

# Public Document Pack

## Planning and Highways Committee

Thursday, 17th June, 2021  
6.30 pm  
King Georges Hall, Northgate

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### AGENDA

- |     |                                                                                                |              |
|-----|------------------------------------------------------------------------------------------------|--------------|
| 1.  | Welcome and Apologies                                                                          |              |
| 2.  | Minutes of the Previous Meeting                                                                |              |
|     | Minutes of Previous Meeting                                                                    | 3 - 6        |
| 3.  | Declaration of Interest                                                                        |              |
|     | Declaration of Interest Form                                                                   | 7            |
|     | Material Considerations                                                                        | 8 - 9        |
| 4.  | Planning Applications for Determination                                                        |              |
|     | Agenda                                                                                         | 10 - 11      |
| 4.1 | Planning Application 10/20/0709                                                                |              |
|     | Jamiatul Iilm Wal Huda, Moss Street, Blackburn                                                 | 12 - 27      |
| 4.2 | Planning Application 10/20/0934                                                                |              |
|     | Land to the North and South of Fishmoor Drive and<br>Land to the East of Roman Road, Blackburn | 28 - 40      |
| 4.3 | Planning Application 10/21/0115                                                                |              |
|     | Glendale Farm, Tockholes Road, Darwen                                                          | 41 - 56      |
| 4.4 | Planning Application 10/21/0277                                                                |              |
|     | Land off Lomond Gardens, Blackburn                                                             | 57 - 118     |
| 4.5 | Planning Application 10/21/0477                                                                |              |
|     | Town Hall, King William Street, Blackburn                                                      | 119 -<br>127 |
| 5.  | Appeals Monitoring Report                                                                      |              |

To present Members with an update of recently decided appeals since the last monitoring report in October 2020.

<b>Report</b>	<b>128 -</b>
<b>Appeal monitoring decisions report - Planning committee meeting 17th June 2021.pdf</b>	<b>133</b>

**6. Tree Preservation Order - Oak Tree Barn off Greens Arms Road, Chapeltown Turton (ref: N30)**

To request that the Committee endorse the actions of the Council's Arboricultural Officer/Planning Manager (Development Management) in making and serving the Oak Tree Barn off Greens Arms Road, Chapeltown Turton Tree Preservation Order 2021.

To request that the Committee confirm Oak Tree Barn off Greens Arms Road, Chapeltown Turton 2021 Tree Preservation Order (ref: N30) without modification..

<b>Confirmation of TPO - Oak Tree Barn 17th June 2021</b>	<b>134 -</b>
<b>Oak Tree Barn - TPO Site Plan</b>	<b>141</b>
<b>TPO Schedule 1 Spec</b>	

**PART 2 - THE PRESS AND PUBLIC MAY BE EXCLUDED DURING CONSIDERATION OF THE FOLLOWING ITEMS**

**7. Planning Enforcement Update Report**

This report is to present to Members an overview of planning enforcement matters. The list of cases included in this report are in the main a list of cases where formal enforcement action is being taken and is not a list of every case, complaint or enquiry being dealt with.

<b>Planning Enforcement Update Report</b>	<b>142 -</b>
<b>Enforcement Update Report June 2021</b>	<b>150</b>

Date Published: Wednesday, 09 June 2021  
Denise Park, Chief Executive

# Agenda Item 2

## PLANNING AND HIGHWAYS COMMITTEE

### Thursday, 27 May 2021

**PRESENT** – Councillors, Councillor David Smith (Chair), Akhtar, Casey, Khonat, Slater, Jan-Virmani, Riley, Browne, Marrow, Desai, Brookfield and Mahmood.

**OFFICERS** – Gavin Prescott, Safina Alam, Asad Laher, Rabia Saghir, Paul Withington, Shannon Gardiner

## RESOLUTIONS

### 1 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Councillor Zamir Khan and was substituted by Councillor Quesir Mahmood and Councillor Dave Harling who was substituted by Councillor Stephanie Brookfield.

### 2 **Minutes of the Previous Meeting**

That the minutes of the previous meeting held on 15<sup>th</sup> April 2021 be confirmed and signed as a correct record.

### 3 **Declaration of Interest**

**RESOLVED** – There were no Declarations of Interest received.

### 4 **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.

#### 4.1 **Planning Application 20/0760**

**Speaker** – Mr Arshed Dadhiwala (Objector)

**Applicant** – Mr Zahim Khan

**Location and Proposed Development** – Audley Sports and Community Centre, Chester Street, Blackburn, BB1 1DW

Full Planning Application for: Erection of single storey deli-bar takeaway cabin (Use Class A5)

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

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

#### **4.2 Planning Application 21/0122**

**Speakers** – *Cllr Neil Slater (Objector)*  
*Mr Phil Robinson (Applicant)*

**Applicant – McDermott Homes**

**Location and Proposed Development** – Land at Ellison Fold Way, Darwen, BB3 3ED.

Proposed development: Full Planning Application for: Erection of 343 dwellings with associated works including car parking, landscaping and open space.

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

A named vote was requested and voting was recorded as follows:

***For***

Cllrs Smith, Akhtar, Casey, Desai, Brookfield, Jan-Virmani, Mahmood, Khonat, Riley

***Against***

Cllrs Russel, Browne, Marrow, Slater

**RESOLVED** – Approved subject to the conditions highlighted in the Director's report and the Update report and as an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £1,500,000; plus a monitoring fee of £15,000.

Payments are to be phased over a 4 year period and relating to:

- £100,000 for Green Infrastructure
- £642,500 for Highways
- £742,500 for Education
- And £15,000 for monitoring fees

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

#### **4.3 Planning Application 21/0137**

**Applicant – Mr Czutkwona**

**Location and Proposed Development** – Wayoh Barn, Blackburn Road, Edgworth, Bolton, BL7 0PZ

Proposed development: Removal of Condition / Minor Material Amendment for Removal of Condition No.9, pursuant to planning application 10/20/0464 - Approval of reserved matters for appearance, landscaping, layout and scale

for 5No dwellings, pursuant to outline permission 10/18/0183 - "to allow permitted development rights"

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

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

**4.4 Planning Application 21/0278**

**Applicant** – Kier Living Ltd

**Location and Proposed Development** – Land off Pole Lane, Darwen

Variation of Condition Nos 2, 4 and 6 pursuant to application 10/19/1209 - amendments of brick types, dividing fences between semi-detached plots, orientation of garage roof, all to Plots 8-31 and 39-85

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

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

**4.5 Planning Application 21/0343**

**Applicant** – Kingswood Homes

**Location and Proposed Development** – Land off Moorland Drive, Blackburn

Variation/Removal of Condition/Minor Material Amendment for Variation of Condition No.2 pursuant to Hybrid planning application 10/19/0662 seeking "full planning permission for residential development of 155 dwellings and outline planning permission with all matters reserved except for access for residential development for up to 280 dwellings" to amend site layout and make plot substitutions

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

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

**5 Diversion of Public Footpath 123 Blackburn**

A report was submitted to seek committee approval for a public path order under the Highways Act 1980, Section 119 to divert part of public footpath 123 Blackburn, at Milking Lane, Lower Darwen.

Blackburn with Darwen Borough Council (PROW) is continually reviewing the definitive map to correct errors and maintain the rights of the public to use the network. The route of footpath 123 is recorded as following Milking Lane, Lower Darwen. Milking Lane has long since been moved as part of the development providing approximate 300 houses and a school. To update the definitive map a legal order is required.

The legal route also goes through two front gardens and a fence line. Where the route has not been diverted when the houses were built.

This route no longer exists as recorded and requires amending and diverting to meet the current adjacent highway at Davy Field Road.

**RESOLVED – To Promote the Public Path Order.**

## **6      Petition**

Members were informed of the receipt of a petition received objecting to a current planning application (ref. 10/21/0277) proposing residential development of 30 homes, with associated infrastructure works at land off Lomond Gardens, Blackburn.

The planning application was received by the Local Planning Authority (LPA) on 15th March 2021. Neighbourhood consultation letters were sent out on 19th March 2021, to 165 addresses local to the application site. In addition, six site notices were displayed and a press notice was published in the Lancashire Telegraph on 29th March 2021. A second and wider consultation by letter was undertaken on 16th April 2021, to 205 addresses, following receipt of additional and amended information.

The Petition subject of this report was received by the LPA on 26th April 2021. The Petition objects to using Lomond Gardens to access the proposed housing development. As an alternative, it is suggested that an existing access off Green Lane is used. This access was constructed by Blackburn with Darwen Council as a temporary access to facilitate recent drainage works on the application site. The application proposes use of the access for construction traffic only, before being reinstated to its former condition, at the cost of the developer.

The petition contained 119 signatures which equates to a representation from all 88 homes on the Redrow Estate off Green Lane – ie. Lomond Gardens, Rannoch Drive, Solway Avenue, Torridon Close and Melfort Close.

**RESOLVED - That the petition be noted.**

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed

## DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

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

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

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

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

## Material Consideration

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Reasons for Decision

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

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



## BwD Council - Development Control

### General Reporting

**REPORT NAME:** Committee Agenda.

#### REPORT OF THE STRATEGIC DIRECTOR OF PLACE

#### 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, Planning Manager (Development Management) – Ext 5694.

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

#### PLANNING APPLICATIONS FOR DETERMINATION Date: 17/06/2021

Application No	Applicant	Site Address	Ward
Application Type			
10/20/0709	Mr H Saleh 30, Moss Street Blackburn BB1 5JT	Jamiatul Illm Wal Huda Moss Street Blackburn BB1 5JT	Audley & Queens Park Little Harwood & Whitebirk
Full Planning Application for Proposed three storey playing courts			

#### 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
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Full Planning Application (Regulation 4) for Demolition of one substation building and the erection of 383 dwellings and associated works

#### RECOMMENDATION: Permits

10/21/0115	Mr Lee Thompson Glendale Farm, Tockholes Road Tockholes Darwen BB3 0NR	Glendale Farm Tockholes Road Tockholes Darwen BB3 0NR	Darwen West
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Full Planning Application for Proposed All-Weather Equestrian Riding Surface with Timber Post & Rail Fence

#### RECOMMENDATION: Permits

Application No	Applicant	Site Address	Ward
Application Type			

10/21/0277

McDermott Homes Ltd  
Jupiter House  
Mercury Rise  
Altham Business Park  
Altham  
BB5 5BY

Land off Lomond Gardens  
Blackburn

Livesey With Pleasington  
Mill Hill & Moorgate

Full Planning Application (Regulation 4) for Residential development consisting of 30 dwellings and associated infrastructure works

**RECOMMENDATION: Permits**

10/21/0477

Blackburn with Darwen Borough Council  
One Cathedral Square  
Blackburn  
BB1 1FB

Town Hall  
King William Street  
Blackburn  
BB1 7DY

Blackburn Central

Listed Building Application (Regulation 3) for Remedial and renewal works to the Bay Roof projecting to the South facing Elevation to include increasing the diameter of the concealed downpipe within the left hand side (front view) Corinthian Column, renewing the outlets, roof finishes including flashing's/soakers and rainwater goods

**RECOMMENDATION: Grant**

## **REPORT OF THE STRATEGIC DIRECTOR**

**Plan No: 10/20/0709**

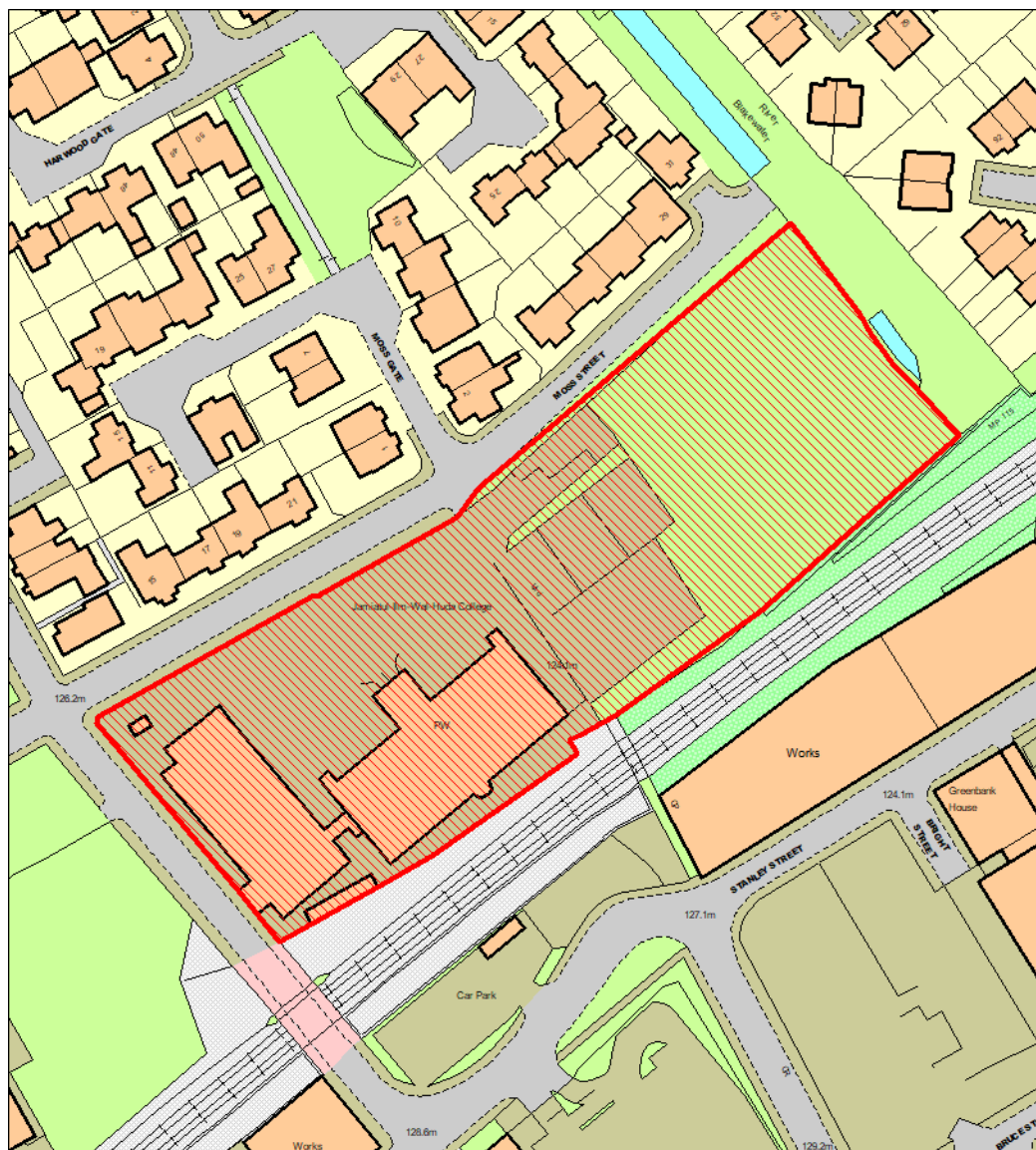
**Proposed development: Full Planning Application for Proposed three storey playing courts**

**Site address:**  
**Jamiatul Ilm Wal Huda**  
**Moss Street**  
**Blackburn**  
**BB1 5JT**

**Applicant: Mr H Saleh**

**Ward: Audley & Queens Park: Councillors Yusuf Jan-Virmani, Altaf Patel, Salim Sidat**

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



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 APPROVE the proposal, subject to the application of the conditions set out at section 4.1 of this report.

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

- 2.1 This application is before the Planning & Highways Committee as it relates to a major development based on the provision in excess of 1000m<sup>2</sup> of floor space. The proposal has also generated significant levels of public interest including the submission of a petition in support of the development containing 19 signatures. The petition was independently presented to the March 2021 meeting of the committee.
- 2.2 The proposed development will provide a high quality recreational facility to meet the needs of the educational uses on site, as well as the surrounding community. The proposal is satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through the conditions to be attached to the planning approval.

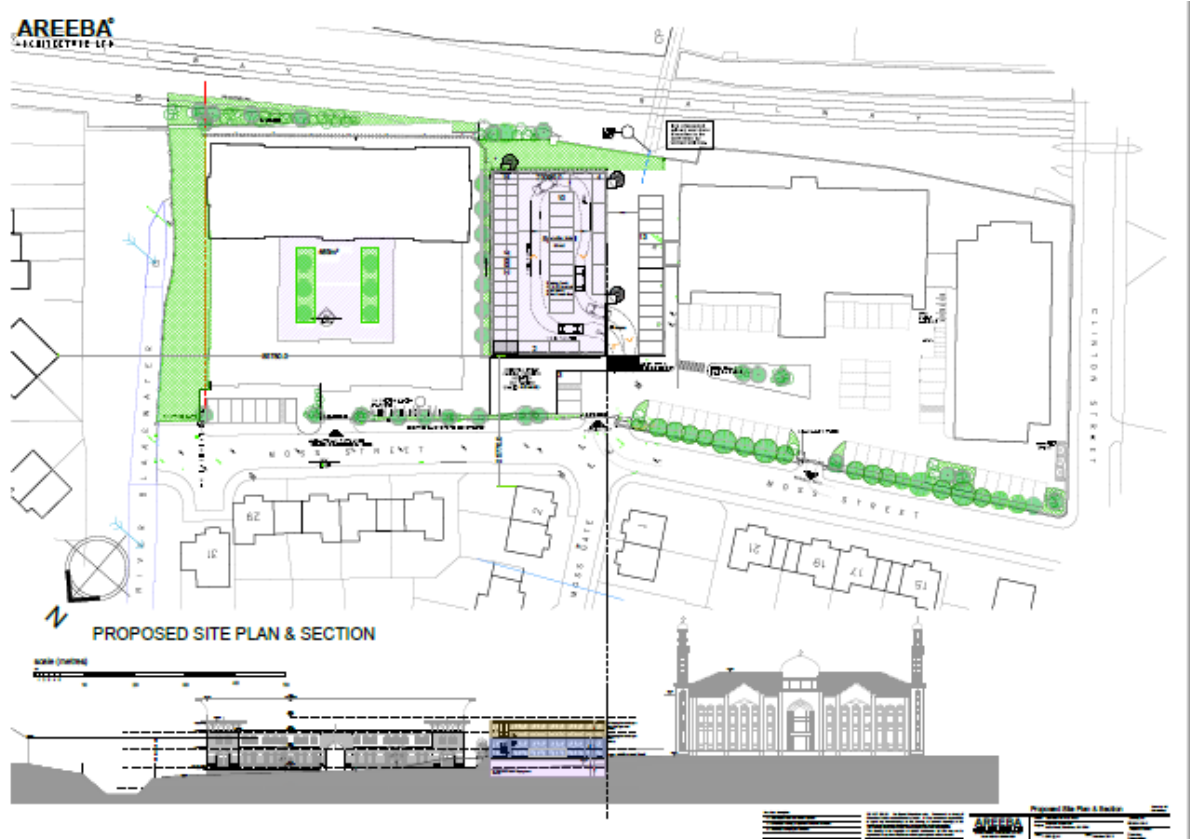
## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site is located within the urban area of Blackburn, approximately 1km east of Blackburn Town Centre area. The site forms part of a larger Islamic Education Centre, Jamiatul Illm Wal Huda, which has separate buildings for male and female education and includes a live in boarding element. The male education facility incorporates a Mosque that is in general use by the local community. Existing buildings on the site are of traditional Islamic design, being of large proportionality and incorporating design features such as arched windows, gable frontages, a dome and minarets.
- 3.1.2 The application site is centrally located on the plot, occupying an open area between buildings. It is currently in use as an external play space, split into 4 sports courts, used in connection with the existing school facilities for both recreational and educational play. The site is flat and hard surfaced, with 3m high ball stop mesh fencing to its perimeter. The sports courts are dual use, acting as a temporary car park (45 spaces) for worshippers that attend the Mosque for the main Friday Jumma Prayer. The temporary car park facility is resultant from planning approval of the girls boarding school (10/13/0557) and ensures that appropriate levels of parking on the site are maintained during peak demand.
- 3.1.3 The site is within a mixed residential/ commercial area. It is bound by a rail corridor with employment buildings beyond to the south, and modern brick/ tile two storey detached/ semi detached and mews typed dwellings to the north and east.

### 3.2 Proposed Development

- 3.2.1 The proposal seeks to remove a group of existing external play courts and develop a 3 storey open sided playing courts serve both the boy's and girl's school on site.
- 3.2.2 The new structure measures circa 23m x 37m and will have an overall height of 11m.
- 3.2.3 The structure has been designed to pick up on aspects of the Islamic architectural style of the other buildings within the site, using a simple steel frame set behind a perforated metal cladding. The cladding is 3 dimensional with a coloured (to be determined) triangular shaped pattern that stands proud of a grey perforated screen. This provides a transparent skin around the structure that is intended to lighten the mass of the building. Two new spiral staircases to the side elevations provide external circulation to all floors.



Amended site plan drawing received 18<sup>th</sup> February 2021:

- 3.2.4 The new site layout provides for an additional 13 permanent car parking spaces on hardstanding to the south east of the playing courts. This is complemented by the provision of a further 30 temporary spaces within the lower ground floor of the playing courts. The submission indicates that the 43 additional spaces will provide for overspill parking during Friday Jumma Prayer within the adjacent mosque facility.

### **3.3 Development Plan**

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on Local Planning Authorities to determine planning applications in accordance with the Development Plan unless there are material reasons to indicate otherwise. 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
- CS11 – Facilities and Services
- CS16 – Form and Design of New Development
- CS22 – Accessibility Strategy

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

- Policy 1 – The Urban Boundary
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design

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

#### **3.4.1 National Planning Policy Framework (NPPF)**

Paragraph 8 of the NPPF confirms that sustainable development comprises of three principle dimensions - namely economic, social and environmental. Paragraphs 10 and 11 of the NPPF confirms that the presumption in favour of sustainable development is at the very heart of the Framework

3.4.2 Section 8 relates to ‘Promoting healthy and safe communities’. Requirements include the promotion of social interaction, safe and accessible development to enable and support healthy lifestyles. Paragraph 94 indicates that Local Planning Authorities should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications. Paragraph 96. Emphasises the need for access to a network of high quality open spaces and opportunities for sport as physical activity is important for the health and well being of communities.

3.4.3 Other sections of particular interest to the assessment of the proposal include; Section 9: Promoting sustainable transport; Section 12: Achieving well designed places; and Section 14: Meeting the challenge of climate change’.

### **3.5 Assessment**

#### **3.5.1 Principle of Development:**

The National Planning Policy Framework (NPPF) states that planning decisions should plan positively for the provision and use of community facilities (Paragraph 92a). The provision of the additional facilities within the school grounds would therefore be acceptable in principle, subject to its being in accordance with policies specific to the proposal and its location.

3.5.2 Policy CS11 of the Core Strategy supports the expansion and enhancement of public facilities available in the Borough. The policy advocates facilities and services being co-located, where possible, so as to create 'community hubs' providing a range of services in one place. Furthermore, the policy identifies schools as an appropriate location to create community hubs.

3.5.3 Given the above policy context, the Council's understanding of the existing mix of religious and educational uses at the site and the desire to provide a recreational facility that could serve the local area as well as meeting the school's requirements, the principle of development can be supported.

#### **3.5.4 Design/ Appearance:**

With regards to design, Local Plan Policy 11 is of relevance and requires design to be of a high standard and to respect the character and appearance of the locality. This ethos is reflected within Core Strategy Policy CS16. The NPPF, at section 12, also attaches great importance to the design of the built environment, seeing it as a key aspect of sustainable development.

3.5.5 The immediate setting of the site has no coherent architectural style and includes a wide palette of building materials. The area to the south and east is characterised by a mix of modern and older industrial premises, constructed in a range of materials. To the north and west of the site are late twentieth century housing developments constructed in red and buff brick with concrete roof tile. The buildings within the site are primarily constructed in buff brick and include elements that reflect key aspects of Islamic architecture, including domes, minarets and arched detailing.

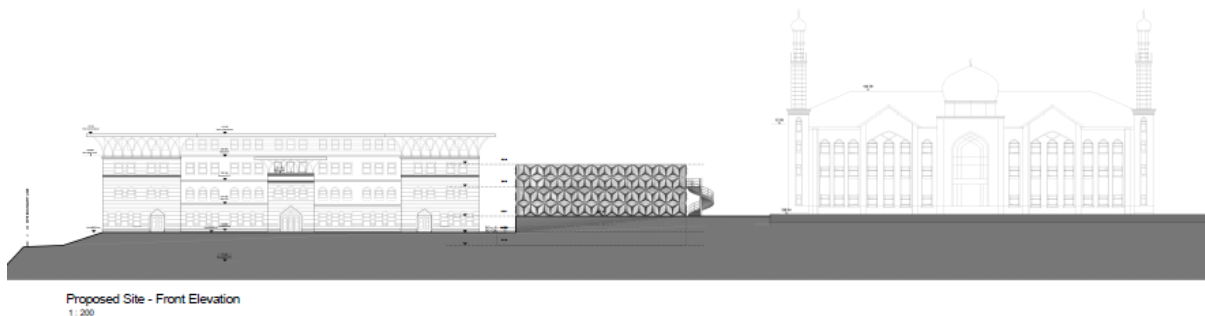
3.5.6 The new building at 11m in height is approximately 4m lower than the girl's school building that sits to its west, and 6m and 10m below the eaves and ridge heights of the boys school building to the east. Thus when viewed from the south the building would clearly be secondary to the adjoining structures. In contrast, when viewing the proposal from Moss St the new structure will project forward circa 10m from the principal elevation of the boys school building, which serves to increase its profile. However, on balance, this is considered to be without detriment to the overall character and appearance of the locality as this relationship would be similar to that of the existing block that occupies a prominent position at the corner of Moss St and Clinton St

3.5.7 The overall size and form of the new building is driven by the functional requirement to accommodate sports courts to meet the needs of the schools

operating from the site. Whilst utilitarian, the new structure is enhanced by the external facades having perforated metal architectural screening, “*comprising of a single panel type tessellated across the façade, with a perforated architectural screen/mesh juxtaposed to create visually interesting layered architecture*” (section 3.1 of submitted Design and Access Statement). It is considered that the façade treatment serves to add visual interest to the building and ensures it makes a positive contribution to the overall street scene.



Images of the proposed building set in the context of its surroundings, and proposed material:



Extract from proposed front site elevation drawing received 29<sup>th</sup> July 2020:

3.5.8 In summary, the design and visual appearance of the development harmonises effectively with the Islamic architecture of existing buildings on the site, forming a sympathetic yet contemporary addition to the larger school campus. Design is therefore considered acceptable, in accordance with policy 11 and CS16.

#### 3.5.9 Residential Amenity:

Policy 8 (part ii) of the Local Plan Part 2 requires developments to secure satisfactory amenity levels for surrounding residents and future occupants, with reference to matters including privacy, relationship of buildings, light and noise.

3.5.10 With regard to the relationship between buildings, it should be noted that the Council does not have any prescribed minimum separation distances between dwellings and community buildings, such as schools. However, minimum distances of 21m between habitable room windows of 2 storey dwellings are identified within the residential design guide. An additional 3m separation should be provided for every storey difference in height created by design or land level differences. The new structure would be circa 26m from the nearest residential property at no.2 Moss Gate. Thus the separation is comparable to the requirements of the residential design guide and would indicate that there would be no detriment to amenity standards arising from loss of privacy/overlooking and the relationship between buildings.

3.5.11 The main threat to the loss of amenity for surrounding uses is related to noise from users of the new playing courts. Members will note that the petition of support for the application dismisses noise concerns. Nonetheless the application is supplemented by a noise report and a supplementary noise

report produced to address initial concerns offered by the Council's Public Protection team.

3.5.12 The reports confirm that the neighbouring properties to the north of the site already experience children playing on the existing facility and many of the households are involved with the school and the mosque. Previous monitoring undertaken by the applicant's consultant along with a literature review have identified typical sound levels from sports facilities including five-a-side, hockey and large football pitches identifying a worse-case sound level.

3.5.13 Utilising the above sound level's the impact on the nearby properties has been identified and shown to be above those levels typically used by Lancashire authorities and detailed previous in earlier reports. As such additional measures have been incorporated into the design in the form of an 8mm transparent Perspex sheet, Rw 32dB to reduce the impact of the site on the neighbouring properties. The sheeting is proposed along the end façade facing the properties and over 50% of the side walls to the ground and first floor levels. This sheeting will reduce the impact to below that recommended and is also likely to improve the current situation and use of the area and lower the sound levels further. As such, the development will result in a No Observe Effect on the future residents in line with the Noise Policy Statement for England. Subject to those requirements the development will meet the objectives of the National Planning Policy Framework in ensuring that no significant adverse impact is experienced by the future residents. The development is therefore considered to be acceptable in terms of noise.

3.5.14 The Public Protection team have removed their noise based objection to the proposal subject to the following conditions;

- The multi-storey MUGA acoustic barrier proposed by the applicant shall be installed in accordance with the details provided in the 'Acoustic Assessment for a proposed playing courts at Rawdhatul Uloom, Moss Street, Blackburn, BB1 5JT'.dated March, 2021(Revised) – Report No. 2002-3.
- Hours of use restriction limited to 9am to 9pm, daily

3.5.15 The Public Protection team have also identified the need to address the potential loss of amenity to neighbouring premises due to light spilling from the development. The applicant has submitted a light report, though the document does not provide full details of the precise location and illuminance of the new lighting and it is therefore necessary to control lighting via a suitably worded condition.

3.5.16 Further conditions relating to; dust management during construction, construction hours restriction and standard land contamination conditions are also to be imposed. Subject to those requirements the development is considered to safeguard appropriate amenity standards for neighbouring uses and future occupants, and thus compliance with Policy 8 is achieved.

### 3.5.17 Highway Issues:

Local Plan Policy 10: Accessibility and Transport, is the principle consideration in terms of highway issues. Amongst other considerations the policy requires development to be accessible by sustainable modes of transport and the parking needs of the development, in accordance with the Council's adopted standards, to be met

3.5.18 The site currently accommodates parking for both the boys and girls schools, as well as the mosque. Having reviewed the application details for the development of the girls' school (application 10/13/0557) it is noted that the case officer at the time identified an overall requirement across the site of 106 spaces based on the Council's adopted parking standards. The provision of 107 spaces was ultimately accepted; 62 permanent and 45 temporary spaces within the sport courts.

3.5.18 The submitted transport statement indicates that the overall parking requirement for the site will remain unaltered given the proposed development will replace the existing playing courts and will primarily be for use by the existing boys and girls' schools within the site.

3.5.19 The initial submission failed to adequately detail where the replacement parking will be provided to meet the shortfall created by the loss of the existing 45 space overspill spaces within the playing courts. This prompted initial objection from the highway officer. The amended site plan provided February 18<sup>th</sup> 2021 details the provision of 15 permanent parking spaces on the area of hardstanding to the west of the site, adjacent to the side of the existing boy's school building. A further 30 spaces are shown to be provided on a temporary basis within the ground floor of the new playing courts.

3.5.20 The proposed parking would amount to a net loss of 2 spaces from the current level of provision. However, given that the assessment of the 2013 application on the site indicated an overprovision of 1 space the net position is in fact a deficit of 1 space from the adopted parking standards. Given the lack of any identified issues arising from the existing use of the site it is reasonable to conclude that the shortfall of 1 space will be without detriment to highway safety interests.

5.3.21 Notwithstanding the above, the highway officer has offered concern that the proposed layout of temporary parking spaces fails to provide for adequate manoeuvring for vehicles, which could be to the detriment of highway safety. It is proposed to address this issue by imposing a condition requiring a scheme for marshalling of the parking area to be agreed. This form of condition has been successfully imposed on other mosque developments within the borough previously. It is also necessary to impose a condition to ensure that the overspill parking area remains available for use during Friday Jumma Prayer in perpetuity.

5.3.22 Subject to the application of the suggested marshalling condition, the requirement to retain the overspill parking option in perpetuity and the

standard construction methods condition, the proposal is considered to meet the requirements of Policy 10 of the Local Plan

#### 5.3.23 Other Technical Issues:

The Council's drainage team have offered no objection to the application, subject to the use of a condition requiring a surface water scheme to be agreed prior to the commencement of development

5.2.24 The application initially prompted a holding objection from Network Rail due to the close proximity of a rail line to the south of the site and the possibility for conflict to arise due to the construction of the development. The applicant has worked directly with Network Rail to alleviate those concerns and the objection has since been lifted.

## 4.0 RECOMMENDATION

### 4.1 APPROVE 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 proposal received 5<sup>th</sup> February 2021 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. Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:
  - i) 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) Findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, including water courses, 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 and to prevent unacceptable levels of water pollution, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

4. 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.

5. 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.

6. The construction of the development hereby permitted shall only take place between the hours of 08:00 and 18:00 Monday to Friday, 09:00 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.

7. Earthworks and construction activity shall not commence until a dust management plan submitted by the developer has been agreed in writing with Blackburn with Darwen Borough Council. The agreed dust management plan shall be implemented for the duration of the earthworks and construction activity at the site.

REASON: To mitigate the impact of the development upon air quality, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

8. Notwithstanding the submitted details, prior to first use of the building hereby approved, an internal and external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the agreed details.

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

9. The use of the development hereby approved shall not occur until the acoustic barrier detailed within Appendix A of the submitted document 'Acoustic Assessment for a proposed playing courts at Rawdhatul Uloom, Moss Street, Blackburn, BB1 5JT'.dated March, 2021(Revised) – Report No. 2002-3, received 23<sup>rd</sup> March 2021, has been installed. The acoustic treatment shall remain in perpetuity.

REASON: To safeguard residential amenity standards, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

10. The use of the playing courts hereby approved shall be limited to 9am to 9pm, daily.

REASON: To safeguard residential amenity standards, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

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

REASON: To 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.

12. Prior to first use of the development 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.

13. 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

14. The overspill parking area detailed on site plan drawing no. BB263-100-C, received 18<sup>th</sup> February 2021, shall remain available in perpetuity for users of the mosque within the site for Friday Jumma Prayer.

REASON: To ensure appropriate parking provision and safeguard highway safety interests, in accordance with Policy 10 of the Blackburn with Darwen Local Plan Part 2

15. Notwithstanding the submitted details and prior to the first use of the development hereby approved a scheme detailing how the overspill parking on drawing no. BB263-100-C, received 18<sup>th</sup> February 2021, is to be marshalled, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the agreed details.

REASON: To safeguard highway safety interests, in accordance with Policy 10 of the Blackburn with Darwen Local Plan Part 2

16. Notwithstanding the submitted details, prior to the commencement of development a sample of the proposed cladding system and its colour 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 the interests of visual amenity, in accordance with the requirements of Policy 11 of the Blackburn with Darwen Local Plan Part 2

17. Notwithstanding the submitted details, prior to construction of the spiral staircases detailed on drawing no. BB263-202-A, received 18<sup>th</sup> November 2020, a sample of the proposed colour 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 the interests of visual amenity, in accordance with the requirements of Policy 11 of the Blackburn with Darwen Local Plan Part

## **5.0 PLANNING HISTORY**

- 5.1 The following applications affect the application site. All have been approved;
- 10/91/0732 - Islamic academy with Mosque & living accommodation (outline)
  - 10/93/0495 - 3 storey Islamic Academy (reserved matters)
  - 10/94/0829 - Islamic academy (phase 1)
  - 10/00/0751 - 4 storey Mosque
  - 10/05/0361 - 2 storey link building between Mosque and boys academy
  - 10/13/0557 - Girls boarding school

## 6.0 CONSULTATIONS

- 6.1 Public Consultation: 50 neighbouring properties have been individually consulted by letter, site notices displayed and a press notice issued. No objections have been received. A petition containing 19 signatures was received in support of the proposal on the 23<sup>rd</sup> February 2021 and presented to the March 2021 Planning Committee.

The petition sets out the signatories support for the application on the following grounds;

- The existing open court is an inadequate outdoor facility. Students currently play on an open court and within the car park
- Current noise levels are minimal
- The new facility will minimise/muffle the noise and students will no longer need to play within the car park, which is in closer proximity to dwellings
- The ground floor level will be utilised for overspill parking during Friday prayers and will be managed by trained marshals
- The design of the new facility would be a great architectural contribution to our local area
- In summary, as immediate residents, we fully support the scheme and will not be affected by the potential amenity issues raised on behalf of us.

- 6.2 Highways: Initial concern that the development would remove existing overspill parking that serves the on-site mosque during Friday Jumma Prayer. The amended site plan received 18<sup>th</sup> February 2021 details the provision of 15 permanent spaces on hardstanding to the west of the building and an additional 30 temporary spaces within the lower ground floor of the playing courts. This represents a net reduction of 2 spaces from the current provision.

Concerns related to the accessibility of the new temporary spaces within the court, though this could be addressed through appropriate marshalling. Retention of the overspill parking for use by the mosque during Friday Jumma Prayers shall be required in perpetuity

Suggested conditions; construction methods to be agreed; retention of overspill parking and marshalling scheme to be agreed

- 6.3 Environmental Services (Cleansing): No objection

- 6.4 Public Protection: No objection subject to conditions relating to the following;

- Restriction of construction hours to; 8am to 6pm - Monday to Friday, 9am to 1pm – Saturday. No site operations on Sunday or Bank Holidays.
- The multi-storey MUGA acoustic barrier proposed by the applicant shall be installed in accordance with the details provided in the 'Acoustic Assessment for a proposed playing courts at Rawdhatul Uloom, Moss Street, Blackburn, BB1 5JT'.dated March, 2021(Revised) – Report No. 2002-3.
- Scheme for dust management during construction to be agreed

- Flood lighting scheme to be agreed
  - Standard land contamination conditions
  - Hours of use restricted to; 9am to 9pm daily.
- 6.5 Drainage: No objection subject to a suggested conditions requiring; foul and surface water drainage scheme to be agreed prior to commencement of development; and a scheme for future management and maintenance of the surface water drainage to be agreed.
- 6.6 Network Rail: Initial holding objection to ensure development and construction does not compromise rail assets to the south of the site. Following dialogue between the applicant and Network rail the objection has been removed
- 6.7 Canal & River Trust: No comment
- 7.0 **CONTACT OFFICER: Martin Kenny, Principal Planner**
- 8.0 **DATE PREPARED: 4<sup>th</sup> June 2021**

## **SUPPLEMENTAL REPORT OF THE STRATEGIC DIRECTOR**

**Planning Application Ref: 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**

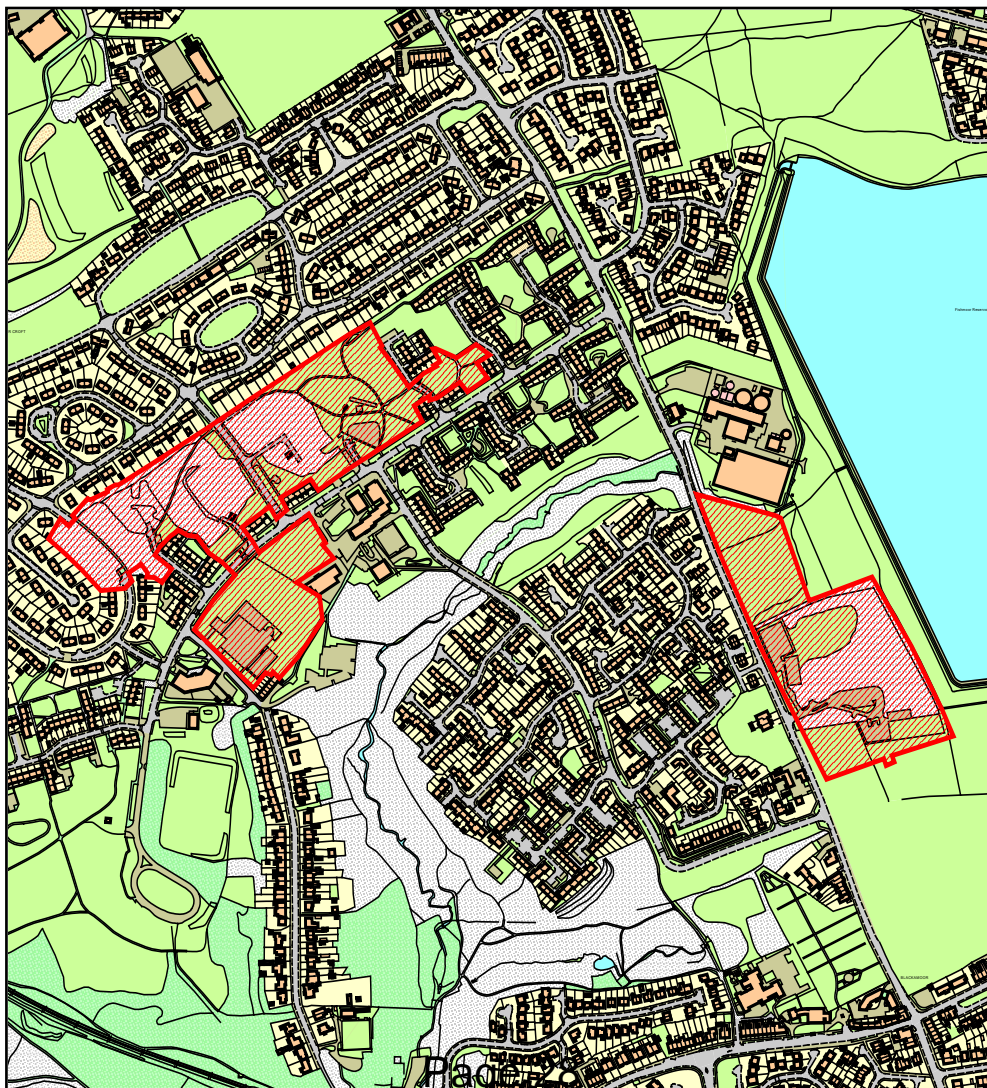
**Applicant: Countryside Properties (UK) Ltd and Together Housing  
Group**

**Ward: Blackburn South East**

**Councillor: James Shorrock**

**Councillor: Vicky Ellen McGurk**

**Councillor: Tony Humphrys**



## **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 Members supported the resolution to approve this application at the 21<sup>st</sup> January 2021 meeting of the Planning & Highways Committee. Members agreed with the recommendation that the proposal would deliver a high quality bespoke housing development which widens the choice of family housing in the Borough. The proposed development supports the Borough's planning strategy for housing growth as set out in the Core Strategy, 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. The proposal was also deemed to be satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

2.2 The application has been returned to the Committee in order that removal of the bespoke Affordable Housing condition can be agreed. The condition is no. 36 in the sequence of conditions set out at paragraph 4.1 of the original report. The revised suite of conditions is set out at paragraph 4.1 of this report.

## **3.0 DISCUSSION**

### **3.1 Removal of Affordable Housing Condition.**

3.1.1 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. The homes will be sited on Parcel 1 (land to the North West of Fishmoor Drive) and Parcel 3 (land to the east of Roman Road). Together Housing (THA), as a Registered Provider (RP), in partnership with Countryside Properties Ltd (CPL) will deliver the homes which will be grant assisted via funding secured from Homes England. Provision of the affordable homes is in accordance with the requirements of Policies 12 and CS8 of the Local Plan and The Framework.

3.1.2 An Affordable Housing Statement was 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. Implementation of the affordable homes was to be secured via condition, through compliance with the Affordable Housing Statement.

- 3.1.3 Accordingly, the following affordable housing condition was attached to the suite of conditions previously approved by Committee:

*The affordable housing hereby approved shall be provided in accordance with the Countryside Properties and Together Commercial Ltd Affordable Housing Statement, received 6<sup>th</sup> 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.*

- 3.1.4 Since the resolution by Committee, in January, to grant planning permission, the applicant has written to the Council to advise that Together Housing cannot accept a condition to secure affordable housing, as this may impact their funding from Homes England. It is advised that Homes England will support Registered Providers in securing grant in this instance as long as the homes are an additional outcome and not through a conditioned agreement. If any local authority requires the provision of affordable homes through a planning condition this could be seen as a levy on the site and would potentially disallow RP's from securing affordable homes grant.
- 3.1.5 Consequently, an alternative arrangement has been proposed to the Council by the applicant, set out as follows:
- 3.1.6 1. On completion of the land transfer from the Council to Together Housing (THA), (THA) will enter into a restrictive covenant in favour of the Council to be contained in a new deed of covenant ("the **Parcel 1 Deed Of Covenant**") between THA and the Council, in relation to the affordable housing plots on Parcel 1 ("the **Parcel 1 Affordable Plots**") to use the Parcel 1 Affordable Plots for affordable housing only. This would be subject to standard mortgagee exemption wording.
- 3.1.7 2. Also on land completion, THA would enter into a similar restrictive covenant in favour of the Council in relation to the affordable units to be built on Parcel 3 ("the **Parcel 3 Affordable Plots**"), save that this would be contained in the Parcel 3 THA / Council Transfer rather than a separate deed of covenant. Again, this would restrict the use of the Parcel 3 Affordable Plots to affordable housing use only, subject to standard mortgagee exemption wording.
- 3.1.8 3. The CPL / Council Sale Agreement will contain a contractual commitment from CPL to the Council to procure that the Parcel 1 Deed Of Covenant was entered into by THA on land completion. It already contains a contractual obligation from CPL to the Council to procure

that THA enter into the proposed Parcel 3 THA/Council Transfer, which would then also contain an affordable housing restrictive covenant.

3.1.9 4 The CPL / THA JV Agreement already contains an obligation from CPL to THA to construct the new proposed affordable homes to be delivered on the Parcel 1 Affordable Plots and the Parcel 3 Affordable Plots.

3.1.10 In accordance with the above approach, Members are advised that Officers are satisfied that the Council has the contractual comfort that the new affordable homes would be built out and only used as affordable housing (save for mortgagee exemption wording). This would then allow the Council to remove the affordable housing condition currently proposed for inclusion in the planning permission for the proposed development.

3.2.11 Summary:

Members are advised that removal of the stated condition does not impact on delivery of the affordable homes, given the proposed contractual position between the Council and the applicant, as set out above. The grant of planning permission for the development is otherwise unaffected.

3.2.12 Subject to the planning obligation previously agreed at the January meeting and the amended suite of conditions, set out at paragraph 4.1 below, the proposal remains in accordance with the Local Development Plan and National Planning Policy Framework's requirements.

## 4 RECOMMENDATION

### 4.1 Approve subject to:

- (i) **Delegated authority is given to the Strategic Director of Place 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 Strategic Director of Place 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 7<sup>th</sup> 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 6<sup>th</sup> 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 2<sup>nd</sup> 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<sub>x</sub>/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, in 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 18<sup>th</sup> 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.

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.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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 CONTACT OFFICER: Nick Blackledge – [Senior Planner]**

**4.0 DATE PREPARED: 4<sup>th</sup> June 2021.**

## REPORT OF THE STRATEGIC DIRECTOR

Plan No:10/21/0115

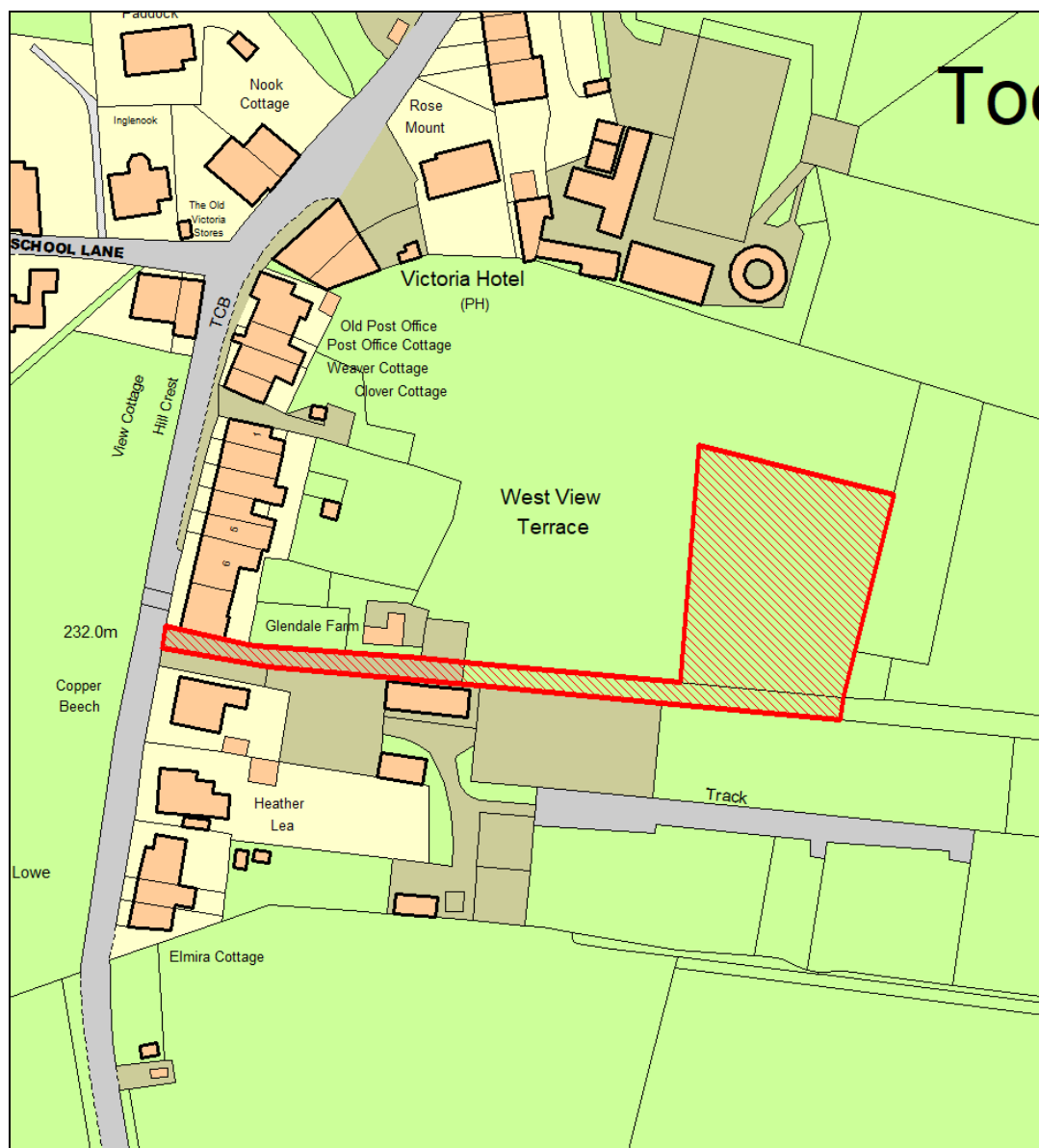
**Proposed development: Proposed all-weather equestrian riding surface with timber post and rail fence**

**Site address: Glendale Farm, Tockholes Road, Tockholes, Darwen, BB3 0NR**

**Applicant: Mr Lee Thompson**

**Ward: Darwen West**

**Councillor Brian Taylor  
Councillor Dave Smith  
Councillor Stephanie Brookfield**



## **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 a request for the application to be brought before Committee by the Committee Chairman. Objections have been raised by two members of the public and concerns have also been raised from Tockholes Parish Council in relation to the level of information that was initially provided in support of the application. A summary of the consultee responses received and public comments made is provided below, in Section 7.
- 2.2 The proposed development has been publicised through letters to residents of the nearest 19 adjacent properties and a site notice was also posted on the site access point on 17<sup>th</sup> March 2021.
- 2.3 The Council's Development Plan supports new equine and outdoor recreational developments, provided they constitute sustainable development, and accord with the Development Plan when read as a whole.
- 2.4 The proposal will deliver a sand surfaced all-weather riding area for the exercising of horses on a non-commercial basis. Post and rail timber fencing is also proposed enclosing the riding area together with two access gates. On balance, the proposal would be 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 appropriately worded planning conditions.
- 2.5 The key issues to be addressed in determining this application are;
- Establishing the principle for development at this rural site;
  - Assessing spatial implications for the Green Belt allocation;
  - Design and minimising any landscape impacts;
  - Assessing the potential for adverse residential amenity impacts;
  - Flooding and ensuring the development is adequately drained;
  - Ensuring the development does not adversely contribute to pluvial flooding locally;
  - Assessing the potential for adverse highways impacts;
  - Assessing the potential for adverse ecological impacts.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site forms part of a small farmstead located within the hamlet of Tockholes and the Green Belt. The wider site, as defined by the blue edge

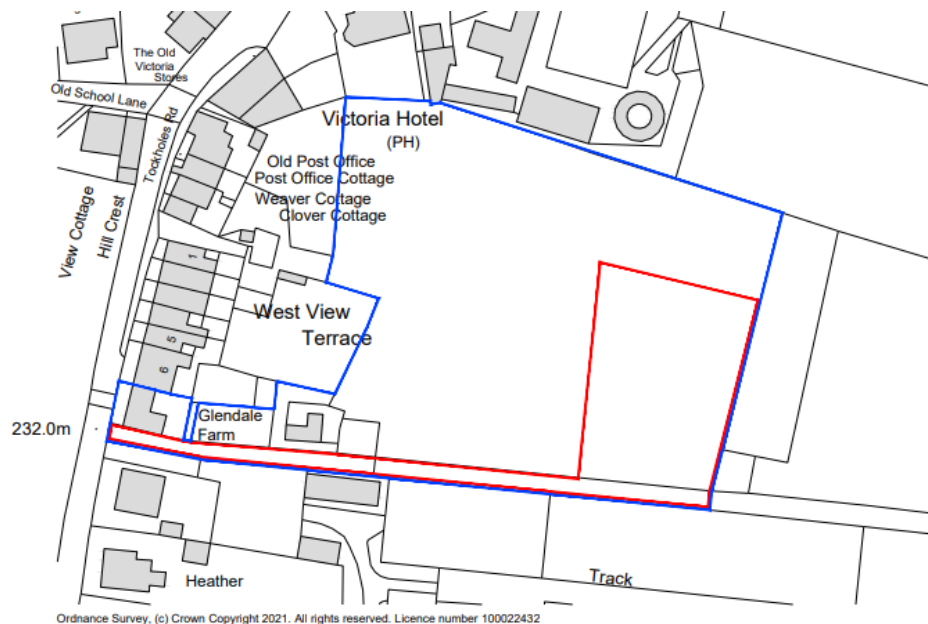
shown below in Figure two, comprises of a dwelling, stabling buildings and grazing land. Fields surround the site to all sides with existing equine facilities and buildings of various uses also found further afield.

Figure one – Satellite image of the site



- 3.1.2 Together with the access track, the site covers an area of 0.65 acres. Access would be gained directly from Tockholes Road between the dwellings Glendale Farm and Copper Beech. Trees and shrubs of various heights line the south and east site boundaries and the land is currently used for the grazing of horses.

Figure two – Location Plan showing extent of ownership and access arrangements



### 3.2 Proposed Development

- 3.2.1 This planning application involves the installation of an all-weather equestrian riding surface for the exercising of horses. The installation would have an area of 800 square meters with natural sand and fibre used as surfacing materials. Slight levels alterations would be applied to create a flat surface for the installation and the extent of those works can be seen below, in Figure four.
- 3.2.2 A 1.5m high timber post and rail fence is also proposed to all four sides with access gates proposed to the north and south sides. The plans submitted suggest that trees and shrubs would be removed on the south boundary to provide access to the installation in the form of a field access track.

Figure three – Proposed site plan

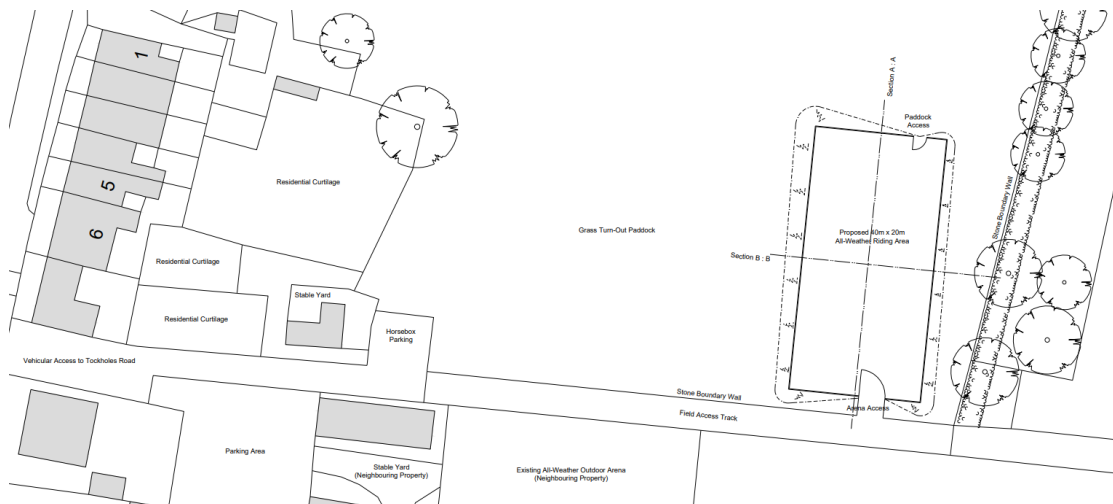
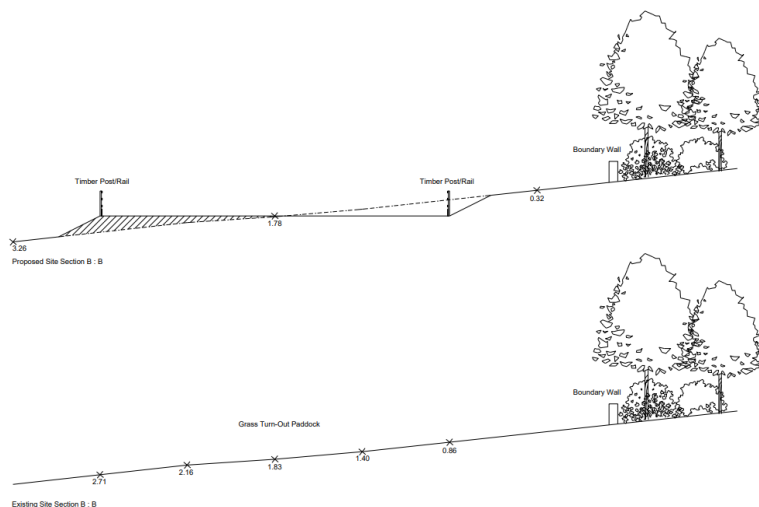


Figure four – Existing and proposed site sections



### 3.3 Case Officer Site Photos



### 3.4 Development Plan

#### 3.4.1 Local Plan Part 2 (2015):

- Policy 3: The Green Belt
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 41: Landscape
- Policy 42: Equestrian Development

## 4.0 **ASSESSMENT**

### 4.1 Principle of Development and Impacts on the Green Belt

- 4.1.1 In relation to development within the Green Belt, Policy 3 is relevant and the principle of this development is thus initially considered under that policy. Within such locations, planning permission will not be granted for inappropriate development, except in very special circumstances. Those exceptions include the provision of appropriate facilities for outdoor recreation, so long as the development acceptably preserves the openness of the Green Belt allocation. Public concerns have been raised regarding the proposed use and losses of agricultural land.
- 4.1.2 The proposed development would fall within the outdoor recreation facilities exception detailed as part of Policy 3. It could not be argued that a sand riding surface would adversely diminish the openness of the green belt with fencing alone proposed as upright structures. Moreover, the site is accessible to suitable riding routes given the network of bridleways available locally. On that

basis, the proposed development is acceptable in principle, in accordance with Policies 3 and 42.

- 4.1.3 Losses of this relatively small site to equestrian development would not have a profound impact on the availability of agricultural land in the area. The information submitted with the Design and Access Statement suggests the land is currently not in use for such a purpose. Moreover, there are no direct provisions in the Development Plan that seek to ensure such land uses are not developed for non-agricultural purposes.
- 4.1.4 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

#### 4.2 Design and Landscape Quality

- 4.2.1 In general terms, Policy 11 requires 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. In relation to developments that have the potential to compromise landscape quality, Policy 41 states that unacceptable impacts on landscape character, or the principle traits associated with it should be avoided. With specific reference to equine developments, adverse impacts on the character and visual amenity of the area should also be avoided, as per the requirements of Policy 42. Public concerns have been raised on various visual grounds.
- 4.2.2 The riding surface itself would be a low-profile installation with the proposed type of fencing being a common feature to the immediate area. A number of similar structures are found locally and the addition of another such facility would not alter the rural character of the immediate area to a point where a refusal would be justified. As detailed in consultee comments, losses of a stretch of multi-species hedgerow in order to accommodate the development is perhaps the most visually intrusive part of the scheme.
- 4.2.3 It should be noted that the hedgerow to be removed is not protected by any specific designation and the landowner could remove it at any point. That being said however, its presence currently provides a positive contribution to the aesthetical character of the local area and its loss must be compensated for. An appropriately worded condition is therefore recommended to ensure a supplementary landscaping scheme is provided prior to the development being brought into use. A further condition is also recommended to ensure adequate tree protection measures are in place for the trees to be retained on the east boundary. Such measures would ensure adequate screening is maintained and provided for the development thereby minimising any visual impacts caused.
- 4.2.4 Subject to compliance with those conditions, the proposed development would be acceptable in visual design terms and no harmful impacts on

landscape quality would be caused, in accordance with Policies 11, 41 and 42.

#### 4.3 Residential Amenity

4.3.1 Policy 8 states that all development proposals should secure a satisfactory level of amenity for surrounding occupants in relation to light, privacy, noise, and general disruptions. Public concerns have been raised regarding the potential for light pollution. The development would not appear overbearing or cause any losses of privacy given its nature. In addition, use of the existing access point for the proposed use would not lead to any unacceptable disruptions for the immediate residential neighbours.

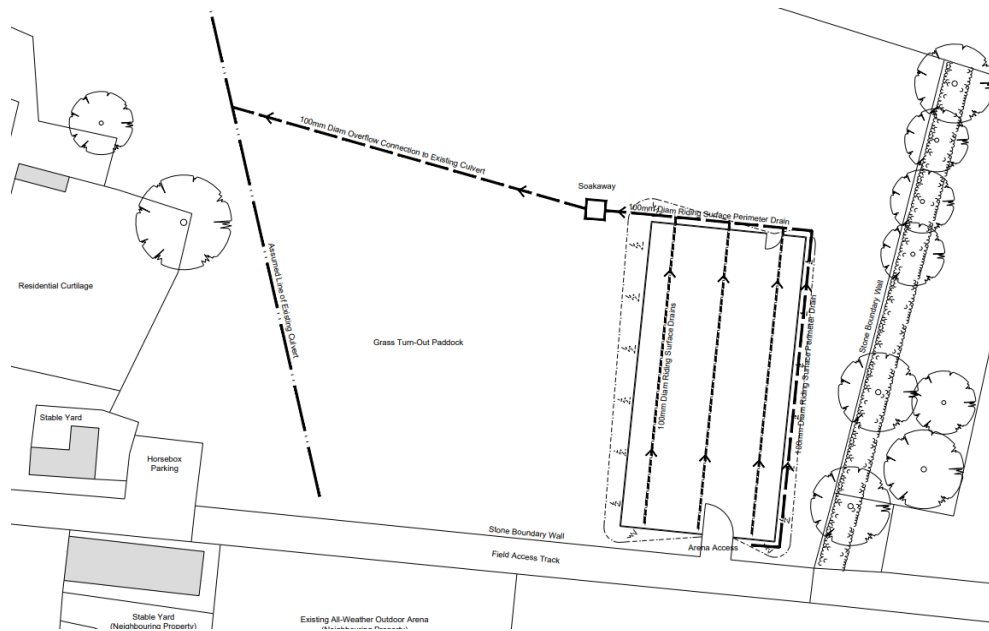
4.3.2 An appropriate condition is recommended to control any external light sources in the interests of safeguarding residential amenity and minimising light pollution for neighbours. A further condition is also recommended to ensure the riding surface is used only for private purposes in order to minimise disruptions for neighbours. Subject to compliance with those conditions, the proposed development would be acceptable in relation to residential amenity, in accordance with Policy 8.

#### 4.4 Flooding and Drainage

4.4.1 Within Policy 9, there are overarching requirements to ensure development proposals are not subject to an unacceptable risk of flooding, or adversely contribute to the risk of off-site flooding. Numerous public concerns have been raised on surface water flooding grounds. The site is wholly within Flood Zone 1 yet information has been provided by the public confirming that pluvial flooding has been an issue previously. A standard approach to addressing such matters would be to impose a condition to control surface water drainage. Typically, the installation of a soakaway system, or similar, is adequate to attenuate any runoff created from such forms of development.

4.4.2 It should be noted that the initial comments made by BwD Drainage suggest that the riding surface would likely alleviate pluvial flooding in the area through improving infiltration rates. In order to remove the need for a condition to control drainage details, during the assessment process a surface water drainage scheme was provided by the Agent, which can be seen below in Figure five.

**Figure five – Proposed surface water drainage scheme**



4.4.3 As shown in Figure five, the proposed drainage system would utilise a network of 100mm wide pipes to drain the riding area. Outflow would initially drain into a soakaway system with any excess waters diverted to an existing culvert that runs to the west of the site. BwD Drainage have reviewed the proposals and they are satisfied. A condition is recommended to ensure the scheme is drained in accordance with the submitted details. Subject to compliance with that condition, the proposed development would be acceptable in relation to surface water drainage.

#### 4.5 Highways

4.5.1 Policy 10 outlines a general requirement for development proposals to not prejudice road safety, or the safe and convenient movement of all highway users. Public concerns have been raised regarding the access arrangements. Access to the site would be maintained via an existing and appropriate access point, which currently serves numerous sites in the immediate area. The levels of traffic movements a private riding surface would lead to would not result in any unacceptable implications for the safety or capacity of the local highway network.

4.5.2 Ample land is provided within the site for the storage of plant and materials and the imposition of a condition to further control the logistics of the construction phase is not necessary on that basis. A condition is recommended to ensure the riding surface is operated in a non-commercial way in order to minimise highways disruptions moving forward. Subject to compliance with that condition, the proposed development would be acceptable on all highways grounds, in accordance with Policy 10.

#### 4.6 Ecology

- 4.6.1 Further requirements within Policy 9 state that development proposals must avoid unacceptable impacts on environmental assets or interests, including habitats and species. Public concerns have been raised regarding losses of trees and shrubs. It should be initially noted that the BwD Tree Officer regards the trees and shrubs to be removed as being low quality. It is highly doubtful that such features would sustain ecological populations of any level of significance.
- 4.6.2 As detailed above, the landowner could clear fell the site without requiring any form of permissions. Although slight concerns are raised in the comments made by the BwD Tree Officer, it must be noted that losses of unprotected species and habitats are controlled by non-planning legislation. An informative note is recommended to raise attention to the risks associated with removing trees during the bird-breeding season. Subject to the uptake of that advisory note, the proposed development would not lead to any unacceptable implications for local ecological populations, and compliance with Policy 9 as a whole is thus achieved.

#### 4.7 Wider Considerations

- 4.7.1 Concerns have been raised in the Tockholes Parish Council comments suggesting the application was a foregone conclusion in the respect of an approval. Early telephone discussions took place with some local residents. It was explained through those discussions that the application was a relatively common form of development in such locations and a number of similar developments already existed locally.
- 4.7.2 It was never directly suggested through those discussions that the application has already been approved as it was still in its infancy. The assessments made above have all taken place following receipt of all of the relevant pieces of information. A recommendation for approval has been made based on all of the planning merits of the case, and having reviewed all of the information provided.

#### 4.8 Summary

- 4.8.1 This application involves the installation of a sand all-weather riding surface. The installation of timber post and rail fencing is also included as part of the proposal together with a field access track.
- 4.8.2 Subject to appropriate conditions, the proposed development would be acceptable in relation to design, residential amenity, and highways, in accordance with the policies detailed in Section 3.4.

## **5.0 RECOMMENDATION:**

- 5.1 That delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions. A specific informative is also recommended that raises awareness in relation to the protection of nesting birds, as per the provisions of the Wildlife & Countryside Act 1981 (as amended).**

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 (L100), L101, L102, L103 and L104.

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: Those materials are acceptable for this development and site, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

4. The development hereby approved shall be drained fully in accordance with the drainage measures shown on the approved plan 'L104' and those details shall not be varied unless first being agreed in writing by the Local Planning Authority.

REASON: In order to ensure adequate surface water drainage provisions are in place to service the development, in the interests of minimising the risks of surface water flooding, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5. Prior to the commencement of any above ground works on site, a detailed landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a) Details of proposals for new native species boundary hedges on the site boundaries;
- b) A supplementary planting scheme around the sand paddock;

- c) Details indicating the location, arrangement, species, sizes, specifications, numbers, and planting densities of all new planting;
- d) Details confirming the colour of the surfacing material to be used for the sand paddock.

The approved scheme shall be implemented in its entirety within the first available planting season following the substantial completion of the development. Any tree/shrub or other planting that is lost, felled, removed, uprooted, dead, dying or diseased or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

REASON: To ensure that the development is adequately landscaped so as to integrate with its surroundings, in the interests of visual amenity and landscape quality, and to comply with Policies 11 and 41 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 6. Prior to their installation, details overviewing the types, positions and heights of any new external light sources to be incorporated as part of the development hereby approved, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise light pollution from the development, in the interests of residential amenity and landscape quality, and to accord with the requirements of Policies 8, 11, 41, and 42 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 7. The development hereby approved shall only be used for the riding of horses owned or leased by the owners of Glendale Farm and no commercial operations shall take place from the site at any point in the future following the development being brought into use.

REASON: In order to minimise disruptions for neighbours and the local highway network, in the interests of residential amenity and highway safety, and to accord with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 8. The development hereby approved shall proceed in strict accordance with the tree protection measures detailed within the submitted document 'General Tree Protection Considerations' and all the trees and shrubs to be retained within or directly adjacent to the application site shall be protected using the measures detailed within that document.

REASON: In order to minimise damage to trees and shrubs on site, in the interests of maintaining landscape quality, and to accord with the requirements of Policies 11, 41, and 42 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

### Case Specific Informative

1. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

## **6.0 PLANNING HISTORY**

- 6.1 No relevant planning history

## **7.0 CONSULTATIONS**

- 7.1 BwD Drainage – In our opinion, the proposals will not add to any flooding, if they connect a drain to the culvert as proposed. A connection to the culvert will actually improve the drainage of the field. Therefore, our position is that we have no objections to the proposals, but would require the imposition of a suitably worded condition to effectively manage surface water runoff.  
(Update) We would be satisfied with the proposal if the drainage is installed in accordance with the details submitted.
- 7.2 BwD Tree Officer – As we discussed, there is a lot of vegetation to be removed in the form of an established mixed species hedge. The tree survey submitted does not show a list of species like it should. My opinion is that while it is a large area to be removed, there is not a lot of quality individually. However, it does seem a shame that it all needs to come out. It will be difficult for the Applicant to mitigate the loss of the hedge, as they would need to submit a substantial landscaping scheme. It is also feel that it would detract from any screening of the proposed building and would open the site up to all the properties around. The bottom line is that we probably could not stop its removal anyway. If you are minded to approve the application, a word of caution would be offered in relation to removing the hedge during the bird nesting season.
- 7.3 Tockholes Parish Council – The Parish Council felt unable to make a decision to support the planning application until there was further information regarding the effect on neighbouring properties in terms of drainage and the road that would be compounded should the application go ahead. In addition, the Parish Council raised concerns re the septic tank which is to the left of the

land on Glendale Farm as to whether it was still in use and whether this itself would cause drainage problems. Concerns also raised re the planning department informing a resident that it was a forgone conclusion it would be passed as they are promoting health and leisure.

#### 7.4 Ward Cllrs

7.5 Summary of Public Responses – two objections have been received from local residents as a result of the public consultation. The objections can be summarised as follows, and the full representations are contained in Section 10.

- Adverse visual implications will be caused;
- The area does not need any further riding areas;
- Surface water drainage issues will be exacerbated;
- The site has constrained access arrangements;
- Light pollution may be caused from floodlights;
- Trees would be lost to the development;
- Local wildlife may be harmed;
- Agricultural land would be lost to the development;

**8.0 CONTACT OFFICER – Christian Barton, Planner**

**9.0 DATE PREPARED – 3<sup>rd</sup> June 2021**

## 10.0 SUMMARY OF REPRESENTATIONS

### Objection – Hugh Doyle, Old Post Office, Top O’th Low, Tockholes

Dear Mr Barton,

I am resident at the Old Post Office, Top O’th Low, Tockholes and have lived at this address for over 20 years, over this time we have seen a significant increase the flooding of the

field behind us where the proposed horse arena is set to be located. This is in part due to the building of three other arenas within 300m of the proposed development, increasing

the rate of water flow which has nowhere to go but into surrounding properties as the field drains can no longer cope with the constant development.

I have attached four videos of the last storm we had and as you can see the area where the “Menage” is to be situated is heavily flooded and because of the 10% gradient, the water

is flooding down and into adjacent properties. It has also affected properties lower down the village at Shirley Gardens and at one point flooding the Chapel.

By approving this “Green Belt” development it will significantly increase the flood risk to the surrounding area, in addition the continued environmental impact of these developments

are having on the village, which has over 15 of these arenas, to the landscape, removal of trees and destabilizing of the ground, a line needs to be drawn. You just have to look at the

number of properties listed on this application impacted if this non essential development were to go ahead, if it were a tennis court proposed, I dare say it would be turned down

immediately and I see no difference here.

Finally I have attached a photo taken today, which I believe shows the intended use of the “Green Belt” agricultural field, with sheep grazing on it and not a manufactured scared landscape.

I fervently hope that this planning application is rejected and this rural farming village can keep more of its heritage and not be transformed by somebodies hobby.

Yours Sincerely

Hugh Doyle



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**Objection – Michael Brown, 3 West View Terrace, Tockholes, Received 05.03.2021**

Dear Mr Barton,

Further to the email below from Hugh Doyle to Mrs Judith Finney, Tockholes Parish Clerk, I would also like to register my objection to the proposed 40m x 20m “Dressage Arena”, “Menage” or “All weather riding area” to the rear of West View Terrace.

There are a number of reasons which I put forward in support of my objections:

1. An 800m<sup>2</sup> (8,611 sq. ft) facility is much too large a development for the location in the field – this will be a major change to the appearance of the land and it will be visible to the whole of West View Terrace, properties further down Tockholes Road and Weasel Lane. This in my opinion will drastically impair the visual amenity currently enjoyed.
2. If you make a change in structure of that size to the field, where is the rainwater going to go? You are removing nearly 0.2 acre of natural grassland which may result in the physical condition of the land below the proposed all weather riding area to deteriorate further due to increased water erosion. The field is horrendous during heavy rain and there are videos in existence which show the severe level of flooding that can occur.
3. How will plant and machinery access the site? – limited access.
4. How are the developers going to deliver tonnes of base aggregates, sand and equestrian surface topping to the site? – limited access.
5. Any potential future lighting added will be detrimental to the area and increase light pollution. I understand it is not in the original proposal.

6. There are two Menages to the left and right of the proposed development and one to the rear (see attached pdf) – I believe there are approximately 15 currently in Tockholes. Why do we need another?
7. The tree survey shows that the trees and bushes on the adjacent track are to be removed. This will have a negative impact on the wildlife that shelters there and also on the visual amenity.

I hope this will be taken into consideration prior to making your decision.

Yours Sincerely

Michael Brown

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**Comments – Judith Finney, Tockholes Parish Clerk, Tockholes Parish Council, Received 17.03.2021**

Re the above Planning application re Glendale Farm Tockholes Rd Tockholes Parish Council wish to make the following points –

The Parish Council felt unable to make a decision to support the planning application till there was further information from the Environmental Agency re the effect of the drainage on neighbouring properties and the road which would be compounded should the application go ahead. Also the Parish Council raised concerns re the septic tank which is to the left of the land on Glendale Farm as to whether it was still in use and whether this itself would cause drainage problems.

Concerns also raised re the planning department informing a resident that it was a forgone conclusion it would be passed as they are promoting health and leisure.

Judith Finney (Tockholes Parish Clerk)

## **REPORT OF THE STRATEGIC DIRECTOR**

**Plan No: 10/21/0277**

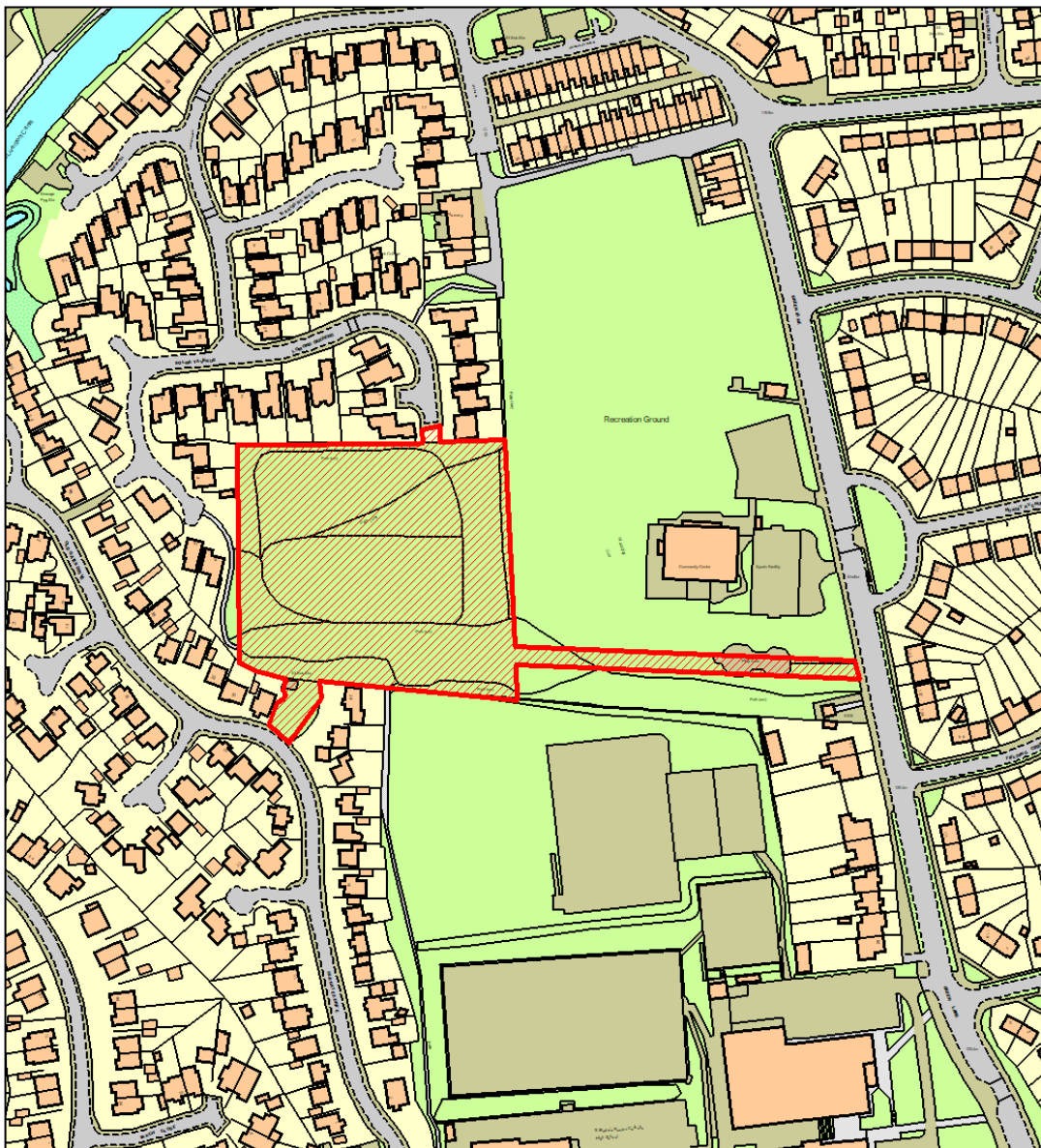
**Proposed development: Full Planning Application (Regulation 4) for Residential development consisting of 30 dwellings and associated infrastructure works.**

**Site address:  
Land off Lomond Gardens  
Blackburn**

**Applicant: McDermott Homes Ltd**

**Ward: Livesey With Pleasington**

**Councillor Derek Hardman  
Councillor Paul Marrow  
Councillor Mark Russell**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 APPROVE – Subject to a Section 106 Agreement of £515,000, relating to Affordable Housing, Green Infrastructure / Public Open Space provision / enhancement, education provision; and conditions set out at paragraph 4.1.**

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

- 2.1** The application site (the site) is currently owned by Blackburn With Darwen Borough Council. Should planning permission be granted, the site will be sold to the applicant.
- 2.2** The proposal is in the form of a full planning application. Members are advised that outline planning permission, with all matters reserved (including access), was previously granted by the Committee for 30no. dwellings for the overwhelming majority of the site on 15<sup>th</sup> August 2019 (ref. 10/19/0542). As this permission established the principle of housing development, members are advised that it is an important material consideration in assessment of this application. It should be noted that this full application was pursued by the applicant as an alternative to a Reserved Matters application, as it captures additional land to that included in the Outline application, ie. Public Open Space (POS) on Old Gates Drive and a length adjacent to Green Lane Community Centre, off Green Lane - as defined by the red edged Location Plan.
- 2.3** Assessment of the application finds that the proposal corresponds with the Council's overarching housing growth strategy, as set out in the Core Strategy and Local Plan Part 2. It suitably demonstrates the ability to deliver a high quality development, consistent with the surrounding area. It would also make an important contribution towards the Council's housing delivery targets and it will add to the vitality of the local housing market. Moreover, development of the site would alleviate alleged instances of anti-social behaviour occasionally experienced by the local community, in the form scrambling bikes. The application is also acceptable from a technical point of view, with all issues having been addressed through the application or capable of being controlled or mitigated through planning conditions and a Section 106 Agreement.

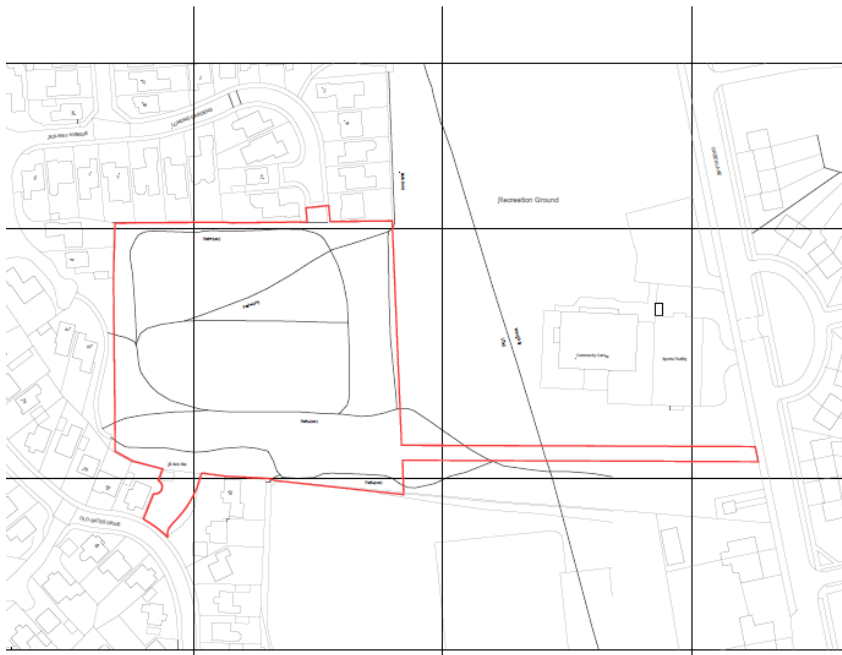
## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1** The application site is located to the south west of Blackburn, measuring approximately 1.15 hectares in area (illustrated below). The site was generally considered semi-improved open grassland with a mixture of dense and scattered vegetation around the edges, marshy grassland and a swamp. Such conditions have, however, been superseded by culvert improvement /

drainage works undertaken earlier in the year by the Councils Drainage Department (as Lead Local Flood Authority), to eliminate the threat of flooding to existing properties along a section Old Gates Drive. It should be noted that these works were commissioned and undertaken entirely independent to this proposed development. As a consequence of these works, the site is now cleared of vegetation. Land levels across the site remain generally consistent, in the form of an engineered plateaued surface.

- 3.1.2 The site, with the exception of POS on Old Gates Drive and land adjacent to Green Lane Community Centre, was formerly in use as a cinder all weather pitch, used by St Bede's RC High School. It has not, however, been used for this purpose since 1997, as evidenced by the assimilation of the all-weather surface into the general landscape.
- 3.1.3 There are informal pathways located around the perimeter of the site which connect into Nook Terrace to the north east and Solway Avenue to the west. A Public Right of Way (PROW) runs along the western and southern perimeter of the site. The PROW continues in a southerly direction along the edge of the St Bede's RC High School playing fields, from where it can be accessed from the west via Solway Avenue.
- 3.1.4 The site is bounded by residential properties to the north, south and west which are positioned with their side and rear elevations facing into to the site. To the east is the Green Lane Community Centre and grassed recreation grounds. Green Lane and residential properties are located beyond. St Bede's RC High School and associated playing fields are located to the south east, beyond which is Livesey Branch Road and more residential properties.



McDermott's Location Plan, received 2021.

## 3.2 Proposed Development

3.2.1 Full planning permission is sought for a residential development consisting of 30no. (detached) dwellings and associated infrastructure works, as set out in the submitted drawings and supporting Planning Statement.



McDermott's Site Plan, received 2021.

### **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 Requirements
- CS13 – Environmental Strategy
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS18 – The Borough's Landscapes
- CS19 – Green Infrastructure
- CS21 – Mitigation if Impacts / Planning Gain

#### **3.3.4 Local Plan Part 2**

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

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

#### **3.4.1 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.

#### 3.4.2 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.

#### 3.4.3 Air Quality Planning Advisory Note

#### 3.4.4 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

#### 3.4.5 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 the development;
- Amenity impact;
- Environmental impact;
- Highways and access;
- Design and layout;
- Planning Gain / Section 106 contributions: Affordable Housing, GI and Education.

#### 3.5.2 Principle

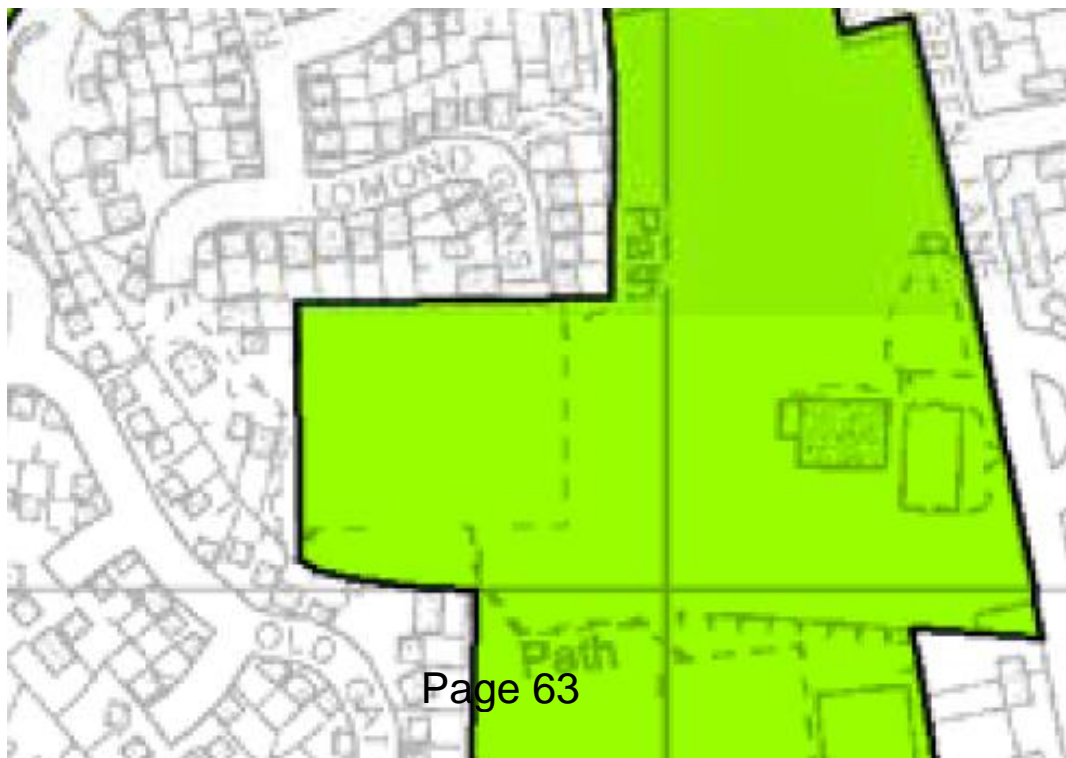
Notwithstanding the accepted principle of residential development of the land, by virtue of the outline permission previously granted, the position should be

re-visited for the purpose of this assessment: The principle of the development is considered under the Blackburn with Darwen Local Plan Part 2: Site Allocations and Development Management Policies; particularly Policy 9 – Development and the Environment and Core Strategy Policies CS1, CS5, CS6, CS8 and CS19.

3.5.3 The site lies within the defined urban boundary, which is the preferred location for new development, in accordance with Core Strategy Policy CS1, and Local Plan Part 2 Policy 1. This is reinforced by the sites position being immediately adjacent to existing residential land uses, ensuring a development that would be wholly consistent with the surrounding area and one that would provide a logical redevelopment solution for the unused site.

3.5.4 The site, with the exception of Public Open Space (POS) positioned between nos. 26 and 28 Old Gates Drives, forms part of a wider Green Infrastructure (GI) allocation, in accordance with the Local Plan Part 2 Adopted Policies Map (extracted below). The Council's GI SPD quotes 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.*



- 3.5.5 Consideration of the loss of GI is appropriately assessed against paragraph 5 (Green Infrastructure) of Policy 9 of the Local Plan Part 2, which sets out that.
- 3.5.6 Development involving the partial or complete loss of land identified as GI on the Adopted Policies Map, any unidentified areas of open space, 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.*
- 3.5.7 It is accepted that the proposal will result in the partial loss of allocated greenspace. Such circumstances do not, however, prohibit development, provided at least one the above criteria (i –iii) is achieved. As the proposal seeks to mitigate loss of the GI through a financial contribution (captured through a Section 106 Agreement) of £42,500 (1,416 per dwelling), it is considered compliant with criterion ii. This contribution will provide significant investment in the local green network. Moreover, the overwhelming majority of the GI allocation will continue to function as open space.
- 3.5.8 It should be noted that the POS at Old Gates Drive will remain as such with the addition of a pedestrian footway proposed, to promote connectivity through to the new development and GI beyond.
- 3.5.9 Also relevant to assessment of the principle of the development is the status of the developable area. As previously noted, the land once formed an all-weather school playing pitch. It has not, however, been used for this purpose since 1997 (24 years). The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines a playing pitch as ‘*a delineated area which, together with any run-off area, is of 0.2 hectares or more, and which is used for association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo or cycle polo*’. Given the period of time elapsed since the land was last in use as a pitch, its assimilation into the natural landscape and, critically, absence of a delineated area, the proposal would not result in the loss of a ‘playing pitch’. The need for Sport England to assess the application, as a statutory consultee, against its ‘Playing Fields Policy’, does not, therefore, arise.
- 3.5.10 The proposal accords with the strategic objective of Policy CS7, which 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. It is also consistent with the Council’s requirement for semi-detached and detached family housing to be the principal element of the dwelling mix on any site capable of accommodating such housing, as set out in Policy 18.

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

3.5.12 Policies CS21 and 12 require new development to contribute towards mitigating its impact on infrastructure and services, through a Section 106 planning obligation. The proposal secures financial contributions towards off-site Affordable Housing, taking into account the economic viability of the development and local market conditions; Green Infrastructure / POS; and education provision, as set out at paragraph 4.1.

3.5.13 It should be noted that the site is not located within a Minerals Safeguarding Area.

3.5.14 Accordingly, the principle of the proposal is found to be acceptable, in accordance with the provisions of the Development Plan and The Framework.

#### 3.5.15 Amenity

Policy 8 requires development to contribute positively to the overall physical, social, environmental and economic character of the area. It is also required to secure 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.

#### 3.5.16 Coal Mining:

In acknowledgment of the site being located within a defined (coal mining) 'Development High Risk Area, a Coal Mining Report has been submitted with the application which considers the potential impact of coal mining features and hazards. The report presents findings of intrusive site investigations to determine the shallow coal mining legacy. It identifies a moderate subsidence risk associated with potential shallow mine workings beneath the site and recommends that a scheme of proof drilling and grouting should be undertaken to further assess the situation and remediate the site. Following their review of the submitted information, The Coal Authority offer no objection to the development, subject to appropriately worded conditions to secure the required assessment and remediation works, as necessary and validation thereof. The applicant will require permission for the Coal Authority to carry out such works, under their Permit and Licensing regime.

#### 3.5.17 Contaminated Land:

Phase 1, 2 and 3 reports have been submitted with application and reviewed by the Council's Public Protection consultee. Ground gas monitoring has been undertaken, in accordance with the requirements of the reports. Monitoring has, however, been curtailed due to alleged vandalism of the installed boreholes. Consequently, completion of the six intended gas monitoring visits has not been completed. Adoption of a precautionary approach in lieu of a full gas risk assessment is, therefore, considered a reasonable and proportionate approach, under the circumstances. Consequently, it is proposed that precautionary CS2 gas protection measures

are installed across the site, as necessary. The measure will be secured via condition.

3.5.18 Air Quality:

It is agreed with the applicant that electric vehicle charging points will be installed at each property, as an appropriate mitigation measure against air quality impacts of the development, in accordance with the Council's Planning Advisory Note on air quality.

3.5.19 Noise:

The Council's Public Protection consultee recommends submission of a Noise Impact Assessment via condition, to consider the likely impact of external noise sources on the development. However, in consideration of the sites relatively isolated position from main roads or other identifiable intrusive noise sources, such assessment is considered neither reasonable or necessary.

3.5.20 Limited construction hours of between 08:00 - 18:00 hours Monday to Friday and 09:00 - 13:00 on Saturdays will be secured via condition.

3.5.21 Construction Phase:

A Construction and Environmental Management Plan (CEMP) is submitted with the application which will guard against significant adverse impacts arising during construction, including but not limited to control of noise, vibration, dust emissions and highway cleansing / wheels washing. Its implementation will be secured via condition.

3.5.22 Relationship between buildings:

With reference to separation between proposed and existing dwellings adjacent to the site, the submitted layout demonstrates compliance with the Council's adopted *minimum* separation standards of 21m interface between primary windows and 13.5m between primary windows and blank elevations

3.5.23 Separation between proposed dwellings is broadly compliant with the adopted standards. Only a very minor 1m discrepancy between plots 8 and 30 occurs. In this context, it should 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. As a proposed-to-proposed interface and having regard to The Frameworks presumption in favour of sustainable development, such relaxation is considered justified.

3.5.24 Accordingly, it is found that satisfactory levels of amenity and safety would be secured for existing and future residents. The development is also considered contribute positively to the overall physical, social, environmental and economic character of the area, in accordance with the requirements of Policy 8 and The Framework.

3.5.25 Environment

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

#### 3.5.26 Flood Risk / Drainage:

A Flood Risk Assessment (FRA) and drainage strategy is submitted with the application, notwithstanding that the site lies entirely within Flood Zone 1 (low risk). No objection is offered as to adequacy of the FRA or the drainage strategy from either the Council's Drainage consultee (as Local Lead Flood Authority) or United Utilities (UU). UU originally recommended a condition to secure a surface water drainage strategy, notwithstanding the submitted details. The Council's Drainage consultee, following discussion with UU, has since confirmed that the recommendation can be disregarded and that the submitted drainage strategy can be implemented.

3.5.27 A drainage easement zone is specified, adjacent to the southern boundary of the site, and through the POS on Old Gates Drive, in order to protect the Local Authority's water drainage asset. No buildings, structures or planting will be permitted within this zone.

3.5.28 Conditions to secure the following are recommended:

- Compliance with the surface water drainage strategy;
- Implementation of a drainage easement (to provide for 225mm surface water drain) adjacent to plot 16 on the submitted layout, as well as exclusion of the erection of any structure or planting within the confines of the easement; and
- Submission of a future drainage Management and Maintenance Plan.

3.5.29 Drainage works undertaken by BWD Drainage earlier in the year should be acknowledged in the context of flood risk. These works were entirely independent of this planning application and were required to guard against flood risk to some properties on Old Gates Drive. Outstanding works remain to protect the existing culvert within the POS on Old Gates Drive. These works are pending the outcome of this application.

#### 3.5.30 Trees:

No protected trees are located within or immediately adjacent to the site. An Arboricultural Method Statement (AMS) and is submitted with the application. The site is largely absent of trees and vegetation. Those that remain around the site perimeter will be appropriately protected during construction phase, in accordance with the AMS, to be secured via condition.

3.5.31 A detailed Landscaping Scheme supports the application. This includes planting of a range of 'heavy standard' trees across the site and an appropriate mix of native and ornamental hedges, shrubs and climbers. Implementation will be secured via condition, as will a maintenance and management plan for the site post construction, to ensure satisfactory appearance and biodiversity benefits are continuous. It should be noted that planting and future management / maintenance thereof, within the POS on Old Gates Drive, is included.

### 3.5.32 Ecology:

An Ecological Appraisal of the site is submitted with the application, which has been reviewed by the Council's Ecology consultee. The site is generally of low ecological value and it is accepted that the Appraisal is adequate so as to allow determination of the application. The issues identified are limited to bats (as a European protected species), nesting birds (as protected by the Wildlife & Countryside Act 1981) and invasive species. The Council's Ecology consultee has queried an ash tree located on the southern boundary of the site. It is confirmed that the tree has been removed – it should be noted that all tree and vegetation removal was undertaken outside of the bird nesting season. Mitigation for roosting bats is to be achieved through implementation of roost boxes or bricks, should be secured via condition.

3.5.33 It is accepted that nesting bird habitat will be lost. Notwithstanding the sites absence of significant vegetation, exclusion of tree and shrub removal within the bird nesting season is recommended via condition.

3.5.34 The Ecological Appraisal notes the presence of Himalayan Balsam on the site. This has, however, been cleared as part of the BWD drainage works.

3.5.35 The Framework requires consideration as to a developments contribution towards enhancing the natural environment. The Council's Ecology consultee has commented that enhancement should be demonstrated through use of the Defra metric model. The previously noted extent of tree and shrub planting is, however, considered adequate. Moreover, ecological assessment was considered in the context of the sites value prior to vegetation clearance undertaken by BWD Drainage, as statutory undertakers, necessary for the aforementioned flood prevention measures which are unrelated to this application.

3.5.36 Accordingly, the environmental impact of the development is found to be acceptable and in accordance with the requirements of Policies 9 and 40, and The Framework.

### 3.5.37 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.

3.5.38 A Transport Statement is submitted with the application which has been reviewed by the Council's Highways consultee, who is in agreement that the traffic impact of the proposal on the local highway network, in general, would not be excessive. The sites highly sustainable location is recognised in this context, with easy access to bus routes and a range of local amenities.

3.5.39 In view of the volume of local objection towards proposed access arrangements for the development, it is important to apply a robust assessment. A single vehicular access is proposed from the southern end of Lomond Gardens, which is itself accessed from Green Lane, via Rannoch

Drive. Whilst an additional volume of traffic through the estate is inevitable, it is recognised that the estate was constructed with a connective route to future development (from Lomond Gardens). The access is deemed to be to the safest and most logical route into the site, as acknowledged by the council's Highways consultee, who offers no objection.

- 3.5.40 Members are advised that the key consideration is whether or not the proposed access is suitable, when considered against local and national policy, and not the suitability of any alternative means of access. Given, however, the volume of representation received requesting permanent use of a temporary access off Green Lane, created by the Council for the purpose of the aforementioned major drainage works, it is considered prudent to address the matter. The access has been constructed as a temporary solution for construction and maintenance traffic. It is not constructed to the adoptable standard requisite to serve a housing development of the scale proposed. Considered in the context of highway accessibility and transport policy, it would, therefore, be unsuitable as a permanent access. The access will, however, be utilised for construction and site operative traffic throughout the duration of construction, to guard against traffic disturbance to adjacent residents. Re-instatement of the land, at the developer's expense, to its former condition following completion of the building work will be secured via condition.
- 3.5.41 The proposed internal road is acceptable in width and appearance, with refuse vehicle tracking demonstrated, via a sept path analysis. It is confirmed that the road will be constructed to adoptable standard.
- 3.5.42 Proposed pedestrian permeability within and around the development is considered acceptable, with connective routes offered from Old Gates Drive and to the PROW which runs from Livesey Branch Road. In response to the suggestion of incorporating additional cycle paths around the periphery of the site and an increase in width of the proposed connective footways to 3m, the applicant has cited difficulties in achieving this, due to peripheral land level constraints.
- 3.5.43 Residents of Old Gates Drive have objected to the inclusion of a footway through the POS on Gates Drive (between nos. 26 & 28), linking to the proposed development and beyond. The footway is, however, considered acceptable in promoting sustainable travel choices which is a requirement of Policy 10 under the section *Movement and Legibility* which includes a need, at sub-section iii) to *provide linkages to the wider neighbourhood*. Local residents concerns that the footway will lead to instances of anti-social behaviour are considered to be unfounded and do not outweigh the clear policy requirement.
- 3.5.44 The development proposes a mix of 3, 4 and 5 bed homes. Off-street parking is provided for every plot, which is broadly in accordance with the Council's adopted standards; 2 spaces for 2 & 3 beds and 3 spaces for 4+ beds, in terms of spaces numbers and their dimensions. Minor amendments in this regard have been secured following comments offered by the Council's Highways consultee.

3.5.45 Detached garages are in accordance with the Council's benchmark standard 6m x 3m dimension. Integral garages are though marginally sub-standard.

However, considered in the context of the site constraints and The Framework's presumption in favour of sustainable development, the overall proposed parking provision is considered acceptable in order to secure the development of the site.

3.5.46 A defined PROW runs from Livesey Branch road in a northerly direction down the western side of St Bede's school, turning in a westerly direction at the rear of no. 26 Old gates drive and joining the surfaced section of this footpath that leads on to Solway Ave. The submitted site layout indicates a proposed minor route modification. Accordingly, the developer must apply for a diversion order to alter the definitive line of this footpath. This footpath will also require a temporary closure order in place before any work on the line of the right of way commences. The applicant will be informed via the Council's standard informative of this requirement. The footway running through the POS at Old Gates Drive is not recorded on the Definitive Map.

3.5.47 The submitted CEMP will address highway impacts arising from construction, including wheel wash and road cleansing during phases. Adherence will be secured via condition.

3.5.48 Accordingly, highway impacts arising from the development are found to be acceptable and in accordance with Policy 10 and The Framework. Members are advised that The Framework includes a clear direction, with reference to assessment of highway impacts, at paragraph 109, which states:

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

3.5.49 It is considered that impacts arising from the development are not evidenced as severe, so as to justify refusal on highway grounds.

#### 3.5.50 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.

3.5.51 A Design and Access Statement is submitted with application. This sets out key design principles of the development, in response policy requirements, including the following:

- The layout providing a primary spine road running through the site to replicate the local urban forms;
- Continuous frontages to provide a high degree of definition to the street scene;
- Housing to be two and two and a half storey in height and reflect the style of the residential areas surrounding the site;
- Road design and extent retained to a minimum within the site;
- To provide a positive mix of buildings and soft landscaped areas with spine road softened with road trees and planting;
- Individual properties to receive appropriate landscaping treatments to soften the edges of residential areas and public highways;
- Retention of semi-mature trees to the western boundary, adjacent to Old Gates Drive and enhanced by the introduction of new high-quality landscaping;
- Green spaces to the southern boundary will provide a link to the green infrastructure to the east and south east of the site; and
- Houses are orientated to view into the site and allowing overlooking to the public spaces providing “eyes” onto the street giving natural surveillance to public areas.

3.5.52 The proposed street pattern is read in conjunction with adjacent residential land form, effectively forming a continuation of the Rannoch Drive, Lomond Gardens development, whilst responding the peripheral site constraints.

3.5.53 Proposed house types are of a scale and appearance consistent with local residential development which is recognised as family house types of varied scale and appearance. The overall medium density achieved will also be consistent with the locale. House types are proportionate to proposed plot sizes. Proposed elevation materials are Terca Woodland Mixture Brick, Terca Harvest Buff and elements of render. Roof tiles are Grampian Slate Grey and Russell Grampian Cottage Red. Materials are considered an appropriate response to those featured in adjacent estates, which is defined as varied. Materials will be secured via condition. Example street scenes are shown below:



Extract from McDermott's Design and Access Statement, received 2021.

3.5.54 Elevation details of boundary treatments have been provided, alongside a detailed layout to illustrate treatments for each part of the site. Treatments fronting public open spaces and at key vistas will be suitably robust, constructed in brick with timber infill. Timber boarded fencing will be provided between and to the rear of properties.

3.5.55 The proposed layout includes communal open space adjacent to the southern boundary, linking with that on Old Gates Drive, provision of which is considered proportionate to the development and in excess of that provided within adjacent estates, in relative terms. A comprehensive site wide landscape scheme will enhance the development and assist in its integration into the natural environment.

3.5.56 The access from Green Lane, which Local residents wish to see as an alternative to that proposed from Lomond Gardens, should also be addressed in the context of design policy; from the perspective of Green Lane, the access has no spatial relationship with the proposed housing development. It would instead be viewed in isolation, failing to serve as a gateway entrance announcing the presence of the development. This would be entirely inconsistent with the residential characteristics of the locality and the urban area in general. Consequently, the access would fail to achieve the high standards of design required by both local and national policy.

3.5.57 Overall, the design of the development is found to be in accordance with Policy 11 and The Framework.

### 3.5.58 Planning Gain / Section 106 Financial Contributions

A financial contribution £515,000 is secured, following agreement in principle between the Council and the applicant, at pre-application stage. The contributions are towards affordable housing, taking account of the

developments viability and local market conditions; education provision in the form of additional primary school places in West Blackburn, following consultation with the Council's Education Department; and provision / enhancement of GI / POS in Blackburn.

3.5.59 Section 106 payments are broken down as follows, payable on commencement of the development.

Education	Public Open Space	Affordable Housing	Monitoring Fee	Total
£84,901	£42,500	£382,500	£5,099	£515,000

#### 3.5.60 Other Matters

Turning once again to the Green Lane access; the land is Council owned and is subject to a long term lease agreement with Mill Hill Juniors football club. The club have plans to use the land as a 5 a-side pitch(s), in addition to the larger adjacent pitch that they already use, consistent with the functional traits of GI land. The access must, therefore, remain as temporary in order to avoid conflict with the lease agreement.

#### 3.5.61 Summary

This report assesses the full planning application for residential development of 30 dwellings, with associated works. In considering the proposal, a wide range of material considerations have been taken into account. The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal balanced against any potential harm that may arise from its implementation. This report finds that the proposal 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:

**Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £515,000; plus a monitoring fee of £5,099 (as set out at para 3.5.76).**

**Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Strategic Director of Place 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 15<sup>th</sup> March 2021 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 strict accordance with the materials specified in the submitted Design & Access Statement produced by McDermott Homes, received 15<sup>th</sup> March 2021, the submitted House Type drawings and corresponding 'Materials Layout' drawing numbered: ML-01a.

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 boundary treatments specified in elevation drawings numbered SD41 and SD-SW1a, and the corresponding boundary treatments layout drawing numbered: BTP-01b.

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. No development shall commence until any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

Remedial works shall be carried out in accordance with authoritative UK guidance.

REASON: To ensure a safe form of development in response to historic coal activity at the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

6. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any

remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON: To ensure a safe form of development in response to historic coal activity at the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

7. CS2 gas protection measures shall be incorporated into the development hereby approved, in accordance with the details specified in the Phase 3 'Environmental Investigation Risk Assessment and Remediation Strategy', Ref. LKC 19 1398, dated December 2019.

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.

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. Each dwelling shall have its own dedicated electric vehicle charging point. Each charging point will have a type 2 conductor and minimum rating of 3.7kW 16A. External points will be weatherproof and have an internal switch to disconnect electrical power.

REASON: in the interests of air quality management and protection of health, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

10. Gas fired domestic heating boilers shall not emit more than 40mgNO<sub>x</sub>/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.

11. The construction of the development hereby permitted shall only take place between the hours of 08:00 and 18:00 Monday to Friday, 09:00 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.

12. 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.

13. The drainage for the development hereby approved, shall be implemented in strict accordance with the surface water drainage strategy prior to occupation, as set Preliminary Drainage Strategy indicated on drawing Ref: REFA - 20011/01/1 Rev D, November 2020.

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 Blackburn with Darwen Borough Council Local Plan Part 2.

14. The drainage easement zone shall be incorporated into the development hereby approved, as indicated on drawing numbered: OGD032 Rev R1, dated December 2020.

REASON: In order to protect the Local Authority's water drainage asset, in accordance with Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2.

15. 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 Blackburn with Darwen Borough Council Local Plan Part 2.

16. Prior to the commencement of any above ground construction works, a nesting birds and roosting bats scheme shall be submitted to an approved in writing by the Local Planning Authority. The scheme shall provide for nest / roost boxes or bricks at various interval throughout the site. The scheme shall be incorporated into the development in strict accordance with the approved detail.

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.

17. 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.

18. The development shall be carried out in strict accordance with the submitted Tree Protection Scheme, prepared by Bowland Tree Consultancy Ltd, dated February 2021. Specified tree protection measures shall be adhered to throughout the period of construction.

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.

19. The development hereby approved shall be implemented in strict accordance with the 'Landscape Proposals' Plan numbered: 6312.01 Rev C, dated April 2020. Planting shall be carried out 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 visual amenity and biodiversity, in accordance with Policies 9, 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

20. 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. 13. 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.

21. Construction work shall take place in strict accordance with the details set out in the submitted Construction & Environmental Management Plan produced by McDermott Homes, dated 10<sup>th</sup> May 2021 and corresponding 'Management Plan' drawing numbered: CMP-01. 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.

22. 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 residential / highway safety, in accordance with Policy 10 of the Blackburn With Darwen Borough Local Plan Part 2.

23. Prior to the occupation of the development 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 residential /

highway safety in accordance with Policy 10 of the Blackburn With Darwen Borough Local Plan Part 2.

24. 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 Policies 10, 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

25. Garages hereby approved shall only be used for the purpose of parking domestic vehicles and / or domestic storage. They shall not be externally altered or converted into habitable room space until and unless planning permission has been granted.

REASON: In order to retain sufficient off street parking spaces, in the interests of highway safety and efficiency, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

26. Following completion of the development hereby approved, the temporary construction access along its entire length from Green Lane to the developed area, as indicated on the submitted Local Plan numbered: L0-01, dated February 2020, shall be reinstated to its former condition, to the satisfaction of the Local Authority.

REASON: Whilst the access is suitable as a temporary measure to serve construction traffic, it is unsuitable as a permanent means of access due to its construction not being to adoptable standard, its failure to serve as a gateway entrance to the site and its impact on land allocated as Green Infrastructure, in accordance with Policies 9, 10, 11 and 40.

## **5.0 PLANNING HISTORY**

- 5.1 10/19/0542: Outline planning permission (with all matters reserved) granted by Planning & Highways Committee, in August 2019, for up to 35 dwellings.

## **6.0 CONSULTATIONS**

### **6.1 Drainage (BwD – Lead Local Flood Authority)**

No objection, subject to conditions:

The drainage for the development hereby approved, shall be implemented in strict accordance with the surface water drainage strategy prior to occupation, as set Preliminary Drainage Strategy indicated on drawing Ref: REFA - 20011/01/1 Rev D, November 2020.

The drainage easement zone shall be incorporated into the development hereby approved, as indicated on drawing numbered: OGD032 Rev R1, dated December 2020.

## **6.2 Education**

No response offered. Pre-application consultation did, however, establish a Section 106 requirement for additional education provision, as set out in the report.

## **6.3 Public Protection**

**Contaminated land: No objection, subject to conditions;**

With reference to the above application, I recommend that the following conditions, informatives are imposed if planning permission is granted.

Please note that a colleague will be commenting on issues relating to contaminated land in a separate memo.

### **Noise – Recommended condition**

An assessment shall be undertaken that determines the likely impact of external noise sources on the proposed use and, where appropriate, identifies mitigating measures to alleviate those impacts. Reference should be made to the National Planning Policy Framework and Noise Policy Statement for England. All potential sources must be considered, and the impact of tonal and impulsive noise shall be considered.

Reason: To prevent loss of amenity caused by noise.

Informative: All potential sources must be considered, but the focus of the assessment is likely to be on the potential impact of noise from the adjacent school playing fields and Green Lane Recreational Ground. Consideration should be given to WHO guidance, BS4142:2014, and BS8233:2014 and Sport England guidance. The applicant or their consultant is advised to contact Simon Kirby (simon.kirby@blackburn.gov.uk, Tel: 01254 585165) to discuss the required assessment methodology.

### **Air Quality – Recommended Condition - Electric vehicle charging**

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 3.7kW 16A. External points will be weatherproof and have an internal switch to disconnect electrical power.

Reason: In accordance with Paragraph 110 of the National Planning Policy Framework, which states 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. These are readily achievable mitigation measures

that reflect current good practice and help to reduce the cumulative impact of current and future developments.

#### **Air Quality – Recommended Condition – Domestic Gas Boilers**

Any gas fired boiler installed at the development to heat a dwelling shall not emit more than 40mg NOx/kWh.

Reason: In accordance with paragraph 181 of the NPPF, The Councils Air Quality PAN and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. This is a readily achievable mitigation measures that reflects current good practice and helps to reduce the cumulative impact of current and future developments.

#### **Construction Hours – Recommended Condition**

The construction of the development hereby permitted shall only take place between the hours of 08:00 and 18:00 Monday to Friday, 09:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To protect local amenity

#### **Informative - Construction/Demolition Noise & Vibration**

All activities associated with the construction/demolition 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.

### **6.4 Highways Authority / Public Rights of Way Officer**

#### **No objection, subject to conditions:**

The application received has been assessed and a site investigation has been carried out.

The proposal seeks consent for the Erection of Residential development consisting of 30 dwellings and associated infrastructure works.

The site has been cleared, and is ready for development; therefore no demolition requirements are apparent.

#### **Parking**

The scheme proposes to deliver a mixture of tenure of 3/4/5 bed properties. The requirements for parking are in accordance with the councils approved adopted standards which make the following recommendation;

- 3 bed – 2 car spaces and 2 secure cycle spaces per dwelling
- 4/5bed – 3 car spaces and 2 secure cycle spaces

The car parking supporting the dwelling houses should be contained within the curtilages. Each car space on the drive should be 5.5m in length and any garages supporting the dwelling houses should be 3m x 6m.

There are a number of plots which do not comply with the 5.5m on the drive, these are specifically the Cader house type. Please request further consideration.

It is reported that the remaining house types are accompanied by garages. The single garage detail provided shows the garages to not comply with the 3m x 6m. This is the same for the integral garages to the remaining house types.

If the spaces cannot be accommodated within the garage, then an alternative space should be provided on the drive within curtilage.

#### **Access/Layout**

Vehicular access to the site is obtained from Lomond Gardens. The previous scheme had left connective routes to continue should future development come forward. The access which is proposed is therefore deemed acceptable.

The pedestrian accessibility in and around the site is provided, which is welcomed, however there is no inclusion for cycle paths. We would request that this is incorporated around the periphery of the site into the pedestrian pathway that are proposed. These footways should be widened to 3m to accommodate both mode users.

The road layout has been designed pre manual of streets, no opportunity to soften the appearance of the hard landscaping has been introduced, it is our opinion that this can be explored further – please request further consideration

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

- Tracking has been provided within the Transport Statement, this is deemed acceptable
- The site is level and is considerate and in compliance with gradient requirements

Confirmation is required on whether the streets will be presented for adoption.

I cannot locate any details to support submission of sightlines at the drives, please be mindful that this should be clear for both vehicle and pedestrian sightlines.

#### **Transport Statement**

The document has been reviewed – this is deemed acceptable.

#### **OTHER**

A Construction method plan has been received, however no statement has been provided with a narrative - please request information or condition for submission.

Matters also to be considered are:

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway
- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authorities office on Tel: 01254 585009
- The new highways will be the subject of a Section 38 agreement to construct and adopt the roads and footways
- Any old entrances that are no longer required, should be reinstated back to full footway at the developers expense
- Footways around the periphery of the site, are to be made good, upto modern adoptable standards, this include street lighting, lining and any associated works.

In principle we are supportive of the scheme, there are however a number of outstanding matters that require further consideration. Please request a response and additional information required.

**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 578007

Please attach standards conditions/Informatives: Highways 1, 2, 3, 7, 8, 10, 11, 12, 13, 14, 15, and 17

PROW:

In the design and access statement it makes reference to two public rights of way.

The first one being footpath 1 Livesey which runs from Livesey Branch road in a northerly direction down the western side of St Bede's school, turning in a westerly direction at the rear of no. 26 Old gates drive and joining the surfaced section of this footpath that leads on to Solway Ave.

The design and access statement states that this path is to be left on its current line, however the accompanying plan shows the path taking a slightly different route.

A diversion order must be applied for to alter the definitive line of this footpath.

This footpath will also require a temporary closure order in place before any work on the line of the right of way commences.

The second footpath referred to in the statement leads from Old gates drive in a northerly direction between no's 26 and 28 past a substation and linking with the definitive line of footpath 1 Livesey at the rear of these properties. This footpath isn't currently recorded on the Definitive map and statement.

Also any change of surface to the definitive line of footpath 1 Livesey requires prior approval from the highway authority.

All application forms for diversions, temporary closures or change of surface can be found on the BWDBC website or sought form [public.rightofway@blackburn.gov.uk](mailto:public.rightofway@blackburn.gov.uk).

Please note: The Public rights of way team require 6 weeks' notice for processing a temporary closure.

#### 6.5 BWD Arboricultural Officer

No objection.

#### 6.6 Growth / Strategic Housing

No objection:

The Housing Growth Team would welcome good quality family homes in this location.

The principle of residential dwelling which responds to the Council's growth strategy would be supported 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 can be on site, off site or through a S106 commuted sum payment.

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.

S106 requirements:

#### Education

Additional primary school places are needed in West Blackburn as a result of major housing developments in the area.

The cost is to be shared between the major development sites in the area. On this basis, £84,901 is sought as a proportionate contribution from this site.

#### Affordable Housing

A contribution of £382,500 for the provision of Affordable Housing in the borough.

#### Green Infrastructure / Public Open Space

A contribution of £42,500, to go towards the provision / enhancement of Green Infrastructure in Blackburn.

#### Summary

Education	Public Open Space	Affordable Housing	Monitoring Fee	Total
£84,901	£42,500	£382,500	£5,099	£515,000

## 6.7 GMEU Ecology

#### Summary

The ecological issues for this site include bats, invasive species, nesting birds and mitigation and enhancement for loss of habitats on-site.

#### Bats

One tree has previously been identified as having low bat roosting potential, an ash tree (not willow as I erroneously assumed previously) along the southern boundary. The indicative layout of a previously approved outline application 10/19/0542 indicated that the tree was to be retained and it was therefore conditioned to be retained under 6 of that permission. The new layout indicates that this tree is now to be lost, the tree is also not shown on the arboricultural report but is still noted as present in the updated ecological report.

***If the tree is to now be removed further information is required prior to determination, either an aerial inspection of the potential roost feature or reasonable avoidance measures.***

#### Nesting Birds

The development is likely to result in the loss of bird nesting habitat in the form of trees and scrub. All British birds nests and eggs (with certain limited exceptions) are protected by

Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines is applied to any permission.

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

#### Invasive Species

A number of Cotoneaster species are listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended). Himalayan balsam is also now confirmed as present. I therefore recommend a condition along the following lines is applied to any permission.

***Prior to any earthworks or vegetation clearance a method statement detailing eradication and/or control and/or avoidance measures for himalayan balsam and Cotoneaster should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.***

#### Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. For the previous permission I accepted that on-site mitigation was possible and requested the detail be conditioned. At the pre-application stage for this application, I noted that the proposed new layout had reduced the scope for on-site mitigation and I was no longer satisfied that it could be assumed that on-site mitigation is feasible for habitat losses. I suggested that the defra metric v2 should be applied to enable a more objective measure on whether or not adequate mitigation was being provided if this layout remained unchanged. The submitted layout is the same as the pre-application submission. ***I am therefore not persuaded that section 170 can be met given the current proposed layout and further information should be supplied by the applicant.*** This could be in the form of off-set metrics that do prove that on-site mitigation could be achieved or alternatively off-site compensation. The latter would appear feasible in theory given the adjacent rough edge to the adjacent playing fields.

I am satisfied that species mitigation could be achieved on site for nesting birds and roosting bats through provision of nest/roost boxes or bricks, ***the detail of which could be conditioned.***

## **6.8 United Utilities**

**No objection, subject to conditions:**

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

#### Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Following our review of the submitted Preliminary Drainage Strategy Ref: 20022/01/1, Rev: D, Dated: 23.11.2020, By: REFA, we can confirm the proposals are acceptable in principle to United Utilities. However, the surface water discharge is to a culvert which differs in diameter on the plan to what is shown on the public sewer records. We suggest that this should be

further investigated and discussed with the Lead Local Flood Authority. We would also request a justification of the proposed foul discharge location over the system in Lomond Gardens.

Until this information is provided we request the following pre-commencement conditions are associated with this application:

*Condition 1 – Surface water*

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

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

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

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

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

*Condition 2 – Foul water*

Foul and surface water shall be drained on separate systems.

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

The applicant can discuss any of the above with Developer Engineer, Robert Brenton, by email at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk).

**6.9 BWD Cleansing**

No objection.

**6.10 Lancashire Constabulary**

No objection, standard comments.

**6.11 Lancashire Fire Service**

No objection, standard comments.

#### 6.12 Public consultation

Neighbourhood consultation letters were sent out on 19<sup>th</sup> March 2021, to 165 addresses local to the application site. In addition, six site notices were displayed and a press notice was published in the Lancashire Telegraph on 29<sup>th</sup> March 2021. A second and wider consultation by letter was undertaken on 16<sup>th</sup> April 2021, to 205 addresses, following receipt of additional and amended information. A petition was submitted on the 26<sup>th</sup> April 2021, objecting to the proposal, and containing 119 signatures which equates to a representation from all 88 homes on the Redrow Estate off Green Lane – ie. Lomond Gardens, Rannoch Drive, Solway Avenue, Torridon Close and Melfort Close. Members will recall the receipt of this petition was reported to the last Committee meeting on the 27<sup>th</sup> May. In addition, 43 objections and 5 general comments were received (see Summary of Representations, Section 9).

#### **7.0 CONTACT OFFICER – Nick Blackledge, Senior Planner**

#### **8.0 DATE PREPARED: 3<sup>rd</sup> June 2021**

## 9.0 SUMMARY OF REPRESENTATIONS

### **Comment – Cllr Derek Hardman. Rec – 23/03/2021**

I agree despite promises regarding the public open space they put in a footpath, this was a total surprise to us. I can assure you we will be fighting this proposal and the parish council will be objecting to this proposal and of course why they will not use green lane as an access to the estate.

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### **Objection – Mrs Heidi Marie Pugh, 31 Old Gates Drive, Blackburn. Received – 22/03/2021**

Please be advised I wish to express my concerns regarding Reference 20/21/0277.

My concerns are that it appears on your plans that a boundary fence is being removed & a tarmac pavement placed from the land off Lomand Gardens & going across the green public open space on Old Gates Dr, alongside going up the rear of the even houses to meet Livesey Branch Rd.

This would, once again, provide opportunist thieves to target Old Gates Dr which occurred when the boundary fence was blown down, alongside encouraged antisocial behaviour spilling out from a neighbouring estate off Green Lane who caused arson & damage to properties & trees previously.

We have been promised by local councillors & Parish councillors on numerous occasions that our green public open space would be put back to its 'original' state once culvert works have been completed. Your plans defer their promises & our green public open space should not be compromised & taken away, as too many trees have been wrongly destroyed already taking away an extensive habitat for birds, squirrels, bats, hedgehogs & rodents & our green public open space was a condition of BWD Planners that Wainhomes created it as part of the Old Gates development.

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### **Objection Mrs Heidi Pugh, 31 Old Gates Drive, Blackburn. Received – 07/04/2021**

I'd like to add to my objections.....due to NEW unadvertised information..... against the installation of a "maintenance access road" being put on the POS on OGD!!! I am within the timescale to submit this objection, unlike your work commencing regardless of the objections etc!!! In the WHOLE time that OGD has existed, NEVER has maintenance work to the culvert been made from OGD. The culvert is on the other side of our boundary fence. Access has ALWAYS been made since 1988/90 from the other side of the boundary fence. The public rights of way edging the culvert and the new intended estate have been widened to service a maintenance vehicle. The proposed new housing estate will also have adequate roading to service a maintenance vehicle so WHY on earth would you want a FORTH entrance, alongside destroying our POS, for such a vehicle!!!! Your intentions are completely dishonest & I believe, alongside several neighbours, in that your dishonest intentions include having an actual road built to service the new estate..... there is no other explanation!!!! That being the case then you will be putting lives at risk.....yes REAL lives....as the POS sits on a blind bend that narrows significantly on the bend where numerous vehicle impacts occur yearly. The last being a month ago in icy conditions & the worst last year when a young boy almost lost his life when a car drove through his family home, leaving a family STILL homeless whilst their home is being completely rebuilt!!!! Your intentions have been nothing but immoral & dishonest & I do believe illegal

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**Objection Mrs Heidi Pugh, 31 Old Gates Drive, Blackburn. Received – 08/04/2021**

I have read an email of December 2020. I can confirm there was a boundary fence that protected OGD from intrusions & our POS when the development of OGD was built. During around 2003/4 the boundary fence was damaged and residents battled to get this reinstated. They wished it to be reinstated due to an increase in thief's & undesirable behaviour occurring from youths cutting through. Eventually the fence was reinstated around 2013. Any culvert work has always been carried out via Green Lane or the school. Access has never been needed from OGD & should still not be required as it lies not on our drive or POS & is & always has been BEHIND the boundary fence on our POS. I object to our POS being repurposed for any access for culvert vehicles to trash it continuously alongside it having a pavement put through. Neither is necessary. There is already a cut through that leads onto the new estate via the public right of way. There is also going to be access to the culvert by a road that will service the new estate! Our POS should not be repurposed as it is used by residents. Fruits have been planted by residents & shared. A plant swapping scheme is set up by residents & accessed by lots of the community, which is usually placed on sheltered shelving from around May-Oct. Now our POS seems to have been repurposed without any consideration to us & as a community this facility we provided was educational, kind & had a great community feel. We also cut back lots of shrubs from the pavement area last year & cuttings had been planted that you have kindly trampled and destroyed alongside our fruit bushes. PLEASE add this to my objections.

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**Objection Dean Grimshaw, Resident of Lomond Gardens, Blackburn. Received – 22/03/2021**

As a resident of of Lomond gardens I am extremely worried about the access road. Originally it was on Old Gates Drive. Then all residents got together on Facebook and the telegraph and now it appears to be off Lomond gardens. If we all kick off the same way will it be changed back. Doubt it. Seems that council/planning have give in to the protesters. There are a lot of elderly residents on Lomond gardens and they are not going to kick off. Feel that we have been sold down the river if access road is off Lomond gardens. Please can you reply to ease my worries before i start the same facebook campaign with all the original estate residents.

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**Objection – Mrs Fiona Fleming. Received – 23/03/2021**

I wish to express my concerns and objections to the planned pathway and removal of boundary fencing situated within the green space on Old Gates Drive - land which does NOT belong to the council.

Residents were given extensive assurances from the council (Imran Munshi) that, after the culverting repairs were completed, the green space would be restored back to its original state.

Upon seeing the plans for the extension to Lomond Gardens it's clear that this is not the case and why were residents not consulted with regard to the new plans?

I see you have proposed to construct a tarmac pathway leading from Old Gates Drive through our public green space to the new Lomond Gardens site. Access here would encourage antisocial behaviour and give any burglars a quick 'getaway route' using the existing pathway behind the homes on Old Gates Drive up to the main road.

There have already been breaches of promises from the council who destroyed several trees which afforded precious habitats for our local (protected) bats, birds and other wildlife. You cannot be allowed to ride roughshod over the concerns and wishes of residents, there are protocols to follow which you have ignored.

The council have been underhand and sneaky with regards the use of this land right from the start, assurances were given that it was not earmarked for development which was an outright lie.

The development has also been classed as Lomond Gardens, Feniscowles. Can you tell me where you get Feniscowles from? Is this because a Feniscowles address would command a higher price? It's deceitful, fraudulent and misleading to say the least.

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**Objection – Laura Hopwood, 2 Lomond Gardens, Blackburn. Received – 24/03/2021**

With regard to the above full planning application which I have been notified of by letter please take into my comments as outlined below:

I object to the permanent access route for the completed development being through Rannoch Drive and Lomond Gardens for several reasons, these being; it will pose a significant safety risk to the numerous small children who live on the existing estate, the roads are already congested with parked cars so to add potentially an additional 60 cars driving through this route will cause chaos. There will be increased congestion on exiting the estate on to Green Lane, particularly as the exit is so close to the traffic lights on the canal bridge. There has already been a temporary access route constructed off Green Lane for the current culvert works, this could easily be made into a permanent access route for the new development, this route is not causing any issues currently and would be the safest route for all residents.

A substantial number of trees have already been chopped down for the culvert works, therefore I would like to see a substantial number of new trees planted as part of the scheme (some of which should be mature trees) to help reintroduce the wildlife that have been dispersed as a result (birds, bats, hedgehogs). Trees along the borders of the site that back on to existing house would also be beneficial to combat the loss of privacy that will occur.

I am also keen to know whether the existing back garden fences will be replaced by the developer.

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**Objection – Mr & Mrs Mitchell, 12 Solway Avenue, Blackburn. Received – 29/03/2021**

I am writing to you raise our objections to the planning application  
10/21/0277 - Land off Lomond Gardens .

We have lived on Solway Avenue for the last 20 years & seen the current estate change from people having 1 to 2 cars & able to park off the road , to people nowadays have 3 to 4 cars & even works vehicles that mean the roads of the estate are more congested, often making access around the estate difficult at times with all these extra parked vehicles.

As the planned homes are 3 to 5 bedroom homes it is very likely that each house will have at least 1 if not 2 + cars.

Factoring in there could possibly be another 60 cars & associated vehicles (deliveries, visitors to the new homes, etc) this would only make the congestion worse.

As the years have passed new families have moved in and we now have a new generation of young children playing around the estate and people don't always drive appropriately, more vehicles from the possible new development would only make the current estate roads more dangerous.

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**Objection – Mrs Maureen Park, 24 Old Gates Drive, Blackburn. Received – 29/03/2021**

I am very concerned about the plans which appear to place a footpath from the development of land off Lomond Gardens across the Public Open Space onto Old Gates Drive.

Trees have already been destroyed affecting local wildlife and we were promised by local councillors & Parish councillors many times that the public open space would be put back to its 'original' state once culvert works have been completed. This public open space was a condition of BWD Planners that Wainhomes created as part of the Old Gates development.

There are already two footpaths from the development on the south side. One directly onto Old Gates Drive and the other alongside St Bede's Playing Fields right up to Livesey; Branch Road.

I do not understand why there needs to be another one.

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**Objection – Graham Henry, 4 Solway Avenue, Blackburn. Received – 30/03/2021**

Firstly , I will declare an interest in so far as I am a resident of the estate where the new development will be accessed from. See my details below.

That said, my reason for writing to you is not to object to the development itself. This is a pretty unattractive and useless piece of land with little chance of it being put to any good social use, and so a development of this type makes sense. It will also bring much needed revenue to the town.

My concern lies in the decision to link the development to the existing estate of Rannoch / Lomond, rather than directly onto Green Lane.

Another 60 / 70 cars coming in and out of this estate, any number of times per day, can only create further risk to the current residents.

All the additional traffic associated with these new houses will one way or another have to enter / exit Green Lane. Why on earth make them wind there way through Lomond Gardens and Rannoch Drive rather than driving straight out of the new development and onto Green Lane? It seems to me to be highly unnecessary and simply creates additional risk, where it needn't be created. Heaven forbid there were to be any accidents, however should this materialise, the root cause will be easy to find.

I hope you will take on board my concerns and trust you will come to a different decision with regards to how this new development links to Green Lane.

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**Objection – Mr Paul Tiffin, 6 Torridon Close, Blackburn. Received – 05/04/2021**

I wish to object to the following planning application, due to the fact that the access to the development will be through my estate. This proposed development consists of 30 dwellings, which

will add far too much traffic and noise pollution going through the estate every day."The whole redrow estate only consists of around 70 dwellings, I think it is unacceptable to expect me and my fellow residents to have to put up with this added traffic and noise passing through the estate all hours of the day.

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**Objection – Lynda & James Cockerill. Received – 05/04/2021**

To whom it may concern

I wish to object to the proposed route for traffic to the new housing development off Green Lane.

Rannoch Drive is a small estate. The extra traffic accessing the new houses will cause unnecessary pollution and noise and also danger to children living here.

My husband and I therefore strongly object.

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**Objection – Ian Robinson, 9 Torridon Close, Blackburn. Received – 06/04/2021**

Good morning Nick,

I am writing to object to the planning application to include an access road off Lomond Gardens to a new housing development application from McDermott Homes on the land off Lomond Gardens.

I have only just found out about this planning permission and am very disappointed that the residents on Rannoch Drive estate were not personally informed of the planned disruption to their daily lives.

My objections are that it would increase traffic through the Rannoch Close housing estate and to be honest there is more than enough traffic already for our estate. Only the other day a child ran out in front of my car on Rannoch Drive, heaven forbid that road gets any busier.

Because of limited parking for cars on drives and very narrow roads traffic is a problem already. Many households have a 2 car drive but there are multiple family members in one house all with cars, this means cars do have to be parked on the road and it is like an obstacle course driving through our estate as it is for the amount of cars that already use Rannoch Drive, to add more traffic on top of this already unsafe situation is like an accident waiting to happen.

There is absolutely no need to open up Lomond Gardens for an access road for a possible new McDermott housing estate as there is already a road coming off Green Lane that is being used at the moment that would be much more suitable and cause much less disruption to the lives of the residents on Lomond Gardens.

Many people have bought homes on Lomond Gardens because it is a cul-de-sac, for it then to be opened up to becoming a main road is absolutely devastating, young children who play safely there now will be unable to do so in future if this planning application goes ahead because it will then become a busy access road.

Unfortunately it seems that council's and housing developments have absolutely no interest in how they effect the lives of local residents when they pass planning applications for new builds or any development for that matter, as in this case it appears that this planning application is gong under the radar without local residents being personally informed of the plans and will be then be given permission by stealth. I am hoping and asking that you do think about residents in this instance and use the Green Lane road for access and to not disrupt the lives of the residents on Lomond Gardens.

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**Objection – Sara Eltman, Torridon Close, Blackburn. Received – 06/04/2021**

Dear Nick,

I was very shocked to hear only today that there are plans to build a through road onto Rannoch Drive.

Please use road that will cut onto main road Green Lane.

The extra traffic through Rannoch Drive really is a ridiculous idea. The road is a quiet road, That's why we chose to live here!

Cars park on the street in front of their houses and so the traffic will be stop start behind parked cars and in my opinion dangerous.

I strongly object to these plans and am disgusted that residents hadn't been informed.

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**Objection – Mr Gareth Carter, 5 Rannoch Drive, Blackburn. Received – 06/04/2021**

Hello.

I live at 5 Rannoch drive blackburn bb2 5bh and am writing to object to the proposed building of 30 houses off Lomand drive that will be accessed via Rannoch drive. I feel this would put too much pressure on the road and make it unsafe due to increased traffic for all residents. Also I am disgusted that no planning application has been put forward to the residents so that we may object, it seems to me that you would want to start the development in an underhand fashion to get it though.

Take this as a formal objection to this development.

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**Objection – Glenn Britnell, 16 Rannoch Drive, Blackburn. Received – 06/04/2021**

As a resident of Rannoch Drive (No16) I wish to object to the planning Application from McDermott homes for the residential development of 30 dwellings on land adjacent to Lomond Gardens. The reason for my objection is increased traffic on Rannoch Drive leading to the proposed development. CherryTree and Feniscowles have already had five new major housing developments constructed in the last five years with not a single improvement in the local supporting infrastructure or roads. The reduction in green space and increase in traffic, noise and pollution is detrimental to the existing residents.

**Objection – Sharon Ford. Received – 07/04/2021**

Dear Mr Blackledge

I am writing to lodge my objection and concern regarding the housing development off Lomond Gardens.

I am aware the previous discussion has been held regarding this scheme and a range of concerns raised.

The use of Rannoch Drive and Lomond Gardens as the access to 30 more properties really concerns me. It barely serves the existing houses. It is quite narrow, serving the main road ( Rannoch) and a number of cul de sacs. Residents bought houses on a safe quiet family orientated estate. It will be unsafe.

Delivery vehicles, and visitors already place pressure on the road. This will significantly increase traffic through the estates and put additional pressure on the feed to Green Lane by the railway bridge and canal bridge which are already narrowband back up at key times.

A temporary access road has been created which feeds directly on to Green Lane by the community centre. Thursday least gives traffic a chance to exit on to the main road between Livesey Branch and Preston Old Road.

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**Objection – Karen & David Baldwin, 3 Lomond Gardens, Blackburn. Received – 07/04/2021**

Dear Mr Blackledge,

We write to raise our concerns over the proposed planning application reference 10/21/0277. We are extremely concerned that this proposed application will cause considerable traffic difficulties on both Rannoch Drive and Lomond Gardens. Residents on both of both of these roads typically have two to three cars per household which already causes difficulties in accessing properties. We urge you to reconsider access to the new development with a view to making the access road via Green Lane a permanent feature. This would provide a much more accessible route to and from the new development which would alleviate the traffic on both Rannoch Drive and Lomond Gardens.

The staff from Nook Barn Nursery regularly use Rannoch Drive and Lomond Gardens via the ginnel with some of the children as a walk about route with prams and young children which would make this less safe for them by increased traffic. Pedestrians regularly have to walk in the road on both Rannoch Drive and Lomond Gardens due to the already significant parking issues, again making it much less safe by increasing traffic if the access road was through your proposed route.

In addition to this, there is a small piece of land off Old Gates Drive which would also be unsuitable access due to traffic issues on Old Gates Drive and yet again taking up a small but significant wildlife haven and these are rapidly depleting in the Cherry Tree, Hollytree and Feniscowles areas and all the new developments in these areas have already significantly changed the surrounding landscape not to mention the destruction to the countryside, wildlife and increased pollution.

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**Objection – Greg Whittle. Received – 07/04/2021**

If these people continue to ignore all those factual warnings, and further more go ahead with their plans against all our objections and advices as to why they should cease violating this open space., then, if in the future, we have a serious incident which occurred because against all the warnings and objections this access has gone ahead., then there maybe a strong case for a public prosecution against them which may be as serious as a manslaughter charge. Our objections need to be taken very seriously as lives could be at risk.

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**Objection – Jon Cooper, Melfort Close, Blackburn. Received – 07/04/2021**

I would like to object to the proposed access road through Lomond Gardens to the new housing estate. Can the existing construction access off Green Lane not be utilised instead?

The first I have heard about this is through my wife who saw it on a Facebook group. I believed the access was originally proposed from Old Gates Drive. Can you please confirm why the planned access is now through Lomond Gardens.

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**Objection Steph Robinson, 9 Torridon Close, Blackburn. Received – 07/04/2021**

Further to our email below and the conversation I had with you yesterday I have digested your arguments for the access road to be off Lomond Gardens and I have further points to make.

Firstly I posted a call to action yesterday of all the residents on Rannoch Drive estate asking them to voice their concerns to you regarding the new development and the feedback I have received is that a large number of local residents were not aware of this planned development which to me is really telling. It is as if the council want to steam roll ahead with their plans to the agreement of the developer above the quality of life of the local residents. Surely all residents that this development is going to affect should of been informed by virtue of the fact that the amount of additional traffic through our estate is going to impact on them.

Also the fact that I personally pay £2300 in council tax per year and have been paying my council tax for the last 21 years for living on Torridon Close, I have always thought our council tax is excessive but have loved living in the area that I live in. If you calculate that I went to 80 houses yesterday + my house that is 81 houses on the Rannoch Drive estate which equates to approximately £186,300.00 we pay in council tax per year and to me I think that this has to be taken into consideration when discussing opening up Lomond Gardens to more traffic for our estate.

Secondly, you also mentioned that a school wanted to rent part of the field which would not in any way reflect what we pay as local residents, again I refer back to my first point in that the residents of Rannoch Drive pay a substantial amount in council tax and this should be taken into account when making your final decision.

Thirdly, you mentioned that it would be more expensive to make the road off Green Lane a permanent road, surely this is not the concern or worry of the council as the developer would be paying that cost, this should be put in to the provisos of giving planning permission of the development and the infrastructure.

All the residents I spoke to last night do not want Lomond Gardens used as an access road to the new development, I would ask that you listen to the residents and put yourself in our shoes, would you like it if you had been living on a close for the last 21 years and now your peace and quiet is going to be badly effected.

Please do not let this access road go ahead, use the access road off Green Lane, do the right thing for the residents of Rannoch Drive and Lomond Gardens especially.

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**Objection Steph Robinson, 9 Torridon Close, Blackburn. Received – 14/04/2021**

I have also copied Kev Allcock in to this email as he was the one that found your notice pinned to a tiny wooden pole on the footpath just off Livesey Branch Road. It was very lucky that Kev spotted this bedraggled notice on his walk or it could of easily been missed.

I live on the Rannoch Drive estate and Kev Allcock lives on the Old Gates estate and both estates are apposed to access from either side of the proposed McDermott Homes planning application for access to 30 dwellings off Lomond Gardens.

I have been in touch with Rick Moore and he says that the Parish Council and our local conservative group are also apposed to the planning application. He says that they want to apply for section 106 monies and use the access off Green Lane, the money will go towards bigger and better playground and sports facilities in the area.

I have been in touch with Derek Hardman and am just waiting his response, I am also going to contact Paul Marrow to support the local residents against this application.

Nick Blackledge has said that there will now be further consultations as the plans for the 30 dwellings were not submitted correctly and need to be reviewed again. I have been on the Blackburn with Darwen website and cannot find a request to speak form, could you forward one of those to me please?

We do not want this application for access to go ahead as there are more than enough residents and cars that use our estates as it is and further traffic will increase the danger to the residents of our estates regarding potential traffic accidents. Each house on the Rannoch Drive estate has at least 2 cars some have 4, that's potentially 200 + cars per day using the one entry and exit point off our estate, if you then add another 60 + cars to that number the infrastructure just cannot accommodate that increase in traffic. On Rannoch Drive at points, because of the lack of parking on the drives, there are many cars that park on our narrow roads ( half on the pavement and half off) this makes parts of Rannoch Drive a one way system as it is, it is an accident waiting to happen.

Many of the Lomond Gardens residents have lived on a cul-de-sac for 20+ years and now will have their lives completely disrupted forever if you open up their quiet cul-de-sac as access to the proposed new housing estate. This is totally unacceptable. These residents have looked after that piece of land for over 20 years, they have replaced the fence panels, turfed the area, maintained the area, and even got Green Thumb to treat the area, all at their own expense. How is it now thought completely acceptable for the council to then rip all their hard work out and build an access road?

If you also look at how much council tax both our estates pay, I calculated that Rannoch Drive has 85 houses that equates to approximately £196,000.00 revenue for the council each year. I don't know how many houses there are on the Old Gates estate, it looks to me like there are more than 85, but just for arguments sake we say another 85 houses, that is approximately £392,000.00 council tax that we as local residents pay each year to the council, this to me says that we have a right to be listened to and you build a permanent road off Green Lane and leave our estates in peace and without this constant threat of our lives being disrupted. This piece of land has been the bane of local residents lives for many years and it needs to be put to bed once and for all.

I would ask that on this occasion the council does the right thing by the local residents. Kev Allcock has been in this fight a lot longer than I have and says that back in 2019 the findings on the previous application were that all proposed points of access were wholly unacceptable on safety grounds and were ruled out by the Highways Committee.

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**Objection – Lesley Stevenson, 3 Torridon Close, Blackburn. Received – 07/04/2021**

I wish to appeal against the intended disposal of open space off Lomond Gardens and land off Old Gates Drive, Blackburn and believe you have an application from McDermott homes to build 30 houses and infrastructure works.

As far as I was aware you were starting works on this land for flooding issues not to build 30 houses. I have seen a letter stating this and that you would return all the open land back to how it was.

I live on Torridon Close, 200 yds away from this land and up to now I haven't had any correspondence regarding this development and just happened to see by chance work has already been started. Then speaking to the local community finding this out for myself. Are you not required by law to advise or at least by way of letting the community know what will be happening on their own doorstep.

When I bought my house on Torridon Close the fact that there was open land round two thirds of the development was a major factor and that it was only a small development. My children have grown up on the estate and we have felt quite safe with limited traffic but cannot imagine how busy 30 houses will make the estate and the road that goes through it. When the boundary fence was down a few years ago there was very much an increase of anti-social behaviour and burglaries on my estate and this will happen again by opening up the boundary. If this application has already gone through (I cant see it though 'cos no one has been privy to this info to object to) why build a road then get rid of it after, why not keep it then the estates are separate and traffic is spread.

I feel you have been very underhanded in how you have handled this and not informed the local community because you knew what kind of objections you would get. I found out by speaking to people but whst about the residents who don't speak to people, who have no access to the Internet.

Look forward to hearing from you regarding this, but I very much doubt you will reply.

The residents and local community will not take this lying down and will object st every stage.

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**Objection – Paul Guinan. Received – 08/04/2021**

Can I please voice my real concerns regarding the proposal of the above scheme and associated works.

I believe the proposal in its current state is inaccurate with a number of areas that are not correct.

My main concern along with all the other residents on the estate (Rannoch Drive) is access & egress through the existing estate, which is already extremely busy with traffic etc.

I believe access was originally through the Old Gates estate which was rejected, therefore why would access through this estate be acceptable? Therefore my proposal to you is that you utilise the road that has already been laid and access is gained to that area from Green Lane.

**I reject the proposal.**

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**Objection – Jackie Hunt, 11 Lomond Gardens, Blackburn. Received – 08/04/2021**

I wish to register my objections to the new housing development on Lomond Gardens. My family and I live at number 11 Lomond Gardens and are already experiencing building noise from the culvert repairs on the spare land. I am recovering from covid 19, suffering post viral fatigue and am therefore off work trying to rest and recuperate. I am however disturbed every day by noise from the heavy machinery currently working on the culvert on the land where the estate is to be built. My dog barks at the noise causing further disturbance. I can only imagine how noisy it will be when building work is being carried out over a sustained period of time building all the new houses.

I also object to all the traffic driving past my house, potentially 60 cars!. I am currently in a safe quiet cul-de-sac.

I also object to the dust and dirt which will be generated from the building work over a prolonged period of time

There is a road which has been built from Green lane servicing the land during culvert repairs, surely this is an ideal opportunity to have it remain as the main road to the new estate, should permission be granted. Why would the council want to have a lovely quiet neighbourhood disturbed by the extra traffic passing our houses, when there is a reasonable solution to leaving the new road in place.

I would appreciate you registering my objection and please keep me informed of any meetings which are to be held in relation to this proposal. I did register my objection 2 years ago and asked to be kept informed of any new information, but have only been aware of recent plans from a local Facebook page. I find this totally disrespectful of the BwD Planning department.

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**Objection – Julie Whelan-Cooper, Rannoch Drive Estate, Blackburn. Received – 09/04/2021**

As a resident of Rannoch Drive estate, I would like to object to the plans to open up an access road on Lomond Gardens for the planned housing estate.

As a resident, I have received no consultation about these plans and I am only aware of them because of Social Media. This is disappointing to say the least.

The access road will increase the amount of traffic on our estate putting children and animals at risk and I strongly oppose it.

Residents on Old Gates Drive have also disagreed with plans to put in an access road on their street and have made the sensible suggestion to use the current access road on Green Lane where there will be no disruption to residents.

Your plans are unacceptable and I share concerns with many neighbours who will also be in touch with you.

Do what's right and take our concerns into account.

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**Objection – Mrs J Carter, Rannoch Drive, Blackburn. Received – 09/04/2021**

FAO Nick Blackledge. I am e mailing with objection to the infrastructure work opening up lomond gardens for an access road for the planned new estate. I live on Rannoch drive and know this will make it so much busier with through traffic which is something no one in this area raising families want. No local residents were personally informed of this by yourselves. Please take this email as a formal objection.

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**Objection – Lynn. Received 09/04/2021**

I am writing to request that you reconsider the entrance to the development from McDermott Homes for 30 Dwellings and associated infrastructure works.

I live off Rannock Drive and opening up Lomond Gardens for the access road will make Rannock Drive a lot busier than it is already now, and sometimes we have a problem getting out of our road as people park on the road/pavement which causes problems seeing oncoming traffic.

I would think it would be more sensible to use the current road off Green Lane as an access road instead.

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**Objection Daria Horne, 8 Torridon Close, Blackburn. Received – 12/04/2021**

I wish to object to the opening up of Lomond Gardens as an access road for the planned development of thirty residential dwellings by McDermott Homes.

The Redrow estate (cherry tree gardens) which encompasses Rannoch Drive and Lomond Gardens is a small estate and the addition of probably in excess of thirty extra vehicles driving through it will have a huge impact on the residents. This estate has never had through traffic - there has only ever been one way in and one way out and this, to some extent, has influenced people in their decision to buy their houses on the estate.

The current road which is being used by contractors onto the new planned estate runs off Green Lane. It would surely make sense to make this road the permanent access road to the new estate. This would allow for safer and simpler access to the new estate by the residents and safety is surely the most important factor.

**Objection – Stuart Greaves, 11 Old Gates Drive, Blackburn. Received – 12/04/2021**

Dear Sir,

After reviewing the above stated planning application it is not clear if vehicle access to the proposed new housing development will be via Old Gates Drive and/or Lomond Gardens.

Should the planning application propose that vehicle access is to be from Old Gates Drive, then I hereby register my objection to the planning application. The reasons for my objection are that Old Gates Drive is already a busy road with the existing number of homes and by creating access to the new housing estate will create extra traffic and this will be a safety risk especially with the steepness Old Gates Drive. There have already been a number of recent accidents on Old Gates Drive, one with the driver losing control going down the road and his vehicle crashing into the lounge of a resident. The extra traffic will increase the chances of further accidents and next time it could be a child that is hit and not a house wall.

I would respectfully suggest that the safest option for vehicle access to the new houses would be to build a new road directly from Green Lane in a similar location as the existing temporary access road

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**Objection – Abdul Hamid Mulla, Resident of Torridon Close, Blackburn. Received – 12/04/2021**

I write as a resident of Torridon Close regarding the reference number in the subject line.

Firstly I would like to express disappointment that as a resident of the area to be affected by the planning application we have not been informed of this application and been invited to comment on it.

I understand that the proposal includes opening up Lomond Gardens for access to the new housing which would make Rannoch Drive and surrounding streets much busier. Please can I request that the existing access on Green Lane is used for this purpose and not via Lomond Gardens/Rannoch Drive

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**Objection – Steve Lightfoot, 4 Rannoch Drive, Blackburn. Received – 12/04/2021**

As a Rannoch Drive resident I am writing to object against the proposed access road connecting Lomond Gardens to the new dwellings off Green Lane.

There is no need for this access road when there will already be an access road onto Green Lane, the last thing we need is for Rannoch Drive to become a rat run road.

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**Objection – Stephen Hannan. Received – 12/04/2021**

I find it difficult to believe you are planning to use rannoch drive and lomond gardens as a through road as there are too many cars as it is parked on the pavement and driveways and therefore making it difficult, and to add another 30 houses and 2-3 cars per household your adding traffic of around 60 to 90 extra cars using a very congested estate and the road is not that wide so why not use the entrance on green lane which would be the sensible option I am not against the houses just the amount of traffic using a very congested road.

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**Objection – Lorraine Baron, 10 Lomond Gardens. Received – 12/04/2021**

As a resident of Lomond Gardens I wish to put in an objection with regards to the above planning application.

Whilst I do not have an overall objection to the building of the new houses, my objection is to the opening up of Lomond Gardens as the proposed through route. There is only the one road Rannoch Drive that leads onto this estate to serve the 80+ houses and to then use this for a further 30 houses due to be built does not make any sense when there is a perfectly good and much wider road, Green Lane, which could be used as the access road to the new proposed development.

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**Objection – John McVey, 14 Lomond Gardens, Blackburn. Received – 12/04/2021**

I am concerned about the building of the 30 dwellings by McDermott Homes and in particular the entrance to the new estate that is going to be off Lomond Gardens and straight outside my house. The reason I purchased my property was largely due to quiet part of the estate and the fact that there was very little traffic coming past my property. My question is why is the proposed entrance to the new estate via Lomond Gardens and not directly off Green Lane which the work related vehicles are currently using to have access to the new estate, and this would not effect the residents from Rannoch Drive and Lomond Gardens . Why can't a proper road be built and that used for entrance instead of having to come via Rannoch Drive and Lomond Gardens. I have genuine concern that this will cause massive disruption to the residence in particular Lomond Gardens and ultimately de value the properties in this area. If this goes ahead will the residence in Lomond Gardens directly effected by this upheaval be compensated in any way. Please consider other potential options for entry into the new estate so that there is no upheaval for current residents

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**Objection – Stephen Parker, 32 Old Gates Drive, Blackburn. Received – 12/04/2021**

Earlier plans showed access to this development from Old Gates Drive and I have already submitted my objections to this proposal.

The latest site layout now shows access via Lomond Gardens which I believe is a much better proposal. However current works being undertaken to upgrade the drainage behind Old Gates Drive are providing for an access service road cutting through the same public open space from Old Gates Drive which may or may not provide access to the new estate but is not currently shown on the new development plans. Some clarity needs to be given as to the final layout otherwise objections cannot be raised on how this land is going to be utilised. Any such service road would not be in keeping with the developer's proposal.

In addition the new proposal shows a new public footpath cutting through this open public space onto Old Gates Drive. The public right of way therefore would be extended and could lead to additional anti social behaviour by groups of youngsters and teenagers congregating behind houses especially those adjacent to this footpath (this has been a problem for many years). I would object to any development of any roadway or additional pedestrian access through this public open space.

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**Objection – Mark Russell. Received – 13/04/2021**

Although in principle I have nothing against the site being used for housing, I feel the following aspects of the application should be addressed:

I think it would be preferable if the estate was not a cul-de-sac. There should be sufficient space to make the road a 'loop', removing the need for a turning circle. I feel this would enable service vehicles and delivery vehicles a much easier means of exit from the estate, and negate people doing 3-point turns. etc..

I do not think the Public Open Space off Old Gates Drive should be included within the application or affected by the development.

I would prefer to see access off Green Lane adjacent to the substation on Green Lane and progressing round the perimeter of the fields, with S106 monies utilised for moving the children's play area nearer to the Community Centre and making it bigger and better.

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**Objection – Paul Wright, 6 Old Gates Drive, Blackburn. Received – 14/04/2021**

We are not happy with your proposal to have a access down oldgates drive onto the new housing development.

The road is busy anyway for the estate that we all live on.

There are young adults now that are starting to drive who live with there parents on here , they might have a car each , so possible two to four cars per household.

The access point is on a bad bend , we have already had one bad accident, on the same bend your proposing to use.

I strongly object to this proposal, I hope you take what I have written and fully understand the Consequences of what may happen if you go ahead with the proposal.

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**Objection – Robert Atherton, 9 Melfort Close, Blackburn. Received – 14/04/2021**

I have only just found out about the above, not from Blackburn council via email or letter. I'm very disappointed about not being notified about the above.

I wish to register my objections to the proposed development and the access road via Rannoch drive and Lomond Gardens.

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**Objection - Faye & Phil Dewell, 28 Old Gates Drive, Blackburn. Received 14/04/2021**

I would like to raise my objections to the proposed access road through the public open space on old gates drive for the planned McDermott homes development on the land off lomond gardens.

We live at 28 Old Gates Drive, directly next to the public open space. You may or not be aware but last July a serious accident occurred at our address wherein a car drive into our house causing extensive structural damage and our 2 year old son injured. It is unknown how the gentleman crashed his car into our home and what speed he was doing etc however I had raised my concerns before on the speed in which cars drive down old gates drive and already how congested it is. The

damage done is still in the process being repaired, this has been a life changing experience, we and our children have had to move out of our family home for a long period of time. It terrifies me that a junction is going to be placed at that very point. I refer you to pictures of the accident that I have attached.

Having only moved onto old gates drive in 2018 but having grown up on solway avenue, I do absolutely support the development of the land off lomond gardens. It will be good for the area and get rid of the anti social behaviour that occurs on there. However careful consideration needs to be given to the access road into the new estate. Perhaps by people who actually know the area and spend time there?!

However, I ask that you consider the safety aspect of putting a junction on the public open space on old gates. There are NO traffic calming measures on old gates drive. The road narrows at the point of the public open space and it is a blind bend. Cars go extremely fast as they have gained speed here and there has been a number of near misses. You would not be able to see what is coming up the road to the right if at this proposed junction.

This also imposes on our property greatly. The works carried out by Imran Munshi's 'drainage team' have been very underhand and have left our property very exposed and vulnerable due to the removal of the surrounding trees. I refer you to the pictures attached.

I am also greatly disappointed that you must think you are pulling the wool over our eyes by putting an 'access' road on the land. Access to what? Why is access to the culvert needed if there is going to be a new estate with a road leading to the culvert? It seems a terrible waste of tax payers money.

I ask you to reconsider how you will use the public open space on old gates drive. I absolutely oppose this being used as a road to service the new build estate. Not only does this not make constructional sense, it also is NOT SAFE and I cannot emphasise that enough. If anyone from planning wants to spend some time in my house to back up what I am saying, you are very welcome to do so. There is more than enough traffic coming down old gates drive. It is so busy that I am terrified to let my children step on the front outside. Considering it is a family estate of detached family homes, this is shocking in itself.

I also ask that you contact the residents it directly affects before ploughing ahead as has been seen in the last few weeks and consider the points I have raised in this email. My main concern is safety and increased traffic to an already congested road. My children and I should feel safe on our street.



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**Objection – Peter Richardson, 61 Old Gates Drive, Blackburn. Received – 14/04/2021**

I would like to submit my objections to the planning application for the sale and use of the land between Lomond Gardens and Old Gates Drive. In particular the proposed access to this land during any construction or once the houses are built. This land is open land used as a public space and was previously owned by the school as an additional sports facility. If the land is to be used for anything else it should be retained by the council and used as an extension to the football field currently used by Mill Hill FC, thereby keeping it as a public open space.

As for any access to the site, Old Gates Drive is already unsuitable for the amount of traffic and parked vehicles, to add to this would make use by the current residents horrendous. If there was ever a fire it would be difficult for fire service access. The road is not maintained by the council including repair of potholes, repair of streetlights and road sweeping, further traffic or foot use would make this worse.

The area of Livesey and Feniscowles is now swamped with new houses and with another 400 to come over the next few years, the roads will not be able to cope. There is no need to build another 30 houses, there are plenty of houses already for sale within a 1 mile radius of this land.

Please consider this and other people's views at the planning meeting, as up to now the council have ignored our views and used covid as an excuse.

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**Objection – Karen Richardson, 61 Old Gates Drive, Blackburn. Received – 15/04/2021**

I would like to make an objection to the proposed building of 30 new homes off Old Gates Drive/Lomond Garden for the following reasons:

There are already a significant number of other houses being built in the area so do we really need 30 more?

As this land was previously part of the playing fields for St Bedes, would it not be better to turn back into a football pitch and encourage more sport in the town Access to the new estate may be off Old Gates which is not suitable for heavy traffic to be moving around due to the amount of double

parking and on the road The schools etc will not be able to cope with extra amount of people in the area

Finally I thought it was Government policy to build affordable housing? Would it not be better to build affordable housing in areas of the town that needs some regeneration, rather than let some areas go to rack and ruin

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**Objection – Kevin Allcock. Received – 14/04/2021**

I represent the views of myself and I believe the majority of local residents listed within these proposals.

We object to the near invisible notification of these proposals.  
Of the extensive list of affected properties shown in the application (over 400), NONE have received notification electronically verbally or by post.

For the application in question 10/21/0277



(please see photo) only one notice was advertised, and as can be seen, it was a lengthy document in small print, roughly sellotaped around a thin post, open to the elements. Indeed, I could only read it by removing, taking home to dry out and photograph, then returning it in a better state than it was previously placed!

This is a wholly inadequate notification for such a massive development which impacts our way of life radically.

I have had extended conversations with Imran Munshi who was very convincing in his assurances that the massive disruption to the land off Old Gates Drive was solely due to essential drainage works and he had NO KNOWLEDGE of the proposed new 30 dwellings. However, Mr Munshi is listed as a consultant on this 30 dwelling development.

The boundaries to the plan have been radically altered from the initial proposal to include Public Open Space which had an acquisition notice placed on it by Asad Laher.

The date for objection to these plans was to be 'no later than Thurs 8th April' Many residents sent in letters opposing these plans, but this was all in vain as bulldozers moved in on Tues 6th April, two days PRIOR to the cut off date, clearly showing utter disregard and contempt for local views. I have contacted Mr Laher for an explanation for this wholly illegal action, I have received no response.

Has the Council sold the land to McDermott Homes, if so, for how much? And as the second boundary plan shows, have they in turn illegally purchased the POS on Old Gates Drive as the Notice of Acquisition date was not honoured.

Can we have clarification as to what is being proposed for the POS? This POS was used socially and the upkeep was done by local neighbours, in a matter of minutes, the trees and wildlife were destroyed and fencing erected to keep us out.

We have heard of a plan to put an access road to the proposed 30 dwellings across the POS, another plan to have a wholly unnecessary vehicular access to inspect the culvert, and finally, a plan to have a footpath across it.. NONE of these are acceptable to residents.

The idea that access to 30 dwellings could be realised through either Old Gates Drive, Rannoch Drive or Nook Lane is quite frankly ludicrous.

A full enquiry is needed regarding the procedures that have led to this contentious situation.

Blackburn & Darwen Planning Growth Team have failed in their duties to ensure new developments fulfil what is necessary for future sustainability, and this development is no exception.

Planners appear to look at Google Maps, see a green area and apply a £ sign, no thought for local residents, no thought for practical infrastructure, schools, surgeries etc, and as is very apparent in this development, ZERO thought regards road safety and the terrible impact this plan will have for residents.

When these plans are discussed at committee stages, I would most like to attend/speak.

The feelings of residents has been totally dismissed, and this arrogant behaviour cannot be allowed to persist.

The Highways Department MUST look into the safety issues surrounding these plans to discuss increased inconvenience, more accidents and possible deaths. This is not scaremongering, simply look into police reports for accidents on the currently undisturbed narrow roads on Old Gates Drive.. incidentally, the same problems would manifest on Rannoch Drive.

The roads/highway form an integral part of any new development, and therefore cannot be considered in isolation from the overall design.

There is hierarchy of roads within residential estates, from a small-scale cul-de-sac where pedestrian movements are predominant and vehicle speeds are restricted, to minor distributor roads catering for the free flow of vehicles. These plans affect the peaceful smooth running of Old Gates/Rannoch, both of which utilise this road hierarchy.

Our lives will be intruded upon by traffic from outside our immediate area destroying ease of access for residents, visitors and service vehicles alike.

These cul-de-sac areas were only EVER designed for domestic access and CANNOT be expected to safely supply the needs of through-traffic.

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**Objection – Steven Garsden, 17 Torridon Close, Blackburn. Received – 26/04/2021**

I would like to make my objections known regarding the residential development off Lomond Gardens. I cannot believe that you would grant permission for access to this development through Lomond Gardens, and through this estate. Have you actually walked or tried to drive this route? The number of vehicles that are currently parked outside the houses along this route creating pedestrian and driving hazards is a potential accident and death waiting to happen, and I have personally nearly had accidents each week. To increase the amount of traffic through this route would only increase the risk of this significantly. If you grant permission, then you need to do something about the vehicles currently parked on the road and pedestrian pathways, and introduce speed calming methods through this route.

I cannot understand why you would not use the current development access to this route. If this is a danger to the public on Green lane, then why are the people around Green Lane more important than the people along this proposed route?

If you grant permission for this proposed access, and I, or any member of my family (my mother-in-law, who has reduced mobility access and struggles to walk around this area, especially as though the pedestrian walkways are blocked by vehicles and you have to walk on the road) am involved in an accident as a result of the issues I have mentioned, then I will seek court action against Blackburn Council for failing to consider the safety after having mentioned the risks.

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**Objection – Darren Talbot, Rannoch Drive, Blackburn. Received – 28/04/2021**

We would like to add ourselves to the list of objectors for using Rannoch Drive and Lomond Gardens as the main access to the new housing estate.

When we bought our house on Rannoch Drive we bought it for the location, the safety of the road for our children and the fact that as a closed estate we knew what we were buying and that it wouldn't change. This estate and its roads were built for the number of houses that it has, the roads don't have the ability for more traffic. The Junction that leads onto Lomond Gardens is not big enough to have more traffic, it's not safe for drivers or the residents.

We know people who live on Lomond Gardens and they bought their house SPECIFICALLY because it was a quiet cul-de-sac, you can imagine how worried they are about their house potentially being right next to a new busy road, it's not fair on them nor anyone else who lives here.

Houses are not cheap, we spend years saving and searching for our houses, it's such a big commitment and you have to make sure you get it right. To have it changed from underneath you is completely unacceptable and unfair. It's ok for the developers and the council, they make their quick money and then it's down to the residents to try and deal with the downfall of those decisions.

I know community of Old Gates Drive are also not happy but from what have been told after requesting the information that land was always earmarked to be an extension of the estate, it was NOT part of Rannoch or Lomond, if it originally was planned then it would have been built in the first place.

It is clear to anyone who lives in the area that the best way to service this new road is via Green Lane – it's primed for it, the fact there is a road going to be built to get the materials to the site is proof that our current estates roads are not good enough to use.

Green lane is a direct route, plenty of space, will improve the area and take away and of the traffic concerns with the roundabout at the top of the road. There will be no detriment to anyone who lives on Green Lane, all the traffic now is the same traffic that would be travelling up to Old Gates or Down to Rannoch!

If this access road ended up coming though Rannoch we would have to seriously consider moving due to safety concerns and that just isn't fair, our children were born in this house and we expected to live here for most of our lives, I'm not sure how it is acceptable for anyone to threaten that just to make a few pounds.

**Comment – Karl Pugh, East Lancashire Hospitals NHS Trust. Received – 22/03/2021**

Thank you for your recent letter regarding the planning application for a residential development consisting of 30 dwellings. We are not opposed to the application for the new development, however we have the following concerns with regards to the plans which I have viewed online.

It shows a proposed pathway directly opposite my property (31 Old Gates Drive) which is our public open space. This is part of our green area and we was informed when the work to the culvert was completed this would be returned to its original state. If this new access point goes ahead it will lead to people congregating, increased footfall and maybe anti-social behaviour! The plans also show widening of the narrow public right away at the back of the properties of Old Gates adjacent to the school. Again, this is not acceptable and could encourage potential opportunists to anti-social behaviours and break-ins to properties on the estate.

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**Comment – Tom McGowan. Received – 07/04/2021**

Please find below my comments on the proposal for 30 homes off Lomond Gardens, Blackburn.

**Validation**

It appears that the application is invalid due to inconsistencies between the house-type plans, the site plans, site section drawings, application form and supporting written documents. The application form says the proposal is for x3 3-bed properties and x27 4+ bed properties. The planning application documents and plans refer to the provision of x7 3-bed properties. The Cader house-type is described as a 3-bed house but none of the floorplans show a 3-bed Cader house-type, but a 4-bed property (drawing number CAD 1.7). If the Cader floor-plans are correct then the Site Plan is incorrect as the Cader house-types do not show any front dormers on the Site Plan. If the Cader floor-plans are incorrect then the Site Section drawings are incorrect as they show the Cader house-type with a front dormer. And the application form is incorrect either way.

Any attempts to re-label the existing Cader house-type as a 3-bed with a “study” in Bedroom 4 would be clumsy / inept as McDermott Homes market the Cader as a 4-bed property on their other developments. If this is the case, the Cader should have appropriate car parking provided, or the whole development would be x30 4+ bedroom properties which would not contribute to a suitable mix of house sizes on the development.

The Council’s Validation Checklist document (2019) states that Section Drawings are required for sloping sites (see point N10) – full information is required showing alterations to levels, the way in which a proposal sits within the site and in particular the relative levels between existing and proposed buildings (*my emphasis added*). The Site Section Drawings do not show the relationship between the proposed development and existing properties on Lomond Gardens, Solway Avenue or, to a lesser extent because of the distance and proposed and existing landscaping, Old Gates Drive. This is probably causing concern for residents.

The site section drawings should show the relationship between the existing properties in the area and the following plot numbers:

1. Lomond Gardens numbers 21 and 16, and plots 29, 30, and 1 of the proposed development (i.e. adjacent to the proposed access).
2. Lomond Gardens numbers 2, 4 and 6, and plot 26 of the proposed development
3. Solway Avenue numbers 7, 9 and 20 and plots 20 to 26 inclusive of the proposed development.

Without these wider site sections, there is no knowing how the scale of the proposed development sits into the existing area. The drawings should include a statement of distances in metres between existing and proposed properties.

How was this application validated?

#### Development Plan Policy Comments

As the principle of development in this location is established by virtue of the approval of the outline consent, my comments are on the design of the scheme. I consider that the application as proposed is in conflict with the following policies of the development plan:

#### **Local Plan Core Strategy ('Part 1')**

##### **Policy CS16: Form and Design of New Development**

The development as proposed is far from a high standard of design. Detailed comments set out below.

#### **Local Plan Site Allocations and Development Management Policies ('Part 2')**

##### **Policy 8. Development and People**

The development as proposed will not contribute positively to the overall physical, social and environmental character of the area in which the development is sited.

The development as proposed would not secure a satisfactory level of amenity and safety for surrounding uses and for occupants of the development itself, with reference to light, privacy / overlook, and the relationship between buildings.

The development as proposed does not incorporate positive measures aimed at reducing crime and improving community safety, including appropriate detailed design.

##### **Policy 9. Development and the Environment**

Notwithstanding the fact that the open space has been deemed surplus to requirements through the outline consent, this is a brand new full application and the applicant should make better efforts to deliver sustainable amenity open space on the site (i.e. open space that has longevity and won't be poorly designed or neglected by residents) and improve green infrastructure linkages on- and off-site.

## **Policy 10. Accessibility and Transport**

As proposed, inappropriate provision is made for car parking in accordance with the Council's standards.

The Council's Car Parking Standards appear to state that for properties with 4+ dwellings, 3 car spaces and 2 secure cycle spaces should be provided per dwelling. At least 23 out of the 30 properties are proposed to be 4+ bedrooms with 2 parking spaces and a single garage. The integral and standalone garages are all of varying size and a quick assessment would indicate that they do not meet the Council's size standards to be suitable for car parking (assumed to be 3m x 6m). There is insufficient space in the garages to park a car and store two bicycles. Therefore, there would be a deficit of one car parking space on each 4+ bed plot which could lead to parking in the highway to the detriment of the design of the development and pedestrian safety.

The Rannoch Drive and Old Gates Drive estates do not have any visitor parking so cars park down the main access roads. This development could be designed to introduce some visitor car parking in lay-bys, such as those seen on Fern Crescent and Cockridge Avenue on the Green Hills development. There is excess space adjacent to Plot 12 that could accommodate at least 1 visitor car parking space which is better than zero provision. Otherwise, from experience, cars will just park over the grass proposed alongside Plot 12.

## **Policy 11. Design**

As proposed, the development is in conflict with Policy 11 Design on the following points:

It does not show a demonstration of understanding the wider context of the area. If two and a half-storey dwellings are proposed, these are not in keeping with the area. However, if there is an error with the submitted plans (see points made under Validation) then the site would be better suited to being two storey development only. If the two and a half storey dwellings are to be retained, plots 25 and 26 should be located further within the site away from the rear gardens of 2 – 6 Lomond Gardens, or the dormers should be located at the rear of the properties facing on to Green Lane playing fields.

Poor site layout and building orientation (no natural surveillance, lacking in vistas, especially when entering the site from the existing Lomond Gardens).

The proposed height and building lines look a discordant feature in the development and with the neighbouring properties. It does not suit the gently sloping topography of the site. Lower height dwellings should be on the higher parts of the site, and the taller dwellings (e.g. Cader house-type) should be backing on to the Green Lane Playing Fields or within the centre of the site where the ground level is lower, not at the perimeters bordering Lomond Gardens and Old Gates Drive where existing properties are located.

Buildings on corners have no active frontages to both corners or no active ground floor surveillance at all. Frosted glass windows are proposed in rooms on side elevations that are not frequently used, such as a utility room, downstairs toilet or a hallway. One house type has a side-window in an 'active' room: the kitchen diner in the Bowfell house-type, which could give the property a genuine dual frontage. However, the two plots where the Bowfell are proposed that

should have an active side-elevation are Plots 8 and 12 and they appear to be opposite-handed so the side window to the kitchen / diner would be looking inwards to their driveway rather than out on to the street. If the current layout is to be retained, plots 30, 8, 9, 12 and 17 should have genuine dual frontages. Plots 8 and 12 could be re-orientated to be at a 45 degree angle to the corner.

Frontage car parking dominates the development.

It is not clear whether a management and maintenance scheme is proposed for the amenity open space on the development.

Where are the bin presentation points for each plot? Plots 5 to 7 appear to be on a shared driveway inaccessible to bin lorries, so are waste operatives expected to walk down the driveway to collect the bins, or are residents going to leave their bins at the hammerhead outside plot 4? This would be poor design.

All plots should maximise the number of windows in the frequently used ground-floor rooms (kitchen and living rooms) to increase natural daylight.

### The Design and Access Statement

Whilst it is a Validation Requirement to submit a Design and Access Statement for major developments, the content is often a rose-tinted view of a proposal. The Design and Access Statement says that a design review of the scheme has been carried out by McDermott Homes and appointed consultants. Did they submit this set of drawings in error?

There is no "sense of arrival into the site from Lomond Gardens". The proposed views into the site from Lomond Gardens offer no vistas or focal points. As residents enter the site from the existing Lomond Gardens they will be faced with a row of car parking to the front of properties.

Page 23 – "to the southern boundary there is an attractive public open space". This is a stretch of the truth. It is a small open space that will be difficult to manage as proposed as grass. This area up to the front property boundary of plot 16 would be better suited as wildflower seed. This would require less maintenance, be more visually attractive and have biodiversity benefits, linking back to the site's identification as a Green Infrastructure asset.

At section 5.5 Secured by Design: the two proposed footpaths would not be well over-looked and have no natural surveillance. Plot 17 has no side-elevation windows at ground floor offering surveillance and Plot 12 (Bowfell house type) appears to have its ground floor side-elevation window facing inwards towards the driveway.

### Construction management plan

I welcome the construction access being retained and used from Green Lane. In an ideal world this should be the permanent road access to the site but for the presence of the play area. The play area could have been relocated alongside the Green Lane Community Centre and improved using S106 monies if only to make permanent the existing construction access. However, construction access from Green Lane is sensible and would minimise disruption to residents of the Rannoch Drive estate. Wheel-washing should be enforced and when the final plots are to be constructed where the site compound is proposed, the construction management plan should be revised to ensure that wheel-washing

facilities are provided and used when builders leave the site via Lomond Gardens. As it stands, the Construction Management Plan is light on detail and will be of no use when the final plots are being constructed and access would be obtained through Lomond Gardens.

As set out above, my comments are made on the specifics of the development as I appreciate that the site has outline permission for residential development and the principle of development is established. As proposed, there are significant shortfalls in the design and layout of the proposed development. It is arguably over-development of the site given the lack of adequate on-plot car parking. I hope that you take on-board my comments and work with the applicant to achieve a much-improved scheme that would be of benefit to existing and future residents. I wish to be kept notified by email of any future re-consultations on the proposal.

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**Comment – Tom McGowan. Received – 30/04/2021**

**Development Plan Policy Comments**

As the principle of development in this location is established by virtue of the approval of the outline consent, my comments are on housing mix, off-site financial contributions and the design of the scheme. They are made in recognition that revised plans have been drawn: the site layout has not changed significantly from that originally submitted so many of my original comments remain.

**Housing Mix and off-site affordable housing contributions**

The applicant has re-labelled the Cader house-type to be a 3-bedroom house with a study where earlier drawings had shown that the property was going to be a 4-bed house. The applicant builds this house-type on other developments across the County, either under the Cader name or the Churchill for example, as on the Cranberry Meadows development in Darwen. Therefore, the proposal is contrary to the Council's policies on Housing Mix by proposing 100% 4- and 5-bed properties.

Seeing as the developer will ultimately be marketing the development as 100% 4- and 5-bed properties, will the quantity of off-site affordable housing be raised in recognition that the development will be 100% 4- and 5- bed houses, rather than a mix of 3, 4 and 5-bed properties?

The applicant should not be looking to minimise their off-site affordable housing contribution, especially on a Council-owned site, by claiming to provide 3-bedroom properties on-site when they will be built and marketed as 4-bed properties.

The applicant provides 3-bed homes on other sites within the Borough (Oakhurst house-type, Ramsgrave development site is just one example, as are others at the Cranberry Meadows development in Darwen), so why should they be looking to provide 100% 4- and 5-bed homes on another site within the Borough? These

alternative 3-bed house-types are lower in height and would diversify housing mix on this site.

### Design

Whilst the open space has been deemed surplus to requirements through the outline consent, this is a brand new full application and the applicant should make better efforts to deliver sustainable amenity open space on the site, i.e. open space that has longevity and won't be poorly designed or neglected by residents, and improve green infrastructure linkages on- and off-site through planting of native species. The over-development of the site has resulted in too much hard-standing and inadequate areas of on-site open space poorly reflecting the site's history as an area of green infrastructure.

As proposed, the development is in conflict with Local Plan Policy 11 Design on the following points:

It does not show a demonstration of the wider context of the area. The properties with front dormers (essentially two and a half storeys tall) are not in keeping with the area. If they are to be retained, Plots 25 and 26 should be located further within the site away from the rear gardens of 2 – 6 Lomond Gardens through swapping plots, or located elsewhere in the development entirely, for example with the dormers to the rear of the properties or backing on to the Green Lane playing fields where their scale would not stand out so much because of the topography on and off the site.

Poor site layout and building orientation. There is no "sense of arrival into the site from Lomond Gardens" as the Design and Access Statement alleges. The proposed views into the site from Lomond Gardens offer no vistas or focal points. As residents enter the site from the existing Lomond Gardens they will be faced with a row of car parking to the front of properties. The two proposed footpath linkages to the west and south would not be well over-looked and have no natural surveillance. Plot 17 has no side-elevation windows at ground floor offering surveillance and in fact would have a wall and a fence blocking surveillance of the footpath and Plot 12 (Bowfell house type) appears to have its ground floor side-elevation window facing inwards towards the driveway when it could be inverted as an alternative floor layout but retaining the same house-type.

The proposed height and building lines look a discordant feature both within the development and with the existing neighbouring properties on Lomond Gardens and Old Gates Drive. Lower height dwellings should be on the higher parts of the site, and the taller dwellings (e.g. Cader house-type if retained) should be backing on to the Green Lane Playing Fields or within the centre of the site where the ground level is lower, not at the perimeters bordering Lomond Gardens and Old Gates Drive where existing properties are located at a lower level. The proposed land levels will not make much of a difference to this.

Buildings on corners have no active frontages to both corners or no active ground floor surveillance at all. Frosted glass windows are proposed in rooms on side elevations that are not frequently used, such as a utility room, downstairs

toilet or a hallway. One house type has a side-window in an 'active' room: the kitchen diner in the Bowfell house-type, which could give the property a genuine dual frontage. However, the two plots where the Bowfell are proposed that should have an active side-elevation are Plots 8 and 12 and they appear to be opposite-handed so the side window to the kitchen / diner would be looking inwards to their driveway rather than out on to the street. If the current layout is to be retained, plots 30, 8, 9, 12 and 17 should have genuine dual frontages. Plots 8 and 12 could be re-orientated to be at a 45-degree angle to the corner.

Generally, frontage car parking dominates the development.

It is not clear whether a management and maintenance scheme is proposed for the amenity open space on the development. The Design and Access Statement claims that "to the southern boundary there is an attractive public open space". It is a small open space that will be difficult to manage as currently proposed as grass. This area up to the front property boundary of plot 16 would be better suited as wildflower seed. This would require less maintenance, be more visually attractive and have biodiversity benefits, linking back to the site's original designation as a Green Infrastructure asset.

All plots should maximise the number of windows in the frequently used ground-floor rooms (kitchen and living rooms) to increase natural daylight.

#### Car Parking

As proposed, inappropriate provision is made for car parking in accordance with the Council's standards.

The Council's Car Parking Standards appear to state that for properties with 4+ dwellings, 3 car spaces and 2 secure cycle spaces should be provided per dwelling. 23 out of the 30 properties are proposed to be 4+ bedrooms with 2 parking spaces and a single garage. The integral and standalone garages are all of varying size and a quick assessment would indicate that they do not meet the Council's size standards to be suitable for car parking (assumed to be 3m x 6m). There is insufficient space in the garages to park a car and store two bicycles, let alone one car. Therefore, there would be a deficit of one car parking space on each 4+ bed plot (so, a deficit of at least 23 car parking spaces overall, up to 30 when the Cader housetype is used as a 4-bed house) which would lead to parking in the highway to the detriment of the design of the development and pedestrian safety.

The Rannoch Drive and Old Gates Drive estates do not have any visitor parking so cars park down the main access roads. This development could be designed to introduce some visitor car parking in lay-bys, such as those seen on Fern Crescent and Cockridge Avenue on the Green Hills development. There is excess space adjacent to Plot 12 that could accommodate at least 1 visitor car parking space. Otherwise, from experience, cars will just park over the grass proposed alongside Plot 12.

#### Construction management plan

I welcome the construction access being retained and used from Green Lane. In an ideal world this should be the permanent road access but for the presence of the play area. The play area could be relocated alongside the Green Lane Community Centre and enhanced so that the existing construction access could be brought up to an adoptable standard and made permanent. This would then avoid the need for the applicant to provide off-site open space and green infrastructure financial contributions as the improvements would be delivered alongside the housing scheme.

However, construction access from Green Lane is sensible and would minimise disruption to residents of the Rannoch Drive estate. Wheel-washing facilities should be conditioned and when the final plots are to be constructed where the site compound, material storage, car parking and construction access are proposed, the construction management plan should be revised to ensure that wheel-washing facilities are provided and used when builders leave the site via Lomond Gardens and site visitor car parking is appropriately managed.

There should also be additional details in the construction management plan to ensure that vehicles do not attempt to access the site via Preston Old Road and the two bridges over the railway line and canal on Green Lane. Traffic routing should be communicated to all site visitors of the weight restrictions on those bridges and that access should be via Livesey Branch Road as to prevent any congestion or road safety issues on Green Lane around the two bridges if vehicles are stuck and need to manoeuvre. Consideration should be given to the provision of signage at the entrance to Rannoch Drive to say "no access to Lomond Gardens development" or other such wording to prevent traffic incorrectly routing down Rannoch Drive whilst the construction access is in place off Green Lane.

Site deliveries should be outside of school hours, approximately 9.30am – 2.30pm as access off Green Lane is in close proximity to St Bede's school.

As it stands, the Construction Management Plan is light on detail and will be of no use when the final plots are being constructed and access would be obtained through Lomond Gardens.

### Conclusions

As set out above, my comments are made on the specifics of the development as I acknowledge that the site has outline permission for residential development and the principle of development is established. As proposed, there are significant shortfalls in the design and layout of the proposed development. It is arguably over-development of the site given the lack of adequate on-plot car parking and on-site open space that respects the site's history as green infrastructure. I hope that you take on-board my comments and work with the applicant to achieve a much-improved scheme that would be of benefit to existing and future residents. I wish to be kept notified by email of any future re-consultations on the proposal.

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## **Planning Application 10/21/0277 Land off Lomond Gardens Blackburn**

Having considered the details submitted with the application I would make the following comments which I hope will be seriously considered and the shortfalls remedied before this application is approved. Site access from Rannoch Drive and Lomond Gardens is along 5.5metre wide roads which are sinuous and far from ideal for increased traffic volume, it appears to be used to minimise infrastructure costs. A connection to Nook Lane or even Green Lane would be a better alternative and provide more convenient access to local shops.

The site is tightly packed and has been laid out to maximise housing density with some consequential inconvenience for residents resulting in more vehicle movements within the site. There is limited opportunity for delivery and casual visitor parking and 5.5 metre wide roadway is minimal and not really adequate for SUV's and similar which are now commonplace. This road width necessitates parked vehicles being partially on the footpath to permit goods vehicles to pass.

The road as a continuous loop would minimise reversing and retracing a route for plots 11-18 and enable all vehicles to continue in one direction from site entry to exit. The road should continue in front of plots 4-7 and 15. This will require some slight movement of plots 8, 13, 14 but would give a significant improvement to traffic flow. As the site is a continuation of Rannoch Drive and Lomond Gardens I would expect the dwelling to be laid out in a similar manner with more generous spacing between dwellings and all to be of 2 storey height only. Over 20% 2.5 storey are included and detract from the overall site appearance and give the impression of being cramped and high density rather than the openness of the previous development.

Looking at drawings of the original footpaths though the site it is evident that the most convenient footpath from the St Bede's PROW footpath should exit the site by the south east to connect with the open space of Greenfield playing pitches and then join Nook Lane as it previously did. This would be a more direct route to the bus stops on Preston Old Road and to Witton Park and much improved as a footpath through open space rather than housing development. Witton Weavers way has seen some degradation with all the development proposed for the area and this change would be a small improvement in regaining some of the lost attractiveness. The Planning and Affordable Housing statement, Landscape para. 5.53 states "An area of open space is proposed within the new development along the southern boundary to continue the existing green infrastructure beyond the development. This open green space will provide an opportunity to link the site with the open land beyond to the south east." This is an appropriate link for the PROW footpath from St Bede's to connect with Nook Lane. The site plan does not show this as an alternative and more appropriate footpath route which should be included.

5.61 "The development will provide financial contributions to education, local Green Infrastructure / Public Open Space and for off-site affordable housing via a s106 agreement." the local green infrastructure contribution should pay for this footpath route.

With all the developments plans for the Livesey area there will be more traffic and pedestrians using the route to Witton Park over Green Lane canal bridge which is presently controlled by traffic lights and a hatched area for footpath. This arrangement is no longer adequate, fit for purpose or safe. It is proposed that a pedestrian footbridge should be provided across the canal which would enable pedestrians to cross conveniently and safely. There is space for such a bridge on the west side of the canal bridge to provide base supports and footway access. Presently there are in excess of 100 school children using this bridge and the railway bridge, daily in both directions, mostly at peak

times and this is a legitimate call on s106 infrastructure funding, is close to the development and necessary. Although wider, the railway bridge presents similar hazards with a shared highway and footpath and the area needs an in depth safety and highway assessment and proposals to remedy a developing dangerous highway.

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**Comment – Mill Hill Juniors. Received – 30/04/2021**

Thanks for your phone call, appreciate it opposed to what happened 6 months ago when we seen a road going through the land we have redevelopment plans for, not sure who's fault that was bit it sure was a shock.

- Are there any drawings so we can see how it looks and impacts us as Neighbours?
  - On the list of Neighbours we are are not listed? 'Mill Hill Juniors F.C'
  - Has the section 106 money been allocated? If so can we have the details of where it has been allocated.
  - Will we be notified on the committee meeting?
-

## **REPORT OF THE STRATEGIC DIRECTOR**

**Plan No: 10/21/0477**

**Proposed development: Listed Building Application (Regulation 3) for remedial and renewal works to the Bay Roof projecting to the South facing Elevation to include increasing the diameter of the concealed downpipe within the left hand side (front view) Corinthian Column, renewing the outlets, roof finishes including flashing's/soakers and rainwater goods**

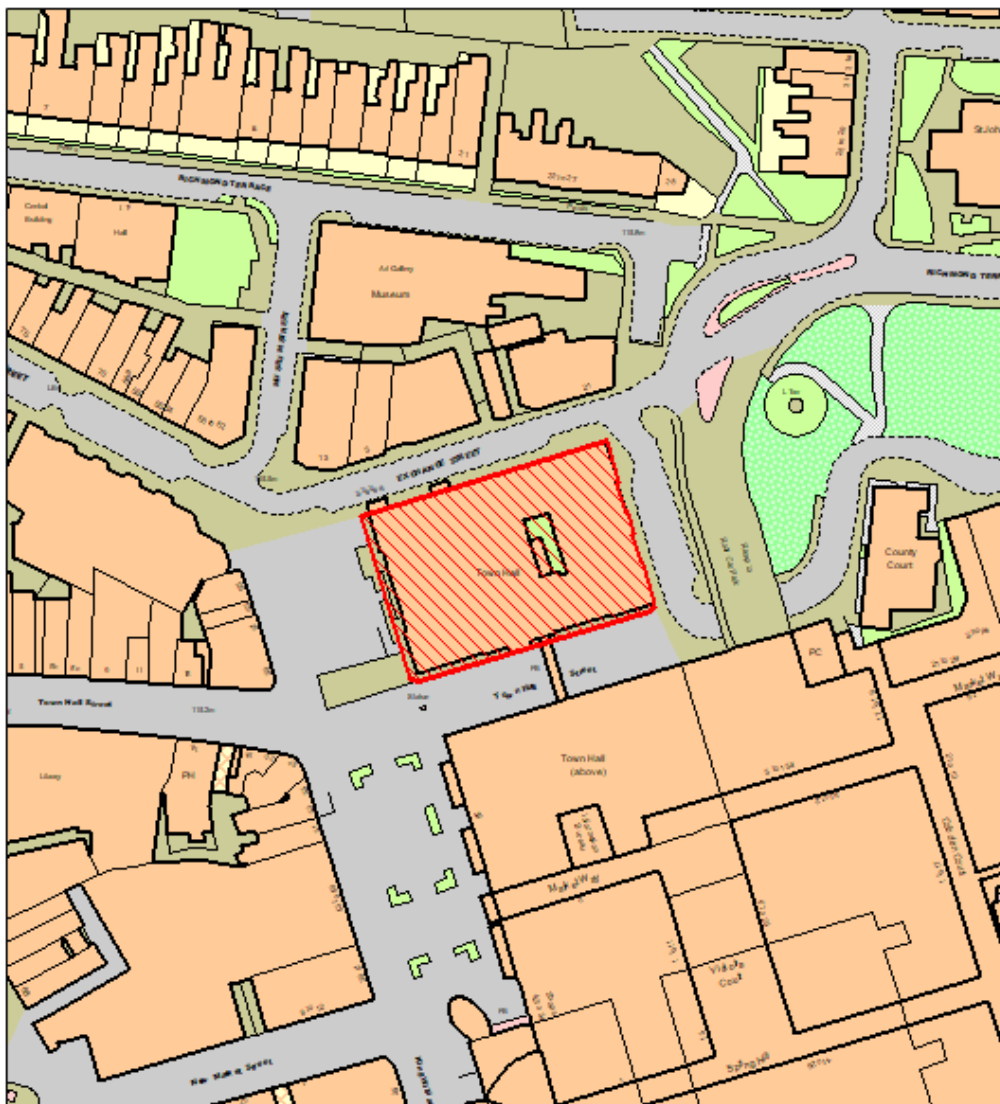
**Site address:**

**Town Hall  
King William Street  
Blackburn  
BB1 7DY**

**Applicant: Blackburn with Darwen Borough Council**

**Ward: Blackburn Central**

**Ward Councillors: Zamir Khan, Samim Desai, Mahfooz Hussain**



## **1.0 SUMMARY OF RECOMMENDATION**

1.0.1 **APPROVE**, subject to the conditions recommended within Paragraph 4.0.

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

- 2.1 The application is before Members as the Old Town Hall is a Blackburn with Darwen Borough Council site and the application has been submitted by the Council's Property Team, in line with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended).
- 2.2 The proposal will allow remedial works thus ensuring the historic and special architectural importance of the listed building is preserved. It supports the Borough's planning strategy and the National Planning Policy Framework when dealing with designated heritage assets as it is considered to sustain and enhance the listed building, ensuring the building is maintained for future generations to enjoy. 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 is a Grade II listed building which was built in 1852 by James Patterson. It is a large rectangular stone building with a rusticated ground floor, modillion eaves cornice over the first floor, and a pierced balustrade above the attic storey. The building has stone quoins, round-arched Italianate windows, and Corinthian columns to the front at first floor. On the south side, where the works are proposed, the building contains a covered staircase. The roof of which is the subject to this application.
- 3.1.2 The building is used as the Town Hall for Blackburn. It contains reception areas, council chambers, and offices.
- 3.1.3 The area where the works are proposed abuts the main staircase leading to the Mayoral Chamber and Committee Rooms. It is clearly evident when travelling up the staircase that the external wall is suffering internally from damp ingress.
- 3.1.4 The Grade II listed building is located within Northgate Conservation Area and is within the setting of other grade II listed buildings, see image below with the listed buildings shown in pink:



## 3.2 Proposed Development

- 3.2.1 Listed Building Consent is sought for remedial and renewal works to the Bay Roof projecting from the South facing Elevation of the building (facing the side elevation of Wilko's).
- 3.2.2 The proposal relates to solving an existing drainage problem to the roof of the decorative porch feature over the south entrance. The current arrangement is of a poor design and is causing internal damp problems and the decay of the plaster finishes on the Mayors Staircase.
- 3.2.3 The scheme seeks to remedy the issue by either core drilling the existing outfall to increase its size (Option A) or adding a new down pipe and hopper down the east face (Option B). In both respects. The proposals seek to better discharge the water from the small section of flat roof behind the upstand parapet.
- 3.2.4 The proposals include increasing the diameter of the concealed downpipe within the left hand side (front view) Corinthian Column of the porch projection; renewing the water outlets, roof finishes, including flashing's/soakers, and the rainwater goods.

## 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

- Policy CS16: Form and Design of New Development
- Policy CS17: Built and Cultural Heritage

### 3.3.3 Local Plan Part 2

- Policy 8: Development and People
- Policy 11: Design
- Policy 39: Heritage

## 3.4 **Other Material Planning Considerations**

### 3.4.1 National Planning Policy Framework (NPPF)

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

- Section 6: Building a strong, competitive economy
- Section 7: Ensuring the vitality of town centres
- Section 16: Conserving and enhancing the historic environment

3.4.2 These relevant sections will be discussed during the course of this report.

## 3.5 **Assessment**

3.5.1 In assessing this application, Sections 16, and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, Chapter 16 of the NPPF and Policy 39 of the Blackburn with Darwen Local Plan Part 2 are of relevance.

3.5.2 Sections 16 and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses when considering whether to grant listed building consent or planning permission. Section 66 (2) of the Act states that a local authority shall have regard to the desirability of preserving features of special architectural or historic interest, and in particular listed buildings.

3.5.3 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 3.5.4 Part 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework (NPPF) and Development Management Policy 39: 'Historic Environment' of the Blackburn with Darwen Local Plan Part 2 requires, development to, or within the curtilage or vicinity of, a listed building or structure, to preserve or enhance both its special interest and setting. In addition, the National Planning Policy Framework states at Paragraph 134 that where a development proposal will 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.

Impact on a designated heritage asset

- 3.5.2 Core Strategy Policy CS17: Built and Cultural Heritage, Maximising the Asset, states that proposals for new development should identify and take advantage of opportunities to integrate with and promote the Borough's cultural assets. Local Plan Part 2: Site Allocations and Development Management Policies, Policy 39 states that development affecting a heritage asset will be required to sustain or enhance its significance, taking into account the retention/restoration of historic features and building details and, the detailed design of the work, including scale and proportions, materials and construction details. This underpins the main principles of sustainable development contained in the NPPF alongside the requirement to conserve and enhance the historic environment.
- 3.5.3 A detailed Heritage Statement has been provided which sets out the key the requirements of NPPF 2019 paragraph 189 which states;

*"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected... The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance", reflecting the policy requirements include:*

- Purpose of the Heritage Statement
- Development Proposal
- Planning Status of Heritage Asset
- Planning Policy
- Context
- Description
- Significance and Heritage Value
- List Description

- 3.5.1 The scheme involves remedial works to the bay roof projection on the south facing elevation of the listed building, which is creating significant water ingress to the plaster finish of the wall adjacent to the mayoral staircase.
- 3.5.2 The scheme seeks to remedy the issue by either core drilling the existing outfall to increase its size (Option A) or adding a new down pipe and hopper down the east face (Option B). In both respects, the works are proposed to

better discharge the water from the small section of flat roof behind the upstand parapet. The proposed work in this respect is well justified and meets with the requirements of Paragraph 194 of the NPPF, which states:

*“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. ...”*

- 3.5.3 In terms of the Listed Building, the works to core drill to widen the current outlet (Option A) will outwardly have little or no impact on the appearance of the bay, with the exception of a revised location for the new short section of cast iron pipe on the side (west) elevation of the porch. Whilst this proposal will result in the internalised loss of fabric (to enlarge the existing outfall), this will have little or no impact on the character of the Listed Building.
- 3.5.4 The fall back option (B), if the outfall cannot be drilled, is simply to add a new downpipe on the eastern side of the porch. Again, whilst this involves a small degree of visual change, when taken as a whole the change would be negligible and would not harm the integrity of the Listed Building.
- 3.5.5 Based on the above, it is considered that the benefits from undertaking the work (both options) and preventing water ingress decaying the listed building outweighs the negligible visual change to the building, ensuring that this building has a healthy future and will be here for future generations to enjoy. Overall, Officers consider the historic and architectural character of the Listed Building would not be harmed by the works proposed.
- 3.5.6 Visually the works appear very minor and have no impact on the character or appearance of the Northgate Conservation Area in which this building is set.
- 3.5.7 To conclude, the proposals cause no discernible harm to either the significance of the Town Hall building (as a Grade II Listed Building) or the character and appearance of Northgate Conservation Area and by preventing water damage to the listed building it secures its future as a public building for the benefit of the boroughs residents. As such, it satisfies the statutory requirement to preserve (Sections 16 and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990) and the objectives contained in Chapter 16 of the National Planning Policy Framework and Policy 39 of the Blackburn with Darwen Local Plan.

#### **4.0 RECOMMENDATION: GRANT CONSENT, subject to the conditions set out below:**

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.

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:

OTH005 Rev. A: Site Location Plan;  
BR001 Existing Bay Roof Elevations and Layout, and,  
BR002: Proposed Bay Roof Elevations & Layout - Option A & Option B

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

3. Any detailed amendments to the design, works or materials shall be:
- a) first approved in writing by the local planning authority;
  - b) implemented in accordance with that approval; and,
  - c) retained for the duration of the development.

REASON: To allow for minor changes which might occur during the restoration process, in accordance with Local Plan Part 2 Policy 39 and in the interests of preserving and enhancing the character and appearance of the conservation area.

## 5.0 PLANNING HISTORY (since 2000):

APPLICATION NUMBER	DESCRIPTION OF DEVELOPMENT	DECISION	DATE
10/21/0127	Internal alterations, refurbishment and restoration of existing office spaces to the first and second floors	Grant	18/03/2021
10/19/0463	Internal alterations, refurbishment and restoration of existing office spaces to the third and fourth floors	Grant	12/07/2019
10/11/1147	Installation of secondary glazing	Grant	19/03/2012
10/10/0889	Carry out restoration and repairs to external stonework and timber windows	Grant	14/01/2011
10/10/0633	Reinstate two pairs of doors where they have been removed in the past.	Grant	15/10/2010
10/10/0507	New and replacement internal double doors and door closer units to comply with current fire regulations	Withdrawn	13/07/2010
10/10/0019	Re-roofing	Grant	29/07/2010
10/09/0264	Alterations and redecoration to room 104	Grant	20/05/2009

10/09/0249	Modification to existing steps	Grant	12/05/2009
10/08/0880	To renew rotten windows and doors in quadrangle and make good external coatings	Grant	23/12/2008
10/07/1030	Decorative exterior lighting scheme to main facade facing King William Street.	Grant	02/11/2007
10/04/0502	Alteration of public areas - forming 3 new openings to the existing walls to improve customer flow as part of the New Accessible Services programme the Council is adopting	Grant	21/07/2004
10/03/0672	Formation of two new openings through internal walls to link basement rooms B01, B02, B03	Grant	17/09/2003
10/00/0688	Formation of two new openings through internal walls and two openings within window opening onto internal quadrangle, to allow for new extract and intake ducting to re-fitted kitchen on the second floor of the Old Town Hall	Grant	15/11/2000

## 6.0 CONSULTATIONS

### 6.1 Conservation Officer

I had a look at this bay today. I have also previously seen the internal damp issue on the staircase caused by the undersized/blocked internal pipework within the projecting porch bay.

The proposal relates to solving an existing drainage problem to the roof of the decorative porch feature over the south entrance. The current arrangement is of a poor design and is causing internal damp problems, and the decay of the plaster finishes on the Mayors Staircase.

The scheme seeks to remedy the issue by either core drilling the existing outfall to increase its size (Option A) or adding a new down pipe and hopper down the east face (Option B). In both respects to better discharge the water from the small section of flat roof behind the upstand parapet. The remedial works are outlined in the submission.

The proposed work in this respect is well justified and meets with the requirements of P.194 of the NPPF.

In terms of the Listed Building the works to core drill to widen the current outlet (Option A) will outwardly have little or no impact on the appearance of

the bay, with the exception of a revised location for the new short section of cast iron pipe on the side (west) elevation of the porch. Whilst this proposal will result in the internalised loss of fabric (to enlarge the existing outfall) this will have little or no impact on the character of the LB.

The fall back option (B) if the outfall can't be drilled is simply to add a new downpipe on the eastern side of the porch. Again, whilst this involves a small degree of visual change, when taken as a whole the change would be negligible and would not harm the integrity of the LB.

In this respect I feel the benefits from undertaking the work (both options) outweigh the negligible visual change to the building and over all feel the historic and architectural character of the LB would not be harmed.

Visually the works appear very minor and have no impact on the character or appearance of the Northgate CA.

In this respect as I feel the proposed causes no discernible harm to either the significance of the Town Hall building (as a Grade 2 Listed Building) or the character/appearance of Northgate Conservation Area and as such it satisfies the statutory requirement to preserve and the objectives contained in Chapter 16 of the NPPF and the Local Plan.

Ian Bond  
Lead for Specialist Services  
Growth Lancashire

6.2 The application was advertised by site and press notices and no representations have been received.

**7.0 CONTACT OFFICER:** Claire Booth MRTPI, Senior Planning Officer

**8.0 DATE PREPARED:** 03 June 2021

## PLACE (GROWTH & DEVELOPMENT) DEPARTMENT

ORIGINATING SECTION:        PLANNING (DEVELOPMENT  
MANAGEMENT)

REPORT TO PLANNING & HIGHWAYS COMMITTEE - 17<sup>th</sup> JUNE 2021

TITLE:                        APPEALS MONITORING REPORT

WARDS:                    ALL

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### **1.0    PURPOSE OF THE REPORT**

- 1.1    To present Members with an update of recently decided appeals since the last monitoring report in October 2020. You can see from the attached table, 8 no appeals in total were determined during the period 3<sup>rd</sup> October 2020 to 3<sup>rd</sup> June 2021. 7 no appeals were dismissed, and one appeal was allowed.
- 1.2    With regards to the appeals allowed by the Inspectorate, and the reasons provided, these have been duly considered in detail by officers, and have been incorporated in the decision making culture as part of the Planning Service's Performance Improvement Plan, in order to reduce the number of appeals, and subsequently the number of appeals allowed.

### **2.0    RECOMMENDATION**

- 2.1    That the report be noted.

### **3.0    BACKGROUND PAPERS**

- 3.1    See the file numbers referred to.

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

**5.0    DATE PREPARED**    3<sup>rd</sup> June 2021

**APPEALS MONITORING REPORT RELATING TO APPEALS DETERMINED BETWEEN THE PERIOD 3<sup>rd</sup> OCTOBER 2020 AND 3<sup>rd</sup> JUNE 2021**  
**PLANNING & HIGHWAYS COMMITTEE – 17<sup>th</sup> JUNE 2021**

APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
10 <sup>th</sup> August 2020	APP/M2372/w/20/325532  10/20/0136	70 Colenso Road Blackburn BB1 8DR  Demolition of existing house and erection of replacement dwelling	Written Representations	Dismissed	13 <sup>th</sup> November 2020	The significant increase in the bulk of built development would diminish the outlook and it would result in a sense of enclosure to the neighbouring occupiers of Nos 239 and 241 Shear Brow, thereby resulting in significant harm to the living conditions of these properties contrary to Policy 8 of the Local Plan Part 2. The proposal would also result in overspill in terms of on-street car parking contrary to Policies 8 and 10 of the Local Plan Part 2.
27 <sup>th</sup> August 2020	APP/M2372/W/20/3254940  10/20/0351	Land South of Higher Pastures Farm Broadhead Road Turton BL7 0JW	Written Representations	Dismissed	19 <sup>th</sup> November 2020	The building would be on a raised slope above the road and be an isolated feature within the open rural landscape as it would not be near to any

**APPEALS MONITORING REPORT RELATING TO APPEALS DETERMINED BETWEEN THE PERIOD 3<sup>rd</sup> OCTOBER 2020 AND 3<sup>rd</sup> JUNE 2021**  
**PLANNING & HIGHWAYS COMMITTEE – 17<sup>th</sup> JUNE 2021**

APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
		Proposed agricultural building				existing buildings or a group of trees. The proposed building would not benefit from any established screening and no new planting is proposed. Proposal would conflict with policies 11,14,16,18, and 41 of the Local Plan and para 127 of the NPPF.
3 <sup>rd</sup> March 2021	APP/M/2372/W/21/3268762  10/20/0471	Golden Soney, The Briers Tockholes Road Tockholes Darwen BB3 0NL  Demolition of existing building and extension of existing adjacent dwelling to form 1 no. dwelling	Written Representations	Dismissed	24 <sup>th</sup> May 2021	The very special circumstances necessary to justify the development do not exist and the development would conflict with the green belt protection aims of the NPPF and Policy 3 of the Local Plan Part 2.
2 <sup>nd</sup> November 2020	APP/M/2372/D/20/3259795  10/20/0719	28-30 Coniston Road Blackburn BB1 5NP  Proposed front porch	Written Representations	Allowed	23 <sup>rd</sup> December 2020	Given the larger size of the host property, the proposed porch would appear a small addition and subservient in nature. The proposal would

**APPEALS MONITORING REPORT RELATING TO APPEALS DETERMINED BETWEEN THE PERIOD 3<sup>rd</sup> OCTOBER 2020 AND 3<sup>rd</sup> JUNE 2021**  
**PLANNING & HIGHWAYS COMMITTEE – 17<sup>th</sup> JUNE 2021**

APPEAL START DATE	APPEAL REFERENCE	APPEAL SITE ADDRESS & DEVELOPMENT DESCRIPTION	APPEAL TYPE	APPEAL DECISION	APPEAL DECISION DATE	REASONS FOR DECISION
						not appear incongruous on the street scene.
23 <sup>rd</sup> February 2021	APP/M/2372/D/20/3265881  10/20/0887	7 Parklands Way Blackburn BB2 4QS  Double storey side extension and front porch	Written Representations	Dismissed	23 <sup>rd</sup> March 2021	The proposed development would be of different design and appearance to any of the dwellings in the surrounding area. The protrusion forward of the dwelling frontage would, as a result of the proposed height and massing overwhelm the host dwelling. The proposal would have an adverse effect on the host dwelling and appear incongruous in the street scene contrary to Policies 8 and 11 of the Local Plan Part 2.
29 <sup>th</sup> January 2021	APP/M/2372/W/21/3266423  10/20/0891	29 King William Street Blackburn BB1 7DJ  Change of use from an E use (previously	Written Representations	Dismissed	14 <sup>th</sup> May 2021	The proposal would have a harmful effect on the vitality and viability of the Primary Shopping Frontage and town centre. The proposal would be

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		A1 (Retail)/B1 (Office) to an Adult Gaming Centre (Sui Generis)				contrary to Policies 26, 30 and 31 of the Local Plan Part 2, which seeks proposals to strengthen and focus the shopping offer, support and encourage a mix of complementary uses and contribute to vitality and viability of the Primary Shopping Frontage.
26 <sup>th</sup> January 2021	APP/M2372/D/21/3267073  10/20/0987	71 Hereford Road Blackburn BB1 3JU  Single and two- storey extension to rear of property (Resubmission - 10/20/0240)	Written Representations	Dismissed	10 <sup>th</sup> March 2021	The proposal would, as a result of its projection, coupled with its siting, scale and mass, appear over dominant and oppressive when viewed from the habitable windows on the rear elevation of No.69, together with affecting the light to these windows. The proposal is contrary to Policy 8 of the Local Plan Part 2.
26 <sup>th</sup> January 2021	APP/M/2372/D/21/3267290	18 Harwood Gate Blackburn	Written Representations	Dismissed	23 <sup>rd</sup> March 2021	The design, scale and appearance of the

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	10/20/1078	BB1 5HP  Retrospective Application for the Insertion of a Rear Dormer				dormer is unsympathetic to the original property and the terrace. Furthermore, being in a prominent highly visible position it has a detrimental effect on the street scene, which is considered to be harmful to the character and appearance of the area. The proposal is contrary to Policy 11 of the Local Plan Part 2 and RES4 and RES13 of the Residential Design Guide.

**TOTAL NUMBER OF DECISIONS: 8**

**TOTAL NUMBER ALLOWED: 1 (12%)**

**TOTAL NUMBER DISMISSED: 7 (88%)**

## **PLACE (GROWTH & DEVELOPMENT) DEPARTMENT**

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

**REPORT TO PLANNING & HIGHWAYS COMMITTEE - 17<sup>th</sup> JUNE 2021**

**TITLE:                                Tree Preservation Order - Oak Tree Barn off Greens  
Arms Road, Chapelton Turton (ref: N30)**

**WARDS:                            WEST PENNINE**

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### **1.0    PURPOSE OF THE REPORT**

- 1.1    To request that the Committee endorse the actions of the Council's Arboricultural Officer/Planning Manager (Development Management) in making and serving the Oak Tree Barn off Greens Arms Road, Chapelton Turton Tree Preservation Order 2021.
- 1.2    To request that the Committee confirm Oak Tree Barn off Greens Arms Road, Chapelton Turton 2021 Tree Preservation Order (ref: N30) without modification..

### **2.0    RECOMMENDATION**

- 2.1    That the actions of the Arborist and Planning Manager(Development Management) in making and serving the Oak Tree Barn off Greens Arms Road, Chapelton Turton Tree Preservation Order 2021 be endorsed.
- 2.2    That the Oak Tree Barn off Greens Arms Road, Chapelton Turton 2021 Tree Preservation Order (ref: N30) is confirmed without modification.

### **3.0    BACKGROUND & RATIONALE**

- 3.1    In October 2020, the local planning authority received a formal pre-application enquiry to convert the vacant barn into a dwellinghouse, which is located close to the Sycamore Tree, the subject of the tree preservation order (TPO) (ref: BL\2020\ENQ\09162), During the assessment of this enquiry, the Council's Arboricultural Officer, considered the tree in question, was worthy of protection – see Image 1 google street view image and image 2 – site location plan.



Image 1: Google street view image showing position of sycamore tree.



Image 2: Site location plan – sycamore tree T1.

3.2. The Arboricultural subsequently carried out a Tree Evaluation Method for Preservation Orders (TEMPO), which was undertaken on the 3<sup>rd</sup> November 2020. The assessment gave the tree a very high score as illustrated in image 3, which fully warrants a TPO.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO															
SURVEY DATA SHEET & DECISION GUIDE															
Date: 3/11/20		Surveyor: R JONES													
<div style="display: flex; justify-content: space-between;"> <div> <p><b>Tree details</b></p> <p>TPO Ref (if applicable):</p> <p>Owner (if known):</p> </div> <div> <p>N/A</p> <p>N/A</p> </div> <div> <p>Tree/Group No: T1</p> <p>Location:</p> </div> <div> <p>Species: Sycamore</p> </div> </div>															
REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS															
<p><b>Part 1: Amenity assessment</b></p> <p><b>a) Condition &amp; suitability for TPO</b></p> <table style="width: 100%;"> <tr> <td>5) Good</td> <td>Highly suitable</td> <td rowspan="5" style="border: 1px solid black; padding: 5px; vertical-align: middle;"> <b>Score &amp; Notes</b>  <div style="font-size: 2em; font-weight: bold; display: inline-block; vertical-align: middle;">5</div> <div style="display: inline-block; vertical-align: middle;">Good form + condition</div> </td> </tr> <tr> <td>3) Fair/satisfactory</td> <td>Suitable</td> </tr> <tr> <td>1) Poor</td> <td>Unlikely to be suitable</td> </tr> <tr> <td>0) Dead/dying/dangerous*</td> <td>Unsuitable</td> </tr> <tr> <td colspan="2">* Relates to existing context and is intended to apply to severe irremediable defects only</td> </tr> </table>				5) Good	Highly suitable	<b>Score &amp; Notes</b> <div style="font-size: 2em; font-weight: bold; display: inline-block; vertical-align: middle;">5</div> <div style="display: inline-block; vertical-align: middle;">Good form + condition</div>	3) Fair/satisfactory	Suitable	1) Poor	Unlikely to be suitable	0) Dead/dying/dangerous*	Unsuitable	* Relates to existing context and is intended to apply to severe irremediable defects only		
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<p><b>b) Retention span (in years) &amp; suitability for TPO</b></p> <table style="width: 100%;"> <tr> <td>5) 100+</td> <td>Highly suitable</td> <td rowspan="5" style="border: 1px solid black; padding: 5px; vertical-align: middle;"> <b>Score &amp; Notes</b>  <div style="font-size: 2em; font-weight: bold; display: inline-block; vertical-align: middle;">2</div> <div style="display: inline-block; vertical-align: middle;">An old tree but in good condition</div> </td> </tr> <tr> <td>4) 40-100</td> <td>Very suitable</td> </tr> <tr> <td>2) 20-40</td> <td>Suitable</td> </tr> <tr> <td>1) 10-20</td> <td>Just suitable</td> </tr> <tr> <td>0) &lt;10*</td> <td>Unsuitable</td> </tr> </table> <p>* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality</p>				5) 100+	Highly suitable	<b>Score &amp; Notes</b> <div style="font-size: 2em; font-weight: bold; display: inline-block; vertical-align: middle;">2</div> <div style="display: inline-block; vertical-align: middle;">An old tree but in good condition</div>	4) 40-100	Very suitable	2) 20-40	Suitable	1) 10-20	Just suitable	0) <10*	Unsuitable	
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<p><b>c) Relative public visibility &amp; suitability for TPO</b></p> <p>Consider realistic potential for future visibility with changed land use</p> <table style="width: 100%;"> <tr> <td>5) Very large trees with some visibility, or prominent large trees</td> <td>Highly suitable</td> <td rowspan="5" style="border: 1px solid black; padding: 5px; vertical-align: middle;"> <b>Score &amp; Notes</b>  <div style="font-size: 2em; font-weight: bold; display: inline-block; vertical-align: middle;">5</div> <div style="display: inline-block; vertical-align: middle;">Very large</div> </td> </tr> <tr> <td>4) Large trees, or medium trees clearly visible to the public</td> <td>Suitable</td> </tr> <tr> <td>3) Medium trees, or large trees with limited view only</td> <td>Suitable</td> </tr> <tr> <td>2) Young, small, or medium/large trees visible only with difficulty</td> <td>Barely suitable</td> </tr> <tr> <td>1) Trees not visible to the public, regardless of size</td> <td>Probably unsuitable</td> </tr> </table>				5) Very large trees with some visibility, or prominent large trees	Highly suitable	<b>Score &amp; Notes</b> <div style="font-size: 2em; font-weight: bold; display: inline-block; vertical-align: middle;">5</div> <div style="display: inline-block; vertical-align: middle;">Very large</div>	4) Large trees, or medium trees clearly visible to the public	Suitable	3) Medium trees, or large trees with limited view only	Suitable	2) Young, small, or medium/large trees visible only with difficulty	Barely suitable	1) Trees not visible to the public, regardless of size	Probably unsuitable	
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<p><b>d) Other factors</b></p> <p>Trees must have accrued 7 or more points (with no zero score) to qualify</p> <table style="width: 100%;"> <tr> <td>5) Principal components of formal arboricultural features, or veteran trees</td> <td rowspan="5" style="border: 1px solid black; padding: 5px; vertical-align: middle;"> <b>Score &amp; Notes</b>  <div style="font-size: 2em; font-weight: bold; display: inline-block; vertical-align: middle;">4</div> <div style="display: inline-block; vertical-align: middle;">Part of an important group.</div> </td> </tr> <tr> <td>4) Tree groups, or principal members of groups important for their cohesion</td> </tr> <tr> <td>3) Trees with identifiable historic, commemorative or habitat importance</td> </tr> <tr> <td>2) Trees of particularly good form, especially if rare or unusual</td> </tr> <tr> <td>1) Trees with none of the above additional redeeming features (inc. those of indifferent form)</td> </tr> </table> <p>-1) Trees with poor form or which are generally unsuitable for their location</p>				5) Principal components of formal arboricultural features, or veteran trees	<b>Score &amp; Notes</b> <div style="font-size: 2em; font-weight: bold; display: inline-block; vertical-align: middle;">4</div> <div style="display: inline-block; vertical-align: middle;">Part of an important group.</div>	4) Tree groups, or principal members of groups important for their cohesion	3) Trees with identifiable historic, commemorative or habitat importance	2) Trees of particularly good form, especially if rare or unusual	1) Trees with none of the above additional redeeming features (inc. those of indifferent form)						
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<p><b>Part 2: Expediency assessment</b></p> <p>Trees must have accrued 10 or more points to qualify</p> <table style="width: 100%;"> <tr> <td>5) Immediate threat to tree inc. s.211 Notice</td> <td rowspan="4" style="border: 1px solid black; padding: 5px; vertical-align: middle;"> <b>Score &amp; Notes</b>  <div style="font-size: 2em; font-weight: bold; display: inline-block; vertical-align: middle;">3</div> <div style="display: inline-block; vertical-align: middle;">Pre-app showing deve- -lopment in close proximity.</div> </td> </tr> <tr> <td>3) Foreseeable threat to tree</td> </tr> <tr> <td>2) Perceived threat to tree</td> </tr> <tr> <td>1) Precautionary only</td> </tr> </table>				5) Immediate threat to tree inc. s.211 Notice	<b>Score &amp; Notes</b> <div style="font-size: 2em; font-weight: bold; display: inline-block; vertical-align: middle;">3</div> <div style="display: inline-block; vertical-align: middle;">Pre-app showing deve- -lopment in close proximity.</div>	3) Foreseeable threat to tree	2) Perceived threat to tree	1) Precautionary only							
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<p><b>Part 3: Decision guide</b></p> <table style="width: 100%;"> <tr> <td>Any 0</td> <td>Do not apply TPO</td> <td rowspan="5" style="border: 1px solid black; padding: 5px; vertical-align: middle;"> <b>Add Scores for Total:</b>  <div style="font-size: 2em; font-weight: bold; display: inline-block; vertical-align: middle;">19.</div> </td> <td rowspan="5" style="border: 1px solid black; padding: 5px; vertical-align: middle;"> <b>Decision:</b>  <div style="font-size: 2em; font-weight: bold; display: inline-block; vertical-align: middle;">TPO</div> </td> </tr> <tr> <td>1-6</td> <td>TPO indefensible</td> </tr> <tr> <td>7-11</td> <td>Does not merit TPO</td> </tr> <tr> <td>12-15</td> <td>TPO defensible</td> </tr> <tr> <td>16+</td> <td>Definitely merits TPO</td> </tr> </table>				Any 0	Do not apply TPO	<b>Add Scores for Total:</b> <div style="font-size: 2em; font-weight: bold; display: inline-block; vertical-align: middle;">19.</div>	<b>Decision:</b> <div style="font-size: 2em; font-weight: bold; display: inline-block; vertical-align: middle;">TPO</div>	1-6	TPO indefensible	7-11	Does not merit TPO	12-15	TPO defensible	16+	Definitely merits TPO
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Image 3: TEMPO Assessment 3<sup>rd</sup> November 2020.

- 3.3 A copy of the TPO and Schedule is attached to this report. Image 4 relate to the sycamore tree.





Image 4: T1 Sycamore Tree at Oak Trees Barn.

- 3.4 The tree is situated approximately 6 – 7m to the south of the barn, and is a large mature Sycamore that is a 'notable' tree in the area. The tree is 21m in Height and has a 'Diameter at Breast Height of 1.3m and a Crown Spread of approximately 14m. The tree is part of a cluster of mature trees in the area which is characterised by these large trees as well immediate residential cottages and properties.
- 3.5. The current freeholders of the land, where the tree is located, North Turton Parish Council and the ward councillors were informed of the proposed TPO on the 11<sup>th</sup> and 12<sup>th</sup> January 2021.
- 3.6 No objections were received from the Parish or the ward councillors. Initially, the freeholders of the land objected to the proposed TPO. However, following discussions with the Council's Arboricultural Officer, their objections were removed on the 17<sup>th</sup> February 2021, understanding why the TPO was made and understanding that this does not negatively affect them or their property. No further representations have been received.
- 3.7 The tree is of considerable amenity value and could potentially come under threat of removal, or severe pruning, if the barn is made suitable for residential living. The emergency Tree Preservation Order was made on the 11th January 2021 and the Council has six months in which to confirm this order. As such, the deadline for confirmation is 11th July 2021 and if the TPO is not confirmed by this date it would not

be protected and could therefore be pruned/felled without requiring consent from the Council.

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

**5.0    DATE PREPARED**    7<sup>th</sup> June 2021



## **SCHEDULE 1**

### **SPECIFICATION OF TREES**

**LOCATION: Oak Tree Barn Greens Arms Road  
Chapeltown**

#### **Trees Specified Individually**

(encircled in black on the plans)

<b>Reference On Map</b>	<b>Description</b>	<b>Situation</b>
T1	Sycamore	On the southern boundary of Oak Tree Barn that is situated off Greens Arms Road nr Chapeltown

#### **Trees specified by reference to an area**

(within a dotted black line on the plans)

<b>Reference On map</b>	<b>Description</b>	<b>Situation</b>
	None	

#### **Groups of Trees**

(within a broken line on the plan)

<b>Reference on map</b>	<b>Description</b>	<b>Situation</b>
	None	

#### **Woodlands**

(within a continuous black line on the plans)

<b>Reference on map</b>	<b>Description</b>	<b>Situation</b>
	None	

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

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