

Public Document Pack

Planning and Highways Committee

Thursday, 20th February, 2020

6.30 pm

Meeting Room A, Blackburn Town Hall

AGENDA

1. Welcome and Apologies
2. Minutes of the Previous Meeting
Minutes of Previous Meeting 3 - 5
3. Declaration of Interest
Declaration of Interest Form 6
- Material Considerations 7 - 8
4. Planning Applications for Determination
Committee Agenda 9 - 10
- 4.1 Planning Application 10/18/1149
Land at Greenbank Terrace and Milking Lane, Darwen, BB3 0RN 11 - 36
- 4.2 Planning Application 10/19/0807
Vacant Land off Victoria Buildings, Waterside, Darwen 37 - 68
- 4.3 Planning Application 10/19/1062
Land at Bowen Street, Blackburn, BB2 2RL 69 - 89
- 4.4 Planning Application 10/19/1081
Westholme School, Wilmar Lodge, Meins Road, Blackburn, BB2 6QU 90 - 123
- 4.5 Planning Application 10/19/1100
Land adjacent to Horrobin Fold, Turton, Bolton, BL7 0HL 124 - 159

4.6	Planning Application 10/19/1145	
	Land at Shakespeare Way, Blackburn, BB2 2LY	160 - 174
4.7	Planning Application 10/19/1232	
	32 Eden Park, Blackburn, BB2 7HJ	175 - 191
5.	Diversion of Public Footpath 30 Darwen	
	Public Path Order Committee Report 1.0	192 -
	PPO Accompanying Report 1.1	197
	Perm Diversion	

Date Published: Wednesday, 12 February 2020
Denise Park, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE Thursday, 16 January 2020

PRESENT – Councillors, Councillor David Smith (Chair), Akhtar, Casey, Khan, Khonat, Hardman, Slater, Jan-Virmani, Oates, Riley, Hussain, Pearson and Davies.

OFFICERS – Gavin Prescott, Michael Green, Saf Alam, Shannon Gardiner

RESOLUTIONS

82 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr P Browne.

83 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 19th December 2019 be confirmed and signed as a correct record.

84 **Declaration of Interest**

RESOLVED – There were no Declarations of Interest received.

85 **Planning Applications for Determination**

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

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

85.1 **Planning Application 10-19-0642**

Speakers – Mr John Dickinson (The Agent)
 Cllr Neil Slater (Objector)

Applicant – Mrs Patricia Da Silva

Location and Proposed Development – Land at Ellerslie House, Bury Fold Lane, Darwen.

Approval of Reserved Matters for the appearance, landscaping, layout and scale for 18 dwellings; pursuant to Outline Approval 10/15/1081.

Decision under Town and Country Planning Acts and Regulations –

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

85.2 Planning Application 10/19/0768

Applicant – Mr E Yaseen

Location and Proposed Development - Roe Lee Business Park, Off Whalley New Road, Blackburn, BB1 9SU

Full Planning Application (Regulation 4) for Erection of 5 No. workshop and storage units (Use Classes B1 and B8) including associated servicing yard

Decision under Town and Country Planning Acts and Regulations –

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

85.3 Planning Application 10/19/0770

Applicant – Mr E Yaseen

Location and Proposed Development – Roe Lee Business Park, Off Whalley New Road, Blackburn, BB1 9SU

Full Planning Application (Regulation 4) for Retrospective Application to retain 11 units (Units 2 - 12) on Former Roe Lee Mill site (Use Classes B1 and B8) with Unit 8 operating as a gym (Use Class D2)

Decision under Town and Country Planning Acts and Regulations –

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

85.4 Planning Application 10-19-0973

*Speakers – Ms Nazia Shah (The Agent)
Mr Matthew Wyatt (Objector)*

Applicant - Mr Sajid Ibrahim

Location and proposed development – 2 Eldon Road, Blackburn, BB1 8BE

Full Planning Application (Retrospective) for Retention of single storey rear extension with a decrease in height of 150mm

Decision under Town and Country Planning Acts and Regulations –

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

85.5 Planning Application 10-19-1065

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Witton Country Park, The Wits Play Area, Preston old Road, Blackburn, BB2 2TP

Full Planning Application (Regulation 3) for Façade upgrade to changing facilities with vinyl wrapping and graphics

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subjected to the conditions highlighted in the Director’s Report.

85.6 Planning Application 10/19/1090

*Speakers – Jennifer Hall (Objector)
Tony Lang (The Agent)*

Applicant – Mr Ben Hardman

Location and Proposed Development – 3 Barn Meadow, Edgworth, Bolton, BL7 0DW

Full Planning Application for Proposed garage conversion and single storey rear extension

Decision under Town and Country Planning Acts and Regulations –

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

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed

DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

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

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

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

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

Material Consideration

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

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

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

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

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

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: 20/02/2020

Application No	Applicant	Site Address	Ward
10/18/1149	Barnfield Blackburn Ltd Barnfield 8 Kenyon Road Lomeshaye Industrial Estate Nelson BB9 5SP	Land at Greenbank Terrace and Milking Lane Darwen BB3 0RN	Blackburn South & Lower Darwen
Full Planning Application/Outline Planning Application for Hybrid Planning Application - Full planning permission - new link road and access points; Outline planning permission with all matters reserved (with all matters reserved except for access) for a mixed use development comprising a maximum of the following: 100 dwellings (C3), 9,000m2 of employment use and careers hub (B1/B2/B8/D1), and associated ancillary works.			
RECOMMENDATION: Permits			
10/19/0807	Mr A Shorrocks 8 Moorlands Court Darwen BB3 3LQ	Vacant Land off Victoria Buildings Waterside Darwen	West Pennine
Full Planning Application for Residential Development of 10 No. detached dwellings including access and associated landscaping			
RECOMMENDATION: Permits			
10/19/1062	Great Places Housing Group Mr Luke Newland 2a Derwent Avenue West Didsbury M21 7QP	Land at Bowen Street Blackburn BB2 2RL	Mill Hill & Moorgate
Full Planning Application for Erection of 24 No. new build dwellings			
RECOMMENDATION: Permits			

Application No	Applicant	Site Address	Ward
----------------	-----------	--------------	------

10/19/1081

Westholme School
 Ms Vivienne Davenport
 Westholme School, Wilmar Lodge
 Meins Road
 Blackburn
 BB2 6QU

Westholme School, Wilmar Lodge
 Meins Road
 Blackburn
 BB2 6QU

Billinge & Beardwood
 Livesey With Pleasington

Full Planning Application for Conversion and extension of existing buildings to form a new teaching block together with improvements at existing parking areas.

RECOMMENDATION: Permits

10/19/1100

Mr Brian Newman
 Zara Moon Architects
 13 New Market Street
 Colne
 BB8 9BJ
 United Kingdom

Land adjacent to Horrobin Fold
 Turton
 Bolton
 BL7 0HL

West Pennine

Full Planning Application for Demolition of existing outbuildings and erection of a detached eco-home with associated parking, landscaping, garden area and attached single garage

RECOMMENDATION: Permits

10/19/1145

Seddon Construction Limited
 C/o Hourigan Connolly

Land at Shakespeare Way
 Blackburn
 BB2 2LY

Blackburn Central

Full Planning Application (Regulation 4) for Erection of 56 no. dwellings, open space and associated works

RECOMMENDATION: Permits

10/19/1232

Mr A Hussain
 32 Eden Park
 Blackburn
 BB2 7HJ

32 Eden Park
 Blackburn
 BB2 7HJ

Billinge & Beardwood

Full Planning Application (Retrospective) for Retention of increased size of ground floor bay window and first floor balcony to rear

RECOMMENDATION: Permits

REPORT OF THE DIRECTOR

Plan No: 10/18/1149

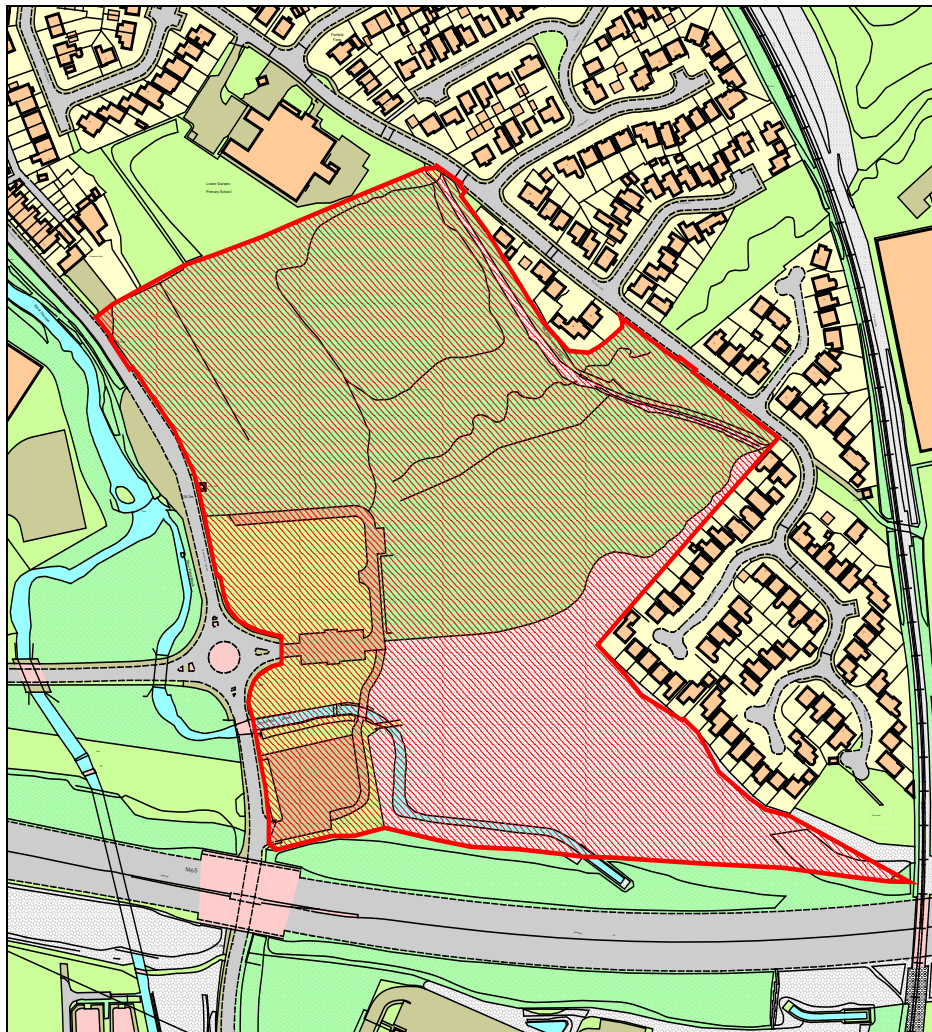
Proposed development: Hybrid Planning Application - Full planning permission - new link road and access points; Outline planning permission with all matters reserved (with all matters reserved except for access) for a mixed use development comprising a maximum of the following: 100 dwellings (C3), 9,000m² of employment use and careers hub (B1/B2/B8/D1), and associated ancillary works.

Site address:

**Land at Greenbank Terrace and Milking Lane,
Darwen,
BB3 0RN**

Applicant: Barnfield Blackburn Ltd

**Ward: Blackburn South & Lower Darwen
Councillor John Slater
Councillor Jacqueline Slater
Councillor Denise Gee**



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 hybrid planning application seeking both full planning permission and outline planning permission. It is presented to Committee on account of the application being a significant major planning application.
- 2.2 Approval of the scheme will allow positive progress to be made towards the re-development of the site and will address the challenges of a vacant dispersed site. It is, therefore, necessary to advance a high quality development.
- 2.3 The proposed development is considered satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The site the subject of the current application comprises an area of land that comprises a former paper mill and landfill site and is dominated by a mosaic of grassland, tall ruderal vegetation, woodland and scrub which had developed over previously disturbed land. The site lies to the immediate south west of Milking Lane and to the north east of Greenbank Terrace, Lower Darwen.
- 3.1.2 East of the site lies a roundabout linking the junction of Greenbank Terrace, Paul Rink Way and Lower Eccleshill Link Road. Access to the site is currently gained from either of these roads. The site is linked to junction 4 of the M65 motorway via the Eccleshill Link Road to the west via Greenbank Terrace.
- 3.1.3 This site has an area of 9.45 hectares and comprises two distinct elevated areas of land which are separated by a stream and its associated valley. The stream leads to the River Darwen via a culvert which runs under Greenbank Terrace to the west of the site. To the immediate north of the site is Lower Darwen Primary School and to the north and east are modern residential developments.
- 3.1.4 The site previously contained 2 vacant office buildings which were commenced as part of a wider Business Park redevelopment scheme of the site. The offices remained empty since their construction. Permission was granted under application reference 10/18/0911 for their demolition. It is the view of the LPA that the permission is still extant as the concrete slabs are still

present on site. The demolition was for the main structure of the buildings, which has been implemented. The site is otherwise undeveloped.

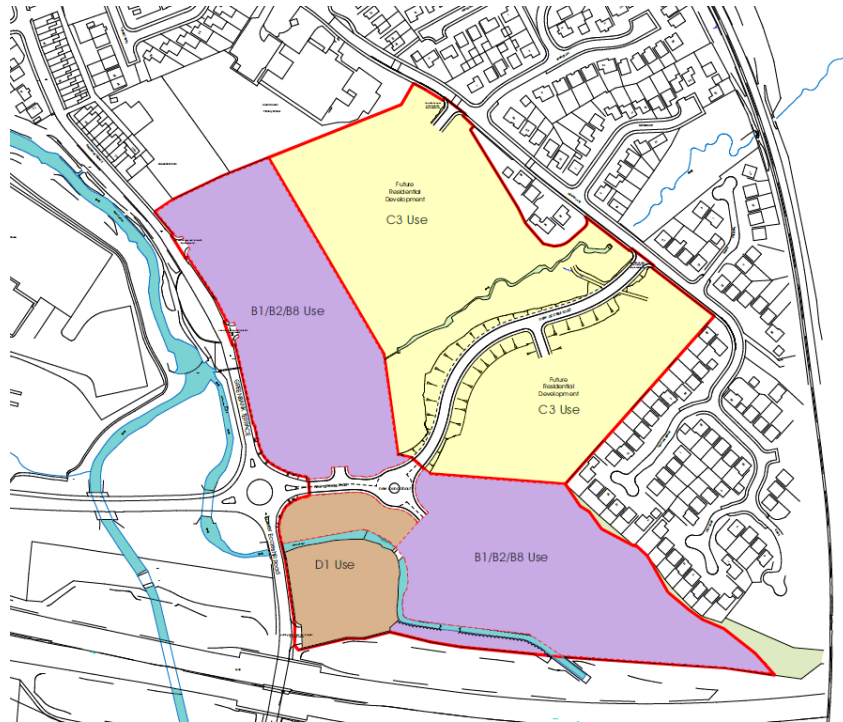
- 3.1.5 The Adopted Policies Map identifies Development Opportunities within the Borough. On these sites, planning permission will be granted for a range of new uses, either as stand-alone uses or a mix of uses. Part of the site has been allocated as suitable for high quality development as can be seen on the plan below:



- 3.1.6 Reference 28/9 relates to the site known as 'Former Lower Darwen Paper Mill, Greenbank Terrace, Lower Darwen' and has the potential use or uses for employment/residential. The parcel of land allocated within the defined development site known as 28/9 is 5.24ha. This is over half of the proposed application site.

3.2 Proposed Development

- 3.2.1 The application is a hybrid planning application, seeking full planning permission for the creation of a new link road and access points and outline planning permission for all matters reserved (all matters reserved except for access) for a mixed use development comprising a maximum of the following: 100 dwellings (C3), 9,000m² of employment use and careers hub (B1/B2/B8/D1), and associated ancillary works.
- 3.2.2 Outline planning permission is sought for a mixed use development. Prior to finalising the uses discussions were held with the LPA and a RIBA stage 1 feasibility and transport feasibility study was carried out. Subsequently, the site has been divided into 3 distinct development zones and a use class proposed for each plot.
- 3.2.3 The residential use (C3) is proposed for the upper parcel of the site. It would be located and read in association with the exiting surrounding residential uses. The employment (B1/B2 & B8) and non-residential institution (D1) uses are proposed for the lower parcels. They would be separated from the residential use by the topography of the site. The three distinct zones can be seen on the illustrative layout plan below:



- 3.2.4 The site has four existing access points, all of which are gated and disused. Three of the existing accesses are located along the western boundary of the site, two off Greenbank Terrace and one via the Greenbank Terrace/Paul Rink Way/Lower Eccleshill Road roundabout. The fourth access is located off Lower Eccleshill Road to the south of the roundabout.
- 3.2.5 The above plan also clearly shows the proposed link road which full planning permission is sought for. It is envisaged that the residential use of the proposal would be split into two parts. Approximately half of the development would be located between Lower Darwen Primary School and the brook. This would be accessed off Milking Lane via a new junction. The other part of the residential development would be accessed via a new link road, which would form a priority junction with Milking Lane (opposite property No. 67 on the northern side of Milking Lane).
- 3.2.6 The new link road would run between Milking Lane with the Greenbank Terrace/Paul Rink Way/Lower Eccleshill Road roundabout. The B1/B2/B8 & D1 elements of the proposal would access the site via the Greenbank Terrace/Paul Rink Way/Lower Eccleshill Road roundabout.

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

Policy CS1: A Targeted Growth Strategy
 Policy CS2: Typology of Employment Lane

Policy CS3: Land for Employment Development
Policy CS4: Protection and reuse of employment sites
Policy CS5: Locations for New Housing
Policy CS6: Housing Targets
Policy CS7: Types of Housing
Policy CS8: Affordable Housing Requirement
Policy CS13: Environmental Strategy
Policy CS15: Protection and Enhancement of Ecological Assets
Policy CS16: Form and Design of New Development
Policy CS18: The Borough's Landscapes

3.3.3 Local Plan Part 2

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 12: Developer Contributions
- Policy 18: Housing Mix
- Policy 28: Development Opportunities
- Policy 45 Major Road Schemes

3.4 **Other Material Planning Considerations**

3.4.1 Residential Design Guide Supplementary Planning Document

3.4.2 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

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

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

- Section 2 – Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 14 – Meeting the challenges of climate change, flooding and coastal change
- Section 15 – Conserving and Enhancing the Natural Environment

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/Accessibility;
- Ecology
- Amenity;
- Drainage/Flooding;
- Design;
- Affordable Housing

3.5.2 Principle

3.5.3 The principle of the development is considered under the Blackburn with Darwen Local Plan Part 2: Site Allocations and Development Management Policies and the Core Strategy.

3.5.4 Core Strategy Policy CS1 and LPP2 Policy 1 sets out the principle that the preferred location for new development. Development in the Urban Area will be granted planning permission where it complies with the other policies of this Local Plan and the Core Strategy. The site is located within the urban area boundary defined on the proposals map.

3.5.5 As set out previously the application is submitted as a hybrid application. Therefore, the two principles shall be assessed separately.

3.5.6 An illustrative layout has been submitted with the current outline proposal showing the relationship between the three proposed uses. It is important to note that at this outline stage the illustrative layout set out in the submitted plans will not be binding in any way on a developer that wishes to develop the site. A reserved matters planning application(s) will be required before any

works can start on site, which will include full details of layout, scale of development, landscaping throughout the site and appearance of the development.

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

3.5.8 The proximity to the M65 means that the proposed residential development would also be desirable for works, which would likely result in increased spending in the area.

3.5.9 The majority of the application site is a long-standing development opportunity site under Policy 28 of the LPP2, which reads as follows:

'The adopted Policies Map identifies Development Opportunities. On these sites, planning permission will be granted for a range of uses, either as stand-alone uses or as a mix of uses.

28/9 – potential use of uses: Employment / Residential"

3.5.10 Therefore, as the site is regarded as a Development Opportunity for employment and residential use as part of the Local Plan, it is considered that the proposed development put forward aligns with the future plans of the Council.

3.5.11 Therefore, the principle of the development as part of the outline permission is considered acceptable.

3.5.12 Full planning permission is sought for the link road. Paragraph 7 of the NPPF states *"The purpose of the planning system is to contribute to the achievement of sustainable development."*

3.5.13 Achieving sustainable development means that the planning system has three overarching objective, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives), as detailed in paragraph 8 of the NPPF:

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

b) **Social Objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations ... and support communities' health, social and cultural well-being; and

c) **Environmental Objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land ... and mitigating and adapting to climate change, including moving to a low carbon economy”

3.5.14 Chapter 9 of the NPPF relates to promoting sustainable transport. Paragraph 102 states “Transport issues should be considered from the earliest stages of plan- making and development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;
- d) 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
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places”.

3.5.15 Paragraph 108 confirms that in assessing sites that may be allocated for development in plans, or specific allocations for development, it should be ensured that ... *“appropriate opportunities to promote sustainable transport modes are taken up, safe and suitable access to the site can be achieved and any significant impacts on the transport network or on highway safety can be mitigated”*

3.5.16 The East Lancashire Highways & Transport Masterplan was adopted in February 2013 and aims to align economic and transport objective across East Lancashire. The proposed introduction of business onto the application site would act as a catalyst for economic growth in the area, with high value investors already being drawn to other business in the area, due to its close proximity to the M65 motorway.

3.5.17 The Core Strategy refers to the importance of the motorway junction in terms of providing employment opportunities within the Borough. The proposed development located directly north of the M65 approximately 600m east of the access to Junction 4 makes the site an ideal location.

3.5.18 The fundamental principle of the proposed development is accepted; the link road will alleviate pressure from the new development from Greenbank Terrace and traffic through Lower Darwen. The proposal is therefore considered to accords 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:

3.5.19 Accordingly, the principle of the proposal is accepted, as it is in accordance with the Development Plan and the aims and objective of the Framework, which advocates making effective use of land and boosting the supply of homes, 20% of which will be required to be affordable either on-site or off-site, secured through planning contributions.

3.5.20 Highways/Accessibility

3.5.21 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.

3.5.22 The Councils Highways Officer has assessed the proposal and has confirmed that in principle they offer no objections to the scheme subject to the following being addressed satisfactorily:

- 1) As part of the reserved matters scheme the scheme should make adequate provision for parking for all uses.
 - a. Residential – 2 space for 2/3 bed dwelling and 3 spaces for a 4/5 bed dwelling
 - b. B1/B2/B8 – the allowances vary between the three uses, the extreme being 1 car space per 35m².
 - c. D1 – the allowance would be dependent upon the type of use proposed. Which for this application has been allocated to fall within the 'Further and Higher Education' category, which would generate an allowance of 1 car space per 2 full time students.
 - d. Drives and garages should meet the councils standard size guidance.
- 2) There are six access points proposed into the sites, 2 new and 2 existing from Greenbank terrace and 2 from Milking Lane. The access points proposed from Greenbank terrace are acceptable in principle; however compliances to the following need to be addressed via conditions:

- No swept path of larger vehicles (i.e. 3 axle refuse vehicles manoeuvring through the junctions in both directions) has been received. This will provide support that the radii as presented are acceptable or not.
 - All junctions will be subject to and be delivered through the 278 process
 - With regards to the Greenbank Terrace frontage a footway should be provided for the full frontage of their site together with the necessary lighting, and associated works
 - No details of sightlines have been provided – please request for all access points, along with front boundary treatment
- 3) The following issues would require consideration at the reserved matters stage:
- The streets within the residential layout should have some inferences to Manual for Streets; the present layout does not make reference to this. Consideration to this should be given to create character and streets more harmonious to family living.
 - A route permeable and connective route for vehicles should be encourage
 - A swept path of all roads would be required
 - Clear servicing areas would need to be provided to aid the movement of service vehicles within the site
 - No details of site access/egress sightlines have been provided, nor any details with regards to individual drives and accesses. (For which both pedestrian and vehicle sightlines would be applicable).
- 4) A pedestrian movement strategy would also be required at the reserved matters stage which explores all pathways and their connectivity to the wider countryside and local convenience/schools etc. All paths should be a maximum of 3m wide to allow for both pedestrian and cycle passage simultaneously. To promote these paths widely consideration should be given to light these paths. This will be sought via a condition.
- 5) The officer has also confirmed that a construction method statement would be required to support the development and this will be sought via a condition.

3.5.23 The TA sets out appropriate modelling and a road safety review of the relevant area, the scope of works, including approach to the proposed development trips generation and junction capacity assessment. Personal Injury Accident data for the most recent 5 year period has been obtained from the Crashmap database for the site's surrounding area./ The accordant data does not indicate any inherent road safety issues associated with the existing layout of roads and junctions.

3.5.24 The TA concludes that it has been demonstrated that the site is well places in terms of pedestrian connectivity, with walking representing a realistic

alternative to car trips for a wide variety of local amenities. It has also been demonstrated that the site is accessible on cycle. A number of bicycle-based journeys could be undertaken using designated cycle routes, with the site being favourably positioned in the vicinity of the Weavers Wheel cycle network. It is also pertinent to mention that the site is accessible by public transport and it has been demonstrated that there is a potential for multi-modal journey via cycle, bus and rail.

3.5.25 A trip generation exercise was undertaken, to demonstrate a number of trips that could be potentially generated by the previously permitted development on site and the proposed development, as well as providing a trip generation comparison exercise. This was done in alignment with the Highways England requirements. The results show that the proposed development would generate 128 less two-way vehicle trips during the weekday morning peak hour and 103 less two-way vehicle trips during the weekday evening peak hour than the previously permitted development, when considered the proposed trip generation for the highway network peak hours.

3.5.26 The TA also assessed the following junctions:

- Fore Street/Duchess Street mini-roundabout
- Milking Lane/Greenbank Terrace priority junction
- Greenbank Terrace/Lower Eccleshill Road/Paul Rink Way roundabout
- Milking Lane/New Link Road priority junction; and
- M65 junction 4

3.5.27 The report goes on to further state that the on-site observations and analysis of the surveyed traffic flows have however demonstrated that there are a significant number of school trips attracted to Milking Lane during the weekday morning peak hour as it provides access to Lower Darwen Primary School. The report makes the assumption that the residential use of the proposed development would stagger its departure time to avoid the 30 minute peak period of the school. This will likely be the same for the business uses. Thus reducing the impact of the proposed development on the surrounding highway network.

3.5.28 To satisfy the Highways England request, an additional junction capacity assessment was carried out in regards to Junction 4 of the M65. The assessment concluded that the junction currently operates within capacity. With the additional of the committed, allocated and future development, the junction's performance would deteriorate and it would operate over capacity in both AM and PM peak hours. With addition of the proposed development traffic flows the junction would continue to operate over capacity in both AM and PM peak hours. Members should note that the actual impact of the proposed development would be imperceptible.

3.5.29 A Framework Travel Plan has been produced in support of the proposed development and should be read in conjunction with the TA. The objective of the Travel Plan are to reduce the reliance of future residents living within the development and staff working within the employment uses, as well as visitors on

travel by private car and to promote more sustainable modes of travel. The TA concludes that the proposed development is acceptable in highway, traffic and transportation terms.

3.5.30 Highways England assessed the abovementioned information and whilst they are in agreement with some of the previous outstanding issues, others still remain, particularly with regards to how the improvement scheme at the M65 Junction 4 roundabout has been modelled. They go on to further state in their response that there needs to be consistency regarding the inclusion of committed developments that generate traffic at Junction 4. Their assumption is that as this TA was produced by Capita (Blackburn), it should provide a true picture in the level of committed development generating traffic through the junction and so should be carried over into the assessment for the current Hybrid planning application for Gib Lane. This is described in further detail within the attached response Notice.

3.5.31 In light of the outstanding issues, they have recommended that they offer a holding objection to the application.

3.5.32 A response has been prepared by Capita on behalf of the Council and sent to Highways England at the time of the writing of this report. To date no response has been received. If no response is received from Highways England by the deadline for the update report publication the application will be removed off the agenda and deferred to the March 2020 Committee meeting.

3.5.33 A Public Right of Way (PROW) runs along the northern part of the site. Consideration as to the merits of diverting it or retaining its current position will be further explored at reserved matters stage. It is, however, initially suggested by the Councils PROW officer that incorporating the PROW within the development on its existing line would be the most suitable option. Should the developer decide on a diversion, an application should be made to the Highways Authority.

3.5.34 Works to the link road will run directly through the PROW, therefore, the applicant should contact the Highways Authority before works commence to apply for a temporary closure notice.

3.5.35 Ecology

3.5.36 Policy 9 with regard to ecology assessment emphasises that development likely to damage or destroy habitats or harm species of international or national importance will not be permitted

3.5.37 The ecology impact of the proposal has been fully assessed by the Greater Manchester Ecology Unit (GMEU) and found to be acceptable subject to the implementation of a number of conditions.

3.5.38 The application site, although comprising previously developed land, has been vacant and unmanaged for many years. As a consequence a wide range (mosaic) of semi-natural habitats have developed on the site, including

broadleaved woodland, scattered, trees, open and closed scrub, semi-improved grassland and semi-naturalised watercourses. This range of habitats will in turn support a range of breeding birds, small mammals, invertebrates and possibly amphibians. In addition it would appear that much of the site has been available for informal access for local people during its long period of neglect. So although not formally designated for its nature conservation value, the site could nevertheless can be said to have substantive (albeit local) ecological value.

3.5.39 The GMEU officer stated in their response that whilst they understood that the application is predominantly currently in Outline and that it is only the principle of development under consideration, nevertheless there is an apparent lack of information and/or evident commitment to the retention of areas of semi-natural habitat to provide reassurance or confidence that ecological interests can, and will, be conserved if permission is to be granted to the development.

3.5.40 None of the recommendations made to protect wildlife interests in the ecology survey report submitted to inform the application (*Bowland Ecology 2018*) are reflected in the Outline plans or information submitted with the application. Instead it would appear that any detailed proposals for the layout and landscaping of the site are only to be provided at Reserved Matters stage.

3.5.41 It is also proposed that some ecological surveys are undertaken later in the planning process to inform Reserved Matters applications and/or site clearance and construction works.

3.5.42 There is also an apparent lack of detail in the full application for the proposed new access road (e.g. no detailed Landscaping or Drainage proposals are available).

3.5.43 To overcome the above mentioned issues it is recommended that the following conditions be attached adopting reasonable avoidance measures, such as:

- Further ecological surveys are required to be undertaken to inform any Reserved Matters applications. Surveys to include –
 - Surveys for invasive plant species,
 - badgers,
 - otters,
 - water voles and
 - bats
- That a comprehensive Landscape and Habitat Creation and Management Plan is prepared for the site and once approved implemented in full. The Plan should aim for, at the least, no net biodiversity losses. Recommendations made in section 5 of the Bowland Ecology Report of 2018 should be incorporated into the Plan
- That a separate Landscape Plan be prepared for the Access Road as a Condition of any approval granted to this element of the scheme

- That no vegetation or ground clearance works are undertaken during the optimum time of year for bird breeding (March to August inclusive)
- That a Construction Environmental Management Plan (CEMP) is prepared for the development. In particular details of measures to protect the watercourses on and close to the site should be provided.

3.5.44 It is acknowledged by the Council that there will be a bio-diversity nett loss within the site, however, by ensuring the submission of landscaping schemes this will mitigate the loss to an acceptable level.

3.5.45 The assessment is considered to demonstrate support for the proposal from an ecological perspective subject to the attachment of the aforementioned conditions; in accordance with the requirements of Policy 9 and the NPPF.

3.5.46 Amenity

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

3.5.48 As an outline application, a full amenity assessment in respect of relationships between buildings is not possible. This will, instead, be subject to assessment at reserved matters stage. Any proposed layout will need to demonstrate compliance with the Council's adopted space standards, as set out in the Residential Design Guide SPD, ensuring adequate separation is achieved between each new unit and existing dwellings which adjoin the application site.

3.5.49 The Council's Public Protection team has been consulted on the proposal and have reviewed a preliminary Phase 1 Geo-Environmental Assessment. Although the site has a complex contaminative history, quite a large amount of previous contaminated and investigations have been completed on site and not found any major issues. As such, the officer has recommended that they have no objection to this application based on contaminated and grounds. Application of the standard contaminated land conditions is also recommended, as is a restriction in the hours of demolition / construction of the link road.

3.5.50 A pre-determination noise amenity impact assessment has been recommended by the Public Protection officer also. As the request relates solely to the noise impact s of the proposed B2 & B8 commercial land uses and existing ambient traffic noise upon future users of the development site it is considered that this could be undertaken to inform any Reserved Matters application.

3.5.51 It is considered that the construction of the link road would have a negligible impact on the neighbouring properties by virtue of the separation distance

between the siting of the road and the nearest dwellings. The proposed development is considered to accord with Policy 8 of the LPP2.

3.5.52 Drainage/Flooding

3.5.53 The Environment Agency have confirmed that in the absence of an acceptable Flood Risk Assessment (FRA) they object to the scheme and recommend that planning permission be refused for the following reasons:

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the development's flood risks. In particular, the detailed hydraulic model submitted with the FRA is inadequate, therefore we are unable to properly assess the flood risk. In particular:

1. The hydrology report uses the junction between Davyfield Drain and Davyfield Brook as the downstream locations of catchments used in the model. However, the model applies these boundaries 1.3km upstream of this location for Davyfield Brook and 500m upstream for Davyfield Drain. As a result, a large quantity of flow is lost to the flood plain, and for Davyfield Brook, the QT relationship at the junction shows a modelled peak flow 3x lower than the statistical peak flow at this location. The hydrology should be calculated at the confluence and at the location of the model boundaries, and the differences between hydrographs applied as a lateral inflow.

2. The 2D channel width in the development area is smaller than the 1D channel width and culverts have been represented using orifice units. A 2D HQ boundary upstream of the development allows flow to leave the model, but this flow could re-enter the channel after the peak and affect levels, so the active code area should be extended.

3. A 2D stability patch with a Mannings value of 10 has been used. This is far too high and needs to be reduced to a more sensible value.

4. Upper Davyfield Brook is very unstable. Potentially would be more stable if it had a mannings value <1.

3.5.54 An amended FRA and hydraulic model which addresses the issues outlined above has been supplied to the Environment Agency by the applicant.

3.5.55 At the timing of the writing of the report, no formal comments have been received from the Environment Agency regarding the amended information. If a response is not received by the update report publication date then the application will be removed from the agenda and deferred until the March 2020 Committee meeting.

3.5.56 Design

3.5.57 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.

The proposed link road will reduce the noise and air pollution impact of congestion from idling vehicles to the properties travelling from the M65 to Milking Lane. It will provide a direct route rather than the vehicles travelling down Greenbank Terrace.

3.5.58 The applicant has confirmed that a landscaping scheme for the access road will be submitted before the application is presented to the Committee. Details of this landscaping scheme will be reported in the Update Report.

3.5.59 A landscaping scheme along the link road would reduce the visual impact of the hard surfaced road. The introduction of an aesthetically pleasing, visually interesting balance of hard and soft landscape treatments. A further update on the visual impact of the link road will be reported via the update report upon receipt of the landscaping scheme.

3.5.60 As this application is seeking outline consent for the for a mixed use development only an illustrative plan has been submitted in support of the proposal. Therefore, no firm position is set out in relation to the development.

3.5.61 The applicant has, however, applied for up to 200 dwellings, 9,000m² of employment use and a careers hub.

3.5.62 It is considered that the proposed development, having particular regard to the maximum number and scale of the allocated zones, can be accommodated comfortably within the site area in a manner which assimilates sympathetically with the character of the site and its surrounding. Should the development be supported there will be a need for the submission of a reserved matters application(s) that will provide an opportunity for the Council to pursue a high standard of design that will ensure the development contributes to the strengthening of the existing housing market in the Borough as well as contributing to the Borough's 5 year supply of housing.

3.5.63 Affordable Housing

3.5.64 A condition will be attached ensuring that 20% of the housing stock brought forward as part of the reserved matters scheme will be affordable.

3.5.65 Summary

3.5.66 This report assesses the Hybrid Planning Application, which seeks full planning permission for the new link road and access points and outline planning permission with all matters reserved (with all matters reserved except for access) for a mixed use development comprising a maximum of the following: 100 dwellings (C3), 9,000m² of employment use and careers hub (B1/B2/B8/D1), and associated ancillary works.

3.5.67 In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation that is

considered to demonstrate compliance with the aims and objectives of the Local Development Plan and the NPPF.

4.0 RECOMMENDATION

4.1 Approve subject to Conditions which relate to the following matters:

4.2 Full Planning Application

- Commence within 3 years
- Materials to be implement as agreed subject to the approved details
- Implementation of approved Landscaping Scheme
- Development to be carried out in accordance with FRA
- Prior to commencement of development; submission of foul and surface water drainage scheme
- Prior to commencement of development; submission of surface water construction phase management plan including SUDS
- Prior to commencement of development; submission of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development
- Unexpected contamination
- Prior to commencement of development; submission of Construction Method Statement
- Prior to commencement of development; submission of Tree Survey
- Tree Protection during construction
- Prior to commencement of development, submission of a plan showing the swept path of larger vehicles (i.e. 3 axle refuse vehicles manoeuvring through the junctions in both directions).
- Limited hours of construction
- Development in accordance with submitted details / drawing nos.

4.3 Outline Planning Application

- All reserved matters application to be made within 3 years
- Reserved matters; landscape, layout, appearance and scale
- Scheme for provision of open space to be agreed
- Details of management/maintenance of open space to be agreed
- Materials to be submitted and agreed
- Construction methods statement to be submitted and agreed
- Highways – Grampian S278 off-site/on-site highways works
- Highways - visibility splays (pedestrian and vehicular)
- Highways, submission of a plan showing the swept path for all roads
- Ecology – Further ecological surveys
- Submission of a Landscape and Habitat Creation and Management Plan
- Submission of a Landscape plan
- Predetermination - Noise Amenity Impact Assessment
- Pre-determination – Air Quality Impact Assessment
- Submission of foul and surface water drainage scheme

- Submission of surface water construction phase management plan including SUDS
- Submission of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development
- Movement strategy, including footpath and cycle linkages through the site, to be submitted and agreed
- Standard contaminated land
- Submission of Tree Survey
- Limited hours of construction:
 - 08:00 to 18:00 Mondays to Fridays
 - 09:00 to 13:00 Saturdays
 - Not at all on Sundays and Bank Holidays
- Submission of a lighting scheme
- Provision of motor vehicle charging points for each dwelling
- Development in accordance with submitted details / drawing nos.

5.0 PLANNING HISTORY

- 5.1 **10/18/0911** – Demolition of 2 vacant office buildings (Prior Approval is not required - 02/10/2018)
- 5.2 **10/15/1119** - The erection of up to 180 dwellings, open space and associated works including the construction of a link road together with the demolition of the existing redundant office buildings (Refused 17/11/2016 – S106 Agreement was not completed.)
- 5.3 **10/10/0551** - Residential development and link road at land between Milking Lane and Greenbank Terrace (Approved with conditions 19/11/2012)
- 5.4 **10/05/0317** - Redevelopment of the former Lower Darwen Paper Mill site to create high quality Business Park (Approved with conditions 28/06/2006)

6.0 CONSULTATIONS

- 6.1 Neighbours
122 neighbouring properties were consulted during the consultation process relating to the initial scheme and the amended scheme, in addition 6 site notices were posted. A press notice was advertised in the local newspaper also. As a result of this, 6 letters of objection and 1 letter offering comments have been received (see summary of representations).
- 6.2 GMEU
No objection subject to attachment of conditions at reserved matters stage.
- 6.3 LLFA
No objection subject to the FRA meeting the Environment Agency's requirements and the attachment of a condition requiring the submission of a foul and surface water drainage scheme, a surface water construction phase

management plan and an appropriate maintenance plan for the sustainable drainage system.

6.4 Public Protection

Noise – No objection subject to the imposition of a condition requiring the submission of a noise assessment and Air Quality Impact Assessment

Contamination - No objection subject to the imposition of the standard contaminated land conditions being attached.

6.5 Highways

No objection subject to the imposition of a number of conditions, a pre-commencement condition requiring the submission of a construction method statement, a S278 Grampian condition securing off-site highways works, a plan showing the swept path of larger vehicles through both junctions, and sightlines.

6.6 Environmental Services

No comments as no detail layout has been provided. .

6.7 Lancashire Constabulary

No objections, but recommended that the scheme should be developed to achieve 'Secured by Design' accreditation.

6.8 United Utilities

No objections, subject to conditions requiring the development to be carried out in accordance with a drainage scheme and the submission of a maintenance plan prior to occupation

6.9 Housing Growth

No objection to the attached proposal subject to it meeting planning policy requirements

6.10 Environment Agency

The submitted FRA does not comply with the requirements for site-specific flood risk assessments the EA therefore object to the proposed development.

6.11 Highways England

Whilst there is agreement over some of the previous outstanding issues, some others still remain, particularly with regards to how the improvement scheme at the M65 Junction 4 roundabout has been modelled. Furthermore, there also needs to be consistency regarding the inclusion of committed developments that generate traffic at Junction 4 – our assumption is that as this TA was produced by Capita (Blackburn), it should provide a true picture in the level of committed development generating traffic through the junction and so should be carried over into the assessment for the current Hybrid planning application for Gib Lane. In light of the outstanding issues, our formal recommendation is that the holding objection on the determination of the application is extended until 21st February 2020 to enable time for them to be addressed.

6.12 Property
No objection.

6 CONTACT OFFICER: Rebecca Halliwell – Planner, Development Management.

7 DATE PREPARED: 6th February 2019

8.0 SUMMARY OF REPRESENTATIONS

Objection – W M McNicholas, 71 Milking Lane. Rec 06.01.2020

Objection to planning application: Planning Reference: 10/18/1149.

I hereby wish to lodge an official objection to the above planning application.

I have no objection to the residential development or employment and carriers hub, however, I do not want a new access road being created adjacent to my home. Being a resident of Milking lane for the last 18 years, I have been subjected to the twice daily congestion caused by the inconsiderate parents attending Lower Darwen Primary school.

I fail to see what benefit the proposed link road will have in easing problems as the parents will still park on both sides of the road and will still arrive (in some instances) an hour early to be able to park as close as possible. The new link road will only move the problem further up Milking Lane and will add to already excessive noise and environmental pollution and introduce light pollution. If planning is granted are there plans to provide triple glazing and other measures to reduce the impact on the house directly affected?

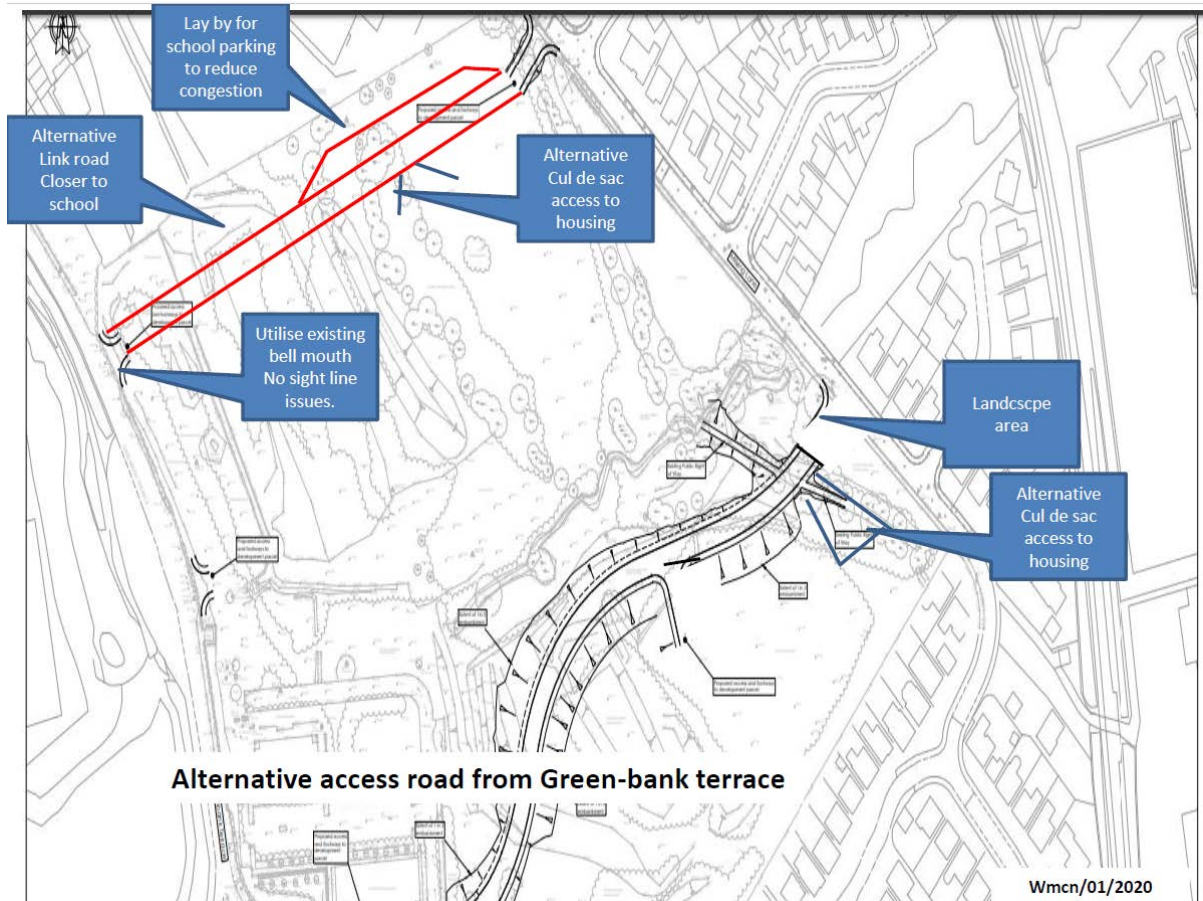
I believe there should be a balance between the need for housing and employment in Lower Darwen and for the needs of the existing residents; therefore I have an alternative proposal. If you refer to my sketch Wmcn/01/2020 I suggest the following:

- Relocate the link road and utilise the existing bell mouth adjacent to the old farm house on Green House Terrace.
- As it is an existing bell mouth there are no issues with sight lines/ section 278 upgrades.
- This will be a more cost effective alternative to the current proposal, reducing the significant civils infrastructure upgrade required.
- It will provide the ability to provide a new lay by adjacent to the school to ease parking on Milking Lane.
- Access to the other housing plot will still be maintained from the existing round about and a “cul de sac” provided to give access to the new housing, and still provide access to the bin waggon.
- The area adjacent to my property can be landscaped and public access to the historical back path can also be maintained and upgraded to provide much needed amenity space.
- What are the plans to replace all of the new trees that have grown and that have encouraged new wild life into the area?

- As the planning application is not granted it will allow the redesign to be completed and provide an opportunity to balance the planning proposal.

I look forward to your prompt response.

Yours sincerely



Objection – David Dunlop, Unknown Address. Rec 20.12.2019

FAO Rebecca Halliwell, Case Officer

The above planning permission application (10/18/1149) has recently been brought to our attention by a local resident; particularly due to his concern over its role as a local foraging site for raptors and a local wildlife amenity for residents. Unfortunately, as the deadline for comment is apparently 2nd January 2020, and given the impending seasonal holiday break (I will be on leave from this afternoon until the morning of 6th January 2020), we have insufficient charitable capacity to assess the application as thoroughly as we would wish before that deadline. However, I offer the following brief comments.

The response to Question 13 in the application form is now demonstrably incorrect given the assessment of the site made by the applicant’s contracted ecological consultant, Bowland Ecology. However, on the basis of our current knowledge, we accept Bowland Ecology’s assessment of the application site’s ecology, the likely impacts of the development on that ecology, and the consultancy’s proposed mitigation and compensation measures in outline; though we have some concern that no assessment was apparently undertaken of the suitability

or use by bats of the interior of the derelict buildings onsite, presumably because of lack of access, and we would wish to see that remedied for reason of greater certainty.

We also welcome the proposal to de-culvert and re-profile the watercourses traversing the application site; though some restoration of meanders would be a welcome addition, if and where practicable, with appropriate revegetation with native riparian and wetland plant species.

That said, none of the delivery of the mitigation or compensation measures proposed by Bowland Ecology is covered by the current hybrid application for planning permission, including the proposed ecology management plan. These are, rather, to be the subject of a reserved matters application. Given that omission, we are unable to assess how, and to what extent, this application will deliver and sustain a locally appropriate net gain in biodiversity, in accordance with NPPF and Local Plan policies, so must lodge a conditional objection.

If your authority is minded, nonetheless, to grant full consent for the proposed access roads and outline consent for the proposed housing and industrial development uses, we would wish to see all of the recommendations in the Bowland Ecology report conditioned and/or made the subject of a S106 agreement, as appropriate.

Season's Greetings

Dave

Objection – Kevin Lloyd, 14 Lady Close. Rec 19.12.2019

I am writing in respect of the full planning application received by yourselves and wish to make the following comments/objections.

Please find enclosed with this letter a copy of my comments/objections which I previously sent to yourselves when this planning application was previously submitted as an outline planning application. I should kindly be obliged if you would ignore my points 7&8 as I now understand that a link road will be constructed. However as far as I am concerned all my other comments remain valid.

I would like to emphasise the most major concern for me is the issue of the classification of land immediately to the rear of my residential property being classed as **B2 – General Industrial Use**. As I understand it this would mean that the developer would in principle have permission to site any kind of factory to the rear of my property with all the associated light, smell and noise pollution. Surely this classification is not acceptable when it is so close to existing residential properties. Such a classification could have serious and detrimental effects on the value of my property and is detrimental to the amenities enjoyed by both myself and other residents in the area. I find this totally unfair and I note that there is no B2 classification near to where the new residential properties are to be built.

APPLICATION REFERENCE 10/18/1149

Land at Greenbank Terrace and Milking Lane Darwen

With reference to the above please find my comments and objections to this proposed outline planning application:

1. The land is currently a haven for numerous wildlife including the hunting ground for birds of prey which I have seen on numerous occasions from the rear of my property. Only the other day my neighbour recorded a video on his mobile of an adult male pheasant in his garden. It is a well known fact that such corridors of land at the side of motorways in this case the M65, are used by such birds due to the continuing disappearance of their natural habitat. This planning permission would reduce their habitat even further. Such a proposal is not environmentally friendly.
2. I was under the impression that the borough council is under pressure from central government to release land both brown field and green field for residential use and most certainly not for B1,B2 and B8 development. Therefore the Borough council is flouting central government directives.
3. The area where the proposed 15,000m² of employment use is situated with proposed permission for B1,B2 and B8 use is an existing flood plain as identified on the Borough Council's website. This website also clearly identifies this as at risk of medium to high flooding. My neighbour has photos of how extensive this flooding can be. Also Lower Darwen in the Greenbank Terrace area is already nationally recognised and listed as an area at risk of significant flooding due to the River Darwen which runs along the South edge of this site and to which the stream on this site contributes. Any development on this site could create further flooding if a naturally occurring flood plain is built upon. I was under the impression that it was now generally accepted that building on a flood plain should be discouraged. Most certainly such a development could hardly be construed as a sustainable one.

4. The site is bordered by a very steep gradient on one side as recognised on the Borough Council's website and a stream with flood plain on the other side. There is a significant risk of undermining this steep gradient on top of which my property is situated. It was a Blackburn Borough Council building condition that the boundary of the property next door to me (12 Lady Close) atop this gradient was 'shored up' with railway sleepers as can be seen on the original developer (Rivermead) plans. Additionally the gradient from the corner of 12 Lady Close (where the railway sleepers are situated) and round to Viscount Avenue is largely man made and again at significant risk of slippage.
5. Given the location any such B2 general industrial or B8 warehousing and storage development could lead to land pollution, light pollution, noise and air pollution especially as the prevailing wind is from the west and would blow such pollution over my property. Again a non - sustainable and environmentally unfriendly development
6. There is no guarantee that these units would be occupied especially as the industrial units which have recently been demolished were never occupied and led to them becoming vandalised and an eye sore. It is highly likely that the same scenario would repeat itself. Given the substantial number of empty industrial unit alongside the M65 corridor and at the M65 services I can see no demand for additional capacity.
7. Would there be any restrictions as to the height and materials used in the construction of such units. It would be unacceptable to expect residents such as myself to be staring at some kind of cheaply constructed clad building.
8. There are considerable vehicular access issues with no access to the residential development from the Paul Rink M65 link road via the roundabout. This will create considerable extra traffic on Milking Lane and surrounding areas.
9. As a result of 8 above residents on Greenbank terrace will not be allowed to park their vehicles in front of their properties and will be expected to park their cars somewhere on the site? There has already been a serious incident of criminal damage in this area when the vehicles used to demolish the old industrial units were set on fire!

In summary this development is unsustainable, environmentally unfriendly and in conflict with national government policy.

Objection – Robert Murphy, Unknown Address. Rec 14.12.2019

I am writing to object to the planning application 10/18/1149.

My family own and reside at 4 Moorcroft Lower Darwen BB3 0RY. My objection is because of the additional amount of traffic using Milking Lane which is the only access to the primary school. The recent extension to the school is already causing severe congestion and I believe permission for the school extension was given on condition that another access road would be

built once planning permission is granted for the land in question. It now appears from this application that the second access is not in the planning proposal. It is for this reason that I object to the proposed application.

Robert Murphy.

14 December 2018.

Objection – Kevin Lloyd, 14 Lady Close. Rec 12.12.2019

APPLICATION REFERENCE 10/18/1149

Land at Greenbank Terrace and Milking Lane Darwen

With reference to the above please find my comments and objections to this proposed outline planning application:

1. The land is currently a haven for numerous wildlife including the hunting ground for birds of prey which I have seen on numerous occasions from the rear of my property. Only the other day my neighbour recorded a video on his mobile of an adult male pheasant in his garden. It is a well known fact that such corridors of land at the side of motorways in this case the M65, are used by such birds due to the continuing disappearance of their natural habitat. This planning permission would reduce their habitat even further. Such a proposal is not environmentally friendly.
2. I was under the impression that the borough council is under pressure from central government to release land both brown field and green field for residential use and most certainly not for B1,B2 and B8 development. Therefore the Borough council is flouting central government directives.
3. The area where the proposed 15,000m² of employment use is situated with proposed permission for B1,B2 and B8 use is an existing flood plain as identified on the Borough Council's website. This website also clearly identifies this as at risk of medium to high flooding. My neighbour has photos of how extensive this flooding can be. Also Lower Darwen in the Greenbank Terrace area is already nationally recognised and listed as an area at risk of significant flooding due to the River Darwen which runs along the South edge of this site and to which the stream on this site contributes. Any development on this site could create further flooding if a naturally occurring flood plain is built upon. I was under the impression that it was now generally accepted that building on a flood plain should be discouraged. Most certainly such a development could hardly be construed as a sustainable one.
4. The site is bordered by a very steep gradient on one side as recognised on the Borough Council's website and a stream with flood plain on the other side. There is a significant risk of undermining this steep gradient on top of which my property is situated. It was a Blackburn Borough Council building condition that the boundary of the property next door to me (12 lady Close) atop this gradient was 'shored up' with railway sleepers as can be seen on the original developer (Rivermead) plans. Additionally the gradient from the corner of 12 Lady Close (where the railway sleepers are situated) and round to Viscount Avenue is largely man made and again at significant risk of slippage.
5. Given the location any such B2 general industrial or B8 warehousing and storage development could lead to land pollution, light pollution, noise and air pollution especially as the prevailing wind is from the west and would blow such pollution over my property. Again a non - sustainable and environmentally unfriendly development
6. There is no guarantee that these units would be occupied especially as the industrial units which have recently been demolished were never occupied and led to them becoming vandalised and an eye sore. It is highly likely that the same scenario would repeat itself.

Given the substantial number of empty industrial unit alongside the M65 corridor and at the M65 services I can see no demand for additional capacity.

7. Would there be any restrictions as to the height and materials used in the construction of such units. It would be unacceptable to expect residents such as myself to be staring at some kind of cheaply constructed clad building.
8. There are considerable vehicular access issues with no access to the residential development from the Paul Rink M65 link road via the roundabout. This will create considerable extra traffic on Milking Lane and surrounding areas.
9. As a result of 8 above residents on Greenbank terrace will not be allowed to park their vehicles in front of their properties and will be expected to park their cars somewhere on the site? There has already been a serious incident of criminal damage in this area when the vehicles used to demolish the old industrial units were set on fire!

In summary this development is unsustainable, environmentally unfriendly and in conflict with national government policy.

Objection – Mick Miller, 2 Knight Crescent. Rec 11.12.2019

Hi

I/we were wondering if any of you in the planning office have any idea the impact this development will have on the people of Lower Darwen, the added congestion with this proposal will have a devastating effect on normal day to day life. The village certainly does not need any more industrial units, a careers hub and another 100 houses. Milking Lane, Greenbank Terrace and Goosehouse are already too congested, maybe someone should come along and do a proper study

Regards

Mick Miller
2 Knight Crescent

Comments – Cllr Denise Gee, Unknown Address. Rec 10.12.2019

Planning application 10/18/1149

I would like to put my condition in to be part of this planning application.

This application must not go ahead without the link road to Milking Lane.

Due to Milking lane having a school and high number of residents in what effectively is a cul-de-sac

We must not repeat and create a new cul-de-sac,, when the 65 has issues the traffic cannot move and we need to give this development another way out at the same time as resolving what the council created earlier.

Regards

Denise

REPORT OF THE DIRECTOR

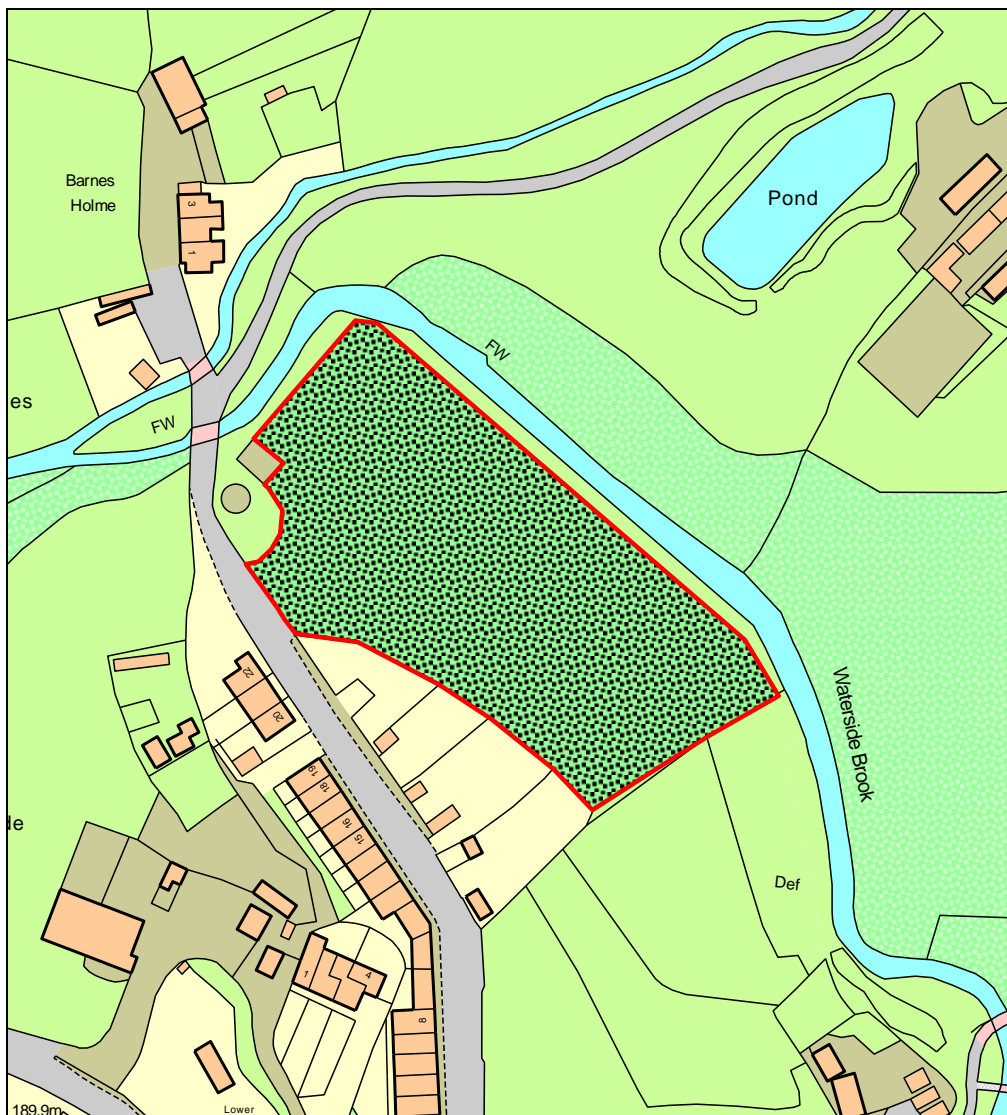
Plan No: 10/19/0807

Proposed development: Full Planning Application for; residential redevelopment of 10 No. detached dwellings including access and associated landscaping.

**Site address:
Vacant Land off Victoria Buildings
Waterside
Darwen**

Applicant: Mr A Shorrocks

**Ward: West Pennine
Councillor: Julie Slater
Councillor: Colin Rigby
Councillor: Jean Rigby**



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 presented to Committee on account of a significant number of objections having been received in accordance with the Council's adopted Scheme of Delegation "Chair Referral Scheme."
- 2.2 The planning application is submitted in full application form and follows pre-application discussions between the applicant and the Development Management team. Support, in principle, was offered, at pre-application stage, although concern was expressed as to the number of dwellings proposed and advice provided to the effect that robust justification should be offered at application stage to support the number of dwellings. Such justification is offered on the basis that a reduction in the number of dwellings would make the development no longer viable and that redevelopment of the site would have wider economic, social and environmental benefits.
- 2.3 Assessment of the application establishes that the proposal is, on balance, consistent with the Borough's strategic aims and objectives; in that it corresponds with the Council's overarching targeted growth strategy, through delivery of high quality family housing across the site which will assist in widening the choice on offer for families in the Borough, and which will have significant benefits in achieving a development solution for a site that has proved problematic due to its unsightly appearance undermining the character of the area and from anti-social behaviour perspective. Accordingly, the development will offer a sustainable and desirable place to live with benefits to the existing community. This is in accordance with the aims and objectives of the Local Development Plan and national planning policy. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site comprises 5,890 square metres vacant land, and is located off Victoria Buildings; within the village of Waterside. Darwen Town Centre is located 1.5km to the west.
- 3.1.2 The site last accommodated a poultry business which included three substantial sized utilitarian, agricultural buildings. The buildings were cleared last year following extensive storm damage; in accordance with the provisions of Section 80 of the Building Act 1984 (Notice of Demolition). The site now comprises a cleared space, including remnants of the former buildings and

hardstanding alongside grassed areas. Land levels across the site are relatively consistent.

- 3.1.3 The site is located at the head of Victoria Buildings, which leads off the main road running through Waterside (Johnson Road). There are blocks of stone terraced housing to the western side of Victoria Buildings and detached garages to the eastern side of the road. The site itself lies within a 'bowl' at the bottom of the valley and is at a lower level to the rest of the built development within Waterside. It is bounded by a belt of trees and Waterside Brook beyond to eastern and northern boundaries, a field to the southern and detached garages, Victoria Buildings and terraced properties to the western boundary.
- 3.1.4 The village of Waterside is characterised by high density residential terraced properties, laid out in a linear arrangement, and a substantial complex of industrial buildings occupied by Shaws of England, located approximately 170m to the south west of the application site and accessed from the western side of Johnson Road. Shaw's have manufactured sinks from the site for over 100 years, employing a significant number of people. The housing stock within the village reflects the historic development of the mill complex and comprises largely two-bedroom terraced housing with very few family sized properties.
- 3.1.5 The site is currently enclosed by security fencing. It is accessed via an established access point of Victoria Buildings that has evidently been used for many years. The length of Victoria Buildings, from its junction with Johnson Road up to the access into the site, is unadopted and in a state of disrepair. It is also is a defined bridleway; in accordance with the Council definitive Public Rights of Way map.

3.2 Proposed Development

- 3.2.1 Full planning permission is sought for the erection of 10 detached dwellings, access, internal highway infrastructure and associated landscaping; as set out in the submitted drawings.
- 3.2.2 The proposal presents an arrangement of two storey dwellings around a cul-de-sac setting. Houses are large 4 bedroomed, set in proportionate plot sizes. Four different house types are proposed; as follows:

Plot 1

4No. bedrooms with detached double garage

Gross Footprint (dwelling) = 115.40m²

Gross Footprint (garage) = 43.92m²

Internal floor area (dwelling) = 251.13m²

Internal floor area (garage) = 36.33m²

Plot 2

4No. bedrooms with detached double garage

Gross Footprint (dwelling) = 94.43m²

Gross Footprint (garage) = 43.92m²

Internal floor area (dwelling) = 197.29m²

Internal floor area (garage) = 36.33m²

Plot 3

4No. bedrooms with detached single garage

Gross Footprint (dwelling) = 115.40m²

Gross Footprint (garage) = 23.79m²

Internal floor area (dwelling) = 251.13m²

Internal floor area (garage) = 18.04m²

Plot 4

4No. bedrooms with detached double garage

Gross Footprint (dwelling) = 94.43m²

Gross Footprint (garage) = 43.92m²

Internal floor area (dwelling) = 197.29m²

Internal floor area (garage) = 36.33m²

Plot 5

4No. bedrooms with integral double garage

Gross Footprint (dwelling and garage) = 149.66m²

Internal floor area (dwelling) = 238.70m²

Internal floor area (garage) = 37.23m²

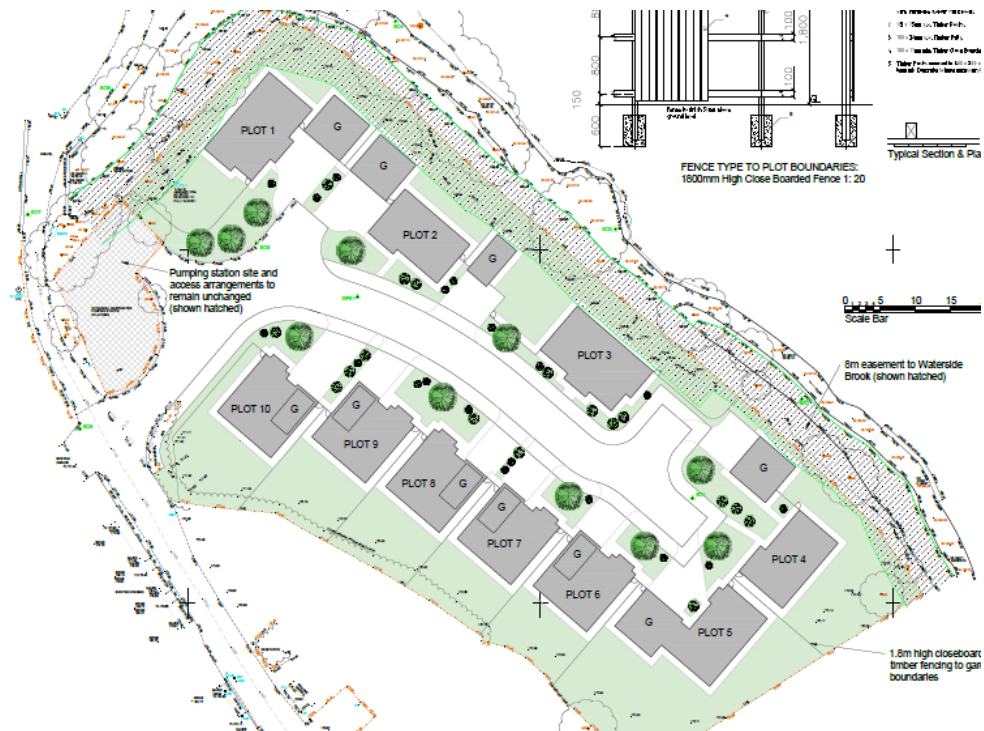
Plots 6 - 10

4No. bedrooms with integral single garage

Gross Footprint (dwelling and garage) = 106.79m²

Internal floor area (dwelling) = 201.98m²

Internal floor area (garage) = 18.39m²



Extract from submitted site plan

3.3 Development Plan

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

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

3.3.3 Core Strategy

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

3.3.4 Local Plan Part 2 (LLP2)

- Policy 1 – The Urban Boundary
- Policy 5 – Countryside Areas
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 16 – Housing land Allocations
- Policy 18 – Housing Mix
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development

3.4 Other Material Planning Considerations

3.4.1 Residential Design Guide Supplementary Planning Document (2015)

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

Overall, The Framework aims to raise economic performance by ensuring the quantity, quality and mix of housing reflect that required, with an expectation to maintain a 5-year housing land supply. Quality design should be secured and environmental impacts minimised.

Paragraph 8 states that achieving sustainable development has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

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

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

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

Areas of The Framework especially relevant to the proposal are as follows:

- Section 5: Delivering a sufficient supply of homes
- Section 6: Building a strong, competitive economy
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment.

3.4.3 Housing and Economic Need Assessment 2018: Blackburn with Darwen and Hyndburn Councils (GL Hearn).

3.4.4 Blackburn With Darwen 5-year Housing Land Supply Statement (2019).

The Council published a housing land supply statement in June 2019. On the basis of the ‘standard methodology’, which equates to 157 dwellings per annum, the Council considers that it can demonstrate a supply of 1,857 residential units between the years 2019 and 2024 and this equates to a 9.9 year housing land supply.

3.4.5 Blackburn With Darwen Corporate Plan 2019 – 2023.

3.5 **Assessment**

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

- Principle of residential development
- Amenity

- Environment
- Highways
- Design

3.5.2 Principle

The site lies within open countryside; as defined by the Development Plan's Site Allocations Map. LPP2, Policy 5 guides the principle of development within countryside areas. It sets out that planning permission will only be granted for development needed for the purposes of agriculture or forestry, or economic uses appropriate in nature and scale to the rural area. As a residential development, the proposal is acknowledged as inconsistent with this policy.

- 3.5.3 Moreover, it is mutually accepted that the last use of the site was as a poultry farm. As a preceding agricultural use, it should be recognised that the site cannot be considered as *Previously Developed Land* (brownfield), by virtue of The Framework's definition of such:

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

- 3.5.4 Consequently, the principle of the development is considered in the context of other material considerations, including environmental benefits arising as a consequence of eradicating visual harm caused by the current neglected appearance of the site, improvements to the surface of Victoria Buildings, and the social and economic benefits arising from delivery of quality family housing.

- 3.5.5 Weighted in favour of the development is the notion that the site is considered to represent a potential 'windfall' opportunity, able to make a valuable contribution towards the Council's housing delivery targets and growth objectives. It is acknowledged that the proposal is consistent with the Council's economic growth objectives, centred on delivery of housing; notwithstanding the current demonstrable five year housing supply position. The adopted Core Strategy (Policy CS7) sets out the objective of boosting family sized accommodation in order to attract and retain a working age and skilled population. Policy 18 of LPP2 sets out that semi-detached and detached houses are to be the principal element of the dwelling mix on any site that is capable of accommodating such housing and where such housing would make a positive contribution to the character of the local area; as is the case with the proposal, in that it will have the tangible benefit of alleviating the sites current detrimental impact. Significant benefits will also arise for

Waterside as a rural community, in terms of widening the housing mix on offer which is currently limited to high density two-bedroom terraced properties. The addition of family sized homes would help support larger households and provide a relocation option for the existing community; thereby promoting the sustainability of the village.

- 3.5.6 Although not a brownfield site, as defined by the Framework above, it is accepted that the site has historically hosted various buildings. Prior to the aforementioned poultry farm, a cotton weaving mill operated from the site. The mill was demolished in the 1930's. The current remnants of structures, foundations and hardstanding evidence the historic developed use of the land. Redevelopment would not, therefore, appear as an unfamiliar visual intrusion. Instead, it is argued that the proposal offers the opportunity for a long term sustainable use of the site that reduces the threat of prolonged adverse visual amenity to the area.
- 3.5.7 Given its location and condition, the site enjoys a close functional and visual relationship with the village of Waterside. The scheme represents a logical infill opportunity rather than an incursion into the open countryside. The proposed design concept strikes the optimal balance between ensuring the efficient and effective use of the site for much-needed housing development whilst securing a high quality scheme that would serve to enhance the character and appearance of the area. Accordingly, redevelopment of the site for housing is potentially considered a logical and optimum solution; subject to compliance with wider Development Plan policy objectives.
- 3.5.8 Adding further weight in support of the principle of proposal is the applicants stated intention to upgrade the surface and drainage of the entire length of Victoria Buildings, together with improvements to the Johnson Road junction. The road is unadopted and its current uneven state demands attention. Renewed surface treatment and junction improvements will not only benefit users of the development but also the wider community. Further discussion in this regard is found in the Highways assessment at paragraph 3.5.34
- 3.5.9 Accordingly, the proposal is considered, on balance, to be compliant with the Development Plan and The Framework when read as a whole.
- 3.5.10 Design, Character & Appearance.
Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.
- 3.5.11 Policy 41 concerns itself with impact on landscape character of an area. It directs that development will be permitted provided there is no unacceptable impact on landscape character or the principal traits associated with it.
- 3.5.12 With reference to the setting of the site; it is positioned at the bottom of a valley, at a lower level than existing development within the village of Waterside. It is not a green field site but an engineered plateau that formally

accommodated a range of buildings. Moreover, public views inwards are very limited. In this sense, the site is not representative of a typical countryside setting. It cannot be seen from Johnson Road to the south west, by virtue of terraced housing along Victoria Buildings, the sites sunken position and surrounding vegetation. Views from the elevated position to the north east are largely concealed by mature trees that are adjacent to the sites north east boundary. Such limited public views and the sites previously developed characteristics, allay any concern that the proposal would have an unacceptable impact on landscape character or on the West Pennine Moors setting.

3.5.13 Design of the development is constrained by the periphery of the site, which is bounded to the north-west and north-east by a belt of trees and a watercourse, to the south west by informal allotments, positioned on rising ground, and to the south east by green fields. The linear arrangement of dwellings around a cul-de-sac, and within proportionate plot sizes, responds to the site constraints and the point of access from Victoria Buildings. Frontages will face the access road, offering natural surveillance.

3.5.14 Proposed dwellings are large detached family sized homes with garages. Further details with reference to floor areas are set out at the aforementioned 'Proposed Development' section at paragraph 3.2.2. Although significantly larger than the traditional terraced homes common to the village of Waterside, they are not considered to appear out of context, given the concealed position of the site and their two storey height which reflects the built form of existing properties within the village. Proposed external materials reinforce local vernacular in the form of natural stone elevations and slate or similar roofs. Material samples will be secured by condition.

3.5.15 Retention of mature trees along the north east and north west perimeter of the site is proposed, together with an 8m easement to Waterside Brook; features that will be incorporated into the wider natural landscape strategy for the site. Their retention will be secured by condition, together with detailed tree and shrub planting, and hard landscaping.

3.5.16 Accordingly, the design of the development and the impact on the wider landscape setting is considered compliant with the objectives of the Development Plan and The Framework.

3.5.17 Amenity

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

3.5.18 The relationship between proposed dwellings and existing dwellings adjacent to the site along Victoria Buildings is acceptable, on account of generous separation and the sites sunken level in contrast to the elevated position of Victoria Buildings.

3.5.19 Separation between proposed dwellings is broadly in accordance with the Council's adopted standard of 21m between habitable windows and 13.5 between habitable and non-habitable windows. This is with the exception of the interface between plots 7 and 8 and plot 3 opposite which achieves a separation of circa 18.5m. Such relationship is, however, considered acceptable, by reason of the secondary nature of habitable windows to plot 3 and the rooms they serve being 'dual aspect', with alternative windows to the side elevation.

3.5.20 Each of the proposed dwellings will be served by proportionate sized plots, offering sufficient private space to service the needs of householders.

3.5.21 A Coal Mining Risk Assessment has been submitted with the application, on account of the site falling within a defined (coal mining) Development High Risk Area. The Assessment has been reviewed by the Coal Authority who offer no objection to the proposal, subject to a recommended scheme of intrusive site investigations to adequately assess the ground conditions and potential risk to the development by historic shallow coal mining activity, together with proposed remedial works, if necessary. Such works will be secured by condition.

3.5.22 A Preliminary Risk Assessment has been submitted with the application which has been reviewed by the Council's Public Protection consultee. The potential threat of ground contamination from historic land uses is recognised. Accordingly, targeted soil sampling and gas monitoring is recommended to be undertaken. Such works will be secured by condition.

3.5.23 Safeguarding residential amenity during the construction phase of the development is recommended to be secured by a condition requiring submission of Construction Method Statement and a restriction on working hours.

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

3.5.25 Environment

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

3.5.26 Drainage

A Flood Risk Assessment (FRA) is submitted on account of part of the site falling with Flood Zone 3. Review of the FRA by the Environment Agency (EA) determined that initial flood risk had been inadequately assessed. Consequently, at the request of the EA, the applicant has submitted a revised FRA, including a detailed hydraulic modelling of potential flood risks emanating from the adjacent Waterside Brook. At the time of writing of this report, the EA has not provided a response. Their response will be included in a subsequent update report.

3.5.27 The Council's drainage consultee and United Utilities offer no objection to the proposal, subject to recommended conditions requiring submission of a surface water drainage scheme and a management / maintenance plan for the lifetime of the drainage system.

3.5.28 Ecology

A Preliminary Ecological Assessment is submitted with the application which has been reviewed by the Council's consultant ecologist. No significant ecological issues were identified in the assessment, including the absence of protected species within the site. A mill pond is, however, identified by the Council's consultant to the north of the site, with reference to potential Great Crested Newt habitat. Further investigation in this regard is recommended. Given the circa 70m distance from the application site, proposed retention of habitat by reason of an undeveloped buffer of a minimum 8m around the north and western boundary of the site, including retention of a mature tree belt, and the sites previously developed status, further investigation is considered appropriately secured by condition. This will be in the form of a scoping exercise of the pond, to establish the likelihood of it supporting Great Crested Newt habitat. Should the potential for such be established, further survey work would need to be carried out during the breeding season (March – June), in order to formally establish the presence or otherwise of newts and appropriate mitigation, if necessary.

3.5.29 It is mutually accepted that the site is absent of roosting bats. A precautionary condition is, however, recommended to ensure appropriately sympathetic street lighting.

3.5.30 Notwithstanding the intention to retain trees within the site, a precautionary condition to limit works to trees outside of the bird nesting season (March to August) is recommended; in the interests of protecting nesting birds.

3.5.31 In view of the identified presence of Himalayan Balsam a condition is recommended to secure an invasive species eradication scheme.

3.5.32 Conditions are also recommended to ensure protection of Waterside Brook from pollution during construction of the development and from foul and surface water post completion of development. The drainage strategy for the site will, however, be required to ensure protection of the water course from foul and surface water pollution from the development in perpetuity.

3.5.33 As aforementioned, a detailed landscape strategy is recommended to be secured by condition, to deliver ecological / biodiversity enhancements across the site.

3.5.34 Trees

An Arboricultural Impact Assessment (AIA) and Tree Constraints Plan are submitted with the application. No trees within the site or around the immediately adjacent are protected by Order. All trees are to be retained and

protected during construction phase; in accordance with the methodology set out in the AIA.

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

3.5.36 Highways / Accessibility / Transport

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

3.5.37 A Transport Statement is submitted with the application. The statement explains the background to the site, with reference to vehicular movements associated with the historic uses. A 10 year accident analysis is also included which shows that, during higher historic flows, the Victoria Buildings and Johnson Road junction has accommodated significantly higher flows from the site with no recorded accidents. Although traffic generation from the development will increase flows currently experienced amid concern around the 10no. dwellings proposed, considered against the historic position, it is not considered that impact on highway safety would be unacceptable or severe on the road network. The assessment is considered in the context of the Framework's direction at paragraph 109, thus:

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.

3.5.38 A condition to secure a scheme of works to deliver junction improvements to the Victoria Buildings / Johnson Road junction is recommended. Given the constraints of buildings straddling the junction, it is envisaged that such improvements will take the form of new road markings.

3.5.39 As a proposed private gated street, carriageway and footway details submitted are considered to be acceptable. The design best facilitates the residents whilst maintaining appropriate interface distances between houses Footway provision also facilitates utilities and avoids having to dig up more costly carriageway construction for maintenance.

3.5.40 As aforementioned in this assessment, significant weight is attached to the applicants commitment to surface the length of Victoria Buildings from its junction with Johnson Road down to the access into the site. This work is considered essential in order to cater for traffic generated by the development and as a wider community benefit. Although the applicant is committed to the works, it is accepted that they cannot be delivered to adoptable standard, as the development would be no longer be economically viable. The uplift to the carriageway will, however, be significant and will include a sub-surface and surface treatment, together with drainage enhancements. Surface dressing will account for the bridleway status of Victoria Buildings, thereby ensuring

appropriate provision for horses. Such works will be secured by condition, to be delivered prior to occupation of the development.

3.5.41 Dedicated off street parking for each dwelling is provided; in accordance with the Council's adopted standards.

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

3.5.43 Heritage

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 Lancashire Archaeology has made representation on the proposal, in recognition of the site being recorded on the Lancashire Historic Environment Record as a non-designated heritage asset, due to the historic presence of a cotton weaving mill. It is considered that the potential for below-ground structural remains of the mill and associated structures exists. Accordingly, a condition is recommended in order to secure a programme of below ground archaeological works.

3.5.45 Financial Contributions

Section 106 contributions for off-site affordable housing and Green Infrastructure are applied to the development, totalling £39,060; broken down as follows:

- Affordable Housing £25,000
- Green Infrastructure £14,060

3.5.46 Summary

This report assesses the full planning application for the residential development of land at Victoria Buildings, Waterside, Darwen. In assessing 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 overall aims and objectives of the Local Development Plan and The Framework.

4.0 RECOMMENDATION

4.1 Approve subject to:

(i) Delegated authority is given to the Director for Growth and Development to approve planning permission, subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £39,060; broken down as follows:

- £25,000 per unit towards provision of affordable housing in the borough.

- **£1406 per unit towards Green Infrastructure in the area (details of where to be spent to be confirmed).**

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

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

- Commence within 3 years
- Submission for approval of external walling and roofing materials
- Implementation of approved boundary treatments
- Implementation of Arboricultural Method Statement, including tree protection measures
- Trees to be retained in accordance with approved details
- Submission of a hard landscaping scheme
- Submission of a scoping survey of the mill pond to the north of the site and Great Crested Newt survey / mitigation measures, if necessary
- Submission of an invasive species eradication scheme
- Submission of a soft landscaping scheme, to include ecological / biodiversity enhancement measures
- No tree felling or vegetation clearance between March and August, unless the absence of nesting birds has been established
- Foul and surface water to be drained on separate systems
- Submission of a drainage strategy
- Submission of a drainage maintenance and management strategy
- Submission of technical construction details for surfacing & drainage of Victoria Buildings and improvements to its junction with Johnson Road
- Submission of highway infrastructure engineering details including drainage, street lighting and street construction
- Submission of a Construction & Environmental Management Statement - including avoidance methodology to protect Waterside Brook from pollution.
- Visibility splays not to be obstructed by any building, wall, fence, tree, shrub or other device exceeding 1.0m above crown level of the adjacent highway
- Submission of an intrusive coal mining legacy investigations
- Contaminated land - submission of a comprehensive desk study report
- Contaminated land – submission of validation report demonstrating effective remediation to affected areas
- Unexpected contamination
- Limited hours of construction:
 - 08:00 to 18:00 Mondays to Fridays
 - 09:00 to 13:00 Saturdays
 - Not at all on Sundays and Bank Holidays
- Submission of programme of below ground archaeological work
- Removal of Permitted Development rights
- Development in accordance with submitted details / drawing nos.

5.0 PLANNING HISTORY

5.1 No relevant planning history exists for the site.

6.0 CONSULTATIONS

6.1 Drainage Section

No objection subject to the following condition:

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

6.2 United Utilities

No objection subject to the following condition:

- Implementation of approved drainage strategy.

-

6.3 Environment Agency

Initial objection offered, due to inadequate Flood Risk Assessment and absence of detailed hydraulic modelling of Waterside Brook. Revised assessment submitted; awaiting formal response from EA.

6.4 Education Section

No response offered.

6.5 Environmental Services

No objection.

6.6 Public Protection

No objection subject to the following conditions:

Noise

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

Air Quality

- Provision of a dedicated electric vehicle charging point at each dwelling and limitation on boiler emissions

Contaminated Land

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

6.7 Highways Authority

No objection subject to the following conditions:

- Submission of Construction Traffic Management and Environmental Statement
- Submission of technical construction details for re-surfacing, drainage and junction improvements to Victoria Buildings
- No obstruction to visibility splays.

- 6.8 Public Rights of Way
Confirmation that Victoria Buildings is a bridleway and that re-surfacing works should be applied for in advance; in accordance with highways informative.
- 6.9 Ecology
No objection subject to the following:
- Prior to determination, submission of additional detail relating to the mill pond to the north of the site, with reference to potential Great Crested Newt Habitat – to be applied as a condition; as explained at para. 3.5.28.
And recommended conditions:
- Submission of an invasive species eradication scheme
- Submission of a scheme to protect Waterside Brook from pollution during construction
- Submission of a scheme to protect Waterside Brook from foyal and surface water post development
- No tree / shrub clearance during bird nesting season
- 6.10 Strategic Housing
No objection – support offered for good quality affordable homes, in accordance with Council’s growth objectives; subject to Section 106 requirements.
- 6.11 Growth Team
Confirmation of Section 106 requirements.
- 6.12 Lancashire Archaeology
Submission of programme of below ground archaeological work
- 6.13 Lancashire Police
No comment offered.
- 6.14 Lancashire Fire Service
Standard response with reference to Building Regulations, vehicular access and access to water.
- 6.15 Public consultation has taken place, with 65 letters posted to neighbouring addresses; a Press Notice published on the 24th August 2019; and display of site notices on 27th August 2019. In response, 20 objections were received which are shown within the summary below.
- 7.0 CONTACT OFFICER: Nick Blackledge, Senior Planner – Development Management.**
- 8.0 DATE PREPARED: 6th February 2020.**

9.0 SUMMARY OF REPRESENTATIONS

Objection – Steve Will, 2 Victoria Buildings. Rec 06.10.2019

Ref-10/19/0807

To whom it may concern

I live at no2 Victoria buildings and my concerns regarding the development proposed are-

1. The access road (Victoria Buildings) is not suitable for anymore traffic, we maintain the road as a community and what the developers propose to do it put a layer of tarmac over the top. They've stated it won't be up to adoption standard so who will be responsible for the upkeep of the road after a year or two when it's falling apart as we as residents can't afford to tarmac it? The part of the road I own I would not agree to what they propose.
2. I have seen the proposed sight flooded twice in 15 years obviously to many times if your house was there.
3. Access for machinery and materials to the sight, You'll be fine getting down the street but getting out is a problem, I've seen trucks stuck at the top of Victoria buildings as it's very steep and trucks can't get traction.
4. Green belt.
5. Victoria buildings is a bridle path and with a extra 30 cars using the road there will be accidents.

Regards

Steve will

2 Victoria buildings

Objection – Rory Needham Clerk to Eccleshill & Waterside Parish Council. Rec 19.09.2019

FOA Nick Blackledge Ref: Planning Application 10/19/0807

At the last meeting of Eccleshill and Waterside Parish Council there were concerns expressed about the above scheme. The scheme is a Full Planning Application- Residential Development of 10 No-detached dwellings including access and associated landscaping at vacant land off Victoria Buildings Waterside Darwen. Councillors do not object to the building of the houses, but have expressed concern at the access and damage to the road. It has been suggested that following completion of the houses the road would be repaired but not up to the standard which would enable the Council to adopt it. Councillors feel that this is unacceptable and suggest that Section 106 monies should be used to bring the road up to the required standard for adoption by the Council. Residents at Victoria

Building have in the past spent their own money and time on helping to keep the road in a reasonable state of repair and feel that they should not be penalised and have an inferior road as result of this development. There will also be an increased traffic flow as a result of the scheme which could result in an increase of 30 to 40 cars using the road. Can you advise if there has been a traffic impact assessment carried, out or any work done on assessing the impact that this development may have in terms of the environment or wild life?

If the road is not going to be made to the proper standard and adopted in the future then the Parish Council wish to strongly object to the scheme.

I look forward to your reply, and ask you to bring this concern/objection if the road is not adopted to the Planning Committee.

Objection – P Cooper. Unknown Address Rec 15.09.2019

Dear Sir

The application for 10 dwellings on land opposite Victoria buildings is inappropriate as:-

1. The private road is maintained by the residents and has no street lighting and unable to accommodate increased demand
2. The infrastructure is inadequate, broadband is poor, there is no public transport . All of which is detrimental to residents .
3. The site is a know to flood regularly
4. 10 houses is excessive. A proposal for 3 has been rejected previously, but a more realistic figure
5. The exit from Victoria buildings onto Johnson road has poor visibility. Simon Littler in reply to councillor J Rigby in June 2019 stated that there was no money available for road markings on Johnson road . Therefore extra vehicles would exasperate the danger.

Yours sincerely

Objection – Geoff & Dawn Cooper. Unknown Address Rec 14.09.2019

Re: Full Planning Application – Residential Development of 10 No. detached dwelling including access and associated landscaping.

Nick

I write to you to object to the planning application 10/19/0807, my reasons are as below.

Having lived in Waterside all my life I have been witness to the only new dwelling development (20 to 22 Victoria buildings) since the main parts of the village were built. This proposed development is

next to this development and poses the exact same issues that were not resolved back then but on a larger scale due to the size of the development..

1. The infrastructure to support this development is not in place and is not in part of the proposal to support it. I live at 1 Waterside Terrace and the level of traffic that goes up and down Victoria Building past my house at all hours of the day is ever increasing, this development will only increase this problem. There will be an increase in heavy vehicles to the site although temporary during the development as Victoria buildings is an unadopted road, there is no measures in place to mitigate the increase in traffic, and potential damage to the existing road that adequately mitigates the impact of the development. The sewers, street lighting, access, telephone lines etc. are not really adequate enough for the houses that already exists on Victoria buildings and so an additional 10 house will increase pressure on an already inadequate structure.
2. The site is subject to flooding. It is well know locally that Waterside brook floods in various places from Mill Cottages down to where the Papermill used to be in Eccleshill. One of the flood sites in on the proposed site. The last major flood I believe was around 1962 when the bridges near Barnes Holme Cottages where washed away and also part of the proposed development site next to the brook was flooded. On the basis that it happened once it will happen again and so having 10 dwellings in a flood risk site is just not acceptable.
3. The proposal is for too many houses. This development will increase the size of Waterside by effectively 20% in one go which I feel to unsustainable and unacceptable. We now have no facilities in the village, no shop, no pub, no play ground, the school in hoddlesden is virtually at capacity and so with developments in hoddlesden the available infrastructure and facilities are not keeping up with the increase in dwellings. I am afraid that the only real planning permission for new housing (which was for 1 house) was rejected a number of years ago, it does not make sense that permission for 10 would be acceptable at this time. Community cohesion is very important in such a small place and such an increase I believe will cause division and strain community relations which is unacceptable to me. I am also afraid it will open the flood gates to other developments on a similar or bigger scale if permission for 10 dwellings is giving which will ruin the area and the place I live. There are already rumblings of other potential developments if this goes ahead which further supports my previous points that Waterside cannot cope currently with such increases in dwellings.

However I am not totally against a level of development on the site. It has been derelict for years and needs something doing with it. I believe it would be fair to allow a development of 3 to 5 dwellings on the basis that there was previous 3 dwellings on the site (folly cottages) that have since been knocked down. As long as the dwellings are in keeping with the types of houses in the village (in terms of size, stone coloured, etc,) it will provide an overall benefit. I also believe it is also only fair for the developer to contribute to the infrastructure and even provide some contribution to the village in the form of a piece of land for kids to play which is flat and safe away from the main road through the village. In addition an adequate contribution to the road upkeep which is currently funded by the residents or the council finally seeing sense and adopting the road as part of the development. The quote attained by the parish council was for 190K to bring the road up to

adoptable standard and adopt it. As a proportion of council budget and development costs, I do not feel it would unreasonable for this to happen as improvement to the overall village.

Housing development cannot just be about passing the planning rules and making a profit. As stated at the beginning I have lived in the village all my life and am not adverse to change but it has to be for the right reasons and promote and complement the community and not at odds with it. At the moment I feel this proposal is at odds with the community and the village overall. Tweaks and some contribution from the developer and council I feel will mitigate this to come to an acceptable result.

Thanks

Geoff & Dawn Cooper.

Objection – Alison Homer & Mick Briggs. 20 Victoria Building Waterside Rec
12.09.2019

PLANNING APPLICATION – 10/19/0807 - Residential Development of 10 no. detached dwellings including access and associated landscaping

I wish to object to the above application with the below points to be considered:-

- Firstly when the said applicant cleared the land – no consultation was made with the residents of Victoria Buildings even though the said applicant claims to have spoken to every resident, eventually after about 2 weeks the said applicant posted a letter through the residents letterbox.
- Clearing the land from asbestos cement - the applicant at first did not clear the buildings in the correct controlled manner, after several complaints made to the council and our local councillor, the correct spraying of the buildings as they were demolished was put into place.
- There was no consideration for the residents of Victoria Buildings when clearing the land as heavy plant equipment was brought down the road at 10.00pm at night which was inappropriate especially the noise factor and disturbance.
- The land is on a flood plain from the reservoir.
- Concerns for the drainage and sewage element for the said houses where will this go and concerns for the pollution of the river at the back/side of the land.
- The dwellings proposed to be built are 3 storeys high and look directly at 20/21 and 22 Victoria building which is imposing and intimidating.

- Victoria Buildings is not wide enough to build a proper access road to the new dwellings.
- There are major concerns with the road as this is un-adopted which currently residents manage. The heavy plant equipment up and down will tear the road to pieces and in the plan it states they are not going to adopt the road up to adoption standards with additional drainage and just skim the road when completed. What happens in the meantime in the process when/if the properties get build and the road becomes so badly damaged the current residents cannot get up or down the road?
- Where will the plant equipment and contractor's car park if this goes ahead, there is only just enough parking now for the current residents let alone the contractors.
- If the said dwellings are built there will be additional traffic up and down victoria Building compounding on the wear and tear of the road.
- If the said dwellings are built will the new residents be informed they have to pay and contribute for the upkeep of the un-adopted road on a yearly basis?

I hope the contents of this letter and several the letters of objection will be taken into consideration.

Yours sincerely

Alison Homer/Michael Briggs

Objection – Paul Hooker. Unknown Address Rec 12.09.2019

Dear Sir

Reference; full planning application - residential development of 10 No. detached dwellings including access and associated landscaping at:

Vacant Land off Victoria Buildings
Waterside
Darwen

Unfortunately we were not sent a copy of the letter regarding the above development, however note that objections have to be received by 12th September. We have not seen any notices posted in the area either.

We live at the end of the lane at the bottom of Victoria Buildings and Victoria Buildings is the main (only) ingress in and out of our property.

We object to the planning application above on the following grounds:

1. There would be an increase in traffic in this area, our children use the lane and bridle path up past Victoria Buildings to access school every morning, it is already very busy in the mornings at the junction an increase in traffic would make this route more dangerous. There is a bus stop situated at the top of Victoria Buildings on the junction that our children use to catch the bus.

2. Victoria Buildings is on the Townley Loop bridle path and used regularly by horses and walkers, the development would again see an increase in traffic, especially at weekends when the bridle path is most accessed by the public. The bridle path is not separated from the road that accesses the proposed development, it is the road.

3. We note that planning has has been refused on previous occasions and nothing has changed.

4. Site traffic and building traffic would present significant issues with access and disruption for residents, users of the bridle path and horses.

Kind regards

Paul Hooker

Objection – Janine & Matthew Taylor. 1 Leonard Terrace Waterside Rec 11.09.2019

To Mr Blackledge,

Me and my husband live at number 1 Leonard Terrace, Waterside, BB3 3NT.

We are strongly opposed to the proposed plans on the Vacant Land off Victoria Buildings, for the reasons below-:

1. The unadopted road down Victoria Buildings is not adequate to take the volume of traffic I.e for 10 detached houses with potentially 2-3 cars per household.

2. The junction at the top of Victoria Buildings is terrible as visibility both ways is restricted, there are also hgv wagons all times day and night going to Shaws factory. On occasion ourselves and others have not been able to get out of the junction, this has caused a back log of traffic therefore causing mayhem, further traffic would increase congestion and add to the problem.

3. The road going down Victoria Buildings is a bridle path, there are regular outings for the locals on horseback, more traffic would cause major distress all round.

4. This is a Semi Rural and Green Belt area, any new builds would not be in keeping with the area and would be massively imposing. This is not a suitable location to build upon, unlike the site of the old Carus Mill which is crying out for development, this is also on the main road. The site is equal distance for two exit/entry routes.

5, Utility issues have failed in the area previously, therefore 10 more houses will majorly increase this problem and the pipes can just about take the amount of sewage currently.

6. We moved here January 2014 because it is Semi-Rural area in the countryside which is very peaceful. This is a major attraction, it would be an absolute shame to see this area with it's natural beauty and lovely charm developed and destroyed.

7. The noise and disruption would be an absolute nightmare to the people in this little Village, but also the amount of animals in the area and surrounding farmland.

8. Please do not allow the developer to come in and destroy our lovely Village and area which we love living in, all just make a few quid.

Yours Sincerely

Janine and Matthew Taylor

Objection – Marcus Clementson. Unknown Address. Rec 11.09.2019

Dear Mr Blackledge,

I write to register my concern in regard to the planning application that you have received,

The lane that services the Victoria buildings is a unadopted road , I believe the new development will add a significant additional traffic to the existing road that is little more than a loose surfaced lane,

I believe myself and other residents are responsible for the upkeep of this road so I am concerned as to how we will be impacted going forwards,

Regards Marcus Clementson

Objection – Laura Barrett. 1 Victoria Building. Rec 11.09.2019

To whom it may concern,

I'm writing in relation to planning application reference 10/19/0807. My name is Laura Barrett and my postal address is 1 Victoria Buildings , Waterside, Darwen, BB3 3PA.

I wish to submit my following concerns:

The current road, Victoria Buildings, is a private road has been and continues to be maintained by the residents. We pay for the upkeep of the road which includes materials, drainage management (due to the flood risk at the bottom of the road) and machinery hire and provide our own labour to keep the road in good condition.

I do not feel confident that the proposed plan to resurface the road will be sufficient a) for the use and traffic of wagons to supply materials to the site during building works nor b) feel confident that the condition will be maintained after properties have been inhabited. The proposed plan suggests access for 3 cars per household which would equate to an additional 30 cars that would use this small and private lane each and every day. It is a quiet road which is also a popular bridal path. The

current residents of Victoria Buildings don't have any off-road parking or garage space and therefore double park along the length of the lane making it a single track. Adding an additional 30 cars will make the road unsafe for the residents, children and animals whom currently use it.

I don't feel satisfied that the proposed plan by the applicant not to bring the road to an adoptable standard is sufficient considering the number of properties suggested. I feel that 10 properties with 3 cars per household is inconsiderate for such a quiet and private community.

The road needs to be either adopted by the council and the current residents given some additional off road parking/garage space or the proposed number of houses need to be significantly reduced making the new residents obliged by contract to contribute to the upkeep of the road on an annual basis.

Objection – Catherine Smith. 18 Victoria Building. Rec 10.09.2019

I wish to comment on planning application for housing estate at bottom of Victoria Buildings, I live at 18 Victoria Buildings and feel that the lane in its present state could not cope with extra traffic and an accident will happen at the top trying to get out, also children play on street because lane is quiet but if estate is built it would be unsafe to play Regards Catherine Smith

Objection – Elizabeth. 6 Victoria Building. Rec 10.09.2019

To Whom it may concern,

Reference: 10/19/0807

I am emailing regarding the recent planning application that has been submitted for 10 detached dwelling, near to Victoria Buildings Waterside Darwen. I would like to appeal this planning application on the following grounds:

- The plans state that there will be parking for up to 30 cars on the plot, this will increase the traffic coming up and down the road. The road is currently unadopted and with the extra volume of traffic on the road will increase the wear. As a resident of the street i am aware that we own half of the road. In the planning application it states they will resurface the road but this will not be to an adoptable standard which in turn won't be beneficial to the residents on Victoria buildings who currently maintain the road.
- Victoria Buildings is a part of a bridal path and this is used by many horse riders locally, therefore putting them at risk
- The new development won't be in keeping with the other houses within the village

Objection – David & Norma Almond. 1 Barnes Holme Cottages. Rec 10.09.2019

For the attention of Gavin Prescott-Planning Manager

Planning Application for 10 detached dwellings including access and associated landscaping at Vacant Land off Victoria Buildings, Waterside, Darwen

Reference 10/19/0807 – Letter of objection to the Application

Dear Sir

We are in receipt of your letter dated 21st August 2019 regarding the above application to build on land in close proximity to our home.

We have concerns regarding the disruption to both our day to day activities, access via the unadopted road and the extra burden/strain on amenities for example sewerage, water, gas, (carbon emissions etc.)

The land has lain unused for about 30 years, it is in a flood zone as recognised by the official site <https://flood-warning-information.service.gov.uk/long-term-flood-risk> According to the Environmental Agency- and the developers own Flood Risk Assessment, the area is within Flood Zone 3 which is classed as a 'vulnerable development' and will require an 'Exception Test'.

A development of 10 dwellings will also create more surfaces for water run off, drainage, sewers etc which could impact on the surrounding areas and obviously degrade the unadopted road further down from the development (past their proposed entrance) which is not in their remit to make good or maintain.

If soakaways are not possible at the site then would the surface water be discharged into Waterside Brook, which is located along the northern/north-eastern boundary of the site, further enhancing a flood risk along that boundary?

In the past the land has housed a Mill, which included a Gasometer, there was Coal Mining all around the area too and more recently a chicken farm with hen houses containing asbestos which fell into ruin.

We worry that the land contains contaminants which will be disturbed during development, polluting the surrounding area causing hazard to occupants and wildlife, by way of air, water, vegetation, landscaping etc.

The access road, from Johnson New Road, called Victoria Buildings is unadopted, the

services – gas, water, sewerage, drainage etc all run under this unadopted road. The application makes no consideration of the state of this road to carry extra traffic (for example: 10 detached homes each probably having two or three vehicles : 30 extra cars moving up and down an already rough road) notwithstanding the amount of construction vehicles it would have to support before the completion of the building. The applicant makes a token gesture of a layer of tarmac along the road, without provision of run offs, drains etc.

The road (Victoria Buildings) is not wide enough, in our opinion, to become an access road to a new housing development. Especially as most of the existing 22 dwellings do not have garage facilities and their vehicles are parked on the road outside their houses.

Also there would be the loss of existing views from properties on Victoria Buildings which could adversely affect the occupants quality and enjoyment of the area.

We have seen Badgers, Foxes, Bats, Herons, Hawks, Rats, Mice, Frogs, Newts and fish in this area and are concerned for the environmental damage which may be caused in the disturbance of the ground (possible contaminants) during the proposed building, and after with light pollution from 10 homes affecting the habits of the nocturnal wildlife.

There seems, according to the Planning Application, to be a wide range of tests and assessments yet to be performed by various different agencies to ascertain whether or not the proposed site is viable for development and so we, at this stage, and without convincing evidence to the contrary, would submit our objection to the Planning Application.

Objection – Chris Barritt. Victoria Buildings. Rec 10.09.2019

Re planning application 10/19/0807 Proposed construction of 10 houses Victoria Buildings Waterside

I live on Victoria Buildings which is an unadopted lane that currently just about manages to cope with the small number of residents vehicles that use the lane on a daily basis.

As it is only a small private country lane that only has access via one entrance children play at the bottom of it without fear of accidents and Residents Park on both sides at the top of the lane.

Leaving the lane and entering Johnson New Road can be difficult at times due to the speed of drivers on Johnson New Road and cars parked close to the junction.

I feel that an additional 30 cars using the lane would more than double traffic on the lane and run the risk of accidents, also the condition of the lane is such that a large increase in traffic would only lead to deterioration of the road surface.

For the application to be acceptable the applicant should really make the road surface up to council standards and put in traffic calming measures at the junction and also provide safe play area for children before any construction starts.

Objection – Mr A Green. 5 Victoria Buildings. Rec 09.09.2019

Dear Sir/Madan

I'm Andrew Green of 5 Victoria buildings waterside BB33PA.

I would like to object to the application 10/19/0807 on the grounds of the increased traffic on the track would more than double as it's only a single track lane what is unadopted so owned by the residents of Victoria buildings who have to pay to maintain the track and the people give up the time to do the work on it.

The new residents would have no obligation to the up keep of the road so the financial obligation would fall on the original residents.

As the applicant has offered to put a layer of tarmac on the track but not up to adoptable standard we don't know what standard he intends or how long it will last and we the residents will have the up keep of it after at an increased cost of using tarmac

As it's not part of the application just a promise it's not enforceable by the council as we had a promise of this in the past when number 20,21,22 Victoria buildings were built and it never happened then so why would it happen this time ? Because the builders firm was only set up in March this year no previous history is available.

As we own the road to the middle he will need the permission from the residents to do so and I won't allow it unless he gets it adopted and works with the council to do so,

The parish council looked into getting it adopted 5 years ago on behalf of the residents it was going to cost between £5000/£7000 per house.

He says in the application it's brown belt but it's not on the council brown belt site so this must makes it a green belt site.

The track is a designated bridle path and used every day by horse riders, off road cyclists and was recently used for a GB endurance horse competition.

Regards,

Objection – Mr L Shaw. 5 Victoria Buildings. Rec 08.09.2019

To whole it my concern,

This is an Objection to planning application 10/19/0807 The access road to this proposed site is via Victoria Buildings which is unadapted road.

The road is currently maintained voluntary by residents and the ten new houses will double the traffic, unless this road is brought up to a standard for the local authority to adopt the extra traffic is unacceptable.

Exciting Victoria Buildings is dangerous and would require some work to make it safer.

Objection – Julie & Trevor Gosling. 7 Victoria Buildings. Rec 07.09.2019

Planning application 10/19/0807

Dear Sirs

We wish to object to the planning application above.

Victoria buildings is an unadopted road and as house owners we are responsible for the road surface. The application states that there will be parking for 30 extra vehicles. These extra vehicles and additional visitors are going to put more pressure on the road surface. The applicant states that he is going to put a new surface on the road but it will not be to adoptable standard and as a resident we will be expected to maintain any further upkeep which we are extremely unhappy about. They state that they feel that the residents would be welcome the road improvements but as he has not spoken to us that is his opinion and not ours. As there is no public transport in the area the number of vehicles using Victoria Buildings has increased in volume over the last few years as most houses have a least one car and many having two cars which again has put pressure on the road and a temporary fix will not solve the problem.

The extra noise and disturbance that the extra houses and amount of traffic will create will disturb the peaceful rural area that we live in at the moment. We have noticed a problem with this already due to the lack of public transport.

The visibility at the top of Victoria Buildings to join Johnson Road at the moment is very difficult and additional traffic will make this situation worse.

The road is a bridleway and also there are stables nearby and it will increase the danger to the horses from increased traffic.

We do not feel that a development of four bedroom houses fit in the area which is predominately two up two down terraced houses and small cottages.

As the land is not on the register of brown field sites on your website we feel that this is a green belt/ agricultural land and as such the development is not in fitting with the area.

Objection – Christine Ainscough. 2 Barnesholme Cottage. Rec 06.09.2019

To Martin Kelly,
Reference 10/19/0807
Vacant land off Victoria Buildings,
Waterside
Darwen

I am writing to you regarding the above planning application onland close to where we live. The land in question is on an unmade road from Johnson Rd. leading on to Victoria Buildings. As this is only a narrow road, how are large wagons and vehicles going to bring down building materials and sundries, and machinery to the site.

Where is drainage going to go from the properties to be built, and where is the access to the properties in question, going to start and finish. Also where is mains electric going to run from, and where is the water supply coming from

Objection – Jacqueline & David Graham, The Old Co-Op, Watreside Terrace Rec
28.08.19

Dear Sir

We wish to lodge an objection to the proposed development (10/19/0807) of ten houses being built in our hamlet of Waterside. Our reasons for this are:

1. The increased noise, traffic and disturbance the development will bring in its initially building stage. The access road via Victoria Buildings is a single track, un-adopted road that is unsuitable for the increase in heavy vehicles that the development will bring. Increased heavy traffic – plant and lorries will degrade the road and cause untold damage to the underlying structure and the road surface. Pollution is also a concern for us since the route passes on two sides of our home.
2. The area of the proposed development is the habitat of many animals. The effect of the land clearance and subsequent building will destroy habitats and frighten off the deer, birds and myriad small mammals. It will also cause distress to the horses at the local stables, which are located within meters of the proposed development area.
3. The increase in traffic that will result from building homes with parking for a maximum three cars per house; not to mention the increase in deliveries, visitors etc will adversely affect residents' peace and quiet. We moved here for that reason and additional residences will absolutely impact our way of life.
4. Expanding the size of Waterside by giving the go-ahead for the development brings with it the risk of increased noise, litter and, with more human traffic passing through, the very real risk of an increase in criminal activity.
5. There are no play facilities for youngsters now, or in the proposal. More houses potentially means more children/teenagers with nothing to do, hanging around a community with many older people at its heart. The last thing residents want is our older people to become more isolated and frightened of venturing outside.
6. The total lack of shops and schools in Waterside means to access these services cars are required. The proposed development will add to the traffic on Victoria Buildings and through Waterside.

7. As the road (Victoria Buildings) is currently maintained by residents at considerable time and our own expense, we foresee the increase in traffic during and after building will damage the road and sub-structure further. The planning application states the developer has the residents' backing to resurface the un-adopted road. This is not the case – particularly as the developer admits, in writing, that their proposed work on the road will not be of an "adoptable standard". This suggests any repairs will be piecemeal, ephemeral, of an inferior standard and not of any practical use given the increase in heavy vehicles and residents' cars and vans.
8. The planning application indicates that the proposed development will be out of character with existing architecture. In comparison with existing dwellings – it will stick out like a sore thumb, and not in a pleasant aesthetically-pleasing way. The dwellings in Waterside are Victorian terraced cottages and rural farm houses. Modern architecture has no place here.
9. The character of Waterside will be changed completely should the development go ahead. The area is rural and green with older families and individuals in residence. It is a peaceful and animal-friendly environment. It is not the case that the proposed development will 'uplift the area' as stated in the planning application, by the developer. It will devalue the hamlet and its natural beauty.

Yours faithfully

Jacqueline Graham & David Graham

Objection – Ian Almond, 1 Mill Cottages, Waterside Rec 28.08.19

Good Afternoon Planning Team,

I am writing to object to planning application 10/19/0807 relating to the proposed residential development of 10 no. detached dwellings inc access and associated landscaping on vacant land off Victoria Buildings, Waterside, Darwen.

My first concern is that the site is based on an area with high potential to flood.

I have seen the river spill onto this area in the past when the weather has been inclement for a number of days.

This is a high risk factor that needs some consideration.

There are much less risk areas to develop in the Blackburn with Darwen area where new homeowners property would not be at risk and home insurances would not be heightened.

I have a big concern about the increased volume in heavy plant machinery, delivery vehicles & waste removal vehicles that would be using the unadopted Victoria Buildings road to access the proposed site.

We as a community maintain the road ourselves at our own cost and the heavy plant required to carry out the proposed works would ruin the road, and potentially the drains etc that are not far under the surface.

The road is not designed to take constant plant traffic going up and down it and would quickly fall into a state of disrepair.

I have to add that when the initial so called 'clear up' works took place down at the site earlier in the year there was a promise of the road being repaired once the works were complete. We are still awaiting these road repairs.

It is also worth noting that the access down Victoria Buildings for plant machinery/wagons is limited as this is not a wide road.

There is a high potential of damage to vehicles parked on the road.

There will also be disruption if plant is to be loaded/unloaded as there is nowhere on the road to park out of the way and turning large vehicles around is almost impossible.

The lane is also an official bridleway and as such there are horses coming up and down on a daily basis.

I am concerned that an increase in traffic, particularly heavy plant, has potential to spook the horses and also increases the risk to safety of animals and riders.

The increased noise pollution during construction also needs to be considered.

I am worried about the aesthetics of the area being detrimentally affected by the proposed works.

It is my understanding that the plots will be sold and the plot owner can design their own house.

Surely there has to be some consideration to the style of housing allowed in such a rural area?

I have major concerns over the probability of the site ever being completed also, and I do not want the area to become another half completed site, much like some other areas within Blackburn with Darwen, such as Belgrave where Crown Wallcoverings used to be, which is just an eyesore now, and I do not want one of those on my doorstep.

I conclude by reiterating that there are much better, feasible and accessible sites on which to build within Blackburn with Darwen, the Belgrave Mill site being one. This site has many risks and has had failed planning applications in the past, some with more credibility than this application. I strongly object the application for the above reasons.

Many thanks for taking the time to read my objection.

Best Regards,

Objection – Lorraine Higham & Gael Atherton, Fairview, Waterside Terrace, Darwen
Rec 24.08.19

Dear Sirs,

We wish to raise formal objection to the plan to build 10 detached dwellings on vacant land opposite Victoria Buildings. Waterside. Darwen.

This is a small hamlet with no services, shop and is not on a public transport route. The addition of 10 large houses, with the potential for up to 3 cars per house will cause huge problems. Access to this land is via an unadopted, unmade, single track road. Parking for existing Victoria Buildings residences is on this road, making it single track and already proves difficult at busy morning and evening periods. Allowing up to 30 additional cars to use this road on a daily basis would have a significant impact on this access for current residents as well as further deteriorate the state of the road which is currently maintained by the community at their own expense.

Increased traffic and a significant increase in residents would also, invariably increase noise and disturbance to our quiet, peaceful home in greenbelt land. We have deer, farm and other wild animals on our doorstep that would also be disturbed by an increase in traffic, noise and population.

There are no amenities in the village for children, no park or playground which again may increase risk of accident on the road and noise disturbance with a huge increase of young people with nowhere to play.

A further but significant concern is how the unmade road and residents will cope with the influx of construction vehicles over an extended period of time. This will cause significant noise disruption and residents are worried about the safety of parked vehicles on a narrow road with construction traffic trying to access the building site.

Our road is steep, not on a gritting route, causes problem for traffic in winter months. Cars can and do get stuck causing the road to block and become more hazardous. Residents regularly do work to the road to ensure that it is able to drain as it can be subject to flooding as water runs down from the fields off Johnson Road. Further traffic is only likely to deteriorate the state of the road, requiring more frequent work, by residents, at their own expense.

Yours sincerely,

Lorraine Higham. Gael Atherton

Fairview

REPORT OF THE DIRECTOR

Plan No: 10/19/1062

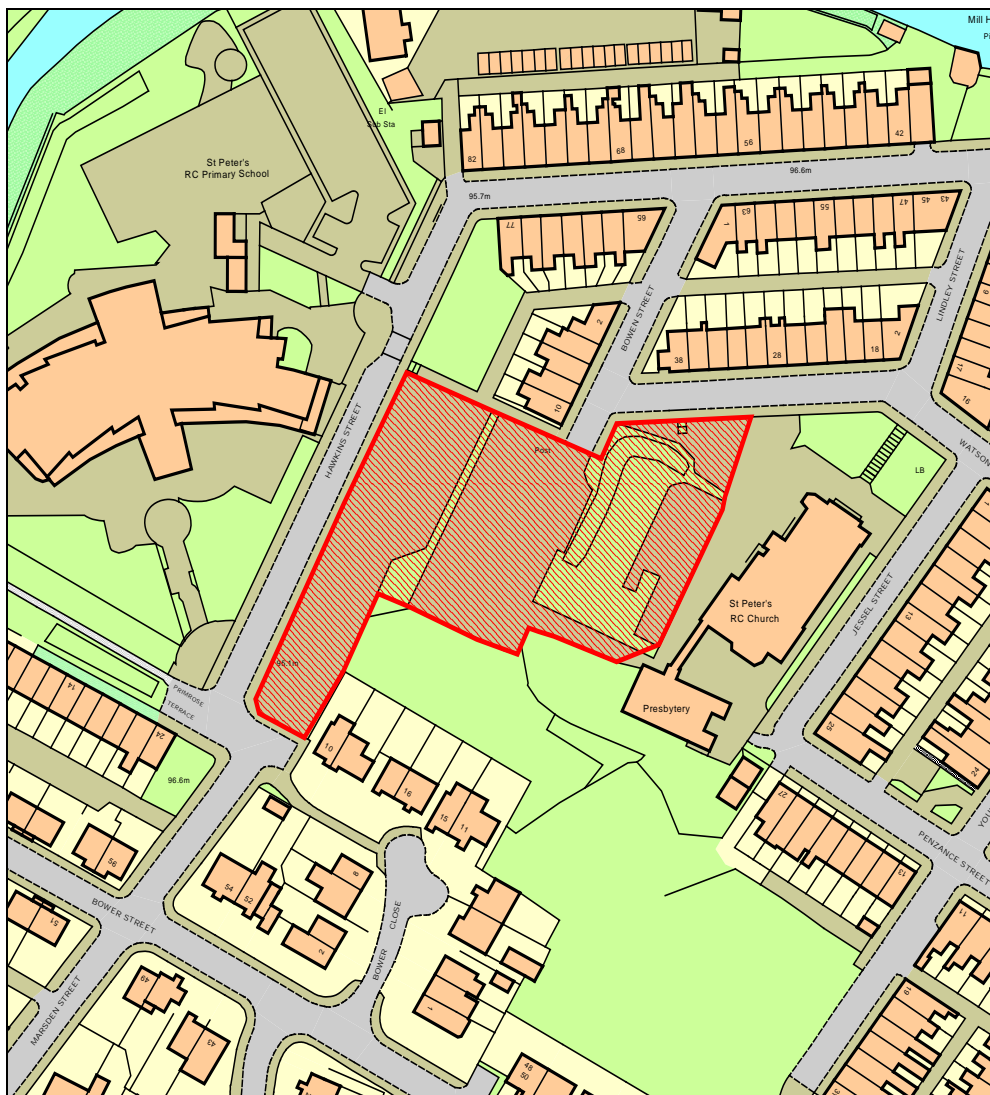
Proposed development: Full Planning Application for Erection of 24 No. new build dwellings

**Site address:
Land at Bowen Street
Blackburn
BB2 2RL**

Applicant: Great Places Housing Group

Ward: Mill Hill & Moorgate

**Councillor: Julie Gunn
Councillor: Jim Smith
Councillor: Damian Talbot**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The proposal will deliver a high quality bespoke housing development which will widen the choice of family housing in the Borough. It supports the Borough's planning strategy for housing growth as set out in the Core Strategy, delivering 100% social rent housing to meet identified need within the Borough. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site comprises approximately 0.4 hectares of previously developed land, having been occupied by the St Peter's school building and grounds prior to its demolition. Due to the topography of the area, the site is currently tiered and sits in an elevated position to the adjoining streets.

3.1.2 The site is bordered to the north by Watson Street, to the east by St Peter's Roman Catholic Church, to the south by open land and to the west by Hawkins Street, with the new St Peter's primary school and grounds on the opposite side of the street. The locality is generally characterised by traditional red brick terrace properties, though the area to the south of the site also accommodates modern semi-detached development.

3.2 Proposed Development

3.2.1 The proposal is a full planning application for 24 dwellings, with associated landscaping, highway works and infrastructure. The accommodation comprises;

- 7no. 2 bed terraced houses
- 10no. 2 bed semi-detached houses
- 4no. 3 bed semi-detached houses
- 1no. 3 bed detached houses
- 2no 2 bed bungalows

3.2.2 The development is predominantly formed around a cul-de-sac, accessed via Bowen Street, though nine units will be accessed directly from Hawkins Street. The properties are considered to offer a modern interpretation of the traditional terrace design that characterise the area. Important elements include the use of red brick walling, slate-effect roof tiles and reconstituted stone surrounds to the vertical aligned windows.



Extract from submitted proposed site plan

3.3 Development Plan

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

3.3.1 Core Strategy

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

3.3.2 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 2 – The Inner Urban Area
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 18 – Housing Mix

3.4 Other Material Planning Considerations

3.4.1 Residential Design Guide Supplementary Planning Document

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

3.4.2 National Planning Policy Framework (NPPF) (2019)

The National Planning Policy Framework (Framework) is a material consideration in planning decisions. The Framework sets out a presumption in favour of sustainable development, which is the “golden thread” running through both plan-making and decision-taking. Paragraph 14 of the Framework explains that for decision taking, this means approving development proposals that accord with the development plan without delay. Section 6 of the Framework relates to delivering a wide choice of high quality homes, and Section 8 relates to promoting healthy communities.

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;
- Highways and access;
- Design and Layout;
- Amenity impact;
- Drainage; and
- Affordable housing.

3.5.2 Principle of Development

3.5.3 Policy 1 of the Local Plan states that the defined Urban Area is to be the preferred location for new development. Development in the Urban Area will be granted planning permission where it complies with the other policies of this Local Plan and the Core Strategy. The site is located within the urban area boundary defined on the proposals map.

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

3.5.5 Core Strategy Policy CS1 sets out the principle that development will be concentrated within the urban area, in which the site is located according to Policy 1 of the Local Plan Part 2. Policy CS5 sets out the hierarchy for the

location of new housing development, indicating that the inner urban areas of Blackburn and Darwen is the preferred location for new housing.

3.5.6 Policy CS7 advises that the Council will encourage the development of a full range of new housing types, with emphasis on the provision of housing that widens the choice of accommodation. The housing mix is further controlled by Local Plan Policy 18, which again reiterates the need to widen the choice of housing types; with detached and semi-detached housing being the principal element required.

3.5.6 The proposal seeks to develop a parcel of previously developed land within an inner urban setting. On that basis it aligns with the Policy direction for the location of new housing. Further, the proposed accommodation mix is considered to be policy compliant given it will widen the choice in the locality. The proposal also meets identified need for social rent housing.

3.5.7 Highways

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

3.5.9 The proposal identifies the principle access being via the existing connection with Bowen Street, with 15 units being arranged in a cul-de-sac. The remaining 9 units will have driveways connecting to the existing road network.

3.5.10 Parking provision for the development in accordance with the Council's adopted parking standards - 2 spaces for 2/3 bed units - would require a total provision of 48 spaces. The application proposes a total provision of 44 spaces and is therefore below the guideline figure.

3.5.11 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 the new residential development. The TS concludes that;

- The proposed development can be adequately accessed and serviced in a safe and efficient manner.
- The existing pedestrian infrastructure located in the vicinity of the site will enable safe pedestrian movement between the development site and the local area.
- The site is located close to a number of day to day amenities within the area to reduce reliance on the private car.

- The site benefits from being located in close proximity to the bus stops on Mill Hill Bridge Street which provide services that are ideally placed to cater for the needs of the new residents.
- The site is within a short walk of Mill Hill railway station.
- The impact of the proposals has been assessed using the TRICS database and the assessments undertaken have shown that the proposals will not have a material impact or give rise to any highways related issues.
- The car parking provided on the site would adequately be able to accommodate the parking demand likely to be generated by the proposals.

3.5.12 The TS has been reviewed by the Council's Highway Team, who has accepted its findings. The anticipated trip generation does not exceed the 30 two way trips threshold and thus, in isolation, the development is unlikely to generate sufficient vehicle movements to cause conflict to the safe, efficient or convenient movement of highway users.

3.5.13 Public concerns, including the objection from the Governors of the adjacent primary school, have raised issues with school parking; including the application site being used by parents picking up and dropping off children. This point is acknowledged by the highway team, though they do not consider it sufficient to warrant refusal. The use of the application site is for short periods of the day – typically 15 minutes in the morning and afternoon – and its loss is not considered significant or severe enough to resist supporting this application on highway grounds. Further, the congestion and parking demand around the school day is a scenario common to most schools within the Borough, and should be managed through the school and their travel plan, by encouraging less use of the car.

3.5.14 Given the above position, it is considered necessary to improve the pedestrian links to the site. The path currently connecting from Bowen Street to Hawkins Street requires resurfacing to modern adoptable standards. This request can be accommodated through the use of a Grampian planning condition.

3.5.15 Highways colleagues have also appraised the proposed layout within the site. The amended site layout received 21st January 2020, has addressed earlier concerns in relation to parking provision and access arrangements. The site is now considered to be able to safely accommodate the necessary manoeuvring of refuse and emergency vehicles. The parking provision drops 4 spaces below the Council's guideline adopted standards, though given the site's accessibility and the applicant's feedback regarding parking needs of their prospective tenants the overall provision is not considered to be injurious to the safe, efficient and convenient movement of all highway users.

3.5.16 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 elements of the impact on the

surrounding 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.

3.5.17 Design and Layout:

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.

3.5.18 A detailed Design and Access Statement has been provided which sets out the evolution of the scheme. Key design principles which are taken forward in the application proposals design response, reflecting the policy requirements include:

- Provision of street frontage on to Hawkins Street to define street elevation treatment and improve security
- Three bed properties positioned on main frontage of the site
- Semi-detached properties on the higher proportion of the site, layout determined by existing road position of Bowen Street and need for adequate turning head for refuse vehicles
- The scale and the use of a new residential typology within the immediate area allows for a contemporary approach to the design of houses.
- Need to accommodate a 5m drainage easement that traverses the south east portion of the site
- Landscape strategy to include provision of a landscaping buffer between properties on the upper and lower portions of the site.
- Use of bungalows on restricted plots to ensure compliance with Council's adopted separation distances.

3.5.19 The applicant's design team has placed an emphasis on a development which positively responds to policy and to the best practice guidance, and represents a high quality scheme, which is well designed to complement the local setting whilst responding to site constraints including the topography, close proximity of existing housing on the site periphery and the fixed position of the vehicular site access from Bowen Street.

3.5.20 The proposed 24 units comprise 15 semi-detached and detached houses (62.5%) 7 terrace (29%) and 2 bungalows (8.5%). Policy 18 of the Local Plan Part 2 illustrates that the Council requires a detached and semi-detached housing offer to be the principal element of the dwelling mix on any site that is capable of accommodating such housing. Given the site constraints and predominantly terrace and semi-detached pattern of adjacent dwellings the

proposal is considered to meet this policy requirement of the Development Plan.

3.5.21 The properties have carefully considered internal layouts to offer a variety of configurations to appeal to families of varying sizes and needs. The house types represent an appropriate variety of styles and, together with their orientation, will create varied and attractive street scenes. Indicative external materials have been submitted but a full plot by plot assessment will be carried out through application of a condition to require prior approval of submitted materials.

3.5.22 Details of the proposed boundary treatments have been provided, alongside a detailed layout to illustrate the boundary treatments for each part of the site. The large majority of this treatment will not be visible from the public domain, though the most notable exception is in relation to plots 21 to 24, which are elevated from Watson Street. The new boundary treatment in this location will, in part, be erected on top of the existing stone retaining wall. Overall the proposals are considered to accord with the prevailing character of the area, conforming with the requirements of Policy 11

3.5.23 Core Strategy Policy 20 and Policy 8 of LLP2 seek to reduce crime through effective design solutions. The scheme has been assessed by the Lancashire Police Architectural Liaison Officer. They have made a number of recommendations as part of their response including inter alia the use of 1.8 metre perimeter fencing; Adequate lighting; Natural surveillance of public spaces; Appropriate species and siting of landscaping; Rear gardens to be secured with 1.8m high close boarded fencing; Consideration towards alternative boundary treatments; External ground floor windows and doors to be PAS24/2012 certified'. Many of these matters sit outside the scope of development management; however the details can be attached as a series of informatives to the decision notice, as necessary.

3.5.24 In summary, the comprehensive details submitted illustrate a design and layout which show dwellings, infrastructure and landscaping which accords with the provisions of the relevant policies of the development plan.

3.5.25 Amenity:

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.

3.5.26 The Residential Design Guide SPD indicates an appropriate separation of 21 metres between facing windows of habitable rooms of two storey dwellings, unless an alternative approach is justified to the Council's satisfaction. Where windows of habitable rooms face a blank wall or a wall with only non-habitable rooms a separation of no less than 13.5 metres shall be maintained, again

unless an alternative approach is justified to the Council's satisfaction. The separation requirements should be revised upwards by 3m to address each storey difference between opposing units, or equivalent land level differences.

- 3.5.27 Following assessment, the separation distances to the existing properties on the site's periphery are not wholly compliant with the requirements of the SPD. Plots 21 to 24 oppose the existing units on Watson Street at a distance of circa 21m, rather than the requisite 24m when accounting for the level differences. However, justification is afforded by the angling of windows that ensures windows do not directly face one another. The proposed close boarded panel fencing to the rear of each plot will also offer some screening benefits. On balance the relationship is considered to be satisfactory – and certainly significantly better than the prevailing pattern of development in the terrace streets surrounding the site.
- 3.5.28 Objections from residents living on Bower Street and Bower Close, reference, in-part, potential loss of sunlight caused by the closest properties on Plots 1 and 2. When appraising this impact it should be noted that plots 1 and 2 lie to the north west of the objectors' homes; this orientation ensures that no natural sunlight would be lost.
- 3.5.29 The internal arrangements are wholly compliant with the required separation, save for the relationship between plot 12 and numbers 4 and 5. The rear of plots 4 and 5 will face the side wall of plot 12 at a distance of 18.1m, rather than the 19.5m prescribed by the Residential Design Guide (13.5m plus an additional 6m due to level changes). Justification is provided for the reduced separation given that the amended details received 21st January 2020 details the use of a gable fronted unit on plot 12; the effect of which is to remove the gable from the side wall facing numbers 4 and 5 and thus reduce the bulk and massing of plot 12. On balance this approach is considered to provide sufficient justification to reduce the separation, whilst still ensuring appropriate levels of amenity for future occupants.
- 3.5.30 The Council's head of Public Protection has reviewed the application and offers no objection to the development subject to the application of conditions to deal with land remediation and to mitigate the potential loss of amenity during the construction phase and post-development. These include; construction hours restrictions, use of acoustic barriers and glazing (in accordance with applicant's noise consultants recommendations), land contamination assessment and remediation, measures to protect air quality including boiler emission restrictions and external electronic sockets to facilitate the charging of electric vehicles.
- 3.5.31 The overall impact of the proposed development is considered to accord with the provisions of the adopted and Local Plan Part 2 as any potential harm to amenity has been addressed or can be adequately controlled or mitigated through planning conditions.

3.5.32 Drainage and Flood Risk

3.5.33 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.

3.5.34 The application is supported by a drainage strategy document and water calculations. Following a review of the application, no objection has been offered by United Utilities or the Lead Local Flood Authority; subject to the development being in accordance with the submitted details.

3.5.35 Affordable Housing

In accordance with Local Plan Policy 12, the Council will be supportive of proposals which provide affordable and older people's accommodation. It goes on to state that developments of 10 or more units consisting entirely of affordable housing will only be acceptable in exceptional circumstances.

3.5.36 The proposal is on behalf of a registered social landlord and will provide for 100% affordable housing, available for social rent. The Council's strategic housing manager has advised that "the principle of residential dwelling and mix is acceptable as proposals indicate a housing offer, which responds to the Council's aspiration and identified needs".

3.5.37 In supporting this development officers considered that the wider benefits of this application accords with national policy on sustainable development in that it would perform an economic role, social role and environmental role. As such, the NPPF approach to presumption in favour of sustainable development is clear that development which is sustainable should be approved without delay.

3.5.37 Summary:

This report assesses the full planning application for 24 dwellings on cleared land adjacent to Bowen Street, Blackburn. In considering the proposal a wide range of material considerations have been taken in to account during the assessment of the planning application.

3.5.38 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 high quality housing development with associated infrastructure, which meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, and the National Planning Policy Framework.

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

- Commence within 3 years
- Approved details/drawings
- Materials to be submitted and implemented
- Houses to remain 'Affordable' in perpetuity
- Siting and appearance of boundary treatment in accordance with submitted details
- S278 Grampian condition for off-site highway works to improve pedestrian link from Bowen Street to Hawkins Street
- Sightlines clearance to be kept in perpetuity for all access points
- Prior to the occupation of any of the dwellings hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.
- Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.
- Construction management plan to be submitted and implemented
- Foul and surface water to be drained on separate systems
- Permitted development rights to be removed (Part 1, Classes A to E and Part 2, class A)
- Land contamination
- 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.
- The glazing of properties fronting onto Hawkins Street shall be fitted with acoustically treated trickle ventilators of the specification proposed in the professional Consult report ref 19.094.1.R2 dated 26/10/2019, unless otherwise agreed in writing with the local planning authority.
- Prior to the occupation of the dwellings, acoustic barriers shall be installed at the development in accordance with the plan contained in Figure 1 of Appendix 3 of the Professional Consult report ref 19.094.1.R2 dated 26/10/2019 that was submitted with the planning application. Unless otherwise agreed in writing with the local planning authority.
- No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st August inclusive, unless absence of birds confirmed by a qualified ecologist.
- Prior to the commencement of development a scheme for the Biodiversity Enhancement Measures, as set out in section 5.0 of the Ecological Survey And Assessment dated October 2019 (ref: 2019-294), shall be submitted to and approved in writing by the Local Planning Authority.

- 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

5.0 PLANNING HISTORY

10/11/0499 – Prior Notification: proposed demolition of single and two storey former junior school building

6.0 CONSULTATIONS

6.1 Drainage Section

No objection subject to submission of a scheme for foul and surface water drainage development being in accordance with the submitted drainage strategy.

6.2 Education Section

No comment

6.3 Environmental Services

No objection.

6.4 Public Protection

No objection, subject to recommended conditions:

- Site working hours to be limited to between 8am-6pm (Monday-Friday) and 9am-1pm on Saturdays. No works on Sundays or Bank Holidays.
- All boilers to conform to max emissions of 40mg NOx/KWh
- Each unit to provide for external charging point to facilitate electronic vehicle use
- Prior to the occupation of the dwellings, acoustic barriers shall be installed at the development in accordance with the plan contained in Figure 1 of Appendix 3 of the Professional Consult report ref 19.094.1.R2 dated 26/10/2019 that was submitted with the planning application.
- The glazing of properties fronting onto Hawkins Street shall be fitted with acoustically treated trickle ventilators of the specification proposed in the professional Consult report ref 19.094.1.R2 dated 26/10/2019 that was submitted with the planning application.
- 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

- It is recommended that the Council's standard conditions for land contamination be applied given the sensitive end use and potential for made ground given the historic quarry use in the locality.

6.5 Highways:

The proposal falls below the Council's adopted parking standards, though the shortfall of 4 spaces can be justified given the site's accessibility, the proposed inclusion of bungalows and the applicant's experience of parking demand on their other social housing developments in the locality. The revised layout provides for appropriate access arrangements and manoeuvring areas. The area does experience congestion at peak times, though this is a common scenario in locations close to schools and is commonly limited to 15 minutes either side of the school day; in isolation this is not sufficient to warrant refusal of the application.

No objection subject to conditions relating to; construction methods, including wheel wash; off-site highway improvements (steps linking Bowen Street and Hawkins Street & footway construction adjacent to plots 1 and 2); future maintenance and management of the streets within the development to be agreed; and full engineering details of street construction to be agreed.

6.6 Strategic Housing

The Housing Growth Team would support the development of good quality family homes in this location.

The principle of residential dwelling and mix would be acceptable as initial proposals indicate a housing offer, which responds to the Council's growth strategy.

We would be supportive of the proposal subject to it meeting planning policy requirements and approval from Development Management.

There is no additional requirement for affordable housing as the scheme is providing 100% affordable homes on site.

6.7 Lancashire Constabulary

No objections, but recommended that the scheme should be developed to achieve 'Secured by Design' accreditation.

6.8 United Utilities

No objections.

6.9 Public consultation

Public consultation has taken place, with 42 neighbouring addresses individually consulted by letter and the displaying of site notices. In response, 4 letters of objection have been received; representations can be found at section 9.0, with a summary of the material planning objections set out below:

- Existing congestion and parking issues around school drop-off and collection times; the proposal will exacerbate this
- Proposed driveway access points for new housing on Hawkins Street will conflict with available on-street parking
- Development will remove the existing parking area on the site of the former school grounds that is used by parents
- St Peter's School is already oversubscribed
- Loss of sunlight and privacy
-

7.0 CONTACT OFFICER: Martin Kenny, Principal Planner - Development Management.

8.0 DATE PREPARED: 7th February 2020

9.0 SUMMARY OF REPRESENTATIONS

Objection – Mr Fairbrother & Miss Withers, 10 Bower Close Mill Hill. Rec 12.12.2019

For the attention of Martin Kenny, case officer

Dear Sir / Madam

Reference:

PLANNING APPLICATION 10/19/1062

Development Type -New dwellings – Major at Land at Bowen Street Blackburn BB2 2RL

I write in connection with the above planning application. I have examined the plans and I know the site well. I wish to object strongly to the development of these houses in this location.

Bower Close and the surrounding area will be strong affected by this planning proposal. It should be considered very carefully: this development will affect the residents and the local school.

This development also impedes on my property and will affect the access to property, which will affect the safety of our livelihood, we already have trouble with parking, traffic generated from the school, the access to our property will be strongly affected do to the already daily struggles of the loading and turning outside our property. The traffic generated by the school is already very tiresome for the residents here but to add this development would only hinder us more. Less places for people to park when collecting children. I am disappointed also that the play ground is being taken away from the school as this space is used vastly in the summer.

On the plans is states they will be building a wall on our boundary line, because they are doing a reduce level excavation area right on our boundary line, which will leave us open and unsecured.

We have multiple concerns, the line of the building which would be next to our property, is injunction with building regulations due to our bathroom window being on party wall side, invading on our privacy as we will be overlooked from multiple angles. Not only will we lose our privacy on our property, but we will lose all of our light do to the shadowing of the houses, this will mean we will not get the sun light which will stop use from using our family home garden.

We have our own architect plans to extend our property which we haven't submitted, with this development would this hinder our planning, as there is lower lever works being completed, we feel this has been a financial waste.

The development name is very miss leading at the development is not just on Bowen Street it spills over to Hawkins Street, which effects a lot more parties in this area.

We have animals that will be affected with the ongoing works, and the local environment will be affected we have lots wild birds which often come in the garden etc.

If this application is to be decided by councillors, please take this as notice that I would like to speak at the meeting of the committee at which this application is expected to be decided. Please let us know as soon as possible the date of the meeting.

Thank you

Mr Fairbrother & Miss Withers

Objection – C. Holding (Chair of Governors), St. Peter's R.C. Primary School
Hawkins Street Blackburn. Rec 11.12.2019

Your Ref: 10/19/1062 – Full planning application – erection of 24 new build dwellings at land at Bowen Street, Blackburn, BB2 2RL.

Dear Mr Kenny

The Governors of St. Peter's RC Primary School wish to object to the above proposed development on the following grounds:

- The application states the erection of 24 new builds on land at Bowen Street, the proposed development extends down to Hawkins Street where our school is sited.
- St. Peter's RC Primary School is an oversubscribed school that feeds children from St Peter's and St John Vianney's Catholic parishes. At the current time there is a large development of new houses off Gibb Lane (St. John Vianney's parish), new houses have been built on Watson Street (St. Peter's parish) a development of new houses currently being built off Queen Victoria Street (St Peter's parish). There are three other schools in this area that have very few places for additional children.
- The development includes a number of houses on the Hawkins Street area with 8 houses having drives that will come out onto Hawkins Street (on the only area of the road that allows legal parking). In 2017 BwD Borough Council put in traffic calming measures on Hawkins Street due to concerns from parents about the amount of traffic and safety of our children. These measures include single and double yellow lines, a speed bump and give way areas on both sides of the road.
- Contractors will not be able to access the Hawkins Street site from Bowen Street,

If this application is approved our Governors have concerns regarding the safety of our children and families; heavy vehicles accessing the Hawkins Street site, the potential of road closure whilst sewage lines, gas, electric and water are being laid and cars trying to access and leave their drives especially at the beginning and the end of the school day. We are also concerned about the negative

effects and disruption to learning and normal school life a development so close to the school may have.

Yours sincerely

Objection – A.P & M.E Parkinson, 12 Bower Close Blackburn. Rec 28.11.2019

Mr.M.Kenny
Growth & Development Dept
Town Hall
Blackburn
BB1 7DY

A.P & M.E Parkinson
12 Bower Close
Blackburn
BB2 2QL

25TH November 2019

OBJECTIONS TO PLANNING APPLICATION REFERENCE:10/19/1062

Dear Sir,

I write to you with reference to the above planning application recently submitted to Blackburn with Darwen Borough Council, and wish to raise objections to this application on the following grounds.

1) **Severe impact on Traffic congestion.**

We feel quite strongly that Hawkins Street suffers significantly from traffic congestion already, and that the proposed building of new properties on Hawkins St and the anticipated increase in vehicular traffic from these properties would no doubt have a significant effect on that congestion. This is particularly highlighted at School times where vehicular access to our property can be extremely difficult.

2) **Severe impact on parking**

We already suffer from high volume of school traffic parking in the vicinity of our property and surrounding area. The planned new dwellings on Hawkins St would create more congestion in Bower Close and surrounding areas as we predict parents would have much reduced parking availability near the School. This situation we feel would increase on Bower Close as parents leave their cars to take children to school. We already have to contend with this issue (even to the extent of parking on private parking areas) but we have no doubt this would increase significantly as Hawkins St would be severely restricted for parking

This is highlighted by the fact that parents are constantly ignoring existing parking restrictions (DOUBLE YELLOW LINES), so no doubt this could only get worse. This concern is not only restricted to school times but, could apply to after school activities also. This is exacerbated by there being a public pathway along the frontage to our property between Bower St and the school on Hawkins St.

3) Restriction of natural sunlight

We feel the position of new properties on plots indicated as numbers 1&2 on the proposed plans would lead to a significant loss of natural sunlight to our property.

This is due to the fact that Plots 1&2 are two storey 3 bed homes and are exactly in line with the direction of sunlight to our property.

The height and position of these properties will have the effect of blocking out afternoon sunlight out completely which in summer hours can last for several

This will diminish significantly the enjoyment we have in our rear garden area.

WE DO NOT WISH TO BE PERMANENTLY DEPRIVED OF THIS NATURAL BENEFIT

Objection – Mark Lowry, 16 Bower Close Blackburn. Rec 26.11.2019

I reside at 16 bower close blackburn bb2 2ql and wish to make some comments about the above application

The main point is that I live near to st Peter's junior school and parents attend in their cars to drop off and pick up their children The situation is particularly bad and chaotic at around 3pm each day. I suggest that this housing development in its present form will make things much worse.

The upper part of the proposed development accessed from Watson st/Bowen street is the site of the old st Peter's school, now demolished. This is currently used for parking for parents to pick up children. I would estimate 15 to 20 cars.

The lower site adjoining Hawkins street is directly opposite the junior school . Again cars park on Hawkins street Marsden st and bower street to pick up children.

The driveways of the proposed houses come directly into Hawkins st making parking difficult if not impossible

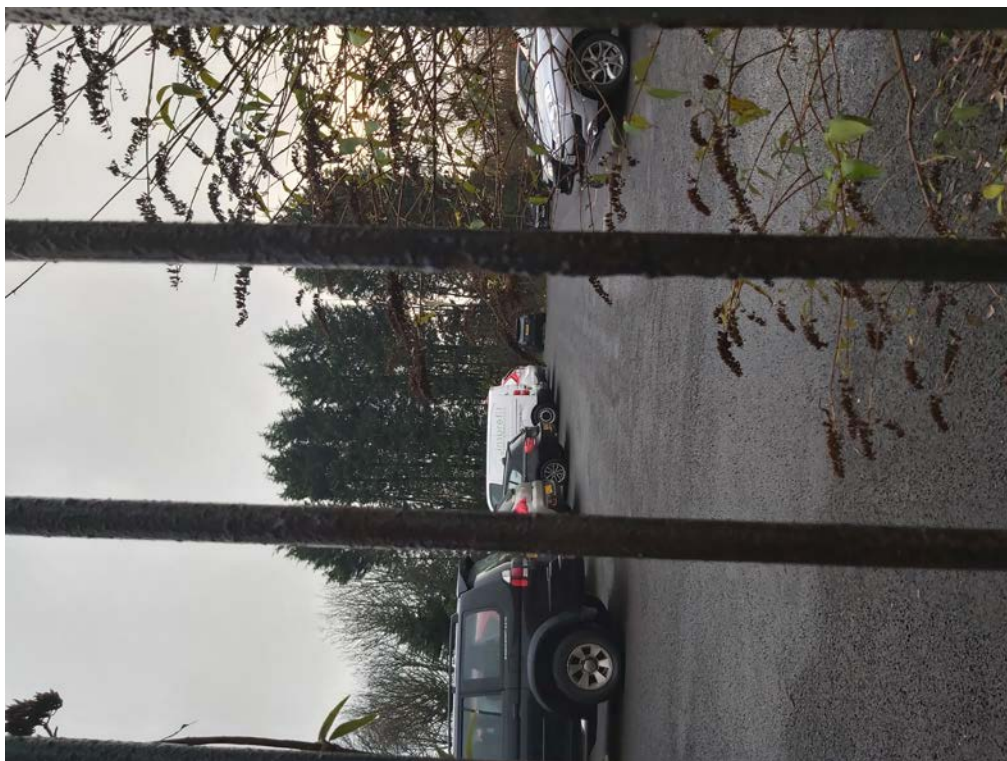
It seems that this development will exacerbate the parking situation and parents will start parking in more of the surrounding streets and avenues

Photographs attached to show a typical day at 3pm

Mark Lowry







REPORT OF THE DIRECTOR

Plan No: 10/19/1081

Proposed development: Full Planning Application for Conversion and extension of existing buildings to form a new teaching block together with improvements at existing parking areas.

**Site address:
Westholme School,
Wilmar Lodge,
Meins Road,
Blackburn,
BB2 6QU.**

Applicant: Westholme School.

Ward: Billinge & Beardwood / Livesey with Pleasington

Councillor: Derek Hardman

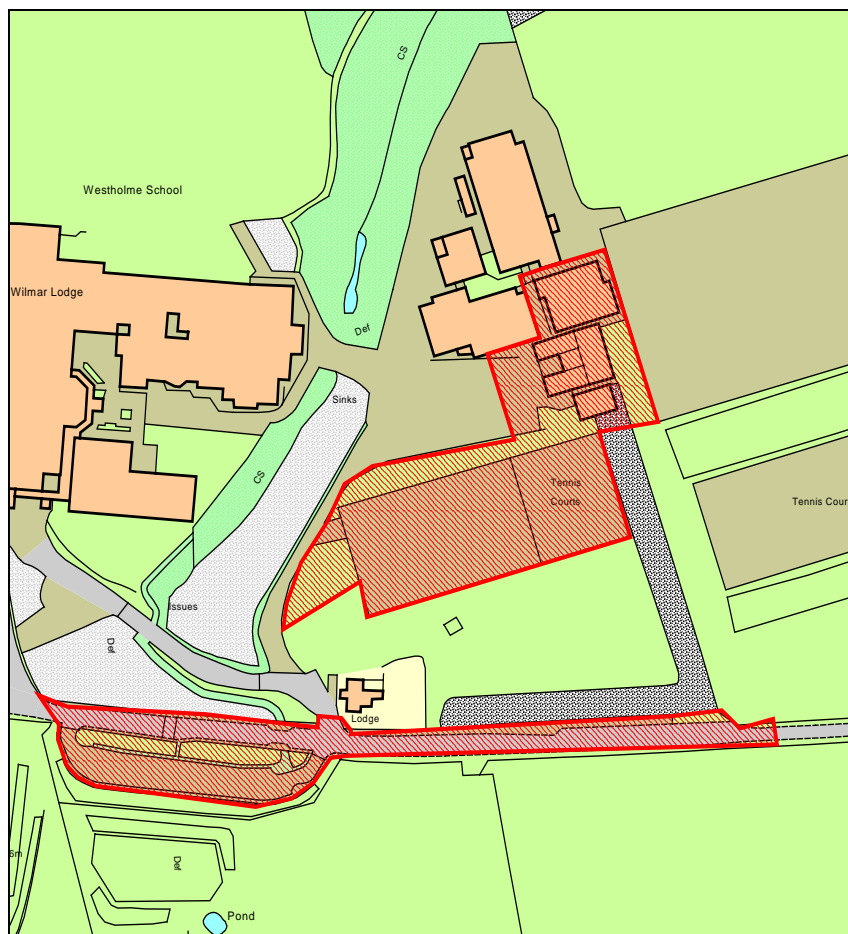
Councillor: John Pearson

Councillor: Julie Daley

Councillor: Tasleem Fazal

Councillor: Paul Marrow

Councillor: Jackie Floyd



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The application is in the form of a full planning application. It is presented to the Committee on account of the application receiving 14 letters of objection in accordance with the Council's Scheme of Delegation (Chair Referral Scheme).

2.2 Approval of the application will allow positive progress to be made towards re-configuring Westhome School into one site. It will address the challenges of the dispersed sites and underused buildings. As such, it is, therefore, necessary to advance a high quality development on the footprint of the previously developed land which makes up the application site to ensure that the impact on the Green Belt is reduced to an acceptable level.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is the Westholme School located at the western end of Meins Road. The school is sited within the defined Green Belt and comprises a number of buildings to the north and west of the application site.

3.1.2 The proposed development will occupy a parcel of land that was previously a hockey pitch but is no longer utilised as such, but rather as an overspill car park as in 2005 planning permission was granted for an extension to the school curtilage to provide for new tennis courts and astro-turf hockey pitch (10/05/1048).

3.1.3 Located east of the site runs a Public Right of Way (PROW); Footpath 83 which is sited approximately 120m from the proposed development application site. The site contains Tree Preservation Orders (TPOs) located north and north west of the site circa 20m away.

3.1.4 The application site houses the senior pupils. Located circa 1km east of the application site lies Westholme Junior School and Westholme Nursery School split over two separate sites. The infant and junior school population at Westholme School has dropped from two form entry to single form entry. As a consequence, the infant and junior school buildings are being underused.

3.1.5 Access to the site is via Meins Road which is adopted up to a certain point, the remainder of the road is un-adopted and this is the part which runs outside the school entrance. The site shares the access road with a number of residential properties. Access to the site is via the junction the road shares with Preston New Road, A677.

3.2.6 Teaching Block

The proposed teaching block will be formed by converting and extending the existing arts and music blocks present at the site. The existing gross external floorspace of the building is 720m². The proposed development would result in the creation of a new external floorspace of 1,374m² which is a net gain of 654m².

3.2.7 The proposed teaching block will be sited south of the sports hall and swimming pool and will form a cluster of development at the heart of the school site.

3.2.8 Located south of the proposed new building lies a redundant tennis courts. This part of the site lies on land which is set higher than the proposed new building which will house the primary school. As part of this application it is proposed to use the space as an external play area / learning space. A bridge will link this space to the first floor of the new teaching block.

3.2.9 Internal car parking alterations

As part of the proposed development the parking layout is to be rationalised with a separate access and egress and a zone for 'drop off' at the nearest point to the school. A ramp and steps are proposed which will link the car park to the new school entrance.

3.2.10 The improvements to the car parking arrangement within the site will provide 94 car parking spaces (including disabled persons parking). 2 of the car parking spaces will be marked out for use by electric vehicles. There are a further 52 spaces set out within the application site, resulting in a total of 154 spaces. A barrier access will allow for the managed use of the car park

3.2.11 The majority of the parking proposed will be made available for the 'drop off/pick up' parking of parents collecting their children from the infant and junior school. A small proportion of these spaces will be used also by staff members.

3.2.12 Improvements to parking and turning area on Meins Road

The proposed development offers along with it the opportunity to improve the capacity and efficiency of the existing parking and turning area on Meins Road, adjacent to the school campus and entrance.

3.2.13 The amendments will improve the circulation of vehicles which currently use the zone for 'drop off / pick up' of the senior pupils. It involves the expansion of the parking and turning zone at the margin and the re-engineering of the space to facilitate additional parallel parking.

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 – January 2011:

- CS1 – A Targeted Growth Strategy
- CS14 – Green Belt
- CS16 – Form and Design of New Development
- CS18 – The Borough’s Landscapes

3.3.3 Local Plan Part 2 (LPP2) – December 2015:

- Policy 3 – Green Belt
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 41 – Landscape

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. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 2 – Achieving sustainable development
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and Enhancing the Natural Environment

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;
- Trees;
- Ecology;
- Highways;
- Amenity;
- Design;

- Drainage;

3.5.2 Principle of development:

Paragraph 144 of the National Planning Policy Framework (2019) NPPF specifies that *'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*

3.5.3 Inappropriate development is, by definition, harmful to the Green Belt.

Paragraph 145 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

This is reiterated in Policy CS14 of the Core Strategy and Policy 3 of the LPP2 and

- 3.5.4 Paragraphs 5.2 to 5.4 of the submitted Planning Statement make the applicant's case for the impact of the proposed development on the Green Belt. It argues that Westholme School is previously developed land in the green belt. Infill or certain forms of new development will be appropriate provided that there is no greater impact on openness and replacement buildings are permitted if the existing and proposed area is of broadly similar scale.
- 3.5.5 Paragraph 5.4 states that *"In this instance the new teaching block is created through the re-use of existing building and extensions to those buildings. The extensions represent a form of infill development. The re-use, conversion and extension of the existing buildings and limited infilling at previously developed site are appropriate forms of development in the green belt."*
- 3.5.6 Officers advised the applicant as part of pre-application discussions that as submitted the proposal failed to comply with the Council's Local Plan Part 2 Policy 3, which reiterates the stance of the NPPF in that redevelopment of previously developed land within the Green Belt should not have a greater impact on the openness of the Green Belt than the existing development unless very special circumstances can be demonstrated.
- 3.5.7 It was considered during these discussions that the conversion and extensions to the existing buildings would amount to a level of development that far exceeds a form of infill development. The proposal results in the creation of a two storey element which replaces a single storey structure. It would therefore have an impact on the green belt by virtue of its scale, massing and size.
- 3.5.8 The application site is currently occupied by existing buildings. Annex 2 of the NPPF defined previously developed land as, *"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure."* It is, therefore, considered that the application site is previously developed land.
- 3.5.9 Paragraph 118 of the NPPF states that planning policies and decisions should give substantial weight to the value of using suitable previously developed land. Therefore, significant weight should be given to the fact that the site is previously developed land.
- 3.5.10 As previously advised as part of the pre-application enquiry the applicant was informed that in support of an application justification would be required demonstrating special circumstances to overcome the impact of the proposal on the green belt. Paragraph 5.5 onwards of the submitted Planning Statement offers such justification. These are:
- The need for the development
 - Realistic alternatives to meeting the need
 - The role and purpose of the school
 - The benefits for existing and future pupils
 - The benefits to the community

- The role of the school as an employer
- The benefits from learning in a rural location
- Meeting overall education needs in Blackburn with Darwen.

3.5.11 It is therefore considered that the applicant has provided sufficient justification to overcome the impact of the proposed development on the Green Belt and, as such, complies with the NPPF, Policy CS14 of the Core Strategy and Policy 3 of the LPP2.

3.5.12 Further to this, the Core Strategy includes a test for development sites in the green belt which requires the purposes of including land in the green belt to be examined. Members should note that this test has been removed from the 2018 NPPF, so carries a reduced weight. However, it is a vital tool to use when assessing the impact a proposal will have on the green belt. The test includes 5 purposes, therefore, it is appropriate to consider the degree to which the proposed development impacts upon these.

3.5.13 **To check the unrescted sprawl of lawge built up areas** – the application site is sited in a somewhat rural context outside of the defined boundary edge of Blackburn. Further to this, the proposed development will be sited on previously developed land utilising existing buildings. The existing built infrastructure present on the site is clustered together and the proposed development will be read in association with it, thus, ensuring that unrestricted sprawl does not occur.

To prevent neighbouring towns from merging into one another – The application site does not contribute to the abovementioned point.

To assist in safeguarding the countryside from encroachment – The new development will be sited on land that is previously development and occupied by buildings already. There will be no encroachment into the countryside.

To preserve the setting and special character of historic towns – The development is not adjacent to a historic town. Further to this, there are no key vistas or viewpoints which need to be preserved.

To assist in urban regeneration – There is a less than significant impact on initiatives to secure urban regeneration.

3.5.14 Taking into account the above, it is considered that the proposal would have an impact on the green belt. However, the public benefits of the scheme provide special circumstances outweighing the harmful impact to an acceptable level.

3.5.15 Accordingly, Members are advised that the development is considered to be acceptable in principle, on account of the reuse of the previously developed land and the public benefits of the site outweighing its impact on the green belt; in accordance with the aims and objectives of the Local Development Plan and the NPPF; subject to assessment of additional matters set out in paragraph 3.5.1.

3.5.16 Trees

Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to trees. An Arboricultural Impact Assessment (AIA) has been prepared by Yew Tree Gardens on behalf of the applicant and submitted in support of the application

3.5.17 The submitted details confirm that only a small number of tree and groups of trees are located within close proximity to the proposed development site. Tree reference T1 as shown on the 'Tree Constraints Plan' will be removed. The report concludes that Tree T1 is of low retention value and is in conflict with the existing building / structures. Tree references T2 and T3 are considered unsuitable for retention due to their current conditions / form. T2 and T3 are both semi-mature in age and, therefore, are considered to not make a significant contribution to the site, the wider landscape or the green belt.

3.5.18 Group G1 as shown on the constraints plan will be removed to accommodate the construction of the retaining wall. The trees present in Group G1 are all small saplings of little significance. Group G2 is located a sufficient distance away from the proposed development. Therefore, the use of standard protective fencing would ensure that during the construction period no activity occurs within the Root Protection Area (RPA) or harms the RPA of these trees.

3.5.19 The juxtaposition of the proposed development along with the retained tree stock present within the site will not create any significant conflict in terms of shading or overshadowing. The development is located out of all the identified RPAs of the trees which are to be remained.

3.5.20 Therefore, to ensure that the development is carried in accordance with the appropriate working methods, protective fencing and site management a condition will be added ensuring that the development is carried out in accordance with the recommendation of the AIA. The proposal therefore accords with Policy 9 of the LPP2.

3.5.21 Ecology

Policy 9 with regard to ecology assessment emphasises that development likely to damage or destroy habitats or harm species of international or national importance will not be permitted.

3.5.22 A Bat Survey Report dated October 2019, has been submitted to supplement the application. It has been peer reviewed by an officer at Greater Manchester Ecology Unit (GMEU), who has confirmed that the development is acceptable in principle subject to the implementation of conditions.

3.5.23 The officer confirms that the report recorded no evidence of present or historic usage, but concluded that B2 & B3 (Art & Music Block) had moderate

potential to support roosting and B1 (Changing Room) had low potential. The activity survey appears to have used reasonable effort and personnel, whilst undertaking the survey in the appropriate weather conditions.

3.5.24 The activity surveys recorded the emergence/re-entry on all three occasions (2x emergence & 1x re-entry). Common pipistrelle bats were recorded utilising roosting points in 5 locations around both B2 & B3. No emergence or re-entry was observed from B1. Other bat species were recorded foraging and commuting in the immediate vicinity. The officer, therefore, confirmed that due to the above that the Art and Music Blocks (B2 and B3) are bat roosts under the definition of the Habitats Regulations (2017).

3.5.25 Works to B1 the boys changing rooms can be commenced at any time, subject to the need to the updated survey condition.

3.5.26 The bat roosts are in a part of the Site which will be subject to rebuilding, reroofing and modifying as part of the proposal. Therefore, as identified in the activity survey report some form of European Protected Species licence (EPS) will be required from Natural England, to derogate from the provision of the legislation in order to implement the proposals should an application receive permission. In order to provide for a derogation under the legislation three tests should be met: -

- That the action is for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
- that there is no satisfactory alternative; and
- that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range

3.5.27 It is equally important to consider that in this case, which involves roosts for small numbers of common pipistrelle bat, that the favourable conservation status (the third test) of the species can be maintained via the implementation of mitigation measures.

3.5.28 The Report (sections 5.4 – 5.6) includes the detailed outline of the proposed mitigation. In my opinion this description is adequate for planning purposes and demonstrates the approach that will be used in the Natural England Licence application.

3.5.29 The officer has recommended the use of a British Standard (BS 42020: 2013 D.6.2) condition ensuring that before any works including the reroofing, extension and modifications to the Art & Music Blocks (B2 & B3) which support roosting common pipistrelle bats shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- a) A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2017, authorising the specified development to go ahead; Or

- b) A statement in writing from the relevant licensing body to the effect that it does not consider that the development will require a licence. In these circumstances a Method Statement based on the provisions of 5.4 – 5.6 of the submitted Bat Survey report (Bowland Ecology, October 2019) should be submitted in writing to prevent injury to bats (Wildlife & Countryside Act 1981).”

3.5.30 Further to this, should the applicant wish to erect or install any external lighting than a condition will be attached ensuring that details are submitted to the LPA prior to its installation. This will ensure that any external lighting does not conflict with the bat mitigation proposals for the bat roosts and for other species of bats foraging/commuting around the site.

3.5.31 Best practice guidance indicates that the results of bat surveys are only valid for a limited period (1 – 2 years) as the suitability of structures for bats can alter over time. In this case if works have not commenced by March 2021 then an updated bat survey should be required including internal & external visual inspection along with 3 activity surveys during the maternity season. The update survey should include the details of any additional mitigation over and above what has already been provided. The additional details should subsequently be implemented. A suitably worded condition will be attached.

3.5.32 The assessment is considered to demonstrate support for the proposal from an ecological perspective subject to the attachment of the aforementioned conditions; in accordance with the requirements of Policy 9 and the NPPF.

3.5.33 Highways

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

3.5.34 The application has been supported by a Transport Assessment as well as other supporting documents. The application has been assessed by the Councils Highways Officer and the Transport Assessment has been external assessed by a Highways officer at Capita on behalf of the council.

3.5.35 The Council's Highways Officer has confirmed that the parking spaces as submitted are considered acceptable. The spaces meet the required space standards as does the ratio of parking spaces to pupils. The proposal, therefore, would accord with the councils parking standards documents.

3.5.36 The site in question is accessed off Meins Road, this is the only connective highway route to the site. The Highways Officer along with the applicant’s highways consultant have explored connections through to Billinge End Road, via Woodgate’s, however this has been considered and dismissed as the highway is designated as bridleway, and there would be reliance on third party land, which we cannot place on the applicants to resolve.

- 3.5.37 There are changes proposed to the highway by way of introducing additional parking bays. Some of these are within the highway and require reconfiguration of the adopted highway to accommodate them.
- 3.5.38 Off-site highways works will be sought by means of a S278 application. These will include specifically a MOVA upgrade at the signalised junction of Revidge Road/Billinge End Road/Preston New Road, together with improved pedestrian facilities. It is considered that the improvements to the junction will reduce the impact of the proposed development on Meins Road, Preston New Road and the junctions.
- 3.5.39 Further mitigation methods have also been proposed by the applicant to minimise the impact of the development on Preston New Road and Meins Road. The school will set up a car share scheme, pupils / parents will be encouraged to car share and the new parking for the primary / junior school will be dedicated and passes issued to parents, senior school parents cannot use unless they have younger siblings.
- 3.5.40 In 2019, the main campus had 510 pupils. The proposed development will result in an increase of the number of pupils present on site to 659 when the additional 153 pupils relocate over from the other schools. Taking into account, current trends and projections over the next 4 years the total number of pupils will reduce to 563 in total ie 69 fall or 66% of the relocated trips would not be on site. By 2029, the trend continues and the total predicted is 523 against the 2019 total of 510, at this level the nett change would not be noticed on site.
- 3.5.41 Trip generation, traffic flows and assessment have been provided in support of the application. The vehicle trips generated by the proposed development are not new as it is a relocation of two existing schools onto one site. In addition, the school will have reduced staff numbers over time as the school will have some duplication of roles.
- 3.5.42 Table 4 found in the submitted Transport Assessment on pages 58 and 59 details how the traffic flow diagrams have been calculated. It is understood that the assessment traffic flows are robust and potentially include double counting, as the existing trips associated with the junior and infant schools have been left within the surveyed traffic flows, whilst the proposed number of trips associated with the fallback (750 pupils and 130 staff), current 2018/29 proposal (687 pupils and 130 staff) and current 2019/20 proposal (659 pupils and 130 staff) have been added on top.
- 3.5.43 The impact of school traffic has been formally submitted within the Transport Assessment for the two junctions: 1) Preston New Road / Meins Road ghost island T-junctions; and 2) Preston New Road / Revidge Road / Billing End Road signalized 4-arm junction.
- 3.5.44 The assessment has demonstrated that the Preston New Road / Meins Road priority junction would operate over capacity in the AM peak hour. This is due to the school start time of 9pm being for all students present at site. The school end time has been staggered for infants to finish at 3.40pm, juniors to

finish at 3.45pm and seniors to finish at 4pm. It is considered that the Preston New Road / Revidge Road / Billinge End Road signalised junction would operate within capacity in both AM and PM peak hours.

3.5.45 The submitted Transport Assessment has been thoroughly assessed by Capita's Highways Consultant on behalf of the Council; the officer has confirmed that the information provided was adequate. The officer confirmed that in principle the proposed development was acceptable subject to the confirmation of a number of conditions.

3.5.46 The assessment is considered to demonstrate support for the proposal from a highway efficiency perspective; in accordance with the requirements of Policy 10 and the NPPF.

3.5.47 Amenity

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

3.5.48 The nearest residential dwelling to the proposed development site is located circa 250m away. It is, therefore, considered that there is sufficient distance between the proposed development and the neighbouring dwellings to ensure that the development has a negligible impact upon the amenity of occupiers.

3.5.49 The implications of the increase in vehicular movement will have an impact upon the dwellings present on Meins Road. However, this has been assessed in greater details as part of the highways assessment.

3.5.50 Acceptable levels of mutual amenity are, therefore, achieved. The proposal accords with Policy 8 of the LPP2.

3.5.51 Design

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

3.5.52 The proposed development will be sited adjacent existing buildings present within the site. The proposal would be read in association with the application site.

3.5.53 On account of the topography of the site the proposal will appropriately sit within the site, the development will appear well-integrated and proportionate to its surroundings. Moreover, the roof form and fenestration proposed suitably responds to the character of the area. The materials proposed would reflect those of the existing building as well as utilise materials of a more modern nature such as render and timber cladding.

3.5.54 Given where the proposed development will be sited it will not be readily prominent from the highway Meins Road, or, the PROW which runs alongside the eastern edge of the site by virtue of the topography of the site and the trees and shrubbery which abounds the site.

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

3.5.56 Drainage

The Local Lead Flood Authority (LLFA) has confirmed they have no objections to the proposed development subject to the attachment of a condition requiring the submission of a foul and surface water drainage scheme prior to commencement of the development.

3.5.57 The proposal therefore accords with Policy 9 of the LPP2.

3.5.58 Summary

This report assesses the full planning application for the conversion and extension of existing buildings to form a new teaching block together with improvements at existing parking areas at Westholme School, Meins Road.

3.5.59 In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the aims and objectives of the Local Development Plan and the NPPF.

4.0 RECOMMENDATION

4.1 Approve subject to Conditions which relate to the following matters:

- Commence within 3 years
- Materials to be implemented as agreed subject to the approved drawings/details
- Highways – Grampian - S278 off-site highways works: a MOVA upgrade at the signalised junction of Revidge Road/Billinge End Road/Preston New Road, together with improved pedestrian facilities.
- Highways - visibility splays
- Development in accordance with CEMP
- Standard contaminated land
- Prior to commencement of use 2 parking bays shall be fitted with ECV points
- Submission of a drainage scheme
- Traffic management scheme to be agreed
- Limited hours of construction:
 - 08:00 to 18:00 Mondays to Fridays
 - 09:00 to 13:00 Saturdays
 - Not at all on Sundays and Bank Holidays

- Submission of a lighting scheme
- Ecology – licence
- Ecology – submission of a re-survey if works have not commenced by March 2021
- Implementation of car parking scheme prior to commencement of use
- Development in accordance with Bat Survey
- Development in accordance with AIA
- Development in accordance with submitted details / drawing nos.

5.0 PLANNING HISTORY

N/A

6.0 CONSULTATIONS

6.1 Neighbours

276 neighbouring properties were consulted during the consultation process relating to the initial scheme and the amended details, in addition 3 site notices were posted. A press notice was advertised in the local newspaper on the 27th November 2019. As a result of this, 14 letters of objection have been received (see summary of representations).

6.2 GMEU

No objection subject to attachment of conditions

- Submission of a Natural England Licence or a statement from a relevant body based on report and findings
- Submission of external light scheme before installation
- If works have not commenced by March 2021 then a re-survey is required

6.3 Drainage Section

No objection subject to a pre-commencement submission of a foul and surface drainage schemes condition.

6.4 Public Protection

No objection subject to the imposition of two conditions, one requiring the implementation of 4 bays containing Electrical Vehicle Charging Points, and the other a standard contaminated land condition.

6.5 Highways

No objection subject to the imposition of a number of conditions, a pre-commencement condition requiring the submission of a construction method statement and a S278 Grampian condition securing off-site highways works.

6.6 Environmental Services

No objection.

6.7 Lancashire Constabulary

No objections, but recommended that the scheme should be developed to achieve 'Secured by Design' accreditation.

6.8 United Utilities

No objections, subject to condition requiring separate foul and surface water systems

6 CONTACT OFFICER: Rebecca Halliwell – Planner, Development Management.

7 DATE PREPARED: 3rd February 2019

7.0 SUMMARY OF REPRESENTATIONS

Comment – Sue Challinor, Lancashire Constabulary HQ Saunders Lane Hutton. Rec 02.12.2019

Hi,

I have had opportunity to look over the above planning application and am grateful for the opportunity to be able to provide you with comments as below.

Educational establishments fall under the definition of Crowded Places, and as such, there is a risk from the terrorist threat at this site, however small or significant. Whilst there is no direct intelligence to suggest a threat to any particular sector or the North West as a region, the risk should be taken into consideration at this stage whilst it is most cost effective. Counter Terrorism Security Advisors can advise on physical protective security, along with best practice guidance in terms of planning for lockdown or emergency evacuation and invacuation in dynamic incidents. Therefore, we would be grateful if you could pass our details, to the applicants at this stage, to ensure they have the opportunity to seek our advice on these matters. Additionally, we could then also provide a confidential report around risk and threat, and site-specific consultation on threat mitigation measures which we cannot include in public planning application responses.

If the Blackburn with Darwen Borough Council Growth and Development Department would also like further information, please do not hesitate to get in touch with us.

I look forward to hearing from somebody around the advice contained above,

Kind regards

Sue Challinor

Objection – Canon Andrea Titterington, 9 Meins Croft. Rec 24.01.2020

Dear Ms. Halliwell,

Re: Application Number 10/19/1081

Thank you for the notification of additional information submitted in relation to the application by Westholme School to incorporate the Infants and Junior Schools currently housed on Preston New Road into the campus towards the end of Meins Road. I have read all of the documents.

The new information prepared by the Transport Consultant, DTPC, is still inadequate. Their submission of “new material,” some of which dates from January 2019, does not seriously address the congestion at the Meins Road/Preston New Road junction at peak times nor the inadequate footpaths and lighting on Meins Road.

Statements such as:

- “The distances fit the guidance however, there are limited pedestrian routes in the vicinity of the site as such pedestrian mode will be limited in nature” (Umbrella Travel Plan);
- “The distances allow a limited area of Blackburn to be accessed by walking and would most likely be by parents or staff thus more experienced walkers. It is not anticipated unaccompanied children will use the route. The review takes on the location of the school in coming to a view.” (Technical Note J1022-TN1);
- “Planning permission is only sought to improve condition of teaching facilities which means that it is considered that it should not be the responsibility of the school to provide any improvements to the highway network.” (Technical Note J1022-TN3);
- “Many of the key factors in successfully supporting walking already exist in the wider residential area linked to the school bus pick up locations for those on foot.” (J1022-TN2).

The mitigations and “voluntary actions” (Benefits and Disbenefits) are not sufficient to improve the traffic problems which already exist on Meins Road at peak times or pedestrian travel from Preston New Road to the school. For example, the “staggered leaving times” offered are only 5 minute intervals which still means that all cars/buses will converge at the junction with Preston New Road with longer waiting times.

The entire application is based upon the financial situation of Westholme School and the investment beyond the buildings within the campus are solely related to traffic issues directly adjacent to the campus. They are planning for decline and also for a loss of population in Blackburn (which, given the number of new homes being built within the borough, seems disingenuous and irrelevant to the planning application).

There are other issues that need addressing and they are Westhome’s responsibility.

I walk along Meins Road from my garden to past Westholme School’s boundary almost every day for exercise. I also collect litter from Preston New Road for the same distance (to the farms including Carr Lane) as part of “Keep Blackburn Tidy” every Sunday. I have to do this on a Sunday as the traffic is a danger to pedestrians throughout the day on the other six days. There needs to be a full footpath along Meins Road – properly sized and surfaced so that people don’t have to walk in the road. Surely local children who attend Westholme School should be encouraged to walk! Our neighbours’ children cannot walk to school at present as it is too dangerous, especially in the winter.

In addition, the parking spaces on the north side of the road outside Westholme School are sites of anti-social behaviour (drugs, etc.) and fly tipping. The police are monitoring the situation. As well as improved lighting in this area, there should be CCTV provided by the school.

No account has been taken of the residents of the Meins Road area or the many people who walk along Meins Road on a regular basis. The alternative route along the Bridal Path is not the only opportunity. If you look at the Ordnance Survey Explorer Map 2087, there is a potential route that joins Preston New Road from the school grounds, past Middle Shorrock Hey Farm, Lower Bencock Farm and Arley Farm, emerging between Beardwood and Yew Tree Drive. Westholme School should

have to purchase the rights of way and improve this route as an alternative to Meins Road. None of the offers for mitigation to the traffic problems will ease the pollution or congestion that currently exists and therefore the planning application should still be refused until better solutions can be agreed.

Yours sincerely,

Canon Andrea Titterington

Objection – Mr Anthony Cope, 2 Heathfield Park. Rec 22.01.2020

reference 10/19/1081

regarding conversion and extension of existing buildings at westholme school

my main concern would be the extra traffic trying to enter and exit meins road due to the increase in the number of pupils going to the school

im sure all residents from the area will feel the same because it is a nightmare already with all the schools in the area

Mr anthony cope

2 heathfield park

Objection – Dr Shanker & Dr Sarala Waghray, Unknown Address. Rec 09.01.2020

Dear Mr Prescott

We write this letter with considerable anguish as a reply to your letter of 14/11/19. We were away on vacation and now understand that the last date for comments about the application has been extended to 09/01/2020

I could not believe that a merger of all three west Holme schools is being considered without planning for a proper thorough fare to ease the traffic

We live on Heathfield Park and already suffer the long delays whilst going to work and returning home every day . The proposed merger will add another 200 plus students at Westholme school thus increasing that much traffic on Meins road –a narrow road which was not designed for this traffic load.

Cars are usually parked on either side of Meins road with total disregard for the double yellow lines on the road. Parents in the eagerness to drop their children to school disregard the oncoming traffic and park the cars on the pavement or reverse onto the main road.

Preston New road, the main road leading into Blackburn is a busy road and there is usually a tail back of cars trying to turn onto Meins road from Preston side right up to the Yew tree drive junction. After dropping their children at Tauheedul school parents turn their cars to join the main traffic towards Blackburn with no consideration for on coming traffic thus blocking traffic which can lead to accidents

On our way to work in the mornings we have seen a few near misses especially due to people trying to join the main road .

We the residents had expressed our concerns about this situation when it was proposed to establish Olive school on this lane but those concerns were not heeded and the addition of more traffic now can lead to serious consequences. One wonders if our concerns carry any weight at all

Another area of extreme concern is that the Emergency services, will not be able to come on Meins road during those hours

I urge you to reconsider this decision in the interests of public safety. There used to be a road called woodford road from Meins road to Pleasington road (now defunct -----Our Sat Nav still directs us to it though) Reopening that road might be a solution .

Yours sincerely

Dr Shanker waghay

Dr Sarala waghay

Objection – Lukman Patel, 13 Heathfield Park. Rec 06.12.2019

Dear Officers

I spoke to Adam Sheikh on Tuesday regarding this matter following a discussion with the council's Democratic Services team.

Put simply, nobody returned my calls in the planning team and I had to resort to the only team that responded!

Adam advised that he would ask the chief planning officer to call me in the absence of the case Officer. I explained some of my initial observations and concerns to him but as he was not the case Officer he could not (understandably) answer the questions. These questions included (without limitation):

1. The misrepresentation in the highways report commissioned by the applicant
2. Building in the green belt without justification
3. The existing school site on Preston new road still retaining planning permission for a school
4. Existing highway issues
5. Road safety issues on Meins road

The consultation ended yesterday.

What is the point of consultation if nobody is available to discuss the application? It appears that it is a "token gesture." What is the point of a phone number if nobody will return calls?

I would like a meeting with the chief planning officer to discuss my concerns and understand the application better and put forward my representations (if any) in an orderly manner. Some fellow residents would also like the opportunity.

I sincerely hope that this is not a "fait accompli" as the current level of engagement can be described as either "poor" or a "tick box exercise". Consultations should be meaningful and proper.

I have cc'd my ward councillors who may also want to be involved in the meeting.

Best regards

Lukman Patel

13 Heathfield Park

Objection – Ms Lynn Taylor, Heathfield Park. Rec 05.12.2019

Dear Mr Kelly,

I write to you to express my dismay and disbelief that a merger of all three Westholme schools to the site along Meins Road is being considered. As a local resident, I have first-hand experience of the current chaotic traffic situation at certain times of the day, and I strongly believe that this is a potential threat to life as it is currently. To add to the number of vehicles requiring access to the Westholme site would make this almost a certainty. There are currently 529 Westholme pupils requiring direct access to the Upper School and Sixth Form school along Meins road. Should the schools merge, this would increase by a further 234 pupils, which I believe cannot be supported by a single access route – particularly a relatively narrow one. The local residents already endure lengthy waits in accessing their homes, and this merger would simply result in more disruption.

Preston New Road, one of the main routes into central Blackburn and towards the M6 motorway, is already extremely congested at peak times. With a high volume of traffic turning into Meins road as well as rush hour traffic each morning, the tailback of stationary vehicles can reach as far back as the junction with Yew Tree Drive. Similarly, traffic heading for the motorway is slowed by the number of vehicles crossing its path – parents wishing to turn into Meins road do not always follow Highway Code rules and I have personally witnessed several near accidents as cars along Preston New Road cut dangerously in front of vehicles who are travelling from the town centre towards the motorway. At any time between 2.30 and 3.30, there are cars parked along Meins Road, sometimes on either side, near to the junction with Preston New Road. These are parked unsafely, often against the direction of traffic flow, and all failing to observe the double yellow lines that are there to prevent parking and keep traffic safely flowing. As children are walking from the two schools, cars can be seen reversing over pavements, driving along pavements and positioning themselves across the road in order to force a way into the queue, thereby holding up the traffic which is attempting to enter Meins road which then leads to long queues on Preston New Road. The coaches attempting to drive down Meins Road can be prevented from doing so by this. Should the emergency services need to enter or exit Meins Road at particular times of the day, their progress along the road would also be considerably impeded, which could have tragic consequences. It is incredible that nobody has yet

been injured, and I fear that this is only a matter of time, as drivers become increasingly impatient and ignore many of the rules of the road that are in place for their protection.

It know that traffic surveys on this subject have already been undertaken, and have already concluded that the Preston New Road and Meins road junction is unable to support more traffic in safety. However, the number of children and adults accessing the direct area since these studies has already increased with Olive Primary now at its full capacity . I attended a number of meetings prior to the Olive School being developed and believed at the time that the traffic studies that had been undertaken were insufficient to get a clear picture of the situation. The number of coaches used by was under estimated (and contradicted at the time by a member of Westholme staff) and the data given did not reflect the reality. Before any consideration of this merger - which effectively has 6 schools using a road that was clearly not designed for such a purpose, I urge you to undertake multiple traffic surveys. These should be completed at different times of day and in different weather conditions over a period of weeks, not days, in order to get a true understanding of the problems encountered at the junction, even with the current level of traffic.

I strongly believe that to add further traffic into an already difficult and dangerous situation would be extremely foolhardy. Meins Road is not a suitable access road for the number of schools it currently serves, let alone more – the merged Westholme would be a single school on name only – it would have the numbers of three schools. I hope that you take account of my concerns when considering any planning applications.

Yours faithfully,

Mrs Lynn Taylor, Heathfield Park

Objection – Rizwan Patel, 4 Heathfield Park. Rec 05.12.2019

Dear Ms Halliwell,

I write to you to express my very strong concerns on the planning application near to my property. The amount of traffic we currently endure on Meins Road at peak times just with Tauheedal Islamic Girls High School, Olive Primary School, School House Nursery, Westholme School and the to and from traffic from Preston New Road (commuting in and out of Blackburn) as well as the leaving Meins Road onto Preston New Road is a nightmare.

To merge all 3 school on the Meins Road is absolutely ridiculous, in terms of volume of traffic this is going to generate and add to what we have to currently endure on a daily basis.

A while back (I can't remember the exact dates but this was before Olive Primary School built), the residents around the Meins Road, had a number of studies completed, one by Atkins (Atkins who regularly carries out Traffic Impact Assessments on behalf of developers and Local Authorities). The study PICADY (Priority Intersection Capacity and Delay) identified a number of issues. The conclusion from that test that any increase in traffic into the Meins Road/Preston New Road junction is unacceptable. Since that report was written, the number of children and adults accessing the direct area/schools has grown and is estimated to grow more due to the increase in year groups that were

added year on year by Olive Primary (as at the time I think there were only 3-year groups). This is now at its full capacity for all 5 year groups.

My understanding is that no allowance has been made for the combined impact in traffic in terms of this development and local area. A thorough traffic assessment needs to be undertaken to take into account the increase in numbers at Tauheedal Girls' High School, Westholme School, School House Nursery and residences.

The Traffic Impact Assessment contained within the Transport Assessment was clearly insufficient and weak as at the time it did not take into account the opening and closing times of Westholme, Tauheedal Girls' High School and School House Nursery. It did not detail the actual scale of traffic passing by Meins Road.

Please note that Preston New Road (PNR) is the main route for commuting traffic that leaves and enters Blackburn that also allows access to the motorways. During peak times, commuting traffic is literally at standstill on PNR, as we have Westholme School parents dropping off children onto Meins Road, School House Nursery also on Meins Road, TIGHS parents dropping off school children via Meins Road, Beardwood Hospital, which is next to TIGHS school on PNR. Therefore, allowing all the traffic onto Meins Road would not be sustained with couple of hundred cars onto PNR and Meins Road leading to major potential hazards and accidents. Olive school parents park their cars on Meins Road and there is inadequate room to manoeuvre at the best of times for cars to flow in and out of Meins Road.

I hope you take my letter into consideration when making the planning application decision.

Yours sincerely,

Rizwan Patel

4 Heathfield Park,

Objection – Hassan Ali, 10 Heathfield Park. Rec 05.12.2019

Dear Mr Kelly

I write to you to express my very strong concerns on this matter. The amount of traffic we currently endure on Meins Road at peak times just with Tauheedal Islamic Girls High School, Olive Primary School, School House Nursery, Westholme School and the to and from traffic from Preston New Road (commuting in and out of Blackburn) as well as the leaving Meins Road onto Preston New Road is a nightmare.

To merge all 3 school on the Meins Road is absolutely ridiculous, in terms of volume of traffic this is going to generate and add to what we have to currently endure on a daily basis.

A while back (I can't remember the exact dates but this was before Olive Primary School built), the residents around the Meins Road, had a number of studies completed, one by Atkins (Atkins who regularly carries out Traffic Impact Assessments on behalf of developers and Local Authorities). The

study PICADY (Priority Intersection Capacity and Delay) identified a number of issues. The conclusion from that test that any increase in traffic into the Meins Road/Preston New Road junction is unacceptable. Since that report was written, the number of children and adults accessing the direct area/schools has grown and is estimated to grow more due to the increase in year groups that were added year on year by Olive Primary (as at the time I think there were only 3-year groups). This is now at its full capacity for all 5 year groups.

My understanding is that no allowance has been made for the combined impact in traffic in terms of this development and local area. A thorough traffic assessment needs to be undertaken to take into account the increase in numbers at Tauheedal Girls' High School, Westholme School, School House Nursery and residences.

The Traffic Impact Assessment contained within the Transport Assessment was clearly insufficient and weak as at the time it did not take into account the opening and closing times of Westholme, Tauheedal Girls' High School and School House Nursery. It did not detail the actual scale of traffic passing by Meins Road.

Please note that Preston New Road (PNR) is the main route for commuting traffic that leaves and enters Blackburn that also allows access to the motorways. During peak times, commuting traffic is literally at standstill on PNR, as we have Westholme School parents dropping off children onto Meins Road, School House Nursery also on Meins Road, TIGHS parents dropping off school children via Meins Road, Beardwood Hospital, which is next to TIGHS school on PNR. Therefore, allowing all the traffic onto Meins Road would not be sustained with couple of hundred cars onto PNR and Meins Road leading to major potential hazards and accidents. Olive school parents park their cars on Meins Road and there is in adequate room to manoeuvre at the best of times for cars to flow in and out of Meins Road.

I hope you take my letter into consideration when making the planning application decision.

Yours sincerely

Hassan Ali

Objection – Canon Andrea Titterington, 9 Meins Croft. Rec 04.12.2019

**RE: Full Planning Application – Number 10/19/1081
Westholme School, Wilmar Lodge, Meins Road, Blackburn BB2 6QU**

This is a letter of objection to the above application on grounds of increased traffic and subsequent increase in pollution levels in the Meins Road area.

I am amazed at the inadequacies of the **Traffic Assessment** report prepared by DTPC on behalf of Westholme School which gives a very partial description of the make-up of the area and current traffic issues. This Report, No. J1022/TS, dated November 2019 states:

"The area has no accident record, no speed issue from observation and low flows. The afternoon pick up does cause congestion around the school access but does not affect through traffic as the road is cul de sac. It is considered that the route is a safe route for development to take place along." The surveys in the report are from November 2018.

The Traffic Assessment states:

"The scheme accords with local and national policy to site development adjacent to reasonable transport linkages and other attractions to minimise trips and share trip movements for a rural location." *Comment: Westholme School pupils and parents do not walk to public transport on Preston New Road. There are few children who walk to school. There is neither a continuous footpath along Meins Road nor any street lights beyond Woodgates Road for dark winter afternoons and mornings. No evidence is produced of any car sharing measures for parents. The school may be in a "rural location," but the only egress from Meins Road is onto the A677, a major artery into Blackburn town centre already congested by business and school traffic. The queue on Preston New Road going into the town centre (2 miles distant) at peak times is often backed up beyond the lights at Yew Tree Drive.*

The Traffic Assessment states:

"Traffic flows have been assessed for up to date levels and has no additional capacity issues based on a robust view of the flows and no capacity issues are expected to arise with the junctions. As such the scheme would have little impact

on the local network over and above the fallback and will overtime reduce the impacts as pupil numbers reduce." *Comment: The traffic flows assessments are over a year old. They take no account of other users of Meins Road including the parents of Olive School and Tauheedal Islam Girls High School who park on the double yellow lines and make U-turns in Meins Road morning and afternoon or taxis and cars of parents of nursery children at The School House Nursery. It is not credible that the traffic congestion caused by parents of children at the Westholme sites on Preston New Road are not going to add significantly to the number of cars using Meins Road as well as the additional coaches. The numbers at both sites have already reduced and the existing congestion will be displaced onto Meins Road. No account has been taken of the additional traffic caused by the new nursery on Preston New Road almost adjacent to the junction of Meins Road and Preston New Road as that wasn't operational in November 2018 when the surveys were taken. No mention is made of the extra curricular activities, such as concerts, plays, etc. that bring significant traffic flows from Westholme School after school times. No mention is made of all of the other traffic using Meins Road with only one possible entrance and exit from the road.*

The Traffic Assessment is flawed and paints an incomplete and therefore inaccurate picture.

The following is the accurate description of the area which, "because it is a cul de sac," is deemed to be "able to take a significant increase in traffic."

- There are 120 dwellings on Meins Road and its tributaries with 1, 2, 3 or more residents' cars per household. Many have to travel to work, school/college, appointments at peak times.
- There are 5 farms – with 2 milk-collection truck journeys each day and significant tractor traffic, especially at harvest times when the vehicles are travelling along Meins Road from 6 a.m. to 10 p.m. There are frequent movements of large lorries making deliveries to the farms.
- The School House Nursery is open Monday to Friday 7 a.m. to 6 p.m. with a constant flow of car/taxi traffic and deliveries. Peak times coincide with Westholme School's traffic pattern. The staff park outside the Nursery causing an obstruction and pinch point for all Meins Road traffic, particularly noticeable around 4 p.m. when there is usually a 25-minute queue at the bottom of my garden along Meins Road opposite the Nursery.
- As mentioned above parents/guardians of children at Olive School and Tauheedal Islam Girls High School park along Meins Road morning and afternoon. Due to the pinch point created outside the entrance to both schools and priority signs for traffic coming from Preston New Road, it can take between 10 and 15 minutes to try to exit Meins Road when that traffic flow comes up to the pinch point and turns right into the school grounds (to exit onto Preston New Road into the already stationary traffic going towards the town centre). Leaving home at any time from 7:15 a.m. and 9 a.m. is a time-consuming and difficult process for residents trying to get to work, school/college, or other appointments. For example, in order to get

to an 8:30 hospital appointment at Royal Blackburn Hospital, I have to leave by at least 7:15 a.m. to make a journey of 4 miles.

- Other commercial traffic regularly using Meins Road are bin trucks (commercial as well as domestic), delivery trucks (especially supermarket deliveries and couriers), taxis.
- At peak times a fire truck could not progress along Meins Road past the pinch point outside The School House Nursery and an ambulance would have difficulty to go further along Meins Road in an emergency at those times.
- Pollution caused by standing traffic – already up to 25 minutes – will increase further with more cars using Meins Road to access the expanded Westholme School.

No account has been taken in Westholme's application to the increased disruption to residents and farms caused by additional traffic.

No account was taken of the increased disruption to residents and farms in the changes made to traffic flows in Meins Road when Olive School was relocated.

Only with significant changes to the Preston New Road/Meins Road junction should these proposals even be considered. There is no box junction restriction (although even if it was painted on the road there is no assurance that it would be respected, as the double yellow lines along Meins Road alongside Olive School and Tauheedal Islam Girls High School parents/guardians show no concern for this traffic restriction).

Traffic management by the police paid for by the schools might ease the situation, but it would have to be consistent throughout term times for the entire duration of the disruption.

This application must be rejected until the traffic problems in the area are solved for residents and the farms.

Objection – Peter S Simpson, 4 Copper Beeches Meins Road. Rec 04.12.2019

Thank you for your letter dated 14th November 2019, relating to the above numbered planning application.

I understand the desire of Westholme to house the three schools on one site and have some sympathy with their application.

My concern about the proposal is the additional traffic that this will generate on Meins Road. Additionally, the ability of traffic to exit Meins Road onto Preston New Road.

A goodly proportion of Meins Road is without the security of a pavement access and currently pupils walking from Westholme Senior School are in grave danger, by having to walk on the road itself.

Much of what pavement there is, is dangerously narrow, uneven and in poor condition. Maintenance and street cleaning to these parts of the pavement has never been done in the three years that I have been resident here. Because of the state and narrowness of the pavement, it is often necessary to step off the pavement onto the actual road, thereby taking the grave risk of traffic injury.

These conditions will become so much more dangerous, if the three schools are merged into the one site. There will then be very young junior and infant children walking to and from school on an extremely busy motorised road without any pavement.

Currently, at school times, there is a long tailback of coaches and cars waiting to access Preston New Road. It is not difficult to imagine the length of time that will be needed if all three schools are on the one site. After these extraordinary queues develop, then there will even more children walking the length of Meins Road to exit onto Preston New Road; thereby greatly increasing the risk of fatal pedestrian accidents.

Should The Council decide to grant the Westholme application, then I can only see two solutions to this traffic versus pedestrian problem: The use of Compulsory Purchase Order to acquire land in order to widen Meins Road and install adequate footpaths, and/or making Meins Road a "one way road" and continuing a loop around the Westholme School grounds and back to Preston New Road, to the north of the Heatfield housing estate.

I do hope that The Council can find an adequate solution to the traffic/pedestrian problem, otherwise I suggest that this proposal to merge the three schools should not be allowed to proceed.

Objection – Mrs Alison M Kerry, 6 Meins Croft. Rec 03.12.2019

FAO: Rebecca Halliwell

RE: Full Planning Application – Number 10/19/1081

Westholme School, Wilmar Lodge, Meins Road, Blackburn BB2 6QU

This is my letter of objection to the above application on grounds of increased traffic and subsequent increase in pollution levels in the Meins Road area.

I am amazed at the inadequacies of the Traffic Assessment report prepared by DTPC on behalf of Westholme School which gives a very partial description of the make-up of the area and current traffic issues.

Report No. J1022/TS dated November 2019 states:

“The area has no accident record, no speed issue from observation and low flows. The afternoon pick up does cause congestion around the school access but does not affect through traffic as the road is cul de sac. It is considered that the route is a safe route for development to take place along.”

The surveys in the report are from November 2018.

“The scheme accords with local and national policy to site development adjacent to reasonable transport linkages and other attractions to minimise trips and share trip movements for a rural location.”

As a former parent of two pupils at Westholme School, both of whom walked to school on a daily basis, I wish to make the following comments :

1. Westholme School pupils and parents do not walk to public transport on Preston New Road.

There are actually few children who do walk to school. There is not a continuous footpath along Meins Road nor any street lights beyond Woodgates Road for dark winter mornings and afternoons. The school may be in a “rural location,” but the only egress from Meins Road is onto the A677, a major artery into Preston and Blackburn town centres already congested by commuter and school traffic. The queue on Preston New Road going into the town centre, less than 2 miles away, at peak times is backed up to well beyond the traffic lights at Yew Tree Drive.

“Traffic flows have been assessed for up to date levels and has no additional capacity issues based on a robust view of the flows and no capacity issues are expected to arise with the junctions. As such the scheme would have little impact on the local network over and above the fallback and will overtime reduce the impacts as pupil numbers reduce.”

2. The traffic flows assessments are over a year old. They take no account of other users of Meins Road including the parents of Olive School and Tauheedal Islam Girls High School who park on the double yellow lines and make U-turns in Meins Road morning and afternoon or taxis and cars of parents of nursery children at The SchoolHouse Nursery. It is not credible that the traffic congestion caused by parents of children at the Westholme sites on Preston New Road are not going to add significantly to the number of cars using Meins Road as well as the additional coaches.

3. Whilst pupil numbers at both sites have recently reduced the existing congestion caused by parents at Billinge House and Beardwood Bank will be displaced onto Meins Road.

4. No account has been taken of the additional traffic caused by the new nursery on Preston New Road almost adjacent to the junction of Meins Road and Preston New Road as that wasn't operational in November 2018 when the surveys were taken.

5. No mention is made of the extra-curricular activities such as sports fixtures, Parents' Evenings, concerts, plays, etc. that bring significant traffic to and from Westholme School after normal school finishing time.

6. Nor is mention made of all of the other traffic using Meins Road with only one possible entrance and exit.

The Traffic Assessment is flawed and incomplete and therefore gives a totally inaccurate picture.

The following is the accurate description of the area which, “because it is a cul de sac,” is deemed to be “able to take a significant increase in traffic.”

- There are in excess of 110 dwellings on Meins Road and its tributaries with 1, 2 or more residents' cars per household. Many residents have to travel to work, school, college, appointments etc. at peak times.
- There are 5 farms – with 2 milk-collection journeys each day and significant tractor traffic, especially at harvest times when the vehicles travel along Meins Road .
- There are also frequent movements of large lorries making deliveries to the farms as well as to the schools and properties undergoing renovation works.
- The School House Nursery is open Monday to Friday 7am to 6pm with a constant flow of cars, taxis and delivery vehicles as well as their own mini buses. Peak times coincide with Westholme School's traffic. The nursery staff park on the road outside the Nursery causing another pinch point for all Meins Road traffic, particularly noticeable around 4 p.m. when there is usually a 25-minute queue along Meins Road outside said Nursery.
- Parents of children at Olive School and Tauheedal Islam Girls High School park along Meins Road in the morning and afternoon. Due to the pinch point created outside the entrance to both schools and priority signs for traffic coming from Preston New Road, it can take up to 15 minutes to try to exit Meins Road when that traffic flow comes up to the pinch point and turns right into the school grounds , to exit onto Preston New Road into the already stationary traffic heading towards Preston and Blackburn centre. Leaving home at any time from 7.00 am and 9.15 am is a time-consuming and difficult process for residents trying to get to work, school, college or other appointments.
- Other vehicles regularly using Meins Road are bin waggons, delivery vehicles, especially supermarket ones, couriers and taxis.
- At peak times a fire engine could not progress along Meins Road past the pinch point outside The School House Nursery and an ambulance would also have difficulty to go further along Meins Road in an emergency at those times.
- Pollution caused by standing traffic – already up to 25 minutes – will increase further with more cars using Meins Road to access the expanded Westholme School.

No account has been taken in Westholme's application to the increased disruption to residents and farms caused by additional traffic.

No account was taken of the increased disruption to residents and farms in the changes made to traffic flows in Meins Road when Olive School was relocated.

There is no longer a box junction restriction at the junction of Meins Rd and Preston New Rd, although even if one was re- painted on the road there is no assurance that it would be respected. The double yellow lines along Meins Road alongside Olive School and Tauheedal Islam Girls High School are certainly not. Parents/guardians show no concern for this parking restriction what so

ever. In fact the right of way sign, for traffic continuing along Meins Road past the pinch point in question, is abused on a daily basis. The congestion caused has been reported to the school, council and police on numerous occasions with no action taken.

Only with significant changes to the Preston New Road with Meins Road junction should these proposals even be considered.

I believe that this application must be rejected until the traffic problems in the area are solved for residents and the farms.

Objection – J Marshall, 6 Copper Beeches Meins Road. Rec 29.11.2019

DEAR SIR/MADAM.

I STRONGLY OBJECT TO THE
WILMAR LODGE EXTENSION. DUE TO.

1) TRAFFIC ON MEINS RD SERVING
THE TWO SCHOOLS IS ALREADY
EXCESSIVE. MEINS RD IS NOT
SUITABLE TO THE BUS TRAFFIC
THAT ALREADY EXISTS AND MORE
TRAFFIC (WHEN WESTHOLME SCHOOLS
CLOSES ITS JUNIOR SCHOOLS ON
PRESTON NEW RD) WOULD MAKE
IT IMPOSSIBLE FOR EMERGENCY
SERVICES (AMBULANCE & FIRE SERVICE)
TO ENTER & EXIT MEINS RD PROMPTLY
PUTTING RESIDENTS LIVES AT RISK.

Objection – Alison Davies, Higher Meadows Meins Road. Rec 27.11.2019

Regarding the above planning application;

I have great concerns about the additional traffic congestion and gridlock on Meins Road which is already oversaturated with cars going to and from school.

I live next to Middle Sharrock Hey Farm, the right turn beyond school; the volume of traffic and total gridlock at peak times prevents me from getting to my home or out onto Meins Rd in the opposite direction. Westholme School have created a self imposed turning circle using the small car park outside school on Meins Rd, for cars to turn left into, then exit right facing outwards back onto the highway. When this initiative was introduced, changes were made to the road; a narrowing section with bollards further compounded the issue and double yellow lines which are completely ignored. As a result of poor planning, the ridiculous intense circle of traffic, blind to any other vehicles who may not be school related, causes a huge obstruction preventing access to properties and farms beyond the school. Parents clearly seem to think that this stretch of road is 'one way' which it isn't. Consequently, on numerous occasions, myself and all my neighbours have been physically blocked from driving straight through the congestion to our homes. Indeed we regularly get verbally abused by parents who seem to think that we are driving the wrong way on a one way street.

Twelve months ago I needed to call an ambulance to my home at school home time. The ambulance was also unable to get through to my property and was delayed access for 10 minutes which is absolutely outrageous and totally unacceptable. I have on several occasions brought this to the attention of the school headmistress but nothing has been done to address the problem.

It also needs to be made clear that the lane which runs alongside school down to the farms and properties, is in fact a private road for residents and service vehicles only. It must not be used by parents and sixth formers who at present use this route as a short cut to the car park at the rear of school alongside the six form block. The regular flow of unauthorised traffic on this one track lane greatly inconveniences farm vehicles, trackers, milk wagons, and residents who are forced to reverse or change their path in order to allow two vehicles to get past each other. Westholme School has a responsibility to make clear by signage, contact with parents and daily stewards to supervise the flow of traffic, that through traffic must not be obstructed.

I invite you to come down to my house, specifically travelling in the direction of school on Meins Road, attempting to drive straight ahead when you reach the congestion outside school at 3.50 (it is important that you travel at that precise time to observe the peak). You will see for yourself what we have to face everyday and in relation to this planning application, unless this huge block of traffic is properly addressed, the additional cars dropping and collecting children from the transferred sites, will only make the problem considerably worse.

Alison Davies

Higher Meadows

Objection – Sarah Nightingale, The Barn Higher Shorrock Hey Farm Meins Road.
Rec 26.11.2019

Dear Sir/Madam,

I'm a contacting re the planning application 10/19/1081 and the further traffic congestion it will create.

Currently the traffic situation on Meins Road caused by Westholme School is truly a complete nightmare. The road is far too narrow for heavy traffic and furthermore, creates a complete blockage of us gaining access/exits from our own home. By adding two times the amount of traffic that there currently is will only drastically elevate the current problem and naturally this is causing great distress for myself and neighbours.

There is no possible chance of emergency vehicles granting access to our homes, if heaven forbid we ever needed them, during the peak times of approximately 3:30pm - 4:00pm. Again, by adding a further two times the amount of traffic will make it completely impossible for not only ourselves to leave or try to get to our own homes but it also makes me wonder how the school busses and parents will all fit in the small area. Not to mention, the abuse parents seem to think it is acceptable to hurl at us when we ask them to move when they are blocking our lane by parking in front of it waiting for their children.

Furthermore, our private road down the side of Westholme School has become more frequently used for sixth formers and parents trying to take shortcuts onto the main road. Many years ago there was a clear sign stating 'our' road was for residents and service vehicles only, however the sign is no longer clear (if it is still there you can't see it) and so has become used by the school also. Not only do we need a clear sign reiterating that it is a private road but Westholme School also need to inform their staff, students and parents that it is not to be used by them.

While I am on the subject of 'our' private lane; Westholme School recently informed their school canteen staff that they are not allowed to smoke on school grounds. The staff have now taken to forming their own 'staff room' in the middle of the private road where they can smoke and eat their dinner. When we drive down our lane we are given dirty looks as if it is our fault we have to make them move out of the way. Not only is this uncomfortable for us residents but it is also very unsightly having to witness their cigarette ends, on occasions lunch wrappers and stacked up chairs down our countryside lane.

Unless there is a clear understanding of how the excess traffic will be addressed with the new planning proposal for the school, the already nightmare problem will grow to be considerably worse for not only residents but the school also.

I would very much recommend you visit our residency yourselves during the suggested time above and see how congested the small area really is.

Kindest regards,

Sarah Nightingale

Objection – Firoz Patel, Meins Road. Rec 22.11.2019

For the attention of:

Planning Manager,

Ref: Full Planning application: Conversion & Extension of existing buildings to form a new teaching block together with improvements at existing parking areas At Westholme School, Meins Road, Blackburn BB2 6QU

Dear sir,

Thank you for informing me regarding above mentioned recently received planning application.

As a resident living on Meins road I have concern regarding increased Traffic at school times as no doubt this proposed Conversion & Extension will bring more nursery and other children coming to Westholme School by Cars & Buses in the morning and leaving in the afternoon.

As a resident on a Meins road, it takes sometimes good 15 to 20 minutes just to join Preston New Road in either directions as School Traffic of Westholme & Tohidul is turning into Meins Road from both directions specially in the morning when the general commuting traffic on Preston New Road is very heavy.

Cars wanted to join Preston New Rd in both directions from Meins Road have to wait at the top of the Meins Road until someone shows kindness to let you go in either direction. This specially becomes near impossible when turning right from Meins Road to go towards Town center as hard to find two kind people in opposite directions who would let you turn right from Meins Road.

Cars who wants to turn right on to Preston New Rd from Meins Road becomes aggressive, sometimes abusive as they block Preston New Road. It can be a major battle sometimes just to turn right in the morning !

As a resident I know that my objection for not to grant planning for this development on additional traffic basis will not be considered but I hope your traffic experts looks at the forthcoming additional traffic impact to join Preston Road New Road in both directions from Meins Road by considering some form of temporary traffic lights at school times for safe turning in to and out of Meins Road.

Regards,

Firoz Patel

West Borough

REPORT OF THE DIRECTOR

Plan No: 10/19/1100

Proposed development: Full Planning Application for Demolition of existing outbuildings and erection of a detached eco-home with associated parking, landscaping, garden area and attached single garage

Site address:

**Land adjacent to Horrobin Fold
Turton
Bolton
BL7 0HL**

Applicant: Mr Brian Newman

Ward: West Pennine

Councillor: Colin Rigby OBE

Councillor: Jean V Rigby

Councillor: Julie H Slater



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application is in the form of a full planning application. It is presented to Committee on account of the application being a resubmission of the previously withdrawn scheme 10/19/0813, and due to the application receiving 10 letters of objection in accordance with the Council's Scheme of Delegation (Chair Referral Scheme).
- 2.2 The proposed development is consistent with the Borough's strategic aims and objectives, in that it corresponds with the Council's overarching growth strategy, through delivery of quality housing which will assist in widening the choice on offer for families in the Borough, in a sustainable location on previously developed land. This is in accordance with the Local Development Plan. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.
- 2.3 Approval of the application will allow positive progress to be made towards demolition of the dilapidated buildings present on site. The refusal of the scheme would allow the negative impact of the existing site on the area to grow over time, as the buildings continue to deteriorate. It is, therefore, necessary to advance a high quality development on the footprint of the previously developed land which makes up the application site.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The site comprises an area of previously developed land located in Turton, Bolton. The site is situated circa 1km south of Chapeltown, 1.7km east of Egerton and 150m west of Jumbles Reservoir.
- 3.1.2 The site is located within the West Pennine Moors on land within the defined Green Belt. Public Right of Way (PROW) Footpath 20 runs approximately 40m to the west of the site highly utilised by walkers following the trail around Jumbles Reservoir. PROW Footpath 21 runs to the north of the site along part of the access track.
- 3.1.3 The site is in a semi-rural area located to the south of an existing cluster of dwellings known as Horrobin Fold. To the south and west of the site are open fields and to the east is Jumbles Reservoir. The dwellings known as Horrobin Fold were granted permission in 1979 under planning application 10/79/0800 and consisted of the renovation and conversion of existing stables and ancillary buildings to form 6 dwellings, some of which were semi-derelict. The dwellings are all 2 storey in nature clad in stone with render panels and are

clustered around a courtyard with their principal elevations facing into the courtyard.

- 3.1.4 Access is taken from Horrobin Lane off Chapeltown Road. The application site will be accessed via a private track off Horrobin Lane which will run down the west of the dwellings known as Horrobin Fold.
- 3.1.5 The application site is currently vacant but has previously been used as a stable yard until early 2019 when the current tenancy ended. The site is now in a poor dilapidated condition. The site contains an L shaped stable block of 8 stables; a rectangular block of 2 stables, a storage building associated with the stables, and a ridging ménage.

3.2 Proposed Development

- 3.2.1 The proposal is a full planning application for the demolition of the existing outbuildings and the erection of a detached eco-home with associated parking, landscaping, garden area and attached single garage.
- 3.2.2 The scheme as originally submitted incorporated a red edge which included the area of land to the south of the previously developed land. The submitted details confirmed that the appellant intended to convert this area into a wild garden. It was considered that this would be an extension to the residential curtilage and in turn would be of detriment to the Green Belt as it would set a precedent for the land to be developed for future residential developments. This has subsequently been removed from the application and the red edge amended to include solely the previously developed portion of land.
- 3.2.3 The proposed dwelling has been designed as a single storey property with a lower level built into the natural slope of the site. The height of the dwelling from the ground floor level is 650mm lower than the most prominent existing building on the site which is to be demolished as part of this application.
- 3.2.4 The total volume of the existing buildings to be demolished is 820m³ and the ground floor of the existing buildings is 258m². The proposed volume of the new property is 784m³ and the ground floor footprint is 209m².
- 3.2.5 The dwelling is a 5 bedroom, single storey property with a sunken basement level. The form of the building and positioning of internal spaces has been derived from designing an energy efficient building. The form of the living spaces is rectangular orientated East to west with a shallow plan to allow South light to enter the spaces and warm the internal thermal mass. The living spaces are located to the South with the services and circulation to the North. The central vaulted ceiling above the family room with rooflights above acts as a ventilation chimney.
- 3.2.6 The entrance level incorporates a porch entrance, a kitchen-dining room, utility, 5 bedrooms (2 of which have en-suites), a family bathroom, a WC and access to the lower level. The lower level includes a second living room, a games room, a gym and a plant room. The upper level provides access to the

patio, whilst the lower level provides access to the sunken garden level which is hidden from view.

3.2.7 The L shaped courtyard layout is common within rural clusters, and provides all of the required accommodate for outdoor amenity space.

3.2.8 The proposal incorporates a single car garage with a drive/parking courtyard behind. The courtyard is accessed via car port which attaches the garage to the main dwellinghouse.

3.3 Development Plan

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

3.3.2 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 - Locations for New Housing
- CS7 – Types of Housing
- CS14 – Green Belt
- CS16 – Form and Design of New Development
- CS18 – The Borough’s Landscapes

3.3.3 Local Plan Part 2

- Policy 3 – Green Belt
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 18 – Housing Mix
- Policy 41 – Landscape

3.4 Other Material Planning Considerations

3.4.1 Residential Design Guide Supplementary Planning Document

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

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

The Framework sets out the government’s aims and objectives against which planning policy and decision making should be considered. The following

sections of the Framework are considered relevant to assessment of the proposal:

- Section 2 – Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places
- Section 13 – Protecting Green Belt land
- Section 15 – Conserving and Enhancing the Natural Environment

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 residential development;
- Trees;
- Ecology;
- Highways;
- Amenity;
- Design;
- Drainage;

3.5.2 Principle

3.5.3 Policy CS5 supports new housing in accessible locations within the urban area of Blackburn and Darwen. It is acknowledged that the site is not sited within an Urban Area. The policy goes on to further state that over the life of the Core Strategy some housing development may take place in planned small scale urban extension. The development as proposed is considered to be a small scale extension to the existing cluster of dwellings known as Horrobin Fold. Policy CS7 supports a range of new housing, including the delivery of family housing. The proposal in this regard is considered to be consistent with these policies.

3.5.4 Paragraph 144 of the National Planning Policy Framework (2019) NPPF specifies that ‘when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’

3.5.5 Inappropriate development is, by definition, harmful to the Green Belt. Paragraph 145 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;

- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

3.5.6 The application site is currently occupied by a number of buildings and a ménage. Annex 2 of the NPPF defined previously developed land as, “*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.*” It is, therefore, considered that the application site is previously developed land.

3.5.7 Paragraph 118 of the NPPF states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land. Therefore, significant weight should be given to the fact that the site is brownfield land.

3.5.8 Paragraphs 7 and 8 of the NPPF tell us that the three dimensions of sustainable development are economic, social and environmental which should not be considered in isolation. Paragraph 78 of the NPPF also tells us that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

3.5.9 The nearby villages of Turton, Egerton, Edgworth and Chapelton contain a number of amenities and facilities such as shops, public houses, restaurants, schools and takeaways. The nearest key settlement to the site is Darwen

which can be reached by public transport where one can access a wider range of amenities and facilities.

3.5.10 Whilst the erection of one dwelling may not have an economic benefit to the area it would however have an economic benefit through the construction and subsequent maintenance of the dwelling. Further to this, the environmental dimensions of sustainable development seek to promote the reuse of Brownfield Lane. This is a core planning principle, it is far better to bring forward development on acceptable brownfield land than build on undeveloped green fields within the Green Belt.

3.5.11 It is acknowledged that the policies within the NPPF are Government policies, however, these are still a material consideration which carries significant weight. Policy CS14 of the Core Strategy and Policy 3 of the LPP2 reiterate the importance of protecting the green belt by the reuse of previously developed land.

3.5.12 Accordingly, Members are advised that the development is considered to be acceptable in principle, on account of the reuse of the brownfield site for the development constituting a significant environmental benefit; in accordance with the aims and objectives of the Local Development Plan and the NPPF; subject to assessment of additional matters set out in paragraph 3.5.1.

3.5.13 Trees

3.5.14 Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to trees. The submitted details confirm that all existing trees along the eastern boundary will be retained as is. Further to this, additional planting is proposed to screen the development.

3.5.15 The additional planting will be secured by condition to ensure that the planting is appropriate for the area and thereafter maintained. The scheme is considered to demonstrate support for the proposal from an arboricultural perspective; in accordance with the requirements of Policy 9 and The Framework.

3.5.16 Ecology

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

- 3.5.18 A Preliminary Ecological Appraisal has been submitted to supplement the application. It has been peer reviewed by an officer at Greater Manchester Ecology Unit (GMEU), who has confirmed that the reduction in the site area has also reduced the ecological risks and opportunities.
- 3.5.19 No significant ecological issues were identified by the developer's ecological consultant. The officer confirmed that the issues relating to bats, nesting birds, invasive species, and proximity to a local site and landscaping can be resolved via condition and or informatives.
- 3.5.20 The buildings on site were assessed for bats. All were assessed as having negligible bat roosting potential. The officer confirmed that they have no reason to doubt the findings of the report. Whilst the buildings are in a high risk location, they are of a very low risk design and adjacent to much higher risk buildings. No trees on the site were assessed as having bat roosting potential, though trees on the wider site outside the development were. The GMEU officer who recommended that an informative be attached ensuring that should any bats be found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s).
- 3.5.21 Potential bird nesting habitat was identified on the site including the buildings, trees and scrub. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. The officer has recommended attaching a condition ensuring that no works to trees or shrubs shall occur or demolition commence 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.
- 3.5.22 Himalayan balsam is abundant in the vicinity of the development, though in general just outside the footprint of the proposal. Given the proximity of the Himalayan balsam the officer has recommended that resurvey prior to commencement of any development be carried out.
- 3.5.23 The development is immediately adjacent to Jumbles Reservoir Biological Heritage Site (BHS). The development appears to be located 15m at its closest point away from this boundary and the main value of the BHS the reservoir is around 100m from the water. The officer has confirmed that they are satisfied that the proposal will not have a negative impact on the BHS.
- 3.5.24 Section 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment. No significant features of ecological value will be lost and the development proposes additional tree planting; a pond and restoration of the ménage to grassland. The officer has confirmed that they are satisfied that net gain will therefore be achieved,
- 3.5.25 In order to maximise the level of enhancement that the boundary tree/hedge planting will have a condition will be attached ensuring the submission of a landscape plan prior to commencement of the development.

3.5.26 The assessment is considered to demonstrate support for the proposal from an ecological perspective subject to the attachment of the aforementioned conditions; in accordance with the requirements of Policy 9 and the NPPF.

3.5.27 Highways

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

3.5.29 In accordance with adopted parking standards, the 4bed property proposed would require 3 car parking spaces within the curtilage. The Council's highways consultee has reviewed the submitted detail and confirmed that adequate parking has been provided.

3.5.30 The site will be accessed via an unadopted single narrow track. As originally submitted the scheme included details of widening the track. Due to officer negotiation with the appellant this has subsequently been removed. Should the applicant wish to make any amendments to the track a further details will be required. A condition will be attached ensuring that such details are submitted to the local authority prior to any works taking place on the track.

3.5.31 Application of a condition to require the submission of a 'Construction Management Statement' is necessary for approval, prior to commencement of development.

3.5.32 The assessment is considered to demonstrate support for the proposal from a highway efficiency perspective; in accordance with the requirements of Policy 10 and the NPPF.

3.5.33 Amenity

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

3.5.35 The proposed layout of the development incorporates appropriate separation standards between the proposed dwelling and those adjacent to the site; as advocated by the Residential Design Guide SPD; ie. a minimum of 21 metres between facing windows of habitable rooms of two storey dwellings and 13.5 metres between habitable rooms and a blank wall / non-habitable rooms.

3.5.36 The side north facing gable elevation of the garage will be located 3m from the side elevation of No. 9 Horrobin Fold. However taking into consideration that the proposed gable will be located 2m from the boundary wall which will divide the proposed dwelling from the cluster of dwellings to the north it is considered that the proposal would not result in a loss of privacy. Further to

this, given that the proposal is single storey it would not result an overbearing over dominant addition.

3.5.37 The side elevation of the main part of the dwellinghouse which faces towards the side gable of No. 9 Horrobin fold would be sited circa 12m away. The side elevation of No. 9 contains a first floor window. However, taking into consideration the separation distance and that the proposed dwelling is single storey it would not result in a loss of privacy or outlook to the occupiers of the aforementioned dwelling.

3.5.38 The side elevation of the main dwelling which would offer oblique views towards the side gable of No. 5 Horrobin Fold will be sited 15m from the gable of the abovementioned dwelling. The proposed dwelling contains window opens in the elevation which faces towards the gable elevation of No. 5. However, it is considered that given the proposed dwelling is single storey along with the separation distance which will be achieved that the proposed dwelling with have a negligible impact upon the amenity of the occupiers of No. 5 Horrobin Fold. Further to this, the separation distance along with the proposed planting to the northern boundary will ensure that the amenity of the occupiers of the proposed dwelling is maintained.

3.5.39 Acceptable levels of mutual amenity are, therefore, achieved. The proposal accords with Policy 8 of the LPP2.

3.5.40 Design

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

3.5.42 The proposed dwelling will be sited adjacent the existing wall which creates the end of the courtyard of the dwellings known as Horrobin Fold. It would read in association with the existing dwellings albeit it will consist of a single storey dwelling and not a two storey one. A site section has been provided by the appellant which shows that only a small proportion of the roofscape will be seen above the existing boundary wall.

3.5.43 On account of the sloping nature of the site the dwelling will appropriately sit within the topography, the development will appear well-integrated and proportionate to its surroundings. Moreover, the roof form and fenestration proposed suitably responds to the character of the area. The materials proposed would reflect those of the existing dwellings present in the area maintaining coherence between the proposed dwelling and the surrounding area.

3.5.44 The proposed development contains a large expanse of glazing to the rear south elevation. This elevation will face away from the existing dwellings towards the open fields. The additional planting which is proposed to the west of the site would create a natural barrier between the green belt and the

proposed dwelling, thus, further reducing the visibility of the dwelling from the surrounding area.

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

3.5.46 Drainage

3.5.47 The Local Lead Flood Authority (LLFA) has confirmed they have no objections to the proposed development subject to the attachment of a condition requiring the submission of a drainage scheme prior to commencement of the development.

3.5.48 The proposal therefore accords with Policy 9 of the LPP2.

3.5.49 Summary

3.5.50 This report assesses the full planning application for the erection of an eco-home on land adjacent to Horrobin Fold, Turton. In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the aims and objectives of the Local Development Plan and the NPPF.

4.0 RECOMMENDATION

4.1 Approve subject to Conditions which relate to the following matters:

- Commence within 3 years
- Materials to be implemented as agreed subject to the approved drawings/details
- Highways – standard conditions
- Submission of a drainage scheme
- Submission of a scheme for proposed works to the access track
- Submission of a Construction Management Statement
- Contaminated land - submission of detailed proposals for site investigation
- Contaminated land – submission of validation report demonstration effective remediation
- Unexpected contamination
- Submission of site investigation works
- Provision of air quality mitigation in the form of dedicated motor vehicle charging points and boiler emissions
- Limited hours of construction:
 - 08:00 to 18:00 Mondays to Fridays
 - 09:00 to 13:00 Saturdays
 - Not at all on Sundays and Bank Holidays
- Permitted Development Rights to be removed
- Development in accordance with submitted details / drawing nos.

5.0 PLANNING HISTORY

- 10.81/0462 – Erection of farmhouse (Refused 5th May 1981)
- 10/82/1768 – Proposed farmhouse (Refused 4th October 1983)
- 10.86/1535 – Replacement of existing stable block by single dwelling (Refused 11th November 1986)
- 10.87/1355 – Proposed Dwelling to Replace Stable Block (Refused 3rd December 1987)
- 10.98/0434 - Extension to existing stable block - parking, menage, indoor arena, saddlery, extra stables (Refused 30th November 1998)
- 10.98/0878 – Equestrian Centre (Permit 2nd May 2000)
- 10/19/813 - Outline planning application with all matters reserved except for access, appearance, layout and scale for demolition of out-buildings and erection of 5 dwellings with associated parking and landscaping (Withdrawn 12th September 2019)

6.0 CONSULTATIONS

6.1 Strategic Housing

Housing Growth would have no objection to the above application subject to it meeting planning policy and building regulations

6.2 North Turton Parish Council

North Turton Parish Council has no objection in principle to application 10/19/1100 for the demolition of existing outbuildings and erection of an eco home with associated parking, landscaping, garden area and attached single garage on land adjacent to Horrobin Fold, Chapelton, but has **concerns** about the proposed access, the extension of the curtilage into the Green Belt, and the effect of the proposed basement on existing drainage.

6.3 Neighbours

17 neighbouring properties were consulted during the consultation process relating to the initial scheme and the amended details, in addition a site notice was posted. A press notice was advertised in the local newspaper on the 16th December 2019. As a result of this, 10 letters of objection have been received (see summary of representations).

6.4 GMEU

No objection subject to conditions:

- No works to trees or shrubs or demolition to commence between 1st March and 31st August
- Prior to earthworks a re-survey for Himalayan balsam
- Submission of a landscaping scheme

6.5 PROW

Should the applicant wish to make amendments to the access track approval should be sought prior to any works commencing. The appellant will also need to apply for a temporary closure whilst works which affect the PROW are underway.

- 6.6 Drainage Section
No objection subject to a pre-commencement drainage schemes condition.
- 6.7 Coal Authority
The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment (BEK/19533/191029/ZMA, 29 October 2019) based on the professional opinions made by bEk Enviro Limited; that coal mining legacy currently poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.
- The Coal Authority recommends a planning condition be imposed requiring site investigation works to be carried out prior to commencement of development.
- 6.8 Public Protection
No objection subject to the imposition of the standard contaminated land condition.
- 6.9 Highways
No objection subject to the imposition of a pre-commencement condition requiring the submission of a construction method statement.
- 6.10 Environmental Services
No objection.
- 6.11 Network Rail
The appellant is to ensure that the materials being brought to the site do not impact the railway infrastructure to the south of the site by striking the bridge.
- 7.0 CONTACT OFFICER: Rebecca Halliwell – Planner, Development Management.**
- 8.0 DATE PREPARED: 30th January 2019**

9.0 SUMMARY OF REPRESENTATIONS

Objection – Joanne Lias, 6 Horrobin Fold. Rec 22.01.2020

For the Attention of Rebecca Halliwell

Reference: Full Planning Application No: 10/19/1100

Details of Planning Application (AMENDMENT)

Planning Application near and Adjoining 6 Horrobin Fold, Turton

I write in reference to the above application and recent documentation and illustrations regarding the progress and amendment of this current submission.

All aspects of this further application have been reviewed and I am highlighting areas that I feel should be challenged fairly, questioned and in some cases totally opposed in connection with the effects this proposed re-vamped development proposal will have directly on my home No 6 Horrobin Fold.

Reference Section 3.8

Regarding the suitable access to the proposed development, which will include surface, gateposts: mostly I would like to bring your attention to the inclusion of “general pruning of overgrown vegetation that extends over the drive/track.” and areas of green belt that will be sliced into to enhance the access at the bottom of the lane and for the widening of the current lane to the new proposed site. The hedgerow at the bottom of my garden I have manicured for the 8 years I have owned this property and lived at No 6. This includes both sides to ensure ample and clear vehicular access to the rear of my garden via the lane and a standard of upkeep in keeping with the rest of the Folds cottage gardens. I clearly request that “general pruning” does not interfere with my garden shrubbery as this is an integral part of the garden which is encouraged to attract wild birds and flora and which I do not allow to grow over 6ft to ensure neither view or the access to the back of my property by vehicle or on foot is obstructed I maintain clear access and full privacy to my garden and house and I suggest that this the term “ general pruning” insinuates without discussion and by an inexperienced hand, therefore I request that I am fully consulted before this wide-ranging cropping takes place and to have absolute clarity on boundary ownership and quality control prior any of this improvement work be undertaken. This must be highlighted that the widening of the existing lane by general pruning of garden hedgerows, cutting down trees or cutting into the existing green belt boundaries are not acceptable pitches to allow increased access to the proposed site.

Reference Section 3.9

The Figure 2 illustration: Proposed Site Layout

This emphasizes as “heavy planting ” on the full boundary internally on the site. The definition of the term heavy is mass and weight – in this proposal it lends itself to trees / foliage which will develop with substantial bulk and volume – being allowed to plant and without strict control measures in place to restrict heights and density, this heavy planting will rapidly block light, view

and be a danger to the already delicate drainage systems of the folds cottages due to extensive heavy rooting systems and subsequently influence damage to adjoining walls and the No 6 property.

I completely challenge this proposal on the following clear grounds

- Heavy planting typically in planning and landscaping categorizes trees which will create a solid boundary and barrier – these will immediately affect all light and clear view of the moor and meadows into and out of all aspects of the rear of my property from the upstairs landing window, the rear bedroom 2 windows and garden. This will directly effect natural light to No 6 and the established plant and lawn growth to my garden
- Heavy planting immediately to the rear of the fence of my garden and dividing wall will have a direct impact through heavy root growth to my property and drainage system
- Heavy planting will block the view and light to the Folds Courtyard planting to the rear of the dividing wall to the Folds courtyard –will effect the underpinning of the dividing wall through heavy root growth and the pressure of the trees directly onto the dividing wall itself

All of the above points are genuine areas of concern and I object strongly to this this aspect of the application.

However I suggest that to create a barrier and boundary more appropriate lower shrubs and trees are planted which would not restrict light or view and be in keeping with the original plan of a wildflower garden but more importantly, in keeping with the meadow and green belt of the area and fitting to the surrounding similar low level manicured hedgerows that the folds cottages on the lane currently own and maintain to a very high standard.

I also request that any planting on the boundary of the proposed site has control measures stipulated as part of the planning process. All should be regularly maintained and kept to a suitable and fully agreed maximum 6ft height limit to the complete boundary and not planted immediately to the rear of my dividing wall or fence. This would ensure there would be no long-term obstruction of view of the meadow and green belt or loss of light to my garden and upstairs to my home ; furthermore, I suggest it only reasonable that any vegetation would not overgrow either the wall height adjoining the side of my property or my garden fence and be the responsibility of the owners of the site to fully adhere to the height restriction and maintenance of any trees and vegetation.

I am requesting that the “ heavy planting “ is challenged on the above issues and that the request for restriction of height, type of planting and distance to existing property and boundaries to No 6 and the Folds Wall be a stipulation and prerequisite of any development or future developments on the proposed site.

Relocation of Single garage

I raise concern and would like full clarification reasoning for the relocation of the single story garage to the wall adjoining my property. This relocation is directly in view of my upper bedroom therefore

should this location be confirmed, I am directly requesting that this building not be allowed to extend, elevated or converted to another dwelling at any stage and this be documented as a stipulation and condition of this planning application.

I object to the major changes from Original Plan proposed at the Planning Meeting for the Residents to the revised plan with the issues listed in this document. The proposed plan at the meeting had many positives, both aesthetically and practically – the changes and proposals are subtle but detrimental long term.

The Ménage and what was proposed as the Wildflower Meadow garden and pond and large garden to support the family home and the wildlife has been very concerningly disconnected from this plan.

The original scheme identified aspects that were in keeping with the current green belt and to support the wildlife in the area, have either been removed or totally changed which will clearly affect the what is already sensitive drainage of the area, aesthetics, adjoining property (No 6) and create a long term block of natural light and view and create and substantial visible barrier not in keeping with the green belt or meadow due to the 'heavy planting'.

I am asking the question why has this large plot and proposed garden has been purposely removed from the original eco-home family home plan? Does Mr Newman plan for this remaining plot to be left abandoned intentionally in preparation for another planning proposal at a later date and apply for further development?

To conclude:

The issues raised in this document directly affect my home No 6 and I feel that my objections, review and comments are fair, open minded, justified and reasonable in how this plan openly impacts the long term habitation and physical and mental wellbeing of living in my home and garden adjacent to this amended construction, dwelling and planting proposal.

Kind regards

Joanne Lias

Objection – Susan & Walter Gray, 3 Horrobin Fold. Rec 13.01.2020

Dear Rebecca Halliwell

Having already objected to the original application we would like to again emphasise our very strong objections to the revised application. We would refer you to our original email outlining our objections and asked these be considered anew. Briefly these are as follows.

1. Viability of access to the site for construction traffic.
2. The suitability of the existing road and surrounding infrastructure for free passage of the heavy construction vehicles which will be required. This particularly includes damage to an already poorly

maintained cobbled lane and to the existing fragile embankments, damage to which runs the risk of precipitating worse flooding in an area already prone to do so.

3. Drainage to the surrounding properties is already suspect with incidents of burst pipes and main drainage problems indicating the setup is already overloaded. What risk again to increased drainage problems and also environmental damage in digging out the basement area proposed?

4. The access to the site/development is in a potentially dangerous situation with respect to other vehicles passing up and down the lane. The increase in the number of cars using the development will increase the possibility of accidents.

5. A lot of the buildings on the proposed site are of a temporary, not permanent, construction. This means that the footprint of the development as proposed will be in excess of the present one as represented by the PERMANENT BUILDINGS!

6. The surrounding area is home to a diverse range of wildlife. Some quite rare and others more common. This development will obviously impact on their environments.

7. There is a major concern as to how large emergency vehicles i.e fire engines would access the development given that these vehicles will be unable to turn from Horrobin Lane onto the access road to the said development. This would pose a major threat to the residents of the proposed development and those in surrounding properties if a fire or other major event was to occur.

Our other objections contain some of the applicants claims regarding Horrobin Fold and its village status. This is totally erroneous. These matters have been covered in an email sent by Emma Burke and we would like her observations included in our objections.

The public consultation section(4) is factually incorrect in a number of paragraphs. Again, this has already been highlighted by Emma Burke and since we totally agree with her observations we would like these included as part of our objections.

8. The development closely abuts onto green belt zones. Some of the surrounding land is not owned by the applicant. This makes alleviation of many of our concerns improbable if not impossible to remedy without breaking green belt legislation.

Please take into account our concerns.

Yours sincerely

Susan & Walter Gray

(3 Horrobin Fold)

Objection – Rob & Jan Porter, 2 Horrobin Fold. Rec 13.01.2020

Rebecca,

We have looked at the amended application, & have 2 comments.

1. The position of the bin store will block the view of any cars leaving the site from cars leaving Horrobin Fold. This is a health & safety issue, and is a crash waiting to happen (it is already a problem as cars leaving the stables were partially hidden by the trees/plants). The additional risk introduced by this application would be mitigated by placing the bins on the other side of the access road.

2. The changes to the fence/gateposts does not address the issue of the actual access from Horrobin Lane, as they are sited several yards into the access road. The land at the actual entrance to the access road is owned by United Utilities on one side and by us (Rob & Jan Porter) on the other side. This cannot therefore be widened, and emergency vehicles would not be able to easily enter the access road. Again, I would have thought this is a real health & safety issue as, for example, a fire engine would struggle to get to the new property in the event of a fire.

Regards,

Rob & Jan Porter

2 Horrobin Fold

Objection – Rob Porter, 2 Horrobin Fold. Rec 03.12.2019

Dear Sir/Madam,

We have the following comments against the above-referenced planning application.

1. The application states that this is a "C3" development. It is clearly not. This is a single house which will be very expensive and sold at market values, and should be classified as "A1"

2. There are several references to anti-social behaviour and this being a problem site. We have lived in Horrobin Fold for over 35 years, and have never encountered any problems. We are confident that no other neighbours have had issues or have had to report problems to the police in the recent past.

3. The report states that the site is "barely visible" from the footpath. This might be true for the footpath through the field, but it will be very visible from the path around the Jumbles reservoir.

4. Access is a major concern. The access to the proposed site is via a very sharp bend. Large emergency vehicles such as fire engines will not be able to gain access and approach the house in the case of an emergency. At a consultation meeting the architect said that she could widen the access, but Mr Newman does not own the land on either side of the start of the access road - it is owned by United Utilities on one side, and by us on the other side.

5. The land is highly unstable. There is already a large sinkhole less than 4 yards from Horrobin Lane which has been cordoned off for safety. In addition, the banking at the bottom of the Lane (directly opposite the site access) has collapsed in the past and has had to be shored up by United Utilities.

6. Damage to Horrobin Lane by site traffic. Horrobin Lane is an unadopted, unmaintained road in a poor state of repair. United Utilities attempt to repair the drains several times a year. The lower

third of the lane has had many of the cobbles washed away by excess water from overflowing drains. It is very close to disintegrating altogether. Heavy site traffic would render this part of the lane unusable. If the development goes ahead, then as a minimum the contractor needs to replace and re-lay the cobbles on the bottom third of Horrobin Lane BEFORE the work commences. Otherwise people living in Horrobin Fold will not be able to get in and out of the Lane.

7. Although the access road no longer runs through the field, there is still a concern that the site works will cause danger and distress to the badgers, deer and birds of prey that inhabit the field. Deer are seen on a weekly basis, and badgers are spotted on rare occasions.

8. There is no public parking for site vehicles in Horrobin Fold. The areas for parking are all privately owned by the householders.

Please take these comments into account.

Yours,

Rob Porter

2 Horrobin Fold

Turton BL7 0HL

Objection – Susan & Walter Gray, 3 Horrobin Fold. Rec 16.01.2020

Dear sir/madam

Please find comments regarding the above application

1. Access is a major concern of ours. The access to the proposed site is a very sharp bend with a steep incline. Large emergency vehicles i.e fire engines will not be able to approach the house in the case of an emergency. This poses a serious risk to life both to the occupants of any house built on the site as well as residents in adjacent properties. At a meeting with the architect she suggested the access could be widened but Mr Newman does not own the land on either side of the start of the access road, it is owned by United Utilities and owners of number 2 Horrobin Fold.

2. The land is highly unstable. Drainage problems are a major issue and there is already a sink hole less than 4 yards from Horrobin Lane which has had to be cordoned off for safety. In addition to this, the banking at the bottom of the Lane (directly opposite the access road) has collapsed in the past. The lower third of the lane has had several cobbles washed away due to over flowing drains.

3. There are several references to anti-social behaviour and this being a problem site. We have lived in Horrobin Fold for 30 years and we have never encountered any problems.

4. Damage to the Lane by site vehicles. Horrobin Lane is an unadopted, unmaintained road owned by United Utilities which is already in a state of disrepair. United Utilities attempt to repair the drains several times a year. Heavy site vehicles are going to add massively to the damage already there.

5. Although the road is no longer going through the field, there is still concern that the site work will cause distress to the wildlife in the field i.e deer, rabbits and badgers.

Please take into account our concerns.

Walter & Susan Gray

3 Horrobin Fold

Objection – Emma & Lee Burke, 5 Horrobin Fold. Rec 16.12.2019

Dear Ms Halliwell

Objection against outline planning application for land adjacent to Horrobin Fold

We wish to object against the outline planning application for the development of a detached eco-home with associated parking, landscaping, garden area and attached single garage on the land adjacent to Horrobin Fold. We understand from discussions with the planning office that applications have been submitted in respect of the land adjacent to Horrobin Fold 23 times prior to 1999 and these have been rejected. Another application was withdrawn in September of this year following numerous objections. Given the date of the previous applications, the reasons for refusal are not available on the planning portal. Our grounds for objection are stated below.

Grounds for Objection

1. Harmful development on Green Belt site

We understand that whilst the access road is no longer through the Green Belt field, we are aware that the development will still encroach on the Green Belt. Policy CS14 regarding Green Belt states the general extent of the Borough's Green Belt will be maintained and any change will need to be justified in regards to future development requirements. We cannot see a justifiable reason for converting the site from Green Belt. We acknowledge the need for some growth in the Borough into Green Belt however as identified within Policy CS14 this should be growth to extend the urban boundary to allow the strategic objectives to be met and not conversion in an already rural location such as Turton. The policy clearly states there should be
'... robust evidence of the need for the development in question, that it will contribute to

achieving the objectives of the relevant strategies’

No such evidence is given in the Design and Access Statement or further documents as submitted by the applicant.

This is supported by the National Planning Policy Framework (NPPF), the development falls to be considered as inappropriate as it does not meet any of the exceptions set out in s145 of the policy. The exceptional circumstances stated in the DAS is that the existing buildings will be demolished and replaced with reduced volume than previous buildings. This is not an exceptional circumstance per s145 of the NPPF. We assume the applicant is referring to s145(d) however the building is not in the same use. Or they are referring to s145(g) however the proposed development will have a greater impact on the Greenbelt than the existing buildings. The proposed development is much larger in volume than the permanent stables on the current site.

Redeveloping a few single storey stables which are not all permanent construction with a large, permanent dwelling and redevelopment of the road to the rear of a number of properties on Horrobin Fold, which is currently inaccessible and unsatisfactory for vehicular use, would undoubtedly have a significant and harmful impact on the openness of the green belt.

The development, and therefore the harmful impact, would be visible to the public from the public right of way that crosses the fields and the proposed access road and also from the public right of way and other publicly accessible areas of the Jumbles Country Park.

The images below show the proposed site is visible from both the public footpath and from Chapeltown Road, impacting our view of the character and openness of the rural surroundings. This will only be exacerbated in the winter months when there is no longer the natural foliage as shown in the images below.



View from Chapeltown Road, Horrobin Fold can be seen along the field line as would the proposed development to the right of the Fold.



View from the public footpath. The stable which will be demolished is clearly visible as would the proposed development.

The Design and Access Statement also makes reference to Anti-Social behaviour requiring police presence. This is factually incorrect as no such behaviour has been apparent during the past 35+ years that some residents have been at Horrobin Fold.

2. A serious hazard to safety

The proposed access is via a concealed, sharp narrow bend and steep incline This is likely to be dangerous for the residents of the proposed development and current residents of Horrobin Fold should there be any emergencies at the proposed

development. The access is so restrictive that large emergency vehicles such as ambulances and fire engines would not be able to attend the proposed property. There is also no parking for such vehicles, or site vehicles, on Horrobin Fold as parking is very restrictive and privately owned.



Image shows the concealed entrance to the proposed access road, egress from Horrobin Fold



Image shows the concealed entrance to the proposed access road, access to Horrobin Fold, and the current damage and flooding

3. In contrary to Core Strategies

The Vision underpinning the Local Development Framework as dictated in the Core Strategy (adopted in 2011) states

‘Our rural area’s will remain unspoilt by substantial new development’

In our opinion, the development of the land adjacent to Horrobin Fold will spoil the rural environment which the local community currently enjoys.

Secondly, we understand the Borough's strategic objectives include increasing the levels of demand both for existing housing stock and for new developments in inner urban areas. By definition, Turton is not an inner urban area and therefore a development within this community does not align to the strategic objectives identified for the Core Strategy.

4. Other local issues

Wildlife

The Vision underpinning the Local Development Framework as dictated in the Core Strategy (adopted in 2011) states

'The unique landscape setting will have been preserved and its upland areas managed in ways which promote biodiversity and protect important habitats.'

The residents of Horrobin Fold currently enjoy the local wildlife, this includes deer which are often seen in the exact location of the proposed development, bats and badgers can also be seen in the local area. We believe if the planning application is successful this will no doubt have an adverse impact on the local wildlife and be a contradiction to the above Vision.

Flooding and Unstable Ground

The area of Horrobin Fold, in particular, 5 Horrobin Fold has been subject the significant flooding in the past. There is natural surface water drainage running under the land belonging to 5 Horrobin Fold. The flooding was so severe in recent years that the natural

stream which acts as surface water drainage had to be uncovered. This still did not stop some flooding and only a couple of months back the garden exploded in a number of areas causing sinkholes and severe flooding. The residents are concerned any development could increase the present flooding risk. There is also a large sinkhole on Horrobin Lane which is currently a safety concern and the banking at the bottom of Horrobin Lane has collapsed in the past and had to be repaired by United Utilities. These points clearly emphasise the unstable ground in and around the proposed development. Further state of disrepair may occur from heavy work vehicles during the development and could impact on access and egress for current Horrobin Fold residents.

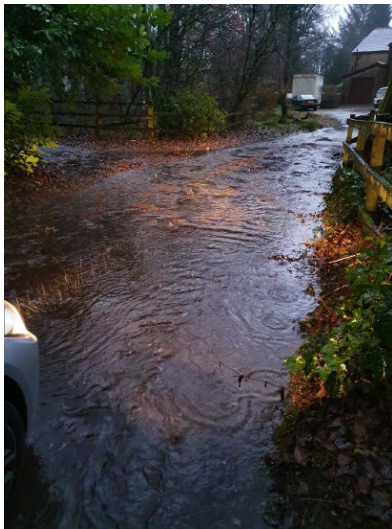


Image shows flooding on Horrobin Lane last week



Image shows garden flooded at number 5 Horrobin Fold in September 2019 (see giezer to left of image).

5. Loss of privacy (Applicable to 5 Horrobin Fold)

Whilst our objections are concerned with the impact on the community as a whole we (as the residents of 5 Horrobin Fold) would like to take this opportunity to raise our concerns of the direct impact on our enjoyment of the property. We only moved into the property on 26 July 2019 and the first planning application (which was withdrawn) was submitted approximately 2 weeks later once the sale on the property had been completed. This outlined planning was subsequently submitted just a few months later.

It is with absolute certainty that I can say that we would not have completed the purchase of the property if we had any awareness of the potential development in the land adjacent to our new home. The main reason for buying the property was to enjoy and raise our two young children in this unspoilt rural setting. Our balcony on the rear of the property currently enjoys views over the farmland and surrounding areas on which the development has been proposed.

The proposed plans show that the combination of the property position and proximity to the mutual boundary would lead to a serious loss of privacy. As the proposed

development would be constructed on land which is raised above our property (see images), this means the residents would have direct sight of our bedroom balcony. The applicant's proposal is that the garage and associated parking is directly adjacent to our property compounding the loss of privacy.

The images below show the view of the proposed development site from the balcony of 5 Horrobin Fold and the proximity of the boundary of 5 Horrobin Fold. The stable can clearly be seen which will be replaced by the new development.



View from the balcony of 5 Horrobin Fold, which would become obstructed by the proposed development.



The top of the outbuilding which is to be demolished can be seen, this will be replaced with a dwelling.

The above images reference the rear of the property, however, it should be noted the proposed dwelling would also have a direct view of the front of 5 Horrobin Fold, the image below shows the view of the development site from the front bedroom. The

window frame has been left visible for point of reference The Design and Access Statement mentions that there are no first-floor windows to the front of number 5 Horrobin Fold when in fact there are three.



View from front bedroom of the proposed development site and building to be demolished.

The Design and Access Statement references the Community Consultation Exercise.

We attended the exercise and while some of these points are correct, others are entirely inaccurate and noted below:

- Regarding the negative visual impact and loss of privacy, whilst the proposed height is lower than the existing barn the development will still be visible from public footpaths and from the horrobin fold properties and therefore this concern has not been satisfactorily resolved
- Loss of privacy and overlooking concerns regarding number 5 Horrobin Fold has also not been appropriately addressed. Whilst the property is single story the position will still mean the privacy of number 5 is compromised. The greatest concern being the fact that the new residents will have sight of the private bedroom balcony from areas of the development. At the very least these privacy issues need to be addressed by further screening.
- Regarding future development, these concerns have not been addressed, the residents have asked for clarification on this issue on more than one occasion

and the architect has refused to respond. Whilst we understand the volume allowance of the existing buildings has been utilised it does not answer our concerns as to why this would not prevent further developments on the grazing field and to the rear of the new development

- The consultation did not address the residents concern over the impact on wildlife other than bats.

- Flooding. Whilst we understand the site does not lie in a flood risk zone this does not mean the local site is not susceptible to flooding. See notes in Flooding and Unstable Ground mentioned above

- The impact on the views is entirely subjective and whilst the architect believes the development will improve the impact on views the residents, who daily enjoy such views, believe the proposed development will have a significant impact on the views.

We would also like to note that we have attempted to open the lines of communication with the applicant to understand the proposal in more detail and how we can resolve some of our concerns and following the consultation meeting the applicant has been entirely silent on these matters much to our disappointment. Secondly, we approached the applicant to discuss purchasing the land from them in order that we can protect our communities Green Belt. Again the applicant refused to respond to our offer.

We ask that all the aforementioned points are taken into consideration and are more than enough to justify our grounds for objection.

Kind Regards

Emma and Lee Burke

5 Horrobin Fold

Objection – Emma Burke, 5 Horrobin Fold. Rec 06.01.2020

Dear Rebecca,

- > Please can you advise when this was published on the portal? It was not online when I drafted my objection, was there a delay in uploading this?
- > The public consultation section (4) is factually incorrect in a number of paragraphs. This would have been highlighted in the objections from all the residents had this document been available.
- > As such we would ask this document is not relied upon for the purposes of any decision.
- > The arguments put forward regarding the greenbelt development would have been useful when drafting our objection as we did question why this would be considered appropriate under the nppf.
- > The applicants comments seem ridiculous in parts, for example the references to horrobin fold and a village status. Secondly suggesting one of the exceptions apply (6.18) 'in part' when the exception is an 'and' exception and therefore if both conditions are not satisfied the exception can not apply, there is no 'in part' qualification for the satisfaction of the exception. The analysis put forward on behalf of the applicant is very worrying and I would have considerable concern if any reliance was to be placed on this document.

Please advise to what extent this document will be used for the purposes of the planning application decision. If this will be used in the decision making process we request additional time is given for the residents to revise their objections in light of the factually incorrect information in this document and the statements regarding the green belt development.

Regards, Emma Burke

5 Horrobin Fold

Objection – Jo Lias, 6 Horrobin Fold. Rec 17.12.2019

For the Attention of Martin Kelly - Director of Growth and Development

Reference:

FULL PLANNING APPLICATION No: 10/19/1100

Land Adjacent to Horrobin Fold, Turton, Bolton BL7 0HL

Planning Application near and Adjoining 6 Horrobin Fold

Outline Planning Application:

I write in connection with the above planning application.

I have examined the plans in depth and know the site very well as my property is adjoining the Stable Buildings, I have been resident at No 6 since 2012 and lived in the Turton and Chapeltown district most of my life.

Horrobin Fold is a small country hamlet safely nesting in Turton, part of the West Pennine Moors, comprising of 6 dwellings. Any development proposals should be considered very carefully and where appropriate and in this instance, supported but challenged in certain aspects, which I request, deserves complete consideration for in this application process.

The planning application with all facts and data presented I ask that my comments and clarifications be considered and measured during this process and I would request absolute confirmation and clarity on finalisation.

I have concerns over my current position in having full access to the rear of my property through my rear garden gate : 6 Horrobin Fold either on foot or by car by use of the current road to the rear of the properties of Horrobin Fold. I would request transparency and clear guidelines of what is currently full access and request that this full vehicular and pedestrian access is maintained and preserved by all parties involved. I have concerns that as this is currently a single access road and how access for all will be accommodated.

My concerns extend to the proposed new-detached eco-home being fully accessible by all emergency services. The entrance to the road and proposed site from Horrobin Lane is particularly narrow, uneven, heavily prone to flooding on the cobbles with trees and green belt adjoining the access area. This is a particularly difficult access point for residents currently living in the folds and the damage and drainage of the road is already extensive so the additional traffic and maintenance including refuse collection and bin removal needs to be carefully considered and clarified. The access point and road to the new proposed development is very narrow and on a bend in the road uphill so I would suggest all these factors are clear areas of concern to ensure the safety of the properties in the Folds and the waste removal and refuse collection and bin queries are clarified managed appropriately.

Another area of concern is to protect green belt land in Turton. The field at the rear of my property and what will face the new development is green belt and the preservation of this is paramount.

There is a need to also raise awareness to protect and safeguard wildlife in and around the Folds and vicinity of Horrobin Lane. There are families of deer in the field that are seen daily, alongside owls and birds of prey who have this area as their natural regular habitat on this pasture land. Their needs have to be taken into consideration with regards to any future development to this hidden gem of natural territory. It is an eco system of its own and domain for wildlife. It should be paramount to all to support this environmental habitat by preserving and encouraging this physical environment to attract, sustain, support and protect this natural territory for animals, trees and flora.

Conclusion

The plans for this development have been considered and challenged appropriately and accurately.

I believe that this development could benefit the current status of the site and bring a more aesthetic presentation to the current area as long as they are in line with the planning application and with consideration of the requests that I have stated in this document.

I simply request that the above concerns are considered with complete respect for the development, environment and full access to the rear of my property.

I also request that all parties regarding this planning application support total transparency and regular communication with myself regarding any changes and any damages that my home and property including fencing and foliage during the building or foundation preparation of this development could incur should be replaced by the contractors or developers with no cost to myself.

Kind regards

Joanne Lias

6 Horrobin Fold

Turton

BL7 OHL

Objection – Hilary & Jon Silvester, 9 Horrobin Fold. Rec 17.12.2019

Dear Martin Kelly

Re: Planning application number 10/19/1100
Land adjacent to Horrobin Fold, Turton, Bolton, BL7 OHL

As long-standing residents of Horrobin Fold, where we have lived for the past 13.5 years, we would like to object to the recent planning application submitted for the development of a detached eco-home on the land adjacent to our home, which has long served as a stables for horses (until the past 8-9 months when it has been used for breeding fowl).

Since we live at the opposite end of the fold to the intended development, our main objections focus on Horrobin Lane, the access road to the site, and the issues of poor drainage in the area on Horrobin Lane, around the proposed site and from the fields at the back of our property.

Firstly, we would like to point out that, in the past, we have had considerable issues resulting from poor drainage in the greenbelt location behind our property. This has been due to changes in the water courses through the grazing land in question and it has been exacerbated by heavy amounts of rainfall coursing down to the Jumbles from the land on the other side of Chapelton Road. Drainage and a potential flood risk in our garden, as well as in the garden of the adjacent property (8 Horrobin Fold), had to be rectified at considerable cost to ourselves three years ago. We fear that

further disruption of the water courses could well occur should the proposed planning application be successful.

In recent months, we have noticed a hole on the track to the side of our garden which, upon further investigation, exposes an open water pipe running beneath the track and down the slope towards Horrobin Lane. Please see the photos below.



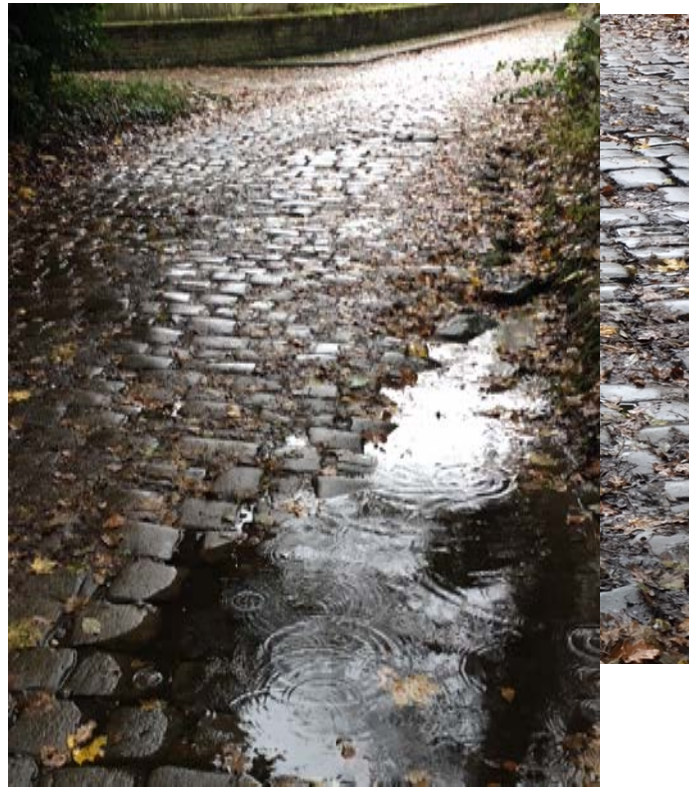
The above photographs were taken on the track which leads around the back of the mews houses on Horrobin Fold. This hole has opened up on the length of track running parallel to the outer edge of the garden of our property, 9 Horrobin Fold. It has, without doubt, been caused by rainwater running off the field; during heavy rainfall, the track becomes like a river and water courses down to cause a mini-flood at the bottom of the concrete slope (the start of the driveway to the eco-home). This is the proposed access to the eco-home and it would inevitably be used by heavy plant machinery bringing materials to the site. One serious concern is that this will affect the stability of the underground drainage and that the pipes beneath the ground could be badly damaged and collapse under the weight of the lorries/diggers etc. We seriously fear that damage to culverts and field drains could potentially cause further movement in the water courses and subsequent risk of flooding to our gardens and, indeed, our properties. Please note that, in the past, flooding has also been an issue on the site of the stables itself.

An additional concern for us living at 9 Horrobin Fold is that we live in the end property with a large open tarmacked area to the side of our property; indeed, our back door opens on to this land. We would consider it to be a serious health and safety issue should this become the turning and storage area for heavy machinery. Since there is no public parking for site vehicles in Horrobin Fold and all of

the parking areas are privately owned by the residents, it begs the question as to how and where vehicles would be parked.

The new proposed access to the eco-home would be via Horrobin Lane, an unadopted and unmaintained cobbled road in a poor state of repair. Despite some attempts by United Utilities to repair the drains over the past few years, the surface of the lane deteriorates year on year. Furthermore, the lower third of the lane has lost many of its cobbles which have been washed away by excess water and overflowing drains. Without doubt, the weekly bin wagons to residences on Horrobin Lane and, until the past 12-15 months, tractors and horseboxes, accessing the stables via the concrete slope and rough track around the back of the mews houses, have also contributed to the deterioration of the cobbles. If the proposed development were to go ahead, the lower section of the lane, leading into Horrobin Fold, would become unusable! It is already necessary to drive out of Horrobin Fold right against the shrubs of the triangle at the bottom of Horrobin Lane in order to avoid damaging car tyres.

Please see the photographs below.



Cobbles have either sunk or been washed away in heavy rain at the bottom right-hand side of Horrobin Lane.

Another issue with regards to access to the proposed dwelling is the fact that the access track is very narrow and it would not be easy for emergency vehicles to reach it. It remains a mystery as to how the access track would be widened (despite the architects stating that this would happen at a meeting with residents in October); it is not clear that the owner of the land upon which the eco-home would be built actually owns the land on either side of the bottom section of the access road.

Also, on the subject of Horrobin Lane, it is questionable as to how stable the land is to the right of the lane as you turn off the main road. Several years ago, a large sinkhole opened up in the trees, adjacent to the stream running down to the Jumbles Reservoir. This has been cordoned off for safety but it remains a serious concern given that Horrobin Lane and its environs are so prone to overflowing water from the main road and the fields and land on higher ground resulting in flooding.

Finally, this development will have a considerable impact on the habitat of a variety of wildlife which are regularly spotted on this green-belt land, including deer, barn owls, foxes, bats and buzzards. The beauty of living in such a desirable rural setting is to enjoy being close to nature and this development will only serve to disturb the habitats of our native wildlife.

In conclusion, we oppose the planning application for the development adjacent to Horrobin Fold on numerous grounds and we hope that serious consideration will be given to our views. It is hoped that our beautiful unspoilt greenbelt land will remain as such and that the Borough's strategic objective for "increasing the levels of demand both for existing housing stock and for new developments in urban areas" will do just that, so avoiding the need to target the **rural** area in which we choose to live and to avoid any planning application which may impact on the issues raised in this objection. Despite meeting with the architects in October, there also remains a fear that, should this application actually be passed, there are no guarantees to residents that additional changes could be made to the proposed construction of one detached eco-home in the future.

Yours sincerely

Hilary & Jon Silvester

Objection – Emma Burke, 5 Horrobin Fold. Rec 13.01.2020

Hi Rebecca

Following the amendment to the applicants submission I assume they have removed the ménage from the site plan so they can later submit a new application for another dwelling/ dwellings. And secondly to try and get around the greenbelt exceptions.

The draining pond in the initial application was to soak away the water during the seasons the fold experiences high levels of flooding (details in our previous objections and you are more than welcome to visit our property to view the damage caused from this winters flooding). No doubt if there is no soak away the water will deviate into our rear garden where the natural stream flows which already floods regularly. We realise we are not in a registered flood risk zone but we can confirm we have a serious problem with flooding, the impacts are visible on our land and images have been provided in the last objection.

Obviously our objections still stand and we would like to draw your attention to the behaviour of the applicant. This is another example of their attempt to persuade the planning office into allowing them to achieve their end goal which we believe is a full development of the entire site including the greenbelt grazing land.

There have been so many applications to develop this land which is unspoilt greenbelt forming part of our local community.

If the applicant wanted to utilise the land for an eco house (i.e. to get within the nppf greenbelt exceptions) surely they would have submitted this initially or in any of the previous applications. Or if they had any concern to the community and environment they would have continued dialogue with us when we attempted to purchase the land.

Thank you, Emma

Objection – Pete Stott, Unknown Address. Rec 18.12.2019

I write with reference to an amended application for the erection of one property on the site of existing stables. I object to the planning application because the proposed access is a lane at the rear of our property via a lanthat is unregistered and not owned by the applicant. The lane is narrow and would not accommodate emergency vehicles without it being widened, which would require the consent of the owner. Furthermore the applicant has, as per the land registry title, only got vehicular access down Horrobin Lane and onto their land with no vehicular access to the lane at the rear of our property.

Regards,

Pete Stott
The Restore Finance Team

REPORT OF THE DIRECTOR

Plan No: 10/19/1145

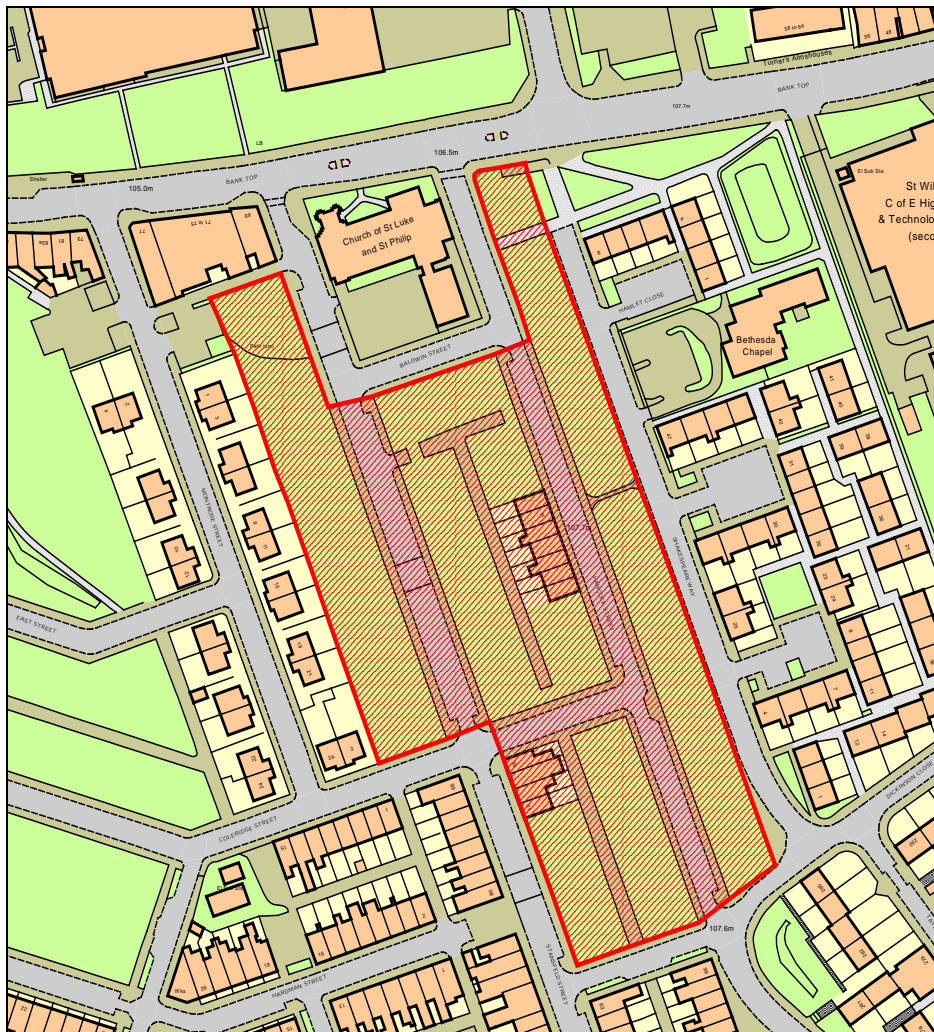
Proposed development: Full Planning Application (Regulation 4) for; erection of 56 no. dwellings, open space and associated works.

**Site address:
Land at Shakespeare Way
Blackburn
BB2 2LY**

Applicant: Seddon Construction Limited

Ward: Blackburn Central

**Councillor: Zamir Khan
Councillor: Saima Afzal
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 presented to Committee on account of it being a 'significant major' application; in excess of 50 residential units.
- 2.2 Members are advised that the application site is currently council owned. The planning application is submitted in full application form and follows pre-application discussion between the applicant and the Council's Strategic (Housing) Growth & Development and Development Management teams, around a proposal for a 100% mixed tenure Affordable Housing scheme. In Support, in principle, was offered at pre-application stage; subject to a detailed assessment. Should the application be approved, the land will transfer to the ownership of social housing landlord, Great Places.
- 2.3 Assessment of the application establishes that the proposal is consistent with the Borough's strategic aims and objectives; in that it corresponds with the Council's overarching growth strategy, through delivery of quality and much needed affordable housing across the site, including a fully integrated housing mix for the benefit of the local community which will assist in widening the choice on offer for families in the Borough and which will have significant benefits in achieving social cohesion. Integrated areas of Green Infrastructure are included in the scheme. Accordingly, the development will offer a sustainable and desirable place to live, as well as providing a solution to a declining area in need of redevelopment. This is in accordance with the aims and objectives of the Local Development Plan and national planning policy. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The site is currently owned by Blackburn with Darwen Borough Council. It is one of the Council's surplus strategic land assets detailed for housing; in accordance with the strategic aims and objectives of the Council's Growth and Development Business Plan 2019 – 2023. The site is located within Blackburn's Inner Urban Area and is allocated for housing (Site 16/4 – Griffin Development Site); in accordance with the Development Plan.
- 3.1.2 The site predominantly comprises previously developed, vacant land that has been cleared of housing stock, to facilitate redevelopment. It measures 1.6 hectares in area and is located to the west of Shakespeare Way, Blackburn; approximately 1.8 miles to the south west of Blackburn Town Centre. Baldwin

Street and the A674 Bank Top bound the site to the north with Coleridge Street and Dickinson Close to the south. Stansfeld Street bounds the site to west. Topography throughout is generally consistent, save for a gentle slope in a north / north westerly direction. There are a number of trees dispersed throughout the site, most significantly positioned to the south and north eastern boundaries.

- 3.1.3 With reference to the surrounding area; it is predominantly residential in character to the south, west and east. St Luke's and St Philip's Church is located to the north of the site. Beyond this is the A674 which serves a range of retail and commercial / industrial uses.
- 3.1.4 Beyond residential properties to the west lies further land cleared of housing stock. This section of land will be subject to a planning application for residential use, in the near future.
- 3.1.5 The site benefits from its sustainable location, adjacent to the A674 which is a main arterial route into Blackburn Town Centre. A regular bus service is available into the town centre and locations elsewhere, including Preston, Chorley and Burnley. Blackburn Town Centre serves as a public transport hub, providing road connections to alternative destinations. Direct rail connections, from Blackburn Station, are available to destinations across East Lancashire as well as Preston, Bolton, Manchester and Leeds. A train station at nearby Mill Hill serves the local community, providing links into the wider rail network.
- 3.1.6 Members are advised that, planning permission was granted in 2018 for '*demolition of the former Griffin Public House, Nos. 35-41 Stansfeld Street and Nos. 12-24 Hancock Street; site enabling works and associated works*'. Demolition of the buildings was carried out last year.

3.2 Proposed Development

- 3.2.1 Full planning permission is sought for the erection of 56 dwellings, open space and associated works; as set out in the submitted drawings and supporting documents.
- 3.2.2 The proposal represents a gross density of 35 dwellings per hectare; featuring a range of 2, 3 and 4 bedroom semi-detached and terraced typology, to reflect local need and demand. In this context, it should be recognised that the development will provide for 100% affordable housing. Whilst the majority of plots are 2 storey, 5 single storey bungalows are proposed to offer variety and provision of accommodation for the elderly or less able. Accommodation schedule is as follows (to be read in conjunction with submitted drawings):

House Type	Bedrooms	Storey	Number
2H716	2	1	5
2H753	2	2	14
3H889	3	2	10
3H897	3	2	18
4H8017	4	2	9
Total			56



Extract from submitted "proposed site plan".

3.3 Development Plan

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

3.3.2 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In

determining the current proposal the following are considered to be the most relevant policies:

3.3.3 Core Strategy

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

3.3.4 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 16 – Housing land Allocations
- Policy 18 – Housing Mix
- Policy 38 – Green Infrastructure on the Adopted Policies Map
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development

3.4 **Other Material Planning Considerations**

3.4.1 Griffin Supplementary Planning Document (2017)

3.4.2 Green Infrastructure Supplementary Planning Document.

3.4.3 Residential Design Guide Supplementary Planning Document (2015)

3.4.4 Blackburn with Darwen Brownfield land Register

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

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

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

3.5 Assessment

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

- Principle of residential development
- Amenity
- Environment
- Highways
- Design
- Green Infrastructure
- Affordable housing

3.5.2 Principle

The principle of residential development is established under the Local Plan Part 2, Policy 16 – Housing Land Allocations. The policy guides development of 4 parcels of land, the largest two of which are the application site and land to the west which was previously cleared of housing stock to enable redevelopment. The 4 sites are estimated to yield approximately 150 homes. The 56 proposed for the application site is considered a proportionate response to the site circumstances, including an acceptable gross density of 35 units per hectare and an appropriate housing mix which is consistent with the aims of Core Strategy Policy CS7, which encourages a full range of new housing over the life of the Core Strategy to widen the choice available in the local market, with an emphasis on Housing Market Renewal areas, particularly new family housing and housing that meets the needs of people on low incomes, including those affected by clearance. In this context, it should be reiterated that the proposal will deliver 100% affordable housing of mixed tenures, for people on low incomes who are on the affordable housing register.

3.5.3 Amenity

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

3.5.4 The submitted site layout includes 56 dwellings with associated curtilage, around a pre-existing, linear highway network and Public Open Space. It should be recognised that the layout does not accord with the Council's adopted separation standards; as set out in the Residential Design Guide SPD. Interface between the rear of proposed dwellings along Stansfeld Street

and the rear of existing dwellings along Montrose Street is substandard, at circa 17m - representing a shortfall of 4m from the adopted 21m standard - notwithstanding proposed dwellings being spaced so as to be offset from those on Montrose Street. A sub-standard 17m separation also exists between principle windows to the rear of the proposed bungalow at plot no. 16 and principle windows to the front of nos. 25 and 27 Shakespeare Way.

- 3.5.5 Sub-standard separation also exists between opposing proposed dwellings along Hancock Street, involving single storey bungalows at plots 20-27 and two storey dwellings at plot nos. 26-31. Separation in this case ought to be 24m, on account of the single storey double storey relationship. An offset relationship between these proposed dwellings and dual aspect ground floor rooms serving the bungalows does, however, offer a degree of mitigation.
- 3.5.6 Whilst recognition of sub-standard separation is important, it should be considered in the context of the pre-existing street pattern, which limits the ability to comply with current adopted standards, and the economic, social and environmental benefits that arise from redeveloping the site. Members are, therefore, advised that these other materials considerations are considered, on balance, to outweigh rigid application of the current adopted standards.
- 3.5.7 Each of the proposed dwellings will be served by proportionate sized plots, offering ample private space to service the needs of householders.
- 3.5.8 A Phase 1 and 2 Contaminated Land Report has been submitted and reviewed by the Council's Public protection consultee. It is mutually agreed that further intrusive investigations are needed to inform the need or otherwise for remediation. These works will be secured by condition.
- 3.5.9 Safeguarding residential amenity during the construction phase of the development will be secured by the approved Construction Method Statement and a restriction on working hours; implementation of which will be secured by condition.
- 3.5.10 Accordingly, the development is considered compliant with safeguarding amenity objectives of the Development Plan and The Framework.
- 3.5.11 Environment
Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but not limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.
- 3.5.12 Drainage
A drainage strategy has been submitted and reviewed by United Utilities and the Council's Drainage consultee. To date, a response as the acceptability of the strategy, has not been received. Their response will be included in a subsequent update report.

3.5.13 Ecology

An Extended Phase One Habitat Survey (Preliminary Ecological Appraisal) and a Bat Roost Assessment are submitted with the application. Both have been reviewed by the Council's consultant Ecologist. The site is generally accepted as low in ecological value. No evidence of protected species was found on the site.

3.5.14 Further, it is established that trees present on site do not have the potential to support roosting bats. The trees, do, however, have the potential to support nesting birds. Tree clearance is, therefore, recommended to be undertaken outside of the main bird nesting season (March – August), unless it can otherwise be demonstrated that no active bird nests are present.

3.5.15 A Biodiversity and Enhancement Measures report is submitted with the application. This includes measures to enhance the biodiversity value of the site, such as increasing the diversity of the grassland areas, use of locally native species in new landscaping, provision of bird and bat boxes within the development and designing the boundary features to allow movement of wildlife across the site. These measures are acknowledged as in line with National Planning Policy which encourages biodiversity gains to be delivered through the planning system and should be incorporated into the development. Such measures are to be secured by condition.

3.5.16 Trees

A Tree Survey & Constraints Report and an Arboricultural Impact Assessment Statement (AIA) are submitted with the application. Trees are recognised as dispersed across the site, including 14 individual specimens and 8 groups. Category A and B trees are recognised as the most visually beneficial, though none of the trees are protected by Order.

3.5.17 Retention of trees within the POS, located at the north east corner of the site within proposed rear gardens to plots along Stansfeld Street is assured; as set out on the submitted AIA and site plan. Their retention will be secured condition. Trees considered to be of value (category A & B) will be lost on land adjacent to Hancock Street. Replacement planting throughout the site will, however, result in an overall net gain of trees of value.

3.5.18 Protection measures for trees to be retained will be in accordance with the AIA; to be secured by condition.

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

3.5.20 Highways / Accessibility / Transport

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

- 3.5.21 A Transport Statement and supplementary Technical Note are submitted with the application. The scheme is developed around existing highway infrastructure, with private driveways accessed from existing carriageways. All drives and vehicular crossings are to be constructed in a manner to preserve pedestrian priority. Such works will be secured by condition.
- 3.5.22 Existing carriageways, footways and associated drainage are to be upgraded, following completion of the houses. A review of outdated traffic calming and operational movement of traffic through the site will also be undertaken, including all existing TRO's / restrictions. A bespoke approach will be introduced to cater for the needs of the development and the wider area. Such works will be secured by condition.
- 3.5.23 Sufficient connectivity through the development to existing housing is achieved.
- 3.5.24 Impact on the wider highway network is considered negligible, particularly considered in the context of the previously developed residential area and pre-existing highway connections.
- 3.5.25 Conditions to secure submission of technical construction details relating to highway surface treatment will be secured by condition.
- 3.5.26 A Construction and Environmental Method Statement is submitted with the application. Matters pertaining to proposed temporary street closures during construction phase are yet to be resolved. Accordingly, a revised statement is to be secured by condition, in order to ensure appropriate management of highway safety / efficiency and public amenity during construction phase of the development.
- 3.5.27 Dedicated off street parking for each dwelling is provided; in accordance with the Council's adopted standards.
- 3.5.28 Accordingly, the development is considered compliant with the highway objectives of the Development Plan and The Framework.
- 3.5.29 Design / Character and Appearance
Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. The Residential Design Guide offers targeted supplementary advice.
- 3.5.30 Layout of the development responds appropriately to the linear highway network and surrounding constraints. Ordered orientation of dwellings follows the prevailing pattern of the area. Overall, the dwellings are of an appropriate mix of detached two storey, detached bungalows and semi-detached. All are at a scale proportionate to individual plot sizes and to surrounding properties.

3.5.31 Public open space at the north east corner of the site is offered, which includes retention of mature tree specimens. A comprehensive hard and soft landscape strategy across the site will deliver a well-integrated and attractive development, ensuring a significant enhancement of the area is achieved.

3.5.32 Appropriate boundary treatments will feature across the site, including close boarded timber delineation between private gardens and to rear gardens facing Shakespeare Way. Great Places will be responsible for continued maintenance of such fences, to properties that are affordable. Those in shared ownership will be subject to lease agreements requiring householders to maintain fences in an appropriate manner. Hedgerows will also feature at prominent corner plots side on to Shakespeare Way and Hancock Street.

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

3.5.34 Financial Contributions

Development of the site will deliver 100% affordable housing and integrated Green Infrastructure. Accordingly, no Section 106 contributions are required from the developer.

3.5.35 Summary

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

4.0 RECOMMENDATION

4.1 Approve subject to:

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
- Submission for approval of external walling and roofing materials
- Implementation of approved boundary treatments
- Implementation of Arboricultural Impact Assessment, including tree protection measures
- Trees to be retained in accordance with approved details
- Implementation of approved (hard and soft) landscaping scheme
- Implementation of approved biodiversity enhancement strategy
- No tree felling or vegetation clearance between March and August, unless the absence of nesting birds has been established
- Foul and surface water to be drained on separate systems
- Submission of or implementation of drainage strategy (dependant on outcome of Drainage and UU response).
- Submission of a drainage maintenance and management strategy

- Submission of highway infrastructure engineering details including drainage, street lighting and street construction
- Submission of traffic management and traffic calming measure review scheme
- Submission of a Construction & Environmental Management Statement
- Visibility splays not to be obstructed by any building, wall, fence, tree, shrub or other device exceeding 0.6m above crown level of the adjacent highway
- Contaminated land - submission of a comprehensive desk study report
- Contaminated land - submission of validation report demonstrating effective remediation to affected areas
- Unexpected contamination
- Limited hours of construction:
 - 08:00 to 18:00 Mondays to Fridays
 - 09:00 to 13:00 Saturdays
 - Not at all on Sundays and Bank Holidays
- Houses to remain 'Affordable' in perpetuity
- Removal of Permitted Development rights
- Development in accordance with submitted details / drawing nos.

5.0 PLANNING HISTORY

5.1 The following planning applications are relevant to the application site:

10/17/0146 – Prior notification of demolition of the following houses:

- 2 – 10 & 75 – 79 Hancock Street
- 41 – 61 Stansfeld Street

Prior approval granted under delegated powers on 25th April 2017.

10/18/0612 – Full planning application for Demolition of the following, together with site enabling works:

- former Griffin Public House,
- Nos. 35 - 41 Stansfield Street
- Nos. 12 - 24 Hancock Street

Approved by Planning & Highways Committee on 20th August 2018.

6.0 CONSULTATIONS

6.1 Drainage Section

No objection subject to the following condition:

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

6.2 United Utilities

No objection subject to the following conditions:

- Submission of surface water drainage strategy.
- Foul and surface water to be drained on separate systems

6.3 Environment Agency

No comment offered.

6.4 Education Section

No response offered.

6.5 Environmental Services

No objection.

6.6 Public Protection

No objection subject to the following conditions:

Noise

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

Air Quality

- Provision of a dedicated electric vehicle charging point at each dwelling and limitation on boiler emissions

Contaminated Land

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

6.7 Highways Authority

No objection subject to the following conditions:

- Implementation of Demolition / Construction Traffic Management and Environmental Statement
- Submission of highway infrastructure engineering details including drainage, street lighting and street construction
- Submission of traffic management and traffic calming review
- No obstruction to visibility splays.

6.8 Ecology

No objection subject to the following condition:

- Implementation of biodiversity measures; and Informatives with reference to protected birds / bats

6.9 Strategic Housing

No objection – support offered for good quality affordable homes with an appropriate mix of house types.

6.10 Growth Team

Confirmation of no Section 106 requirements.

6.11 Lancashire Police

No comment offered in response to consultation on application. A pre-application response was, however, provided direct to the applicant, around the principles of crime impact / prevention.

6.12 Public consultation has taken place, with 181 letters posted to neighbouring addresses; a Press Notice published 16th December 2019; and display of site notices on 5th December 2019. In response, 2 objections were received which are shown within the summary below.

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

8.0 DATE PREPARED: 30th January 2020.

9.0 SUMMARY OF REPRESENTATIONS

Objection – Mr Shahzad, 79 Stansfield Street. Rec 25.12.2019

I would like to comment on the house planning on the reference number above.

As our houses are old and built 1800, I would like you to take into consideration that the houses in this area are not great.

I would like you to give the area the first refusal on these new houses that are being built

I cannot grant permission until the above criteria is met.

From: 79 stansfeld street

Blackburn

Thanks

Objection –Mr Ibrahim Mulla, 92 Stansfield. Rec 25.12.2019

Thank you for your recent letter dated 04/12/19.

I have addressed your letter regarding a planning application near my property. After careful consideration and looking into the community recent issues, I would not be happy if this proposal went ahead, I can only consent if the following is addressed:

The present houses in the area are outdated and we have never had any benefit within the area regarding regeneration off the area. The only way to give the people within the area something back would be to give them first refusal on these new houses that are being built.

Our houses were made in 1800's so we have not had any money invested in housing or any other benefits we have gained from the local council.

I would be grateful if council can look into this and offer the present residents first refusal on these new houses.

If you cannot do this, then I would like to be consulted and given first refusal on these houses.

If you cannot guarantee or offer me this, then personally I cannot accept your planning application.

Also I would like full information as to how these houses are going to be sold as I need to know how councils operate, as there is a strong feeling within the community that the houses will be taken even before they are built.

I await your reply.

Thanks in advance

REPORT OF THE DIRECTOR

Plan No: 10/19/1232

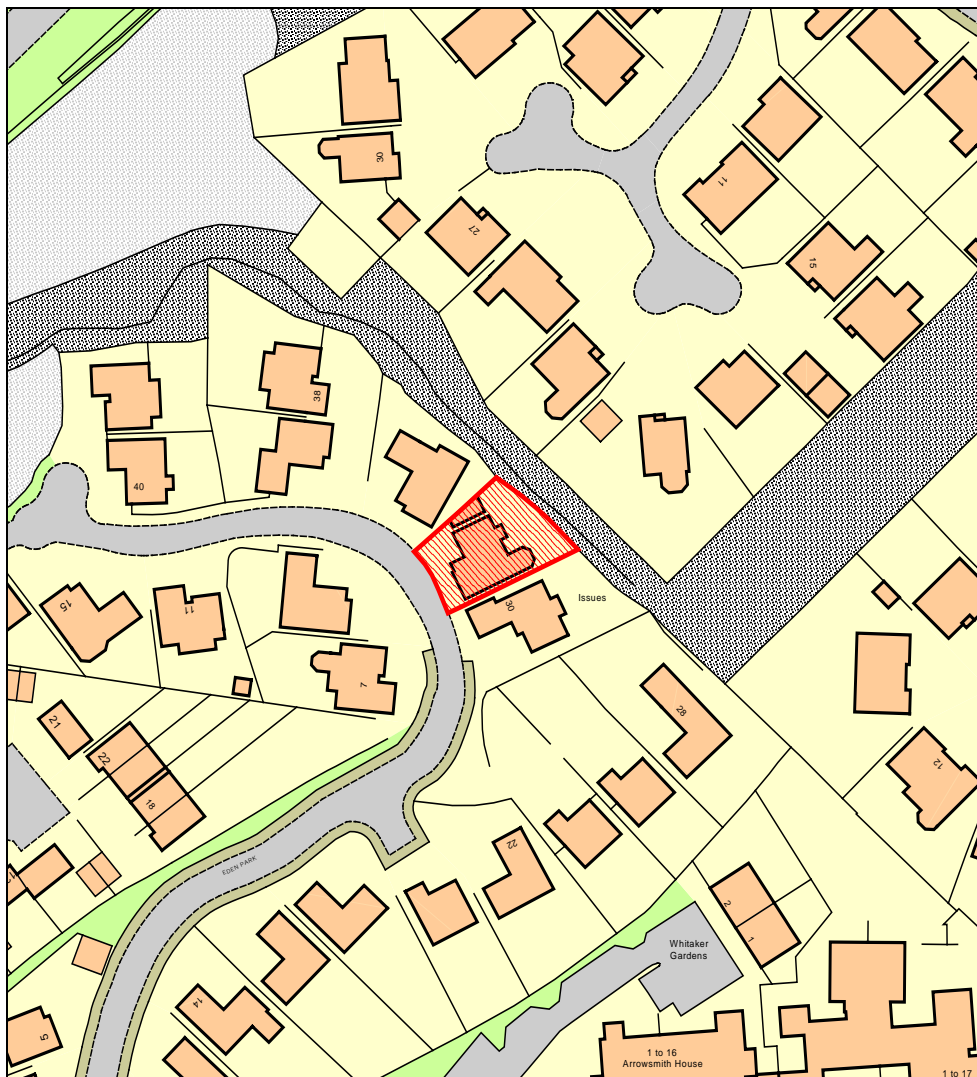
Proposed development: Full Planning Application (Retrospective) for Retention of increased size of ground floor bay window and first floor balcony to rear

**Site address:
32 Eden Park
Blackburn
BB2 7HJ**

Applicant: Mr A Hussain

Ward: Billinge & Beardwood

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



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is **recommended to be granted** planning permission for the reasons as stated in Paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Committee through the Chair Referral process in accordance with the Scheme of Delegation. The proposed development has been publicised through letters to residents of adjoining properties. One letter of objection has been received. A summary of the comments is provided at Paragraph 6.1 below.
- 2.2 Members will be aware that the Committee granted planning permission for a first floor balcony at the rear of the property at their meeting in August 2019. The key issues to be addressed with regards the current submission are as follows:
- Whether or not the impact of the amended balcony on the amenity of neighbouring properties and setting is any greater than the impact of the balcony as previously approved by Members.
 - The altered design of the balcony and additional ground floor bay window/extension – what impact does this have on the host property and the immediate surroundings?

3.0 RATIONALE

3.1 Site and Surroundings

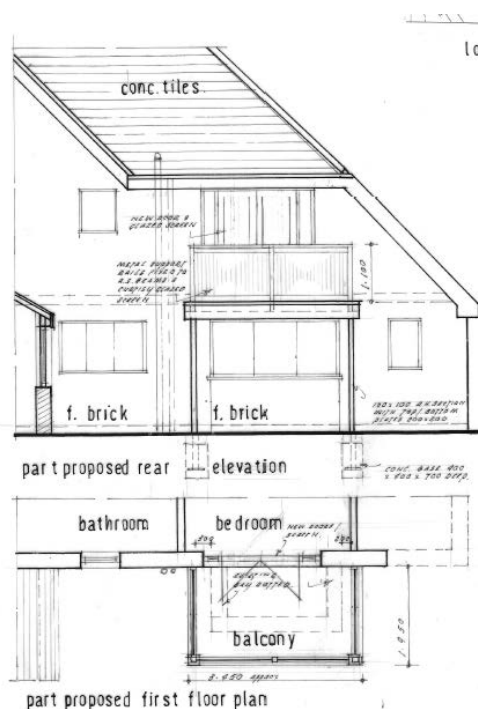
- 3.1.1 The application site of the proposed development is located in a cul-de-sac on land between Preston New Road and Yew Tree Drive, within the urban boundary of Blackburn.
- 3.1.2 Eden Park is characterised by detached dwellings with front and rear gardens. Nos. 30, 32 and 34 form a grouping of three dwellings, with the application site being centrally positioned and the neighbouring dwelling either side splaying away slightly towards the rear.
- 3.1.3 The properties to the rear are located on The Pastures, within the Beardwood development. Eden Park and The Pastures are separated by a narrow watercourse and a band of deciduous trees.

3.2 Proposed Development

- 3.2.1 The proposal is for the retention of unauthorised alterations to a previously approved balcony to the rear of the property, including the enclosure of the supporting pillars to form a bay window/extension to the ground floor.

3.2.2 The original planning application for the balcony (10/19/0634) was referred to the meeting of the Planning and Highways Committee on 15th August 2019 with a recommendation for refusal on two grounds:

- *The proposed development, by virtue of its scale and position in relation to the adjacent neighbouring dwellings, has failed to adequately address the connection between the development and its setting, causing harm to neighbour amenity through overlooking and loss of privacy, contrary to Policy 8 of the Local Plan Part 2 and the Residential Design Guide Supplementary Planning Document.*
- *The proposed development fails to meet the criteria set out in the NPPF and the Local Plan Part 2 in undermining the overall quality of the host dwelling and the area by virtue of a structure that fails to integrate acceptably into the host dwelling, contrary to the NPPF and Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2.*



extract from approved drawing – 10/19/0634

3.2.3 The minutes of the meeting noted that, after discussions had taken place, seven Members were minded to approve the application against Officer recommendation, finding that the proposal was of appropriate design and appearance and would not be severely detrimental for occupiers of the dwelling or neighbouring dwellings in terms of loss of privacy/overlooking in accordance with the relevant local plan policies.

3.2.4 The height of the balcony is not altered, standing approximately 2.6 metres above ground level supported by pillars and accessed from a first floor bedroom via French windows. Glazed screening has been installed around the balcony to an additional height of 1.1 metres (as previously approved). The projection is approximately 1.86 metres (1.95 metres was previously approved) and the width approximately 3.6 metres (3.4 metres was previously approved). The balcony is thus slightly wider than approved, but with a

reduced depth, resulting in an increase of floor space to the balcony from 6.63 square metres as approved to 6.696 square metres as constructed.

3.3 Development Plan

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

Policy 8: Development and People
Policy 9: Development and the Environment
Policy 11: Design

3.3.2 Residential Design Guide Supplementary Planning Document Revised Edition (September 2012)

RES E20: Balconies, Terraces and Raised Platforms
RES E3: “Separation Distances”
RES E2: “45 Degree Rule”

3.4 Other Material Planning Considerations

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

Section 12: Achieving Well-Designed Places

3.5 Assessment

3.5.1 Review of the approved application. Members previously considered the proposed development in relation to:

- Local Plan policy relating to development and its setting
- Local and National policy relating to design

3.5.2 Local Plan Part 2 Policy 11 requires development to “*demonstrate an understanding of the wider context*”, part of which relates to how development relates to neighbouring uses. Policy 8 states that development must demonstrate that it will contribute positively to the overall physical and social character of the area in which it is set. A satisfactory level of amenity is to be secured for neighbouring residential amenity.

3.5.3 The Residential Design Guide SPD explores in detail how these policies are worked out in the context of various household developments. In relation to balconies, the Guide states that balconies are often problematic and in most suburban areas will lead to an unacceptable level of overlooking on neighbouring properties. RES E20 states that balconies will only be permitted where the case is otherwise.

3.5.4 The relationship between the proposed balcony and its neighbours differs with each of the four adjoining properties.

3.5.5 Members were previously advised that with regard to No. 21 The Pastures, the use of the balcony and the neighbouring garden for outdoor activities would reduce the separation distance between the properties to about 11 metres; and gaps in the tree cover between the application site and the garden of No. 21 may compromise the sense of privacy. Additionally, the boundary fence that would give some acoustic screening was not considered to adequately deal with disturbance from the balcony.



Top: Views from 21 The Pastures July 2019 (left) and January 2020 (right)

3.5.6 Members were also advised that No. 23 The Pastures is a little closer. The tree cover between the two properties is somewhat thicker in the high summer, though more open at other times of the years, the trees being deciduous.



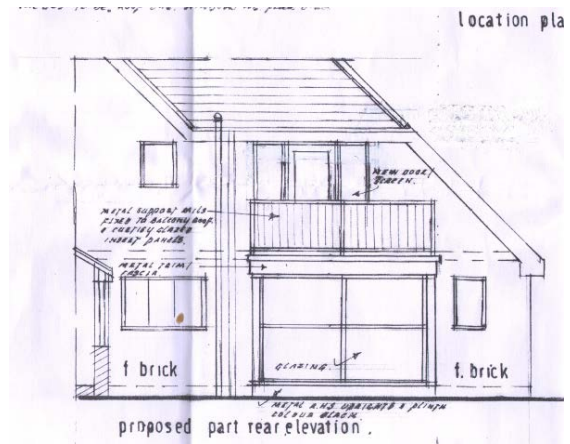
Above: Views from 23 The Pastures July 2019 (left) and January 2020 (right)

3.5.7 Members were advised that, in relation to No. 30 Eden Park the balcony would project from the rear elevation at a distance from the neighbouring garden of about 11.5 metres. Whilst there were no direct views into any windows, the privacy of the garden was considered to be compromised to the detriment of amenity through uninterrupted views over the application site conservatory into the adjoining garden area.

3.5.8 No. 34 Eden Park has a conservatory close to the boundary with the application site. The conservatory was believed to have a false ceiling that would block views from the proposed balcony. However, the property was

visited by the Case Officer during the course of the original assessment, who confirmed that there was no false ceiling and that the roof was of clear glass providing a view up towards the position of the proposed balcony.

- 3.5.9 The report presented to the Planning and Highways Committee in August 2019 considered that the proposed balcony failed to secure neighbour amenity, contrary to Policy 8 of the Local Plan Part 2 and the Residential Design Guide SPD and recommended its refusal.
- 3.5.10 Members determination of the original application. After discussions had taken place, 7 Members were minded to approve the application against Officer recommendation, and the application was duly granted planning permission. Members determined that the proposal was of appropriate design and appearance. In addition, it was recognised that there would be some element of overlooking from the occupants standing or sitting on the balcony towards the adjoining properties. However, this element of overlooking towards the residential amenities of the occupiers of the adjoining dwellings to the rear was not considered to be severely detrimental by virtue of the fact that the tree cover would only reduce through the winter months, and the remaining part of the year the tree cover would be more substantial. This is evident with the photographs referred to in paragraphs 3.5.5 and 3.5.6 above.
- 3.5.11 Consideration of the current application. This application is before the Committee following the implementation of planning permission 10/19/0634 not being in accordance with the approved plans. The dimensions of the balcony were altered to those set out in Paragraph 3.2.4 above, whilst the bay window/extension was formed by enclosing the ground floor supports with glazing.
- 3.5.12 The issues for Members to consider relating to the development as carried out are considered to be as follows:
- Does the departure from the approved balcony plans have a detrimental impact on neighbouring properties over and above the level of impact previously deemed acceptable?
 - Is the design and appearance of the ground floor bay window/extension in accordance with development plan policies?
 - Other environmental/setting considerations.
- 3.5.13 Balcony Impact Level. Policy RES E20 of the Residential Design Guide states that balconies “*will only be permitted where they do not create an unacceptable level of overlooking on surrounding properties*”. In assessing and determining the level of impact the balcony would have on adjacent dwellings, Members previously found that the impact would not be severely detrimental. The increase in floor space to the balcony from 6.63 square metres as approved to 6.696 square metres as constructed is considered to be so minimal as to make very little difference in the level of overlooking and loss of privacy.
- 3.5.14 The perception that the balcony is a lot bigger than approved may be the result of the original plans submitted as part of this current application being incorrectly drawn.



The top of the balcony sits under the eaves rather than being set in from the eaves. However, the Case Officer has measured the dimensions of the balcony and extension and confirms that the measurements shown on the drawings are correct and that the discrepancy is in the drawing of the elevation behind it. The balcony size is as stated in the measurements given in the drawing. The Case Officer has requested an amended drawing to reflect this assessment and this will be reported in the Update Report.

3.5.15 Design and Impact of the Ground Floor Bay/Extension. National Planning Policy Framework (NPPF) requires development to add to the overall quality of the area and that it should be visually attractive as a result of good architecture (Paragraph 127a and b). Local Plan 2 requires development to make a positive contribution to the local area and enhance the character of the building.

3.5.6 Members are advised that when planning permission was granted for the 15 dwellings on Eden Park under planning application 10/00/0818 in May 2001, Condition No.7 was imposed which removed the permitted development rights relating to rear extensions from a number of plots. One of these plots was Plot 14, which is No.32 Eden Park. This condition was imposed due to the restricted nature of the site, whilst the dwellings approved were acceptable, any further extensions or alterations normally permitted under the above provisions may in this case conflict with the safety and amenity value of the surrounding trees, and the area in general. What has been constructed amounts to a rear extension with raised platform above. As such, planning permission is required for this.

3.5.7 One of the features of the unauthorised balcony is a bay window that facilitates the use of the space created in the manner of a small conservatory/extension. The bay has been created through enclosing the supporting pillars with glazing. At a height of 2.8 metres, and to a projection of 1.86 metres the bay window/extension would not be considered as a dominant feature against the rear elevation, and its design as a simple, rectangular conservatory is considered acceptable.

- 3.5.8 Policy 8 of the Local Plan 2 requires development to secure a satisfactory level of amenity for neighbouring properties, with the Residential Design Guide alluding to separation distances and the 45-degree rule to ensure no undue harm is caused to neighbouring dwellings.
- 3.5.9 The limited projection and height enables the extension to meet the 45 degree requirement in relation to neighbouring windows, whilst in relation to the properties on The Pastures to the rear the 21 metre separation distance is comfortably met.
- 3.5.10 It is considered that the ground floor bay window/extension is acceptable in terms of design and its relationship to adjacent dwellings.
- 3.5.11 Other environmental/setting considerations. Policy 8 of Local Plan Part 2 includes securing neighbour amenity with reference to lighting. Neither the external lighting provided for the balcony nor the security lighting fixed to the rear elevation wall requires planning permission. Nevertheless it is considered that the additional lighting can be intrusive on neighbouring properties. Whilst the matter cannot therefore be subject to a planning condition, nuisance lighting can be dealt with through other legislation. It is therefore recommended that an informative note be attached to the planning permission drawing the developer's attention to "Guidance Notes for the Reduction of Obtrusive Lighting" published by the Institute of Lighting Professionals and available on the website.
- 3.5.12 Policy 9 of Local Plan Part 2 also requires the amenity of protected species and their habitats to be secured. It is understood that bats may be active within the neighbourhood. The Council's ecological advisors have said that, since there is normally no control over the types of light erected at the property, the legal responsibility to ensure there is no harm to bats or their roosts lies with the householder. Bats foraging along the ditch along the rear boundary are unlikely to be negatively impacted providing the lights are not on permanently throughout the year. In the winter bats would not be active. So no harm would be caused when nights are longer and the lights more likely to be on. Moreover the ditch at this time of year would be less obscured by trees. Ecology also comments that in the summer the ditch is obscured by trees which provide some screening from lighting. Bats will, anyway, not be active to later at night when the lights are less likely to be on. Any disturbance, then, will be temporary and minor. In addition the bats most commonly found in suburban areas are not generally negatively impacted upon by lighting. It is therefore recommended that an Informative be added to the planning permission drawing the developer's attention to his responsibility for securing the amenity of bat roosts should they exist in the façade of the building behind the lights.

4.0 RECOMMENDATION

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

- 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. The proposal is of appropriate design and appearance and would not be detrimental to the residential amenity for occupiers of the dwelling or neighbouring dwellings or compromise highway safety or protected species and their habitats in accordance with Policies 8, 9, 10 and 11 of the Blackburn with Darwen Local Plan Part 2 (December 2015) and Residential Design Guide Supplementary Planning Document (as amended September 2012).

5.0 PLANNING HISTORY

5.1 10/19/0634: Proposed Balcony to first floor rear bedroom window. Approved by Planning and Highways Committee 16th August 2019.

5.2 10/16/1329: Conversion of garage to habitable room and erection of front porch. Approved under delegated powers 20th January 2017.

5.3 10/02/0756: Proposed rear conservatory. Approved under delegated powers 27th November 2002.

6.0 CONSULTATIONS

6.1 4 neighbouring properties were consulted. 1 letter of objection has been received. Section 9 of this report includes the full details of the objection.

6.2 The objections can be summarised as follows:

- The proposed balcony will directly overlook properties leading to loss of privacy and peaceful environment of garden.
- Glass structure at ground floor further exacerbates the intrusion.
- Internal and external lighting intrusive and inconsiderate of privacy.
- Balcony and the addition of the glass structure below looks unsightly and not in keeping with the architecture of the house.
- Although the overall square meterage has been reduced, the frontage has increased. The subsequent visual impact is far greater than the increase in dimension would suggest.

7.0 CONTACT OFFICER: John Wilson, Planner. 01254 585585.

8.0 DATE PREPARED: 7th February 2020

9.0 SUMMARY OF REPRESENTATIONS

Objection – Dave & Anne Kirkpatrick, 21 The Pastures Beardwood. Rec 13.01.2020

Dear Sir/Madam,

We strongly object to the retrospective planning application Ref: 10/19/1232. We live adjacent to the completed development and are writing to ask that Blackburn with Darwen Borough Council refuse this application.

The original planning application, Ref: 10/19/0634, was rightfully recommended for refusal by the council's planning officer Mr Wilson as the development did not meet the criteria set out in the council's own policy documents. Those reasons still apply and have been exacerbated by the significant changes that the applicant has made.

For these reasons we request the original planning approval be revoked, on the grounds that the permitted development rights have been removed due to the applicant's non-compliance to the original plan. We, therefore, request the applicant to return the property to its original state.

The objections that we raised originally i.e. the lack of privacy and appearance apply now even more than before.

Privacy

As we emphasised previously, the lack of foliage in winter now means that our privacy is severely compromised. This has had a serious impact on our ability to enjoy the peaceful environment of our home and garden. Every time we go out to enjoy our garden, we are aware that the applicant could be out on their balcony looking at us. Now that the applicant has completed the development, it can be clearly seen that the balcony has a commanding outlook over our property. The only reason I can think of for a balcony is to take in the view. The only view they have is of our property and the neighbours' properties due to the balcony's elevation. Furthermore, the addition of the glass structure beneath the balcony has led to further intrusion. We can see directly into the room that is being used as a dining room so this shows that we can also be seen. Normally, a two metre fence would be used to maintain the privacy of someone's back garden, however, with the balcony having a commanding view and with the topology of the land, this privacy has been lost. This is illustrated by the attached diagram and photographs.

During the initial visit by the Planning Committee at the height of summer they saw that there was some foliage providing some privacy. These trees are immature self-seeded trees. They are growing from the side of an old field ditch so as they mature, they are very likely to fall. A number of these self-seeded trees have already fallen into the ditch. I would like the council's arborist to assess them for their viability and also proximity to the applicant's development.

The addition of garish lighting both inside the room and outside also shows a total lack of consideration for our privacy: it is extremely intrusive.

This balcony is proving problematic and in accordance with the council's own policies should be refused.

Appearance

The balcony and the addition of the glass structure below looks unsightly and it is clearly not in keeping with the architecture of the house.

The applicant has made another significant amendment to the original design which he has not even mentioned. The original plans show a French patio door, whereas the door in place is a basic kitchen door. Also, the original plans and amended plans show courtesy glass being installed for the balcony. This has not been done.

The visual detrimental impact is a lot greater than that of the original plans. These plans were recommended for refusal in the original application as they failed to meet the design policy laid down by the council. The new structure has deviated further from this.

Technical issues

The applicant has cited a number of technical issues which necessitated the change in design.

Instead of the applicant seeking clarification and adjusting the plans before requesting permission for the change, he carried on regardless. When it came to the attention of Planning Control, Planning Control issued a notice removing the permitted development rights for the property.

In a repeated act of defiance, work on the development continued. This even led to noisy work being carried out on Christmas Day, disrupting our Christmas lunch and again showing a blatant and complete disregard for the neighbours.

It is only now that the development has been have totally finished that this retrospective planning application has been submitted, in the belief that as it is finished, the council will not make the applicant comply with the original plans.

The applicant has made a number of changes to the original which I believe are all major changes that do affect the overall amenity of the development.

The first two are cited by the applicant as minor by the applicant. These however, along with his other changes, are major.

Dimensions of the balcony

There are no technical reasons for the balcony to have changed. Both the location and size has been changed. Although the overall square meterage has been reduced, the frontage has increased. The subsequent visual impact is far greater than the increase in dimension would suggest. I noticed the change immediately.

Rebuilding of the bay window

As a result of a technical issue with the original bay window, the applicant changed the whole aspect of the bay window. Instead of trying to solve the issue of stability, he demolished the whole bay. This I note necessitated on the plans a change in footings, which I find very strange.

The change is a detriment to us as the applicant has changed the amount of glass frontage from an original 2.5 m² to a whopping 7 m² approximately. It now has edge to edge, floor to ceiling glazing.

The applicant has also installed some garish lighting which is extremely intrusive. The applicant is now using the increases area as a new dining area which would not have been possible in the original footprint. (original 3.88m² now 6.69m²)

In summary, whatever the cost, the overall look of the development looks cheaply done and unsightly. Other solutions would have been possible, but were clearly not explored. No technical explanations are given to the selection of the solution implemented, e.g. the change in dimensions of the balcony or access to the balcony.

The intention seems to have been to complete the build as quickly as possible, in the hope that the council would not take action to have it demolished.

Overall, the applicant has shown a lack of consideration for the neighbours and a disregard for planning regulations. The fact that he continued work to completion, even after receiving a notice that his permitted development right had been removed, and the fact that he did not submit a new application within the 21 days deadline is further evidence of this.

To reiterate the development is unacceptable as it is detrimental to the amenity of the neighbourhood.

I presume that the application will go directly to the Planning Committee under the chair referral.

I invite ALL planning committee member to view the site, not only during daylight hours, but also in the early evening when it is just going dark so that the intrusive nature of the lighting can be observed.

We would also request that the committee keep us informed as to the date and time of the review as we would like to attend to give our evidence in person.

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

Yours faithfully,

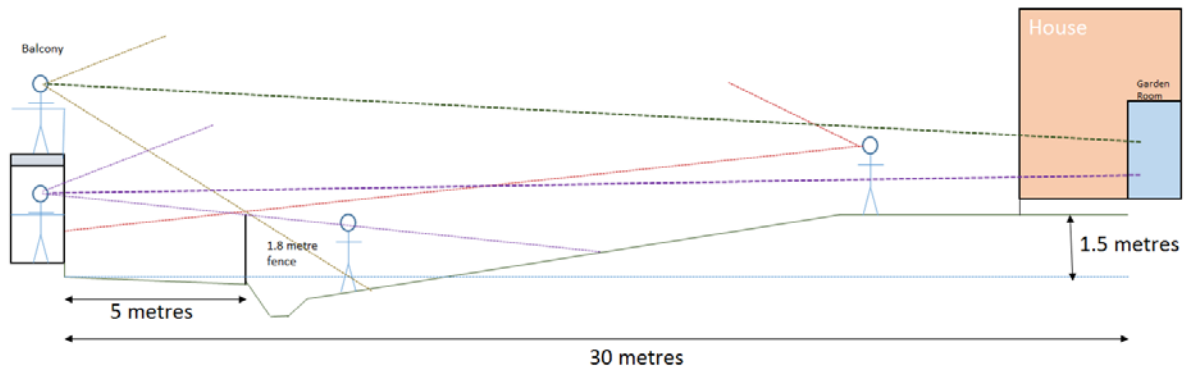
Anne Kirkpatrick

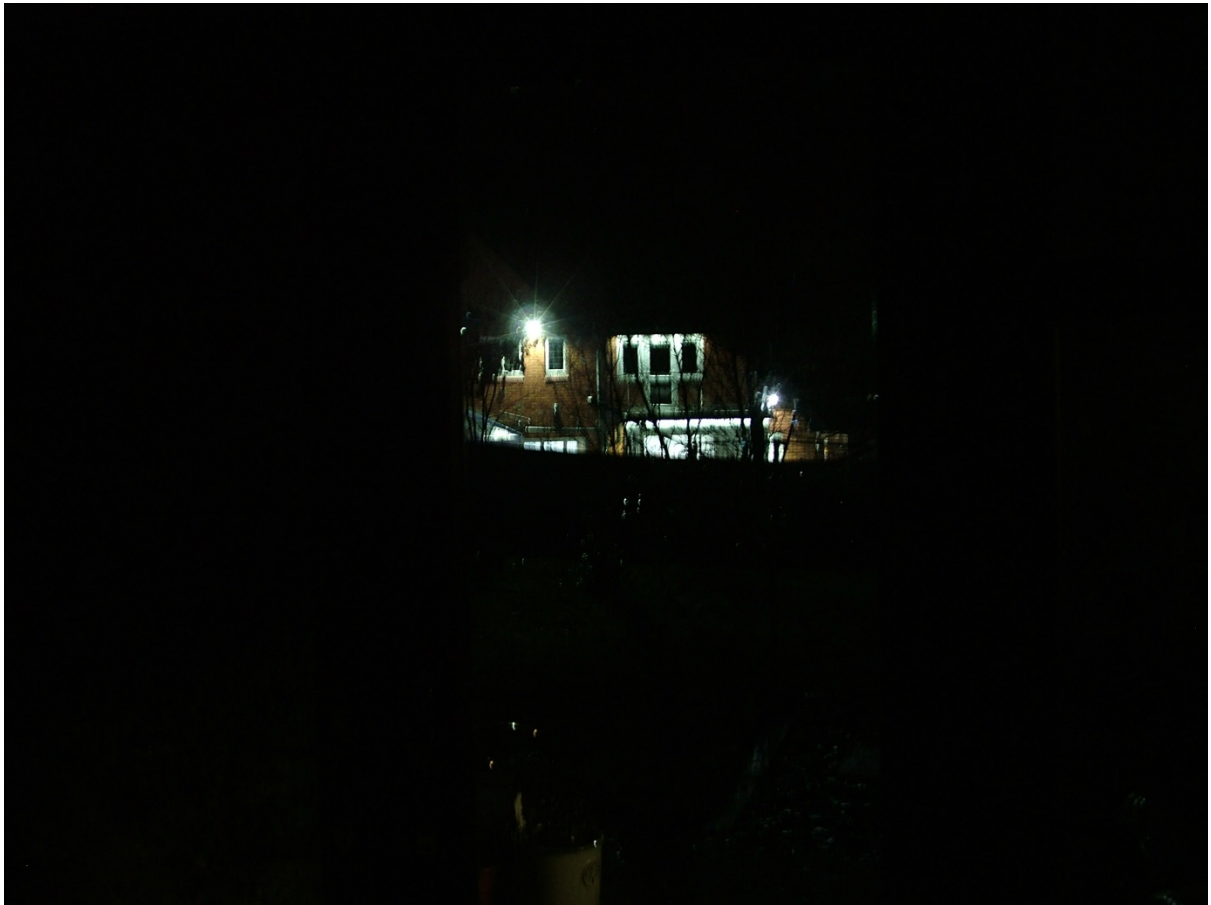
Dave Kirkpatrick

Topology between properties 32 Eden Park and 21 The Pastures



The diagram below depicts the sight lines both the applicant and I will have of each other's property through the section shown on the right. As can be seen, the applicant will have a view of a large part of our garden and beyond to our garden room. **We have no privacy.**











DEPARTMENT OF RESOURCES

ORIGINATING DIVISION: Highways and Transportation

REPORT TO: Blackburn with Darwen Borough Council

Planning and Highways Committee

COMMITTEE DATE: February 20th 2020

TITLE : Diversion of Public Footpath 30 Darwen (Part)

WARDS: Darwen West

COUNCILLORS: Stephanie Rose Brookfield, David Smith, Brian Taylor

1. PURPOSE OF THE REPORT

- 1.1 To seek committee approval for a public path order under the Highways Act 1980, Section 119 to divert part of public footpath 30 Darwen, at Prospect Avenue.

2. BACKGROUND

- 2.1 Blackburn with Darwen Borough Council (PROW) is continually reviewing the definitive map to correct errors and maintain the rights of the public to use the network. The route of footpath 30 is currently meanders over a highway verge, though the junction of prospect and Avondale road, through a number of properties around 7 prospect avenue and stops in the middle of the junction of Carley Street and Osborne Terrace.
- 2.2 This route is not safe or commodious for the highway users.
- 2.3 A report has been prepared which seeks to address those matters before Blackburn with Darwen Borough Council, namely the application for the public path diversion order to divert the path as shown on the plan attached to this report and enabling them to consider whether, or not to promote the Order requested.

3. LAW

- 3.1 The relevant legislation is the Highways Act 1980, Section 119 to divert part of public footpath. Please see attached report for further details.

4. DETAILS

4.1 Please refer to accompanying report.

5. FINANCIAL IMPLICATIONS

5.1 The cost of the diversion of the new path will be met by the authority.

6. RECOMMENDATION

The committee may *either* decide to 'Promote the Order' or 'Not to Promote the Order'

6.1 **It is the officer's recommendation that the legislative criteria have been met and the committee should resolve to Promote the Public Path Order.**

BACKGROUND PAPERS

CONTACT OFFICER

DATE PREPARED

Plan and Report

Lorraine Mellodey PROW Officer, 01254585114

30 January 2020

Highways Act 1980 – Section 119

Application for Public Path Diversion Order

Public Footpath, Darwen No 30 (Pt)

1.0 Introduction

1.1 This report seeks to assist Blackburn with Darwen Borough Council in their determination of an application to divert part of Public Footpath, Darwen No 30 as shown on plan 1 attached to the report.

2.0 Background

2.1 Blackburn with Darwen Borough Council is the Highway Authority for the area within which the path proposed for diversion lies.

2.2 Public Footpath, Darwen No 30 is recorded on the Definitive Map and Statement for the area.

2.3 Blackburn with Darwen Borough Council intend to divert a section of the footpath as shown on the attached plan. The authority formed the view that the existing route is potentially unsafe and not convenient for the highway user. The existing footways maintained by the highway authority are to a standard that is superior to the right of way and provide a safer route to the same destination.

2.4 This report seeks to advise the Council of the outcome of statutory and non-statutory consultations, and an assessment against the relevant legislative criteria, thus enabling them to consider whether, or not to promote the Order requested.

3.0 Legislative Criteria

3.1 Section 119 of the Highways Act 1980 gives local authorities the powers to make orders to divert footpaths, bridleways or restricted byways where it is considered expedient to do so in the interests of either the owner/lessee/occupier of the land and/or the public.

3.2 Such an Order must not alter the termination point of a path or way if that point is not on a highway; or (where it is on a highway) otherwise to another point on the same highway, or a highway connected with it, and which is substantially as convenient to the public.

3.3 An Order made under Section 119 of the 1980 Act shall not be confirmed unless the Authority (or where appropriate the Secretary of State) is satisfied that it is expedient, as described above, and that the path will not be substantially less convenient as a consequence of the diversion. The Authority (or the Secretary of State) must also have regard to the effect to which:

- The diversion would have on public enjoyment of the path as a whole

- The effect on other land served by the path
- Any provisions for compensation
- Any material provision within a Rights of Way Improvement Plan
- The needs of agriculture and forestry; biodiversity; and disability discrimination legislation

4.0 Assessment against the Legislative Criteria

4.1 The decision whether or not to promote a Public Path Diversion Order is discretionary. If the criteria of the legislation are considered to be met, the Authority should reasonably be expected to state any grounds for refusal should it decide not to make an Order.

Landowner/Public Interest

4.2 The proposal is considered to be in the interests of the landowner because it will move the path away from highway verge (not intended for foot traffic), onto illuminated paths and out of residential property boundaries.

4.3 It may also be considered that there are some public benefits to the proposal in so much that the proposed new route has been well illuminated and the route moved from across the junctions of roads to around the junctions providing better sight lines. As mentioned above.

Termination Points

4.4 There will be no change in the termination point.

Convenience & Enjoyment 136, 166 85

4.5 The proposed diversion is approximately 30 metres longer than the current route and an additional 85 metres to remove a gap in the route. Any increase in distance must however be taken in context to the nature of the route, and indeed the overall distance travelled by anyone using the path. In this particular case, the path will be marginally longer but safer for the user as such considered not substantially less convenient.

4.6 With regard to other issues which may have an affect on the convenience of the route, the new route is an improved surface compared to the previous route. There would not therefore appear to be any reason to suggest that the proposed alternative path will be less convenient than the current route.

Land Served by the Path and Compensation

4.7 The path is not used for the purposes of accessing any land, and the route will follow land already designated for public use. As a result, there would not appear to be any issues arising regarding land served by the path or compensation arising from its diversion.

Material Provisions within the Rights of Way Improvement Plan

- 4.8 There are no material provisions within the Rights of Way Improvement Plan for the area which would have an effect on the proposals. Furthermore, such a document may not fetter the discretion of the Authority when making its decision whether or not to promote the requested Order.

Agriculture and forestry; biodiversity; and Disability Discrimination Legislation

- 4.9 It is not considered that there are any issues arising with regard to agriculture or forestry and there would appear to be no issues arising surrounding biodiversity. The proposed new path offers an improvement to the surface in terms of access for people with disabilities.

5.0 Consultations

- 5.1 Consultations have been undertaken with a range of user/interest groups in the area. No objections have been received

6.0 Conclusion

- 6.1 In conclusion, the criteria of the legislation appear to have been met and the proposal has not attracted any objections during the pre-order consultation process.

7.0 Decision Required

- 7.1 If, having considered all of the relevant information, the Authority is minded to approve the application to divert the path they should resolve that:

- a) a Public Path Diversion Order be made pursuant to Section 119 of the Highways Act 1980 to divert part of Public Footpath, Darwen 30 as shown on the attached plan.
- b) if no objections are duly lodged, the Authority confirms the Order; or
- c) if objections are duly lodged, and not subsequently withdrawn, the Order be passed to the Secretary of State for confirmation.

- 7.2 If, having considered all of the relevant information, the Authority are minded to refuse the application (not to promote the application), the applicant should be advised of this decision, and that there are no rights of appeal.

8.0 Recommendation

- 8.1 Whilst it is your Officer's view that the criteria of the legislation have been met, Members must make their own decision **whether or not to promote** the requested Order. Any such decision is quasi-judicial in nature and must be made based upon the relevant evidence and facts of the case set against legislative criteria.



@ Crown copyright and database rights 2016.
 Ordnance Survey licence number: 100019493
 Indication of PROW - EOA

Source
 W:\GIS Data\Department Data\capita symonds\PROW

Date Printed: 2018/10/16

Title :The Borough of Blackburn with Darwen Footpath 30 Darwen (part) Public Path Diversion Order 2020

Legend

— Unaffected Rights of Way

— New Route

— Closed Right Of Way