

Public Document Pack

Planning and Highways Committee

Thursday, 19th January, 2023

6.30 pm

Meeting Room A, Blackburn Town Hall

AGENDA

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Holly Cottage, 5 Victoria Terrace, Old School Lane, Tockholes, Darwen 80 - 95
- 4.3 **Planning Application 10-22-1002**
Land adjoining Moorthorpe Cottage, Park Road, Darwen 96 - 160
- 4.4 **Planning Application 10-22-1138**
Avalon, 69 Manor Road, Darwen 161 - 198
5. **Petition**
To inform Members of the receipt of a petition objecting to a current planning application (ref. 10/22/1070) relating to a proposed change of use from a residential dwelling (Use Class C3) to a coffee shop (E, (b)) with the installation of a

new shop front. The application premises is 117 Whalley Range, Blackburn, BB1 6EE.

The application is submitted by AA Properties (Blackburn) Ltd.

Petition objecting to an application for full planning permission for the following development: 'Change of use from (C3) Residential to Coffee Shop (Class E (b)) including the insertion of a new shop front' at 117 Whalley Range, Blackburn, BB1 6EE' – Ref. 10/22/1070
117 Whalley Range Petition 10.22.1070_Redacted.pdf

**199 -
202**

Date Published: Wednesday, 11 January 2023
Denise Park, Chief Executive

PLANNING AND HIGHWAYS COMMITTEE

Thursday, 15 December 2022

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

OFFICERS – Gavin Prescott, Michael Green & Shannon Gardiner

RESOLUTIONS

55 **Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Samim Desai and was substituted by Cllr Mahfooz Hussain, Cllr Sylvia Liddle and was substituted by Cllr Jackie Floyd and Cllr Jacquie Slater who was substituted by Cllr Neil Slater.

56 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 17th November 2022 be agreed and signed as a correct record.

57 **Declaration of Interest**

RESOLVED – There were no Declarations of Interest received.

58 **Committee Agenda 15/12/2022**

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.

58.1 **Planning Application 10-22-0653**

Applicant – Mrs Sahdia Aslam / MS Residence Limited

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

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)

Decision under Town and Country Planning Acts and Regulations –

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

58.2 Planning Application 10-22-0739

The application was deferred

Applicant – Gryffin House Limited

Location and proposed Development – 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'

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – The application was deferred to the next Planning and Highways Committee in January 2023 due to information being submitted at a late stage which needed to be considered

58.3 Planning Application 10-22-0758

Applicant – Mr Mizon

Location and proposed Development – Darwen Windows Ltd, Borough Road, Darwen, BB3 1PL.

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

Decision under Town and Country Planning Acts and Regulations –

RESOLVED – Approved subject to the conditions highlighted in the Director's Report, a temporary 12 month period, commencing from the date of first operational use and modification of the proposed hours of use to the following hours:

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

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

58.4 Planning Application 10-22-0942

Applicant – Claire Forty

Location and proposed Development – Knowsley Farm, Knowsley Lane, Edgworth, Bolton, BL7 0JH

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"

Decision under Town and Country Planning Acts and Regulations –

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

58.5 Planning Applications 10-22-0955 & 10-22-0959

Applicant – Blackburn with Darwen Borough Council

Location and proposed Development – No.11 – 17 Blakey Moor Terrace, Blackburn

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).

Decision under Town and Country Planning Acts and Regulations –

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

58.6 Planning Application 10-22-0995

Applicant – Blackburn with Darwen Borough Council

Location and proposed Development – 16 Morley Avenue, Blackburn, BB2 4TE

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

Decision under Town and Country Planning Acts and Regulations –

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

58.7 Planning Application 10-22-1000

Applicant – Michelle Warren

Location and proposed Development – 11 Arkwright Fold, Blackburn, BB2 4LZ

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

Decision under Town and Country Planning Acts and Regulations –

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

58.8 Planning Application 10-22-1066

Applicant – Blackburn with Darwen Borough Council

Location and proposed Development – Shadsworth Leisure Centre, Shadsworth Road, Blackburn, BB1 2HT

Proposed temporary pod accommodation - 10 Sleeper pods and 2 diner pods for severe weather exposure provision (SWEP) over the winter period

Decision under Town and Country Planning Acts and Regulations –

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

59 Letter to Secretary of State for Levelling Up, Housing and Communities regarding fees relating to retrospective planning applications

The report was submitted to the Committee for Members to approve a letter 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.

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.

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"

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.

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

RESOLVED –

1. That the Committee noted and approved the content of the letter
2. The Committee agreed for the letter to be sent to the Secretary of State for Levelling Up, Housing and Communities with immediate effect.

60 Infrastructure Funding Statement 2021/22

The Members were updated on the recently published Infrastructure Funding Statement for 2021/22, for Blackburn with Darwen Borough Council.

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.

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.

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.

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 Page 183 Agenda Item 6 2 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.

The report does not include information on the infrastructure delivered on site as part of new developments in the borough.

RESOLVED – That the Committee note the content of the report

61 **Petition - Proposed rear balcony with external staircase at Avalon No.69 Manor Road, Darwen BB3 2SN**

Members were informed of the receipt of a petition objecting to a recently approved planning application relating to full planning application for 'Proposed rear balcony with external staircases at Avalon, No 69 Manor Road, Darwen, BB3 2SN' (Ref:10/22/0885)

The planning application was received by the Local Planning Authority on 6th September 2022. The adjoining properties No 67 and 71 Manor Road were sent neighbour consultation letters on the 9th September and the statutory 21 day consultation period expired on the 30th September.

Three letters of objection were received from the owners/occupiers of No 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. 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 formal complaint was received on 31st October from No. 67 & 71 Manor Road. During the Stage 1 process of the formal complaint process, a site visit was conducted to assess the issues and objections raised by the complainants. During the site visit the lead petitioners hand delivered the petition objecting to the approved planning application.

The petition contained 26 signatures from residents along Manor Road and stated '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'

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 demonstrated that due process was followed and all material considerations as part of the planning application were considered as part of the decision making process.

RESOLVED – That the petition be noted.

62 **Enforcement**

A report was submitted seeking authorisation to take enforcement action against all persons having an interest in land 33 Scar Street, Blackburn.

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

RESOLVED – Authorised was given to the proposed enforcement action for land at 33 Scar Street, Blackburn.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed

DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

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

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

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

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

Material Consideration

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

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

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

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

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

<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: 19/01/2023

Application No	Applicant	Site Address	Ward	Application Type
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10/22/0739

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

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'

RECOMMENDATION: Refuses

10/22/0891

Mrs P Smith	Holly Cottage	Darwen West
5 Victoria Terrace	5 Victoria Terrace,	
Old School Lane	Old School Lane	
Tockholes	Tockholes	
BB3 0NG	Darwen	
	BB3 0NG	

Full Planning Application for Erection of a Stable Block (private use) and Menage

RECOMMENDATION: Permits

10/22/1002

Ms Gillian Lomax	Land adjoining Moorthorpe Cottage	West Pennine
Moorthorpe Cottage	Park Road	Whitehall
Park Road	Darwen	
Darwen	BB3 2LQ	
BB3 2LQ		

Reserved Matters Application for Approval of Reserved Matters "Appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings"

RECOMMENDATION: Permits

Application No	Applicant	Site Address	Ward
Application Type			

10/22/1138

Mr Phil Wright
Avalon
69 Manor Road
Darwen
BB3 2SN

Avalon
69 Manor Road
Darwen
BB3 2SN

Darwen West

Full Planning Application for Proposed rear balcony and staircase

RECOMMENDATION: Permits

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/0739

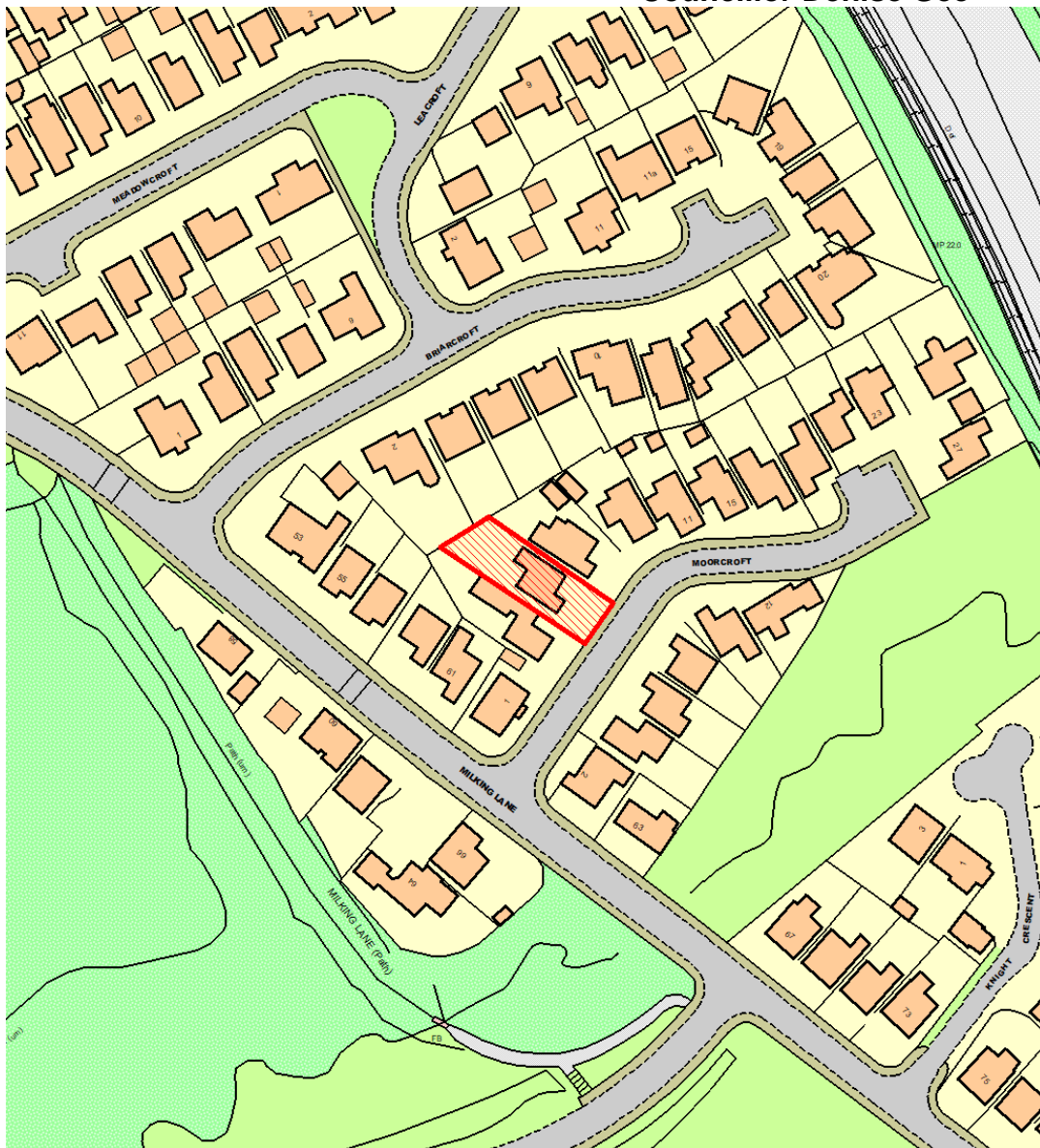
Proposed development: Full Planning Application for: Change of use from a dwellinghouse (Use Class C3) to a residential institution (Use Class C2) to house up to four families - parent(s) and one child - for 12 weeks durations, to allow 'Residential Parenting Assessments'

**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 Members will be aware that the application was deferred at December's Committee meeting, in order to allow time for officers to provide further clarity, in consultation with Children's Services, around the effect on public services arising from the proposal.
- 2.3 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 Local Plan and National Planning Policy Framework (The Framework).
- 2.4 Planning permission was previously granted by Committee 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.
- 2.5 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, Gryffin 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).

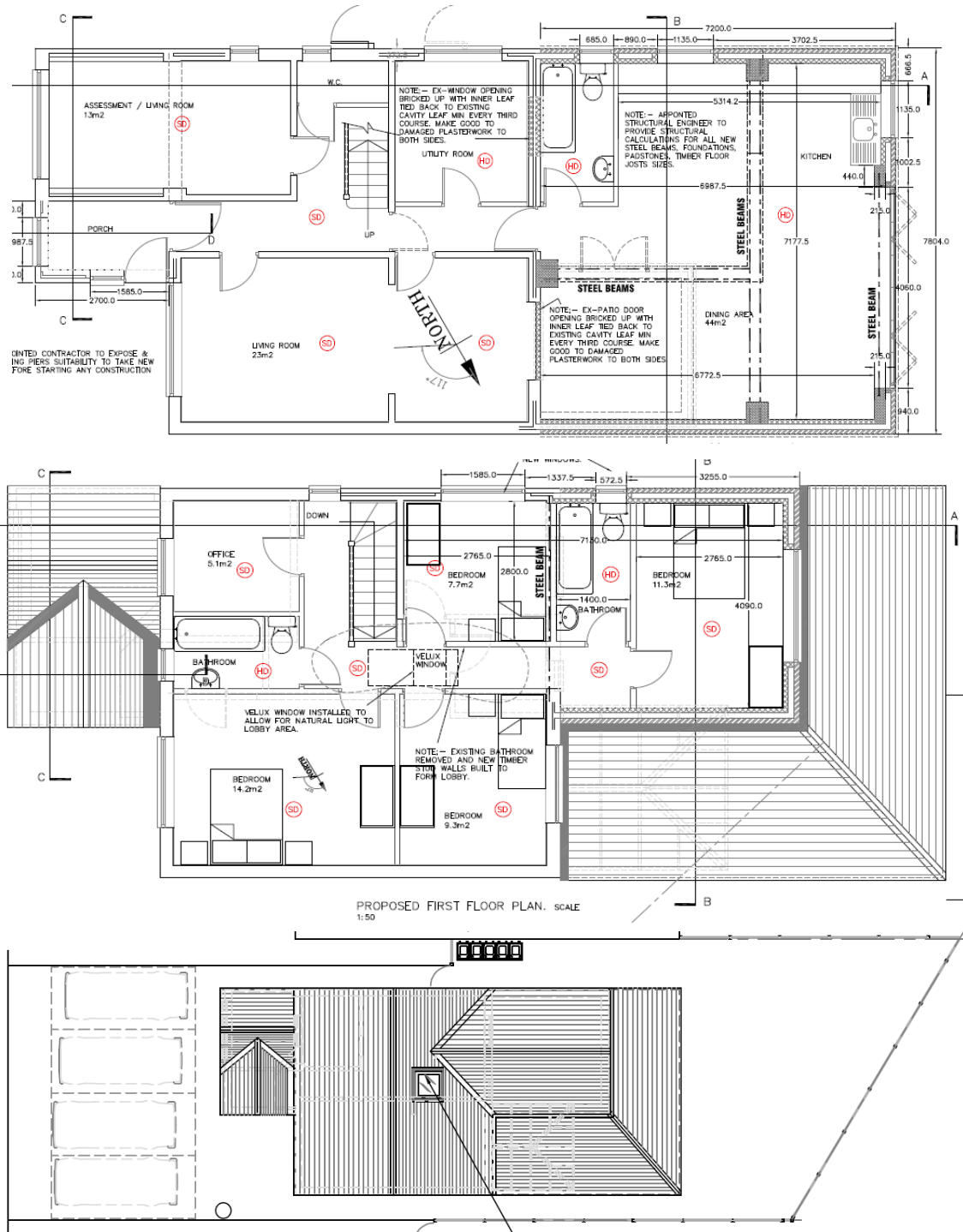
3.2.3 The property would be Ofsted regulated.

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 Younus Khan, Architectural Consultant.

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 Planning Advice Note (BwD Children’s Residential and Supported Accommodation, December 2020 – PAN).

3.4.2 Planning Advice Note (BwD Residential and Supported Accommodation, January 2021 – PAN).

3.4.3 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

3.4.4 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. Whilst a public service, the proposal, as a ‘Residential Institution’ is appropriately located within a residential area. 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 The area is supported by a bus route. The nearest bus stop is located on Greenbank Terrace, approximately 450m away from the site, which is only

marginally beyond a typical 'reasonable walking distance' to a bus stop' of 400m, so defined by the Chartered Institute of Highways and Transport.

3.5.8 Moreover, local convenience shops are located in Lower Darwen, at Fore Street and Albert Place, approximately 600m away from the site, which is marginally beyond a reasonable walking distance to convenience shops, as referenced in Policy 32 of the BwD Local Plan Part 2.

3.5.9 Taking the above into account, the site is considered to be a sustainable location. Although it is not a highly accessible location, so desired for the nature of the proposed use, it is considered to be sufficiently accessible for residents who are unlikely to benefit from private car ownership. On balance, therefore, the proposal aligns with point IV of the policy, as one located within an accessible location.

3.5.10 Accordingly, on balance, the principle of the development is supported, in accordance with the requirements of Policy CS11 and The Frameworks presumption in favour of sustainable development.

3.5.11 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.

3.5.12 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 comments and the applicant's final rebuttal are reproduced in the consultee response section of this report, at paragraph 6.1.

3.5.13 In their response, Children's Services offer a comparison between a routine children's home and the parental assessment centre, subject of this application, as well as circumstances which may direct a need for their provision. Members are advised that a children's home is a residence for older children and young people usually placed over the age of 12 years. Although foster care would be the preferred accommodation, a children's home provides alternative placements for young people who are unable to remain living within their own family. A parent assessment placement is one means by which children can remain within their parents care. The need for this type of placement arises when Children's Services have identified a significant risk for the child due to circumstances with parents. Usually there are court proceedings in relation to the child involved when a parent assessment placement is being used by the Local Authority (LA). The placement will support the LA in managing the risk and assess parental ability to meet the needs of their child / children. These placements are used for very young children (usually up to the age of 5 years) and babies with either a single parent or two parents together and could be single or multiple children. The length of time needed within a parent and child unit will vary. The expected *minimum* stay is for 12 weeks so a comprehensive parenting assessment can be completed by the provider commissioned (the unit). Court proceedings may direct different types of assessments, all of which inform decision making on the permanence plan for the child / children. These could include drug and alcohol testing, psychological assessment and other specialist / expert assessments. All these assessments combine to inform the court when making decisions about the future of children. A particularly significant court decision would be the removal of children from their parents care. Placements in family assessment units, therefore, usually run longer than 12 weeks. The Court would aim for care proceedings / assessments to be completed within 26 weeks, though longer periods can ensue. Agreement from the court must be sought before a family can move out of the assessment unit. There are a number of factors, therefore, that impact on the

length of time a family will need a placement for and how they are supported to transition out of the placement back to their own home or other alternative accommodation. The applicant's assertion that parental assessment would be completed within a 12 week period is, therefore, contested.

3.5.14 Children's Service assert that there is no demand for the proposal in the borough. Currently, the borough benefits from two facilities; Maryvale and Phoenix Family Care. These are considered sufficient to cater for the borough needs. Phoenix Family Care is an OFSTED registered family assessment unit. Maryvale is a bespoke housing provision, awarded following a tendering process, which provides support for vulnerable young parents who are ordinarily resident in BwD. When in Maryvale, parenting assessments are completed by the allocated Social Worker from the LA. Referrals for Maryvale are only accepted from BwD. Phoenix Family Care offers a 5-bed provision. In the last 2 years, the LA has placed one family per year in this provision. A particular reason for not placing more families can be that vacancies in Phoenix Family Care are not always available when needed for BwD families, as places have been filled by families placed by other LA's or that BwD families need to be placed outside of the borough.

3.5.15 It is important to understand why placements occur outside of the borough. Circumstances may dictate the need for out of borough placements. This typically include specialist placements for substance related issues, distance needed due to domestic abuse / violence, placements with specialist therapeutic provision or a very high level of supervision. There are also circumstances where out of borough provisions have been court ordered, and, therefore, beyond the control of the LA.

3.5.16 The following table contains the data on the total number of parent and child residential placements from the 1st April 2019 to the 31st December 2022, as provided by Children's Services (data does not include Maryvale placements):

Year	Total number of parent and child residential placements	In borough	Out of borough
1st April 2019 to 31st March 2020	6	4	2
1st April 2020 to 31st March 2021	4	2	2
1st April 2021 to 31st March 2022	10	1	9
1st April 2022 to 31st December 2022	10	1	9

3.5.17 Reasons for the identified 'out of borough' placements are non-disclosable, due to the potential for identifiable and sensitive information getting into the public domain. Members are directed to the generic reasons stated above (at para. 3.5.15), as to why such placements may arise.

3.5.18 The annual cost of placements relates to that paid to the service provider, who in some cases are located outside the borough. Children's Services confirm that costs would remain the same, regardless of whether the service provider is located in or out of the borough. Therefore, the proposed facility would not necessarily reduce the costs incurred by the Council, nor would it result in zero cases being referred to facilities outside of the borough.

- 3.5.19 Referring assessments to facilities outside the borough also reduces the potential impact of the transfer of health need to within the borough. It is also the case, on occasion, local families that have been placed outside the borough have not returned.
- 3.5.20 Children's Services acknowledge the issue of importing unwarranted need into the borough and the impact arising on wider public service provision and budgets under such circumstances. In this context, the proposal is considered to pose a significant risk, to the extent that the quality and availability of existing public services could deteriorate. In practical terms each family placed will have a specific team of professionals to provide support to them and complete assessment work as aforementioned. All those professionals will need to visit the placement on a regular basis. There would also be an impact on the Local Authority, as the Local Authority Designated Officer (LADO) would be responsible for investigating 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.
- 3.5.21 Increased pressures on Health Visitor services may also arise, as responsibility would transfer to BwD for the duration of a placement. The Health Visiting services from the referring area do not maintain full responsibility. This is an avoidable increase in the demands on Health resources.
- 3.5.22 Increased pressure on Midwifery Services including the delivery of postnatal services is also a concern for the same reason. The BwD Health Visiting team would be responsible after birth for the duration of the placement. Again, this is an avoidable increase in the demands on Health resources. Similarly, it is possible that a very young baby could require neo-natal care after discharge.
- 3.5.23 Moreover, Children's Services advise that an area of need rather than residential provision, is providers who can offer a package of support in maintaining families in their own home, which is contrary to the applicants offer.
- 3.5.24 Although not material to the determination of this application, Children's Services advocate use of tried and tested providers with a proven track record and substantial experience in this heavily specialised area. The families placed in assessment units are vulnerable by the nature of their needs and are there as a means to try to keep children with their parents. Significant decisions are made on the basis of necessarily robust assessments within the court arena. CSC need to have confidence in any commissioned provision to provide the necessary support and assessment for these families. Where this falls short it has financial implications for the LA due to the potential need to commission further assessments and importantly causes delay for children when timely decisions cannot be made. These commissioned placements come at a significant cost to the LA, it is necessary that we apply scrutiny to

such placements and enter into arrangements with those providers in who we have confidence.

3.5.25 The applicant offers the following summary rebuttal to Children’s Services objection, including the Council’s response, shown at Table A, provided on 11th November 2022, (costings redacted) to a Freedom of Information (FOI) request made by the applicant on the 21st July 2022 (prior to the submission of the planning application on the 25th July 2022). The FOI was returned on the 25th August 2022. As aforementioned, the full transcript of Children’s Services comments and the applicant’s rebuttal is set out at paragraph 6.1.

Children’s Services (CS) final statutory consultee comments are biased as they do not offer a fair, objective and balanced judgement on each of their statements made, rather they offer a constrained view with disregard to BWDBC’s actual demand for Residential Family Assessment Units and the positive benefits achieved through GHL’s service offer.

It appears their judgement for ‘need’ is formed on opinion instead of it being evidence based. The FOI request from BWDBC, reference number 08761, duly provided in support of our submission, evidences that the Local Authority currently outsources this service outside of the Borough to meet its needs, which is contrary to the comments provided by CS on our application. Thus there is clearly a need for GHL’s service provision, which could provide cost and efficiency savings by having such a service within the borough.

BWDBC’s FOI confirms that within the current financial year 22/23, to date (only 6 months in) 5 referrals for Residential Parenting Assessments have already been commissioned outside of the Borough. It is likely that referrals will increase during the remainder of the year, due to the Borough’s; high deprivation levels, living crisis and current social and economic climate which impacts negatively on families. GHL can accommodate up to 4 families at any one time, therefore it could meet the Council’s, demand led need, locally thus alleviate some of the pressures that CS are currently facing.

Table A

No	Question	01/04/19-31/03/20	01/04/20-31/03/21	01/04/21- to date
1	How many residential parenting assessments were conducted annually?	4	5	5
2	How many residential parenting assessments were conducted within the borough of BwD?	4	2	0
3	How many residential parenting assessments were conducted outside of the borough?	0	3	5
4	What was the annual amount spent on residential parenting assessments?	[REDACTED]		

3.5.27 Whilst the applicant's rebuttal is acknowledged, it is considered that no substantive evidence is submitted to demonstrate local demand for the proposal.

3.5.28 Taking all of the above into account, it is considered that the necessary infrastructure, facilities and services do not currently exist, nor can they be provided via the development. Nor does the application 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.

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

3.5.30 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.

3.5.31 The immediate surrounding area within which the application site is located 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 - 10no full-time employees operating a shift pattern (3 shifts in 24 hours), a dedicated social worker appointed to each family / parent (up to four in total), and regular visitations by other professional / support workers; external activity typical of a commercial use which would be in stark contrast to the existing circumstances.

3.5.32 Moreover, families / parents would typically be reliant on public transport and / or taxis for journey's to local facilities and services. In the absence of a high quality bus route, there would be a realistic prospect of journey's being undertaken by private hire taxis which would add to the significant increase in comings and goings at the property.

3.5.33 Visitors to the property by friends and relatives of resident families should also to taken into consideration in this context, notwithstanding the applicants assertion that families would only be permitted 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 condition(s).

3.5.34 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.

3.5.35 The Council's Planning Advice Note (BwD Residential and Supported Accommodation, January 2021 (PAN), offers guidance for applicants around provision of adult supported accommodation, together with the Children's Residential and Supported Accommodation, December 2020 - PAN. Members are advised that, whilst a material consideration in such applications, the document is advisory (not prescriptive) and does not have the status of the Development Plan, Supplementary Planning Documents or the National Planning Policy Framework.

3.5.36 The PAN's reference a need to safeguard local character and amenity. They also reference the adopted Supplementary Planning Guidance Note 'Residential Institutions' (SPG), which expands on the relevant policies in the Local Plan. The SPG was prepared for those wishing to provide facilities for residential accommodation and care, to those in need. The PANs refer to the following:

- The proposal should be located within a Primary Residential Area or other appropriate locality offering an acceptable level of residential amenity;
- The conversion of a terraced house or one of a pair of semi-detached houses or a detached property closely abutting or linked to its neighbours will be considered unsuitable;
- The premises should be located near to, or enjoy safe and convenient access to facilities such as shops and public transport.

3.5.37 For the reasons previously stated, the proposal is fails to offer an acceptable level of residential amenity for local residents.

3.5.38 Moreover, the PAN, under the section offering specific advice on where a vulnerable peoples' residential and supported accommodation should be located, advises that...'*Detached properties are more suitable in a more secluded situation*'. The application site is not representative of a secluded location and is, instead, located within a tight, sub-urban cul-de-sac setting, closely abutting the adjoining properties on Moorcroft. This supports the notion that the increased levels of activity generated by the proposed use, as referenced in the main report, are better suited to alternative, lower density areas.

3.5.39 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.

3.5.40 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.

3.5.41 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.

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

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

3.5.44 Design

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

3.5.43 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.

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

3.5.46 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.

3.5.47 Other Matters

Comments received include assertions that the application property, amongst others within 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.

3.5.48 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. The development, by virtue of a significant increase in on-street activity and within the application site, 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.
2. 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:

Please find below the response to the planning application for Gryffin House 10/22/0739

Thank you for your interest in Blackburn with Darwen.

We do encourage providers to talk to commissioners before embarking on any new provision as we follow a clear process with our planning colleagues who consult closely to establish need, before they recommending any new development or building change of use for approval.

Please see our the planning guidance notes through the link below:

<https://www.blackburn.gov.uk/planning/planning-policies-strategies-and-guides/planning-advisory-notes>

However, we need to advise you that we are not currently looking for any new providers in relation to a Family Residential Unit and therefore we would not support any new provision due to the following reasons:

Increase pressure to Blackburn with Darwen services including:

- Blackburn with Darwen Children’s Social Care as they have a duty to investigate section 47 enquiries.
- Services including the Police and Engage for young people who go missing.
- Implications for the Local Authority Designated Officer (LADO).
- Increase pressures on Health Visitor services in relation to the universal offer.
- Increase pressure on Midwifery Services including the delivery of postnatal services.
- Potential pressures on East Lancashire NHS Hospital Trust neonatal services.
- 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).
- Transport costs for the families could fall within the host Local Authority remit.
- Services responsibility for safeguarding, mental health and substance misuse issues.
- 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.
- Blackburn with Darwen require parent and child fostering placements.
- Detailed information would be required regarding Family Residential Unit proposed provision.
- 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.

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.

The following is a record of Children's Services response to key issues supporting their objection and the applicant's rebuttal:

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.

6.2 Public Protection

No objection.

6.3 BwD Highways

No objection.

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 (Section 9).

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

8.0 DATE PREPARED: 6th January 2023.

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 – 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.
- 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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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.

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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 pies** 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 across 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 these 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.

Objection – Ward Cllr Denise Gee. Received: 01/08/2022.

Good morning

I am aware this application was submitted by a former member of planning.

I do not support this application as the residential position does not allow for such a large number of occupants and traffic.

The applicant, in my opinion gained the very large extension by misleading the committee as its clear it was not for the purpose stated.

This application has caused huge concern from residents as the owner removed the family who rented the property for over 10 years with a statement that it was going up for sale, a long list of deception causes unrest.

Kind regards

Cllr Gee

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/0891

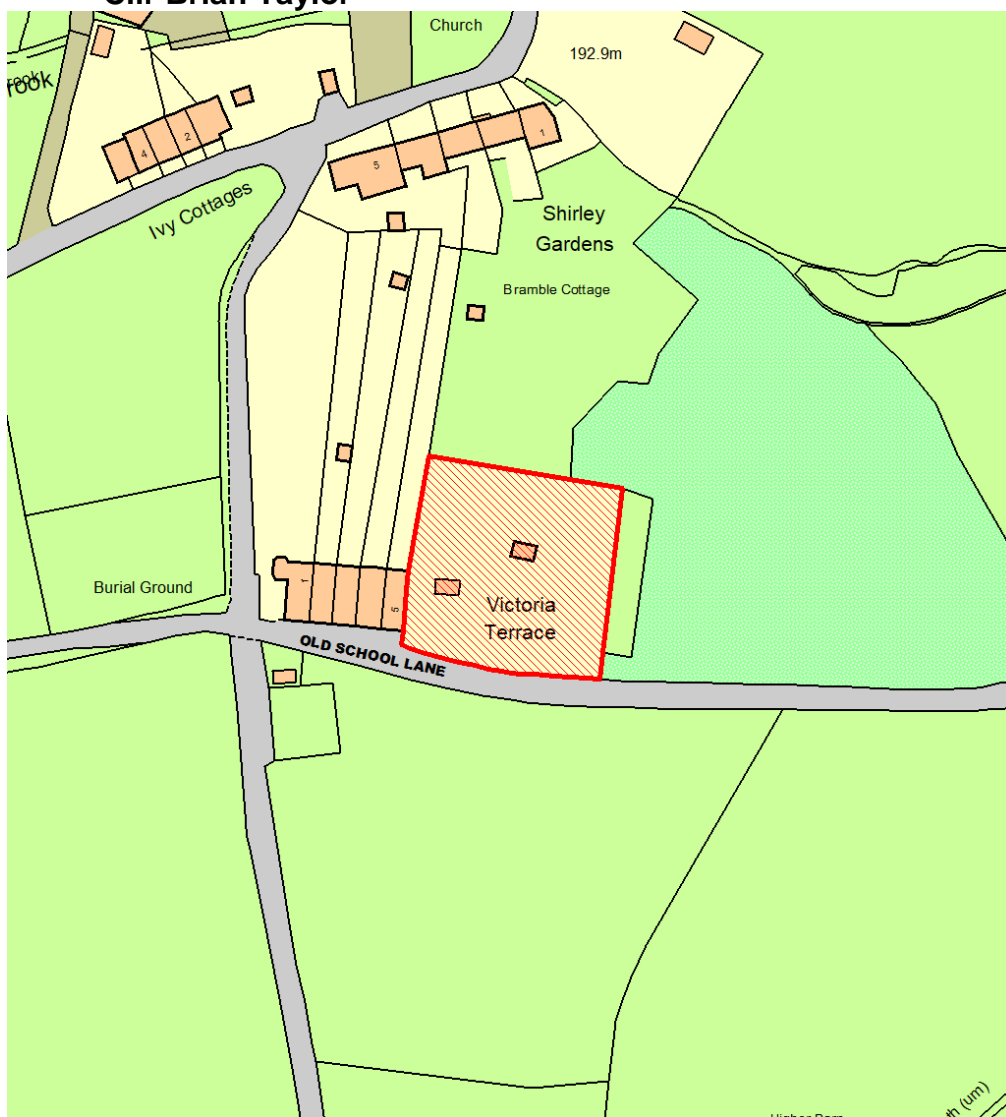
Proposed Development: Full Planning Application for Erection of a Stable Block (private use) and a Menage

Site Address: Holly Cottage, 5 Victoria Terrace, Old School Lane, Tockholes, Darwen, BB3 0NG

Applicant: Mrs P Smith

Ward: Darwen West

**CLlr David Smith
CLlr Stephanie Rose Brookfield
CLlr Brian Taylor**



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 planning application is presented to the Planning and Highways Committee in accordance with the Scheme of Delegation of the Council's Constitution i.e. Chair Referral process due to the receipt of an objection from Tockholes Parish Council. An objection has also been raised by a member of the public whose land is adjacent to the applicant site. A summary of the comments received is detailed below in Section 7.5. Full details of the representations received are found in Section 10.

2.2 The proposed development has been publicised through letters to residents of the nearest adjacent properties on the 28th October 2022 and also on the 12th December 2022, due to amendments being made on the size of the proposed stable block being reduced. A site notice was also displayed outside of the site on 20th December 2022.

2.3 The proposals would deliver a sand and/or rubber surfaced manage area for the private use of the owners 3 horses and will not be used on a commercial basis. The menage will have a peripheral 1.2m high fence. 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.

2.4 The key issues to be addressed in determining this application are as follows;

- Assessing impacts on the Green Belt
- Design and Landscape Impacts
- Residential Amenity
- Ecological Considerations
- Highways
- Mineral Safeguarding Assessment
- Drainage

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site relates to a parcel of land which is located adjacent to Nos 1-5 Victoria Terrace and within the Green Belt. The site covers an area of circa 0.45 acres. The land belonging to the applicant who lives at No.5 has been used as a garden for over 20 years. There are two existing outbuildings on the application site, one of which is to be retained and incorporated within the proposed stable block which is why the width of 4.7m is slightly larger than the standard 3.66m required for horse stable blocks.

3.1.2 The application site is accessed via Tockholes Road on to Old School Lane, which is a single track access road. Access to the site is currently gained by a double five bar gate over a piece of existing hardstanding.

3.2 Case Officer Site Photos



3.3 Proposed Development

3.3.1 Following the receipt of amended drawings received 9th December 2022, planning approval is sought for the erection of a stable block and menage. The proposed stable block will measure 4.7m wide and 11.61m in length, a feed and tack room will also be adjoined to the stable block and will measure 4.7m wide and 8.54m in length. The proposed stable block would have timber clad elevations and shallow pitched roofs covered on onduline roof sheeting.

3.3.2 The proposed menage will measure 20m by 40m and will have a 1.2m high timber perimeter fence; the surface will be finished in sand and/or rubber. The existing gated access off of Old School Lane will be retained and used to access the stable block. The manège will consist of four drains, backfilled with stone and a rubber sand base.

Figure One – Proposed Floor Plan and Elevations (amended)

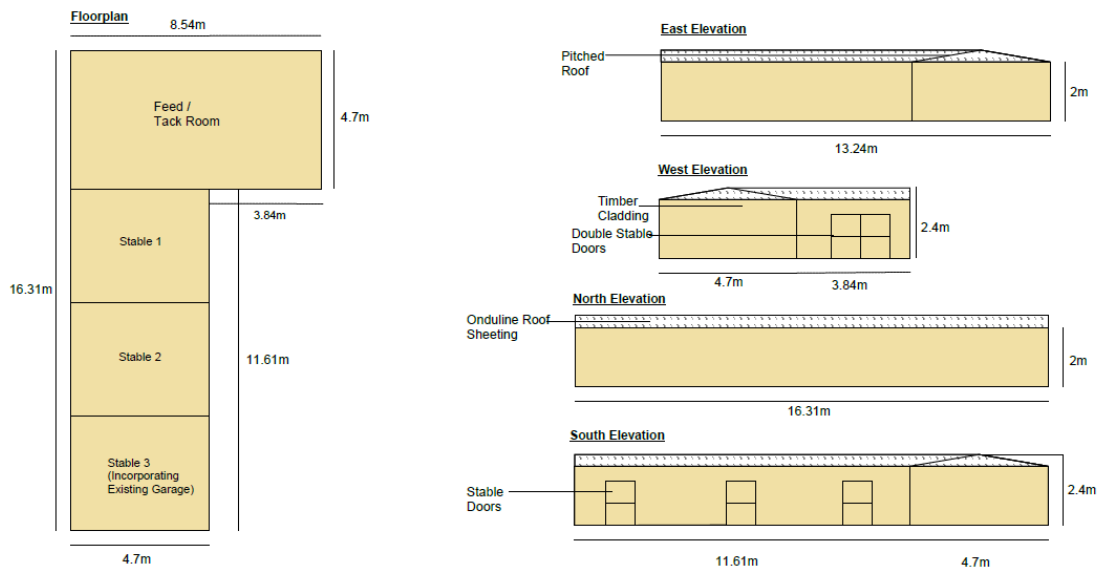


Figure Two – Proposed Site Plan (amended)

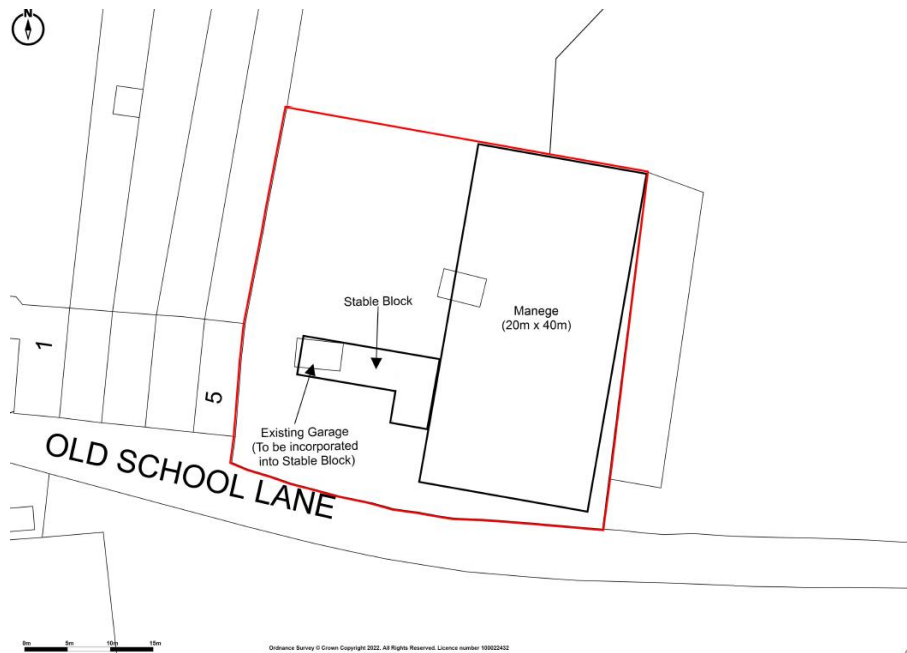
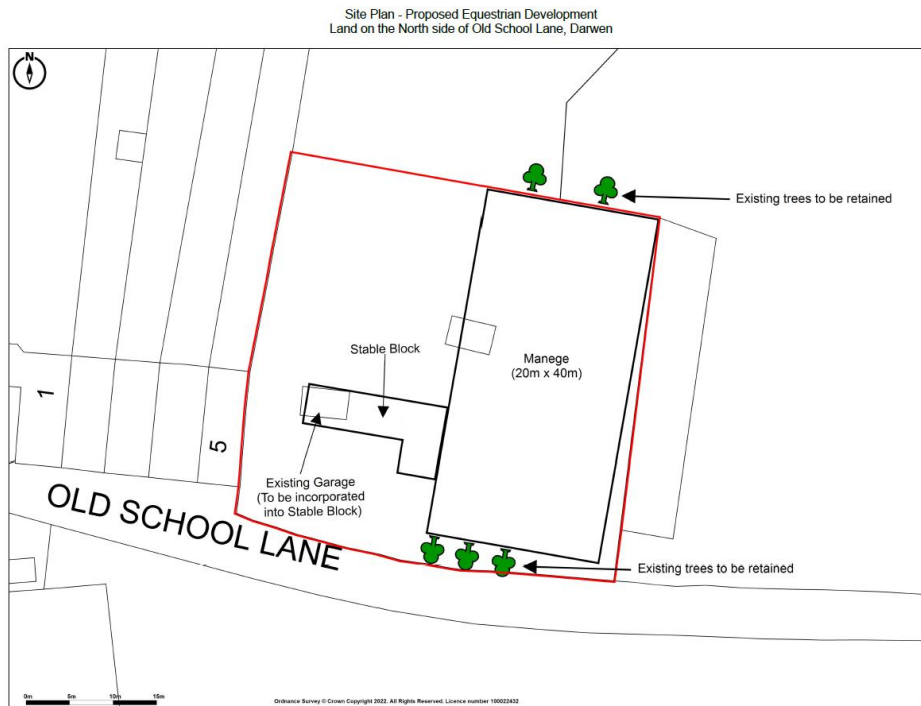


Figure Three – Proposed Site Plan Showing Trees to be Retained



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

3.5 Other Material Planning Considerations

- National Planning Policy Framework (NPPF)

4.0 ASSESSMENT

4.1 Principle of Development and Impacts on the Green Belt

- 4.1.1 Policy 3 concerns development proposals within the Green Belt and the principle of development is thus considered under that policy. Policy 3 states that development within the Green Belt will not be granted planning permission except in very special circumstances. Those exceptions include provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within the allocation. The policy also allows for the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt.
- 4.1.2 As detailed above, the development would be used for equestrian purposes, which is a defined outdoor recreational use. Moreover, the site is located outside of a built up area and has been used as a domestic garden for in excess of 10 years. It is therefore defined as previously developed land for the purposes of Policy 3.
- 4.1.3 When assessing losses of openness, the fact two existing buildings would be replaced by the development should be taken into account. The proposed stables block has a larger massing than those buildings yet it would be contained within a single footprint and would closely relate to the existing row of cottages in a spatial sense. The proposed menage would form a low profile structure with fencing forming the only upright features. For those reasons, the proposals would not have a greater impact on the openness of the Green Belt nor would they materially conflict with the purposes of including land within the allocation.
- 4.1.4 A condition is recommended to agree a soft landscaping scheme in order to soften the massing of the development from far reaching views. The scheme would also supplement existing trees on site, which would be retained. Subject to compliance with that condition, the proposed development would be acceptable within the Green Belt.
- 4.1.5 In specific relation to equestrian developments, Policy 42 states that developments outside the urban area for private or commercial stables/equestrian recreational facilities will be permitted where the Council is satisfied that there is access to suitable riding routes and that the development would not have an adverse impact on the character, visual amenity or wildlife value of the area. The site has access to an abundance of riding routes locally in the form of bridleways and footpaths. The proposals therefore comply with the initial requirements of Policy 42 and the principle of development is acceptable.
- 4.1.6 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should

proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

4.2 Design and Landscape Impacts

4.2.1 Policy 11 requires development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context, and making a positive contribution to visual amenity. In relation to developments that have the potential to compromise landscape quality, Policy 41 states that unacceptable impacts on landscape character, or the principle of traits associated with it should be avoided. With specific reference to equine developments, adverse impacts on the character and visual amenity of the area should also be avoided, as per the requirements of Policy 42.

4.2.2 The proposed stables block would be significantly shorter than the adjacent terrace and would thus appear appropriately subordinate in scale to those existing buildings. Appropriate walling materials are proposed that have been used in abundance locally for similar forms of developments. Onduline roof sheets are proposed for the roof and slate would be the preferred option in order to ensure the stables block visually corresponds with the adjacent terrace to a certain extent. A condition is therefore recommended to control those details.

4.2.3 The riding surface itself would be a low-profile installation with the proposed type of fencing not appearing out of place within the immediate area. There are a number of similar structures within the local area and therefore another similar facility would not alter the rural character of the immediate area as to a point where a refusal would be justified. Existing trees and planting will also remain on site, as detailed above.

4.2.4 The landscaping condition recommended above is also necessary for visual amenity reasons given the relatively open nature of the site and presence of public footpaths locally. Such an approach would also provide visual enhancements in support of the development. Subject to compliance with the above conditions, the proposed development would be acceptable in visual design terms and no unduly harmful impacts would be caused for the landscape quality of the wider area in accordance with Policy 11 and 41.

4.3 Residential Amenity

4.3.1 Residential properties are positioned immediately adjacent to the application site, to the south at Quarrymans Farm and Cheetham Buildings, and to the north at Shirley Gardens. Safeguarding the amenities of those neighbours is an important planning consideration. Policy 8 states that all development proposals should secure a satisfactory level of amenity for surrounding occupants in relation to light, sources of pollution/nuisances, noise disturbances and the general relationship between buildings.

4.3.2 The proposal by virtue of its modest height and reduced size would not pose any residential amenity concerns to the occupants of neighbouring properties at No.1-5 Victoria Terrace in terms of overbearingness. The existing trees to

the northern boundary will be retained and pruned and will screen much of the proposal from the properties to the north at Shirley Gardens. Furthermore, whilst the proposal may be viewed from the properties to the south elevation which are situated on higher land they will not be impacted in terms of residential amenity.

- 4.3.3 BwD Public Protection have reviewed the merits of the application and no objections have been raised. The submitted information states that the proposed buildings and manège would be for private use alone. A number of conditions are recommended in order to ensure the development does not compromise the amenities of the immediate neighbours once operational.
- 4.3.4 Concerns were raised from the Parish Council over lighting of the menage; it was confirmed by the agent on the 29th November 2022, that the proposed menage does not require lighting, this can be satisfied by a relevant condition. Another condition will also be recommended to ensure that the proposal is used only for private use, and not for commercial use, in order to minimise disruptions for neighbours.
- 4.3.5 Subject to compliance with those conditions, the proposed development would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policy 8.

4.4 Ecological Considerations

- 4.4.1 Policy 9 details that unacceptable impacts from developments on environmental assets, habitats, and species should be avoided. Policy 42 when assessing proposals for equine development reinforces those requirements. The application site is a parcel of grassland consisting of a varying mixture of mature boundary vegetation and it does have a certain level of ecological value.
- 4.4.2 The BwD Ecological Advisor has reviewed the submitted appraisal and the merits of the proposal as a whole. No objections have been raised yet a number of conditions have been recommended in order to limit the environmental impacts of the development. The recommended conditions surrounding the need for if any demolition of buildings or works to trees and other vegetation including undergrowth should not be undertaken between the main nesting seasons unless suitable checks for active bird nests have been undertaken. An informative has also been suggested which will be applied so that the applicant is aware that they must seek ecological advice should they find or suspect the proposals will impact on protected species.
- 4.4.3 The BwD Arboricultural Officer has not raised any concerns and has concluded that the '*proposal will not lead to any notable loss of visual amenity*' due to the existing trees on site being retained but possibly requiring some pruning as demonstrated on the Site Plan as seen in section 3.3.2. An objection was received from a member of the public who owns a parcel of land adjacent to the application site regarding the planting to be maintained to ensure screening of the development. This will be adequately controlled by a condition, as detailed above.

4.4.4 Subject to compliance with the abovementioned conditions the proposed development would be acceptable in accordance with the relevant requirements of Policy 9.

4.5 Highways

4.5.1 As mentioned previously, the site is accessed off a single track road and no new parking provision is proposed in support of the development. Policy 10 requires all development proposals not to prejudice road safety, or the safe, efficient and convenient movement of all highway users. Access would be provided via an existing access point that is appropriate for the proposed use.

4.5.2 The Parish Council as well as a member of the public have objected to the proposal on highways grounds regarding access. As mentioned previously a condition is to be attached only to allow personal use. Due to the access arrangements and the nature of the proposal a condition will also be imposed preventing commercial use of the proposed development which is necessary on highways grounds given the contained nature of the access.

4.5.3 Subject to compliance with that condition, the proposed development would be acceptable with reference to highways and parking, in accordance with Policy 10.

4.6 Mineral Safeguarding Assessment

4.6.1 The application site is deemed to be in a Mineral Safeguarding Area. It is considered that the proposed development will not unduly interfere with the extraction of minerals. This coupled with the close proximity of dwellings and constrained nature of the access road would all prevent the viable extraction of any minerals here. The proposed development is therefore acceptable with reference to minerals safeguarding.

4.7 Drainage

4.7.1 The Council's drainage team were consulted as part of the application who have raised no concerns to the proposal as the application site is not in an area of flood risk or does not impact on any watercourses or culverts and as such have raised no objections to the proposal.

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 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.

- 5.2 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 and 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.

- 5.3 Prior to the commencement of any above ground works on site, details confirming the exact type of all the external materials to be used in the construction of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved materials and details, unless otherwise agreed in writing.

REASON: In order to ensure a satisfactory form of development is achieved, 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).

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

REASON: In order to minimise the potential for light pollution to occur for neighbours and minimise disturbance for nocturnal species, in the interests of residential amenity and biodiversity, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.5 The development hereby approved shall only be used for the riding and stabling of horses owned/leased by the owners/occupiers of Holly Cottage, 5 Victoria Terrace. No commercial operations shall take place from the site whatsoever following any part of the development being brought into use.

REASON: In order to minimise disruptions for the immediate neighbours, given the constrained nature of the access road and parking provision, in the interests of residential amenity and highway safety, and to comply with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.6 The stables buildings hereby approved shall not be used for the housing/stabling of animals unless and until, details confirming the measures to be put in place to manage manure and minimise the emission of odours have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details and the measures applied shall be operated in perpetuity with the stables buildings.

REASON: In order to ensure proper management of manures and minimise the potential for adverse odours to occur, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.7 No works in support of the development hereby approved to clear trees and/or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey produced by a suitably experienced ecologist has first been carried out immediately prior to clearance works. In such situations, written confirmation that no active bird nests are present shall have first been submitted to and approved in writing by the Local Planning Authority prior to the commencement of any such works.

REASON: In order to minimise disturbance for nesting bird populations during the construction phase, in the interests of biodiversity, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.8 No development shall commence on site unless and until, a detailed Landscaping Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be exclusively limited to the following;

- a) Details of proposals for supplementary landscaping around all aspects of the development that compliments local priority habitat and provides for a net gain in biodiversity,
- b) Details of native tree planting to widen the existing line of trees along the south site boundary, and;
- c) Details indicating the location, arrangement, species, sizes, specifications, numbers, and planting densities of all new planting.

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

REASON: In order to ensure that the development is landscaped so as to provide ecological enhancements, in the interests of biodiversity, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.10 The development hereby approved shall proceed in strict accordance with the Site Plan Received on the 16th December 2022 detailing all the trees and shrubs to be retained within or directly adjacent to the application site.

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

- 5.11 Prior to commencement of the development hereby approved, a drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, prior to the occupation of the approved development.

REASON: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health in accordance with Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

Case Specific Informative

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

6.0 PLANNING HISTORY

- 6.1 10/88/1626 Residential Development – REFUSED

- 6.2 10/89/0823 Erection of Bunaglow and 3 lock-up garages - REFUSED

7.0 CONSULTATIONS

- 7.1 Public Consultation has taken place from the 28th October 2022 and also on the 12th December 2022 due to an amendments to reduce the size of the feed/tack room. An objection was received by the Parish Council and a neighbouring land

owner which have been referred to above and which have been summarised below.

7.2 BwD Drainage – I have had a look over the application, and it is not in an area of flood risk, and does not impact any watercourses or culverts. Therefore, we would have no objections to the proposals.

7.3 BwD Tree Officer - On the north side close to the proposed ménage, there is a Fruit tree and Hawthorn tree. It appears these can be retained, possibly requiring some pruning to contain or reduce encroachment. **Conclusions:** The proposals will not lead to any notable loss of visual amenity.

7.4 Tockholes Parish Council –

- There must be a condition of personal use only and no commercial livery activity.
- The ménage needs lighting. There are concerns from residents and the Parish Council on behalf of Tockholes residents that lighting would have an adverse impact on the surrounding environment which would impact on local residents. Residents in and around the area would be able to see the illuminated ménage.
- There is no provision for the disposal of waste .Horse manure and bedding needs to have a proper means of effluent disposal to avoid waste contamination. Environment Agency are extremely keen regarding this issue.
- As the application shows there are many similar developments in the Parish and the Council is concerned that Tockholes does not become a suburban escape for people with equestrian interest.
- After reading the planning statement there is no mention of lighting, does this mean that lighting could be installed at a later date?
- It is also stated that no properties overlooked the site. This is incorrect as properties at Cheetham Buildings and also Quarrymans Farm next door to Cheetham Buildings and the barn next door to Quarrymans Farm do overlook the land in question re this planning application. Shirley Gardens also are at the rear of this land which is subject to this planning application.

7.5 Summary of Public Responses

One objection has been received from local residents as a result of the public consultation. The objection can be summarised as follows:

- Access to the site is from a single track road
- Trees/hedging should remain
- Should be stock proof fencing
- No floodlighting of the stable block/manège
- No commercial use
- Ensure no nuisance from solid or liquid waste
- Drainage of development not stated
- The proposed location is sloped, require flat land

- Development is out of proportion/scale to site
- Already adequate number of stables in Tockholes

8.0 CONTACT OFFICER: Emily Colebourne, Assistant Planning Officer

9.0 DATE PREPARED: 6th January 2023

10.0 SUMMARY OF REPRESENTATIONS

Objection – Judith Finney, Tockholes Parish Clerk. Received: 10/11/2022

Re planning application 10/22/0891 - Tockholes Parish Council would like to put forward the following concerns –

1 – There must be a condition of personal use only and no commercial livery activity.

2 – The menage needs lighting. There are concerns from residents and the Parish Council on behalf of Tockholes residents that lighting would have an adverse impact on the surrounding environment which would impact on local residents. Residents in and around the area would be able to see the illuminated menage. -

3 – There is no provision for the disposal of waste .Horse manure and bedding needs to have a proper means of effluent disposal to avoid waste contamination. Environment Agency are extremely keen regarding this issue.

4 – As the application shows there are many similar developments in the Parish and the Council is concerned that Tockholes does not become a suburban escape for people with equestrian interest.

2nd Objection – Judith Finney, Tockholes Parish Clerk. Received: 19/12/2022

Re the above planning application 1-22/1891 Tockholes Parish Council would like to raise the following concerns –

After reading the planning statement there is no mention of lighting, does this mean that lighting could be installed at a later date?

It is also stated that no properties overlooked the site. This is incorrect as properties at Cheetham Buildings and also Quarrymans Farm next door to Cheetham Buildings and the barn next door to Quarrymans Farm do overlook the land in question re this planning application. Shirley Gardens also are at the rear of this land which is subject to this planning application.

We would also like to repeat our comments raised previously –

1 – There must be a condition of personal use only and no commercial livery activity.

2 – The menage needs lighting. There are concerns from residents and the Parish Council on behalf of Tockholes residents that lighting would have an adverse impact on the surrounding environment which would impact on local residents. Residents in and around the area would be able to see the illuminated menage. -

3 – There is no provision for the disposal of waste. Horse manure and bedding needs to have a proper means of effluent disposal to avoid waste contamination. Environment Agency are extremely keen regarding this issue.

4 – As the application shows there are many similar developments in the Parish and the Council is concerned that Tockholes does not become a suburban escape for people with equestrian interest.

Comment – Trevor Kempster, address unknown - Received: 15/11/2022

Dear Sir/Madam

Thank you for your recent letter.

I have reviewed the application online and have some observations:

The picture showing the access to the site is many years old and bears no resemblance to how the access now looks (it shows the previous owners motor vehicles). The application also stated that access is from Tockholes Road when it is in fact from a single track road, Old School Lane, that being said my comments are as follows:

The property backs on to my land and has hedging/trees which should remain to screen the development.

There needs to be stock proof fencing of the site to prevent horses escaping on to my property (a 2.5-acre field)

No floodlighting of stable block/manege should be allowed.

Covenant to stop commercial use in the future. The planning application seeks stabling for three horses, and it is my understanding that they have only two horses.

Ensure no nuisance is caused from solid or liquid waste or vermin

Drainage of development not stated, currently land surface ground water drains onto my land. Increased waste may cause detrimental effect to my land.

The proposed location is sloped it is my understanding that maneges need a flat surface.

Development is out of proportion/scale to the site. Large stable/ manege would swamp/take over current land available. It is a two-bed roomed cottage with a garden.

There are already an adequate number of stables in Tockholes already.

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/1002

Proposed development: Reserved Matters Application: Approval of Reserved Matters "appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings".

Site address:

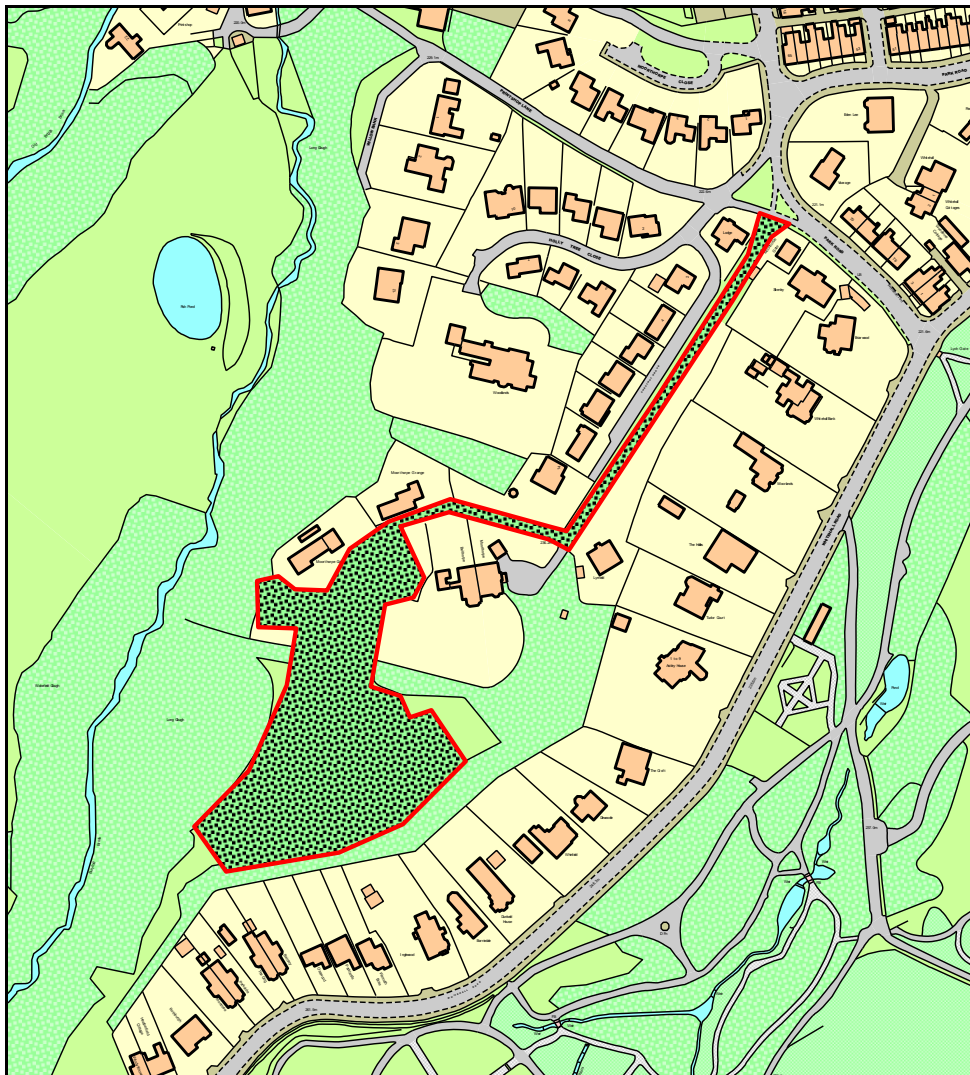
**Land adjoining Moorthorpe Cottage
Park Road
Darwen
BB3 2LQ**

Applicant: Ms Gillian Lomax

Ward: West Pennine

Councillor Jean Rigby

Councillor Neil Slater, Councillor Julie Slater



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE - Subject to conditions, as set out in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This planning application is submitted in the form of a Reserved Matters (RM) proposal to consider the **appearance, landscaping and scale**, of the development pursuant to the grant of outline planning permission for the erection of 9 dwellings, with all matters reserved except for access and layout, in June 2020 (ref. 10/18/1153).
- 2.2 The application is reported to Committee in accordance with the Council's adopted scheme of delegation. This follows refusal of the Outline application by Committee, in June 2019; a decision which was subsequently overturned on appeal, in June 2020, resulting in the grant of conditional outline planning permission and costs of £7,520.58 awarded against the Council for acting unreasonably in refusing the application. The Inspectors report is appended to this report (Appendix A).
- 2.3 Assessment of the application finds that the proposal will deliver a high quality bespoke housing development which will widen the choice of family housing in the Borough. It supports the Borough's planning strategy for housing growth as set out in the Core Strategy, through delivery of housing at a site for which the principle of housing led development is established via the site's inclusion in the Council's Brownfield Register. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.
- 2.4 Conditions attached to the outline permission, pertaining to a range of technical matters, will be considered under a separate discharge of condition process, to be submitted at the appropriate time.
- 2.5 As with the outline application, Members are advised that significant public objection has been received against this RM proposal. Objections are summarised as follows:
- The principle of housing of a greenfield site;
 - Development is not 'small scale residential';
 - Impact on wildlife / ecology / biodiversity;
 - Loss of trees;
 - Discrepancy between layout approved at outline stage and that submitted with this RM application;
 - Traffic generation;
 - Design / Character & appearance;
 - Loss of privacy; and
 - Brownfield sites should be prioritised

2.6 Members are advised that the outline permission establishes the principle of housing led development at the site, for 9 dwellings with detached garages, in accordance with the site specific policy requirement of a 'small scale' residential, together with access arrangements (from the private access road off Park Road) and the layout. The outline permission also accounts for all environmental impacts (loss of trees, ecology, biodiversity and drainage) and traffic generation / highway impacts. This application is strictly limited to consideration of the remaining RM – ie. appearance, landscaping and scale.

3.0 RATIONALE

3.1 Site and Surroundings

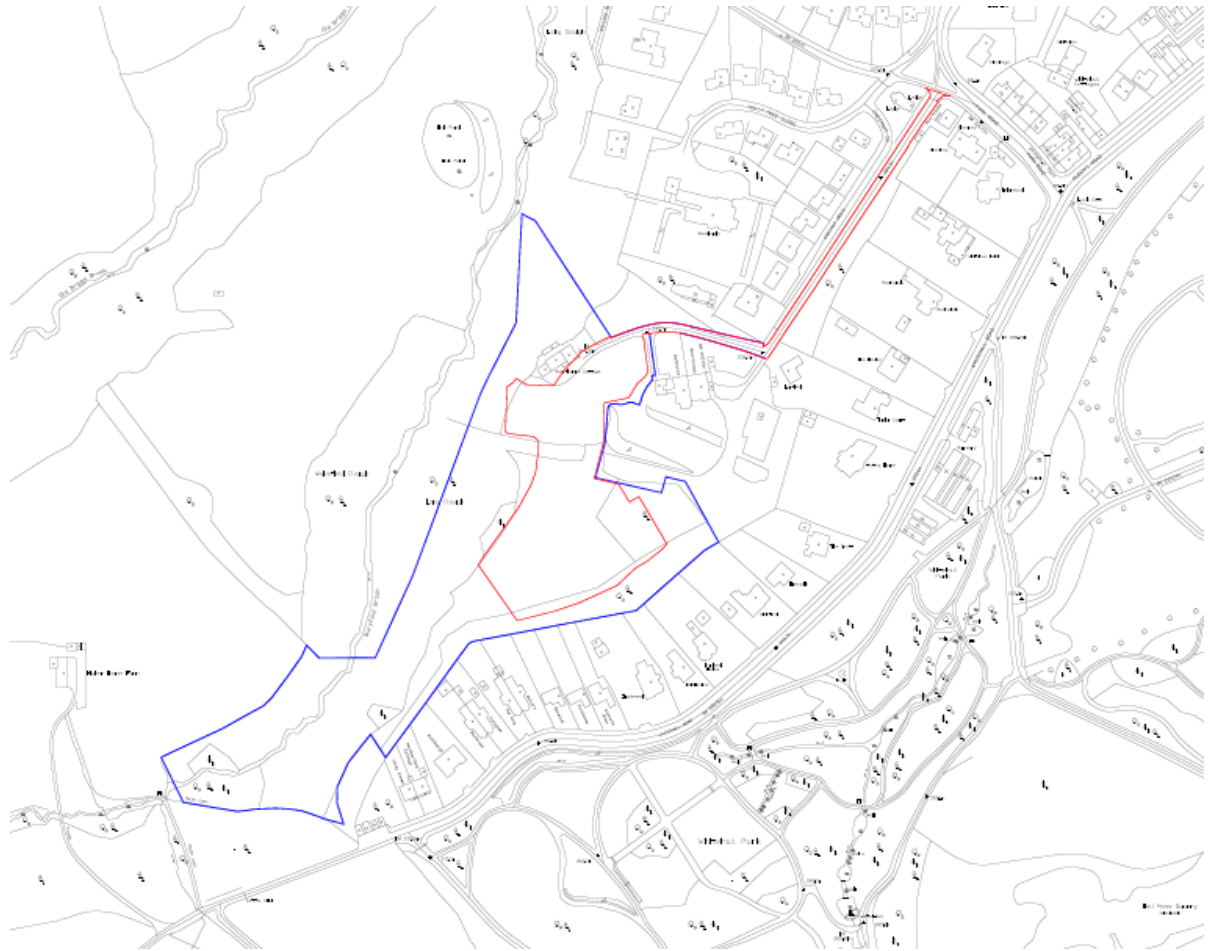
3.1.1 The application site is primarily allocated as a 'Development Opportunity'; identified as 'Long Clough, Darwen', in accordance with the Adopted Policies Map of the Local Plan Part 2 for Darwen. The private drive that serves to access the site is not included in the allocation and is instead unallocated. The entirety of the site lies within the outer confines of Darwen's Urban Boundary, adjacent to open countryside

3.1.2 The application site is privately owned; comprising 0.99 hectares in area and is located within the Whitehall district of Darwen, to the north of Whitehall Road. Access is taken off Printshop Lane / Park Road to the north east, along a private drive that currently serves 5 dwellings. The drive runs adjacent to the length of Chestnut Grove to the west. Moorthorpe Cottage and its associated curtilage lies to the north of the proposed dwellings and is the property closest associated with the development. The site area to be developed is grass and shrub land, bordered by mature trees and woodland groups protected by Preservation Order. The private access drive is hard surfaced. Land levels rise gently from east to west.

3.1.3 The immediate locality features large family dwellings set in spacious grounds within a wider area characterised by woodland and adjacent countryside. A woodland belt separates the application site from dwellings located along Whitehall Road to the south east, beyond which lies the Grade II listed Whitehall Park. The Grade II listed property 'Woodlands' is located to the north of the site.

3.1.4 Darwen town centre is approximately 1.3 miles to the north, accessible by public transport along the A666. It offers a typical range of amenities and includes public rail and bus transport hubs which provide convenient connections to locations such as Blackburn, Bolton, Preston and Manchester. The M65 motorway lies approximately 3.2 to the north.

3.1.5 The application is shown as follows, as defined by the red edge. The wider land holding is defined by the blue edge, on the location plan.



Location Plan, (MCK Associates Ltd, Oct 2018).



Google Earth Image

3.2 Proposed Development

3.2.1 The application seeks approval of RM for appearance, landscaping and scale, pursuant to outline permission granted for 9 dwellings with detached garages, associated access and layout, determined under application no. 10/18/1153.

3.2.2 The layout, although set at outline stage, is submitted with this application at it includes proposed house types. The proposed layout is as follows (Holden Lancashire Ltd, Oct 2022):



3.2.3 Proposed house types are five and six bedrooms and range between two storey and two and a half storey's in height. Sample house types are shown as follows (Holden Lancashire Ltd, Oct 2022):



3.2.4 Full details are set out in the submitted drawings and Supporting Statement.

3.3 Development Plan

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

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

3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 – Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS16 – Form and Design of New Development

3.3.4 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 18 – Housing Mix
- Policy 28 – Development Opportunities
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development

3.4 Other Material Planning Considerations

3.4.1 Green Infrastructure (GI) SPD

3.4.2 National Planning Policy Framework (The Framework)

- Section 12 – Achieving well-designed places

3.4.3 National Planning Practice Guidance (NPPG)

3.4.4 Local Plan Review

Blackburn with Darwen Borough Council is reviewing their current adopted Local Plan. The review will lead to a new Local Plan to replace the existing and will cover the period 2018 to 2037. As an emerging document, it carries weight in the decision making process.

3.5 Assessment

3.5.1 As aforementioned, assessment of this Reserved Matters application is limited the following matters:

- **Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.
- **Landscaping:** The improvement or protection of the amenities of the site and the surrounding area; this could include planting trees or hedges as a screen.
- **Scale:** Includes information on the size of the development, including the height, width and length of each proposed building.

3.5.2 Appearance

Proposed dwellings range between two and two and a half storeys in height. Two and a half storey dwellings include bedrooms within the roof space. Each will feature gable pitched roof profiling with a 'Marley Rave' slate effect tile finish.

3.5.3 Each dwelling will be constructed in natural stone, with stone headers and cill detail to the windows. Rainwater goods will be cast iron and windows are proposed in 'timberlook' finish.

3.5.4 Plots 1-4, 6 and 9 would have front gable features, with plots 5, 7 and 8 having a two storey element projecting forwards perpendicular from the front elevation, to be used as a double garage with living accommodation above.

3.5.5 Dwellings are varied in appearance but all retain similar identifiable characteristics to existing dwellings to which they closest relate and which they would be read against – ie. Moorthorpe Cottage, Moorthorpe and Belthorpe.

3.5.6 Plot sizes vary, with those closest to Moorthorpe Cottage at the northern end of the site benefitting from larger gardens than those towards the southern end of the site, arranged around the turning circle. Expanses of open space straddle the internal road, central to the site.

3.5.7 Boundary treatments are not clearly defined. Full details are, however, required via a condition attached to the outline permission, as are external materials, notwithstanding the submitted details. Detailed assessment of such will, therefore, be undertaken through a subsequent discharge of the condition process.

3.5.8 A heritage assessment has been undertaken by the Council's Heritage consultee, with reference to impacts arising on the nearby Grade II Listed Buildings – 'The Woodlands' and adjacent 'Greenhouse' Whitehall Park.

3.5.9 Notwithstanding assessment of the layout, at outline application stage, on the heritage assets, a further assessment is necessary with regard to the RM. Assessment finds that the proposal would meet the statutory test 'to preserve',

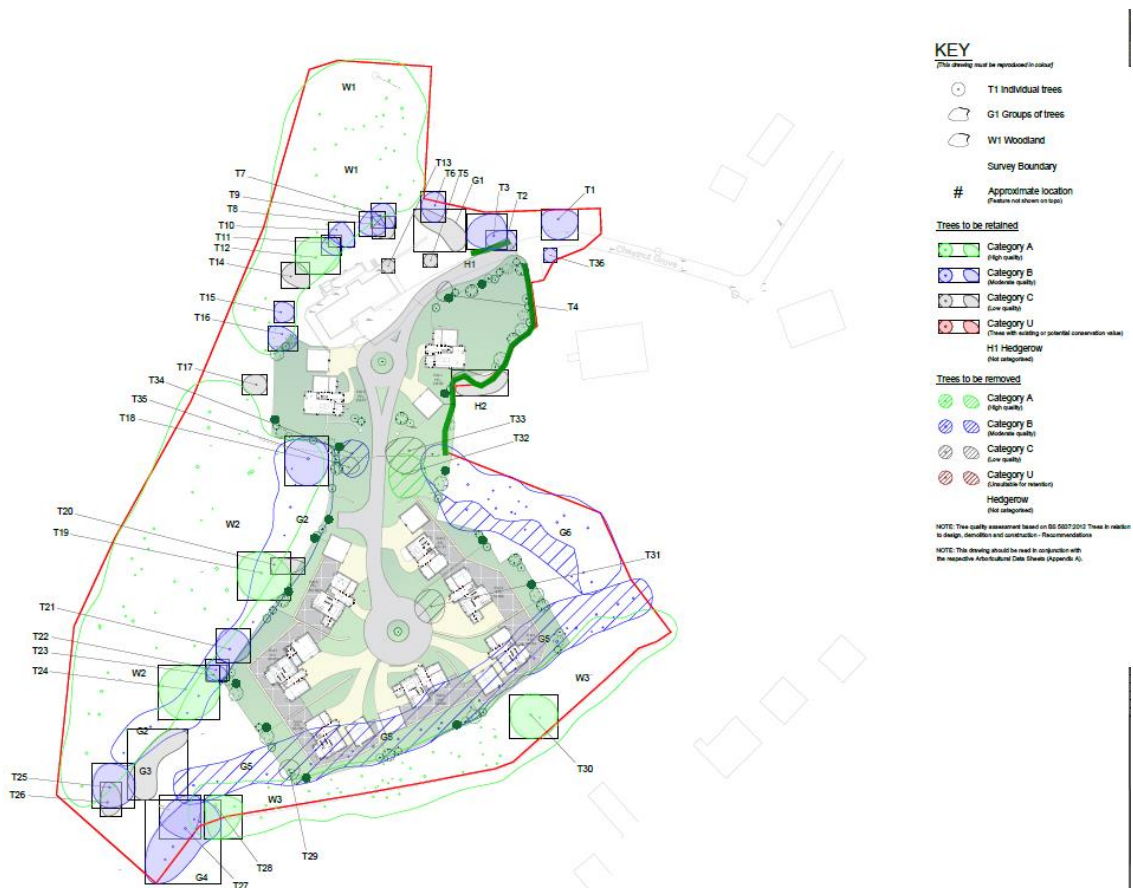
causing no discernible harm to the contribution made by the setting to the significance of the heritage assets. Therefore, no balancing exercise is required as, as explained by The Framework at para. 202.

3.5.10 The appearance of the development is found to be in accordance with the requirements of Policies 9, 11 and 39 of The Local Plan Part 2, the Residential Design Guide SPD, and The Framework.

3.5.11 Landscaping

Each of the dwellings will have lawned front and rear gardens with permeable block paved driveways and permeable patio areas. This is consistent with the layout approved at outline stage.

3.5.12 As shown on the submitted Tree Removal and Retention Plan (extracted below - Holden Lancashire, Dec 2022), the removal of 4no. individual trees identified as T31, T32, T33 and T34, a woodland group identified as G5, and partial removal of a woodland group identified as G6 is proposed, as established at outline stage in consideration of the proposed layout. In accordance with the Tree Constraints Report (submitted at outline stage), Tree removal within G6 is limited to the 'understorey' rhododendron and standing deadwood. 'Overstorey' trees are to be retained. Additional / replacement planting is proposed as part of the private road within the road islands, adjacent to the roads and within the private gardens. A mix of species will provide for a total of 92 newly planted trees, as indicatively shown on the proposed site plan. As requested by the Council's Arboriculture consultee, the extent of tree removal / retention is confirmed via submission of an additional drawing.



- 3.5.13 Notwithstanding the submitted detail, submission of a landscaping scheme will be secured via condition, to further consider planting of trees and shrubs, including species, locations and density.
- 3.5.14 Submission of an Arboricultural Method Statement and Tree Protection Plan is required via condition attached to the outline permission which will specify how retained trees will be protected during construction phase of the development.
- 3.5.15 Landscaping for the development is found to be in accordance with Policies 9, 11 and 40 of The Local Plan Part 2, the Residential Design Guide SPD, and The Framework.
- 3.5.16 Scale
Plots 1 and 2 would have a maximum width and depth of approximately 11.7m, a height to eaves of 4.5m and a ridge height of 7.2m at their highest point.
- 3.5.17 Plot 3 would have accommodation over 3 floors, would have a width of 12m and an additional 8.2m by reason of the double garage/utility room. It would have a depth of 8.09m and an additional 3.6m again by reason of the garage/utility room. Height to the main eaves and ridge would be 5.5m and 8.8m respectively.
- 3.5.18 Plots 4, 6 and 9 would have a width of approximately 15.5m, a depth of approximately 9.8m and eaves and ridge heights of 5.5m and 8.6m respectively.
- 3.5.19 Plots 5, 7 and 8 would have an eaves and ridge height of 5.7m and 8.8m respectively.
- 3.5.20 The scale of the proposed buildings appropriately respond to those local to the site, defined as large family homes. They are also proportionate to the wider application site and proposed individual plots sizes, which offer ample outdoor amenity space to service the needs of occupants of the development.
- 3.5.21 The scale of the development is found to be in accordance with Policies 9, 11 and 40 of The Local Plan Part 2, the Residential Design Guide SPD, and The Framework.
- 3.5.22 Other Matters
As a matter outside the scope of this assessment, as one relating to the layout of the development approved at outline stage, and as queried by the Council's Highways consultee (in comments received in respect of this application), the internal road is confirmed as remaining in private ownership.
- 3.5.23 Layout of the development submitted with the RM application accords with that approved at outline stage, to the extent that the internal road, plot sizes and locations correspond and the position of houses in relation to the road broadly correspond. It should, however, be acknowledged that house types were not considered at outline stage and that they were only indicatively

shown on the layout. This RM application includes specific house types, with reference to their appearance and scale, hence any minor discrepancy between the current site layout and that approved at outline stage.

3.5.24 Summary

This report assesses the RM planning application for land at Moorthorpe, Darwen. In considering the proposal, the necessary range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the Local Development Plan and The Framework. Specifically, the development demonstrably:

- Enhances and reinforces the established character of the locality;
- appropriately responds to the sites topography and general landscape features;
- makes best use of existing connections, landmarks / views and the relationship of buildings to the street, and:
- presents a scale of development proportionate to the surroundings.

To re-iterate, the assessment has been undertaken in the context of residential development of the site for 9 dwellings, layout of the development, and access arrangements off the public highway, having previously been accepted under the outline planning permission.

4.0 RECOMMENDATION

4.1 Approve:

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

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 17th January 2021 and drawings numbered: *to be added*.

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

2. Prior to occupation of the development hereby approved, and notwithstanding the submitted details, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of native tree and shrub planting on site, in order to compensate for lost trees, local habitat and biodiversity, and hard surface treatment to proposed driveways and patios at each dwelling. Planting of trees and shrubs shall be implemented in accordance with the approved scheme, during the first available planting season after completion of the development. 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. Hard surfaces shall be implemented in accordance with the approved scheme prior to occupation of the dwellings.

REASON: To ensure appropriate soft landscaping of the site, in the interests of visual amenity and ecology, in accordance with Policies 9 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

3. Prior to occupation of the development hereby approved, a Landscape Management and Maintenance Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall cover all communal landscaped areas and it shall detail a programme of works including scheduled frequencies of weeding and watering for the duration of the development, as well as replacement planting of dead diseased or damaged trees and shrubs within a five year period from the implementation of the approved landscape scheme referenced in condition no. 2. The strategy shall be implemented in accordance with the approved detail.

REASON: To ensure that there is a well maintained scheme of healthy trees and shrubs in the interests of amenity in, accordance with Policies 9, 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

- 5.1 10/18/1153 - Outline planning application with all matters reserved except for access and layout for erection of 9 dwellings with detached garages – refused at the 21st June 2019 Planning & Highways Committee. Approved on appeal 5th June 2020.

6.0 CONSULTATIONS

6.1 Public Protection

No objection.

6.2 Strategic Housing

No objection.

6.3 Arboriculture Officer

No objection.

Assessment:

I have considered the impact of the proposals with reference to the submitted AIA document.

With regard to Tree Removal and Retention Plan A3 1-1000 05.02.19 D6647.002 TEP plan.

The tree survey data as not been submitted with the reserved matters application, which is found in application 10/18/1153

I have therefore cross referenced to determine the impact on trees, as required to implement the agreed layout.

The tree cover identified G5 and G6 consists of mature trees, individually graded as B1 moderate.

The trees in G5 hatched area, appear to form part of W1 (grade A) and therefore a number of mature trees would be removed to accommodate the layout.

G5 includes approx. 28 notations for the positions of trees. This appears to include primarily mature trees which form part of the main body of W1.

G6 contains 3 notations within the hatched area for tree removal.

It appears approx. two thirds of W1 is not subject to the above TPO. Located from the rear of Dunkild House on Whitehall Road and to the east, to the rear of houses along Whitehall Road.

Location of services in not included with submission. If all services are to be located in along the access road then it appears there would be no conflict with tree cover.

Plot boundaries where they back onto woodland and trees have not been defined and it appears there is no fencing or boundary treatment where gardens adjoin woodland. Although the garden plots are mostly outside the application there could be issues associated with encroachment without a defined boundary.

It may be desirable to provide a landscape boundary for each property to provide screening and create enclosure with biodiversity benefits.

Appropriate landscaping could consist of native shrub and small tree planting.

Conclusions:

There is a lack of clarity as to how many trees are to be removed to accommodate the approved layout.

There is scope to provide landscape enhancements within each plot including boundaries.

Recommendation.

It would be desirable to seek clarification on tree removal.

A condition for landscaping provision.

6.4 Drainage (Lead Local Flood Authority)

No objection.

6.5 Cleansing

No objection.

6.6 Highways

No objection.

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

The proposal seeks Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

This application as far as we can establish does not propose any further amendment to highways, or changes to that which were approved under matters in relation to access.

Clarification is however sought in relation to the adoption of the road, it is reported within the planning statement that the road is to remain private. If that is the case then the comments in relation to both pedestrian and layout below would be irrelevant.

The parking is adequately provided for.

Comments made at outline stage which are still relevant to this application are:

Access: *the access road leading from Park Road, leading up to the development, has been responded to as being a minimum of 4.2, which I would concur is sufficient to allow passage to two vehicles to pass one another. The concern is that the road was not intended for a greater number of houses, which this proposal will bring forward. There are no additional passing places, proposed to support the possibility of larger vehicles passing one another.*

Pedestrian safety: *to support this highway user we would request that a path is delineated from the highway along the access road, which would then connect to a full footway which should be provided to one side of the new access road within the red edge (please condition)*

Layout: *the internal access road should have a minimum 2m service verge around the full periphery of the new access road. This will form part of the adopted highway, but will be maintainable by each frontage. If the service verge is to only accommodate a street lighting column then the verge could be reduced to 800mm.*

Swept Path: *a tracking offering a 3 axle refuse vehicle has been offered, this is deemed acceptable, however we would suggest the tracking would benefit from the green triangle landscaping on either side of the first roundabout being removed, as this enable for the full highway to be utilised by the vehicle which will present for ease of manoeuvring*

To conclude – in principle we would support the scheme. Subject to the above comments.

6.7 Heritage

No objection.

Assessment

I have reviewed the supporting documents, which include a Supporting Planning Statement, prepared by MacMarshalls Rural Chartered Surveyors & Planning Consultants, dated November 2022, proposed site plan, proposed plan plots, General

Arrangements and Swept Paths Analysis and Tree removal/retention plan. I visited the site on 21 November 2022, to complete visual observations.

The key heritage issue for the LPA to consider under the Reserved Matters Application is:

1. Whether the proposal would harm the contribution made by the setting to the significance of the nearby Grade II listed buildings and park.

The Proposal

The application seeks the approval of Reserved Matters following the granting of planning permission on appeal (Ref: APP/M2372/W/19/3243411) dated 5th June 2020. The Reserved Matters include "Appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings".

The proposed dwellings will be 2 and 2.5 storeys, containing 4 and 5 bedrooms, some with additional roof space, with the tallest buildings reaching a ridge height of 8.8m. Plots 1-4, 6 and 9 have front facing gables, whereas Plots 5, 7 and 8 have a projecting two-storey range, perpendicular from the front elevation, to be used as a double garage with living accommodation above.

The submission documents note that the proposed dwellings are to be finished in natural stone with stone lintels and cills, pitched roofs finished in Marley Riven slate effect tile. The proposed windows are to be Timberlook and cast style rainwater goods will be used.

In regards to landscaping, each of the dwellings will have lawned front and rear gardens with permeable block paved driveways. For the wider site, largely most of the boundary trees/woodland are to be retained, with a group of trees located centrally, and a band of woodland close to the southern boundary of the site being removed. In addition, newly planted trees (mix of species) are proposed, as well as planting at the road islands.

Impact on the Setting of the Listed Building

The issue from a heritage viewpoint is whether the proposal would harm the setting of the nearby Grade II Listed buildings and park, which should be regarded as being of high significance.

I note that in principle, the development has been accepted; the main focus of this assessment would largely be on the impact of the appearance, landscaping and scale details.

Historic England's advice on setting is contained in its Planning Note 3 (second edition) entitled *The Setting of Heritage Assets* (2017), which describes the setting as being the surrounding's in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access.

Mindful of the above guidance, on viewing the proposal site and completing map regression, it is evident that there is limited to no visual or historic connection of the site to the listed buildings and park. Largely, views from the proposal site to the range of listed buildings are screened by intervening mature trees and other extant structures.

From the northern end of the proposal site, looking northeast, the listed greenhouse, which is the closest listed building, cannot be viewed. Along the northern boundary, there is some glimpsed views of the listed 'Woodlands' through the autumn trees. Nevertheless, Plots 1 & 2 that will be located at the northern end of the site will likely be screened from view via the mature trees and the intervening Moorthorpe Cottage and Moorthorpe Grange. There are no views of the listed buildings and park located to the south, due to the intervening trees and dwellings and the separation provided by Whitehall Road.

Furthermore, I note that along the eastern and northern boundaries of 'Woodlands' and the 'Greenhouse' is a modern housing development, which has already impacted upon and eroded slightly some of the significance of the listed buildings derived from the immediate setting.

In regards to the scale of the proposed dwellings, the properties that already surround the wider site are of a similar or larger size, particularly that of 'Woodlands'. In this context, the scale of the proposed dwellings in my view are appropriate.

To conclude, in the above context, it is my view that, there will be no discernible harm caused by the development to the contribution made by the setting to the significance of the nearby listed buildings and park.

Conclusion / recommendation

As I am required to do so, I have given the duty's imposed by s.66(1) of the P(LBCA) Act 1990 considerable weight in my comments.

I consider that, the proposal would meet the statutory test 'to preserve', causing no discernible harm to the contribution made by the setting to the significance of the nearby Grade II Listed buildings and park. 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 accords with the policies of the Local Plan.

6.8 Ecology

No comments offered. It should be noted that all ecological matters were considered at outline application stage.

6.9 United Utilities

No comments offered. It should be noted that all drainage / flood risk matters were considered at outline application stage.

6.10 Public Consultation

44 letters were posted to the local community on 28th October 2022. Site notices were also displayed and a press notice published. In response, 31 objections were received - see Summary of Representations (Section 9.0).

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

8.0 DATE PREPARED: 6th January 2023.

9.0 SUMMARY OF REPRESENTATIONS:

Objection – Mr & Mrs Alker, Heatherfield Cottage, Whitehall Road, Darwen.

Received: 11/11/2022.

Good Morning

Re: Planning Application 10/18/1153 and Letter reference 10/22/1002

We have received the above mentioned letter in regards to planning application 10/18/1153. Having looked at the map of the planned erection of 9 dwellings we would like to oppose the application for the following reasons:-

- * It would increase traffic on an already busy area of road which has cars regularly parked by walkers and visitors to the local park.
- * The noise and disturbance not only from the building of the dwellings but once built the increase in volume due to the new occupants.
- * The destruction of the woodland would have a huge impact on the wildlife, we are aware there are badgers setts in this area which are protected by the 'Protection of Badgers Act 1992' there are bats (also protected) deer and other wildlife that this would destroy the homes of.
- * Once work commences the risk of neighbouring houses being infested with rats/mice finding new homes would be a concern.
- * The loss of tree's in the area would be of a large scale and detrimental to the environment.

We hope our concerns are looked into accordingly.

Objection – Mr & Mrs Perricone, Werneth Brae, Whitehall Road, Darwen. Received: 14/11/2022.

Dear Sir/Madam

We would like to register our objection to the above application, on several points.

1 The proposed site layout far exceeds what was in the original Local Development Plan adopted in 2015, which describes the potential use under Policy 28 as *“a very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland”*.

In fact, the above plan clearly indicates that over 40 trees will be impacted, of which many are native trees protected by a woodland TPO.

2 This woodland is a heaven for protected wildlife. The enclosed photograph was taken on 12/10/22 and document the unexpected visit of a badger on our land, which is directly adjacent to the woodland. This proves that the sett is “live”.

According to the Protection of badgers act 1992, in addition to direct injury to the animal, it is an offense to intentionally or recklessly destroy or damage access to a badger sett. In other words, the act clearly stipulates that interference with the animal habitat is against the law.

3 The above woodland is also home of many other wild animals, including deer, bats, hedgehogs, owls, and many other species of birds.

4 The proposed building site hosts carpets of bluebells, which are on display only during the spring season, as documented in the enclosed photo taken on 16/05/22. Bluebells are also protected under the wildlife and countryside Act 1981. To destroy the wild plant or the space attached to the plant itself is prohibited and it is unlawful.

5 Access onto and off the main straight driveway leading to Moorthorpe Cottage comes off a sharp corner from Ross Street. This corner represents a rather congested road, serving both Ashlegh school and parking for Aurora school. The main driveway has two stone gateposts, in front of which lies an area of protected trees.

The driveway is a single track with no passing areas. It has private land on either side bordered by large TPO trees. The narrowest point is only 3.2 meters wide, clearly unsuitable for the access of emergency service vehicles such as fire engines and refuse vehicles.



Objection – Caroline Hodson, The Hollies, Whitehall Road, Darwen. Received: 14/11/2022.

I am writing to you to object to the above planning application. I am objecting because I am of the opinion that the application is of a disproportionately large scale for the area involved. I am concerned about the ecological impact of such a large development in that area. I am sure that the local wildlife will be negatively impacted upon. Moreover the loss of trees in a tree preservation area is of concern. Overall I am of the opinion that such a development will have a negative impact on the local area.

Objection – Dr D Duxbury, Inglewood, Whitehall Road, Darwen. Received: 15/11/2022.

13/11/2022
To Whom it may concern,
With this letter I wish to declare my objection to the above application on the following reasons.

- 1 The proposed site layout far exceeds what was in the original Local Development Plan adopted in 2015, which describes the potential use under Policy 28 as "a very small scale residential, in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland". This contradicts the current plan, which will affect over 40 native trees adjacent to my property. These trees are protected by a woodland TPO.
- 2 Protected wildlife lives in the woodland where the "small residential" is supposed to be built. My garden is directly attached to this area, and it is regularly visited by numerous animals such as deer, bats, hedgehogs, and badgers. The number of bird species populating the woodland is also remarkable and includes jays and owls. The Protection of badgers act 1992 and the Wildlife and Countryside Act 1981 clearly stipulate that interference with those animals and their habitat is against the law.
- 3 The planned residential would also replace a large carpet of bluebells. This also is in breach of the above-mentioned wildlife and countryside act 1981 ("... it is unlawful to destroy wild plants or the space attached to the plant itself....")
- 4 Access to the driveway leading to Moorhorpe Cottage comes off a sharp corner from Ross Street. This area has also several protected trees. This relatively tight road junction is already busy, serving both Ashleigh and Aurora schools. The main driveway has two stone gateposts, in front of which lies an area of protected trees.
The driveway is a single track with no passing areas. It has private land on either side bordered by large TPO trees. The narrowest point is only 3.2 meters wide, clearly unsuitable for the access of emergency service vehicles such as fire engines and refuse vehicles.

Yours Faithfully

Objection – Chris Royle, Lee Hall, St Peters Avenue, Haslingden. Received: 15/11/2022.

I strongly object to this application for the following reasons.

Firstly the application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development plan adopted in 2015 which describes the potential use under policy 28 as a “Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland “ Yet according to the submitted landscaping plans over 40 trees will be removed ,most are mature trees and protected by a Woodland TPO. As far as I understand a tree preservation order is an order made by a local planning authority in England to protect specific trees ,groups of trees or Wood land in the Interest of the amenity .An order prohibits cutting down, topping, lopping, uprooting, willful damage ,willful destruction. Why then are you allowing this development to go ahead when all the trees including saplings, small bushes are all under a TPO.

I question why the local authority made the TPO in the first place because it appeared to you then to be expedient in the interest of amenity to make provision for the preservation of trees or woodland in the area and now you are happy to have 40 trees taken down in the woodland Whitehall Field. Orders should be used to protect woodlands if their removal would have a significant impact on the local environment and its enjoyment of the public. You assessed the amenity value when putting on the blanket TPO but now you are totally ignoring this Why ????. There are many other matters that refer to TPO and how they are applied and for what reason and I expect you are fully aware of these so I will move on.

The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 Oak, 10 Hazel ,9 Cheery and 9 Rowan trees and several varieties of hedge.

In 2019 BwD planning voted to refuse the application and you concluded that “it was considered to represent a scale disproportionately large ,taking into account the local context and transition with the countryside area and contrary to the requirements set out in the Local plan part 2. I vehemently object to the scale of this development -9 four and five bedroom houses all with garages is not small scale and this will result in not only losing mature trees which are vital for giving oxygen, storing carbon, stabilising soil and give life to the worlds wildlife. Whitehall field is home to Bats ,Badger sets that are over fifty years old and other forms of wild life.

Also the houses appear to have Dorma’s across the rear of the properties which will be looking directly into the houses/gardens on White hall Road as well as the house at the top of Park Road Belthorpe which will be overlooked by one of the plots. Surely this is invasion of privacy .

I also approve of a more detailed set of objections to be sent out by the Whitehall Residents Against Green field Development Community group.

Objection – Derrick & Gillian Smethurst, Tudor Court, Whitehall Road, Darwen.
Received: 15/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as

“ Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland” .

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that “it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group

Objection – K.B Ainsworth & J.A Wright, Whitehall Road, Darwen. Received: 15/11/2022.

Dear Mr Blackledge,

I wish to lodge a strong objection to the above application on several grounds.

The application(10/18/1153) for 9 dwellings far exceeds the scale stated in the previous Local Development Plan adopted in 2015 describing the potential use under policy 28 as “very small scale residential in the immediate vicinity of the existing dwelling,ensuring no loss of trees or woodland” .

According to submitted landscaping plans,over 40 trees will be felled,most being over 100 years old and under a Woodland TPO.Indeed,field evidence suggests an ancient woodland site; a characteristic indicator is abundant native Common Bluebell,not hybridised with aggressive Spanish Bluebell. This flower enjoys a degree of protection under strategy planning policy.The tree removal plan would be devastating for the immediate environment which provides a haven for badgers,deer,bats,hedgehogs,tawny owls,jays,a resident pair of crows,redpolls,song thrush,woodpeckers to name but a few.They would not survive major disturbance,noise and human activity.The proposed replanting of slow growing oak,hazel,cherry and rowan is no compensation at all.It is worth noting that the government’s National Planning Policy Framework asks that any development should “ deliver measurable improvement for wildlife” .

In 2019 the BwD Planning Committee voted to refuse the application,concluding that “it was considered to represent a scale disproportionately large,taking into account the local

context, and transition with the countryside area contrary to the requirements set out in the Local Plan part 2.

I object to the scale of this development of extremely large 4/5 bedroom houses with large detached garages. "Very small scale"? I think not.

It would result in the loss of so many mature trees and inevitable suffering to wildlife because of habitat loss. Surely that is something that we all should do our utmost to avoid.

Objection – Mark Taylor, Dunkeld House, Whitehall Road, Darwen. Received: 15/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters "Appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings"

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as

"Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland".

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that "it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2."

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Elizabeth Jane Glynn & Brian Glynn, Montrose, Whitehall Road, Darwen. Received: 15/11/2022.

Proposal: Approval of Reserved Matters "Appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings"

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as

“ Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland”.

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that “it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – J & G Ashton, 12 Chestnut Grove, Darwen. Received: 15/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as

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According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that “it was considered to represent a scale disproportionately large, taking into account the local

context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Colin Bolton, 2 Chestnut Grove, Darwen. Received: 15/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as

“ Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland”.

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The BwD Planning Committee voted to refuse the application in 2019 and concluded that “it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Michael Burke, 1 Astley House, Whitehall Road, Darwen. Received: 15/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters "Appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings"

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as "Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland".

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

It would be fair to assume the proposed 9 houses with 4/5 bedrooms will have an average of three or even four vehicles each, add to these the other traffic you would get with this amount of houses makes the proposed development even more preposterous not only in the initial stages but the long term ones

The BwD Planning Committee voted to refuse the application in 2019 and concluded that "it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2."

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents against Greenfield Development community group.

Objection – Robert Gordon Helliwell, The Beeches, 9 Queens Road, Darwen. Received: 15/11/2022.

RE:-

Reserved Matters Application

Proposal: Approval of Reserved Matters "Appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "erection of 9 dwellings"

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen, BB3 2LQ

I wish to object in the strongest possible terms to the above Application as the land in question is one of the few "green lungs" of the Park Road Area. The trees thereon are protected by your own imposed. Woodland TPO. The TPO is there for a reason and should be sacred and untouchable. It may have escaped your notice that there are something like 40 trees in that area, most of which are 100+ year old Beech and it would be totally inappropriate to destroy even one of them. The area has become a refuge for wildlife in general and to sweep it all away by building 9 large houses would be rural vandalism. At a

time when our World Leaders are meeting to try to tackle Climate Change you should be pulling out all the stops to enhance our green belt land and should not be destroying it for the private greed of Developers. I am fully aware of the need for Social Housing and also Starter Homes and the building of those should be the focus of your attention, not the destruction of the countryside for the type of housing that does nothing to address this countries housing needs.

I also object on the grounds of increased traffic on streets that are busy enough already. Access from the A666 to the proposed development would be by way of Queens Road, Park Road or Ashleigh Street. These are streets of terraced houses that lack garaging for vehicles so residents park their cars outside their houses, sometimes on both sides, making access difficult. The building of more houses would add to the problem and increase pollution and reduce air quality.

I sincerely hope that common sense will prevail and that you will refuse permission for any Development whatsoever on this site.

Objection – Mr & Mrs A Molloy, Whinfield, Whitehall Road, Darwen. Received: 16/11/2022.

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as “Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland”.

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old+) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that “it considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of the habitat.

The road from the proposed development emerges onto an area that is very restricted by an island with trees and a grassed section facing directly in front and close to the gate (5 yards).

There is also the danger especially in the mornings and early evening when the school (approx. 50 yards away) starts and finishes. There is a constant battle with traffic dropping and picking up children with many incidents of children being subject to near misses. I would suggest that the increase in traffic resulting from this development will escalate the chances of a major injury or even death of a child.

Objection – Mr & Mrs M Molloy, Eden Lee, Park Road, Darwen. Received: 16/11/2022.

Re: 10/22/1002 –

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds:

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as “Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland”.

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old+) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls, and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that “it considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of the habitat.

The road from the proposed development emerges onto an area that is very restricted by an island with trees and a grassed section facing directly in front and close to the gate (5 yards). There is also the danger especially in the mornings and early evening when the school (approx. 50 yards away) starts and finishes. There is a constant battle with traffic dropping and picking up children with many incidents of children being subject to near misses. I would suggest that the increase in traffic resulting from this development will escalate the chances of a major injury or even death of a child.

Objection – Mrs Lynda Ahmed, 14 Chestnut Grove, Darwen. Received: 16/11/2022.

Planning application 10/22/1002

Approval of Reserved matters...Appearance ,landscaping and scale Pursuant to outline planning application 10/18/1153 erection of 9dwellings on land adjoining Moorthorpe Cottage Park Rd Bb32LQ

I wish to object in the strongest form to this application for the following reasons

Landscaping...9 large detached houses plus garages will be detrimental to the wildlife especially the badgers whom roam around the area freely under the cover of trees and bushes ...the set is only

meters away from a newly built house, and go across onto Whitehall rd and chestnut grove regularly ...this set has been active for over 40yrs and is regularly checked on and photographed. The loss of the many mature trees and bushes will lead to loss of their habits and habitat .

In 2019 this was considered to be ,by the planning committee,disproportionately large scale and was refused ...the scale of this development appears to be contrary to the requirements set out in the local plan part 2 The appearance of the proposed houses are certainly not in keeping with the older houses in the vicinity...the stone is of a grey appearance no slate roof and no additional decorated stonework as the older houses have ...this is certainly not in the character of the area .It would appear on the plans the some of the houses are “3 story’s “ leading inevitably to loss of privacy to already established dwellings

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group .

Objection – Immy Deshmukh, Whitehall, Park Road, Darwen. Received: 16/11/2022.

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as

“ Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland”.

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that ”it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – James Wilson, Woodlands Lodge, Park Road, Darwen. Received: 16/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as

“ Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland” .

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that “it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat. Furthermore, this development, if approved, will lead to increased traffic, noise levels and vibration due to heavy vehicle movement on Moorthorpe Drive (private road) to the side of our own property.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Adam Starbuck, Belthorpe, Park Road, Darwen. Received: 17/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as

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According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that “it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Dean & Jennifer Squalch, 1 Queens Road, Darwen. Received: 17/11/2022.

Reserved Matters Application

Proposal: Approval of Reserved Matters "Appearance landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings"

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as "Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland".

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 years old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other creatures. The number of trees and hedgerows to be removed to make way for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge- all of which stated to be less than 1.5m at the point of planting.

The BWD Planning Committee voted to refuse the application in 2019 and concluded that "it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in in the Local Plan part 2."

I object to the scale of this development-9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

Access is also a problem, the roads are not big enough for construction traffic and there is also already an issue with cars parking on the bend at the top of Park Road (outside the vicarage) which is an accident waiting to happen .

Objection – Robert & Victoria Eyre, Parkland, Whitehall Road, Darwen. Received: 17/11/2022.

Reserved Matters Application

Proposal: Approval of Reserved Matters "Appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings"

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object once again to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as "Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland".

We purchased the property Parkland on Whitehall Road in October 2016, this purchase was based on the comfort that we would never be overlooked due to Whitehall park being in front of us to the south and the woodland at the back of us to the north. There was no information on the return of searches from our solicitors which suggested this land to the rear of us could be built on. The development provisional plan completely breaks up what is a natural habitat for all kinds of wildlife species.

This proposed development will clearly cause loss of privacy as the proposed houses will be in line with the end of our back garden and in the winter months when the leaves are shed visibility to our back garden and vice versa will be present.

Light pollution to the rear of our property may also be an issue throughout the winter months

It appears for the character of the area at present that the developer is trying to maximise the number of houses on the land without any thought for appearance, disturbance and the wildlife which lives there.

The development looks completely out of keeping when compared to the existing houses on Whitehall Road and Chesnut Grove.

The woodland is awash with bats, owls and deer to name but a few, to put a housing development in the middle of this will only have a negative effect on this wildlife, it will take the shelter away from the deer in Winter, it will create more artificial light at night which will have a negative effect on owls and bats and it will no doubt take the roosting areas away from bats which are ever present in woods.

Reading through the, 'Moorthorpe Cottage Tree Survey and Constraints report' it clearly states in section 3.8 that all trees are subject to a Tree Preservation order within the proposed development, yet further down in the document in section 5.17 it states the area of trees Group G5 could be a candidate for removal, how is this when these trees are clearly covered by a TPO?

There is a fear that the narrow woodland (W3 and G5 Drawing 1 Tree Constraints plan) between the rear of our property and the open grass land in the proposed development will be compromised and possible trees felled which shouldn't be as they are covered by a TPO. This will have a negative effect on the general surroundings of Whitehall road and the surrounding existing properties as it is the trees and park which make the area so beautiful.

In summary the objection to the proposed development is;

- Out of keeping with surrounding land, buildings and properties
- It will have an adverse effect on all sorts of wildlife and plant life
- It will affect the privacy and will overlook residents on Whitehall road
- The developer will inevitably remove trees which are protected under the TPO in areas around the perimeter of the proposed development
- It will cause light and noise pollution to the area

We believe a housing development in the middle of a wood on the edge of Darwen Moors is not something which should be approved and would be irresponsible to do so, due to the points made above,

The BwD Planning Committee voted to refuse the application in 2019 and concluded that "it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2."

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Joyce Dunderdale, Balcary, Whitehall Road, Darwen. Received: 17/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters "Appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings"

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as

"Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland".

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that "it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2."

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Diane Hartley & Martin Neild, 8 Chestnut Grove, Darwen. Received: 18/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters "Appearance, landscaping and scale" pursuant to outline planning application 10/18/1153 "the erection of 9 dwellings"

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

Dear Mr Prescott,

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as "Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland".

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that "it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2."

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Robert Royle. Received: 18/11/2022.

Re Planning Application 10/22/1002 Reserved Matters

I strongly object to this application for the following reasons.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development plan adopted in 2015 which describes the potential use under policy 28 as a “Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland “ Yet according to the submitted landscaping plans over 40 trees will be removed ,most are mature trees and protected by a Woodland TPO.

The landscaping plans show that over 40 trees will be felled, most are mature trees yet the number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 Oak, 10 Hazel ,9 Cheery and 9 Rowan trees and several varieties of hedge. The removal of these trees and retention plan will be a terrible loss for the immediate environment that now provides a haven for badgers, deer, bats ,hedgehogs, owls and many other species and the loss of trees which are vital for giving oxygen, and storing carbon comes at a time when keeping trees is vital to the climate .

In 2019 BwD planning voted to refuse the application and you concluded that “it was considered to represent a scale disproportionately large ,taking into account the local context and transition with the countryside area and contrary to the requirements set out in the Local plan part 2. I vehemently object to the scale of this development -9 four and five bedroom houses all with garages is not small scale.

I also approve of a more detailed set of objections to be sent out by the Whitehall Residents Against Green field Development Community group.

Objection – Michael Kelly, Woodbine Cottage, Queens Road, Darwen. Received: 18/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

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The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as

“ Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland” .

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that “it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Tim & Sarah Squelch, 1b Queens Road, Darwen. Received: 18/11/2022.
Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

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I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Mr S.C. Starbuck, Belthorpe, Park Road, Darwen. Received: 18/11/2022.

Reference 10/22/1002

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

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I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Tom Keetch, Moorthorpe House, Park Road, Darwen. Received: 18/11/2022.

Reserved Matters Application

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I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

Objection – Kathryn Tormay, Rothburgh, Whitehall Road, Darwen. Received: 18/11/2022.

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

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planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that “it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

**Objection – Clare Starbuck, 32 Cyprus Street, Darwin. Received:
18/11/2022.**

Objection to Planning Application Ref 10/22/1002

1 Summary

1.1 This objection is on behalf of Whitehall Residents Against Greenfield Development, an unincorporated residents group of over 60 members in the areas immediately surrounding the development site and access route.

1.2 We wish to register our objection to application 10/22/1002 on the reserved matters of scale, landscaping, and appearance, but also a failure of the application to abide by the schedule of conditions set out in the appeal decision (APP/M2372/W/19/3243411).

1.3 There is a separate map and photo supplement to support these objections: "10_22_1002-WRAGD_Supplement.pdf".

2 Breach of Appeal Conditions

2.1 In the schedule of conditions set at appeal, condition #4 states (emphasis in bold added):

"The development hereby permitted shall be carried out in accordance with the following approved plans: Nos. C3697-1 Site Plan; LP-01 Rev B Location Plan; 17-116 SK01(t)-B Sketch Layout; 17-116 SK01(T)-C Curtilages; D6647.002 Tree Removal and Retention Plan; 18167 Measurements and SCP/18167/ATRO1 Rev A General Arrangement and Swept Path Analysis but only in respect of those matters not reserved for later approval."

2.2 However, layout is not a reserved matter for this application, and therefore an attempt to change the layout conflicts with the conditions of the appeal and the matter should be dealt with by a full planning application instead of a reserved matters application.

2.3 The layout has clearly changed, the C3697-1 Site Plan is no longer included in this application and is replaced by Proposed Site Plan (MC-001). The new layout is materially different in the following ways:

- 4 of the 8 garages are attached instead of detached
- Orientation and position of the houses have changed
- Footprint shape of houses has changed
- Garages have increased in size
- Distances between properties within the development site have changed
- Distances from properties outside the development site have changed.
- Plot numbering has changed
- Plots 3 & 7 on the original site plan (C3697-1) do not have garages, but one of these plots now has a garage on the new layout (MC-001)

2.4 A 9th Garage is not shown on the site plan (MC-001) despite the outline planning approval for 9 detached garages. This is an inconsistency that should be clarified.

2.5 These changes are so significant as to being in our opinion worthy of a new full planning application. A side-by-side comparison of the site plans is included in Part A of the supplement.

3 Reserved Matter: Landscaping

3.1 The development site is a locally important habitat that should be protected by Core Strategy policies CS13 and CS15. This is reflected in the 2015 Local Development Plan which states that development must be *"in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland"*.

3.2 The development site is also covered by a Woodland TPO (Whitehall TPO, 2003). A decision to allow the felling of protected trees for a housing development may set a precedent to allow additional trees to be felled in the area significantly impacting the amenity value of trees in the area. Any replacement trees will take decades before they can match some of the felled trees in terms of habitat value, size and appearance.

3.3 The current landscaping proposal (D6647.002) is based upon an outdated tree survey produced in September 2018, over four years ago and more than the 12 months such a survey is normally valid for. Since the tree survey was conducted, a number of trees on and adjacent to the site have fallen due to storm damage, been felled or permission for felling given. For example:

- 3 trees in group W3, in the vicinity of T30.
- A large Ash tree at Belthorpe, close to groups G5 and G6 which was affected by Ash dieback.
- 3 trees at Moorthorpe House, 1 of which has been removed, 2 of which are awaiting removal, as approved by (10/22/0302).

3.4 Whilst not necessarily an issue of planning, the tree removal plan appears to include the removal of hedgerows on the verges of the access road which belong to Moorthorpe Grange, Belthorpe and Moorthorpe House, for which consent has not been granted. The landscaping plan should clarify which landscaping is expected of land not owned by the applicant or exclude it from the application.

3.5 In addition, the landscaping plan does not show or account for Moorthorpe Grange (Planning Application 10/16/1349) or the trees removed as part of that development. Since Moorthorpe Grange contributes towards the allocation in the 2015 Local Development Plan, it must be considered alongside this application.

3.6 We recommend that this application be deferred until such time as an updated tree survey and accurate landscaping proposal can be submitted.

3.6 The current proposal for replacement trees is both inadequate and unsuitable. The following tree species are included in the plan:

- Oak ([*Quercus Robet*](#))
- Wild Cherry ([*Prunus Avium*](#))
- Rowan ([*Sorbus Aucuparia*](#))
- Hazel ([*Corylus Avellana*](#))

Except for Oak, none of the other trees are present in the existing woodland and would therefore change the character of the woodland intended to be protected by TPO.

3.7 Hedges and shrubs are not protected by the TPO which would allow for their subsequent removal without permission and therefore should not be considered as a replacement for the lost trees.

3.7 The planting of saplings between 0.6m and 1.5m in height are very vulnerable to damage by deer and rabbits, both of which are active in the area. Without the installing of suitable guards around the trees, a high attrition rate of trees can be expected from bark damage.

3.8 Such small saplings will take decades to mature, assuming they survive. Given the size and age of the removed trees, more mature trees should be planted when appropriate to the species and this should set out in the landscaping proposal.

3.9 Oak trees are best suited to open spaces without competition from faster growing trees. The recommended spacing of such is around 20-25 ft. However, the site plan places Oak trees in close proximity to hedges, existing mature trees, and newly planted Rowan and Hazel saplings which are expected to out-compete the Oaks.

3.10 Trees towards the northern edge of the site will block the southern aspect of existing properties such as Belthorpe and Moorthorpe Grange.

3.11 The site allocation in the 2015 Local Development Plan was on the basis of "*no loss of trees or woodland*", but over 70 trees will directly be removed, 65 in group W3 alone (a combination of mature lime trees, self-seeded beech trees and other saplings). In the best case of no attrition, only 36 trees will be added, a net loss of at least 34 trees, assuming no attrition or removal.

3.12 The removal of tree T31, a Grey Willow in the middle of the site in middle age and fair condition is unnecessary, for a tree that would otherwise be in the garden of 'Plot 4'. This tree should be retained.

3.13 Similarly, the removal of trees T32, T33, T34 & T35, two of which are native Sycamores in good condition should be retained if they do not conflict with the proposed layout.

3.14 The distance between the houses, garages and expected outbuildings (e.g., garden sheds) and the retained trees, makes it likely that there will be further removal of trees to protect the properties from damage and as a result of trees losing shelter provided by felled trees. Therefore, the plan should account for the likely future removal of trees that will become necessary because of the current landscaping plan.

3.15 The landscaping plans also result in a loss of woodland as distinct from the loss of individual trees. Woodland is lost via the removal of groups G5 and G6, but there is no corresponding increase in woodland cover to offset this.

3.16 Tree group W3 is identified as "High Quality", but due to ongoing mismanagement of the woodland by the landowner, this status is in some doubt and should be re-assessed. The group has a high amenity value in providing a screen between the development site and the properties on Whitehall Road, as well as being visible from the public highway, but due to the recent removal of trees and the planned removal of tree group G5, its amenity value as a screen will be greatly diminished.

Supplement Part C contains photos taken from the proposed tree line of W3 from which the houses along Whitehall Road are clearly visible.

3.17 Tree group W3 also contains private rights of way for the benefit of land along Whitehall Road with easements currently in the process of being registered with the Land Registry. The landscaping plan should respect such rights of way along footpaths have existed for hundreds of years since the formation of the original Moorthorpe Estate in the 1800's of which the development site was once part.

Supplement Part H shows previous OS Maps of the area which clearly show the footpath through W3. There is no suggestion of a public right of way.

3.18 The landowner of the development site commissioned the felling of 3 damaged trees in tree group W3. This was reported to the Blackburn w Darwen council on 21/01/2022 who confirmed that no consent had been given and passed it to a tree officer who visited the site on 27/01/2022 after which the officer informed local residents that a TPO consent was not required because the trees were already diseased and damaged, which is inconsistent with the "Country Planning (Tree Preservation) (England) Regulations 2012". Regulation 14 in the act contains exceptions for dead trees, but not damaged or diseased trees. In our opinion, the landowner committed a criminal act in removing the trees without the proper consent. Whilst the council is free not to pursue a criminal prosecution, a tree replacement order should have been served and still should be in order to maintain the amenity value of group W3 as a screen from the properties on Whitehall Road.

3.19 Hybrid Japanese Knotweed is present at the boundary of the Moorthorpe Cottage Plot at public footpath #122 to the south of the site connected to Whitehall Road. The survey of for invasive plant species is expected to be limited to the development site boundary, not the whole land plot and therefore this would most likely not to be included. A management plan for Japanese Knotweed across the whole plot should be a condition of planning consent should it be granted.

Supplement Part I includes pictures of invasive plant species within the allocated development plot.

3.20 The landowner has allowed invasive Himalayan Balsam to form thick stands across much of the open grassland areas within the site which has in-turn allowed spread from their property to neighbouring ones. Irrespective of whether planning consent is granted or not, the landowner must be reminded of their legal obligations under the Wildlife and Countryside Act 1981 to prevent the spread of Himalayan Balsam to adjacent land.

Supplement Part I includes pictures of invasive plant species within the allocated development plot.

3.21 In order for construction not to spread Himalayan Balsam to the properties adjacent to the shared private access road, a wheel wash at the point of leaving the development site is required, not at the point of joining public roads (Park Road) as per a similar condition attached to the approval for 4 dwellings instead of 9 (10/20/0106):

"v) wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development"

3.22 The seed bank of Himalayan Balsam can persist for around 3 years after plant removal. Therefore, any soil removed from site should be considered as contaminated waste. A condition of approval should be for a funded management plan to be in already place prior to consent being granted in acknowledgement of the landowners existing obligations.

3.23 The removal of trees, compaction of soil, addition of a wide (non-permeable) tarmac road and large amounts of (permeable) block paving will significantly increase surface water run-off from the site downhill towards Belthorpe, Moorthorpe Grange, Moorthorpe House, 14 Chestnut Grove and potentially other properties. A suitable mitigation must be included as a condition of approval.

3.24 The landscaping plan must account for the easement for the benefit of the Whitehall Hotel which has the right of repair to a spring water pipe that crosses the development land at an

unspecified point. Identification of the location of the pipe and a mitigation plan to avoid damage to it should be a condition of approval.

3.25 A private water main serving Moorthorpe Cottage, Belthorpe and Moorthorpe House crosses the development site from Whitehall Road to Moorthorpe Cottage. To protect the legitimate rights and interests of those landowners, the landscaping plan and Construction Method Statement must ensure the water pipe is either replaced with a more suitable public water main, or the existing private water main is not damaged during construction and it must be accounted for in the sewerage plan to be approved by the council. The garage of Plot 1 as per the revised layout and the addition of trees in the landscaping proposal may conflict with future maintenance of this water main.

3.26 Management Plans imposed as a condition of approval such as for Woodland Management and Invasive Plant Species which are likely to extend beyond the construction period should have their full funding secured as a condition of approval.

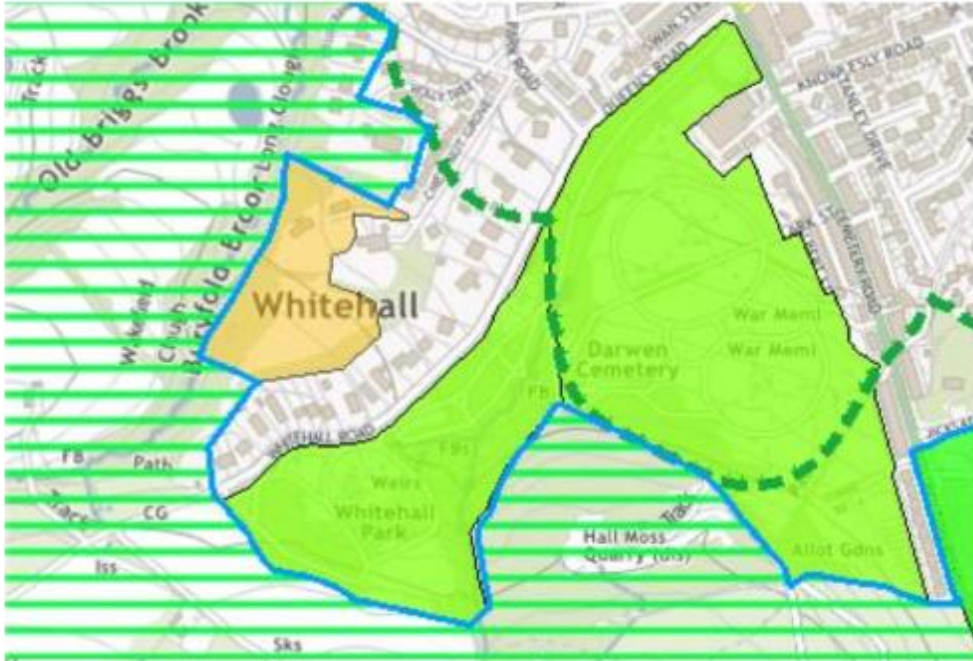
3.27 As previously noted, the landscaping will have an adverse effect on badgers, deer, hedgehogs, rabbits, a wide variety of birds, and many wild flowers including Orchids.

Part J of the Supplement includes pictures of some affected species taken in the immediate vicinity of the development site.

Objection to Planning Application Ref 10/22/1002 – Supplement

A - Comparison of 2015 and 2021 Local Development Plans

2015:



2021:



B - Comparison of Layout Fixed as a Condition of the Appeal Decision

C3697-1 (Outline Planning Application 10/18/1153):



C - Current Views from the proposed tree line of W3 To Whitehall Road





D - View of Moorthorpe House Partially Blocked by Rhododendrons to be Removed



E - View Towards G6 Towards Belthorpe Understory & Bushes to be Removed



F - View From Behind T35, To Be Removed, Of Moorthorpe Cottage, Moorthorpe Grange & Belthorpe

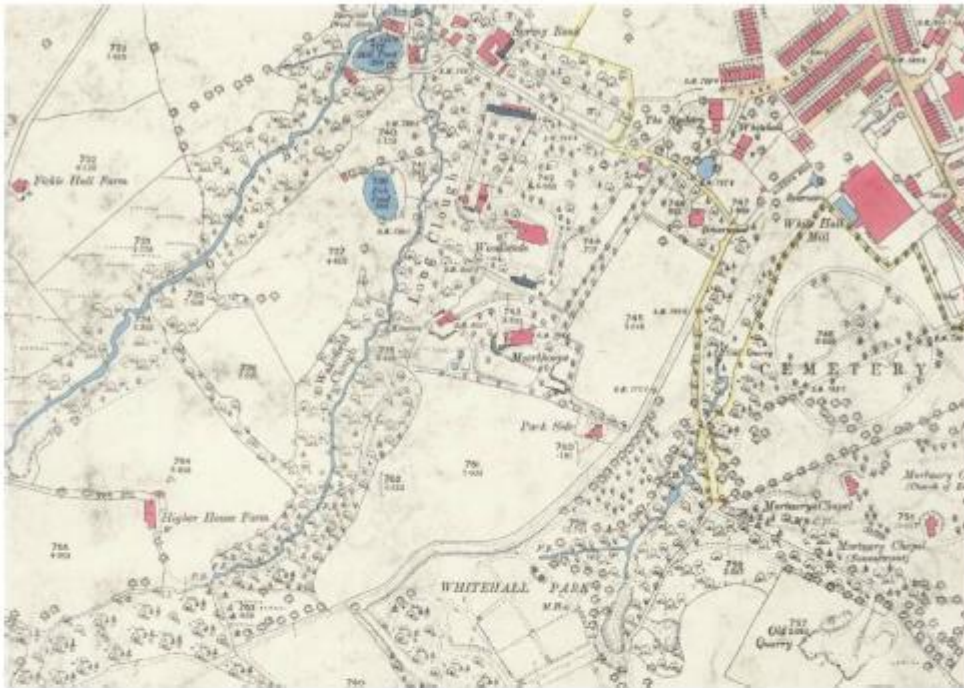


G - Memorial Gravestone & Tree T32 In Path of Proposed Driveway

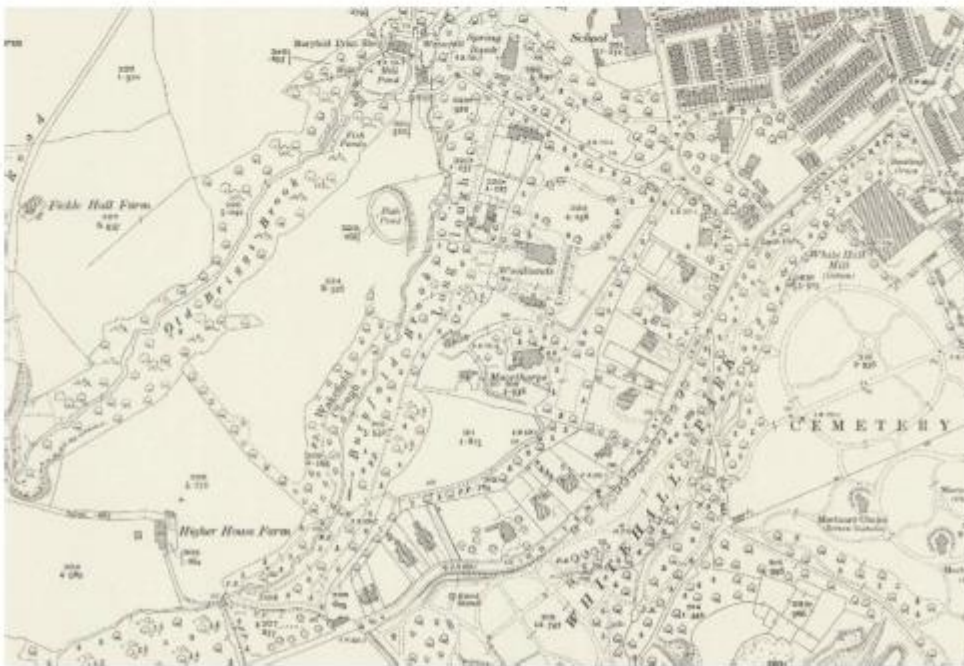


H - Historic OS Maps

1894:



1929:



1966:



I – Invasive Species

Himalayan Balsam:



Hybrid Japanese Knotweed:



J – Other Plant Species and Wildlife

Orchids:



Deer:



Rabbits:



Badgers and hedgehogs (not pictures) are also active in the area.

Objection – Mrs B.A Starbuck, Belthorpe Road, Darwen. Received: 18/11/2022.

Reserved Matters Application

Proposal: Approval of Reserved Matters “Appearance, landscaping and scale” pursuant to outline planning application 10/18/1153 “the erection of 9 dwellings”

Location: Land adjoining Moorthorpe Cottage, Park Road, Darwen BB3 2LQ

I wish to object to this application on the following grounds.

The application for 9 dwellings 10/18/1153 far exceeds the scale of what was in the previous Local Development Plan adopted in 2015 which describes the potential use under policy 28 as

“ Very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland”.

According to the submitted landscaping plans over 40 trees will be felled, most are mature trees (100 year old +) and protected by a Woodland TPO. The tree removal and retention plan will be devastating for the immediate environment that provide a haven for badgers, deer, bats, hedgehogs, owls and many other species. The number of trees and hedgerows to be removed to make room for this development will not be replaced by the proposed planting of 8 oak, 10 hazel, 9 cherry and 9 rowan trees and several varieties of hedge – all of which stated to be less than 1.5m at the point of planting.

The BwD Planning Committee voted to refuse the application in 2019 and concluded that “it was considered to represent a scale disproportionately large, taking into account the local context, and transition with the countryside area and contrary to the requirements set out in the Local Plan part 2.”

I object to the scale of this development – 9 four and five bedroom houses, some with garages resulting in the loss of many mature trees and inevitable suffering to wildlife in the loss of their habitat.

I also object to the Appearance. The majority of the house have 3 storeys, which is not in keeping with the area which are mostly 2 storey. The addition of a third storey increases the likelihood of over looking neighbouring properties outside the development site.

There is a high ratio of tarmac and block paving to grass which is at odds with the woodland setting and increases the risk of surface water travelling down hill and flooding Belthorpe, Moorthorpe Grange , Moorthorpe House and homes on Chestnut Grove.

I also endorse the more detailed set of objections to be set out by the Whitehall Residents Against Greenfield Development community group.

APPENDIX A



The Planning Inspectorate

Appeal Decision

Site visit made on 24 February 2020

by **S R G Baird BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th June 2020

Appeal Ref: APP/M2372/W/19/3243411

**Land adjoining Moorthorpe Cottage, Park Road, Darwen, Lancashire
BB3 2LQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms G Lomax against the decision of Blackburn with Darwen Borough Council.
 - The application Ref 10/18/1153, dated 15 January 2019, was refused by notice dated 20 June 2019.
 - The development proposed is the erection of 9 dwellings with detached garages.
-

Preliminary Matter

1. The application was submitted in outline with all matters other than access and layout reserved for a subsequent application.
2. An application for costs was made by Ms G Lomax against Blackburn with Darwen Borough Council. This application is the subject of a separate decision.
3. The issuing this decision on what is a straightforward planning dispute has been substantially delayed. The Planning Officer's report to the Planning Committee sought financial contributions to the provision of affordable housing and green infrastructure. However, the appeal as submitted was not accompanied by a completed S106 Obligation and the Council's subsequent statement made no reference to the need for an Obligation. Following a request for clarification, the Council acknowledged¹ that the absence of a reference to a S106 Obligation was an oversight and that financial contributions to the provision of affordable housing and green infrastructure were necessary to make the development acceptable in planning terms. Due to the impact of the Coronavirus on the appellant's and Council's ability to provide an executed S106 Agreement, I agreed to the appellant's request to a 2-month extension until the 5 June 2020 to allow for an Agreement to be submitted. On the 4 June, the Council confirmed that it no longer required a S106 Obligation to provide financial contributions toward the provision of affordable housing and green infrastructure. The proposal has been assessed on this basis.

Decision

4. The appeal is allowed and outline planning permission is granted for the erection of 9 dwellings with detached garages on land adjoining Moorthorpe Cottage, Park Road, Darwen, Lancashire BB3 2LQ in accordance with the

¹ 26 March 2020.

terms of the application, Ref 10/18/1153, dated 15 January 2019, subject to the conditions contained in the attached Schedule of Conditions.

Main Issue

5. The effect on the character and appearance of the area.

Reasons

6. The development plan for the area includes the Core Strategy (CS) adopted January 2011 and the Local Plan Part 2 (LP) Site Allocations and Development Management Policies adopted December 2015. The site forms part of a larger area identified by LP Policy 28 as a development opportunity where planning permission will be granted for, "...*very small-scale residential development in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland*". The existing dwelling is Moorthorpe Cottage located immediately to the north of the application site and within the LP allocation. In October 2017 planning permission was granted on appeal² for a dwelling, currently under construction, immediately to the north-east of Moorthorpe Cottage.
7. The Council acknowledges that the principle of residential development is acceptable, and the proposal would comply with CS and LP policies that relate to amenity, the environment, design, accessibility and transport. However, the Council indicate that, notwithstanding a lack of objection from the Council's specialist arboricultural advisors, the loss of trees and the scale of development would be disproportionately large such that the proposal would conflict with LP Policy 28.
8. Neither the development plan nor national planning policy and guidance³ defines "very small-scale". One of the key principles that underpins the planning and development management process is the application of a consistent approach to development proposals and decisions. The appellant draws attention to a site at Ellerslie House, Darwen. This is a similar sized site identified by LP Policy 28 as a development opportunity for "*small-scale residential*" development. Here, the Council has granted outline planning permission for 22 dwellings at a density of some 9.56 dwellings per hectare (dph). On the appeal site, the development and the one allowed on appeal would produce a density of some 4.41dph. In this context, the development of 9 dwellings on the appeal site would be consistent with the policy reference to very small-scale.
9. The appeal site and surrounding land is covered by a blanket Tree Preservation Order (TPO). This appears to have been imposed because of the value and contribution the woodland makes to the sylvan character and appearance of the area. The scheme would involve the loss of several freestanding trees and 2 groups of trees/shrubs and this loss would conflict with LP Policy 28. That said, the area of woodland covered by the TPO is extensive and in comparison, the number of trees lost would be minor. The individual trees proposed for removal appear to have once formed part of a larger group. That said, they are multi-stemmed, exhibit various defects and are generally poor specimens. Moreover, these trees are not visible from any public vantage point and are detached from the more extensive and valuable areas of woodland. In my view, their loss would not diminish the contribution

² APP/M2372/W/17/3179112.

³ National Planning Policy Framework (Framework) & Planning Practice Guidance.

the wider woodland makes to the sylvan character and appearance of the area. Similarly, 2 groups of vegetation/trees would be removed. These are adjacent to 2 substantial areas of Category A and B woodland. Tree Group 5 is a linear group of common trees covered by dense ivy. The dense ivy and the proximity to the more mature woodland group (W3) appears to be suppressing their growth. Along with the margin to Group 6, the loss of these trees/shrubbery would not diminish the contribution of the wider woodland area to the character and appearance of the area.

10. Whilst the whole area is covered by a TPO, which prevents unauthorised felling, it does not require the woodland to be maintained. It is evident that the woodland has lacked active management over many years. The lack of management has allowed the spread of ivy and trees to self-seed; both of which have introduced undesirable competition, particularly for light, which has resulted in poor quality growth. The development would provide the opportunity to obtain a comprehensive woodland management programme. Such a programme would ensure the continued and enhanced contribution the woodland makes to the character and appearance of the area. This is a significant benefit, which I attach substantial weight to.

Other Considerations

11. Access to the site would be from Park Road, via a long private track. The Highway Authority do not object to the scheme and I have no reason to conclude that the proposal would result in unacceptable vehicle/pedestrian conflict. As such, the proposal would not conflict with LP Policy 10. Rights of access and covenants are private matters between landowners and are not for me to consider as part of a planning appeal. In terms of the impact on neighbours from the use of the access road, there is adequate separation to ensure there would be no material impacts on neighbours from comings and goings. Impact on ecology could be appropriately managed through the imposition of relevant conditions and as such there would be no conflict with LP Policy 9.

Conclusions

12. Whilst the Council may be able to demonstrate a housing supply in excess of 5 years, that does not weigh against the development. The site is allocated in the development plan for residential development and the Government's objective is to significantly boost the supply of homes. Here, whilst the proposal is in outline, the detail supplied indicates that the house typology presented is consistent with the aims and objectives of Policy CS7 and LP Policy 18 to widen the choice of house types in the Borough. Whilst the proposed development would be consistent with LP Policy 28 in terms of the scale of development, it would result in the loss of several trees. However, the proposed loss of trees would not materially affect the contribution of the wider woodland to the character and appearance of the area and would be outweighed by the benefits in terms of replacement planting and the management of what is otherwise a deteriorating environmental asset. Taken in the round, the proposal would not unacceptably affect the character and appearance of the area or conflict with the development plan when read as a whole. For these reasons and having taken all other matters into considerations, the appeal is allowed.

Conditions

13. A condition specifying the relevant drawings has been imposed as this provides certainty. In the interests of the appearance of the area, conditions requiring the submission of samples of finishing materials and details of boundary treatments have been imposed. In the interests of ecology conditions relating to the submission of measures to protect badgers, otters and great crested newts, bats and reptiles, to protect the site from invasive plant species, the avoidance of construction during the bird nesting season, the submission, if necessary, of an updated Ecological Impact Assessment, the protection of trees, and a woodland management plan have been imposed.
14. In the interests of residents' living conditions, conditions relating to hours of construction, construction management, dust suppression, ground conditions and remediation are imposed. To ensure adequate drainage, conditions relating to the provision of foul and surface water drainage and a sustainable surface water drainage scheme have been imposed. In the interests of sustainable development, a condition requiring the installation of electric vehicle charging points is imposed. In the interests of highway safety, a condition relating to visibility splays at the access and all driveways is imposed. Where necessary and in the interests of precision and enforceability I have reworded the suggested conditions.
15. Landscaping is a reserved matter and as such I have not imposed a separate condition requiring details of landscaping to be submitted. Planning Practice Guidance highlights that the blanket removal of freedoms to carry out small scale domestic alterations is unlikely to meet the test of reasonableness and necessity. Here, I consider the Council's suggested condition removing permitted development rights specified in Classes A-G of Part 1 of that Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, has not been justified and is unreasonable.

George Baird

Inspector

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Nos. C3697-1 Site Plan; LP-01 Rev B Location Plan; 17-116 SK01(t)-B Sketch Layout; 17-116 SK01(T)-C Curtilages; D6647.002 Tree Removal and Retention Plan; 18167 Measurements and SCP/18167/ATR01 Rev A General Arrangement and Swept Path Analysis but only in respect of those matters not reserved for later approval.
- 5) Prior to commencement of the development hereby approved, samples of all external walling and roofing materials, including their colour, to be used in construction of the building work shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 6) Prior to the commencement of any works on site, a Badger Activity Survey shall be carried out to determine the presence of badgers in the area. The survey shall be carried out by a suitably competent ecologist, during the time of year when badgers are active. The results of this survey and any recommendations or mitigation measures shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out in accordance with the approved badger activity survey.
- 7) Prior to the commencement of any works on site, an Otter Activity Survey shall be carried out by a suitably qualified ecologist; in accordance with national survey guidance. The results of this survey and any recommendations or mitigation measures shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out in accordance with the approved Otter Activity Survey.
- 8) Prior to the commencement of any works on site, a Great Crested Newt presence/absence survey of the 2 ponds identified in Section 3.25 of the Bowland Ecology "Ecological Impact Assessment" shall be carried out by a suitably qualified ecologist in accordance with Great Crested Newt survey guidelines (Natural England 2001). The results of this survey and any recommendations or mitigation measures shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out in accordance with the approved Great Crested Newt presence/activity survey.
- 9) Prior to the commencement of any works on site, a Reasonable Avoidance Measures (RAMs) mitigation plan shall be produced, in order to

mitigate the threat of light spill on bats. The RAMs mitigation plan shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out in accordance with the approved plan.

- 10) Prior to the commencement of any works on site, a Reasonable Avoidance Measures (RAMs) mitigation plan shall be produced, in order to mitigate risk to reptiles. The RAMs mitigation plan shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out in accordance with the approved plan.
- 11) Prior to the commencement of any works on site, a detailed Invasive Plant Species Survey of the site shall be carried out by a remediation/invasive species specialist. The results of this survey and any recommendations or mitigation measures shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out strictly in accordance with the approved details.
- 12) No site clearance or construction works on site shall be carried out during the bird nesting season (1 March to 31 July), unless the absence of nesting birds has been confirmed by further survey work or on-site inspections.
- 13) Prior to the commencement of any works on site, a Woodland Management and Access Plan shall be produced to safeguard retained woodland (Long Clough) at the site. This plan should consider the following issues during the clearance, construction and operational phases of the development;

phases of the development,

- i) formalising access/egress into the woodland and pathways to prevent desire lines dissecting the habitat;
- ii) zoning of natural habitat to ensure an appropriately restricted and undisturbed area for wildlife;
- iii) non-native species management to prevent spread to gardens of new residential properties;
- iv) implementation of traditional woodland management techniques such as felling, coppicing and pollarding, where appropriate;
- v) retention of standing and fallen dead wood;
- vi) creation of artificial habitats such as bird/bat boxes, hedgehog hotels and felled log piles for invertebrates;
- vii) provision of education packs for homeowners about the value of the surrounding habitat and rationale for habitat protection measures;
- viii) creation of a buffer zone (in accordance with BS5837:2012) during the construction phase and adoption of working practices when carrying out any works near trees or woodland; in accordance with BS5837:2012 guidelines, in order to reduce negative impact on biodiversity.

The Woodland Management and Access Plan shall be submitted to and approved in writing by the local planning authority. All recommended mitigation measures shall be carried out in accordance with the approved plan.

- 14) Should no clearance or construction works be carried out on site within 2 years of the date of the Bowland Ecology "Ecological Impact Assessment" (EIA) an updated EIA shall be produced. The updated EIA shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out strictly in accordance with the approved assessment.
- 15) Prior to commencement of the development hereby approved, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the local planning authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

- 14) Should no clearance or construction works be carried out on site within 2 years of the date of the Bowland Ecology "Ecological Impact Assessment" (EIA) an updated EIA shall be produced. The updated EIA shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out strictly in accordance with the approved assessment.
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 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 16) Visibility splays at the site access/egress and all driveways shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height greater than 1 metre above the crown level of the adjacent highway.
- 17) Foul and surface water shall be drained on separate systems.
- 18) Prior to the commencement of the development hereby approved, a sustainable surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The drainage scheme must include:
 - i) an investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - ii) a restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
 - iii) a timetable for its implementation.

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

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

- 19) Prior to commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum;
 - i) arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a residents' management company; and
 - ii) arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.
- 20) Prior to the implementation of the development hereby approved, a scheme shall be submitted to and approved in writing by the local planning authority detailing provision of an electrical vehicle charging point for each dwelling. The approved scheme shall be implemented prior to first occupation of the development.
- 21) Prior to the commencement of development hereby approved, the developer must submit to the local planning authority for written approval:
 - i) a comprehensive desk study report, including a preliminary Conceptual Site Model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM;
 - ii) findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the local planning authority.
- 22) Prior to the occupation of the development hereby approved, a comprehensive Validation Report shall be submitted to and approved in writing by the local planning authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated Conceptual Site Model. All the installed remediation must be retained for the duration of the approved use, and where necessary, the local planning authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.
- 23) Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the local planning authority should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented and agreed in writing by the local planning authority.

No deviation shall be made from this scheme without the written express agreement of the local planning authority.

- 24) Prior to commencement of the development hereby approved, a scheme of boundary treatment(s) shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the precise location, height and construction materials of all boundaries. The approved scheme of boundary treatment(s) shall be implemented prior to first occupation of the development and retained thereafter.
- 25) Prior to commencement of any works at the site, an arboricultural method statement and tree protection plan shall be submitted to and agreed in writing by the local planning authority. The method statement shall clearly state how the trees to be retained on site will be protected during construction works. The agreed method statement shall be implemented in full prior to the undertaking of any on site works and retained for duration of the demolition and construction works.
- 26) Prior to commencement of the development hereby approved, a scheme for the suppression of dust during the period of construction shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be used throughout the construction process.
- 27) The construction of the development hereby permitted shall only take place between the following hours: Monday to Friday - 08:00 to 18:00; Saturday - 09:00 to 13:00; Sundays or Bank Holidays - No site operations.

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/1138

Proposed Development: Full Planning Application for Proposed rear balcony and staircase

**Site Address:
Avalon
69 Manor Road
Darwen
BB3 2SN**

Applicant: Mr Phil Wright

Ward: Darwen West

**Councillors: Dave Smith
Stephanie Brookfield
Brian Taylor**



1.0 SUMMARY OF RECOMMENDATION

1.1 **APPROVE**, subject to the conditions recommended within Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This planning application is presented to the Committee in accordance with the adopted Scheme of Delegation of the Council's Constitution due to a previous planning application submitted under reference 10/22/0885, which was approved under delegated powers on the 25th October 2022, not having being built in accordance with the approved plans. The delegated officer report relating to this application can be found at Appendix A to this report. The current planning application is an amended proposal to the previously approved scheme.
- 2.2 Subsequent to this approval, formal complaints through the Council's Corporate Complaints process were received on the 31st October 2022, from the owners of Nos 67 and 71 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.
- 2.3 Members will be aware that a petition containing 26 signatures from residents along Manor Road, Darwen, was received on the 8th November 2022, objecting to the previously planning application. The receipt of this petition was reported to the Committee at the meeting on the 15th December 2022. During the consultation process relating to the current planning application, lengthy neighbour objections have also been received, which are reported in Section 10 of this report.
- 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 in the Development Plan.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site relates to a detached property located on the north eastern side of Manor Road, Darwen. The application property is sited opposite to the Bold Venture Park.
- 3.1.2 The application property was erected under planning reference 10/81/0686 for a detached chalet bungalow and garage, the property has benefitted from a double storey rear extension which was approved under 10/18/0260. A balcony and external staircase was approved on the 25th October 2022 under application reference 10/22/0885, however it was subsequently found that the balcony currently under construction had not been built in accordance with the plans, and as such, the applicant has decided to submit a revised planning application scheme.

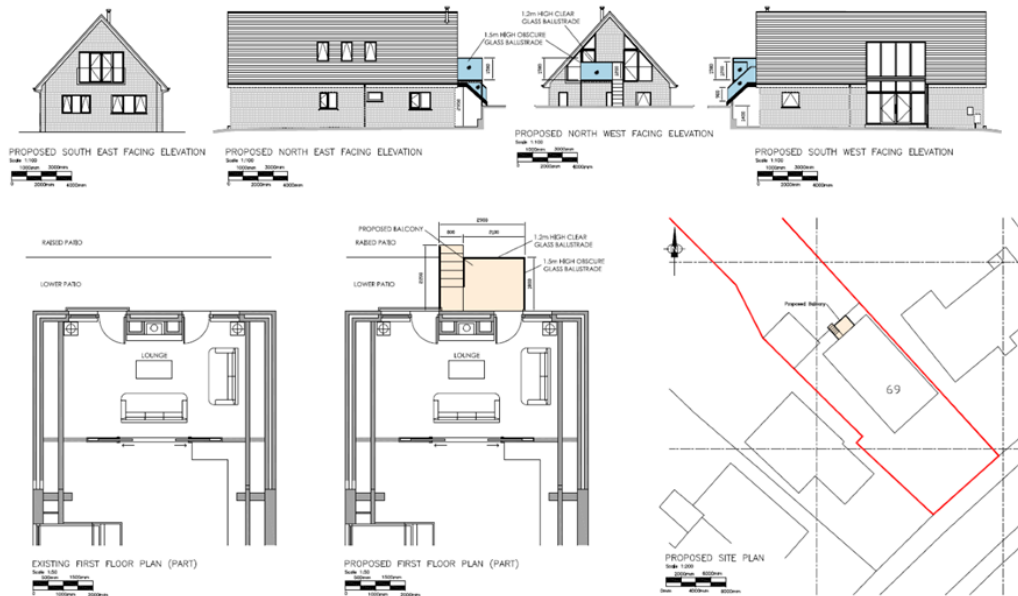
Figure 1: Google aerial view of the application site



3.2 Proposed Development

- 3.2.1 The proposal relates to a householder planning permission for the erection of a balcony and external staircase.
- 3.2.2 The proposed balcony will project 1.8m from the rear wall of the dwellinghouse and measure 2.1m in width. The proposed staircase will be sited on the left side of the balcony platform when facing in a north westerly direction and will project 2.2m and measure 800mm wide. The proposed plans are shown below:

Figure 2: Proposed Plans



3.2.3 For clarification, Members are advised that the balcony/staircase approved under application reference 10/22/0885, projected 1.8m off of the patio doors sited at the boundary with No.67. The balcony measured 1.3m wide. The proposed external staircase projected 2.2m and measured 800mm wide. The proposed height from ground floor level to balcony level measured at 2.9m. The proposed height of the glass balustrade facing towards No.71 measured 1.1m. The approved plans are shown below in Figures 3 & 4:

Figure 3: 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

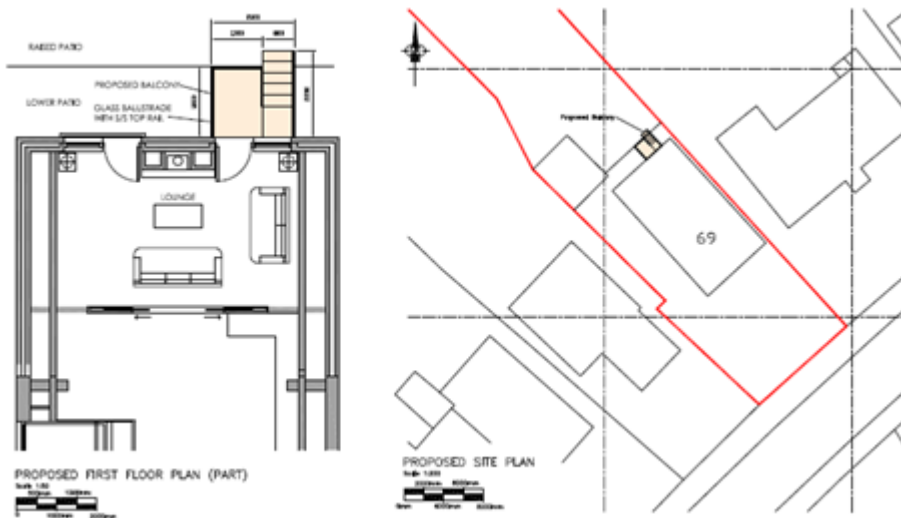
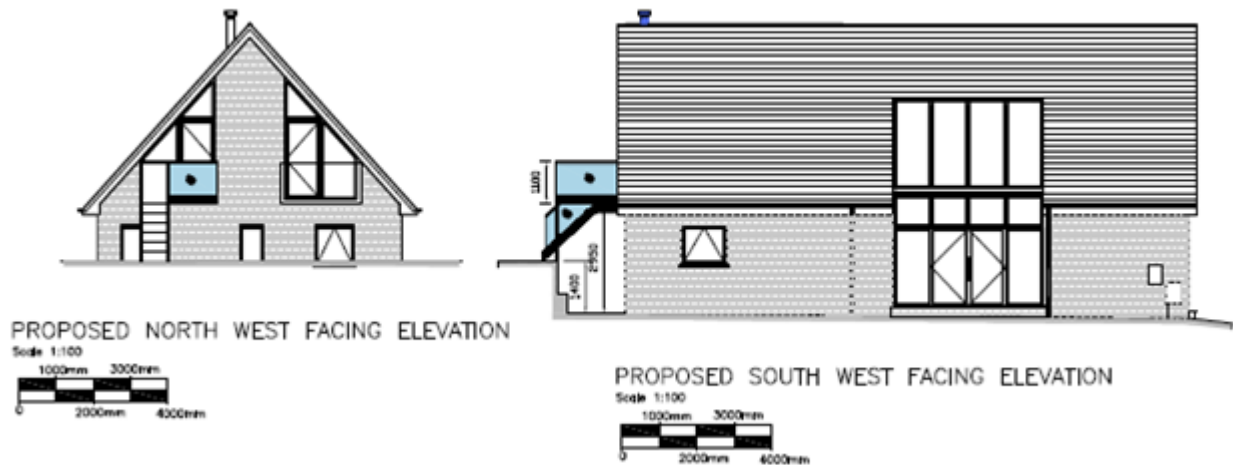


Figure 4: extract from approved drawing No: TS9185/01 Rev A, received on 6th September 2022 pursuant to planning application 10/22/0885 – proposed rear and side elevations.



Applicants Supporting Statement, received 6th January 2023:

In support of the application, the applicants have submitted a supporting statement as follows:

Background

On the 25th October 2022 the Planning Department of Blackburn with Darwen Borough Council granted permission for a small balcony to be erected at the rear of 69 Manor Road Darwen BB3 2SN reference 10/22/0885.

This approval resulted in the neighbours at 65, 67 and 71 Manor Road formally objecting to this decision.

In good faith and to mitigate any further conflict a second application reference 10/22/1138 was developed in conjunction with the Planning Department at Blackburn with Darwen Borough Council. Again objections were raised by three neighbours.

This second application was developed to ensure the privacy and eliminate overlooking concerns of neighbours.

The following pictures taken from the garden of 69 Manor Road demonstrate that due to the steep gradient of gardens on Manor Road it is impossible to avoid overlooking the garden and patio of number 71.





The following pictures taken from the garden of 69 Manor Road demonstrate that the same also applies in respect that many aspects of the garden and patio areas can also be viewed.





A moot point to note here is that both neighbours at both neighbours 67 and 71 can easily view aspects of the garden at number 69. Further, number 71 can also view into the back lounge of 69 Manor Road.

3.3 Case Officer Site Photos:



Image 1

Image 2

Image 3

Images 1-3: - Image 1: Looking towards rear of No.71 from raised platform to the rear garden of No.69; Image 2: Looking towards rear of No.67 from raised platform to the rear garden of No.69 (showing part constructed balcony/staircase); Image 3: Partly constructed unauthorised platform and staircase erected to the rear of No.69.



Image 4

Image 5

Image 6

Images 4-6:- Image 4: Photo taken from the raised platform to the rear garden of No.69 adjacent to the level of the partly constructed balcony, looking towards rear of No.71; Image 5: Photo taken from rear patio adjacent to No.71 looking towards the rear of No.69 and partly constructed balcony/staircase; Image 6: taken from the raised garden level of No.69 looking towards rear elevation of No.69 and partly constructed balcony/staircase. This also shows where the revised proposed balcony/staircase will be sited.



Image 7



Image 8



Image 9

Images 7-9: Image 7: Photo taken from the raised rear garden of No.67 looking towards rear elevation of No.69; Image 8: Photo taken from the rear bedroom window of No.71 looking towards the rear of No.69; Image 9: Photo taken from rear garden of No.67 looking towards rear elevation of No.69



Image 10



Image 11



Image 12

Images 10-12: Image 10: Photo taken from rear lowest patio to No.67 looking towards rear of No.69; Image 11: Photo taken from rear lowest patio to No.67 looking towards rear of No.69; Image 12: photo taken adjacent to rear conservatory of No.67 looking towards the rear of No.69.



Image 13

Image 14

Image 15

Image 13: Photo taken from raised garden level of No.69 looking towards rear elevation and rear of No.67 (before the erection of unauthorised balcony/staircase); Image 14: raised rear garden to No.69; Image 15: Photo taken from rear garden of No.69 looking towards raised rear garden of No.69.



Image 16

Image 17

Image 18

Image 16: Photo taken from raised patio/decking area of No.71 looking towards rear elevation of No.69; Image 17 Photo taken from just above the lower patio area of No.67 looking towards the rear of No.69; Image 18: Photo taken from rear first floor windows looking towards rear garden of No.71.



Image 19



Image 20



Image 21

Image 19: Photo taken from inside the bedroom window of No.71 looking towards the rear of No.69; Image 20: Photo taken from end of No.71's rear garden showing No.71's decking area and rear of No.69; Image 21: photo taken from an elevated position of where the proposed balcony will be sited to the rear of No.69 looking towards the rear of No.71.



Image 22



Image 23



Image 24

Image 22: From the closest patio area to No.71 facing towards the position of the rear balcony at No.69; Image 23: From the proposed balcony area facing towards the rear patio area of No.71; Image 24: From the end of where the balcony seating area will be facing rear of No.71.



Image 25



Image 26



Image 27

Image 25: Where the balcony area will be sited facing towards the rear of No.67; Image 26: taken from rear of No.67's rear garden area at the boundary with No.69; Image 27: Image taken stood next to the rear windows of No.67 looking towards No.69.



Image 28

Image 28: Site photograph taken 8th November 2022 of unauthorised part constructed frame of balcony/staircase (image taken from the petition report presented to the December Committee meeting).

3.3.1 Photos Received from the Applicant on the 4th January 2023:



Image 29



Image 30



Image 31

Image 29: Photograph taken from the lower raised garden area of No.69 facing towards the lower patio area to the rear of No.67, and No.65 beyond; Image 30 Facing towards the middle/top of No.67's rear garden area taken from No.69's middle raised garden; Image 31: Photograph taken from the middle of No.69's raised garden area facing in to the rear of No.67, and No.65 beyond.



Image 32



Image 33



Image 34

Image 32: Taken from No.69's rear patio doors looking into the middle/top of No.67's rear garden; Image 33: Image taken from the top raised patio of No.69's garden looking towards No.67's rear garden; Image 34: Photograph taken from the middle of No.69's rear garden looking in to the middle of No.67's rear garden.



Image 35



Image 36

Image 35: Photograph taken from the closest rear patio door to No.71 facing in to No.71's rear garden over No.69's garage; Image 36: Photo taken from the middle of No.69's raised garden area looking towards the middle of No.71's garden;



Image 37

Image 37: Image taken from the middle of No.69's raised garden area facing in to the rear of No.71, and No.73 beyond.



Image 38

Image 38: Taken from the rear patio doors of No.69 looking towards the rear middle garden area of No.71, and rear garden area of No.73 beyond.

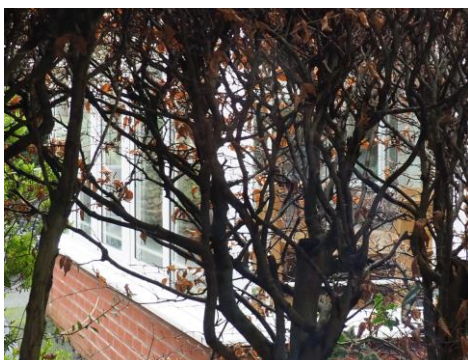


Image 39



Image 40

Image 39: Taken inside No.69's rear bedroom looking through a side window to the existing conservatory of No.67; Image 40: Photograph taken from the rear patio doors at No.69 looking in to No.67's rear garden;



Image 41



Image 42

Image 41: Taken from the nearest rear set of patio doors at No.69 looking to the rear garden of No.67; Image 42: Taken from inside No.69's rear bedroom looking through a side window which serves the bedroom in to the existing conservatory and lower patio area at No.67.

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 11: Design

3.4.3 Residential Design Guide Supplementary Planning Document Revised Edition (September 2012)

- RES E1: Materials
- RES E20: Balconies, Terraces and Raised Platforms

3.5 Other Material Planning Considerations

3.5.1 National Planning Policy Framework (NPPF).

4.0 ASSESSMENT

4.1 Background Information:

4.1.1 Subsequent to a site inspection carried out by officers on the 8th November 2022, following the receipt of the formal complaints as referred to in paragraph 2.2 above, it was found that the approved balcony under planning application 10/22/0885 was not being built in accordance with the plans. The approved balcony/platform area had been erected at a larger size being 1.8m by 2.1m, and as such the whole structure combined measured 2.9m in width. The

approval under 10/22/0885 was for the balcony and staircase to have a combined width of 2.1m.

- 4.1.2 As a result of this, the stairs currently constructed 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 the approved details as shown in Figures 3 and 4 above, or submit a revised planning application, which would be subject to a full reconsultation with the neighbouring properties.
- 4.1.2 The applicants have thus chosen to submit a new planning application which has been assessed in accordance with the abovementioned policies.

4.2 Residential Amenity

- 4.2.1 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.
- 4.2.2 RES E20 of the Residential Design Guide permits balcony proposals providing they do not create an unacceptable level of overlooking on surrounding properties.
- 4.2.3 The proposed rear balcony will project 1.8m off of the rear wall of the existing dwellinghouse and measure a width of 2.1m. The proposed external staircase will be located on the south western side of the platform and will project 2.2m off of the rear wall and measure 800mm in width. The total width of the combined structure is 2.9m. The increase in total floor space from the original approval (10/22/0885) is considered acceptable due to the same projection of 1.8m from the rear elevation of the host property, and as such any loss of privacy/overlooking will not be exacerbated. This is due to the current arrangements between the host property and No.67 and No.71, which already provides elements of overlooking that is present between the rear gardens due to the land level differences, as demonstrated in the photographs in Section 3.3. However, as stated even though the balcony platform has increased in width to 2.1m, it will also be moved to the middle of the host property, and as such, this increase will not be at the detriment of the privacy of the occupants of No.71 and No.67, and will not further exacerbate any overlooking which also already occurs from the first floor patio doors at the application site into the rear gardens of No.71 and No.67 Manor Road.
- 4.2.4 Objections have been raised relating to the justification of the previously approved application relating to a “modest size” balcony area, and that the revised proposal is now larger and therefore cannot be considered to be modest sized. In addition, the objections refer to a previous balcony being refused at

the application site. It is acknowledged that reference has been made previously by officers to the previous application being of modest size. The Collins dictionary defines 'modestly sized' as being "not very large, but not small". Whilst the revised proposal increases the size of the platform area, it is considered this would be in proportion to the rear elevation of No.69, be sited away from the rear boundaries to both Nos 67 and 71, thereby not adversely increasing the level of overlooking/loss of privacy attributed to the previously approved application, or from the existing first floor patio doors as referenced above. Members are made aware that under the previous planning application 10/18/0260 for the "double storey rear extension", the initial proposal included a rear external terraced area. This terraced area proposed to cover the full width of the rear elevation of No.69, as shown in Figure 4 below. This was considered to be unacceptable due to the size of the terraced area (5.9m x 2m), being close to the boundaries of the adjacent properties. As such, this element was removed from the proposed development. Figure 5 below shows the approved scheme granted under 10/18/0260, which includes the Juliette balcony windows to the first floor rear elevation.

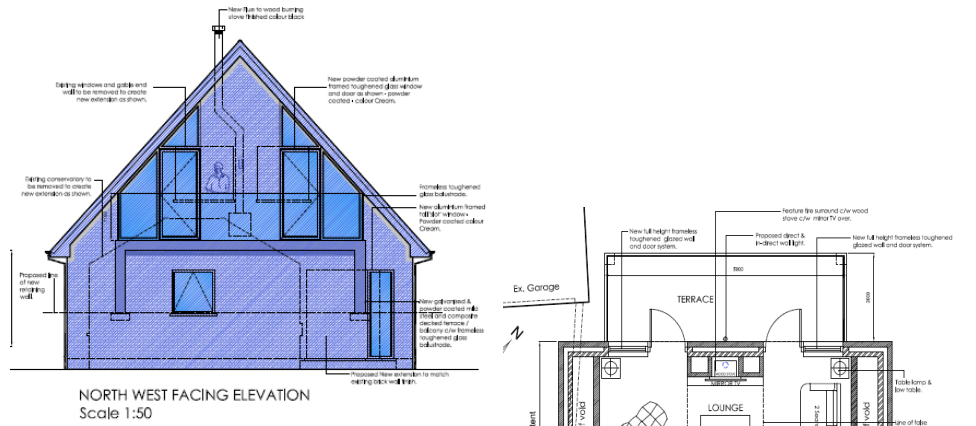


Figure 4 showing initial proposed floor plan and rear elevation to development under application reference 10/18/0260.

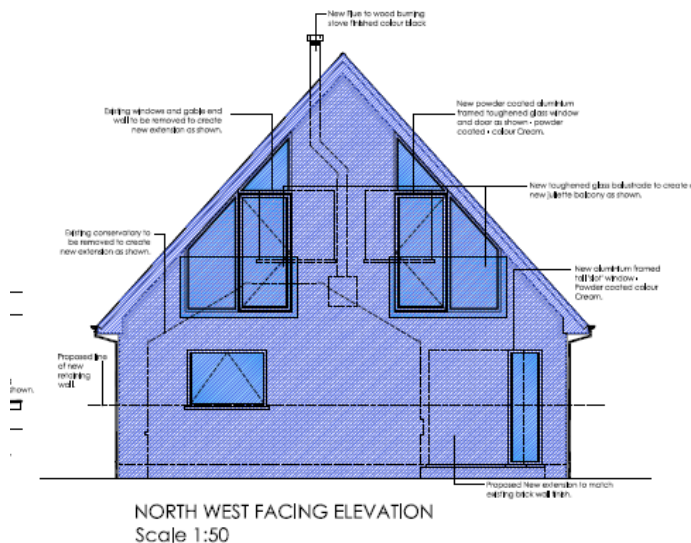


Figure 5 showing approved details relating to the rear elevation to the development under application reference 10/18/0260.

- 4.2.5 A subsequent Initial Building Control Notice for the approved works was submitted to an Approved Inspector (not the local authority) on the 4th June 2018 (ref: JHAI/266135/MA/18). According to records, the works have not been signed off as completed by the Approved Inspector. From the site inspection, it is clear that the Juliette balcony doors have not yet been completed and this was indicated to the applicants at the site meeting on the 17th November 2022, who confirmed they were aware of this, and that the application is proposed to be amended to include the balcony and stairs whereby they will then complete all the approved works for the Approved Inspector.
- 4.2.6 The proposed balcony, the subject of the current application, will be set in from the eaves at the boundary with No.67 by approximately 1.8m and will be set in 2.9m from the eaves at the boundary with No.71. Due to the revised positioning of the balcony as shown in section 3.2.2, the set in from both side elevations/eaves of the property has mitigated overlooking in to No.67's and No.71's rear habitable room windows. From where the proposal will be sited, views back towards the rears of No.67 and No.71 will be limited as the chalet style eaves at the application site will considerably screen both of the properties.
- 4.2.7 Overlooking may slightly occur from the users of the proposed balcony walking up the stairs towards the patio doors at No.69, however this is considered to be minimal as the staircase will be used solely as a means of access into the garden and the rear of the host dwelling/balcony space. Furthermore, it is considered if any overlooking were to occur from walking up the staircase this wouldn't be any more harmful than the overlooking from standing at the top of No.69's rear raised garden area and looking back towards the host property and neighbouring dwellings.
- 4.2.8 Furthermore, a proposed 1.5m high obscure balustrade screening will be installed on the side of the balcony which faces No.67. Currently, No.67 has an existing rear fully glazed conservatory with a polycarbonate roof, however members are made aware that the owners have had building regulations approval for a single storey 3m rear extension, which will feature bi-fold doors to the rear elevation and a roof lantern. The loss of a fully glazed conservatory to an extension finished in brickwork at the boundary with the application site will reduce any possible overlooking in to the rear of No.67 Manor Road. The revised positioning of the structure will also not lead to any direct overlooking into the proposed lantern roof of the new extension for the reasons stated in paragraph 4.2.5 above. The owners of No.67 have confirmed their intention to implement the construction of the rear construction within the Spring of 2023. The details of this screening will be subject to a suitably worded condition for approval.
- 4.2.9 In addition, a 1.2m high obscure screen on the rear elevation of the balcony is proposed alongside the both sides of the proposed staircase. The applicant has suggested that a natural looking composite screen for the 1.5m high screening may be used rather than obscured glazed glass, this can be adequately conditioned so that samples of the proposed materials to be used are submitted

and approved in writing by the Local Planning Authority within 3 months of the date of the decision, if members are minded to approve the application. The aforementioned screens will further mitigate any overlooking/privacy impacts towards the rears of both neighbouring properties and nearest patio areas to both No.67 and No.71. Whilst users of the balcony may see over the proposed screens when standing, when seated the screens will adequately control overlooking.

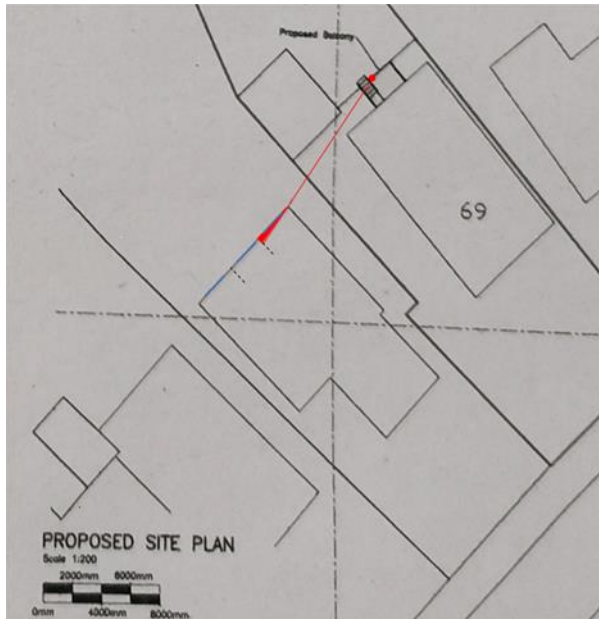
4.2.10 Whilst there is existing planting/landscaping along the boundary with No.67 these do not belong to the applicant and as such could be removed at any time. Whilst at present they do offer some screening, if these were to be removed the element of overlooking towards the garden areas would not be materially greater than the existing relationship from the first floor patio doors and the top of No.69's raised patio garden/existing summer house.

4.2.11 Casual overlooking in to the less sensitive space towards the middle and end part of the rear gardens will still be present between the application property and both neighbouring properties at No.67 and No.71, together with Nos 65 and 73 beyond. However the proposal will not exacerbate overlooking which is already present from the existing patio doors at the rear of the application site. Furthermore, overlooking between rear garden areas between the application site and Nos 65, 67, 71 and 73 is already present due to differing land levels. As demonstrated in the photographs in Sections 3.3 and 3.3.1, No.71 are able to overlook the rear gardens of No.69 and No.73 from their raised decking areas, No.69 have views in to both No.71 and No.67 from their raised terraced levels and No.67 are able to see over in to No.69's rear garden area from the middle/top of the garden. Therefore, it is considered that the introduction of a rear balcony at No.69 would not exacerbate levels of overlooking which are already predominant between neighbouring properties and the application property.

4.2.12 Further representations have been received from the owner of No.71 (see Section 10), relating to the impact towards their rear bedroom window, in terms of loss of privacy and overlooking. An extract from the objection is below where the owner illustrates the "line of sight" from the bedroom window towards the proposed balcony/staircase.

"While the practical exercise would be a better method of determination we have tried to demonstrate that it is indeed a more intrusive view from the new structure in the attached diagram. The source of the diagram is the applicants' drawings. While I appreciate that at this scale it is difficult to be 100% accurate you will note from the diagram that there is clearly an increased view into our bedroom. We feel that this alone should be enough to prevent the construction of the structure in the proposed location. You will further note that in order to be fair we have only taken the line of sight from the balcony area of the structure where a person could be stood or sat rather than from the stairs of the structure where it is likely that an individual would simply be walking or passing by.

We would ask that you fully consider this intrusion on our privacy as it is completely unacceptable for a structure to be constructed that allows a view through our bedroom window.



The comments raised are acknowledged, but members are referred to the site photographs in Section 3.3 above, (Images 8 and 19), which illustrate the views from the bedroom window to where the proposed balcony/staircase will be sited. The "line of sight" demonstrated by the owner of No.71 shows an oblique angle, where any element of overlooking into the bedroom window would not be direct, and as such any element of overlooking would not be significant to justify refusing the application.

4.2.13 Reference has been made in the objections relating to the increased area for the balcony would lead to potential noise issues arising from users of the balcony. Whilst this is acknowledged, it is considered the noise disturbance would be no greater than the use of the raised rear garden area to No.69, to justify warranting a refusal of the application.

4.2.14 On balance, whilst careful consideration has taken place taking into account the objections/concerns raised, the proposal is considered to meet the requirements of Policy 8 of the Local Plan Part 2 (2015) and Residential Design Guide SPD Policies.

4.3 Design/Visual Amenity

4.3.1 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.

4.3.2 The proposed structure will be constructed from galvanised steel and composite infill flooring will be used for the balcony/platform area this is considered to be acceptable and will provide a contemporary finish. The proposed materials to be used for the obscure balustrades will need to be submitted to the Local Planning Authority with samples of the proposed materials within 3 months of consent being granted and be installed thereafter.

- 4.3.3 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.

5.0 RECOMMENDATION

Approve subject to the following conditions:

- 5.1.1 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.

- 5.1.2 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 D, Date Received 01/12/2022.

REASON: In order to clarify the terms of this consent.

- 5.1.3 Notwithstanding the submitted details, within 3 months of the date of the decision, details of the proposed screening to the balcony area on the side elevation facing No.67 shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented and remain in perpetuity.

REASON: To safeguard the amenities of the occupants of No.67 Manor Road, in accordance with Policies 8 and 11 of the adopted Blackburn With Darwen Borough Local Plan Part 2 (December 2015), and the Residential Design Guide Supplementary Planning Document Revised Edition (September 2012), Policies RES E1 and

6 RELEVANT PLANNING HISTORY

- 6.1 10/81/0686 Detached chalet bungalow and garage – approved 18th May 1981.
- 6.2 10/18/0260 Double storey rear extension – approved 15th May 2018.
- 6.3 10/22/0885 Balcony and external staircase – approved 25th October 2022.

7 CONSULTATIONS

- 7.1 Public consultation has taken place from the 5th December 2022. The adjoining properties Nos 67 and 71 were consulted, together with the owners of No.65 who objected to the previous application 10/22/0885. A summary of the objections

received are below, and the full representations received are in Section 10 of the report.

7.2 Public Responses –

- Loss of privacy;
- Overlooking to rear elevations and rear gardens;
- The process of granting the original permission is subject to formal complaints;
- Size of balcony;
- Increase in noise due to activity on the balcony;
- Balcony erected suggests it was not an error and was a deliberate attempt by the applicants to increase its size for entertainment purposes;
- Setting a precedent;

8.0 CONTACT OFFICER: Emily Colebourne, Assistant Planning Officer

9.0 DATE PREPARED: 6th January 2023

10.0 SUMMARY OF REPRESENTATIONS

Objection – David & Alison Bent, 71 Manor Road, Darwen. Received: 12/12/2022

In response to the second recent planning application for a rear balcony to 69 Avalon, Manor Road (ref. 10/22/1138). We are confused about the reason for this application for yet another balcony at the rear of their property. The original application (ref 10/22/0885) is for a smaller balcony and this small size appears to be the main reason why this application was granted. Upon construction of the structure commencing the Planning Department noted that the balcony was incorrect and asked the applicants to build according to the planning permission. While we do not agree with the original planning decision we realise that any construction must be in accordance with that planning permission. This new application appears to be an attempt to build the balcony the applicants want (but do not have approval for) in a slightly different location.

NOTE: It should be noted that the process for granting of the original permission is subject to at least 2 complaints. Our complaint was submitted on 31st October 2022 and relates to the methodology, process and procedures used in the investigation of the planning application and is currently with the Corporate Complaints Manager. We would like to object to the granting of this new application on a number of grounds.

1. Validity of the Application: The Borough's response in relation to our, as yet unresolved, complaint (about our assertion that the original investigation/decision [ref 10/22/0885] was flawed both in the methodology of the investigation and the conclusion) stated that they had discussed with the applicants a previously granted planning permission and the fact that:

"The approved drawing APM-WRIGHT-7002 rev F, received 15th May 2018), shows that on the north-west elevation the large windows at first floor level would be fitted with juliet balcony doors. A subsequent Initial Building Control Notice for the approved works was submitted to an Approved Inspector (not the local authority) on the 4th June 2018 (ref: JHA1/266135/MA/18). According to records, the works have not been signed off as completed by the Approved Inspector. From the site inspection, it is clear that the juliet balcony doors have not yet been completed and this was indicated to the applicants"

This indicates that not only was the planning not completed as it should have been but it had not been signed off with regard to building regulations. Again according to the Borough's response, the applicants:

"confirmed they were aware of this and that the application is proposed to be amended to include the balcony and stairs whereby they will then complete all the approved works for the Approved Inspector."

While investigating the matter we discovered that the government website does discuss how a proposal that has planning permission can be amended.ⁱⁱⁱ This guidance suggests that there are 2 options to modify planning permission.

1. If it is a fundamental or substantial modification
2. If it is a non-material or minor material amendment.

It, therefore, appears that the Planning Department consider both this and the previous application as a fundamental or substantial modification as new planning permission applications were submitted. However, the original planning permission dated 15/5/2018ⁱⁱⁱ states that this planning permission relates to the

details submitted at that time (June 2018) and any subsequent amendments approved in writing by the Local Planning Authority *within 12 months of the date of that decision*^{lviii} (my italics).

There appears to be considerable confusion. Is this application also an amendment (not permitted under the original documentation)? Or is it a new application (which should require the previous work to be completed – both the conditions on the 2018 planning permission and the building regulations). Either of these options seem to mean that the application should be refused.

Enforcement of the original planning permission and building regulations should take place prior to the consideration of any further planning permission as it is surely not appropriate – or possibly even safe – to grant permission to attach a balcony structure between a garden wall and an unapproved, uninspected building. Even if safety is not considered an issue, presumably it is creating an undesirable precedent?

Furthermore, in relation to the initial paperwork submitted there are some errors. The plans reference obscure glass on one side of the structure but the section on materials in the Householder Application for Planning Permission form only clear glass is mentioned^{lv}. The form also states that there are no trees or bushes within falling distance of the proposed development.^{lvi} This is not the case. While these facts may not be significant it does indicate that the applicants should be asked to resubmit a corrected (and correct) set of documentation. The question “Has the work already been started without consent” in this document to which the applicant has replied “No” is also problematic. While we accept that the new proposed balcony is not in place, a structure of the size of the new balcony – larger than that of the approved planning permission (ref. 10/22/0885) and of the size of the current application (ref. 10/22/1138) – has been constructed and is in place in the position of the previously approved planning permission – which overlaps the new application’s location. If it is intended to use this unapproved structure as part of the new structure could this not be considered as part of the work for the proposed balcony? Again, while this, in itself, may not be a significant error in the application it is nevertheless an error. Surely this form should be completed correctly for such an application to be considered.

Overall, this form simply seems to be a rushed modification to the original application with little thought given as to how the structure varies from the approved permission. Indeed, the date is simply a hand altered change to the original application’s date. Surely the Borough should expect a completely revised (and correct) form for a completely new planning application?

2. Privacy: In our opinion the previous application severely impacted upon our privacy. It is hardly surprising, therefore, that we feel the same about this structure which is approx. 2100mm nearer to our boundary. The garage, which the planners stated impeded the applicant’s view, in relation to the original balcony, is not even between a person standing on the balcony and the rear of our patio so at least 50% of the patio is in plain view. Furthermore an individual standing on the originally proposed balcony can see considerably more than this - at least a further 25 - 40% of the patio – 75% - 90% in total. In relation to the

new planning proposal it is apparent from standing on the patio at number 71 and observing the first floor doors at number 69 that an individual standing on the proposed balcony (which is nearer to the boundary) could see almost the entirety of the patio. Additionally, it is important to realise that it is not simply privacy on the patio which is important but throughout the garden and this new proposal has a very significant impact on that.

It is noted that the new proposal includes obscured glass on the side facing number 67. While this, at first glance, appears a reasonable suggestion there are a number of factors that make this of little use in reducing the impact on neighbours' privacy.

i. The gardens of numbers 65, 67 and 71 (as well as others in the row) can be overlooked from the front of the balcony and number 71 (and others in the row) can be overlooked from the other side of the balcony. Therefore, to be of use, this 'privacy screen' should cover all three sides of the balcony.

ii. There is a significant difference between obscure glass and opaque glass. Obscure glass would be of little use and to fulfill the function of preventing overlooking another property opaque glass would require fitting.

iii. The screen is only intended to be 1.5m high. This may prevent people who are seated being able to view their neighbours' gardens (if the screen is made of opaque glass and covers all three sides of the balcony) but people who are standing will be able to see over it with ease. Therefore, to be of use a 1.8m screen would be required.

The issue relating to size (see below) also has an impact on privacy. While it is difficult to be certain without accessing our neighbours' garden it appears that from the enlarged balcony they may be able to see into our bedrooms at the rear of our property. This is clearly a very problematic issue.

3. Size: In response to our complaint concerning the granting of planning permission for the previous balcony (ref 10/22/0885) the Planning Manager continually refers to the 'modest size' of the balcony as a mitigating factor in allowing the granting of planning permission. We would suggest that this new application can no longer be considered of modest size. The balcony appears nearly twice the size of the balcony in the previous set of plans and is quite clearly large enough to accommodate 4 people and a table. The argument that the modest size of the balcony is a mitigating factor can, therefore, no longer be sustained. A good comparison would be to realise that this proposal is noticeably larger than most hotel balconies.

While we appreciate that the applicants have already started construction on a balcony larger than the original permission – and this will have put them to some expense - we would contest that they should not simply be allowed to move the structure to another location based on their error.

4. Balance of Need: In many cases it is accepted that a planning application may have detrimental impact on people other than the applicants but it is granted based on the reason for the application. For example, an external structure may be required for disabled access which neighbours may object to but the needs of the applicants may be considered to outweigh those of the objectors.

There could be a number of reasons for an application for an outside balcony overlooking neighbours' gardens. These could be - access to outside for someone with mobility issues; a route into the building for someone who would not otherwise be able to reach the first floor of the building; to allow the occupiers seating outside because they have no external seating areas. In this case none of these apply. The balcony has stairs so there is no accessibility benefit. The occupiers can easily access outdoors without the balcony. The garden has plenty of pleasant accessible seating. The only apparent reason for the balcony is to enhance the value of the property. While this is an acceptable reason for a balcony it does not appear, to us, to be reason enough to impinge on neighbours' privacy.

Additionally, it should be remembered that the applicants actually *have* planning permission for a balcony (which we strongly oppose) already, why do they need this balcony instead?

5. Neighbourhood Opinion: In response to the original application for a balcony the overwhelming majority of householders on the stretch of Manor Road where the balcony is due to be constructed (Inverness Road to Westland Avenue) signed a petition opposing the construction of a balcony in the area, both because of the intrusion into others' privacy and the fact that such structures are out of keeping with the residential and low rise nature of the buildings in the area.

A copy of this has already been provided to the Planning Department.

As noted above there appears to be no reason for this application for yet another balcony. It appears that there can only be two explanations for the application - either gain a larger balcony or to correct an error in the initial application process. In conclusion, based on all of the above reasons we strongly object to the proposed planning permission being granted.

Additionally could you please note that we have not as yet received the notification letter for this application, possibly due to seasonal post issues. Could we please ask that in addition to postal notifications could any further correspondence be duplicated to this email address.

2nd Objection – Mr & Mrs Bent, 71 Manor Road, Darwen. Received: 03/01/2023

Following your site visit we felt that the issue of a person on the proposed balcony seeing into our bedroom had not been fully resolved. This is especially the case as we did not carry out my suggested practical exercise and Richard did comment that, "it was a close one."

We all accepted it is currently possible to see into our bedroom from the current structure albeit only slightly. Additionally we feel that a more significant view is possible from the proposed structure.

While the practical exercise would be a better method of determination we have tried to demonstrate that it is indeed a more intrusive view from the new structure in the attached diagram. The source of the diagram is the applicants' drawings. While I appreciate that at this scale it is difficult to be 100% accurate you will note from the diagram that there is clearly an increased view into our bedroom. We feel that this alone should be enough to prevent the construction of the

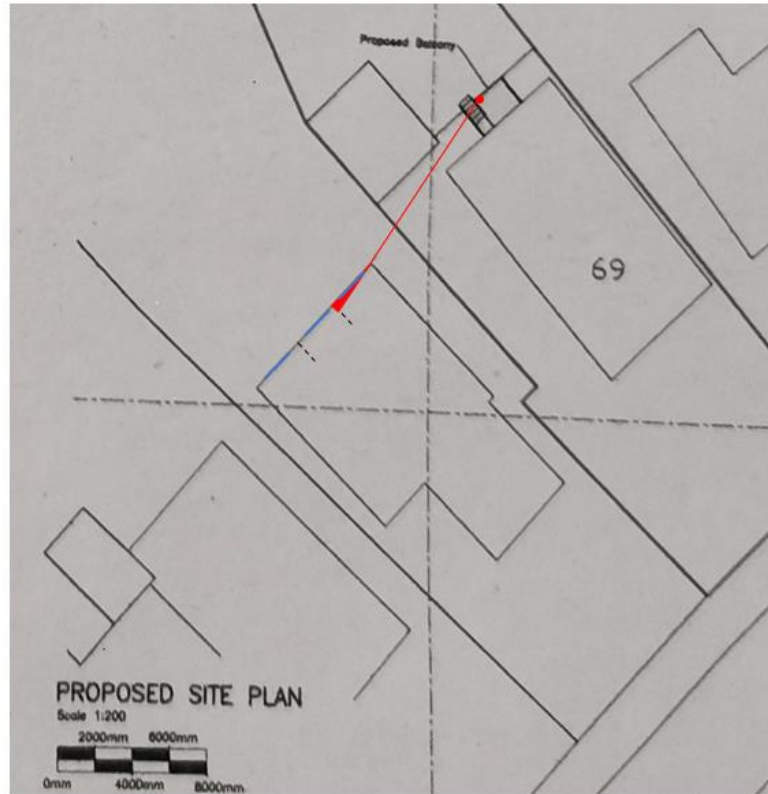
structure in the proposed location. You will further note that in order to be fair we have only taken the line of sight from the balcony area of the structure where a person could be stood or sat rather than from the stairs of the structure where it is likely that an individual would simply be walking or passing by.

We would ask that you fully consider this intrusion on our privacy as it is completely unacceptable for a structure to be constructed that allows a view through our bedroom window.

Line of Sight Diagram

**Proposed Balcony into
bedroom at number 71.**

|



1/1/2023

Objection – Peter Bentley, 77 Manor Road, Darwen. Received: 19/12/2022

Privacy issue 69 manor road Darwen bb3 2sn, neighbours not consulted regarding proposed balcony overlooking their gardens

Objection – Mr A Rigby, Claireville, 73 Manor Road, Darwen. Received: 21/12/2022

I write to object to the construction of a balcony at the rear of 69 Manor Road, Darwen. Planning Reference Number 10/22/1138. I object on the grounds of intrusion into my privacy both by overlooking my garden and any additional noise it may cause. A balcony is also not in keeping with the area.

Objection – Marina & Brad Nixon, Moor Park, 67 Manor Road, Darwen. Received: 22/12/2022

We would like to submit an objection for the above planning application for the following reasons outlined below. It should be noted that we submitted a complaint regarding the approval process and outcome for the first planning application submitted by 69 Manor Road for a similar entertainment area and steps (10/22/0885). This is ongoing and is currently being investigated by a complaints manager at stage 2 of the Council's complaint process.

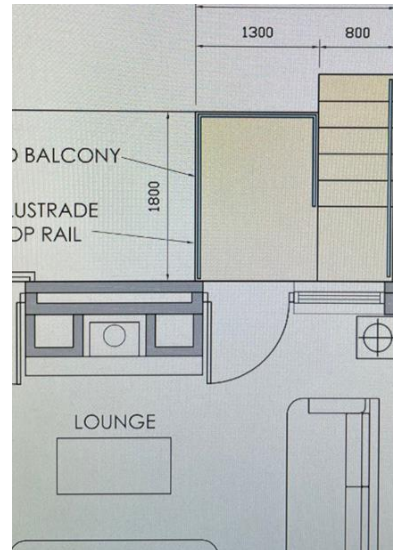
- The new planning application is for a staircase and balcony of increased size to the one originally approved by the Council. The previously approved entertainment area was 1300mm wide and the current proposed entertainment area is 2100mm wide, an increase of 800mm. The Council's main justification for approving the original structure was the limited potential impact due to the entertainment areas 'modest' size. We refer you to Mr Prescott's response to our stage 1 complaint below. The proposed structure at 2100mm cannot be considered 'modest' in size and would therefore have an increased impact on our privacy.

*With regards to the current approved application for the rear balcony / staircase, it was acknowledged that objections were raised from you regarding overlooking impacts from the balcony area onto your garden area. However, given **the modest size of the balcony**, it is considered the view from the balcony would be no greater than that gained from the existing first floor windows. **The proposed balcony is modest in size** and has limited potential impact*

*Whilst the installation of the balcony could introduce the perception of overlooking and the potential for external activity in an elevated position relative to the level of the neighbouring garden areas, the **modest size of the balcony**, together with the limited overlooking being restricted to the less sensitive space towards the middle and bottom areas of the garden is considered to lead to a satisfactory level of amenity towards the occupants of No.67,*

*It is considered that the impact from the **modest sized balcony**, which **has limited seating space**, would not be materially greater and as such, these would not alter the assessment or recommendation made for the reasons given.*

- The current structure has not been built to size; the entertainment area is approximately 2100mm wide as opposed to the approved 1300mm. This can be clearly seen from the photo and plans below. The fact that it has not been rebuilt to the approved size by the contractors and a further planning application has been made to keep the enlarged entertainment area, suggests it was not an error and was a deliberate attempt by Mr & Mrs Wright to increase its size for entertainment purposes.



- The approved entertainment area of 1300mm was considered by Mr Prescott to have limited seating space and therefore limited impact to privacy. We refer you to his response to our stage 1 complaint above. We are disputing this reason for justification through the complaints process; however, the proposed entertainment area of 2100mm would have significantly increased seating space and therefore significantly increased impact on our privacy.
- The enlarged entertainment area which would accommodate several people will result in increased noise levels and disturbance. Our son's bedroom is located at the back of the bungalow and there is no protection from fencing or hedging which acts as a barrier for sound travelling when socialising in gardens.
- We submitted objections for the approved structure based on the impact to our privacy. We feel the enlarged structure in the proposed position will still allow substantial overlooking of our property and that this is due to several reasons:
 - No 69 is a two-storey house and we are a bungalow, anyone stood on the structure is significantly higher than our roof line and can look down on and back into our property as seen in the included photo
 - This is further impacted by the extremely high pitch roof of No.69 which does not act as a barrier, as seen in the included photo
 - We have approval to replace the conservatory with a brick extension and glass lantern roof (work commencing early 2023). Anyone stood on the structure will be able to look back and down into our living space, as seen in the included photo taken from the current structure. This impact is unlikely to be reduced significantly by relocating the structure to a more central position due to their high-pitched roof
 - The included photos show that they will still be able to look across to our patio/seating area closest to our bungalow regardless of where the elevated entertainment is located. The Council have advised in their planning report that this is the area they look to protect.
 - Anyone stood on the balcony has full view of our top and bottom patios and will be able to look back into our current conservatory

- We also have concerns that there is a possibility of being able to see into our son's bedroom
- Privacy screens should be 1.8m. The one included in the plans on our side of the structure is only 1.5m and would still allow overlooking when stood up. The overlooking from the front of the structure into our garden and into No.71 would still be an issue
- The proposed material for the screen is obscured glass. To protect the privacy of No. 67 and 71 all glass panels should be 1.8m frosted privacy glass



- The structure is not in keeping with the style of properties on Manor Road. Those near number 69 are bungalows built from 1930 to 1960.
- The residents of Manor Road, 26 in total, have signed a petition against the approval of balconies in the area in relation to privacy concerns and unwanted over engineered structures which are not in keeping with the other properties in the area.
- The property (No. 69) has never been signed off by building regulations as being compliant despite being built in 2019. The Council have therefore approved plans to erect a structure supported by a building and a raised patio which is not known to be building compliant. Proposed plans to erect an even larger structure which accommodates several people are now being considered. We would assume that there are health and safety implications to this.
- The residents of 69 Manor Road have a substantial rear garden with 3 patio areas and a summer house where they can sit out. The inclusion of a large entertainment area in the structure is not needed and has no relevance to rear access. The cons for the approval of this structure such as privacy and noise issues far outweigh the pros, as the only reason for approval would be to increase the value of their property.
- One of Mr Prescott's reasons for approving the original structure was that the view from the entertainment area would be no greater than that gained from the existing first floor windows. We refer you to his response to our stage one complaint below. This is factually incorrect and should not be used as justification for approving the second structure. When looking through a window/door you have a restricted view and can only look ahead and not back. When stood on an elevated platform 1.8 metres from the building you have a 360-

degree view and can look back. In addition, it is unlikely that someone would stand at their window for a considerable length of time, they will however sit on their entertainment area for a considerable length of time. Therefore, the two views are not comparable.

It was acknowledged that objections were raised from you regarding overlooking impacts from the balcony area onto your garden area. However, given the modest size of the balcony, it is considered the view from the balcony would be no greater than that gained from the existing first floor windows.

Objection – Ruth Hewitt Corina, 65 Manor Road, Darwen. Received: 26/12/2022

I would like to submit an objection to the planning application reference **10/22/1138** submitted by my neighbours at Avalon, 69 Manor Road, Darwen, BB3 2SN.

The reason I object to this planning application is for two reasons:

1) Invasion of privacy for multiple properties on Manor Road. The balcony quite clearly severely invades the privacy of number 67 & 71 Manor Road as well as my own property (no 65). The platform for the original balcony has been erected and the base of this platform is on line with the top of the garden fences of my neighbour (no 67) which gives generous height enabling the occupants of number 69 to easily look into my private patio area at the base of my garden and allows them to easily look into my property at the rear. This makes us as a family with two small children feel very uncomfortable.

2) Increase in noise. This is a very serious environmental concern. The planning application is for a generously sized balcony that can comfortably facilitate an entertainment space for up to 6 people. The previous application was 'apparently' approved because of its modest size, this application is not modest in size. My husband is a police officer and I'm an advanced nurse which means we work shifts (days & nights), these shifts are long hours and this entertainment space would create travelling noise that would greatly impact on us. I'm sure I can speak for everyone on Manor Road when I say that the reason people buy on this road is for the privacy (front & rear) and the peace & quiet.

Further to my objection, the surrounding properties to number 69 are all bungalows therefore erecting a platform that allows for panoramic views is very invasive and quite frankly given the size of the rear gardens more of a luxury than a necessity. By approving this application you are putting the luxury requests of one household over the concerns of lack of privacy and noise to the rest of the surrounding properties (multiple households and families).

There has never been an objection for the occupants of number 69 to erect a staircase to allow them access to the rear of their property, BUT a balcony is just unnecessary and quite frankly unfair for everyone else. It was the choice of number 69 to design their house upside down, the precious property was not like that, it was reconfigured when they rebuilt the property. As I'm sure you're aware a previous application for a balcony was submitted by number 69 a few years ago and was rejected, why is it now approved? What's changed? Privacy was and is still an issue.

The occupants at number 69 designed and built the current balcony (which is much larger) against the original approved plans therefore building has been ceased. The fact that they had the audacity to do this is outrageous given how much upset they are causing the whole of Manor Road. And to then apply for a larger balcony is just unbelievable and to be honest very selfish. They have zero consideration for their neighbours. I'm sure you're aware of the petition from the street and I hope the council can empathise and come to the right decision.

Can I also highlight that we did not receive any form of correspondence from the planning department when the original application went in, nor were there any notices in the surrounding areas. It was by chance that we became aware of the application. I also submitted an objection to the original balcony application and did not receive an email/letter explaining the reasons for approval.

Objection – Claire Tattersall, 1 Granville Road, Darwen. Received: 28/12/2022

I email to object to the proposed planning application for a rear balcony at 69 Manor Road - ref **10/22/1138**

The reason for objection is as follows: The development will result in a loss of privacy of amenity to the adjoining properties by clearly overlooking garden and patio areas, also with an ability to see into the rear of the properties.

Objection – Mr & Mrs P Tattersall, 99 Manor Road, Darwen. Received: 28/12/2022

As long term residents of Manor Road, we appreciate that as new residents move in to the various properties, changes are inevitable. I'm sure we all welcome the updating, improvements and modernising of said properties. However, not to the detriment of our neighbours. This area is fast becoming a more family orientated area and as such this proposed 'altered enlarged' balcony application would seem to encroach on the privacy of a few neighbouring properties. If this application were to be approved, where would it stop? Does this property really need / require / benefit from this proposed extra outside living-entertaining space? The property has adequate outside garden/patio space, which I believe has recently been redeveloped.

Although this application does not impede us directly we feel we need to note our objection, in case of any similar future potential applications.

As previously stated above improvements etc are welcomed ... but surely to be in keeping with the area ... and to respect the privacy of those around.

Please consider that the applicants did not adhere to the permission granted on the original design/application they made.

Thank you for taking the time to read this.

APPENDIX A:

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.

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

DEPARTMENT OF GROWTH & DEVELOPMENT

ORIGINATING SECTION: Planning

REPORT TO: Planning & Highways Committee

**TITLE: Petition objecting to an application for full planning permission for the following development:
'Change of use from (C3) Residential to Coffee Shop (Class E (b)) including the insertion of a new shop front' at 117 Whalley Range, Blackburn, BB1 6EE' – Ref. 10/22/1070**

WARD: Bastwell & Daisyfield

**Councillor: Parwaiz Akhtar
Councillor: Iftakhar Hussain
Councillor: Shaukat Hussain**

1.0 PURPOSE OF REPORT

- 1.1 To inform Members of the receipt of a petition objecting to a current planning application (ref. 10/22/1070) relating to a proposed change of use from a residential dwelling (Use Class C3) to a coffee shop (E, (b)) with the installation of a new shop front. The application premises is 117 Whalley Range, Blackburn, BB1 6EE.
- 1.2 The application is submitted by AA Properties (Blackburn) Ltd.

2.0 BACKGROUND AND DETAILS

- 2.1 The planning application – reference 10/22/1070 – was received by the Local Planning Authority (LPA) on 11th November 2022, and was subsequently registered on 6th December 2022, after previously being made invalid due to an incorrect location plan being submitted. 10 neighbourhood letters of consultation were sent out on the date of registration to local addresses near the application site. The statutory 21 day consultation period expired 29th December 2022.
- 2.2 The Petition was received by the LPA on 27th December 2022. The Petition objects to the application on the grounds of loss of amenity, odour, sound nuisance, parking issues and the principle of the development in which there are a number of vacant properties available for rent within walking distance of less than 50m.
- 2.3 The petition contains 23 signatures, directly from nearby addresses on Whalley Range and Snow Street. The petition is appended to this report.

2.4 Members are advised that assessment of the planning application is ongoing and that all material issues that must be considered in the decision making process will be addressed. Should the application be recommended for approval, it will be reported to the Planning and Highways Committee for determination. Alternatively, the application may be refused under delegated officer powers. The statutory 8 week determination date expires 31st January 2022.

3.0 **RECOMMENDATION**

3.1 That the Petition be noted by Members and that the lead petitioner be informed of any decision taken, including the outcome of the application.

4.0 **BACKGROUND PAPERS**

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

4.2 Planning application 10/22/1070.

5.0 **CONTACT OFFICER:** Jamie Edwards, Planning Officer, Development Management.

6.0 **DATE PREPARED:** 3rd January 2022.

PETITION

We the undersigned Residents strongly object to the Planning Application at 117 Whalley Range, Blackburn.

(10/22/1070), Change of use from (C3) Residential to Coffee Shop (Class E) (b), Including the insertion of a new shop front, on the grounds of:

LOSS OF AMENITY, ODOUR, SOUND NUISANCE, & SEVERE PARKING ISSUES, AND AGAINST POLICIES:

10, 11, AND POLICY 32 WHERE THERE ARE A NUMBER OF VACANT PROPERTIES AVAILABLE FOR RENT WITHIN WALKING DISTANCE OF LESS THAN 50m.

ADDRESS	NAME	SIGNATURE
109 WHALLEY RANGE		
105 WHALLEY RANGE		
115 Whalley Range.		
103 Whalley Range		
141 WHALLEY RANGE		
145 WHALLEY RANGE		
149 Whalley Range		
148 Whalley Range		
146 WHALLEY RANGE		
144 Whalley Range		
140 Whalley Range		
2 SNOW ST		

PETITION

We the undersigned Residents strongly object to the Planning Application at 117 Whalley Range, Blackburn.

(10/22/1070), Change of use from (C3) Residential to Coffee Shop (Class E) (b), Including the insertion of a new shop front, on the grounds of:

LOSS OF AMENITY, ODOUR, SOUND NUISANCE, & SEVERE PARKING ISSUES, AND AGAINST POLICIES:

10, 11, AND POLICY 32 WHERE THERE ARE A NUMBER OF VACANT PROPERTIES AVAILABLE FOR RENT WITHIN WALKING DISTANCE OF LESS THAN 50m.

ADDRESS	NAME	SIGNATURE
4 Snow Street Blackburn BB16EH		
6 Snow St Blackburn BB16EH		
12 SNOW ST BLACKBURN.		
16 SNOW ST		
14 Snow Street		
20 SNOW		
18 SNOW ST		
125 WHALLY Range		
150 WHALLY Range		
127 WHALLY RANGE		
113 WHALLY RANGE		