

Public Document Pack

Planning and Highways Committee

Thursday, 18th June, 2020

6.30 pm

Virtual Meeting, see link below:

[Join Meeting Here](#)

AGENDA

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2. **Minutes of the Previous Meeting**
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3. **Declaration of Interest**
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4. **Planning Applications for Determination**
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- Blackburn With Darwen BC Approach
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- Blackburn With Darwen BC Approach

- 6. Proposed Stopping Up Path Off Shorrocks Lane, Blackburn**
Stopping up Shorrocks Lane Path Report Plan **166 - 168**
- 7. Petition Report - Planning Application 10/19/1229**
Petition regarding Full Planning Application for the Change of Use from HGV yard and garage to PHG Contracting Yard with associated workshop/store building and offices (Sui-Generis)

AT: HGV Garage to the rear of Perseverance Mill
Olive Lane
Darwen

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Date Published: Wednesday, 10 June 2020
Denise Park, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE

Thursday, 20 February 2020

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

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

RESOLUTIONS

86 Welcome and Apologies

The Chair welcomed everyone to the meeting.

There were no apologies received.

87 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 16th January 2020 be confirmed and signed as a correct record.

88 Declaration of Interest

There were no Declarations of Interest Received.

89 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.

89.1 Planning Application 10/18/1149

Applicant – Barnfield Blackburn Ltd

Location and Proposed Development – Land at Greenbank Terrace and Milking Lane, Darwen, BB3 0RN

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.

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.

89.2 Planning Application 10/19/0807

Speaker – Cllr Julie Slater

Applicant – Mr A Shorrocks

Location and Proposed Development – Vacant land off Victoria Buildings, Waterside, Darwen.

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

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director's Report and a Section 106 of the Town & Country Planning Act 1990, relating to the payment of £39,060; broken down as follows:

- A. £2,500 per unit towards provision of affordable housing in the borough.
- B. £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.

89.3 Planning Application 10/19/1062

*Speakers – Sophie Roberts (The Agent)
Stuart Fairbrother (Objector)*

Applicant – Great Places Housing Group

Location and Proposed Development – Land at Bowen Street Blackburn BB2 2RL

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

Decision under Town and Country Planning Acts and Regulations –

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

89.4 Planning Application 10/19/1081

*Speakers – Graham Trewella (Agent)
Cllr Julie Daley (In Support)
Lukman Patel (Objector)*

Applicant – Westholme School

Location and Proposed Development - Westholme School, Wilmar Lodge, Meins Road, Blackburn, BB2 6QU.

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

Decision under Town and Country Planning Acts and Regulations –

RESOLVED –

Approved subject to the conditions highlighted in the Directors Report and in the Update Report.

And the application is to be referred to the The Secretary of State for Communities and Local Government (“the Secretary of State”) under The Town And Country Planning (Consultation) (England) Director 2009 as the whether the application can be determined by the local planning authority or is to be “called-in”.

89.5 Planning Application 10/19/1100

Speakers – Ryan Grant (Agent)

Cllr Julie Slater

Applicant – Brian Newman

Location and Proposed Development – Land adjacent to Horrobin Fold Turton Bolton BL7 0HL

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

Decision under Town and Country Planning Acts and Regulations –

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

89.6 Planning Application 10/19/1145

Speaker – Mr Niall Mellon (Agent)

Applicant – Seddon Construction Ltd

Location and Propose Development –Land at Shakespeare Way Blackburn BB2 2LY

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

Decision under Town and Country Planning Acts and Regulations –

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

89.7 Planning Application 10/19/1232

Speaker – Anne Kirkpatrick (Objector)

Applicant – Mr A Hussain

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

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

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director’s Report, plus additional condition relating to a landscaping scheme along the party boundary with No.21 The Pastures to be submitted within 3 months of the decision date The agreed scheme shall be implemented during the next first available planting season.

90 Diversion of Public Footpath 30 Darwen

A report was submitted to seek approval for a public path order under the Highways Act 1980, Section 119 to divert part of public footpath 30 Darwen, at Prospect Avenue.

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 Avenue 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. This route is not safe or commodious for the highway users.

RESOLVED – To Promote the Order for a Public Path Order under Highways Act 1980, Section 119 to divert the public footpath.

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: 18/06/2020

Application No	Applicant	Site Address	Ward
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10/19/0662

Kingswood Homes & Rule Five Land LTD
8 Bridge Court
Liverpool New Road
Little Hoole
Preston
PR4 5JJ

Land off Moorland Drive
Blackburn

Livesey With Pleasington

Full Planning Application/Outline Planning Application for Hybrid planning application seeking full planning permission for residential development of 155 dwellings and outline planning permission with all matters reserved except for access for residential development for up to 280 dwellings

RECOMMENDATION: Permits

10/20/0265

Landway Properties Ltd
Landway Properties Ltd
Mr Mark Wilkinson
Jupiter House
Mercury Rise
Altham Business Park
Altham
BB5 5BY
United Kingdom

Land off Ramsgreave Drive
Blackburn

Billinge & Beardwood
Roe Lee

Full Planning Application for Construction of 63 dwellings and associated infrastructure

RECOMMENDATION: Permits

10/20/0332

Mr A Hussain
32 Eden Park
Blackburn
BB2 7HJ

32 Eden Park
Blackburn
BB2 7HJ

Billinge & Beardwood

Discharge of planning condition for Discharge of Condition No.1 pursuant to planning application 10/19/1232

RECOMMENDATION: Permits

REPORT OF THE DIRECTOR

Plan No: 10/19/0662

Proposed development: Hybrid planning application seeking full planning permission for residential development of 155 dwellings and outline planning permission with all matters reserved except for access for residential development for up to 280 dwellings

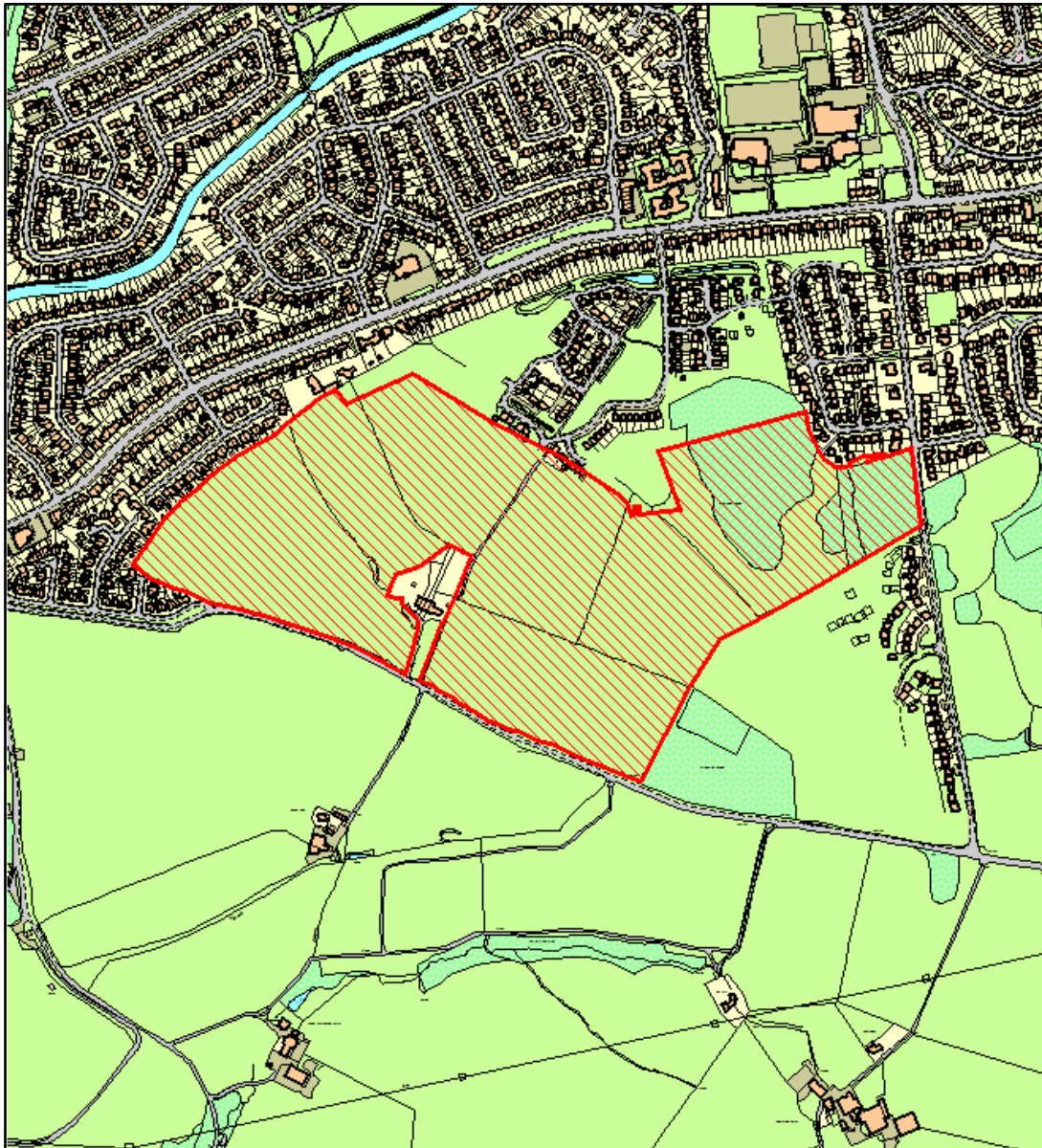
Site address:

Land off Moorland Drive, Blackburn

Applicant: Kingswood Homes & Rule Five Land LTD

Ward: Livesey with Pleasington

Councillors: Cllrs Derek Hardman and Paul Marrow



1.0 SUMMARY OF RECOMMENDATION –

- 1.1 APPROVE – Subject to a Section 106 Agreement relating to the provision of 1.6 Hectares of fully serviced land as a site for a new primary school and a financial contribution of £1,000,000 to provide £850,000 towards the development of the new school facility and £150,000 towards the Off-site provision of affordable housing.**

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, it delivers housing at a site which is allocated for housing development in the Local Plan Part 2 and it meets the objectives identified within the Gib Lane Masterplan. 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 forms part of housing allocation 16/9: 'Gib Lane Development Site' within the adopted Local Plan Part 2. The current application relates to an area of approximately 28 hectares, with the wider allocated land measuring 56 hectares in total.
- 3.1.2 The site is located on the south-western edge of the Blackburn built-up area. The northern boundary principally adjoins an earlier phase of housing development, which is now known as 'Green Hills', with the remaining edge formed by rear gardens of properties which front onto the A6062, Livesey Branch Road. To the east is Cockridge Wood and an existing hedge / gorse line which delineates the site from the Wain Homes site to the north east. Gib Lane lies beyond. The south and west are predominantly rural in character, with hedgerow feature and various stone walls defining the site boundary with Horden Rake and Broken Stone Road.
- 3.1.3 The land the subject of this hybrid application effectively completes the proposed residential areas of the Gib Lane Masterplan, relating to all areas not currently under construction through extant consents.
- 3.1.4 The site is rural in character, comprising of a mix of undulating open grazing and rough grassland with field boundaries formed by gritstone

wall, mature and semi-mature trees and hedgerows. There are a number of sporadic tree belts and wooded areas across the site.



Google image of application site

3.2 Proposed Development

3.2.1 The proposal is a hybrid planning application. The full planning application seeks consent for 155 dwellings, integrated green spaces, drainage attenuation measures and associated highway infrastructure on 8.9 hectares of land, immediately to the southwest of the 'Green Hills' development area currently under construction.

3.2.2 The development of 155 homes comprises a mix of three, four and five bedroom semi-detached and detached properties. 38 (25%) are three bedroom homes, 90 (58%) are four bedroom homes and 27 (17%) are five bedroom homes. The residential developable area is bisected by the existing hedgerow along Witton Weavers Way, creating two development parcels with different characteristics that correlate with the 'Witton Weavers' and 'Cockridge' character areas, as defined by the adopted Gib Lane Masterplan. The full planning application provides for a residential density of 17.4 units per hectare, (based on a gross site area of 8.9 hectares).



Extract from proposed site plan



Extract from submitted Character Areas plan

3.2.3 A large area of public open space will be provided, which aims to provide significant formal and informal public amenity for the proposed development and the wider area. A new wildlife retention pond will provide significant ecological enhancement whilst also contributing to the wider sustainable urban drainage strategy which incorporates a detention basin to attenuate surface water flooding and a series of drainage swales which discharge into the wider water drainage system. Additionally, new tree and shrub planting will be provided, and designated pedestrian footpath/cycle paths will link the proposal to developments under construction, Witton Weavers Way and Broken Stone Road.

3.2.4 The existing mature hedgerow that bisects the site is defined as an important landscape feature and will be retained, with small openings for connectivity for footpath links only. A substantial swathe of existing and enhanced green infrastructure to the south of the development will mitigate the visual impact of development from Broken Stone Road and Horden Rake. Further landscape buffering is provided around the existing farm to reduce the impact of the development, with similar buffering provided adjacent to the retention basins which run along the north western boundary.



Extract from submitted Illustrative Framework plan

3.2.5 Access to the site is provided to the north by a continuation of Moorland Drive, which links to the A6062, Livesey Branch Road, and wider highway network, and to the south by two new access roads linking to Broken Stone Road. The proposal provides for two new 5.5m wide carriageways linking to Broken Stone Road, spaced circa 150m apart. Both access points allow for in and out vehicular movements from the site and be supported by new pedestrian footway. The eastern of the two new access points will be operational when the trigger of the 50th unit within the current proposal is occupied, whilst the western access road will be delivered at a future date as the outline element of this application is implemented.

3.2.6 For the outline part of this application all matters other than access are reserved for future determination. Consent is sought for the delivery of a maximum 280 homes on 19.1 hectares of land to the southern edge of the 'Green Hills' development area on which the full consent detailed above is sought. This area lies to the existing Storey Homes development to the southeast, the Wainhomes development to the northeast and the site safeguarded for a primary school, to the north of the site.

3.2.6 Although layout is not being considered as part of the current outline proposal it is noted that the intended density of this part of the scheme mirrors the type and density of the neighbouring residential areas, with the highest to the north and grading down towards the existing rural areas on the southern periphery. The overall density of the outline application area provides for 14.6 units per hectare (based on a gross site area of 19.1 hectares)

3.2 Development Plan

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

3.3.2 Core Strategy

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

3.3.3 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 16/9 – Housing Land Allocations (Gib Lane Development Site, Blackburn)
- Policy 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

3.4 Other Material Planning Considerations

3.4.1 Gib Lane Masterplan

The site is within the Gib Lane Masterplan area, forming part of Phases D and E of the delivery strategy. The Masterplan was the subject of public consultation and was prepared in consultation with the majority of the land owners. It was approved in February 2015, and as such is a material consideration which should be taken into account when considering this and future proposals for the area.

3.4.2 The overall vision for the Gib Lane Masterplan Area is set out below:

The land to the west of Gib Lane will be a high quality, sustainable neighbourhood that is integrated socially and physically with the existing urban area.

It will be an aspirational place to live with approximately 440 new homes being provided in the plan period until 2026, including a significant proportion of larger family housing, a new primary school and a village green which forms the natural focal point of the site.

The site will have a strong local identity. It will be characterised by attractive, well-designed buildings and spaces and will comprise a number of distinctive areas with their own unique character which responds to the characteristics of that particular part of the site.

Development will capitalise upon the outstanding panoramic views from the site and will respond positively to the topographical character of the site and the rural setting provided by the West Pennine Moors. It will be structured by existing landscape features and will incorporate a network of green spaces that provide opportunities for informal recreation and contribute to the area's green, leafy character.

The site will be well-connected to existing facilities and services, with a permeable layout that maximises linkages and integration within the site and to the wider area. The comprehensive footpath / cycleway network within the site, including an enhanced Witton Weavers Way, will encourage walking and cycling as an alternative to travelling by car and will improve access to public transport services.

3.4.3 In order to achieve the vision the masterplan has a set of the following objectives:

1. To create a new sustainable neighbourhood which is integrated socially and physically with the existing urban area but which has its own distinct local identity.

2. To deliver a high quality scheme which consists of well designed, attractive houses, buildings and spaces with a semi-rural form and layout that utilises local built and landscape character and architectural styles in either a traditional or contemporary design response.

3. To provide a mix of housing through different character areas that respond to the different constraints and opportunities of the site, including a significant provision of larger, family properties in a well landscaped setting.

4. To ensure the scheme design and layout creatively responds to the topographical character of the site, the unique West Pennine rural setting and the existing landscape features of the site.

5. To provide a clear and permeable street hierarchy with a tree-lined primary route from Livesey Branch Road to Broken Stone Road, streets designed to limit traffic speeds and a network of footpaths and cycleways which encourage walking and cycling.

6. To protect and enhance Witton Weavers Way as a primary green route which traverses through the development.

7. To provide a high quality living environment with an attractive network of green spaces, including a village green, ridge park and a managed and improved Cockridge Wood which provides a biodiversity, landscape and recreational / play function.

8. To maximise linkages and integration between the site and existing communities to the north, Heys Lane to the east and the wider West Pennine countryside to the south.

9. To manage surface water run-off through a coordinated network of sustainable drainage (SuDS) techniques which are integrated into, and enhance, the green infrastructure network.

10. To ensure that appropriate infrastructure is provided alongside the new development at the right time and in the right place.

3.4.4 Key considerations within the Masterplan document in relation to the current proposal are:

H1 – Housing Layout;
H2 – Housing Density; and
H3 – Housing Mix.

3.4.5 Five character areas are identified in the Masterplan to take account of the existing landscape, ecological and topographical characteristics of the site and relationship with surroundings. The site which is the subject of the current planning application is within the Witton Weavers and Cockridge Character Areas. The Masterplan indicates that both areas consist of an informal arrangement of medium to low density housing, incorporating landscape linking swales and green corridors, linear green fingers, habitat zones and incidental green spaces to the Witton Weavers area and recreation and meandering paths on the southern edge of the Cockridge area. The Masterplan then sets out a

range of characteristics which should be adhered to in terms of design and layout. These include layout and density, land use, scale and form, streets, spaces and landscape and boundary treatments and enclosure.

3.4.6 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.

3.4.7 National Planning Policy Framework (NPPF)

In particular Section 5 of the NPPF relates to delivering a sufficient supply of high quality homes, and Section 8 relates to promoting healthy and safe 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 and compliance with Masterplan objectives;
- Highways and Access;
- Drainage;
- Design and Layout;
- Public Protection Issues
- Ecology;
- S106 contributions.

3.5.2 Principle and Compliance with Masterplan Objectives

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 (particularly Policy 16 – Housing Land Allocations); and the Core Strategy (particularly Policies CS1 and CS5).

3.5.4 Local Plan Policy 16 allocates land for development within the 15 year life of the Plan, subject to key development principles. This proposal represents residential development of a significant scale on Site 16/9 – the Gib Lane Development Site, Blackburn. The site has been brought forward in line with the adopted Gib Lane Masterplan covering the wider 56 hectare Gib Lane area. Key development considerations identified in the Local Plan Part 2 include the following:

- Impact on the countryside;
- Protection of important landscape features;
- Drainage and flood risk;
- Access and highways improvements;
- Public rights of way;
- Water supply and waste water infrastructure;
- Primary school capacity; and
- Ecological impacts.

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. Furthermore, the NPPF requires local authorities to maintain a continuous five-year supply of deliverable housing sites, which this site contributes towards.

3.5.6 As an allocated housing site the principle of residential development is agreed and in accordance with the provisions of the development plan in terms of delivering a high quality residential site with the urban area. This is subject to the more detailed considerations set out below also being in accordance with adopted development plan policy and national guidance.

3.5.7 **Highways and Access**

Core Strategy Policy 22: Accessibility Strategy and Local Plan Policy 10: Accessibility and Transport, aim to ensure that new developments provide appropriate provision for access, car parking and servicing so as to ensure the safe, efficient and convenient movement of all highway users is not prejudiced, as well as ensuring the wider sustainability agenda is supported. The NPPF also provides a focus on the promotion of sustainable transport and emphasises that an early assessment of potential impacts on the transport network should be conducted so that mitigation can be considered and opportunities to promote walking, cycling and public transport can be fully explored.

3.5.8 The development site forms a part of the Gib Lane Masterplan (adopted September 2015) area whose accompanying Transport Assessment was prepared by Mayer Brown in 2014 for up to 700 dwellings on the site. To date planning permission has been granted or sought for the following phases:

Phase	Dwellings	Granted
A	167 (granted 2015)	2015
B	79 (granted 2017)	2017
C	205 (granted 2017)	2017
D, E and F	155 94 186	Detailed permission sought with this TAA Outline permission sought with this TAA Outline permission sought with this TAA
Total	886 (700 originally)	

3.5.9 The submitted Transport Assessment is offered as an addendum (TAA) to the document previously provided in relation to the development of Phase A of the Gib Lane Masterplan areas. Although the cumulative total of dwellings within the current application and extant approvals totals 886, the TAA has assessed potential impact of up to 920 properties in order to ensure the findings are robust and to offer flexibility should the Council's housing needs change. The TAA indicates that the development associated with the full planning application will be linked to the existing Green Hills site access with Livesey Branch Road, as well as a secondary link to Broken Stone Road at a later date. The Outline application land also has a new access road and link to Broken Stone Road shown. The TAA evaluates the existing transport and highways context of the site, access, parking and servicing conditions, trip generation and junction capacity. This allows an assessment as to whether the highways network has the capacity to accommodate the potential increases in traffic as a result of significant new residential development. The assessment takes account of all committed development around the site and forecast increases in transport movements associated with allocated development sites across the Borough.

3.5.10 The key findings of the TAA, including conclusions offered in the original transport assessment for Phase A, were as follows;

- New access junctions proposed on Livesey Branch Road, Broken Stone Road and Gib Lane, providing access to the local network and permeable development in line with current design guidelines.
- New accesses on Broken Stone Road and Gib Lane are proposed to reflect the rural locations within their design.
- The development traffic impact on the A666 Bolton Road/Sandy Lane junction will require an upgrade to signal control at this location.
- The development proposes improvements to off-site pedestrian links with a new pedestrian refuge and footway widening on Livesey Branch Road, and a new shared foot/cycle link between Horden Rake and Leeds and Liverpool Canal access along Livesey Branch Road.
- An off-carriageway cycle link is proposed through the site between Broken Stone Road and Livesey Branch Road providing connections to the proposed on-site primary school and holiday cottages development (proposed to the west of Broken Stone Road).
- The proposal retains and enhances the Witton Weavers Way within the site
- Car parking in line with local standards and within curtilage of dwellings
- Access for refuse and service vehicles with appropriate turning areas to ensure access and egress at the site is in forward gear

3.5.11 The TAA has been reviewed on behalf of the Council by Capita, whilst impacts on the strategic road network have also been appraised by

Highways England. The Capita review identified some shortcomings within the initial submission;

- Further accident analysis on Bog Height Road and junction with Sandy Lane/A666;
- The public transport audit maps located in the appendices of the TAA need to be updated with the additional bus stops;
- A further review of the available amenities within walking distances should be completed;
- The accessibility section of the TAA needs to consider the cycle improvements delivered by the Weavers Wheel Project.
- Updating the Trip Generation to ensure that the correct data has been presented and used.
- An additional scenario added to the Signalised model of the A666 Bolton Road/Sandy Lane junction for 2026 (without development);
- The modelling of the A666 Bolton Road/Sandy Lane junction should be updated with the correct peak hour times;
- The modelling of the priority access junctions should be updated with the appropriate HGV percentages.

3.5.12 Furthermore, it was considered beneficial for the primary Broken Stone Road access to be built in conjunction with the most recent planning application for the Gib Lane Master Plan. This has been concluded as the access would provide:

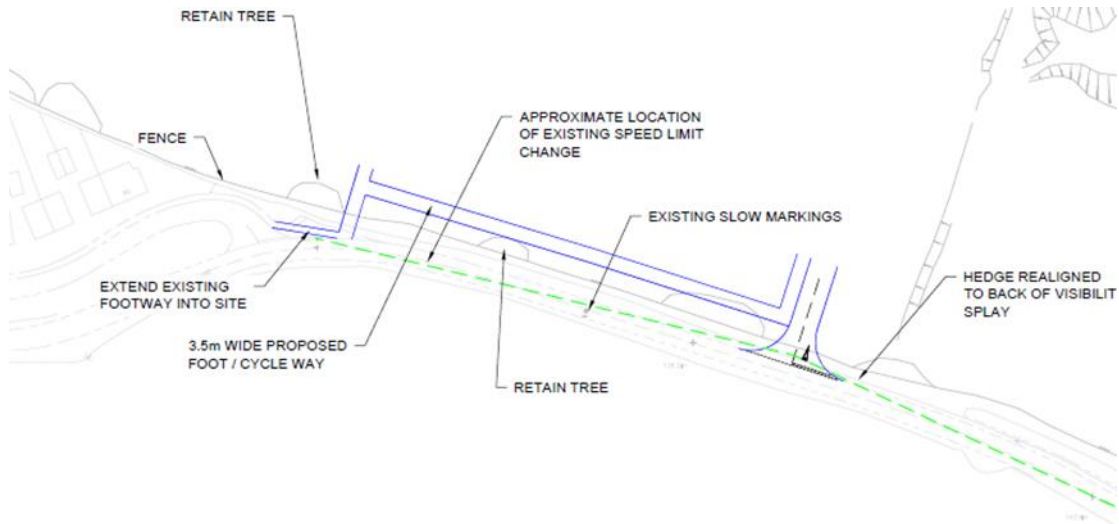
- Increased accessibility for residents to use sustainable transport methods,
- A more permeable neighbourhood which is deemed more attractive to house buyers,
- A reduced impact on the surrounding network junctions,
- A reduced impact on the existing accesses located on Livesey Branch Road and Gib Lane.

3.5.13 The initial submission also prompted a holding objection from Highways England who indicated that a number of additional committed developments, including land at Broken Stone Road (10/18/1116) and Suez Recycling Centre (10/19/0495) should be accounted for within the transport assessment. The need to provide information relating to morning traffic flows as part of junction assessments and impacts upon M65 junctions 3 and 4 were also cited.

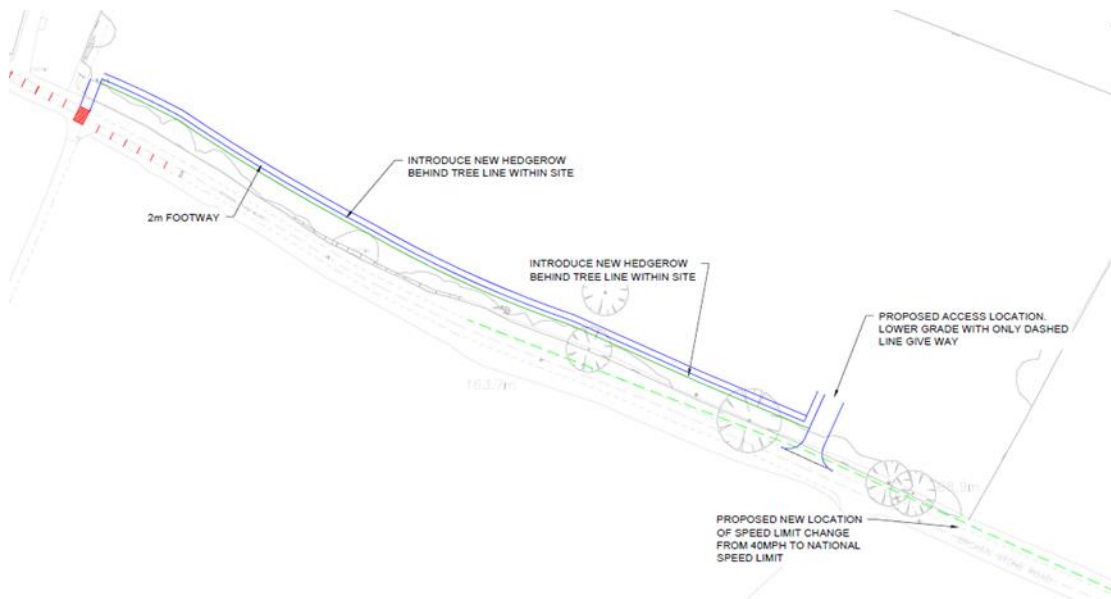
3.5.14 In response to these issues the applicant's consultant, Vectos, provided a technical note in October 2019, an updated and revised access plan detailing the two new internal access roads and junctions with Broken Stone Road in January 2020 and a further technical letter by Vectos, addressing Highway England's objections, in February 2020.

3.5.15 The revised junction detail with Broken Stone Road can be agreed and Members are advised that should the proposal be supported it will be

necessary to attach a condition to require the eastern road and access/egress be delivered prior to the completion of the 50th unit within the full planning application element of this hybrid application. The western road and junction would be delivered at some future date in association with a subsequent reserved matters application pertaining to the outline element of the hybrid application.



Extract from proposed site access 1 (western) from Brokenstone Road



Extract from proposed site access 2 (eastern) from Brokenstone Road

3.5.16 The impact upon the strategic road network is also identified as being acceptable. Highways England advise;

“In essence, what Highways England required was for proposed development traffic to be added to committed development traffic assigned on each of the motorway exit slip roads at and Earcroft Way approaches to Junction 4, and for this to be referenced again the

existing base Capita queue length observations data from May 2019. Within the letter, Vectos have sought to achieve consistency of approach in terms of committed developments included in the assessment of the current planning proposals for mixed use development at Greenbank Terrace / Milking Lane, which is situated much closer to Junction 4”.

Further; “Considering the queue length data presented within the letter by Vectos, their explanations appear rational; all queues are under the link length, their assignment of the traffic and explanation of why that is the case to each lane is reasonable. Highways England conclusion and formal recommendation: Overall, and in isolation, we are of the view that the proposed development would not be likely to have a severe traffic impact at M65 Junctions 4”.

3.5.17 Within the full planning application a well-defined road hierarchy helps delineate character changes within the development which provide inherent benefits such as vehicular traffic calming and orientation. The primary route through the site is 5.5m in width and will be designed so it is easily distinguishable from other routes using robust road edges which include high kerbs with drop curbs for crossings and access to drive with strong structural landscaping and shrub planting to provide an attractive route. The secondary routes are 4.8m in width with 2m footpaths to both sides. This provides a transition from the primary road network route to the smaller tertiary routes. Tertiary routes are also 4.8m and have 2m footpaths to one side, in order to further transition from the secondary road network route to the private drives. The private drives provide access for the larger detached and semi-detached dwellings which face onto landscaped areas of public open space. The private drives are located on the outer edges of the scheme to take advantage of key views and give a softer feel to the countryside edge or public open space.

3.5.18 Swept path analysis shows that the layout works and is capable of accommodating a three-axle bin lorry. Sufficient off street parking is provided, with a total of 2 spaces for three bed dwellings and 3 spaces for four and five bed dwelling, including garages. The garages accord with the Council’s 6 metres x 3 metres internal size standard.

3.5.19 The outline scheme also includes a clear hierarchy of streets in line with the full application details, with 2 main through routes linked to secondary and tertiary streets. The main routes into the development can be accessed from Moorland Drive, Broken Stone Road and Horden Rake. There is also a proposed connection to Story Homes to the east.

3.5.20 A construction management plan (CMP) has been submitted, setting out how the construction process will be managed to ensure that consideration is given to highway safety and residential amenity during the construction phase. This is considered to be broadly acceptable,

though further consideration in relation to wheel wash facilities is required. It is proposed that the CMP be required to be implemented by way of a suitably worded planning condition, with a separate condition requiring details of the wheel wash to be agreed.

- 3.5.21 Public Rights of Way (PROW) The developers do not intend to deviate the footpath, Livesey 1, which runs through this area from its original line. The footpath forms part of the Witton Weavers Way Reelers trail and is a well-used published route. It is again accommodated within an area of incidental open space that runs from northeast to south east and splits the two housing character areas within the full application element of this hybrid application. However, the applicant has been advised they will need to apply for a temporary closure and diversion of the Witton Weavers Way during the works to ensure the safety of the public.
- 3.5.22 Overall, the scope of information submitted in support of the transport and highways aspects of the proposal illustrate an acceptable highways layout and impact on the strategic road network. As such, it is in accordance with the requirements of the Masterplan, NPPF and Policy 10 of the Local Plan Part 2.
- 3.5.23 **Drainage:** Local Plan Policy 9 sets out that development will be required to demonstrate that it will not be at an unacceptable risk of flooding. This correlates with the National Planning Policy Framework (NPPF) objectives to promote sustainable development, avoiding flood risk and accommodating the impact of climate change.
- 3.5.24 The site lies in Flood Zone 1, which is low risk on the Environment Agency's Flood Zone Map. However as the development site exceeds 1 hectare a flood risk assessment (FRA) has, as required by the NPPF, been provided in support of the application. The Flood Risk Assessment has been produced in accordance with the NPPF, Planning Practice Guidance (PPG) document: 'Flood risk and coastal change' issued by the Department of Communities and Local Government, and therefore, can be considered appropriate for the planning application.
- 3.5.25 The submission details the drainage strategy and advises that the hybrid application to construct 435 dwellings will increase the impermeable area of the site, therefore resulting in the increase in peak surface water run-off and total volume if the flows are unrestricted. The proposed increase in impermeable area is approximately 16.3ha, which allows for 50% of the hybrid application area including allowance for urban creep as per discussions with the Lead Local Flood Authority (LLFA). The surface water runoff rate will mimic the existing (greenfield run-of rates 9 l/s per hectare). It is proposed that the runoff rates can be achieved using a Hydrobrake® flow control device with stormwater storage being provided to prevent overland run-off from leaving site for

events up to and including the 100yr event with a 40% allowance for climate change.

3.5.26 It is considered that there are some storage capacities within the ponds from the previous phases, which have been oversized to accommodate future development. This storage may be reduced if infiltration is feasible and this may reduce the storage requirements significantly subject to percolation tests.

3.5.27 The overall site has been split into 3 catchment areas which ultimately the surface runoff discharges to. The storage estimates are shown in the table below;

Outfall Location	Area (m ²)	Hectare (ha)	Discharge (l/s)	Climate Change (%)	Storage Volume (m ³)
Catchment Area to Outfall 1	228667	22.8	220	30	*
Catchment Area to Outfall 2	115168	11.5	179	30	*
Catchment Area to Outfall 3	149770	15.0	135	40	5696
*Previously agreed storage to accommodate future development. The storage estimates have allowed for 40 % climate change and 10% urban creep for outfall 3.					

Table 4 – Overall Catchment Split and Storage Volumes

3.5.28 The storage ponds constructed in the previous phases have been designed to take runoff from approximately 35% of the current hybrid application areas. The drainage strategy for the current proposal has therefore been developed in accordance with the drainage strategy for the entire site. The developer proposes to utilise the 3 outfalls as per the table below;

Outfall Location	Area (m ²)	Hectare (ha)	Discharge (l/s)	Climate Change (%)	Storage Volume (m ³)
Catchment Area to Outfall 1	42684	4.3	38.7	30	*
Catchment Area to Outfall 2	78984	7.9	71.1	30	*
Catchment Area to Outfall 3	149770	15.0	135	40	5696
* Storage previously designed to accommodate for future development. The storage estimates have allowed for 40 % climate change and 10% urban creep for outfall 3.					

Table 5 – Hybrid Application Catchment Split and Storage Volumes

3.5.29 The submission details the intention to utilise SuDS principles, though acknowledges that a final SUDS layout is subject to infiltration tests performed as part of a detailed site investigation. Nonetheless the FRA does indicate that a full suite of options including; rain water harvesting, rain gardens, swales, detention basins and ponds and permeable paving will be considered.

3.5.30 The submission also references the potential future surface water management methods, namely; discharge to watercourse; discharge in to public sewers; and discharge by infiltration. The document advises as follows;

“Discharge to watercourse; The EA’s mapping data identifies the main river called Leeds and Liverpool Canal, this is across the residential development adjacent to A6062. This watercourse is too far away and not feasible to connect to. The ordinary watercourse located along the northern boundary along Livesey Branch Road is the most feasible solution and has been previously been accepted by the LLFA. However, this outfall will need to be confirmed with the council and discharge consents need to be obtained.

Discharge to public sewer; United Utilities have identified the surface water sewer located on Livesey Branch Road and stated that the surface water from the proposed site is not permitted to connect to the public sewer and therefore should outfall into the watercourse.

Discharge via infiltration; Infiltration is the preferred method for disposal of surface water runoff. Any impermeable areas that can be drained via a soakaway or infiltration trench would significantly improve the sustainability of the surface water system. Alternative options of attenuation such as Swales and ponds can also be utilised instead. The site can explore the use of plot by plot surface water drainage to private soak-away in the rear gardens, and whether they can be achieved. This would therefore reduce the pipe sizes and storage requirements. However, this would need to be confirmed by infiltration/percolation tests. The highway drainage gully’s can also be drained into a soakaway to reduce the storage required, if in line with the attenuation. This is also subject to infiltration tests. The site attenuation will require consideration and it is anticipated that this will be a combination of oversized below ground pipes, swales and attenuation ponds. The principles of the Surface Water Management Plan (SWMP) as set out above will ensure that surface water from the development site will be collected, attenuated and conveyed in such a way that it manages the flows in accordance with best practices”.

3.5.31 The full conclusions of the submitted FRA are summarised as;

- The riparian owners of the land have the right to discharge into watercourses at the historical greenfield runoff rate for the undeveloped plot.
- The surface water runoff rate will mimic the existing (greenfield runoff rates). BwDBC have confirmed they will allow 9 l/s per hectare.
- To manage the risks associated with the long-term impacts of climate change, the peak rainfall intensity of the 1 in 100 year rainfall events is to be increased by 40%.

- The assumptions made for the percentages of impermeable area used for estimating the storage required are based upon the proving layout and may alter during detailed design. The resulting calculated attenuation volume is therefore conservative but demonstrates that the likely required storage can be accommodated within the site boundary.
- The surface water run-off will be managed by a combination of oversized below ground pipes, swales and attenuation ponds
- The impermeable areas have been increased by 10% to allow for urban creep as specified by Environment Agency 'Guidance Rainfall Runoff Management for Developers'.
- The hybrid application will discharge into 3 culverted watercourse outfalls. The 55% of the hybrid application will discharge into the ordinary culverted watercourse (600mm dia.) adjacent to north western boundary and allow approximately 3m easements on either side of the pipework. The rest of the hybrid application will connect to outfall 1 and 2.
- Consultation have been made with United Utilities and the foul water can be discharged to the public Combined sewer network. The connection point of discharge would be to the 150mm diameter Foul Water sewer located on Horden Rake, at a restricted rate of 12.5l/s (approximately 250 dwellings). Further discussions are required to determine who own the 150mm foul sewer. The remaining 185 dwellings will connect the previous phase development 225mm foul sewer.
- Further discussions with all relevant parties will be required, therefore early discussions are advised during the detail design stage. The flow capacity of the culverted watercourses is an approximation for comparison and does not reflect the actual capacity of the overall system. This will require the guidance of the LLFA and UU as to allowable outflows.
- The existing flooding situation may be due to the downstream reaches of the culverted watercourses having a reduced capacity or may be due to the surface water not being able to reach the watercourses due to past development or blockage of the land drainage systems.

3.5.32 The Council's Drainage engineers and United Utilities have fully scrutinised the proposed drainage details, and have confirmed that the drainage strategy is acceptable subject to the following conditions;

- (1) Prior to commencement of the development, a foul and surface water drainage scheme shall be submitted to and approved in writing

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

(2) In order to ensure that existing properties are protected from flooding by surface water runoff from the development during the construction phase, the applicant is required to submit a surface water construction phase management plan. The management plan must be submitted and approved by the Local Authority prior to commencement. The applicant must comply with the management plan throughout the construction phase.

(3) No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

(4) No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage

scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

3.5.33 Notwithstanding the submission details set out above, Members will be aware that on Sunday 9th February, due to storm Ciara, the Borough experienced wide spread flooding, including part of the adjoining Green Hills development site and the Livesey Branch Road area. This prompted significant numbers of public objections to the scheme including a petition from local residents that are detailed at section 7 of this report.

3.5.34 Specific concerns were raised in the objection from Mr Keith Murray, received 24th February 2020 (as detailed at section 7 of this report). The issues were addressed in a communication by the Lead Local Authority Drainage Manager, Imran Munshi and are reproduced here for completeness;

“During the storm 70 mm rainfall was recorded in 12 hours period at Sunnyhurst Rain-gauge station. This equates to 3 weeks rainfall within a half day (FYI – same large event as summer 2012 incident when 79 mm rainfall was recorded in 14 hours period resulting over 100 properties were flooded).

The flooding to gardens and driveways on Livesey Branch Road (LBR) and Linden Lea was caused by the overflowing of storage ponds constructed by Kingswood Homes. These storage ponds drain to two culverts draining the land.

One of these culverts lies under gardens adjacent to 531B Livesey Branch Road and this culvert suffered from a collapse in November 2019, which has severely reduced its capacity. Kingswood Homes diverted a ditch away from the pond which drained into this culvert in order to try and reduce the risk of flooding and they agreed to repair the culvert even though it is not their legal responsibility. Plans to carry out the repair have been delayed because they are waiting for the availability of specialist equipment which will replace the culvert underground by a process called pipe bursting. Kingswood are in liaison with contractor to plan the commencement of excavation work in Livesey Branch Road.

This ditch diversion discharges into adjacent ponds which drain to a different culvert which runs under Livesey Branch Road and down Old Gates Drive. In addition to the severe rainfall there were gales up to 60mph. The gales blew a large amount of woodland debris from the nearby woods into the ponds. The debris was blown to the pond outfall and caused a blockage to the Debris Screen, which is meant to stop such debris. This blockage caused the pond to overflow and flood gardens and driveways down Livesey Branch Road, Pinewood and Linden Lea. Kingswood staff removed the blockage soon after the flooding and the pond level dropped back.

In effect then on the day of the storm we had both culverts blocked at the same time which led to the flooding.

We are liaising with Kingswood and the following actions have been agreed and actioned;

- 1. Kingswood have constructed a secondary screen to prevent woodland debris blocking the grille*
- 2. Kingswood to commence work on repairing the culvert near Mr Marsden's property as soon as possible.*
- 3. Kingswood to drain the ponds and remove debris and siltation in the spring when weather conditions permit.*
- 4. Kingswood are investigating other measures to help contain water running down the field from land adjacent to their site at the rear of Mr Marsden's property.*
- 5. Council to carry out a CCTV survey of the culvert running to Old Gates Drive".*

3.5.35 Members are advised that the latest update from the developer and Council's drainage team in relation to the five point plan is as follows;

- The installed secondary debris screen is operating well and should help prevent a repeat of the issues caused in February by falling branches.
- The collapsed culvert within 531B Livesey Branch Road has been repaired at considerable cost by Kingswood Homes
- The design was checked, as were the hydro brakes, all were found to be correct. The de-silting work was booked for April, but due to the Covid situation this has been delayed. It is now intended to be undertaken in July.
- Agreement is in place with the land owner that subject to the current planning application being approved, the developer will install the remaining basins on site for phases 4, 5 and 6 prior to any houses in those phases being built. It is suggested that this will collect all the water that is running off the field.
- The Council's CCTV survey work was stopped when the Covid situation arose, which was prior to the culvert running to Old Gates Drive being assessed. It is anticipated this will be done soon, as lockdown controls are eased.

3.5.36 **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.

3.5.37 The development of 155 homes comprises a mix of three, four and five bedroom semi-detached and detached properties. 38 (25%) are three bedroom homes, 90 (58%) are five bedroom homes and 27 (17%) are five bedroom homes. The residential developable area is bisected by the existing hedgerow along Witton Weavers Way, creating two development parcels with different characteristics that correlate with the 'Witton Weavers' and 'Cockridge' character areas, as defined by the adopted Gib Lane Masterplan.



Site Plan

Extract from submitted Proposed Site Plan

3.5.38 The Masterplan anticipates a medium density residential development of approx. 20-30 dwellings per hectare (dph), with the proposal complying with this at 17.4 dph (gross site area). The requirement for both character areas to provide semi-detached and detached housing is also met by the application.

3.5.39 The appearance of all the homes in the Witton Weavers character area will be a continuation of Kingswood Homes' earlier phases on the Green Hills development. The traditional form and building designs based on farm typologies being the inspiration for the details in the scheme. The appearance of the homes in the Cockridge character area continue this theme, but with the south eastern side of the development becoming more traditional in order to provide a transition to the style of the Story Homes development under construction adjacent to that part of the site

Throughout properties are predominantly two-storey in height, with the exception of one house type having accommodation in the roof space

and a further house type being three storey to the rear to accommodate for a significant level change on the site.



Extract from submitted Illustrative Street Scenes

3.5.40 A detailed design and access statement has been provided, which sets out the key design principles that have informed the site layout, alongside the design ethos for each character area:

- A high quality residential development to meet the requirements of the local housing market.
- A development that responds positively to its context.
- A development that respects the local semi-rural character.
- A development that is safe, sustainable and attractive.
- A development with a strong sense of identity and place.
- Creating a family neighbourhood set within a vibrant Landscaped Framework.
- A development that conforms to the principles set out in the adopted Gib Lane Masterplan, where possible.

Witton Weavers consists of an informal arrangement of medium to low density housing, with a well-defined street hierarchy and tertiary streets becoming less engineered shared drives consisting of block pavers. Edges comprise of front boundary hedging, and where appropriate, tree planting within curtilage or adjacent verges, in order to promote and maintain a leafy character. Tree planting is strategic and considered. For instance, where houses are set back from footpath edge along a reasonable length, avenue planting is introduced. In locations where housing is in closer proximity to kerb edge, smaller

garden species are considered more appropriate. Standalone trees sometimes feature within the character area, where they can take on a focal / orientation point role, similar to when you come across a standalone oak or hawthorn in the wider West Pennine Moors landscape. National Landscape Character Area (NLCA) 35 'Lancashire Valleys', within which this site is situated, states, in relation to development, that design should seek the opportunity to develop sustainable urban drainage systems (SUDS). It also states that development should be designed in such a way so as to conserve, enhance, link and expand habitat networks. Both of these are at the forefront of the Witton Weavers character area, with landscape linking swales and green corridors, linear green fingers / habitat zones and incidental green space. There is a hierarchy of green links and corridors throughout the character area. This ranges from new hedgerows and the important existing hawthorn hedge running alongside Witton Weavers public footpath, meandering and varying widths of meadow and naturalistic Pennine planting, and dry / wet swales / SUDS basin moving west, with its variety of habitats and opportunity for wider site recreation.

Cockridge consists of an informal arrangement of medium to low density housing, adjacent to the established Cockridge Wood immediately north east. Proposed plots are sometimes irregular to work with topography, as well as being orientated in such a way so as to maximise the impressive views out. NLCA 35 emphasises the importance and significance of trees and woodlands, the need to increase their resilience, and to manage and expand existing tree cover in order to provide a range of benefits. Such benefits include helping to assimilate new infrastructure and reconnecting fragmented habitats and landscape features. This character area summary encompasses Cockridge as a character area, with the key design emphasis here being the creation of and maintaining a new wooded and leafy character area, whilst at the same time enhancing and strengthening the link to the existing Cockridge Wood, for instance by creating new wider site paths / trails, and new opportunities for informal play. Street tree planting has a greater emphasis in this character area, and where there are incidental, or larger more informed areas of open space, these are planted up with trees appropriate and proportionate to that space, to further reinforce the overarching wooded theme. To the southern edge of this character area, there will be the opportunity for recreation and meandering paths (for instance, around the prominent existing mature oak shown on the plan). Where possible, soft landscape intervention to this peripheral zone before Ridge Heights will be minimal, in order to maintain the West Pennine Moors character and important green links running from the east, through to the adjoining swales and SUDS basins in the west.

- 3.5.41 Overall the scheme provides 155 new dwellings arranged to provide a range of dwelling types, sizes and tenure creating variety and choice for residents. The scheme retains the important landscape and natural

features including trees and hawthorn hedgerow so they contribute positively to a sense of place and assist in enhancing local biodiversity. Areas of open space and green links are provided throughout the development, with the Witton Weavers way crossing the site and providing a break between the two character areas. Corner plot properties address both street elevations, providing opportunities for natural surveillance. Garages are to the side of the properties, behind the principle build line, in order that they do not dominate the street scene.

3.5.42 With regard to the proposed materials, the approach taken by the house-builder is to ensure a hand crafted approach to housing developments so that every house type is subtly bespoke or unique in it's own way. Brick forms the principal walling, though timber boarding is also proposed as a secondary material to the elevations, extending the appearance of openings, highlighting detail and continuing the agricultural narrative through the site. Render and stone is proposed only on the Cockridge character area to transition to the adjacent Story Homes development. Dark grey roof coverings are consistent throughout the scheme to reflect vernacular traits and provide unity. Due to shortage of bricks and unknown stock levels it is proposed that materials be controlled by planning condition.

3.5.43 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 treatments include stone walls, brick walls, brick and timber panels and hedgerows to the front and side of properties; with close boarded fencing for rear gardens. The arrangement is considered to be satisfactory and compliant with both the Masterplan and Policy 11 of the Local Plan, subject to final details on appearance being secured by a suitably worded planning condition.

3.5.44 The submitted details also include a landscape masterplan, though further information regarding species and planting densities area required before this can be agreed. Similarly the submission does not clarify the future arrangements for management and maintenance of the public open spaces, though it is anticipated this will be via a management company in line with the earlier phases of the Green Hills development. It is considered that both of these elements can be satisfactorily controlled by planning condition.

3.5.45 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;; External ground floor windows and doors to be PAS24/2012

certified;. Many of these matters sit outside the scope of development management, however, as stated above, a landscaping condition will be applied and the Lancashire Police will be consulted as part of the process to discharge the condition. The other matters could be attached as a series of informatives to the decision notice, as necessary.

3.5.46 In summary, 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 and need for rural transition. The comprehensive details submitted illustrate a design and layout which show dwellings, infrastructure and landscaping which accords with the provisions of the adopted Masterplan and Policies 9, 11 and 40 of the Local Plan Part 2

3.5.47 Public Protection Issues:

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.

3.5.48 Air Quality: An air quality assessment and addendum to address initial questions raised by the head of Public Protection have been submitted. The submissions consider the development's potential impacts on air quality through the construction phase and operational impacts, primarily arising from the anticipated traffic associated with the development. The greatest threat through the construction phase relates to dust emissions from site activity. However, this impact is considered to be no greater than 'medium' and adverse impacts upon residential amenity can be adequately mitigated through the use of a planning condition requiring a dust suppression scheme to be agreed and implemented throughout the duration of the site works.

3.5.49 Modelled impacts on air quality arising from the operational phase have been considered by the Public Protection team who advise;

Predicted emissions - The majority of earlier concerns relating to the predicted emission have been addressed. The remaining issues are unlikely to make a significant impact of the overall conclusions of the report. Total Emissions assessment: (i) The anticipated health cost (adverse health impact caused by the extra emissions) is likely to be an underestimate. (ii) Mitigation is proposed, consisting of EV charging, walking/cycling provision, and green spaces, though the green spaces won't reduce the health impact of the emissions associated with the traffic, as most of the adverse health impact will occur away from the

site, so the benefit of the proposed mitigation is overestimated (iii) However, after taking i and ii into account, the cost of the proposed mitigation appears to be reasonably proportionate to the anticipated health cost. Based on the assumption that the provision for cycling and walking will remain substantially unchanged, an electronic vehicle charging requirement for each property with driveway or garage parking is recommended.

3.5.50 Amenity Impacts: The Council's adopted Residential Design Guide Supplementary Planning Document (SPD) provides advice to enhance the quality of new homes, including the protection of the amenity of existing residents. Space standards are an important consideration when assessing such impact. These standards have been considered when assessing the current proposal, both within the site and in relation to surrounding properties which are either existing or under construction.

3.5.51 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. Differing floor levels or site levels between properties can require the addition of 3m per floor level to the required separation.

3.5.52 When assessing the full planning application the closest relationship to existing properties outside of the masterplan area is circa 60m and thus the SPD standard can be comfortably met. Similarly the separation to units within the earlier phases of the Green Hills development are also compliant with the 21m and 13.5m requirements. Within the site, there are some instances of separation distances below those set out in the SPD, though it is felt that these can be warranted given they facilitate retention of existing landscape features such as the hawthorn hedge adjoin the Witton Weavers Way, as well as the wider provision of green infrastructure and incidental landscaping that is to the advantage of the overall scheme.

3.5.53 Proposed measures to protect residential amenity during the construction phase are set out within the submitted Construction Management Plan. Subject to the implementation of these measures, a restriction of hours of operation on site and the dust suppression condition previously discussed under 'Air Quality', the construction impact on residential amenity will be suitably controlled.

3.5.54 Coal Mining Legacy & Ground Stability: This application is supported by a Walkover Survey and Desk Study Technical Report. The report is supported by an appropriate range of geological and coal mining information from a range of sources such as a Mining Report supplied

by The Coal Authority, BGS borehole records and Maps and Historical OS Maps.

3.5.55 The report author has reviewed the available geological and coal mining information and has concluded that there is a risk posed to development from past coal mining activity and has recommended that intrusive site investigations are undertaken to establish the exact situation in respect of coal mining legacy on the site.

3.5.56 The Coal Authority concurs with the recommendations of the Walkover Survey and Desk Study Technical Report; that coal mining legacy potentially 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 would also expect consideration to be given to the risks posed to the development by mine gas.

3.5.57 Contaminated land: The submitted Walkover Survey and Desk Study Technical Report also extends to contaminated land. The report details the historic uses of the site and acknowledges the presence of a foot and mouth disease burial pit dating from 1967. Also of note is the presence of made ground within the western part of the site, which relates to a former sandstone quarry area.

3.5.58 The submission concludes that a phase II ground investigation should be undertaken and reported to the Council. Dependent upon the findings a phase III remediation statement and phase IV validation report may also be required. That position is agreed by the Council's environmental protection officers and Members are advised that these matters can be adequately addressed through the use of the Council's standard land contamination conditions and a further condition relating to unexpected contamination, should it be found.

3.5.59 Noise & Vibration: Given ground stability remains to be explored – as discussed under coal mining legacy – it is not currently known whether pile driven foundations will be required within the development. In order to safeguard residential amenity it is therefore recommended that a condition be attached to require a noise and vibration monitoring and control scheme be agreed should pile foundations be necessary.

3.5.60 **Ecology:**

Policy 9 of the LPP2 supports development where there is no unacceptable impact upon environmental assets, including habitats and protected species.

3.5.61 An extended phase 1 habitat survey and ecological scoping assessment informed the production of the Gib Lane Masterplan. In addition that document was supplemented by an updated ecology report and supplementary assessments relating to protected species

including bats and great crested newts. The current application includes the submission of a preliminary ecological appraisal. Further surveys relating to bats and Great Crested Newts were also provided at the request of the Council's ecological consultants, Greater Manchester Ecology Unit (GMEU).

3.5.62 The Preliminary Ecological Appraisal (Haycock and Jay Associates Ltd, March 2019) advises that the site supports poor semi-improved grassland, neutral semi-improved grassland, broad-leaved semi-natural woodland, marshy grassland, scattered scrub and trees, hedgerows and a watercourse. These habitats provide opportunities for bats, badger, nesting birds, great crested newt, reptiles, hedgehogs, brown hare and invertebrate species. Woodland habitats within the site qualify as UK BAP habitat 'Lowland Mixed Deciduous Woodland', with the northern part of Cockridge Wood also qualifying as UK BAP habitat 'Wet Woodland'. Broad-leaved and mixed woodland is also a Lancashire BAP habitat. As such these habitats should be retained with appropriate buffers and protection measures adhered to during development works to protect them from accidental damage or pollution. Neutral semi-improved grassland identified within the site may qualify as UK BAP habitat 'Lowland Meadows' and may be more widespread within the site than was apparent during the survey, due to the survey having been carried out outside the optimal time of year for vegetation assessment (April to September inclusive).

3.5.63 Habitat suitable for nesting birds, including ground nesting species is present within the site. Therefore, it is recommended a condition is imposed to ensure that vegetation removal is undertaken outside of the nesting bird season (March to August, inclusive). Where this is not possible, a nesting bird check should be undertaken immediately prior to construction taking place.

3.5.64 Although no Badgers were recorded during site surveys, habitats on the site are suitable to support Badgers and it is noted that badgers are mobile in their habits. GMEU recommend that a pre-construction survey for Badgers is carried out. Surveys should be carried out by suitably qualified persons and to appropriate standards. If Badger setts are found a Method Statement will need to be prepared giving details of measures to be taken to avoid any possible harm to Badgers during the course of any approved works given that badgers and their setts are protected under the terms of the Protection of Badgers Act 1992. A suitably worded condition is recommended in accordance with this advice.

3.5.65 The site has some habitats suitable for use by reptiles. Although the probability of the site supporting reptiles is low, nevertheless a precautionary approach is advised. GMEU recommend as a condition of any approval which may be granted to the application, a survey of the site for reptiles should be carried out prior to any construction commencing. If Reptiles are found a Method Statement will need to be

prepared giving details of measures to be taken to avoid any possible harm to Reptiles during the course of any approved works

3.5.66 The updated Bat Activity Survey Report (Haycock and Jay Associates Ltd, October 2019) advises that the activity observed during the transects and recorded during the static detector monitoring suggests the site is being used by common pipistrelle, soprano pipistrelle, Nyctalus and Myotis bats. Activity was dominated by common pipistrelle activity. Areas of higher activity, comprising continuous foraging by common pipistrelle, were identified at the following locations: adjacent Cockridge Wood; around Horden Farm; and, along the south site boundary adjacent Horden Rake/Broken Stone Road. At these locations unlit mature vegetation is present including woodland, trees and hedgerows. It is recommended that vegetation at these locations is protected and enhanced in the site design through appropriate tree protection measures, buffer planting and sensitive lighting design. These matters can be successfully addressed through appropriately worded planning conditions.

3.5.67 GMEU have also suggested where any mature trees are identified for removal or disturbance during the works (to include crown lifting, topping, lopping or trimming) a ground-level Preliminary Roost Assessment of those trees to identify their bat roost suitability must be conducted by a suitably qualified Ecologist. Where a tree is found to be of low, moderate or high value for roosting bats, a climbed inspection and/or activity surveys will be required to confirm the presence/likely absence of roosting and where roosting bat/s are identified a Natural England licence for the disturbance/damage/destruction of a roost will be required. This matter is addressed in the suggested conditions within section 4 of this report.

3.5.68 The Great Crested Newt eDNA Survey Report (Haycock and Jay Associates Ltd, September 2019) was necessitated due to the identification of a single pond within 500m of the application site, with suitability for great crested newts. In line with Natural England's guidance the survey methodology involved the taking of water samples from the waterbody and the testing performed to establish the presence, or otherwise, of eDNA. A total of 20 samples were taken from around the perimeter of the pond and analysed. All tests returned negative results.

3.5.69 Nevertheless GMEU maintain their view that there is a small risk that the development could affect the specially protected species great crested newts and/or other amphibians. Therefore, it is recommended that, as a condition of any approval which may be granted to the scheme, a Reasonable Avoidance Measures Method Statement is prepared giving details of measures to be implemented to avoid any possible harm to amphibians during the course of any site clearance of groundworks required to facilitate the scheme. If great crested newts are encountered at any time during the implementation of the method

statement or at any other time works must cease and advice sought from a suitably qualified person about how best to proceed.

3.5.70 In summary, GMEU Ecology have fully appraised the original submissions and supplementary reports, concluding that the presented information sufficiently provide a baseline for any potential ecological issues and that there are no concerns in relation to ecology within the site and the impact of the development, subject to the use of planning conditions relating to working practices; restriction on timing of tree and vegetation removal, further bat survey prior to works affecting trees identified for removal, badger re-survey prior to development commencing, survey for reptiles prior to work commencing, scheme detailing reasonable avoidance measures for amphibians during construction and landscaping. It is considered that providing the recommended conditions are applied to the planning approval, the impact of the development upon ecology will be suitably mitigated and compliant with Policy 9 of the LPP2.

3.5.71 **S106 Contributions:**

Core Strategy Policy CS8 advises that all new residential development will be required to contribute towards the Borough's identified need for affordable housing; this being achieved through on-site provision, or through a financial contribution towards off-site delivery. The overall target for affordable housing is set at 20%

3.5.72 Local Plan Policy 12: Developer Contributions, which accords with the NPPF, indicates that where request for financial contributions are made the Council should be mindful of the total contribution liability incurred by developers. The application has been supported by a financial viability appraisal, which is based upon a set of assumptions that have been agreed between the Council and the applicants. The submission has been independently reviewed to ensure the findings are robust and impartial. The findings conclude;

“Based on sensible assumptions and market facing inputs we are of the opinion that the scheme can deliver a suitable level of profit and provide 1.6 hectares (3.95 acres) of fully serviced land as a site for a new primary school and make financial contributions of £1,000,000”.

3.5.73 The financial contribution will be split with **£850,000 going towards the development of the new primary school and £150,000 towards the off-site provision of affordable housing**. The applicant has agreed to enter into a s106 legal agreement to that effect. Members are advised that subject to that agreement the proposal fully accords with Policy CS8 of the Core Strategy and Policy 12 of the Local Plan Part 2

3.5.74 **Summary:** This report assesses the hybrid planning application for the residential development of land off Moorland Drive, Blackburn. The proposal comprises a full planning application for 155 dwellings with

associated infrastructure and outline application with all matters reserved, save for access, for a maximum of 280 dwellings. In considering the proposal, a wide range of material considerations have been taken into account.

3.5.63 The assessment of the proposal clearly shows that the decision must be made in terms of assessing the merits of the case against any potential harm that may result from the implementation of the development. This report concludes that the proposal provides a high quality bespoke housing development and meets the policy requirements of the saved Local Plan, Core Strategy, National Planning Policy Framework and the Gib Lane Masterplan.

4 RECOMMENDATION

4.1 Approve subject to:

- (i) **Delegated authority is given to the Head of Service for Planning and Infrastructure to approve planning permission subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of a commuted sum of £1,000,000 and the provision of 1.6 Ha of fully serviced land as a site for a new primary school**

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Head of Service for Planning and Infrastructure will have delegated powers to refuse the application.

- (ii) Conditions which relate to the following matters:

Full Planning Application

- Commence within 3 years
- Phasing plan to be agreed
- Materials to be submitted, agreed and implemented
- Landscaping scheme to be submitted, agreed and implemented
- Landscaping management and maintenance plan to submitted, agreed and implemented
- Boundary treatment in accordance with submitted details
- Submitted construction management plan to be implemented
- Foul and surface water drainage scheme to be submitted, agreed and implemented
- Surface water construction phase management plan to be submitted, agreed and implemented
- Management and maintenance plan for sustainable drainage system to be submitted, agreed and implemented

- No property shall be constructed prior to the sustainable drainage scheme being completed.
- Development in accordance with measures in section 5.0 of the submitted tree survey report
- Tree protection during construction
- Tree and vegetation clearance works outside bird nesting season
- Pre-construction re-survey for badgers
- Survey for reptiles prior to development commencing
- Further bat survey prior to works affecting trees identified for removal
- Amphibian reasonable avoidance measures report to be submitted, agreed and implemented.
- External lighting scheme to be submitted, agreed and implemented
- Landscape habitat creation and management plan to be submitted, agreed and implemented.
- Plan detailing finished floor levels to be submitted, agreed and implemented
- Eastern sites access road to Broken Stone Road to be operational prior to occupation of the 50th dwelling
- Highways management and maintenance to be agreed and implemented
- Street engineering, drainage and lighting details to be agreed and implemented
- Visibility splays to be protected
- Permitted development rights to be removed
- Contaminated land site investigation and remediation strategy to be agreed
- Coal site investigations and remediation strategy to be agreed
- Unexpected contamination
- Electric vehicle charging provision
- 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
- Dust management plan to be submitted, agreed and implemented
- Wheel wash to be submitted, agreed and implemented
- Should pile driving be required, a scheme detailing monitoring and control measures in relation to noise and vibration to be submitted, agreed and implemented.

Outline Planning Application

- All reserved matters to be made within 3 years
- Reserved matters; landscape, layout, appearance and scale
- Phasing plan to be agreed
- Landscaping management and maintenance plan to be submitted, agreed and implemented
- Materials to be submitted, agreed and implemented

- Boundary treatments to be submitted, agreed and implemented
- Construction method statement to be submitted, agreed and implemented
- Landscape habitat creation and management plan to be submitted, agreed and implemented.
- Further ecological surveys
- External lighting scheme to be submitted, agreed and implemented
- Foul and surface water drainage scheme to be submitted, agreed and implemented
- Surface water construction phase management plan to be submitted, agreed and implemented
- Management and maintenance plan for sustainable drainage system to be submitted, agreed and implemented
- 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
- Contaminated land site investigation and remediation strategy to be agreed
- Coal site investigations and remediation strategy to be agreed
- Unexpected contamination
- Dust management plan to be submitted, agreed and implemented
- Electric vehicle charging provision
- Should pile driving be required, a scheme detailing monitoring and control measures in relation to noise and vibration to be submitted, agreed and implemented.
- Highways management and maintenance to be agreed and implemented
- Street engineering, drainage and lighting details to be agreed and implemented

5 PLANNING HISTORY

5.1 There have been no previous applications directly affecting the development site, although consideration may be given to the following approved applications that effect the adjacent development parcels;

5.1.1 10/16/1132 – Erection of 167 No. residential dwellings, new village green/public open space, provision for a future community building, new access junction to Livesey Branch Road, associated highway infrastructure and drainage attenuation measures forming Phase A of the wider Gib Lane Masterplan site.

5.1.2 10/14/1331 - Erection of up to 145 no. new residential dwellings, new village green and A3 cafe use, and site wide features of green infrastructure and drainage attenuation measures forming Phase A of wider site Masterplan

5.1.3 10/17/0211- Erection of 205 dwellings, access, landscaping and associated works

5.1.4 10/15/0901 – Residential Development for 79 dwellings

6 CONSULTATIONS

6.1 Drainage Section

No objection, subject to the following conditions being imposed;

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

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

In order to ensure that existing properties are protected from flooding by surface water runoff from the development during the construction phase, the applicant is required to submit a surface water construction phase management plan. The management plan must be submitted and approved by the Local Authority prior to commencement. The applicant must comply with the management plan throughout the construction phase.

REASON: To ensure that construction activities do not increase the risk of flooding to existing properties

No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company

b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

i. on-going inspections relating to performance and asset condition assessments

ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

REASON: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

REASON: To ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

6.2 Education Section

No comments.

6.3 Environmental Services

No objections.

6.4 Public Protection

6.4.1 *Noise*

Condition relating to the need to agree noise and vibration monitoring and controls should pile driving be required.

6.4.2 *Dust*

In accordance with the submitted air quality assessment it is suggested that a condition be attached requiring a scheme to be agreed in relation to dust suppression

6.4.3 *Hours of Site Works*

A condition was recommended, that there shall be no site operations on any Sunday or Bank Holiday nor on any other day except between the following times: Monday to Friday 08:00 – 18:00 hours and Saturday 09:00 - 13:00 hours.

6.4.4 *Contaminated Land*

In accordance with the recommendations of the Walkover Surevy and Desk Study Report, it is recommended that the Council's standard land contamination condition, validation condition and unexpected land contamination condition be attached.

6.4.5 *Air Quality*

The updated Air Quality Response submitted on the 23rd December 2019 has been reviewed. The majority of initial concerns relating to the predicted emission have been addressed. The remaining issues are unlikely to make a significant impact of the overall conclusions of the report.

Total Emissions assessment: (i) The anticipated health cost (adverse health impact caused by the extra emissions) is likely to be an underestimate. (ii) Mitigation is proposed, consisting of EV charging, walking/cycling provision, and green spaces. The green spaces won't reduce the health impact of the emissions associated with the traffic, as most of the adverse health impact will occur away from the site, so the benefit of the proposed mitigation is overestimated. (iii) However, after taking i and ii into account, the cost of the proposed mitigation appears to be reasonably proportionate to the anticipated health cost.

Recommended conditions, based on the assumption that the provision for cycling and walking will remain substantially unchanged: requirement for electric vehicle charging, Dust Management Plan to be agreed, maximum boiler emissions

6.5 Highways Authority

In principle, supportive of the scheme, subject to planning conditions:

- Parking spaces to meet adopted standards;
- There is no indication on plan of the road connection from this development through to Broken stone, we would request this is included within this proposal. This matter successfully addressed by the revised access plan submitted 20th January, subject to the delivery of the eastern road and junction prior to the completion of the 50th unit within the full planning application.
- Highway surfacing materials will be subject to formal technical highways approval, though the suggested use of block paving is

unacceptable. We would request that the resin and stone setts which were approved for Phase 1 is carried through to this site. To address this the following two conditions required;

- (1) 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.
- (2) 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.
- Sightlines at junctions and driveways to be safeguarded by planning condition
- Tracking plan indicates appropriate movement for 3 axle refuse vehicle.
- Wheel wash proposals within construction management plan require upgrading.
- The Transport Assessment Addendum offers evidence to support the assertions made in trip generation and traffic impact at the site accesses across the proposed site. This indicates that there is no severe impact.

6.6 Public Rights of Way Officer

The developers do not intend to deviate the footpath, Livesey 1, which runs through this area from its original line. The footpath forms part of the Witton Weavers Way Reelers trail and is a well-used published route.

However, the applicant will need to apply for temporary closure and diversion of the Witton Weavers Way during the works to ensure the safety of the public

6.7 Highways England

Having considered the original Transport Assessment Addendum, technical note submitted October 2019, the updated and revised access plan detailing the two new internal access roads and junctions with Broken Stone Road submitted January 2020 and a further technical letter submitted February 2020 - Overall, and in isolation, we

are of the view that the proposed development would not be likely to have a severe traffic impact on the strategic highway network.

6.8 Strategic Housing

In summary, the proposed development will contribute positively to the Council's aspiration to see new homes being developed in the Borough as part of the Growth priority. The Borough is significantly under-represented in larger, good quality family homes and is actively supporting developments which increase the choice of homes in the borough. This scheme proposes to provide new mid to higher value family housing to cater for identified needs and aspirations in the Borough. The Housing Growth Team is supportive of the proposal subject to it meeting the Council's planning policies.

6.9 Lancashire Constabulary

No objections, but recommended measures to reduce crime risk including: including physical security measures such as lock specifications, perimeter security and planting are provided.

6.10 Coal Authority

No objections, subject to conditions. The Coal Authority concurs with the recommendations of the Walkover Survey and Desk Study Technical Report; that coal mining legacy potentially 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 that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development. A condition should therefore require prior to the commencement of development (i) The undertaking of an appropriate scheme of intrusive site investigations; (ii) The submission of a report of findings arising from the intrusive site investigations; (iii) The submission of a scheme of remedial works for approval; and (iv) Implementation of those remedial works.

6.11 Environment Agency

No comment.

6.12 GMEU: Ecology

The submitted Ecology Survey and additional bat and great crested newt survey reports informing the application have been carried out by suitably qualified consultants and to appropriate standards.

No objection to the application subject to conditions relating to the following areas; landscape and habitat creation and management plan; working practices in accordance with section 5.0 of submitted tree survey report; tree protection measures; inspection of trees being removed for bat roosts; tree and vegetation removal outside bird nesting season (March to August); reasonable avoidance measures for amphibians; re-survey of site for badgers prior to work commencing; survey of site for reptiles; and external lighting scheme to be agreed.

6.13 United Utilities

No objections, subject to conditions requiring separate foul and surface water systems, submission of a surface water drainage scheme and details of maintenance of the sustainable drainage system.

6.14 Livesey Parish Council

At the last Livesey Parish Council Meeting held on Friday 14 February 2020, Councillors objected to the above scheme for the following reasons :

- There are grave concerns from both Councillors and residents that recent storms have caused severe flooding within residential curtilage along the south side of Livesey Branch Road.
- The concerns are that the flooding has been caused by the insufficient design and /or construction of the SUDS drainage schemes that have been implemented by both Waine Homes Ltd and Kingswood Homes Ltd.
- The concerns around inadequate drainage and flooding risks were previously mentioned at public meetings before the existing planning permissions had been granted, yet the schemes went ahead.
- Blackburn with Darwen Borough Council has ignored the concerns/fears of residents whilst assuring them that future problems would not arise which is not the case.

From the recent events it is quite clear that the assurances from the Council are worthless and therefore the Parish Council demand that the consent for this application is withheld until the existing drainage schemes are modified to deal with these unacceptable problems.

6.15 Public Consultation 262 neighbouring properties have been individually notified by letter; a press notice and site notices have also

been displayed. Following receipt of amended details in January 2020 the consultation process was repeated. In response, 15 letters of objection and 1 letter of support have been received. In addition, a petition was received on the 11th March 2020, containing 122 signatories objecting to the proposed development. Details of the petition and the letters of objection/support are shown within the summary of representations below.

7.0 CONTACT OFFICER: Martin Kenny, Principal Planner

8.0 DATE PREPARED: 5th June 2020

9.0 SUMMARY OF REPRESENTATIONS

Objection – Number of residents- **Petition**. Rec 11.03.2020

1, Priory Close, Pleasington, Blackburn, Lancashire, BB2 6RP
Email : [REDACTED]

Tel [REDACTED]
Mobile [REDACTED]

Thursday, 27 February 2020

Martin Kenny
Principal Planning Officer
Blackburn with Darwen Borough Council
Town Hall
King William St
BLACKBURN

Dear Martin,

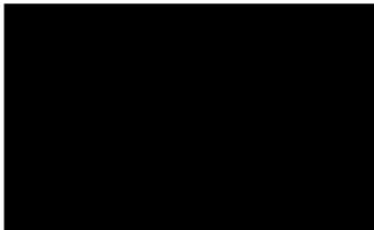
Re Planning Application 10/19/0662 – Hybrid Application for 155/280 dwellings

I write as Ward Councillor for the Livesey with Pleasington Ward in which this development lies.

Since your Consultation letter many residents have contacted me regarding their concerns about this Application seeking to continue further development of the Gib Lane Plan. Their concerns have been focussed on drainage issues particularly since the recent storms and the consequent flooding of properties and Livesey Branch Road itself.

Whilst I understand that some residents have written to you individually, many have not, but wish to have their voice heard. As a result, they have arranged a petition of residents. The completed document is attached herewith.

So as to be focussed, I understand that the petition was limited to the 130 or so, dwellings whose curtilages immediately border the whole of the Gib Lane site. Whilst the petition contains some 122 signatures I understand, anecdotally from the residents actually canvassing, that virtually everyone they found to be at home when they called, was angry about the flooding issue and correspondingly signed the petition. I further understand that many residents will attend the appropriate Planning and Highways Committee Meeting (19th March?) and a spokesperson will arrange to address the meeting.



11

PLANNING APPLICATION 10/19/0662

Residential Development of 155 dwellings by Kingswood Homes at rear of Livesey Branch Road

RESIDENTS PETITION

We the undersigned local residents, petition the Planning Committee of Blackburn with Darwen Borough Council to object to the above planning application which currently in circulation for public consultation.

Our collective objection is based on the fact that recent storms have caused severe flooding within residential curtilages along the south side of Livesey Branch Road. This flooding has been caused by the insufficient design and/or construction of the SUDS drainage schemes thus far implemented by both Wain Homes Ltd and Kingswood Homes Ltd. Our concerns about inadequate drainage and flooding risks were expressed at public meetings before the existing planning permissions were granted. These were ignored by BwDBC and residents were assured that future problems would not arise.

Recent events have shown that the assurances were worthless and we therefore demand that planning consent for this application be withheld until the existing drainage schemes are modified to deal with the issues of which we complain.

NAME (PRINT)	ADDRESS	CONTACT	SIGNATURE
Sara Cooper	941 Livesey Branch		
Nick Cur	441 Livesey Branch		
M. BARNE	439 LIVESLEY BRANCH		
W James	439 LIVESLEY BRANCH		
K Skarlett	437 LIVESLEY BRANCH		
M TANLISON	433 Livesey Branch		
M SPANNAW	435 LIVESLEY BRANCH		
Patrick Bowdich	427 Livesey Branch Rd		
R GISS	425 Livesey Branch Rd		
D. Hanmer	423 Livesey Branch Rd		
G HARRISON	421 Livesey Branch Rd		
W GARDNER	417 LIVESLEY BRANCH RD		
Aldo Stajth	419 Livesey Branch Rd		
James J. Smith	415 Livesey Branch Rd		
M CROOK	413 Livesey BR.		
P M SHAW	409 Livesey BR		
P SMITH	"		

(2)

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Recent events have shown that the assurances were worthless and we therefore demand that planning consent for this application be withheld until the existing drainage schemes are modified to deal with the issues of which we complain.

NAME (PRINT)	ADDRESS	CONTACT	SIGNATURE
R. KIRKHAM-MOORE	445 LIVESLEY BRANCH RD.		[REDACTED]
R. MOORE	445 Livesley Branch Rd		

(3)

PLANNING APPLICATION 10/19/0662

Residential Development of 155 dwellings by Kingswood Homes at rear of Livesey Branch Road

RESIDENTS PETITION

We the undersigned local residents, petition the Planning Committee of Blackburn with Darwen Borough Council to object to the above planning application which currently in circulation for public consultation.

Our collective objection is based on the fact that recent storms have caused severe flooding within residential curtilages along the south side of Livesey Branch Road. This flooding has been caused by the insufficient design and/or construction of the SUDS drainage schemes thus far implemented by both Wain Homes Ltd and Kingswood Homes Ltd. Our concerns about inadequate drainage and flooding risks were expressed at public meetings before the existing planning permissions were granted. These were ignored by BwDBC and residents were assured that future problems would not arise.

Recent events have shown that the assurances were worthless and we therefore demand that planning consent for this application be withheld until the existing drainage schemes are modified to deal with the issues of which we complain.

NAME (PRINT)	ADDRESS	CONTACT	SIGNATURE
A JOHNSON	493 LIVESLEY BRANCH RD	[REDACTED]	[REDACTED]
K. SKINNER	489 LIVESLEY BRANCH RD		
Beatrice Landon-Lewis	485 LIVESLEY BRANCH RD		
Marie Laid	483 Livesley Branch Road		
S. Piddling	479 Livesley Branch Rd		
C KIRKHAM	449 Livesley Branch Rd		
C HIBBERT	457 LIVESLEY BRANCH RD		
C. NUTTALL	497 Livesley Branch Rd		
S. BARNES	491 LIVESLEY BRANCH RD		
L BUCKLEY	469 Livesley Branch Rd		
R. WATTAKER	467 LIVESLEY BRANCH RD		
J. BARRORS	463 " "		
A. TAYLOR	447 " "		

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PLANNING APPLICATION 10/19/0662

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NAME (PRINT)	ADDRESS	CONTACT	SIGNATURE
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
A. O'Toole	515 Livesey B Rd		[REDACTED]
P. Southworth	513 Livesey BRD		[REDACTED]
T Southworth	513 Livesey B. Rd		[REDACTED]
C. O'Toole	515 Livesey BRD		[REDACTED]
S LANG	523 Livesey		[REDACTED]
A CHADWICK	531a Livesey		[REDACTED]
Anne Chadwick	531a LB Rd.		[REDACTED]

(5)

PLANNING APPLICATION 10/19/0662

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NAME (PRINT)	ADDRESS	CONTACT	SIGNATURE
E MOTALA	517 LBR BB		
A MOTALA	517 LBR BB		
D. TAYLOR	519 LBR BB2		
J. TAYLOR	519 LBR BB2		
A. Mack	525 LBR BB2		
N. Mack	" "		
J. STUART	529 LBR BB2		
A. STOREY	529 LBR BB2		
A. GARDNER	503 LBR		
S. GARDNER	503 LBR		
K. MADDON	531B Livesey Branch Rd		
D. MADDON	531B Livesey Branch Rd		

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PLANNING APPLICATION 10/19/0662

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NAME (PRINT)	ADDRESS	CONTACT	SIGNATURE
ROBERT RAYNOR	529A L.B.R.		
Michael Schofield	529B L.B.R.		
Dorothy Schofield	529B L.B.R.		
CLAIRE GOODISON	499 L.B.R.		
CHRIS GOODISON	499 L.B.R.		
FRANK PARKER	501 L.B.R.		
MARK CARLO	501 L.B.R.		
PETER EDGE	505 L.B.R.		
SUZAN EDGE	505 L.B.R.		
DONNA TURNER	507 L.B.R.		
CHRIS TURNER	507 L.B.R.		
Adam Booth	509 L.B.R.		
ALFRED PARKER	511 L.B.R.		
Dorothy PARKER	511 L.B.R.		

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PLANNING APPLICATION 10/19/0662

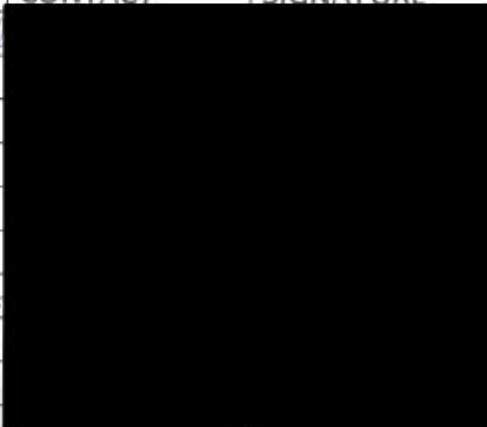
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NAME (PRINT)	ADDRESS	CONTACT	SIGNATURE
BARRY AINSWORTH	19 St Michael		
CHRIS AINSWORTH	- 11 -		
JOHN BROWN	17. 11		
CATHERINE BROWN	"		
T JEPSON	15 S M C.		
A JEPSON	15 St Michael		
M WILSON	11 ST MICHAELS		
K. Corban	41 ST MICHAELS		
John Buck	41 ST MICHAELS		

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PLANNING APPLICATION 10/19/0662

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NAME (PRINT)	ADDRESS	CONTACT	SIGNATURE
A Cheaton	26 St MICHAEL'S		
B EccLES	22 " "		
C EASTHAM	18 St MICHAEL'S		
S FISH	18 " "		
N Evans	8 St michaels		
A. SAUNDERS	5 St MICHAEL'S		
S. JEPSON	5 St MICHAEL'S		
D BOULTWOOD	4 " "		
J. BIBBY	9 St. MICHAELS		
E Bentley	39 St. MICHAELS		
D Halsey	37		
B. Hollowood	31.		
A. Hollowood	31		
C. Thompson	29 St Michael's		
T Read	23		
M Allen	21		
SAINSWORTH	19 " "		

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PLANNING APPLICATION 10/19/0662

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NAME (PRINT)	ADDRESS	CONTACT	SIGNATURE
ALAN MCKEE	521 LIVESY BRANCH RD	[REDACTED]	
JOANNE MCKEE	527 Livesey Branch Road		

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PLANNING APPLICATION 10/19/0662

Residential Development of 155 dwellings by Kingswood Homes at rear of Livesey Branch Road

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NAME (PRINT)	ADDRESS	CONTACT	SIGNATURE
LYNDA COOPER	41 ST MICHAELS		
CHRISTINE KEELAN	43 ST MICHAELS		
TONY DAVIES	47 ST MICHAELS		
Pauline Davies	47 ST MICHAELS		
[Signature]	46 "		
J MARSDEN	"		
B Heywood	49 "		
M. GIBBS	42 "		
JOAN BARROW	HCO		
S WILDING	36 ST MICHAELS		
E MASOW	34 ST MICHAELS		
KATIE LANG	33 ST MICHAELS		
ANDREW LANG	33 ST MICHAELS		
J. LANG	33 ST MICHAELS		
ELOISE LANG	33 ST MICHAELS		
JESSIE M. DODD	30 ST MICHAELS		
COLIN CHESTER	26 ST MICHAELS		

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PLANNING APPLICATION 10/19/0662

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NAME (PRINT)	ADDRESS	CONTACT	SIGNATURE
IN DIM	74 HORDEN VIEW WILKIN		
MA Stockdale	72 Horden View		
C MALLETT	70 Horden View		
A KITCHEN	64 HORDEN V		
E WHISTON	62 HORDEN V		
M. LONGHOREN	71 ST MICHAEL'S		
AJ SMYTH	67 ST MICHAEL'S CLOSE		
K. SNELLING	67 ST. MICHAEL'S CLOSE		
J. WINDHE	65 S MICHAEL'S CLOSE		
J WONG	63 St Michael		
H. JONES	61 St. Michaels Cl		

Comments – Jess Lago, 37 Buckthorn Lane. Rec 21.09.2019

To whom it may concern

Having received a notice from Kingswood regarding the planning application 10/19/10662 i have looked at the application and believe this means they are starting Phase D of the original Gib Lane master plan. As part of Phase D Kingswood are also supposed to be building a school. Nothing has been mentioned about this and I believe its important that before these additional houses are approved an application for a school is also submitted. The majority of the Greenhills homes already built and Bluebell Walk estate (which is now finished) are already occupied by lots of young families with children who are going to need school provision as identified in the masterplan. Storyhomes sycamores development is also well underway with lots of homes already sold too.

They have already removed the affordable housing that was supposed to border Phase A and B in replacement for more in demand family homes (i have yet to see where on the plan Kingswood have relocated the affordable housing)

I hope on behalf of the residents for all 3 estates we can get some answers on when we will get our community school

Kind regards

Jess Lago

37 Buckthorn Lane

Comments – Keith Murray, 34 Gib Lane, Blackburn – 7th August 2019

I wish to make comments on this application and ask you to also reconsider the wider implications for the area since the original Gib Lane Masterplan was approved.

Haycock and Jay preliminary Ecological report identifies an unnamed woodland off Gib Lane when it is in fact part of Cockridge wood as can be seen on early plans of the area, the two parts were originally one and it is presumed that the impact of farming and grazing has gradually led to the split which is where livestock moved from the upper part of the fields to lower levels.

I would add the following to their assessment of the wildlife of the area. Prior to construction starting on the whole area, there were numerous brown hares seen on the west facing slopes from the hills, Grey heron nested each year

just below the proposed new school location and wild life has generally declined due to the lack of green open space.

The Foot and Mouth Disease burial pit shown on the penultimate page of the Sub Surface NW Technical report – Walk over survey and desk study identifies the location of the pit.

Can the committee be updated on what is planned to assess the site for residual bio contamination and is any other corrective action required? Due to localized changes to the topography by the current developments it is difficult to identify the location of the pit precisely,(it appears to be covered by an earth mound at the moment). I presume it can still be found, properly investigated, a report of the assessment and corrective action published for the council to approve and the public to see.

I have reservations about the planned drainage scheme being fully installed at an early stage. On the present site the last containment pond has an open and unrestricted exit into an open ditch behind existing houses giving a potential for flooding of adjacent properties.

Turning now to the Gib Lane Masterplan, initially it was proposed to complete 440 houses by March 2026 and stated at the Planning Inspector's hearing by the Forward Planning team that the maximum to be built on the site would be 700 dwellings, clearly this was an underestimate for this site which is now nearer 1160. There has been a significant increase in the number of new homes now planned on this and other nearby sites with the combined totals now increased from 1750 to 2760.

Highway assessments were done based on the inaccurate 700 figure. With the 1000+ additional homes now planned and potentially another 500+ at least, how is it proposed to modify the local road network to deal with this extra traffic and how will it be funded as it is not within the Gib Lane Masterplan, Will there be a new highway assessment to decide what can be done and refuse planning if a realistic and satisfactory compromise cannot be found?

Keith Murray

Objection – John Taylor, 593 Livesey Branch Road. Rec 06.08.2019

My name: John Taylor

My address: 593 Livesey Branch Road, Blackburn, BB2 5DQ

Thank you for your letter of 18th July 2019 concerning the planning application relating to the residential development site at the back of my house.

My primary concern is that of potential flood management. I have read the 'Flood Risk Assessment and Drainage Strategy' in the application portfolio of documents and wish to raise a number of issues with you.

You yourself, BwDBC, "have expressed concerns" about localised flooding (1.1.7) and the paper compiled by the developers attempts to address concerns but leaves a number of loose ends that appear to me to be unresolved:-

1. A key strategy is to direct surface water off the site to a culverted drain under Livesey Branch Road yet at 3.4.1 it is stated "CCTV results have identified the culverted sewer to be collapsed" and at 3.4.2 it's said that there should be a contribution from the developers towards remedial work.

Q. Has the remedial work been done? ... and has there been a contribution from the developers?

2. At 4.2.1 it's stated that the built-over parts of the site create a 60% increase in impermeability to rainwater - from a 100% permeable field area before. There are a number of aspirational proposals from the developers relating to soaking up or collecting water on site ("infiltration may be possible" and "can explore" at 6.4) but I'm suspicious of such talk that appears evasive and don't hold water if you'll pardon the pun. The only firming up from "may be" relates to encouragement of individual householders to take up ownership of rainwater butts. Hardly an assurance that any attempt will be made to incorporate infiltration methods.

Q. How sure are you that such an increase in impermeability can be handled by the site drainage plans?

3. The collection pools worry me. I attach photos I took recently showing the absence of a discharge into the one nearest my home (furthest West on the site) then contrasting photos after a moderate spell of rainfall a couple of weeks ago. The outflow is crudely diverted to a relatively narrow-gauge pipe under the houses on Livesey Branch Road at that point.

Q. What's to stop the catchment pools collecting more water than they can handle? I guess this centres on the capacity of the culverted sewer - repaired or not?

I appreciate you've said in your letter that you're unable to acknowledge any comments, but I would like to see the concerns I've raised addressed in some forum or other.

Regards,
John Taylor







Objection – Keith Murray, 34 Gib Lane. Rec 25.02.2020

I write to express my concern regarding the recent flooding events which have inundated a number of properties along Livesey Branch Road, yet again. I visited the site on Sunday morning (about 11-00am) following heavy overnight rain, detention ponds 1 and 3 were overflowing but pond 2 was quite low.

Two Kingwood Homes employees were attempting to clear a blockage in the connecting pipe between pond 2 and 3 using a length of plastic pipe, the blockage was in or near to the manhole and was held in place by water pressure against it. Water was flooding from the lowest point in the bank in pond 2 into properties along LBR at a significant rate, resulting in flooding along the highway for about 60 metres causing traffic to slow due to the depth of water. There was no evidence of bunding or any overflow provision and the hydrobrake appeared blocked suggesting any trash trap was inadequate or not in place.

Assuming the existing drainage culverts would be at the permitted capacity, the only option for overflow would be from the higher to lower pond and then onto Livesey Branch Road

I also noted that the manhole cover in the entrance road to the site was lifting with water pouring out, obviously indicating that the surface water drain in LBR was at capacity and could not take the permitted flow rate which was expected from the detention ponds.

I did not establish why pond 1 was overflowing but presume the outfall was blocked. This overflowing resulted in further properties being deluged with flood water passing through their properties and causing another flood on LBR.

I presume this is the first time since installation that the system has been tested by heavy rain and doubt if the connecting pipes had been inspected and cleared this winter as debris seems to be the major contributing cause of malfunction, perhaps Kingswood Homes can provide evidence of their regular monthly maintenance checks on this critical part of the infrastructure and any corrective action taken.

I recall the public consultation where the issue of potential flooding risk to those properties nearest to the detention ponds was highlighted and the need for property owners to declare the addition risk to their insurers, the point was ignored by planning and the developer. As a result of this flooding residents will have to advise their insurers, will have to declare the danger of potential

flooding when they sell their homes and probably at lower selling prices than those who have not had flooding.

So who is now responsible for the flooding I suggest the Council has failed in its duty of care to ensure the drainage discharge facilities were adequate and fully functioning before the current development phase progressed too far and to ensure the proposed SUDS was meeting the requirements for storage capacity, discharge rates, drainage capacity, bunding, overflow, and planned maintenance of the facilities. The developer although providing the detention basins do not appear to have adequately completed bunding to protect existing properties and no protective fences have yet been installed. Based on the evidence I saw it appears the drains from the detention basins have not been adequately or effectively cleared regularly or have a design fault.

Considering the flood risk assessment and drainage strategy submitted with this application the 3 detention basins have a combined capacity of 3035m³ and are expected to use a maximum of 1617m³, just 53% of the calculated storage capacity but they were badly overwhelmed, why?

Who do the residents claim from for increased insurance premium and any damage and reduced selling prices – the Council, the developer or both?

I have revisited the comments raised by residents at the Gib Lane Masterplan consultation stage, I suggest you too revisit these comments and the Council Forward Planning responses which glibly talk about:-

“The masterplan has been informed by a Flood Risk Assessment which identifies an overarching strategy for managing drainage and surface water run-off. This strategy includes the provision of SuDS to manage surface water and prevent flooding. A more detailed drainage strategy will be required at the planning application stage”

“ The masterplan proposes to provide a connected network of SuDS which will collectively provide sufficient attenuation to control surface water run-off.”

I raised a number of issues concerning this development at the Executive Board Meeting 12th February 2015 and my first point dealt with the surface water drainage strategy.

“The Surface Water Drainage Strategy is included in the phase A outline planning application ref. (10/14/1331). It proposes six large detention basins to collect runoff water, up to 1.8metres deep with capacity for over 1 million litres of water in each basin. This will constitute a potential risk to children when the basins contain water and to residents of Livesey Branch Road and St.Michael’s Close in the event of a catastrophic failure of the basin emptying systems. They will have to declare this additional risk to their home insurers or their buildings policies could be declared void in the event of flooding.2

I am not aware of any subsequent action to review the potential risks identified or any corrective measures taken.

The potential for flooding has regularly been highlighted but no one has considered it a critical failure which it clearly is and will continue to be at times of high rainfall until effective corrective measures are put in place.

In the current Local Plan 2 there is a clear statement relating to the potential problems of new development and a Planning responsibility to mitigate unsatisfactory conditions as a result of new development viz. “Some developments can have a very direct impact on people close to it. It is important that planning manages this impact to ensure that no-one suffers from unsatisfactory conditions as a result of new development... “ref. Local Plan 2, Chapter 2- Core Policies, page 10 of Site Allocations and Development Management Policies July 2014 edition para. 2.14 -2.16 refers to Development and People. In particular para. 2.16 is most relevant.

Can Planning demonstrate the Council is not at fault and they have effectively managed the risk?

The Council must demonstrate that the outfalls from the site are all fully functioning (apparently two are partially blocked) and can cope with the maximum permitted outflows. The Council must also confirm that the SUDS

system is adequate, correctly installed, has the required fencing, bunding, storage capacity and adequate overflows are provided for each basin.

Until the above is confirmed and demonstrated, this planning application should not be approved.

In application 10/14/1331 in the drainage strategy there is atypical cross section through a detention basin showing the bunding and overflow, does the existing discharge include such an overflow and what provision is there for when this is exceeded?

Local residents will not believe what they are now told until it is positively demonstrated there is a failsafe escape for floodwater so that properties on Livesey Branch Road are fully protected.

With the proposed new Local Plan requiring significantly less housing and a large over allocation of green belt land there should be no need for this application to be approved until it is positively proved that the SUDS system is adequate and correctly installed.

Keith Murray

34 Gib Lane

Objection – Rory Needham, Unknown address. Rec 20.02.2020

Dear Mr Kenny,

At the last Livesey Parish Council Meeting held on Friday 14 February 2020, Councillors objected to the above scheme for the following reasons :

- There are grave concerns from both Councillors and residents that recent storms have caused severe flooding within residential curtilage along the south side of Livesey Branch Road.
- The concerns are that the flooding has been caused by the insufficient design and /or construction of the SUDS drainage schemes that have been implemented by both Waine Homes Ltd and Kingswood Homes Ltd.

- The concerns around inadequate drainage and flooding risks were previously mentioned at public meetings before the existing planning permissions had been granted, yet the schemes went ahead.
- Blackburn with Darwen Borough Council has ignored the concerns/fears of residents whilst assuring them that future problems would not arise which is not the case.

From the recent events it is quite clear that the assurances from the Council are worthless and therefore the Parish Council demand that the consent for this application is withheld until the existing drainage schemes are modified to deal with these unacceptable problems.

Can you please bring this objection to the attention of the Planning Committee.

Kind regards

Mr Rory Needham
Clerk to Livesey parish Council

Objection – Kerry Huddleston, 451 Livesey Branch Road. Rec 13.02.2020

We oppose the above planning application due to the risk of flooding.

None of the precautionary measures to prevent flooding due to the new houses being built have worked, even though residents were categorically told this would not happen.

I have attached a picture of our garage being flooded, videos of the water flowing down our path and garden onto our patio and pooling where our conservatory is and the water flowing down the road at side of our house, which were all a result of the flood defence bursting its banks after heavy rainfall.

We are extremely concerned that the problem will worsen with more houses being built on the land behind us.

Kerry Huddleston

451 Livesey Branch Road

Blackburn

Objection – M.W.Schofield, 529b Livesey Branch Road. Rec 12.02.2020

I wish to object to the above application on the following grounds:-

1. This last weekend has again demonstrated that the flood defence measures put in place for the current development are totally inadequate. This is the third “ one in a hundred years + 40% event” in the past two and a half years and the SUDs were completely overwhelmed (again).

2. My neighbour and I have personally met with the developers, Kingswood, council officers and local councillors on numerous occasions, where promises have been made and ‘solutions’ proposed, all to no avail. The reconstruction of and connection to a culvert under 527, Livesey Branch Road, which was promised as scheduled before Christmas, has still not been done.

3. The developers have failed to comply with the conditions imposed regarding flood defences for the current development. BWD borough council have failed to enforce these conditions.

Unless and until the current debacle is rectified no further development should be approved.

M.W.Schofield,

529b, Livesey Branch Road,

Blackburn

Objection – Darren & Marsden, 531B Livesey Branch Rd. Rec 11.02.2020

Dear Martin Kenny

We write in response to your letter advising of the recent planning application to the land off Moorland Drive / Livesey Branch Road, Blackburn. In relation to planning application 10/19/0662

I am concerned that the Flood Risk Assessment and Drainage Strategy document submitted for Application 10/14/1331 or the updated version for 10/19/0662 the strategy is not sufficient or is not being met during the build phase.

The flow of water into the current Green Hills site from the old Whitton Weavers way has not been considered in the current SUDS design and as proved on 9th February 2020, when the current SUDS overflowed into many gardens, property's and the highway. The design can't cope with the calculated requirements plus this additional flow from the uphill builders for a normal storm event, never mind a 1-100 +40% event.

Either the design is wrong or the flow from the story homes site is not controlled and this control should be enforced.

I have video evidence of this torrent from the 29th September 2019 and this water flow that used to flow naturally to both the culvert at 527a and down Whitton Weavers way through the now Green Hills estate and its entrance to Livesey Branch rd. Building Green Hills without a system to control this water is causing the flooding as seen 29th September and 9th Feb.

If this application is not approved, then the current SUDS left in place are insufficient. If this plan is approved then the overflow from Story homes needs to be controlled and additional attenuation ponds added uphill to capture this, should be added to the flood risk plan.

A further concern is that my property 531B is built very close to the boundary of the proposed building work.

None of the plans clearly indicate where the next set of attenuation ponds are to be located, one plan shows directly on my boundary. In light of the issues of February 9th where Basin 3 overflowed into the gardens of the houses on Livesey Branch rd then on to the main highway, I am very concerned that an attenuation pond is planned for next to my property and further concerned that I don't have any distance between it and my house. (Unlike the surrounding property's.) So I have no chance to manage a situation with sand bags like 9th Feb if that happens.

As I understand it the SUDS systems capture the water from the estate in to an attenuation pond and this is naturally released into the bedrock. I am concerned that my property is much lower than the site and any seepage into the bedrock might cause issues.

We trust that this time the council will take our concerns into your consideration, acknowledge that the guidelines set out for application 10/14/1331 in 2015 have not been adhered to and not approve application 10/19/0662, until all building contractors have rectified the situation and this is independently audited and ongoing reviews by the council are in place.

We object to the proposal until our concerns are considered and responded to, neighbours to the building site should not be subjected to this level of negligence.

Thank you for your time and attention to this matter and we look forward to hearing from you shortly.

Yours sincerely

Darren Marsden, Karen Marsden

Objection – Christine Elizabeth Keenan, 43 St.Michaels Close. Rec 11.02.2020

Without Prejudice.

Dear Sir, I am writing to you as your name was at the bottom of a Council letter which I received re the above housing development which will soon be extended to the back of my property in Feniscowles.

I am very concerned in regard to the surface drainage process and have monitored the extant estate since its inception, becoming appalled at the ugly mess and the potential for flooding and also serious injury to any child or animal that should fall into the 'SUDS.'

You will probably be aware of the floods on Livesey Branch Road, not only initially at Gib Lane, but this weekend 9th.of February 2020, on Green Hills

and Livesey Branch Road; which I immediately reported to Councillor Pearson as I have expressed my fears for some time about the state of the project.

The next phase will back onto my property, which is almost level with the field behind and according to the plan, will have a large 'SUD' drainage system. I have lived here since my childhood and know that there is little drainage in the field and several extant springs. The land is clay and thus not porous and frequent rainfall has been happening for at least four years from August to spring.

As extant residents we have expressed our concerns well before this development and have been reassured that it will work, well sadly it will not if the weather continues to be as it is and the people owning the new builds houses do not maintain the groundworks and landscaping as it indicated in your original plans.

I am disabled and have invested a great deal of money into adapting my bungalow to enable me to remain here in future and thus flooding is of great concern as insurance will become difficult and costly with this water system right behind our boundaries.

I would be grateful if you will respond to this letter and also pass it to the Council in order to lodge my concern about flooding, having now seen what I presumed would happen happen.

I am not normally a complainant and understand that people need houses, but they should be built in such a way as to have regard for those who will be affected by them.

This weekend the weather was extreme but not unduly so given the rain storms we have experienced over the past few years. I understand that these drainage systems should withstand an event of this nature which is I understand as one event in 100 years; I think a new consideration should be made as this is clearly not the case.

The information from Kingswood Homes received after planning permission was granted states:

'As with all our developments, we aim to minimise any disruption for local residents. We understand having a construction site close to your home can be a daunting prospect but you can be assured that we have a track record of building our homes with consideration and minimal disruption for the local community.'

I wonder if the people on Livesey Branch road and Holly Tree village, who were bailing out their land, would agree?

Yours faithfully,

Christine Elizabeth Keenan M.A.

Objection – Andrew Ellis, Unknown Address. Rec 10.02.2020

Dear Sir

Land off Moorland Drive, Blackburn

I have received your letter dated 30th January. I have looked at the additional information received in relation to the application. I comment in relation to two aspects of the planning application:

Additional proposed access plan received 20th January 2020:

1.I note that two accesses onto Brokenstone Road are proposed. It should be noted that Brokenstone Road is very narrow, and is not wide enough for two large vehicles to pass each other. I know this as I was stuck behind a lorry as a lorry that was attempting to travel in the opposite direction had to reverse down Brokenstone Road to a point near the bottom where the two vehicles could pass each other safely. There will be road traffic accidents because there will be additional traffic. There is hardly any street lighting. Access to the development from Brokenstone Road will make what is already a dangerous road, more dangerous and accidents will occur.

2.There are no pavements on Brokenstone Road. Access to the development from Brokenstone Road will lead to there being more pedestrians walking on

Brokenstone Road and there will be an increased risk of pedestrians being hit by vehicles due to the narrowness of the road and the lack of pavements.

Additional ecology bat activity survey report received 20th November 2019:

1. The bat surveys maps (figures 1 to 3) show that the bat activity is now squeezed into the area that has presently not yet been subject to development. The bat activity is taking place between the plot already developed by Kingswood Homes, the plot that is being developed by Story Homes and Horden Farm. The additional ecology bat activity survey noted by way of static detector monitoring around 500 passes by bats in June and July. The transect surveys recorded 200 passes in a two hour period on 24th June 2019, 152 on 22nd July 2019 and 125 on 11th September 2019. These surveys were taken over a two hour period and therefore there will have been more passes over the course of the whole night. The conclusion was that the area is being used by bats, some of which are priority species, by way of the soprano pipistrelle, nyctalus and myotis. If more houses are built, this will further squeeze the area of bat activity, it being clear that the bat activity is in the area where there is no housing and no ongoing development. Taking into account the maps of the bat activity, if planning permission is given for the 155 dwellings, the area of bat activity will be squeezed further still and may be an insufficient area to maintain bat activity. If planning permission is given for 280 dwellings, the bat activity maps suggest that bats will be disturbed and will not be able to survive in the little natural habitat that will remain. The availability of the bats' foraging and commuting habitat will be removed. Taking into account the maps of the bat activity, it is clear that the bats are being disturbed.

2. The proposal of additional tree planting and enhanced planting would appear to be insufficient as it is clear that the bats are being disturbed.

3. The ecological report provided does not specifically comment as to whether the bats will be able to continue to commute and have locations to forage when there is little or no natural habitat and, in particular, states in the initial summary section that "In the absence of detailed proposals for the proposed development, the potential impact of the proposed works on habitats/features

being utilised by bats cannot be determined". It would therefore appear premature to grant further planning permission until this information has been provided and assessed, and a further ecological report must therefore be necessary, as incomplete information is available for Planning to consider, especially as the present impact on the bats' habitat appears to be squeezing the bats into a smaller and smaller area for foraging for food. If the area available to them becomes smaller still it will be the case that bat numbers will be impacted upon and reduce, which will include impacting on Species of Principal Importance under section 41 of Natural Environment and Rural Communities Act, such bats having been identified in the ecological survey. This would suggest that offences are being committed as bats are being disturbed.

4. Taking the above into account, the ecological report is incomplete and further planning permission should not be granted until it is completed. This is particularly so, as it would appear that the bats are being disturbed and their ability to forage is being diminished.

Yours sincerely

Andrew Ellis

Objection – Darren & Marsden, 531B Livesey Branch Rd. Rec 10.02.2020

Dear Martin Kenny

We write in response to your letter advising of the recent planning application to the land off Moorland Drive / Livesey Branch Road, Blackburn. In relation to planning application 10/19/0662

I would like to refer you to the prior observations dated 01/02/15 for Application 10/14/1331 attached below for your convenience. It seems that the prior concerns were not correctly considered in 2015. I will repeat them and add additional details for your careful consideration this time before accepting the planning of 10/19/0662.

Since the building work for application 10/14/1331 in 2015 the work for the SUDS systems have not been completed and are not working to control the flow of water and protect the neighbourhood from flooding caused by negligent building contractors.

The council guidelines for 10/14/1331 documented in the Flood Risk Assessment and Drainage Strategy are being ignored by the building contractors and not enforced by the council. Sections 1.1.11, 4.2.4, 5.1.1, 5.1.5, 6.4.4 are in place to ensure a sound Flood Risk Assessment and Drainage Strategy. But these guidelines have been breached.

The current building contractors have started to use basins that are incomplete and have caused a number of flooding events, including 29th September 2019 and 9th February 2020., Twice in 5 months, not 1 in a hundred years.

I have been in regular contact with Jonathan Worthington, Paul Fletch, Imran Munshi and Cllr Pearson re the 29th September 19 events.

The use of a basin by the incumbent building contractor that is not yet finished is negligent and contrary to the sound flood management strategy. This negligence on behalf of the incumbent building contractor and the oversight of the council should negate the passing of 10/19/0662 application.

Regardless of the Flood Risk Assessment and Drainage Strategy document submitted for Application 10/14/1331 or the updated version for 10/19/0662 the strategy is not sufficient or is not being met by the building contractors.

Before application 10/14/1331 is approved and before continued work on the prior plan 10/19/0662 the Flood Risk Assessment and Drainage Strategy should be reviewed, and the building contractors should be managed and independently audited to ensure they are adhering to the guidelines clearly set out.

Including these key points.

1. Not increase the flow of water beyond historical levels. This planning condition was breached 29th Sept 19 and 9th Feb 2020.

2. Provide sufficient water storage for a 1 in 100-year event + 40% again this planning condition was breached 29th Sept 19 and 9th Feb 2020.

How can additional applications be approved when existing conditions are simply ignored by the building contractor?

The building contractor is mandated by the Flood Risk Assessment and Drainage Strategy to ensure that during the build phase the water flow to the surrounding neighbours is not increased above historical levels and the neighbours are also protected by their riparian rights as this water that runs from the incomplete suds systems is at a much increased flow and polluted with silt.

On the 9th Feb, basin number 3 constructed by Kingswood but incomplete is full and has breached. It has an uncontrolled outflow through an unauthorised black plastic pipe since 29th Sept 19 and the hydro break technology is still not in place, meaning that water flow to a number of properties on Livesey branch road is way beyond historical levels and thus are being flooded.

I understand that the culvert under 529a is broken, the fix to this is outstanding since October 2019, however that does not permit the use of the unauthorised black pipe and the uncontrolled and high level water flow out of basin 3. This basin should not be used until the black pipe has a hydro break fitted. How can the council allow the incumbent building contractors to continue with work on 10/14/1331 when they are in breach of the guidelines and how can the same contractors be permitted an application for future work?

The events of 29th September and 9th Feb prove that the SUDS don't work. Basin 3 also breached on 9th Feb and this is not a 1-100 year event +40%, the met office does not class the 9th Feb as a Yellow warning.

We trust that this time the council will take our concerns into your consideration, acknowledge that the guidelines set out for application 10/14/1331 in 2015 have not been adhered to and not approve application 10/19/0662, until the building contractors have rectified the situation and this is independently audited and ongoing reviews by the council are in place.

We object to the proposal until our concerns are considered and responded to, neighbours to the building site should not be subjected to this level of negligence.

Thank you for your time and attention to this matter and we look forward to hearing from you shortly.

Yours sincerely

Darren Marsden, Karen Marsden

Objection – Lynda Corban, 41 St Michaels Close. Rec 10.02.2020

Dear Mr Kenny

In response to your letter dated 30th January 2020, I wish to raise an objection to this application following the flooding on Livesey branch road today, which appears to have come from the new housing, the attenuation pond is overflowing, and looking at the plans it is intended to place these behind our houses which will result in our home being at risk of flooding 41 St Michaels Close and adjoins properties. Please see videos

Lynda Corban

Objection – Brian Stockdale, 72 Horden View. Rec 06.02.2020

Dear Sir,

I refer to your letter of 30 January 2020 notifying of additional information.

I was astounded to learn that 2 access roads to the site are planned from Brokenstones Road, this is far too dangerous. There is at the moment a 40mph speed limit on the majority of Brokenstones Road which is totally ignored by the majority of drivers. Also the positioning of the upper access road seems to me to be particularly reckless being very near a dangerous

bend were fatalities will be much more likely given the excess speed of many motorists.

In short Brokenstones Road is a country lane, unfit for the additional traffic, and I believe access to the site should be restricted to present access on Livesey Branch Road via Moorland Drive.

Regards

Brian Stockdale

72 Horden View

Objection – Carole Thompson, 29 St Michaels Close, Feniscowles. Rec 09.08.2019

Dear Sir - Ref 10/19/0662.

With reference to the letter received concerning the Application/ Outline Planning for the dwellings off land at Moorland Drive, I strongly object. The farm land at the rear of my bungalow is full of springs, which often floods. I feel there are far too many houses being built already in this area and quite soon there will be no grassland left for people to appreciate. Please consider my objections.

Yours sincerely
Carole Thompson.

Objection – Mr & Mrs G Sharp, 3 Buckthorn Lane Bluebell Walk, Feniscowles.
Rec 06.08.2019

We wish to comment on the above planning application.

We object in the strongest possible terms about the planning application that has been made by Kingswood Homes because Cockridge Wood has been included within the plans.

My Wife and I bought our home because of its proximity to such a beautiful woodland and the back of our property looks directly onto the wood. It was extremely distressing to have received such a letter from the Planning Department after returning from holiday and it has caused us considerable anxiety because of the uncertainty we feel over the future of the woodland.

We cannot understand why Cockridge Wood needed to have been included on the planning application at all by Kingswood Homes given that it is protected area. The ancient trees within the wood are protected by a Tree Preservation Order under the Town and Country Planning Act 1990 which you are well aware of, so it is unclear why it has been included within the planning application at all. The concern we have is that if Kingswood Homes are allowed to purchase the wood as part of their application they will seek to revoke the Tree Preservation Order at some point in the future, and we seek written assurances that they will not. Housing developers will always put profit before any other consideration and we encourage the Council to have the plans redrawn so that there is no doubt that Kingswood Homes will ever threaten the existence of this beautiful woodland.

The wood should be viewed as an outstanding feature within the local area that adds value to the community. It is home to wild bluebells; a species that is protected under the Wildlife and Countryside Act (1981).

The wood is also home to bats that can be seen flying around at dusk. Bats are protected by UK law and all bat species and their roosts are legally protected by both domestic and international legislation. This means that it is a criminal offence to damage or destroy a place used by bats for breeding or

roosting. Homes adjacent to the woods were built with bat roosting boxes in their roofs which proves how important the bats are to the area.

The wood is also home to a wide variety of birdlife including Owls, Jays, Robins, and Blackbirds. We are very concerned for the welfare of the protected flowers, mammals and birds that live in the wood and we believe that any development of it would be illegal.

With climate change being such a threat to our world, we must preserve trees because they are the lungs of the planet. As trees grow, they help stop climate change by removing carbon dioxide from the air by storing carbon in the trees and soil and releasing oxygen into the atmosphere. Threatening or removing trees that are hundreds of years old for profit is immoral given the work being done to plant more trees across the country to counteract the effects of climate change.

I understand the pressures that Councils are under financially but if they allow this precious woodland to be placed under threat it will create appalling publicity for the Authority; who would be seen as preferring to sell off ancient woodland for money rather than protecting irreplaceable green spaces.

I will be voicing my concerns with my MP, Kate Hollern so she is aware of the threat posed to the wood and request her involvement in ensuring that the wood remains protected.

Yours Sincerely

Mr & Mrs G Sharp

Objection – Andrew Ellis, Unknown Address. Rec 29.07.2019

I write in relation to your letter dated 18th July relating to the planning application seeking full planning permission for residential development of 155 dwellings and outline planning permission for up to 280 dwellings at land off Moorland Drive, Blackburn. I understand that this is part of the “Gib Lane Masterplan”.

I live at Horden Farm on Broken Stone Road. I have some points of concern:

1. I note the preliminary ecological appraisal has identified that there are bats in the area. Please can you advise when the further inspections of trees and the bat activity surveys are to take place as recommended in the report of Haycock & Jay Associates. I can confirm that I have seen bats flying in the area. Indeed, I am aware that one of my friends, who lives off Livesey Branch Road, found a bat in her house.

2. Broken Stone Road is a narrow road which is not particularly well marked from its start at Horden Rake, all the way and including Bog Height Road.

3. To evidence the narrowness of Broken Stone Road, I have seen occasions when two large vehicles travelling towards each other have not been able to pass each other due to the narrowness of the road, leading to one of the vehicles having to reverse to a point where the road was wide enough for the vehicles to pass each other. This led to other vehicles, that were behind the reversing vehicle, also having to reverse, leading to a dangerous situation on Broken Stone Road.

4. I note that the proposal is for vehicular access onto the development to be created on Broken Stone Road. I believe that increased vehicular activity on Broken Stone Road will lead to accidents, that may involve pedestrians. This is because there would be more pedestrian usage of Broken Stone Road which does not have pavements on the section from Gib Lane to Horden Rake. Additionally, Broken Stone Road is not wide enough for a pavement to be added. How is the increased vehicular usage of Broken Stone Road to be managed, so as to avoid accidents?

5. In relation to the potential for accidents, it should additionally be noted that the exit from Horden Farm onto Broken Stone Road is blind, and an exiting vehicle has to edge out to enable there to be a view down Broken Stone Road. Despite the reduction in the speed limit, vehicles still travel down this road at excessive speed. In any event, even if vehicles were observing the speed limit, if a car is trying to exit Horden Farm, and a car is

coming up Broken Stone Road that car would have to swing out to avoid the emerging vehicle. If a car was coming the other way at the same time, there is every possibility of a three-car collision, due to the width of the road. What steps are envisaged to ensure the safety of vehicles emerging from Horden Farm? The best way to avoid this would be to not have an access road into the development from Broken Stone Road.

Regards

Andrew Ellis

Objection – Rick Moore, 445 Livesey Branch Rd. Rec 20.07.2019

Dear Mr Kelly

I wish to formally object to the planning application reference 10/19/0662

Blackburn council is not improving local infrastructure to allow it to cope with all these new houses. Transport links to the m65, especially the junction between Livesey Branch Rd and Preston Old road, and at the bottom of Bog Height Lane are already insufficient to handle the traffic they already do ! To preserve the quality of life of existing residents THIS MUST COME FIRST. Livesey Branch Rd is becoming busier and busier, and I would also refer you to the complaint regarding the section 106 works at the junction of Moorland drive and Livesey Branch Rd. Further development is only going to make this situation worse.

Furthermore Blackburn with Darwen on Thursday the 18th July have decided to declare a "Climate Emergency" and set a target for the town to become carbon neutral by 2030. Regardless of my views as to why this should be 20 years ahead of the national target of 2050 and what the cost implications to local residents will be, how on earth does the council propose to achieve this if you continue to allow development of green spaces ? There are a plethora of brownfield sites in Blackburn with Darwen, all of which require re development. We need to focus on these areas, not be building over green

spaces. I submit the councils new "climate emergency" policy and the proposed planning application are incompatible.

Best Regards

Rick Moore

445 Livesey Branch Rd

Blackburn

Objection – M Allen, 21 St Michaels Close. Rec 13.08.2019

Dec-13/18. 21 St Michaels Close
Blackburn

Building Application
at Moorland Drive

B82 5D 9

30-7-18

Dear Sirs

It is with great sadness I write
this letter regarding the building of these houses etc.
My late husband and I purchas the bungalow in October 69
but there last few years we have not seen the Redgates and
rabbit around only the fattest sheep and cows, which
is very nice. I am now 82 year old and still darning
and the area is busy now so it will get worse

If there and chance of a plan of the field behind me a
I can't make the town anymore.

Yours faithfully

67. St. Michael's Close
Feruscowles
Blackburn.
BB2 5DL

Dear Sir,

In reply to your letter of 18.7.19 regarding a planning application 10/19/0662. I am strongly against the above land (off Moorland Drive)

What is going to happen to excess sewage and water, there isn't any place to go, unless you are thinking of removing houses to allow the pipes, at the moment, there is a small pipe that takes excess water from the field. So no way can this be achieved unless you pump it up hill.

Please take this into consideration when deciding and build on all the brown sites in Blackburn. There isn't going to be any country side round Blackburn and as the town centre is falling behind local towns around, what is the point of all this. Please keep the

countryside.

yours faithfully

Support– Claire Campbell, Land Manager, Wainhomes NW Ltd, Kelburn
Court, Daten Park, Birchwood. Rec 7th February 2020:

Full Planning Application / Outline Planning Application – Hybrid planning application seeking full planning permission for residential development of 155 dwellings and outline planning permission with all matters reserved except for access for residential development up to 280 dwellings.

Further to your letter received on 3rd February 2020 (Ref:10/19/0062), highlighting the receipt of additional plans for the proposed development. The Company have examined the plans and know the site well. The Company wish to offer our support to the proposal, for the reasons outlined below.

The site forms part of the larger Gib Lane Masterplan Area and Site Allocation within the Blackburn with Darwen Borough Local Plan. Along with Kingswood Homes and Story Homes, Wainhomes have also a successful current development 'Bluebell Walk' within the wider masterplan area. This development is nearing completion, so it is important that the rest of the masterplan area is now being brought forward. The principle of development is well established in this area and this planning application will allow the continued provision of high-quality homes and add to the sustainable neighbourhood already created. As the Local Authority are unable to demonstrate a five-year supply of housing, this application is essential for the provision of future housing development.

REPORT OF THE DIRECTOR

Plan No: 10/20/0265

Proposed development: Full planning application - Construction of 63 dwellings and associated infrastructure

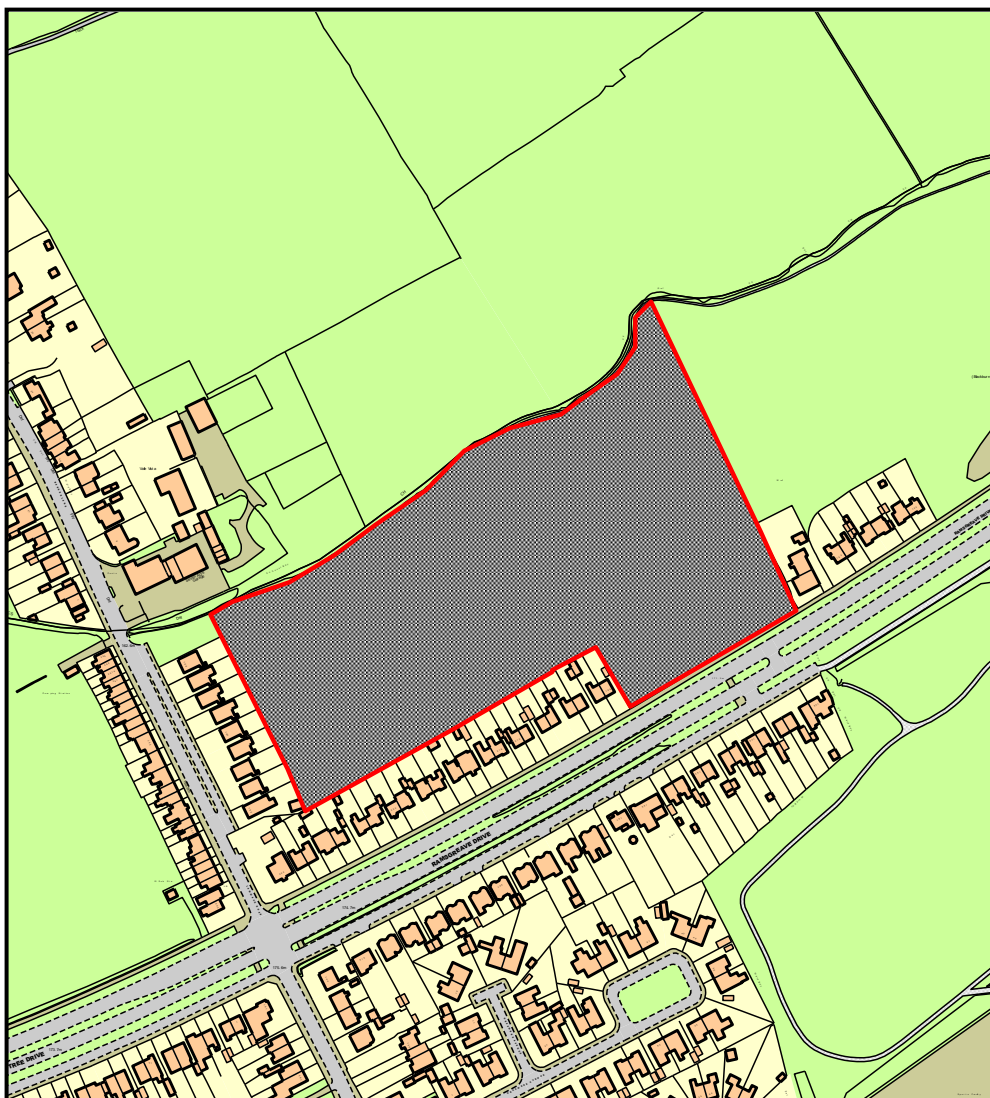
Site address:

Land off Ramsgreave Drive, Blackburn

Applicant: Landway Properties Ltd

Ward: Billinge and Beardwood & Roe Lee

Councillors: Cllrs Tasleem Fazal, Julie Daley, Jackie Floyd; Phil Riley, Sylvia Liddle and Ron Whittle



1.0 SUMMARY OF RECOMMENDATION:

1.1 APPROVE – Subject to a Section 106 Agreement relating to the provision of off-site highway works to facilitate the development, affordable housing contribution for off-site provision and education.

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, it delivers housing at a site which is allocated for housing development in the Local Plan Part 2 and it meets the objectives identified within the North Blackburn Masterplan. 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 forms the eastern section of housing land allocation 16/2: which is referred to as the North Blackburn Development Site. The site measures 3.76 hectares and comprises land situated to the north of Ramsgreave Drive, the east of Lammack Road and west of Blackburn Rugby Club's grounds. The area has an undulating form, rising generally to the south from a small watercourse that forms the northern edge of the site. The site is predominantly covered by semi-improved grassland with some bramble scrub, scattered tree coverage and hawthorn hedgerows.

3.1.2 The periphery of the site has a mix of detached and semi-detached inter and post-war houses to the south, southeast and western boundaries. The northwest corner of the site lies in close proximity to a car showroom/garage. The wider area to the north is green belt and is generally free from development, save for sporadic housing that takes a vernacular form.



View across site from Ramsgreave Drive



View of site frontage



View of the site to the North



View of site to the South (Ramsgreave Drive)

Extracts from submitted Design & Access Statement (March 2020)

3.1.3 Public transport links run along Barker Lane and Ramsgreave Drive, offering bus services to Whalley, Clitheroe and Blackburn. Ramsgreave and Wilpshire station is the nearest rail link, circa 1.5 kilometres to the east of the site, though it only offers a limited service to Manchester and Clitheroe. Two public rights of way, Blackburn 17 and Blackburn 18, are on the north and east edges of the site respectively. There are a number of pedestrian and cycle routes in the vicinity including the Witton Weavers Way.



Google image of application site

3.2 Proposed Development

3.2.1 The proposal is a full planning application for the erection of 63 homes, with associated infrastructure. The development will be served by a new vehicular access to Ramsgreave Drive, whilst a secondary pedestrian link will be formed to Lammack Road in the area of an existing public right of way.

3.2.2 The proposal seeks to deliver a high specification development which accords with the North Blackburn Masterplan. The layout has been designed to provide a sense of arrival into the site, a public open space provides a visual separation of the development from Ramsgreave Drive. The access road leads to a primary spine road along the

northern boundary providing access to a series of cul-de-sacs and private drives.

3.2.3 The proposed development provides a net residential density of a little over 16.75 dwellings per hectare, when considering the site's gross developable area of 3.76 hectares. The 63 units will all be detached with 62 having four bedrooms and the remaining unit being a 3 bedroom property. All dwellings are two storey in height, with a mix of building materials that replicate the appearance of vernacular housing in the area.



Extract from submitted amended 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:

3.3.2 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 - Locations for New Housing
- CS6 – Housing Targets

- CS7 – Types of Housing
- CS16 – Form and Design of New Development
- CS18 – The Borough’s Landscapes
- CS19 – Green Infrastructure

3.3.3 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 16/2 – Housing Land Allocations (North Blackburn)
- Policy 18 – Housing Mix
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

3.4 **Other Material Planning Considerations**

3.4.1 North Blackburn Masterplan

The site is within the North Blackburn Masterplan area, forming Phase B of the delivery strategy. The Masterplan was the subject of public consultation and was prepared in consultation with the land owners/promoters. It was adopted by the Council 16th March 2017, and as such is a material consideration when considering this and future proposals for the area.

3.4.2 The overall vision for the North Blackburn Masterplan Area is identified as being:

“Our vision builds upon the unique character of the rural setting to create a high quality, distinctive and sustainable neighbourhood, with a wide choice of family housing, and will become a place where the people of Blackburn and beyond will aspire to live”.

It will be an attractive place to live with approximately 450 homes being provided, including a significant proportion of larger family housing and an integrated network of linked green spaces for residents to enjoy.

The site will have a strong local identity. It will be characterised by attractive, well-designed buildings and spaces and will comprise of a number of distinctive areas with their own unique character which responds to the characteristics of that particular part of the site.

Development will use existing views from the site and will respond positively to the topographical character of the site. It will provide safe and attractive links to the adjacent urban area, both established and proposed. It will be structured around existing landscape features and will incorporate a network of green spaces and a green corridor to the northern boundary that provide opportunities for informal recreation and contribute to the area's green character.

The site will be well connected to existing facilities and services, with a permeable layout that maximises linkages and integration with the site and the wider area. The existing footpath network within and adjacent to the site will be enhanced to encourage walking and cycling with specific links to the Weavers Wheel cycle network as an alternative to travelling by car and will improve access to public transport services”.

3.4.2 In order to achieve the vision the masterplan sets out the following objectives for the development, to:

- provide a balanced mix of high quality housing, including family housing, with a mixture of housing typologies;
- provide sustainable energy efficient housing;
- create a high quality urban extension to Blackburn which is well-connected visually and physically to the existing urban area and surrounding countryside;
- create a varied and distinctive environment in new housing, landscape and public realm through local design character and cues from the rural character;
- use the topography of the site to inform the design response;
- create a well-connected and legible network of streets;
- create a well-connected and legible network of pedestrian and cycle movement corridors within the site and linking the site with facilities outside;
- protect and enhance the watercourses and any sensitive habitats on the site to increase biodiversity;
- sustainably manage surface water run-off;
- create an attractive landscape corridor along the northern boundary adjacent to the watercourse to provide a robust and enduring new Green Belt boundary with integrated SuDs, habitat enhancements and walking/cycling routes;
- to provide a network of green spaces within the development to break up the built form;

- create distinctive character areas across the site taking references from the vernacular of the wider area. The new built form should aim to form an attractive transition between the rural and urban edges taking account of views into the site.

3.4.3 The masterplan identifies 4 distinct character areas across the two land parcels that form the whole of the land allocation. The 'Waves' character area specifically affects the whole site area covered by this application.

3.4.5 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.

3.4.6 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.

Section 5 of the Framework relates to delivering a sufficient supply of homes, and Section 8 relates to promoting healthy and safe 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 and compliance with Masterplan objectives;
- Highways and access;
- Drainage;
- Design and Layout;
- Public Protection Issues;
- Ecology; and
- S106 Obligations

3.5.2 Principle and Compliance with Masterplan Objectives

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 (particularly Policy 16 – Housing Land Allocations); and the Core Strategy (particularly Policies CS1 and CS5).

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.

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.

3.5.4 Local Plan Policy 16 allocates land for development within the 15 year life of the Plan, subject to key development principles. This proposal represents residential development of a significant scale on the western section of Site 16/2 – the North Blackburn Development Site, Blackburn. The site has been brought forward in line with the adopted North Blackburn Masterplan covering the wider 28.8 North Blackburn masterplan area. Key development considerations identified in the Local Plan Part 2 include the following:

- The site is to be brought forward in line with a masterplan covering the whole of housing allocation 16/2
- Proposals will widen the range and choice of housing to meet local needs;
- Design is to be sympathetic to local character with a robust new Green Belt boundary;
- Retaining and enhancing the public right of way at the site edge;
- Be supported by a landscape and green infrastructure framework incorporating perimeter planting and an on-site open space incorporating formal and informal play;
- Understanding the impact on ecology, including the brook along the northern boundary;
- Address the potential for flooding from the northern watercourse and from blockages in the culvert;
- Access points onto the A6119 (Yew Tree Drive/Ramsgreave Drive) need to ensure that the free flow of traffic and highway safety are maintained;
- Contribution towards local highway improvements
- Consider the noise levels arising from traffic on the A6119.

- 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.
- 3.5.6 As an allocated housing site, the principle of the current proposal is considered to be acceptable and in accordance with the provisions of the development plan in terms of delivering a high quality residential site within the urban area. This is subject to the more detailed considerations also being in accordance with adopted development plan policy and national guidance.
- 3.5.7 Highways and Access Core Strategy Policy 22: Accessibility Strategy and Local Plan Policy 10: Accessibility and Transport, aim to ensure that new developments provide appropriate provision for access, car parking and servicing so as to ensure the safe, efficient and convenient movement of all highway users is not prejudiced.
- 3.5.8 The initial proposal identified a new 5m wide radial vehicular access to the site from Ramsgreave Drive, with 2m wide pedestrian links. A secondary pedestrian access is provided in the northwest corner of the site, linking to Lammack Road/Barker Lane. In order to facilitate the new primary access it will be necessary to undertake off-site works to remodel the existing A6119 carriageway.
- 3.5.9 A detailed Transport Assessment (TA) has been submitted in support of the application. The assessment evaluates 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 this major new residential development. The assessment takes account of all committed development around the site and forecast increases in transport movements associated with allocated development sites. In addition the document also details works related to an 'up-filling exercise' to address the significant site level challenges and provide a suitable development platform.
- 3.5.10 The applicant's TA conclusions can be summarised as;
- The proposed development will be accessed by safe and efficient vehicular access arrangements.
 - The proposed development complies with local and national planning policy.
 - The proposed development benefits from being accessible on foot with the existing pedestrian footways providing access to a wide of range of services.
 - The proposed development is accessible by bus and rail with services available in the vicinity of the site.

- The traffic impact assessment indicated that the proposed development will have a minimal impact on, the local highway network.

3.5.11 Capita Highways appraised the initial TA submission and advised that further clarification was required in relation; site accessibility by modes other than private motor cars, traffic impact analysis, accident analysis and the impact of construction traffic.

3.5.12 Additionally, comments on the internal layout and development impacts have been provided by the Council's Highway Officers. The comments can be summarised as follows;

- Parking should be in accordance with adopted standards (size and numbers)
- Vehicular access into the site is to be taken from Ramsgreave Drive. A newly created Priority junction will serve the new development with a right turn lane. These works would fall under a 278 improvement scheme, whereby all works would be undertaken by the Local Highway Authority from design to implementation at the developers cost.
- Confirmation of gradients to be provided on plan for both the access and throughout the site.
- Having examined the swept paths which were provided within the Transport Statement. There are concerns with some turning heads, which in our opinion struggle to support the turning manoeuvre...please request further amendment to turning head in front of plot 55 and outside plot 46/47 and finally outside plot 3.
- The scheme proposes pedestrian connectivity through the site to adjacent playing fields, schools etc, this is welcomed. To promote use of these paths consideration should be given to low level, softer lighting; please condition.

3.5.13 In response to the highway comments an additional transport technical note from the applicant's transport consultant, Croft, has been provided. Furthermore, an amended site layout drawing and construction management plan was received 14th May 2020, these detailed changes to address the earlier concerns from the Local Highway Authority. Please refer to paragraph 3.2.3 for the amended site layout.

3.5.14 Internal Layout

To address the comments on the internal layout received from BwDC, the layout has been amended to include the following;

- Extended turning heads increased where requested (Adjacent to Plots 3, 46 and 50.)
- Verge adjacent to plots 18 to 35 changed to footways;
- Footpath along northern boundary widened to 3 metres to enable shared pedestrian/cycle movement.

3.5.15 Accessibility by Non-Car Modes

Within their response Capita raised comments on the assessment of the accessibility of the site by non-car modes contained within the submitted Transport Assessment (TA) and submitted Travel Plan Framework (TPF). Given the provision of a TPF will be attached as a condition to any future planning consent on the site, the amendments requested by Capita have been made to the TPF.

3.5.16 Traffic Impact Analysis

It is confirmed that the year of assessment for the traffic impact analysis is 2026, the reference to 2025 is an error. The 2017 -2026 growth factors used within the TA and subsequently checked by Capita remain the same. As requested by Capita, committed development for the Roe Lee development have been added to the study area network using observed turning proportions. Further, the 2026 Base Flows have been revised to include the Roe Lee committed development.

3.5.17 Capita’s highway consultant’s comments regarding the Weekday AM departure trip rate is noted and this has been amended to reflect this observation. Table 1 below summarises the revised trip rate and traffic generation. As can be seen above, the results show the proposed site access junction will operate efficiently in the 2026 “With Development” scenario in both the AM and PM peak hours.

Peak Period	Trip Rates		Trip Generation		
	Arr	Dep	Arr	Dep	2-Way
AM Peak Hour	0.145	0.427	9	27	36
PM Peak Hour	0.352	0.222	22	14	36

Table 1 - Forecast Trip Generation of Proposed Residential Development

3.5.18 The next section of the technical note assessed the operation of the following junctions using the revised traffic flows;

- A6119 Ramsgreave Drive/Site Access Priority Controlled Junction;
- A6119 Ramsgreave Drive/Lammack Road Signal Controlled Junction.

To assess the operation of the A6119 Ramsgreave Drive/Site Access junction, the PICADY computer program has been utilised. The results for the 2026 ‘With Development’ flow scenarios are summarised within Table 2

Arm	2026 With Development			
	Weekday AM		Weekday PM	
	RFC	Max Q	RFC	Max Q
Site Access	0.05	0	0.03	0
A6119 Ramsgreave Drive	0.01	0	0.02	0

3.5.19 As can be seen above, the results show the proposed site access junction will operate efficiently in the 2026 “With Development” scenario in both the AM and PM peak hours.

To assess the operation of the A6119 Ramsgreave Drive/Lammack Road signal controlled junction, the LINSIG computer program has been utilised together with signal data obtained from BwDC.

3.5.20 Consideration has been given to the impact of the proposed provision of pedestrian facilities at the junction. For the purpose of this analysis it has been assumed that pedestrian facilities are provided on the A6119 Ramsgreave Drive East and Lammack Road north arms of the junction, these have been modelled through the provision of an all red stage. For robustness it has been assumed that the pedestrian stage is called every cycle which is highly unlikely during the peak periods. Table 3 below summarises the results of the 2026 Base and With Development scenarios;

Approach	2026 Base Flows				2026'With Dev' Flows			
	Weekday AM		Weekday PM		Weekday AM		Weekday PM	
	DoS	MMQ	DoS	MMQ	DoS	MMQ	DoS	MMQ
Yew Tree Drive (E) Ahead Left	82.0%	7	63.7%	5	83.6%	7	64.3%	5
Yew Tree Drive (E) Ahead Right	82.7%	7	67.7%	6	84.3%	8	68.3%	6
Yew Tree Drive (W) Ahead Left	72.6%	6	70.7%	6	73.2%	6	71.6%	6
Yew Tree Drive (W) Ahead Right	76.3%	6	87.1%	6	76.8%	6	87.3%	6
Lammack Road (N) Right Left Ahead	23.0%	1	16.9%	1	23.0%	1	17.3%	1
Lammack Road (S) Left Right Ahead	81.2%	6	54.0%	3	81.2%	6	54.5%	3
Practical Reserve Capacity	8.8%		3.4%		6.8%		3.1%	

As can be seen in the above table, the proposed development will have minimal impact on the operation of the junction even when assuming the pedestrian stage is called every cycle.

3.5.21 Within the comments raised by BwDC concern was raised regarding the impact of construction traffic on the Lammack Road north arm of the junction during the re-profiling phase. It should be noted that even during the peak periods for this phase there is only forecast to be 4 arrivals and 4 departures each hour (A maximum of 5 each way movements is considered an upper limit). Such an increase would have negligible impact on the operation of the junction even during the peak periods

3.5.22 Accident Analysis

As requested by Capita, the accident analysis has been extended to include the eastern section of the A6119 Ramsgreave Drive towards its junction with Whalley New Road. Accident data has been obtained from the Crashmap website.

3.5.23 Of the fourteen recorded accidents, two incidents involved vehicles striking pedestrians in the carriageway. No common infrastructure design issues have been identified in connection with these accidents. It is noted that pedestrian crossings facilities are provided at the principle junctions. It is possible that a failure to observe other road-users may be a common contributory factor. Consequently, no mitigation measures have been identified. A further two incidents involved turning vehicles striking cycles. Again, no common infrastructure-related contributory factors are identified in connection with these accidents. It is possible that a failure to observe other road

users may be a common contributory factor in each of these incidents and consequently, no mitigation measures are identified.

3.5.24 Five accidents involved vehicles moving off colliding with overtaking/passing vehicles. No infrastructure related common causal factors have been identified in connection with these incidents, however it is possible that a failure to observe other road-users may be a common contributory factor. Due to the nature of these accidents and their frequency, no mitigation measures have been identified. The final incident involved a vehicle striking an object off the carriageway. It is not clear what the causal or contributory factors in this incident were. Due to its isolated nature, no mitigation measures have been identified.

3.5.25 In summary, the data reviewed has demonstrated that there are no particular road safety issues in the vicinity of the site. It is not considered that the proposals will unduly change the characteristics or nature of the surrounding highway network and as such will not have a detrimental impact on overall road safety.

3.5.26 Construction Traffic

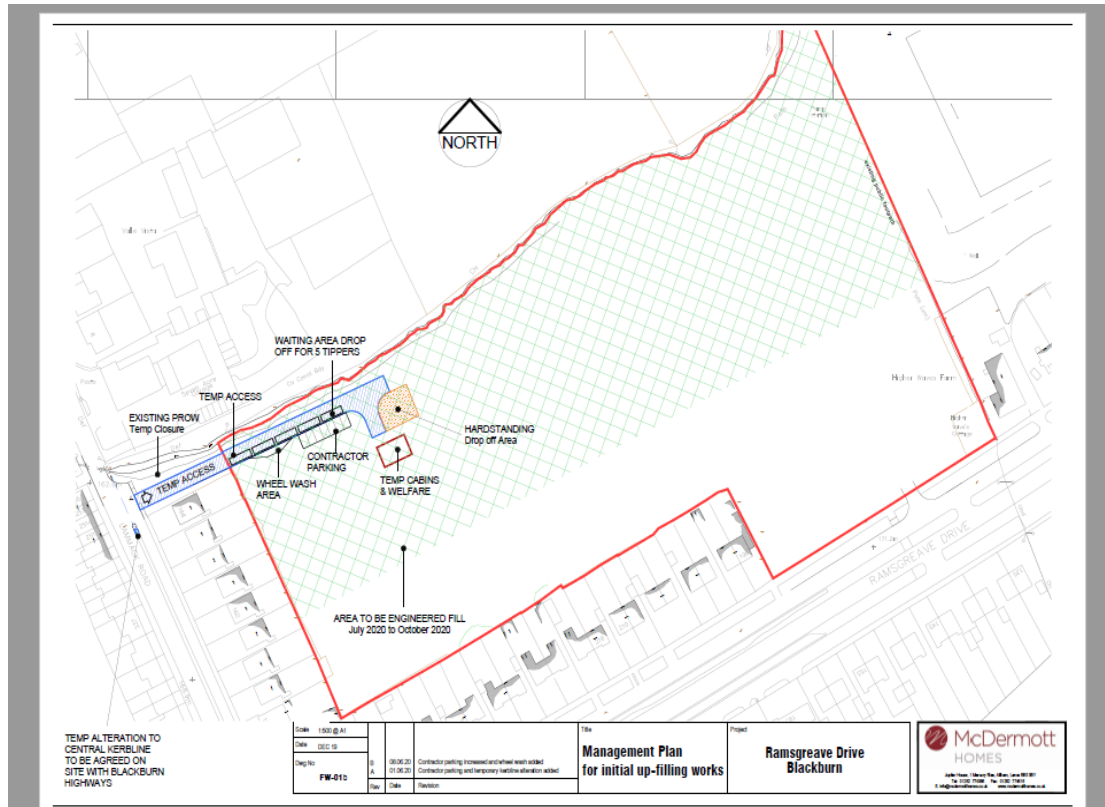
It is proposed that a construction traffic access be provided off Lammack Road for the up-filling phase of the construction process. Details on the frequency of vehicle movements is discussed above and this phase will result in a maximum 5 arrivals and 5 departures per hour which would have minimal impact on local highway network. In the consultation responses received from BwDC and Capita, comments were raised regarding vehicles waiting on Lammack Road and the swept path analysis of tipper vehicles entering and exiting the site. To address these comments, the following is proposed;

- Removal of the nose of the kerbed island between Lammack Road and the proposed construction access to assist swept path analysis of vehicles. This would be reinstated on completion of the site; the revised swept path analysis is displayed in the accompanying plans
- Provision of waiting area within the site for vehicles to ensure that they do not wait on Lammack Road, this arrangement is shown on the construction management plan.

Based on the above it is concluded that the provision of a construction access for the up-filling phase will not have a material impact on the safe operation of the local highway network.

3.5.27 The content of the TA technical note has been agreed by the Council and subject to planning conditions relating to off-site highway works to facilitate vehicle movements to the west and travel planning framework being agreed, the development can be considered to be compatible with national and local planning policy, providing a safe and accessible development that will have minimal impact on the highway network. Notwithstanding that position, consideration of the construction impacts

in relation to wheel washing, site operative's car parking, in-curtilage turning of construction traffic during site preparation and the associated turning manoeuvre to/from Lammack Road will be provided via the Committee update report.



Extract from submitted Construction Management Plan – 1st June 2020

3.5.28 Drainage The site lies in Flood Zone 1, which is low risk on the Environment Agency's Flood Zone Map. The application is supported by a Flood Risk Assessment and Drainage Statement (FRA) produced by Betts Hydro Consulting Engineers. In addition, a Drainage Strategy Plan has been produced by REFA consulting engineers. Consultation with the Environment Agency and Lead Local flood Authority has confirmed they have no flood data at this location or any historical records of flooding. Consultation with United Utilities also failed to identify any specific historical sewer flooding to directly to the development site.

3.5.29 Overall the documents conclude that the site is considered to be at 'low' flood risk from the key flood sources, with surface water flood risks being the most likely source of flooding to impact the site. The highest surface water flood risk corresponds with natural low points including the river corridor. The surface water flood risk identified is based on the existing ground levels onsite. This flood risk can be effectively managed as part of the development through appropriate levels design and the implementation of a sustainable surface water management regime.

3.5.30 In order to prevent any increase in surface water run-off from any new development there is a requirement to ensure surface water management is carried out in a sustainable manner. A surface water management initial design has therefore been prepared by REFA to support the planning proposals. As infiltration is not likely to be feasible, the proposals are to mimic the existing regime onsite and discharge surface water run-off into the adjacent Ordinary Watercourse given its located adjacent to the northern boundary of the site.

3.5.31 The Council's drainage team initially objected to the proposal, citing concern that the proposals did not accord with the SuDS proposals that were agreed within the North Blackburn Masterplan for the application area. The masterplan states at 1.7.6 that "The Council's preference is for an above ground SuDS solution incorporated into the green infrastructure framework. It is expected that this will be located and integrated within the green corridor along the northern boundary". The secondary issue of the attenuation within the site needing to be increased to the 1 in 100 year flood +40% to meet climate change requirements was also raised.

3.5.32 The applicant has highlighted that the masterplan requirement for above ground solutions is merely a preference, rather than absolute requirement. In addition it is also noted that the climate change requirement within the masterplan is actually set at 1:100+30% allowance for climate change. The following technical rebuttal has also been provided;

Firstly it is important to recognise that this particular parcel of land is very steeply sloping with existing gradients across the full depth of the site, from Yew Tree Drive to the water course of an average of 1 in 10. Interrogation of the topographical survey does not reveal any areas of the site that particularly lends itself to the formation of pond / wetland features of the magnitude required.

It must also be acknowledged that due to the requirement for the highway gradients to be no steeper than 1 in 12, the road running parallel to the watercourse will require elevating above existing ground level by between 1.2m and 1.5m. This will lead to an engineered batter slope at circa 1 in 3 between the road and bank top of the watercourse. This area thus will not be available for an above ground SuDS feature. Reference to the proposed design for the sewers shows that there are to be 3 separate attenuation systems, which all cascade down to the lowest system. The overall attenuation provided amounts to circa 1102m³.

The design of any feature or pond would need to comply with the SuDS Manual and also not prevent a significant safety hazard, to this end we would normally not design any such feature to have a water depth of

more than 1.0m for the worst case event with 300mm freeboard and 1 in 4 batter slopes.

Notwithstanding those concerns, accommodation of ponds would effectively lead to a total plot loss of between 11 and 17 units based on current layout. This would make the development unviable

Moving on to the question of treatment of surface water run off from residential development, the SuDS manual CIRIA 753 – 2015, which indicates pollution hazard level from roofs to be very low and from residential roads and drives to be low. Furthermore, the use of deep trapped gullies on residential projects will aid in removing pollutants from roof, drive and highway drainage. It should also be noted that the surface water attenuation systems are usually constructed at gradients of 1 in 400 (average) and this will have the effect of residual siltation being deposited within the sewers and the sump arrangement at the Hydrobrake manholes.

Thus in summary where it is not possible, for engineering or site viability reasons to incorporate above ground SuDS treatment features on residential development sites, in our opinion it would be unreasonable to withhold planning permission in these circumstances and where all other requirements in relation to flood risk have been met.

3.5.33 The Drainage team have retained their preference for above ground attenuation solutions, indicating that other steeply sloping sites within the borough have still managed to accommodate ponds as part of their drainage solution. Nonetheless it is accepted that the scheme's viability in this instance is tied to the use of a below ground solution – and that the proposed underground storage will provide the necessary run-off discharge requirements to adequately mitigate flood risk.

3.5.34 Subject to adherence to the principles within the drainage strategy and conditions relating to; foul and surface water being drained on separate systems, surface water drainage system to be agreed and the future maintenance and management of the SuDS, the development is considered acceptable, in accordance with the requirements of the Masterplan and Policy 9 of the Local Plan Part 2.

3.5.35 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.

3.5.36 Policy 18 of the Local Plan Part 2 confirms that new housing development is required to widen the choice of housing types available

within the Borough. In addition, the Council confirms that semi-detached and detached properties are required to be the principal element of residential developments. The development proposes a mix of larger homes to address the local need for larger detached family dwellings. All of the dwellings are provided with their own front and rear private amenity space. The proposed development is therefore in accordance with Policy 18 of the Local Plan Part 2 and Policy CS7 of the Core Strategy.

3.5.37 The adopted North Blackburn masterplan identifies the following requirements for the 'Waves' character area that the application site occupies;

- This area has a more urban character with a mix of brick and rendered properties, two stories in height of varying typologies which a character influenced by green streets and corridors. To be predominantly detached or semi-detached.
- The Waves should feature a mix of brick and rendered properties of varying typologies with a character influenced by green streets and corridors.
- Along the green corridor, buildings should either front or side on to the open space, providing a high degree of overlooking and maximising views out to the countryside. Variety and interest should be created with the use of varied roof forms (hips and gables) and changes in building materiality.
- The green link should bring the informal planting of the green corridor into the development, with planting becoming more formal as the development nears Ramsgreave Drive.
- Spaces which are courtyard in character should provide the interface with the green corridor, responding to landscape and visual sensitivities along the urban/rural transition.
- Rural Green - incorporates SUDS, seating/picnic areas and areas of informal landscape play.
- The visual impact of parked vehicles, particularly within the frontages of properties, should be kept to a minimum.



Bowfell - Detached 4 bedroom unit



Chatham - Detached 4 bedroom unit with integral garage



Garth - Detached 4 bedroom unit with projecting gable and integral garage



Maidstone - Detached 4 bedroom unit with projecting gable, bay window and integral garage



Norton - Detached 4 bedroom unit



Oakhurst - Detached 3 Bed unit with bay window and linear canopy roof

Extract from submitted Design & Access Statement (March 2020)

3.5.38 The proposed scheme is considered to generally respond positively to the Masterplan vision. The proposed development provides a net residential density of circa 17 dwellings per hectare, when considering the developable area of 3.76 hectares. The units are all detached, providing accommodation over two storeys. Although the properties throughout the proposed development are standard house types for the developer, they have been specifically chosen to accord with the Masterplan and help assimilate with the context of the site. 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.

3.5.39 The layout has been designed to provide a sense of arrival into the site from Ramsgreave Drive, a public open space provides a visual separation of the development from Ramsgreave Drive. The access road leads to a primary spine road along the northern boundary providing access to the “streets” forming a grid layout to the site that replicates local urban forms. The layout also allows the site topography to be incorporated into the scheme.



Extract from amended submitted site layout (14th May 2020)

3.5.40 Continuous frontages are proposed to provide a high degree of definition to the street scene and will rise and fall with the site gradients. The frontages will allow views out onto the open countryside beyond. The use of dual aspect units help frame nodes/ junctions to allow a continuity to the street-scene and natural surveillance to the areas of open space.

3.5.40 The existing trees and planting/hedgerows, primarily located to the site boundaries, are to be retained wherever possible and reinforced with new planting. To the northern boundary there is an area of public open space and landscape buffer to the existing brook. The area will be landscaped and allow the existing public right of way from Lammack Road to run through this zone and along the eastern boundary to provide a link to Ramsgreave Drive to integrate the new development into the existing surroundings. This element also serves to soften the northern boundary, which abuts green belt land within the control of Ribble Valley BC. Finally, the site entrance off Ramsgreave Drive will also have an attractive landscape feature to the entrance. Indicative details have been provided for all of these areas, though a condition requiring submission of a landscaping plan will be required.



Extract from amended submitted site layout (14th May 2020)

3.5.42 Individual dwellings will have various boundary treatments including new hedges enclosing private garden areas where they overlook public spaces and close boarded fencing to rear boundaries and between dwellings. Extensive use of new hedging will be used along the primary roads to provide a soft division from private to public space. Again, a condition requiring details of the appearance of boundary treatment will be required.

3.5.43 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; Central play area designed in accordance with Secured by Design guidance for 'Safer Play Areas'. Many of these matters sit outside the scope of development management, however a landscaping condition will be applied and the Lancashire Police will be consulted as part of the process to discharge the condition. The other matters could be attached as a series of informatives to the decision notice, as necessary.

3.5.44 The comprehensive details submitted illustrate a design and layout which show dwellings, infrastructure and landscaping which accords with the provisions of the adopted Masterplan and relevant policies of the development plan.

3.5.45 Public Protection Issues:

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.

- 3.5.46 Residential Amenity: 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.
- 3.5.47 Following assessment and receipt of an amended layout, the separation distances to the existing properties on the site's periphery are wholly compliant with the requirements of the SPD. Furthermore, between the proposed properties within the site the separation is also in accordance with the Council's adopted standards.
- 3.5.48 Impacts arising from site works: The application is also supported by a construction management plan (CMP) that, in part, seeks to provide safeguards to protect residential amenity during the construction phase. This includes, but is not limited to; dust suppression measures; confirmation the development will be undertaken in accordance with *BS 5228 Construction & open sites : COP for noise and vibration control*; wheel cleaning; and limitation on working hours. The document has been accepted by the Council's Head of Public Protection as being adequate for the initial site preparation, or 'up-filling' stage of the development. A condition requiring compliance with the CMP through that stage of development is therefore required. Given that additional issues may arise through the wider construction process, it is considered necessary to also require a CMP to be agreed for the construction phase
- 3.5.49 Further potential impacts of the development process arise from the potential for pile driving to be required as part of the construction process. Full details of foundation construction have not been presented and it is therefore recommended that a noise and vibration control condition be imposed; the wording of which can be altered to only make the condition relevant subject to the use of pile foundation construction.
- 3.5.50 Air quality: Due to the data collection at the master planning stage for the site it was considered to be unnecessary for a full Air Quality Impact Report to accompany the application. Instead it is considered appropriate to impose some minor mitigation measures relating to (i) the provision of external plug sockets to facilitate the use of electric vehicles (ii) maximum output levels from gas boilers within the development.
- 3.5.51 Contamination: The application has been supported by contaminated land desk study and site investigation reports. Additional information in relation to gas monitoring has also been provided during the

assessment of the application. The submissions indicate that the site is free from contamination. A position that has been agreed by the Council's Environmental Protection officers. Nonetheless, it has been requested that the standard 'unexpected land contamination' condition be applied, should the application be approved.

3.5.52 Subject to the controls and conditions detailed above, the Proposal is considered to meet the requirements of Policy 8 of the Local Plan

3.5.53 Ecology: Policy 9 of the LPP2 supports development where there is no unacceptable impact upon environmental assets, including habitats and protected species.

3.5.54 An extended phase 1 habitat survey and ecological scoping assessment informed the production of the masterplan. The current application is also supplemented by an Arboricultural Impact Assessment & Tree Survey and Preliminary Ecological Appraisal, both having been undertaken by Ascerta. The key findings include;

- There are no statutory protected sites within the vicinity that are likely to be influenced by the proposals
- The site comprises semi-improved grassland, bramble scrub, scattered trees, tall ruderal vegetation, running water and species poor hedgerows. Habitats present are relatively common throughout Lancashire.
- Some of these habitats will be lost to the proposals, although the hedgerow (H3) and the scattered trees will be retained. Improving the species diversity of hedgerow H3, together with new hedgerow planting along the brook, tree and native scrub planting and wildflower planting, will contribute towards mitigation for any loss of vegetated habitat.
- The trees on the site have been assessed as having negligible bat roost potential and no buildings are present within the development area. The site is assessed as providing low bat foraging and commuting habitat
- The site has only low potential to support protected or priority species, except for nesting birds

3.5.55 Greater Manchester Ecology Unit (GMEU) have fully appraised the submissions and conclude that the reports sufficiently provide a baseline and no further surveys are needed prior to the determination of the application. No objection to the proposal is offered, subject to the following matters being secured by suitably worded planning conditions;

- No vegetation removal between 1st March and 31st August, unless a qualified ecologist has confirmed absence of nesting birds
- No development to occur until a construction management plan (CMP) has been submitted and agreed. The CMP shall include; a) Risk assessment of potentially damaging construction activities; b)

Identification of a "biodiversity protection zone" along the watercourse; c) Details of measures to avoid any pollution of the watercourse; d) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and e) Use of protective fences, exclusion barriers and warning signs.

3.5.56 Members should note that a CMP has been subsequently provided in support of the application, which includes measures to protect the watercourse on the periphery of the site. GMEU conclude that the document is appropriate to meet the issues highlighted above. It is therefore now recommended that a condition is attached to require development is undertaken in accordance with the CMP. Subject to that and the other recommended conditions, the overall impact of the proposed development is considered to accord with the provisions of the adopted Masterplan and Policy 9 of Local Plan Part 2.

3.5.57 S106 Planning Obligations: Core Strategy Policy CS8 advises that all new residential development will be required to contribute towards the Borough's identified need for affordable housing; this being achieved through on-site provision, or through a financial contribution towards off-site delivery. The overall target for affordable housing is set at 20%

3.5.58 Local Plan Policy 12: Developer Contributions, which accords with the NPPF, indicates that where request for financial contributions are made the Council should be mindful of the total contribution liability incurred by developers. The application has been supported by a financial viability appraisal, which is based upon a set of assumptions that have been agreed between the Council and the applicants. The submission has been independently reviewed to ensure the findings are robust and impartial. It is agreed by both parties that a total financial contribution of £450,000 will be required. The monies are to be directed as follows;

- Education - towards the cost of providing, expanding or improving primary educational facilities within the North Blackburn area of the Borough - £200,000
- Highway works - contribution towards off-site highway improvements in North Blackburn area - £130,000
- Off site affordable housing provision - £120,000

3.5.59 The applicant has agreed to enter in to a s106 legal agreement to that effect. Members are advised that subject to that agreement the proposal fully accords with Policy CS8 of the Core Strategy and Policy 12 of the Local Plan Part 2

3.5.60 Summary:

This report assesses the full planning application for 63 dwellings on land to the north of Ramsgreave Drive, Blackburn. In considering the proposal a wide range of material considerations have been taken in to account.

3.5.61 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, the adopted master plan for the North Blackburn area and the National Planning Policy Framework

4 RECOMMENDATION

4.1 Approve subject to:

- (i) **Delegated authority is given to the Head of Service 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 a commuted sum of £450,000 towards: off-site highway improvements; contribution towards off-site affordable housing provision; and contribution towards education infrastructure in the North Blackburn locality.**

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Head of Service for Planning and Infrastructure will have delegated powers to refuse the application.

- (ii) Conditions which relate to the following matters:
- Commence within 3 years
 - Materials to be submitted prior to construction of any dwelling, agreed and implemented
 - Siting and appearance of boundary treatment submitted prior to construction of any dwelling, agreed and implemented.
 - Landscaping scheme, including play provision, to be agreed and implemented
 - Landscaping management and maintenance plan to be agreed and implemented
 - External lighting scheme to be agreed prior to construction of first dwelling
 - Visibility splays to be protected
 - Site preparation works in accordance with the submitted Construction Management Plan
 - Prior to construction of roads or dwellings, construction management plan to be agreed for that phase of works

- Drainage scheme to be submitted and implemented, including maintenance and management proposals
- Development not to be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details.
- Foul and surface water to be drained on separate systems
- Tree protection during construction
- Site clearance works outside bird nesting season, unless absence of nesting birds confirmed by suitable qualified ecologist
- Permitted development rights to be removed (Part 1, Classes A to E)
- Noise and vibration monitoring and control scheme to be agreed should pile driven foundations be required
- Unexpected contamination
- Provision of external car charging
- Maximum boiler emission levels
- 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

5 PLANNING HISTORY

- 5.1 No relevant planning history exists for the site.

6 CONSULTATIONS

6.1 Drainage Section

No objection subject to foul and surface water being drained on separate systems, detailed SuDs design being agreed, scheme for future management and maintenance of SuDS being agreed

6.2 Education Section

No comment

6.3 Environmental Services

No objections.

6.4 Public Protection

No objection subject to the following matters being controlled by planning condition

- Site preparation phase of development in accordance with the submitted Construction Management Plan
- Construction Management Plan to be agreed prior to construction of roads or dwellings

- Should pile driven foundations be required, a scheme for the monitoring and control of noise and vibration to be submitted, agreed and implemented.
- Site working hours to be limited to between 8am-6pm (Monday-Friday) and 9am-1pm on Saturdays. No works on Sundays or Bank Holidays.
- Provision of a dedicated electric vehicle charging point (external plug socket) at all dwellings
- Maximum boiler emissions.
- Unexpected contamination

6.5 Highways:

Capita Highways reviewed the submitted Transport Assessment and requested further supporting information in relation to; site accessibility by modes other than private motor cars, traffic impact analysis, accident analysis and the impact of construction traffic. Those issues adequately addressed by the Transport Technical Note received 14th May 2020

Additionally the following matters have been highlighted by the Council's Highway team;

- Parking should be in accordance with adopted standards (size and numbers)
- Vehicular access into the site is to be taken from Ramsgreave Drive. A newly created Priority junction will serve the new development with a right turn lane. These works would fall under a 278 improvement scheme, whereby all works would be undertaken by the Local Highway Authority from design to implementation at the developers cost.
- Confirmation of gradients to be provided on plan for both the access and throughout the site.
- Having examined the swept paths which were provided within the Transport Statement. There are concerns with some turning heads, which in our opinion struggle to support the turning manoeuvre...please request further amendment to turning head in front of plot 55 and outside plot 46/47 and finally outside plot 3.
- The scheme proposes pedestrian connectivity through the site to adjacent playing fields, schools etc, this is welcomed. To promote use of these paths consideration should be given to low level, softer lighting; please condition.

All matters adequately addressed thorough submission of amended site layout drawing

6.6 PROW Officer:

Footpaths 17 and 18 Blackburn, run through the northern and eastern edges of the site. This has clearly been noted and considered by the

applicant, with the PROW being incorporated in to landscaped areas within the site. The applicant will require a footpath diversion throughout the development period and this must be secured prior to works commencing.

6.7 Strategic Housing

In summary, the proposed development will contribute positively to the Council's aspiration to see new homes being developed in the Borough as part of the Growth priority. The Borough is significantly under-represented in larger, good quality family homes and is actively supporting developments which increase the choice of homes in the borough. This scheme proposes to provide new mid to higher value family housing to cater for identified needs and aspirations in the Borough. The Housing Growth Team is supportive of the proposal subject to it meeting the Council's planning policies.

6.8 Lancashire Constabulary

The submitted crime impact statement is formed based on local crime figures and trends. The security measures are site specific, appropriate and realistic to the potential threat posed from crime and anti-social behaviour in the immediate area of the development. No objections, but recommended that the scheme should be developed to achieve 'Secured by Design' accreditation. Recommendations include:

- 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
- Central play area designed in accordance with Secured by Design guidance for 'Safer Play Areas'.

6.9 Environment Agency

No comment

6.10 Greater Manchester Ecology Unit

No objection subject to the following conditions

- Development in accordance with the submitted construction management plan
- No vegetation removal March 1st to August 31st, unless absence of nesting birds confirmed by suitably qualified ecologist
- Landscaping to be agreed

6.11 United Utilities

No objections, subject to conditions requiring separate foul and surface water systems, submission of a drainage scheme and details of maintenance/management of the sustainable drainage system; as required by the Local Flood Authority.

6.12 Ribble Valley Borough Council

No objections nor observations to make in relation to the application.

6.13 Public Consultation

Public consultation has taken place, with 132 neighbouring premises being individually consulted by letter, site notices displayed and a press notice issued. In response, 28 letters of objection have been received, are shown within the summary of representations below.

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

8.0 DATE PREPARED: June 5th 2020

9.0 Summary of Representations

Objection – Marc Dunne, 166 Lammack Road. Rec 23.03.2020

Hello

this application for housing on this pocket of land is a very bad idea for the following reasons:-

1. The amount of new build estates in the area already - so you have the massive estate of yew tree drive, new estate behind hare and hounds and the new estate behind the ego restaurant at Roe Lee at the bottom of ramsgreave drive. there is too many houses here already, how do you know they will even sell with all the competition? with brexit and the numbers of people coming into the country going down the demand for expensive new housing will go down.
2. no primary schools- There is only one primary school (Lammack Primary) in the close vicinity that is already full and never has any spare places, so where are the kids of all the new families going to go? the other close ones such as st Gabriels, Holy Souls are also always full. The new big estate off yew tree drive and new estate at the back of the hare and hounds are not any where near done yet so there will be lots of families with kids on there too with no local school places. there needs to be another primary school built before any new houses!
3. no parks - Lammack is a massive residential area that has no parks and if your going to destroy more green space then where are my 4 kids going to play? the green field you are talking about building on is directly behind my house and my kids play in it all the time, we need parks not houses, our nearest park is corporation park and it is out of walking range so my kids love playing in the field.
4. wildlife - there is deer that live in that fields and we see them every morning, where will they go if you destroy their natural habitat?

5. Traffic - the roads are already in poor condition in the area as the council don't look after them properly so more traffic in the area will mean there is more potholes and more accidents on ramsgreave drive.

6. flooding - with the recent rain we had causing flooding on Lammack road and the brook at the bottom of the field flooding it will affect and potentially flood the houses on ramsgreave avenue next to the rugby club due to more surface run off water from the new houses. we are going to have more rain in the next ten years due to global warming

Objection – Paul Davenport, 158 Lammack Road. Rec 24.03.2020

I am writing to raise my issues with future planning behind my house

Ref 10/20/0265

I'm really disappointed that this application is even considered in being allowed due to the impact it will have on local nature as well as to destroy my current views ,, anyway the more annoying thing is that for the past 2 years we have had a family of deer in the back field living just a few meters behind my house in the brambles next to it ,, firstly when they came there was only 2,, we now have 4 and your more than welcome to come and watch them from my bedroom window as they can be seen every day Multiple times when feeding ,, surely we can't just up and out them,, I do believe I may even go to the local papers as well when all this corona dies down ,, we're expected to lose thousands and thousands of jobs so why build more houses ,, surely we should

Be embracing nature ,, many thanks

Paul Davenport

158 Lammack road

Objection – Mr S Mahmood, 162 Lammack Road. Rec 30.03.2020

Dear Martin Kenny

I write further to your two letters posted through my letter post, on both letters you failed to provide a planning application number but you mentioned that you need the application reference in all correspondence, name and address.

The council has failed in its duty to provide application reference on both letters regarding the development hence the letters posted are defective.

Regarding the development, there is a lack of infrastructure, schools, health centres, dentists, flood defences, volume of traffic etc which the council has failed to address.

Due to the coronavirus pandemic, the housing market has pushed values lower and analysts are predicting the collapse of the mortgage system.

The council should bear in mind the above and reject the application all together.

Yours Sincerely

Mr S Mahmood

Objection – Alicia Pinder, Unknown Address. Rec 30.03.2020

To building on Blackburn Rugby ground.

Lack of infrastructure to support

Objection – Dave & Christine Kelly, 149 Quebec Rd. Rec 30.03.2020

We wish to object to planning application 10/20/0265 registered on 18th March 2020.

There are far too many houses now around that area. The place is saturated and cannot take any more new houses.

Signed

Dave Kelly

Christine Kelly

Objection – Unknown Name, Unknown Address. Rec 30.03.2020

To whom it may concern:

I am a resident who resides at lammack road over seeing the land you wish to build on.i totally object to this project and would appreciate your full co operation regarding this matter.hopefully it can be resolved without using this land.

Thankyou..

Much appreciated.

Objection – Robert Tomlinson, Unknown Address. Rec 30.03.2020

We are objecting to the planning application on Blackburn rugby club-Robert Tomlinson

Objection – David and Sue Fisher, 226 Ramsgreave Drive. Rec 30.03.2020

Hi, We would wish to make the following objections to the above planning application. We object to the density of the housing build which is not in

keeping with the 'vision' which we were shown during the consultation period. The area is boggy and likely to be a flood risk and the council showed us plans which included a network of green paths and large ponds to act as giant sumps in any unusual rainfall. We also object as the plans indicate that the row of hawthorn trees behind the houses on Ramsgreave Drive will be cut down with no replacement hedgerows such as the council showed on their blueprint. This will result in loss of habitat for birds and small mammals.

Regards

David and Sue Fisher

Objection – Rachel Greenwood, 40 Burnley Road, Haggate, Burnley. Rec 30.03.2020

The parish council of Ramsgreave object to the planning application 10/20/0265 Blackburn Borough Council reference, 3/2020/0240 Ribble Valley Council reference.

The entire Blackburn North Housing plan is environmentally destructive by virtue of it being built on greenfield sites, as opposed to the extensive brownfield sites available within Blackburn. The Campaign for Rural England have demonstrated that all new housing stock could be accommodated on brownfield sites.

There has been a significant increase in traffic in the Ramsgreave area since the building started in this area. Adding yet more houses to the site will add considerably more traffic to Ramsgreave and surrounding areas leading to increased risk to pedestrians. It is inevitable that what were the quieter roads of Ramsgreave have become 'rat runs' for people living in these new developments, especially down Barker Lane, which is single lane in some places and already putting pedestrians at risk.

The site has well used public footpaths at its boundaries. The application states that these will be 'upgraded' and native species used as part of this upgrade. Given that the new houses will inevitably destroy habitat it is hoped

that this work surrounding the footpath is carried out to the highest specification and is inspected by BWD to ensure that these commitments are met. If these commitments are serious then the brook should be cleared of Himalayan Balsam and native marginal plants installed. The parish council request that the council makes it a condition that mature specimens of native species should have planted to screen the footpath from the houses.

Rachel Greenwood

Ramsgreave Parish Clerk.

Objection – Steven Jones, 6 Rowen Park. Rec 30.03.2020

Dear Sirs,

I write to object to the Planning Application for 145 Houses on the site of Blackburn Rugby Club - Ramsgreave Drive.

My Objection is based on the following reasons;

1. There are already major building programmes in the area, namely Whinney Lane and behind the Hare and Hounds, which are still to be completed and therefore will have a significant impact on the areas facilities and infrastructure, the impact of which is unknown and will not be known for some time.

2. The infrastructure in the Lammack Beardwood area is already stretched as follows

a. The schools in the area are already full and stretched. 145 additional houses with the average of 2 children per house equals almost a further 300 children who will need to have school places, over and above 500 from the Whinney Lane and Hare and Hounds Developments. In particular Lammack Junior school where traffic already comes to a standstill at the start and end of the school day due to the parents cars stopping outside the school and on the adjacent estates.

b. There is only one Doctors Surgery in the area which is already busy.

c. The main Dual Carriage way was designed to keep traffic flowing, there is already a new junction planned, and this development will also need a junction, these junction without traffic control will cause a severe impact on traffic safety and potential serious injury to vehicle occupants. The average of

2 cars per household equals almost a further 300 cars on top of the 500 from the Whinney Lane and Hare and Hounds Developments.

3. Finally we have already lost the Old Blackburnians Football Club and also Lammack Juniors Football Club, this development will lose Blackburn Rugby Club to the area. Where are the children going to go for out of school sport and fitness activities. Sport and Fitness are essential development requirements for developing children which need to be considered before just building further houses. In addition these facilities offer meeting places for parents and families which are essential for keeping communities connected.

Regards

Steven Jones

Objection – Andrew Reed, Unknown Address. Rec 06.04.2020

Dear Mr Kenny,

I write to voice our concerns about the above mentioned planning application, as myself and my wife and son are residents on Lammack Road.

I understand from a report published by Eddisons Transport Planning and Design that Landway Properties Ltd. intend to use access onto the site from Lammack Road in order to address the differences in levels on the site. This will take around six months at the start of the construction process. According to the report this will require 80 vehicles per day, for 10 hours each day, and they will be large tipper vehicles.

We strongly object to the use of Lammack Road for this purpose, and for such a prolonged length of time. The reasons for our objection are as follows:

1. The road is a bus route and has public transport and school buses using it, so this is likely to cause obstructions and hold ups and it is almost inevitable that accidents will occur.
2. The junction of Lammack Road with Ramsgreave Drive is already a notorious accident blackspot with several serious accidents occurring there each year, and the addition of so many heavy, slow moving vehicles to this area is likely to increase the number of accidents and could result in fatalities.
3. The constant noise, dust and disruption to daily life continuing for hours and months at a time could result in the deterioration of our mental health.
4. This part of Lammack Road is far too narrow to cope with such huge vehicles, and, having watched a similar process happening at the back of our

house where a new housing estate is being constructed, I am fully aware that they are very large vehicles and they arrive and depart constantly throughout the day.

5. This part of Lammack Road is often used as a 'rat run' if there is any hold up at the Brownhill Road junction, or at peak times. Any additional large vehicles would add to an already overused narrow road and compromise safety and the ability of householders close by to even leave their houses.

We feel that it would be much safer and healthier for the residents along this part of Lammack Road if the access used for the trucks were to be from Ramsgreave Drive.

I trust you will take our concerns into consideration before allowing this to happen right outside our door.

Yours sincerely

Andrew Reed

Objection – Steve Toase, 34 Whinney Lane. Rec 06.04.2020

Hello

I am writing to object to building plans application No 19/29/0265

I'm am writing to object against yet another building project in the Lammack area. There are 3 currently under construction, of which none are completed or filled and another is been planned.

There is no provision in place to tackle the ever increasing flow of traffic, speeding, illegal parking etc etc. Constant complains from residents are ignored and yet more is been planned. There is no provision for schooling or local amenities in the area which are at full capacity.

Furnbank nursery I'm lead to believe is increasing its intake which will add to even more traffic conversion in the area, again no provision is been made for this.

Yet again more green fields are been build on rather than infilling or building on derelict sites, Greenbank and the old mill building, the old Newman's site on Garden Street and the land off Campbell street all prime building sites.

Can I please get conformation that my objection has been received and logged.

Steve Toase

Objection – Michael & Karen Lavin, 251a Lammack Road. Rec 07.04.2020

I would like to make the following comments regarding the above planning application.

You ask for comments, but in particular, the proposed temporary access to the site from Lammack Road has already had the tree T1 felled. Surely this should happen if agreed and not before. This proposed access will cause untold grief to the people living on Lammack Road with regards to noise, dust and more environmentally important, the exhaust fumes from the 80 vehicles queueing to get in and out of the site. Lammack Road is not a very wide road, but you seem to have included the service road in the photos, which gives a slanted view of things. The parking near to the proposed access is already restricted and this will only add to the problem. The plans show the permanent access to the development to be off Ramsgreave Drive. Surely a more common sense approach would be to begin the development by constructing the access in the place where it will eventually be. I realise that Ramsgreave Drive is a dual carriageway, but the plans show that there would be room for a slip road. I'm sure it's all down to cost, but whose. Obviously the people of Lammack Road.

Michael and Karen Lavin

3.3.2 The internal layout of the site will be designed to provide linkages between the site and the existing footway and footpath infrastructure.

3.4 Servicing

3.4.1 In order to demonstrate that the site can be adequately serviced, a swept path analysis for a refuse vehicle has been undertaken, as shown in Plan 4.

3.4.2 The plan demonstrates that refuse vehicles can enter the site, turn around and exit in a forward gear, thus ensuring there is no detrimental impact to the adjoining highway network.

3.4.1 The vehicular access arrangements are therefore considered to be acceptable for the purposes of these proposals.

3.5 Construction Traffic

3.5.1 During pre-application discussions comments were raised regarding the impact of Construction Traffic during the re-profiling stage of the construction.

3.5.2 Given the level differences between the site and Yew Tree Drive, it is proposed that an temporary access will be provided into the site off Lammack Road to the west of the application site. Information provided by the applicant indicates that the re-profiling of the site will take around 6 months at the start of the construction process.

3.5.3 Based on experience of other development sites, it is anticipated that there will be 80 vehicles per day (40 Inbound and 40 outbound movements) operating a 10 hour day, this equates to 8 2-way movements per hour. These vehicles will be large tipper vehicles.

Dear Martin,

I would like raise my concerns regarding the planning application as referenced above.

- Firstly there are two construction sites nearby which concern me regarding school places and GPs.

- The dual carriage way ie: Ramsgreave Drive is a fast road and has several accidents on it, adding a further junction causes me great concern.
- I find it quite upsetting that we can't have a residents association meeting to discuss our concerns due to the current lock down situation.
- I find it hard to believe that these plans are going ahead, where in the Government policy does it state that this is essential work?????????????????

I live at 251 Lammack Road- the house opposite the proposed access road for construction work.

On-going work at the rear of my property is causing disruption not only dust from dumping huge amounts of soil and hardcore, but the noise pollution of the vehicles coming and going.

As a shift worker for Royal Blackburn Hospital, the daily vehicle movements would be very disruptive and make it very difficult for me to sleep between shifts.

Not only will this have a negative impact on me as an individual, it will affect many other residents. Parking on Lammack Road can be troublesome at the best of times. The road is already quite narrow with people parking outside their homes. To have 40 large tipper vehicles coming up and down the road will cause further obstruction- not to mention the risk of damage to residents cars.

My address is directly opposite the proposed access road. My car would therefore be at the turning point for all these large vehicles accessing the site.

That being said, I may struggle to park near my home if plans do go ahead. I live alone and finish work late evenings sometimes 11pm having to park away from my home makes me feel quite vulnerable.

Please accept this email as my strong opposition to this planning application.

Regards,

Lesley Yates

5/4/11

239 Lammack Rd
Blackburn BB1 8LJ

Martin Kenny
Growth & Development Dept
Blackburn Council
Town Hall
BB1 7D7

Dear Sir,
Re: 10/20/0265
Land off Ramsgrove Drive

It is obvious you are writing to me!
I strongly object to this planning application.
Not only are you destroying all our green belt
you now wish to destroy the peace in our
homes.

I have received information, in black & white,
that into the site off Lammack Road there
will be 80 large tipper vehicles operating
a 10 hour day! The road is already
congested, as you are well aware of, with
residents cars. All these dirty workmen will
bring COVID19.

The greed of the town hall is disgusting.
I hope the housing market doesn't recover
and the houses at the back of our
cottages and the local area don't sell.
Yours faithfully

Objection – Matthew Heap, 202 Ramsgreave Drive. Rec 08.04.2020

I have received a letter informing me that planning reference 10/20/0265 The Construction of 63 dwellings and associated infrastructure land off the back of Ramgreave Drive (Directly behind my property)

This i wish to appeal against due to the closeness of my property which i have lived in for many years. This is due to the below Issues i have on this construction.

- Major disruption to the local roads which i have already seen with the building of houses further down the road.

- Increasing demand of Local area with no new schools, shops opening to help the influx of persons living the area.

- Increasing traffic in an already fast pace road. (If it went ahead a major reduction in speed and increased speed monitoring areas will be needed)

- Major Noise Pollution. (From both the building and residue noise from the new 63 dwellings when all occupied)

- Major Visual Pollution.

- Loss of Establish head rows directly behind my property which houses a number of the same nesting pairs of birds which will effect the peace and natural wildlife in the area. (a variety of birds are using these tree including Robins, Collard Dove, Wood Pidgeon, Blackburn, Starling, Magpie, Coal tit, Green Finch, House Sparrow and Wren All of which i have seen my garden/ hedgerows or are nesting near by)

- The Field is also home to a number of deer, rabbits and other wildlife. Meaning the the natural wildlife in the area will have thier habitat destroyed and will be force to look elsewhere to live. which i will miss greatly. Instead of wildlife and nature my views from my property will be urban areas which is what i wanted to escape from and my reason for living in this area for green spaces and wildlife.

- Loss of green spaces and views of the surrounding area are major issues for myself and other residents will also have the same feeling. (The main reason i moved to this area from the city and towns for the piece, quiet and views and usage of green spaces the view of Ramsgreave Hill and surround area is a major attraction of these existing properties which will be destroyed with this massive infrastructure.)

- Loss of privacy in my garden as it will be overlooked by the new builds.
- Increased anxiety and struggle with families mental health.
- Loss of value of my property (As the main appeal of the property is its views and location)
- Loss of natural sunlight that enters my property the evening and at Sundown.

I would appreciate if you would consider this as an appeal against this building based on the above.

Please feel to call me and discuss if required I would appreciate it if you could email me back to confirm you have received this and keep me up to date with any progress of this application.

Many Thanks

Objection – Steve Jenkinson, 237 Lammack Road. Rec 09.04.2020

Hi

I have received a letter from you about the above application.

I would like to strongly object to this being approved as it will impact directly on us as a family and road users of Lammack Road / Barker Lane.

There is already considerable noise from the Wain Homes building work directly behind our house and this increased markedly over the last 3 weeks when 40/50 lorry loads a day were delivering to the new entrance created on Yew Tree Drive.

Having building work both behind and the road in front of the house being used as a building site entrance will create intolerable noise and impact on our quality of life.

I would also question the safety of a high quality of large vehicles using Lammack Road / Barker Lane as a site entrance. Most cars are currently parked on the pavement and the road is still narrow. I do not park my car on the pavement and it impossible for 2 cars to pass my car, one vehicle has to stop and let the other(s) go to enable traffic to move freely. One can only imagine how difficult it would be if ever was to park on the road - undoubtedly there will be traffic queues back onto the main road at busy times. As well as this if cars were to park on both sides of the road a large lorry would not be able to access the proposed site entrance - potentially being forced to use Barker Lane.

Have Ribble Valley Council been advised of this application and the potential impact on its residents using Lammack Road / Barker Lane? Please can you respond by return on this point as if they are not aware I would like to inform them.

Finally the 3 days of lorry traffic on Yew Tree Drive damaged the road surface (see my previous email to Martin) there is no doubt that Lammack Road with the proposed traffic will be ripped to shreds causing it to be unsafe for cyclists who would be travelling at 20/30 mph when they hit the bottom of Barker Lane and start to climb Lammack Road. Residue from the broken up road would also be flung against parked cars (and potentially people) causing damage.

Thanks

Objection – Mr D Hilliard, 139 Ramsgreave Drive. Rec 10.04.2020

Dear Sir and to all whom it may concern,

After speaking to a legal colleague, I was advised that the best course of action would be to write this letter of objection and send it to you via email as stated in your letter.

Therefore, I wish to object to the proposal and the plans to build on the land of Ramsgreave Drive, Blackburn. (Ref 10/20/0265) The reasons for my objection are as follows:

I firmly believe that building houses on and developing the proposed area of land will have a serious and detrimental effect on the local wildlife and environment. Currently there are many species of bird that nest and feed on the land. I regularly see a Barn Owl hunting in the evening and early morning, along with a Tawny Owl later on at night time and Kestrels hover over the field routinely during the day, catching mice and voles throughout the year. Redwing and Fieldfares (winter migrants) feed on the hawthorn berries that surround the field in the winter time. Lapwing nest in the field in spring and summer and I believe also that a Curlew uses the field to nest as I have seen it feeding there several times. Starlings use the field to find the insect larva ('leather jackets') to feed their young that nest in the eaves of my house. Orange Tip butterflies lay their eggs and feed on the Lady's Smock flowers that grow in the field. Deer also use the field and I think that a very important issue here is to point out that the field in question is used as a connective corridor between the land behind leading up to Higher Ramsgreave and the land opposite on the other side of the duel carriage way.

I'm sure if a survey was carried out more species would be identified, but I have only named a few that I know for definite, that feed and breed on that area of land. All of these bird species mentioned are protected and are currently listed as in decline by the experts, especially the Starlings which have declined in number by more than 80% since the 1970s. The main reasons that we know of for the decline of species is that of habitat loss and if this land is built on then here too the species mentioned will directly be affected and no doubt suffer further decline and will probably disappear from the area.

Now none of this matters unless someone actually cares, someone who can see the importance of the natural environment, the benefits it brings and the essential connectiveness of the natural world that we are all so dependent on. I find that very sadly the people with the authority to make those decisions, the planners and developers, very rarely if ever share that view and seem always ready to listen, but then to carry on with the development, which of course to them is of prime importance. It is only one more piece of land and one more field, what could it matter in the grand scheme of things. This is only one more letter and those are only a few birds and animals, 'so what'! What does it matter?

Well those species that are in so much decline and that are so beneficial to the health and wellbeing to the natural world and therefore to us, cannot speak out for themselves. The people that understand the natural world and that have spent a lifetime studying it and documenting it would tell you the same. We need nature and slowly piece by piece it is disappearing. So yes, it may only be one more field and a few houses, but it will have an everlasting effect on the local ecology. Every developer and planner around the world possibly thinks the same way, but added together, you end up in the world we have today. You see many small pieces, as you know add up (pennies make pounds) and bit by bit the natural world and all its wildlife has slowly been decimated and destroyed, to the point where many important species around the world are at risk and have become endangered. This is just one more example.

I would like to give you some examples of what I mean and although no doubt I could write a book about this topic I will mention just a few. Before the new Pleckgate High School was constructed, the grass fields at the rear of the old school were inhabited by several pairs of Reed Buntings and the Kestrel also hunted over the fields. The football pitches, which are still in existence, used to have a pair of Lapwings nesting every year. However, where the school was, was turned into a car park and the long grassy fields behind became the new school buildings. The contractors changed and the football fields are now cut by large industrial size tractor mowers, who care little about what is on the field and basically mow everything, including any plastic bottles or drinks cans

that have been left lying around. It previously was cut by a smaller size mower and a man who seemed aware of the nests and actually mowed around them. So now the reed buntings have gone, the kestrel no longer hunts there and the lapwings stand no chance of ever nesting. Additionally, there was a small section of wild meadow to one side, near the cricket club, that used to be full of wildflowers. This was removed to build a temporary road and to provide access for the many HGV lorries that were needed to bring in all the bulk materials. After completion the road was covered and the land returned, but the area was seeded with grasses and the wildflowers have gone. I think this seeding was supposed to be a mitigating feature and was planned all along to return the meadow to its original state, but it hasn't and I feel that mitigating actions are rarely checked to assess if they have proved suitable and sufficient.

All I have ever know is the gradual demise of the natural world and it has mostly taken place within my lifetime, within the last 50 years. I admit that while we need houses to live in and there is nothing wrong with progress when done in the right way, is it really essential that we do so much damage to the wildlife and ecology in the process. Whether we are filling the world / oceans with plastics or cutting down forests to grow crops, everyone involved thinks it doesn't matter, because it is only their little bit. Just one more plastic bottle in the sea won't matter and a few more acres of forest won't make a difference, will it? Every action adds up and like I have stated the people that are able to make the real difference, the policy makers, planners, designers and developers seem to care little about the damage done, possibly because they don't see the lasting cumulative effects, until it's too late. Surely the time comes when enough is enough and we need to begin to take greater care of the natural world, putting it as a priority rather than just a consideration.

The wildlife doesn't have a voice and in writing this short letter I have attempted to give it one. So, I would like to implore you and ask, please do not build on the land on Ramsgreave Drive, (that your letter refers to,) just for once, please give the wildlife a chance, for the sake of all our futures and for the sake of the natural world. All life is connected.

Finally, I would like to close by quoting from a recent article and a statement made by Sir David Attenborough regarding the changes that he has seen take place in his lifetime and mans affect on this world, ever so normally impartial, he felt that he had to speak out.

"If you have seen what I have, you cannot remain silent. You have to speak out, to bear witness. What we have done to this planet during my lifetime is a crime and future generations will view it as that. In the end, I am certain of one thing. This is not just about saving our planet; it is about saving ourselves."

Yours faithfully,

D Hilliard

Objection – Mark & Lisa Cooke, 139 Ramsgreave Drive. Rec 10.04.2020

Dear Sir,

I am writing this email in regards to the planning application 10/20/0265.

Firstly I must say that we are extremely disappointed at the way the information provided to us regarding the planning application as we first received a letter which states 82 houses are to be built and then another letter stating that 63 houses are to be built and once we actually looked on the government website this also gave a different figure ?

Also I have been informed that work is set to commence in April (this was before construction stopped due to Covid-19) which leads me to think that the decision has already been made before the planning application has been passed and any concerns or dialogue with the local community have actually been done.

We would also like to formally put in writing to yourselves that we are completely against the re development at the side and rear of our property as we now do not think that the infrastructure is there for further development made on brown belt site. Aside from the impact this is going to have on nature around us it is also going to have a severe impact on the local community. There is already an extremely large development currently under way at the opposite land to our house which is going to lead to major traffic issues on an already dangerous dual carriageway and yet the prospect of even more houses being built is frightening. If upon completion of the two developments I am bemused to think we're the children of the people who purchase the property's are going to be schooled as there is currently not enough spaces for the local community already.

I have looked at the planning application online and we are also extremely concerned about the proposed site entrance which is literally metres from our house (we live at 168 Lammack road). Lammack road and barker lane in my opinion is already an accident waiting to happen due the lack of speed restrictions in place and are fearful every night with the speed that some people come up and down at, this will only increase the dangers once the development starts and the proposed site entrance is littered with wagons on a daily basis. I also have reservations about the number of wagons coming and going from the development as to what impact that this will have on our property with regards the foundations, surely the ground at the side of our

house cannot take such traffic on a daily basis. Also could you please clarify who owns the land at the side of our property and how this was actually acquired as we believe the land at the back where the houses are being built actually starts at the back of my property not at the side of the property which is being proposed at the site entrance.

Also finally, if the development goes ahead and the land at the side of our house it could lead to severe health problems for myself as I am clinically diagnosed with cluster headaches and should building work and traffic be going only only a few feet from my property during my bouts could lead to severe problems for myself.

Thank you for taking time to read our reservations and look forward to hearing back in due course

Mark & Lisa

Objection – Ashab Patel, 160 Lammack Road. Rec 13.04.2020

Dear Martin Kenny,

Hope you well and keeping safe.

I have received two letters, not sure if both are separate or one precedes another, for this email I will assume they are both separate letters for same application. If so that make combined total of house to be built to 145.

This giant township and urban crawl is completely not needed, the sheer number of homes being built in just one area is staggering, building of whinny lane, off lammack road behind hare and hounds pub, building near brown hill round about all that traffic will have a huge impact on a very small area. I feel that all the council care about is the revenue it will generate for council but it have a huge negative effect on the residents in this area which the council seem to have a complete disregard for.

How is this area going to manage with this increase in volume of traffic, vehicular traffic place for schools, gp, dentist, huge effect on environment.

And future more in light of current global crisis it feels like I don't not know how council can carry on as business as usual, although this might have been sent before the crisis started but now I think its time council needs to pause this have good look at it once we all can have a open and appropriate discussion as I cannot see how that can be had under current circumstances. With social distance and ban of public gathering I feel council are trying to use this as an opportunity to pass this through from back door and if that's the

case it would be a travesty I seriously hope you pause and re start this when every one can have open discussion and appropriate meeting can take place.

Also the developer plan to use Lammack road to build the township there will be minimum of 80 trucks on a currently very tight street this will be a complete nightmare of every single person on this street, this application has already been rubber stamped I feel but under no circumstances can you allow lammack road to be used at the detriment to local residents, and access road needs to be built first from yew tree drive and lammack road should not be used even for one truck.

I seriously hope the council seriously looks at current national circumstance, lack of mortgages as from nationwide bank announcement and economic shut down also as the resident while observing social distancing and ban on public gathering you ought to put a pause to this and full application me opened when times are appropriate.

Thank you

Ashab Patel

DATE 6/11/2020

Dear Mr. Kenny

I write to object regarding the proposed Planning Application for construction site entrance off Lammack Road as in section 3.5 in the Transport Assessment. The proposed plans are totally ludicrous and permission should be refused due to the following points/ facts:-

1- The road is just not wide enough especially when parked cars belonging to residents are legally left on the road side. Local buses are in operation which causes problems and just 2 cars trying to pass each other causes regular congestion.... never mind tipper waggons in the mix.

2- Noise, Vibration, Dust, road damage and general accidents will be detrimental with regards to the mental health, general welfare and safety to the Lammack Road residents.

3- All residents living on the left hand side going down Lammack Rd would find them selves totally trapped between Wainhomes large development and 80 tipper waggons at 32 ton. every day for 10 hrs per day for approx.

P.T.O

6 months +. Absolutely unbearable and intolerable for all local residents.

5. It should be noted that Wainhomes can build the site infrastructure whilst only using access off Yew Tree Drive so why can't McDermott Homes do the same or even gain access to their proposed site using the Rugby club entrance so that no disruption is created on Hammark Road.

Finally, McDermott's plans are unbelievable and totally unacceptable

Objection – Yvonne Stephens, 234 Ramsgreave Drive. Rec 17.04.2020

Dear Sir,

I am writing regarding the proposed planning application for 63 dwellings at 'Land off Ramsgreave Drive'

This is going to cause detrimental damage to the area on lots of counts:

Traffic

Noise

Wildlife etc

When people bought their homes they did so with the knowledge that it was Green Belt land.

My late husband and I fought a planning application many years ago, which was taken to our local MP, Rt Hon Jack Straw at the time. This again was going to affect our home.

In this instance, common sense prevailed and it went to the D.O.E.

This is not going to be welcome for our pleasant landscape and the most worrying aspect is the financial loss to the value of our homes. This is an absurd proposal.

I reject this proposal most vehemently.

Yours faithfully

Objection – Rachel Greenwood, 40 Burnley Road, Haggate, Burnley. Rec 20.04.2020

Please can I add these 3 additional comments to Ramsgreave Parish Councils concerns re this planning application.

1. Has a full planning needs survey been undertaken showing that 3 and 4 bedroom properties are needed?
2. Has a full environmental survey been undertaken with provision to support the otters at this location.
3. Concern regarding only one access road were raised that if parking on the road was to take place near the exit / entrance would this leave enough room for emergency service / utilises service vehicles to pass

Objection – David and Sue Fisher, 226 Ramsgreave Drive. Rec 20.05.2020

Dear Sir, I would like to object to the above planning application on the grounds that cutting down the hawthorn trees running parallel and at 90 degrees to Ramsgreave Drive will seriously affect nesting birds and other wildlife in the area (hedgehogs, roe deer, voles etc.). This is a nesting area for a variety of birds including starlings and house sparrows whose numbers have seriously declined and are at risk. It will also reduce numbers of blue tits, great tits, coal tits, long tailed tits, gold finches, wood pigeons, collared doves, magpies and jackdaws and birds of prey regularly seen hunting over the field (kestrel, sparrow hawk and barn owl. Putting up a few nest boxes will not mitigate this since cutting down the hawthorns will take away the food source of caterpillars, aphids and other insects which the birds need to feed their young.

Yours faithfully,

Objection – T.Shafi, 196 Ramsgreave Drive. Rec 02.06.2020

Dear Martin Kenny

I apologise for the late reply as I have been a key worker in this pandemic and not had a chance to send my objection.

After consulting with a planning consultant there are a number of concerns relating to the planning application adjacent to my property being 196 Ramsgreave Drive.

1. The plans do not reflect my property side and rear extension which has windows facing the field on the side elevation.

2. The property proximity of the Windsor house is very close with no gap left on the side making the house garden directly side by side.

This also would cause loss of light to our property which is having 6 windows on the side elevation.

3. Noise would be another big issue with the mass development.

4. Traffic already is heavy on this dual carriageway and having a development of 63 additional houses would not make it any better especially having Only one access from the Dual carriageway for the entire development.

5. All properties directly behind and side will be Overlooking into our property which we will cause loss of privacy.

6. The 272 development on yew tree drive is already causing huge noise and dust issues to the residents.

I hope the above concerns are taken seriously and the developers are advised accordingly.

I strongly object to this application and if need being we shall Instruct our solicitor to apply for a Judicial Review.

Kind Regards

Objection – Lesley Yates, 251 Lammack Road. Rec 05.06.2020

I'm absolutely appalled with Blackburn planning dept,I live at 251 Lammack Road and have come home tonight from a 13hr shift at Blackburn hospital to find a notice pinned to a post opposite my house informing me that you have approved for construction vehicles to use access to the field beside Blackburn Rugby Club.

This access is directly opposite my living room, not only do I have to put up with contractors on the field out the back of my house I now have to endure it front and back!!!! I am furious to say the least my house and car is constantly full of dust and the noise is horrendous SIX DAYS A WEEK !!!!!

You haven't even had the decency to inform me my post.....

Lesley Yates

REPORT OF THE DIRECTOR

Plan No: 10/20/0332

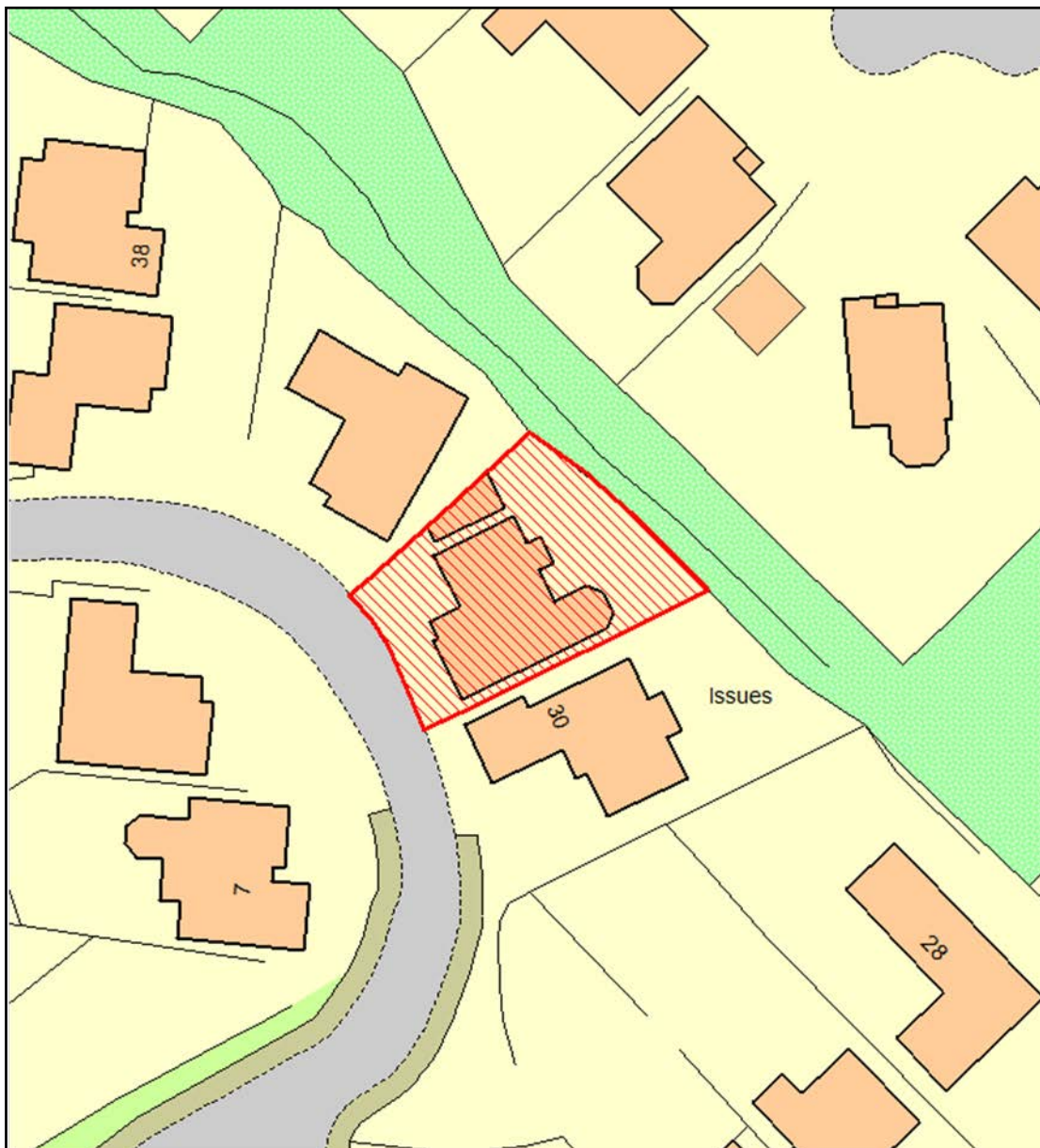
Proposed development: Discharge of planning condition for Discharge of Condition No.1 pursuant to planning application 10/19/1232

**Site address:
32 Eden Park
Blackburn
BB2 7HJ**

Applicant: Mr A Hussain

Ward: Billinge & Beardwood

Councillors: Cllr Julie Daley, Cllr Tasleem Fazal, Cllr 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 in accordance with the Scheme of Delegation. The condition the Committee is being asked to discharge was required by Members in approving a proposal at the Planning and Highways Committee meeting in February 2020, and their approval is required for the proposal to discharge that condition (see 2.2 and 2.3 below). 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 The Planning and Highways Committee previously granted planning permission for a balcony to the rear of the property in August 2019 (application 10/19/0634). A subsequent application for the balcony was presented to the Committee in February of this year (10/19/1232), owing to the balcony not being built in accordance with the approved drawings. This was by way of increasing the size of the rear ground floor bay window and first floor balcony to rear.
- 2.3 In approving this second application, Members requested a condition to be added to the planning approval that they considered would secure the amenity of No. 21 The Pastures. The wording is as follows:
- *Within three months of the date of this planning permission a landscaping scheme for the area adjoining the rear boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Trees and shrubs shall be planted in accordance with the approved landscaping scheme during the first available planting season following the date of this planning permission, and thereafter retained. Trees and shrubs dying or becoming diseased, removed, or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs. The landscaping shall be maintained and retained thereafter to the satisfaction of the local planning authority.*
REASON: To ensure that there is a well laid scheme of healthy trees and shrubs in the interests of visual and residential amenity in accordance with Policies 8 and 9 of the Blackburn with Darwen Borough Local Plan Part 2.
- 2.4 The key issue to be addressed in determining this discharge of condition application is whether or not the proposed landscaping scheme provides sufficient mitigation against the loss of amenity previously approved by Members.

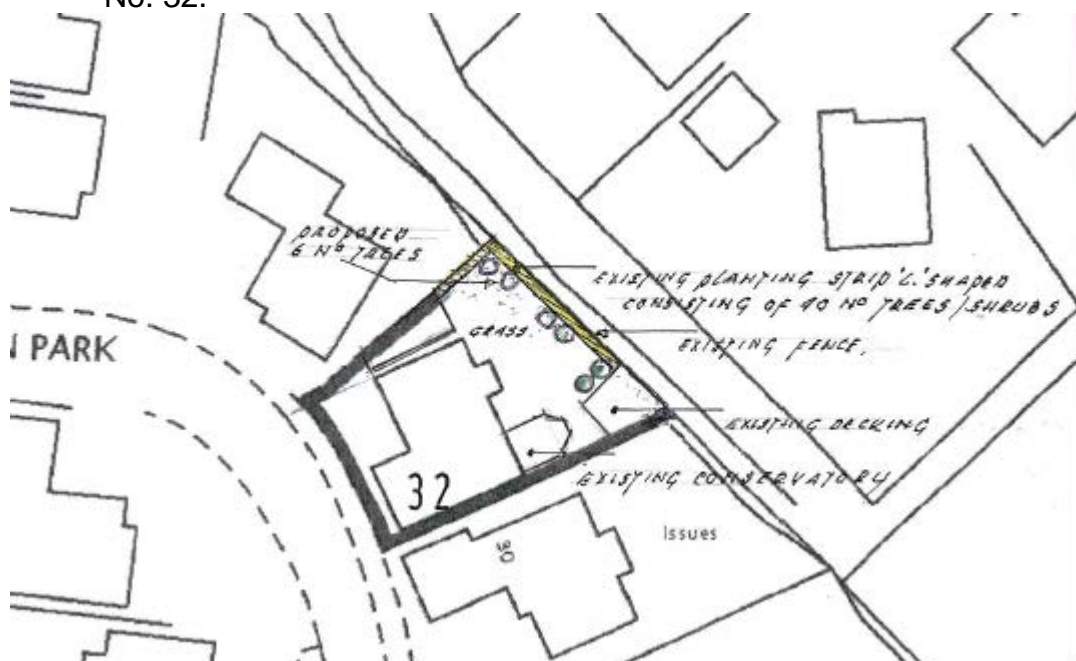
3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The 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. The application site on Eden Park and the dwellings to the rear on The Pastures are separated by a narrow watercourse and a band of deciduous trees. A fence of approximately 1.8 metres height marks the boundary between 32 Eden Park and 21 The Pastures.
- 3.1.4 Planting of some 40no. trees/shrubs along the rear fence is already in evidence, having been carried out prior to the erection of the balcony.

3.2 Proposed Development

- 3.2.1 The proposal is for the planting of 3no. Chamaecyparis Lawsoniana Ellwood and 3no. Ellwood Gold trees at three key points along the rear boundary to No. 32.



Extract from submitted proposed landscaping plan dated 26th March 2020.

3.3 Development Plan

3.1.4 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

3.1.5 Residential Design Guide Supplementary Planning Document Revised Edition (September 2012)

RES E20: Balconies, Terraces and Raised Platforms
RES E3: Separation Distances
RES E7: Rear Extensions

3.1.6 Supplementary Planning Guide

Natural Environment 1: Landscaping & Wildlife Habitat Creation

3.4 Other Material Planning Considerations

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

Section 12: Achieving Well-Designed Places
Section 4: Decision-Making

3.5 Assessment

3.5.1 *Review of the approved applications.* In the previous applications, Members considered the proposed development of the balcony and the ground floor bay window in relation to:

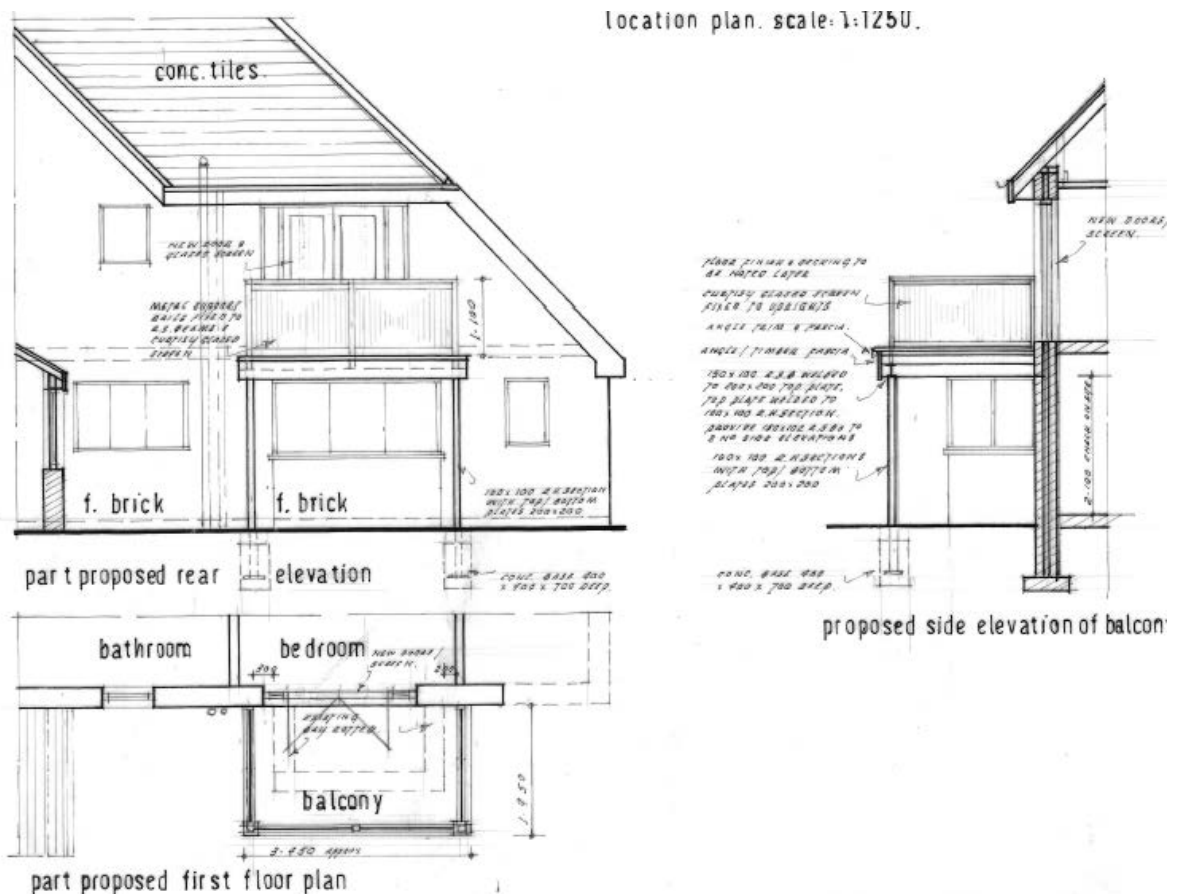
- Local Plan policy relating to development and its setting
- Local and National policy relating to design

3.5.2 Local Plan Part 2 Policy 11 requires development to “demonstrate an understanding of the wider context”, part of which relates to the level of impact development has on 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 therefore to be secured for neighbouring residential amenity.

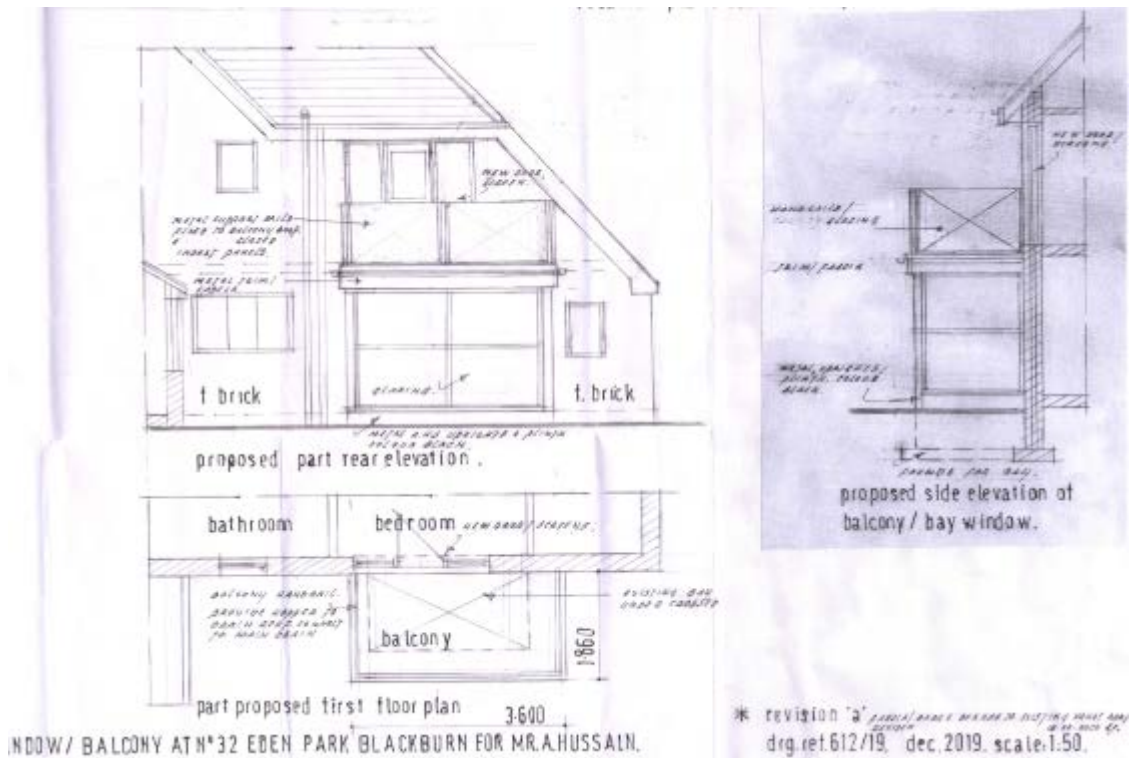
3.5.3 The Residential Design Guide SPD explores in detail how these policies are worked out in the context of various household developments. In relation to balconies, the Guide states that balconies are often problematic and in most suburban areas will lead to an unacceptable level of overlooking on neighbouring properties. RES E20 states that balconies will only be permitted where the case is otherwise.

3.5.4 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.

3.5.5 In determining the original application for the balcony (10/19/0634), Members found that the proposal was of appropriate design and appearance and would not be unduly detrimental to the residential amenity for occupiers of the dwelling or neighbouring dwellings in terms of loss of privacy/overlooking in accordance with the relevant local plan policies. The proposal returned to the Committee in February 2020 to be re-determined following the development's departure from the originally approved plans. The height of the balcony was unchanged and the floor space increased only marginally from 6.63 square metres as originally approved to 6.696 square metres as constructed. Together with the enclosure of the supporting structure with glazing to form a bay window, the development was found to have negligible additional impact on neighbouring properties from the original scheme granted consent under (10/19/1232).



Extract from approved drawing pursuant to planning application 10/19/0634



Extract from approved drawing pursuant to planning application 10/19/1232

3.5.6 ***Consideration of the current application.*** This application is before Committee following the attachment of a condition by the Members at the meeting in February, regarding the submission of a landscaping scheme to the permission granted under 10/19/1232. The unauthorised alteration of and addition to the development originally approved under 10/19/0634 provided the opportunity to reassess the balcony in the light of the actual impact the development was having on the residential amenities of the adjoining properties, in particular No.21 The Pastures.

3.5.7 In re-assessing the application under 10/19/1232 Members agreed that there would be no significant increase in the level of harm to neighbouring amenity caused by the alterations. However, it was considered that some additional landscaping would be required in the light of concerns expressed of the actual impact the development was having on the amenity to the dwellings on The Pastures.

3.5.8 Paragraph 55 of the NPPF 2019 permits the imposition of conditions where they are considered *necessary, relevant to planning and reasonable* in all respects. It was considered by the Committee following a debate with officers that some additional evergreen tree planting would help reduce the emission of light beyond the curtilage from the previously unassessed ground floor bay window and in time provide some measure of screening of views from the altered balcony. The condition could in respect of this consideration be viewed as reasonable.

3.5.9 However, it should also be noted that the Council's Supplementary Planning Guidance "Natural Environment – Landscaping" (1999), states that

landscaping conditions should not normally be used for the purpose of shielding development that has a negative impact within the setting. In the case of Eden Park, it has been determined through the planning process that the balcony development on its own merits would not cause undue negative impact within the setting, specifically with reference to overlooking and loss of privacy to No.21 The Pastures. The landscaping condition in respect of this consideration, would therefore be viewed as unusual but necessary in view of the fact that the balcony was not constructed in accordance with the approved plans, and there was an additional alteration in the form of the inclusion of an infill rear bay window below the balcony. There is, then, a contentious balance to be struck between agreeing that a development has no significant impact on residential amenity, but at the same time requires landscaping to protect that amenity.

3.5.10 It is also noted that the Supplementary Planning Guidance also states that the ultimate height and spread of plants should be carefully considered so that they do not cause unreasonable nuisance to buildings or their occupants. A useable garden area should be provided beyond the crown of existing or proposed trees.

3.5.11 It is considered that there is, therefore, a balance to be struck between the provision of mitigation for neighbouring properties and the protection of the curtilage of the application site. In assessing the proposed landscaping scheme submitted, officers have consulted with the Council's Arboricultural Officer for their advice and comments.



Photograph of existing rear boundary to No.32 Eden Park – April 2020



Photograph of existing rear boundary to No.32 Eden Park – April 2020

- 3.5.12 Six additional trees are proposed to the already existing landscaping against the boundary fence. The minimum ultimate height of the proposed trees can be anything between 2.5 and 8 metres, with the ultimate spread being up to 2.5 metres. The depth of the rear curtilage is approx. 7.1 metres. The spread of the trees as they mature is considered to retain sufficient useable curtilage.
- 3.5.13 Moreover, the characteristics of the trees includes much-branched sprays of small scale-like leaves that will give a density of covering that will supplement the existing deciduous trees – especially during the winter months when light emissions are likely to be more visible and for longer periods of time. The proposed trees are therefore considered to provide sufficient and adequate landscaping, particularly between the bay window and the rear boundary.
- 3.5.14 With the platform of the balcony standing at approx. 2.6 metres above ground level and the screen adding on a further height of 1.1 metres the landscaping is unlikely to restrict more than at present the level of overlooking of The Pastures. However, Members have previously granted approval to the balcony under application 10/19/0634 on the grounds that there was no undue level of overlooking or loss of privacy to neighbouring properties, and had not requested a condition necessary to mitigate such effects. This is an important consideration in the assessment of the proposed landscaping scheme.
- 3.5.15 The measure of additional planting will not meet the concerns of the residents at No. 21 The Pastures, since the planting will take a number of years to mature. Their request for a complete screening of mature trees along the boundary between the application site and their property will seem reasonable to the objectors given their concerns for loss of privacy. The view from the balcony through to their property will, at least in the months when the deciduous trees are out of leaf, retain some gaps.



Photograph of the summer view of The Pastures from No.32 Eden Park (pre balcony) – July 2019



Photograph of the winter view from No.21 The Pastures to No.32 Eden Park – January 2020



Photograph of the lights from the balcony and rear bay window of No.32 Eden Park when viewed from No.21 The Pastures – January 2020.

3.5.16 However, a complete screening of trees along the boundary is likely to be seen as unreasonable. It is acknowledged that the objectors have strong concerns and issues with regards to the balcony construction at No.32 Eden Park. However the applicant is within his rights to assume that, in being granted planning permission – originally unconditionally – his development had been assessed as acceptable by the local planning authority at the committee meeting in August 2019. The negotiated agreement to add six new trees to the boundary is considered to stretch the bounds of ‘reasonable’ as far as they can go, and even beyond it when taking into account the Council’s own Supplementary Planning Guidance on the use of landscaping in development. To refuse the current discharge of condition therefore would not be considered reasonable under the terms of Paragraph 55 of the NPPF and, as such, Members are recommended to approve the application before them.

4.0 RECOMMENDATION

4.1 The proposed landscaping condition attached to 10/19/1232 is therefore **recommended to be discharged, with the planting to be implemented during the first available planting season, and be thereafter retained to the satisfaction of the local planning authority.**

5.0 PLANNING HISTORY

- 5.1 10/19/1232: Full Planning Application (Retrospective) for Retention of increased size of ground floor bay window and first floor balcony to rear. Approved by Planning and Highways Committee 21st February 2020.
- 5.2 10/19/0634: Proposed Balcony to first floor rear bedroom window. Approved by Planning and Highways Committee 16th August 2019.
- 5.3 10/16/1329: Conversion of garage to habitable room and erection of front porch. Approved under delegated powers 20th January 2017.
- 5.4 10/02/0756: Proposed rear conservatory. Approved under delegated powers 27th November 2002.

6.0 CONSULTATIONS

- 6.1 Consultations are not normally carried out in respect of Discharge of Conditions applications and views are not normally taken into account. However, given the objections received from the owners/occupiers of No.21 The Pastures, a courtesy letter was sent informing the affected neighbour of the proposal, and as a result a 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 committee passed the application (Ref: 10/19/1232) on the understanding that 'substantial planting' would be required to maintain immediate privacy for 21 The Pasture.
 - The 'landscaping scheme' proposed is wholly inadequate and when planted will certainly not provide the screening required to provide the necessary privacy, either now or in the future.
 - The lack of trees means that privacy for No. 21 is severely compromised. This has had a serious impact on the ability to enjoy the peaceful environment of both home and garden.
 - This balcony is proving problematic and is not in accordance with the council's own policies.

7.0 CONTACT OFFICER: John Wilson, Planner Tel: 01254 585585

8.0 DATE PREPARED: 29th May 2020

9.0 SUMMARY OF REPRESENTATIONS

Objection – Anne & David Kirkplace, 21 The Pastures, Beardwood. Rec 16.04.2020

Dear Sir/Madam,

We would like to lodge our strong objection to the above application to discharge conditions imposed in granting the planning application 10/19/1232.

Please find attached the objection letter and site plan.

Your faithfully

David Kirkpatrick
21 The Pastures
Beardwood

Dear Sir/Madam,

We strongly object to the so called 'landscaping scheme' submitted by the applicant as it is totally unacceptable to us. It cannot be said to meet the conditions as it does not restore our privacy and amenity. This application is to discharge the planning conditions imposed when the planning application Ref: 10/19/1232 was granted.

We ask that Blackburn with Darwen Borough Council refuse this application.

At the planning meeting, the committee only passed the application (Ref: 10/19/1232) with conditions, on the understanding that 'substantial planting' would be required to maintain our immediate privacy. Straight after the meeting, we had a conversation with Gavin Prescott and Martin Kenny about the condition. It was our understanding that mature specimen evergreen trees along the entire boundary would be needed. We even said that a crane would be needed to get the trees into position.

The 'landscaping scheme' proposed is wholly inadequate and when planted will certainly not provide the screening required to provide the necessary privacy, either now or in the future.

The 'landscaping scheme' only has the provision of six saplings. These being two Chamacey Paris Ellwoods, two Chamacey Paris Ellwoodii Gold and two Chamacey Paris Blue Nantais.

Saplings, by definition, are young trees about one metre tall, and will take a number of years to reach maturity. These saplings do not give any immediate screening. In theory, the applicant will be able to remove them after five years without them ever being large enough to have provided any screening for us whatsoever.

According to the Royal Horticultural Society website (<https://www.rhs.org.uk/>), the sizes for the proposed trees are as follows:

Chamaecyparis lawsoniana 'Ellwood's Gold'

<https://www.rhs.org.uk/Plants/90200/i-Chamaecyparis-lawsoniana-i-Ellwood-s-Gold/Details>

Size

Ultimate height 2.5-4 metres

Ultimate spread 0.5-1 metres

Time to ultimate height 10-20 years

Chamaecyparis lawsoniana 'Ellwoodii'

<https://www.rhs.org.uk/Plants/92331/i-Chamaecyparis-lawsoniana-i-Ellwoodii/Details>

Size

Ultimate height 4-8 metres

Ultimate spread 1.5-2.5 metres

Time to ultimate height 20-50 years

According to the Ashwood Nurseries website (<https://www.ashwoodnurseries.com/>), the sizes for the proposed trees are as follows:

Chamaecyparis lawsoniana 'Bleu Nantais'

<https://www.ashwoodnurseries.com/shop/chamaecyparis-lawsoniana-bleu-nantais.html>

Height 1.2-1.5m x Spread 30-60cm (4-5ft x 12-24in) in 10 yrs.

You will see from the above that only the *Chamaecyparis lawsoniana* 'Ellwoodii' provides any coverage when it reaches maturity.

On the site plan below provided by the applicant, I have overlaid the field of vision they will have of our garden. As can be seen, it does NOT provide any privacy for us.

Privacy

As we emphasised previously, the lack of trees 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. We have recently witnessed their son on a number of occasions out on the balcony

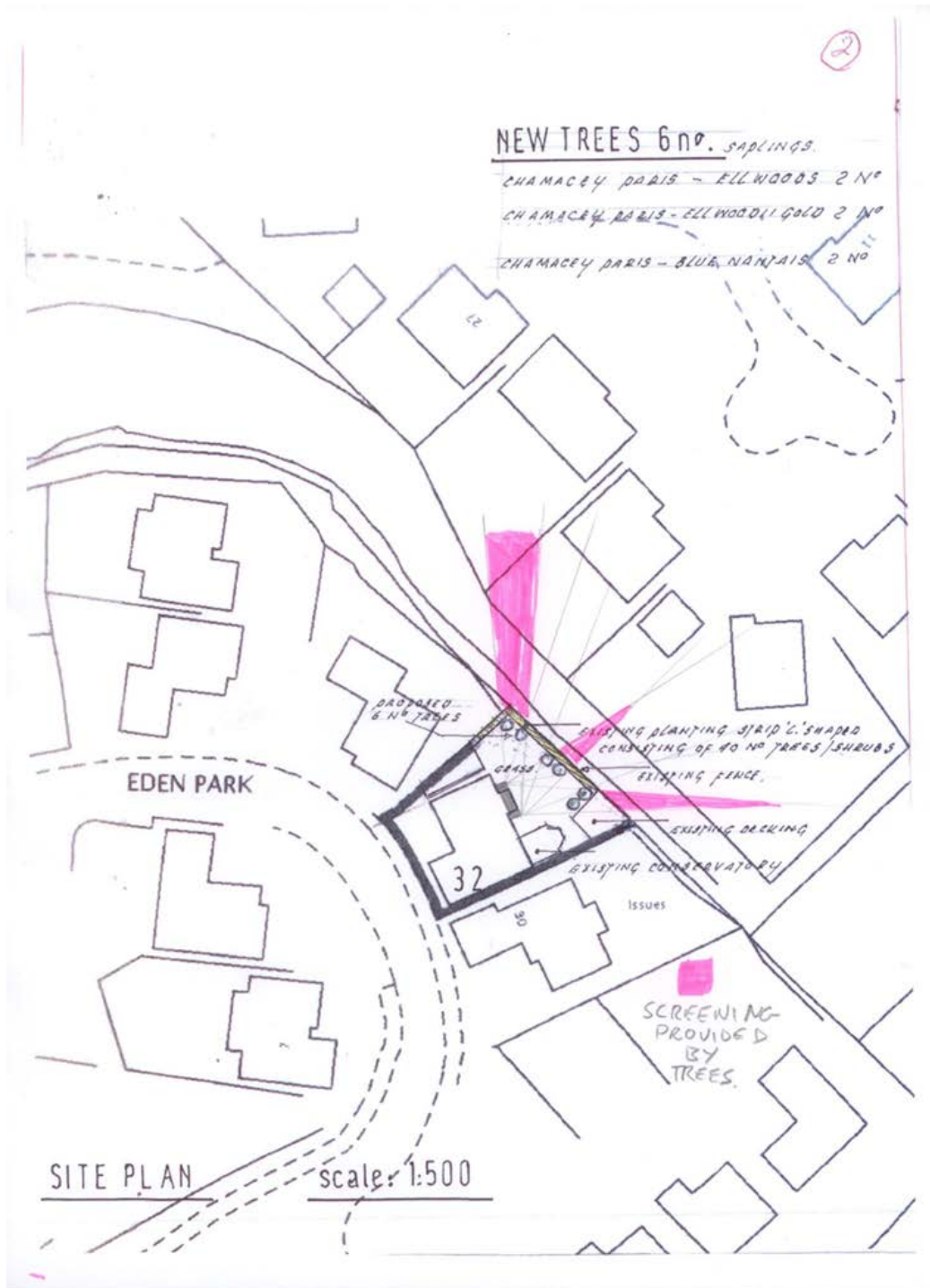
unsupervised, using binoculars to view into ours and the neighbours' gardens. From the balcony, the applicant has a commanding outlook over our property.

This balcony is proving problematic and is not in accordance with the council's own policies.

Yours faithfully,

Anne Kirkpatrick

Dave Kirkpatrick



REPORT OF:	THE DIRECTOR OF GROWTH & DEVELOPMENT
TO:	PLANNING AND HIGHWAYS COMMITTEE
ON:	18th JUNE 2020
ORIGINATING SECTION:	DEVELOPMENT MANAGEMENT
WARDS AFFECTED:	ALL
COUNCILLORS:	ALL

TITLE OF REPORT:

EXTENDED WORKING HOURS ON CONSTRUCTION SITES – BLACKBURN WITH DARWEN BOROUGH COUNCIL’S APPROACH

1. PURPOSE OF THE REPORT

- 1.1 To inform Members of the guidance published by the Government in relation to local planning authorities adopting a flexible approach to allow developers to extend their construction working hours on development sites.
- 1.2 To be aware of the approach implemented by Blackburn With Darwen Borough in consultation with the Executive Member for Growth & Development, and the Chair of the Committee

2. BACKGROUND

- 2.1 The Government announced through their Written Ministerial Statement on the 13th May, that “*Our Plan to Rebuild: the UK Government’s COVID-19 recovery strategy*” published by the Government on Monday 11th May, makes clear that construction work can be undertaken across England providing sites are able to operate safely in line with the new COVID-19 Secure guidelines. A number of developers have already announced plans to restart work on sites. The purpose of this Written Ministerial Statement is to make clear that, with immediate effect, local planning authorities should take a swift and positive approach to requests from developers and site operators for greater flexibility around construction site working hours. This is to ensure that, where appropriate, planning conditions are not a barrier to allowing developers the flexibility necessary to facilitate the safe operation of construction sites during the response to the COVID-19 pandemic and to proceed at pace with work otherwise delayed as a result of COVID-19. Developers should expect their local planning authority to grant temporary changes to construction working hours until 9pm or later, 6 days a week,

wherever possible and where construction working hours are controlled by planning condition. This flexibility is in relation to controls imposed by the planning system only.

3. RATIONALE

- 3.1 The National Planning Policy Framework (2019) already emphasises that planning enforcement is a discretionary activity and local planning authorities should act proportionately in responding to suspected breaches of planning control.
- 3.2 Where only a short term or modest increase to working hours is required, local planning authorities should, having regard to the reason for the condition and to their legal obligations, not seek to undertake enforcement action.
- 3.3 Where developers require longer term or more significant changes to working hours, they should apply to the local planning authority to temporarily amend a condition or a construction management plan in the usual way i.e via a S73 application (variation of condition). In doing so, it will be important for applicants to consider potential impacts and, where necessary, to put forward brief plans to manage concerns, drawing on existing good practice. In return, local planning authorities should respond speedily and sympathetically and engage positively with applicants to find solutions. Local authorities should prioritise these types of applications and give early clarity on the acceptability of extended hours to developers. They should ensure that decisions are issued quickly – with the aim of doing so within 10 working days.
- 3.4 In allowing greater flexibility, the Government recognises the need to mitigate the impact that any temporary relaxation of working hours could have on local residents and businesses. Requests to extend working hours should be proportionate and should not involve working on Sundays or bank holidays.
- 3.5 The Government advises further that local authorities should not refuse requests to extend working hours until 9pm, Monday to Saturday without very compelling reasons for rejection. Applications should only be refused where there are very compelling reasons such as significant impact on neighbouring businesses or uses which are particularly sensitive to noise, dust or vibration, which cannot be overcome through other mitigation, or where impacts on densely populated areas would be unreasonable.
- 3.6 Any temporary changes to construction working hours conditions granted by local planning authorities should not extend beyond 13 May 2021.

4. KEY ISSUES

- 4.1 Local Planning Authorities are encouraged to support the requests for extended working hours. Where this is short term & only a modest increase in the working hours, this is undertaken via an informal agreement. The developers must put this in writing how they are proposing to operate and the type of activity beyond

the existing authorised hours. For example, a short term period to get the construction sites back moving, is until the end of August.

- 4.2 It has been agreed in consultation with Public Protection that there is no heavy machinery, ground working or HGV construction activity occurring before 7:30am and after 6:00pm (the latter being the existing hours of construction). This will also include no vehicles parking up before these extended times. Beyond these times e.g. 7:00am and up to 9pm (4pm on a Saturday) it should only be non-noisy activity i.e. tradepersons working on the dwellings e.g. bricklayers; plasterers, electricians, painters/decorators etc. This will not include any extended hours on a Sunday or bank holiday.
- 4.3 If the changes are minor and shortlived as set out above this would be agreed via an informal agreement.
- 4.4 The developer will be required to post a leaflet through all local residents' doors setting out the dates, times, activities and (critically) their site manager's name and mobile number, or out of office number, so if issues arise they can be immediately addressed. This is because the Council offices will be shut during these additional periods of activity. The leaflet must be posted at least 5 working days before the activity starts.
- 4.5 The Planning Manager will inform the Ward Councillors/Parish Council once the request has been received to make them aware of what has been informally agreed, and this will be monitored i.e. if there are continuing complaints relating to the extended hours then we have the power to cease this immediately. In addition, Public Protection officers will be consulted for their comments.
- 4.6 If developers wish to have a longer period beyond the end of August 2020, and/or longer working hours, then it is proposed they must formally apply via a Section 73 (Variation of Condition application) i.e the ministerial statement says these extended hours should not extend beyond 13 May 2021. However, the local planning authority only has 10 working days to determine these applications.
- 4.7 Further advice on this approach and the Government guidance is published on the planning webpage at <https://www.blackburn.gov.uk/planning>
- 4.8. At the time of writing this report, two formal requests have been received. These are:

BL\2020\ENQ\08966 – Land at Tower Road, Blackburn (Applethwaite Ltd) – received 29th May 2020:

- Extend Construction Working Hours - for period ending 31st August 2020- Monday - Friday (excl. Bank Holidays) 7.30am start to 6pm finish and Saturdays 7.30 site opening up with an 8.00am start to 4pm finish. Pursuant to planning application 10/19/0677.

Extend Construction Working Hours - for period ending 31st August 2020- Monday to Friday 7am to 8pm, with no heavy plant activity before 7:30am or after 6pm (excl Bank Holidays), and Saturdays 7:00am to 4:00pm, with no heavy plant activity before 7:30am Pursuant to planning application 10/17/1313 - Condition No.27.

5. POLICY IMPLICATIONS

5.1 None

6. FINANCIAL IMPLICATIONS

6.1 None.

7. LEGAL IMPLICATIONS

7.1 None.

8. RESOURCE IMPLICATIONS

8.1 None.

9. EQUALITY IMPLICATIONS

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

10. CONSULTATIONS

10.1 The approach was presented to the Executive Member for Growth & Development and Chair of the Committee on the 18th May 2020.

11. RECOMMENDATION

11.1 (i) That the Committee note the issues described in the report.

(ii) That the Committee endorse and approve the proposed approach in relation to extending the hours of construction.

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

Date: 3rd June 2020

Background Papers:

(i) Ministerial Statement “ Our Plan to Rebuild: the UK Government’s COVID-19 recovery strategy” – 13th May 2020;
(ii) Coronavirus (COVID-19): construction update Q&A – 13th May 2020 – Ministry of Housing, Communities & Local Government

ORIGINATING DIVISION: HIGHWAYS

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

DATE: 10TH March 2020

TITLE: STOPPING UP OF A PATH OFF SHORROCK LANE
BLACKBURN

WARD: Mill Hill and Moorgate **COUNCILLORS:** Julie Gunn
Jim Smith
Damian Talbot

1.0 PURPOSE OF THE REPORT

The purpose of the report is to inform Members of a request received from Tyson Construction Ltd to formally stop-up a path off Shorrock Lane Blackburn (as per the attached plan) and to ask Members to authorise the Director of HR, Legal and Governance to apply to the Magistrates' Court to obtain the necessary Order.

2.0 BACKGROUND AND DETAILS

Blackburn with Darwen Highways received a formal request on 21st February 2020 from Tyson Construction Ltd, for the Stopping Up and an undertaking to bear all costs in obtaining the Stopping Up Order as described in the Council's fees and charges list.

Tyson Construction's client, Great Places Housing Group have obtained planning approval for a development of 16 new houses on land adjacent to Shorrock Lane. The footpath proposed for permanent closure lies within the curtilage of the site and is no longer required as part of the proposed development.

It is reasonable to take the view that the path will have no role as a public highway and is therefore eligible to be stopped up under the terms of S 116 of the Highways Act 1980.

3.0 PROCEDURE

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

4.0 IMPLICATIONS Customer

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

5.0 CONSULTATION

The Council’s highway officers have no objection to the proposed Stopping Up of the path off Shorrock Lane.

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

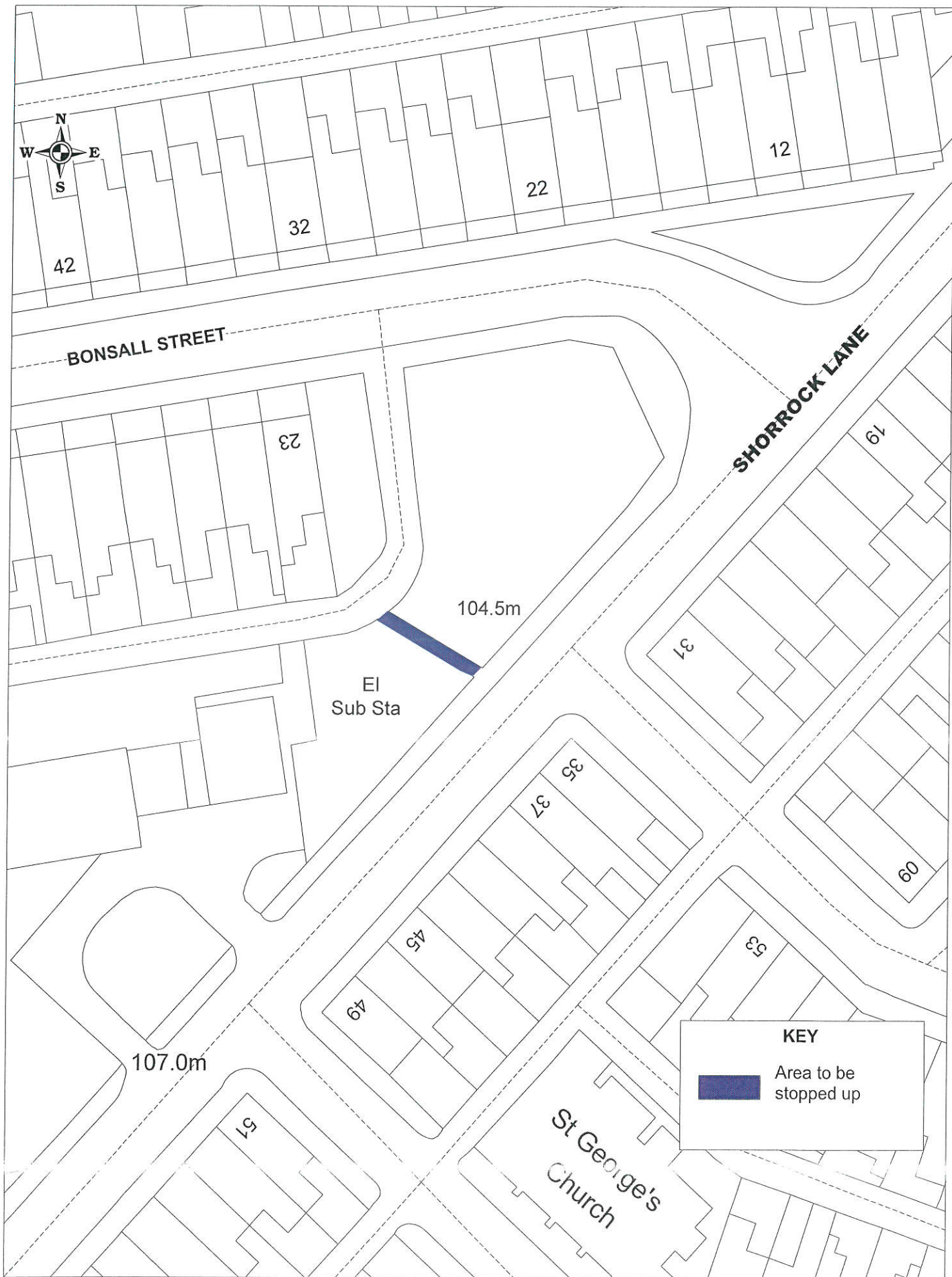
6.0 RECOMMENDATION

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

7.0 CONCLUSION

It is considered that the proposed Stopping Up of the highway is necessary to allow the site to be developed by the developer and is acceptable in highways terms.

- 8.0 BACKGROUND PAPERS:** Plan
- 9.0 CONTACT OFFICERS:** Gina Lambert
- 10.0 DATE PREPARED:** 10th March 2020



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**PROPOSED STOPPING UP
PATH OFF SHORROCK LANE BLACKBURN**

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SCALE	1 : 500
DATE	10/03/2020
DRAWING No.	
DRAWN BY	
CHECKED BY	

DEPARTMENT OF GROWTH & DEVELOPMENT

ORIGINATING SECTION: Planning
REPORT TO: Planning & Highways Committee
TITLE: Petition regarding Full Planning Application for the Change of Use from HGV yard and garage to PHG Contracting Yard with associated workshop/store building and offices (Sui-Generis)

AT: HGV Garage to the rear of Perseverance Mill

Olive Lane

Darwen

BB3 3DQ

Application Reference: 10/19/1229

Applicant: PHG Contracting Limited

Ward: Darwen East

Councillors:

Councillor Paul Brown

Councillor Jane Oates

Councillor Roy Davies

1.0 PURPOSE OF REPORT

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

2.0 BACKGROUND AND DETAILS

2.1 A planning application for the above development was received on 30 December 2019 and was registered on the 05 February 2020.

2.2 One petition containing 19 names and addresses against the proposal was received on 25 February 2020. The reasons against the proposal are given as follows:

2.3.1 Reasons:

- Highway safety concerns as a result of the increase the volume of traffic going to and from the site in a primarily residential area;
- The affected highway is heavily used by children walking to and from school, using the nursery, the Sure Start Centre and a play area;

- The increased traffic from the site and using the local shop will cause an increased risk to highway safety/ pedestrian safety;
- The proposals activity and increase in traffic will cause pollution
- The proposals activity and increase in traffic will create additional noise during anti-social hours affecting quality of life

2.4 At the time of the Petition Report being prepared, no decision on the application had been reached. Officers have requested additional information from the applicant relating to highway safety (parking and manoeuvrability within the site), and the application is thus still under consideration.

3.0 **RECOMMENDATION**

3.1 It is recommended that the Committee note the petition.

4.0 **BACKGROUND PAPERS**

4.1 Planning application 10/19/1229 contains details of the application and can be viewed at:

<https://planning.blackburn.gov.uk/Northgate/PlanningExplorer/Generic/StdResults.aspx?PT=Planning%20Applications%20On-Line&SC=Application%20Number%20is%2010/19/1229&FT=Planning%20Application%20Search%20Results&XMLSIDE=/Northgate/PlanningExplorer/SiteFiles/Skins/Blackburn/Menus/PL.xml&XSLTemplate=/Northgate/PlanningExplorer/SiteFiles/Skins/Blackburn/xslt/PL/PLResults.xslt&PS=10&XMLLoc=/Northgate/PlanningExplorer/Generic/XMLtemp/ilbu5emzvtvne424xyeh5ulh3/830b3686-a9fb-4cd2-a32a-e29e8f9ec368.xml>

5.0 **CONTACT OFFICER** – Claire Booth - Senior Planner

6.0 **DATE PREPARED** – 05 June 2020

DEPARTMENT OF GROWTH AND DEVELOPMENT

ORIGINATING SECTION: PLANNING

REPORT TO: PLANNING & HIGHWAYS COMMITTEE – 28TH MAY 2020

**TITLE: PETITION REGARDING 10/20/0337 AT NO. 3 VINCENT COURT ,
BLACKBURN**

WARD: EWOOD - Councillors: MAUREEN BATESON, JIM CASEY

1.0 PURPOSE OF REPORT

1.1 To inform Members of the receipt of a petition, a copy of which is available for viewing in Democratic Services.

2.0 BACKGROUND AND DETAILS

2.1 A planning application for full planning permission for a single storey extension to each side of the existing property to form two separate self contained supported living spaces and a new detached outbuilding to the rear to form gym for service user use at No. 3 Vincent Court, Blackburn. The application was received on 26th March 2020.

2.2 The site was previously visited on 9th September 2019 in connection with an earlier application, and individual letters of notification were posted on 6th April 2020.

2.3 A petition containing 9 individual names was received on 27th April 2020, objecting, not to the proposed development, but to the existing parking and access issues experienced by the street and the need to address them to avoid their being exacerbated by the proposed business at No. 3. None of the named people have signed the petition owing to the COVID-19 lockdown.

2.4 Members are advised that the planning application was refused planning permission under delegated powers on the 20th May 2020, for the following reasons:

The extensions would result in the host dwelling no longer being in compliance with the criteria set out for Use Class C3;

The extensions by virtue of them not qualifying as permitted development, fail to demonstrate their role within the Council's strategic approach to commissioning new services and facilities, contrary to Policy 47 of the Local Plan Part 2;

The proposed development, by virtue of scale and use, increases the intensity of use on the site and introduces into the setting a mode of living incongruous to the context in which it is set;

The proposed development, by virtue of the layout of fencing and gates, fails to demonstrate how it can meet its own servicing requirements, in terms of bin storage;

The fencing proposed for the front curtilage of the south annex, by virtue of its design, height, materials and location, fails to understand the open front gardens characteristic of Vincent Court;

Substandard sized parking spaces and intrusion into the service strip;

3.0 **RECOMMENDATION**

- 3.1 It is recommended that the Committee note the petition and that the lead petitioner be informed that their comments will be taken into account when the application is determined.

4.0 **BACKGROUND PAPERS**

- 4.1 None

- 5.0 **CONTACT OFFICER** – John Wilson, Planner – Ext. 5142.

- 6.0 **DATE PREPARED** – 5th June 2020

- 7.0 **REFERENCE** – G&D/P/JW/10/20/0337

DEPARTMENT OF GROWTH AND DEVELOPMENT

ORIGINATING SECTION: PLANNING

REPORT TO: PLANNING & HIGHWAYS COMMITTEE – 28TH MAY 2020

**TITLE: PETITION REGARDING 10/19/0891 AT NO. 35 Baywood Street,
BLACKBURN**

**WARD: BASTWELL AND DAISYFIELD - Councillors: PARWAIZ AKHTAR,
IFTAKHAR HUSSAIN, SHAUKAT HUSSAIN**

1.0 PURPOSE OF REPORT

- 1.1 To inform Members of the receipt of a petition, a copy of which is available for viewing in Democratic Services.

2.0 BACKGROUND AND DETAILS

- 2.1 A planning application for full planning permission for a residential development comprising of 4no. apartments at No. 35 Baywood Street, Blackburn. The application was received on 17th September 2019. The initial proposal was to develop the site for six apartments.
- 2.2 The application site was visited on 20th November 2019 by the case officer. Individual letters of notification were posted on 17th October 2019 and again on 25th March 2020 following the receipt of amended plans. The amended plans related to a three-storey building which included four apartments and one bedsit – the bedsit being less a bedsit and more a one-bed apartment. The ground floor flat was replaced by a garage, an entrance foyer, a reception area, a caretaker's store and a pram/cycle store, together with three smaller ancillary rooms.
- 2.3 A petition containing seven individual addresses was received on 8th April 2020, objecting to the proposed development as set out in the amended plans. The petition stated:

Considering the current situation around social distancing, we have been unable to provide individual copies of this letter and/or signatures therefore we, nearby residents have been communicating regarding this matter by phone with the conclusion hereunder. We remain available to discuss this matter in detail should it be required.

We write with regards to the recent amendment to the planning application for what now appears to be 4 x residential apartments on Baywood Street, under the reference number above.

No signatures of named people appear on the petition owing to the COVID-19 lockdown. However, all the stated addresses correspond to individual objectors who wrote in previously objecting to the original plans.

2.4 The grounds of objection relate to:

- Lack of car parking spaces within the curtilage of the application site;
- Inadequate separation distances with existing properties;
- Design not in-keeping.

2.5 The planning application was refused planning permission under delegated powers on 20th April 2020; for the following reasons:

- The proposed development, by virtue of its design and proximity to dwellings on Chestnut Close, fails to secure a satisfactory level of amenity through loss of privacy and overlooking, contrary to Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 (2015) and the Residential design Guide Supplementary Planning Document (2012);
- The proposed development, by virtue of its scale, mass, design and materials, fails to reinforce or enhance the established character of the locality, being overdevelopment of the plot and introducing an incongruous appearance to the street scene, contrary to Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 (2015) and the Residential Design Guide Supplementary Planning Document (2012);
- The proposed development, by virtue of its scale and being an overdevelopment of the plot, fails to provide adequate private amenity space for the future occupants of the apartments, contrary to Policy 11 of the Blackburn with Darwen Borough Local Plan part 2 (2015) and the Residential Design Guide Supplementary Planning Document (2012);
- The proposed development, by virtue of the size and siting of the parking spaces, fails to provide adequate parking facilities in accordance with the Council's adopted standards to the detriment of vehicular and pedestrian users of the highway, contrary to Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2 (2015) and the Residential Design Guide Supplementary Planning Document (2012);
- The Council has previously engaged with applicants to resolve concerns over these development proposals both before the application was submitted as promoted by paragraph 39 of the National Planning Policy Framework (NPPF) 2019, or during the consideration of the application as promoted by paragraph 38 of the NPPF. However, in these circumstances it has not been possible to resolve these concerns and so a refusal of the application is necessary due to the environmental and social harm that will be caused by the development as identified in the reasons for refusal. In these circumstances an application is refused to enable the overall speed and quality of the council's decisions to be maintained.

2.6. Members are advised that a revised planning application for 4 apartments was submitted on the 27th May 2020 under reference 10/20/0438. The application is currently under consideration.

3.0 **RECOMMENDATION**

3.1 It is recommended that the Committee note the petition relating to planning application 10/19/0891.

4.0 **BACKGROUND PAPERS**

4.1 None

5.0 **CONTACT OFFICER** – John Wilson, Planner – Ext. 5142.

6.0 **DATE PREPARED** – 5th June 2020

7.0 **REFERENCE** – G&D/P/JW/10/19/0891