it would be appropriate.

To agree the responses to the questions set in the Consultation paper, and that the responses should form the formal views of the Council.

**Response to DCMS Consultation - Reforms to permitted development rights to support 5G deployment** 83 - 93

7. **Appeals Monitoring Report**

To present Members with an update of recently decided appeals since the last monitoring report in April 2019.

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Date Published: Wednesday, 09 October 2019  
Denise Park, Chief Executive

## PLANNING AND HIGHWAYS COMMITTEE

Thursday, 19 September 2019

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

**OFFICERS** - Gavin Prescott (Development Manager), Rabia Saghir and Safina Alam (Highways) and Shannon Gardiner (Democratic Services).

### RESOLUTIONS

**48**     **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Councillor Oates.

**49**     **Minutes of the Previous Meeting**

**RESOLVED** - That the minutes of the previous meeting held on 15<sup>th</sup> August 2019 be confirmed and signed as a correct record.

**50**     **Declaration of Interest**

There were no Declarations of Interest received.

**51**     **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.

**52**     **Planning Application 10/19/0443**

*Speaker – Mr Abbasi (In support)*

**Applicant** – Ms Ismail Bibi

**Location and Proposed Development** – 3 Royshaw Close, Blackburn, BB1 8RW.

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

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

**RESOLVED** - Approved subject to the conditions highlighted in the Director’s Report.

**53 Planning Application 10/19/0617**

*Speaker – Mr David Brackley (In support)*

**Applicant** – Miller Homes

**Location and Proposed Development** – Old Blackburnians Memorial Ground, Lammack Road, Blackburn, BB1 8LA.

Reserved Matters Application for the appearance, landscaping, layout and scale of 55 dwellings following outline approval.

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

**RESOLVED** - Approved subject to the conditions highlighted in the Director's Report and Update Report.

**54 Planning Application 10/19/0676**

**Applicant** – Blackburn with Darwen Borough Council

**Location and Proposed Development** – St Cuthbert's Church of England School, St Albans Road, Darwen, BB3 0HY.

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

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

**RESOLVED** - Approved subject to the conditions highlighted in the Directors report.

**55 Planning Application 10/19/0677**

*Speaker – Mr Dan Matthewman (Agent)*

*Speaker – Mr Leigh Keen (Objector on behalf of a residents association)*

*Speaker – Mr Jack Ellison (Objector)*

**Applicant** – Applethwaite Ltd

**Location and Proposed Development** - Land South of Tower Road and West of Hillcrest Road, Feniscliffe, Blackburn, BB2 5LF.

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.

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

**RESOLVED** - Approved subject to the conditions highlighted in the Director's Report and further conditions highlighted in the Update Report, including the removal of one condition as indicated in the Update Report.

Approved 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 the Directors Report.

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

**56 Planning Application 10/19/0748**

**Applicant** – Mr S Stuttard

**Location and Proposed Development** – The Arches, 581-583 Preston Old Road, Blackburn, BB2 5HD.

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

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

**RESOLVED** - That Conditions 4 and 5 pursuant to application 10/18/0417 relating to the necessary extraction system and parking management statement be discharged.

**57 Petition Report Crossing Facility Earl Street Blackburn**

A report was submitted informing the Committee of the receipt of a petition relating to a request for installation of a zebra crossing facility outside of St James Primary School.

The petition was signed by 50 parents of pupils of St James School, Blackburn.

**RESOLVED –**

- 1) That the Committee note the petition;
- 2) That the Committee support the officer recommendations that the request for the introduction of a zebra crossing on Earl Street is rejected; and
- 3) That the Lead Petitioner be informed of the decision

**58 Willow Bank Lane Objection**

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

Approval to advertise this proposed Traffic Regulation Order was given on 22<sup>nd</sup> February 2019 and was subsequently advertised on 27<sup>th</sup> June 2019.

Following advertising, a letter of objection was received from a resident of Willow Bank Lane. The reasons for objecting to the proposal were outlined in the Director's Report.

**RESOLVED** – That the Committee recommend that the Executive Member support the officer recommendations that:-

- 1) The objection is overruled;
- 2) The Order is made as advertised; and
- 3) The Objectors are informed of the decision

#### **59 Variation to School Keep Clear Order Objection Report**

The Committee was advised 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.

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 modification 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.

Approval to advertise this proposed Traffic Regulation Order was given on 27<sup>th</sup> March 2019 and it was advertised on the 20<sup>th</sup> 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. Further details of the objections were highlighted in the Director's Report.

**RESOLVED** – That the Committee recommends that the Executive Member support the officer recommendation that;

- 1) The objections are upheld;
- 2) The Order is made with the school keep clear restriction on the residential side of Dukes Brow removed from the schedule; and
- 3) The objectors are informed of the decision

#### **60 Enforcement 317 One Stop Car Shop, Stansfeld Street.**

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land One Stop Car Shop, Stansfeld Street Blackburn.

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

**RESOLVED** - That authorisation be given to the proposed enforcement action at One Stop Car Shop, Stansfeld Street, 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

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

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

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

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

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

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

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

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

#### Reasons for Decision

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

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



## BwD Council - Development Control

General Reporting

REPORT NAME: *Committee Agenda.*

### REPORT OF THE DIRECTOR OF GROWTH & DEVELOPMENT

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

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

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

#### PLANNING APPLICATIONS FOR DETERMINATION Date: 17/10/2019

Application No	Applicant	Site Address	Ward
10/19/0317	Persimmon Homes and Northern Trust Persimmon House Lancaster Business Park Caton Road Lancaster LA1 3RQ	Land at Spring Meadows Darwen	Darwen South
Full Planning Application for Erection of 168 no. Residential Dwellings, Associated Infrastructure and Public Open Space			

**RECOMMENDATION:** Permits

**REPORT OF THE DIRECTOR**

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

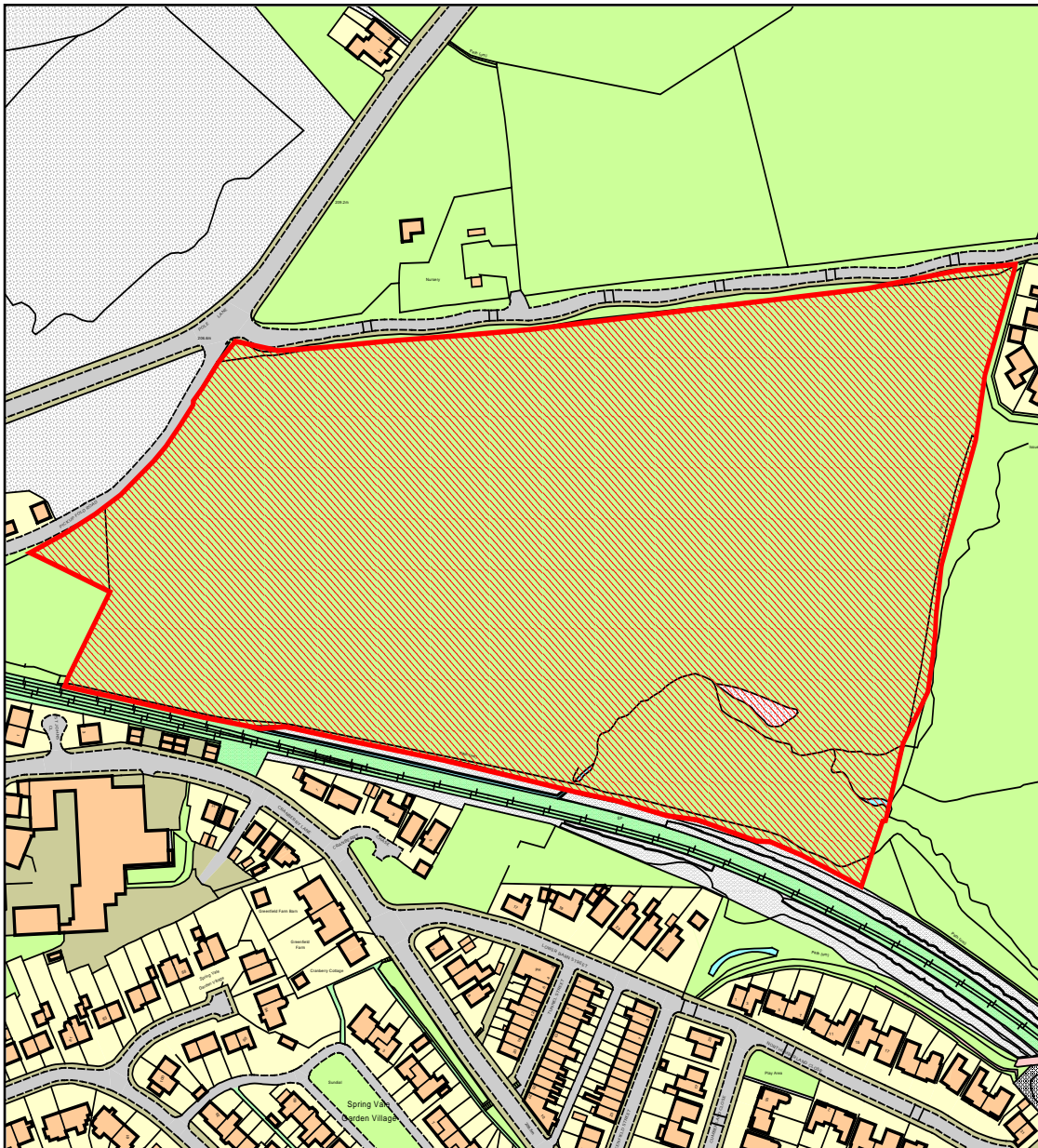
**Proposed development: Full Planning Application for Erection of 168 no. Residential Dwellings, Associated Infrastructure and Public Open Space**

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

**Applicant: Persimmon Homes and Northern Trust**

**Ward: Darwen South**

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



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 **APPROVE** – Subject to recommended conditions and the applicant entering in to a Section 106 legal agreement relating to financial contributions towards; off-site affordable housing provision; provision of Darwen East Distributor Corridor; and off-site provision of additional primary school places in East Darwen

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

- 2.1 The proposal will deliver a high quality housing scheme which will widen the choice of family housing in the Borough. It supports the Borough's planning strategy for housing growth as set out in the Core Strategy and Local Plan Part 2. The proposal is also satisfactory from a technical point of view, with all issues relative to the assessment having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

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

### **3.2 Proposed Development**

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

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

### **3.3 Development Plan**

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

#### **3.3.2 Core Strategy**

- CS1 – A Targeted Growth Strategy
- CS5 - Locations for New Housing
- CS7 – Types of Housing
- CS8 – Affordable Housing
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS22 – Accessibility Strategy

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

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

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

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

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

### **3.5 Assessment**

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

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

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

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

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

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

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

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

### 3.5.5 Highways and Access

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

3.5.6 Vehicular access to the site will be via two entrances, approximately 110m apart, on Spring Meadows. The carriageway is a single track road which serves as the sole means of access to dwellings on the Spring Meadows estate.

3.5.7 The design of the proposed access points into the application site are supported, subject to suitable visibility splays which can be provided by condition.

3.5.8 The Council's highway officer has expressed some concerns with the internal layout of the development. Principally the concerns relate to; non-compliance with Manual for Streets, sub-standard parking arrangements, further details of road gradients required; need for pedestrian footway provision; and requirements for private drives to be limited to two vehicles unless alternative bin collection arrangements are provided. These matters have been addressed by the applicant in their latest submission – the subsequent response from the Highway team will be provided via the committee update report. With regards to the parking relating to each plot, those plots with detached garages are required to meet the Council's requirement of 6m x 3m in terms of their size. This will be conditioned.

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

3.5.10 A Transport Assessment has been submitted in support of the application, which included survey of the local highway network and referenced committed developments close to the application site. The proposal is expected to generate a 2 way total of approximately 74 trips in the AM and 77 trips in the PM peak hour and details impact of these additional vehicles at affected junction, including Pole Lane/ Prior Drive, Sough Road/ Pole Lane junction. The TA states that an effective public transport system is essential in providing good accessibility for large parts of the population enabling opportunities for work, education, shopping, leisure and healthcare in the town and beyond. The nearest bus stops to the site are situated on Pole Lane and Priory Drive, with the closest active bus stop being located approximately 560 meters on from the centre of the site. The bus stops on Pole Lane and one of



the stops on Priory Drive have a stand post and timetable only as can be seen below. Consideration should be given to the upgrade of these. The report concludes that affected junctions and the network in general can accommodate the traffic forecast of the proposal and would have a minimal impact on the local highway network.

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

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

- 3.5.18 The Council's Public Protection Team has reviewed the application and offers no objection to the development subject to conditions to safeguard the amenity of future occupants of the site and those existing residents in the area. These conditions relate to land contamination; control on working hours (08:00 to 18:00 Mondays to Fridays, 09:00 to 13:00 Saturdays, Not at all on Sundays and Bank Holidays); scheme for noise and dust management during construction phase to be agreed; and the provision of electric charging points and gas boiler emissions to safeguard air quality.
- 3.5.19 The overall impact of the proposed development is considered to accord with the provisions of the adopted and Local Plan Part 2 as any potential harm to amenity has been addressed or can be adequately controlled or mitigated through planning conditions.
- 3.5.20 Ecology: Policy CS15 seeks to protect and enhance the Boroughs ecological assets with the aim of establishing and preserving functional networks. Policy 9 seeks to avoid disturbance to protected species and provide compensatory measures when necessary, as per considerations 2 and 5 of Policy 16/16.
- 3.5.21 The site is currently grassed, with self-seeded trees and a water course located to the southern boundary. The applicant has submitted an Extended Phase 1 Habitat Survey, Reptile and Invertebrate Survey and Badger Surveys.
- 3.5.22 The submitted documents remain under review by the Council Ecological consultants. A full response on this issue will be provided via the update report.
- 3.5.23 Flood Risk and Drainage: Policy 9 of LPP2 requires development to demonstrate that it will not be at risk of flooding and use of Sustainable Urban Drainage Systems (SUDS) is required, as per consideration 4 of Policy 16/16.
- 3.5.24 The site is located within Flood Zone 1. The applicant has provided a Flood Risk Assessment (FRA) due to the site size exceeding 1 hectare, as per NPPF guidance. The FRA demonstrates that the development will be at low risk of flooding and would not increase the opportunity of flooding elsewhere. The drainage strategy for the development identifies the requirements for on-site water retention and the submitted layout provides for an attenuation pond which is to be designed of sufficient size to accommodate needs of the development. This would be an acceptable SUDS solution indeed the Councils Drainage Officer, United Utilities and Environment Agency have no objection to the proposal subject to conditions relating to; further details of the attenuation feature being agreed; future maintenance and management of the SuDs within the approved layout. On this basis it is considered is consistent with Policies 9 and 16/6 of LPP2.

- 3.5.25 Financial Contributions: In order to make the development acceptable in planning terms the following areas are to be addressed through the s106 legal agreement that will accompany any planning approval;
- 3.5.26 Affordable Housing: Core Strategy Policy CS8 advises that all new residential development will be required to contribute towards the Borough's identified need for affordable housing; this being achieved through on-site provision, or through a financial contribution towards off-site delivery. The overall target for affordable housing is set at 20%
- 3.5.27 Local Plan Policy 12: Developer Contributions, which accords with the NPPF, indicates that where request for financial contributions are made the Council should be mindful of the total contribution liability incurred by developers. The applicant has indicated their desire for off-site provision, and submitted a viability report that has been independently appraised. The outcome of which is that it is accepted that due to the other liabilities on the site and other contributions being sought there is not adequate room to provide in accordance with the 20% threshold. Instead a contribution of £150,000 has been agreed towards off-site provision.
- 3.5.28 Education: The Council, through an independent assessment by Edge Analytics, has identified future primary school provision requirements associated with the current proposal and other committed development in the locality. The outcome is that the developer is required to make a contribution of £1,500,000 towards additional primary school provision in the East Darwen locality.
- 3.5.29 Off-Site Highway: As stated previously in this report, the majority of the off-site highway improvements are to be managed via a s278 process and controlled via Grampian Planning Condition. However, a sum of £150,000 has been fixed in relation to contribution towards the Darwen east Distributor Corridor highway improvements.
- 3.5.30 Summary: This report assesses the full planning application for 168 dwellings on a parcel of undeveloped land, accessed from Spring meadows road, Darwen. In considering the proposal a wide range of material considerations have been taken in to account during the assessment of the planning application
- 3.5.31 This report concludes the proposal provides a high quality housing development with associated infrastructure on an allocated housing site. The principle of development is agreeable with the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, and the National Planning Policy Framework. Furthermore the scheme is acceptable from a technical perspective, with all matters being adequately addressed, or capable of being appropriately controlled via planning conditions.

## 4 RECOMMENDATION

### 4.1 Approve subject to;

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

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

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

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

- Three year time limit for development to commence
- Phasing plan to be agreed
- Construction method statement to be agreed and implemented
- Details of arrangement for future maintenance and management of the proposed streets, until such time that an agreement has been entered into under section 38 of the Highways Act 1980, or a private maintenance company is established;
- Notwithstanding the submitted details, detached garages on the plots shall be 6 metres by 3 metres in floor area.
- Full details of the engineering, drainage, street lighting and construction details of the streets within the site to be submitted and agreed.
- Foul and surface water on separate systems
- Surface water drainage scheme to be submitted and agreed
- Further details of surface water attenuation feature
- Scheme for future maintenance and management of the SuDS to be submitted and agreed
- Construction hours restriction (08:00 to 18:00 Mondays to Fridays, 09:00 to 13:00 Saturdays, Not at all on Sundays and Bank Holidays)
- Scheme for suppression of noise and dust during development to be agreed
- Contaminated land investigation, mitigation and validation
- External plug socket provision to facilitate electronic vehicle charging
- Maximum boiler emission standards
- Materials to be submitted and agreed
- Scheme for remedial works for mine entry 033 to be agreed
- Post development, mine works verification report to be submitted
- Watching brief during construction in relation to un-located mine entries.

## 5 PLANNING HISTORY

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

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

## 6 CONSULTATIONS

### 6.1 Highways:

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

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

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

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

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

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

revision to this in favour of the pedestrian please make the necessary amendments.

Confirmation required of the area to be presented for adoption.

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

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

#### 6.2 Public Protection:

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

#### 6.3 Lead Local Flood Authority:

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

#### 6.4 Ecology:

See update

#### 6.5 Education:

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

#### 6.6 Police Architectural Liaison Officer:

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

## 6.7 Coal Authority:

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

The applicant has submitted letter providing commentary on mine entries in conjunction with the planning layout plan. The letters author states the following:

Mine entry 033 - When considering the shaft location, remedial works will be required in order to remove the potential risks to public safety, these should comprise drilling and treating works with the installation of a cap.

Mine entry 034 - Based on the information available the shaft has previously been found and treated by others during 2001. However, following further investigations the shaft has not been located. The letters author therefore recommends that a 'watching brief' exercise should be undertaken during the construction works to further investigate the potential presence of the capped shaft, since the shaft will be present elsewhere on site. These works will involve the inspection of all construction related excavations in proximity to the recorded and inferred position.

Mine entry 0042 – Searched for but not found. The letters author therefore recommends that a 'watching brief' exercise should be undertaken during the construction works to further investigate the potential presence of the capped shaft, since the shaft will be present elsewhere on site. These works will involve the inspection of all construction related excavations in proximity to the recorded and inferred position.

On the basis of the updated information the Coal Authority have **no objection** to this planning application subject to appropriate conditions being imposed to secure the remedial works required for the mine entry found on site. The nature and extent of the remedial works will need to be agreed with the Permitting Team at the Coal Authority as part of the permissions process.

Suggested pre-commencement conditions:

- The submission of a scheme of remedial works for the mine entry for approval; and
- Implementation of those remedial works
- Submission of a Verification Report confirming the works carried out on site.
- A watching brief to be carried out during the construction works on site in the areas where the un-located mine entries may be present, as recommended within the applicant's report. Any suspected mine entries found to be present in these areas should be immediately reported to the Coal Authority and the LPA. Investigations and remedial works may be required for any such features established as being present on site.

6.8 Environmental Services

No objections.

6.8 United Utilities:

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

6.9 Public Consultation:

96 neighbouring properties have been individually consulted by letter, site notice displayed and a press notice issued. 14 letters of objection and 2 comments have been received (see section 9)

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

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



## 9 SUMMARY OF REPRESENTATIONS

Comment – Darwen South Ward Councillors: Kevin Connor, Lilian Salton, Neil Slater. Rec – 27/06/2019

### Planning Application 10/19/0317 Persimmon Homes

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

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

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

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

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

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

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Obj – Mrs Okane. Rec – 24/04/2019.

Hi

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

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

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

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

Please can you advise?

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

Dear Sir / Madam

Ref : 10/19/0317

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

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

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

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

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

Thank you

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

Dear Sir

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

Alternatives available:

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

Suitability of proposed site:

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

Increased population:

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

Is there a demand for new houses?

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

## Local amenities

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

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

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

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

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

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

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

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

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

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

## Preservation of nature

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

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

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

Dear Planning Team,

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

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

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

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

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For the attention of Martin Kenny.

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

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

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

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

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

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

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



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

### Obj – K Young, 19 Spring Meadows, Darwen. Rec – 30/06/2019

FAO Mr M Kenny,

Dear Sir, I note the amended plan as per your correspondence of 27<sup>th</sup> June 2019 and offer the following comment and Safety concerns.

I note from the site plan I note access to the site from Spring Meadows lane and a large number of properties with driveways onto this lane. When purchasing property at Spring Meadows I was informed that this access way was sized according to the number of properties at Spring Meadows (32). I also note the recent developments on the opposite side of Spring Meadows which also have a number of properties with drive access onto this lane.

I am concerned from a Safety perspective that the width of this road is inadequate to support vehicle access for the number of properties contained within this plan.

- The road is narrow, almost one car wide in places, and is dangerous in winter due to being untreated.
- Residents will most certainly have numerous vehicles leading to cars being parked on the lane itself.
- Children of dwellings accessing the lane will inevitably play in the area.
- The road is regularly used by farm traffic; on occasions with farm machinery of considerable width causing it or other traffic to have to mount the pavement to safely pass.

I am concerned that this combination of factors leads to a **high risk** of road accidents, potentially involving children and other pedestrians or road users.

As a responsible planning organisation can you please confirm,

- which developer will be accountable for the widening of this access road?
  - How and when will this be undertaken and
  - how will existing residents be protected from the disruption this will undoubtedly cause?
-





**Obj – Submitted in duplicate by:**  
**Tanya Targett, 1 Moorlands Court, Darwen**  
**Gareth Mayoh, 5 Moorlands Court, Darwen**  
**C Cooper, 6 Moorlands Court, Darwen**  
**John & Yvonne Harkness, 4 Moorlands Court, Darwen**

**Re: Planning Application 10/19/0317**  
**Erection of 168 Houses at Land on Spring Meadows, Darwen**

I would like to object to the planned proposal and offer the following observations:

1. Spring Meadows is effectively a single-track winding road and is the ONLY access road for two farms and 42 houses (photo 1).  
Kier Living (Taylors Green development on Pole Lane 10/18/0598), currently use this single-track road for parking contractor vehicles (on the pavement - photo 2) and for access using site machinery. This is currently a serious health and safety risk, in that pedestrians with prams and wheelchair users must go into the road and could be struck by moving vehicles and machinery. This issue will worsen if the proposed development is allowed to proceed (especially at the same time as the Keir development). Two building sites will be using Spring Meadows as the main point of entry to their respective sites.
2. All the residents are currently being held up and inconvenienced by the one site, another consecutive building site will be unbearable for residents trying to get to and from their properties (photo 4).
3. Blackburn with Darwen Council cannot control the Keir site currently with weekend working that contravenes the planning departments imposed working hours, taking place most weekends with any abatement notices seemingly ignored.
4. If this planning application is approved there will be approximately 300 extra cars from this development and approximately 200 from the Taylors Green development.  
Spring Meadows and Pole lane are busy enough currently, even after the improvements at the Priory Drive and Sough Road junctions. The increase in additional vehicles will cause a major road safety issue.
5. There are not enough school places for the number of houses being built. St Barnabas School and Ashleigh Primary School, two of the closest schools are currently full and with addition homes being built on Cranberry Lane, this situation will worsen.
6. There are a number of unfinished development sites in Darwen and land earmarked for building that should be considered first, such as Hoddlesden Mill, land off Tower View, Belgrave Road and the Moorland old school site.  
Considering the large amount of council taxpayers money spent putting a road in from Marsh House Lane – the Tower View site should be a priority for building.

7. The amount of planning developments approved in this area is excessive with over 130 houses being built on Cranberry Lane, 134 on Taylors Green and now this application for another 168 houses. Over 400 hundred houses being built at the same time within 1 mile of each other will bring the area to a complete standstill.
8. Wildlife including deer, owls, kestrels, badgers and newts can be seen on this land daily. Their natural habitats will be removed by building on yet another piece of valuable green open space. Badger holes were filled with concrete and the newt pond was recently drained on this site, to remove any trace of wildlife using this land. This should not be allowed to happen and should not be ignored by the planning committee.
9. I have added photographs taken today, detailing some of the issues mentioned above and would at least consider that members of the planning committee should visit Spring Meadows during the busy morning or afternoon periods and without notice to see for themselves the effect the current building site is having.

No.		Description
1		<p>The only road serving 2 farm and 42 homes. Effectively a single-track winding road currently used as a site access road by Keir Homes. Another development using this road will affect all the residents.</p>
2		<p>Construction traffic parking on the pavements, so that pedestrians cannot pass safely. Only room for one vehicle to pass.</p>
3		<p>One of the two site entrances used by construction traffic as well as a third entrance for the sales office.</p>
4		<p>Entrance to housing Moorlands Court and Spring Meadows used by construction traffic for manoeuvring and turning around construction and delivery vehicle. Also, contracts working on site use as a daily car park</p>

## Obj – Marc Pemberton, 24 Spring Meadows, Darwen. Rec – 08/07/2019

Good Afternoon Martin,

Please see below my comments regarding the proposed plan – 10/19/0317 – site off Pole Lane.

I object to the proposed plan – 10/19/0317

I would also like it to be on record that I found it extremely frustrating that the LET ran a story, with comments from the council this weekend, stating that this site was recommended for acceptance. To state this, before consultation confirms the feeling that consultation is not a two-way process and in fact, it is a box ticking exercise.

I also reject the claim that this development will bring in £2mio/y in Council Tax revenue.

- The amendment to the plan increases the housing number from 130 to 168. The only justification for this is, is to increase dwelling numbers. The additional houses are not Executive houses and are not properties which are either already available within the Borough or able to be built on an alternative site. The original figure of 130 was already not appropriate for this site.
- The proposed housing mix bears no resemblance to the aspirations of the Borough with reference to CS7 (Core Strategy) and Local Plan Part 2.
  - Local Plan Pt 2 – Policy 18 – Housing Mix – “The Council will require **detached and semi detached housing** to be the **principal element of the dwelling mix on any site that is capable of accommodating such housing and where such housing would make a positive contribution to the character of the local area. The plan has a housing mix of 65%, 3 bedroom or below. 45% of the houses are not detached. This plan is not at all in-line with the aspirations of the Borough and instead could be built in many other parts of the Borough, not our Greenfield Sites. It does not get more clear than the Council outlining the principal element of the site having to be A).** and the developer not complying.
  - CS7 - there is an **under representation of higher value homes with a low percentage of housing with four bedrooms and a low number of properties in Council Tax Band D or above. It is considered that this needs to be addressed in order to attract and retain a skilled workforce and business investors.” This plan clearly does not address this, with 65% of housing below 4 Bedroom and therefore almost certainly 65% of housing being below Tax Band D.**
  - Despite what is evidently not in line with the Boroughs strategy both in CS7 & LP2, you stated on 6/7/2019 that “It supports the borough’s planning strategy for housing growth as set out in the core strategy and local plan part two” – Yet it doesn’t. I am at a complete loss as to how, what you outline in your strategy is in any way shape or form, this plan. It doesn’t match the housing mix, it doesn’t match the housing size & it doesn’t match the housing type. So, how does it support the Borough’s Strategy? Unless the strategy is simply to allow a developer to build as many houses they like on whichever sites they like, then why bother having a strategy, you may as well have had an auction.
- Of the 3600 houses proposed for development in Blackburn with Darwen, 21% are proposed within a 2mile area and they account for 100% of proposed Housing Land Allocations in Darwen. Pole Lane North/South – 290, Cranberry Lane – 110, Darwen East Development – 350 =750 Houses. The burden for the entire proposed development of Darwen is entirely weighted on residents on or around Pole Lane.
  - Other suitable sites – Darwen Moorland School, Bolton Road (Previously Crown Wallcoverings), Oakenhurst etc.
  - In July 2019 it was stated in a study released by Admiral Insurance that Blackburn with Darwen is in the top 10 UK towns for empty property. This should be resolved before new Greenfield sites are developed, if the proposals are going to have Mews

- Houses, Semi Detached Properties etc. Councillor Phil Riley (Executive Member for Regeneration & Planning" said "we are working to reduce the number of empty properties across the borough but it is a **time consuming and laborious project**". I would advise the council that this should be a priority and regeneration & planning, is not a synonym for simply allowing the building of new homes. It does involve regenerating, pre-existing sites.
- o Using calculations for Population Yield, you can estimate that the 750 properties will yield a population increase of 2205 people
    - Resulting in an additional estimated;
      - **1609 cars**, with no significant infrastructure change
      - **539 children** of school age, with no plan for development of schools. This is an **extra 41 children per year of school**, which would indicate that a new Primary School would need to be built and a Secondary School would need significant support to accommodate the new children.
    - o This site alone will contribute an additional 346 cars, 115 children of school age
  - This site is within a Critical Drainage Area – other than simply stating that considerations need to be made, what, if anything has been done or is proposed to be done about this.
  - The site is a natural habitat for Deer, Badgers, Owls, Falcons, Kestrels,
  - The site is a green space frequented by many residents and is essential to maintain their current quality of life with regards recreation & wellbeing
  - The site represents the boundary between Town & Country and as such was the justification for the planning refusal in 2011. Nothing has changed.
  - With regards the recent story published in the Lancashire Evening Telegraph
    - The Council should not recommend ANY development before consultation has been completed
    - The figure of £2mio in Council Tax Receipts is wrong
      - 160 Houses @ £1600/y avg = £260k/y max.
      - Please issue an amendment to this quote regarding this
    - £1.5mio from Persimmon towards Education
      - Specifically how will this be spent
        - £1.5mio is a drop in the ocean compared to what is required.
-

Obj – Glenn Roberts, 9 Moorlands Court, Darwen. Rec – 08/07/2019

Dear Sir,

Re: Planning Application 10/19/0317  
Erection of 168 Houses at Land on Spring Meadows, Darwen

I would like to object to the planned proposal and offer the following observations:

1. Spring Meadows is effectively a single-track winding road and is the ONLY access road for two farms and 42 houses Kier Living (Taylors Green development on Pole Lane 10/18/0598), currently use this single-track road for parking contractor vehicles and for access using site machinery. This is currently a serious health and safety risk, in that pedestrians with prams and wheelchair users must go into the road and could be struck by moving vehicles and machinery. This issue will worsen if the proposed development is allowed to proceed (especially at the same time as the Keir development). Two building sites will be using Spring Meadows as the main point of entry to their respective sites.
2. All the residents are currently being held up and inconvenienced by the one site, another consecutive building site will be unbearable for residents trying to get to and from their properties Blackburn with Darwen Council cannot control the Keir site currently with weekend working that contravenes the planning departments imposed working hours, taking place most weekends with any abatement notices seemingly ignored.
3. If this planning application is approved there will be approximately 300 extra cars from this development and approximately 200 from the Taylors Green development.  
Spring Meadows and Pole lane are busy enough currently, even after the improvements at the Priory Drive and Sough Road junctions. The increase in additional vehicles will cause a major road safety issue.
4. There are not enough school places for the number of houses being built. St Barnabas School and Ashleigh Primary School, two of the closest schools are currently full and with addition homes being built on Cranberry Lane, this situation will worsen.
5. There are a number of unfinished development sites in Darwen and land earmarked for building that should be considered first, such as Hoddlesden Mill, land off Tower View, Belgrave Road and the Moorland old school site.  
Considering the large amount of council taxpayers money spent putting a road in from Marsh House Lane - the Tower View site should be a priority for building.
6. The amount of planning developments approved in this area is excessive with over 130 houses being built on Cranberry Lane, 134 on Taylors Green and now this application for another 168 houses. Over 400 hundred houses being built at the same time within 1 mile of each other will bring the area to a complete standstill.
7. Wildlife including deer, owls, kestrels, badgers and newts can be seen on this land daily. Their natural habitats will be removed by building on yet another piece of valuable green open space. Badger holes were filled with concrete and the newt pond was recently drained on this site, to remove any trace of wildlife using this land. This should not be allowed to happen and should not be ignored by the planning committee.

I would be grateful if you could acknowledge receipt of this objection letter.

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Dear Sir/Madam,

My observations  
on the planning application  
Ref. as follows - 10/19/0317  
Erection of 168 Residential  
dwellings @ Spring Meadows.

- ①. Objections as follows -
- ②. Heavy traffic, fast traffic  
no speed limit taken  
notice of.

I am sick & tired of dust,  
mud, grime loose soil etc etc

- ③. Silty cars & windows of  
property. Also gardens.
- ④. Exits of sites onto Pole Lane,
- ⑤. Natural habitat ruined

II

for years. Deer being killed.  
Infrastructure = no buses of  
course, cars for every house,  
& more -

Don't you feel you have  
enough houses, built  
of greenfield sites.

- ⑥. What about the 10% for  
social housing?
- ⑦. Haven't you built enough?

**Re: Planning Application 10/19/0317**

**Erection of 168 Houses at Land on Spring Meadows, Darwen**

I write to inform you of my very strong, but reasonable, objections to the above planned proposals for the following observations and reasons:

The various planning developments already approved for this area is extremely excessive, with over 130 houses currently being built on Cranberry Lane, plus a further 134 on Taylors Green, spring meadows. This latest application is for yet another 168 houses adjacent yet on the same small road. This amounts to over 400 hundred houses being built at the same time, all within 1 mile of each other. This is certain to bring the whole area to an almost complete standstill and also put immense strain on schooling, medical care, transport and also all the essential utilities. There is no planning thought or sensitivity in to what is going to be a vastly overdeveloped small area within Darwen. The developments should be spread further apart!!

- The current building site at tailors green, spring meadows has resulted in site Drivers having no option or regard but to park on the pavement, even though I have pointed out the dangers to a member of staff at the Kier site office. The lane is also used for site machinery and delivery vehicles to access the site. This is definitely a very serious health and safety issue, because pedestrians, obviously including children, pedestrians with prams, and wheelchair users have, unavoidably, to leave the pavement and walk on the road. This poses a very high risk of someone being injured or even killed by moving vehicles or machinery.

These issues will, undoubtedly, increase should the proposed development be allowed to proceed. All of the contractors, delivery, work personnel and residing residents' vehicles on both building sites will have to access Spring Meadows as the main point of entry. This is in addition to vehicles owned by the residents already residing in Spring Meadows will make it impossible to use a standard road to access work, school etc.

Should this planning application be approved, there will be, approximately, an additional 300 cars generated from the new development, plus a further 200 from the Taylors Green development. Pole lane is already a very, very busy road as a result of improvements at the junctions of Priory Drive and Sough Road. Any further increase in vehicles will, obviously, result in major road safety issues.

Are our local Health Centre, Doctors' Surgeries, Dental Surgeons' Surgeries and the nearby hospital going to be extended? Are more doctors, nurses, other professional medical and administration staff going to be employed to cope with the influx of the additional population?

There are a number of unfinished development sites in Darwen and land earmarked for building that should be prioritised e.g. Hoddlesden Mill, land off Tower View, Belgrave Road and the old Moorland school site. These should be allocated and built on as existing sites not what was until recently GREEN BELT LAND!



In view of the vast amount of council taxpayers' money used for building the new road from Marsh House Lane, the Tower View site should be an urgent and priority consideration for building.

Also, there are numerous areas in the Borough urgently requiring demolition. Building new houses in these areas would be much more beneficial to the potential occupants and to the area in general.

- The land planned to be built on is full of Wildlife, including deer, foxes, owls, kestrels, badgers and newts and be seen on the proposed building site on a daily basis. Their natural habitats will be, or already have been, removed by unscrupulous or suspicious methods. Recently on this site the Badger sects have been filled with concrete and the newt pond drained to remove any trace of wildlife. This is completely unacceptable, extremely cruel, and certainly should not be allowed to happen. Such actions by building contractors should definitely not be condoned nor ignored by Councils in order to justify planning applications. **This will certainly be brought to the attention of the Local & national press and your decision will be closely monitored from a legal and moral perspective.**

I would be grateful if you could please acknowledge receipt of this objection letter and perhaps let me have your comments at the earliest convenience.

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Obj – J Geary, 30 Pole Lane, Darwen. Rec – 11/07/2019

Dear Mr Kenny

Several concerns arise with regard to this application.

1. 168 houses to be built. The Keir development is not yet completed on Pole Lane. Initial reports/rumours are that these houses are not yet selling and that there are plans to change the style of houses being built as a result. Is this the case? If so, should planning permission be given for more development, potentially leaving an abundance of empty properties and subsequent problems this could cause in this area, vandalism etc.

2. This area has up till now had an abundance of wildlife. This has diminished since the development of Taylor's Green. Development of Spring Meadows would see this diminish further. What provisions would be made to protect the deers, badgers and other wildlife. No concern appears to have been shown by developers or the council to safeguard these animals. At least one known deer fatality on Pole Lane recently.

3. Pole Lane is already an extremely busy road, with cars and lorries regularly exceeding the speed limit throughout the day. Surely this road will not be able to withstand the amount of traffic that a further housing development will generate, and will put lives at risk.

I would appreciate these concerns being taken into account during consideration of the application.

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**REPORT OF: DIRECTOR OF GROWTH & DEVELOPMENT**  
**TO: PLANNING AND HIGHWAYS COMMITTEE**  
**ON: 17<sup>th</sup> OCTOBER 2019**  
**ORIGINATING SECTION: PLANNING (DEVELOPMENT MANAGEMENT SERVICE)**  
**WARDS AFFECTED: ALL**  
**COUNCILLORS: ALL**

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## TITLE OF REPORT:

### **REVISED VALIDATION CHECKLIST FOR PLANNING APPLICATION SUBMISSIONS**

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#### **1. PURPOSE OF THE REPORT**

- 1.1 To engage the Planning and Highways Committee in the review of the Council's adopted Local Validation Checklist (LVC) listing the criteria and requirements for the formal submission of planning applications. In particular to:
- To brief the Committee on the proposed changes to the LVC; and,
  - To ensure that quality planning applications submissions are received and to provide certainty for applicants, agents and Officers alike on the validation requirements of planning applications.

#### **2. BACKGROUND**

- 2.1 Since 2008 Local Planning Authorities have been required to adopt and publish local validation requirements - a local list, which sets out what information, over and above the national requirements (i.e. application form, plans, fee, ownership certificate etc.), is necessary to accompany a planning application before it is registered by the Council as "valid". The Council's first Local List was adopted in 2008 and was last reviewed and updated in 2012.
- 2.2 In addition to the National Validation Requirements laid down by the Government, paragraph 44 of the National Planning Policy Framework (NPPF, 2019) states that 'Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local Planning Authorities should only request supporting information that is relevant, necessary and material to the application in question.' The combined use of the National and Local Validation Requirements provides both the

authority and applicant with more certainty over the type of information required from the start of the process and helps to make sure that the information requested is proportionate to the type and scale of application being made.

- 2.2 The Town and Country Planning (Development Management Procedure) (England) Order 2015 details in Part 3, Article 11 (3) that Local Planning Authorities will only to be able to request information based upon a local validations requirement list produced within two years of the date of an application being submitted. This means the local validation requirements list will need to be revisited, revised and readopted prior to October 2021.

### **3. RATIONALE**

- 3.1 The National Planning Policy Framework (NPPF) sets out that Local Planning Authorities should publish a list of their information requirements for planning related applications and that this should be reviewed on a frequent basis. Since the previous iteration in 2012 a number of new national policies and Planning Practice Guidance documents have been introduced by the Government and therefore an update is now required. Additionally, in accordance with the Development Management Order 2015, Local Planning Authorities are only able to request information based on a local validation requirement list where it has been produced within the last two years of the date of the submission of the application.

- 3.2 Since the 2012 LVC, the main amendments to the checklist which were consulted upon include:

- All references to any out of date regulations, or policies have been removed;
- Where regulations or planning practice guidance has changed, the text has been altered to reflect this change;
- The need for Site Plans to be shown in context with neighbouring properties and any highways – This will prevent Officers having to request this information during the application and will enable both neighbouring residents and Officers to accurately assess proposals; and,
- The appendices to the LVC have been extended to include:
  - A Health Impact Screening Tool to aid ease of access for applicants' where the impact on local health is a material consideration;
  - An updated Agricultural Statement to include details of existing stocking types and numbers, labour and accommodation, and if a new dwelling is proposed, requiring details of any existing properties. This accords with similar templates used by other LPA's in East Lancashire
  - A summary of what should be submitted with any applications for wind turbines. This will ensure sufficient information is submitted with these types of application to enable Officers to accurately assess such applications.

- 3.3 A formal six week consultation has been undertaken from the 21<sup>st</sup> June 2019 until 2<sup>nd</sup> August 2019. This comprised a consultation page on the Council's website. An email was also sent to regular agents to advise them of the consultation. In total the Council consulted 481 planning agents, consultants and interested parties on the proposed amendments. Six responses were received, all from statutory consultees. Their comments are included within Section 9 of the report.
- 3.4 As a result of the public consultation period some text has been altered to ensure greater clarity for applicants. In addition, the comments of the consultees have been taken in to account, as detailed in Section 9 of this report, and have been included in the LVC. These include:
- The comments received by Lancashire Wildlife Trust have been noted and the wording rectified to provide clarity and directing developers to use the Protected Species Proforma when they are unsure.
  - The comments made by Network Rail have been included under the Site Plan section (N7) as a note.
  - The advice provided by Sports England has also been added as an appendices and text has been added in to the Local List directing applicants to this advice.
- 3.5 In addition to the above, a Front Cover has been added and a page describing the scope and aims of the LVC. These are:

*“The aim of this document is to provide the necessary information required to submit a valid planning application and enable Blackburn with Darwen Borough Council, the Local Planning Authority (LPA), to provide an efficient and effective registration and validation service.”*

It is intended to benefit all customers of the Planning and Development Management Service by:

- Increasing the awareness of the type of information required to ensure an application is accepted;
  - Promoting the use of pre-application discussions and advice;
  - Speeding up the registration process;
  - Ensuring consistency in the approach taken by Blackburn with Darwen Borough Council;
  - Increasing the use of electronic delivery;
  - Minimising the submission of additional information;
  - Avoid delays during the planning process; and,
  - Enabling Blackburn with Darwen Borough Council to provide applicants with certainty as to the information required.”
- 3.7 The comments made by United Utilities have not been taken forward however as the documents referred to by Knowsley Council are extensively detailed and have obviously had major input from the relevant Local Lead Flood Authority, and would similarly require another round of public consultation to include it within the LVL. Notwithstanding this, in the case of Blackburn with Darwen, it is considered the Council's Drainage Team, who also act as the Local Lead Flood Authority for

Blackburn with Darwen, in conjunction with United Utilities will request this information if it is considered to be relevant, necessary and material to the application in question, as required by paragraph 44 of the NPPF. In addition to this, United Utilities now offers its own pre-application advisory service for applicants which developers of Major schemes will be encouraged to use.

3.8 To summarise, the amendments brought forward do not materially change the document which was subject to public consultation.

3.9 This report sets out the updated requirements and seeks Members agreement to the updated document.

#### **4. POLICY IMPLICATIONS**

4.1 It is considered that the update to the Local List will assist users of the document by containing more current and accurate information.

#### **5. FINANCIAL IMPLICATIONS**

5.1 None

#### **6. LEGAL IMPLICATIONS**

6.1 Town and Country Planning Act 1990 S62 (3) allows a local planning authority to require that a planning application must include such particulars and they think necessary and evidence in support of anything in or relating to the application as they think necessary. This power is providing that any requirement is not inconsistent with any requirement of the Town and Country Planning (Development Management Procedure) (England) Order 2015 or the National Planning Policy Framework.

#### **7. RESOURCE IMPLICATIONS**

7.1 None for the purposes of this report.

#### **8. EQUALITY IMPLICATIONS**

8.1 None for the purposes of this report.

#### **9. CONSULTATIONS**

9.1. Coal Authority

Thank you for your notification received on the 21 June 2019 in respect of the above consultation.

As you will be aware the Blackburn with Darwen Borough Council area has significant coal mining legacy.

I have now had an opportunity to review the Validation Checklist document and am pleased to see that L25 identifies that a Coal Mining Risk Assessment is

required for development proposals which are not our exemptions list and fall within defined Development High Risk Area. However, in line with other validation requirements set out in the document it may be helpful to provide a link through to the Coal Authority website in order to provide applicants with further advice/guidance should they require it, please see suggested amendment to text below:

“L25 Coal Mining Risk Assessment”

Required for:

- Development (except Householder) which would cause ground disturbance within a high risk area
- When requested as part of the pre-application process

Further guidance on coal mining legacy and Coal Mining Risk Assessments can be found at: <https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments>

Please do not hesitate to contact me should you wish to discuss these comments further.”

## 9.2 Historic England

“Thank you for consulting Historic England on the above document. At this stage we have no comments to make on its content.”

## 9.3 Lancashire Wildlife Trust

“There would appear to be some missing text in respect of L5 - Ecological Surveys & Protected Species Statements (Including Bat, Barn Owl and Nesting Birds Surveys). After the eleven bullet points which relate to where Ecological surveys/ Protected Species Surveys are required there is the following inset text:

"Development within the urban boundary where there is no indication that protected species would be affected and where all the questions on the Proforma can be answered 'no'. This would include:

- Works to an existing roof
- Redevelopment of an already cleared site"

This would appear to relate to situations where such surveys are not required; however, the text is ambiguous and might usefully be clarified.

Thank you for your consultation.”

## 9.3 Network Rail

“Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order)

and for any development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway (as the Rail Network Operators, set out in Schedule 4 (J) of the Development Management Procedure Order.”

#### 9.4 Sports England

“In addition to the national validation requirements set out within the Government’s Planning Practice Guidance, Sport England recommends that planning applications affecting playing field land should provide sport specific information in line with the below checklist. This information will enable Sport England to provide a substantive response to applications on which it is consulted. It will also aid the LPA to assess an application in light of P.97 of the NPPF and relevant Local Plan policies.

The checklist presents the recommended requirements for all applications. It also indicates the information that Sport England recommends should be submitted where an applicant feels their development may meet with one of the exceptions to Sport England’s Playing Fields Policy.

See table of requirements below:

Document	Presenting details on.....	
<b>Required for all applications</b>		
<b>Consultation Notice</b>	1. The development proposed (description), timescales, case officer contact details and how information can be viewed.	
<b>Existing site plan</b>	2. Extent of the playing field as defined by <a href="#">The Town and Country Planning (Development Management Procedure) (England) Order 2015</a>	
	3. Location and nature of existing buildings.	
	4. Location and nature of existing sports facilities (including the layout of summer and winter playing pitches).	
	5. Significant features (e.g. trees, slopes, paths, fences, sewers) <sup>1</sup> .	
	6. Existing levels across the site <sup>1</sup> .	
	7. Location and nature of the proposed development.	
<b>Proposed site plan</b>	8. Extent of playing field area to be lost (including the area covered by the proposed development and any associated works e.g. landscaping).	
	9. Location and nature of all existing sports facilities (clearly showing any revised locations from the existing plan).	
	10. Any changes to existing features and levels <sup>1</sup> .	
	11. Extent of playing field area to be lost (area in hectares and see point 8 above).	
<b>Supporting Statements</b>	12. Reason for the chosen location and alternatives considered.	
	13. Any proposed changes in the provision of indoor and outdoor sports facilities on the site (including ancillary facilities).	
<b>Required in relation to specific policy exceptions</b>		<b>Exceptions</b>
<b>Drawings</b>	14. Internal layouts and elevations for proposed new, extended or enhanced sports facilities (including relevant ancillary facilities) <sup>1</sup> .	2, 4 & 5
<b>Supporting Statements</b>	15. Current and recent users of the playing field and the nature and extent of their use.	1, 4 & 5
	16. How the development fits with the findings of any relevant assessment of need and/or sports related strategy (a copy of, or a web link to, the assessment or strategy should be provided) <sup>1 2</sup> .	1, 4 & 5
	17. How the development will be of benefit to sport (including benefit to existing and potential users) <sup>2</sup> .	2, 4 & 5
	18. The specification of any ancillary facilities e.g. floodlights <sup>1</sup> .	2, 4 & 5
	19. The specification of any Artificial Grass Pitch and reason for the chosen surface type <sup>2</sup> .	4 & 5
	20. How any replacement area of playing field and ancillary facilities will be delivered (including to what timescale).	4
	21. How, for any replacement area of playing field, equivalent or better quality will be achieved and maintained, including <sup>3</sup> : a. An assessment of the performance of the existing area; b. The programme of works (including pitch construction) for the creation of the proposed replacement area; c. A management and monitoring plan for the replacement area.	4

1. Level of detail to be proportionate to the nature of the development and its impact on the playing field.

2. Relevant for Exception 4 where the loss of an area of playing field with a natural grass surface is proposed to be replaced elsewhere by a new area of playing field with an artificial surface.

3. All details should be undertaken and developed by a suitably qualified and experienced sports turf consultant, satisfy appropriate Sport England and NGB design guidance, and have regard to Sport England's 'Equivalent Quality Assessment of Natural Turf Playing Fields' briefing note.

Note: As set out within the Government's Planning Practice Guidance any plans or drawings must be drawn to an identified scale, and in the case of plans, must show the direction of north. Although not a requirement of legislation, the inclusion of a linear scale bar is also useful, particularly in the case of electronic submissions."



## 9.5 United Utilities

“United Utilities have reviewed the Draft validation checklist and are really pleased to see inclusion of the need for Sustainable Drainage Strategies, Odour Impact Assessments (where required) and Utilities Assessments as discussed previously. The requirements will help to ensure that future development is responsive to the challenges of the 21st Century, in particular the challenge of climate change.

Alongside your requirement for a Sustainable Drainage Strategy, we would encourage you to consider the requirement to fill in a standard form / pro-forma, as being requested by other Local Planning Authorities within the North West and further afield.

Please see an example from Knowsley Council at:

<http://www.knowsley.gov.uk/knowsleycouncil/media/Documents/PRO-FORMA-2-Discharge-of-Conditions-Knowsley-Feb-2019-interactive.pdf> together with associated advice note:

<http://www.knowsley.gov.uk/knowsleycouncil/media/Documents/Knowsley-Sustainable-Drainage-Completing-your-Pro-Forma-Feb-2019.pdf>.

The pro-forma summarises and confirms the details contained within the Sustainable Drainage Strategy and is intended to ensure all aspects of sustainable drainage have been considered.”

## 10. **RECOMMENDATION**

- 10.1
- i.) That the consultation responses be noted;
  - ii) That the Committee note the content and issues described in the report; and,
  - iii) That the Local List of criteria for the validation of planning applications, as set out in the Appendix to this report, be endorsed and adopted by the Council.

**Contact Officer:** **Gavin Prescott (Planning Manager, Development Management)**

**Date:** **4<sup>th</sup> October 2019**

Background Papers: National Planning Policy Framework  
Planning Practice Guidance



# VALIDATION CHECKLIST

17 October 2019

## **Scope/Aim**

The aim of this document is to provide the necessary information required to submit a valid planning application and enable Blackburn with Darwen Borough Council, the Local Planning Authority (LPA), to provide an efficient and effective registration and validation service.

It is intended to benefit all customers of the Planning and Development Service by:

- Increasing the awareness of the type of information required to ensure an application is accepted;
- Promoting the use of pre-application discussions and advice;
- Speeding up the registration process;
- Ensuring consistency in the approach taken by Blackburn with Darwen Borough Council;
- Increasing the use of electronic delivery;
- Minimising the submission of additional information;
- Avoid delays during the planning process; and,
- Enabling Blackburn with Darwen Borough Council to provide applicants with certainty as to the information required.

## **VALIDATION REQUIREMENTS FOR PLANNING APPLICATIONS**

### **A VALID APPLICATION WILL:**

- **COMPLY WITH THE NATIONAL LIST**
- **COMPLY WITH LOCAL LIST**
- **INCLUDE ANYTHING REQUESTED DURING PRE APPLICATION DISCUSSIONS**

The preferred method of submission is on line at:

<https://www.planningportal.co.uk/info/200126/applications>

When submitting via the Planning Portal or Email it would be beneficial to upload any drawings with its full and detailed title and drawing number. This will help speed up the processing of the application.

The Council would advise applicants to obtain pre-application advice before submitting a planning application. Details of which can be found at:

<http://www.blackburn.gov.uk/Pages/Planning-advice.aspx>

### 1.1 Validation Process

Applications will be checked and validated once the fee is paid. Please note that if the fee is not paid within 14 days of the receipt of the application, the application will be withdrawn by the Council. No reminders will be sent.

If any information is missing the application will be treated as 'INVALID'  
We will write to you to tell you what is wrong with it.

If the requested information is not received to the required standard within 21 days of the date it is requested, the application will be treated as 'WITHDRAWN' and an administrative charge will be levied. The charge seeks to recover some of the cost of officer time involved in handling such invalid applications. Details of the charges are on the Councils website.

The application will be checked again ONCE when ALL the missing information has been provided. If you receive a letter to say that your planning application is 'invalid' please provide all the requested information together in one submission.

If the information is still incorrect the application will be treated as withdrawn and the file destroyed.

If the drawings are incorrect a new set will be required so that the incorrect ones can be destroyed and replaced. Please make sure that the detail on the drawings is consistent throughout. (for example the window details on floor plans and elevations should correspond)

If the application is treated as withdrawn, the file will be destroyed and the application will have to be resubmitted

If you do not intend to provide any of the information required by this 'Validation Checklist' you should provide the reasons for this with your application as a 'validation dispute' under the provisions of Part 3, Article 12 of the Town Country Planning (Development Management Procedure)(England) Order 2015

It will help to avoid delays in processing your application if you :

- Submit the application online.
- Pay on line at the time the application is made.
- If you do not pay on line, Telephone 01254 585218 or 01254 585960 to pay by card within 7 days of submission.

- Check the validation checklist and provide all the necessary information at the time of submission
- Submit plans at A4 or A3 size where possible. (**The Council does not accept drawings at A0 paper size**)
- Provide electronic documents separately (Do not save within a folder hierarchy)
- Clearly name documents
- Avoid using high definition colour
- Avoid large file sizes
- Avoid 'binding' documents
- Avoid password protecting documents
- If you do submit a paper copy, provide a copy of it in PDF format on CD

In addition for Major Applications with numerous documents :

- Apply & pay on line by completing the form, then provide separately
  - 1 paper copy of all the documents
  - 1 copy of all the documents in PDF format via email – please note the Council cannot accept emails with attachments greater than 15MB
  - A document schedule/checklist

This will enable us to check and reconcile documents quickly and will avoid applications being made invalid due to the piecemeal submission of documents which are too large to upload via planning portal.

<b>NATIONAL REQUIREMENTS</b> <b>INFORMATION DETAILED ON THE NATIONAL LIST IS ALWAYS REQUIRED.</b> <b>APPLICATIONS WILL BE MADE INVALID &amp; DELAYED IF THIS IS MISSING FROM THE SUBMISSION</b>	
<b>N1</b>	<b>Application Form:</b> Answer all questions
<b>N2</b>	<b>Correct Fee</b> <ul style="list-style-type: none"> <li>• This must be paid at the time the application is made or within 14 days of its receipt.</li> <li>• Applications not paid within 14 days will be withdrawn by the Council and the file destroyed.</li> <li>• No reminders will be sent.</li> </ul>
<b>N3</b>	<b>Ownership Certificates</b> <ul style="list-style-type: none"> <li>• <b>Certificate A</b> must be completed when the applicant is the sole owner of the site.</li> <li>• <b>Certificate B</b> must be completed when the owner of the site is known to the applicant</li> <li>• <b>Certificate C and D</b> must be completed when some or none of the owners of the site are known</li> </ul>
<b>N4</b>	<b>Agricultural Holdings Certificate</b>
<b>N5</b>	<b>Article 6 Notices</b> If certificate B or C is used an Article 6 notice should be served on the owner See APPENDIX A
<b>N6</b>	<b>Location Plan</b> This should: <ul style="list-style-type: none"> <li>• Be Ordnance Survey Quality</li> <li>• Be at a scale of 1:1250 or for larger sites 1:2500</li> <li>• Show a North point</li> <li>• Show at least 2 road names &amp; property numbers/names</li> <li>• Show a red edge around the application site which should include all the land required to carry out the proposed development.</li> <li>• Show a blue edge around any other land the applicant owns or has an interest in.</li> </ul>
<b>N7</b>	<b>Site Plans</b> <b>ARE ALWAYS required for:</b> <ul style="list-style-type: none"> <li>• Major Developments</li> <li>• Commercial / industrial extensions</li> <li>• New buildings (residential / commercial / industrial)</li> <li>• Householder extensions where the development displaces or alters existing parking arrangements</li> <li>• Householder extensions where extensions are in close proximity to neighbouring properties and/or habitable room windows</li> <li>• Development which will increase the demand for parking</li> <li>• Development which increases the number of bedrooms</li> <li>• Adverts where the advert is not fixed to a building</li> <li>• Developments which have been subject to pre application advice where a site plan has been requested.</li> </ul> <p><b>Existing and proposed Site Plans should be at a scale of 1:500 or 1:200 and should:</b></p> <ul style="list-style-type: none"> <li>• Include the same information as the Location Plan and show:               <ul style="list-style-type: none"> <li>○ The proposed development in relation to the site boundaries and any existing buildings on site, or adjacent to it.</li> <li>○ Any buildings or structures to be demolished</li> <li>○ Any roads, footpaths and public rights of way crossing or adjoining the site.</li> <li>○ The existing and proposed access arrangements.</li> <li>○ The existing and proposed parking arrangements</li> <li>○ The position of trees on or adjacent to the site. (If there are any a tree survey will be required <b>(see L5)</b>)</li> <li>○ The extent and type of any proposed hard surfacing</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Any existing or proposed boundary treatments including walls/fencing where these</li> <li>○ Proposed bin/refuse storage arrangements</li> </ul> <p><b>NOTE</b> Network Rail is a statutory consultee for any planning applications within 10 metres of relevant railway land (as the Rail Infrastructure Managers for the railway, set out in Article 16 of the Development Management Procedure Order) and for any development likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway (as the Rail Network Operators, set out in Schedule 4 (J) of the Development Management Procedure Order).</p>
<p><b>N8</b></p>	<p><b>Floor Plans</b> <b>Existing and proposed Floor Plans are needed for:</b></p> <ul style="list-style-type: none"> <li>• Applications where new floor space is proposed,</li> <li>• Applications where a change in the use of floor space is proposed.</li> <li>• Advertisement Applications to show the position of the proposed advertisement</li> </ul> <p>These should:</p> <ul style="list-style-type: none"> <li>• Be drawn to a recognised metric scale, preferably 1:50 or 1:100</li> <li>• Explain the proposal in detail.</li> <li>• Show details of the existing buildings and those for the proposed development.</li> <li>• Show the development in context with any adjacent buildings (including property numbers where appropriate).</li> <li>• The detail shown on the Floor plans should correspond with the detail on the elevations</li> </ul>
<p><b>N9</b></p>	<p><b>Elevations &amp; Roof Plans</b> <b>Existing and proposed elevations are needed where:</b></p> <ul style="list-style-type: none"> <li>• New elevations details are proposed</li> <li>• Existing elevations are altered</li> </ul> <p>These should:</p> <ul style="list-style-type: none"> <li>• Be drawn to a recognised metric scale, preferably 1:50 or 1:100</li> <li>• Explain the proposal in detail</li> <li>• Show details of the existing buildings and those for the proposed development</li> <li>• Show all sides of the proposal</li> <li>• Clearly show the relationship between any adjoining buildings or any building in close proximity (2 metres) providing details of the positions of any openings on each property.</li> <li>• The detail shown on the elevations should correspond with the detail on the floor plans</li> </ul> <p><b>Elevations</b> are also required for Applications for Advertisement Consent to show:</p> <ul style="list-style-type: none"> <li>• The size and position of the proposed advertisement in relation to the associated site and buildings</li> <li>• The height above ground level</li> <li>• The amount of projection</li> <li>• The sections</li> <li>• Proposed materials &amp; colours</li> <li>• The method of fixing</li> </ul> <p><b>Roof Plans are needed where:</b></p> <ul style="list-style-type: none"> <li>• A new roof is proposed</li> <li>• An existing roof is altered</li> </ul> <p>These should:</p> <ul style="list-style-type: none"> <li>• Be drawn to a recognised metric scale, preferably 1:50 or 1:100</li> </ul> <p>They are not usually required to validate householder applications where the roof is a simple one with two planes or less. If a roof plan is required for such an application it will be requested by the case officer.</p>

N10	<p><b>Section Drawings are needed:</b></p> <ul style="list-style-type: none"> <li>• Where a proposal involves a change in ground levels – drawings should be submitted to show both existing and finished levels.</li> <li>• For sloping sites – full information is required showing alterations to levels, the way in which a proposal sits within the site and in particular the relative levels between existing and proposed buildings.</li> </ul> <p>These should:</p> <ul style="list-style-type: none"> <li>• Be drawn to a recognised metric scale preferably at 1:50 or 1:100</li> <li>• Show a cross section through the proposed building(s)</li> </ul>
N11	<p><b>Design &amp; Access Statement</b></p> <p><u>Required for</u></p> <ul style="list-style-type: none"> <li>• Major development both full and Outline</li> <li>• Applications for development within a Conservation Area where the development consists of: <ul style="list-style-type: none"> <li>- one or more dwellings; or</li> <li>- a building or buildings with a floor space of 100 square metres or more.</li> </ul> </li> <li>• Applications for Listed Building Consent</li> </ul> <p>Design and Access Statements accompanying applications for listed building consent must include an explanation of the design principles and concepts that have been applied to the proposed works, and how they have taken account of:</p> <p>(a) the special architectural or historic importance of the building;</p> <p>(b) the particular physical features of the building that justify its designation as a listed building; and</p> <p>(c) the building’s setting.</p> <p>Unless the proposed works only affect the interior of the building, Design and Access Statements accompanying applications for listed building consent must also explain how issues relating to access to the building have been dealt with. They must explain the applicant’s approach to access, including what alternative means of access have been considered, and how relevant Local Plan policies have been taken into account. Statements must also explain how the applicant’s approach to access takes account of matters (a)-(c) above.</p> <p>Design and Access Statements accompanying applications for listed building consent must provide information on any consultation undertaken, and how the outcome of this consultation has informed the proposed works. Statements must also explain how any specific issues which might affect access to the building have been addressed.</p>
N12	<p><b>Environmental Statement</b></p> <p>The planning authority screens development to assess whether or not the development is EIA development. This is done either as a separate screening opinion or as part of the application process. An Environmental statement will be required where</p> <ul style="list-style-type: none"> <li>• Development is classed as EIA development under the provisions of: <b>The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)</b></li> <li>• A development has been the subject of a previous screening opinion by the Council, and it’s been determined that the development is EIA development.</li> <li>• A development has previously been refused permission because the development was screened as part of the application process and judged to be EIA development and no Environmental Statement was provided with the application.</li> </ul>



	<p>The Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Further guidance is contained in the Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites.</p> <p>Please check with the planning department if you require any further advice.</p>
<b>N13</b>	<p><b>Sustainable Urban Drainage Systems (SUDs) plans -</b>  <u>Required for:</u></p> <ul style="list-style-type: none"> <li>• All Major developments</li> </ul> <p>Please see Annex F for further guidance and a proforma that should accompany your application.</p>

<b>LOCAL REQUIREMENTS</b> <b>APPLICATIONS WILL BE MADE INVALID &amp; DELAYED IF INFORMATION REQUIRED BY THE LOCAL LIST IS MISSING FROM THE SUBMISSION</b>	
<b>L1</b>	<p><b>Details of any pre-application discussions</b>  <u>Not required for validation</u>  However, if there has been pre application advice and the validation checklist issued as part of the pre-application process is not submitted together with all the requested information, the application may be delayed.</p>
<b>L2</b>	<p><b>Statement of Community Involvement</b>  <u>Required for:</u></p> <ul style="list-style-type: none"> <li>• The following developments within or adjoining residential areas <ul style="list-style-type: none"> <li>○ Residential schemes of 50+ units</li> <li>○ Retail, commercial &amp; industrial schemes with a floor space of between 2000sqm on sites of 2 hectares or more</li> <li>○ Educational, hospital leisure and recreation schemes on sites of 2 hectares or more</li> <li>○ Schemes with 2 or more land uses on sites of 1.5 hectares</li> <li>○ Changes of use of building(s) with a gross floor area of 1,500 sq m or more</li> <li>○ Any scheme requiring an Environmental Impact Assessment</li> </ul> </li> <li>• Major departures from the development plan</li> <li>• EIA development</li> <li>• Proposals which by virtue of their type or potential impact are likely to generate widespread interest within the community.eg. <ul style="list-style-type: none"> <li>○ Windfarms,</li> <li>○ Telecommunications in a sensitive situation (eg. next to a school)</li> <li>○ Institutional uses likely to raise local concerns</li> <li>○ Development on a valued open space</li> </ul> </li> </ul>
<b>L3</b>	<p><b>Supporting Planning Statement</b>  <u>Required for:</u></p> <ul style="list-style-type: none"> <li>• All 'Major' development</li> <li>• Developments not in accordance with the Development Plan</li> <li>• When requested during the pre -application process</li> <li>• For wind turbine applications to include the following: <ul style="list-style-type: none"> <li>○ Grid reference</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Details of wind speeds</li> <li>○ Evidence of the feasibility of energy generation</li> <li>○ A shadow flicker report</li> <li>○ A visual amenity assessment</li> <li>○ A highways plan showing the route to be used for the delivery</li> <li>○ A hydrological &amp; soil assessment report to establish whether the proposal would have an impact on the peat or hydrology of the area.</li> </ul>
<b>L4</b>	<p><b>Structural Survey / Demolition &amp; Method Statement</b></p> <p><u>Structural surveys are required for:</u></p> <ul style="list-style-type: none"> <li>• The conversion of barns or other buildings outside the urban area</li> <li>• Applications for Listed Building Consent where requested during the pre-application process, or when structural alterations are proposed</li> <li>• Applications where the land is unstable</li> </ul> <p><u>Demolition &amp; Method statements are required for:</u></p> <ul style="list-style-type: none"> <li>• Applications for prior notification for demolition</li> <li>• Applications involving demolition or site clearance</li> </ul>
<b>L5</b>	<p><b>Tree Survey/ Arboricultural Survey</b></p> <p><u>Required for:</u></p> <p>Development with the potential to affect trees where:</p> <ul style="list-style-type: none"> <li>• Trees are on site</li> <li>• Trees are adjacent to the site and are within falling distance of the boundary</li> <li>• Trees could be affected by construction work</li> <li>• Trees could be affected by the delivery or storage of materials.</li> </ul>
<b>L6</b>	<p><b>Ecological Surveys &amp; Protected Species Statements (Including Bat, Barn Owl and Nesting Birds Surveys)</b></p> <p><u>Ecological surveys are required for:</u></p> <ul style="list-style-type: none"> <li>• SSSI or Sites of Local / National Biological importance</li> <li>• Biological Heritage Sites</li> <li>• Applications where it's been requested as part of the pre-application process.</li> <li>• Sites falling within or adjacent to 'green infrastructure' designations on the Local Plan</li> <li>• Barn conversions outside the urban area</li> <li>• Demolition of any building</li> <li>• Work affecting roof spaces outside the urban area</li> <li>• Removal of any tree or hedgerow</li> <li>• Alteration to any watercourses</li> <li>• Wind Turbine applications</li> <li>• Where questions contained within the Protected Species proforma are answered 'yes'</li> </ul> <p><u>Within the Urban Boundary an Ecological Survey may also be required for :</u></p> <ul style="list-style-type: none"> <li>○ Works to an existing roof</li> <li>○ Redevelopment of an already cleared site</li> </ul> <p>Completing the Protected Species Proforma will establish whether a Ecological Survey will be required.</p> <p>The Protected Species proforma is included within Appendix A.</p> <p>Applicants can check whether their proposals are within close proximity to internationally or nationally designated sites through Natural England's MAGIC mapping website:  <a href="http://www.natureonthemap.naturalengland.org.uk/">http://www.natureonthemap.naturalengland.org.uk/</a>.</p>

L7	<p><b>Landscaping proposals</b></p> <p><u>Required</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre- application process</li> <li>• Landscape strategies are included either as supporting information or as part of Design and Access Statements or EIAs</li> <li>• For sites that are considered to be particularly sensitive in landscape or visual terms we recommend that a Landscape and Visual Impact Assessment (LVIA) is undertaken. For example: <ul style="list-style-type: none"> <li>○ where large scale developments are proposed, particularly vertical developments;</li> <li>○ where developments are within areas with a national or international landscape or landscape heritage designation (eg Areas of Outstanding Natural Beauty (AONBs));</li> <li>○ where developments may affect the settings of the above areas; or</li> <li>○ where developments will be visible from publicly accessible viewpoints</li> </ul> </li> </ul> <p>In other cases this will be requested during the determination process if required.</p>
L8	<p><b>Statement of Proposed Heads of Terms (Section 106- Planning Obligations)</b></p> <p><u>Required for:</u></p> <ul style="list-style-type: none"> <li>• New residential development of 10 dwellings or more, or,</li> <li>• Where the total floor space is more than 1000 square metres</li> </ul> <p>A Heads of Terms/viability form is available within Appendix B.</p>
L9	<p><b><u>Affordable Housing/Financial Appraisal/viability report (Section 106 - Planning Obligations)</u></b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process.</li> </ul> <p>If the applicant feels that 20% AH is not viable, a financial viability report/appraisal will be required. This must be in compliance with the HCA Development Appraisal Tool (DAT). Although this is not required to validate the application, it will be required to determine it and will delay the application or lead to the refusal of planning permission if not provided.</p> <p>A Heads of Terms/Viability Form is appended within Appendix B.</p>
L10	<p><b>Open Space Proposals</b></p> <p><u>Required</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre- application process</li> </ul> <p>In other cases this will be requested during the determination process if required.</p>
L11	<p><b>Transport Statement/Transport Assessment</b></p> <p><u>Transport Assessments are required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• For all 'Major' development</li> </ul> <p>In other cases this will be requested during the determination process if required.</p> <p><u>A Transport Assessment</u> is a comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport and what measures will need to be taken to deal with the anticipated transport impacts of the development.</p> <p><u>Transport Statements are:</u></p>

	<p>A simplified version of a Transport Assessment where it is agreed the transport issues arising out of development proposals are limited and a full Transport Assessment is not required. These are required:</p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> </ul> <p>In other cases this will be requested during the determination process if required.</p>															
<p><b>L12</b></p>	<p><b>Green Travel Plan</b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• For all 'Major' development</li> </ul> <p>In other cases this will be requested during the determination process if required.</p>															
<p><b>L13</b></p>	<p><b>Town Centre Uses: Retail Impact Assessments for out of centre developments.</b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• For proposed 'Town Centre Uses' In accordance with Policy 29 of the Local Plan Part 2.</li> <li>• Where the proposed floor space is above the thresholds detailed in the summary below:</li> </ul> <p>Town Centre Uses include:</p> <ul style="list-style-type: none"> <li>• Retail (including warehouse, clubs, &amp; factory outlets)</li> <li>• Leisure &amp; entertainment (including cinemas, restaurants, drive through restaurants, bars, pubs, night clubs, casinos, health &amp; fitness, indoor bowling &amp; bingo)</li> <li>• Offices (B1 / A2)</li> <li>• Arts, culture, tourism (including theatres, museums, galleries, concert halls, hotels and conference facilities)</li> </ul> <table border="1" data-bbox="204 1144 1449 1749"> <thead> <tr> <th data-bbox="204 1144 619 1249">Location of development</th> <th data-bbox="619 1144 1034 1249">Proposed floor space threshold of any proposed 'town centre' use</th> <th data-bbox="1034 1144 1449 1249">Centres required to be assessed for potential impact</th> </tr> </thead> <tbody> <tr> <td data-bbox="204 1249 619 1355">Within 500m of any district centre boundary or a local centre or parade of shops</td> <td data-bbox="619 1249 1034 1355">250 sq m</td> <td data-bbox="1034 1249 1449 1355">All district centres or local centres / parades of shops within 500m</td> </tr> <tr> <td data-bbox="204 1355 619 1460">Darwen Urban area (South of M65)</td> <td data-bbox="619 1355 1034 1460">500 sq m</td> <td data-bbox="1034 1355 1449 1460">Darwen Town centre plus all district centres / local centres / parades of shops within 500m</td> </tr> <tr> <td data-bbox="204 1460 619 1565">Blackburn Urban Area (North of M65)</td> <td data-bbox="619 1460 1034 1565">1000 sq m</td> <td data-bbox="1034 1460 1449 1565">Blackburn town centre plus all district centres / local centres / parades of shops within 500m</td> </tr> <tr> <td data-bbox="204 1565 619 1749">Any location outside the urban area. eg village settlements</td> <td data-bbox="619 1565 1034 1749">100 sq m</td> <td data-bbox="1034 1565 1449 1749">To be determined on a case by case basis. Check with the Duty Planning Officer prior to submitting the application.</td> </tr> </tbody> </table>	Location of development	Proposed floor space threshold of any proposed 'town centre' use	Centres required to be assessed for potential impact	Within 500m of any district centre boundary or a local centre or parade of shops	250 sq m	All district centres or local centres / parades of shops within 500m	Darwen Urban area (South of M65)	500 sq m	Darwen Town centre plus all district centres / local centres / parades of shops within 500m	Blackburn Urban Area (North of M65)	1000 sq m	Blackburn town centre plus all district centres / local centres / parades of shops within 500m	Any location outside the urban area. eg village settlements	100 sq m	To be determined on a case by case basis. Check with the Duty Planning Officer prior to submitting the application.
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<p><b>L14</b></p>	<p><b>Flood Risk Assessments</b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• For all developments in Flood Zones 2 and 3 (not dormer extensions)</li> <li>• For all development over 1ha in flood zone 1</li> </ul>															

	<p>You should follow the Environment Agency's Standing Advice if you're carrying out a flood risk assessment of a development classed as:</p> <ul style="list-style-type: none"> <li>– <i>a minor extension (household extensions or non-domestic extensions less than 250 square metres) in flood zone 2 or 3</i></li> <li>– <i>'more vulnerable' in flood zone 2 (except for landfill or waste facility sites, caravan or camping sites)</i></li> <li>– <i>'less vulnerable' in flood zone 2 (except for agriculture and forestry, waste treatment, mineral processing, and water and sewage treatment)</i></li> <li>– <i>'water compatible' in flood zone 2</i></li> </ul> <p>Where development is proposed within 8m of a designated main river, a Site Plan is required that clearly shows the 8m easement.</p>
<b>L15</b>	<p><b>Drainage Scheme</b>  <u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• Residential schemes of 10+ or, where the number of dwellings is not specified, a site area of Over 0.5 Hectares</li> <li>• Retail, commercial &amp; industrial schemes with a floor space of over 1000sqm or sites of over 1 hectare</li> <li>• Educational, hospital leisure and recreation schemes on sites of over 1 hectare</li> <li>• Schemes with 2 or more land uses on sites of over 1 hectare</li> <li>• Changes of use of building(s) with a gross floor area of over 1,000sq m</li> <li>• Where building is within the Canal &amp; River Trust consultation zone</li> </ul>
<b>L16</b>	<p><b>Archaeological Assessment</b>  <u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• For all development affecting a known archaeological site (including Change of Use)</li> </ul>
<b>L17</b>	<p><b>Heritage Statement/ Heritage Impact Assessment</b>  <u>Required for:</u></p> <ul style="list-style-type: none"> <li>• Alteration or demolition of a Heritage Asset</li> <li>• Alteration or demolition of any building in a Conservation Area (including householder)</li> <li>• Works to a Historic Park or Garden</li> <li>• Works affecting an area of archaeological interest</li> <li>• Works to or demolition of a non-designated heritage asset</li> <li>• Proposals affecting the setting of a Heritage Asset.</li> </ul>
<b>L18</b>	<p><b>Refuse Storage Facilities / Recycling details</b>  <u>Required for:</u></p> <ul style="list-style-type: none"> <li>• All new developments</li> <li>• Amendments to the above</li> <li>• Proposed extensions to non-residential property</li> <li>• Proposed extensions preventing access to the rear of a property</li> </ul> <p>This information is usually shown on the Proposed Site Plan</p>
<b>L19</b>	<p><b>Contaminated Land Survey</b>  <u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> </ul> <p>In other cases this will be requested during the determination process if required.</p>
<b>L20</b>	<p><b>Noise Impact Assessment</b></p>

	<p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• For Applications relating to Wind Turbines</li> <li>• For noise generating proposals in close proximity to residential properties</li> </ul> <p>In other cases this will be requested during the determination process if required.</p>
<b>L21</b>	<p><b><u>Air Quality Assessment</u></b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• When required by the Council's Air Quality Planning Advisory Note – please see <a href="#">here</a>.</li> </ul>
<b>L22</b>	<p><b><u>Odour Assessment</u></b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> </ul> <p>In other cases this will be requested during the determination process if required.</p>
<b>L23</b>	<p><b><u>Lighting scheme / light pollution assessment</u></b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• If biodiversity will be affected by the proposals</li> <li>• If neighbouring occupiers will be affected by the proposals</li> </ul> <p>In other cases this will be requested during the determination process if required.</p>
<b>L24</b>	<p><b><u>Crime Impact Statement</u></b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• When requested as part of the pre-application process</li> <li>• All major development</li> <li>• If it meets any of the criteria on the list below,</li> </ul> <p>In other cases this will be requested during the determination process if required.</p> <p><b>Crime Impact Statements</b></p> <p>A Crime Impact Statement addresses crime risks and ways to remove/reduce them from the design of the proposed development. Applicants should be signposted to the Designing Out Crime Team at Lancashire Constabulary Headquarters in order to obtain a Crime Impact Statement - <a href="mailto:ALO@lancashire.pnn.police.uk">ALO@lancashire.pnn.police.uk</a>.</p> <p>In order to encourage Crime Prevention through Environmental Design into commercial and domestic developments, to reduce crime and increase public safety, a Crime Impact Statement should accompany an application if it meets any of the following points:-</p> <p>If the development is;</p> <ul style="list-style-type: none"> <li>• Residential developments (25 or more dwellings),</li> <li>• Retail schemes (100sqm or more/more than 3 units,</li> <li>• Office and Commercial developments,</li> <li>• Educational Premises,</li> <li>• Hotels,</li> <li>• Nursing/care homes,</li> <li>• Religious buildings,</li> <li>• Hospitals and other medicinal premises (including veterinary buildings and chemists),</li> <li>• Banks and other financial premises,</li> </ul>

	<ul style="list-style-type: none"> <li>• Licensed premises (alcohol &amp; Registered Firearm Dealers),</li> <li>• Student accommodation (NB: 20 units or more for conversion),</li> <li>• ATM's (new, replacement and retrospective),</li> <li>• Events and Leisure premises likely to attract large groups of people; with a particularly focus on counter terrorism measures.</li> <li>• Houses in Multiple Occupation.</li> </ul> <p>Developers should consider applying for Secured By Design accreditation. Secured By Design focuses on crime prevention at the design, layout and construction stages of developments and promotes the use of security standards for a wide range of applications and products – <a href="http://www.securedbydesign.com">www.securedbydesign.com</a>.</p>
<b>L25</b>	<p><b>Coal Mining Risk Assessment</b></p> <p><u>Required for:</u></p> <ul style="list-style-type: none"> <li>• Development (except Householder) which would cause ground disturbance within a high risk area</li> <li>• When requested as part of the pre-application process</li> </ul> <p>Further guidance on coal mining legacy and Coal mining Risk Assessments can be found at: <a href="https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments">https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments</a></p>
<b>L26</b>	<p><b>Agricultural Statement</b></p> <p><u>Required for:</u></p> <ul style="list-style-type: none"> <li>• Proposed agricultural developments</li> <li>• Proposed horticultural developments</li> <li>• Proposed agricultural workers dwellings</li> </ul> <p>An Agricultural Statement form is appended with Annex D.</p>
<b>L27</b>	<p><b>Energy Statement</b></p> <p><u>Required:</u></p> <ul style="list-style-type: none"> <li>• For development (except Householder)</li> <li>• When requested as part of the pre-application process.</li> </ul> <p>All development must demonstrate how it has been designed to minimise its contribution to carbon emissions and climate change. The Council will be supportive of exemplar developments which demonstrate how particularly high standards of environmental performance can be achieved in accordance with Policy 36 “Climate Change” of the Local Plan Part 2 (adopted December 2015).</p> <p>Further guidance on producing such a statement can be found on the following URL link: <a href="http://enplanner.com/">http://enplanner.com/</a> which is updated in line with the current building regulations.</p>
<b>L28</b>	<p><b>Met Office assessment</b></p> <p>Required for all wind turbine applications that are in the 20km consultation zone from our radar at Hameldon hill or other structures that are greater than the heights specified on the consultation map. A proforma will need to be completed. Details of which are available via the following link: <a href="http://www.metoffice.gov.uk/media/pdf/8/0/developers_proforma.pdf">http://www.metoffice.gov.uk/media/pdf/8/0/developers_proforma.pdf</a></p>
<b>L29</b>	<p><b>Sport England assessment</b></p> <p>There is a consultation guidance checklist prepared by Sport England. Further information can also be found on their website at: <a href="http://www.sportengland.org/playingfieldspolicy">http://www.sportengland.org/playingfieldspolicy</a></p>
<b>L30</b>	<p><b>Development affecting public health - Health Impact Assessment</b></p>

	<p>Health Impact Assessments will be required for all developments which have the potential to impact on public health, with particular reference to obesity and related disorders, and illnesses associated with alcohol or smoking.</p> <p>A Health Impact Assessment will be required for residential developments of 100 or more units, non-residential developments of 10,000m<sup>2</sup> or more and for other developments where the proposal is likely to have a significant impact on health and wellbeing. Where significant impacts are identified, measures to mitigate the adverse impact of the development will be provided and/or secured by planning obligations.</p> <p>Please see the <a href="#">Planning for Health</a> Supplementary Planning Document for more information.</p>
<b>L31</b>	<p><b>Planning applications affecting playing field land</b></p> <p>Sport England recommends that planning applications affecting playing field land should provide sport specific information in line with the below checklist. This information will enable Sport England to provide a substantive response to applications on which it is consulted. It will also aid the LPA to assess an application in light of P.97 of the NPPF and relevant Local Plan policies.</p> <p>The checklist presents the recommended requirements for all applications. It also indicates the information that Sport England recommends should be submitted where an applicant feels their development may meet with one of the exceptions to Sport England's Playing Fields Policy. The checklist is available within Appendix G.</p>



# APPENDICIES

Appendix A – Protected Species Proforma

Appendix B – Heads of Terms Proforma

Appendix C – Health SPD Health Impact Assessment Screening Toolkit

Appendix D – Agricultural Development Proforma

Appendix E – Wind Turbines application requirements

Appendix F - Planning applications affecting playing field land – validation requirements



**Appendix A**

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**PROTECTED SPECIES STATEMENT: BATS, BARN OWLS AND NESTING BIRDS**

The presence of protected species is a material consideration in the determination of planning applications and the Council must assess, prior to making a decision on your planning application, whether any protected species are likely to be affected by development and if a full ecological survey is required.

Please complete and return this statement which forms part of that assessment.

**Please note that if this information is not provided it may delay the application or lead to the refusal of planning permission.**

Application number ...../...../..... (If known)

Applicant Name & Address	
Agents Name & Address	
Site address of Proposed Development	
Name: _____ Signed: _____ Date: _____	

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Does the proposal affect an agricultural building? (farmhouse, barn or outbuilding)	Yes / No
Is the development site a pre 1960's building within 200m of woodland & or water?	Yes / No
Is the development site constructed with weather boarding & / or hanging tiles within 200m of woodland &/or water?	Yes / No
Is the development site a pre 1914 building within 400m of woodland/water?	Yes / No
Is the development site a pre 1914 building with a gable end or slate roof?	Yes / No
Is the development site adjacent to woodland or water?	Yes / No
Does the development affect any chimney, bridge or underground structure?	Yes / No
Does the proposal involve floodlighting of any church, listed building or green space within 50m of woodland, field or hedgerow?	Yes / No
Does the proposal involve felling or lopping woodland / hedgerows?	Yes / No
Is the proposal within 200m of a river, stream, canal or other waterway?	Yes / No
Have any bats, barn owls, or nesting birds been seen on or close to site?	Yes / No
Have any bats, barn owls or nesting birds been seen within the affected property.	Yes / No



**Appendix B**

**PLANNING OBLIGATIONS COMMUTED SUM PAYMENTS & VIABILITY STATEMENTS**

The following information is required. Please complete and enclose this with the application.

**Please note that if this information is not provided it may delay the application or lead to the refusal of planning permission.**

**STATEMENT OF PROPOSED HEADS OF TERMS** Application number ...../...../..... (If known)

Applicant Name & Address	
Agents Name & Address	
Site address of Proposed Development	
Name & Address of Land Owner	
Name & Address of Land Owners Agent	
Name & Address of any Mortgagee	
Name & Address of any person with an interest in the application site	
Confirmation of whom to send the section 106 agreement documentation for initial approval. Agent/Owner/Solicitor/Applicant.	
Please include Evidence of Title / Copy Entries from Land Registry that are no more than 3 months old or following registration of the last transfer of the site (whichever is the most recent). If the site is unregistered certified copies of the original conveyance will be required to prove ownership. If the application site has been acquired following the death of a previous proprietor certified copies of the grant of probate or letters of administration will be required.	
Include 1 copy of a 1:1250 plan with the site edged red	
I confirm that I/my client is willing to enter into a Section 106 Agreement in accordance with the Councils Policies in respect of New Residential Developments.	
Name:	Signed:
Name & address of Applicant's Solicitor	



Some applications will also require the Section 106 Agreement to cover other issues such as highway improvements. If this applies to your planning application the Case Officer will contact you.

### **VIABILITY STATEMENT**

If you consider that the payment of a commuted sum would affect the viability of the development and you want the Council to waive or reduce the requirement, a Viability Statement will be required, which must be in compliance with the HCA's [Development Appraisal Tool](#) (DAT).

This should include at the least:

- The value of the land (3 local estate agent valuations)
- Details of any abnormal development costs
- Details of construction costs
- Open market valuation of the dwellings (from 2 local estate agents)
- Proposed Developer's return
- Details of the proposed obligations.
- A summary of why the commuted sum requirement should be reduced or waived.

Please contact the Planning Office for further advice before making your application.



# Health Impact Assessment Screening Tool

Project, programme of policy ("development/activity") to be assessed:

What is the development for? What is the context, history and/or background?

Does this development have the potential to impact on health? Explain

***\*If no health impacts are identified then the screening does not need to continue, but please ensure that this has been discussed with the appropriate Planning/Public Health colleague prior to discontinuation\****

Does the activity concern any of the following determinants?

Lifestyle	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Physical environment	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Social / economic environment	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Other, please specify		

What are the potential positive impacts?

**What are the potential negative impacts?**

**What are the assumptions/risks embedded in or underpinning the development?**

**Are there any external factors which identify the nature and extent of the impacts on health for this type of development (e.g. research; policy changes etc.)**

**List the groups most likely to be affected by this proposal**

**What are some of the potential equity issues?**

**What (if any) are the mitigation measures proposed?**

## CHECKLIST

Answers favouring doing an HIA	To your knowledge	Answers favouring not doing a HIA
<b>Health impacts</b>		
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Not sure</b>	Does the development affect health directly?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Not sure</b>	Does the development affect health indirectly?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Not sure</b>	Are there any potential serious negative health impacts that you currently know of?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Not sure</b>	Is further investigation necessary because more information is required on the potential health impacts?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>No</b>	Are the potential health impacts well known and is it straightforward to identify effective ways in which beneficial effects can be maximised and harmful effects minimised?	<input type="checkbox"/> <b>Yes</b>
<b>Community</b>		
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Not sure</b>	Is a large proportion of the population likely to be affected by the development ( <i>over 25% of the resident population</i> )?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Not sure</b>	Are there any socially excluded, vulnerable, disadvantaged groups likely to be affected?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Not sure</b>	Are there any community concerns about any potential health impacts?	<input type="checkbox"/> <b>No</b>
<b>Initiative</b>		
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Maybe</b>	Is there some reason to suspect that health issues not considered in the planning process of this initiative might become more visible by doing an HIA?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Maybe</b>	Is the cost of the development high ( <i>over £100,000</i> )?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Maybe</b>	Is the nature and extent of the disruption to the affected population likely to be major?	<input type="checkbox"/> <b>No</b>
<b>Organisation</b>		
<input type="checkbox"/> <b>Yes</b>	Is the development a high priority/important for the organisation/partnership?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Maybe</b>	Are the individuals and organisations with a stake in this development likely to buy into the HIA process?	<input type="checkbox"/> <b>No</b>
<input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>Maybe</b>	Is there potential to change the proposal? Will there be any other similar proposals in the future?	<input type="checkbox"/> <b>No</b>
<b>FOR =</b>	<b>TOTAL</b>	<b>AGAINST =</b>



## Choosing which HIA to do

Health Impact Statement	Type of HIA	Comprehensive
<input type="checkbox"/> Yes	Is there only limited time in which to conduct the HIA?	<input type="checkbox"/> No
<input type="checkbox"/> Yes	Is there only limited opportunity to influence the decision?	<input type="checkbox"/> No
<input type="checkbox"/> Yes	Is the timeframe for the decision-making process set by external factors beyond your control?	<input type="checkbox"/> No
<input type="checkbox"/> Yes	Are there only very limited resources available to conduct the HIA?	<input type="checkbox"/> No

Is a HIA appropriate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Why or why not?</b>		
<b>If yes, what type and how?</b>		
<b>Recommendations / comments</b>		

Completed by:

Date:



Annex D

Application No: .....  
Agricultural /Countryside Planning Application

**AGRICULTURAL STATEMENT**

TO BE USED FOR:

- Proposed agricultural developments
- Proposed horticultural developments
- Proposed agricultural workers dwellings

| Applicant Name: .....

Application site .....

Proposed Development .....

Previous Applications .....

**1. Land Owned**

| .....

| .....

.....

**Rented**

| .....

| .....

.....

**Short-term**

.....

Land use: Pasture ..... Meadow ..... Crop .....Crop .....

|

**Land Quality (DA/SDA/NVZ)**

.....

**2. Enterprise**

|

**Dairy:** Pedigree/commercial. Dairy Cows

.....  
.....  
.....

In-calf heifers ..... Bulling heifers ..... Calving  
.....

Young stock ..... Milk Quota .....

**Beef Breeding:** Suckler Cows

.....

Calving ..... Heifers ..... Calves.....

**Beef Rearing:** Store Cattle (ages)

.....  
.....  
.....

Calves ..... Age at purchase ..... Age at sale .....

Bulls.....

**Sheep:** Pedigree/commercial.

Breeding ewes ..... Lambs ..... Store sheep..... Store Lambs.....

Lambing period ..... Lambing Location.....

**Other**

.....  
.....  
.....  
.....

**ADDITIONAL INFORMATION REQUIRED FOR NEW AGRICULTURAL-BUILDINGS AND FARMHOUSES**

**3. Labour & Accommodation**

Name	Age	Basis (F/T, P/T, Casual)	Hours of Work	Main Duties	Address and years

--	--	--	--	--	--

Misc.....  
.....

Existing Dwellings  
.....

Other Properties (incl. occupiers) .....

Previously owned properties .....

Available properties in locality  
.....

**4. Proposed Development/Applicant'(s) Comments**

Need  
.....  
.....  
.....

Siting  
.....  
.....  
.....

Design  
.....  
.....  
.....

Future Plans  
.....  
.....  
.....  
.....

**5. Financial Details**

.....

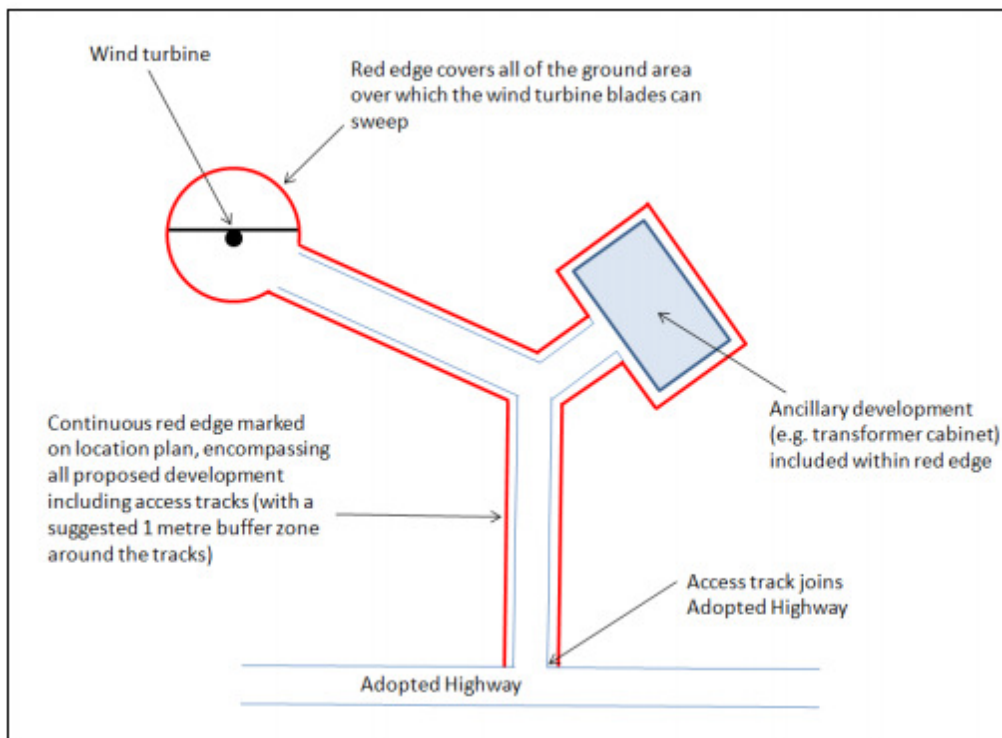


## Wind Energy Applications

Applicants should ensure that applications include each of the items contained in the following list:

1. A completed application form and the correct certificates
2. The correct planning application fee
3. Location Plan at 1:1250 or 1:2500 scale
4. Site / Block Plan at 1:250 or 1:500 scale
5. Elevation Plans of Turbines and Ancillary Equipment at 1:50 or 1:100 scale
6. Transport Statement
7. Landscape and Visual Impact Assessment
8. Planning Statement/ Heritage Statement
9. Photomontage and/or Wireframe Diagrams
10. Zone of Theoretical Visibility (ZTV) Maps
11. Public Rights of Way Map
12. Ecological Assessment
13. Noise & Shadow Flicker Assessment
14. Pre-application Community Consultation (IF REQUIRED)
15. Coal Mining Risk Assessment (IF REQUIRED)
16. Details of Decommissioning Bond / Arrangements (IF REQUIRED)
17. Details of proposed Community Benefits (IF REQUIRED)
18. Environmental Statement / Environmental Impact Assessment (IF REQUIRED)
19. Details of impacts on communications

### Example of a Correctly Drawn Red Edge on Location Plan



The radius of the ZTV maps required depends on the proposed height of the turbine(s) in the application and other factors. The following table sets out the Council's general requirements:

<b>Turbine Height (to blade tip)</b>	<b>Number of Turbines</b>	<b>Is the site within 1km of any other operational or permitted turbines, or turbines currently subject to a planning application?</b>	<b>Required Radius of ZTV Maps</b>
0-25m	1	No	Not required
0-25m	1	Yes	2km
0-25m	2-5	No	10km
0-25m	2-5	Yes	15km
0-25m	6-10	No	20km
0-25m	6-10	Yes	20km
0-25m	10+	No	20km
0-25m	10+	Yes	30km
26-60m	1	No	20km
26-60m	1	Yes	30km
26-60m	2+	No	30km
26-60m	2+	Yes	30km
Over 60m	1	No	30km
Over 60m	1	Yes	30km
Over 60m	2+	No	30km
Over 60m	2+	Yes	30km





## Appendix F

### **Checklist of Recommended Information Requirements for planning applications affecting playing field land**

In addition to the national validation requirements set out within the Government's Planning Practice Guidance, Sport England recommends that planning applications affecting playing field land should provide sport specific information in line with the below checklist. This information will enable Sport England to provide a substantive response to applications on which it is consulted. It will also aid the LPA to assess an application in light of P.97 of the NPPF and relevant Local Plan policies.

The checklist presents the recommended requirements for all applications. It also indicates the information that Sport England recommends should be submitted where an applicant feels their development may meet with one of the exceptions to Sport England's Playing Fields Policy.



Document	Presenting details on.....	
<b>Required for all applications</b>		
<b>Consultation Notice</b>	1. The development proposed (description), timescales, case officer contact details and how information can be viewed.	
<b>Existing site plan</b>	2. Extent of the playing field as defined by <a href="#">The Town and Country Planning (Development Management Procedure) (England) Order 2015</a>	
	3. Location and nature of existing buildings.	
	4. Location and nature of existing sports facilities (including the layout of summer and winter playing pitches).	
	5. Significant features (e.g. trees, slopes, paths, fences, sewers) <sup>1</sup> .	
	6. Existing levels across the site <sup>1</sup> .	
<b>Proposed site plan</b>	7. Location and nature of the proposed development.	
	8. Extent of playing field area to be lost (including the area covered by the proposed development and any associated works e.g. landscaping).	
	9. Location and nature of all existing sports facilities (clearly showing any revised locations from the existing plan).	
	10. Any changes to existing features and levels <sup>1</sup> .	
<b>Supporting Statements</b>	11. Extent of playing field area to be lost (area in hectares and see point 8 above).	
	12. Reason for the chosen location and alternatives considered.	
	13. Any proposed changes in the provision of indoor and outdoor sports facilities on the site (including ancillary facilities).	
<b>Required in relation to specific policy exceptions</b>		<b>Exceptions</b>
<b>Drawings</b>	14. Internal layouts and elevations for proposed new, extended or enhanced sports facilities (including relevant ancillary facilities) <sup>1</sup> .	2, 4 & 5
<b>Supporting Statements</b>	15. Current and recent users of the playing field and the nature and extent of their use.	1,4 & 5
	16. How the development fits with the findings of any relevant assessment of need and/or sports related strategy (a copy of, or a web link to, the assessment or strategy should be provided) <sup>1 2</sup> .	1, 4 & 5
	17. How the development will be of benefit to sport (including benefit to existing and potential users) <sup>2</sup> .	2, 4 & 5
	18. The specification of any ancillary facilities e.g. floodlights <sup>1</sup> .	2, 4 & 5
	19. The specification of any Artificial Grass Pitch and reason for the chosen surface type <sup>2</sup> .	4 & 5
	20. How any replacement area of playing field and ancillary facilities will be delivered (including to what timescale).	4
	21. How, for any replacement area of playing field, equivalent or better quality will be achieved and maintained, including <sup>3</sup> : a. An assessment of the performance of the existing area; b. The programme of works (including pitch construction) for the creation of the proposed replacement area; c. A management and monitoring plan for the replacement area.	4

<sup>1</sup>. Level of detail to be proportionate to the nature of the development and its impact on the playing field.

<sup>2</sup>. Relevant for Exception 4 where the loss of an area of playing field with a natural grass surface is proposed to be replaced elsewhere by a new area of playing field with an artificial surface.

<sup>3</sup>. All details should be undertaken and developed by a suitably qualified and experienced sports turf consultant, satisfy appropriate Sport England and NGB design guidance, and have regard to Sport England's 'Equivalent Quality Assessment of Natural Turf Playing Fields' briefing note.

Note: As set out within the Government's Planning Practice Guidance any plans or drawings must be drawn to an identified

scale, and in the case of plans, must show the direction of north. Although not a requirement of legislation, the inclusion of a

linear scale bar is also useful, particularly in the case of electronic submissions.



<b>REPORT OF:</b>	<b>THE DIRECTOR OF GROWTH &amp; DEVELOPMENT</b>
<b>TO:</b>	<b>PLANNING AND HIGHWAYS COMMITTEE</b>
<b>ON:</b>	<b>17<sup>th</sup> OCTOBER 2019</b>
<b>ORIGINATING SECTION:</b>	<b>DEVELOPMENT MANAGEMENT</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>
<b>COUNCILLORS:</b>	<b>ALL</b>

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## TITLE OF REPORT:

**BLACKBURN WITH DARWEN BOROUGH COUNCIL'S RESPONSE TO THE DEPARTMENT FOR DIGITAL, CULTURE, MEDIA AND SPORT CONSULTATION – PROPOSED REFORMS TO PERMITTED DEVELOPMENT RIGHTS TO SUPPORT THE DEPLOYMENT OF 5G AND EXTEND MOBILE COVERAGE**

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### **1. PURPOSE OF THE REPORT**

- 1.1 To inform Members of the Council's response and views on the Government's proposals to amend the permitted development rights in England to grant planning permission for mobile infrastructure to support deployment of 5G and extend mobile coverage particularly in rural areas, and the circumstances in which it would be appropriate.
- 1.2 To agree the responses to the questions set in the Consultation paper, and that the responses should form the formal views of the Council.

### **2. BACKGROUND**

- 2.1 A recent report to the House of Lords Select Committee on the Rural Economy in April 2019 found, that better mobile infrastructure has the potential to transform the rural economy by enabling small businesses to grow, recruit and retain staff and make it easier for people to work from home. 5G networks are also crucial to drive productivity and growth across the sectors.
- 2.2 Over the past few years the Government have been working towards ensuring the UK gets better coverage and connectivity, and have been working with the mobile network operators. As a result of this, the Government introduced in 2017 the Electronic Communications Code (Code) which incentivises and supports network investment. In addition, in 2016 the Government also made significant reforms to the planning system by amending the planning regulations i.e.

extending the existing permitted development rights. Then in 2018 the National Planning Policy Framework (NPPF) was also strengthened to support the expansion of electronic communications networks.

- 2.3 The Government are now considering further reforms to the planning system in England in order to support the network upgrades that will be required to deploy 5G and to extend network coverage, particularly in rural areas. The purpose of the consultation is to seek views on the proposed changes. The consultation period ends on the 4<sup>th</sup> November 2019. Secondary legislation would be required in order to implement any proposed changes to the planning regulations.

### **Code Operators and Permitted Development Rights**

- 2.4 The Code is set out in Schedule 3 of the Communications Act 2003. Mobile network operators can obtain “Code Operator” status by applying to Ofcom. The Code is supported by secondary legislation – The Electronic Communications Code (Conditions & Restrictions) Regulations 2003. These Regulations set out the duties the Operators must fulfil, including adhering to a Code of Practice, and to consult with local planning authorities when deploying infrastructure. The Regulations also include a duty for all operators to share the use of their apparatus where possible. Permitted development rights for Code Operators are set out in Part 16 of Schedule 2 to the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Most permitted development rights are subject to conditions that seek to minimise their impact and protect local amenity. If a development does not meet the limits set out in Part 16, then a full planning application is required to be submitted where all the material planning considerations can be assessed.

## **3. RATIONALE**

- 3.1 The Government contend that the case for 5G is compelling as it will bring faster, more responsive and reliable connections than ever before. The Government goes further by saying that 5G has the potential to improve the way people live, work and travel, and delivers significant benefits to the economy and industry e.g. ability to connect more devices to the internet at the same time. It is recognised that the demand for mobile data in the UK is increasing rapidly, and the Government are recognising that as households and businesses become increasingly reliant on mobile connectivity, the infrastructure must be in place to ensure supply does not become a constraint on future demand. Mobile network operators have now started rolling out 5G in the UK, and the Government consider it is now timely to consider whether further planning reforms should be introduced.
- 3.2 In order to deploy 5G and improve coverage in areas with poor connections, mobile network operators will need to strengthen existing sites to accommodate additional equipment, and also identify and develop new sites.
- 3.3 Members will be aware that such development normally requires planning permission, which is obtained in two ways:

- (i) A planning application is submitted to the local planning authority;
- (ii) Government grant planning permission through permitted development rights:
  - (a) Where Prior Approval is needed – relating to the siting and appearance of apparatus before carrying out any development. This is a light touch approach as the principle has already been established, but it allows the local planning authority to carry out public consultation and seek the views before issuing a decision within 56 days.
  - (b) Permitted development with the requirement to notify – in certain instances there are certain permitted development rights that do not require the prior approval of the local planning authority, only the developer must notify the local planning authority of its intention with one calendar month's notice.

3.4 Mobile network operators have identified to the Government that to provide greater mobile coverage and to support the deployment of 5G this would need taller and wider masts, building based masts located nearer to highways, and faster deployment of radio equipment housing located on both protected and unprotected land.

#### **4. KEY ISSUES**

4.1 The Consultation format is set with a series of questions around the proposed changes. The questions in the consultation are listed below in sections, together with the rationale behind each question, and the proposed response from the Council.

##### **QUESTION 1: ROLE OF INDUSTRY**

4.2 The Government are seeking evidence from the industry of the impact the proposed changes set out in Questions 2 to 5 would have on meeting their ambitions for 5G and mobile coverage.

**Question 1.1: If these in principle proposals (set out in Questions 2 to 5) were taken forward, what impact would they have on meeting the Government's ambitions in relation to mobile coverage including addressing 'total not-spots' and 'partial not-spots'?**

**Question 1.2: If these in principle proposals (set out in Questions 2 to 5) were taken forward, what impact would they have on planned deployment of 5G technology?**

**Question 1.3: If these in principle proposals (set out in Questions 2 to 5) were taken forward, what further measures could industry offer to reduce visual impacts of new electronic communications infrastructure and how would these be delivered?**

**Question 1.4: If these in principle proposals (set out in Questions 2 to 5) were taken forward, what further measures could industry offer to ensure that**

**equipment at redundant sites is removed and the land is restored, and how would these be delivered?**

**1.5: If these in principle proposals (set out in Questions 2 to 5) were taken forward, what further measures could industry offer to ensure that the use of existing sites and infrastructure were maximised before new sites are identified, for example through increased sharing?**

Comments

The proposed reforms would assist in providing faster broadband and better phone signals in the rural communities to ensure they remain viable for the future. The increased mobile coverage in the rural areas would also be a positive move for businesses and services which rely on communications. The industry though needs to balance the better coverage by ensuring the visual impact is not ignored and is subject to careful consideration. This can be through looking at the design and materials of the structures i.e. slimline monopole, appearance, and mast sharing to reduce the number of structures. Operators should also consider using existing infrastructure particular in rural areas e.g use of existing buildings, pylons, turbines utilising new technologies. If this is not feasible or viable, then operators must be required to fully demonstrate and explain why.

With regards to ensuring equipment is removed from redundant sites and the land is restored this should be set out in the Code of Practice and as conditions set out in the permitted development rights.

With regards to sharing, operators must be required to submit evidence to demonstrate they have attempted to look at sharing and considered utilising other infrastructure.

**QUESTION 2: ENABLING DEPLOYMENT OF RADIO EQUIPMENT HOUSING ON LAND WITHOUT REQUIRING PRIOR APPROVAL, EXCLUDING SITES OF SPECIAL SCIENTIFIC INTEREST, TO SUPPORT 5G DEPLOYMENT.**

4.3 This issue covers structures such as small cabinets to a purpose built cabin serving several operators. Currently Part 16 of the GPDO allows the local planning authority consider the siting and appearance of the development within a 56 day period. This currently relates to structures exceeding 2.5 cubic metres, or located within conservation areas/sites of special scientific interest (SSSI). The proposal is to remove the requirement for prior approval for development within conservation areas, and for development on unprotected land which exceeds 2.5 cubic metres. Instead of the 56 prior approval process, operators would only be required to give one month's notice to the local planning authority.

**Question 2.1: Do you agree with the principle of amending permitted development rights for equipment housing to remove the requirement for prior approval for development within Article 2(3) protected land (Conservation Areas) and on unprotected land which exceeds 2.5 cubic metres, to support deployment of 5G?**

Yes  No  Not Sure

Comments

It is considered by removing the requirement for prior approval in conservation areas it would contradict the principles of protecting heritage assets set out in the NPPF (2019) paragraphs 189-190. In addition, this could also have an impact on Conservation Area Appraisals already undertaken by local planning authorities. There would be no control over the siting of the structures which could impact on the setting of listed buildings and more importantly affect the character and appearance of street scenes.

**Question 2.2: What impact could this proposal have on the surrounding area and how could this be addressed?**

Comments

By removing control within protected areas such as conservation areas, it could lead to structures being introduced which will have an adverse visual impact on the character and appearance of the areas. In addition, Conservation Area Appraisals would also be affected, and it could lead to setting a precedent for future development in the areas where there have been no controls relating to the equipment housing in terms of visual appearance.

**QUESTION 3: STRENGTHENING EXISTING GROUND-BASED MASTS TO ENABLE SITES TO BE UPGRADED FOR 5G AND FOR MAST SHARING WITHOUT PRIOR APPROVAL.**

- 4.4 The Government consider there is now an opportunity to consider whether the limit on increasing the width of existing ground-based masts up to one third under permitted development rights without prior approval should be amended, to encourage greater use of existing sites, before new sites are identified. In addition, as the Code Operators Code of Practice encourages site sharing, the Government are also considering amending the permitted development rights to strengthen existing masts to enable upgrading and infrastructure sharing.

**Questions 3.1 & 3.2: Do you agree with the principle of amending permitted development rights to allow an increase in the width of existing ground-based masts by more than one third, to support 5G deployment and encourage greater utilisation of existing sites? If yes, what increase in width should be granted?**

Yes  No  Not Sure

## Comments

It is considered that by increasing the width of existing ground-based masts by more than one-third could have a detrimental visual impact on sites and the surrounding area. The existing allowance of up to a third is considered to be quite a large area, and by increasing this allowance would only exacerbate the situation. This could be particularly apparent in rural areas where large areas of hardstanding could be created.

If the permitted development rights were to be amended the measurement should be more proportionate and it is considered that by increasing the width by up to a half, would help in encouraging greater sharing of sites.

**Question 3.3: To further incentivise operators to maximise the use of existing sites, should permitted development rights be amended to increase the height of existing masts to the relevant permitted height without prior approval? If yes, what restrictions are appropriate to protect safety and security, and visual impact considerations.**

Yes  No  Not Sure

## Comments

The current permitted development rights under the Prior Approval process for poles & antennae at 8 metres, and masts/antennae up to 15 metres, allows the local planning authority to consider the siting and appearance. The existing 15 metre masts already have an impact on areas (which is currently evident by the roll out from Internexus in the borough), and by increasing this height restriction it is considered would be detrimental to local communities in terms of the visual impact.

**Question 3.4: Are there any other amendments to permitted development rights that would further incentivise operators to maximise the use of existing sites? If yes, what are these and what restrictions would be appropriate to ensure that the visual impact on the surrounding area is minimised?**

Yes  No  Not Sure

## Comments

The existing permitted development rights have already been relaxed in 2016. By further relaxing the permitted development rights would reduce the control local planning authorities would have. As such, no further incentives should be applied.



**QUESTION 4: ENABLING DEPLOYMENT OF BUILDING-BASED MASTS NEARER TO HIGHWAYS TO SUPPORT DEPLOYMENT OF 5G AND EXTEND MOBILE COVERAGE.**

4.5 The Government are considering amending the GPDO to allow building-based masts to be deployed nearer to highways. This would encourage greater use of existing buildings for the siting of apparatus, reducing the need for ground-based masts. Currently in accordance with the GPDO, masts are subject to the prior approval process where they are located on un-protected and protected land i.e. conservation areas, which exceeds the height of the mast prior to alteration or replacements and exceeds a height of 20 metres. The Government are looking to change this to allow the deployment of building-based masts within 20 metres of the highway, located on buildings less than 15 metres tall, subject to the prior approval process.

**Question 4.1: Do you agree in principle with creating a permitted development rights to grant permission for masts to be located within 20 metres of a highway on buildings less than 15 metres in height, in all areas?**

Yes  No  Not Sure

Comments

By having no controls in sensitive areas such as the green belt and conservation areas could lead to a proliferation of structures that would have an adverse visual impact. Also it is not clear what height the masts would be, for example, would they be 15 metres from the ground level or 15 metres when located on a building? This needs clarifying.

**QUESTION 5: ENABLING HIGHER MASTS TO DELIVER BETTER MOBILE COVERAGE AND MAST SHARING.**

4.6 To reduce the need to build new masts, minimise the visual impact of the networks and to deploy these more cost-effectively, mobile network operators have committed in the Code of Best Practice to site sharing wherever viable. By doing this operators have identified that taller masts are likely to be needed. The Government have given an example in the consultation of a 50 metre mast being erected in 2018 in the rural community of Kildary and Milton in Scotland, which offers greater coverage than that of traditional masts, and as a result the local area as well as the local major road, now enjoys greatly improved 4G coverage. The Government are now considering amending the GPDO by increasing the height of new masts which can be deployed by Code Operators through permitted development rights, subject to the prior approval process. Consideration would need to be given to what restrictions should be put in place to control development e.g. there is currently a lower permitted height limit for masts in conservation areas and land on a highway. Should this approach be retained given the demand for better coverage in rural areas and protected areas?

**Question 5.1: Do you agree in principle with amending permitted development rights to increase the height of new masts, subject to prior approval ?**

Yes  No  Not Sure

Comments

With the acceptance of the need to improve connectivity in rural areas, and that more people/businesses are using the internet and require greater coverage, there is an argument that higher masts will be required. Careful consideration should be given on the design and appearance (including materials) e.g. slimline monopole rather than the traditional lattice masts. Consideration should also be given to the commitment of sharing the apparatus and infrastructure and imposing a restriction zone so that no other masts could be erected in the area e.g. up to 100metres?

**Question 5.2: If yes to question 5.1, what permitted height should masts be increased to and why?**

Comments

The GPDO relaxed the height limit to up to 15 metres in 2016 where prior approval is not required, and up to 25 metres where prior approval is required. With regards to the 15 metre height restriction this relates to only poles. So there is a loophole where operators can once the pole is erected submit a further application relating to the antennae. The local planning authority then can only consider the siting and appearance of the antennae and not the pole. As such, it is considered that the existing permitted height is already excessive, which is evident in the urban areas. If it is to be increased it is considered that the maximum height should be 20 metres.

**Question 5.3: If yes to question 5.1, should a lower height limit be permitted for masts located in Article 2(3) land (conservation areas) or on land on a highway and why?**

Yes  No  Not Sure

Comments

These areas are protected for a reason, and as such, any increase in the permitted height limit will have an adverse visual impact on conservation areas, and could also affect the safety of highway users.

**Question 5.4: If yes to question 5.1, what restrictions (if any) should be put in place to control development of permitted higher masts?**

Comments

There should be restrictions on the design i.e. only slimline monopoles accepted; evidence of sharing; evidence that the equipment/apparatus cannot be erected on buildings or other infrastructure.

The choice of location of masts should be informed by landscape evidence such as Landscape Character Assessments, Landscape and Visual Impact Assessments and evidence on the Cumulative Impact of Vertical Infrastructure.

**SUMMARY:**

- 4.7 Blackburn With Darwen Borough Council understands that rural communities are keen to obtain levels of digital connectivity such as fast broadband and good mobile 'phone signals in order to support both work and leisure. Such technology is essential not only for our rural communities to remain vital and viable into the future but also to ensure that the emergency services, including Mountain Rescue, can continue to operate effectively across the borough. It is considered that the Consultation is very much operator led and appears to be removing further controls from the planning regime, which will lead to local planning authorities having reduced powers to protect their local communities. The requirement for new taller communications masts will have to strike a balance between the landscape and better connectivity and respect certain protected areas, in particular here in Blackburn With Darwen Borough, the SSSI site in the south of the borough, Country Heritage Sites, which contain significant ecological/biodiversity attributes, and the conservation areas. It is crucial that if the Government are to push ahead with the larger masts that they must accommodate more equipment, potentially reducing the number of masts required overall, and the design including materials of these structures are important issues to consider.
- 4.8 As the borough contains large rural areas, and the proposed reforms are aimed at improving connectivity in such areas, it is important the Government fully consider the following issues and include these any changes to the legislation:
- The choice of location of masts should be informed by landscape evidence such as Landscape Character Assessments, Landscape and Visual Impact Assessments and evidence on the Cumulative Impact of Vertical Infrastructure. This should be a requirement for operators to adhere to;
  - Special considerations for protected landscapes and their settings, such as additional need and landscape evidence requirements, additional design and mitigation requirements and a lower maximum height (as is currently the case);
  - Maximise mast sharing between different providers;

- A commitment to rationalise mast provision (i.e. to always use the minimum number of masts needed) and to remove any masts that are no longer required - including a buffer zone where a new mast is erected so that no additional masts can be erected;

## **5. POLICY IMPLICATIONS**

- 5.1 The adopted Blackburn With Darwen Borough Local Plan Part 2 (Site Allocations and Development Management Policies) 2015, currently has a policy relating to telecommunications. Policy 44 states:

*“Applications for the siting of new telecommunications equipment will be permitted provided that:*

- (i) It has been demonstrated that co-siting the equipment with existing equipment or in the case of antennae, their siting on an existing building, mast or structure, is not a viable option;*
- (ii) It is not located in nor likely to have an unacceptable harmful impact on a Site of Special Scientific Interest, County Heritage Site, Local Nature Reserve, other sensitive landscape setting, or on significance of heritage assets including views and their setting, unless it can be demonstrated that no technically acceptable alternative sites is available and the need for the development outweighs the degree of harm caused; and*
- (iii) The impact of the development on the landscape or townscape is minimised within the constraints of operating requirements, through siting, design, materials and colour.”*

The issues contained in the policy would still apply with any changes in secondary legislation relating to the proposed amendments to the planning reforms.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 None.

## **7. LEGAL IMPLICATIONS**

- 7.1 None.

## **8. RESOURCE IMPLICATIONS**

- 8.1 None.

## **9. EQUALITY IMPLICATIONS**

- 9.1 These are changes proposed to secondary legislation, therefore no local equality impact assessment has been made.

## **10. CONSULTATIONS**

- 10.1 A draft version of the Council's response to the Consultation is being presented to the Executive Member for Growth and Development on the 14<sup>th</sup> October 2019, and the Cross Party Member's Planning Working Group on the 15<sup>th</sup> October 2019.

## **11. RECOMMENDATION**

- 11.1 (i) That the Committee note the issues described in the report.
- (ii) That the Committee endorse and approve the proposed responses to the questions raised in the consultation document, and agree they are sent to the Department for Digital, Culture, Media and Sport by the 4<sup>th</sup> November 2019.

**Contact Officer:** Gavin Prescott, Planning Manager (Development Management)  
**Date:** 4<sup>th</sup> October 2019  
**Background Papers:** "Department for Digital, Culture, Media and Sport Consultation: "Proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage."

## GROWTH & DEVELOPMENT DEPARTMENT

**ORIGINATING SECTION: PLANNING (DEVELOPMENT  
MANAGEMENT)**

**REPORT TO PLANNING & HIGHWAYS COMMITTEE - 17<sup>th</sup> OCTOBER 2019**

**TITLE: APPEALS MONITORING REPORT**

**WARDS: ALL**

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

- 1.1 To present Members with an update of recently decided appeals since the last monitoring report in April 2019. You can see from the attached table, 4 no appeals in total were determined during the period 18<sup>th</sup> April 2019 to 4<sup>th</sup> October 2019. 3 no appeals were dismissed, and there was one split decision.
- 1.2 The update will be presented to the Cross Party Working Member Group at their meeting on the 15<sup>th</sup> October 2019.
- 1.3 With regards to the appeals allowed by the Inspectorate, and the reasons provided, these have been duly considered in detail by officers, and have been incorporated in the decision making culture as part of the Planning Service's Performance Improvement Plan, in order to reduce the number of appeals, and subsequently the number of appeals allowed.

### **2.0 RECOMMENDATION**

- 2.1 That the report be noted.

### **3.0 BACKGROUND PAPERS**

- 3.1 See the file numbers referred to.

**4.0 CONTACT OFFICER: Gavin Prescott, Planning Manager  
(Development Management)**

**5.0 DATE PREPARED 4<sup>th</sup> October 2019**

**APPEALS MONITORING REPORT RELATING TO APPEALS DETERMINED BETWEEN THE PERIOD 18<sup>th</sup> APRIL 2019 AND 4<sup>th</sup> OCTOBER 2019  
PLANNING & HIGHWAYS COMMITTEE – 17<sup>th</sup> OCTOBER 2019**

<b>APPEAL START DATE</b>	<b>APPEAL REFERENCE</b>	<b>APPEAL SITE ADDRESS &amp; DEVELOPMENT DESCRIPTION</b>	<b>APPEAL TYPE</b>	<b>APPEAL DECISION</b>	<b>APPEAL DECISION DATE</b>	<b>REASONS FOR DECISION</b>
08/05/2019	APP/M/2372/D/19/3225406  10/18/1084	35 Kirkland Close Blackburn BB1 5JF  Erection of double storey with single storey rear extension, conversion of roof from hip to gable and erection of 2 no. rear dormers and erection of front porch	Written Representations	Dismissed	02/07/2019	The Inspector considered that the extension would appear particularly overbearing. This would result in a significant loss of outlook from the rear of No 33. It would also increase overshadowing and introduce a sense of enclosure in that property's rear garden. Again, this would conflict with the guidance in RES E5 and RES E7 of the SPD. The Inspector concluded that the appeal proposal would have a significantly harmful effect on the living conditions of the occupiers of No 33 arising from loss of daylight and outlook from the ground floor, and by introducing a sense of enclosure in

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APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
						its rear garden. It would therefore be contrary to Policy 8 of the Blackburn with Darwen Local Plan Part 2 (LPP2) adopted in December 2015, as well as guidance in the SPD, which seek to protect neighbours from development which would cause unacceptable harm to their living conditions.
26/03/2019	APP/M/2372/ W/19/3224578  10/18/1175	87 Whalley New Road Blackburn BB1 6JZ  Change of use of part of ground and first floor from Retail (A1) to Office (B1), replacement shopfront, new windows to side and replacement of security shutter	Written representations	Dismissed	26/06/2019	The Inspector concluded that the increase in glazing on the front elevation, only emphasises the new glazing on the side elevation at both ground and first floor. As a consequence, the alterations to the fenestration of the property, with particular regard to the introduction of the new glazing on the side elevation would create a visually awkward fenestration detail that



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APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
						<p>would constitute an incongruous alteration to the detriment of the host property and the street scene. Therefore the Inspector concluded that the proposed development would not accord with the character and appearance aims of Policy 11 of the Council’s Local Plan Part 2 2015, Policy CS16 of the Council’s Core Strategy 2011, the Council’s Supplementary Planning Guidance – Shopfront Design and Security and the Framework.</p>
16/07/2019	APP/M2372/D/19/3230286  10/19/0052	42 Lammack Road, Blackburn 8JN  Conversion of hipped roof to form gable ends, raising the ridge height, new front porch and formation of hardstanding area to	Written Representations	Split Decision	19/09/2019	The appeal is dismissed insofar as it relates to the proposed conversion of hipped roof to form gable ends and raising the ridge height. The appeal is allowed insofar as it relates to the new front porch and

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APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
		front garden.				formation of hardstanding area to front garden and planning permission is granted for the new front porch and formation of hardstanding area to front garden. The Inspector considered that the proposed increased height and replacement with a gable presentation would create a dominant roof form when viewed adjacent to the neighbouring property on the lower ground level. The increased pitch and height, and loss of the half-hipped detailing to form gable ends would disrupt the spatial pattern of the 3 properties as they step up in the street scene. The resulting scale and form of the roof structure adjacent to the neighbouring

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APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
						<p>property on the lower ground level would, in my view, appear as an incongruous addition. Though not significant in isolation, this would be compounded by the proposed loss of the horn detailing. the proposed conversion of the hipped roof to form gable ends and raising the ridge height would conflict with Policy 11 of the Blackburn with Darwen Local Plan Part 2 Site Allocations and Development Management Policies Adopted December 2015 (LP). The proposed porch would be of modest proportions, matching materials and with a lean-to roof which would appear compatible with the character and appearance of the host dwelling. In addition,</p>

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APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
						the garden is not particularly large and although the proposals seek to hard surface the full frontage this would not result in a substantial amount of hardstanding overall. The proposed hardstanding would not be an uncommon sight in a residential area such as this.
20/05/2019	APP/M2372/D/19/3225221  10/18/1117	10 Finch Close, Blackburn BB1 6EW  Erection of part double part single storey rear extension and detached outbuilding/ store room.	Written Representations	Dismissed	18/07/2019	The Inspector considered the proposal would nevertheless be a large and bulky addition that would not appear subservient to the host property. As a result of its prominent location, it would be a noticeably dominant feature that would not respect the original simple rear elevation. It would not in keeping with the surrounding properties and it would disrupt the consistency of the terrace.

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						<p>Although the detached outbuilding would be screened to some extent by the boundary walls and gate, there would be a cumulative visual impact in combination with the proposed rear extension. Consequently, the appeal scheme would result in a cluttered form of development that would not respect its surroundings or make a positive contribution to the streetscene. Therefore, by virtue of its size and scale, massing and design, the proposed development would result in significant harm to the character and appearance of No 10 Finch Close and the area. It would conflict with Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2 Site</p>

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						Allocations and Development Management Policies Adopted December 2015 (the Local Plan)

**TOTAL NUMBER OF DECISIONS: 4**

**TOTAL NUMBER ALLOWED: 0**

**TOTAL NUMBER DISMISSED: 3 (75%)**

**TOTAL NUMBER SPLIT DECISIONS: 1 (25%)**

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

Document is Restricted