

Public Document Pack

Planning and Highways Committee

Thursday, 15th December, 2022

6.30 pm

Meeting Room A, Blackburn Town Hall

AGENDA

1. **Welcome and Apologies**
2. **Minutes of the Previous Meeting**
17th November 2022 **4 - 10**
3. **Declaration of Interest**
Declaration of Interest Form **11**
- Material Consideration** **12 - 13**
4. **Committee Agenda 15/12/2022**
Committee Agenda 15/12/2022 **14 - 16**
- 4.1 **Planning Application 10-22-0653**
Priory Croft, Old Hall Lane, Pleasington, Blackburn **17 - 30**
- 4.2 **Planning Application 10-22-0739**
5 Moorcroft, Lower Darwen **31 - 90**
- 4.3 **Planning Application 10-22-0758**
Darwen Windows Ltd, Borough Road, Darwen **91 - 128**
- 4.4 **Planning Application 10-22-0942**
Knowsley Farm, Knowsley Lane, Edgworth, Bolton **129 -
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- 4.5 **Planning Applications 10-22-0955 & 10-22-0959**
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- 4.6 **Planning Application 10-22-0995**

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4.7	Planning Application 10-22-1000 11 Arkwright Fold, Blackburn	162 - 169
4.8	Planning Application 10-22-1066 Shadsworth Leisure Centre, Shadsworth Road, Blackburn	170 - 177
5.	Letter to Secretary of State for Levelling Up, Housing and Communities regarding fees relating to retrospective planning applications	
	<p>This report seeks approval from the Members for the letter which is attached to the report to be sent to the Secretary of State welcoming the proposal through the Levelling Up and Regeneration Bill to introduce new fees relating to retrospective planning applications reiterating comments previously made to the Secretary of State.</p>	
	Letter to Secretary of State for Levelling Up, Housing and Communities regarding fees relating to retrospective planning applications Letter to Secretary of State re - retrospective planning applications Dec 2022.pdf	178 - 182
6.	Infrastructure Funding Statement 2021/22	
	<p>To present Members with an update on the recently published Infrastructure Funding Statement for 2021/22, for Blackburn With Darwen Borough Council.</p>	
	INFRASTRUCTURE FUNDING STATEMENT 2021/22	183 - 194
7.	Petition - Proposed rear balcony with external staircase at Avalon No.69 Manor Road, Darwen BB3 2SN	
	<p>To inform Members of the receipt of a petition objecting to a recently approved planning application relating to full planning application for "Proposed rear balcony with external staircase at Avalon, No 69 Manor Road, Darwen BB3 2SN" (ref: 10/22/0885).</p>	
	<p>The redacted version of petition is appended to this report at Appendix A. A copy of the petition has also been placed with Democratic Services.</p>	

Petition objecting to recently approved planning permission for full planning permission for the following development: Proposed rear balcony with external staircase at Avalon No.69 Manor Road, Darwen BB3 2SN **195 - 214**

8. Enforcement

To obtain authorisation to take enforcement action against the unauthorised development to the east of 33 Scar Street, Blackburn, BB2 2PJ (Alleyway entrance), as outlined on the attached Ordnance Survey Plan.

Location Plan for Land to the East of 33 Scar Street.jpg **215 -**
Picture taken 14.07.22.jpg **218**
Scar Street committee report.pdf

Date Published: Wednesday, 07 December 2022
Denise Park, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE Thursday, 18 November 2022

PRESENT – Councillors, David Smith (Chair), Akhtar H, Baldwin, Browne, Casey, Desai S, Floyd, Imtiaz, Khan, Liddle, Marrow, and Slater Jacq.

OFFICERS – Gavin Prescott, Rabia Saghir, Saf Alam and Phil Llewellyn.

RESOLUTIONS

49 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Quesir Mahmood and was substituted by Cllr Jackie Floyd.

50 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 20th October 2022 be agreed and signed as a correct record.

51 **Declaration of Interest**

RESOLVED – There were no Declarations of Interest received.

52 **Planning Applications for Determination**

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.

53.1 **Planning Application 22/0446**

Applicant – Euro Garages

Location and Proposed Development – Unit 3 and 6 Unity Trading Estate (Euro Grocers), Pearson Street, Blackburn BB2 2ES.

Full Planning Application (Retrospective) for Change of use to a food store (Use Class E (a)) with associated access and parking areas and parking areas and minor external alterations for the frontage (retrospective).

Members discussed the number of retrospective planning applications submitted by the applicant, and requested that the Development Management Manager again write to the Government again requesting that consideration be given to the introduction of increased fees for retrospective applications.

Decision under Town and Country Planning Acts and Regulations –

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

53.2 Planning Application 22/0591

Applicant – Yasran Yaseen

Location and proposed Development – Site of demolished Roe Lee Mill No.1, Whalley New Road, Blackburn BB1 9AA.

Full Planning Application for Change of Use of site to temporary car sales with 2 portacabins and erection of fencing around site with 2 7.5m wide sets of recessed gates.

Decision under Town and Country Planning Acts and Regulations –

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

53.3 Planning Application 22/0593

Applicant – Persimmon House

Location and Proposed Development – – Land South of Spring Meadows, Darwen

Variation/Removal of Condition/Minor Material Amendment for Variation of Conditions No.2 and 14, pursuant to planning application 10/20/1258 "partial replan of development site known as Spring Meadows (approved under application reference 10/19/0317) involving 24 homes creating an additional 7 no. new homes" – update of house types to R21 range and amended materials schedule".

Decision under Town and Country Planning Acts and Regulations –

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

53.4 Planning Application 22/0675

Applicant – Tilia Homes

Location and Proposed Development -Land at Pole Lane, Darwen BB3 3FX

Variation/Removal of Condition/Minor Material Amendment for Variation of condition nos 4 and 6 pursuant to application 10/21/0278 to amend house types, proposed brick and boundary treatments.

Decision under Town and Country Planning Acts and Regulations –

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

53.5 Planning Application 22/0722

Applicant – Vistry Partnerships

Location and Proposed Development – Land to the South of Whalley Old Road, Blackburn

Reserved Matters Application (Regulation 4) for Approval of the reserved matters for the access, appearance, landscaping, layout and scale for the erection of 165 dwellings pursuant to outline application 10/20/0716.

Decision under Town and Country Planning Acts and Regulations –

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

53.6 Planning Application 22/0740

Applicant – Kingswood Homes

Location and Proposed Development – Former Hoddlesden Mill, Johnson New Road, Hoddlesden, BB3 3NT

Variation/Removal of Condition/Minor Material Amendment for Variation of Condition Nos 15 and 32 pursuant to Hybrid planning application 10/21/0008 comprising: a) full planning permission for demolition of buildings, remediation works including re-contouring of the site to form development platforms; and b) outline planning permission with all matters reserved, except for means of vehicular access from Johnson New Road, for residential development comprising up to 79 new dwellings - "remove Condition No 15 "reasonable avoidance measures method statement for the drawdown of Pond 3", and No.32 "technical details of culvert repair works".

Decision under Town and Country Planning Acts and Regulations –

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

53.7 Planning Application 22/0897

Applicant – Adventure Forest Limited

Location and Proposed Development – Witton Country Park Pavillion, Witton Country Park, Preston Old Road, Blackburn BB2 2TP.

Full Planning Application (Regulation 4) for Construction of Go Ape high ropes course and replacement of disused container with reception office.

Decision under Town and Country Planning Acts and Regulations –

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

53.8 Planning Application 22/0912

Applicant – The Department of Education c/o BAM Construction

Location and Proposed Development – New Victoria Centre, Blackburn College, Blakey Moor, Blackburn BB2 1LH

Full Planning Application for Comprehensive refurbishment and partial remodelling to address minor changes to the elevations and roof and internal alterations.

Decision under Town and Country Planning Acts and Regulations –

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

53.9 Planning Application 22/0913

Applicant – The Department of Education c/o BAM Construction

Location and Proposed Development – New Victoria Centre, Blackburn College, Blakey Moor, Blackburn BB2 1LH

Listed Building Application for Comprehensive refurbishment and partial remodelling of the Grade II listed Victoria Building to address minor changes to the elevations and roof and internal alterations.

Decision under Town and Country Planning Acts and Regulations –

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

53.10 Planning Application 22/0921

Applicant – The Department of Education c/o BAM Construction

Location and Proposed Development – Blackburn College, Blakey Moor Blackburn BB2 1LH

Full Planning Application for temporary siting of modular accommodation for education use during period of works for refurbishment of the Victoria Building.

Decision under Town and Country Planning Acts and Regulations –

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

53.11 Planning Application 22/0956

Applicant – Barratt Homes & Taylor Wimpey

Location and Proposed Development – Land at Brokenstone Road Blackburn BB3 0LL

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.

Decision under Town and Country Planning Acts and Regulations –

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

53.12 Planning Application 22/0972

Applicant – Amenbury Watermills Ltd

Location and Proposed Development – Star Paper Mill (former Sappi Site) Livesey Branch Road Blackburn BB2 5FD.

Variation of Legal Agreement/S106 for Variation to S106 Agreement pursuant to planning application 10/18/0317 to: - Amend schedule 6 paragraph 1.3.2 to allow the developer a further 2 years to complete the spine road construction by December 2024.

Decision under Town and Country Planning Acts and Regulations –

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

54 Petition

Members were informed of the receipt of a petition objecting to a full planning application for "Change of use from residential dwelling to non-residential educational facility (Use Class F1) as a Madressa at 40 Leach Street, Blackburn BB2 3SE" (ref: 10/22/0933).

The application was submitted by Mr Shazad Ali.

The planning application – reference 10/22/0933 - was received by the Local Planning Authority (LPA) on 29th September 2022. 22 neighbourhood letters of consultation were sent on 5th October 2022 and site notices were displayed. The statutory 21 day consultation period expired on 11th November 2022. 2.2 The Petition was received by the LPA on 26th October 2022. It

contained 73 signatures, from residents local to the application site. In summary, the petition objected to the application on the grounds of increased traffic, congestion, lack of dropping off points, lack of off-street parking, children's safety and other pedestrians and general hazards generated by additional footfall. The petition was appended to the report.

Members were advised that assessment of the planning application was ongoing and that all material matters that must be considered in the decision making process will be addressed. These included highway and noise / nuisance and safety impacts arising from the proposed use, though assessment was not necessarily limited to these issues. An officer recommendation would be available in due course. 2 2.5 The statutory 8 week determination period expired 30th November 2022, determination may, however, fall outside of this timescale. If so, an extension of time could be mutually agreed.

RESOLVED - That the petition be noted by Members and that the lead petitioner be informed of any decision taken, including the outcome of the current planning application.

55 **Petition**

Members were informed of the receipt of a petition objecting to a planning application for full planning permission for "Change of use existing vacant former working men's club into mix use including restaurant, functions, wedding hall and conference centre including insertion of extractor flues, at Former Cob Wall Working Mens Club, Daisy Lane, Blackburn", reference: (10/22/0888).

The application was submitted by Mr Ahmed W A Begum.

The planning application – reference 10/22/0888 - was received by the Local Planning Authority (LPA) on 8 th September 2022. 5 neighbourhood letters of consultation were sent on 16th August 2022. Consultation was otherwise carried out by display of site notices. The statutory 21 day consultation period expired 11th October 2022. It should, however, be recognised that comments could be received beyond this date

The Petition was received by the LPA on 26th October 2022. It contained 112 signatures, from residents of St Albans Court, St Michaels Court and Trinity Court. The petition objected to the application on the grounds of 'parking, excessive noise of cars, and disruption to the peace and quality of life'. Access for emergency services at the stated addresses is also referenced as a concern, due to the demographic of the resident population, who are all stated as being over the age of 50. The petition was appended to the report.

Member's were advised that assessment of the planning application was ongoing and that all material matters that must be considered in the decision making process would be addressed. These included highway and noise / nuisance impacts arising from the proposed use. In this context, the LPA currently awaited submission of Transport and Noises Assessments. Assessment was not necessarily limited to these issues. An officer

recommendation would be available in due course. 2.5 The statutory 8 week determination period expired on 4th November 2022. Determination would however, fall outside of this timescale due to the LPA awaiting receipt from the applicant of the aforementioned assessments and the need for these to be peer reviewed. An extension of time would be mutually agreed.

RESOLVED – That the petition be noted by Members and that the lead petitioner be informed of any decision taken, including the outcome of the current planning application.

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: 15/12/2022

Application No	Applicant	Site Address	Ward
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10/22/0653

MS Residence Limited
Priory Croft Old Hall Lane
Pleasington
Blackburn
BB2 6RJ

Priory Croft
Old Hall Lane
Pleasington
Blackburn
BB2 6RJ

Livesey With Pleasington

Full Planning Application for Proposed ground floor rear extension, new door and window opening to the side elevation, safety balustrade to front porch flat roof to create roof terrace, new single storey double garage and boundary and entrance treatment. Installation of PV panels to rear dormer flat roof (retrospective).

RECOMMENDATION: Permits

10/22/0739

Gryffin House Limited
Mr Raece Sulaman-Butt
5 Moorcroft
Lower Darwen
BB3 0RY

5 Moorcroft
Lower Darwen
BB3 0RY

Blackburn South & Lower Darwen

Change of use from a dwellinghouse (Use Class C3) to a residential institution (Use Class C2) to house up to four families – parent(s) and one child – for 12 weeks durations, to allow 'Residential Parenting Assessments'.

RECOMMENDATION: Refuses

10/22/0758

Mr Mizon
Borough Road
Darwen
BB3 1PL

Darwen Windows Ltd
Borough Road
Darwen
BB3 1PL

Darwen West

Full Planning Application for Proposed change of use of lower ground floor from vacant mill to a Live Music Venue (Sui Generis use) and removal of a section of link building.

RECOMMENDATION: Permits

Application No	Applicant	Site Address	Ward
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10/22/0942

Mrs Claire Forty
Knowsley Farm, Knowsley Lane
Edgworth
Bolton
BL7 0JH

Knowsley Farm
Knowsley Lane
Edgworth
Bolton
BL7 0JH

West Pennine

Variation/Removal of Condition/Minor Material Amendment for Variation of Condition Nos 2 "approved drawings" and 3 "materials" pursuant to planning application 10/20/1015 "Proposed single and double storey side and rear extensions and associated site works "vary approved drawings to include new external balcony"

RECOMMENDATION: Permits

10/22/0955

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

No.11-17 Blakey Moor Terrace
Blackburn

Blackburn Central

Full Planning Application (Regulation 4) for Demolition of existing units and erection double storey extension to provide 1 new restaurant/cafe unit (Use Class E) at ground and first floor with new external seating area to front elevation (retrospective application)

RECOMMENDATION: Permits

10/22/0959

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

No.11-17 Blakey Moor Terrace
Blackburn

Blackburn Central

Relevant Demolition in a Conservation Area for Demolition of existing units

RECOMMENDATION: Permits

10/22/0995

Blackburn with Darwen Council
One Cathedral Square
Blackburn
Lancashire
BB1 1FB
United Kingdom

16 Morley Avenue
Blackburn
BB2 4TE

Mill Hill & Moorgate

Full Planning Application for Single storey extension to side/front and formation of front and rear access ramps

RECOMMENDATION: Permits

10/22/1000

Mrs Michelle Warren
11 Arkwright Fold,
Blackburn,
Lancashire,
BB2 4LZ

11 Arkwright Fold
Blackburn
BB2 4LZ

Ewood

Full Planning Application for Demolition of existing garage and conservatory and erection of single storey extension to side and rear

RECOMMENDATION: Permits

Application No	Applicant	Site Address	Ward
Application Type			

10/22/1066

Blackburn with Darwen Borough Council Community Safety team 3rd Floor Old Town Hall King William Street Blackburn BB1 7DY	Shadsworth Leisure Centre Shadsworth Road Blackburn BB1 2HT	Blackburn South East
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Full Planning Application (Regulation 3) for Proposed temporary pod accommodation - 10 Sleeper pods and 2 diner pods for severe weather exposure provision (SWEP) over the winter period

RECOMMENDATION: Permits

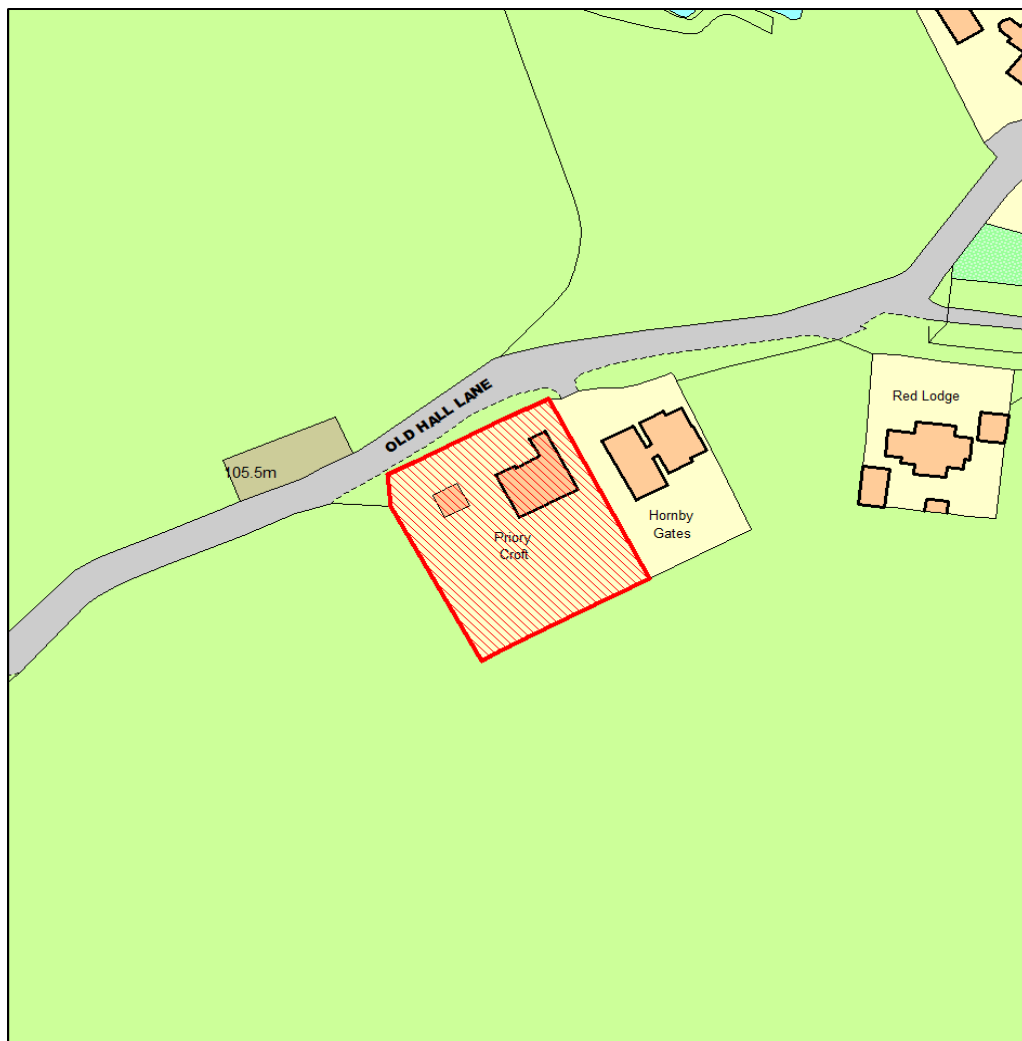
Proposed development: Full Planning Application: Proposed ground floor rear extension, new door and window opening to the side elevation, safety balustrade to front porch flat roof to create roof terrace, new single storey double garage and boundary and entrance treatment. Installation of PV panels to rear dormer flat roof (retrospective).

**Site address:
Priory Croft
Old Hall Lane
Pleasington
Blackburn
BB2 6RJ**

Applicant: Mrs Sahdia Aslam / MS Residence Limited

Ward: Livesey With Pleasington

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



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This householder planning application is reported to the Committee due to receipt of an objection from Pleasington Parish Council and following referral to the Chair who confirmed that the application should be determined at Committee level. This is in accordance with the adopted Scheme of Delegation.

2.2 This recommendation follows detailed assessment of original and amended drawings, in consultation with neighbouring properties, Ward Members and the Parish Council. The amendment is considered to address initial objections expressing concern over loss of privacy and the scale and appearance of the proposed garage. The proposal is, therefore, found to be in accordance with the Development Plan and The Framework, with all issues having been addressed through the application, or capable of being controlled or mitigated through application of planning conditions.

2.3 Members are advised that the application proposes amendments to a development previously approved by the Committee in October 2021 (ref. 10/21/0637). Concern has been expressed that works, to date, have not been implemented in accordance with the approved drawings. A site inspection by the Case Officer and Enforcement Officer has established that the works are consistent with the approved drawings, save for a very minor and non-material increase in height of the rear dormer, of circa 200mm. This discrepancy is considered to have no material impact,

2.4 Notwithstanding that this proposal is broadly consistent with the (above) approved scheme, the following condition applied to that permission has not been complied with:

Within 1 month of the development hereby approved, and notwithstanding the submitted details, written and illustrative details of all external walling, roofing materials, including their colour and texture, to be used in the construction of the building work, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in 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.

2.5 Non-compliance with the condition is not, however, material to the determination of this application. Compliance can be pursued as a separate

enforcement matter, if necessary. It should, however, be recognised that if this application receives support, the same condition would be applied and that it would be open to the applicant or any successor in title to implement either permission.

3.0 RATIONALE

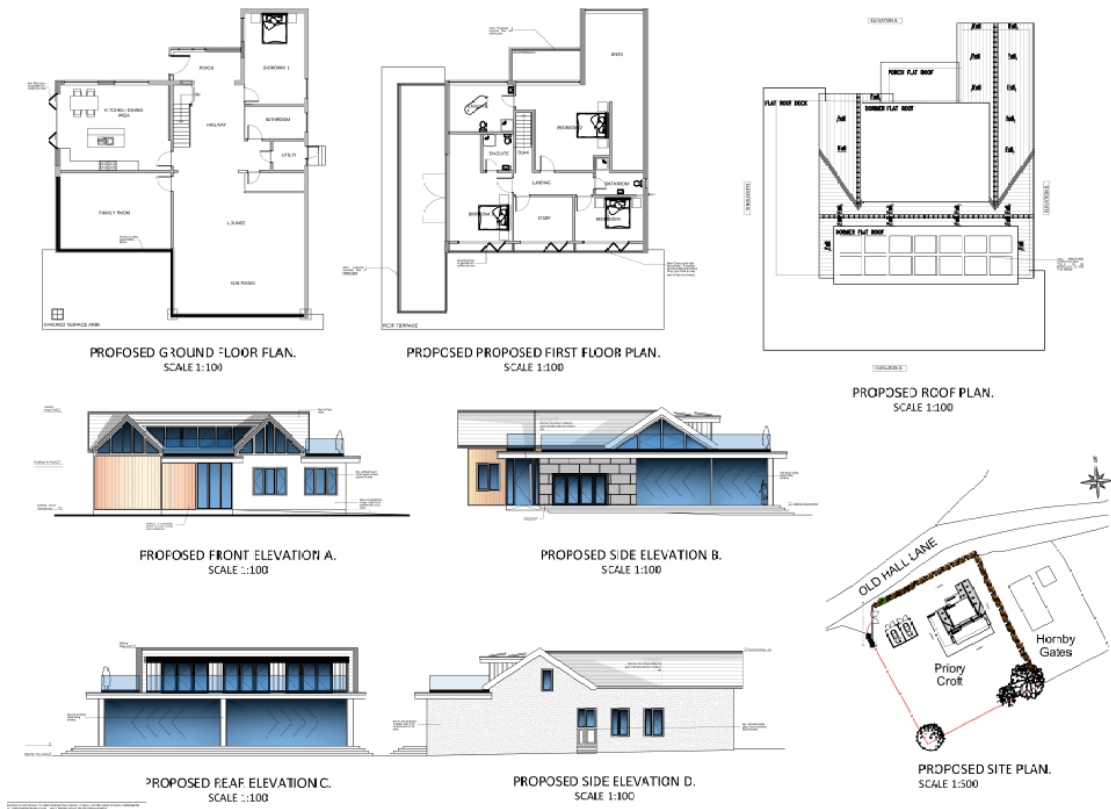
3.1 Site and Surroundings

The application site (the site) relates to a detached dwelling house and associated curtilage (Use Class C3a), located to the south of Old Hall Lane, Pleasington, within the Green Belt, circa 70m to the east to the east of the Pleasington Village boundary, as show below, edged in red (Google Maps, 2022).



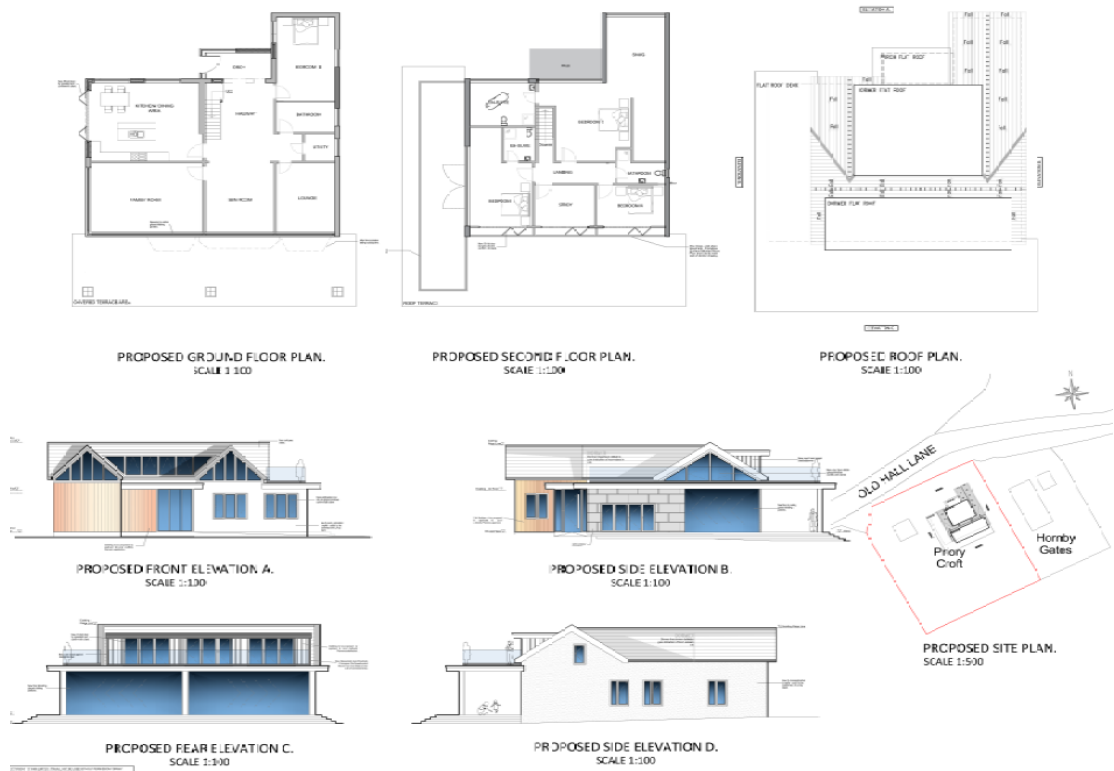
3.2 Proposed Development

3.2.1 Planning permission is sought for *ground floor rear extension, new door and window opening to the side elevation, safety balustrade to front porch flat roof to create roof terrace, new single storey double garage and boundary and entrance treatment. Installation of PV panels to rear dormer flat roof.* Details approved under application 10/21/0637 provided for a covered terrace area to rear, roof terrace to western elevation, increase to ridge height, hip to gable roof alteration, front & rear dormers, a porch and alterations to existing elevations. Details currently proposed are set out in the submitted drawings, extracted below:



Amended proposed plans and elevations drawing (rec. 6/10/2022), WMA Consulting, 2022.

3.2.2 Details previously approved are as follows:



Amended proposed plans and elevations (rec. 3/9/2021), WMA Consulting 2021.

3.3 Development Plan

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

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

3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS14 – Green Belt
- CS16 – Form and Design of New Development
- CS18 – The Borough Landscapes

3.3.4 Local Plan Part 2 (LLP2)

- Policy 3 – The Green Belt
- Policy 6 – Village Boundaries
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design

3.4 Other Material Planning Considerations

3.4.1 Residential Design Guide Supplementary Planning Document (2015)

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

Areas of The Framework especially relevant to the proposal are as follows:

- Section 12: Achieving well-designed places
- Section 13: Protecting Green Belt land

3.4.3 National Planning Policy Guidance (NPPG).

3.5 Assessment

3.5.1 In assessing this application, the following matters are accounted for:

- Principle of the development, in the context of the Green Belt;
- Amenity;
- Highways; and
- Design

3.5.2 Principle

Members are advised that the previous grant of planning permission is an important material consideration is determination of this application. The proposal includes those works previously approved, and the addition of those referenced in the proposed development description.

3.5.3 The principle of the proposal is guided by the sites Green Belt location. Policy 3 is consistent with NPPF's direction that new buildings within the Green Belt are inappropriate, subject to a number of exceptions, including the extension or alteration of a building provided that it does not result in a disproportionate addition over and above the size of the original building.

3.5.3 The proposed rear extension together with the extensions previously approved, result in an approximate increase in volume of the original dwelling of 45%, taking into account an existing bedroom extension, approved in 1991. Such increase is considered to be within the tolerance of 'proportionate'. Furthermore, the extension effectively infills the previously approved covered rear roof terrace, limiting its visual impact from the nearest public views into the rear of the property, which are circa 200m away from the Public Right of Way to the south and west.

3.5.4 The proposed garage will replace the existing. In this regard, a recent High Court ruling is relevant (*Warwick District Council v Secretary of State for Levelling Up, Housing and Communities* [2022] EWHC 2145 (Admin)). The court ruled that a detached outbuilding can be an 'extension' within the scope of paragraph 149(c) of The Framework, a policy direction reflected at local level (Local Plan Part 2, 2015):

'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'.

3.5.5 The ruling confirmed that a garage 20m metres away from the dwelling was an extension and '*a normal domestic adjunct*' to the property clearly related to the occupation of the dwelling. A garage or replacement garage within a domestic setting is not, therefore, inappropriate development within the Green Belt and can be supported in principle.

3.5.6 Although a significant volume increase of from that of the existing garage, it is not considered to represent a disproportionate addition.

3.5.7 Moreover, it should be recognised that a very significant proportion of the additional volume / massing proposed to the dwelling could be erected as permitted development– ie without the need to submit a planning application, as could a detached garage with a significantly greater footprint than that proposed.

3.5.8 For these reasons, the principle of the proposal is found to be acceptable, as a proportionate addition that would not be harmful to the Green Belt, in accordance with the requirements of Policy 3 and The Framework.

3.5.9 Amenity

Policy 8 requires a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to privacy / overlooking, and the relationship between buildings.

3.5.10 Securing satisfactory amenity levels for occupants of neighbouring Hornby Gates to the east is a key issue in the overall assessment. An amendment to the original proposal removes a balustrade to the flat roof of the rear extension, to guard against loss of privacy / overlooking and any perception of such. No additional impact arises from the proposed ground floor door to the side elevation, opposite Hornby Gates.

3.5.11 No overlooking of Hornby Gates arises from the proposed roof terrace above the porch, to the front of the dwelling.

3.5.12 Although not part of this application, as the works are previously approved, it should be reiterated that the patio style doors and Juliet style railings above the flat roof extension, will serve only as a means of fire escape. Members are advised that use of this part of the roof as a typical roof terrace or similar would be unauthorised and subject to potential enforcement action in the event. This position will be re-enforced via application of a restrictive condition.

3.5.13 No amenity impacts arise from the proposed garage, boundary treatment or solar panels.

3.5.14 Accordingly, the relationship between the proposal and the Hornby Gates residence is found to be acceptable, in accordance with the requirements of Policy 8, the Residential Design Guide SPD and The Framework.

3.5.15 Highways

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 parking, in accordance with the Council's adopted standards.

3.5.16 Notwithstanding an increase in capacity from a three bedroom to a four bedroom dwelling, ample in-curtilage parking is retained.

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

3.5.18 Design / Character & Appearance

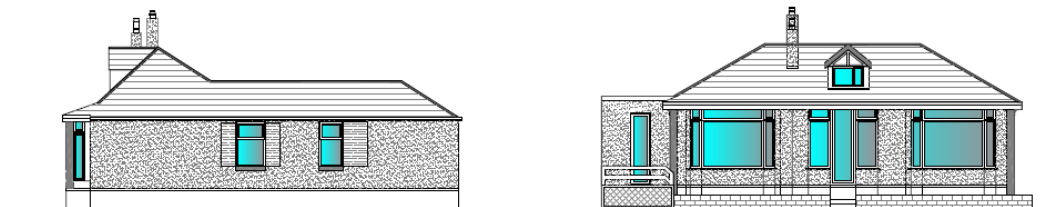
Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an

to



EXISTING FRONT ELEVATION.
SCALE 1:100

EXISTING SIDE ELEVATION A.
SCALE 1:100



EXISTING SIDE ELEVATION B.
SCALE 1:100

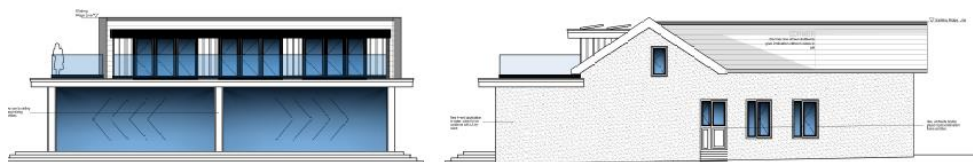
EXISTING REAR ELEVATION.
SCALE 1:100

Extract from submitted existing elevations received 31st August 2022



PROPOSED FRONT ELEVATION A.
SCALE 1:100

PROPOSED SIDE ELEVATION B.
SCALE 1:100



PROPOSED REAR ELEVATION C.
SCALE 1:100

PROPOSED SIDE ELEVATION D.
SCALE 1:100

Extract from submitted proposed elevations received 31st August 2022

3.5.19 The application dwelling is read in conjunction with the neighbouring dwelling at Hornby Gates. Both are bungalows of suburban appearance, featuring a predominance of rendered walling, somewhat at odds with dwellings located further to the west / north west along Old Hall Lane which are of a character and appearance more typical of a rural location. Considered in this context, the contemporary alterations proposed, including the introduction of significant elements of glazing, are not considered to undermine local distinctiveness. Moreover, the proposal remains proportionate in scale with Hornby Gates and the area in general.

3.5.20 Notwithstanding the varied palette of external materials proposed, including elements of render, Cedar cladding and cladding panels, in addition to the

aforementioned glazing, it is recommended that materials are further considered via application of a condition requiring submission of samples.

3.5.21 The proposed wall either side of the gated site entrance will extend in width circa 1.77m to the north of the gate and circa 6.25m to the south, at a height of circa 2.15m. Proposed facing material is render. It should be recognised that a wall up to a height of 2m, where not adjacent to the highway, can be erected as permitted development. No significant impact to the character and appearance of the site or the wider context is considered to arise from the additional 150mm proposed. Final colour and texture of the render will be secured via condition.

3.5.22 The solar panels proposed to the flat roof rear extension are considered acceptable, as they will sit at a very acute angle, to a background of the main roof, thereby minimising their visual prominence.

3.5.23 Accordingly, the proposal is found to constitute good design, in accordance with the requirements of Policy 10, the Residential Design Guide SPD and The Framework.

3.5.24 Heritage

Policy 39 requires development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset.

3.5.25 The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPA's should, in coming to decisions, consider the principle Act. Which states the following:

Listed Buildings - Section 66(1)

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

3.5.26 The Framework defines the setting of a heritage asset as:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

3.5.27 Although the position of the Grade I listed Pleasington Priory, or the Church of St Mary and St John Baptist, to the west is recognised, the scale and household nature of the proposal as well of the substantial separation of circa 170m, ensures a neutral impact on the listed building and its setting.

3.5.28 Accordingly, no harm to the listed building arises from the proposal, in accordance with the requirements of Policy 39 and The Framework.

3.5.29 Summary

This report assesses the householder planning application. The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal balanced against any potential harm that may arise from its implementation. This report finds that the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, adopted Supplementary Planning Documents and the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 Approve:

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

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 29th June 2022, as indicated on drawings numbered: *to be added*

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

2. Within 1 month of the development hereby approved, and notwithstanding the submitted details, written and illustrative details of all external walling, roofing materials, including their colour and texture, to be used in the construction of the building work, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in 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.

3. Within 1 month of the development hereby approved, and notwithstanding the submitted details, written and illustrative details of the boundary wall, including colour and texture, 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, the cheeks and face of the dormer extensions hereby approved shall be clad in side-hung tile to match the existing roofing.

REASON: To ensure the proposal harmonises with the existing dwelling, in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

5. The roof terrace hereby approved shall be limited to the area within the balustrade, as defined by the proposed roof plan indicated on drawing numbered: SK003.1 Rev 0. The remaining roof area shall at no time be used as a roof terrace or similar.

REASON: To prevent overlooking / loss of privacy to occupants of Hornby Gates, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

5.0 PLANNING HISTORY

- 5.1 10/21/0637 - Proposed covered terrace area to rear, roof terrace to western elevation, increase to ridge height, hip to gable roof alteration, front & rear dormers, a porch and alterations to existing elevations (retrospective).
- 5.2 10/91/1259 - Provision of an additional bedroom' (single storey front extension). Approved September 1991.

6.0 CONSULTATIONS

- 6.1 As a householder application, consultation was limited to the public, the Parish Council and Ward Members. 9 letters were posted to the local community and a site notice was displayed. In response, 1 objection and 1 general comment was received (see Summary of Representations).

6.2 Pleasington Parish Council

The Pleasington Parish Council would like to strongly object to this application to amend the planning permission already granted to Priory Croft, and would like our objections to the original application for this property to still apply to the amended application. In addition:

1. The plans accompanying the application are very difficult to read, as were the plans for the original application, and the Council are still concerned about the extent

to which the amended plans will overlook the next-door dwelling, affecting their privacy.

2. The height (2.2m) of the proposed stone wall to right and left of the new electric entrance gate is totally out of keeping with the location, the dwelling being surrounded on 3 sides by open fields and a private road. The wall to the left of the gate will be especially visually intrusive, being taller than it is long.

6.3 Public Consultation

9 letters were posted to the local community on 6th September 2022. A Site notice was also displayed. In response, 1 objection was received and a general comment - see Summary of Representations.

7.0 CONTACT OFFICER: Nick Blackledge – [Principal Planner]

8.0 DATE PREPARED: 1st December 2022

9.0 SUMMARY OF REPRESENTATIONS

Objection – Kate Ainsworth. Received: 20/09/2022.

I strongly object to the planning application 10/22/0653 for Priory Croft, Old Hall Lane, Pleasington on similar grounds to when I strongly objected several times to the initial planning application 10/21/0637 on the invasion of my privacy. I was assured that Juliette windows on the three upstairs bi fold doors would prevent anyone going out onto the balcony. On this basis the initial plans were passed and the building would be completed to these exact plans. I still wasn't happy but the plans were passed

The new planning application 10/22/ 0653 is proposing changes to the existing plans that were not supposed to be changed. How can anyone trust or believe in your department when you state one thing and then do another by accepting this proposed plans. It is proposed that the first floor balcony elevation C has a safety balustrade, why? when it was agreed it could not be used. I have experienced over the past six months builders working on this roof terrace and they have had full view into my main bedroom, a second bedroom and my open plan lounge, kitchen, dining area which is the main room of the house. This intrusion of privacy has made me feel extremely uncomfortable in my own home, this surely cannot be right.

Secondly the extension of the side elevation D will now extend half way across the large window in my lounge. The increase in size and height of the building is totally out of keeping with the previous residence and overshadows my property, which has effectively devalued my property.

For your information, on the site location plan the very large oak tree in the corner of the plot that is next to my boundary line has been felled in the past month. I did state that this tree has been incorrectly answered in the initial planning questions, about any trees close to the proposed new build.

I would be very grateful if someone in the planning department would visit my property and see for themselves the effect this proposed planning application, if passed would have on my privacy

Objection – Duncan Isherwood RIBA, Pleasington Parish Councillor. Received: 24/10/2022.

Afternoon Nick .

I notice the final day of consultation on this application is Monday 24th October.

On that basis I have now revisited the site to look at general progress having been pushed at the last parish council meeting to try to study the existing and proposed drawings in relation to what has been built and what is being proposed in this amendment.

I do not envy your position attempting to understand the drawings given the amount of dimensional mistakes in the illustration .

I want to object on behalf of the owner Kate Ainsworth and the parish council to.

1. The amended glass balustrade to the rear first floor roof where H&S has been used as a justification! On this basis every flat roof in the country would have or need a glass/ metal balustrade . This must be refused as the glass Juliet screens to the first floor doors will be removed in the future as we know not requiring approval allowing by default the use of the flat roof and the loss of privacy to the adjacent property .
2. The glazed extension to the rear . Presume the next amendment will be to fill in the rest of the overhanging roof .
3. The additional roof height on the garage designed for obvious reasons to create a first floor . Note the French doors to the rear of the garage. This is not a garage but an additional dwelling .

4. The balustrade to the front porch .

It was confirmed by the parish council chairman that it was agreed at the original planning meeting which approved this development that the building had to be built strictly in accordance with the submitted drawings and that the officers had to attend site to ensure the works are built as approved . At what point do the local authority stop considering further amendments.

In addition to the above you need to check the proposed detail of the bifold doors/ windows to the first floor bedrooms . As designed they will not open as shown due to the glass balustrade in front of the doors . The installer will then move the glass forward making it possible to overlook the adjacent garden .

There are very serious concerns here in the village regarding this property and the eventual outcome . Have all the external finishes been applied for yet ?

If you wish to meet me or any other member of the parish council on site I am very happy to do so

Objection – Eileen Smith, Clerk to Pleasington Parish Council. Received: 07/11/2022.

Re : 10/22/0653 Priory Croft, Old Hall Lane, Pleasington

The Pleasington Parish Council would like to strongly object to this application to amend the planning permission already granted to Priory Croft, and would like our objections to the original application for this property to still apply to the amended application. In addition :

1. The plans accompanying the application are very difficult to read, as were the plans for the original application, and the Council are still concerned about the extent to which the amended plans will overlook the next-door dwelling, affecting their privacy.
2. The height (2.2m) of the proposed stone wall to right and left of the new electric entrance gate is totally out of keeping with the location, the dwelling being surrounded on 3 sides by open fields and a private road. The wall to the left of the gate will be especially visually intrusive, being taller than it is long.

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/0739

Proposed development: Full Planning Application for: Change of use from a dwellinghouse (Use Class C3) to a residential institution (Use Class C2) to house up to four families - parent(s) and one child - for 12 weeks durations, to allow 'Residential Parenting Assessments'

**Site address:
5 Moorcroft
Lower Darwen
BB3 0RY**

Applicant: Gryffin House Limited

Ward: Blackburn South & Lower Darwen

**Councillor John Slater
Councillor Jacqueline Slater
Councillor Denise Gee**



1.0 SUMMARY OF RECOMMENDATION

1.1 REFUSE – For reasons set out at paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This full planning application for a change of use is reported to the Committee due to the applicant being a relative of a Council employee within the Growth & Development Department, and following receipt of a significant number of public objections. This is in accordance with the Council's adopted Scheme of Delegation.
- 2.2 The recommendation follows a detailed assessment of the proposal, in consultation with relevant Council consultees, local residents and Ward Members. The proposal is found to fail the requirements of the adopted Development Plan and National Planning Policy Framework (The Framework).
- 2.3 Members of the Committee will be aware that planning permission was previously granted at the meeting in January 2022 (ref. 10/21/1200), for the "demolition of a rear conservatory, erection of rear double and single storey extensions, and a front porch." The submission was a Householder Application type and the extensions approved were explicitly for a typical domestic use, falling within Use Class C3. The applicants confirmed at that time the extensions were for their own family use of the dwelling. Had the application at that time included the change of use currently proposed, it would not have been supported, for the reasons set out in this recommendation.
- 2.4 That work to the extensions has begun is recognised. This is confirmed by Building Control with the Building Regulations application being approved on the 11th May 2022, and the first foundation excavation being dug and inspected on the 21st June 2022. Members are advised that commencement of these works is lawful and that the subject application is limited to assessment of the merits of the proposed change of use.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) relates to a detached dwelling house and associated curtilage (Use Class C3), located within the urban boundary of Darwen, to the north west of Moorcroft. Moorcroft is a cul-de-sac that sits within a wider housing development. The property is flanked by dwellings to the sides and rear.
- 3.1.2 The area is local to the motorway network and is within reasonable reach of public transport hubs (rail and bus) in Darwen Town Centre.

3.1.3 The site is identified by the red edge location plan below and Google imagery.



Supporting Statement, Griffin House, 27th Oct 2022.



Google Imagery, August 2022



Google Street view image of application site – August 2022.

3.2 Proposed Development

3.2.1 Full planning permission is sought for a change of use from a dwellinghouse (Use Class C3) to a “residential institution (Use Class C2) to house up to 4 families - parent(s) and one child - for 12 weeks durations”, to allow 'Residential Parenting Assessments'.

3.2.2 It is submitted that: The proposal involves robust, fair and evidence based assessment of parenting skills and capabilities for up to four families at any one time, 24 hours a day, for an approximate 12 week duration. Families will be placed on a statutory referral basis. Family is generally defined in this context as one mother and a new born child other than in exceptional circumstances when there may be a requirement for two parents and one child. When operating at full capacity, the property would home 8 people (4 adults and 4 children), though exceptionally those numbers could increase to 10 (6 adults and 4 children).

3.2.3 The property would be Ofsted regulated.

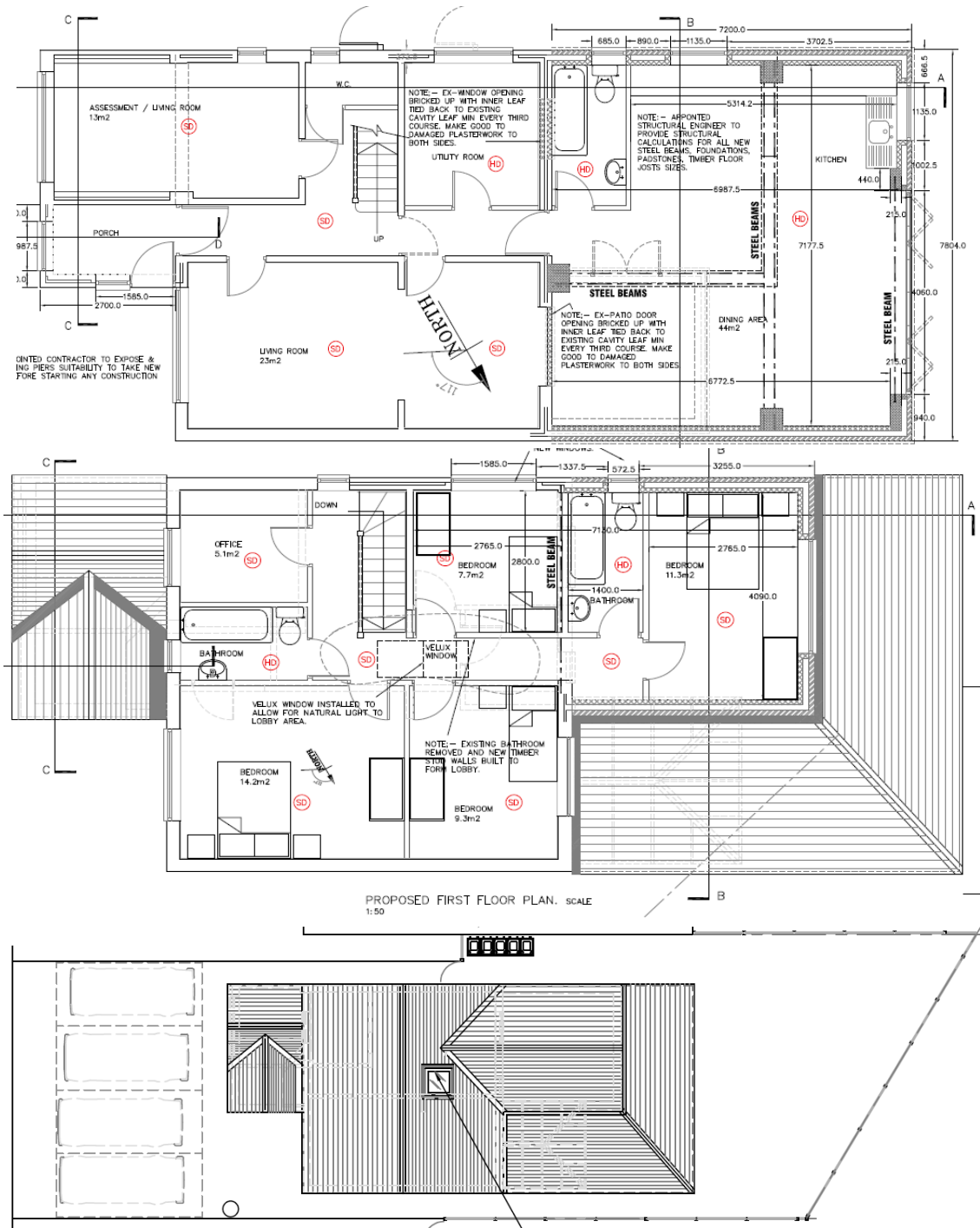
3.2.4 Referrals would be via Local Authorities and / or Family Court directions, arising from concerns raised about a child’s welfare or a parent’s capacity to provide safe and appropriate care. A safe and nurturing environment would be offered to ensure a fair assessment and the experience of the family would be one of transparent working, respectful practice and collaboration. Assessment would involve:

- The parent’s ability to meet both the physical and emotional needs of their child;
- The likely ability of the parent’s to protect their child from harm;
- The parent’s capacity for durable and sustained change; and

- The long term prognosis for change.

3.2.5 Only parent(s) who would have a reasonable likelihood of achieving a positive outcome would be accepted, following a thorough referral process and liaison with the placing Local Authorities.

3.2.6 Full details of the application are set out in the application form, drawings and supporting statement. Proposed floor and car parking plans are extracted below.



Extracts from drawings submitted by Younus Khan.

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 (2011):

- CS1 – A Targeted Growth Strategy
- CS11 – Facilities and Services

3.3.4 Local Plan Part 2 (2015) (LPP2)

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 47 – The Effect of Development on Public Services

3.4 **Other Material Planning Considerations**

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

Overall, The Framework aims to raise economic performance by ensuring the quantity, quality and mix of housing reflect that required, with an expectation to maintain a 5-year housing land supply. Quality design should be secured and environmental impacts minimised.

Areas of The Framework especially relevant to the proposal are as follows:

- Section 2: Achieving Sustainable Development
- Section 8: Promoting healthy and safe communities

3.4.2 National Planning Policy Guidance (NPPG).

3.5 **Assessment**

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

- Principle of the development;
- Effect on Public Services;
- Amenity impact;
- Accessibility and Transport; and

- Design.

3.5.2 Members are advised that the application has attracted a significant amount of public objection, which can be summarised as:

- Transport impacts – ie. congestion, parking, compromised access for emergency vehicles etc;
- noise nuisance;
- anti-social behaviour;
- change in character & appearance arising from a commercial use / unsuitable use for residential area; and
- insufficient outdoor amenity space to support the use.

3.5.3 All public comments are reproduced at section 9.0 of this report.

3.5.4 All *material* matters are addressed in the following assessment.

3.5.5 Principle

The site is unallocated and lies within the defined Urban Boundary, which is the preferred location for new development, in accordance with Core Strategy Policy CS1, and Local Plan Part 2 Policy 1. In basic land use terms, therefore, the proposal is acceptable in principle.

3.5.6 Policy CS11 (Core Strategy, 2011) supports the expansion and enhancement of the range and quality of public services in ‘accessible locations’ as well as the creation of ‘community hubs’ to provide a co-located range of facilities and services in one place. A public service can typically be regarded as a resource offered by either the private or public sector to support members of a community. Public services and facilities are explicitly supported by the policy in the following locations:

- I. The town centres of Blackburn and Darwen;
- II. Neighbourhood shopping centres;
- III. Existing key public buildings / facilities; and
- IV. Other accessible locations.

3.5.7 Community hubs are supported, in principle, around existing town or neighbourhood centres or, in other cases, around major land users such as education or leisure facilities. As a proposal within an area defined by family housing, it fails the policy specific locational requirement for public service / facility provision.

3.5.8 Notwithstanding the location of Darwen Town Centre, which is a circa 5 - 10 minute journey by car from the site, the immediate locale is not supported by a bus route and cannot, therefore, be considered to be in an accessible and / or sustainable location, in the context of the proposed use.

3.5.9 Accordingly, it is considered that the principle of the development cannot be supported, due to conflict with Policy CS11 and The Frameworks presumption in favour of sustainable development.

3.5.10 Effect on Public Services

Policy 47 of LPP2 seeks to ensure that development meets the needs of the local populous in the first instance. Importantly there is concern for development which ostensibly provides accommodation or services used by vulnerable people, but which is provided in an ad-hoc way with little or no reference to wider strategies for commissioning support services. This can result in users going on to require a wide range of other support services provided by the public sector and placing greater pressure on such services. In this context, development will be granted planning permission provided that infrastructure, facilities and services exist, or can be provided via the development, which will allow the development to proceed without an unacceptable adverse impact on existing provision. The policy is set out in full, thus:

1. Development will be granted planning permission provided that infrastructure, facilities and services exist, or can be provided via the development, which will allow the development to proceed without an unacceptable adverse impact on existing provision.

2. Development likely to cater or provide accommodation for users of publicly-provided support services, including but not limited to mental health services, substance misuse treatment and adult social care, will only be permitted where it is clearly demonstrated that:

i) a need for the development exists arising from the requirements of people already ordinarily resident in Blackburn with Darwen or of Blackburn with Darwen service users currently receiving service outside the authority area;

ii) where the development consists of a facility directly providing a support service, the nature and scale of the facility is in line with the Council's commissioning strategies, such that resources are likely to be available to refer individuals to the facility and it can be reasonably expected that people already ordinarily resident in Blackburn with Darwen, or Blackburn with Darwen service users currently receiving service outside the authority area will be the principal users of the facility; and

iii) the development will not lead to an increase in the level of demand for any publicly-provided support service, to an extent that is likely to result in a deterioration of the level of service available to existing users.

3.5.11 The Council's Children's Service's Strategic Commissioning consultee has offered an objection to the proposal, on the premise that the Local Authority area cannot support the likely impacts arising on public service provision. Their objection addresses specific issues / impacts and is in response to the applicant's supporting statement and additional representations. In the interests of a balanced and transparent debate, Children's Services response and the applicant's (final) rebuttal are reproduced, as follows:

Impact on Blackburn with Darwen Children's Social Care as they have a duty to investigate section 47 enquiries.

Gryffin House Limited response is not accurate as where a safeguarding issue arises it is the Local Authority in which the child is in at the time that initially deals with the strategy discussion and initiating the section 47. This will be a multi-agency meeting involving resources from the LA, Police and Health as a minimum. This will include day time and out of hours services. Thereafter the referring Local Authority will pick up the section 47. It is likely that a section 47 will already have been carried out prior to referral to Gryffin House Limited, this does not mean there will not be the need for further section 47 enquiries. This is an avoidable increase in the demands on resources across the agencies involved a strategy discussion and s47 enquiry.

Applicant's response: Had CS afforded GHL an opportunity to discuss our service in advance of our planning submission, they would have established that GHL fully understands its safeguarding responsibilities and processes for S47 enquiries. CS have taken its previous comments out of context and not holistically.

CS comment briefly outlines a process, which GHL is in agreement with. However, operational procedures are not material considerations and should not be taken into account whilst determining our application. Separate legislation and regulatory frameworks such as; Childrens act 1989 & 2004, National Minimum Standards (NMS), OFSTED Residential Family Centres Regulations 2002 and Care Standards Act 2000 will ensure operational compliance by GHL in order to protect and safeguard the welfare of those children that access GHL's service provision.

Whilst there may be further S47 enquiries, equally CS cannot predict that any new ones will be triggered. The likelihood of a new S47 enquiry being triggered during an assessment at GHL is a very low risk. This risk will be mitigated through staff presence, as well as families being monitored 24 hours daily during their assessment period.

Additionally, CS fails to quantify the time spent by BWDBC, on any potentially new initial strategy discussions, which realistically could be as short as 15 mins to inform the referring Authority. CS rightfully confirmed that post the initial strategy discussion, BWDBC will always refer responsibility back to the referring Authority, who will then continue to take the lead, through an agreed statutory care plan. This reinforces the reality that CS involvement will be minimal and will not be for a prolonged period of time. Their assertion of increased pressure resulting from a new S47 enquiry is not credible.

Services including the Police and Engage for young people who go missing.

It is possible that the parents will be young people. Gryffin House has not yet clarified whether their proposed Ofsted registration would cover

parents under the age of 18 and/or parents who are looked after children themselves. If proposed registration is to include those who are under 18, it is possible that the parents admitted to the Unit will be young people themselves.

Applicants response: CS comment in relation to young people who go missing is a generic statement and not relevant to GHL's service offer. This comment should not be taken into account whilst determining our application.

GHL's service offer is only available to Adult parents, as defined by England law ie people aged 18 years of age and above.

Implications for the Local Authority Designated Officer (LADO).

Gryffin House Limited response is not accurate as the LADO does not take responsibility for the family, this is not the LADO's role. It is concerning that Gryffin House do not appear to fully understand the LADO role particularly given their role in safeguarding. There would be an impact on the Local Authority LADO as it would fall within the remit of our LADO to become involved when any allegations of a safeguarding nature made against a member of staff within our LA area. This remit is not passed back to the responsible LA area for the child.

GHL is in agreement with CS outline of the LADO role. However, operational procedures are not material considerations and should not be taken into account whilst determining our application. Separate legislation and regulatory frameworks such as; Childrens act 1989 & 2004 and OFSTED Residential Family Centres Regulations, will ensure that operational compliance is met by GHL in order to protect and safeguard the welfare of those children that form part of Residential Parenting Assessments.

Applicants response: Had CS afforded GHL an opportunity to discuss its service in advance of our planning submission, they would have established GHL's correct understanding of the LADO role, is in accordance with statute. Given that CS previous comments for point 3 were vague and without any context, it is insulting to claim that we do not have a full understanding of the LADO role. GHL's comments have been taken out of context and were provided on the assumption of the staff member being investigated, having a family and their involvement.

There is an inference by CS that all/some staff at GHL will have safeguarding allegations made against them. Whilst this is unlikely, the risk of allegations being made against a staff member will be mitigated as GHL will only appoint staff after a rigorous recruitment exercise; ensuring that staff have recognised professional qualifications, appropriate experience and good references. All checks associated to the Enhanced Disclosure and Barring Services and Barred list will be made prior to any staff appointments. GHL will have a personal development and training strategy in place, which will also include

different levels of training on areas such as de-escalation, motivational interviewing and person centre practice.

Increase pressures on Health Visitor services in relation to the universal offer.

Gryffin House Limited response is not accurate as the Health Visiting service transfers responsibility to the local team. The Health Visiting services from the referring area do not maintain full responsibility, the case is transferred to the Health Visiting team responsible for the area in which the child is placed and for the duration of the placement. This is an avoidable increase in the demands on Health resources.

Applicants response: *Again GHL's comments have been taken out of context. Had CS afforded GHL an opportunity to discuss our service in advance of our planning submission, they would have established how the Health Visitor Services would have been agreed and co-ordinated prior to GHL accepting the referral. If the family is not accepted by GHL, then no increased pressure will be placed on the Health Visitor Services. Also, if the referral is accepted by GHL, then no additional pressures will be placed onto Health Visitor Services because the local service has the capacity to provide the service to the family. For families that already live in the Borough of BwD, they will only be accessing the Health Visitor Services universal offer, which they would already be entitled to access and receive support from, therefore no increased pressure will be applied to the service resulting from GHL's service offer.*

Increase pressure on Midwifery Services including the delivery of postnatal services.

Gryffin House Limited response is not accurate as the same in number 4 above applies – responsibilities transfer to the local team where the child is placed and subsequently to the Health Visiting team after birth for the duration of the placement. This is an avoidable increase in the demands on Health resources.

Applicants response: *Again GHL's comments have been taken out of context. Had CS afforded GHL an opportunity to discuss our service in advance of our planning submission, they would have established how the Midwifery Services input would have been co-ordinated prior to GHL involvement.*

If the family is not accepted by GHL, then no increased pressure will be placed on the Midwifery Services. Also, if the referral is accepted by GHL, then no additional pressures will be placed onto Midwifery Services because the local service has the capacity to provide the service to the family.

For families outside of Borough, it is likely that the child remains in hospital whilst the Interim Care Order is being sought and visits will be conducted thereafter by Blackburn, which will be for a reduced period

of time. For families that already live in the Borough of BwD, they will only be accessing the Midwifery Services universal offer, which they would already be entitled to access and receive support from, therefore no increased pressure will be applied to the service resulting from GHL's service offer.

Potential pressures on East Lancashire NHS Hospital Trust neonatal services.

Gryffin House Limited response is not accurate as it is possible that a very young baby could require neo-natal care after discharge. Any health need and response in terms of treatment requirements for a child is determined by Health professionals, this could include the need for neo-natal care.

Applicants response: CS cannot claim our response was inaccurate as they had not made any reference to neo-natal care after discharge.

Responding within the context of neo-natal care after discharge. referrals will only be accepted by GHL following a thorough, referral assessment and liaison with the placing Local Authorities. If the baby is unwell and likely to receive long term neo-natal services, which will cover most of the assessment period, then the referral will not be accepted by GHL.

If the baby is returned to the placing Local Authority, the adult could choose to remain in Blackburn with Darwen resulting in an increase pressure for Housing Needs (Section 20).

There remains a potential for and increase pressure for Housing Needs.

Applicants response: Equally, CS cannot confidently claim that an Adult will remain in the Borough whilst their child is returned to the referring Authority. CS have made an unsubstantiated assumption and not provided any evidence to support their assumption that an Adult will remain and also have not quantified the amount of increased pressure for Housing Needs (Section 20).

Importantly, Section 20 of the Children Act 1989 does not place an obligation on the Local Authority to meet the housing needs of adults. For those families that opt to remain in BwD and the baby is returned to the placing Local Authority, the adult will not be given priority housing over people on any potential Housing Needs waiting lists. Therefore, CS comment is disputed.

It is more likely than not, that families will return to the placing Authority as they will have evidenced a want to address any concerns and have shown a willingness to remain with their child, hence the court directive to assess their parenting capacity. Only parents who have a reasonable likelihood of achieving a positive parenting assessment will be accepted by GHL. Therefore the risk of placement breakdown remains low and is highly unlikely to increase pressures on Housing Needs (Section 20).

GHL will only support a maximum of 4 families at any one time, with the annual maximum number of 16 families. Overall, factors such as; void periods, families willingness to change and work toward achieving successful outcomes, BwD families being placed at GHL and that family placements will be positive and unlikely to breakdown, collectively minimise the perceived risk of any increased pressure for Housing Needs (Section 20) resulting from GHL's service offer.

Transport costs for the families could fall within the host Local Authority remit.

Acknowledged that the referring Local Authority will be responsible for all transport costs of the family whilst being assessed at GHL.

Applicants response: *For the avoidance of doubt, BWDBC will not incur any transport costs for families referred into the Borough of BwD by a different Local Authority. The referring Local Authority will be responsible for all transport costs of the family whilst being assessed at GHL.*

If GHL provision is made available, then BWDBC will save on their own transport costs for families that require a parenting assessment because they would no longer need to outsource outside of the Borough and pay for the associated transport costs, as the service would be provided locally.

Services responsibility for safeguarding, mental health and substance misuse issues.

It is likely that service will transfer to the local offer for mental health services. This is an avoidable increase in the demands on this resource.

Applicants response: *CS comments are disputed as responsibilities will remain with the referring Authority and services co-ordinated. Services will not be transferred in order to ensure consistency and routine for families as the assessment is only for a temporary period and in accordance with an Interim Care Order.*

During the COVID pandemic, the use of Family Residential Units increased, but post pandemic the preferred model is for assessment and support to be offered in the family home.

BwD preferred model is for assessment and support to be offered in the family home remains the BwD approach.

Applicants response: *BWDBC's FOI reference number 08761 confirms that there is also a preference for Residential Parenting Assessments because year on year the Council has commissioned them for families that live within the Borough, and are likely to do so in the future.*

CS response is not within the context of GHL's service provision and is generic. CS also require a vast range of other services to achieve their service outcomes identified within their business plan.

Prioritisation of BwD preferred model over another service, ie GHL's service offer which is vastly different, should not be taken into account whilst determining our application, especially when there does not appear to be an existing operational model of residential parenting assessments being conducted within the family home. Until that particular service model is available, the Council should access alternative service provision to meet a family's need effectively, which GHL can assist with.

Importantly, assessment and support being offered in the family home and Residential Family Units are two very separate and distinctive service areas, which can co-exist. All available service options must be considered by Social Workers to meet a family's needs and the most appropriate service procured as part of an agreed statutory care plan.

It is important to emphasise that in order to safeguard children effectively and achieve the desired outcomes of statutory care plans, a range of services must also be available and tailored to meet the diverse needs of individual families.

Blackburn with Darwen require parent and child fostering placements.

A specific need for Blackburn with Darwen is parent and child fostering placements.

Applicants response: *CS response is not within the context of GHL's service provision and is too generic. CS also require a vast range of other services to achieve their service outcomes identified within their business plan.*

Prioritisation of a Child Fostering Placements over another service, ie GHL's service offer which is vastly different, should not be taken into account whilst determining our application, especially when child fostering placements are not comparable.

Whilst parent and child fostering placements may be required, the FOI reference number 08761 confirms that there is also a need for Residential Parenting Assessments.

Parent and child fostering placements and Residential Family Units are two very separate and distinctive service areas. As part of statutory interventions, both services can co-exist. All available service options must be considered by Social Workers to meet a family's needs and the most appropriate service procured as part of an agreed statutory care plan.

It is important to emphasise that in order to safeguard children effectively and achieve the desired outcomes of the statutory care plans, a range of services must also be available and tailored to meet the diverse needs of individual families.

For those families accessing GHL and achieving successful parenting assessment outcomes, this could result in cost efficiencies as residential parenting assessments are for a much shorter duration than a parent and child fostering placement.

Detailed information would be required regarding Family Residential Unit proposed provision.

No response offered.

Applicants response: *For the avoidance of doubt, the supporting statement and additional information submitted as part of the formal planning application stage provides detailed information about GHL.*

Plan to tender the 'accommodation based service for vulnerable families' The provision is to accommodate single parent and two parent families with a minimum of 6 units in Blackburn with Darwen.

BwD has recently tendered an 'accommodation based service for vulnerable families' The provision is to accommodate single parent and two parent families with a minimum of 6 units in Blackburn with Darwen. Such accommodation is, however, considered to be very different to the type proposed – ie an Ofsted registered Family Assessment Unit. The two wouldn't be seen as comparable.

We would recommend providers signing up to the CHEST if looking for new opportunities in the local area.

Applicants response: *GHL is pleased that CS accepts that the 'accommodation based service for vulnerable families' is very different to Family Assessment Units and is not comparable. Regardless, CS comment is not relevant to GHL's service offer and is generic.*

CS also require a vast range of other services to achieve their service outcomes identified within their business plan, which GHL can assist with.

Prioritisation of 'accommodation based service for vulnerable families' over another service, ie GHL service offer is not comparable and should not be taken into account whilst determining our application.

The FOI reference number 08761 confirms that there is also a need for Residential Parenting Assessments and additionally both services can co-exist. All available service options must be considered by Social Workers to meet a family's needs and the most appropriate service procured as part of an agreed statutory care plan.

Tender pathways are not material considerations and should not be taken into account to determine our application.

GHL is fully aware of the NW CHEST portal and intends to bid for tender opportunities that are made available through it.

Existing provision.

There is an existing Family Assessment Unit (FAU) within Blackburn with Darwen's boundary to which BwD routinely refer to. If the FAU holds a vacancy that fits with the timescale required, then the social worker would complete the referral form. The Registered Manager will then make a decision as the Unit can manage the risk and meet the needs of the family. If the Registered Manager does not feel that the Unit can meet the needs, then a placement will not be offered. The Local Authority therefore have limited decision making properties over which Unit families are admitted to as there are numerous variables. Therefore, even if permission were to be granted for the proposal, the decision as to whether the Unit takes BwD families is down to the Registered Manager to decide on a case by case basis rather than on any commissioning decision by the LA.

Level of demand / is another facility justified? For FAU's, demand is driven by the Public Law Outline process and the majority of searches undertaken as part of that process do not convert into actual placements.

There is no guarantee that it will be BwD parents and children that would benefit from being offered a placement through the normal referral route.

3.5.12 Whilst Children's Services acknowledge the applicant's rebuttal, they maintain their objection is well-founded and justified.

3.5.13 Taking the above circumstances into account, it is considered that the necessary infrastructure, facilities and services do not currently exist, nor can they be provided via the development. The application fails to demonstrate a need for the development arising from the requirements of people ordinarily residing in the Local Authority (LA) area or LA service users currently receiving care outside of the LA area. Moreover, the development is of a nature and scale that fails to align with the Council's commissioning strategies with resources unlikely to be available to support people ordinarily residing in the LA area, and it would lead to an unwarranted increase in the level of demand for public support services, to the extent that those services would deteriorate for existing users.

3.5.14 Accordingly, the proposal is found to fail the requirements of Policy 47 of the Local Plan Part 2.

3.5.15 Amenity

Policy 8 requires development to make a positive contribution and to ensure a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; including reference to nuisance and the relationship between buildings.

3.5.16 The site is characterised as a typically quiet residential cul-de-sac, as witnessed by officer site visits. Considered in this context, the proposal would represent an intensification of the use of the property, eroding the prevailing character and giving rise to potential nuisance, due to a significant increase in

comings and goings of a commercial nature, beyond what would reasonably be expected at a family dwelling. Such activity would arise from staff rotas - 10 full-time employees operating a shift pattern (3 shifts in 24 hours) - and visiting professional / support workers, which would be in stark contrast to the existing circumstances.

3.5.17 This conclusion is notwithstanding the applicants assertion that families would only be permitted to have approved visitors at agreed times, that staff would be recruited from the local area, and the provision of 4 in-curtilage parking spaces. It is considered that visitations, particularly in terms of frequency, and recruitment of local staff could not be effectively controlled or mitigated by conditions.

3.5.18 Although objections have been received expressing concern at the prospect of anti-social behaviour arising from the proposal, no substantive evidence is available to support an objection in this regard, notwithstanding the identified change in character.

3.5.19 Accordingly, and on balance, the proposal would fail to make a positive contribution to the area. Instead, a negative outcome would arise, contrary to the requirements of Policy 8 of the Local Plan Part 2 and The Framework.

3.5.20 Accessibility & 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.

3.5.21 As noted above, 4 in-curtilage parking spaces would be provided to the front of the property. These are indicated on a submitted site plan as in accordance with the Council's adopted standard for the use proposed, measuring 2.4m x 5.5m. It should be recognised that the spaces / hard surface could be introduced as permitted development, subject to construction in a porous material or, alternatively, provision is made to direct run-off water to a porous area within the curtilage.

3.5.22 The Council's Highways consultee has reviewed the application and offers no objection.

3.5.23 Accordingly, the proposal is found to be in accordance with the requirements of Policy 10 of the Local Plan Part 2 and The Framework.

3.5.24 Design

Although no external alterations are proposed under this application, Policy 11 does require sustainable waste management during the operational life of a development and adequate and secure amenity space to support users of the development.

Although the proposal involves introduction of parking spaces to some of the front garden and the previous grant of planning permission provides for

substantial rear extensions, sufficient areas for waste storage / management and general amenity are maintained for users of the development.

3.5.25 Accordingly, the proposal is found to be in accordance with the requirements of Policy 11 of the Local Plan Part 2 and The Framework.

3.5.26 Overall, on balance, the merits of the public service offer, as identified in the applicant's submission, are not considered to outweigh the identified policy conflict. Nor are any other material considerations evident to outweigh such conflict.

3.5.27 Other Matters

Comments received include assertions that the application property, amongst others on the cul-de-sac, is subject to a covenant prohibiting any business or commercial use. Members are advised that private covenants fall outside of the scope of this assessment, as matters beyond the control of the planning system. Any action in this regard must, therefore, be pursued under civil law.

3.5.28 Summary

This report assesses the full planning application proposing the change of use from a dwelling house (Use Class C3) to a residential institution (Use Class C2) to house up to four families - parent(s) and one child - for 12 weeks durations, to allow 'Residential Parenting Assessments'. In considering the proposal, the relevant 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 fails the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, and The National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 Refuse:

Delegated authority is given to the Strategic Director of Growth and Development to refuse planning permission for the following reasons:

1. As a public service / facility located within a quiet residential street and not within a Town Centre, District / Shopping Centre, existing key public building, a Community Hub or other accessible location, it fails the locational requirements of the Core Strategy which Policy CS11 of the Core Strategy (2011).
2. The development, by virtue of a significant increase in on-street activity and within the application building, would erode the quiet residential street character and fail to secure an acceptable level of amenity for nearby residents. Accordingly, the development would fail to make a positive contribution to the area, contrary to the requirements of Policy 8 of the

Blackburn with Darwen Borough Local Plan Part 2 (2015) and The National Planning Policy Framework.

3. The development, by virtue of its failure to demonstrate a need arising from the requirements of people with a defined association with Blackburn with Darwen; its nature and scale failing to align with the Council's commissioning strategies; and an unwarranted increase in the level of demand for public support services, to the extent that those services would deteriorate for existing users, is contrary to the requirements of Policy 47 of the Blackburn with Darwen Borough Local Plan Part 2 (2015).

5.0 PLANNING HISTORY

- 5.1 10/21/1200 - the demolition of a rear conservatory and erection of rear double and single storey extensions and a front porch. Approved by Committee January 2022.

6.0 CONSULTATIONS

6.1 Children's Services

Objection.

Blackburn with Darwen Children's Social Care as they have a duty to investigate section 47 enquiries.

Gryffin House Limited response is not accurate as where a safeguarding issue arises it is the Local Authority in which the child is in at the time that initially deals with the strategy discussion and initiating the section 47. This will be a multi-agency meeting involving resources from the LA, Police and Health as a minimum. This will include day time and out of hours services. Thereafter the referring Local Authority will pick up the section 47. It is likely that a section 47 will already have been carried out prior to referral to Gryffin House Limited, this does not mean there will not be the need for further section 47 enquiries. This is an avoidable increase in the demands on resources across the agencies involved a strategy discussion and s47 enquiry.

Services including the Police and Engage for young people who go missing.

It is possible that the parents will be young people Gryffin House has not yet clarified whether their proposed Ofsted registration would cover parents under the age of 18 and/or parents who are looked after children themselves. If proposed registration is to include those who are under 18, it is possible that the parents admitted to the Unit will be young people themselves. In relation to Nick's further points

- what pre-existing facilities are available in the LA area; There is an existing Family Assessment Unit within Blackburn with Darwen's boundary to which BwD routinely refer to. If the FAU holds a vacancy that fits with the timescale required, then the social worker would complete the Unit's referral form. The Registered Manager will then make a decision as the Unit can manage the risk and meet the needs of the family. If the Registered Manager does not feel that the Unit can meet

the needs, then a placement will not be offered. The Local Authority therefore have limited decision making properties over which Unit families are admitted to as there are numerous variables. What I'm trying to say in relation to this point is that even if PP were granted for the proposed Unit the decision as to whether the Unit takes BwD families is down to the Registered Manager to decide on a case by case basis rather than on any commissioning decision by the LA.

- level of demand / is another facility justified. For Family Assessment Units, demand is driven by the Public Law Outline process and the majority of searches undertaken as part of that process do not convert into actual placements.

Implications for the Local Authority Designated Officer (LADO).

Gryffin House Limited response is not accurate as the LADO does not take responsibility for the family, this is not the LADO's role. It is concerning that Gryffin House do not appear to fully understand the LADO role particularly given their role in safeguarding. There would be an impact on the Local Authority LADO as it would fall within the remit of our LADO to become involved when any allegations of a safeguarding nature made against a member of staff within our LA area. This remit is not passed back to the responsible LA area for the child.

Increase pressures on Health Visitor services in relation to the universal offer.

Gryffin House Limited response is not accurate as the Health Visiting service transfers responsibility to the local team. The Health Visiting services from the referring area do not maintain full responsibility, the case is transferred to the Health Visiting team responsible for the area in which the child is placed and for the duration of the placement. This is an avoidable increase in the demands on Health resources.

Increase pressure on Midwifery Services including the delivery of postnatal services.

Gryffin House Limited response is not accurate as the same in number 4 applies – responsibilities transfer to the local team where the child is placed and subsequently to the Health Visiting team after birth for the duration of the placement. This is an avoidable increase in the demands on Health resources.

Potential pressures on East Lancashire NHS Hospital Trust neonatal services.

Gryffin House Limited response is not accurate as it is possible that a very young baby could require neo-natal care after discharge. Any health need and response in terms of treatment requirements for a child is determined by Health professionals, this could include the need for neo-natal care.

If the baby is returned to the placing Local Authority, the adult could choose to remain in Blackburn with Darwen resulting in an increase pressure for Housing Needs (Section 20).

Remains a potential for and increase pressure for Housing Needs.

Transport costs for the families could fall within the host Local Authority remit.

Thank you for clarifying the arrangements for the transport costs

Services responsibility for safeguarding, mental health and substance misuse issues.

It is likely that service will transfer to the local offer for mental health services. This is an avoidable increase in the demands on this resource.

During the COVID pandemic, the use of Family Residential Units increased, but post pandemic the preferred model is for assessment and support to be offered in the family home.

BwD preferred model is for assessment and support to be offered in the family home remains the BwD approach.

Blackburn with Darwen require parent and child fostering placements.

Blackburn with Darwen require parent and child fostering placements.

Detailed information would be required regarding Family Residential Unit proposed provision.

No response

Plan to tender the ‘accommodation based service for vulnerable families’ The provision is to accommodate single parent and two parent families with a minimum of 6 units in Blackburn with Darwen.

Have recently tendered an ‘accommodation based service for vulnerable families’ The provision is to accommodate single parent and two parent families with a minimum of 6 units in Blackburn with Darwen.

For information the Council use the following procurement pathways for care contracts:

- Children’s care providers are all registered through the Placement North West framework
- Children and Adults care providers are sourced through individual contracts/frameworks and experience providers are welcomed to apply when opportunities arise. Any new specialist work would be put through the CHEST: <https://www.the-chest.org.uk>

We would recommend providers signing up to the CHEST if looking for new opportunities in the local area.

There is an existing Family Assessment Unit (FAU) within Blackburn with Darwen’s boundary to which BwD routinely refer to. If the FAU holds a vacancy that fits with the timescale required, then the social worker would complete the referral form. The Registered Manager will then make a decision as the Unit can manage the risk and meet the needs of the family. If the Registered Manager does not feel that the Unit can meet the needs, then a placement will not be offered. The Local Authority therefore have limited decision making properties over which Unit families are admitted to as there are numerous variables. Therefore, even if permission were to be granted for the proposal, the decision as to whether the Unit takes BwD families is

down to the Registered Manager to decide on a case by case basis rather than on any commissioning decision by the LA.

Level of demand / is another facility justified? For FAU's, demand is driven by the Public Law Outline process and the majority of searches undertaken as part of that process do not convert into actual placements.

There is no guarantee that it will be BwD parents and children that would benefit from being offered a placement through the normal referral route.

6.2 Public Protection

No objection.

6.3 BwD Highways

Having looked through the supporting statement and the additional information addendum I would comment as follows:

- provision of 4 parking spaces within curtilage is in line with BwD Parking Standards for C2 of 1 per 2 beds (longer courses – over 1 month duration) and would also be in line with C4: Houses in Multiple Occupation of 1 car space per 2 bedrooms.
- The additional information provided indicates low levels of on-street parking on Moorcroft between 9am and 5pm when activity associated with the proposed development is likely to be at its highest.
- There is also ample opportunity to park on-street along Milking Lane a short walk from the proposed development.

Subject to a suitable plan demonstrating that 4 parking spaces can be accommodated within curtilage I would not object to this application.

6.4 Public Consultation

21 letters were posted to the local community on 28th July 2022 and 28th October 2022 (re-consultation). Site notices were also displayed. In response, 49 objections were received - see Summary of Representations.

7.0 CONTACT OFFICER: Nick Blackledge – [Principal Planner]

8.0 DATE PREPARED: 1st December 2022

9.0 SUMMARY OF REPRESENTATIONS

Objection – Cllr John Slater & other Ward Members. Received: 29/07/2022.

Thanks for this update I and my fellow councillors object to this application most strongly and so do all our residents who live there.

Objection – Mrs Alison Lovett, 1 Moorcroft, Lower Darwen. Received: 01/08/2022

Mr Blackledge. I am sending this email to you re the above application to change No 5 Moorcroft , Lower Darwen from a dwelling house Class 3 into an institution Class 2. As a resident of Moorcroft for 33 years i can't see why this is appropriate, We have little or no parking available for the residents as it is and I can't see how 12 adults with children and staff, enough to oversee the residents will be able to park cars without obstruction. Also I believe that planning permission was granted for a family dwelling not for business purposes.All the residents of Moorcroft are in agreement and are opposed to the application. Thank you for your time. I look forward to hearing from you.

2nd Objection – Alison Lovett, 1 Moorcroft, Lower Darwen. Received: 08/11/2022.

This is a letter of objection to the Planning application for 5 Moorcroft. I understand the application has changed to Class 2 for 4 families and 1 child, for 12weeks. As you are aware this is causing great anxiety to all the residents because the street is too small for all the traffic that will be associated with this business Parking will be a nightmare. Also there are no facilities ie public transport, libraries, shops, Alongside the lack of facilities there are no play areas or child friendly facilities. At the moment the main road is very busy with lorries and it will get busier with amount of new houses being built. I do have to question what sort of people would be using this facility as at the moment there are children living on this street who need to feel safe.

Objection – Linzi & Daniel Moorcroft, 8 Moorcroft, Lower Darwen. Received: 02/08/2022

I am emailing to object to the planning application that I have received this morning to change the class of property use for number 5 Moorcroft.

Please note my reasons for objecting to this proposed change;

1. There is already a lack of parking on this cul de sac as this a small residential street.
 2. There is no transport links to access amenities. This would mean all staff and service users would require parking for vehicles which is not suitable.
 3. Congestion would be extremely difficult and I fear this would be a health and safety risk.
-

2nd Objection – Linzi & Daniel Moorcroft, 8 Moorcroft, Lower Darwen Received: 09/11/2022.

I am emailing to object to the planning application that I have received this morning in relation to change of use for property number 5 Moorcroft, Lower Darwen.

Please note my reasons for objecting to this proposed change;

1. There is already a lack of parking on this cul de sac as this a small residential street.
 2. There is no transport links to access amenities. This would mean all staff and service users would require parking for vehicles which is not suitable.
 3. Congestion would be extremely difficult and I fear this would be a health and safety risk.
 4. This proposed change will be an overdevelopment of the site for this cul de sac.
 5. There is already a facility for this provision within a 1 mile radius.
 6. The comings and goings of endless shift changes will impact traffic/noise and general disturbance.
 7. There is no immediate amenities that are accessible either by walking or public transport. This means service users and staff will require use of a vehicle, again adding to the lack of parking space already available within a small cul de sac.
 8. The size of the property is an outlier, thus causing lack of privacy to surrounding properties.
-

Objection – Robert & Gail Murphy, 4 Moorcroft, Lower Darwen. Received: 02/08/2022.

My family at number 4 Moorcroft strongly object to this proposal. This is a quiet residential area close to Lower Darwen Primary School. Parking on Moorcroft is already at a premium due to families with multiple vehicles, and cannot support a business housing up to 5 families and staff. The infrastructure of Moorcroft could not cope with extra pressure of traffic.

This is a most underhanded application, having successfully applied for an extension to a residential property and now change it for this business of multiple occupation.

We have already signed the petition as have all the residents of Moorcroft.

We expect this application to be refused and the means of the application to be investigated fully to see if any planning protocols have been broken or abused.

2nd Objection – Robert & Gail Murphy, 4 Moorcroft, Lower Darwen. Received: 01/11/2022.

Regarding Planning Application 10/22/0739.

My family at number 4 Moorcroft strongly object to this proposal. Reduction from 5 families to 4 families is a nonsense.

This application should be rejected due to the deceit of the original application to extend a residential property. Moorcroft must remain a residential area. The infrastructure cannot support the extra occupants suggested.

It must be noted that building work continues at the property which suggests that the application is successful?

As you are aware a petition was signed in August by all residents of Moorcroft and some from surrounding areas to stop this application.

I also question that the size of the extension does not comply with regulations.

We still expect that this application is rejected and the property must remain a dwelling house and not a residential institution.

Objection – Mrs Lisa & Mr Neil Sumner, 27 Moorcroft, Lower Darwen, BB3 0RY. Received: 02/08/2022.

We write with reference to the planning application for change of use from a dwelling house (C3) to a residential institution (C2) at number 5 Moorcroft, Lower Darwen, BB3 0RY.

We live at the top of the cul-de-sac, outside my house already has parked cars from the neighbouring properties sometimes making it difficult to back off my drive.

We see a lot of traffic turning already, this can be difficult for the bin wagons on bin day already, this development may add to the already difficult parking conditions with the addition of 5 residents, staff supporting them and also any additional services that may need to visit. The proposed use of the property would result in materially greater levels of activity arising from comings and goings than an ordinary family home.

I work with disabilities and have noticed how difficult it is to negotiate the pavements with a wheelchair due to the amount of cars parked up on the pavements already, I am sure additional cars would make this harder, due to the width of the road it is impossible to park with all 4 wheels on the road as this **stops access for emergency vehicles**. We have local families with disabled children and I know this is a common complaint on the local forum on how difficult and dangerous it is for them to have to go out into the road with their wheelchairs, also mothers with prams. Especially with the large amount of traffic generated at School start/finish times.

In the winter months we are not on a gritting route as it stops at the local school, our cul-de-sac becomes dangerous for getting up and down especially with the hazard of parked cars. We have no access to a nearby grit bin. My main concern is the **additional traffic, noise pollution and lack of parking**.

The planning application states it will recommend staff to use local transport links, Lower Darwen has one of the worst bus services in the borough the nearest railway station is not within walking distance, so this would probably cause staff and anyone staying in the planned facility (5 occupants plus a child each) to use cars/taxis again increasing the amount of traffic to an already busy street. The size of the extension already granted is over 50% of the land the property had, this has taken over the majority of the garden, where are the parents supposed to play and interact with their children?, I don't feel there is enough outdoor space for safe play, the front is being turned into parking. The local facility set up for this type of residence (phoenix family care limited) within a 3 mile radius is set in spacious grounds away from traffic with a lot of outdoor space, this is my idea of the right type of property not one in a built up residential area. We have a facility locally and I don't feel there is a need for another one so close. We don't have a local park, the local green areas that we had are now building sites for warehousing/new builds. Children need a garden to play in this oversized extension has taken away the outdoor space needed.

I have other concerns that may not impact me directly but could be unpleasant for the other residents, anti-social behaviour by the people being monitored. Staff coming and goings additional waste created by 5 families assuming they would need industrial size bins to accommodate nappies etc most of these units are filled with young parents with children under 5 from the research I have done, with bins only being emptied once a fortnight this may cause bad smells and could attract vermin.

Should this go to a committee to be discussed I would like the opportunity to attend any such meeting to voice my concerns my contact details are above my email address is Please ensure I am added to any list for contact for the future.

Finally I have been looking into the company that is planning to use the building for the use it is a company that was registered last year, it has had no activity, it appears to be one director (the son of the lady that owns number 5)

They have stated they will have to obtain Ofsted registration after having the permission granted so they are not already in a position to use the building for the planned usage. I am a CQC registered manager and I know that getting these registrations are time consuming and difficult for the right reasons to protect the vulnerable. Too many people are trying to venture into these care establishments purely for profiteering, they don't care if the facility is right for the people using it. Had the company applying been of good stature with reviewable ratings, and a proven track record for supplying the services on the application, I may have had a slightly different opinion on their application.

I am however sceptical that this application is for the right reasons, knowing the lovely family that was evicted from the property for no fault of their own. First a planning application to extend the house to a larger size than any of the neighbouring properties, it was already a lovely family home with 5 bedrooms, the building works have only just started and now a change of use is being requested, I feel this was all intended and the owner of the house should have been honest and upfront with her original planning application giving the neighbours fair information to base their view on when the application was served, now it makes sense why there have made an oversized property.

Should they be unable to obtain the registration or recruit staff to run the facility what could happen is the house could be sold on to who knows who and for a multitude of purposes. I know you do not look at what ifs but for myself and my neighbours I worry that the classification can cover many different areas of those in need of support services. We are already over run with HMO's in the borough I see reading today's paper that a block to creating more has been imposed, due to the drain on resources and the amount of people entering the borough from other areas. I really do hope that you put a stop to this application as it's not needed or suitable in our area.

Finally if you check the title deeds for all of the properties on the development it states on the restrictive covenants.

2. not to construct or permit to be constructed any buildings on the property other than private dwellings and garages

2nd Objection – Mrs Lisa & Mr Neil Sumner, 27 Moorcroft, Lower Darwen. Received: 11/11/2022.

We write with reference to the planning application for change of use from a dwelling house (C3) to a residential institution (C2) at number 5 Moorcroft, Lower Darwen, BB3 0RY.

We live at the top of the cul-de-sac, outside my house already has parked cars from the neighbouring properties sometimes making it difficult to back off my drive.

We see a lot of traffic turning already, this can be difficult for the bin wagons on bin day already, this development may add to the already difficult parking conditions with the addition of 4 residents, staff supporting them and also any additional services that may need to visit. The proposed use of the property would result in materially greater levels of activity arising from comings and goings than an ordinary family home.

I work with disabilities and have noticed how difficult it is to negotiate the pavements with a wheelchair due to the amount of cars parked up on the pavements already, I am sure additional cars would make this harder, due to the width of the road it is impossible to park with all 4 wheels on the road as this **stops access for emergency vehicles**. We have local families with disabled children and I know this is a common complaint on the local forum on how difficult and dangerous it is for them to have to go out into the road with their wheelchairs, also mothers with prams. Especially with the large amount of traffic generated at School start/finish times.

In the winter months we are not on a gritting route as it stops at the local school, our cul-de-sac becomes dangerous for getting up and down especially with the hazard of parked cars. We have no

access to a nearby grit bin. My main concern is the **additional traffic, noise pollution and lack of parking.**

The planning application states it will recommend staff to use local transport links, Lower Darwen has one of the worst bus services in the borough the nearest railway station is not within walking distance, so this would probably cause staff and anyone staying in the planned facility (4 occupants plus a child each) to use cars/taxis again increasing the amount of traffic to an already busy street. The size of the extension already granted is over 50% of the land the property had, this has taken over the majority of the garden, where are the parents supposed to play and interact with their children?, I don't feel there is enough outdoor space for safe play, the front is being turned into parking. The local facility set up for this type of residence (phoenix family care limited) within a 3 mile radius is set in spacious grounds away from traffic with a lot of outdoor space, this is my idea of the right type of property not one in a built up residential area. We have a facility locally and I don't feel there is a need for another one so close. We don't have a local park, the local green areas that we had are now building sites for warehousing/new builds. Children need a garden to play in this oversized extension has taken away the outdoor space needed.

I have other concerns that may not impact me directly but could be unpleasant for the other residents, anti-social behaviour by the people being monitored. Staff coming and goings additional waste created by 4 families assuming they would need industrial size bins to accommodate nappies etc most of these units are filled with young parents with children under 5 from the research I have done, with bins only being emptied once a fortnight this may cause bad smells and could attract vermin.

I also have concerns that the people responsible for providing services within this development have no proven track record, have yet to gain Ofsted approval, we have questioned their motives from the day this house started being developed at such a grand scale, with constant changes to the planning applications.

Many thanks for taking our views into account.

Objection – John Ashurst, 3 Moorcroft, Lower Darwen, BB3 0RY. Received: 03/08/2022.

My wife and I live adjacent to the proposed change of use property and it was in fact my daughter and family who were evicted from number 5 to allow this proposal to go forward, it was stated by the owners at the time of the serving of the section 21 that they needed the house for their son and family to live in, apparently not the case.

We took a balanced approach to the original planning application though I did object that for such a large property there was a lack of car parking provision. Parked cars in Moorcroft can be already challenging and it is usual for access to be restricted with parked cars on the road, this proposal can only make the situation substantially worse as the 4 designated spaces now allocated is, in my opinion, totally inadequate for the traffic an institution such as this is likely to generate.

Parked cars on Moorcroft already make it difficult for pram users or people with disabilities, something that can only get much worse if this planning application is successful. Emergency vehicles must also be considered given that we already suffer from restricted access at times which, if traffic/parking volumes increase, could result in a life threatening situation.

We are also concerned about potentially the number of visitors there may be to the institution should it go forward, fathers and family members along with health professionals and other official persons etc. In any event if the facility is working on a 3 shift system 24/7 there will be staff changeovers at anti-social hours which will no doubt result in disturbance to the people living close to No 5.

The supporting brochure that accompanies the application is in my view a very good PR exercise but is totally without merit, it says all the right things but does not offer a shred of evidence of experience of running such an establishment.

The company says it has a robust policy on drug and alcohol use and will remove anyone who does not comply, fine words but if they have never run a facility I find it difficult to believe they can deliver on this promise. They also say they will apply for Ofsted registration but again where is the evidence they have experience in this field.

Likewise the statements that the residents will use public transport and facilities does not wash as there is little public transport in Lower Darwen.

The whole document is professionally written the problem is I feel it is what the council want to hear rather than being based on factual evidence. I personally do not believe it.

This company was only set up last year, it is a reasonable assumption that they do not have any experience in this field and this planning application is seen as a lucrative enterprise that in all probability would be sold on if planning permission is granted.

Frankly, the way this has been handled right from the start leaves a very nasty taste as I cannot trust anything they have stated in their PR document or what they now say.

In short I feel that this proposal would lead to an unacceptable increase of activity around the property and for this reason the application should be rejected.

Finally, the title deeds to properties on Moorcroft have a restrictive covenant which does not allow any buildings other than private dwellings and garages to be constructed.

2nd Objection – John Ashurst, 3 Moorcroft, Lower Darwen. Received: 10/11/2022.

My wife and I live adjacent to the proposed change of use property and it was in fact my daughter and family who were evicted from number 5 to allow this proposal to go forward, it was stated by the owners at the time of the serving of the section 21 that they needed the house for their son and family to live in, apparently not the case.

We took a balanced approach to the original planning application though I did object that for such a large property there was a lack of car parking provision. Parked cars in Moorcroft can be already challenging and it is usual for access to be restricted with parked cars on the road, this proposal can only make the situation substantially

worse as the 4 designated spaces now allocated is, in my opinion, totally inadequate for the traffic an institution such as this is likely to generate.

Having now seen the scale of the extension being constructed, under the original planning application, I would certainly have objected that this is overdeveloping the site and is not in keeping with other properties in the area. In addition, there is now very little rear garden space.

Parked cars on Moorcroft already make it difficult for pram users or people with disabilities, something that can only get much worse if this planning application is successful. Emergency vehicles must also be considered given that we already suffer from restricted access at times which, if traffic/parking volumes increase, could result in a life threatening situation.

We are also concerned about potentially the number of visitors there may be to the institution should it go forward, fathers and family members along with health professionals and other official persons etc. In any event if the facility is working on a 3 shift system 24/7 there will be staff changeovers at anti-social hours which will no doubt result in disturbance to the people living close to No 5.

The supporting brochure that accompanies the application is in my view a very good PR exercise but is totally without merit, it says all the right things but does not offer a shred of evidence of experience of running such an establishment.

The company says it has a robust policy on drug and alcohol use and will remove anyone who does not comply, fine words but if they have never run a facility I find it difficult to believe they can deliver on this promise. They also say they will apply for Ofsted registration but again where is the evidence they have experience in this field.

Likewise the statements that the residents will use public transport and facilities does not wash as there is little public transport in Lower Darwen. The accompanying document even states that *“Darwen town centre is 5-10 minutes away by car and there’s easy access to local parks and the wider countryside of the West Pennine Moors, including areas such as Blacksnape recreational area and countryside areas of immense beauty and scenery.”*

The whole document is professionally written the problem is I feel it is what the council want to hear rather than being based on factual evidence. I personally do not believe it.

This company was only set up last year, it is a reasonable assumption that they do not have any experience in this field and this planning application is seen as a lucrative enterprise that in all probability would be sold on if planning permission is granted.

Frankly, the way this has been handled right from the start leaves a very nasty taste as I cannot trust anything they have stated in their PR document or what they now say.

In short, I feel that this proposal will lead to an unacceptable increase of activity around the property and for this reason the application should be rejected.

Finally, the title deeds to properties on Moorcroft have a restrictive covenant which does not allow any buildings other than private dwellings and garages to be constructed.

Objection – Paul Eatwell, 8 Briarcroft, Lower Darwen. Received: 03/08/2022

I write in response to your recent letter regarding the Planning Application under consideration for number **5 Moorcroft, Lower Darwen, BB3 0RY** for the change of use from a dwellinghouse (Use Class C3) to a residential institution (Use Class C2) to house up to five families – parent(s) and one child – for 12 week durations, to allow ‘Residential Parenting Assessments’.

Use Class C3, which currently applies to the residential properties in the developments off Milking Lane in Lower Darwen (i.e. the area surrounding the property referred to in the planning application) is defined as a dwelling house, flat, apartment etc. (whether or not as main residence) by a single person or by people to be regarded as forming a single household with no more than 6 residents.

The scale of the change proposed in this application is completely at odds with the residential area in which the property is situated, changing a building intended for use by a single family of no more than 6 residents, situated on a small plot in a residential area to one occupied by up to 10 or more residents and 10 staff, obscuring current gardens, both front and rear and adversely impacting the amenity of the adjoining properties and the surrounding area. The prospect of opening up the area to commercial development is also somewhat alarming.

The area is poorly served by public transport with only a very limited bus service in Lower Darwen and no access to rail links within walking distance. The area also lacks any easily accessible parks, playing fields or green spaces and the area is surrounded by warehouses and industrial units.

There is no local supermarket, only a small village shop and a local petrol station. There is a small coffee shop and two takeaway food shops but nowhere within easy walking distance for residents to meet or socialise with their visiting friends and relatives or simply to spend time outside of the proposed institution.

There is no local Doctor’s surgery or other healthcare facility within easy walking distance and the nearest chemist is over a mile away.

In addition, the property is in an area where parking is already under pressure from existing residents, the local school and the proposed development of additional residential properties in the Millbank Road/Milking Lane area so any additional pressure brought about by staff and visitor parking is likely to have a detrimental effect on the area.

As a Family Judge sitting in the Lancashire Family Courts, there is also the potential for conflict in the event that any families whose cases that I have dealings with are referred to the assessment facility so close to where I live.

Given the scale of the works proposed to expand the property, the impact on adjoining properties and the local area, the dearth of existing local facilities and the poor transport links – in terms of the limited number of services and the hours during which those services operate – I do not believe that the change of use applied for is either appropriate or sustainable.

I therefore object to the planning application.

2nd Objection – Paul Eatwell, 8 Briarcroft, Lower Darwen. Received: 03/11/2022.

I write in response to your recent letter regarding an amendment to the Planning Application under consideration for number **5 Moorcroft, Lower Darwen, BB3 0RY** for the change of use from a dwellinghouse (Use Class C3) to a residential institution (Use Class C2) to house up to four (instead of the original 5) families – parent(s) and one child – for 12 week durations, to allow ‘Residential Parenting Assessments’.

I have looked at the Council’s planning website and the only amendment that I can see is a reduction by one in the number of families to be accommodated in the proposed institution. This amendment makes no material difference to the substance of the proposed change of use, its dependence on local services and infrastructure nor to the likely impact on the surrounding area.

On that basis my objection to the granting of the requested change of use for the property remains as stated in my original objection letter dated 3rd August 2022, albeit with 2 fewer residents.

Use Class C3, which currently applies to the residential properties in the developments off Milking Lane in Lower Darwen (i.e. the area surrounding the property referred to in the planning application) is defined as a dwelling house, flat, apartment etc. (whether or not as main residence) by a single person or by people to be regarded as forming a single household with no more than 6 residents.

The scale of the change proposed in the application is completely at odds with the residential area in which the property is situated, changing a building intended for use by a single family of no more than 6 residents, situated on a small plot in a residential area to one occupied by up to 8 or more residents and 10 staff, obscuring current gardens, both front and rear and adversely impacting the amenity of the adjoining properties and the surrounding area. The prospect of opening up the area to commercial development is also somewhat alarming.

The area is poorly served by public transport with only a very limited bus service in Lower Darwen and no access to rail links within walking distance. The area also lacks any easily accessible parks, playing fields or green spaces and the area is surrounded by warehouses and industrial units.

There is no local supermarket, only a small village shop and a local petrol station. There is a small coffee shop and two takeaway food shops but nowhere within easy walking distance for residents to meet or socialise with their visiting friends and relatives or simply to spend time outside of the proposed institution.

There is no local Doctor's surgery or other healthcare facility within easy walking distance and the nearest chemist is over a mile away.

In addition, the property is in an area where parking is already under pressure from existing residents, the local school and the proposed development of additional residential properties in the Millbank Road/Milking Lane area so any additional pressure brought about by staff and visitor parking is likely to have a detrimental effect on the area.

As a Family Judge sitting in the Lancashire Family Courts, there is also the potential for conflict in the event that any families whose cases that I have dealings with are referred to the assessment facility so close to where I live.

Given the scale of the works already in progress to extend the property, the impact on adjoining properties and the local area, the dearth of existing local facilities and the poor transport links – in terms of the limited number of services and the hours during which those services operate – I do not believe that the change of use applied for is either appropriate or sustainable.

I therefore object to the planning application.

Objection – Paul Tomlinson, 55 Milking Lane, Lower Darwen. Received: 03/08/2022 & 09/11/2022.

I would like to most strongly appeal against the planning application for 5 Moorcroft, Lower Darwen BB3 0RY for the following reasons...

- (1) it is not appropriate for problem/unbalanced children to be housed in a residential area such as ours. it is a quiet family area with lots of small children and Grandchildren playing outside and this would put them at significant risk from unsavory out of control children.
- (2) There will be obviously staff, medical workers, social workers and visitors which will require extra parking which in turn will cause problems for residents parking.
- (3) I do not want to look out of my bedroom window and see a big ugly extension instead of nice gardens which is the norm for my area.
- (4) I believe there has been comment that visitors and staff and medical workers will be able to use public transport but in actual fact there is no train or bus service to Lower Darwen so that would not be the case.
- (5) I also feel that our area is purely residential and businesses should not be allowed to operate from residential buildings.

NB...why have they started building ? (i would like a response via email about this point) the foundations have been put in and walls are already above head height ,surely this is not the correct procedure when planning permission has only just been applied for. In fact there are substantial rumor's going round that the owner of the residence in question works for the Blackburn with Darwen planning dep't. If this is the case it is very a unprofessional and corrupt way to run a department.

Objection – Zoe & Mark Percival, 21 Moorcroft, Lower Darwen. Received: 04/08/2022

We would like to formally lodge our objection to the above planning application at number 5 Moorcroft.

As a resident of Moorcroft and one with young children I don't feel that this is the right place for an assessment unit of this nature.

Whilst we are not against the idea of this sort of place I don't feel that this is the area for it at all. There is one less than a mile away better suited to provide the amenities that would be beneficial to the people using it. It's in a secure location one with no immediate neighbouring homes. This isn't what Moorcroft can provide.

We have no direct bus route, the nearest being either the bottom end of Branch Road or just off Junction 4 near to Darwen Vale high school.

No direct train service, the nearest Darwen town centre or Blackburn this would then mean taxis would have to be used, increasing traffic on the street!

The amount of cars mentioned in the application would ultimately increase the amount of traffic using Moorcroft.

Living at the top of a turn around point on the road we have seen near misses from the taxis and other people such as bin wagons, delivery vehicles and residents due to the lack of turning space. If 4 cars, as set out on the plan, are likely to be used for the assessment unit what's to say that it's just 4?! It's already incredibly hard to get up the road at quieter times. If emergency services need to get to the top of the road, which they would no doubt find difficult now, adding another 4 cars/plus this would then put people in danger as it would restrict the road further than it already is due to residents parking at the ends and along the road, this ultimately takes the road down to a single vehicle road!

My daughter has a friend that is wheelchair bound, he comes to call for my daughter to go and play and he lives just up the road from us on Milking Lane and he finds that negotiating the parked cars which take up 3/4 of the path are forcing him onto the road. The extra cars and traffic would put people like him at further risk and surely that's not something you can allow to happen?? Our children play out on the street and the added traffic would put them at risk of being hurt due to the reduction of space and the extra traffic on the street.

What about the use of commercial bins and the added risk of vermin being attracted??

What about the noise coming from the unit?? There's no way upto 10 families with babies wouldn't increase the noise inflicted on those directly next to the house.

Where are the families meant to play with the children? The house has almost no back garden and we have no useable park or play group or green space for that matter as it's all due to be built on!!

The fact that Police was mentioned in the plans has me worried as it is already assuming that there could be issues with regards to violence! This does not fill me with confidence that my children wouldn't be exposed to it and this would impact their freedom and independence as I wouldn't want them walking passed No.5 without us being with them!

I recent news article in a local paper has already compromised the ability of the unit to remain confidential as its now public knowledge of it's possible address this in itself leaves the residents and any person using it at risk!

The house itself shouldn't be being extended on the ground of business purposes as it states in the deeds of our homes for Residential use only, which No.5 will no longer be regardless of how you word it. No.5 had told residents that it was being extended for family use but just was clearly not the cases.

As I mentioned above in my email I and my family doesn't feel a street as small and compact as Moorcroft is the right street or area for a unit of this nature to be set up.

2nd Objection – Zoe & Mark Percival, 21 Moorcroft, Lower Darwen. Received: 11/11/2022.

As a resident of Moorcroft and one with young children I don't feel that this is the right place for an assessment unit of this nature, whether it be registered as residential or used under a business name.

I for one don't feel comfortable with it being on this street and being run by people who seem to be using very underhanded tactics to be able to get the change of use pushed through without the residents of the street being aware of it.

What does that say about the people wanted to run this particular business? For me it says untrustworthy! And in a residential area you need to be able to have some sort of trust in your neighbourhood that if needed to can count on them for help, that isn't happening here.

Whilst we are not against the idea of this sort of place I don't feel that this is the area for it at all. There is one less than a mile away better suited to provide the amenities that would be beneficial to the people using it. It's in a secure location one with no immediate neighbouring homes. This isn't what Moorcroft can provide.

We have no direct bus route, the nearest being either the bottom end of Branch Road or just off Junction 4 near to Darwen Vale high school.

No direct train service, the nearest Darwen town centre or Blackburn this would then mean taxis would have to be used, increasing traffic on the street!

The amount of cars mentioned in the application would ultimately increase the amount of traffic using Moorcroft.

Living at the top of a turn around point on the road we have seen near misses from the taxis and other people such as bin wagons, delivery vehicles and residents due to the lack of turning space. If 4 cars, as set out on the plan, are likely to be used for the assessment unit what's to say that it's just 4?! It's already incredibly hard to get up the road at quieter times. If emergency services need to get to the top of the road, which they would no doubt find difficult now, adding another 4 cars/plus this would then put people in danger as it would restrict the road further than it already is due to residents parking at the ends and along the road, this ultimately takes the road down to a single vehicle road!

My daughter has a friend that is wheelchair bound, he comes to call for my daughter to go and play and he lives just up the road from us on Milking Lane and he finds that negotiating the parked cars which take up 3/4 of the path are forcing him onto the road. The extra cars and traffic would put people like him at further risk and surely that's not something you can allow to happen?? Our children play out on the street and the added traffic would put them at risk of being hurt due to the reduction of space and the extra traffic on the street.

What about the use of commercial bins and the added risk of vermin being attracted??

What about the noise coming from the unit?? There's no way upto 10 families with babies wouldn't increase the noise inflicted on those directly next to the house.

Where are the families meant to play with the children? The house has almost no back garden and we have no useable park or play group or green space for that matter as it's all due to be built on!!

The fact that Police was mentioned in the plans has me worried as it is already assuming that there could be issues with regards to violence! This does not fill me with confidence that my children wouldn't be exposed to it and this would impact their freedom and independence as I wouldn't want them walking passed No.5 without us being with them!

I recent news article in a local paper has already compromised the ability of the unit to remain confidential as its now public knowledge of it's possible address this in itself leaves the residents and any person using it at risk!

The house itself shouldn't be being extended on the ground of business purposes as it states in the deeds of our homes for Residential use only, which No.5 will no longer be regardless of how you word it. No.5 had told residents that it was being extended for family use but just was clearly not the cases.

I know of another Residential childrens care home (higher feniscowles farm) that was turned down last year! Surely this can't be passed on the same grounds. Unsuitable for the area!

As I mentioned above in my email I and my family doesn't feel a street as small and compact as Moorcroft is the right street or area for a unit of this nature to be set up.

Objection – Mrs Lynette & Mr John Gillibrand, 6 Moorcroft, Lower Darwen, BB3 0RY. Received: 11/08/2022

5 Moorcroft, Lower Darwen, BB3 0RY change of use from a dwellinghouse (use Class C3) to a residential institution (use Class C2) to house up to five families – parent(s) and one child – for 12 weeks durations, to allow 'Residential Parenting Assessments'

We OBJECT to the above planning application on the following grounds:

- 1) Inadequate parking provision/traffic control/highway safety concerns – there is already limited on-road parking at Moorcroft much of which is already utilised by residents. Inadequate parking provision (4 spaces) in the supplied proposal is likely to result in additional on-road parking having a negative impact on the accessibility to properties and resident's driveways, this will also be compounded by the necessity of a drop curb to enable 2 of the planned parking spaces in the area to the side of the current driveway. Increased travel up and down the road for turning at the top of the cul-de-sac will increase traffic and disruption to residents. Many families on the cul-de-sac have small children (of which 5 young children reside in the 2 houses directly opposite at No. 6 and No. 8), for which additional traffic will increase potential for accidents, or impact the ability for families to feel that this is safe for children to play out. Although the proposal states that workers will be encouraged to car share, there needs to be acknowledgement that car sharing is very rarely successfully implemented, with 3 staff on shift at any one time, access required by midwifery and health visiting staff, social care workers, other relevant health and social care professionals and possibly visitors, it is unlikely that residents will not be impacted by the increased traffic and parking. Moorcroft has already seen an increase in parking from non-residents for school drop off and collections due to the proximity with Lower Darwen Primary School following the expansion to two forms per year group, there has also been a shift in parking from the bottom of Milking Lane following the opening of the new link road (Millbank Road) which is also impacting the cul-de-sac.

- 2) The homes on Moorcroft are Leasehold, and in the restricted covenants it states 'Not without consent in writing of the Vendor to permit any building for the time being on the Property to be used otherwise than as a private dwelling' the change to a residential institution is in conflict with the terms of the leasehold agreement.

Under Section 191 of the Town and Country Planning Act 1990 (Amended) evidence needs to be supplied in support of the application to justify on the balance of probability use by the specified number of residents at any one time. The proposal states that there may be 2 parent families accommodated from time to time, as this was originally proposed as a parental assessment unit with 5 single parents and their children, the ambiguity introduced by specifying that there may on occasion be 2 parents per child can significantly increase the numbers of people residing in this house at any one time.

- 3) Due to the nature of shift work the proposed use of the property will cause increased disruption to families during shift changes overnight, greater level of activity resulting from comings and goings associated with visits and daytime shift changes, than an ordinary family home.
- 4) Lack of stated infrastructure and facilities - The proposal from Gryffin House states that families are unlikely to have access to a vehicle, however states that the area is well served by local rail the nearest of which is not within walking distance and would require a taxi if not utilising a vehicle (approx. 2 miles). Recreational areas would be inaccessible without a vehicle – Blacksnappe (approx. 2 miles). Community resources specified as libraries, places of worship, charities, children's centres are limited in the local area without use of a vehicle, and the majority of which cannot be found in Lower Darwen at all. Nor does Lower Darwen benefit from a high level and well served public transport provision, which would result in the use of taxis, again adding to traffic concerns.
- 5) Query the requirement of C2 type of provision in Lower Darwen, when another unit is already situated in the area providing the same service – Phoenix Care is approximately 1 mile away and already experiences periods where not at capacity, however standard of provision and facilities available for families are more suitable. There are large garden grounds for parents to spend time, and recreate in, there is no such provision at 5 Moorcroft, as the current extension which is underway has removed the majority of the garden space which will result in little to no outdoor space for recreation. This will result in impact to residents.
- 6) No previous record of running this type of institution, nor currently Ofsted regulated. We are concerned of the suitability and safety of the level of provision that will be provided directly opposite our home.

- 7) Antisocial behaviour – concerns that there will be an increase in anti-social behaviour resulting from parents who come to Gryffin House under stressful circumstances to have parenting abilities assessed. Potential negative impact on Moorcroft residents and families being exposed to behaviour of this nature when this is not currently a problem in this community. Plans to mask the location to prevent unwanted visitors, may already be compromised due to reporting in the Lancashire Evening Telegraph in terms of these proposals stating the road name.
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2nd Objection – Mrs Lynette & Mr John Gillibrand, 6 Moorcroft, Lower Darwen, BB3 0RY. Received: 10/11/2022.

I have again referenced below our objections to the above planning application (which I have also attached).

I would also like to add that as residents we are incredibly disappointed to have to object again to what is essentially the same application (change of usage) for 1 less family, without having received a decision from the council planning department for the original application.

5 Moorcroft, Lower Darwen, BB3 0RY change of use from a dwellinghouse (use Class C3) to a residential institution (use Class C2) to house up to four families – parent(s) and one child – for 12 weeks durations, to allow ‘Residential Parenting Assessments’ (10/22/0739).

We OBJECT to the above planning application on the following grounds:

Inadequate parking provision/traffic control/highway safety concerns – there is already limited on-road parking at Moorcroft much of which is already utilised by residents. Inadequate parking provision (4 spaces) in the supplied proposal is likely to result in additional on-road parking having a negative impact on the accessibility to properties and resident’s driveways, this will also be compounded by the necessity of a drop curb to enable 2 of the planned parking spaces in the area to the side of the current driveway. Increased travel up and down the road for turning at the top of the cul-de-sac will increase traffic and disruption to residents. Many families on the cul-de-sac have small children (of which 5 young children reside in the 2 houses directly opposite at No. 6 and No. 8), for which additional traffic will increase potential for accidents, or impact the ability for families to feel that this is safe for children to play out.

Although the proposal states that workers will be encouraged to car share, there needs to be acknowledgement that car sharing is very rarely successfully implemented, with 3 staff on shift at any one time, access required by midwifery and health visiting staff, social care workers, other relevant health and social care professionals and possibly visitors, it is unlikely that residents will not be impacted by the increased traffic and parking. Moorcroft has already seen an increase in parking from non- residents for school drop off and collections due to the proximity with Lower Darwen Primary School following the expansion to two forms per year group, there has also been a shift in parking from the bottom of Milking Lane following the opening of the new link road (Millbank Road) which is also impacting the cul-de-sac.

The homes on Moorcroft are Leasehold, and in the restricted covenants it states ‘Not without consent in writing of the Vendor to permit any building for the time being on the Property to be used otherwise than as a private dwelling’ the change to a residential institution is in conflict with the terms of the leasehold agreement.

Under Section 191 of the Town and Country Planning Act 1990 (Amended) evidence needs to be supplied in support of the application to justify on the balance of probability use by the specified number of residents at any one time. The proposal states that there may be 2 x 2 parent families accommodated from time to time resulting in the possibility of 10 accommodated residents. This unit is proposed as a parental assessment unit with 4 single parents and their children, the ambiguity introduced by specifying that there may on occasion be 2 parents per child can significantly increase the numbers of people residing in this house at any one time, and an increase in visitation. Despite the amendment to reduce the plan from 5 families to 4 this will make little to no difference in terms of a reduction in the expected traffic or disruption due to visitation.

Due to the nature of shift work the proposed use of the property will cause increased disruption to families during shift changes overnight, greater level of activity resulting from comings and goings associated with visits and daytime shift changes, than an ordinary family home.

Lack of stated infrastructure and facilities - The proposal from Gryffin House states that families are unlikely to have access to a vehicle, however states that the area is well served by local rail the nearest of which is not within walking distance and would require a taxi if not utilising a vehicle (approx. 2 miles). Recreational areas would be inaccessible without a vehicle – Blacksnape (approx. 2 miles). Community resources specified as libraries, places of worship, charities, children's centres are limited in the local area without use of a vehicle, and the majority of which cannot be found in Lower Darwen at all. Nor does Lower Darwen benefit from a high level and well served public transport provision, which would result in the use of taxis, again adding to traffic concerns.

Query the requirement of C2 type of provision in Lower Darwen, when another unit is already situated in the area providing the same service – Phoenix Care is approximately 1 mile away and already experiences periods where not at capacity, however standard of provision and facilities available for families are more suitable. There are large garden grounds for parents to spend time, and recreate in, there is no such provision at 5 Moorcroft, as the current extension which is underway has removed the majority of the garden space which will result in little to no outdoor space for recreation. This will result in impact to residents.

No previous record of running this type of institution, nor currently Ofsted regulated. We are concerned of the suitability and safety of the level of provision that will be provided directly opposite our home.

Antisocial behaviour – concerns that there will be an increase in anti-social behaviour resulting from parents who come to Gryffin House under stressful circumstances to have parenting abilities assessed. Potential negative impact on Moorcroft residents and families being exposed to behaviour of this nature when this is not currently a problem in this community. Plans to mask the location to prevent unwanted visitors, may already be compromised due to reporting in the Lancashire Evening Telegraph in terms of these proposals stating the road name.

Objection – Alan & Kerry Clayton, 11 Moorcroft, Lower Darwen, BB3 0RY. Received: 12/08/2022 & 09/11/2022

We would like to add our objections to 5 Moorcroft BB30RY - Change of use.

We are sure you will have received many objections regarding this property so we shall keep this email short and to the point.

We are concerned regarding the following issues

- Extra traffic - There will be extra traffic/cars from different services - social services/ staff/ taxis - lots of young children like to play out on Moorcroft and I am concerned regarding their safety
- Amenities - There are no areas to walk/ play and no parks and the bus route is poor.
- Parking - this is quite a small close and already is congested with cars, as many of the residents have 2 or more cars and that is before extra traffic.
- Not suitable for residential area
- Noise disruption - Moorcroft is a quiet close and that is why we chose to live here
- Bins - Surely with so many families will need big bins that I know are collected at different hours, causing more disruption and noise and traffic.

This extension leaves these poor families no garden. As a Mum and EYFS teacher myself I know how important it is to have fresh air and time outside with my children. These young mothers need a lovely big garden so they can bond with their children.

Also as part of our deeds this development is that they are private dwelling housing for one household and not to be used for business. Another reason why this should not be approved.

Please consider this opposition with the highest urgency.

Objection – Anonymous. Received: 15/08/2022.

We would like to lodge our objection to the above planning application at number 5 Moorcroft.

Whilst we are not against the idea of this kind of facility there is one already a short distance away and the area of Moorcroft just is not the right place for another. Does this not also need OFSTED approval? What if they do not get this could it be turned into something else? Have this company had a experience in running this type of facility?

We live at the top of Moorcroft and we already have an issue with traffic on the street. We worry a lot that if we needed a fire engine or an ambulance that they would not be able to get up to us. Residents from further down need to park up near us as there is already not enough room. So adding this facility would increase the traffic considerably as we are not on a bus route so cars would be required. Adding to this the extra cars on milking lane with the school and the increased cars when the new houses are built would make the area even more dangerous than it is now.

We have 2 children, our 13 year old gets off the bus from school (outside oakenhurst because as

mentioned we are not on a bus route) then has to walk all the way up and will have to walk past this property, can I be assured that my child will be safe when walking past? I don't think I can as on the application it mentions police which is a red flag to me. We also have a 6 year old who goes to the local school, we obviously walk but that comes with danger due to the traffic so would be the same on our small street as people would park on the pavement as the road isn't wide enough to double park meaning we would need to walk on the road with her.

There are a lot of children and elderly residents on Moorcroft both I am sure will be disturbed by the increased noise that will come from the new property with the greater activity than that of a family home (which residents thought it was originally planned to be).

Alongside the increased traffic and noise, there will be a need for industrial bins (where would these go) which could lead to vermin being attracted to the area which is also dangerous. The house has no back garden due to the extension so where are the parents supposed to go? We have lost any green space, there are no parks, no shops unless you want a decent walk, no bus route for them to go anywhere. So unfortunately Moorcroft is not the right area for this type of proposal.

On a last note it says on all our house deeds that we are only allowed to make improvements to our houses for residential purposes which number 5 will not be.

Thank you for taking the time to read this, we are so upset by this proposal on this tiny street that we had to contact you.

2nd Objection – Anonymous. Received: 09/11/2022.

We would like to lodge our objection to the above planning application at number 5 Moorcroft. Whilst we are not against the idea of this kind of facility there is one already a short distance away and the area of Moorcroft is not the right place for another. The one near jct 4 is great with open space and surroundings.

We live at the top of Moorcroft and we already have an issue with traffic on the street. We worry a lot that if we needed a fire engine or an ambulance that they would not be able to get up to us. Residents from further down need to park up near us as there is already not enough room. So adding this facility would increase the traffic considerably as we are not on a bus route so cars would be required. Adding to this the extra cars on milking lane with the school and the increased cars when the new houses are built would make the area even more dangerous than it is now.

We have 2 children, our 13 year old gets off the bus from school (outside oakenhurst because as mentioned we are not on a bus route) then has to walk all the way up and will have to walk past this property, can I be assured that my child will be safe when walking past? On the application it mentions police which is a red flag to me. We also have a 6 year old who goes to the local school, we obviously walk but that comes with danger due to the traffic so would be the same on our small street as people would park on the pavement as the road isn't wide enough to double park meaning we would need to walk on the road with her.

There are a lot of children and elderly residents on Moorcroft both I am sure will be disturbed by the increased noise that will come from the new property with the greater activity than that of a family home (which residents thought it was originally planned to be).

The house has no back garden due to the extension so where are the families supposed to go? We have lost any green space, there are no parks, no shops unless you want a decent walk, no bus route for them to go anywhere. So unfortunately Moorcroft is not the right area for this type of proposal.

On a last note it says on all our house deeds that we are only allowed to make improvements to our houses for residential purposes which number 5 will not be.

Objection – S & W Fielding, 10 Moorcroft, Lower Darwen. Received: 15/08/2022.

We along with other residents registered our objections to the initial planning application (10/21/1200). We had a meeting with Nick Blackledge on the 31/11/2021 to discuss aspects of the planning application and the extent of the proposed building alterations.

At the meeting Mr Blackledge clarified the plans and the extent of the work. However, we were still concerned about the extensive alterations and the increased footprint of the house after the alterations which rendered the house out of kilter with all the other houses in the area.

The housing on the cul-de sac of Moorcroft and in all the surrounding developments in the area of Milking Lane, of which there have been many and indeed more planned around the Millbank Road area have always been essentially for **3 /4 bedroom residential housing**.

I quote from my original objection to planning permission date 15 /11/2021

I question the need for such extensive alterations generating numerous extra rooms and bathrooms is this property purely for residential use or is it planned to become an investment property for example a house of multiple occupancy.

When these comments were raised Mr Blackledge assured us that the planning application was only for residential purposes and this house was for family use and in fact it was the son of the owner who was going to live in the house. We were also informed that any applications for HMO's were not being granted in this area.

Other concerns regarding access parking etc lack of amenities in the area i.e., bus route, shops, doctors etc. were voiced at the time.

Subsequently despite our objections planning for the proposed building extension for 5 MOORCROFT for use as a residential property was passed.

PROPOSED CHANGE OF USE

This is a residential development and the whole of the Milking Lane area is an area of residential buildings.

The development was built in 1989 and in the original leasehold agreement it is stated and I quote

No building erected on the property shall be used otherwise than as a private house or as an outbuilding of a private house or as a garage.

So may I assume this is still in place or has it been waived and if so by who and why have we not been notified.

It is quite obvious that the plan all along was never, after the alterations, to use this house as a residential property, as the original plans have not been substantially adjusted to facilitate this change of use.

Also, the alterations are still taking place and the house has never been occupied i.e., used for residential purposes at all since planning permission was granted.

It is apparent that the original plan should have reflected the change from a family residential home to a BUSINESS as this was quite obviously the true original plan.

The company planning to operate this development i.e. GRYFFIN HOUSE has only just registered as a business and has no experience in running a venture of this size and nature.

There will be an obvious increase in traffic in the area caused by these changes i.e., visitors and staff coming and going or any required visits for assessments by health or other care professionals as required. Moorcroft has already experienced problems with access for emergency vehicles. I myself needed an ambulance and had to wait 30 mins while access was firstly gained passed the school and then into Moorcroft itself could be made.

MILKING LANE in particular already has high volumes of traffic at various times because of activities at the school. MOORCROFT itself has its own parking problems and being a cul-de-sac requires free access in both directions. The turnaround at the top of the road can become congested as this is as become the overspill area for parking.

This area at the top of the road is also used to provide access at all times to the RAILWAY network vehicles for any maintenance /repairs. These repairs can sometimes be extensive requiring a number of vehicles and staff and can take a number of days .

The location of the property is not serviced by public transport and the only transport available is by car or taxi. The nearest bus route is 0.5 miles away and railway station 2 miles away. The nearest corner shops etc are 0.5 miles away, supermarket 1.5/2.0 miles away, Darwen /Blackburn town centres 2/3 miles away. Access to local parks or the countryside would only be available by car or taxi.

As the proposed operation is to be carried out on a 24/7 basis, along with the increased traffic there will be more activity and particularly noise from changeover of staff and other activities during unsocial hours which will be disruptive and abnormal for this area.

Looking at the plans, once the alterations are complete there is a dramatic reduction in outside space i.e. the garden area available for recreation/exercise use, especially with the proposed increase in people using the premises.

Presumably with the increase in personnel at the property there will be an increase in the **volume of waste** either involving larger waste receptacles (with no area for storage on the plans) or more frequent collection adding to further traffic and noise concerns.

The young mothers in this residential care facility will be completely isolated having no easy contact with the local amenities or community as everything is some considerable distance from the home and the only access is via car/taxi.

If this type of home is required, would it not be better to build a purpose built facility that is fit for purpose, run by the council, rather than a converted residential dwelling operating as a BUSINESS.

I hope you take these points into consideration when making your decision concerning change of use application and we will be pleased to attend any planning meeting etc to clarify these points.

2nd Objection – S Fielding, 10 Moorcroft, Lower Darwen. Received: 08/11/2022.

Thank you for your recent letter detailing the amendment to the change in the planning application for 5 Moorcroft Lower Darwen.

In essence changing the initial plan to house 5 families to now accommodate 4 families.

Firstly, it is amazing this change has arisen at such a late stage. It suggests that not enough detailed consideration was given to the original change of use application.

Especially when the original plan was just to extend the house for residential use.

However, this recent amendment in the Planning Application does not alter the basis of our objection detailed in the letter to you for consideration on the 17 /08/2022. Therefore, I reattach my objection to be considered along with these comments

Could you please acknowledge receipt of this objection

Objection – Lucie Higham, 57 Milking Lane, Lower Darwen. Received: 15/08/2022.

I am writing to object to the planning application REF 10/22/0739 – Change of use from a dwelling to a residential institution, 5 Moorcroft. I feel it will have an adverse effect on my home for a number of reasons:

The current house is in a small cul-de-sac with a very small driveway and with the number of families and staff due to live or work there, there is clearly a lack of adequate and safe parking and I am concerned from a highway safety and increased traffic point of view. There is a limited bus service to the village of Lower Darwen so it is highly likely they will be travelling by car or taxi. There are lots of young families in the street and neighbouring streets so I am concerned from a highway safety point of view about such an increase in traffic in a small cul de sac, especially as we already have a high level of traffic and safety concerns due to the school on Milking Lane.

The change of use is only possible due to the large extension which is being built at the property which is wholly unsuitable and not within keeping of the neighbouring area. It is quite large and unsightly, taking up most of the back garden space. It clearly represents an overdevelopment of the site. If the site was appropriate, it would not need to be doubled in size.

I am surprised that we were not notified about the plans to build the extension as I would have objected. It is a huge extension which doubles the size of the house and takes up most of the back garden, clearly not in line with the look, feel and design of new build houses. I feel that my privacy will be affected detrimentally as the residents will overlook my property and be able to see directly into my bedroom and back garden as they will be in a much closer proximity.

The application says there is no loss of non-residential floor space but the extension is taking up the majority of the garden. New build houses like the ones in this area are traditionally not very big inside so it is impossible to see how that many people can live inside.

On a separate note, I think this proposal should be looked at from the children's services/safeguarding point of view. To cram so many families into such a small property is clearly not appropriate. Also leaving them with little or no garden space is clearly also inappropriate and would be detrimental to them. There is major lack of outdoor space locally and a lack of amenities for families in Lower Darwen already, something we have already complained to local Cllrs about on many occasions. We have a local park that is not adopted, is badly run down and unsafe, no green space for children to play and a busy main road with a school. Many of the current residents are fortunate to have a cars and are able to travel to local parks or green spaces. The application says these families will not have access to cars and with the lack of local buses, what do you expect them to do locally with hardly any amenities for them and their young families?

2nd Objection – Lucie Higham, 57 Milking Lane, Lower Darwen. Received: 01/11/2022.

Dear Nick Blackledge,

I am writing to object to the planning application REF 10/22/0739 – Change of use from a dwelling to a residential institution, 5 Moorcroft (Amendment). I feel it will have an adverse effect on my home for a number of reasons:

The current house is in a small cul-de-sac with a very small driveway and with the number of families and staff due to live or work there, there is clearly a lack of adequate and safe parking and I am concerned from a highway safety and increased traffic point of view. There is a limited bus service to the village of Lower Darwen so it is highly likely they will be travelling by car or taxi. There are lots of young families in the street and neighbouring streets so I am concerned from a highway safety point of view about such an increase in traffic in a small cul de sac, especially as we already have a high level of traffic and safety concerns due to the school on Milking Lane.

The change of use is only possible due to the large extension which is being built at the property which is wholly unsuitable and not within keeping of the neighbouring area. It is quite large and unsightly, taking up most of the back garden space. It clearly represents an overdevelopment of the site. If the site was appropriate, it would not need to be doubled in size.

I am surprised that we were not notified about the plans to build the extension as I would have objected. It is a huge extension which doubles the size of the house and takes up most of the back garden, clearly not in line with the look, feel and design of new build houses. I feel that my privacy will be affected detrimentally as the residents will overlook my property and be able to see directly into my bedroom and back garden as they will be in a much closer proximity.

The application says there is no loss of non-residential floor space but the extension is taking up the majority of the garden. New build houses like the ones in this area are traditionally not very big inside so it is impossible to see how that many people can live inside.

On a separate note, I think this proposal should be looked at from the children's services/safeguarding point of view. To cram four families into such a small property is clearly not appropriate. Also leaving them with little or no garden space is clearly also inappropriate and would be detrimental to them. There is major lack of outdoor space locally and a lack of amenities for families in Lower Darwen already, something we have already complained to local Cllrs about on many occasions. We have a local park that is not adopted, is badly run down and unsafe, no green space for children to play and a busy main road with a school. Many of the current residents are fortunate to have a cars and are able to travel to local parks or green spaces. The application says these families will not have access to cars and with the lack of local buses, what do you expect them to do locally with hardly any amenities for them and their young families?

I would like to be kept informed of the applications.

Objection – Mr & Mrs Wright, 12 Moorcroft, Lower Darwen. Received: 15/08/2022.

We wish to object to the recent planning application to change 5 Moorcroft from (Use Class C3) a dwelling to a (Use Class C2) Residential Parenting Assessment Unit for the statutory nuisance reasons as listed below.

Traffic congestion – The previous application to extend the family home stated that there are already 4 parking spaces. However if you visit the premises you will see that this is untrue. Also, due to the increased motor vehicle usage of the proposed 'Business' this will produce a 'bottle neck' on Moorcroft as the road is a cul-de-sack with limited parking with only one area to turn around. If an emergency vehicle needed to attend an incident it would find limited access, causing delays.

Car fumes – another community issues that will arise from the increased traffic will be a reduction in air quality due to the increased presence of motor vehicles. This will produce air pollution to the existing dwellings.

Noise (extension of hours) – As stated in the application, a Residential Parenting Unit will need to operate 24 hours a day, 52 weeks a year, which will produce excessive noise pollution due to the nature of the 'Business' being sited within an enclosed residential area. The noise pollution will have a detrimental effect to the immediate area as no other dwelling operate outside of normal working hours (late hours or nights).

Waste – every family dwelling on Moorcroft uses household waste bins which are collected in accordance with a weekly rota. However a Class C2 Residential Parenting Assessment Unit would require commercial waste collections due to the number of residents and the increase waste production of the 'Business'. This will cause an additional two issues a) commercial waste lorry collections on an already crowded road b) the potential of an increase in odour due to the increased bin sizes and the nature of the waste collected.

Anti-social behaviour – due to the nature of the 'Business' there is a potential for anti-social behaviour to escalate, which could lead to local residents being abused/threatened or even being the subject of physical violence.

Lack of local amenities – Moorcroft is sited in a modern housing estate with no public transport amenities.

2nd Objection – Mr & Mrs Wright, 12 Moorcroft, Lower Darwen. Received: 11/11/2022.

Dear Mr Blackledge,

We wish to object to the recent planning application to change 5 Moorcroft from (Use Class C3) a dwelling to a (Use Class C2) Residential Parenting Assessment Unit for the statutory nuisance reasons as listed below.

Traffic congestion – The previous application to extend the family home stated that there are already 4 parking spaces. However if you visit the premises you will see that this is untrue. Also, due to the increased motor vehicle usage of the proposed 'Business' this will produce a 'bottle neck' on Moorcroft as the road is a cul-de-sack with limited parking with only one area to turn around. If an emergency vehicle needed to attend an incident it would find limited access, causing delays.

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nature of the 'Business' being sited within an enclosed residential area. The noise pollution will have a detrimental effect to the immediate area as no other dwelling operate outside of normal working hours (late hours or nights).

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Anti-social behaviour – due to the nature of the 'Business' there is a potential for anti-social behaviour to escalate, which could lead to local residents being abused/threatened or even being the subject of physical violence.

Lack of local amenities – Moorcroft is sited in a modern housing estate with no public transport amenities.

Please do not hesitate to contact us if you wish to discuss any of the above points or wish for further clarification.

Objection – Claire Dunne & Daniel Dunne, 6 Briarcroft, Lower Darwen. Received: 16/08/2022 & 11/11/2022.

I Mrs Claire Dunne **STRONGLY OBJECT** to the above application, my reasons for this are as follows:

The proposed design and use of the property is not appropriate for its surrounding area. The proposed property and those surrounding are design to accommodate one family not that of multiple occupancy as the application is stating.

The developer of the property also has a legal claw stating **NO** businesses can be run from any properties they have built on Moorcroft.

The proposed property is situated on a quiet cul-de sac. The change of use will have a big impact on the surrounding vicinity:

- 1) Increased noise from multiple families.
- 2) Increased traffic due to 24/7 staffing, family/friends visits, Social workers, and other professional workers and possible occupants vehicles.
- 3) The property has a driveway, however NOT sufficient for such business.
- 4) NOT have sufficient outdoor space for multiple families with children to play.
- 5) NO safe or appropriate playing areas nearby to this property.

6) NO local public transport in and around Lower Darwen area, therefore the majority of people visiting the property will be by car creating traffic on an already crowded cul-de-sac.

7) Safety issue for pedestrians - the application states there is room for 4 cars on the driveway, however this is only the case if parking in front of the other, blocking each other in and overhanging onto the pavement, which could cause safety issues for pedestrians. This will create further issues as staff/visitors will be blocking each other on the drive meaning them having to move cars around when people are leaving, creating more traffic issues and again safety issues for pedestrians.

We understand a traffic survey has been carried out, but this does not give a true representation of the amount of traffic on the Moorcroft as this was done when school was closed for summer holidays, locals are away on holiday. Lower Darwen Primary School is situated in close proximity to Moorcroft. There is heavy weekday traffic from 8am till 9.30am and again at 2.30pm till 6pm as the school runs before and after school clubs. Parents use Moorcroft both as a turning point and for parking which creates traffic congestion to the cul-de-sac, this has been addressed several times by local residents. We too on Briarcroft have knock on problems with traffic and feel this will exacerbate the traffic problems.

The owner of the property (Parent of this applicant, and council worker) was recently granted planning permission (application 10/22/0739) for an extension. We have NOT received any documentation regarding the proposed change of planning for the property in question and heard about it from our neighbours, we feel this is very underhanded. Neither have we been informed of any meetings taking place to enable us to put our concerns forward, again very underhanded.

As foster carers we feel as this would effect the children in our care as they are vulnerable and at risk and in danger of being exploited, also we presume CCTV will be needed in all areas including outside the home to monitor occupants and their child/ren, as you are aware Foster children need parental consent for any images to be taken and these said images cannot be posted onto social media platforms.

I hope our objection is acknowledged and we are kept up to date with any future developments in this property.

Objection – Mr James McNally & Mrs Janice McNally, 4 Briarcroft, Lower Darwen. Received: 16/08/2022 & 09/11/2022.

The proposed design and use of the property is not compatible with the surrounding area. The proposed property and those surrounding are design to accommodate one family not that of multiple occupancy as the application is stating. The new extension is being built 6 meters away from my adjoining fence leaving little garden space for 1 family never mind up to 5. The outdoor social space is situated at the bottom of the proposed properties garden. Having this as the only social space will have an impact on noise pollution into our garden and social space as it is situated so close and compact to our garden.

The developer of the property also has a legal claw stating **NO** businesses can be run from any properties they have built on Moorcroft.

The proposed property is situated on a quiet. The change of use will have a big impact on the amount of traffic due to 24/7 staffing, family/friends visits, and others such as social services and other multi – agency workers. The property has a driveway however not sufficient for such business. There is no local public transport in and around Lower Darwen therefore the majority of people visiting the property will be by car creating traffic on an

already crowded cul-de-sac. The application states there is room for 4 cars on the driveway, however this is only the case if parking in front of the other, blocking each other in and overhanging onto the pavement. This will create further issues as staff/visitors will be blocking each other on the drive meaning them having to move cars around when people are leaving, creating more traffic issues. This will also have an impact on noise pollution with the regular comings and going a of people using the service and those visiting.

The traffic survey that has been carried out does not give a true representation of the amount of traffic on the Moorcroft. Lower Darwen Primary school is situated in close proximity to Moorcroft. There is heavy weekday traffic from 8am till 930am and again at 230pm till 6pm as the school runs before and after school clubs. Parents use Moorcroft both as a turning point and for parking which creates traffic congestion to the cul-de-sac. Adding to this it is the summer holidays and some of the neighbours on Moorcroft have been away while the survey took place.

The property has recently granted planning permission (application 10/22/0739) for an extension. The application was submitted and approved whilst I was away on a 3 month holiday and I was unaware of this until we arrived home and opened the planning application letter, by this time the application had been granted. The new extension to the rear backs on to our property and is only 6 meters away from our boundary which feels very intrusive, overlooked and our privacy lost.

Myself and my wife are both retired so are at home all day most days during spring, summer and autumn enjoying our garden and social spaces (ie kitchen and rear lounge). Once the extension is complete this will massively affect our privacy as it is so close to our home (6 metres from our adjoining fence to new extension). Having so many different people staying, working, visiting the property adds to the number of people who will be able to overlook our private space is excessive. Such business would also require CCTV which again will infringe our privacy in our own home.

Objection – Georgina Gunn, 9 Moorcroft, Lower Darwen. Received: 16/08/2022 & 08/11/2022.

I OBJECT to the above planning applications on the grounds of:-

Limited Parking – there is already a problem with parking on Moorcroft with many of the residents parking on the main road which proves difficult for people with prams and wheelchairs or even walking to get past. This is heightened when the local school is open as many of the parents park at the bottom of the road.

I would like to note that at this time there are quite a few residents on holiday so there aren't as many cars on the close as normal, plus as I mentioned above the school is closed for the summer holidays which also has an impact on parking on the close.

Vehicle movements will also increase on the close (residents, visitors, officials, staff, deliveries, bins emptying, etc), the close has limited turning space at the top of the close and is already challenging due to the fact that existing residents have to park on the road.

The introduction of the 4 proposed parking spaces in front of the property is, in my opinion, inadequate for the number of people that will be using the facility (residents, residents visitors, staff, professional and other official persons, etc). The proposal says "it is anticipated that parents will not have a car at their disposal", there is no way of knowing this and has not been considered, it could have a major effect on parking should the parents require a parking space.

The statement that the residents will use public transport is concerning as there are limited facilities in the area and also an extremely limited bus service and the nearest towns of Darwen (6-9 minutes car drive – 2.1-2.6 miles depending on route) and Blackburn (11-13 minutes car drive – 3.3-3.9 miles depending on route) both not easy to get to unless you have a car/taxi. This will result in an increase in vehicle movements.

Cont.

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Also the fact that the facility will need to have industrial type bins which may cut down the car parking spaces. The bins would not be able to be sited elsewhere as there is very limited space to the side and back to the property.

The development of the property has taken most of the garden with limited space now available for recreating purposes. With the introduction of up to 5 families, staff and visitors, etc, it is difficult to see they will all fit into the space available, and you cannot expect the families to be confined to the house at all times. This is likely to have an impact on the adjacent properties who expect a reasonable degree of peaceful enjoyment of their gardens.

If the facility is working on a 3 shift system 24/7 there will be staff changeovers at anti-social times which will no doubt result in disturbance to the people living close to No 5.

Lastly, may I point out that this application is actually for something that currently does not exist. The original planning permission was granted to extend the property for a family dwelling, however the works have begun but still have not been completed which I feel underlines the fact that it was the intention all the time to turn this into a residential institution and not a residential home.

The company concerned has only been set up since February 2021, no history of running such a facility or any other business as far as I can tell. This only gives strength to the notion that 5 Moorcroft was never intended for residential use once the current tenants were given notice last year.

I have lived on Moorcroft for 27 years and feel that this application would have a negative impact on the current residents, quite a few of whom have retired and enjoy this quiet residential location. The thought of an institution next to them is causing them a lot of stress.

Would you please notify me of any planning meetings, regarding this property, that are to be held. Please give as much notice as possible.

Objection – Daphne & Richard Hill, 2 Briarcroft, Lower Darwen. Received: 17/08/2022 & 11/11/2022.

WE DID OBJECT last year to the original planning application as we felt the new building would overlook our property but now we have been told that up to five families & ten staff could be in the building at any one time, we feel our privacy is going to be completely invaded. There is very little garden now that the extension has gone up, all the stuff that was in the garden has just been pushed towards our fence, we did think the garden would have been cleared before the builders started & a new fence put up as nothing has been done to the fence or the old shed/plants etc. for over 25 years.

If families are going to be living in the house, then we would have thought that the outside area was as much of a priority as the inside but as it looks now, we envisage that the families living there will spend a lot of time in their rooms, two of which overlook our house & garden. Also if there are five women/men plus five babies & 10 staff, we imagine that it will be quite noisy & as we are now retired we spend a lot of time in our home & garden. We see nothing in the plans about new fencing or landscaping. As we can see straight into the back rooms, we assume that the people in this new building will be able to see straight into ours.

Plus from what we can see the plans appear to have been changed from the ones that we can see. as in the kitchen area there is a window above where the kitchen sink is supposed to be fitted but the builders have built that section of the wall already & there is no opening

that has been left for a window so we assume that there is only going to be the bi-fold doors in that room but we are left thinking if one part of the plans have been changed we are wondering what else is going to be changed.

In our opinion, this was too small a house for the number of inhabitants that are proposed to be living there, it has not been stated if staff will be on the property 24/7 & there is mention of security cameras, will any of these be pointed in our direction, will there will security lights around the property all night.

The traffic situation will not affect us as we do not live on Moorcroft but if cars cannot park in Moorcroft then the overflow will start to accumulate on Milking Lane & when the school children are leaving in an afternoon there will be even more chaos than there is now.

We believe that this Change of Use for the above mentioned house is not compatible with the rest of the surrounding streets & the design is not acceptable for up to five/seven parents plus five babies & up to ten staff, will smoking be allowed as they will no doubt be standing near the fence to do this as there is not a lot of outside space for prams, children's toys etc.

Is it possible for us to be notified as to when this Change of Use application will appear before the Planning Committee as we seem to only hear of these changes when everything has been passed. We were told by the owner last year that he & his family were moving back into the property so all this has come as a complete surprise to ourselves.

Objection – Peter Leach, 15 Moorcroft, Lower Darwen. Received: 17/08/2022

I STRONGLY OBJECT to the above proposed change of use, and list my objection below:

- **1.The proposal does NOT comply with the Local Plan.**The Council's Local Plan Part 2, adopted December 2015, **Chapter 4 : Policy 19-Apartment Development and Houses in Multiple Occupation**, states:

‘The Council will only **exceptionally** support the development**where all the following (4) criteria are met:**

Criteria 1.The proposal does not.....erode the amenity of neighbouring properties, the physical, social, environmental or economic character of the surrounding area

Criteria 3. The site can accommodate the necessary parking and manoeuvring in a way which preserves residential amenity and the qualities of the street scene..’

Of the 4 criteria listed, Criteria 1 and Criteria 3 listed above are not met, as detailed below.

- **2. Loss of amenity to adjoining properties/Disturbance and noise.** The close is a quiet, calm, residential area, enjoyed as such by my wife and I, and all the other residents. An influx on a 12- week basis of mothers with chaotic lifestyles, which is likely to include anti-social behaviour, noise and drugs, will have a very significant

impact, and therefore loss of amenity to us, in the enjoyment of our property. We are both retired, in our 70's, and I feel very strongly that it will lead to a deterioration in our health, safety and well-being.

- **3.The proposed development is not compatible with the area.** Moorcroft is a small residential development of 19 houses set around a narrow road in a small cul-de-sac, surrounded by similar estates, all of which are purely residential. It is not well served by local amenities - the nearest convenience store is half a mile away in Lower Darwen, down a hill, as is the nearest bus stop, from which only 3 buses a day are available. There is no community hub and other services such as doctors, post office and chemist are much further away. As a result the mothers will be very isolated and they will find it very difficult with their prams to access these services other than by car/taxi. (Once again contrary to the aims of the Local Plan)
- **4.Impact of vehicles.** The proposed development will have a very significant impact on the number of vehicles using the close and trying to turn round in the very small hammerhead at the top, namely: Changeover of staff cars - 2 or 3 times a day, :Visitors cars,:Visiting staff relating to each of the families housed,:Food deliveries,:Medicine deliveries: Taxis,:Industrial Refuse collection lorries. These will dramatically increase the vehicle impact and decrease safety. On a personal note, my grandchildren play out when they visit, and this increase will significantly add danger for them.
- **Access to railway line/electricity cables/water pipes** The Darwen/Blackburn line runs across the top of the close and access is required at all times for maintenance on the line and the culvert which runs under it, together with buried electrical cables and water pipes. This is via a piece of empty land adjoining the hammerhead, which is largely unobstructed by parked vehicles at present.
- **5.Car Parking** Moorcroft is a very narrow road with a bend in the middle, and at busy times there have been problems with larger vehicles, (and on one occasion an emergency ambulance) being unable to get up the close because of cars parked on both sides. A large increase in visiting cars as listed above would make this problem far worse. The support document proposes parking for 4 cars off-road to help ease this possible congestion. However it is difficult to see how this can be obtained in practice, as 2 of them would be blocked in, causing congestion and disruption at shift change-over. Arriving staff would also be unlikely to wait for previously parked cars to move
- **6.The proposed development is not compatible in terms of size.** The Support Statement suggests that if full there would be 7 adults residents +5 babies, together with 2 to 4 support staff, together with visiting external support staff of whom there would be many given the nature of the proposed use. It is difficult to see how they would be accommodated safely in the dwelling. Under a previous application, building work on an extension in the rear garden has already begun. This has taken up much of the garden, leaving a very small open garden area which is totally inadequate for the occupants.
- **Existing sewers.** These are only just adequate for the present residents and there have been several blockage problems over the years. An influx of the proposed number of residents and visitors will greatly worsen the problem.

- **Breach of Covenant.** All Moorcroft properties are Leasehold (999 years commencing 1989-1992). Clause 5(k) of the lease states: ‘No building erected on the Property shall be used otherwise than as a private house....’ The proposed use will breach this Covenant as it is a business.
- In the last few days I have noticed cars driving up and down the close, taking pictures and videoing our houses. Apart from the fact that driving offences are being committed, I find this very intimidating and an invasion of my privacy.

I wish to attend any planning meeting regarding this application, at which I am entitled to be present. Please advise me accordingly.

Objection – Mrs M Leach, 15 Moorcroft, Lower Darwen. Received: 17/08/2022

I wish to highlight my objections and trust you give this due attention.

My concerns are as follows:-

1. Noise and disturbance resulting from use. These are **19 residential** homes on a very small development. This is in no way compatible with the surrounding area due to its size and bulk.

As a resident who has lived here for 32 years, I moved here because it was safe, quiet and a lovely place to live. I am now in my mid 70s, to think at the latter stages of life I could be living with this stress fills me with despair. I feel my well-being is likely to be damaged by the **noise, chaotic lifestyle, antisocial behaviour,** /change over of the residents who are being assessed every 12 weeks.

2. Amenities - we **do not** have a bus service, railways, chemist, post office, library, doctors, supermarkets, green space in close proximity. Therefore vehicles / taxis will have to be used. Thus creating movement /extra traffic on Moorcroft. **Polluting the environment when we should be reducing the usage of vehicles not increasing it. Where possible public transport should be supported.**

3. Waste Management / Pollution / Health - extra bins for waste, inadequate space for storage. Different refuse collection days as it's a business more movement of traffic again on Moorcroft. 30+ year old existing sewers/ domestic drainage / pipework. Business plumbing facilities such as sinks, toilets have greater usage than that of residential plumbing system. Could cause blockage for the residents of Moorcroft.

4. Access/visibility - lack of dedicated parking putting extra pressure upon street provision in the locality and the impact upon highways safety. We have a small hammerhead at the top of the close where as residents we do try to keep clear for the purpose of bin collection, delivery vans,

maintenance workers, Emergency Services, plus extra parking for families that have visitors. **British Rail, Electricity Board and Water Board have a right of way assess to waste land at the top of the close for maintenance purposes.** Our close is narrow in places and extra vehicles or visitors now have to park on the footpath. This does cause problems on occasions for pedestrians and access.

5. Human Right Act Protocol 1 Article 1. - (Every natural or legal person is entitled to the peaceful enjoyment of his possessions). I wish you to note that already my privacy has been invaded, even before this change of use has not been considered / granted. I have seen on regular occasions various vehicles solo occupants drive up and down this close some **using a mobile phone whilst driving** taking videos of houses and cars. **This is a criminal offence.** This is why I **strongly** object to the new application / change of use to the above named property in this residential close/area. In the lease/ deeds there is a clause in the covenants which states that theses properties on Moorcroft are for residential use **only**.

Should this go to committee I wish to be informed & attend my contact details are addressed in this letter.

Objection – Pat & Jeff Kay, 7 Moorcroft, Lower Darwen. Received: 17/08/2022.

We wish to object

We wish to raise objections to this planning application.

We have lived at 7 Moorcroft for 32 years. This is a residential area of mostly owner occupied three and four bedroomed houses with a strong community spirit.

The insertion of a business next door to us is completely against the ethos of the area.

This proposed development can only be detrimental to our way of life.

The proposed building seems to be far too large compared to other properties in the area.

Parking in Moorcroft is difficult as it is and any form of business traffic can only make the situation worse. This proposal has already caused considerable upset to the current residents and should be rejected, as this is a residential area. As they have already started to build, the extension seems to be oppressingly large as we view it from our garden.

Mr Blackledge you came to visit us after the first application and assured us that number 5 would not be a home of multiple occupancy, but that seems to be happening albeit under another name.

We are in our mid to late 70's and can do without this disruption to our life. We would like a peaceful life now we are retired.

Jeff is in a wheelchair and we have our house made as to sort his needs. We do not need extra cars parking on the road as we need access at all times as if I have to park up the road because someone has parked over the driveway, he cannot manoeuvre down on the pavements because of parked cars.

A few years ago our drains were blocked. We had them sorted and were advised that the drains were too small for modern living, as they were put in along with the dropped pavements and street lights at least 10 years before the houses were built. This must be another consideration for this project to be refused.

Other concerns are that the planning of the extensions and then the change of use were carefully organised. We cannot understand the thinking behind this as it would have made sense to put in the planning of both the extensions and the change of use at the same time.

We understand that Gryffin House Ltd was registered as a business about 18 months ago and the subsequent applications have been carefully planned so that they would smoothly run through.

If this change of use is granted we feel that we and the other neighbouring properties will lose their privacy.

Moorcroft is lacking local amenities as the shops are quite a walk away as is the local bus stop.

There is no community hub, post office, doctors within a few miles of Moorcroft.

We hope that the change of use will be rejected as we enjoy our peace and safety, children can play safely. The increase in traffic and parking will affect this.

Objection – Mrs Lisa Saul-Wise, 2 Moorcroft, Lower Darwen. Received: 18/08/2022 & 10/11/2022.

I would like to object to the following planning application for change of use from a dwelling house (C3) to a residential institution (C2) at number 5 Moorcroft, Lower Darwen, BB3 0RY.

We live at the bottom of the cul-de-sac, outside my house already has parked cars from the neighbouring properties sometimes making it difficult to back off my drive. The amount of cars that already drive up Moorcroft past my house is a high number given most houses have at least 2 cars, some more and then visitors. Delivery vans, bin wagons already sometimes struggle to manoeuvre. We have on numerous occasions been asked to move our car so these larger vehicles can drive past our property.

The proposed business will certainly add to the already difficult parking conditions. 5 parents and their staff and their visitors and deliveries will certainly cause an increased level of traffic. This in turn could cause an unsafe place for our families to live. Emergency services need clear access to each property. It also makes it very unsafe for our children to play out. Living at the end house I already have concerns of how fast non residents drive around the corner and up the road.

Having a young child for whom I have a pram for as do other residents we already struggle with the amount of amount of cars parked up on the pavements already (due to no fault of their own given space is needed on the road for access for emergency services) I am sure additional cars would make this harder especially with the large amount of traffic from Lower Darwen Primary School start and finish times. There are a lot of cars from the schools parents already parking on Moorcroft.

I have concerns regarding the sort of people who will be residing there. Will there be displays of antisocial behaviour. This is currently a safe place for our children to play out. The staff finishing and starting shifts maybe at antisocial times. This could create noise pollution.

I don't think a quiet cul-de-sac is the right place for this business to be situated due to all the above reasons.

It has also been brought to my attention that the owner of number 5 Moorcroft has been driving up and down the rd videoing. This is not only an invasion of privacy but a safeguarding concern as a parent with young children playing out. This sort of behaviour would be reported to OFSTED who would be their governing body. As a nursery owner I am aware of how such behaviour is totally unacceptable.

Should this go to a committee to be discussed I would like the opportunity to attend any such meetings.

Objection – Heather Leaver, 19 Moorcroft, Lower Darwen. Received: 18/08/2022 & 10/11/2022.

I object as I have concerns regarding the design of the development being compatible with the surrounding area:

- The garden area has been reduced in size due to the property extension, access down the side of the property is just wide enough for a refuse bin so there doesn't appear to be anywhere to store waste.
- In the supporting statement it fails to mention provision for a smoking shelter due to limited outside area space.

My concern is refuse not being housed correctly and any smokers heading up the road to stand on the land adjacent to my property.

I object as I have concerns regarding the size of the property:

- The building has to have security cameras, therefore along with this comes lighting and possibly security gates. Not only is the area at the front of the property in my opinion of inadequate size for sufficient parking. In our property deeds it clearly states that no fence or wall can be added to the front of our properties.

This is a potential risk to the safety of the both service providers & users.

I object due to my concerns regarding the increase in traffic:

- In the supporting statement it mentions employees. It says employees will be local, but then refers to having the necessary qualifications. Also it refers to them being unlikely to own a vehicle and similarly the residents would be unlikely to have use of a vehicle.

Such comments cannot be categorically stated and will hopefully be given little credence in any assessment of this application.

- The nearest supermarket is more than a 2 mile round trip, there's NO pharmacy again over a 2 mile round trip. We have NO local post office, NO community centre, NO childrens centre, we don't even have a local public house!
- Lower Darwen has NO bus service & NO train station.
- Blacksnape recreational area is situated 2.7 miles away from Moorcroft, The next available recreational park is 2.6 miles away, both predominantly being an uphill walk, with a pram!

Also in the supporting statement it mentions local amenities, unfortunately very few of them are relevant or would be accessible without the use of additional vehicles.

Therefore another concern is how isolated the service users of this property would be without transportation.

I object due to my concerns regarding road access and visibility:

- Moorcroft is a narrow road which curves, visibility isn't clear when driving up or down the road.
- Vehicles regularly park on the road and most are multiple vehicle households.
- At the top of Moorcroft, opposite my property there is an area which must be accessible at all times for railway workers, electricity workers and united utilities. These services arrive regularly in vehicles to carry out inspections and maintenance.
- Moorcroft is a cul-de-sac, the property in question is in close proximity to the only entrance and exit,

Therefore another of my concerns is regarding access for emergency vehicles.

With regards to levels of daylight getting into the downstairs of this property:

- Having parked my average sized vehicle under the front window of my property, I am aware that this blocks out natural light, if 4 cars as suggested in the application were parked at the front of the property there would undoubtedly be inadequate daylight to the downstairs rooms.
- In comparison to my garden area, the extension appears to go a long way back. Looking at the amount of windows and considering privacy via a hedge or fence between this and the properties at the rear, there will most certainly be insufficient light to the downstairs rooms at the rear of the property.

In conclusion

We bought our house 15 years ago and chose to live here because we already knew families who live on Moorcroft. At the time they considered it to be a safe and caring community and it truly is. The only residents I don't know on Moorcroft are the family who own number 5, I've never seen them. As long as we have been here they've rented their property out to other families who have enhanced life on Moorcroft.

As much as I would be happy to support families during their temporary period of assessment, I myself have worked in many childcare sectors over the last 35 years, so understand how important these units are. Unfortunately I have concerns that

the size and design of the property for both the inside and outside areas just isn't suitable. And concerns regarding additional traffic & lack of suitable amenities for the service users that are within easy reach.

Therefore I urge the planning committee to refuse the application (number 10/22/0739) for change of use from a residential property to a C2 at 5 Moorcroft, BB3 0RY.

Objection – Mr David Robinson, 25 Moorcroft, Lower Darwen. Received: 19/08/2022.

1. Moorcroft is a small residential cul-de-sac, there is already a significant issue with double parking at present, I believe that this issue will be further exacerbated if this application is successful. Lower Darwen is severely lacking in public transport facilities therefore anyone attending the proposed residential institution (either as a staff member, resident or visitor) would be likely to require some form of transport. The application indicates that the institution could house up to 12 residents and employ 10 members of staff. The 4 parking spaces indicated in the plans would not be sufficient. The emergency services have struggled in the past to get their vehicles down the cul-de-sac, I believe that this proposed institution would make this even worse.

In the supporting documents for the application, the applicant states in the Local Community section that 'We further seek to integrate the service into the local community with events such as coffee mornings or drop-in activities'. The applicant's plan to host community events would again lead parking problems and increase the traffic to the area.

2. Moorcroft is a residential cul-de-sac, when we purchased our property we did so in the belief that this would remain a residential area and that the clause in all of the deeds would prevent the properties being used as businesses. I believe that all children deserve the best start in life and that residential institutions of this nature can help many families who need extra support. However I also think that the standard of these institutions has to be high and meet the needs of the families, 5 Moorcroft even with its extension will provide limited space for 12 residents and 10 members of staff and will offer very little outdoor space to the families. Lower Darwen already has a Residential Institution of this nature which is situated on a suitable site with large garden areas and has the necessary transport links and space that are required, surely there is no social need for another in such close proximity.

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/0758

Proposed development: Full Planning Application: Proposed change of use of lower ground floor from vacant mill to a Live Music Venue (Sui Generis use) and removal of a section of link building.

**Site address:
Darwen Windows Ltd
Borough Road
Darwen
BB3 1PL**

Applicant: Mr Mizon

Ward: Darwen West

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



1.0 SUMMARY OF RECOMMENDATION

- 1.1 APPROVE – Subject to a temporary 12 month period, commencing from the date of first operational use, and other conditions set out at paragraph 4.1.**

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This full planning application is reported to Committee due to the receipt of a significant number of objections from local residents (see Section 9) and following referral to the Chair who confirmed that the application should be determined at Committee level. This is in accordance with the adopted Scheme of Delegation.
- 2.2 This recommendation follows detailed assessment of the application, in consultation with neighbours, Ward Councillors and specialist consultees. Uncertainty around noise impacts on the locality, particularly towards noise sensitive residential uses, informs the recommendation of a 12 month temporary permission, in order to allow proactive monitoring of use. Other noise mitigation conditions requiring sound proofing of the building and noise exceedance limitations at the boundary of residential properties further support the recommendation for a temporary period. At the end of the 12 months, the use would cease, until and unless a new grant of planning permission. Evidence obtained over the preceding 12 month period would help inform a subsequent recommendation to Committee. The proposal is, therefore, found to be in accordance with the Development Plan and The Framework, with all issues having been addressed through the application, or capable of being controlled or mitigated through application of planning conditions.
- 2.3 Members are advised that, although the application does not explicitly propose a temporary permission, one is agreed, in principle, with the applicant.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) comprises the basement of a vacant red brick mill, last occupied by Darwen Windows, located and accessed to the south east of Borough Road, Darwen.
- 3.1.2 The mill was constructed in circa 1901 as an industrial bakery and was later sub-divided into separate units, which have been occupied by a range of commercial uses.
- 3.1.3 The following images show the building, its location and the internal host space (Planning, Design and Access Statement, Antonio Caparelli).



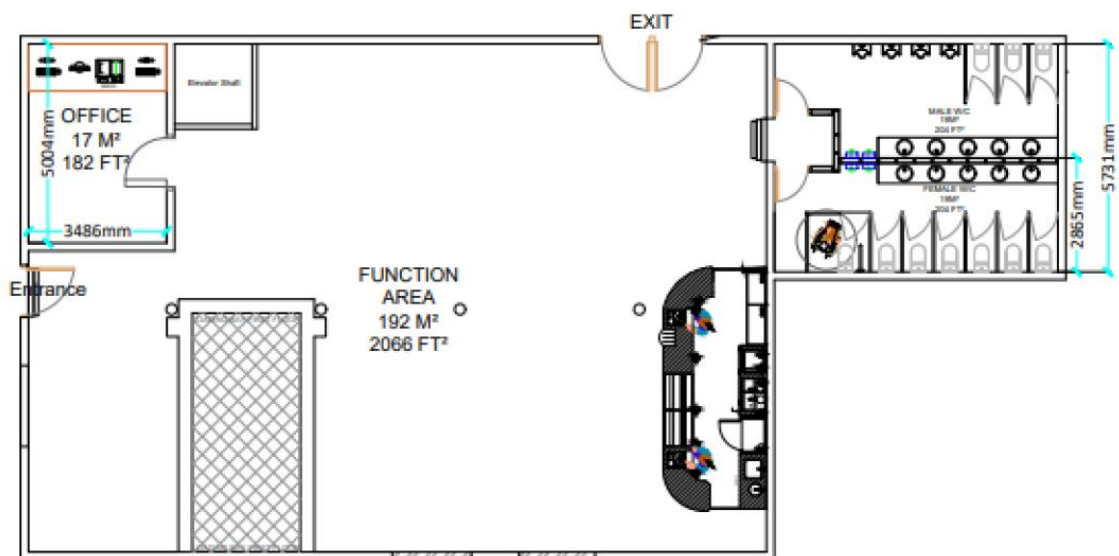
3.1.4 The site is located within the Darwen Town Centre Conservation Area (CA), on the fringe of the Town Centre, just outside of its boundary, so defined by the Adopted Polices Map for Darwen.

3.1.5 The locality is generally defined as mixed, with a range of commercial and service uses in immediate proximity to the site, to the north, south and east. The area transitions away from a typical town centre / edge of centre mix to residential uses to the west.

3.2 Proposed Development

3.2.1 Full planning permission is sought for the change of use of lower ground floor from a vacant mill (Use Class B2 – general industrial) to a Live Music Venue (Sui Generis use). Full details are set out in the submitted drawings and supporting statement.

3.2.2 The venue would be accessed from Borough Road. It would include a bar area, customer toilets, staff / admin / first-aid room and a performance / DJ stage. The function area / main customer floor would be circa 192sqm. The venue would be accessed from Borough Road. It will provide a space for artists and DJs to perform. The Applicant seeks operating hours of; Sunday to Thursday 18:30 - 23:30 and Friday to Saturday 18:30 - 04:00. The proposed floor plan is shown below.



Planning, Design and Access Statement, Antonio Caparelli)

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
- CS3 – Land for Employment Development
- CS4 – Protection and Reuse of Employment Sites
- CS22 – Accessibility Strategy

3.3.4 Local Plan Part 2 (LLP2)

- Policy 2 – The Inner Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport

3.4 **Other Material Planning Considerations**

3.4.1 Residential Design Guide Supplementary Planning Document (2015)

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

Areas of The Framework especially relevant to the proposal are as follows:

- Section 6: Building a strong and competitive economy
- Section 7: Ensuring the vitality of town centres
- Section 11: Making effective use of land

3.4.3 National Planning Policy Guidance (NPPG).

3.5 **Assessment**

3.5.1 In assessing this application, the following important materials considerations are taken into account:

- Principle;
- Amenity;
- Highways; and
- Heritage / Design

3.5.2 Principle

Policy CS4 concerns itself with protection and re-use of Employment Sites. It sets out that development for alternative uses for employment sites will not be permitted unless the current use causes an unacceptable loss of amenity or it is demonstrated that the site is no longer viable for employment purposes.

3.5.3 It is accepted that the application building benefits from an established / lawful B2 (general industrial) use. It is submitted that the building has been vacant

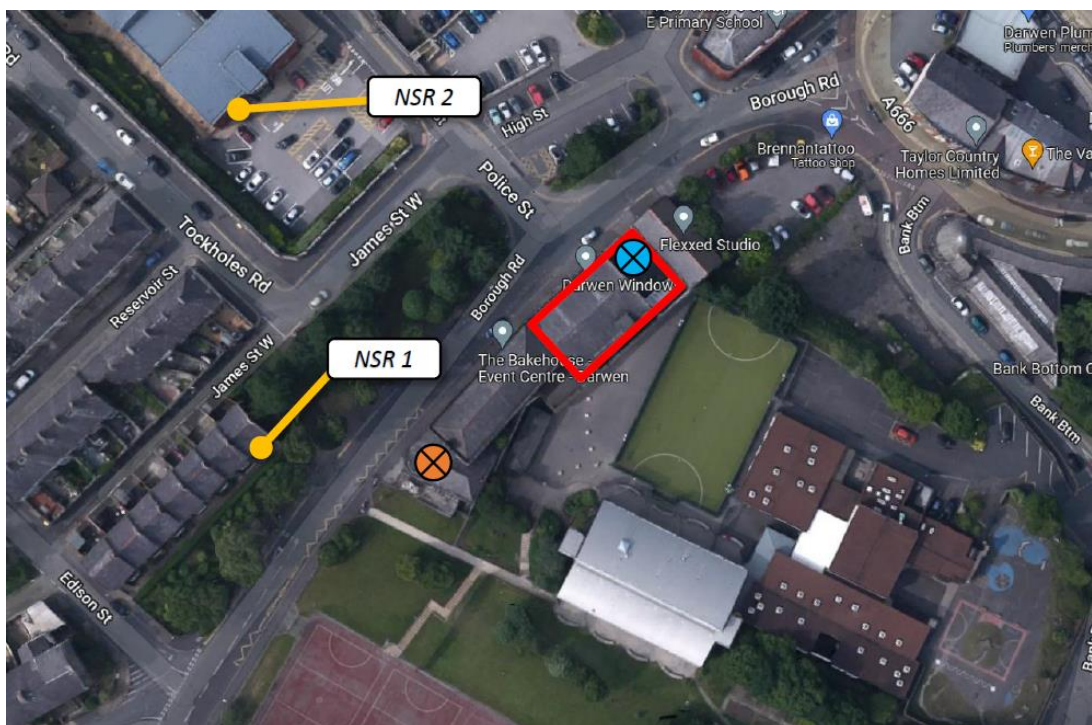
for some time. This is corroborated, to some extent, by the Council's Business Rates records, which confirm the building to have remained vacant since 2019. It is further submitted that the building has failed to attract market interest for an industrial use.

- 3.5.4 The building, although a mill, holds a position on the fringe of the town centre that fails to sustain its industrial use, given its relatively poor accessibility arising from the constrained nature of the town centre road network and residential street pattern to the north. Considered in this context, the site has limited viability for a typical employment / industrial use. Industrial uses in need of floor space comparable in size to the application building are generally preferred in more accessible locations, such as those in convenient reach of the motorway network.
- 3.5.5 Although not a typical employment use, which are generally considered to be those falling within industrial Use Classes B1 (now revoked and superseded by Class E), B2 or B8, the proposal is a leisure enterprise which would provide jobs for up to 16 people (8 full-time and 8 part-time), according to the submitted details.
- 3.5.6 The economic benefits arising, in support of Darwen's night-time economy, also weigh in favour of the proposal.
- 3.5.7 Accordingly, it is considered that, on balance, the proposal can be supported, in principle, in accordance with policies CS1, CS4 of the Development Plan and The Framework's economic objectives of sustaining viable town centres.
- 3.5.8 Amenity
Policy 8 requires a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.
- 3.5.9 No adverse impacts arise with reference to privacy / overlooking or relationship between buildings.
- 3.5.10 The potential for noise disturbance is recognised as an important consideration and indeed critical to the outcome of the application, due to the nature of the use, the opening hours proposed and proximity of the site to noise sensitive residential uses. Indeed significant public objection has been received citing this concern. In this context, a Noise impact Assessment (NIA) has been submitted with the application which assess noise breakout from the venue arising from the proposed hours of use – ie:
- Sunday – Thursday: 18:30 – 23:30; and
 - Friday – Saturday: 18:30 – 04:00.
- 3.5.11 Measurements of the prevailing background noise climate were undertaken from 2nd – 5th September 2022 at a location representative of the identified Noise Sensitive Receptors (NSRs).

3.5.12 The nearest or most-affected Noise Sensitive Receptors (NSRs) were identified as the residential properties southwest of the site on Borough Rd as well as the façade of 'Darwen Health Centre' facing the site. The closest habitable room windows of these properties will be considered as specific reception points in calculations.

3.5.13 Using the measured background noise survey data, a representative night-time background sound level of **31 dB LA90** was derived for the assessment.

3.5.14 The site, proposed noise source and key receptor locations are shown below:



Noise Impact Assessment, Peak Acoustics, 14/09/2022.

3.5.15 The nearest dwelling (NSR1) is located circa 43.6m from the venue, at James Street West. Darwen Health Centre (NSR2) is located circa 71.75m from the venue.

3.5.16 The NIA found that the noise levels at NSR1 and NSR2 would achieve acceptable outcomes, in accordance with the assessment criteria used. Significant mitigation to the existing ceiling / separating floor of the venue is needed to operate without significant adverse effect on the commercial premises above. It should be recognised that the commercial premises referenced are currently vacant and within the ownership / control of applicant, who committed to uses within the building than can coexist, subject to any requirements of planning permission.

3.5.17 The NIA does recognise a degree of uncertainty arising from the monitoring equipment. The recordings were, however, found to be within accepted tolerance margins. Moreover, uncertainty around noise propagation from

surrounding structures present on site was reduced to a minimum through utilisation of acoustic modelling software. Overall, it is considered that all reasonable measures have been utilised to inform a representative forecasted outcome.

3.5.18 The NIA has been peer reviewed by the Council's Public Protection consultee, who recognises the need to safeguard residential amenity from noise disturbance. Internal sound proofing to the venue has been discussed. The applicant's noise consultant has stated that the venue can likely be sound proofed to meet the desired standard in all relevant octave bands, taking account of the semi underground nature of the space. Public Protection, however, remain concerned at the degree of uncertainty around the control of noise emission and, for this reason, recommends modification of the proposed hours of use to the following, defined as daytime hours:

- Monday – Saturday: 18:30 – 23:00; and
- Sunday: 18:30 – 22:00.

3.5.19 In addition, submission of a sound proofing scheme and no exceedance of a specified level of entertainment noise at the nearest noise sensitive premises (dwellings) are recommended to be secured via condition.

3.5.20 Whilst the threat of noise disturbance from the venue is a genuine one and an understandable concern to the locale, Members are advised that application of the recommended hours of use may be unreasonable, given the nature of the use proposed, which is comparable in offer to a nightclub. As an alternative (interim) proposal, a temporary 12 month permission, subject to the proposed hours of use, is recommended to Members, in the interests of approaching decision making in a positive and creative way, as advocated by The Framework (para. 38). This approach is agreed, in principle, with the applicant. Section 72 of the Town and Country Planning Act 1990 (as amended) allows the LPA to grant planning permission for a specified temporary period. National Planning Practice Guidance explains that '*circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area*'. Proactive monitoring would afford the Council an appropriately representative position on which to base assessment of any subsequent application proposing a permanent use. A temporary use would be in conjunction with the implementation of sound proofing and noise exceedance levels, as aforementioned. It would be open to the Local Planning Authority to take enforcement action against any established breach of condition throughout the duration of the temporary use. The temporary use would begin on the date of first operational use and it would be incumbent on the applicant to inform the LPA in advance of that date.

3.5.21 As a fringe town centre use, external noise arising from the comings and goings of patrons is not considered to be significantly adverse, as they will likely migrate to the centre of town. Moreover, the identified noise sensitive uses are no closer than those within the town centre to similar uses afforded broadly night time hours of use.

3.5.22 Accordingly, on balance, and subject to the aforementioned limiting / mitigating conditions, it is found that the proposal would make an overall positive contribution to the area, and would secure a satisfactory level of amenity for surrounding uses, in accordance with the requirements of Policy 8 and The Framework.

3.5.23 Highways

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.

3.5.24 No significant highway impacts arise, due to the sustainable town centre fringe location and availability of on-street and off-street parking in the immediate vicinity of the site, notwithstanding that the nature of the proposed use is unlikely to give rise to significant parking demand, as patrons would likely arrive and depart via the town centre utilising modes of transport other than private cars.

3.5.25 For these reasons, no objection is offered by the Council's Highways consultee.

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

3.5.27 Heritage & Conservation / Design

Policy 39 requires development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset.

3.5.28 Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area

3.5.29 The proposal has been reviewed by the Council's Heritage & Conservation consultee, in consideration of the key heritage issue of whether any harm will arise to the character and / or appearance of the Darwen Town Centre CA.

3.5.30 The site contributes to the character and appearance of the CA and is noted in the CA Appraisal as being a positive character building of medium significance.

3.5.31 It is noted that alterations to the link building have already taken place, though it is unclear as to when, in the form of a small section having been removed severing the link between buildings. Nevertheless, the works have only removed a small part of a link building with modern materials that is set back away from the road, located behind a modern steel palisade fence. Such

modest alteration does not result in any discernible harm to the character and appearance of the Darwen Town Centre CA.

3.5.32 Accordingly, heritage impacts arising from the development are found to be acceptable and in accordance with the requirements of Policy 39 and The Framework.

3.5.33 Summary

This report assesses the full range of material issues affecting this planning application. 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, on balance, 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:

Delegated authority is given to the Strategic Director for Growth and Development to approve planning permission, subject to conditions which relate to the following matters:

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

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received (*to be added*)

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

3. The applicant or any successor in title shall notify the Local Planning Authority in writing, and in advance, of the date on which the operational use hereby approved shall first commence. The approved use shall thereafter be limited to a temporary period, ceasing no later than 12 months after the specified date of commencement.

REASON: In order that amenity impacts arising from the development can be assessed during this period, and that any future application can be decided on the basis of this assessment, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

4. No development shall take place until a sound proofing scheme to the application building, to guard against the transmission of noise and vibration,

has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a requirement for approval of performance testing. The development hereby permitted shall thereafter be implemented and operated in strict accordance with the approved details.

REASON: In order to protect the amenities of the area by ensuring that measures are implemented to prevent noise nuisance, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

5. The operational use hereby permitted shall only take place between the following hours:

- Sunday – Thursday: 18:30 – 23:30; and
- Friday - Saturday: 18:30 – 04:00.

REASON: In order to protect the amenities of the area by, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

6. The level of noise (LAFeq(1 min), free field) emitted from the site shall not exceed 2dB, 8dB and 13dB in the 63Hz, 125Hz and 250Hz octave bands respectively at the boundary of any residential property.

REASON: In order to protect residential amenity by ensuring that measures are implemented to prevent noise nuisance, in accordance with Policy 8 of the Blackburn with Darwen Borough 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.

5.0 PLANNING HISTORY

5.1 There is no relevant planning history for the site.

6.0 CONSULTATIONS

6.1 Public Protection

No objection subject to:

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:

Comment: Noise Amenity

This live entertainment venue proposal presents some serious concerns in respect of its impact upon surrounding land users that may be affected by excessive noise disturbance. There is uncertainty regarding the noise level of the proposed entertainment and associated customer noise (eg street noise) – particularly at night. I recommend limiting the proposed use to daytime only due to this uncertainty. Noise management at the venue will also be important; the restricted use will enable any noise complaints to be investigated and enforcement of planning conditions as appropriate. This would inform the assessment of any proposed extended hours of use into the night-time period.

Condition – Entertainment Noise Control

Entertainment noise (LAFeq(1 min), free field) arising from the application site shall not exceed 2dB, 8dB and 13dB in the 63Hz, 125Hz and 250Hz octave bands respectively at the boundary of any noise sensitive premises.

Reason: To prevent loss of noise amenity at noise sensitive premises.

Condition – Sound Proofing and Validation

A sound proofing scheme shall be submitted to the Local Planning Authority (LPA) in writing and implemented at the application premises. The sound proofed premises shall be performance tested and approved, in writing, by the LPA prior to commencement of the approved use. All sound proofing measures shall be retained for the duration of this use.

Reason: To prevent loss of noise amenity at noise sensitive premises.

Informative: The developer should have regard to BS 8233: 'Sound Insulation & noise reduction for buildings – Code of Practice', in order to minimise the transmission of noise from the premises.

Condition – Hours of Use Restriction

The approved use shall be restricted to the following times:

Monday to Saturday: 18:30 – 23:00 hours

Sundays: 18:30 – 22:00 hours

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

Reason

To ensure appropriate hours of use to minimise noise disturbance at noise sensitive premises.

Condition – Air Quality, as appropriate (Small Commercial Development)

Prior to commencement of the development hereby approved, a scheme for the provision of charging points for low emissions vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to commencement of the proposed use and retained thereafter.

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 condition 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 (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.

Informative:

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

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

Condition - Unforeseen Contamination

Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the Local Planning Authority (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 tel: 01254 267632 or David Johnson tel: 01254 267631).
- The guidance documents entitled '**Contaminated Land Planning Guidance**' & '**Validation Policy Document**' should be read before you investigate the site. This guidance is available on the Council web site. These hyperlinks will give you direct access :
www.blackburn.gov.uk/upload/pdf/Contaminated_Land_Guidance.pdf
www.blackburn.gov.uk/upload/pdf/Validation_Policy_Document_FINAL.pdf
- A **suitably qualified, competent & impartial person** shall fulfil the requirements of the condition.

6.2 Heritage & Conservation

No objection.

I have reviewed the supporting documents for the planning application, which includes the existing and proposed plans and elevations and a Planning & Design and Access Statement, prepared by Antonio Caparelli (BA Hons MRTPI), dated July 2022. I visited the site on 23 August to complete external observations.

The key heritage issues for the LPA to consider under the planning application is:

1. Whether the proposed development will harm the character and/or appearance of the Darwen Town Centre Conservation Area.

The Proposal

The proposal seeks consent for the change of use and conversion of the premises within the lower ground floor to a Live Music Venue (Sui-generis). The scheme will include a bar area, customer toilets, staff/admin/first aid room and a performance/DJ stage. The venue would be accessed from Borough Road.

Externally, the proposed alterations are minimal, which includes the removal of a small section of the brick and uPVC link corridor/building to the adjacent building; and a change to the rear exit door (details not provided).

Impact of the proposal on the Conservation Area

The issues to consider from a heritage perspective is whether the proposal will harm the character and appearance of the Darwen Town Centre Conservation Area.

The Darwen Town Centre Conservation Area was designated in 1996 and extended in May 2005. The special interest of the CA is characterised by stone terraced housing, Gritstone buildings and its distinctive Victorian architectural heritage, brought about by the development of the textile industry in the late 18th and 19th centuries that saw the rapid expansion of the town.

The site is located in the Commercial Area of the CA, which is the commercial heart of the town and focused on the circus where five roads meet. The area is dominated by late nineteenth century Victorian and Edwardian buildings mostly banks and public houses. The buildings have a mixed palette of materials some red brick with stone dressings, but most buildings are built in a grit stone. The CA has a moderate significance.

The proposal site contributes to the character and appearance of the CA and is noted in the CA Appraisal as being a positive character building of medium significance.

In regards to the impact to the CA, I note that the proposed alterations to the link building demonstrated on the proposed plans and elevations have already taken place. A small section of the link has been removed severing the link between buildings. Nevertheless, the works have only removed a small part of a link building with modern materials that is set back away from the road, located behind a modern steel palisade fence and does not amount to any additional harm.

Furthermore, the alterations relating to the rear exit door on the rear elevation are located at the back of the building with no view from any public vantage point. I note that the rear elevations located within a CA are of lesser importance, and as they are likely to be minor alterations that cannot be viewed from a public vantage point, will cause no harm to the character or appearance of the CA.

To conclude the proposed alterations that affect the exterior of the property are minor, and will not result in any discernible harm to the character and appearance of the Darwen Town Centre Conservation Area.

Conclusion / recommendation

As I am required to do so, I have given the duty's imposed by s.72(1) of the P(LBCA) Act 1990 considerable weight in my comments.

I consider the proposal would meet the statutory test 'to preserve' and would cause no discernible harm to the character or appearance of the Darwen Town Centre Conservation Area.

Therefore, no balancing exercise is required as per NPPF P.202. As such, the proposal meets the objectives of Chapter 16 of the NPPF and accord with the policies of the Local Plan dealing with heritage (Policy 39 of the Blackburn with Darwen Local Plan and Policy CS17 of the Core Strategy).

6.3 Environmental Services

No objection.

6.4 Lancashire Fire & Rescue

No objection, standard advice.

6.5 Public Consultation

18 letters were posted to the local community on 5th August 2022. Site notices were also displayed. In response, 19 objections were received - see Summary of Representations.

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

8.0 DATE PREPARED: 1st December 2022.

9.0 SUMMARY OF REPRESENTATIONS

Objection – Cllr Brian Taylor. Received: 08/08/2022.

I am concerned about the noise potential and disturbance for the residents of 15-27 Borough Rd. Could this be considered in the Planning Application

Objection – Michelle Bedworth, Reservoir Street, Darwen. Received: 09/08/2022.

In reference to the above proposed planning application at Darwen Windows Ltd, Borough Road, Darwen, BB3 1PL I would have to say absolutely not!!

As we already have Spitfire, Level and the Vault close by this is ridiculous. It is loud and disruptive enough at a weekend or event as it is.

For example, this past weekend, 5/6th August 2022 music was still blasting out from one of the above venues at 4am! As is quite regular now. One of these venues then proceeded to empty their bottle bins at 5.40am on Sunday the 7th.

Do you think this is acceptable and would you like to live close to that and then add yet another loud venue so close.

I suggest you look into somewhere on the other side of town as this is unacceptable. Plus as a small town we already have numerous pubs, venues, restaurants and takeaways. Perhaps use one of those as there is also Sunbird within shouting distance also.

Objection – Mr & Mrs Shaw, 1 Punstock Road, Darwen. Received: 16/08/2022.

Please accept this letter in objection to the application for conversion of premises from vacant mill to Live Music Venue.

We object to the above application for the following reasons:

1. Noise pollution.

The Applicant seeks operating hours from Sunday-Thursday 18.30- 23.30 and Fridays and Saturdays 18.30-04.00am. As this is a live music venue with many houses in very close proximity the noise disturbance would be frequent, during unsocial hours when residents are trying to sleep and would significantly impact living conditions. Noise disturbance from town centre venues is already affecting the peace of our residential area, these venues are at much greater distance from our home, and this makes is very clear how much noise we would experience from this venue which is around 100 metres from our front door. As the venue is looking at live music and DJ's again, through experience, we have noted that this is the kind of music that travels and causes the most disruption.

2. Residential area.

The venue is outside of the town centre boundaries therefore in a residential area. The planning documents states 'that other residential properties in much closer proximity to late

night venues such as the flats above the former Lloyds bank, directly adjacent the Level One Night Club and The Bridgewater.’ However, we did not choose to live in a house in the town centre, we bought a family home in a residential area and as such do not want a live music venue metres from our door. As stated in the National Planning Policy Framework (NPPF) ‘Ensuring the vitality of Town Centres is a crucial part of the NPPF. At Para 86, the NPPF states that main town centre uses (including leisure and restaurants) **should be located in town centres.**’ The proposed site is outside of the town centre boundaries. There are several vacant properties within the town centre.

3. Traffic

The nature of a music venue means taxis would be coming and going throughout the evening/night and early hours of the morning. This would create traffic noise and people congregating, chatting, shouting etc and possibly lead to anti-social behaviour with people waiting on the street, directly opposite houses for their taxi. The taxis would use the road (Edisford Street) directly by our house (bottom of Punstock Road) to turn around. This road is already frequently used by cars to turn around. When picking up or dropping off at this venue there is no other way to get back to the town centre without driving all the way around borough road or turning directly next to my house. As such, it is extremely likely that comings and goings to and from the venue will extend upwards towards Bold Venture Park as cars will need to turn around.

This not only causes noise disturbance and safety problems but has resulted in damage to cars.

4. Parking

Since the building of the nearby Health Centre and the changing of the entrance to the Leisure Centre parking is already an issue on our previously quiet road. Extra traffic and parking creates unsafe roads for both pedestrians and other road users, increased traffic pollution and makes it difficult for residents to park near their homes. In addition, as the venue is for DJ’s, musicians, bands etc vans would need to park to unload large equipment etc. This would need to be done prior to the opening of the venue. The venue is very close to Holy Trinity Primary school and any additional cars, vans around the entrance to the school (one of which is located on Brough yard) in very close proximity to the mill, would create safety issues for the families of Holy Trinity. The hours of the proposed venue will add further parking problems already in place with people who use the Leisure Centre, which is also frequented in the evening and at the weekend.

In one of the supporting documents the applicant states, ‘there is no direct vehicular access’ to the premises, therefore all traffic, drops offs, pick ups and loading and unloading of vehicles will take place on an already busy part of the road which is used by people visiting the Health Centre, Leisure Centre (entry road to both opposite the proposed venue) and Holy Trinity Primary School as well as all the residents of the Bold Venture Park area.

5. Anti-social behaviour

Noise, fighting, littering etc all clearly linked to social venues would take place in very close proximity to my home, car, garden. In addition, any littering, broken glass etc would be on the pavement children have to walk on to get to the school gate.

6. Similar venues already in place.

The planning states that 'It will provide a space for artists and DJs to perform within a 'former mill' complex which will be unique in Darwen' however it also states that 'the Applicant has taken inspiration from the nearby 'The Vault' venue located at 8 Borough Road, Darwen.' This is a very similar place, also in a basement and also offers live music. Sunbird Records (which also has had a negative impact on our quality of living due to noise pollution), also offers a space for artists and DJs to perform making the proposed venue similar to other nearby venues rather than unique. There are also empty properties within the town centre.

7. Setting a precedent.

The proposed venue is outside of the town centre boundaries. If this planning is accepted, then a precedent is set for either this venue to expand or similar venues to be acceptable in a residential area.

In addition, the application reveals that the applicant has taken inspiration from 'The Warehouse Project in Manchester' which is renowned for it's club nights and rave culture – this is totally inappropriate in a residential area with many house and a primary school in very close proximity.

In summary we strongly believe that if this proposed planning document is accepted our quality of lives will be significantly impacted.

Objection – Mr & Mrs Mclean, 23 Borough Road, Darwen. Received: 16/08/2022.

I would like to put in an objection for the proposal of the application for the music venue on Borough Road Darwen for the following reasons:

1. This is a residential area, not town centre and people live in this area with families whom this will affect all hours of the day.
2. We live roughly 50 metres from the proposed building and have huge concerns about the noise pollution from both inside the venue and the customers coming and going at all hours, we already have noise pollution coming up from the town centre from the nightclubs and pubs already open and roughly 400 metres away in the town centre.
3. It's going to generate more traffic coming up and down Borough Road again causing more noise pollution and also a safety issue especially with being so close to the school, health centre and leisure centre which already is an issue with parking for all residents in the area.
4. It will generate noise pollution from people standing outside on entry and exit of the building, customers going out for cigarettes and e cigs and fresh air, people intoxicated arguing and customers waiting for taxis.

5. It will also bring un-desirables to the area and with having steps at the front and gardens to the rear and a back alley with being residential will attract unsociable habits to take place.

6. We feel that the market for music venues is already saturated within the town centre of Darwen ie Blues bar shut down and Suki's night club shut down, and Artisan, Essence restaurant and The Bank bar up for sale and they are all struggling to get customers in and staff to fill the job roles.

Objection – Mr & Mrs Procter, 21 Borough Road, Darwen. Received: 17/08/2022.

Please accept this letter in objection to the application for conversion of the vacant mill premises located at the lower ground floor of the former 'Old Co-Op Bakery' mill, Borough Road, Darwen to a Live Music Venue.

We object for the following reasons:

- Objections to the use of the former mill site conversion as venues of this nature are already available within 100m.
- The proposed development could take place in any number of other vacant town centre properties that lie within the Town Centre sector. The consumer choice in Darwen is already available at venues like Level One Live, The Vault and Sunbird Records
- The application building is located within the Urban Boundary with the Town Centre Boundary running along the front of the site therefore classifying the location within a residential area. Our property being less than 70m from the venue.
- In nearby proximity to the site are Darwen Health Centre, Darwen Leisure Centre, Level One Live, Holy Trinity Primary School and many residential properties. When we chose our property we did so with the location in mind. We did not foresee a proposal of a Live Music Venue across the road.
- Its stated in the proposal that the nearest residential property is some 77m away from the venue however the building is much closer, some 30m between properties.
- Objections are sought for the conversion of the former mill and the development of its premises. There are no plans in place for a proposed smoking area. So are customers to undertake this on the street. This will cause an increase in social gathering outside of our property, an increase in noise and general disturbance that merriment can bring.

- The application seeks trading hours that operate throughout the week this in turn will lead to problems within our residential area on a daily basis into the early hours of the morning. A disruption our residence could well do without. We already deal with late night revellers returning from venues located further away.
- Policy CS1 - A targeted growth strategy - The development of Darwen's night time economy is already at breaking point. With many venues encountering problems in sustaining there developments.
- Policy CS11 - Facilities and services - We object to the further expansion of public services and facilities in our residential area, There are already other vacant properties within the town centre sector which can be renovated for this purpose.
- Policy 8 - Development and People -Objections against the development of the former mill site. For this proposal will mean enhanced noise, vibration, light, odour, pollution, and nuisance and will; cause a lack of privacy for us and our neighbours. The development of this live music venue would bring frequent disturbance and significantly impact our living conditions. Live music creates noise, which in turn is carried much further than other forms of music. The music from town is already loud but the proposal of a much closer venue is big concern.
- Policy 10 - Accessibility and Transport - The proposal states the Council will manage transport implications. Objections proposed an increase of footfall and vehicles especially into the early hours. The nature of a music venue obviously means an increase in traffic/transport. Taxis being the main mode of transport are a great concern with vehicles coming and going throughout the evening/night and early hours of the morning, creating excess traffic noise. People congregating, chatting and being merry can easily escalate into antisocial behaviour right on our doorstep. Taxis will be using Borough Rd/ Punstock Rd/ Edisford Street to turn around to head back towards town. This procedure is well carried out already for locals, not only does this cause disturbance and safety problems it has also resulted in damage to cars.
- Policy 11 - Design - We object to this proposal as we feel it make a negative contribution to our residential area and invading our privacy.
- Policy 26 - Town centre A Framework for Development - There are already venues of this nature within the Town Centre Boundary. It only

brings problems into a residential area. New commercial developments could be sought within the Town Centre Framework without encroaching on residential areas. Level One Live, The Vault and Sunbird records already offer live music within their venues. The proposal at the Old Former Bakery will be offering continuous live music throughout the week well into the early hours. As residents our family life and sleep patterns will be disrupted every night with continuous noise, vibration, light and possibly anti-social behaviour.

- NPPF - National Planning Policy Framework - The government states that there are three dimensions to sustainable development: Economic, Social and Environmental. Our Town already covers this development and framework catering for employment, shopping, leisure, education and other activities. The NPPF supports economic development however this proposed venue will only take away revenue from smaller town centre services. These establishments are already struggling to survive with many providers already at saturation point. Many small businesses are unable to maintain staff for their premises with town centre venues having to close due to lack of footfall. So we object to adding another much larger venue to an already stretched hospitality sector.
- NPPF states leisure and restaurants should be located in town centres and NOT in residential areas.
- Employment is already available within Darwen as stated already many hospitality venues are struggling to maintain their staffing levels. This new proposal won't offer anything new just take away from other local services.
- The proposed venue states to be within an ideal setting within the centre of Darwen, Within a 350m radius of the site there is a well-established residential area we object to the proposals at it clearly states the venue would not be located within the defined town centre boundary. Town centres are considered the most appropriate locations; however this venue falls outside the classification. Less than 350m from your venue also is clearly a residential setting.
- Darwen already provides consumer choice with a wide variety of evening and leisure activities. There are already unique venues within the town centre sector that provide for the younger demographic. The music

venue would not be unique in style as it clearly states its taken ideas and inspiration from the recently renovated Vault.

- The proposal states to sustain economic development and create new jobs, however many Darwen hospitality establishments are already under staffed and struggling to compete with each other. How is adding another much bigger venue going to grow economic development. It is only going to enhance the closure of other smaller venues, leading to a decrease in the consumer choice and withdrawal and reduction to the night life in Darwen. This will cause more central properties to become vacant. The development should be undertaken in a more central location where properties are already available not where it causes adverse effects for nearby residents, especially those positioned within the 350m radius.

- The venue proposes to operate outside daytime core business hours which are:

Sunday - Thursday 18:30 - 23:00

Friday & Saturday 18:30 - 04:00

These suggested times of opening will have an immediate effect on "us" the residents and other local people. There will be a cross-over of users as both the Health Centre and Leisure Centre will still be in operation. The Health Centre closing at 21:00 Monday-Friday and the Leisure Centre operating until 22:00 Monday - Friday. Currently the Level One Live venue only operates on Friday and Saturdays but lies within the town centre boundary. The comings and goings of public and staff will be added to the congestion already encountered at this busy section of road and will continue well into the evening/ early morning. Our concerns being an increase in crime and vandalism and those congregations of people will bring anti-social conditions to our doorstep.

- The impact of the proposals on the residents is evident. Noise pollution from congregation of revellers, increase in the amount of traffic and anti-social behaviour, lack of privacy for our residential property both at the front in in the rear alley. The increased potential for crime. vandalism and drug misuse particularly towards the early hours of the morning.

- Since alterations to the road layout at the bottom of Borough Road and the entrances to the Leisure and Health Centres parking is already an issue on our previously quiet road. Extra traffic and parking creates

unsafe roads for both pedestrians and other road users, increased traffic pollution and makes it difficult for us the residents to park near our homes. The proposal is for live musicians, so there would be a need for DJs, musicians, bands etc to unload large equipment prior to the advertised opening hours. The venue is directly next to Holy Trinity Primary School and any additional cars, vans around the entrance to the school would create safety issues for the families attending. The proposal states there is no direct vehicular access to the premises therefore all traffic, drop offs, pickups, loading and unloading will take place on an already busy part of the road. As the entrance is situated opposite the entrance to the health centre and leisure complexes this will cause difficulties for residents heading up Borough Road towards Bold Venture.

- Noise, littering and fighting are all clearly linked to social venues with this venue being in very close proximity to my family, home, car and garden. Also this creates more vulnerability to the residents returning home.

We strongly believe that if the proposal is accepted our quality of life as a family will be significantly impacted.

Objection – Miss Hall. Received: 18/08/2022.

Please accept this email in objection to the application for conversion of premises from vacant mill to live music venue. 10/22/0758

We would like to object for the following reasons.

1. Noise pollution.

This is a quiet part of Darwen, most are retired elderly people, some are police officers, nurses, doctors and other people that do shift work and the hours that are purposed are Sunday-Thursday 18:30 till 23:30 and then Fridays to Saturday 18:30-04:00am! It is unfair to those people who work shifts also the elderly that have to listen to loud racket until early hours of the morning. That's with the passing taxis parking up and possible police presence when there is anti social behaviour with drunken people, smashing bottle, glasses, shouting, screaming. This is classed as a residential area and this venue could move into the town centre where the rest of the bars are. Why should we put up with yet another bar that will be going on until the early hours of the morning. There are people with children and newborns that live just a stones throw away from this venue. This will also attract, teenagers who will causes issues within the area that would lead up to Bold venture park which again will attract police and possible other emergency workers.

2. Residential

As stated above this is a residential area where people who work shifts and the opening and closing times of this venue will cause issues with people who work shifts! This venue is outside the town

centre and much closer to residential houses. Keep bars in the town centre and keep residential homes as a quiet peaceful place. I do not want teenagers and drunken people who will walk around the area I live and use my wall as a prop up, or something they can be sick over or cause damage to my car and property because they have come from this venue! Why should we have to put up with that! I live alone as a female and I wouldn't want to be in fear of drunken people and anti social behaviour outside my house where I don't feel safe because again they have come out of this venue, why should I have to be in fear. This is a peaceful, calm area and we never have any issues, which I believe and know this will change if this venue application goes ahead.

3. Traffic.

As everyone and anyone who lives in darwen knows the struggle when trying to park. We don't have many cars going to and from this area only people who live in the area which makes it a peaceful place to live, but if this venue goes ahead there are going to be taxis, people getting dropped of by friends, family, where are staff going to park? ... I'm guessing that staff will park on the residential streets and take away parking for people who live in the area. I'm guessing as well that extra traffic be going to Bold venture park which is where it meant to be a quiet relaxing place not being bombarded with taxis and horns sounds and drunk people. Where are all these extra cars meant to go?

5. Anti social behaviour

As stated in other points this is a nice calm peaceful area where nothing much happens which is why people bought the houses in this area. So why should we have to devalue our houses for a venue that plays music till all hours of the night. There is going to be drunk people that will cause fights and assaults and issues in the area which in turn will have police and ambulance turn out which as we know they are already stretched as it is, so why put more pressure on them? Littering on the street which definitely will not get cleaned up even if the owners say they will. Broken glass that again will not be cleared up and right next to a school where children have to walk on that pavement to get to the school. Again I do not want to feel scared in my own property when these drunk people will cause issues. I live next to an elderly vulnerable person who will find it very stressful with all the noise and anti social behaviour which is guaranteed with any venue that has alcohol and stays open for them to drink till all hours in the morning. Choose a venue that's in the town centre to keep people in the town centre not venture to the residential areas, where they will have domestics, fights, fall outs and just cause issues.

6. Other venues.

There are other live music venues already in the town centre. There are already bars, cocktails bar, restaurants and other places for leisure. Why not put your money and time in to something that Darwen needs and not be a sheep. Why put the venue in a residential area and not keep it in the centre where the other venues are where you could come together and work together as one. This is not a unique venue like i have already said there are many others just like this one and there is one just down the road called the vault.

I have read that it has taken inspiration from The Warehouse Project which is in Manchester City centre and not in a residential area with schools right next door. When is this going to stop...as if this venue goes ahead which I pray it does NOT what's to say that another live music venue pops up closure and closure to more and more houses. It needs to stop and the people need to be heard. Go and put your venue in the town centre where it belongs.

Overall

I actually have never had a letter through explains what is going on. And I live next to the school that this venue is next too...so why haven't I had an objection letter through? Sneaky comes to mind.

Thankfully we have come together and found out what is happening and we are all totally against this. I do not want this venue so close to my home where I am meant to feel safe. I do not want to feel vulnerable within my own home. I moved to Darwen 4 years ago and love how where I live is quiet and peaceful. I have a stressful job as it is and I don't want more added stress, with sometimes working nights, and what of some drunken person or people are outside my home. It's is so intimidating!

Please don't allow places like this to be inside a residential area, there are children, vulnerable people and lone females that live within this area, I get it that the owners are just wanting to make money and profit but Why are you punishing the people who you would want to help your business grow? The applicant should consider placing their venue within the town centre where we can support it away from our homes.

Objection – Harry Foster, 15 Borough Road, Darwen. Received: 19/08/2022.

Planning application 10/22/0758

Dear planning office (Nick Blackledge)

I would like to put my written objection against the proposal of music venue on Borough Road, Darwen for the following reasons:

- This is a Residential area not Town Centre.
- I live roughly 30 metres away from the proposed venue and have huge concerns about the noise both from the proposed venue & customers coming and going at all hours.

I can already hear music from the town centre every weekend and the nearest venue is roughly 450 metres from me at present.

- The proposed venue will attract customers which will congregate

outside both when entering & exiting the Venue, going outside for fresh air, to have a cigarette or E Cig or even to fight & chat which would result in keeping me awake at all hours.

- Traffic will increase on Borough Road Customers being dropped off and picked up at all hours, again which will cause more noise pollution and light pollution with me being directly across the Road.

- We already have parking issues on Borough Road with having a School Leisure Centre, and Health Centre and feel this will only add to the already on going problems and also bring new issues ie: Safety when crossing main Road, emergency services not getting through, drink driving.

- My house is situated directly across from the proposed Venue with steps to the front of the property, grass gardens to the side & back alley to the back of the property which I feel will be places people will congregate before entering & when leaving the Venue.

• I feel that there is already enough music Venues, public houses & Restaurants in the Centre of Darwin and don't need more, especially in a residential area, across from homes of people living with families with small children.

• We already have Venues that have closed in the Town Centre that could be utilised, ie : Blues Bar and Suki's nightclub and Venues that are up for sale due to saturation of the market ie : Artisan, The Bank, Essense.

Please take this objection seriously and would like to be kept upto date with any up-dates going forward, in writing to my address 15 Borough Road, Darwin.

I am disabled and struggle to use a computer.

Objection – David Gregory, 41 Punstock Road, Darwin. Received: 19/08/2022.

I wish to object strongly to the development of the Darwin Windows site, this is a residential area on the edge of the town centre, I feel policy 8 covers the main objection points although policy 10 is also relevant.

Objection – Jean Slater, 37 Punstock Road, Darwen. Received: 22/08/2022.

I am writing to register my objection to the above application and, specifically, the proposed change of the use of the lower ground floor from vacant mill to a Live Music Bar.

I have set out below my main objections to the proposed application:

- anti-social behaviour linked with the proposed live music venue (including noise levels and littering) and, due to late night / early morning closing times groups congregating leading to the risk of increased violence and vandalism due to alcohol consumption
 - due to the venue being in close proximity to privately owned residences people feeling vulnerable in their own homes during the evening / night time
 - impact on house values in the [immediate] surrounding area
 - impact of increased traffic to the area and parking facilities for those travelling to the bar. This is already a busy road that provides access to the primary school, leisure centre and health centre. Cars being left on the road will lead to reduced visibility and increased risk for pedestrians accessing these local services.
-

Objection – Richard & Julie Davies, 23 Jubilee Street, Darwen & John & Shirley Moss, 25 Jubilee Street, Darwen. Received: 22/08/2022.

Please accept this e-mail as an objection to the application for conversion of premises from a vacant mill to a Live Music venue.

We object for the following reasons:

Noise Pollution

Our houses are in close proximity and the noise would be during unsocial hours, preventing us from having windows open and disturbing our sleep.

Residential area

The venue is outside the town centre boundary.

Traffic and Parking

This would be in addition to the parking already taking place from visitors to the health centre and leisure centre.

Anti-social behaviour

The street is already littered with rubbish and broken glass from customers of the many venues in town making their way home. School children and dog owners have to pick their way carefully on the street.

There are already many venues offering the same facilities in the town.

Objection – Gary Mitchell, Punstock Road, Darwen. Received: 22/08/2022.

I am a resident on Punstock Rd, Darwen, BB32SY I'm writing in objection of the proposed conversion of the property approximately 100m from my property as a music venue.

Firstly the noise from the venue is going to cause sound disturbance especially at weekends meaning in summer time I'm going to have to sit in my house with both windows and doors closed I work all week and expect to be able to get my rest and sleep at the weekends and do not want being kept awake until the early hours of the morning from both music and youths hanging around on the adjacent streets.

There is enough music venues in town and also old music venues available currently not being used.

Also I will be in contact with the council soon as noise Level exceeds the permissible allowance for a residential area.

Also people coming to the venue by vehicle are going to want some where to park are we as residents expected to put up with the parking in front of our properties, where are we expected to park if going out for the evening when we come home.

Why as a resident have we had to get to find out about this proposed changes to the building which is already going ahead second hand it appears to me the change of building use as already been accepted before the date for objections have been accepted

Objection – Susan & Keith Owen, 21 Jubilee Street, Darwen. Received: 22/08/2022.

Re. Objection to Full Planning Application Proposal Ref 10/22/0758:
Proposed change of use of lower ground floor from vacant mill to a Live Music Venue (Sui Generis). Location: Darwen Windows Ltd., Borough Road, Darwen, BB3 1PL.

Please accept and review our objections to the full planning application proposal ref. 10/22/0758 detailed above for the following reasons:

Noise pollution

The proposed live music venue seeks operating hours from Sun-Thu 18:30-23:30 and Fri-Sat 18:30-04:00. It seems unlikely that the live music will take the form of a string quartet and is more likely to feature louder, bass driven, DJ style music. From experience it's inevitable that the noise will travel to the neighbouring residential houses that are close to the venue - for example, the houses to the school side of Jubilee Street. The noise disturbance would be significant, frequent and substantial causing significant detrimental impact during unsocial hours when local residents are trying to sleep.

Residential Darwen

Darwen is a small town in which the town centre is in close and convenient proximity to several residential areas. The proposed venue steps outside the town centre and impinges on residential areas. More importantly, the residential areas affected by this proposal are predominantly family homes (working age adults with children, older people, etc.) rather than apartments. It is inevitable that the proposed venue will impact detrimentally on this peaceful residential area in a rural setting, close to Bold Venture Park and the Darwen Moors.

Traffic

Whilst the venue may seek to mitigate against the noise of the music there will also be the additional disturbance created by guests arriving and leaving the venue, typically by taxi, throughout the evening, night and early hours. Access to and from the venue is likely to spread the noise of traffic, people chatting, anti-social behaviour etc. even closer to residential areas. Work has been carried out by the Council to control traffic in this area of town (adjacent to a primary school, health

centre & leisure centre) which is more likely to exacerbate the problem of traffic at drop-off and pick-up times from this proposed venue.

Parking

As described above, the traffic control measures introduced by the Council as part of the redevelopment of the local area have sought to improve access to the health centre, the leisure centre and control traffic around the primary school. As a result, parking is limited and, at busy times, does lead to street parking that reduces the safety for pedestrians and other road users alike. It's likely that attendees, performers, road crew, etc. at the proposed venue will increase considerably the pressures on local parking, reduce safety, reduce the parking opportunities for local residents, and create further nuisance.

Anti-social behaviour

The noise, littering and other anti-social behaviour associated with late night music/drinking venues would take place close to a residential area, health centre, leisure centre and primary school. The proposed venue is an extremely poor fit alongside its neighbours.

Darwen's live music and night-time economy

There are several venues in Darwen that provide for live music events. Darwen regularly hosts live music events and festivals that are advertised in advance. These, for the most part, sit comfortably alongside the bars, restaurants, open space and other venues. They have created a vibrant night-time economy with occasional day-time music events. At the same time, Darwen is a small town with residential housing in close proximity to the town centre. Ensuring that the night-time economy is managed well and that a balance is struck between the desires of business owners and the needs of local residents is key. The Council will be well aware of a number of incidents in which this balance has been poorly managed and where this has led to a significant number of complaints from local residents. The proposed music venue on Borough plans to step across the line between business owners and residents and stretch the night-time activity further from the town centre and into residential areas whilst, at the same time, not adding anything new. It's simply another late-night drinking venue with music that will add further noise and disturbance which, in turn, will lead to significant complaints to Council officials and the police.

In summary we believe that if this proposed planning document is accepted the quality of life in the local area will be significantly and detrimentally affected. We urge you to reject the application and all similar applications for the development of this property as a bar/nightclub / music venue.

Objection – Garth Swift, 17 Borough Road, Darwen. Received: 25/08/2022.

To whom it may concern:

Reference: Conversion of mill to live music venue: CASE REF 10/22/2022

I wish to object to the planning application for the conversion of mill to live music venue.

I am a homeowner on Borough Rd. The application does not reflect the impact such a venue will have on the residents in the local area.

As our property faces the proposed site, there is going to be a significant level of noise pollution at unsociable hours as listed below:

- Noise of people that are entering and leaving the building. People on a night out are not inclined to be quiet and considerate of others they may impact. We can assume there will be queues to get into the venue which will create noise and once the venue closes there will be a mass exit of people that will create a large amount of noise in the local area.
- People will be congregating outside when they go for a cigarette – again creating crowds and noise.
- Taxis will use the side street at the top of the block of houses on Borough Rd to turn around which will increase the amount of traffic and noise.

I don't think the planning application makes a true reflection of the impact all these factors will have on the people that live on Borough Rd and how their lives will be affected. Due to the proposed hours the venue intends to run, it would be impossible to sleep with our bedroom window open in summer as will be kept awake until 4 or 5 am due to the factor listed above. This is going to impact people mentality and physically. I don't think any consideration has been made for this. During the week the operating hours are still late and will affect children that are in bed trying to sleep.

Having a venue like this in what is the start of the residential area will impact the house values and saleability of the premises. I don't believe it is fair that our life investment is impacted in this way. The mill has been used as a daytime business and the people on Borough Rd have purchased their houses and decided to live in the area with that as a consideration.

Based on the impact this proposed planning is going to have on personal lives and the detrimental impact it will have on house prices and saleability of the houses, I believe the planning permission should be rejected. In summary this conversion is not suitable for the location.

Objection – Miss Hannah Williams, 17 Jubilee Street, Darwen. Received: 26/08/2022.

Hi, please accept this email as an objection to the application 10/22/0758 (conversion of premises from vacant mill to live music venue).

I am a local resident of the area highly concerned about the potential amount of noise pollution impact this conversion could have on the local residential area. A large number of residential properties are within close proximity to the building which would be severely impacted. The noise from other late night music venues already impacts our property which are located further away than the vacant mill involved in the planning application. In particular, the operating hours requested include weeknights as well as weekends which is alarming.

I am not aware there are any parking facilities specifically for this venue other than on the road and I am concerned at the potential impact on traffic.

Darwen requires investment and I am keen for empty properties to be utilised, however there are empty sites within the town centre that this venue would be more suited towards.

Objection – Alan Bramley, 25 Borough Road, Darwen. Received: 26/08/2022.

Dear Planning Department,

I was recently informed by a neighbour of plans to convert the now defunct Darwen Windows Ltd building into a Live Music Venue. I have tried to find these plans on your website at "www.blackburn.gov.uk/planning". However, I have been unsuccessful in my search so cannot quote a planning reference for you. If this Plan is still active please can you consider my objections below.

The properties slightly uphill of the Darwen Windows building already suffer from late night noise pollution from other venues in the town centre such as "The Vault", "Sunbirds" and "Level One Live" but this just about tolerable due to greater distance and I do appreciate how these place contribute to the vitality of Darwen Town. However, I feel that opening another Live Music Venue much closer to our residential area is going to degrade our lives to quite an extent.

Since my property is only 70 to 80 yards away from this building my main objection is the high levels of noise and disturbance that I'll be subject to going on way into early hours. The planning proposal is that the venue will operate until 4am on Fridays and Saturdays but given that crowds will be dispersing at that time the noise and disturbance may continue to 5am and with musicians packing their equipment into vans maybe longer. This surely is unacceptable in what currently is a quiet, leafy residential area where I've been very happy and relaxed in the 22 years that I've lived here.

There are other problems as well, listed below.

- **Holy Trinity Primary School** is located nearby and its playground and entrance are located directly next door to the proposed venue. Since drugs are often associated with such venues there would be a public outcry if used needles etc., were to be found in the vicinity of these vulnerable children.
- **Parking** for myself and neighbours is very restricted in this area and we all park on Edison St (side cul de sac to Borough Rd). However, the trucks and vans of the entertainers plus vehicles of the attendees would be forced to turn around at the base of Edison St and Punstock Rd. So there will be noisy mini-traffic jams just a few yards away from my house in the early hours and increased risk of damage to our parked vehicles.
- **General Disorder and Disarray.** There is very likely to be shouting and fighting often associated with such venues. So likely there will be Police and Ambulances attending with emergency sirens in close proximity to my property in the early hours. Also if the nearby Spitfire Bar can be used as an example Borough Rd's pavements will be littered with cigarette ends and covered in broken glass and chewing gum.

In conclusion I am pleased Darwen is becoming more lively but can I state that this would be a step too far if it starts to interfere with the quality of life for local residents not only on Borough Rd but in other nearby streets.

Objection – Brian Nicholson, 48 Belgrave Road, Darwen. Received: 01/09/2022.

Hi

Hopefully I'm just on the deadline in order to raise my concern over this application. There is some confusion as to when the deadline was. Online it says Comments until the 25 August 2022, on the lampost it says 24 days within the dates it was posted which was the 8 August 2022. I heard about it on Tuesday evening 30 August but resigned myself to having missed the deadline. However I passed the building this morning 1 September 2022 and noticed that if I could have posted until the 31 August. So I thought I'd give it a go anyhow.

My objections are as follows:

1. The proximity of the building to residential dwellings and the detrimental consequences of transforming the building into a late night live music venue. It is diagonally 26 steps from the boundary of the nearest dwelling on Borough Road.
2. The proximity of other similar establishments in the immediate area: LiveOne, literally across the road. Sunbird Records, not much more than 200 steps away. The Blues Bar live music venue, a similar 200 steps away and other bars such as the Spitfire again just across the road.
3. In the Lancashire Telegraph dated the 31 August it states the building is being transformed into an "Entertainment Hub", it makes it sound like it's a done deal as it announces plans to open in October; will cater for up to 600 people and has applied for a licence to to sell alcohol from 8am till 1am. I object to this as it simply sounds like complete madness. Where will people park, where will they smoke, noise pollution etc.

<https://www.lancashiretelegraph.co.uk/news/20848092.darwen-bakery-building-get-events-space-entertainment-hub/>

4. There is an imbalance between the night time economy of Blackburn and Darwen. Blackburn has very little happening but has the space, shops, banks etc, Darwen is overcrowded with bars and venues but has three cash machines in the centre, no banks, no diverse range of shops etc.
-

Objection – Mr James & Mrs Eileen Smith, 97 Manor Road, Darwen. Received: 02/09/2022.

Application ref: 10/22/0758 Darwen Windows Ltd Borough Road Darwen BB3 1PL - proposed change of use of lower floor to Live Music Venue The date on this notice outside venue is 8/8/2022

We object to this proposed change of use of the above address to a music venue.

Reasons stated below.

This is in the location of a residential area and we have serious concerns.

1. There are at present 2 known music venues located within a few 100 yards of this building, LIVE, across road from this building, address: The Green Darwen BB3 1PW and Songbird Records (next to Post Office) The Circus Darwen BB3 1BS, plus many other town centre bars that have music.
2. Noise pollution - the noise from this venue late at night would be a great cause for concern to residents living in houses close by within metres of this venue and the noise that would channel up Borough Road and Belgrave Road. Neighbours in these areas presently experience noise from venues already in the town centre.

3. Parking - this is at present an on-going issue in this area for Darwen people going to the Health Centre, Leisure Centre, Post Office, shopping and taking and collecting children to the local Junior School which is metres away from this venue.

4. Anti Social Behaviour - attracting anti social behaviour late evenings and early hours of the morning and causing disturbances to local residents.

5. Litter - the extra litter, cigarette butts and who knows what left lying around close to school gates, Health Centre, gardens areas and footpaths from people attending this venue.

6. We have concerns from the quotes from Lancashire Telegraph 31/8/22.

Application for Alcohol Licence sale from 8am - 1am and late night 11pm to 2pm
Catering for 600 people and seated bar area for 120-150 people for sports evenings
for boxing, wrestling and mixed martial arts.

For 600 people, what kind of vehicles will people arrive in (car, bus, coach) and where are they going to park?

We object to this application.

Objection – Mr David Prest, 31 Punstock Road, Darwen. Received: 20/09/2022.

15th SEPTEMBER 2022
Dear Nick Blackledge,
I wish to comment on one or two things that worry me about the proposed Live Music venue on Borough road.

- ① How will this affect the saleability and value of my property, and others close by.
- ② How will the permitted noise levels be monitored.
- ③ Who will pay for the extra police that will be needed for disturbances etc.
- ④ Bottles, glasses, take away packaging etc that are thrown on the roads will need to be removed
- ⑤ Residents will have to shut windows to keep the noise out. Sleep will be disturbed for many residents.
- ⑥ Taxis already stop at the bottom of Punstock to drop school children in the mornings & afternoons. This would not be acceptable to anyone at night, the head lights on the windows would wake most people, together with the shouting & banging of car doors
- ⑦ I believe some of the things that may be

forced upon the residents close by, would be an affront to human rights & Health & Safety. and that any council that allows this to happen would not be thinking of the wellbeing of the effected residents.

Objection – Tim. Received: 26/09/2022.

I would like to make personal objection against the change of building use and I'm assuming an alcohol licence requirement. This is re the old Darwen Windows site on Borough RD. I can't find anything online (BWD application site) regarding Borough Rd other than 10/22/0758

I can't see anything of detail other than Proposed change of use of lower ground floor from vacant mill to a Live Music Venue (Sui Generis)

The objection applies to this and what ever is planned for the other floors – someone is very confident that application/s have or will be successful re current occupancy during the day and late into the night re workman.

I'm not sure whether the building is classed as in a residential area or the town centre, but I'd class 10ft away as residential.

I must be honest and say I have zero experience in this field, and I don't understand the process and indeed why it is needed because the site is next to a primary school. The building overlooks the school play area, school classrooms and changing rooms. When this building was used by a very few people the windows were blacked out and boarded up or smashed.

Borough Rd currently offers zero problems for me regarding rubbish related to drug use or smashed bottles/glasses which DOES come with live venues, I have therefore a great concern about rubbish around the area but specifically on the school site. The council road sweeper is useless re broken glass – it just dumps it in a line. This is common on Bank Top nearby.

Parking is an issue re max capacity already as you will be aware of this regarding the health centre and DLC. Outside the premises is restricted parking for approx. 6 cars for an hour. Opposite has no restrictions BUT this reduces the road to a single lane – which has been the norm for a few weeks now. This is on approach to Zig zags. There is no point saying visitors could use residential streets as these will be full during the night. Also, local car parks are full because at night the Post Office fill the local car park and a lot of the main rd. spaces. Regarding taxi drop offs, I don't see a safe area where this could happen re the already limited parking.

The area is very dark, it is noted that one streetlight has recently been relocated. It is my belief this would be an ideal place for "anti-social behaviour".

I am not sure what hours the building is to be used BUT if it is during school hours – 7.30am – 6pm and later re some after school clubs then it would be unacceptable for alcohol to be available at these times and certainly for music to be played. Note if someone is applying for a licence to sell alcohol from 8am they therefore intend or can sell at that time.

Fire exits – where would (assuming many people) they exit to? There is a tall perimeter wall running along the back.

Smoking area – my concern is that the basement looks out to our playground and school but a grassed area where i.e., cigarette's must not be thrown.

I would also add that it can not be ignored that the application was posted during school holidays where the site is closed to all post. The post office must return any post to sender. Common courtesy says to speak to your adjoining neighbour. The application was first posted on a lamppost to the public on the 30th of August at 9.41am. Someone then removed the top notice which had been securely taped.

I understand the days of Darwen being a quiet mill town have long gone and this does seem the norm BUT this building next to and overlooking a primary school cannot go ahead – I'm guessing it will but then I would need answers as to why the use of building is needed.

Sorry I have had to rush this.

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/0942

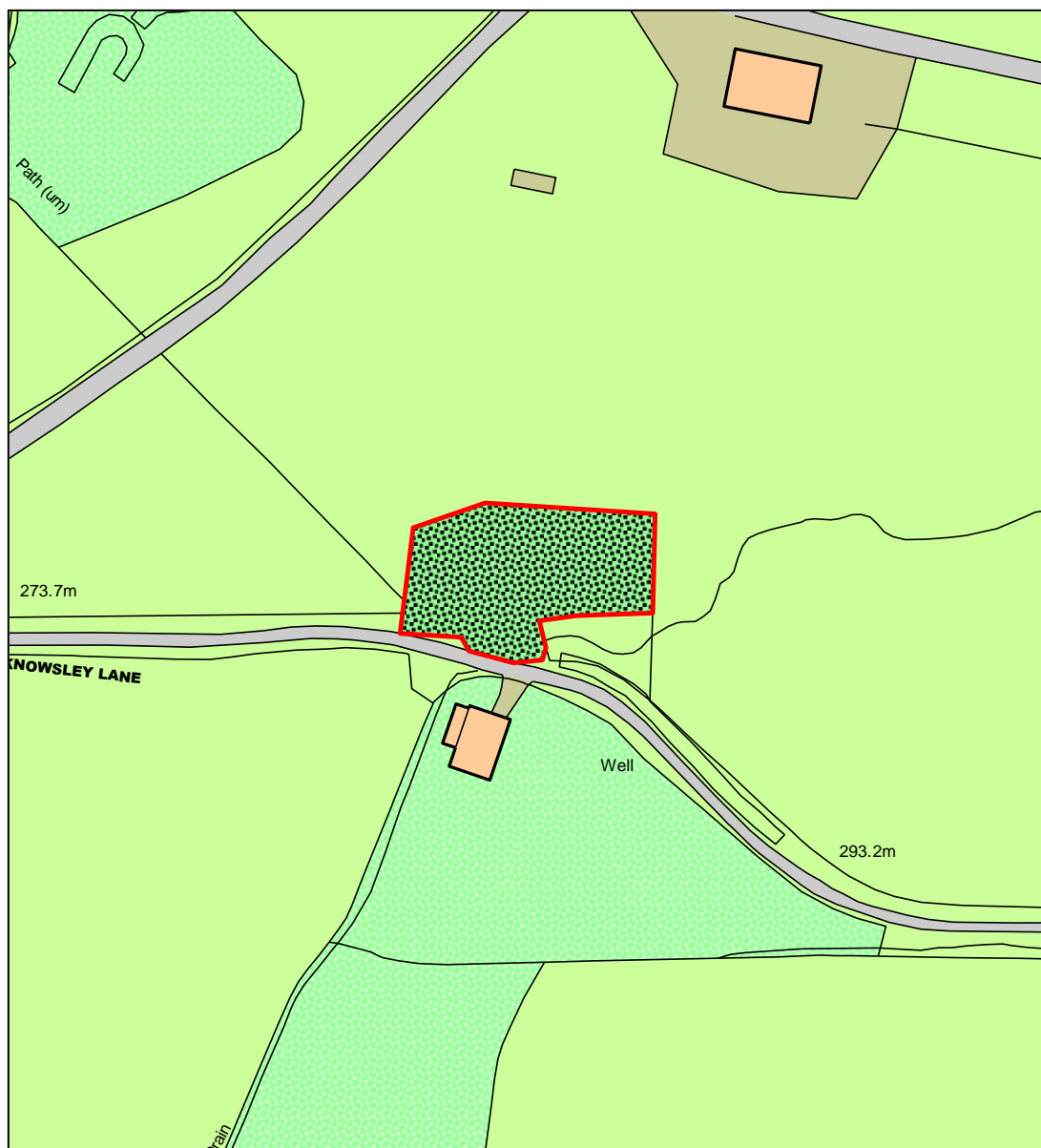
Proposed Development: Variation of Condition Nos 2 "approved drawings" and 3 "materials" pursuant to planning application 10/20/1015 "Proposed single and double storey side and rear extensions and associated site works "vary approved drawings to include new external balcony"

Site Address: Knowsley Farm, Knowsley Lane, Edgworth, Bolton, BL7 0JH

Applicant: Mrs Claire Forty

Ward: West Pennine

**Councillor Jean Rigby
Councillor Julie Slater
Councillor Neil Slater**



1.0 SUMMARY OF RECOMMENDATION

1.1 The proposed development is recommended to be granted planning permission, subject to the conditions detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's scheme of delegation, and given that an objection has been received from North Turton Parish Council on the grounds of overdevelopment.

2.2 The proposed development has been publicised through letters to residents of the nearest 2 adjacent properties, on 4th October 2022. A site notice was also displayed at the site access point, on 17th October 2022. No public comments have been received for the application so far. Should any be received ahead of the committee meeting, they will be presented as part of an Update Report.

2.3 The Council's development plan supports new householder development and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.

2.4 This application is made under Section 73 of the Town and Country Planning Act (1990) and involves the variation of two conditions imposed on application 10/20/1015, which was approved under delegated powers on the 17th December 2020. The revised proposals would deliver a first floor balcony feature, which would adjoin an already built two-storey rear extension. The balcony would have a frame constructed from green oak with a glazed balustrade proposed to three sides.

2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed through the application process or capable of being controlled or mitigated through appropriately worded planning conditions.

2.6 The key issues to be addressed in determining this application are follows;

- Assessing any design and visual amenity impacts
- Safeguarded the residential amenities of the immediate neighbours

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is a two-storey detached dwelling located to the north of the village of Edgworth, within an allocated Countryside Area. The dwelling has natural stone elevations, a slate roof, cream uPVC doors and windows, and garden areas to all four sides. The building was originally of a traditional farmhouse construction and it has been recently subject to a range of

alterations and modifications, under application 10/20/1015. Fields surround to all sides with an agricultural building positioned nearby to the south.

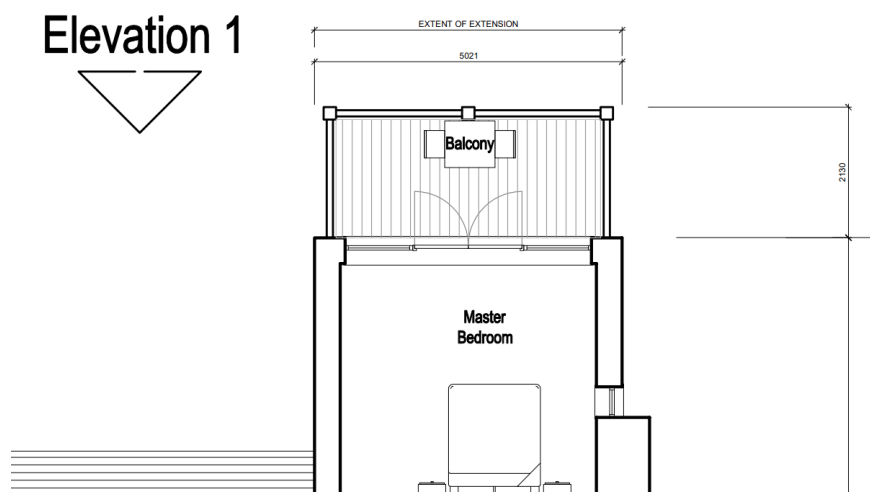
Figure One – Satellite image of the site



3.2 Proposed Development

3.2.1 As detailed above, this planning application seeks to vary two conditions (Conditions 2 and 3) imposed on a previous application, which involved – *Proposed single and double storey side and rear extensions and associated site works*. The development involves the erection of a first floor balcony feature to the rear (north) elevation of the dwelling. A pair of hinged doors have also been installed for access purposes.

Figure Two – Part Proposed First Floor Plan



3.2.2 The proposed balcony would be suspended 2.6m above the garden level. It would have a platform area of circa 10.5m square meters. A glazed balustrade 1.2m in height would be installed enclosing three sides of the platform, which would be supported by timber upright posts. Green oak would be used to construct the frame with arched timber detailing proposed within the frame

corners. A stone dwarf wall would also be constructed beneath the platform forming a ground level veranda feature.

Figure Three – Proposed North and West Elevation Plans



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Local Plan Part 2 (2015):

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

3.4.2 Residential Design Guide Supplementary Planning Documents (SPD) (2012)

- Policy RES E5: Over-development
- Policy RES E20: Balconies, Terraces and Raised Platforms

4.0 ASSESSMENT

4.1 Design and Visual Amenity

- 4.1.1 The site is positioned within an open rural landscape and the dwelling is a standalone feature architecturally. In general terms, Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the site's wider context and making a positive contribution to visual amenity.
- 4.1.2 As detailed above, the dwelling has recently been subject to a range relatively extensive works to enlarge and modify it, under application 10/20/1015. Those works involved the erection of a two-storey rear projection with an open glazing arrangement, as shown above in Section 3.3. The rear elevation has also been opened up with glazing, which provides a modern and contemporary appearance.
- 4.1.3 The proposed balcony would affix to the two-storey projection. It would be constructed from green oak timbers, which would appropriately correspond with the style of the modified dwelling alongside the character of the wider locality. The use of a glazed balustrade would also be acceptable in the context of this development and site. Installation of that feature would therefore have no harmful impacts upon the character or appearance of the dwelling.
- 4.1.4 Concerns have been raised by the Parish Council on the grounds of overdevelopment. However, the parameters of such an outcome are restricted by Policy RES E5. Householder developments must enable properties to function without impacting on neighbouring properties and infrastructure in the surrounding area. Servicing requirements must also be retained in terms of bin storage, car parking and the general use of outdoor space. The proposed balcony does not conflict with those existing arrangements in any way and there is no material conflict with the requirements of Policy RES E5. Therefore, no overdevelopment would occur as a result of installing a balcony and the proposals are acceptable in that respect.
- 4.1.5 The external construction materials used for the development have already been discharged under applications 10/21/1040 and 10/22/0225. It is therefore recommended that an amended version of Condition 3 (now Condition 2) is imposed on this consent alongside revisions to the plan numbers as part of Condition 2 (now Condition 1). Subject to compliance with those conditions, the proposed development would be acceptable with reference to design and visual amenity, in accordance with Policy 11.

4.2 Residential Amenity

- 4.2.1 The surrounding land uses are exclusively non-residential and there are no dwellings within a near proximity. Policy 8 states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to

privacy/overlooking, and the general relationship between buildings. In addition, Policy RES E20 states that balconies must not create an unacceptable level of overlooking on surrounding properties.

4.2.2 The dwelling is a relatively isolated rural property with no immediate neighbours. On that basis, no unacceptable levels of overlooking would be caused for the nearest surrounding neighbours, As proposed, the development is thus acceptable with reference to residential amenity, in accordance with Policy 8 together with the guidance of the Design SPD.

4.3 Summary

4.3.1 This application is made under Section 73 of the Town and Country Planning Act (1990) and involves the variation of two conditions imposed on application 10/20/1015 in order to install a first floor balcony. For clarity, it is recommended that Conditions 1 and 5 be removed from the permission as they are no longer relevant given that works have already commenced within the prescribed dates. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance note detailed in Section 3.4.

4.3.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposals would be acceptable in terms of design and visual amenity, and residential amenity. The proposed development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

5.0 **RECOMMENDATION:**

Delegated authority is given to the Strategic Director of Growth and Development to approve planning permission, subject to the following conditions;

5.1 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 (1:1250), PL/07, PL/08, PL/09 and PL/10.

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

5.2 Construction of the development hereby approved shall proceed in strict accordance with all the details approved under applications 10/21/1040 and 10/22/0225. The balcony to be installed shall be constructed green oak timbers and glazed balustrade panels. Those materials shall not be varied without the prior written consent of the Local Planning Authority.

REASON: In order to clarify the terms of this consent, in the interests of the visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2.

- 5.3 The development shall proceed in strict accordance with all of the recommendations and proposed biodiversity net gain measures detailed in the Preliminary Bat Roost Assessment Report (Knowsley Farm, Knowsley Lane, Edgworth, Bolton, BL7 0JH) by Dave Anderson of 21st August 2020.

REASON: In order to minimise the developments impacts on local bat populations, to contribute to ecological net gains, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

6.0 PLANNING HISTORY

- 6.1 10/22/0225 – Discharge Condition No.3 "materials" pursuant to planning application 10/20/1015 – Condition discharged – April 2022.
- 6.2 10/21/1040 – Discharge Condition No.3 "materials" pursuant to planning application 10/20/1015 – Condition part-discharged – December 2021.
- 6.3 10/20/1015 – Proposed single and double storey side and rear extensions and associated site works – Approved, with conditions – December 2020.

7.0 CONSULTATIONS

- 7.1 North Turton Parish Council – We object to application 10/22/0942 Variation of condition 2 (approved drawings) and 3 (materials) in relation to 10/20/1015 for single and double storey side & rear extensions at Knowsley Farm, Knowsley Lane, Turton – variation to include a balcony on the grounds the site is already overdeveloped and the addition of a balcony exacerbates this.
- 7.2 Ward Cllrs
- 7.3 No public responses have been received

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 1st December 2022

10.0 SUMMARY OF REPRESENTATIONS – None received.

REPORT OF THE STRATEGIC DIRECTOR Plan Nos: 10/22/0959 & 10/22/0955

Proposed development:

10/22/0959 - Relevant Demolition (in a Conservation Area): Demolition of existing units (retrospective).

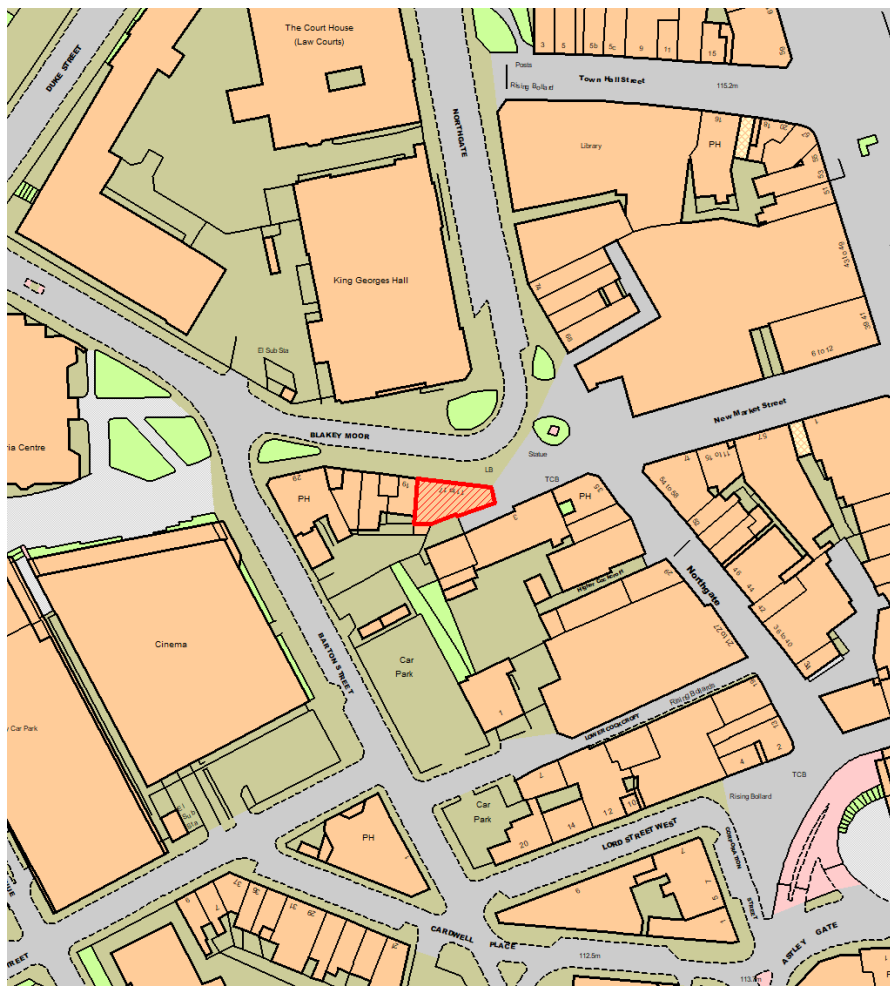
10/22/0955 - Full Planning Application (Regulation 4): Demolition of existing units and erection double storey extension to provide 1 new restaurant / cafe unit (Use Class E) at ground and first floor with new external seating area to front elevation (retrospective application).

Site address:

**No.11-17 Blakey Moor Terrace
Blackburn**

Applicant: Blackburn with Darwen Borough Council

**Ward: Blackburn Central Councillor: Zamir Khan
Councillor: Samim Desai
Councillor: Mahfooz Hussain**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions, as set out in paragraphs 4.1 and 4.2.

2.0 KEY ISSUES / SUMMARY OF PLANNING BALANCE

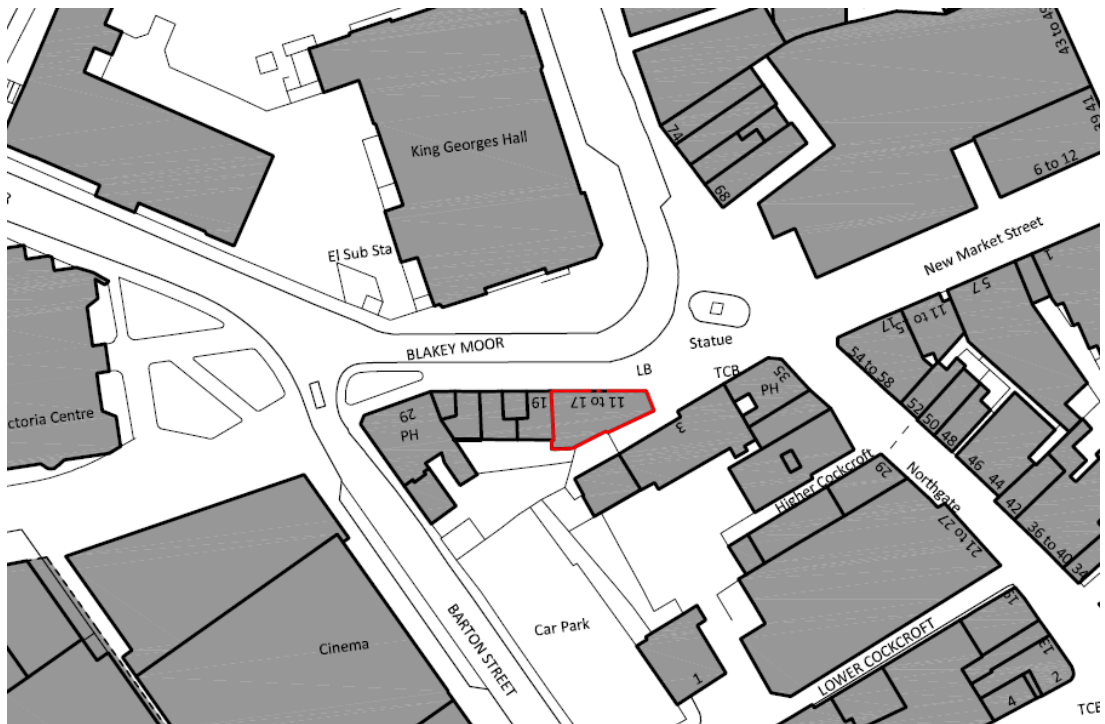
- 2.1.1 The applications are reported to Committee by reason of the Council being the applicant and owner of the application site, in accordance with the requirements of Regulation 4 of the Town and Country Planning General Regulations 1992.
- 2.1.2 Two applications are represented in this report. Assessment of 10/22/0959 is limited to *relevant demolition*; defined as demolition of an unlisted building with a volume of 115 cubic metres or more, within a Conservation Area. 10/22/0955 relates to the *demolition and erection of a double storey extension, to the existing terrace with new external seating area*.
- 2.1.3 The development will be funded by the Townscape Heritage Initiative. It will deliver a quality scheme which will significantly enhance the Blakey Moor Terrace and the wider Northgate Conservation Area (CA) setting. As well as the visual benefits of the development, introduction of a new eatery will supplement the existing retail and leisure / entertainment offers within the Northgate area, including King Georges Hall and the new cinema, thereby contributing towards the sustainability of the CA and Blackburn Town Centre.
- 2.2.4 Accordingly, the proposal(s) is consistent with the Borough's overarching growth strategy. It is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.
- 2.2.5 Members are advised that the application represents an amendment to the design of the subject building (11 – 17 Blakey Moor Terrace) from that previously approved by Committee in July 2020 (ref. 10/20/0536) for the whole of the Blakey Moor Terrace (nos. 11 – 27) which involved refurbishment and change of use to restaurants / cafes of the existing buildings. The amendment arises due to the need to demolish and rebuild the building due to its evident structural instability, as confirmed by extensive survey work.
- 2.2.6 Structural instability was first established on 16th February 2022, when engineers attending the site noted significant movement of the outer leaf of the upper floor façade with a significant risk of catastrophic failure. The imminent threat posed by Storm Eunice was recognised in this context and was decided that immediate action was required to safeguard the public, with the building declared as a dangerous structure. BwD Building Control were notified of the intention to shore up the façade and the area was isolated from the public, including closure of the highway. Subsequent to the passing of Storm Eunice, circa 18th February 2022, the condition of the building was confirmed to have deteriorated to the extent that full demolished was

necessary. BwD Building control were again notified and confirmed agreement to the urgent works.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) relates to 11-17 Blakey Moor; the corner unit at the eastern end of the terrace. The building is a key heritage asset owned by Blackburn with Darwen Borough Council, positioned within the Northgate Quarter of the Northgate Conservation Area in Blackburn Town Centre.
- 3.1.2 Immediately prior to demolition, the site comprised a vacant two storey building, most recently occupied by retail uses at ground and first floor.
- 3.1.3 In an historic context, the overall terrace was constructed between 1848 and 1894 and was part of a complex of ground floor shops and 1st floor offices (13-27 Blakey Moor). The upper floors were the former offices of the National Federation of the old Age Pensioners Association. storey and predominantly residential scale. The double storey arched windows were replaced at this point. The terrace features two distinct sections. The first part being the remnant of the former pension's office with two storey and a double height first floor benefitting from arched windows. The Second part of the terrace is a series of terrace buildings arranged over three floors. There are partial basements below each part of the terrace. The main structure of the building comprises of traditional construction with brick external walls in English garden wall bond, brick chimney stacks, stone cornice gutters, stone sills and keystones and brick arch window openings. Over time, the historic ground floor fabric has been eroded through incremental and unsympathetic shop front alterations. The upper floors remain largely intact and retain several heritage features to be refurbished and preserved.
- 3.1.4 The wider Northgate Conservation Area is defined by a typical range of town centres uses of varied scale. Therein, buildings of historic importance include many of Blackburn's municipal buildings, such as the Grade II listed Town Hall, Central Police Station and Courthouse. A number of other buildings within the conservation area are also listed, whilst several are unlisted yet historically and / or architecturally significant, such as Blakey Moor terrace.
- 3.1.5 The site and immediate surroundings are illustrated below in the location plan and image of Blakey Moor Terrace:



EXISTING BUILDING FRONT ELEVATION COLLAGE

Design & Access Statement, Group Ginger, Sept 2022.

3.2 Proposed Development

3.2.1 Retrospective consent is sought for relevant demolition of existing units in a Conservation Area; and retrospective full planning permission is sought for the demolition of existing units and erection double storey extension to provide 1 new restaurant / cafe unit (Use Class E) at ground and first floor with new external seating area to front elevation. Rendered images of the proposed development are shown below:





Proposed ELEVATION (2022)



Design & Access Statement, Group Ginger, Sept 2022.

3.2.2 The development originally approved is shown below:



Design & Access Statement, Group Ginger, June 2020.

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

3.3.4 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 26 – Town Centres a Framework for Development
- Policy 30 – Managing Specific Uses Within Town Centres
- Policy 39 – Heritage

3.4 **Other Material Planning Considerations**

3.4.1 National Planning Policy Framework (The Framework)

- Section 2: Achieving sustainable development
- Section 6: Building a strong, competitive economy
- Section 7: Ensuring the vitality of town centres
- Section 12: Achieving well-designed places
- Section 16: Conserving and enhancing the historic environment

3.4.2 Blackburn Town Centre SPD

3.4.3 Northgate Conservation Area Development Guide

3.4.4 Northgate Conservation Area Appraisal (CAA)

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
- Heritage impacts
- Amenity impacts
- Highway impacts
- Design impacts

3.5.2 Principle

As a site located within the Inner Urban Area of Blackburn and Blackburn Town Centre, designated as a Primary Shopping Area, the proposal is consistent with the Policies CS1 and 1 of the Development Plan which state that the urban area is the preferred location for new development.

3.5.3 Policy 26 supports development involving main town centre uses within the town centres. Restaurants and cafes are defined as such in the Development Plan Glossary which is consistent with the definitions in The Framework. Furthermore, Policy 26 supports protection and expansion of the leisure offer within town centres and development of an evening economy, including restaurants and cafes, particularly within the defined Northgate Quarter of Blackburn Town Centre.

3.5.4 Policy 30, amongst other criteria, seeks to guard against the inappropriate over provision of hot food takeaways, Betting Offices and amusement arcades within the Northgate Quarter. As a proposed restaurant / café use, no policy conflict arises.

3.5.5 Accordingly, the principle of the development is supported, in accordance with Policies CS1, 1, 26 and 30 of the Development Plan as well as the Town Centre SPD, Northgate CA Appraisal & Guide, and The Framework's economic and environmental objectives of sustaining viable town centres.

3.5.6 Heritage / Design Character & Appearance

Policy 39 requires development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset. The proposal is supported by submission of a Heritage Statement.

3.5.7 Policy 11 requires a good standard of design which will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.

3.5.8 The Blakey Moor Terrace is identified in the Northgate CAA as being a notable and positive building, notwithstanding that it has evidently deteriorated since the 2009 appraisal was made.

3.5.9 The demolition was based around the poor condition of the building, as aforementioned. Under the circumstances, the Council's Heritage consultee accepts that demolition was justified and that any harm arising to the character of the CA is low / less than substantial.

3.5.10 Balancing this is the fact that the application seeks to replace the demolished part of the terrace with a new 2-storey addition which forms an integral part of a new restaurant use for the whole terrace row. Again, no objection is offered to design approach, notwithstanding the abrupt termination of the pitch roof to the terrace and its replacement with a flat roof profile, which reflects and is read in conjunction with the adjacent flat roof building (to the east). Provision of the tall first floor windows with arched heads replicates the previous

building and maintains the clear distinction between the two elements of the terrace. The replaced new timber sashes and shop fronts will also provide a visual uplift for the building and is an improvement on the former arrangement. Moreover, the proposal is acknowledged as one which will invigorate the terrace whilst providing a viable new use, and will have wider benefits to the CA as well as the setting to King Georges Hall opposite.

3.5.11 The Framework, at paragraph 197, states that LPA's should take into account the desirability of sustaining heritage assets and putting them into viable uses. Paragraph 202 of The Framework allows LPA's to weigh the degree of *less than substantial* harm (from the demotion) to be weighed against the benefits accrued from the works. Whilst *great weight* should always be given to any harm (para.199), LPA's can consider the sustainable and wider benefits as part of its decision. Under the circumstances, it is considered that the benefits generated by the uplift across the whole terrace and the provision of a new use far outweigh the limited harm caused by the loss of the building. In doing so the scheme would accord with the guidance contained in Chapter 16 of The Framework.

3.5.12 Accordingly, the proposal would meet the duty to preserve, as required by the P(LBCA) Act 1990, the requirements of Policies 39 and 11 and those of The Framework.

3.5.13 Amenity

Policy 8 requires a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

3.5.14 No adverse impacts arise with reference to privacy / overlooking or relationship between buildings.

3.5.15 In the absence of proposed hours of use of the restaurants / cafes, the Council's Public Protection consultee recommends a condition limiting hours of use to those of other eateries in the locality, in order to guard against loss of amenity to occupiers of residential accommodation in the locality. Other such local eateries are not, however, subject to an hour's limitation, including those approved within the terrace under the original consent. Moreover, no residential uses are identified within close proximity to the site. The restriction is, therefore, considered unnecessary and unreasonable, within the town centre context.

3.5.16 A condition to secure a scheme for control of cooking odour and fan noise is also recommended. As no external extraction is included within the application, such a condition is considered unnecessary. It is understood that end users will be responsible for odour control. Therefore, subsequent installation of an external flue will require the submission of an additional planning application, at which time odour control and fan noise will be assessed; a position consistent with the original grant of planning permission.

3.5.17 A recommended condition to limit hours of demolition and construction is also considered unnecessary and unreasonable, on account of the town centre location and the absence of an identified and occupied residential use in proximity to the site.

3.5.18 Appropriate servicing and refuse storage is offered in support of the proposal, as confirmed by the Council's Cleansing consultee, who offers no objection.

3.5.19 Accordingly, it is found that satisfactory levels of amenity and safety would be secured. 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 and The Framework.

3.5.20 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.

3.5.21 The site does not host any protected species. Existing trees will be retained as far as practicable. A soft landscaping strategy involving planting of new trees will be secured by condition.

3.5.22 The Council's drainage consultee, as Lead Local Flood Authority, offers no objection to the proposal.

3.5.23 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.

3.5.24 Highways

Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.25 No significant highway impacts arise, due to the sustainable town centre location and availability of on-street and off-street parking in the immediate vicinity of the site which supports the development.

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

3.5.27 Summary

This report assesses the full range of material issues affecting this planning application. 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 RECOMMENDATIONS

4.1 10/22/0959 (Relevant demolition application): Approve subject to:

Delegated authority is given to the Strategic Director for Growth and Development to approve planning permission, subject to conditions which relate to the following matters:

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received (*to be added*)

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

10/22/0955 (Full planning application): Approve subject to:

4.2 Delegated authority is given to the Strategic Director for Growth and Development to approve planning permission, subject to conditions which relate to the following matters:

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received (*to be added*)

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

2. The development hereby approved shall be completed in strict accordance with the submitted walling and roofing materials.

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.

3. Prior to operational use of the 'external terrace area' 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, as well as native tree and shrub planting, and compensation for lost local priority habitat and net loss of biodiversity. Native trees and shrubs shall be planted on the site in accordance with the landscaping scheme during the first available planting season following completion of the development. The development shall proceed in accordance with the agreed details. Trees and shrubs dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

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

4. 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.

5.0 PLANNING HISTORY

5.1 10/20/0536: Full planning permission for demolition of single storey rear extensions and a garage, change of use of existing units to 2no. restaurant / cafe units (Use Class A3) at ground and first floor, change of use and re-profiling of land to the rear to form an associated outdoor seating / courtyard area, and external alterations to provide new frontages. Approved 5th July 2020.

6.0 CONSULTATIONS

6.1 Heritage & Conservation

No objection

I have read through the submission documents which includes a comprehensive suite of documents, including the following relevant documents;

D&A Statement – Group Ginger (Sept 2022)

Heritage Statement – Group Ginger (October 2022)

Proposals

Largely the proposals involve approval for the demolition of the end units in the row (No's 11-17) for structural reasons and the erection of a new 2 storey building as replacement and the use of the whole terrace as a restaurant use on the ground and first floors. The work will involve the refurbishment of the external façade of the terrace to replicated the former ground floor row of shops and a re-modelled interior to provide an opened up first floor dining space and an outdoor terrace area above rebuilt end units. The new replacement extension in this regard will have a 2 storey brick façade with brick arched upper windows and a raised parapet to tie in with the eaves height of the existing retained terrace. On the ground floor there will be 3 replicated 'shop fronts'.

The new extension will be open with a semi enclosed first floor outdoor seating terrace and at the eastern end the proposal is to have a street level outdoor space. At the rear is a larger outdoor dining/seating space which runs behind the terrace row.

It is noted that because of safety concerns the demolition works have already taken place.

Duty under Act - Legislation

The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPA's should, in coming to decisions, consider the principle Act. Which states the following:

Listed Buildings - Section 66(1)

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Conservation areas – Section 72(1)

In undertaking its role as a planning authority, the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In relation to conservation areas decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and that development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.

NPPF

In determining planning applications LPA's should take account of;

- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c. The desirability of new development making a positive contribution to local character and distinctiveness.

P.199 states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance.

P.200 states that loss or harm to the significance of designated heritage assets needs clear and convincing justification.

P.202 identifies that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Local Plan

Policy CS17 (Built and Cultural Heritage)

Local Plan Part 2 – Policy 39

Northgate Conservation Area Character Appraisal, June 2009

Northgate Conservation Area Development Guide, June 2009

Assessment

Generally I am supportive of the scheme and find the scheme represents a positive approach to re-vitalise a partially used and rather run down terrace block in the Northgate CA.

The Blakey Moor Terrace is identified in the Northgate CAA as being a notable and positive building. I agree with that assessment, although the terrace is made up of two distinct elements – three if you count the PH at the western end and I think its condition has deteriorated since the 2009 appraisal was made.

The demolition was based around the poor condition of the building. Whilst this is made clear in both the HS and D&A statement the application does not include a Structural or Condition report. However from the evidence provided it is clear that the eastern end of the terrace had suffered from structural failure and it seemed reasonable that repair was not a viable option and that this had been worsened during recent storm damage earlier in the year. Although as noted above I have no evidence before me (other than the sections in the HS and D&A Statement), which actually confirms that fact. In this regard whilst I feel the removal wiped away some historic and evidential value I agree that the demolition was justified. However demolition of 'positive' buildings are normally a last resort and one which should not be considered lightly. However given the circumstances and the poor condition I would regard the harm caused from the demolition alone to be low- less than substantial.

Balancing this is the fact that the application seeks to replace the demolished part of the terrace with a new 2 storey addition which forms an integral part of a new restaurant use for the whole terrace row.

I support the general design approach taken (page 4 of the HS) and illustrated in the D&A Statement and feel that whilst I would have preferred to see the roof line continued across the terrace, the proposed new addition would be an acceptable design response and the new use will likely whole invigorate the terrace and have wider benefits to the CA and the setting to King Georges Hall which lies opposite.

I have no objections to the proposed design and the detailing. The provision of the tall first floor windows with arched heads replicates the previous building and maintains the clear distinction between the two elements of the terrace. The replaced new timber sashes and shop fronts will also provide a visual uplift for the building and is an improvement on the former arrangement.

I am not opposed to the changes to the floors internally to provide level access and the provision of a first floor terrace and large first floor void in the attached block. This is designed to provide a viable new use for the building.

Overall, I agree with the conclusion contained in the HA that the scheme will enhance the existing building as a whole. In the LPA's planning balance P.197 of the NPPF states that LPA's should take into account the desirability of sustaining heritage assets and putting them into viable uses.

Paragraph 202 of the NPPF allows LPA's to weigh the degree of *less than substantial* harm (from the demotion) against the benefits accrued from the works. Whilst *great weight* should always be given to any harm (P.199) LPA's can consider the sustainable and wider benefits as part of its decision. In this case I feel the benefits generated by the uplift across the whole terrace and the provision of a new use far outweigh the limited harm caused by the loss of the building. In doing so the scheme would accord with the guidance contained in Chapter 16 of the NPPF.

Conclusion

As I am required to do so, I have given the duty imposed by s.66 and s.72 of the P(LBCA) Act 1990 considerable weight in my comments.

For the reasons above I consider that the proposed would meet the duty to preserve required by the act and the requirements laid down in Chapter 16 of the NPPF. Any low level harm caused by the works to enable the re-use are outweighed by the benefits gained by the active re-use and refurbishment of the building, as a whole.

As such I feel the proposal would accord with Policy CS17 (Built and Cultural Heritage) of the Core Strategy and Policy 39 of the Local Plan.

6.2 Public Protection

No objection subject to the following conditions:

- Controlled hours of opening to reflect those of eateries in the locality
- Submission of a scheme for control of cooking odour and fan noise from commercial kitchens
- Works to cease if contamination is unexpectedly encountered.

6.3 BwD Drainage (Lead Local Flood Authority

No objection.

6.4 Environmental Services

No objection

6.5 Public Consultation

21 letters were posted to the local community on 11th October 2022 and a site notice was displayed. A press notice was also published on 21st October 2022. No comments were received.

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

8.0 DATE PREPARED: 1st December 2022.

9.0 SUMMARY OF REPRESENTATIONS – none received.

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/0995

Proposed development: Full Planning Application for Single storey extension to side/front and formation of front and rear access ramps

**Site address:
16 Morley Avenue
Blackburn
BB2 4TE**

Applicant: Blackburn with Darwen Council

Ward: Mill Hill & Moorgate

**Councillors: Jim Smith
Julie Gunn
Damian Talbot**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE, subject to the conditions recommended within Paragraph 5.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This application is presented to the Planning and Highways Committee, in accordance with the Scheme of Delegation, as Blackburn with Darwen Borough Council is the Applicant. The planning application has been submitted under Regulation 4 of the Town & Country Planning Regulations 1992.

2.2 The proposal relates to a Householder planning application for the erection of a single storey extension to the side and front with the installation of access ramps to the front and rear of the dwelling. The application is submitted as part of the Council's work in applying for a Disabled Facilities Grant (DFG) to help modify a home environment for disabled people.

2.3 The key issues to be addressed in determining the application are;

- The potential for impacts on residential amenity, with specific reference to aural amenity, and the preservation of adequate levels of domestic privacy;
- Design, and the potential for negative impacts on visual amenity;
- Parking provision and the potential for highway safety implications;

2.4 Assessment of the application finds that the proposal on balance is acceptable from a technical point of view and complies with the relevant policies within the Development Plan.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is a semi-detached dwelling set in a corner plot at the junction of Morley Avenue and Fielding Crescent, Blackburn. The property is of a traditional style with a hipped roof form and has garden areas to the front, side and rear.

3.1.2 The surrounding area is predominately residential in nature and is characterised by semi-detached and terraced properties of similar styles. St Bede's High School is situated a short distance away to the south-west of the proposal site.



Figure 1: Google aerial view of the application site

3.2 Proposed Development

3.2.1 Planning permission is sought for the erection of a single storey front and side extension to the eastern elevation of the property which will form two bedrooms and a bathroom. The proposed extension will project circa 4.7m beyond the existing side elevation of the dwelling and measure 10.5m in length in which 2.4m will project beyond the front build line. The extension will be constructed with a flat roof at a ridge height of 3.5m and external walls are to be finished in cream silicone resin render.

3.2.2 The proposal also includes providing level access to the front and rear of the property in the form of an access ramp with appropriate landing areas, gradients and handrails. The submitted proposed plans and elevations are shown below;

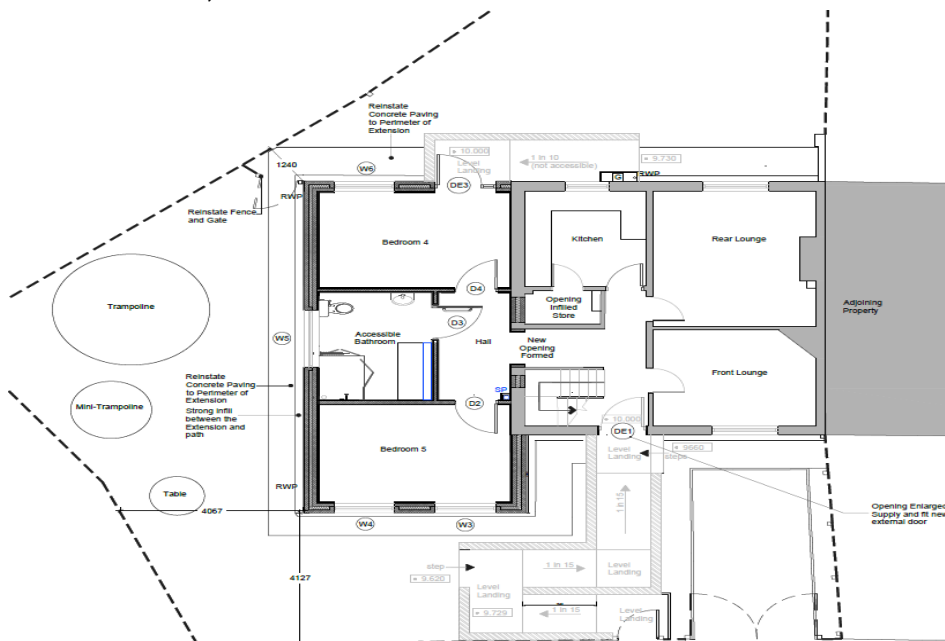


Figure 2: Proposed Floor Plan

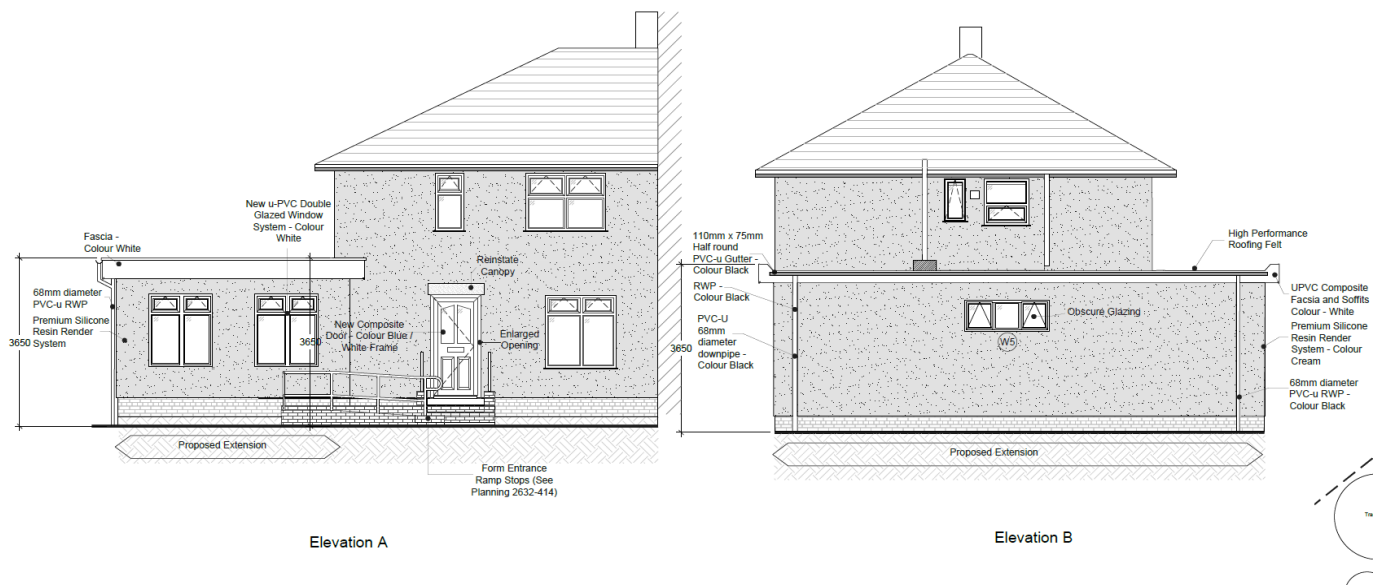


Figure 3: Proposed Elevations

3.2.3 The proposed works are being carried out are for the needs of two children that currently reside at the property and require disability adaptations following recommendations from an Occupational Therapist (OT). The works form part of a Council DFG funded project. The design has been developed to provide suitably sized rooms for users as outlined by the Council's Building Consultancy Team and OT which have determined the spaces required for each child.

3.3 Case Officer Photos



3.4 Development Plan

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

3.4.2 The 'Development Plan' comprises the adopted Core Strategy DPD (2011) and adopted Local Plan Part 2 – Site Allocations and the Development Management Policies (2015).

3.4.3 Core Strategy

- Policy CS16 – Form and Design of New Development

3.4.4 Local Plan Part 2

- Policy 8 – Development and People
- Policy 10 – Accessibility & Transport
- Policy 11 – Design

3.5 Other Material Planning Considerations

3.5.1 National Planning Policy Framework (NPPF)

3.5.2 Residential Design Guide Supplementary Planning Document

3.5.3 BwD Parking Standards

4.0 ASSESSMENT

4.1.1 When assessing this application there are a number of important material considerations that need to be taken into account. They are as follows:

- Residential Amenity
- Design/Visual Amenity
- Off-street parking

Residential Amenity

4.1.2 Policy 8, amongst other criteria, requires successful proposals to secure satisfactory levels of amenity for users of the development and surrounding uses, with reference to matters including; light, privacy/overlooking and the relationship between buildings. These matters are reinforced within the Design SPD.

4.1.3 The proposed side extension will be attached to the eastern elevation of the property covering a large proportion of the side garden area. The plot towards the rear boundary is tapered. The dwelling immediately south-east, No.30 Fielding Crescent is positioned off-set to the proposal site. There are no window openings within the rear elevation of this aforementioned property closest to the shared party boundary at ground floor. Therefore, the proposed extension will not affect the current living conditions enjoyed by the occupants at No.30 in terms of loss of light and outlook.

4.1.4 In addition, a high boundary close boarded fence separates the two properties which will screen a large proportion of the development, and thus mitigates any concerns regarding loss of privacy resultant of the rear bedroom window.

4.1.5 The existing separation distance between the proposal dwelling and the property directly adjacent to the front, No.15 Morley Avenue is circa 22.3m. The proposal will result in this distance being reduced to around 19.9m, and will see the introduction of two front bedroom windows which will face towards front primary windows at No.15. Whilst it is accepted this is below the minimum 21m standard to be achieved for windows of facing habitable rooms, the shortfall distance is relatively minimal. Also, the relationship to the nearest habitable room window at No.15 is a ground floor to first floor, and therefore direct views into the affected rooms will be limited. On that basis, the single storey extension is not considered to be unduly harmful in terms of privacy loss for users of the development nor occupiers of No.15.

- 4.1.6 A bathroom window will be positioned within the side elevation of the proposed extension. The plans demonstrate that the window will be fitted with obscure glazing, and therefore safeguards against any privacy impacts for future users of the development. This will also be secured via condition.
- 4.1.7 The proposed disabled access ramps are not considered to impact neighbouring amenity due to their siting, design and modest scale.
- 4.1.8 Sufficient amenity space is retained within the curtilage of the dwelling, and external access to the rear of the property will also be maintained for bin storage etc.
- 4.1.9 For the above reasons, the proposal is considered to be acceptable from an amenity perspective for both future users of the extension and existing neighbouring residents, in accordance with Policy 8 and relevant Design SPD Policies.

Design/Visual Amenity

- 4.1.10 Policies CS16 and 11 require development proposals to be of a high standard of design through demonstrating an understanding of the sites wider context and making a positive contribution to visual amenity. Those requirements are reiterated in the Residential Design Guide SPD in relation to the appearance of domestic extensions.
- 4.1.11 RES E8 of the Design SPD relates to single storey side extensions and requires the design of the extension to be in keeping with the existing property by virtue of materials, overall architectural style, roof form, fenestration details which reflect and adds to the appearance of the house and its surroundings.
- 4.1.12 The proposed extension will be constructed with a flat roof. This type of roof form fails to reflect the hipped roof of the main dwelling. Options have been explored to attempt to incorporate a pitched roof design (i.e. mono or hip). However, due to scale of the extension which is sized to meet the approved OT requirements, these type of roof forms cannot be accommodated given the angle of the roof slope required without resulting in the loss of the existing first floor side windows which currently provide adequate light and ventilation to the rooms they serve.
- 4.1.13 Notwithstanding the above, there are a number of existing flat roof side extensions in the surrounding area, notably at 77 Green Lane and several dwellings along Shorrock Lane which is a short distance away to the east of the proposal dwelling. Examples of these are shown in the images below;



Figure 4: Existing Flat Roof Side Extensions (Left Top – 77 Green Lane, Right Top – 106 Shorrock Lane, Middle Bottom – 221 Shorrock Lane)

4.1.14 Taking the above into consideration, precedent for this type of development has already been set in the locality, and therefore the proposal will not unduly harm the visual amenities of the host dwelling and street scene by virtue of its proposed roof form.

4.1.15 The proposed extension will project forward of the existing front build line of the property by approximately 2.4m. Although, the proposal will appear as a more prominent addition in the streetscape, it is not considered to be visually detrimental due to the lack of a set build line for properties on the southern side of Morley Avenue and the corner location of the host dwelling. The overall size of the extension is also not deemed to result in a disproportionate addition.

4.1.16 With regards to the external materials proposed, the walling of the extension will be finished in cream coloured resin render to match the existing property and felt covering to the roof which is appropriate. The window detailing for the

proposed extension will be in keeping with the main dwelling in terms of size and design.

4.1.17 Although some loss of open garden to the side will occur, a substantial and proportionate section will be retained. As such, this will reduce the sensitivity of the proposal and maintain the general theme of open garden space attributed to corner plots.

4.1.18 Turning to the visual impacts of the proposed access ramps. They will be constructed with tarmac surfacing with a slight gradient increase featuring dwarf walls to enclose and painted black steel handrails. Overall, they have been appropriately designed and would not result in an incongruous form of development. The rear access ramp will also not be visible from any public vantage points given boundary treatment screening.

4.1.19 As such, the proposed development is acceptable in visual design terms, thereby according with Policies CS16 and Policy 11.

Off-street Parking

4.1.20 Policy 10, part 3 (ii) requires development to meet its own off-street parking in accordance with the Council's adopted parking standards. The requirement for 2/3 bed units is to provide for 2 off-street parking spaces and 4+ bedroom units to provide for 3 spaces.

4.1.21 The proposed development will result in the creation of two additional bedrooms, and thus the dwelling comprises of five bedrooms overall. As such, three off-street parking spaces should be provided.

4.1.22 The proposal dwelling currently benefits from a small driveway to the front which is sufficient in size to accommodate the parking of one vehicle. Whilst it is acknowledged, the proposal fails to provide the additional two spaces within the curtilage of the dwelling, in this instance it is important to take into account the justification of the proposal when assessing parking needs.

4.1.23 The proposed extension will provide ground floor bedrooms and a wet room for two child occupants that suffer disabilities. On that basis, it is unlikely that additional car demand will be created resultant of the development.

4.1.24 Furthermore, it was noted on my site visit that there is ample opportunities to park on-street without causing detrimental impacts to the safe, efficient and convenient movement of vehicles using the surrounding road network.

4.1.25 On balance, the proposal in terms of highway impacts and parking provision is considered acceptable, in accordance with LPP2, Policy 10.

Summary

4.1.26 This report assesses the Householder planning application for the proposed single storey extension to the side and front of the dwelling, and external alterations to form front and rear access ramps.

4.1.27 In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the aims and objectives of the Local Development Plan and The Framework.

5.0 RECOMMENDATION

5.1 Approve subject to the following conditions:

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

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

2. Unless explicitly required by condition within this permission, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

- Drawing No. 2632-PL-07 – Location Site Plans;
- Drawing No. 2632-PL-03 – Proposed Floor Plans;
- Drawing No. 2632-PL-04 – Proposed Elevations;
- Drawing No. 2632-PL-05 – External Works – Front; and
- Drawing No. 2632-PL-06 – External Works – Rear - Received 20th October 2022.

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

3. The materials to be used on the external surfaces of the development as indicated on Drawing No. 2632-PL-04 – Proposed Elevations received on 20th October 2022 and the submitted application form shall be implemented as indicated unless otherwise agreed in writing by the Local planning Authority.

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 (2015) and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

4. The bathroom window in the side elevation of proposed extension hereby permitted shall be fitted with obscure glazing (which shall have an obscurity rating of not less than 4 on the Pilkington glass obscurity rating or equivalent scale). The window shall remain in that manner in perpetuity at all times unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the privacy and amenity of users of the host dwelling, in compliance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 (2015).

6.0 PLANNING HISTORY

6.1 No previous planning history.

7.0 CONSULTATIONS

7.1 Public Consultation

Public consultation has taken place by means of 11 letters posted to surrounding neighbouring addresses on 24th October 2022. In response to the public consultation, no letters of representation have been received.

8.0 CONTACT OFFICER: Jamie Edwards, Planning Officer

9.0 DATE PREPARED: 30th November 2022

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/1000

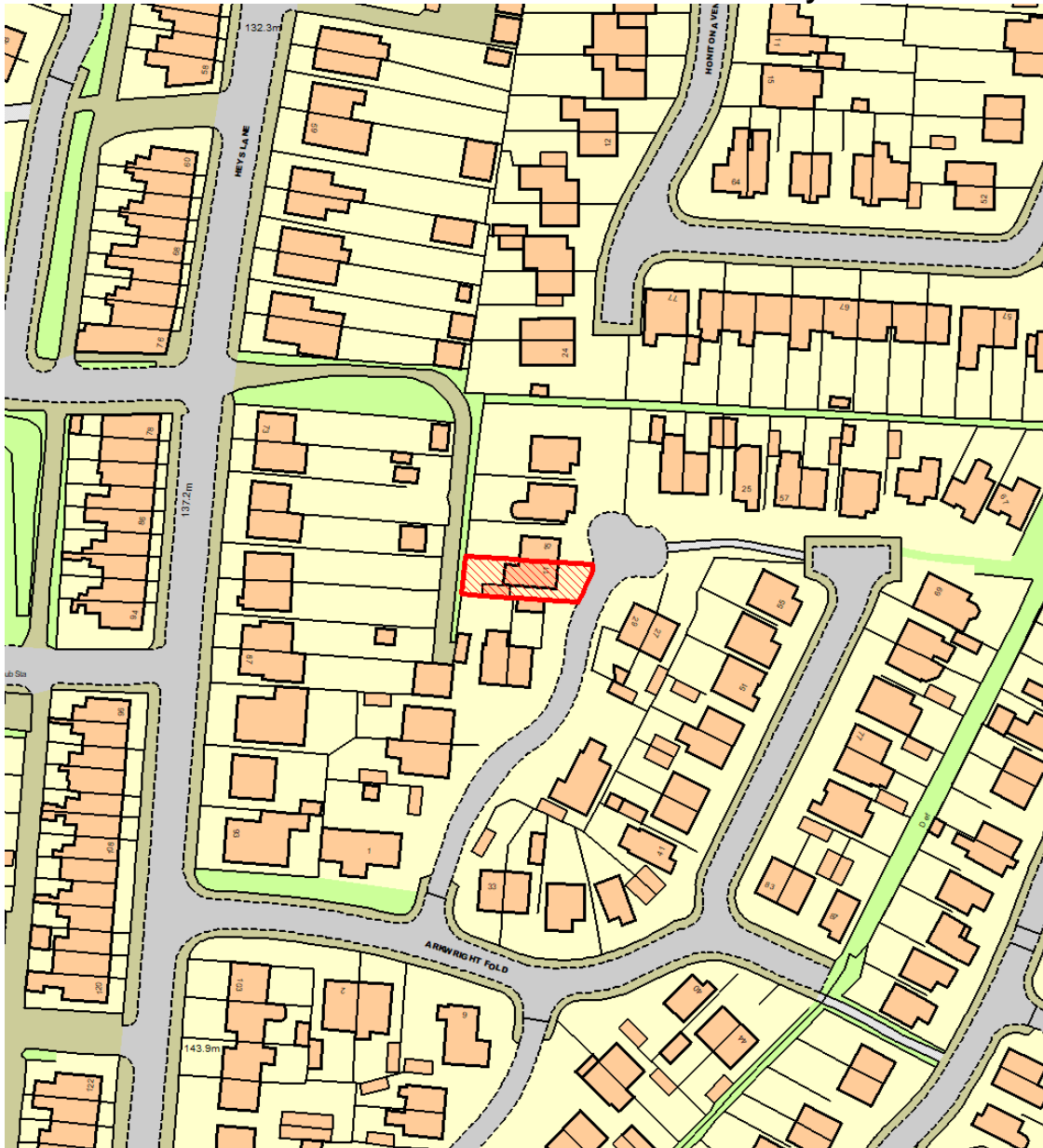
Proposed development: Full Planning Application for Demolition of existing garage and conservatory and erection of single storey extension to side and rear

**Site address:
11 Arkwright Fold
Blackburn
BB2 4LZ**

Applicant: Mrs Michelle Warren

Ward: Ewood

**Councillor Elaine Whittingham
Councillor Jon Baldwin
Councillor Jim Casey**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The planning application is presented to Committee in accordance with the Scheme of Delegation of the Council's Constitution, in which the applicant of the application is a member of staff at the Council (Growth & Development Department).

2.2 An objection has been received to the application regarding access to the application. The objector stated that access should not be gained via the rears of Nos 73-85 Heys Lane as this is under private ownership of these properties.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site relates to a semi-detached, two-storey dwelling located on the eastern side of Arkwright Fold. The host dwelling has a generous sized rear garden with off-street parking currently to the front and side of the property.

3.1.2 The application property was erected under planning reference 10/88/1165 (Erection of 23 detached, 38 semi-detached houses and 6 semi-detached bungalow and garages). Arkwright Fold can be reached off of Heys Lane. The cul-de-sac in which the application site is located is characterised by red brick detached and semi-detached houses.



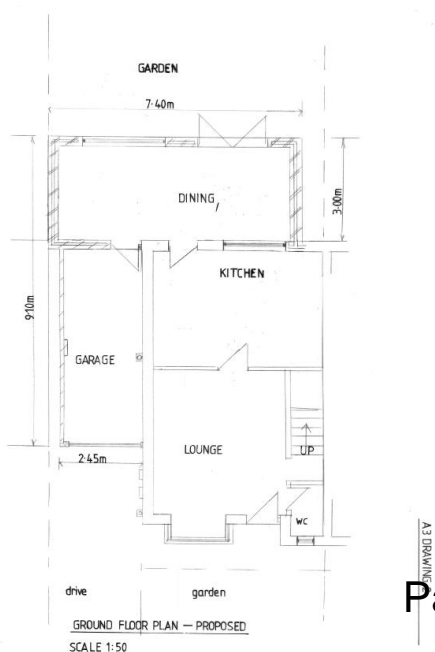
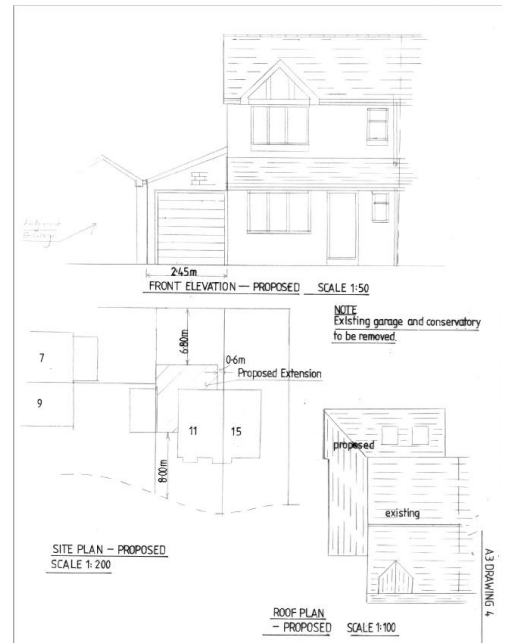
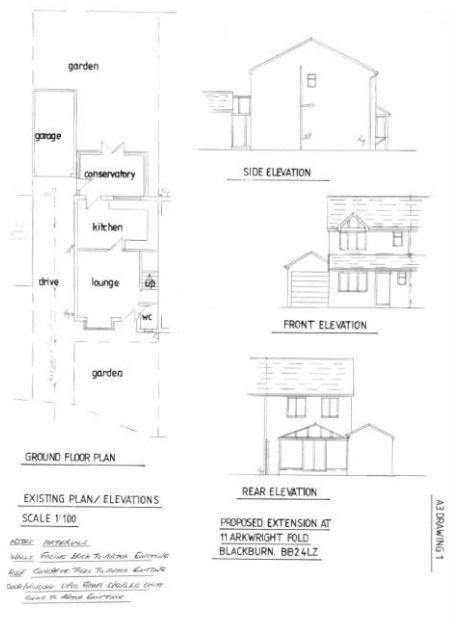
Figure 1: Google aerial view of the application site.

3.2 Proposed Development

3.2.1 The proposal relates to a householder planning permission for the demolition of existing garage and rear conservatory and the erection of a single storey side and rear extension.

3.2.2 The proposed single storey rear extension will project 3m from the rear wall of the dwellinghouse once the conservatory has been removed; the single storey rear extension will measure 7.4m wide and overhang to the side of the property by 2.75m. Height to the ridge of the single storey rear extension will be 3.6m and height to eaves 2.6m. The proposed garage to the side elevation of the property will measure 2.45m in width and 5.75m in length. The total length of the side elevation will be 9.1m, the single storey rear and side will form an L-shaped extension. Height to ridge of the proposed garage will be 3.6m and height to eaves 2.6m.

3.2.3 The existing and proposed plans and elevations are shown below:



3.3 Case Officer Photos



3.4 Development Plan

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

3.4.2 Blackburn with Darwen Borough Local Plan Part 2 (2015)

- Policy 8: Development and People
- Policy 10: Accessibility and Transport
- Policy 11: Design

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

- RES E1: Materials
- RES E2: 45 Degree Rule

- RES E7: Rear Extensions
- RES E8: Single Storey Side Extensions
- RES E14: Rooflights

3.5 Other Material Planning Considerations

3.5.1 National Planning Policy Framework (NPPF)

4.0 Assessment

Residential Amenity

- 4.1.1 Local Plan Part 2, Policy 8 ii) requires new development to “secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust or other pollution or nuisance, privacy/overlooking and the relationship between buildings
- 4.1.2 The existing conservatory currently measures a depth of 3m and a width of 4.8m. The proposed rear single storey extension is proposed to measure the same depth at the boundary with No.15. It was noted on the case officer’s site visit that No.15 has a set of patio doors and two sets of windows which provide three sources of light in to the rear kitchen/dining area; as such it is considered that the proposal will not result in an unacceptable loss of light.
- 4.1.3 The proposed single storey rear extension does breach the 45 degree rule when measured on a horizontal plane, however due to the proposal being set in from the boundary with No.15 by 600mm and its modest projection along with three sources of light in to the rear of No.15, the single storey rear extension is considered to be acceptable. It should also be noted that the proposed mono-pitched roof will ultimately mean that the eaves being the closest point to No.15’s boundary and lowest part of the roof will not significantly affect the light in to the rear of No.15.
- 4.1.4 No windows will be inserted within the side elevation facing towards No.15 and as such this further guards against any privacy/overlooking concerns.
- 4.1.5 The single storey/rear side extension which forms a dining area will extend up to the rear boundaries with No.7 and No.9. These properties are positioned sideways on to the application site. An existing garage at No.9 and mature trees will screen the proposal. However, whilst trees cannot be relied on as mitigation, if these trees were ever removed, the proposal would still not pose any amenity impacts to either of the abovementioned properties.
- 4.1.6 It should also be noted as a fall-back position that a 3m single storey rear extension could be constructed at the application site providing it would meet the parameters of Part 1, Class A of the General Permitted Development Order.

4.1.7 The single storey side extension which will feature a garage will be situated on the southern elevation along the gable wall of the application site. Due to No.7 and No.9 being positioned sideways and approximately 7m away from the proposal, the garage is deemed to be acceptable.

4.1.8 The proposal is considered to meet the requirements of Policy 8 of the LLP2 (2015) and supporting SPD Policies.

Design and Visual Amenity

4.1.9 Policy 11 of the Blackburn with Darwen Local Plan Part 2 (2015) requires all new development to “present a good standard of design and will be expected to:

- i) Demonstrate an understanding of the wider context; and
- ii) Make a positive contribution to the local area.

4.1.10 The external materials to be used in the construction of the proposed single storey rear and side extension are facing brick to match the host dwelling along with concrete roof tiles and windows and doors in double glazed uPVC frames to match. The proposed single storey side and rear roof will form of a joined up hipped roof.

4.1.11 There is an existing pitched roof garage at the application site which will be demolished and existing pitched roof garage which belongs to No.9 which is sited next to where the proposed side single storey garage will be. Whilst the proposed hipped roof doesn't match the existing, it is considered the change of roof will still appear subordinate to the host property and surrounding street scene. The proposed garage will also have a roller shutter garage door to match that of the garage at No.9 Arkwright Fold.

4.1.12 The proposal is considered to be acceptable from a design and visual amenity perspective, in accordance with Policy 11 of the LPP2 (2015)

Highways

4.1.13 Policy 10 of the LPP2 (2015) requires that road safety and the safe, efficient and convenient movement of all highway users is not prejudices and that appropriate provision is made for vehicular access, off-street servicing and parking in accordance with the Council's adopted standards.

4.1.14 The existing garage is to be demolished and a replacement erected as part of the proposal for the single storey side extension. This will involve utilising a large proportion of the driveway to the south elevation of the property. However, it is considered that the proposed garage will meet the Borough's Car Parking Space Dimensions measuring at 2.45m wide and 5.8m in length. As such, this will cater for one off-street parking space. There will also be sufficient space remaining on the driveway located to the front elevation for the parking of a second vehicle off-street.

4.1.15 Taking the above in to consideration, the property meets the needs for 2 off-street parking spaces for 3 bedroomed properties and as such the proposal will not result in a demand or increase to on-street parking.

4.1.16 An objection has been received regarding that access to the property should not be gained via the private road to the rear of Nos 73-85 Heys Lane as 24 hour access is required for all residents. This would be a private matter to be discussed between the applicant and the owner of the private road in order for the owners of the access lane to restrict the use of other residents whom do not have ownership over the road.

4.1.17 Compliance with Policy 10 of the LPP2 (2015) is achieved.

5.0 RECOMMENDATION

5.1 Approve subject to the following conditions:

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

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

2. Unless explicitly required by condition within this permission, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Drawing No. 4, Proposed front elevation, Proposed Site Plan and Proposed Roof Plan - Received 26th October 2022

Drawing No. 3, Proposed rear and side elevation – Received 26th October 2022.

Drawing No.2, Proposed ground floor plan – Received 26th October 2022

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

3. Notwithstanding the submitted details, the external walling and roofing materials to be used in the construction of the building hereby permitted shall match those used in the existing building to the satisfaction of The Local Planning Authority.

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

6.0 PLANNING HISTORY

- 6.1** 10/88/1165 – Erection of 23 detached, 38 semi-detached houses and 6 semi-detached bungalows and garages

7.0 CONSULTATIONS

- 7.1** Public Consultation has taken place once; letters were posted to 8 neighbouring properties 1st November 2022. The objection received are referred to in Section 10 of the report.

8.0 CONTACT OFFICER: Emily Colebourne, Assistant Planning Officer

9.0 DATE PREPARED: 30th November 2022

10.0 SUMMARY OF REPRESENTATIONS

Comment – Ms J Hayes, 83 Heys Lane, Blackburn. Received: 04/11/2022.

I would like it stipulating in any planning approval that access to 11 Arkwright Fold cannot be gained via the private road to the rear of nos 73 - 85 Heys Lane BB2 4NG.

24 hour access is required for all residents and is in private ownership of 73 - 85 Heys Lane.

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/1066

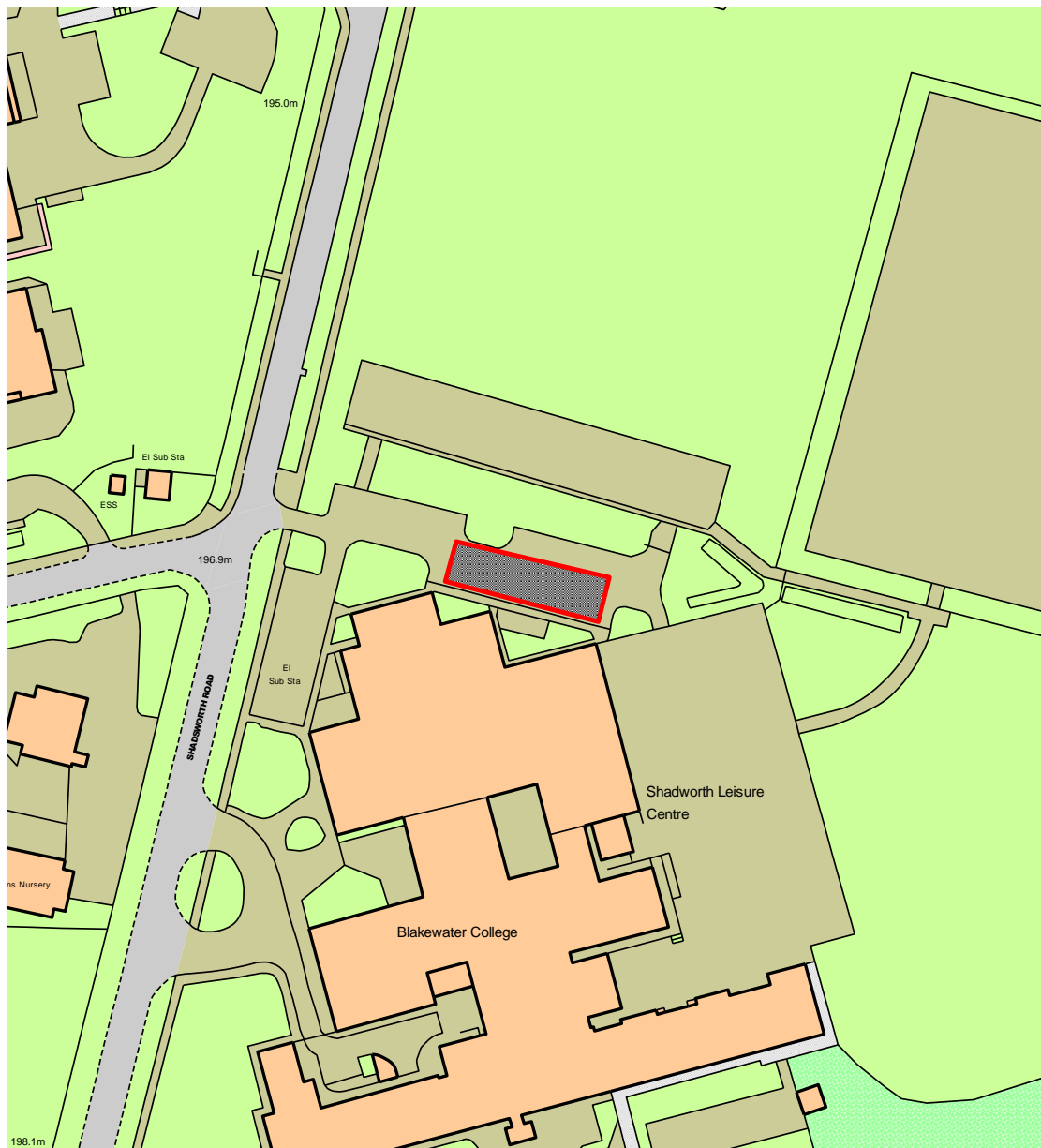
Proposed Development: Proposed temporary pod accommodation - 10 Sleeper pods and 2 diner pods for severe weather exposure provision (SWEP) over the winter period

Site Address: Shadsworth Leisure Centre, Shadsworth Road, Blackburn, BB1 2HT

Applicant: Blackburn with Darwen Borough Council

Ward: Blackburn South East

**Councillor Tony Humphrys
Councillor Vicky Ellen McGurk
Councillor Jim Shorrocks**



1.0 SUMMARY OF RECOMMENDATION

1.1 The proposed development is recommended to be granted planning permission, subject to the conditions detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's scheme of delegation, and given that the application site is within the ownership of the Council, and the applicants are the Council.

2.2 The proposed development has been publicised through letters to residents and occupants of the nearest 22 adjacent properties, on 11th November 2022. A site notice was also displayed at the site access point, on 15th November 2022. No public comments have been received for the application so far. Should any be received ahead of the committee meeting, they will be presented as part of an Update Report.

2.3 The Council's development plan supports new residential development and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.

2.4 The proposals would deliver temporary residential accommodation over the winter period for those in need. 10 sleeper pods would be provided alongside 2 diner pods. Vehicle and pedestrian access would be gained from Shadsworth Road, via an existing access point serving a carpark.

2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed through the application process or capable of being controlled or mitigated through appropriately worded planning conditions.

2.6 The key issues to be addressed in determining this application are follows;

- Establishing the principle of development
- Assessing any design and visual amenity impacts
- Safeguarded the residential amenities of the immediate neighbours
- Ensuring adverse impacts on the local highway network are avoided
- Assessing drainage provisions

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site forms part of a leisure centre carpark, which is located within the settlement boundary of Blackburn. The site covers an area of circa 0.1 acres. Recreational land surrounds to two sides with a large leisure centre building to south and commercial buildings to the west. The site is currently covered in hardstanding and has been used as a carpark previously.

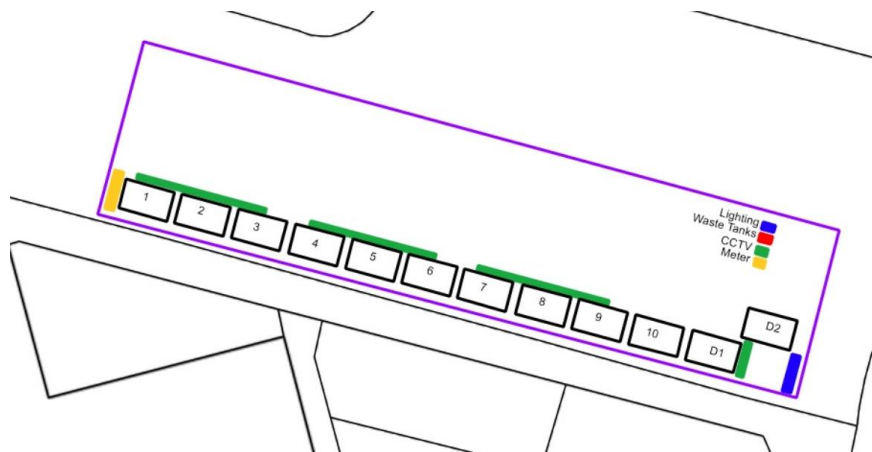
Figure One – Satellite image of the site



3.2 Proposed Development

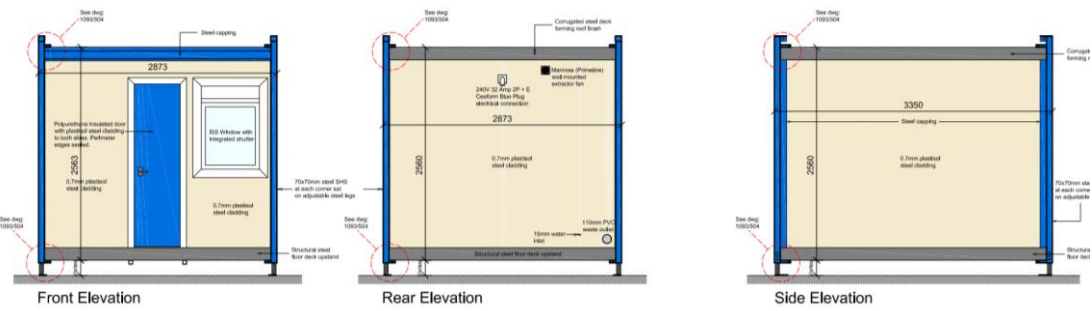
3.2.1 As detailed above, this planning application involves the siting of temporary residential accommodation in the form of 10 sleeper pods. 2 diner pods would also be sited in support of the development. All 12 pods are already in place and the application is therefore partly-retrospective. The majority were uninhabited at the time of the site visit. The pods have been arranged in a linear formation with the diner pods positioned to the east edge of the site. The site has a single access point from Shadsworth Road, which will be used for all pedestrian and vehicular traffic. Heras fencing has also been used to enclose its perimeter with a gate installed at the west site boundary.

Figure Two – Proposed Site Plan



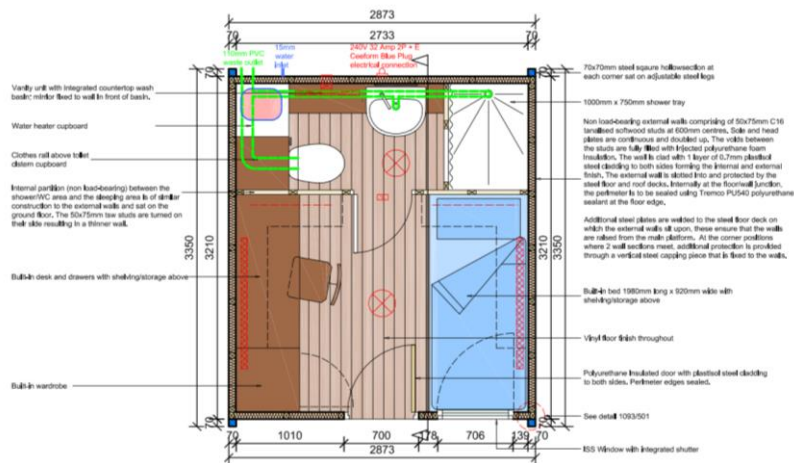
3.2.2 The pods are 3.4m in length and 2.9m in width. The height of each pod is 2.6m with a variable distance assumed to be no greater than 0.2m from finished ground level to underside of pod. The envisaged overall height from ground level to top of pod is envisaged to be circa 2.8m.

Figure Three – Proposed Elevation Plans



3.2.3 A single bedroom and toilet/shower room would be provided within each sleeper pod. A kitchenette and dining area would be provided in each dining pod. All of the pods are coated in a light grey colour with blue doors and edgings used. A small flight of stairs and timber handrail has been installed at each pod for access purposes.

Figure Four – Proposed Floor Plan for Sleeper Pods



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Core Strategy Part 1 (2011):

- Policy CS5: Locations for New Housing
- Policy CS7: Types of Housing

3.4.2 Local Plan Part 2 (2015):

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 18: Housing Mix

4.0 **ASSESSMENT**

4.1 Principle of Development

4.1.1 Within the development plan, there are general requirements to ensure new housing development is proposed in sustainable locations, and in accordance with market conditions. Policy 1 identifies the preferred location for all new development to be within the defined urban areas of Blackburn and Darwen. With specific reference to housing, those requirements are reinforced by Policy CS5 and the site benefits from such a location.

4.1.2 Moreover, services, facilities and regular public transport links are all within walking distance and the site is in a sustainable location for new housing development, thereby complying with the relevant requirements of the aforementioned housing distribution policies.

4.1.3 Both Policies CS7 and 18 prioritise family housing over all other forms of housing. The propose sleeper pods do not fall within that category as they have been designed to provide temporary accommodation over the winter period for those in need. A temporary permission has been applied for up until March 2023. A condition is recommended to limit the permission roughly to that timeframe in order to prevent the permanent use of this type of accommodation. Subject to compliance with that condition, the principle of residential development would be acceptable.

4.1.4 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters.

4.2 Design and Visual Amenity

- 4.2.1 The site is positioned within an urban area that has a highly varied streetscene. In general terms, Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context, and making a positive contribution to visual amenity.
- 4.2.2 The modular appearance of the proposed pods arguably does not correspond with the prevailing character of the area. That said, the temporary nature of the development must be taken into account when assessing design impacts alongside the public benefits provided through their siting.
- 4.2.3 The condition recommended to limit the permission to a specific timeframe is also necessary on visual design grounds in order to prevent the permanent siting of modular buildings at this open and exposed site. Subject to compliance with that condition, the proposed development would be acceptable with reference to design and visual amenity, in accordance with Policy 11.

4.3 Residential Amenity

- 4.3.1 The surrounding land uses are exclusively non-residential and there are no dwellings within a near proximity. Policy 8 states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the relationship between buildings.
- 4.3.2 BwD Public Protection have reviewed the merits of the application and no objections have been raised on amenity grounds. Owing to ample separation, the proposals would not be harmful to the amenities of the closest neighbours. As proposed, the development is thus acceptable with reference to residential amenity, in accordance with Policy 8.

4.4 Parking and Highways

- 4.4.1 The site is currently accessed via an existing access point and no changes are proposed to those arrangements. Policy 10 requires all development proposals to not prejudice road safety or the safe, efficient and convenient movement of all highway users. Parking should also be provided in accordance with the BwD Parking Standards, where relevant.
- 4.4.2 The existing access point serves a relatively large carpark that is appropriate for the proposed use. It is anticipated that any traffic movements associated with the proposals would be minimal and limited to supporting staff members alone. No formalised parking arrangements are proposed in support of the pods given the nature of the accommodation, which is acceptable. As proposed, the development is thus acceptable with reference to highways and parking, in accordance with Policy 10.

4.5 Drainage Assessments

4.5.1 The submitted application states that any foul waters would be stored within a septic tank, which would need regular emptying. Policy 9 contains general requirements regarding and the provision of adequate drainage systems. The pods have been sited on an area of hardstanding and no additional runoff would be created. The foul waters disposal system is also acceptable for the type of development proposed. BwD Drainage have raised no objections to the application and I concur with their findings. As proposed, the development is thus acceptable with reference to drainage assessments, in accordance with Policy 9.

4.6 Summary

4.6.1 This application involves the temporary siting of residential accommodation in the form of 10 sleeper pods alongside 2 diner pods. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies detailed in Section 3.4.

4.6.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in principle and in terms of design and visual amenity, residential amenity, highways and parking, and drainage assessments.

4.6.3 The proposed development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

5.0 **RECOMMENDATION:**

Delegated authority is given to the Strategic Director of Growth and Development to approve planning permission, subject to the following conditions;

5.1 This permission covers a temporary 6-month period alone the development hereby approved shall be entirely removed on or before 01/06/2023, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to ensure the development is not retained indefinitely, in the interests of preventing the permanent siting of modular residential accommodation and visual amenity, to comply with the requirements of Policies 11 and 18 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.2 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings and supporting documents: Location Plan,

Proposed Site Plan, 1093/JD/001, Sleeper Unit Technical Specifications and Diner Unit Technical Specifications.

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

- 5.3 The external materials to be used for the construction of the development hereby approved shall be as stated on the submitted application form and approved drawings and those materials shall not be varied without the prior written consent of the Local Planning Authority.

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

6.0 PLANNING HISTORY

- 6.1 No relevant planning history.

7.0 CONSULTATIONS

- 7.1 BwD Public Protection – No objections.

- 7.2 BwD Drainage – No objections.

- 7.3 Lancashire Fire and Rescue – A number recommendations are made to make the applicant aware of conditions which will have to be satisfied on a subsequent Building Regulation application. The conditions may affect the elevation of the building and access to them. These recommendations must be included if this application passes to another party prior to Building Regulation submission.

- 7.4 Ward Cllrs

- 7.5 No public responses have been received

- 8.0 CONTACT OFFICER:** Christian Barton – Planning Officer

- 9.0 DATE PREPARED:** 1st December 2022

- 10.0 SUMMARY OF REPRESENTATIONS** – none received.

REPORT OF:	THE STRATEGIC DIRECTOR OF GROWTH & DEVELOPMENT
TO:	PLANNING AND HIGHWAYS COMMITTEE
ON:	15th DECEMBER 2022
ORIGINATING SECTION:	PLANNING (DEVELOPMENT MANAGEMENT) SERVICE
WARDS AFFECTED:	ALL
COUNCILLORS:	ALL

TITLE OF REPORT:

Letter to Secretary of State for Levelling Up, Housing and Communities regarding fees relating to retrospective planning applications

1. PURPOSE OF THE REPORT

- 1.1 This report seeks approval from the Members for the letter which is attached to the report to be sent to the Secretary of State welcoming the proposal through the Levelling Up and Regeneration Bill to introduce new fees relating to retrospective planning applications reiterating comments previously made to the Secretary of State, in that additional fees for retrospective planning applications are believed to be justified because it allows the Council to recoup a proportion of the enforcement costs accrued when facilitating the submission of retrospective applications, as well as the determination costs.

2. BACKGROUND

- 2.1 Blackburn with Darwen Borough Council (BwDBC) previously wrote to the then Secretary of State of Housing, Communities and Local Government on the 17th April 2015 and 19th February 2018, regarding the concerns of the Council's Planning & Highways Committee over the quantity of retrospective planning applications being received. It was agreed and minuted at the Committee meeting on the 17th November 2022, following the determination of a major retrospective planning application, that a further letter is sent to the current Secretary of State relating to the issue of retrospective planning application and fees.
- 2.2 The national planning application fees were last increased on the 17th January 2018, and BwDBC received a formal response from the Secretary of State on the 9th March 2018 (ref: 3679132), welcoming the views set out in the letters, and advising that "*a higher fee is not charged for retrospective planning applications*

as the cost to process these applications is not considered to significantly differ to justify a higher charge”.

2.3 BwDBC welcomes the proposal through the Levelling Up and Regeneration Bill to introduce new fees relating to retrospective planning applications, which will double the normal fee. It is recognised that there are further stages to complete before the Bill receives Royal Assent, however BwDBC would like to reiterate comments previously made to the Secretary of State, in that additional fees for retrospective planning applications are believed to be justified because it allows the Council to recoup a proportion of the enforcement costs accrued when facilitating the submission of retrospective applications, as well as the determination costs.

2.4 During the next stages of the Bill, BWDBC would like the Government when considering introducing higher fees for retrospective planning applications to include helpful clarifications to assist local planning authorities, together with the applicants/agents.

3. RATIONALE

3.1 Please see attached draft version of letter to be sent to the Secretary of State.

4. POLICY IMPLICATIONS

4.1 None

5. FINANCIAL IMPLICATIONS

5.1 None

6. LEGAL IMPLICATIONS

6.1 None

7. RESOURCE IMPLICATIONS

7.1 None

8. EQUALITY IMPLICATIONS

8.1 An Equality Impact Assessment is not required.

9. CONSULTATIONS

9.1. The draft letter has been presented to the Executive Member for Growth and Development on the 2nd December 2022, and the Planning Working Cross Party Members Group at their meeting on the 13th December 2022.

10. RECOMMENDATION

- 10.1 (i) That the Committee note and approve the content of the letter
(ii) The Committee agree for the letter to be sent to the Secretary of State for Levelling Up, Housing and Communities with immediate effect.

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

Date: **30th November 2022**

Background Papers: Letter to Secretary of State for Communities & Local Government dated 17th April 2015;

Letter to Secretary of State for Housing, Communities & Local Government dated 19th February 2018;



Secretary of State for Levelling Up, Housing
and Communities
Rt Hon Michael Gove MP
Dept for Levelling Up, Housing and
Communities
2 Marsham Street
London
SW1P 4DF

Date:
My Ref: G&D/DM/GJP/CLG/retrospective
Your reference:
Please Ask For: Gavin Prescott
Direct Dial: 01254 585694
Email: planning@blackburn.gov.uk

Dear Secretary of State,

Support for Proposed Fee Increases on Retrospective Planning Applications

Please accept this letter as Blackburn with Darwen Borough Council's (BwDBC) expression of strong support and encouragement for proposed Government action regarding an increase in fees for retrospective planning applications.

BwDBC previously wrote to the Secretary of State for Housing, Communities and Local Government on the 17th April 2015 and 19th February 2018, regarding the quantity of retrospective planning applications being received and the associated impact on resources and perceptions. This issue is continuing, and so the proposal to double the normal fee for this category, as set out in the Levelling Up and Regeneration Bill is fully supported and welcomed by our cross-party Planning Committee.

Whilst it's recognised that planning applications can be submitted after a development has commenced, this type of application creates additional assessment time when compared with non-retrospective applications, and often creates a negative perception of the planning system among residents.

Therefore BwDBC would like to reiterate comments previously made, in that additional fees for retrospective planning applications are believed to be justified and appropriate because it allows a proportion of the enforcement costs accrued to be

recovered when facilitating the submission of retrospective applications, as well as the determination costs.

BwDBC is very proud of the services provided by our ambitious and efficient planning team, and in the current economic climate, where planning fee income is vital to the provision of this pro-active service, the ability to capture such costs would have a positive impact, particularly on the planning enforcement service.

It is possible that higher fees for retrospective applications could deter homeowners / developers from submitting such applications. Consideration could, therefore, also be given to increasing fees for enforcement appeals to match the increased retrospective application fees, and to introducing fees for dealing with the appeal itself in addition to the retrospective application fee. This measure could further deter retrospective planning applications, thereby allowing proper assessment through the planning process.

During the next stages of the Bill, BwDBC considers that with the higher fees being introduced for retrospective planning applications, it will be necessary to clarify a definition of when the development is deemed to have commenced (for these purposes) and therefore when the higher fee for a retrospective application is required. The definition should indicate not only the works required for the development to be considered to have begun, but also whether a higher fee is required if works start after an application has been submitted, but before it is validated, registered or determined.

BwDBC therefore expresses our encouragement for this aspect of the Bill to be implemented as proposed, along with providing the helpful clarifications noted above in any associated guidance.

Yours sincerely,



Helen Holland
Head of Growth & Development
Blackburn with Darwen Borough Council

**REPORT OF: STRATEGIC DIRECTOR OF PLACE
TO: PLANNING AND HIGHWAYS
COMMITTEE**

ON: 15th DECEMBER 2022

**ORIGINATING SECTION: PLANNING (DEVELOPMENT
MANAGEMENT SERVICE)**

WARDS AFFECTED: ALL

COUNCILLORS: ALL

TITLE OF REPORT:

INFRASTRUCTURE FUNDING STATEMENT 2021/22

1. PURPOSE OF THE REPORT

- 1.1 To present Members with an update on the recently published Infrastructure Funding Statement for 2021/22, for Blackburn With Darwen Borough Council.

2. BACKGROUND

- 2.1 The Community Infrastructure Levy (Amendment)(England)(No.2) Regulations 2019 now requires authorities (from December 2020) to prepare an Infrastructure Funding Statement (IFS) to set out their annual income and expenditure relating to section 106 agreements.
- 2.2 Blackburn with Darwen's 2021/22 IFS provides a summary of financial contributions the Council has secured through section 106 agreements from new developments for off-site infrastructure works and affordable housing, in addition to highway works completed as part of new developments through section 278 agreements within the 2021/22 monitoring period. It also includes information on the infrastructure works funded through s106 contributions.
- 2.3 In summary, the report provides:
- an overview of s106 and s278 agreements;
 - the Council's internal process relating to s106 contributions;
 - information on the introduction of monitoring fees;
 - the s106 contributions paid to the Council in the 2020/21 monitoring period;
 - s106 contributions and s278 works estimated for future years; and
 - projects delivered in the Borough via s106 and s278 agreements in the 2021/22 monitoring period.
- 2.4 The information included in the report is updated annually and published on the [Council's website](#). This will ensure the most up to date information on the amount

of developer contributions received from new developments, in addition to information on where these monies have been spent is readily available to members of the public and other interested parties.

- 2.5 The report does not include information on the infrastructure delivered on site as part of new developments in the borough.

3. RATIONALE

The Process for Off-Site Financial Contributions:

- 3.1 Where it is determined that on-site infrastructure and/or affordable housing required by policy is not appropriate, the Council will request from developers a financial contribution to meet these needs outside of the development site through a S106 obligation.
- 3.2 The financial contribution requirement for off-site green infrastructure provision is set via the Green Infrastructure & Ecological Networks Supplementary Planning Document (SPD), and the Affordable Housing Developers Guide sets out the tariff for off-site affordable housing contributions. Both documents can be accessed on the Council's planning website at <https://www.blackburn.gov.uk/planning/planning-policies-strategies-and-guides>
- 3.3. Contributions towards required highway works are agreed on a case by case basis, evidenced through the assessment of the impact of the development on the local highway network and what mitigation works are required. Other contributions can relate to Education i.e. contributions towards expanding any existing or school, or towards the provision of a new school, and these are agreed on a case by case basis.
- 3.4. The process is summarised in a flowchart that can be found on page 7 of the annual report document.
- 3.5. The report summarises the total contributions received in 2021/22 and the total spent in the same period. This shows at March 2021, a net S106 total of £2,486,853 was available to fund public open space, highways, education and affordable housing projects in the borough. During 2021/22, £2,982,795 was received in contributions with £973,468 spent within the same period. This consists of £213,033 funding the delivery of new highway infrastructure, £373,472 on the delivery of new educational places in the borough, and £131,963 spent on improving existing or creating new open spaces.
- 3.6 In summary therefore, as at 31st March 2022, there is a net total of £4,496,180 in S106 contributions available to spend on affordable housing, education, public open space and highway projects in the borough.

S106 Contributions Received in 2021/22

Infrastructure type	S106 contributions received (£)
Public open space	403,740
Education	1,032,401
Affordable housing	1,175,375
Highways	371,279
TOTAL	2,982,795

S106 Contributions Spent in 2021/22

Infrastructure type	S106 contributions spent (£)
Public open space	131,963
Highways	213,033
Affordable Housing	255,000
Education	373,472
TOTAL	973,468

Total S106 (net) Amount Available to Spend as at March 2022

Net total as of March 2021	2,486,853
S106 income received 2021/22	2,982,795
Total	5,469,648
Minus monies spent 2021/22	-973,469

TOTAL	4,496,180
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Breakdown of Amount Available to Spend as at March 2022

Infrastructure type	S106 monies available (£)
Public open space	466,232
Affordable housing	1,437,121
Highways	1,673,059
Education	919,767
TOTAL	4,496,180

3.7 The report goes further by reporting on where the contribution monies have been received in the 2021/22 monitoring period (page 9). The following table summarises this:

	Development site	S106 contributions received(£)	Infrastructure project to fund
Affordable Housing	Planning app. Ref: 10/16/0077 Old Blackburnians, Lammack Road, Blackburn	210,375	All monies received to contribute towards delivery of affordable housing in the borough
	Planning app. Ref: 10/19/0677 Land at Tower Road, Blackburn	171,000	
	Planning app. Ref: 10/18/0075 School Lane, Guide, Blackburn	40,000	
	Planning app. Ref: 10/18/0895 Land at Roe Lee, Blackburn	181,000	
	Planning app. Ref: 10/17/0211 Land at Gib Lane Phase C, Blackburn	52,500	
	Planning app. Ref: 10/17/1313 Land at Cranberry Lane, Darwen	138,000	
	Planning app. Ref: 10/21/0277 Land at Lomond Gardens, Blackburn	382,500	
	TOTAL	1,175,375	

	Development site	S106 contributions received(£)	Infrastructure project to fund
Education	Planning app. Ref: 10/18/0895 Land at Roe Lee, Blackburn	250,000	Contribution towards additional primary school places in Blackburn North
	Planning app. Ref: 10/19/0317 Land at Spring Meadows, Darwen	500,000	Contribution towards additional secondary school places in Darwen
	Planning app. Ref: 10/21/0277 Land at Lomond Gardens, Blackburn	84,901	Contribution towards additional primary school places in Blackburn West
	Planning app. Ref: 10/20/0934 Land to the North and South of Fishmoor Drive and East of Roman Road, Blackburn	197,500	To create additional early years pupil places at Longshaw Infant School
	TOTAL	1,032,401	

	Development site	S106 contributions received(£)	Infrastructure project to fund
Public open space	Planning app. Ref: 10/09/0687 Land at Almond Street, Darwen	2,400	Improvements to children's play space
	Planning app. Ref: 10/16/0838 Beechwood Garden Centre, Roman Road, Blackburn	21,090	Improvements to River Darwen Parkway and Nature Reserve
	Planning app. Ref: 10/15/0496 Former Sappi Paper Mill, Blackburn	137,750	Improvements at Feniscowles Sports Club
		100,000 (forward funded by Council reserves)	Improvements to Witton sports turf
	Planning app. Ref: 10/21/0122 Land at Ellison Fold Way, Darwen	100,000	For improvements to Blacksnape children's play area
	Planning app. Ref: 10/21/0277 Land at Lomond Gardens, Blackburn	42,500	For provision / enhancements to green infrastructure in Blackburn
	TOTAL	403,740	

	Development site	S106 contributions received(£)	Infrastructure project to fund
Highways	Planning app. Ref: 10/16/1132 Gib Lane Phase A, Blackburn	29,750 (forward funded by the Council)	Construction of new vehicular access onto Livesey Branch Road
	Planning app. Ref: 10/16/0789 Pole Lane North, Darwen	140,000	To fund top course, creation of southern footway and lighting
	Planning app. Ref: 10/18/0075 Land at School Lane, Guide, Blackburn	4,500	To undertake travel planning
	Planning app. Ref: 10/21/0122 Ellison Fold Way, Darwen	197,029	Towards completion of DEDC highway improvement works, sustainable transport initiatives including (but not limited to) subsidised public transport, traffic calming and improved pedestrian routes
	TOTAL	371,279	

3.8 Page 12 of the report also summarises the projects which have been delivered off-site by s106 contributions for the period 2021/22 in the borough. These projects are demonstrated in the following table:

	Development site	S106 contributions spent (£)	Project delivered
Education	Planning app. Ref: 10/17/0578 Land at Yew Tree Drive, Blackburn	260,839	Contribution towards extension of Lammack Primary School to provide an additional 140 places
	Planning app. Ref: 10/18/0895 Land at Roe Lee, Blackburn	80,473	
	Planning app. Ref: 10/20/0934 Land to the North and South of Fishmoor Drive and to the East of Roman Road	32,160	Contribution towards extension of Longshaw Nursery and Infant School

	Development site	S106 contributions spent (£)	Infrastructure Project delivered
Public open space	Planning app. Ref: 10/15/0496 Former Sappi Paper Mill, Blackburn	8,034	Improvements to Feniscowles Sports Club
		100,000 (forward funded by the Council)	Improvements to Witton sports turf
	Planning app. Ref: 10/19/0677 Land South of Tower Road, Blackburn	23,929	Improvements to pathways to improve access for pedestrians into Witton Park

	Development site	S106 contributions spent (£)	Project delivered
Highways	Planning app. Ref: 10/17/0211 Land at Gib Lane Phase C, Blackburn	65,382	Contribution towards delivery of Bog Height Road link road (design phases)
	Planning app. Ref: 10/17/0578 Yew Tree Drive, Blackburn	113,292	Toucan crossings at Lammack Road, Pleckgate Road, Whinney Lane; improvements to Brownhill junction and Yew Tree Drive; and sustainable transport measures
	Planning app. Ref: 10/18/0075 Land at School Lane, Guide, Blackburn	34,357	Pedestrian crossing and slow down markings

	Development site	S106 contributions spent (£)	Project delivered
Affordable housing	Planning app. Ref: 10/14/0547 Land at Parsonage Road, Blackburn	233,422	All contributions used to purchase former care home at Laneside, Blackburn to facilitate the site's redevelopment for new housing
	Planning app. Ref: 10/17/0089 Land to the rear of 110 Whinney Lane, Blackburn	18,558	
	Planning app. Ref: 10/12/0522 21 Femhurst Street, Blackburn	1,000	
	Planning app. Ref: 10/13/0094 Former Cemetery Public House, Darwen	2,000	

3.9 Page 15 of the report goes further by summarising what s106 contributions have been secured which will be paid in future years. This is summarised in Appendix A of this report.

3.10 Section 3 of the report sets out the S278 projects in the year 2021/22, and the S278 projects for future years. S278 agreements under the 1980 Highways Act are legally binding agreements between the local highway authority (Blackburn With Darwen Borough Council) and the developer to ensure delivery of necessary highway works as a result of new development.

4. POLICY IMPLICATIONS

4.1 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

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

4.2 The reforms to the planning obligations process introduced by the Community Infrastructure Levy Regulations 2019 contain a number of key elements, which includes the ability for authorities to charge a monitoring fee and the requirement to prepare an annual Infrastructure Funding Statement (from December 2020).

4.3 The need to produce an Infrastructure Funding Statement has increased the substantial workload and cost the Council has to cover when producing, monitoring and reporting on s106 agreements, work which is currently unfunded by the developer. Introducing monitoring fees will help to offset these costs and are set at an amount which is proportionate and reasonable.

5. FINANCIAL IMPLICATIONS

- 5.1 The funding that can be collected to assist in the monitoring of s106 agreements will help to offset the resources required to carry out the Council's rigorous process of financial monitoring and management of s106 monies received and spent, in addition to the resources required to report on these contributions through the production of an Infrastructure Funding Statement. The monitoring fee will be added to the s106 requirements.
- 5.2 If the monitoring fee is not collected, this additional work would have to be completed within existing budgets. The fees will be reviewed each year to ensure they remain proportionate and reasonable.

6. LEGAL IMPLICATIONS

- 6.1 The Community Infrastructure Levy (Amendment)(England)(No.2) Regulations 2019 now allow Local Authorities to charge a monitoring fee through section 106 planning obligations, to cover the cost of the monitoring and reporting on delivery of that section 106 obligation as described above. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime of that obligation. However, monitoring fees should not be sought retrospectively for historic agreements.
- 6.2 The Council began to add a monitoring fee to any s106 agreement associated with planning applications received from 1st October 2020. These will cover the cost of the monitoring and reporting on delivery of the agreements, including the production of the IFS (which is a new requirement), on an annual basis. Fees will be reviewed on an annual basis to ensure they remain proportionate and reasonable.
- 6.3 The IFS will be used to report on the amount of fees collected each year.

7. RESOURCE IMPLICATIONS

- 7.1 If the monitoring fee is not collected, this additional work would have to be completed within existing budgets.

8. EQUALITY IMPLICATIONS

- 8.1 The report is for information purposes only and does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

9. CONSULTATIONS

- 9.1. Executive Member for Growth and Development – 2nd December 2022.
- 9.2 Planning Cross Party Working Members Group meeting – 13th December 2022.

10. RECOMMENDATION

10.1 That the Committee note the content of the report

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

Date: 2nd December 2022

Background Papers: Blackburn With Darwen Infrastructure Funding Statement 2021/22 – November 2022.

APPENDIX A - S106 CONTRIBUTIONS SECURED FOR FUTURE YEARS:

	Development site	S106 amount (£)	Proposed s106 works to be delivered
Education	Planning app. Ref:10/17/0578 Land at Yew Tree Drive , Blackburn	60,000	Contributions towards additional primary school places in Blackburn North
	Planning app. Ref:10/20/0265 Land off Ramsgreave Drive, Blackburn	200,000	
	Planning app. Ref:10/18/1116 Brokenstone Road, Blackburn	2,480,000	Contribution towards additional primary school places in Blackburn West
	Planning app. Ref:10/19/0317 Land at Spring Meadows, Darwen	750,000	Contribution towards additional primary school places in Darwen
		250,000	Contribution towards additional secondary school places in Darwen
	Planning app. Ref:10/20/0934 Land to the North & South of Fishmoor Drive and East of Roman Rd, Blackburn	197,500	Contribution towards additional early years pupil places at Longshaw Infant School
	Planning app. Ref:10/21/0122 Land at Ellison Fold Way, Darwen	742,500	Contribution towards additional primary school places in Darwen
	Planning app. Ref: 10/20/1036 Land at Davyfield Farm, Roman Road Eccleshill	40,000	Contribution towards additional primary school places in Darwen
	Planning app. Ref: 10/19/0662 Gib Lane D, E & F, Blackburn	850,000	Contribution towards additional primary school places in Blackburn West

	Development site	S106 amount (£)	Proposed s106 works to be delivered
Highways	Planning app. Ref: 10/17/0578 Land at Yew Tree Drive, Blackburn	50,000	Toucan crossings at Lammack Road, Pleckgate Road, Whinney Lane; improvements to Brownhill junction/ and Yew Tree Drive and sustainable transport measures
	Planning app. Ref: 10/16/0789 Land at Pole Lane North, Darwen	30,000	Traffic management and road safety initiatives around Darwen East Distributor Corridor (DEDC)
	Planning app Ref 10/16/1132 Gib Lane Phase A, Blackburn	89,250 (forward funded in part by the Council)	New vehicular access onto Livesey Branch Road and footpath widening; enhancements to Finnington Lane/Moulden Brow junction; upgrading bus stops on Livesey Branch Road
	Planning app Ref 10/19/0520 Ellison Fold Way, Darwen	445,545 (forward funded in part by the Council)	Towards completion of DEDC highway improvement works, sustainable transport initiatives including (but not limited to) subsidised public transport, traffic calming and improved pedestrian routes
	Planning app Ref 10/18/1116 Brokenstone Road, Blackburn	26,000	Contribution towards road safety improvements on Stockclough Lane
	Planning app Ref 10/20/0265 Land off Ramsgreave Drive, Blackburn	130,000	Toucan crossings at Lammack Road, Pleckgate Road and Whinney Lane; Brownhill junction improvements; other highway improvements in North Blackburn including markings, signage, promotion of required Traffic Regulation Order (TRO) to reduce speeds; removal of crash barriers and reinstatement of central reservation; sustainable transport measures in the Ramsgreave Drive area; and contingency / associated works such as TROs, signage and lining
	Planning app Ref 10/20/0107 Land at Hollins Grove Street, Darwen	35,000	Provision of highway improvements, sustainable transport initiatives including (but not limited to) subsidised public transport, traffic calming and improved pedestrian routes in the Darwen East Distributor Corridor area
	Planning app Ref 10/21/0636 Land to the North of Ramsgreave Drive, Blackburn	99,598	For toucan crossings at Lammack Road, Pleckgate Road, Whinney Lane; improvements to Brownhill Junction and Yew Tree Drive, and sustainable transport measures

	Development site	S106 amount (£)	Proposed s106 works to be delivered
Public open space	Planning app. Ref: 10/18/1116 Brokenstone Road, Blackburn	350,000	Green infrastructure/public open space and associated community facilities within West Blackburn area
	Planning app. Ref: 10/15/0496 Former Sappi Paper Mill, Blackburn	212,250	Improvements to Feniscowles Sports Club
		260,000 (forward funded by Council reserves)	Improvements to Witton sports turf
	Planning app. Ref: 10/19/0371 New Telegraph House, Blackburn	18,278 (forward funded by the Council)	Towards green infrastructure within Blackburn town centre

	Development site	S106 amount (£)	Proposed s106 works to be delivered
Affordable housing	Planning app. Ref: 10/15/0496 Former Sappi Paper Mill, Blackburn	94,500	All contributions received to provide off-site affordable housing within the borough
	Planning app. Ref: 10/16/0077 Old Blackburnians, Lammack Road, Blackburn	490,875	
	Planning app. Ref: 10/17/0578 Land at Yew Tree Drive, Blackburn	100,000	
	Planning app. Ref: 10/17/0211 Land at Gib Lane, Phase C, Blackburn	157,500	
	Planning app. Ref: 10/18/0075 Land at School Lane, Guide, Blackburn	56,230	
	Planning app. Ref: 10/19/0317 Land at Spring Meadows, Darwen	100,000	
	Planning app. Ref: 10/14/0440 Springside Works, Belmont	50,000	
	Planning app. Ref: 10/19/0113 Land at Fountain Street, Darwen	25,000	
	Planning app. Ref: 10/20/0265 Land at Ramsgreave Drive, Blackburn	120,000	
	Planning app. Ref: 10/19/0662 Land off Moorland Drive, Blackburn Gib Lane Phases D, E & F	150,000	
	Planning app. Ref: 10/18/1116 Brokenstone Road, Blackburn	750,000	
Planning app. Ref: 10/20/1036 Land at Davyfield Farm, Roman Road, Blackburn	84,074		

DEPARTMENT OF GROWTH AND DEVELOPMENT

ORIGINATING SECTION: Planning (Development Management)

REPORT TO: Planning & Highways Committee on 15th December 2022.

TITLE: Petition objecting to recently approved planning permission for full planning permission for the following development:

Proposed rear balcony with external staircase at Avalon No.69 Manor Road, Darwen BB3 2SN.

WARD: Darwen West

COUNCILLORS: Dave Smith, Stephanie Brookfield, Brian Taylor

1.0 PURPOSE OF THE REPORT

- 1.1 To inform Members of the receipt of a petition objecting to a recently approved planning application relating to full planning application for "Proposed rear balcony with external staircase at Avalon, No 69 Manor Road, Darwen BB3 2SN" (ref: 10/22/0885).
- 1.2 The redacted version of petition is appended to this report at Appendix A. A copy of the petition has also been placed with Democratic Services.

2.0 BACKGROUND AND DETAILS

- 2.1 The planning application – reference 10/22/0885 - was received by the Local Planning Authority (LPA) on 6th September 2022. The adjoining properties Nos 67 and 71 Manor Road were sent neighbour consultation letters on the 9th September 2022. The statutory 21 day consultation period expired on the 30th September 2022.
- 2.2 Three letters of objection were received from the owners/occupiers of Nos 65, 67 and 71 Manor Road, during the consultation period. The application was referred to the Chair of the Committee through the Chair Referral process on the 25th October 2022 to ascertain whether the application is to be determined at officer level or by the Committee in accordance with the Scheme of Delegation. As part of the referral to the Chair, details of the application, objections received and the officer report were included. The Chair confirmed on the 25th October 2022, having assessed the information that the application could be determined under delegated powers. The application was subsequently approved on the same date. A copy of the officer delegated report and decision notice are attached to this report at Appendix B.
- 2.3 Formal complaints through the Council's Corporate Complaints process were received on the 31st October 2022, from Mr and Mrs Bent of No.71 Manor Road,

and Mr and Mrs Nixon of No.67 Manor Road. The complaints relate to the decision making process relating to the planning application 10/22/0885, and the decision to approve the application despite the objections raised by the complainants and the owner/occupiers of No.65 Manor Road.

2.4 During the Stage 1 process of the formal complaint process, the Planning Manager visited the application site accompanied by the case officer and Principal Planning Officer on the 8th November 2022, to assess the issues and objections raised by the complainants in their formal complaints. During this site visit, officers met with the complainants to discuss the formal complaints, and also viewed the approved application from their rear garden areas. It was at this site visit, that the lead petitioners of the petition, Mr and Mrs Nixon hand delivered the petition objecting to the approved planning application.

2.4 The petition contains 26 signatures from residents along Manor Road, Darwen, and states the following:

“Petition for Blackburn With Darwen Borough Council to reverse the planning application for a first floor balcony at the rear of 69 Manor Road, Darwen BB3 2SN due to the lawfulness of the decision based on neighbours privacy and their failure to follow planning procedure.”

2.5 The objections that were raised by the objectors during the consultation period of the planning application, were fully considered as part of the assessment of the application. The officer delegated report at Appendix B demonstrates that due process was followed, and all material considerations as part of the planning application were considered as part of the decision making process.

2.6 During the site visit made by the officers as part of the separate formal complaints process on the 8th November 2022, and a review of the approved drawing (drawing no: TS9185/01 rev A, received 6th September 2022), it was clear that the part structure / staircase that has been erected is not in accordance with the approved details. It was evident from the site inspection that the stairs were not constructed in the approved location. As a result of this, the stairs are 800mm closer to the gable elevation i.e. instead of being 1 metre from the gable elevation, it is 200mm. This has exacerbated the impact towards the adjoining property No.67. A further site meeting was held with the applicants and attended by the Planning Manager and Case Officer/Principal Planner, on the 17th November 2022, to inform them of the unauthorised works carried out, and to confirm that no further works should be undertaken until the issue is resolved i.e. construct the structure in accordance with approved details as shown in Figures 1 and 2 below, or submit a revised planning application, which would be subject to a full reconsultation with the neighbouring properties. Figures 1 and 2 below are an extract of the approved drawing no: TS9185/01 Rev A), and Figure 3 is a site photograph taken on the 8th November 2022, of the part structure erected.

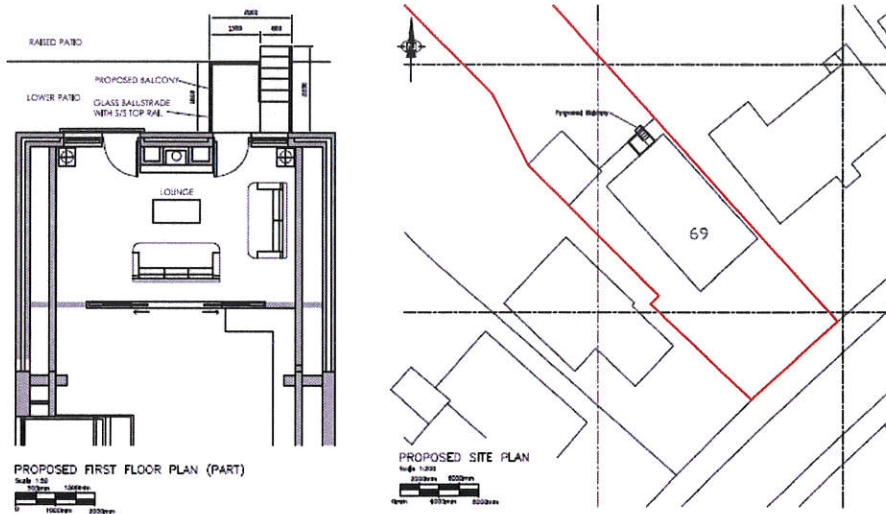


Figure 1: extract from approved drawing No: TS9185/01 Rev A, received on 6th September 2022 pursuant to planning application 10/22/0885 – proposed floor plan and site plan

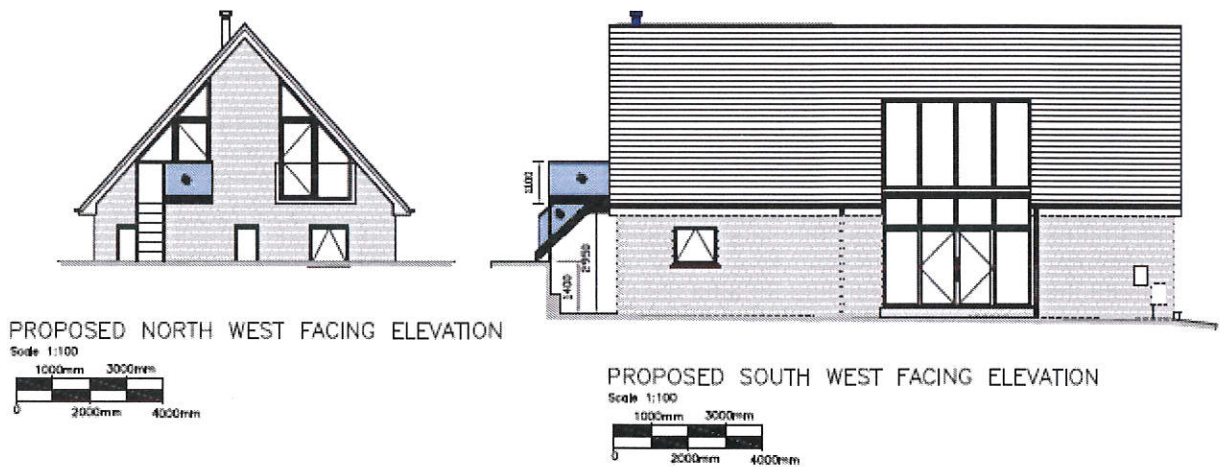


Figure 2: extract from approved drawing No: TS9185/01 Rev A, received on 6th September 2022 pursuant to planning application 10/22/0885 – proposed rear and side elevations.



Figure 3: Site photograph taken 8th November 2022 of unauthorised part constructed frame of balcony/staircase

3.0 RECOMMENDATION

3.1 That the petition be noted by Members and that the lead petitioners be informed of any decision taken.

4.0 BACKGROUND PAPERS

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

4.2 Planning application 10/22/0885.

5.0 CONTACT OFFICER: Gavin Prescott, Planning Manager/Emily Colebourne,
Assistant Planner

6.0 DATE PREPARED: 30th November 2022.

DELEGATED DECISION OFFICER REPORT

Proposed development: Proposed rear balcony with external staircase

Site address:

**Avalon
69 Manor Road
Darwen
BB3 2SN**

Applicant: Mr Phil Wright

Application number: 10/22/0885

Case officer: Emily Colebourne - Planning Officer

Recommendation: APPROVE

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), and the adopted policies of the Blackburn With Darwen Borough's Core Strategy and Local Plan Part 2 "Site Allocations and Development Management Policies", together with other relevant material planning considerations. The policies of the Core Strategy and Local Plan Part 2 that have been used to assess this application are considered to be in accordance with the NPPF, and as such are material planning considerations.

The planning service, in assessing the planning application, has had due regard to the provisions of the Human Rights Act. It is an inherent part of the decision making process to assess the effects that a proposal will have on individuals, and weigh these against the wider public interest in determining whether development should be granted planning permission. In carrying out this balancing exercise, the planning service is satisfied that it has acted proportionately.

PROPOSAL

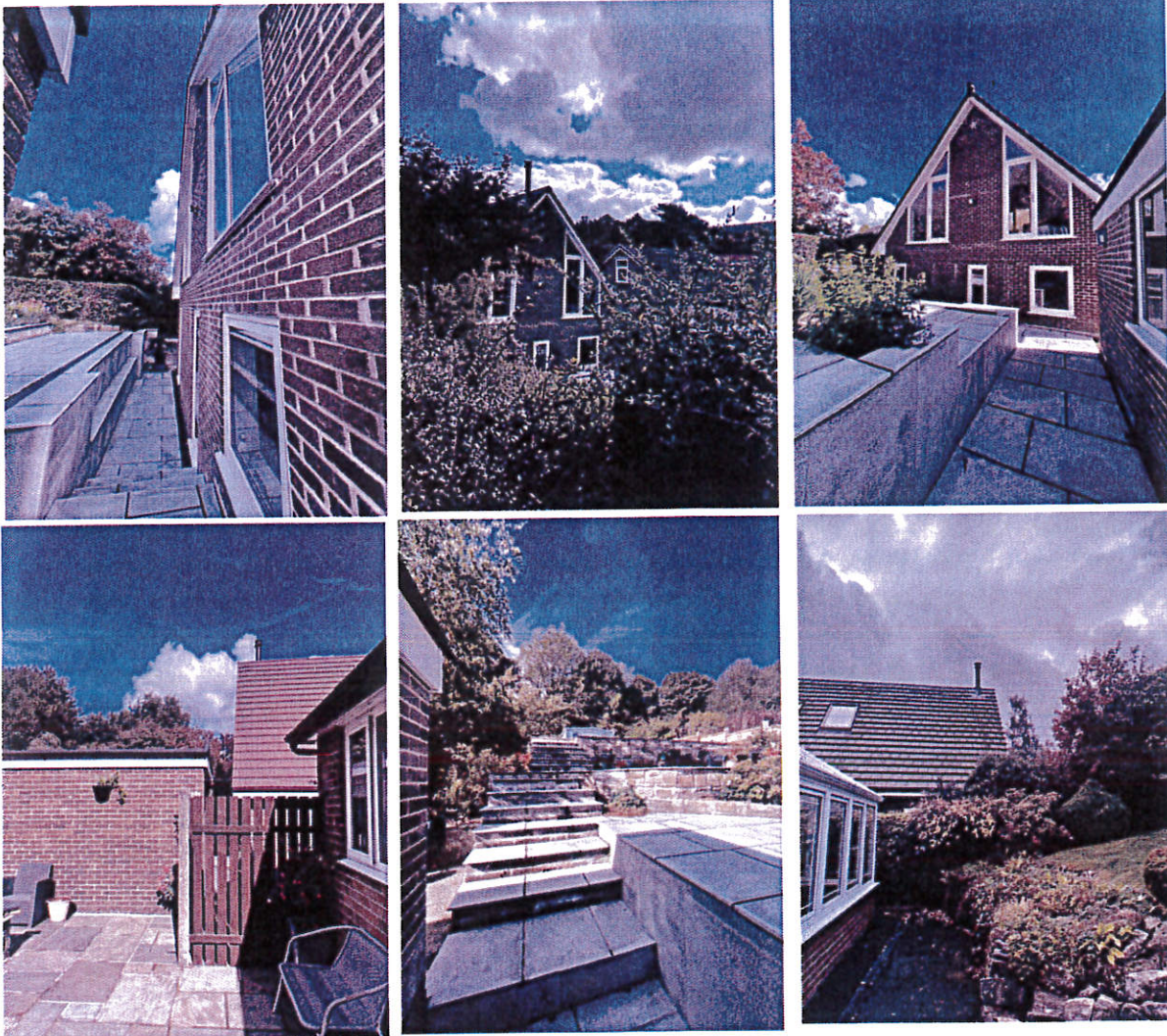
The application site relates to a detached chalet style bungalow located on the north western side of Manor Road.

Planning permission is sought for the erection a rear balcony with external staircase. The proposed balcony will project 1.8m off of the patio doors sited at the boundary with No.67. The balcony will measure 1.3m wide. The proposed external staircase will project 2.2m and measure 800mm wide. The proposed height from ground floor level to balcony level will be 2.9m. The proposed height of the glass balustrade facing towards No.71 will be 1.1m.

Planning permission was approved under application (10/81/0686) for a detached chalet bungalow and garage.

Planning permission has also previously been approved (10/18/0260) for a double storey rear extension at the application site.

Site Photos:



View from the patio doors at the application site in to No.71 Manor Road.



View from the patio doors at the application site in to No.67 Manor Road.



Publicity:

2 neighbours were consulted by letter and the following is a summary of the comments received.

Objections:

The reason for the objection is invasion of privacy. The erection of a balcony that runs parallel to my garden will enable anyone on the balcony to see directly over in to my garden and in direct view of my top patio where we sit out. The balcony will be in close proximity to my conservatory and in winter when the trees and bushes are bare anyone on the balcony will be able to see directly into my conservatory.

I am writing to object to planning application reference 10/22/0885 at Avalon, 69 Manor Road, Darwen, BB3 2SN. This is a planning application for a rear balcony. We object to this application on the basis that it overlooks our rear garden and reduces our privacy.

We object to the erection of a balcony at the rear of the property for invasion of privacy reasons. The balcony would enable anyone to see directly into our garden and directly into the patio area we have created where we sit out the most. A previous application was submitted a few years ago for a similar balcony but was rejected due to the previous owner of number 67 (Moor Park) objecting for reasons of invasion of privacy.

Delegation RELATES TO RED FLAG APPLICATIONS OR OTHER APPLICATIONS REFERRED TO THE CHAIR:

The planning application has been assessed in accordance with the Chair Referral Process of the adopted officer scheme of delegation (Council's Constitution). Following consultation with the Chair of the Planning & Highways Committee, it has been confirmed in writing that the application can be determined under the officer scheme of powers.

DEVELOPMENT PLAN

Local Plan Part 2 (2015) Policies:

Policy 8 "Development & People"

Policy 11 "Design"

Residential Design Guide Supplementary Planning Document

RES E1: Materials

RES E20: Balcones and Raised Terraced Areas

ASSESSMENT

The key issues in relation to this application are:

- Residential Amenity
- Design/Visual Amenity

Residential Amenity

Policy 8 of the LPP2 (2015) requires development to secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself, with reference to noise, light, privacy/overlooking and the relationship between buildings.

RES E20 of the Residential Design Guide permits balcony proposals providing they do not create an unacceptable level of overlooking on surrounding properties.

It was noted on my site visit that from the first floor patio doors where the proposed balcony will be sited and viewing in to No.71 Manor Road's rear garden area, the existing garage at the application site predominately acts as a screen for much of the views in to the nearest patio area at No.71; as such privacy/overlooking will be reduced in to the most private area of the rear garden. This is the area which should be protected from overlooking and loss privacy.

It was also noted that, No.67 Manor Road is set further back than the application site and as such there is no obvious view back in to the nearest patio area at No.67. The view from the proposed balcony to the closest patio area and conservatory at No.67 will be hindered due to the set back of the property. It was also noted that No.67 has a polycarbonate conservatory roof and as such overlooking will be reduced.

Casual overlooking is usually always present between houses, therefore whilst overlooking may occur in to both No.67 and No.71 top most part of the garden, this type of overlooking is present between most dwellings from first floor windows. Therefore, in this circumstance we look to protect overlooking in to the private most part of the garden which is the closest patio areas of No.67 and No.71 to the dwellings.

With regards to the objection stating that the trees and bushes become bare in winter between the application site and No.67, whilst this has been taken in to consideration it is deemed that the level of usage during the winter months will be very minimal and as such minimal loss of privacy concerns will arise.

On balance, whilst careful consideration has taken place, the proposal is considered to meets the requirements of Policy 8 of the Local Plan Part 2 (2015) and Residential Design Guide SPD Policies.

Design/Visual Amenity

Policy 11 of the LPP2 (2015) requires all new development to present a good standard of design and expects all new development to demonstrate an understanding of the wider context; and to make a positive contribution to the local area.

The proposed balcony will be completed with a glass balustrade with a stainless steel top rail to match the existing front balustrade and a composite decking infill flooring. This is considered to achieve a contemporary finish and will harmonise with the existing dwelling.

It is acknowledged that the proposed balcony and external staircase accords with Policy 11 of the LLP2 (2015) and therefore provides a positive addition to the host dwelling.

Emily Colebourne
25th October 2022



TOWN AND COUNTRY PLANNING DECISION NOTICE

TOWN AND COUNTRY PLANNING ACT
1990

THE APPLICATION

Applicant:	Agent:
Mr Phil Wright	T&S Design
Avalon	24 Poppyfield
69 Manor Road	Cottam
Darwen	Preston
BB3 2SN	PR4 0BF

Full Planning Application

FOR:

Proposed rear balcony with external staircase

AT:

Avalon
69 Manor Road
Darwen
BB3 2SN

APPLICATION REFERENCE NUMBER: **10/22/0885**

The application was received: **06/09/2022**

THE DECISION

Date of Decision: 25/10/2022

In pursuance of their powers under the
above Act, the Council

PERMITS

The above development in accordance with
the details given on the application form and
submitted plans. Permission is given subject
to the following CONDITIONS:

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

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Proposed Rear Balcony, Drawing Number 01 Revision A, Date Received 06/09/2022

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

REASONS FOR GRANTING PLANNING PERMISSION:

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. The proposal is of appropriate design and appearance and would not be detrimental to the residential amenity for occupiers of the dwelling or neighbouring dwellings or compromise highway safety in accordance with Policies 8, 10 and 11 of the Blackburn with Darwen Local Plan Part 2 (December 2015) and Residential Design Guide Supplementary Planning Document (as amended September 2012).

2. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework (2021). The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. This has been demonstrated by:

Providing advice to the applicant/agent during the course of the application on potential problems and possible solutions.

Your attention is drawn to the NOTES attached and to the following:

1. A process has been introduced by The Department for Communities and Local Government for dealing with material and non-material amendments to planning permissions. For more information please contact the case officer or consult the Planning Portal website www.planningportal.co.uk

2. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other Enactment, Byelaw, Order or Regulation.

Before commencing development you are advised to check the requirements of the Building Regulations.

For further information and advice please contact our Local Authority Building Control Section on 01254 778901

Section 31 of the County of Lancashire Act 1984 (access for the Fire Brigade) also applies. For information please contact the Building Surveyors, telephone 01254 778901

Additionally, if you wish to carry out building work which involves work along a party boundary the Party Wall Etc Act 1996 comes into force. You must find out whether your works falls within the Act by contacting your Solicitor, and if it does, you must notify all affected neighbours.

3. The Construction (Design & Management) Regulations 2015

The development hereby approved may be subject to the Construction (Design and Management) Regulations 2015 which govern health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline 0845 345 0055

4. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precaution, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

5. As part of this permission, you are required to ensure that no skips or building materials are placed on the adopted highway which will hinder or inhibit the refuse or recycling collection services. Any building materials that do not cause an obstruction to the collection services and permission is given for temporary storage on the adopted highway whilst work is ongoing must be removed when the work is completed and the area must be cleared and swept, so no remnants of any of the materials are left.

PLEASE NOTE:

Town and Country Planning (Written Representations) Regulations 1987

In accordance with the provisions of these Regulations, in the event of an appeal, the Local Authority's copy of the completed appeal form should be sent to:

The Strategic Director of Growth & Development, Blackburn with Darwen Borough Council,
Town Hall, Blackburn. BB1 7DY

A handwritten signature in black ink, appearing to read 'Martin Kelly'. The signature is written in a cursive style with a large 'M' and 'K'.

Martin Kelly,
Strategic Director of Growth & Development
Blackburn with Darwen Borough Council



NOTES FOR APPLICANTS

APPLICATIONS FOR PLANNING PERMISSION REFUSED OR GRANTED WITH CONDITIONS

Appeals to the Secretary of State

- If you are aggrieved by the decision of your planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country planning Act 1990
- If you want to appeal against your local planning authority's decision then you must do so within **6 months of the date of this notice, UNLESS**
 - This is a decision to refuse planning permission for a **householder application and/or minor commercial development (shop front)**, in which case appeals must be made within **12 weeks of the date of this notice**.
 - This is a decision to refuse express consent for the display of an advertisement, in which case appeals must be made within **8 weeks of the date of this notice**
 - This is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, in which case appeals must be made within 28 days of this notice.
 - An enforcement notice is served relating to the same or substantially the same land and development as in your application, in which case appeals must be made within 28 days of the service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate> . If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, The Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 part V1 of the Town and Country Planning Act 1990

APPLICATIONS FOR LISTED BUILDING AND CONSERVATION AREA CONSENT

Appeals to the Secretary of State

- If the applicant is aggrieved by the decision of the Borough Council to refuse listed building consent for the proposed works, or to grant consent subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within **six months** of the date of this notice.
- Similarly, if the applicant is aggrieved by the decision of the Borough Council to refuse to vary or discharge the conditions attached to a listed building consent or conservation area consent, or to add new conditions following any such variation or discharge, he may also appeal under Sections 20 and 21 of the same Act within **six months** of the date of this notice.
- Any appeal must be made on the appropriate form which is obtainable from Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Bristol, BS1 6PN, Tel: 0303 444 5000. Or online at appeals casework portal.
- The Secretary of State has power to allow a longer period for the giving of a notice of appeal. He will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- An appeal may also be made on the grounds that the building is claimed to be not of special architectural or historic interest and ought to be removed from the list.

Purchase Notices

If listed building consent is refused, or granted subject to conditions, whether by the Borough Council or by the Secretary of State for the Environment, and the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted.

In these circumstances, the owner may serve on the Council a Listed Building Purchase Notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Access for the Royal Commission on the Historical Monuments in England

Your attention is drawn to the requirements of Section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Notwithstanding any listed building consent conveyed in the attached notice, or by the Secretary of State, you **MUST NOT COMMENCE** work which involves the demolition of the whole or any part of a listed building until you have given thirty days notice to the Royal Commission on the Historical Monuments of England. Form RCHME 1 is enclosed, if relevant, to enable you to notify the Royal Commission.

Offences

It is an offence for a person to execute or cause to be executed **any works** in relation to a listed building either for its demolition or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised; or which fails to comply with any condition attached to a consent. This includes the removal of interior fittings such as panelling and fireplaces. A person who is found guilty of an offence is liable on summary conviction, imprisonment up to six months or a fine up to £20,000, or both; or on conviction on indictment, to imprisonment for up to two years or a fine, or both.

APPLICATIONS FOR ADVERTISEMENT CONSENT

Duration of Consent

- If no time period is specified in a consent to display an advertisement, the consent shall be for five years commencing with the date of the consent notice.
- Except where there is expressly a condition to the contrary, an advertisement may continue to be displayed after the expiry of consent. The Council may, though, exercise its power to take discontinuance action to remove an advertisement or sign following expiry of the consent.

Offences

- If you display an advertisement in contravention of the Control of Advertisements Regulations (England) 2007, you shall be liable on summary conviction of an offence under Section 224(3) of the Town and Country Planning Act to a fine of an amount not exceeding level 3 on the standard scale and, in the case of a continuing offence, £100 for each day during which the offence continues after conviction. In 1994, a level 3 fine was £1,000.

Appeals to the Secretary of State

- If you are aggrieved by the decision of the Borough Council to refuse consent or to grant consent subject to conditions, you can appeal to the Secretary of State for the Environment under Regulation 15 and Schedule 4 of the Town and Country Planning (Control of Advertisements) Regulations (England) 2007.
- **If you want to appeal, then you must do so within eight weeks of the date you receive this notice**, using a form which you can get from Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Bristol, BS1 6PN, Tel: 0303 444 5000. Or online at appeals casework portal. The Secretary of State is not required to entertain such an appeal if it appears to him, having regard to the provisions of the regulations, that consent for the display of the advertisement(s) could not have been granted by the Local Planning Authority, or could not have been granted by the Local Planning Authority otherwise than subject to the conditions imposed by them.

By virtue of paragraph(s) 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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