

Public Document Pack

Planning and Highways Committee

Thursday, 21st January 2021

6.30 pm

[Join Meeting Here](#)

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	To set out the intended approach for the determination of planning applications relating to the proposed change of use of properties as residential and supported accommodation.	
	To explain the reasoning behind the intended approach and invite the comments of the committee.	
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Date Published: Wednesday, 13 January 2021
Denise Park, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE

Thursday, 17 December 2020

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

OFFICERS – Gavin Prescott, Michael Green and Shannon Gardiner

RESOLUTIONS

33 **Welcome and Apologies**

The Chair welcomed everyone to the virtual meeting.

There were no apologies received.

On behalf of the Committee, the Chair thanked John Wilson, Planning Officer, for his hard work over the years and wished him a happy retirement.

34 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 19th November 2020 be confirmed and signed as a correct record.

35 **Declaration of Interest**

RESOLVED – There were no Declarations of Interest received.

36 **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

36.1 **Planning Application 20/0784**

Speakers – Mr Joe Perkins (Agent)

Applicant – Mr Dominic Holmes

Location and Proposed Development – Cin Cin 1A Church Bank Street
Darwen BB3 3HA

Full Planning Application (Retrospective) for Regularisation of door and retractable canopy to side elevation

Decision under Town and Country Planning Acts and Regulations –

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

36.2 Planning Application 20/0828

Applicant – Doctor Imran Ali

Location and Proposed Development – 3 Vincent Court Blackburn BB2 4LD

Full Planning Application for Erection of single storey extension to the side of the existing property to form supported living space. New detached outbuilding to the rear to form gym for service user use.

Decision under Town and Country Planning Acts and Regulations –

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

37 Planning Advisory Note - Approach for determining applications relating to properties being used as Children’s residential and supported accommodation.

A report was submitted to committee to set out the intended approach for the determination of planning applications relating to the proposed change of use of properties as residential children’s homes and to explain the reasoning behind the intended approach and invite the comments of the committee.

There has been an increasing number of Certificate of Lawfulness applications to use properties as residential children’s homes. Where a certificate was granted, the Council has no control over the occupancy of that home. As a result, many such homes have the potential of being used to accommodate children from outside of the Blackburn with Darwen area. This is placing a strain on local public sector resources to the detriment of local service delivery, and can make it more difficult for the Council to accommodate local, looked-after children within Blackburn with Darwen.

The Development Management Team had recently dealt with Certificate of Lawfulness applications at properties on Eden Park, Vincent Court and Aintree Drive in the borough. Until recently, officers had judged that the change of use from a house to a children’s home was not material, which in nature does not constitute development, and therefore does not require planning permission. However, in recent months new information has become known, with the approach being taken by Blackpool Borough Council, in the form of case law, and the advice they received from Counsel. In addition, the Development Management Team has been working closely with Children’s Services to better understand the nature of a children’s home use.

It is now considered that the change of use from a house to a children’s home is material and is therefore development requiring planning permission for the following reasons:

- Change in the character of the use based on the day-to-day activity, operations and physical layout;
- Impact of the proposal – the uncontrolled loss of family homes is a material planning consideration; case law has established that

increased strain on local public sector resources can be accepted as an indicator of a material change of use;

It is accepted that not all looked-after children will place strains on the Council's services, however because the Council cannot place any controls on a Certificate of Lawfulness, these factors must all be taken into account when assessing such applications.

The Development Management Team following consultation with Children's Services have produced a Planning Advisory Note, which is intended to inform and assist applicants seeking planning permission for the development of or the change of use of an existing building to a children's care home.

Members of the Committee discussed the Planning Advisory Note and understand the importance of the document.

RESOLVED –

1. That the Committee noted the issues described in the report.
2. That the Committee approved the proposed Planning Advisory Note, to be used as a material planning consideration in the determination of any new applications for children's care homes

38 Enforcement - Land at 25 Percival street, Darwen, BB3 1HB

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at 25 Percival Street, Darwen.

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

RESOLVED – Authorisation was given to the proposed enforcement action at 25 Percival Street, Darwen.

39 Enforcement – Land at 216/218 Shear Brow, Blackburn

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at 216-218 Shear Brow, Blackburn.

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

RESOLVED – Authorisation was given to the proposed enforcement action at 216-218 Shear Brow, Blackburn.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed

DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

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

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

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

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

Material Consideration

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

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

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

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

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

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 polices 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 follows 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: 21/01/2021

Application No	Applicant	Site Address	Ward
10/20/0716	Graham Trehwella - Cass Associates Studio 204B The Tea Factory 82 Wood Street Liverpool L1 4DQ	Land to the South of Whalley Old Road Blackburn	Little Harwood & Whitebirk
Outline Planning Application for Outline planning application with all matters reserved for residential development of up to 165 dwellings			

RECOMMENDATION: Permits

10/20/0798	Mr Mark McBriar Wharf 3 Holly Bank Mill Manchester M26 3SY	Land to the rear of former Meadowcroft Farm 114 High Street Chapelton Bolton BL7 0EX	West Pennine
Full Planning Application for Erection of 4 dwellings with integral garages and associated access road, landscaping and parking			

RECOMMENDATION: Permits

10/20/0934	Countryside Properties (UK) Ltd and Together Housing Group C/O agent	Land to the North and South of Fishmoor Drive and Land to the East of Roman Road Blackburn	Blackburn South East
Full Planning Application (Regulation 4) for Demolition of one substation building and the erection of 383 dwellings and associated works			

RECOMMENDATION: Permits

Application No	Applicant	Site Address	Ward
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Application Type

10/20/0996

Djemel & Jennifer Salah-Bey-Carr & Cain
c/o agent

Hob Lane Farm Barns
Blackburn Road
Turton
Bolton
BL7 0PU

West Pennine

Full Planning Application for Change of use of 2 x barns at Hob Lane Farm to a single attached dwelling with integral garage, including building works

RECOMMENDATION: Permits

Application Type

10/20/1013

Mr Nawaz Virmani
223 Shadsworth Road
Blackburn
BB1 2HR

17 Troon Avenue
Blackburn
BB1 2JG

Blackburn South East

Full Planning Application for Conversion of existing domestic garage into Accomodation Annexe for Disabled Family Member

RECOMMENDATION: Permits

Application Type

10/20/1112

Blackburn With Darwen Borough Council
Mr Martin Eden
Old Town Hall
King William Street
Blackburn
BB1 1DY

Darwen Jubilee Tower
Darwen Moor
Darwen
BB3 1JX

Darwen West

Listed Building Application (Regulation 3) for New stainless-steel engraved plaques to observation deck, new steel support to upper landing. Replacement of rainwater pipes, signage, broken and missing glazing, ground and first floor door. Repointing and consolidation of walls. Repairs to asphalt weathering, handrails, landings and steps

RECOMMENDATION: Grant

Application Type

10/20/1210

Mrs Nicola Boardman
3 Fern Crescent
Green Hills
Livesey
Blackburn
BB2 5FS

3 Fern Crescent
Green Hills
Livesey
Blackburn
BB2 5FS

Livesey With Pleasington

Full Planning Application for Proposed detached garden room

RECOMMENDATION: Permits

REPORT OF THE DIRECTOR

Plan No: 10/20/0716

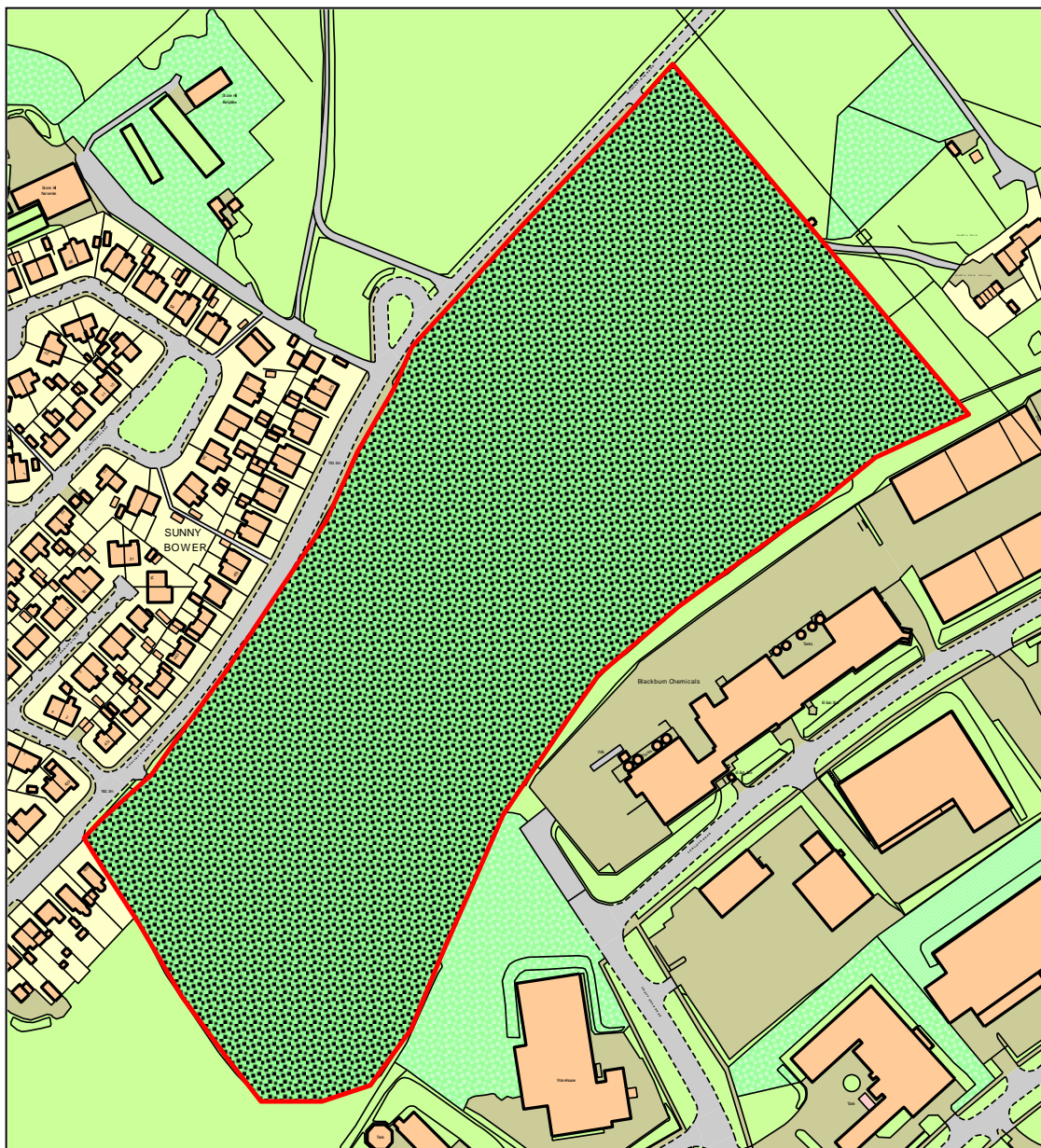
Proposed development: Outline planning application (Regulation 4) with all matters reserved for residential development of up to 165 dwellings

Site address:

**Land to the South of Whalley Old Road
Blackburn**

Applicant: Graham Trehella - Cass Associates

**Ward: Little Harwood & Whitebirk: Councillors: Pat McFall
Abdul Patel
Mustafa Desai**



1.0 SUMMARY OF RECOMMENDATION –

1.1 APPROVE – Subject to conditions as detailed at section 4.1 of this report.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is before the committee as it relates to a significant major housing development that has generated the receipt of 78 letters of objection. The application is a Regulation 4 application under the 1992 Town & Country Planning General Regulations, where the local planning authority own, or part own the land, the subject of the planning application, but do not intend to develop the site in question itself.
- 2.2 The proposal will deliver 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. 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 land allocation 4/1, as identified by Policy 4: 'Land for Development Beyond the Plan Period', within the adopted Local Plan Part 2
- 3.1.2 The site falls at the north eastern edge of Blackburn in the neighbourhood of Sunny Bower. It is positioned to the south of Whalley Old Road, which serves as a link between Brownhill Drive (Blackburn Ring Road) and the rural settlements in Hyndburn beyond the borough boundary.
- 3.1.3 The land is broadly characterised by dense and scattered scrub, tall ruderal vegetation, poor semi-improved grassland, marshy grassland and moderately species-rich grassland. The majority of trees are located in the south western parts of the site. Across the site, there is a fall in levels from Whalley Old Road towards the southern boundary, but this is interrupted by an embankment alongside Blackburn Chemicals which appears to have been formed when the industrial estate was constructed.



Figure 2 Aerial Photograph

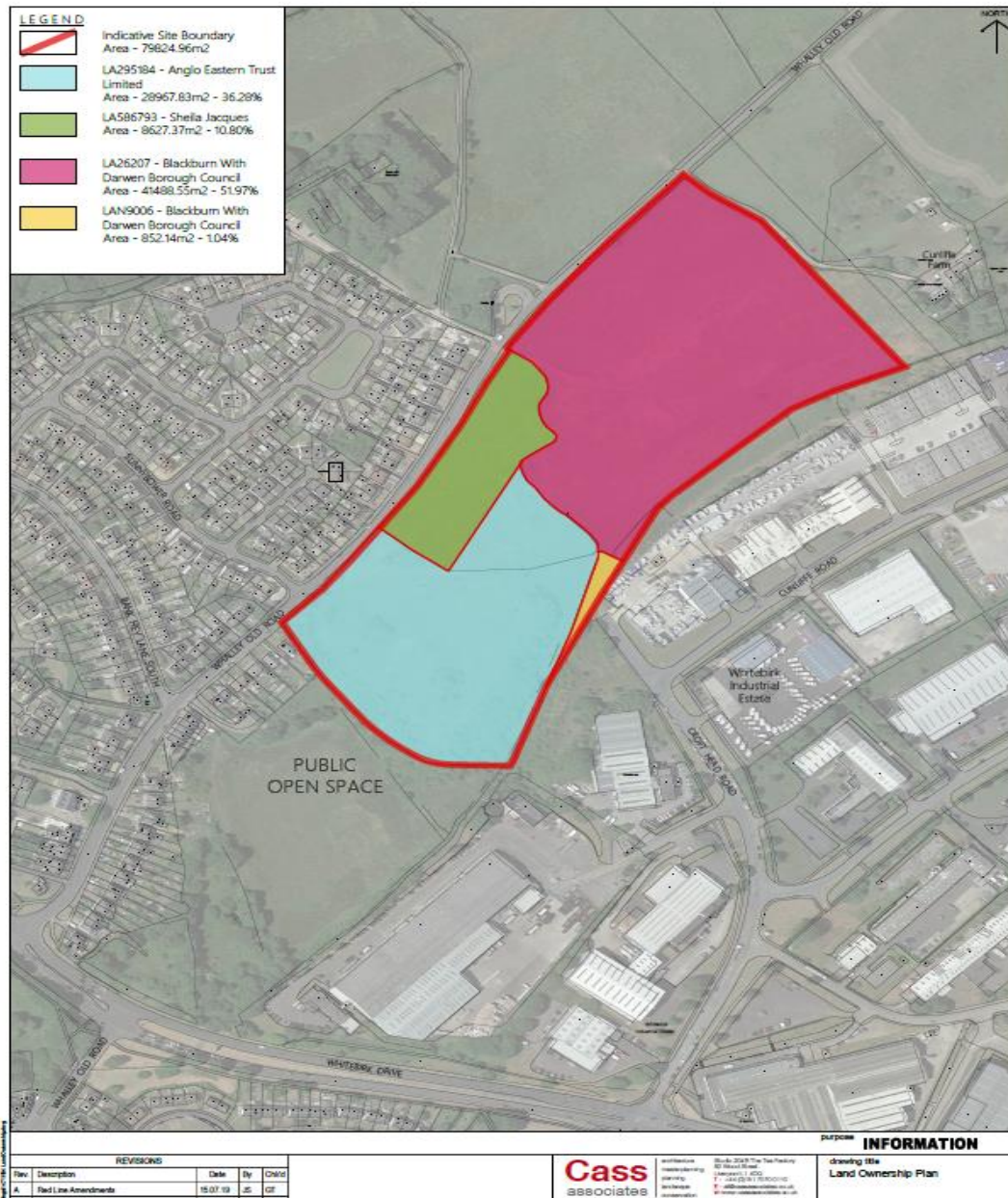
Extract from submitted Design & Access Statement, received 30th July 2020:

- 3.1.4 The site has a long frontage to Whalley Old Road, which is generally of open character. This frontage is partly defined by a dry-stone wall and partly by a hedge and fence. On the opposing side of Whalley Old Road is the neighbourhood of Sunny Bower. This is an enclave of housing, most of which is detached and semidetached and largely dates from the post-war period. A pedestrian link through the Sunny Bower neighbourhood leads onto Brownhill Drive to provide a clear route from the site via Bank Hey Lane towards Blackburn Cemetery, Roe Lee Park Primary School and Roe Lee Park. At the northern margin of the neighbourhood is a garden centre. This lies at the interface with open countryside and is served by an access adjacent to a bus turning area.
- 3.1.4 To the south of the site is the Whitebirk Industrial Estate. This contains a range of businesses but the premises which is closest is Blackburn Chemicals. There is a significant fall in levels between the site and the

industrial estate as a result of the earthworks operations to create reasonably level platforms for the business units and the roads that serve them.

3.1.5 There is an even greater difference in level between the site and the recreational field, which lies to the west. The difference in level is accommodated by a steep embankment where woodland has become established. The recreational field is not intensively used but there is a public right of way, which runs along its southern margin. This starts at Brownhill Drive and follows an alignment between the site and Whitebirk Industrial Estate. At the eastern edge of the application site, the public right of way continues into the open countryside to provide a recreational link to the Leeds – Liverpool canal corridor.

3.1.6 The application site is owned by three landowners, including the Council. Below is an extract from the land ownership plan.



3.2 Proposed Development

3.2.1 This outline planning application is for residential development across the application site, up to a maximum provision of 165 dwellings. All matters are reserved for subsequent approval and as such, this application deals with the principle of residential development.

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
- 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

3.4 Other Material Planning Considerations

3.4.1 Residential Design Guide Supplementary Planning Document

This document provides targeted advice to ensure high quality new homes. It aims to ensure that new development reflects the individual and collective character of areas of the Borough and promotes high standards of design.

The document also seeks to ensure a good relationship between existing and proposed development in terms of protecting and enhancing amenity.

3.4.2 National Planning Policy Framework (NPPF) (2019)

Particular emphasis upon section 4 of the NPPF, which relates to decision making, section 5: delivering a sufficient supply of high quality homes, and Section 8; promoting healthy and safe communities.

3.3 **Assessment**

3.3.1 The main issues for Members to consider when determining this application are as follows;

- Whether the principle of development can be supported;
- Highways and Access;
- Drainage and Flood Risk;
- Public Protection Issues
- Ecology;
- S106 contributions.

3.3.2 **Principle of Development:**

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

3.3.3 **Current Local Plan Position:**

Blackburn with Darwen Borough Council currently has a two-part local plan (made up of the Core Strategy and Local Plan Part 2: Site Allocations and Development Management Policies) that sets out the land use planning strategy for the Borough up to 2026.

3.3.4 The application site forms part of *safeguarded land allocation '4/1: Brownhill'* within the Council's current development plan (Local Plan Part 2: Site Allocations and Development Management Policies: adopted December 2015). Policy 4 of the Local plan states;

"Within the areas identified as Land for Development Beyond the Plan Period on the Adopted Policies Map, planning permission will not be granted for permanent development. Land will only be released for permanent development following a Local Plan review which proposes the development".

3.3.5 The explanatory text accompanying Policy 4 offers context to the allocation;

"The Local Plan has been informed by a review which identified areas of the original Blackburn and Darwen Green Belts (designated in the late 1970s) which were able to be released for development without adversely affecting the overall integrity of the Green Belt. A number of these areas are allocated

for residential development in this plan and are expected to be developed, or largely developed, within the next 15 years. The remaining areas have the potential to accommodate some of the Borough's longer term development needs in the 2030s and beyond.

It is important that these areas remain able to accommodate development in the longer term, and that their development potential is not compromised by piecemeal change or development in advance of this. Policy 4 sets out a framework for protecting these areas to allow for the longer term planning of development in Blackburn with Darwen to take place at the appropriate time.

The identification of an area of land in this policy does not guarantee that the whole of that area will be deemed suitable for development at some future stage. A future Plan review considering the release of any land identified under this policy will need to undertake a full appraisal of the area suitable for release, and the impact on landscape and other considerations of doing so”.

3.3.5 The Local Policy position is consistent with Paragraph 139 of the National Planning Policy Framework (the Framework) that states that planning permission for the permanent development of safeguarded land should only be granted following an update to a plan, which proposes the development.

3.3.6 Given that the current application seeks to develop the safeguarded site it is evident that a conflict with Local Plan Policy 4 and Framework paragraph 139 exists unless the caveat relating to the local plan review is met. This issue forms the principle point of objection in many of the public responses, as detailed at section 9 of this report.

3.3.7 Local Plan Review

New planning regulations were published by the Government in late 2017, that required local authorities to review Local Plans at least every five years from the date of their adoption. In response to the new regulations, an assessment of the two adopted local plan documents was undertaken.

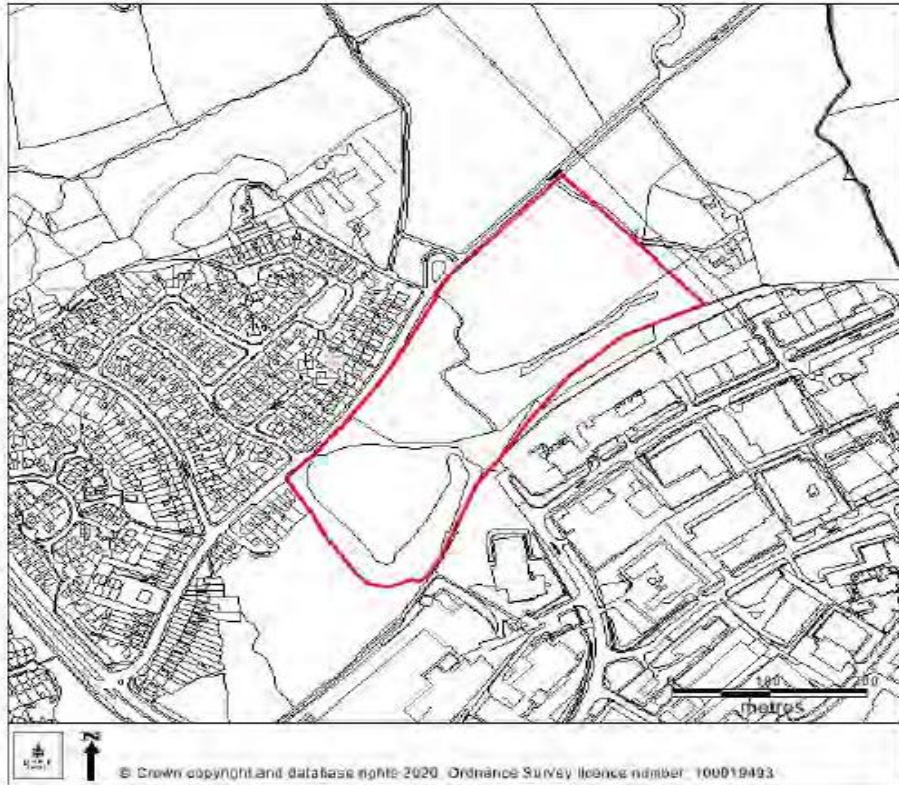
3.3.8 The Council therefore approved a new Local Development Scheme in February 2018, which set out the intention to develop a single new Local Plan to replace the Core Strategy and the Local Plan Part 2. An initial “Issues and Options” public consultation was subsequently carried out in February-April 2019, and the Local Development Scheme was again updated in January 2020.

3.3.9 In the intervening period since the ‘Issues and Options’ consultation, the Council has prepared a significant package of evidence base material to assist in developing its new Local Plan. This suite of technical reports and studies, along with wider strategies of the Council and partner organisations, have helped to inform the ‘Consultation Draft’ paper. In accordance with Regulation 18 “Preparation of a Local Plan”, the draft Local Plan and draft Policies Maps along with the supporting evidence are available for a six week consultation period from the 8th January until the 19th February 2021. Of the Growth Housing Sites identified in the Consultation Draft Plan, the application

site is identified as a “housing allocation site” under reference S196 (see extract below). Additional influences have been a further revision to the NPPF (February 2019) and publication of proposed Government planning reforms set out in the Planning White Paper ‘Planning for the Future’ (August 2020).

Site plans of ‘Growth – Housing’ sites

Site Ref: S196 Site Name: Land off Whalley Old Road, Blackburn

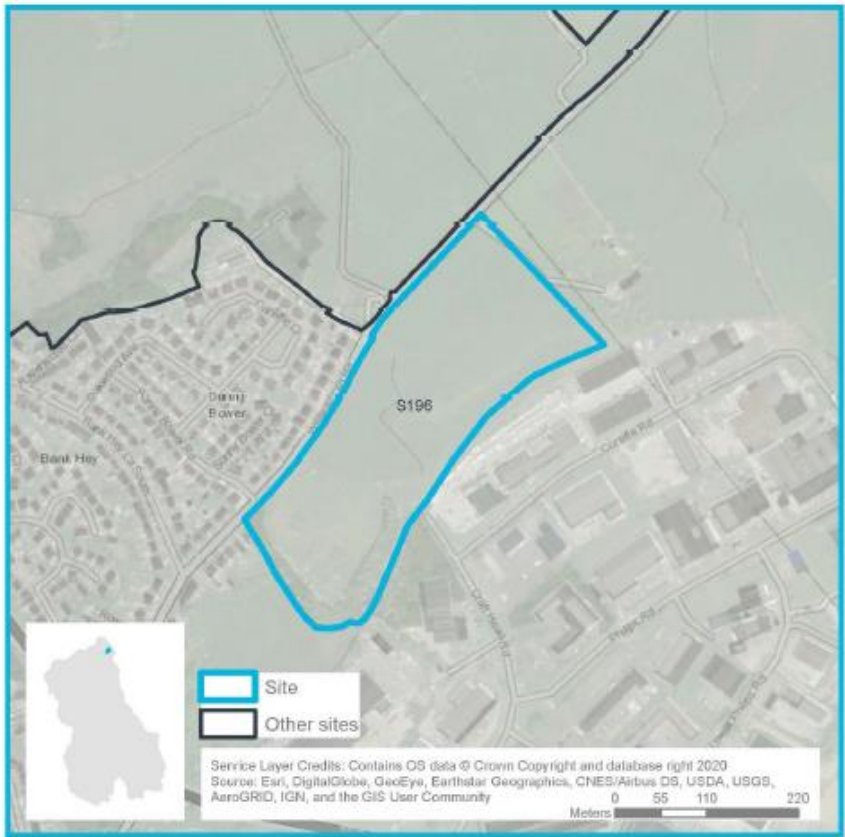


Gross Area (Ha):	8.24
Maximum Yield:	165
U/C – Units unbuilt:	

Extract from Blackburn With Darwen Borough Local Plan 2018-2037 “Consultation Draft” January 2021:

3.3.10 The application site has, along with other sites earmarked as housing allocations within the emerging plan, been through a sustainability appraisal exercise to consider whether it is suitable to contribute towards meeting the Council’s housing needs in the period up to 2037. The supporting document to the local plan review “Interim SA Report – Blackburn With Darwen Local Plan – Sustainability Appraisal” – December 2020”, has highlighted that the application site is in a sustainable location. Extracts from the report are below:

Site Reference: S196 Proposed Use: Residential Area (ha): 8.3
 Site Location: Land off Whalley Old Road



Likely to promote positive effects	Possible positive effects, though not significant	Unlikely to have significant effects	Possible negative effect (mitigation possible)	Likely to generate negative effects
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The above effects are a broad indication of effects and specific colour coding should be interpreted in reference to the site assessment methodology.

Objectives and Site Assessment Criteria		
3A.1	Efficient Use of Land <i>Greenfield</i>	
3A.2	Current Occupancy of Site <i>Site undeveloped</i>	
3A.3	Topography <i>Slight to sloping (mixed topography)</i>	
3A.4	Flood Risk (Fluvial) <i>100% within flood zone 1</i>	

3A.5	Flood Risk (other/pluvial) <i>No significant risk of surface water flooding (Level 1 SFRA)</i>	Green
3A.6	Contaminated Land <i>Contaminated land would also need to be considered in the usual way.</i>	Yellow
3A.7	Soil Quality <i>98 % Grade 4. 2 % Urban.</i>	Yellow
3A.8	Visual Impact/Landscape Character <i>Strategic Landscape Character Appraisal (June 2020)</i>	Yellow
3A.10	Heritage Assets <i>No nearby heritage assets identified</i>	Green
3A.11	Ecological Networks <i>Site is not on or adjacent to an identified ecological network</i>	Grey
3A.12	Trees, Woodland and Hedgerows <i>Site largely clear of trees, where they are present mitigation or retention possible</i>	Green
3A.13	Priority Species and Habitats <i>Ecological Asset Desktop Assessment August 2020 identifies features within the locality but outside of the site</i>	Yellow
3A.14	Air Quality <i>Site is classified as large, but not within an area of concern.</i>	Yellow
3A.15	Amenity Issues (noise/odour) <i>No potential issues identified, despite presence of industrial estate nearby adequate buffering ought to be possible.</i>	Green
3B.1	Accessibility by Walking and Cycling <i>Active transport route immediately adjacent or on site</i>	Green
3B.2	Accessibility by Public Transport: Bus <i>282 metres from a bus stop. Medium service, 1-2 services per hour (peak time)</i>	Light Green
3B.3	Accessibility by Public Transport: Train <i>2577 metres from Ramsgreave and Wilpshire</i>	Yellow
3B.4	Accessibility to the Strategic Road Network <i>519 metres from strategic road network</i>	Green
3B.5	Accessibility to major employment area <i>709 metres from Primary Employment Area</i>	Green
3B.6	Accessibility to town/district centre <i>1155 metres from Whalley Old Road</i>	Yellow
3B.7	Accessibility to primary school <i>1356 metres from ROE LEE PARK PRIMARY SCHOOL</i>	Red
3B.8	Accessibility to doctors surgery <i>1362 metres from Little Harwood HC GPs within 800m: 0</i>	Red
3B.9a	Accessibility to designated natural greenspace <i>329 metres from green space</i>	Green
3B.9b	Site potential to provide onsite green space <i>8.3 ha</i>	Green
3B.10	Accessibility to existing sports/play facilities <i>1530 metres from Physique Gym</i>	Red
3C.1	Highways Access <i>Access available off Whalley Old Road, no issues</i> <i>Accessibility scores measured from site access point on Whalley Old Road</i>	Green
3C.2	Highways Capacity <i>Unknown at this stage</i>	White
3C.4	Drainage <i>Site is within FZ1 and not within an area affected by surface water flood risk -low risk site. Small watercourse which can be left open. No major issues with developing the site from drainage perspective. SuDS will be required onsite.</i>	Yellow
3C.5	Formalised Open Space / Green Infrastructure Network <i>Very minor loss</i>	Green
3D.1	Coal Workings <i>Small area in north of site is high risk</i>	Yellow

3D.2	Landfill gas <i>Within 250m of landfill Gas</i>	Yellow
3D.4	Network Rail <i>No issues identified</i>	Green
3D.8	Existing Employment Site <i>Primary Employment Area adjacent to the site</i>	Green
3D.9	Minerals and Waste Allocated Site <i>No overlap</i>	Green
3D.10	Minerals & Waste Safeguarding Area <i>53 % overlap with minerals safeguarding area</i>	Yellow

Extract from Interim SA Report – Blackburn With Darwen Local Plan – Sustainability Appraisal” – December 2020:

3.3.11 Paragraph 48 of the Framework allows weight to be given to relevant policies in emerging plans.

3.3.12 Whilst the emerging Local Plan and the final selection of housing allocations will be determined through the local plan examination process, the local plan review recognises that land currently safeguarded in Policy 4 for development needs beyond the end of the existing plan period in 2026, is considered to be a viable and sustainable option. It is considered, therefore, to attach emerging weight to the Local Plan review, such that the current proposal may be supported in principle.

3.3.13 Applicant’s case:

“It is recognised that Policy 4 requires the further consideration of the three areas designated for potential longer term development through a review of the development plan but there are particular circumstances that relate to the site at Whalley Old Road to justify the granting of planning permission for new housing development now. These are :

a) A Discrete Parcel of Land

This is a discrete parcel of Land that is contained by Whalley Old Road and the established industrial area to the south. It can be considered in a way that does not affect or prejudice the planning and development of the broader zone governed by Policy 4 of the Local Plan Part 2 at Brownhill. This broader zone should be given further consideration through the emerging replacement local plan for Blackburn with Darwen.

b) An Appropriate Location

Policy CS5 of the Core Strategy requires that the first preference for locating urban extensions is land that is not in the Green Belt. The subject land has been removed from the Green Belt through the provisions of the Local Plan Part 2 and its identification as a potential location to meet longer term development needs reinforces the fact that this is an appropriate location for new housing development. It is an appropriate location by virtue of its close spatial relationship with the existing built up area and the ability to make the efficient use of existing infrastructure networks to support new housing.

c) The Growth Target

The Targeted growth strategy inherent in Policy CS1 of the Core Strategy drives ambitious targets for new development. There is a requirement to balance economic growth and housing growth but also to improve the range and quality of housing that is available. In relation to the latter, Policy CS5 of the Core Strategy recognises that high quality housing is needed in locations and environments that are sufficiently attractive to compete with alternatives beyond the boundaries of the borough. The subject site presents an opportunity to deliver high quality housing in a sustainable location, which will act to support the ambitions for growth in Blackburn with Darwen. There has been some delay in the delivery of housing at some of the larger urban extension sites around Blackburn and Darwen. New housing on the subject site can be delivered without delay. It represents another component in the strategy to deliver housing at the right place. There have been other instances in the borough where planning permission has been granted for new housing development on land that is not allocated in order to maintain an adequate supply of housing land and to meet housing targets. One example is the hybrid planning permission for up to 450 dwellings on land designated as “countryside” at Brokenstone Road granted in 2019 (10/18/1116). Such decisions are material as they demonstrate that positive action is being taken to support growth and to ensure that housing targets are met.

d) A Sustainable Location for Development

Policy 7 of the Local Plan Part 2 relates to sustainability and viability. It calls for a positive approach and support for development which is sustainable. The Framework highlights three aspects of sustainable development that are relevant. The new housing development at the subject site will accord positively with these three components of sustainable development :

i) Economic Objectives

The delivery of the new housing will support construction jobs over a period that is estimated to be two years. There will also be indirect support for those in the construction supply chain. Overall this will add value to the local economy. In addition, new households will provide support to local businesses through general expenditure and will add to Council Tax receipts. New Homes Bonus payments that follow the completion of the development will be available to support local services and facilities.

ii) Social Objectives

The delivery of market housing to meet a need for upper market sector housing (in support of the growth strategy and in support of economic growth) will meet a clear social objective but in addition there will be social benefits to be gained through the integration of affordable housing into the overall mix. The affordable housing will meet identified local needs. All households will have opportunities to access a range of facilities and services in the neighbourhood including schools and healthcare. Many services and facilities are within reasonable walking distance but there is the option of public transport links to services and facilities that are further away. There will be accessible greenspace within the development itself but there is also a public

recreational playing field to the immediate south of the subject land. The health, social and wellbeing needs of households will be well catered for.

iii) Environmental Objectives

This is not a valued landscape and the nature conservation interests are limited. There are public rights of way that cross the subject land. New development will make the effective use of this well-placed land but will also provide opportunities to improve public access routes and links with surrounding areas together with opportunities to enhance biodiversity value. There will be zones of greenspace where environmental renewal will provide gains for both public recreation and habitats. A sustainable approach to surface water drainage is feasible with the potential to introduce attenuation ponds which add to landscape interest and increase biodiversity.

3.3.14 Summary

Notwithstanding the limitations provided by Local Plan Policy 4 in relation to the safeguarded status of the site, the requirement under the Town and Country Planning (Local Planning)(England)(Amendment) Regulations 2017 is that local planning authorities must review local plans, and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. Having reviewed the performance of the adopted Development Plan when these regulations came into force in December 2017, the Council concluded that an update was necessary and therefore approved a new Local Development Scheme in February 2018, acknowledging that the plan, in part, was out of date and required updating. Work on the new Local Plan therefore commenced in 2018, and the second stage of public consultation is currently underway (Blackburn.gov.uk/localplan). The draft new Local Plan includes the identification of the application site as a housing allocation. Given the progress to-date, it is considered that the consultation draft Local Plan can be afforded emerging weight in accordance with paragraph 48 of the Framework. Consequently, the proposed scheme can be considered to meet the caveat within Policy 4 relating to the release of land for permanent development following a local plan review. The proposal is otherwise considered to be consistent with the Council's growth agenda and specifically Core Strategy Policy CS1.

3.3.15 Highways:

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.

3.3.15 The proposal's outline form with all matters reserved means that there are no fixed details of the access arrangements for the development, though indicative details are provided within the submission and identify two new junctions with Whalley Old Road, see drawing below.

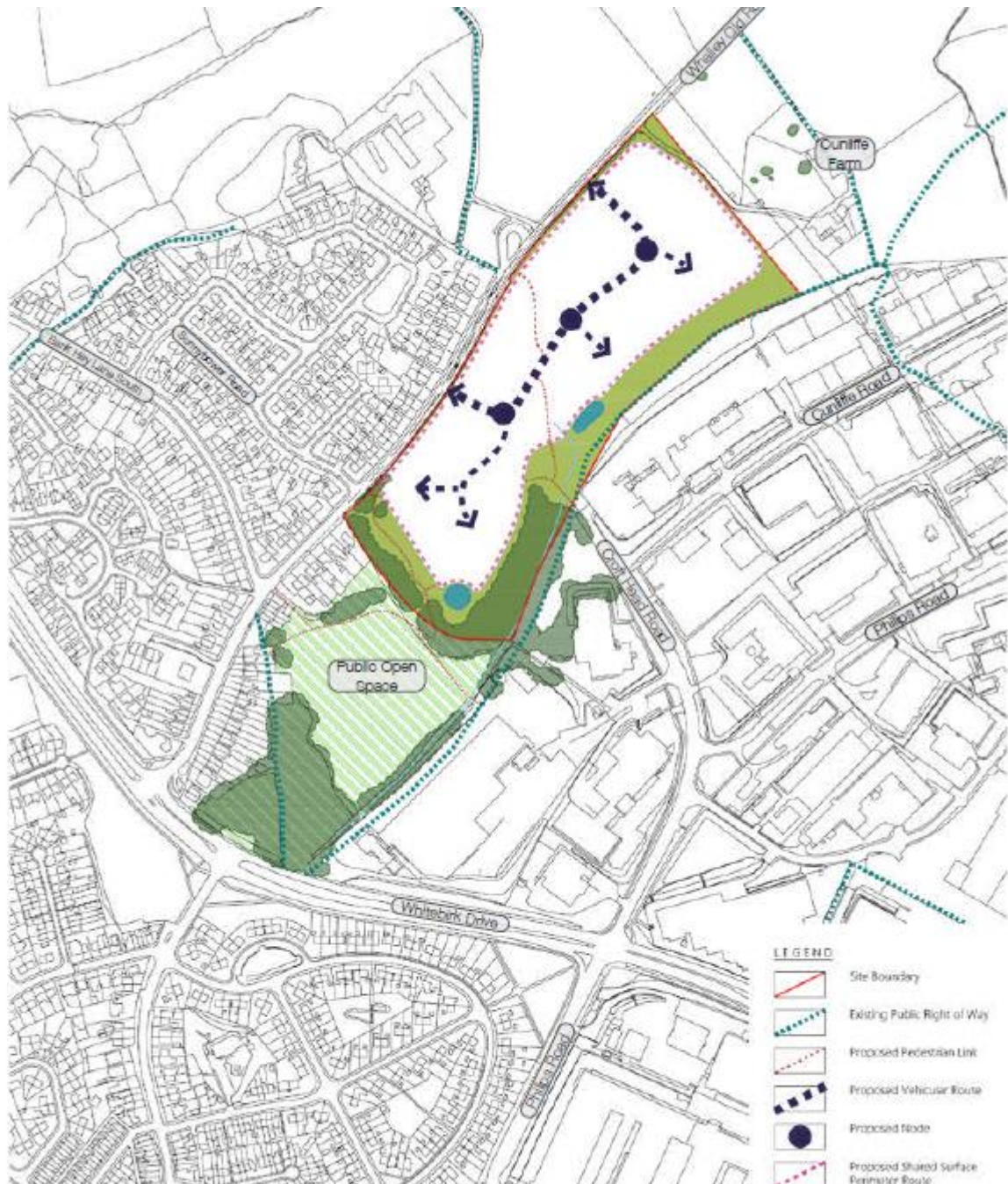


Figure 7 Movement Framework

Extract from submitted Design & Access Statement, received 30th July 2020:

3.3.16 The highway and traffic impacts of the proposed development have been assessed in the Transport Assessment (TA) submitted with the application, which proposes a series of improvements intended to mitigate the effects of the proposal on the highway network.

3.3.17 The key findings of the original TA submission were as follows;

Accident Analysis: The TA has reviewed the DfT database for accidents and a map has been provided showing the locations of the accidents, and their severity.

Our own review of the Crashmap Database shows that the data present within the TA is correct and for the most recent five-year period. There are no significant issues with the road safety around the proposed site.

Trip Generation: Within the TA the trip generation for the proposed development site has been established using trip rates calculated using the TRICS database. It is stated that “*TRICS land use class 03 – Residential – A – Houses Privately Owned has been used for all the plots, even though part of the development will be affordable housing.*” Comparing the TA TRICS output against the results in TRICS output for ‘land use class 03 – Residential – B – Affordable/Local Authority Houses’ there is minimal difference between the trip rates generated, therefore using the “*TRICS land use class 03 – Residential – A – Houses Privately Owned*” is deemed appropriate.

The TRICS Output is presented in Appendix H of the TA, the TRICS data has been checked and no issues have been found.

Traffic Data: The TA states that traffic survey data was obtained on Thursday 28th November 2019. The data outlines the AM peak hour between 07:30-08:30 and the PM peak hour between 16:30-17:30.

An ATC count survey was conducted on Whalley Old Road (N) for a week commencing Wednesday 27th November 2019 to capture the average speeds and the 85thile road speeds along Whalley New Road (N) where the proposed access would be located.

Assessment Scenarios: “With Development” and “Without Development” scenarios have been presented for the Whitebirk Drive/Whalley Old Road signalised junction, and only a “With Development” scenario have been presented for the site accesses. It is stated within the TA that the Whitebirk Drive/Whalley Old Road Signalised junction has been recently upgraded and improved as part of the Growth Deal 3. As such, the TA report states that the proposed development site at Sunnybower was incorporated into the growth for the area via TEMPRO local growth, i.e. the development has already been considered. This has been checked and has been deemed acceptable.

Growth Factors: TEMPRO growth factors calculated for both AM and PM peak hours for a future year of 2025, from 2019 traffic flow data. A growth factor has not been calculated for the proposed opening year, 2023. The TEMPRO growth factors presented are identical for both AM and PM peak hours at 1.769. A calculation was run to check the present growth factors and the results were as following, AM Peak 1.0701 and PM Peak 1.0691. These differ

from the growth factors presented in the TA but as the TA factors are marginally higher these are considered to be acceptable.

Committed Developments: The TA states that they used Committed Development flows calculated by Capita from the assessment for Growth Deal 3. The committed development flows were taken from Capita's BCR Note and replicated in Appendix K. The data presented has been checked and match the flows in the Capita Report.

Modelling: Modelling has been completed for site accesses using Junctions 9 Software, the modelling has been completed for the future year 2025, for both the AM and PM peak hours.

The modelling results are presented in Appendix M and show no adverse effects upon the road network.

3.3.18 The TA has been reviewed by the Council's consultant, Capita, who offered an initial position that based on the information provided, the proposed development would be recommended for approval subject to confirmation/provision of the following information and potential conditions/contributions:

- Update site location map to highlight the site extent and provide the site area within the description;
- Ensure all swept path manoeuvres can be completed with ease, and update Appendix F accordingly;
- Ensure that it is mentioned within the TA if the overgrown shrubbery on Whalley Old Road will be maintained to allow for suitable visibility splays;
- Local parking standards should include the provision of electrical charging points, this should be amended and updated;
- Explanation of the walking route in Appendix A which connects the site to Whitebirk Industrial Estate;
- Confirm if the uncontrolled pedestrian crossing located next to the more westerly exit is to be implemented, if so, the TA should be updated accordingly;
- Update the TA to state the cycling and disabled provision at Ramsgreave and Wilpshire train station;
- Describe the distance to the closest bus stop from the centre of site to ensure it adheres to CIHT guidelines;
- Check the TEMPRO growth factor calculations and update accordingly;

Should this planning application be recommended for approval it is recommended that the following mitigation measures should be sought to improve the sites accessibility:

- The developer should consider connectivity improvements for pedestrians and cyclists to access the Whitebirk Industrial Site to

improve the sites overall accessibility and promote sustainable transport use;

- A contribution to upgrading the cycle parking/storage provision at Ramsgreave and Wilpshire rail station to encourage active travel; and
- Contributions towards the improvement of bus service provision to the site.

3.3.19 The applicant subsequently provided an addendum to the initial TA to address the points highlighted above. The Council's Highway team have advised that the main points have been addressed successfully and works to mitigate the impacts of the development can be secured through S106 or 278 agreement. Those requirements being;

Highway improvement works as follows are to be funded via s278 works, secured via a suitably-worded planning condition:

- 1 x priority access bellmouth junction with associated widening to create visibility splays and 2m footways on either side;
- New footway across the site frontage;
- 2 x crossing points; and
- Extend the 30mph zone eastwards and provide traffic calming in the form of prominent markings to increase driver awareness.

At subsequent Full Planning / Reserved Matters stage, the following contributions will be secured via a s106 agreement:

- Off-site Highway Works: A developer contribution of £250,000 towards a new junction at Whalley Old Road, which will link into the potential future link road at North East Blackburn. The contribution will either go towards the cost of the larger junction, or it will be used to deliver a bellmouth junction if the Link Road does not progress.
- Sustainable Transport Initiatives: - A developer contribution of £330,000 (£2,000 per unit) to improve sustainable transport, including cycle storage at Ramsgreave Train Station and subsidising the bus service at Sunny Bower for 10 years.

3.3.20 In summary, given the location of the site and its accessibility by sustainable transport modes, and subject to the range of improvements proposed to mitigate the effects of additional traffic on the road network, which could be secured by condition and legal agreement, it is considered that the proposed development would not result in an unacceptable impact on highway safety or a severe impact on the operation of the road network. Accordingly, it would comply with paragraphs 103 and 109 of the Framework and with the requirements of Policy 10 of the Local Plan

3.3.21 **Ecology:**

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

Furthermore, a key element of the National Planning Policy Framework is to minimise impacts to biodiversity and provide enhancements. Paragraph 170 states that '*Planning policies and decisions should contribute to and enhance the natural and local environment by ... minimising impacts on and providing net gains for biodiversity*'. Paragraph 175 also states that '*when determining planning applications, local planning authorities should ...*' encourage '*opportunities to incorporate biodiversity improvements in and around developments*'.

3.3.22 An Ecological Impact Assessment of the application site, informed by surveys of habitats and protected species, was submitted with the application. The submission advises that there are no statutory designated wildlife sites within 1.5 km of the site. The site falls within an Impact Risk Zones (IRZ) for Harper Clough and Smalley Delph Quarries Site of Special Scientific Interest (SSSI), located approximately 2 km north-east of the application site. There is a single non-statutory wildlife site within 1.5 km of the site. Parsonage Reservoir Biological Heritage Site (BHS) is situated approximately 1.1 km north of the application site.

3.3.23 Within the site, unmanaged poor semi-improved grassland, scattered scrub, tall ruderal vegetation and marshy grassland are all commonly occurring in the surrounding area and are of limited botanical and structural diversity. Whilst these habitats are generally considered to be of low ecological value, they do provide some foraging and shelter opportunities for fauna. Unmitigated, any loss of these habitats is considered to be a minor negative ecological impact at a site level.

3.3.24 Impacts to foraging and commuting bats will be mitigated through measures to ensure habitat connectivity to nearby broadleaved woodland. In addition, a sensitive lighting scheme should be incorporated into the development, in accordance with the appropriate guidance (IPL 2018). Key considerations include: switching off lighting at night or using motion sensors and careful direction of lighting to avoid light spillage onto bat roosting/foraging habitats.

3.3.25 Habitats suitable for nesting birds, including ground nesting species are 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.

3.3.25 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.

- 3.3.26 The site has some habitats suitable for use by amphibians. Although the probability of the site supporting amphibians is low, nevertheless a precautionary approach is advised. GMEU recommend as a condition of any approval which may be granted to the application.
- 3.3.27 Non-native invasive Himalayan balsam and Japanese knotweed are both present on site. Japanese knotweed only occurs at a single location and its cover is not extensive, therefore it is recommended that eradication and ongoing control of the species is carried out by a specialist contractor prior to and during development.
- 3.3.28 Although the proposal would involve a major urban development of the site, it also provides the opportunity to retain, manage and enhance the existing habitats of value on site and introduce new habitats for nature conservation, as part of the landscaping, open space and sustainable drainage proposals for the site. One such example is the presence of a water main that bisects the site from north to south and will restrict development in this area; instead this offers an opportunity to integrate a green corridor through the site.
- 3.3.29 Both the Council's ecological consultants', GMEU, and the arboricultural officer have fully appraised the submission, concluding that the presented information provides an appropriate baseline for any potential ecological issues to be appraised 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 the following areas; construction environmental management plan to be agreed, landscape and habitat creation and management plan; tree and vegetation removal outside bird nesting season (March to August) unless absence of nesting birds established; reasonable avoidance measures for amphibians; re-survey of site for badgers within 2 months of work commencing; invasive species eradication and management plan to be agreed; and external lighting scheme to be agreed.
- 3.3.29 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 Local Plan and the Framework.

3.3.30 **Amenity:**

Policy 8 of the LPP2 relates to the impact of development upon people. Importantly, at section (ii) of the policy there is a requirement for all new development to secure satisfactory levels of amenity for surrounding uses and future occupiers of the development itself. Reference is made to matters including; noise, vibration, odour, light, dust, privacy/overlooking and the relationship between buildings.

3.3.31 Living Standards for Future Occupants

The site is bordered to the south-east by industrial development, the most noteworthy being Blackburn Chemicals Ltd, which is a site regulated by the Environment Agency. In addition to the Blackburn Chemicals site, there are two Environment Agency permitted sites on Whitebirk Industrial Estate that have potential to cause odour complaints. Both sites manufacture pet food and are operated by the same company.

3.3.32 Members will note the objection from Blackburn Chemicals to the scheme, as set out within section 9 of this report. The objection cites concerns relating to matters of noise, odour, drainage, visual impact and amenity relating to the interaction of the two pieces of land. Issues relating to noise and disturbance arising from the industrial site are also referenced in several of the other public objections.

3.3.33 The Environment Agency have also offered some concerns regarding loss of amenity to future occupants, advising;

“We have no objection to the proposed development, however it will be located within 30 metres of an Environment Agency regulated site. The close proximity to operational activities we regulate could result in future occupants / residents of the new dwellings being exposed to the impacts of odour and noise pollution. The severity of these impacts will depend on relevant local factors e.g. the size of the facility, the nature of the activities or prevailing weather conditions”.

3.3.33 Planning policy requirements (paragraph 182 of the Framework) state that new development should integrate effectively with existing businesses and not place unreasonable restrictions upon them. Where the operation of an existing permitted facility could have significant adverse effects on new development, the applicant should be required to provide suitable mitigation for these effects. Mitigation can be provided through the design of the new development to minimise exposure to the neighbouring permitted facility and / or through financial contributions to the operator of the facility to support measures that minimise impacts

3.3.34 It is accepted that the close relationship, topography and nature of the adjoining businesses has potential to adversely impact on the amenity of future occupants. However, the current application is in outline format only, with matters including the layout and design of future dwellings being reserved for future assessment. As such, a full assessment cannot be completed at this time. Nonetheless, the Council’s head of Public Protection has offered no objection to the scheme subject to conditions including the submission of a residential amenity impact assessment at reserved matters stage. Such a condition, which will inform the location, orientation, design and necessary mitigation within the new homes is considered sufficient to safeguard the living standards of future occupants, as well as ensuring the proposal will not impose upon the operations of the adjacent commercial uses.

3.3.35 Contaminated land: The application is supported by a phase 1: preliminary risk assessment. The report details the historic uses of the site and acknowledges the presence of former quarries and risks associated with historic coal working.

3.3.36 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.

3.3.37 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.

3.3.38 The report author has reviewed the available geological and coal mining information and has concluded that there is a potential 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.

3.3.39 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.

3.3.40 Impact upon existing residents:

With regard to impact of the proposed development on the privacy and outlook of the occupiers of residential properties adjacent to the site, whilst their view would change from open fields to houses, there is no evidence that this would result in harm to living conditions through overlooking or an overbearing outlook. As layout and appearance are reserved matters, the Council would be able to control the detailed design of the development to ensure adequate separation distances between the new and existing dwellings. As such the proposal would not conflict with Policy 8 (i) of the Local Plan and paragraph 127(f) of the Framework, which seeks a high standard of amenity for existing and future occupiers. Accordingly, this matter does not weigh against the proposal.

3.3.41 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 recommended that a condition be attached to require a noise and vibration monitoring and control scheme be agreed should pile foundations be necessary.

3.3.42 Additional controls to secure residential amenity standards include the use of an hours of construction condition, which would limit site operations to; Monday to Friday 8am to 6pm, and Saturdays 9am to 1pm. Furthermore, a scheme for dust suppression will also be necessary.

3.3.43 Subject to the above matters, compliance with Policy 9 and the Framework is achieved.

3.3.44 **Drainage and Flood Risk**

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 Framework's objectives to promote sustainable development, avoiding flood risk and accommodating the impact of climate change.

3.3.45 The Flood Risk Assessment and Drainage Strategy shows that the site falls in Flood Zone One where there is a low likelihood of flooding. As such, the proposal would meet with the expectations of paragraph 158 of the Framework, to steer new development to areas with the lowest risk of flooding. The increased surface water runoff from the development will need to be addressed. The first option is infiltration but if that is not practical then above ground attenuation of surface water will be necessary, possibly in the form of detention ponds that will allow the controlled discharge of surface water to watercourses.

3.3.46 The Environment Agency response advises;

"The proposals identify the use of sustainable urban drainage techniques (SUDS). While we would support the use of SUDs in principle, site specific circumstances will occasionally have an impact on their suitability. In this instance, natural seepage routinely occurs from the embankment adjacent to Blackburn Chemicals and this is managed accordingly by the company. Changes to the natural drainage such as the use of soakaways, ponds or swales on the proposed development site have the potential to significantly change this. We are concerned that any change to the current drainage regime on to the Blackburn Chemicals site has the potential to overwhelm their kerbed yard areas which are necessary to provide containment for pollution prevention purposes. The comments regarding the use of lined ponds and swales by Cass Associates is acceptable. Any drainage attenuation measures would need to be suitably sized to accommodate this requirement".

3.3.47 The applicant's agent has responded to this matter;

“From a review, we understand that Blackburn Chemicals is located to the north-east / east of the site and is topographically lower. Whilst infiltration features in the northern extent of the site may be unsuitable because of concerns downslope, we would suggest that, if you were in agreement, ponds and swales are still suitable drainage features as they can be lined (no infiltration) and would discharge surface water at a restricted rate to a watercourse (avoiding any above ground or sub-surface flows towards Blackburn Chemicals)”.

3.3.48 The Council’s drainage team have offered no objection to the application, subject to the applicant demonstrating the routing of exceedance flows and the measures that may be necessary to ensure that the depot area and any existing properties will not be flooded. This matter can be controlled via condition. A further condition requiring that no above ground works shall take place until a scheme for the disposal of foul and surface water from the site has also been requested.

3.3.49 **Planning Obligations:**

Local Plan Policy 12: Developer Contributions, which accords with the Framework, indicates that where request for financial contributions are made the Council should be mindful of the total contribution liability incurred by developers and the overall impact upon the scheme’s viability.

3.3.50 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% and the applicant has indicated this shall be provided on-site, subject to full assessment at reserved matter stage.

3.3.51 As detailed within sections 3.3.15 to 3.3.20 of this report, highway improvements are necessary to ensure the proposal is acceptable in planning terms. This necessitates the following;

Off-site Highway Works

- A developer contribution of £250,000 towards a new junction at Whalley Old Road, which will link into the potential future link road at North East Blackburn. The contribution will either go towards the cost of the larger junction, or it will be used to deliver a bellmouth junction if the Link Road does not progress.

Sustainable Transport Initiatives

- A developer contribution of £330,000 (£2,000 per unit) to improve sustainable transport, including cycle storage at Ramsgreave Train Station and subsidising the bus service at Sunny Bower for 10 years.

3.3.52 As part of the application site is in Council ownership the above matters cannot be secured by a s106 legal agreement, therefore a planning condition

will be imposed on the outline decision to secure the necessary works at the reserved matters stage.

3.3.53 NHS Request for Financial Contributions

The NHS submit that the proposed 165 dwellings would generate a requirement for a financial contribution of £228,372 to be used directly to provide services to meet patient demand generated by the future occupants of the development.

3.3.54 The submission summaries the NHS position as;

“As our evidence demonstrates, the Trust is currently operating at full capacity in the provision of acute and planned healthcare. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new homes. The development directly affects the ability to provide the health service required to those who live in the development and the community at large. Without contributions to maintain the delivery of health care services at the required quality standard and to secure adequate health care for the locality the proposed development will put too much strain on the said service infrastructure, putting people at significant risk. This development imposes an additional demand on existing over-burdened healthcare services, and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. This will mean that patients will receive substandard care, resulting in poorer health outcomes and pro-longed health problems. Such an outcome is not sustainable.

One of the three overarching objectives to be pursued in order to achieve sustainable development is to include b) a social objective – to support strong, vibrant and healthy communities ... by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being:” NPPF paragraph 8. There will be a dramatic reduction in safety and quality as the Trust will be forced to operate over available capacity as the Trust is unable to refuse care to emergency patients. There will also be increased waiting times for planned operations and patients will be at risk of multiple cancellations. This will be an unacceptable scenario for both the existing and new population. The contribution is necessary to maintain sustainable development. Further the contribution is carefully calculated based on specific evidence and fairly and reasonably related in scale and kind to the development. It would also be in the accordance with Council’s Adopted Local Plan”.

3.3.55 Members are advised that the submitted evidence to justify the proposed commuted sum is currently insufficient to implement a consistent and justified developer tariff, which meets the statutory tests for securing planning obligations which requires them to be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

3.3.56 The Council will work with local health partners, and other key infrastructure stakeholders, to update the Borough's Infrastructure Delivery Plan alongside our emerging new Local Plan. Any proposed health services tariff will be considered as part of the Local Plan process and via our Duty to Co-operate. In order to meet the statutory tests for planning obligations, the health funding data requires thorough review to ensure matters such as the number of new residents yielded by a development compared to those moving within the area is correctly accounted for, no other central funding alternative is available, the suggested population multiplier per dwelling is accurate, the activity rate is correct (the whole Trust area is used rather than the BwD area), if the principle of using planning obligations for the costs identified is appropriate, and development build rates are fully taken into account.

3.3.59 **Summary:**

Notwithstanding the limitations provided by Local Plan Policy 4 in relation to the safeguarded status of the site, the requirement under regulation 10A of the Town and Country Planning (Local Planning)(England)(Amended) Regulations 2017 (as amended) is that local planning authorities must review local plans, and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. Having reviewed the performance of the adopted Development Plan when these regulations came into force in December 2017, the Council concluded that an update was necessary and therefore approved a new Local Development Scheme in February 2018, acknowledging that the plan, in part, was out of date and required updating. Work on the new Local Plan therefore commenced in 2018, and the second stage of public consultation is currently underway (Blackburn.gov.uk/localplan). The draft new Local Plan includes the identification of the application site as a housing allocation. Given the progress to-date, it is considered that the consultation draft Local Plan can be afforded emerging weight in accordance with paragraph 48 of the Framework. Consequently, the proposed scheme can be considered to meet the caveat within Policy 4 relating to the release of land for permanent development following a local plan review. The proposal is otherwise considered to be consistent with the Council's growth agenda and specifically Core Strategy Policy CS1.

3.3.60 There are no technical or environmental impediments to the development. Ecology, trees, air quality, odours, noise, drainage and land quality are all considerations for the detailed design of the housing development but none of these considerations, subject to the suggested conditions, are likely to impede the new development.

4 RECOMMENDATION

4.1 Approve subject to:

(i) **Delegated authority is given to the Director of Growth and Development to approve planning permission subject to the following conditions:**

- 1) The development hereby permitted shall be begun not later than the expiration of two years from the date of the approval of the last of the reserved matters to be approved.
REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) Details of the following matters (subsequently referred to as the reserved matters) for each phase of development (as defined under condition 9) shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works:-
 - a) Access
 - b) Appearance.
 - c) Landscaping.
 - d) Layout
 - e) ScaleREASON: Because the application is in outline only and no details have yet been furnished of the matters referred to in the Condition, these are reserved for subsequent approval by the Local Planning Authority.
- 3) At the same time or prior to the submission of the First Reserved Matters application for the development hereby permitted, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of the maximum number of dwellings and other development to be implemented within each phase of the development. The development shall only be implemented in accordance with the approved Phasing Plan.

[The Phasing Plan may be amended from time to time with the written approval of the Local Planning Authority unless the proposed phasing is likely to give rise to any significant environmental effects which have not been assessed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 then such amended Phasing Plan shall be accompanied by an Environmental Statement prepared in accordance with the said 2011 Regulations.]
REASON: To ensure the satisfactory phasing of the development and to ensure that the development is delivered in a coordinated, planned way.
- 4) The construction of the development hereby permitted shall not take place outside the hours of 08:00 and 18:00 Monday to Friday, 09:00 to 15:00 on Saturdays and not at all on Sundays or Bank Holidays.
REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.
- 5) Each dwelling with a parking space or garage will have its own dedicated electric vehicle charging point. Each charging point will have a Type 2 connector and a minimum rating

of 16A. External points will be weatherproof and have an internal switch to disconnect electrical power.

REASON: To facilitate electronic vehicle charging and to mitigate air quality impacts arising from the development, in accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2 and Paragraph 110 of the National Planning Policy Framework 2019

- 6) Prior to commencement of the development hereby approved a scheme employing the best practicable means for the suppression of dust during the period of demolition/construction shall be submitted to and approved in writing by the LPA. The approved measures in the scheme shall be employed throughout this period of development.

REASON: To safeguard the amenity of existing and future occupants in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

- 7) Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:

(i) Two copies of a comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.

(ii) Two copies of the findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Local Plan Part 2

- 8) Prior to the occupation of the development hereby approved, two copies of a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Local Plan Part 2

- 9) Should contamination be encountered unexpectedly during the development, all works should cease, and the Local Planning Authority should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

- 10) Prior to the commencement of the development hereby approved the following shall be undertaken and submitted to the Local Planning Authority for written approval;
- An appropriate scheme of intrusive site investigations to establish the exact situation in respect of coal mining legacy on the site;
 - The submission of a report of findings arising from the intrusive site investigations;
 - The submission of a scheme of remedial works necessary to mitigate the findings of the intrusive site investigations.
- The development shall be in accordance with the agreed details.

REASON: To ensure the development provides for a safe environment for future occupants and users, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 and paragraphs 178 and 179 of the National Planning Policy Framework.

- 11) No security floodlighting during the construction phase shall be provided until a scheme detailing the location and luminance has been submitted to and approved in writing by the Local Planning Authority. The floodlights shall be installed in accordance with the agreed details.

REASON: To safeguard the amenity of existing and future occupants in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

- 12) No pile driving shall occur until a programme for the monitoring of noise & vibration generated during demolition & construction work has been submitted to and approved in writing by the Local Planning Authority. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. The development shall be undertaken in accordance with the agreed details.

REASON: To safeguard the amenity of existing and future occupants and the area generally, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

- 13) Prior to commencement of the proposed development, a written assessment that determines likely noise and odour impacts on the proposed use and, where appropriate, identifies mitigating measures to alleviate those impacts shall be submitted to and approved in writing by the Local Planning Authority. Reference should be made to the National Planning Policy Framework and Noise Policy Statement for England. The agreed measures shall be implemented prior to first occupation of the development and thereafter retained.

Reason: To safeguard residential amenity standards for future occupants, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

- 14) 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.

REASON: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of highway safety, in accordance with the requirements of Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2

- 15) Prior to the construction of any of the streets referred to in condition 14, 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.

REASON: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with the requirements of Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2

- 16) Prior to commencement of the development hereby approved, a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority.

The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- I) the parking of vehicles of site operatives and visitors
- II) loading and unloading of plant and materials
- III) storage of plant and materials used in constructing the development
- IV) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- V) wheel washing facilities
- VI) measures to control the emission of dust and dirt during construction
- VII) a scheme for recycling/disposing of waste resulting from demolition and construction works

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in order to protect the visual amenities of the locality and to comply with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

- 17) No development shall occur until a scheme of off-site highway works has been submitted to and approved in writing. The scheme shall provide for the following;

- 1 x priority access bellmouth junction with associated widening to create visibility splays and 2m footways on either side;
- New footway across the site frontage;
- 2 x crossing points to Whalley Old Road; and
- Extension of the 30mph zone eastwards and provide traffic calming in the form of prominent markings to increase driver awareness.

REASON: In the interests of the safe, convenient and efficient movement of all highway users, in accordance with the requirements of Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2

- 18) The development permitted by this planning permission shall not be started by the undertaking of a material operation as defined in Section 56(4)(a-d) of the Town and Country Planning Act 1990 until a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 has been made and lodged with the Local Planning Authority, and the Local Planning Authority has given its approval in writing. The planning obligation will provide that a commuted sum, as required by Policies 10 and 12

of the Local Plan Part 2, is made to the local planning authority for the provision of off-site highway works and sustainable transport facilities.

REASON: In the interests of the safe, convenient and efficient movement of all highway users, in accordance with the requirements of Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2

19) Foul and surface water shall be drained on separate systems.

REASON: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

20) No development shall occur until a scheme demonstrating the routing of exceedance flows and the measures that may be necessary to ensure that the adjacent site occupied by Blackburn Chemicals and any other existing premises will not be flooded.

REASON: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

21) No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the scheme shall include;

- (i) Separate systems for the disposal of foul and surface water
- (ii) A detailed drainage strategy to demonstrate that the post-development surface water discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development (greenfield) rate. The drainage strategy shall include details of the peak surface water run-off rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+40% climate change allowance) rainfall event, and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield run-off rate for the same event.
- (iii) Details of the necessary flow attenuation measures, including the use of SUDS where appropriate.
- (iv) Details of the measures taken to prevent flooding and pollution of any receiving groundwater and/or surface waters (including watercourses) and any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (including refurbishment of existing culverts and headwalls or removal of unused culverts where applicable)
- (v) Flood water exceedance routes, both on and off site
- (vi) Means of access for maintenance and easements (where applicable)
- (vii) A timetable for implementation, including any phasing of works

The approved scheme shall be implemented before above groundworks are commenced within any other timescale first agreed in writing by the Local Planning Authority.

REASON: To ensure the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are in place for the disposal of foul and surface water, in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2

- 22) 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, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2

- 23) Prior to any on site works for each phase of development, an arboricultural method statement and tree protection plan for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The method statement shall clearly state how the tree(s) to be retained on site and overhanging the site will be protected during demolition and/or construction works. The agreed method statement shall be implemented in full prior to the undertaking of any on site works

REASON: Trees represent a public benefit by way of visual amenity and should therefore be protected at all times in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan part 2

- 24) No development should take place until a management plan for the control (treatment and prevention of spread) of Schedule 9 Invasive species is submitted to the LPA for approval. This should be based on the most up to date survey work available, and follow best practice methodologies. Once approved in writing by the LPA the method statement should be carried out in full.

REASON: To safeguard biodiversity interests, in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2

- 25) No development shall occur until A Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to, details for the protection of the retained habitats

on and adjacent to the site, from factors such as run-off, light spill, noise and dust pollution.

REASON: To safeguard biodiversity interests, in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2

26) Protective fencing shall be installed around all trees being retained within each phase the application site, in accordance with British Standard 5837: Guide for trees in relation to construction. This fencing should be installed prior to the commencement of any building works, ground works, demolition works or storage of any machinery, equipment or materials on site on that particular phase. This fencing should remain intact and in place until all works are completed on the relevant phase of the site. This fencing should be considered sacrosanct and no soil levels should be altered within the perimeter of this fence and no building materials or waste products should be stored inside the fence line.

REASON: The existing trees represent a public benefit by way of visual amenity and should therefore be protected at all times in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan part 2

27) Tree and shrub removal should be 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. Should any nests be observed a suitable buffer will be installed and remain in place until the nest is no longer in use.

REASON: In order to protect biodiversity and ecological features in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2

28) Prior to the commencement of development a pre-construction survey for badgers must be undertaken and the results and recommendations submitted to the Local Planning Authority, including proposed mitigation to be agreed where necessary.

REASON: In order to protect ecology and biodiversity in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

29) Prior to the commencement of development a Reasonable Avoidance Measures method statement in relation to safeguarding amphibians during the course of any site clearance of groundworks, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order to protect ecology and biodiversity in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

30) Prior to the commencement of development an external lighting scheme demonstrating measures sensitive to nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the agreed details

REASON: In order to protect ecology and biodiversity in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

31) Prior to the commencement of development a comprehensive Landscape and Habitat Creation and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the agreed details

REASON: In order to protect ecology and biodiversity in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

32) Prior to the construction of any dwelling hereby approved, samples of all external walling, roofing materials, and their colour to be used in the construction of the building work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document

33) Notwithstanding the submitted details, prior to the commencement of development a plan detailing the finished floor levels of each dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the approved details.

REASON: To safeguard the amenity of neighbouring properties in accordance with Policy 8 of the Blackburn with Darwen Local Plan Part 2.

5.0 PLANNING HISTORY

5.1 There is no planning history relevant to the determination of this application.

6.0 CONSULTATIONS

6.1 Environment Agency:

We have no objection to the proposed development, however it will be located within 30 metres of an Environment Agency regulated site. The close proximity to operational activities we regulate could result in future occupants / residents of the new dwellings being exposed to the impacts of odour and noise pollution. The severity of these impacts will depend on relevant local factors e.g. the size of the facility, the nature of the activities or prevailing weather conditions.

Planning policy requirements (paragraph 182 of the National Planning Policy Framework) state that new development should integrate effectively with existing businesses and not place unreasonable restrictions upon them. Where the operation of an existing permitted facility could have significant adverse effects on new development, the applicant should be required to provide suitable mitigation for these effects. Mitigation can be provided through the design of the new development to minimise exposure to the neighbouring permitted facility and / or through financial contributions to the operator of the facility to support measures that minimise impacts.

Environmental Permitting Regulations require operators to demonstrate that they have taken all reasonable precautions to mitigate impacts of their operations. This is unlikely to eliminate all emissions and there is likely to be residual impacts. In some cases, these residual impacts may cause local residents concern. There are limits to the measures that the operator can take to prevent impacts to residents. Consequently, it is important that planning

decisions take full account of paragraph 182 of the NPPF. When a new development is built near to an existing permitted facility this does not automatically trigger a review of the permit.

This amended application is essentially unchanged and our previous comments are still applicable. While the specification of a buffer zone along the southern boundary of the site is helpful, it is doubtful that this will be sufficient to constitute a meaningful difference especially when the topography of the site is considered. It is our view that if this development was permitted there would be significant amenity issues for the proposed properties. However, it is for the LPA to determine if a residential development should be located next door to an industrial site.

If the development proceeds we would request that the following planning condition be included: "The development hereby permitted shall not be commenced until such time as a scheme for the management of surface water drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall not include the discharge of surface water to ground via infiltration. The approved scheme shall be implemented as approved".

6.2 Head of Public Protection:

No objection subject to conditions relating to the following matters;

6.2.1 *Noise*

Condition requiring a residential amenity impact assessment that determines likely noise and other impacts on the proposed use and, where appropriate, identifies mitigating measures to alleviate those impacts.

Additionally, it is also necessary to impose a condition relating to the need to agree noise and vibration monitoring and controls should pile driving be required.

6.2.2 *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

6.2.3 *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.

6.2.4 *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.

6.2.5 *Lighting*

A floodlighting scheme for the construction phase shall be agreed prior to work commencing and the development to be undertaken in accordance with the agreed details.

6.2.6 *Air Quality*

The submitted air quality assessment is noted and agreed. No objection subject to conditions relating to the provision of electric vehicle charging facilities and boiler emissions being limited to 40mg NO_x/kWh.

6.3 GMEU – Ecology:

An ecological assessment of the site was undertaken in August 2019 (Bowland Ecology, November 2019 Reference BOW17/1084). This appears to have been undertaken by a suitably qualified ecologist.

No legally protected sites are present within the development site or directly adjacent to the site. However the site is within the Impact Risk Zone for Harper Clough and Smalley Delph Quarries SSSI, however does not meet the description of developments that require consultation with Natural England. No objection to the application subject to conditions relating to the following areas; construction environmental management plan to be agreed, landscape and habitat creation and management plan; tree and vegetation removal outside bird nesting season (March to August) unless absence of nesting birds established; reasonable avoidance measures for amphibians; re-survey of site for badgers within 2 months of work commencing; invasive species eradication and management plan to be agreed; and external lighting scheme to be agreed.

6.4 Arboriculture Officer:

The submitted arboricultural impact assessment plotted 22 individual trees across the site and 16 groups, and also included are 3 hedgerows for assessment. All of the trees surveyed were given a C grade which suggests they are of a low quality and value

No objection subject to condition that an 'Arboricultural Method Statement' is submitted along with the relevant 'Tree Protection Plan'. Also required would be a detailed high quality landscape scheme that compensates for the loss of the vegetation across the site.

6.5 Highways & Public Rights of Way:

Footpath 48, Blackburn runs along the south east side of the development site. Any change of surface to the path must first be authorised by the Highway Authority prior to any improvements /alterations made including adding steps, stiles, gates or any other structures. The construction is likely to impact on the use or safety of the public footpath whilst under way, as such the applicant needs to apply for a temporary closure of the footpath.

The application is supported by a transport assessment that has been reviewed by the Council's transport consultant, Capita, who advised;

Based on the information provided, the proposed development would be recommended for approval subject to confirmation/provision of the following information and potential conditions/contributions:

- Update site location map to highlight the site extent and provide the site area within the description;
- Ensure all swept path manoeuvres can be completed with ease, and update Appendix F accordingly;
- Ensure that it is mentioned within the TA if the overgrown shrubbery on Whalley Old Road will be maintained to allow for suitable visibility splays;
- Local parking standards should include the provision of electrical charging points, this should be amended and updated;
- Explanation of the walking route in Appendix A which connects the site to Whitebirk Industrial Estate;
- Confirm if the uncontrolled pedestrian crossing located next to the more westerly exit is to be implemented, if so, the TA should be updated accordingly;
- Update the TA to state the cycling and disabled provision at Ramsgreave and Wilpshire train station;
- Describe the distance to the closest bus stop from the centre of site to ensure it adheres to CIHT guidelines;
- Check the TEMPRO growth factor calculations and update accordingly;

Should this planning application be recommended for approval it is recommended that the following mitigation measures should be sought to improve the sites accessibility:

- The developer should consider connectivity improvements for pedestrians and cyclists to access the Whitebirk Industrial Site to improve the sites overall accessibility and promote sustainable transport use;
- A contribution to upgrading the cycle parking/storage provision at Ramsgreave and Wilpshire rail station to encourage active travel; and
- Contributions towards the improvement of bus service provision to the site.

The applicant has provided an addendum to the transport assessment, 8th October 2020, that successfully addresses all the points raised by Capita.

Two vehicular access points have been indicated on plan, these are to be taken from Whalley Old Road. To enable and support development, the proposal recognises the following mitigation works would also be required to facilitate development

- Full footway along the Whalley Old Road site frontage.
- Street lighting extension to the highway network for the site boundary
- Traffic calming to Whalley Old Road
- Widening of the carriageway along the site frontage
- Two pedestrian crossover point shave been indicated.

We would request that all works associated with the above, and to also include changes to the TRO, associated drainage works cycling infrastructure

are to be delivered through a Section 278. Please attach a Grampian condition in support.

Indicative details of the internal road layout are offered, and it is acknowledged that there will be connective routes, to incorporate all types of users. (Walking and Cycling). This should include walking routes to the employment and green spaces to the south for recreational use. When and if a reserved matters application comes forward, consideration should be given to 'Manual For Street', connective and permeable routes for all users of the highway. (Walking and Cycling). Swept of a 3 axle refuse vehicle when undertaken will assist in informing the road layout. The adopted parking standards should be compiled with.

6.6 Drainage:

There is a chemical storage depot adjacent to the downstream side of the site. The applicant is required to demonstrate the routing of exceedance flows and the measures that may be necessary to ensure that the depot area and any existing properties will not be flooded. This matter can be controlled via condition.

A further condition requiring that no above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) separate systems for the disposal of foul and surface water;
- (ii) a detailed drainage strategy to demonstrate that the post-development surface water discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development (greenfield) rate. The drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+40% climate change allowance) rainfall event, and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
- (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate;
- (iv) details of the measures taken to prevent flooding and pollution of any receiving groundwater and/or surface waters (including watercourses) and any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (including refurbishment of existing culverts and headwalls or removal of unused culverts where applicable);
- (v) flood water exceedance routes, both on and off site;

(vi) means of access for maintenance and easements (where applicable);

(vii) a timetable for implementation, including any phasing of works.

6.7 United Utilities:

Development is proposed close to a significant United Utilities water main and the applicant must provide clarity the exact location of the main and ensure the necessary easements are considered in future layouts. This includes any road crossings and proposed landscaping. We require access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', Suggested conditions relate to; foul and surface water being drained on separate systems, surface water drainage scheme to be agreed; details of future maintenance and management of the SuDs to be agreed.

6.8 The Coal Authority:

Part of the application site (north and southern part) falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority concurs with the conclusion / recommendations of the Coal Mining Risk Assessment, February 2020 based on the professional opinion of LK Consult that there is currently a potential risk to the redevelopment of this site from coal mining legacy. In order to mitigate the risk (confirm the exact ground conditions present beneath this site) and inform the extent of remedial / mitigatory measures that may be required to ensure that the development is safe and stable (NPPF paras. 178-179), intrusive site investigations should be undertaken prior to commencement of development.

Accordingly, the Coal Authority recommends the imposition of the following conditions:

* No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

* Where the findings of the intrusive site investigations (required by the condition above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

6.9 Lancs Fire & Rescue:
No objection.

6.10 Education Department:
No comments.

6.11 Environmental Services:
No objections.

6.12 East Lancashire Hospitals NHS Trust:
The NHS submit that the proposed 165 dwellings would generate a requirement for a financial contribution of £228,372 to be used directly to provide services to meet patient demand generated by the future occupants of the development.

6.13 Public Consultation:
510 neighbouring properties have been individually notified by letter; a press notice and site notices have also been displayed. 78 letters of objection and 3 comments have been received. The objections relate to:

- Proposal is in conflict with Policy 4 of the Local Plan;
- Traffic and road safety concerns;
- Environment and impact on local surroundings;
- Impact on wildlife;
- Increase in pollution;
- Infrastructure will not be able to cope with the increase in population;
- Loss of green open space.

A full summary of the public representations is set out within section 9 of this report.

7.0 CONTACT OFFICER: Martin Kenny, Principal Planner

8.0 DATE PREPARED: 8th January 2021

9.0 SUMMARY OF REPRESENTATIONS

Objection – Gordon Wilson, 476 Whalley Old Road, Blackburn. Rec – 06/08/2020

We received a notice of planning application for 165 dwellings ,on land to the south of Whalley Old Road Blackburn. When we bought 476 whalley old Road our solicitor told us there was a covenant on the land behind our property, saying no building can be done for a 100 years , also the main road is all ready more like a motorway with the amount of traffic coming up and down, we fell the amount of extra traffic will cause believable problems for existing residents the road will become more like a car park than a road , as the traffic lights at the bottom of the road will be close to the proposed build . The land also is home to wild life there are often Deer on the field , but my main problem is how the covenant has been got round to allow building on the land, is this not breaking the law.

Objection Mr Ian Sykes, 4 Sunny Bower Road, Blackburn. Rec – 10/08/2020

Good evening,

I email you in reference to the above planning application which involves the 165 dwellings.

I would like to object to these dwellings in the strongest possible terms. My reasons are below:

1. First and foremost, since my family moved to Sunny Bower Road this year, we love the area and the environment. Having an abundance of greenery around you is wonderful for your mental health and we do have panoramic views over Blackburn from our location. This includes the views of Oswaldtwistle Fells. Should the development go ahead, the views we have from our property would be curtailed severely. I live opposite where the development would start, so this affects me directly.
2. The area has an abundance of wildlife of which it is a pleasure to observe, again if the development goes ahead, I fear that there will be a significant detrimental effect on the local wildlife population.
3. Since my wife and I moved to Sunny Bower, my wife has noticed that she is able to breathe a lot easier and that the air quality is a lot cleaner. Should that development go ahead, I fear that her health would be affected by poorer air quality from the increased local population.
4. The current peace and tranquility of the area was what attracted us to Sunny Bower Road, this would be shattered and destroyed should the development be approved, this is because of the sheer volume of people who would be living in the area and the additional unwanted traffic.

Affordability, it is my belief that this development would not benefit those who really needed housing and would only benefit those

Objection – Kate Hollern on behalf of Mr Ian Sykes. Rec – 10/08/2020

I write on behalf of my constituent, Mr Iain Sykes of 4 Sunny Bower Road, Blackburn BB1 5QT.

Mr Sykes has written to my office further to a recently announced planning application which sets out proposals for the construction of a new housing estate on land to the south east of Whalley Old Road.

My constituent is concerned about the impact of the proposed housing development on the local environment.

As you will note from his email, Mr Sykes moved to his current address earlier this year, and the local setting was a major factor in their decision to move. There is currently an open aspect from Sunny Bower Road across Whalley Old Road to the South East, which my constituent fears being lost if this development goes ahead.

In light of this, I would be most grateful if my constituent's concerns could be included with the responses to the public consultation on this planning application and if my interest in this matter could be noted.

With all good wishes

Objection Mr Ian Sykes, 4 Sunny Bower Road, Blackburn. Rec – 11/08/2020

Good Evening,

I would like to add to my below submission. Having read the following article regarding a development on Whalley New Road which has actually been refused (<https://www.thisislancashire.co.uk/news/18643051.blackburn-mill-flats-plan-rejected-council/>),

Blackburn with Darwen Borough Council have been quoted as saying:

“The proposed development would establish the principle to develop apartment type dwellings, which have not been fully justified by the applicant, in a location where market conditions do not favour such forms of development.

“It would thus provide a poor contribution to the borough's dwelling mix.”

The decision notice also highlights the site's high vulnerability to flooding.

I would like to point out that the proposed development on Whalley Old Road would also not offer favourable dwellings, with the fact that the land they are proposed to be built on also carries a significant flooding risk as they would be on soggy ground. There is no justification for these dwellings to be built on this land.

Objection – Nicola Jackson. – Rec – 10/08/2020

I am writing to express my concern for the potential housing estate on Whalley Old Road.

My reason for concern are several.

One being the excess traffic which currently is impossible. I would ask if anyone tries to leave the junction at Sunny Bower between 8.15am and 8.45am when schools are open and it is set with delays and frustration. The traffic is non-stop from Rishton towards Blackburn.

In addition my house facing the potential development is on for sale and will now be unlikely to be sold due to the traffic issues associated with the extra traffic which will occur with such a development. I am currently seeking legal advice as to whether any loss, from sale of my house, associated with the development should be met by Blackburn Council or the housing developers.

Objection – Anthony G.Ford MBE, 2 Higher Cunliffe Farm, Whalley Old Road, Blackburn. Rec – 12/08/2020

Dear Sir,

I write in relation to the above planning application. I reside at 2, Higher Cunliffe Farm Cottage, Whalley Old Road, Blackburn, BB14AA, and have done so for the past 17 years. There are two other cottages attached, namely, 1, Higher Cunliffe Farm Cottage and, Higher Cunliffe Farm. All are occupied.

You will be aware that we are not overlooked and the cottages are set amidst farmland used, until recently, for grazing animals.

We had witnessed surveying activity taking place on the meadows over the last few months and had enquired as to the nature of this activity and the intention but we were told nothing.

In the last few days and on the day the plan was revealed in the Lancashire Telegraph, we received a letter from yourself.

If you have been to the site and are aware of our properties, you will understand how devastated we are all feeling right now.

It would appear that no one has given any consideration to us as residents. If this were not the case, surely we would have been visited by someone from your department to give at least a little disclosure and so that we could ask questions. We had to find out just like all the readers of the local newspaper that our lives were about to be devastatingly impacted upon.

Is this how you normally conduct this sort of business?

If you haven't been to our address, can I ask that you do so so that you will understand just how much the presence of an urban settlement within yards of our properties will severely impact upon our quality of life and our emotional wellbeing.

I have read and tried to understand, the best I can, the planning information you have attached to the application. In short, none of it makes any sense. The drawings describing vehicular relief from the proposed estate are ambiguous to say the least and infer encroachment onto our personal property. Further to this, Whalley Old Road is already unable to cope with local and Ribble Valley traffic commuting into Blackburn each day such that at peak times, traffic queues reach from the junction at Brownhill Drive, right back as far as the Spice Lounge in the Hyndburn Borough.

I will have to stop myself from thinking of the irreparable damage that would be caused not just to the environment, the wildlife but also to the mental and physical health of the residents, including myself, here at Cunliffe Farm Cottages.

I appeal to you and your department to take responsibility for the welfare of us residents and to arrange a face-to-face meeting where the many questions we all have can be heard.

Surely, as a department of Blackburn with Darwen Borough Council, you have a duty to safeguard the health and wellbeing of the Borough's residents? I see no evidence of this at this stage of your plan.

I look forward to hearing from you at your very earliest convenience.

Objection – Kathryn Crossley, Cunliffe Farm, Whalley Old Road, Blackburn. Rec – 13/08/2020

Dear Sir,

I am writing in relation to the development plans to put 165 houses on the land to the south of Whalley Old Rd.

I live with my husband at Cunliffe Farm, a mid property of 3 houses off Whalley Old Rd. We purchased the property in March 19 to get away from living on a main rd in a built up area. Our solicitor search picked up nothing towards planning of building in the area. The area is quiet and we see various wildlife, deer, foxes, bats and have a resident barn owl that we like to watch hunting for his evening meal.

We found out about the development via the Lancashire Evening Telegraph as both myself and my husband work and did not receive the letter till the evening. Not a nice way to find out I assure you and we feel we have been given no consideration at all.

So the properties will bring 300 + cars to the rd. as most families have 2 cars. I will send in a separate e mail as I m rubbish at IT 2 photographs I took when leaving home at 8 am in a weekday morning to go to work. It was late last year before the lockdown when schools were active and people were in work. You can see the queue was rather horrendous ! I am a NHS nurse and work several " on call " and my husband works also "on call" for United Utilities so it is hoped we can get to our destination quick as I am working with covid patients. I also work night shifts so would hope whilst building I would get sleep during the movement of machinery etc.

The overall damage to mine and my husbands quality of life and mental health will be severely damaged. I would like you to take this email seriously as this development would upset a lot of people and our wildlife, also including our resident heron, kestrels and newts that I have seen

I look forward to hearing from you



Objection-Faisal Zaman. Rec – 13/08/2020

I am writing to you after receiving a letter in the post for application that has been put in place for dwellings to be built

On the south of Whalley Old Road.

I have been on the website advising where it can be seen where the dwellings will be. I can't find anything it also asks for an application number which you have not provided on the letter.

I object to this application as it will ruin the view for myself. It will make it an even more busier area than it already is.

Objection – Charlotte Hammond, Higher Colliers Cottage, Whalley Old Road, Blackburn. Rec – 13/08/2020

Dear planning people

I am emailing in relation to the proposed housing development off Whalley Old Road, I am very concerned that traffic will undoubtedly increase all along Whalley Old Road, the Billington and Langho end of the road is particularly rural, with many bends and natural hazards such as trees, wild animals such as deer, foxes and badgers, there is no footpath due to the narrowness of the road, the traffic is already fast and there are frequent accidents, as noted by memorials by the roadside. People regularly walk and cycle the route. Increased housing coming off Whalley Old Road will add to the already alarming speed and volume of traffic on that road.

I have copied in RV planning as it appears that the impact of this development will also impact on Ribble Valley residents.

Please take great care when considering this proposal, it has the potential to cost lives.

Objection – A B Duckworth, Sunny Bower Close, Blackburn. Rec – 14/08/2020

I am not against the development per say, but my concern is traffic, Whalley Old Rd. has been used as a rat run to Whalley & Rishton, the traffic early morning & evening is tremendous queuing as far back as the garden center.

Unless there is adequate provision to alleviate the situation I don't see how another 165 properties could not make the situation worse.

Objection – Sufyaan Rafiq, 433 Whalley Old Road, Blackburn. Rec – 14/08/2020

writing this email in regards to the new houses being built on the south of whalley old road.

I moved to this particular area and the main reason for moving to this area was for the view opposite me which is the south of whalley old road. I am very upset and furious with receiving this letter from the council about these new houses being built. I have spoken to neighbours who have said this land has been empty for many many years. Myself and other neighbours are angry that we were NOT consulted about the plan before so we could put our views forward. I have been living at my property now for almost 2 years and now thinking of moving and putting the house up for sale!

I assure you others on my block will also be leaving this area once the sale of the property goes through.

Also there has been recent works going on in the area with gas pipes which have been a nightmare, with temporary traffic lights and a build up of traffic, not to mention the mess and inconvenience and inconsideration from the workers who leave a load of mess and untidy work. With the recent work that has been going on, on the main road and the build up of traffic I have been unable to park my own vehicle in my own driveway and was forced to park it in the side street (sunnybower road).I am not looking forward to having to put up with this for years to come and would advise not to continue with this application.

Objection – Robert Valentine, 443 Whalley Old Road, Blackburn. Rec – 14/08/2020

Dear Sir,

Having lived at this address for over 50 years,we have seen a steady increase in traffic.At peak times it is backed up to way past the bus terminus and everyone has huge problems getting their cars out of their drives,also we have a problem with speeding traffic doing between 50-60 mph at all times of the day.This road seems to be the only access to the estate for the would be new residents.Taking into consideration most families would probably have 2 or more cars.Maybe the highways dept. would also find a problem with this.Directly opposite our house there are many established trees Including Hawthorn, Rowan and other broad leaf trees,While we realise the need for more housing the Government is encouraging the planting of trees all over the country NOT destroying them !

There is also an abundance of wild life in this area,we regularly see deer,hares,rabbits,foxes and many species of birds such as sparrowhawks and kestrels.

This area has had planning application turned down in the past because of the proximity of the industrial est.Who would want to live with this at the bottom of their garden?

Objection – Tony Disley, 453 Whalley Old Road, Blackburn. Rec – 17/08/2020

I wish to put forward my strong objections to this 'development'

My reasons for objection, first off, is my love of the natural world and nature. I have been and still am a keen and knowledgeable birdwatcher although I would call myself a birder. I have a love and fascination for the natural world having spent the last 35 years watching birds and illustrating various bird books including Gambia, Seychelles and others and being generally fascinated and in awe of the natural world.

My main objection is the destruction of habitat that will arise from this development. I would like to make the point that I think that all housing development as far as can be, should be made on previous brownfield sites rather than destroying and encroaching further into the green belt land that surrounds our towns and cities. I thought the main reason for the idea of green belt was to create a barrier to the further encroachment of urbanisation into the countryside. So as an example, this housing development will turn a little wild area of grassland and bushes were I regularly see a Kestrel hunt everyday (the ecology report you had commissioned by Bowland Ecology mentions that they saw it hunting on the day/days they did their survey). We on the other hand see it EVERY day, we watch it EVERY day, we ENJOY it EVERY day. We also enjoy the Barn Owl (photo attached) that also uses the area of fields in the evenings to find food in the rough grassland which is ideal for Owls. (This is one of the main reasons we bought this house, the chance to watch wildlife and enjoy the wonderful views that we currently have from our house.) Although not as regular as the Kestrel it is still a frequent user of this space and is probably a lot more regular than we have observed due to its nocturnal nature. We also enjoy the almost daily sightings of up to 4 Roe Deer that also regularly use the area to feed. A Fox (photo attached) is regularly seen as it makes its way through the fields most evenings on its feeding route. Alongside the previously mentioned species there are also Whitethroats, Reed Bunting and Linnet that nest in the expanse of bushes and grassland that encompass part of the site of proposed 'development'. The latter species, Linnet nest in the small areas of Gorse bushes on the site and is listed as a declining species, the following is taken from Wikipedia:

'The common linnet is listed by the UK [Biodiversity Action Plan](#) as a priority species. It is protected in the UK by the [Wildlife and Countryside Act 1981](#).

In Britain, populations are declining, attributed to increasing use of herbicides, aggressive scrub removal and excessive hedge trimming; its population fell by 56% between 1968 and 1991, probably due to a decrease in seed supply and the increasing use of herbicide. From 1980–2009, according to the Pan-European Common Bird Monitoring Scheme, the European population decreased by 62%'

I remember being told by a local birdwatcher of Corn Buntings that used to nest at the top of the road in the mid 1970's, I never saw them and they are now extinct as a breeding bird in East Lancashire, I wonder how long it will be before the Linnet is heading the same way. As we encroach further, we are denying more species a home and causing the fragmentation of more habitat. The area of proposed house building will largely cut off a finger of natural land that extends to the A6119 Whitebirk Drive, Roe Deer use this land as a wild corridor to travel down to Blackburn Cemetery nearby. Recently during the Covid-19 Lockdown a male Roe Deer was observed to have been locked in to the Cemetery due to it being closed due to the Virus - a great example of the pressure we are putting on wildlife in the local area and nationwide with the fragmentation of wild spaces and yet more encroachment into the countryside.

My partner and I bought our house here firstly because of the fantastic views and because of the green space across the road, both of these will be utterly ruined if this housing development goes ahead, no doubt knocking value off our house and leaving us feeling depressed. It will also change the nature of the road and of the area forever. We will go from enjoying a fabulous view of Blackburn and the surrounding hills and countryside over to Accrington and beyond to a view of houses totally blocking all of that wonderful view, all without any thought or compensation to our feelings or mental anguish at what we will be losing.

The traffic will inevitably increase on the road, with a rough 165 cars possibly double that added to the daily traffic in the mornings? Its already difficult trying to get out in the morning with traffic sometimes backed up all the way to the Spice Lounge, other neighbours have said the same thing many times.

There will be a loss of privacy to our house, we already have the possibility of a development directly behind our property now we have the horrendous possibility of 165 houses totally blocking our wonderful view and changing the light and entire front aspect of our property, our lives will be adversely affected by this be in no doubt, the thought horrifies me.

Flood risk will increase with the further addition of so much concrete and tarmac which will inevitably mean more water running down the road, already an issue with prolonged heavy rain.

The area is also used by locals to walk their dogs and just generally take exercise and enjoy the green space as it is. If anything, the area could be used to increase the nature that uses it and enhance it's potential not to destroy it with a housing development! Why is it that people look on areas of grassland and bushes as areas that can be 'developed' - they are the homes of many species already, it is an ecosystem with lots of wildlife which should be encouraged not destroyed

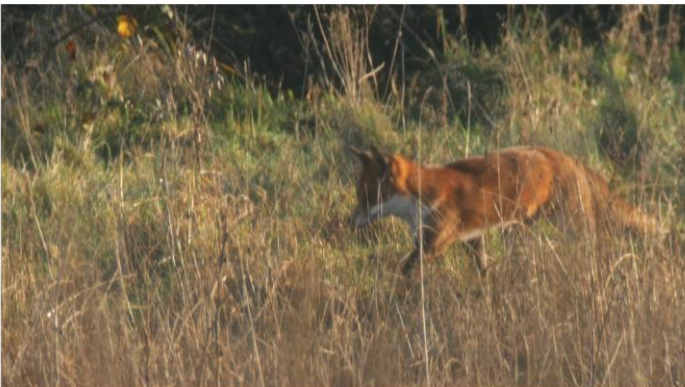
And in terms of mitigation - this is such a cop out green wash term if ever there was one. You can't mitigate for the loss of the area you are proposing to build on. If mitigation really was for real you would be regaining land from urban areas of the same area size and turning them back to wildlife when in reality what is happening is habitat is being lost to a housing development with the tiniest amount of offset mitigation like putting some bird boxes up or some bat boxes, maybe plant some trees. If you compare that to what you are losing it doesn't compare at all so it is a net loss to wildlife yet again.

It would seem Blackburn is not a green council at all, a real green council with a true green agenda and outlook wouldn't plan on extending more outward into the green belt land of the countryside but would instead rejuvenate brownfield sites within the urban area. As I look throughout Blackburn there is plenty of areas where small numbers of houses could be built without extending the urban sprawl.

As with most new housing development, it isn't that affordable a fact confirmed by the reply I received enquiring about this - no one will know the price of this housing it will be determined by a multitude of factors outside of the developer's control and certainly the councils, like the economy and the depreciation of the currency among others. In fact, it remains out of reach of many in society so I remain to be convinced that this housing will be affordable, it should also be built on

existing brownfield sites otherwise it makes a mockery of the council's recent declaration of a climate emergency: <https://www.climateemergency.uk/blog/blackburn-with-darwen/> For the council then to come up with the plan to further expand the urban area of Blackburn into yet more countryside is a joke and is a classic example of saying one thing and doing another.

I remain utterly depressed by this possible new housing development all around this lovely area, you will destroy the character of this area and the reason why so many of us chose to buy the property we have here!! You will also destroy the very reason we bought our house here. I wholeheartedly OBJECT to this housing 'development' and hope it is not given the go ahead.



Objection – Mrs Michelle Walton, 8 Sunnybower Close, Blackburn. Rec – 17/08/2020

Good afternoon

I wish to object against the proposed building of 165 residential dwellings in the area to the south of Whalley Old Road, Blackburn.

The main road is difficult enough with heavy traffic at certain times of the day, which has been made worse by the new housing buildings near Parsonage Road, Blackburn.

We have also had disruption with the ongoing road/maintenance works and the alterations of traffic signalling at the bottom of Whalley Old Road and the dual carriageway.

The area suggested for building permission is the home of wildlife and this as such the land should not be disturbed.

Furthermore, any building on this site would potentially devalue the residential properties already in existence and as such, homeowners should be compensated should the planning permission be granted.

Yours faithfully

Objection – Mosan Hussain, 439 Whalley Old Road, Blackburn. Rec – 17/08/2020

To whom it may concern, I am a resident at 439 Whalley Old Rd, Blackburn BB1 5QL, UK. I am writing to object against the plans for the 165 dwellings on South of Whalley Old road.

The grounds which I object are as follows-

There will be an impact on the wildlife as there is a vast amount of land, there are many trees, bushes and grass.

There will be an impact on traffic and pollution on such a narrow road. There is no space for parking on Whalley Old road outside my house and once for a short period of time I did park my car outside, my wing mirror was broken due to another car driving on the narrow road.

The road is used by public from Great Harwood, Whalley and as far as Clitheroe to go to work and Shop at Blackburn Mall on the weekends. This can create a traffic jam leading into the dual carriageway and then further impact when more 165!!! more residents with multiple cars all use the same junction at the same time. Quite simply the road cannot handle any further traffic.

Companies when delivering have issues loading and turning on the road due to the narrowness of the road, this will further impact when the road become more busy.

The sun rises directly onto our houses and houses would then be impacted as there would be less light.

The design of our houses blend in with the fields, new houses with red bricks would look very bad in amongst the fields.

The dry stone wall would have to move to make space for a path or extra space on the road for cars. This would be such as shame for the personality and heritage of the fields and the dry stone walls to be demolished due to houses being built.

Within the area approx 1 mile radius 3 new estates are currently under construction, which aren't sold as of yet.

Thank you for the opportunity to voice our opinion and hopefully make the correct decision by supporting the residents of Sunnybower.

Objection – Cameron Disley, 470 Whalley Old road, Blackburn. Rec – 17/08/2020

Dear Ms Hollern,

We met briefly at Jeremy Corbyn's rally in Nelson and again at Keir Starmer's visit to the Blackburn CLP (where I took our photo). I am contacting you in order to lodge my objection to the proposed housing development at Sunny Bower. I have forwarded the detailed email my uncle has submitted to the planning department and I hope that you get the chance to read it, also.

I have lived on Whalley Old Road all of my life. I am still here because I love this area of Blackburn. It is relatively quiet despite being close to the motorway link and have spent countless hours in the green areas surrounding my home. The nature of Sunny Bower has been a great positive aspect for my mental health over the years (which hasn't always been entirely positive). But it has not always been without disruption. Over the years this road and its junctions have become increasingly busier, boosting air, noise and traffic pollution in the area. Building and utility works have all contributed to major traffic disruption in the area - and any incident on the roads can cause long tailbacks. Given the nature of the proposed development and the number of dwellings (and many of their 'upper class' status) I am even more concerned about what this would do for the local roads.

I am also dreading the prospect of seeing so many of the lush green views I love turfed up, paved over and blocked. The surrounding fields have been popular with children, teens, walkers & pet owners (myself included) my entire life. They are a quiet retreat with some of the best views of Blackburn and the surrounding area available **anywhere** in the borough. They are also teeming with wildlife. I hear the owls regularly at night - as well as the bats. We see foxes and deer in good measure, roaming and grazing. It is a lively ecosystem on our back door and I personally see it as being invaluable to the area and the residents of Whalley Old Road & Sunny Bower.

I, like many residents of the area, strongly believe that this development will be to the **detriment** of Sunny Bower. I support the need for affordable homes, especially on former brownfield & disused sites - of which there are plenty still to choose from in Blackburn. What I absolutely do not support is an encroachment on the green belt. I sincerely hope that my local and national Labour Party values the same. Especially during a climate emergency!

The planning statement states the following:

"This is not a valued landscape and the nature conservation interests are limited."

I and we, the residents of Sunny Bower, **STRONGLY** disagree with that assessment. I implore the planning department not to take this land from us and I hope that as our Shadow Minister for Housing (for which I was pleased to see you selected), you will be able to take our concerns seriously. If this goes ahead, I will be increasingly inclined to leave the area after 27 years and that would be with an incredibly heavy heart indeed.

Thank you very much for your time,



Objection – Lou Harg. Rec – 17/08/2020

Dear Sir/Madam

I write to you to ask that you reconsider the development planned for Sunnbower Blackburn. I live not far away and not only is this my route to work (which will not cope well with another potential 300 cars) but I moved to the area partly because of the greenery and wide open spaces. I think the recent lockdown due to the pandemic shows how much we need those spaces. Soon there will be no green areas of this town left... gobbled up by greedy developers who insist on covering every inch with boxes crammed close together under the guise of 'affordable housing' I don't know many people with faith in this towns council.

Objection – Mrs C Carney, 5 Sunny Bower Road, Blackburn. Rec – 17/08/2020

I am writing to inform you of our objections to the above proposed development.

I have several concerns as outlined below however my main one is keeping my family safe. My 5year old son is under a respiratory consultant and the thought of construction work and the dust, fumes and other contaminates this may spread in the air is worrying. I know that it will come towards us as we can often smell the Pets Choice factory. We live at 5 Sunnybower

Road so we will be very much impacted by the development and the construction phase in particular.

Having read the reports and digested as much as I can I would like to raise the following concerns;

With regard to the climate crisis, BwD council declared a climate emergency surely Greenfield areas should be kept as such to help? Mass building developments to fuel the rich and powerful should be scrapped and instead the council should be looking at how they can improve the current state of housing and poverty in the area. These green sites should be developed into more fertile land to enable native wildlife and flora and fauna to develop and flourish.

(From Phase 1 preliminary risk assessment report 12th feb 2020 pg 13) the site historically occupied by 2 quarries and has a watercourse. There is a potential instability risk associated with historic underground mining!

There are contaminants that pose moderate to high risks for our area. Gas monitoring will be required as there is high risk for the migration of gas into buildings causing explosion and asphyxiation!

Moderate risks are the contamination of water and a risk to water pipes. Also the risk of contaminants posing a problem to users via dermal contact, ingestion and inhalation of soil, dust, fibres etc especially during the construction phase. I also grow food along with several other residents and would not want any form of soil contamination or vegetation diseases spread.

Mass developments do not future proof with regard to finite resources in the area. Many schools, sure start services and GP practices in the area do not have the capacity to take on more residents and they do not have the resources, space or staff to expand to accommodate such an influx

I know you cannot stop something just because of a view but it's not just a view it's an open green space used by the community. Community green spaces are known to have an increased positive effect on people's social, physical and mental health. There are many older people to whom this provides comfort, socialisation and familiarity.

The area is quite wild and this in turn provides perfect habitats for small mammals and birds and I personally have seen owls, kestrels, bats and deer. The development would cause damage and disruption to nests and animal homes and their resources for foraging. The light pollution from an estate will also negatively affect nocturnal foraging species such as bats.

As previously stated above, the extra traffic congestion and traffic related pollution would increase with such a large development. This will negatively impact on people's physical and mental health.

During construction the noise and disruption to the area will be horrendous and quite frightening, I for one will be worried in case there is a land collapse or contaminants released that would be hazardous to myself and my family and the community.

At present it is great for the night sky but this will be lost due to light pollution from the new development and again the negative impact this will have on nocturnal animals.

Whalley Old Road is not suitable for the current volume of traffic, it has limited footpath areas, and vehicles seem to use it as a race track. It is difficult and dangerous to cross at present and this will get worse if traffic increases.

Apparently the existing utility infrastructure 'appears' to support a development of 120 dwellings, do we find out too late that actually it doesn't?

I would also like to make it known that it feels that there has been no consideration as to how you have communicated this information to people, unless this was what you hoped so that there would be less objections.

If you know about Sunnybower you would know that it has a significant proportion of older and vulnerable people, often living alone. Letters sent through the post with minimal information except to go to a website is not good enough, many I have talked to do not have smart phones nor access social media, so how do they find out more information? I know they could ring you but to be given lots of verbal information over the phone can be intimidating and difficult to take all the information in at once, people need time to digest it. I am aware that Covid makes it all the more difficult however a small summarised information pack could be made available on request, this could be added to a letter so that people can understand what exactly is happening to their home area. Several people who received the letter had no idea where it was going to be thinking it was further south – a visual picture would've been useful too. Choosing areas to put information in to be shared on the estate or even a portacabin for a week with the information displayed and to allow for questions to be asked. Also having a designated person to come and talk face to face but socially distant for certain people.

I am aware that the letter states that 'due to high volumes of correspondence received we will be unable to acknowledge comments submitted', with regard to the points I've made that's fine however I would like some form of response as to how you will improve your communication of such matters to the older and more vulnerable in the affected area.

Objection – Jav. Rec – 17/08/2020

I email you in reference to the above planning application (reference: 10/20/0716) which involves the development of 165 dwellings on the land bordering Whalley Old Road.

I would like to object to these dwellings in the strongest possible terms. My reasons are below:

1. Wildlife:

The area has an abundance of wildlife, such as newts, deer and bats, which are indigenous to the development area. Should the development be approved, Blackburn with Darwen Borough Council will be sounding the death knell for the majority of our local wildlife population.

2. Noise and air pollution:

The current peace and tranquility of the area is what attracts many people to the area. Approving this development would see a significant increase in the population to the area. This would have the 'knock on' effect of increased noise and air pollution, an increased health risk to some vulnerable residents.

3. Road safety concerns:

Being one of the main through roads for routes to Rishton, Great Harwood and Whalley, Whalley Old Road is already a very busy road as it is and gets congested very easily. Ahead of any approval for development, the council needs to answer exactly how would improve the safety of both pedestrians and road users. For example: How would the lack of pavement on the side of the development be addressed? If the solution was to add a pavement, would there be a road widening scheme? Road safety concerns have to be addressed for the safety of both children and the elderly, as the vast majority of motorists do not obey the speed restrictions whilst travelling up and down the hill. The council needs remember that with 165 houses and an average of two cars per household, they are adding at least 330 cars to the area.

4. Our environment:

I value the area and the environment we are blessed with here. Having an abundance of greenery around you is wonderful for your mental health and we do have panoramic views over Blackburn from our location. This includes the views of Oswaldtwistle Fells. Should the development go ahead, the views we have on our doorstep will be destroyed and replaced with yet another housing estate.

To conclude, in the Lancashire Telegraph article, Cllr Phil Riley makes the point that this development is not even in the target housing area. This means that the only benefit to this council is financial. Additionally, as per the comment in the Lancashire Telegraph article dated 14 August 2020, Cllr Riley is quoted as saying: "It is well known that the council has housing targets set by the government which were progressing favourably before the onset of the pandemic. We are pleased that applications of this sort are coming forward which show there is confidence by developers in the borough."

I would like to add that while the council may indeed have housing targets to meet, it would be truly shameful and irresponsible for these targets to be reached at the expense and destruction of these fields and natural open space.

Objection – Anne Wright. Rec – 17/08/2020

I wish to object to Planning Permission being granted for the above development. I am a resident of Sunny Bower and feel that an , estate of such size would be entirely out of keeping for this area. Most properties in this area are semi detached houses and bungalows with small numbers of occupants. To build an estate with 5 bedroom houses and containing 165 properties would lead to an unacceptable increase in traffic which is a problem at the moment and could only get worse. Therefore I am not in favour of this development and hope that my concerns will be considered.

Objection – Mr Faruk Bobat, 26 Bank Hey Lane South, Blackburn. Rec – 17/08/2020

Dear Sir/Madam

I am writing regarding the above application reference as we wish to object the planning application. The reasons are due to increase in traffic and congestion surrounding this area. Increase in traffic is already prominent, therefore this would impact this further. Therefore we wish to object this application.

Objection – Philip Holden, 16 Cunliffe Close, Blackburn. Rec – 17/08/2020

I email you in reference to the above planning application (reference: 10/20/0716) which involves the development of 165 dwellings on the land bordering Whalley Old Road.

I would like to object to these dwellings in the strongest possible terms. My reasons are below:

1. Wildlife:

The area has an abundance of wildlife, such as newts, deer and bats, which are indigenous to the development area. Should the development be approved, Blackburn with Darwen Borough Council will be sounding the death knell for the majority of our local wildlife population.

2. Noise and air pollution:

The current peace and tranquility of the area is what attracts many people to the area. Approving this development would see a significant increase in the population to the area. This would have the 'knock on' effect of increased noise and air pollution, an increased health risk to some vulnerable residents.

3. Road safety concerns:

Being one of the main through roads for routes to Rishton, Great Harwood and Whalley, Whalley Old Road is already a very busy road as it is and gets congested very easily. Ahead of any approval for development, the council needs to answer exactly how would improve the safety of both pedestrians and road users. For example: How would the lack of pavement on the side of the development be addressed? If the solution was to add a pavement, would there be a road widening scheme? Road safety concerns have to be addressed for the safety of both children and the elderly, as the vast majority of motorists do not obey the speed restrictions whilst travelling up and down the hill. The council needs remember that with 165 houses and an average of two cars per household, they are adding at least 330 cars to the area.

4. Our environment:

I value the area and the environment we are blessed with here. Having an abundance of greenery around you is wonderful for your mental health and we do have panoramic views over Blackburn from our location. This includes the views of Oswaldtwistle Fells. Should the development go ahead, the views we have on our doorstep will be destroyed and replaced with yet another housing estate.

To conclude, in the Lancashire Telegraph article, Cllr Phil Riley makes the point that this development is not even in the target housing area. This means that the only benefit to this council is financial. Additionally, as per the comment in the Lancashire Telegraph article dated 14 August 2020, Cllr Riley is quoted as saying: "It is well known that the council has housing targets set by the government which were progressing favourably before the onset of the pandemic. We are pleased that applications of this sort are coming forward which show there is confidence by developers in the borough."

I would like to add that while the council may indeed have housing targets to meet, it would be truly shameful and irresponsible for these targets to be reached at the expense and destruction of these fields and natural open space.

Objection – Robert & Patricia Marsay, 38 Cunliffe Close, Blackburn. Rec – 18/08/2020

Dear Sir

We are writing to you with regard to the above planning application and would like to register our objection .

1 Whalley Old Road can barely cope with the volume of traffic today and when any type of work is carried out traffic comes to a complete stand still. Add the volume of cars parking whilst construction is taking place plus the volume of Lorries and other forms of equipment this can only cause absolute mayhem for the residents.

2 Also no information has been given as to entry and exit of the site as again we do not believe Whalley Old Road can cope.

Objection – H F Cotton, 449 Whalley Old Road, Blackburn. Rec – 18/08/2020

Dear Sir,

I am writing to complain about the proposed development on Whalley Old Rd.

The traffic on the road is heavy now so 165 houses will make it even worse.

We are aware of mines underneath this land what will happen if the houses subside

With all these houses obviously our view is going to be obscured. How would you like it if you lived up here.?

These are supposed to be executive homes, but

who would want to live behind Blackburn Chemicals? running 24 hours a day?

What about the wild life and flora? That will be destroyed

When we moved here 20 years ago we were told that nothing could be built on this land for another 100 years. Is this another broken promise?

Objection – Miss K Marsden, 12 Cunliffe Close, Blackburn. Rec – 18/08/2020

I am writing in regards to the new housing development that has been proposed for Sunnybower. As a resident in this area I am very upset and annoyed regarding this news, I moved here so I could be near the countryside and near the wildlife, I take my dog out twice a day through the woods and fields and love the peace and fresh air.

Building 165 houses will take away more green land which is home to lots of wildlife including deers, it will cause traffic congestion on Whalley old road, not forgetting to mention months and months of MORE roadworks.

Our local GP is already stretched so who will accommodate the new residents who move into those houses?

Where will the children go to school, as school places are very limited now?

There are plenty of unused houses which could be knocked down and redeveloped without having to build on more green space.

Objection – Ken Moulden. Rec – 19/08/2020

Regarding the above mentioned planning application for 165 high quality dwellings, I and many of my neighbours have serious concerns that the Council is riding roughshod over its own policies. For the reasons stated below this planning process should be halted as soon as possible.

The proposed development at Whalley Old Road forms part of plot 4/1 Brownhill as referenced in Local Plan Part 2.

Policy 4. “Land for Development Beyond the Plan Period” clearly states: *“Within the areas identified as Land for Development Beyond the Plan Period on the Adopted Policies Map, planning permission will not be granted for permanent development. Land will only be released for permanent development following a Local Plan review which proposes the development.”*

and para. 2.7 states: *“The remaining areas have the potential to accommodate some of the Borough’s longer term development needs in the 2030s and beyond.”* The Whalley Old Road proposed development is part of the remaining area.

similarly para. 2.1 of the Local Plan Part 2 states: *“The policies in this Local Plan will apply to every development proposal that requires planning permission”*

Para. 2.8 states: *“It is important that these areas remain able to accommodate development in the longer term, and that their development potential is not compromised by piecemeal change or development in advance of this”*. This application represents piecemeal change and development to the wider Brownhill site identified.

Para. 2.9 states: *“A future Plan review considering the release of any land identified under this policy will need to undertake a full appraisal of the area suitable for release, and the impact on landscape and other considerations of doing so.”* No Local Plan review has happened so the Whalley Old Road site cannot be approved for development.

Ergo, any part of plot 4/1 Brownhill should not be considered for development before the end of the current plan for development needs in 2030 and beyond. It is not possible to pick and choose which developments the policies apply to and the Council should not deliberately violate one of its own key policies this makes a mockery of making policies in the first place.

The Application Plan (00034591.pdf) acknowledges that the application breaches Policy 4 and provides the following justifications:

- A) It is a Discrete Parcel of Land
- B) An Appropriate Location
- C) The Growth Target
- D) Sustainable Location for Development
 - a. Economic Objectives
 - b. Social Objectives

c. Environmental Objectives

The arguments against the breach of Policy 4 are as follows:

A) Discrete Parcel of Land

From the Application Plan: *“This is a discrete parcel of Land that is contained by Whalley Old Road and the established industrial area to the south”.*

It is NOT a discrete parcel of land since it forms part of the 4/1 Brownhill site identified by the Local Plan Part 2 where para. 2.8 states: *“It is important that these areas remain able to accommodate development in the longer term, and that their development potential is not compromised by piecemeal change or development in advance of this.”*

What the Council is advocating is piecemeal development against its own Policy.

From the Application Plan: *“It can be considered in a way that does not affect or prejudice the planning and development of the broader zone governed by Policy 4 of the Local Plan Part 2 at Brownhill”*

No it cannot. The Council is not following Policy 4 of the LPP2 thus prejudicing the planning and development of the whole 4/1 Brownhill area. Para. 2.8 of the Local Plan Part 2 clearly states that piecemeal change or development in advance of a Local Plan review may compromise the potential of the wider site.

From the Application Plan: *“This broader zone should be given further consideration through the emerging replacement local plan for Blackburn with Darwen”*

The broader zone must include the Whalley Old Road development through a Local Plan review as required by Policy 4.

B) An Appropriate Location

It cannot be an appropriate location since it is in an area governed by Policy 4 where development is not allowed until there has been a Local Plan review.

Furthermore the site is on a congested (at peak times) country road which brings up road safety concerns. This is highlighted further on in this objection document.

The Planning Application proposes a majority of “high quality houses” in a rural setting. Gentlemen, this site is on a hill overlooking a chemical factory and large industrial estate. Not, I think, where your average executive would want to live.

C) The Growth Target

From the Application Plan: *“The subject site presents an opportunity to deliver high quality housing in a sustainable location which will act to support the ambitions for growth in Blackburn with Darwen”*

Maybe in the future, but, at the moment the site is protected under Policy 4.

From the Application Plan: *“There has been some delay in the delivery of housing at some of the larger urban extension sites around Blackburn and Darwen”*

This is not relevant to the application. Indeed, Paragraph 5.1 of the Planning Statement states *“Blackburn with Darwen Council can demonstrate a housing land supply in excess of five years and local delivery of housing in excess of that required by the National Planning Policy Framework (NPPF).”*

According to the Council’s 5 year Housing Supply Statement, the Council already has a 9.9 year supply of housing land when it is only expected to have a 5 year supply.

From the Application Plan: *“It represents another component in the strategy to deliver housing at the right place”*

The housing is NOT in the right place. It is on land protected by Policy 4 where development is prohibited until there has been a Local Plan review.

From the Application Plan: *“There have been other instances in the borough where planning permission has been granted for new housing development on land that is not allocated in order to maintain an adequate supply of housing land and to meet housing targets. One example is the hybrid planning permission for up to 450 dwellings on land designated as “countryside” at Brokenstone Road granted in 2019 (10/18/1116).”*

Just because the Council has previously breached its own policies in the past does not make it right. In fact it makes a mockery of making policies in the first place as already stated further up in this document. The justification given at that time was that the Council only had a 3.6 year supply of housing and needed 5 years supply. It is clearly not the case this time round since we know the Council, from its own figures, has a 9.9 year supply. In any case, a previous permission on the opposite side of town is immaterial to this development which should be assessed on its own merits.

From the Application Plan: *“Such decisions are material as they demonstrate that positive action is being taken to support growth and to ensure that housing targets are met.”*

This is simply not true. Since the Housing Supply Statement dated June 2019, an additional 450 houses at Brokenstone Road and 600 houses off Bog Height Lane have been added. Therefore the site at Whalley Old Road is not required to meet housing targets.

Again I reiterate para. 5.1 of the Application Plan: *“Blackburn with Darwen Council can demonstrate a housing land supply in excess of five years and local delivery of housing in excess of that required by the National Planning Policy Framework (NPPF).”*

The exact opposite of the argument for violating Policy 4. Are the Council meeting targets or not? The Application Plan says both!

D) Sustainable Location for Development

Not relevant!

It cannot be developed until there has been a thorough Local Plan review as mandated by Policy 4 of the Local Plan Part 2.

To sum up:

- The development is in breach of Policy 4. The Council have tried to justify this but my arguments prove their justifications to be totally false.
- I have shown that the development is not necessary since the Council have more than enough land to meet their 5 years needs, in fact I have shown they have 9.9 years+
- The increase in traffic caused by the development when it is fully occupied will further congest an already busy road putting both the existing and the new residents in danger. I do not believe your “Travel Plan will in any way alleviate this.”
- There will be an increase in pollution locally affecting in particular elderly, infirm and children.

In short there is no need for this development and therefore the planning process should be halted or approved denied.

The Council should not be violating its own published policies. It is not what we the public would expect from from our Council.

Thank you for reading this and I look forward to any comments you may have.

Objection – Cheryl Rudd, 43 Oakwood Avenue, Blackburn. Rec – 19/08/2020

Dear Planning Officer ,

I am writing to object to the above planning application of 165 houses on Whalley Old Road , my objections are as follows

1. This is an area which is full of wildlife and local residents use this area for walking which is extremely important in promoting well being which will dramatically reduce if this development goes ahead. Noise pollution in the area will increase due to the extra traffic which these houses will generate.
2. The pressure on local services if these houses go ahead e.g. pressure on local schools and doctors surgeries in the area. I am a patient at Little Harwood Surgery which would be the closest surgery to the new houses , and it is already difficult to get an appointment now without the added pressure of an extra 165 houses .
3. Increased traffic on Whalley Old Road . Although this is a main road it is not particularly wide especially when cars are parked on the road so the prospect of additional traffic which the new development would bring is frightening. Plus there is not a pavement currently on that side of the road where the houses are due to be built.
4. I understand from residents who have lived here for a number of years that there is a landfill site at the start of the new development, surely you cannot be considering building on this unstable land ?

Objection Iain Sykes. Rec – 19/08/2020

Reference: 10/20/0716 for outline planning application at Whalley Old Road

Dear Councillor,

Regarding the above mentioned planning application for 165 high quality dwellings, I and many of my neighbours have serious concerns than the Council is riding rough shod over its own policies. For the reasons stated below this planning process should be halted as soon as possible.

The proposed development at Whalley Old Road forms part of plot 4/1 Brownhill as referenced in Local Plan Part 2.

Policy 4. "Land for Development Beyond the Plan Period" clearly states: ***"Within the areas identified as Land for Development Beyond the Plan Period on the Adopted Policies Map, planning permission will not be granted for permanent development. Land will only be released for permanent development following a Local Plan review which proposes the development."***

and para. 2.7 states: ***“The remaining areas have the potential to accommodate some of the Borough’s longer term development needs in the 2030s and beyond.”*** The Whalley Old Road proposed development is part of the remaining area.

similarly para. 2.1 of the Local Plan Part 2 states: ***“The policies in this Local Plan will apply to every development proposal that requires planning permission”***

Para. 2.8 states: ***“It is important that these areas remain able to accommodate development in the longer term, and that their development potential is not compromised by piecemeal change or development in advance of this.”*** This application represents piecemeal change and development to the wider Brownhill site identified.

Para. 2.9 states: ***“A future Plan review considering the release of any land identified under this policy will need to undertake a full appraisal of the area suitable for release, and the impact on landscape and other considerations of doing so.”*** No Local Plan review has happened so the Whalley Old Road site cannot be approved for development.

Ergo, any part of plot 4/1 Brownhill should not be considered for development before the end of the current plan for development needs in 2030 and beyond. It is not possible to pick and choose which developments the policies apply to and the Council should not deliberately violate one of its own key policies this makes a mockery of making policies in the first place.

The Application Plan (00034591.pdf) acknowledges that the application breaches Policy 4 and provides the following justifications:

- A) It is a Discrete Parcel of Land
- B) An Appropriate Location
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- D) Sustainable Location for Development
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A) Discrete Parcel of Land

From the Application Plan: ***“This is a discrete parcel of Land that is contained by Whalley Old Road and the established industrial area to the south”.***

It is NOT a discrete parcel of land since it forms part of the 4/1 Brownhill site identified by the Local Plan Part 2 where para. 2.8 states: ***“It is important that these areas remain able to accommodate development in the longer term, and that their development potential is not compromised by piecemeal change or development in advance of this.”*** What the Council is advocating is piecemeal development against it’s own Policy.

From the Application Plan: ***“It can be considered in a way that does not affect or prejudice the planning and development of the broader zone governed by Policy 4 of the Local Plan Part 2 at Brownhill”***

No it cannot. The Council is not following Policy 4 of the LPP2 thus prejudicing the planning and development of the whole 4/1 Brownhill area. Para. 2.8 of the Local Plan Part 2 clearly states that piecemeal change or development in advance of a Local Plan review may compromise the potential of the wider site.

From the Application Plan: ***“This broader zone should be given further consideration through the emerging replacement local plan for Blackburn with Darwen”***

The broader zone must include the Whalley Old Road development through a Local Plan review as required by Policy 4.

B) An Appropriate Location

It cannot be an appropriate location since it is in an area governed by Policy 4 where development is not allowed until there has been a Local Plan review.

Furthermore the site is on a congested (at peak times) country road which brings up road safety concerns. This is highlighted further on in this objection document.

The Planning Application proposes a majority of “high quality houses” in a rural setting. Gentlemen, this site is on a hill overlooking a chemical factory and large industrial estate. Not, I think, where your average executive would want to live.

The Growth Target

From the Application Plan: ***“The subject site presents an opportunity to deliver high quality housing in a sustainable location which will act to support the ambitions for growth in Blackburn with Darwen”***

Maybe in the future, but, at the moment the site is protected under Policy 4.

From the Application Plan: ***“There has been some delay in the delivery of housing at some of the larger urban extension sites around Blackburn and Darwen”***

This is not relevant to the application. Indeed, Paragraph 5.1 of the Planning Statement states ***“Blackburn with Darwen Council can demonstrate a housing land supply in excess of five years and local delivery of housing in excess of that required by the National Planning Policy Framework (NPPF).”***

According to the Council’s 5 year Housing Supply Statement, the Council already has a 9.9 year supply of housing land when it is only expected to have a 5 year supply.

From the Application Plan: ***“It represents another component in the strategy to deliver housing at the right place”***

The housing is NOT in the right place. It is on land protected by Policy 4 where development is prohibited until there has been a Local Plan review.

From the Application Plan: ***“There have been other instances in the borough where planning permission has been granted for new housing development on land that is not allocated in order to maintain an adequate supply of housing land and to meet housing targets. One example is the hybrid planning permission for up to 450 dwellings on land designated as “countryside” at Brokenstone Road granted in 2019 (10/18/1116).”***

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From the Application Plan: ***“Such decisions are material as they demonstrate that positive action is being taken to support growth and to ensure that housing targets are met.”***

This is simply not true. Since the Housing Supply Statement dated June 2019, an additional 450 houses at Brokenstone Road and 600 houses off Bog Height Lane have been added. Therefore the site at Whalley Old Road is not required to meet housing targets. Again I reiterate para. 5.1 of the Application Plan: ***“Blackburn with Darwen Council can demonstrate a housing land supply in excess of five years and local delivery of housing in excess of that required by the National Planning Policy Framework (NPPF).”*** The exact opposite of the argument for violating Policy 4. Are the Council meeting targets or not? The Application Plan says both! **D)**

Sustainable Location for Development

Not relevant!

It cannot be developed until there has been a thorough Local Plan review as mandated by Policy 4 of the Local Plan Part 2.

To sum up:

- The development is in breach of Policy 4. The Council have tried to justify this but my arguments prove their justifications to be totally false.
- I have shown that the development is not necessary since the Council have more than enough land to meet their 5 years needs, in fact I have shown they have 9.9 years+
- The increase in traffic caused by the development when it is fully occupied will further congest an already busy road putting both the existing and the new residents in danger. I do not believe your "Travel Plan will in any way alleviate this."
- There will be an increase in pollution locally affecting in particular elderly, infirm and children.

In short there is no need for this development and therefore the planning process should be halted or approved denied.

The Council should not be violating its own published policies. It is not what we the public would expect from our Council.

Thank you for reading this and I look forward to any comments you may have.

Objection – Sharon Frayne, 2 Bank Hey Close, Blackburn. Rec – 19/08/2020

Hi

Many thanks for your letter regarding potential housing development bordering off Whalley Old Road. I am writing to object to this proposal given that there are three other housing developments already going ahead in this locality. Those being at Lammack, Roe Lee and Ramsgreave, with a further one planned close to the rugby club on Ramsgreave Drive. There is going to be a huge strain on the NHS in that there are already too few doctors and dentists. Not to mention the already oversized primary schools.

I live on Bank Hey Close and can hear rumbling sounds all night from the work units already established close to the proposed site. Can I suggest you investigate this further as this will cause complaints from any new householders if this plan goes ahead?

Look forward to your reply

Objection – Ms Carol Hartley, 461 Whalley Old Road, Blackburn. Rec – 19/08/2020

**LETTER REGARDING PLANNING PERMISSION TO THE SOUTH OF WHALLEY OLD ROAD
REFERENCE 10/20/0716**

I have been a resident on Whalley Old Road over many years, and I am writing to formally object to the proposed building of 165 family homes being built across the road. My reasons for objection are:

1. This road is always busy, especially so during rush hour traffic, mornings and evenings. There is also a popular garden centre which draws many visitors in cars, creating more traffic onto this already busy road, causing congestion. It's down to sheer good fortune that no one has been killed so far. Although there is a 30mph speed restriction, very few motorists heed it, I have personally witnessed speeding cars going up and down. How long will it be before a child is involved in a serious accident once these homes are built?
 2. This residential area has a lot of family homes already. The current road is not suitable for even more heavy traffic, not to mention the increased air pollution created by all the extra traffic. Where will the access roads to this new estate be? The road at present is not able to take any such roads. Whitebirk drive is always very busy and increased traffic will only cause more congestion. At present in the bungalows live elderly residents, some of whom are suffering with dementia. I am concerned for the safety of these people.
suffering with dementia. I am concerned for the safety of these people.
 3. What about any infrastructure? Are there to be any more schools to take in extra pupils? Is another reservoir going to be built to provide extra water for these new family homes? Is there a plan to build a children's play area where children can play safely? The only schools at present are based in Little Harwood and Roe Lee and are already full and they do not cater for secondary pupils, so from eleven years upwards children will have to attend secondary schools. This begs another question as to how pupils of all ages will travel to school? At the moment the bus service in this area is restricted to one bus hourly, none after 5pm. So does this mean that school buses will be coming onto Whalley Old Road?
 4. Is there to be any medical centre or GP practice to cater for the increase in these new residents? At the moment there is a Health Centre in Little Harwood, and another Practice in Brownhill. Both these health services are full. Regarding dental hygiene – there is only one centre down in Bastwell, which already serves a large community.
 5. Lastly I would like to point out the destruction of any wild life habitat. At the moment we have a variety of wild life visiting here – for example deer, a white owl, a sparrow hawk, rabbits, and lots of other birds. There are also creatures living in the hedgerows so their homes will be destroyed.
-

Dear Martin Kelly,

As a mother of a child who was knocked down, I would like to raise my objections to the proposed development just off Sunny Bower Rd and going past the garden Centre off Whalley Old Rd.

The chaos from the increased traffic would make life intolerable. It is bad enough now negotiating the way out of side roads onto Whalley Old Rd.

The water pressure where I live is a problem in that we have very low pressure. Another 165 dwellings would make a bad situation worse. Another factor to be considered would be the effect of the ecological devastation to the environment affecting birds, meadows and wild life.

Can you guarantee that the new development would not create flooding of gardens further down the hill. Whalley old Rd is not a suitable road for the extra volume of traffic that this would create.

In this area there is also a shortage of primary schools, this would lead to higher class numbers or people having to travel out of the area, both of which would be unsatisfactory. I hope you take my concerns seriously before making your decisions. I will look forward to your reply.

Objection - R M Turner, 41 Sunny Bower Road, Blackburn. Rec - 20/08/2020

HEREWITH MY OBJECTION
TO THE ABOVE PLANNING
APPLICATION, FOR YOUR RECORDS.

Objection – Heidi Lunt, Loop Photography, Unit C3, Cunliffe Road, Whitebirk Industrial Estate, Blackburn. Rec- 20/08/2020

I would like to comment on the above planning application.

We have a few concerns

i - We would be very worried about the security of our property. The housing estate would be in very close proximity making it very easy to cause damage to the property, vandalism and breaking and entry.

ii - We have an issue with the water run off from the land at the back of our premises and feel that building on the land would create more flooding, which would cause a great deal of damage to our business and intern render the property uninsurable against flood.

Objection – David Slater, 1 Cunliffe Close, Blackburn. Rec – 20/08/2020

To Martin Kelly

1 A lot of extra traffic.

2. The preservation of wildlife.

3. A builder I worked with was refused planning permission in 1965 because it was a green belt what as changed

4. Extra patients for Doctors.

Objection – Mr & Mrs Pickup, 455 Whalley Old Road, Blackburn. Rec – 20/08/2020

Plans to build 165 dwellings on land opposite our bungalows at Whalley Old Rd, B' Born.

This is not a suitable site for various reasons.

Traffic concerns at peak times brings large volumes of cars etc onto this road, causing back-ups and will be made worse by more cars from

more residents. There is a
blind bend + blind entrance
to a garden centre entrance,
off this road.
All in all it is my opinion,
the land in question is not
fit for building. I was born
at Gunliffe farm, (that is
the farm on the plan) and
know for a fact it is unsuitable
building land.

Objection – Sarah Bates. Rec - 21/08/2020

Dear Sir/Madam,

I am writing to object to the proposed planning on Whalley Old Road.

My reasons for this are as follows:

* Traffic - The area is a main through fare for Blackburn, Whalley, Clitheroe, Great Harwood and Lango. Whalley Old Road is a notoriously busy road and I fear that adding the proposed amount of housing would be a detriment to the community and possibly increase the accident rate in the area.

* Wildlife & Nature - One of the benefits of living in this area is the beauty that surrounds us and the views, this will all but be destroyed should the planning be allowed to go ahead

* Crime - I am concerned that by building new housing this will lead to an increase in crime in the area, I believe there will be an increase in thefts and again make this a less desirable area to live in.

I think these opinions are held by all members of the community and would urge that the planning be declined so we can continue to enjoy this lovely area.

**Objection – Ken & Charmaine Moulden, 3 Bank Hey Cottages, Bank Hey Lane, South, Blackburn.
Rec – 24/08/2020**

INTRODUCTION

We wish to strongly object to the proposed development on Whalley Old Road.

In our reasons stated below we have used, as far as possible, the Council own figures and quotes from the Councils planning reports.

THE PROPOSED DEVELOPMENT IS CONTRARY TO LOCAL PLANNING POLICY

The proposed development at Whalley Old Road forms part of plot 4/1 Brownhill as referenced in Local Plan Part 2, December 2015.

Within this document Policy 4. “Land for Development Beyond the Plan Period” clearly states: ***“Within the areas identified as Land for Development Beyond the Plan Period on the Adopted Policies Map, planning permission will not be granted for permanent development. Land will only be released for permanent development following a Local Plan review which proposes the development.”***

and para. 2.1 of the Local Plan Part 2 states: ***“The policies in this Local Plan will apply to every development proposal that requires planning permission”***

similarly para. 2.7 states: ***“The remaining areas have the potential to accommodate some of the Borough’s longer term development needs in the 2030s and beyond.”*** The Whalley Old Road proposed development is part of the remaining area.

Para. 2.8 states: ***“It is important that these areas remain able to accommodate development in the longer term, and that their development potential is not compromised by piecemeal change or development in advance of this”.*** This application represents piecemeal change and development to the wider Brownhill site identified.

Para. 2.9 states: ***“A future Plan review considering the release of any land identified under this policy will need to undertake a full appraisal of the area suitable for release, and the impact on landscape and other considerations of doing so.”*** No Local Plan review has happened so the Whalley Old Road site cannot be approved for development.

Ergo, any part of plot 4/1 Brownhill should not be considered for development before the end of the current plan for development needs in 2030 and beyond. It is not possible to pick and choose which developments the policies apply to and the Council should not deliberately violate one of its own key policies this makes a mockery of making policies in the first place.

The Application Plan (00034591.pdf) acknowledges that the application breaches Policy 4 and provides the following justifications:

- A) It is a Discrete Parcel of Land
- B) An Appropriate Location
- C) The Growth Target
- D) Sustainable Location for Development
 - a. Economic Objectives
 - b. Social Objectives
 - c. Environmental Objectives

The arguments against the breach of Policy 4 are as follows:

A) Discrete Parcel of Land

From the Application Plan: ***“This is a discrete parcel of Land that is contained by Whalley Old Road and the established industrial area to the south”.***

It is NOT a discrete parcel of land since it forms part of the 4/1 Brownhill site identified by the Local Plan Part 2 where para. 2.8 states: ***“It is important that these areas remain able to accommodate development in the longer term, and that their development potential is not compromised by piecemeal change or development in advance of this.”***

What the Council is advocating is piecemeal development against it’s own Policy.

From the Application Plan: ***“It can be considered in a way that does not affect or prejudice the planning and development of the broader zone governed by Policy 4 of the Local Plan Part 2 at Brownhill”***

No it cannot. The Council is not following Policy 4 of the LPP2 thus prejudicing the planning and development of the whole 4/1 Brownhill area. Para. 2.8 of the Local Plan Part 2 clearly states that piecemeal change or development in advance of a Local Plan review may compromise the potential of the wider site.

From the Application Plan: ***“This broader zone should be given further consideration through the emerging replacement local plan for Blackburn with Darwen”***

The broader zone must include the Whalley Old Road development through a Local Plan review as required by Policy 4.

B) An Appropriate Location

It cannot be an appropriate location since it is in an area governed by Policy 4 where development is not allowed until there has been a Local Plan review.

Furthermore the site is on a congested (at peak times) country road which brings up road safety concerns. This is highlighted further on in this objection document.

The Planning Application proposes a majority of “high quality houses” in a rural setting. Gentlemen, this site is on a hill overlooking a chemical factory and large industrial estate. Not, we think, where your average executive would want to live.

C) The Growth Target

From the Application Plan: ***“The subject site presents an opportunity to deliver high quality housing in a sustainable location which will act to support the ambitions for growth in Blackburn with Darwen”***

Maybe in the future, but, at the moment the site is protected under Policy 4.

From the Application Plan: ***“There has been some delay in the delivery of housing at some of the larger urban extension sites around Blackburn and Darwen”***

This is not relevant to the application. Indeed, Paragraph 5.1 of the Planning Statement states ***“Blackburn with Darwen Council can demonstrate a housing land supply in excess of five years and local delivery of housing in excess of that required by the National Planning Policy Framework.”***

According to the Council’s 5 year Housing Supply Statement, the Council already has a 9.9 year supply of housing land when it is only expected to have a 5 year supply.

From the Application Plan: ***“It represents another component in the strategy to deliver housing at the right place”***

The housing is NOT in the right place. It is on land protected by Policy 4 where development is prohibited until there has been a Local Plan review.

From the Application Plan: ***“There have been other instances in the borough where planning permission has been granted for new housing development on land that is not allocated in order to maintain an adequate supply of housing land and to meet housing targets. One example is the hybrid planning permission for up to 450 dwellings on land designated as “countryside” at Brokenstone Road granted in 2019 (10/18/1116).”***

Just because the Council has previously breached its own policies in the past does not make it right. In fact it makes a mockery of making policies in the first place as already stated further up in this document. The justification given at that time was that the Council only had a 3.6 year supply of housing and needed 5 years supply. It is clearly not the case this time round since we know the Council, from its own figures, has a 9.9 year supply. In any case, a previous permission on the opposite side of town is immaterial to this

development which should be assessed on its own merits.

From the Application Plan: ***“Such decisions are material as they demonstrate that positive action is being taken to support growth and to ensure that housing targets are met.”***

This is simply not true. Since the Housing Supply Statement dated June 2019, an additional 450 houses at Brokenstone Road and 600 houses off Bog Height Lane have been added. Therefore the site at Whalley Old Road is not required to meet housing targets.

Again we reiterate para. 5.1 of the Application Plan: ***“Blackburn with Darwen Council can demonstrate a housing land supply in excess of five years and local delivery of housing in excess of that required by the National Planning Policy Framework.”***

The exact opposite of the argument for violating Policy 4. Are the Council meeting targets or not? The Application Plan says both!

D) Sustainable Location for Development

Not relevant!

It cannot be developed until there has been a thorough Local Plan review as mandated by Policy 4 of the Local Plan Part 2.

TRAFFIC & ROAD SAFETY CONCERNS

As referenced in SK Transport Plan (00034584.pdf) sec. 2.16, you have already identified Whalley Old Road as a busy road attracting drivers from surrounding areas who use it as a “rat-run.” we know this from experience since getting out of Bank Hey Lane South, where we live, can be a nightmare at peak times. Indeed, the peak hour AM traffic count taken in 2019 mentioned in sec. 2.15 and table 2.1 of the SK Transport Plan identifies 581 vehicles driving down Whalley Old Road to the A6119. That is almost 10 vehicles per minute!

The proposed development of 132 executive houses and 33 affordable houses (165 dwellings in total) will introduce even more vehicles onto a narrow already congested road.

We are assuming each house has an average of 2-3 cars, in line with the remarks Cllr Riley made in a recent newspaper article: ***“I would expect the new houses to be mainly executive homes - detached and semi-detached houses with three, four or five bedrooms.”*** This makes an average number of 412 additional vehicles introduced into the area. If, say, 30% go down Whalley Old Road at the peak AM hour then this represents a 21.3% increase in vehicle numbers.

SK Transport Plan sec. 6.1 states that the net impact will only be 3.07% in the AM. We fail to see how this can be possible when you are introducing 400+ vehicles into the area.

Does this low net impact assume that the Travel Plan (sec. 5.28 of SK Transport Plan) will work in full? I.E all residents car sharing or walking to all amenities.

Your estimates of walking times are inaccurate and mis-leading. The table 5.1 of SK Transport Plan gives the time to travel to Little Harwood Health Centre as 16 minutes. Using Google maps the distance is given as 1 mile which at a walking speed of 2.5 m.p.h would take 24 minutes. It will be a lot longer coming back since it is uphill all the way --- there is no substitute for local knowledge and this will impact on your Travel Plan. In any case, the amenities in Little Harwood and area are not what they used to be and this will further impact on the uptake of your Travel Plan.

This leads me to road safety. Assume, for argument's sake, the average house contains 2 parents + 2 children inline with the type of housing you are expecting. That is a total of 660 new persons in the area, some may be elderly or infirm and some children. The bottom section of Whalley Old Road up to the A6119 has cars parked on both sides of the road and this together with the increased traffic and the expectation of the new residents to walk everywhere (see your Travel Plan) is a recipe for disaster.

We assume the adoption of the Travel Plan will be a condition of granting planning permission and that you will have the resources in place to ensure it is adhered to. Will it be a condition of living on the new estate or merely voluntary?

ENVIRONMENT & IMPACT ON LOCAL SURROUNDINGS

The following is an abstract from an article published on pubmed.gov. Similar findings can be found from many sources.

“Despite growing evidence of public health benefits from urban green space there has been little longitudinal analysis. This study used panel data to explore three different hypotheses about how moving to greener or less green areas may affect mental health over time. The samples were participants in the British Household Panel Survey with mental health data (General Health Questionnaire scores) for five consecutive years, and who relocated to a different residential area between the second and third years (n = 1064; observations = 5320). Fixed-effects analyses controlled for time-invariant individual level heterogeneity and other area and individual level effects. Compared to premove mental health scores, individuals who moved to greener areas (n = 594) had significantly better mental health in all three postmove years (P = .015; P = .016; P = .008), supporting a “shifting baseline” hypothesis. Individuals who moved to less green areas (n = 470) showed significantly worse mental health in the year preceding the move (P = .031) but returned to baseline in the postmove years. Moving to greener urban areas was associated with sustained mental health improvements, suggesting that environmental policies to increase urban green space may have sustainable public health benefits.”

In short, green does us good! Once a green area has been built on it is gone for ever and we as a society are all the worse for it. Locally this bit of green you want to build on is much loved by walkers, with or without dogs. It is something we can look at as we walk or even drive past and it helps to keep us sane in this crazy world of ever increasing demands. we reiterate, once it is built on it is lost for ever!

With this proposal of 165 dwellings will come 400+ vehicles and this does not include the necessary service vehicles. This will inevitably increase local pollution and noise levels. Is this something we as a town should be doing? We are replacing a soothing green space with toxins!

As postulated above, this development will introduce 660 new persons into the area. From BwD 2011 census statistics for Little Harwood (which includes Sunny Bower, parts of Brownhill and Whitebirk) we get the following:

2001 population 6185

2011 population 6752

2020 population 7319 (calculated from 2001 & 2011 assuming a linear rise)

The introduction of 660 persons increases the population by 9% of the Little Harwood area as a whole, or, since Sunny Bower is roughly 1 third of the inhabited area, then a 27% increase locally.

Now, we don't know about you, but it takes on average 2 weeks to get a doctor's appointment and these additional persons can only make things worse. The 2 weeks becomes 3? There are only two health centres in the immediate vicinity.

Along the same lines we will have maybe 300+ children of various ages who will need educating. Are the local nurseries, schools and colleges capable of accommodating these?

We note that from your “Flood assessment & drainage strategy” (00034579.pdf) that 50% of the site is covered by hard standing. This will generate a significant amount of surface water. Will the solutions offered in your strategy be a condition of granting planning permission? As our planners it is your responsibility to see that everything in this matter is correctly in place since if it goes wrong many homes and businesses could be damaged further down the hill or even laterally and the Council will be held responsible.

WILDLIFE

As with all rural green spaces there is an abundance of wild life. Concerned neighbours have shown me pictures of deer, an owl and a red fox on the site. This development will impact on the wildlife (plants, animals and birds) as laid out in The Ecological Impact Assessment prepared by Bowland Ecology.

Para. 6.4 of the Application Plan suggests the building of habitat corridors through the site. Whilst the habitat corridors may seem like a good idea on paper, this is a relatively small area and they will bring animals, for example, foxes (which are seen on the site) into contact with the human inhabitants (or their dogs) causing a nuisance to the inhabitants as well as being a danger to the indigenous animals concerned. In the rural green spaces the wildlife should take precedence over human habitation or we are a very slippery slope.

Para. 2.6 of the Application Plan says the site is characterised by dense and scattered scrub. Scrub is an important habitat for certain species, for example, Nightingales like dense scrub punctuated with open patches also certain moth types may be found.

Para. 2.6 also states that the site contains marshy grassland and various tall vegetation. Birds of prey, such as the barn owl hunt small mammals that hide in tall grasses. As mentioned above, we have photographic evidence that barn owls visit the site.

The Ecological Impact Assessment prepared by Bowland Ecology has made several recommendations concerning habitat loss and impact on wildlife. These recommendations are designed to comply with legal requirements and national and local planning policy.

Para. 4.3 of this report states that “Habitats of Principal Importance” outside of the site boundary will be affected by the development.

Similarly, para. 4.5 says “*Areas of dense scrub and moderately species-rich semi-improved grassland located in the south-western section of the site (TN14) are of greater ecological value. Unmitigated, loss or indirect impacts to these habitats (such as dust/chemical pollution and damage to root systems), is anticipated to result in a moderate negative ecological impact.*” Para. 5.5 states that these areas should be retained.

Para. 7.13 of Policy 40 in the Local Plan Part 2 states: “*The dramatic landscape setting of Blackburn with Darwen is one of its principal assets. The visibility of open upland countryside from many parts of the urban area helps convey a sense of place, and is a factor in the attractiveness of Blackburn and Darwen as a place to live and invest. In addition the countryside is easily reached from all parts of the urban area; and once within it the open landscape creates a sense of unspoilt beauty which is highly attractive.*”

Para. 7.13 above is very true and we are proud of our countryside around Blackburn. Unfortunately the Council seems intent on driving it away from us.

CONCLUSIONS

- The development is in breach of Policy 4. The Council have tried to justify this but our arguments prove their justifications to be totally false.
- We have shown that the development is not necessary since the Council have more than enough land to meet their 5 years needs, in fact we have shown they have 9.9 years+
- The increase in traffic caused by the development when it is fully occupied will further congest an already busy road putting both the existing and the new residents in danger. We do not believe your Travel Plan will in any way alleviate this.
- There will be an increase in pollution locally affecting in particular elderly, infirm and children.

- We have shown that the infrastructure (GP's & schools etc) will not be able to cope with the population increase locally.
- There may or may not be a flood risk depending on whether the developers follow your flood mitigating instructions and if those mitigations are sound in practice.
- There will inevitably be a loss of wildlife and habitat both on and off the site as a result of this development.
- We have demonstrated that the loss of green open space is not good for us. Reduction of green space in our area. Lack of green spaces leads to higher air temperatures and more ground level ozone, with fewer trees and plants to clean the air and provide oxygen.

The development should NOT be approved.

Objection – Mr Abdulrauf Parkar, 1 Rowan Close, Blackburn. Rec – 24/08/2020

Good Morning,

I am writing with regards to the proposed planning on Whalley Old Road (Ref: 10/20/0716) which I totally object to.

I have several concerns about this proposal of which some are highlighted below:

1. The traffic on Whalley Old Road is already an existing problem with congestions during peak hours causing long delays. Nearby residents that live off Whalley Old Road have a lot of difficulty joining the road whether they commuting to work or doing a school run. The development will add to this considerably by up to 500 or more cars.
2. The safety of pedestrians and road users is a concern with there being parked cars on both sides of Whalley Old Road. The increased number of vehicles that the development brings will cause further safety problems.
3. The area for proposal is a natural habitat for an array of wildlife and plants and is considered an area of natural beauty. I am concerned that the development will have a negative impact on the wildlife and plants.
4. The development will also have a negative impact on people who use it for walks. The current situation with Covid 19 has meant that many peoples mental health has suffered and this green area has served as a sanctuary for those people. If the development goes ahead, that is lost forever.

Objection – Philip Holden, 16 Cunliffe Close, Blackburn. Rec – 24/08/2020

Dear Sirs,

I am writing to you to express my objection to the above planning application, which involves the proposed building of 165 new houses on land to the south of Whalley Old Rd.

My objections include :

1] The land is protected under Policy 4 which means the land can only be released for development after the current local plan ends, which I believe is not until 2026. Any proposal to build before that period would be a violation of that policy.

2} The size of the development means we would have an estimated 600 + new people in the area with only one main thoroughfare (Whalley Old Rd), which is already an extremely busy road. This would make traffic issues intolerable for local residents.

3) The proposed development site is in an area that has been a site of previous surface coal mines and quarries, this could in turn lead to localised flooding after building.

4) There is no allowance for a pavement or overflow parking around the development , which could lead to vehicles parking on Whalley Old Rd. causing a significant traffic hazard. The local infrastructure will not cope with the large number of vehicles and people generated by this development.

5) The natural beauty of this site and the surrounding countryside would have a serious effect on local wildlife, both plants and animals if this development was to go ahead. It is one of the few remaining parts of Blackburn to retain its natural beauty and the reason many people (including myself) chose to live here.

In conclusion, I would also like to register a formal complaint against the development and hope that mine and the many other objections you no doubt will receive, will be taken seriously.

I will also be forwarding a copy of this e-mail to Kate Hollern to let her know of my objection to this proposal.

Objection – Russell Howard. Rec – 25/08/2020

Dear Sir or Madam,

I would like to raise an objection to the proposed housing development at Sunny bower/ Whalley old Rd.

1: The development contravenes The Housing Land Position Statement 2018-2028 for the amount of houses built.

And contravenes Policy 4

2: I am concerned about the affect the development will have on wildlife and the loss of trees

3: The impact on my and others health due to increased car pollution due to the fact no local facility's exist for people to walk or cycle too and from. This would mean an extra 2-3 cars per household with visitors. This development will have a negative affect on schools and Doctors Surgery and parking in the local area.

4 The development is not in keeping with the area within its style and design.

5: The position of the development as wholly unsuitable built on land that is filled with asbestos and other waste over looking a chemical factory.

6: If approved this would create a precedent making it hard to object to other developments.

Objection Diana & Jong Grayston. Rec – 25/08/2020

I am writing with deep concern regarding the plans for 165 to be built at Sunnybower, our main concern is the traffic by 6pm there is no parking on our road, the amount of traffic up and down the Road is a hazard already, the safety aspect is worrying to say the least.

The layout and the amount of houses to be built, is inappropriate for the size of the area and will take away all grass area for the local children to play on, the local children will miss out on outside areas to play and with the amount of extra traffic will not be able to be on the Streets.

I look forward to hearing from you regarding this, and will be taking this further if no action is taken.

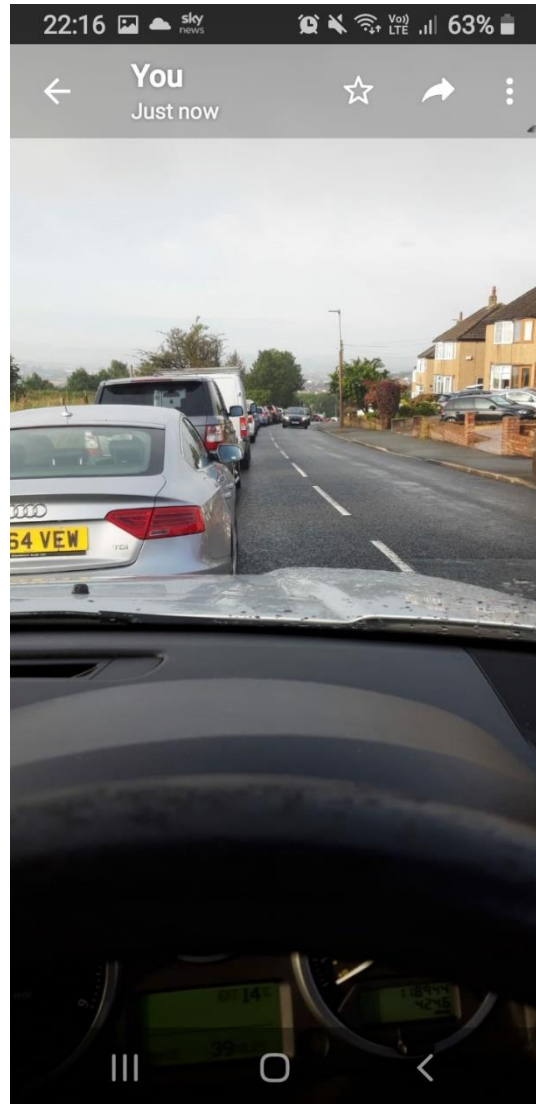
Objection from Kathryn Crossley, Cunliffe Farm, Whalley Old Road, Rec. 25.08.2020

I live with my husband at Cunliffe Farm, Whalley old Rd Sunnybower Bb14aa. We moved in March 19 and were attracted to the peace and countryside. My objections to the development of 165 houses are as follows.

1. I work as a GP practice nurse in Blackburn and know that our practice and many others incl Little harwood and Brownhill are over populated with patients and shortage of GP s is a national problem.
2. The wildlife in the area will severley be affected. I regularly walk my 4 dogs in the fields and come accross deer and have seen newts and bats also.
3. The traffic is extremely busy along the main rd, being the main route for people from Ribble Valley and Rishton, Gt Harwood. See attached pic taken last sept at "rush hour" I do hope these 2 points will be taken into consideration



Regards Kathryn Crossley (Mrs.)



Objection from Razina Bahadur Rec 25.08.2020

In regards to the above application at South of whalley old road.

I am a resident on whalley old road and have been here for 18 years now.

I would like to object the planning permission of the above which would mean more cars and the road will get busier with the traffic flowing from everywhere.

That land is used by most residents for walks with their kids and dogs.

It will take the greenery away from all residents living opposite.

There are more elderly living near there who have been there for years. They like the peace and quiet bur with these houses being built this will all be gone .

Please reconsider the application.

Thank you

Objection from Jaffer Hussain, 421 Whalley Old Road, Blackburn, Rec 25.08.2020

Hi,

I purchased this property just over 12 months ago and moved into the house in December 2019. The main reason for purchasing the property was due to the location/peace and tranquillity the area provides. Hearing about this new development plan has shaken myself and the family members.

I would like to strongly object the development plans on Whalley Old Road, below are some of the reasons why:-

Traffic – Will up to 165 dwellings on the plan, the amount of local pollution and traffic will be greatly increased.

At the moment there are cars constantly speeding down the hill (No speed bumps) and cars parked on both sides of the road, it's only a matter of time before someone is hit, this will be a lot more likely with more people moving into the area.

Strain on current services – Currently there is already a high demand and waiting lists for schools/ doctors etc, this will only make the situation worse and make it more difficult for existing children in the area to get a place in the local school.

Wildlife – Whilst living in the area I have seen owls, deer and foxes on many occasions, destroying one of the only greenery places left in the area will only put a strain on these animals who will lose their homes/food etc. Not to mention the loss of a beautiful view for all residents in the area.

Location – The site is close to a landfill site therefore causing a risk of methane gas. The area is already lacking local shops and businesses, another 165 families moving into the area will only make this worse, making people travel via car to do shopping frequently.

There are many more issues and problems with the new plans for the development which I can mention if needed in the future or if required.

Please do not hesitate to contact me.

Thank you,

Jaffer Hussain

Objection from Mr Frank Walsh, 10 Cunliffe Close, Sunnybower, Rec 26.08.2020

FAO Martin Kelly

This email has been sent on behalf of Mr Frank Walsh

10 Cunliffe Close

Sunny Bower

Tel 01254 580744

1 congestion of traffic on Whalley old road at least another 200 cars

2 Wildlife

3 more pressure at Little Harwood Health Centre

4 it was classed as a green belt only a few years ago

Regards Mr Frank Walsh

Objection from Jason A Teal, Rec 27.08.2020

Dear Sirs

Thank you for your letter advising us of the proposed development case number 10/20/0716

We would like to **object** to the proposed development on the following grounds

Noise complaints from nearby residents

Security light complaints

Out of hours access complaints

Security concerns in relation to people accessing our site from the rear (from the proposed development)

Not sure how the changes will affect the risk of flooding

The development may place restrictions on how we can develop or use our site in the future

Our normal hours of business operation are 0730 to 1730 Monday to Friday, but we do occasionally work extended hours (0500 to 2200), over 7 days

Please can you keep me informed in relation to this matter via email to the address above

If you require any further information, please do not hesitate to contact me

Objection from Enid Duckworth, 14 Sunnybower Close, Blackburn, Rec 27.08.2020

I would like to register a formal complaint re the above project and set out my objections below:-

1. Road congestion

20 years ago when I worked full time, there were problems getting out of Sunny Bower Rd onto Whalley Old Rd at peak periods. It appears that traffic has increased threefold since then. With 165 dwellings I predict at least 80 cars more trying to get onto the dual carriageway?

2. Environment

The land on which the proposed dwellings would occupy is at present a beautiful haven for wild flowers etc thus helping to cancel out the negative impact of the industrial estate with its foul smelling pet food and chemical works.

I have lived in Sunny Bower for 48 years and the encroachment of industry and traffic load has been very disappointing. A couple of years ago I had to make a formal complaint regarding a strong smell of varnish or toxic substance which affected my speech as I chatted to a neighbour outside. This impediment gradually wore off over a few days. The incident was investigated and no blame was found. Since then I have noticed a sticky substance on the velux roof window vent at the rear of my bungalow and rainwater beading on my Windows. I presume both these are due to chemical processes on the industrial estate.

165 dwellings here will not improve matters but will impoverish the area and reduce the quality of our life. When I came to live here I relished the thought of retirement; living on the edge of Blackburn, being able to walk in the fields and up the road to the New Inns. In actual fact, most footpaths are now fenced off and walking on the roadside is very unpleasant with fast moving traffic and litter in the grass.

I know more houses are needed, and there are always builders who are ready to make money on such schemes. But I would ask the Council to "take a walk on the Wild Side", consider the impact the project will have on the environment as well as the lives of inhabitants, many of whom paid exorbitant housing rates for many years and now find themselves trapped between housing estates and industrial estates.

If you got to the end of this email, I thank you for bearing with me.

Enid Duckworth 14 Sunny Bower Close.

Objection from Ms Janette Thorne, 20 Stonehill Drive, Sunnybower, Blackburn, Rec 27.08.2020

Dear Sir,

As a long-term resident of Sunny Bower living in the last development (I think) that took place on the estate (1982-84) I feel I must respond to this unwelcome news: the 'whispers' have been circulating for over 3 years so I must assume this issue is by now "in the bag" never the less I need to take the opportunity to put forward reasons why this location is ill advised.

- (1) This land is an area of unimproved acid pasture which has grown areas of natural regenerated scrub, an increasingly uncommon environment which should be regarded as precious in the concrete jungle we now live in.
 - (2) Your letter does not specify the type of dwelling houses so I assume they will be "family houses" with all that this will bring usually mostly negative.
 - (3) The question then arises where will this "keeping the construction industry happy" exercise end? There are no amenities in this area so the next thing will be demand for amenities and therefore further development.
 - (4) The vexing question of the ever increasing traffic pressure to the ring road i.e. 10 sets of traffic lights not counting the nightmare which Whitebirk and Brownhill roundabouts have become including their breeding traffic lights. This has significantly impacted on the use of Whalley Old Road and therefore the residents of Sunny Bower for whom this road is the only access/exit route for the estate:-
 - heavy traffic flow AM/PM at peak periods
 - seemingly never ending road works affecting all above mentioned points
 - the apparent ignorance of what the function of Whalley Old Road actually is: this was beautifully demonstrated just over three years ago when the road was closed without warning: I challenged one of the contractors (Kays) whose response was "well it's only a backroad" indicating he had not been fully informed plus the lack of knowledge from the people whose job it was to inform him.
-
- Not only is it the only access/exit route to the estate unless a 4 or 5 mile scenic detour is undertaken the current congestion is due to it being used as a "rat run" by Ribble Valley/Great Harwood residents and delivery drivers, all in my opinion, to avoid the traffic complexes mentioned previously. What this means for residents are problems getting out of the estate especially 07:30-09:00 approximately, from 1600onwards (in normal times): I have seen traffic backed up to York Village.
 - it begs the question where is all the extra traffic this development will generate going to access/exit "their" estate: and indeed just how much more traffic are residents expected to suffer.

What I have described is what happens on the ground every day not projections from computer models. This area of Blackburn is "full up" with traffic it does not need the increase this development will create.

Yours Faithfully

Objection from JJ Nutter, Rec 27.08.2020

The proposals for more housing in Sunny will cause more traffic on Whalley Old Road and more disruption at peak times at the junctions with Whitebirk Road.

These roads are already choc a block at busy periods and there have already been accidents there.

Please do not allow more housing to be built there.

Objection from Michael Roger Bagnall and Dorothy Ann Bagnall (Severely sight impaired so is unable to write personally), 52 Cunliffe Close, Sunnybower, Blackburn, Rec 28.08.2020

Dear sir / Madam

I am writing concerning the proposed outline planning application REFERENCE: 10/20/0716 for The land adjacent Whalley old road for a proposed 165 dwellings.

I would object on the following grounds.

1. I understand that this application is contravening national Local Govt policy 4.

a) This land cannot be developed until 2026 when the local review has been fulfilled.

b) The land maybe protected under policy 4 so no new plans can be accepted until the local policy ends.

c) A local review of the plan needs to be carried out.

2. This development would not be in keeping with the current housing style. It is not on land suited to this type of development and is overlooking an Industrial estate. The land has been used as a local amenity and has provided a safe place to walk and enjoy fresh air especially during the COVID 19 lock down.

3. An additional 165 dwellings would put a strain on local resources, Schools, Doctors and service utilities. Currently water pressure at the top of Cunliffe close is so low 2 taps cannot be run at the same time. There is also the extra traffic involved which would be an additional burden for an over used Whalley Old Road. The number of cars parked on Whalley Old Road already cause problems with accessing the road from side roads and so many extra vehicles accessing the road from the new development would provide and facilitate many possible accidents. There will also be an increase in the number of vehicles making deliveries again facilitating an environment for accidents.

4. By violating Policy 4 then the council would set a precedent in overriding their own policy then in future any scrap of land is vulnerable to development. When the council has spent time and council tax payers money developing a policy this is making a mockery of a developed policy criteria.

5. Is this site not protected by Policy 4 Part 2? This part does not allow piecemeal development. This then removes and compromises ,prospect future long term development

6. Environmental impact.

a) Those of us with severe lung deficiency will be affected by additional air pollution. It can be difficult to avoid fuel pollution I notice a change when the Nursery is busy with cars driving in and out at busy times. What is it going to be like with and additional 165 to 300 more cars using this country road.

b) When we purchased our home in 2008 we were informed there was an old landfill site nearby and old quarry and mineral mining in the area. It may be possible that this development this land may produce further environment complications.

7. So far I have mentioned the impact on humans. I am also concerned about the wildlife in the area. We regularly have Deer, foxes, Squirrels roaming wild. There is also a Barn owl, Bats and other birds of prey feeding themselves from mice rabbits and other small animals in the fields adjacent Whalley Old Road.

I trust you will take our observations and objections seriously and recommend refusal of this outline planning application.

Yours sincerely

Objection from Stephen Atherton, 48 Cunliffe Close, Rec 28.08.2020

I am writing to express my concerns and objections over the propose development on South of Whalley Old Road.

1. The idea of building an additional 165 houses in this area is frankly absurd when the road traffic infrastructure barely copes with the existing traffic using the dual carriageway from Whitebirk Roundabout turning right into Whalley Old Road as it is. At peak times, it can take up to 35 minutes to make this journey already. With an additional 165 houses and a potential additional 300 cars, (although given the nature of the high specification houses proposed, it wouldn't be unreasonable to suggest there may be more than 2 cars per household), this would greatly increase traffic flow in this area, along with increase in both noise and exhaust pollution.

Even with the most recent improvements made to the junction at the dual carriage way intersection, the peak time queues on Whalley Old Road trying to access the dual carriageway can see traffic backed up right to the top of the hill. Again, with an additional 300 cars trying to exit the proposed housing area this will increase the waiting times to access the dual carriage way.

The access using a car to the single traffic dirt road leading to Stonehill Garden Nursery off Whalley Old Road is already challenging, even when the roads are quiet as there is little or no visibility when exiting. The increase in traffic on Whalley Old Road will only make this worse.

Should everyone who currently lives on Whalley Old Road express their right of parking their cars on the road outside their house instead of on driveways etc, this would make it impossible to have constant 2 way traffic on Whalley Old Road due to the width of the road. The proposal of adding an additional potential of 300 plus cars travelling this road on a daily basis assumes that people will continue to park their cars on driveways. Should this not be the case access to and from the proposed housing development will be very difficult. Not to mention the difficulty in being able to develop the area using construction equipment and traffic.

2. The proposed housing is not in keeping with the rest of the houses in the area. In addition, the proposal to build high specification housing overlooking a chemical plant and industrial area actually beggars belief. Who in their right mind is going to spend their hard earned money to have the view and noise of an industrial area next to their house?

3. The loss of this land will have a massive impact on the local community that currently spend quite a lot of time using it for recreation, relaxation and wild life watching.

4. Local infrastructure: There are no local amenities near the proposed housing site, which will mean each household will need to drive to access them. In addition the extra population will have an impact on local doctors surgeries and schools. There will be an increase in council traffic of refuse collection and buses to the area, creating yet more traffic.

5. Under the proposal to remove the current recreational area and replace it with 165 dwellings with a mix of 1 to 4 bedroom houses this could be 600 plus new individuals to the immediate area. I can't see any provisions being made to replace the current green area to cope with this increase and provide additional green areas for recreational use.

In general I believe this to be a very poor thought out application based on the proposed location and will have a negative impact on the local area, rather than making a positive contribution as required under Policy 11 of the Local Plan Part Two.

Sincerely

Objection from Ian Kent, Oakwood Avenue, Blackburn, Rec 28.08.2020

Good Afternoon,

With reference to your letter dated 12th August regarding the planned residential development at the land to the South of Whalley Old Road Blackburn.

We live on Oakwood Avenue, Sunny Bower, and have lived here for 35 years. During that time, we have seen a steady increase in the volume of traffic on Whalley Old Road with cars travelling at dangerously high speeds.

The traffic at peak times is extremely heavy and can back right up from the lights on the main road to the Indian Restaurant at the top of the hill. This planned dwelling of 165 houses will significantly increase the volume of traffic in the area.

The proposed development site provides one of the few remaining green spaces in the area and we feel strongly that this proposal will significantly impact on the quality of life for local residents.

Also this development will significantly impact local amenities such as schools.

We hope these objections will be taken into consideration.

Kind regards,

Ian Kent and Catherine Catley

Objection from Derek & Jean Entwistle, 33 Sunnybower Road, Blackburn Rec 28.08.2020

Objections to Outline Planning 165 New Homes.

from Derek and Jean Entwistle. 33 Sunnybower Rd

2020 marks our 50th year residency at Sunny Bower.

The large escalation of vehicular traffic has been significant in recent years.

A6119 is an arterial/dual carriageway more suited to such change BUT Whalley Old Rd is acting as a feeder to every neighbouring ward/town within a 20 mile radius.

These routes + M65 access, various industrial estates/retail parks + Blackburn itself cause 2 directional flow serious problems.

The 30mph speed limit between garden centre and traffic lights is commonly abused, with parking on uneven pavements making walking (taking exercise) a challenge.

165 new homes may spawn 300+ more vehicles,

daily commuting + deliveries/service vehicles

is there a plan to upgrade Whalley Old Rd

install traffic controls

provide public transport

increase health care capacity

increase school capacity

all of which must be part of project

any effort to bypass the

LOCAL PLAN REVIEW CURRENT TO 2026

NEEDS to be immediately CHALLENGED

Objection from Peter Thompson, 35 Bank Hey Lane South, Blackburn Rec 01.09.2020

For The Attention Of Martin Kenny

Dear Sir,

I object strongly to the proposed residential development of up to 165 dwellings on the vacant land situated to the south of Whalley Old Road.

This development would serve to destroy the character of the area and add considerably to the volume of traffic on the particular stretch of Whalley Old Road where the new houses would be situated. Indeed, the volume of traffic is already considerable, particularly at peak times and to add to this, would result in increased traffic congestion and delays for daily commuters. There is also the distinct possibility of an increase in traffic leading to an increase in accidents and injuries.

Yours faithfully,

Peter Thompson

Objection from Kath Black, 508 Whalley Old Road, Sunnybower, Blackburn, Rec 01.09.2020

To Planning Department,

We would like further information about the proposed planning application, 10/20/0716. Our property borders the proposed development.

We have read through the planning application documents and would like to know more about the section of land immediately to the right of our property, this is currently a steep gradient containing dense shrubbery and trees. This section runs up towards the side field where houses and a footpath are outlined. We would like to know if this section of fauna will remain as it serves 2 important roles, privacy, and security.

Would the new development be built at the top of this gradient or would the land be levelled out as a continuation of Whalley Old Road and if the land were levelled out would the fauna also disappear?

The tree report documents (pages 17 and 23) that the cluster of trees, G1, are **proposed** to be retained, alongside H1 (page 19). As stated above this area offers a lot of protection and privacy to our property. We cannot be accessed or overlooked from the existing footpath on this field. In the 19+ years we have lived here this has been a habitat for animals, we feed a wide array of birds, we see bats in the early evening, there have been foxes and deer in the garden. We have purposely allowed the trees to mature and planted more trees and hedging around the perimeter of our property. This provides security and privacy; it also minimises the noise from the busy road as well as providing a habitat for wildlife. The planning details provide insufficient information about this piece of land.

I know the proposal indicates a continuous path to run parallel to our property and then drop down to the field behind. How close to our property is this path and

how far from the borderline are the houses and gardens?

I appreciate at this stage you have not got an actual developer to provide a more detailed map and information. However, I would expect that our concerns are raised and answered, as much as possible by yourselves and then by the proposed developer.

Regards

Objection from Sarah Needham, 93 Stone Hill Drive, Blackburn, Rec 01.09.2020

I wish to submit my objection to the above proposed development off Whalley Old Road, Sunnybower. REFERENCE 10/20/0716

The proposed housing estate development, in its current proposed state, would be extremely detrimental to the area as a whole. The land that this estate will be situated is currently a beautiful area of green belt land which is a haven to local wild life, badgers, rabbits, birds, bats and even on occasion some deer. The loss of this habitat would be damaging to the environment and also a great loss to the surrounding residents that enjoy this currently.

There is concern that the land, as it is bordered by a chemical factory, and various other manufacturing premises including two pet food factory sites, may contain higher levels of chemical infusion than would necessarily be considered safe for people to live on. Certainly the odour from such factories would be unpleasant at best and unbearable at worst for any proposed residents.

The size of the proposed area is disproportionate to the existing dwellings, a development of this size would look out of place and the loss of this current open area would impact significantly on current residents well being.

There are 165 dwellings proposed on the first phase of this project, the huge increase in traffic and exhaust fumes would create a negative environment, on which is an already busy main road. The estate would have two access points onto Whalley Old Road, this Road is not only used by the residents of Sunnybower, but serves as access to Blackburn and the surrounding infrastructure by residents as far away as Whalley and Clitheroe, to add such large numbers of extra traffic especially at peak times would be horrendous and have a significantly detrimental effect on day to day life for current residents. Some of the houses on the proposed development will be four bedroom if, as a conservative estimate, you assume two cars per household - and some may even be double - you are looking to introduce at least 330 extra vehicles, with all the parking, traffic violations, and extra pollution this will bring. The plans include a measure of traffic calming further up Whalley Old Road but will be no means negate the risk that this amount of extra traffic will bring. As there are no shopping amenities within easy walking distance, people will have no option but to drive. There is a bus service but the times are quite irregular and, as it is a privately run service, may be withdrawn at any time as the council withdrew their service a few years ago.

The schools in the surrounding area are already oversubscribed and there seems to be no plans to review this, how are people expected to get their children into a local school? The same issues apply to the local GP surgeries, it is very difficult already to get an appointment as the services are overstretched and unable to adequately service the residents that already live in the area.

Lastly, the fact that Blackburn with Darwen Borough Council seem to be violating their own policies by supporting this development is huge cause for concern. Under policy 4 this land is currently protected and should not even be being considered for development until said plan ends. The council seem to be disregarding this point.

I wish to lodge a formal stage 1 complaint regarding this issue, and would like clarification that your response to said complaint will be ready ahead of any plan in decision made.

Regards
Sarah Needham

Objection from S Farran, 112 Stone Hill Drive, Blackburn, Rec 01.09.2020

Dear Sir,

I am writing to you, in objection to the Development of dwellings on Whalley Old Road. Regarding the size of Development, traffic, and green land wasted.

Objection from Frank Meadows, Oakwood Avenue, Blackburn, Rec 01.09.2020

Dear Mr Kenny

I wish to object in the strongest terms to the plan of building homes on land at the South end of Whalley new road. For the reasons of.,

1, Congestion,

Even though an upgrade to the junction at the bottom of Whalley new road has been completed, an increase in traffic congestion at busy times will occur, if the development goes ahead. The new filter system will lead to drivers taking risks at such times and may lead to an increase in accidents.

2, Water run off.

On August the 25th of this year we had heavy, though not uncommon rain in this area which turned Whalley new road in to a river. A delivery driver described the road as a waterfall. The water ran down Whalley new road, across the dual carriageway and on towards little Harwood, at a depth hazardous to traffic. Building on the land proposed and covering this essential soak away which protects little Harwood can only increase the danger to traffic and the little Harwood area from flooding.

This can be easily investigated by your department, by simply going to the area when it's been raining heavily for several hours. It's there for you to see.

3, Habitat.

I have been using this area for recreational purposes for over 20 years and have noted. Deer, fox, hedge hogs and ground nesting birds, plus little owls and hawks feeding from it. It is, a desperately needed haven for flora, fauna and humans such as yourself and your family.

4, houses are surplus to requirements.

According to a government report in 2019, there were 2,717, empty houses in Blackburn. Building more homes on top of those already under construction must inevitably lead to their being more empty homes in Blackburn with resulting costs falling upon the council and tax payers.

Even if the 165 new homes sell, the people who buy them will mostly come from existing houses in Blackburn. Leading to the potential result of the doughnut effect which has been suffered by many cities already. You can simply investigate this by researching Hartlepool for example.

5, Lack of amenities,

Poor to no public transport. The last bus from Blackburn town centre leaves at 17.15. Monday to Friday. And on Saturday and Sunday there is no public transport at all, leading to the need for people to drive into the town centre if they wish to leave it after 17.15 or they need to go into town on a Saturday or Sunday, increasing congestion and air pollution.

On the above points I object to the building of these 165 houses. I hope and trust they will be taken into consideration.

Yours

Frank Meadows

Objection from Mike Bagnall, 52 Cunliffe Close, Blackburn, Rec 01.09.2020

Dear sir / Madam

I am writing concerning the proposed outline planning application REFERENCE: 10/20/0716 for The land adjacent Whalley old road for a proposed 165 dwellings.

I would object on the following grounds.

1. I understand that this application is contravening national Local Govt policy 4.
 - a) This land cannot be developed until 2026 when the local review has been fulfilled.
 - b) The land maybe protected under policy 4 so no new plans can be accepted until the local policy ends.
 - c) A local review of the plan needs to be carried out.
2. This development would not be in keeping with the current housing style. It is not on land suited to this type of development and is overlooking an Industrial estate. The land has been used as a local amenity and has provided a safe place to walk and enjoy fresh air especially during the COVID 19 lock down.
3. An additional 165 dwellings would put a strain on local resources, Schools, Doctors and service utilities. Currently water pressure at the top of Cunliffe close is so low 2 taps cannot be run at the same time. There is also the extra traffic involved which would be an additional burden for an over used Whalley Old Road. The number of cars parked on Whalley Old Road already cause problems with accessing the road from side roads and so many extra vehicles accessing the road from the new development would provide and facilitate many possible accidents. There will also be an increase in the number of vehicles making deliveries again facilitating an environment for accidents.

4. By violating Policy 4 then the council would set a precedent in overriding their own policy then in future any scrap of land is vulnerable to development. When the council has spent time and council tax payers money developing a policy this is making a mockery of a developed policy criteria.

5. Is this site not protected by Policy 4 Part 2? This part does not allow piecemeal development. This then removes and compromises ,prospect future long term development

6. Environmental impact.

a) Those of us with severe lung deficiency will be affected by additional air pollution. It can be difficult to avoid fuel pollution I notice a change when the Nursery is busy with cars driving in and out at busy times. What is it going to be like with and additional 165 to 300 more cars using this country road.

b) When we purchased our home in 2008 we were informed there was an old landfill site nearby and old quarry and mineral mining in the area. It may be possible that this development this land may produce further environment complications.

7. So far I have mentioned the impact on humans. I am also concerned about the wildlife in the area. We regularly have Deer, foxes, Squirrels roaming wild. There is also a Barn owl, Bats and other birds of prey feeding themselves from mice rabbits and other small animals in the fields adjacent Whalley Old Road.

I trust you will take our observations and objections seriously and recommend refusal of this outline planning application.

Yours sincerely

Michael Roger Bagnall

and

Dorothy Ann Bagnall (Severely sight impaired so is unable to write personally).

Objection from Mr Faizal Mahmed, 459 Whalley Old Road, Blackburn, Rec 30.08.2020

Dear Mr Prescott,

I am writing this email to object to the planning application for 165 houses on Whalley Old Road (WOR) in Sunnybower.

I reside at 459 WOR.

My first grounds for objection is to do with traffic safety. 165 new households would increase traffic congestion on WOR massively. This section on WOR is already busy during peak hours with speeding vehicles as there are no traffic controls on this section of WOR. The risk of accidents would go up due to the increase in traffic volume and lack of speed controls.

The other grounds for objection is to do with 'Blackburn Chemicals' factory on Whitebirk industrial estate. They have bright security lights on during the night and they also generate noise day and night. I notice both these things however due to the distance of my home i can live with it. Residents on the proposed site would be alot nearer to the factory.

Therefore I predict the 165 new residents (who will be alot closer to Blackburn Chemicals than me) will complain to the council about the lights and noise at night. This will lead to conflict between residents and the factory and could lead to Blackburn Chemicals closing down or moving out of the area.

Your sincerely

Mr Faizal Mahmed.

Objection from 48 Cunliffe Close, Blackburn, Rec 01.09.2020

Dear Sir,

For attention of Mr. Martin Kelly.

We are writing re the circular dated 4th August 2020, received recently regarding the proposed building of 165 houses just off Whalley Old Rd.

We have lived in this house since it was built by Northern Estates, fifty two years ago!

We have seen the traffic on Whalley Old Road increase until now it is a major problem to access the road early morning, due to the traffic coming down to join the dual carriageway. How these extra cars are going to access that is not stated in your letter.

We need less traffic not more and we therefore object strongly to this "Growth and Development".

We are therefore 100% against it!

Yours sincerely,

Objection from Adam Patel, 437 Whalley Old Road, Sunnybower, Blackburn, Rec 01.09.2020

REFERENCE: 10/20/0716 – Objection to the proposed development identified for Whalley Old Road, Sunnybower Blackburn

To BwD Planning Department,

I am writing this correspondence to strongly object to the proposed development on Whalley Old Road.

In my reasons stated below I have used the Council own figures and quotes from the Councils planning reports.

TRAFFIC & ROAD SAFETY CONCERNS

As referenced in SK Transport Plan (00034584.pdf) sec. 2.16, you have already identified Whalley Old Road as a busy road attracting drivers from surrounding areas who use it as a “rat-run.” I know this from experience as I live on the road, it can be a nightmare at peak times. Indeed, the peak hour AM traffic count taken in 2019 mentioned in sec. 2.15 and table 2.1 of the SK Transport Plan identifies 581 vehicles driving down Whalley Old Road to the A6119. That is almost 10 vehicles per minute!

The proposed development of 165 dwellings will introduce even more vehicles onto a narrow already congested road.

I am assuming each house has an average of 2-3 cars, in line with the remarks Cllr Riley made in a recent newspaper article: ***“I would expect the new houses to be mainly executive homes - detached and semi-detached houses with three, four or five bedrooms.”*** This makes an average number of 412 additional vehicles introduced into the area. If, say, 30% go down Whalley Old Road at the peak AM hour then this represents a 21.3% increase in vehicle numbers.

SK Transport Plan sec. 6.1 states that the net impact will only be 3.07% in the AM. I fail to see how this can be possible when you are introducing 400+ vehicles into the area.

Road safety – Making the assumption the average house contains 2 parents + 2 children inline with the type of housing that is being proposed. That is a total of 660 new persons in the area, some may be elderly or infirm and some children. The bottom section of Whalley Old Road up to the A6119 has cars parked on both sides of the road and this together with the increased traffic and the expectation of the new residents to walk everywhere (see your Travel Plan) is a recipe for disaster.

I assume the adoption of the Travel Plan will be a condition of granting planning permission and that you will have the resources in place to ensure it is adhered to. Will it be a condition of living on the new estate or merely voluntary?

WILDLIFE

Myself and other concerned neighbours have photographs of deer, an owl and a red fox on the site. This development will impact on the wildlife (plants, animals and birds) as laid out in The Ecological Impact Assessment prepared by Bowland Ecology.

Para. 6.4 of the Application Plan suggests the building of habitat corridors through the site. Whilst the habitat corridors may seem like a good idea on paper, this is a relatively small area and they will bring animals, for example, foxes (which are seen on the site) into contact with the human inhabitants (or their dogs) causing a nuisance to the inhabitants as well as being a danger to the indigenous animals concerned.

Para. 2.6 of the Application Plan says the site is characterised by dense and scattered scrub. Scrub is an important habitat for certain species, for example, Nightingales like dense scrub punctuated with open patches also certain moth types may be found.

Para. 2.6 also states that the site contains marshy grassland and various tall vegetation. Birds of prey, such as the barn owl hunt small mammals that hide in tall grasses. Neighbours on my street have photographic evidence that barn owls visit the site.

The Ecological Impact Assessment prepared by Bowland Ecology has made several recommendations concerning habitat loss and impact on wild life. These recommendations are designed to comply with legal requirements and national and local planning policy. Para. 4.3 of this report states that "Habitats of Principal Importance" outside of the site boundary will be affected by the development.

Similarly, para. 4.5 says ***"Areas of dense scrub and moderately species-rich semi-improved grassland located in the south-western section of the site (TN14) are of greater ecological value. Unmitigated, loss or indirect impacts to these habitats (such as dust/chemical pollution and damage to root systems), is anticipated to result in a moderate negative ecological impact."*** Para. 5.5 states that these areas should be retained.

Para. 7.13 of Policy 40 in the Local Plan Part 2 states: ***"The dramatic landscape setting of Blackburn with Darwen is one of its principal assets. The visibility of open upland countryside from many parts of the urban area helps convey a sense of place, and is a factor in the attractiveness of Blackburn and Darwen as a place to live and invest. In addition the countryside is easily reached from all parts of the urban area; and once within it the open landscape creates a sense of unspoilt beauty which is highly attractive."***

Para. 7.13 above is very true and I am proud of our countryside around Blackburn. Unfortunately the Council seems intent on driving it away from us.

ENVIRONMENT & IMPACT ON LOCAL SURROUNDINGS

The following is an abstract from an article published on pubmed.gov. Similar findings can be found from many sources.

"Despite growing evidence of public health benefits from urban green space there has been little longitudinal analysis. This study used panel data to explore three different hypotheses about how moving to greener or less green areas may affect mental health over time. The samples were participants in the British Household Panel Survey with mental health data (General Health Questionnaire scores) for five consecutive years, and who relocated to a different residential area between the second and third years (n = 1064; observations = 5320). Fixed-effects analyses controlled for time-invariant individual level heterogeneity and other area and individual level effects. Compared to premove mental health scores, individuals who moved to greener areas (n = 594) had significantly better mental health in all three postmove years (P = .015; P = .016; P = .008), supporting a "shifting baseline" hypothesis. Individuals who moved to less green areas (n = 470) showed significantly worse mental health in the year preceding the move (P = .031) but returned to baseline in the postmove years. Moving to greener urban areas was associated with sustained mental health improvements, suggesting that environmental policies to increase urban green space may have sustainable public health benefits."

Locally this bit of green you want to build on is much loved by walkers, with or without dogs. It is something we can look at as we walk or even drive past and it helps to keep us sane in this crazy world of ever increasing demands, once it is built on it is lost for ever.

With this proposal of 165 dwellings will come 400+ vehicles and this does not include the necessary service vehicles. This will inevitably increase local pollution and noise levels. Is this something we as a town should be doing? We are replacing a soothing green space with toxins.

As postulated above, this development will introduce 660 new persons into the area. From BwD 2011 census statistics for Little Harwood (which includes Sunny Bower, parts of Brownhill and Whitebirk) we get the following:

2001 population 6185

2011 population 6752

2020 population 7319 (calculated from 2001 & 2011 assuming a linear rise)

The introduction of 660 persons increases the population by 9% of the Little Harwood area as a whole, or, since Sunny Bower is roughly 1 third of the inhabited area, then a 27% increase locally. Now, I don't know about you, but it takes on average 2 weeks to get a doctors appointment and these additional persons can only make things worse. The 2 weeks becomes 3? There are only two health centres in the immediate vicinity.

Along the same lines we will have maybe 300+ children of various ages who will need educating. Are the local nurseries, schools and colleges capable of accommodating these?

I note that from your "Flood assessment & drainage strategy" (00034579.pdf) that 50% of the site is covered by hard standing. This will generate a significant amount of surface water. Will the solutions offered in your strategy be a condition of granting planning permission? As our planners it is your responsibility to see that everything in this matter is correctly in place since if it goes wrong many homes and businesses could be damaged further down the hill or even laterally and the Council will be held responsible.

THE PROPOSED DEVELOPMENT IS CONTRARY TO LOCAL PLANNING POLICY

The proposed development at Whalley Old Road forms part of plot 4/1 Brownhill as referenced in Local Plan Part 2, December 2015.

Within this document Policy 4. "Land for Development Beyond the Plan Period" clearly states: ***"Within the areas identified as Land for Development Beyond the Plan Period on the Adopted Policies Map, planning permission will not be granted for permanent development. Land will only be released for permanent development following a Local Plan review which proposes the development."***

and para. 2.1 of the Local Plan Part 2 states: ***"The policies in this Local Plan will apply to every development proposal that requires planning permission"***

similarly para. 2.7 states: ***"The remaining areas have the potential to accommodate some of the Borough's longer term development needs in the 2030s and beyond."*** The Whalley Old Road proposed development is part of the remaining area.

Para. 2.8 states: ***"It is important that these areas remain able to accommodate development in the longer term, and that their development potential is not compromised by piecemeal change or development in advance of this"***. This application represents piecemeal change and development to the wider Brownhill site identified.

Para. 2.9 states: ***“A future Plan review considering the release of any land identified under this policy will need to undertake a full appraisal of the area suitable for release, and the impact on landscape and other considerations of doing so.”*** No Local Plan review has happened so the Whalley Old Road site cannot be approved for development.

Ergo, any part of plot 4/1 Brownhill should not be considered for development before the end of the current plan for development needs in 2030 and beyond. It is not possible to pick and choose which developments the policies apply to and the Council should not deliberately violate one of its own key policies this makes a mockery of making policies in the first place.

The Application Plan (00034591.pdf) acknowledges that the application breaches Policy 4 and provides the following justifications:

- A) It is a Discrete Parcel of Land
- B) An Appropriate Location
- C) The Growth Target
- D) Sustainable Location for Development
 - a. Economic Objectives
 - b. Social Objectives
 - c. Environmental Objectives

The arguments against the breach of Policy 4 are as follows:

A) Discrete Parcel of Land

From the Application Plan: ***“This is a discrete parcel of Land that is contained by Whalley Old Road and the established industrial area to the south”.***

It is NOT a discrete parcel of land since it forms part of the 4/1 Brownhill site identified by the Local Plan Part 2 where para. 2.8 states: ***“It is important that these areas remain able to accommodate development in the longer term, and that their development potential is not compromised by piecemeal change or development in advance of this.”***

What the Council is advocating is piecemeal development against it’s own Policy.

From the Application Plan: ***“It can be considered in a way that does not affect or prejudice the planning and development of the broader zone governed by Policy 4 of the Local Plan Part 2 at Brownhill”***

No it cannot. The Council is not following Policy 4 of the LPP2 thus prejudicing the planning and development of the whole 4/1 Brownhill area. Para. 2.8 of the Local Plan Part 2 clearly states that piecemeal change or development in advance of a Local Plan review may compromise the potential of the wider site.

From the Application Plan: ***“This broader zone should be given further consideration through the emerging replacement local plan for Blackburn with Darwen”***

The broader zone must include the Whalley Old Road development through a Local Plan review as required by Policy 4.

B) An Appropriate Location

It cannot be an appropriate location since it is in an area governed by Policy 4 where development is not allowed until there has been a Local Plan review.

Furthermore the site is on a congested (at peak times) country road which brings up road safety concerns. This is highlighted further on in this objection document.

The Planning Application proposes a majority of “high quality houses” in a rural setting. This site is on a hill overlooking a chemical factory and large industrial estate. Not, I think, where your average executive would want to live.

C) The Growth Target

From the Application Plan: ***“The subject site presents an opportunity to deliver high quality housing in a sustainable location which will act to support the ambitions for growth in Blackburn with Darwen”***

Maybe in the future, but, at the moment the site is protected under Policy 4.

From the Application Plan: ***“There has been some delay in the delivery of housing at some of the larger urban extension sites around Blackburn and Darwen”***

This is not relevant to the application. Indeed, Paragraph 5.1 of the Planning Statement states ***“Blackburn with Darwen Council can demonstrate a housing land supply in excess of five years and local delivery of housing in excess of that required by the National Planning Policy Framework.”***

According to the Council’s 5 year Housing Supply Statement, the Council already has a 9.9 year supply of housing land when it is only expected to have a 5 year supply.

From the Application Plan: ***“It represents another component in the strategy to deliver housing at the right place”***

The housing is NOT in the right place. It is on land protected by Policy 4 where development is prohibited until there has been a Local Plan review.

From the Application Plan: ***“There have been other instances in the borough where planning permission has been granted for new housing development on land that is not allocated in order to maintain an adequate supply of housing land and to meet housing targets. One example is the hybrid planning permission for up to 450 dwellings on land designated as “countryside” at Brokenstone Road granted in 2019 (10/18/1116).”***

From the Application Plan: ***“Such decisions are material as they demonstrate that positive action is being taken to support growth and to ensure that housing targets are met.”***

This is simply not true. Since the Housing Supply Statement dated June 2019, an additional 450 houses at Brokenstone Road and 600 houses off Bog Height Lane have been added. Therefore the site at Whalley Old Road is not required to meet housing targets.

Reiterating para. 5.1 of the Application Plan: ***“Blackburn with Darwen Council can demonstrate a housing land supply in excess of five years and local delivery of housing in excess of that required by the National Planning Policy Framework.”***

The exact opposite of the argument for violating Policy 4. Are the Council meeting targets or not? The Application Plan says both.

D) Sustainable Location for Development

This is not relevant - It cannot be developed until there has been a thorough Local Plan review as mandated by Policy 4 of the Local Plan Part 2.

CONCLUSIONS

- The development is in breach of Policy 4. The Council have tried to justify this but my arguments prove their justifications to be totally false.
- The development is not necessary since the Council have more than enough land to meet their 5 years needs, in fact I have shown they have 9.9 years+
- The increase in traffic caused by the development when it is fully occupied will further congest an already busy road putting both the existing and the new residents in danger. I do not believe your Travel Plan will in any way alleviate this.
- There will be an increase in pollution locally affecting in particular elderly, infirm and children.
- The infrastructure (GP's & schools etc) will not be able to cope with the population increase locally.
- There may or may not be a flood risk depending on whether the developers follow your flood mitigating instructions and if those mitigations are sound in practice.
- There will be a loss of wildlife and habitat both on and off the site as a result of this development.
- The loss of green open space is not good for us. Reduction of green space in our area. Lack of green spaces leads to higher air temperatures and more ground level ozone, with fewer trees and plants to clean the air and provide oxygen.

Please kindly take all of the above demonstrated comments in this objection above in to considerations of this development not being necessary.

Kind regards,

Martin Kelly.

I refer to my telephone conversation with you concerning out line planning permission re land bordering Whalley Old Road. May I say I am considerably opposed to this developement for 165 houses. and would like you to make a note of my objection.

Thanking you in anticipation

DEAR MR. KELLY,

I AM WRITING TO REGISTER MY TOTAL OPPOSITION TO THE PROPOSAL TO BUILD 165 HOMES, OFF WHALLEY OLD ROAD.

THIS WOULD MOST CERTAINLY ADD TO THE STATIONARY QUEUES OF TRAFFIC IN THE MORNING TO ACCESS THE DUAL CARRIAGEWAY AND AT TEA TIME THE STATIC QUEUE TO ACCESS WHALLEY OLD ROAD FROM THE DUAL CARRIAGEWAY. STATIONARY TRAFFIC IS UNHEALTHY AND POSSIBLY DANGEROUS.

THE LAND PROPOSED FOR BUILDING UPON, WHEN HEAVY DOWNPOURS OCCUR SOAKS UP VAST AMOUNTS OF WATER. TO TARMAC OVER A LARGE SWATHE, JUST ACTS AS A RUN OFF PARTICULARLY ON HIGH GROUND. CULVERTS STRUGGLE NOW IN A DELUGE AND THE LOWER REGIONS WOULD BE MORE VULNERABLE TO FLOODING OBVIOUSLY.

BLACKBURN IS NOT COPING TOO WELL AS REGARDS THE PANDEMIC, AND THE PEOPLE IN THIS AREA HAVE COMPLIED EXCELLENTLY IN SOCIAL DISTANCING, SO THIS PROPOSAL WILL MOST SURELY..

MAKE RESIDENTS GATHER TOGETHER IN PROTEST MEETINGS, WHICH FOR OBVIOUS REASONS WE DO NOT NEED,

THIS PROPOSAL SHOULD BE THEREFORE FIRMLY DENIED ON BOTH ENVIRONMENT AND HEALTH ISSUES.

Objection from Michael Coar, 125 Stone Hill Drive, Blackburn, Rec 02.09.2020

Whalley Old Road Housing Development Objection

REFERENCE: 10/20/0716

The proposed development will significantly increase traffic congestion in the area. Whalley Old Road is extremely busy most of the time. Another 165 family homes will add to this congestion. Many of these high quality houses will have multiple vehicles, many trying to access the already congested road. This road is a main link Blackburn from the Ribble Valley and is a single lane road. Potentially cars from the development will need extra car parking which could lead to parking on Whalley Old Road which already has street parking on both sides. These houses would need to drive to access shops & amenities. This isn't good for the environment. There would be added pollution from extra cars, deliveries and service vehicles such as the bin wagons.

Around 600 extra inhabitants will cause extra strain on our already stretched local amenities such as schools and doctors.

The site is protected by Policy 4 of the Local Plan Part 2 which does not allow piecemeal development. Once this has been allowed it sets a dangerous precedent for future developments in the area.

The development is 50% hard standing which will cause excess standing water which could lead to flooding in the area.

We will lose valuable green field space which is part of the attraction of the area & enhances the residents' feelings of wellbeing.

The development is not right for the area. 600 plus residents are being housed between a chemical factory and a narrow country road. The only access will be onto this already congested road.

This area is populated by wildlife such as deer, owls and foxes. They will be crowded out by this development. There will be significant loss of trees and plants. Some of which have protection orders in place.

Objection from Sharon Teschner, 441 Whalley Old Road, Blackburn Rec 02.09.2020

To Mr Kenny

We are writing to you in regards to the recent planning application for houses on Whalley Old Road.

We don't agree with this application for a number of reasons. The road is a very busy road and therefore building more houses would create more traffic on the roads. Drivers are constantly breaking the speed limit which is supposed to be 30 but often drivers reach speeds of 50 on average which makes the road quite unsafe. We have lived at the address for 13 years and had wing mirrors knocked off the car 3 times due to speeding vehicles as the road is quite narrow where our house is situated. Also there is plenty of wildlife on the field such as a family of deer which obviously will affect them if houses are built there. There is a public footpath that runs along the edge of the proposed fields, which from my understanding has to be left open for access.

We hope that our reasons along with other residents of Sunnybower are listened to and also considered and we look forward to hearing from you.

Objection from Bushra Parveen, Rec 02.09.2020

To whom it may concern,

I object the proposal of the building development at the top of sunny bower. The land outlined is known for its beauty, natural landscape and abundance of wildlife. Building here would endanger all that. The nature and the wildlife need to be protected for it to continue to thrive.

The road is an 'A' road and therefore has a lot of traffic at all hours of the day. It is difficult to join the road due to the heavy traffic and with the additional cars that will come with the homeowners it will be near impossible.

I would like to lodge a stage 1 complaint as i dont believe the residents are being taken seriously.

Kind regards

Bushra

Objection from Mrs Margaret Cooper, 10 Sunnybower Close, Rec 02.09.2020

Ref.10/20/0716

Mrs Margaret Cooper
10 Sunny Bower Close

BB1 5QU Dear Sir I should like to lodge a formal complaint against the proposed planning application for the development of the land to the south of Whalley Old Road.

Firstly there is already congestion on Whalley Old Road at certain times of day when the traffic is often backed up to the top of the hill.Extra housing would obviously generate much more traffic, affecting access and possibly creating safety problems.

Secondly the site overlooks an industrial park with a chemical works and a pet food factory which causes noxious smells that affect the existing homes that are further away.

Thirdly it would destroy a wonderful environmental area,full of a wealth of wild flower species and visited by the wild herd of Roe deer that roam the neighbourhood,as well as owls and other mammals.

Finally the infrastructure of the area would be insufficient to support the proposed development and the impact of it should be considered by the local council.

Sent from my iPad

Yours sincerely

Margaret Cooper

Objection from Stephen Blane, 506 Whalley Old Road, Blackburn, Rec 02.09.2020

Dear Mr Gavin Prescott and Mr Martin Kelly

I am writing to you, on behalf of myself Mr Stephen Blane and my partner Ms Donna Walters, regarding the proposed planning application for 165 new homes to be built very near to our

property, 506 Whalley Old Road, Blackburn, BB1 5QL. We are both vehemently opposed to the development and do not think it will bring any worthwhile benefit or growth to the area.

The reasons for our strong opinions against this proposal are as follows:

1. Destruction to countryside and wildlife - There is very little countryside within in the town of Blackburn itself, most of it is on the outskirts, Sunnybower being one of those few areas where there is greenery and open space. As we know these outdoor areas benefit people's health and wellbeing providing open space to walk, run and carry out recreational activities that are not as enjoyable and harder to do in built up areas. Not to mention the wildlife that we have observed in the fields were the proposed houses will be built. People have even visited the area to explore the herd of deers that frequently graze in the field. There are many different species of birds such as barn owls, kestrels and hawks. There are also the wildflowers that naturally grow and attract bees and butterflies that are essential in pollenating and contributing to the growth of plants and vegetables.

2. More congestion on the road - Whalley Old Road is a busy road that is already overused by people commuting to and from the Ribble Valley and other local boroughs. The access from the proposed houses will only create more and there have already been concerns and campaigns raised to the council in regards to traffic that use the road, especially in the evenings, speeding up and down it.

3. The lack of Nursey, Primary and Secondary School provision - Blackburn with Darwen already have over-populated schools and waiting lists for children. Many parents have had to send their to children schools that are not where they want to send them and in some cases not even in the areas where they live. These houses are more likely to be occupied by families so how are you going to accommodate this need as there does not seem to be any proposals for any decent new schools to be built?

4. Residents in this area have paid more money to specifically own homes that have aspects that are not overlooked, in a more rural location that have less of the disadvantages of being overly developed. People who want to live on the outskirts instead of the more suburban areas will begin to move out of the town to obtain this and contribute to other boroughs rather than Blackburn.

We would be grateful that you take our concerns seriously and make deliberate considerations to the objections raised against this planning proposal, as we know we are not alone in our views on how it will negatively impact our neighbourhood.

Thank you

Kind regards

Mr Stephen Blane and Ms Donna Walters

Objection from Russ Bedford, Bedford's of Blackburn Ltd, Rec 02.09.2020

Subject: Reference 10/29/0716

Dear Martin Kenny and Gavin Prescott,

Thank you for your letter advising us of the proposed development case number 10/20/0716 on land to the South of Whalley Old Road.

We would like to **object** to the proposed development on the following grounds:

Complaints regarding noise from residents

Security light complaints

Complaints regarding noise from deliveries which can start from 6am

Concerns in regard to people accessing our site from the rear (from the proposed development)

Possibility of flooding issues

Concerns in regard to current electricity problems

The development may also place restrictions on how we can develop or use our site in the future

Our normal hours of business operation are 0930 to 1730 Sunday to Friday, but we do occasionally work outside of these hours.

Please can you keep me informed in relation to this matter via email to the address above

If you require any further information, please do not hesitate to contact me

Yours faithfully

Russ Bedford

Company Director

Bedford's of Blackburn Ltd

Objection from David Skidmore, 668 Preston Old Road, Blackburn, Rec 03.09.2020

Sir,

I wish to strongly object to the proposed development on Whalley Old Road, Sunny Bower.

In particular I am alarmed by the increase in traffic and congestion that will cause.

Regards

Objection from Mr Alan Slater, Rec 03.09.2020

I am writing to register my objection to planning permission for upto 165 new dwellings on Whalley Old Road, Sunny Bower, Blackburn. Congestion on the road mentioned is already at a ridiculously high volume at peak times, which already causes dangerous conditions to existing residents. The parking on the main road already causes issues with a danger with cars trying to gain access to the main road. Can local utilities cope with the extra drain on resource, i.e. water, sewerage etc. there is also disruption to wildlife of which there is preciously little nowadays. I hope that while you make your decision, you take into account the strong feelings of local residents against this proposed development, Yours Hopefully Mr Alan Slater.

Objection from Stuart Booth, c/o Blackburn Chemicals, Rec 03.09.2020

We write to object to the above outline application, with all matters reserved, for residential development of up to 165 dwellings. This objection is made on behalf of Blackburn Chemicals Ltd whose premises lie immediately adjacent to the south-eastern boundary of the application site.

Blackburn Chemicals Ltd have been operating on the Whitebirk Industrial Estate since 1972 and are world leaders in the development and manufacturing of foam control agents, serving a global market. The company employs over 75 people on this prestige employment site within the borough and have secured planning consents in recent years for continued expansion at the Cunliffe Road site, with two new buildings on the northern boundary adjacent the application site.

Their premises and adjacent employment uses are designated under Policy 14 of the Blackburn with Darwen Local Plan as a Primary Employment Area, which are areas protected under planning policy to accommodate the highest-quality employment uses in the Borough. The site therefore represents one of the most important areas of Blackburn with Darwen for industrial employment uses and is offered protection from non-employment uses by the Local Plan.

Blackburn Chemicals Ltd object to this planning application principally as it has the potential to have a detrimental impact on the operation of their business premises and their neighbours on the industrial estate. The National Planning Policy Framework (NPPF) states at Paragraph 182 that decisions on planning applications should ensure that new development can be integrated effectively with existing businesses. It clearly states that existing businesses:

...should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

It is clear from both national and local policy that existing businesses should be protected from conflict with new development and this fundamental principle needs to be considered in this planning application for 165 dwellings in close proximity to a protected employment area.

The application has been made in outline with all matters reserved, meaning it deals only with the principle of the development of the land rather than any issues relating to the location of particular properties, the access, or specific details of any mitigation measures that may be proposed to protect existing businesses. The lack of detail on the planning application means that it is difficult (if not impossible) to make a clear distinction that there will be no significant impact on the business and its future operation from the introduction of residential development, and conversely that residents of the new development will not be impacted by the business in operation. Such conflicts should clearly be considered in determining this application.

The Blackburn Chemicals Ltd site is accessed from Cunliffe Road and extends over 300m along this road and also to its rear boundary with the application site. The business operates out of several buildings on the site which contain processing and storage facilities for a range of chemicals. Much of the length of the rear of the premises, which lies adjacent to the proposed development, consists of a well utilised open storage area, which also includes manoeuvring of forklift trucks and delivery vehicles during operation. The site has no restrictions on its hours of operation in planning or permit terms and is currently operating close to 24 hours a day. This is one of the reasons why the premises is located within an area protected for industrial uses. The potential for odour and noise impacts must be taken on board during the consideration of any future developments in proximity to this business, and we trust the Council will practise caution and detailed assessment in making a determination on this application in these terms.

We note the planning statement submitted with the application and consider that the case made is insufficient to justify the release of the site for development for residential use. We

acknowledge that the site forms part of the wider Policy 4/1 designation in the 2015 Local Plan (below), and note the clarity with which this policy defines the designation.

Policy 4. Land for Development Beyond the Plan Period

Within the areas identified as Land for Development Beyond the Plan Period on the Adopted Policies Map, planning permission will not be granted for permanent development. Land will only be released for permanent development following a Local Plan review which proposes the development.

Ref	Site
4/1	Brownhill
4/2	Preston New Road
4/3	Marsh House Lane

The site is identified in the district Local Plan under Policy 4 - Land for Development Beyond the Plan Period (Site Ref 4/1 Brownhill). This policy states that within the area identified, **planning permission will not be granted for permanent development. Land will only be released for permanent development following a Local Plan review which proposes the development.** These two statements that form the policy are categorical in their designation of the site for consideration of development beyond the Plan period. The preamble to the policy in the Local Plan states at Paragraph 2.7 that these areas under Policy 4 have been released from the Green Belt by the 2015 Local Plan and have the potential to accommodate some of the borough's longer-term development needs in the 2030s and beyond.

Paragraph 2.8 states that the areas' development potential should not be compromised by piecemeal change or development in advance of this date and the policy protects the areas to allow for the longer-term planning of development in Blackburn with Darwen to take place at the appropriate time.

Paragraph 2.9 states that the identification of the area of land in the policy does not guarantee that the whole of that area will be deemed suitable for development at some future stage. It then clarifies that a future Plan review considering the release of any of the land within that policy will need to undertake a full appraisal of the area suitable for release, and the impact on landscape and other considerations of doing so. The policy itself and the supporting justification text in the

Local Plan is abundantly clear that any development prior to 2030 on the application site will not be acceptable.

The policy does not actually provide a clear indication that development of the land will be required, will be suitable or will be deliverable at any future stage, but simply that it is land safeguarded with potential to meet future need. As the sites were formerly within the Green Belt, the 2015 Local Plan effectively removed the formal long-term designation as Green Belt but specifically does not allocate these sites for development until a further Local Plan review is complete. Development of this site through the application proposed is therefore in direct conflict with this policy and would be a departure from the Local Plan.

Blackburn Chemicals Ltd are concerned by the application's proposals for new residential homes on this site. These concerns relate to matters of noise, odour, drainage, visual impact and amenity relating to the interaction of the two pieces of land, such that they can only be addressed through detailed assessments of the site and the proposals. An outline scheme with no details other than the number of dwellings cannot be adequately assessed. Full consideration should be given to the operations of Blackburn Chemicals Ltd and other business at the Whitebirk industrial estate, and the potential for future conflict not to be introduced, as set out in the NPPF.

The potential for an increase in flood risk and surface water run-off that could affect the Blackburn Chemicals Ltd site is also a concern. The application site is considerably higher than the adjacent site in terms of topography and as such any change in how water drains towards the Blackburn Chemicals Ltd site has the potential to seriously impact the current drainage regime of the business, particularly in relation to the outdoor storage area adjacent the site where chemicals are stored. This issue must be considered directly by the relevant bodies in looking at the potential for drainage solutions to develop this site.

In addition, there are concerns regarding security of the premises from the urban development of the land behind the premises, which largely sits above the premises and looks down into the rear external storage areas. There is an obvious need to provide assurances to customers regarding the security of the product kept on site, and whilst existing arrangements are suitable, the development of the land to the rear that currently serves as a suitable buffer to the urban areas would likely create the need for additional physical security measures that themselves could have an impact on future residents of the development, such as higher security fences and floodlighting systems.

There are also concerns regarding the 24-hour operation of the site, which is unencumbered by planning conditions, and that particularly the outdoor storage operations that lie closest to the application site could create issues in terms of noise and amenity. There are also odour implications from the use of ammonia in production that is appropriate for an industrial use but would not be compatible with residential uses adjacent the boundary of the site. We note that the application includes initial odour and acoustic assessments, but given the proximity of the application site to Blackburn Chemicals Ltd and other businesses on this protected industrial site, further detailed assessments should be undertaken to satisfy the Local Authority that no issues will be created for the existing businesses by granting consent with no details attached.

We would encourage the planning officer to come onto the Blackburn Chemicals Ltd site to see the operation and establish the potential impact there would be from locating new housing development in such close proximity.

We wish to formally object to this application and reserve the right to object directly to the planning committee when this application is presented for a decision.

The application provides no detail regarding the landscape or visual appraisal of the application site, or the future development of the site for 165 dwellings. The land sits above the Blackburn Chemicals Ltd site, immediately adjacent to it and other neighbours on this prestige employment area. The open storage and cooling towers of Blackburn Chemicals Ltd will be visually prominent from the application site such that a thorough assessment should be required for any future development to be considered acceptable on this application site. As referenced above, the policy designation in the Local Plan does not define the development as acceptable in principle for residential use, it simply reserves the land for future consideration for development. As the applicant makes reference to the site being somewhat unrelated to the wider Policy 4/1 designation, an argument could be made that the land should serve as a buffer between any future development and the existing businesses on the Whitebirk estate, or could perhaps serve as an extended area of employment land.

As you are aware, the Local Planning Authority's position of having a five-year land supply and meeting their requirements under the Housing Delivery Test provides a robust indication that the Local Plan is successful and sufficient housing is being delivered in the Borough. We consider the

justification put forward by the application's planning support statement to be inconsistent with the principles of the NPPF and the policies of Local Plan and as such, the application should be refused.

The planning support statement's justifications, that the site is relatively unconnected to the wider allocation, also runs contrary to the specific reference to piecemeal development in Paragraph 2.8. The policy designation in the Local Plan could not be clearer that this planning application should be refused.

**Objection from Christine Hill & Liz Whittall, Higher Cunliffe Farm, Whalley Old Road, Rec
03.09.2020**

Dear Sir,

We are writing in relation to the planning application to build 165 residential properties on Whalley Old Road South and wish to register our opposition to the proposal.

We have lived in our property for over 15 years and were attracted to it by its semi-rural location, surrounded by fields, which farmers used to graze their animals on. It offered us a great deal of privacy, peace and seclusion. The fields have a rich habitat which attracts and supports an abundance of wildlife – deer, foxes, hedgehogs, bats and an array of birds including herons and buzzards. Building on these fields will not only displace the wildlife but will take away a rich habitat of trees which counteracts the effects of pollution within the area. On a personal level it will no longer offer us the peace and privacy that attracted us to this property and in addition, we feel this development will negatively affect the value of our home.

Looking at the initial plan it indicates that it crosses over one of the access tracks to our property, which we find rather concerning. The Council have always denied responsibility for maintaining this access road, yet we now find you appear to be selling off part of this track for this development. Could you please clarify how the proposed development will affect our access track?

A major concern we have is in relation to the extra traffic this will create on Whalley Old Road. Trying to exit our property onto Whalley Old Road at commuter time can be a nightmare due to the amount of traffic and the speed at which cars travel down this road. Very often it is backed up past our property. If each one of the proposed properties has 1 car, that is another 165 vehicles using this road, which is just going to create a massive car jam leading to extra pollution from car fumes. We understand that Blackburn is committed to the climate change agenda, however these extra properties will not help to reduce carbon dioxide emissions or improve air quality. As a pedestrian walking down from our property and trying to cross Whalley Old Road is a nightmare due to the amount of traffic, the speed of traffic and lack of visibility due to parked cars. The fact the Council only cuts the grass verges once a year makes it a precarious task. The addition of more vehicles from this development will not make the life of the pedestrian any easier.

Another concern is the lack of infrastructure to support this development in terms of health care services, schools and public transport. There are already major housing developments within Blackburn and particularly on this side of the town – at Brownhill and just further up off Yew Tree Drive. These housing developments will also have needs in terms of health support and education and we feel there is not capacity to support these never mind any other new developments. I understand that Blackburn has already met government targets around housing so we wonder why you continue to look at developing more housing on green field sites. If there is a need for more housing why cannot you look at innovative ways of using structures already in place ie old mill buildings.

This proposed development is described as executive housing, however we were under the impression that any new development had to incorporate an element of social housing and we would ask that you clarify whether this would be the case. We do wonder how many people who want to purchase an 'executive' property would really want a property that overlooks a chemical factory and would want to put up with the noise and smell that this factory emits?

We realise that many councils are struggling financially, but we would hope that Blackburn Council do not think that selling off land for housing is a quick solution to this issue. We would hope that Council decisions are based on maintaining and supporting the physical, emotional and economic health and well-being of the residents of the various communities within the town. In addition we would also hope that the Council acknowledge the importance of existing habitats, wild-life and the need for green spaces within which these can survive, because this also supports the well-being of the human race.

We would ask that you take on board the concerns raised and do not pass this proposal for the development of housing on this site.

Yours faithfully,

Objection from Michael & Karen Parker, 12 Sunnybower Road, Blackburn, Rec 03.09.2020

Dear Mr. Kenny, Ref. Application: 10/20/0716

Comments on OPA for residential development on land to south of Whalley Old Road.

- Assumptions:
 - Average household size = 2.4 (165 houses = 396 people)
 - Average cars per household = 1.3 (165 houses = 215 cars)

- We have the following concerns regarding infrastructure planning for this new estate:
 - Whalley Old Road can only just cope with current levels of traffic at peak times following improvement of its junction with A6119. How will the road be improved to accept the extra traffic from this estate?
 - There is currently a 30mph speed limit in force which begins at the current housing boundary which is constantly ignored, especially by those travelling downhill.
 - Will this 30mph zone be extended further up the hill?
 - How do you propose to enforce this?
 - Are you planning traffic calming measures before the 30mph zone to ensure traffic slows to a safe speed?
 - How many exits have been planned from the estate, and will there be exits onto alternative roads (eg. Philips Road/Cunliffe Road in the industrial area) to reduce congestion?
 - Has access to schools and medical services been considered, and how will these be improved to cope with extra demand, given that the current system is almost at breaking point?

- Concerns regarding construction traffic and works access:
 - Given the traffic situation and width of Whalley Old Road (Cars routinely park on the pavement to enable two-way traffic on the road), will access to the site be from Whalley Old Road or from the Industrial Estate on Philips Road/Cunliffe Road?
 - If access is to be from Whalley Old Road, will there be consultation with current residents to address the safety concerns?

- Wildlife, Conservation & the Environment:
 - There is a huge population of wildlife over this area, not least many deer. How do you intend to preserve their natural habitat?
 - How do you intend to make this development project Carbon Neutral in line with UK national policies?

- Concerns over future development
 - Given that there are possible future plans to develop this area of the town on land all the way over to Parsonage Road (which could potentially hold a couple of thousand houses, and consequently thousands of cars) would it not be prudent and logical to develop infrastructure now before any housing development begins rather than waiting until the area is developed and then wondering why the infrastructure cannot cope?

Regards,

Objection from Mrs Kathleen Counsell, 23 Oakwood Avenue, Blackburn, Rec 03.09.2020

My name is Mrs Kathleen Counsell
23 Oakwood Avenue Blackburn
BB15QY

I am opposed to the development of 165 dwellings at land to the south of Whalley old road Blackburn.

I feel it would add to traffic congestion and unwanted pollution as well as damage to wildlife. I am opposed as I feel Sunny bower is a quiet restful place to live with beautiful views that are second to none.

I have seen an abundance of deer , fox and all manner of birds and wildlife which I feel would suffer greatly from this development .

Thank you

Yours sincerely

Kathleen Counsell

Objection from Anthony Ford & Christina M Thompson, 2 Higher Cunliffe Farm Cottage, Whalley Old Road, Blackburn, Rec 03.09.2020

Dear Sir/Madam,

I write in relation to the above planning application and to raise objections in the strongest possible terms.

I reside at 2, Higher Cunliffe Farm Cottage, Whalley Old Road, Blackburn, BB1 4AA.

The objections to the application are based on two concerns; Human Impact and Environmental Impact.

HUMAN IMPACT

It goes without saying that the construction phase of the proposed build would be massive and would result in disruption and pollution for all local residents. The size and scale of the build could not be achieved without complete disfigurement of the neighbourhood. There would be long-suffering in the initial phase for the residents caused by the use of construction machinery, vehicles and plant moving close to residential properties resulting in noise pollution, atmospheric pollution and increasing the risk to residents of road accidents on already severely congested roads that cannot cope with the current level of commuting traffic. This would, without any doubt, have a detrimental impact on the physical, psychological and emotional wellbeing of residents.

The building phase would continue to affect residents in exactly the same way but anxieties would be increased as the removal of the natural surroundings begin to take effect and people have to come to terms with their living environment being changed forever.

ENVIRONMENTAL IMPACT

The land on which the application is based is a natural haven/habitat for an abundance of wildlife that includes, field mice, weasels, hedgehogs, deer (Roe and occasional Red), foxes, owls, kestrel, sparrowhawk and merlin, Bunting, Peewit and many other residents. The land also sustains a healthy population of insects including bees, dragonflies and damselflies.

To have such an abundance of wildlife so close to a town centre is surely something that should be protected not destroyed!

The wildlife exists in harmony with the human population and is a true wonder and blessing.

In addition to these concerns are issues in relation to the unseen yet inevitable impact when one considers not just the increased number of new residents to this small area but the consequence of it. These would include, for example, a rise in the number of visitors, service providers and other non-residential users and visitors to the neighbourhood.

In conclusion, your plan is to site a large residential site amidst a quiet, semi rural population, and such a plan could not be undertaken without complete disregard for the current residents, animal and human, their welfare or wellbeing.

This matter is already causing enormous stress and anxiety for us all, made worse by the fact that the Council made no attempts or effort to solicit the views of the local residents and kept hidden the plan (even though work had been taking place on it for over 12 months) until the very last moment when it was revealed in the local newspaper. Prospective house purchasers looking to buy properties in this area have, in the last 12 months, paid for local searches for exactly this sort of planning application and the searches found nothing.

This application is unreasonable, perhaps even unlawful and, together with the other residents in this area, we will continue to resist it.

Yours faithfully,

Anthony G Ford

Christina M Thompson

Objection from Martin Counsell, 467 Whalley Old Road, Blackburn, Rec 03.09.2020

Dear Sir, Madam

I own 467 Whalley Old Road, and I would like to reject his application Planning number 10/20/0716

Kind regards

Martin Counsell

Objection from James Cooper, 10 Sunnybower Close, Blackburn, Rec 04.09.2020

Dear Mr Kenny,

I would like to make a formal complaint against the proposed outline planning application on the land to the south of Whalley Old Road.

The proposed development would be built overlooking a large industrial estate, which has a large chemical works that would be right next to the new homes, and there is the obnoxious smell that comes from the pet food factory which makes it unpleasant to spend time outside.

Whalley Old Road is a very busy road, with queuing to the top of the hill at times. Adding to this congestion will cause problems and add safety worries.

I am also concerned about the wealth of wild flowers that grow on the land which will be lost, and the wild Roe Deer that roam on this land, as well as Owls and other animals.

I have also been made aware that BWDBC need a local Plan Review before they can grant planning permission for the development. The current plan runs till 2026 so you cannot develop the land until the current plan comes to an end. Knowing this I cannot believe that the council would even consider this, it seems to be disregarding its own rules, which is worrying as it means they cannot be trusted to look after the people of Blackburn.

Yours Sincerely

Objection from Martin Counsell, 467 Whalley Old Road, Blackburn, Rec 04.09.2020

Dear Sir/Madam,

My name is Martin Counsell and I am the owner of 467 Whalley Old Road, Blackburn, BB15QL.

I wish to strongly object to the proposed development on Whalley Old Road for the following reasons:

The proposed development is contrary to local planning policy whereby the land cannot be developed on without violating Policy 4. The land is protected under policy 4 which can only be released for development after the current Local Plan ends, therefore, the land cannot be developed on until a local Plan review has been carried out. Violating key policies, which would occur in the case of this development, makes a mockery of creating them in the first place.

The proposal is a partial redevelopment of an area, which is against the councils own Local Plan Part 2, paragraph 2.8 which states: "It is important that these areas remain able to accommodate development in the longer term, and that their development potential is not

compromised by piecemeal change or development in advance of this.".....The site is protected by Policy 4 of the Local Plan Part 2 which does not allow piecemeal development.

The proposed development would not suit the local environment, the area overlooks a chemical factory and a large industrial estate. The proposed development would put a large strain on local utilities and services creating a very unpleasant environment through, noise, smells, overlooking, loss of daylight, loss of privacy, dust, vibration and an increase in late night activities.

The addition of these dwellings will create a large increase in the local population overloading schools, GP surgery's and will produce a significant amount of pollution locally. The potential for up to an additional 300/400 cars would not only dramatically add to the increase in pollution but would significantly increase traffic congestion, on an already very busy road. This is only reinforced with the addition to service vehicles such as deliveries, bin collections, etc. This increase in pollution locally would affect in particular the elderly, infirm and children. The local infrastructure would not cope with the increase in people and vehicles generated by this development.

I believe the site is on or near an old landfill site therefore posing a risk of methane gas. In the distant past there have been many surface coal mines and quarries in this area causing potential ground contamination. 50% of the development I have no doubt will be hard standing (buildings and roads) which will generate a large amount of surface water. If this is not managed then we could have floods in the area.

I fear safety concerns over cars parked on both sides of Whalley Old Road from the development with no allowance for additional or overflow parking in or around the area, causing a significant traffic hazard.

The land is a green area and once built on it's gone forever and we as a society are all the worse for it. Locally this bit of green you want to build on is much loved by walkers, with or without dogs.

Paragraph. 6.4 of the Application Plan suggest the building of habitat corridors through the site. Whilst the habitat corridors my seem like a good idea on paper, many things do, in reality this is a relatively small area and they will bring animals, for example, foxes (which are seen often on the site) coming into contact with the human inhabitants, or their dogs, causing a nuisance to the inhabitants as well as being a danger to the indigenous animals concerned.

On the subject of wild life, all rural green spaces have an abundance of wild life, both plants and animals. This site is no different. With frequent sightings of deer, owls, red fox, etc these will be crowded out dramatically by the development.

I trust that the above objections will be taken fully into account in determining this application and the proposed development should not be approved.

Yours sincerely

Martin Counsell

Objection from On Behalf of the Sunnybower Community Group, Rec 30.09.2020

Dear Councillors,

We have recently been furnished with a copy of the Joint Health & Wellbeing Strategy 2018 – 2021, as well as some recent newspaper articles featuring quotes from your good selves, which my fellow neighbours and I would like to present counter arguments to.

I would like to start by referring to the following paragraph on page 8 of the aforementioned Joint Health & Wellbeing Strategy 2018 – 2021, I have highlighted some particularly relevant sections below:

Healthy Neighbourhoods and Localities

It is important to re-focus existing health and social care services towards prevention and integrate them further with wider local authority departments and voluntary, community and faith services within local communities to provide out of hospital prevention and care services. This approach will support the building of wider community capacity for prevention, self-help and social support at locality, neighbourhood and community levels and enable earlier intervention and detection of disease and illness. For example:

»» Re-design and integrate existing out of hospital services to create a system capable of earlier intervention and prevention and greater provision of care and support in communities.

»» **Support communities to take action on local healthy environments such as access to local green-space, allotments and active travel (cycling and walking)**

»» **Establish and support local support groups that help those with established long term conditions to live independently in their own homes and neighbourhoods – especially local support groups that seek to end loneliness and social isolation**

»» **Provide access to information on support available within local communities that help citizens lead active fulfilled healthy lives e.g. through sport, volunteering etc**

The particular mention of “access to **local** green-space” would seem to indicate that BwD is in agreement with the science, on paper at least! This is not so when it comes to practice. The Whalley Old Road site potentially due for development is the only green space between the Sunny Bower community and an industrial estate. A green space which is healthy to look at and walk in, and, is used extensively by residents not to mention wild life.

We note (as a collective community group) that Cllr Mustafa Desai has been strangely quiet about Sunny Bower residents complaining of the potential loss of our green space. Since he is on the board that produced the Health and Well-being Strategy 2018-2021, mentioned above, we would have thought he would be shouting it from the roof tops. As a collective group, it is our joint opinion that we can only conclude that BWDBC is only paying lip service to its own reports and that these are for show, not action.

In relation to the last point in the above paragraph, the newly formed Sunny Bower Community Group is one such group established by like-minded individuals from all over the estate, with the common aim of supporting each other. Therefore it is also in BWDBC’S interests to support us in creating something good out of the land on WOR in order to maintain the tranquil green space, rather than building on it. We are all willing to volunteer to make this green space into something that, as a community we would be able to appreciate and nurture. We do not want this to be taken away from us.

In a “This is Lancashire” article dated 22nd Sept 2020, Cllr Pat McFall said of the Whalley Old Road site: “New homes are never going to go to waste but it depends on the area and it has been vacant for a long time.” So the inference from this is, if it has been vacant for a long time then build on it! Cllr McFall, for your information, the defining feature of any green space is that it is vacant! Using your logic, the UK would soon be coast to coast brick and tarmac!

Could it be that using green field sites is an easy target and BWDBC should be looking at developing housing on urban sites rather than rural. BWDBC needs to think more creatively about the housing situation vs green space.

In a press release “PM: A New Deal for Britain” dated 30th June 2020, Boris Johnson set out changes to the planning system. Some are quoted below.

Reforming our planning system

We will make it easier to build better homes where people want to live.

New regulations will give greater freedom for buildings and land in our town centres to change use without planning permission and create new homes from the regeneration of vacant and redundant buildings.

Under the new rules, existing commercial properties, including newly vacant shops, can be converted into residential housing more easily, in a move to kick start the construction industry and speed up rebuilding.

The changes include:

- More types of commercial premises having total flexibility to be repurposed through reform of the Use Classes Order. A building used for retail, for instance, would be able to be permanently used as a café or office without requiring a planning application and local authority approval. Pubs, libraries, village shops and other types of uses essential to the lifeblood of communities will not be covered by these flexibilities
- A wider range of commercial buildings will be allowed to change to residential use without the need for a planning application
- Builders will no longer need a normal planning application to demolish and rebuild vacant and redundant residential and commercial buildings if they are rebuilt as homes
- Property owners will be able to build additional space above their properties via a fast track approval process, subject to neighbour consultation.
- These changes, which are planned to come into effect by September, will both support the high street revival by allowing empty commercial properties to be quickly repurposed and reduce the pressure to build on green fields land by making brownfield development easier.

So with some creative thinking, BWDBC could, for instance, offer a developer a “package” of redundant buildings for development into dwellings. We realise that this would add cost compared with developing a green field site, but, in mitigation there would be a ready to go infrastructure. If BWDBC were more adept at managing their finances (e.g. Blackburn bus station cost £8.4m not the original estimate of £4.7m etc etc) then they could even offer a subsidy to the developer. Everybody wins. Developers get work, BWDBC get houses, green spaces saved.

In the BWDBC Climate Emergency Action Plan, published February 2020, BWDBC pledges to reduce its carbon footprint and effect on the environment. We completely and utterly fail to see how this sits with the addition of 165 executive homes on the Whalley Old Road site. We would estimate that

165 executive homes will add 400+ cars onto Whalley Old Road which is essentially a narrow country lane. BWDBC Annual Monitoring Report 6 – 2009-2010 highlights the same required actions as the Emergency Action Plan mentioned above. Why, oh why, have we got to the emergency stage? What has been going on in the intervening 10 years?

In a Sky News article dated 28th Sept 2020, Boris Johnson says: "We must act now, right now. We cannot afford to dither and delay because biodiversity loss is happening today and it is happening at a frightening rate. Left unchecked, the consequences will be catastrophic for us all. Extinction is forever - so our action must be immediate." **The same can be said of green spaces. Once they are built on they are gone for ever!**

We look very much forward to you addressing the above points.

Yours faithfully,

Iain Sykes

Ken Moulden

Stephen Atherton

Acting on behalf of and speaking for fellow members of The Sunny Bower Community Group

Objection from Lisa Grogan, Rec 04.01.2021

Hi

I am writing to put to you my objection to the proposed planning application for the land off Whalley Old Road. This land is used regularly by the locals and would have a detrimental impact on our lives and the environment. There are plenty of brown plots available to rebuild on which would regenerate derelict land and buildings. The traffic these proposed properties would add to our already busy roads would only cause more queueing traffic.

Thankyou for taking the time to read my email.

Regards Lisa Grogan

Comment – Tony Disley, 453 Whalley Old Road, Blackburn. Rec – 10/08/2020

Hello,

I am interested in further information about the proposed building of up to 165 residential houses just off Whalley Old Road, Sunny Bower BB1 5QL - Planning Application Number: 10/20/0716

Specifically I would be interested to know what the artists visual representation of the proposed housing development will look like, ie the type of housing that is being proposed to be built, could you provide a link? Also what would be the cost of the housing upon completion to buy, if possible I would like to know the range of pricing of the houses?

Any such information would be gratefully received.

Many thanks in advance

Comment – Jeff Cooper. Rec – 19/08/2020

Dear Mr. Kenny,

Reference: 10/20/0716

Thank you for sending me details of the proposed development to the south of Whalley Old Road. I see the necessity for increasing the number of houses, and the Council is to be commended for their approach to this problem. However, may I make a couple of comments?

The planners need to think of this plan in terms of providing a community, rather than simply 165 houses set down in a field. It will need shops and perhaps a community centre. This would also help provide facilities for those living in Sunny Bower, and help to lessen the increase in traffic on Whalley Old Road if facilities are near at hand. Because at the moment it is only just coping with the amount of traffic, and if the only shops available to the new residents are in Little Harwood and Brownhill, the increase in traffic will be enormous.

Comment – Jacqueline Farrand, 21 Stone Hill Drive, Blackburn. Rec – 20/08/2020

recently received a letter of a planning application near my property. I live at 21 StoneHill Drive Sunnybower.

I have a few questions I would like to ask regarding the planning.

1. How does the building of the properties affect my road to my property ie will I have access to my driveway whilst the houses are being built. There is only one road and one route to my property.
 2. Will the building of the properties affect my gas, electric, water supplies at any point and the foundations of my property?
 3. With the building of 165 dwellings which I understand are 3-4 bedroom houses so the community of people will increase at least three-fold will there be other facilities available i.e. public transport, shops, other roads, doctor surgeries, schools, churches etc.
 4. Will the building of these properties affect my council tax in any way?
 5. What provision is being made for the wildlife in our area and what greenland would be left available for public and wildlife use?
-

Proposed development: Full Planning Application for Erection of 4 dwellings with integral garages and associated access road, landscaping and parking

Site address:

**Land to the rear of former Meadowcroft Farm
114 High Street
Chapelton
Bolton
BL7 0EX**

Applicant: Mr Mark McBriar

Ward: West Pennine

**Councillors: Colin Rigby
Jean Rigby
Julie Slater**



1.0 SUMMARY OF RECOMMENDATION

- 1.1. Approve, subject to the planning conditions listed in paragraph 4.1 of this report.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The proposals seek to develop an infill plot located on land formally associated with Meadocroft Farm at the rear of 114 High Street and 126 and 128 High Street and properties on Chapel Grange. Properties on Tower Court border the eastern boundary of the site with four detached houses.
- 2.2 The principle of residential development on the site has been established since 2006, by application 10/05/1320.

3.0 RATIONALE

3.1 Site and Surroundings

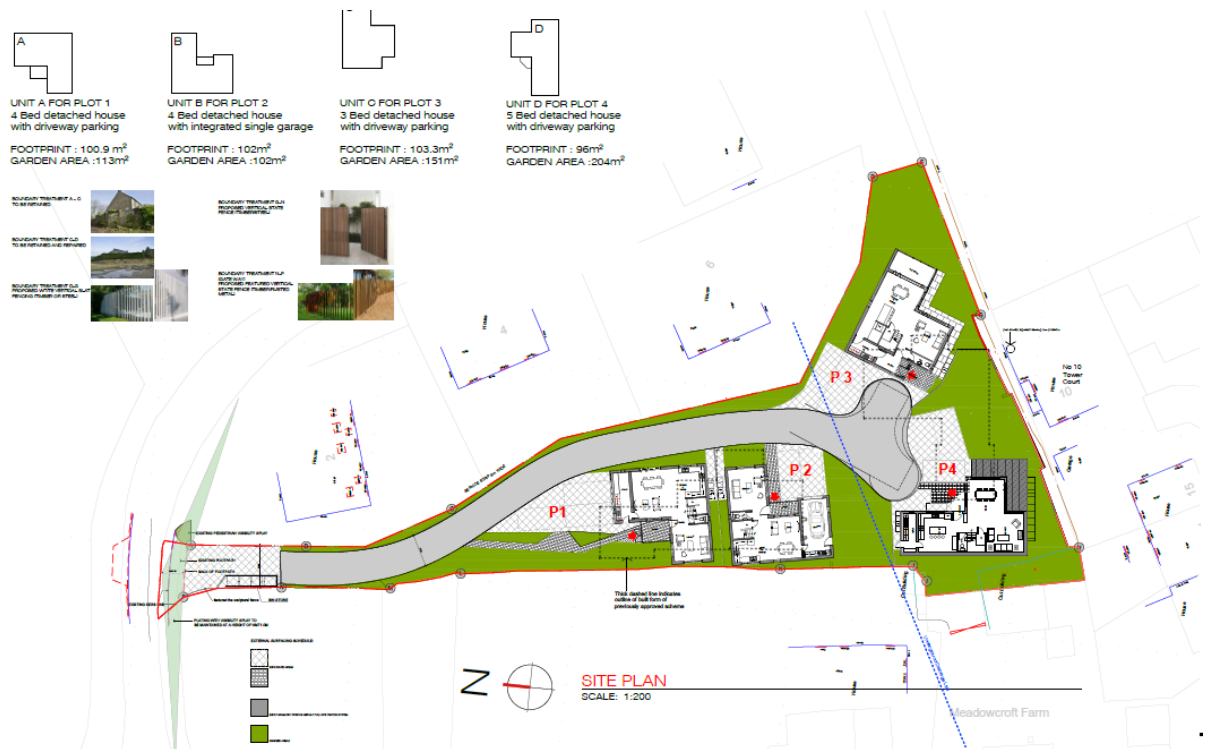
- 3.1.1 The application site is set within the Chapeltown Village envelope and on the periphery of the Chapeltown Conservation Area. It comprises part of the former farmyard area of Meadowcroft Farm, which is now redundant since the farming enterprise relocated.
- 3.1.2 The parcel of land is irregular in shape, it historically had farm buildings occupying the southern part which were removed in 2017, and large areas of concrete hardstanding throughout.
- 3.1.3 The site is accessed by an established 'field gate' that links to the adjacent residential cul-de-sac, Chapel Grange. Residential properties close bound the west, east and southern edges of the site.
- 3.1.4 The southern boundary of the site abuts the Chapeltown Conservation Area and the curtilage of the barn attached to 114 High Street. The aforementioned properties, along with 110-112 High Street, are grade II listed buildings.

3.2 Proposed Development

- 3.2.1 Permission is sought to erect four dwellings on the site with associated parking and garden each of the dwelling had an integral garage with a balcony and patio over the garage. Due to direct overlooking in to neighbouring properties, this aspect has been removed for two of the plots. Plot 1 and 3 therefore no longer include a garage..
- 3.2.2 As initially submitted, four number dwellings, each with a single storey garage and roof patio. During the course of the application and due to the concerns relating to the impact of neighbouring amenity, the proposals have been amended to create four dwellings over two and three floors. Plots 1, 2 and 4 will each be four bedrooms. Plot 3 is to be a three-bed property.
- 3.2.3 Plot 3 is a two storey three bed dwelling with a maximum height of six metres. This plot will not have an integral garage unlike the other three dwellings.

3.2.4 Plots 1 and 2 are to be positioned parallel with the rear garden boundary of 126-128 High Street. Plot 3 is to be positioned in the northern corner of the site adjoining Nos 6 Chapel Grange and 10 Tower Court. Plot 4 is to be sited in the southern corner of the site and is to share a boundary with the Grade II listed barn attached to No. 114 High Street and No. 9 Tower Court.

3.2.5 The access road to the site is to be via the existing single width track access to the land off Chapel Grange located adjacent to No. 3 Chapel Grange. The four properties would be served with an estate road and Turning Head.



Extract from amended site plan drawing received 11th January 2021.

3.3 Development Plan

3.3.1 Core Strategy (2011) Policies:

Policy CS5: Locations for New Housing

Policy CS16: Form and Design of New Development

Policy CS17: Built and Cultural Heritage

3.3.2 Local Plan Part 2 (2015) Policies:

Policy 6: Village boundaries

Policy 8: Development and People

Policy 9: Development and the Environment

Policy 10: Accessibility and Transport

Policy 11: Design

Policy 39: Heritage

3.3.3 Supplementary Planning Documents and Guidance

Residential Design Guide SPD

Conservation Areas SPG

Green Infrastructure and Biodiversity Networks SPD

3.4 **Other Material Planning Considerations**

3.4.1 The National Planning Policy Framework

3.4.2 The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, as amended

3.5 **Assessment**

Principle of Development

3.5.1 Policy CS5 of the Blackburn with Darwen Core Strategy sets out the Council's intentions for the location of new housing. The hierarchy of the Policy indicates new housing being directed towards the inner urban area; though at part 2 it suggests that new housing may also take place in accessible locations elsewhere in the urban area. Part 3 indicates that some planned small scale development may occur in rural areas.

3.5.2 The site is identified as being within the Chapeltown village envelope, Policy 6 of the Blackburn with Darwen Local Plan Part 2 indicates that development in rural areas shall be focused in such a location.

3.5.3 Policy CS7 indicates that a full range of housing types will be needed over the life of the Core Strategy. The proposed development of larger family housing is viewed as meeting the specific needs of part (iii) of the Policy as well as the identified housing needs for larger dwellings within the Strategic Housing Market Assessment (SHMA).

3.5.4 The farming use of the site has already ceased and the site is now redundant. The proposed use of the site is also viewed as being compatible with the prevailing residential character of the area.

3.5.5 Overall, the principle of development is consistent with the Council's Core Strategy and Local Plan Part 2 Policy requirements.

Effect on Heritage Assets

- 3.5.6 The site is part of the former farmyard to a Grade II listed cottage and barn located to the West of the application site, known as Meadowcroft Farm/ 114 High Street and the barn attached and is currently an empty parcel of land.
- 3.5.7 The site is currently an empty parcel of land (former farmyard to Meadowcroft Farm/ 114 High Street and Barn attached). The principle of development on the site has already been granted by the approval of 2 x 4bed residential units at 2 storeys under a slate roof.
- 3.5.8 The application proposes buildings designed in context to the listed farm and barn and will be constructed in a suitable stone and slate. In addition, the proposal also includes detailed material use and landscaping.
- 3.5.9 In relation to the heritage asset, both Meadowcroft Farm and Chapeltown Conservation Area, abut the site.
- 3.5.10 In accordance with the requirements of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, a Heritage Impact Statement accompanies the proposals. This concludes that the harm to the setting of the listed buildings and the character and appearance of the conservation area occurred at the time when the two dwellings, which remain extant on the site, were first approved in 2009.
- 3.5.11 The proposals strike a balance between the architectural and historic interest of the heritage asset and that the proposals as set out, provided the material reflect the predominant stone and slate material of the conservation area and designated heritage assets, will not present any further detrimental impact or harm upon the designated heritage assets, in accordance with Local Plan Part 2, Policy 39 and national planning policy and legislation.

Residential Amenity

- 3.5.12 Policy 8 requires development to contribute positively to the overall physical, social, environmental and economic character of the area, as well as securing satisfactory levels of amenity and safety for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.
- 3.5.13 The proposals have been carefully assessed by Officers in relation to the proposals impact on all neighbouring properties. It is evident that nearly all of the surrounding neighbours have objected to the proposals. Each plot will therefore be discussed in turn.

Plot 1

- 3.5.14 This is proposed as a three storey dwelling. All first and second floor habitable room windows, are to serve non-habitable room windows with the exception of a window serving a study bedroom. This bedroom window will be within 13 metres of first floor habitable room windows at No. 6 Chapel Grange, this

does not meet the separation distances within the Council's Residential Design Guide and thus, to prevent direct overlooking and loss of privacy to the occupants of No. 6 Chapel Grange, the applicants have agreed to obscure glaze this window. This is an acceptable solution. A condition is therefore imposed to require all first floor windows on the north facing elevation to be obscure glazed.



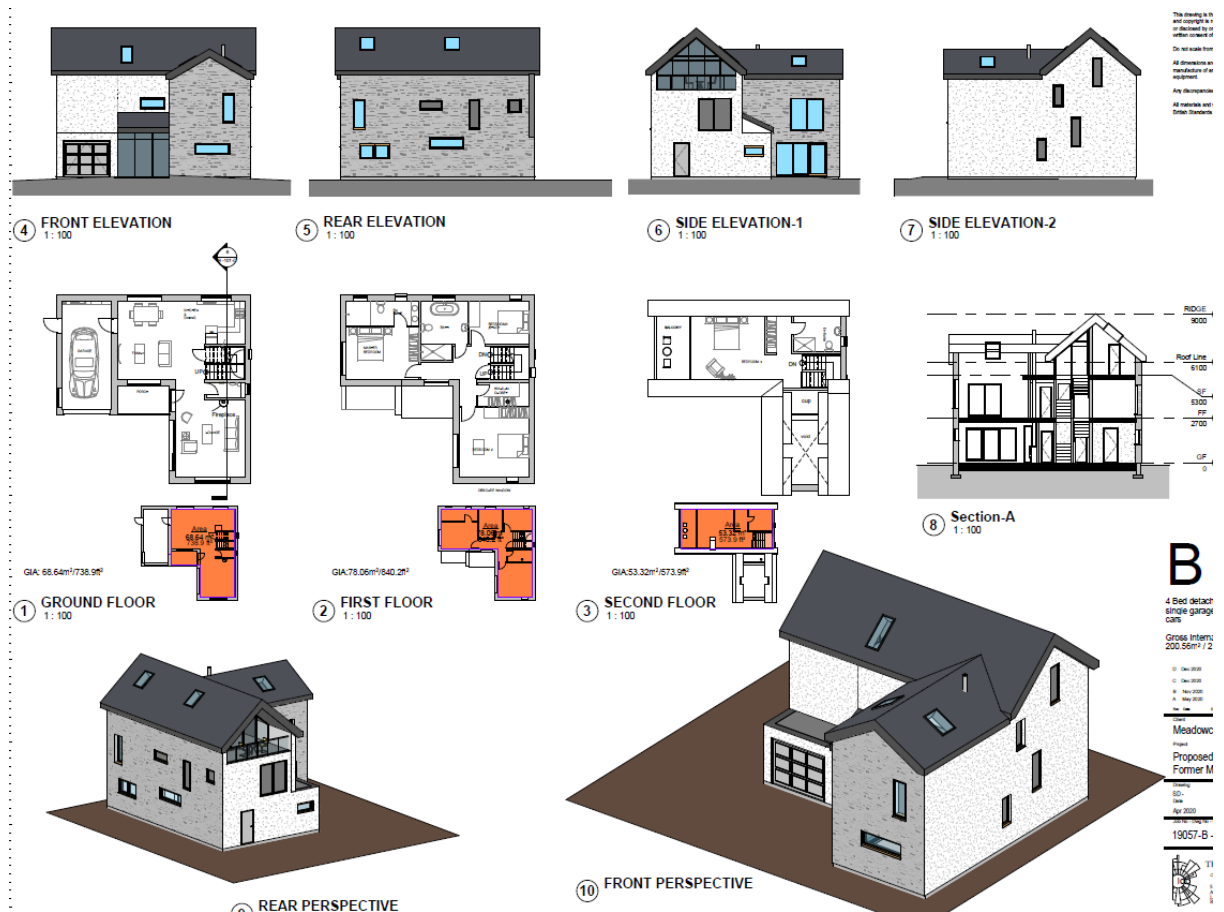
Extract from plans relating to Plot 1 – received 11th November 2020.

- 3.5.15 The proposed enclosed balcony within the roof level will have an outlook towards No. 2 Chapel Grange, however, the separation distances between this property and Plot 1 will be approximately 28 metres and thus accords with the Council's separation distances and no significant loss of amenity to these occupants will occur.
- 3.5.16 A first floor bedroom window is proposed to the rear facing in the direction of the side garden of No. 126-128 High Street. Plot 1 will therefore affect no habitable room windows of the former Public House.
- 3.5.17 Subject to the recommended obscure glazing condition for the first floor windows on Plot 1, this plot is considered to accord with Policy 8 of the LPP2.

3.5.18 *Plot 2*

3.5.19 This is proposed as another three-storey property, positioned directly to the rear of Nos. 126-128 High Street and 6 Chapel Grange.

3.5.20 In respect of the impact on No. 126-128 High Street, within the first floor of Plot 2, three windows are proposed serving a bathroom, en-suite and study bedroom. A 24 metre separation exists between Plot 2 and the main habitable rooms of 126-128 High Street. This distance accords with the Council's adopted separation distances.



Extract from revised plans relating to Plot 2 – received 11th January 2021.

3.5.21 In respect of the windows on the northern elevation, windows serving two bedrooms are proposed.

3.5.22 Due to inconsistencies between the north facing elevation of Plot 2, which proposed a balcony area and Juliette balcony, this Plot has been amended. The window facing Chapel Grange has been removed and relocated in the side elevation, looking towards Plot 4. No loss of privacy to the occupants of No. 6 Chapel Grange will therefore occur.

3.5.23 A secondary bedroom window is proposed in the projecting gable of the north facing elevation. Drawing no. 19057-B-101-C indicates that this window is to

be obscure glazed to prevent direct overlooking of the bedroom windows at No. 6 Chapel Grange. A condition is therefore recommended to secure this.

Plot 3

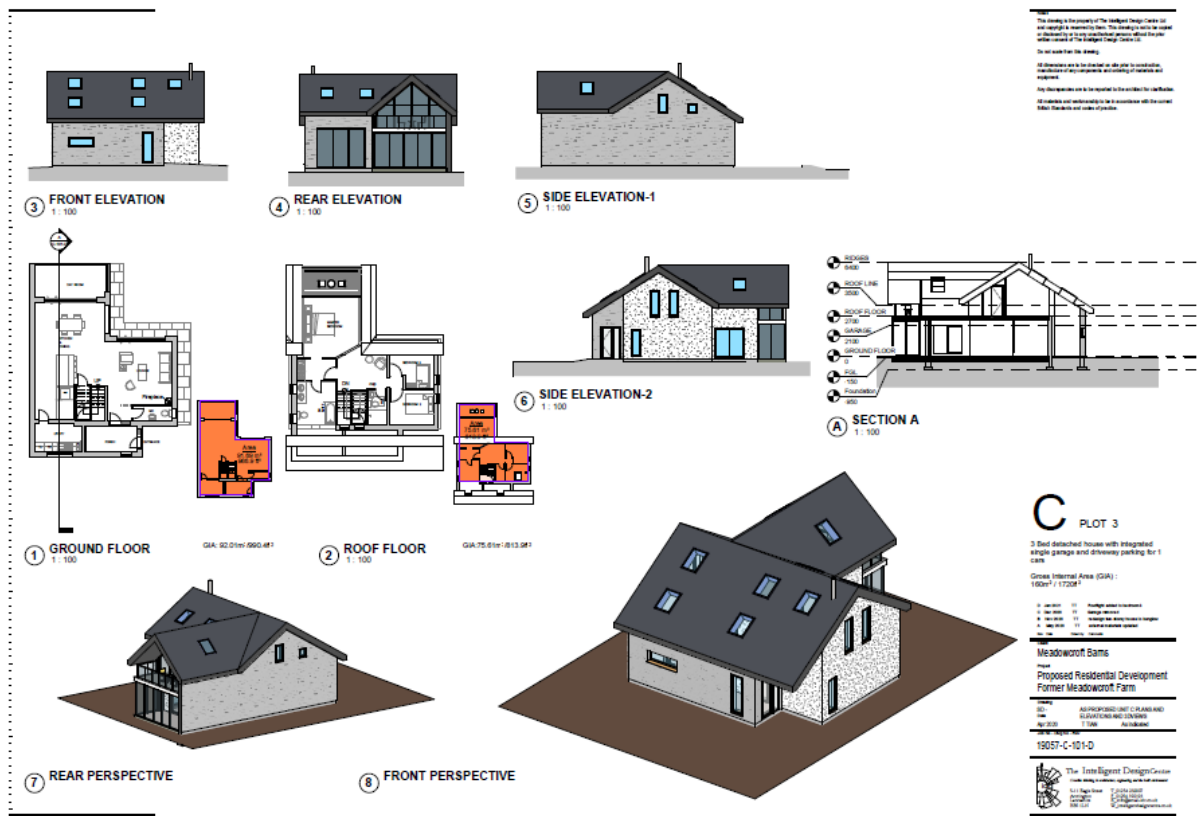
3.5.24 Plot 3 is sited in the corner of the application site between Nos 6 Chapel Grange and 10 Tower Court. The rear of No. 10 Tower Court is predominantly glazed with the bedroom being fully glazed and having a Juliette balcony. The side elevation of No. 6 Chapel Grange has a conservatory at ground floor and a bedroom at first floor.



Case officer site photograph taken: 23rd October 2020 - view of north east corner of the application site, hedge on the left adjacent to No.6 Chapel Grange, and No.10 Tower Court on the right.

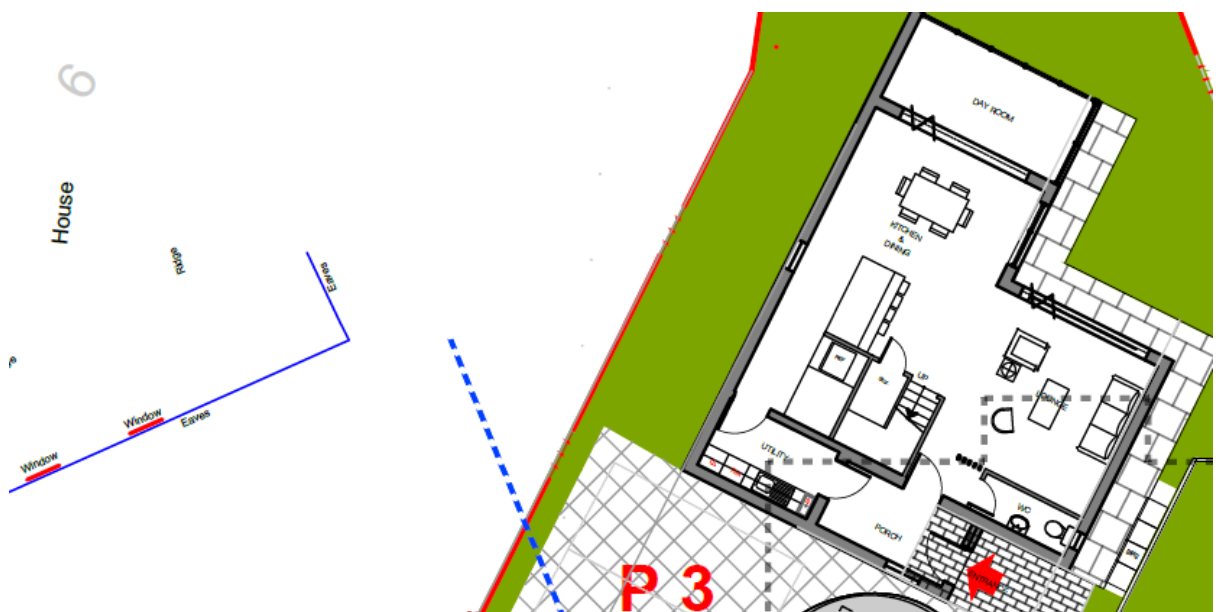
3.5.25 The proposed dwelling has been orientated between the main outlook from these two properties and whilst both will lose the all-round views currently experienced from the first floor levels of their homes, there are no planning grounds which allow the loss of view to be taken in to account.

3.5.26 This plot has been amended during the course of the application and has been reduced from a three storey dwelling to a two storey dwelling with eaves measuring 3.5 metres and the ridge measuring 6.4 metres. The plot has also been moved away from the boundary with No. 6 Chapel Grange.



Extract from revised plans relating to Plot 3 received 21st December 2020.

3.5.27 Due to the side-on orientation of the proposed dwelling to the main habitable room windows of No. 6 Chapel Grange and the boundary hedge which exists on the boundary of No. 6 Chapel Grange being over 3 metres in height, only the upper half of the bungalow will be visible (see photograph below).



3.5.28 The occupiers of No.6 Chapel Grange have expressed concerns regarding the sense of enclosure they would experience when using their rear garden

area which are acknowledged (refer to photographs below). However, planning policies unfortunately do not protect external amenity areas, only habitable room windows. As the proposed dwelling will have no direct impact on habitable room windows at No. 6 Chapel Grange, there are no grounds to resist the application on this basis. The proposed dwelling would be 3 metres away from the boundary of No.6 Chapel Grange, and together with the plot being at an oblique angle to rear elevation of No.6, and with a 6.4m ridge height, the impact towards this property is considered to be acceptable.



Photograph taken from conservatory at No.6 Chapel Grange looking towards north east corner of application site.



Photograph taken from first floor rear elevation (bedrooms) of No.6 Chapel Grange looking towards north-east corner of the application site and No.10 Tower Court.

3.5.29 Turning to the impact on No. 10 Tower Court, the first floor bedroom window on the front elevation will obliquely look towards the corner of Plot 4. At ground floor on the side elevation is a store/utility room facing the application site between Plots 3 and 4 (see photograph below). The positioning of Plot 3 however will not cause any undue sense of enclosure to this bedroom.



Case officer site photograph, taken 23rd October 2020 – Gable of No.10 Tower Court, first floor windows on front and gable.

3.5.30 With regards the bedroom served by the first floor window on the gable elevation, this overlooks the application site (see photograph below). The development has been designed so that users of the bedroom can look directly between Plots 3 and 4. The outlook from this bedroom will therefore be retained. It is considered that the siting of these two plots has less of an effect on this bedroom than the extant permission for the two dwellings, the outline of which is shown on the submitted Site Plan, the latest revision is shown on Dwg. No. 19057-101-L (refer to paragraph 3.2.5).



Case officer site photograph taken 23rd October 2020 – view of application taken from the first floor bedroom window on the gable of No.10 Tower Court.

3.5.31 The rear of No. 10 Tower Court is fully glazed and directly overlooks the football field (see photograph below). Within the bedroom at first floor of No.10 Tower Court facing the football field, bedroom views of Chapel Grange, which

encompass Plot 3 of the application site, are also experienced. As already discussed, loss of a view is unfortunately not a material planning consideration.



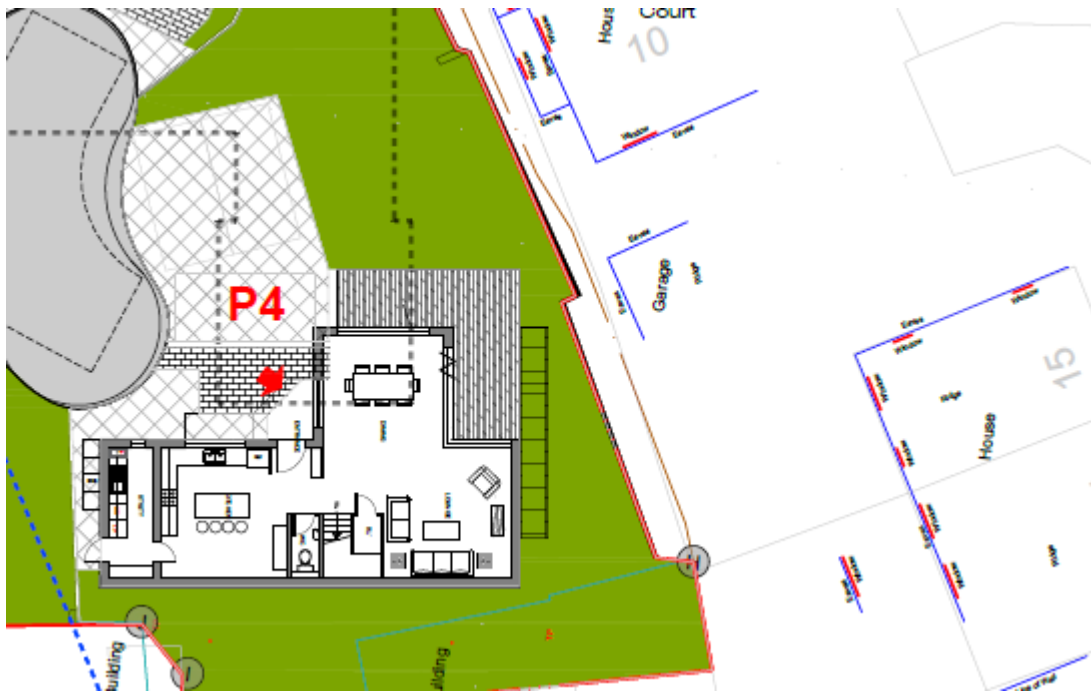
Case officer site photograph taken 23rd October 2020: view from private track to the rear of No.8 Chapel Grange looking towards north-east corner of application site (plot 3), and No.10 Tower Court. Football ground to the rear of Tower Court.

3.5.32 The siting of Plot 3 prevents any significant overbearing and oppressive issues to the occupiers of both Nos 6 Chapel Grange and 10 Tower Court. To ensure each of these neighbours do not experience any overlooking given the close proximity of the neighbouring dwellings, a condition is recommended requiring the first floor windows in the side elevations of Plot 3 to be obscure glazed. It is considered this would offset the separation distance at an oblique angle between Plot 3 and No.10 Tower Court i.e 8 metres between Plot 3 and the blank gable wall, and 12 metres between Plot 3 and the aforementioned utility store room and bedroom window at No.10 Tower Court (see paragraph 3.5.29).

Plot 4

3.5.33 Again, this is to be a three storey dwelling. During the course of the application this plot has also been amended. Firstly, Plot 4 is set at an angle to the rear elevation of No.15 Tower Court. Amendments have shown the plot to be moved 0.5m further in to the site towards Plot 2. This achieves a

separation distance from the south west corner of Plot 4 to No.15 Tower Court of 13.6m, from the middle of the plot of 13m, and from the nearest south east corner of the plot of 12.8m. Due to the angled relationship of the plot and No.15 Tower Court, and the fact there are no windows on the southern elevation of the plot at first floor level, and an obscure glazed non-habitable window at second floor level, it is considered that any overbearing dominating impact, and loss of privacy is reduced. The second amendment relates to the proposed balcony area. This balcony has been reduced in size to prevent direct overlooking of the first floor bedrooms within No.10 Tower Court. The third and final amendment is the extension of the red edge boundary towards an outbuilding/ former agricultural storage building, associated with Meadowcroft Barn, the barn attached to 114 High Street.



Extract from amended site plan showing relationship between Plot 4 and Nos 10 and 15 Tower Court.



Extract from revised plans relating to Plot 4 received 11th January 2021.

3.5.34 Based on the amendments shown on Drawing No. 19057-D-101-E (see above) the proposals are considered to have an acceptable impact on the occupiers of Nos. 10, 11 and 15 Tower Court, the occupiers of 126-128 High Street and any future occupants of the barn attached to 114 High Street, which has an extant permission to become a dwelling – please see the Planning History section of this report.



Case officer site photograph taken 23rd October 2020 – view towards application site from first floor bedroom of No.15 Tower Court.

3.5.35 The vibration noise and dust impacts of constructing the development, including the removal of the existing concrete bases which exist where agricultural buildings formally stood, will be controlled by a planning condition to ensure that any vibration works will be within acceptable standards. Such a condition is recommended.

3.5.36 On balance and subject to appropriate planning conditions, the proposal is compliant with Policy 8 of the Local Plan Part 2.

3.5.37 Design and Visual Amenity

3.5.38 Local Plan Policies 8 and 11 concern themselves with the design of new development with them requiring development to be.

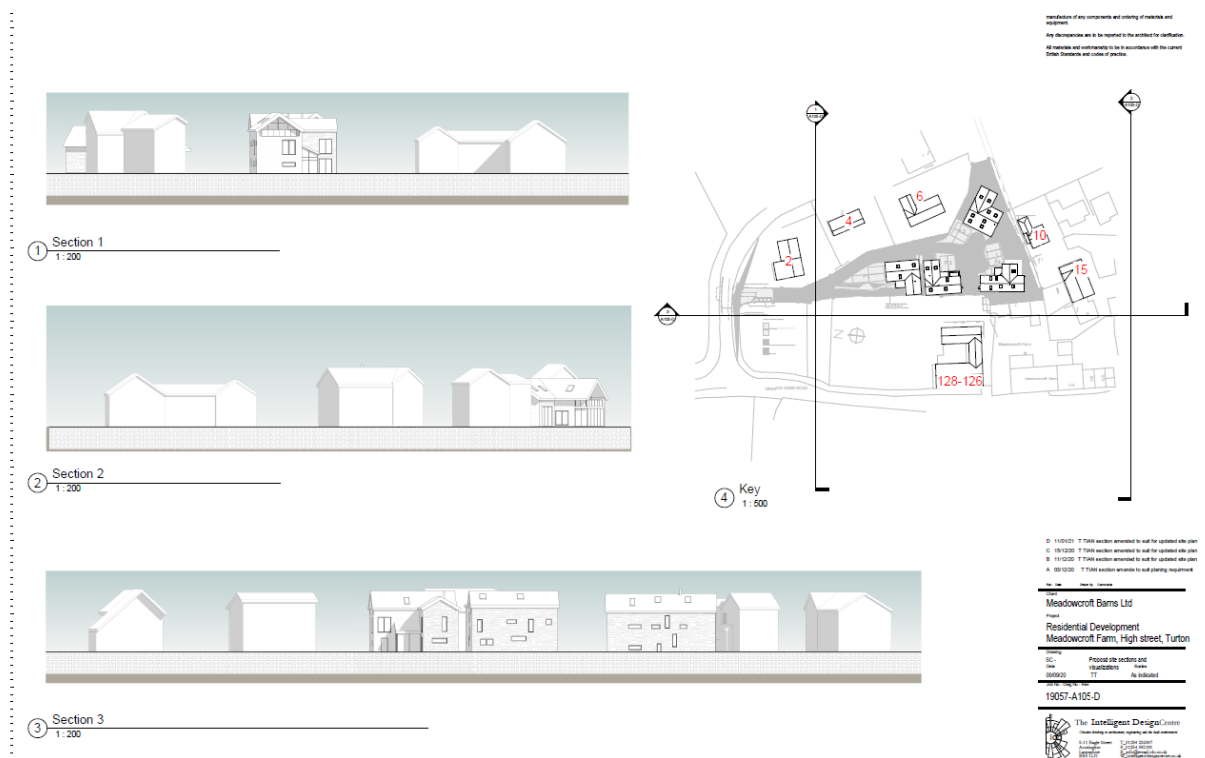
3.5.39 Section 12 of the NPPF also seeks to achieve well-designed places stating at paragraph 124; *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

3.5.40 In October 2018, the Government introduced a national design guide emphasising the need for well-designed development.

3.5.41 At a local level, the Council’s Residential Design Guide SPD focuses specifically on new residential development, and sets out, amongst other things, separation standards.

3.5.42 The amended proposed layout of the residential development provides a considered layout, which provides sufficient space between the proposed dwellings and the dwellings bordering the site, with all dwellings meeting the minimum separation standards set out in the Residential Design Guide SPD. In addition, the proposed garden areas to each plot equal the ground area of each of the proposed dwellings, this is considered to be acceptable.

3.5.43 The proposed dwellings are considered to form well-designed additions to the locality and are a modern interpretation of the dwellings constructed on the adjoining cul-de-sacs. The submitted Section drawings indicate that whilst three of the dwellings are to be 9.0 metres at their highest, they will not be significantly higher than the properties surrounding the site and are therefore acceptable in this regard. This is emphasised in the submitted “site sections and visualisations drawing” received on the 11th January 2021 (see below):



Extract from submitted “Site Sections and Visualisations Drawing” received 11th January 2021.

3.5.44 The proposals contain vernacular building forms all be it they are slightly higher than the surrounding dwellings. It is noted, that the representations received all state that render shown on the drawings is not characteristic of the locality. The local planning authority does not disagree with this, and whilst, the properties are to be only partially rendered, it is evident that the majority of the rear elevations of the proposals are to be rendered. Notwithstanding the details on the drawings, where planning conditions can be used to overcome concerns they should be imposed. On this basis, and taking account of the surrounding materials, the sites position in the setting of

Grade II listed buildings and the adjoining Conservation Area, it is recommended that a condition is imposed requiring all elevations facing towards the boundaries of the site be faced in stone to ensure the dwellings reflect the predominant materials of the conservation area and the Grade II listed buildings. Such a condition is therefore included in paragraph 4.1 of this report.

3.5.45 The site sits on the periphery of the Chapelton Conservation Area and in close proximity to listed buildings, which include a traditional agricultural stone barn. It is submitted that the proposal, which will utilise an unkempt site and in turn will improve the setting of heritage assets rather than detracting from them.

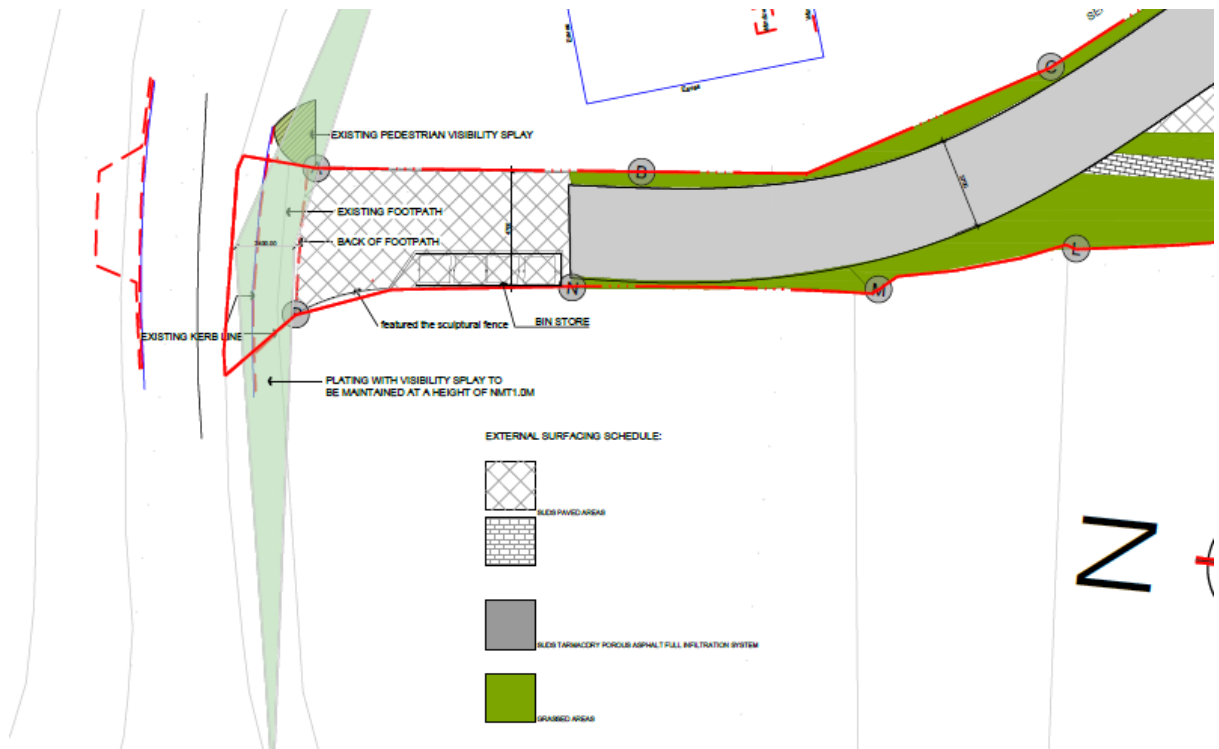
3.5.46 Officers note the concerns of local residents regarding the proposed boundary treatments, particularly those on the shared boundary of the Football Club and No. 10 Tower Court as the Site Plan indicates metal fencing. Further details on the appearance of boundary treatment and landscaping can be controlled via planning condition.

3.5.47 Subject to the suggested materials and landscaping condition, the proposals are considered to be consistent with Local Plan Part 2 Policy 11 and the Borough's Residential Design Guide.

Parking and Highway Safety

3.5.48 The proposal utilises the existing access/egress that links to Chapel Grange. Plot 2 of the new units incorporate an integrated garage and double driveway with two of the dwellings. All other dwellings have a driveway which will accommodate up to three cars.

3.5.49 The Highways Officer has assessed the proposals and advised that due to the lack of a pedestrian footway on either side of the access road to the site, the development cannot be adopted by the Council. The applicant is aware of this, and has verbally committed to creating a private development. The Highway Authority is satisfied with this approach. Please refer to extract from the amended site plan below.



Extract from proposed site plan drawing received 11th January 2021.

3.5.50 The proposals include details of the pedestrian and vehicular visibility splays at the entrance to the site and these are considered to be satisfactory. In addition, is the set back of the gated access to the site from Chapel Grange. This will ensure vehicles entering the application site will be clear of the access road to Chapel Grange, thereby ensuring the current free-flow of traffic is maintained.

3.5.51 The Highway Authority is also satisfied that subject to the integral garage size of Plot 2 being a minimum of 6m x 3m and that the proposals accord with the adopted parking standards of 3 parking spaces as these are comfortably met in-curtilage. Accordingly, the proposals are deemed to be compliant with the requirements of Local Plan Part 2, Policy 10.

Drainage

3.5.52 Local Plan Part 2 Policy 36 considers the effect of developments on climate change and requires all development to “be located and designed so as to minimise its susceptibility to the predicted effects of climate change over the lifetime of the development.” In making its assessment, the Council will consider, amongst, other things, the developments susceptibility to flooding.

3.5.53 Local Plan Part 2 Policy 9 concerns itself, amongst other things, with the drainage of surface water and states that “Development with the potential to create significant amounts of new surface water run-off will be expected to consider and implement where required, sustainable drainage systems (SuDS) or other options for the management of the surface water at source.”

3.5.54 Paragraph 163 of the National Planning Policy Framework (NPPF) requires that “when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.”

3.5.55 In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy and ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

3.5.56 Previous applications on the site have been accompanied by Foul and Surface Water drainage plans which have previously been approved by the Council’s Drainage Team. Whilst such details do not accompany this application, the Council’s Drainage Team is satisfied that these details can be secured by planning condition prior to any above-ground works commencing in line with the drainage hierarchy identified within the National Planning Practice Guidance. Such a condition is therefore recommended.

3.5.57 United Utilities have also assessed these proposals and they also recommend that the applicant disposes of surface water in accordance with the principles of the drainage hierarchy. The suggested condition will ensure that surface water and foul water are both dealt with adequately. The conditioning of the recommended drainage condition will also help to ensure that the development does not make the surface water drainage issues being experienced by the occupiers of Long Meadow House, Green Arms Road are not made any worse.

3.5.58 A public sewer crosses the site, the route of which is shown on the submitted Site Plan. The proposed new dwellings are not located above or within the easements either side of the sewer and as a result United Utilities have no objections to the proposals.

Contaminated Land

3.5.59 Contaminated Land assessments accompany the proposals. Despite detailed advice on what information is outstanding on the previous applications the Intrusive Site Investigation fails to provide a 600mm clean cover system in all garden areas. The Council’s Contaminated Land Officers advise that without this, future occupants may be at risk from the remnants of contamination associated with the previous farming use and have thus advised that the

Council should thus allow the applicants to address this omission by imposing a planning condition which they can then seek to discharge. Subject to this condition, and one relating to unexpected contamination, the proposal is acceptable and is consistent with Local Plan Part 2, Policies 8 and 9.

Biodiversity

3.5.60 Policy 8 of the Blackburn with Darwen Local Plan Part 2 concerns itself with protecting biodiversity. Paragraph 170 of the National Planning Framework currently requires:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

...

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”

3.5.61 The site consists predominantly of hard standing areas. There were previously several buildings on the site which have since been removed, although their foundations are still visible. A barn which was present during the initial survey of the site in 2015 has since been removed (this was previously identified as having negligible potential for roosting bats).

3.5.62 It has been determined that the site has low ecological value, however to avoid impacting commuting and foraging bats any exterior lighting should be designed in accordance with the Bat Conservation Trust (2018). A condition is recommended in this regard.

3.5.63 In the interests of safeguarding any ground nesting birds It is recommended that any vegetation clearance works avoid the bird nesting season (1st March – 31st August inclusive). If it is necessary to carry out works within this period, a nesting bird check should be carried out by a suitably qualified ecologist within 48 hours prior to the commencement of works, and works should only commence if it has been verified that nesting birds are not present. A suitably worded condition is recommended to this effect.

3.5.64 There are no foreseeable impacts of the development proposals upon any other protected or notable species. In the unlikely event that any protected species such as badgers, bats, reptiles or amphibians are identified during works, all works should cease, and a suitable qualified ecologist should be consulted.

3.5.65 In accordance with the NPPF, it is recommended that the ecological value of the site is enhanced. Two bat boxes of type Schwegler 1FF should be erected either on trees or buildings on the site. Bat boxes should be installed by a licensed bat ecologist.

Summary and Conclusions

3.5.66 Officers consider that whilst the dwellings proposed are large, provided all of the conditions recommended are imposed, the dwellings can be successfully accommodated on this vacant site without causing significant harm to the amenity of the surrounding residents, the setting of the Grade II listed buildings at 110-114 High Street and the barn attached, or the character and appearance of the conservation area. It is also considered that provided the materials, landscaping and conditions relating to biodiversity are imposed, the dwellings will successfully integrate in to the village envelope.

4.0 RECOMMENDATION

4.1 APPROVE subject to the following planning conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

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

19057 – LP-A: Location Plan;

19057- 101- L: Site Plan

19057-A-101-B: Plot 1: Plans, Elevations and 3D Views

19057-B-101-D: Plot 2: Plans, Elevations and 3D Views;

19057-A 101-D: Plot 3: Plans, Elevations and 3D Views;

19057-D-101-D: Plot 4: Plans, Elevations and 3D Views;

19057-A105-D: Proposed Site Sections and Visualisations;

19057-107-B: Proposed Site Roof Plan

REASON: For the avoidance of doubt and to clarify which plans are relevant to the permission.

3. Demolition, including removal of the existing concrete base(s) of the former agricultural buildings, or construction work shall not begin until a scheme for protecting the surrounding residential premises from noise, vibration and dust from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All

measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

REASON: To safeguard the amenity of neighbouring properties by reducing the noise/vibration levels emitted from the site, in accordance with Policy 8 of the Blackburn with Darwen Local Plan Part 2.

4. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
 - i) separate systems for the disposal of foul and surface water;
 - ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or surface water sewer for the 1 in 1 year and 1 in 100 year rainfall events (including an appropriate allowance for climate change), which shall not exceed the pre-development rate;
 - iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate;
 - iv) evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
 - v) details of flood exceedance routes (both on and off site);
 - vi) details of how surface water will be managed and pollution prevented during the construction phase;
 - vii) a timetable for implementation, including details of any phased delivery; and
 - viii) details of a management and maintenance plan for the drainage system after completion, including any arrangements for adoption by an appropriate public body or statutory undertaker.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings hereby approved are first occupied, and maintained as such thereafter.

REASON: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan Part 2 (2015), and the National Planning Policy Framework.

5. No development shall commence until a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement with associated plan shall provide for:
 - I) the parking of vehicles of site operatives and visitors;
 - II) Loading and unloading of plant and materials;

- III) Storage of plant and materials used in constructing the development;
- IV) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- V) Wheel washing facilities;
- VI) Measures to control the emission of dust and dirt during construction;
- VII) A scheme for recycling/disposing of waste resulting from demolition and construction works; and,
- VIII) Measures to safeguard the construction site from crime and disorder.

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in order to protect the visual amenities of the locality, and in order to safeguard the site from crime and disorder in accordance with Policies 8, 10 and 11 of the Blackburn with Darwen Borough Local Plan Part 2 (2015) and the National Planning Policy Framework.

6. The proposed hours of construction shall be restricted to: Monday to Friday: 8 a.m. - 6 p.m, Saturdays: 8 a.m. - 1 p.m, and not on Sundays or Bank Holidays.

REASON: To safeguard the amenities of the adjacent residential properties in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 (2015).

7. Notwithstanding the approved plans and prior to any above ground works commencing of the development hereby approved, samples of all external walling, roofing, windows, doors and drainpipe materials, and their colour to be used in the construction of the building work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory and sympathetic to the adjoining Chapeltown Conservation Area and the setting of designated heritage assets, in accordance with Policies 8, 11 and 39 of the Blackburn with Darwen Borough Local Plan Part 2 (2015), the Blackburn with Darwen Residential Design Guide Supplementary Planning Document, and the National Planning Policy Framework.

8. Notwithstanding the approved plans, all elevations of the dwellings hereby approved that face towards properties on Chapel Grange, High Street or Tower Court shall be finished in stone, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the external appearance of the development is satisfactory and sympathetic to the adjoining Chapeltown Conservation Area and the setting of designated heritage assets, in accordance with Policies 8, 11 and 39 of the Blackburn with Darwen Borough Local Plan Part 2 (2015), the Blackburn with Darwen Residential Design Guide Supplementary Planning Document and the National Planning Policy Framework.

9. Details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority before any development at that plot takes place. The development shall thereafter be implemented in accordance with the duly approved details.

REASON: To ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of Policies 8 and 11 of the Blackburn with Darwen Borough Local Plan Part 2 (2015), the Blackburn with Darwen Residential Design Guide Supplementary Planning Document and the National Planning Policy Framework.

10. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

REASON: In order to prevent any habitat disturbance to nesting birds in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan Part 2 (2015) , the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

11. Notwithstanding any details shown on the approved plans and the requirements of condition no. 2 [approved plans] of this permission, within 3 months of development first taking place details of the siting, height, design, materials and finish of boundary treatments for each plot shall be submitted to and approved in writing by the Local Planning Authority. The duly approved boundary treatments shall be constructed in full accordance with the approved details before the dwelling on that plot is first occupied, and shall be retained as such thereafter.

REASON: In the interests of the security of future occupiers, to ensure adequate levels of privacy between neighbouring dwellings/ buildings and in the interests of visual amenity, in accordance with the requirements of Policies 8 and 11 of the Blackburn with Darwen Local Plan Part 2 (2015).

12. Within three months of development first taking place a hard and soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs. The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas that are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

REASON: To ensure an appropriate mitigatory landscaping scheme that is in the interests of visual amenity, and aims to provide suitable habitat compensation, in accordance with the requirements of policies 8 and 11 of the Blackburn with Darwen Local Plan Part 2 (2015), and the National Planning Policy Framework.

13. Notwithstanding any details contained within the application, a scheme for the installation of any external lighting on the building(s) and the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before any lighting is installed. The scheme shall include details of the lighting's: (i) position and height on the building(s) and/or site; (ii) spillage, luminance and angle of installation; and (iii) any hoods to be fixed to the lights. Any external lighting shall only be installed in accordance with the duly approved scheme.

REASON: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers or adversely impact commuting and foraging bats, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan (2015) and the National Planning Policy Framework.

14. All first floor windows shown on the north facing elevation of Plot 1 shall be obscurely glazed to a minimum of level 4 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before the dwelling hereby approved is first occupied and shall be retained as such thereafter.

REASON: To safeguard the privacy of occupiers of neighbouring dwellings on Chapel Grange and ensure satisfactory levels of amenity,

in accordance with the requirements of Policy 8 of the Blackburn with Darwen Local Plan Part 2 (2015) and the National Planning Policy Framework.

15. All first floor windows and rooflights shown in the north-west and south-east facing elevations of Plot 3 shall be obscurely glazed to a minimum of level 4 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) before the dwelling hereby approved is first occupied and shall be retained as such thereafter.

REASON: To safeguard the privacy of occupiers of 6 Chapel Grange and 10 Tower Court to ensure satisfactory levels of amenity, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Local Plan Part 2 (2015) and the National Planning Policy Framework.

16. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the new dwelling unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies 8, 11 and 41 of the Blackburn with Darwen Local Plan Part 2.

17. Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2 (2015).

5.0 PLANNING HISTORY

5.0.1 The table below provides the planning history for the application site:

Application Number	Description of Development	Decision	Date
10/19/0299	Demolition of farm buildings and erection of 2 dwellings with integral garages and associated access	Approved with Conditions	31/05/2019
10/15/1006	Demolition of farm buildings and erection of 2 dwellings with integral	Approved with	05/04/2016

	garages and associated access	Conditions	
10/10/0625	Erection of 2 dwellings with integral garages and associated access	Approved with Conditions	14/09/2011
10/05/1320	Demolition of existing Animal Stock buildings and erection of 2 No. Detached Houses with Garages and Home/Work space	Approved with Conditions	22/03/2006

5.0.2 The tables below provide the relevant planning history for the barn attached to 114 High Street:

Barn attached to 114 High Street

Application Number	Description of Development	Decision	Date
10/20/1209	Variation of Condition No.2 (approved drawings) pursuant to application 10/17/1531: 'Conversion of a redundant Shippon into a single dwelling, creation of a curtilage area and erection of a detached garage - amendment to western site boundary (Replace drawing no 17/1184/200D: Proposed Site Plan, rec. 25.07.2018 and update the Location Plan)	Under consideration	
10/19/0172	Discharge of condition nos.3 (Site Meeting/Date Stone); 4 (Building Protection); 5 (Historic Building Record); 6 (Repair of historical roofs); 7 (Repair and modification of historic doors on gable); 8 (Windows schedule); 9 (Replacement 5-bar gate); 10 (Hinged Rooflights); 11 (Ground Floor Surfaces); 13 (Retention of cattle stalls); 15 (Details of services being installed) and 16 (Location of staircase and internal walls) pursuant to Listed Building Consent application 10/18/0010	Split Decision	03/12/2019
10/18/0010	Listed Building Consent for the conversion of a redundant Shippon into a single dwelling, creation of a curtilage area and detached garage.		
10/17/1151	Conversion of a redundant Shippon into a single dwelling,	Approved with	26/09/2018

	creation of a curtilage area and erection of a detached garage.	Conditions	
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6.0 CONSULTATIONS

6.1 Due to the site adjoining the eastern boundary of the Chapelton Conservation Area and being to the rear of Grade II listed buildings - 110/112 – 114 High Street and the attached barn - the application has been advertised in the Press and by Site Notice, both at the time of the initial application and following receipt of the amendments. The Parish Council, Ward Councillors and 29 neighbouring properties were also consulted by letter both initially and on receipt of the amendments.

6.2 16 objections have been received which raise the following concerns:

- Overdevelopment of the site
- Scale, design and massing unsympathetic to neighbouring properties, neighbouring amenity and the locality
- Loss of privacy, daylight and sunlight
- Materials not sympathetic to conservation area and locality
- Lack of on-site parking
- Surface water drainage issues

6.3 All representations from nearby residents are shown in full in Section 9 of this report for Members to consider.

6.4 *Statutory Consultees*

BwD Cleansing – No objections

BwD Drainage – No objections, subject to conditions

BwD Highways – No objections, subject to the visibility splays remaining clear perpetuity.

Greater Manchester Ecology Unit – No objections subject to a condition requiring biodiversity enhancements

BwD Public Protection – No objections, subject to the standard contamination land conditions being imposed.

BwD – Strategic Housing – No objections

United Utilities – No objections, subject to the Public Sewer running through the site being kept clear of development.

7.0 Contact Officer – Claire Booth, Senior Planner

8.0 Date Prepared - 11th January 2021.

9.0 SUMMARY OF REPRESENTATIONS

9.1 Below are a number of representations received from surrounding and nearby neighbours:

Objection – Dr Philip Jennison, Long Meadow House, Green Arms Road, Chapeltown. Rec – 08/10/2020

Dear Mr Prescott,

Further to your recent letter, I am wanting to express my concern about the potential surface water situation in this area, and the impact that this development may have upon it, as it is already inadequate, and your department may not be aware.

I have copied my e mail sent today to Mr Kelly & co. in explanation.

Dr P Jennison.

Copy email sent to Mr Kelly:

Dear Mr Kelly,

I am sending this to you and your colleagues in the hope that someone will take note of the disgraceful waste of Council time and money that has been involved in this incompetently managed project.

Four years after my house was flooded due to what your colleagues readily admitted were non functioning surface water road drains along this whole stretch of Greens Arms Road, and at least two years after

I was told that finances had been ring fenced for this project, I received a letter from Mr Cliffe in October 2019, telling me that you now had permission to connect a new gully to the United Utilities surface water sewer which would

and I quote, “ensure that local properties in the area are not placed at further risk due to flooding”.

The project was started at the end of March but stopped the next day due to the pandemic.

It was completed after several days work in the last two weeks. As soon as the tarmac team left there was a very strong smell of gas in the road and I had to call out Cadent, who confirmed that there was a leak under the tarmac.

The area around the works was left in a disgraceful mess with piles of unused tarmac, bits of wood and plastic pipe.

Cadent had to dig up the road again and fixed the damaged gas pipe.(and kindly cleared away the mess left by the Council workers.)

Following the recent moderately heavy rainfall , the whole of Greens Arms Road from the junction with Embankment Road to Chapel Grange, once more became a river which then formed a lake outside my property and started to pour down my drive, necessitating

me to lay sandbags across my drive to prevent further flood damage.

The new gully was completely ineffective and a torrent of water was flowing over it into the adjoining field. This was exactly the situation which used to occur before the aforementioned work was completed.

Yet again I have had to contact Imran Munshie who sent two men to try and free the gully. They have had to return a second time today as the road was still flooding.

I now understand that the work done involved fitting a 100mm pipe from the gully to the sewer.

Whoever thought that a pipe of this size could cope with the river that washes down this road together with all the debris it brings with it?

It smacks of total incompetence and I dread to think how much public money has been utterly wasted on a project which was doomed to failure, and indeed failed at the first test.

It does not take a degree in drainage or road building to realise that there is a major problem with this road's drainage throughout its length which was not going to be solved by a four inch pipe.

Five years, how many meetings, letters, e mails, legal advice, and frustration from those that pay your wages and we are back to square one.

I am totally disgusted with the way this has been mis managed, but particularly at the dreadful WASTE.

Myself and my neighbours should not be in a situation where we have to put out sandbags for protection whenever there is normal rainfall, because the Council have not fulfilled their legal obligation to provide adequate surface water drainage the road.

If I don't receive a satisfactory and quick response to this e mail, I shall certainly be letting the local media know about the disgraceful wastage and incompetence that I have had to witness, and will be considering legal action.

Objection – Neil Page, 6 Chapel Grange, Chapeltown. Rec – 21/10/2020

FAO : Claire Booth, Gavin Prescott, Martin Kelly

I am writing in relation to the latest planning application submitted for the development of 4 dwellings at the rear of former Meadowcroft Farm – 10/20/0798

Having been directly involved in finding a mutual resolution for the previous planning application at this site several years ago for the erection of just two dwellings, I have to admit that I was quite taken aback at receiving the latest letter, and vehemently object to the request. I recall that I spoke with all three of you in the past in an effort to resolve so I hope that you also still share the same views?

Being directly adjacent to the site (6 Chapel Grange) obviously has the greatest impact to my property (specifically Plot 3), so I hope you can understand my anger and frustration. I have however tried to keep any emotions at bay and structure this letter in a way which outlines the reasons behind my objection. The list below is in no particular order but obviously Plot 3 is of most concern.

- Increase in number of properties
 - You may remember that the previous application for 2 dwellings more or less replaced the two existing farm buildings that had stood on the land for many years. Increasing the number to 4 on the same size plot of land will have a detrimental impact in many ways :
 - Noise generated from 4 households
 - With a minimum number of two cars per household, there will be at least 8 cars travelling up and down the single track road which runs directly parallel to the Chapel Grange properties.
 - Parking – visitors to the properties will have no choice but to park at the entrance to Chapel Grange which already has a significant access problem. Pedestrians are forced to walk in the middle of the road in the direct path of oncoming traffic. Chapeltown village also has a problem with parking and additional vehicles will only exacerbate the issue.
- Siting of properties
 - All properties seem to have been sited with a total disregard for the existing surrounding properties. All are being built closer to the existing boundaries in order to accommodate the increased number of properties.
 - With specific reference to Plot 3, the property is now proposed to be what looks like a foot away from my boundary fence and the whole footprint has been relocated further forward by what appears to be the full length of the property. This proposal now places the property directly along almost 75% of my rear boundary fence. You may remember that the previous planning was amended to re site the property 1.7M further back and also move it away from the boundary fence, from 1.8M to 2.4M. I've attached a copy of your confirmation letter for your reference.
- Property Design

- All 4 proposed properties now seem to have multiple and extremely large balconies. I believe the reason for this is to compensate for the lack of gardens due to the increased number of properties situated on the plot of land. This obviously raises the issue of existing properties being overlooked and again if I can refer to the attached letter, all French doors and balconies were removed from the plans in order to retain a 45 degree angle of clear vision from all of my principal windows.
- All 4 properties also have bedrooms within the loft space in order to deliver a 4 bedroom property within a smaller footprint. The result of which means that all 4 properties also have several velux windows installed in the roof which gives greater propensity of the existing properties being overlooked. Again, this aspect was given great consideration in order to secure the approval of the previous planning application.
- Property style
 - I remember when the houses on Chapel Grange were built and there was a great emphasis on retaining the general feel of the village. All the houses therefore had to be built from stone to blend in with the existing houses within Tower Court and the rest of the village. The proposed new houses are a mixture of natural stone and white cladding which will look completely out of place within the centre of the village.

It is quite obvious why such a planning application has been submitted and it is purely for financial reasons. The opportunity to make profit on 4 houses rather than 2 is obviously a great incentive and makes the land a more viable financial option – especially when the houses are a lot smaller but being built in such a way as to market them as “true” 4 bedroom properties.

What is more annoying, is that the developer appears to have no actual desire to build the properties either. The intention would seem to be; simply obtain planning approval and then sell on to another developer - just as they are now trying to do with Meadowcroft Farm !

Such profiteering is quite clearly being done at the expense of others. Not only those of us who are directly impacted, but for the rest of the village too.

I have lived in the village for nearly 25 years now and I would like to think that I am part of the community. This proposed planning application (if approved) will have a detrimental impact on my property, both financially and aesthetically and will certainly pose a serious question of whether to remain.

I would welcome the opportunity to discuss in more detail

Neil Page
6 Chapel Grange
Chapeltown
Turton
Bolton
BL7 0NL

Dear Mr Page,

DETAILS OF PLANNING APPLICATION (AMENDMENT)
APPLICATION REFERENCE NUMBER: 10/05/1320

Full Planning Application
Demolition of existing Animal Stock buildings and erection of 2 No. Detached Houses with Garages and Home/Work space at Meadowcroft Farm
Rear of 114/126 High Street
Chapeltown
Turton

I refer to my previous consultation letter regarding the above development, your subsequent response dated the 19th January 2006, and our site meeting on the 26th January 2006. The comments you have raised have been taken into account, together with the comments raised by the owner of No.10 Tower Court.

I have now received amended plans regarding the proposed development. The proposed secondary bedroom windows on the north elevation to Plot 2 have now been deleted. The proposed French doors and side windows to the bay area to the master bedroom on the east elevation have also been deleted. This will retain at least a 45 degree angle of clear vision from all of the your principal windows, and no proposed principal windows to Plot 2 would be directly facing your property, thereby reducing any element of overlooking, and loss of privacy.

The proposed dwelling has been resited 1.7 metres further back into the site to safeguard the amenities of No.10 Tower Court i.e. it will now not project any further than their proposed rear extension (ref no: 10/05/0786).

The original proposal showed the north west corner of the dwelling to be 1.8 metres away from your party boundary. The amended proposal is now 2.4 metres away.

Fostering School Improvement • Transforming the School Workforce • Libraries as a Community Resource • Fostering Business Growth

Adam Scott - Director of Regeneration, Housing and Neighbourhoods
Town Hall, Blackburn, Lancashire BB1 7DY

Objection – Anthony Cliff, 8 Chapel Grange, Chapeltown. Rec – 21/10/2020
Reference – 10/20/0798

Land to the rear of Meadow Croft Farm 114 High Street, Chapeltown, Bolton, BL7 0EX.

To whom it may concern,

I live at 8 Chapel Grange, Chapeltown, Bolton, BL7 0NL and I object to the planning application 10/20/0798.

The developer is trying to erect 4 houses into the plot behind my home where the previous planning was for only two houses to be developed.

My concerns and objections are as follows:

1. From my kitchen window and conservatory all I will see is the backside of Plot C this will be an eyesore also taking light from my kitchen and conservatory.
2. Why does it have to be an imposing three story high building when surely a two story would fit better?
3. The balcony which is planned for Plot C is a major concern as this will look directly into my rear garden which results in an invasion of privacy.
4. Increase volume of traffic through the Chapeltown village and Bromley cross at times can be dreadful and with another big development at the last drop village and other development in the Bromley cross area as of late will accumulate even more traffic. With approximately 2 cars per house hold.

Whilst it would be great news if the site was developed as it has been vacant for approx. 10 years Plot C is a major concern for me.

Please take into consideration my objections

Objection – Robert Shields, 21 Chapel Grange, Turton. Rec – 22/10/2020

I wish to object to the proposal to build four houses on Land to the Rear of Meadowcroft Farm, High Street, Chapeltown.

The development borders the Chapeltown Conservation Area where the vast majority of the houses are stone so the proposed houses, which would be mainly white rendered, would be out of keeping and intrusive. The two houses approved under the existing planning permission were to be built of stone under slate roofing, which would not have been as intrusive as those now proposed.

The design of the houses, with balconies to their First Floors and large windows on the Second Floors, will result in the adjoining properties being overlooked and losing their privacy.

Is the access road and the hammer head sufficient to allow the waste collection vehicles to service the site? Too often in the village we see groups of bins from properties, which the waste collection vehicles are unable to access, left by the side of the road for days. I would not want the bins from these houses left on the pavement of Chapel Grange, blocking the footpath.

Objection – Ian Ormrod, 5 Chapel Grange, Chapeltown. Rec – 22/10/2020

Re.: Erection of four dwellings on land to rear of Meadowcroft Farm, 114 High Street, Chapeltown, Bolton BL70EX

I write in connection with the above planning proposal.

Whilst I have no objection to the development of the land in principle, I have a number of comments and concerns which I feel should be considered in advance of any final decision. They are as follows;

1. A previous plan for three detached houses allowed for a degree of spacing around the properties, which was in keeping with developments in the immediate vicinity. The above planning application for four detached houses would result in an overcrowding of the site, which;
 - a. is out of character with the local area
 - b. will put additional pressure on informal overflow parking where cars visiting Chapel Grange, properties located opposite the opening to Chapel Grange and walkers regularly leave their vehicles on the pavement and grass verges opposite the proposed entrance to the development. This has sometimes resulted in failed refuse collections and deliveries to Chapel Grange.
2. Vehicles emerging from the development represent a danger to pedestrians (adults and school children), as the road crosses an existing footpath with limited mutual visibility for either driver or pedestrian.
3. The positioning of Plot 3 in particular, will result in a number of properties on Chapel Grange being directly / partly overlooked from balconies, resulting in a loss of privacy.

Thank you in anticipation of your consideration.

Objection – Anthony Cliff, 8 Chapel Grange, Chapeltown. Rec – 23/10/2020

Land to the rear of Meadow Croft Farm - 114 High Street, Chapeltown
Bolton, BL7 0EX.

To Whom it may Concern,

I live at 8. chapel Grange, Chapeltown, Bolton, BL7 0NL
and I Object to the planning application 10/20/0798

The developer is trying to erect 4 houses into the plot
of land behind my home, where the previous planning
was for only 2 houses to be developed.

My concerns and objections are as follows:

1. From my kitchen window and conservatory all I will see is the backside of Plot C. This will be an eyesore and will also take light from my kitchen and conservatory.
2. Why does it have to be an imposing 3 story high building when surely a 2 story would fit better?
3. The balcony which is planned for Plot C is a major concern as this will look directly into my rear garden which results in an invasion of privacy.
4. The development will increase the volume of traffic through Chapelton village and Bromley Cross. Traffic can be dreadful at times and with another big development at the Last Drop Village and other developments in Bromley Cross area as of late will accumulate even more traffic with approx. 2 cars per household.

Whilst it would be great news if the site was developed as it has been vacant for approx. 10 years Plot C is a major concern for me.

Please take into consideration my objections.

Objection – Mr Nick Whittaker, 126-128 High Street, Chapeltown. Rec – 23/10/2020

Dear Sir

I am writing to express my concern regarding the above planning application 10/20/0798. The proposed development is the neighbouring property to mine, at 126-128 High Street.

I am particularly concerned with the height of some of the proposed dwellings, and in incongruity of these with other, similar, dwellings permitted in the past. The plots are referred to on the plans as plots A, B, C and D. All of these plots are proposed as three storey buildings. This height is incongruous to all other buildings in the surrounding area, all of which follow the standard two storey approach. This means that they will certainly appear out of character, and will dominate the aspect of this quiet village. The previous approved planning application had two storey buildings, and was much more in keeping with the area. This proposal appears to be trying to cram as many building-rooms into as small an area as possible, and the proposed buildings are much higher than normal buildings, at 9 metres for each building. This means that the surrounding properties will all be affected for privacy with four buildings in close proximity, all higher than the norm for the area.

With each of the proposed buildings having a first-floor balcony, this will further intrude on the surrounding properties, encouraging overviews of neighbouring gardens and house interiors via windows.

With regard to plots A and B. Plot A shows its front perspective with windows looking out at an existing high hedge and trees on neighbour's property. The proposed plot A abuts these hedge and trees almost touching it. This will afford very little light to enter the front perspective of the house, making for poor light quality in the proposed plot A in these rooms, a living room and bedroom. A similar problem is indicated in plot B, where the rear elevation is again adjacent to a tall existing hedge and trees, and shows proposed kitchen and dining area to be affected by poor natural light. The accompanying pictures show this, but show it in an autumnal/winter state. When spring/summer comes, these hedges are much bigger and will block out much more light.



The current owners of the plots have allowed parts of the dividing wall between 126-128 High Street and these plots to fall into disrepair on their side, with an existing stone wall falling down on the proposed site's side.



This site has had many proposals over the years, and despite being approved, no work has been done on these sites. The plots are falling into disrepair, affecting neighbouring property. This can give an indication of the level of care the current owners have with regard to development and keeping in line with local environment.

Objection – Stephen Barlow, 15 Tower Court, Chapeltown. Rec – 23/10/2020

I WISH TO COMMENT ON THE ABOVE
ADDRESS FOR PLANNING APPLICATION

OUR HOUSE IS ADJOINING THE
PROPOSED BUILD THE FIRST OBJECTION
IS THE LOSS OF SUNLIGHT + DAYLIGHT
IT WILL CAUSE, AND SECONDLY/
THE BUILD WILL BE OVERLOOKING THE
REAR OF THE HOUSE WE ARE OVERLOOKED
ALREADY FROM THE FRONT AND THE
SIDE. I HOPE SINCERELY YOU WILL
TAKE THESE POINTS INTO CONSIDERATION

Objection - Mr & Mrs Glover, 10 Chapel Grange, Chapeltown. Rec – 23/10/2020
Planning Application Number: 10/20/0798

Site Address: Land to the rear of former Meadowcroft Farm 114 High Street
Chapeltown Bolton BL7 0EX

Dear Mr Prescott (Planning Manager with Blackburn with Darwen Borough Council),

Thank you for your letter dated 5th October 2020 in regard to the planning application as above. We have viewed all the relevant information and drawings/pictures on your website.

We are home owners and have serious concerns regarding the planning consideration as follows.

We are shocked to see that the planning permission appears to have been extended from two dwellings to four. In extending the scope of the planning permission the boundaries of the overall plot have been extended and the positioning of the proposed dwellings A to D, with the result of serious "Being Overlooked" situations.

The dwellings are described as two storey but consist of a GROUND FLOOR, FIRST FLOOR AND SECOND FLOOR which in our opinion actually makes them three living levels with two balconies, one on the FIRST FLOOR and one on the SECOND FLOOR. There are also patio windows on SECOND FLOOR ROOMS. The dwellings appear to be a lot higher than the surrounding properties. All of these factors make the planning application request unacceptable.

The white silicone smooth render" is not in keeping with the houses in Chapel Grange, Tower Court or the village of Chapeltown itself.

The "Natural Stone panel cladding, coursed, broken range is not in keeping with the houses in Chapel Grange, Tower Court or our village of Chapeltown.

Plot "A" will block out our view of the hills and reduce our light. In addition we will be overlooked in our front bedroom, Kitchen and front garden.

Plot "C" will overlook our house and gardens.

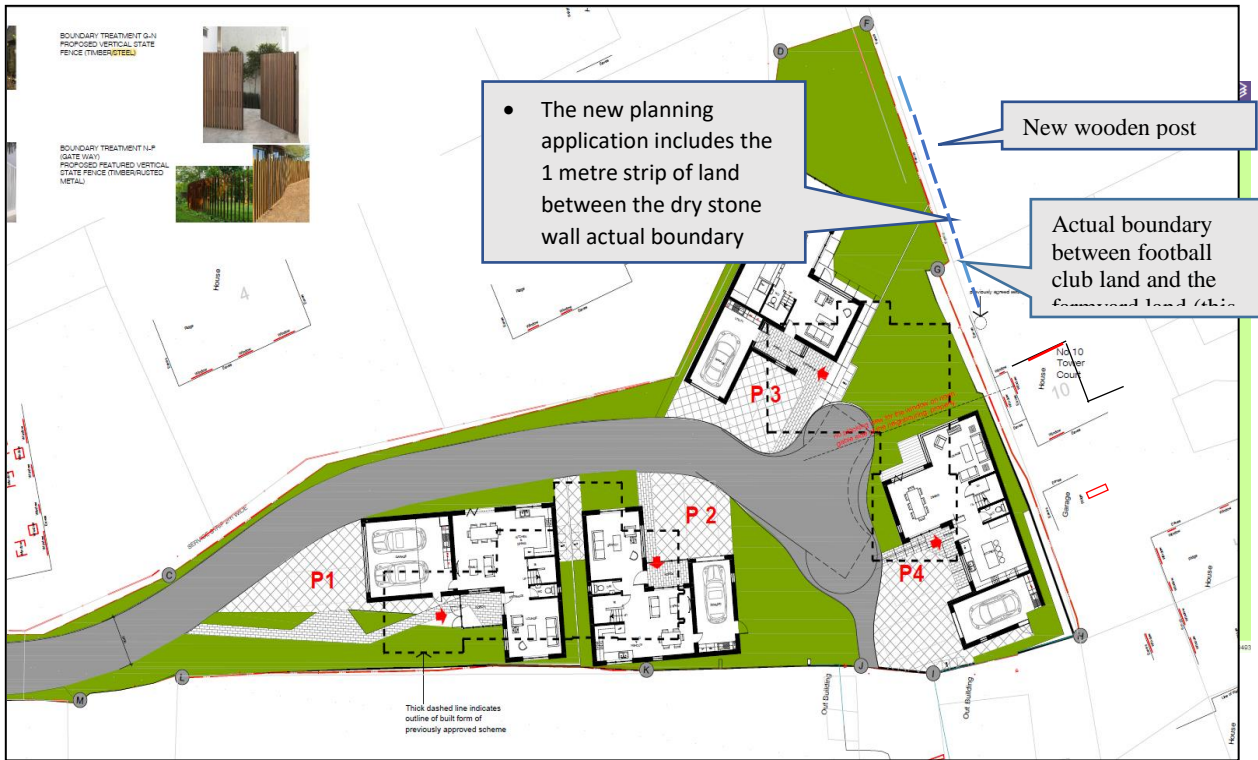
In our opinion this development will devalue our property and our neighbours' properties who have lived in these homes for over twenty years.

We trust that our comments relating to the planning considerations will be taken into account when deciding this application.

Objection – Philip Riding, Trustee Old Boltonians. Rec – 23/10/2020

Dear sirs , as a Trustee of the land owned by Old Boltonians Association which is used for football pitches by Old Boltonians AFC please note that I object to the planning application as submitted on the grounds that the plans show the boundary of the new housing development to be encroaching onto our land . The attached plans show the boundary as the wooden fence posts and wire mesh we erected many years ago to prevent balls going over the wall (it was easier than trying to rebuild sections of the wall that had fallen into disrepair).

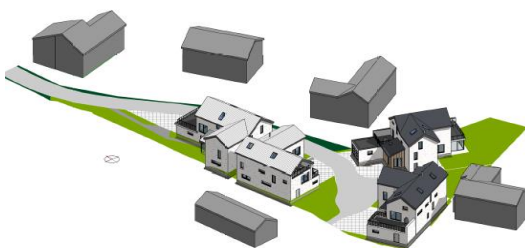
The impact of building the new houses in the proposed situation will bring them closer to the football pitch and no doubt lead to disputes over damage to fencing from footballs - hence the need to keep the gap between the fencing we have installed and the boundary of the new property to prevent balls from banging into the boundary fence of the house that will be adjacent to the pitch:



① 3D-NORTH EAST



② 3D-NORTH WEST



4 FRONT ELEVATION
1:100

5 REAR ELEVATION
1:100

6 SIDE ELEVATION-1
1:100

7 SIDE ELEVATION-2
1:100

1 GROUND FLOOR
1:100
GIA: 81.15m²/873.58ft²

2 FIRST FLOOR
1:100
GIA: 58.1705m²/626.18ft²

3 SECOND FLOOR
1:100
GIA: 58.42m²/628.89ft²

8 REAR PERSPECTIVE

9 FRONT PERSPECTIVE

C PLOT 3
4 Bed detached house with integrated single garage and driveway parking for 2 cars.
Gross Internal Area (GIA): 197.74m² / 2128.65ft²

A: May 2020 TT Initial scheme layout

Site No: [redacted]
Name: [redacted]

Meadowcroft Barns
Project:
Proposed Residential Development
Former Meadowcroft Farm

SD - AS PROPOSED UNIT C PLANS AND ELEVATIONS AND JOINTS
10/2020 T.T. AS REVISED

19057-C-101-A

The Intelligent Design Centre
Architectural and planning solutions for the future

A to Page From: [redacted]
Author: [redacted]
Date: [redacted]

4 FRONT ELEVATION
1:100

5 REAR ELEVATION
1:100

6 SIDE ELEVATION-1
1:100

7 SIDE ELEVATION-2
1:100

1 GROUND FLOOR
1:100
GIA: 77.98m²/839.48ft²

2 FIRST FLOOR
1:100
GIA: 72.98m²/785.99ft²

3 SECOND FLOOR
1:100
GIA: 57.27m²/616.58ft²

8 Section A
1:100

9 REAR PERSPECTIVE

10 FRONT PERSPECTIVE

D PLOT 4
5 Bed detached house with integrated single garage and driveway parking for 2 cars.
Gross Internal Area (GIA): 208.23m² / 2241.48ft²

A: May 2020 TT Initial scheme layout
J: May 2020 TT Site layout of the house layout

Site No: [redacted]
Name: [redacted]

Meadowcroft Barns
Project:
Proposed Residential Development
Former Meadowcroft Farm

SD - AS PROPOSED UNIT D PLANS AND ELEVATIONS AND JOINTS
10/2020 T.T. AS REVISED

19057-D-101-B

The Intelligent Design Centre
Architectural and planning solutions for the future

A to Page From: [redacted]
Author: [redacted]
Date: [redacted]

Objection – Andy Lavin, 10 Tower Court, Turton. Rec – 23/10/2020

Letter of objection regarding the planning application to build 4 houses on the site behind Meadowcroft Farm Chapelton from the owners of 10 Tower Court (Ref: 10/20/0798)

Dear Claire

We have some serious concerns regarding the above mentioned development and the impact on us as an adjoining property, namely:

- 1) **The available area and scale of the properties means that they don't have a proper setting. They have not been designed in relationship to context and there is a complete lack of sympathy in the proposal for the amenity of the neighbouring properties and the well being of existing residents.**
- 2) **It is our view that there is significant overdevelopment of the site, given the context within which it sits and the adjoining properties.**
- 3) **The massing, bulk and height** of the proposed development is a major concern.
 - a) **3 storeys** is not in keeping with the surrounding houses – **should be reduced to normal two stories height - the proposed 9m high roofline is NOT appropriate** on this site and in such close proximity to the neighbouring properties. **Any plans for this plot should be restricted to 2 storeys.**
 - b) **There are too many houses for such a small/awkward shaped plot** – 4 houses have been squeezed into a plot that is too small, forcing each of the houses right up against the boundaries which, if permission were granted, would have a significant impact on the neighbouring properties.
 - c) **The number of houses should be reduced** – with much more consideration for the impact on the neighbouring houses and the general context and look of the site including the space between buildings amount of garden/green space
 - d) As a result, the development is **overshadowing and overbearing** for neighbouring properties (especially 10 Tower Court)
 - e) Please see the specific issues included on the site plan in **Appendix 1** (attached)
- 4) **Close proximity/ position (also see Appendix 1):**
 - a) Plot 4 is far too close to our house (10 Tower Court),
 - b) Plot 3 is also too close and in the line of sight from both the 1st floor and ground floor rear windows of 10 Tower Court. It is also in the line of sight from the rear garden at 10 Tower Court. It will dominate that side of our house and garden and will feel particularly over bearing.
 - c) The proposed positioning/ close proximity would result in significant loss of light and it would be over shadowing, overbearing and would feel quite overwhelming.
 - d) With the positioning and such close proximity, our property (10 Tower Court) would be **significantly overlooked all-round**. Our privacy would be seriously compromised.
 - e) Please see the specific issues included on the site plan in **Appendix 1** (attached)
- 5) **Our privacy would be seriously compromised by this development.**

We would be significantly overlooked on 3 sides of our property (the front, the gable end and the rear). Please see the specific issues included on the site plan in **Appendix 2** (attached)

There is a significant loss of privacy of amenity to 10 Tower Court and other neighbouring properties. The loss of privacy of amenity for 10 Tower Court includes:

- a) the rear bedroom window (1st floor) and lounge window (ground floor) of 10 Tower Court being **significantly overlooked** by (Plot 3) the 1st floor roof-terrace and the ground floor conservatory/garden room (from a distance of about 8 or 10 metres) – this is unacceptable (see accompanying site plan with issues marked on)
 - b) the rear garden of 10 Tower Court being **significantly overlooked** by (Plot 3) the 1st floor roof-terrace and the ground floor conservatory/garden room (from a distance of about 6 metres) – this is unacceptable (see accompanying site plan with issues marked on)
 - c) Additional windows on 1st floor at Plot 3 overlooking bedroom windows and garden at 10 Tower Court (see accompanying site plan with issues marked on)
 - d) The gable end bedroom window at 10 Tower Court is **significantly overlooked by:**
 - i) Various windows from Plot 3
 - ii) Plot 4 second floor balcony – Plot 4 is positioned very close to 10 Tower court.
 - If you were to lean on the rail of the Plot 4 2nd floor balcony and look to the right **you would be looking straight into our gable end bedroom window from a distance of about 3 metres!** (See accompanying site plan with issues marked on)
 - e) **Front garden overlooked** by 1st floor windows at rear of Plot 4 (see accompanying site plan with issues marked on)
 - f) **Front bedroom window overlooked** by 1st floor windows at rear of Plot 4. Also possible issue if front bedroom at 10 Tower Court is overlooked from 1st floor roof terrace at Plot 4 (see accompanying site plan with issues marked on).
- 6) There would be a significant effect on daylight and sunlight for 10 Tower Court (See **Appendix 1**):
- a) Because Plot 4 is positioned so close to our property (it would be only 2m away in some places) it would cause a **significant loss of light** to our property especially to the:
 - i) **gable end bedroom window** and the **gable end ensuite window**.
 - ii) **kitchen bay window** at the front corner
 - iii) **front bedroom window**
 - iv) **gable end ground floor window** (in to the dining room)
 - b) There would also be a **significant loss of light outside** in the **front garden** (especially between our garage and the kitchen window which if Plot 4 were built would feel like a dark, dead-end alley) as well as **round the side of our property at the gable end** – which would be very dark.

c) Because of the positioning of Plot 4 right up against the boundary, we would lose the evening sunshine that we get in our back garden. **Plot 4 would block out all the evening sunshine from our back garden.**

7) Building materials/ stone/ colour/roof materials

There doesn't appear to be any information on the plans about what materials will be used (other than the boundary treatment). Please can you confirm what materials they are proposing to use.

Colour and stone work – should be **natural/reconstituted stone, e.g. local grit stone or reconstituted stone similar in nature and colour to the surrounding properties**. Should be full stone work and not half white and half stone/ not grey stone or brick/ there should be no out of character white sections/ it must be stonework in keeping with the local area and surrounding properties

They should be **natural slate roofs** in keeping with surrounding properties

8) **Boundary treatment – Fences** – the boundary treatment/fence should be consistent and match the setting and the surrounding area/properties.

a) The proposed boundary from D to G on the site plan is **WHITE** vertical slat fencing (timber or **steel**). It would seem fairly obvious that this would be totally out of character for the site and the surrounding area and would be wholly unacceptable.

b) The boundary on the site plan between points F and G is in the wrong place (see point 12 below).

9) **Access for maintenance to the rear of Plot 4** – Any window cleaning or maintenance on the rear of the Plot 4 house or roof would in all likelihood require them to access the rear of the property from our land due to how close it is positioned to the boundary. This is not an acceptable state of affairs to be designing in to a new development and would be an imposition on us and may cause issues in the future which may impact on our well being and cause additional stress.

10) **Concrete raft – excavation/ digging of foundations/groundworks**

I am concerned that the previous attempts to dig up/remove the concrete raft that makes up most of the farmyard area along the boundary with 10 Tower Court was quite invasive and caused our house to shake and vibrate quite a lot. I would be very grateful if this could be noted and any groundworks carried out with particular care so that there is no damage to our property in the process.

11) **If this application is approved it is likely to devalue our property, impacting on well being and stress levels, particularly with regards to our ability to re-sell**

12) The boundary between Plot 3 and the football ground is drawn on the site plans in the wrong place (between points F and G on the site plan) – according to the site plans the garden of Plot 3 includes a strip of land (1m – 1.5m wide) which doesn't belong to them. It belongs to the football club (Old Boltonians). The boundary between Plot 3 and the football ground is the dry stone wall, **NOT** the wood post and wire fence. I have brought this to the attention of one of the football club officials.

This will also have an impact on our property. If they put a large white (or brown) fence along the red dashed line in Appendix 3 (the incorrect boundary) when it should be on the blue dashed line in Appendix 3 (the correct boundary), then this will further restrict our line of sight from our garden and ground floor and 1st floor rooms at the rear of 10 Tower Court.

Please see **Appendix 3** for details of the boundary issue and its impact on our property which I have highlighted on a copy of the site plan.

I don't like complaining, however, I feel very disappointed with this current planning application and the lack of regard for the amenity, privacy, light, quality of life and well being of the residents of the adjoining properties.

I trust you will consider the objections outlined above (and in Appendices 1, 2 and 3) and will, as a result, refuse this planning application given that our house would be overlooked on three sides; the level of over development of the site, given the context within which it sits; and the significant impact such a development would have on the adjoining properties.

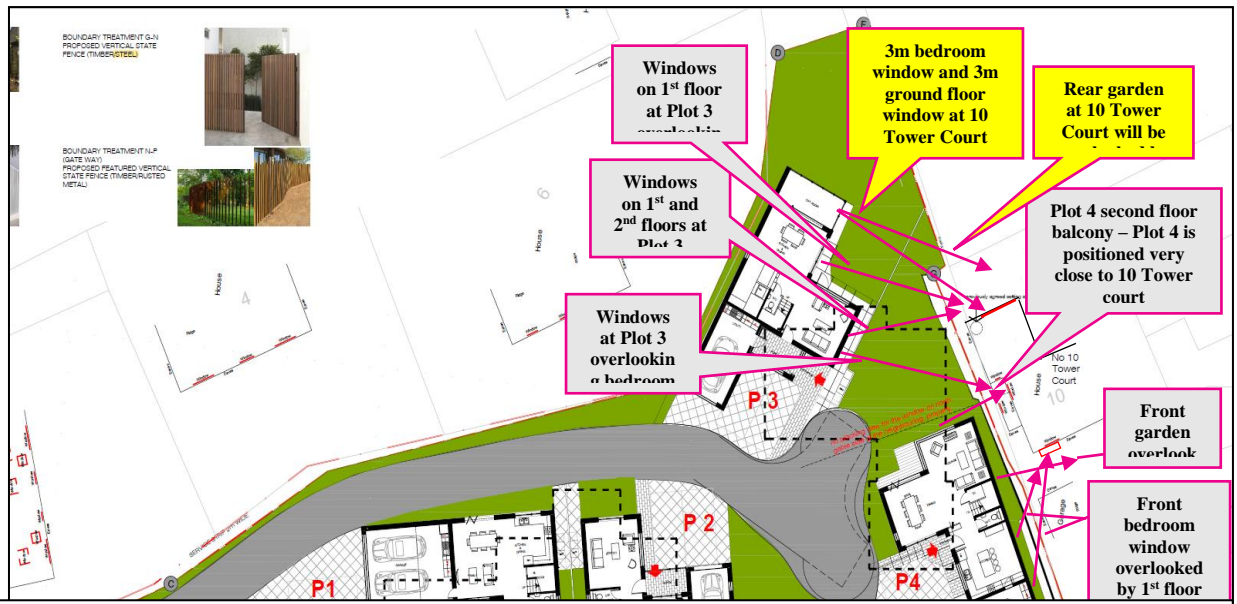
We await your decision keenly. If you would like to discuss any of the above points or if you would like to visit our house to further consider the impact then please let me know.

Appendix 1: Objections relating to close proximity/ loss of light/ mass/ bulk/

The diagram is a site plan showing three plots: P1, P3, and P4. Plot P1 is a large green area on the left. Plots P3 and P4 are residential plots on the right. A thick dashed line indicates the outline of a previously approved scheme. Various callouts and boxes provide specific objections:

- Top Left:** Two images showing boundary treatments: 'BOUNDARY TREATMENT G-N PROPOSED VERTICAL STATE FENCE (TIMBER/STEEL)' and 'BOUNDARY TREATMENT H-P (GATE WAY) PROPOSED FEATURED VERTICAL STATE FENCE (TIMBER/STRUCTURED METAL)'.
- Top Right (Blue Box):**
 - The bulk and height of the proposed development is a major concern.
 - The plot is overdeveloped
 - 3 storeys is not in keeping with the surrounding houses – should be reduced to normal two storeys height (NOT 9m high roofline)
 - Overshadowing and overbearing
- Center (Yellow Box):**
 - Evening sunlight into back garden blocked by Plot 4 house. This is due to
- Bottom Center (Yellow Box):**
 - Loss of light due to both close proximity and height - the 3 storey building is 2 to 4 metres from several windows at 10 Tower Court
 - Loss of light into kitchen bay window
- Right Side (Blue Box):**
 - Proximity, bulk and height of roofline combine to make the front of our house (from the kitchen and the garden) feel like a dark, dead-end alleyway (in particular between our kitchen and garage)
 - Gable end bedroom window seriously
- Bottom Center:**
 - Thick dashed line indicates outline of built form of previously approved scheme

Appendix 2: Objections relating to BEING OVERLOOKED AND LACK OF PRIVACY



Appendix 3: Boundary issue – boundary is in the wrong place on the site plans and the impact on 10 Tower Court



I write to advise that I have an objection to the proposed planning application indicated above I consider the development to be too cramped on such a small plot: consider it is not in keeping with the area ie does not have a stone facade: but more importantly it invades my privacy as the terrace area on property 4 directly overlooks my balcony and garden and a three story development ie property 2 would overlook the front of my property and would prove to be a one what incongruous building in the street

I hope you will consider these points when judging the appropriateness of the application.

Objection – Neil Page, 6 Chapel Grange. Rec 22/12/2020

Hi Claire

I'm writing once again with regards to the amended planning application for Meadowcroft Farm – 10/20/0798 I have left a few messages for you to speak in person but I guess you may be out of the office ?

Having reviewed the amended plans my views have not changed ie: I still oppose the planning application.

Whilst I welcome and acknowledge some of the changes that have been made, it is quite clear that the developer is not listening to any of our concerns and is continuing in his pursuit of the development of 4 houses purely for his own commercial gain.

We know that the developer had to purchase the land at the back of Meadowcroft Farm (with the original planning permission for 2 plots) when he chose to purchase Meadowcroft Farm and the adjoining barn. The Holden family had been trying to sell the two plots for many years and therefore took the opportunity to include them in the sale of the farm and barn after their mother sadly passed away. On purchasing the farm and the plots the developer took on that commercial risk. If he now believes that he cannot make enough money out of the sale of the farm/barn and just two plots then that should remain his risk not ours. Changing the original agreed plans to 4 plots has a detrimental impact on both the village and the immediate houses which will suffer financially as a result. This clearly is not acceptable.

As I have said, I do welcome some of the changes ie :

- Plot 3 changed to a bungalow
- Plot 3 moved slightly further away from my boundary fence

However, everything else remains the same :

- Increase in number of properties – the developer is still looking to cram 4 properties onto the small piece of land. This is double what had already been approved by Blackburn and Darwen Planning and will obviously cause issues as discussed before in relation to noise, traffic and parking.
- Siting of properties

- There has been some slight changes to the siting of the properties but again this is only to support the application for 4 properties.
 - Plot 3 has moved slightly away from my boundary fence but is still a lot closer than the original agreed planning application
 - The siting of Plot 3 also hasn't changed in that it still sits across the majority of my back fence, many meters beyond the original agreed application.
 - Even with the change to a bungalow, the erecting of Plot 3 will still result in my facing a 6.5M brick wall across the majority of my back garden blocking any potential sunlight .
- Property Design
 - The 4 proposed properties still have extremely large balconies. Even though Plot 3 has been changed to a bungalow, the new design contains a balcony which will look straight down onto my patio and remove any privacy that the existing fence provided.
 - All 4 properties also still have windows in the loft. Again providing greater propensity of the existing properties being overlooked. This aspect was given great consideration in order to secure the approval of the previous planning application.

I'm not sure what more I can say to be honest Claire other than I am extremely disappointed that the developer has returned with such a limited proposal. When we bought this property over 20 years ago, we had the option of several houses on the close. The houses further down the street had better views but my wife and I chose No 6 because there were no houses at the back (just a farm) and importantly the back garden was south facing. The siting of the proposed new houses, especially Plot 3 take both of those benefits away from us. Even when now contemplating if we should reluctantly move after 22 years in the village..... how could we possibly sell the house with a 6.5M brick wall at the back blocking every bit of sunlight to the garden ! The developer is building Plot 3 in such a way to have great views and the sun for the occupants, but in doing so he takes away ours !

Would really appreciate a further discussion on this to outline my thoughts in more detail

PS: John Bellinghall at No 4 also called me yesterday and asked me to voice his concerns on his behalf. Perhaps it might be worthwhile giving John a call too so that he can speak directly ?

Objection – Mr & Mrs Glover, 10 Chapel Grange, Chapeltown. Rec – 06/01/2021

Planning Application Number: 10/20/0798

Site Address: Land to the rear of former Meadowcroft Farm 114 High Street Chapeltown Bolton BL7 0EX.

Dear Mr Prescott (Planning Manager with Blackburn with Darwen Borough Council),

Thank you for your letter dated 15th December 2020 in regard to the planning application as above. We have viewed all the relevant information and drawings/pictures on your website.

We are home owners and have serious concerns regarding the planning consideration as follows.

Following on from our last e-mail dated Friday 23/10/2020 sent at 11:15; the contents of which are still valid since no significant changes have been made to the planning permission re-application since then in our opinion.

One of the reasons we bought our house was for the surrounding scenery in this area of outstanding natural beauty. One of our favourite views of Turton Heights is seen between house numbers 6 and 4 Chapel Grange. Plot "1" will block out our view of the hills and significantly reduce our light. In addition we will be overlooked in our front bedroom, Kitchen and front garden. Plot "3" will overlook our house and gardens.

The houses in Chapel Grange were built by Redrow Homes Limited, it was one of their few prestigious developments. Redrow were forced to use natural building materials, **stone and slate** to keep the houses in keeping with their surrounds. Not white-wash.

With very careful positioning of two houses for "Best Fit", the wishes of all of the objectors could be satisfied. Any more than two houses and the task would be impossible in our opinion. This development should be limited to a maximum of two properties as initially applied for.

To attempt to build 4 houses in this small area of land is not practical and very poor urban planning. Plots, P1 and P3 should be removed from this application in our opinion.

To Summarise:-

- Insignificant changes made to the planning permission re-application.
- Plot 1 significantly reduces our light and view of Turton Heights.
- Plot "3" will overlook our house and gardens.
- The "white silicone smooth render" and "Natural Stone panel cladding, coursed, broken range" is not in keeping with the surrounding houses.
- Not positioned sympathetically with respect to the surrounding Houses.
- No room for manoeuvring plot positions for "Best Fit" with more than two houses.
- Too many houses for this small area of land, suggest removing P1 and P3 in our opinion.

In our opinion this development will devalue our property and our neighbours' properties who have lived in these homes for over twenty years.

We trust that our comments relating to the planning considerations will be taken into account when deciding this application.

Objection - Mr & Mrs A & S Lavin, 10 Tower Court, Chapeltown – rec 07/01/2021

Reference number: 10/20/0798

FAO: Claire Booth / Gavin Prescott

Letter of objection regarding the planning application to build 4 houses on the site behind Meadowcroft Farm Chapeltown, from the owners of 10 Tower Court (Ref: 10/20/0798)

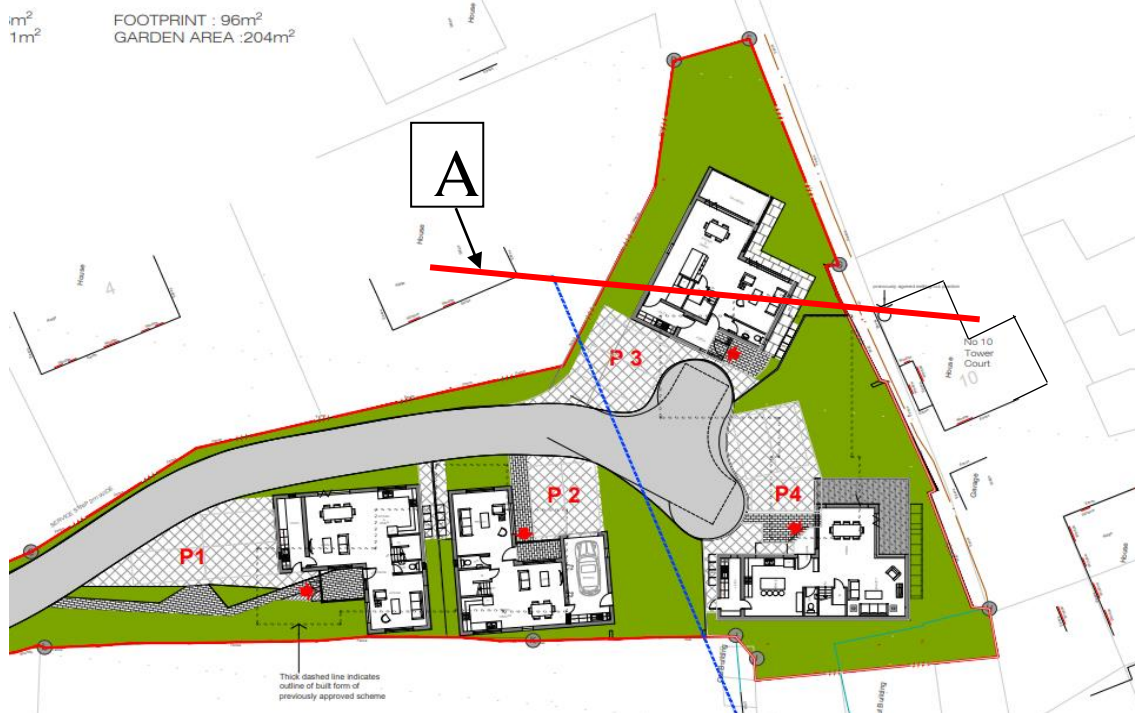
Dear Claire / Gavin

In the current proposal, whilst we appreciate the changes that have been made to the previous plans, there are still a number of significant issues that unfortunately render the new proposal unacceptable in its present form.

As I stated in my previous letter dated 22/10/20, the available area and scale of the properties means that they don't have a proper setting. They have not been designed in relationship to context and there is a lack of sympathy for the amenity of the neighbouring properties and the wellbeing of existing residents.

We object to the proposal on the following grounds:

1. There are too many properties for the size of the plot.
 - A plot of this size/shape should be limited to 2 properties.
 - It would clearly constitute overdevelopment of the site if this proposal was accepted, which would be in breach of the BwDBC planning criteria as outlined in the guidance provided by BwDBC Planning Department.
2. **Plot 3:** although the reduction in height is a big improvement, it's position (footprint) is still unacceptable.
 - The house would be approximately 2.8m from our garden fence and 5.2m from our house itself.
 - It would have a significant impact on our visual amenity
 - Even though the height has been reduced, the bulk/mass due to its positioning will still be significantly overbearing and will reduce light into our garden and into our back windows, significantly affecting our quality of life.
 - Our garden and back bedroom window would still be overlooked which would constitute a loss of privacy of amenity to our property.
 - The risk of noise from such a close adjoining property would also be a serious concern
 - We feel very strongly that **Plot 3 should be moved back**. It should be **in line with the houses on either side** and should be **moved back behind line A on the diagram below** so that it is in keeping with the neighbouring properties and surrounding area.
 - Any future proposals should ensure that the foot print of all properties remains behind line A in the diagram below.



3. The **massing, bulk and height** of the proposed development remains a major concern (despite the lowering of the roof line for Plot 3)
 - 3 storeys is not in keeping with the surrounding houses.
 - All plots should be reduced to normal two stories height.
 - The proposed 9m high roofline is NOT appropriate on this site and in such close proximity to the neighbouring properties. Any plans for this plot should be restricted to 2 storeys.
 - The height of 3 of the properties (Plot 1, 2 and 4) is overbearing and not in keeping with the surrounding properties. This would also lead to a loss of light to surrounding properties
4. We would like to thank those responsible for the repositioning of Plot 4 which is a significant improvement. However, as it stands, the height (9m) of Plot 4 would still be overbearing and reduce the light to our property, 10 Tower Court, and should be reduced to two storeys.
5. The plots are still in very close proximity to the neighbouring properties.
6. According to the visuals provided, the proposed building materials (type and colour of the stone / colour of external walls/roof materials) are not in keeping with the surrounding properties and the visual impact will be significant and completely out of character for the setting.
 - There isn't any information on the plans about what materials will be used (other than the boundary treatment). Please can you confirm what materials they are proposing to use.
 - From the plans/visuals the external walls of both Plot 3 and Plot 4 will both look almost completely white from our direction at 10 Tower Court.
 - This will have a significant impact on our visual amenity and will be completely out of character for the surroundings.

- Colour and stone work: building materials should be natural/reconstituted stone, e.g. local grit stone or reconstituted stone similar in nature and colour to the surrounding properties.
- The external walls should be full stone work in keeping with the surrounding properties. They should not be half white and half stone, and not grey stone or brick. There should be no out of character white sections.
- Natural slate should be used for the roofs in keeping with the surrounding properties.

7. **Boundary treatment – Fences** – the boundary treatment/fence should be consistent and match the setting and the surrounding area/properties.

- The proposed boundary from D to G on the site plan is **WHITE** vertical slat fencing (timber or **steel**). It would seem fairly obvious that this would be totally out of character for the site and the surrounding area and would be wholly unacceptable.
- The section of fencing/dry stonewall/ hedgerow from D to G on the plan is currently a wonderful natural habitat for a wide variety of birds and other animals and so it is really important that the area is sensitively managed, maintaining as much of the natural habitat as possible.
- Any fencing used should be in keeping with the natural environment and as sympathetic as possible.

8. Traffic and parking :

- The overdevelopment of this site means that there is not currently sufficient parking available to service 4 properties.
- This would create further issues in the village with on-street parking.
- The increase in traffic would further compromise the character of the village and cause further congestion at busy times.
- Visibility, congestion and safety concerns as a result of traffic levels and parking are an ongoing issue in the village. Overdevelopment of this site would contribute further to this problem.

I trust you will consider the objections outlined above and will, as a result, refuse this planning application. We feel strongly that significant changes would need to be made, as outlined above, before this proposal could be considered acceptable.

We await your decision keenly. If you would like to discuss any of the above points then please let me know.

Objection – Chas King, 9 Tower Court, Chapeltown, rec 07/01/2021

Dear Mr Prescott / Ms Booth,

I refer to my call to Blackburn with Darwen Planning team 31st December 2020 when I explained I have very recently moved to the area and was having problems accessing the files and requested a call back. One of my new neighbours provided me with some background yesterday and a copy of some of the drawings.

I wish to make you aware of a number of strong objections that I have with regard to the proposed development of properties on land at the rear of Meadowcroft Farm, 114 High St, Chapeltown , application number referenced above.

As an immediate neighbour to the site of the proposed development, I am of the view that the proposed development and in particular plot 2 and 4 will have a serious impact on the area and my standard of living. My specific objections are the proposed development does not meet Blackburn with Darwen Planning Policy HD1 and H4 and associated guidance including but not limited to the following :

1. Detrimental impact upon residential amenities

RES1A - In relation to overall appearance, new residential development will be required to meet all of the following criteria:

- i) it is in keeping with the local area both in terms of scale and mass;
- ii) is appropriate to the form and function of the building; and
- iii) the design of the building complements existing features.

RES 2B: Building Heights

The building heights of new residential developments must relate to the form and proportion of the surrounding buildings and reflect the relative importance of the street.

I believe that the proposed development is a direct contravention of Blackburn with Darwen's policies and guidance. It does not respect local context, in particular, the scale and proportions of surrounding buildings. The proposed plots 1, 2 and in particular plot 4 are very large buildings in terms of height (9m above ground level based on the drawings) and massing which is out of proportion with the neighbouring properties so the scale and design of the development will be entirely out of keeping with the local area. The impact of the large massing and height of the building is further exacerbated by their close proximity to the boundary and adjacent properties e.g. Plot 2 and 4 dwellings are 9m from GL to roof, approx 20 wide (south / west face) and the building appears from the plan to be approximately 4m (or less for plot 2) from the boundary.

These houses should be two storey in keeping with the surrounding area with roof lines no higher than any of the surrounding buildings and set back from boundaries and adjacent buildings in accordance with Blackburn with Darwen's policies and guidance.

As presented the proposal would demonstrably harm the amenities enjoyed by local residents.

2. Need to avoid town cramming / overdevelopment of the site

RES 2A: Fronts, Backs, Sides & Boundaries

In relation to fronts, backs, sides and boundaries of properties, new residential developments will be required to meet all of the following criteria:

i) properties exhibit a relationship to the street by virtue of the layout of doors and windows, boundary treatments and entrances to their curtilage;

v) spaces to the rear of properties are private;

In addition in determining applications for residential infill development, Blackburn with Darwen must take into account the form, size and character of adjoining development. For the reasons set out under Point 1 the proposed location (approx 4 m from boundary), height (9m to roof line), massing (20m wide) of the dwellings on plot 1, and in particular plots 2 and 4 coupled with the close proximity of the buildings to each other and the surrounding existing building will adversely affect the amenities of both the residents of the proposed dwellings and existing residential property. There should be sufficient space between old and new buildings to maintain the amenity and privacy of adjoining houses.

I believe that the proposed development is a direct contravention of Blackburn with Darwen's policies and guidance. The proposed dwelling would significantly alter the fabric of the area and amount to serious 'cramming' in what is a low density area. The applicant states that the proposed dwelling would have a large garden, but the nature and orientation of the plot means that the garden would actually be very small for dwellings of this size (see point 1). The proposal allows very little space for landscaping and I believe that it would lead to gross over-development of the site. The proposed development would not result in a benefit in environmental and landscape terms, to the contrary it would lead to the loss of valuable green space and does not provide private rear space at the rear of Plot 1, 2 and 4 (as required by RES 2A).

As presented the proposal would demonstrably harm both the occupiers of the development and the amenities enjoyed by local residents in particular represents a significant overdevelopment of the site.

3. Overlooking / privacy

The proposed site of development is at such an angle that the primary amenity area of my garden, a raised terrace with seating, would be severely overlooked from Plot 2 and 4 of the new development, resulting in a serious invasion of our privacy. Furthermore it would appear the rear windows of Plot 2 would look directly into my house.

I believe that the proposed development is a direct contravention of Blackburn with Darwen's planning policy and guidance. The design of the proposed development does not afford adequate privacy for the occupants of the building or of adjacent residential properties, particularly with regard to their right to the quiet enjoyment of garden amenities. We would urge you to consider the responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development would have a dominating impact on me and my right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life.

In the case of Britton vs SOS the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8. Private and family life therefore encompasses not only the home but also the surroundings.

4. Architectural Features, Materials, Roofs and boundaries

RES 1B: Architectural Features and Detailing

In relation to architectural features and detailing, new residential development will be required to meet all of the following criteria:

- i) it is harmonised within the setting of the site both in terms of the colour and texture of materials used;
- ii) the features and detailing used are appropriate to the heritage and setting of the Borough and the local area, and do not introduce alien or incongruous elements

RES 2E New residential development must incorporate a roof design which is sympathetic to the existing context of the area. In assessing this, the Council will pay particular attention to the following:

- Roof form;
- Materials;
- Slope and height of pitch;
- Orientation of pitch;
- Continuity of roofline; and
- The use of features interrupting the roofline including dormers and chimneys / flues.

RES 7A: Materials

In relation to materials, new residential developments will be required to meet all the following criteria:

- i) the materials used area appropriate to the local setting in all respects including:
 - Type
 - Colour
 - Texture
 - Element size
 - Bonding

- ii) the materials used are durable and of high quality, in order to create a development that has longevity and minimise maintenance requirements; and
- iii) wherever possible, sustainable materials are used so as to contribute to energy conservation.
- iv) Wherever practical, the Council will encourage the use of materials that are sourced locally.

It is not possible to assess compliance with the policy and guidance based on the high level indicative details provided with the application. I understand these very large buildings might be 'white' and fences 'metallic'. If this is correct the proposals are clearly not sympathetic with the local area or meet Blackburn with Darwen's Policy and guidance.

5. Inadequate parking and access

I believe that the proposed development does not provide sufficient parking space for the size of the dwellings to meet the requirements of the Blackburn with Darwen Planning Guidance. In addition to this, there is already intense on-street parking pressure on Chapeltown High Street and believe the proposed additional parking pressure as a result of the inadequate parking provision will damage both highway safety and residential amenity.

6. Non-compliance with Government guidance

Government Planning Policy Statement PPS1, Paragraphs 17 – 19: The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources.

Government Planning Policy Statement PPS3: Housing, Paragraphs 13-14: Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. LPAs should encourage development that creates places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character.

I believe the proposal to contravene this guidance as it is to the detriment of the quality, character and amenity value of the area, as outlined in the points above.

7. Impact of construction work

I would also like to request that, should the application be approved, the council consider using its powers to enforce controlled hours of operation and other restrictions that might make the duration of the works more bearable. The proposed

site of development is very small and contained, with no road frontage, so would ask that consideration be made about how and where construction vehicles and staff would gain access to the site for unloading and parking without causing a highway hazard or inconveniencing neighbours.

In summary as presented the proposal would demonstrably harm the amenities enjoyed by local residents, represents a significant overdevelopment of the site, significantly impacts my privacy and both the occupiers and existing residents right to enjoy a quiet and safe residential environment, exacerbates a significant existing parking issue in the High St, and does not represent an improvement in terms of environment or valuable green space.

I would be grateful if the council would take my objections into consideration when deciding this application. I would welcome the opportunity to meet with a representative of the planning department at our home to illustrate my objections at first hand.

Yours sincerely

Chas King

REPORT OF THE DIRECTOR

Plan No: 10/20/0934

Proposed development: Full Planning Application (Regulation 4) for: Demolition of one substation building and the erection of 383 dwellings and associated works

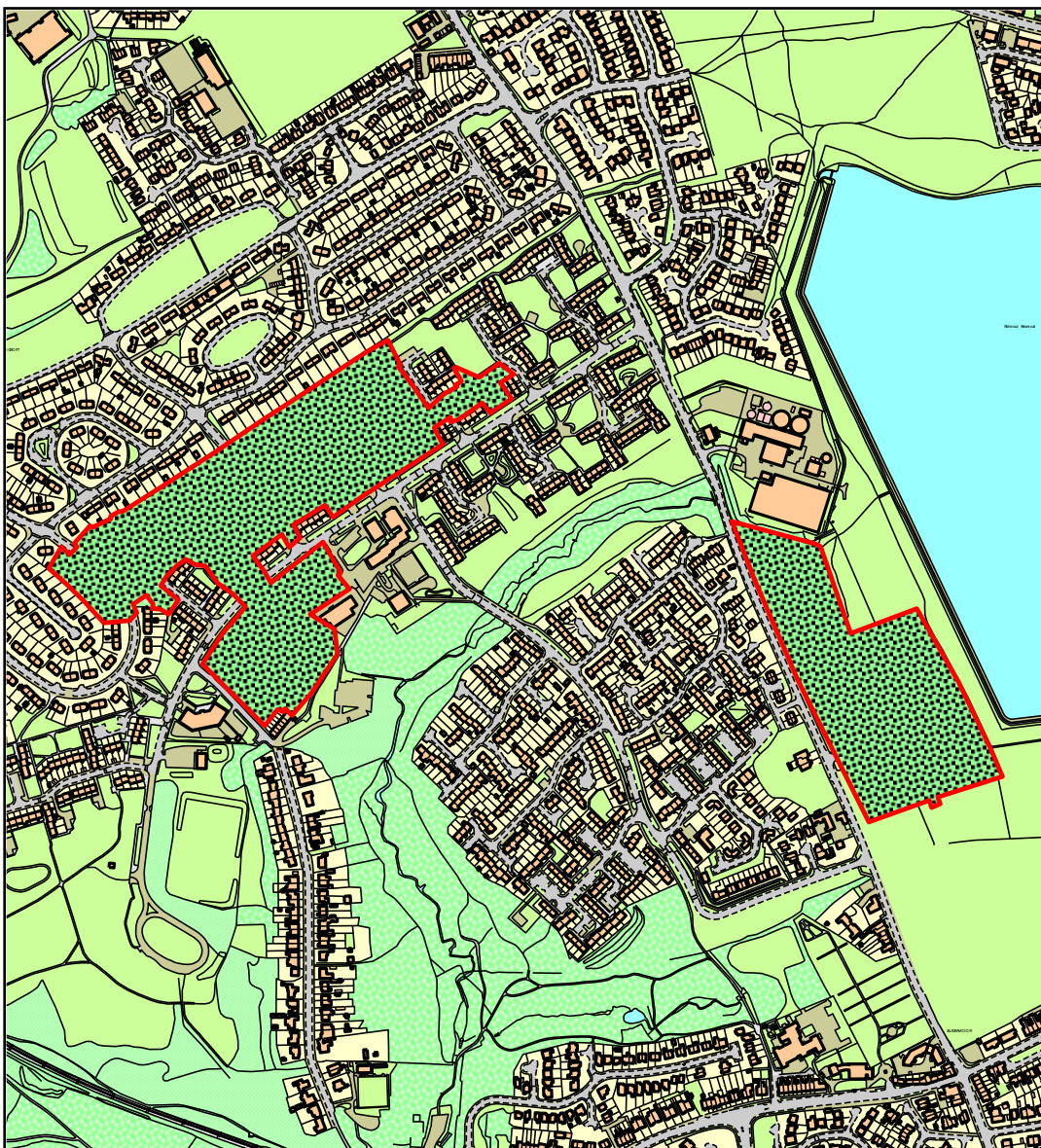
Site address:

**Land to the North and South of Fishmoor Drive and Land to the East of Roman Road
Blackburn**

Applicant: Countryside Properties (UK) Ltd and Together Housing Group

Ward: Blackburn South East

**Councillor: James Shorrock
Councillor: Vicky Ellen McGurk
Andy Kay**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to a Section 106 Agreement relating to education provision and conditions, as set out in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 Detailed assessment of the application establishes that the proposed development corresponds with the Council's overarching housing growth strategy, as set out in the Core Strategy and Local Plan Part 2. Delivery of a high quality housing development is assured, focussed on land that was previously developed to the north west and south east of Fishmoor Drive and to a previously developed site, primarily allocated for housing, to the east of Roman Road, Blackburn. Moreover, from a technical point of view, all issues have been addressed through the application or are capable of being controlled or mitigated through planning conditions and a Section 106 Agreement.

2.1.1 Approval of the application will secure a much anticipated and aspirational regeneration of the Fishmoor Area, offering highly significant economic, environmental and social benefits, including but not limited to quality mixed tenure housing (social rented, shared ownership and out right sale) which will widen the choice of family homes in the Borough, quality public open space and increased educational capacity for the community. The development will also boost the supply of family housing to meet the Council's 5 Year Land Supply Target.

2.1.2 Submission of the application follows extensive pre-application consultation undertaken by the Applicants with the local community (including community groups), Council departments and elected Members. This is an approach advocated by The Framework and National Planning Policy Guidance, for schemes of this nature. The consultation included a pre-application meeting between the applicants and Council departments, and a public exhibition event at Roman Road Library, held in February last year. A Statement of Community Involvement submitted with the application sets out the applicants approach to community consultation and their response to the main issues raised. The final scheme responds proportionately to representations made during the pre-application process.

2.1.3 The scale of the proposed development directs the need for it to be screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations') and supporting Planning Practice Guidance (PPG).

2.1.4 As an application for 383 dwellings, it falls to be screened under Schedule 2 of the EIA Regulations. Schedule 2 development requires an EIA if it would be likely to have significant effects on the environment.

2.1.5 The proposed development falls within category 10 of Schedule 2, 'Infrastructure Projects', sub-section (b) 'Urban Development Projects'. The thresholds for residential developments as set out in Schedule 2 relate to developments that includes 'more than 150 dwellings'. The proposed development is for 383 dwellings (above the threshold). It, therefore, requires further screening to determine whether there would likely be significant effects, either from the development in isolation or cumulatively when considered with other development in the vicinity. To achieve this, Schedule 3 of the EIA Regulations and the PPG need to be considered. Schedule 3 sets out the following selection criteria:

- The characteristics of the development;
- The location of the development; and
- The potential impact.

These factors are considered collectively, as part of the screening process.

2.1.6 Taking each criteria in turn:

2.1.7 Characteristics

The development is considered entirely responsive to the surrounding area with particular reference to scale and massing and to the benefits of brownfield redevelopment.

2.1.8 Technical studies confirm that the development will not cause any significant risk to human health or nuisances, subject to identified and proportionate mitigation.

2.1.9 Potential for major accidents or disasters with reference to flood risk has been considered through review of a Flood Risk Assessment which takes account of the proximity and elevated position of the Fishmoor Reservoir to the development. The FRA concludes that properties at the foot of the reservoir are at medium risk of residual flooding. In this context, the reservoir is a water body subject to strict control under the Reservoirs Act 1975. Moreover, the site layout appropriately responds to the position of the reservoir through inclusion of flood resilience measures by means of a 10 metres buffer between the base of the reservoir embankment and the site boundary.

2.1.10 Location

the development is evidently not located in an environmentally sensitive location and is consistent with the existing residential character of the area.

2.1.11 Potential Impact

Construction phase impact will typically relate to waste, noise, vibration and dust arising from construction activities and construction traffic. These impacts are temporary and will be appropriately managed by adherence to a Construction and Environmental Management Plan.

2.1.12 Cumulative construction impact takes into account the ongoing Blackmoor Link Road, to the immediate south of the development (Parcel 3). No

significant impacts are considered to arise, given the estimated completion of the link road will avoid conflict with the build schedule of the proposed development.

2.1.13 Operational phase impact will essentially be limited to noise and emissions arising from domestic car travel. In this context, it is recognised that the two areas of development are separated from each other, with 269 dwellings proposed on Fishmoor Drive and 114 proposed on Roman Road. Air quality impact arising from emissions is considered acceptable, subject to proportionate mitigation, following assessment of technical reports.

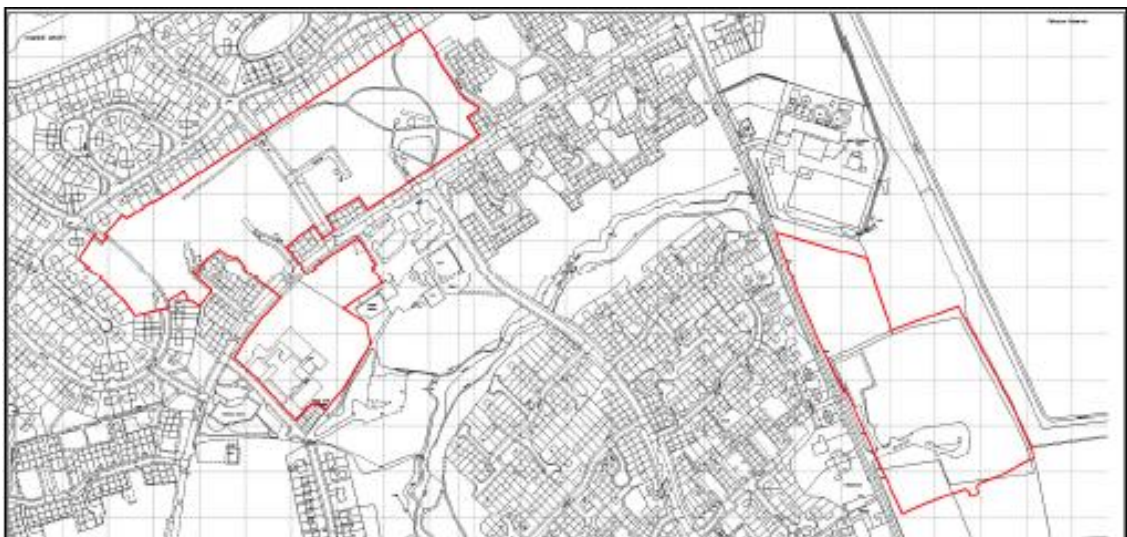
2.1.14 Accordingly, it is not considered that the proposed development gives rise to the need for an EIA.

3 RATIONALE

3.1 Site and Surroundings

3.1.6 The proposed development site sits within the Inner Urban Area of Blackburn and totals 10.95 hectares in area. This includes three defined parcels of land (Parcels 1 and 2 are linked), illustrated by the red edges of the Location Plan, below:

- Parcel 1 – Unallocated land to the north west of Fishmoor Drive;
- Parcel 2 – Unallocated land to the south east of Fishmoor Drive;
- Parcel 3 – Unallocated and housing allocated land to the east of Roman Road; *Blackamoor Road Development - Site Ref. 16/8 (Local Plan Part 2)*.



3.1.2 Addressing each Parcel in turn:

3.1.3 Parcel 1

This parcel sits to the north west of Fishmoor Drive and straddles Morecambe Road with the north western boundary being formed by the back-garden

fences of the properties along Lytham Road. Seascale Close forms the north-eastern boundary of Area 1. The site then extends into a south-westerly direction up to the back gardens of the houses on Thornton Close. This area is vacant brownfield land, having historically hosted a significant amount of Council housing stock. Only 2 associated substation buildings remain. Although converted into green space, it is evident that remnants of the demolition still remain below ground which has resulted in an undulating and less than functional space, with the exception of an equipped children's play area to the north of shops on Fishmoor Drive. Overall land levels fall gradually in a north to south and east to west direction.

3.1.4 It should be recognised that the 9 remaining dwellings on Fishmoor Drive (nos. 34 – 50), which straddle Morecombe Road, are not included within the parcel or the overall application site. Instead, demolition of these houses and erection of 9 replacement houses is considered under a separate application (ref. 10/20/0935).

3.1.5 Parcel 2

Although linked by the red edge, this parcel fundamentally sits to the south east of Fishmoor Drive, extending from local shops adjacent to the eastern boundary, forward of the Health Centre to Highercroft Road at the south western boundary. This area is vacant brownfield land converted into green space, having formerly hosted housing and Highercroft Vocational Centre which was demolished circa 2017. As with parcel 1, land levels fall gradually in a north to south and east to west direction.

3.1.6 Parcel 3

This parcel sits to the east of Roman Road and is bounded by Fishmoor Reservoir to the east and Fishmoor Water Treatment Plant to the north. The southern boundary runs perpendicular with Roman up to the south corner of Fishmoor Reservoir. It is previously developed land. The area south of the existing footpath connecting Roman Road with Fishmoor Reservoir is allocated for housing. Land levels generally fall gradually from east to west. The northern portion falls from south to north while the southern portion falls from north to south.

3.1.7 Turning to the surrounding area; local amenities exist adjacent to Parcels 1 and 2, in the form of a health centre, children's centre, a range of shops and a library.

3.1.8 The closest primary schools are Our Lady of Perpetual Succour Primary School, Longshaw Community Junior School, and St James' Lower Darwen Primary School. The closest secondary schools are Blackburn Central High School, Darwen Vale High School and Markazul Uloom Independent School. All are within the recommended maximum recommended walking distance for primary schools and high schools.

3.1.9 Blackburn Town Centre is approximately one mile to the north of the site. Direct pedestrian and road linkages exist up to the Town Centre via Roman Road.

3.1.10 The Employment estate on Roman Road is within one mile to the south, with Walker Park and Shadsworth Employment Estate within one mile to the east.

3.1.11 Royal Blackburn Hospital is also within a mile northeast of the site.

3.1.12 Accordingly, the site evidently benefits from its highly sustainable location.

3.2 Proposed Development

3.2.1 Full planning permission is sought for the demolition of a sub-station, erection of 383 dwellings and associated works, including provision of public open space (POS), highway improvements / infrastructure and drainage attenuation.

3.2.2 As aforementioned, the application site is split into 3 parcels of land. Proposals for each parcel are as follows:

3.2.3 Parcel 1 (illustrated below)

200 dwellings served by new highway infrastructure from Fishmoor Drive, Norbreck Close, Flimby Close, Levens Close and Morecambe Road. Direct access to dwellings will also be taken from the existing highway network at Fishmoor Drive, Seascale Close and Morecombe Road. Pockets of POS are included within the layout.



3.2.4 Parcel 2 (illustrated below)

69 dwellings served by new highway infrastructure from Fishmoor Drive. Direct access to dwellings will also be taken from Fishmoor Drive and Higher Croft Road. A large pocket of POS with an equipped play area, is included, fronting Fishmoor Drive.



3.2.5 Parcel 3 (illustrated below)

114 dwellings served by new highway infrastructure from two new access junctions from Roman Road. Direct access to dwellings is taken from the new internal road rather than from Roman Road. A drainage attenuation pond is included, as is a footpath link straddled by POS linking Roman Road with the footpath around Fishmoor Reservoir.



3.2.6 The development as a whole will comprise a broad mixture of houses including 2, 3, and 4-bedroom family properties. All properties will either be two storeys or two and a half storeys. An overall gross density of 35 dwellings per hectare is proposed.

3.2.7 A mix of tenures is proposed, consisting of 20% affordable housing, private for sale and private rented properties (managed by Sigma). The accommodation schedule for the development is shown below:

ACCOMMODATION SCHEDULE								
AFFORDABLE ACCOMMODATION SCHEDULE								
HOUSE TYPE	NUMBER	SQFT	BED	TOTAL SQFT	Mid	End	Det	Total
GP Colne	24	734	2	17616	2	22	0	24
Weaver	35	850	3	29750	0	32	3	35
Grantham	5	850	3	4250	0	2	3	5
Dee	11	1062	4	11682	0	8	3	11
TOTAL =	75			63298				75
SIGMA ACCOMMODATION SCHEDULE								
HOUSE TYPE	NUMBER	SQFT	BED	TOTAL SQFT	Mid	End	Det	Total
Irwell	40	662	2	26480	2	38	0	40
Grantham	5	850	3	4250	0	3	2	5
Weaver	48	850	3	40800	2	41	5	48
Trent	3	1062	4	3186	0	0	3	3
Ellesmere	41	855	3	35055	4	36	1	41
Ellesmere Up	4	944	3	3776	4	0	0	4
Weaver Up	3	964	3	2892	3	0	0	3
Dee	8	1062	4	8496	0	6	2	8
Dee SA	2	1062	4	2124	0	0	2	2
TOTAL =	154			127059				154
OPEN MARKET ACCOMMODATION SCHEDULE								
HOUSE TYPE	NUMBER	SQFT	BED	TOTAL SQFT	Mid	End	Det	Total
Trent	3	850	3	2550	0	0	3	3
Ellesmere	12	855	3	10260	0	12	0	12
New Weaver	12	865	3	10380	0	10	2	12
Longford	19	893	3	16967	0	18	1	19
Lea	22	932	3	20504	0	22	0	22
Ashbourne	6	991	3	5946	0	0	6	6
New Ashbourne	18	991	3	17838	0	0	18	18
Blyth	28	1002	3	28056	0	0	28	28
New Stamford	8	1005	3	8040	0	8	0	8
New Walton	9	1028	3	9252	0	0	9	9
Foss FCT	5	1052	3	5260	0	0	5	5
Dunham	12	1199	4	14388	0	0	12	12
TOTAL =	154			149441				154
Total Combined	383			339798				

3.2.8 Full details of the proposal are set out in the submitted drawings, Planning Support Statement and Design and Access Statement, together with a supporting suite of technical reports.

3.3 Development Plan

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

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

3.3.3 Core Strategy

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

3.3.4 Local Plan Part 2 (LLP2)

- 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 16/8 – Housing Land Allocations - Blackamoor Road Development Site (SE Blackburn)
- Policy 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 38 – Green Infrastructure on the Adopted Policies Map
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape
- Policy 47 – The Effect of Development on Public Services

3.4 **Other Material Planning Considerations**

Residential Design Guide Supplementary Planning Document (2015)

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.

Green Infrastructure & Ecological Networks SPD (2015)

This document provides guidance in relation to maximising opportunities to improve existing green infrastructure and to create new green infrastructure and ecological networks.

Air Quality Planning Advisory Note

National Planning Policy Framework (The Framework) (2019)

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

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

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a sufficient supply of homes
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal erosion
- Section 15: Conserving and enhancing the natural environment

National Planning Policy Guidance (NPPG).

3.5 Assessment

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

- Principle of residential development
- Amenity impact
- Environmental impact
- Highways and access
- Design and layout
- Green Infrastructure
- Affordable housing
- Planning gain / Section 106 requirements

3.5.2 Principle

3.5.3 Demolition of the substation is acceptable.

3.5.4 Core Strategy Policy CS1 explains that the overall planning strategy for the Borough is one of 'Targeted Growth' and identifies a need for '*a limited number of small scale urban extensions*'.

3.5.5 Policy CS5 directs that the preferred location for new housing, where market conditions permit its delivery, will be the inner urban areas of Blackburn and Darwen.

3.5.6 Policy CS7 encourages the development of a full range of new housing over the life of the Core Strategy in order to widen the choice available in the local market.

3.5.7 Local Plan Part 2 Policy 18 further encourages a range of new housing to widen the choice of house types, with an emphasis on detached and semi-detached to be the principal element of the dwelling mix on any site that is capable of accommodating such housing, and where such housing would make a positive contribution to the character of the local area. The policy also supports affordable housing.

3.5.8 Parcels 1 and 2 sit within the Inner Urban Area, consistent with the preferred locational requirements of Policy CS5. These parcels are also primarily previously developed (brownfield land), having historically accommodated social housing and a community vocational centre. Accordingly, the principle of residential development within these parcels is accepted, subject to consideration of the pockets of Green Infrastructure (GI) that exist, as defined by the Site Allocation Map.

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

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

3.5.10 Policy 9 of the Local Plan Part 2 sets out that:

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

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

3.5.12 It is accepted that the proposal will result in the loss of two pockets of GI (within Parcels 1 and 2). Policy 9 does not, however, prohibit development in such circumstances, provided at least one of the above criteria (i –iii) is achieved. As the proposal seeks to mitigate such loss through provision of replacement GI within the two parcels, including a fully equipped play area within parcel 2, as well as a bespoke area of high quality POS which adjoins Parcel 1, adjacent to Seasclose Close (2,671sqm), it is considered that the requirements of part ii) of the policy are met. Moreover, the overall economic, environmental and social benefits arising from the proposal, with a particular emphasis on delivery of in demand affordable housing, is considered to meet the requirements Part iii).

3.5.13 Turning to Parcel 3; the northern section, adjacent to the Water Treatment Works, extending down to the proposed footpath link, is unallocated. It does, however, sit within the Urban Boundary and is read in conjunction with the remainder of the Parcel which is allocated for housing under Policy 16/8.

3.5.14 The development will deliver 20% affordable housing, as required under Policy CS8, as well as a substantial element of private rented housing which offers further choice to future residents

3.5.15 Accordingly, the principle of the development is considered to be acceptable and in accordance with the Development Plan and The Framework; subject to detailed assessment of the following matters:

3.5.16 Amenity

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

3.5.17 Relationship Between Buildings:

The submitted site layout includes all 383 dwellings set within proportionate sized plots, sufficient to service the needs of householders.

3.5.18 With reference to separation standards between proposed and existing dwellings, the adopted minimum standards of a 21m interface between primary windows and 13.5m between primary windows and blank elevations is broadly achieved, with the following exceptions:

Primary windows:

- Plots 6 & 7 and 20 - 24 Seascale Close - 18m;
- Plots 189 & 190 and 8 Flimby Close - 17m;
- Plots 189 & 190 19 and 20 Silverdale Close – 17m, though significantly offset;
- Plots 181 & 184 and 10 – 16 Flimby Close - ranging between 17m and 20m, though offset; and

Gable to primary window:

- Plot 87 and 40 Fishmoor Drive - 13m.

3.5.19 Taking into account slight off-set and pre-existing sub-standard interfaces in the Fishmoor Vicinity, as well as the overall benefits of the regeneration of the area, the existing to proposed relationships are considered acceptable.

3.5.20 Objections have been received from residents of Thornton Close, with reference to loss of privacy, outlook and the admission of daylight / sunlight. Separation between proposed dwellings and those to the rear, positioned along the eastern side of Thornton Close (nos. 5 – 21 inc.) range from 25m to 31m, significantly above the adopted minimum 21m standard for habitable window to habitable window interface and adopted minimum 13.5m for habitable window to blank elevation interface. Objections in this regard are, therefore, unfounded, when considered in the context of adopted policy.

3.5.21 A number of sub-standard interfaces feature between proposed dwellings across Parcels 1, 2 and 3, mainly front to front and front to side relationships. This is generally not uncommon with new schemes within the urban environment, and such circumstances have previously be accepted elsewhere within the Borough. Also, as aforementioned, they pre-exist within the Fishmoor area. In this context, the layouts proposed are considered to represent the most efficient use of the application site within the constraints of each parcel, whilst facilitating a viable and aspirational regeneration of the area.

3.5.22 It should also be recognised that the Residential Design Guide SPD, at Policy RES 2G, supports a relaxation of the adopted standards where an alternative approach is justified. It is considered that the circumstances set out above justify an alterative approach.

3.5.23 Contaminated Land:

Phase 1 and 2 Contaminated Land Reports, including results of intrusive site investigations, are submitted and have been reviewed by the Council's Public

protection consultee. No significant ground contaminants are identified and the submitted remediation strategies for Parcels 1 and 3 are agreed. These will be secured by condition. Additional intrusive investigation is required in the area of the demolished vocational centre at Parcel 2. The results of the investigation and implementation of any identified remediation will be secured by condition.

3.5.24 Noise:

A Noise Amenity Impact Assessment is submitted with the application. The main focus of the assessment is the impact of traffic noise on proposed dwellings within Parcel 3, in proximity to Roman Road and Blackamoor Link Road which will run close to the southern edge of the parcel once completed. Mitigation is proposed in the form of double glazing and a 'Positive Input Ventilation System' to affected properties. The Council's Public Protection consultee is satisfied that this mitigation will provide sufficient noise reduction to afford an acceptable standard of residential amenity. Implementation of the measures will be secured by condition.

3.5.25 Safeguarding residential amenity during the construction phase of the development will be achieved by adherence to measures set out in a submitted Construction and Environmental Management Plan (CEMP) and by a restriction on working hours - the developer has requested a minor modification of the standard construction hours condition to allow for 07:30 start Monday – Saturday. The request is considered acceptable and in accordance with the Council's published guidance on flexible construction hours which follows central government guidance in response to Covid 19. These measures will be secured by condition.

3.5.26 Air Quality:

An Air Quality Impact Assessment is submitted with the application, where it is acknowledged that the extra traffic arising from the development is likely to have some adverse impact on health.

3.5.27 Risk is low during construction phase and will be appropriately mitigated by dust control measures incorporated into the submitted Construction and Environmental Management Plan, guarding against excessive noise, dust and vibration.

3.5.28 A concentration assessment (report ref: CS094118-18 rev 2), submitted with the planning application for Blackamoor Link Road in 2019 (ref. 10/19/0888), previously accounted for traffic generated from Parcels 1, 2 and 3. It can be summarised as follows:

- *The development will not have an adverse impact on air quality at dwellings in the centre of the Blackamoor Air Quality Management Area (AQMA). Pollution levels at some of these dwellings will fall*
- *The new link road will divert traffic from a section of Blackamoor Road, and pollution levels at these dwellings will fall.*

- *Pollution levels will increase outside at dwellings on Roman Road close to the new junction currently under construction (Roman Rd / Link Rd / Newfield Drive).*

3.5.29 It should be recognised that the assessment predicted exposures that are expected to be significantly below the national air quality objective for NO₂ and PM₁₀, including at dwellings on Roman Road by the new junction (the national objective is the level at which AQMAs have to be declared). Accordingly, the assessment recommends consideration of a Travel Plan with monitoring to measure its implementation and effect with the aim of encouraging sustainable means of travel (cycling and walking), improved links to bus stops and infrastructure and layouts to improve accessibility. Whilst the merits of such are acknowledged, it is important that they are considered in the context of the sustainable location of the application site, ie. close proximity to a wide range of public amenities and transport links, as well as safeguarding the viability of the scheme to ensure the areas regeneration. A Travel Plan is included within the submitted Transport Assessment, which encourages use of more energy efficiency modes of transport. Moreover, footpath and cycle linkages are demonstrated on the submitted layouts and the benefit of properties being set back from Roman Road at Parcel 3 should also be acknowledged, in the context of air quality mitigation. The Blackmoor Link Road is also intended to assist in alleviating air quality issues in the locale.

3.5.30 With reference to electric vehicle charging points, the applicant acknowledges potential air quality benefits arising from electric vehicle charging points. Although these are not proposed, hardwiring for charging points at all properties is to be installed, thereby avoiding the need for intrusive works to the fabric of buildings, should householders wish to install charging points in the future. Moreover, the Government's Electric Vehicle Homecharge Scheme (EVHS) provides grant funding of up to 75% towards the cost of installing electric vehicle charge points at domestic properties across the UK which would make householder installation very affordable. The 'smart' technology used in these installations also helps the Government track and manage demand from the electricity grid to *"reduce high peaks of electricity demands, minimising the cost of electric vehicles to the electricity system – and keeping costs down for consumers by encouraging off-peak charging."* This approach is considered satisfactory in lieu of providing charging points at every property, taking account of the schemes viability and the wider benefits arising from the development. It is recommended that implementation of the hardwiring infrastructure is secured by condition.

3.5.31 The following conditions are also recommended:

- Implementation of the Travel Plan; and
- Any gas fired boiler installed at the development to heat the dwelling shall not emit more than 40mg NO_x/kWh.

3.5.32 Overall, the development is considered to appropriately safeguard public amenity, in accordance with the principles of Policy 8 and The Framework.

3.5.33 Environment

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

3.5.34 Drainage:

All 3 parcels are located in Flood Zone 1 (low probability of flooding). Flood Risk Assessments (FRA's) are, however, submitted for each parcel on account of the overall application site area exceeding 1 hectare, together with detailed drainage strategies. A moderate risk of flooding within an area of Parcel 3 is, however, identified from the adjacent Fishmoor Reservoir. Notwithstanding such risk, the FRA reaffirms that the reservoir is a controlled water body which is subject to strict ongoing monitoring and maintenance as required under the Reservoirs Act of 1975. The site layout (Parcel 3) provides a 10 metre buffer strip between the bottom of the reservoir embankment and the site boundary to provide better access for plant and machinery in the unlikely event of emergency repairs being required to the embankment. This is on the advice of United Utilities.

3.5.35 Surface water drainage for Parcel 1 will discharge into the existing public sewer in Fishmoor Drive. Discharge for Parcel 2 will be into the existing surface water sewer in the south east corner of the site.

3.5.36 Discharge for Parcel 3 will be gravity lead towards Higher Croft Brook directly to the north of this parcel. An attenuation basin is proposed (SuDS) that will provide temporary storage and retain flows from rainfall events in excess of 1 in 30 years to limit the flow from the site.

3.5.37 Foul drainage for Parcels 1 and 2 will be gravity lead and connect into the existing public foul sewer on Fishmoor Drive.

3.5.38 Foul drainage for Parcel 3 will be into the existing combined sewer on Roman Road via a pumping station within the site.

3.5.39 The Council's Drainage consultee (as Lead Local Flood Authority) offers no objection, subject to application of conditions requiring the following:

- Submission of a Surface Water Management & Maintenance Scheme;
- Submission of drainage calculations confirming storage requirements in accordance with the FRA and full design details of the drainage attenuation pond and underground storage tanks; and
- Submission of a Surface Water Construction Phase Management Plan.
- Implementation of the approved drainage strategies (Parcels 1, 2 & 3).

3.5.40 United Utilities: their formal response will be included in the Update Report, with reference to Parcel 3.

3.5.41 The proposed development, therefore, achieves a sustainable and appropriate drainage solution in accordance with the principles of Policy 9 and the Framework.

3.5.42 Ecology:

Preliminary Ecological Assessments (PEA's) and Bat Survey Reports are submitted for each parcel as well as an Otter Survey for Parcel 3.

3.5.43 The previously developed nature of the application site is recognised. All parts have, however, largely revegetated and now support a matrix of urban semi-natural and modified habitats. Whilst the habitats on site do not represent either protected habitats or habitats of Principal Importance (NERC 2006 [Natural Environment and Rural Communities Act] Section 41 habitats), they are considered to have some biodiversity value and cover a relatively large area. Furthermore, the site is in very close proximity to the Lancashire Ecological Woodland Network, with Parcel 2 directly abutting it and Parcels 1 and 3 within 150m. Policy 40 advocates greater connectivity between elements of the local ecological network and The Green Infrastructure and Ecological Networks SPD adds further weight to the importance of ecological enhancement.

3.5.44 In this context, a comprehensive landscape strategy is proposed covering pockets of high quality and multi functional open space throughout the site, amounting to 6.839 sqm, as well as private gardens. Tree and hedgerow loss is adequately mitigated through provision of 267 new trees and approximately 1700m of new hedgerow across all 3 parcels.

3.5.45 The Council's Ecology consultee recommends evidence of a 10% biodiversity net gain arising from the development, through the 'Defra Matrix Method. Providing evidence of such is not, however, considered justified, due to the absence of any current policy or legislative requirement to do so; notwithstanding the emerging Environment Bill which is yet to be enacted. It is, therefore, considered that appropriate biodiversity and ecological consideration has been applied to the development, in accordance with the requirements of Policies 9 and 40 and The Framework.

3.5.46 With reference to Bats and Otters, both these surveys were considered to have used reasonable effort and they were undertaken at an appropriate time of year in suitable weather conditions, with sufficient survey personnel. The reports conclude that the site includes a sub-station building (Parcel 1) and trees (Parcels 2 and 3) of some value to bat roosting and the surrounding habitats. No roosting was recorded within the building, although bat foraging / commuting activity was observed elsewhere on the sites, attesting to the suitability of the timing of the surveys. No impact on Otter habitat was identified. No additional surveys are required to support determination of the application.

3.5.47 With reference to Badgers, the PEA reports that habitats on site provide limited opportunities for Badger setts and foraging Badgers. No evidence of Badger activity was found. Although there is connectivity between the south of

the site and open fields that may be utilised by Badgers, the small area of the site, its location within a predominantly urban environment and the abundance of more suitable habitat in the wider area indicates that Badgers are unlikely to utilise the site for foraging or sett building. Badgers are, therefore, highly unlikely to be present on site and are not currently a constraint to development. Nonetheless, a site walker and submission of an updated Badger Survey is recommended, if development has not commenced before March 2020 and if Badger presence is evident at the time of the walkover.

3.5.48 A Japanese Knotweed Eradication Report proposes management / eradication methodology of Knotweed, identified within Parcel 1. It's implementation will be secured by condition.

3.5.49 With reference to amphibians, none are recorded within 1km from the site, nor are there any water bodies considered suitable habitat within 500m of the site, with the exception of Fishmoor Reservoir and Guide Reservoir. The reservoirs are considered to be unsuitable for supporting breeding amphibians due to their size, the engineered banks and the lack of aquatic vegetation. As such the site is very unlikely to contain any great crested newts or other amphibians. The site does, however, provide suitable foraging and sheltering habitat for amphibians such as the common toad. A Reasonable Avoidance Measures Method Statement (RAMMS) has been submitted to safeguard common amphibians, especially common toad, during site clearance and will be secured by condition.

3.5.50 Several bird species were recorded within 2km of the site; the nearest record is for house sparrow, approximately 14m from the site. The scattered trees and scrub habitats on site provide nesting and foraging opportunities for a variety of bird species.

3.5.51 Due to the time limited nature of the surveys undertaken, conditions requiring submission of updated surveys, if development does not proceed within the requisite time period, are recommended. The full suite of recommended ecology conditions are as follows:

- An updated Bat Survey Reports for Parcels 1, 2 & 3, should development not have commenced by September 2022;
- An updated Otter Survey should development not have commenced by July 2022;
- Implementation of the submitted Japanese Knotweed Eradication Report, dated December 2020;
- Implementation of the submitted ecological enhancement package to provide for bat and bird boxes, dated December 2020;
- Implementation of mitigation recommendations set out in Section 5 of each PEA;
- Implementation of reasonable avoidance measures, as set out in the submitted Reasonable Avoidance Measures Method Statement (RAMMS), dated December 2020;
- No site clearance / development within bird nesting season (march to August); and

- Site walkover to check for evidence of Badger presence and, if presence is identified, submission of a Badger Survey, if development has not commenced by March 2020.

3.5.52 Subject to adherence to the above measures, ecological impact arising from the development is considered to be acceptable, in accordance with the principles of Policies 9 and 40 and The Framework.

3.5.53 Trees:

An Arboricultural Impact Assessment (AIA) / Tree Survey (TS), an Arboricultural Method Statement (including tree protection measures during construction), and a proposed landscape strategy across the site are submitted. The AIA sets out a schedule of individual trees, groups of trees and hedgerows which may be affected by the development.

3.5.54 With reference to existing trees on the site, the findings of the Tree Survey are that collectively the trees are of moderate to low landscape and amenity value. None are protected by Preservation Order. Nor does the site host ancient woodland, veteran trees or trees within a Community Forest. The majority of the trees across the site will have to be removed due to remediation involving extensive cut and fill. Trees to be retained are within Parcel 3. These are identified as trees T1, T2, group G1, G2 and some of G3 in the TS.

3.5.55 The application is supported by detailed landscaping plans for each Parcel and associated planting schedules. As aforementioned, planting of 267 new trees, of varied species, circa 1700m of substantial hedgerow and various ornamental shrubs is proposed.

3.5.56 The Council's Arboriculture consultee has reviewed the proposal and is satisfied that the TS grades existing trees correctly and that the proposed landscaping is sufficiently comprehensive, featuring an appropriate mix of species, to mitigate loss. It is also considered that an overall biodiversity enhancement across the site will be achieved.

3.5.57 The following conditions are recommended:

- Submission of a 5 year Landscaping Maintenance and Management Plan; and
- Implementation of tree protection measures throughout construction of the development.

3.5.58 Subject to adherence to the above measures, impact of the development on trees is considered to be acceptable, as is re, in accordance with the principles of Policies 9 and 40, and The Framework.

3.5.59 Highways / Access and Transport

Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate

provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.60 A hierarchy of streets is proposed within the site, by means of utilising existing highway and provision of new internal streets and cul-de-sacs, through to shared driveways and single private drives.

3.5.61 Parcels 1 and 2 will be served by existing highway network by utilising access points on Seascle Close, Flimby Close, Morecombe Road, Levens Close, Norbreck Close, which will be reopened at its south east end to link with Silverdale Close, and Fishmoor Drive. Two new access point junctions are proposed on Fishmoor Drive. The junction serving the land to the south of Fishmoor drive will form a cul-de-sac serving 40 properties. The other new junction will be positioned opposite the shopping parade and will provide a link through the new development up to Morecambe Road. Objections have been received expressing concern that the reopening of Norbreck Close will result in a 'rat run'. Reinstating a link from Norbreck Close to Silverdale Close is, however, fundamental to traffic flow associated with the proposed layout and is supported by the Council's Highways consultee, who offers no objection to the proposal.

3.5.62 Parcel 3 will be served by two new junctions off Roman Road. The layout has taken account of the Blackamoor Link Road and the position of the two new access points has purposely been set away from the new Roman Road/ Blackamoor Road junction to the south, to avoid any future issues with traffic flows. In addition, no direct private driveways are proposed along this stretch of Roman Road for the same reason. This will ensure that cars will always be able to leave the site in forward gear.

3.5.63 Some dwellings across the site will be accessed from private drives extending from adoptable highway. A maximum of 5 dwellings would be served by each, which is considered, on balance, to be acceptable. Appropriate communal bin storage for these areas is included, where practicable.

3.5.64 A detailed Transport Assessment (TA) is submitted with the application. This 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.

3.5.65 The TA concludes that the development will not pose no substantial threat to highway safety or efficiency. It demonstrates that all nearby junctions with the potential to be affected by the development, will continue to operate well within capacity, with no issues arising in relation to network capacity.

3.5.66 The TA includes a swept path analysis, taking account of all proposed accesses using a 3 axle refuse vehicle which complied with BwD standards.

All movements are satisfactory. Proposed new highway / junctions will be 5.5m wide with 2m wide footways, in accordance with the Council's adoption requirements.

3.5.67 Off-street parking is provided for all dwellings, primarily in the form of driveways. Some plots within Parcels 1 and 3, however, benefit from garages. The Council's adopted standards are as follows:

- 2 and 3 bed houses – 2 spaces per dwelling; and
- 4+ bed houses – 3 spaces per dwelling.
- Space sizes – 5.5m x 2.4m (driveways) & 3m x 6m (garages).

3.5.68 The overwhelming majority of dwellings benefit from the adopted standard. It should, however, be recognised that the following plot numbers would have a single space:

- Plots 28 to 35 south of Fishmoor Drive;
- Plots 122 to 126 and 129 to 134 on Norbreck Close;
- Plot 118 north of Fishmoor Drive (in proximity to Norbreck Close);
- Plots 42 and 43 on Morecambe Road; and
- Plots 1 to 3 on Roman Road.

3.5.69 The above plots are particularly narrow making it difficult to accommodate more than a single space, without detriment to the street scene by reason of eliminating any prospect of soft landscaping. Moreover, anticipated levels of car ownership are taken into account for the 2 bed house types proposed at these plots, together with on street capacity which would be available to residents and visitors. Although some policy conflict arises, a relatively minor relaxation of parking standards is considered to be acceptable, given the overall quantum proposed and when considered against the wide ranging regeneration benefits arising from the development.

3.5.70 It should also be acknowledged that 4 replacement spaces will be provided for the existing householders at nos. 10 – 16 Flimby Close.

3.5.71 A pedestrian link from Roman Road to Fishmoor Reservoir is included within Parcel 3.

3.5.72 In order to encourage the use of more sustainable modes of transport, a Travel Plan has also been submitted to support the application. This identifies a range of measures, including:

- Provision of Community Rail Lancashire, and site specific, transport information packs to each property;
- Travel Survey Incentives;
- Community cycle storage stands;
- Weavers Wheel Cycle Route signage;
- Marketing, promotions and awareness raising campaigns; and
- Monitoring and evaluation.

As aforementioned, implementation of the Travel Plan will be secured by condition.

3.5.73 Improvements and enhancements to the existing highway will be captured by agreement between the applicant and the Council under the provisions of Section 278 of the Highways Act 1980 (s278 works). These are expected to deliver a comprehensive scheme of works along Fishmoor Drive, including the following:

- Removal of chicanes / narrowing which currently offers no real sense of priority;
- A refresh of flat top road humps with incorporated lighting and surface material change to create street character;
- Introduction of planters or similar at key junctions, including an gateway feature at the Fishmoor Drive, Roman Road junction;
- General junction improvements; and
- Bus stop upgrades to comply with DDA requirements.

Submission of this information will be secured by condition.

3.5.74 As aforementioned, a CEMP has been submitted with the application. This sets 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 acceptable.

3.5.75 Overall, the scope of information submitted in support of highway aspects of the development, indicate acceptable impact on the existing network as well as delivery of acceptable new network. Quantum of private, off street parking spaces is also considered, on balance, to be acceptable. Moreover, proposed s278 works will secure significant highway improvements, benefitting existing and new residents. Accordingly, the development is considered to be broadly in accordance with Policy 10 and The Framework.

3.5.76 Design / Character and Appearance

Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. This includes enhance and reinforcing the established character of a locality. Key aspects of character which must be taken into account are the following:

- i) Existing topography, buildings and landscape features and their integration into the development;
- ii) Layout and building orientation to make best use of existing connections, landmarks and views;
- iii) Building shapes, plot and block sizes, styles colours and materials that contribute to the character of streets and use these to complement character;

- iv) Height and building line of the established area;
- v) Relationship of the buildings to the street; and
- vi) Frontage treatment such as boundary walls.

3.5.77 With reference to materials and colour, all new development must make considered use of materials and colour to reflect local distinctiveness and character. Materials and colour should:

- i) Accentuate a building or assist with its integration into the wider built landscape;
- ii) Assist with way finding, the identification of entrances and so on; and / or;
- iii) Integrate a building into the immediate street scene.

3.5.78 A Design and Access Statement is submitted with the application which is read in conjunction with the submitted drawings detailing layout, house types and street scenes. The fundamental design principles applied to the development are set out in the statement as follows:

Our core principles are developed and applied on a site by site basis ensuring that bespoke solutions are given to each site and the opportunities and constraints that the site presents are fully considered.

The overall vision for the land off Fishmoor Drive and Roman Road has evolved through a process of on site analysis, assessment of the constraints, and discussions with Blackburn with Darwen Council to realise the potential of the site and meet the needs of the local community.

The proposals present an opportunity to revitalise a currently vacant site and provide quality, family accommodation within the locality.

Our vision for the site includes:

- *Creating attractive, active and lively streets.*
- *Demonstrate the development of a site that adheres to national and local planning and design policy.*
- *Create active streets that prioritise the pedestrian while accommodating the car in creative ways.*
- *Provide defensible space to every home.*
- *Implement landscaping that will add to the street scene, enhance the development and aid its integration into the existing community.*
- *Relate new to existing residential development in terms of scale massing and materials.*

3.5.79 It is also recognised that the development has been devised around the principles set out in the Building for Life document, endorsed by Government, which is the industry standard for well designed homes and neighbourhoods that local communities, local authorities and developers are invited to use to stimulate conversations about creating good places to live.

3.5.80 A key element of the layout is the definable street hierarchy and the integration of functional and attractive communal open spaces which are appropriately overlooked from private properties - corner plots will feature dual aspect elevations - and public highway. Enhanced levels of natural surveillance and security are, therefore, achieved, in contrast to the existing circumstances. A replacement, equipped children's play area is included within Parcel 2 as is a high quality area of POS adjoining Parcel 1.

3.5.81 Taking each Parcel in turn:

3.5.82 Parcel 1:

This area would accommodate 200 dwellings. It would reconnect existing highways throughout, being accessed from Fishmoor Drive, Morecombe Road and Norbreck Close. Connective POS provision is also included. Houses would be outward facing and arranged in linear form around the existing through network and proposed cul-de-sacs. Proposed dwellings are two storey height and of a scale proportionate to their plot sizes, featuring secure and landscaped private gardens, as well as dedicated in-curtilage parking. A medium density layout is achieved, of circa 35 dwellings per hectare, reflecting the prevailing character of the surrounding urban area.

3.5.83 Corner plots feature dual aspect habitable rooms, thereby avoiding blank street facing elevations whilst offering natural surveillance to open space and the highway.

3.5.84 Proposed house types are a mix of detached and semi-detached, featuring varied ridge heights and external material palettes, and proportionate and suitably detailed fenestration.

3.5.85 Parcel 2:

This area would accommodate 69 dwellings, accessed from Fishmoor Drive and Higher Croft Road. Parcel 1 density is reproduced, arranged in linear form around existing highway and proposed cul-de-sacs. House type characteristics and plots sizes are also consistent with those featured in Parcel 1 and include in curtilage parking. As area of POS is proposed, positioned perpendicular to Fishmoor Drive, which hosts an equipped children's play area.

3.5.86 Parcel 3:

This area would accommodate 114 dwellings accessed from Roman Road at a density consistent and typology consistent with Parcels 1 and 2. In curtilage parking is provided. The parcel will sit to the immediate north of the new Blackamoor Link Road currently under construction. Dwellings would be arranged around cul-de-sacs, in linear form. Outward facing dwellings would present to Roman Road but would be accessed from an internal private drive, rather directly from Roman Road. POS is included linking Roman Road with Fishmoor Reservoir and a drainage attenuation pond will feature to the west of the reservoir embankment, forward of plots 60 – 62.

3.5.87 The overall layout provides a legible and permeable development that creates a distinct sense of place, consistent with the aims and objectives of the

Council's detailed character and design requirements set out in its SPD. It also accords with The Framework's emphasis on achieving well designed places.

3.5.88 House types are of a scale and appearance commensurate with local residential development. All are either 2 or 2.5 storey high. An appropriately varied pallet of materials is proposed, including a range of brick and render finishes to elevations. Roof profiles switch between gable and hipped and feature a range of tile colours.

3.5.89 Importantly, proposed house types are not defined by tenure, they are instead 'tenure blind' in order to avoid prejudice towards affordable housing areas within the development.

3.5.90 Typical street scenes are illustrated below:



3.5.91 Appropriate boundary treatments will feature across the site, including close boarded timber delineation between private gardens and robust brick boundary walls to gardens adjoining public highway.

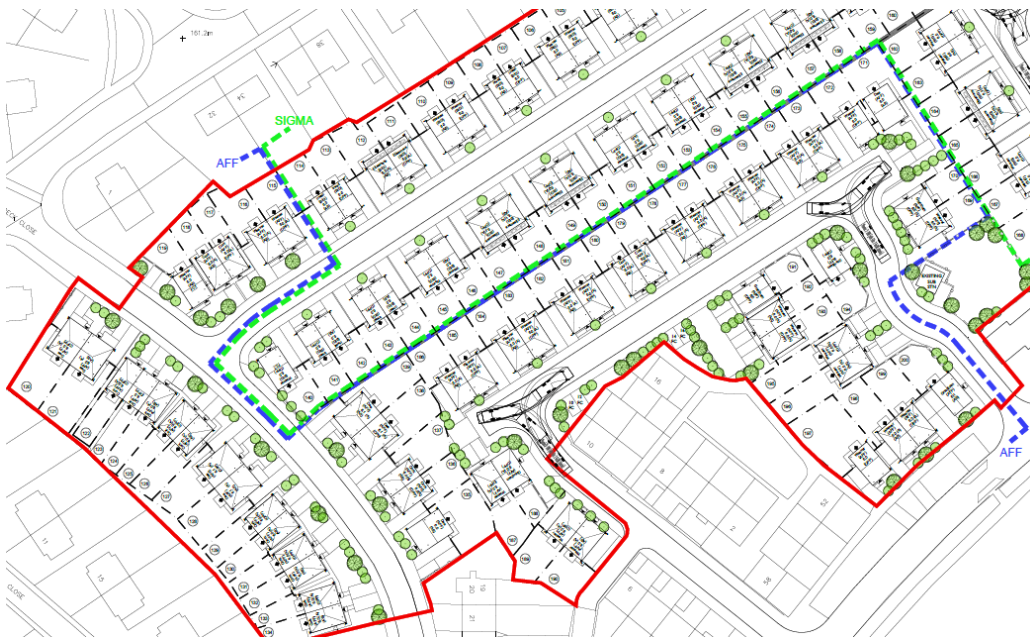
3.5.92 A comprehensive hard and soft landscape strategy across the site will deliver a well-integrated and attractive development, ensuring a significant enhancement of the area is achieved.

3.5.93 Overall, the development is considered to be in accordance with Policy 10 and The Framework.

3.5.94 Affordable Housing

The proposal will deliver 20% affordable housing (totalling 75 homes) of mixed tenure types, for people on low incomes who are on the affordable housing register. This is in accordance with Policies 12 and CS8 and The Framework. An Affordable Housing Statement is submitted with the application which sets out the affordable schedule and secures the availability of homes as affordable, in perpetuity, with a caveat allowing householders to 'staircase' to full ownership. Its implementation will be secured by condition.

3.5.95 The affordable homes are located within Parcels 1 and 3, as illustrated below



3.5.96 Planning Gain / Section 106 Financial Contributions

Development of the site will deliver 20% affordable housing and integrated Green Infrastructure. Accordingly, no Section 106 contributions are required in this regard.

3.5.97 The proposed development has been assessed against existing education provision within the locality. Following consultation at pre-application stage with the Council's Education Department, it is evident that additional provision will be required. Accordingly, the applicant has agreed to a financial contribution of £395,000 for the provision of additional early years pupil places at Longshaw Infant School, Blackburn plus a monitoring fee of £3950.

3.5.98 Payments are to be phased as follows:

- £199,475 is to be paid prior to commencement of the development (£197,500 for education and £1,975 monitoring fee); and
- £199,475 is to be paid within 12 months after commencement (£197,500 for education and £1,975 monitoring fee).

The clawback period for unspent sums should be 5 years.

3.5.99 Following consultation at application stage, the East Lancashire NHS Trust has requested a financial contribution of £653,593.00 for additional health care provision that is claimed will arise from the development, based on a population increase of 881 (assuming an average 2.3 people per dwelling).

3.6.00 The submitted evidence to justify the requested contribution (for NHS short-fall funding) is, however, considered insufficient to implement a consistent and justified planning obligation which meets the statutory tests, which requires them to be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

3.6.01 There are fundamental issues which are not addressed by the Trust in the consultation response. Furthermore, the Trust have failed to suitably demonstrate what level of demand the development would create for their services, and that the demand is not something that is covered by their existing / committed funding arrangements. The evidence provided, therefore, does not allow for a before and after comparison to be made and so any potential impacts cannot be determined.

3.6.02 Therefore, based on the submitted information, it is considered that insufficient evidence has been provided to demonstrate an unacceptable impact which might be lawfully recovered via a s106 contribution; a position supported by QC advice issued recently to the Council on the general principle of such contributions, though specifically with regard to this application.

- 3.6.03 It should be recognised that the Council is working with local health partners, and other key infrastructure stakeholders, to update the Borough's Infrastructure Delivery Plan alongside our emerging new Local Plan. Any proposed health infrastructure requirements will be considered as part of the Local Plan process and via our Duty to Co-operate to ensure the Borough continues to plan for the necessary infrastructure which is needed to support sustainable housing and employment growth.
- 3.6.04 Sport England has also requested a contribution of £583,154 for indoor and outdoor sports improvements it is claimed will arise from the development.
- 3.6.05 Pre-application dialogue between the LPA and the applicant did not, however, highlight the need for any additional playing facilities either on site or within the vicinity, nor did it require a contribution towards off-site improvements, notwithstanding the absence of Sport England involvement at that stage, as a non-statutory consultee. Moreover, the proposed development does not affect any existing playing fields or land allocated for future use as such in the adopted Local Plan.
- 3.6.06 Importantly, the development would secure regeneration of the area, despite significant viability challenges due to local market conditions. Delivery of a minimum 20% affordable housing would also be achieved, in response to evident local demand. Taking account of the agreed contribution for additional education provision, the requested (Sport England) contribution would render the scheme unviable and, therefore, undeliverable.
- 3.6.07 It should also be recognised that, since adoption of the Council's current playing field strategy, Blackburn Leisure Centre has been constructed which includes two sports halls. Although during that time Shadsworth Leisure Centre has closed, a net gain of one sports hall has been secured, on account that Shadsworth accommodated only a single hall.
- 3.6.08 Accordingly, when considered in the overall context of the Development Plan and other material considerations, the LPA is of the view that the requested contribution is outweighed by the economic, environmental and social benefits arising from delivery of the development
- 3.6.09 Notwithstanding the above, the Council is currently in the process of updating its playing field strategy, in consultation with Sport England, as you acknowledge. This strategic review will focus on emerging evidence to underpin an eventual adopted strategy. By this time, the Council may be in a position to consider evident under provision of sports facilities under the site allocation currently identified as a 'Development Opportunity' site – 28/6 Fishmoor Drive Development Site (SE Blackburn) under Policy 28 of the Local Plan.
- 3.6.10 Summary
This report assesses the full planning application for the Demolition of one substation building and the erection of 383 dwellings and associated works at land to the north and south of Fishmoor Drive and land to the east of Roman

Road Blackburn. In considering the proposal, a wide range of material considerations have been taken into account.

3.6.11 The assessment demonstrates that the planning decision must be made in terms of assessing the merits of the case balanced against any potential harm that may arise 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, adopted Supplementary Planning Documents and the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 Approve subject to:

- (i) Delegated authority is given to the Director for Growth and Development to approve planning permission, subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £395,000; plus a monitoring fee of £3950. Payments to be phased as follows:
- £199,475 is to be paid prior to commencement of the development (£197,500 for education and £1,975 monitoring fee); and
 - £199,475 is to be paid within 12 months after commencement (£197,500 for education and £1,975 monitoring fee).

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.

(i) The following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 7th October 2020 and with the following drawings / plans / information: (to be added).

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

3. The exterior of the dwellings hereby approved shall be constructed in accordance with the following Material Schedules, received 6th January 2021:

- Parcel 1. Ref. SK587-PH1-MAT Rev E

- Parcel 2. Ref. SK587-PH2-MAT Rev C
- Parcel 3. Ref. SK587-PH3-MAT-Rev B

REASON: To ensure that the external appearance of the development is satisfactory; in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

4. The development hereby approved shall be implemented in strict accordance with the approved boundary treatments, as detailed in the following submitted 'Boundary Plan' drawings:

- Parcel 1 – SK587-PH1-BP-01 Rev D
- Parcel 2 – SK587-PH2-BP-01 Rev D
- Parcel 3 – SK587-PH3-BP-01 Rev D

REASON: To safeguard residential amenity and to ensure the external appearance of development is acceptable, in accordance with Policies 8 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5. The development hereby approved shall be implemented in strict accordance with the following agreed ground remediation strategies

- Parcel 1 - Remediation and Enabling Works Strategy. Fishmoor. Ref. 12-359-R7-1. November 2019 e3p and Ground Gas Addendum Report Ref. 13-359-r8 Rev 1. December 2020.
- Parcel 2 - Remediation and Enabling Works Strategy. Fishmoor. Ref. 12-359- P2-R2. November 2019 e3p and Ground Gas Addendum Report Ref. 12-359-R7 Rev 1. December 2020.
- Parcel 3 - Remediation and Enabling Works Strategy. Fishmoor. Ref. 12-359-P3-R2. November 2019 e3p and Ground Gas Addendum Report Ref. 12-359-r8 Rev 1. December 2020.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

6. Prior to commencement of any sub-structure works within Parcel 2, results of the proposed additional site investigations within the outline of the demolished building located in Parcel 2, shall be submitted to and approved in writing by the Local Planning Authority. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented along with an updated CSM. Remediation shall undertaken in strict accordance with the approved scheme.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

7. Prior to the occupation of the development hereby approved, a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment; in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

8. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site; in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

9. Habitable room glazing and ventilation shall be installed in strict accordance with the specifications set out in the 'Acoustic Design Statement' at paragraphs 6.11 and 6.17 of the submitted 'Noise Assessment for Full Planning Application - Ref. 6780251R2/02- July 2020'.

REASON: To ensure satisfactory levels of amenity for occupiers of the development, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

10. The construction of the development hereby permitted shall only take place between the hours of 07:30 and 18:00 Monday to Friday, 07:30 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

REASON: To protect the amenity of residents, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

11. Demolition and construction work shall take place in strict accordance with the details set out in the submitted Construction & Environmental Management Plans relating to Parcels 1, 2 and 3, received 2nd December 2020. All measures which form part of the approved details shall be adhered to throughout the period of demolition and construction.

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, to protect the amenity of the occupiers of the adjacent properties and to protect the visual amenities of the locality, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

12. All dwellings hereby approved shall include hard wiring for electric vehicle charging points, in accordance with the specification detailed on drawing no. NSDTF – 3011 Rev A.

REASON: In the interests of improving air quality, to protect the health of residents, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Gas fired domestic heating boilers shall not emit more than 40mgNO_x/kWh.

REASON: In the interests of improving air quality and to protect the health of resident, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

14. The development shall be implemented in strict accordance with the following drainage plan / strategy, including drainage calculations / storage rates as per the revised FRA:

- Parcel 1 – Ref. FDB1-AJP-XX-00-DR-C-1000 Rev P7
- Parcel 2 – Ref. FDB2-AJP-XX-00-DR-C-1000 Rev P6
- Parcel 3 – Ref. FDB3-AJP-XX-00-DR-C-1000 Rev P4 & FDB3-AJP-XX-00-DR-C-1001

REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding; in accordance with the requirements of Policies 9 and 36 of the Blackburn with Darwen Local Plan Part 2.

15. Prior to commencement of any sub-structure works, a Surface Water Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details for the duration of construction works.

REASON: To ensure a safe form of development during construction 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.

16. Prior to occupation of any of the dwellings hereby approved, a Surface Water Management and Maintenance Scheme shall be submitted to and approved by the Local Planning Authority. The scheme shall provide for:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker;
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components), including:
 - 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 approved scheme shall be adhered to in perpetuity.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 9 and 36 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

17. Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

18. The development shall be implemented in strict accordance with the Reasonable Avoidance Measures Method Statement (RAMMs), produced by TEP, dated December 2020. All measures which form part of the approved Methodology shall be implemented for the duration of the demolition and construction works hereby approved.

REASON: In order to protect ecology and biodiversity in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

19. The development shall be implemented in strict accordance with the mitigations recommendations set out in Section 5 of each submitted Preliminary Ecological Appraisal for Parcels 1, 2 and 3, produced by TEP, dated November 2019 and March 2020. All measures which form part of the approved Methodology shall be implemented.

REASON: In order to protect ecology and biodiversity in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

20. If no site clearance or construction works commence by November 2022, an update to the Bat Survey Report for Parcels 1, 2 and 3, produced by TEP, dated November 2020, shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures shall be carried out strictly in accordance with the approved detail.

REASON: In order to protect ecology and biodiversity in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

21. If no site clearance or construction works commence by March 2022, an update to the Preliminary Ecological Appraisals for Parcel 1, 2 and 3, produced by TEP, dated March 2020, shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures shall be carried out in strict accordance with the approved detail.

REASON: In order to protect ecology and biodiversity in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

22. If no site clearance or construction works commence by July 2022, an update to the Otter Survey for Parcel 3, produced by TEP, dated August 2020, shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures shall be carried out in strict accordance with the approved detail.

REASON: In order to protect Otters and ecology and biodiversity in general, accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

23. The development shall be implemented in strict accordance with the details set out in the Invasive Non-Invasive Species Method Statement, produced by TEP, dated December 2020. All measures which form part of the approved Methodology shall be implemented.

REASON: In order to protect ecology and biodiversity in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

24. Bat and bird boxes shall be installed at dwellings in strict accordance with the submitted 'Nesting Box Details' received 18th December 2020.

REASON: To provide roosting / nesting opportunities for Bats and birds, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

25. If no site clearance or construction works commence by March 2020, a site walkover shall be undertaken to check for evidence of Badger presence. If such presence is identified, a Badger Survey shall be submitted to and approved in writing. Any recommended mitigation

measures identified shall be carried out in strict accordance with the approved detail.

REASON: To ensure the protection of Badgers and ecology and biodiversity in general, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

26. No site clearance or construction works on site shall be carried out during the bird nesting season (March to August), unless the absence of nesting birds has been confirmed by further survey work or on-site inspections.

REASON: To ensure the protection of nesting birds, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

27. The development hereby approved shall be implemented in strict accordance with the following approved Landscape Layouts:

- Parcel 1 – 3284 101 Rev C
- Parcel 2 – 3284 102 Rev C
- Parcel 3 – 3284 103 Rev B

Trees and shrubs shall be planted on the site in accordance with the approved details during the first available planting season following completion of the works, 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.

REASON: To ensure that there is a well laid scheme of healthy trees and shrubs in the interests of amenity in accordance with Policies 9, 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

28. Prior to occupation of the development hereby approved, a Landscape Management and Maintenance Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall cover all landscaped areas of public open space and it shall detail a programme of works including scheduled frequencies of weeding and watering for the duration of the development, as well as replacement planting of dead diseased or damaged trees and shrubs within a five year period from the implementation of the approved landscape scheme referenced in condition no. 23. The strategy shall be implemented in accordance with the approved detail.

REASON: To ensure that there is a well maintained scheme of healthy trees and shrubs in the interests of amenity in accordance with Policies 9, 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

29. Prior to occupation of the development hereby approved, details of the play equipment for the Local Equipped Area for Play within Parcel 2 shall be submitted to approved in writing. The equipment shall installed in accordance with the approved detail.

REASON: In order to ensure provision of quality play equipment, in accordance with Policies 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

30. The development shall be carried out in strict accordance with the submitted Arboricultural Method Statement relating to Parcel 3, prepared by TEP, dated December 2020. Specified tree protection measures shall be adhered to throughout the period of demolition and construction.

31.

REASON: Trees represent a public benefit by way of visual amenity and should therefore be protected at all times, in accordance with Policies 9 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

32. Within 3 months of the date of this decision, a scheme detailing the following highway works, to be delivered under Section 278 of the Highways Act 1980 (s278 works), shall be submitted to and approved in writing by the Local Planning Authority:

- Removal of chicanes / narrowing;
- A refresh of flat top road humps and enhancement of street character;
- Introduction of planters or similar at key junctions, including an gateway feature at the Fishmoor Drive, Roman Road junction;
- General junction improvements; and
- Bus stop upgrades to comply with DDA requirements.

REASON: To ensure the development presents a high quality entrance feature at the Fishmoor Drive, Roman Road junction and offers enhanced highway safety / efficiency features along the length of Fishmoor Drive, in accordance with Policy 11 of the Blackburn with Darwen Local Plan Part 2.

33. Prior to the occupation of the development, 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.

Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety in accordance with Policy 10 of the Blackburn With Darwen Borough Local Plan Part 2.

34. 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.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway in accordance with Policy 10 of the Blackburn With Darwen Borough Local Plan Part 2.

35. The development shall be implemented in strict accordance with the details set out in the Residential Framework Travel Plan, dated December 2019.

REASON: In order to encourage sustainable transport and to comply with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

36. Visibility splays within the site shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height greater than 1 metre above the crown level of the adjacent highway.

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

37. The affordable housing hereby approved shall be provided in accordance with the Countryside Properties and Together Commercial Ltd Affordable Housing Statement, received 6th January 2021; unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the approved dwellings remain affordable in perpetuity or appropriately disposed of, in accordance with Policy CS8 of the Blackburn with a Darwen Core Strategy and Policies 12, 18 of the Blackburn with Darwen Borough Local Plan Part 2.

38. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), no development of the type specified in Classes A - G of Part 1 of that Schedule or Class A of Part 2 of that Schedule shall be carried out unless planning permission has been granted first.

REASON: To ensure enhanced control over future development of the properties, in the interests of preserving residential amenity and the area generally, in accordance with Policies 8 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

No relevant planning history exists for the site.

6.0 CONSULTATIONS

6.1 Arboricultural Officer

No objections. Conditions recommended to require 5 year landscape management and maintenance strategy, as well as implementation of Arboricultural Method Statement / tree protection measures during construction phase.

6.2 Drainage (BwD – Lead Local Flood Authority)

No objections. The following conditions were recommended:

- Submission of a Surface Water Management & Maintenance Scheme;
- Submission of drainage calculations confirming storage requirements in accordance with the FRA and full design details of the drainage attenuation pond and underground storage tanks; and
- Submission of a Surface Water Construction Phase Management Plan

6.3 Education

No response offered. Pre-application consultation did, however, establish a Section 106 requirement for additional education provision.

6.4 Environmental Services

No objections

6.5 Public Protection

Noise / Dust/ Vibration/ Other Nuisance

No objection, following review of submitted Noise (Amenity Impact) Assessment, including implementation of mitigation measures at Parcel 3 in the form of suitable double glazing and 'Positive Input Ventilation' system and implementation of all fencing, as detailed on the submitted layout drawings.

Construction phase operational hours condition recommended, as follows:

- Monday to Friday 08:00 – 18:00 hours
- Saturday 09:00 - 13:00 hours

A modest relaxation of these hours is considered not unreasonable, as explained above, at para. 3.25

6.6 Dust control measures during demolition and construction were recommended to be secured by condition. A Construction and Environmental Management Plan (CEMP) has been submitted which is considered to appropriately address the issue.

6.7 Implementation of all of the above measures are to be secured by condition.

6.8 Conditions were recommended to control noise / vibration, in the event of pile driving foundation works, and floodlighting. It is confirmed that no pile driving or flood lighting is intended during demolition or construction.

6.9 *Air Quality*

No objection was offered following review of the submitted Air Quality Impact Assessment as well as existing data submitted in support of the Blackamoor Link Road application (10/19/0888). The following

Short-term Air Quality Impact During Construction

The health risk is low, but there is a significant risk of dust soiling. However, measures to prevent disturbance from dust production have been incorporated in to the Construction Environmental Management Plans submitted in support of the application, which are likely reduce the risk to an acceptable level.

Operational Phase Air Quality

Predicted concentrations

The concentrations assessment submitted for 10/19/0888 took account of traffic from Fishmoor Parcels 1, 2 and 3 (report ref: CS094118-18 rev 2). It can be summarised as follows:

- The development will not have an adverse impact on air quality at dwellings in the centre of the Blackamoor AQMA. Pollution levels at some of these dwellings will fall*
- The new link road will divert traffic from a section of Blackamoor Road, and pollution levels at these dwellings will fall.*
- Pollution levels will increase outside at dwellings on Roman Road close to the new junction currently under construction (Roman Rd / Link Rd / Newfield Drive).*

It is important to note that all the predicted exposures are expected to be significantly below the national air quality objective for NO₂ and PM₁₀, including at dwellings on Roman Road by the new junction (the national objective is the level at which AQMAs have to be declared).

Calculated Health Costs & Mitigation

As with all large developments, the extra traffic generated will produce more pollution which will have an adverse impact on health. The assessments estimate that the total five year health damage cost for parcels 1, 2 and 3 will be approximately £244,000.

It is recommended that the Council considers requiring measures to mitigate some of this adverse impact, via the requirement of measures implemented by the developer and contributions to off-site measures.

The development generates significant additional traffic, so the assessments recommend the provision of a detailed travel plan with monitoring to measure its implementation and effect. The plan would encourage sustainable means of transport (public cycling and walking) via subsidised free-ticketing, improved links to bus stops, infrastructure and layouts to improve accessibility.

6.10 It is considered that no off-site contributions towards air quality mitigation are justified, taking account of the scheme's economic viability challenges and the ongoing Blackamoor Link Road which will assist in alleviating air quality issues within the locality.

6.11 Further, a detailed Travel Plan has been submitted, implementation of which will be secured by condition.

6.12 In addition, the following conditions were recommended:

- Installation of at least one mode 3 electric vehicle charging point with a Type 2 connector and minimum rating of 3.7kW 16A at each dwelling with a garage or driveway.
- Gas fired boilers installed at the development to heat the dwelling shall not emit more than 40mg NOx/kWh.

6.13 Installation of dedicated electric vehicle charging points at all properties is not considered justified, when considered in the context of viability and the overall benefits arising from the development. Hard wiring infrastructure will, however, be provided at each properties to enable householders easy installation of charging points, should they be needed. Moreover, installation is currently grant assisted, as set out above at para. 3.5.29.

6.14 Gas fired boiler emissions will be controlled via the recommended condition.

6.15 *Contaminated Land*

Development to be implemented in accordance with agreed remediation strategies for Parcels 1 and 3. A condition to be applied requiring submission of the results of proposed additional site investigations in the area of the former building at Parcel 2. Any identified remediation to be carried out as agreed.

6.16 Highways Authority

No objection was offered following review of the submitted Transport Assessment and site layouts. The following initial comments were offered:

The parking should be in accordance with adopted parking standards which sets a requirement as follows:

- 2 spaces for a 2/3 bed and;
- 3 spaces for a 4+ bed

All drives are to be a length of 5.5m for each vehicle, no overhang onto the footway is supported.

The vast majority of the bays are acceptable. However there are a number of bays that require adjusting and the provision met in accordance with the parking standards

ACCESS & LAYOUT

The scheme presents individual driveways for each property. They will each require a formerly constructed vehicle crossing, contact is to be made with the highway authority for approval and construction.

Street furniture which affects drive/proposed layout would need removed and relocated to a location to be agreed with by the local highway authority at the developer's expense.

All new highway for all phases, should have a 5.5m carriageway with 2m footways on both sides of the road. Cycling routes are to be incorporated where necessary, specifically at junction.

All new highway are to be constructed to adoptable standards and presented for adoption (please attach 9, 90)

All roads should be subject to a swept path, some swept at turning head has been provided, however a full demonstration including turning into and of main access points is also to be provided. Some issues have been highlighted in the TA, which require a response. Please seek further details for assessment.

The drives are to cross over a grassed area, the developer should be mindful of stats equipment.

No details of the gradient have been provided, please request further details, and we do no support drives falling sharply towards the highway.

Sightlines for parcel have been provided and are deemed acceptable, however no details are provided for all junctions points for Parcel 1 and 2, please seek further details

The verges along Fishmoor drive are not adopted, presently, the plans receive indicate this to change, I would be minded to leave them as they are, which is with our landscape dept., please clarify.

I have individual assessed each Parcel of Land and set out comments accordingly:

Parcel 1

This Parcel of land has access frontages on a number of highway. Have reviewed the layout against our adopted highway records, it would appear that there a number of carriageway/footways that proposed to be built upon. To enable this a formal closure of the

highway is required. Please request this is confirmed as stopped up prior to commencement of works.

Note: It is confirmed that the applicant is in the process of advancing the necessary formal closures.

Seascole Close

- *Plots 1-4 are accessed at the end of Seascole Close from a private drive. We would advocate a drive should not serve more than 3 properties, and if it exceeds this number then appropriate turning and bin storage areas should be provided, please seek further details*
- *Our adopted plans indicate a parking area at the end of Seascole Close. The developer proposes to take an access through this area, therefore reducing the parking layout, details of this are to be provided, on how the area will be remodelled.*

St Bees Close

- *The existing carriageway of St Bees Close, is 4.5m, we would request this is maintained through the estates.*
- *There is no footway along the carriageway in front of plots 55-59, please seek amendments*
- *It would appear to be quite restrictive on the bends, please seek widening to allow two way vehicle movements*
- *No inferences to Manual for Streets or an attempt to place horizontal /vertical deflections to slow traffic down on the straight sections of roads within the scheme has been offered, please seek further consideration of these matters.*

Morecombe Road

- *The cross section where the two roads meet needs further thought. They are offset, and very difficult to safely manoeuvre into and out, and who goes first etc., ideally a form of control on the highway would need to be placed to support*
- *There is currently a turning head which previously supported the substation, this in my opinion is no longer needed. In the scheme presented this is proposed to be utilised and serve as access to plots 87-93. I would advise this is removed and the properties are accessed off individual drives*

Parcel 2

- *Plots 40-46 are accessed of a shared driveway, this exceeds the number we would support, and should be reduced to three. If not the roads will be unadopted, but would still need to maintain suitable turning area, and bin storage area off the highway near the entrance*
- *This parcel requires a new access out onto Fishmoor Drive. This should be included in the 278 agreement.*

- *There is no clear path from the highway into the play area, please seek consideration of this*

Parcel 3

- *there are 5 areas where the private drives will serve 5+ dwellings, these should be presented for adoption, if to be kept private they have the minimal a dedicated turning area, please request further consideration*
- *the site is to be accessed form 2 new junctions, this together with a full frontage footway should be secured as a Grampian condition, and delivered as part of the 278 agreement*

OFF-SITE HIGHWAY WORKS

The highway that these properties will exit out onto, (all highways) requires significant improvement. This stems from not only the refresh of the current traffic calming scheme but also to support new drives being created which previously were not there and the increase of traffic volumes.

We would propose removal of the narrowing, which presently give no sense of who has priority, relocation and refresh of the flat top road humps together with incorporated lighting and material change to highlight and create character.

Introduction of planters at key junctions, including the entrance to create gateway features. The carriageways and footway will require renewal of wearing course in support.

To support movement at key junctions we would propose further junction improvements.

To aid and enhance the public transport linkages, we would request improvement to the bus stops to comply with DDA, and introduce bus cages clearly marked.

We would request the above is secured through a Grampian condition and works to be carried out through a 278 Agreement.

All new access points/junction should be attached under the same condition.

Construction method statement have been received for all parcels. The drawing accompanying the statement indicates a parking area for operative vehicle parking, materials storage area.

The following area however need to be considered further:

- *There is no clear designed area where the wheel washing/checks of the vehicles will take place*

- *There is no clear indication of where they will enter and leave the site with their construction vehicles*

Transport Assessment

This has been reviewed by our consultants (Capita).

It requests further work to provide a robust assessment.

The measures outlined as requested for contribution will be included in the 278 agreement where possible.

OTHER

- *Standard matters applicable to all housing scheme, please consider:*
- *wheel wash and method statement will be required to be submitted for approval*
- *new and renewed footways surrounding the site, all costs to be Bourne entirely by the developer*
- *street furniture affected by development should be removed and relocated where necessary at location to be agreed by highways officer - all costs to be borne by the developer*
- *any old entrances that are no longer required shut be permanently closed off and reinstated back to full footway*
- **Please note:** *Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority officer Simon Littler on Mob: 07766 5780*

- 6.17 Receipt of revised layouts sufficiently addressed a shortfall in driveways lengths. Justification of additional, modest, off-street parking shortfall is explained above, at para. 3.5.69.
- 6.18 Appropriate swept path and sightlines have been provided.
- 6.19 Driveway gradients throughout the site are considered acceptable – topography dictates that none will fall sharply towards the highway.
- 6.20 An increase on the recommended limit of 3 properties accessed via private driveways, to 5 is accepted, taking into the overall site constraints. Where appropriate, communal bin storage areas for these properties have been provided.
- 6.21 All other matters raised with regard to existing highway will be controlled by condition to secure works to be undertaken via Section 278 of the Highways Act. Matters relating to proposed highway will also be secured by condition and will be undertaken via Section 38 of the Act.
- 6.22 Demolition / Construction phase control is appropriately secured by the CEMP, via condition.

6.23 An addendum to the TA has been provided, appropriately and proportionately addressing the issues raised by Capita, with specific reference to the following:

- *Update Plan 1 with a clear Key to ensure no confusion over sites;*
- *Include a description of the traffic calming measures on Fishmoor Drive within the local highway network description;*
- *Ensure all swept path manoeuvres can be completed with ease, and update Plan 5 accordingly;*
- *Ensure suitable visibility splays have been completed for all accesses;*
- *Local parking standards should be included within the TA with the provision of electrical charging points and clearly explained how the development would adhere, this should be amended and updated;*
- *An ATC should be carried out for Roman Road to ensure the visibility splays are representative and determine peak hours;*
- *Update the TA's sustainability section with the local PROW's and how these will aid active travel;*
- *Confirm if the pedestrian facilities including the footway on Roman Road is to be implemented, if so, the TA should be updated accordingly;*
- *Include information regarding the Weavers Wheel and its accessibility from site;*
- *Update the TA to state the cycling and disabled provision at Mill Hill and Blackburn train stations;*
- *Describe the distance to the closest bus stop from the centre of site to ensure it adheres to CIHT guidelines within the walking section; describe the provision at the closest bus stops;*
- *Update the Travel Plan with the local websites, and accessibility queries;*
- *Ensure that the TEMPro Growth Factors for the development area are correct and update accordingly;*
- *Confirm and update the TA accordingly with regards to any committed developments within the area which should be considered;*
- *The trip rates used require proof of confirmation from BwDC;*
- *Provide a calibration test for the 2019 AM and PM base models;*
- *Update the Capacity Assessments Summary particularly for Roman Road/Manxman Road outlining proposed mitigation measures;*
- *Ensure the results presented for the Capacity Assessment modelling are the same in the TA and the appendices; and*
- *Update the Summary and Conclusions Chapter 8 accordingly.*

6.24 The TA review also recommended the following:

- *The developer should consider connectivity improvements for pedestrians and cyclists to cross Roman Road to improve the sites overall accessibility and promote sustainable transport use;*
- *A contribution to upgrading the cycle parking/storage provision at Mill Hill rail station to encourage multi-modal active travel; and*
- *Contributions towards the improvement of bus service provision to the site, and improvements to the existing bus stops.*

6.25 In response, additional enhancements to existing highway at Roman Road and additional financial contributions are considered unreasonable and without sufficient evidence to justify such request. As such, they are not considered necessary to make the development acceptable.

6.26 Public Rights of Way Officer

The path running on the south east side is public footpath 151, Blackburn is recognised. An informative to ensure the right of way is not obstructed at any time is recommended to be attached to the decision.

6.27 Strategic Housing

Support offered:

The Housing Growth Team welcomes good quality family homes in this location.

The principle of residential dwelling is acceptable with the provision of good quality family housing for sale and rent, which helps diversify the local housing mix and responds to the Council's growth strategy.

We are supportive of the proposal, which will also enhance local public space and infrastructure, subject to it meeting planning policy requirements and approval from Development Management.

In accordance with the Council's Affordable Homes Policy, the developer will be required to provide 20% of the scheme for affordable housing.

This is planned to be on site as affordable homes for rent and shared ownership.

We are supportive of new housing developments coming forward and will be willing to consider negotiating affordable homes provision/commuted sum requirement to support scheme viability.

6.28 Property Management

No comment offered – land not Council owned.

6.29 United utilities

6.30 Environment Agency

No comment offered.

6.31 GMEU Ecology

No objection following submitted information:

- *Fishmoor Parcel 1 Preliminary Ecological Assessment ([PEA1], TEP, March 2020, version 2, note uploaded in two parts to the planning web page)*
- *Fishmoor Parcel 2 Preliminary Ecological Assessment ([PEA2], TEP, March 2020, version 2)*
- *Fishmoor Parcel 3 Preliminary Ecological Assessment ([PEA3], TEP, March 2020, version 3, note uploaded in two parts to the planning web page)*
- *Parcels 1 – 3 Fishmoor Drive, Bat Survey Report (TEP, November 2020, version -)*
- *Fishmoor Drive – Parcel 3: Otter Survey (TEP, letter 14th August 2020)*
- *Knotweed Eradication Report for Countryside Properties, Fishmoor Drive (Knotweed Eradication, 27th March 2019)*

I have also considered other documents such as the Planning Statement, Design and Access Statement and the Landscape Master Plans for each parcel.

I recently had the opportunity to visit the site (24th November 2020). This does not constitute a full ecological survey but provides context to the comments made below, given the extent of the proposals and the different parcels of land.

Overarching general comments on Biodiversity Net Gain (BNG)

- *I understand that the all areas of the site were previously developed, with the original housing being removed nearly 20 years ago (Planning Statement). Only a small area within Parcel 3 (northern end) now supports remnants of a once more agricultural landscape and grassland habitats. However, all parts of the site have largely revegetated and now support a matrix of urban semi-natural and modified habitats. Whilst the habitats on site do not represent either protected or habitats of Principal Importance (NERC 2006 [Natural Environment and Rural Communities Act] Section 41 habitats) they still have a biodiversity value and cover a relatively large area.*
- *The sites lie in very close proximity to the Lancashire Ecological Woodland Network, with Parcel 2 directly abutting it and Parcels 1 and 3 within 150m. The Blackburn & Darwen guiding principles of the SPD on Green Infrastructure and Ecological Networks (December 2015, paragraph 3.3) emphasises the importance of achieving net gain from development and the implementation of proposals particularly those of importance in the local context. Policy 4 0 of the Local Plan (2015) supports this approach seeking to achieve greater connectivity between elements of the local ecological network.*

- *Under the NPPF (section 170d and 175d) development should be aiming to deliver net gain for biodiversity. Given the scale of the proposals, I would expect a development such as this to demonstrate it is achieving this objective, and be in line with the emerging Environment Bill (November 2019), now in its Committee Stages. Given the final stages of this Bill's passage through parliament, I would expect to see a 10% net gain for biodiversity delivered, should the proposals receive permission and be implemented.*
- *I would suggest that it would be appropriate for the DEFRA Biodiversity Metric 2.0 (or equivalent if this model is superseded) to be used to evaluate the biodiversity value of the site and to demonstrate prior to determination if this goal has been achieved under the current landscaping and habitat creation proposals.*

General overarching comments on validity of the Preliminary Ecological Assessments

- *The Reports appear to have used reasonable effort to survey the habitats on site and make an assessment of their suitability to support protected/species or habitats of Principal Importance (Section 41, NERC 2006 [Natural Environment & Rural Communities Act]).*
- *The surveys were conducted in November 2019, which is recognised as suboptimal for the majority of survey types. However, given the nature and size of the proposal this is not considered to be a major constraint on the assessment and does not invalidate its findings.*
- *No specific bird breeding surveys were undertaken. However, the absence of such surveys does not invalidate the Reports' findings. It is acknowledged that the site will support nesting birds and that frequent urban species of Principal Importance are likely to occur (eg house sparrow – confirmed roosting, starling and dunnock)*
- *In addition, surveys for bats and otter were undertaken and submitted under separate cover. Both these surveys were considered to have used reasonable effort they were undertaken at an appropriate time of year in suitable weather conditions, with sufficient survey personnel.*
- *The Reports conclude that the sites supports a buildings (Parcel 1) and trees (Parcels 2 and 3) of some value to bat roosting and the surrounding habitats. The additional survey effort did not record any roosting within these structures, although bat foraging/commuting activity was observed elsewhere on the sites attesting to the suitability of the timing of the surveys.*
- *Within the Parcels of land in the site the habitats are of local and in part limited value to biodiversity (eg hardstanding). Note see overarching commentary above regarding Biodiversity Net Gain (BNG).*
- *The surveys are sufficient to allow for their use in the DEFRA Biodiversity Metric 2.0 and for the application to be progressed to*

determination subject to agreement over a suitable approach to BNG.

Specific Ecological Issues within each Parcel

Parcel 1

- Building 2 and the identified tree will require updated assessment, should development/demolition not have occurred by September 2022 (para 4.17 of Bat Survey Report). A **condition** will be required to implement this.
- The Knotweed Eradication Report was undertaken in 2018 and will require updating in advance of the implementation of the proposals, should they receive permission. In addition, the Japanese knotweed eradication report will need to include details of the on-site disposal methods and biosecurity measures required for spoil handling and machinery, along with appropriate signage and fencing. A **condition** will be required to implement this.
- It is recommended that the treatment of Japanese knotweed continues in the intervening period of time.

Parcel 2

- The tree identified within the Bat Survey Report will require reassessment in September 2022. This should be implemented via a **condition**.
- The hedgerows within this Parcel, were observed to support roosting house sparrow during the contextual site visit by GMEU (in hedge TN7). Additional emphasis should be placed on locating the nesting sites if they occur within Parcels 1 or 2 and providing sufficient and targeted compensation for the loss of nesting and roosting opportunities (see Ecological Enhancement below).

Parcel 3

- The trees identified within the Bat Survey Report will require reassessment in September 2022. This should be implemented via a **condition**.
- An updated/precommencement survey for otter **condition** will be necessary to provide a resurvey of Parcel 3 if works do not commence by July 2021 (cf Otter Survey letter).
- Parcel 3 is identified as supporting habitats which are suitable not only for scrub/undergrowth nesting species of birds, but also for ground nesting species. It is recommended that a precommencement survey is required to assess this site in more detail and to provide a Bird Nesting Protocol should evidence of nesting be identified. This is in addition to the standard bird nesting **condition** requirements as identified within the PEA's for each Parcel of the proposal (see below).

Biodiversity Mitigation Measures and Enhancement

- Section 5 of each PEA details other recommendations which should be implemented via **conditions**. The conditions are broadly similar across each Parcel of land and include: -

- *Avoidance of the bird breeding season for vegetation clearance including trees, scrub and undergrowth (eg bramble)*
- *Reasonable Avoidance Measures Method Statement (RAMMS) measures for common amphibians and hedgehog during vegetation clearance and site construction*
- *CEMP (Construction Environmental Management Plan) including pollution prevention measures and soil handling procedures.*
- *Fencing of retained trees/hedgerows and Japanese knotweed stands during construction*
- *Precommencement surveys of site plus 30m for badger setts*
- *Wildlife Sensitive lighting scheme design*
- *Section 5 also includes the requirement for the production and implementation of an ecological enhancement package for the sites to provide bat and bird boxes, bug hotels, native species planting, ecologically permeable boundary features etc. This is seen as in addition to the commentary provided above in respect of Biodiversity Net Gain. The Ecological Enhancements Package should be required via **condition** for each phase of the proposals should the scheme receive permission.*

Landscape Masterplans

- *The Landscape Masterplans include non-locally native species such as hornbeam and beech. It is recommended that the planting specification for the native planting element of the Parcels is revisited.*
- *Notwithstanding the comment above, it is strongly recommended that the landscape scheme and potentially the site design is revisited to include the 10% Biodiversity Net Gain provisions. If BNG is to be provided off-site, the landscape schemes should still be revisited to incorporate the layout and specifications of the Ecological Enhancements.*

In summary and conclusion: -

- *Sufficient survey information has been provided in support of the submission*
- *It is strongly recommended that the Planning Authority consider the provisions of the emerging Environment Bill and require a Biodiversity Net Gain Calculation to be undertaken and demonstration that a 10% BNG uplift can be achieved should the scheme receive permission and be implemented.*
- *Specific conditions have been identified for features of each Parcel of the proposal and a list of generic biodiversity protection measures are also provided.*

6.32 An updated Japanese Knotweed Eradication Plan and a RAMMS have been received, implementation of which will be secured by condition.

6.33 Submission of updates to all time limited surveys will be secured by condition.

6.34 Demonstration of a 10% Biodiversity Net Gain is not considered justified, as explained at para. 3.5.45.

6.35 Lancashire Constabulary

No objection following review of submitted Crime Impact Statement. The following comments offered:

The Applicants own Crime Impact Statement (as published on your planning portal) makes mention of crime data in Section 4. 'Crime Analysis' and information regarding anti-social behaviour in Section 5. 'Design Considerations'. Section 6. 'Conclusion' states; "It is evident from the information sourced from Police.UK that Fishmoor is subject to a low-level degree of crime. It has been demonstrated through this statement and the submitted layout plans that the proposals incorporate positive measures aimed at reducing crime".

However, over the past 12 months high volumes of crime and incidents have been recorded within the Police Incident Location that encapsulates the new development, including 27 burglaries (mainly residential), 63 vehicle crime offences (8 stealing of a motor vehicle), 58 criminal damage (excl. vehicles), 120 assaults and high levels of anti-social behaviour, including nuisance. Historically this location has unfortunately suffered from high levels of crime and anti-social behaviour, exacerbated somewhat by the design and layout of previous housing schemes in the area. This new development creates an real opportunity to design out crime and design in security from the outset, to keep people safe and feeling safe by reducing crime and anti-social behaviour in the locality and creating sustainable communities.

*Current burglary patterns and methods indicate that unobserved ground floor doors and accessible windows are the most vulnerable to criminal attack, by prising them open with tools, smashing glazing and 'snapping' Euro-profile type cylinder door locks. In addition, criminals are targeting homes to steal the keys to vehicles using the entry methods mentioned above and 'fishing' through letterboxes. Target hardening measures and security standards for the dwellings themselves should be addressed by the discharge of Approved Document 'Q' 2015 via Building Control. **Please note, PAS24:2012 has been superseded by enhanced security specification PAS24:2016 and should be applied to this scheme.***

General Secured By Design advice offered. Conditions to secure such accreditation and site security measures are recommended. Informatives in this regard are, however, considered a reasonable approach.

6.36 Lancashire Fire Service

It is recommended that the development meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and Facilities for the Fire Service. Adequate turning facilities for fire service vehicles is demonstrated with the site layouts.

6.37 Sport England
Objection received:

Summary: *The proposal makes no contributions to formal sports facilities, indoor or outdoor, therefore **Sport England wishes to object** to this application as it is not compliant with NPPF, or Core Strategy Policy CS21 and Local Plan Part 2 Policy 12 (Developer Contributions to mitigate an impact).*

Sport England would be pleased to review the objection with a view to potentially withdrawing it when we have received further details to address the following issues:

- 1. Details of any off site outdoor sport and indoor sport enhancements to meet the additional demand arising from the development. Sport England's Strategic Planning Tools show this development is estimated to generate additional demand equating to 1 pitch equivalent, 1 additional changing room, 84 additional visits per week to sports halls and 64 additional visits per week to swimming pools. Indicative costs to accommodate the additional demand is set out later in this email.*
- 2. Incorporate the 10 principles of Active Design into the overall design of the development as sanctioned by BREEAM in collaboration with Sport England.*

6.38 A financial contribution of £583,154 is, therefore, requested. As a non-statutory consultee on the application, the request is not considered to be justified, as explained at paras. 3.6.02 – 3.6.07.

6.39 NHS
Objection received:

Summary: *Planning application 10/20/0934 - Land to the North and South of Fishmoor Drive and Land to the East of Roman Road Blackburn, is seeking to secure permission for the construction of 383 new dwellings. These dwellings will support a population increase of 881 (assuming an average of 2.3 people per dwelling⁵) all of whom will need to access health services.*

It follows that without the provision of additional facilities and services it will not be possible to accommodate the health impact of the development within the existing provision which is available.

Whilst the Trust will, in due course, be able to obtain funding to meet the needs of the population which arises from the development, this funding will not be in place for approximately three years. Once in place, the funding will not be provided retrospectively, and as such the impact on the Trust for the initial period will not be met from any alternative source of funding.

We therefore request a contribution for this development in the sum of £653,593.00.

A financial contribution is not considered to be justified, as explained at paras. 3.5.97 – 3.6.01.

6.40 Public consultation has taken place, with 1756 letters posted to the local community; a press notice published 12th November 2020; and display site notices on 19th October 2020. In response, 12 objections were received which are shown within the summary below.

7.0 CONTACT OFFICER: Nick Blackledge – [Senior Planner]

8.0 DATE PREPARED: 30th December 2020.

9.0 SUMMARY OF REPRESENTATIONS

Objection – Adris Ahmed. Rec – 21/10/2020

Response to Full Planning Application for demolition of one substation building and erection of 383 dwellings and associated works at land to the north and south of Fishmoor drive and land to the east of Roman Road, Blackburn.

I'm writing to object to planning permission being granted for the above application. I feel that this is not a suitable development as there is inadequate infrastructure in this area to support such a development. Specifically:

- Schools: There are limited schools in this area and its already difficult to get a place in these
- Traffic: at peak times it can already take up to 25 mins to get from the junction of Fishmoor drive to the top of Blackmoor rd. Which is approximately 1.5 miles – this additional traffic will add to that journey time significantly
- Internet: With COVID-19, an increasing number of people are working from home and the internet speeds in this area of Blackburn are already poor, and a development of this size will put further pressure on an already constrained service
- Doctors: Their are a limited number of Doctors surgeries in this area to meet the needs to the local residents

Furthermore we moved here 2 years precisely because of the reservoir and undeveloped land which is home to many forms of wildlife, and its awful that this is not be conserved.

I hope the above is taken into consideration and this application is declined.

Objection – Jaden Fish. Rec – 09/11/2020

Hi Planning/Gavin,

I wish to register an objection to part of the proposal that is registered (reference 10/20/0934).

I had previously written to the MP Kate Hollern regarding this application. I wish to register the same issues regarding this application as listed below;

As previously stated, I am not objecting such a large fantastic development with fantastic opportunities to increase the usage of land and hopefully provide families with much sought after housing. However there are is section that I am opposing and really think needs to be checked over.

To highlight the area that I think should be removed from the development I have outlined below a row of houses and a through road that has historically be used as a “rat run” which caused a lot of issues regarding anti social behaviour in the area. This would create a “square” for people to use – and it does encourage uninsured motor bikes, and joy riders. There have been animals repeatedly killed from careless underage drivers and this danger could be passed onto the minors that also currently use the area for playing. Although speed bumps have been proposed, this does not stop these issues – and this is historically accurate.

This is the land situated directly behind Thornton Close.

Below I have added the original correspondence I had with the MPs office and I have attached some correspondence from the local MP supporting my objection.

Please take the original email below as my list of objections.

I have also expressed my concerns to the locals around the area, and have received much supports over the proposed road being used as a “Rat Run”

Please let me know if any further information is required.

Hello,

And firstly let me take the time to thank you for reading my email.

I have recently learned of the development happening in the Highercroft area, and although I don't oppose such a fantastic development – I do oppose some of this development.

I am currently in the process of purchasing my property on Thornton Close (number 9). And I am greatly saddened to see that the development is on the part of the land behind my house. The development includes 3 houses that will be directly behind my back garden. The area is built on a hill, and I have grave concerns that these 3 houses will become spectators of my bedroom. Not to mention that they will be overlooking our house.

This poses a drastic risk to ourselves in regards to sunlight, which rises in that direction and I believe we would be cut off from that sunlight until 11am in most months of the year.

Further to this, we have a rather large and substantial tree outside our back garden, we often get bats travelling through this tree and it has encouraged them to the area. This development proposes to destroy the tree, and take with it the bats.

Finally there is plans to build a through road. I believe that these roads were cut off at some point in history due to the area becoming a "Rat Run" – which I strongly believe is going to be the case here again. The traffic, noise and pollution are something that is just disastrous to the area.

I don't oppose the whole scheme, however building so close to the back of my home, on the top of a hill and putting people overlooking us, blocking such a large portion of natural sunlight, and destroying a habitat for wildlife is just diabolical and sad.

I await to hear your response to this, and if there is anything I can do to remove the houses from the back of my house.

Objection – Lee Spary. Rec – 09/11/2020

To whom it may concern,

I wish to submit a formal objection to the proposal reference; [10/20/0934](#).

My objections are as follows:

- There is historical knowledge of the area being known for antisocial behaviours. This included joy riding and uninsured vehicles being used around the area. I believe that the reintroduction of the through road will create a further "rat run" for antisocial behaviour to begin again. The road was blocked up previously due to this issue, and although speed bumps have been proposed, this has provided no resolution in the past. This through road has the very likely and serious implications of causing a danger to domestic animals and children in the area.
- There are also wildlife in the fields that are proposed to be built on, this includes bats that regularly are seen flying in the area. This removal of the fields, trees and general green area will damage the habitats of the bats (and other wildlife in the area).
- The buildings that are proposed directly behind the Thornton Close street are on a hill, and as such will be overlooking the properties here. This will encroach on the privacy of the home owners and tenants. This would also cut a lot of the daytime sunshine and natural light off the properties already in situ due to them being proposed on higher ground.

Although the need for housing is at an all time high, I do not object to the plans in their entirety.

However, the houses that are proposed directly behind Thornton Close and the through road would (and have historically) provided a serious implication to the area, I believe that this objection has also been supported by the local MP and the surrounding neighbourhood. Many thanks for all the considerations taken.

Objection – Terrina Mcphee, Cleveleys Road, Blackburn. Rec – 09/11/2020

Hi Gavin/Planning,

I wish to submit a formal objection to the proposal reference; [10/20/0934](#).

My objections are as below:

- There is historical knowledge of the area being known for antisocial behaviours. This included joy riding and uninsured vehicles being used around the area. I believe that the reintroduction of the through road will create a further “rat run” for antisocial behaviour to begin again. The road was blocked up previously due to this issue, and although speed bumps have been proposed, this has provided no resolution in the past. This through road has the very likely and serious implications of causing a danger to domestic animals(I myself have had two cats run over in the past few months due to wreck less drivers) and children in the area.
- There are also wildlife in the fields that are proposed to be built on, this includes bats that regularly are seen flying in the area. This removal of the fields, trees and general green area will damage the habitats of the bats (and other wildlife in the area).
- The buildings that are proposed directly behind the Thornton Close street are on a hill, and as such will be overlooking the properties here. This will encroach on the privacy of the home owners and tenants. This would also cut a lot of the daytime sunshine and natural light off the properties already in situ due to them being proposed on higher ground.

Although the need for housing is at an all time high, I do not object to the plans in their entirety. However, the houses that are proposed directly behind Thornton Close and the through road would (and have historically) provided a serious implication to the area – I believe that this objection has also been supported by the local MP and the surrounding neighbourhood.

Many thanks for all considerations taken,

Objection – Gemma Lang, Rec – 09/11/2020

To whom it may concern

I write to object to this application to build new houses opposite Thornton Close for the below reasons

The road is crazy already and having housing in the area will create antisocial behaviour from boy racers and this will be a danger to animals, the elderly folk and children who currently live there.

The new houses will be overlooking properties meaning there will no longer be any privacy to the existing residents, our sunlight to our gardens will be blocked and it will be eyesore to the area we currently oversee.

And finally the new houses will have a detrimental impact upon wildlife in the area/ fields and remove the bats in trees which are not causing any problems to the area currently and are a specie that is slowing dying away.

There is MP support to reject this application and therefore these reasons are just a small number of reasons why this application should be rejected immediately.

Objection – Hannah Lee, Rec – 09/11/2020

I am emailing to advise of my objection to the proposed development directly behind Thornton Close.

For the existing properties adjacent to the land proposed for development there will inevitably be a loss of privacy and day light.

The road is already very busy, being used as a short cut and by antisocial drivers who drive carelessly, at excessive speed and without attention. Additional traffic on this road will exacerbate this problem.

Finally, I am concerned about the detriment to wildlife. This field is home to animals including bays and any development will result in the permanent loss of their habitat.

Objection – Heather Riley. Rec – 09/11/2020

Good Afternoon,

This is a response to the recent planning application mentioned in the subject of this email.

The erection of houses here should not go ahead - there are multiple reasons why this is being objected:

- 1) This is too close to the houses already in situ
 - 2) There are bats and other wildlife living in the land - this would completely kill these animals and ruin their habitat
 - 3) The road would be extremely busy again causing danger to the wildlife but also to the local children
 - 4) wWe also feel that this could heavily cause antisocial behavior to this area
-

Objection – Justyna Grabowska. Rec - 09/11/2020

Hi Gavin/Planning,

I wish to submit a formal objection to the proposal reference; 10/20/0934.

My objections are as below:

- There is historical knowledge of the area being known for antisocial behaviours. This included joy riding and uninsured vehicles being used around the area. I believe that the reintroduction of the through road will create a further “rat run” for antisocial behaviour to begin again. The road was blocked up previously due to this issue, and although speed bumps have been proposed, this has provided no resolution in the past. This through road has the very likely and serious implications of causing a danger to domestic animals and children in the area.
- There are also wildlife in the fields that are proposed to be built on, this includes bats that regularly are seen flying in the area. This removal of the fields, trees and general green area will damage the habitats of the bats (and other wildlife in the area).
- The buildings that are proposed directly behind the Thornton Close street are on a hill, and as such will be overlooking the properties here. This will encroach on the privacy of the home owners and tenants. This would also cut a lot of the daytime sunshine and natural light off the properties already in situ due to them being proposed on higher ground.

Although the need for housing is at an all time high, I do not object to the plans in their entirety. However, the houses that are proposed directly behind Thornton Close and the through road would (and have historically) provided a serious implication to the area – I

believe that this objection has also been supported by the local MP and the surrounding neighbourhood.

Many thanks for all considerations taken,

Objection – Charlotte Lambert. Rec - 09/11/2020

I'd like to lodge my official objection to nearly 400 homes proposed in the application 10/20/0934.

The reasoning behind this is as follows

- with the increase of homes will increase the traffic on the roads to over 600 vehicles. This causes a health and safety issue to residents already living in the area as people already use the existing estate as a "rat run"
 - traffic will become grid locked as the current road layouts can not cope with the existing traffic, therefore the additional 600plus vehicles will cause more issues and reduce the air quality.
 - the local infrastructure (schools, dentists, doctors) can not cope with the additional homes as nearly 400 homes could increase the local population by 1200 - 1600 people.
 - the land where the proposed development is suggested is home to wildlife such as bats and newts.
-

Objection – Elizabeth Rawding. Rec - 09/11/2020

I am writing in objection to the houses being built directly behind Thornton Close.

The reason behind my objection is that I believe that if houses are built it will create a rat run road which in my opinion will cause antisocial behaviour, but more importantly it will cause a danger to the children in the area. To think of it it could also do harm to animals too, and the wildlife on the field

The houses will also affect other local property by blocking out the sunlight and even overlooking gardens and rooms. This will impact on people's privacy

Please consider the content of this letter as my objection to such houses being built

Objection – Laura Mitchell. Rec – 10/11/2020

Hi Gavin/Planning,

I wish to submit a formal objection to the proposal reference; 10/20/0934.

My objections are as below

- There is historical knowledge of the area being known for antisocial behaviours. This included joy riding and uninsured vehicles being used around the area. I believe that the reintroduction of the through road will create a further "rat run" for antisocial behaviour to begin again. The road was blocked up previously due to this issue, and although speed bumps have been proposed, this has provided no resolution in the past. This through road has the very likely and serious implications of causing a danger to domestic animals and children in the area.

- There are also wildlife in the fields that are proposed to be built on, this includes bats that regularly are seen flying in the area. This removal of the fields, trees and general green area will damage the habitats of the bats (and other wildlife in the area).

- The buildings that are proposed directly behind the Thornton Close street are on a hill, and as such will be overlooking the properties here. This will encroach on the privacy of the home owners and tenants. This would also cut a lot of the daytime sunshine and natural light off the properties already in situ due to them being proposed on higher ground.

Although the need for housing is at an all time high, I do not object to the plans in their entirety. However, the houses that are proposed directly behind Thornton Close and the through road would (and have historically) provided a serious implication to the area – I believe that this objection has also been supported by the local MP and the surrounding neighbourhood

Many thanks for all considerations taken

Objection – Beverley Chadwick. Rec – 10/11/2020

I wish to submit a formal objection to the proposal reference 10/20/0934 for the following reasons:

- The area has already suffered from antisocial behaviours including joy-riding and uninsured vehicles being driven. The through road was previously closed because it was being used as a rat-run and although speed bumps have been proposed, they previously failed to deter such behaviours. Therefore re-opening the through road is highly likely to be dangerous to children, the elderly, and domestic animals.

- The fields earmarked for the proposed buildings have an abundance of wildlife, including bats. Building here will undoubtedly damage their habitats thereby endangering their survival.

- Some of the proposed buildings would be situated at a higher level than those on Thornton Close overlooking the existing properties thus blocking out a substantial amount of natural light and encroaching on the occupants' privacy.

- Given the current housing shortage, I do not object to plans to build more homes. However, for the reasons already given, I do object to them being sited directly behind Thornton Close. And again, for reasons already given, I object to the re-opening of a through road. I am aware that my MP and residents in the local area also share this viewpoint.

Comment – Michael Bertham, 69 Stopes Brow, Darwen. Rec – 16/10/2020

My name is Michael Bertham,

I am the property owner of 69 Stopes Brow, Darwen BB3 0QP, UK.

I have received your letter regarding the planning application put in by **Countryside Properties (UK) Ltd and Together Housing Group** I have noticed this application is for the land by the reservoir and the land by Fishmoor used a lot for dog walking.

The houses being built will they be council accommodation or private property?
Will the build disturb the dog walking trail which is very popular?

What improvements will be made for parking when more students will be attending the primary school? (No permit parking in front of my property very hard for me to park outside my home during school hours)

How long is the build estimated to take?

What measures will be made when building on the side of Roman Rd? (High trafficking area)

REPORT OF THE DIRECTOR

Plan No: 10/20/0996

Proposed development: Full Planning Application for Change of use of 2 x barns at Hob Lane Farm to a single attached dwelling with integral garage, including building works

**Site address:
Hob Lane Farm Barns
Blackburn Road
Turton
Bolton
BL7 0PU**

Applicant: Djemel & Jennifer Salah-Bey-Carr & Cain

**Ward: West Pennine
Councillors:
Cllr Colin Rigby
Cllr Jean Rigby
Cllr Julie Slater**



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 proposed development has been publicised through letters to residents of adjoining properties. Five letters of objection have been received. A summary of the comments is provided at Paragraph 6.1 below.

2.2 A planning application was previously applied for in March 2020 and withdrawn in April 2020, prior to it being refused permission on grounds of heritage impact, design, neighbour amenity, and access (10/20/0254).

2.3 The proposals before the Committee have been through several months of discussion and consultation with the Local Planning Authority, Conservation Officer and others as the applicants have sought to work with the Council to address the issues highlighted at the end of the previous planning process.

2.3 The key issues to be addressed in determining this application are:

- Heritage
- Design and Amenity
- Access and Parking
- Ecology
- Environmental Protection

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The site of the proposed development is located on the edge of the village of Edgworth.

3.1.2 The application site is characterised by a complex network of relationships with the surrounding built and landscape environment: On land immediately to the north, a new detached dwelling is in the process of being constructed against the village boundary. To the south, the site forms part of a 'fold' – where through the 18th and 19th centuries a relationship of buildings developed around a farmyard. The Hob Lane Cottages, whose rear elevations abut the application site on this south side, include the Grade II listed buildings at Nos. 2 and 4. The West Pennine Moors stretch out to the west of the site, the land dropping gently down to Wayoh Reservoir. Finally, on the east side, the larger of the two barns that are the subject of this application adjoin 475 and 473 Blackburn Road.



Extract from Google street view – the 2 barns edged in red

3.1.3 The application site is comprised of two barns. The larger barn is a continuation of the building that comprises Nos. 473 and 475 Blackburn Road and which, together with its adjoining neighbours, forms the northern side of the fold. The smaller barn is located off the south-west corner of the larger barn, the separation distance between the two being about 1.8 metres. Both barns have been in need of structural repair. Work has, in fact, been commenced prematurely on the roof. This was halted by enforcement action whilst the ecological impact of the works was assessed (the smaller barn having been used as a nesting place for a barn owl).



Extract from Google Street View – entrance from Blackburn Road



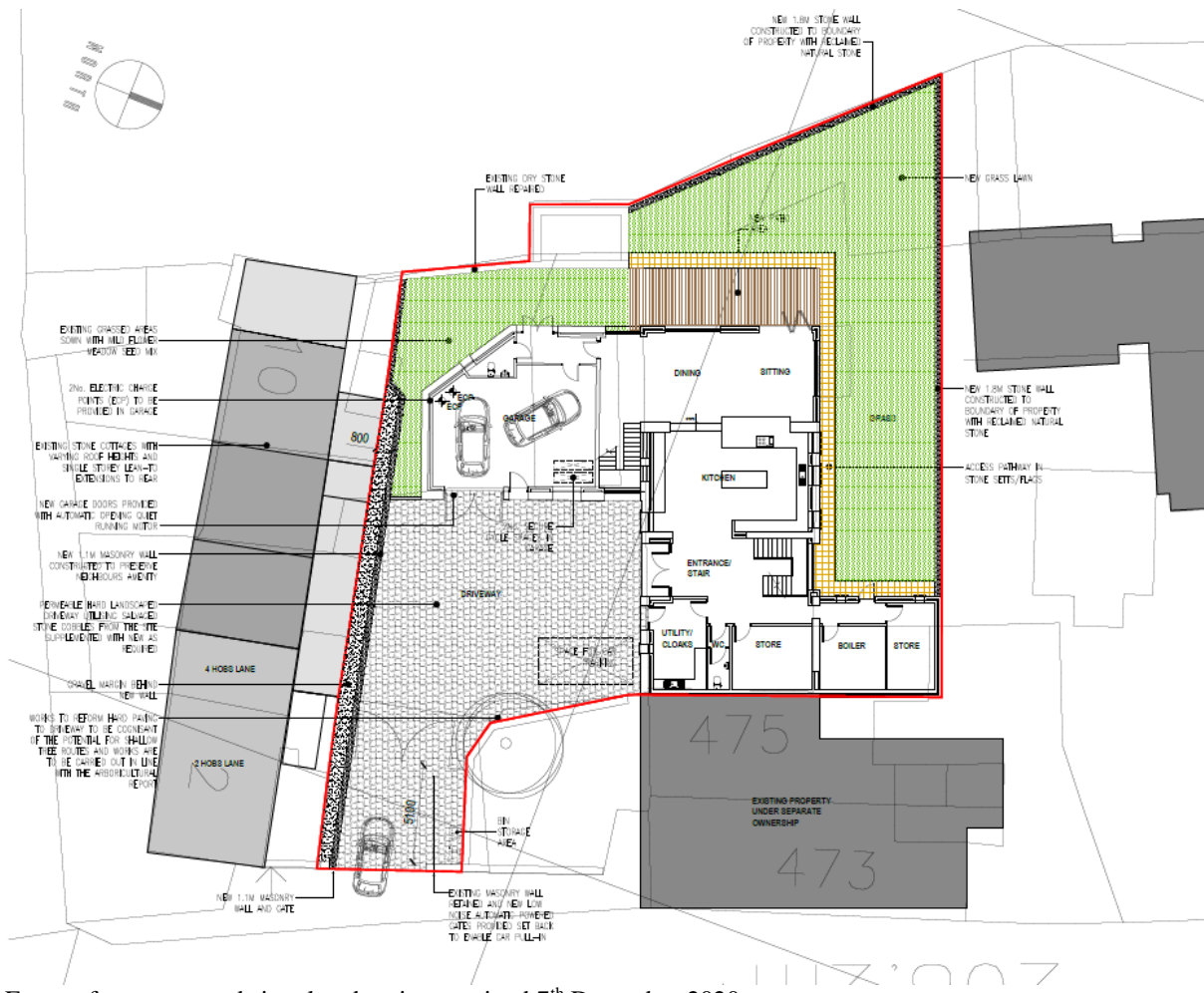
Photograph taken 2nd April 2020 – showing unauthorised works to the roof.



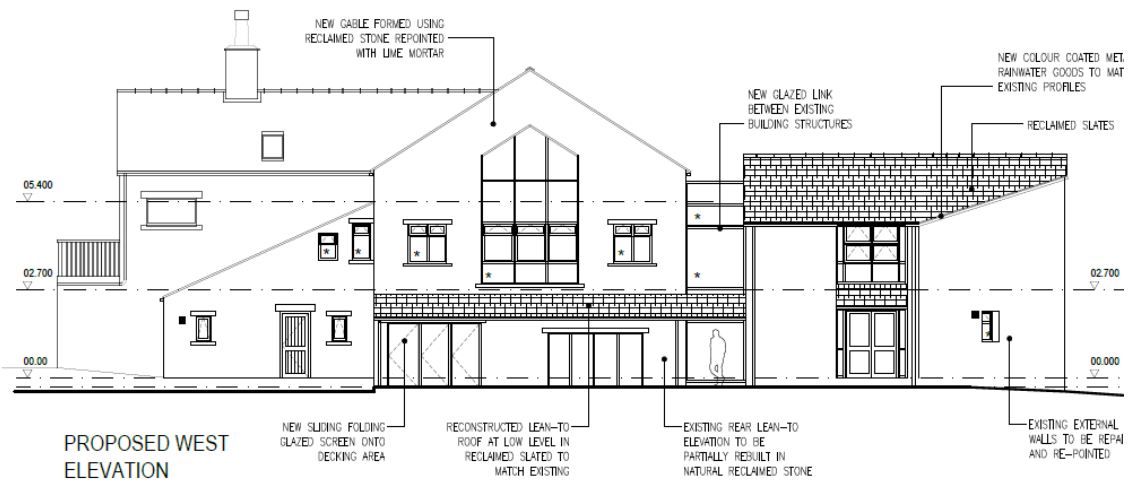
Photograph taken 2nd April 2020 – showing relationship of the adjoining cottages (Nos 2 & 4 Hob Lane Cottage, including the Grade II listed building) with the application site.

3.2 Proposed Development

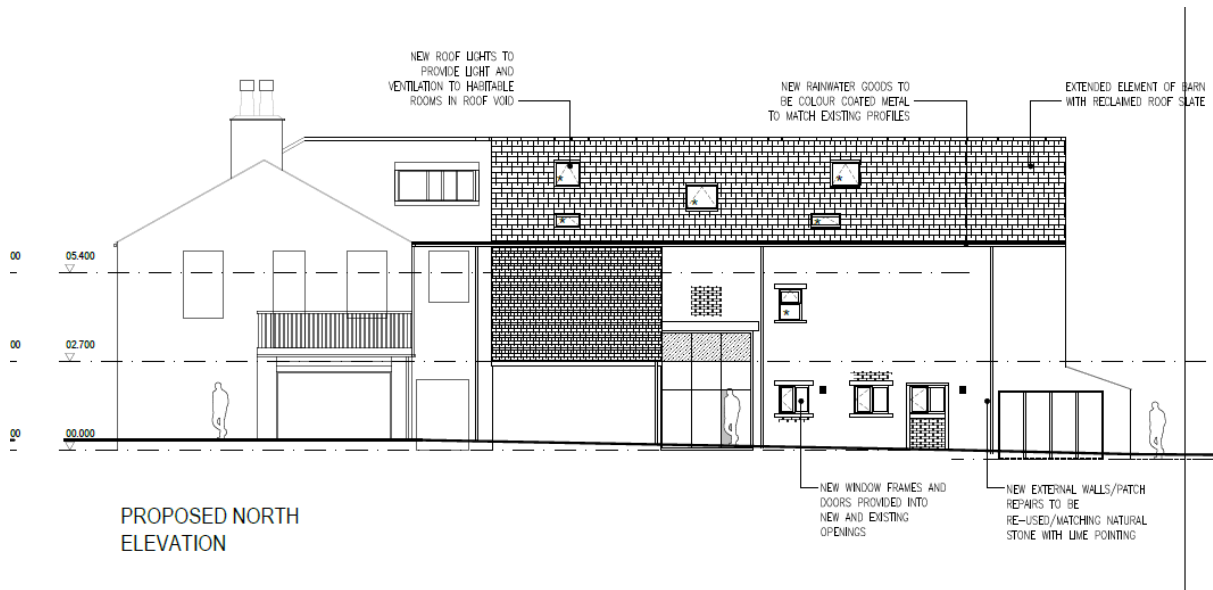
3.2.1 The proposal is for the formation of the two separate barns into a single attached dwelling, including an integral garage, and building works necessary to facilitate this change of use.



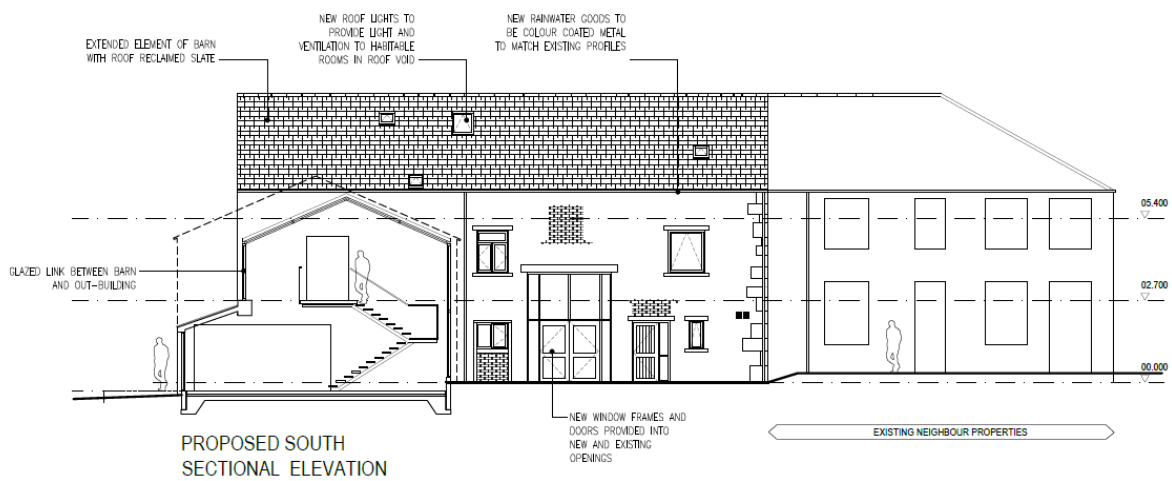
Extract from proposed site plan drawing received 7th December 2020.



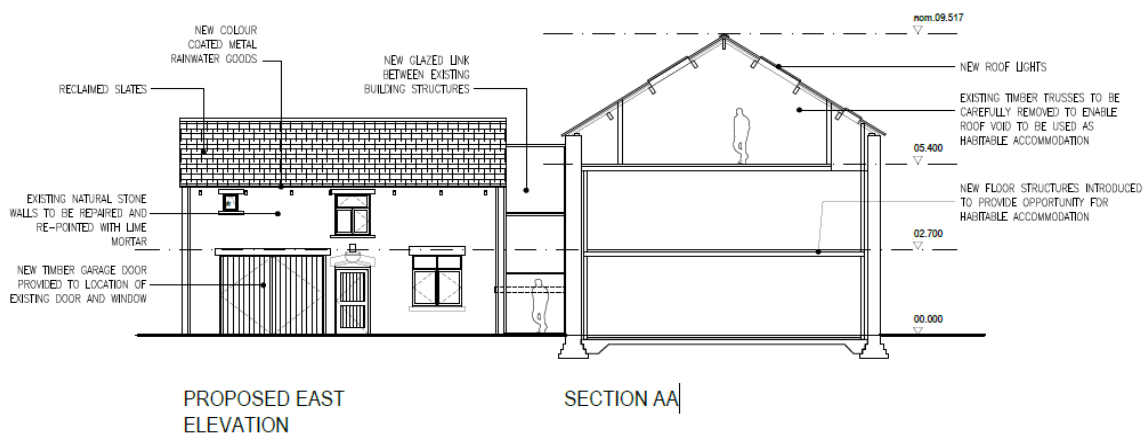
Extract from proposed west elevation drawing received 7th December 2020.



Extract from Proposed north elevation drawing received 7th December 2020.



Extract from Proposed South Elevation and sectional drawing received 7th December 2020.



Extract from Proposed East Elevation and sectional drawing received 7th December 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 10: Accessibility and Transport
- Policy 11: Design
- Policy 21: Conversion of Buildings in the Countryside
- Policy 39: Heritage

3.1.5 Blackburn with Darwen Borough Local Plan Part 1 – Core Strategy (January 2011)

- Policy CS17: Built and Cultural Heritage
- Policy CS18: The Borough's Landscapes

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (NPPF) (February 2019):

Section 12: Achieving Well-Designed Places

3.5 Assessment

3.5.1 ***Preliminary Consideration*** The barns proposed to be converted and, along with the surrounding dwellings and field to the west and north, are no longer associated with a working farm and have no existing purpose, except that they provide a habitat used by owls for nesting purposes.

3.5.2 The heritage aspects of the application site will be considered below. Suffice to state here that the location of the barns is considered to complete the form and appearance of a 'fold' – where a small group of dwellings are located around a courtyard or farmyard.

3.5.3 The basic two questions, then, are these: is the contribution of the barns to the heritage of the setting of sufficient importance as to justify a change of use to ensure their continuing as vital elements to the setting? Or, is the harm to residential amenity of such a level as to warrant a refusal of a change of use and allow for their potential loss as the better option?

3.5.4 The Local Plan Part 2 sets out to manage change in the rural areas in a way that ensures they have a sustainable future (Paragraph 4.21). The preferred option for disused buildings in the rural areas is for their conversion to industrial, tourist or non-retail commercial use, unless shown to be unsuitable

because of such issues as the location or the relationship with neighbouring properties (Local Plan 2 Policy 21).

- 3.5.5 It is considered that the constraints of the site – the limited availability of parking, the proximity of residential dwellings to the barns, the lack of infrastructure that a business enterprise might require – are such that the site is unsuitable for industrial or commercial operations. Residential use was considered to be the preferred option if the barns were to be brought back into use rather than being allowed to continue their decline into dereliction.
- 3.5.6 Members are advised that, since the withdrawal of planning application 10/20/0254 in March 2020, the proposed conversion of the barns has been the subject of detailed negotiations between the applicants, their agent and the local planning authority. The proposals before the Committee, whilst not completely satisfying either the requirements of the applicants nor the concerns of the objectors, is being recommended for approval because they are considered to have addressed as best as possible the balance between preserving heritage, securing neighbour amenity and providing a new dwelling that will work for the applicants.
- 3.5.7 *Heritage Considerations*** The adopted Core Strategy identifies the built heritage of the Borough as being a major asset in its attractiveness and local distinctiveness (Paragraph 11.6). It goes on to state that this does not relate solely to designated buildings. Rather, the less distinctive buildings and spaces in between form the “glue” that joins key features together, and are crucially important in maintaining the overall character of a place.
- 3.5.8 In respect of this, Local Plan Part 2 Policy 11 requires development to “*demonstrate an understanding of the wider context*”, with Policy 39 requiring development “*with the potential to affect any designated or non-designated heritage asset, either directly or indirectly including by reference to their setting*” to “*sustain or enhance the significance of the asset*”.
- 3.5.9 Nos. 2 and 4 Hob Lane are Grade II Listed Buildings with the remaining dwellings, Nos. 4, 6 and 10 being regarded as non-designated heritage assets. Nos. 2 and 4 originally formed one farmhouse dating back to 1717. The proposed development concerns both the setting of the listed buildings and the additional non-designated heritage assets that are the barns. The area directly behind the listed building probably formed part of the farmyard of the now listed structure; and whilst the area that is the subject of this planning application no longer falls within the curtilage of the listed structure, it still represents the layout of a rural north Lancashire agricultural settlement or “Fold” – hence it provides a setting directly related to the dwellings on Hob Lane.
- 3.5.10 The barns are to the rear of the former Hare and Hounds Inn (473 & 475 Blackburn Road), a non-designated heritage asset, recorded on the Lancashire Historic Environment Record. The barns date from the mid-late 19th century. Whilst the date stone on the smaller structure barn (shippon?) states 1905 the cartographic record shows the smaller structure in that

location on the 1850 map. The larger barn attached to 475 Blackburn Road is evident on the 1894 map. The layout of these modest buildings clustering around a small farmyard is a clear constant on the cartographic record and forms an important part of the setting of the listed structure. This group of rural agricultural buildings is significant in demonstrating the evolution and form of a small agricultural settlement.

3.5.11 The National Planning Policy Framework (Paragraph 192) (NPPF) (2019) states that, in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Conservation of heritage assets can make a positive contribution to sustainable communities, with new development potentially making a positive contribution to local character and distinctiveness.

3.5.12 Paragraph 193 of the NPPF states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

3.5.13 Paragraph 195 of the NPPF states that proposals which lead to substantial harm to a designated asset should be refused unless it can be demonstrated that the loss is necessary to achieve substantial public benefits that outweigh the harm or all of the following apply:

- The nature of the asset prevents all reasonable uses of the site;
- No viable use of the asset can be found;
- Conservation by grant funding or some sort of non-profit making organization is not possible, and
- The harm is outweighed by the benefit of bringing the site back into use.

3.5.14 Paragraph 196 of the NPPF identifies that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

3.5.15 Whilst it is considered that the barns form part of the visual setting to the two listed cottages and the other non-designated cottages adjoining on Hob Lane, the buildings are not considered to be so integral to the setting as to hinder a potential re-use. Nos. 2 and 4 Hob Lane turn their backs to the farmyard and have their principle elevations facing south. This visual separation is reinforced somewhat by the change in land levels between the lower cottages and the higher farmyard and barns. However, it is considered that the conversion of the two barns into a sustainable use will help secure the historic value of the group setting as envisaged by the Core Strategy.

3.5.16 Overall the conversion of the barn into residential use is not considered to cause substantial harm to the historic setting of Nos. 2 & 4 Hob Lane. Whilst

the setting will be affected by the conversion, this is considered to amount to being 'less than substantial' harm.

- 3.5.17 Paragraph 197 of the NPPF states that LPAs should consider the effect of applications on the significance of non-designated heritage assets. In weighing applications a balanced judgement will be required having regard to the scale of the harm or loss and the significance of the asset.
- 3.5.18 The two barns are considered to have a part to play in the wider group setting and form the northern and western enclosure to the farm yard. The significance of both barns is probably low/medium and is of a local importance. Some loss or harm is mitigated by the design of the conversion. However, any loss needs to be put in the context of the benefits of safeguarding the redundant buildings and the obvious long term benefits of securing the wider group setting.
- 3.5.19 In therefore commending the proposed development to Members in respect of the long-term future of the wider setting it is acknowledged that the changes and alterations required to convert the former agricultural buildings to a single dwelling will inevitably cause some loss of and concealment of historic fabric and features. The development will also bring about an overall change of character to the building. Consequently should Members be minded to grant planning permission to this scheme, it is recommended that a record of the building be made prior to conversion and that such work is secured by means of a planning condition requiring the implementation of a programme of building recording, analysis and reporting work.

3.5.20 Design and Amenity Considerations

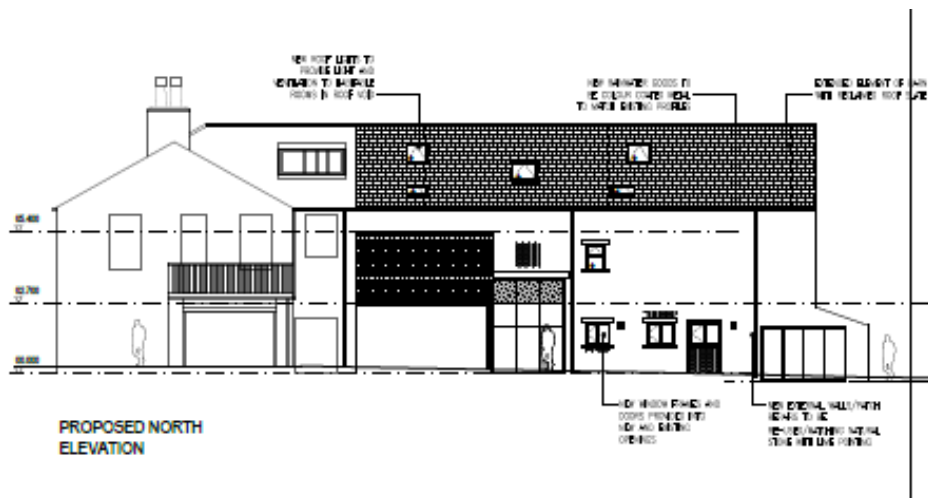
- 3.5.21 The NPPF states that planning decisions should ensure that development functions well and adds to the overall quality of the area. It should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. In addition, it should be sympathetic to local character and history, including the surrounding built environment and landscape setting, "*while not preventing or discouraging appropriate innovation or change*" (Paragraphs 127a, b and c).
- 3.5.22 This is supported in Policy 11 of the Local Plan 2 which requires development to demonstrate an understanding of the wider context and to make a positive contribution to the local area. The defining characteristics of the site have already been set out above, in that the setting comprises of a listed building and the fold that enables 2-4 Hob Lane and 473 and 475 Blackburn Road to relate to the historic 'fold' context. Policy 39 of the Local Plan Part 2 requires the detailed design of any work to be carried out, including scale and proportions, materials and construction details to "sustain or enhance the significance of the asset".
- 3.5.23 The context would include an understanding of the position of the development within the surrounding built environment. Policy 8 requires development to secure the amenity of adjacent properties, and this would be

understood in terms of overlooking and loss of privacy, of dominance and overshadowing, and of noise.

3.5.24 The north elevation



North elevation, above. The windows to the left of the lean-to belong to 475 Blackburn Road. Proposed alterations, over.



The existing lean-to on the west gable wall is to be demolished. The barn is to be extended at first floor level with a smaller single storey extension. The proposal for the pigeon loft built onto the barn adjacent to No. 475 Blackburn Road is to replace it with an extension to the same projection, 6.5 metres, but with its width increased from 4.5 metres to 5.2 metres. The roof height is raised slightly from the current 5.4 metres to 5.7 metres, its ridge being approx. 900mm below the eaves to the main barn roof.

The alterations on this elevation are considered acceptable. The form of a traditional barn is retained, with natural stone and reclaimed slate to be used as the principle materials. Existing openings are largely utilised or, as with the sitting room windows, replicated then in-filled with glazing.

The smaller of the two barns is retained in its form, including the retention of the element that turns south-west on its corner. The existing ground floor window that currently serves the pigsty is retained for the downstairs W.C. adjacent to the rear of the garage. The existing window serving the pigpens is deepened and utilised and a new opening created above it to serve the master bedroom. This is set back in a deep reveal that limits its visual impact on the elevation.

The re-built gable wall of the larger barn is dominated by a large first floor window serving the family room that additionally forms a transit space between the master bedroom on the south side of the dwelling and the remaining bedrooms in the north wing. The lack of openings into the gable to allow light into what is quite a lengthy barn has been the subject of numerous discussions between officers, the Council's Conservation Officer and the agent. The proposed central glazing is commended in that its apex is subordinate to the apex of the roof allowing for the retention of a large area of traditional stone wall.

The two separate barns are joined by a glazed structure that holds the internal stairway between the ground and first floor.

The design of the west elevation, is therefore considered to be in accordance with Policy 11 and the NPPF in that it allows for a fusion of the form and appearance of the barn with innovation that is considered to integrate well with the overall appearance of the dwelling.

Objections have been received in relation to the extensive use of obscured glazing in the first floor windows, particularly the large central window serving the family room. Normally the local planning authority would resist such glazing in habitable room windows. However, the Council has been informed that the vendor of the property has established a covenant on the barns that prevent the use of clear glazing in this elevation to protect the amenity of the property that he is building next door. It is considered that views from the west elevation would not actually compromise the privacy of this dwelling. However, approving only clear glazing would leave the applicants with a development they could not implement.

Members are therefore recommended to approve the alterations to the west elevation, along with a condition requiring the submission of samples of glazing material to ensure that the amenity of the applicants is not unduly harmed by the covenant.

3..5.26 The south elevation



South elevation, left, and proposed alterations, below.



There are two aspects to the south elevation: the south elevation that is the gable wall to the smaller barn, and the south elevation to the longer barn adjoining 473 and 475 Blackburn Road.

The Residential Design Guide Supplementary Planning Document sets out the Council's separation distances required to be met on all new residential development – a separation of no less than 21 metres between facing windows of habitable rooms, or 13.5 metres where habitable room windows face a blank gable or windows to non-habitable rooms (Policy RES 2G).

The minimum separation distance between the blank gable wall of the currently detached barn and No. 10 Hob Lane is slightly under 2.5 metres – a full 11 metres short of the requirement. However, there is no change to the gable wall to this smaller barn. The relationship remains the same; and with

no windows being added to the gable wall it is considered that no additional harm is caused to No. 10 Hob Lane than is currently the case.

Objections have been received in relation to the presence of windows in the main south elevation.

Between the first floor bedroom window in the proposed south elevation and the rear-facing windows of Nos. 4 and 6 Hob Lane the separation distance is approximately 15.7 metres. This is some 5.5 metres below the separation distance normally required between habitable room windows. However, this window follows the established practice within the existing separation distances between the rear windows of Hob Lane Cottages and Nos. 473 and 475 Blackburn Road.

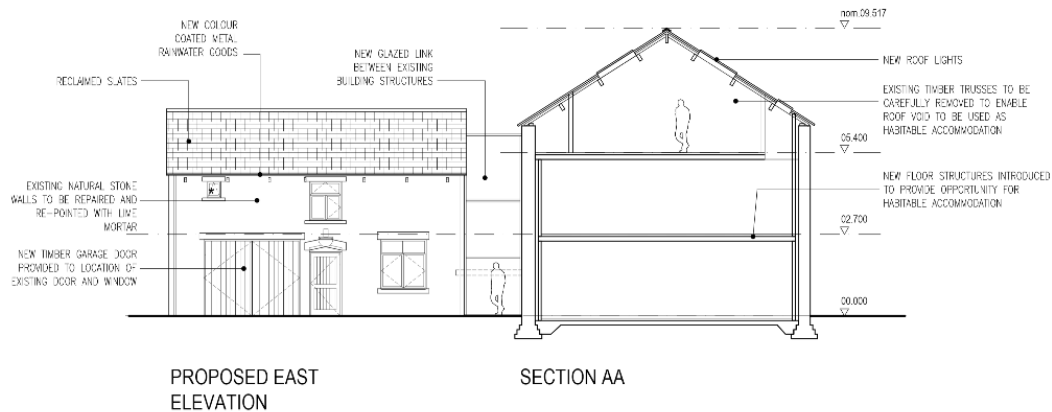
The window opposite to No. 8 Hob Lane is to serve a store and would therefore be required to be 13.5 metres distance. The separation distance is approx. 14.5 metres. Whilst this would therefore be considered acceptable, to help minimise the number of habitable room windows in this elevation, it is recommended that the store window be conditioned to be non-opening and fitted with obscured glazing – a sample of which to be submitted for the approval of the local planning authority.

Members are therefore recommended to approve the proposed alterations to the south elevation, along with the condition proposed by this report.

3.5.27 The east elevation



East elevation, above, and proposed alterations, below.



The east elevation largely makes use of the existing openings, the main change being extending an existing window to the ground and then joining with the adjacent opening to form the garage doors. The retention of the single door includes the retention of the date-stone above which, whilst not old (it is dated 1905) is nevertheless considered an important and distinctive feature in the barn.

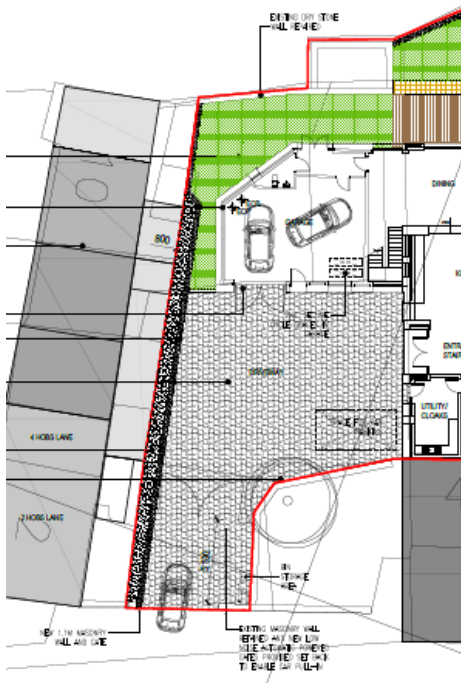
3.5.28 **Roof form.**

The proposed development makes use of the existing roof form, with the introduction of new rooflights on both the north and south planes. Objections have been received based on the removal of the timber trusses from within the roof spaces to form additional living space within the loft.

Whilst it is agreed that these form part of the non-designated heritage that is the two barns, neither the Council's Conservation Officer nor Lancashire Archaeology have objected to the proposal. Policy 39 of the Local Plan Part 2 states that where some impact on significance is acceptable, the Council will require a programme to be implemented of recording the asset in its original condition, prior to any work being carried out. Lancashire Archaeology has requested this, and Members are recommended to approve a condition to this effect.

Members are therefore recommended to approve the alterations proposed to the east elevation.

3.5.29 The Courtyard.



3.5.30 Policy 11 of the Local Plan Part 2 requires development to make provision for adequate and secure amenity space, and that space should be defensible. The courtyard has been an especially sensitive space in which to negotiate residential development, given that visually and historically the courtyard has been a shared geographical space. Many of the objections relate to this space, to access into it and, in particular, to the proposed 1.1 metre wall proposed along its southern side (see extract from proposed site plan above).

3.5.31 Steps lead up from at least two of the Hob Lane cottages into the courtyard, suggesting a right of access. However, although one of the Hob Lane residents commenced negotiations with the previous landowner to regularise this right of access in law, the process was never completed, and access remains permissive rather than a legal right.

3.5.32 In respect of the question of rights of access, mention has been made of the wall potentially impeding the cleaning and maintenance of the rear of the Hob

Lane properties. Members are advised that residents have no automatic right to enter another person's property to carry out works to their own. The issue is not a material consideration, and Planning has no power to require an applicant to grant a right of access to neighbours. The minimum 800mm gap between the rear of the Hob Lane cottages and the proposed wall, whilst not conceding a right of access, is considered to provide a space for access and a basis on which the occupants of Hob Lane and the applicants can negotiate use of that space for essential maintenance. This would operate on the good will of all parties.

3.5.33 Objections to the boundary wall are based on its 800mm proximity to rear ground floor windows in the Hob Lane cottages and the loss of light. There will no doubt be overshadowing of these windows. However, the inclusion of a boundary wall set into the application site by 800mm provides a basis on which permissive access can be negotiated, subject to the good will between the parties involved. This is not a material consideration for a planning application. However, the wall would support the provision of defensible amenity space as required by the Local Plan Part 2.

3.5.34 A 2-metre set-in from the cottages was suggested by one of the objectors. Whilst such a set-in might alleviate some of the light issues caused by the wall, it is considered that such a move would compromise vehicular access into and out of the site.

3.5.35 It is also noted that the applicants could by now have erected a 2 metre boundary wall without requiring planning permission, given that the work would not be within the curtilage of the listed building or form the development of an existing enclosure to a listed building. If the Committee approves the application, it is recommended that the removal of permitted development rights be approved as a condition and that the removal should apply to the building of fences, walls and other means of enclosure. In this way, boundary treatments in the future would be controlled to allow assessment on listed building and neighbour amenity impacts.

3.5.36 The proposed wall is also described as being a masonry wall. Such material would not be acceptable within the setting of a listed building, and Members are asked to approve a condition relating to the submission of an acceptable stone material for the wall's construction.

3.5.37 Mention has been made of the wall creating a 'wind tunnel' effect that could potentially be a fire hazard to the Hob Lane cottages. Lancashire Fire Service has not provided written comments in response to this application, but did contact the local planning authority for a verbal discussion following a request from one of the objectors. The Fire Service had been asked to investigate the impact of the development on the ability of occupants of the Hob Lane cottages to escape their houses in case of fire. With no access to the internal layouts of the houses, they could not comment definitively, but were satisfied that those that had exits into the application site would still be able to utilise them in an emergency. No mention was made by the Fire Service of exiting to

the rear being potentially dangerous because of a wind tunnel effect caused by the wall.

3.5.38 One objection is to the loss of the cobbled yard. However, the site plan before the Committee clearly demonstrates that cobbles are to be replaced or repaired.

3.5.39 The proposals for the courtyard are therefore recommended for approval.

3.5.40 Access and Parking

3.5.41 Policy 10 of the Local Plan Part 2 requires development to secure the safe, efficient and convenient movement of all highway users and to ensure appropriate provision is made for vehicular access, off-street servicing and parking.

3.5.42 The site plan shown at 3.5.29 above demonstrates the access and parking arrangements proposed. The gates are set 5.1 metres back from the highway. This is considered to ensure a vehicle is not parked on the highway whilst gates are opened to allow access into the site.

3.5.43 Whilst the electronic gate has come in for some criticism, electronic gates are increasingly in use in both urban and rural settings. Its details are not given in the application and, in recommending them for approval, Members are also recommended to condition the submission of details for written approval.

3.5.44 Two spaces are provided for parking. The internal arrangement is slightly unusual. However in the discussions around the insertion of an additional garage door it was agreed all round that the preference was to retain the architectural features, including the date stone, rather than lose them for the sake of an additional door. Further space is available in the courtyard. The proposal for parking, then, is considered to have acceptably balanced Policies 39 (Heritage) and 10 (Access and Transport) in making a correct level of provision.

3.5.45 Ecology

3.5.46 Policy 9 of the Local Plan Part 2 requires development to secure the amenity of protected species and their habitats. Where habitats are likely to be affected, mitigation measures are required to be put in place. Objections have been raised in connection with disturbance to barn owls and bats.

3.5.47 Barn Owls are listed on Schedule 1 of the Wildlife and Countryside Act, 1981 (as amended). Like other wild bird species their nests are protected from destruction under this legislation, but inclusion on Schedule 1 also provides additional protection from disturbance while nesting and while the young are dependent on the parent birds.

- 3.5.48 An initial survey in February 2020 did not have full access to the first floor areas of the barn due to health and safety concerns over the stability of the floor, but it could be seen from the photographs that some work to the roof space had already commenced. These works were the subject of complaints and a stop notice at the time.
- 3.5.49 A bat dropping was recorded within Barn 1 and both barns, despite having has some of the roof space removed, were judged to have moderate potential to support roosting bats. Further survey work in the way of two bat activity surveys was required to be undertaken between May – August inclusive, following best practice guidance.
- 3.5.50 The February survey also recorded barn owl pellets and splashing within the both barns (more recorded in Barn 1), and concluded the barns were likely an active roost site used throughout the year. However the upper floors were not fully accessed and recommendations were made for a barn owl box to be provided in a tree within 50m. However since the February 2020, new evidence was presented demonstrating that the barn had been previously used for nesting by barn owls. Two further surveys (April and July 2020) have now been produced with recommendations.
- 3.5.51 Bats & Bat Roosts (Habitat Regulations 2017) The Initial Report appears to have inspected the structures both internally and externally for the presence of bats and assessed the likelihood that bats would use the structure at other times for roosting. Some limited evidence of usage by bats was found, but it was inconclusive as to whether this was roosting or foraging activity. It was concluded that the structures have moderate potential to support bats at other times and consequently further activity surveys were required as the Initial Report was undertaken too early in the active bat season
- 3.5.52 The Activity Report was undertaken at an appropriate time of year, in suitable weather conditions and an adequate number of surveyors were present. Bats were observed within the open part of the barns, but this was considered to be non-roost associated behaviour. Bats were recorded elsewhere in the locality attesting to the suitability of the surveys.
- 3.5.53 Given the high suitability of the site, despite negative roost presence, a demolition/working construction methodology is recommended to Members to be required by condition. Sections 6.4 (Construction Method) and 6.7 (Mitigation for lost roost opportunities) of the Activity Report should be implemented in full if permission is granted.
- 3.5.54 Best practice indicates that bat surveys are time limited for 1 – 2 years as the condition of buildings can change over time. If conversion works have not commenced by February 2021 Members are recommended to condition the submission of an updated survey to be submitted to the Planning Authority including an assessment of change and any new mitigation and/or licensing that may be required as a result of new evidence.

3.5.55 Barn Owl Breeding and Roosting (Schedule 1, Wildlife & Countryside Act 1981) Both the Surveys identified the presence of breeding barn owl in B2 (confirmed in Activity Survey) and roosting by one of the birds in B1. This is a common practice amongst barn owl where the male will help provision and hunt for the chicks, but not always stay at the nest site with the female.

3.5.56 Barn owls, their nests, eggs and young are all specifically protected from killing, injury and disturbance by the Wildlife & Countryside Act. Special licences are required from Natural England for people who can disturb the breeding birds.

3.5.57 The ecology report provides the outline of options for mitigation and how the conversion works could be undertaken. This is considered acceptable for the purposes of determination of the application, but further detail will be required to be submitted should the scheme receive permission. The additional detail will need to provide: -

- detail of how a new breeding location could be incorporated into the built conversion, potentially within the 'void' shown on the second storey plan (Bradshaw Gass & Hope LLP, Proposed plans 2 of 2, 2235.01.3030 rev P7)? Failing this a justification needs to be provided as to how this is not suitable and alternative provisions identified and specified in a location elsewhere.
- Timing and supervision of the works.
- Details of the 2nd owl box to be located on the tree as shown on the Initial Report Plate 6.

The Council's Ecological Adviser recommends that sections 4.1.4 and 4.1.5 should be implemented via a condition attached to permission if granted.

3.5.58 Other ecological matters and biodiversity enhancement. The Planning Statement indicates that a small area of wildflower grassland will be created to act as a buffer and provide benefits to the scheme as guided by the (NPPF February 2019 paras 170d) and 175d)). Members are requested to condition the specification for this mix should permission be granted.

3.5.59 Environmental Protection Issues

3.5.60 Policy 8 of the Local Plan Part 2 requires development to ensure it addresses the need to secure a satisfactory level of amenity in terms of issues such as odour and pollution. Public Protection have requested conditions relating to the installation of electric vehicle charging points and the limiting of emissions from gas-fired boilers. Members are recommended to approve these conditions.

3.5.61 The applicants have submitted a Desk Top Study report in respect of the potential for land contamination to be present on the site. The Desk Top survey is acceptable and will not require conditioning. However, the report concludes that a Phase 2 intrusive ground investigation and gas monitoring is required. Public Protection agrees with that conclusion and requests that this

requirement is added as a condition should Committee approve the application.

3.5.62 In summary, a detailed assessment has been undertaken with regards to the proposed development, taking into account all the issues raised, and the objections received during the course of the assessment. It is considered that the proposed development satisfies both national and local planning policies.

4.0 RECOMMENDATION

4.1 The proposed change of use of the two barns at Hob Lane Farm to a single attached dwelling with integral garage, including building works, is recommended to Members for approval subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

2. Prior to the commencement of development hereby approved, samples of all external walling, roofing materials, and their colour to be used in the construction of the building works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document

3. Prior to commencement of the demolition and construction hereby approved, a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- I) the parking of vehicles of site operatives and visitors
- II) loading and unloading of plant and materials
- III) storage of plant and materials used in constructing the development
- IV) the erection and maintenance of security hoarding along the site boundary
- V) wheel washing facilities
- VI) measures to control the emission of dust and dirt during demolition and construction
- VII) a scheme for recycling/disposing of waste resulting from demolition and construction works
- VIII) measures for the control of noise and/or vibration caused by construction methods

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard

to road users, in order to protect the amenity of the occupiers of the neighbouring properties, in order to protect the visual amenities of the locality, in order to ensure highway safety, and to comply with Policies 8, 10, and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

4. The developer shall install at least one of the electric vehicle charging points demonstrated on the site plan with a Type 2 connector and minimum rating of 3.7kW 16A.

REASON: In accordance with Paragraph 110 of the National Planning Policy Framework 2019 and Policy 9 of the Local Plan Part 2, the NPPF stating that developments should be designed to enable charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The condition also implements the Council's Air Quality Advisory Note and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality.

5. Any gas fired boiler installed at the development to heat the dwelling shall not emit more than 40mg NOx/kWh.

REASON: In accordance with Policy 9 of the Local Plan Part 2 and the Council's Air Quality Advisory Note and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality.

6. The findings of the approved site investigation work, including an appropriate assessment of risks to both human health and the wider environment, arising from contaminants in, on or under the land (including ground gas) will be submitted. Where unacceptable risks are identified an updated CSM, remedial options appraisal and detailed remediation scheme shall be presented for approval. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON FOR THE PROPOSED CONDITION: To ensure that the site has been made 'suitable for use', and as such, does not pose a risk to future users of the site or the wider environment, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

7. Prior to the commencement of the permitted use, the developer must submit two copies of a comprehensive validation report to the LPA for written approval. The report shall demonstrate effective remediation in accordance with the agreed remediation scheme. All the installed remediation must be retained for the duration of the approved use and the LPA periodically informed in writing of any ongoing monitoring and decisions based thereon as appropriate.

REASON: To ensure that the site has been made 'suitable for use', and as such, does not pose a risk to future users of the site or the wider environment, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 (2015).

8. Prior to the commencement of the permitted use, the developer must submit two copies of a comprehensive validation report to the LPA for written approval. The report shall demonstrate effective remediation in accordance with the agreed remediation scheme. All the installed remediation must be

retained for the duration of the approved use and the LPA periodically informed in writing of any ongoing monitoring and decisions based thereon as appropriate.

REASON: To ensure that the site has been made 'suitable for use', and as such, does not pose a risk to future users of the site or the wider environment, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 (2015).

9. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 (2015).

10. In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. The developer is to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The scheme is to be implemented in accordance with the surface water drainage hierarchy outlined above.

REASON: In order to facilitate sustainable development in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

11. Best practice guidance indicates that the results of bat surveys are only valid for a limited period (1 - 2 years) as the suitability of structures for bats can alter over time. If demolition has not occurred by March 2021 then an updated bat survey is to be submitted prior to the commencement of any work on site, including 2 activity surveys during the maternity season. The update survey should include the details of any additional mitigation over and above what has already been provided. The additional details should subsequently be implemented.

REASON: To ensure that the impact on protected species and their habitats is addressed in accordance with current legislation and in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

12. All birds are protected whilst nesting (Wildlife & Countryside Act 1981) and commencement of work should avoid the breeding season (April - August inclusive) as recommended in the submitted Bat, Barn Owl and Nesting Bird Survey Report.

REASON: To ensure that the impact on protected species and their habitats is addressed in accordance with current legislation and in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Given the high suitability of the site for roost presence, a demolition/working construction methodology is proposed in the 'Bat Presence Survey' Report (Braithwaite High Access Services Ltd). Sections 6.4 (Mitigation) and 6.7 (Enhancement) are to be implemented in full.

REASON: To ensure that the impact on protected species and their habitats is addressed in accordance with current legislation and in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

14. Sections 4.1.4 and 4.1.5 of The Protected Species Survey April 2020 (Dunelm Ecology) provide the outline of options for mitigation and how the conversion works could be undertaken. Sections 4.1.4 and 4.1.5 are to be implemented in full.

15. Prior to the commencement of the development hereby approved, details are to be submitted to and approved in writing by the LPA regarding how a new breeding location could be incorporated into the built conversion, potentially within the 'void' shown on the second storey plan. Failing this a justification is to be provided as to how this is not suitable and alternative provisions identified and specified in a location elsewhere. Details of the 2nd owl box to be located on the tree as shown on Plate 6 of The Protected Species Survey April 2020 (Dunelm Ecology) are also to be provided.

REASON: To ensure that the impact on protected species and their habitats is addressed in accordance with current legislation and in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

16. If external lighting is proposed an outdoor floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the approved use.

REASON: To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

17. No works to the application buildings, including any clearance/demolition or preparation works shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological building recording to level 2-3 as set out in "Understanding Historic Buildings" (Historic England 2016). It should include a full description of the buildings, inside and out, drawn plans, elevations and at least one section (which may be derived from checked and corrected architect's drawings), and a full photographic coverage, inside and out. The record should also include a rapid desk-based assessment, putting the buildings and their features into context. This must be carried out by an appropriately qualified and experienced professional contractor to the standards set out by the Chartered Institute for Archaeologists and in accordance with a written

scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site in accordance with the NPPF 2019 and Policy 39 of the Local Plan Part 2.

18. 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

Saturday 09:00 - 13:00 hours

Any variation of the above hours restriction must be approved in writing by the Planning Authority.

REASON: To ensure appropriate hours of site work to minimise noise during the construction phase in accordance with Policy 9 of the Local Plan Part 2.

19. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no development of the type specified in Classes A, B, C, D, E and F of Part 1 of that Schedule and Classes A and B of Part 2 of that Schedule shall be carried out unless planning permission has been granted first.

REASON: Due to the restricted nature of the site, whilst the dwelling as approved is acceptable, any further extensions or alterations normally permitted under the above provisions may in this case conflict with the interests of adjacent properties or the amenity of the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

20. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings numbered 2235.01.402 rev P9, 401, 303 rev P6, 302 rev P6, 301, 203 rev P5, 204 rev P2, 202 P1, and 201, received 21st October 2020, as amended by drawings numbered 203 rev P6 (as corrected on 21st December 2020), 302 rev P7, 303 rev P7 and 402 rev P9 (as corrected 21st December 2020) received 7th December 2020.

5.0 PLANNING HISTORY

5.1 10/20/0254 - Conversion of existing barns to new single family dwelling including internal alterations and extensions. Application withdrawn

6.0 CONSULTATIONS

6.1 Neighbour consultations: Section 9 of this report includes the full details of the objections received. Ten objections have been received.

6.2 The objections can be summarised as follows:

- Masonry wall so close to windows will block all natural light from kitchen
- Creation of a walled gully running behind the houses. It is possible this wall would trap any fire and cause a wind tunnel effect to spread it to all the houses in the row.
- Wall would also hinder maintenance of properties and performing tasks such as window cleaning, refuse removal and general maintenance.
- Erection of a rendered wall would have a detrimental effect on the property and is not in keeping with the cottages which are of stone construction
- Applicant intends to take down a stone wall at the side of No. 2 Hob Lane and erect a further rendered wall
- Possibility that the 1.1 metre wall would be built over a manhole cover, gas, water and mains
- The Planning Statement talks of “close proximity”, “sense of community” and “relationship between buildings” in this type of village set up is also to be recommended. However, a wall which, by its function, separates, cannot also promote a sense of community.
- Exit route needed from the rear of Hob Lane property. This would be compromised due to the close location of the wall to dwellings
- Building would be unsympathetic to surrounding area
- Concerned for barn owls, which have nested in this building for years
- Completely overbearing nature of the development, the high boundary walls and large windows overlooking the meadows
- Electric gates would be totally inappropriate in such a setting
- The plans do not say how tall the courtyard gates will be, but again, these have the potential to block even more light from number 2.
- New windows to be added to the barn facing the yard would directly overlook the cottages on Hob Lane and privacy would be removed
- Strange design to incorporate obscure glazed windows on all first floor windows of the North and West elevations. However, this has apparently been done to protect the privacy of the new house under construction. Whilst this creates a poor architectural design and would appear incongruous
- Roof trusses removed to make use of the roof void. These form part of the heritage of the building and the site and they should be retained and incorporated into the design.
- If the barns are to be developed, they should incorporate an owl loft, not boxes, and the development staged to allow the owls to occupy the properties throughout
- Proposed owl nesting boxes should be followed up to ensure they are developed
- There are clear signs inside and outside of the barns of bat activity. Further investigation should be required in the active season and prior to any work commencing
- Loss of the cobbled yard will detract from the historic nature of the current buildings
- Safe access and egress for the property and other homes needed, including for delivery of goods to their homes

- Access needed for all the cottage occupants to safely leave their homes via the safer rear access points
 - The chosen position of the bin storage is unsightly and should not be located in such a high profile position on the street scene
- 6.3 A letter of support from a neighbour has also been received. Comments can be summarised as follows:
- Development would be beneficial to all the surrounding properties to see the barns converted to a residential dwelling rather than the current state which is an eyesore.
 - It would also prevent further deterioration to the barns in question.
- 6.4 Arboricultural Adviser comments: There is an As tree that is subject to a TPO on the adjoining property that is a high visual amenity. The only real concern with regards to impact by the proposals are the compaction of the roots during the development phase. This has been covered by the applicant submitting information on 'temporary ground protection' which is sufficient in a case like this. Any branch removal required would need separate permission. The majority of the area leading into and out of the site is existing hard standing and therefore will be a limited impact from vehicular activity. Overall I have no objection to the proposals.
- 6.5 North Turton Parish Council: North Turton Parish Council objects to application 10/20/0996 for the change of use of two barns to a single dwelling at Hob Lane Farm, Blackburn Road, Edgworth on the grounds that it is an over- development of the site, and will impact on highways safety as there will be more vehicles egressing the site on a very narrow stretch of highway with a blind hill. There are also concerns about the negative effect on nature conservation, bearing in mind that until very recently a white owl had a roost there.
- 6.6 Councillor C Rigby: It seems to be devoid of any detailed measurement particularly in the yard area to the rear of Nos 2&4 Hob Lane. There are no clear details showing the yard area. Nos 2 &4 have struggled with a large container within 2 feet of their rear access to the yard. There is now a proposed masonry Wall (to preserve the neighbours amenity). There are no dimensions from the proposed wall to the neighbours houses. The entrance set back still leaves the problem of sight lines onto Blackburn Rd.
- 6.7 Lancashire Archaeology:
Thank you for your consultation on the above application. We commented previously on application 10/2020/0254 and recommended that a condition be applied to any consent granted requiring that the buildings be recorded prior to conversion works starting. The present application would also appear to merit a scheme of building recording. The following planning condition wording is suggested:
Condition: No works to the application buildings, including any clearance/demolition or preparation works shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological building recording to level 2-3 as set out in

"*Understanding Historic Buildings*" (Historic England 2016). It should include a full description of the buildings, inside and out, drawn plans, elevations and at least one section (which may be derived from checked and corrected architect's drawings), and a full photographic coverage, inside and out. The record should also include a rapid desk-based assessment, putting the buildings and their features into context. This must be carried out by an appropriately qualified and experienced professional contractor to the standards set out by the Chartered Institute for Archaeologists and in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site.

6.8 Public Protection: With reference to the above application, I recommend that the following condition(s), informative(s) and/or comment(s) be included if planning permission is granted:

Contaminated Land & Air Quality Assessments : Reports have been submitted with this application and will be peer reviewed by the Environmental Protection Service - recommendations will be provided as soon as possible.

Floodlighting: Should the proposed residence include outdoor lighting I would recommend the following condition:

Condition – Floodlighting (as appropriate): An outdoor floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the approved use.

Reason: To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity.

Informative – When assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in 'Guidance Notes for the Reduction of Obtrusive Light' GN01 produced by The Institution of Lighting Professionals, available at: <https://www.theilp.org.uk/documents/obtrusive-light/>

NB: The proposed development is within an E2: Low district brightness area.
Demolition/Construction Phase Control Conditions

Condition – Hours of Site Works

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

Saturday 09:00 - 13:00 hours

Any variation of the above hours restriction must be approved in writing by the Planning Authority.

Reason

To ensure appropriate hours of site work to minimise noise during the construction phase.

Condition – Dust Control

All heavy commercial vehicles carrying bulk materials into or out of the site shall be sheeted.

Noise & Vibration Control – The following condition is recommended if pile driving works are required on site.

Condition

The commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a programme for the monitoring of noise & vibration generated during demolition & construction works. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. At each location, noise & vibration levels shall not exceed the specified levels in the approved programme unless otherwise approved in writing by the Planning Authority or in an emergency.

Reason

To minimise noise/vibration disturbance adjacent residential premises.

Floodlighting Control (Construction Phase)

The following condition is recommended if security floodlighting is required on site.

Condition

A floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the works.

Reason

To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity.

Informative:

When assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in 'Guidance Notes for the Reduction of Obtrusive Light' GN01 produced by The Institution of Lighting Professionals, available at: <https://www.theilp.org.uk/documents/obtrusive-light/>

NB: The proposed development is within an E2: Low District Brightness Area.

Informative – Demolition/Construction Noise

All activities associated with the works shall be carried out in accordance with British Standard 5228: Code of Practice for Noise & Vibration Control on Construction & Open Sites – Parts 1 and 2.

Informative – Asbestos Control

The application site demolition works must not cause a public health risk arising from any asbestos containing materials at the site. Full compliance with the Control of Asbestos Regulations 2012 and British Standard (BS) 6187:2011 'Code of practice for full and partial demolition' is essential.

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

8.0 DATE PREPARED: 22nd December 2020

9.0 SUMMARY OF REPRESENTATIONS

Objection from Nick Grimwood, Rec 20.11.20

John

I just want to thank you for taking the time to meet with me today.

I know I had a lot to say and hope I didn't come across as a troublemaker but I feel very strongly about these issues.

I just want to go over again the main points I wanted to raise.

1. Why 1.1 metre wall doesn't run parallel to back of all cottages.
2. Height of wall covering all windows.
3. Wall being masonry and not stone in keeping with buildings.
4. Positioning of gate that covers my back window.
5. Why the 800mm path planned for rear of cottages doesn't run right through to Blackburn road giving all residents access out from the rear of their properties.

Once again thanks for your time look forward to hearing from you soon.

Nick. Grimwood.

Objection from Victor Davies, Edgworth, Rec 23.11.20

Dear Sirs

Whilst I accept that the barns could be converted into a residential property, I wish to object to the proposals as put forward.

I currently reside in Edgworth, have many friends local to this development and I am considering purchasing 475 Blackburn Road. If the plans as proposed are approved I will not purchase 475 Blackburn Road and will wait for the outcome of the application to make my decision.

Loss of amenity to 475 Blackburn Road

Although there seems to be an attempt to playdown the extent of the re-build of the single storey lean to on the north elevation of the property, as it is only mentioned on drawing 2235.01.202 that the lean to is to be re-built, however, on closer inspection of the plans it is to be demolished and replaced with a far bigger and 2 storey building.

The elevation drawings also omit the bedroom window on the west elevation of 475 Blackburn Road that would be completely blocked by the construction of the new addition.

The demolition of the single storey building and construction of a 2-storey replacement would have a serious adverse effect on the amenity of 475

Blackburn Road. It will enclose 475 further than it already does and darken the yard area further. It will also create a wall 2.5 metres in front of the bedroom window on the west elevation and be 500mm away from the bedroom window on the north elevation and breach any 45 degree rule. The replacement of the single storey lean to with a 2-storey building would affect the amenity of 475 in particular to the 2 bedrooms to the rear and cause a significant loss of light to those rooms and the yard area. It would be better to just demolish that building but if it is to be rebuilt it should be no higher than existing.

Bin Storage

The chosen position of the bin storage is unsightly and should not be located in such a high profile position on the street scene. The bins should be stored behind the new building. The occupants would have to leave the property curtilage just to place items in the bin. Why would anyone even consider storing bins in that position?

Living Conditions of occupants - Obscure Windows – and poor architectural merit

It first of all seems a strange design to incorporate obscure glazed windows on all first floor windows of the North and West elevations. However, this has apparently been done to protect the privacy of the new house under construction. Whilst this creates a poor architectural design and would appear incongruous it does not comply with local policy; it further harms the living conditions of the occupants and again does not comply with policy as even under part Q it is a requirement to ensure that natural light is supplied to rooms within a dwelling and the property should be designed to take this into account.

Loss of amenity – 2 to 10 Hob Lane (1)

The windows facing the rear of the cottages 2 – 10 Hob Lane do not comply with interface distances and given the limited fenestration to the rear of the cottages it should be protected and be redesigned to account for this. The loss of amenity to the rear of these properties would make the rear of these modest properties unusable. If obscure glazing can be used to protect the new house why not do the same to protect the cottages when the cottages are closer to the windows of the barns and will be affected to a greater degree?

Loss of amenity – 2 to 10 Hob Lane (2)

Some of the pictures in the application show the applicants old Transit van and an old shipping container positioned to aggravate and inconvenience the neighbours before work has even started. This isn't the case of a normal inconvenience to be put up with in the course of general living, development and works. This is showing a deliberate disregard for the

amenity of the neighbours. If approved then there should be strict controls of actions that will affect the amenity of the neighbours both during construction and after occupation, eg parking in designated parts only, positions of lighting and CCTV

Heritage

The proposal involves “carefully removing” roof trusses to make use of the roof void. These form part of the heritage of the building and the site and they should be retained and incorporated into the design.

Ecology – Owl

There are clear signs of owl activity within the barns and these have been identified in the reports. If the barns are to be developed, they should incorporate an owl loft, not boxes, and the development staged to allow the owls to occupy the properties throughout, eg construct the barn roof and owl loft on one barn to allow owl occupation before the second roof and barn loft is constructed.

Ecology – Bats

There are clear signs inside and outside of the barns of bat activity. Further investigation should be required in the active season and prior to any work commencing.

Unlawful Waste Disposal/Waste transfer site

The applicants are already using the site as a dump, illegally bringing waste from other jobs etc and dumping it at the farm. If permission is granted then it should be strictly conditioned that only waste generated on site is allowed to be stored until disposal.

The applicants had a dirty, polluting fire emitting black smoke on a sunny afternoon at the start of lockdown. This showed a complete disregard for the neighbours and environment. Any permission should include a condition that fires are not allowed and waste is to be disposed of properly through a registered waste handler and not burned or buried on site.

Overdevelopment

The property is being overdeveloped, to the point of the square footage being bigger than the curtilage. This overdevelopment is causing the loss of heritage mentioned above and will create a building that is incongruous with its setting and the setting of the listed building.

Building Works

The method of carrying out the development should be strictly controlled so that the applicant cannot cause disruption to the neighbours. Working hours and working conditions should be strictly controlled

Can you please acknowledge receipt of my comments.

Yours faithfully

V Davies

Objection from Mrs Pamela Simpson, 1 Hob Lane, Bolton, Rec 30.11.20

Dear Sir,

I am writing with regard to planning application 10/20/0996, Hob Lane Farm Barns. There are a few aspects of the proposed development, as revealed in the Planning Statement, about which I am concerned.

In 4.1.2 it says that a stone wall around the site will be restored and extended. In fact the wall, according to the Proposed Site Plan, is a new, linear, wall separating the cottages on Hob Lane from the proposed new development. In 6.3.6.2 it is described as a "dwarf wall" and the Site Plan states it is 1.1 m tall. This wall is "to create a sense of separation and privacy", implying that this is a benefit to both new and existing residents. However, in 6.3.5, the "close proximity", "sense of community" and "relationship between buildings" in this type of village set up is also to be recommended. A wall which, by its function, separates, cannot also promote a sense of community.

Unfortunately, I think the problem with this wall, with its small gravel, dead-ended, gap behind 6, 8 and 10 Hob Lane, and no gap at all behind number 2, is that it prevents access to the backs of these cottages. If this boundary wall goes ahead none of the residents will be able to leave their homes by the back in the event of an emergency, as they can now. They cannot easily clean their windows or carry out maintenance for example.

Also, situated as the cottages are, at a lower level than the proposed courtyard, the only thing the residents will see from their back ground floor windows will be a wall - at very close quarters. This will mean considerable light is lost to their homes if this goes ahead. In addition, the plans do not say how tall the courtyard gates will be, but again, these have the potential to block even more light from number 2. It is almost as if the applicants, having pointed out that the gardens of the cottages on Hob Lane are at the front, have decided that the backs of the cottages are irrelevant.

I have noted that in the Protected Species Report it states at least 2 owl nesting boxes should be placed on the two barns and another on the tree. If the development goes ahead can I be assured that someone will check that these instructions have been followed?

Yours faithfully,
Mrs Pamela Simpson.

Sent from my iPad

Objection from Ms Ellen Carroll, 6 Hob Lane, Turton, Rec 03.12.20

Dear Mr Wilson,

My major objection is to the construction of the wall at the rear of the properties in the farmyard.

I find it an irrelevance; the given reason for its existence preposterous.

This wall also is planned to be constructed over the gas mains, water supply pipes & mains drains. There are strict Building Regulations regarding the same which the applicants appear to be ignoring, as I had pointed out this matter myself in January of this year, when the shipping container was placed at the rear of the properties.

I am in the process of applying for my right of way/access to the farmyard (via the farm gate) to the rear of my property.

My solicitor, Fiona Gaskell
(Clough Willis Solicitors, 2 Manchester Rd Bury. Tel0161 764 5266)

is presently in the process of dealing with this. I have exercised this right of access freely since June 2001 when I purchased the property, as have other occupants. I have also made her aware of this planning application.

I apologise re the lateness of my application, but there were difficulties downloading the application to my I pad.

Yours faithfully,

Ellen Carroll Ms.

Objection from Jo Webber Milton, Rec 07.12.20

Dear Sir/Madam,

I wish to raise some objections to the planned development named above.

I am local and walk past the farm daily.

The plans seem to ignore any sympathetic development consideration of the listed status of the cottages on Hob Lane.

Loss of the cobbled yard will detract from the historic nature of the current buildings.

The proposed wall to serve as a boundary line will also impact upon the farmyard appearance of the existing buildings, and may reduce the light provided to the low windows of the hob lane cottages. Is this acceptable for listed cottages?

The current parking adjacent to the farm yard on the road; used by those living in the homes already occupied, results in very dangerous approach to the blind summit just outside the entrance to the yard. Delivery vehicles also create hazards to the entrance. Should the

application not ensure that the future owners have safe access and egress, and those in the other homes have access for delivery of goods to their homes.

A friend of mine owned one of the cottages for over 40 years and in all that time had access to the rear of the cottages via the farm yard - a much safer option than using the front access onto Hob Lane, which has no footpath and has become increasingly busy. I note that during the period the farm has been newly owned, containers have been placed into the yard - at one time so close to the rear access points, the occupants would not have been able to leave their homes. These are now located in the farm yard - ruining the appearance of this lovely location. They also inhibit access for emergency vehicles should they be needed.

Will the application consider access for all the cottage occupants to safely leave their homes on foot, in a wheel chair, if needed, or in dire circumstances on a stretcher - via the safer rear access points?

The application does not seem to be in stone - render - this again is not in keeping with any of the surrounding properties which are predominantly of stone.

Barn owls live in both barns - is there some conservation practice in place to ensure they are protected from this development?

If windows are located in to the walls overlooking the cottages will there be a loss of privacy?

Regards

Jo Webber Milton

Objection from Christine Grimwood, 2 Hob Lane, Edgworth, Rec 07.12.20

Dear Mr Wilson,

I would like to register my objection to the above planning application for 2 reasons.

Firstly my family and I chose our home 2 Hob Lane a grade 2 listed property built in 1717 "because of its character" - a reason for purchase remarked upon by the applicants consultants in their planning statement 6.3.3.

They also offer their opinion that "people make a deliberate choice to live in a particular area because of the type of houses there or the areas physical appearance 6.3.2. They are correct and indeed the cottages appearance, history and importance in the community was a primary factor when we made our decision to buy it.

The possible re-development of the barns to the rear was a concern to us but we still bought our 'dream cottage' in the knowledge that its grade 2 listing would give us a certain amount of protection when it came to the barns conversions as any planning application would have to be sympathetic to its setting and not encumber or detract from the appearance of such a valued building.

Along with planning permission any change to a listed building, including changes to its curtilage needs listed building consent. The applicant plans to build a wall on our boundary which would alter the appearance of the cottage from the rear and the grade 2 listing is for the whole of the cottage not just the front.

5.4.4 raises the issue "conserving and enhancing the historic environment". There has never been a wall to the rear of 2 Hob Lane and electric gates with rendered masonry are certainly not a feature that would enhance our property.

In section 3.5 the consultants mention "that the site is located within the settlement boundaries of Edgworth and 5 small hamlets make up the village-Hob Lane farm, Isherwood Fold and Wayoh Fold being examples of them. In these hamlets there are several other grade 2 listed properties ie Dingle Farmhouse,1.6.7, Isherwood Fold and none of them have modern electric gates within their vicinity or have had their appearance altered by subsequent buildings or alterations to existing buildings.

Secondly -the impact it would have ,if successful, on it's immediate neighbours.

The applicant plans to construct a wall 800mm from the rear of cottages on Hob Lane that appears to 'dog-leg' where the gate posts for the electric gate will be. It then appears to continue along my boundary (no 2),currently defined by a white wooden fence including gate which allows us access directly onto the farmyard and then out onto Blackburn Rd. Have the consultants made a mistake with their drawings as 6.3.6.2 of their statement says " there is a small gap between ownership boundary and the wall to create a sense of separation ,without completely closing in on the boundary"-that is not the case with no 2 Hob Lane as the wall is on the boundary with no gap left.

Policy 8 of the local plan states that development will be permitted provided it has been demonstrated that" amongst other criteria it would secure a satisfactory level of amenity and safety for surrounding users" If this wall was allowed all 4 cottages would be denied their right to light as we have windows on ground level at the rear of our amenities would also be limited and our safety in the event of an emergency dramatically compromised.

In section 6.3.5 of the statement the consultants remark "that the garden spaces for the cottages on this lane are located to the front and side and not the back, therefore re-development of the barns has less impact on privacy and outdoor space associated with these dwellings" This is not the case for us at no2 ,we have a back yard that we use to store our refuse bins and on collection day we take them across the yard out onto Blackburn Rd.

The current proposal for the positioning of the wall means that our neighbours at 6 and exit their homes onto a pathway that leads only to a dead end and we at no 2 have no 800 mm buffer.

6.3.6 of the statement makes the point "of high importance is the need to carefully and sympathetically develop the barns to minimise impact on local amenity" The construction of the wall would have the opposite effect.

The applicant also intends to add windows to the barns which are in a position elevated above our cottages, this would impact our privacy as the occupants of the barns would be able to see directly into our properties.

Yours Faithfully.

Objection from Nicholas Grimwood, 2 Hob Lane, Edgworth, Rec 08.12.20

FAO John Wilson

Objection

I bought 2 Hob Lane in Edgworth in August 2018 because it is a very striking, historical property that has been granted grade 2 listing. I am very proud to be its custodian and we are frequently complimented on its appearance. With a successful planning application and listed buildings consent we are replacing the windows with ones more in keeping with its heritage in order to enhance its look. The whole building is listed and the applicant is mistaken in believing that the rear is an extension, it has always been a part of the building.

In other areas of Edgworth where there are grade 2 listed properties, barns nearby have been converted sympathetically in order to enhance, not detract from the setting. Any re-development of the barns at Hob Lane farm which do not take into account the cottages heritage could seriously devalue its status and as a consequence its monetary worth.

Electric gates would be totally inappropriate in such a setting.

The 1.1 metre wall proposed for the boundary of the yard would reduce the amount of natural daylight into the back of our homes by about 90 % and the rooms there would be un-usable without having lights on. The wall would also hinder us from maintaining our properties and performing tasks such as window cleaning, refuse removal and general maintenance. I am also concerned that the wall would be built on top of the main sewer and gas main which could cause problems if there was a leak.

The new windows to be added to the barn facing the yard would directly overlook the cottages on Hob Lane and our privacy would be removed.

Lastly from an environmental aspect I am concerned that the applicant has partially removed, without permission, the barn roof in what I believe was an attempt to prevent the barn owl and bats from nesting there. Fortunately for these creatures, this tactic was un- successful as the barn owl raised her chicks there this summer for the 13th consecutive year and the bats roosted there too.

**Objection from Andrew Hamilton, 463 Blackburn Road, Edgworth, Turton, Rec
09.12.20**

Hello Blackburn Council planning,

Comments on Planning application **10/20/0996**

My objection and concern for this development is the completely overbearing nature of the development, the high boundary walls and large windows overlooking the meadows.

The new wall being proposed to be built to run along the rear of all the adjacent properties on Hobb lane looks to be extremely obtrusive to the home owners in a number of ways.

Access now for any maintenance even for something a routine as leak in the sloping roofs or a moved slate, would become a major undertaking.

Rear access in case of fire would be severely restricted for anyone of any age, with now a wall to climb for safety.

The overbearing sight of the structure would be in contempt of standards of living from before the Victorian age with the creation of a walled gully running behind the houses. Its possible this wall would trap any fire and cause a wind tunnel effect to spread it to all the houses in the row.

Regards

Objection from Nick Grimwood, 2 Hob Lane, Edgworth, Rec 09.12.20

FAO John Wilson

Due to the amendments of this planning application I would like to raise some more concerns. If the wall was to be passed, surely it would have to be stone and not masonry in keeping with the surroundings. I also note that they now propose to demolish MY stone wall on my boundary with Blackburn Rd and replace it with a new masonry wall. Surely that would not permitted to a Grade 2 listed building.

If there is to be any discussion or negotiations regarding the 1.1 metre wall I would like to propose that it is at least 2 metres away instead of the 800mm, which would allow us more amenity and daylight.

Nick Grimwood
2 Hob lane

Objection from John & Pat Shields, 461 Blackburn Road, Rec 11.12.20

For the attention of John Wilson.

Looking at the so-called amended plans, I can only imagine how awful it will be for the people of Hob Lane who will be bricked in by a wall at the back of their houses as their windows at the back are at ground level, the wall will therefore black their veiw and affect the daylight entering thier homes.

I don't this building would be sympathetic to it surrounding area.

I am also concerned about the barn owls, which have nested in this building for years , has this been taken into consideration?

Kind regards,

John and Pat Shields
461 Blackburn Road

Objection from Nick Grimwood, 2 Hob Lane, Edgworth, Rec 14.12.20

Morning John,

The amended application shows that they intend to replace MY wall with a masonry wall.

This shows that the applicants , the architects and the consultants have a total lack of respect the the historical listed building I own.

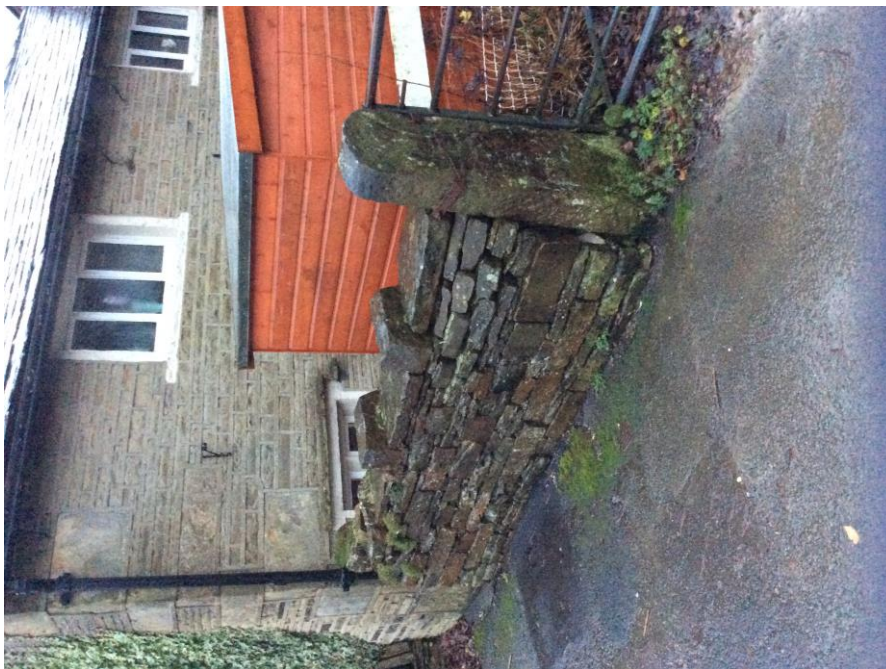
The masonry wall they intend to put along the back of the cottages and the listed building, if it was to be allowed , has to be stone to be in keeping with all the surrounding walls and buildings. Why should this wall be masonry when the walls around the rest of the site are stone?

I cannot tell you how strongly I feel about this and I am making it very clear they will not be touching My wall “ over my dead body.”

I also want to let you know I fully intend to be involved in the committee meeting regarding this application.

Photos you asked for attached.

Nick Grimwood







Objection from Mr & Mrs P Saunders, 8 Hob Lane, Edgworth, Rec 21.12.20

Dear Mr Wilson

We are writing to object to the above application.

Our decision to object is based on the following:

The applicant is intending to build a 1.1metre 'rendered' wall 800mm from the rear of the cottages on Hob Lane. Our kitchen is located at the rear of our property and the windows are at ground level. Erecting a wall so close to our windows will block all natural light from our kitchen. I would note that the walls the applicant is intending to build at the front of his property will be constructed using reclaimed stone.

Bearing in mind no. 2 Hob Lane is a listing building, Mr & Mrs Grimwood had to follow very strict guidelines to get plans passed just to have double glazing fitted (i.e., particular type of wood/fixings etc). This has only enhanced the appearance of their property; however, the erection of a rendered wall would have a detrimental effect on their property and is not in keeping with the cottages which are of stone construction.

It would also appear from the amended application that the applicant intends to take down a stone wall at the side of Mr & Mrs Grimwood's property and erect a further rendered wall. The statement makes the point "of high importance is the need to carefully and sympathetically develop the barns to minimise impact on local amenity". How can demolishing a stone wall which has been in situ for hundreds of years and replaced with a breezeblock, rendered wall be judged as sympathetic?

I would also note that we have a large manhole outside our kitchen, which on occasion, due to blockages, has filled with water and we have had to call out United Utilities to pump out the water. If the applicant is granted permission to build the wall, there is a possibility that it would be built over the manhole cover. There is also a gas main located outside our kitchen. Has the applicant taken this into consideration?

Further, should there be an emergency and an exit route needed from the rear of our property, this would be compromised due to the close location of the wall to our property.

The application mentions several hamlets within Edgworth, some of which are listed, however none of the properties referred to have modern electric gates within their locality and all have been sympathetically developed.

One further point I would question is how far the windows in the development are from our property as I understand that they should be of a certain distance or should be fitted with obscured glass. As the windows will overlook our property, I would ask that this taken into consideration.

Yours sincerely

Mr & Mrs P Saunders

Objection from Ellen Carroll, 6 Hob Lane, Edgworth, Rec 21.02.20

Dear Sir,

With reference to planning application number 10/20/0996

I have registered my concerns previously.

Essentially, gas, water mains & drains underneath the proposed wall.

Cadent Gas (supplier) have been contacted by myself & the matter has been referred to the appropriate dept. This is a very valid & serious concern- a water leak is something that can be coped with- a gas leak, undetected- explosion, destruction, injury, possibly fatality.

I am also perplexed by the partial removal of the wall adjacent to no 2 Hob Lane , instead of the wall at the other side of the farm gate.

Surely, the wall where the existing small gate is (the one adjoining the large cattle gate as exists at present) would be more in keeping??

Compliments of the season,

Yours faithfully,

Ellen Carroll (Ms)

I am forwarding my email from Cadent Gas in the next email.

REPORT OF THE DIRECTOR

Plan No: 10/20/1013

Proposed development: Conversion of existing domestic garage into accommodation annexe for disabled family member

Site address: 17 Troon Avenue, Blackburn, BB1 2JG

Applicant: Mr Nawaz Virmani

Ward: Blackburn South East

**Councillor James Shorrocks
Councillor Vicky McGurk
Councillor Andy Kay**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be granted planning permission, subject to the conditions detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Scheme of Delegation, and following the receipt of objections by seven residents. In addition, the applicant has confirmed on their application form received 30th November 2020, that they are the brother of Cllr Jan-Virmani, who is a Member on the Committee. A summary of the public comments received is provided in Section 7.2. The proposed development has been publicised through letters to residents of adjacent properties. Letters of objection have also been received from members of the public beyond those that have been directly consulted.
- 2.2 The Council's Development Plan supports new domestic developments provided they constitute sustainable development, and accord with the Development Plan.
- 2.3 The proposal will deliver an architecturally sympathetic outbuilding for ancillary residential purposes. Amended plans have been received following negotiations which have addressed the design issues initially raised. On balance, the proposal is satisfactory from a technical point of view, with all issues having been addressed through the application process, or capable of being controlled or mitigated through planning conditions.
- 2.4 The key issues to be addressed in determining this application are;
- Design, and the potential for negative impacts on visual amenity;
 - The potential for impacts on residential amenity, with specific reference to aural amenity, and the preservation of adequate levels of domestic privacy;
 - Parking provision and the potential for highway safety implications;
 - Any wider considerations raised in public representations.

3.0 RATIONALE

3.1 Site and Surroundings

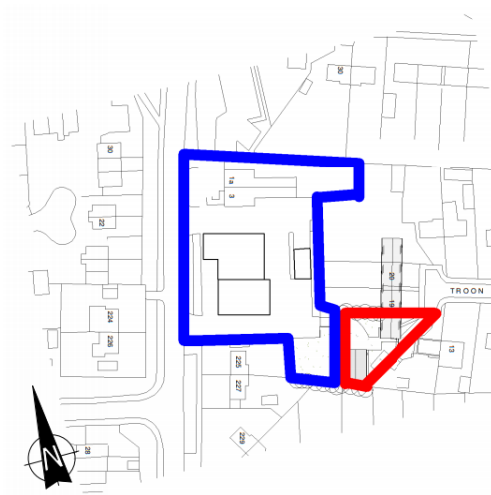
- 3.1.1 The application site is a corner plot dwelling located within the settlement of Blackburn. It adjoins and is surrounded by similar dwellings to three sides with a petrol filling station and forecourt to the west.

Figure 1 – Google Image of the Application Site



3.1.2 The application site covers approximately 0.04 hectares with the dwelling positioned to the north-east, and the existing garage to the south-west. A hardstanding driveway spans the south edge of the dwelling providing access to the existing garage. An additional access point has also been formed on the west boundary from the petrol filling station, which is within the same ownership of the site.

Figure 2 – Submitted Location Plan showing the extent of ownership

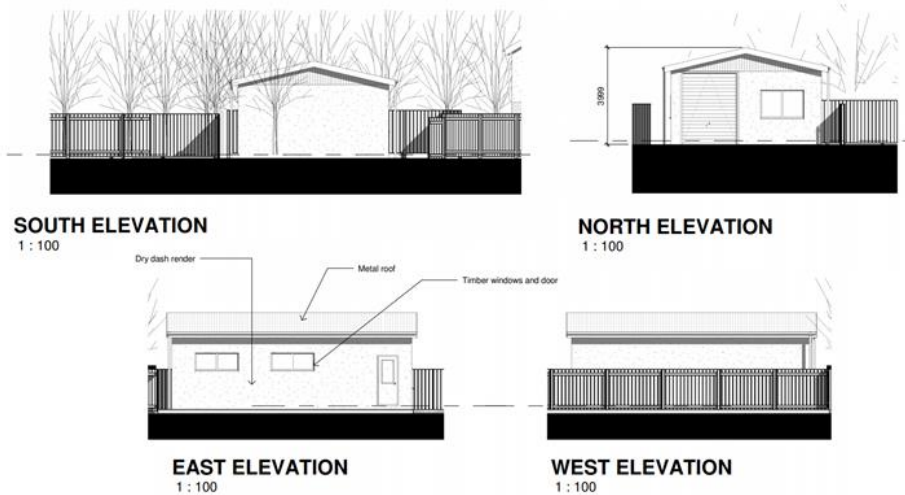




Case officer site photographs taken 13th November 2020

3.1.3 The existing building is utilitarian in its style with pebble-dash panelled elevations, a corrugated metal sheet roof and roller shutter door to the north elevation. Fencing of varying heights and styles defines the boundaries of the rear garden.

Figure 3 – Existing Elevation Plans

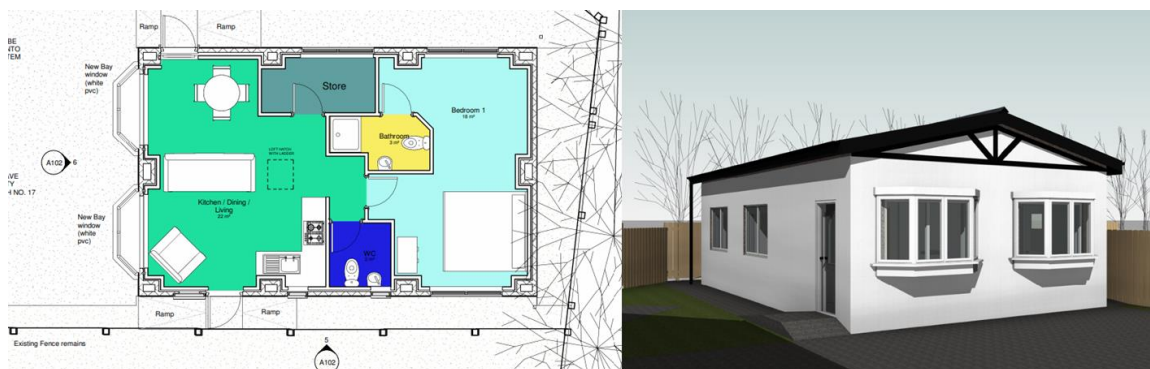


3.2 Proposed Development

3.2.1 This planning application involves converting the existing garage to form annex accommodation with a single bedroom. A slight roof lift and external alterations are also proposed. The proposed elevations are shown below in Figure 5.

3.2.2 The annex would have a footprint of circa 70 square meters and a dual-pitched roof up to 4.1m in height. Windows are proposed to three elevations including two bay style windows to the north. White render would be used to finish the elevations and a black fibreglass roof is detailed on the amended plans. The annex would be fitted with white uPVC windows. Grey and white glazed doors with ramps are also shown on the submitted plans.

Figure 4 – Proposed Floor Plan and Indicative Image



3.3 Case Officer Site Photos taken 13th November 2020



3.4 Development Plan

3.4.1 Core Strategy:

- Policy CS16 – Form and Design of New Development

3.4.2 Local Plan Part 2:

- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design

3.4.3 Residential Design Guide Supplementary Planning Document (SPD)

- RES 4A: Car Parking
- RES 4C: Garages and Parking
- RES 5C: Noise
- RES 7A: Materials
- RES E12: Alteration to roof heights

3.4.4 BwD Parking Standards

4. **ASSESSMENT**

4.1 Design and Visual Amenity

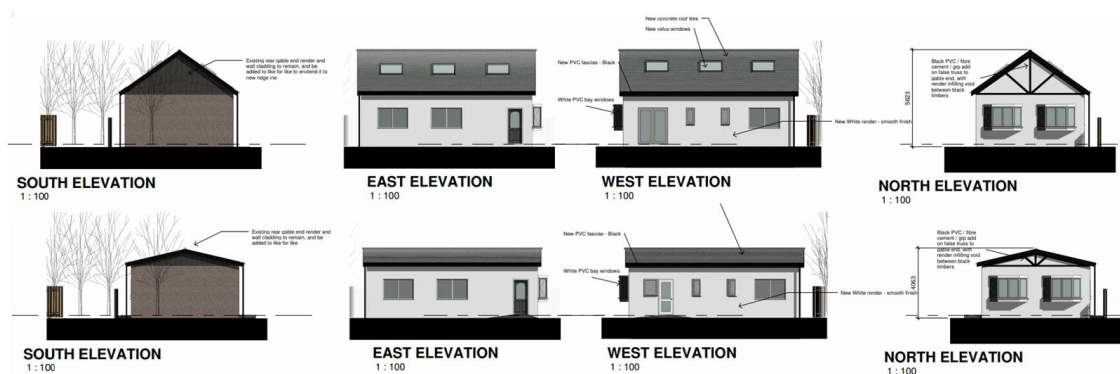
- 4.1.1 In general terms, Policies CS16 and 11 require development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context and making a positive contribution to visual amenity. The Design SPD in relation to the siting, scale and appearance of domestic developments reiterates those requirements.

4.1.2 Concerns have been raised in public comments concerning the number of rooflights to be installed, the proposed height of the building, and the potential for losses of garden space.

4.1.3 The surrounding dwellings are relatively uniformed in their style yet their layout and separation from the highway does not follow the same level of uniformity. In addition, commercial buildings are positioned directly to the west and the cluster of buildings surrounding the site appear highly varied from public vantage points along Shadsworth Road. From the perspective of Troon Avenue, the proposed annex would be contained within a relatively secluded part of the site, and would thus appear inconspicuous.

4.1.4 In relation to the number of rooflights proposed, amended plans have been received and no rooflights are now shown. Those amended plans also show ridge height reductions by circa 1.5m. The height proposed would now be more akin to that of a standard single-storey domestic outbuilding. For clarity, the differences between the height and style of initially proposed, and amended annex buildings, are shown below.

Figure 5 – Elevation Plans of the Initially Proposed (top) and Amended Schemes



4.1.5 In relation to losses of garden space, the footprint of the existing and proposed buildings are identical (see Figure 6), and the spatial implications of this scheme would thus be negligible. The external construction materials proposed would be appropriate for this development and site. When those factors are considered, the proposed development is acceptable in visual design terms, thereby according with Policies CS16, 11 and the guidance of the Design SPD.

Figure 6 – Existing and Proposed Site Plans



4.2 Residential Amenity

- 4.2.1 Policy 8 states that all development proposals should secure a satisfactory level of amenity for surrounding occupants in relation to light, noise, privacy and overlooking. For domestic developments, the Design SPD requires schemes to not cause any adverse impacts in that regard.
- 4.2.2 Concerns have been raised in public comments in relation to the potential for adverse impacts from comings and goings, overlooking and disruption during the construction phase. Concerns have also been raised regarding the fact that windows would be installed in close proximity to tall fencing.
- 4.2.3 The annex would provide a single bedroom and accommodation for a maximum of two occupants. The level of comings and goings such a low intensity use would lead to would not have a harmful impact on the aural amenities of neighbours. The same outcome would apply when considering the potential for impacts from the construction phase. Any disruptions caused for neighbours would be temporary and the scale of the proposed development does not justify a condition to control the logistics of that phase.
- 4.2.4 The existing building is circa 4m in height and the amended annex would be circa 4.1m in height. Such a modest height increase would not result in the annex appearing overbearing, or causing any unacceptable losses of light for the immediate neighbours.
- 4.2.5 In relation to privacy, main habitable room windows are proposed to three elevations. The windows proposed to the west elevation would not overlook domestic property within a near proximity. The north boundary with number 19 is defined by a tall hedge. In addition, a tall fence defines the southeast boundary with number 15. Those existing features would adequately prevent the overlooking of gardens following development.
- 4.2.6 A kitchen window has been installed in the gable of number 15. A condition is therefore recommended to ensure the glazed door proposed for the east elevation of the annex is obscurely glazed to prevent a direct relationship

being formed between those two openings. Subject to compliance with that condition, the proposed development would be acceptable in relation to domestic privacy.

4.2.7 It is acknowledged that windows are proposed within close proximity to fencing on the west boundary and a limited level of outlook would be afforded to those windows. Given that the rooms they would serve have other windows however, the scheme would not lead to an unacceptable level of living standards for any future occupants.

4.2.8 For those reasons, and subject to conditions, the proposed development would be acceptable in terms of residential amenity, in alignment with Policy 8, and the guidance of the Design SPD.

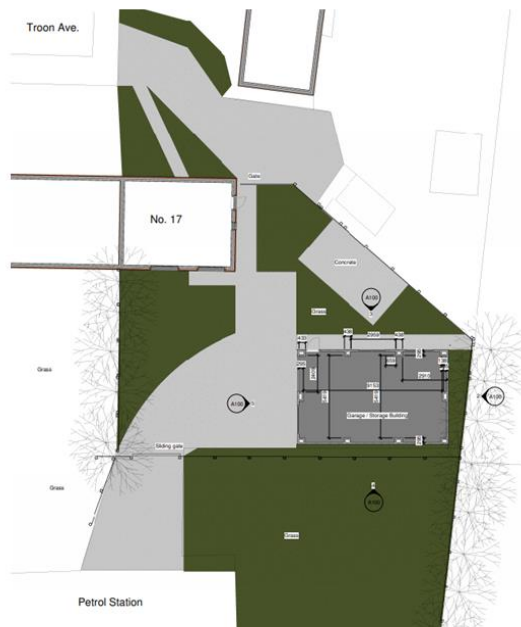
4.3 Highways

4.3.1 In relation to highway safety, a general requirement for development proposals to not prejudice road safety, or the convenient movement of highways users is highlighted in Policy 10. Policy 10 also requires developments to be served with parking at the levels set out in the BwD Parking Standards.

4.3.2 Public comments have cited concerns in the way of the potential for adverse highways impacts from additional comings and goings, and disruptions from the construction phase. Shortfalls in on-street parking locally are also mentioned together with discrepancies on the plans in relation to parking and access arrangements. The possible creation of a permanent walkway through the site is also referred to yet such a feature is not suggested in the information provided.

4.3.3 Up to two additional occupants in the area would not lead to capacity issues for the local highway network. A condition to control the logistics of the construction phase also cannot be justified, as the required construction works are minor. An amended existing site plan has been submitted that better reflects the current parking provision on site, see below. That plan clearly demonstrates that ample parking is already in place on site. Moreover, appropriate access provision is demonstrated.

Figure 7 – Amended Existing Site Plan Showing Parking Provision and Access Arrangements



4.3.4 A condition is recommended to ensure the existing parking remains in perpetuity with the development to minimise the impacts of on-street parking at this constrained location. Subject to compliance with that condition, the proposed development would not have a harmful impact on the safety, or capacity of the local highway network, in compliance with Policy 10, the guidance of the Design SPD, and the BwD Parking Standards.

4.4 Technical Considerations

4.4.1 Public comments have referred to the fact that a Flood Risk Assessment and Coal Mining Risk Assessment has not been submitted. The site is within Flood Zone 1 and assessments of flood risk are not required in such locations for minor developments. The type of application made also does not require an assessment of coal mining risk, as per the validation requirements.

4.5 Wider Considerations

4.5.1 Public comments have made reference to anti-social behaviour locally, vermin, and household waste disposal issues. This modest proposal would not contribute towards those issues to a significant extent. Comments have mentioned discrepancies with the information submitted. An updated application form has been received with an amended address for the Applicant, and how they are related to an elected member. There is no doubt whom is making the application and any issues on the previous form were likely unintentional errors. Of fundamental importance is the information

submitted as part of the ownership certificates, and that information has been correct from the offset. Members are advised that planning permission is granted to the land, not who the applicant is.

4.5.2 The potential for further works to the building in the form of enlargements and subdivision has been mentioned yet no such works are proposed as part of this scheme. Comments have mentioned that the proposed doorways are not wide enough for wheelchair access. Such matters are not directly controlled by planning legislation. The condition of the existing property is cited. Again, such matters are not directly controlled as part of planning applications. A lack of clarity between the boundaries of the annex and number 17 is also mentioned yet there are no requirements to physically separate ancillary accommodation from the main dwelling.

4.5.3 The possible eviction of the existing tenants is referenced. Whilst we would not in any way encourage such an outcome, it is not the purpose of the planning system to arbitrate over private letting arrangements. Allegations have been made regarding the Applicants relations with an elected member. The updated application form received on the 30th November 2020, now confirms this. In any event, given the level of objections received, and the fact the applicant is the brother of an elected member on the committee, this application has been referred to the committee for determination, as would be the case were those allegations to be true.

4.6 Summary

4.6.1 This application involves the conversion of a domestic outbuilding to form a single bedroom annex. A slight roof lift and new doors and windows are also shown on the submitted plans.

4.6.2 Upon receipt of amended plans, and subject to appropriate conditions, the proposed development would be acceptable in relation to design, residential amenity, and highways, in accordance with the policies and guidance notes detailed in Section 3.7.

5.0 **RECOMMENDATION:**

5.1 That delegated authority is given to the Director of Growth & Development to APPROVE planning permission, subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (1:1250), A100 (Plan Submitted 25th

November 2020), A101 – Rev 1 (Plan Submitted 25th November 2020), A104 (Plan Submitted 25th November 2020) and A102 – Rev 1 (Plan Submitted 25th November 2020).

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

3. The external materials to be used for the construction of the development hereby approved shall be as stated on the application form and approved drawings and they shall not be varied within the prior written consent of the Local Planning Authority.

REASON: To ensure a satisfactory form of development is achieved, and to ensure compliance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2.

4. Following first occupation of the annex accommodation hereby approved, the annex shall be used solely for uses incidental to the enjoyment of the dwelling '17 Troon Avenue', and no trade or business shall be operated from the building at any point in future. In addition, the annex shall remain ancillary to '17 Troon Avenue' and it shall not be sold off, leased or rented out as an independent property at any point in the future, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent commercial activity being conducted from this site and an independent dwelling being formed, in the interest of residential amenity, and to ensure compliance Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

5. Following first occupation of the annex accommodation hereby approved, the driveway and parking area as shown on approved plan 'A100 (Plan Submitted 25th November 2020)' shall thereafter remain available for the parking of vehicles solely associated with the occupants of the annex accommodation, and 17 Troon Avenue.

REASON: To ensure adequate parking is maintained to service the development, in the interest of highway safety, and to comply with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

6. Prior to first occupation of the annex accommodation hereby approved, the glazed door to be installed in the side (east) elevation of the annex, shall have been fitted with obscured glazing with a level of obscurity of Level 3 or above, unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree of obscurity.

REASON: In order to protect the privacy of the occupiers of adjacent property, lessen the effects of overlooking, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

6.0 PLANNING HISTORY

6.1 No relevant planning history

7.0 CONSULTATIONS

7.1 Consultee Response

- Ward Cllrs

7.2 Public Response

The nearest neighbours have been notified by letter. 8no. public comments have been received. Their full responses are found in Section 9. A summary of the objections are as follows:

- There is antisocial behaviour locally;
- On-street parking is constrained locally;
- Additional levels of household waste will be generated;
- Discrepancies are stated on the submitted application form;
- Garden areas would be lost to this development;
- Overlooking may be caused;
- Flats may be formed in the annex in the future;
- The number of rooflights proposed is excessive;
- The annex may be extended in the future;
- Disruptions and obstructions may be caused during the construction phase;
- Patio doors would be installed facing a fence;
- The current tenants may be evicted;
- The proposed roof height is excessive;
- The site is in Flood Zone 1;
- A Flood Risk Assessment has not been submitted;
- Contributions to flood risk may be caused;
- Access and parking arrangements are not clear on the submitted plans;
- The width of the doorways do not meet disability standards;
- A Coal Mining Risk Assessment has not been submitted;
- The boundaries between the proposed annex and existing property are unclear;
- The exiting property is poorly maintained;
- A permanent walkway via the side of the existing property may be formed;
- The Applicant may be related to an elected member.

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

DATE PREPARED: 08th January 2021

9.0 SUMMARY OF REPRESENTATIONS

Objection from Natalie Cullen, 2 Troon Avenue, Blackburn, Rec 16.11.2020

Att Adam Shaikh & James Shorrocks

I am writing in objection to the planning of a new build at the top of the cul de sac of Troon Avenue Blackburn Bb12jg.

I chose this house to live in because it was on a cul de sac with no through traffic walking or vehicle which I thought would be safer for when I have a young family and also on a security level. I have heard that on the plans for the new build they will be applying for a cut through from the garage on Shadsworth Road to Troon Avenue.

For the past few years we have had to deal with a select few disruptive neighbours which is bad enough but I do not want more people passing up and down this street at all times of the night adding to the existing noise and trouble. This street is bad enough for drug exchanges with vehicles as it is which I have witnessed seen with my own eyes which I understand is another matter.

This brings me to my next point traffic. This is a very narrow street which does not allow two cars to pass without one stopping still. There are often many cars parked on this street as it is. Cars and a lorry park outside of my house everyday from another street because there is not enough room on their own street. The bin lorry sometime struggles going up and down how ill it be when there are even more vehicles on the street. I am very unhappy about this application.

Please can you take this email into consideration

Regards Natalie Cullen

2 Troon Avenue, Blackburn, Bb12jg

Objection from Mrs Kim Williamson, 5 Troon Avenue, Blackburn, Rec 16.11.2020

My name is Mrs Kim Williamson and I live at no 5 Troon Ave, Blackburn, with my husband an carer Alan Williamson.

We own our house and we have lived here for 26 years. We are concerned about the proposal to build annex at side of 17 Troon Avenue. There will be more vehicles on the road adding more danger to the children that play on the street.

We live on a quiet cul-de-sac and this will cause a lot of upset and disruption to many of the elderly and disabled residents of which I am one. There will be more rubbish on the street we already have a few problems with litter and rats. We don't need any more problems to worry about, as there are already a few disruptive residents taking and selling drugs. I hope you will take my concerns into account.

Kind regards Mrs Kim Williamson.

Objection from John & Tina Webster, 20 Troon Avenue, Blackburn Rec 17.11.2020

Hello, our names are John & Tina Webster. We live at No 20 Troon Avenue Shadsworth with our two daughters. We are writing to you today to make you aware of our objections for the proposed building at No 17 Troon Avenue. We moved to 20 Troon Avenue almost 24 years ago as my husband was registered disabled and we required an adapted house

because of this, he has recently received a kidney transplant and has ongoing health issues. We both have viewed the proposed plans to the building at the rear of No17 Troon Avenue and it is causing us both some extreme concerns/worries.

Firstly at no point has Mr Virmani or his father ever lived at No 17 Troon avenue as Mr Virmani has stated in his application, he bought said property some years ago and has rented to two separate families ever since even though he is not legally recognised as a registered landlord. He currently lives above the Shadsworth road garage which No17 Troon Avenue backs onto. Mr Virmani has lived above the Shadsworth road garage for a considerable length of time, his father has also been living with him there for approximately 4-5 years.

We are quite aware of the upset this is having to all the other residents also of Troon Avenue, especially for the current residents of No17 Troon Avenue, as Mr Virmani has made it evident with his usual like it or lump it attitude. Which is making the family believe any going against his plans would lead to their eviction. They also have a small son who regularly plays in the garden. Where exactly is he expected to play after Mr Virmani's father moves into the proposed building as the garden is presently the only safe place for him due to his age. I'm sure Mr Virmani's father would not appreciate listening to the young lad shouting and playing in their shared garden, even though it a necessary part of every Child's growth.

The proposed building will not only overlook my property. We are perplexed by the proposed height of the overall building, why is it necessary to build it as high if it is for a disabled person? We also have very real concerns about what will become of the property after Mr Virmani's Father passes away. Will Mr Virmani turn it into flats? Hence the need for the building height in this application and the insulation of six velux windows in the roof which seems somewhat pointless especially if there is to be a loft as it shows in the plans? We personally don't think it would be necessary to have as many velux windows unless you were planning on extending upwards in the future. Also why do the plans include double patio doors on the west elevation that open on to a fence, not that they could open as the distance between the doors and fence is minimal? We have an awful feeling this is also to aid in any future plans of the property being extended. As are quite a few other of our neighbours.

What will stop Mr Virmani from renting to any undesirables in the future, as we already have a few to contend with on Troon Avenue as it is. In the past Mr Virmani has not exactly been shown to have a good reputation for other people's opinions or even safety.

There is also a very high crime rate in the area, there has already been a house burglary and car stolen off the street as well as many other worrying incidents on the estate. We've had many problems with people using Troon Avenue as a sort of cut through in the past to enable them to get to the shop or even evade the police. We believe the proposed build would cause a re-escalation of these problems especially during the building works or if the property is ever changed into flats, which we wholeheartedly believe will be the case in the future.

The proposed build will also cause a lot of other problems with the delivery of the building materials, Builders parking and the inevitable noise just to start with. Troon Avenue in itself is only a small cul-de-sac with very minimal parking. Understandably No 15 has already stated she will be adding a boundary wall to her property as her privacy will be affected also by this build. This will also have further implications for the delivery of building materials at No17 as there is no real access from the rear due to Shadsworth road garage.

Where will the builders etc park as in our eyes they will be unable to park anywhere other than the street. This would cause a huge problem as there is no room for extra parking, especially at the top of Troon Avenue and could cause potential arguments with residents. No18 has a driveway which has to be kept clear for access also due to his ill health. Our daughter already parks outside of our home to aid in taking her father to appointments and general outings to family etc as he struggles daily with walking very far due to his health issues.

We currently have access to Shadsworth road from the back of our property, which is imperative if there is ever a fire or emergency and also for the bus route and shop especially for myself and our youngest daughter. If Mr Virmani did get Permission from Shadsworth garage to use their property to access N017 for the delivery of building materials etc, this would cause it to be extremely dangerous and impossible to safely access this route.

Thank you for allowing us to put our views forward on the proposed building of 17 Troon Avenue and we hope it has given you some insight into our objections in this matter.

Yours sincerely

John & Tina Webster.

Objection from Mr & Mrs McFee, 8 Lodge View, Longridge, Rec 18.11.2020

Dear Adam,

PLEASE IGNORE MY PREVIOUS EMAIL SENT @22:14 IN ERROR AS IT CONTAINS SPELLING ERRORS!!

Firstly, thank you for meeting with myself, Miss Paula Parker and Mr Malcolm McFee on Friday 13th November 2020 at 15 Troon Ave, Blackburn.

Please find attached queries from our meeting and some additional questions.

In addition to the attachment I would like to raise my personal objections to the proposed planning application as follows:

Miss Paula Parker is my Sister and suffers from a number of serious health conditions, in particular Rheumatoid Arthritis, Gastrointestinal problems, heart disease and mental health issues - she is a vulnerable adult. Paula accesses her property via her side (backdoor), parking on the driveway thus making it easier for her during painful 'flair ups' with her condition. Due to the lack of clear 'legal' clarification on access arrangements (both vehicular and pedestrian) to the proposed new property it potentially may cause Paula to have to reinstate boundaries thus making the current driveway and parking facilities unusable.

Paula's property would be overlooked if the proposal goes ahead and Mr Virmani retrospectively alters it to make it into a two storey dwelling or indeed two flats - this is clearly an invasion of her privacy and security, making her feel even more vulnerable.

Mr Virmani does not maintain the property 17 Troon Ave or its boundaries. He has always rented the property out as part of his rental portfolio, a further property would just add to the disrepair of the area. Paula lives on her own and my husband and I along with any help Paula can afford, do what we can to maintain Paula's property but feel Mr Virmani's 'lack' of maintenance is a blight on the immediate vicinity of Paula's property. There is an ongoing problem with vermin coming from Mr Virmani's outbuilding and the area beyond where he has dumped his cars. I really think if another property is to go ahead it will fall into disrepair and Mr Virmani will not carry out the upkeep as he has already proved.

Developing the building into a residence will potentially create an increase in both foot and vehicular traffic on Troon Ave and will become chaotic for parked vehicles within the cul-de-sac. Also, causing potential issues for emergency vehicle access. Paula feels vulnerable due to the fact her house was broken into and the creation of a thoroughfare would encourage people from the wider shadsworth estate using it as a 'cut through' to the garage and various retail outlets which is a problem the tenants at 17 Troon Ave have suffered previously. Having to approach people to ask them not to cut through proved to be a very stressful routine that Paula had to face on a daily basis (not a great start to her day when suffering from anxiety and her other health conditions).

As Paula's sister I would ask that you treat my concerns and queries with priority. Paula's health, wellbeing and safety is an important part of my responsibility, it is me who picks things up when Paula is poorly and at times hospitalised.

I look forward to hearing from you at your earliest opportunity.

Objection from Alison McGhee & Gordon Almond, 1 Troon Avenue, Blackburn, Rec 20.11.2020

Good morning, my name is Alison McGhee and I live a 1 Troon Ave, with my partner Gordon Almond and our daughter and 6 year old grandson.

I have lived on this street for over 30 years, I am writing this email to object to the building of an "Annex" and walkway to the garage in the garden of no 17, we live on a very quiet family orientated st, and I would like to mention some of my very real concerns.

- parking is very limited on our street, and building and contractors vans and wagons would cause absolute chaos, not to mention the noise and safety issues.
- a walkway to the garage would lead to anyone coming up the avenue to cut through, we already have had a burglary a couple of years ago, and residents are very conscious of this, we already have a couple of bad tenants, which cause drug dealers to come up the street which we and our children and grandchildren should not be witnesses to.
- unfortunately we have a problem with rats, and another "abodes" waste and people going to and from the garage, dropping rubbish would only add to this.
- I would also like to make you aware that Naz who is submitting the plans DOES NOT live at no 17, he rents the house out to a family, who are very concerned about an "annex" being built in their garden, who would he be renting it out to? Because to be honest I don't think he would care because he doesn't live here!

Please take our objection seriously as we live on a very friendly and quiet Avenue, lots of our residents own their own homes and have lived here for a long time, and this is a very worrying and upsetting time for all of us.

Yours Sincerely
Alison McGhee
Gordon Almond

Objection from Miss Paula A Parker, Rec 23.11.2020

To who it may concern

I wish to object against the proposed plans for an annex in the garden of 17, Troon Avenue, BLACKBURN, BB1 2JG.

Firstly, Mr Nawaz Jan Virmani, Naz Vermani or whatever he chooses to call himself. It seems even legal planning documents allow him to alter & amend his name despite my understanding a planning application is a legal document. Has never resided at 17, Troon Avenue, Blackburn. Nor has he ever in the 10+ years of owning the property. It was only ever intended to be a rental property. I have known all tenants that have ever lived there. He regularly tells all tenants if anyone official asks, he resides there at all times with them. He is not registered for Council Tax at this address as you are fully aware but instead at 228, Shadsworth rd, Blackburn.

In his statement Mr N Vermani states he needs to build an annex in the garden of 17 Troon Avenue to free up the main property for the use of the younger Virmanis (Vermanis) yet still have his elderly father in close proximity. Given he does not reside at 17 Troon Avenue, how can this be? Im fairly sure you don't need me to state the obvious. The whole application is a complete lie & false. Its yet another money making venture by Mr N Vermani as he has indicated to myself & others on previous occasions of his plans to build flats at the rear of 17 Troon Avenue as rental properties. Its also fairly obvious he feels he has influence at the Planning department due to family member sitting on the committee. He failed to detail this on his planning application when asked. An oversight? No, a clear attempt to avoid detection. Mr Nawaz Vermani (Virmani) is a career criminal, who has already served a lengthy prison sentence for fraud. . He does not abide by any law. He is still currently active in known

illegal activities. He has at no point ever had regard for other tenants on the Avenue by asking their opinions on the planned build.

With regards to the application itself, he has already caused friction & repeated upset within the community with this planning application. We are a close community.

The proposed building is of a very imposing nature. It evades my privacy where I reside at No 15 Troon Avenue. I will be clearly overlooked into my garden. Why is the building so high? Given its supposedly a disabled annex for an elderly relative. No its not & never has been the plan. It will indeed be a 2 storey rental property. Mr Vermani (Virmani) will not abide any laws & will convert this annex into 2 flats at the first opportunity.

The layout does not fit within the specification of the footprint of the current building. The internal layout is not suitable for disabled access. 6 velux windows are in the application.

Why if this is a single storey property? Double patio doors opening out onto a fence? The distance between fence & patio doors does not meet regulations for a disabled person.

Parking and access is not detailed on the plans. There is already an issue within the avenue. It states access will remain the same. He has no formal contract with the fuel station owners at the rear of 17 Troon Avenue & does not own the land. Access via Troon avenue will be almost impossible. There is very little on street parking. If I erect a dividing party fence on the current driveway of my property at 15 Troon Ave, this forces me & any visitors to my property, to park on the Avenue. We already have issues with home delivery services for several disabled residents, difficult access for emergency vehicles.

There is a high crime rate in the area & by allowing the build at the rear of 17, Troon Avenue this would potentially cause further issues for the residents of Troon avenue. It will be used regularly as a thoroughfare as soon as people on the estate know its open access. No 17 & myself have been able to control this over the last few years by locking the gates that divide our properties. It would be very dangerous for any resident to challenge any persons using it as a thoroughfare. Once again putting more pressure on an already overstretched police force when we have to no doubt report an increased crime rate in the area. I myself am a vulnerable person with mental health issues & have recently been burgled.

I trust you will take my concerns & objections very seriously indeed & also that of all the other residents who have put in objections to this proposed planning application.

Yours sincerely

Miss Paula A Parker

Objection from Julie & Pete, 4 Troon Avenue, Blackburn, Rec 23.11.2020

I'm sending this email with regard to the proposed building work at 17 Troon Avenue.

As a resident/homeowner I have a few issues which are causing me concern. My son has disabilities and any disruption to his day causes him anxiety.

1. The building work is going to cause problems with delivery trucks bringing materials. Troon Avenue is a cul-de-sac therefore causing parking issues. Majority of residents have driveways but they're no good if you can't get on them.
2. Noise is going to cause a disturbance. As an NHS keyworker I like to relax in the evening and at weekend as most people do.
3. A thoroughfare/footpath will allow non-residents of Troon Avenue to 'cut through' therefore causing a security risk (one neighbour has already been burgled this year). This would mean school children cutting through in groups leaving rubbish, making noise etc.
4. New tenants and visitors driving up and down the street causing more traffic making it dangerous for children playing out and possibly parking issues.

5. More rubbish causing rats and other vermin which can cause health issues.
I also have concerns about the use of the building. The owner doesn't live at number 17 although he says he does so why move an elderly relative there with no support.

REPORT OF THE DIRECTOR

Plan No: 10/20/1112

Proposed development: Listed Building Application (Regulation 3) for New stainless-steel engraved plaques to observation deck, new steel support to upper landing. Replacement of rainwater pipes, signage, broken and missing glazing, ground and first floor door. Repointing and consolidation of walls. Repairs to asphalt weathering, handrails, landings and steps

Site address:

Darwen Jubilee Tower

Darwen Moor

Darwen

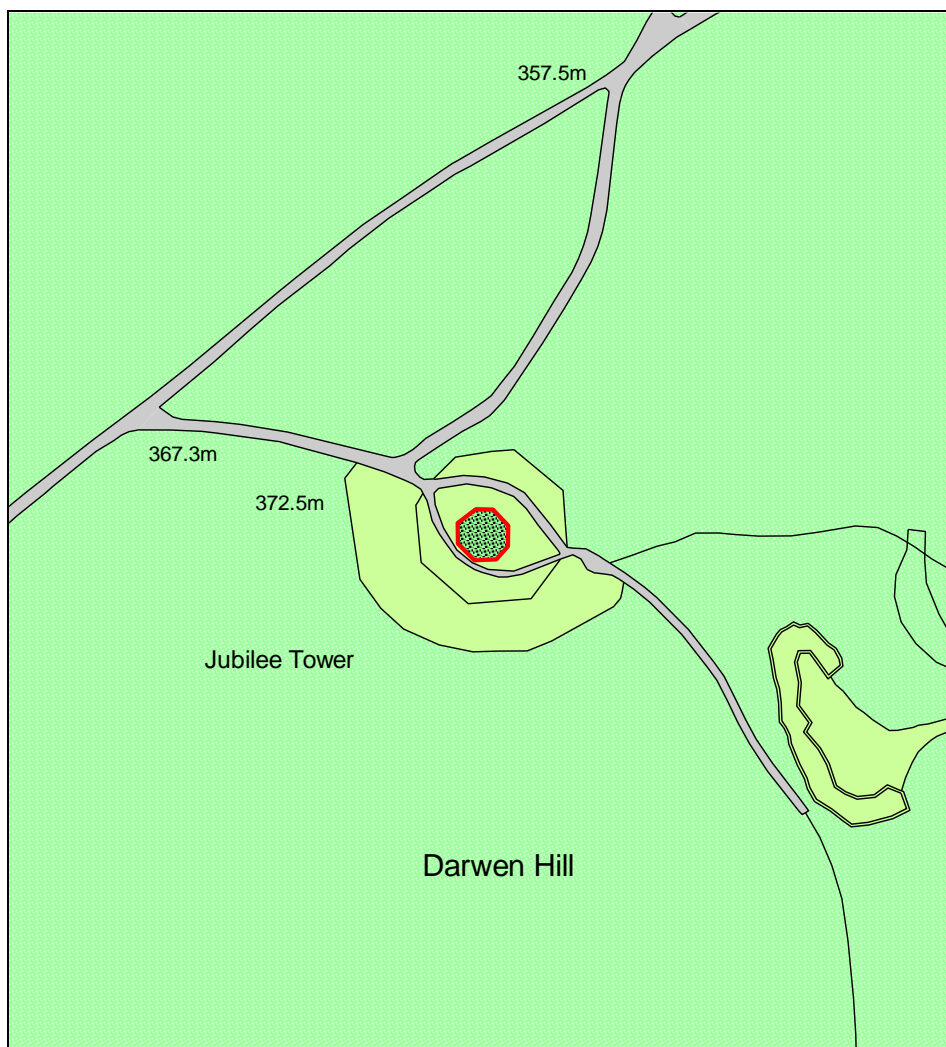
BB3 1JX

Applicant: Blackburn With Darwen Borough Council

Ward: Darwen West: Councillor: David Smith

Stephanie Brookfield

Brian Taylor



1.0 SUMMARY OF RECOMMENDATION

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.0.1 Urgent repair works are required to the Grade II Darwen Jubilee Tower to prevent further deterioration of the designated heritage asset to ensure the Tower remains accessible for the public to enjoy.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 Darwen Tower is an iconic landmark and observation tower dating from 1897 that stands on a prominent Moor location. It is a Grade II listed building.



Image courtesy of Friends of Darwen Tower

- 3.1.2 The octagonal Tower was completed in 1898 to commemorate Queen Victoria's Diamond Jubilee, and also to celebrate the victory of the local people for the right to access the moor. It was opened to the public on 24 September 1898. The architect was R. W. Smith-Saville.

- 3.1.3 The medieval style stone tower incorporates a spiral staircase to the two observation decks. The lower part of the octagonal tower is surrounded by an open arcade which has the lower observation deck above. The top of the tower has a domed cap which has been replaced/renewed several times, most recently in 2012 by WEC Ltd.
- 3.1.4 Darwen Jubilee Tower is on Darwen Moor, within the West Pennine Moors Site of Special Scientific Interest (SSSI). The moorland on which the tower stands is also Common Land.
- 3.1.5 Public Footpaths run around the Tower with Footpath no. 69 Darwen running through the arches at the base of the Tower.

3.2 Proposed Development

3.2.1 The Council proposes to undertake a programme of repairs at Darwen Jubilee Tower due to persistent water ingress through open joints, openings which have missing doors or glazing, leaking rainwater pipes and splits in the asphalt weathering on the decks. These defects have resulted in deterioration of the filler joist landings and decks, corrosion of the iron stair, washing out of the walls' cores and the bases under the steps. In addition, parts of the underside of the upper landings (the soffits of the filler joist construction) have become loose. Temporary protection (supports on props) has been installed to remedy the life safety risk to visitors of falling loose masonry, but more enduring repairs are required, and these proposals seek to address the underlying issues.

3.2.2 The repair works proposed are:

- Replacement of rainwater pipes, signage, broken and missing glazing, ground and first floor door;
- Repointing and consolidation of walls; and,
- Repairs to the asphalt weathering, handrails, landings and steps

3.2.3 In addition to the repair works, the proposals also seek consent for the provision of new stainless steel engraved plaques to the observation deck and for the installation of a new steel support to the upper landing.

3.3 Development Plan

3.3.1 Core Strategy (2011) Policies:

Policy CS16: Form and Design of New Development

Policy CS17: Built and Cultural Heritage

3.3.2 Local Plan Part 2 (2015) Policies:

Policy 9: Development and the Environment

Policy 10: Accessibility and Transport

Policy 39: Heritage

3.3.3 Supplementary Planning Documents and Guidance:

Green Infrastructure and Ecological Networks SPD

Listed Buildings SPG

3.4 Other Material Planning Considerations

3.4.1 The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, as Amended – Section 66(1)

3.4.2 The National Planning Policy Framework

3.5 Assessment

3.5.1 The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. Local Planning Authorities, in coming to decisions, are required to consider the principle Act.

3.5.2 Section 66(1) of the Act states that in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. With the exception of needing to assess the setting of the listed buildings, the same considerations apply with determining Listed Building Consent applications.

3.5.3 In addition, the National Planning Policy requires that;

In determining planning applications LPAs should take account of;

a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c. The desirability of new development making a positive contribution to local character and distinctiveness.

3.5.4 Paragraph 193 of the Framework states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

3.5.5 Paragraph 196 of the Framework identifies that where a proposal would lead to less than substantial harm to the significance of a designated heritage

asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

3.5.6 In light of the legislation and policy requirements, the key heritage issue for the Local Planning Authority to consider under the Listed Building Consent (LBC) application is whether the proposed development will harm the significance of the listed building.

3.5.7 The significance of the Tower is adequately described in the Heritage Statement (Section 7 – pages 19-24). The Tower has high historic, aesthetic and communal importance.

3.5.8 Officers consider that a substantial amount of the proposed work is for repair work to preserve the Tower's significance. Given the exposed nature of the Tower the identified the proposed repair works will protect the structure, as much as it is possible to do so, from the weather and the damage from water ingress. In this respect Officers are content with the repairs outlined in page 3-4 of the report (items a-m) and question whether a large part of the works require Listed Building Consent (LBC) or not and are not simply repairs. Notwithstanding this fact, the principle works involve;

- The provision of new rainwater goods;
- The structural repairs to the concrete landings;
- New handrails;
- New plaques and interpretation boards. Although LBC is only required for those physically attached to the listed building; and,
- Replacement doors

3.5.9 The works proposed are acceptable and will not harm the significance of the Listed Building.

3.5.10 In order to ensure that all works are carried out sensitively to the building it is strongly recommended that conditions are imposed requiring the submission of specific details such as the proposed replacement doors and handrails, and to secure a detailed repair methodology.

3.5.11 Subject to the recommended conditions, it is considered the repair proposals will not have an impact on the significance of the listed building. The new handrails, interpretation boards and plaques will also have minimal harm to the significance of the listed building.

3.5.12 As required by paragraph 196 of the Framework, where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this respect, the works are seen as being positive and will help sustain the structure of the Tower and importantly allow its safe use and will continue to allow public access for all. On this basis, the proposals meet the

objectives of the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

3.5.13 *Other Matters*

3.5.14 Due to the sites location within the West Pennine Moors SSSI, and the requirements of the Wildlife and Countryside Act 1981 (as amended) to ensure wildlife will not be harmed by the proposed repair works, a Protected Species, Reasonable Avoidance Methods Method Statement accompanies the application. This has been reviewed by the Local Planning Authorities Ecologists.

Bats

3.5.15 Darwen Tower has been assessed as having negligible to low bat roosting potential by a suitably experienced bat consultant. No evidence of bats was recorded at the time of the survey, potential crevices that could be viewed were shallow, the site is extremely exposed and therefore unlikely to be of value to bats and is well used internally ie disturbed by the public.

3.5.16 The Council's Ecology Consultants have no reason to doubt the assessment. The submitted Protected Species Statement advises additional precaution reasonable avoidance measures, which consist primarily of a tool box talk to ensure the contractors are aware of the potential risks. On this basis, Officers are satisfied given the very low level of risk that this is adequate and that a pre-cautionary emergence survey prior to work is not required. The RAM Statement submitted however should be followed and informatives will be imposed to ensure the Environment Department are aware of the statutory duties.

West Pennine Moors SSSI

3.5.17 Contractors and deliveries will need to travel through the SSSI – Site of Special Scientific Interest - each day. The access route is restricted to the existing well used track to the Tower, so no direct impacts are likely to occur.

3.5.18 In respect of nesting birds, given the works will occur during the bird nesting season, the applicants consultant has noted the potential for disturbance to ground nesting. In order to mitigate against this risk a bird nest survey is proposed prior to works commencing along the access route and around the tower, followed by unspecified rechecks of the route and Tower once works have commenced. Whilst the frequency of rechecks should be made more explicit e.g. weekly or fortnightly, the Local Planning Authority's consultant Ecologists are satisfied that the risks are low, given as the submission has noted, the access route is popular with walkers and therefore ground nesting birds are likely to avoid close proximity to the track, public paths or the Tower and the disturbance along the track will be temporary each day.

3.5.19 The submitted report has also proposed screening around the Tower to avoid disturbance to any birds near the Tower. This is supported, but it is considered to be unlikely that any birds would nest on the ground near the

Tower given the existing recreational pressures. However in the interests of ensuring the Council abides by the Wildlife and Countryside Act, the details in the submitted RAM (Reasonable Avoidance Measures statement should be secured by condition. Due to this application being for Listed Building Consent, procedurally we are unable to impose a planning condition securing this. However, Officers can confirm that the Director of Environment and Operations is well aware of the Council's statutory duties in relation to wildlife and the SSSI, and the Reasonable Avoidance Measures submitted will be carried out prior to, and during the works.

4.0 RECOMMENDATION

4.01 Members are advised to Grant the application subject to the following conditions:

1. The proposed development must be begun not later than THREE years from the date of this permission.

REASON: Required to be imposed by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

2. List of Approved Plans
3. Prior to commencement of the development hereby approved a comprehensive and detailed schedule of works, together with detailed drawings and a schedule of materials, shall be submitted to and approved in writing by the Local Planning Authority. The schedule and drawings shall include all proposed work to windows, doors, stonework, timber work (including jointing), and fixing of information plaques and interpretation boards and shall include details of design and appearance. The development shall be implemented in accordance with the approved details.

REASON: To preserve the character and appearance of the Listed Building and to comply with Policy 39 of the Blackburn with Darwen Borough Local Plan Part 2, the National Planning Policy Framework (2019) and S66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Prior to commencement of the development hereby approved, a scheme detailing the method and composition of pointing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure the use of appropriate pointing in the interests of listed building and visual amenity to comply with Policy 39 of the Blackburn with Darwen Borough Local Plan Part 2, the National Planning Policy Framework (2019) and S66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Prior to their installation a detailed specification and colour scheme for all replacement doors, windows, frames, surrounds and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority (such a scheme is to include any subsequent amendments as required by the Authority). This shall include any replacement doors/windows within the historic listed building.

REASON: To ensure that the appearance of the development is acceptable to the Local Planning Authority in the interests of protecting both the character and appearance of the listed building and the area within which the site is located, in accordance with Policies 11, 39 and 41 of the Blackburn with Darwen Borough Local Plan Part 2, the National Planning Policy Framework (2019) and S66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

4.02 **Members are advised that the application is to be referred to The Secretary of State for Communities and Local Government (“the Secretary of State”) under the TOWN AND COUNTRY PLANNING (CONSULTATION) (ENGLAND) DIRECTION 2009 as to whether the application can be determined by the local planning authority or is to be “called-in”.**

The Secretary of State has 21 days from the receipt of the application to determine whether to call-in the application or not. The submission to the Secretary of State will include the following:

- Application Form;
- Drawings & accompanying information including Heritage Statement;
- Copy of Press Notice and Site Notice
- Copy of representations received; and
- Copy of the Committee and Update Report presented to the Committee.

5.0 PLANNING HISTORY

Application Number	Description of Development	Decision	Date
10/11/0329	Listed Building Consent for replacement of storm damaged lantern top on the Jubilee Tower	Granted	15/06/2014
10/04/1096	Remedial work required after vandalism to the top viewing balcony. Replace 3 No. coping stones. Renew 1 No. coping stone. To reinforce using galvanised steel brackets, secured with stainless steel bolts, to the inner wall	Granted	11/11/2004
10/01/0667	Replacement of existing first floor	Granted	08/10/2001

	slab		
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6.0 CONSULTATIONS

6.0.1 *Public Consultation*

Due to Darwen Tower being a Grade II listed building, the application has been advertised both in the Press and by Site Notice at the key access points to the Tower, at Ryal Fold, Sunnyhurst and Bury Fold Lane. The local ward Councillors were also consulted.

6.0.2 As a result of the public consultation, one representation was received which raises the following points:

- No mention is made of urgent repairs required to area of landscape, paths, steps and wall that form part of the “podium” setting of the listed structure. They state the current approach is unsafe and deteriorating rapidly.
- Provision of outdoor signage/interpretation should be approached with caution due to the amount of anti-social behaviour experienced around the tower.

6.0.3 *Statutory Consultees*

Conservation Officer – No objections, subject to a repair methodology being submitted and agreed with the Local Planning Authority prior to any works commencing.

Greater Manchester Ecology Units – No objections, subject to a pre-commencement condition requiring the Tower and surrounding area to be surveyed for nesting birds.

Historic Amenity Societies - No comments or representations received

Natural England - No comments or representations received

Public Rights of Way - The paths running around the tower are PROW. Please add an informative with a comment to ensure the Right of Way is not obstructed at any time without a temporary closure.

7.0 **CONTACT OFFICER:** Claire Booth – Senior Planning Officer

8.0 **DATE PREPARED:** 08 January 2021

9.0 SUMMARY OF REPRESENTATIONS

Comment – Warren Chapman. Rec – 26/11/20

Hello, I wish to comment on the above planning application as a resident of Darwen and a chartered Landscape Architect. I have looked at the information available on line and noted the following;

- No mention made of urgent repairs required to area of landscape, paths, steps and wall that form part of the “podium” setting of the listed structure. The current approach is unsafe and deteriorating rapidly.
 - Provision of outdoor signage/interpretation should be approached with caution due to the amount of anti-social behaviour experienced around the tower. It is highly likely to get vandalised and look unsightly.
-

REPORT OF THE DIRECTOR

Plan No: 10/20/1210

Proposed development: Full Planning Application for Proposed detached garden room

**Site address:
3 Fern Crescent
Green Hills
Livesey
Blackburn
BB2 5FS**

Applicant: Mrs Nicola Boardman

Ward: Livesey With Pleasington

**Councillor Derek Hardman
Councillor Paul Marrow**



1.0 SUMMARY OF RECOMMENDATION

1.1 Approve subject to recommended conditions.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This planning application is presented to Committee in accordance with the Scheme of Delegation of the Council's Constitution, in which the application is by or on behalf of the Council's senior management team, a service unit head, a member of the Planning Service, or a member of staff with direct input to, and therefore influence on the application. The application is submitted by the fiancée of the Planning Manager (Development Management).

2.2 The key issues to be addressed are as follows:

- The impact of the proposed development on the amenity of nearby residents; and,
- The design of the proposed development

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site relates to a new build detached dwelling situated on the northern side of Fern Crescent, Blackburn. Fern Crescent forms part of the Green Hills housing development by Kingswood Homes, which Members will be aware is currently under construction as part of the wider Gib Lane housing allocation 16/9 of the Local Plan Part 2. The house type of the property is "The Hemmel", which is a two storey, 4 bedroomed dwelling. The plot is No.9 of the residential development.

3.1.2 Green Hills is reached off Livesey Branch Road via Moorland Drive, near its junction with Old Gates Drive. The estate is characterised by varying house types of differing styles and size.

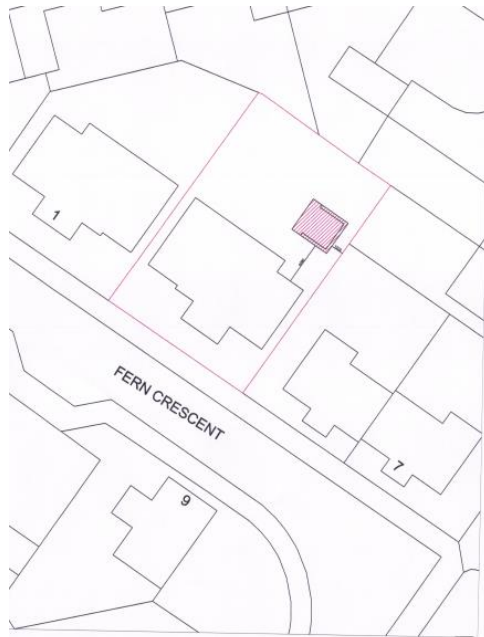
3.2 Proposed Development

3.2.1 The proposal is for a householder planning permission for the erection of a detached garden room to the rear of the property.

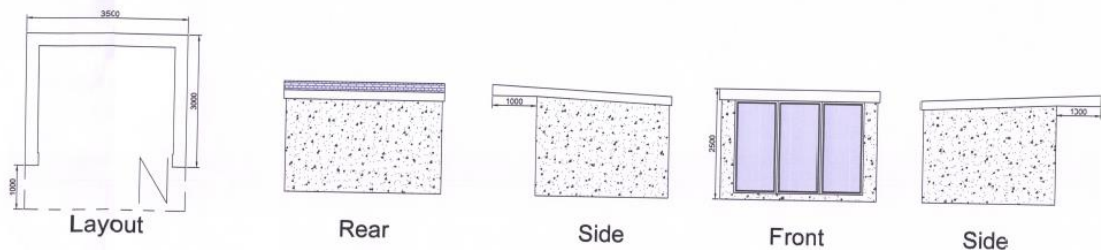
3.2.2 The proposed stand-alone garden room would be positioned to the east elevation of the rear garden. The front and rear elevations will measure approximately 3.6m in length and both side elevations would be 3m in width. The proposal incorporates a flat roof, which will project 1m beyond the front elevation to form an overhang. The height to the ridge will be 2.5m.

3.2.3 Planning permission for the residential development on land off Livesey Branch Road was approved in 2017 for the erection of 167 No. residential dwellings with associated public open space/landscaping, roadworks, infrastructure etc. (10/16/1132).

3.2.4 Condition No.24 on the planning approval removed permitted development rights for Classes A-G, Part 1 and Class A, Part 2. Class E relates to buildings etc. incidental to the enjoyment of a dwellinghouse. Therefore, planning permission is required for the proposed garden room (outbuilding) at the application site.



Proposed Site Plan 1:200



Extract from proposed plans – floor plan and elevations of garden room.

3.3 Development Plan

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

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

Policy 8: Development and People
Policy 11: Design

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

RES E1: Materials
RES E4: Detailing your extension

3.4 **Other Material Planning Considerations**

3.4.1 National Planning Policy Framework (NPPF) (June 2019)

3.5 **Assessment**

Residential amenity

3.5.1 Local Plan Part 2, Policy 8ii) requires new development to “*secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust other pollution or nuisance, privacy/overlooking, and the relationship between buildings.*”

3.5.2 The siting, size and design of the proposed single storey garden room will not pose any threat to the amenity of surrounding properties.

3.5.3 An existing two-metre high fence encloses the garden areas of the adjoining neighbouring properties; No.5 Fern Crescent and No.7 The Fallows.



Above: Views from rear garden area of application site looking towards 5 Fern Crescent (left), 7 The Fallows and 9 The Fallows (right).

3.5.4 The overall height of the proposed garden room will only protrude the height of the boundary treatment by circa 0.5m. In addition, the proposed garden room will be positioned 1 metre away from the party boundary fence of the adjoining properties. Taking this into consideration the proposed development will not harm the amenity of the occupants of the aforementioned dwellings in terms of loss of light, and dominance, as the fence dividing the properties will screen a large proportion of the outbuilding thereby acting as a mitigating factor.



Above: View towards north-western and northern boundary or rear garden

3.5.5 Due to the absence of windows within both side elevations of the proposed garden room, facing the rear of No.5 Fern Crescent and No.9 The Fallows, the proposal will not present any loss of privacy. The bi-fold glazing opening on the western elevation would face the remaining rear garden to the north-west, as seen from the photograph above.

3.5.6 The proposal is considered to meet the requirements of Policy 8 of the LPP2 (2015) and supporting SPD policies.

Design and visual amenity

3.5.7 Policy 11 of the Blackburn with Darwen Local Plan Part 2 (2015) requires all new development to “*present a good standard of design and will be expected to:*

i) Demonstrate an understanding of the wider context; and,

ii) Make a positive contribution to the local area.

3.5.8 The external materials to be used in the construction of the proposed outbuilding is blockwork finished in a grey ‘K’ render for the external walling

and firestone rubber for the roofing. Grey UPVC is proposed for the bi-folding doors.

- 3.5.9 It is noted the predominant materials used in the construction of the dwellings on the Green Hills Estate is brick, as is the case with dwellinghouse of the application site. Whilst it is acknowledged the proposed materials differ from that of the host dwelling and wider area, given the proposed outbuilding is to be situated to the rear and will only be visible from surrounding properties and not the street scene, the materials are deemed to be acceptable.
- 3.5.10 Furthermore, the scale and size of the proposed garden room ensures an incongruous feature is not formed by way of contrasting materials. As such, the proposal will not harm the overall appearance of the existing property and will add to its modern feel.
- 3.5.11 A flat roof form is proposed with a slight fall, these are a common feature on garden rooms and is therefore considered appropriate in its context.
- 3.5.12 The proposal is considered to be acceptable from a design and visual amenity perspective, in accordance with Policy 11 of the LPP2 (2015).

4.0 RECOMMENDATION

4.1 Approve subject to following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Location Plan

Drawing No.1 - Proposed Plans and Elevations - Received 14th December 2020

REASON: For the avoidance of doubt and to clarify, which plans are relevant to the permission.

3. The development hereby approved shown on plans received 14th December 2020, shall be used solely for uses incidental to the enjoyment of the existing dwellinghouse known as '3 Fern Crescent, Green Hills, Livesey, Blackburn, BB2 5FS; and no trade or business shall be operated from the building at any point in the future following its construction.

REASON: To safeguard the amenities of the adjoining premises and the area in accordance with Policy 8 of the Blackburn with Darwen LPP2 (2015).

5.0 PLANNING HISTORY

5.1 10/16/1132: Erection of 167 No. residential units. Approved by the Planning and Highways Committee 5th January 2017.

6.0 CONSULTATIONS

Neighbour Representations

6.1 7 neighbours were consulted about the application. No comments have been received.

7.0 CONTACT OFFICER: Jamie Edwards, Assistant Planning Officer

8.0 DATE PREPARED: 07 January 2021

DEPARTMENT OF GROWTH & DEVELOPMENT
ORIGINATING SECTION: PLANNING SERVICE (DEVELOPMENT
MANAGEMENT)

REPORT TO: Planning & Highways Committee

DATE: 21st January 2021

TITLE: Planning Advisory Note - Approach for determining applications relating to properties being used as Residential and Supported Accommodation

WARDS: All **COUNCILLORS:** All

1. PURPOSE OF THE REPORT

- 1.1 To set out the intended approach for the determination of planning applications relating to the proposed change of use of properties as residential and supported accommodation.
- 1.2 To explain the reasoning behind the intended approach and invite the comments of the committee.

2. BACKGROUND

- 2.1 Members will be aware that there is an increasing pressure to use properties as residential and supported accommodation for adults. Some of these requests are in the form of Certificate of Lawfulness applications. Where a certificate is granted, the Council has no control over the occupancy of that home. As a result, many such homes have the potential of being used to accommodate vulnerable people requiring care and support from outside of the Blackburn With Darwen area. This is placing a strain on local public sector resources to the detriment of local service delivery, and can make it more difficult for the Council to accommodate local, vulnerable people within Blackburn With Darwen.
- 2.2 The majority of the Certificate of Lawfulness applications received all relate to residential properties falling within Use Class C3 "Dwellinghouses" of the Town and Country Planning (Use Classes Order) 1987 (as amended). Case law has established that a residential home and supported accommodation falls within Class C2 "Residential Institutions" of the same Order. Section 55 of the 1990 Town and Country Planning Act, states that a material change of use constitutes development. There is no provision in the Town and Country Planning (General Permitted Development) Order 2015 (as amended) to permit a change from C3 to C2.

- 2.3 Until recently, officers within the Development Management Team have judged that the change of use from a house to a Residential and Supported Accommodation (for up to 6 people) is not material, which in nature does not constitute development, and therefore does not require planning permission. However, in recent months new information has come to light, with the approach being taken by Blackpool Borough Council, in the form of case law, and the advice they received from Counsel. In addition, the Development Management Team has been working closely with Public Protection, Public Health and Adults Social Care Services to better understand the nature of residential and supported accommodation and the issues that exist within the sector.
- 2.4. It is now considered that the change of use from a house to a home for residential and supported accommodation is material and is therefore development requiring planning permission for the following reasons:
- Change in the character of the use based on the day-to-day activity, operations and physical layout;
 - Impact of the proposal – the uncontrolled loss of family homes is a material planning consideration; case law has established that increased strain on local public sector resources can be accepted as an indicator of a material change of use;
- 2.5 It is accepted that not all vulnerable people will place strains on the Council's services, however because the Council cannot place any controls on a Certificate of Lawfulness, these factors must all be taken into account when assessing such applications.
- 2.6. The Development Management Team following consultation with Adults Social Care Services have produced a Planning Advisory Note, which is intended to inform and assist applicants seeking planning permission for the development of or the change of use of an existing building to home for residential and supported accommodation. A draft copy of the Note is attached to this report.

3. RATIONALE

- 3.1 The Council's aim is to ensure that good quality accommodation is available in appropriate premises and locations within the borough to meet the needs of vulnerable people within the care of the Council. At the same time, it is imperative that there is no undue harmful impact towards the character and amenities of local neighbourhoods.
- 3.2 Policy 47 "The Effect of Development on Public Services" of the adopted Blackburn With Darwen Borough Local Plan (Site Allocations and Development Management Policies) (December 2015), sets out how the local planning authority will manage development in line with the following objectives:

- To ensure that planning decisions as far as possible support the commissioning strategy for facilities and services;
- To assist in managing demand for support services so as to ensure that appropriate levels of service to existing users within Blackburn With Darwen can be maintained; and
- To assist in improving Blackburn With Darwen's overall offer, and perceptions of its offer, by reducing levels of crime, anti-social behaviour and the perceived threat of these.

3.3 The Planning Advisory Note whilst not being a formal Supplementary Planning Document, is still a material planning consideration linked with Policy 47. The Note will provide clarification and information on the Council's approach to dealing with planning applications for homes for residential and supported accommodation

4. KEY ISSUES

4.1 The fundamental issues that the Note is focussed on with regards to new homes for residential and supported accommodation are:

- The proposal should be located within a Primary Residential Area or other appropriate locality, offering an acceptable level of residential amenity;
- The design of any building, extension or alterations will be expected to be in character with and complement existing neighbouring development and/or the existing building;
- The property should be large enough to provide the facilities required by the registration authorities (cooking facilities, bathrooms, dining and communal facilities) without the need for any substantial extensions which would have a detrimental effect on the area, the amenity or neighbouring properties or the character of the property or locality;
- The conversion of a terraced house or one of a pair of semi-detached houses or a detached property closely abutting or linked to its neighbours will be considered unsuitable;
- The premises should be located near to or enjoy safe and convenient access to facilities such as shops and public transport;
- There should be adequate, convenient and accessible parking space within the curtilage to comply with the Council's adopted parking standards without adverse effect on neighbouring properties or the character of the locality;
- The property must have open garden areas (or areas capable of conversion to garden or open space use) which are accessible, suitable and sufficiently attractive for use by residents.
- The use of the property shall ensure sufficient privacy and allow 'quiet enjoyment' for both the proposed tenants and their neighbours.

4.2 The Note focusses on the main planning considerations and process with regards to new homes for residential and supported accommodation. These are set out as follows:

- What are the material planning considerations?
- Relevant planning policy, guidance and information
- Specific advice – what properties are considered appropriate; car parking; how to demonstrate local need; what to include in the Management Plan; what changes can you expect to make to the property; mechanism to meet local need e.g. Section 106 Agreements;
- Details of the pre-application advisory service.

5. POLICY IMPLICATIONS

- 5.1 The Planning Advisory Notice is an informal planning document linked to Policy 47 of the Local Plan Part 2.

6. FINANCIAL IMPLICATIONS

- 6.1 None.

7. LEGAL IMPLICATIONS

- 7.1 None.

8. RESOURCE IMPLICATIONS

- 8.1 None.

9. EQUALITY IMPLICATIONS

- 9.1 None.

10. CONSULTATIONS

- 10.1 The Draft Advice Note has been presented to the Executive Members for Growth & Development and Adult Social Services.

11. RECOMMENDATION

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

(ii) That the Committee endorse and approve the proposed Planning Advisory Note, to be used as a material planning consideration in the determination of any new applications for homes for residential and supported accommodation, and the Note to be published on the relevant planning and Adult Social Care web pages.

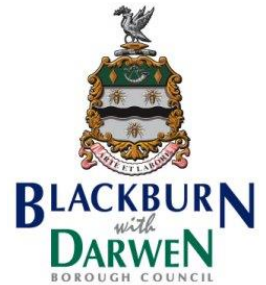
Contact Officer: Gavin Prescott, Planning Manager
(Development Management)

Date: 24th December 2020

Background Papers: None

Blackburn with Darwen Residential and Supported Accommodation- Planning Advice Note

January 2021



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Purpose of the advice note

This advice note is intended to inform and assist applicants seeking planning permission for the development of, or change of use of an existing building to residential and supported accommodation ie. any accommodation where care and/or support will be provided, including homeless provision.

The advice note is intended to offer clarification and information and so will not be taken through a formal consultation process. Nevertheless, it will be a material planning consideration in the assessment of planning applications.

Aims and Objectives

The Council's **aim** is to ensure that good quality accommodation is available in appropriate premises and locations within the borough to meet the needs of vulnerable people requiring care and support within Blackburn with Darwen Borough Council, without causing undue harm to the character and amenities of local neighbourhoods.

In light of the specific issues in Blackburn with Darwen as set out above, the Council has identified the following principal **objectives**:

- Ensure that new residential and supported homes are established in appropriate premises and in suitable locations;
- Establish a priority to ensure that the Council can meet the needs of the existing community within the local area;
- Prevent an undue concentration of specialist uses in any particular area of the borough in order to safeguard the local character and amenity;
- Safeguard the individual receiving care and support and the interests of local communities by requiring premises to be operated in accordance with a robust Management Plan.

Adults Social Care in Blackburn with Darwen – a planning perspective

Within the past 3 years, there has been an increasing number of Certificate of Lawfulness for the proposed use of dwelling houses as residential and supported accommodation for vulnerable people being submitted to Blackburn with Darwen Borough Council. The availability of relatively large properties within the borough at reasonable prices is understood to be a key driver behind this trend.

As uses established through a Certificate of Lawfulness are not subject to Council controls in terms of occupancy, care providers for residential and supported accommodation could elect to accommodate adults placed by other authorities. This has two key implications:

- Vulnerable people with complex needs are brought into the borough placing additional strain on already pressurised local public services; and
- The ability of Blackburn with Darwen Borough Council to manage its local accommodation to meet the needs within the borough and ensure quality provision, can be adversely affected.

A Certificate of Lawfulness for a Proposed Use is granted when the Council judges that the proposed use is not materially different in planning terms from the existing lawful use of a building. Many factors must be taken into account when considering materiality.

Officers from the Council's Planning (Development Management) Service have worked closely with colleagues in Public Protection, Public Health and Adults Social Care Services to better understand the nature of residential and supported accommodation and the issues that exist within the sector.

As a result of these discussions, notwithstanding the fact that every application must be determined on its own merits, the Council is now of the opinion that a change of use from a dwelling house to a residential or supported accommodation will generally be material for the following reasons:

- Change in the character of the use as a result of increased day-to-day activity;
- Change in the character of the use as a result of the necessary form of operation of the premises;
- Change in the character of the use as a result of typical physical alterations to the property;
- Change in the use of the property to commercial use;
- Impact of the proposal in terms of the loss of family dwellings;
- Impact of the proposal on local public service delivery;
- Impact of the proposal on the Council's ability to effectively meet the need/demand across the borough.

By requiring operators to apply for planning permission for the creation of residential and supported accommodation, the Council is able to ensure that such provision is established in appropriate properties in suitable locations. It also gives the Council the ability to ensure that provision in the Blackburn with Darwen area gives priority to local residents, enabling the Council to meet its own needs.

Relevant planning policy, guidance and information

National Planning Policy Framework (NPPF) (published February 2019):

Paragraphs 59, 60 and 61 relate to the delivery of a sufficient supply of homes.

Paragraph 59 makes it clear that in order to support the Government's objective of significantly boosting the supply of homes.....the needs of groups with specific

housing requirements are addressed.

Paragraph 60 explains how housing need in an area should be assessed and understood, and paragraph 61 advocates planning policies that reflect the needs of particular groups in the community.

Blackburn with Darwen Borough Council Core Strategy Part 1 (adopted January 2011)

This document sets out the spatial strategy for Blackburn with Darwen setting out the priorities for the future planning and development of the borough, in terms of how much and what types of development there should be, where it should be focused, when it is likely to take place, and how it will be delivered. A number of strategic objectives are identified in the Market Position Statement for Adult Commissioning. The statement specifies the councils commissioning intentions for the next few years.

In the Core Strategy, the vision for Blackburn with Darwen includes the aim to promote the development of mixed communities, together with increasing the levels of demand both for existing housing stock and for new development in inner urban areas.

With this vision in mind, the Core Strategy sets out a number of objectives, including the need to create sustainable neighbourhoods, increasing the local environmental quality, whilst at the same time increasing the number of houses with access to local jobs and services. Policy CS9 “Existing Housing Stock” is fundamental towards this objective, aiming to support strong communities by ensuring the overall stock of existing and new housing will provide a balanced quantity and mix to meet the needs of existing resident, and attract new residents to the borough.

Retention and repair of traditional housing will form part of the approach to transforming neighbourhoods, whilst focusing regeneration and improvement in a number of neighbourhoods. Policy CS20 “Cleaner, Safer, Greener”, is also relevant in general terms, as it focusses on a better quality of life for existing and future residents by prioritising community cohesion, improving the economic performance of neighbourhoods, supporting a more cleaner, healthy and safer environment, which will improve the quality of life for all the local communities.

Blackburn with Darwen Borough Local Plan Part 2 “Site Allocations and Development Management Policies” (adopted December 2015)

Policy 47 relates managing development in line with the following objectives:

- To ensure that planning decisions as far as possible support the commissioning strategy for facilities and services;
- To assist in managing demand for support services so as to ensure that appropriate levels of service to existing users within Blackburn with Darwen

- can be maintained; and
- To assist in improving Blackburn with Darwen’s overall offer, and perceptions of its offer, by reducing levels crime, anti-social behaviour and the perceived threat of these.

Policy 47. The Effect of Development on Public Services

1. Development will be granted planning permission provided that infrastructure, facilities and services exist, or can be provided via the development, which will allow the development to proceed without an unacceptable adverse impact on existing provision.
2. Development likely to cater or provide accommodation for users of publicly-provided support services, including but not limited to mental health services, substance misuse treatment and adult social care, will only be permitted where it is clearly demonstrated that:
 - i) a need for the development exists arising from the requirements of people already ordinarily resident in Blackburn with Darwen or of Blackburn with Darwen service users currently receiving service outside the authority area;
 - ii) where the development consists of a facility directly providing a support service, the nature and scale of the facility is in line with the Council’s commissioning strategies, such that resources are likely to be available to refer individuals to the facility and it can be reasonably expected that people already ordinarily resident in Blackburn with Darwen, or Blackburn with Darwen service users currently receiving service outside the authority area will be the principal users of the facility; and
 - iii) the development will not lead to an increase in the level of demand for any publicly-provided support service, to an extent that is likely to result in a deterioration of the level of service available to existing users.

The Council and its partners are keen to focus on meeting local needs in the first instance, and to ensure that the proportion of their overall resources directed towards providing support services are kept under control.

Supplementary Planning Guidance Note – Residential Institutions

Further guidance on planning policies and proposals that expand upon or provide further detail to higher level policy documents such as the core strategy and the saved local plan. The development of residential and supported accommodation for vulnerable people will be in appropriate premises and locations subject to:

- The proposal should be located within a Primary Residential Area or other appropriate locality, offering an acceptable level of residential amenity;

- The design of any building, extension or alterations will be expected to be in character with and complement existing neighbouring development and/or the existing building;
- The property should be large enough to provide the facilities required by the registration authorities (cooking facilities, bathrooms, dining and communal facilities) without the need for any substantial extensions which would have a detrimental effect on the area, the amenity or neighbouring properties or the character of the property or locality;
- The conversion of a terraced house or one of a pair of semi-detached houses or a detached property closely abutting or linked to its neighbours will be considered unsuitable;
- The premises should be located near to or enjoy safe and convenient access to facilities such as shops and public transport;
- There should be adequate, convenient and accessible parking space within the curtilage to comply with the Council's adopted parking standards without adverse effect on neighbouring properties or the character of the locality;
- The property must have open garden areas (or areas capable of conversion to garden or open space use) which are accessible, suitable and sufficiently attractive for use by residents.
- The use of the property shall ensure sufficient privacy and allow 'quiet enjoyment' for both the proposed tenants and their neighbours.

Local Plan Review

Blackburn with Darwen Borough Council is reviewing their current adopted local plans, specifically, the Core Strategy (adopted 2011) and the Site Allocations and Development Management policies (adopted 2015). The Local Plan review will lead to a new local plan to replace the existing adopted plans, and will cover the period till 2037.

A draft Local Plan is scheduled to be consulted on under Regulation 18 in January 2021 with further subsequent consultation on the plan at Publication stage (Regulation 19) with a view to submitting the plan for examination in January 2022.

Specific Advice

Where can I locate vulnerable peoples' residential and supported accommodation?

Sites should have regard to the effect on neighbours and the availability of local amenities. Detached properties are more suitable in a more secluded situation. The site will need suitable vehicle access and enable emergency vehicles, ie ambulances and fire engines easy access.

What about car parking?

It is recognised that residential and supported accommodation require more car parking than dwelling houses of a comparable size. This is because of the number of staff members who are likely to be working at the property at any one time, but also because of the potential for visits from other professional support workers.

On this basis, proposals for residential and supported accommodation will only be supported where adequate car parking provision is available to meet the needs of the use. On-street parking provision will be taken into consideration where it is available and not subject to excessive pressure.

When considering parking availability, due regard will be given to the care ratio, the needs of the service users accommodated, the operational model of the home, the nature of the surrounding area and the presence of any parking restrictions on-street. In essence, each proposal will be considered on its own particular merits.

How do I demonstrate a local need?

The Council's Adult Social Care Services Team is consulted on all planning applications for residential and supported accommodation. The team monitors demand and provision on a regular basis and so is able to advise on levels of local need. Before applying for planning permission for a residential and supported accommodation, including homeless provision, applicants are strongly advised to consult the Council's Commissioning Team: contractsandquality@blackburn.gov.uk for further information with regard to need.

What do I need to include in my Management Plan?

A Management Plan must be submitted with all applications for planning permission for residential and supported accommodation use.

The following questions can be used as a guide to help prepare your management plan:

- How many people would be accommodated?
- What are the needs of the individuals who it is proposed to live their – e.g. requirement for quiet accommodation, space, accessibility, complex and or risky behaviours
- What is the ratio of staff to service users that is required, i.e. delivery model?
- What is the likely level of need of the people accommodated, i.e. is there a focus on complex needs?
- What is the likely shift pattern of staff, i.e. how many staff (management and care staff) would likely be at the premises at any one time and when would shift changes occur?
- What support officers would be likely to visit the property?
- How would visits be scheduled and would staff/support-worker meetings take

place at the property?

- Would therapeutic care be offered on site?
- Would case reviews take place on or off-site?
- Are friends and relatives of residents able to visit at any one time?
- Will the property be CQC registered?
- Will the property be registered on the relevant Council's Commissioning Framework?
- Under what circumstances are people allowed to leave the property?
- Would staff members be informed/aware if a service user left the property?
- Is there a curfew?
- What security provisions are proposed e.g. security and access controls on doors?
- Would CCTV be installed?
- How would local residents know how to raise a concern in the event of an issue?
- How will the service work with other professional and voluntary services in BwD?

What other changes might I be expected to make to a property?

It is recognised that many vulnerable people who require accommodation in residential and supported accommodation may have challenging needs and behaviours, and it is important that any risks are effectively managed. It is also important that the amenities of neighbours are appropriately protected, the following measures may be required:

- Installation of sound-proofing to protect party walls;
- Provision of appropriate boundary treatments to garden areas;
- Installation of CCTV

How will Blackburn With Darwen Borough Council ensure that new residential and supported accommodation provision will meet local need?

A crucial aspect of the Council's strategy is the need to ensure that local people can be accommodated in the local area. This is important to enable them to maintain links with family and friends, retain medical and other support services referrals as necessary. The decision regarding whether the provision meets need in BwD should be agreed by the Adult Services Commissioning Team.

In order to ensure that new provision is available to meet the needs of local people, the Council will expect all applicants to enter into a Section 106 Legal Agreement before planning permission is granted.

What is a Section 106 Legal Agreement?

A legal agreement under the 1990 Town and Country Planning Act is between the applicant and the Council, however it also relates to the property in question i.e. it is the same as when planning permission is granted which relates to the land or property rather than a person. This means that any successors in title would be equally bound by the requirements of the agreement. The agreement would specify that the property in question can only be occupied on a residential basis by people either placed by Blackburn With Darwen Borough Council or with the written agreement of Blackburn With Darwen Adult Social Services Department.

The rationale behind this is to ensure that sufficient provision exists locally to meet the Council's needs, but also to provide enough flexibility for applicants to operate on a viable basis.

What will happen when the local need is met?

It is acknowledged that the local need for vulnerable peoples' residential and supported accommodation within the borough is dynamic, and will change over time. However, the local planning authority will be guided by colleagues in Adult Social Services who will monitor the level of provision locally against the level of need that is emerging. If the Council reaches a point where the new provision does not meet the strategic needs of the authority or there is an overprovision, applications for planning permission are likely to be refused in accordance with the relevant local planning policy. As such, applicants are strongly recommended to contact the Council for pre-application advice prior to submitting a formal planning application.

Further Information

Pre-Application Advisory Service

The Council offers a formal pre-application advisory service. Applicant's wishing to open a new residential and supported accommodation are strongly advised to take advantage of this service to establish the likelihood of obtaining planning permission for their proposal and to understand any specific requirements that may be necessary.

Details of this service can be found on this link:

<https://www.blackburn.gov.uk/planning/planning-permission-applications/planning-permission-application-advice/pre-application>

Public Consultation

As this document is not a supplementary planning document, and only an advice

note, to provide clarification and information on the Council's approach to dealing with applications for residential and supported accommodation, no public consultation has been undertaken on its content.

Sustainability Appraisal

The adopted Core Strategy and Local Plan Part 2, have been subject to a sustainability appraisal. In addition, the emerging new local plan, will be subject to a sustainability appraisal prior to adoption. As such, no separate sustainability appraisal has been carried out for this advice note.

Habitat Regulations Assessment

Given the purpose, content and scope of this advice note, it is not considered to trigger a requirement for a Habitats Regulation Assessment (HRA).

Useful contacts

Planning Service (Development Management) – planning@blackburn.gov.uk

Commissioning Team - contractsandquality@blackburn.gov.uk

Housing Needs Team – housingneeds@blackburn.gov.uk

Agenda Item 6

ORIGINATING DIVISION: HIGHWAYS AND TRANSPORTATION

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

DATE: 21st January 2021

TITLE: Diversion of Public Footpath 2 Yate & Pickup Bank

WARD: West Pennine **COUNCILLORS:** Colin Rigby
Jean Rigby
Julie Slater

1.0 PURPOSE OF THE REPORT

The purpose of the report is to seek committee approval for a public path order under the Town & Country Planning Act 1990, Section 257 to divert public footpath 2, Yate & Pickup Bank

2.0 BACKGROUND AND DETAILS

On the 4th March 2020 the Council granted planning permission for an extension link between the dwelling house and garage of The Coach House Woodhead, Belthorn Road, Belthorn. (Application 10/19/1113)

Public Footpath 2 Yate & Pickup Bank passes through the grounds of the Coach House crossing the line of the proposed extension link. In order that the development can be implemented as per the planning approval, it is necessary that this section of PF 2 Yate & Pickup Bank is diverted. In this respect, the Council has received an application from the owner of the Coach House to divert the section of the footpath affected.

Under the Council's Constitution this Committee has '*The power to create, divert, stop up, extinguish and reclassify footpaths and bridleways and the power to make orders and enter agreements in relation to the same*'

The Committee therefore has to consider whether, or not, to promote the Order requested by the applicant. In order to assist members in making this decision, officers have prepared a detailed report with the necessary information to enable an informed decision to be made.

3.0 LEGAL

The relevant legislation is the Town & Country Planning Act 1990, Section 257.

4.0 IMPLICATIONS

Customer	None
Financial	the Applicants will meet the cost of the diversions.
Anti-poverty	None
Crime and Disorder	None

5.0 RECOMMENDATION

It is the officer's recommendation that the legislative criteria have been met and that the committee should resolve to Promote the Order and authorise the Director of HR Legal & Governance to progress the necessary legal orders.

6.0 BACKGROUND PAPERS: Attached detailed report

7.0 CONTACT OFFICERS: George Bell

8.0 DATE PREPARED: 6th January 2021

Town and Country Planning Act 1990, Section 257

Wildlife and Countryside Act 1981 Section 53A

Application for Public Path Diversion Order

Diversion of Public Footpath 2 Yate & Pickup Bank

1. Introduction

- 1.1 This report seeks to assist the members of Planning and Highways Committee in their determination of an application to divert public footpath 2 Yate & Pickup Bank under Section 257 of the Town and Country Planning Act 1990.

2. Background

- 2.1 The Council is both the Planning Authority and the Highway & Surveying Authority for the area within which the public footpath proposed for diversion lies.
- 2.2 The Council received an application for planning permission for an extension link between the dwelling house and garage of The Coach House Woodhead, Belthorn Road Belthorn Blackburn BB1 2NP. This is registered under application reference 10/19/1113 and planning permission was granted on the 4th March 2020.
- 2.3 Public Footpath 2 Yate & Pickup Bank currently runs between the dwelling house and garage and, consequently, the proposed extension link cuts across the alignment of Public Footpaths 2 Yate & Pickup Bank that would therefore necessitate its diversion if the development were to proceed.
- 2.4 The Council initially received an application requesting the diversion of Public Footpaths 2 Yate & Pickup Bank from the developer dated 26th November 2019 and subsequent to planning permission being granted received a revised application dated 29th January 2020.
- 2.5 This report seeks to address those matters being put before members of the Committee, namely the application for the public path order to divert the path as shown on the plan attached to this report.
- 2.6 It seeks to advise members of the Committee of the outcome of non-statutory consultations, and an assessment against the relevant legislative criteria, thus enabling them to consider whether, or not to promote the Order requested.

3. Legislative Criteria

- 3.1 Paragraph 7.2 of 'Rights of Way Circular 01/09 - Guidance for Local Authorities', published by Defra (Department for Environment, Food and Rural Affairs), re-confirms that:

'The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered.'

- 3.2 The Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) provides that development affecting a public right of way must be advertised in

a local newspaper and by posting a notice on the site, as part of the planning application process. This is entirely separate from any notices and advertisements required when making and confirming a subsequent extinguishment or diversion order.

- 3.3 Section 257 of the Town and Country Planning Act 1990 Act gives local planning authorities the power to make orders to extinguish or divert footpaths, bridleways or restricted byways where it is necessary to enable development for which planning permission has been granted.
- 3.4 The Wildlife and Countryside Act 1981 Section 53A gives the local Surveying Authority the powers to add additional rights to the definitive map and statement.

4. Assessment against the Legislative Criteria

- 4.1 With regard to the residential development, the decision whether or not to promote a Public Path Diversion Order is discretionary and does not follow on automatically from the granting of planning permission. There may however be a reasonable expectation, on the part of applicants, that if the Planning Authority has granted planning permission, having considered the impact that the development will have on rights of way across the site as part of that process, they will subsequently be supportive of an application to divert the paths concerned.
- 4.2 The effect of the proposed development on the public right of way is a material consideration in the determination of the planning application, and therefore should have been considered as part of this process. It is however possible that such matters, so far as they relate to the proposed diversion, may be re-opened, should any Order be subject to duly lodged objections as part of the statutory process.
- 4.3 Under Section 257 of the 1990 Act, for the purposes of determining the applications for the Public Path Diversion Orders the Authority must be satisfied that:
 - a) there is a valid planning consent in place; and
 - b) in order to enable the approved development to take place, it is necessary to divert the public right of way.
- 4.4 With regard to the first of the criteria, as indicated above, planning consent has been granted by the Planning Authority.
- 4.5 The plan for the proposed extension link shows that the current Definitive Map alignment of the FP2 will be crossed and, as such, totally cut off by its construction.
- 4.6 As a result, in order to enable the approved development to take place, it is safe to say that the diversion of FP2 is necessary.

5. Consultations

- 5.1 Non-statutory consultations have been undertaken with all user/interest groups and one objection has been received in respect of the proposals.
- 5.2 The one objection received was from the plant protection team at Cadent Gas.
- 5.3 The reason for the objection is that of right of access to gas apparatus for future maintenance works. In this regard, the gas records which the council has access to show that the gas main in this area runs along the line of footpath 97 which is unaffected by this proposed diversion.

As such, it is believed that the right of access to gas apparatus for future maintenance works will be unaffected by the proposed diversion with existing access rights remaining.

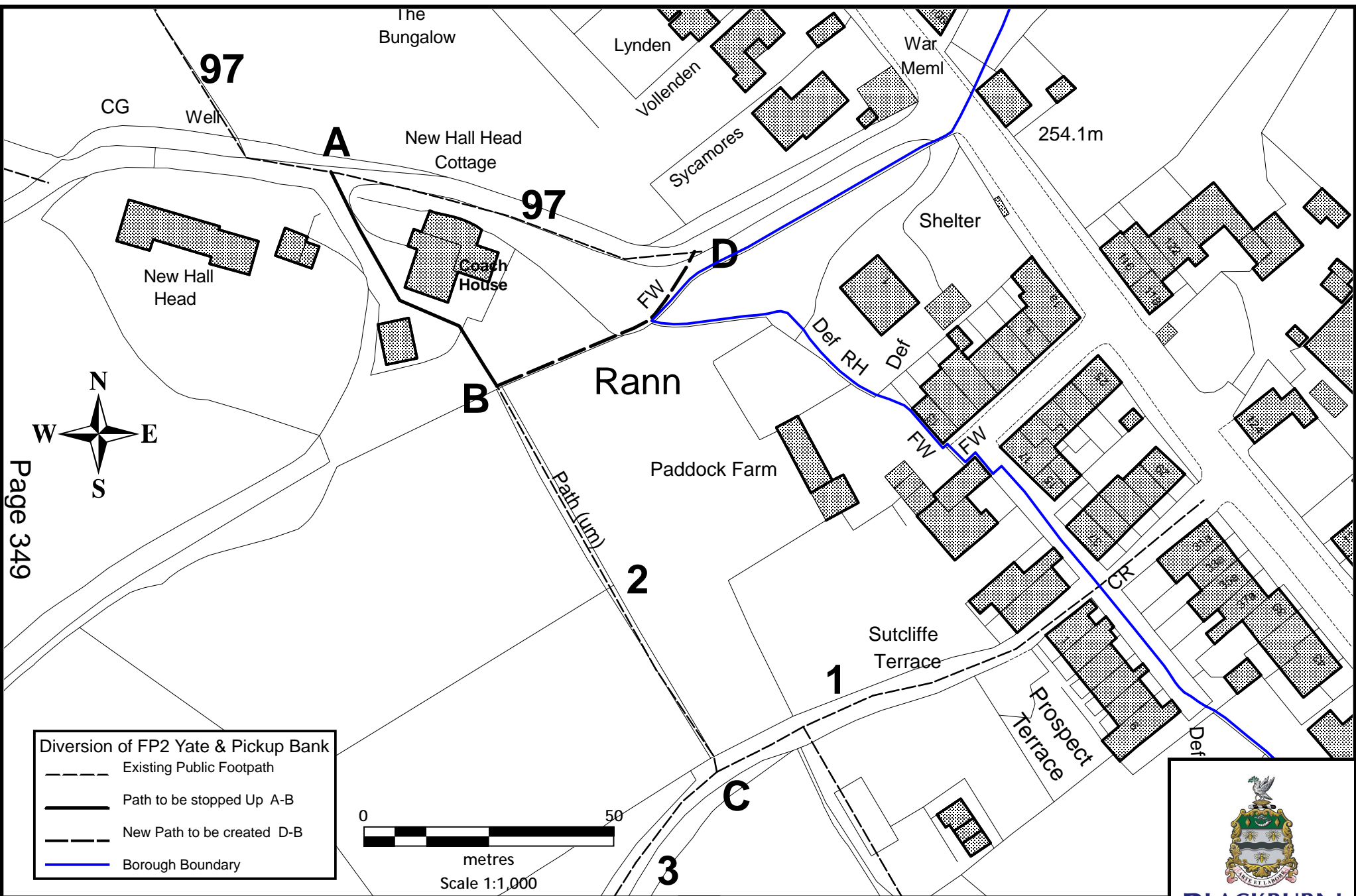
- 5.4 Much of the rest of the objection letter from Cadent relates to contractor responsibility for plant protection affected by the proposed activities. In this respect, there are no physical works being undertaken related to the proposed diversion, merely the removal of a public right of way that is to be subsequently rerouted over a diversion route that has been in place for some time. Any subsequent physical building works within the curtilage of the Coach House premises is not the subject of this proposed diversion order.
- 5.5 A response has been sent to Cadent Gas explaining that in the council's view their right of access is unaffected and therefore requesting that they withdraw their objection. At the time of writing this report there has, as yet, been no response from Cadent.
- 5.6 Notwithstanding the above, should members be minded to approve this application and approve proceeding with the formal legal process, Cadent Gas, together with all the other statutory consultees, would receive the formal statutory legal consultation which would give them the opportunity to formally object should they wish to do so.

6. Decision Required

- 6.1 If, having considered all of the relevant information, Committee is minded to approve the application to divert the public footpath shown on the plan, they should resolve that:
- a) A Public Path Diversion Order be made pursuant to Section 257 of the Town and Country Planning Act 1990 to divert Public Footpath Number 2 Yate & Pickup Bank as shown on the attached plan.
 - b) if no objections are duly lodged, the Authority confirm the Orders;
- or
- c) if objections are duly lodged, and not subsequently withdrawn, the Orders be passed to the Secretary of State for confirmation.
- 6.2 If, having considered all of the relevant information, the Committee is minded to refuse the application, the applicant should be advised of this decision, and that there are no rights of appeal.

7. Recommendation

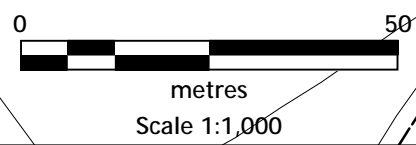
- 7.1 Whilst the Authority (Planning and Highways Committee) must make its own decision whether or not to promote the requested Order, it is the view of officers that the legislative tests appear to be satisfied, and therefore the Order may be promoted and 'made'.



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Diversion of FP2 Yate & Pickup Bank

- Existing Public Footpath
- Path to be stopped Up A-B
- New Path to be created D-B
- Borough Boundary



**THE BOROUGH OF BLACKBURN with DARWEN
FP 2 YATE & PICKUP BANK
DIVERSION ORDER 2021**

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