

Public Document Pack

Planning and Highways Committee

Thursday, 20th October, 2022

6.30 pm

Meeting Room A, Blackburn Town Hall

AGENDA

1. **Welcome and Apologies**
2. **Minutes of the Previous Meeting**
Minutes of Previous Meeting **3 - 12**
3. **Declaration of Interest**
Declaration of Interest Form **13**
- Material Consideration** **14 - 15**
4. **Planning Applications for Determination**
Committee Agenda 20/10/2022 **16**
- 4.1 **Planning Application 22/0413**
Land at Ellerslie, Bury Fold Lane, Darwen **17 - 56**
- 4.2 **Planning Application 22/0752**
Land at Museum Street. Blackburn **57 - 70**
- 4.3 **Planning Application 22/0956**
Land at Brokenstone Road, Blackburn **71 - 77**
5. **Petition**

To inform Members of the receipt of a petition objecting to an approved planning application (ref. 10/20/0169) for the erection of industrial unit and industrial yard (Use Class B2) on a former Class B2 factory site at Former Newman Shoes Factory, Garden Street, Blackburn, BB2 1TZ.

Petition Report - Former Newman Shoes Factory **78 - 92**
Garden Street Blackburn _
Petition

6. Enforcement Report

ENFORCEMENT

93 - 99

Location Plan

Front and side elevation of unauthoritse structure.jpg

Front elevation of unauthorised structure.jpg

rear canopy rain shelter.jpg

rear canopy rain shelter and No.47.jpg

Date Published: Wednesday, 12 October 2022
Denise Park, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE
Thursday, 15 September 2022

PRESENT – Councillors, David Smith (Chair), Akhtar, Casey, Khan, Browne, Marrow, Desai, Liddle, Imtiaz, McCaughran and Hussain (substitute for Mahmood).

OFFICERS – Gavin Prescott, Rabia Sagir, Shannon Gardiner

RESOLUTIONS

THE COMMITTEE HELD A MINUTES SILENCE FOR HER MAJESTY THE QUEEN

27 Welcome and Apologies

The Chair welcomed everyone to the meeting.

Apologies were received by Cllr Quesir Mahmood who was substituted by Cllr Mahfooz Hussain, Cllr Jacque Slater and Cllr Jon Baldwin

28 Minutes of the Previous Meeting

RESOLVED – That the minutes of the previous meeting held on 18th August 2022 be confirmed and signed as a correct record.

29 Declaration of Interest

RESOLVED – There were no Declarations of Interest received

30 Planning Applications for Determinations

The Committee considered reports of the Strategic Director of Place detailing the planning applications.

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

31 Planning Application 10/22/0067

Supplement Report:

Applicant – Inceptum2 Management Limited

Location and Proposed Development – Land on Corner of Carl Fogarty Way and Thornley Avenue

Full Planning Application (Regulation 4) for Construction of industrial units, use class B2, B8, E(g) iii including trade counter

Decision under Town and Country Planning Acts and Regulations –

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

32 Planning Application 10/22/0413

This application was deferred

Applicant – Ms Patricia Da Silva

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

Full Planning (Minor) Application: Proposed erection of 6 new detached dwellings and associated works including access arrangements, internal road, driveways and landscaping.

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Paragraph 3.5.31 relates to the proposed access to the application site, and refers to off-site highway works relating to the widening of a limited section of Bury Fold Lane. Since the publication of the main report, negotiations have been ongoing between officers and the applicant's agent to come to an agreement as to what works are acceptable. As this is such a fundamental material consideration relating to the proposed development, Members are advised that the application is **DEFERRED** to the next available meeting to allow the negotiations to continue to a positive conclusion.

33 Planning Application 10/22/0647

Applicant – Homewood Properties

Location and Proposed Development – PalmTree Islamic School (Former Montague Health Centre), Oakenhurst Road, Blackburn, BB2 1SN

Variation of Condition No 2 pursuant to planning application 10/19/0706 "Demolition of Former Health Centre and construction of 5 storey Apartment Block consisting of 76 no, 1 and 2 bedroom apartments with associated car parking" to amend internal layout and external appearance

Decision under Town and Country Planning Acts and Regulations –

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

Deed of Variation to the Section 106 Agreement of the 1990 Town and Country Planning Act, dated 28th September 2020, relating to the provision of formal/signed contracts for the lease of a percentage of the apartments as per the submitted details under planning application 10/19/0706, or as otherwise agreed with the Local Planning Authority and details of their full marketing plan, lettings policy, management and maintenance plans to the satisfaction of the Local Planning Authority. Should the Deed of Variation to the S106 agreement not be completed within 6 months of the date of this resolution, the Strategic Director of Growth & Development will have delegated powers to refuse the application

34 Tree Preservation Order – 17 Beardwood Brow, Blackburn 2022 (ref: BWD2)

Tree Preservation Order – 17 Beardwood Brow, Blackburn

The Committee were requested to endorse the actions of the Council's Arboricultural Officer/Planning Manager (Development Management) in making and serving 17 Beardwood Brow, Blackburn 2022 Tree Preservation Order (TPO) (ref: BWD2) and also to request that the Committee confirm 17 Beardwood Brow, Blackburn 2022 Tree Preservation Order (TPO) (ref: BWD1) without modification.

A formal pre-application enquiry was submitted on 5th May 2022 by the owner of No.19 Beardwood Brow, Blackburn to erect a new dwelling and two off-street car parking spaces on land adjacent to No.19 (ref: BL\2022\ENQ\09930). During the assessment of this enquiry with the Council's Arboricultural officer, it became apparent that the Sycamore tree situated within the front garden (north-west boundary of No.17) would have to be removed to allow access to the site. The Council's Arboricultural officer visited the site on the 27th May 2022, to ascertain whether the tree was worthy of protection.

The Arboricultural officer subsequently carried out a Tree Evaluation Method for Preservation Orders (TEMPO), which was undertaken on the 27th May 2022. The assessment gave the tree a very high score, which fully warranted a TPO.

The tree is a Sycamore tree twinned stemmed at the base, and although a thorough inspection was not undertaken there did not appear to be a reason for concern and the canopy looked very healthy and full. This tree is situated on the edge of the garden, and is a large tree that is noticeable along Beardwood Brow giving it amenity value to the road users. As such, a visual tree assessment called TEMPO was used to determine if the tree merited statutory protection by a way of a TPO. The tree scored 15 which more than merits a TPO.

RESOLVED –

- That the actions of the Arborist and Planning Manager(Development Management) in making and 17 Beardwood Brow, Blackburn 2022 Tree Preservation Order (TPO) be endorsed.
- 17 Beardwood Brow, Blackburn 2022 Tree Preservation Order (TPO) (ref: BWD2) is confirmed without modification

35 Tree Preservation Order – Bradgate, Oldfield Avenue, Darwen BB3 1QY 2022 (ref: BWD1)

Tree Preservation Order – Bradgate, 16 Oldfield Avenue, Darwen

*Speakers – Mr S Boott (Objector)
Mr S Draper (Objector)*

The Committee were requested to endorse the actions of the Council's Arboricultural Officer/Planning Manager (Development Management) in making and serving the Bradgate, 16 Oldfield Avenue, Darwen BB3 1QY 2022 Tree Preservation Order (TPO) (ref: BWD1) and to request that the Committee confirm Bradgate, 16 Oldfield Avenue, Darwen BB3 1QY 2022 Tree Preservation Order (TPO) (ref: BWD1) without modification.

On the 6th June 2022, an email from a resident on Oldfield Avenue, was received stating that the owner of Bradgate had informed them that the Pine tree was to be felled sometime in the week commencing 6th June 2022, and that it would be a great shame to lose such a tree. The Council's Arboricultural officer visited the site to ascertain whether the tree was worthy of protection.

The Arboricultural officer subsequently carried out a Tree Evaluation Method for Preservation Orders (TEMPO), which was undertaken on the 7th June 2022. The assessment gave the tree a very high score, which fully warranted a TPO.

The emergency TPO was served on the landowner/freeholder on the 7th June 2022. The tree is a mature Pine, growing on the side of the drive to the property known as Bradgate. A full inspection was not undertaken although the tree appeared to be in good condition with no obvious signs of any defects that would cause concern. The tree looked to be a significant example of its species. The street is highly tree covered, but as the only Pine Tree on Oldfield Avenue, and due to the size, location and condition of the tree, it is still highly visible and it would be very regrettable if it was lost. A TEMPO assessment was used to determine if the tree merited statutory protection by way of a TPO. The tree scored a high score of 17 which more than merits a TPO.

RESOLVED –

- That the actions of the Arborist and Planning Manager (Development Management) in making and serving Bradgate, 16 Oldfield Avenue, Darwen BB3 1QY 2022 Tree Preservation Order be endorsed.
- That the Bradgate, 16 Oldfield Avenue, Darwen BB3 1QY 2022 Tree Preservation Order (ref: BWD1) is confirmed without modification.

36 Tree Preservation Order – 37 Alexandra Road, Blackburn 2022 (ref: BWD3)

Tree Preservation Order – 37 Alexandra Road, Blackburn

Speaker – Carolanne Connolly

The Committee was requested to endorse the actions of the Council's Arboricultural Officer/Planning Manager (Development Management) in making and serving 37 Alexandra Road, Blackburn 2022 Tree Preservation Order (TPO) (ref: BWD3) and to request that the Committee confirm 37 Alexandra Road, Blackburn 2022 Tree Preservation Order (TPO) (ref: BWD3) without modification.

On the 18th May 2022, a formal "Notice of intent to undertake works in a conservation area" was submitted by the owner of No.37 Alexandra Road, Blackburn, Mr Steven Derbyshire, to fell 2no sycamore trees within the rear garden of the property (ref: 10/22/0468). The Council's Arboricultural officer visited the site on the 10th June 2022, to ascertain whether the trees were worthy of protection, and then submitted their formal response to the local planning authority on the 21st June 2022.

The Arboricultural officer subsequently carried out a Tree Evaluation Method for Preservation Orders (TEMPO), which was undertaken on the 10th June 2022. The assessment gave the tree a very high score, which fully warrants a TPO.

The emergency TPO was served on the landowner/freeholder on the 22nd June 2022. The two sycamore trees are very large and the owner of the property is concerned they may fall onto the house. If the health and stability of the trees are in question then a professional health and safety inspection report would need to be submitted that provides evidence that these trees are at risk. From the site visit undertaken by the Arboricultural Officer, both trees looked to be in good health with vigorous canopies that can be seen above the properties and also from the opposite Leopold Road. One tree has a large stem that has grown at an angle towards the property, but has then straighten itself back up. The other tree is densely covered in ivy hindering a full inspection of the trunk.

It is fully appreciated both trees are large and dominate the rear garden, and for this reason there would be no objection to reduction work on the trees, but it is considered there are no reasons to justify warranting their removal. The ivy on the tree should be removed to allow a thorough inspection and the canopies reduced back from the house by approximately 3 metres. A reduction in height would also be considered to help appease the applicants concerns.

Subsequently, on the 27th June 2022, the local planning authority objected to the notice to fell the trees. As such, a visual tree assessment called TEMPO was used to determine if the trees merited statutory protection by a way of a TPO. The trees scored 16 which more than merits a TPO.

RESOLVED -

- That the actions of the Arborist and Planning Manager(Development Management) in making and 37 Alexandra Road, Blackburn 2022 Tree Preservation Order (TPO) be endorsed.
- 37 Alexandra Road, Blackburn 2022 Tree Preservation Order (TPO) (ref: BWD3) is confirmed without modification

37 FORESTRY COMMISSION – AMENDED RESTOCKING NOTICE, LAND TO THE SOUTH WEST OF MANOR ROAD, DARWEN

The Members of the Committee received an update on the latest action taken by the Forestry Commission (FC) with regards to the unauthorised felling of trees within a woodland on land to the south west of Manor Road, Darwen.

Restocking Notices are served under Section 17A of the Forestry Act 1967 when the Forestry Commission believes that trees have been felled illegally (without the authority of a felling licence where one was required) by someone with an interest in the land – typically the freeholder or tenant. The Restocking Notice places a duty on that individual to restock the land with trees. Failure to comply with a Restocking Notice allows the Forestry Commission to serve an Enforcement Notice, which places a similar duty on the individual. Failure to comply with an Enforcement Notice is an offence carrying an unlimited value fine upon conviction in a magistrate’s court.

In May 2018, the landowner felled around 70 trees without permission, and the FC were informed, who confirmed the landowner had breached national guidelines requiring a licence to fell more than five cubic metres of timber. As such, the FC issued a Restocking Notice on the 27th September 2018, under the said Act, requiring the affected area to be restocked with broadleaf species to achieve no less than 1,100 equally spaced stems per hectare. In this particular case, this equates to 957 trees at the site [ref: RN11/18-19]. The FC at the time declined to name the landowner.

On the 22nd August 2022, the FC informed the Council that they have served an amended Restocking Notice after the Minister considered a report submitted to the Reference Committee to modify the Notice RN11/18-19. The amended notice now incorporates natural regeneration and excludes a small area on the eastern edge of the site. The open space element has increased from 10% to 20%, and the FC expects a portion of this to facilitate the path that runs through the site. Figure 1 is an extract from the map originally served on the landowner in September 2018, and is an extract from the map attached to the amended notice.

The Restocking Notice is dated 5th September 2022, and requires that the restocking specified in the Notice, is carried out by the 30th June 2023, and the 3 trees maintained for a period of 10 years from the tree planting or regeneration having occurred. The revised Restocking Notice now requires in relation to the land edged, the area to be restocked with broadleaf species to achieve no less than 1,100 equally spaced stems per hectare, which equates to 894 trees at this site. If natural restocking fails to provide restocking, planting will be necessary to secure the restocking.

The FC will not accept Ash trees as a species in the restocking mixture, due to the threat Chalara Fraxinea (ash dieback) poses to the long term viability of the species. Any trees which fail, die or are otherwise lost during the 10 year period, must be replaced by the 30th June the following year.

RESOLVED – That the report be noted.

38 Planning Service Performance (Development Management)

Members were informed of the Planning Service’s current performance in processing planning applications, which followed the Secretary of State for Communities and Local Government publishing a document in December 2020 “Improving planning performance Criteria for designation (updated 2020)”.

In the Planning for the Future White Paper, published in August 2020, the government set out their plan to transform the planning system, and decision making is a central part of this process. The report provided Blackburn With Darwen Borough Council's (BwDBC) performance for the 2 preceding years ending June 2022.

RESOLVED – That the Planning Department be thanked and that the report be noted.

39 NATIONAL PLANNING PERFORMANCE TABLES

The Members were presented with an update on the recently published National Planning Performance Tables.

A report was presented to the 16th August 2018 Committee meeting, informing the Members of the Planning Service's current performance in processing planning applications which followed the Secretary of State for Communities and Local Government publishing a document in November 2016 "Improving Planning Performance – Criteria for Designation". This set out the criteria the Government intend to use for designating a Local Planning Authority as underperforming and the thresholds that Authorities will be assessed against in the designation rounds which started in the first quarter of 2017/18. In addition, a report was presented to the Committee meeting on the 18th October 2018, in relation to the national performance tables. The government document has been updated in December 2020, and this report is related to the current performance data reported against the updated thresholds and assessment period.

The latest national planning performance statistics were published on the 21st July 2022, by the Government (up to March 2022). The figures up to June 2022 will not be published until later in the autumn. The figures show extracts from the majors and non-majors tables, and are a fantastic example of how far Blackburn With Darwen Borough Council (BwDBC) are continuing to perform since the Planning Service introduced the Improvement Plan in the autumn of 2015.

In the autumn of 2015, BwDBC were ranked 234th out of 336 local planning authorities relating to the determination of major planning applications within 13 weeks and agreed extensions of time (68.4%). The current figures published for the quarter ending March 2022, BwDBC ranking has now rose to 87th place with a performance of 95.3%, a significant improvement. The target set by the Government for the 2 preceding years is 60%. Within the Departmental Business Plan 2019-23, the target is 80%.

There are 58 Unitary local authorities in England and BwDC are placed 12th out of the unitary authorities. With regards to unitary authorities of similar size in population terms i.e. 200,000, BwDBC are placed 6th and with regards to the north-west authorities, BwDBC are placed 12th out of 15.

During the same period in 2015 with regards to non-majors applications (i.e. within 8 weeks and agreed extensions of time), BwDBC were ranked 332 out of 336 local planning authorities (39%). The current figures published for the quarter ending March 2022, BwDBC ranking has now rose to 52nd place with a performance of 95.9%, and another continued excellent performance. The

target set by the Government for the preceding 2 years is 70%. Within the Departmental Business Plan 2019-23, the target is 90%.

There are 58 Unitary local authorities in England and BwDC are placed 5th out of the unitary authorities: With regards to the North West authorities, BwDBC are placed 8.

Whilst the Council is currently meeting the Government's thresholds we must always remain mindful of performance targets as failure to meet the thresholds will see the Local Planning Authority being categorised as underperforming. If the Council were to be designated for poor performance, not only would there be reputational damage and a loss of confidence in the Local Planning Authority, but applicants would be able to by-pass the Council and submit applications directly to the Planning Inspectorate for determination. This would be detrimental to the interests of local democracy. Therefore, it is important that the Council retains sufficient resources to enable the targets to be met and exercises caution in the refusal of major planning applications, ensuring that reasons for refusal can be robustly defended in any subsequent planning appeal.

RESOLVED – That the Planning Department be thanked for their hard work and that the report be noted.

40 APPEALS MONITORING REPORT

The Members were updated on the recently decided appeals since the last monitoring report presented to the Committee in December 2021. There were 14 appeals in total were determined during the period 3rd December 2021 to 26th August 2022. 14 appeals were dismissed, and 0 appeals were allowed

With regards to the national performance benchmarking in terms of appeals allowed against the number of applications determined, Blackburn with Darwen Borough Council are performing well. The latest published figures by the Ministry of Housing, Communities & Local Government for the period April 2019 to March 2021 (appeal decisions up to December 2021), show the Council in 19th place out of 330 local planning authorities

There are 58 Unitary local authorities in England and Blackburn with Darwen Borough Council are placed 2nd out of the unitary authorities.

RESOLVED – That the Planning Department be thanked and the report be noted.

41 Diversion of Public Footpath 5 Eccleshill (part)

A report was submitted to to seek Committee approval for a public path order under the Highways Act 1980, Section 119 to divert part of Public Footpath 5, Eccleshill.

Each year public rights of way officers survey a random 10% sample of the PROW network to give an indication of the current state of the network. Several years ago FP5 Eccleshill was surveyed as part of this process and officers identified an obstruction of the route by gates at the entrance to Pottery Farm off Roman Road.

The then owner of the farm when approached by officers regarding this obstruction insisted that the definitive line of the footpath was not through the farmyard but around an outbuilding joining Roman Road through the gap between the farm and Eccleshill Cottages.

There then ensued a lengthy dialogue with the owner concerning the line of the footpath which was still unresolved when the farm changed hands in 2015.

During the dialogue with the previous owner a concessionary route was waymarked on the route around the farm which, although substandard in places, kept the route open for the public.

When the farm changed ownership in 2015 negotiations recommenced with the new owner who had bought the farm with the knowledge of the ongoing dispute. These negotiations culminated with the new owner accepting the council's position and, as a result, the Council received an application on the 12th January 2021 from the current owner of Pottery Farm

The initial application sought to formalise the concessionary route but, as mentioned above, this was substandard in places with no scope for improvement.

In addition, the new owner keeps and breeds alpacas which means that both the Definitive route and the proposed diversion were subject to significant limitations, i.e. gates and stiles, in order to control the stock within enclosures.

After further discussions the diversion route which is the subject of this report was agreed by all parties. This route is away from the area containing the alpacas which means there is less need for limitations on the route. The applicant has confirmed that the new path will be provided to a standard that is to the satisfaction of the Highway Authority.

This report seeks to address those matters, namely the application for the public path order to divert part of the path as shown on the plan. It seeks to advise members of the Committee of the outcome of non-statutory consultations, and an assessment against the relevant legislative criteria, thus enabling them to consider whether, or not to promote the Order requested.

RESOLVED – Promote the Order and authorise the Director of HR, Legal & Governance to progress the necessary legal orders.

42 **ENFORCEMENT UPDATE**

A report was presented to Members of the Committee of an overview of Planning Enforcement matters. Included in the report were the main list of cases where formal enforcement action was being taken and was not a list of every case, complaint or enquiry being dealt with.

RESOLVED – That the report be noted.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed

DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

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

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

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

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

Material Consideration

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

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

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

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

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

<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



BwD Council - Development Control

General Reporting

REPORT NAME: *Committee Agenda.*

REPORT OF THE STRATEGIC DIRECTOR OF GROWTH & DEVELOPMENT

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 BACKGROUND PAPERS

There is a file for each planning application containing application forms, consultations, representations, Case Officer notes and other supporting information.
Gavin Prescott, 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: 20/10/2022

Application No	Applicant	Site Address	Ward
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10/22/0413

Ms Patricia da Silva
Ellerslie, Bury Fold Lane
Darwen
BB3 2QG

Land at Ellerslie
Bury Fold Lane
Darwen
BB3 2QG

Darwen South
Whitehall

Full Planning Application for Proposed erection of 6 new detached dwellings and associated works including access arrangements, internal road, driveways and landscaping.

RECOMMENDATION: Permits

10/22/0752

Ajaii Limited
58-62 King William Street
Blackburn
BB1 7HU

Land at Museum Street
Blackburn
BB1 7AJ

Blackburn Central

Variation/Removal of Condition/Minor Material Amendment for Variation of Condition Nos 1 "approved drawings" and removal of condition 4 "tree protection measures" pursuant to planning application 10/21/0442 "Creation of a car park" - amend Condition no.1 "drawings" to revise layout following tree removal", and remove Condition No.4 "no tree protection measures required"

RECOMMENDATION: Permits

10/22/0956

Barratt Homes & Taylor Wimpey
4 Brindley Road
City Park
Manchester
M16 9HQ

Land at Brokenstone Road
Blackburn
BB3 0LL

Livesey With Pleasington

Variation of Legal Agreement/S106 for Proposed development: Variation to S106 Agreement pursuant to planning application 10/18/1116 - to:
- amend the payment phasing to allow for the off-site Green Infrastructure contribution to be received in full as part of the first instalment on development commencement;
- specify that the Green Infrastructure commuted sum will contribute towards works to enhance the Witton Park Play Areas; and
- remove the requirement for a contribution towards off-site highway works on Stockclough Lane.

RECOMMENDATION: Permits

Proposed development: Full Planning (Minor) Application: Proposed erection of 6 new detached dwellings and associated works including access arrangements, internal road, driveways and landscaping.

**Site address:
Land at Ellerslie
Bury Fold Lane
Darwen
BB3 2QG**

Applicant: Ms Patricia da Silva

Ward: Darwen South

**Councillor Kevin Connor
Councillor Lilian Slaton**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – subject to conditions, as set out in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

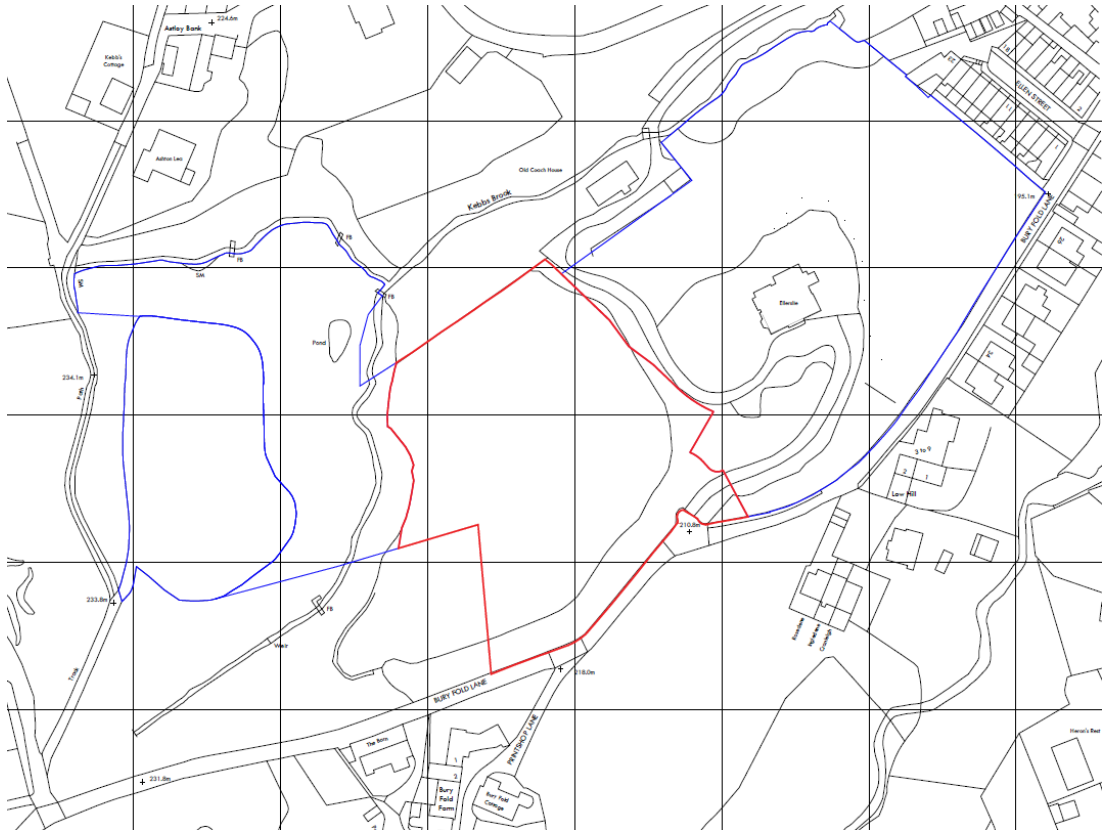
- 2.1 The proposal represents a minor planning application seeking full planning permission, and is presented to the Committee through the Chair Referral process of the adopted Scheme of Delegation. Members are advised that permission was previously granted by Committee for the erection of 18no. dwellings and associated works at a wider site which includes the current application site (the site), on 17th January 2020 - Reserved Matters pursuant to Outline permission granted in 2016. Although this permission has now expired, and cannot be implemented, as one granted within the current Development Plan period, it forms an important material consideration in assessment of this application.
- 2.2 Assessment of the application finds that the proposal corresponds with the Council's overarching housing growth strategy, as set out in the Core Strategy and Local Plan Part 2. It suitably demonstrates the ability to deliver a high quality housing development, consistent with the sites allocation as a '*Development Opportunities (small scale residential)*' site. It would also make an important contribution towards the Council's housing delivery targets and it will add to the vitality and variety of the local housing market.
- 2.3 The application is also acceptable from a technical point of view, with all issues having been addressed through the application or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site relates to grounds within the confines of and to the west of Ellerslie House. Ellerslie House is a large, impressive detached mid-19th Century dwelling located to and accessed from the north west of Bury Fold Lane. The site lies within the south eastern edge of Darwen's urban boundary and is bounded by housing to the east and open countryside to the north, south and west. Mature woodland envelops the site and there is a watercourse known as Kebbs Brook to the north. The site is accessed from the A666 Bolton Road via Bury Fold Lane. Grade II Listed Buildings 5 & 6 Bury Fold are located to the south, on the opposite side of Bury Fold Lane. Land levels rise moderately from east to west.

3.1.2 The site is defined by the red edge Location Plan (MKW Architecture, Feb 2022) and Google Aerial imagery, as extracted below.



3.2 Proposed Development

- 3.2.1 Full planning permission is sought for the erection of 6no. detached dwellings and associated works including access arrangements, internal road, driveways and landscaping, as set out in the submitted drawings and Design and Access Statement.
- 3.2.2 Large, 6 bedroom, 2 storey dwellings are proposed, contemporary in appearance, which would sit in contrast to the grand, traditional appearance of Ellerslie House.
- 3.2.3 The proposed site layout is illustrated below (MKW Architecture, April 2022).



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
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS18 – The Borough’s Landscapes

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 12 – Developer Contributions
- Policy 18 – Housing Mix
- Policy 28 – Development Opportunities
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

3.4 **Other Material Planning Considerations**

3.4.1 Residential Design Guide Supplementary Planning Document.

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

3.4.2 Green Infrastructure Supplementary Planning Document.

This document provides guidance in relation to maximising opportunities to improve existing green infrastructure and to create new green infrastructure and ecological networks.

3.4.3 National Planning Policy Framework (The Framework)

Overall, The Framework aims to raise economic performance by ensuring the quantity, quality and mix of housing reflect that required, with an expectation to maintain a 5-year housing land supply. Quality design should be secured and environmental impacts minimised. Effective use of under-used or vacant land is also emphasised. Areas of The Framework especially relevant to the proposal are as follows:

- Delivering a sufficient supply of homes

- Building a strong, competitive economy
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment.

3.4.4 Blackburn with Darwen Local Plan 2018 – 2037 (Consultation Draft) (January 2021).

3.5 Assessment

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

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

3.5.2 Principle

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*'.

3.5.3 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.

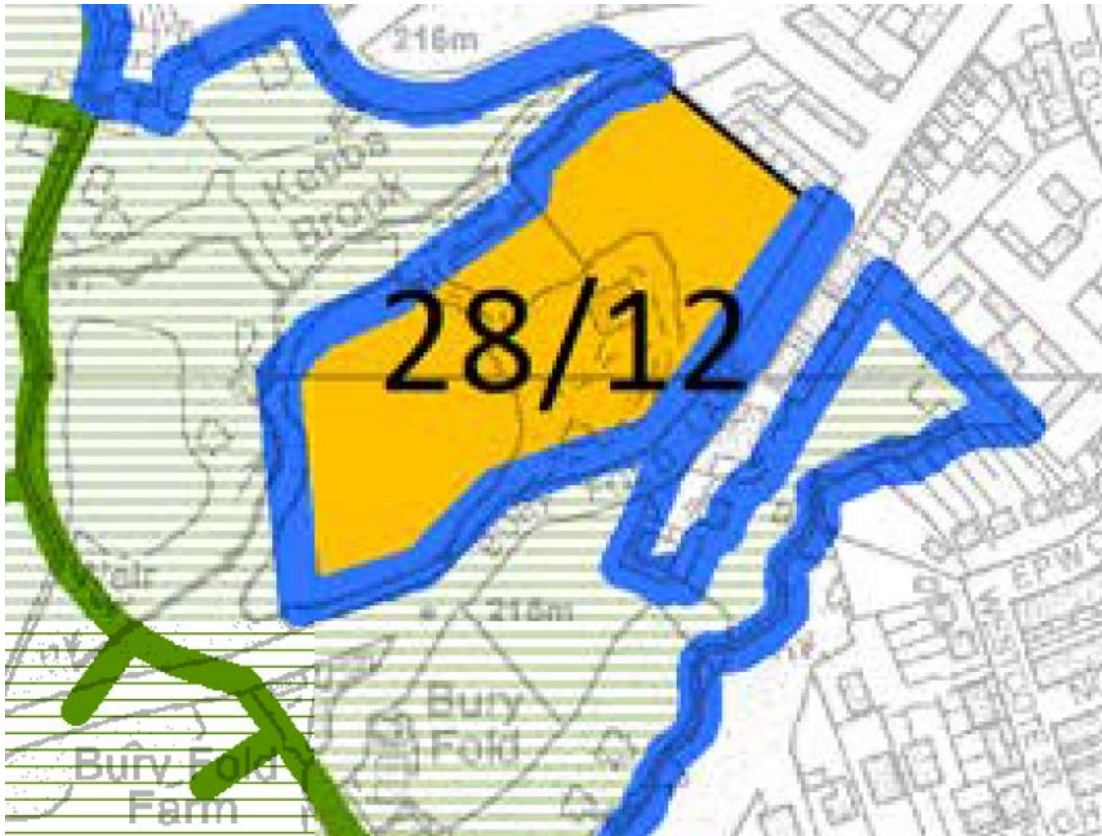
3.5.4 Policy CS7 encourages the development of a full range of new housing over the life of the Core Strategy in order to widen the choice available in the local market.

3.5.5 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.

3.5.6 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.

3.5.7 The site forms part of a wider '*Development Opportunities*' allocation as confirmed by the Local Plan Part 2, under Policy 28/12, which supports '*small scale residential*' development. Although *small scale* is not defined either at local or national level, the aforementioned previous of grant of planning

permission (in 2019) for 18no. dwellings, sets a precedent for small scale, notwithstanding that the permission related to the whole allocation, as defined in the below extract (BwD Local Plan Part 2, 2015), rather than the westerly portion subject to this application, and that it has since expired.



3.5.8 An extant permission (May 2022) within the (above) site allocation for a single dwelling should also be recognised. The current proposal in addition, therefore, equates to a total of 7 units for the allocation, well within the tolerance of small scale.

3.5.9 Members are advised that, as a minor application for residential development - defined as under 10 dwellings – no Section 106 requirements can be applied.

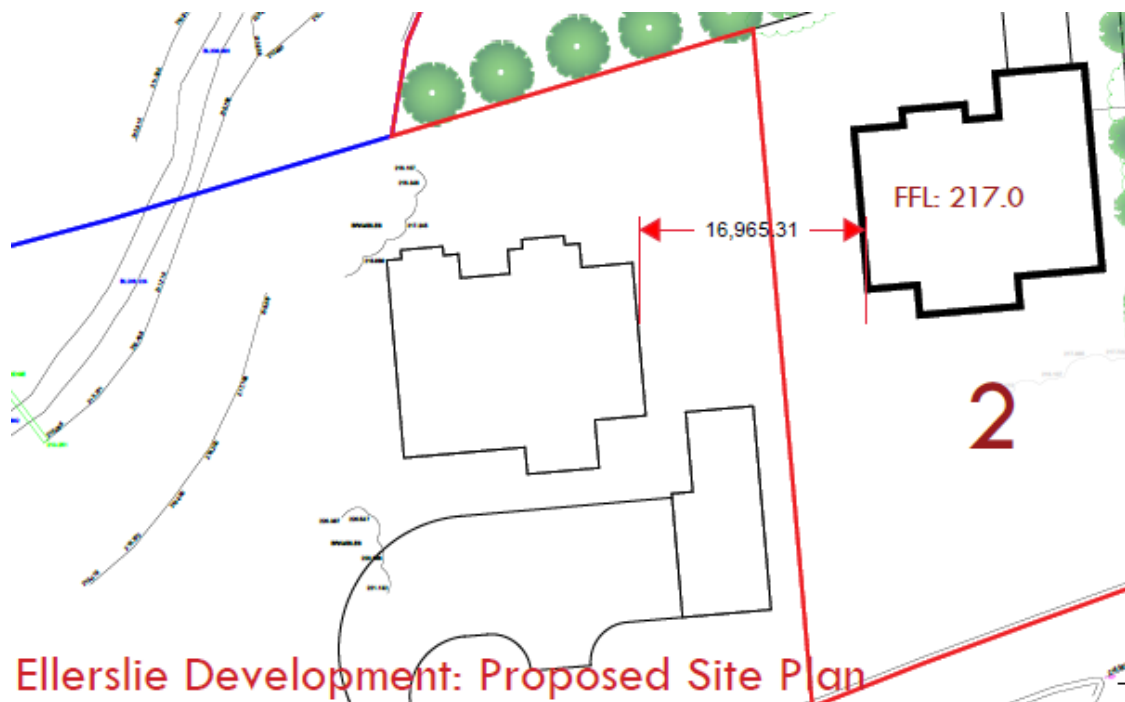
3.5.10 Accordingly, as a proposal delivering an appropriate amount and mix of homes, on a site allocated for housing, the principle of the development is found to be entirely acceptable, in accordance with the provisions of the Development Plan and The Framework.

3.5.11 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.

3.5.12 Relationship between buildings:

With reference to separation between proposed and existing dwellings, the submitted layout demonstrates mutually acceptable relationships, through compliance with the Council's adopted separation standards of 21m between facing habitable room windows and 13.5m between habitable room windows and facing blank elevations. It should be recognised that the interface of circa 17m between habitable room windows proposed to the side of the dwelling at plot 2 and the dwelling approved to the west of the site, accords with the minimum 13.5m standard, due to the absence of windows in the side elevation of the approved dwelling, as illustrated below (MKW Architecture, May 2022).



3.5.13 Separation between proposed dwellings within the site is also compliant with the adopted standards.

3.5.14 The Council's Public protection consultee offers no objection to the proposal, subject to recommending conditions to secure the following:

- Contaminated land – desk study and intrusive site investigation / remediation strategy, as necessary;
- Limited hours of construction works to between 08:00 – 18:00 hours Monday to Friday and 09:00 - 13:00 hours on a Saturday; and
- Noise and vibration control measures, should pile driving be necessary.

3.5.15 Electric vehicle charging points for each dwelling are also recommended. Members are, however, advised that, since June 2022, these are now a mandatory requirement under Building Regulations. Accordingly, they need not be required under the scope of planning control.

3.5.16 A Construction and Environmental Management Plan (CEMP) will also be secured via condition, to guard impacts arising throughout construction

phase of the development, including but not limited to control of noise, vibration, dust emissions and highway cleansing / wheels washing.

3.5.17 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.

3.5.18 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.

3.5.19 Flood Risk / Drainage:

The site within Flood Zone 1, defined as low probability of flooding. The Council's Drainage consultee, as Lead Local Flood Authority, and United Utilities, recommend securing a foul and surface water drainage scheme via condition. United Utilities also recommend that a management and maintenance regime for an approved sustainable drainage system is secured via condition.

3.5.20 Ecology:

An Ecological Assessment has been submitted with the application, review of which concludes no significant adverse effects will arise on habitat or protected species. Notably, the site is considered to offer poor suitability for Great Crested Newt, due to the absence of breeding habitat. Previous habitat surveys referenced in the Assessment failed to record any Badger setts on site or surrounding land. The surrounding woodland is, however, acknowledged as suitable for foraging Badgers. Assessment of trees relevant to the proposed works both on and adjacent to the site found their potential for roosting bats to be negligible. Woodland / trees and scrub provide bird nesting opportunities. Sub-optimal conditions exist for reptiles.

3.5.21 The following measures are recommended to be secured via condition:

- Appropriate measures to prevent pollution to watercourses (to be included in the CEMP);
- Control of invasive species (Rhododendron, Cotoneaster and Himalayan Balsam);
- Submission of a Long-term Woodland Management Plan;
- Site clearance / removal of trees & scrub limited to outside of the bird nesting season;
- Provision of bat roost and bird nesting boxes;
- Submission of a scheme for 'hedgehog highways' and 'hedgehog boxes';
- Submission of a planting scheme;
- Adherence to Reasonable Avoidance Measures (RAMS);

- Submission of updated survey work within 18 months of the Assessment (dated May 2022), if no works are undertaken on site within that time.

3.5.22 Trees:

An Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) has been submitted with the application. 5 trees, 2 groups, part of 1 further group and 1 hedge are proposed to be removed. It is important to acknowledge that tree removal should be considered in the context of the accepted principle of housing led development at the site, in accordance with the site allocation and having due regard to the previous grant of planning permission. Tree removal has previously been accepted, to a greater extent to that currently proposed. The Council's Arboricultural consultee offers no objection, acknowledging the extent of retained woodland around the perimeter of the site.

3.5.23 The submitted AIA and AMS do not clarify tree removal to facilitate necessary road widening and access improvements to Bury Fold Lane, at the southern edge of the site. Additional assessment in this regard will be secured via condition. It should be recognised that road widening involving tree removal was established by the previous permission, along a greater length of Bury Fold Lane.

3.5.24 Retained trees in proximity to the development will be protected throughout construction works through adherence to the AMS, secured via condition.

3.5.25 A detailed landscaping scheme will be secured via condition, to include tree, hedgerow and shrub planting.

3.5.26 Submission of a long-term Woodland Management Plan will be secured via condition. Adherence to the approved detail will ensure continued protection and effective management of existing woodland.

3.5.27 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.

3.5.28 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.

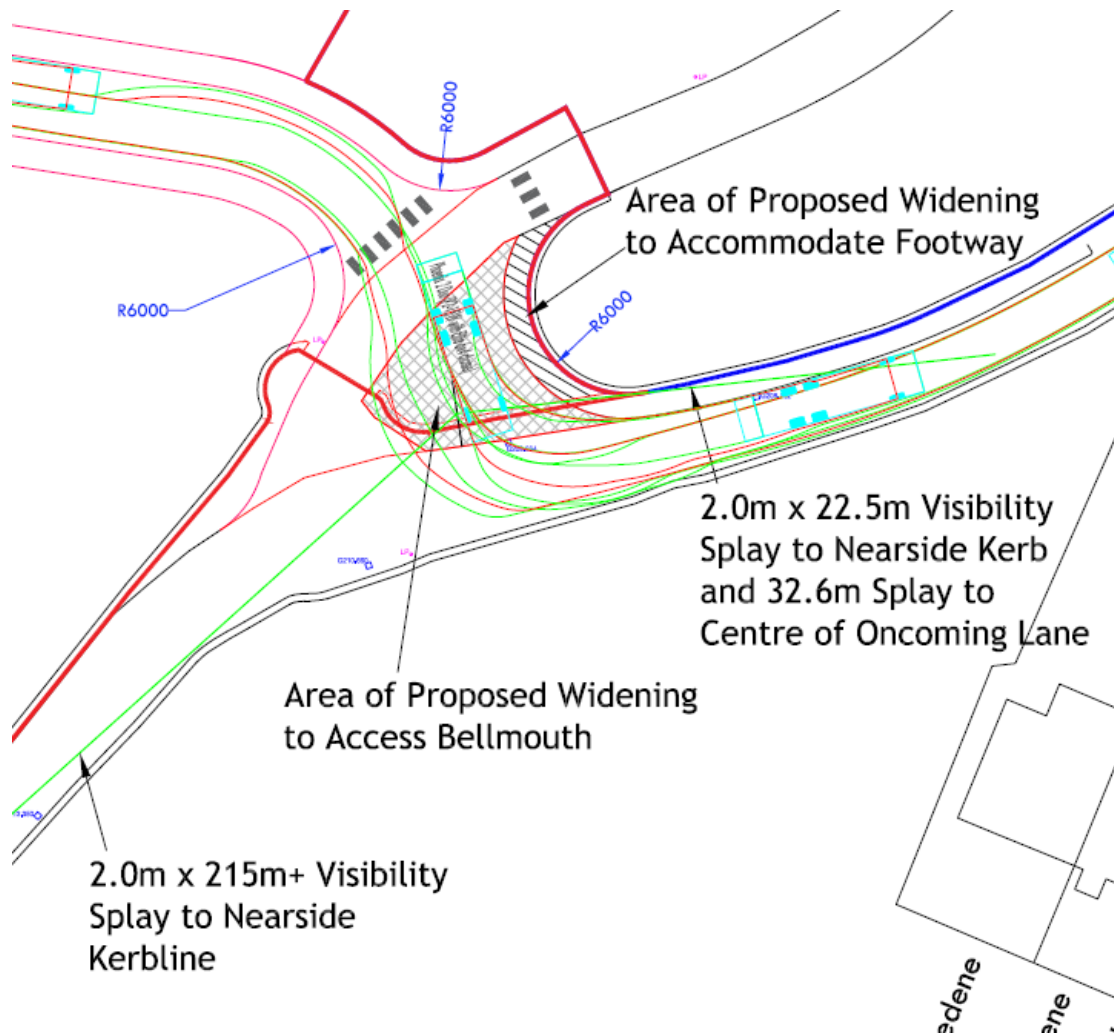
3.5.29 Members are advised that public objections have been received expressing concern around additional trip generation / congestion arising from the development, along Bury Fold Lane.

3.5.30 A Highways Technical Note has been submitted with the application and reviewed by the Council's Highways consultee. The Note utilises the TRICS database to forecast trip generation arising from the development at peak

times, which is an accepted industry tool for appraising such matters. Forecasted trip generation for AM and PM peak hours (total two-way), equates to 3 vehicle movements per hour from a development of 6 dwellings (it should be noted that the forecast does not account for the stand-alone dwelling previously approved at the allocation). The TRICS data informing this conclusion comprised private residential developments from across the UK, with an average of 8 dwellings per development i.e. broadly comparative with subject development. The question of whether or not the level of trip generation that could arise justifies any mitigation measures on the local highway network, specifically to Bury Fold Lane, has been carefully considered by the Council's Highways consultee, taking account of the forecast and prevailing circumstances along Bury Fold Lane. Based on the available trip generation evidence, it is considered that significant road widening, in response to the 6 dwellings proposed and the one previously approved, is not justified.

3.5.31 Members are advised that the proposed circumstances contrast significantly to those subject to the previous grant of planning permission for 18 dwellings, when it was considered justified to widen the Bury Fold Lane carriageway from the rear of Ellen Street, up to the site access.

3.5.32 Access to the site is proposed from the existing point that serves Ellerslie House, to the north of Bury Fold Lane. This is consistent with the previously approved arrangements. Widening of the bellmouth is proposed by circa 12m, including footway provision. Whilst the access is deemed acceptable in principle, visibility of vehicles approaching the site from the east is hindered by the angle of the carriageway. Although visibility splays are indicated on the proposed site layout drawing, as extracted below (Focus Transport Planning, Sept 2022), the Council's Highways consultee considers them to be marginally inadequate, requiring adjustment so as to aid convenient and efficient access / egress at the site and the general movement of vehicles along Bury Fold Lane. Visibility would be improved by widening a modest length of carriageway by setting back of a section of boundary wall proximate to the eastern side of the access. Whilst this need not extend to a length that may jeopardise the developments viability, it is considered reasonable to agree a length not currently defined. Precise engineering details, including the extent of works, re-alignment of the stone boundary (retaining) wall, gradient, drainage and lighting will be secured via a Grampian condition. Works must be carried out prior to commencement of development within the site. It should also be noted that structural approval from the Council's Highways Department will be required, prior to undertaking any works to the boundary stone wall. Such advice will be conveyed via an informative.



- 3.5.33 The site location is acknowledged as challenging for construction vehicles. It is, however, allocated for housing. Whilst some disruption will be inevitable, it will be temporary and should be appropriately managed between the developer and local residents. Adherence to the requirements of the CEMP will mitigate excessive nuisance / disruption.
- 3.5.34 Dwellings are supported by in-curtilage parking consistent with the adopted standard (3 spaces for dwellings of 4 bedrooms or more), in the form of a double garage (measuring 6m x 6m) and at least one space per private drive.
- 3.5.35 The internal road will include with footway provision on each side and link to the existing private drive serving Ellerslie House. The road will remain in private ownership and will not be adopted.
- 3.5.36 Policy CS22 requires new development to be located within accessible locations so as to minimise the need to travel. The proposal has good access links to the A666 and main road network including the M65 motorway corridor. Furthermore, the development is within walking distance of a main bus route with linkages to the rail network in Darwen Town Centre.
- 3.5.37 Accordingly, highway impacts arising from the development are found to be acceptable and in accordance with the requirements of Policies 10 and 22, and The Framework.

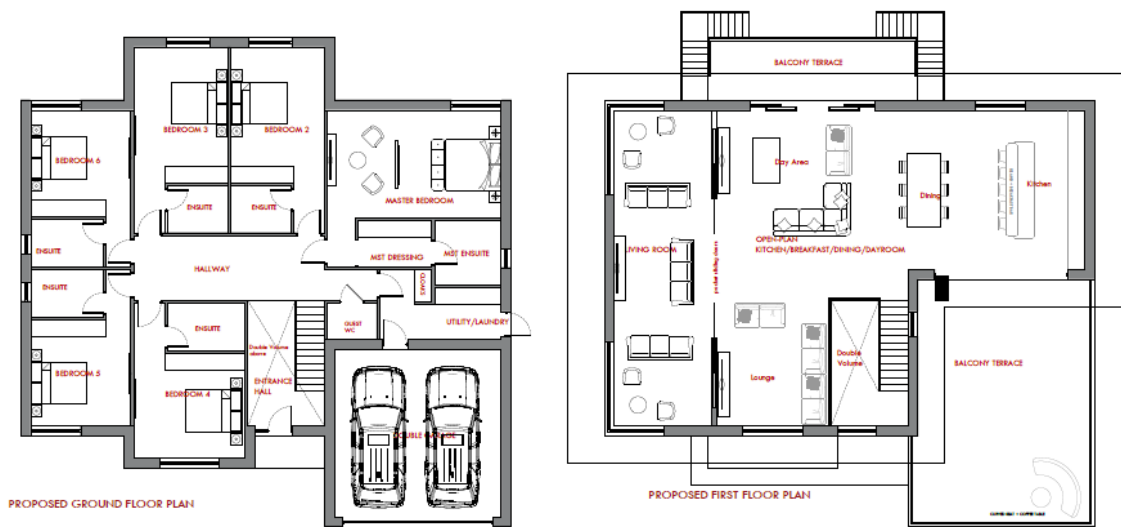
3.5.38 Design / Character and Appearance

Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality or where the character of a place has been compromised by previous change, the development must assist in re-establishing a strong character, taking references from positive character elements in the wider area and applying them in a modern context.

3.5.39 Dwellings will be arranged in a circular formation, around a central roundabout, in response to the general sloping land form of the site, positioned within generous plots which will provide ample outdoor amenity space. House types proposed are of an overtly modern design which would sit in stark contrast to the traditional appearance of Ellerslie House. The wider context is characterised by a mix of house types, including stone terraces, semi-detached and detached, or varying scale and more recent 1970's style dormer bungalows along a section of Bury Fold Lane, which serve to compromise the otherwise traditional character of the area.

3.5.40 The dwellings will be 2 storey high with flat roof profiling, utilising the change in site levels, through cut and fill design to provide a development with stepped rooflines and gardens. The contemporary design is distinct from the prevailing character of much of the area. A comparable design has, however, recently been approved for a single dwelling to the north of the site, on the opposite side of Kebbs Brook (ref. 10/21/0086). This dwelling is currently under construction and sets a precedent for well-designed modern interventions which are read in contrast to the more typical traditional form. Moreover, the development would not be especially visually prominent to the wider public realm. It would, instead, hold a position visually confined to the grounds of Ellerslie House.

3.5.41 Design is heavily influenced by the 'Prairie-style' architecture of renowned American architect Frank Lloyd Wright, with a design rationale focussed around an emphasis on "nature, artisanship and simplicity, creating buildings that are practical, focusing on the appearance and the interior that connects with people" (MKW Architecture, Design & Access Statement). A mixed palette of external materials is proposed, which would complement materials found in nearby properties, as well as the surrounding woodland. The following drawings and illustrations are extracted from the Design & Access Statement (MKW Architecture, May 2022):





Random Coursed Stone



Cedar Wood Cladding



Contemporary grey brick



Soft-white render

3.5.42 For reference, the following illustrate house types designed by Frank Lloyd Wright located within woodland settings, as examples of works which influence the proposed design.



3.5.43 Notwithstanding submitted details, finalised external walling and roofing materials will be secured via condition, as will boundary treatments.

3.5.44 Having due regard to the defining mixed character of the wider area and the confined woodland nature of the site, the design of the development is found to be acceptable and in accordance with the requirements of Policy 11, The Residential Design Guide SPD and The Framework.

3.5.45 Summary

This report assesses the full planning application for the erection of 6 dwellings and associated works. In considering the proposal, a wide range of material considerations have been taken into account. The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal balanced against any potential harm that may arise from its implementation. This report finds that the proposal meets the policy requirements of the Blackburn With Darwen Core Strategy, Local Plan Part 2, 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 Growth and Development to approve planning permission, subject to the following conditions:**

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

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the application received 22nd December 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. Notwithstanding the submitted details, prior to commencement of any above ground works hereby approved, written and illustrative details, including colours and textures, 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. Notwithstanding the submitted details, prior to commencement of any above ground work hereby approved, a scheme of boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the precise location, 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 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.

6. 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.

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. 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.

9. The 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
Sundays or Bank Holidays: No site operations

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. Prior to the commencement of development hereby approved, 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 and 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;
- (v) Incorporate mitigation measures to manage the risk of sewer surcharge as required;
- (vi) Full details of overland flow paths and any associated mitigation measures as required; and

(vii) Foul and surface water shall drain on separate systems.

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.

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

11. 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.

12. No works to trees shall occur 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.

13. Prior to commencement of any above ground works hereby approved, a scheme detailing the provision of bat and bird boxes within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved detail prior to operational use of the site and shall be so retained.

REASON: To ensure enhanced bat and bird nesting opportunities, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

14. Prior to commencement of any above ground works hereby approved, a scheme detailing the provision of Hedgehog highways and Hedgehog boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved detail prior to operational use of the site and shall be so retained.

REASON: To ensure enhanced bat and bird nesting opportunities, 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 Tree Impact Appraisal and Protection Scheme (Bowland Tree Consultancy Ltd, April 2022). Specified protection measures for retained trees 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 above ground works 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, to compensate for loss of 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 Blackburn with Darwen Borough Council Local Plan Part 2.

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

- An appropriate 'stand-off' zone from the adjacent watercourse;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;

- storage of plant and materials used in constructing the development;
- 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;
- noise control measures;
- 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 those 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.

18. Prior to any on site works, a scheme for the eradication of invasive species from the site, including Himalayan Balsam, Rhododendron and cotoneaster, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved detail.

REASON: In order to deal with the safe removal of invasive species from the site, in accordance with Policy 9 of the Blackburn with Darwen Borough Council Local Plan.

19. Prior to occupation of the development hereby approved, and notwithstanding the submitted details, a long-term Woodland Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be implemented upon occupation and adhered to throughout the lifetime of the development.

REASON: In order to safeguard retained woodland, in the interests of visual amenity and biodiversity, in accordance with Policies 9 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

20. No existing trees or hedges within the development site shall be lopped, topped, felled, uprooted, pruned, or sustain root severance without prior written consent from the Local Planning Authority. Any tree works undertaken with written consent should be in line with British Standards 3998 & 5837.

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

21. Reasonable Avoidance Measures (RAMS), as set out in the submitted Ecological Assessment (Bowland Ecology, May 2022), shall be adhered to throughout construction phase of the development.

REASON: In order to safeguard habitat, in the interests of ecology and biodiversity, in accordance with Policies 9 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

22. If construction of the development has not commenced within 18 months of the date of submitted Ecological Assessment (Bowland Ecology, May 2022) an updated Ecology Assessment shall be submitted to and approved in writing by the Local Planning Authority.

Any required mitigation shall inform the Biodiversity Enhancement Strategy and landscaping strategy for the development.

REASON: To ensure an up to date ecological assessment of the site, in accordance with Policies 9 and 40 of the Blackburn with Darwen Borough Council Local Plan Part 2.

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

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

24. Prior to commencement of the development hereby approved, and notwithstanding the submitted details, a scheme for works to the site access works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide full engineering details of the following:

- Appropriate pedestrian and vehicular visibility splays, involving carriageway widening works to an agreed length of Bury Fold Lane, proximate to the site access;
- footpath provision along an agreed length of Bury Fold Lane;
- gradients;
- drainage; and
- street lighting.

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

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

5.0 PLANNING HISTORY

- 5.1 10/15/1081: Outline application. Permission, granted by Planning & Highways Committee on 1st August 2016, for the erection of 22 three and four bedroom dwellings and access.
- 5.2 10/19/0642: Reserved Matters application. Permission granted by Planning & Highways Committee on 16th January 2020, for the erection of 18 dwellings pursuant to outline permission 10/15/1081.
- 5.3 10/22/0195: Full planning application for erection of a detached dwelling with a detached garage and associated external works including reinstating and modifying existing access off Bury Fold Lane: Permission granted under delegated powers, on 3rd May 2022.

6.0 CONSULTATIONS

6.1 BwD Public Protection

No objection:

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 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.

Condition – Air Quality Standard Mitigation

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 NO_x/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.

Floodlighting

Should the proposed development include outdoor lighting I would recommend the following condition:

Condition – Floodlighting (other than street lights, as appropriate)

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

Reason

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

Informative:

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

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

Condition

Should pile driving be required on site, 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)

Condition

Should floodlighting be required on site a scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. 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' GNO1 produced by The Institution of Lighting Professionals.

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 BwD Drainage (Lead Local Flood Authority)

No objection:

A scheme for the disposal of foul and surface water from the site has been submitted to an approved in writing by the Local Planning Authority. The scheme shall provide for:

- i) Separate systems for the disposal of foul and surface water;
- ii) a detailed drainage strategy to demonstrate that the post-development discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development rate of 5 litres per second;
- iii) the drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+40% climate change allowance) rainfall event and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
- iv) details of any necessary flow attenuation measures, including the use of SuDS where appropriate;
- v) confirmation that drainage of foul and surface water is directed away from the railway; and
- v) a timetable for implementation, including details of any phased delivery.

The development shall be implemented in strict accordance with the approved details.

6.3 BwD Highways

The submission details have been reviewed, and a site investigation has been undertaken.

The application is for proposed erection of 6 new detached dwellings and associated external works including new internal road, driveways and landscaping.

Parking

The parking should be in accordance with adopted parking standards which sets a requirement as follows:

- 3 spaces for a 4+ bed

The proposal is for 6 properties

All car parking spaces on the drives should measure at 5.5m (in accordance with the adopted Residential Design Guide), and all garages should be 3m x 6m.

ACCESS & LAYOUT

There is an existing access into the site. It would appear that this is outside the red edge and an additional entrance is proposed directly into the site from Bury Fold Lane, alongside the existing. For clarification, please request confirmation of this arrangement, as the site access will cross each other on a tangent.

No gradient details of the access into the site are provided, nor is there any swept path analysis of refuse vehicle entering turning and leaving the site. This information should be provided for assessment and approval.

No details of sightlines have been provided – please seek further details. This may require a significant amount of the front wall to be reduced and/or splayed back to achieve the required splays for visibility.

The internal roads are intended to be kept as private, as per the submitted document.

Off-site highway works/Technical Note

On the previous application, a condition was attached for the highway to be widened and reinstatement of the retaining wall to be set further back.

The technical note has been reviewed. The TRICS database which has been utilised to produce trips to and from the site at peak times. This highlights that there are 3-trip movement in the am period, and 3 in the pm peak. This seems incorrect when each of the property is 6 bed, and trip generation is not at least 1 car per property.

Notwithstanding the above, there is still a potential for increased movements resulting from the additional units, up to 18 (if not more) vehicles movements onto Bury Fold Lane (this does not include the 1 property that was approved as a standalone). Having visited Bury Fold Lane on many occasions, it is clear that the on street situation has a heavy presence of parked vehicles from the residents who reside on Bury Fold Lane.

Our concerns when considering a development for 22 properties were directed towards the extent of offsite highway works, which were necessary to aid the development to proceed.

We are still of the opinion that some works are necessary, albeit scaled back to only requiring widening from Low Hill up to the site entrance. Details of this together with the footway and retaining wall will need to be submitted for assessment, in order to assist with movements and sightlines.

The issue of construction vehicles, navigating narrow sections of Bury Fold Road will be severely constrained without the improvement works (in full). However, we expect the developers to manage this with the residents, in order to navigate through to their site.

The off-site highway works are to be conditioned as a Grampian condition. (This should include associated drainage and lighting works)

All works are to be completed prior to the commencement of development on the site – please condition.

A further condition is required for details to be received for the retaining wall, the alignment and position of which is being altered - formal approval from the Structures

Division at the council would need to be received, please request further details for assessment.

In addition to the above, we would require, the below to be undertaken:

- The access road to Ellerslie House would be compromised for vehicle movements, due to sharp bend on approach - please include this for tracking
- Street lighting is lacking and should be upgraded to support the site, details to be offered, or statement to be received.
- Gradients of drive should be below 10% or wherever possible no more than 12.5% (1:8) for a distance 6m back from the edge of the carriageway. Care should be taken at the back of footway to avoid the risk of grounding.

Construction Method Statement

No details have been submitted.

Please request this or condition for approval.

6.4 BwD Cleansing

No objection subject to the access road - can our vehicles access ok, and of are the roads wide enough for our RCVs.

6.5 BwD Arboriculture Officer

Assessment

An Arboricultural Impact Assessment and Arboricultural Method Statement has been submitted by Bowland Tree Consultancy to support the application. This shows the trees and groups on site currently.

Of the 5 trees, 2 groups, part of 1 further group and 1 hedge that are required for removal, only the group G1 containing 2 x sycamore trees are classed as category B. This amount of removal within the site is acceptable and will leave a large proportion of trees still remaining around the periphery of the site.

The 6 proposed dwellings can be constructed without impacts to the trees providing the Arboricultural Impact Assessment is adhered to and the protection measures are in place to adequately protect trees during the construction phase.

There doesn't seem to be any pruning of trees noted. It may be that the trees within W1 need pruning back slightly to allow for both scaffolding and garden space. A detailed tree pruning schedule will need to be submitted and agreed if this is required.

It is noted that any encroachment into T1 for the entrance will be less than 1% of the total RPA and therefore I am happy this will not cause a detrimental affect providing the tree protection is in place in all other places around the tree

Recommendations

There are no objections to the proposed development provided that the submitted AIA and AMS is adhered to throughout.

6.6 United Utilities

No Objection:

DRAINAGE

We request the following drainage condition is attached to any subsequent approval:

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 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 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 where applicable; and
- (v) Foul and surface water shall drain on separate systems.

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.

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.

The applicant can discuss any of the above with one of our Developer Engineers, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewers for Adoption and United Utilities' Asset Standards'. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no

construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

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. You may find the condition below a useful example.

Prior to occupation of the development 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:

a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

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.

6.7 GMEU Ecology

No response offered.

6.8 Public consultation

119 letters were posted to the local community on 10th May 2022. Site notices were also displayed. A press notice was published 15th June 2022. In response, 5 objections 1 representation of support and 5 general comments were received - see Summary of Representations.

7.0 CONTACT OFFICER: Nick Blackledge – [Principal Planner].

8.0 DATE PREPARED: 7th October 2022.

9.0 SUMMARY OF REPRESENTATIONS

Support – Mark France - Lyndene Ashleigh St, Darwen, Rec 10.06.2022

I write in support of this application of which I have only just become aware.

I am a local resident and am familiar with the area. I use Bury Fold Road daily as a pedestrian.

I am aware that , at an earlier stage, planning permission was granted in principle for a larger number of dwellings in the grounds of Ellerslie House. The current application therefore represents a scaling down of the development both in terms of its general impact on the amenity of the area and of its effect on the volume of traffic using Bury Fold Road.

I believe that ,in its current form, the application is realistic and proportionate. As such it should be supported. If granted it will lead to the ground of Ellerslie being developed in a sympathetic way avoiding the dangers of overdevelopment in the future

The notice I have seen suggests that comments on the application should be made by June 1st, Nevertheless I hope that my views will be taken into account as I understand that no decision has yet been taken,

Mark France

Lyndene

Ashleigh St

Darwen

Objection – Helen Cowell – 14 Bury Fold Lane, Darwen, Rec 06.06.2022

Dear Sir,

Plan Ref: 10/22/0413 – Ellerslie, Darwen

I would like to object most strongly to the new application for Ellerslie.

1. The current application for a reduced number of houses is, on the face of it, an improvement to the previous numbers applied for. However, my concern is that, if and when they get approval for these, they will then keep applying for extra plots which will take them up to numbers in the original application, without them having to fulfil any of the conditions that previously applied.

The previous consent, in my opinion, constituted over-development of the site and should not have been granted. As it was granted however, the condition regarding the repositioning and rebuilding of the wall, which was no doubt onerous, should not be allowed to be circumvented by possible piecemeal applications for extra plots.

2. The design of the proposed houses is completely out of keeping with the surrounding area and especially of Ellerslie itself.

3. If the houses have 6 no. bedrooms each, then there will presumably be many more than the 2 cars per household suggested by the double garages shown on the plans. Over time there will be many more trips generated than a double garage might suggest.

Yours faithfully,

Objection – Terea Lonnen (on behalf of parents) - Epworth Street, Darwen, Rec 31.05.2022

Good afternoon Nick

I'm forwarding this on behalf of my parents, who are currently on holiday.

I'm also a resident of Whitehall, I live on Epworth Street so not far from my parents. I'd like to reiterate what my Dad had said on this, the traffic up Bury Fold Lane is horrendous. The number of times my Dad has had to come out of his drive and go up the lane to turn round and come back down again, its a weekly occurrence, because inconsiderate people park right up to the edge of his drive and abandon the vehicle for days on end.

With the number of houses being built in Darwen at this current time, do we really need 6 bedroom houses in our area?? And the traffic and chaos the building works will cause.

In recent years we have had numerous occasions where the Moors have been on fire and Bury Fold Lane is an access area for the fire engines, it really isn't a suitable area for a housing estate, even a small one as proposed.

Best regards

Teresa Lonnen

Buryfold lane is becoming more dangerous by the day.

The volume of traffic and badly parked cars and vans is an accident waiting to happen.

People park so close to my drive entrance it becomes very difficult to get in and out

At the last council meeting there was a video shown without a car in sight if one is to be shown at the next meeting ,please show what it's really

Like

We were also told that a certain percentage was to be affordable housing ,,6 bedrooms houses are not what I would say are affordable

We were also told the entrance to the lane would have to be widened as again it is dangerous,that again seems to have forgotten about.The morning commute is going to be like the M1

Fire ambulances and waste collection services are at breaking point in this area and yet we build more and more.

Nothing is ever done about water storage, the last reservoir to be opened in this country was thirty years ago, in the next fifteen years this is will come back and bite us

Regards Idris and Magdalen Davies

Comments – Mr & Mrs Trevor Cowell, Bury Fold Lane, Darwen – 29/06/2022

Dear Mr. Prescott,

Planning Application Ref. No. 10/22/0413. Land at Ellerslie House, Bury Fold Lane, Darwen.

I wish to comment on the proposed development of at Ellerslie House Bury Fold Lane Darwen.

- Bury Fold Lane is a narrow single track cul-de-sac leading onto the moors and is only a single track for most of its length.
- There are 10 terraced houses at the lower part of the lane, which to help ease congestion at the point where the lane meets the A666, park on the pavement. Many of these houses have more than 1 car.
- The lane holds very few passing places, some of which are used by cars from the twenty-three properties on Ellen Street, so residents frequently need to reverse either up Bury Fold lane or down the lane out onto the A666 .
- There are several dangerous blind spots to be risked when making this manoeuvre, especially when oncoming traffic is encountered from traffic travelling at speed from a southerly direction.
- In interests of safety the lane cannot sustain more vehicles, especially heavy duty waggons that will be required if building were to commence.
- This new planning application is for six properties; however, planning has also been made for a single large property which may have a separate access higher up the lane but still needs to use the lane. In reality there are seven large properties some of which are very likely to have several vehicles. Additional traffic will be generated by service vehicles, visitors and delivery vans.

Yours Sincerely

Mr. and Mrs. Trevor Cowell Cowell

Objection – Donald Sharples, Bury Fold Lane, Darwen, Rec 27/05/2022

**Objection in relation to housing development on land at Ellerslie House:
Reference number 10/19/0642**

I have lived on Bury Fold Lane for sixty-seven years and I am raising serious concerns on behalf of myself and several longstanding residents about the

proposed development on land at Ellerslie House primarily in relation to access.

On regular occasions I am either unable to, or have great difficulty transporting goods to and from my farm due to the current volume of cars using Bury Fold Lane inconsiderately and from the volume of cars parking on this very narrow highway. Wagons have consequently had to reverse back down to the A666. It has become normal practice to escort vehicles both up and down the lane and to try and identify vehicle owners inconsiderately parked.

I strongly object to the proposed development on the grounds that Bury Fold Lane is becoming increasingly even more congested due to the traffic generated by existing residents. This, for several years, has had a detrimental effect on my farming business and in recent months this has become close to becoming a welfare issue as delivery vehicles carrying cattle feed have, at certain times, been unable to access my property.

Bury Fold Lane has buildings that are of historic interest and properties developed over the years have been in keeping with the character of the area. The new properties proposed are not going to enhance, in any way, the identity of the surroundings and should not be considered in their current form.

Furthermore, I believe that any gains the development will have on local housing needs are far outweighed by the impact of increased traffic on Bury Fold Lane.

Yours sincerely

DONALD SHARPLES

Objection – Christine & Brian Chappell, 34 Bury Fold Lane, Darwen, Rec 27.05.2022

To whom it may concern in relation to planning application number 10/19/0642

In relation to this planning application we wish to formally record our objections.

Relating to the design and access statement

Point 3: Description and proposed development

The previous planning history listed does not indicate all the conditions that had to be met before full approval would be obtained giving a false impression to the reader that the Council fully supported all applications.

Point 4.1: Layout

The layout will “maximise available land to offer the dwellings expansive gardens”. What conditions will be set so that the proposed gardens actually get developed? The impression is given that the gardens will enhance biodiversity – which the development in itself is taking away!

It is questionable that the site is hidden, perhaps so from Bury Fold Lane but what about the Astley Bank area and bridle path running to the west of the site?

Point 4.4 Design and appearance

“The development features ultra-modern designs”, this is definitely not in keeping with the character of the area. Ellerslie House itself plus the blue plaque Low Hill (which has been considerably developed into apartments) are only two of the historic buildings present in the area

Point 4.5 Access

The first point states that “the development is to be served by the existing access from Bury Fold Lane and the access will be modified and upgraded to meet Highway standards” – where is the detail for this in the application?

Within the “Highways Technical Note” evidence that has been submitted is rather vague:

- A current traffic flow survey is required to capture the current traffic flow both at the bottom of Bury Fold Lane and the area between Low Hill and Ellerslie gateway. This will give an up to date picture of how the statistics have changed since the last, ill-placed monitoring system.
- No consideration has been given to the fact that within a few years of the development several cars/vehicles could be at each property – not two as shown in the illustrations.
- No data has been included for delivery vehicles which is relevant due to the change in buying habits on-line
- What about visitors – how do they access the development if not from Bury Fold Lane?

A survey is also required in relation to the vast increase in walkers and cyclists that have now discovered that Bury Fold Lane is a popular route through the Print Shop to Whitehall, along the bridle path to Bold Venture and a very popular route to the West Pennine Moors. What arrangements are going to be put in place if the development is approved to safeguard such users?

8. Summary and conclusion

This does not indicate that this will be the only planning application. Are we to expect that if this application is approved there will be others until the total equates to those on previous applications?

The Technical Note submitted is confusing and not easy for the layman to interpret and is of little use to the residents on Bury Fold Lane who will be affected by this development. It must be noted that the current situation with parked cars gives rise to safety concerns constantly and this will be exacerbated during site clearance, construction materials being delivered and ground working vehicles.

Boundary walls have already been damaged due to vehicles trying to pass on a very narrow lane as illustrated below:



Regular instances of Heavy Goods Vehicles having to back down Bury Fold Lane occur. What arrangements are going to be put in place for construction traffic if this development takes place?

Please note we strongly object to the development and hope that the planning committee will take these views into account when making their decision and be considerate to the needs of current residents.

Yours sincerely

Objection – Mr J Thomas & Mrs H Thomas, Rosedene Lowhill Bury Fold Lane, Darwen, Rec 26.05.2022

Mr Nick Blackledge,

We received a letter about the planning application for 6 dwellings to be built on land on Bury Fold Lane in Darwen.

My husband and myself are both against this application mainly due to the single track road but also to the disruption and spoiling of the nature involving the flora and the fauna. The land is a pathway for the local deer and the land has a bluebell colony in the tree area and the field which they are thinking of building on. Blue bells are not supposed to be dug up (they are protected).

The main concern is the road. It is single track with many cars already using it and already having to drive on the pavement when passing or patiently waiting for cars to pass in a couple of areas that are on the road. We even have to wait on the main road at the bottom of the lane for cars or vans and lorries coming down which can cause disruption on the main road. The entrance on Bury fold is single track which causes numerous problems on the main road. The original plans where to widen the road before any building is done and now they are not going to do that because there would be less cars due to being less houses being built. there still could be two or three cars per house and the extra separate application for another house on that land which still puts extra pressure on the people living on Bury Fold. this also makes us think that there may be chance at a later date to build more houses without the lane being widened. If they do manage to get planning permission there is also the amount of traffic which will be using the lane while building. The amount of lorries diggers truck and delivery wagons using the lane would be horrendous.

To widen the road also would spoil the looks of the quaint road which leads to the moors for many walkers. There also is not many areas on Bury Fold that have a pavement for the many walkers and it is still dangerous for them now when cars have to mount the pavements in some areas to pass.

We put in our objection with a hope that you look at the problems of the road very seriously.

Your sincerely

Mr J Thomas and Mrs H Thomas

Rosedene

Objection – Mrs Norma Astley, Low Hill, Bury Fold Lane, Darwen, Rec 24.05.2022

Darwen BB3 2QG
18/05/22

Dear Sir

I write in response to your letter regarding the planning application at Ellerslie
On Bury Fold Lane ref:10/2/ 0413

I am definitely ~~Low Hill~~

in favour of this new proposal as I feel it will enhance this area. However, I am very concerned that the road should not be widened as it was proposed in the previous applications as I am most concerned that this would change the feel of the road leading up to our property. Other neighbours have expressed this wish too.

Any traffic issues are minimal and occur at the bottom of the lane due to the narrowness. I have lived here for many years and haven't encountered any problems in all these years.

Yours faithfully

Mrs Norma Astley

Objection – Millie Jackson, Bury Fold Lane, Darwen, Rec 13.05.2022

Dear Gavin,

I am writing to you in regards to the planning application - 10/22/0413, for the proposal of 6 new detached dwellings to be built at the Land at Ellerslie, Bury Fold Lane, Darwen, BB3 2QG.

Firstly, I am the owner & occupier of a house on Bury Fold Lane, and whilst we believe the introduction of 6 new houses would be of great value to the Lane we do have a few concerns that we hope can be addressed should the planning be accepted.

I am aware that planning had been submitted in late 2019/ early 2020 for a whole new development of 18 new houses to be built on the land at Ellerslie where permission had been granted despite there being objections from the residents. I also understand some committee members were also sceptical the works would go ahead, due to the lane being too narrow for access and comments were passed in regards to the road leading to the land at Ellerslie (Bury Fold Lane) would have to be widened and works could not start until this was completed to improve access.

Development plans have not been available to view by the residence, with respect to changes since the earlier application in 2019, and would be something we would be interested to view. This is something we believe should be available to the local residence before the committee should accept the application. I know myself and my partner would like to see the designs, more so in regards to the new internal road.

Our only concern going forward should the application be accepted would be the access plan during the build, should the road need to be widened for access arrangements. We would not be happy to accept major works to the road leading to the land, that would result in major disruption on the lane. For example, us being unable to park our cars outside of our home or on the lane; trucks causing traffic issues; constant noise and mess; being unable to access the public walk paths.

We are aware there is also 2 other planning applications raised for work on or off Bury Fold Lane 10/21/1134 & 10/22/0195, that would also require access to the road. For all 3 applications to be accepted and works to start around the same time would cause major disruption to the lane and would have to be managed accordingly.

We hope our comments can be taken into consideration in regards to the application.

Kind Regards,

Millie Jackson

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/0752

Proposed development: Variation/Removal of Condition/Minor Material Amendment for Variation of Condition Nos 1 "approved drawings" and removal of condition 4 "tree protection measures" pursuant to planning application 10/21/0442 "Creation of a car park" - amend Condition no.1 "drawings" to revise layout following tree removal", and remove Condition No.4 "no tree protection measures required"

**Site address:
Land at Museum Street
Blackburn
BB1 7AJ**

Applicant: Ajaii Limited

Ward: Blackburn Central

**Councillor Samim Desai
Councillor Mahfooz Hussain
Councillor Zamir Khan**



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

2.1.1 This application is reported to the Committee in accordance with the Scheme of Delegation on the basis that the application site is Council owned land. The applicant was the successful bidder for a long term lease in a tender. As land owner the Council will retain some interest in the land, and presently the Council has stewardship of the trees.

2.1.2 This current application seeks to amend conditions that were attached to the recent approval at the December 2021 Planning and Highways Committee meeting of a surfaced car park, under planning reference 10/21/0442. The proposal to remove the two trees is a minor material amendment under Section 73 of the Town and Country Planning Act 1990. The 10/21/0442 approval was granted on the condition that the two remaining trees would be retained and protected. However, the applicant now seeks to vary/remove the condition attached to the previous approval, and remove the two remaining trees.

2.1.3 The approved car park is to be used by the owners of the former Royal Bank of Scotland building on King William Street, as well as other town centre businesses nearby.

2.1.4 The justification for removal of the trees is that the site is historically known to suffer from sinkage and the trees need to be removed due to the instability of the ground and the problems they would cause in developing the site. Furthermore, their retention would continue to cause ongoing damage to the adjacent footway, resulting in significant public safety issues. There are also question marks as to whether the trees would survive the approved development works. One of the trees has recently been badly fire damaged and is unlikely to survive in any case.

2.1.5 Although it is acknowledged that the mature London Plane trees are prominent in the street scene, and provide significant amenity benefits to the area, a pragmatic and practical approach is considered necessary to facilitate development of the site, which is presently is an eyesore.

2.1.6 Mitigation planting on site will be provided, and this can be secured by a suitably worded condition. In addition to this, the applicant has also offered to provide additional planting elsewhere in the borough. The removal of the trees has the support of the Council's Arboricultural Officer, subject to replacement planting on site, and it is therefore considered reasonably necessary to remove the two remaining trees to facilitate implementation of the scheme.

2.1.7 Given the considerable regeneration and economic benefits of bringing this prominent site back into use, subject to replacement tree planting, officers are satisfied that the proposal is acceptable, and complies with the relevant

policies. In accordance with the presumption in favour of sustainable development as set out in the NPPF, the proposal is recommended for approval, subject to a new condition to secure an alternate landscaping scheme, including replacement tree planting on site.

3.0 RATIONALE

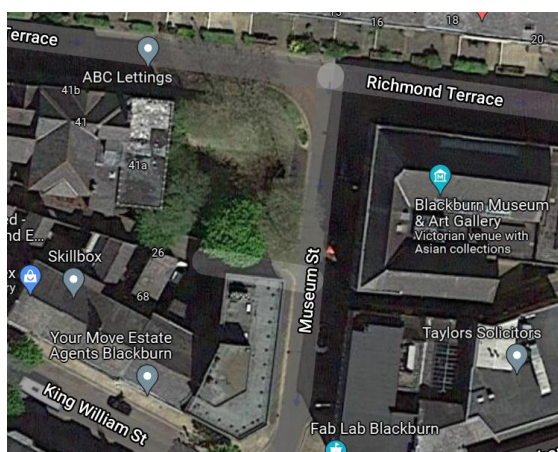
3.1 Site and Surroundings

3.1.1 The application site is located on the corner of Richmond Terrace (to the north) and Museum Street (to the east), with the western boundary abutting the Masonic Hall, and an alleyway (used for rear access to businesses on Richmond Terrace and King William Street) to the south. The former Royal Bank of Scotland building is on the other side of the alleyway, with a coffee shop now operating at ground floor, and offices at the upper floor levels.

3.1.2 The site lies within the Inner Urban Area of Blackburn within the Town Centre Boundary, and BID area. It also lies within the Northgate Conservation Area and adjacent to the Richmond Terrace Conservation Area, within an Article 4 area, and with various listed buildings in close proximity. It is within a Coal Low Risk area.

3.1.3 The application site has been vacant for a number of years and is presently screened off with temporary timber fencing, restricting public access. The adjacent footway is also suffering from root damage. This is of no benefit to the public or the character of the area, and represents a safety hazard. At one time the site had substantial tree cover. However, only 2 mature trees now remain, which are located on the Museum Street (east) boundary of the site. Both trees would be removed, one of which is badly fire damaged.

3.1.4 Below is an aerial view of the site:

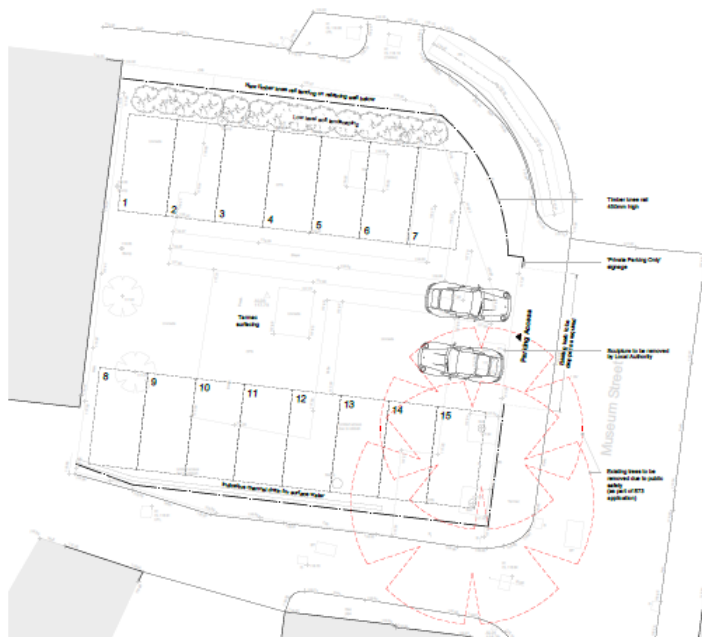


3.2 Proposed Development

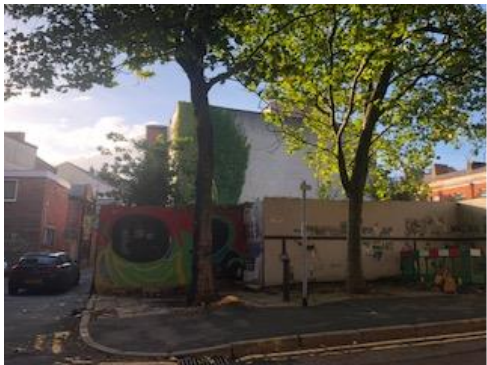
3.2.1 The approved scheme (ref 10/21/0442), for a 13 space car park, with the 2 trees retained, is shown below:



3.2.2 The scheme as now proposed shows the two trees removed, and the introduction of 2 more parking spaces in their place, increasing the number of spaces to 15. This is shown below:



3.2.3 Site photos



Street scene



Root damage to footway



Fire damaged tree

3.2.4 Supporting documents submitted with the application include:

- Supporting Statement

Development Plan

3.2.2 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.

3.2.3 The Development Plan comprises of the Core Strategy (2011) and Local Plan Part 2 – Site Allocations and Development Management Policies (2015). In determining the current proposal the following are considered to be the most relevant policies.

3.2.4 Core Strategy

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

3.3.4 Local Plan Part 2

- Policy 1: The Urban Boundary
- Policy 2: The Inner Urban Area
- Policy 7: Sustainable and Viable Development
- Policy 8: Development & People
- Policy 9: Development and the Environment
- Policy 10: Accessibility & Transport
- Policy 11: Design
- Policy 26: Town Centres: A Framework for Development
- Policy 39: Heritage

3.3 Other Material Planning Considerations

3.3.1 National Planning Policy Framework (NPPF)

3.3.2 BwD Parking Standards

3.3.3 Conservation Area Character Appraisals

3.4 Assessment

3.4.1 In assessing this application the following important material considerations are taken into account:

- Principle of proposal / Justification for removal of trees
- Visual amenity / Heritage
- Highways / Parking
- Other matters / Conclusion

3.6 Principle of proposal

3.6.1 Policies 1 and 2 of the Blackburn with Darwen Local Plan Part 2 (LP) identify the urban area as the preferred location for new development.

3.6.2 LP Policy 26 refers to sites within Town Centres. Proposals are generally supported if, amongst other things, they involve main town centre uses; including restaurants and cafes; and help to establish a vibrant town centre. The NPPF also emphasises the importance of ensuring the vitality of town centres.

3.6.3 The proposal does not conflict with these aspirations. The site lies within the town centre and inner urban area of Blackburn, within a conservation area, and is a highly prominent site. It has been boarded up since circa 2017 and

has been subject to ASB / fly tipping etc. The site is presently an eyesore and a risk to public safety. There have also been safety concerns regarding an underground cellar and site sinkage. It is considered that retention of the trees will make an additional constraint and economic burden in making effective stabilisation and repairs.

3.6.4 There are significant environmental, economic and regeneration benefits for bringing this very prominent town centre site back into active use. It will also support local businesses.

3.6.5 Therefore, subject to robust justification, and a suitable scheme for replacement planting on site, the proposal to remove the 2 trees is considered acceptable in principle, and complies with LP Policies 1, 2 and 26, and the NPPF.

3.7 Justification for removal of trees

3.7.1 A supporting statement submitted by the applicant sets out the problems that would be caused by the trees remaining in situ (damage to the adjacent footpath etc.) and damage to the trees themselves. It also refers to historic sinkage problems at the site.

3.7.2 The Council is fully aware of these issues, and in March 2020, commissioned a Ground Penetrating Radar (GPR) survey to be carried out on the site. This report concluded that there were significant settlements, voids and ground heave at the site which may have been the result of poorly compacted building demolition material being used to infill an old basement. Torrential rains had washed away any demolition 'fines' and resulted in subsidence. Ground heave was present and was always in the vicinity of mature trees, with roots showing.

3.7.3 The Council's Arboricultural Officer, whilst raising initial concerns about whether there was sufficient justification provided for the removal of the trees, attended a site visit with the applicant and Council Officers during the assessment of this current application. It was confirmed that the trees were causing damage to surrounding land/footways, and that the trees themselves could be further damaged by implementation of the approved scheme, if they were retained. It was further noted that one of the trees was badly fire damaged, and its long term health was questionable. In this context, it was considered that removal of the trees, with a scheme for replacement planting on site to be submitted in due course, would be the most sensible option.

3.7.4 The Arboricultural Officer therefore concluded that, whilst the trees do make a positive contribution to the amenity of the area, their removal was, on balance, justified. However this is only on the basis that replacement planting is secured on site. This can be secured by a re-worded condition.

3.8 Visual amenity / Heritage

- 3.8.1 Core Strategy (CS) Policy 16 and LP Policy 11 require a good standard of design and an understanding of the site's wider context. The Design SPD, in relation to siting, scale and appearance, reinforces this.
- 3.8.2 CS Policy 17 and LP Policy 39 seek to sustain or enhance the significance of heritage assets, including their setting. The NPPF adds further weight to the importance of heritage assets. LP Policy 39 also says, amongst other things, that development that causes some harm or loss can be outweighed by the benefit of bringing the site back into use. Development that will negatively impact on the significance of an asset will only be permitted where the impact is outweighed by the public benefit arising from the development.
- 3.8.3 The site lies within the Northgate Conservation Area, and just outside the boundary of the Richmond Terrace Conservation Area. The site also lies within close proximity to the Grade II Listed Blackburn Museum and Art Gallery and the Grade II Listed Richmond Terrace.
- 3.8.4 From a visual amenity perspective, whilst giving this sufficient weight in the decision making process, it is considered that the overall benefits of the scheme outweigh the harm caused by loss of the trees. A mitigation planting scheme will ensure harm is minimised. Implementation of the car park would be an improvement on the existing situation, and with an appropriate replanting scheme would have a positive impact on visual amenity and the character and appearance of the area.
- 3.8.5 Similarly, any low level (less than substantial) of harm to the significance, character and appearance of the heritage assets resulting from removal of the trees, would be outweighed by the wider benefits, and suitable mitigation planting on site. This will require a revised scheme to be submitted and approved at a later date.
- 3.8.6 The proposal is therefore considered acceptable from a visual amenity/design and heritage perspective, and compliance with CS Policies 16 and 17 and LP Policy 11 and 39.

3.9 Highways / Parking / Drainage

- 3.9.1 LP Policy 10 requires, amongst other things, that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced, and appropriate provision is required for vehicular access, with parking in accordance with the Council's adopted standards.
- 3.9.2 Although an amended plan has been submitted as part of this application, which shows an increase of 2 parking spaces from the approved scheme (15 spaces instead of 13), a condition will be attached to this approval to require a revised landscaping scheme / site plan, to incorporate mitigation tree planting, prior to construction of the car park commencing. The number of spaces proposed is therefore likely to change again when new planting is introduced.

3.9.3 Notwithstanding this, based on the detail presently submitted, the access, and all other aspects of the car park, will remain as previously approved, and visibility would be improved by removing the existing trees. When submitted, the impacts of the revised landscaping scheme / site plan will be assessed in the context of visibility / highway safety, amongst other things.

3.9.4 The proposal to remove the 2 trees is therefore considered acceptable in terms of highway safety. Compliance with Policy 10 of the LP and the adopted BwD Parking Standards is therefore achieved.

3.10 Other matters / conclusion

3.10.1 Whilst this planning application assesses the planning impacts and benefits of the proposal, the Council as land owner will ensure the correct procedures are followed in terms of removal of the trees, and the ongoing repair and maintenance of pavements adjoining the site etc.

3.10.2 Given the Council is retaining a long term interest in the land, an agreement is also in place for the site sinkage to be addressed.

3.10.3 In conclusion, the overall benefits of the scheme are considered to outweigh any harm identified, and the proposal is recommended for approval, subject to the conditions set out below.

4.0 RECOMMENDATION

4.1 APPROVE subject to the conditions below:

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:
Location plan: Drawing No. 0647/001/A4/Rev A.
Proposed site plan: Drawing no. BB327-200-E @A2.

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 17th December 2021 i.e. the date of the original permission.

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

3. 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 Blackburn With Darwen Borough Local Plan Part 2.

- 4. Notwithstanding the detail shown on the approved plans, prior to commencement of construction works on site, an alternative site plan and detailed landscaping scheme shall be submitted to and approved by the local planning authority. The scheme shall include full details of replacement tree planting on site, as well as low level soft landscaping. The approved trees and shrubs shall be planted 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. The approved landscaping shall be maintained and retained thereafter to the satisfaction of the local planning authority.

REASON: To ensure that there is a well laid scheme of healthy trees and shrubs in the interests of amenity in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

- 5. Prior to the car park hereby approved being first brought into use, the final layout of the car parking shall be submitted for approval, laid out in accordance with the approved details and thereafter permanently retained. The approved layout shall include a disabled parking bay, and revised vehicle sightlines with appropriate splays.

REASON: To ensure all matters in relation to the layout and surfacing of the car park (including gradients) are carried out to the Council's standards and requirements, in accordance with Policy 10 of the Blackburn With Darwen Borough Local Plan Part 2, and the adopted Blackburn With Darwen parking standards.

- 6. Prior to commencement of the development hereby approved, a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- I) the parking of vehicles of site operatives and visitors

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

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

- 7. Prior to commencement of development hereby approved, the applicant is required to consult United Utilities and obtain a 'Consent to Discharge' to the public sewer. Details of the consent must also be submitted to the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the approved details.

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 the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

5.0 PLANNING HISTORY

- 5.1 10/21/0442: Full Planning Application (Regulation 4) for Creation of a car park (Approved)
- 5.2 1977_2019: Change of use to retail (non food), storage and offices.

6.0 CONSULTATIONS

- 6.1.1 A valid planning application was received by the Local Planning Authority (LPA) on 3rd August 2022. 21 Neighbour consultation letters were sent out on 3rd August 2022, including all addresses adjoining the application site. A site notice was displayed on 9th August 2022. An advert was also published in the Lancashire Evening Telegraph on 12th August 2022.

6.1.2 No representations were received.

7.0 CONTACT OFFICER: Tom Wiggans, Planner

8.0 DATE PREPARED: 7th October 2022

9.0 SUMMARY OF REPRESENTATIONS

9.1 Growth Lancashire (Arboricultural consultee)

9.1.1 The initial recommendation by the Council's Arboricultural officer was to retain the trees (see below):

Both trees are semi-mature with a potential long useful life and in fair condition. Both trees are suitable to retain with some remedial works to improve their structure. The ground level rooting environment has been substantially disrupted. Ground works will be required for the retention of the trees. Recommend retention of both trees with works as referred to above. If you were minded to allow removal with replacement, I recommend replacement planting in the same area of tree removal with agreement for species and size. Tree protection measures would be applicable with the retention of the two trees.

9.1.2 However, the above comments were subsequently revised following a site visit with the applicant and Council officers. It was agreed that if engineering works to stabilise the site will necessitate the removal of the trees, and there is sufficient evidence to show that the retention of the trees makes an additional constraint and economic burden in making effective stabilisation and repairs, a condition should be attached requiring replacement tree planting, on site, to mitigate against the loss of amenity.

9.1.3 It is recommended that replacement planting is in the same area of tree removal, with agreement for species and size.

9.2 Property Management

9.2.1 Property Management have no objections to the proposal.

Proposed development: Variation to S106 Agreement pursuant to planning application 10/18/1116 – to:

- amend the payment phasing to allow for the off-site Green Infrastructure contribution to be received in full as part of the first instalment on development commencement;
- specify that the Green Infrastructure commuted sum will contribute towards works to enhance the Witton Park Play Areas; and
- remove the requirement for a contribution towards off-site highway works on Stockclough Lane.

Site address: Land at Brokenstone Road, Blackburn, BB3 0LL

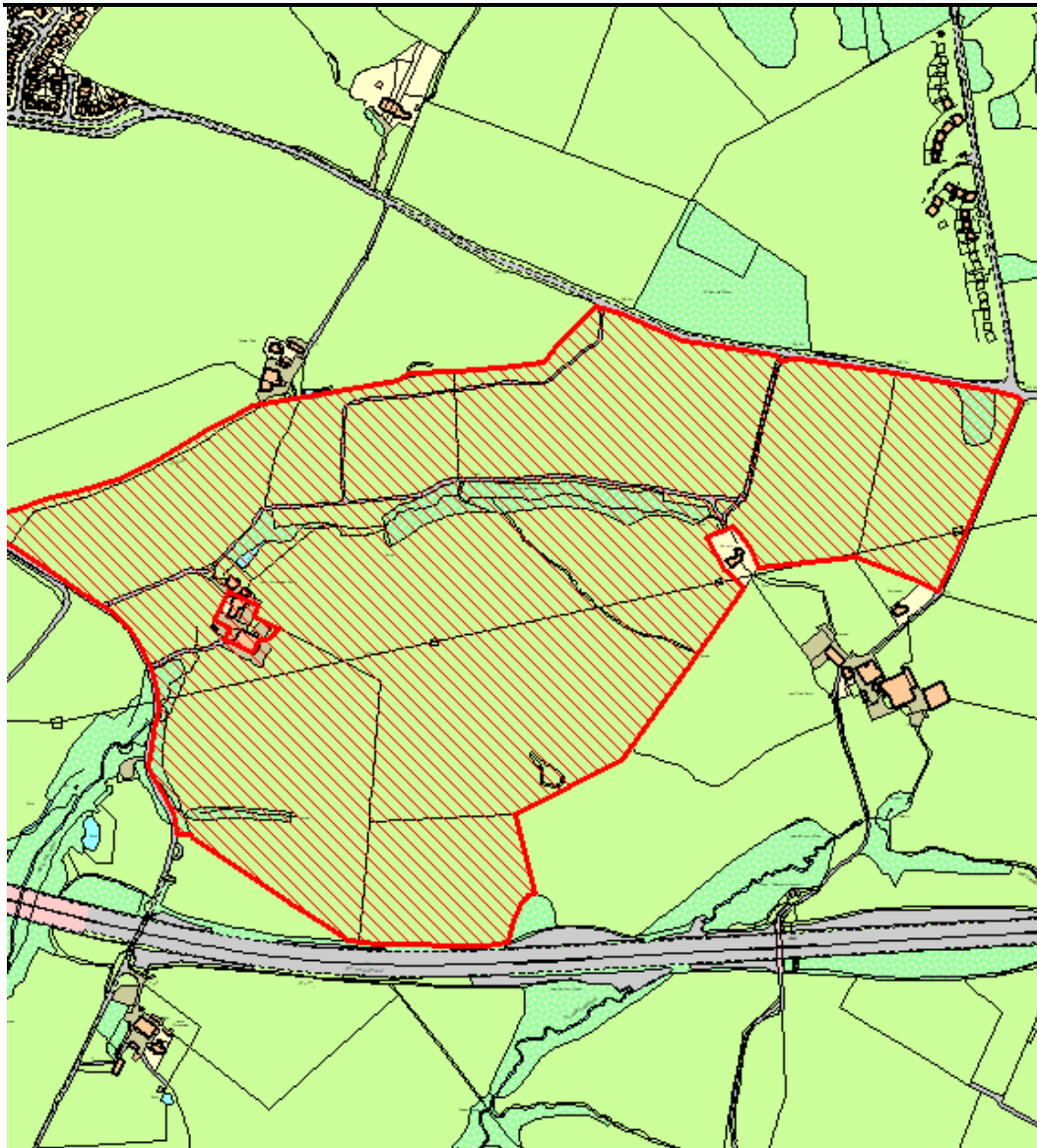
Applicant: Barratt Homes and Taylor Wimpey

Ward: Livesey With Pleasington

Councillor Derek Hardman

Councillor Mark Russell

Councillor Paul Marrow



1.0 SUMMARY OF RECOMMENDATION

- 1.1 It is recommended that Members **agree** to the variation of the existing Section 106 Agreement.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is before Members as it relates to amendments to the Section 106 Agreement (s106) attached to planning permission 10/18/1116, which was previously considered and approved at the June 2019 meeting of the Planning & Highways Committee.
- 2.2 Planning permission 10/18/1116 related to a hybrid application seeking full permission for the remediation of the site, alongside an outline planning permission (with all matters reserved except access) for redevelopment of the site for up to 450 residential units, along with associated new access, landscaping, parking and associated works.
- 2.3 The approval was subject to a s106 dated 5th July 2019, that secured commuted sum payments totalling £3,606,000 for the following matters;
- (a) £350,000 as a contribution towards Green Infrastructure. This will be spent on Green Infrastructure / Public Open Space and associated community facilities within the West Blackburn area/rural areas.
 - (b) £750,000 as a contribution towards the provision of affordable housing in the borough.
 - (c) £26,000 as a contribution towards road safety improvements on Stockclough Lane.
 - (d) £2,480,000 as a contribution towards additional primary school places in West Blackburn.
- 2.3 The agreement allows for phased payments over 6 years, starting at commencement of the development (detailed in section 3.2 of this report). The current proposal is to amend the payment phasing to allow for the entire Green Infrastructure contribution to be received as part of the first instalment on commencement, to fund works to enhance and improve the play areas within Witton Park. In addition, the revisions include the removal of the £26,000 off-site highways contribution towards road safety improvements along Stockclough Lane, as this route is no longer proposed to be used as a vehicular access point. Therefore the Stockclough Lane contribution cannot be sought because it is not necessary to make the development acceptable in planning terms, as required by the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site covers an area of approximately 46 hectares and is effectively divided into two by Stockclough Brook and a linear belt of woodland

known as Potters Plantation (circa 1.4 hectares) that runs from the eastern boundary close to the property of Yew Tree, west towards Lower Whitehalgh Farm. The woodland and watercourse clearly defines the northern and southern sections of the site. The northern section of the site is open land south of Brokenstone Road and measures approximately 16.4 hectares where the development will take place. The southern section of the site is also open grassland with the M65 motorway defining the southern boundary and is approximately 28.2 hectares.

3.1.2 The site is irregular in shape and undulates. It slopes generally from the high point in the north eastern corner, adjacent to Brokenstone Road, to the westernmost point of the site, which is circa 55m lower. The site is generally open countryside with distant views to the south and south west towards the West Pennines. The site is bounded by the M65 transport corridor on the southern edge.

3.1.3 Several properties are located on the site periphery. Most notably these include Fowler Fold to the north, Potters Farm to the east and Lower Whitehalgh Farm to the west. The farm buildings of Whitehalgh Farm remain on the south western boundary of the site, some of which are now occupied by Acorns Day Nursery. Potters Farm lies just outside the site boundary on the easternmost side of the site. An overhead power line traverses the southern section of the site in an east to west direction.

3.2 Proposed Development

3.2.1 The extant approval 10/18/1116 secures S106 monies of £350,000 towards the provision of Green Infrastructure / Public Open Space and associated community facilities within the West Blackburn area.

3.2.2 The current deed of variation application seeks to revise the payment phasing to allow for the whole Green Infrastructure contribution to be received as part of the first instalment (on development commencement) to fund works to the play areas in Witton Park, which will provide enhancements to the facilities, therefore allowing for increased use due to the additional residents arising from the development. In addition, the £26,000 off-site highways contribution which was agreed at outline planning stage is to be removed for the reasons stated in paragraph 2.3 above. The amended phases for the payment instalments are set out in the following tables:

Original Phasing of Payments – Extract from Schedule 2 of the S106:

SCHEDULE 2: SCHEDULE OF COMMUTED SUM PAYMENTS

	Column 1 Commencement	Column 2 Year 1	Column 3 Year 2	Column 4 Year 3	Column 4 Year 4	Column 5 Year 5	Total
Education Provision Commutated Sum	£ 75,000	£ 451,000	£ 501,000	£ 501,000	£ 501,000	£ 451,000	£ 2,480,000
Affordable Housing Commutated Sum	£ 450,000	£ 100,000	£ 50,000	£ 50,000	£ 50,000	£ 50,000	£ 750,000
Green Infrastructure Commutated Sum	£ 50,000	£ 50,000	£ 50,000	£ 50,000	£ 50,000	£ 100,000	£ 350,000
Road Safety Commutated Sum	£ 26,000						£ 26,000
Total	£ 601,000	£ 601,000	£ 601,000	£ 601,000	£ 601,000	£ 601,000	£ 3,606,000

Proposed Revised Phasing of Payments:

	Commencement	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Education	101,000	425,000	501,000	501,000	501,000	451,000	2,480,000
Affordable Housing	150,000	150,000	100,000	100,000	100,000	150,000	750,000
Green Infrastructure	350,000						350,000
Road Safety							
Total	601,000	575,000	601,000	601,000	601,000	601,000	3,580,000

3.3 Development Plan

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

3.3.2 Core Strategy

- CS8 - Affordable Housing Requirements
- CS19 – Green Infrastructure
- CS21 – Mitigation of Impacts/Planning Gain

3.3.3 Local Plan Part 2

- Policy 7 – Sustainable and Viable Development
- Policy 12 – Developer Contributions
- Policy 38 - Green Infrastructure

3.4 Other Material Planning Considerations

3.4.1 Community Infrastructure Levy Regulations 2010 (as amended)

The regulations set out the statutory tests for when planning obligations can be applied.

3.4.2 National Planning Policy Framework (NPPF) – 2021:

The National Planning Policy Framework (Framework) is a material consideration in planning decisions. The Framework sets out a presumption in favour of sustainable development, which is the “golden thread” running through both plan-making and decision-taking.

3.5 Assessment

3.5.1 The Council's Environment Department has identified that the large adventure play area for older children known as “The Wits”, and the play area for younger children, situated in Witton County Park (refer to image 1) are in need of upgrades in anticipation of the increased usage resulting from the new development.



Image 1: Google image of play areas within Witton Park.



Image 2: Adventure play area – The Wits.

- 3.5.2 If the funds are not received in one early instalment, on the commencement of development, the play areas will not be upgraded until many of the homes have been constructed. The early instalment will enable upgrades to the play areas in 2023/24, for the enjoyment of new and existing residents in West Blackburn.
- 3.5.3 The play areas identified within Witton Country Park fall within the boundary of West Blackburn associated with the original S106 – refer to Image 3, and therefore the proposed spend is in accordance with the terms of the original agreement.

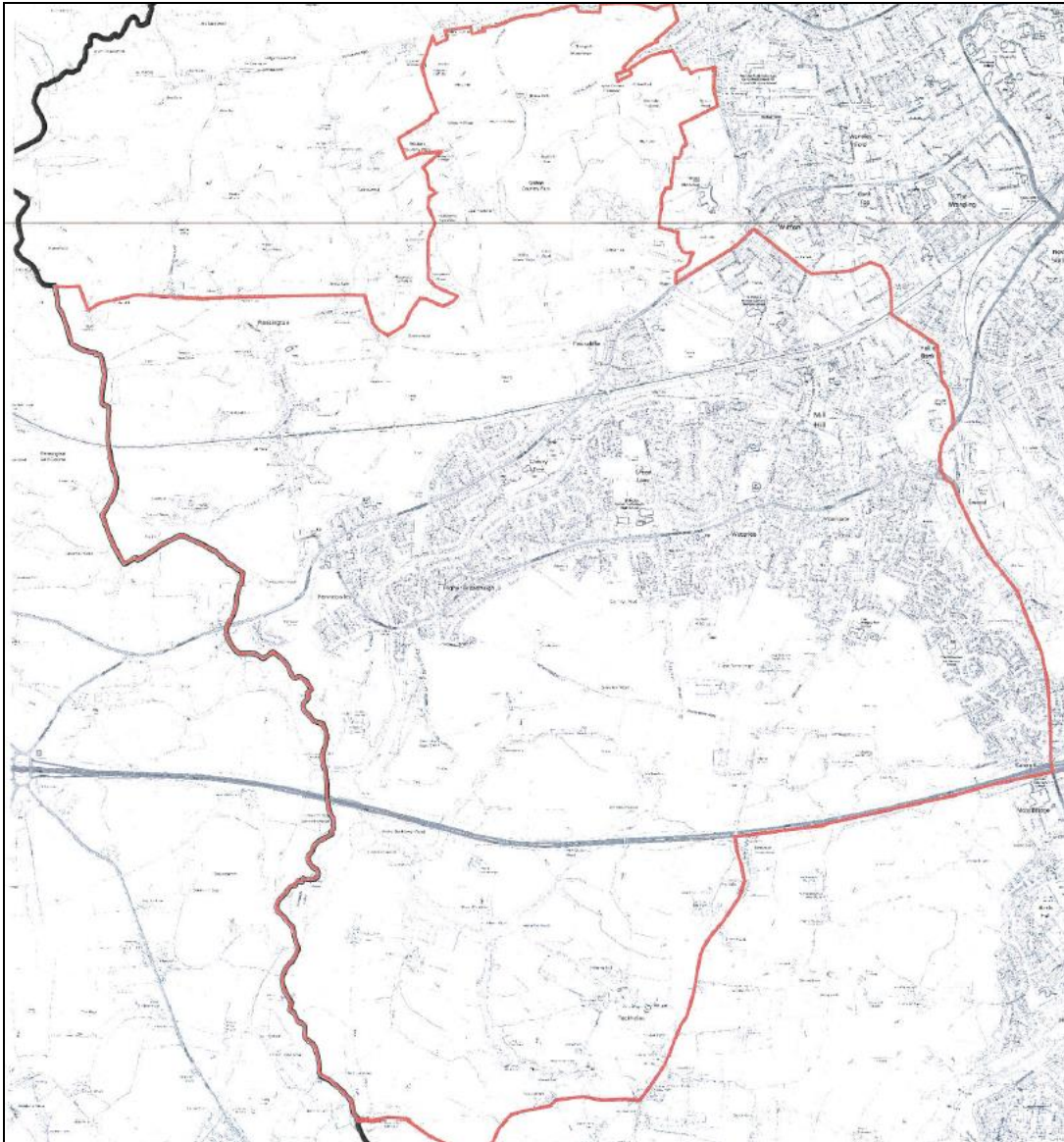


Image 3: Plan 2 – Identifies the extent of the boundary referred to as “West Blackburn” in the S106 Agreement.

3.5.4 Members are advised that the proposed variation still provides for the future needs of the development and its occupants, as well as strengthening provision for the established community. Accordingly the proposed change remains consistent with the requirements of *Policy 40: Green Infrastructure* of the Local Plan Part 2.

4.0 RECOMMENDATION

4.1 **APPROVE** – variation of the s106 Agreement pursuant to planning application 10/18/1116.

5.0 PLANNING HISTORY

5.1 10/18/1116 – Hybrid planning application seeking full planning permission for remediation and means of access, along with outline planning permission

(with all matters reserved except access) for redevelopment of the site to include over 28ha of open space, paddocks and landscaping and up to 450 residential units (use class C3), along with any ancillary parking, amenity, and all other associated public, semi public and private realm, soft/hard landscaping, infrastructure and highway works, access and a new internal road network connecting with the existing road network – approved 5th July 2019.

- 5.2 10/21/1083 - Approval of reserved matters for the appearance, landscaping, layout and scale of 450 residential units, pursuant to planning application 10/18/1116 'redevelopment of the site to include over 28ha of open space, paddocks and landscaping and up to 450 residential units (use class C3), along with any ancillary parking, amenity, and all other associated public, semi public and private realm, soft/hard landscaping, infrastructure and highway works, access and a new internal road network connecting with the existing road network' – approved 20th January 2022.

5.0 CONSULTATIONS

None

6.0 CONTACT OFFICER: Gavin Prescott, Planning Manager

7.0 DATE PREPARED: 7th October 2022

DEPARTMENT OF GROWTH & DEVELOPMENT

ORIGINATING SECTION: Planning (Development Management).

REPORT TO: Planning & Highways Committee 20th October 2022

TITLE: Petition objecting to an application for full planning permission for the following development:

'Erection of industrial unit and industrial yard (Use Class B2) on a former Class B2 factory site' at Former Newman Shoes Factory, Garden Street, Blackburn, BB2 1TZ – 10/20/0169.

WARD: Blackburn Central

Councillor Samim Desai
Councillor Mahfooz Hussain
Councillor Zamir Khan

1.0 PURPOSE OF REPORT

- 1.1 To inform Members of the receipt of a petition objecting to an approved planning application (ref. 10/20/0169) for the erection of an industrial unit and industrial yard (Use Class B2) on a former Class B2 factory site at Former Newman Shoes Factory, Garden Street, Blackburn, BB2 1TZ.
- 1.2 The application was submitted by Mr Russell Heaton – R Heaton Scaffolding Ltd.

2.0 BACKGROUND AND DETAILS

- 2.1 The planning application was received by the Council on 3rd March 2020 and was registered on 27th March 2020. The application was subsequently approved on 23rd November 2021 and a number of conditions were imposed to control various aspects of both the construction and operational phases of the development. The application site is located within an area allocated as a "secondary employment area" as defined by Policy 15 in the adopted Blackburn with Darwen Borough Local Plan Part 2.
- 2.2 Neighbour consultation letters were sent out on 29th March 2020 to 68 addresses local to the application site. A site notice was also displayed in close proximity advertising the application. No representations were received.
- 2.3 The current petition was received by the Council on 29th September 2022. The petition objects to the development given noise and dust emissions from the site. A request is made to relocate the concrete batching plant away from residential properties. Further concerns are raised regarding illegal parking in the area adjacent to Hornby Court, Lancaster Street, speeding traffic locally,

and ongoing antisocial behaviour. In addition, concerns are raised regarding the potential development of a recycling centre.

2.4 The petition contains 33 signatures from residents of Hornby Court. The redacted version of the petition is appended to this report.

2.5 As detailed above, use of the site for a concrete batching plant was approved last year and there are no powers within the planning system to revoke that permission and relocate it. The application was subject to comprehensive discussions with BwD Public Protection during the course of the assessment, and a number of amended plans and reports were submitted in order to overcome the concerns raised. Having reviewed the amended information submitted, BwD Public Protection raised no objections to the development and their final comments were received on 14th May 2020 with a number of conditions recommended.

Figure One: approved site layout associated with 10/20/0169:



Figure Two: Google Street view image of Garden Street elevation – August 2022:



Figure Three: Google street view image – entrance off Garden Street – August 2022:



Figure Four: Google street view image – view of internal batching plant from Garden Street – August 2022:



- 2.6 The conditions most pertinent to the matters raised in this petition involve controlling noise emissions from the scaffolding yard operations (Condition 8) and ensuring a 6m high acoustic barrier (Condition 17) is erected to the west of the concrete batching plant. For clarity, there is no requirement to formally discharge Condition 8 and its requirements were being complied with at the time of the site visits previously undertaken.
- 2.7 Amongst other conditions, an application (ref: 10/22/0288) was received by the Council on 24th March 2022 to discharge Condition 17. A Decision Letter was subsequently issued on 29th June 2022 approving the part-discharge of Condition 17. A part-discharge was issued as the technical details submitted for the acoustic barrier were confirmed to be acceptable by BwD Public Protection yet the second part of the condition requires the barrier to be erected and thereafter retained, which had not been carried out when the Decision Letter was issued.
- 2.8 That said, the acoustic barrier is now in place (see Figure Five below) and it has been constructed in accordance with the approved details. A second conditions discharge application (ref: 10/22/0756) is currently ongoing and it is likely to be finalised in the coming weeks. Subject to Conditions 8 and 17 being continually complied with, the operations of the development would align with the permission issued. In addition, Condition 15 limits the operating hours of the site, which will further assist with limiting noise emissions. For clarity, the approved operating hours are:
- a. B2 Use: Monday to Friday 07:30 to 18:00, Saturday 08:00 to 13:00, no activity on Sundays
 - b. B1 and B8 Uses: Monday to Friday 08:00 to 18:00, Saturday 08:00 to 13:00, no activity on Sundays.

Figure Five – Photo showing acoustic barrier in place (taken 06/10/2022)



- 2.9 In relation to dust emissions, no specific conditions were imposed on the consent to control those matters as they are controlled by separate legislation in the form of Environmental Permitting (England and Wales) Regulations (2016), as per the comments provided by BwD Public Protection. Such measures are sufficient to control any potential impacts in the way of dust emissions and the issuing of permits is subject to periodic monitoring by the Council. BwD Public Protection have advised that additional monitoring will now take place given the receipt of this petition. BwD Public Protection will also continue to monitor the site in terms of noise disturbance arising from the development.
- 2.10 The BwD Network Manager has been informed of the petition and the concerns raised regarding illegal parking adjacent to Hornby Court. They have been requested to refresh the line markings associated with the pedestrian crossing on Garden Street in the hope of preventing such activity in the future. However, such works must go through the relevant procedures. The BwD Network Manager has advised that those works may form part of future highways improvement works in the area, where budgets allow. Such issues are ultimately separate to the operations of the approved development and they should be pursued with highways colleagues.
- 2.11 The same conclusions are also applicable to potential antisocial behaviour and speeding vehicles in the area. It should be noted that the approved development does not materially contribute to such activities and those issues should be reported to the Police for investigation.
- 2.12 Finally, no planning permissions have been issued for the disposal of waste on the site. It was noted from a recent site visit that construction waste is being deposited alongside various forms of plastics (see Figure Six below). Those issues have been reported to the Planning Enforcement team from a land use perspective. They will also be reported to the Environment Agency as the disposal of wastes is often subject to wider permitting requirements. m

Figure Six – Photo showing construction waste deposited on site (taken 06/10/2022)



3.0 RECOMMENDATION

3.1 It is recommended that the Committee note the petition.

3.2 The case officer to acknowledge the receipt of the petition and to inform the lead petitioner of the actions to address the concerns/issues raised.

4.0 BACKGROUND PAPERS

4.1 The petition subject of this report, including signatures and comments.

4.2 Planning application 10/20/0169

5.0 **CONTACT OFFICER** – Christian Barton – Planning Officer

6.0 **DATE PREPARED** – 7th October 2022

To whom it concerns.

September 2022

Mr Phil Riely.

Hornby court sheltered accommodation, accommodates 42 elderly residents, some housebound of Lancaster Street Blackburn BB21UB.

Also, Apple house, Apple close for residents needing full time support, facing Garden Street.

We the residents have to constantly endure, day and night the constant noise from speeding cars and HGV driving up and down Garden Street. We urge speed ramps be placed, particularly at the lower end of Garden Street up to Griffen, Bank top to help reduce the speed of the traffic and also cut down the awful noise that disturbs us daily. Surly as this is a residential area, we should be protected from this and it is detrimental to our living. This has a big impact on our living standards as we hesitate to even open our windows for ventilation and fresh air.

We are faced with another major issue which is causing all residents issues, this is from the cement/industrial waste sight right opposite Hornby Court and all the other homes up and down Garden Street. The noise which is produced from this site starts at 7.30am until 5.30pm and this has become unbearable from the constant banging and vibrations caused from the machinery and HGV's which come and go all day. The other issues which we have found is the particles of cements dust comes into our living space if the windows are open which on its own is not good for the resident's health. Several residents have breathing problems and the dust is becoming a major issue.

With all this in mind we think that relocating the Cement mixing company to an area with out vulnerable and elderly residents needs to be considered. There has been no consideration to the local community and the bigger impact this could have on people's health, and the effect the constant noise can have on our mental health. **Please help.**

Please advise how we can take this further and would a petition help our cause. We still feel that no consideration has been given towards the local residents and we hope this letter will be the first steps to have our voices listened too and actions taken towards the issues raised.

Our last concern is in front of Hornby courts main entrance the Road markings have faded and this is an important area which needs to be kept clear for

emergencies. People have started to park and block the main entrance; this area needs to be kept clear at all times so hopefully you can help us with this too.

We await your prompt response and look forward to your full support with all the matters raised from all the residents of garden Street and surrounding locals.

★ Please examine
accompanying photos.

Many thanks,

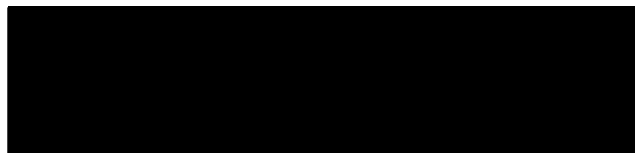
Just to add:

We absolutely do not want a recycling centre / units of any kind in front of our homes. This will create more limes, skips, dust and noise.

★ Lancaster street is being used as a 'rat run' throughout the day for drug dealers, prostitutes and pimps driving up and down. Even during the day regular five girls openly trade... could Lancaster street be made into a cul de sac?

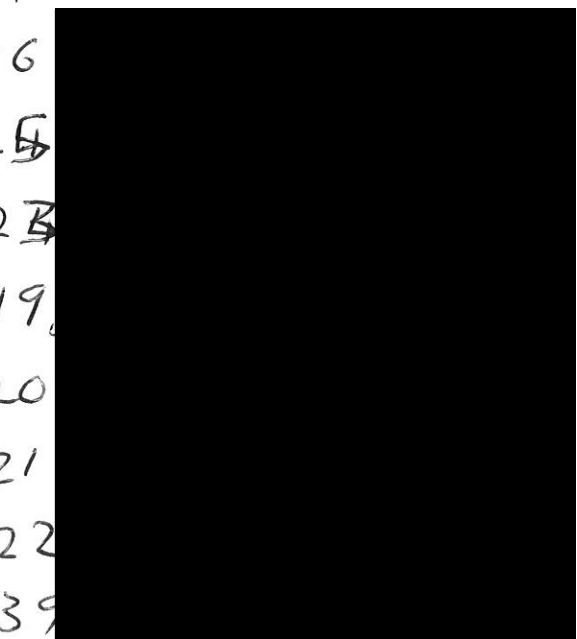
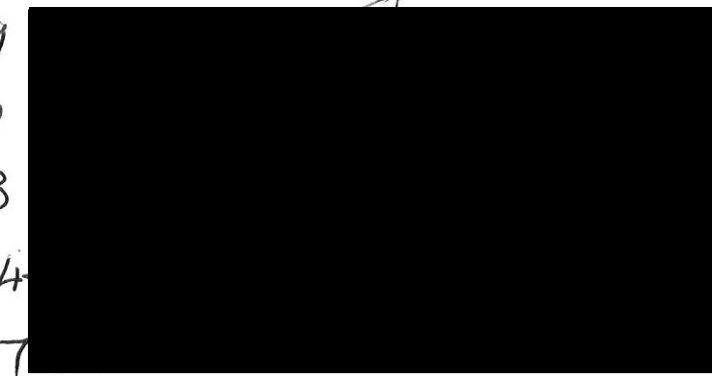
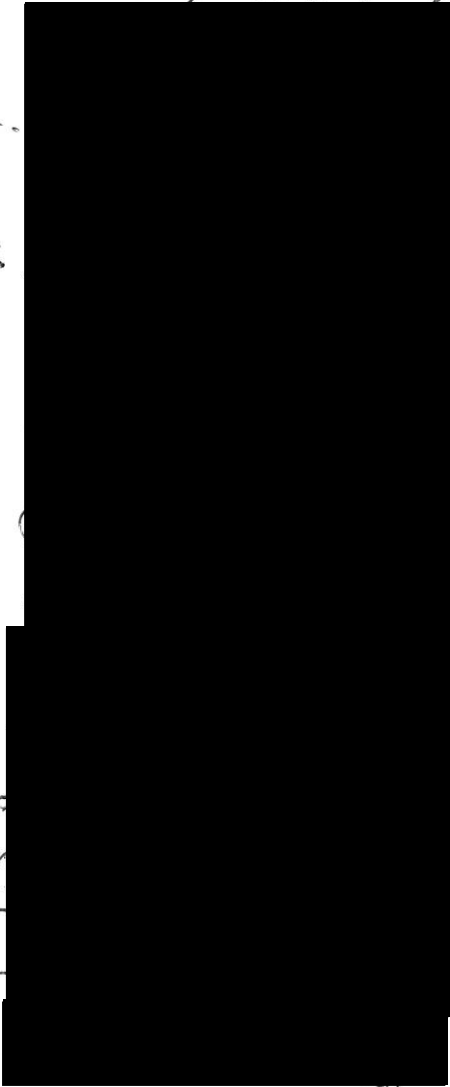
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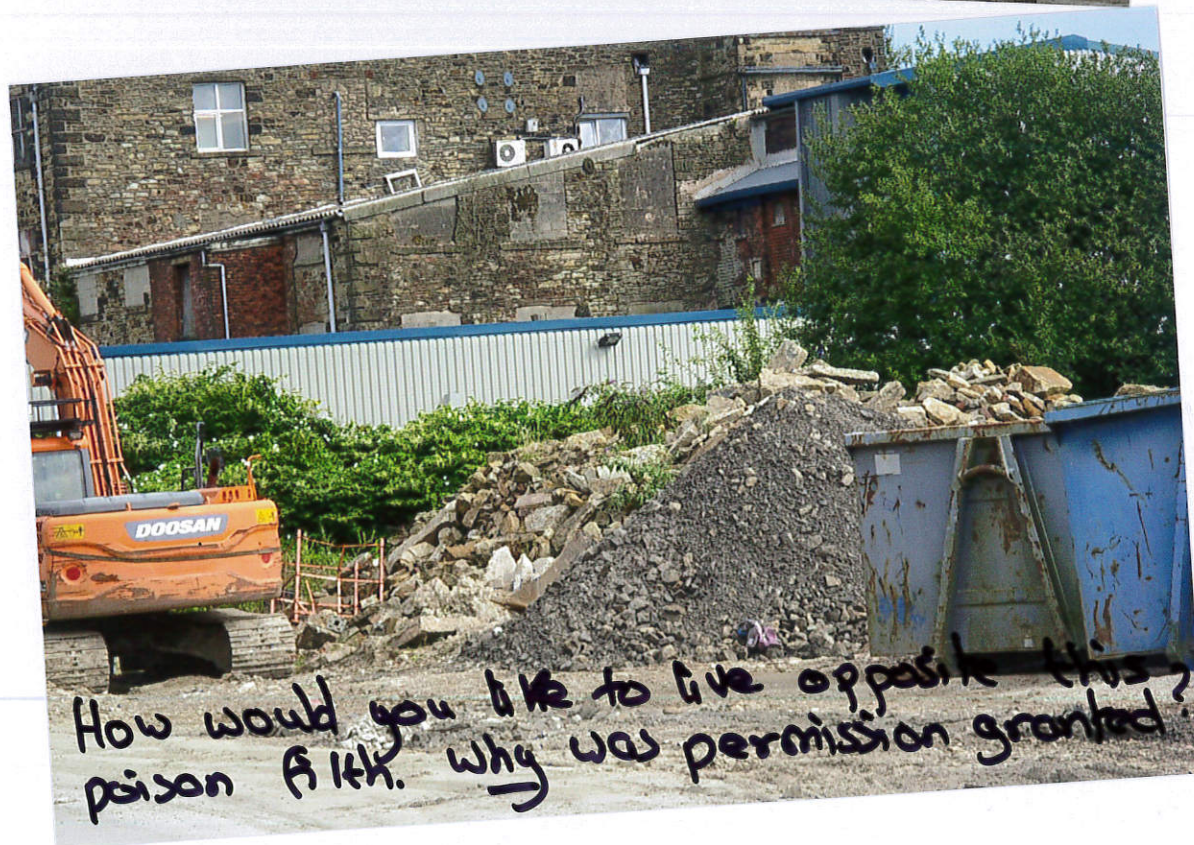
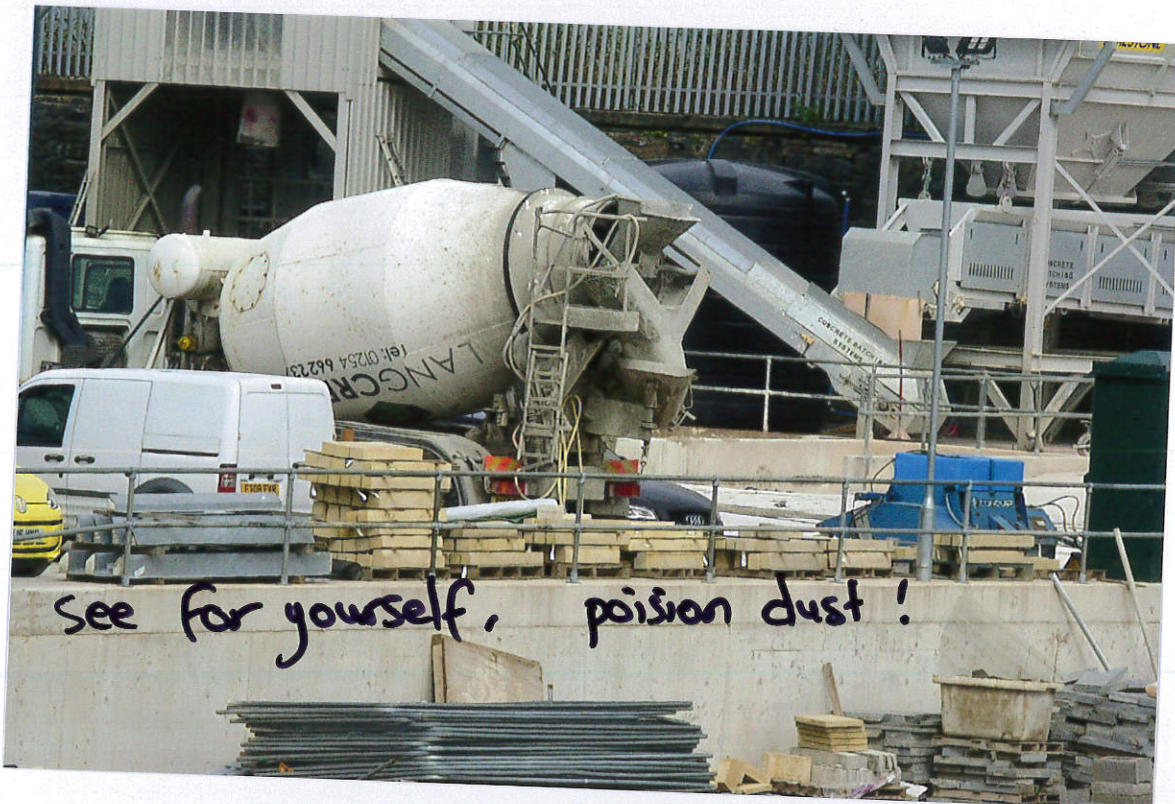
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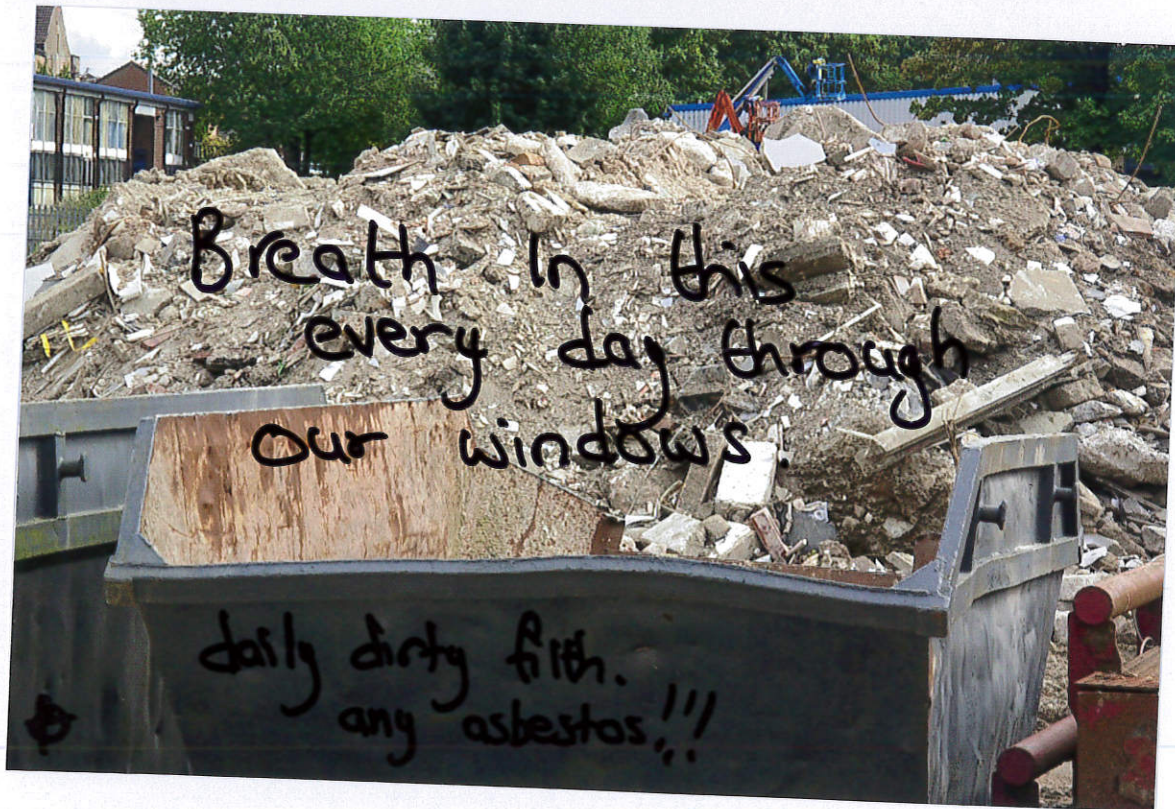
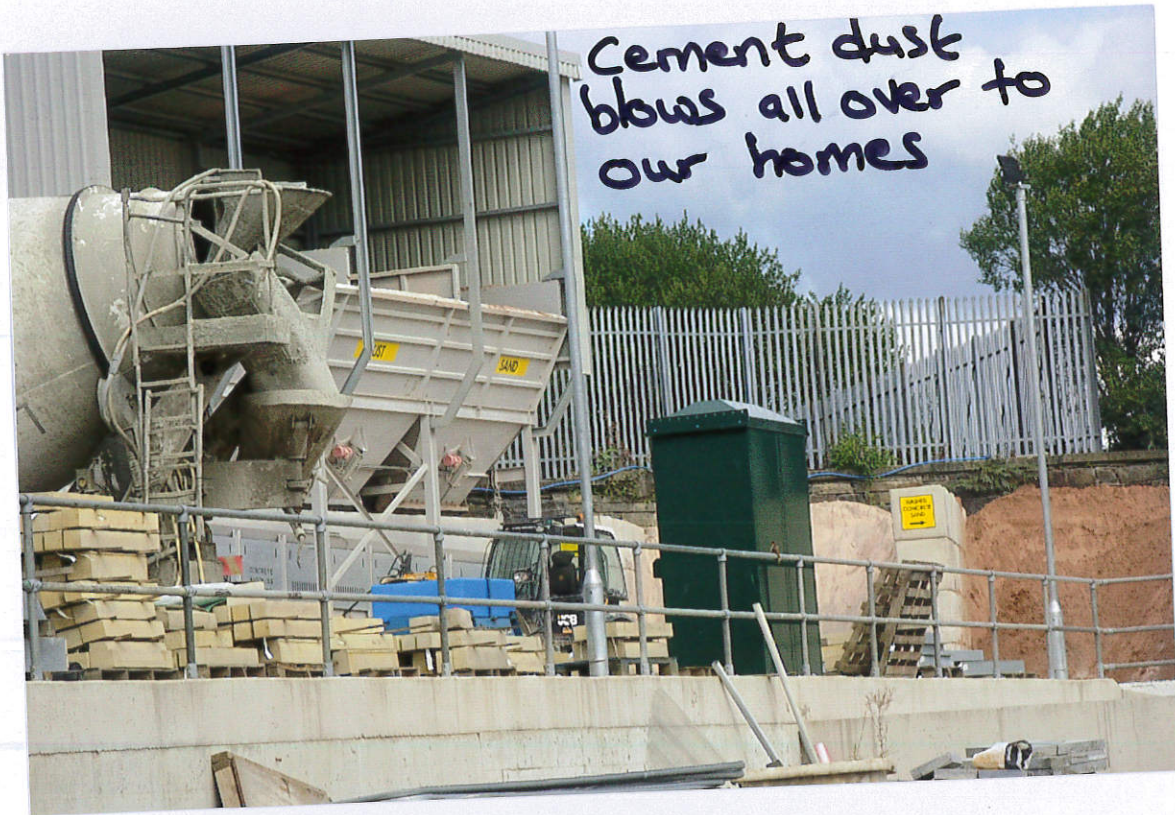
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Tim NO 11
D. G. NO 37
STENK NO 18
Margret NO 17
Ian NO 1
Tommy NO 2
Sean NO 3
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Ann David NO 6
TRISH NO 7
David NO 31
Howard NO 32
NO 29
Stephen NO 30
TONY NO 33
peter NO 34
mark NO 27
stephen NO 26
Ian NO 25
mick NO 23
Ian NO 19
paul NO 20
Angela NO 21
D. Byron NO 22
JINDA NO 39



No 38 Murphy
No 40 Paul
No 41 Daz Donna
No 36 Phil
No 42 Caroline
No 35 Julia
No 9 deaf lady
No 10
No 15 Benita - new lady.
No 16 Jay
No 24 Joyce
No 28 Lenard Wright
No 8 Mary

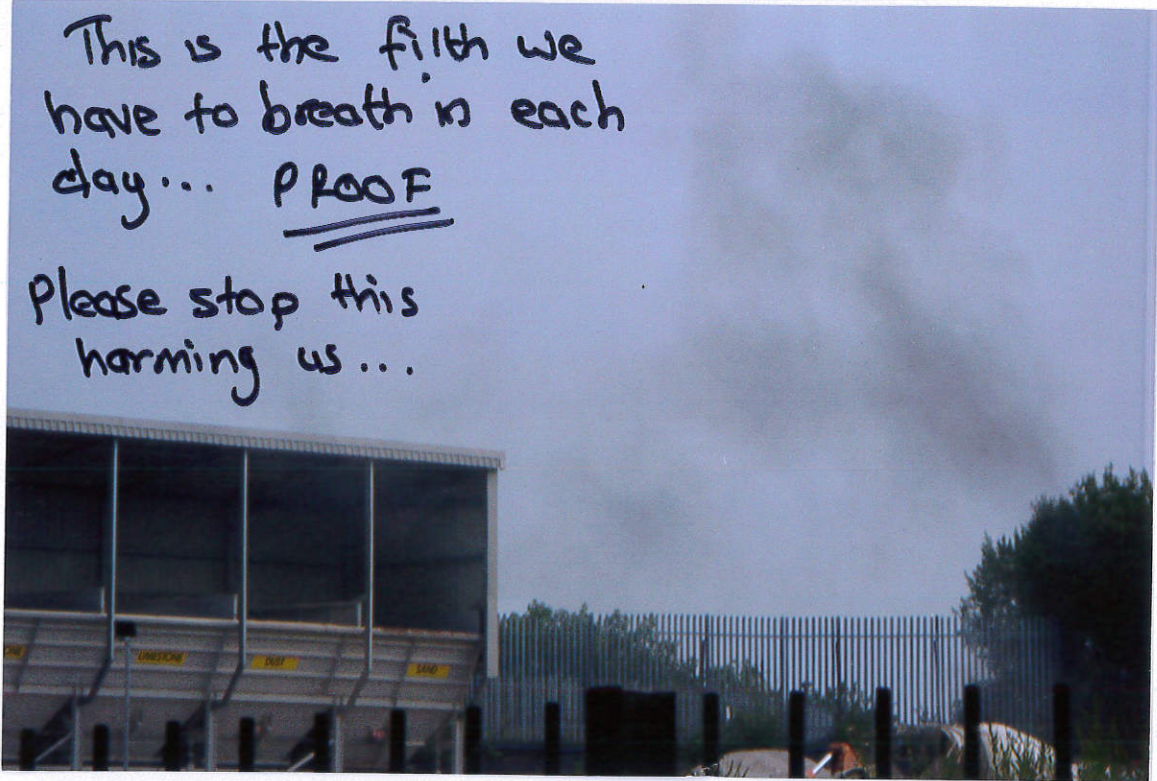




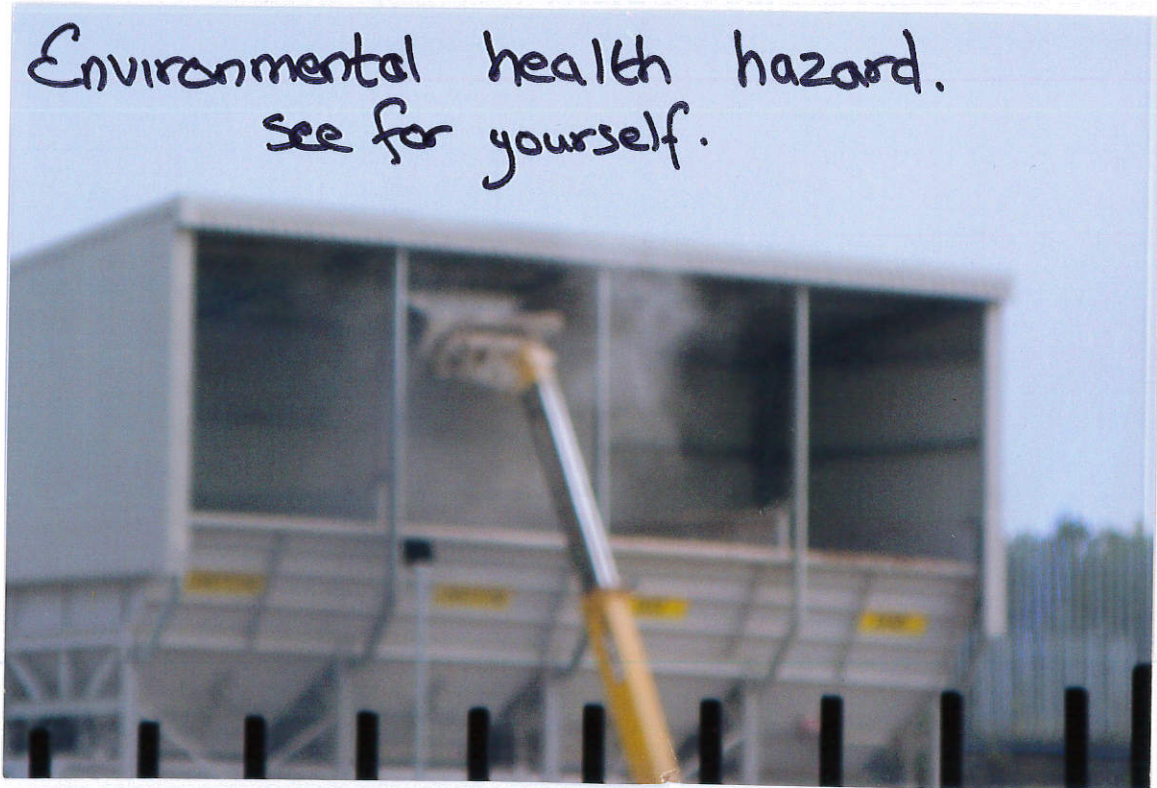


This is the filth we
have to breath in each
day... PROOF

Please stop this
harming us...



Environmental health hazard.
See for yourself.





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