

Public Document Pack

Planning and Highways Committee

Thursday, 18th November, 2021

6.30 pm

Meeting Room 1&2, Blackburn Library, Northgate Entrance

AGENDA

- | | | |
|-----|--|-----------|
| 1. | Welcome and Apologies | |
| 2. | Minutes of the Previous Meeting | |
| | Minutes of Previous Meeting | 3 - 8 |
| 3. | Declaration of Interest | |
| | Declaration of Interest Form | 9 |
| 4. | Committee Agenda | |
| | Committee Agenda | 10 - 11 |
| | Material Considerations | 12 - 13 |
| 4.1 | Planning Application 21/0636 | |
| | Land to the North of Ramsgreave Drive, Ramsgreave Drive | 14 - 79 |
| 4.2 | Planning Application 21/0790 | |
| | Former Apex Mill, Bold Street, Blackburn | 80 - 105 |
| 4.3 | Planning Application 21/0919 | |
| | Former Hollins Grove Liberal Club, Falcon Avenue, Darwen | 106 - 125 |
| 4.4 | Planning Application 21/1016 | |
| | Area to the East of Farthings Public House and to the North of Rosewood Avenue, Blackburn | 126 - 133 |
| 4.5 | Planning Application 21/1022 | |
| | Phases 7-11 Greem Hills Residential Development, Land off Broken Stone Road/Livesey Branch Road and land | 134 - 172 |

within the Gib Lane Masterplan area

4.6	Planning Application 21/1048	
	95 Shear Brow, Blackburn	173 - 187
4.7	Planning Application 21/1112	
	Greenbank Terrace, Lower Darwen, Blackburn	188 - 198
5.	Petition	
	Petition objecting to application 10/21/1096	199 - 207

Date Published: Wednesday, 10 November 2021
Denise Park, Chief Executive

PRESENT – Councillors, David Smith (Chair), Akhtar, Casey, Khonat, Riley, Browne, Harling, Marrow, Baldwin, Brookfield, Liddle and Slater.

OFFICERS – Gavin Prescott, Michael Green, Safina Alam and Shannon Gardiner

RESOLUTIONS

32 Welcome and Apologies

The Chair welcomed everyone to the meeting.

Cllr John Slater noted that Cllr Stephanie Brookfield could not substitute for Cllr Yusuf Jan-Virmani as they represented different political parties. Therefore, Cllr Stephanie Brookfield substituted for Cllr Samim Desai.

As well as the apologies for Cllr Yusuf Jan-Virmani apologies were received from Cllr Zamir Khan who was substituted by Cllr Sylvia Liddle, Cllr Jacquie Slater who was substituted by Cllr John Slater, Cllr Samim Desai who was substituted by Cllr Stephanie Brookfield and Cllr Yusuf Jan-Virmani, no substitute as referred to above.

33 Minutes of the Previous Meeting

RESOLVED – That the minutes of previous meeting held on 16th September 2021 be confirmed and signed as a correct record.

34 Declaration of Interest

An Other Interest was declared from Councillor Paul Marrow in relation to Planning Application 10/18/1101 on the agenda that he was a trustee of Feniscowles and Pleasington Memorial Recreation Ground.

35 Committee Agenda

The Committee considered reports of the Strategic Director of Place 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.

35.1 Planning Application 18/1101

Applicant – Blackburn Waterside Regeneration Ltd.

Location and Proposed Development – Phase 3 Former Sappi Paper Mill, Livesey Branch Road, Feniscowles, Blackburn, BB2 5HX

Reserved Matters Application for Reserved Matters application (access within the site, landscape, layout, appearance, scale) pursuant to outline 10/15/0496 for Phase 3 comprising of 16,000 sq.ft Industrial Units (B2 Use Class) and associated infrastructure

Decision under Town and Country Planning Acts and Regulations –

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

35.2 Planning Application 21/0568

Applicant – Chaudrey Mohammed Yaseen

Location and Proposed Development – Old Fire Station Yaseen Enterprise Centre, Byrom Street, Blackburn, BB2 2LE.

Full Planning Application (Retrospective) for bespoke joinery works/manufacturing furniture - Change of use from class B8 to Class B2

Decision under Town and Country Planning Acts and Regulations –

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

35.3 Planning Application 21/0597

Applicant – Barnfield Blackburn Ltd.

Location and Proposed Development – Land at Greenback Terrace, Lower Darwen, Blackburn, BB3 0RN.

Reserved Matters Application for Approval of reserved matters for the appearance, layout, scale and landscaping of the employment units 1, 2 and 3, pursuant to permission 10/18/1149

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director's report and the Update report:

No development approved by this reserved matters planning application relating to the employment units 1, 2 and 3, shall commence until such time as a revised flood risk assessment has been submitted to and approved in writing by the local planning authority. The report shall include the following details:

- Acknowledgement of the impact of the de-culverting of Davyfield Drain and the building of the spine road;
- Findings of the hydraulic model including the summary report for the watercourses approved under Discharge of Condition application 10/20/0627, for the wider site as a result of the de-culverting and construction of the new spine road. If compensatory storage is to be provided, details should be provided;

- Finished ground levels and proposed finished floor levels for Plots 1, 2 and 3 and indicate what other flood resilient measure are proposed;

REASON: To reduce the risk of flooding to the proposed development and future users by ensuring that there are no detrimental impacts to flood storage of flood flow routes in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2 (2015).

35.4 Planning Application 21/0637

Applicant – Mrs Sahdia Aslam

Location and Proposed Development – Priory Croft, Old Hall Lane, Pleasington, Blackburn, BB2 6RJ

Proposed covered terrace area to rear, roof terrace to western elevation, increase to ridge height, hip to gable roof alteration, front & rear dormers, a porch and alterations to existing elevations (retrospective).

It was noted that Officers will track the progress of the building work.

Decision under Town and Country Planning Acts and Regulations –

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

35.5 Planning Application 21/0742

Applicant – Mr Usman Shahid

Location and Proposed Development – 24 Beaumont Way, Darwen, BB3 3SG

Full Planning Application for proposed single storey at rear and conversion of garage into habitable room

Decision under Town and Country Planning Acts and Regulations –

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

35.6 Planning Application 21/0747

Applicant – Ms Patricia Da Silva

Location and Proposed Development – Ellerslie, Bury Fold Lane, Darwen, BB3 2QG

Minor Material Amendment: Variation of condition 5 pursuant to application 10/21/0090 'Variation of Condition No.5 pursuant to Reserved Matters application 10/19/0642 for the appearance, landscaping, layout and scale for 18 dwellings; pursuant to Outline Approval 10/15/1081 - to amend the design of the proposed houses and include a private access to plot 5 to include a basement floor at plot 5 and associated landscaping

Decision under Town and Country Planning Acts and Regulations –

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

35.7 Planning Application 21/0825

Applicant – McDermott Homes Ltd

Location and Proposed Development – Land off Lomond Gardens, Blackburn

Minor Material Amendment: Removal of Condition No.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" - pursuant to planning application 10/21/0277 - "Residential development consisting of 30 dwellings and associated infrastructure works."

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved 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 (including removal of condition no.7 attached to the original permission).

35.8 Planning Application 21/0879

This item was moved to the first item on the agenda

Speakers – Mr Phil Heaton (In Support)
 Mr Thomas Farran (Objector)

Applicant – Mr Nadeem Sadiq

Location and Proposed Development – Basement 75B East Park Road, Blackburn, BB1 8DW.

Variation/Removal of Condition/Minor Material Amendment for Variation of Condition No 3 pursuant to planning application 10/12/0158 "Change of use of basement to Internet Cafe (class A1), formation of self-contained flat at first floor and alterations to the eastern elevation" - to increase opening hours to 9am to 10pm Monday to Sunday, and removal of Condition no.4 to allow for any use within Use Class E.

Decision under Town and Country Planning Acts and Regulations –

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

35.9 Planning Application 21/0880

This item was moved to the second item on the agenda

Speakers – Mr Phil Heaton (In Support)
Mr Thomas Farran (Objector)

Applicant – NA-AM Enterprises Ltd.

Location and Proposed Development – 213 Shear Brow, Blackburn, BB1 8DU

Variation/Removal of Condition/Minor Material Amendment for Variation of Condition No 2 pursuant to planning application 10/12/0487 "Change of use from beauticians to hairdressers" - to increase opening hours to 11am to 11pm Monday to Sunday – Please note current use of the property is a dessert parlous (Use Class E)

Decision under Town and Country Planning Acts and Regulations –

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

35.10 Planning Application 21/1005

Applicant – Applethwaite Limited

Location and Proposed Development – Davyfield Farm (former Wellybobs Limited) Roman Road, Eccleshil, Darwen, BB3 3PJ

Variation/Removal of Condition/Minor Material Amendment for Variation of Condition No.2 pursuant to planning application 10/20/1036: "The erection of 19 no. dwellings, with associated infrastructure and landscaping works" - to introduce natural stone to side and rear elevations previously showing render

Decision under Town and Country Planning Acts and Regulations –

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

35.11 Planning Application 21/1078

Applicant – Blackburn with Darwen Borough Council

Location and Proposed Development – Blackburn Technology Management Centre, 2 Challenge Way, Blackburn, BB1 5QB

Installation single Air Source Heat Pump (ASHP) to consist of one single ASPH within an enclosure, adjoining plant house and additional landscaping to north boundary

Decision under Town and Country Planning Acts and Regulations –

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

36 Diversion of Public Footpath 9 Eccleshill

A report was submitted to seek approval for a public path order under the Town & Country Planning Act 1990, Section 257 to divert Public Footpath 9, Eccleshill

On the 30th July 2021, the Council granted planning permission for the erection of 19 no. dwellings, with associated infrastructure and landscaping works on land at Davy Field Farm, Roman Road, Eccleshill, BB3 3PJ. (Application 10/20/1036)

Public Footpath 9 Eccleshill passes through the proposed development site crossing the line of several properties. In order that the development can be implemented as per the planning approval, it is necessary that this section of PF 9 Eccleshill is diverted. In this respect, the Council has received an application from the developer to divert the section of the footpath affected.

Under the Council's Constitution this Committee has 'The power to create, divert, stop up, extinguish and reclassify footpaths and bridleways and the power to make orders and enter agreements in relation to the same'

The Committee therefore has to consider whether, or not, to promote the Order requested by the applicant. In order to assist members in making this decision, officers have prepared a detailed report with the necessary information to enable an informed decision to be made.

RESOLVED - To Promote the Order and authorise the Strategic Heads of HR Legal & Governance to progress the necessary legal orders

37 Enforcement - 3 Belvedere Close, Blackburn

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land at 3 Belvedere Close, Blackburn.

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

RESOLVED - Authorisation was given to the proposed enforcement action at 3 Belvedere Close, Blackburn

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed

DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

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

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

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

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



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: 18/11/2021

Application No	Applicant	Site Address	Ward	Application Type
10/21/0636	Applethwaite Homes Ltd C/O Agent - PWA Planning 2 Lockside Office Park Lockside Road Preston PR2 2YS	Land to the North of Ramsgreave Drive Ramsgreave Drive Blackburn BB1 8NB	Roe Lee	Full Planning Application for Demolition of existing dwelling and erection of 47no. dwellings, with associated access, landscaping and infrastructure
RECOMMENDATION: Permits				
10/21/0790	Greenland Properties Adhan House 52a Preston New Rd Blackburn BB2 6AH	Former Apex Mill Bold Street Blackburn BB1 7EL	Shear Brow & Corporation Park	Full Planning Application for Demolition of disused mill and erection of a new retail development - Use Class E(a)
RECOMMENDATION: Permits				
10/21/0919	Thistlewood Properties C/O 7 Charlotte Street Manchester M1 4DZ	Former Hollins Grove Liberal Club Falcon Avenue Darwen BB3 1QX	Darwen West	Variation/Removal of Condition/Minor Material Amendment for Variation of Condition No.8 pursuant to planning application 10/21/0148 "Erection of Use Class E Convenience Store with Staff/Storage at First Floor and 16 Customer Parking Spaces and Delivery Area" - to amend approved opening hours from 07:00 - 22:00, to 07:00 - 23:00 daily
RECOMMENDATION: Permits				

Application No	Applicant	Site Address	Ward
Application Type			
10/21/1016			
Jangeer Yaseen 72-80 Bolton Rd Blackburn BB2 3PZ	Area to the East of Farthings Public House and to the North of Rosewood Avenue Blackburn	Roe Lee	
Full Planning Application (Retrospective) for Retention of 2m High fencing to west and south of the site with entrance gates from Rosewood Avenue			
RECOMMENDATION: Permits			
10/21/1022			
Kingswood Homes Kingswood Homes Mr Paul Jones Unit 8 Bridge Court Liverpool New Road Little Hoole Preston PR45JT United Kingdom	Phases 7-11 "Green Hills Residential Development" Land off Broken Stone Road/Livesey Branch Road on land within the Gib Lane Masterplan Area Blackburn	Livesey With Pleasington	
Reserved Matters Application for Approval of the matters reserved by the Outline (Hybrid) planning permission ref: 10/21/0343 (Appearance, Landscaping, Scale and Layout) for the erection of 280 dwellings			
RECOMMENDATION: Permits			
10/21/1048			
Mr Farouk Yusuf 95, Shear Brow Blackburn BB1 8EA	95 Shear Brow Blackburn BB1 8EA	Shear Brow & Corporation Park	
Full Planning Application for Roof lift to create additional floor			
RECOMMENDATION: Permits			
10/21/1112			
Barnfield Blackburn Ltd. c/o Barnfield Construction Ltd. 8 Kenyon Road Nelson BB9 5SP	Greenbank Terrace Lower Darwen Blackburn BB3 0RN	Blackburn South & Lower Darwen	
Full Planning Application for Formation of additional car parking and landscaping			
RECOMMENDATION: Permits			

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

<u>MATERIAL:</u>	<u>NOT MATERIAL:</u>
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 Growth & Development 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

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/0636

Proposed development: Full Planning Application: Demolition of existing dwelling and erection of 47no. dwellings, with associated access, landscaping and infrastructure.

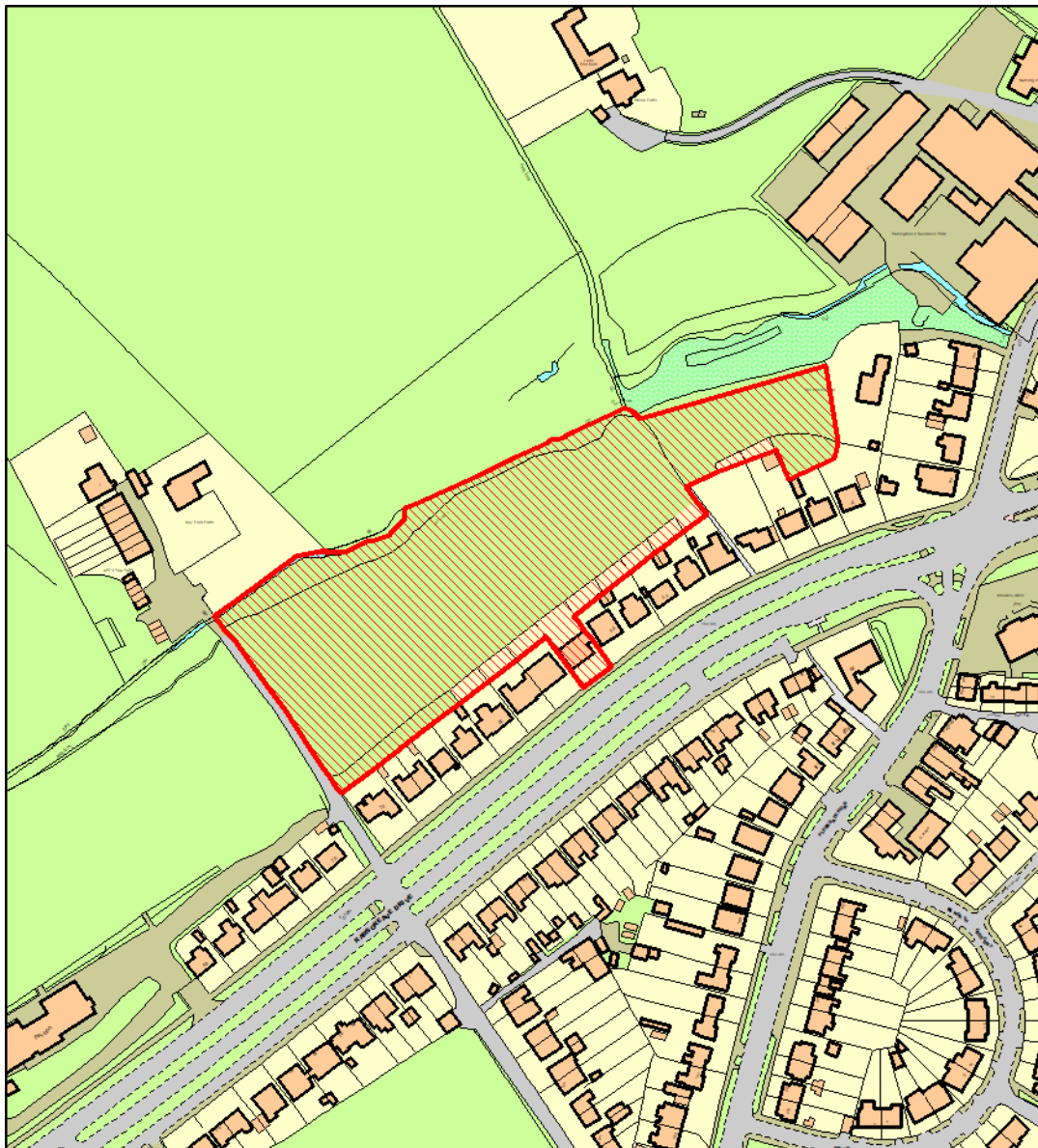
Site address:

**Land to the North of Ramsgreave Drive
Ramsgreave Drive
Blackburn
BB1 8NB**

Applicant: Applethwaite Homes Ltd

Ward: Roe Lee

**Councillor Phil Riley
Councillor Sylvia Liddle
Councillor Ron Whittle**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 APPROVE – Subject to a Section 106 Agreement of £312,922, relating to Off-site Green Infrastructure / Public Open Space provision / enhancement, education provision; off-site highway works; and conditions set out at paragraph 4.1.**

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1** The proposal is in the form of a full planning application. Its submission follows pre-application consultation undertaken between the applicant and the Council. It is considered that the final scheme responds appropriately to representations made during the pre-application process.
- 2.2** Detailed assessment of the application finds that the proposed development corresponds with the Council's overarching housing growth strategy, as set out in the Core Strategy and Local Plan Part 2. Delivery of a high quality housing development is assured, focussed on land that is allocated for housing, to the North of Ramsgreave Drive, Blackburn. Moreover, from a technical point of view, all issues have been addressed through the application or are capable of being controlled or mitigated through planning conditions and a Section 106 Agreement.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1** The application site (the site) measures 1.77 hectares in area. It is located to the north of Blackburn, to the rear of residential properties to the north of Ramsgreave Drive and within the urban boundary.
- 3.1.2** Currently agricultural land, the site is allocated for housing led development as part of a wider allocation known as the North Blackburn Housing Site, covered by Policy 16/2 of the adopted Local Plan Part 2.
- 3.1.3** The wider locale is characterised by a mix of uses but is predominantly residential in nature. To the south and east lies residential and urban development beyond Ramsgreave Drive and Pleckgate Road (B6232). To the west of the site is the Ramsgreave Avenue access track, which leads directly to Kay Fold Farm, beyond which lies Blackburn Rugby Club. To the north of the site topography falls towards a stream, beyond which lies the open countryside. The site within its wider context is illustrated below:



Extracted from pwa planning Planning Statement, dated May 2021.

- 3.1.3 Access to the site is currently taken off Ramsgreave Avenue to the west which connects to Ramsgreave Drive (A6119), which is a major local routeway, serving as the main vehicular route to the north of Blackburn.
- 3.1.4 The site also benefits from strong links to public transport, with bus stops at Kay Fold Lodge, Knowles Arms, and Pleckgate Road all within 100m of the site, providing regular services to Blackburn town centre and Preston city centre, as well as other local centres and settlements.
- 3.1.5 Access to a wide range of local services and amenities is readily available, public houses, restaurants, a supermarket, multiple primary schools, a high school, and a Sixth Form College; all of which are within 1km walk of the site.
- 3.1.6 Two Public Rights of Way (PRoW) are present on site. The first of which runs along the northern boundary, with the second cutting through the site, connecting to Ramsgreave Drive.
- 3.1.7 The site is not subject to any landscape or heritage constraints. The nearest heritage asset is the Grade II listed Further Wilworth, approximately 180m south east of the site, separated by the highway networks and multiple residential properties.
- 3.1.8 The site lies wholly with Flood Zone 1, where the risk of flooding is at its lowest. There are no Tree Preservation Orders either on or in close proximity to the site, and there are no ecological designations, either locally or nationally, which affect the site.

3.2 Proposed Development

- 3.2.1 Full planning permission is sought for the demolition of a dwelling and erection of 47no. dwellings with associated access, landscaping and infrastructure, relating to land to the north of Ramsgreave Drive, Blackburn.

- 3.2.2 Access to the site is proposed off Ramsgreave Drive to the immediate south. To provide a suitable access, demolition of a single property will be needed at No.60 Ramsgreave Drive; this will facilitate the necessary space for the access, including appropriate visibility splays. The proposed layout is illustrated below:



Extracted from pwa planning Planning Statement, dated May 2021.

- 3.2.3 A mix of 3 - 4 bedroom detached and semi-detached dwellings are proposed to provide high quality family homes, which will be suitable for families in the area. The range of house types and materials aims to respond to the semi-rural character of the area. Typical street scenes are illustrated below:



Extracted from Design & Access Statement, Woodcraft Design.

3.2.4 In total, there will be 23no. three-bedroom dwellings and 24no. four-bedroom dwellings, with three different dwelling types provided for both the three and four-bedroom properties.

3.2.5 Public open space / landscaping is included within the site, with a particular focus towards the site boundaries.

ACCOMODATION SCHEDULE

Ref	House Type	Beds	Sq. Ft	No.	Total Beds	Total SqFt
Dal	Dalton	3	900	6	18	5400
Ry	Rydal	3	995	6	18	5970
Ken	Kentmere	4	1110	8	32	8880
Win	Winster	4	1197	9	36	10773
Rus	Rusland	4	1270	6	24	7620
New	Newton	3	794	12	36	9528
Grandtotal				47	164	48171

Statistics	
Gross Site Area in Metres	17711
Gross Site Area in Acres	4.38
Public open Space/Amenity in Metres	0
Public open Space/Amenity in Acres	0
Net Site Area in Metres	14204
Net Site Area in Acres	3.51
Net Site Area in Hectares	1.42
Undevelopable Area in Metres	3507
Undevelopable Area in Acres	0.87
Density (Sq.Ft per Acre)	13724
Net Density (Units Per Acre)	13
Net Density (Units Per Hectare)	33.09
Gross Density (Units Per Acre)	11
Gross Density (Units Per Hectare)	26.52

3.2.6 Proposed off-site highway works include changes to the existing central reserve along Ramsgreave Drive so that the carriageway provides an additional right turn capacity. A pelican crossing is also proposed off Ramsgreave Drive to provide safe pedestrian access to the site.

3.2.7 Full details are provided within the submitted drawings, supporting statements / assessments and House Type Range document.

3.3 Development Plan

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

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

3.3.3 Core Strategy

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

- CS6 – Housing Targets
- CS7 – Types of Housing
- CS8 – Affordable Housing Requirement
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS18 – The Borough Landscapes
- CS19 – Green Infrastructure
- CS21 – Mitigation of Impacts / Planning Gain

3.3.4 Local Plan Part 2 (LLP2)

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 16/2 – Housing Land Allocations – North Blackburn Development Site
- Policy 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape
- Policy 47 – The Effect of Development on Public Services

3.4 **Other Material Planning Considerations**

3.4.1 North Blackburn Masterplan

The North Blackburn Masterplan document was prepared in collaboration with landowners in response to Policy 16/2. It was adopted in March 2017. The masterplan area covers approximately 24 hectares in and is expected to deliver approximately 450 new homes, as set out in the Blackburn with Darwen Local Plan Part 2: Site Allocations and Development Management Policy. The site is included in the masterplan as part of 'West Wilworth'.

The Masterplan is a material consideration in the determination of this planning application. The document helps to provide a comprehensive guide of development across the whole site, including the coordination of development and the delivery of supporting infrastructure, as well as providing information and materials to ensure that developments will be completed to high standards of design, in terms of both layout and detailing. More specific details are found within Policy 16/2 discussed above.

3.4.2 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.

3.4.3 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.

3.4.4 Air Quality Planning Advisory Note

3.4.5 National Planning Policy Framework (The Framework) (2021)

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

3.4.6 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 In the absence of any heritage constraints, demolition of No.60 Ramsgreave Drive is accepted.
- 3.5.3 The principle of residential development is considered under the Blackburn with Darwen Core Strategy (particularly Policies CS1 and CS5) and Local Plan Part 2: Site Allocations and Development Management Policies (particularly Policy 16 – Housing Land Allocations).
- 3.5.4 Core Strategy Policy CS1 explains that the overall planning strategy for the Borough is one of ‘Targeted Growth’ and identifies a need for ‘*a limited number of small scale urban extensions*’.
- 3.5.5 Policy CS5 directs that the preferred location for new housing, where market conditions permit its delivery, will be the inner urban areas of Blackburn and Darwen.
- 3.5.6 Policy CS7 encourages the development of a full range of new housing over the life of the Core Strategy in order to widen the choice available in the local market.
- 3.5.7 Policy 1 of the Local Plan states that the defined Urban Area is to be the preferred location for new development. Development in the Urban Area will be granted planning permission where it complies with the other policies of this Local Plan and the Core Strategy. The site is located within the urban area boundary defined on the proposals map.
- 3.5.8 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.
- 3.5.9 Policy 16 allocates the land for housing development within the 15-year life of the Local Plan, subject to key development principles. This proposal represents residential development of part of a Housing Land Allocation, Site 16/2 – North Blackburn Development Site, Blackburn. The principle of housing at the site must be considered in the context of the housing allocation. The total size of the allocation is 28.8 hectares which will provide approximately 450 homes (this application is limited to 1.77 hectares and 47 homes). Key development considerations of the policy are:
1. *This site is to be brought forward in line with a masterplan to be produced covering the whole of the allocation. The masterplan must be agreed by the Council prior to the granting of planning permission for any part of the site.*
 2. *The development should complement the existing residential areas as widening the existing range and choice of housing to meet local needs.*

3. *Development design – need for attractive scheme that is sympathetic to local area and character. The provision of a rural transition zone between the development and the wider rural landscape to the north, including the establishment of a robust boundary for the Green Belt through landscaping and planting.*
4. *The site currently occupied by Blackburn Rugby Union Football Club cannot be developed unless and until the Club has relocated within Blackburn with Darwen.*
5. *Allow for the retention and enhancement of the public right of way that runs around the edge of the site.*
6. *Be supported by a landscape and green infrastructure framework incorporating perimeter woodland planting and on-site open space incorporating formal and informal play. Utilising important key vistas into the adjoining open countryside, providing visual linkages to Mellor Ridge.*
7. *Be supported by detailed survey to consider the impact of proposed development on the ecological value of the site, including the brook to the northern boundary.*
8. *Provision of SuDS and the incorporation of measures to control surface water run-off, flood risk from the northern watercourses and the consequences of blockages in the culvert.*
9. *The number of access points on to the A6119 should be informed by a detailed traffic impact assessment to ensure the free flow of traffic and highway safety.*
10. *Make land available for a new primary school, if required, and suitable contribution towards its construction.*
11. *Contribution towards local highways improvements.*
12. *The separation distance between the site and the road is minimal and therefore the noise generated by road traffic may potentially be high.*
13. *Completion of appropriate ground investigation works to establish the extent of any ground contamination and whether any mitigation measures are required.*

3.5.10 These key matters are considered in detail under the relevant bespoke policies and Section 106 requirements later in this report. For the purpose of assessing the principle, the proposed development is considered consistent with the overarching requirements of the Masterplan.

3.5.11 Policy 18 further encourages a range of new housing to widen the choice of house types, with an emphasis on detached and semi-detached to be the principal element of the dwelling mix on any site that is capable of accommodating such housing, and where such housing would make a positive contribution to the character of the local area. The submitted layout and house types demonstrate a housing mix consistent with the Council's aspirations.

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

highway improvements, Green Infrastructure and education provision, as set out at paragraph 4.1. Members are advised that an affordable housing contribution is not included; a position informed by independent audit of a Viability Assessment (VA) submitted by the applicant with the application. The VA evidenced that the development will not be viable if a contribution is sought. This is in accordance with Policy 7, which sets out:

Where a developer seeks to negotiate a reduction in standards that would normally apply to development on grounds of financial viability, the Council will require the developer to supply evidence as to the financial viability of the development. This will normally take the form of an open book financial appraisal of the proposed development.

3.5.13 Members are further advised that the outcome of the viability appraisal should be weighed against the economic, environmental and social benefits otherwise arising from delivery of the development. These include; a valued housing contribution and increased Council Tax receipts relating to a site allocated for housing led development and section 106 contributions otherwise secured. These positive material considerations are considered to outweigh the absence of an affordable housing contribution.

3.5.14 Accordingly, as a proposal delivering 47 homes of an appropriate mix on an allocated housing site, in accordance with the Masterplan principles and inclusive of mitigating s106 contributions, the principle of the development 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 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

3.5.17 Separation between proposed dwellings is broadly compliant with the adopted standards. Shortfalls do, however, exist between a number of plots. 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 proposed-to-proposed interfaces and having regard to The Frameworks presumption in favour of sustainable development as well as the developments viability, such relaxation is considered justified in this instance.

3.5.18 Adequate external space is provided at each plot to serve the needs of householders.

3.5.19 Contaminated Land:

Phase 1 and 2 reports have been submitted with the application. They are yet to be reviewed. The Phase 2 report indicates the need for a ground remediation strategy which is yet to be submitted. It is, therefore, anticipated that the Council's standard contaminated land conditions will be applied to secure submission of any necessary additional site investigation and a remediation strategy. Public Protection's review of the information submitted to date will be represented in a subsequent update report.

3.5.20 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. Details and implementation will be secured via condition.

3.5.21 Construction Phase:

A Demolition / Construction and Environmental Management Plan (DCEMP) will be secured via condition which will guard against significant adverse impacts arising during demolition and construction, including but not limited to control of noise, vibration, dust emissions and highway cleansing / wheels washing.

3.5.22 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.

3.5.24 Accordingly, it is found that satisfactory levels of amenity and safety would be secured for existing and future residents. The development is also considered to contribute positively to the overall physical, social, environmental and economic character of the area, in accordance with the requirements of Policy 8, The Masterplan 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 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). Existing drainage within the site and the surrounds are public sewers, operated by United Utilities. Proposed drainage is via separate systems, with surface water discharging into the existing water body at the northern boundary of the site and foul water discharging into the existing combined sewer in Ramsgreave Drive via a pump station (located at the north west corner of the site). Privately maintained underground attenuation tanks are

proposed to store excess surface water, to cater for increased frequency of extreme rainfall events arising from climate change.

3.5.27 Although the drainage strategy proposed does not feature above ground SuDS, the evident site constraints and proposed alternative methodology is considered to accord with the principles of the drainage hierarchy and is accepted by United Utilities and BwD Drainage (as Lead Local Flood Authority). Notwithstanding this, United Utilities recommend application of their standard condition requiring submission of a foul and surface water drainage strategy, taking account of the FRA principles. Submission of a management and maintenance regime for the approved drainage strategy should also be secured via condition.

3.5.28 Although the site is within Flood Zone 1, localised 'at risk' zones are identified on a Surface Water Flooding Extent Plan. It is, however, accepted that no properties would be at risk of flooding, as the proposed layout appropriately responds to the natural topography of the site.

3.5.29 BwD Drainage recommend a condition to guard against pollution of the watercourse along the northern boundary during construction works. This measure will be included within the required DCEMP.

3.5.30 Ecology:

A preliminary Ecological Appraisal is submitted with the application which has been reviewed by the Council's ecology consultee.

3.5.31 No statutorily protected, notable or rare species, nor any designated sites of international, national, regional or local importance influence the site. Although presence of Amphibians, Birds, Badger, Bats, Brown Hare and Otter are known to the local area, there was no conclusive evidence of any specifically protected species regularly occurring on the site or the immediate surrounding areas which would be negatively affected by the development following the mitigation proposed.

3.5.32 The building proposed for demolition was assessed for its potential to support roosting bats. No bats or evidence of bats was found. The building was assessed as having low potential to support roosting bats, and as such a single activity survey was undertaken, when no bats were seen emerging from the building. Moreover, low levels of bat activity were recorded on a transect of the site.

No objection is offered on ecological grounds, subject to implementation of the following mitigation measures to be secured via condition:

- No building demolition, tree or vegetation clearance to take place between March – August, unless it can otherwise be demonstrated that no active bird nests are present;
- Submission of a precautionary working method statement to safeguard species during construction;

- Submission of an Invasive Species Method Statement for the treatment of Himalayan Balsom;
- Submission of a DCEMP to provide for an appropriate construction exclusion zone from the watercourse, to guard against pollution;
- Submission of details to demonstrate no negative impacts on the ecological status of the watercourse on the northern boundary of the site, arising from the drainage design for surface water; and
- Submission of landscape / biodiversity enhancement strategy.

3.5.33 Informatives advising of tree felling best practise in respect of bat roost protection will also be applied.

3.5.34 Trees:

No protected trees are located within or immediately adjacent to the site. An Arboricultural Impact Assessment (AIA) is submitted with the application which has been reviewed by the Council's Arboriculture Officer. A total of 30 items were surveyed, which comprises 21 individual trees, 6 groups, and 3 hedges. 8no. items were categorised as Class B, 20no. items were categorised as Class C, and 2no. were categorised as Class U. Overall, 7no. trees will be removed, all of which are either Class C or Class U. No objection is offered to the removal of these trees, which are accepted as low grade. Trees to be retained will be appropriately protected during construction phase, in accordance with methodology set out in the AIA. This will be secured via condition.

3.5.35 A detailed Landscaping Scheme supports the application. This includes planting of a range of native and non-native species across the site. The range of planting is considered adequate mitigation for tree loss. 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. As noted above in the ecology comments, an additional biodiversity enhancement plan will also be secured via condition.

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, The Masterplan 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 Assessment (TA) 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 Vehicular access into the site is to be taken from Ramsgreave Drive. A newly created priority junction will serve the new development, which will include a right turn lane. A pedestrian crossing point over Ramsgreave Drive will also be provided. These works will be delivered in accordance with a S278 improvement scheme, at the developers cost, to be undertaken by the Local Highway Authority from design to implementation. Works will be secured via condition.
- 3.5.40 The internal road layout broadly conforms with the Councils requirements for adoption, in terms of carriageway and footway width. A swept path analysis within the TA confirms appropriate manoeuvrability for refuse vehicles. The extent of footway provision is considered, on balance, to be acceptable, when considered against the overall scale of the proposal.
- 3.5.41 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 (including dimensions) of 2 spaces for 2 & 3 beds and 3 spaces for 4+ beds. Minor amendments in this regard have been secured following comments offered by the Council's Highways consultee.
- 3.5.42 With the exception of the Newton house type, all other house types propose a garage, either integral or detached. Dimensions are, however, below the benchmark standard of 3m x 6m. On balance, they are considered acceptable, taking account of the developments viability and precedent setting allowance of similar on other developments within the borough.
- 3.5.43 The applicant is currently addressing the need to introduce elements of street character to the layout, in accordance with the Manuel for Streets publication which advocates place making and creation of a family friendly environment. This is likely to be in the form of carriageway surface treatments to avoid uninterrupted lengths of hot rolled asphalt. Such details will be included in the update report.
- 3.5.44 The application considers the Public Rights of Way throughout the proposed development. Definitive footpath 23 Blackburn, to the north eastern edge of the site will require a temporary closure during construction works.
- 3.5.45 Footpath 126 Blackburn, is access to the properties at Kay Fold. Access must be retained throughout construction.
- 3.5.46 Footpath 19 Blackburn, to the northern edge of the site may be fenced out during the construction to allow public access from Kay fold or from footpath 24 at the side of house no.193 Pleckgate Road. If this is not possible footpath 19 will require a temporary closure during site works and construction. An advisory informative will be applied to the decision, in this regard.
- 3.5.47 Review of the TA confirms the need for a Section 106 highways contribution of £95,598, arising from the development. This will provide for toucan crossings at Lammack Road, Pleckgate Road and Whinney Lane;

improvements to Brownhill and Yew Tree Drive junctions; and sustainable transport measures.

3.5.48 Measures contained within a Framework Travel Plan submitted in support of the application will be secured via condition.

3.5.49 Submission of the above noted DCEMP will address highway impacts arising from construction, including wheel wash and road cleansing. Adherence will be secured via condition.

3.5.50 Accordingly, highway impacts arising from the development are found to be acceptable and in accordance with the requirements of Policy 10 and The Framework.

3.5.51 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.

3.5.52 A Design and Access Statement is submitted with application. This sets out key design principles of the development, following analysis of the surroundings, including specific character traits of existing built form, in response to policy and masterplan requirements.

3.5.53 The proposed sub-urban street pattern is a logical response to the site location and associated constraints. Proposed medium density range of housing is also consistent with the locale, including other housing development within the allocation.

3.5.54 The majority of houses along the southern boundary will present side on to existing properties on Ramsgreave Drive. Those at the access will present front on to the access road. All houses will be highway fronted, with houses along the northern boundary outward facing onto open countryside. A landscaped buffer is included along this boundary to provide a sense of transition into the countryside and communal space for the benefit of all future residents.

3.5.55 Proposed house types are of a two storey scale and appearance consistent with local family house types constructed and planned within the wider allocation. They are also proportionate to proposed plot sizes.

3.5.56 Proposed elevation materials are predominantly render and brick with art stone and brick soldier heads and cills detail also included. Tiles are proposed for roofs. Typical house types are illustrated below:



Extracted from Design & Access Statement, Woodcroft Design.

3.5.57 Notwithstanding the submitted information, submission of precise details of all external walling and roofing materials will be secured via condition

3.5.58 Proposed boundary treatments are timber panelled fencing between properties and robust brick walls to sensitive areas fronting public open spaces and at key vistas. Elevational detail will be secured via condition.

As noted above, the comprehensive site wide landscape scheme submitted with the application which will enhance the development and assist in its integration into the natural environment.

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

3.5.60 Planning Gain / Section 106 Financial Contributions

A financial contribution **£312,922** is secured, following agreement between the Council and the applicant, at pre-application stage. The contributions are towards provision of Green Infrastructure in the locality; provision of additional primary school places at Lammack Primary School; and off-site highway works / initiatives.

3.5.61 Section 106 payments are broken down as follows, payable on commencement of the development:

	Green Infrastructure	Education	Highways	Monitoring Fee	Total
6 months after commencement		£100,000		£1000	£101,000
12 months after commencement	£53, 000	£48,144		£1,011	£102,155
18 months after commencement	£13, 082		£95,598	£1,087	£109,767
Totals	£66, 082	£148,144	£95,598	£3,098	£312,922

3.5.62 Summary

This report assesses the full planning application for demolition of a dwelling and residential development of 47 dwellings, with associated access, landscaping and infrastructure, at a site allocated for housing led development. 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 North Blackburn Masterplan, Supplementary Planning Documents and the National Planning Policy Framework.

4.0 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 £312,922, including a monitoring fee of 3,098 (as set out at para 3.5.61).**

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.

- (ii) 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 16th June 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 commencement of above ground works hereby approved, and notwithstanding the submitted details, written and illustrative details of the external walling, roofing, window and door materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

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

4. Prior to commencement of above ground works hereby approved, and notwithstanding the submitted details, elevational details of boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the precise height and construction materials of all boundaries. The approved scheme of boundary treatment(s) shall be implemented prior to first occupation of the development and retained thereafter.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5. Prior to commencement of the 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, 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.

6. Prior to 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.

7. 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.

8. Demolition and construction hereby approved 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.

9. Prior to commencement of the development hereby approved, a Demolition Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall provide for the following:

- An appropriate 'stand-off' zone, including appropriate fencing or other means of obstruction, from the watercourse to prevent accidental incursion by machinery, dust, debris and other pollution;
- vibration management and mitigation;
- management of construction traffic;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in demolition and construction;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling / disposing of waste resulting from demolition and construction works.

Construction shall proceed in strict accordance with the approved detail for the duration of the works.

REASON: In order to safeguard protected habitat; to avoid the deposit of debris into watercourse and onto the highway, in order to protect the amenity of the occupiers of the adjacent properties and in order to protect the visual amenities of the locality, in accordance with Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

10. Should pile driving works be required on site, prior to the commencements of those works, a programme for the monitoring of generated noise and vibration shall be submitted to and approved in writing by the Local Planning Authority. The programme shall specify the measurement locations and maximum permissible noise and vibration levels at each location. Noise and vibration levels shall not exceed the specified levels in the approved programme.

REASON: In order to safeguard neighbouring amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

11. Prior to commencement of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing provision of an electrical vehicle charging points for each dwelling. The approved scheme shall be implemented prior to first occupation of the development.

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.

12. Gas fired domestic heating boilers shall not emit more than 40mgNO_x/kWh.

REASON: In the interests of improving air quality and to protect the health of resident, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

13. 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.

14. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes shall be in accordance with the hierarchy of drainage options in the national planning practice guidance (or any replacement thereof) and the principles set out in the submitted Flood Risk Assessment and Drainage Strategy (Ref: 31418/LRD, Rev: 2, Dated: May 2021, prepared by Sutcliffe. The drainage schemes shall include:

- (i) A restricted rate of discharge of surface water agreed with the local planning authority;
- (ii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iii) Foul and surface water shall drain on separate systems;
- (iv) Details of how existing surface water flood risk will be managed and mitigated;
- (v) Details of the proposed foul water pumping arrangements; and
- (vi) A drainage management and maintenance plan which shall include as a minimum:
 - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the drainage systems to secure the operation of the drainage schemes throughout their lifetime.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the public sewer either directly or indirectly. The approved drainage schemes shall be implemented in full prior to the occupation of the first dwelling, maintained and managed in accordance with the approved details, and retained thereafter for the lifetime of the development.

REASON: To promote sustainable development, to 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.

15. Prior to occupation of the development hereby approved, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

REASON: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with the requirements of Policy 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

16. No site clearance or demolition 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.

17. Prior to commencement of any on site works, a precautionary Working Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall set out how amphibians and hedgehogs are to be safeguarded during construction works, following the principles outlined in section 7.2.3 and 7.3.1 of the

submitted Preliminary Ecological Appraisal (envirotech, report v2, 22/04/2021). Working practices shall be in accordance with the approved detail throughout the duration of construction.

REASON: To provide appropriate mitigation against impact on amphibians and hedgehogs and their habitat, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

18. Prior to commencement of any works on site, an Invasive Species Working Method Statement for the treatment and prevention of spread of Himalayan Balsam shall be submitted to and approved in writing by the Local Planning Authority. Treatment and prevention shall be in accordance with the approved methodology.

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. Prior to commencement of development hereby approved, a Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority detailing how the ecological status of watercourse on the northern boundary of the site will be safeguarded from the drainage impacts of surface water discharge from the site. Development shall be in strict accordance with the approved strategy.

REASON: To provide appropriate mitigation against ecological impacts arising from drainage, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

20. The development shall be carried out in strict accordance with the submitted Arboricultural Impact Assessment and Method Statement, prepared by tba landscape architects, dated March 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.

21. The development hereby approved shall be implemented in strict accordance with the 'Landscape Proposals' Plan 1 & 2, prepared by tba architects, dated March 2021 and numbered: 6494.03 and 6494 04. 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.

22. Prior to the commencement of the development hereby approved, a comprehensive Habitat Creation / Biodiversity Enhancement Strategy and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the agreed details

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

23. 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. 21. 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.

24. Prior to the construction of any of the streets, 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.

25. 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.

26. Prior to occupation of the development hereby approved, a scheme shall be submitted to and approved by the Local Planning Authority detailing the following off-site highway works:

- Provision of a priority all-movements junction at the site access from Ramsgreave Drive, including a break in the central reserve to facilitate right-turn manoeuvres into and out of the site, and a right turn lane into the site; and
- provision of a pedestrian crossing point across Ramsgreave Drive.

The approved scheme shall be implemented prior to occupation of the development.

27. 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.

28. Measures contained within the submitted Framework Travel Plan, produced by Eric Wright Group, dated May 2021, shall be implemented upon occupation of the development hereby approved and be so retained unless otherwise agreed in writing by the Local Planning Authority.

REASON: To provide and promote sustainable transport measures and to minimise traffic flow, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

29. 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.

30. Prior to commencement of the development hereby approved, corresponding floor plan and elevation drawings of the proposed pumping station shall be submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with the approved drawings.

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.

5.0 PLANNING HISTORY

5.1 No planning history exists for the site. The following applications relate

10/17/0578: Residential Development comprising 272 homes, public open space, landscaping, drainage, associated highway works, infrastructure and engineering works and demolition of existing garages. Land off Yew Tree Drive and Whinney Lane, Blackburn. Approved by P & H Committee, 8th May 2018.

6.0 CONSULTATIONS

6.1 Drainage (BwD – Lead Local Flood Authority)

No objection, subject to conditions:

No above grounds works to take place until a scheme for the protection of the watercourse during construction works has been agreed and implemented.

No above ground works to take place until a foul and surface water drainage scheme has agreed and implemented.

Prior to occupation a drainage maintenance and management scheme to be agreed and implemented.

6.2 BwD Environmental Services

Turning, reversing and gen access for the refuse collection vehicles would be the concern here, esp for plots 4, 5 and 6 where I cant see if there is enough room to reverse. These houses may have to drag their bins to the 'main' road (top/bottom of the close).

6.3 BwD Public Protection

No objection:

Contaminated Land

No response offered to date.

Condition – Air Quality Standard Mitigation for Houses

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

- a. There shall be one electric vehicle charging point at each house with a garage or driveway. An appropriate charging point for a single dwelling 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.
- b. Gas fired domestic heating boilers shall not emit more than 40mg NOx/kWh

REASON: In accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2 and Paragraph 110 of the National Planning Policy Framework 2019, which states that developments should be designed to enable charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This implements the requirements of Council's Air Quality PAN and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. These are readily achievable mitigation measures that reflect current good practice and help to reduce the cumulative impact of current and future developments.

Demolition/Construction Phase Control Conditions

Condition – Hours of Site Works

There shall be no site operations on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday 08:00 – 18:00 hours

Saturday 09:00 - 13:00 hours

Any variation of the above hours restriction must be approved in writing by the Planning Authority.

Reason

To ensure appropriate hours of site work to minimise noise during the construction phase.

Condition – Dust Control

The commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a scheme employing the best practicable means for the suppression of dust during the period of demolition/construction. The approved measures in the scheme shall be employed throughout this period of development unless any variation has been approved in writing by the Planning Authority.

Reason

To ensure that satisfactory measures are in place to alleviate any dust & dirt impact at adjacent residential premises.

Noise & Vibration Control

The following condition is recommended if pile driving works are required on site.

Condition

The commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a programme for the monitoring of noise & vibration generated during demolition & construction works. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. At each location, noise & vibration levels shall not exceed the specified levels in the approved programme unless otherwise approved in writing by the Planning Authority or in an emergency.

Reason

To minimise noise/vibration disturbance at adjacent residential premises.

Floodlighting Control (Demolition/Construction Phase)

The following condition is recommended if security floodlighting is required on site.

Condition

A floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the works.

Reason

To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity.

Informative:

When assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in 'Guidance Notes for the Reduction of Obtrusive Light' GN01 produced by The Institution of Lighting Professionals, available at:

<https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>

NB: The proposed development is within an E2: Low District Brightness Area.

Informative - Construction/Demolition Noise

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.

Informative – Asbestos Control

The application site demolition works must not cause a public health risk arising from any asbestos containing materials at the site. Full compliance with the Control of Asbestos Regulations 2012 and British Standard (BS) 6187:2011 'Code of practice for full and partial demolition' is essential.

6.4 BwD Highways

No objection:

Parking

The scheme received is for 23 3bed and 24 4 bed, In accordance with adopted parking standards, the following allowances should be met:

- 2 space for a 2/3bed
- 3 spaces for a 4/5bed

Each parking space on the driveway should be 5.5m in length to accommodate a parked vehicle within the curtilage without overhanging the footway, adjustment is necessary are to be made to ensure these are compliant.

With the exception of the Newton house type, all other house types propose a garage whether it's integral or detached within the boundary curtilage. However no clear details are provided as to the space dimensions within these garages. These should be 3m x 6m to accommodate a vehicle, please request further details confirming this, if they do not comply, then adequate provision should be made within curtilage to accommodate the third space for the 4bed properties, and similar ensure provision is adequate for up to 2 spaces for the Dalton (who have detached garages) on the drive.

Access/Layout

Vehicular access into the site is to be taken from Ramsgreave Drive. A newly created Priority junction will serve the new development, which should be accompanied by a right turn lane. These works would fall under a 278 improvement scheme, whereby all works would be undertaken by the Local Highway Authority from design to implementation at the developers cost. Please attach a Grampian condition to the site access and access road.

The internal layout of the roads is generally 5.5m wide with 2m footways either sides of the carriageway. The secondary roads off the main connector road, are all drawn as access roads, with a 2m service verge rather than a footway, we would encourage the use of footways over service, to ensure pedestrians are safeguarded.

The following matters also require further consideration:

- The streets should have some inferences to Manual for Streets; the present layout does not make reference to this. Consideration to this should be given to create character and streets more harmonious to family living.
- Confirmation of gradients to be provided on plan for both the access and throughout the site, is to be received for approval.
- Having examined the swept paths which were provided within the Transport Statement. There are concerns with some turning heads, which in our opinion struggle to support the turning manoeuvre...please request further amendment in line with matters set out in the TS analysis
- No details of site access/egress sightlines have been provided, nor any details with regards to individual drives and accesses. (For which both pedestrian and vehicle sightlines would be applicable).
- We would request that connections are made available from the site to the PROW to promote permeability

Transport Assessment

The Transport Statement has been assessed; the recommendations make a request for further work.

S106 Contribution in accordance with the approved masterplan is to be provided

Other

Construction method statement would be required to support the development – no details are received, 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)
- Any old entrances no longer required will require closing and formally reinstating back to full footway.
- 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 273838 to undertake a condition survey.

To conclude, in principle we would offer no objections, subject to the above matters being addressed satisfactorily.

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, 5, 6, 7, 8, 9, 90, 10, 11, 13, 14, 15 and 17

Addendum:

The alterations offered to plot 37 is welcomed.

The additional parking for plot 13 to the rear is not ideal, but we can accept

This levees 34, 36 and 40. Nos 34 & 26 and still quite close together, however in this instance ii am prepared to accept in order to move the application forward.

Apologies but I should have highlighted that the statement below had not been considered from our initial comments and remains outstanding.

The streets should have some inferences to Manual for Streets; the present layout does not make reference to this. Consideration to this should be given to create character and streets more harmonious to family living

Also please could we request confirmation from the developers that they agree to the ped refuge upgrade as requested (to be included in the off-site highway works – Grampian condition).

PROW

The application has flagged up the rights of way throughout the proposed development. Footpath 23 Blackburn to the north eastern side of the plot will require a temporary closure during the site works.

Footpath 126 Blackburn is access to the properties at Kay Fold which will require its access retained throughout the construction.

Footpath 19 Blackburn on the northern side of the plot may possibly be able to be fenced out during the construction to allow the public to access it from Kay fold or from footpath 24 at the side of house no.193 Pleckgate road. If this is not possible footpath 19 will also require a temporary closure during site works and construction.

The majority of Footpath 23 and footpath 19 have formerly been through open fields, any change of surface will first require approval from the Highway Authority.

Both temporary closure forms and change of surface application forms can be sought from the BWDBC website or from Public.rightofway@blackburn.gov.uk

Travel Plan

Comments are structured as they appear in the Framework Travel Plan and referenced where appropriate by heading and paragraph.

Cycling

I would note here that consideration should be made to the sites access junction on development. As part of Governments 'Gear Change' Strategy, new infrastructure guidance LTN 1/20 has been developed to shape all future cycling and walking infrastructure design. Adhering to LTN 1/20 will ensure all facilities are delivered to the correct standards.

2.11 To ensure the current BWDBC cycle parking standards are adopted (August 2014) summarised below;

- 1 bedroom: 1 car space per dwelling plus 1 secure cycle space per dwelling.
- 2-3 bedrooms: 2 car spaces and 2 secure cycle spaces per dwelling.
- 4+ bedrooms: 3 car spaces and 2 secure cycle spaces per dwelling.

Public Transport Bus

Although the Framework Travel Plan states a 'feasible' level of public transport is available, I would state that the bus services available are limited to say the least in both their range and frequencies and do not represent a particularly high

level/standard of bus accessibility considering the large scale development being undertaken in this area and indeed of a built-up urban area. I would note that an improvement to bus services and frequencies would significantly improve the sites development accessibility. In regards to facilities and standard of facilities improvement could be made. It is worth noting that Blackburn with Darwen Borough Council are currently developing a Bus Service Improvement Plan (BSIP) as part of National Bus Strategy 'Bus Back Better' with proposals to improve bus coverage, frequencies and potentially facilities.

Public Transport Rail

It would be encouraged that local footways and cycle ways are used to access Ramsgreave and Wilpshire Station. Parking is very limited at this station with 6 free spaces available at its entrance. More recently an additional 8 spaces namely 'Community' parking spaces have been allocated at the back of the Co-op store for commuters at Ramsgreave and Wilpshire station. The station has recently benefitted from improved artwork delivered through Community Rail Lancashire.

3 Management Measures

I would suggest that the Travel Plan Coordinator keeps in regular contact with Melanie Taylor, Senior Transport Planner for Blackburn with Darwen Borough Council. The following developments will influence what measures are delivered, what opportunities are to become available and how the movement of cycling and walking and public transport may change and indeed advance.

Revenue Capability Funding (2021/2022) - Initially this is a 1 year funding stream, however possibility to be multi-year however certainty will come after 2021 spending review. The behavioural change initiatives to be delivered through this funding will be aligned to capital cycling and walking investment primarily delivered through previous Active Travel Fund Projects, but historical capital investment projects such as the Weavers Wheel. The location of this development will benefit from the Tranche 2 Active Travel fund Project that will see Yew Tree Drive have a consistent shared cycle way and footway, taking cyclists off the highway. The behavioural change initiatives aligned will work with local businesses, communities and local schools including Lammack primary school.

Bus service Improvement Plans (BSIP's) – Blackburn with Darwen Borough Council on 25th June 2021 gave approval to proceed with the development of an Enhanced Partnership working with local operators to improve local bus services. Timeframes to develop an associated Bus Service Improvement Plan (BSIP are fast paced with a BSIP having to be written and in place by end of October 2021, with a functioning Enhanced Partnership by April 2022.

Local Cycling and Walking Plans – There are currently two LCWIP's in development, the East Lancashire and Blackburn with Darwen. Both LCWIP's will look at developing a connected strategic network of cycling and walking routes delivered over a short, medium and long term.

Action Plan

To reflect the above and note that the TPC should have regular catch up meetings with Blackburn with Darwen Borough Council as this may affect the content of the full travel plan, particularly the revenue behavioural change initiatives.

6.5 BwD Arboriculture Officer

No objection:

In terms of tree loss and impact on trees, the applicant has submitted a detailed AIA that correctly grades the trees in accordance with the BS 5837 and it that appears that the small amount of trees to be removed are all low grade. There is a also Method Statement included in the AIA that correctly points out how the trees to be retained are to be adequately protected, therefore, I have no objection to the proposals.

6.6 United Utilities

No objection

Multi-Functional Sustainable Drainage

We are disappointed to note that this allocated site includes no multi-functional sustainable drainage. In this regard, Section 2.4 of the Masterplan for North Blackburn Development Site includes a specific section on Sustainable Urban Drainage. It states:

'4. Sustainable Urban Drainage (SuDs)

The developer will be required to ensure that sufficient greenspace is provided for an above ground SuDs scheme that complies with the current national standards for Sustainable Drainage Systems.

The preliminary assessment of surface water storage requirements including estimated storage volumes and areas (m2) was referenced in Section 1.7.3 Site considerations – Flood risk constraints and drainage considerations.

The illustrative masterplan has taken these requirements into account and has provided sufficient greenspace roadside and along the northern corridor, on both the west and east land parcels of the development site to provide above ground water attenuation storage in the form of SuD's. This excludes the 8m buffer from the watercourse generally required by the Environment Agency for access for maintenance.

Developers will need to ensure that sufficient space is allowed for SuDs features as an integral part of individual scheme detailing. Due consideration must be given also to operation and maintenance requirements.

Developers are additionally encouraged to consider complementary measures for reducing surface water runoff including the use of permeable surface materials, encouraging the use of water butts, incorporating water harvesting for domestic uses (e.g. toilet flushing) and delivering roof water to planters.'

Paragraph 165 of the National Planning Policy Framework is also clear that major developments should incorporate sustainable drainage systems and where possible these systems should provide multi-functional benefits.

We therefore encourage the council and the applicant to give further consideration to the incorporation of multi-functional sustainable drainage in the design of the proposed development.

Surface Water Flood Risk – Request for Additional Information Prior to Determination

We note the submitted flood risk assessment identifies surface water flood risk along the western and north western boundary. The flood risk assessment states:

'The proposed development is cognisant of the potential for flooding from surface water and the proposed layout, development levels and surface water management strategy mitigate the potential.'

Noting that there is no information on the proposed ground levels at this location and given the location of a proposed pumping station adjacent to this boundary and within an area at risk of surface water flooding, we request that the applicant confirms how surface water flood risk will be managed in this area to ensure risk to the proposed pumping station and dwellings is managed from any existing overland flow routes. We request that this information is provided prior to determination. In consideration of this matter, the applicant should ensure there is no increase in surface waterflood risk to existing off-site properties.

Proximity to Existing Rising Main

We request that the applicant confirms the exact location of the existing rising main that sits adjacent to the western boundary through site-specific investigations. We request confirmation that a 6 metre access strip (three metres either side of the centre line of the sewer) has been achieved given the location of proposed dwellings close to this boundary. If the necessary clearance cannot be achieved, the applicant will need to consider a modification of the site layout or a diversion of the affected public sewer.

Foul Water Drainage Strategy

We would be grateful if the applicant can contact our Drainage Engineer to discuss the foul water drainage strategy in more detail. The applicant should note that there have been incidents of sewer flooding in the wider area in the past. We would like to agree the specific point of connection noting that there is more than one public sewer at the front of the site. United Utilities notes that this site is part of a wider allocation for development and therefore we would also like to further consider pumping station arrangements and whether there is any opportunity to consider a pumping station strategy as part of any adjoining development proposals that may exist.

It is our recommendation that the above matters are addressed prior to determination, however, if you are minded to determine this application in advance of receipt of this information we would request that you attach the following condition to any permission you may grant.

Foul and surface Water Drainage Condition

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to an approved in writing by the Local Planning Authority. The drainage schemes shall be in accordance with the hierarchy of drainage options in the national planning practice guidance (or any replacement thereof) and the principles set out in the submitted Flood Risk Assessment and Drainage Strategy (Ref: 31418/LRD, Rev: 2, Dated: May 2021, prepared by Sutcliffe. The drainage schemes shall include:

- (i) A restricted rate of discharge of surface water agreed with the local planning authority;*
- (ii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;*
- (iii) Foul and surface water shall drain on separate systems;*
- (iv) Details of how existing surface water flood risk will be managed and mitigated;*
- (v) Details of the proposed foul water pumping arrangements; and*
- (vi) A drainage management and maintenance plan which shall include as a minimum:*
 - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and*
 - b. Arrangements for inspection and ongoing maintenance of all elements of the drainage systems to secure the operation of the drainage schemes throughout their lifetime.*

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the public sewer either directly or indirectly.

The approved drainage schemes shall be implemented in full prior to the occupation of the first dwelling, maintained and managed in accordance with the approved details, and retained thereafter for the lifetime of the development.

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

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. This is reflected in our above-recommended condition. We recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition.

Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and

maintenance company. We would not be involved in the discharge of the management and maintenance condition in these circumstances.

Addendum:

Whilst we understand that there is no legal easement within your land or associated with the rising main, under building regulations no development should incur within 3m of a pressurised sewer. As a result, it is incumbent on yourself to identify the location of the rising main as the public records are indicative only. Whilst this matter lies outside of planning, it is vital that you identify the location of the rising main and the proximity of the proposed properties/pumping station to it otherwise you are at risk of not getting building control sign off and should any damage be incurred on the rising main itself as a result of development you would be liable.

Other than the above points we are happy that the other queries have now been answered.

You have also contacted us on this matter with the target of getting this brought before planning committee in the near future. We have no further planning comments and recommend that our current pre-commencement conditions remain.

6.7 Ecology – GMEU

No objection:

Bats

The building proposed for demolition was assessed for their potential to support roosting bats as well as to look for bats or evidence of roosting bats (such as droppings). No bats or evidence of bats was found. The building was assessed as having as having low potential to support roosting bats, and as such 1 activity survey was undertaken. This was undertaken in April 2021, which is outside the optimal season to detect maternity roosts, but is in the accepted window to detect transitional roosts and the survey did detect some bat activity in the wider sites, therefore I will accept that sufficient survey effort has been undertaken in this instance. No bats were seen emerging from the buildings, and low levels of bat activity were recorded on a transect of the site.

None of the trees proposed to be felled had any features which would be likely to support roosting bats, although some were of a suitable

Prior to development commencing, any tree proposed for removal should be re-inspected for bat roost potential. Any trees with category 2 potential should be felled under a method statement approved by the LPA, and any with category 1 or 1* will required survey work, in line with best practice guidelines.

The lighting plan for the scheme must be designed in line with best practice guidelines (e.g. <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>) and must demonstrate no negative impacts of light spill on nocturnal animals.

Other measures recommended in the remaining comments, relating to no night working and the landscaping for example, should be sufficient to also safeguard bats.

We would advise that a precautionary informative is recommended to make the applicant aware of the laws which are in place to protect certain species, such as roosting bats and nesting birds. Should they find or suspect any such protected species on the site during the development, work should cease and the LPA should be contacted for further advice.

Nesting Birds

Buildings and the trees and scrub on the site are suitable to support nesting birds. The active nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended). The proximity of the site to the residential houses and the disturbance due to the public footpaths through the site, reduces the likelihood of ground nesting birds being present.

Therefore we would advise that no building demolition, tree or vegetation clearance or ground clearance should take place between March – August (inclusive) unless it can otherwise be demonstrated that no active bird nests are present.

Other Protected Species

No evidence of other protected species such as badger, otter and water vole were recorded as part of the ecology survey. The risk of great crested newts being present on the site is also unlikely given the distance of the nearest suitable water body to the site. There is a possibility of other amphibian species being present on the site however and also species such as hedgehogs.

Therefore we advise that a precautionary working method statement is secured for the works to safeguard species such as amphibians and hedgehogs, following the principles outlined in section 7.2.3 and 7.3.1. If at any time protected species are discovered or suspected as being present on the site, work should cease immediately and the LPA/Ecologist should be contacted.

Invasive Species

Although not noted in the ecology report (probably due to the time of year of the surveys) I detected Himalayan balsam (listed on Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended) along the water course and also starting to grow in small areas within the development site.

We would therefore advise that a condition is used to secure a method statement for the treatment and prevention of spread of Himalayan balsam to be submitted to the LPA for approval prior to the development commencing.

Water Course

The EU Water Framework Directive requires environmental objectives be set for all surface and ground waters to enable them to achieve good status or potential for heavily modified water bodies by a defined date. One objective is to prevent further deterioration which can include changes to flow pattern, width and depth of channel, sediment availability/transport and ecology and biology. In this instance, I do not think that a full water framework directive assessment is necessarily required, however there are risks during construction of temporary negative impacts from pollution spillage, debris and dust entering the watercourse.

This can be resolved through a Construction and Environment Management Plan (CEMP) or a standalone condition worded to ensure no development, site clearance, earth moving or works to the Brook shall take place, or material or machinery brought on site until a method statement to protect the watercourse from accidental spillages, dust and debris has been supplied to and agreed by the LPA. All measure will be implemented and maintained for the duration of the construction period in accordance with the approved details.

Furthermore details of the suggested buffer zone between the brook and the development should be secured and demonstrate enhancements for the river corridor/biodiversity.

Post development there is a risk of increased surface water entering the watercourse and increased levels of pollution. The flood risk assessment indicates the surface water from the site is likely to be discharged into the Brook.

I would advise that as part of the detailed drainage design for surface water, it must be demonstrated that there will be no negative impacts on the ecological status/potential as defined under the water framework directive of the brook on the northern boundary of the site. This shall be submitted to and approved in writing by the Local Planning Authority. The details, as approved, shall be implemented in full in accordance with the agreed scheme.

Contributing to and Enhancing the Natural Environment

Paragraph 175d of the NPPF states that planning authorities should apply the following principles...."opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature".

Bird and bat features should be incorporated into the new buildings (see the ecology reports for examples) and the use of appropriate locally native species in the landscaping should also be adopted. Securing a buffer of semi-natural habitats along the brook corridor (as per above recommendations) would also contribute.

In addition the ecology report highlights the potential for drainage schemes to be used to provide aquatic habitat and the flood risk assessment identified that the site was suitable for creation of features such as swales and ponds. I am not aware of the details of these features having been submitted as part of the scheme, but the inclusion of such features should be considered given the biodiversity benefits as well as flood risk benefits that would be delivered.

I would recommend that a condition is used to secure a Biodiversity Enhancement Strategy for the scheme, accommodating the above points, and wider measures for the site. A condition should be used to secure appropriate management for these features

6.8 BwD Education

No response offered.

6.9 Environment Agency

No response offered. Any response received will be reported in the update report.

6.10 Ribble Valley BC – response received 15th October 2021:

RIBBLE VALLEY BOROUGH COUNCIL		 Ribble Valley Borough Council www.ribblevalley.gov.uk	
Officer:	Adam Birkett	Tel:	01200 414571
Email:	Adam.birkett@ribblevalley.gov.uk		
Our Ref:	3/2021/0976		
Your Ref:	10/21/0636		
Date:	15/10/21		
		Council Offices Church Walk Clitheroe Lancashire BB7 2RA Tel: 01200 425111 Fax: 01200 414487 DX: 15157	

CONSULTATION ON BLACKBURN WITH DARWEN COUNCIL APPLICATION NUMBER 10/21/0636 FOR THE ERECTION OF 47 NEW DWELLINGS WITH ASSOCIATED ACCESS, LANDSCAPING AND INFRASTRUCTURE.

Dear Sir/Madam,

With reference to the above application and your consultation, I wish to advise you that the Local Planning Authority wishes to raise no objections in relation to the application.

The authority would like to however draw your attention to the location of the proposal in that it directly bounds land that benefits from an EN1 designation (Green Belt) as designated in the Ribble Valley Core Strategy.

Thank you for giving us the opportunity to comment on the proposal.

6.11 Ramsgreave Parish Council – comments received 16th July 2021:

Object to the proposed development – the objections are summarised as the following: [full representation refer to Section 9]

- Loss of greenfield site;
- Increased traffic concerns;
- The application site has well used public footpaths at its boundaries;

- The eastern edge of the development is very intrusive to the existing property on Pleckgate Road;
- Number of houses appropriate – so close to existing buildings and for the size of the application site;

6.12 Lancs Constabulary

No response offered.

6.13 Public consultation has taken place, with letters posted to the local community on 25th June 2021. Site notices were also displayed and a press notice published 13th July 2021. In response, 18 objections were received (see Summary of Representations).

7.0 **CONTACT OFFICER: Nick Blackledge – [Senior Planner]**

8.0 **DATE PREPARED: 4th November 2021**

9.0 SUMMARY OF REPRESENTATIONS

Objection – Mr A Mistry & Ms S Mukadam, Received 12.10.2021

Re: Planning application of 10/21/0636

Dear Mr Kenny,

I am writing to inform you of my concerns regarding the above planning application. These include the following:

- The introduction of yet another access point onto the dual carriageway will increase the risk of accidents. School children at risk due to speed limit. Already dangerous with the number of people driving recklessly and turning the car around in the turns in the road.
- Lack of provision for the community e.g. schools, GP surgeries
- Increased risk of flooding due to loss of green belt land, already a concern in this area and further upstream
- As a parent I am concerned at the lack of open space for children to enjoy the outdoors, something that has proved vital during the lockdown which was promoted by the Prime Minister.
- Increased CO2 emissions by demolition of an existing home

Yours Sincerely,

Abdullah Mistry and Safia Mukadam

Objection – Mr & Mrs Mukadam, 58 Ramsgreave Drive, Blackburn, Received 07.10.2021

Re: Planning Application 10/21/0636

Dear Mr Kenny,

Further to my previous letter regarding my concerns I feel that none of the points raised have been dealt with by the applicant's recent resubmissions. I will try to list some of my concerns below as well as go into more detail within my letter. This is not exhaustive list of my issues that I & my fellow neighbour have, but it does need dealing with along from any objections raised by them separately.

- 1) Demolition of a perfectly habitable bungalow.
- 2) Dangerous and unnecessary road through the above demolition.
- 3) Risk to the existing dwellings either side of the new proposed road from vibration and noise.
- 4) Additional pedestrian risk by introduction of the proposed new road.
- 5) The risk from yet another road connecting to an already very busy dual carriageway.
- 6) Loss of pleasure, peace & value to existing property adjacent to proposed new road.

- 7) The close proximity of the new proposed housing to that of my home and others.
- 8) Flooding risk of an already flooded plane.
- 9) Loss of wildlife and greenbelt land.

I am writing to you in the strongest possible terms regarding my concerns with the planning application reference as above.

I require a response to my consternation for each of the following:

The demolition of No 60 Ramsgreave Drive, which is a perfectly habitable property, is in line with the character of Ramsgreave Drive. Demolition of this property is senseless and shameful since it is a potential property which can house a family comfortably.

The proposed new road will be situated right next to my property. I believe this to be totally unfair, as I purchased my home knowing that there was no traffic route adjacent to it. I abhor the fact that the proposed road has been forced upon my family and myself, as I did not purchase a home with a road running next to my home.

This has therefore been forced upon me unfairly and unjustly, resulting in personal stress which is impacting my mental health. I am willing to provide medical records should the need arise.

The Human Rights Act (Article 1) allows me to enjoy my property peacefully. I believe these new builds and the proposed road will be a negative imposition of this basic human right.

The intended road will be a risk to my grandchildren who visit us regularly. The road will therefore be exposure of increased risk to them and to the children of our neighbourhood.

The additional road and the planned houses will cause noise disruption from construction traffic and traffic in general after construction. There will be an increase in traffic as there will be seven junctions within a mile from Whinney Lane to Pleckgate Road. Therefore, in terms of basic logic, would it not be more suited to use the current entry onto the private road as a means of access?

The increased flood risk further upstream is of great concern to me as well, as multiple new build houses can affect the land in my garden and cause waterlogging. Has this been taken into consideration and what are the measures you intend to overcome this?

I am also very concerned that the new builds behind my property will be built too close to my house. The major reason for purchasing my house was for the view of the green belt behind it. My views of natural beauty are now eroding my dream of looking forward to the natural scenery every morning.

Another major concern will be a direct loss of wildlife and green belt land, which most certainly is not in conformance with what the current government is promoting, especially after the COVID pandemic.

I require your response to all what I have stated above.

Furthermore, I am also very perturbed that there has not been adequate communication from the Council regarding this planning application. It seems as there is very little regard for the concerns of local residents by the Council. I often wonder whether the target of building new homes overrides the concerns of the local residents.

There are concerns from myself and local residents that the new builds will not be in keeping with the character of current bungalows. In addition to this, I strongly object to the intrusion of my privacy as the new builds will have direct views of my home and back garden especially as they are double story builds.

I require you, Mr Kenny, to make it publicly known and to myself, what measures and provisions are intended to overcome vibrations, noise and increased initial construction traffic (and that which ensues). Moreso, who will be measuring and monitoring this?

New street lighting will also cause light pollution, especially my bedroom, and this will negatively affect me. My bedroom is at the back of my house and I chose this strategically because there currently is no lighting in place.

Finally, I wish to make a request for a meeting between the Council and local residents to allay and alleviate any concerns that are put forward to you directly.

I await your response to all what I have stated above, including a public meeting as requested.

Yours faithfully

Mukhtar Mukadam

Objection – Marie Howard, Received 07.10.2021

Both myself and my husband would would like to formally **OBJECT** to this application. The entrance to this new housing estate will be more or less directly opposite our house on Ramsgreave Drive and due to the **ON MASS** building of new housing estates leading off Ramsgreave Drive in the last year it is becoming dangerous and congested.

Due to these new estates that have sprung up, there are now **29 points that cars can turn on or off Ramsgreave Drive from Brownhill roundabout to Whinney Lane**

BUT this is NOT INCLUDING the estate that is still being built above Blackburn Rugby Club or any of those turn off or cut throughs that will be required.

This will bring the total points that traffic can leave and rejoin the dual carriageway to **34. THIS IS RIDICULOUS AND AN ACCIDENT WAITING TO HAPPEN.**

You need to consider the affects on Congestion, Pollution and the stress this puts on the water supplies at the local reservoir.

***** There has already been a pedestrian run over so far and the affects it is having on the residents in the area is now impacting. *****

The congestion in the mornings has now tripled if not quadrupled and things are now getting out of hand.

This is **BEFORE** the houses have been completed on the Estate currently being built above the Rugby Club.

You also need to consider the fact that there are going to be **ALL these cars turning on and off a busy dual carriageway with speed limit 50 miles an hour.**

EVEN if you lower it to **40** it still means that drivers will have someone right up their back bumper of their car going at that speed, whilst trying to take one of the many turn offs.

This matter will get worse with this new proposed Estate. The entrance/exit to this planned NEW site opposite my home will only be about 150 yards below the current layby and cut through leading from my side of the dual carriageway.

It is also between 2 bungalows which people live in. How **DANGEROUS IT THAT!!!**

ENOUGH IS ENOUGH.

Blackburn with Darwen need to STOP GRABBING MONEY and consider the impact all this is going to have on the surrounding area, traffic, resources and the residents.

PLEASE STOP, STOP, STOP AND REFUSE THIS APPLICATION.

I would also like to know when this is going to committee please.

Kind regards

Marie Howard

Objection – Miss K Harrop, 44 Ramsgreave Drive, Blackburn, Received 19.07.2021

Dear Mr Markin Kenny,
Your Ref: 10/21/0636.
PLANNING APPLICATION NEAR OR ADJOINING
MY PROPERTY ON LAND NORTH OF
RAMSGREAVE DRIVE, BLACKBURN BB1 8NS

I refer to your letter dated
25th June, 2021 and "THANK-YOU" for
paper work you sent following my
request.

Having viewed the plans and
vision which appeared in the

²
Telegraph I wish to submit
the items which are of great
concern.

1) The Road, Ramsgreave Drive
is a great issue There are
already 6 roads **Page 57** onto
a very, very busy fast carriage way,
two of the roads are cross junctions

to the estate will be entry and exit - single road onto the dual carriage way. Ramsgrave Drive speed limit was to be reduced to 40mph - this has not been actioned, so cars use the area as a noisy race track going through lights on Red., VERY GOOD FOR ACCIDENTS
2). Plans show proposed 47 houses to be built, this will mean

3).

47 cars - if not more as most households have more than one vehicle, this will make a difference to the traffic volume.

3). The flood plain will be affected. Silv is already coming down the stream causing blockage and flooding with pollution.

We experience flooding at the traffic lights at Blackgate/Ramsgrave and further down at Brownhill Traffic lights

4) Gradually all Green Belt Areas are being lost - this affects people's health - no where to walk and release stress, Mental Health being a concern to Society.
At present there is abundance of wild life - Squirrels, Fox, Frogs and a variety of Bird life - this will go.

5) Local ~~s~~ schools and Doctor surgeries are lacking, this will become worse. A small amount of amenities are available, but No parking. - This should be considered.

I feel the points I have highlighted are constructive from one who has lived in the area for 44 years.

Yours faithfully,

Objection – Rachel Greenwood, 40 Burnley Road, Haggate, Burnley (Ramsgreave Parish Council)
(Received 16.07.2021)

With reference to 10/21/0636, please can you acknowledge this email, thank you.

Following consultation with members of Ramsgreave Parish Council the following concerns and objections were raised :-

- The loss of green field site, the land is deemed of 'low ecological value' by the surveyor report, the entire Blackburn North Housing plan is environmentally destructive by virtue of it being built on greenfield sites, as opposed to the extensive brownfield sites available within Blackburn, especially the town centre. Building further into the boundaries has created a classic doughnut effect of a deserted town centre.
- Increased traffic concerns, there has been a significant increase in traffic in the Ramsgreave area since the building started in this area. Adding yet more

houses to the site will add considerably more traffic to Ramsgreave and surrounding areas leading to increased risk to pedestrians. The quieter roads of Ramsgreave have become 'rat runs' for people living in these new developments.

- The site has well used public footpaths at its boundaries. These paths should be screened from the development with native species. The PROWs should also be kept open during the building work. The other sites in this area have closed PROWs for many months forcing walkers onto the main roads, there is no reason why this should be necessary, the PROWs should be safely fenced off.
- The eastern edge of this development is very intrusive to the existing property on Pleckgate Road (crossed by the PROW). These houses should be resituated so that their gardens back onto this existing garden, not the side of the new house.
- Concerns regarding if the number of houses is appropriate so close to existing buildings and for the size of the plot.

Rachel Greenwood

Ramsgreave Parish Clerk.

c/o 40 Burnley Road, Haggate, Burnley, BB10 2JJ

Objection – Jonathan Wignall, 62 Ramsgreave Drive, Blackburn, Received 16.07.2021

Dear Sirs

Re: Planning Application – Demolition of existing dwelling and erection of 47 no. dwellings, with associated access, landscaping and infrastructure

At

Land to the North of Ramsgreave Drive

Ramsgreave Drive

Blackburn

BB1 8NB (“the Development”)

We refer to your letter dated 25 June 2021 notifying us of the planning application 10/21/0636.

Having examined the plans we wish to object strongly to the Development for the following reasons:

1. We note that our neighbouring property, 60 Ramsgreave Drive, is to be demolished to create the access to the Development. Firstly, this causes us great concern as to the preservation of our own property walls during the demolition and construction of the access road. Secondly, once the Development is complete this will lead to massively increased noise and disruption as most households now own 2 or more cars and therefore, with the Development consisting of 47 dwellings, upwards of 100 vehicles will be using this access road on a daily basis.
2. We further note that the access road is to be constructed directly off Ramsgreave Drive. This road is already

extremely busy with a speed limit of 50 mph and the junction of the new access road with Ramsgreave Drive is extremely tight, therefore forcing vehicles turning onto the access road to slow almost to a stop. In addition, any vehicles leaving the Development have to accelerate quickly to enter the flow of traffic and potentially have to brake hard immediately to stop at the traffic lights a few hundred yards further down. We fear that this junction would quickly become an accident blackspot.

3. We also believe that the Development will have a detrimental effect on the amenities in the local area, amenities that are already being stretched beyond their capacity by all the existing housing developments that have been approved and are being constructed in the area. We are not aware of any plans to increase the provisions in the local area for schools, doctors, dentists etc to cater for all the increased residents for the schemes already approved, let alone increasing this further.

4. Looking at the proposed plans we also note that the boundary fence of the Development that is adjacent to our property is only approximately 6-7m from the rear of our house wall. This means that instead of the views of open countryside we currently enjoy, we will be staring at a 6ft high timber fence.

5. We are also of the opinion that, given all of the above, this Development will have a huge detrimental effect on the market value of our property if and when we bring it to market.

We would be grateful if the Council would take our objections into consideration when deciding the application.

Yours faithfully

Jonathan Wignall

Objection – Rachael Thomson & Richard Curtis, Received 16.07.2021

Dear Mr Kenny

We write in respect of the above planning application, and our comments on the proposed application are as follows:

General Comments

We recognise the requirement to build new residential properties within Blackburn with Darwin, and the targets set for the council to meet, and are not opposed to the development in principle. We would contend, however, that there are much more suitable sites within the borough for development, which do not involve developing more green land. There are an abundance of brownfield sites within the borough which we believe could be considered for development before the site proposed.

Public Footpaths

A key concern for this development in particular is the availability of safe, off-road, routes for dog walking. At present, the site is a safe space for dogs, and is a heavily used footpath. Should this development be approved, and work commence shortly thereafter, the safety of this footpath could be called into question. Previously, it was possible to walk the length of Ramsgreave Drive on these public footpaths, away from traffic. Given the current developments in progress, this is not possible, and it is concerning that the development of this land at the same time would remove all the provision of off-road walking routes.

Additionally, on a current development further along Ramsgreave Drive, the footpath which remains up the field has been poorly maintained during the development, leading to unsafe and boggy ground during winter, which has subsequently dried into unstable ground during the summer due to the effect of the heavy machinery used.

We therefore request that construction does not commence on this site (should planning permission be granted) until other developments have been completed. This would allow for safe spaces for walkers and dog walkers to be maintained.

Traffic and access to existing properties

Ramsgreave Drive is a reasonably busy road and, especially in the mornings, traffic can build up along the road. At other times, despite the presence of speed cameras, this can become akin to a drag strip, with cars often speeding up and down into the early hours. The addition of construction traffic, and more local traffic to the development, is a concern for the safety of local residents.

The access road to the properties at Kay Fold Lodge and Kay Fold Farm is a single track accessed from Ramsgreave Drive. Whilst surveys were taking place in advance of planning being submitted, machinery was brought onsite via this track; however this completely blocked access to the properties. We understand that 60 Ramsgreave Drive is to be demolished as part of this development, and therefore ask that this would be completed first, to give an access to the site, which therefore does not impact the Kay Fold properties.

Pump Room

Considering the plans submitted, there appears to be provision to construct a "pump room" in the north west corner of the land (nearest to the properties at Kay Fold Lodge & Kay Fold Farm). We have concerns over the noise levels of the infrastructure, and odours emitted from the pump room, especially considering the existing properties close to the development. There would appear to be other areas of the site, where a pump room might be constructed, away from existing and new properties, and therefore the impact of its presence would be limited.

Finish of Properties

The North Blackburn development masterplan noted that any properties built would be done so with the local area, and the position at the edge of Blackburn merging into the countryside in mind. The submitted plans suggest that the properties would be constructed and finished in redbrick. This would not seem to complement the local environment. Although a stone finish might be more appropriate for the area, we acknowledge that this would likely not be cost effective for the developer. A stone-effect render, or something similar, would soften the impact of the development, and would meet the council's objectives of transitioning from town to countryside.

Borders of Development

The submitted plans note that the borders of the development will be marked with a timber fence. Considering the above, and the wish to have the development compliant the local environment. As such, it may be more appropriate for hedgerows to be planted in addition to the timber fence boundary (e.g. on Ramsgreave Avenue & behind the properties on Ramsgreave Drive). This may go some way to offsetting the impact of the development of green space, and be more visually appealing to other local residents.

We would like to reiterate that we are not opposed to the plans submitted in principle, and would welcome the engagement of the developers with the local residents to ensure that all affected parties are considered, particularly relating to the above.

Kind regards

Rachael Thomson & Richard Curtis

Objection – Russell Clayton, 55 Ramsgreave Drive, Blackburn, Received 16.07.2021

Dear Martin Kenny

The Proposal of demolition and building of 47 dwellings, We find as residents absolutely ridiculous and absurd, As usual, it is pure greed and a lack of concern for both the damage to the environment, the greenbelt land, and the infrastructure around this area.

You have already built on 32 acres of land on Yew tree and Whinney lane which consists of 389 houses another 67 being built by the rugby club, .another 70 built what use to be Old blacks playing fields, and a further 152 houses between Holy Souls and St Gabriels and Know you want to add another 47

This is absolutely Lunacy, where all the kids go to school as they are pushed to the limit and so are the GP surgeries?

talking about transport all the houses have been built for two Cars per household, this will increase to another 1200 cars,(INCREASE OF EMISSIONS) as there is only one Bus route which takes you 40mins just to get you into Blackburn town centre ?

Parking around here and Pleckgate Road is ridiculous I can't believe the traffic and that nobody has been killed yet whether being an infant or an adult.

Ramsgreave Drive is used as a racing track but the Police don't wish to know, we residents witness this 5 or 6 times a day ! this particularly grieves me as I am a Health And Safety Consultant.

I know the Council has to meet its Annual housing criteria, but surely there are lots of other places/land you can build ie Thwaites Brewery in Town, superb for Social Housing, Land available near EU Group HQ also at Whitebirk roundabout.

Don't you think you have grabbed enough land around this area to build and spoil the landscape as well ??? you need to come and speak with the residents around here and I am sure you will get some home truths.

Look Forward to hearing from you

Kindest regards

Russell Clayton

Objection – Kathryn Berzins, Received 15.07.2021

This continued permitted development on greenfield site is enormously destructive to the wildlife that live there. I walk these paths all the time (before BWD closed half of them to cover it in concrete) and the variety of species I see has obviously been totally disregarded by the reports supporting this ecological vandalism. I see nothing in this application to recompense for the destruction it will cause.

Objection – D J Steele, Kay Fold Barn, Kay Fold Lodge, Blackburn, Received 15.07.2021

FAO Gavin Prescott, Planning Manager
Re: Planning reference: 10/21/0636

Dear Mr Prescott,

With reference to the above plan, I would like to register my concern at the inappropriate nature of the proposed development.

To help you understand my concerns, I'd like to take some quotes from your 'masterplan' for the development north of Ramsgreave Drive.

- ... the site sits along the boundary between the urban and rural edge, this strategic position means it is influenced by and needs to respect both aspects.
- A number of farmsteads sit very close to the northern boundary of the site. These are clearly rural features which influence this northern edge.
- Four distinct characters are suggested, some being more urban, whilst others taking their cues from the rural characteristics to the north.
- Housing delivered on the site will be expected to contribute towards the creation of a green leafy neighbourhood with generous private gardens to dwellings.
- Density should vary throughout the site with lowest densities toward the countryside edge and highest closest to existing urban areas
- Privacy distances to existing dwellings are respected.

In the original masterplan, the area of development was named 'West Wilworth' and was defined as 'informal in nature, with large detached and semi-detached properties arranged around shared courtyard spaces and the landscape corridor'. The character guidance informed that the area 'will reflect the rural surroundings with an informal layout of clusters of dwellings', and that 'the green corridor will form a dominant feature within this area'. It also proposed that 'hedges should be the dominant boundary feature' and that there was 'scope for stone fronted dwellings facing the green corridor'.

The principles to be adopted were illustrated in Figure 35 below.



Even though, obviously, I would prefer no building on this land, I accept that houses are needed and think that the council's stated aims to ensure that building is done empathetically is a responsible position to take.

However, the proposed development represents, at best, complete ignorance of the council's ambitions for the development or, at worst, complete disregard for them.

It is clear from the plan that the proposed development does not respect the style of the existing housing on Ramsgreave Drive that it will sit behind, let alone the rural development that it will also adjoin. The proposed plot size for each house is about half that of the already cramped housing on Ramsgreave Drive, and the house footprint in every case is less than that of the existing housing.

I sincerely hope that the council won't be coerced into squandering a prime development spot such as this on such a mediocre development.

In order to realign the development with the council's stated philosophy, I would urge that the council require the following changes to the proposed development.

- That the density and ambience of the development be aligned with the high ambition the council articulated in its masterplan, rather than the cramped and unsympathetic approach proposed.
- That the developer be required to maintain the rural feel of the approach to Kay Fold Farm, already identified by the council as important. Potentially, this could be achieved by the erection of stone walling between the Kay Fold Lodge track and the development and ensuring that house elevations do not encroach closely to the access track.
- That the conditions of development ensure that the Kay Fold Lodge track may not be used as access to the site. The track has been entirely maintained at the expense of the residents of Kay Fold Lodge and is only lightly tarmacked to support domestic traffic. It is not suitable for

heavy construction vehicles. In addition, the portion of track closest to Ramsgreave Drive is unmade and would suffer significant and rapid deterioration if subjected to heavy traffic.

In conclusion, I would like to point out that there are already sufficient developments in Blackburn that deliver the type of high-density accommodation proposed in this application. The real opportunity for this piece of land is to create a more open, spacious and high-quality development as envisaged in the council's original masterplan, rather than to dump a high-density urban development onto this site, thereby destroying its unique rural aspect.

I hope and trust that the council's ambitions for this land have not been abandoned and that the council will re-iterate its principles and require the developer to submit a proposal aimed at enhancing the area, rather than just maximising revenues with no regard for the surroundings or for the potential new owners', or their prospective neighbours', quality of life.

Yours sincerely,

Objection – Mr & Mrs Mukadam, 58 Ramsgreave, Drive, Blackburn, Received 15.07.2021

Dear Mr Kenny,

I am writing to you in the strongest possible terms regarding my concerns with the planning application reference as above.

I require a response to my consternation for each of the following:

The demolition of No 60 Ramsgreave Drive , which is a perfectly habitable property, is in line with the character of Ramsgreave Drive. Demolition of this property is senseless as it is shameful since it is a potential property which can house a family comfortably.

The proposed new road will be situated right next to my property. I believe this to be totally unfair, as I purchased my home knowing that there was no traffic route adjacent to it. I abhor the fact that the proposed road has been forced upon my family and myself, as I did not purchase a home with a road running next to my home.

This has therefore been forced upon me unfairly and unjustly, resulting in personal stress which is impacting my mental health. I am willing to provide medical records should the need arise.

The Human Rights Act (Article 1) allows me to to enjoy my property peacefully . I belive these new builds and the proposed road will be a negative imposition of this basic human right.

The intended road will be a risk to my grandchildren who visit us regularly. The road will therefore be exposure of increased risk to them and to the children of our neighbourhood.

The additional road and the planned houses will cause noise disruption from construction traffic and traffic in general after construction. There will be an increase in traffic as there will be seven junctions within a mile from Whinney Lane to Pleckgate Road. Therefore, in terms of basic logic, would it not be more suited to use the current entry onto the private road as a means of access ?

The increased flood risk further upstream is of great concern to me as well, as multiple new build houses can affect the land in my garden and cause waterlogging. Has this been taken into consideration and what are the measures you intend to overcome this ?

I am also very concerned that the new builds behind my property will be built too close to my house. The major reason for purchasing my house was for the view of the green belt behind it. My views of natural beauty are now eroding my dream of looking forward to the natural scenery every morning.

Another major concern will be a direct loss of wildlife and green belt land, which most certainly is not in conformance with what the current government is promoting, especially after the COVID pandemic.

I require your response to all what I have stated above.

Furthermore, I am also very perturbed that there has not been adequate communication from the Council regarding this planning application. It seems as there is very little regard for the concerns of local residents by the Council. I often wonder whether the target of building new homes overrides the concerns of the local residents.

There are concerns from myself and local residents that the new builds will not be in keeping with the character of current bungalows. In addition to this, I strongly object to the intrusion of my privacy as the new builds will have direct views of my home and back garden.

I require you, Mr Kenny, to make it publicly known and to myself, what measures and provisions are intended to overcome vibrations, noise and increased initial construction traffic (and that which ensues). More so, who will be measuring and monitoring this ?

New street lighting will also cause light pollution, especially my bedroom, and this will negatively affect me. My bedroom is at the back of my house and I chose this strategically because there currently is no lighting in place.

Finally, I make request herewith for a meeting between the Council and local residents to allay and alleviate any concerns that are put forward to you directly.

I await your response to all what I have stated above, including a public meeting as requested.

Yours faithfully

Objection – Mr & Ms Mukadam, 42 Ramsgreave Drive, Blackburn, Received 15.07.2021

Dear Mr Kenny,

I am writing to inform you of my concerns regarding the above planning application. These include the following:

The introduction of yet another access point onto the dual carriageway that will increase the risk of accidents especially as currently many people drive above the current speed limit and there have been many accidents particularly near these entry/exit points. This is something I have personally experienced and if you require additional information regarding this, I can provide further details.

There is an increased risk to the safety of children as many children walk on the dual carriageway to get to school and many drivers turn fast around corners. The current speed limit and lack of speed cameras current increase the risk posed.

There is a lack of provision for the community e.g. existing schools and GP surgeries being oversubscribed already.

There is an increased risk of flooding due to loss of the green belt land which is already a concern in this area and further upstream. At the bottom of Pleckgate road we are already suffering from flooding from the stream that runs nearby so the additional houses will just increase this problem or spread it further. With the addition of several new houses in a small space of time we are concerned that the risk of flooding has not been evaluated fully, and assumptions based on calculations are being made. Our garden is often waterlogged after heavy downpour and the presence of a house directly behind us can further contribute to this problem.

Another concern with the proposed two storey new build is that there will be intrusion of privacy as the rest of the area is comprised on bungalows.

As parents to young children I am concerned at the lack of open space for children to enjoy the outdoors; my children enjoy walking across the path where the proposed housing site is and over this last year with COVID, it has affected everyone's mental health. Open spaces have been proved to be vital during the lockdown which was also promoted by the Prime Minister.

I also would like a meeting between yourselves and the community to address all our concerns as the possibility of new homes directly behind our houses has caused us all substantial stress and concern.

Yours Sincerely,

Abdullah Mistry and Safia Mukadam

Objection – Paul Parkinson, Received 12.07.2021

Please find attached my comments and objections against Planning Application 10/21/0636.

Please let me know if this application is going to Committee, and the date of the Committee Meeting. Could you tell me where I can find a copy of the Request Form that is required to speak at the meeting, or simply send me a copy by return email.

If you have any queries, please do not hesitate to contact me by email.

The attachments are:

Explanation of Objections.

Map A showing Flood Zone and location of Photographs 1-5.

Photographs 1-5

Kind Regards

Paul Parkinson

Response to Notice under Article 13 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

Ref: Planning Application 10/21/0636

Development of Land to the North of Ramsgreave Drive.

I object to the development of this land for the reasons below.

Specific issues impacting directly on The Homestead, Pleckgate Road.

1. Proximity of buildings / ROL / Noise

- The development adjoins land at the Homestead. There is a proposed two storey dwelling within 13 metres of the Homestead. There is no information about the height of this house, but it is anticipated it will be in the order of 9-10 metres. Our house is also about 1 metre lower than the garden level, which will make the height difference 10 – 11 metres. Has this been taken into account by the developer with regard to loss of light, caused by overlooking adjacent property.

We would not accept any raising of the land which would increase the height of adjacent property beyond the design height expected at the current land level and position on the current plans.

Any windows overlooking the Homestead should be 'obscured glass'.

If there is any opportunity to move the property backwards a few metres, that would help.

Removal of the tall trees at the rear of the proposed adjacent properties, would go some way to compensate for loss of light at the Homestead caused by these properties, as well as adding benefit to the proposed development.

- The proposed house next to the Homestead is in clear line of site of the Junction on Pleckgate Road / Ramsgreave Dr., and will receive traffic noise from here. Our concern is that this will be reflected back to the Homestead, causing sound reverberation and frequency change. We would like some professional assurance that this would not occur, and any measures the developer would do to mitigate this.
- Planning permission for the Homestead in 1991 was for a bungalow. Detailed planning allowed for a dormer bungalow as long as the height was restricted. This involved lowering the house and redesigning the roof at some extra cost. We would expect the same controls over adjacent dwellings as were expected of us when we built the Homestead.

2. BT telephone pole

- The Homestead is served by BT telephone pole, which is located to the rear corner of the proposed adjacent property. We would expect this to be retained and not interfered with.

Objections relevant to the whole development

1. Flooding of Seven Acres Brook (aka Whinney Bk) and subsequent receiving watercourses.

- Seven Acres Brook drains land from Whinney Lane down to Pleckgate Road, from where it enter culvert. This was all greenfield prior to current development at Whinney Lane and Adjacent to Blackburn Rugby Club. When fully developed these two sites will drain surface water completely to Seven Acres Brook. At this point in time the impact of this drainage is

unknown, and any further development of land draining to Seven Acres Brook should be delayed until these sites have been developed. This will allow time for flow predictions to be compared to actual flows and subsequent assessment of potential flooding events.

- There is no detail on the type of Flow Attenuation to be used by this development to protect the catchment from flooding. Predictions from Catchment and Drainage Modelling are simply that, and carry with it a degree of uncertainty.
- There are cottages alongside Seven acres Brook on Pleckgate Road, which have flooded in the past to a depth of several feet, which shows the vulnerability at this location. A vulnerability that could be life threatening. The Government Website 'Flood Map for Planning', clearly identifies this location as Flood Zone 3. See Map A attached.
- The outfall from culvert is just beyond the railway line that connects Blackburn to Clitheroe. This is located in an area of woodland called Fern Bank. The culvert exit is barely 3 feet wide, being an arched structure. If this culvert surcharges, any pressure in this system could compromise the railway foundations, and further upstream affect land supporting a main potable water aqueduct. Photos attached show this structure, and other Flood related issues.
- Seven Acres Brook continues under Whalley New Road which is a known flooding risk. This has been identified by the Environment Agency, 'Land between Roe Lee Mills and Pleckgate Road/ Ramsgreave Drive', as being in Flood Zone 2/3.
- In addition the recent development to the south of Ramsgreave Drive (Allocation 16/3 App. No. 10/18/0895) also drains to this watercourse along Whalley New Road in the Roe Lee Area. This is an additional input to the catchment, and additional contribution to flooding in this area. Indeed comments from the Environment Agency to 'Local Plan Part 2: Site Allocation and Development Management Policies', (March 2014), indicate that Blackburn with Darwen BC underestimated the flood risk to that particular site. Although this is not associated with the current application, it must be seen as part of the overall picture of flood risk in the area, and should not be ignored.
- Taking into account the very real danger of flooding and impact on people, and infrastructure, it makes sense to delay any further development that will add to this.

2. Water Quality.

- Already the two developments mentioned above are causing pollution of Seven Acres Brook by silt. This has already resulted in silt accumulations in the brook along its length down to Pleckgate Road. This having already happened in open watercourse, will almost certainly have happened in the culverts downstream, further reducing the capacity of this culvert. This can only increase the likelihood of a flooding event.
- Seven Acres Brook is a small watercourse, previously of Good quality. It has little ability to absorb periodic pollution which occurs from housing developments. Surface water

contaminated by oil, vehicle washing and other household activities will put further pressure on a watercourse that used to attract a variety of wildlife.

- Because of the silt in the bed of the stream, there is little chance of it supporting the quality of flora / fauna it had in the past. It is the stated aim of Blackburn with Darwen BC to maintain and enhance the environment for local residents. The problems of intermittent pollution will not be transient, and lack of grassland to treat and attenuate periodic pollution will lead to a deterioration that will be permanent. Environment Agency and UK River Water Quality Objectives aim to improve watercourses to achieve a GOOD status. Our concern is that this will not be achieved and maintained.

3. Amenity

- From Whinney Lane to Pleckgate Road, local residents have lost an open space, which has increased in use during the Pandemic. The well documented connection with open spaces and Mental Health have resulted in a re-evaluation of the benefit of open space to the public. This development will remove one of the last local open spaces available to residents that want to exercise locally alongside Seven Acres Brook. Development of this site goes against the stated aims of Blackburn with Darwen BC Local Area Plans to protect the ecological value and encourage open spaces for the public.

4. Right of Light.

- The properties that surround the proposed development are older than 20yrs, and as such will have acquired this Right under Section 3 of the Prescription Act 1832. Development of this site will reduce the enjoyment of this Right.
- Human Rights Act. Protocol 1, Article 1. Protection of Property. This allows a person the right to enjoy their property peacefully. Properties surrounding the proposed development have enjoyed the Right of Light for many years. This enjoyment will be lost in varying degrees because of the proposed two storey dwellings intended for the proposed development. It is our view that this is a fundamental Right, which cannot be overridden by any Covenant to the contrary.

5. Infrastructure: Health / Education / Traffic.

- The proposed development will bring into the area several hundred new people on top of those who will live in the two other developments currently underway alongside Seven Acres Brook. This will put pressure on existing schools, GP's and traffic movement. No account seems to have been made of these, even though local residents were given assurances by Blackburn with Darwen BC. that provisions would be made to deal with this.
- Traffic on Ramsgreave Drive has always been heavy, especially at peak times. The current speed limit is 50 mph, which already makes this a dangerous road. The addition of traffic from the proposed development will make a bad situation worse, especially when considering the traffic created by other developments currently underway on Ramsgreave Drive. A speed limit of 30 mph would be more in line with traffic movement and Public Safety.

In Summary, we object to this development (10/21/0636) on the grounds of the above details and facts.

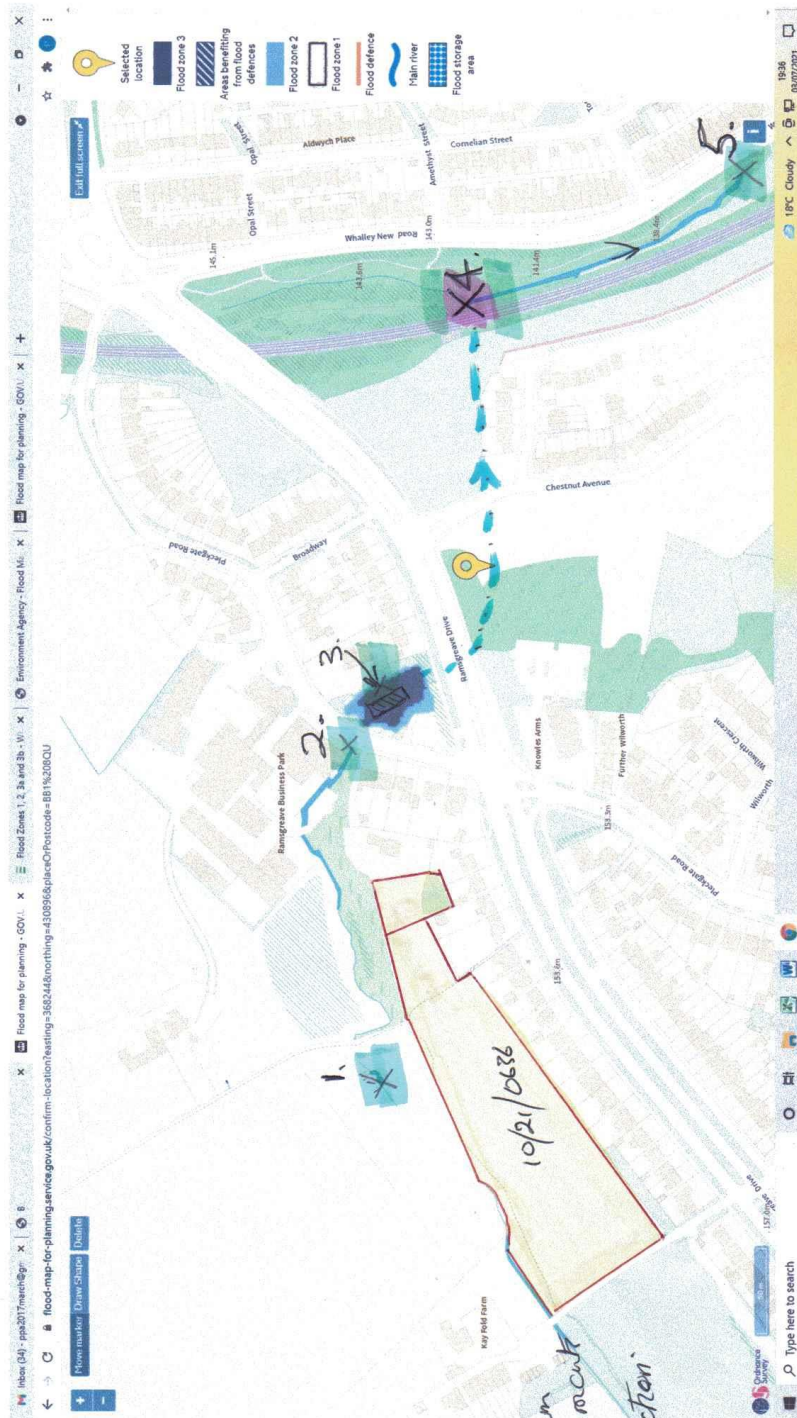
Attached map and photos.:

A. Flood map showing proximity of Flood Zone 3. (The hatched area in the dark blue Flood Zone 3 is the approximate location of two cottages on Pleckgate Road.)

B. Photos of Seven Acres Brook showing culverts and high flow situations. (1 to 5), See location on Map A above.

1. Flooding in farmers field alongside proposed development. (15.05.13).
2. Culvert entrance u/s of Pleckgate Road. (15.03.13) Note water height against trash screen.
3. Cottages d/s of Pleckgate Road. (15.05.13) Note water almost entering building.
4. Culvert exit from under railway line. (23.02.14) Note diameter of culvert at widest is less than 3 feet.
5. Trash screen at entrance to culvert under Whalley New Road.(23.02.14). Note small size of culvert opening.

MAP A.



Upstream
Development
Under
Construction

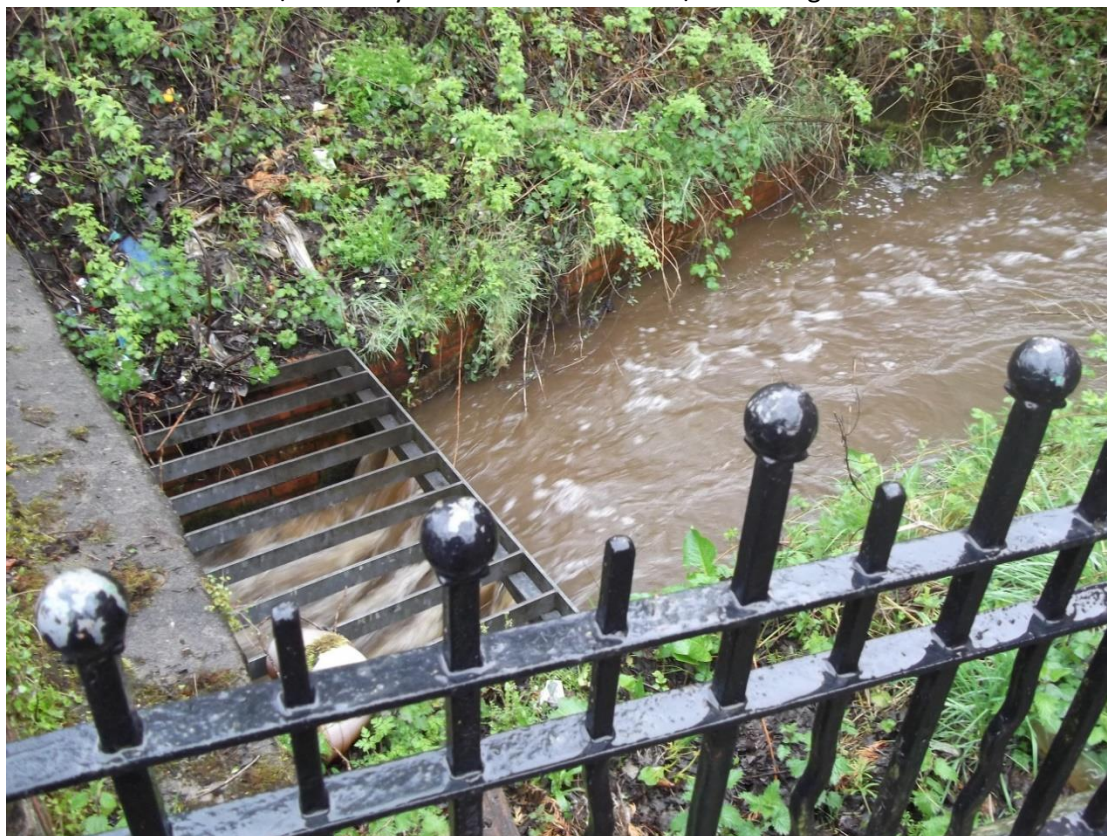
Proposed Development:
Surface Water Outfall
Downstream of Railway line



Culverted
Watercourse.
Attach photographs
Nos 1 to 5. (See Attachment)



1. Seven Acres Brook / Whinney Brook at field culvert u/s of Pleckgate Road 15.05.13



2. Culvert Entrance u/s Pleckgate Road. 15.05.13 (note culvert almost topped)



3. Cottages adjacent Seven Acres Bk / Whinney Bk. 15.05.13



4. Seven Acres Bk. / Winney Bk issue from under railway. [23.02.14](Note diam. <3ft)



5. Seven Acres Bk / Whinney Bk at entrance to culvert under Whalley New Road.[23.02.14] (Note lack of maintenance).

Objection – Mr Feroze, 78 Ramsgreave, Drive, Received 12.07.2021

Dear Martin.. I object to the planning for houses, not safe entrance from main road site entrance chosen.. busy public path, lot of disabled people use the path, dangerous having traffic passing onto busy main road,, lot of near misses and accidents around the area,,,, i need to understand how it's possible to use a site entrance close to houses,, quality of life will be disturbed,,, dirt and fumes from site,, not good... the whole area on my side is upset and will protest...thank you so much for giving me the opportunity to express my position.. Mr Feroze

Mrs J. D. Walmsley
84 Ramsgreave Drive
Blackburn
Lancs. BB1 8NB

Dear Sir.

LAND NORTH OF RAMSGREAVE DRIVE.

REF: - 10/21/0636

I strongly object to houses being built on this small field. I cherish the view I have over this field & beyond. To be blocked by houses. The fields by Yew Tree Drive & Ramsgreave Drive have been destroyed by houses. We do not need more people or cars in this Area. To demolish this lovely bungalow is disgusting. Leave the field, Nature - Cows - Sheep - Deer - Barn Owls.

I know this note will not make the slightest bit of difference, it will still go ahead, but I feel better for objecting.

Leave our Green Fields alone.

Yours faithfully
J. Walmsley.

Objection – C Wilson, 68 Ramsgreave Drive, Blackburn, Received 06.07.2021

Dear Martin Kelly (or Kenny)

So another 47 households will be spilling out onto
one of the busiest dual carriage ways in Blackburn
being Ramsgreave Drive !!

Already there are massive developments that are currently
being erected around ,Whinney Lane Blackburn & the
development by the Knowles Arms as was.

This new application will bring another 150 cars approx. to
the area which is near an already busy crossroads.

I could go on but like all developments now on the outskirts
of Blackburn they are all probably rubber stamped & no
consideration is given to residents who have lived in their
current properties for over 25years & planning councillors don't
really understand they are killing the heritage & green fields of
a once proud place in Blackburn.

If you look outside your town Hall office window if you have one
you should know what I mean as the town Centre is as embarrassing
as all these new developments that are now happening .

Here's Hoping
C. Wilson c/o

68 Ramsgreave Drive

Blackburn

Bb18NB

Objection – Nino & Sylvia, Resident of Ramsgreave Drive, Blackburn, Received 06.07.2021

Dear Martin Kenny,

I am writing this letter today to express my concerns around the planning application letter received
to the north of Ramsgreave Drive. This refers to reference Code - 10/21/0636.

Myself and my wife, Sylvia Durovic, have lived at the Ramsgreave property in excess of 45 years and in the last couple of weeks, have received some very upsetting news about the development that will be taking place behind our property. We feel devalued as long standing residents. Losing our security, privacy, tranquility and peace of mind. As we are now going to be facing fencing and stone walls, that will be very close to our property. We feel this is a big development, aiming to fit 47 houses on such a small piece of land.

The disruption on the Ramsgreave Drive dual carriageway over the last two years has already been a huge disruption to our everyday life. Therefore, to hear that there is now going to be more demolition taking place at 60 Ramsgreave Drive for the residency access road brings great sadness to my family and our community. This is only going to add more frustration to us and effect the comfort of me and my wife. I passionately believe that there are lots of other places around Blackburn that would benefit from housing development and would cause considerably less disruption.

I would very much appreciate a response and some further reassurance that this is going to benefit the local community, as at the moment I do not see this at all.

Thanks,

Nino & Sylvia

Objection – Mr & Mrs Livesey, 66 Ramsgreave Drive, Received 05.07.2021

Ref - 10/21/0636.

Dear Mr Kenny.

In connection to the above planning application I would like to state at the outset, we are not objecting to the development and understand the need for houses to be built. Our only issue is the very close proximity of the nearest proposed building to our boundary.

We hope you will agree that a house so close to our bungalow would severely impact on the amenity of our property.

Our main concerns are as follows.
The reduction of natural light,
Shadowing and the dwarfing of
our single storey property by
a two storey house that would
stretch across the majority
of our garden's width

Regards

Mr & Mrs Livesey

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/0790

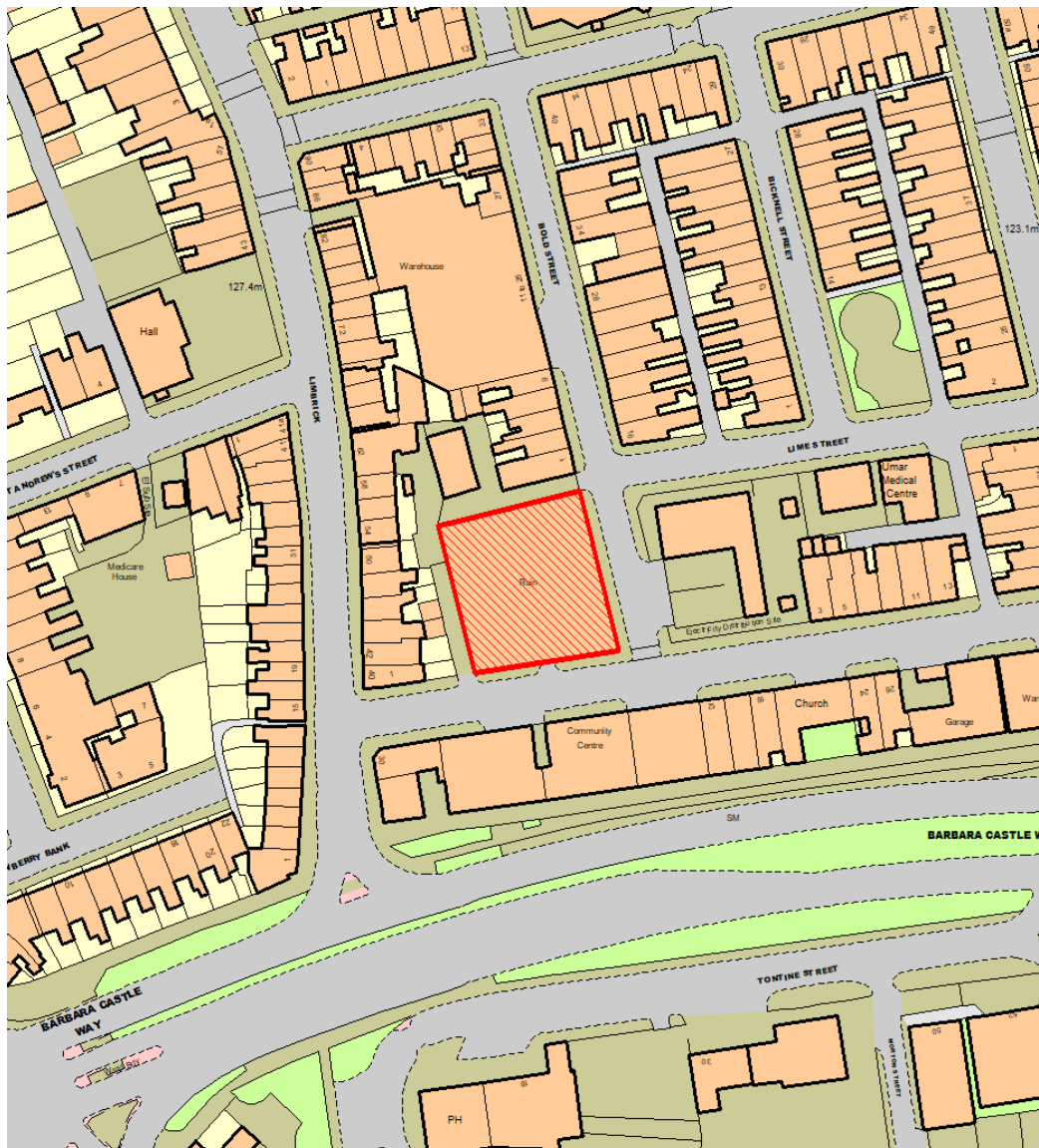
Proposed development: Full Planning Application for Demolition of disused mill and erection of a new retail development - Use Class E(a).

**Site address:
Former Apex Mill
Bold Street
Blackburn
BB1 7EL**

Applicant: Greenland Properties

Ward: Shear Brow & Corporation Park

**Councillor Suleman Khonat
Councillor Hussain Akhtar
Councillor Zainab Rawat**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions set out at paragraph 4.1.

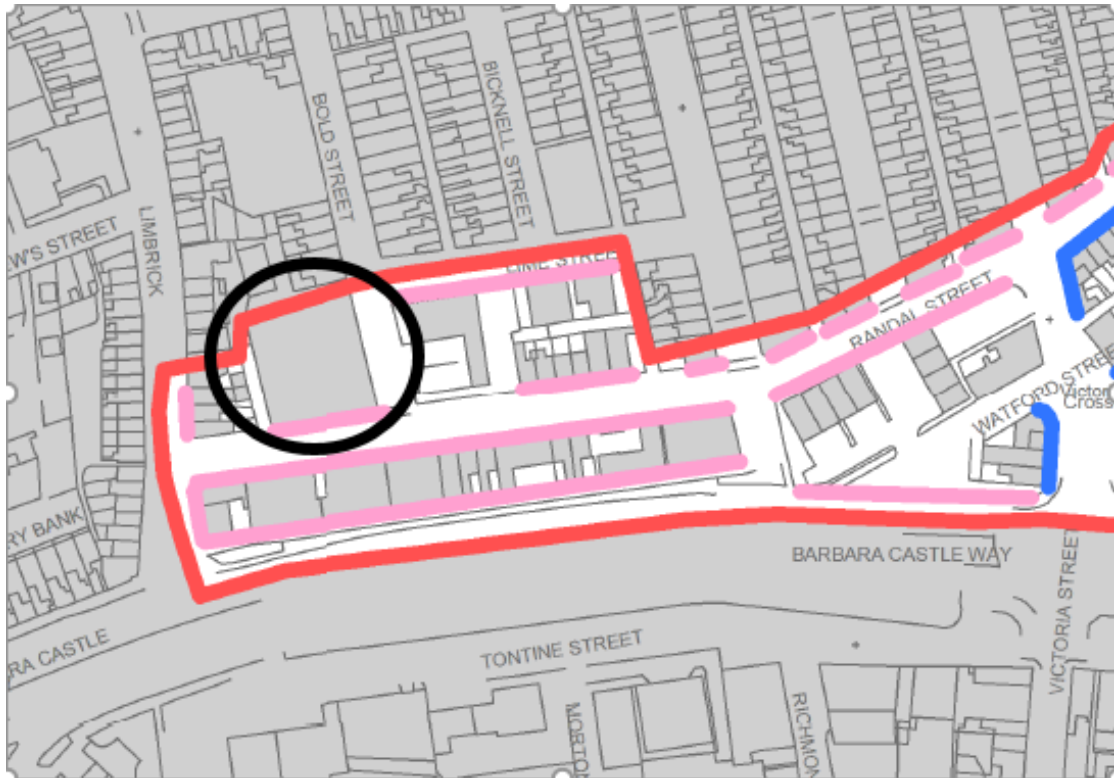
2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The planning application is submitted following informal pre-application dialogue on the merits of the proposed development, at which time support in principle was offered, subject to detailed assessment at full application stage. It is reported to Committee following receipt of a significant number of neighbourhood representations. This is in accordance with the Chair referral scheme.
- 2.2 Assessment of the application finds that the proposal will deliver a high quality retail development with associated off-street parking provision, which will assist in widening the retail offer in the borough. This is in accordance with the Council's strategic aims and objectives for economic growth and expansion of public facilities and services, without prejudice to existing retail provision in the borough's Town and District Centres. 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

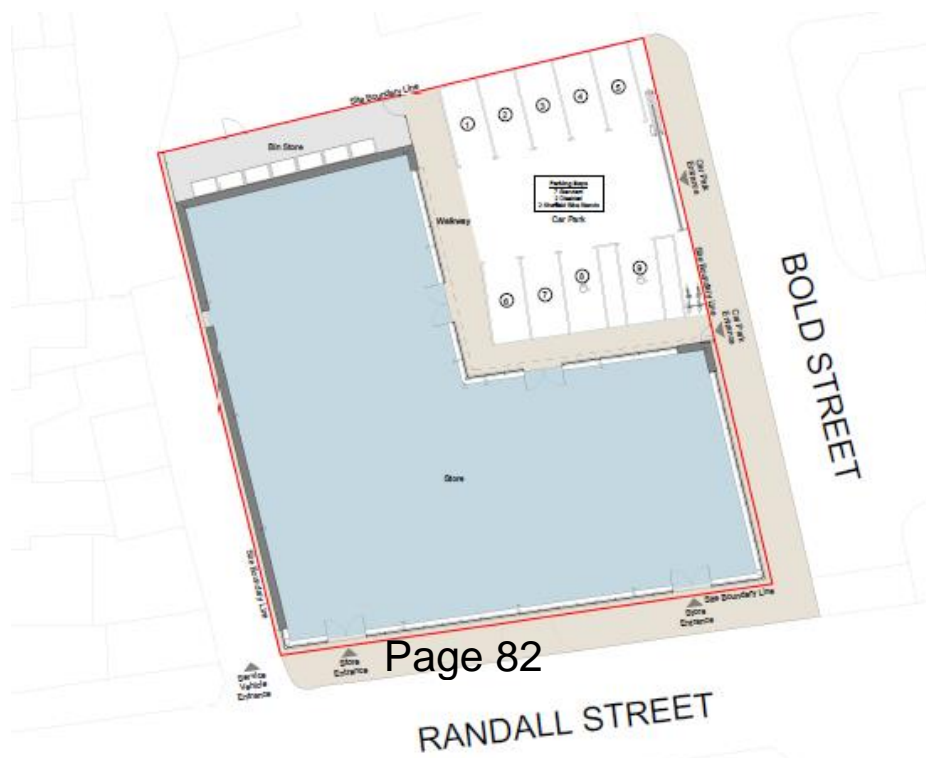
- 3.1.1 The application site (the site) measures 1020 square metres. It is located within the Urban Boundary of Blackburn, at the junction of Randal Street and Bold Street and consists of a disused and derelict mill, last occupied around 2010. Accordingly the site represents *Previously Developed Land* (brownfield).
- 3.1.2 The surrounding area is characterised by terraced rows of mainly housing to the north, east and west, and a range of commercial uses to the south, as transition occurs toward Blackburn Town Centre.
- 3.1.3 In accordance with the Development Plan (Adopted Policies Map – Blackburn), the site is positioned within the Whalley Range District Centre (ref. 27/5 in Local Plan Part 2). The extract below identifies the position of the site relative to the confines of the District Centre at its western end.

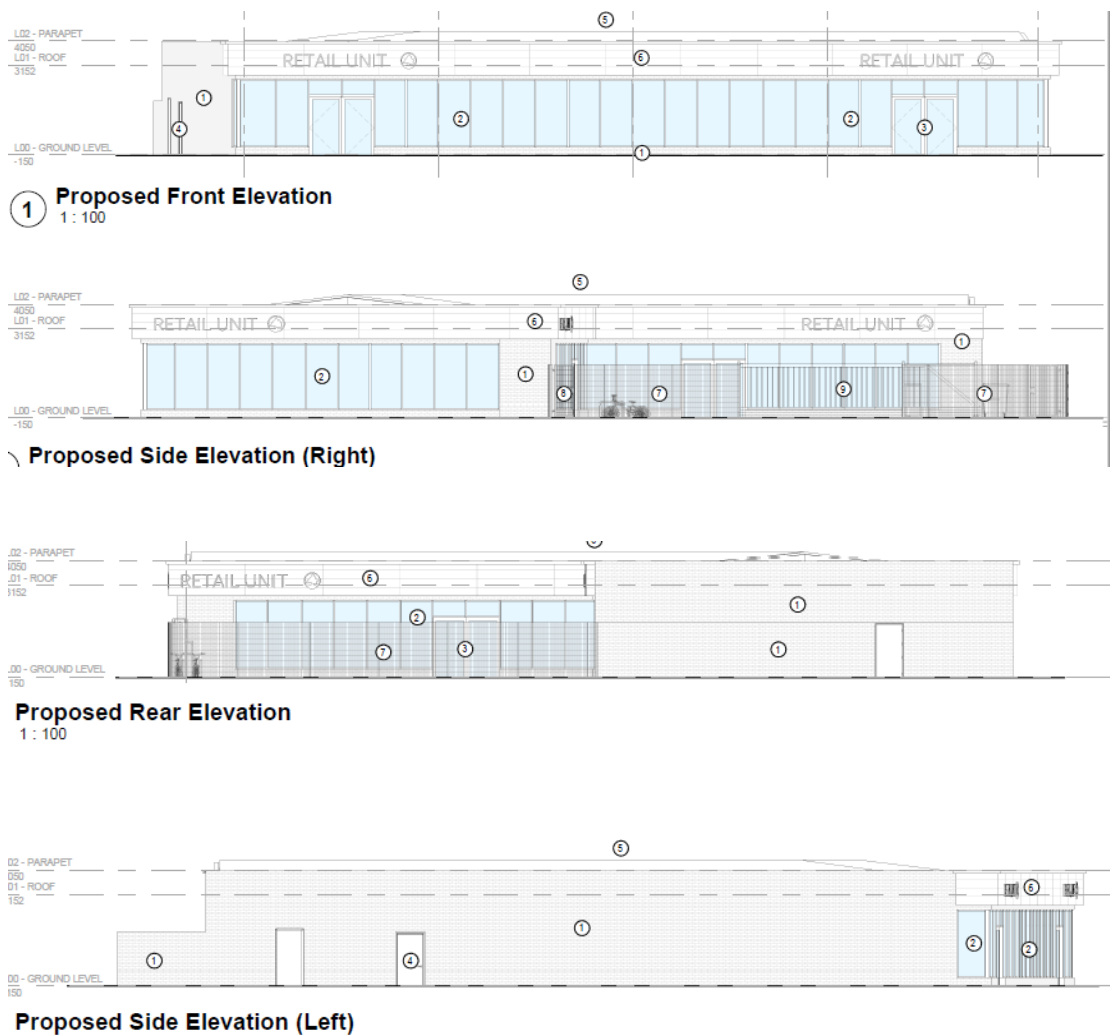


Extracted from BwD Adopted Policies Map, Whalley Range Inset Map (2015).

3.2 Proposed Development

- 3.2.1 Full planning permission is proposed for a new single storey retail store, comprising 611sqm of gross internal floor area, 9no. customer parking spaces, two of which are disabled bays, as set out in the submitted drawings and supporting documents. Access into the site will be taken from Bold Street.
- 3.2.2 Proposed external walling material is brickwork and glazing. The front of the store facing Randal Street and the side facing Bold Street will be mainly glazed. The extracted site plan and elevations below, illustrate the proposal.





Extracted from architects drawings, Areeba Architecture Ltd.

3.2.3 Full details of the proposal are set out in the submitted drawings, supporting statement and technical reports.

3.3 Development Plan

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

3.3.2 The Development Plan comprises the Blackburn With Darwen 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:

- Policy CS1: A Targeted Growth Strategy
- Policy CS11: Facilities and Services
- Policy CS12: Retail Development

- Policy CS16: Form and Design of New Development
- Policy CS22: Accessibility Strategy

3.3.4 Local Plan Part 2 (LPP2):

- 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 27: District Centres – a Framework for Their Development
- Policy 29: Assessing Applications for Main Town Centre Uses
- Policy 39: Heritage

3.4 **Other Material Planning Considerations**

3.4.1 BWD Air Quality Planning Advisory Note

3.4.2 National Planning Policy Framework (The Framework):

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 11: Making effective use of land
- Section 12: Achieving well-designed places

3.4.3 National Planning Policy Guidance (NPPG)

3.5 **Assessment**

3.5.1 The Development Plan reaffirms The Framework's principles of sustainability which includes support for sustainable economic development and encouragement of effective re-use of land; subject to the principles of high quality design and securing a good standard of amenity for all existing and future occupants of land and buildings.

3.5.2 In assessing this application, the following important materials considerations have been taken into account:

- Principle of the development;
- Amenity impact;
- Environment impact;
- Highways - Accessibility and Transport; and
- Design – Layout and Character / Appearance.

3.5.3 Principle

Apex Mill is a non-designated heritage asset, recorded on the Lancashire Historic Environment Record (PRN 24887). Whilst no objection is offered toward its demolition, LCC Archaeology recommend submission of an archaeological record of the building is secured via condition, prior to its demolition.

- 3.5.4 As the site lies within the Whalley Range District Centre and the proposal involves retail development, Policies CS12, 27 and 29 guide the principle of the development. Policy 27 sets out that:

Within and adjacent to the District Centres as shown on the Adopted policies Map,...development will be supported where it encourages mixed uses and where it responds to the scale and function of the centre in question. Proposal which fulfil these requirements will be permitted in the following circumstances:

i) New build proposal should be proportionate to the scale and function of the centre. New retail, leisure, office and service use developments should demonstrate that they cater for local needs and should be accompanied by an impact assessment if they involve the creation of new floorspace above the thresholds set out in Policy 29. The assessment should consider the impact of the proposal on existing, committed and planned public and private investment in the centre and other nearby centres.

- 3.5.5 Policy 29 explains the approach to assessing the impact of *Main Town Centre Uses* (including retail). The aim is to guard against negative impacts arising against Blackburn and Darwen Town Centres, which should remain the focus for both convenience and comparison retail growth:

Retail development will be permitted provided that the development, in terms of the overall magnitude of additional floorspace proposed and the size of individual units within it, is appropriate to the position of the centre concerned within the hierarchy of centres in Blackburn with Darwen. In making its assessment on this issue the Council will refer to all available evidence including but not limited to the indicative maxima for these factors, as set out in the table below:

Position within hierarchy	Centre	Indicative maximum unit size
1	Blackburn town centre	No limit
2	Darwen town centre	4,000 sq m as food store, otherwise 1,000 sq m
3	District centres	500 sq m

Extracted from Blackburn With Darwen Borough Local Plan Part 2, Dec 2015.

- 3.5.6 As the unit size proposed, at 611sqm, exceeds the 500sqm indicative maxima for District Centres, a degree of conflict arises with Policies 27 and 29. Exceedance is, however, considered relatively marginal, having regard to the overall scale of Whalley Range District Centre, the centres health in terms of occupancy levels and the position of the site in relation to Blackburn town centre. In this context, it is considered highly likely that some users of the proposed retail unit will have linked trips to the town centre and within the wider district centre, resulting in a mutually beneficial facility to both centres. Moreover, the threshold is referenced as *indicative* and not absolute.
- 3.5.7 That the site is currently vacant and has been for approximately the past 10 years is also an important material consideration in assessment of the principle of the development. The economic, social and environmental benefits of reusing a redundant and dilapidated brownfield site should be recognised, in contributing towards building a strong and competitive economy; providing a safe, well-designed and accessible community facility; and making effective use of land which will alleviate long standing detriment to visual amenity on the locale, as well as removing a targeted destination for alleged instances of ant-social behaviour. These factors weigh heavily in favour of supporting the development, in principle.
- 3.5.8 On balance, it is considered that policy conflict arising from exceedance of the indicative 500sqm threshold for retail development within district centres, is outweighed by the reasons set out above. Accordingly, the principle of the development is, therefore, found to be acceptable in accordance with the requirements of the Development Plan and The Framework.
- 3.5.9 Amenity
Policy 8 requires development to contribute positively to the character of the area and to secure a satisfactory level of amenity and safety for occupants or users of the development itself and for surrounding uses; with reference to unstable land, contamination, pollution or nuisance, privacy / overlooking, the relationship between buildings, crime reduction and community safety.

- 3.5.10 The store building will be in single storey form, with an eaves height of circa 4.15m and a maximum ridge height of 4.7m. Its position in relation to neighbouring dwellings is satisfactory. In this context, it should be recognised that the Council's minimum separation standard of 13.5m between primary windows and a blank elevation or elevation featuring non-primary (domestic) windows relates to a relationship between typical two storey buildings.
- 3.5.11 An appropriate refuse storage area is provided within the site. Replacement of a mesh fence enclosing the area with a solid brick wall, to the elevation rear of properties along Limbrick, addresses concern expressed by a local resident towards loss of privacy. Satisfactory levels of residential amenity are, therefore, maintained with reference to daylight / sunlight admissions, outlook and privacy.
- 3.5.12 The Council's Public Protection consultee recommends submission of a written assessment that determines likely noise impacts arising from the proposal upon neighbouring residents. The current lawful industrial use of the building must, however, be considered against this recommendation, as the potential for noise generation arising from industrial process is outside of the scope of planning control, and the proposed retail use, in noise terms, represents a de-intensification of the lawful industrial use. Notwithstanding this 'fall-back' position, a noise level exceedance condition is recommended, to safeguard residential amenity. A similar approach has been used recently for other retail development of a similar scale within a residential area.
- 3.5.13 The site sits within a high risk coal mining area, as a result of legacy coal extraction. Consequently, a Coal Mining Risk Assessment is submitted with the application which has been reviewed by the Coal Authority. No objection is offered, on the understanding that there is sufficient rock cover within the ground to minimise safety and stability risk to the development.
- 3.5.14 Residential amenity will be further safeguarded from excessive noise disturbance via conditions limiting opening hours of the store and deliveries thereto, to between 07:00 and 23:00 hours.
- 3.5.15 Residential amenity will be safeguarded during construction works via conditions limiting construction to 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; and to require submission of a Demolition & Construction and Environmental Management Plan (DCEMP), to guard against matters such as dust, floodlighting & noise / vibration impacts.
- 3.5.16 As recommended by the Council's Public Protection consultee, potential sources of ground contamination shall be considered through assessment of a geo-environmental report and remediation strategy, as necessary, to be secured via condition.
- 3.5.17 As a proposal involving re-use of vacant, previously developed land, a positive contribution to the economic and environmental character of the area is assured.

3.5.18 Accordingly, amenity impact arising from the proposal is found to be in accordance with the requirements of Policy 8 and The Framework.

3.5.19 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.

3.5.20 Ecology:

As the building within the inner urban area detached from influencing features that may encourage use of the building for bat roosting, demolition is accepted without the need to carry out any survey work with reference to bat roosting potential.

3.5.21 Drainage:

The site is located within Flood Zone 1, in accordance with the Environment Agencies flood map, which represents the lowest risk of flooding. A site specific Flood Risk Assessment is not, therefore, required to support the application. The Council's drainage consultee (as Local Lead Flood Authority) and United Utilities offer no objection to the proposal, subject to submission of a foul and surface water drainage strategy to be secured via condition.

3.5.22 Trees:

No trees sit within or adjacent to the site.

3.5.23 Accordingly, environmental impact arising from the proposal is found to be in accordance with the requirements of Policies 9 and 40, and The Framework.

3.5.24 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.

3.5.25 A Transport Statement is submitted with the application which has been reviewed by the Council's highways consultee. Impact of anticipated traffic generation on the surrounding highway network is considered acceptable.

3.5.26 A new access into the site is proposed from Bold Street, including a sliding security which is, in principle, deemed acceptable. The 6m width proposed is, however, excessive and should be narrowed to aid pedestrian safety. Sight lines are also required. Three pedestrian access points are proposed. These should, however, be reduced to a single point. These amendments / additional information have been requested and submission is currently awaited. Review of the detail will be included in a subsequent update report.

3.5.27 Use of the back street to the rear of properties along Limbrick for service vehicles is not supported, as the area is outside of the application site and the

applicants control. Moreover, it is in close proximity to the Randal St / Limbrick junction. On street servicing is considered an optimum solution, subject to confirmation of the number of daily deliveries. This information has been requested and will be included in the update report.

3.5.28 Access will be facilitated by removal of 2 on-street parking spaces. Their removal will be subject to an application under the Highways Act for an amendment to the existing Traffic Regulation Order (cost to be borne by the developer).

3.5.29 In-curtilage car parking and servicing is proposed. 9 parking bays (2 disabled) are proposed. When assessed against the Council's adopted retail parking standards for a store of the size proposed, 38 bays should be provided. Although such under provision is weighed against the sustainable location of the site and the availability of on-street parking capacity, the applicant has commissioned a parking survey of the locale, to inform precise on-street capacity and impacts arising on the highway network of the proposal. Review of the survey will be included in the update report.

3.5.30 Occasional servicing is also proposed from within the car park, outside of trading hours (07:00 and 23:00 hours). Such occurrence should be limited via condition, to ensure optimum on-site parking availability during trading hours.

3.5.31 The submitted Demolition and Construction Method Statement (DCEMP) is considered inadequate to address all matters arising from demolition on construction, as required to safeguard local residents and highway users from matters including but not necessarily limited to noise, vibration, dust and highway cleansing. Submission of a revised DCEMP will be secured via condition.

3.5.32 Subject to resolution of the outstanding matters identified above, highway impact arising from the proposal is found to be in accordance with the requirements of Policy 10 and The Framework.

3.5.32 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. Particular aspects of character that must be taken into account and reinforced in new developments include the following:

- Building shapes, plot and block sizes, styles, colours and materials that contribute to the character of streets which should be used to complement local character; and
- Relationship of buildings to the street.

3.5.33 Although the site sits within a typical terraced street pattern, local distinctiveness is recognised as mixed, featuring buildings of varied scale and design, though most are of two storey scale. The proposed building will, however, sit at the end of a terraced row and directly opposite buildings of

single storey scale. It will also feature expanses of external red brick, reinforcing a principle design trait of the existing building and much of the surrounding area, albeit with significant expanses of glazing, typical of a modern retail building. On balance, the scale and appearance of the building, including the sliding metal security / access gate, is considered to be acceptable.

3.5.34 Although opportunities for planting are recognised as limited, it is considered prudent to request submission of a landscaping scheme to provide visual enhancement of the site. Hard surface details will also be required. Detail will be secured via condition.

3.5.35 Accordingly, the development, on balance, constitutes good design which is found to be in accordance with Policy 11 and The Framework.

3.5.36 Heritage

Policy 39 requires development to be considered against potential impact on designated or non-designated heritage assets.

3.5.37 As aforementioned, LCC Archaeology recommend submission of an archaeological record of the building via condition, prior to its demolition, in recognition of its status as a non-designated heritage asset.

3.5.38 Accordingly, the development is found to be in accordance with Policy 39 and The Framework.

3.5.39 Summary

This report assesses the full planning application for the erection of a convenience store (Use Class Ea) with 9 customer parking spaces. 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.

Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 16th February 2021 and with the following drawings numbered: (to be added).

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

3. Prior to commencement of the development hereby approved, written and illustrative details of the external walling, roofing and window materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

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

4. 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, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority.

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

5. 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.

6. 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.

7. Construction of the development hereby permitted shall only take place between the following hours:
Monday to Friday: 08:00 to 18:00;
Saturday: 09:00 to 13:00; and
Not at all on Sundays or Bank Holidays.

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

8. The use hereby permitted shall operate between the hours 07:00 and 23:00.

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

9. The cumulative noise from plant and associated equipment at the site shall not exceed the following rating levels, specified in Table 4 of the Plant Noise Guidance document (Document Ref: 89595):
 - Daytime (07:00 – 23:00 hrs): 43dB(A); and
 - Night-time (23:00 – 07:00 hrs): 37 dB(A).

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

10. Deliveries of goods into the site shall not take place between the hours of 23:00 and 07:00.

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

11. 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, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

12. Prior to commencement of the development hereby approved, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of materials to be used for hard surfaces and native planting, to provide for a net gain in biodiversity. Hard surfaces shall be implemented in accordance with the agreed details. Planting of trees and shrubs shall also be implemented in accordance with the approved details, during the first available planting season following completion of the development. Trees dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

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

13. Prior to commencement of the development hereby approved, and notwithstanding the submitted details, a Demolition / Construction and Environmental Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be strictly adhered to throughout the construction period. The Statement shall provide for:

- i) the management of construction traffic;
- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;

- v) wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
- vi) measures to control the emission of dust, dirt and vibration; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: In order to guard against disruption to highway users; to avoid hazardous deposits of debris onto the highway and to protect the amenity of the occupiers of the adjacent properties, in accordance with Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

14. Should pile driving works be required on site, prior to the commencements of those works, a programme for the monitoring of generated noise and vibration shall be submitted to and approved in writing by the Local Planning Authority. The programme shall specify the measurement locations and maximum permissible noise and vibration levels at each location. Noise and vibration levels shall not exceed the specified levels in the approved programme.

REASON: In order to safeguard neighbouring amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

15. Prior to operational use of the store hereby approved, the car parking area, as detailed on drawing numbered: BB301-100 Rev B, shall be fully surfaced, marked out and made available for use. The car park shall be so retained.

REASON: In order to ensure off street parking is available at all time, in the interests of highway safety and efficiency, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

16. Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy 10/11/40 of the Blackburn with Darwen Borough Local Plan Part 2

17. No development, site clearance / preparation, or demolitions shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of a record of the building to Level 2-3 as set out in

'Understanding Historic Buildings' (Historic England 2016). It should include a full description of the building, inside and out, a drawn plan, elevations and at least one section (which may be derived from checked and corrected architect's drawings), and a full photographic coverage, inside and out. The record should also include a rapid desk-based assessment, putting the building and its features into context. This work should be undertaken by an appropriately qualified and experienced professional contractor to the

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building; in accordance with the requirements of Policy 39 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

5.1 No planning history exists for the site.

6.0 CONSULTATIONS

6.1 BwD Highways

No objection in principle, outstanding parking matter to be addressed:

Parking

We have assessed the parking requirement against our adopted parking standards: Class E (a) (this is a New Class use) which when compared against the parking standards would be an A1 retail use, which suggest 1 car space per 16sqm, this assessed on a floorarea of 615sqm amounts to 38 spaces. The submission provides 9 car parking spaces (2 of which are designated disabled spaces). All spaces conform to council's standard sizes.

Cycle parking is provided within the site, these should preferably be sited near the entrance of the building, covered and secure. Please request further details of this and also provision for the parking of PTW.

There is clearly an under provision in parking spaces. That accompanying statement suggests the site is widely sustainable to all traffic. This is acknowledged, however there are still concerns that the premises would attract vehicles from outside the area, and with limited parking around in the adjoining streets this will have an adverse impact on the immediate area, and the safety of highway users

The statement also suggests that the parking bays would need to be removed along Bold Street (the loss of 2 spaces on-street) to facilitate access. This is subject to an application that would need to be made under the Highways Act to requesting revocation of parking bays. All costs for the amendment to the TRO is to be borne by the developer, please condition.

Access

A new access is proposed from Bold Street. The plans accompanying the submission present this as 6m opening. It is unnecessary to have such a wide access and we would request this is reduced to aid pedestrian safety. There is a sliding gate to be proposed at the entrance of the car park. It is noted within the TS that the gates will be opened 30 minutes before trading hours, and shut 30 minutes after the store closing. This is acceptable

No details of sightlines or details accompanying boundary has been provided, please request these for assessment.

3 pedestrian routes into the building have been proposed. There are some slight concerns with those located on Randal Street as this will encourage adhoc parking close to a busy junction. I would be minded to restrict the points of access to one, and request removal of the access closest to the back street.

Servicing

Details of servicing have been received. The intention is to utilise the back street, for service vehicles. This is not supported for reasons that the back street is close to the junction which in our opinion sustains a steady and occasionally heavy volumes of traffic (at peak times). It would be far safer to service on street, however this is subject to understanding the number of deliveries to store please seek further information.

It is suggested that servicing would also take place within the car outside of operational hours. If this application was minded to approve, this element should be conditioned

Provision to support those utilising alternative modes of transport is provided, however no details on how these would be made secure and covered are provided. This together with provision for Ptw parking is required for assessment.

Transport Statement

The report has been assessed, and we make the following representations:
The level of parking proposed is grossly inadequate for the scale and type of development proposed in this location and is likely to result in significant issues on the local highway network. For food retail the benchmark standard is 1 car space per 16 sqm, a requirement of 38 spaces. The proposed development includes 9 spaces of which 2 are for disabled users which equates to just 24% of the benchmark. There are known issues on the local highway network relating to indiscriminate parking and a resident permit holder scheme in place covering many of the local roads.

Further analysis and justification should be provided in the Transport Statement to determine if the proposed level of parking is appropriate. Accurate estimates of parking demand should be provided along with information backed up by surveys of on-street parking availability within 200m of the store to demonstrate that the demand can be adequately catered. On-street parking spaces currently provided for resident permit holders only should not be included unless there is some short stay provision allowed such as the '1 hour no return within 2 hours' on Limbrick.

The proposed trip generation presented in the TS should be updated using TRICS Trip Rates for an appropriate land use such as 01/A Food Superstore or 01/C Discount Food Store (if appropriate) and not local shops as the proposed development differs significantly from the previous application.

Other

No details of a construction method statement is received, please condition accordingly.

General highway principles also to be taken into consideration are as follows:

- 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)
 - Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authorities office on Tel: 01254 273838 to undertake a condition survey.
 - Any old entrances that are no longer required should be closed and reinstated back to full footway, at the developers expense
 - The highway should not be obstructed, if indeed closure is required contact is to be made with the highway authority on Tel: 01254 273439
- Footways around the site should be reinstated and resurfaced where necessary

To conclude, there are a number of concerns with the proposal received, please could you seek further information in response to the matters considered above. We reserve making a formal recommendation until further details are received.

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, 4, 8, 10, 11, 14, 15 and 17 .

6.2 BwD Public Protection

Following recommendations:

With reference to the above application, I recommend that the following condition(s), informative(s) and/or comment(s) be included if planning permission is granted:

Condition - Residential Noise Amenity Impact Assessment

Prior to commencement of the proposed development, a written assessment shall be submitted to the Local Planning Authority (LPA) that determines likely noise impacts of 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. Written approval of the assessment must be obtained from the LPA and all agreed mitigating measures installed prior to commencement of the approved use and thereafter retained for the duration of this use.

Reason: To ensure an acceptable standard of residential amenity.

Advisory: The applicant (or consultant appointed by the applicant) should contact Andy White (tel: 01254 585585) to discuss the required assessment detail which must take account of proposed hours of use and include noise arising from the car park (vehicle & customer), deliveries, waste disposal services and plant & machinery.

Condition - Floodlighting

An outdoor floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the approved use.

Reason

To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity.

Informative:

When assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in 'Guidance Notes for the Reduction of Obtrusive Light' GN01 produced by The Institution of Lighting Professionals, available at: <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>

NB: The proposed development is within an E3: Medium district brightness area.

CONTAMINATED LAND CONDITIONS

Condition 1

Prior to the commencement of construction works on site, the developer must submit to the Local Planning Authority (LPA) for written approval:

- i. A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Detailed proposals for subsequent site investigation based on the CSM shall be included as appropriate; the developer will be advised whether any further site assessment is required.
- ii. If required by the LPA, the findings of the approved site investigation work, including an appropriate assessment of risks to both human health and the wider environment, arising from contaminants in, on or under the land (including ground gas) will be submitted. Where unacceptable risks are identified an updated CSM, remedial options appraisal and detailed remediation scheme shall be presented for approval. No deviation shall be made from this scheme without the written express agreement of the LPA.

Condition 2

Prior to the commencement of the permitted use, the developer must submit a comprehensive validation report to the LPA for written approval. The report shall demonstrate effective remediation in accordance with the agreed remediation scheme. All the installed remediation must be retained for the duration of the approved use and the LPA periodically informed in writing of any ongoing monitoring and decisions based thereon as appropriate.

REASON: To ensure that the site has been made 'suitable for use', and as such, does not pose a risk to future users of the site or the wider environment.

Condition 3

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 ENV3 of the Blackburn with Darwen Borough Local Plan.

INFORMATIVE:

- All reports shall be prepared in accordance with BS10175:2011 (as amended), CLR 11 and any other relevant, appropriate and authoritative publications.
- The Local Planning Authority will not accept any liability for remediation works.
- The responsibility for the safe development and occupancy of the site, at all times, rests with the developer.
- Failure to comply with above condition may result in enforcement action being taken by the Local Authority under the Environmental Protection Act 1990.
- You are strongly advised to contact the Environmental Protection Team of the Public Protection Service to discuss the requirements of the Contaminated Land Condition (Karen Huddart or David Johnson tel: 01254 267699).
- The guidance documents entitled '**Contaminated Land Planning Guidance**' & '**Validation Policy Document**' should be read before you investigate the site. This guidance is available on the Council web site. These hyperlinks will give you direct access :
www.blackburn.gov.uk/upload/pdf/Contaminated_Land_Guidance.pdf
www.blackburn.gov.uk/upload/pdf/Validation_Policy_Document_FINAL.pdf
- A **suitably qualified, competent & impartial person** shall fulfil the requirements of the condition.

6.3 BwD Drainage (Lead Local Flood Authority)

We have no objections to the proposals but require the following condition
Condition

Prior to commencement the applicant is required to obtain Consent to Discharge to the public sewer from United Utilities.

Reason

United Utilities may require a reduction in flow discharging to the sewer.

6.4 BwD Environmental Services

No objection subject to waste storage provision.

6.5 United utilities

No objection:

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.

In the absence of a detailed foul and surface water drainage scheme we would kindly request that if you are minded to grant Planning Consent for the above development that the condition and advisory notes provided below are included within the consent.

Condition:

Prior to the commencement of development (excluding demolition), details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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, the potential for infiltration of surface water in accordance with BRE365;*
- (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).*

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge; and

(v) Foul and surface water shall drain on separate systems within the site.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the public sewer either directly or indirectly.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

6.6 Coal Authority

No objection

The Coal Authority Recommendation to the LPA

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment, 08 October 2021 are sufficient for the purposes of the planning system (NPPF paras. 183 and 184) in demonstrating (based on the professional opinion of Mr David Lord *BSc (Hons) FGS MIEnvSc AIEMA* of Worms Eye Ltd) that the application site is safe and stable for the proposed development. The Coal Authority has **no objection** to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

We consider it prudent that the LPA add the following wording as an Informative Note to the Decision Notice should the LPA grant planning permission:

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

6.7 Lancs Archaeology

Recommended condition:

Programme of archaeological recording prior to demolition.

6.8 Lancs Fire & Rescue

No objection, standard comments.

6.9 Public consultation

Neighbourhood consultation letters were sent out on 3rd August 2021, to 50 addresses local to the application site. In addition, a site notice was displayed. In response, 6 objections were received (see Summary of Representations):

7.0 **CONTACT OFFICER: Nick Blackledge - [Senior Planner]**

8.0 **DATE PREPARED: 4th November 2021**

9.0 SUMMARY OF REPRESENTATIONS

Objection – Usman Mangera. Received – 24/08/2021

I am a resident on Limbrick, and have been sent a letter regarding the demolition and rebuild of apex mill.

The application reference number is 10/21/0790.

I have one particular concern with the plans, which can easily be rectified.

If you look to see where the bin store will be kept, it is directly neighbouring my back yard.

Currently there is a solid stone wall that is dividing my yard from apex mill.

The plans are showing that there will be a cage or fence that will now be dividing the bin store from my back yard.

I have two main concerns regarding this.

Firstly I will have lost my privacy, as there will be a fence that you can see through clearly... plus the fact that a bin store will be an eye sore.

Secondly the risk of rodents that will run through the fence and into my yard. This could be a major issue.

There is a simple fix to this, which is to leave the current stone wall as it is and have the bin store behind it, this way the bin store is still within its grounds and will not be seen from my yard as it's behind a wall as oppose to behind a fence.

Objection – Mr Amjad Hussain, 26 Randal Street, Blackburn. Received 27/08/2021

I write in response to the planning application for the former apex mill on Bold Street.

I object to this application for change of use from a place of manufacturing to a retail development due to the inevitable additional vehicle traffic this will bring to the area.

My neighbours & I already suffer regular and continuous mayhem at this side of Randal St, Bold St & Limbrick with high volumes of people parking inconsiderately & dangerously to visit the current retails outlets which is made considerably worse with wedding events at Waheeds Buffet Restaurant.

Waheeds do not have a car park of their own, so I'm surprised they were given permission to open such an establishment especially when they themselves nor the authorities provide any monitoring of vehicle parking when events are taking place. We find people parking on double yellows to the very end of road to the give ways onto Bold St & Limbrick preventing traffic from being able to turn in safely and creating danger for pedestrians & other vehicles.

This also causes blocked traffic from both ends causing gridlock with car backing along Randal St to Charlotte St and the sideroads .

Then the car horns start from frustrated drivers stuck with no way of getting out.

On top of this there is also a high number of vehicles at 5pm & 7.30pm Mon-Fri dropping/collecting children from the Mosque.

Any further large retails outlet will do nothing but increase the already chaotic & dangerous scenes we witness with great regularity for both commuters & residents.

Objection – Mr Sazid Patel, 14 Randal Street, Blackburn. Received – 27/08/2021

I write in response to the planning application for the former apex mill on Bold Street.

I object to this application for change of use from a place of manufacturing to a retail development due to the inevitable additional vehicle traffic this will bring to the area.

My neighbours & I already suffer regular and continuous mayhem at this side of Randal St, Bold St & Limbrick with high volumes of people parking inconsiderately & dangerously to visit the current retails outlets which is made considerably worse with wedding events at Waheeds Buffet Restaurant.

Waheeds do not have a car park of their own, so I'm surprised they were given permission to open such an establishment especially when they themselves nor the authorities provide any monitoring of vehicle parking when events are taking place. We find people parking on double yellows to the very end of road to the give ways onto Bold St & Limbrick preventing traffic from being able to turn in safely and creating danger for pedestrians & other vehicles.

This also causes blocked traffic from both ends causing gridlock with car backing along Randal St to Charlotte St and the sideroads .

Then the car horns start from frustrated drivers stuck with no way of getting out.

On top of this there is also a high number of vehicles at 5pm & 7.30pm Mon-Fri dropping/collecting children from the Mosque.

Any further large retails outlet will do nothing but increase the already chaotic & dangerous scenes we witness with great regularity for both commuters & residents.

Objection – Mr Idris Patel, 3 Randal Street, Blackburn. Received – 27/08/2021

I write in response to the planning application for the former apex mill on Bold Street.

I object to this application for change of use from a place of manufacturing to a retail development due to the inevitable additional vehicle traffic this will bring to the area.

My neighbours & I already suffer regular and continuous mayhem at this side of Randal St, Bold St & Limbrick with high volumes of people parking inconsiderately & dangerously to visit the current retails outlets which is made considerably worse with wedding events at Waheeds Buffet Restaurant.

Waheeds do not have a car park of their own, so I'm surprised they were given permission to open such an establishment especially when they themselves nor the authorities provide

any monitoring of vehicle parking when events are taking place. We find people parking on double yellows to the very end of road to the give ways onto Bold St & Limbrick preventing traffic from being able to turn in safely and creating danger for pedestrians & other vehicles.

This also causes blocked traffic from both ends causing gridlock with car backing along Randal St to Charlotte St and the sideroads .

Then the car horns start from frustrated drivers stuck with no way of getting out.

On top of this there is also a high number of vehicles at 5pm & 7.30pm Mon-Fri dropping/collecting children from the Mosque.

Any further large retails outlet will do nothing but increase the already chaotic & dangerous scenes we witness with great regularity for both commuters & residents.

Objection – Mr Atif Hussain, 5 Randal Street, Blackburn. Received – 27/08/2021

I write in response to the planning application for the former apex mill on Bold Street.

I object to this application for change of use from a place of manufacturing to a retail development due to the inevitable additional vehicle traffic this will bring to the area.

My neighbours & I already suffer regular and continuous mayhem at this side of Randal St, Bold St & Limbrick with high volumes of people parking inconsiderately & dangerously to visit the current retails outlets which is made considerably worse with wedding events at Waheeds Buffet Restaurant.

Waheeds do not have a car park of their own, so I'm surprised they were given permission to open such an establishment especially when they themselves nor the authorities provide any monitoring of vehicle parking when events are taking place. We find people parking on double yellows to the very end of road to the give ways onto Bold St & Limbrick preventing traffic from being able to turn in safely and creating danger for pedestrians & other vehicles.

This also causes blocked traffic from both ends causing gridlock with car backing along Randal St to Charlotte St and the sideroads .

Then the car horns start from frustrated drivers stuck with no way of getting out.

On top of this there is also a high number of vehicles at 5pm & 7.30pm Mon-Fri dropping/collecting children from the Mosque.

Any further large retails outlet will do nothing but increase the already chaotic & dangerous scenes we witness with great regularity for both commuters & residents.

Objection – Yusuf Patel, 3 Bold Street, Blackburn. Received 13/09/2021

I heard you are building a retail complex on bold st of randle st, i think this is a bad idea once it is built then its ok but not overol. There are enough problems already going on every st and i don't know how long it will take you to build this retail complex. I think you need to ask every household whether it's a good idea to build it or not on limbrick st, randle st, bold st, lime st, nikenell st, oswald st and balaclava st. you need to think twice and decide on every aspect of this matter.

1 - u get a wedding hall which is on randle st watch hapans on weekends and in the evenings during the weekdays and u need to see where it is full of cars on every st, there is a big issue with them and every person has complained but they DO NOT LISTEN TO ANY 1.

2 - We have a kids issue from 5.00pm to 8.00 pm there are full of cars on every street as I mentioned as above.

3 - Everybody in every street has a permit and where are going to build a car park for this retail complex?

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/0919

Proposed development: Variation of Condition / Minor Material Amendment: Variation of Condition No.8 pursuant to planning application 10/21/0148 "Erection of Use Class E Convenience Store with Staff/Storage at First Floor and 16 Customer Parking Spaces and Delivery Area" - to amend approved opening hours from 07:00 - 22:00, to 07:00 - 23:00 daily.

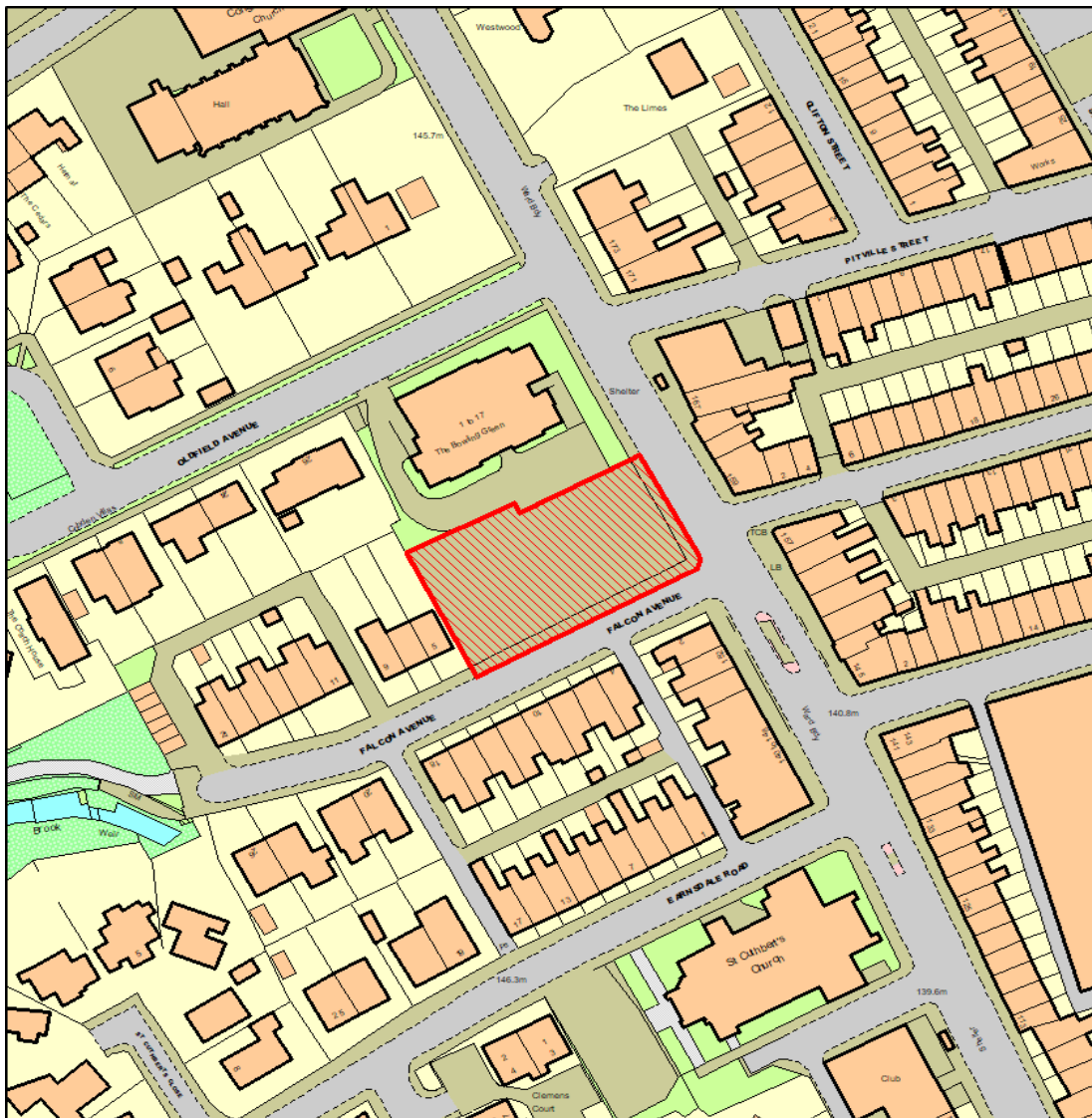
Site address:

**Former Hollins Grove Liberal Club
Falcon Avenue
Darwen
BB3 1QX**

Applicant: Thistlewood Properties

Ward: Darwen West

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



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions set out at paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This Minor Material Amendment application proposes to vary the permitted hours (of the store) condition applied to the original grant of planning permission. As the original application was determined by Committee, it follows that any subsequent proposed amendments must also be determined by the Committee. Further, a significant number of neighbourhood objections have been received, together with objections from two Ward Councillors – Taylor and Brookfield (refer to summary of representations in Section 9).
- 2.2 Members are advised that the principle of the development, in accordance with the previously approved detail, and all other conditions applied to the permission, is established. Assessment of this application is strictly limited to the merits of the proposed amended trading hours.
- 2.2 Assessment of the application finds the proposal, on balance, to be acceptable, taking account of all material circumstances.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) measures 0.14 hectares. It is located within the Urban Boundary of Darwen, at the junction of Blackburn Road and Falcon Avenue, consisting of previously developed land formerly occupied by Hollins Grove Liberal Club and associated car park. The site fronts Falcon Avenue to the south, from where access is taken; the eastern boundary adjoins Blackburn Road, whilst the northern and western adjoin residential uses. The existing Co-op Store -140-148 Blackburn Rd – is located circa 50m to the south of the site, along Blackburn Road.
- 3.1.2 The surrounding area is generally characterised as mixed residential and commercial.

3.2 Proposed Development

- 3.2.1 Following the grant of planning permission by the Planning & Highways Committee in July 2021 for a new Co-op convenience store, a variation of the following condition (no. 8 in sequence), attached to the planning permission, is proposed, under the provision of Section 73 of the Town and Country Planning Act 1990:

The use hereby permitted shall operate between the hours 07:00 and 22:00.

REASON: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

Extended trading hours are proposed to between 07:00 and 23:00.

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 Blackburn With Darwen Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal the following policy considerations are relevant:

3.3.3 Core Strategy:

- Policy CS1: A Targeted Growth Strategy
- Policy CS11: Facilities and Services
- Policy CS12: Retail Development

3.3.4 Local Plan Part 2 (LPP2):

- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People

3.4 Other Material Planning Considerations

3.4.2 National Planning Policy Framework (The Framework):

3.4.3 National Planning Policy Guidance (NPPG)

3.5 Assessment

3.5.2 In assessing this application, the following important material consideration has been taken into account:

- Amenity impact.

3.5.3 Amenity

Policy 8 requires development to contribute positively to the character of the area and to secure a satisfactory level of amenity and safety for occupants or users of the development itself and for surrounding uses, including reference to pollution, nuisance, the relationship between buildings, crime reduction and community safety.

- 3.5.4 The original application proposed trading hours of between 07:00 and 23:00. Although supported at officer level recommendation, the Committee deemed the proposed 23:00 closure time to be unreasonable, insofar as it would likely result in an unacceptable degree of harm caused by noise disturbance to neighbouring residents living along Falcon Avenue, due to the relative proximity of the site. Accordingly, a closure time of 22:00 was approved and secured via condition, as noted above.
- 3.5.5 The applicant submits that this proposed amendment follows an evaluation by the Co-op of the store as being appropriate to trade during the proposed hours, to align with many of their other stores nationally and some convenience stores in Darwen operated by competitors. It is further submitted that a relatively small number of local customers are expected during the final hour of trading and that parking will be confined to the stores dedicated car park, as residents are protected from on street customer parking by a Residents Only Park Scheme secured via condition also attached to the original permission. That the store is located within a defined District Centre is also offered as a supportive argument.
- 3.5.6 As a counter argument, Members are advised that the existing Co-op store, less than 50m to the south, currently trades between 07:00 and 22:00, notwithstanding the absence of any time limiting planning condition. Some competitor retail convenience stores within Darwen are also recognised as trading until 22:00; the Nissa store on Blackburn Road, circa 1km to the north is one such example.
- 3.5.7 Notwithstanding the above, the proposed trading hours are, on balance, considered to be acceptable, since there is no substantive evidence that significant levels of disturbance would arise. It is considered that noise levels arising from the site are unlikely to be excessive in the context of background levels generated by traffic along the A666. Moreover, the Council's Public Protection consultee offers no objection to the proposal, whilst acknowledging the existence of conditions limiting noise emitted from plant and machinery and delivery hours, to safeguard residential amenity, as referenced at paragraph 4.1, conditions 9 and 10 respectively.
- 3.5.8 It is also important to note that the proposed hours were supported at officer level in assessment of the original application and that this recommendation represents consistency of approach.
- 3.5.9 Accordingly, the proposal is, on balance, found to be in accordance with the requirements of Policy 8 of the Development Plan and The Framework

4.0 RECOMMENDATION

4.1 Approve.

Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 16th February 2021 and with the following drawings numbered: (to be added).

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

3. Prior to commencement of the development hereby approved, written and illustrative details of the external walling, roofing and window materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

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

4. 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, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority.

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

5. 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.

6. 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.

7. Construction of the development hereby permitted shall only take place between the following hours:
Monday to Friday: 08:00 to 18:00;
Saturday: 09:00 to 13:00; and
Not at all on Sundays or Bank Holidays.

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

8. The use hereby permitted shall operate between the hours 07:00 and 23:00.

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

9. The cumulative noise from plant and associated equipment at the site shall not exceed the following rating levels, specified in Table 4 of the Plant Noise Guidance document (Document Ref: 89595):
 - Daytime (07:00 – 23:00 hrs): 43dB(A); and
 - Night-time (23:00 – 07:00 hrs): 37 dB(A).

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

10. Deliveries of goods into the site shall not take place between the hours of 20:00 and 08:00, with the exception of delivery of newspapers.

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

11. 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, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council 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. Prior to commencement of the development hereby approved and notwithstanding the submitted details, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of materials to be used for hard surfaces and native tree and shrub planting, to compliment local priority habitat and to provide for a net gain in biodiversity. Hard surfaces shall be implemented in accordance with the agreed details. Planting of trees and shrubs shall also be implemented in accordance with the approved details, during the first available planting season following completion of the development. Trees dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

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

14. No works to trees shall occur or demolition commence between the 1st March and 31st August in any year unless and until a detailed bird nest survey, undertaken by a suitably experienced ecologist, has been submitted to the Local Planning Authority in writing, confirming that no active bird nests are present.

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.

15. The development shall be carried out in strict accordance with the submitted Arboricultural Impact Assessment, prepared by SEED, dated 12th February 2021 (1197-AIA-V1-A). 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.

16. Prior to commencement of the development hereby approved, a Construction and Environmental Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be strictly adhered to throughout the construction period. The Statement shall provide for:
- i) the management of construction traffic;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
 - vi) measures to control the emission of dust, dirt and vibration; and
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: In order to guard against disruption to highway users; to avoid hazardous deposits of debris onto the highway; to protect the amenity of the occupiers of the adjacent properties; and to protect Kebbs Brook from pollution, in accordance with Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

17. Prior to operational use of the store hereby approved, and notwithstanding the submitted details, a Delivery Management Plan shall

be submitted to approved in writing by the Local Planning Authority. The Plan shall specify frequency of daily deliveries; their routine arrival and departure times; necessary decommissioning of on-site parking spaces at such times and other general management arrangements necessary to adequately guard against adverse impacts on the local highway network and neighbouring amenity. The plan shall be implemented in accordance with the approved details for the duration of the operational use of the store.

REASON: To minimise the risk of unacceptable impacts upon the highway network at to neighbouring residential amenity, in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan.

18. Prior to commencement of above ground works, a Traffic Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for renewed and extended road markings, signage and associated works, as necessary, at the junction of Falcon Avenue and Blackburn Road. The scheme shall be implemented in accordance with the approved detail, prior to commencement of the operational use of the store hereby approved.

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

19. Prior to commencement of any above ground works, a detailed scheme for the proposed height reduction to the boundary wall adjacent to Blackburn Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposed elevation drawings indicating the position of the pedestrian access and cross sectional drawings indicating retained land levels as well as engineering specifications. The works shall be carried out in accordance with the approved detail, prior to commencement of the operational use of the store hereby approved.

REASON: To ensure the safe, efficient and convenient movement of all highway users, to safeguard retained trees, in accordance with Policies 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

20. Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy 10/11/40 of the Blackburn with Darwen Borough Local Plan Part 2

5.0 PLANNING HISTORY

- 5.1 Proposed new children's nursery with two self-contained apartments (10/14/0180) - refused in December 2014 due to amenity & parking; and

Proposed residential development comprising nine 2-bedroom apartments (10/16/0067) - approved in April 2016. This permission has not been implemented.

6.0 CONSULTATIONS

6.1 Public Protection

No objection subject to condition:

Hours of Use Restriction

The use hereby permitted can only operate between 07:00 and 23:00

Reason: To ensure that noise from the permitted development does not give rise to a loss of residential amenity.

The applicant had originally proposed a variation that would enable them to operate from 06:00 to 23:00. I recommended refusal.

However, the applicant has amended their proposal and they are now seeking to operate from 07:00 to 23:00.

Application 10/21/0148 was approved subject to conditions limiting noise from plant and equipment, and deliveries are not permitted after 20:00 or before 08:00, with the exception of newspapers. These conditions remain in force. And it is anticipated that the number of customers visiting the site will reduce significantly later in the evening and particularly after 22:00. In light of this I withdraw my previous recommendation that the application is refused, and I recommend that condition 8 is amended as follows:

Condition

The use hereby permitted shall operate between the hours 07:00 and 23:00.

REASON: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

6.2 Public consultation

Neighbourhood consultation letters were sent out on 13th August 2021, to 46 addresses local to the application site. In addition, a site notice was displayed. In response, 9 objections were received (see Summary of Representations):

7.0 CONTACT OFFICER: Nick Blackledge - [Senior Planner]

8.0 DATE PREPARED: 4th November 2021

9.0 SUMMARY OF REPRESENTATIONS:

Objection – Mrs Julie Reay, 6 Falcon Avenue, Darwen, Received 03.11.21

6 Falcon Avenue

Darwen

Lancashire

I am writing to oppose the amendment of plans for an extension of opening hours of the store. It is in my opinion there is no demand for the extension of hours the last hour before closing the store is often quiet.

These amendments will have massive impact not only on myself but my neighbours too.

my bedroom backs onto the rear of the current store, there is often lots of noise from trolleys rattling, staff shouting to each other, delivery persons shouting and the noise the actual waggon makes with the sliding up and down of doors. The noise from the generators and fans is also very annoying especially later at night. Noise from staff emptying bins and lids slamming. I am also concerned about having bright lights and the impact it might have on my home.

I have massive concerns about the impact this could have on antisocial behaviour from the sale of alcohol. This could create people hanging around behind walls and trees etc. People could become aggressive thus then causing damage to properties and vehicles. This has become an issue on the street lately and I personally do not feel this is what we need as a community.

Furthermore the amount of traffic this will generate is not accessible for such a small Avenue. The Avenue is already struggling with the amount of traffic and rude drivers who just leave their cars anywhere to go to the coop or teaching centre. I have nearly had a couple of accidents, when cars speed down the back alley to skip the lights on Earnsdale Avenue.

Extending the hours will only amplify and extend the noise ,traffic parking, antisocial behaviour and general running of a store. I feel 11pm is far too late to be open especially when I and other residents work hard and respect the time we get to relax after work. These late hours are going to impact this.

Building the store is also going to impact such a small Avenue. The caring sharing co-op needs to think about the work they do for the community because they are ruining ours.

Yours Faithfully

Mrs Julie Reay

Objection – Mariessa Ganem, 16 Falcon Avenue, Darwen, Received 02.11.21

Hello,

I am writing in regards to the amendment of the opening times for the new Co-op situated on Falcon Avenue, Darwen, BB3 1QX.

10/21/0148

I wish to reject the amended times the Co-op have requested. This is due to:

- **Noise** - The new proposed time is too late. Residents on the street will have to deal with the noise from customers until 11pm. There are young children and elderly residents on the street.

- **Other Stores** - Having looked at the opening times for all Co-ops in the surrounding areas, none of them open until 11pm, all of them are 10pm. Why is there a need to open this one later?

- **Staff** - Having spoken to staff members at the current Co-op, they are not happy about having to stay open as they feel there is no need.

Regards,

Mariessa Ganem

16 Falcon Avenue,

Darwen,

Lancashire,

BB3 1QX

Objection - Elaine Marsden, on behalf of Vera Charnock, 18 Falcon Avenue received 27.10.2021

Dear Gavin, dear Nick,

Further to your most recent correspondence of the 20th October, 2021, please see below comments on behalf of my mother, Vera Charnock, resident at 18, Falcon Avenue, BB3 1QX, in objection to yet another planning application amendment submitted by the Coop:

Opening hours

The opening hours stated within the original Planning Application 10/21/0148 were 6am until 11pm daily, as compared with the current hours at the Blackburn Road store, which are 7am until 10pm daily. Objections to the extended opening hours were raised by residents, and a condition was imposed by the Planning Committee to limit the opening hours to 7am until 10pm daily. This was described in Condition No. 8 of the Planning Committee Decision Notice of 15th July 2021.

Nothing has changed for us as residents, and as far as we are concerned the original reasons for objection to the extended opening hours still stand. It is incredibly disappointing that the developer feels that they can continue to raise application amendments to extend the opening hours in the hope that eventually their wishes will be accommodated.

As previously stated, the current store is on a main road, Blackburn Road, and is not in the direct vicinity of residential properties. However the proposed store is within a residential zone and the extended opening hours of 7am until 11pm daily would lead to increased noise disruption late at night with respect to pedestrians and vehicles accessing the facilities at the store.

There is the second issue of potential anti-social behaviour regarding late night drinking on the street when customers are permitted to purchase alcohol at that late hour.

These factors would present a negative impact on the residential area, and result in difficulties for working families with bedrooms and living areas overlooking the site who potentially would be disturbed.

The imposed conditions pertaining to opening hours should stand and the planning decision of the 15th July 2021 should be upheld with the opening hours remaining at 7am until 10pm.

I would also like to note that of the 22 Coop stores located within a 10 mile radius of BB3 1QX only two stores have late night opening hours until 11pm. These are at Tonge Moor Road BL2 2HN, and Wigan Road BL3 4QJ. Both of these stores are larger than the one proposed at Falcon Avenue, with additional facilities such as grocery collection and delivery. Therefore clearly it is not within the current business model of the Coop to open their smaller community stores until 11pm and I submit that there is no justification to make an exception to this model by allowing the new Falcon Avenue store to have extended opening hours until 11pm.

Objection – Mr Scott Matthews, 8 Falcon Avenue, Darwen, Received 25.10.21

Dear Sir/Madam,

I have recently received your letter regarding the proposed changes to the planning permission for the class E convenience store on Falcon Avenue Darwen.

I strongly object to the proposed change to opening hours. Myself and my wife have a young family and the avenue is already extremely busy with traffic due to the co-op. We feel the extra late opening would disrupt our privacy and would disrupt our children as both of their bedrooms look out onto what would be the new store.

As part of this I would strongly suggest if planning permission is given to go ahead for the new store that deliveries are limited to between 9am-10am each day. This would cause the least disruption to us as a residential area and would not impact on my children and their sleep pattern if deliveries are arriving at 6am. I have been informed that this was implemented at a co-op store in the north west quite recently as they too are in a residential area and had the same issue with deliveries.

Finally I feel the need to have the entrance and exit to the store on Falcon Avenue to be a very strange decision. We as a community think it would make far more sense to have the entrance and exit on the main road, this would also help to minimise the disruption and traffic the store would have on us as a community, we can see no real reason this cannot be achieved.

Regards

Mr Scott Matthews

Objection 4 – Joanne & Russell Lambert, Falcon Avenue residents, Received 25.10.21

Dear Mr Blackledge,

Further to our previous emails below regarding the application by the Co-op to revise their opening times for their proposed new build store on Falcon Avenue, Darwen and our objections.

We have been doing some research and on looking at the Co-op opening times and websites for the Lancashire area and having spoken to a few of the stores, we have found that the majority advertise opening hours, in varying areas (residential & none residential) 7am to 10pm and those that have advertised 7-11pm when you go on the actual store website it in fact shuts at 10pm. We are at a loss why the Co-op are requesting these unreasonable hours of firstly 6am-11pm and now revised it to try for 7am-11pm in a residential area, especially when the Planning Committee have already stipulated the opening hours to be 7am-10pm for the very reasons we are stating?

The current Co-op at Hollins Grove opens 7am-10pm as previously stated and having discussed with various staff from a couple of different stores i.e. Hollins Grove, Rishton & Livesey Branch, they all say there is no justification to open until 11pm, which the Co-op must already be aware of as the large majority of their stores shut at 10pm.

Also, to raise further, we have broached the delivery times previously which in the planning agreement states, no deliveries before 8am and after 8pm. Again, having spoken to other stores in residential areas, the delivery times are after 9am in some and 10am in others and none after 8pm. Can this please be raised again with the Co-op, as previously stated the deliveries at the Hollins Grove branch have been a bone of contention with neighbours for a while, the deliveries disturb residents every morning from generally around 0530 onwards which we have put up with, but we are now realising that it is something that can be challenged and re-addressed, which going forward to the new build we feel needs to be put in place from the start as this will be a larger store with more deliveries than the current store.

We would like to reiterate, that we do not wish to be unreasonable with the Co-op in our concerns and requests, we are merely trying to look after our future health & wellbeing and that of the other residents too and respectfully request that our quality of life be taken into consideration.

Thank you again for your time in this matter, we hope our comments and concerns are helpful.

Kind regards

Joanne & Russell Lambert

Falcon Avenue Residents

Objection 3 – Joanne & Russell Lambert, Falcon Avenue residents, Received 24.10.21

Dear Mr Blackledge,

Further to our previous emails below regarding the application by the Co-op to revise their opening times for their proposed new build store on Falcon Avenue, Darwen and our objections.

We have been doing some research and on looking at the Co-op opening times and websites for the Lancashire area and having spoken to a few of the stores, we have found that the majority advertise opening hours, in varying areas (residential & none residential) 7am to 10pm and those that have advertised 7-11pm when you go on the actual store website it in fact shuts at 10pm. We are at a loss why the Co-op are requesting these unreasonable hours of firstly 6am-11pm and now revised it to try for 7am-11pm in a residential area, especially when the Planning Committee have already stipulated the opening hours to be 7am-10pm for the very reasons we are stating?

The current Co-op at Hollins Grove opens 7am-10pm as previously stated and having discussed with various staff from a couple of different stores i.e. Hollins Grove, Rishton & Livesey Branch, they all say there is no justification to open until 11pm, which the Co-op must already be aware of as the large majority of their stores shut at 10pm.

Also, to raise further, we have broached the delivery times previously which in the planning agreement states, no deliveries before 8am and after 8pm. Again, having spoken to other stores in residential areas, the delivery times are after 9am in some and 10am in others and none after 8pm. Can this please be raised again with the Co-op, as previously stated the deliveries at the Hollins Grove branch have been a bone of contention with neighbours for a while, the deliveries disturb residents every morning from generally around 0530 onwards which we have put up with, but we are now realising that it is something that can be challenged and re-addressed, which going forward to the new build we feel needs to be put in place from the start as this will be a larger store with more deliveries than the current store.

We would like to reiterate, that we do not wish to be unreasonable with the Co-op in our concerns and requests, we are merely trying to look after our future health & wellbeing and that of the other residents too and respectfully request that our quality of life be taken into consideration.

Thank you again for your time in this matter, we hope our comments and concerns are helpful.

Kind regards

Joanne & Russell Lambert

Falcon Avenue Residents

Objection – Cllr Brian Taylor – Unknown address, Received 25.10.21

Hi Mr and Mrs Lambert,

I believe that the present Coop site has early morning deliveries, because the delivery vehicles have to park just above the traffic signals on Earnsdale Rd. And this was a condition applied when the traffic signals were installed.

Obviously when the new site is operational there won't be any need to deliver before 8am.

I hope this helps. The points you make are very valid.

Regards

Brian

Objection 1 – Joanne & Russell Lambert, Falcon Avenue residents, Received 17.08.21

Dear Mr Blackledge,

Ref: 10/21/0919

Re: Planning Application Variation to opening times new build Co-op Falcon Avenue

In response to your letter dated 13th August 2021 that we received in today's post regarding the above, we as residents on Falcon Avenue wish to place on record that we strongly oppose these amended opening times, as previously raised as a disturbance problem to residents on a residential Avenue not only on Falcon but Oldfield too, in the original planning application.

We understand that the Planning Committee have previously opposed the opening times 7am to 11pm and have implemented that the opening times should be 7am to 10pm with deliveries from 8am to 8pm to have courtesy and duty of care to the residents. The fact that the Co-op has now reapplied and asked for it now to be from 6am to 11pm is just outrageous with no thought for its neighbours who live here, I am quite sure they would not wish for this to happen on their own doorsteps!

We oppose the new opening times on the grounds that it will be detrimental to the residents and neighbours health, not only from the increased constant customers and cars but again the added problem of anti-social behaviour and juvenile nuisance, that will, I assure you, attract! The Co-op on Blackburn Road opens 7am to 10pm on a main road and this causes noise disturbance now when deliveries are arriving and we have to put up with that, why do they think it is ok to further disturb our peace with opening from 6am to 11pm with cars, pedestrians and deliveries coming and going all day facing residents houses! It is unreasonable and unacceptable and quite frankly very disappointing that the Co-op have had no thought or duty of care to its neighbours, all we ask is a reasonable expectation of quiet living, we have tried to work with the Co-op on this new venture but it seems they aren't understanding on this situation.

Thank you for your time in this matter

Kind regards

Joanne & Russell Lambert
Falcon Avenue Resident

Objection – Cllr Brian Taylor, Received 17.08.21

I have also objected along the same lines.

Regards

Brian

Objection 2 – Joanne & Russell Lambert, Falcon Avenue residents, Received 19.10.21

Dear Mr Blackledge,

We are sending this email in response to being made aware that the Co-op have yet again applied on 13th August 2021 (Ref 10/21/0919) to amend the opening hours for the proposed new build on Falcon Avenue, Darwen. The amended opening times they are now requesting we are told and on viewing the application, is for the hours to be 7am to 11pm.

Can I please bring your attention to our previous email below dated 17th August 2021, and be kindly advised that we as residents, still strongly object to alterations being made to the agreed opening times of 7am to 10pm which were implemented by the Planning Committee on the original application, this was to protect the residents health, wellbeing & safety and general quality of life on Falcon Avenue & Oldfield Avenue, our objections stand firm and we do not wish for this new Co-op to open until 11pm. It is unreasonable and unfair, this should not be allowed to go ahead for the reasons stated, on a residential Avenue and I can advise you that the other residents feel just as strongly about this too.

We are disappointed that a so-called community Co-op is causing the very community it serves a lot of unnecessary stress and we do not understand why they feel it is ok to keep pushing these amendments, in hope that we give in. Please inform them we will not just sit back and allow them to try to hoodwink or ride rough shod over the residents of Falcon Avenue, we are entitled to a quality of life that protects us. They open from 7am to 10pm now at the existing Co-op and see no reason why this should change in the new build.

We already have disturbance every morning from 530am onwards at the existing Co-op with the loud noise and clattering of the deliveries which isn't great but we have put up with this which we shouldn't really have to. I know the new build proposals have stipulated no deliveries until after 8am....although 9am would be better ...but wish to be reasonable, we do hope though, they adhere to that regulation as it is very noisy and does cause disturbance every morning at present. As I've already stated, we should be allowed a quality of life in our own homes and Avenue where we live, opening until 11pm will be detrimental to this and we respectfully hope you take this into consideration.

Thank you for your time in this matter.

Kind regards

Joanne & Russell Lambert

Falcon Avenue Resident

Objection Cllr Brian Taylor, Received 20.10.21

Hi Nick,

I do agree with the Lamberts, car doors slamming and starting is not good for the neighbours. 7am-10pm is only just acceptable in a residential street. Earlier or later isn't acceptable in my opinion. I think that I'm right in thinking that 7-10 are the present hours and would appear to be profitable otherwise they wouldn't be looking to expand.

Regards

Brian

Objection – Michael & Jill Smith, 10 Falcon Avenue, Darwen, Received 20.10.21

I'm a resident on Falcon Avenue in Darwen. I wish to place an objection of the above planning application of the proposed new co-ops closing time of 11pm it is not reasonable in a residential area 7am to 10pm is only just about reasonable. Also I would like to propose that the delivery times are no earlier than 8am as even now we can hear the staff crashing about from around 6.30am.

Kind regards

Michael and Jill Smith

10 Falcon Avenue

Darwen

BB3 1QX

Objection – Cllr Stephanie Brookfield, Received 20.10.21

Hi Nick

I agree with the Lamberts and Councillor Taylor.

The Co-ops on Livesey Branch Road and Whalley Road both close at 10pm so why should this one be any different?

Once again I object to the amended opening hours.

Kind regards

Stephanie

Objection – Miss L Nuttall, 7 Falcon Avenue, Darwen, Received 02.09.21

Dear Sirs

Thank you for your letter dated 13th August 2021 regarding the amendment of opening hours at the Former Hollins Grove Liberal Club, Falcon Avenue, Darwen, BB3 1QX from 07:00-22:00 to 06:00-23:00.

I do not agree with the extended opening hours of the Co-op store, as this will cause extra noise early in the morning and late and night with cars and delivery vans and people.

If the store is to open at 06:00am deliveries will be made even earlier and there will be noise when the staff are closing up which will be after 23:00pm.

I believe this will encourage more traffic on the street during unsociable hours.

Also I am very concerned that it will encourage youths to be loitering around the street late at night and will cause noise pollution. There is already enough anti-social behaviour that goes on in this area and I feel this will encourage more

The current co-op opens from 07:00 till 10:00pm which I believe is late enough.

Please can you take these points into consideration before allowing the opening and closing hours to go ahead.

Yours faithfully

Miss L Nuttall

7 Falcon Avenue

DARWEN

Objection – Mrs Jill Smith, 10 Falcon Avenue, Darwen, Received 02.09.21

As a resident on Falcon Avenue I am objecting to the amended proposal for longer opening hours. For one, at the moment I can hear the cages crashing about before 7 o'clock if application goes ahead the store is closer and the noise will be louder and earlier and obviously going on later. Also I am concerned about being overlooked from early morning until late at night with car headlight shining through windows, car doors slamming and engines revving. I personally think this is very poor from the co-operative they have received permission for the store to be built but now it seems they want to push other boundaries. This is first and foremost a residential street and the disturbance of having a store on a small street is going to be bad enough with traffic entering and leaving now they want it going on longer this is not on.

Mrs Jill Smith

10 Falcon Avenue

Darwen

BB3 1QX

Objection – Vera Charnock, 18 Falcon Avenue, Received 02.09.21

Dear Gavin, dear Nick,

Further to your correspondence of the 13th August, 2021, please see below comments on behalf of my mother, Vera Charnock, resident at 18, Falcon Avenue, BB3 1QX, in objection to this planning application amendment:

Opening hours

Opening hours stated within the original Planning Application 10/21/0148 were 6am until 11pm daily, as compared with the current hours at the Blackburn Road store, which are 7am

until 10pm daily. Objections to the extended opening hours were raised by residents, and a condition was imposed by the Planning Committee to limit the opening hours to 7am until 10pm daily. This was described in Section 8 of the Planning Committee Decision Notice.

Nothing has changed for us as residents, and as far as we are concerned the original reasons for objection to the extended opening hours still stand. It is somewhat brazen of the developer to raise a second application to have the imposed conditions amended.

The current store is on a main road, and is not in the direct vicinity of residential properties. However the proposed store is within a residential zone and the extended opening hours would lead to increased noise disruption early in the morning and late at night with respect to pedestrians and vehicles accessing the facilities at the store.

The imposed conditions pertaining to opening hours should stand and the planning decision of the 15/07/2021 should be upheld.

Regards,

Elaine Marsden, on behalf of Vera Charnock, 18 Falcon Avenue, BB3 1QX

Objection – Cllr Brookfield, Received 17.08.21

As Darwen West Councillor I wish to object to the proposed change of opening hours.

If these hours had been in the original application, I would have objected.

Falcon Avenue is a quiet residential area and as such shouldn't be subjected to further disturbances due the proposed extended opening hours.

Kind regards

Stephanie

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/1016

Proposed development: Full Planning Application (Retrospective) for Retention of 2m High fencing to west and south of the site with entrance gates from Rosewood Avenue

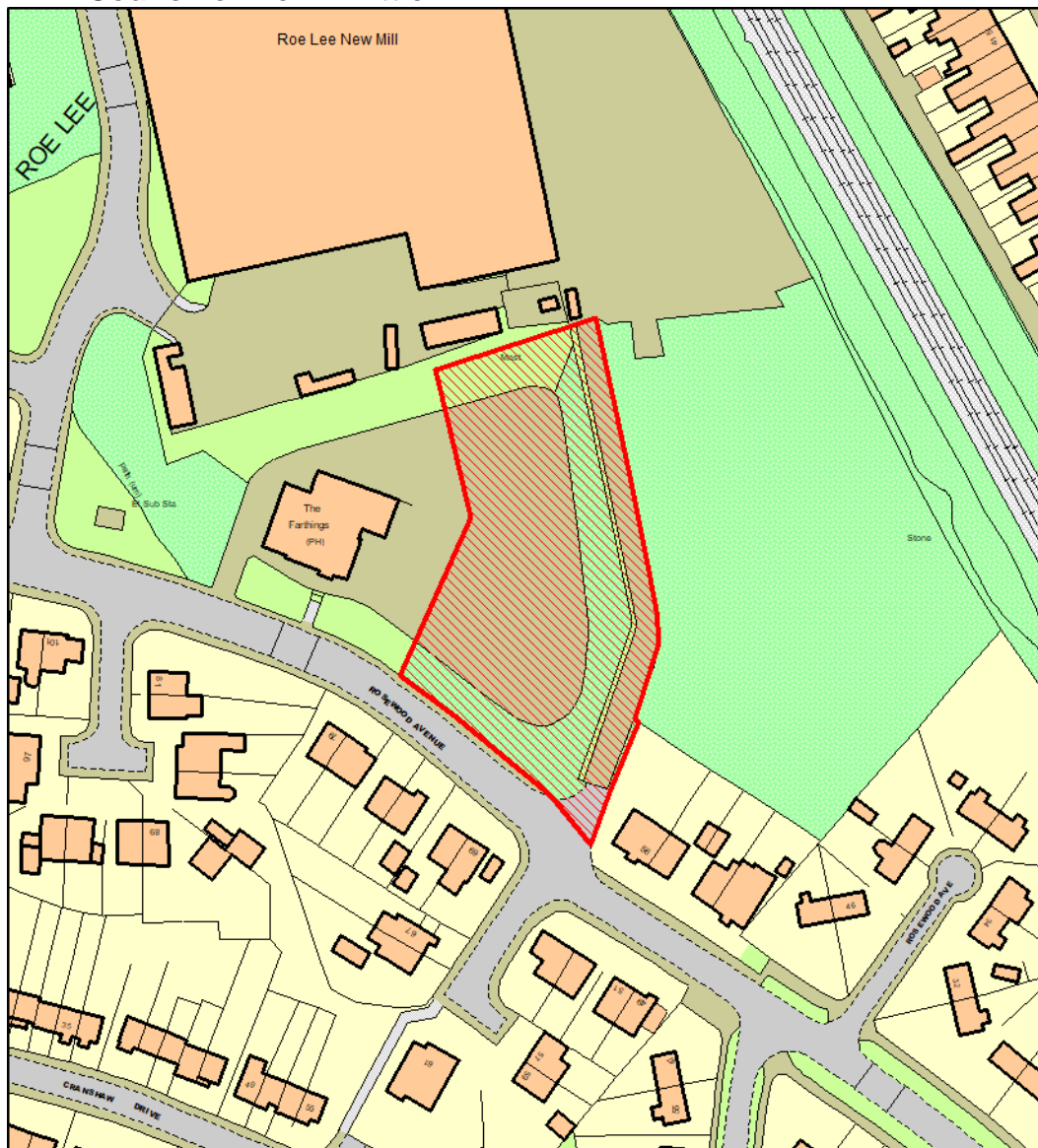
Site address:

**Area to the East of Farthings Public House and to the North of Rosewood Avenue
Blackburn**

Applicant: Jangeer Yasen

Ward: Roe Lee

**Councillor Phil Riley
Councillor Sylvia Liddle
Councillor Ron Whittle**



1.0 SUMMARY OF RECOMMENDATION

- 1.1.1 **Approve** subject to the condition recommended in Section 4 of this report.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1.1 The application is reported to the Committee in accordance with the Scheme of Delegation as the land to which the boundary fences relate is owned by the Council who will be selling it should this application be approved.
- 2.1.2 The application is retrospective as all fences are erected.
- 2.1.3 The enclosure of the site is considered to be a public benefit as it prevents fly-tipping occurring and anti-social behaviour taking place. This is considered to be beneficial to the locality and nearby residents.
- 2.1.4 On the whole, the visual impact of the proposals is also considered to be acceptable subject to soft planting being included to the rear of the fence on Rosewood Avenue. A condition is recommended in Section 4 of this report to secure this.

3.0 RATIONALE

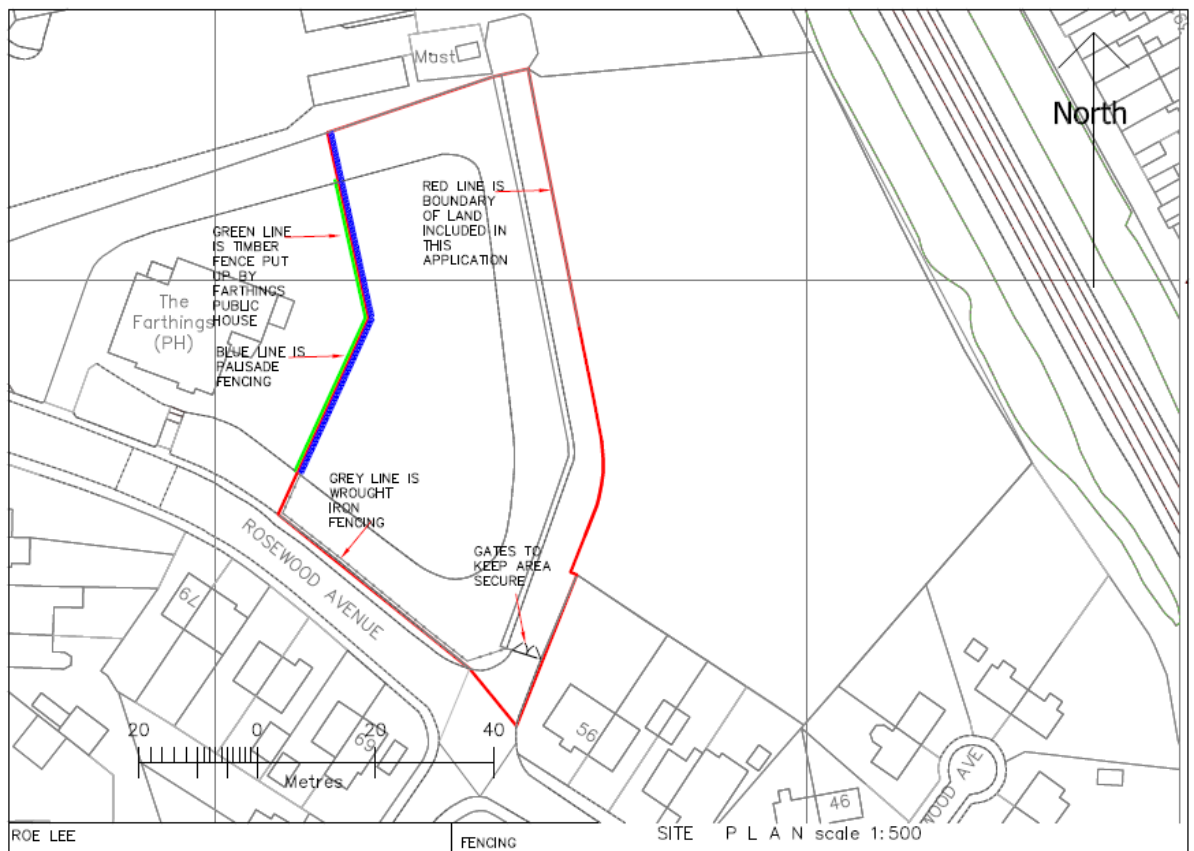
3.1 Site and Surroundings

- 3.1.1 The application site is a parcel of Council owned land located between The Farthings P.H and a boundary running alongside and past the rear of no. 56 Rosewood Avenue, Blackburn.
- 3.1.2 The site fronts on to Rosewood Avenue. The rear southern boundary abuts Roe Lee Mill.
- 3.1.3 Historically the site formed part of the car park to the adjacent Public House, but appears to have been separated since at least 2009 (see Google Street View).
- 3.1.4 The site is located within the defined Urban Boundary and is allocated as a housing site within the adopted Local Plan.
- 3.1.5 According to aerial imagery along what appears to be a historic track to Roe Lee Mill existed a few deciduous trees. These do not appear to be present on the site any longer.

3.2 Proposed Development

- 3.2.1 Retrospective permission is sought for the retention of the boundary fences erected along the shared boundary with The Farthings P.H and the boundaries with Rosewood Avenue and 56 Rosewood Avenue.

- 3.2.2 Access to the site is via a pair of access gates located adjacent to the boundary of no. 56 Rosewood Avenue. These gates are set back from the edge of the highway.



Proposed site plan received 5th September 2021

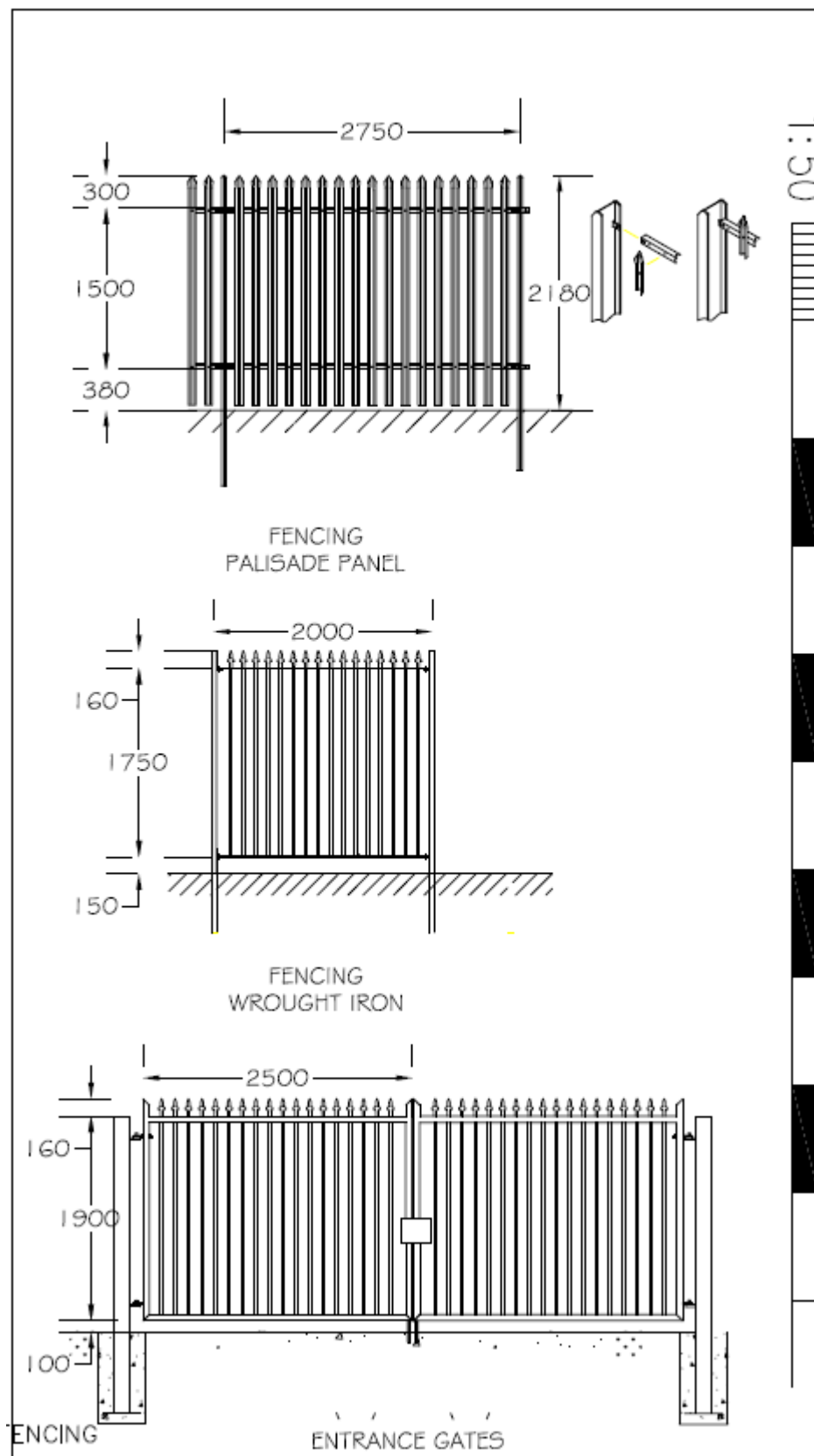
3.3 Development Plan

3.3.1 Blackburn with Darwen Borough Local Plan Part 2 – Site Allocations and Development Management Policies (December 2015)

- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design

3.3.2 Blackburn with Darwen Borough Local Plan part 1 – The Core Strategy (January 2011)

Policy CS16: Form and Design of New Development



Proposed fencing detail received 5th September 2021

3.4 Assessment

- 3.4.1 The main considerations in the assessment of this application are the principle of development, crime and disorder, and the impact of the proposals on visual amenity.

Principle of Development

- 3.4.2 The site appears to have been physically separated from The Farthings Public House for at least the last decade as Google StreetView imagery shows temporary fencing erected along the boundary of this land in both 2009 and 2012 (see below).



- 3.4.3 According to Council Officers prior to the site being fenced, it was subject to fly tipping and other anti-social behaviours. This was considered detrimental to the amenity of nearby residents as well as to visual amenity.
- 3.4.4 Enclosing the site with fencing to ensure no further fly tipping or anti-social behaviour occurs to the cost of visual and residential amenity and the boroughs tax payers due to the Council having to clear any fly tipping is considered to be acceptable in principle.

Crime and Disorder

- 3.4.5 Local Plan Policy 8 and both the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) set out guidance in creating safe and accessible communities.
- 3.4.6 Paragraph 130 f) states planning decisions should ensure that developments, amongst other things;

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

- 3.4.7 The enclosure of the site is considered to be a public benefit as it has clearly prevented any further misuse of the site.

Design and Visual Amenity

- 3.4.8 In respect of the design and visual impact of the boundary fencing erected, Local Plan Part 2, Policy 8i) requires;

- 3.4.9 *Local Plan Part 2, Policy 11 requires:*

All new development will be required to present a good standard of design and will be expected to: i) Demonstrate an understanding of the wider context; and ii) Make a positive contribution to the local area.

- 3.4.10 Overall, the black metal rail fencing along the Rosewood Avenue boundary is considered to be visually acceptable as it does not detract significantly from the street scene. It would however benefit the street scene, and compensate for the loss of a two or three deciduous trees on the site. This can be secured by the recommended planning condition.

- 3.4.11 The silver palisade fencing running along the shared boundary of no. 56 Rosewood Avenue is seen against the conifer trees on the site boundary, albeit on the adjoining piece of land and thus its harm to visual amenity is minimal.

- 3.4.12 The same palisade fencing along the boundary of the site with The Farthings Public House is considered to be quite brash and somewhat unsympathetic to the existing timber boundary fence to the car park of the Public House. However, the visual impact of the fence along the Farthings P.H boundary, when viewing the site from the public highway, is mostly mitigated by the boundary treatment of The Farthings P.H. For this reason, the harm to visual amenity is not considered to be so significant to justify refusal of the application on this ground.

- 3.4.13 For the above-mentioned reasons, the proposals are considered to accord with Policies 8i) and 11 of the Local Plan Part 2.

Highway Safety

- 3.4.14 The retrospective proposals seek vehicular access gates from Rosewood Avenue to access the land and is in the place of the historic track to the mill.

- 3.4.15 The access gates are set back in to the land and a car is therefore able to pull clear of the highway, Rosewood Avenue, when entering the site and be clear of the highway when exiting the site. The fencing erected along Rosewood Avenue allows visibility when entering and leaving the site and thus the

proposals do not prejudice the safety of highway users. In view of this, the proposals are considered to accord with Local Plan Part 2, Policy 10.

Trees and Biodiversity

3.4.16 All applications are required to retain or replace trees where possible and the National Planning Policy requires biodiversity to be enhanced where possible. It is clear that some soft planting and trees have been lost as part of the enclosure of the site.

3.4.17 The boundary of Rosewood Avenue would benefit from some soft planting behind the fence on Rosewood Avenue and the visual impact of hard surfacing the site would also benefit from being broken up. Soft landscaping of at least the boundary with Rosewood Avenue can be secured by the recommended planning conditions.

4.0 RECOMMENDATION

4.1 It is recommended that the Planning and Highways Committee **approve** the retrospective application subject to the following condition:

1. Notwithstanding any details shown on the approved plans of this permission, within three months of this decision a landscaping scheme for the site and particularly the Rosewood Avenue boundary, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs. The duly approved landscaping scheme shall be carried out during the first planting season following approval of the details and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

REASON: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Policies 8, 9 and 11 of the Blackburn with Darwen Local Plan Part 2, and the National Planning Policy Framework.

5.0 PLANNING HISTORY

5.1 The following table details the planning history relevant to this application site:

Application Number	Description of Development	Decision	Date
10/21/1104	New development comprising of	Under	

	20no new industrial units (E (g), B2 and B8 Use) with new off road parking, bin store areas, secure cycle areas, landscaping and upgrading existing vehicular access, new pedestrian access with drop kerbs	Consideration	
10/14/0346	Proposed 9 No. dwellings	Withdrawn	
10/13/0038	Discharge of conditions 1,2,3,4,5,6,7 & 8 on application 10/08/1105	Withdrawn	
10/08/1105	Residential development - details of layout and design, including external appearance, finished floor levels, fencing and landscaping	Allowed on Appeal	07/02/2011
10/07/1092	Variation of Condition 1 (permissions 10/02/0016 and 10/06/0641) to allow extension of period for submission of reserved matters to 31/12/2008 (residential development - outline)	Approved	08/01/2008
10/06/0641	Variation of condition 1 (permission 10/04/1239) to allow extension of period for submission of reserved matters to December 31st 2007	Approved	29/08/2006
10/02/0016	New residential development	Withdrawn	

6.0 CONSULTATIONS

6.1 Highways – No objections

6.2 Property – no objections

6.3 Arboricultural Officer – no objections subject to a landscaping scheme being submitted.

6.4 Public Consultation – neighbouring properties on Rosewood Avenue were consulted, and a site notice posted. No representations have been received.

7.0 CONTACT OFFICER: Claire Booth MRTPI, Senior Planning Officer

8.0 DATE PREPARED: 04 November 2021

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/1022

Proposed development: Reserved Matters Application: Approval of the matters reserved by the Outline (Hybrid) planning permission ref: 10/21/0343 (Appearance, Landscaping, Scale and Layout) for the erection of 280 dwellings.

**Site address: Phases 7-11 "Green Hills Residential Development"
Land off Broken Stone Road / Livesey Branch Road
(Land within the Gib Lane Masterplan Area), Blackburn**

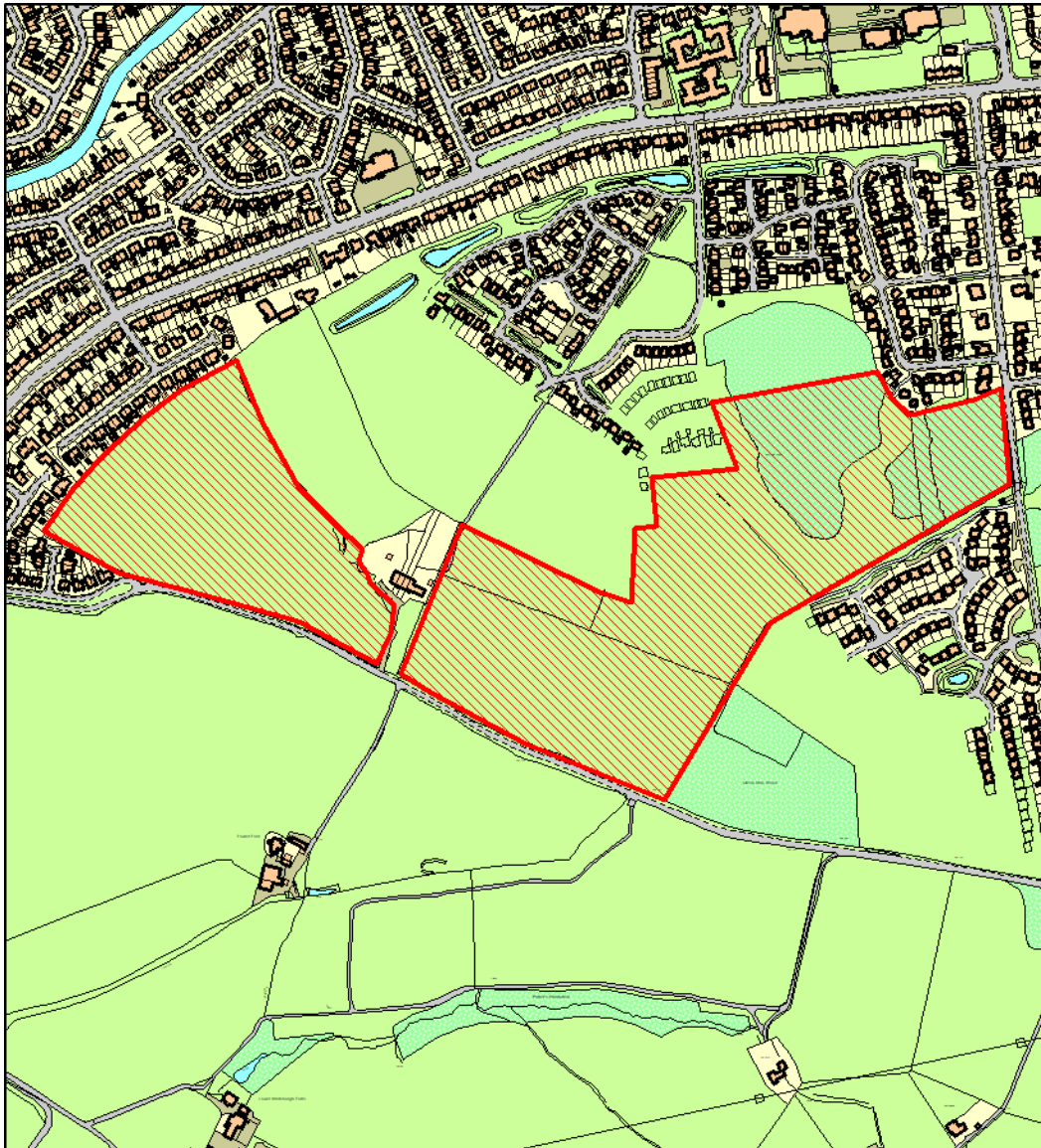
Applicant: Kingswood Homes

Ward: Livesey With Pleasington

Councillor Derek Hardman

Councillor Paul Marrow

Councillor Mark Russell



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – subject to condition set out at paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This significant major planning application is submitted in the form of a Reserved Matters proposal for 280 dwellings, relating to Appearance; Landscaping; Layout; and Scale. The application is pursuant to the grant of Outline Planning Permission as part of a hybrid permission for residential development of 155 dwellings (full permission) and outline planning permission with all matters reserved except for access for residential development for up to 280 dwellings, and a subsequent s73 permission for a minor material amendment to the layout and plot substitutions.
- 2.2 Assessment of the application establishes that the proposal will deliver a high quality bespoke housing development which will widen the choice of family housing in the Borough. It supports the Borough's planning strategy for housing growth as set out in the Core Strategy, it delivers housing at a site which is allocated for housing development in the Local Plan Part 2 and it meets the objectives identified within the Gib Lane Masterplan. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.
- 2.3 Members are advised that the outline permission established the principle of a residential development at the site, of up to 280 dwellings with associated access arrangements off Broken Stone Road. This application seeks permission for the remaining reserved matters, as listed above.
- 2.4 Conditions are attached to the outline permission pertaining to a range of technical matters; these are set out at paragraph 3.5.48. Where necessary, these matters will be considered under separate discharge of condition applications, submitted at the appropriate time.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) forms part of housing allocation 16/9: 'Gib Lane Development Site' in accordance with the adopted Local Plan Part 2. It measures 19.1 hectares, within the wider allocation of 56 hectares. The shaded area illustrated below, confirms the extent of the site.
- 3.1.2 The topography of the site provides opportunities for broad panoramic views in all directions. The southern and upper part of the site in particular has far reaching views south to the more elevated areas of the West Pennine Moors and to prominent landmarks, such as the wooded hills of Hoghton Tower and

Billinge Hill, Pendle Hill to the north and Darwen Tower to the south. The development aims to capitalise upon these views through the detailed layout whilst being sympathetic to the landform in order to preserve important views and to avoid disturbing the surrounding rural character.



Extracted from Kingswood Homes Design & Access Statement, August 2021.

- 3.1.3 The site is located on the south-western edge of the Blackburn built-up area. The northern boundary principally adjoins an earlier phase of housing development, which is now known as 'Green Hills', with the remaining edge formed by rear gardens of properties which front onto the A6062, Livesey Branch Road. To the east is Cockridge Wood and an existing hedge / gorse line which delineates the site from the Wain Homes site to the north east. Gib Lane lies beyond. The south and west are predominantly rural in character, with hedgerow feature and various stone walls defining the site boundary with Horden Rake and Broken Stone Road.
- 3.1.4 The site, together with the full permission element of the aforementioned hybrid permission, effectively completes the proposed residential areas of the Gib Lane Masterplan, relating to all areas not currently under construction through extant consents.
- 3.1.5 The site is rural in character, comprising of a mix of undulating open grazing and rough grassland with field boundaries formed by gritstone wall, mature and semi-mature trees and hedgerows. There are a number of sporadic tree belts and wooded areas across the site.

3.2 Proposed Development

- 3.2.1 The application follows pre-application discussions between the applicant and Council's Officers on design and layout of areas referenced as Phases 7-11 of the wider Green Hills development (Phase 1 – 11) being developed by the applicant, Kingswood Homes. Pre-application response from officers was positive, advising that the proposal would likely receive support, subject to detailed assessment. These discussions have helped inform the design and technical aspects of the proposal, within the parameters of the Gib Lane Masterplan.
- 3.2.2 Approval of Reserved Matters, following Outline Approval, is sought for the appearance, landscaping, layout and scale for 280 dwellings pursuant to the minor material amendment approved to the original outline permission (hybrid application). Details are set out in the submitted drawings and Design & Access Statement.
- 3.2.3 Densities broadly accord with the Masterplan, ranging between 19 and 24 units per hectare. Density is generally higher at the northern end of the site towards Livesey Branch Road, grading down towards the rural fringe at the southern end of the site. The site layout is as follows:



3.2.4 Homes are a mix of 2, 3, 4 and 5 bedrooms, broken down as follows:

- 2 Bedroom Homes 12no. (4%)
- 3 Bedroom Homes 63no. (23%)
- 4 Bedroom Homes 62no. (22%)
- 5 Bedroom Homes 116no. (41%)
- 6 Bedroom Homes 27no. (10%)

3.2.5 The house type schedule is as follows:

Plot Ref		Dwelling Type	Beds	Storeys	Units
Thresher 2	THR2	Detached	2	1	4
Thresher 2M	THR2M	Detached	3	1	6
Thresher3	THR3	Detached	2	2	1
Thresher 3M	THR3M	Detached	3	2	5
Haybarn 4	HAY4	Detached	4	2	1
Byre 4	BYR4	Detached	4	2	2
Forge 5	FOR5	Detached	4	2	2
Farmhouse 4	FAR4	Detached	4	2	3
Weaver 4	WEA4	Detached	4	2	6
Farmhouse 5	FAR5	Detached	5	2	8
Byre 5	BYR5	Detached	5	2	8
Haybarn 5	HAY5	Detached	5	2	11
Weaver 5	WEA5	Detached	5	2	13
Farmhouse 6	FAR6	Detached	5	2	7

Plot Ref		Dwelling Type	Beds	Storeys	Units
Croston 2	CRO2	Detached	2	2	8
Croston 2M	CRO2M	Detached	3	2	19
Croston 3	CRO3	Detached	3	2	6
Croston 3M	THR3M	Detached	3	2	6
Ribchester 3	BYR3	Detached	3	2	6
Pendle 3	WEA3	Semi-Detached/ Terrace	3	2	8
Heskin 3	HAY3	Detached	3	2	6
Ribchester 4	FAR4	Detached	4	2	10
Heskin 4	HAY4	Detached	4	2	7
Pendle 4	WEA4	Detached	4	2	15
Scarisbrick 4	BYR4	Detached	4	2	9
Rufford 4	FOR4	Detached	4	2	7
Ribchester 5	BYR5	Detached	5	2	26
Rufford 5	FOR5	Detached	5	2	13
Heskin 5	HAY5	Detached	5	2	14
Pendle 5	WEA5	Detached	5	2	23
Ribchester 6	FAR6	Detached	5	2	20

Total	280
-------	-----

Extracted from Kingswood Homes Design & Access Statement, August 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
- CS16 – Form and Design of New Development
- CS18 – The Borough's Landscapes
- CS19 – Green Infrastructure

3.3.4 Local Plan Part 2

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

3.4 Other Material Planning Considerations

3.4.1 Gib Lane Masterplan

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

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

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

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

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

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

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

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

- 1. To create a new sustainable neighbourhood which is integrated socially and physically with the existing urban area but which has its own distinct local identity.*
- 2. To deliver a high quality scheme which consists of well designed, attractive houses, buildings and spaces with a semi-rural form and layout that utilises local built and landscape character and architectural styles in either a traditional or contemporary design response.*
- 3. To provide a mix of housing through different character areas that respond to the different constraints and opportunities of the site, including a significant provision of larger, family properties in a well landscaped setting.*

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

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

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

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

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

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

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

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

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

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

3.4.6 Residential Design Guide Supplementary Planning Document

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

3.4.7 National Planning Policy Framework (NPPF)

In particular Section 5 of the NPPF relates to delivering a sufficient supply of high quality homes, and Section 8 relates to promoting healthy and safe communities.

3.5 **Assessment**

3.5.1 As aforementioned, assessment of this Reserved Matters application is limited the following matters:

- **Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.
- **Landscaping:** The improvement or protection of the amenities of the site and the surrounding area; this could include planting trees or hedges as a screen.
- **Layout:** Includes buildings, routes and open spaces within the development and the way they are laid out in relation to buildings, routes and open space outside the development.
- **Scale:** Includes information on the size of the development, including the height, width and length of each proposed building.

3.5.2 Appearance

A range of new house types have been developed by the applicant to support this application. Earlier phases of the Green Hills development feature the 'Farmhouse' range of dwellings which are contemporary in style and appeal to a particular demographic. The new 'Homestead' range is more traditional in appearance and will feature across the site together with the Farmhouse range.

3.5.3 The existing Farmstead range draws upon the farm vernacular. External materials are a range of brick, render and cladding (natural and black). Roofing is slate grey and black tiling. These house types are acknowledged as a successful range within the existing Green Hills development and are accepted as appropriate to the character areas within the current site.

3.5.4 The new Homestead range derives from local Georgian vernacular, influenced by the Blackburn's heritage as an historic mill town. The style features typical symmetrical elevational treatment constructed with feature chimneys and materials including red brick, facing stone and reconstituted stone cills.

3.5.5 A comprehensive materials breakdown is included in the submitted Materials Matrix Mix.

3.5.6 The overwhelming majority of proposed house types are two storey detached. 8 two storey semi-detached / terraced are also proposed. In addition, and in response to market demand, 10 bungalows are also proposed.

3.5.7 Illustrative street scenes are shown below:



Illustrative Street View - Homestead Range / Ridge Heights & Cockridge

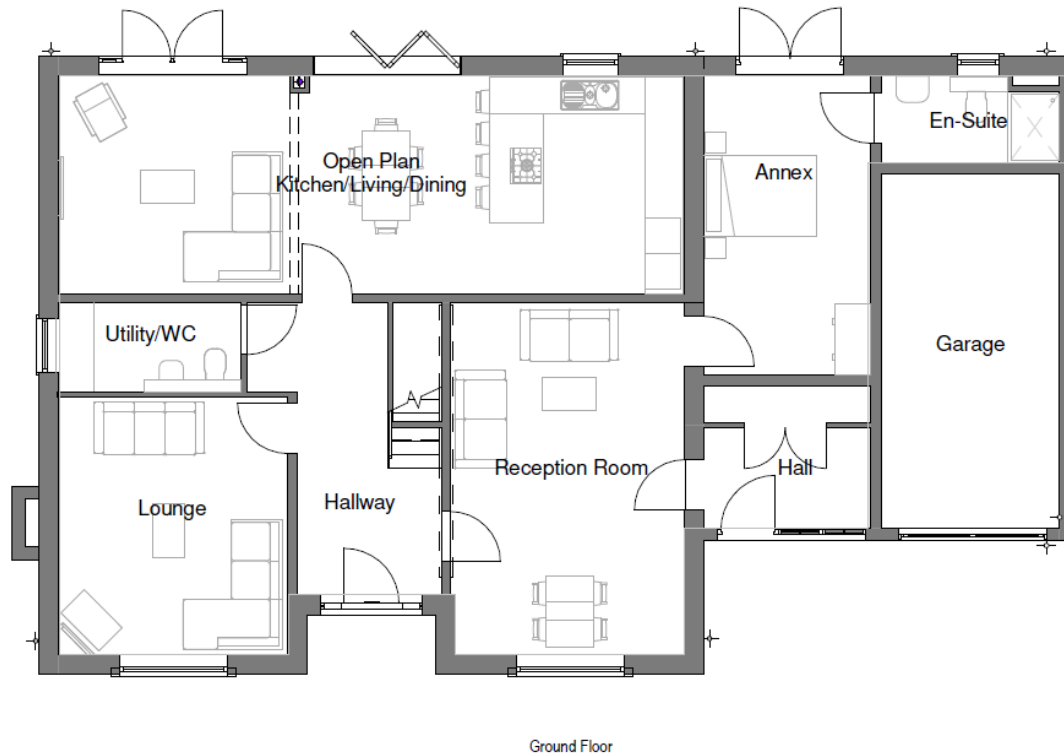


Illustrative Street View - Farmstead Range / Horden Meadow

Extracted from Kingswood Homes Design & Access Statement, August 2021.

3.5.8 Exclusive to the Homestead package is the Ribchester 3 house type which includes ground floor annexe accommodation. This is again in response to market demand which has arisen from the pandemic, for additional accommodation for relatives, particularly elderly, as an alternative to a residential care facility. The offer is a unique selling point of Phases 7 – 11 at Green Hills. Road fronting elevational detail and ground floor plan illustrate to house type, below:





Extracted from Homestead House Types, Kingswood Homes.

- 3.5.9 A soft edge to the south east rural frontage of Broken Stone Road is appropriately offered by means of a set back from the road and a lower density, informal layout than that featured within the site and towards its western edge.
- 3.5.10 Pockets of public open space feature across the site with footpath links providing permeability through the site and beyond.
- 3.5.11 Drainage attenuation basins feature to the rear of existing properties along St Michael's Close and Horden View.
- 3.5.12 A mix of informal and formal hedgerows and planted green space softens the built form and provides opportunities for bio-diversity net gain.
- 3.5.13 Boundary treatments to the public realm are predominantly stone walls with some feature brick walls and structured hedging.
- 3.5.14 Notwithstanding details submitted with this application, samples of all external walling and roofing materials and the siting and appearance of all boundary treatments are secured via conditions attached to the outline permission.
- 3.5.15 The appearance of the development is found to be in accordance with Policies 9 and 11 of The Local Plan Part 2, the Gib Lane Masterplan and The Framework.
- 3.5.16 Landscaping
Full landscape details have been submitted with the application for Phase 7 (as identified on the plan below). It is agreed that plans for the other phases

will be submitted at appropriate phased intervals thereafter. These will be secured via condition

3.5.17 Numerous areas of green infrastructure are proposed which include structured tree planting as well as hedgerow and shrub planting. Drainage attenuation basins will serve as a landscape feature as well as an engineered drainage solution.

3.5.18 An Arboricultural Impact Assessment (AIA) and Tree Surveys are submitted with the application. All trees and hedgerows worthy of retention will be retained. Of particular note is a large Oak tree positioned to the south east of Phase 7. This is retained as a landmark feature within the street scene. Retained trees will be protected throughout construction phase, in accordance with measures set out in the AIA. Compliance with the AIA will be secured via condition.

3.5.19 Ecological and wildlife interests will be maintained and enhanced, with the incorporation of new native planting and wildlife retention ponds. The mitigation aspects of the development proposals are listed below as follows:

- Protection of existing hedgerows and trees where possible.
- Retention of other landscape features such as the existing landforms, with further native enhancement planting.
- The public open spaces proposed include proposed swales and ponds, which should be further enhanced by planting wildflower mixes to increase the invertebrate population and improve foraging opportunities for bats and birds. Structural tree and shrub planting will be an integral part of this design.
- New tree and shrub planting including the use of native species.
- Further enhancement tree planting throughout.
- Retention and enhancement planting to the existing hedgerow to the boundaries.
- Green infrastructure within the heart of the development including proposed tree, shrub and hedgerow planting.
- Provision of bat boxes and nest boxes for bird species.
- Create natural, wildflower open spaces particularly to the lower density areas to the south of the development towards Broken Stone Road.
- Introduce mix of more formal planted areas within heart of development to distinguish between new house type, Homestead Range and the various character areas.

3.5.20 Detailed planting schedules are submitted for the site, which feature an extensive and appropriate mix and density of native species. The schedules have been reviewed and confirmed to be appropriate by the Council's Arboricultural Officer. Their implementation and submission of corresponding landscape plans for outstanding phases will to be secured via condition (as noted above).

3.5.21 A Habitat Creation Management Plan is also required via condition attached to the outline permission.

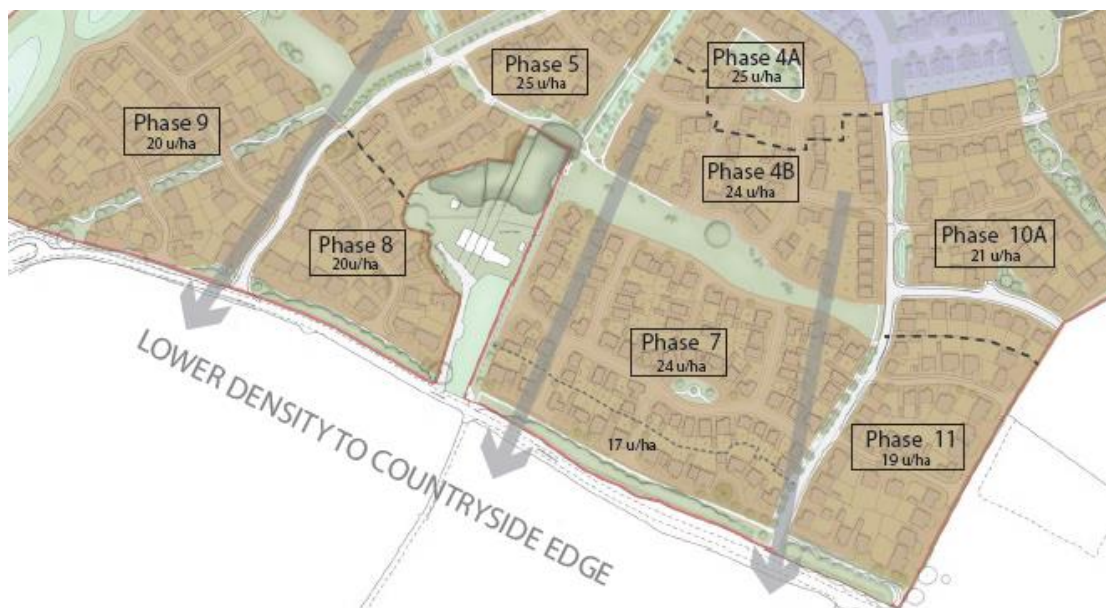
3.5.22 Emphasis that the revised Framework (July 2021) applies to tree planting, in the context of design and bio-diversity enhancement, should be acknowledged. The scope of planting proposed is considered to appropriately respond to the Frameworks requirements.

3.5.23 Appropriate hard landscaping details are provided for Phase 7. Such details for the remaining phases (8 – 11 inc.) will be secured via condition.

3.5.24 Landscaping of the development is found to be in accordance with Policies 9, 11 and 40 of The Local Plan Part 2, the Gib Lane Masterplan and The Framework.

3.5.25 Layout

The proposed layout is primarily derived from the requirements of the Masterplan. Densities across the site range between 19 and 24 units per hectares with the more sensitive rural southerly fringe areas benefitting from the lower end of the density range. The low to medium range in general is considered optimum for the site. The layout is repeated below, in accordance with each Phase, relative to this application (7 – 11).



Extracted from Kingswood Homes Design & Access Statement, August 2021.

3.5.26 A well-defined street hierarchy is proposed, aiding permeability and legibility. Traffic calming measures in the form of contoured street patterns and build outs are also included. These measures also add to street character which is further established by proportionate and well positioned frontage planting.

3.5.27 The primary route through the site is set at a 5.5m width, designed to be easily distinguishable from other routes, featuring robust road edges, which

include high kerbs with drop curbs for crossings and access to drives. Strong structural landscaping and shrub planting provide an attractive route.

3.5.28 The secondary routes (4.8m width and 2m footpaths to both sides) provide a transition from the primary road network route to the smaller tertiary routes.

3.5.29 Private drives provide access for the larger detached and semi-detached dwellings which face onto landscaped areas of public open space. The private drives are located on the outer edges of the scheme to take advantage of key views and give a softer feel to the countryside edge or public open space.

3.5.30 The site is well served by pedestrian and cycle links within and to destinations beyond, including connections to Witton Weavers Way, thereby avoiding severance from the surroundings and aiding safe and efficient passage. Moreover, provision is made for the Public Right of Way which runs between Hordern farm and the eastern side of the site.

3.5.31 Primary access into the site is from Broken Stone Road, as established at outline stage.

3.5.32 In-curtilage parking is provided in the form of driveways and garages which is broadly in compliance with the Council's adopted standards set out below.

- 2 spaces for a 2/3 bed;
- 3 spaces for a 4+ bed;
- Driveway dimensions 5.5m x 2.4m per car space; and
- Garage dimensions 3m x 6m per car space.

3.5.33 The majority of in-curtilage parking is provided to the side of dwellings, thereby avoiding hard surface / car dominated frontages and affording opportunity for additional green space.

3.5.34 The layout is also supported by a swept-path analysis which demonstrates acceptable manoeuvrability for refuse and emergency vehicles.

3.5.35 Support for the development is offered by the Council's Highways consultee, following a detailed review of the submission.

3.5.36 Proposed dwellings are highway fronting. Interface distances (between proposed dwellings) is broadly compliant with the following adopted standards:

- 21m between facing habitable room windows;
- 13.5m between habitable room windows and non-habitable room windows / blank elevations;
- For each additional storey above 2 storeys or where land levels create an equivalent difference, an additional 3m separation will be required.

3.5.37 Exceptions to the above occur at a couple of plots involving bungalows which have an 11.5m separation to the blank gable of the neighbouring dwellings. Such shortfall is considered acceptable and justified in the overall context.

3.5.38 Interface distances between proposed and peripheral existing dwellings is in accordance with the adopted standards. Submitted section detail demonstrates an appropriate relationship with the adjoining Story Homes development, notwithstanding land level differential.

3.5.39 Housing mix, as set out above, is appropriate and in accordance with the requirements of the Masterplan.

3.5.40 The layout of the development is found to be in accordance with Policies 8, 9, 10, 11 and 40 of The Local Plan Part 2, the Gib Lane Masterplan and The Framework.

3.5.41 Scale

As aforementioned, dwellings are primarily two storey 3, 4 & 5 bed detached, with some semi-detached and bungalows. All are proportionate to their plot sizes and the serving street network.

3.5.42 The range of house types provide for a varied yet proportionate street scape which responds to the changing land contours across the site.





Extracted from Kingswood Homes Design & Access Statement, August 2021.

3.5.43 Proportionate and well-designed boundary treatments feature across the site, including robust brick and stone construction at key locations adjacent to communal areas.

3.5.44 The overall scale of the proposal is considered to respond well to existing peripheral properties and to the rural fringe to the south, thereby ensuring a sympathetic and proportionate development, aligning with the character area design principles of the Masterplan. Further, extensive planting across the site will help assimilate the development into its surroundings.

3.5.45 The scale of the development is found to be in accordance with Policies 8, 9, 10, 11 and 40 of The Local Plan Part 2, the Gib Lane Masterplan and The Framework.

3.5.46 Section 106 obligations

Members are reminded that the outline permission was subject to the applicant entering into an agreement under S106 of the Town & Country Planning Act 1990, requiring a financial contribution of £1,000,000. The contribution will be split with **£850,000 going towards the development of the new primary school and £150,000 towards the off-site provision of affordable housing.**

3.5.47 Summary

This report assesses the Reserved Matters planning application for Phases 7-11 "Green Hills Residential Development", Land off Broken Stone Road / Livesey Branch Road, (land within the Gib Lane Masterplan Area), Blackburn. In considering the proposal, all relevant material considerations relating to this application have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the Local Development Plan, the Gib Lane Masterplan and The Framework, in support of the Council's strategic growth objectives.

3.5.48 To re-iterate, the assessment has been undertaken in the context of the residential development of the site and access having previously been established by the outline planning permission. **Members are advised of the following conditions attached to the Minor Material amendment to the outline element of the hybrid permission, which are required to be complied with and, in some cases, discharged at the appropriate time:**

37. *Application for approval of all reserved matters must be made not later than the 22nd June 2023. The development hereby permitted shall be begun not later than the expiration of two years from the date of the approval of the last of the reserved matters to be approved.*

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

38. *Details of the following matters (subsequently referred to as the reserved matters) shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works:-*

- a) Appearance.*
- b) Landscaping.*
- c) Layout.*
- d) Scale*

REASON: Because the application is in outline only and no details have yet been furnished of the matters referred to in the Condition 37, these are reserved for subsequent approval by the Local Planning Authority

39. *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:*

*Character Areas Plan, BB09_SP(90)08, received 12th July 2019;
Location Plan, BB09_SP(90)01_Revision D, received 12th July 2019; and
Proposed Access Plan, BB09_SK(90)04_Revision B, received 20th January 2020.*

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

40. *At the same time or prior to the submission of the First Reserved Matters application for the development hereby permitted, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of the maximum number of dwellings and other development to be implemented within each phase of the development. The development shall only be implemented in accordance with the approved Phasing Plan.*

[The Phasing Plan may be amended from time to time with the written approval of the Local Planning Authority unless the proposed phasing is likely to give rise to any significant environmental effects which have not been assessed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 then such amended Phasing Plan shall be accompanied by an Environmental Statement prepared in accordance with the said 2011 Regulations.]

REASON: To ensure the satisfactory phasing of the development and to ensure that the development is delivered in a coordinated, planned way.

41. Prior to the first occupation of any dwelling hereby approved, details of the proposed arrangements for future management and maintenance of the open space within the site shall be submitted to and approved by the local planning authority. The open space shall thereafter be managed and maintained in accordance with the approved management and maintenance details.

REASON: To ensure the on-site open space is managed and maintained to an acceptable standard.

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

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

43. Prior to the commencement of development a scheme detailing the siting and appearance of all boundary treatments shall be submitted to and approved in writing by the Local planning Authority. The development shall be in accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory and in the interests of highway safety, in accordance with Policies 10 and 11 of the Blackburn with Darwen Borough Local Plan Part 2

44. 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 as a minimum 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 the interest of residential amenity and highway safety, in accordance with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

45. Prior to the commencement of development a comprehensive Landscape and Habitat Creation and Management Plan shall be submitted to and

approved in writing by the Local Planning Authority. The development shall be in accordance with the agreed details.

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

46. *No development shall occur until further ecological surveys and mitigation plans have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed details.*

The surveys shall include:

- Surveys for invasive plant species,*
- badgers,*
- reptiles*
- amphibians and*
- bats*

REASON: To safeguard bio-diversity interests in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan Part 2.

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

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

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

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

49. *In order to ensure that existing properties are protected from flooding by surface water runoff from the development during the construction phase, the*

applicant is required to submit a surface water construction phase management plan. The management plan must be submitted and approved by the Local Authority prior to commencement. The applicant must comply with the management plan throughout the construction phase.

REASON: To ensure that construction activities do not increase the risk of flooding to existing properties, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2

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

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

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

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

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

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

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

REASON: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system, in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2

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

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2.

52. *Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:*

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

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

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

53. *Should a remediation scheme be agreed in accordance with condition 52, prior to the occupation of the development hereby approved, two copies of a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.*

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

54. *Prior to the commencement of the development hereby approved the following shall be undertaken and submitted to the Local Planning Authority for written approval;*

- An appropriate scheme of intrusive site investigations to establish the exact situation in respect of coal mining legacy on the site;*
- The submission of a report of findings arising from the intrusive site investigations;*
- The submission of a scheme of remedial works necessary to mitigate the findings of the intrusive site investigations.*

The development shall be in accordance with the agreed details.

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

55. *Should contamination be encountered unexpectedly during the development, all works should cease, and the Local Planning Authority should*

be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

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

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

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

57. *Each dwelling with a parking space or garage will have its own dedicated electric vehicle charging point. Each charging point will have a Type 2 connector and a minimum rating of 16A. External points will be weatherproof and have an internal switch to disconnect electrical power.*

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

58. *Should pile driven foundations be required, prior to the construction of any affected plot a programme for the monitoring of noise & vibration generated shall be submitted to and approved in writing by the Local Planning Authority. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. The development shall be in accordance with the agreed details.*

REASON: To ensure the development provides for a satisfactory level of amenity for surrounding uses and future occupants, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

59. *Prior to the occupation of any of the dwellings hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.*

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

60. *Prior to the construction of any of the streets referred to in condition 59, full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.*

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

4.0 RECOMMENDATION

4.1 Approve:

Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions:

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 6th September 2021 and drawings numbered: *to be added*.

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

2. The development hereby approved shall be carried out in strict accordance with the submitted Arboricultural Impact Assessment / Tree Survey Report, including specified tree protection measures, dated April 2019 and updated October 2021, and amended Tree Survey Plans numbered: c-1690-01 Revision B, c-1690-02 Revision A, c-1690-03 Revision A, c-1690-04 Revision A and c-1690-05. 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.

3. The development hereby approved shall be carried out in strict accordance with the submitted Planting Schedules for 'Cockridge', 'Witton Weavers' and 'Ridge Heights', received 25th October 2021.

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.

4. Prior to commencement of development on each of Phases 8 – 11 inclusive, a landscaping plan to correspond with the Planting Schedules referenced in condition no. 3, shall be submitted to and approved in writing by the Local Planning Authority. The approved planting shall be carried out during the first available planting season following completion of each phase, 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.

5. Prior to commencement of development on each of Phases 8 – 11 inclusive, a hard landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved detail.

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.

6. Prior to occupation of each of the approved phases as referenced in condition no. 4, 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. 20. 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.

7. Prior to commencement of each of Phases 1 – 8 inclusive, a finished floor levels plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved levels.

REASON: In order to ensure that dwellings are positioned at an acceptable level, to guard against any negative amenity impact on adjacent plots and street character in general, in accordance with Policies 8 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

- 5.1 10/21/0343 – Minor material amendment / variation of condition pursuant to 10/19/0642, to amend site layout and make plot substitutions: Approved by Committee May 2021.
- 5.2 10/19/0642 - Hybrid planning application seeking full planning permission for residential development of 155 dwellings and outline planning permission with all matters reserved except for access for residential development for up to 280 dwellings: Approved by Committee in June 2020.

6.0 CONSULTATIONS

6.1 Public Protection

The following recommendations are covered by conditions applied to the Outline permission.

With reference to the above application, I recommend that the following condition(s), informative(s) and/or comment(s) be included if planning permission is granted:

CONTAMINATED LAND

Report(s) have been submitted with this application in respect of ground contamination that will be peer reviewed by the Environmental Protection Service and recommendations will be provided as soon as possible by Dr Dave Johnson (Env Protection Officer).

Air Quality:

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

REASON: In accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2 and Paragraph 110 of the National Planning Policy Framework 2019, which states that developments should be designed to enable charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This implements the requirements of Council's Air Quality PAN and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. These are readily achievable mitigation measures that reflect current good practice and help to reduce the cumulative impact of current and future developments.

Condition – Domestic gas boiler emissions

Gas fired domestic heating boilers shall not emit more than 40mg NOx/kWh.

Reason: The condition implements the requirements of the Air Quality PAN and Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality.

Construction Phase Control Conditions

Condition – Hours of Site Works

There shall be no site operations on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday 08:00 – 18:00 hours

Saturday 09:00 - 13:00 hours

Any variation of the above hours restriction must be approved in writing by the Planning Authority.

Reason

To ensure appropriate hours of site work to minimise noise during the construction phase.

Condition – Dust Control

All dust control measures recommended in the Kingswood Homes CEMP dated August 2021 shall be implemented throughout the period of site works.

Noise & Vibration Control

The following condition is recommended because pile driving works are required on site.

Condition

The commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a programme for the monitoring of noise & vibration generated during demolition & construction works. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. At each location, noise & vibration levels shall not exceed the specified levels in the approved programme unless otherwise approved in writing by the Planning Authority or in an emergency.

Reason

To minimise noise/vibration disturbance at adjacent residential premises.

Floodlighting Control (Construction Phase)

The following condition is recommended if security floodlighting is required on site.

Condition

A floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the works.

Reason

To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity.

Informative:

When assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in 'Guidance Notes for the Reduction of Obtrusive Light' GN01 produced by The Institution of Lighting Professionals, available at:

NB: The proposed development is within an E3: Medium District Brightness Area.

Informative - Construction/Demolition Noise

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.

6.2 Drainage (BwD – Lead Local Flood Authority)

No objection.

6.3 BwD Arboricultural Officer

No objection

6.4 Environment Agency

There are no EA constraints on this development, therefore we did not respond to the original outline planning application back in July 2019 for this site and we have nothing to add to the reserved matters application.

6.5 United Utilities

As the applicant the LPA will be aware, United Utilities has a significant water main running through the red line boundary. Development is proposed close to, or potentially over, the United Utilities Water Main. It is important to understand that we will not permit development over or in close proximity to the water main and although the submission acknowledges the main, the exact location has yet to be determined according to our records.

As we will not allow any development of the water main, the precise location could be material to location the proposed dwellings as part of the submitted application. We feel tracing information should be provided in line with United Utilities 'Standard Conditions' guidance document to ensure the delivery of the site layout as proposed. This is attached alongside this representation for reference.

6.6 GMEU Ecology

Thank you for consulting the Ecology Unit on the above planning application.

Biodiversity Enhancement and Management Plan

This document is generally satisfactory, although a certain level of detail is lacking in places –

- I could not find details of the species types, numbers and densities to be planted as part of the Landscaping Plans. These details should be required before first occupation or before final Landscaping works commence, whichever is the sooner.

- The Plan commits to leaving gaps in boundary fences to facilitate hedgehog movement through the site, but this detail is not included in the proposed boundary treatment drawing (dwg. Ref. P2001_SP(90)04). I would recommend that the drawing is amended to take account of this detail, for the avoidance of doubt.
- The Plan commits to the installation of bat boxes, bird boxes and bee bricks on properties, but I could not find a plan showing the proposed locations of these features across the site. This detail should be required before first occupation.
- There is reference in the Plan to the creation and management of SUDs features which could also benefit wildlife, and such features are outlined on the wider plans for the site, but they lack a level of detail (e.g. proposed water depths, whether it is planned for the features to hold permanent standing water, how siltation will be controlled etc). These details should be required to ensure that SUDs features are sustainable and fit-for-purpose.
- The Plan reports the presence of some invasive plants (particularly Himalayan Balsam) but does not say how these species will be controlled during works. A treatment plan should be prepared giving details of how invasive plants are to be controlled.

Amphibian Method Statement

This document is satisfactory. The Methods described to avoid harm to amphibians should be implemented in full during the course of groundworks.

Multi-species Report

This document is generally satisfactory.

- While it is anticipated that no trees with high bat roost potential will need to be felled to facilitate the development, this situation should be kept under review. If at any time trees identified in the multi-species report as having the potential to support bat roosts do need to be removed, they should first be inspected for bats by a suitably qualified person.
- I would accept that the site, at time of survey, did not support reptiles, badger setts or great crested newts. This is in spite of the fact that the reptile surveys were disrupted by the loss of some *refugia* used during the surveys.

6.7 The Coal Authority

The Coal Authority Response: Material Consideration

Condition 30 of planning permission 10/21/343 seeks to address coal mining legacy related issues.

In terms of providing comments in relation to this planning application, it is noted that the submission is a reserved matters application in respect of planning approval reference 10/21/343 and that there no recorded mine entries to dictate the proposed layout.

On the basis that commentary within the submitted Report on Coal Mining Related Site Investigative Works (June 2021, prepared by The Land Consultancy Limited) confirms that there was no evidence of shallow coal mine workings underlying the site and that there remains sufficient competent rock cover above those coal seams encountered to afford

ground stability, the Coal Authority has no objections to this planning application and considers that the requirements of Condition 30 have been satisfied.

6.8 BwD Cleansing

No objection

6.9 Highways England

Referring to the notification of a planning consultation dated 10th September 2021 for the matters reserved by the Outline (Hybrid) planning permission ref: 10/21/343 (Appearance, Landscaping, Scale and Layout) for the erection of 280 dwellings approved by application 10/19/0662 relating to Phases 7-11 "Green Hills Residential Development" on land off Broken Stone Road/Livesey Branch Road within the Gib Lane Masterplan, notice is hereby given that National Highways' formal recommendation is that we:

a) offer no objection;

6.10 Lancashire Constabulary

No objection subject to Secured by Design Homes 2016' principles.

6.11 BwD Education.

No response offered.

6.12 BwD Highways / PROW

Reserved Matters Application - Approval of the matters reserved by the Outline (Hybrid) planning permission ref: 10/21/343 (Appearance, Landscaping, Scale and Layout) for the erection of 280 dwellings at:

Phases 7-11 "Green Hills Residential Development"

Land off Broken Stone Road/Livesey Branch Road on land within the Gib Lane Masterplan Area Blackburn

This proposed development appears to make provision for the footpath which runs between Hordern farm and the eastern side of the site.

The footpath known as footpath 1a Livesey is also part of the Witton weavers way publicised route.

If possible this footpath should be left open during the site preparation and construction, unless there is a danger to the public wishing to use the route. if there is significant risk to the public then the developer needs to apply for a temporary closure of the footpath.

Also if there is going to be a change of surface to the path this will need prior approval from then highway Authority.

6.13 Public consultation has taken place, with letters posted to the local community on 10th September 2021. Site notices were also displayed and a press notice

published 28th September 2021. In response, 12 objections were received (see Summary of Representations).

7.0 CONTACT OFFICER: Nick Blackledge – [Senior Planner].

8.0 DATE PREPARED: 27th October 2021.

9.0 SUMMARY OF REPRESENTATIONS

Objection - Susan Swain, 4 Green Row, Darwen, Received 18.10.21

Dear Planning,

I would like to add my concern to the above planning application.

All these new builds are ruining the natural beauty of the area but as work has already started on the site it seems receiving your letter is a big like closing the stable door after the horse has bolted!! Sadly our beautiful countryside is being eroded slowly but surely to be replaced by boxes!!

As a resident close to the area another 900 plus vehicles accessing and using 'Broken Stone Road' and the surrounding country roads is dangerous. These country lanes are certainly not fit for purpose to allow so many vehicles passage. What are highways planning to do to alleviate this? Whilst building work takes place the large lorries and site traffic are an added concern, we already experience meeting them on the road and driving on the mud left behind and how come land clearing has started before the planning is approved?

Broken Stone Road is already dangerous for pedestrians, is there a highway plan to have a footpath on this narrow road? Are there plans to regularly trim trees and hedgerows for visibility without destroying the natural habitat?

I would like assurances that consideration will be given to all of my points.

Yours faithfully

Susan Swain

4 Green Row

Darwen

Objection – Mr Mason, 35 St Michaels Close, Received 01.10.21

Mr Mason

35 St Michaels Close

Bb2 5dg

I am going to be moving into the above property and noticed how close and just how many houses are being put on the site behind us. This is already causing a lot of dust and dirt to enter the house as they already started digging the plot. Deers, Bats and different species of birds have been seen not to mention other animals. We are very worried about flooding even though you say things are going to be put in place.

Mr Mason

Objection - Dr Megan McKenna, 8 Aspen Close, Blackburn, Received 01.10.21

For the attention of Martin Kenny:

I am writing in response to the planning permission request received for the proposed Gib Lane site, phases 7-11 (ref: 10/21/1022). I strongly dispute the plans that have been proposed and I have highlighted my objections as follows:

1) I am concerned that the proposed plans will have an adverse impact upon the visual amenity of the area. I cannot locate any details about the proposed elevations of the properties, however the sheer number of houses proposed to occupy the land will no doubt compromise the views and surroundings that create the backdrop to the area. Kingswood Homes have expressed their desire to “keep the legacy of the land with increased green spaces whilst respecting the environment”. However, the proposed plans suggest that majority of the shrubbery and trees that dominate this area will be destroyed to make way for a densely populated housing estate. There are minimal plans to incorporate or preserve green areas and instead, the designs propose an overwhelming number of large properties that will densely populate the area, thus increasing noise, traffic etc.

2) I am increasingly concerned about the limited amount of parking spaces and we strongly feel that the proposed plans will further exacerbate the issue. Kingswood Homes have proposed to build 4, 5 and 6 bed houses with two parking spaces per plot. This is likely to intensify the parking issues that are already present, particularly on our estate (The Sycamores) caused by the lack of pavements and visitors parking and narrow roads.

3) The increase in car owners will inevitably have an adverse impact upon the traffic on our surrounding roads.

4) There are also concerns about the lack of privacy that the proposed plans could cause to the existing properties in the area. It is likely that the estate will increase the number of people accessing the path that directly faces our houses and will overshadow existing properties if not built below their current elevation.

5) The proposed will have an adverse impact upon the conservation of animals that inhabit the green areas. The developers highlight that the trees that home the bat nests will remain but it is likely that a densely populated estate will detract the animals from the area. We have also observed high numbers of deer and foxes (including cubs) in the bushes and fields in front of our house which has not been addressed in the plans, as far as I can see.

6) As a parent, I also have significant concerns about educational facilities in the area. There are plans for a new primary school, however I am concerned that there will not be enough secondary school places to meet the demand from new families moving in to the area.

I hope you will explore the aforementioned objections and take them in to consideration when considering the proposed plans for the area.

Regards,

Dr Megan McKenna

8 Aspen Close

Objection – David Jeal, 80 Horden View, Blackburn, Received 29/09/2021

Reserved matters application - approval of the matters reserved by the Outline (hybrid) planning permission ref: 10/21/343 (Appearance, landscaping, scale and layout) for the erection of 280 dwellings At Phases 7 - 11 "Green Hills Residential Development" Land off Broken Stone Road/Livesey Branch Road on land within the Gib Lane Masterplan Area Blackburn.

Mr Martin Kelly,

I am writing regarding the request for comments on the aforementioned application to develop part of 280 dwellings on green belt land behind my home.

Whilst I understand there is a need for affordable housing in Blackburn and that there are quotas to be met in this regard. I cannot state strongly enough how opposed I am to this endeavour.

Firstly, these are not the 'affordable' homes which local residents so badly require. Indeed, 5 bedroom, detached houses in bespoke plots, with views across Blackburn cannot be seriously described as affordable. In no way will this development address the lack of affordable houses. It will only serve to attract external buyers to the area and further push up private house prices and ultimately increase rents charged by private landlords thus pushing those already hard pressed further into poverty.

Secondly, local amenities are pushed to breaking point as it stands and this increase in upwardly mobile young families living in the area will exacerbate what is already an untenable situation.

My daughter attends St Paul's primary school which is heavily oversubscribed as is every other primary school in the area.

St Bedes which is the only Catholic school in the town is in a similar situation and so even with the proposed addition of a new primary school this would leave families from the area and catholic families locally unable to send their children to a school their entire family may have attended, in favour of new additions to the area. Further widening the attainment gap based on economic means.

Our local GP surgery (Bentham RD) is at breaking point. As a working family we cannot get an appointment to see a doctor as to do so requires a phone call made at 8am, and to be held in a queue for upto an hour. Often still resulting in no appointment.

The local infrastructure is not suitable for the additional usage which it will necessitate. Broken Stone Road is not wide enough, has a legacy despite the new speed limit of national speed limit usage. Is often used as a logistical bridge upon closure of the M65 which is becoming more regular. The proposed access to the development site will see traffic accidents, the road was never designed for access at these points which will not present the appropriate conditions for safe road usage.

My own property has a culvert which runs underneath it. At times broken stone road becomes a river with water running down to the roundabout, blocking drains regularly. The fields either side have acted as natural drainage for this which prevents home flooding and more serious road floods.

With the removal of this natural flood defence my property directly will be put in danger of flooding. The entire livesey branch road area will be much more at risk as the water still has to go somewhere.

Our personal views. We bought our home mostly because of the views enjoyed behind. The proposed development will see our view of the witton/billinge hills replaced by a 5 bedroom detached house. It will seriously impact the desirability of my property and reduce the enjoyment for myself and my young family for which we borrowed quite a large mortgage.

Land slippage and suitability for building. Since purchasing our property it has become evident that serious movement has and is taking place in the area. There is clear visible evidence of structural movement between our house and adjacent outbuildings. Our garden which slopes dramatically has also moved further down towards the 'boggy, unstable marshland' behind.

Local wildlife which even since I was a boy along the livesey branch area has been decimated by property development, will be absolutely wiped out. I used to find and see; newts, dragon flies, hedgehogs, shrews, dormice, foxes, deer to name a few species. Our natural resources are shared with the animal world and we have a duty of care to ensure that these species not only survive but thrive living alongside us. This development will be absolutely catastrophic for the local wildlife which has already bore it's fair share of the brunt in pursuit of economic furtherment.

These are a few points which I would like to be considered. I would be very happy to present at any meetings if the need should be required.

Kind Regards

David Jeal

80 Horden View

Objection – Residents of Green Hills, Craig Place, Received 24.09.21

Hi

Regarding the planning application above, im not contacting to protest but have alot of worries about the drainage system as I have lived on green hills for 2 and half years and I have had continuous drainage issues leaving me not able to use my garden which is not nice when I have kids and a dog, it has been an ongoing issue which have had kingswood homes involved as I had a groundworkers in to investigate which alot of issues was found with the installation of the aco drains in and around my property. Pictures of the incorrect installation and information passed back to myself from the manufacturers of the drains was sent to kingswood but nothing has been done to resolve the issue, so getting to the point whats not to say these new house will only make it worse, I think they need to resolve all past issues before continuing and possibly making this situation worse.

Thanks Craig place

Objection – Mr J Murphy, 15 Buckthorn Lane, Blackburn, Received 23.09.21

Dear Sir/Madam

I refer to the letter sent to my home address dated the 10th of September.

I would ask for the following comments to be taken into consideration.

1. We have had previous problems with flooding in our back garden. I hope the submitted drainage plans and planning conditions will address this so no further flooding occurs as a result of the new housing development. The Council's drainage team are aware of the previous issues as I liaised with them at the time.
2. We have a high block retaining wall in our back garden as our property backs on to the higher field behind. Is there any potential for land movement when construction commences?
3. There are a number of mature trees at the rear and side of our property. It is unclear which trees are to be retained from the uploaded plans on the planning website. Hopefully healthy and protected trees will be retained and dead ones removed. We have a mature oak tree directly behind our property and I hope this will remain in situ.
4. The plan shows a new public footpath connecting the sites. If the footpath is to extend to Cockridge wood, (adjacent to Gib Lane) it may run behind our back fence. Hopefully, there will be a gap so the path does not run directly behind our property. Will there be any additional planting/screening etc?
5. It appears that one of the largest house types (Ribchester 6 bed) is one of the closest to our property so we may well be overlooked. I wonder if this is the best option as far as house planning goes ? Loss of light, privacy etc I am unsure of the distance between our property from looking at the PDF plan.

Many Thanks

Mr J Murphy

15 Buckthorn Lane

Blackburn

BB25AR

Objection – Mr Michael Dias, Green Hills, Received 17.09.21

Dear Martin Kenny

I am writing to you in respect of the planning application ref: 10/21/1022

Phases 7-11 "Green Hills Residential Development" Land off Broken Stone Road/Livesey Branch Road on land within the Gib Lane Masterplan Area Blackburn.

I am a resident at Green hills and moved here in the developers first phase of construction, over the two years of living here, the development has grown at a significant rate.

I anticipated the development would grow to a 5th phase, but the new application further increases the development with another 280 homes which is just outrageous.

Common problems my family and I encounter daily is access in and out of the development and the significant traffic build up in the morning with school runs along Livesey Road.

I believe Kingswood are proposing to build another route out of the development towards Gib Lane, however all roads lead out to the same exit further exacerbating the problem, which is a problem if you're a commuter needing to connect to the motorway.

We have yet another development being built the Watermills putting further pressure on access routes in and out of Blackburn, and therefore putting further stress on an already strained infrastructure. It definitely feeling like Kingswood greed to further expand the development is starting to show, with what was once a pleasant development is starting to become a mass market money machine and they are not interested in the original vision shared by Wayne Hemmingsway as part of the original masterplan which was what originally attracted me to the development.

Covid apart, I can't even get a dentist or doctor appointment, what is yet more development going to do to our public services that are already are struggling?

I urge the planning officer to seriously think about the implications of another 280 homes on top of the Watermills development which states 450 homes along with the Story homes development which is also currently under construction.

Kind regards,

Mr Michael Dias

Objection – Andrew Ellis, Horden Farm, Received 14.09.21

Dear Sir

I write in relation to the letter I received from you dated 10th September 2021 in relation to the application for planning permission for the erection of 280 dwellings on the land off Broken Stone Road/Livesey Branch Road. Please note that I live at Horden Farm.

My main concern in relation to the planning application is the increased volume of traffic that will then be on Broken Stone Road. This road is very narrow, with no footway. If the houses are built this must also lead to more pedestrian traffic. There are already a good number of cyclists who use the road. Despite the reduction in the speed limit, cars still travel up and down this road at speed.

The road is also narrow on Bog Height Road, as well as on Broken Stone Road. Indeed, the road is not wide enough for two large vehicles to pass each other. I was witness to a lorry having to reverse down Broken Stone Road to the bottom of Horden Rake, so that a lorry coming down Broken Stone Road had enough room to pass it. There are also a number of blind entrances on Broken Stone Road, most notably at Horden Farm, where vehicles need to poke out before they can see down Broken Stone Road. There have been a number of near misses. If a vehicle is trying to exit Horden Farm, and cars are approaching from both directions, if the vehicle from Broken Stone Road is poking out in to the carriageway, there is not enough room for the two approaching vehicles to pass each other and avoid the car exiting from Horden Farm.

What this means is that with the increased traffic levels there will be accidents on Broken Stone Road, which may well involve pedestrians and cyclists. These accidents could involve significant injury.

The lack of lane markings and street lights must also mean that there will be accidents on this narrow road.

Quite a lot of water runs off the fields abutting Broken Stone Road and down Broken Stone Road. As more properties are built, the amount of water running onto the road must increase. During winter, this run off must be at risk of turning to ice and making the road even more dangerous.

I am aware that there are pipes running across the field that provide the water supply to Horden Farm. Any development will need to be conscious of this, so that the water supply to Horden Farm is not cut off. I say this, as the four properties on Horden Farm suffered a loss of electricity when operatives from Kingswood Homes cut the electricity cable, leading to a loss of electricity for almost twelve hours. In this regard, I would advise you that Kingswood Homes have not been in contact to apologise for the loss of power, nor to see if any items of foodstuff may have been lost. They have therefore shown no courtesy to property owners who may be affected by their works.

Kingswood Homes have had no discussions with the residents at Horden Farm about their plans for the boundary/boundary fencing.

I also have concern that should the 280 houses be built, this will impact on the wildlife, in particular, the bats, whose habitats are being taken away. Please can you confirm the steps being taken by Kingswood Homes to ensure that the habitats of the protected species will not be affected.

Regards

Andrew Ellis

Objection – Darren Thompson, 38 Gib Lane, Blackburn, Received 13.09.21

To whom it may concern

I object to the following application Reference 10/21/1022

The reason is due to large volumes of traffic to Gib lane and surrounding areas and the protection of the local country side. Blackburn has so much derelict land which needs tidying up so why start in the country side .

Thanks

Darren Thompson

Objection – O.M Blackwell, Horden Farm House, Received 13.09.21

FOR THE ATTENTION OF MR MARTIN KELLY, STRATEGIC DIRECTOR OF PLACE

Dear Mr. Kelly,

Re: Planning Matters application 10/21/1022 (referred to in your letter as 10/21/343)

Phases 7-11 "Green Hills Residential Development"

Land off Brokenstone Road/Livesey Branch Road on land within the Gib Lane Master Plan.

I note the above application by Kingswood Homes.

I would like to raise the following concerns/objections

(1). The competency of Kingswood Homes.

I live at Horden Farm House. It is on the southern end of the 'Master Plan' and much featured in the photographs with said plan. It lies on the south side of the proposed site. There are three other residences next to mine on the Horden Farm site.

Last Wednesday our electricity supply was cut off. The cause? Kingswood Homes had cut through the cable supplying the electricity whilst constructing a drainage ditch. I had to discover this myself by going down the bottom of the hill. Had I not done so I doubt I would not have found the cause of the problem.

Not only were all four houses deprived of electricity, they also had no water. For electricity is needed to power the pumps.

Not leaving the matter to Kingswood Homes, who had already revealed their complete ineptitude, I contacted North West Electricity myself in order to get the repair made.

We were without water and electricity the next day at 12.15am

My neighbour, himself a site manager, went to have strong words about the bungling work of Kingswood Homes. He tore several strips off him. The site manager assured us that he would personally apologise for what had happened. Needless to say, we have heard nothing.

(2). Water pipes to the property of Horden Farm

The reason I mention the above is that it serves to demonstrate that Kingswood Homes are not competent builders. What makes matters worse is that the water pipes for our dwellings run right through the site on which they propose to build. If they can cut through a clearly identified electricity cable, God knows what they would do to our water pipes! Cutting through them would cut off our water, contaminate our tanks and ruin our water pumps. I need to make this clear to both Kingswood Homes and the Local Planning Authority when it comes to point of causation and remoteness should it be necessary to seek damages for negligence.

It is difficult to place any faith or trust in builders who are clearly inept.

However, I have other concerns about the proposed building of 280 houses.

(3). Drainage.

Part of the reason for cutting our electricity cable was the desperate urgency on the part of Kingswood Homes to dig drainage channels. One suspects that they are fully aware that the area is very prone to flooding and were fearful of the anticipated storm. In the past the water would soak into the farmland. Now, however, it runs off the tarmac and simply runs downhill. Moreover, ancient water channels beneath the ground have been disturbed by the construction that has already taken place.

I do realise that Kingswood Homes have tried to anticipate these problems. However, given that Livesey Branch Road, outside the ironically named "Green Hills" estate, badly flooded last year, it looks as if their precautions are inadequate. There is actually a film of a duck swimming on the road following the rainfall.

I am informed that underground tanks are suitable for an average rainfall. However, given a greater than average rainfall, (which we are now regularly experiencing), they are simply not fit for purpose. They fill, back up, overflow, and then proceed to flood the houses in the neighbourhood.

I am aware that houses on St Michael's Close already have a problem with flooding from the fields. Add more houses uphill and you will soon render those houses untenable.

Brokenstone Road already turns into a downhill stream. If you add more houses, once again, you will only add to this problem.

(4). Inadequate roads for the traffic.

One can assume that if 280 houses are being built, that will mean at least 280 extra cars regularly travelling up and down Brokenstone Road. Moreover, there is also building work taking place on the other side of Brokenstone Road. Thus, one can easily see that there might be 500 new cars using the road.

Brokenstone Road is a small farm road, with a dangerous bend near Horden View. It is already overused, dangerous and is busy with large farm vehicles and construction lorries for the various building projects currently under way. If you add 500 cars to this road it will simply become one long and dangerous traffic jam. This will particularly be the case at rush hours. One can easily see the Oyster and Otter roundabout becoming a complete bottleneck for traffic, especially at particular times of the day.

For myself and my neighbours, we will have to count ourselves lucky if we can get out of our own drive.

I note that from the masterplan that two roads are to come out of the new estates onto Brokenstone Road. I think it obvious that the latter road is completely inadequate to take the new level of traffic that would issue from these roads and the road on the southern side of Brokenstone Road.

I hope that you will take the above points into consideration when considering the above planning application.

Yours sincerely,

O.M. Blackwell

Horden Farm House.

Objection – Brian Stockdale, 72 Horden View, Received 13.09.21

Dear Sir,

I am writing once more to register my disgust and horror at the destruction of the countryside to provide homes which cannot be described in any way as social housing but merely major money earners for developers and all concerned.

I note with shock that given the very precarious nature of Brokenstone Road there is still to be an access Road into the development.

Brokenstone Road is a very dangerous and fast road for traffic, as no doubt the council is well aware. The 40mph speed limits have had the expected effect of being totally ignored by the majority of motorists so make hardly any difference whatsoever.

Finally a plea that the trees and hedgerows along Brokenstone Road are left alone and not mindlessly destroyed - there is a climate crisis on!

Yours very sadly

Brian Stockdale

72 Horden View

Objection – Mrs Daphne Kitchen, 64 Horden View, Received 12.09.21

I live at 64 Horden View and I am concerned what will happen to my water supply when this large amount of houses are built. Also the waste water drainage in my drive which already has the waste from 8 properties flowing through it and has blocked and overflowed once and I have only lived in this house 3 years. I have complained before about all the green spaces in this area being built on and I am concerned for all the wildlife in the area. I have numerous birds in my garden from all the finches to sparrow hawks, plus frogs and plenty of pond life, I find the complete disregard for peoples health both mentally and physically disgraceful, this being more evident since covid.

Regards

Mrs. Daphne Kitchen

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/1048

Proposed development: Full Planning Application for Roof lift to create additional floor

Site address:
95 Shear Brow
Blackburn
BB1 8EA

Applicant: Mr Farouk Yusuf

Ward: Shear Brow & Corporation Park **Councillors: Hussain Akhtar,**
Suleman Khonat,
Zainab Rawat



1.0 SUMMARY OF RECOMMENDATION

- 1.1 APPROVE – Subject to the application of the conditions, as stated in paragraph 5.1 of this report.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is before the Planning & Highways Committee in accordance with the Scheme of Delegation, due to a Petition being received against the proposals, containing six signatures. A summary of the public comments received is provided in section 7.2.
- 2.2 The Council's Development Plan supports domestic developments provided they constitute sustainable development, and accord with the relevant policies.
- 2.3 This proposal relates to a roof lift on an existing two-storey property to create an additional floor. In summary, assessment of the application finds that the proposal is on balance acceptable, with all material considerations and issues been addressed in section 3.5. The development will be controlled through a number of planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site relates to a traditional stone built two-storey cottage positioned on the eastern side of Shear Brow, Blackburn. The proposal dwelling is connected at either side to higher two-storey residential properties. The existing property has a width of approximately 8.5m and a depth of approximately 8m.
- 3.1.2 The surrounding area is largely residential and is characterised by a range of house types and architectural features. The land in the locality rises in a south to north direction.



Figure 1: Case officer photo taken from Shear Brow showing front elevation of the application site

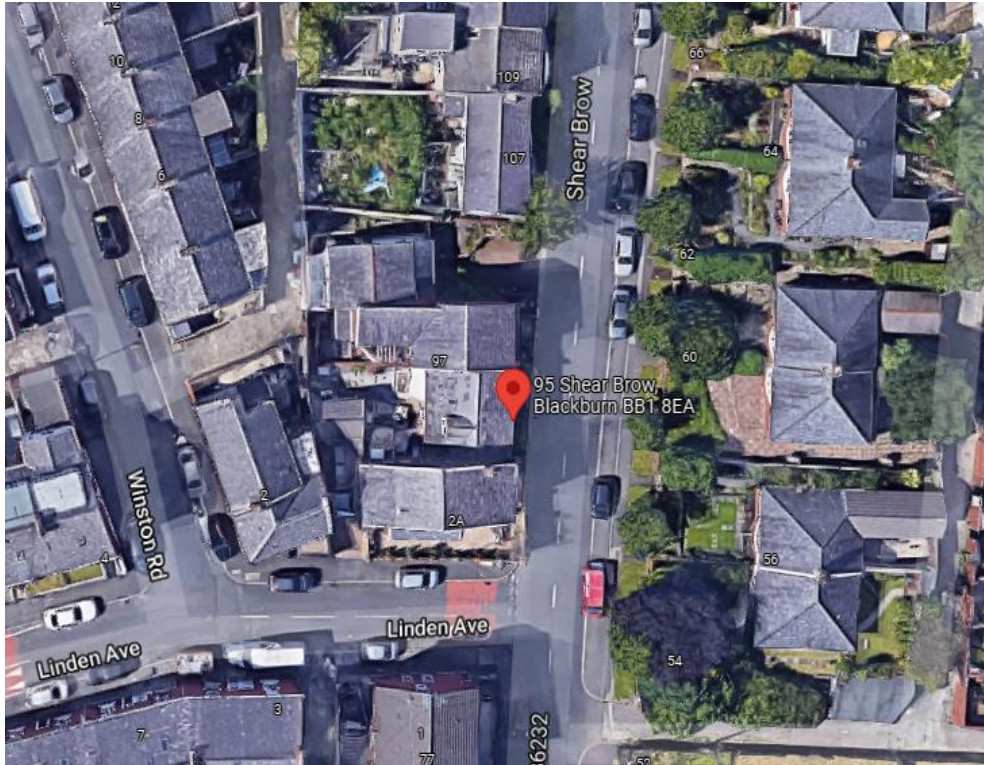


Figure 2: Google aerial view of the application site

3.2 Proposed Development

- 3.2.1 Planning permission is sought for the creation of an additional storey above the existing two storey dwellinghouse by way of a roof lift. The proposed works would form an additional bedroom, a bathroom and games/study room.
- 3.2.2 The existing dwelling is currently approximately 6m in height. The proposal seeks to raise the ridge line by an additional circa 3.1m to bring both the ridge and eaves level with that of the neighbouring property, No.97 Shear Brow. The same dual pitch roof of corresponding slope is proposed.
- 3.2.3 Two new windows will be inserted within the front elevation at second floor and two rear windows at first floor. the proposal also seeks the addition of a flat roof dormer towards the rear of the property. Also, within the roof space will be a number of velux roof lights, two positioned at the front and one at the rear.
- 3.2.4 The proposed first and second floor plan, as well as the proposed elevations are shown below:

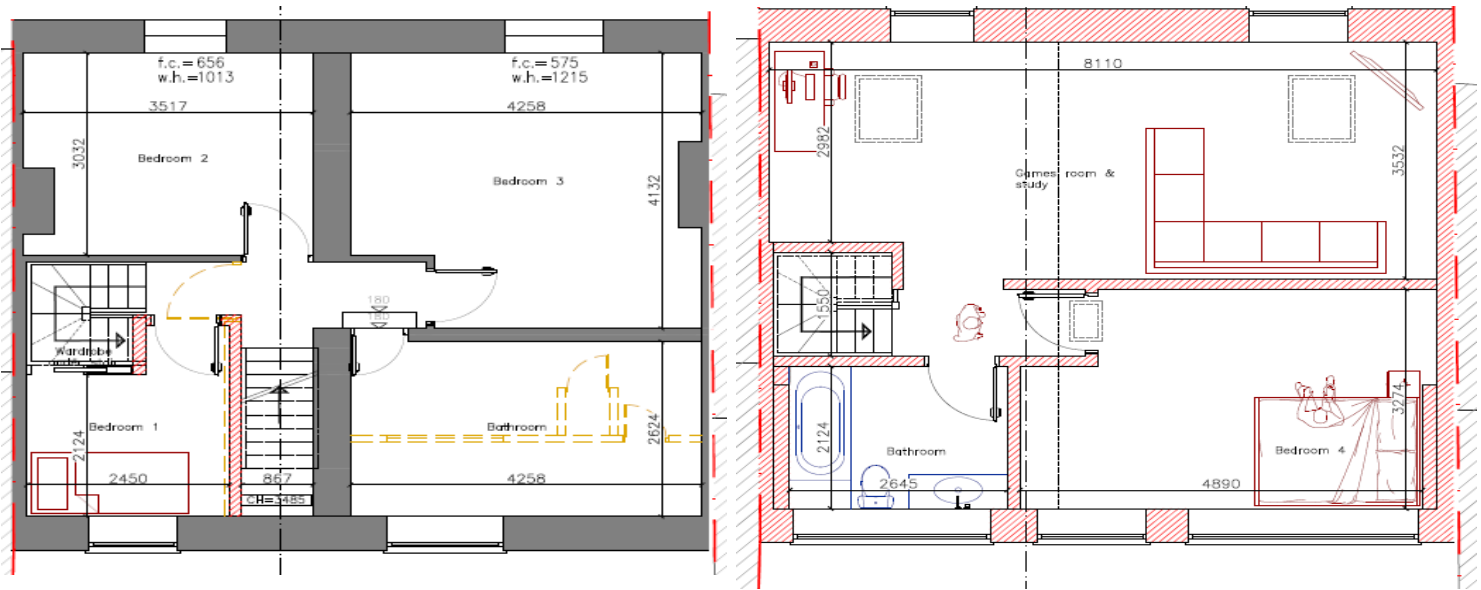


Figure 3: Proposed First and Second Floor Plan

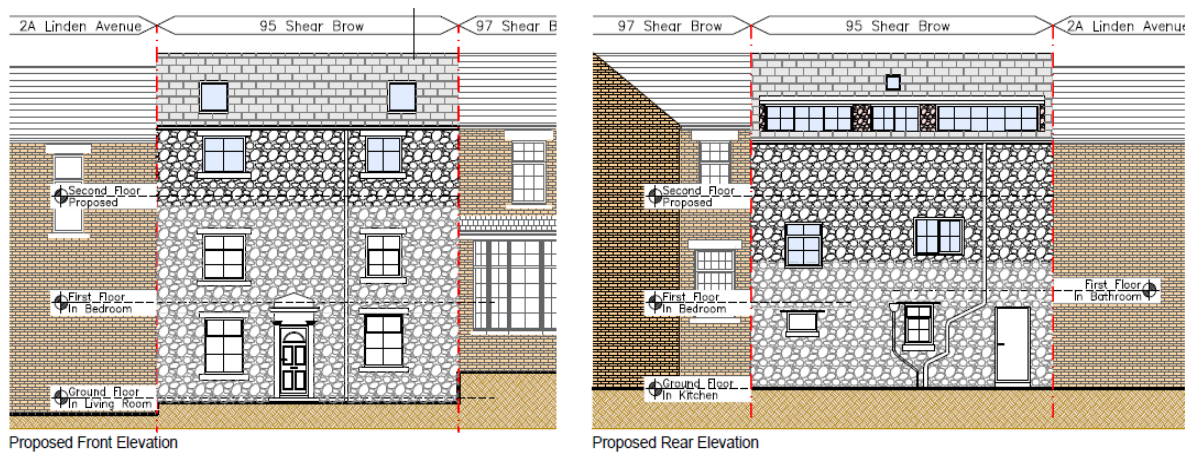


Figure 4: Proposed Front and Rear Elevations

3.3 Case Officer Photos



Left - Rear Elevation of app site; Middle – Gable of 2a Linden Avenue, non-habitable window; and Right - Rear/side of 97 Shear Brow



Left – Rear/Side elevation of 2 Winston Road; Middle – View up Shear Brow; and Right – View down Shear Brow

3.4 Development Plan

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

3.4.2 The 'Development Plan' comprises the adopted Core Strategy DPD (2011) and adopted Local Plan Part 2 – Site Allocations and the Development Management Policies (2015).

3.4.3 Core Strategy

- Policy CS16 – Form and Design of New Development

3.4.4 Local Plan Part 2

- Policy 8 – Development and People
- Policy 9: Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design

3.5 Other Material Planning Considerations

3.5.1 National Planning Policy Framework (NPPF) (July 2021)

- Section 2: Achieving sustainable development
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment

3.5.2 Residential Design Guide Supplementary Planning Document SPD

3.6 Assessment

3.6.1 When assessing this application there are a number of important material considerations that need to be taken into account. They are as follows:

- Residential Amenity
- Design/Visual Amenity
- Highways
- Protected Species
- Other Comments

Residential Amenity

- 3.6.2 Policy 8 of the Local Plan Part 2 (LLP2) (2015) requires development to secure a satisfactory level of amenity and safety for surrounding uses with reference to issues including; noise, loss of light, privacy/overlooking and the relationship between buildings.
- 3.6.3 The proposed roof lift would result in the dwelling becoming three storey in height. The neighbours potentially affected by the proposals are as follows;
- 2A Linden Avenue
 - 97 Shear Brow
 - 2 and 4 Winston Road
 - 56 and 58 Shear Brow
- 3.6.4 Starting with No.2a Linden Avenue, the rear of the property adjoins the main dwelling of No.95 and rear garden area of the application site. Within this rear elevation of the neighbouring property is a first floor window which serves the landing. Whilst it is acknowledged, the proposal will result in a loss of light to this aforementioned opening, it should be noted there is no planning protection on windows serving non-habitable rooms and therefore the proposal does not warrant a refusal on this basis.
- 3.6.5 Turning to No.97 Shear Brow, the property has an existing two storey rear outrigger which features habitable room windows at both ground and first floor facing towards the rear elevation of No.2a Linden Avenue. The rear gardens of both the host dwelling and No.97 are west facing. Taking into account the orientation of the properties, the proposed development is likely to cause some overshadowing in the early morning to the rear amenity spaces. However, it is considered the relationship of No.97 with its surrounding dwellings already results in some amenity impact to the rear window openings and garden areas in terms of loss of light/overshadowing. The proposal is unlikely to result in any greater harm to the occupants of No.97 than that presented by the current arrangements.
- 3.6.6 Furthermore, given the sites characteristics in reference to land topography, the host dwelling sits below No.97. As such, the proposal will appear far less overbearing. When those factors are considered, the proposed development will not be detrimental to the living conditions presently enjoyed by the inhabitants of the neighbouring property.
- 3.6.7 A first floor bedroom and bathroom window has been installed to the rear. The existing ground floor kitchen window at the host dwelling causes some privacy

concerns to these side elevations openings at No.97. The positioning of the bedroom window does not directly face towards the above-mentioned windows and therefore views in will be from an oblique angle. Nor will this bedroom window pose any greater privacy loss than existing opportunities from the kitchen window.

- 3.6.8 The use of obscure glazing to the bathroom window shall be sought via a condition to ensure the amenity of the users of the property and occupiers of No.97 is safeguarded. Likewise, as already referenced on the submitted plans, the rear dormer windows are to be obscurely glazed to prevent any overlooking of surrounding gardens given the elevated position. Subject to compliance with that condition, the proposed development would be acceptable in relation to domestic privacy.
- 3.6.9 The rear of the application site directly faces the rear of No.2 Winston Road. It was apparent on the case officer's site inspection the adjacent property has a two storey flat roof element at the rear with a ground floor window only. The proposal is not considered to lead to any loss of privacy given the screening from the single storey rear extension at No.2a Linden Avenue and high boundary wall which divides the application site and No.2 Winston Road. Notwithstanding this, as highlighted earlier the window openings within the proposed rear dormer are to be obscurely glazed to mitigate from any potential privacy/overlooking opportunity.
- 3.6.10 An alleyway separates the proposal dwelling and No.4 Winston Road. The separation distance between the two properties is circa 20.5m given the relationship of the dwellings and off-set nature of No.4, no amenity concerns arise.
- 3.6.11 Policy RES E3 of the Residential Design Guide SPD states a minimum separation distance of no less than 21m should be maintained between facing windows of habitable rooms. Further adding where buildings are to be three storey in height, or where there is a difference in land levels the separation distance should be increased by an additional 3 metres.
- 3.6.12 Given a third storey will be introduced to the property featuring a habitable bedroom room window to the front elevation the requisite 24m is necessary. The proposal does not involve any projection beyond the front elevation. As such, the separation distance between the application site and the bungalows directly opposite (No's 56 and 58 Shear Brow) will remain as currently is at circa 24.1m. The proposal would therefore not result in any loss of privacy to the adjacent occupiers, in accordance with RES E3.
- 3.6.13 For those reasons, and subject to conditions, the proposed development would not be excessively harmful upon neighbouring residential amenity, in alignment with Policy 8, and the guidance of the Design SPD.

Design/Visual Amenity

- 3.6.14 Policies CS16 and 11 require development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context and making a positive contribution to visual amenity.
- 3.6.15 Specific guidance with the Design SPD is outlined for domestic extensions. Policy RES E12 of the Residential Design Guide relates to alterations to roof heights and states proposals to increase the height of a dwelling will only be acceptable where i) existing properties do not follow a consistent building height; and ii) the proposed alteration does not unacceptably affect the character of the streetscape.
- 3.6.16 The original property is a modest cottage which is sited between two larger dwellings. The proposed roof lift will add a third storey to the dwelling, increasing the overall height of the property from 6m to 9.1m. The proposal will effectively infill the vacant space between the two-raised gable ends of the attached neighbouring properties. As such, the proposed alterations would involve increasing the height of the dwelling such that the eaves and roof ridge would instead follow the levels established by No.97. There would then be a small step down in roof levels between Nos 95 and 2a Linden Avenue.
- 3.6.17 The proposed alterations would result in an appearance generally reflecting that of the neighbouring properties. A staggered nature in the roof forms will be retained which assimilates the street scene, most notably on the terraced properties lower down from the application site.
- 3.6.18 Taking the above into account, the proposed roof lift will not be visually harmful to the prevailing character and appearance of both the host dwelling and street scene. The raised roof is considered to better integrate with the massing and scale of the neighbouring dwellings.
- 3.6.19 The additional storey has been appropriately designed to complement the existing property by way of its matching dual pitched roof form. The use of matching materials throughout the scheme maintains coherence between the proposed development and existing property. However, to avoid any unsightly bonding to the front and rear elevations, a condition is to be attached requiring samples of the external materials to be used in construction to be submitted prior to commencement of the development.
- 3.6.20 The proposed addition of two new windows to the front elevation of the property breaks up the massing of wall between the first floor windows and eaves of the roof. They are slightly smaller in size compared to the existing windows, however are considered acceptable in terms of appearance and design. The installation of velux roof lights would not dramatically alter the character of the property. It should also be noted roof lights could be added without the need of planning permission subject to compliance with the requirements of Part 1, Class D of the General Permitted Development Order.
- 3.6.21 The proposal seeks to introduce a rear dormer which almost extends across the full width of the rear slope of the application site. It will feature a flat roof

which is set well below the raised roof ridge and set back circa 300mm from the eaves level. The scale and bulk of the dormer is not considered to visually dominate the rear roof slope of the dwelling and will therefore not appear as an incongruous feature. It was also apparent on my site inspection a number of properties on Linden Avenue have benefitted from rear dormer extensions of similar style and scale. A condition is to be attached to ensure the face and cheeks of the dormer match the existing roofing materials (tiles) and for a sample to be submitted to the LPA prior to any works commencing. Subject to this condition, the proposal would accord with point v) and vi) of RES E13.

- 3.6.22 Based on the above reasoning and subject to appropriately worded materials conditions, the proposed development is acceptable in visual design terms, thereby according with Policies CS16, Policy 11 and the guidance of the Design SPD.

Highways

- 3.6.23 Policy 10 of the LPP2 (2015) 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 vehicular access, off-street servicing and parking in accordance with the Council's adopted standards.
- 3.6.24 The submitted existing floor plans indicate the property is currently a three bedroomed dwelling. The proposed development will result in the creation of one additional bedroom, and therefore take it up to four overall.
- 3.6.25 The Council's adopted parking standards require 2/3 bed units to provide two off-street parking spaces and 4+ bedroom units to provide three spaces. The property does not benefit from any off-street parking arrangements, as is the case with a large number of the dwellings along this immediate stretch of Shear Brow.
- 3.6.26 It is acknowledged, there is currently a high demand and pressure for on-street parking in the surrounding area given the lack of off-street provision and no availability on the near side with the application site to park vehicles on-road. However, the proposal would only lead to a net increase of one space; as such, it is not considered the proposal would result in an unacceptable increase that would be significantly detrimental to highways safety. Furthermore, similar arrangements in terms of number of bedrooms and no-off street provision are found at neighbouring properties, notably at 77 Shear Brow, and therefore the proposal does not warrant a refusal on highways grounds.
- 3.6.27 On balance, the proposal will not result in a detrimental impact to highways safety, in accordance with Policy 10 of the Local Plan Part 2 (2015).

Protected Species

- 3.6.28 All species of bat and their roosts are protected under UK and European legislation and are a material consideration when a planning authority is

considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.

3.6.29 Paragraph 180 of the National Policy Planning Framework (2021) stipulates:

“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.

3.6.30 Policy 9: *Development and the Environment* of the LPP2 (2015), states development likely to damage or destroy habitats or harm species of international or national importance will not be permitted.

3.6.31 Given the application site is a pre-1914 build, the Council’s Ecology consultants confirmed the building required an initial preliminary roost inspection (PRA); in which the results of the subsequent inspection would determine if further surveys were necessary.

3.6.32 A PRA was undertaken in July 2021 and established the building as having potential to support roosting bats. Taking this into account, two activity surveys were carried out.

3.6.33 The report concludes over the two surveys there has been minimal bat activity. Ecology GMEU have reviewed the submitted reports and state the following;

‘No evidence of bats was found in the building, and no bats were recorded emerging/re-entering from the building during the activity survey. Reasonable survey effort appears to have been used to demonstrate that no bats are currently roosting in the building proposed for alterations.’

3.6.34 Therefore, based on the findings of the survey, it has been demonstrated that the proposed development would not be detrimental to local bat populations or nesting birds. A number of recommendations are set out in the report, a condition will be attached to ensure those recommendations are abided by. In addition, the standard bats informative will be imposed advising the applicant of the statutory protection surrounding bats and to stop works if any bats are found or disturbed.

3.6.35 Subject to compliance with the above condition and bats informative, the proposal accords with P.180 of the NPPF and Policy 9 of the Local Plan Part 2 (2015).

Other Comments

3.6.36 Concern has been raised regarding the use of the property as a House in Multiple Occupation (HMO). The application site is covered by Article 4 direction, and therefore planning permission would be required to convert the property into a HMO. No previous application has been submitted to change

the use of the dwelling to a HMO. This matter has been passed onto the Council's Housing Standards Team and have responded stating;

'We do not have any records of this property being used as a HMO and council tax does not show it being used as one either. We will write to the owner of the property to request that he contacts us regarding the allegations of it being used as a HMO.'

Planning Enforcement have also been notified and will monitor the situation.

3.6.37 With regards to, current noise/disturbance and litter issues this is not something the Local Planning Authority can control. These matters may be dealt with by Public Protection under the separate Environmental Protection legislation.

4.0 CONCLUSION

4.1.1 For the above reasons and assessment, the proposed development is considered to meet the requirements of the relevant Development Plan policies, subject to conditions in order to make the development acceptable in planning terms.

5.0 RECOMMENDATION

5.1 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 permission, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

- Location Plan
- Drawing No.200 – Proposed Ground Floor Plans;
- Drawing No.205 – Proposed First Floor Plans;
- Drawing No.210 – Proposed Second Floor Plans; and
- Drawing No.200 – Proposed Elevations and Sections - Received 13th September 2021

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

3. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no works shall take place until samples or full details of all materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local

Planning Authority. Such details shall include the type, colour and texture of the materials, including the face and cheeks of the dormer. The development shall thereafter be implemented in accordance with the duly approved materials.

REASON: To ensure the use of appropriate materials which are sympathetic to the character of the host dwelling in accordance with the requirements of Policy 11 of the Blackburn with Darwen Local Plan and the requirements of the National Planning Policy Framework.

4. Notwithstanding any description of materials in the application and the requirements of condition 2 and 3 of this permission, no works shall take place until a sample panel (measuring no less than 1 metre x 1 metre) of the stonework to be used on the external surfaces of the extension hereby approved has been constructed on site for the inspection and subsequent written approval of the Local Planning Authority. The sample panel shall demonstrate the type, texture, size, bond and method of pointing for the stonework. The panel so approved shall be retained on the site and shall not be removed until such time as the external walls are complete. All stonework shall be constructed in accordance with the duly approved sample panel, and maintained as such thereafter.

REASON: To ensure the use of appropriate materials which are sympathetic to the character of the host dwelling in accordance with the requirements of Policy 11 of the Blackburn with Darwen Local Plan and the requirements of the National Planning Policy Framework.

5. The first floor rear bathroom window and windows in the rear dormer hereby permitted shall be fitted with obscure glazing (which shall have an obscurity rating of not less than 4 on the Pilkington glass obscurity rating or equivalent scale) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall remain in that manner in perpetuity at all times unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the privacy and amenity of users of the development and neighbouring properties in compliance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

6. The development shall proceed in strict accordance with all of the recommendations set out in the Dawn return-to-roost survey report (95 Shear Brow, Blackburn by Angela Graham Bat Consultancy Service Limited on 13th September 2021).

REASON: In order to minimise the developments impacts on local bat populations, in accordance with Policy 9 of the Local Plan Part 2 (2015).

6.0 PLANNING HISTORY

- 6.1 10/21/0545: Roof lift to create an additional floor. Withdrawn 1st July 2021, due to the need of bat inspection and design changes.
- 6.2 No other previous planning history at the application site.

7.0 CONSULTATIONS

7.1 Ecology – GMEU

An ecology survey has been undertaken and submitted as part of the application (Angela Graham Bat Consultancy Service, 13/09/2021). The initial survey was undertaken in July 2021 and appears to have been carried out by an experienced ecologist following best practice guidelines.

The building on the site was assessed as having potential to support roosting bats and as such a two activity surveys were undertaken in August and September 2021. No evidence of bats was found in the building, and no bats were recorded emerging/re-entering from the building during the activity survey. Reasonable survey effort appears to have been used to demonstrate that no bats are currently roosting in the building proposed for alterations. However, all species of bats and their roosts receive legal protection, and bats are mobile in their habitats and can colonise new roosts, even in unlikely places.

Buildings have the potential to support nesting birds, and the nests of all wild birds are protected by the Wildlife and Countryside Act, 1981 (as amended).

As a precaution I would advise that an informative is used so the applicant is aware of the legal protection that certain species receive. If protected species are found or suspected of being present at any time during works, work should cease immediately and advice sought from a suitably qualified ecologist. Work should be timed to avoid the main bird nesting season (March – August inclusive) unless it can otherwise be demonstrated that no active bird nests are present.

Opportunities to enhance the building for wildlife, such as bats should also be considered, in line national planning guidelines which state that opportunities to improve biodiversity in and around developments should be integrated as part of their design (NPPF section 175d). As bat roost features will be lost (even though there was no evidence of use), the precautions identified in the ecology survey in the recommendations should be followed during the works and the provision for alternative roosting secured through a suitably worded condition.

7.2 Public Consultation

Public consultation has taken place by means of 11 letters posted to surrounding neighbouring addresses on 17th September 2021. In response to the public consultation, a petition objection has been received with the

signatures of six neighbouring residents (refer to Section 10). A summary of these objections are shown below:

- Property operating as an illegal HMO
- Parking situation is a continual burden and works will only exacerbate
- The home as it stands is a cottage and will take away its character
- Rear privacy concerns giving an elevated view into surrounding gardens
- Raised roofline will limit the sunlight
- Excess noise and letter problems at present

8.0 CONTACT OFFICER: Jamie Edwards, Planning Officer

9.0 DATE PREPARED: 04 November 2021

10.0 SUMMARY OF REPRESENTATIONS

Comments from residents, Received 07.10.21

For the attention of
Jamie Edwards
Blackburn with Darwen Borough Council
Reference 10/21/1048
Full Planning Application -- Roof lift to create additional floor
At 95 Shear Brow
Blackburn
BB1 8es

07/10/21

Dear Jamie Edwards

Once again I write collectively with the same concerns as highlighted in our previous correspondence dated 07/06/21.

The points remain the same as listed

- The proposed property till date still operates as a illegal HMO with no action taken
- The parking situation is a continual burden and will only exacerbate if the planning is giving consent
- The home as it stands is a cottage and will takeover it's character.
- Privacy at the rear will also be compromised giving a elevated view into surrounding gardens
- The raised roofline will limit the sunlight
- Excess noise and litter has already been highlighted and reported coming from this property
- The surrounding homes are all family homes and a HMO is not in keeping with the area.

We hope you consider our views and await your thoughts and feedback

Best Regards
All Residents

	2 Linden Avenue BB1 8b1	
	56 Shear Brow BB1 8es	
	58 Shear Brow BB1 8es	
	60 Shear Brow BB1 8es	
	97 Shear Brow BB1 8es	
	101 Shear Brow BB1 8es	
	2 Winston Rd BB1 8b1	
	4 Winston Rd BB1 8b1	
	97 Shear Brow BB1 8es	

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/21/1112

Proposed development: Full Planning Application for Formation of additional car parking and landscaping

**Site address:
Greenbank Terrace
Lower Darwen
Blackburn
BB3 0RN**

Applicant: Barnfield Blackburn Ltd. c/o Barnfield Construction Ltd.

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



1.0 SUMMARY OF RECOMMENDATION

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

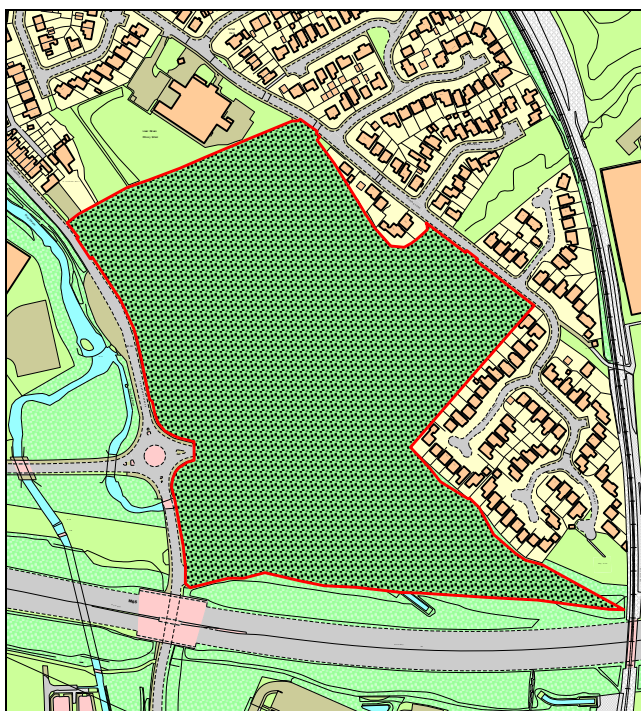
2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is separate to, but relates wholly to the recent planning approval (presented to the committee on the 21st October 2021) of Reserved Matters (RM) for 3 industrial units (Plots 1-3), pursuant to hybrid planning permission 10/18/1149.
- 2.2 Members will recall from the RM approval 10/21/0597, that a small area of the intended car parking provision for Unit 1 fell outside of the red edge of the hybrid / outline approval 10/18/1149. Therefore, although this area was shown indicatively on the approved plans, it could not be included within the RM planning permission. This current application will ensure the full parking provision for Unit 1 is provided, and that the adopted BwD Parking standards for Unit 1 are achieved.
- 2.3 This application is presented to Committee on account of the application's relationship with a recently approved major planning application, and the Council's interest in the land, in accordance with the Scheme of Delegation in the Council's Constitution.
- 2.4 Assessment of the application finds that the proposal will assist in meeting the Council's strategic aims and objectives, including economic growth, and regeneration benefits.
- 2.5 All relevant issues have been addressed through assessment of the previous outline approval under the hybrid/outline approval 10/18/1149, and the RM approval 10/21/0597 for the industrial units. Any specific impacts arising from this application can be controlled or mitigated through additional planning conditions.

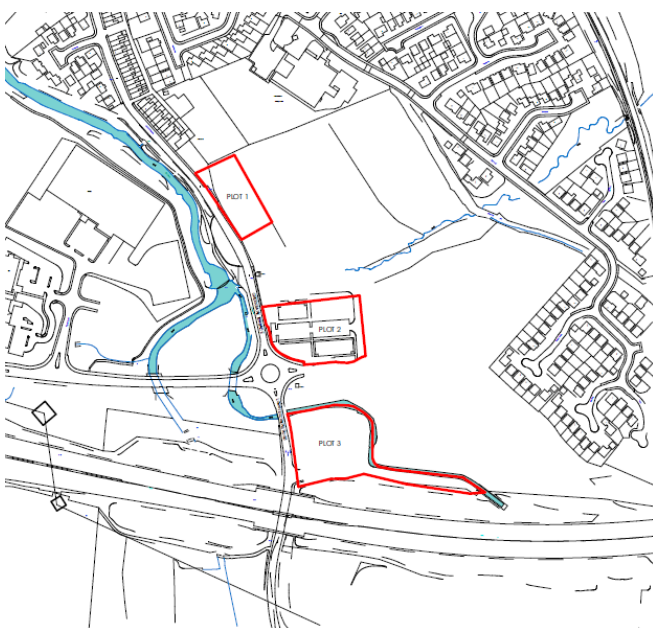
3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The red edge of the wider mixed use site, comprising 9.45 hectares, approved by hybrid application 10/18/1149, is shown below.



3.1.2 Unit 1 is located at the north western part of the site, as shown below



3.1.3 The red edge for this current application lies to the north west of the aforementioned red edge of Plot 1, as shown below.



3.2 Proposed Development

- 3.2.1** Planning permission is sought for the formation of additional car parking and landscaping for Unit 1, approved under 10/21/0597. Unit 1 is restricted to a Class B1 use only (this use class is now E (g)).
- 3.2.2** Unit 1 will provide 10,000sqft (930m²) of Class E (g) use, and is intended for potentially 4No small starter units. This application provides 6 of the planned car parking spaces for Unit 1. The vast majority of the parking spaces, and access, servicing arrangements etc. for Unit 1, are all within the red edge of the previous 10/21/0597 RM approval.
- 3.2.3** This application, on vacant brownfield land, will ensure adequate parking provision for Unit 1 is achieved, in accordance with the adopted standards. The car park would be at the northern end of Plot 1, with a surfacing to match the approved car park, and with grassed areas to the site edges. There would be 1.8m high paladin fencing to match the existing boundary treatment approved under 10/21/0597. The proposed layout is shown below.



Photos of Plot 1 – taken 14th July 2021:



Looking south-east from Greenbank Terrace access



Looking east into Plot 1 (taken from Greenbank Terrace)



Looking north-east into Plot 1 (from Greenbank Terrace)

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 Blackburn With Darwen 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 CS3: Land for Employment Development

Policy CS15: Protection and Enhancement of Ecological Assets

Policy CS16: Form and Design of New Development

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

- 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

3.4 **Other Material Planning Considerations**

3.4.3 National Planning Policy Framework (The Framework) (2021)

3.4.4 Blackburn with Darwen adopted Parking Standards

3.5 **Assessment**

3.5.1 The main issues to be considered in assessing this application are:

- Principle of the proposal
- Design / Layout / Appearance / Landscaping
- Parking standards

3.5.2 Principle of the proposal

3.5.3 The proposal, to provide parking and landscaping to a small area of vacant brownfield land which falls outside the red edge of the previous outline and RM approvals for industrial units, is considered acceptable, and does not conflict with development plan policy, provided there are no specific impacts that would outweigh the recognised benefits. These issues are assessed below.

3.5.4 Design/Appearance/Layout/Landscaping

3.5.5 Policy 11 of LPP2 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.

3.5.6 Policy 8 requires a satisfactory level of amenity and safety is secured for surrounding uses.

- 3.5.7 The design, appearance, layout and landscaping of the proposed car park is considered acceptable, and would respect the character and appearance of the existing area and the proposed development approved under 10/18/1149 10/21/0597.
- 3.5.8 A 1.8m high paladin fence is considered appropriate boundary treatment, with grassed edges softening any impacts. The proposal would integrate appropriately into the street scene and the parking area would be appropriately sited and surfaced in the context of what has already been approved on Plot 1.
- 3.5.9 The layout also achieves an acceptable relationship with nearby residential properties, and no representations were received from local residents.
- 3.5.10 A suitable surface water drainage scheme can be secured by condition, as advised by the Council's Drainage consultee.
- 3.5.11 Parking standards
- 3.5.12 Policy 10 of LPP2 requires that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced, and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.
- 3.5.13 Assessment of access arrangements and other highway matters such as servicing and vehicle movements within Plot 1 have already been considered under the outline and RM approvals, and were found to be acceptable following review of the proposal by the Council's Highways consultee.
- 3.5.14 With the additional 6 spaces applied for in this application, Unit 1 would have the following parking provision: 26 spaces, including 6 mobility spaces. This meets the parking provision requirements set out in the adopted BwD parking standards. For a Class B1 use, car parking requirements are 1 car space per 35 sqm, this equates to 26sqm equates to 26 car Parking spaces. 26 spaces (inclusive of 6 spaces for disabled users) have been provided. The disabled provision is more than 10%, but it is acceptable if the end user requires this.
- 3.5.15 The parking arrangements for Unit 1 are therefore considered acceptable, and no objections or concerns have been raised by the Council's Highways consultee. The proposal complies with Policy 10 of the Local Plan; the adopted parking standards; and the NPPF.

Summary

- 3.5.16 In considering this proposal, the relevant range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the aims and objectives of the Local Development Plan and The Framework.

4.0 RECOMMENDATION

4.1.1 Approve.

4.2 Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions:

1. 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:

Job no. 18.107 Dwg no. 001 C: Location Plan, @A1

Job no. 18.107 Dwg no. 026 A: Proposed site plan, @A1

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

2. 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.

3. Prior to commencement the applicant is required to provide details of the surface water sustainable drainage system for the car park. The details must be approved by the Local Authority prior to commencement.

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

5.0 PLANNING HISTORY

- 5.1 10/21/1001 – Application for Approval of reserved matters for the appearance, layout, scale and landscaping of 76 dwellings, pursuant to permission 10/18/1149 – application currently under consideration.

- 5.2 **10/21/0597 – Application for Approval of reserved matters for the appearance, layout, scale and landscaping of the employment units 1, 2 and 3, pursuant to permission 10/18/1149 – Approved 21/10/2021.**

- 5.3 10/20/0627 - DOC application for conditions 1-15 of the full application part (access road) of the hybrid approval 10/18/1149 (All complied with / discharged).

- 5.4 **10/18/1149 - Hybrid Planning Application - Full planning permission - new link road and access points; Outline planning permission with all matters reserved (with all matters reserved except for access) for a**

mixed use development comprising a maximum of the following: 100 dwellings (C3), 9,000m² of employment use and careers hub (B1/B2/B8/D1), and associated ancillary works. (Approved 20/02/20, subject to various conditions).

- 5.5 10/18/0911 – Demolition of 2 vacant office buildings (Prior Approval not required - 02/10/2018).
- 5.6 10/15/1119 - The erection of up to 180 dwellings, open space and associated works including the construction of a link road together with the demolition of the existing redundant office buildings (Refused 17/11/2016 – S106 Agreement not completed).
- 5.7 10/10/0551 - Residential development and link road at land between Milking Lane and Greenbank Terrace (Approved with conditions 19/11/2012).
- 5.8 10/05/0317 - Redevelopment of the former Lower Darwen Paper Mill site to create high quality Business Park (Approved with conditions 28/06/2006).

6.0 CONSULTATIONS

Publicity

- 6.1 5 neighbouring properties were consulted during the consultation process and a site notice was displayed on 13/10/21. The formal deadline for consultation responses was 3rd November 2021. No representations were received.

Drainage / LLFA

No objections, subject to a surface water drainage condition.

Lead Local Flood Authority Position

We have no objections to the proposals but require the following condition

Condition

Prior to commencement the applicant is required to provide details of the surface water sustainable drainage system for the car park. The details must be approved by the Local Authority prior to commencement.

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

Highways

No objections.

PROW – no implications

The submission details have been reviewed, and a site investigation has been undertaken. The proposal is for the Formation of additional car parking and landscaping.

The scheme is offered in support of the proposal already approved under 10/21/1001. The additional parking offered within is offered to support Plot1. These additional spaces allows the end user to maintain adequate parking in support of their approved application Access to the parking is via the approved access.

OTHER

Standard matters applicable to all housing scheme, please consider:

- *Construction method statement will be required to be submitted for approval*
- *New and renewed footways surrounding the site, all costs to be Bourne entirely by the developer.*
- *Any structures supporting or retaining the highway would require formal approval, please condition*
- *any old entrances that are no longer required shut be permanently closed off and reinstated back to full footway*
- *Please note: Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority officer Simon Littler on Mob: 07766 5780*

To conclude, we offer no objections to the application.

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, 5, 8, 9, 90 10, 11, 13, 14, 15 & 17.

6.4 Public Protection No objections.

With reference to the above application I have no objections on environmental health grounds.

7.0 **CONTACT OFFICER: Tom Wiggans – Planner, Development Management.**

8.0 **DATE PREPARED: 5th November 2021**

DEPARTMENT OF PLACE, GROWTH AND DEVELOPMENT

ORIGINATING SECTION: Planning (Development Management)

REPORT TO: Planning & Highways Committee on 18th November 2021

TITLE: Petition objecting to an application for prior approval relating to a proposed 15m telegraph pole mast, antennas and ground based apparatus on land to the north of Dingle Farm, Blackburn Road, Edgworth – ref: 10/21/1096

WARD: West Pennine

Councillor: Jean V Rigby
Councillor: Julie H Slater
Councillor: Neil Slater

1.0 PURPOSE OF THE REPORT

- 1.1 To inform Members of the receipt of a petition objecting to a current application for prior approval (ref. 10/21/1096) relating to a proposed 15m telegraph pole mast, antennas and ground based apparatus at land to the north of Dingle Farm, Blackburn Road, Edgworth, Bolton, BL7 0QE.
- 1.2 The application is submitted by EE Ltd.

2.0 BACKGROUND AND DETAILS

- 2.1 The application for prior approval was received by the Local Planning Authority (LPA) on 25th September 2021. Neighbourhood consultation letters were sent out on 01st October 2021, to 6 addresses local to the application site. In addition, a site notice was displayed adjacent to the application site's access point, on Blackburn Road. A second wider consultation by letter was undertaken on 13th October 2021, to a further 4 addresses, at 1-4 Longworth Bank Cottages.
- 2.2 The Petition subject of this report was received by the LPA on 02nd November 2021. The Petition objects to the proposed development in relation to its siting and appearance together with the potential for adverse impacts on the aesthetical character of the immediate area and wider landscape.
- 2.3 The petition contains 50 signatures from 37 homes local to the application site. Representations have been received from residents at Longworth Bank Cottages, Hob Lane, School Lane, Edgworth View, Blackburn Road, Holly Bank, and a number of surrounding farmsteads. Those representations are appended below.
- 2.4 Member's are advised that assessment of the application for prior approval is ongoing and that all material issues that must be considered in the decision making process will be wholly addressed. For clarity, assessments for this type of application are limited to the siting and appearance of the proposed development. The lead petitioner and Ward Cllrs will be informed of the application's outcome

once it has been determined. The current position of the LPA is that prior approval is required for the proposed development.

3.0 RECOMMENDATION

- 3.1 That the Petition be noted by Members and that the lead petitioner be informed of any decision taken, including the outcome of the application.

4.0 BACKGROUND PAPERS

- 4.1 The petition subject of this report, including signatures, comments and covering letter.

- 4.2 Planning application 10/21/1096

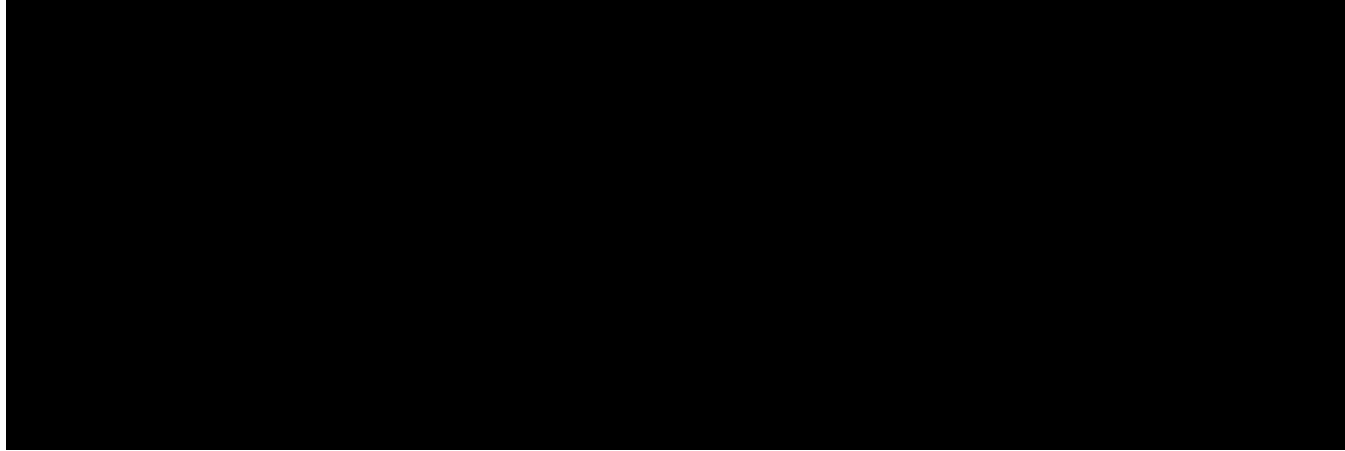
5.0 CONTACT OFFICER: Christian Barton; Planner, Development Management

6.0 DATE PREPARED: 05th November 2021.

APPENDICES

<

[REDACTED]



From: Spencer Allan >
Sent: 02 November 2021 15:15
To: Planning <Planning@blackburn.gov.uk>

Subject: Planning Application - 10/21/1096 - EE Mobile Mast on Land at Dingle Farm - Petition - FAO : Christian Barton

Dear Christian

Please find attached scanned copies of the petition which has been signed by local residents with proximity to the proposed a forementioned planning, including an short covering letter. Yours sincerely

Spencer

2nd November 2021

Dear Christian

Re: Planning Application;
10/21/1096 - EE Mobile Mast
on Land at Dingle Farm.

Petition;

Please find attached a petition which has been signed by concerned residents who fully object to the proposed aforementioned planning.

All signatories object to the; siting, appearance of the mast and the impact on the location and the surrounding area (including themselves).


Yours sincerely
Spencer Allan.

Christian Barton

planning@blackburn.gov.uk

Petition to [Action Petitioned For] 10/21/1096

Petition summary and background	[Enter the background of and reasons for this petition] <i>objection for above planning</i>		
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to <i>stop this</i> . [Enter action item(s) for which you are petitioning] <i>Object to 10/21/1096 siting appearance and impact on location/surrounding area</i>		

Printed Name	Signature	Address	Comment	Date
LESLIE PILLING		2 LANCASHIRE BANK		16/10/21
L SANDERS		8 HOOD LANE		16/10/21
K. JENKINSON		10 HOOD LANE		16/10/21
JASON BELL		10 HOOD LANE		16/10/21
ANDY TIGHE		1 School View		16/10/21
LISA ASPINALL		11 School View		16/10/21
William Aspinall		11 School View		16/10/21
mrs J Fletcher		13 School View		16/10/21
Mr J Fletcher		13 School View		16/10/21
G. Curtis		17 School View		16.10.21
G. Boyles		15 School View		16/10/21
D. GREENHALGH		WINDMILL SCHOOL LN		16/10/21

Christian Boston
[redacted]
planning@blackburn.gov.uk

Petition to [Action Petitioned For] 10/21/1096

Petition summary and background
Action petitioned for
[Enter the background of and reasons for this petition] Objecting for above planning
We, the undersigned, are concerned citizens who urge our leaders to act now to
[Enter action item(s) for which you are petitioning] Object to 10/21/1096 siting appearing appearance and impact on location surrounding area

Printed Name	Signature	Address	Comment	Date
S. NAYLOR	[redacted]	24 Field House & School Lane		16/10/21
K. Naylor	[redacted]	" " "		16/10/21
M. PARKINSON	[redacted]	2 Edgeworth Views		16/10/21
F. J. PARKINSON	[redacted]	" " "		16/10/21
G. TALBOT	[redacted]	5 Edgeworth Views Scitons Lane, Tipton		16/10/21
J. HARWOOD	[redacted]	8 Edgeworth Views		16/10/21
P. Young	[redacted]	7 Edgeworth Views		16/10/21
J. TOP	[redacted]	7 Edgeworth Views	NOT NEVER!	16/10/21
B. LEA	[redacted]	4, " " "		16/10/21
B. LEA	[redacted]	4 " " "		16/10/21
A. OPALISAND	[redacted]	3 School View, Edgworth		16.10.21
M. Opershen	[redacted]	" "		"

Christian Burton

3

planning@blackburn.gov.uk
Petition to [Action Petitioned For] 10/21/096

Petition summary and background	[Enter the background of and reasons for this petition] Objectivity for above planning		
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to [Enter action item(s) for which you are petitioning] Objects to 10/21/096 siting appearance, and impact on location/surrounding area		

Printed Name	Signature	Address	Comment	Date
SALLY ROBERTS	[Redacted Signature]	298, Blackburn Rd BL7 0PL	Greenbelt area + wildlife area concerns that aesthetically not appropriate for area.	16/10/10
JOHN ROBERTS		"	"	16/10/10
JOHN STOKMAN		290 BLACKBURN RD		16/10/21
MAUREEN DICKIE		284 BLACKBURN RD		16-10-21
Steph Varle		270 Blackburn Road		"
Craig Richardson		"		"
Simon Loxham		258 "		"
DAVID SHERRIFF		256 "		"
Kath Robinson		Wakefield Rd.		"
Maureen Allen		44 Blackburn Rd		"
DAVID ALLEN		"		"
M. Harrison		40 BLACKBURN RD		"

Christian Burton

[Redacted]

planning@blackburn.gov.uk

Petition to [Action Petitioned For] 10/21/1096

Petition summary and background
 Action petitioned for
 [Enter the background of and reasons for this petition] *Objections for above planing in full. for now to*
 We, the undersigned, are concerned citizens who urge our leaders to act now to
 [Enter action item(s) for which you are petitioning] *Objects to 10/21/1096 siting operation and impact on location/surrounding area*

Printed Name	Signature	Address	Comment	Date
J. HARRISON	[Redacted]	40 BLACKBURN RD		
C. WADDINGTON	[Redacted]	2 HOLLY BANK		16/10/21
C. MURPHY	[Redacted]	3 Broadmeach Rd.		16/10/21
A. WILSON	[Redacted]	29 BLACKBURN RD		16/10/21
C. STREET	[Redacted]	35 BLACKBURN RD		16/10/21
SEAF LONG	[Redacted]	207 Blackburn Rd.		16/10/21
J. COLEMAN	[Redacted]	421 Blackburn Rd.		16/10/21
D. HARVEY	[Redacted]	451 Blackburn Rd		16/10/21
N. BOLD	[Redacted]	455 Blackburn Rd		16/10/21
C. H. GRIMWOOD	[Redacted]	2 HOB GANE		"
N. R. GRIMWOOD	[Redacted]	2 HOB GANE		"
K. GRIMWOOD	[Redacted]	2 HOB GANE		"

© 2006 The Authors
Journal compilation © 2006 Blackwell Publishing Ltd

7

9501/1096

planning

leaders to act now to
Obey

10721/1096

sitting, appearing
rounding area

[illegible]