

Public Document Pack

Planning and Highways Committee

Thursday, 19th December, 2019

6.30 pm

Meeting Room A, Blackburn Town Hall

AGENDA

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3. **Declaration of Interest**
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- 4.3 **Planning Application 10/19/0888**
Land between Roman Road and Blackamoor, Blackburn, BB1 2LG 63 - 99
- 4.4 **Planning Application 10/19/0947**
Furthergate Works, St Clement Street, Blackburn, BB1 1AB 100 - 111
5. **Proposed Edgworth Cricket and Recreation Ground TPO**
To request that the Committee endorse the actions of the

Council's Arboricultural Officer/Planning Manager
(Development Management) in making and serving the
Edgworth Cricket and Recreational Club Tree Preservation
Order 2019.

To request that the Committee confirm Edgworth Cricket
and Recreational Club Tree Preservation Order 2019 (ref:
N29) without modification.

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Date Published: Wednesday, 11 December 2019
Denise Park, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE

Thursday, 21 November 2019

PRESENT – Councillors, Councillor David Smith (Chair), Akhtar, Casey, Khan, Khonat, Hardman, Slater, Oates, Riley, Hussain, Browne and Marrow (substitute for Pearson).

OFFICERS - Gavin Prescott (Development Manager), Rabia Saghir and Safina Alam

RESOLUTIONS

69 Welcome and Apologies

The Chair welcomed everyone to the meeting.

Apologies were received from Councillor Pearson and Jan-Virmani.

70 Minutes of the Previous Meeting

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

71 Declaration of Interest

Cllr Marrow declared an interest in Item 4.4 Planning Application 10-19-0939 in that he personally knew the applicant.

72 Planning Application Summary

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

In considering the application, the Committee took into account representations or submissions provided by individuals with the Officers answering points raised during discussion thereon.

72.1 Planning Application 10-19-0275 & 10-19-0921

Applicant – Valli Homes Ltd.

Location and proposed Development – St Stephens Conservative Club, Robinson Street, Blackburn, BB1 5PE

Full Planning Application & Listed Building Consent for Conversion of Grade II Listed Conservative Club to form 3No. Dwelling houses and the construction of 11No. new houses including associated parking and garden areas

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director’s Report and additional conditions in the Update Report.

72.2 Planning Application 10-19-0842

*Speakers – Mr Tony Lang
Mrs Julie Salter*

Applicant – G & J Properties Ltd.

Location and Proposed Development – St Barnabas Warehouse, Watery Lane, Darwen, BB3 2EB.

Full Planning Application for; proposed conversion of warehouse to 8no two bedroom apartments.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director's report and the additional conditional in the Update Report.

72.3 Planning Application 10-19-0843

*Speakers – Mr Tony Lang
Mrs Julie Slater*

Applicant – Milltom Builders Ltd.

Location and proposed Development – Land to the Rear of St Barnabas Warehouse, Watery Lane, Darwen, BB3 2EB.

Full Planning Application for; proposed development of 6no. three bedroom dwellings.

Decision under Town and Country Planning Act and Regulations –

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

72.4 Planning Application 10-19-0939

Speaker – Sophie Marshall

Applicant – Mr Bretherton

Location and Proposed Development – Brownlow Farm, Pleasington Lane, Pleasington, Blackburn, BB2 5JE.

Variation of Condition No.10 pursuant to planning application 10/19/0574 - "Demolition of outbuildings, conversion of barn to provide an extension to Brownlow Farmhouse, erection of attached garage, and construction of new footpath, road frontage wall and electric gates and retention of porch." - Addition of 5 roof lights and height of the proposed house raised to be in line with the adjoining barn - Retrospective

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted on the Directors Report

73 **Enforcement Report**

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at 11 Railway Road, Darwen.

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

RESOLVED – Authorisation was given to the proposed enforcement action to remove the unauthorised development.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed

Material Consideration

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

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

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

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

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

MATERIAL:	NOT MATERIAL:
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: 19/12/2019

Application No	Applicant	Site Address	Ward
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10/19/0706

Homewood Properties Ltd
c/o agent

Palm Tree Islamic School (Former Montague Health Centre)
Oakenhurst Road
Blackburn
BB2 1SN

Wensley Fold

Full Planning Application for Demolition of Former Health Centre and construction of 5 storey Apartment Block consisting of 76 no, 1 and 2 bedroom apartments with associated car parking

RECOMMENDATION: Permits

10/19/0887

Blackburn with Darwen Council
Old Town Hall
Blackburn
BB1 7DY

Haslingden Road (Old Bank Lane to Lions Drive)
Blackburn
BB1 2ND

Audley & Queens Park
Blackburn Central
Blackburn South East

Full Planning Application (Regulation 3) for Highways improvements including road widening, new roundabout at junction of Old Bank Lane, new point of access into housing allocation site to South of Haslingden Road and demolition of associated buildings

RECOMMENDATION: Permits

10/19/0888

Blackburn with Darwen Council
Old Town Hall
Blackburn
BB1 7DY

Land between Roman Road and Blackamoor Road
Blackburn
BB1 2LG

Blackburn South & Lower Darwen
Blackburn South East

Full Planning Application (Regulation 3) for Proposed new link road

RECOMMENDATION: Permits

Application No	Applicant	Site Address	Ward
Application Type			

10/19/0947

Lidl Great Britain LTD
C/O Agent

Furthegate Works
St Clement Street
Blackburn
BB1 1AB

Audley & Queens Park

Variation/Removal of Condition/Minor Material Amendment for Variation of Condition No's 5, 11, 13, 20 and 23 pursuant to planning application 10/18/1094 "Demolition of existing building and the erection of a Lidl store (Use Class A1) with associated works including improved access, parking area and landscaping" - to amend site layout to provide for proposed removal of Cherry Street egress and boundary treatment amendments

RECOMMENDATION: Refuses

REPORT OF THE DIRECTOR

Plan No: 10/19/0706

Proposed development: Full Planning Application for Demolition of Former Health Centre and construction of 5 storey Apartment Block consisting of 76 no, 1 and 2 bedroom apartments with associated car parking

Site address:

**Palm Tree Islamic School (Former Montague Health Centre)
Oakenhurst Road
Blackburn
BB2 1SN**

Applicant: Homewood Properties Ltd

Ward: Wensley Fold

**Councillor David Harling
Councillor Mohammed Khan
Councillor Qesir Mahmood**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The Council's Development Plan supports new development within the Inner Urban boundary which constitutes sustainable development and accords with the Development Plan.
- 2.1 The proposal will deliver a high quality apartment scheme which will raise the standard of accommodation within the locality. It supports the Borough's planning strategy for housing growth as set out in the Core Strategy. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions and the signing of the S106 agreement to ensure suitable persons occupy the apartments.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The site is approximately 0.38Ha in area and accommodated the former Montague Health Centre located on the north side of Oakenhurst Road, Blackburn. The building's last use was as an Islamic School.
- 3.1.2 The former Montague Health Centre building now demolished was purpose built around 1970 and while undergoing various internal alterations remained largely as originally constructed externally. The building was 2 storey with a flat roof, facing brick walls and regular fenestration. The building while not actually ugly, was somewhat non-descript and uninviting. Its construction was solid, comprising a masonry steel reinforced structure with concrete roof and floors. The internal layout was an array of small consulting type rooms around larger waiting spaces.
- 3.1.3 Externally there are tarmac areas to the side and rear for parking and grassed areas to the front and rear.
- 3.1.4 To the north and north/west of the site is St Barnabas and St Paul's Primary School, the school buildings are away to the west and the site bounds the play areas. To the south are substantial 3 storey residential apartment blocks with steeply sloping pitched roofs which provide significant scale.
- 3.1.5 To the east is a former public house, now used as a retail unit with residential accommodation at first floor, and to the west is a council / community facility building of two storeys operating as Blackburn Food Bank.
- 3.1.6 The site has direct access onto Oakenhurst Road for vehicles and pedestrians.

3.1.7 The site is within 500m of Blackburn town centre, 200m of Blackburn College campus and the leisure centre and also within easy walking distance of all the shops and amenities that are within the Town Centre.

3.2 Proposed Development

3.2.1 This planning application is for the construction of a 5 storey apartment block comprising 76no, 1 and 2 bedroom apartments within a secured site. The building is to be operated by the applicant and a 24 hour concierge is to be available.

3.2.2 The roof of the building is to accommodate a roof top garden area.

3.2.3 Cycle parking and refuse storage would occupy part of the ground floor area.

3.2.4 Car parking would occur around the frontage, western side and to the rear of the building. 56 car parking spaces are proposed.

3.2.5 The site will have an electronic gated access.

3.3 Development Plan

3.3.1 Core Strategy:

- Policy CS1 – A Targeted Growth Strategy
- Policy CS5 - Locations for New Housing
- Policy CS6 – Housing Targets
- Policy CS7 – Types of Housing
- Policy CS16 – Form and Design of New Development
- Policy CS15 - Protection and Enhancement of Ecological Assets
- Policy CS20 - Cleaner, Safer, Greener
- Policy CS21 - Mitigation of Impacts / Planning Gain
- Policy CS22 - Accessibility Strategy

3.3.2 Local Plan Part 2:

- Policy 2 - The Inner Urban Area
- Policy 7 - Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 18 – Housing Mix
- Policy 19 – Apartment Development and Housing Developments
- Policy 36 - Climate Change
- Policy 40 – Integrating Green Infrastructure & Ecological Networks with New Development

3.3.3 Supplementary Planning Documents/ Guidance

- Houses in Multiple Occupation and Apartment Development SPD

- Residential Design Guide
- Air Quality Planning Advice Notice

3.4 Other Material Considerations

3.4.1 The most relevant national policy and guidance is contained within:

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

3.4.2 The Legislation relevant to the proposals is as follows:

- The Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004
- The Crime and Disorder Act 1998
- Conservation of Habitats and Species Regulations 2017

3.5 Assessment

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

- Principle of development;
- Highways and Access;
- Design and Layout;
- Amenity impact;
- Drainage;
- Affordable housing and planning contributions; and,
- Biodiversity

Principle of Development

3.5.2 The adopted Policies Map defines the site as being within the Inner Urban Area. The site is within 150 metres of the Town Centre boundary for Blackburn and is thus considered to be within walking distance of the Town Centre and its services and amenities. The site is therefore considered to be suitably located for new residential accommodation.

3.5.3 Local Plan Part 2 Policy 18 concerns itself with Housing Mix. Policy 18 4. States;

Apartment development for the general market will only be acceptable where it is the most appropriate form of housing given the local context or the characteristics of the site.

3.5.4 The site is located opposite a 3 storey apartment development and thus the proposed apartment block would fit within the local context. Councillors concerns relating to the height of the building will be discussed in the Design section of this report.

3.5.5 Local Plan Part 2, Policy 19 concerns itself with apartment development and Houses in Multiple Occupation. It states the following:

The Council will only exceptionally support the development of bedsits, bed and breakfast and hostel accommodation, either through new build or through the conversion of existing buildings. Apartment developments will only be supported where they comply with Policy 18. The forms of development referred to above will only be acceptable where all the following criteria are met:

i) the proposal does not, in isolation or in conjunction with other planned, committed or completed development, erode the amenity of neighbouring properties, the physical, social, environmental or economic character of the surrounding area, or the supply of family housing;

ii) in the case of conversions, the property is suitable for conversion without the need for any substantial extensions which would have an unacceptable effect on residential amenity and the character of the area;

iii) the site can accommodate the necessary parking and manoeuvring areas in a way which preserves residential amenity and the qualities of the street scene; and

iv) adequate refuse / recyclable waste collection facilities are provided.

3.5.6 The Council's Houses in Multiple Occupation and Apartment Development SPD advises Blackburn with Darwen has areas of poor quality housing, particularly in the private-rented sector, which accounts for 13% of the total housing stock in the Borough and 20% in inner urban areas. It also advises, a total of 54% of private-rented properties in the Borough do not meet the Decent Homes standard, a figure which increases to 72% in respect of converted flats.

3.5.7 The Borough also experiences substantial pressure to create houses in multiple occupation or HMOs and such uses and developments are having a seriously detrimental impact on the growth, regeneration, image, attitudes to investment (both inward and local) and sustainability of communities and neighbourhoods where they are concentrated. As a result of these concerns, an Article 4 Direction removing the permitted development right of converting a dwellinghouse within the Town Centre and the wards surrounding it was imposed in 2013. The site is located in one of these wards.

- 3.5.8 Due to the sites location concern has been raised by the Council's Strategic Housing team that the proposed number of apartments, whilst having been reduced from the previous 111 apartments is still on the high side based on the Council's local demand evidence. The developer has provided some further evidence through a draft legal contract from a company wishing to lease the apartments and want this to be conditioned as part of any planning approval to ensure that this is forthcoming.
- 3.5.9 The team recognise that this proposal seeks to provide a new type of letting property to the market but want a condition asking the developer to provide a clear marketing plan, lettings policy and name of agents and full maintenance proposals for the proposed scheme.
- 3.5.10 The team seek to secure a formal/signed contract for lease of a percentage of the apartments as per the draft submitted and for full marketing plan, lettings policy, management and maintenance plan details. After much deliberation Officers considered the only way to secure these details will be through a S106 agreement. By entering into a S106 Agreement the local planning authority will have more certainty and control relating to the type of tenure within the apartments, and this will also be more enforceable than imposing a standard planning condition. Any approval of this application will therefore be subject to the applicant signing a S106 agreement.
- 3.5.11 For the reasons given above and subject to a S106 agreement, the proposals are considered to accord with Local Plan Part 2 Policy 18 and the Supplementary Planning Document relating to apartment development.

Highways and Access

- 3.5.12 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. Local Plan Part 2 Policy 10 concerns itself with the same matters.
- 3.5.13 Policy 11 of the Local Plan requires development to present a good standard of design, demonstrating an understanding of the wider context and make a positive contribution to the local area. The policy sets out a list of detailed design requirements relating to character, townscape, public realm, movement, sustainability, diversity, materials, colour and viability. This underpins the main principles of sustainable development contained in the NPPF.
- 3.5.14 A Transport Statement (TS) was submitted in support of the application which evaluated the existing transport and highways context of the site, access, parking and servicing conditions, trip generation and junction capacity. This allows an assessment as to whether the highways network has the capacity to accommodate the potential increases in traffic as a result of significant new residential development; and whether there would be any detriment to highway safety. The TS concluded that;

- The site has a sustainable location close to the services and amenities available within Blackburn Town Centre.

- The scheme accords with local and national policy as the application site is close to good transport linkages and other services and amenities to minimise trips.

3.6.5 Highways Colleagues appraised the submission and whilst no objection was offered in principle concerns were raised in relation to the undersupply of on-site parking provision, manoeuvrability within the site; construction vehicles traffic, and general access and egress to the site. The applicant has sought to address these concerns through, dialogue with council officers, submission of vehicle tracking details, moving the site entrance further in to the site to enable cars entering the site to be clear of the highway, alongside off-site highway works relating to the review of Oakenhurst Road and the wider network and also parking availability along Oakenhurst Road.

3.5.15 Following the initial submission and subsequent discussions on highways issues raised by Council Officers, the applicant has put forward additional details to overcome the issues and also shown commitment to undertake some off-site highway works to provide some on-street parking provision. Whilst the Council's Highway Team having reviewed the supplementary information welcomes the changes, they are of the opinion that the off-site highway works submitted do not extend far enough, they will work with the applicant to devise suitable off-site parking provision whilst ensuring Oakenhurst Road remains safe for all highway users. They also set out a series of conditions required in order to support the proposal;

(1) A construction management plan will be required through application of a condition, setting out how the construction process will be managed to ensure that consideration is given to highway safety and residential amenity during the construction phase. The plan will include the following:

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Erection and maintenance of security hoardings,
- Wheel washing type and location;
- Control of dust and dirt;
- Recycling and disposing of waste;
- Turning of vehicles within the site
- Overall management of site operations
- Phasing of the development

(2) A scheme for the site access.

(3) Details of any boundary fencing and Sightlines at vehicular access point as shown on Drawing 17059-221 to be safeguarded in perpetuity.

(4) Implementation of parking layout

(5) Closure of existing access(es)

(6) Wheel cleaning

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

(8) Grampian condition, for off-site highway works to be carried out as part of a 278 scheme.

(9) Travel Plan submission, agreement and implementation.

3.6.9 Overall, the scope of information submitted in support of the transport and highways aspects of the proposal illustrate an acceptable highways layout and off-site highways works that will mitigate the likely impacts on the network. As such, subject to compliance with the aforementioned conditions, it is in accordance with the requirements of Policy 10 of the Local Plan Part 2.

Design, Layout and visual amenity

3.5.16 Policy 11 of the Local Plan requires development to present a good standard of design, demonstrating an understanding of the wider context and make a positive contribution to the local area. The policy sets out a list of detailed design requirements relating to character, townscape, public realm, movement, sustainability, diversity, materials, colour and viability. This underpins the main principles of sustainable development contained in Section 12 of the NPPF.

3.5.17 The design and layout of the scheme is considered to provide a suitable standard of accommodation and amenity space for future occupiers of the development.

3.5.18 The proposals also seek to provide a suitably sized area for refuse storage and cycle storage.

3.5.19 Whilst the proposals provide an insufficient number of parking spaces, the Highways Authority considers that changes can be made to the layout of Oakenhurst Road to alter existing traffic calming measures and to provide additional on-street parking provision and traffic calming measures. The applicant has demonstrated their willingness to work with the Highway Authority to address the undersupply of car parking provision on the site.

3.5.20 In respect of the impact on the street scene, the prevailing character of the area is of two and three storey properties. The proposed apartment block will be five storeys in height. Whilst it is acknowledged that the proposals will be two/ three floors and a roof top garden higher than the prevailing character of the area, the photomontages accompanying the application site

illustrate that the proposals will provide an attractive development which will raise the standard of design in this immediate locality. For these reasons the proposals are considered to accord with the requirements of Local Plan Part 2 Policy 11.

Amenity Impact

- 3.5.21 Policy 8 of the LPP2 relates to the impact of development upon people. Importantly, at section (ii) of the policy there is a requirement for all new development to secure satisfactory levels of amenity for surrounding uses and future occupiers of the development itself. Reference is made to matters including; noise, vibration, odour, light, dust, privacy/overlooking and the relationship between buildings.
- 3.5.22 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. For each additional floor and additional 3 metres should be added. 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 apartment development would be separated from the 3 storey apartment development opposite by a distance of approximately 30 metres. The five storey development is consistent with these requirements.
- 3.5.23 A first floor flat exists above the property to the East of the site, formally known as the Three Pigeons Public House. The building is separated from the proposed development by a distance of approximately 15 metres. The site is considered to be suitably sited to prevent a direct impact on this window and thus the amenity of the occupiers of the first floor flat will not be significantly harmed.
- 3.5.24 Overall, the effect on neighbouring residents is considered to accord with Local Plan Part 2 Policy 8.

Amenity of future residents

- 3.5.25 Local Plan Policy 8 states:

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

iii) 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;”

- 3.5.26 The application site is classed as previously developed land within a High Risk Coal Mining area. The Coal Authority has thus been consulted and

subsequently advised that a thick coal seam (Pasture) outcrops to the north of the application site by approximately 29m which may have been worked in the past. Due to the direction that this coal seam is 'dipping' this could result in shallow workings being present beneath the northern western half of the site.

- 3.5.27 This planning application is accompanied by a Phase 1 Site Investigation Report prepared for the proposed development by Terra Consult (Ref 3696/01 Issue 1, 26th April 2018) which is considered to have been informed by an appropriate range of sources of information.
- 3.5.28 Based on this review of geological, historical and coal mining information, the report author considers that the site is not at risk from ground movement as a result of historic mining activity. Whilst site investigations have been recommended to assess geotechnical and contamination issues, Section 5.1.3 only highlights that *deep rotary holes may also be required depending upon discussions with the Coal Authority*.
- 3.5.29 The Coal Authority regards that site investigations in the form of deep rotary holes are considered necessary due to the conflict of information in relation to the 'Pasture' mine. Their information identifies this coal seam outcrops approximately 29m north of the application site; Section 6.1.2 of the Report identifies that as being 100m northwest of the site.
- 3.5.30 As a consequence, the Coal Authority considers that in order to determine the exact situation regarding shallow coal mining legacy, intrusive site investigations will be required to establish the depth and condition of the 'Pasture' coal seam and if found to have been worked, the amount of competent rock cover. The number, depth and distribution of the rotary boreholes will also need to be in agreement with the Coal Authority's Licensing and Permitting Department as part of the permit application process.
- 3.5.31 Subject to the imposition of the recommended condition a safe environment for occupants will be achieved and thus the proposal will accord with Local Plan Policy 8 iii).
- 3.5.32 The findings of these intrusive site investigations will then inform any mitigation measures, such as grouting stabilisation works, foundation solutions and / or gas protection measures, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.
- 3.5.33 Based on the discrepancy of the Pasture Seam outcrop they consider that the Phase 1 Report has not been able to demonstrate, beyond reasonable doubt that coal mining legacy will not impact on the proposed development. Therefore, they recommend the imposition of planning conditions which cover the issues set out below:

Prior to the commencement of development:

- The undertaking of the scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to future development by past coal mining activity;

- The submission of a report of findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary;

- Implementation of the remedial works and/or mitigation measures.

3.5.34 Looking at the development itself, the proposal includes: 47 one bed 55 M² apartments, 13 two bed 74 M² apartments and 16 two bed 89 M² apartments. These sizes accord with both the local and national space standards and the Council's Housing Standards team have raised no objections to the apartment sizes proposed.

3.5.35 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 and occupants of the St Barnabas Primary School.

3.5.36 An acoustic report has been produced that identifies that mitigation can be installed that ensures that guidelines on noise design standards can be met with a particular specification of glazing. This can be conditioned. It also stipulates a plant noise limit that can be conditioned.

3.5.37 Due to the nature of the area there is also a need to condition the construction phase in terms of hours of operation and the control of noise and dust.

3.5.38 Subject to the imposition of the recommended conditions, the proposals are considered to accord with Local Plan Policy 8ii).

Crime and Disorder

3.5.39 Section 17 of the Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006) requires Blackburn with Darwen Council, as a 'responsible authority', to consider crime and disorder (including antisocial behaviour and other behaviour adversely affecting the local environment); and the misuse of drugs, alcohol and other substances in the exercise of all its duties, activities and decision-making. This means that all Council's policies, strategies and service delivery should consider the likely impact of crime and disorder.

3.5.40 The above legislation and policy supports the vision and delivery of the NPPF. This has a chapter focussing on 'promoting healthy and safe communities' with paragraph 91 stating;

Planning policies and decisions should aim to achieve healthy, inclusive and safe places, which:

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas;..;

- 3.5.41 Chapter 12 of the NPPF focuses on 'achieving well designed places' which again, amongst other things, concerns itself with creating safe places. Paragraph 127 states:

Planning policies and decisions should ensure that developments:

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 3.5.42 The Council Local Plan policies CS20 and 8.v) also support the vision and delivery of the Act and the NPPF.
- 3.5.43 Unfortunately, multiple occupancy accommodation can be vulnerable to persistent crime and anti-social behaviour. 'Tailgating' through access-controlled areas can be real risk, whereby an intruder follows a resident into the building who has legitimate access or enter via insecure entrance or exit doors. Certain valuable household and personal items are attractive commodities to criminals, such as TV's, easily removable electronic devices, jewellery, mobile telephones and money, which can be easy to steal for personal use or financial gain.
- 3.5.44 Burglary patterns indicate that rear ground floor doors and windows are most vulnerable to criminal attack; by prising them open, smashing the glazing or 'snapping' euro profile type cylinder door locks. Over the past 12 months, there have been a high number of crimes recorded within the Police Incident location that encompasses the proposed development, including burglary, vehicle crime, criminal damage and assaults. Therefore, the proposed scheme should be developed to Secured by Design (SBD) 'Homes 2019' principles, security standards and security rated products'. A condition requiring details of the crime protection measures being incorporated in to the development being in accordance with Secured by Design Standards which are to be agreed with Lancashire Constabulary and the Council.
- 3.5.45 Subject to the suggested condition, the overall impact of the proposed development is considered to accord with the provisions of Policy 8 of the Local Plan Part 2 as any potential harm to amenity has been addressed or can be adequately controlled or mitigated through the suggested planning conditions.

Drainage and Flood Risk

- 3.5.46 Policy 9 sets out that development will be required to demonstrate that it will not be at an unacceptable risk of flooding and impact on environmental assets or interests, including habitats, species and trees.
- 3.5.47 Following a review of the submitted information, no objection has been offered by United Utilities subject to conditions. The Lead Local Flood Authority also offers no objections to the proposals, subject to the imposition of the required conditions to ensure implementation of a suitable drainage scheme for foul and surface water, and a scheme for the future maintenance and management of surface water drainage to be agreed, the application is considered to accord with the Council's Development Plan policies for drainage and flood risk.
- 3.5.48 Affordable Housing and Planning Contributions
- 3.5.49 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%.
- 3.5.50 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.
- 3.5.51 The applicant has submitted a Viability Appraisal which has been independently assessed. in line with both the adopted NPPF and RICS Guidance Note (Financial Viability in Planning Guidance Note – GN 94/2012), a developer is entitled to deliver a reasonable return on their development. For an open market sales product this is generally between 15-20% profit on GDV. In terms of the subject site, independent assessors have benchmarked their appraisals against a target profit on GDV of 18%.
- 3.5.52 They have reviewed the proposed development and the appraisal submitted on behalf of the applicant. The applicant has assumed larger than typical apartment sizes and adopted aspirational sales values which are likely to prove very challenging to achieve having regard to the market for apartments in Blackburn. They have also adopted a very low build rate which the independent reviewer raises questions as to whether the development can be delivered to a suitable standard in order to achieve the aspirational values.
- 3.5.53 This assessment confirms that the proposed development is unable to viably make any Section 106 contributions.
- 3.5.54 Whilst concern has been raised by the independent reviewer of the low build rate, the Council, through its planning and housing standards team will ensure that a satisfactory standard of development is built. Therefore,

turning back to the subject of affordable housing, for the above-mentioned reasons, it would be unreasonable of the Council's to seek any affordable housing provision as part of this scheme.

Biodiversity

- 3.5.55 Policy 9 of the Local Plan Part 2 aims to ensure that the relationship between new development and our environment is managed, and that the right balance is always struck between environmental concerns and other factors.
- 3.5.56 Montague Health Centre was demolished and the site cleared, including the group of native trees, prior to the submission of this application.
- 3.5.57 Section 170 of the NPPF 2018 states that the planning system should contribute to and enhance the natural and local environment. To ensure the proposals enhance the local and national environment. It is noted that the proposed layout includes replacement tree planting, but whilst these appear adequate in number, the Council's Ecologist considers they are too close together for all to be retained in the long term. For these reasons it is recommend that native trees shall be planted and bird nesting habitat should also be provided in the form of bird boxes on trees or the proposed new build.
- 3.5.58 It is therefore recommended that a condition should be imposed requiring a landscape plan to be submitted to and approved in writing by the LPA, prior to any above-ground works. The content of the plan should include elements to mitigate for loss of trees and bird nesting habitat. The approved plan will be implemented in accordance with the approved details.

Summary

- 3.5.59 This report assesses the full planning application for 76 apartments on a parcel of previously developed land, located close to the boundary of the Town Centre. In considering the proposal a wide range of material considerations have been taken in to account during the assessment of the planning application
- 3.5.60 The assessment of the proposal clearly shows that the planning decision must be made in terms of assessing the merits of the case against any potential harm that may result from its implementation. This report concludes the proposal provides a quality residential development, which, subject to the recommended conditions, meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, and the National Planning Policy Framework 2019.

4.0 RECOMMENDATION:

4.01 Approve subject to:

- (i) **That delegated authority is given to the Director of Growth & Development to approve planning permission subject to an agreement under Section 106 of the Town and Country Planning Act 1990, relating to the provision of a to provision of formal/signed contracts for the lease of a percentage of the apartments as per the submitted details, or as otherwise agreed with the Local Planning Authority and details of their full marketing plan, lettings policy, management and maintenance plans to the satisfaction of the Local Planning Authority.**
- (ii) Should the s106 agreement not be completed within 6 months of the date of this resolution, the Director of Growth & Development will have delegated powers to refuse the application.
- (iii) **Conditions relating to the following matters:**
- Commence within 3 years
 - Approved details/drawings
 - Materials to be submitted and implemented
 - Details of boundary treatments
 - Sightlines clearance to be kept in perpetuity for all access/ egress points
 - Construction management plan to be submitted and implemented
 - Land contamination (standard conditions)
 - Limitation of construction site works to: 08:00 to 18:00 Mondays to Fridays, 09:00 to 13:00 Saturdays, Not at all on Sundays and Bank Holidays.
 - A scheme employing best practicable means for the suppression of dust during the period of construction to be agreed/ implemented.
 - Ecological enhancement measures
 - Surface and foul water drainage scheme
 - Surface Water Drainage Flows restriction.
 - Pre and post highway condition survey and repair strategy.
 - Grampian condition, for works to be carried out as part of a Section 278 scheme.
 - Landscaping and planting scheme to be agreed.
 - Provision of electric charging points to safeguard air quality.
 - A scheme for the site access.
 - Implementation of parking layout
 - Closure of existing access(es)
 - Wheel cleaning
 - Prior to commencement a condition survey of the highway would need to be undertaken to ensure a record is taken of the condition of the highway. All damage sustained as a consequence of the development (construction work) to the highway would need to be remediated by the developer, at their costs.
 - Travel Plan submission, agreement and implementation.

- Intrusive site investigations
- Electrical vehicle charging points
- Security Statement
- Plant Noise Emission Limit
- Acoustic Glazing and Ventilation
- Construction site noise, vibration and dust

5.0 RELEVANT PLANNING HISTORY

5.01 The following is a table of the sites planning history:

APPLICATION NUMBER	DEVELOPMENT DESCRIPTION	DECISION	DATE
10/18/0685	Demolition of Former Health Centre and construction of 6 storey Apartment Block consisting of 111 no, 1 and 2 bedroom luxury apartments with associated car parking and ancillary provision	Withdrawn	31/01/2019
10/18/0681	Demolition of health centre	Prior Approval is given	01/11/2019
10/18/0334	Demolition of 2 storey former health centre	Withdrawn	20/07/2018

6.0 CONSULTATIONS

6.01 Statutory consultees have provided the following comments:

6.1 Coal Authority

This planning application is accompanied by a Phase 1 Site Investigation Report prepared for the proposed development by Terra Consult (Ref 3696/01 Issue 1, 26th April 2018) which has been informed by an appropriate range of sources of information. Protecting the public and the environment in mining areas 2

Based on this review of geological, historical and coal mining information, the report author considers that the site is not at risk from ground movement as a result of historic mining activity. Whilst site investigations have been recommended to assess geotechnical and contamination issues, Section 5.1.3 only highlights that *deep rotary holes may also be required depending upon discussions with the Coal Authority.*

The Coal Authority regards that site investigations in the form of deep rotary holes are considered necessary due to the conflict of information in relation to the 'Pasture' mine. As highlighted previously, our information identifies this

coal seam outcrops approximately 29m north of the application site; Section 6.1.2 of the Report identifies that as being 100m northwest of the site. As a consequence, the Coal Authority considers that in order to determine the exact situation regarding shallow coal mining legacy, intrusive site investigations will be required to establish the depth and condition of the 'Pasture' coal seam and if found to have been worked, the amount of competent rock cover. The number, depth and distribution of the rotary boreholes will also need to be in agreement with the Coal Authority's Licensing and Permitting Department as part of the permit application process.

The findings of these intrusive site investigations will then inform any mitigation measures, such as grouting stabilisation works, foundation solutions and / or gas protection measures, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

It is a requirement of the current local policy: CS13(vii) – Environmental Strategy of the Core Strategy and the Revised NPPF, paragraphs 178 - 179, that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development.

Based on the discrepancy of the Pasture Seam outcrop we do not consider that the Phase 1 Report has been able to demonstrate, beyond reasonable doubt that coal mining legacy will not impact on the proposed development. Therefore, you may wish to consider the imposition of planning conditions which cover the issues set out below.

Prior to the commencement of development:

- * The undertaking of the scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to future development by past coal mining activity;
- * The submission of a report of findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary;
- * Implementation of the remedial works and/or mitigation measures.

The Coal Authority therefore has no objection to the proposed development, subject to the imposition of a planning condition or conditions to secure the above.

6.2 Ecology

Thank you for consulting the GMEU.

Summary

There are unlikely to be any significant ecological constraints associated with this development. The only features of ecological interest are the trees.

Retention of these features where possible is recommended. Potential issues relating to bats and nesting birds are likely to be resolved via condition and or informative. Clarification is however required regarding whether the mature trees on site were assessed for bats.

Bats

The building was assessed for bat roosting potential in 2018 by a suitably experienced and qualified bat consultant. This report is still valid. No evidence of bats was found and the building assessed as having negligible bat roosting potential. I have no reason to doubt the findings of the report. The photos of the building plus images on streetview clearly show a low risk building in a low risk location.

The precautionary measures recommended to be taken during demolition regarding removal of timber cladding under the conclusions of the report should be conditioned as part of any permission.

There is however no mention of whether the trees around the site have been assessed for bat roosting potential. These appear to be proposed for removal based on the proposed site layout. Whilst the trees along the frontage appear healthy and low risk, the Sycamore to the rear are not visible. Current guidance states it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision. *If these trees are to be removed I recommend that prior to determination they are assessed for bat roosting potential.*

It is an offence under regulation 43 (1) of the habitat regulations 2017 to deliberately capture, kill or disturb a bat or destroy a breeding site or resting place of a bat. It is also an offence under schedule 5 & 6 of the Wildlife & Countryside Act (1981) (as amended)

Nesting Birds

No evidence of birds nesting on or in the building was recorded and the building assessed as low risk. No mention is made of the trees on the site proposed for removal, which will also provide potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines is applied to any permission.

No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2018 states that the planning system should contribute to and enhance the natural and local environment. The main ecological impact is the loss of the trees of which a number are silver birch a native species of known value to wildlife. As these trees are primarily around the perimeter of the site, it would appear that at least some could be retained on site. I therefore recommend that the proposed layout is revised to retain any trees not interfering with the footprint of the proposed building. Mitigation should be provided for the loss of those where removal can be justified.

I note the proposed layout includes replacement tree planting, but whilst these appear adequate in number, they are too close together for all to be retained in the long term.

I recommend that any native trees removed should be replaced two for one to reflect the time it takes to reach maturity and the risk of losses. Mitigation for loss of bird nesting habitat should also be provided in the form of bird boxes on trees to be retained or the proposed new build.

However given the losses are only of importance at the site/street level I am happy for the details to be conditioned along the following lines.

A landscape plan shall be submitted to and approved in writing by the LPA, prior to commencement of development. The content of the plan should include elements to mitigate for loss of trees and bird nesting habitat. The approved plan will be implemented in accordance with the approved details.

6.3 Lancashire Police Constabulary

The proposed scheme should be developed to Secured by Design (SBD) 'Homes 2019' principles, security standards and security rated products; The Applicant should be asked to provide a security statement in relation to what specific measures and security rated products they intend to incorporate within the development e.g. access control, CCTV, fencing, gates, lighting, apartment entrance door sets, dwelling door sets, windows, landscaping, emergency door sets etc.

6.4 Housing Standards

I confirm that the Housing Standards team have the following comments in relation to the application:

The proposed building will be required to be compliant with current Building Regulations and if so it will not be deemed as a House in Multiple Occupation under the Housing Act 2004. Further information should be sought from Pennine Lancashire Building Control and Lancashire Fire and Rescue Service particularly in relation to fire precautions to be provided for the building/flats within.

The proposed layouts of the flats appear to be of suitable design with lobby access to all rooms within each of the flats.

Mechanical ventilation will need to be provided to the kitchen areas and bathrooms within all flats to ensure there is adequate ventilation provided to these rooms. I am unable to determine the openable window sizes on the plans provided.

6.5 Highways

Parking/Transport Assessment

In accordance with the adopted parking stands, the allowances for parking are based on the following:

- 1 car parking space for a 1 bed unit and
- 2 car parking spaces for a 2bed unit

The total no of parking spaces associated with this development is 105 The proposal received provided 57; this includes 6 disabled spaces. It is acknowledged that the site is sustainable for walking cycling, however there is still a demonstrable need to provide car parking to support the occupants of the apartments, such a shortfall within the curtilage will have a detrimental impact upon the highway. Further consideration should be given to this.

The following no of issues also require further consideration;

- The layout of the car park provided shows the car parking in an Acheron format, with adequate manoeuvrability into and out of the bays. Bay 36 is located to close to the gate, and would struggle to navigate out the bay safely, please seek removal of this space.
- Acheron format bays, often benefit with a landscaping strip to the front, to allow for a soft edge to park up to, rather than a hard wall/hard fence line – something to consider
- The cycle spaces for which we had previous (with regards to location) concern are now located with the building, albeit to the rear of the property- this is deemed acceptable.
- The proposal also provides 8 PTW's, details on how these would be secure and covered are to be provided for approval
- The TA reports 2 electric charging point bays, what charging mechanism is to be utilised.
- I understand from the submission that the site for parking of vehicles cycles is to be secured and controlled – which would be overseen 24 hours a day by the concierge system. A note on plan is provided to state that the access will be controlled by Fobs, supported by intercom support from the concierge. It may be prudent to set the gates back two cars lengths rather than one to allow multiple vehicles to wait off the highways rather than a singular car.

Servicing

A swept path of a 3 axle refuse vehicle has been provided. It is shown to operate on a one-way system, this is deemed acceptable, however no details

have been provided on the frequency of visits, or type of service vehicles other than a refuse vehicle - please request further details.

Access

A one-way vehicular route into and out of the site is proposed – to support this sightlines details are required – please request further details.

The boundary of the site, impacts upon the adopted highway along the frontage of the site, and incorporate areas of highway within their site. This should be adjusted accordingly.

Offsite highway works

To support and address some of the inefficiencies, if we are minded to support the application and the clients are agreeable, we would consider a review of the highway network in this location; this would look at reducing traffic movements, and removal of the one way chicanes, and introduce some parking on alternate sides of the highway would which not only support parking needs but also provides traffic calming attributes. We acknowledge that a plan has been provided showing some changes, however a wider review of the full corridor along Oakenhurst Road needs to be undertaken to ensure the changes suggested are effective, this would also need to be carried out through a wider consultation. Please attach a Traffic Management Condition.

30th September 2019

Additional details received 5th November 2019

The details have been reviewed with reference to the issue highlighted previously, come have been address some not and some only partially:

- Bay 36 has been removed as requested
- An acceptance note for a condition to be attached is offered in relation to the PTW spaces
- Similarly, the same is supported for electric charge vehicle – please condition
- They have confirmed no highway land is to incorporated into the scheme
- The scheme does not address the request to move the gates back two vehicle lengths to ensure that the highway is not adversely blocked whilst the gates are opened. Please seek further amendment

Just on, the matter of servicing, details are offered confirming a relative small movement generated by the proposal. Just on further examination of the drawing and the note provided on plan, the red line of the swept path and that which indicates the wheels of the vehicles, highlights this to be travelling over and close to the footway and kerb, please request adjustment. This could be conditioned for further details to be provided

The acceptable of a traffic management condition is noted.

6th November 2019

Comments received verbally 06 December 2019

The amended Site Plan – Drawing Number: 17059 – 202 Rev B is acceptable. Provided previously suggested conditions and a S278 condition imposed no objections are raised.

6.6 Local Lead Flood Authority

We have no objections to the proposals but require the following conditions:

Condition 1:

Prior to commencement of the development, a foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall ensure that foul and surface water is drained on separate systems. The surface water drainage scheme shall be based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion). The surface water drainage scheme must be in accordance with the non-statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and, unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

REASON: To ensure a safe form of development that poses no unacceptable risk of flooding, pollution to water resources or human health in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2 (December 2015).

Condition 2:

Surface water run off must be controlled to equivalent greenfield run off as recommended by the Ciria Suds Manual C753 Section 24.5 Part E Climate change allowance in the surface water drainage calculations must be 40%.

REASON: To ensure a safe form of development that poses no unacceptable risk of flooding, pollution to water resources or human health in accordance with Policy 9 of the adopted Blackburn with Darwen Local Plan Part 2 (December 2015).

6.7 Public Protection

We have no objection to the proposed development providing the following matters can be addressed / conditioned.

Contaminated Land

A report has been submitted with the application and more work is proposed. This matter can be conditioned using the standard contaminated land condition.

Air Quality

The site can be classified as a type one site as per our planning air quality guidance.

<https://www.blackburn.gov.uk/planning/planning-policies-strategies-and-guides/air-quality-advisory-note>

This would direct the developer to install standard mitigation measures at the development.

For flats this would be electric vehicle charging points for 10 % of parking spaces and minimum specification for boilers. It can be conditioned as below.

Air Quality Condition for a type 1 site type development (<100 residential units outside an AQMA)

The following mitigation measures will be implemented prior to the commencement of the approved use:

1. There shall be one electric vehicle charging point for at least 10 % of parking bays. An appropriate charging point will have a Type 2 connector and a minimum rating of 3.7kW 16A. External points will be weatherproof and have an internal switch to disconnect electrical power.
2. Gas fired domestic heating boilers shall not emit more than 40mg NOx/kWh

Reasons for recommending the above conditions:

Both conditions implement the requirements of Council's Air Quality PAN and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. These are readily achievable mitigation measures that reflect current good practice and help to reduce the cumulative impact of current and future developments.

Noise

An acoustic report has been produced that identifies that mitigation can be installed that ensures that guidelines on noise design standards can be met with a particular specification of glazing. This can be conditioned.

It also stipulates a plant noise limit that can be conditioned.

Due to the nature of the area there is also a need to condition the construction phase in terms of hours of operation and the control of noise and dust.

Plant Noise Emission Limit

Plant and equipment associated with the development shall be so designed and installed that the following noise limits at surrounding receptors are not exceeded.

- St Barnabas and St Pauls Primary School – $L_{Aeq7:00-23:00}$ 36 dB(A) Daytime and $L_{Aeq,23:00-7:00}$ 33dB(A) Night Time
- Residential properties along Oakenhurst Road - $L_{Aeq7:00-23:00}$ 35 dB(A) Daytime and $L_{Aeq,23:00-7:00}$ 33dB(A) Night Time

Reason – to ensure that noise from plant and equipment installed at the development does not impact surrounding receptors by being 10 dB(A) below the measured background level.

Condition – Acoustic Glazing and Ventilation

The development hereby permitted shall not be commenced until a scheme for the noise insulation and ventilation of the residential accommodation has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first occupation of the development and shall thereafter be retained.

Reason: To minimise the disturbance by noise to future residential occupiers of the dwellings hereby permitted.

Informative

Reference should be made to the Xacoustics report XA127.P1 dated 15th July 2019 in addition to relevant acoustic standards.

Condition- Redevelopment Working Hours

Construction and / or demolition works shall not be permitted outside the following hours:

Monday to Friday	8:00 to 17:00
Saturday	9:00 to 13:00

Construction and demolition works shall not be permitted on Sundays or Bank or Public Holidays.

Reason- to limit noisy activity to within normal working hours

Condition - Construction Site Noise/Vibration

Demolition or construction work shall not begin until a scheme for protecting the surrounding residential premises from noise, vibration and dust from the

site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

Reason: To safeguard the amenity of neighbouring properties by reducing the noise/vibration levels emitted from the site.

6.8 Strategic Housing

The proposal includes - 47 one bed 55 M² apartments, 13 two bed 74 M² apartments and 16 two bed 89 M² apartments

The proposed number of apartments have been reduced from the previous 112 but is still on the high side based on the Council's local demand evidence. The developer has provided some further evidence through a draft legal contract from a company wishing to lease the apartments and we would want this to be conditioned as part of any planning approval to ensure that this is forthcoming.

We recognise that this proposal seeks to provide a new type of letting property to the market but would want a condition asking the developer to provide a clear marketing plan, lettings policy and name of agents and full maintenance proposals for the proposed scheme.

Conditions requested:

- Formal/signed contract for lease of a percentage of the apartments as per draft provided.
- Full marketing plan, lettings policy, management and maintenance plan

Further detail is also requested on how the developer will address the Council's Affordable Homes Policy to provide 20% of the scheme for affordable housing. This can be on-site, off-site or through a S106 commuted sum payment.

6.9 Transport Planning – response to amended Travel Plan.

I have taken a look at the revised Travel Plan and all the recommendations I have previously made are now reflected within this October 2019 Travel Plan, I therefore accept this Travel Plan.

6.10 United Utilities

With regards to the above development proposal, United Utilities Water Limited ('United Utilities') wishes to provide the following comments:

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on

a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

We request the following drainage conditions are attached to any subsequent approval to reflect the above approach detailed above:

Condition 1 – Surface water

No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority.

The drainage scheme must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and

(iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Condition 2 – Foul water

Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

6.11 Neighbours

Neighbour notification letters were sent to 124 properties on the 30th July 2019, in addition site notices were posted, and a press notice was advertised in the Lancashire Evening Telegraph on the 9th August 2019. No representations have been received, although objection has been received from Ward Councillor Mohammed Khan (see summary of representations in Section 9).

7.0 CONTACT OFFICER: Claire Booth – Senior Planning Officer

8.0 DATE PREPARED: 05 December 2019

9.0 SUMMARY OF REPRESENTATIONS

Ward Councillor Mohammed Khan – 30th July 2019

These apartments should not be more than three story and they must match the existing development in the area.

Kind Regards

Cllr Mohammed Khan

Proposed development: Full Planning Application (Regulation 3) for Highways improvements including road widening; new roundabout at junction of Old Bank Lane; boundary wall; new point of access into housing allocation site to South of Haslingden Road and demolition of associated building.

Site address:

**Haslingden Road (Old Bank Lane to Lions Drive)
Blackburn
BB1 2ND**

Applicant: Blackburn with Darwen Council

Ward: Audley & Queens Park

Ward: Blackburn Central

Ward: Blackburn South East

Councillor: Andy Kay

Councillor: Zamir Khan

Councillor: Yusuf Jan-Virmani

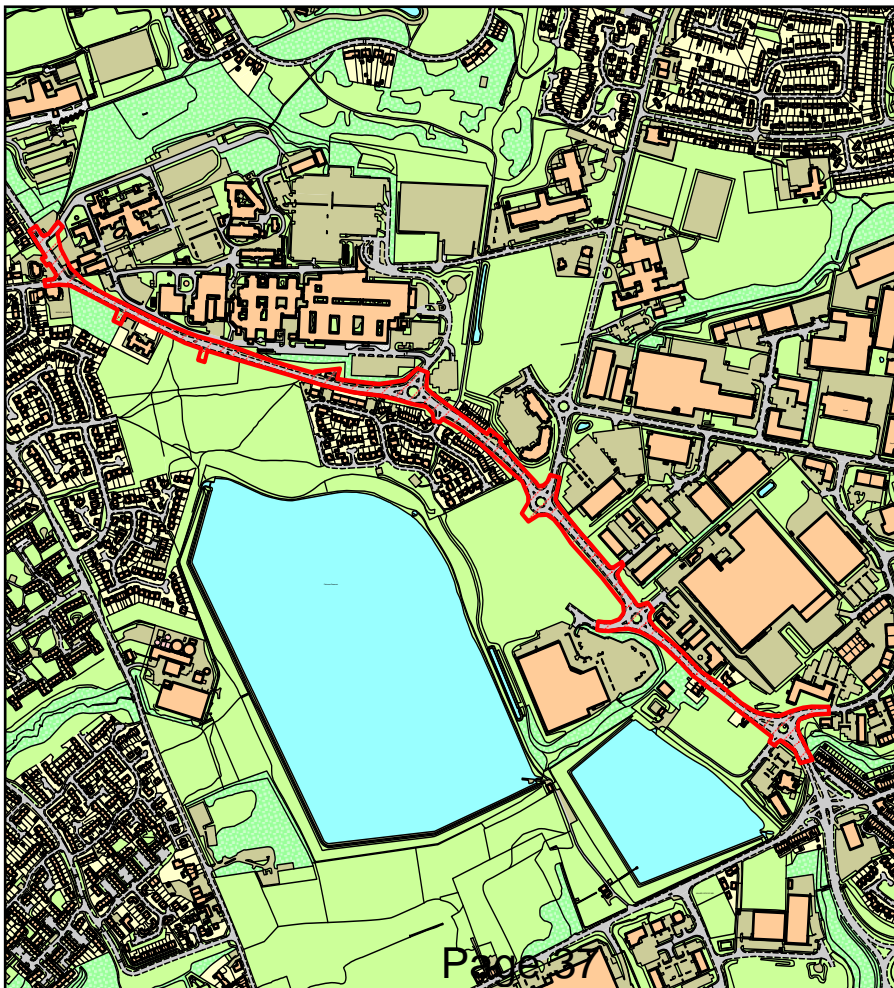
Councillor: James Shorrocks

Councillor: Vicky McGurk

Councillor: Saima Afzal

Councillor: Maryam Badat

Councillor: Mahfooz Hussain



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application is in the form of a full planning application. It is presented to Committee on account of it being an internal development on behalf of Blackburn With Darwen Borough Council, on land partially within their ownership; in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 and in accordance with the Council's Scheme of Delegation. The development will also be undertaken on privately owned land that will be procured by the Council at a later date. Such land relates to local business, residents and existing highway land.
- 2.2 The application represents a major development that accords with the Council's corporate priority objectives, enabling further progress with its 'Growth Deal 3 Pennine Gateways' project which will invest £13 million in key transport infrastructure across the borough between 2018 and 2021. This follows receipt of £320 million, secured by the Local Enterprise Partnership, from the Governments Local Growth Fund to support economic growth in the Lancashire area.
- 2.3 The Pennine Gateways project will deliver strategic transport improvements at three of the main gateways into the borough off the M65 motorway at junctions 4, 5 and 6. Investment at these adjoining gateways will extend the concept of the Hyndburn – Burnley – Pendle Growth Corridor to the M65 growth corridor and release the potential of a number of adjacent strategic sites to accelerate new development opportunities. This scheme is the final part of the Pennine Gateways Growth Deal 3 and will enable the following works:
- A new entrance to Royal Blackburn Hospital at Old Bank Lane / Haslingden Road;
 - a new access created on the southern side of Haslingden Road, south west of Queens Lodge Nursing Home;
 - widening of highway on Haslingden Road between Shadsworth Road and Beehive roundabout and proceeding towards Lions Drive, to provide a four lane carriageway and associated improvements.
- 2.4 The A6077 (Haslingden Road) forms an important part of the highway network within Blackburn with Darwen Borough Council, providing an arterial route linking Blackburn Town Centre with the M65 motorway at Junction 5. The road provides the main gateway to the Royal Blackburn Hospital and the centralised Accident and Emergency department for the East Lancashire NHS Trust. The Haslingden Road corridor is the largest growth area within Blackburn with Darwen, with a number of allocated sites for employment and housing. The Growth Deal 3 South East Blackburn scheme is expected to:

- Improve congestion on the Haslingden Road corridor between Royal Blackburn Hospital and M65 Junction 5 by widening it to three and four lanes along with upgraded roundabouts at major access points on Haslingden Road including Shadsworth Road and Royal Blackburn Hospital;
 - Improve air quality at Blackamoor Junction Air Quality Management Area (AQMA);
 - Enable further development of employment opportunities; and
 - Support future housing and employment growth in the Borough.
- 2.5 Severe congestion along Haslingden Road, particularly during peak hours, is a major issue. A 2016 assessment indicates that the link sections of the road between the Lions Drive 'Beehive' Roundabout and Royal Blackburn Hospital are close to capacity with less than 15% in reserve. The study concludes that capacity improvements to these route sections will need to be considered if they are to accommodate anticipated levels of traffic growth.
- 2.6 Assessment of the submitted detail establishes that the proposal corresponds with each of the aforementioned objectives, whilst demonstrating compliance with the Development Plan and some of the borough's Local Transport Plan 3 (2011-2021) objectives. Further, from a technical point of view, all issues have been addressed through the planning application or are capable of being controlled or mitigated through planning conditions.
- 2.7 An Environmental Impact Assessment screening opinion has been undertaken in advance of this application which established that the proposal does not amount to EIA development; in accordance with the Town and country Planning (Environmental Impact Assessment) Regulations 2017.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is linear, extending from the Old Bank Lane junction with Haslingden Road to the junction with Lions Drive, Blackburn. It comprises 4.26 hectares in area. Land straddling the site is generally developed, consisting of hospital grounds and an allocated Primary Employment Area to the north and east; the newly built Euro Garages Head Offices and DW Fitness Centre to the south. The residential terrace of Fancy Row lies to the north and a landscaped verge which forms part of the Kingsmere housing development lies to the south. An undeveloped housing allocation lies to the south opposite the hospital.
- 3.1.2 The existing carriageway is two lane along the entire stretch of the application site, punctuated by roundabout junctions at the hospital entrance, junction with Shadsworth Road, DW Fitness Centre entrance and junction with Lions Drive.

3.2 Proposed Development

3.2.1 Full planning permission is sought for the highways improvements including road widening; a new roundabout at the junction of Old Bank Lane; a boundary wall; a new point of access into the housing allocation site to South of Haslingden Road and demolition of associated buildings; as set out in the submitted drawings.

3.3 Development Plan

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

3.3.2 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS16 – Form and Design of New Development

3.3.3 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 36 – Climate Change
- Policy 40 – Integrating Green Infrastructure & Ecological Networks with New Development
- Policy 45 Major Road Schemes

3.4 Other Material Planning Considerations

3.4.1 Blackburn with Darwen Local Transport Plan 3 (2011-2021)

Blackburn with Darwen Borough Council's Third Local Transport Plan (LTP3) is a long term strategic document covering the period 2011-2021, and is the key mechanism for articulating and delivering transport policy at a local level. The plan highlights a number of key issues within the Borough to be addressed over the lifespan of the plan, including:

- The borough's young population and its relationship to the growth of car use and road accidents;
- Peak time congestion and traffic levels;
- The impact on and the effects of the changing climate;
- Chronic health issues;
- Poor localised air quality and intrusive noise;
- Car dependence;
- The effects of long standing deprivation;

- The ongoing requirement to generate jobs, improve wage and skill levels; and
- The need to create sustainable communities through economic restructuring and regeneration.

3.4.2 East Lancashire Highways & Transport Masterplan (February 2014).

3.4.3 National Planning Policy Framework (The Framework):

- Section 6 – Building a strong, competitive economy:
Planning policies and decisions should help create the conditions in which business can invest, expand and adopt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- Section 8 – promoting healthy and safe communities:
Planning policies and decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services, as well as economic and environmental benefits of estate regeneration.
- Section 9 – promoting sustainable transport:
Transport issues should be considered at the earliest stages of plan making and development proposals, so that the potential impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; opportunities to promote walking, cycling and public transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- Section 12 – Achieving well-designed places:
Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space); support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity

for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

3.5 Assessment

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

- Principle of the development;
- Amenity;
- Environment;
- Highways Design / character and appearance.

3.5.2 Principle

The fundamental principle of the proposed development is accepted; in accordance with the Development Plan and The Frameworks' presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters, including a detailed highway impact assessment:

3.5.3 Highways / Accessibility / Transport

Policy 10 directs that development will be permitted provided it has been demonstrated that:

- i) that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced;
- ii) appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards;
- iii) access by public transport is catered for either by providing for buss access into a site where appropriate or by ensuring that safe and convenient access exists to the nearest public facility;
- iv) measures are included to encourage access on foot and bicycle;
- v) the development does not directly affect any public right of way, unless the right of way is maintained or the proposal provides for its replacement by an equally attractive, safe and convenient route; and
- vi) the needs of disabled people are fully provided for, including those reliant on community transport services.

New development with the potential to affect the transport network significantly will be required to be supported by a Transport Assessment (TA). Accordingly, a TA is submitted to provide an evidence base for the implementation of the proposed scheme.

3.5.4 The TA sets out appropriate modelling and a road safety review of the relevant area. The road safety review found a total 15 PIC's recorded on Haslingden Road within the most recent available period (2014-2018) with no identifiable pattern or trend in PIC's. 19 PIC's were recorded at the Guide Junction. It is, however, considered that construction work to deliver an upgrade of the junction from a roundabout to a signalised junction, during 2015, is mainly responsible for an increased rate of collision. The proposed

scheme is expected to have no direct impact on collision rates within the study area.

- 3.5.5 The TA also presents baseline traffic flows, established from Manual Classified Count (MCC) data undertaken at key junctions along the Haslingden Road. A Traffic Impact Assessment has been carried out, taking into account with and without scheme future forecast traffic conditions in both the scheme opening year (2021) and a future forecast year (2036) for AM peak (07:30 – 08:30) and PM peak (16:30 – 17:30) hours. Future year forecast considers growth in levels of background traffic across the local highway network, as well as future trip generation from committed developments, local plan site allocations and potential future development sites.
- 3.5.6 Individual junction models have been completed for key junctions along Haslingden Road between its junction with Old Bank Lane in the west and its junction with Lions Drive in the east. These have been assessed under baseline 2021 and 2036 traffic conditions during AM and PM peak travel periods. Traffic forecasts considered the likely impact of committed and potential future development sites, as well as trip redistributions following changes to vehicular access to the RBH site.
- 3.5.7 In conclusion, the results of junction modelling show an overall improvement in junction capacities along Haslingden Road in future forecast years following implementation of the scheme. Consequently, the TA is considered to present a favourable anticipated overall outcome; demonstrating an improvement in traffic and travel conditions across the area and acceptability in the context of highway efficiency, traffic and safety. Public objection citing a likely increase in congestion as a result of the additional roundabout proposed (at the junction of Old Bank Lane); impact on properties to the west of the roundabout which traffic surveys did not take into account are considered to be unfounded, with all relevant impacts having been appropriately addressed in the outcome of the TA.
- 3.5.8 Local Objection has also been raised from residents of Fancy Row on Haslingden Road - a row of ten dwellings positioned circa 60m to the east of the roundabout serving the hospital entrance. Concern as to the loss of a parking layby to the front of the dwellings and the garages to the east which also serve those householders has been expressed. It is, however, clear from the submitted proposed site arrangement that the parking layby will be retained as will the garages. An additional parking layby to the west of the retained layby will, however, be lost to the scheme. This bay is considered surplus to requirements and its retention is not considered justified in the context of the proposed scheme. Further, it should be recognised that land to the rear of Fancy Row is not included within the application site. It will not, therefore, accommodate additional residents parking. This position is based on cost, logistical constraints and the availability of the pre-existing parking provision referred to. The Council's Transport Department wrote to all Fancy Row residents on 11th March 2019 confirming the Council's intentions.

3.5.9 An objection to the retention of gates serving a vehicular access at the old hospital site, of the new roundabout at the junction of Old Bank Lane, is also considered to be unfounded; as their presence will not present any undue safety hazard.

3.5.10 The scheme will incorporate an additional section of pedestrian footway / cycleway along a section to the north of Haslingden Road, in front of the hospital site, as well as retention of the existing footway / cycleway also to the north, between the roundabout at the Shadsworth Road junction and that at the DW Fitness junction.

3.5.11 Taking into account the aforementioned highway assessment as directed by the TA, when viewed in the context of improved highway efficiency in alleviating congestion and supporting housing and employment growth initiatives, the proposal is considered compliant with the Policies CS1 and 10 of the Development Plan, and the objectives of The Framework.

3.5.12 Amenity

Policy 8 directs that development will be supported where it can be demonstrated that it will, in isolation and in conjunction with other planned or committed development, contribute positively to the overall physical, social, environmental and economic character of the area, and that a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance and privacy / overlooking. Of particular importance is the issue of air quality which is referenced at point iv) of the policy; directing that development will only be permitted where it will not give rise to a deterioration of air quality in an AQMA, unless harm caused is significantly and demonstrably outweighed by other planning considerations and a comprehensive mitigation strategy can be secured.

3.5.13 Air Quality

An Air Quality Assessment (AQA) (October 2019) is submitted with the application. The assessment is split into identified potential impacts during construction phase of the development and during the operational phase. It is identified that activities associated with construction, prior to mitigation being implemented, would have a medium risk of dust soiling and low risk of human health impacts. It is, however, considered that, following implementation of recommended mitigation measures, the impact of construction would be negligible. Notwithstanding these proposed measures, the Council Public Protection consultee has, upon review of the AQA, recommended submission of a Dust Management Plan, to be implemented as approved for the duration of demolition, earthworks and construction activity at the site. Such measures will be secured by application of a condition.

3.5.14 Impact assessment of the operational phase of the development was undertaken using the dispersion model ADMS-Roads which is a comprehensive tool for investigating air pollution problems due to networks of roads that may be in combination with industrial sites. The assessment found that the proposed development, in relation to annual mean nitrogen dioxide

concentrations, would have a negligible impact at all receptors. In relation to annual and daily mean particulate matter concentrations, it was found that the proposed development would have negligible impact at all modelled receptors.

3.5.15 Overall, based on the current proposals and following the implementation of any recommended mitigation, the impact of the development on air quality is considered to be acceptable and is supported by the Public Protection consultee.

3.5.16 Noise

A Noise Impact Assessment (September 2019) is also submitted with the application. It predicts likely impacts during construction and operational phase of the proposed development. Information on the intended specific construction activity isn't currently known, which dictates that precise predictions cannot be made. The assessment does, however, predict that there will be significant adverse impact on residential premises during the day, evening and at night time. Whilst day time disturbance, taking into account existing activity, is considered to be tolerable, Public Protection recommend limiting demolition and construction activity to day time hours (07:30 – 18:00). Whilst the benefit of such a restriction is acknowledged for reason of safeguarding amenity levels, the limitation is considered overly restrictive when considered in the context of the demolition / construction duration period, in terms of the extent to which completion of the scheme would be prolonged. Less restrictive hours of between 07:30 – 20:00 is, therefore, considered not unreasonable.

3.5.17 Noise generated during the operational phase of the development predicts that the majority of properties within 300m will experience a neutral impact, though there will be a few properties that benefit and slightly more that experience an adverse impact; set out as follows:

- In the opening year (2021) - 12 properties adversely affected (11 minor adverse, 1 moderate adverse). 3 properties will show a minor beneficial effect.
- In 2036 with the new road - 18 properties adversely affected (17 negligible adverse, 1 moderate adverse). 2 properties will experience a minor beneficial effect.
- In 2036 without the new road – 3 three properties will have a negligible adverse effect.

The assessment has considered mitigation for the operational phase, but no viable option has been identified. Some dwellings may, however, quality for compensation, as set out at paragraph 3.5.39.

3.5.18 Taking into account the overall benefits of the scheme, the maximum moderate noise impact identified and the compensation regime aforementioned, noise impacts of the development is considered to be acceptable.

3.5.19 Privacy

Objections to the development have been received from householders concerned about the potential for overlooking from vehicles, as a consequence of proposed carriageway widening along the length of rear gardens to Beasant Close and Seacole Close that sit adjacent to Haslingden Road, involving the partial loss of a grass verge. Whilst queuing traffic may on occasion occur along the stretch of highway, notwithstanding the intention of the development to alleviate such eventually, the footway, at a width of 2m, and retention of the existing stone wall, at a height of circa 1.8m, will appropriately guard against any excessive overlooking from moving vehicles and pedestrians alike.

3.5.20 Contaminated Land

As recommended by Public Protection, assessment of sub-surface ground conditions for potential for contamination risk can be appropriately managed through application of the Council's standard condition.

3.5.21 Environment

Policy 9 directs that development will be required to incorporate appropriate drainage measures, in order to demonstrate that it will not be at an unacceptable risk of flooding; be required to take into consideration existing trees into the design and layout of the scheme, as well as appropriately assess any loss of trees and the ecological value of the development site must be assessed to ensure that development will not have an unacceptable impact on environmental assets or interests, including but habitats and species.

3.5.22 Drainage

A Flood Risk Assessment is submitted with the application. No objection is offered from the Council's Drainage consultee or United Utilities; in recognition that the proposal will pose no significant risk of flooding. A detailed surface water drainage scheme and a surface water runoff scheme to guard against flood risk during construction phase of the development are, however, required for submission. Such detail will be secured by condition.

3.5.23 Trees

A Tree Protection and Felling plan is submitted. The plan confirms proposed removal of a group of trees to accommodate the proposed roundabout at the Old Bank Lane junction, groups to the north and south of Haslingden Road to the front of the hospital, to provide for an increase in width to the carriageway and provision of a new footway / cycleway. A small group will also be removed adjacent to the northern edge of the roundabout at DW Fitness and a group to the north of Haslingden Road between the DW fitness roundabout and the roundabout at Lions Drive, to accommodate carriageway widening. Although a significant number of trees will be lost, the scheme also involves retention of large groups along the remaining length of the application site. When weighed against the aforementioned benefits of the proposal, loss of the trees is considered justified. Moreover, a robust tree and hedgerow replanting scheme is proposed, to be delivered during the first available planting season after completion of the works, offering significant

compensatory benefits. Tree protection measures for retained trees will be incorporated during construction phase.

3.5.24 Ecology

An Ecological Assessment (May 2019) is submitted with the application. A review of the Assessment by the Council's ecology specialist and accompanying Bat Roost Assessments concludes the need for additional Bat Activity Surveys relative to the proposed demolition of a storage building in the hospital grounds which will accommodate the roundabout at the Old Bank Lane junction. The surveys will be undertaken prior to demolition of the building, during the bat activity season ie. between May and August. They will be secured by an appropriately worded condition, as recommended by the Council's ecology consultee. The timing of the surveys will be consistent with the phasing programmes of the overall works which will commence at the eastern end of the site; ensuring appropriate consideration can be given to the protection / mitigation of bat habitat well in advance of works to the affected part of the site.

3.5.25 Proposed replanting will include suitable native species to provide for enhanced biodiversity. Precise location of planting is to be secured by condition.

3.5.26 Recommendations contained within the Ecological Assessments should be implemented via condition, including further clarification around the timing of 'vegetation clearance' which should coincide with removal of the dry stone walls along the application site.

3.5.27 Accordingly, the proposal is considered to be compliant with the Environmental objectives of Policy 9 of the Development Plan and the Framework.

3.5.28 Design / Character and Appearance

Policy 11 requires development to demonstrate a good standard of design which should enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.

3.5.29 The proposed improvements to the existing road will reduce the noise and air pollution impact of congestion from idling vehicles to the properties and businesses located along it. Haslingden Road area will also become more pedestrian friendly, making the area safer for vulnerable users and reducing the effects of severance. The introduction of the compact roundabout at the Old Bank Lane / Haslingden Road junction will address the current road safety issues linked to the sharp deviation in route together with poor forward visibility due to the proximity of the Royal Blackburn Hospital boundary wall. A replacement boundary wall at new entrance to the hospital, off the roundabout, will be constructed at a height of 2.8m. The wall will incorporate a retaining element, ensuring land stability on its inside. Full design details, including technical specification, will be secured by condition.

3.5.30 The new landscape proposals along the existing corridor will involve the creation of an aesthetically pleasing, visually interesting balance of hard and soft landscape treatments. The landscape proposals can be split into the following classifications:

3.5.31 Gateway Features and Islands:

Ornamental landscape features have been proposed at key locations. These include either side of junctions, to create a sense of arrival into the site, and areas where the existing landscape features have been lost. These feature areas consist of boulders, stone walls (to match the area's current stone wall detail) and evergreen ornamental planting.

3.5.32 Linear Landscape:

All footpaths will be bordered by a linear landscape consisting of formal hedges (Beech and Hawthorne), standard trees (Maple) and ornamental shrubs. Stone walls local to the area will be duplicated and introduced in regular short sections to create variance and interest at key points. Buffer planting, consisting of evergreen and deciduous species, is proposed at key areas to screen any potentially intrusive views. Where possible existing trees and vegetation will be retained and protected during construction with fencing to BS5837. Any trees that must be felled will be replaced within the overall landscaping scheme.

3.5.33 The surface course of the finished carriageway will be completed in a black bituminous material. It is proposed to surface the full carriageway width (existing carriageway width and widened sections) to ensure that a homogenous surfacing is created. Joint lines will be positioned to coincide with the new lane widths to reduce maintenance.

3.5.34 The footways will be completed in a black bituminous material. The edge of the carriageway will be completed in pre cast concrete kerbing units. There may also be a need to complete certain lengths of kerbing in a combined kerb and drainage unit. Back of footways will be completed in pre-cast concrete edging units where required.

3.5.35 Tactile paving at the uncontrolled pedestrian crossing facilities will be laid with coloured pre cast concrete paving materials; red at controlled crossings and buff at uncontrolled crossings. Tactile paving will also be incorporated at all pedestrian crossing facilities and the cross falls and gradients of paving at pedestrian crossing facilities will be to a maximum of 1 in 20.

3.5.36 Street lighting will be provided to light the route to the minimum requirements set for this type of road and agreed with the Local Highway Authority. A separate Road Lighting report is provided.

3.5.37 Overall, impact of the development on the design and character of the area is considered to be acceptable; taking into account enhanced landscape provision; compliant with Policy 11 of the Development Plan and the objectives of the Framework.

3.5.38 Other Matters

3.5.39 Compensation

Although not material to the outcome of the proposed development, public representation requesting compensation should be recognised in the assessment. Such compensation is provided under Part 1 of the Land Compensation Act 1973. It can be claimed by people who own land and also occupy property that has been reduced in value by more than £50 by physical factors caused by the use of a new or altered road; these include vibration, smell, fumes, smoke and artificial light and the discharge on to the property of any solid or liquid substance. Owners of property may claim a year and a day after the new or altered highway first came into public use (known as the 'first claim day'). Residents have been previously made aware of the compensation regime through public consultation prior to submission of the planning application and they are advised to seek independent advice on the legal process of making a claim.

3.5.40 Purchase of Garages adjacent to Fancy Row.

Residents of Fancy Row have queried the Council's decision not to offer residents the opportunity to purchase the garages. As confirmed by the Council's Property Management consultee, the garage structures are owned by the tenants with the Council retaining ownership of the freehold. Disposal of the site would be by means of the freehold footprint of the site, rather than individual plots. At this time, the Council wish to retain ownership of the garage site and currently have no intention to sell via auction.

3.5.41 Summary

This report assesses the full planning application for road widening and associated works at Haslingden Road. In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the Local Development Plan and The Framework, in support of the Council's strategic growth objectives.

4.0 **RECOMMENDATION**

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

- Commence within 3 years
- Implementation of approved landscaping scheme
- Implementation of approved surface water drainage scheme
- Submission of a surface water runoff construction phase management plan
- Unexpected contamination
- Implementation of Construction Management Brief (including dust suppression, highway cleansing & site operative parking)
- No tree felling / site clearance during bird nesting season (March to August)
- Implementation of approved tree felling and tree protection programme

- Prior to demolition of the building identified as B4 at Blackburn Royal Hospital, two Bat Activity Surveys to be carried out between May & August. Implementation of mitigation / compensation as required.
- Submission of material and technical specification of boundary wall
- Submission of a Dust Management Plan
- Limited hours of construction:
07:30 to 20:00 hours.
- Development in accordance with submitted details / drawing nos.

5.0 PLANNING HISTORY

5.1 No relevant planning history.

6.0 CONSULTATIONS

6.1 Drainage

No objection subject to following conditions:

- Prior to commencement of development; submission surface water drainage scheme
- Prior to commencement of development; submission of construction phase surface water management plan.

6.2 Public Protection

No objection subject to following conditions:

- Prior to commencement of development; submission of a dust management plan
- Demolition and construction activity shall only take place between 07:30 and 18:00.
- Cease work in the event of discovery of unexpected contamination.

6.3 Environmental Services

No objection

6.4 Highways Authority

No objection

6.5 Highways England

No formal response offered. General observations summarised as follows:

There is now a need for a wider and comprehensive study (with associated traffic modelling) of the key local road network together with the associated M65 corridor and junctions in the Blackburn and Darwen area. Our belief is emphasised, particularly given the existing congestion problems experienced at M65 Junctions 4 and 5 (both of which are controlled by the Council) that are expected to worsen as existing committed development materialises.

In that regard, there is (more so as the emerging Local Plan progresses) a need to establish a sound, consistent and complete

baseline performance picture for the road network; not only as a source for the Council's Local Plan transport evidence base, but also as a foundation for working with us to identify and establish the form of any solutions needed so that both authorities are in a favourable position to seek delivery resources. Highways England would welcome discussions with Blackburn with Darwen Borough Council to explore how this could be realised.

6.6 Property Management

No objection

6.7 Coal Authority

No objection – standing advice offered.

6.8 Lancs. Archaeology

Recommendation that a Heritage Statement / Statement of Significance is submitted relative to the demolition of no. 151-153 Haslingden Road; prior to determination of the planning application.

Note: Demolition of the property has since been removed from the development description.

6.9 GMEU Ecology

Prior to determination of the application; submission of bat Roost Assessment Surveys to inform of likelihood of bat habitat at 151 – 153 Haslingden Road; on account of proposed demolition.

Note: Demolition of the property has since been removed from the development description.

Following conditions recommended:

- Prior to demolition of building B4; submission of two bat Activity Surveys.
- Details of precise location of new planting.

6.10 United Utilities

No response offered.

6.11 Neighbours

Neighbour notification letters were sent to 391 properties within the locality on the 27th September 2019, in addition site notices were posted, and a press notice was advertised in the Lancashire Evening Telegraph on the 31st October 2019. As a result of this consultation process 12 letters of objection have been received, and one separate representation. (see summary of representations in Section 9).

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

8.0 DATE PREPARED: 5th December 2019.

9.0 SUMMARY OF REPRESENTATIONS

Objection – Nazakit Bahadur, 26 Seacole Close, Blackburn. Rec: 30/09/2019.

Hello,

Regarding planning application 10/19/0887), I live at 26 Seacole Close and the road widening will increase noise and air pollution to my property, will cause tall vehicles to be able to see into my property and garden, and may cause disturbance if additional street lighting is added. All of this will affect the quality of living for my family and I.

I would like to get a response confirming what can be done to address this.

Objection – Ron Wallis. Rec: 01/10/2019.

I have recently received your letter concerning the above planning application and am angered by the fact that ANOTHER roundabout is to be installed on Haslingden road. the existing roundabouts are the main problem of extreme traffic congestion at peak times along this road. Yes, Old Bank Lane needs some kind of traffic control at it's meeting with Haslingden road but to add another roundabout will only cause more congestion. Motorists will not give way at the existing roundabouts and enter them, even when their exit is not clear, causing traffic to back up from Guide, all the way back to beyond the end of Old Bank lane, even down to Bennington street. The proposed roundabout will add to this and create another bottleneck. Times without number I have seen ambulances struggling to get to and from the hospital because of traffic queues tailing back in both directions. The only answer is to dispense with ALL the existing roundabouts on Haslingden road and replace them with traffic lights which would promote an even flow of traffic and to not even consider a further roundabout at the end of Old Bank Lane but install traffic lights at that junction as well.

Objection – Philip Kenyon, 329a Haslingden Road, Blackburn. Rec: 01/10/2019.

Hi Martin

As a resident at guide and also an employee of East Lancashire Hospitals I appreciate the need for the improvements in the road access around the old Bank lane to lions drive area. I have a few concerns however regarding the provision of pedestrian and bicycle access along this road following the improvements. I personally walk and cycle along the route proposed for both work and recreational purposes. The hospital (my place of work) promotes and encourages schemes such as car share cycle to work and alternate travel arrangements in our commute to work in order to reduce the impact on traffic congestion pollution and car parking availability at the hospital. From a health point of view walking and cycling is positively encouraged from a health point of view and in my opinion essential for the health and well being of my two children aged 10 and 3 who also walk and cycle along this route for recreational purpose. Access to the service station/spar is also essential as a resident not only for myself but also many other elderly and young families that live in the area who rely on access to the shop for essentials and groceries and may not have access to a vehicle. May I also point out as a region we have some of the highest rates of peripheral vascular disease in our aging population and maintaining regular exercise by walking to a local store can have massive benefit for individuals and resources within local hospitals. Given the points raised I hope you can appreciate as a Council these issues should be a high priority to promote and encourage activities which are beneficial for health, a reduction in traffic congestion and parking and promote local business and I believe it is essential to make provision for cycle and pedestrian access along this route. Please advise if this has been a consideration as I hope the improvements are beneficial for all.

Objection – Stephen Chilvers, 15 Besant Close, Blackburn. Rec: 07/10/2019.

Good afternoon,

I have some concerns with the above planning application, please see below:

Loss of privacy and security; at the minute our boundary wall is quite high, one concern is the works may raise the level of the finished surface leaving us more visible and at risk of people breaking an entry at the rear of the house. Has this been taken into account?

Noise; the traffic will be much closer to the rear of the house, the traffic is already noisy, but bearable. Will anything be done about the increased noise?

Vibrations; traffic will be much closer to the house and boundary wall, will anything be done to prevent damage caused by the vibrations of large vehicles over the years?

Objection – Mrs Adams. Rec: 08/10/2019

To Members of the Planning Committee,

Some residents are concerned about the pre & after planning for the above application for the following reasons;

1. As resident/owner of a boundary properties to the above application;
2. Were the notices delivered to all properties correctly? A meeting of a group of residents who live on Haslingden Road going down from the proposed new roundabout and towards Blackburn, met due to some not having prior or being notified of the dates/times and venues of the 'drop-in' events, until 4pm on 7th Feb (second drop-in), when on the 7th, I had contacted the Blackburn Central Ward Councillor Afzal for help and she found out then hand delivered a copy (apparently she had not been informed of the plans and is following this development up), but too late for us to arrange and attend. Also I never received the hand-delivered up-date information letter for the plan's registration and could not access the information contained within it, to access details on the Council's new website. (I have put these forward to the project lead Councillor). Have had no reply from second e-mail.
3. A meeting took place, between Council Officials and some residents to inform them of compensation to those affected by the development/works, again, the same residents on Haslingden Road were never informed of this and as owners of properties, which will have the new roundabout construction/works only approx 200mtrs from them, also have the disruption of construction works outside their properties, but the traffic/noise/pollution etc, will be closer to us than ever as part of the verge is to be taken off, for widening the carriageway. We will also have real issues exiting our drives, to take the road up towards Guide. I have taken qualified advice on this and we should be offered compensation, as it could have a reduction valuation (which has to be independently and qualified assessed) and to have a detrimental effect on a future sale of property and may affect health/wellbeing.
4. The traffic surveys for the plans were carried out at some of the 'lighter traffic volume' times (attended) April 8+ 9th 2019, which could mean the surveys inaccurate for volume/noise and pollution. The heaviest volume of traffic in this corridor is between 7.30 + 9.30am and 2.30 + 6pm and when schools are open in term times, traffic gridlocked/idling and its pollution worse.
5. The list of affected properties to the application/development, have included none of the properties down Haslingden Road from the proposed new roundabout at Old Bank Lane towards Grimshaw area (see 3) why?
6. The information stated on the pre-application up-date (which I hadn't received), stated that the registration on the Council site 'could be accessed from 18/09/19' but could not be found until the 27/09, yet comments can only be made into the planning office until 18/10/19, is this correct for such a huge project that this involves? It also states that there are to be 'consultations' but I have been informed that no meetings with residents are planned.
7. The gates to the old part of the Hospital is apparently, to be left as a 'minor' access if they are, drivers will still use them and would be crossing two lanes (coming down from new roundabout going into the gates) and outwards across into the second 'new' lane to access Old Bank Lane. RTA's would be the risk of these being kept open, as the new road into the Hospital grounds from the new roundabout could be used for this purpose with a link/access off it, due to the roads already in place around that area of the Hospital? (which I have already suggested to the Growth Team) I believe the gates should be for pedestrian access only.
8. There is also no mention on the draft maps, about the 'puffin' across Haslingden Road near old gates, will this be left as it should be, for pedestrian safety?
9. As we have been informed that there will be no further meeting with residents and the Council/Contractors before commencement of the works, this surely is counter-productive, as meetings with residents should be at regular intervals before and while works take place or in emergency situations? This would help with any concerns that come up. Planned office contact details to Contractors/enforcement officers for residents/Hospital & trades (an action plan) should be delivered to all properties which are to be affected by these plans.

I have put the above list, with in-put from other residents, (which may be incorrect order) and as a resident of Haslingden Road for nearly 25 years.

Correct and good communication to those residents who will be affected by this development is important and I respectfully request that you look into those concerns listed above and they are addressed first, so am requesting a deferment of this planning application and the planning committee's decision.

Objection – Mrs Adams. Rec: 04/11/2019.

To Members of the Planning Committee,

The following second (amended) comments letter from me, is in response to the second letter received for the above dated 23/10/2019, comments to be in by 13/11/2019.

Some residents are concerned about the pre & after planning for the above application for the following reasons;

- 1. As resident/owner of a property that bounders the above application;**
- 2. Were the notices delivered to all properties correctly? A meeting of a group of residents who live on Haslingden Road going down from the proposed new roundabout and towards Blackburn, met due to some not having prior or being notified of the dates/times and venues of the 'drop-in' events, until 4pm on 7th Feb (second drop-in), when on the 7th, I had contacted the Blackburn Central Ward Councillor Afzal for help and she found out then hand delivered a copy (apparently she had not been informed of the plans and is following this development up), but too late for us to arrange and attend. Also I never received the hand-delivered up-date information letter for the plan's registration and could not access the information contained within it, to access details on the Council's new website. (I have put these forward to the project lead Councillor). Have had no reply from second e-mail.**
- 3. A meeting took place, between Council Officials and some residents to inform them of compensation to those affected by the development/works, again, the same residents on Haslingden Road were never informed of this and as owners of properties, which will have the new roundabout construction/works only apprx 200mtrs from them, also have the disruption of construction works outside their properties, but the traffic/noise/pollution etc, will be closer to us than ever as part of the verge is to be taken off, for widening the carriageway. We will also have real issues exiting our drives, to take the road up towards Guide. I have taken qualified advice on this and we should be offered compensation, as it could have a reduction valuation (which has to be independently and qualified assessed) and to have a detrimental effect on a future sale of property and may affect health/wellbeing.**
- 4. The traffic surveys for the plans were carried out at some of the 'lighter traffic volume' times (attended) April 8+ 9th 2019, which could mean the surveys inaccurate for volume/noise and pollution. The heaviest volume of traffic in this corridor is between 7.30 + 9.30am and 2.30 + 6pm and when schools are open in term times, traffic gridlocked/idling and its pollution worse.**

5. **The list of affected properties to the application/development, have included none of the properties down Haslingden Road from the proposed new roundabout at Old Bank Lane towards Grimshaw area (see 3) why?**
6. **The gates to the old part of the Hospital is apparently, to be left as a 'minor' access if they are, drivers will still use them and would be crossing two lanes (coming down from new roundabout going into the gates) and outwards across into the second 'new' lane to access Old Bank Lane. RTA's would be the risk of these being kept open, as the new road into the Hospital grounds from the new roundabout could be used for this purpose with a link/access off it, due to the roads already in place around that area of the Hospital? (which I have already suggested to the Growth Team) I believe the gates should be for pedestrian access only.**
7. **There is also no mention on the draft maps, about the 'puffin' across Haslingden Road near old gates, will this be left as it should be, for pedestrian safety?**
8. **The information stated on the pre-application up-date (which I hadn't received), states that there are to be 'consultations' but we have been informed that there will be no further meetings between residents and the Council/Contractors before or after commencement of any works. This surely is counter-productive, as meetings with residents should be at regular intervals before and while works take place or in emergency situations? This would help with any concerns that come up. Planned office contact details to Contractors/enforcement officers for residents/Hospital & trades (an action plan) should also be delivered to all properties which are within the area of these plans.**

I have put the above list, with in-put from other residents and as a resident of Haslingden Road for nearly 25 years.

Correct and good communication to those residents who will be affected by this development is important and I respectfully request that you look into those concerns listed above and they are addressed first, so am requesting a deferment of this planning application and prior to the planning committee's decision.

Objection – Carl Hamer, 5 Observatory Road, Blackburn. Rec: 14/10/2019.

To whom this may email concerns.

I am writing this email about my concern for the application on the widening of Haslingden Road, Ref 10/19/0887.

My name is Carl Hamer, 5 Observatory Road, BB2 3HE. We have lived in this property for 18 years and I am concerned about the noise from the traffic in which this new road will impact our lives. We have already noticed that the noise from the traffic has gone worse, since the hedges have been cut down along Haslingden Road (to the rear of our house) and I believe that the road widening will make it even more unpleasant for me and my family. I would like to know if there is anything in the planning to rectify the noise levels. Over the years we have also noticed the shortness of wildlife in our garden and more noise. I would appreciate a letter in how this issue can be improved.

Thank you for reading my concerns.

Objection Mrs Speller, 207 Haslingden Road, Fancy Row, Blackburn. Rec:
16/10/2019.

Low Plan. 10/19/0887.

16-10-19.

Dear Mr. Nick Blackledge.

Written on behalf of 10 cottages in
Fancy Row. Haslingden Rd.,

Please note The Plans are Incorrect.

A revised plan was made and assurance
given that the lay-by would be
retained to the front of the cottages.
This is not shown on the provided
plans. It was in the Telegraph as well
as given direct to residents.

Hastily written at the Town Hall.

Also consultation as promised required
immediately on this matter.

Objection Mrs Speller, 207 Haslingden Road, Fancy Row, Blackburn. Rec: 25/11/2019.

Sir/committee,

I wish to show reasons for the following objections to these plans as well as requesting for conditions be placed on certain points .

To take away the second lay-by specifically built for use by Fancy Row residents is in breach of contract . In 2002 , when it was planned to put a footpath/cycleway on this side of the road there was much deliberation with the Council . Would a Road be placed to the rear of properties allowing the same amount of space as was in use ? Each cottage was able to park 3 or 4 cars to the front on land edged by North West Water ownership ,and had in fact been in use and proved for at least 60 years with car parking in the year 2002 .

This second lay-by was built to accommodate our 2 cars and those of visitors , having been legally agreed to by residents and the Council . Residents lost out due to lack of privacy and added expense of building a garden wall . In my case , over £3,000 for garden and planting at that time .

Road drainage is a great worry . Surface water must not be directed towards residents cottages on Fancy Row . Already at flood risk caused to the rear of homes by raising the surface height of the rear Fancy Field by some 9 foot in places . Also the creation of a drainage Dyke immediately next to our lower level cottages . The cheapest way of drainage . Water courses have been altered , our homes now constantly damp , with the drainage leakage through the soil towards our homes .All notified to the Council with no action being taken .Request that any surface road water is directed away from our homes into newly installed drains . These are simple , very old Victorian drains not built for such purpose and would cause flooding as in much of this area with a high water count . The reason for the reservoir built in the first place . Water pours over 201 land . reaching the road .before flooding . So difficult to cross in frost and also being soaked to thigh height from passing cars . A dangerous situation for cyclists, pedestrians , disabled and poor sighted people .Also it floods into the road just past the garages .

Pollution from Noise, Light, Air Quality, Privacy etc . Intolerable situation . Have to presently sleep in rear bedroom so window can be left open during the night . Traffic fumes prevent any window being open during the day . This air quality is a reason given for Blackamoor Road improvement , but not for this section of your plan . My husband presently has to use a CPAP while trying to sleep .

Also of course , if this were classed as motorway , help would be given for noise and air quality within the homes .

There is insufficient tree planting , especially if you admit to the destruction of many pre existing trees , planted by the hospital trust . We have already lost the high ancient hedging in this area . We have made many contacts re purchasing the land on which our garages are built . No way will the Council allow us to buy . Why when it is a road and land locked small piece of land with just 7 garages on ? Surely it would help the Council as well as the owners to be able to purchase these plots as we once did when offered the purchase of the gardens in 2002 . Certainly it would help both parties and bring to a sensible conclusion to our present day worries Plans have already been passed for garage plots , now sold at auction by the Council to investors to be used for house building .Why then can we individuals not buy ours . Have even offered to buy as a whole and cover Council costs .

Further to all of this a safe crossing is desperately needed . School Children especially are seen dodging between cars and no safety crossing has been installed .

It is hoped that you read through this history of what was once a private , beautiful area , situated on a B road . Hopefully noting down any duty of care that can be provided for residents health and sanity . Thank you S Speller At 207 Fancy Row .

From. 207 Fancy Row , Haslingden Road , Blackburn . BB1 2ND .

Sir / Committee ,

Sadly I have missed an important point in asking for a condition regarding clearer signage to the garages and lay-by or both of them as should be according to the purpose they were built for and

lawfully agreed to . That the signs be larger and more like those used in Blackburn to show that they are for use of permit holders only . The garage signs to be larger and include Residents or Owners only parking as with the one that was installed at the ex Guide garage site on School Lane . Sadly recently given 1 months notice to leave , We have requested this before but told by your departments that you could not afford such signs by property services . Hoping somehow you can add this to that already sent . Thank you

Objection – Uwais Umerji, 186 Haslingden Road, Blackburn. Rec: 25/10/2019

Hi,

I am the owner and occupier of 186 Haslingden Road.

Having seen the planning application 10/19/0887 I can see this will be major works being carried out for a u extended period of time which will effect me and my family during the construction process and after.

The widening of the road and creating an extra lane will massively impact us from coming in and out of our driveway with a vehicle. I also anticipate the roundabout at Old Bank Lane will cause a lot of standing traffic outside of my house. During the construction phase I also anticipate a lot of noise and traffic disruption during this period of time.

My concerns are related to how the council plans to compensate residents affected by this?

Objection – Mrs Christine Kitchen, 205 Haslingden Road, Blackburn. Rec: 11/11/2019

I am a home owner at 205 Haslingden Road and I am writing to object to the current plans related to application 10/19/0887, specifically the plans surrounding the parking outside 'fancy row'. When the plans were originally drawn up it was suggested that the parking for 'fancy row' would be put at the back of the cottages. However, upon reviewing the plans that have been submitted it appears that the parking is going to be left as it is. This is a problem for me as I do not have access to the garages at the end of the row and there is often not enough parking out front. There are also at least two other cottages on the row with the same issue. The plans could be adjusted to increase parking or add additional garages or go back to the original idea of putting parking around the back ensuring there are enough spaces for permits. I just feel that should the parking be left as it is, when so much work and disruption is already being carried out in the area, an opportunity will be missed to increase the access to the cottages for the residents that pay to park there.

Thank you for your time

Objection – Mrs L. M. Priestley, 207 Haslingden Road, Blackburn. Rec: 12/11/2019.

Dear Sir,

I am writing to you to pass on my comments in respect of the above application which has only just come to my notice. I have been passed your letter of 23d October and was not previously aware of the scheme or the presentations you have given.

I am the owner of the property at 207a Haslingden Road and the accompanying Garage on Plot No. 4, further along that road.

The property is managed on my behalf by a letting agent (Mortimers Property Services) and is currently empty, so please use my home address (above) for any further communications.

A recent application by all the owners to purchase the garage plots to secure their future availability was turned down with an inadequate explanation and advice is currently being taken on an appeal against that decision.

I have reviewed the drawings lodged on your web-site in support of this application with some considerable difficulty, due to the scale at which they are drawn and I must point out that the Site Plan is still showing two errors, which have been discussed with your department previously by our neighbour, Mrs S Speller, who was given verbal assurances that the documentation would be amended before the application is sent to the approval committee.

The errors in question are as follows – the parking space (lay-by) beyond the garage plots, towards Shadsworth Road which was allocated to the residents in compensation for the loss of their previous frontage does not appear on the plan and the row of garage plots is included in the area outlined in red as part of the application, despite assurances that there will be no changes made to their current use and that free access from the road will be maintained.

My concern is that any changes to either of these areas will impact on the value of the properties and the convenience of use of the owners and tenants.

In my case, as a landlord, there would be an immediate impact on my being able to find tenants, while the effect on the owner/occupiers would be more long-term.

While I fully support the principle of the road improvements, they must take place without any loss of the existing utility of the dwellings.

Please advise me of the actions you plan to take to resolve the above situation before the planning meeting.

Objection – David Mason, 209 Haslingden Road, Fancy Row, Blackburn. Rec: 15/11/2019.

Sir, has been agreed that the lay-by fronting our cottages is to remain in place. Further to this a second lay-by was built as an overspill for residents further towards Shadsworth Road. This was for our visitors, health suppliers, workmen etc as there was not sufficient room allowed for the residents in the bay fronting the homes. We had very private homes with no foot way to our frontage. At the time plans were put in place for a footpath cycleway, land to the front of properties was to be taken away, even though they had at the time proved to have been used as gardens and also for parking for over 60 years. Photos were shown as proof of use. Also deeds stated the properties were edged by Water Board land to the front. A dreadful shock as many frontages provided parking for 3 cars and also a few were pretty gardens with parking run ons.

This was the only way that we could have the same amount of parking, hence after much deliberation as to whether land could be used behind the properties, it was finally agreed that this extra lay-by was provided for our use.

Now it looks as if the Council have given with one hand, having removed our privacy etc and are intending to go back on their word. We are now worried as we have tried to secure the land on which our garages are built on and sadly got no where with requests to purchase the land, hence mention of this lay-by is now very important. So many garage plots have been given 1 months notice and taken from garage owners. We needed to secure these garages for future use and parking.

We will of course, have a sizeable claim for the alteration of the road, as when the hospital roundabout was installed. It may help the Council as a whole to be more considerate.

I personally and next door did not have a garden fronting homes as both could park 3 or 4 cars. 209 have had to build a garden wall and gate for privacy and I spent over £3,000.00 having mine built and planted. After seeing a lady by my front window looking in!

I hope I have clarified the situation as to date we feel already robbed by our Council. In so many ways with noise, air, light, flooding. Privacy etc. Which now includes damp in our homes since Fancy Field was altered. That also brings another matter to be mentioned. Surface water from the new road. This must be well drained away from our properties. There are grassed areas that are natural soak always to be covered. We have our properties now with too much dampness. Slugs in fact and mould. The Council although had meetings with them have done nothing to alleviate the problem caused by them. The water from this road needs draining away from our properties into new, sufficient drainage for the heavy rains now being the norm.

May I also mention the beautiful protected Sycamore tree near the Shadsworth Road roundabout. This was protected when Miller Homes began building houses. Also as many trees are to be removed there is insufficient planting shown for replacement.

Especially with the encouragement of doubling the amount of traffic .The environment matters or we would become similar to that of Blackamoor Rd which is also a named reason for being included in this scheme .

Objection – Renette Ellson, 203 Haslingden Road, Blackburn. Rec: 15/11/2019

In short I had emailed as I was overly concerned about the widening of the road on Haslingden Road as my neighbour seemed to think there may be a problem with us keeping our residents parking even though we had been assured at previous meetings that these parking areas were safe.

As residents we have been through so much and we are getting to our wits' ends. It seems to be all take and no give, we even asked to buy the garages and that was a resounding no! In view of what we have been through then I actually feel the garages should be given to us and we should not have to pay to park when we were robbed of the land that was in the front of our cottages!! Our properties have lost lots of value with things that have happened around us. As mentioned, we have lost land that we should have been able to adverse possess and I still feel we were advised wrongly with this. Had we kept that land then we would not have had any parking issues whatsoever as we could park 4 cars at the front of our cottages. We have also had drainage problems since building work took place at the back of our properties. Our houses are now damp and water even seeps through my conservatory floor. If we lose the parking then I will be so aggrieved that I will take things to the ombudsman as it really isn't fair in how we have been treated, this really will be the final straw!

Can you please reassure me that we will still have the resident bays to park in please and our rented garage plots will be protected please?

Comment – John Bell. Rec: 31/10/2019

Dear Sir/Madam,

I have just been looking at the plans for the road improvements to Haslingden Rd, and they are needed. I drive that route every day to work and back and it is very frustrating at times.

My only comment would be the new junction at Old Bank Lane. Many times there are too many cars trying to get into the hospital entrance opposite the KFC, probably employees going to work, which means that the cars that can't get in cause a backlog both on the Blackburn side and on the motorway side of that turning, which also creates a backlog on Old Bank Lane. It seems that this situation will repeat itself as cars will still become static in the new junction if they can't get into the hospital entrance. I don't know why there are problems getting cars into the hospital, maybe too many cars all at once, but perhaps the hospital could try to alleviate this by better access once they are on the hospital site to keep cars moving.

REPORT OF THE DIRECTOR

Plan No: 10/19/0888

Proposed development: Full Planning Application (Regulation 3) for a new link road and associated junction works.

Site address:

**Land between Roman Road and Blackamoor Road
Blackburn
BB1 2LG**

Applicant: Blackburn with Darwen Council

Ward: Blackburn South & Lower Darwen

Ward: Blackburn South East

Councillor: John Slater

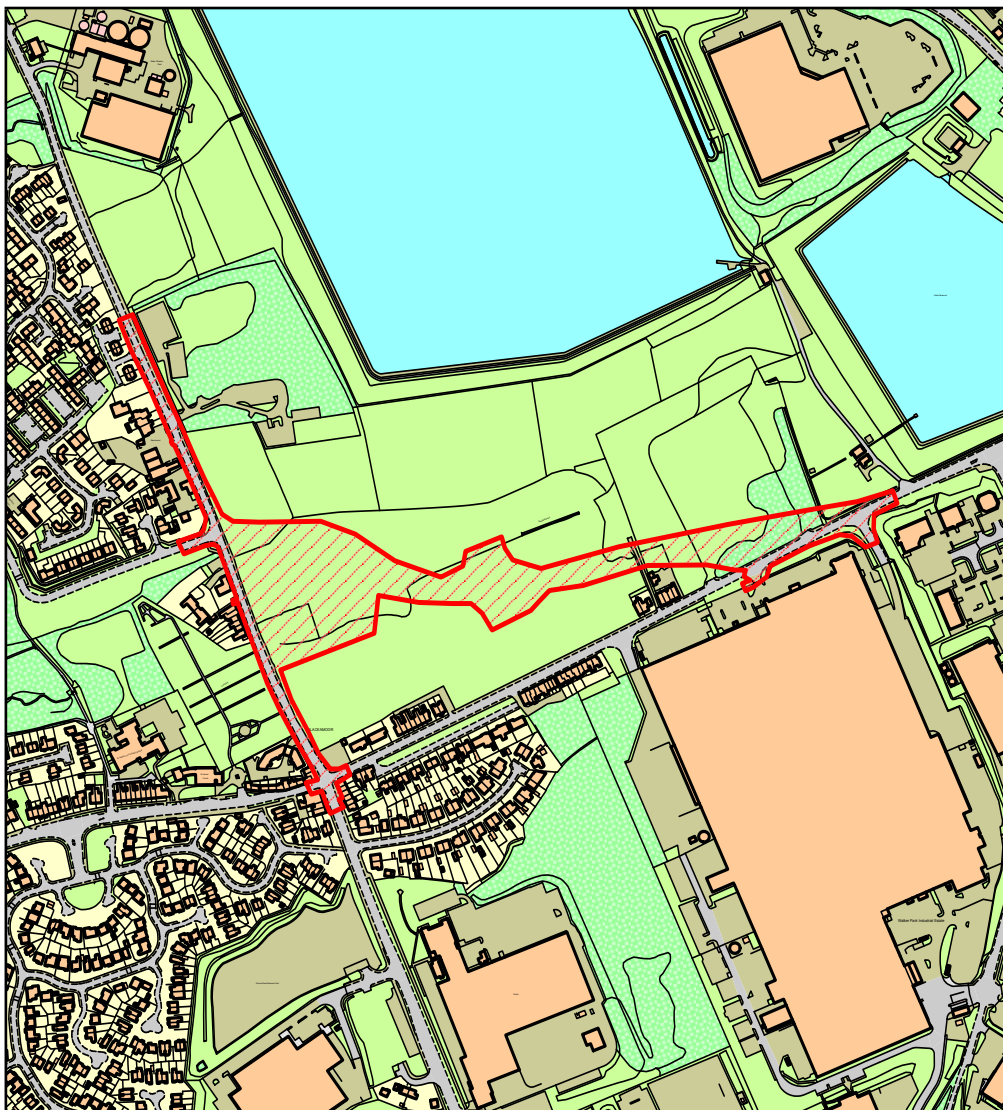
Councillor: Jacqueline Slater

Councillor: Denise Gee

Councillor: Andy Kay

Councillor: James Shorrocks

Councillor: Vicky McGurk



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application is in the form of a full planning application. It is presented to Committee on account of it being an internal development on behalf of Blackburn With Darwen Borough Council, on land within their ownership; in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 and in accordance with the Council's Scheme of Delegation.
- 2.2 The application represents a major development that accords with the Council's corporate priority objectives, enabling further progress with its 'Growth Deal 3 Pennine Gateways' project which will invest £13 million in key transport infrastructure across the borough between 2018 and 2021. This follows receipt of £320 million, secured by the Local Enterprise Partnership, from the Governments Local Growth Fund to support economic growth in the Lancashire area.
- 2.3 The Pennine Gateways project will deliver strategic transport improvements at three of the main gateways into the borough off the M65 motorway at junctions 4, 5 and 6. Investment at these adjoining gateways will extend the concept of the Hyndburn – Burnley – Pendle Growth Corridor to the M65 growth corridor and release the potential of a number of adjacent strategic sites to accelerate new development opportunities. This scheme will enable the following works:
- Delivery of the Blackamoor Link Road; including two new junctions at Roman Road and the B6231 Blackamoor Road plus a stretch of new highway.
- 2.4 The route of the new highway is set out on the Adopted Policies Map of the Local Plan Part 2 and is accordingly protected from alternative forms of development that could potentially affect the route.
- 2.5 The project will:
- Improve congestion across south east Blackburn;
 - Improve air quality at the Blackamoor Road / Roman Road Junction (which is a designated Air Quality management Area);
 - Enable further development of employment opportunities; and
 - Support future housing and employment growth in the Borough
- 2.6 Whilst the new link road is not expected to generate additional traffic in itself, it is designed to facilitate local housing and employment growth, as well as to redirect HGV traffic away from the Blackamoor Road / Roman Road signalised junction. Traffic forecasting and future flow rate scenarios have taken into account committed developments, relevant housing and employment site allocations identified in the Development Plan and potential

additional future development sites across south east Blackburn. Although outside of the scope of works requiring planning permission, the scheme also includes stopping up of the B6231 Blackamoor Road, resulting in all traffic between its junction with Roman Road and its junction with Walker Road redistributing to utilise the new link road.

- 2.7 Assessment of the submitted details establishes that the proposal corresponds with each of the aforementioned objectives, whilst demonstrating compliance with the Development Plan and some of the borough's Local Transport Plan 3 (2011-2021) objectives. Further, from a technical point of view, all issues have been addressed through the planning application or are capable of being controlled or mitigated through planning conditions.
- 2.8 An Environmental Impact Assessment screening opinion has been undertaken in advance of this application which established that the proposal does not amount to EIA development; in accordance with the Town and country Planning (Environmental Impact Assessment) Regulations 2017.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site sits mainly within the Housing Land Allocation identified as the Blackamoor Road Development Site; in accordance with the Local Plan Part 2. It also extends along Roman Road from Beechwood Mews to circa 45m south of the signalised junction at Blackamoor Road and circa 30 east of the junction along Blackamoor Road, and onto Blackamoor Road circa 45 east of the terrace row of dwellings nos. 17 – 153, up to the signalised junction into Walker Park. The site comprises 4.02 hectares in area and is currently unused grassland and scrub; absent of buildings. The wider housing allocation is one of a number of sites across the Borough allocated for housing. It is bounded by Fishmoor Reservoir to the north with residential properties and Blackburn Royal Hospital located beyond. To the south of the site is the Walker Industrial Park and residential properties adjacent to the Blackamoor and Roman Road junction.
- 3.1.2 The existing local highway network forms a heavily used distribution route, serving large scale businesses straddling Roman Road to the south of the site and businesses located at Walker Park to the south of Blackamoor Road. Blackamoor Road is also heavily used by traffic connecting to Junction 5 of the M65, in close proximity to the east.

3.2 Proposed Development

- 3.2.1 Full planning permission is sought for a new link road with associated junction works. The new link road would commence from a new four-arm signalised junction with Roman Road and Newfield Drive, the approach to which along Roman Road will see a widening of the carriageway to provide two lanes.

The link road would then run through the Blackamoor Road Development Site and would merge the B6231 Blackamoor Road approximately 145m to the west of the Walker Road priority junction, opposite an existing access into the Walker Park. Approximately 100m to the west of the point where the new link road would merge with Blackamoor Road, a new priority junction would be formed between the new link road and the Blackamoor Road, with the link road forming its major arm. A ghost island right-turn facility would be provided at the aforementioned junction. In the centre of the link road a new four-arm roundabout would be provided, securing a future access to the Blackamoor Road Development Site; as set in the submitted drawings.

3.3 Development Plan

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

3.3.2 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS16 – Form and Design of New Development

3.3.3 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 36 – Climate Change
- Policy 40 – Integrating Green Infrastructure & Ecological Networks with New Development
- Policy 45 Major Road Schemes

3.4 Other Material Planning Considerations

3.4.1 Blackburn with Darwen Local Transport Plan 3 (2011-2021)

Blackburn with Darwen Borough Council's Third Local Transport Plan (LTP3) is a long term strategic document covering the period 2011-2021, and is the key mechanism for articulating and delivering transport policy at a local level. The plan highlights a number of key issues within the Borough to be addressed over the lifespan of the plan, including:

- The borough's young population and its relationship to the growth of car use and road accidents;
- Peak time congestion and traffic levels;
- The impact on and the effects of the changing climate;
- Chronic health issues;

- Poor localised air quality and intrusive noise;
- Car dependence;
- The effects of long standing deprivation;
- The ongoing requirement to generate jobs, improve wage and skill levels; and
- The need to create sustainable communities through economic restructuring and regeneration.

3.4.2 East Lancashire Highways & Transport Masterplan (February 2014).

3.4.3 National Planning Policy Framework (The Framework):

- Section 6 – Building a strong, competitive economy:
Planning policies and decisions should help create the conditions in which business can invest, expand and adopt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- Section 8 – promoting healthy and safe communities:
Planning policies and decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services, as well as economic and environmental benefits of estate regeneration.
- Section 9 – promoting sustainable transport:
Transport issues should be considered at the earliest stages of plan making and development proposals, so that the potential impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; opportunities to promote walking, cycling and public transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- Section 12 – Achieving well-designed places:
Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including

green and other public space); support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

3.5 Assessment

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

- Principle of the development;
- Amenity;
- Environment;
- Highways Design / character and appearance.

3.5.2 Principle

The principle of the proposal is consistent with Policy 45 of the Development Plan which sets out that the lines of major road schemes, including that of the Blackamoor Link Road, will be protected from development, to ensure efficient delivery of the new roads with a view to alleviating pressure from new development and to unlock areas for new development to take place. The proposal also accords with The Frameworks' presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters, including a detailed highway impact assessment:

3.5.3 Highways / Accessibility / Transport

Policy 10 directs that development will be permitted provided it has been demonstrated that:

- i) that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced;
- ii) appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards;
- iii) access by public transport is catered for either by providing for buss access into a site where appropriate or by ensuring that safe and convenient access exists to the nearest public facility;
- iv) measures are included to encourage access on foot and bicycle;
- v) the development does not directly affect any public right of way, unless the right of way is maintained or the proposal provides for its replacement by an equally attractive, safe and convenient route; and
- vi) the needs of disabled people are fully provided for, including those reliant on community transport services.

New development with the potential to affect the transport network significantly will be required to be supported by a Transport Assessment (TA). Accordingly, a TA is submitted to provide an evidence base for the implementation of the proposed scheme.

- 3.5.4 A Road Safety Review supports the overall TA. Personal injury collisions (PIC's) for the most recent five year period (2014 – 2018) have been recorded. In summary, a total of 15 accidents have occurred within the scope of the study area. Of these, 12 were classified as 'slight' and 3 classified as 'serious'. No fatalities have been recorded. The proposed scheme is expected to have no direct impact on collision rates within the study area.
- 3.5.5 Traffic conditions have been established and forecast for the 2019 baseline year, the 2021 scheme opening year and the 2036 horizon year (forecast 25 years post-scheme opening). Baseline conditions have been established from MCC count data undertaken at key junctions across the local highway network. Future forecast traffic scenarios consider housing and employment site allocations across southeast Blackburn, controlled to National Trip End Model (NTEM) growth estimates for the local area. These forecasts include traffic expected to travel along the proposed link road in the forecast future year scenarios.
- 3.5.6 Individual junction capacity assessments have been carried out at the Roman Road / Newfield Drive / new link road signalised junction, proposed new link road four-arm roundabout junction, Blackamoor Road / new link road priority junction; and Blackamoor Road/Roman Road signalised junction. The overall impact of the proposed scheme on the local highway network is forecasted to be positive with improvements to traffic conditions supported by increased pedestrian safety, and improved air quality at the designated AQMA.
- 3.5.7 In conclusion, the proposed scheme would provide much-needed improvements to the local highway network, improving performance and pedestrian safety at Blackamoor Road / Roman Road signalised junction, as well as reducing pollution at the designated AQMA. The new link road would also unlock the allocated housing and employment sites to the north of Blackamoor Road, thereby facilitating future growth and development in the Fishmoor area. Such positive findings support the notion that the proposed new link road is acceptable in highway, traffic and safety terms. Public objection citing a possible increase in congestion, air pollution and highway safety risk are, therefore, considered to be unfounded, with all relevant impacts having been appropriately addressed in the outcome of the TA.
- 3.5.8 Local Objection has also been raised from residents of Roman Road alleging weakness to the carriageway and that an increase in traffic volume could prove a safety threat. Such concern is, however, unfounded, as evidenced through routine periodic structural maintenance inspections. The information supplied in the latest report will be used to determine those lengths of Roman Road which require reconstruction.
- 3.5.9 Residents of Roman Road have also questioned whether access and roadside parking will be affected by the proposal. Pre-existing arrangements into properties with access from Roman Road and roadside parking associated therewith will, however, be unaffected by the final scheme.

3.5.10 Local resident concern expressed around the overall impact of the scheme on highway safety and increased volumes of traffic, particularly with regard to the stretch of carriageway between Newfield Drive and the signalised junction at Blackamoor Road and Roman Road, is also considered to be unfounded; as evidenced by the outcome of the TA which demonstrates that the alterations as proposed represent an optimum solution for the local highway network which will result in an overall positive outcome for users of the carriageway and for pedestrians - by virtue of enhanced footway links.

3.5.11 Taking into account the aforementioned highway assessment as directed by the TA, when viewed in the context of improved highway efficiency in alleviating congestion and supporting housing and employment growth initiatives, the proposal is considered compliant with the Policies CS1 and 10 of the Development Plan, and the objectives of The Framework.

3.5.12 Amenity

Policy 8 directs that development will be supported where it can be demonstrated that it will, in isolation and in conjunction with other planned or committed development, contribute positively to the overall physical, social, environmental and economic character of the area, and that a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance and privacy / overlooking. Of particular importance is the issue of air quality which is referenced at point iv) of the policy; directing that development will only be permitted where it will not give rise to a deterioration of air quality in an AQMA, unless harm caused is significantly and demonstrably outweighed by other planning considerations and a comprehensive mitigation strategy can be secured.

3.5.13 Air Quality

An Air Quality Assessment (AQA) (August 2019) is submitted with the application. An Air Quality Assessment (AQA) (October 2019) is submitted with the application. The assessment is split into identified potential impacts during construction phase of the development and during the operational phase. It is identified that activities associated with construction, prior to mitigation being implemented, would have a medium risk of dust soiling and low risk of human health impacts. It is, however, considered that, following implementation of recommended mitigation measures, the impact of construction would be negligible.

3.5.14 Impact assessment of the operational phase of the development was undertaken using the dispersion model ADMS-Roads which is a comprehensive tool for investigating air pollution problems due to networks of roads that may be in combination with industrial sites. The assessment found that the proposed development, in relation to annual mean Nitrogen Dioxide (NO₂) concentrations, would have a negligible impact at all receptors. In relation to annual and daily mean particulate matter concentrations, it was found that the proposed development would have negligible impact at all modelled receptors.

3.5.15 With specific regard to the AQMA in the centre of the Blackamoor Road / Roman Road junction, it is established that the development will have a generally positive outcome, with some dwellings experiencing a fall in pollution levels. Pollution levels will also fall for dwellings to the east of the junction, as a consequence of the closure of Blackamoor Road. Conversely, however, it should be recognised that pollution levels will increase at dwellings on Roman Road close to the proposed new junction at Roman Road / Newfield Drive and the new Link Road. Nonetheless, it is important to note that all the predicted exposures to air quality are expected to be significantly below the national air quality objective for NO₂ and PM₁₀, including at dwellings on Roman Road by the new junction; the national objective being the level at which AQMA's have to be declared.

3.5.15 Overall, therefore, the impact of the development on air quality is considered to be acceptable and support is offered by the Council's Public Protection consultee.

3.5.16 Noise

A Noise Impact Assessment (September 2019) is also submitted with the application. The assessment recognises that the acoustic character of the area is mainly affected by road traffic noise, primarily from Blackamoor Road. Calculated daytime and night time noise levels put the site between 'Medium' and 'High' risk categories, to varying degrees across the site. Assessment of noise has been undertaken in the context of future development of the Housing Allocation straddling the link road and adjacent employment uses. For housing development, the link road is not predicted to pose significant noise threat; subject to appropriate mitigation in the form of acoustic glazing and ventilation. Acoustic sound barriers for dwellings along the perimeter of the link road should be considered. Detailed design appraisal of residential and employment development will inform the extent of required mitigation, by means of future planning applications.

3.5.17 A detailed operational and construction based assessment of noise impact on existing dwellings near to the link road has not been undertaken, at the time of writing this report. No comment is, therefore, offered from the Council's Public Protection consultee in this context. An additional Noise Impact Assessment to take into account existing dwellings is to be submitted for consideration; to be secured by condition. The assessment will also consider noise and vibration during construction phase. Public Protection advise that, notwithstanding the absence of the additional Noise Assessment, a significant adverse impact is likely to occur during construction that would be less tolerable at night and during the evening. A condition is, therefore, recommended to apply a limit on demolition and construction activity to day time hours (07:30 – 18:00). Whilst the benefit of such a restriction is acknowledged for reason of safeguarding amenity levels, the limitation is considered overly restrictive when considered in the context of the demolition / construction duration period, in terms of the extent to which completion of the scheme would be prolonged. Less restrictive hours of between 07:30 – 20:00 is, therefore, considered not unreasonable.

3.5.18 Taking into account the overall benefits of the scheme, identified noise impact of the development is considered to be acceptable. Additional consideration to impact on existing dwellings will be applied upon receipt of the revised Noise Assessment.

3.5.19 Privacy

Objections to the development have been received from householders concerned about the potential for overlooking from vehicles, as a consequence of proposed carriageway widening and queuing traffic along Roman Road. Such concern is, however, considered to be unfounded, on account of the proposed scheme resulting in no greater material impact than the pre-existing circumstances.

3.5.20 Contaminated Land

As recommended by Public Protection, assessment of sub-surface ground conditions for potential for contamination risk can be appropriately managed through application of the Council's standard conditions.

3.5.21 Environment

Policy 9 directs that development will be required to incorporate appropriate drainage measures, in order to demonstrate that it will not be at an unacceptable risk of flooding; be required to take into consideration existing trees into the design and layout of the scheme, as well as appropriately assess any loss of trees and the ecological value of the development site must be assessed to ensure that development will not have an unacceptable impact on environmental assets or interests, including but not limited to habitats and species.

3.5.22 Drainage

A Flood Risk Assessment is submitted with the application. No objection is offered from the Council's Drainage consultee or United Utilities; in recognition that the proposal will pose no significant risk of flooding. A detailed surface water drainage scheme and a surface water runoff scheme to guard against flood risk during construction phase of the development are, however, required for submission. Such detail will be secured by condition.

3.5.23 Trees

A Tree Protection and Felling plan is submitted. The plan confirms proposed removal of trees along sections of the proposed new link road, maintenance of hedgerows and protection of trees to be retained. Compensatory tree and shrub planting will, however, be provided along sections of the new road, to be delivered during the first available planting season after completion of the works. Such provision should, however, be considered in the context of the housing allocation site which will be subject to future development, at which time a detailed layout and wider landscape strategy will be considered.

3.5.24 Ecology

An Ecological Assessment (August 2019) is submitted with the application. This supplements a previous Capita assessment (July 2017). The assessments have been reviewed by the Council's ecology consultee and are

considered to provide an appropriate baseline surveys to determine the current ecological value of the site; notwithstanding that the Capita assessment is over 2 years old.

- 3.5.25 Assessment of habitat potential for bats with regard to buildings on site has been previously assessed under an application of Prior Notification for Demolition of Higher House Farm and associated buildings. Measures identified in Survey's undertaken and submitted as part of that application were to be adopted before, during and after demolition of the buildings. As the buildings have been demolished, they do not relate to this application.
- 3.5.26 Habitat identified on site is classed as Lancashire Local Priority Habitat 'Encapsulated Countryside'. Grassland, woodland, scrub and hedgerows feature across the site. Whilst the proposal includes the creation of a SuDS basin which is designed to support semi-aquatic vegetation and wetland meadow, grassland and semi-native hedgerow, additional biodiversity landscape enhancement is recommended, with particular regard to creating opportunities for improved connectivity. Such requirement shall be appropriately secured by condition.
- 3.5.27 Trees to be felled are considered to offer low potential for bat roost potential. A condition is, however, recommended to require a detailed inspection for bat roosts, prior to soft felling.
- 3.5.28 Japanese Knotweed is identified on site. A control and eradication plan shall be secured by condition.
- 3.5.29 Breeding birds are will be present on site, including potentially ground nesting species. Such constraints to construction shall be appropriately managed by a condition to require submission of a Breeding Bird Method Statement which should take into account how breeding birds will be protected from impacts whilst nesting and when their habits would be safe to remove.
- 3.5.30 Location of an inactive Badger sett / foxes earth has been identified in survey work. Accordingly, a pre-commencement Bagder Activity Survey is recommended to be undertaken within 6 months prior to the anticipated commencement of construction works. The survey shall be secured by condition.
- 3.5.31 No identified presence of other protected and / or priority species on site is revealed in the survey work.

Design / Character and Appearance

- 3.5.32 Policy 11 requires development to demonstrate a good standard of design which should enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.

3.5.33 The proposed improvements will include enhanced and additional footway provision, ensuring a more pedestrian friendly area that will be safer for vulnerable users and that will reduce the effects of severance.

3.5.34 The new landscape proposals along the link road and existing carriageway will involve the creation of an aesthetically pleasing, visually interesting balance of hard and soft landscape treatments. The landscape proposals can be split into the following classifications:

Gateway Features and Islands:

3.5.35 Ornamental landscape features have been proposed at key locations. These include either side of junctions, to create a sense of arrival into the site, and areas where the existing landscape features have been lost. These feature areas consist of boulders, stone walls (to match the area's current stone wall detail) and evergreen ornamental planting.

Semi-Aquatic Wetland

3.5.36 The new wetland habitat, created by the proposed surface water drainage swale, will be planted with a range of semi-aquatic plants. This new biodiversity area will be able to adapt to ranging level of water associated with SUDS drainage swales. All proposals will be in accordance with the local Biodiversity Action Plan guidance. Proposed feature boulders located at the water's edge will help reinforce the water theme and link the area to the landscape features described above.

Linear Landscape:

3.5.37 All footpaths will be bordered by a linear landscape consisting of formal hedges (Beech and Hawthorne), standard trees (Maple) and ornamental shrubs. Stone walls local to the area will be duplicated and introduced in regular short sections to create variance and interest at key points. Buffer planting, consisting of evergreen and deciduous species, is proposed at key areas to screen any potentially intrusive views. Where possible existing trees and vegetation will be retained and protected during construction with fencing to BS5837. Any trees that must be felled will be replaced within the overall landscaping scheme.

3.5.38 The surface course of the finished carriageway will be completed in a black bituminous material. It is proposed to surface the full carriageway width (existing carriageway width and widened sections) to ensure that a homogenous surfacing is created. Joint lines will be positioned to coincide with the new lane widths to reduce maintenance.

3.5.39 The footways will be completed in a black bituminous material. The edge of the carriageway will be completed in pre cast concrete kerbing units. There may also be a need to complete certain lengths of kerbing in a combined kerb and drainage unit. Back of footways will be completed in pre-cast concrete edging units where required.

3.5.40 Tactile paving at the uncontrolled pedestrian crossing facilities will be laid with buff coloured pre cast concrete paving materials.

3.5.41 Street lighting will be provided to light the route to the minimum requirements set for this type of road and agreed with the Local Highway Authority. A separate Road Lighting report is provided.

3.5.42 Overall, impact of the development on the design and character of the area is considered to be acceptable, taking into account enhanced landscape provision; in compliance with Policy 11 of the Development Plan and the objectives of the Framework.

Heritage

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

3.5.44 An Archaeological Desk-based Assessment (Headland Archaeology, April 2019) and Geophysical Survey (Headland Archaeology, July 2019) are submitted with the application. A number of features of potential archaeological interest are identified which will be impacted by the proposal. Lancashire Archaeology recommends a scheme for the implementation of a programme of archaeological works is submitted. Such scheme will be secured by condition; thereby ensuring compliance with Policy 39 of the Development Plan and the objectives of the Framework.

Other Matters

Compensation

3.5.45 Although not material to the outcome of the proposed development, public representation requesting compensation should be recognised in the assessment. Such compensation is provided under Part 1 of the Land Compensation Act 1973. It can be claimed by people who own land and also occupy property that has been reduced in value by more than £50 by physical factors caused by the use of a new or altered road; these include vibration, smell, fumes, smoke and artificial light and the discharge on to the property of any solid or liquid substance. Owners of property may claim a year and a day after the new or altered highway first came into public use (known as the 'first claim day'). Residents have been previously made aware of the compensation regime through public consultation prior to submission of the planning application and they are advised to seek independent advice on the legal process of claiming compensation.

Summary

3.5.46 This report assesses the full planning application for the Blackamoor Link Road and associated works road widening and associated works. In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the Local Development Plan and The Framework, in support of the Council's strategic growth objectives.

4.0 RECOMMENDATION

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

- Commence within 3 years
- Implementation of approved landscaping scheme
- Prior to commencement of development; submission of surface water drainage scheme
- Prior to commencement of development; submission of a surface water runoff construction phase management plan
- Prior to commencement of development; submission of Desk Study (including CSM)
- Prior to operational use of the development; submission of a Validation Report
- Unexpected contamination
- Implementation of Construction Management Brief (including dust suppression, highway cleansing & site operative parking)
- No tree felling / site clearance during bird nesting season (March to August)
- Implementation of approved tree felling and protection programme
- Prior to commencement of development; submission of a Dust Management Plan
- Prior to commencement of development; submission of a programme of archaeological works
- Limited hours of construction:
07:30 to 20:00 hours.
- Development in accordance with submitted details / drawing nos.

5.0 PLANNING HISTORY

5.1 No relevant planning history

6.0 CONSULTATIONS

6.1 Drainage

No objection subject to following conditions:

- Prior to commencement of development; submission surface water drainage scheme
- Prior to commencement of development; submission of construction phase surface water management plan.

6.2 United Utilities

No objection subject to following conditions:

- Prior to commencement of development; submission surface water drainage scheme

6.3 Public Protection

No objection subject to following conditions:

- Prior to commencement of development; submission of a dust management plan
- Demolition and construction activity shall only take place between 07:30 and 18:00.
- Prior to commencement of the development; submission of a comprehensive Desk Study, including CSM.
- Prior to occupation of the development; submission of a Validation Report
- Unexpected contamination

6.4 Environmental Services

No objection

6.5 Highways Authority

No objection

6.6 Highways England

No formal response offered. General observations summarised as follows:

There is now a need for a wider and comprehensive study (with associated traffic modelling) of the key local road network together with the associated M65 corridor and junctions in the Blackburn and Darwen area. Our belief is emphasised, particularly given the existing congestion problems experienced at M65 Junctions 4 and 5 (both of which are controlled by the Council) that are expected to worsen as existing committed development materialises.

In that regard, there is (more so as the emerging Local Plan progresses) a need to establish a sound, consistent and complete baseline performance picture for the road network; not only as a source for the Council's Local Plan transport evidence base, but also as a foundation for working with us to identify and establish the form of any solutions needed so that both authorities are in a favourable position to seek delivery resources. Highways England would welcome discussions with Blackburn with Darwen Borough Council to explore how this could be realised.

6.7 Property Management

No objection

6.8 Lancs. Archaeology

No objection subject to the following condition:

Prior to commencement of the development; submission of a programme of archaeological works

6.9 GMEU Ecology

No objection subject to the following conditions:

- Prior to commencement of the development; submission of a landscaping / biodiversity scheme

- Prior to commencement of development submission of a Invasive Species control / eradication Management Plan
- Prior to commencement of development submission of a Breeding Bird Method Statement
- Prior to commencement of development submission of a Badger Activity Survey

Identification of bat roost potential in buildings in the Capita 2017 survey has been previously assessed under the aforementioned 2017 application. The buildings are now demolished.

6.10 Neighbours:

Neighbour notification letters were sent to 304 properties within the locality on the 27th September 2019. In addition, site notices were posted, and a press notice was advertised in the Lancashire Evening Telegraph on the 31st October 2019. As a result of this consultation process 13 letters of objection have been received. See summary of representations in Section 9.

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

8.0 DATE PREPARED: 4th December 2019.

9.0 SUMMARY OF REPRESENTATIONS

Objection – Rachel & Jackie McDonald, 122 Roman Road, Blackburn. Rec: 14/10/2019.

Dear Mr. Prescott

Please could you take into consideration the following objections and concerns with regards to the proposed new link Road at Roman Road/blackamoor;

- 1. The moving of the POLLUTION problem from blackamoor road to directly outside the cottages on Roman Road.**
 - 2. Noise POLLUTION 24/7 from lorries travelling to the industrial estate. Possible solution to this would be a Road through walker park linking with davyfield Road to take the hgys and their POLLUTION away from residential areas.**
 - 3. Old houses and old roads being put under the stress from large vehicles.**
 - 4. Concerns over parking, safety and privacy.**
 - 5. Volume of standing traffic between new field drive and blackamoor traffic lights.**
 - 6. Traffic still backing up and queuing heading towards darwen.**
 - 7. Weight restrictions on Roman Road.**
 - 8. Leaving open blackamoor Road to take some of the strain.**
-

Objection – Pat Lever, 124 Roman Road, Blackburn. Rec: 14/10/2019

Reference Planning Application 10/19/0888 Blackamoor Link Road

Objection and Request to Attend Planning Meeting

Please note my objection to the above planning application particularly the closing of Blackamoor Road at the crossroads for the following reasons, which are in no particular order of importance.

Pollution levels on Roman Road- I understand that Blackamoor Road has high pollution levels but this will all transfer to Roman Road which already has high levels of traffic and therefore pollution. The traffic particularly HGV's will increase considerably outside our properties increasing CO2 levels that I suspect will be above national recommended levels. They will certainly exceed the levels currently experienced on Blackamoor Road as there will be double the traffic. The government is placing a high emphasis on pollution control and I think an independent survey should be undertaken centred on peak times for traffic.

Noise pollution- There will be a great increase in the noise levels as the route will be used by a greater number of vehicles across three lanes including HGV traffic which we get relatively little of now.

Congestion- Between the hours of 8am and 9am and 3pm and 6 pm the current traffic queues back from Blackamoor lights to past Lytham Road, this will be exasperated with the proposed closure of Blackamoor Road, this will cause chaos and safety issues for both drivers and pedestrians. The problem is traffic turning right at the crossroads and this will considerably worsen with only one lane in the direction of Darwen and the increased traffic turning right into Stopes Brow. Blackamoor Road should remain open.

The congestion is caused by a build-up of vehicles trying to turn right at the Blackamoor crossroads and nothing is being done to alleviate this. The plans show two lanes of traffic towards Blackburn and only one in the opposite direction which is where the traffic builds up

Age of properties in this area- the properties are all old and not constructed to stand the rigours of HGV traffic continually passing in close proximity

Road strength- We had a flood here two years ago when the weight of a passing lorry ruptured the mains water pipe that supplies Darwen. The Road is weak and the pipes beneath it are all old and liable to rupture.

Safety- Anyone leaving this row of cottages will have to negotiate across two lines of traffic in order to pull over to the left to park. I have to back onto the drive as it is unsafe to back on this will be near impossible due to the amount of traffic in both directions. If the pavement is reduced to allow parking this will form a safety hazard for pedestrians walking to work in the dark and children going to the local school

Parking- I understand there will be a parking provision but assess to this will be via a very congested three lane road which will be very dangerous both for those attempting to park and the passing traffic, We will have to back out into the traffic or pull out into the oncoming two lanes to back in against the flow of traffic

Environment- There are a lot of bats, birds and wildlife around this area which the road will have a negative impact on to quote the published report from Bowland Ecology "there will be a negative impact on the Bats, Birds and wildlife population and it is unlikely that the improvised grassland will compensate"

In my opinion the people that have devised the plan for this link round have no local knowledge.

Blackamoor Road should remain open and the council should purchase the Blackmoor pub and car park so they can enlarge this junction and then install a right turn filter on the remaining three sides the side heading to Blackburn from Darwen already has one.

Alternatively, a one- way system may work to alleviate congestion using the New Rd, Blackamoor Rd and Roman Rd as a giant "roundabout"

Re parking, pollution and structural damage I think the road should be moved over and a proper grassed area then lay by be installed as done in Guide (Haslingden Road and Blackamoor Road)

Re the Environmental damage I don't know the answer, but I do know that Bats are protected by law and these open spaces must be protected.

I and my neighbours would like to attend the attend the meeting of the planning committee and request permission to speak which I believe is possible

I hope my worries are aired at the meeting and taken into consideration

Objection – Pat Lever, 124 Roman Road, Blackburn. Rec: 18/10/2019.

After looking at the map with Councillor Andy Kay, I'd like to ask that the proposed lay by to run outside the cottages (124-114) on Roman Road be extended by several car lengths to enable me to back onto my drive and to allow for visitor parking.

Objection – Mrs Dawn Gouldthorpe, The Nook, 120 Roman Road, Blackburn. Rec: 15/10/2019.

To whom it concerns,

I write to raise my concerns and oppose the plans for the scheme incorporating the new link road between Roman Road and Blackamoor Road, Blackburn.

The issues are related mainly to the detrimental effects that the change of highway on Roman Road will have to my property, livelihood and family, if the scheme was to go ahead as planned.

I live at "The Nook" 120 Roman Road and in the middle of the stretch of road that the plans will greatly affect - the plans aim to incorporate a three lane road in-front of my house, and to close off access for traffic on Blackamoor Road. This greatly troubles me for many reasons as listed below:

1. I have concerns that the structure of Roman Road does not have the strength to withstand the volume of traffic that closing off Blackamoor Road will result in, especially with regards to the heavy goods vehicles that will now pass my house. When I am at home, I can already feel the house shake when HGV's pass by, and even hear the echo of when people run past my house - this leads me to believe that below the pathway and road there is a cavity that may not withstand the increase in traffic these plans will make.

2. There are mains water pipes beneath the road that have already burst causing major disruption and cost to the properties in the area - again with the increased traffic and weight of traffic, this will greatly increase this risk further still.

3. The volume of traffic that closing Blackamoor Road off will be unmanageable. Already the area suffers from a build up of traffic heading towards Darwen from Blackburn, and the plans aim to have two carriage ways traveling in the opposite direction to withstand the increased volume heading in that direction for the link road, due to closing off Blackamoor Road - this will result in the already queuing traffic heading towards Darwen and two lanes of queuing traffic towards Blackburn. Three lanes of constant queuing traffic right in front of my home. This is also not counting the obvious increase in traffic that building the houses will incur, when on average each household has two cars.

4. The above point leads me to raise my concerns of pollution in the area due to this standing traffic. I am aware the change is due to pollution readings at the cross roads - but clearly this is just moving the issue 150metres down the road, and therefore not resolving the issue at all. The noise pollution of this volume of traffic, especially the HGV's will also be greatly increased.

5. I have great concerns as to the safety of the road with the volume of traffic that will now be traveling past my home. My vehicles have already been collided into on several occasions whilst parked outside my property and the increase in traffic will only again increase the potential of this happening. I have a young child and the potential risk of cars and HGVs traveling at speed outside of our home is deeply troubling.

6. The privacy of my home will be greatly affected. Individuals within the already queuing traffic often look into our windows and with two further lanes of congestion the opposite way, this will be a great invasion of our private home life.

7. Parking is a concern for the properties. We have invested previously in the the kerbs being lowered and a grass verge being tarmacked to give an area for vehicles to be parked part off road, neighbors have driveways also, and it is already difficult to parallel park on the road, but to have three lanes of traffic, this will be almost impossible and a great risk to safety. However, parking is obviously a necessity for the residences as there are no other alternatives due to the land at the rear of the properties being a graveyard.

Possibly, the plans including a slip road for the private residencies to have safe parking away from the three lane carriageway could be a consideration, as there is potential with the amount of land opposite that is being used.

8. There is going to be a detrimental effect to wildlife in the area. I have seen and have footage of wild deer in the fields opposite, foxes, bats, owls and newts and these plans will only result in the negative disruption of their homes.

I understand that the local council wish to develop the town and create much needed housing, but firmly believe the proposed highway changes are ill - thought and clearly not done so by anyone local to the area. There is no sound reason why Blackamoor Road should be blocked off and creates much of the concerns stated above due to funneling the traffic in one area. The concerns of reducing pollution is laughable, when the increase of traffic on the roads in the area with the additional houses being built, and the added distance required to travel to use the link road, completely disregards this.

I hope that my concerns are taken seriously and recorded as opposition to the said plans.

Objection – Mr & Mrs Callaghan, 1 Cotswold Mews, Blackburn. Rec: 16/10/2019

Reference Planning Application 10/19/0888 Blackamoor Link Road

Objection and Request to Attend Planning Meeting

Please note my objection to the above planning application particularly the closing of Blackamoor Road at the crossroads for the following reasons:

Congestion /Pollution in the area

There is a level of pollution on Blackamoor Road and Roman Road due to the volume of traffic accessing Blackburn, Walker Park and the motorway. At present there are traffic lights on the crossroads to Blackamoor Road and Roman Road. Adding another junction and a three way set of traffic lights at Newfield Drive / Roman Road can only serve to cause further backlog of standing traffic and even more pollution. Traffic coming from Blackburn would have two places to stand rather than one. Traffic from the motorway to Darwen would have further to travel and another place to stand. Traffic and especially HGVs going to Walker Park from Darwen / Bolton direction would have further to travel and another place to stand. Traffic from Blackburn to Darwen / Bolton would have further to travel and another place to stand. It beggars belief that the new road the further standing area can be considered as part of a plan to reduce pollution. CO2 levels, especially from HGVs leaving Walker Park or going to the motorway will increase.

Diverting all the traffic to Newfield Drive junction, including the traffic from the 'growth' (planned new houses) by closing Blackamoor road will add to the congestion and pollution highlighted above. The whole area, particularly at peak periods will become a car park. Access to and from our property could become both difficult and dangerous. Blackamoor Road should stay open to traffic to alleviate the congestion. That being the case, the new proposed housing development and residents of Blackamoor Road could travel to the Darwen / Bolton direction without having to complete a longer route and standing at an additional set of traffic lights.

In our opinion the people that have devised the plan for this link round have no local knowledge and should visit the residents, preferably at a peak time to properly review the possible consequence of the proposed plans.

Road strength

Two years ago the weight of a passing lorry ruptured the mains water pipe that supplies Darwen leaving two massive craters. The Road is weak and the pipes and sewers beneath it are all old and liable to rupture with the increases use of HGVs.

Safety

Two months ago, a car leaving Cotswold Mews was in a serious collision with another traveling from Blackburn. The area is dangerous as it is without frustrating drivers with extra traffic lights and longer queuing times. Should these ludicrous plans get the go ahead, we would like assurance that provision will be made for ourselves to enter and leave our property without increased danger or having to aggravate others.

Environment

There are a lot of bats, birds including owls and wildlife around this area which the road will have a negative impact on to quote the published report from Bowland Ecology "there will be a negative impact on the bats, birds and wildlife population and it is unlikely that the improvised grassland will compensate". It is our belief that making the changes proposed will be breaking the environmental laws of this country. **Although the effect on wildlife does get a mention in the planning report, the loss of habitat has not been addressed.**

Suggested improvements from local knowledge

1. Blackmoor Road should remain open and the council should purchase the Blackmoor pub and car park so they can enlarge this junction and then install a right turn filter on the remaining three sides the side heading to Blackburn from Darwen already has one.
2. Build a motorway junction between junction 4 and 5 of M65 to take HGVs to industrial areas without congesting and polluting the roads as in the planned proposals.
3. Take the link road down to junction 4 of M65 so that Roman Road and Blackmoor Roads are relieved. Particularly sign the road for HGVs rather than Roman Road and Blackmoor Road. Junction 4 is a large roundabout access and so there is less likelihood of long standing traffic and less residents for it to effect.
4. Establishing a proper lay by to Roman Road cottages and Cotswold Mews entrance to take traffic away from the direct front of houses, reducing CO2 pollution and noise pollution.

Additional information with regards new building developments

It is our understanding that development is to be undertaken with regard building plans in the area. We are concerned that at the area close to the reservoir there used to be prefab housing which contained a significant amount of asbestos. When these buildings were demolished, we believe that the asbestos remained underground. Building on / around this land could disturb the asbestos, releasing dangerous fibres into the atmosphere. This would put all residents and users of the area at risk of asbestos poisoning.

We would like to attend the meeting of the planning committee and request permission to speak.

We also hope that our area is attended and discussed with us, resulting in a proper review undertaken taking into account our concerns.

Objection - Kevin Fox, 145 Blackamoor Road, Blackburn, also on behalf of Mrs J Burke, 143 Blackamoor Road, Blackburn, Mrs L Fielding, 147/149 Blackamoor Road, Blackburn, Mr & Mrs E McVey, 151 Blackamoor Road, Blackburn & Mrs J Taylor, 153 Blackamoor Road, Blackburn. Rec: 17/10/2019

FAO, Mr Nick Blackledge.

13th October 2019

Dear Sir,

Planning Application 10/19/0888

Full planning application - link road between Roman Rd and Blackamoor Rd.

I write with reference to the above application on my own account and also on behalf of my neighbours residing at No's 143, 147, 149, 151 and 153.

Our properties are by reference to your plan situated at the South side of the development site adjacent to the new proposed junction which joins Blackamoor Rd to the new link road. As such the new road passes in very close proximity to the rear of our properties, we are therefore singularly affected by this proposal unlike any other properties on Blackamoor or Roman roads.

Having examined the proposal and supporting documentation I make the following observations some of which I feel must be actioned prior to prior to granting permission.

- 1) I have seen little evidence of investigations relating to the previous use of Guide Square, a brownfield section of the full site. The only mention of a previous use is within S4.5 of the Flood Risk Assessment which states that Guide Square had pre-fab Housing built Post war and demolished in the 1970'. I am personally aware and have photographic evidence (attached) that these prefabs constructed of "Asbestos Cement sheet" on a timber frame were simply demolished with much debris ploughed into the site. As such if the sheets contained asbestos then this will still exist within the soil on Guide Square. Should these cement sheets have contained Chrysotile, Amosite or Crocidolite then as long as this remains undisturbed then there is little reason for concern however your planned road runs over the area where at least some 10 houses were situated. I require further information.
- 2) Given the above scenario the Air Quality Assessment section 5.2 relating to Construction dust is totally incorrect and would require reassessment following soil investigations. It is also worthy to note that our 6 properties are also the only properties which will have major issues with dust. We can all provide strong evidence of this issue from your recent soil investigation works where Capita contractors used the Higher House Farm site as a base and prior to that demolition works last year of the Farm itself. Both schemes used the farm access road and what we had to put up with was totally unacceptable.
- 3) Other issues of air quality would be on completion of the road when we 6 properties will enjoy traffic to both the front and rear of our properties with HGV's also still at the front. In fact we shall probably be in a much worse position as the heavy traffic which used to run up Blackamoor Rd, will now be North (the rear) of our properties, and as wind direction is predominantly from the NW, this will increase our exposure to dust and fumes.

- 4) Lighting - only a few years ago lighting on Blackamoor Rd was upgraded to 10 metre standards with LED fittings which has lit the road considerably enabling a view the full length of the road during darkness hours, with a lighting standard adjacent to our property bathing our house frontages in light. Additional light fittings to the wall of Sally Salon for car park lighting provides an issue of light pollution to our properties. I append letter of complaint sent to Sally Salon and response from them, the solution which has still to be initiated. Further we experience vehicle lights from the Sally Salon car

park and from HGVs exiting the same property. The solution for I and my neighbours to prevent these intrusions is to close curtains and blinds immediately at sunset. Additionally some residents have moved to the rear bedrooms where possible to benefit from the darker rear area. This proposed road is to be installed with similar light standards and fittings which will bathe the rear of our properties in light leaving our properties surrounded in light 24/7.

- 5) Noise - over the last 10 years noise pollution has become what can only be described as "unacceptable". As Roman Rd site has been developed we have experienced more and more HGV's servicing the various industries on that site. Additionally HGV traffic to and from the Sally Salon entrance which brake directly outside our properties when entering and of course accelerate and change gear outside our properties when exiting the site. The other change during this period has been the amount of HGV traffic passing at night, invariably at speeds far exceeding the speed limit which is both extremely noisy and creates tremors which regularly awaken us from sleep. Other additional noise nuisance comes from emergency vehicles, motorcycles and sports cars / boy racers trying to break their previous speed records plus vehicles arriving and leaving the Sally Salon car park. With the proposed link road we are now to be exposed to noise at the rear of our properties still with HGV and other traffic to the front. Your noise assessments accept that noise levels will be " high" to both the front and rear of our properties without reference to our neighbour Walker Park. The assessment makes reference to screening and specialised glazing for new build but makes no reference to our particular properties at this stage, simply to the design of new build to cope with noise. Within table 4 there is listed a number of glazing solutions to assist a worst case design. None of our properties have such a glazing specification. My property has 14no large windows and the cost of replacement windows to such a specification would be extremely costly. It is quite unacceptable for this development to inflict such costs on residents.

- 6) Ecology. A number of well established trees (G8) to the rear of numbers 147 - 153 will be felled as they lie in the middle of your proposed road. These have a bat population so this must be considered before any action. Red Grouse (Amber listed RSPB) and Pheasant also nest in the area of Higher House Farm / Guide Square. I have videos of these feeding in my back garden). Further up Blackamoor Rd a large number of trees (G1, G8) verging the South boundary of Guide Square will also be felled. Within section 4 of the Design and Access statement it is stated that all felled trees will be replaced on site. This means anywhere on site and the Statement "aesthetically pleasing and a visually interesting balance of hard and soft landscaping" is nothing more than "speak!". We would like to see specific proposals which replaces our lost trees in a far higher ratio than one for one. This would show some commitment to combatting carbon emissions and retain some of the current rural aspect of our residential area.
- 7) Revenue costs for lifecycle and maintenance.- I can see no evidence that the decision makers of this scheme understand the future additional costs of creating this road. It will require under 7.4 of the flood risk assessment certain annual and event maintenance procedures in addition to gully cleaning, street cleansing, lighting maintenance, revenue electrical cost of lighting, and the road will require repair /replacement in future years (lifecycle). I mention this as Blackamoor Rd never sees a street cleaner, more than 50% of road gullies are blocked which results in rivers at the kerb when we have rainfall. We residents regularly collect cans, bottles, fast food rubbish and other items of detritus from both our frontages and areas higher up the road because this is not done by BwD. How can new facilities such as this road be built without acceptance of the required maintenance?

Given the above comments I believe that further comment and debate needs to be made prior to granting Planning Permission and that further investigation relating particularly to our particular residences needs to be undertaken including a meeting with the residents.

We are aware that in cases of road building one can claim for loss of value on the property following the build however such does little to compensate for having to reside in an unacceptable environment created by your road development.

Mr J. Kevin Fox

Cc. Mrs. J. Burke.	143 Blackamoor Rd.
Mrs. L. Fielding.	147/149 Blackamoor Rd
Mr & Mrs. E. McVey.	151 Blackamoor Rd
Mrs. J. Taylor.	153 Blackamoor Rd.

Objection - Kevin Fox, 145 Blackamoor Road, Blackburn, also on behalf of Mrs J Burke, 143 Blackamoor Road, Blackburn, Mrs L Fielding, 147/149 Blackamoor Road, Blackburn, Mr & Mrs E McVey, 151 Blackamoor Road, Blackburn & Mrs J Taylor, 153 Blackamoor Road, Blackburn. Rec: 17/10/2019

Recent upgrade of lighting to your Car Park.

I write with regard to recent changes made to the lighting affixed to your building, providing light to your car park.

The issue for myself and my neighbours is that this light is causing an issue of light pollution to our properties.

In normal car park situations lighting would be provided by the installation of light bollards fitted with a luminaire to provide suitable levels of down light to the car park area. Such would be situated to provide forward light to the area to be lit with some light escape to the rear (backlight) and above (uplight). The latter two are periphery escaping light and along with reflected light will provide light to areas not intended to be lit.

In your case of your lighting installation you have not lit from light bollards or standards on the car park area, but have utilised wall mounted luminaires fitted to the your building walls opposite to our properties. The lights are glaringly bright and the angle to which they are set not only light your car park to almost daylight conditions but also lights the whole frontage of our properties and all rooms internally to the front elevation. Your lights even cast a shadow of the full outline of our properties onto the fields to the rear of our houses. My garage apex roof which is 4 metre high can be clearly seen as a shadow extending some 40 metres into the field at the rear. Similarly if I stand to the front of my drive my shadow length is 17metre when my height is approximately 1.75metre.. This is clear evidence that your lights are set too high and are thus clearly not acceptable.

Whilst we have no objection to you providing a safe environment for your employees, we do think that your responsibility for such lighting should stop at your boundary with the exception of some, "escaping or reflected light. You must appreciate that we already have issues with your employees vehicles who park facing our properties and who already provide great annoyance when leaving the car park on dark evenings (sometimes sitting in their vehicles for several minutes with engines running and head lights shining directly onto our properties, so the wall mounted lights provide a greatly additional nuisance.

As such I request the the lighting is adjusted downwards to ensure that that the concentrated light coverage extends only to the periphery of your car park thus removing the current issue of light pollution to our properties.

I would ask that you respond to this letter with your advises by Saturday 6th April 2019.

Dear Mr Fox,

Thank you for your letter dated March 26th 2019 with reference to the recent upgrade of lighting in our car park.

There has not been any upgrade of lighting recently, but, there has been a repair to the existing lighting that had been out for many weeks.

The repair was to the same specification that we have had for many years.

But, taking into account your query with regards to light pollution to you and your neighbours we have had a review of the current situation.

This review will mean that we will, at the earliest opportunity, reduce the angle of the current fittings or put a suitable cover over the light.

Either option should alleviate the complaint you currently have.

With regards to clarity, the reference to "the earliest opportunity" means that we have to hire specific equipment to get to the height requirement and this could take several days, possibly over a week.

On top of this we are also going to look at the current fittings to ascertain that we can use a different, appropriate light of lesser power as an alternative to what we have.

Please accept my apologies for the light pollution and intrusion.

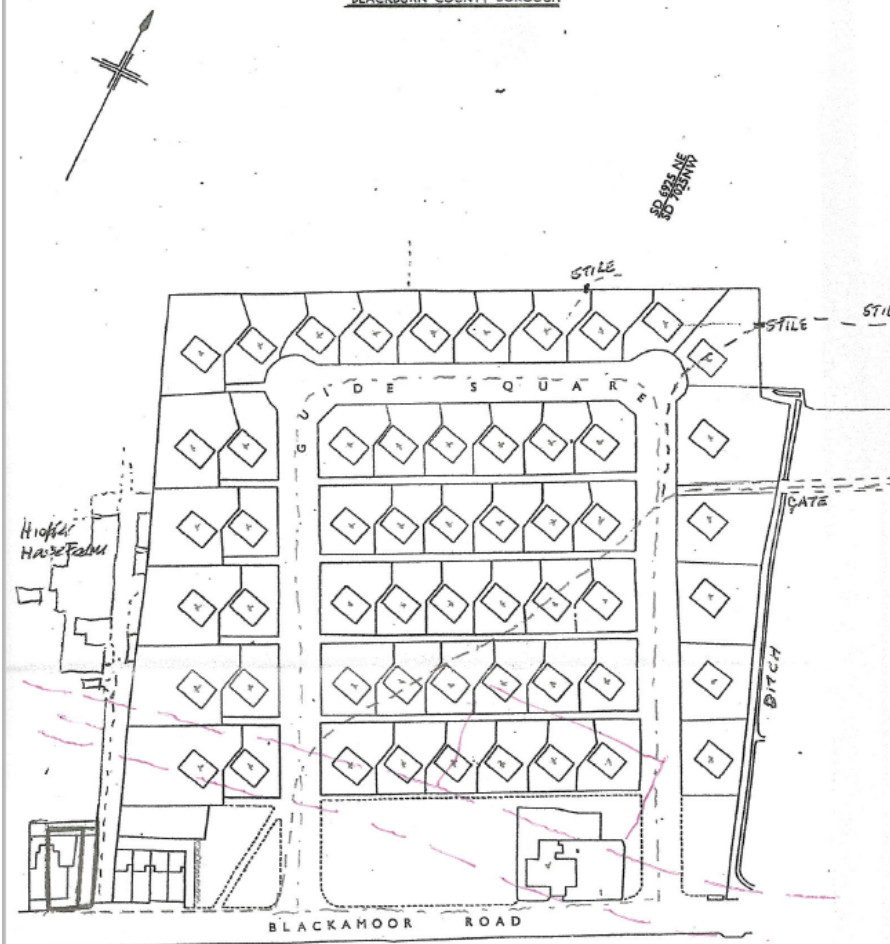


H. M. LAND REGISTRY

NATIONAL GRID PLAN SD 6925 SECTION C
(BLACKBURN)

Scale 1/1250

BLACKBURN COUNTY BOROUGH



MR. BILLYDAS DEMAI SUND LATE LOT 2

Objection – Mr & Mrs Birkbeck, 114 Roman Road, Blackburn. Rec: 17/10/2019

Reference: Planning Application 10/19/0888 Blackamoor Link Road

Objection to the above Planning Application.

We have very strong opposition to the proposed plans for the following reasons:-

1. Volume of traffic/ Vibration Damage to property
2. Privacy
3. Air pollution
4. Noise Pollution
5. Parking availability
6. Property Valuation.

1. The volume of traffic and the vibrations from the wagons and lorries will cause damage to our property. Our home(114 Roman Road) was built in 1870 and was not built to withstand the punishment that heavy traffic will cause. Prevention is better than cure and **we are not prepared to sit by and have the threat of possible damaged done to our property in any way shape or form.**

By diverting the traffic away from Blackamoor Road on to Roman Road and to the proposed new road layout at Roman Road and Newfield Drive, the volume of traffic will be ridiculous. Roman Road is already very congested and with the proposed 3 lanes of traffic outside our house to enable traffic to flow through faster, it will not work. The problem will be at the traffic lights at the corner of Roman Road and Stopes Brow when turning right.

2. If traffic lights are put at the corner of Newfield Drive, all the houses will lose all privacy. The traffic will queue up right outside the front of our homes. Traffic already queues from the lights at Roman Road and Blackamoor Road way past Newfield Drive going towards Darwen, not only at peak times but at other times during the day. If the proposed new road goes ahead there will be constant traffic queues right outside the front of our homes that will invade our privacy and will cause noise and air pollution. It will make it impossible to have our bedroom windows open at any time. The noise from the wagons, lorries and other traffic that come past early morning will inevitably cause disruption to our sleep patterns which is definitely not healthy. There is also a children's Nursery at the far side of Newfield Drive, the noise and air pollution will definitely not be good for them and the volume of traffic will be a safety issue.

4. With the greater volume of traffic the noise pollution will also increase.

5. The proposed parking lay by for the residents is a very good idea. However it needs to be longer than has been proposed to enable residents that park on their own property to have access. Access to our property, to Cotswolds Mews, the land adjacent to 110 and to 124 will be virtually impossible due to the 3 lanes of traffic as we have to go across the road in order to reverse on to our property.

If the new road layout goes ahead, we will require access to our land **AT ALL TIMES**.

We are not prepared to park our vehicles anywhere else as the last time we had to park on the road because of the water pipe burst my car was vandalized so that will not be an option.

6. The new proposed road plans will devalue the price of our homes.

Alternative routs have already been mentioned to you. You could make Roman Road between Newfield Drive and Blackamoor Road an ACCESS ONLY area, as you did at Guide and take the road further into the fields, that would solve all the problems for all the residents on Roman Road.

We are not happy to have a proposed housing estate in the fields opposite our home. These fields have always been a Green belt area. The proposed 150 houses will also add to the air pollution as each house will have 1-2 vehicles. Where are the provisions for schools, doctors and dentist's? There doesn't seam to be anything in place to accommodate these. We have received letters from the Water Board for the last two years warning of possible threats of the banks breaking on the reservoirs. If this is a threat than it is not a wise decision to build houses so close to the reservoirs.

I trust that you will take note of all the points mentioned and use an alternative route for the road.

Objection – Mr Craig Gouldthorpe, The Nook, 120 Roman Road, Blackburn. Rec: 18/10/2019.

To whom it concerns,

I write to raise my concerns and oppose the plans for the scheme incorporating the new link road between Roman Road and Blackamoor Road, Blackburn.

The issues are related mainly to the detrimental effects that the change of highway on Roman Road will have to my property, livelihood and family, if the scheme was to go ahead as planned.

I live at "The Nook" 120 Roman Road and in the middle of the stretch of road that the plans will greatly affect - the plans aim to incorporate a three lane road in-front of my house, and to close off access for traffic on Blackamoor Road. This greatly troubles me for many reasons as listed below:

1. I have concerns that the structure of Roman Road does not have the strength to withstand the volume of traffic that closing off Blackamoor Road will result in, especially with regards to the heavy goods vehicles that will now pass my house. When I am at home, I can already feel the house shake when HGV's pass by, and even hear the echo of when people run past my house - this leads me to believe that below the pathway and road there is a cavity that may not withstand the increase in traffic these plans will make.

2. There are mains water pipes beneath the road that have already burst causing major disruption and cost to the properties in the area - again with the increased traffic and weight of traffic, this will greatly increase this risk further still.

3. The volume of traffic that closing Blackamoor Road off will be unmanageable. Already the area suffers from a build up of traffic heading towards Darwen from Blackburn, and the plans aim to have two carriage ways traveling in the opposite direction to withstand the increased volume heading in that direction for the link road, due to closing off Blackamoor Road - this will result in the already queuing traffic heading towards Darwen and two lanes of queuing traffic towards Blackburn. Three lanes of constant queuing traffic right in front of my home. This is also not counting the obvious increase in traffic that building the houses will incur, when on average each household has two cars.

4. The above point leads me to raise my concerns of pollution in the area due to this standing traffic. I am aware the change is due to pollution readings at the cross roads - but clearly this is just moving the issue 150metres down the road, and therefore not resolving the issue at all. The noise pollution of this volume of traffic, especially the HGV's will also be greatly increased.

5. I have great concerns as to the safety of the road with the volume of traffic that will now be traveling past my home. My vehicles have already been collided into on several occasions whilst parked outside my property and the increase in traffic will only again increase the potential of this happening. I have a young child and the potential risk of cars and HGVs traveling at speed outside of our home is deeply troubling.

6. The privacy of my home will be greatly affected. Individuals within the already queuing traffic often look into our windows and with two further lanes of congestion the opposite way, this will be a great invasion of our private home life.

7. Parking is a concern for the properties. We have invested previously in the the kerbs being lowered and a grass verge being tarmacked to give an area for vehicles to be parked part off road, neighbors have driveways also, and it is already difficult to parallel park on the road, but to have three lanes of traffic, this will be almost impossible and a great risk to safety. However, parking is obviously a necessity for the residences as there are no other alternatives due to the land at the rear of the properties being a graveyard.

Possibly, the plans including a slip road for the private residencies to have safe parking away from the three lane carriageway could be a consideration, as there is potential with the amount of land opposite that is being used.

8. There is going to be a detrimental effect to wildlife in the area. I have seen and have footage of wild deer in the fields opposite, foxes, bats, owls and newts and these plans will only result in the negative disruption of their homes.

I understand that the local council wish to develop the town and create much needed housing, but firmly believe the proposed highway changes are ill - thought and clearly not done so by anyone local to the area. There is no sound reason why Blackamoor Road should be blocked off and creates much of the concerns stated above due to funneling the traffic in one area. The concerns of reducing pollution is laughable, when the increase of traffic on the roads in the area with the additional houses being built, and the added distance required to travel to use the link road, completely disregards this.

I hope that my concerns are taken seriously and recorded as opposition to the said plans.

Objection - Alison Smith, 110 Roman Road, Blackburn. Rec: 22/10/2019

To whom it may concern

I am absolutely distressed and horrified by your proposals to put traffic lights directly outside my home due to the new road development and strongly object to this and the effect it will have on my families health, my property and my privacy.

My primary reasons being: pollution, access, noise and structural damage that will be caused to my property.

We have a piece of private land at the side of our house where we park our cars. How are we going to have access to this land? Where are our family and friends going to park?

Has any consideration been given to access for emergency vehicles? I have recently suffered the very sudden and tragic loss of my husband when emergency response teams had to attend.

Also, this will be a great invasion of my privacy having cars and heavy goods vehicles tailed back outside my home as I am not set back from the road. My property is on the main road, it is over 300 years old and will not withstand the vibration.

I have my two young grandchildren on a regular basis who play in my garden in the summer. Where are they going to play without the risk of inhaling toxic fumes? Adjacent to my house, is a baby nursery. Have you considered the pollution you are causing for them?

I strongly request that you consider making the stretch of Roman Road from Newfield Drive to Blackamoor access only for residents as also my neighbours will have nowhere to park, or an alternative suggestion take the link road from the industrial estate up to the motorway.

I have spent a great deal of money on my property over the last seven years. This will completely devalue my home. Who wants to buy a property with traffic lights, pollution and noise? I have an envirovent system which filters clean air into all my bedrooms. All it will do if this goes ahead is draw in more toxic fumes. I will not be able to open my bedroom windows and will not be able to sleep because of the noise and pollution. My council tax band is the highest on this road being band D and I have got the worst possible scenario directly outside my home.

In July 2015, a drain collapsed outside my home. I have ~~enclosed~~ enclosed photographs that evidence the structural damage that was sustained to my property as a direct result of the sheer volume of HGV and the subsequent vibration that they caused when the repairs were carried out.

Not only are you poisoning my family – you will destroy my home.

Please could you arrange another meeting for myself and the residents, I spoke to an engineer at the first meeting who said he will be in touch but have heard nothing.

Objection - Julian Gunton, 11 New Meadow Close, Blackburn. Rec: 26/10/2019.

I, Julian Gunton of 11 Newmeadow Close Blackburn, strongly object to the proposed planning application (10/19/0888) to build a new link road next to my property. It is stated in the application that the new road would improve air quality at Blackamoor junction (which is a designated Air Quality Management Area) and reduce congestion. However if built, all that will be achieved is moving these issues further along Blackamoor Road to the newly constructed road junction which would sit right next to my property. This in turn will increase traffic adjacent to my property increasing pollution, traffic noise and vibration, and as also stated in the application that it would open land for further light commercial and domestic development thus again increasing pollution, traffic noise and vibration from the increased traffic in the local area. Notwithstanding the noise levels whilst under construction and built, I note from the maps of the application that once funding could be achieved there is every likelihood of this link road being continued down Newfield Drive at a future date. In the long term this road would also decrease the value of my property and make it extremely hard to sell unless sold for at a very large reduced rate, for which I would seek compensation from the local authority for.

Objection – Lisa Walmsley, Pickering Fold, Blackburn. Rec: 27/10/2019

Dear Sir/Madam,

I am writing with regards to the proposed new link road at land between Roman Road and Blackamoor Road.

I live on Pickering Fold and feel the new link road is going to extend my journeys due to the already difficult task of exiting Pickering Fold and then have to drive the extra distance of the link road. Also returning to Pickering Fold from junction 5 of the M65, the journey will be extended as I will no longer be able to drive straight down Blackamoor Road and turn left.

Would it not be possible somehow to not block the bottom of Blackamoor Road off and only allow vehicles turning left to go down it. This would help residents of Pickering Fold and ease some congestion at the link road.

Objection – John Haworth, 6 Blackamoor Road, Blackburn. Rec: 01/11/2019.

Attention Gavin Prescott

Whilst the idea in principle to improve the air quality at the Roman Road/Blackamoor Road sounds fine, although the same traffic will still be passing the Blackamoor Inn and the shop, it is the proposal to block up the road junction at the bottom of Blackamoor Road that is a very big issue.

As a resident who only lives 25 metres from that junction, it is going to be exceptionally inconvenient if I wish to drive to either Darwen or Ewood to have to drive up Blackamoor Road, along the new link road, and then along Roman Road to get back at the same junction. My family live in Darwen and I make that journey on a regular basis.

The idea of moving the traffic away from in front of my house certainly has benefits in reduced noise levels and no wagons blocking my light whilst waiting at the lights, but the inconvenience of the blocked junction outweighs the benefits.

It is of course not just me, who would be inconvenienced, but residents of 21 to 41, and 2 to 36 Blackamoor Road, who would have to drive the "wrong" way to get across the junction.

There is also the added time to be taken by emergency vehicles by having to travel further distance on the new road.

There are 30 properties affected by this idea, so a proposal is to keep the junction open with the existing 4 arm traffic lights, but open the Junction to **residents only** in the house numbers as above and to emergency vehicles. A permit could be granted for these 30 properties.

I realise that the situation is still in now in a full planning stage stage and that planning permission has to be obtained, but I would like you to consider the proposals which in theory would keep everybody happy.

Also, I have read that the pedestrian access in crossing Roman Road next to the pub car park is to be improved, and I would stress that this is such an important issue as currently as it is very difficult to currently cross even with one set of lights on red, as vehicles then come round the corner from Stopes Brow at speed.

Objection – Kathryn Jarvis-Dumsday, 9 New Meadow Close, Blackburn. Rec: 09/11/2019

To Whom it may concern,

I, Kathryn Jarvis-Dumsday, of 9 Newmeadow Close, Blackburn am writing to put forward my objection to the planning application 10/19/0888.

Within the application it states that by moving the link road, you will be improving the air quality at the Blackamoor junction, however, my belief is that you are simply moving the air pollution and ,consequently, the traffic congestion to another area, which is situated right next to my property. By placing the new link road next to my property, it will increase air pollution, noise pollution, vibration and traffic volume in the local area. This does not take into account the months of construction noise and travel disruption this will cause.

From the application, I can also see that there is potential for this link road to be continued down Newfield Drive, should funding be allocated. In the long term, I believe that this will not only affect the air quality, traffic noise and traffic volume, but the value of my house will also suffer, and being so close to this link road would make my property difficult to sell at a reasonable price. If this were to be the case, I would proceed to seek compensation from the relevant local authorities.

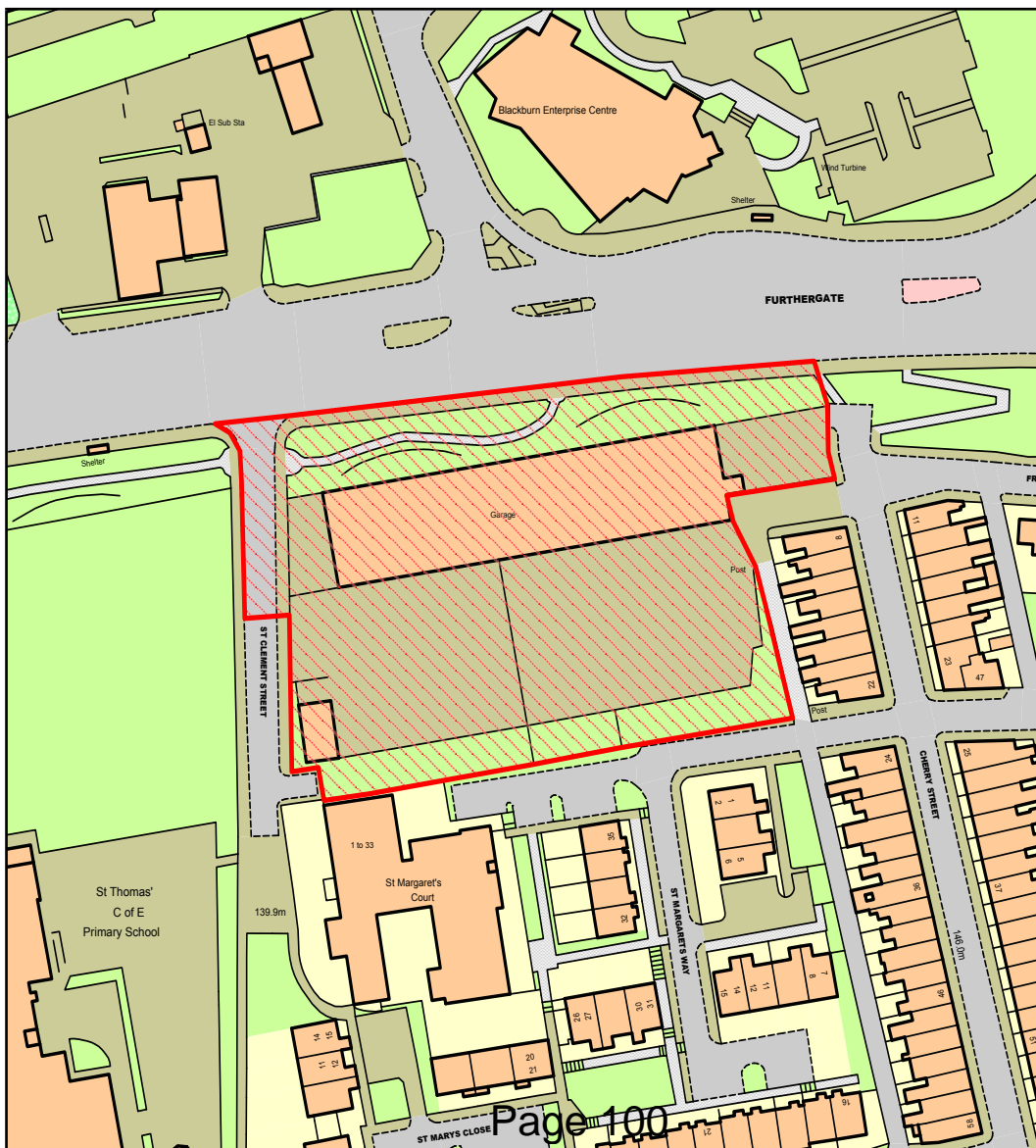
Please do not hesitate to contact me further.

Proposed development: Minor Material Amendment for Variation of Condition No's 5, 11, 13, 20 and 23, pursuant to planning application 10/18/1094 "Demolition of existing building and the erection of a Lidl store (Use Class A1) with associated works including improved access, parking area and landscaping" - to amend site layout to provide for proposed removal of Cherry Street egress and boundary treatment amendments.

**Site address:
Furthergate Works
St Clement Street
Blackburn
BB1 1AB**

Applicant: Lidl Great Britain LTD

**Ward: Audley & Queens Park
Councillor: Yusuf Jan-Virmani
Councillor: Maryam Batan
Councillor: Salim Sidat**



1.0 SUMMARY OF RECOMMENDATION

1.1 REFUSE – For reasons set out in paragraph 4.1

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 Members are advised that the application is submitted under Section 73 of the Town and Country Planning Act 1990, as a Minor Material Amendment. It seeks to vary conditions attached to planning permission granted in May 2019, by the Planning and Highways Committee, for demolition of an existing building and erection of a Lidl store (Use Class A1) with associated access, parking and landscaping. The fundamental change proposed to the development previously approved *is the removal of a secondary point of egress on to Cherry Street, to the east of the site, by means of introducing additional boundary treatment in the form of an extended fence line.* As a proposed amendment to the approved site layout, conditions referencing the approved site layout drawing number in relation to boundary treatments, electric vehicle charging points and landscaping would also be varied accordingly. Full details of the proposed variations to the conditions are set out at paragraph 3.2.1.
- 2.2 The application follows dialogue with Ward Members and local residents. Since approval of the original application, local residents have expressed concern about the potential volume of traffic to be generated along Cherry Street and resultant impact on highway efficiency. This is notwithstanding the absence of local objection during the original application process. Some local residents, however, insist that they were not consulted on the proposed egress. Council records in this regard evidence that consultation letters were issued on 2nd April 2019 and site notice were displayed, following receipt of an amendment to the original submission to provide for the egress.
- 2.3 The key issue in the determination of the application is the impact of the closure of the proposed egress on highway safety and efficiency, taking into account the pressures on the junction at St. Clements Street / Furthergate; in particular the volume of traffic attempting to turn right out of St. Clements Street onto Furthergate. Rationale applied to the secondary egress was to limit such movement by allowing local traffic a safer and convenient alternative route. The detailed assessment applied to the original application is set out in the in the assessments section at paragraph 3.5.
- 2.4 Members are accordingly advised that justification for removal of the egress from the approved scheme does not exist, on account that no material change in circumstance, to those that applied at the time of the original assessment, is identified. Nor is an offer of alternative mitigation presented, to alleviate concern as to the volume of right turning traffic onto Furthergate.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 To reiterate the content of the original Committee Report, the site is described as follows:
- 3.1.2 Furthergate Works is currently occupied by Fix Auto. It is located within the Inner Urban Area of Blackburn, to the immediate south of Furthergate - a length of the A678 arterial road that leads into Blackburn Town Centre - and is flanked by Cherry Street to the east and St. Clement Street to the west. An industrial building exists along the northern boundary adjacent to Furthergate with an associated parking / servicing area to the rear. A length of landscaped verge adjacent to Furthergate is also included which runs the length of the site. The site is essentially rectangular, extending to circa 0.87 hectares, with the existing building occupying a floor area of circa 1,733 square metres. Land levels throughout the site are consistent.
- 3.1.3 The area is generally defined by its mixed use character. Land to the north of Furthergate hosts a range of commercial uses. Land to the immediate west hosts St Thomas C of E Primary School and associated playing fields. Land to the south and east hosts residential terraces and cul-de-sacs.
- 3.1.4 The length of the A678 that is Furthergate comprises, in part, 6 lane traffic including a dedicated bus lane and 'ghost island'. The road forms a dominant physical separation between the allocated employment area to the north and the residential area to the south.
- 3.1.5 Vehicular access to the site will be from the east of St. Clements Street, close to its junction with Furthergate. Pedestrian connectivity is provided by footways along Furthergate and from the neighbouring residential street network.
- 3.1.6 The site is well served by the public transport links that run along Furthergate, which forms part of the wider Pennine Reach network.
- 3.1.7 The site is unallocated, in accordance with the Blackburn with Darwen Borough Local Plan Part 2, Site Allocations and Development Management Policies.

3.2 Proposed Development

- 3.2.1 Following the aforementioned grant of planning permission, the current proposal is for a Minor Material Amendment for variation of condition nos. 5, 11, 13, 20 and 23 - pursuant to planning application 10/18/1094 – described as: Demolition of existing building and the erection of a Lidl store (Use Class A1) with associated works including improved access, parking area and landscaping" - to amend site layout to provide for proposed removal of Cherry Street egress and boundary treatment amendments.

3.2.2 The following condition variations are proposed:

Condition no. 5 - original wording applied to 10/18/1094:

Prior to above ground works hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority that details the technical design of the junction improvements proposed at St. Clements Street / Furthergate and to the egress at Cherry Street. The scheme shall include a Cherry Street egress only restriction for customer/staff vehicles excluding deliveries. The approved scheme shall be implemented prior to commencement of the approved use and shall be retained in perpetuity thereafter.

REASON: To provide for the safe, efficient and convenient movement of all highway users, in accordance with Policy 10 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

Proposed variation:

Prior to above ground works hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority that details the technical design of the junction improvements proposed at St. Clements Street / Furthergate. The approved scheme shall be implemented prior to commencement of the approved use and shall be retained in perpetuity thereafter.

REASON: To provide for the safe, efficient and convenient movement of all highway users, in accordance with Policy 10 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

Condition no. 11 – original wording applied to 10/18/1094:

All boundary treatments hereby approved, including the 2.4m high' Acoustic Timber Fence', shall be implemented prior to commencement of the approved use; in accordance with drawing no. AD 120_REV A and shall be retained in perpetuity thereafter.

REASON: In order to ensure appropriate boundary treatment, in the interests of visual amenity and noise attenuation; in accordance with Policies 8 and 11 of the adopted Blackburn with Darwen Borough Local Plan.

Proposed variation:

All boundary treatments hereby approved, including the 2.4m high' Acoustic Timber Fence', shall be implemented prior to commencement of the approved use; in accordance with drawing no. AD 120_REV B and shall be retained in perpetuity thereafter.

REASON: In order to ensure appropriate boundary treatment, in the interests of visual amenity and noise attenuation; in accordance with Policies 8 and 11 of the adopted Blackburn with Darwen Borough Local Plan.

Condition no. 13 – original wording applied to 10/18/1094:

Prior to commencement of the use hereby approved, the fast charger station serving 2no. Rapid Electric Vehicle charging points shall be provided; in accordance with the position indicated on the approved site layout drawing numbered AD 121_REV A.

REASON: In the interests of air quality and protection of public health; in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

Proposed variation:

Prior to commencement of the use hereby approved, the fast charger station serving 2no. Rapid Electric Vehicle charging points shall be provided; in accordance with the position indicated on the approved site layout drawing numbered AD 110_REV B.

REASON: In the interests of air quality and protection of public health; in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

Condition no. 20 – original wording applied to 10/18/1094:

Prior to commencement of the use of the hereby approved, all hard landscape treatments shall be implemented; in accordance with the 'Proposed Site Finishes' drawing numbered AD 121_REV A. Soft landscaping shall be implemented within the first available planting season after completion of the development; in accordance with the 'Landscape Details' drawing numbered R/2162/1G, which shall also include Cherry Blossom Tree species. Any trees and shrubs dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: To ensure an appropriate appearance to the site; in the interests of visual amenity and ecology, in accordance with Policy 9 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

Proposed variation:

Prior to commencement of the use of the hereby approved, all hard landscape treatments shall be implemented; in accordance with the 'Proposed Site Finishes' drawing numbered AD 121_REV B. Soft landscaping shall be implemented within the first available planting season after completion of the development; in accordance with the 'Landscape Details' drawing numbered R/2162/1G, which shall also include Cherry Blossom Tree species. Any trees and shrubs dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: To ensure an appropriate appearance to the site; in the interests of visual amenity and ecology, in accordance with Policy 9 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

Condition no. 23 – original wording applied to 10/18/1094:

Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

AD 101, AD 102, AD 105, AD 110_REV A, AD 111_REV A, AD 112_REV A, AD 113_REV A, AD 120_REV A, AD 121 REV A and R/2162/1G.

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

Proposed variation:

Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

AD 101, AD 102, AD 105, AD 110_REV A, AD 111_REV A, AD 112_REV A, AD 113_REV A, AD 120_REV A, AD 121 REV A and R/2162/1G.

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3.3 Development Plan

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal, policies limited to highway accessibility and transportation consideration are of relevance:

3.3.3 Blackburn with Darwen Core Strategy (2011).

3.3.4 Blackburn with Darwen Local Plan Part 2 (2015):

- Policy 8: Development and People
- Policy 10: Accessibility and Transport
- Policy 11: Design

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (The Framework) 2019:

The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. At its heart is a presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified. The following section of the Framework is considered relevant to assessment of the proposal:

- **Section 9: Promoting Sustainable Transport**
Transport issues should be considered at the earliest stages of plan making and development proposals, so that the potential impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; opportunities to promote walking, cycling and public transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

3.5 Assessment

3.5.1 Assessment of the application is limited to the minor material amendment proposed; ie. removal of the approved egress onto Cherry Street. All other matters have been appropriately assessed through the original application and are mutually agreed as acceptable.

3.5.2 Members are reminded of the highway assessment applied to the original application:

Accessibility and Transportation

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

A Transport Statement (TS) submitted in support of the application has been reviewed by Capita Highways and the Council's highway consultee; supplementing detailed drawings which propose an alteration to the St. Clements Street / Furthergate junction in the form of widening the radii and realignment of the footway. These works are supported and would be delivered under a Section 278 agreement with the Local Highways Authority to be secured by applicant, in the form of an appropriately worded condition.

The primary access / egress at the site will be taken from the existing point east of St. Clements Street. Initial concern was expressed at the proximity to the St. Clements Street / Furthergate junction – measured at circa 30m – and the threat of queuing traffic onto Furthergate. The existing circumstances associated with the industrial use are, however, recognised as having the potential to generate a higher volume of heavy goods vehicular movement which is considered to balance out concern in this regard; on account that the proposed use will not present a significant additional threat to highway efficiency or safety.

Significant concern was also expressed at the frequency of traffic movements at the St. Clements Street / Furthergate junction, particularly with regard to right turn manoeuvres onto Furthergate. Consequently, utilisation of an existing egress contiguous with adopted highway, directly onto the northern most point of Cherry Street, has been negotiated with the applicant. This is rather than the alternative existing access / egress immediately adjacent to no. 8 Cherry Street, on account of this land being outside of the ownership of the applicant. Use will be limited to egress

only and will serve as an effective alternative to the St. Clements Street / Furthergate junction, particularly for local traffic; thereby alleviating right turn pressures onto Furthergate. Egress only limitation at the junction will be secured by condition.

Whilst the Cherry Street egress offers a beneficial supplementary point of egress, particularly for local traffic, the pressures on the St. Clement Street / Furthergate junction are acknowledged as a significant concern, as highlighted by the Council's Highways consultees. To this end, the pre-existing circumstances associated with the application site should be afforded proportionate weight. These circumstances involve a significant number of staff, customer and trade deliver vehicles entering and leaving the site throughout the course of a working day; although staff vehicular movement is accepted as mainly limited to standard opening and closing times. Moreover, Fix Auto's commitment to vacating the site may well result in increased vehicular movement than that experienced with either the current or proposed use. This is particularly true of HGV movements, due to the lawful, unrestricted B2 industrial use. Accordingly, whilst use of the St. Clement Street junction is recognised as presenting a degree of right turn risk, the degree of such risk associated with the proposal, in this context, is considered, on balance, to be acceptable.

Convenient pedestrian access to the site is offered from both Furthergate and St. Clements Street.

Appropriate provision and layout of 117 car parking spaces will be provided on site, of which 6 are disabled and 8 are parent child. In addition, 2 Powered Two Wheel spaces and 6 cycle stands will be provided, as will a taxi pick up and drop off point. Parking provision is considered acceptable when assessed against the Council's adopted parking standards; reinforced by the absence of objection in this regard from the highways consultee. It should also be recognised that the site benefits from excellent links to public transport which operate frequently along the A678.

The overall internal site layout appropriately caters for HGV deliveries; as demonstrated by a Swept Path Analysis and includes safe crossing points for customers and staff.

A Demolition Method Statement supports the application which has been reviewed as an acceptable methodology in addressing traffic management during demolition works. Although a similar Construction Method Statement has not been submitted to address the construction phase of the development, this can be secured by condition.

A Travel Plan has also been submitted and reviewed. The plan is considered to appropriately address the fundamental principles of sustainable travel. Its delivery will be secured by condition.

Third party objection has been received expressing concern towards the following matters:

Highway impact as a result of traffic generation from the nearby St Thomas C of E Primary School and its effect on adequacy of customer parking on the proposed car park serving the new store; given that Lidl intend to allow free parking for school traffic during drop off and pick up times. The applicants offer is welcomed, as it will alleviate congestion currently experienced on St. Clements Street, on account that off-street parking for school traffic is not currently available within the Fix Auto site. It should be recognised that Lidl are not obliged to offer availability of their car park and that the volume of school traffic is a pre-existing circumstance that the Council cannot arbitrarily impose responsibility on the applicant to cater for. A more detailed assessment of existing school traffic and car park accumulation (of Lidl and school demand), in this context, is not, therefore, justified. The applicant has confirmed that, whilst school traffic will be allowed to park on the store car park on an informal basis, the situation will be internally monitored to establish whether school traffic is having a

negative effect on customer parking capacity. If so, right is reserved to restrict parking to customers only.

The absence of a 'swept path analysis' to demonstrate affective manoeuvrability. As aforementioned, this has been provided. It details all movements in and out of St Clements Street for a maximum legal articulated HGV, and is considered acceptable by the Council's highways consultee.

That traffic data was not collected during a 'neutral' period. Traffic surveys were undertaken on Thursday 18th October 2018 and Saturday 20th October 2018. As stated in WebTAG Unit M1.2 'Data Sources and Surveys' paragraph 3.3.6; *'Surveys should be carried out during a neutral or representative month, avoiding main and local holiday periods, local school holidays and half terms, and other abnormal traffic periods. National experience is that the following Monday to Thursdays can be neutral:*

- *Late March and April – excluding the weeks before and after Easter;*
- *May – excluding the Thursday before and all of the week of each Bank Holiday;*
- *June;*
- *September – excluding school holidays or return to school weeks;*
- *all of October; and*
- *all of November – provided adequate lighting is available.*

This requirement often dictates the timescale of the appraisal. Data processing may also add substantially to the study timescale”.

Accordingly, the Traffic Surveys have demonstrably been conducted during a neutral period. Moreover, Capita Highways audit of the TS concluded that the dates and times of the surveys were considered appropriate for the purposes of assessing the impact of the proposed development on the local highway network.

That inconsistencies exist with the submitted flow diagrams. No inconsistencies have been reported by Capita Highways in their TA audit. It is considered that the only inconsistency that could be cited is the fact the a reduction in number of right turners out of St. Clements Street has not been sought, as a result of opening the egress onto Cherry Street. This, however, ensures that the St. Clement Street assessments are as robust as possible.

Accordingly, on balance, the proposal is considered to be acceptable form a highway safety and efficiency perspective; subject to implementation of the aforementioned measures, to be secured by condition.

3.5.3 The proposed amendment is supplemented by a Technical Note produced by the applicants Transport Consultee (September 2019). The note acknowledges local resident concern about the potential for the egress to become a 'rat run' for drivers and asserts that Cherry Street is not capable of accommodating a significant uplift in traffic, taking into account the established position of on-street parking on both sides of the road.

3.5.4 The note re-iterates that the original Transport Assessment did not take the Cherry Street egress into account in the assessment of future traffic flow conditions on the local highway network. It states that Lidl customer and delivery traffic would be routed via the junction of St Clements Street with Furthergate, thereby demonstrating the robustness of those assessments and the adequacy of the junction improvement proposals, which include carriageway widening to ensure left tuners at the junction out onto Furthergate will benefit from a separate lane from the right turners at the give-way line.

The original assessment was also subject to a Stage 1 Road Safety Audit which did not result in any major issue being raised. It is contested that such evidence demonstrates that there will be no detriment to either highway safety or the free-flow of traffic created by the proposals that relied upon the exclusive use of the St Clements Street junction onto Furthergate, and that, therefore, the proposed amendment should be supported.

3.5.5 In response, the Council's highway's consultee has reiterated strong concern expressed at the time of the original application, in that support for the development, based on a single point of egress from the site via the St Clements Street / Furthergate junction would not be offered, on account of the volume of hazardous right turn manoeuvres across an oncoming three lane carriageway, in close proximity to a busy three arm junction. Moreover, a further opinion has been sought from the Council's Traffic Engineers as to the merits of the proposed removal of the egress and the possibility of mitigation by way of alterations to the signalled junction on Furthergate. In this regard, it is considered that an addition / alteration to the signals will not be possible without causing significant congestion along Furthergate and compromising drivers concentration levels due to what would be a complex series of signalled instructions and vehicular movements; thereby creating the conditions to create increased risk of collisions. Moreover, the presence of waiting buses within the bus lane would exacerbate the situation.

3.5.6 The concession from the application in offering the secondary Cherry Street egress was seen as a suitable compromise to ensure delivery of the development, whilst mitigating highway safety concerns around turning right onto Furthergate, and having regard to the 'fall-back' position of an unrestricted B2 industrial use in the event of the current occupiers of the site (Fix-Auto) vacating and the Lidl development failing to materialise; as aforementioned in the original assessment.

3.5.7 Contrary to the applicants Transport Assessment, the proposed amendment is considered to present a circumstance that could result in an excessive and inefficient use of the St Clements Street / Furthergate junction when turning right onto Furthergate; thereby 'tipping the balance' towards an unacceptable risk to highway safety. Moreover, no additional mitigation is offered to alleviate concern at the junction nor is any material change in circumstances identified since the original assessment. Consequently, on account of unacceptable highway impact, support for the application is not considered to be justified; when considered against Policy 10 of the Development Plan and The Framework's directive at paragraph 109, which states:

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

3.5.8 In determining the original application and in assessment of the proposed amendment, consideration has been applied as to the impact of the egress on traffic flow and general highway efficiency / safety along Cherry Street.

Existing traffic flow during mid-week, off-peak hours is noted by Officers to be less than moderate. As an egress only onto Cherry Street, additional traffic movement will undoubtedly be experienced but such movement is anticipated to be low and intermittent, limited to local traffic familiar with the route. Such movement is unlikely to present circumstances that would be detrimental to highway efficiency or safety along Cherry Street or the wider higher network to the south of the site.

3.5.9 Members are advised that the rationale applied to the Cherry Street egress was that it will cater for local traffic travelling to the south of the site which would create an acceptable degree of balance between use of egress points from the site. Moreover, it should be emphasised that its introduction was fundamental in ensuring highway support for the development.

3.5.10 For these reasons, it is considered that the proposed amendment should be refused.

4.0 RECOMMENDATION

4.1 **Delegated authority is given to the Director for Growth and Development to refuse planning permission for the following reason:**

- The proposal will be detrimental to the efficiency and safety of highway users, by virtue of generating excessive right turn manoeuvres onto Furthergate from the St Clements Street with Furthergate junction; contrary to Policy 10 of the Local Plan Part 2 and in accordance with Section 109, paragraph 109 of The Framework.

5.0 PLANNING HISTORY

- 10/18/1064: Prior notification of proposed demolition of existing garage Buildings: Prior Approval not required - delegated decision, on 5th December 2018.
- 10/18/1094: Demolition of existing building and the erection of a Lidl store (Use Class A1) with associated works including improved access, parking area and landscaping: Approved - Planning and Highways Committee, on 30th May 2019.

6.0 CONSULTATIONS:

6.1 Highways

Reiteration of comments applied to the original application (10/18/1094): Significant concern expressed as to the volume of users at the St Clements Street with Furthergate junction, with regard to vehicles turning right onto Furthergate, across a 3 land carriageway – circumstances that would present an increased risk of vehicle collision. Removal of the Cherry Street egress is

not, therefore, supported. Moreover, volumes of traffic generated along Cherry Street are anticipated to be low and limited to local traffic.

6.2 Neighbours

Neighbour notification letters were sent to 180 properties within the locality on the 10th October 2019. In addition, site notices were posted, and a press notice was advertised in the Lancashire Evening Telegraph on the 31st October 2019. As a result of this consultation process no representations have been received.

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

8.0 DATE PREPARED: 5th December 2019



REPORT OF: THE DIRECTOR OF GROWTH & DEVELOPMENT
TO: PLANNING AND HIGHWAYS COMMITTEE

ON: 19th DECEMBER 2019

ORIGINATING SECTION: DEVELOPMENT MANAGEMENT SERVICE

WARDS AFFECTED: WEST PENNINE

COUNCILLORS: COLIN RIGBY
JEAN RIGBY
JULIE SLATER

TITLE OF REPORT:

**Edgworth Cricket & Recreational Club
Tree Preservation Order 2019 (ref: N29)**

1. PURPOSE OF THE REPORT

- 1.1 To request that the Committee endorse the actions of the Council's Arboricultural Officer/Planning Manager (Development Management) in making and serving the Edgworth Cricket and Recreational Club Tree Preservation Order 2019.
- 1.2 To request that the Committee confirm Edgworth Cricket and Recreational Club Tree Preservation Order 2019 (ref: N29) without modification.

2. BACKGROUND

- 2.1 The Council made the Order following a request from local ward Councillor Jean Rigby to the Council's Environment Department in September 2019, to assess whether the trees within the site were considered for protection. Councillor Rigby confirms that the request was put forward in consultation with the Chair of the North Turton Parish Council.
- 2.2 The land which is highlighted in red on the google street image below accommodates Edgworth Cricket and Bowling Club either side of the Barlow Institute on Bolton Road in Edgworth.



Image 1: Google image view of

Edgworth Cricket & Recreation Ground.

2.3 As a result of this request, a Tree Evaluation Method for Preservation Orders (TEMPO) was carried out by the Council's Arborist on the 2nd October 2019. It was considered that there were two distinct areas around the site which were worthy of Group Tree Preservation Orders (TPO). These were:

- 1) G1 around the perimeter of the cricket ground; and
- 2) G2 around the perimeter of the bowling green, and to the east of the Barlow Institute . As such, following this assessment, it was considered that a Tree Preservation Order (TPO) should be made. In addition, an individual sycamore tree to the east of the cricket club house is also considered to be worthy of protection (ref: T1).

Refer to Images 2 and 3 below.

2.4 The TEMPO assessment illustrated that the Group TPOs (G1 and G2) scored highly in terms of amenity value, public visibility and suitability for a TPO. The individual trees listed in the Group Orders are considered to be important for their cohesion and amenity value to the local area.

2.5 A copy of the TPO and Schedule is attached to this report.



Image 2: Google street view image of group of trees around perimeter of cricket ground facing Bolton Road.



Image 3: Google street view image of group of trees around perimeter of bowling green facing Bolton Road.

2.6 The Council's Planning Manager (Development Management) wrote to the current freeholders (North Turton Parish Council), and the current leaseholders (Edgworth Cricket and recreation Club and Edgworth Bowling Club on the 17th October 2019. , explaining that a formal notice under the Town & Country Planning Act 1990, Town & Country Planning (Tree Preservation) Regulations 1999 as amended by the Town & Country Planning

(Trees)(Amendment)(England) Regulations 2012 has been made. Comments were invited relating to the serving of the notice.

- 2.7 In addition, the ward councillors were informed in writing on the 17th October 2019, that a notice had been served on the land.

3. DETAIL

- 3.1 Following the serving of the Order letters of objection were received from North Turton Parish Council on the 6th November 2019, from the Chair of the Bowling Club on the 8th November 2019, and the Chair of the Barlow Trustees on the 14th November 2019. The objections are as follows:

3.2 North Turton Parish Council:

The Parish Council has considered the provisional Tree Preservation Order, as Custodian Trustee of the land in question, and has listened to concerns from members of the Edgworth Bowling Club.

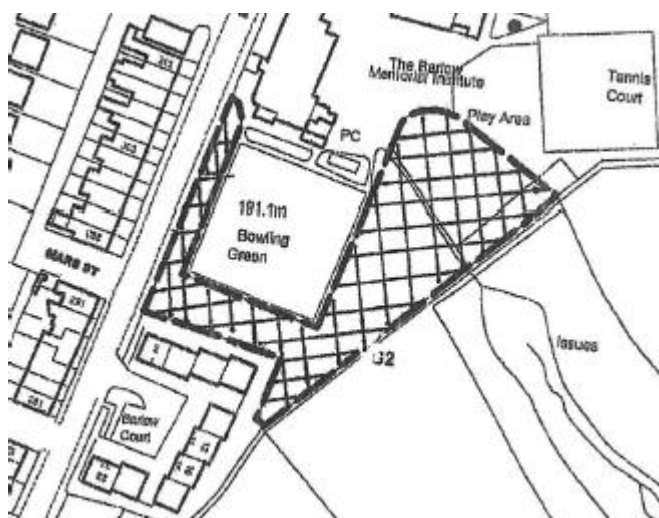
The Parish Council asks that the four ash trees be removed from the Order as it is understood that at least some of these are suffering from disease.

In addition, the Bowling Club is concerned about overshadowing and the health and safety implications of slippery moss forming on the footpath beneath the line of trees on the eastern side of the green, as well as leaves falling onto this section of footpath, and for this reason they had plans to remove this line of trees.

It is requested that they also be excluded from the Order.

3.3 Chair of the Bowling Club:

I am writing on behalf of the Edgworth Bowling Club who wishes to formally object to the TPO. In particular, we wish to object to the Order covering the trees surrounding the Bowling Green in the area cross hatched on the attached plan.



Of most concern are the trees to the south and east of the bowling green. Edgworth Bowling Club would like to make the following representations.

Edgworth Bowling Club understands that the TPO was made at the request of Councillor Jean Rigby on behalf of North Turton Parish Council (NTPC). Councillor Rigby did not have the authority to represent NTPC who have not passed any resolution to request the Council issue any TPO. This was confirmed at the Parish Council meeting on the 4th November 2019. Furthermore, NTPC had no objections to the representations made by the Bowling Club at the meeting on the 4th November which are referred to in this letter.

By way of background Edgworth Bowling Club has over 120 members, is Clubmark accredited and has been in existence for over 100 years. As well as providing competitive and social bowling for the inhabitants of Edgworth the Club, has for the last 15 years, provided weekly bowling lessons for the children of Edgworth Primary School as part of the school curriculum.

The green also provides an attractive amenity to the landscape of Edgworth. Many walking groups regularly enjoy lunch on the seats surrounding the green.

Over recent years the trees, as they have grown uncontrollably, are now seriously affecting this valuable amenity. As the trees have grown they are now seriously reducing the light to the pathways and green making both very slippery resulting in a health and safety hazard to our elderly members and the schoolchildren. The shedding of leaves increases this hazard. The root of these trees and leaf shedding are also beginning to affect the pathways. In addition, the condition of the south of the green is adversely affected by the lack of light to the green, inhibiting growth and root zone. Moreover the shedding of leaves results in the green becoming diseased preventing growth. This latter issue results in the green being covered in leaves to a depth of 6-12 inches and removal is costly. Because of these issues our Landlord, the Trustees of the Barlow Institute Charity, contacted and met the tree officer of the Council on site. As owners of the land on which the trees are sited the Trustees have a responsibility for ensuring the safety of the public and its tenant, the Bowling Club.

The trustees wanted to ascertain from the Council's tree officer whether the trees could be crowned or thinned so as to mitigate the problems caused by the severe reduction in light and the falling of leaves referred to above. Rather than crowning or thinning the trees the tree officer recommended removal of the trees and planting of new replacements. The implementation of a TPO is in conflict of the Council's own officers recommendations.

The Bowling Club is actively considering building a new enlarged clubhouse as the existing one is past its best and is not big enough for its purposes. Detailed plans have been prepared with a view to submitting a planning application in the near future and the club would be happy to discuss these with the Council. The new clubhouse will require the removal of a fir/spruce tree which is covered by the proposed TPO. Removal of this tree has been discussed with the Council's tree officer who had no objection to its removal providing a new tree was planted in lieu. The condition of the green will continue to deteriorate through lack of light and disease if the trees are allowed to continue growing uncontrollably. No green will result in the loss of a valuable amenity to the public, the Barlow Charity and the children of Edgworth Primary School. The Club are happy to meet the Council to discuss its objection to the TPO to see if a solution to all parties can be reached.

3.4 Chair of the Barlow Trustees:

Whilst in principle having no objections to a TPO being placed on the above Charity owned land we are somewhat dismayed at how this has come about without the knowledge of the Trustees who are responsible for Managing the Barlow Estate.

Therefore we wish to make you aware of the following concerns about what is proposed, how it has come about and ask you to review it as matter of urgency.

1) The request for a TPO was not made on behalf of NTPC as claimed. This matter was only discussed and confirmed at the NTPC meeting on Monday 4th November. None of the other Parish Councillors were aware of the application before then or why it had been requested. Is it therefore legal given that the TPO was not requested by NTPC?

2) At no stage have the Barlow Trustees been officially informed or even consulted which is appalling.

3) We do not understand why the TPO proposed is a 'blanket' rather than selective order . Whilst we appreciate that a TPO can be made on any size or species of tree we are concerned that the blanket approach does not lead to good tree management nor help to maintain and enhance the amenity. Further we are advised that Sycamore provides little or no amenity value and is generally known as a weed tree which can cause a lot of damage. Whilst Ash is subject to serious dieback disease which can affect trees of any age.

4) The proposed TPO is removing the right to look after paths on parts of the estate which could cause serious Health and Safety issues particularly, for example, for children, seniors and members of the public who use the Bowling Club.

5) If the TPO ,as stated, is being enforced at the request of NTPC, as Custodian Trustee, if it goes ahead please confirm our understanding that legally NTPC will be responsible for ensuring that it is correctly observed and incurring any financial costs which this may involve.

6) To conclude, a number of the Trustees would like to meet up with yourself and/or one of your officers to discuss the matter and our concerns in more detail.

We believe that for it to go ahead as currently proposed will have a considerable detrimental effect on the estate which clearly cannot be right or justified and hopefully not the intention.

3.5 Response to the comments received:

With regards to the submitted request and making of the TPO, a TPO can be made by the Council, or following the receipt of a request from a member of the

public, local councillor, or parish council, etc. The issue relating to the nomination request for the TPO at Edgworth Cricket Club and Recreation Ground has been queried by the all the consultees. The Council's Environment Department received the request from Councillor Jean Rigby on her behalf. Councillor Rigby stated that she was approached by the Chairman of the Parish Council to find out if it was possible to have a TPO on the trees around the Barlow Estate. As a result, Cllr Rigby met with the Council's Arborist Mr Daniel Thomson and asked the question. Members are also advised that the Council's Arboricultural Team were in fact also considering putting a TPO on the trees around the Barlow Estate due to their amenity value. A TEMPO assessment was subsequently undertaken where it was found that the trees had amenity value within a group, i.e. The Group TPOs (refer to paragraph 2.3 above).

- 3.6 As such, Members are advised that the nomination request put forward is acceptable.
- 3.7 Following the TEMPO assessment carried out, the blanket TPO was placed in order to cover a large area ie. around the cricket ground and adjacent to the bowling green. A selective order fits a smaller area. The Group Orders would allow greater control over the protection of the trees. The imposition of a TPO on the said areas does not prevent any works happening to the trees located within the Group Orders, it allows for an assessment to be carried out on whether the works are acceptable, and if it means the felling of a tree, appropriate mitigation measures to be imposed relating to the planting of a similar species elsewhere within the grounds. The comments raised by the Chair of the Bowling Club in relation to the felling of trees are noted.
- 3.8 Concerns have been raised on health and safety grounds in particular the right to look after paths on part of the estate, and light affecting the green. Members are advised that any trees or branches that are dead or dangerous do not need permission to be removed even if they are covered by a TPO. It is advised that the local authority are notified about proposed tree works relating to these issues in advance so this can be audited and the TPO details are updated.
- 3.9 As previously stated, the Group TPOs do not prevent any works to the individual trees within the group orders. A formal application would need to be submitted relating to any tree works i.e. pruning, thinning, lopping and felling. In some circumstances depending on the amenity value and condition of the species in questions, the application may need to be supported by a statement from a qualified arborist. The application will be assessed on its own merits, and if any felling of a tree is supported, appropriate mitigation measures would be imposed e.g. replacement planting of a similar species in an agreed location. With regards to the application there is no fee payable by the applicant.
- 3.10 The Bowling Club have made reference to their proposals to erect a new clubhouse in the location of where G2 TPO is located. The local planning authority would welcome formal pre-application discussions to take place through the adopted pre-application advisory service to assess the scheme appropriately with the Council's Arborist before any formal planning application is submitted.

4. RECOMMENDATIONS

4.1 That the actions of the Arborist and Planning Manager (Development Management) in making and serving the Edgworth Cricket and Recreation Ground Tree Preservation Order 2019 be endorsed.

4.2 That the Edgworth Cricket and Recreation Ground Tree Preservation Order 2019 (ref: N29) is confirmed without modification.

Contact Officer: Gavin Prescott, Planning Manager (Development Manager)
Date Prepared: 5th December 2019

IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREE PRESERVATION) REGULATIONS 1999
AS AMENDED BY THE TOWN AND COUNTRY PLANNING (TREES)
(AMENDMENT) (ENGLAND) REGULATIONS 2012

Tree Preservation Order: Edgworth Cricket & Recreational Club TPO 2019 (N29)

Blackburn With Darwen Borough Council

THIS IS A FORMAL NOTICE to let you know that on the 17th October 2019 the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, Protected Trees: A Guide to Preservation Orders, produced by the Department of the Environment, Transport and the Regions.

The Council have made the order to ensure tree retention following concerns received by the local community that the trees in question are like to be felled. An amenity assessment has been carried out and the trees do provide amenity to the immediate surrounding area. (TEMPO assessment has been enclosed).

The Order took effect, on a provisional basis on the 17th October 2019. It will continue in force on this basis for a further 6 months or until the Order is confirmed by the Council, whichever first occurs.

The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before the decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like make any objections or other comments, please make sure we receive them in writing by 17th November 2019. Your comments must comply with Regulation 6 of the Town & Country Planning (Tree Preservation)(England) Regulations 2012, a copy of which is provided overleaf. Send your comments to Martin Kelly, Director of Growth & Development, Blackburn With Darwen Borough Council. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact Gavin Prescott, Planning Manager (Development Management), Blackburn With Darwen Borough Council, 01254 585694.

Date: 17th October 2019



Signed: Martin Kelly, Director of Growth & Development
on behalf of Blackburn With Darwen Borough Council, Old Town Hall, Blackburn BB1 7DY.

**COPY OF REGULATION 6 OF THE TOWN AND COUNTRY PLANNING (TREES)
(AMENDMENT) (ENGLAND) REGULATIONS 2012**

Objections and representations

4(1) Subject to paragraph (2), objections and representations –

- (a) shall be made in writing and -
 - (i) delivered to the authority not later than the date specified by them under regulation 5(2)c; or
 - (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
- (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and
- (c) in the case of an objection, shall state the reasons for the objection.

4(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999
As amended by the Town and Country Planning (Trees)(Amendment)(England)
Regulations 2012

MODEL FORM OF TREE PRESERVATION ORDER

Town and Country Planning Act 1990
Edgworth Cricket & Recreational Club TPO 2019

The Blackburn With Darwen Borough Council, in exercise of the powers conferred on them by Sections 198, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order –

Citation

1. This Order may be cited as the Edgworth & Recreational Cricket Club TPO 2019

Interpretation

2. In this Order “the authority” means the Blackburn With Darwen Borough Council and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town & Country Planning Act 1990.

Application of Section 201

3. The authority hereby direct that Section 201 (provisional tree preservation orders) shall to this Order and, accordingly, this Order shall take effect provisionally on the 21st June 2019.

Prohibited acts in relation to trees

4. Without prejudice to subsections (6) and (7) of Section 198 (power to make tree preservation orders) or subsection (1) of Section 200 (tree preservation order: Forestry Commissioners), and subject to Article 5, no person shall -

(a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destructions of,

Any tree specified in Schedule 1 to this Order or compromised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

Exemptions

- 5 – (1) Nothing in Article 4 shall prevent -

(a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary –

Under paragraph (3) as it applied to the assessment of compensation where a felling licence is refused under Section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article -

“development value” means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

“owner) has the meaning given to it by Section 34 of the Forestry Act 1967.

Dated 17th October 2019



Signed
Director of Growth & Development
Authorised Officer

CONFIRMATION OF ORDER

This Order was confirmed by the Planning & Highways Committee of the Blackburn With Darwen Borough Council without modification on the day of

Dated this day of
The Common Seal of the Blackburn With Darwen Borough Council was hereunto affixed in the presence of –

.....
Authorised by the Council to sign in that behalf

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	Sycamore	Land to the east of the Clubhouse

Trees specified by reference to an area (within a dotted black line on the map)

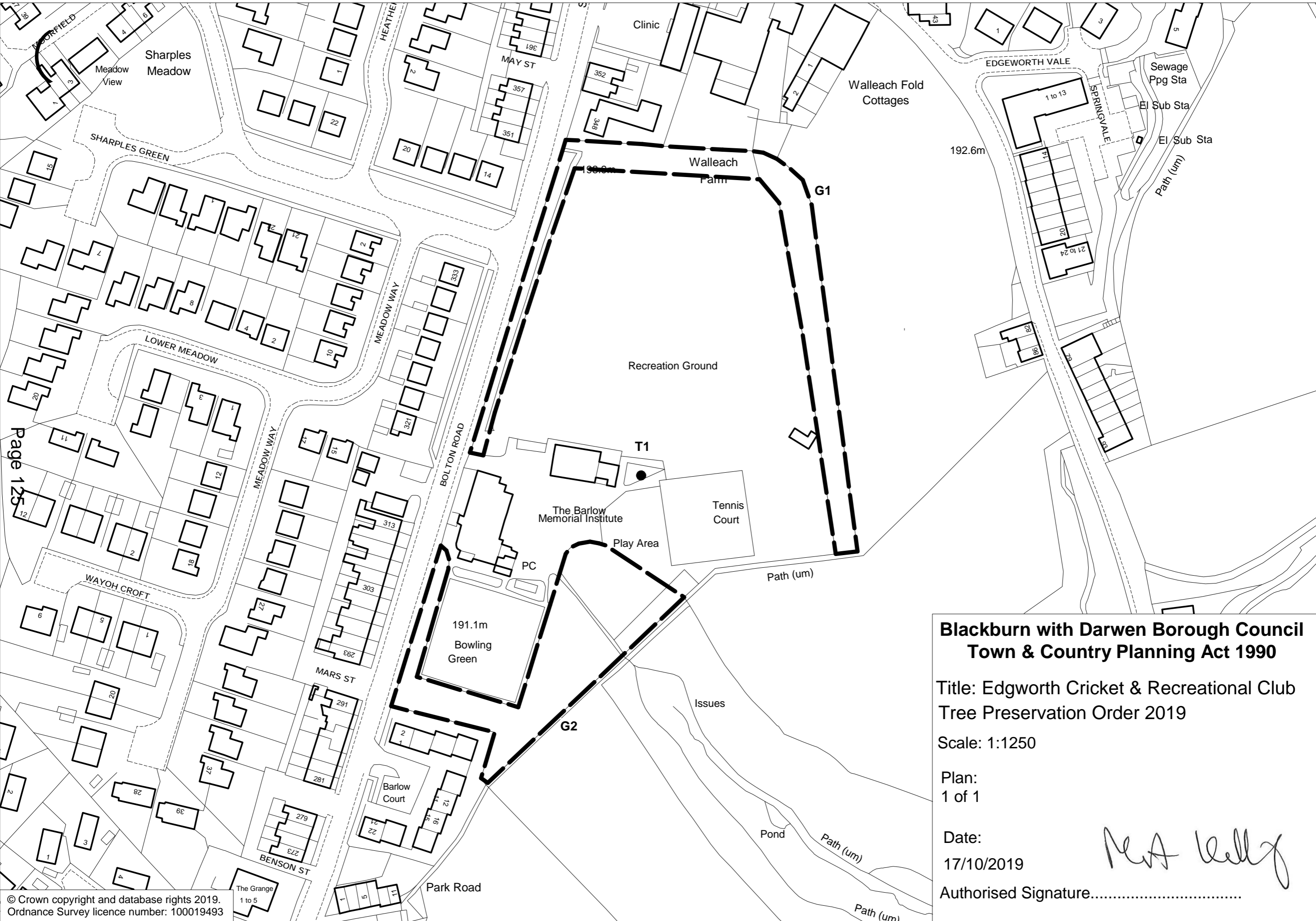
Reference on map	Description	Situation
	None	

Groups of trees (within a broken black line on the map)

Reference on map	Description	Situation
G1	Sycamore x 59No Beech x 1No Lime x 4No Whitebeam x 3No Rowen x 2No Birch x 1No Ash x 3No Hornbeam x 4No Elm x 2No Chestnut x 3No	Land to the east, north and west of the recreation ground
G2	Sycamore x 24No Beech x 1No Lime x 12No Whitebeam x 4No Birch x 1No Ash x 1No Chestnut x 1No Cherry Tree x 3No Spruce x 1No	Land to the east, south and west of the bowling green

Woodlands (within a continuous black line on the map)

reference on map	Description	Situation
	None	



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**Blackburn with Darwen Borough Council
 Town & Country Planning Act 1990**

Title: Edgworth Cricket & Recreational Club
 Tree Preservation Order 2019

Scale: 1:1250

Plan:
 1 of 1

Date:
 17/10/2019

Authorised Signature.....

M.A. Kelly

ORIGINATING DIVISION: HIGHWAYS

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

DATE: 20th November 2019

TITLE: STOPPING UP OF PART OF CHARLES STREET DARWEN

WARD: Darwen East **COUNCILLORS:** Paul Browne
Roy Davies
Margaret Oates

1.0 PURPOSE OF THE REPORT

The purpose of the report is to inform Members of a request received from the Growth and Development team to formally Stop-up part of Charles Street, Darwen from its junction with Edward Street in a north easterly direction and a further pathway which crosses the land and runs from the footbridge to the rear of Duckworth Street (as per the attached plan) and to ask Members to authorise the Director of HR, Legal and Governance to apply to the Magistrates' Court to obtain the necessary Order.

2.0 BACKGROUND AND DETAILS

Blackburn with Darwen Highways received a formal request on 14th November 2019 from the Growth and Development team, for the Stopping Up and an undertaking to bear all costs in obtaining the Stopping Up Order as described in the Council's fees and charges list.

The Growth team are intending to dispose of a parcel of land which abuts this section of Charles Street and as part of that process, will provide an alternative footpath around the land as the existing one which currently crosses the land will be closed permanently. The alternative path will follow the line of and occupy part of this section of Charles Street. A second path which crosses the land and runs from the footbridge to the rear of Duckworth Street will also be closed permanently as part of the stopping up. It is felt that this path is not extensively used and more importantly that the planned alternative path will provide an adequate route for the pedestrians to access the shopping area and bus stops.

The section of Charles Street to be stopped up no longer exists as highway and has been landscaped. It also serves no properties. It is reasonable to take the view that it has no role as a public highway and is therefore eligible to be stopped up under the terms of S 116 of the Highways Act 1980.

3.0 PROCEDURE

The power to make a Stopping Up Order under the Highways Act is vested in the Magistrates Court, and only the Highway Authority for the road to be stopped up may make the application. Section 116 allows the Magistrates to make this order if they are satisfied that the Highway is no longer "necessary" or it "can be diverted so as to make it nearer or more commodious to the public", In this instance the applicable reasoning for the proposed closure is on the grounds of lack of necessity. The Court will require evidence that the road is unnecessary

and that notices and consultations with all affected and interested parties, in accordance with the requirements of the Act, have been made, and that there are no outstanding objections to the making of the Order.

4.0 IMPLICATIONS

Customer	None
Financial	The costs of implementing the change will be met by The Growth and Development Team. Any future cost on the Council as the Highway Authority for maintaining this road following its closure will cease.
Anti-poverty	None
Crime and Disorder	None

5.0 CONSULTATION

The Council's highway officers have no objection to the proposed Stopping Up of part of Charles Street, Darwen from its junction with Edward Street in a north easterly direction and the path which crosses the land and runs from the footbridge to the rear of Duckworth Street Darwen.

No public or external consultation has been carried out by the Council in respect of the proposed Stopping Up. However, should the Committee approve the Stopping Up, before making the Order, the Council would carry out consultation as required by S 116 of the Highways Act 1980. This would involve consulting statutory undertakers, posting site notices and publishing the proposed Orders in the local newspaper and London Gazette. A 28 days consultation period would allow interested parties to respond.

6.0 RECOMMENDATION

It is recommended that Committee authorise the Director of HR, Legal and governance to progress with the closure of this street and if the Department believes there is a good chance that the application will be successful, to apply to the Magistrates' Court for the necessary Order.

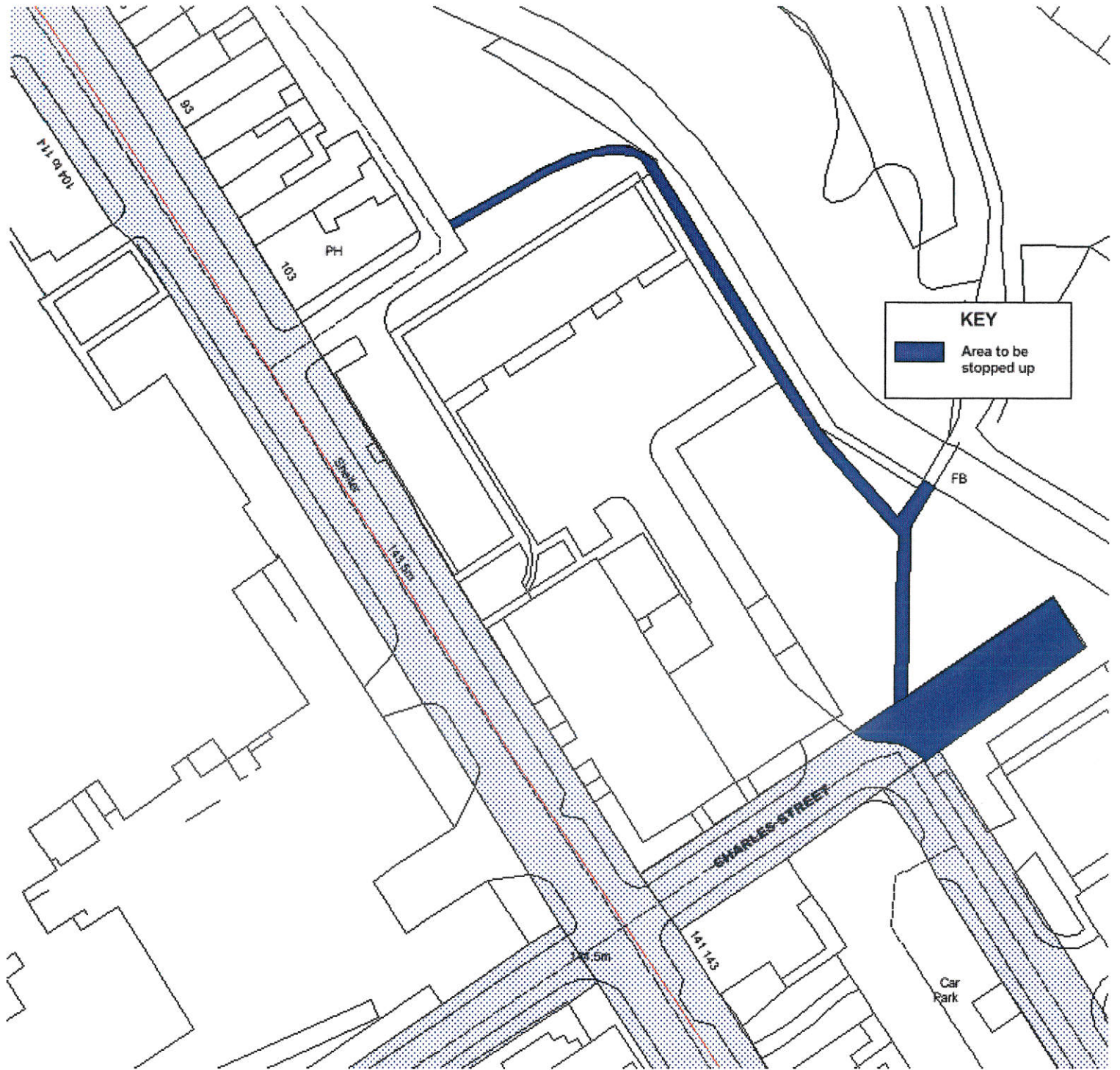
7.0 CONCLUSION

It is considered that the proposed Stopping Up of the highways is necessary to allow the Council to dispose of the parcel of land and furthermore, the site to be developed by the proposed purchaser and is acceptable in highways terms.

8.0 BACKGROUND PAPERS: Plan

9.0 CONTACT OFFICERS: Gina Lambert

10.0 DATE PREPARED: 20th November 2019



ORIGINATING DIVISION: HIGHWAYS AND TRANSPORTATION

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

DATE: 27th November 2019

**TITLE: STOPPING UP OF STREETS AT GRIFFIN DEVELOPMENT
SITE**

**WARD: Blackburn Central COUNCILLORS: Saima Afzal
Mahfooz Hussain
Zamer Khan**

1.0 PURPOSE OF THE REPORT

The purpose of the report is to inform Members of the receipt of a request from the Growth and Development team for the Council to progress an Order for the Stopping Up of streets at a development site in the Griffin area and to ask Members to authorise the Director of HR, Legal and Governance to apply to the Magistrates' Court for the necessary Order as per the attached plan.

2.0 BACKGROUND AND DETAILS

The Growth and Development Team are working with Seddon Construction to bring forward the Griffin Regeneration/clearance site for a housing development. The previous housing area was declared unfit and identified for clearance and redevelopment. The highways within the area are all still adopted but in need of renewal/refurbishment.

The new housing layout will provide good quality family homes which will include off street parking, front and back gardens and improved public realm. The current proposed scheme layout planned generally follows the existing road pattern but improves local security by removing likely crime hotspots such as back alleys and ginnels.

Although the initial proposed layouts tend to us the existing road pattern, by closing these roads where possible, it not only gives the developer more options to change the layout if necessary but also during the construction phase there would be no need for temporary closures, diversions, etc. as the roads are already closed. All the roads on the site will be readopted once the development is finished and the roads have been renewed.

As the area has been subject to house clearances over a period of time and the roads earmarked for closure within the development sites no longer serve any properties, it is reasonable to take the view that they have no role as public highway and are therefore eligible to be stopped up under the terms of S 116 of the Highways Act 1980.

3.0 PROCEDURE

The power to make a Stopping Up Order under the Highways Act is vested in the Magistrates Court, and only the Highway Authority for the road to be stopped up may make the application. Section 116 allows the Magistrates to make this order

if they are satisfied that the Highway is no longer “necessary” or it “can be diverted so as to make it nearer or more commodious to the public”, In this instance the applicable reasoning for the proposed closure is on the grounds of lack of necessity. The Court will require evidence that the road is unnecessary and that notices and consultations with all affected and interested parties, in accordance with the requirements of the Act, have been made, and that there are no outstanding objections to the making of the Order.

4.0 IMPLICATIONS

Customer	None
Financial	The costs of implementing the change will be met by The Growth and Development Team. Any future cost on the Council as the Highway Authority for maintaining these roads following its closure will cease.
Anti-poverty	None
Crime and Disorder	None

5.0 RECOMMENDATION

It is recommended that Committee authorise the Director of HR, Legal and governance to progress with the closure of this street and if the Department believes there is a good chance that the application will be successful, to apply to the Magistrates’ Court for the necessary Order.

- 6.0 BACKGROUND PAPERS:** Plan
- 7.0 CONTACT OFFICERS:** Gina Lambert
- 8.0 DATE PREPARED:** 27th November 2019

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

Document is Restricted