

# Public Document Pack

## Planning and Highways Committee

Thursday, 19th October, 2023

6.30 pm

Meeting Room A, Blackburn Town Hall

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### AGENDA

- |     |  |              |
|-----|--|--------------|
| 1.  | <b>Welcome and Apologies</b>   |              |
| 2.  | <b>Minutes of the Previous Meeting</b>   |              |
|     | Minutes of Previous Meeting  | 3 - 6        |
| 3.  | <b>Declaration of Interest</b>   |              |
|     | Declaration of Interest Form   | 7            |
|     | <b>Material Consideration</b>  | 8 - 9        |
| 4.  | <b>Committee Agenda</b>  |              |
|     | Agenda   | 10 - 11      |
| 4.1 | <b>Planning Application 10/22/0223</b>   |              |
|     | Land at Borrowdale Avenue, Blackburn   | 12 - 48      |
| 4.2 | <b>Planning Application 10/23/0538</b>   |              |
|     | Units 7 and 7a Brookhouse Business Centre, Whalley Range, Blackburn                | 49 - 63      |
| 4.3 | <b>Planning Application 10/23/0598</b>   |              |
|     | 49 Market Street, Darwen   | 64 - 71      |
| 4.4 | <b>Planning Application 10/23/0616</b>   |              |
|     | Land Bounded by Haslingden Road and Fishmoor Reservoir, Haslingden Road, Blackburn | 72 - 122     |
| 4.5 | <b>Planning Application 10/23/0640</b>   |              |
|     | Land to rear of 136 to 142 Sandy Lane, Lower Darwen                                | 123 -<br>141 |

5. **Petition supporting an application for a Section 73 application for the following development: 'Removal of condition No.6 pursuant to planning application 10/21/0628 'Retrospective planning application for two storey detached Islamic Education Centre' – Ref: 10/23/0482, at New Mosque Building Land at rear of Whitehead Street & Foxhouse Street Blackburn**

To inform Members of the receipt of a petition supporting a current Section 73 application relating to the removal of condition No.6 - "There shall be no external amplified call to prayer from the premises". pursuant to planning application 10/21/0628 'Retrospective planning application for two storey detached Islamic Education Centre' The application premises is the New Mosque Building, Land at rear of Whitehead Street & Foxhouse Street, Blackburn

The application is submitted by The Committee Secretary.

**Petition**

**142 -  
149**

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

6. **Enforcement**

**ENFORCEMENT – Masjid E Zainabia and Imambargah,  
Logwood Street, Blackburn, BB1 9TU  
Location Map.pdf  
Image of site.jpg  
Image of internal inspection.jpg  
Image of car parts.jpg**

**150 -  
156**

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

## PLANNING AND HIGHWAYS COMMITTEE

Thursday, 14 September 2023

**PRESENT** – Councillors, David Smith (Chair), Casey, Khan, Marrow, Baldwin, Desai, Imtiaz, Mahmood, McCaughran, Jackson, Patel, Khonat and Hardman (substitute for Slater).

**OFFICERS** – Nick Blackledge, Saf Alam, Rabia Saghir and Shannon Gardiner

### RESOLUTIONS

**25     Welcome and Apologies**

The Chair welcomed everyone to the meeting.

Apologies were received from Cllr Jacquie Slater and was substituted by Cllr Derek Hardman.

**26     Minutes of the Previous Meeting**

**RESOLVED** – That the minutes of the previous meeting held on 17<sup>th</sup> August 2023 be agreed and signed as a correct record.

**27     Declaration of Interest**

**RESOLVED** – There were no declarations of interest received.

**28     Planning Application for Determination**

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

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

**28.1   Planning Application 10-23-0497**

*Speaker* – Richard Maudsley (Agent)

**Applicant** – Mr H and P Gregson

**Location and Proposed Development** – Land at Hollin Bridge Street, Hollin Bridge Street, Blackburn, BB2 4AY.

Proposed construction of an industrial unit (B2/B8 use) with associated office space.

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

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

**28.2 Planning Application 10-23-0564**

*Speaker – Jody Harrison (Objector)*

**Applicant – Mr Graham Prescott**

**Location and Proposed Development –** Ryal Fold Barn, Tockholes, BB3 0PB

Change of use of land to include in residential garden (Use Class C3) and erection of a double storey side extension to form annex.

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

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

**28.3 Planning Application 10-23-0629**

**Applicant – Longshaw Infants School**

**Location and Proposed Development –** Longshaw Infants School, Crosby Road, Blackburn, BB2 3NF.

Variation/Removal of Condition/Minor Material Amendment for Variation of Conditions 2 (approved drawings), 8 (parking), 20 (EV charging) and removal of conditions 7 (site access) and 9 (closure of existing access) pursuant to application 10/21/1202 "Erection of single storey nursery building" - Reduction in height of building, replace side bi-fold door with a window, install cowls to roof, formation of new play area, parking layout changes and erection of decking / ramped access to rear and side elevations

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

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

**29 Definitive Map Modification Order for Public Footpath 253 Darwen**

A report was submitted to seek approval from the committee for a Definitive Map Modification Order (DMMO) for Public Footpath 253, Darwen.

In 2021 the council had a Stage 1 complaint regarding public rights of way and planning issues around developments along Commercial Road, Darwen.

The complaint centred round whether the route of Public Footpath 253 Darwen had been considered fully whilst granting planning permission for certain of the developments. In addition the actual route of the public right of way shown on the Definitive Map and other contemporary documents was brought into question.



There were two versions of the definitive map sheet for this area, both maps showed FP 253 Darwen along the same general route but poor draughtsmanship on one of the copies appeared to show the route encroaching into the curtilage of the Anchor Bank property. The OS base plan of this copy also showed a footpath along the eventual line of Commercial Road rather than on the definitive line of the footpath along the western side of the boundary wall of Darwen Sewage Treatment Works. These discrepancies formed the basis for much of the Stage 1 complaint.

In addition to the above, FP 253 Darwen has been the subject of two diversion orders over the years; one in the late 90's to accommodate the building of the M65 and one in 2006 for security reasons at Crown Paints.

A DMMO was required to consolidate these diversions into the Definitive Map and Statement and to provide clarity of the records going forward.

A detailed report with the necessary information was included to assist the Members in making their decision.

**RESOLVED** - That the committee Promote the Order and authorise the Director of Legal & Governance to progress the legal order.

### **30 Diversion of Public Footpaths 80, 51 & 52 Blackburn**

A report was submitted to seek approval from the committee for a public path order under the Town & Country Planning Act 1990, Section 257 to divert Public Footpaths 80, 51 & 52 Blackburn.

On the 27th May 2022, the Council granted planning permission for the construction of a new 120,000 sq ft B2 / B8 warehouse unit with associated external works, car parking and service yards; construction of new dock leveller extension bays to existing warehouse building; change of use of existing 10,550 sq ft production building to form retail unit; construction of access road; and reconfiguration of existing access road on land to South East Lower Philips Road Whitebirk Industrial Estate Blackburn BB1 5UD. (Application 10/21/1345)

Three Public Footpaths were affected by the proposals and in order that the development can be implemented as per the planning approval, it is necessary that they are diverted. In this respect, early in the planning process, 7th December 2018, the Council received an application from the developer to divert the footpaths affected.

The council's public rights of way team have subsequently worked with the developer as to how to best incorporate the necessary diversions within his proposals.

**RESOLVED** – That the committee Promote the Order and authorise the Director of Legal & governance to progress the legal order.

### **31 Enforcement**

A report was submitted to obtain authorisation for enforcement action against all persons having an interest in the land at the former Hob Lane Farm, 475 Blackburn Road, Turton.

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

**RESOLVED** – Authorisation was granted for the enforcement to be undertaken.

Signed: .....

Date: .....

Chair of the meeting  
at which the minutes were confirmed

## DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

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

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

MEETING: **PLANNING AND HIGHWAYS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

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

## Material Consideration

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

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

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

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

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

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

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

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

Protocol 1 of Article 1, and Article 8 confer(s) a right of respect for a person's private and family life, their possessions, home, other land; and business assets. Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their representation, and comments,

In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Head of 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 AND DEPUTY CHIEF EXECUTIVE

#### 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: 19/10/2023

Application No	Applicant	Site Address	Ward
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Application Type
10/22/0223
Cawder Construction Mr Tony Coupe Cawder House Langroyd Road Colne BB8 7AN Full Planning Application for Erection of 13 no. bungalows

**RECOMMENDATION: Permits**

10/23/0538
Divine Patisseries Ltd Units 7 and 7A Brookhouse Business Centre Whalley Range Blackburn BB1 6BB Full Planning Application for Proposed single storey side extension to replace part of previously approved decking area

**RECOMMENDATION: Permits**

10/23/0598
Blackburn With Darwen Borough Council Ms Vanessa Case 5th Floor 10 Duke Street Blackburn BB2 1DH Full Planning Application (Regulation 3) for Replacement shop front from wooden to aluminium with aluminium door

**RECOMMENDATION: Permits**

Application No	Applicant	Site Address	Ward
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Application Type

10/23/0616

Keepmoat Homes Aviation House No 2 Windward Drive Estuary Park, Speke Liverpool L24 8QR	Land Bounded by Haslingden Road and Fishmoor Reservoir Haslingden Road Blackburn	Blackburn South East
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Full Planning Application for Construction of residential development comprising the erection of 168 dwellings and 37 apartments together with access roads and landscape treatment

**RECOMMENDATION: Permits**

10/23/0640

Mr Michael Young Land to rear of 136 to 142 Sandy Lane, Lower Darwen BB3 0PN	Land to rear of 136 to 142 Sandy Lane, Lower Darwen BB3 0PN	Blackburn South & Lower Darwen
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Full Planning Application for Construction of two bedroom bungalow with associated drive and fencing

**RECOMMENDATION: Permits**

## REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/0223

**Proposed Development: Erection of 13 no. bungalows**

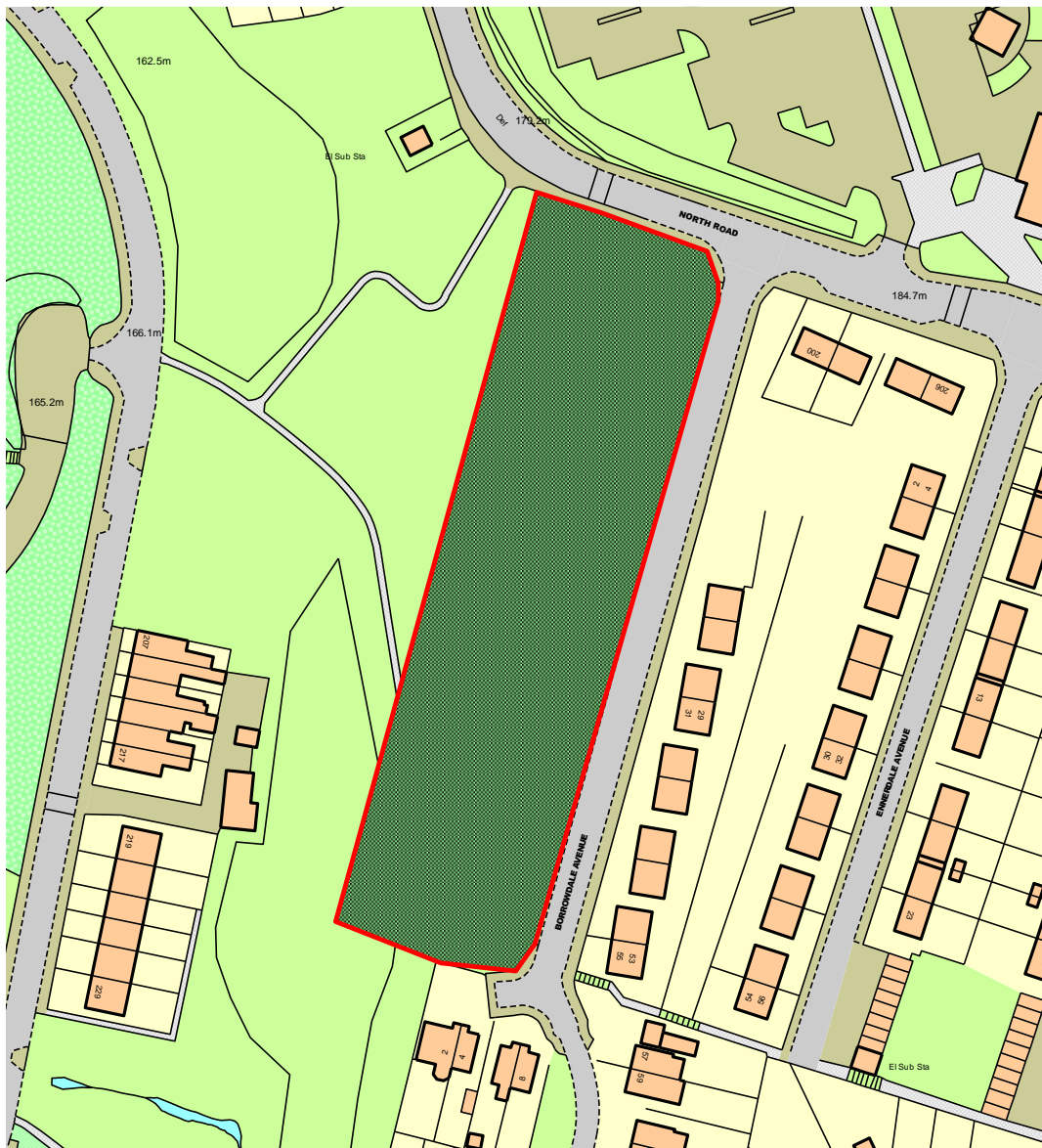
**Site Address: Land at Borrowdale Avenue, Blackburn, BB1 1PZ**

**Applicant: Cawder Construction**

**Wards: Audley & Queens Park  
Blackburn South East**

**Councillor Altaf Patel  
Councillor Ehsan Raja  
Councillor Salim Sidat MBE  
Councillor Tony Humphrys  
Councillor Vicky McGurk  
Councillor Jim Shorrock**

## SUPPLEMENTAL REPORT





## **1.0 SUMMARY OF RECOMMENDATION**

1.1 The proposed development is recommended to be granted planning permission, subject to the conditions detailed in Section 5.

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

2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's Constitution, and given that the site is within Council ownership. A number of public objections were also received for the application last year. The objections raised principally concern losses of public open space, the potential for residential amenity impacts to occur and existing problems regarding local congestion. Concerns in the way of the house types proposed, surface water flooding, potential impacts on wildlife and ground contamination have also been cited in the comments made.

2.2 This is a supplemental report covering amended drainage matters and revisions to a number of previously recommended conditions. The application was presented to the Planning and Highways Committee in May 2022 with a recommendation to approve. This report should be read in conjunction with the previous committee report (attached as Appendix 1).

2.3 The proposed development has been publicised through letters to residents and occupants of the nearest 56 adjacent properties, on 16<sup>th</sup> March 2022. A site notice was also displayed outside of the site, on 11<sup>th</sup> April 2022.

2.4 The Council's development plan supports new residential development and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.

2.5 The proposals would deliver 13 two-bedroom bungalows within a sustainable location for new housing development. Vehicle access would be gained directly from Borrowdale Avenue with double driveways and garden areas allocated for each dwelling. Land to the west of the dwellings would also remain undeveloped and retained as public open space.

2.6 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed during the course of the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.

2.7 The key issues to be addressed in determining this application are;

- Establishing the principle of development
- Assessing impacts on the Green Infrastructure allocation
- Ensuring the design, layout and appearance of the dwellings is acceptable
- Safeguarded the residential amenities of the immediate neighbours
- Ensuring adverse impacts on the local highway network are avoided
- Ensuring adequate parking provision is made
- Finalising the drainage systems to be installed

- Assessing the potential for ground instabilities and contamination
- Ensuring ecological net gains are provided on site
- Minimising the impacts of the development on air quality
- Ensuring land contamination does not pose a risk to site users

### **3.0 RATIONALE**

#### **3.1 Site and Surroundings**

3.1.1 The application site is a plot of undeveloped land located within the defined urban boundary of Blackburn and the Queen's Park area Green Infrastructure allocation. The wider site covers circa an area of circa 2 acres with less than half of the land area proposed for development. Grass currently covers the site and it is interspersed with a small number of amenity trees. A footpath currently spans the south portion, which connects Borrowdale Avenue with Queens Road to the west, and beyond.

3.1.2 Relatively modern two-storey dwellings are positioned immediately to the south and east with dwellings of varying styles positioned further afield on Queens Road. More of the Green Infrastructure allocation is positioned immediately to the west with North Road defining the north boundary. A college is positioned beyond to the north.

#### **3.2 Proposed Development**

3.2.1 As detailed above, this planning application involves the erection of 13 two-bedroom dwellings. The dwellings would be affordable bungalows and the supporting information states that the accommodation will be provisioned for older people. Each dwelling would be afforded a double driveway, garden areas to the front and rear and bin storage areas at the top of the driveway, as shown below in Figure Three.

3.2.2 Each dwelling would have a footprint of circa 76 square meters and dual-pitched roofs up to 4.5m in height. The properties would have one double bedroom and one single bedroom together with kitchen areas, living areas and a wet room/shower room.

3.2.3 The dwellings would be constructed in a modern style with a varied palette of materials applied to their elevations. Bricks would be externally applied alongside white and grey painted render. Dark grey interlocking tiles would be used as the roofing materials. Any doors and windows installed would have white uPVC frames. Tarmac would be used to surface the proposed driveways with dark grey concrete paving slabs used for the footways.

#### **3.3 Amendments Overview**

3.3.1 The proposed amendments relate to the drainage matters alone. Any foul waters would be drained directly into the combined sewer with a new connection installed adjacent to Plot 1. Surface waters would be drained with

the use of a SuDS scheme. The scheme would comprise of combination of measures to reduce the flow of surface waters and attenuate it within the site.

Figure One – Proposed Surface Water Drainage Scheme



3.3.2 Roadside gullies would be used to drain some surface waters. The remainder would flow into a sequence of three bioswales to the rear of Plots 6-12, which would use reed beds to filter out contaminants. Any excess waters would then drain into an attenuation tank to the rear of Plot 3, which would be used to reduce the flow of surface waters entering the combined sewer at a rate no higher than 5 litres per second, as per the standard greenfield runoff rate.

3.4 Case Officer Site Photos



### 3.5 Development Plan

#### 3.5.1 Core Strategy Part 1 (2011):

- Policy CS5: Locations for New Housing
- Policy CS7: Types of Housing
- Policy CS8: Affordable Housing Requirements

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

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 12: Developer Contributions
- Policy 18: Housing Mix
- Policy 36: Climate Change
- Policy 38: Green Infrastructure
- Policy 40: Integrating Green Infrastructure with New Developments

#### 3.5.3 Residential Design Guide Supplementary Planning Document (SPD) (2012)

#### 3.5.4 Blackburn with Darwen Parking Standards (2014)

## 4.0 **SUPPLEMENTAL ASSESSMENT**

### 4.1 Drainage Assessments

4.1.1 The submitted information clarifies that surface waters would be drained with the use of a Sustainable Drainage System (SuDS). Policy 9 states that development will be permitted where, following implementation of any required mitigation, there is no unacceptable impact on environmental assets or interests, including flood risk. Furthermore, development with the potential to create significant amounts of new surface water runoff will be expected to consider and implement, where required, SuDS, or other options for the management of the surface water at source.

4.1.2 A Design Review of the drainage system to be installed now supports the application, which is supported by a series of technical plans. Both BwD Drainage and United Utilities have reviewed the submitted information. No objections have been raised and they are satisfied that their previously raised concerns have been addressed. United Utilities have advised a condition to ensure the development is drained in accordance with the submitted details, which is recommended to be added as replacement for Condition 12.

4.1.3 Both BwD Drainage and United Utilities have advised a condition should be imposed regarding the submission of a management and maintenance scheme

for the surface water drainage infrastructure to be installed. Such measures are briefly covered as part of the submitted Design Review yet further clarity is required for a number of matters. Therefore, it is recommended that Condition 13 is retained to control those details. Subject to compliance with those conditions, the proposed development would be acceptable with reference to drainage assessments, in accordance with the relevant requirements of Policy 9.

#### 4.2 Wider Considerations

4.2.1 Condition 17 was imposed on the previous consent regarding the installation of air quality mitigation measures in the form of electric vehicle charging points and low emission gas boilers. However, given recent legislative changes that effect all newbuild properties, there is no requirement to impose such a condition as those matters are now controlled at the Building Regulations stage for this type of development.

#### 4.3 Summary

4.3.1 This application involves the erection of 13 two-bedroom affordable bungalows with associated parking and garden areas. This report is a supplemental to the report that was presented to Planning and Highways Committee in May 2022. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.5.

4.3.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in principle and in terms of GI, design and visual amenity, residential amenity, highways and parking, flooding and drainage, land stability and contamination, and climate change and air quality.

4.3.3 The proposed development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

#### 5.0 **RECOMMENDATION:**

**Delegated authority is given to the Strategic Director of Growth and Development and Deputy Chief Executive to approve planning permission, subject to an agreement under Section 111 of the Local Government Act 1972, relating to the payment of £18,000. The following conditions are also recommended.**

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 consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (L00 01), L(1-) 01, L(1-) 02, L(2-) 01, L(2-) 02, L(2-) 03, 2B3P, 4476-MP-XX-ZZ-DR-S-0123-S2-P02, 4476-MP-XX-ZZ-DR-S-0128-S2-P02, 4476-MP-XX-XX-DR-S-0125-S2-P02 and 4476-MP-XX-XX-DR-S-0125-S2-P02 (2).

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

- 5.3 No development 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;
  - b) Details indicating the location, arrangement, species, sizes, specifications, numbers, and planting densities of all new planting;
  - c) Details of ecological enhancement measures;
  - d) Details confirming the types and extents of any areas of hardstanding to be applied, and;
  - e) Details confirming the heights, types, and positions of any new boundary treatments, including fencing and gates;

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 the development is adequately landscaped so as to positively integrate with its surroundings and provide ecological enhancement measures, in the interests of visual amenity and local ecology, and to comply with the requirements of Policies 9 and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.4 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, complete with details confirming the exact type of doors and windows to be installed, 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).

- 5.5 Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), and following the issuing of this decision, no development as specified in Classes, A, B, E and F of Part 1 of Schedule 2 of that Order, shall be carried out on any part of the site, without express planning permission first being obtained from the Local Planning Authority.

REASON: In order to enable the Local Planning Authority to control certain forms of development on site, in the interests of residential amenity and visual amenity, and to comply with the requirements of Policies 8 and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015)

- 5.6 No development shall commence on site unless and until, a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be strictly adhered to throughout the construction phase, and it shall provide for, but not be exclusively limited to the following;

- a) The parking of vehicles of site operatives and visitors;
- b) Details of the sizes and types of vehicles to be visiting the site;
- c) The loading and unloading of plant and construction materials;
- d) The storage of plant and construction materials;
- e) Details of construction working hours;
- f) Measures to control noise and vibrations from construction works, where relevant;
- g) Measures to control dust from construction works, where relevant;
- h) A scheme for the recycling/disposing of waste, and;
- i) Details of the type, position and height of any required external lighting.

The development shall thereafter proceed in strict accordance with all of the measures detailed within the submitted Statement, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to control the logistics of the construction phase, in the interests of residential amenity and minimising disruptions on the local highway network, 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).

- 5.7 Should any pile-driving works be required to construct the dwellings hereby approved, no development shall commence on site unless and until, a programme for the monitoring of noise and vibration generated during construction works has been submitted to and approved in writing by the Local Planning Authority. The programme shall specify the measurement locations and maximum permissible noise and vibration levels at each location. At each

location, noise and vibration levels shall not exceed the specified levels in the approved programme, unless otherwise approved in writing.

REASON: In order to minimise disruptions for neighbours from the construction phase, 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).

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

REASON: In order to minimise light pollution from the development, in the interests of residential amenity and minimising harm to local bat populations, 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).

- 5.9 No development shall commence on site unless and until, a scheme detailing any required works of highways improvements has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme and none of the dwellings hereby approved shall be occupied until the approved measures have been provided in their entirety, unless otherwise agreed in writing.

REASON: In order to finalise the proposed access details and any required works of highways improvements, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.10 Visibility splays around the new access point hereby approved shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of Borrowdale Avenue.

REASON: In order to optimise visibility for motorists egressing the site, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.11 None of the dwellings hereby approved shall be occupied unless and until, the driveways as detailed on the approved plan 'L(1-) 01' have been constructed and completed in their entirety. The driveways provided shall thereafter remain in perpetuity with the development and be permanently available for the parking of vehicles associated with the occupants of the dwellings.



REASON: In order to ensure vehicle parking is provided in support of the development, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.12 The development hereby approved shall be implemented in strict accordance with the measures detailed as part of the submitted Drainage Design Review (4476) and the approved plans '4476-MP-XX-ZZ-DR-S-0123-S2-P02, 4476-MP-XX-ZZ-DR-S-0128-S2-P02, 4476-MP-XX-XX-DR-S-0125-S2-P02 and 4476-MP-XX-XX-DR-S-0125-S2-P02 (2)'. For the avoidance of doubt surface water must drain to the surface water sewer at the restricted rate of 5 litres per second for any rainfall event. No surface water is permitted to drain directly or indirectly into the public sewer whatsoever. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained in good working order thereafter for the lifetime of the development.

REASON: In order to promote sustainable development, to manage the risk of flooding and pollution, 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).

- 5.13 None of the dwellings hereby approved shall be occupied unless and until, a sustainable drainage management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include but not be exclusively limited to the following;
- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company, and;
  - b) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

REASON: In order to ensure that management arrangements are in place for the sustainable drainage systems installed, to manage the risk of flooding and pollution during the lifetime of the development, 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).

- 5.14 No development shall commence on site unless and until, a Contamination Method Statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination, which may

be present on site, has first been submitted to and approved in writing by the Local Planning Authority. The submitted Statement shall detail the following;

- a) An investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority, and;
- b) A comprehensive remediation scheme including an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination).

All the agreed remediation measures shall thereafter be carried out in strict accordance with the approved implementation timetable under the supervision of a geotechnical professional and they shall be completed fully in accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, 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).

- 5.15 Prior to first use of the development hereby approved, two copies of a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and any necessary supplementary information. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, 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).

- 5.16 Should contamination be encountered unexpectedly during redevelopment of the site, 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. The development shall thereafter proceed in strict accordance with the agreed details.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, 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).

## **6.0 PLANNING HISTORY**

6.1 No relevant planning history

## **7.0 FURTHER CONSULTATIONS**

7.1 BwD Drainage – We have no objections to the proposals. A condition should be imposed on any permissions issued regarding the submission of a detailed management and maintenance plan for the surface water drainage system to be installed, including legal responsibilities for the residents to maintain the sustainable drainage system in perpetuity.

7.2 United Utilities – Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities. Therefore, should planning permission be granted we request an appropriate condition is attached to the decision to ensure the development is carried out in accordance with the submitted Drainage Design Review, ref: 4476 dated February 2023.

For the avoidance of doubt surface water must drain to the surface water sewer at the restricted rate of 5 l/s for any storm event. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

The condition is necessary to ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

**8.0 CONTACT OFFICER:** Christian Barton – Planning Officer

**9.0 DATE PREPARED:** 3<sup>rd</sup> October 2023

# APPENDIX 1

REPORT OF THE STRATEGIC DIRECTOR

Plan No: 10/22/0223

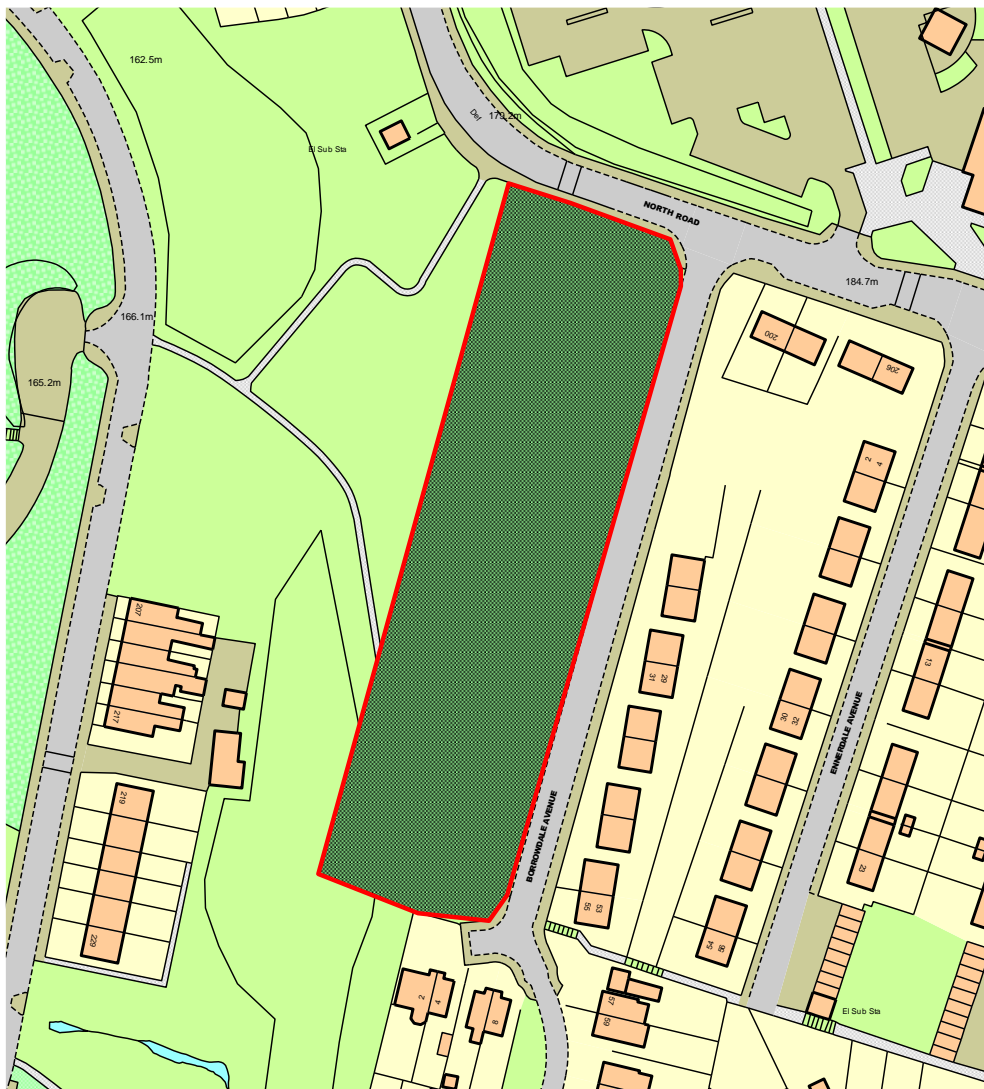
**Proposed development: Erection of 13 no. bungalows**

**Site address: Land at Borrowdale Avenue, Blackburn, BB1 1PZ**

**Applicant: Cawder Construction**

**Wards: Audley & Queens Park  
Blackburn South East**

**Councillor Altaf Patel  
Councillor Ehsan Raja  
Councillor Salim Sidat  
Councillor Tony Humphrys  
Councillor Jim Shorrock  
Councillor Vicky McGurk**



## **10.0 SUMMARY OF RECOMMENDATION**

1.1 The proposed development is recommended to be granted planning permission, subject to the conditions detailed in Section 5.

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

11.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's scheme of delegation, and given that the site is within Council ownership. A number of public objections have also been received. The objections raised principally concern losses of public open space, the potential for residential amenity impacts to occur and existing problems regarding congestion locally. Concerns in the way of the house types proposed, surface water flooding, potential impacts on wildlife and ground contamination have also been cited in the comments made. A summary of the public comments made is detailed below in Section 7.13.

11.2 The proposed development has been publicised through letters to residents and occupants of the nearest 56 adjacent properties, on 16<sup>th</sup> March 2022. A site notice was also displayed outside of the site, on 11<sup>th</sup> April 2022.

11.3 The Council's development plan supports new residential development and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.

11.4 The proposals would deliver 13 two-bedroom bungalows within a sustainable location for new housing development. Vehicle access would be gained directly from Borrowdale Avenue with double driveways and garden areas allocated for each dwelling. Land to the west of the dwellings would also remain undeveloped and retained as public open space.

11.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed during the course of the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.

11.6 The key issues to be addressed in determining this application are;

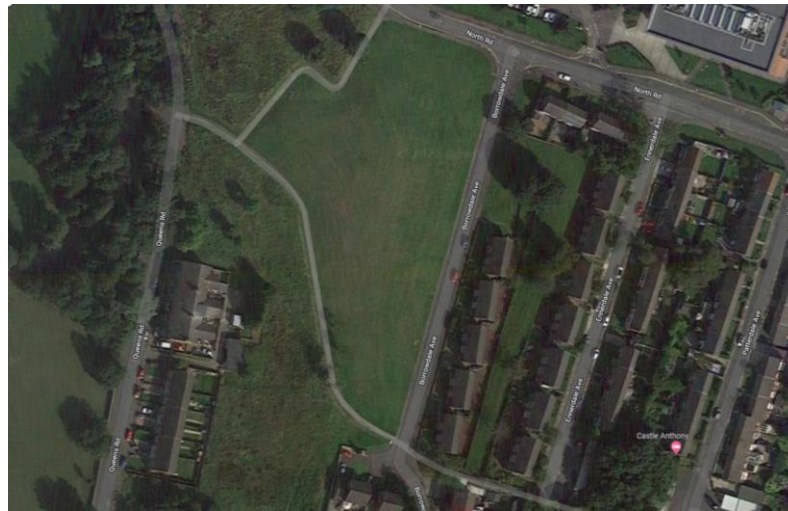
- Establishing the principle of development
- Assessing impacts on the Green Infrastructure allocation
- Ensuring the design, layout and appearance of the dwellings is acceptable
- Safeguarded the residential amenities of the immediate neighbours
- Ensuring adverse impacts on the local highway network are avoided
- Ensuring adequate parking provision is made
- Finalising the drainage systems to be installed
- Assessing the potential for ground instabilities and contamination
- Ensuring ecological net gains are provided on site
- Minimising the impacts of the development on air quality

## 12.0 RATIONALE

### 12.1 Site and Surroundings

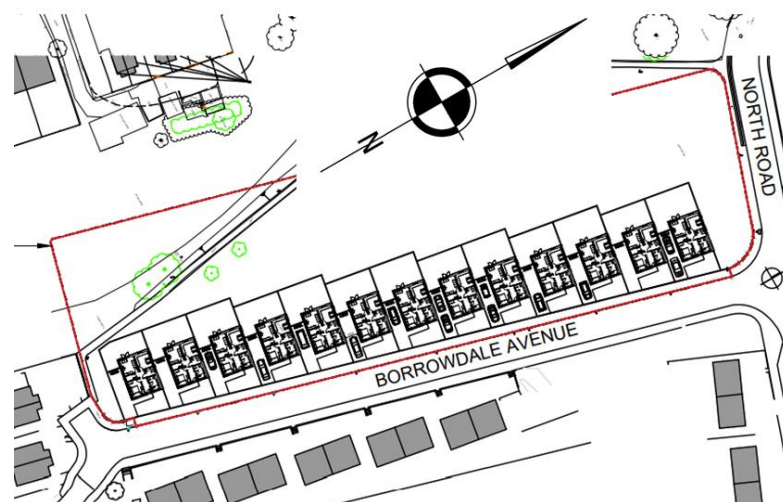
12.1.1 The application site is a plot of undeveloped land located within the defined urban boundary of Blackburn and the Queen's Park area Green Infrastructure allocation. The wider site covers circa an area of circa 2 acres with less than half of the land area proposed for development. Grass currently covers the site and it is interspersed with a small number of amenity trees. A footpath currently spans the south portion, which connects Borrowdale Avenue with Queens Road to the west, and beyond.

Figure One – Satellite image of the site



12.1.2 Relatively modern two-storey dwellings are positioned immediately to the south and east with dwellings of varying styles positioned further afield on Queens Road. More of the Green Infrastructure allocation is positioned immediately to the west with North Road defining the north boundary. A college is positioned beyond to the north.

Figure Two – Location Plan showing the general extent of the site



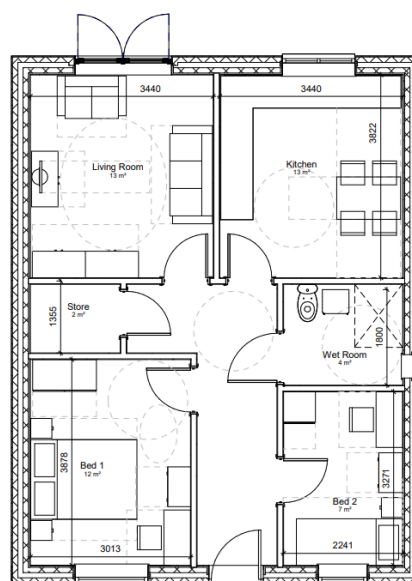
12.1.3 As detailed above, this planning application involves the erection of 13 two-bedroom dwellings. The dwellings would be affordable bungalows and the supporting information states that the accommodation will be provisioned for older people. Each dwelling would be afforded a double driveway, garden areas to the front and rear and bin storage areas at the top of the driveway, as shown below in Figure Three.

Figure Three – Proposed Layout for Plots 1-3



12.1.4 Each dwelling would have a footprint of circa 76 square meters and dual-pitched roofs up to 4.5m in height. The properties would have one double bedroom and one single bedroom together with kitchen areas, living areas and a wet room/shower room.

Figure Four – Proposed Floor Plan



**Ground Floor Level**  
1 : 50



12.1.5 The dwellings would be constructed in a modern style with a varied palette of materials applied to their elevations. Bricks would be externally applied alongside white and grey painted render. Dark grey interlocking tiles would be used as the roofing materials. Any doors and windows installed would have white uPVC frames with a composite front door installed. Tarmac would be used to surface the proposed driveways with dark grey concrete paving slabs used for the footways.

**Figure Five – Proposed Elevation Plans**



**12.2 Case Officer Site Photos**



**12.3 Development Plan**

**12.3.1 Core Strategy Part 1 (2011):**

- Policy CS5: Locations for New Housing
- Policy CS7: Types of Housing



- Policy CS8: Affordable Housing Requirements

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

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 12: Developer Contributions
- Policy 18: Housing Mix
- Policy 36: Climate Change
- Policy 38: Green Infrastructure
- Policy 40: Integrating Green Infrastructure with New Developments

#### 12.3.3 Residential Design Guide Supplementary Planning Document (SPD) (2012)

#### 12.3.4 Blackburn with Darwen Parking Standards (2014)

### **13.0 ASSESSMENT**

#### 13.1 Principle of Development

13.1.1 Within the development plan, there are general requirements to ensure new housing development is proposed in sustainable locations, and in accordance with market conditions. Policy 1 identifies the preferred location for all new development to be within the defined urban areas of Blackburn and Darwen. With specific reference to housing, those requirements are reinforced by Policy CS5 and the site benefits from such a location.

13.1.2 Moreover, services, facilities and regular public transport links are all within walking distance and the site is in a sustainable location for new housing development, thereby complying with the relevant requirements of Policies CS5 and 1.

13.1.3 Policy CS7 encourages the development of a full range of new housing in order to widen the choice available in the local market. An emphasis is placed on family housing yet meeting the needs of people on low incomes is also prioritised, which includes the target occupants for these dwellings. Policy CS8 requires all new residential development to contribute towards the identified need for affordable housing. Moreover, Policy 18 is generally supportive of proposals which provide affordable housing, including housing for older people.

13.1.4 Developments of 10 or more units consisting entirely of affordable housing are only acceptable in policy terms in exceptional circumstances. Older people's accommodation is to be provided as a stand-alone development and Policy 18 specially allows for such forms of residential units. The proposed development is therefore acceptable in principle, in accordance with the relevant requirements of Policies CS5, CS7, CS8 and 18.

13.1.5 Specific concerns have been raised in public comments regarding the type of housing proposed yet it would ultimately be down to the site managers to ensure any prospective tenants are vetted, and potentially antisocial behaviour is minimised.

13.1.6 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.

## 13.2 Green Infrastructure (GI)

13.2.1 As detailed above, the site is positioned within the Queen's Park area GI allocation. Policy 38 states that the Council's overall objective in relation to GI is to development a more connected network of open spaces. Those requirements are reinforced with a number of specific requirements that are detailed as part of Policy 40.

13.2.2 When assessing development proposals that involve the partial loss of land identified as GI, the relevant requirements of Policy 9 must also be taken into account, which include the following obligations;

- i) The development can be accommodated without the loss of the function of the open space;
- ii) The impact can be mitigated or compensated for through the direct provision of new or improved green infrastructure elsewhere, or through the provision of a financial contribution to enable this to occur, or;
- iii) The need for or benefits arising from the development demonstrably outweigh the harm caused, and the harm has been mitigated or compensated for so far as is reasonable.

13.2.3 When assessing impacts on the function of the GI allocation, its extensive size must be taken into account. Concerns have been raised in public comments regarding the partial loss of open space and the potential loss of a footway. However, the individual allocation includes swathes of land that surround Queens Park and these development proposals would only occupy a small part of it. Moreover, as is shown above in Figure Three, the footway that connects Borrowdale Avenue with Queens Road to the west would not be effected in any way. The overall function of the GI allocation would therefore be acceptably preserved, in accordance with requirement i).

13.2.4 In relation to requirement ii), a condition is recommended to agree the scope of a supplementary landscaping scheme for the entire site, including the remaining land to the west of the dwellings. Although the condition is primarily recommended to provide ecological enhancement measures in order to secure biological net gains, which is covered in a greater level of detail in subsequent sections of this report, its outcome would also assist with the relevant requirements of obligation ii).

13.2.5 Moreover, a financial contribution of £18,000 has been agreed by the developer, which will be secured via a Section 111 Agreement under the 1972 Local Government Act. This is because the application site is Council owned, and as such, Section 106 Agreement would not apply. Those requirements are covered in a greater level of detail in subsequent sections of this report. Although the figure proposed is marginally below that requested by BwD Strategic Planning, the amount is deemed to be acceptable in the broader context of these affordable housing proposals. When those factors are considered collectively, the proposed development would be acceptable in relation to GI, in accordance with Policies 12, 38 and 40, together with the relevant requirements of Policy 9.

### 13.3 Design and Visual Amenity

13.3.1 The site is positioned within an urban area that has a relatively varied streetscene. That said, the dwellings along Borrowdale Avenue are broadly consistent in their style and any development proposals at this site must visually correlate with those buildings to a certain extent. In general terms, Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the site's wider context and making a positive contribution to visual amenity. With regards to residential developments, those requirements are reiterated by the guidance contained within the Residential Design Guide SPD. The style and form of architecture must be influenced by the surroundings with designs complementing existing architectural features in the locality.

13.4 The surrounding dwellings are predominantly arranged in linear formations with their frontages facing towards their respective service roads. The layout shown on the submitted plans would broadly align with the urban grain of the surrounding area. In addition, the garden areas proposed are of an acceptable layout and proportion when related to the size of the host dwelling.

13.5 In relation to building heights, the Residential Design Guide SPD states that the building heights of new residential developments must relate to the form and proportion of the surrounding buildings and reflect the relative importance of the street. The surrounding buildings are two-stories in height and bungalows are proposed here. In such circumstances, the Residential Design Guide SPD does allow for a variation in heights in certain circumstances where this serves a purpose in the overall development concept.

13.6 When the fact that the proposed dwellings would be occupied by older people is considered alongside the relatively varied streetscene of the locality, the proposed bungalows would be acceptable in visual design terms. A minimal amount of openings are proposed for the side elevations yet their overall architectural style is acceptable given their affordable nature. The proposals are thus appropriate with reference to aspect, form and scale.

13.6.1 External construction materials are proposed that would appropriately harmonise with those of the adjacent dwellings on Borrowdale Avenue. A

condition is recommended to control the quality and finish of those materials in order to ensure a satisfactory form of development is achieved. In addition, a condition is recommended to agree the scope of a hard and soft landscaping scheme in order to ensure the development positively integrates with its surroundings. A further condition is recommended to prevent certain forms of development being implemented under the provisions of permitted development. Such a condition is necessary in order to safeguard the character of the proposed dwellings alongside that of the wider locality generally.

13.6.2 Subject to compliance with those conditions, the proposed development would be acceptable in relation to design and visual amenity, in accordance with Policy 11 and the guidance of the Design SPD.

### 13.7 Residential Amenity

13.7.1 As detailed above, dwellings immediately surround to two sides and safeguarding the amenities of those neighbours is an important planning consideration. Policy 8 states that all development proposals must secure a satisfactory level of amenity and safety for surrounding uses and for occupants or users of the development itself.

13.7.2 Impacts in the way of noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the relationship between buildings are all material considerations within Policy 8. In addition, the Design SPD details a number of standards and minimum separation distances to prevent any adverse impacts in that respect. Concerns have been raised in public comments given the potential for disruptions during the construction phase, losses of outlook and impacts on private views. It should be initially noted that losses of private views are not material planning considerations.

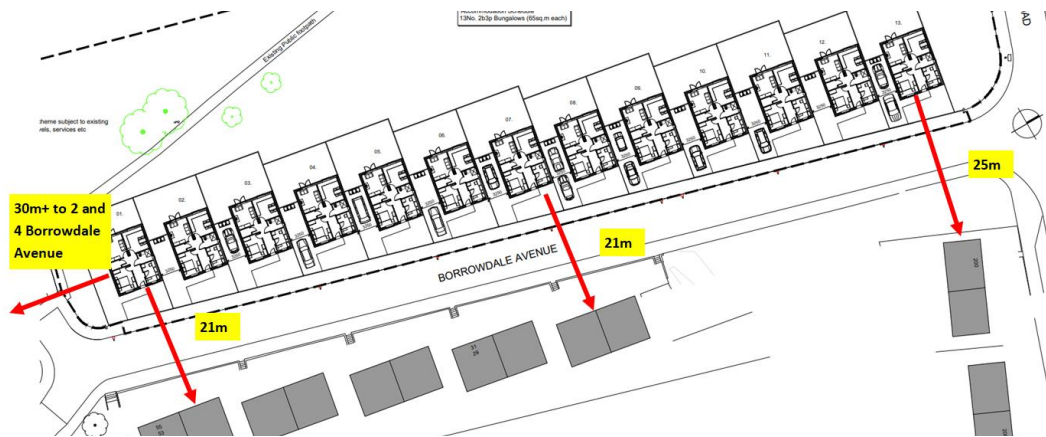
13.7.3 With reference to noise, the proposed dwellings would not cause an adverse level of noise disturbance for neighbours given the nature of the end use. Equally, there are no adjacent land uses that could potentially compromise the aural amenities of future occupants. A condition is recommended to control the logistics of the construction phase, as per the comments from BwD Public Protection. Further conditions are recommended to control and monitor any necessary pile-driving operations and external lighting sources, where relevant.

13.7.4 The separation distances involved between the existing and proposed dwellings are shown below in Figure Six. The distances involved are adequate to prevent the massing of the proposed dwellings appearing overbearing or adversely compromising the outlook of the immediate neighbours. The single-storey nature of the proposed dwellings would also assist with that arrangement.

13.7.5 Moreover, the distances involved would ensure the domestic privacy of the immediate neighbours is adequately safeguarded. A further condition is recommended to prevent certain forms of development being implemented under the provisions of permitted development. Such a condition is necessary

is order to safeguard the amenities of future occupants given the staggered and relatively constrained arrangement of the proposed dwellings.

**Figure Six – Plan Showing Separation Distances Involved**



13.7.6 Subject to compliance with the aforementioned conditions, the proposed development would be acceptable in relation to residential amenity, in accordance with the relevant requirements of Policy 8 together with the guidance of the Residential Design Guide SPD.

### 13.8 Highways and Parking

13.8.1 As detailed above, the site is currently undeveloped and each dwelling would be accessed via its own independent driveway. An overarching requirement for all development proposals to not prejudice road safety or the safe, efficient and convenient movement of all highway users is contained within Policy 10. Parking should also be provided in accordance with the BwD Parking Standards and two-bedroom dwellings must have at least two off-street vehicle parking spaces.

13.8.2 Concerns have been raised in public comments on various highways and parking grounds. It should be initially noted that the majority of the comments made in that respect relate to educational sites locally and the traffic associated with those uses. Such activity is limited to certain times in the day and elevated levels of traffic are commonplace in the context of large educational sites, such as high schools and colleges. The limited scale of the proposals would ultimately not contribute to existing congestion issues locally to an adverse extent and the comments provided by BwD Transport Planning accord with those findings.

13.8.3 BwD Highways have reviewed the merits of the proposals alongside the submitted Transport Statement. No material objections have been raised yet a number of shortcomings have been identified in the information presented. A condition is recommended to agree the scope of any required works of highways improvements. The red edge of the application site boundary extends to the carriageway edge Borrowdale Avenue and the scope of those works are likely to be limited to the formation of a footway (and associated infrastructure)

alongside dropped kerbs accessing the driveways. Compliance with the attached condition would adequately control those requirements.

13.8.4 With reference to visibility splays, the submitted Transport Assessment acknowledges that not all of the dwellings can achieve the optimum standards, as defined within the Manual for Streets. That said, the properties most effected by those limitations are either situated close to the junction with North Road or the end of the cul-de-sac where vehicles are unlikely to be travelling at high speeds. The visibility splays presented are therefore acceptable for these proposals. A further condition is recommended to prevent obstructions forming within the visibility splays and subject to compliance with that condition, an adequate level of visibility would be provided for motorists egressing the proposed driveways.

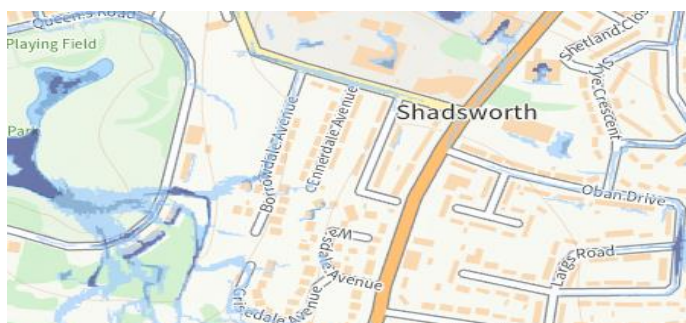
13.8.5 With reference to parking provision, two bays would be provided in tandem formation for each dwelling, in compliance with the BwD Parking Standards. Having scaled from the plans provided, the driveways would be of acceptable dimensions. A condition is advised to ensure the parking areas are constructed in support of the development. The provision of covered cycle storage is not necessary for this development when the intended occupants for these dwellings are taken into account.

13.8.6 When those factors are considered collectively, and subject to compliance with the aforementioned conditions, the proposed development would be acceptable in relation to highways and parking, in accordance with Policy 10 together with the BwD Parking Standards.

### 13.9 Flooding and Drainage

13.9.1 Owing to the topography locally, the site is not at any form of risk from fluvial flooding by watercourses. The carriageway of Borrowdale Avenue is at a low risk from pluvial flooding from surface waters yet the site itself falls outside of identified risk zone. Policy 9 contains general requirements regarding flood mitigation and the provision of adequate drainage systems. Concerns have been raised in public comments on flooding grounds. BwD Drainage have reviewed the proposals and the submitted drainage strategy. No objections have been raised yet shortcomings have been identified in the information presented. A condition is therefore recommended to further control the foul and surface water drainage systems to be installed.

Figure Seven – Surface Water Flooding Map



13.9.2 United Utilities have also reviewed the merits of the proposals and information has been requested by them prior to determination as a preference. Those requests have been forwarded to the Agent yet no supplementary details have been forthcoming. That said, conditions have been advised by United Utilities as a fallback option and the requirements of those conditions mirror the requests made by BwD Drainage.

13.9.3 It is recommended that versions of both of those conditions are added in order to achieve sustainable development and minimise the risk of surface water flooding. Subject to compliance with those conditions, the proposed development would be acceptable in relation to flooding and drainage, in accordance with the relevant requirements of Policy 9.

### 13.10 Land Stability and Contamination

13.10.1 With reference to potentially unstable and contaminated land, further requirements within Policy 8 state that all development proposals should secure effective remediation. This is to ensure a safe environment can be provided for any future occupants and to ensure contamination is not displaced. Concerns have been raised in public comments given the potential for the land to be unstable due to coal mine workings. Ground contamination has also been cited as a concern.

13.10.2 It should be initially noted that the site falls within a low-risk area for former coal mining workings. An informative note will be added to any approvals issued regarding the legal obligations of following the standing advice of the Coal Authority. No further assessments are therefore required in that respect.

13.10.3 With reference to the potential presence of ground contamination, BwD Public Protection have reviewed the merits of the proposals and no objections have been raised. The site is positioned above a former quarry so ground contamination must be accurately assessed.

Figure Eight – Plan Showing Historic Quarry Workings





13.10.4 In response to those requirements, BwD Public Protection have advised that the three standard land contamination conditions should be added to any approvals issued, which are recommended. Subject to such matters being satisfactory addressed through conditions, the proposed development would be acceptable in relation to land stability and contamination, in accordance with the relevant requirements of Policy 8.

### 13.11 Ecological Net Gains

13.11.1 As detailed above, the site is currently covered by grass with a few trees of low quality also found. Such vegetation generally provides a low level of ecological value. Further requirements within Policy 9 state that all development proposals should explore opportunities to provide ecological enhancements. Those requirements are now of an elevated level of importance given the statutory introduction of the Environment Act in 2021, which is now a material consideration for all relevant development proposals. BwD Strategic Planning have requested an assessment of net gains prior to determination alongside an uplift of 10% on site.

13.11.2 Again, those requests have been forwarded to the Agent yet no supplementary details have been forthcoming. That said, given the low ecological value of the site, a bespoke requirement is detailed within the recommended landscaping condition regarding the provision of ecological enhancement measures. The addition of more trees/shrubs on site complete with artificial nesting/roosting habitats would provide adequate mitigation in that respect when the current condition of the site is taken into account.

13.11.3 Subject to compliance with that condition, the proposed development would be acceptable in relation to ecological net gains, in accordance with the relevant requirements of Policy 9.

### 13.12 Climate Change and Air Quality

13.12.1 Policy 36 requires all development proposals to demonstrate how they have been designed to minimise contributions to carbon emissions and climate change. In response to those requirements, a condition has been advised by BwD Public Protection to ensure air quality mitigation measures are applied in the form of installing an electric vehicle charge point and efficient gas boiler, which is recommended to be added. Subject to compliance with that condition, the proposed development would be acceptable in relation to climate change and air quality, in accordance with Policy 36.

### 13.13 Wider Considerations

13.13.1 Further concerns have been raised in public comments regarding the potential for the development proposals to negatively affect property prices locally. However, such matters are immaterial to the assessment of planning application, as per the national requirements of Planning Practice Guidance. Fire safety is also covered at the Building Regulations stage.



### 13.14 Planning Gain/Section 106 Financial Contributions

13.14.1 A financial contribution of £18,000 is secured, following an agreement in principle between the Council and the Agent during the course of the application. A copy of the Planning Obligation Statement has been forwarded to Agent for signing. A signed copy will then be forwarded to the BwD legal team for authorisation. The amount suggested by the Agent has been agreed by BwD Strategic Planning and the monies will be used for the creation and/or enhancement of off-site open space provision. Committee are requested to grant planning permission, subject to agreement of those matters.

### 13.15 Summary

13.15.1 This application involves the erection of 13 two-bedroom affordable bungalows with associated parking and garden areas. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.3.

13.15.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in principle and in terms of GI, design and visual amenity, residential amenity, highways and parking, flooding and drainage, land stability and contamination, and climate change and air quality.

13.15.3 The proposed development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### 14.0 **RECOMMENDATION:**

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

**An agreement under Section 111 of the Local Government Act 1972, relating to the payment of £18,000.**

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

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (L[00] 01), L(1-) 01, L(1-) 02, L(2-) 01, L(2-) 02, L(2-) 03 and 2B3P.

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

3. No development commence on site unless and until, a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be exclusively limited to the following;
  - f) Details of proposals for supplementary landscaping around all aspects of the development;
  - g) Details indicating the location, arrangement, species, sizes, specifications, numbers, and planting densities of all new planting;
  - h) Details of ecological enhancement measures;
  - i) Details confirming the types and extents of any areas of hardstanding to be applied, and;
  - j) Details confirming the heights, types, and positions of any new boundary treatments, including fencing and gates;

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 the development is adequately landscaped so as to positively integrate with its surroundings and provide ecological enhancement measures, in the interests of visual amenity and local ecology, and to comply with the requirements of Policies 9 and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

4. 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, complete with details confirming the exact type of doors and windows to be installed, 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. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with

or without modification), and following the issuing of this decision, no development as specified in Classes, A, B, E and F of Part 1 of Schedule 2 of that Order, shall be carried out on any part of the site, without express planning permission first being obtained from the Local Planning Authority.

REASON: In order to enable the Local Planning Authority to control certain forms of development on site, in the interests of residential amenity and visual amenity, and to comply with the requirements of Policies 8 and 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

6. No development shall commence on site unless and until, a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be strictly adhered to throughout the construction phase, and it shall provide for, but not be exclusively limited to the following;
  - j) The parking of vehicles of site operatives and visitors;
  - k) Details of the sizes and types of vehicles to be visiting the site;
  - l) The loading and unloading of plant and construction materials;
  - m) The storage of plant and construction materials;
  - n) Details of construction working hours;
  - o) Measures to control noise and vibrations from construction works, where relevant;
  - p) Measures to control dust from construction works, where relevant;
  - q) A scheme for the recycling/disposing of waste, and;
  - r) Details of the type, position and height of any required external lighting.

The development shall thereafter proceed in strict accordance with all of the measures detailed within the submitted Statement, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to control the logistics of the construction phase, in the interests of residential amenity and minimising disruptions on the local highway network, 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).

7. Should any pile-driving works be required to construct the dwellings hereby approved, no development shall commence on site unless and until, a programme for the monitoring of noise and vibration generated during construction works has been submitted to and approved in writing by the Local Planning Authority. The programme shall specify the measurement locations and maximum permissible noise and vibration levels at each location. At each location, noise and vibration levels shall not exceed the specified levels in the approved programme, unless otherwise approved in writing.

REASON: In order to minimise disruptions for neighbours from the construction phase, 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).

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

REASON: In order to minimise light pollution from the development, in the interests of residential amenity and minimising harm to local bat populations, 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).

9. No development shall commence on site unless and until, a scheme detailing any required works of highways improvements has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme and none of the dwellings hereby approved shall be occupied until the approved measures have been provided in their entirety, unless otherwise agreed in writing.

REASON: In order to finalise the proposed access details and any required works of highways improvements, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

10. Visibility splays around the new access point hereby approved shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of Borrowdale Avenue.

REASON: In order to optimise visibility for motorists egressing the site, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

11. None of the dwellings hereby approved shall be occupied unless and until, the driveways as detailed on the approved plan 'L(1-) 01' have been constructed and completed in their entirety. The driveways provided shall thereafter remain in perpetuity with the development and be permanently available for the parking of vehicles associated with the occupants of the dwellings.

REASON: In order to ensure vehicle parking is provided in support of the development, in the interests of highway safety, and to comply with the requirements of Policy 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

12. No development shall commence on site unless and until, a surface and foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include but not be exclusively limited to the following;

- a) Separate systems for the disposal of foul and surface water;
- b) A detailed drainage strategy, which demonstrates that the post-development surface water discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development (greenfield) rate. The drainage strategy shall include details of the peak surface water runoff for a 1 in 1 year rainfall event and a 1 in 100 year (+40% climate change allowance) rainfall event, and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
- c) Details of Sustainable Drainage Systems, where relevant;
- d) Details of any necessary flow attenuation measures;
- e) Details of measures to be taken to prevent the flooding and pollution of any receiving groundwater and/or surface waters (including watercourses) and any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution;
- f) Flood water exceedance routes, both on and off site;
- g) Means of access for maintenance and easements (where applicable), and;
- h) A timetable for implementation, including any phasing works.

The submitted scheme shall be prepared fully in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In addition, the development hereby approved shall not be brought into use unless and until the agreed scheme has been implemented in its entirety.

REASON: To promote sustainable development, to manage the risk of flooding and pollution, 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).

13. None of the dwellings hereby approved shall be occupied unless and until, a sustainable drainage management and maintenance plan for the lifetime of the development has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include but not be exclusively limited to the following;

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

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

REASON: In order to ensure that management arrangements are in place for the sustainable drainage systems installed, to manage the risk of flooding and pollution during the lifetime of the development, 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).

14. No development shall commence on site unless and until, a Contamination Method Statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination, which may be present on site, has first been submitted to and approved in writing by the Local Planning Authority. The submitted Statement shall detail the following;

- c) An investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority, and;
- d) A comprehensive remediation scheme including an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination).

All the agreed remediation measures shall thereafter be carried out in strict accordance with the approved implementation timetable under the supervision of a geotechnical professional and they shall be completed fully in accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, 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).

15. Prior to first use of the development hereby approved, two copies of a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and any necessary supplementary information. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, 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).

16. Should contamination be encountered unexpectedly during redevelopment of the site, 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. The development shall thereafter proceed in strict accordance with the agreed details.

REASON: To protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, 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).

17. None of the dwellings hereby approved shall be occupied unless and until, the following air quality mitigation measures have been provided in their entirety, unless otherwise agreed in writing by the Local Planning Authority;
- a) There shall be one electric vehicle charging point at each dwelling with a garage or other off-road parking. An appropriate charging point will have a Type 2 connector and a minimum rating of 3.7kW 16A. External points will be weatherproof and have an internal switch to disconnect electrical power, and;
  - b) Gas fired domestic heating boilers shall not emit more than 40mg NO<sub>x</sub>/kWh

REASON: In order to minimise carbon emissions from the development, in the interests of addressing climate change, and to comply with the requirements of Policy 36 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

## **15.0 PLANNING HISTORY**

- 15.1 No relevant planning history.

## 16.0 CONSULTATIONS

### 16.1 BwD Strategic Planning – Section 106 agreements;

(Highways) Any site access works would be delivered via S278 works (secured by a suitable planning condition). Therefore there would be no highways contribution requested within the s106 agreement.

(Green Infrastructure/Public Open Space) The policy requirement is for £1,406 per unit to be provided as a contribution towards off-site public open space – a total of £18,278.

(Education) A future shortage of primary school places has been identified in the SE Blackburn area. A developer contribution is however not sought in this instance, as the proposed bungalows are not family dwellings.

(Monitoring Fee) A monitoring fee of 1% would be added to the s106 contributions. If the S106 requirements cause concern in terms of development viability, the applicant must provide a viability appraisal which illustrates why all or part of the requested commuted sums cannot be achieved. The submitted viability appraisal would need to be independently reviewed at a cost of £1,860 for a scheme of this size (to be funded by the applicant and commissioned by the Council). This advice is provided on the assumption that the new dwellings are affordable in perpetuity.

(Biodiversity Net Gain) An assessment of biodiversity impact should be undertaken and submitted with the planning application, demonstrating at least 10% net gain. If this cannot be achieved on site, an appropriate commuted sum contribution towards appropriate off-site biodiversity net gain would be necessary.

### 16.2 BwD Public Protection – No objections. Should this application be approved, conditions should be imposed to control the risks associated with ground contamination, air quality mitigation measures, sources of external lightning, the logistics of the construction phase, and noise and vibrations associated with pile driving works, where relevant. Informative notes should also be added regarding legal obligations in the way of ground contamination, light pollution and construction noise.

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

(Access/Layout) Each property will have individual drives, and be accessed off Borrowdale Avenue. These will properly constructed vehicular crossings. Contact to be made with the Local Highway Authority for consent and construction. All drives should adhere to the sightlines as set out in the Transport Statement. They should also comply with the pedestrian sightlines which are: 2.4m (from back of footway) x 3.3m left and right splay (at no more



than 600mm above road level). Frontage boundary treatment should not affect visibility splays.

There is no existing footway to the frontage of the site this is to be provided within the site and presented for adoption. (this should all associated works, and should include street lighting, gullies etc.) Please condition.

(Transport Assessment) The document has been reviewed – this is deemed acceptable.

(Parking) The scheme proposes to deliver 13 2 bed properties. The requirements for parking are in accordance with the councils approved adopted standards, which requires: 2 bed – 2 car spaces and 2 secure cycle spaces per dwelling. The car parking supporting the dwelling houses is being contained within the curtilage of each property. Each car space on the drive should be 5.5m in length. Please confirm.

(Other) A Construction method plan has been received, however no statement has been provided with a narrative - please request information or condition for submission. Footways around the periphery of the site, are to be made good, up to modern adoptable standards, this include street lighting, lining and any associated works.

- 16.4 BwD Transport Planning – This application does not meet the threshold for a full travel plan and the proposed development would not have any major vehicle trip impact.
- 16.5 BwD Drainage – No objections. Should this application be approved, a condition should be imposed to control foul and surface water drainage provisions. Such a condition is necessary in order to ensure that the development is not at risk of flooding and does not increase flood risk elsewhere.
- 16.6 BwD Arboricultural Advisor – There are no trees of any merit that are likely to be affected by the proposals, therefore I have no objection. A sustainable landscaping scheme would be beneficial to the site and also be in accordance with Council Policy.
- 16.7 BwD Housing Growth – The Housing Growth Team welcomes the proposal, as there is a considerable demand for bungalows within the borough. Development of these properties for affordable rent will meet some of that demand. The principle of residential dwelling responds to the aspiration and need of residents in the borough and is in line with the Council's growth strategy. The Housing growth team support the application subject to proposals meeting planning policy requirements.
- 16.8 BwD Property Services – No objections.
- 16.9 BwD Cleansing – No objections.

16.10 United Utilities – We request that the applicant submits a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above Ordnance Datum and an indicative foul and surface water drainage strategy (including cover and invert levels). It is our recommendation this information is submitted for our review prior to determination so that any risk of sewer surcharge can be further assessed.

The applicant should note that it may be necessary to raise finished floor and ground levels and / or include mitigation measures to manage the risk of sewer surcharge. Also noting that this is a Full application, we request that the applicant provides a detailed drainage plan, and that United Utilities has the opportunity to review and comment on this plan prior to determination of this application.

Alternatively, appropriate conditions should be imposed regarding the submission of details of a sustainable surface water drainage scheme and a foul water drainage scheme. A further condition should be added regarding the submission of a sustainable drainage management and maintenance plan for the lifetime of the development.

16.11 Ward Cllrs – No objections.

16.12 Lancashire Fire and Rescue – Recommendations must be included if this application passes to another party prior to Building Regulation submission.

16.13 Summary of Public Responses

- Social housing is proposed, which may change the area's social character
- Losses of public open space would occur
- Footpaths may be obstructed
- The dwellings may not be maintained well
- Outlook may be adversely effected
- Private views would be obstructed
- Disruptions may be caused from the construction phase
- Traffic is a problem in the area
- The proposals may exacerbate those issues
- The proposed driveways are too narrow
- The site is prone to flooding
- Local wildlife may be adversely effected
- The site may be contaminated
- Coal mine workings are beneath the site
- Property prices may be effected locally

**17.0 CONTACT OFFICER:** Christian Barton – Planning Officer

**18.0 DATE PREPARED:** 12<sup>th</sup> May 2022

## 19.0 SUMMARY OF REPRESENTATIONS

### **Objection – June Thomas, 69 Borrowdale Avenue, Blackburn, BB1 1PZ. Received: 05/04/2022.**

\*This land has been investigated before to build on and found unsuitable but apparently no record of this . Why! There is an oily residue seeping further back onto the path , has this been considered ?

\* Property prices would be reduced and I am a very concerned owner .

\*it is a beautiful green space with benefits for wildlife deer , birds etc \*Traffic is extremely chaotic at this area as witnessed by local councillor Salim Patel when we met on another concern.

\*The local senior school is a major area of concern for Health&Safety .

\* It's been an area of concern for a long time the manner in which cars park for school purposes and nothing has been done about it . Travelling along North Rd is very treacherous and I have often found my access to get to my property restricted even though only trying to get home/ leave for appointments.

\* The proposed no 13 would be extremely close to the junction , the current traffic guidance i.e. mini roundabout is continuously ignored by drivers . In wintry weather the access onto North Rd is extremely difficult as Borrowdale Avenue is not treated by council .

\* The current tenants in Together Housing are only able to park on carriage way so access for emergency vehicles completely comprised, current yellow line restrictions are ignored and even with parking spaces provided there will be no room for visitors to park safely .

\*The site map shows that the path leading down too Queens Rd would be affected . This is a busy path with school children ,workers , dog walkers and general public. I know as I regularly litter pick this area.

\* The outlook for houses no's 2-8 would be severely compromised compared to what they have now , 1 house is even called Outlook House which would certainly change .

\* The dwellings are for over 55yr and I feel their driveways would be difficult to manoeuvre with the local traffic/ residents .

I hope these points of concern will be taken into consideration regarding the above application and I'm sure there may be others not listed .

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### **Objection – Clair & Chris Seed, 2 Borrowdale Avenue, Blackburn, BB1 1PZ. Received: 06/04/2022.**

We have concerns in respect that we understood that the land was not suitable for development and a point in purchase was peace, quiet, open view of Blackburn which we feel is a valuable environment as once it's gone it's gone and there are not many left which Covid has emphasized is a commodity.

With mining works beneath and the constant wet/spongy conditions previous applications have always failed with previous building on the opposite side of the avenue being knocked down due to the unsuitable land. The depth of piling that would be required due to the variability of the land would be extremely stressful to residents and the noise could possibly give rise to compensation claims as the building would be incredibly close to existing properties.

Social housing does impact residents in private housing in a number of detrimental ways as well as the financial implications which we think will be detrimental.

The existing volume of traffic from the school and vocational college plus the building traffic over the building period plus the long term volume of cars and traffic and parking spaces will impact greatly access to our properties.

Our property in particular will be greatly impacted view wise from the build of these properties and it will completely obliterate our outlook and replace it with a side view of a row which is worse than

a front aspect. The current rental properties have a poor exterior space maintenance record, both gardens and rubbish and these properties will not help.

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**Objection – Daniel Broughton, 59 Borrowdale Avenue, Blackburn, BB1 1PZ. Received: 07/04/2022.**

We would like to object to the plans made for the proposed building of 13 bungalows on Borrowdale Avenue.

The planning for properties to be built on this land has been previously declined mainly through the efforts of our neighbour Kay Livingston at number 2. We live at 59.

The land itself is a safe haven for our children in the immediate vicinity or surrounding area to play on. It has long been a road where families have moved specifically due to the very low volume of traffic leading to a safe environment for our children to express themselves without being faced with any dangers from drivers, people only come onto the estate that need to be there.

Furthermore, the land itself is liable to flooding and even in the hottest of summers was very marshy. I believe that the previous surveys have decided that the land is not fit to be built on. Anecdotally one of our neighbours has had to go to considerable expense as the footings for the build very significant. I believe that this in itself is sufficient reason to not waste monies in the proposed build. The flood water currently runs off down the path and into the park and on rainy days this can be substantial almost akin to a small stream, though the plans have suggested where the water goes, the building of these properties will add to the issues of flooding.

Has the land been surveyed for the mines that run underneath? Hence the staining of the paths leading towards the park.

Feel that no consideration has been given to the current residents for noise, dirt, inconvenience, loss of house value?

What are the proposed builders planning on to compensate the current residents for these losses?

This is not NIMBYism as if they have to be built then fine and Together Housing as one the largest social landlords provide a good service to the local community. My partner and I were looking to move as house prices have risen considerable for this area, Since the plans have been released one property has been on sale for some time mainly when asking the vendor due to the planning application. If theses the case then we would have to sell for less than market value to move.

Please can some consideration be given to people already rising here.

On looking at the details online, there is no indication of when meetings will take place, the frustrates anyone who is looking to object in person to this application. Also most of the documents are the same so to a lay person it looks as if its just been placed there to confuse.

This is written without prejudice and a response would be favourable.

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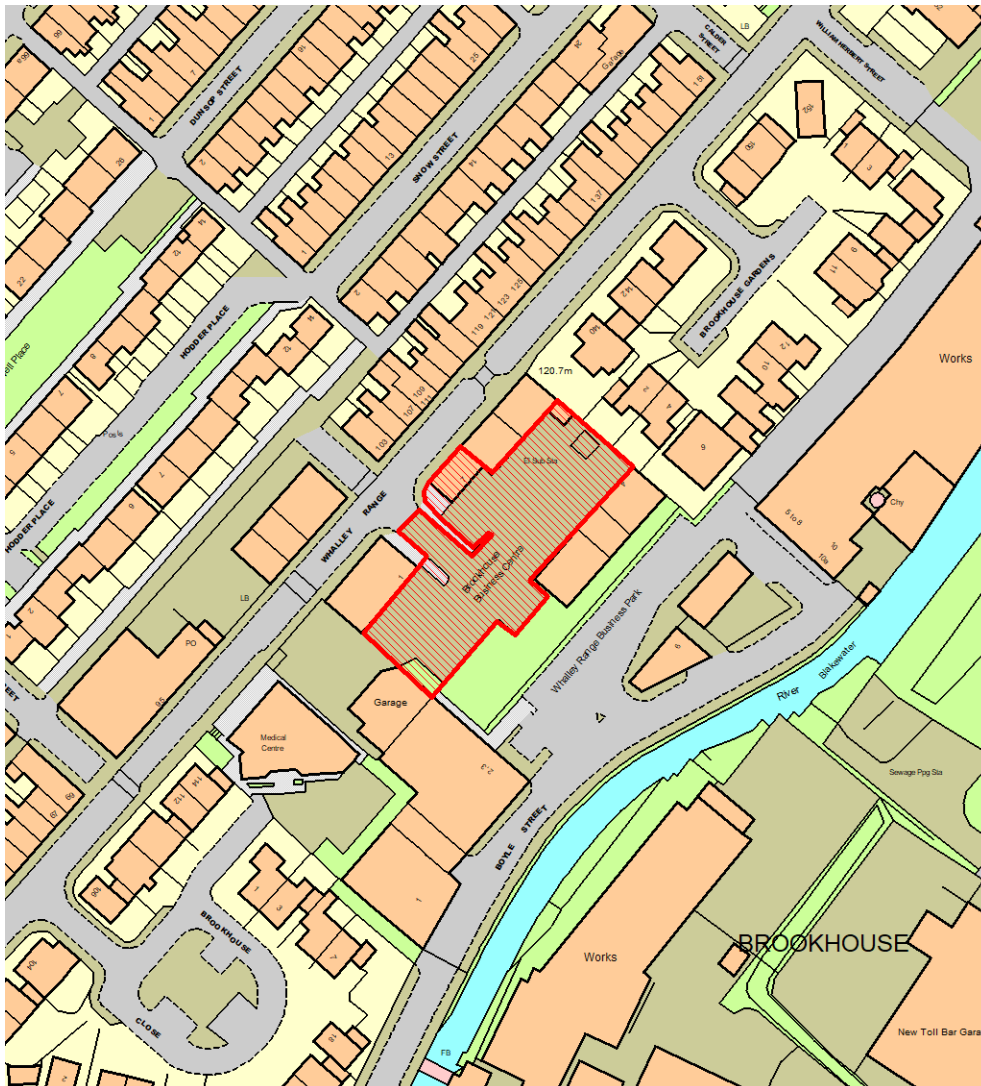
**Proposed development: Full Planning Application for Proposed single storey side extension to replace part of previously approved decking area**

**Site Address:  
Units 7 and 7A Brookhouse Business Centre  
Whalley Range  
Blackburn  
BB1 6BB**

**Applicant: Divine Patisseries Ltd**

**Ward: Bastwell & Daisyfield**

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



## 1. SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be approved subject to the conditions detailed in Section 5.

## 2 KEY ISSUES

- 2.1 This application is presented to the Planning and Highways Committee due to the history of the application site. The previous planning application (the original approval 10/22/1004) was also reported to the Planning Committee on 16th February 2023. Members will recall the application was deferred at the 17<sup>th</sup> August 2023 Committee meeting, to allow further consideration of the proposed development relating to the increased footprint and capacity of the premises. There was also concerns expressed relating to the non-compliance by the applicant relating to the opening hours of the premises pursuant to Condition No.3 of application 10/22/1004.
- 2.2 This application seeks permission for a for a single-storey side extension to the Mii Chaii café/restaurant where there is an approved outdoor decking / seating area in situ.
- 2.3 The application site is located on Whalley Range and was formerly part of the Brookhouse Business Centre. The site lies directly adjacent to, but just outside the Whalley Range District Centre, within the Inner Urban Area of Blackburn in relative close proximity to the Town Centre, and a Coal Low Risk area.
- 2.4 Planning permission for the café/restaurant, including the outdoor decking / seating area, was approved at the 16<sup>th</sup> February 2023 Planning committee (ref 10/22/1004 - Retrospective change of use from showroom, offices and catering preparation area (Sui Generis use), to a Cafe (Class E) including New Glazing, Rear Extension and External Alteration, including new seating area to the side elevation).
- 2.5 Condition 3 of the 10/22/1004 permission includes a 23:00hrs closing time for the inside of the café/restaurant, but with shorter hours (to 20:00hrs) for the outdoor decking area. The condition states:
- 2.6 *“The use hereby permitted shall not take place outside the hours of 09:00hrs to 23:00hrs Mon-Fri, and 10:00hrs to 23:00hrs Sat, Sun and Bank Holidays. Furthermore, the external decking area shall not be in use for any purpose outside the hours of 09:00hrs to 20:00hrs (Mon-Fri), and 10:00hrs to 20:00hrs (Sat, Sun and Bank Holidays).”*
- 2.7 This application seeks to extend the building to replace the outdoor seating area with a single storey side extension so that all of the café/restaurant space would be indoors. The applicant explains that the intention is to provide customers with a better overall experience at all times of the day and seasons of the year and enable the opening hours to be equalised throughout the

premises. The proposal to bring the decking area inside would enclose the existing decking area to minimise noise.

2.8 The footprint of the new enclosed area would be over the bulk of the existing decking area. The applicant has clarified that access to this enclosure would be via the main Café. There would be no external doors leading in or out of the proposed enclosure and all windows would be fixed (non-opening).

2.9 The proposed scheme is considered acceptable for the reasons set out in this report.

2.10 The key issues to be addressed in determining this application are;

- Principle of Development
- Highways issues
- Design and visual amenity
- Residential amenity
- Other matters
- Planning balance

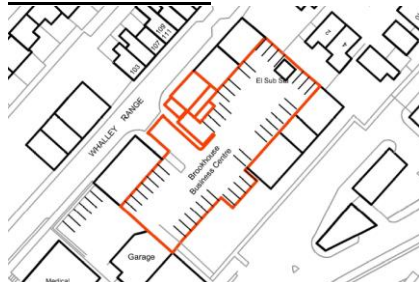
### 3 RATIONALE

#### 3.1 **Site and Surroundings**

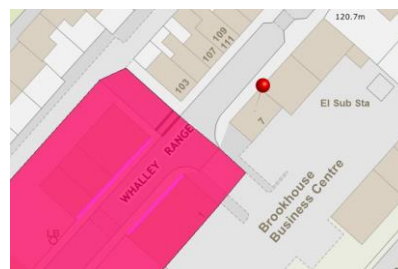
3.1.1 The application site (Mii Chaii café / restaurant) lies within a commercialised setting, with a range of shops and local services. The surrounding area is mixed, with some residential dwellings also in the vicinity. The application site comprises an existing two storey commercial unit, which is just one of a number of units within the former Brookhouse Business Centre, within the Inner Urban Area of Blackburn, on the south/eastern side of Whalley Range, in a Coal Low Risk area.

3.1.2 The site also sits directly adjacent to the Whalley Range District Centre, as identified in the Local Plan Proposals Map (below). The adjoining units on Whalley Range to the south-west also sit within identified secondary retail frontage on the Proposals Map. This can be seen below.

Location Plan:



Local Plan Proposals Map:



3.1.3 The proposed enclosure would be sited on the existing decking area to the side of the café/restaurant, on the corner of Whalley Range and the entrance road into the shared rear car park, all part of the former Brookhouse Business Centre. There is a single storey commercial unit to the north-east, which formed part of the previous use of this group of units as showroom, offices and catering preparation area. On the opposite side of the access road to the south-west is one of a number of dessert parlours in the area. There is a mix of commercial and residential properties on the opposite side of Whalley Range.

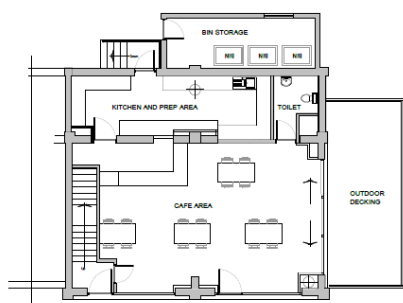
### 3.2 **Proposed Development**

3.2.1 This application is for a single storey flat roof side extension covering the majority of the footprint of the existing approved outdoor decking area, located in-between the main cafe/restaurant building and the access road into the shared rear car park.

3.2.2 The side wall of the building, which is currently the external wall, would become internal, connecting the extension to the main building. This elevation is already fully glazed, with sliding doors which can be opened up to allow the extension to either become part of the main café area or closed off as a separate space.

3.2.3 As with the existing decking area, the proposed flat roof extension would be slightly set back from the front (Whalley Range) elevation. The extension would use matching materials including the same brick and type of glazing units as the existing building. There would be full-height glazing on the front, side and rear elevations. There would be no external access/doors, and all windows would be non-opening.

### 3.2.4 **Existing plans and elevations**



EXISTING GROUND FLOOR PLAN.  
SCALE 1:50



EXISTING FRONT ELEVATION.  
SCALE 1:100



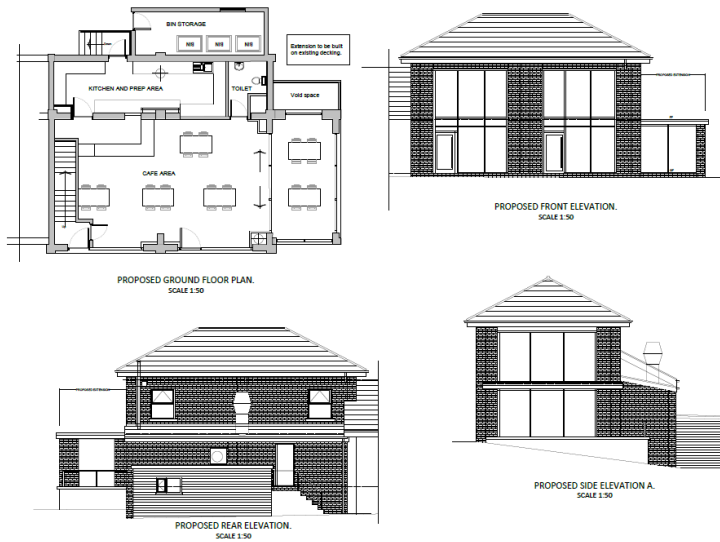
EXISTING SIDE ELEVATION A.  
SCALE 1:100



EXISTING REAR ELEVATION.  
SCALE 1:100



### 3.2.5 Proposed plans and elevations



3.2.6 Hours of operation would match those attached to the rest of the café/restaurant (09:00hrs to 23:00hrs Mon-Fri, and 10:00hrs to 23:00hrs Sat, Sun and Bank Holidays). The decking area presently has an hours of use restriction to 20:00hrs, but given this would become a fully enclosed area as part of the main café/restaurant, the 23:00hrs restriction would then apply to the whole premises.

3.2.7 The existing parking arrangements would also remain. The rear car park is shared by all the users of the units within the former Brookhouse Business Centre. There is no definitive parking allocation for the individual units.

### 3.3 Site Photos





### 3.4 Planning history

- **10/22/1004** – approved Retrospective Application for Change of Use from Sui Generis to Cafe (Class E) including New Glazing, Rear Extension and External Alteration, including new seating area to the side elevation – Approved at the 16<sup>th</sup> February 2023 Planning Committee, subject to conditions.
- **10.92/0889** - Proposed Training Workshop & Office Units – Brookhouse Business Centre - Approved 25/08/92.
- **10/13/0675** - Change of use from education centre and offices to showroom, offices and catering preparation area – Approved 17/10/13.

### 3.5 Supporting documents

3.5.1 The following documents were submitted in support of this application:

- Planning Statement

### 3.6 Development Plan

#### 3.6.1 Blackburn with Darwen Core Strategy

- Policy CS16: Form and Design of New Development

#### 3.6.2 Local Plan Part 2 (adopted 2015):

- Policy 1: The Urban Boundary
- Policy 2: The Inner Urban Area
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 27: District Centres – a Framework for Their Development

#### 3.6.3 **Other material considerations**

BwD adopted Parking Standards

Borough wide Design Guide SPD

National Planning Policy Framework

## **4.0 ASSESSMENT**

### **4.1 Principle of Development**

- 4.1.1 Policies 1 and 2 of the Local Plan identify the inner urban area as the preferred location for new development.
- 4.1.2 The application site also lies directly adjacent to the Whalley Range District Centre. Policy 27 of the Local Plan is clear that this policy applies to proposals “*Within and adjacent to District Centres..*”.
- 4.1.3 Policy 27 supports development where it encourages mixed uses, and where it responds to the scale and function of the centre. Proposals involving conversion and adaptation of premises or involving changes of use should take place within existing buildings and frontages in order to consolidate and strengthen the vitality of the centre. They should retain or provide shop fronts in order to maintain active frontages and retain the character and vitality of the centre.
- 4.1.4 The proposed development only relates to the construction of a structure over an existing outdoor decking/seating area to the side of the premises, with no change of use proposed. The proposal would not have any detrimental impact on the scale and function of the centre, and subject to being satisfactory in all other respects, the proposal is considered acceptable in principle, and in accordance with Policies 1, 2, and 27 of the Local Plan.

### **4.2 Highways issues**

- 4.2.1 Policy 10 outlines a general requirement for all development proposals to not prejudice road safety, or the safe and convenient movement of all highway users. Parking should also be provided in accordance with the BwD Parking Standards. In addition to avoiding unacceptable impacts on highway safety, the Framework also seeks to ensure that the cumulative impact of development on the highway network is not severe.
- 4.2.2 The Highway Authority raised an objection to the original approval on the basis that no parking was offered to support the increase in vehicle movements (compared to the previous training centre use), and that the café/restaurant would be detrimental to highway safety, and contrary to Policy 10 of the Local Plan.
- 4.2.3 This time the Highways Authority has once again raised an objection, referring to the increased (indoor) capacity of the café / restaurant, and a potential increase in customer footfall throughout the year as a result of the proposed enclosure. The Highways consultee comments that not all visitors will be from the immediate area; that cars are still parking on double yellow lines outside the premises; and that existing parking in the area is fully saturated. The Highways consultee goes on to suggest that the additional floor area would exacerbate the existing situation, without any recourse to highway safety, and

would therefore be detrimental to highway safety, and contrary to Policy 10 of the Local Plan.

- 4.2.4 It is accepted that the maximum number of people who could visit the café/restaurant during inclement weather and/or during the evening (after 20:00hrs) would slightly increase, but this would only be relevant at times when the café/restaurant is at or close to full capacity, and the existing decking is unsuitable for use.
- 4.2.5 In any case, the proposed enclosure would only be small scale, and the overall maximum capacity would not change from the existing situation. Arguably, the proposal could be considered to reduce the existing capacity of the café/restaurant, because the construction of the enclosure would result in a small area of the existing decking becoming inaccessible, meaning there would actually be a slight reduction in the overall café/restaurant floorspace.
- 4.2.6 The proposal seeks to provide greater comfort for customers and allow more efficient management of the café/restaurant space. Even if it is accepted that there would be a minor increase in capacity, any increase in customer numbers would only occur at times when the café/restaurant is at or close to full capacity, and the existing decking is unsuitable for use.
- 4.2.7 Given the small size and scale of the proposal, and taking into consideration the existing authorised use of the decking area, it is not considered that enclosing this small area would materially increase vehicle movements / parking demand to unacceptable levels. Nor would it have an unacceptable detrimental impact on highway safety, or have a severe cumulative impact on the highway network.
- 4.2.8 The application site is located directly adjacent to a District Centre in a highly sustainable and accessible location. The District Centre designation recognises not only the sustainable location but also the potential for linked trips. Many trips to the centre will be multi-purpose, and trips to the cafe will therefore not create substantial new parking demand as a standalone destination in its own right, but will largely be used by people who are already in the area, either visiting other shops in the District Centre, and/or who live locally and will arrive on foot. Providing on-site parking within District Centres is not a prerequisite of Policy 27, which for clarity includes development adjoining District Centres, sets out a framework for development in District Centres.
- 4.2.9 Proposals should only be refused on highways grounds where there is a demonstrable unacceptable detrimental impact on highway safety, and/or the cumulative impact of development on the highway network is severe. In this case it is not considered that these thresholds are met. It is therefore considered that the proposal is acceptable on highways grounds, in accordance with Policy 10 of the Local Plan, and the NPPF.

### 4.3 Design and Visual Amenity

- 4.3.1 In general terms, Core Strategy Policy CS16 and Local Plan Policy 11 require all development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context and making a positive contribution to visual amenity.
- 4.3.2 The proposed flat roof side extension would cover the majority of the footprint of the existing approved outdoor decking area. As with the existing decking area, the extension would be slightly set back from the front elevation. The extension would use matching materials including the same brick and type of glazing units as the existing building. It would have full-height glazing on the front, side and rear elevations.
- 4.3.3 The proposed extension has been designed to harmonise with the existing building and is appropriate in scale and proportion, as well as replicating the key design elements of the existing building, notably the brickwork and the contemporary full-height glazing. The vertical emphasis of the curtain wall glazing and brick work of the existing building would also carry through to the extension, positively reinforce the character and quality of the street scene.
- 4.3.4 The scale and design of the modern addition would therefore be entirely appropriate to the existing building and would be subordinate to it, thereby not detracting from the character and appearance of the main building. It would also
- 4.3.5 Although the proposal would bring the massing of the built form closer to the rear car park access road from Whalley Range, the access is already quite wide, with room for 2 vehicles to pass side by side, and with footpaths on either side. It is further noted that the building (the dessert parlour) on the other side of the access road also projects up to the edge of the pavement.
- 4.3.6 Furthermore, the footprint of the single storey flat roof extension would not project any further to the side of the main building than the footprint of the existing decking area, and the front of the enclosure would be set back slightly from Whalley Range, with large amount of glazing. The extension is therefore considered acceptable in terms of its impact on the openness of the access road to the car park and would not “close in” the access to an extent that the character of the street scene would be adversely affected.
- 4.3.7 In summary, the proposed alterations would result in an active, modern addition that would be in keeping with the existing building, and the function, mixed character of the Whalley Range District Centre. It is therefore considered that the proposal would have an acceptable visual impact, meeting the requirements of Policy 11 of the Local Plan and Policy CS16 of the Core Strategy.

#### **4.4 Residential Amenity**

- 4.4.1 Policy 8 of the Local Plan states that all development proposals must secure a satisfactory level of amenity and safety, with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy/overlooking, and the relationship between buildings. Also that it will, in isolation and in conjunction with other planned or committed development, contribute positively to the overall physical, social, environmental and economic character of the area in which the development is sited.
- 4.4.2 A condition was attached to the original café/restaurant approved under 10/22/1004 to restrict the use of the existing open decking area to no later than 20:00hrs. This was different to the rest of the café/restaurant, which can operate until 23:00hrs, because of the additional noise that would likely arise from the open deck area compared to noise from inside the main café/restaurant. The proposed enclosure would therefore have a positive effect in this respect, helping to enclose noise within the building, to the benefit of local residents.
- 4.4.3 The Council's Public Protection team raised no objections to the proposal, subject to appropriate conditions and informatives, including a condition restricting hours of use to the same as the rest of the café/restaurant.
- 4.4.4 It is also considered appropriate to attach a condition ensuring that there is no external access, and that all windows are fixed / non-opening. The applicant has confirmed that this will be the case. Such a condition is considered reasonable in these circumstances.
- 4.4.5 The proposal is therefore likely to have a positive impact in terms of local amenity, especially when assessed in the context of the existing use of the building and the outdoor decking area, and the commercial setting of the application site directly adjacent to a District Centre. The proposal is therefore considered to have an acceptable impact in terms of residential amenity, and accords with Policy 8 of the Local Plan.

#### **4.5 Planning balance**

- 4.5.1 The objection from Highways is noted, but as set out in this report, any increased highway impacts arising from the proposed enclosure over the existing decking area are likely to be negligible, and are not considered to outweigh the positive effects of the proposal.
- 4.5.2 Positive effects include improved customer facilities at the café/restaurant, the associated social and economic benefits, and the reduction of existing noise arising from the open decking area, which would be to the benefit of local residents. The planning balance suggests therefore that the development should be approved, subject to conditions.

## **5 RECOMMENDATION:**

### **5.1 Delegated authority is given to the Strategic Director of Growth and Development and Deputy Chief Executive to approve planning permission, subject to the following conditions;**

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

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Project no. 050 / WSA / 2022, Dwg no. 03: Site Location Plan.

Project no. 050 / WSA / 2022, Dwg no. 02: Proposed Floor Plans and Elevations.

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

3. The use hereby permitted shall not take place outside the hours of 09:00hrs to 23:00hrs Mon-Fri, and 10:00hrs to 23:00hrs Sat, Sun and Bank Holidays.

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

4. The external construction materials shall be as stated on the application form and approved drawings and they shall not be varied without the prior written consent of the Local Planning Authority.

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

5. The enclosure hereby permitted shall have no external access, and all windows on the external elevations of the enclosure shall be non-opening.

REASON: To minimise noise and disturbance and to safeguard the amenities of local residents and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

6. During the construction phase, there shall be no site operations on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday      08:00 – 18:00 hours

Saturday                09:00 - 13:00 hours

**REASON:** To ensure appropriate hours of site work to minimise noise during the construction phase, to safeguard the amenities of local residents and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

## **6 CONSULTATIONS**

### **6.1 Highways**

#### **6.1.1 Objection raised due to additional vehicles generated will add harm to highway safety, detrimental to highway safety, contrary to Policy 10 of the Local Plan Part 2.**

The application seeks consent for proposed single storey side extension to replace part of previously approved decking area.

In accordance with adopted parking standards. The extension proposed would increase the public seating associated with the premises throughout the year.

The current decking is only usable at seasonal times (weather permitting).

The addition of an enclosed extension would increase the customer footfall throughout the year.

The site recently acquired retrospective planning consent for the Mii Chai business, this was to be supported by the car park at the rear, which now operates as an ANPR car park.

The concerns expressed at the original application still stand. Having visited the site, on a number of occasions the abhorrent parking that we were concerned about along Whalley Range on double yellow lines still occurs even with the introduction of available parking to the rear.

The property is located on the fringe of the Whalley Range Bazaar Area. The existing parking in the adjacent streets is fully saturated. It is recognised that the site is sustainable, however not all visitors will be from the immediate area, as the bazaar does attract visitors from a wider area and also from outside the borough.

There are ongoing issues with the highway network in the immediate locality, this has culminated in joint departmental investigations being undertaken, involving the Police, Neighbourhood Teams, traffic and parking.

In addition to the above, there is a priority give way positioned right outside/close to the property. This also highlights the need to keep the area clear from intensive movements, for safety reasons.

To conclude the additional floor area would continue to exacerbate the existing situations without any recourse to highway safety, we therefore object to the application for the following reasons:

- Additional vehicles generated will add harm to highway safety
- detrimental to highway safety



- contrary to policy 10 of the Local Plan Part 2

## 6.2 Public Protection

### 6.2.1 No objections, subject to conditions / informatives.

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

#### Condition – Hours of Use Restriction

The approved use shall be restricted to the following times:

Monday to Friday: 09:00 – 23:00 hours

Saturdays/Sundays/Bank Holidays: 10:00 – 23:00 hours

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

Reason: To ensure appropriate hours of use to minimise noise disturbance at residential premises.

#### Condition – Air Quality (Small Commercial Development)

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

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

#### Construction Phase Control Condition – Hours of Site Works

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

Monday to Friday 08:00 – 18:00 hours

Saturday 09:00 - 13:00 hours

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

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

## 7 **Publicity**

- 7.1 The proposed development has been publicised through letters to 34 properties and businesses in the immediate area, and a site notice was displayed on 4<sup>th</sup> July 2023.

- 7.2. Whilst no objections were raised directly by local residents, a representation was received from the Office of Kate Hollern MP, Member of Parliament for Blackburn, referring to the following issues (raised by a local resident):
- Detrimental to the residential area.
  - Detrimental to the character and vitality of the Whalley Range area.
  - Overconcentration of food outlets in the area.
  - Detrimental effect on road safety due to increased volume of traffic.
  - Detrimental impact on the health of young people in the borough by virtue of its location within 400 metres exclusion zone around primary schools and two Madressas.
  - Overdevelopment - it would narrow the appearance of the current wide access to the Brookhouse Business Park.
- 7.3 Most of the above matters have been addressed, directly or indirectly, in the main body of this report.
- 7.4 The only issue raised in the MP letter that is not covered in this report is potential health impacts / encouraging healthy eating. Fundamentally, the use of the premises has already been established by the previous approval, and the existing decking area that would become enclosed as a result of this application already benefits from the authorised café/restaurant use of the premises.
- 7.5 The proposal would therefore have a neutral impact in terms of health. Given there would be no material change of use, and no increase in floorspace as a result of this proposal, it is not considered necessary or reasonable to assess health impacts as part of this application.

**8 CONTACT OFFICER: Tom Wiggans – Planning Officer**

**9 DATE PREPARED: 4<sup>th</sup> October 2023**

## 10 SUMMARY OF REPRESENTATIONS

### **Objection – Kate Hollern MP, on Behalf of Mr Asif Iqbal, 140 Whalley Range, Blackburn, BB1 6NL.**

**Received: 14/07/2023**

I write on behalf of my constituent, Mr Asif Iqbal, of 140 Whalley Range, Blackburn, BB1 6NL.

Mr Iqbal has contacted my office to express concern at recently announced proposals to erect a side extension at premises near to his home – namely the Mii Chaii cafe.

At the present time the proposed location of the extension is occupied by an outdoor decking area.

My constituent objects to these proposals on the following grounds:

- 1. The proposal is detrimental to the surrounding area which is residential.*
- 2. It would also likely lead to a detrimental impact on the character and vitality of the Whalley Range area.*
- 3. It is evident that there are a high number of existing food outlets already in the area and further expansion is considered as over concentration of such uses.*
- 4. A detrimental affect on road safety due to increased volume of traffic.*
- 5. The business would have a detrimental impact to the health of young people in the borough by virtue of its location within 400 metres exclusion zone of around two primary schools and two Madressas.*

Having discussed the matter with my constituent I believe Mr Iqbal also considers that construction of the extension would constitute overdevelopment as it would effectively narrow the appearance of the current wide access to the Brookhouse Business Park.

Mr Iqbal is aware that in recent months a temporary gazebo has been erected on the decking, and he is concerned that this application is a means of the premises extending its capacity from that previously agreed by the Council – with an inevitable associated increase in the movements of customers in an already very busy area.

In light of this, I would be most grateful if the concerns expressed could be noted in connection with any considerations of this application, and if my own interest could also be noted.

**Proposed development: Full Planning Application (Regulation 3) for Replacement timber shop front**

**Site Address:  
49 Market Street  
Darwen  
BB3 1PS**

**Applicant: Blackburn With Darwen Borough Council**

**Ward: Darwen West**

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





## 1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions

## 2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The planning application is presented to Committee in accordance with the Scheme of Delegation of the Council's Constitution, in which the applicant of is Blackburn with Darwen Borough Council, and the application site is Council owned under Regulation 3 of the 1992 Town and Country Planning Regulations.

## 3.0 RATIONALE

### 3.1 Site and Surroundings

3.1.1 The application site relates to an end of terraced, ornate in style building which is currently used as an estate agents. Externally, the property features timber framed walls which are finished in black with the rest of the walls in white. The building is located western side of Market Street, Darwen.

3.1.2 The site is located within Darwen Town Centre Conservation Area and within the Darwen Town Centre Boundary. The immediate street scene in which the application site is located is characterised by a mixture of retail/takeaways use, a few of the terraced buildings also feature first floor residential flats.

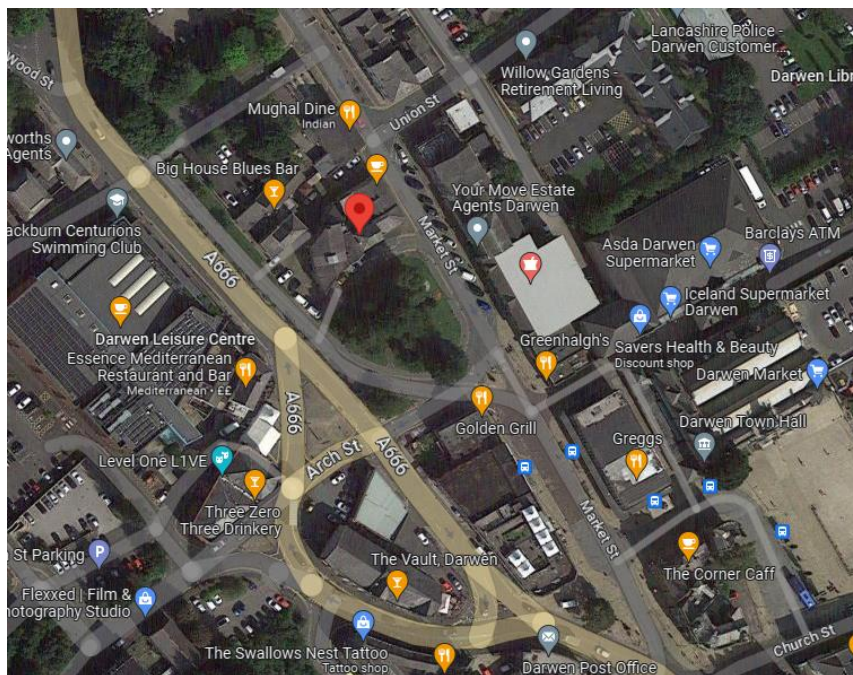


Figure 1: Google aerial view of the application site

### 3.2 Proposed Development

3.2.1 The proposal relates to a minor planning permission for the replacement of a shop front, the replacement will include the shop front featuring timber window frames along with replacement double glazing.

3.2.2 On completion the timbers will be primed and externally decorated to be in keeping with the existing area.

3.2.3 The existing and proposed plans and elevations are shown below:



### 3.3 Case Officer Photos



### 3.4 Development Plan

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

#### 3.4.2 Core Strategy

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

#### 3.4.3 Blackburn with Darwen Borough Local Plan Part 2 (2015)

- Policy 8: Development and People
- Policy 11: Design
- Policy 26: Town Centres – A Framework for Development
- Policy 31: Development in Defined Shopping Frontages
- Policy 39: Heritage

### 3.5 Other Material Planning Considerations

#### 3.5.1 National Planning Policy Framework (NPPF)

## 4.0 Assessment

### Principle of Development

- 4.1.1 As the proposal relates to external alterations by way of creating new shop fronts and does not involve any change to the existing uses of the premises, the balance of uses within the shopping frontage is unaffected; and therefore no conflict with Policies 26 and 31 arises. Active frontages will be maintained and therefore the character and vitality of the town centre, street scene and immediate area will be retained.
- 4.1.2 Accordingly, the principle of the development is accepted in accordance with the NPPF's assumption in favour of sustainable development, unless demonstrable adverse impacts which significantly outweigh the benefits of a proposal are identified. These are assessed in more detail below.
- 4.1.3 RES E8 of the residential design guide also states that privacy distances should be retained between neighbouring properties in line with RES E3 and that access to the rear of the property is also maintained.

### Heritage Impacts/Design

- 4.1.4 The first consideration in the assessment of this application is the Planning (Listed Buildings and Conservation Area) Act 1990. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 4.1.5 Point v) of Policy 39 states in conservation areas, the wider setting and significance of the area and the extent to which the development will retain and conserve open space, landscape elements, historic surfaces and other features that contribute positively to the significance of the conservation area.
- 4.1.6 Policy CS16 and 11 require all new development to present a good standard of design, demonstrating an understanding of and making a positive contribution to the local area, through measures including enhancing and reinforcing established character.
- 4.1.7 A Heritage Statement are submitted in support of the application. The Council's Conservation consultee has reviewed the submitted details and proposals and provides the following comments:
- As it has now been confirmed that the door is being retained, I am satisfied with this outcome and confirm that the amended proposal as a whole, will not result in any harm to the CA.*
- 4.1.8 The alterations to the shop front are considered to be sympathetic and overall will significantly improve the appearances of the host building. Initially, the proposal included changing the shop front to include aluminium however



during the course of the application process the Conservation Officer initially objected to this change, therefore amendments were received on the 13<sup>th</sup> September 2023 which detailed the shop front including timber frames. This ensures that the same material as existing is used, the shop front will upgrade the existing damaged frontage.

- 4.1.9 On that basis the proposed shop front works will cause no harm to designated heritage assets nor visual amenity, which is entirely consistent with the aims and objectives of Policies CS16, 11 and 39 of the Development Plan.

#### Amenity

- 4.1.10 Point i) of Policy 8 states development will be permitted where it can be demonstrated that 'it will in isolation and in conjunction with other planned or committed development, contribute positively to the overall physical, social, environmental and economic character of the area in which the development is sited.

- 4.1.11 The proposal poses no threat to surrounding amenity and is considered to contribute positively to the physical and economic character of the area, thus complying with Policy 8.

#### Further Comments

- 4.1.12 A supporting statement was received on the 22<sup>nd</sup> September 2023 from the agent to demonstrate the urgency of the proposed works. Please see below;

*I was asked to visit site at the end of June in reference to 2No large window being smashed to inspect the condition of the frames/casing as the local glazier could not carry out the repair as he was concerned that the frames would not be able to take the weight of the new glass as the beading had disappeared and the frames were rotten.*

*On my inspection I concluded with the glaziers report and that the frames/casings were rotten and would need replacing to support the weight of the new glazing units.*

*These works need to be carried out as soon as possible as the tenant is having to live with 2No large smashed windows which looks unsightly but also effects security.*

*We have put security film on the windows but this will start to fail soon which will intern effect the integrity of the 2no large broken window panes so it is imperative that we carry out the works as soon as possible.*

*Kind Regards*

*Andrew Davenport (Building Surveying Technician)*

- 4.1.13 As the committee date fell after the initial statutory deadline, the applicants wished to proceed with the proposed works before the committee date passed due to the smashed window. The agents were advised that this would be undertaken at their own risk. The proposals is now for a like for like replacement and the Conservation Officers offers no objections.

## **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 Approve subject to the following conditions:**

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

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

2. Unless explicitly required by condition within this permission, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:  
Proposed Window and Door Replacement, Drawing Number BS CA/23/24/0028, Revision A, Date Received 13/09/2023

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

3. The materials to be used on the external surfaces of the development as indicated on Proposed Elevations - Drawing No. BS CA/23/24/ 0028 received on the 13<sup>TH</sup> September 2023 shall be implemented as indicated unless otherwise agreed in writing by the Local planning Authority. match those used in the existing building to the satisfaction of The Local Planning Authority.

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

## **6.0 PLANNING HISTORY**

- 6.1 10/84/1912 – Change of Use of Shop to Estate Agent
- 6.2 10/90/0657 – Proposed single sided box sign and illumination of existing fascia signs
- 6.3 10/90/2018 – Illuminated fascia signs
- 6.4 10/05/1155 – Widening of Bury Street to allow two-way traffic flows, introduction of a bus lane on Green Street. Alterations to through route traffic flows with associated highway works

## **7.0 CONSULTATIONS**

7.1 Public Consultation has taken place twice; letters were posted to 7 neighbouring properties on the 16<sup>th</sup> August 2023 and the 13<sup>th</sup> September 2023 and no comments were received.

### **7.2 Conservation Officer**

Support offered after the amendments received on the 18th September 2023

### **7.3 Statutory Consultation**

Councillor Taylor – This is within the Darwen Town Centre Conservation Area. Is Aluminium an appropriate material to replace a wooden shop front? We have over several years invested money into changing the appearance of the business in this area.

**8.0 CONTACT OFFICER: Emily Colebourne, Assistant Planning Officer**

**9.0 DATE PREPARED: 27<sup>th</sup> September 2023**

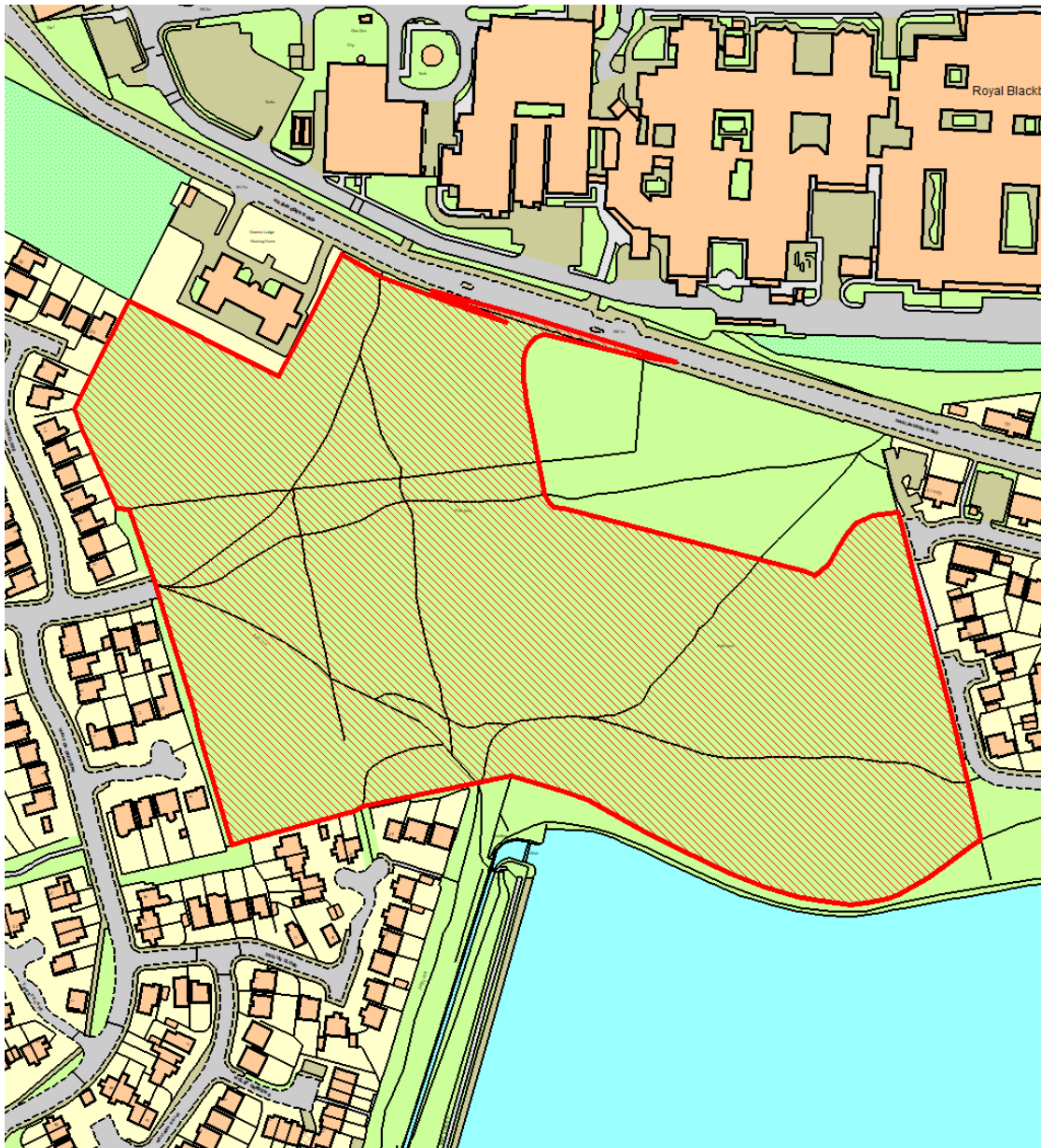
**Proposed development: Full Planning Application for: Construction of residential development comprising the erection of 168 dwellings and 37 apartments together with access roads and landscape treatment.**

**Site address:**

**Land Bounded by Haslingden Road and Fishmoor Reservoir  
Haslingden Road  
Blackburn**

**Applicant: Keepmoat Homes**

**Ward: Blackburn South East    Councillor Tony Humphrys  
Councillor Vicky McGurk  
Councillor James Shorrock**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 APPROVE – Subject to a Section 106 Agreement to secure payment of a commuted sum totalling £961,772, for additional secondary school places; works towards the south east Blackburn major highway / transport scheme; additional general practice capacity; and conditions. Full details are set out at paragraph 4.1.**

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

- 2.1 The proposal is in the form of a full planning application. Its submission follows pre-application consultation undertaken between the applicant and the Council. It is considered that the final scheme responds appropriately to representations made during the pre-application process.

- 2.2 This application follows a previous grant of planning permission by the Committee, in September 2022, (ref. 10/21/1426) for the following:

*Hybrid planning application comprising - Full permission for the erection of 160 dwellings and 50 affordable, key hospital worker apartments in two blocks together with access roads and landscape treatment (Phase 1); and outline permission for the erection of 100 affordable, key hospital worker apartments in four blocks, with all matters reserved except for access (Phase 2).*

- 2.3 The application represents changes to the full permission element of the above, by replacing one block of apartments with 8 single dwellings, resulting in a reduction in the total number of homes proposed, from 210 to 205. 20 of the single dwellings would be 'affordable' and would be transferred to a Registered Provider (RP). The remainder would be open market homes. The outline element, although not included in this application, remains extent and can be advanced to Reserved Matters stage within the defined time limitations set out in the conditions attached to the permission.

- 2.4 To be clear, this is a stand-alone application. It is not an amendment to the original grant of planning permission, as the changes proposed are considered to fall outside of the scope of those that could be considered minor material amendments.

- 2.5 Detailed assessment of the application finds that the proposed development corresponds with the Council's overarching housing growth strategy, as set out in the Core Strategy and Local Plan Part 2. Delivery of a high quality housing led development will be secured, focussed on land that is allocated for housing, to the south of Haslingden Road, adjacent to Fishmoor Reservoir, Blackburn. Moreover, from a technical point of view, all issues have been addressed through the application or are capable of being controlled or mitigated through planning conditions and a Section 106 Agreement.

- 2.6 Given the scale of the proposed development, it is prudent to consider it in the context of Environmental Impact upon the wider area. The development has, therefore, been screened, in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations') and supporting Planning Practice Guidance (PPG).
- 2.7 As an application for 205 dwellings, it falls to be screened under Schedule 2 of the EIA Regulations. Schedule 2 development requires an EIA if it would be likely to have significant effects on the environment.
- 2.8 The proposed development falls within category 10 of Schedule 2, 'Infrastructure Projects', sub-section (b) 'Urban Development Projects'. The thresholds for residential developments, as set out in Schedule 2, relate to developments that includes 'more than 150 dwellings'. The proposed development is for 205 dwellings, above the threshold. It, therefore, requires further screening to determine whether there would likely be significant effects, either from the development in isolation or cumulatively when considered with other development in the vicinity. To achieve this, Schedule 3 of the EIA Regulations and the PPG need to be considered. Schedule 3 sets out the following selection criteria:
- The characteristics of the development;
  - The location of the development; and
  - The potential impact.

These factors are considered collectively, as part of the screening process. Taking each in turn:

2.9 Characteristics

The development is considered entirely responsive to the surrounding area with particular reference to scale and massing and to the benefits of brownfield redevelopment.

- 2.10 Technical studies confirm that the development will not cause any significant risk to human health or nuisances, subject to identified and proportionate mitigation.

- 2.11 Potential for major accidents or disasters with reference to flood risk has been considered through review of a Flood Risk Assessment which takes account of the proximity of the Fishmoor Reservoir to the development. The FRA concludes no significant flood risk. In this context, the reservoir is a water body subject to strict control under the Reservoirs Act 1975. Moreover, the site layout appropriately responds to the position of the reservoir.

2.12 Location

The development is evidently not located in an environmentally sensitive location and is consistent with the existing residential character of the area.

### 2.13 Potential Impact

Construction phase impact will typically relate to waste, noise, vibration and dust arising from construction activities and construction traffic. These impacts are temporary and will be appropriately managed by adherence to a Construction and Environmental Management Plan.

2.14 No significant cumulative impacts are considered to arise from the development and ongoing / committed development in the locale.

2.15 Operational phase impact will essentially be limited to noise and emissions arising from domestic car travel. Air quality impact arising from emissions is considered acceptable, subject to proportionate mitigation, following assessment of technical reports.

2.16 Accordingly, it is not considered that the proposed development gives rise to the need for an EIA.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.2 The application site (the site) is currently Council owned and is allocated for housing led development. It measures 6.74 hectares in area and is identified as Site 16/7 – Haslingden Road Development Site (SE Blackburn), in accordance with Policy 16 of the Local Plan Part 2. It is also allocated for housing in the emerging Local Plan (Policy H039).

3.3 The site is located within Blackburn's Outer Urban Area, positioned to the south of The Royal Blackburn Hospital and north of Fishmoor Reservoir, off Haslingden Road. It comprises circa 6.7 hectares of open grassland, which is relatively consistent in level. A Public Right of Way (PRoW) runs across the site, linking Haslingden Road at the north east corner of the site with Britten Close to the west.

3.4 The area surrounding the site is defined by its mixed character. Development to the south, east and west comprises informal residential street patterns, of mainly semi-detached and detached house types. A modest element of apartment provision adjoins the site to the east. To the north of the site is the Royal Blackburn Hospital. Large scale industrial / commercial uses dominate the north side of Haslingden Road which serves as a primary route into Blackburn from the nearby M65 junction, to the east.









3.5 The site benefits from good accessibility with a selection of public transport hubs in close proximity. The nearest bus stop is located 10m from the site on Haslingden Rd (A6077), providing regular and frequent bus services into the centre of Blackburn, specifically the train station and further afield into the Ribble Valley. This gives the site accessibility to the local, regional and national transport networks, and thus provides opportunities for modes of transport other than the car.



- 3.6 The site is located in a highly sustainable location with excellent access to the rest of the North West region via Haslingden Road (A6077) and onto the M65. Within 600m of the site lies the local, newly constructed Newfield School and Blackburn Central High School. Additionally, Audley Junior School and Nursery is located within 800m.
- 3.7 Other community facilities such as a variety of eateries, royal hospital, shops, leisure facilities and religious establishments are all located within 800m of the site. Due to the site's close proximity to services and public transport, reliance on the private car will be reduced which can only have a positive impact on the environment and peoples wellbeing.
- 3.8 The site is also located near a National Cycle Route (National Cycle Route 6), which provides sustainable links to the surrounding areas. On top of this, a local route from the site to Queens Park is available. This could be added to by cycle route on site. These multiple routes encourage people to use push bikes and walk to various amenities and workplaces as an alternative to private car use.
- 3.9 The following contextual analysis plan below illustrates the sites position in relation to the distribution of local amenities (Design & Access Statement, Baldwin Design):





KEY			
	Shopping Facilities (i.e. shops, convenience stores and other commercial facilities);		Eateries (i.e. Restaurants, pubs, cafés and diners);
	Medical Facilities (i.e. doctors surgeries, pharmacies, dentists and hospitals);		Post Offices (including those within convenience stores);
	Education (i.e. pre-schools, primary schools, secondary schools, colleges and universities);		Leisure facilities (includes indoor and outdoor recreational, sport facilities & parks)
	Bus Stops		National Cycle Network Route 6

### 3.2 Proposed Development

3.2.1 The proposal is submitted as a full planning application, for the erection of 168 dwellings and 37 apartments (in a single block), together with access roads and landscape treatment.

3.2.2 Access is proposed from the south side of Haslingden Road. Communal open space is included along most of the southern periphery, including landscaping, drainage attention ponds and connective paths. The space takes advantage of views to the south of West Pennine Moors which feature Darwen Tower and a landmark building. The proposed site layout is shown below (Design & Access Statement, Baldwin Designs). Note that the group of four apartments block to the east of the access road are indicative only, within the area subject to the grant of outline permission. They do not form part of this application



- 3.2.3 Average net density across the site equates to circa 48 dwellings per hectare. This takes account of land developed for housing, highway infrastructure, private gardens and private parking.
- 3.2.4 The proposed apartments will be secured as 'affordable housing', as will 20 of the single dwellings. These homes would be transferred to a Registered Provider (Great Places) upon completion. The remaining homes would be open market provision.
- 3.2.5 Typical street scenes and a view of the site access and apartment block from the opposite side of Haslingden Road are shown below (Design & Access Statement, Baldwin Designs):



- 3.2.6 The accommodation schedule comprises of 168 houses (of differing sizes and storey heights) and 37 apartments of a 1 and 2 bedroom mix. The full mix of homes would be as follows:

- 17x Derwent: 2 storey property, with 3 bedrooms and 2 allocated parking spaces
- 10x Saltburn: 2 storey property, with 3 bedrooms and 2 allocated parking spaces
- 18x Darwell: 2 storey property, with 3 bedrooms and 2 allocated parking spaces
- 13x Ranworth: 2 storey property, with 3 bedrooms and 2 allocated parking spaces
- 20x Holgate: 2 storey property, with 3 bedrooms and 2 allocated parking spaces
- 18x Bradshaw: 2.5 storey property, with 3 bedrooms and 2 allocated parking spaces
- 17x Stanford: 2.5 storey property, with 3 bedrooms and 2 allocated parking spaces
- 10x Meldon: 2.5 storey property, with 4 bedrooms and 2 allocated parking spaces
- 16x Prenton: 2 storey property, with 4 bedrooms and 3 allocated parking spaces
- 16x Longford: 2 storey property, with 4 bedrooms and 3 allocated parking spaces
- 13x Egford: 2 storey property, with 4 bedrooms and 3 allocated parking spaces
- 4x Apartment A: 2 bedrooms and 1 allocated parking space
- 4x Apartment B: 2 bedrooms and 1 allocated parking space
- 4x Apartment C: 1 bedroom and 1 allocated parking space
- 9x Apartment D: 1 bedroom and 1 allocated parking space
- 3x Apartment E: 1 bedroom and 1 allocated parking space
- 3x Apartment F: 2 bedrooms and 1 allocated parking space
- 4x Apartment G: 2 bedrooms with 1 allocated parking space
- 6x Apartment H: 1 bedroom with 1 allocated parking space

3.2.7 A locally equipped play area (LEAP) is proposed within the public open space at the southern edge of the site.

### **3.3 Development Plan**

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



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

### 3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 – Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS8 – Affordable Housing Requirement
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS18 – The Borough Landscapes
- CS19 – Green Infrastructure
- CS21 – Mitigation of Impacts / Planning Gain

### 3.3.4 Local Plan Part 2 (LLP2)

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 16/7 – Housing Land Allocations – Haslingden Road Development Site (SE Blackburn)
- Policy 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape
- Policy 47 – The Effect of Development on Public Services

## 3.4 **Other Material Planning Considerations**

### 3.4.1 Emerging Blackburn with Darwen Borough new Local Plan 2021-2037.

### 3.4.2 BwD Residential Design Guide Supplementary Planning Document (2015)

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

### 3.4.3 BwD Green Infrastructure (GI) & Ecological Networks SPD (2015)

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

### 3.4.4 BwD Planning for Health SPD (2016)

This document provides guidance on how our environment and planning decisions impact upon the health of the borough's population and how those impacts may be managed and mitigated.

### 3.4.5 Air Quality Planning Advisory Note

### 3.4.6 National Planning Policy Framework (The Framework) (2021)

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

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

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a sufficient supply of homes
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal erosion
- Section 15: Conserving and enhancing the natural environment

### 3.4.7 National Planning Policy Guidance (NPPG).

## 3.5 **Assessment**

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

- Principle of the development;
- Amenity impact;
- Environmental impact;
- Highways / Accessibility & Transportation impacts;
- Design / Visual Impact; and
- Planning Gain / Section 106 contributions.

- 3.5.2 The principle of residential development is considered under the Blackburn with Darwen Core Strategy (particularly Policies CS1 and CS5) and Local Plan Part 2: Site Allcations and Development Management Policies (particularly Policy 16 – Housing Land Allocations). The sites housing allocation establishes the principle of housing led development, in accordance with Policy 16/7 of Local Plan Part 2 (LPP2). The site is also allocated for housing in the emerging Local Plan.
- 3.5.3 Core Strategy Policy CS1 explains that the overall planning strategy for the Borough is one of 'Targeted Growth' and identifies a need for '*a limited number of small scale urban extensions*'.
- 3.5.4 Policy CS5 directs that the preferred location for new housing, where market conditions permit its delivery, will be the inner urban areas of Blackburn and Darwen.
- 3.5.5 Policy CS7 encourages the development of a full range of new housing over the life of the Core Strategy in order to widen the choice available in the local market.
- 3.5.6 Policy 1 of the Local Plan states that the defined Urban Area is to be the preferred location for new development. Development in the Urban Area will be granted planning permission where it complies with the other policies of this Local Plan and the Core Strategy. The site is located within the urban area boundary defined on the proposals map.
- 3.5.7 Policy 7 on Sustainable and Viable Development echoes the presumption in favour of sustainable development set out in The Framework. Thus, applications that accord with policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 3.5.8 The site specific Policy 16/7 applies an estimated yield of 140 houses for the site, of which 105 are expected to be delivered by March 2019. The emerging Local Plan estimates a yield of 300 homes. The principle of 310 homes is already established under the extant permission. The currently proposal for 205 homes, in addition to the 50 granted outline permission, is, therefore acceptable. The proposed apartments and 20 of the single dwellings would be secured as affordable housing, via condition.
- 3.5.9 Other key development considerations set out in the policy are as follows:
1. The SFRA identifies that the site has a low risk of surface water flooding, although some localised shallow ponding is indicated.
  2. Consideration will need to be given to the potential for flooding from Fishmoor Reservoir.
  3. Incorporation of appropriate measures to control surface water run-off.
  4. Access to the site is to be obtained off Haslingden Road.
  5. Contribution towards improvements to local highways network in the locality

6. Potential ecological impacts should be considered due to the greenfield nature of the site and its proximity to Fishmoor and Guide Reservoirs. Mitigation measures for habitat loss should be met in the local area.

3.5.10 Policy 18 of LPP2 concerns itself with Housing Mix. The policy requires detached and semi-detached housing to be the principle element of the dwelling mix on any site that is capable of accommodating such housing and where such housing would make a positive contribution to the character of the local area.

3.5.11 The policy applies a limitation on apartment development for the general market, directing that such provision will only be acceptable where it is the most appropriate form of housing given the local context or characteristics of the site.

3.5.12 Considered in the context of Policy 18, the proposal is broadly consistent with the requirement for the principle housing mix to be detached and semi-detached. Although a broadly equivalent number of homes are proposed in apartment form, the principle land occupancy of the site would be one of family homes. Moreover, apartment provision is not inappropriate when considered against the wider local context, where apartments exist within the housing estate to the immediate east of the site, and within the Royal Blackburn Hospital complex on the opposite side of Haslingden Road. Circumstances unique to the site, being in close proximity to the hospital and the evident demand for 'affordable' hospital worker accommodation, rather than open market availability, also adds significant weight in support of the principle of apartments.

3.5.13 Detailed assessment of the above key considerations (bullet points 1 to 6), is set out relative to the specific policies to which they relate, in the continued assessment.

3.5.14 Policies CS21 and 12 require new development to contribute towards mitigating its impact on infrastructure and services, through a Section 106 planning obligation. The proposal secures financial contributions towards highway improvements and education provision, as set out at paragraph 4.1. As noted above, priority hospital worker apartments are secured as affordable on site housing, negating the need for a financial contribution in this regard.

3.5.15 That an extent planning permission exists for a broadly equivalent layout and similar number of homes, should be recognised as an important material consideration is determination of this application.

3.5.16 Accordingly, as a proposal delivering an appropriate mix of homes, on a site allocated for housing, inclusive of mitigating s106 contributions, the principle of the development is found to be entirely acceptable, in accordance with the provisions of the Development Plan and The Framework.

#### 3.5.16 Amenity

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

to secure a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings

#### 3.5.17 Relationship between buildings:

With reference to separation between proposed and existing dwellings adjacent to the site, the submitted layout demonstrates broad compliance with the Council's adopted separation standards of 21m between primary *facing* windows and 13.5m between primary windows and blank elevations. It is, however, recognised that the separation between rear windows at plot 6 and the conservatory to the rear of 16 Britten Close may represent a marginal sub-standard interface, by circa 1m. The relative angles involved are, however, considered to justify this marginal relaxation in standard. Moreover, the layout duplicates that previously approved, with reference to proposed and existing relationships around the edge of the site.

3.5.18 The relationship between the proposed dwelling at plot 28 and no. 23 Delius Close is considered acceptable, having regard to the absence of ground or first floor habitable room windows in the rear of the two storey side extension to the dwelling which sits adjacent to plot 28, and the northerly orientation of plot 28 which guards against overshadowing to the rear garden of no. 23. Moreover, it is considered that the position of the proposed gable at plot 3, although in proximity to the common boundary, would not result in an unacceptable degree of dominance or enclosure of no. 23's garden space, given its reasonably spacious nature and the otherwise unencumbered outlook to the opposite side and rear.

3.5.19 Separation between proposed dwellings within the site is broadly compliant with the adopted standards. Shortfalls do, however, exist between a number of plots. In this context, it should be recognised that the Residential Design Guide SPD, at Policy RES 2G, supports a relaxation of the adopted standards where an alternative approach is justified. As proposed-to-proposed separation and having regard to The Frameworks presumption in favour of sustainable development as well as the developments viability, such relaxation is considered justified in this instance.

3.5.20 Adequate external space would be provided for each house to serve the needs of householders, with reference to amenity and refuse storage. Proportionate, communal outdoor space would serve the apartments. Submission of additional refuse storage details for the apartments is recommended by the Council's Cleansing consultee. Details will be secured via condition.

#### 3.5.21 Noise:

A Noise Impact Assessment has been submitted with the application and reviewed by the Council's Public Protection consultee. It is recommended that noise mitigation measures identified in the assessment, ie acoustic glazing, are implemented prior to occupation of the development and thereafter retained. Such measures will be secured via condition.



3.5.22 The Council's Public Protection consultee has questioned noise impacts arising for occupiers of apartments which benefit from an open ended balcony. The applicant's noise consultant has provided sufficient justification to support these apartments without the need for further assessment / mitigation measures, recognising that no balconies will be on the noisiest north elevation facing Haslingden Road and that they will be limited to one on each floor and on a single side of the building (west elevation). Taking into account the measured road traffic noise levels at the proposed northern elevations of the apartment buildings and a correction for the restricted angle of view, it is anticipated that noise levels would be within the tolerance levels advocated by British Standard 8233:2014 guidance.

3.5.23 Noise arising from the proposed pumping station would be insignificant, as the mechanics will be situated underground and located no closer than the standard minimum distance of 15m from a dwelling, to minimise the risk of odour, noise and nuisance, in accordance with published Sewer Sector Guidance, Appendix C, March 2020.

3.5.24 Contaminated Land:

Phase 1 and 2 reports, including a Remediation Strategy (RS), have been submitted with the application. The Council's Public Protection consultee is satisfied that the proposed RS would adequately guard against any significant impacts arising from ground contaminants. Accordingly, implementation of the agreed RS would be secured via condition.

3.5.25 Air Quality:

An Air Quality Impact Assessment (AQIA) has been submitted with the application. Review of the assessment by the Council's Public Protection consultee finds that impacts arising from the proposed development and local committed development (ie development yet to be completed that benefits from planning permission) are somewhat uncertain. Under the circumstances, the same approach to air quality mitigation as with the extant permission is considered reasonable and proportionate, taking account that the site is allocated for housing. Members are advised that electric vehicle charging points were secured via conditions attached to the extant permission. However, since then, provision of such for each home is a requirement under the current Building Regulations regime (Approved Document S). Therefore, as a matter controllable under alternative legislation, a planning condition(s) would not be necessary. Submission of a Travel Plan and implementation of dust control measure, as specified in the submitted Construction & Environmental Management Plan (CEMP), would be secured via conditions, to further mitigate air quality impacts.

3.5.26 Construction Phase:

The CEMP is considered to adequately address / mitigate environmental impact arising during construction, including but not necessarily limited to control of noise, vibration, dust emissions and highway cleansing / wheel washing.

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

3.5.28 The development is considered to make an overall positive contribution to the area, through introduction of a proportionate housing led development, at a site allocated for such, which includes retention and provision of trees and hedgerows, provision of greenspaces, wetlands and opportunities for biodiversity enhancement.

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

#### 3.5.30 Environment

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

3.5.31 A Flood Risk Assessment (FRA) and drainage strategy is submitted with the application, notwithstanding that the site lies entirely within Flood Zone 1 (low risk) which have been reviewed by the Councils Drainage consultee, as Lead Local Flood Authority and United Utilities (UU). The FRA concludes that there is a low risk of flooding from fluvial sources. Focus is, therefore, on the management of surface water runoff arising from the development.

3.5.32 The FRA recognises that discharge of surface water to the ground is unlikely to be a feasible solution due to the composition of the underlying soil strata. In accordance with the drainage hierarchy, the next most sustainable solution is discharge to a water body. The nearest potential point of discharge is the overflow channel from the reservoir but United Utilities regard this as an unsuitable option. A connection to Higher Croft Brook (ordinary watercourse) to the south of the site is not practical. As an alternative UU has confirmed that it is possible to connect to the neighbouring public sewer network through four separate points of connection. At each point of connection the flow will need to be restricted and, as a consequence, there is a need for a considerable detention volume on the site. Consequently, surface water detention is to be provided by way of an attenuation pond and an underground attenuation tank along the southern margin of the site. The pond would form an integral part of the greenspace next to the reservoir and provide multiple benefits. Not only would it be essential to the management of surface water, it would also provide an attractive visual feature and encourage diversification of habitats for wildlife across the completed development.

3.5.33 Assessment of flood risk and proposed mitigation thereof is consistent with the explicit policy requirement. The Council's Drainage consultee, as Lead Local Flood Authority, and United Utilities offers no objection to the proposed drainage methodology, subject to securing implementation of the approved scheme via condition. Submission of a Management and Maintenance

Strategy for the lifetime of the surface water drainage system would also be secured via condition.

3.5.34 The existence of a drainage ditch / watercourse at the rear of Walton Crescent, to the west of the site, and how it may be impacted by the development is acknowledged. It is confirmed that the ditch is outside of the development confines, within alternative land ownership. Its retention is, therefore, secured, along with the retention of other watercourses crossing the site. The applicant is advised that any works to or adjacent to a watercourse requires consent under the Land Drainage Act and that the development should not give rise to any pollution of the watercourse. Such advice will be secured by an informative.

3.5.35 Ecology:

An Ecological Impact Assessment; a Biodiversity Net Gain Metric Calculation; a landscape scheme; and an Ecological Enhancement Strategy have been submitted with the application. To date, no formal response has been received from the Council's ecology consultee (GMEU). However, from an ecology perspective, it is considered that no significant material change in circumstances arise from when the extant permission was assessed, when it was confirmed that assessment had used reasonable effort to survey the habitats on site and make an assessment of their suitability to support protected / species of principal importance (Section 41, NERC 2006 [Natural Environment & Rural Communities Act]), notwithstanding that it was conducted during a sub-optimal time (November). Moreover, it was recognised that the relatively low value nature of the habitats present on site should not invalidate the findings of the assessment.

3.5.36 It is recommended that the following matters should be secured via conditions, notwithstanding the submitted details, in order to facilitate consultation with the Council's ecology consultee through the application discharge process:

- Protection of retained trees;
- Reasonable Avoidance Measures relating to tree, shrubs and undergrowth clearance (outside of the breeding season – March to August inclusive; and supervision of dense scrub / vegetation clearance by an Ecological Clerk of Works;
- Submission of a design and external lighting scheme;
- Submission of an amended boundary detail plan to cater for small mammals / amphibians by way a gaps at the foot of fences, to aid ecological permeability;
- Submission of planting specification around the two attenuation ponds and pond planting and replacement species planting, as specified in GMEU's comments, notwithstanding the submitted landscaping details;
- Submission of the Biodiversity Enhancement Plan to include provision of bat / bird boxes or informal hibernacula for common amphibians/reptiles; and
- Submission of a Landscaping and Environmental Management Plan for a period of 30 years minimum.

### 3.5.37 Trees / Landscaping:

No protected trees are located within or immediately adjacent to the site. The Council's Arboriculture consultee offers no objection, following review of the submitted Tree Survey / Arboricultural Constraints Appraisal, Arboricultural Method Statement and Landscaping Strategy. The submitted detail to date indicates that trees of value within the site and the hedgerow along the western boundary would be retained. Lower grade, self-seeded trees would be removed to facilitate the development. Retained trees would be protected during construction phase in accordance with measures specified in the submitted Arboricultural Method Statement / Tree Protection Plan. Such measures to be secured via condition.

3.5.38 The detailed Landscaping Strategy submitted with the application includes planting of a range of native and non-native species across the site. The range of planting is considered generally adequate mitigation, subject to the above amendments recommended by ecology (GMEU). Implementation of landscaping during the first available planting season after completion of the development will be secured via condition.

The Council's Arboricultural consultee offers no objection to the proposal, recognising that landscape proposals would provide a suitable level of planting and amenity, constant with the scale of the proposed development.

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

### 3.5.40 Highways / Access and Transport

Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.41 A Transport Assessment (TA) is submitted with the application which has been reviewed by the Council's Highways consultee who, in the context of the sites housing allocation, is satisfied that the traffic impact of the proposal on the local highway network, in general, would not be excessive. The sites highly sustainable location is recognised in this context, with easy access to bus routes and a range of local amenities. All issues arising from review of the TA have been proportionately and satisfactorily addressed by the applicant.

3.5.42 Vehicular access into the site is to be taken from Haslingden Road. A new bellmouth will be created including a right turn egress. A formalised pedestrian crossing point over Haslingden Road will also be provided. These works will be delivered in accordance with a 278 improvement scheme, at the developers cost, to be undertaken by the Local Highway Authority from design

to implementation. Works will be secured via condition attached to the full permission.

- 3.5.43 The layout of the development is orientated around a main spine road which connects to Haslingden Road. This is the only point of connection. The spine road is broadly on a north to south alignment and is conceived as a reasonably broad tree lined street. The position, width and character of this spine combine to form a view corridor through the site towards the reservoir and Darwen Tower in the distance. This is a key feature of the site. The internal road network connects to this spine to form a series of street blocks. A legible street hierarchy is appropriately demonstrated. Care has been taken to ensure that there is an active and interesting outer edge to each street block. Houses are orientated to front onto streets and to overlook key greenspaces. The outcome is a clear and legible grid of streets through the development that allow for the safe and efficient movement of traffic.
- 3.5.44 The internal road layout broadly conforms with the Councils requirements for adoption, in terms of carriageway and footway width. A swept path analysis confirms appropriate manoeuvrability for refuse vehicles with the exception of the one-way street running north to south through the site, entering at plots 56 and 88 and exiting at plots 63 and 101. The 3m width is marginally sub-standard by circa 500mm when assessed against the tracking of refuse vehicles. An increase in width would, however, unacceptably impact of separation distances between dwellings. Moreover, its one-way status negates any significant concern.
- 3.5.45 The movement of pedestrians and cyclists through the site is given appropriate attention. Along Haslingden Road there is pedestrian and cycle access at two points – at the north eastern corner of the site and alongside the vehicular access. There are also connections for pedestrians at the other edges of the site. On the eastern side there will be a pedestrian link to the existing housing neighbourhood and along the southern boundary the path network will lead from the development onto the recreational routes around the reservoir. There is also a pedestrian link along the western margin to form a link to Sullivan Drive. Opportunities for additional pedestrian connection to the housing development to the east are constrained by land outside of the applicant's ownership.
- 3.5.46 The development proposes a mix of 2, 3 and 4 bed homes. Off-street parking is provided for every plot, which is broadly in accordance with the Council's adopted standards (including dimensions) of 2 spaces for 2 & 3 beds and 3 spaces for 4 beds.
- 3.5.47 Of the 168 houses proposed, 23 (10 Meldon and 13 Edford) would benefit from integral garages which accord with the Council's benchmark standard of 3m x 6m.
- 3.5.48 In-curtilage parking provision for proposed houses is, therefore, considered acceptable.

- 3.5.49 The proposed apartment block comprising 37, 15 2 bed and 22 1 bed apartments, will be served by 40 spaces. This represents a shortfall of 12 spaces, when assessed against the benchmark Council standard. The highly sustainable location of the development, as one located on a main road served by regular and varied bus routes, and in proximity to a range of shops and services, is considered to warrant a relaxation in the parking standard.
- 3.5.50 Full engineering details of carriageways, and street lighting will be secured via condition.
- 3.5.51 Active Travel England (ATE):  
Since 1<sup>st</sup> June 2023, ATE are statutory consultees on planning applications proposing 150 homes or more. ATE's strategic objectives are to promote cycling and walking as alternatives modes of sustainable transport, with a particular vision of making cycling a mass form of transit.
- 3.5.52 ATE recommend that additional consideration is applied to specific areas of concern identified with the proposal, including covered cycle stores for the apartments; and active travel infrastructure within the layout; and the Travel Plan.
- 3.5.53 In response, the applicant has committed to include a covered store for up 37 bicycles. These are included on an amended site layout drawing.
- 3.5.54 In terms of active travel infrastructure, routes would be provided around the POS area to the south of the site and general connectivity through the site, included the central spine route which benefits from a 3m wide walking / cycling path. The presence of 'ransom strip' along the western edge of the site, is identified as a constraint to providing connectivity to the adjacent housing development. This matter was acknowledged during assessment of the previous application.
- 3.5.55 With reference to the Travel Plan Framework (TPF), the document together with the submitted TA provide a qualitative review of the pedestrian and cycle routes in the immediate vicinity of the site. Whilst it is acknowledged that these reports do not include a quantification of active travel movements associated with the development, these would not be significant – total peak hourly movements of circa 40 to 45 people based on the TRICS data included with the submission. It is considered that these numbers have no impact on the ability to form an effective active travel strategy for a development of this scale. Indeed, the scheme proposals include a number of pedestrian and cycle links to Haslingden Road to the north, Delius Close to the south and Sullivan Drive to the west which could readily accommodate these active travel movements. Submission of a full Travel Plan, based in the TPF, secured via condition, is a considered reasonable and proportionate response to ATE's concerns in this regard, whilst taking into account the existence of the extant permission and pre-application dialogue around this application.

3.5.56 Overall, the development will be well integrated into its setting from a highways accessibility perspective, being well connected to existing routes and existing development.

3.5.57 A Public Right of Way runs through the site, linking Haslingden Road with Britten Close. Defined as footpath 101 Blackburn, it will require a Diversion Order to accommodate the development and a temporary closure before any works commence on site, as acknowledged by the Councils PRow consultee. The matter is to be addressed by the applicant, as confirmed by an informative to be attached to the permission.

3.5.58 A financial contribution is secured via Section 106 towards completion of the South East Major Transport Scheme and other transport improvements and initiatives.

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

3.5.60 Submission of the above noted CEMP will address highway impacts arising from construction, including wheel wash and road cleansing. Adherence will be secured via condition attached to the full permission. A revised CEMP will be secured via condition attached to the outline permission, to provide for the construction of the other four apartment buildings.

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

3.5.62 Design / Character and Appearance

Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. This includes enhance and reinforcing the established character of a locality. Key aspects of character which must be taken into account are the following:

- i) Existing topography, buildings and landscape features and their integration into the development;
- ii) Layout and building orientation to make best use of existing connections, landmarks and views;
- iii) Building shapes, plot and block sizes, styles colours and materials that contribute to the character of streets and use these to complement character;
- iv) Height and building line of the established area;
- v) Relationship of the buildings to the street; and
- vi) Frontage treatment such as boundary walls.

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

response to policy and general design requirements. The layout is also heavily influenced by a Development Brief produced on behalf of the Council, confirming its key design and planning requirements for prospective developers, in support of the 'Invitation to Tender' stage of the process.

3.5.64 One of the key design features of the layout is the creation of a prominent gateway access from Haslingden Road leading on to a green corridor running through the approximate centre of the site, exposing views of Darwen Tower to the south and linking to a wildlife corridor / public realm area along the sites southern edge which will feature a range of planting and two drainage attenuation basins. It will also include 4 parking bays for visiting members of the public who wish to benefit from the amenity.

3.5.65 The layout will generally benefit from a connective ecological and green infrastructure network, including elements of tree lined streets and creation of areas of habitat. As previously noted, a comprehensive site wide landscaping strategy will be implemented, in order to integrate the development into its natural surroundings.

3.5.66 Layout of the developed area demonstrates a positive relationship between buildings. Open spaces are appropriately overlooked by nearby houses, thereby providing a degree of natural surveillance. Overall the layout provides for a cohesive and legible arrangement, broadly consistent with the prevailing residential pattern of the wider local.

3.5.67 Proposed apartment building would front Haslingden Road. Its position and scale being a response to the hospital buildings opposite and the general defining character along the northern side of the Haslingden Road corridor. A landscape corridor along the frontage will provide a visual sense of relief from the built form. The apartment building diminishes in scale from 4 storey's down to 2 in response to the 2 storey care home to the immediate west. Materials will broadly reflect those used in domestic buildings which straddle the site. The apartment block is illustrated below (Design & Access Statement, Baldwin Design).



3.5.68 Proposed dwellings are designed with a degree of articulation and interest, through inclusion of a mixed palette of materials, including brick types and render. Their design is broadly complimentary with the residential surroundings. Example house types and materials are illustrated below (Design & Access Statement, Baldwin Design).





3.5.69 Implementation of approved materials, indicated in the submitted Materials Schedule, will be secured via condition.

3.5.70 Boundary treatments will be appropriately robust brick walls to areas facing the public realm. Typical timber panelled fencing will otherwise delineate properties. Implementation of the submitted detail will be secured via condition.

3.5.71 Overall, the design of the development is found to be in accordance with the requirements of Policy 11, The Residential Design Guide SPD and The Framework.

3.5.72 Heritage

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

3.5.73 LCC Archaeology recognise that the proposed development site contains the following non-designated heritage assets recorded on the Lancashire Historic Environment Record:

- PRN14385 – Boundary marker stone shown on 1st Edition Ordnance Survey 1:2500 (1894)
- PRN14390 – Footpath shown on 1st Edition Ordnance Survey 1:2500 (1894)
- PRN14410 – Boundary marker stone shown on 1st Edition Ordnance Survey 1:2500 (1894)
- PRN14419 – Site of Bank Lane End Farm, shown on 1st Edition Ordnance Survey 1:10560 (1849)
- PRN20283 – Site of Terrace known as 'Whinney Heights', shown on 1st Edition Ordnance Survey 1:10560 (1849), but possibly shown on Greenwoods 1818 Map of Lancashire.

3.5.74 Accordingly, submission of a programme of archaeological work is recommended to be secured via condition.

3.5.75 The development is found to be in accordance with the requirements of Policy 39 and The Framework.

3.5.76 Planning Gain / Section 106 Financial Contributions

It is often the case that impacts on infrastructure and services arising from development need to be mitigated. As set out in the Local Plan Part 2, The Council is committed to ensuring that an appropriate balance is struck between securing necessary infrastructure investment from new development, and maintaining the financial viability of high quality development that will lead to growth.

3.5.77 Policies CS21 and 12 require new development to contribute to mitigating its impact on infrastructure and services, through Section 106 Agreements.

3.5.78 A financial contribution of **£961,772** would be secured, as agreed between the Council and the applicant, for the following:

3.5.79 **Education**

The Pupil Yield Study (Edge Analytics, Oct 2021) has confirmed that additional secondary school places will be required as a result of major housing developments in the borough. A Section 106 contribution of £207,200 will therefore be sought to provide additional secondary school places provision across the borough.

3.5.80 **Highways**

A total contribution of £700,000 will be required to fund the south east Blackburn major transport scheme, associated transport infrastructure improvements, sustainable transport initiatives including (but not limited to) subsidised public transport, traffic calming, providing a safer environment to encourage participation in active travel and improved walking and cycling routes. Members are advised that this figure has been reduced by £50,000 from the previous permission, due a cost saving arising from the Council carrying out highway improvement works to Haslingden Road.

3.5.81 **Health**

A total contribution of £50,000 will be required towards reconfiguration and extension at St Georges Surgery & The Cornerstone Practice, in order to create additional general practice capacity within the area, following a request from Lancashire and South Cumbria Integrated Care Board (ICB).

3.5.82 **Monitoring Fee**

A monitoring fee of £4,572.

3.5.83 The Section 106 payment profile is as follows:

S106 Payment A as per Tender – additional to Land Offer	Amount payable	At completion of land sale	At 1 <sup>st</sup> anniversary from completion	At 2 <sup>nd</sup> anniversary from completion	Total payable
Highways Parcel 1	£500,000	£0	£250,000	£250,000	£500,000
<b>Payment A Total</b>	<b>£500,000</b>	<b>£0</b>	<b>£250,000</b>	<b>£250,000</b>	<b>£500,000</b>

S106 Payment B – to be deducted from land offer	Amount payable	At completion of land sale	At 1 <sup>st</sup> anniversary from completion	At 2 <sup>nd</sup> anniversary from completion	Total payable
Education	£207,200	£0	£107,200	£100,000	£207,200
Highways Parcel 1	£200,000	£200,000	£0	£0	£200,000
Health facilities	£50,000	£50,000	£0	£0	£50,000
Monitoring fee	£4,572	£2,500	£2,072	£0	£4,572
<b>Payment B Total</b>	<b>£461,772</b>	<b>£252,500</b>	<b>£109,272</b>	<b>£100,000</b>	<b>£461,772</b>
<b>Total S106</b>	<b>£961,772</b>	<b>£252,500</b>	<b>£359,272</b>	<b>£350,000</b>	<b>£961,772</b>

3.5.84 The commuted sum represents a proportionate, evidence based contribution from the developer that would adequately mitigate the impact of the development on the subject matters

#### 3.5.85 Summary

This report assesses the full planning application for the erection of 168 dwellings and an apartment block comprising 37 individual apartments. In considering the proposal, all *material* considerations have been taken into account. The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal balanced against any potential harm that may arise from its implementation. This report finds that the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, Supplementary Planning Documents and the National Planning Policy Framework.

## 4.0 RECOMMENDATION

### 4.1 Approve subject to:

- (i) Delegated authority is given to the Strategic Director of Growth and Development and the Deputy Chief Executive to approve planning permission, subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £961,772 (including a monitoring fee), as set out at para 3.5.78.

**Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Strategic Director of Growth and Development and Deputy Chief Executive will have delegated powers to refuse the application.**

- (ii) The following conditions:

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

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the application received 22<sup>nd</sup> December 2021 and with the following drawings / plans / information: *(to be added)*.

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

3. The exterior of the buildings hereby approved shall be constructed in strict accordance with the materials specified in the submitted Materials Schedule, received 1<sup>st</sup> April 2021.

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

4. The development hereby approved shall be completed in strict accordance with the submitted Material and Boundary Treatment plan, Ref. KMH.W.DR.A.3000 Rev J, Boundary Treatment plan, Ref. 4077-BTD and Feature Brick Garden Wall with Piers plan, Ref. 4077-KHNW-FW.

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

5. The development hereby approved shall be implemented in strict accordance with the approved Remediation Proposals letter dated 30<sup>th</sup> June 2023, referenced 7659KMH230630I, including Remediation Plan, ref. 7659/RP and Topsoil Reuse Plan, ref. 7659/TS, Rev A, as produced Coopers Chartered Consulting Engineers.

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

6. Prior to occupation of the development hereby approved, a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

**7.** Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

**8.** Construction phase of the development hereby approved shall only take place between the hours of 08:00 and 18:00 Monday to Friday, 09:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

REASON: To protect the amenity of residents, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

**9.** Construction of the development hereby approved shall be carried out in strict accordance with the submitted Construction Environmental Method Statement, produced by Keepmoat Homes, Ref. 4077/CEMP, dated March 2022. All measures which form part of the approved details shall be adhered to throughout the period of construction.

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

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

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

**11.** Noise mitigation measures specified in the Hepworth Acoustics Report, No. P21-571-R01v3 (June 2023), shall be implemented in full

prior to operational use of the development hereby approved and shall be so retained.

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

**12.** Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2.

**15.** The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted 'Proposed Drainage Layout', Drawing Number 4077-PEF-XX-DR-C-0500-DRAINAGE, Rev C05- Dated 17.05.23 which was prepared by Keepmoat Homes. For the avoidance of doubt surface water must drain at the restricted rate of 17.5 l/s. No surface water will be permitted to drain directly or indirectly into the combined sewer.

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

REASON: To promote sustainable development, to secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 9 and 36 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

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

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

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

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

**17.** No site clearance or demolition or construction works on site shall be carried out during the bird nesting season (March to August), unless the absence of nesting birds has been confirmed by further survey work or on-site inspections

REASON: To ensure the protection of nesting birds, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

**18.** The development hereby approved shall be carried out in strict accordance with the Arboricultural Constraints Appraisal, ref. MAN.1732.003.LA.R.001.00, dated September 202, produced by Enzygo Environmental Consultants; and the Arboricultural Method Statement, ref. P.1658.22.01 Rev B, dated 20<sup>th</sup> April 2022, produced by Ascerta Landscape/Trees/Ecology.

Specified tree and hedgerow protection measures shall be adhered to throughout the period of construction.

REASON: Trees represent a public benefit by way of visual amenity and should therefore be protected at all times, in accordance with Policies 9 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

**19.** Prior to commencement of any above ground works hereby approved, a Biodiversity Enhancement Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall provide for the following:

- Small mammal / amphibian gaps of 130mm x 130mm in the footing, concrete pad or gravel board of the 1.8m feathered board fencing, notwithstanding the type and position of such referenced at condition no. 4; and
- Bat or bird boxes, or informal hibernacula for common amphibians/reptiles.

The development shall be completed in strict accordance with the approved strategy.

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

**20.** The development hereby approved shall be implemented in strict accordance with the 'Landscape Masterplan' ref. LDS507-04B, dated June 2023; Landscape Specification document, ref. LDS1507-01B/02B/03B/04B, dated 29<sup>th</sup> June 2023; Planting Plan (1 of 3), ref. LDS507-01B; Planting Plan (2 of 3), ref. LDS507-02B; and Planting Plan (3 of 3) ref. LDS507-03B, dated June 2023, produced by Landscape Design Solutions (NW) Ltd. Planting shall be carried out during the first available planting season following completion of the development, and

thereafter retained. Trees and shrubs dying or becoming diseased, removed, or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and / or shrubs.

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

**21.** Prior to occupation of the development hereby approved, and notwithstanding landscaping details approved under condition no. 20, a planting scheme, including a planting timetable, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail additional provision of suitable marshy grassland seeding to the sloped edges of and aquatic native species within the approved drainage attenuation ponds. Planting shall be carried out in accordance with the approved scheme, and shall be so retained thereafter. Planting dying or becoming diseased, removed, or being seriously damaged within five years of planting shall be replaced by species similar to those originally required to be planted.

REASON: To provide appropriate ecological and biodiversity enhancement measures, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

**22.** Prior to occupation of the development hereby approved, a Landscape and Environmental Management and Maintenance Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall cover all landscaped areas of public open space, subject to details approved under condition nos. 20 and 21, and it shall detail a programme of works including scheduled frequencies of weeding and watering as well as monitoring of habitats for a period of 30 years. The strategy shall be implemented in accordance with the approved detail upon completion of the development.

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.

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

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



**24.** Prior to the construction of any of the streets, full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

REASON: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with Policy 10 of the Blackburn With Darwen Borough Local Plan Part 2.

**25.** Prior to the occupation of the development hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

REASON: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety, in accordance with Policy 10 of the Blackburn With Darwen Borough Local Plan Part 2.

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

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

**27.** Prior to occupation of the development hereby approved, and notwithstanding the submitted details, a site specific Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved Green Travel Plan measures shall be implemented upon occupation of the development and shall be so retained.

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

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

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

**29.** Prior to occupation of the apartments hereby approved, and notwithstanding the submitted details, a refuse storage scheme shall be submitted to provide for the following bin storage for each apartment:

- A store to accommodate at least 5 x 1100 litre refuse bins for non-recyclable waste; 8 x 1100 litre bins for bulk paper recycling bins; and 8 x 1100 litre bins for mixed recycling bins (glass, cans, plastic recyclables); and
- Adequate storage areas(s) for bulky waste items such as furniture, mattresses etc.

REASON: In order to secure adequate refuse storage for occupants of the apartments, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

**30.** No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

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

## 5.0 PLANNING HISTORY

### 5.1

Application reference	Description of proposal	Decision
10/21/1426	Hybrid planning application comprising - Full permission for the erection of 160 dwellings and 50 apartments in two blocks together with access roads and landscape treatment (Phase 1); and outline permission for the erection of 100 apartments in four blocks with all matters reserved except for access (Phase 2)	Granted – 14 <sup>th</sup> September 2022
10/22/0914	Discharge condition nos. 5, 19, 24 and 25 pursuant to planning application 10/21/1426	Awaiting decision
10/22/1058	Non-material amendment pursuant to planning application 10/21/1426 - Slight amendments to plots 76-80 with plots 78 & 80 side parking moved to upfront	Granted – 18 <sup>th</sup> November 2022
10/22/1059	Discharge condition nos. 10, 13, 16 and 20 pursuant to planning application 10/21/1426	Awaiting decision
10/22/1067	Removal of condition no. 27 pursuant to planning application 10/21/1426	Granted – 17 <sup>th</sup> February 2023

## 6.0 CONSULTATIONS

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

LLFA have no objection but require the following conditions:

Prior to commencement of development, submission of design details for LPA approval, of the surface water drainage system, including volume and cross section details of the attenuation ponds.

Prior to occupation of the development, submission of a drainage maintenance and management scheme to be agreed and implemented.

### 6.2 BwD Public Protection

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

Predetermination Review: Consideration of Apartment Balconies Use & Noise Amenity

The standard of amenity provided at apartment balconies will be relatively poor and undesirable when compared to the appropriate standard (BS8233). The balcony spaces must be designed to achieve the lowest practicable traffic noise levels if the balcony use includes relaxation eg sitting outside to enjoy fresh air, eating outside etc. Consequently, if the balconies are to be used for relaxation, a predetermination review will be required to ensure noise mitigation is considered in respect of design & location – please let me know if a review is required.

Condition – Traffic Noise Control: Sound Proof Glazing & Ventilation

The applicant shall submit a written glazing and ventilation scheme that demonstrates adequate soundproofing provision within the proposed dwellings. The scheme must be approved in writing by the Local Planning Authority prior to commencement of development works and installed & retained for the duration of the approved use.

Reason: To prevent traffic noise disturbance at the dwellings.

Informative: The developer should have regard to BS 8233: ‘Sound Insulation & noise reduction for buildings – Code of Practice’.

NB: Ventilation Scheme

The Environmental Protection Service cannot assess or validate the suitability of habitable room ventilation system(s) proposed for this development.

Condition – Acoustic Barriers Noise Control Scheme

The Hepworth Acoustics Report No: P21-571-R01v3 (June, 2023) recommendations in respect of acoustic barriers for Private Gardens (Section 4.5 & Figure 3 ‘Noise Mitigation Scheme’) shall be implemented prior to commencement of the approved use and thereafter retained for the duration of this use..

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

NB: Ventilation Scheme

The Environmental Protection Service cannot assess or validate the suitability of habitable room ventilation system(s) proposed for this development.

**Condition: Pumping Station Noise Amenity Impact**

Prior to the commencement of the development a BS4142 'Methods for rating and assessing industrial and commercial sound' assessment shall be submitted, in writing, to the Local Planning Authority (LPA) for the pumping station. The assessment and any noise control measures must be approved in writing by the LPA. All approved control measures shall be implemented before commencement of the approved use and retained for the duration of the use.

Reason: To ensure an acceptable standard of residential amenity.

**Condition – Floodlighting (other than street lighting, as appropriate)**

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

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

**Informative:**

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

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

**Construction Phase Control Conditions**

**Condition – Hours of Site Works**

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

Monday to Friday 08:00 – 18:00 hours

Saturday 09:00 - 13:00 hours

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

**Reason**

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

**Condition – Dust Control**

The submitted 'Construction Environmental Method Statement' (Ref. 4077/CEMP) Dust Management Plan shall be implemented throughout the construction works at the development site.

Reason: To minimise loss of amenity at residential premises.

#### Condition - Noise & Vibration Control

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

#### Reason

To minimise noise/vibration disturbance at adjacent residential premises.

#### Informative - Construction/Demolition Noise

All activities associated with the construction/demolition works shall be carried out in accordance with British Standard 5228: Code of Practice for Noise & Vibration Control on Construction & Open Sites – Parts 1 and 2.

#### Floodlighting Control (Construction Phase)

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

#### Condition

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

#### Reason

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

#### Informative:

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

NB: The proposed development is within an E3: Medium District Brightness Area.

#### Air Quality

#### Recommendations:

If the authority is minded to approve the application I would recommend the following conditions:

#### Condition – AQA

Prior to the occupation of the site, details regarding the additional mitigation commensurate with the information required for a Type 3x development (in accordance with the BwDBC Air Quality Advisory Note) should be agreed in writing by the LPA. Mitigation agreed and based thereon should be incorporated within the

development, and verification of the agreed mitigation should be provided on completion of the works.

Reason: In accordance with Paragraph 104, 185 and 186 of the NPPF, the Council's Air Quality Advisory Note and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality in order to reduce the impact of the development on air quality & mitigate any adverse effects on public health and the wider environment.

Condition – Domestic gas boiler emissions

Gas fired domestic heating boilers shall not emit more than 40mg NO<sub>x</sub>/kWh.

Reason: The condition implements the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality.

Condition – Electric vehicle charging

Each dwelling with a dedicated parking space or garage will have its own electric vehicle charging point. In the case of apartments without dedicated parking for individual units, 10% of parking bays shall be fitted with electric vehicle charging points. All charging points will have a Type 2 connector and a minimum charging rate of 3.7 kW.

Reason: Reason: In accordance with Paragraph 110a and 112d of the NPPF. The condition also implements the Council's Air Quality Planning Advisory Note. National government policy is encouraging a transition away from internal combustion engines and towards ultra-low emission vehicles, including EVs, over the next 20 years. The government has committed to end the sale of new petrol and diesel cars and vans by 2030/5.

Condition – Dust Management Plan

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

Reason: This condition is recommended to mitigate the risk of dust soiling and associated health impact at neighbouring residential premises during earthworks and construction. The developer's assessment concluded that the unmitigated risk of dust soiling is high for earthwork and trackout, medium for construction, and the health risk is medium for trackout.

Condition: Green Travel Plan

Notwithstanding any details submitted as part of the application, none of the buildings hereby approved shall be first occupied until a Travel Plan has been

submitted to and approved in writing by the Local Planning Authority. The travel plan shall thereafter be implemented in accordance with the duly approved details and timetable contained therein. The Travel Plan shall contain:

- a. details of a Travel Plan co-ordinator;
- b. details of measures to be introduced to promote a choice of travel modes to and from the site;
- c. a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
- d. a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under (b) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

Reason: In order to promote modal shift and increased use of sustainable methods of travel, and in accordance with paragraphs 110, 112 and 113 of the NPPF.

### **Contaminated Land**

Implementation of Remediation Strategy by condition.

### **6.3 BwD Environmental Services**

No issues with the houses.

Apartments – we don't favour these as people are usually provided with bulk bins to share (no space for 3 bins for each apartment) and since people do not have 'ownership' over shared bins, one person throwing mixed rubbish in recycling bins, means we cannot empty the recycling bins. The managing agent usually takes no role in keeping the bin stores clear or educating residents and so rubbish and recyclables build up in the bin stores. As a council we pay the cost of extra disposal from these premises as the contents of the recycling bins often have to be disposed of as general rubbish.

For 37 flats bulk bin provision will mean 5 x 1100 ltr bulk refuse bins, 8 x 1100 ltr bulk paper recycling bins and 8 x 1100 ltr mxd recycling bins...PLUS from 2026 the council will be providing a separate food waste collection so the developer will also need to provide space for shared food waste collection bins, of say 6 x 240 ltr wheeled bins but these could be placed at the same time as withdrawing say 2 of the bulk rubbish bins.

## 6.4 BwD Highways

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

The proposal seeks consent for Construction of residential development comprising the erection of 168 dwellings and 37 apartments together with access roads and landscape treatment

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

The site is located off Haslingden Road. The scheme has been altered from that which was approved under 10/21/1426. Apartment Block B (units 187-210 have been removed) in favour of 9 houses, with further changes within the remainder of the layout. All matters as outlined and agreed at the previous approval would still remain, and should be attached. This should include the S106 highway contribution of £750k

The roads layout does not change, and remains as approved.

Aside from ensuring that the parking accords with Blackburn with Darwen Adopted parking standards, and the bays accords with the council's dimension sizes. Cycling parking should be provided for all property within curtilage.

To further support active travel and wider connections to, from and through the site. Footpath connections to Seacole Close Estate, Sullivan Drive, Delius Close and Arnold Drive should all be widened to a minimum 3m width to accommodate shared use. As previously commented a 3m wide connection as far as the site boundary permits towards Pankhurst Close should also be provided following the private driveway to property 168. The continuation of the path to Block A should also be extended to return to Haslingden Road to provide a convenient route for pedestrians accessing the site to/from the West.

The links to Seacole Close Estate, Sullivan Drive, Delius Close and Arnold Drive should all be properly connected to existing infrastructure to ensure suitable routes for pedestrians and cyclists

### OTHER

A Construction Management Plan would need to be provided for approval, if different to that already approved.

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway



- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authority
- The new highways will be the subject of a Section 38 agreement to construct and adopt the roads and footways
- Any old entrances that are no longer required, should be reinstated back to full footway at the developers expense
- Footways around the periphery of the site, are to be made good, upto modern adoptable standards, this include street lighting, lining and any associated works.

Subject to the above being conditioned, and all matters being addressed, we would in principle offer no objections to the application.

**Please note:** Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority. Please attach standards conditions/Informatives: Highways 1, 2, 3, 7, 8, 9, 90, 10, 11, 12, 13, 14, 15, and 17

## 6.5 BwD Public Rights of Way

There is a footpath running across this site which is mentioned in the planning and access statement. This footpath 101 Blackburn will require a diversion order to accommodate the development.

The footpath will also need a temporary closure in place before any work commences on site, including site preparation prior to construction.

If there is to be a change of surface to this Public right of way, prior approval needs to be sought from the highway authority before work commences.

All forms can be obtained from BWDBC website or by emailing:

## 6.6 BwD Drainage – Lead Local Flood Authority

### **10/23/0616 LLFA Response**

LLFA Position:

We have no objections to the proposals, but require the following Conditions:

#### **Condition 1:**

None of the dwellings hereby approved shall be first occupied until details of a management and maintenance scheme for any sustainable drainage (including both tanks and basins) to be installed as part of the development has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall cover the full lifetime of the drainage system, and as a minimum, shall include:

- (i) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company;

(ii) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of any sustainable drainage system incl. mechanical components to include details such as:

- a. on-going inspections relating to performance and asset condition assessments;
- b. operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
- c. any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

(iii) means of access and easements for maintenance purposes; and

(iv) a timetable for implementation, including details of any phased delivery.

The drainage system shall thereafter be installed in accordance with the details and timetable contained within the duly approved scheme, and shall be managed and maintained as such thereafter.

**Reason:**

To ensure that satisfactory measures are put in place for the management and maintenance of any surface water drainage system throughout the lifetime of the development, to minimise the risk of flooding and to limit the potential for surcharging of the sewer network in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

**Condition 2:**

Prior to commencement, the applicant must provide confirmation that UU have approved the connection and discharge rate to the surface water sewer.

**6.6 BwD Arboriculture Officer**

Designations:

Policy 9. Development and the Environment.

Assessment:

I have considered the proposals with regard to the Arboricultural Constraints Appraisal, the Arboricultural Method Statement (AMS), the landscape plans, and the planting and landscape specifications.

The site contains a few lower grade trees, situated around the boundaries.

There are some trees close to the boundary on neighbouring land which are of value and would not be impacted upon by the proposed layout.

The proposed entrance requirements will require the removal of a mature Hawthorn hedge. The landscape proposals include hedging to be planted with the new entrance, consisting of Holly, Privet and other native species.

The plant species listed in the Planting Schedules in the Landscape Specification document are suitable and appropriate for the development.

Proposed tree planting provision and species choice is appropriate for the housing and open space.

Conclusion:

The proposals will not lead to any notable loss of tree cover and can be compensated with by new planting.

Landscape proposals provide a suitable level of amenity constant with the scale of the proposed development.

Recommendations.

The landscape plans with associated documents, tree protection proposals and AMS, provide full details which are suitable to approve. Therefore a condition for further landscape provision is not required.

**6.7 BwD Property**

No comment offered.

**6.8 BwD Strategic Housing**

No objection.

**6.9 BwD Education**

No response offered.

**6.10 BwD Housing Standards**

No response offered.

**6.11 United Utilities**

DRAINAGE

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

CONDITION – Foul and Surface Water Drainage

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted 'Proposed Drainage Layout', Drawing Number 4077-PEF-XX-DR-C-0500-DRAINAGE, Rev C05- Dated 17.05.23 which was prepared by Keepmoat Homes. For the avoidance of doubt surface water must drain at the restricted rate of 17.5 l/s. No surface water will be permitted to drain directly or indirectly into the combined sewer.

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

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

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

The importance of Sustainable Drainage Systems (SuDS)

We strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. We believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in any subsequent Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. The following may be a useful example.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local

planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

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

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

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

## 6.12 Active Travel England

Notice is hereby given that Active Travel England's formal recommendation is as follows:

Deferral: ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.

### 1.0 Background

Active Travel England (ATE) welcomes the opportunity to comment on this planning application for the erection of 168 dwellings and 37 apartments. The application site is allocated for development within the local development plan and is located within the Blackburn settlement boundary. It is noted that there is recent planning history at the site, however this is ATE's first involvement with the application site.

### 2.0 Summary

While ATE acknowledges that under planning reference 10/21/1426 planning permission was granted in 2022 for the erection of 160 dwellings and 50 apartments at the site, having reviewed the proposed development ATE has identified several areas of concern with the proposed development and feels that active travel has not been sufficiently prioritised in the current approach. Of particular concern is the lack of secure, covered bicycle storage for the apartments. However, the layout, active travel infrastructure and the Travel Plan also raise concern.

### 3.0 National Policy and Guidance

The National Planning Policy Framework (NPPF) states: 104. Transport issues should be considered from the earliest stages of... development proposals, so that: c) opportunities to promote walking, cycling and public transport use are identified and pursued. 110. In assessing specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; [and] b) safe

and suitable access to the site can be achieved for all users. 112. Applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas...; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; [and] c) create places that... minimise the scope for conflicts between pedestrians, cyclists and vehicles...; 113. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. Local Transport Note 1/20 (LTN 1/20) provides guidance to local authorities on delivering high quality, cycle infrastructure. More specifically relevant to this application is section 11 – Cycle parking and other equipment, and paragraphs 6.5 on shared use routes. Gear change: a bold vision for cycling and walking is the Government’s cycling and walking plan for England. This sets the Government’s vision for cycling and walking to be the natural first choice for many journeys with half of all journeys in towns and cities being cycled or walked by 2030. Active Travel England’s responsibilities for walking also extend to “wheeling”, such as the use of wheelchairs (self-propelled or powered) and mobility scooters. Inclusive mobility: making transport accessible for passengers and pedestrians provides guidance on designing and improving the accessibility and inclusivity of public transport and pedestrian infrastructure.

#### 4.0 Opportunities

The application site benefits from a range of attributes which have the potential to facilitate walking, wheeling, and cycling. In particular, the site is located within the urban area, meaning that employment facilities and other day-to-day amenities are within a reasonable distance of the site. The development should therefore be in a strong position to encourage walking, cycling and wheeling as the priority mode of transport. In order for these opportunities to be realised, ATE considers that improvements to infrastructure will be required in order to enhance this development to be in line with local and national policy and design guidance.

#### 5.0 Areas of Concern

In its current form, this application does not demonstrate a commitment to how the proposed development will ensure that active travel modes are prioritised. Bicycle storage

- The submitted plans do not show any secure bicycle storage associated with the apartments. The layout plan appears to show 7 bicycle stands located close to the eastern edge of the building. However, given that the development proposes 37 apartments, with a total of 52 bedrooms across these units, this provision will be inadequate and falls considerably short of Blackburn with Darwen Borough Council’s Cycle Parking Standards which advises that this development should provide 52 cycle parking spaces for the apartment building.
- In addition to a shortfall in the number of spaces, these spaces are also not secure and are not overlooked by any windows or public space. They are also uncovered. The provision therefore falls short on quality as well as quantity and is unlikely to result in any genuine uptake of bicycle parking. Residents would likely be required to store bicycles within their apartments, discouraging bicycle ownership and use.
- ATE therefore advises that secure, covered

cycle storage for 52 bicycles be provided within the building or within an appropriate associated structure. Connections from the site to the east.

- The layout of the development shows no direct connection to Pankhurst Close or Nightingale Close to the east and this would appear to be a missed opportunity to provide shorter and more direct walking, wheeling and cycling routes, particularly for dwellings in the southeastern corner of the site. Travel Plan and Transport Assessment.
- The Transport Plan (TP) and Transport Assessment (TA) do not provide a quantification of active travel movements likely to be generated by the development, and a qualitative assessment of potential routes is also missing. This results in a limited analysis or evidence base upon which an effective strategy can be built within these documents and the masterplan. Given that the NPPF clearly states that active travel should be prioritised, the omission of any meaningful qualitative or quantitative assessment and analysis is disappointing. • Initial targets for active travel mode shares should also be provided within the TP, and while it is acknowledged that targets may be adjusted after an initial survey of residents is carried out, targets based on local data should form part of the TP. Details of actions to be taken if the targets are not met should then also be outlined and committed to, with the intention for these to be secured, implemented, and monitored through the planning conditions.

3m shared footway/cycleway • Generally, shared use routes (i.e. a path or surface which is available for use by both pedestrians and cyclists) should be avoided along all new and upgraded streets, unless they fit within the limited acceptable situations listed in LTN 1/20 (see paragraph 6.5.6 and section 1.6 (2)). The development currently proposes a 3m-wide shared use footway/cycleway at the site access and also on Haslingden Road (A6077) to the east and west of the development site. However, it is acknowledged that within the Blackburn with Darwen Local Cycling and Walking Infrastructure Plan (LCWIP), Haslingden Road is identified as a 'fast commuter route' where achieving segregated LTN 1/20 compliant would be challenging due to the mix of traffic and the number of side roads and active frontages. The LCWIP advises that encouraging cyclists and pedestrians to use quieter 'primary routes' may be appropriate. ATE would therefore expect the applicant to demonstrate how this development would support the approach set out in the LCWIP.

#### 6.0 Next Steps

ATE recommend that the local planning authority considers the above points and seeks appropriate amendments to address the areas of concern. ATE would be content to review further submitted information with a view to providing a further response and recommended conditions and/or obligations as appropriate.

### 6.13 Ecology – GMEU

I have now had an opportunity to consider the proposal and submitted information: -

- Ecological Impact Assessment (Enzygo, November 2020)
- Biodiversity Net Gain Draft pdf of excel metric calculation (Enzygo, November 2020)

- Landscape Scheme Amended (uploaded to planning in March, 3 sheets - Landscape Design Solutions Ltd, LDS507-01 rev A and -02, 03)
- Boundary Treatment Details – Additional Information (uploaded to planning 1<sup>st</sup> April, Keepmoat Homes, dwg no 4077-BTD rev -)

I have the following comments to make: -

The Report appears to have used reasonable effort to survey the habitats on site and make an assessment of their suitability to support protected/species of principal importance (Section 41, NERC 2006 [Natural Environment & Rural Communities Act]). The survey was conducted in November 2020, which is recognised as suboptimal for the majority of surveys. Additionally the survey is now nearly 18 months old. However, given the nature of the habitats present the habitats on site are unlikely and this is not considered to be a constraint on the assessment and does not invalidate its findings.

The Report concludes that the site supports a building of negligible value to bat roosting and the surrounding habitats within the site are of local value to biodiversity.

There is currently no known reason to contradict the findings of the Report and **the application can be forwarded to determination in respect of biodiversity without the need for any further work.**

It is recommended that in order to comply with planning policy a number of conditions/informatives should be attached to any permission if granted, as follows: - Tree protection of retained hedgerows, trees and scrub along with the boundary of the reservoir should be secured via **condition**

Precautionary approach to site clearance RAMS – Vegetation clearance including trees, shrubs and undergrowth (eg bramble) should avoid of the breeding season (March – August inclusive) unless it can be demonstrated that there is no nesting activity present. All wild birds are protected whilst nesting (Wildlife & Countryside Act 1981). Additionally, the Report indicates that whilst additional survey is not required Reasonable Avoidance Measures should be used to site vegetation clearance including supervision by an Ecological Clerk of Works. This is due to the presence of dense scrub which could not be inspected for badger signs and likelihood of common amphibians or reptiles being present including common toad (NERC Priority Species). It is recommended that these measures be secured via **condition**.

Design of the external lighting scheme, particularly along the southern boundary adjacent to the reservoir. In line with the NPPF (July 2021 para 185 c)) we recommend that applicants follow the Institute of Lighting Professionals guidance (01/21 obtrusive lighting and 08/18 wildlife sensitive lighting). This should include all elements of the proposal such as highways lighting, pedestrian/cycleway access and external domestic/security lighting as appropriate. This should be secured by **condition**.

Ecological Permeability – I note the boundary treatment plan and the associated notes. In line with best practice it is suggested that this detail should be amended to show the provision and specification of small mammal/amphibian gaps at the foot of the 1.8m feathered board fencing. This should be a gap of 130mm x 130mm in the footing, concrete pad or gravel board. This can however, be implemented via a



**condition** for a Biodiversity Enhancement Plan although the LPA may decide that this may also require adjustment to the boundary treatment plans.

**Surface Water Drainage** – The scheme includes two open water areas, which will act as attenuation and blue infrastructure. I could not locate any planting specification for these features. It should include suitable marshy grassland seeding to the sloped edges and the planting of aquatic native species marginal. I would suggest that this can be secured against a notwithstanding the submitted landscape plans condition.

**Landscape Specification** – The landscape layout includes a buffer to the southern edge of the proposal and this is appropriate given the presence of Fishmoor Reservoir. However, I have recommendations for adjustment as follows, which can be secured on a **notwithstanding the submitted landscape detail condition**: -

- Pond planting and aquatic specification see above
- Removal of both *Cornus sanguinea* (dogwood) and *Ligustrum vulgare* (privet) from the native scrub mix. Although both these species may be considered native they occur in natural habitats at very low density and horticulturally produced specimens of these two plants have a tendency to be competitive and dominate a shrub mixture. I would suggest they are replaced with native wild cherry (*Prunus avium*), dog rose (*Rosa canina*) and/or honeysuckle (*Lonicera periclymenum*).

**Biodiversity Net Gain – Biodiversity Enhancement** The scheme is supported by a pdf copy of a Biodiversity Metric calculation but no Biodiversity Net Gain Report. This means that GMEU has not been able to fully validate the conclusions drawn by the applicant. However, in this instance there would be little merit in requiring these submissions at this late stage as it is highly probable that any adjustment on verification would not result in the scheme providing a net loss in biodiversity. The summary is that there would be a net gain of +9.54% habitats and 46.31% in linear hedges. However, the scheme does not include the submission of biodiversity enhancements as identified in the Report including bat or bird boxes or informal hibernacula for common amphibians/reptiles. I would recommend that a Biodiversity Enhancement Plan is provided and implemented via **condition**, on any permission if granted.

**Landscape and Environmental Management Plan** In order to secure the BNG uplift that is claimed the scheme should be supported by a LEMP which demonstrates the management and monitoring of on-site habitats for a period of 30 years. This can be secured via **condition** with identification of suitable resourcing and reporting processes. Where necessary this may require a securing obligation if this responsibility is to be returned to the Local Authority.

**In summary and conclusions**, I am satisfied that the scheme does not require any further biodiversity assessment, but that adjustments/additional information is required in relation to the following: -

- Boundary treatments
- Landscape specification to include changes and additional information
- RAMS protocol for site clearance
- Biodiversity Enhancement Plan#
- Landscape and Environmental Management Plan

I hope you find these comments helpful. If you have any queries, please do not hesitate to contact me.

#### 6.14 BwD Housing Standards

No comment.

#### 6.15 LCC Archaeology

The proposed development site contains the following non-designated heritage assets recorded on the Lancashire Historic Environment Record:

PRN14385 – Boundary marker stone shown on 1st Edition Ordnance Survey 1:2500 (1894)

PRN14390 – Footpath shown on 1st Edition Ordnance Survey 1:2500 (1894)

PRN14410 – Boundary marker stone shown on 1st Edition Ordnance Survey 1:2500 (1894)

PRN14419 – Site of Bank Lane End Farm, shown on 1st Edition Ordnance Survey 1:10560 (1849)

PRN20283 – Site of Terrace known as 'Whinney Heights', shown on 1st Edition Ordnance Survey 1:10560 (1849), but possibly shown on Greenwoods 1818 Map of Lancashire.

Given the absence of any Heritage Assessment walkover of the site it is not known in the 2 boundary markers (or others) remain on site, nor if the surviving field boundaries might contain features that might merit recording.

Surviving upstanding features such as boundary stones, and the Post-medieval (1600-1850) enclosure boundaries, along with below-ground early-mid 19th century archaeological remains of Bank Lane End Farm and 'Whinney Heights' would however only be considered to have a local significance and therefore would not merit preservation in situ but could rather be recorded prior to their destruction. Consideration should however be given to the retention of the boundary markers, if they are found to still be on site, within the proposed new development.

Consequently if the Council is minded to grant planning permission to this, or any similar scheme, the HET would advise that the applicants be required to undertake a programme of archaeological work. This should be carried out prior to any development of the site and secured by means of the following condition:

Condition: No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

Note: This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists ([www.archaeologists.net](http://www.archaeologists.net)).

**6.15 Environment Agency**

No response offered.

**6.16 Lancs Constabulary**

No objection subject to standard recommendations.

**6.17 Public consultation**

159 letters were posted to the local community on 27<sup>th</sup> July 2023. Site notices were also displayed and a press notice was published 4<sup>th</sup> August 2023. In response, 4 objections and 3 general comments were received (see Summary of Representations).

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

**8.0 DATE PREPARED: 2<sup>nd</sup> October 2023.**

## 9.0 SUMMARY OF REPRESENTATIONS:

### Objection – Iftekhar Hussin, 16 Pankhurst Close, Blackburn, BB1 2RB. Received: 27/07/2023.

Dear sir/madam I am writing to inform you that we do not agree to the planning application near or adjoining my property because of traffic on the local road network and objection revolving around the potential of flooding, drainage, impact on wildlife, loss of views, and over development, and car pollution and both of my children are asthmatic therefore it will impact their health.

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### Objection – Mr & Mrs Kay, 32 Nightingale Close, Blackburn, BB1 2RE. Received: 01/08/2023.

We, Mr and Mrs Kay of 32 Nightingale Close, Blackburn, BB1 2RE oppose the planned development on the field opposite the front of our house.

We chose our home based on the open views of the neighbouring town, reservoir and wildlife on our doorstep for which we paid a premium. We are frequented by birds of prey in the neighbouring field, bats and have the occasional deer find it's way to visit.

We are aware that a development has been planned for a number of years, however should this go ahead, **we oppose the layout directly in front of our home.**

We are mostly concerned to the planned build of some houses and trees that are in close proximity to the boundary wall in front of our home - **Plots 161-163**. Also, our home is set significantly lower than the adjacent street of Pankhurst Close and so, this would then result in impeding our natural daylight/sunlight and it being blocked out somewhat. (Not to mention our concern regarding the tree roots disturbing the boundary wall and the height in which the trees will grow which could also block out further daylight!)

Another concern of ours, is the view of rear gardens. We are well aware it is a separate development to the one in which we live on but part of our land lease terms are not to display laundry to the front of the properties. So it seems, being faced with a collection of back gardens and laundry, it is going to be somewhat unsightly and some may say an eyesore! Why the development couldn't have been designed to sympathetically mirror the neighbouring street I do not know.

Finally, an additional concern of ours is to confirm that there will be adequate bin storage for the flats/apartments being built, as we have experienced waste and vermin issues and have had constant problems with people fly tipping at the bin storage sheds, which has then led to rats in our neighbourhood and also our street.

We acknowledge that there is a development going forth, but we would kindly like to ask you to consider the thoughts and effects of the neighbouring properties.

We welcome you and any developers to our home to assess our issues and concerns based on locational proximity and to listen to your responses.

---

**Objection – Sunil Stephen. Received: 09/08/2023.**

Good morning, this is the responds regarding planning application for construction of residential development near my house. I have few concerns about the new construction such as, it may lead flooding to my garden area and there few deers and kids,birds living in in this land. Last time when they done some work this land, all the JCB,and other lorrys parked access through walton crescent and its unsafe for our children. So I strongly against this development.

---

**Objection – Paul Hoole, 10 Britten Close, Blackburn. Received: 10/08/2023.**

Plots 8,9 and 10 (3 houses)on the Latest Application have changed House Type.\*

They are now a 3 storey terrace building each with a 3<sup>rd</sup> floor window overlooking mine and my neighbour's property directly. They were previously a 2 storey. They are also taller by approx. a metre.

These properties face myself and my neighbour's property directly with no angular displacement and will also be situated on higher ground, exacerbating the feeling of being overlooked. Because they are on higher ground and the building themselves are taller they will also reduce the levels of light reaching our properties and consequently interfere with my right to light.\*\*

Because these houses are situated only 21 metres away (minimum distance), it will not be possible for me, or my neighbour, or, any future occupants of our properties to extend them to include another Bedroom (2<sup>nd</sup> Floor) .\*\*\*

**Notes.**

\*All House types on the latest application have changed their names and some are of differing layouts and design.

\*\* This situation only occurs at these 3 plots (8,9 and 10) i.e. minimum distance, not angled, directly facing neighbouring properties, on the whole development.

\*\*\*Earlier plans for this development showed these houses 30 metres away from mine and my neighbour's house.

**21 metre Rule**

This Rule should be changed when new developments are being considered, as it restricts existing properties to their current size, thus, limiting potential growth in adjacent existing properties. In lots of cases it's cheaper for people to to extend their property rather than move. It also penalises the existing property owners next to a new development in favour of the developer. This is simply not fair or equitable. Changing this distance to 25 or 30 metres is more realistic in these types of circumstances.

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**Comment – Mr & Mrs Moore, 21 Delius Close, Blackburn. Received: 08/08/2023.**

Our major concern is the fact that excess water runs off the field onto Delius Close cul-de-sac because of the downward slope.

When heavy rain occurs there is always lots of surface water in the cul-de-sac because the water has nowhere to go, which indicates insufficient drainage now.

If new build continues the current drainage will not be adequate to cope with the massive increase of surface water which could result in possible major flooding for homeowners and residents near or adjoining properties.

With the downward slope water has to run somewhere and it would most likely be our homes that flood due to increased run off water.

The drains around Delius Close cannot cope now, it is plain to see.

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**Comment – John Turpin, 17 Delius Close, Blackburn. Received: 14/08/2023.**

With reference to the above planning application, I find little evidence to show how the surface water that will run off the hard areas etc will be collected and disposed of. I live in 17 Delius Close, which is a cul-de-sac that borders both the current green land and Fishmoor Reservoir. Currently, when there is heavy rain, as there has been recently, the surface water flows downhill from the open areas to the rear of numbers 25 - 35 Delius Close and flows through the gap between 29 and 31 Delius Close where it collects in front of 22 Delius Close before eventually finding its way into the drainage system. Any increase in the amount of water flowing through that gap would require an increase in the height of the kerb stones or increased drainage in the gap between 29 and 31 to prevent this potential flooding problem.

Bearing in mind global warming and the changes to weather patterns which will include sustained periods of more intense rain, adequate drainage needs to be put in place at the groundwork stage before building starts, to satisfactorily handle the current calculated run-off of surface water and take into account future increases. Failure to do so could have serious consequences to the occupiers of property in and around Delius Close.

I should be grateful for clarification regarding this important concern.

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**Proposed development: Full Planning Application for Construction of two bedroom bungalow with associated drive and fencing**

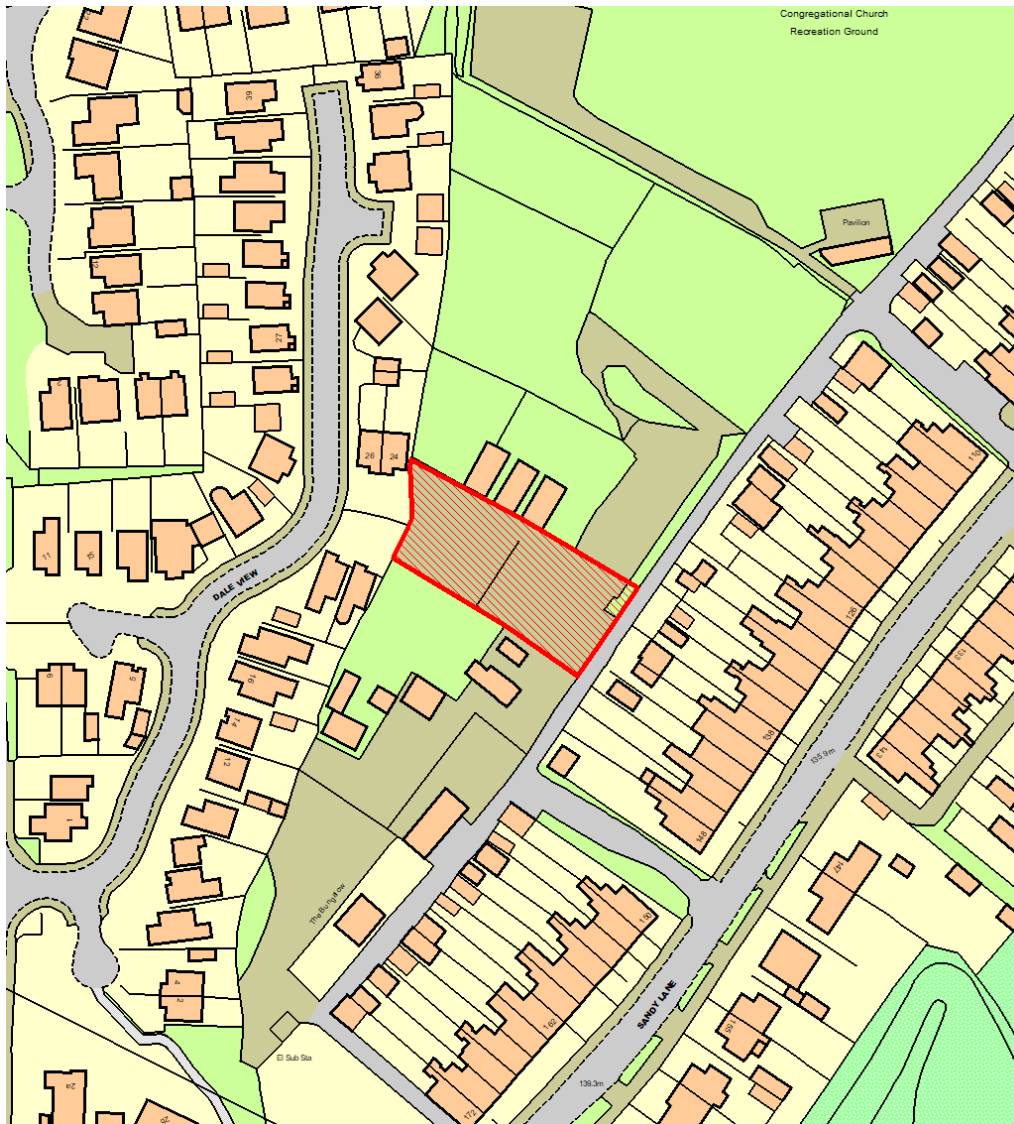
**Site Address:**

**Land to rear of 136 to 142 Sandy Lane,  
Lower Darwen  
BB3 0PN**

**Applicant: Mr Michael Young**

**Ward: Blackburn South & Lower Darwen**

**Councillors: John Slater  
Jacqueline Slater  
Denise Gee**



## **1.0 SUMMARY OF RECOMMENDATION**

**1.1 APPROVE – subject to conditions set out within section 4 of this report**

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

2.1 This application is before the Planning and Highways Committee, in accordance with the Scheme of Delegation, due to the receipt of public objections (6no).

2.2 Assessment of the application establishes that the proposal will deliver a high quality bespoke housing development which will widen the choice of family housing, in support of the Borough's planning strategy for housing growth, as set out in the Core Strategy. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

3.1.1 The application site relates to a parcel of land positioned to the rear of no's 136 to 142 Sandy Lane and to the west of the Dale View housing estate.

3.1.2 The site forms part of a landscape break designated under Policy 41 of the adopted Local Plan Part 2, though is undesignated within the emerging Local Plan 2021-2037

3.1.3 The site is known to have previously formed part of a larger area occupied by allotment and stable buildings. However, at the time of application being assessed, the site has been cleared of vegetation and currently contains two touring caravans, and associated outbuildings; none of which have the benefit of planning approval. The site periphery is secured by a circa 2m high timber fence with concrete supports and base. Stone chippings cover much of the site.







### 3.2 Proposed Development

3.2.1 Full planning permission is sought for erection of a 2 bedroom bungalow. The property would be positioned approximately central within the plot. The unit's appearance is standard, incorporating a true pitched roof and bay window detail to the front elevation. Proposed materials include brick plinth detail with rendered upper walling and dark grey concrete roof tiles.

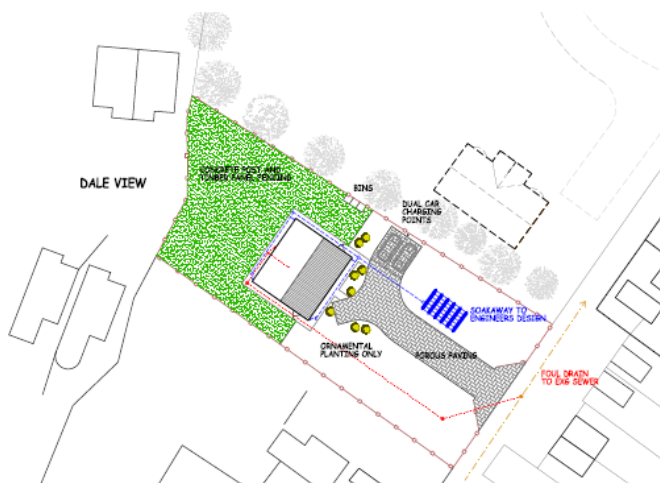


Fig 1: Proposed site plan

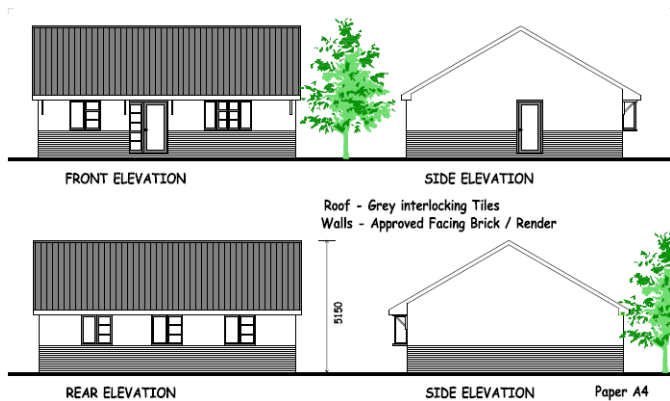


Fig 2: Proposed elevations

3.2.2 Access to the site is proposed via the existing splayed gated entrance that adjoins the back street serving properties on Sandy Lane.

3.2.3 Members are advised that the applicant has confirmed there is no intention to have touring caravans within the application site once the bungalow is constructed, and this application does not propose any.

## **3.2 Development Plan**

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

### **3.3.2 Core Strategy**

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

### **3.3.3 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 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 41 - Landscape

## **3.4 Other Material Planning Considerations**

### **3.4.1 Residential Design Guide Supplementary Planning Document**

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

### 3.4.2 National Planning Policy Framework (NPPF) (2023)

Particular emphasis upon section 4 of the NPPF, which relates to decision making, section 5: delivering a sufficient supply of high quality homes, and Section 8; promoting healthy and safe communities.

## 3.5 Assessment

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

3.5.2 Part of the site sits within an area designated as Green Infrastructure (GI) and Landscape Break. The overall designation extends to the south west, between Sandy Lane and Dale View and to the north east and north west, up to the rear of employment land fronting Branch Road and the junction of Cravens Brow and Sandy Lane.

3.5.3 GI is acknowledged as including parks, open spaces, playing fields, woodlands, allotments and private gardens. Policy CS19 states new development within these areas will only be permitted where there is no unacceptable adverse will The Council's SPD set out the acknowledged multiple functions of GI as:

- Setting the scene for growth, creating a good quality of place and quality of life and supporting sustainable economic growth;
- Supporting physical and mental health and well-being;
- Providing for recreation, leisure and tourism;
- Supporting the rural economy;
- Helping to manage flood risk;
- Supporting mitigation and adaptation to climate change;
- Positively benefitting the historic environment; and
- Enhancing the ecological network and promoting biodiversity.

Policy CS19 states new development within GI areas will only be permitted where there is no unacceptable adverse impact on these issues.

3.5.4 Policy 41 states that development will be permitted in such areas provided there is no unacceptable impact upon landscape character or the principle traits associate with it and that a landscape break will be maintained between Blackburn and Darwen. Land at Cravens Brow will be kept open and development that would erode its openness would not be permitted. This is to ensure that high quality development is accommodated sensitively while that which would undermine the character of the landscape is resisted.

3.5.5 The wider area to the south west and north east is characterised by stables, garages, sheds, greenhouses and commercial buildings which support a diverse range of activities. Consequently, the openness of this area is heavily

compromised. Its narrow form and position immediately straddled by residential form further limits its open value. Furthermore, part of the site to the north appears to sit outside of the GI / Landscape Break designation, being unallocated 'white land'.

3.5.6 The position within the emerging Local Plan 2021-2037 acknowledges recent changes in the locality, including the residential development of the nearby former Bear Hotel site, and has removed the green infrastructure and landscape designations that currently affect part of the site, identifying the entirety as 'white land'.

3.5.7 Taking the above circumstances into account, it is considered that the principle of residential development can be supported without detriment to the overall function of the GI / landscape break and on account of the emerging plan removing any such designation from the entirety of the site.

3.5.8 Furthermore, the principle of residential development in this location is consistent with the aims and objectives of Core Strategy policies CS5 and CS7, which identify the inner urban area as the preferred location for new housing and an emphasis upon the provision of new family housing and widening the choice of types of accommodation.

#### 3.5.9 Residential Amenity:

Policy 8 requires proposals to safeguard the amenity of surrounding uses and future occupants, with reference to matters including, light, noise, vibration, loss of privacy/overlooking and the relationship between buildings. Those requirements are further addressed within the Council's adopted supplementary planning document (SPD): *Residential Design Guide*.

3.5.10 The submitted proposal is consistent with the minimum separation requirements set out within Policy RES 2G of the Residential Design Guide SPD and it concluded that the siting, size and form of the dwelling would not lead to conflict with the amenity of surrounding properties.

3.5.11 With regard to amenity standards for future occupants of the development; The proposed dwelling is consistent with the national space standards, whilst the plot is generous in size and easily accommodates external amenity space to meet the recreational needs of future occupants.

3.5.12 Public Protection colleagues have no objection to the scheme, subject to the use of standard conditions to address land contamination and restrict hours of construction (8am to 6pm - Monday to Friday; 9am to 1pm – Saturday; No site works on Sunday or Bank Holiday).

3.5.13 Public objections, in part, address issues relating to anti-social activity at the site, including late night noise and fires. Members are advised that the concerns relating to any unauthorised development within the site and associated activity are not material when considering the current proposal for a bungalow.

3.5.14 For the above reasons, the proposal is considered to meet the requirements of Policy 8 of the LPP2 (2015) as supplemented by the Residential Design Guide SPD.

3.5.15 Design / Appearance:

Policies CS16 and 11 require development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context, and making a positive contribution to visual amenity. With regards to domestic developments, those requirements are reiterated by the Residential Design Guide SPD

3.5.16 The terraced dwellings along Sandy Lane are traditional in nature and faced in a mix of red brick and render. In contrast, the properties on Dale View are part of recent residential development which are contemporary and modern in design.

3.5.17 The proposed dwelling harmonises effectively with the adjacent, modern, Dale View development, given use of varied materials (red brick and rendered walling, with dark grey roof tiles) and similar fenestration details. Taking into account the varied nature of the dwellings within the immediate locality, the architectural appearance and character of the proposed dwellings will not appear as incongruous and discordant additions. Details of the external materials to be used will be conditioned prior to commencement to ensure satisfactory appearance.

3.5.18 Roof forms have been appropriately designed and complement the established area. The proposal is effectively 'back land' development and is thus not particularly prominent within the wider locality, save from view from neighbouring premises.

3.5.19 Notwithstanding the architectural merit of the proposed development, the proposal also represents an opportunity to remove unauthorised development from the site. Moreover, opportunity for soft landscaping (i.e. mature vegetation) will provide further enhancement from a visual and ecological perspective. Therefore, the proposal is seen as making a positive contribution to the surrounding area.

3.5.20 Given the above factors, compliance with Policies CS16 and 11 is achieved.

### 3.5.21 Environment:

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

3.5.22 The site at the time of application has low ecological value, having been cleared and the majority of the area covered with limestone chippings. The removal of vegetation is cited in some of the public objections, though as no formal designations were in place, such as tree preservation orders, then the tree and other vegetation removal did not amount to development.

3.5.22 Notwithstanding the low ecological value at the time of application, should Members support the application the development offers an opportunity for ecological enhancement through landscaping and the provision of bat/bird boxes. Both matters can be secured via planning condition.

3.5.23 Neither the Council's drainage officers or United Utilities raise any objections, subject to the submission of a foul and surface water drainage scheme. Again, this will be secured via planning condition.

3.5.24 Accordingly, the proposed development complies with Policies 9 and 36 of the Local Plan Part 2

### 3.5.25 Highways:

Policy 10 relates to highway considerations and includes at section 3(i) a requirement for successful development to provide for the safe, efficient and convenient movement of all highway users. The policy is supplemented by the Council's adopted parking standards.

3.5.26 Vehicular access is proposed from the existing splayed access gates on the south west boundary of the site – vehicles would then pass along the back street and link to Sandy Lane, most likely via the existing opening between numbers 148 and 150.

3.5.27 It is acknowledged that the back street is un-adopted and currently uneven and unsurfaced. The Council's Highways Officer has subsequently offered strong concerns with the access arrangements given the back street is limited in width restricting space to manoeuvre, as well as the access route being unsurfaced and uneven in places. Also recognised are the substandard sightlines at the junction of the access track and Sandy Lane, due to vehicles parked on the highway.

- 3.5.28 Whilst these comments have been noted, it is important to consider several counter-arguments. Firstly, given the historic use of part of the land as a stable it has been demonstrated that cars, horseboxes and vehicles of a larger nature have all accessed the site on a regular basis using the existing access arrangements.
- 3.5.29 Furthermore, the un-adopted back street is used by the occupants of surrounding properties on Sandy Lane to park vehicles in their garages, or on hardstanding to the rear of their gardens. 27 such examples have been noted, though it is unclear how many of the identified parking spaces are used daily/regularly. In addition, similar arrangements also exist for commercial garage uses located to the south of the site, which are accessed via the back street and link to Sandy Lane. In addition, members are advised that there have been recent approvals relating to new dwellings to the rear of Sandy Lane:- Land to the rear of no 124 - 140 Sandy Lane (ref: 10/21/1240, dated 24<sup>th</sup> January 2022), amended by application 10/22/0327 dated 10<sup>th</sup> June 2022), and Land to rear 150-172 Sandy Lane (ref: 10/16/0175, dated 10<sup>th</sup> June 2016). During the assessment of each of these applications, highway officers offered strong concerns relating to the access to the application site, for the same reasons they have their concerns to the current application.
- 3.5.30 When the above factors are considered, the un-adopted access is already subject to regular vehicular movement – and those vehicles are also subject to the impaired sightlines presented at the junction with Sandy Lane. Despite these factors, no evidence of accident history has been provided to support a recommendation for refusal on highway safety grounds.
- 3.5.31 The proposal provides for a dedicated hardstanding area within the plot to meet parking needs. Two parking spaces are provided and the proposal therefore conforms to the Council's adopted standards for a two bedroom dwelling.
- 3.5.31 Taking the above factors into account – and mindful of the precedents provided by the recent approvals for dwellings on neighbouring land (10/20/1176, 10/21/1240 and 10/16/0175) – the proposal is considered, on balance to meet the requirements of Local Plan Policy 10. Members are also advised of the guidance in the NPPF, where Para 111 states "*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.*" It is demonstrated above with the overall planning balance of the proposed development, the impact on highway safety or the road network would not be severe to justify warranting refusal of the application.
- 3.5.32 Other Matters:
- Public objections have included matters relating to the current unauthorised occupation of the site by the applicant and his immediate family. The impact on value of property has also been highlighted. These issues are not identified as being material to the assessment of this application.

3.5.33 A public objection also cites light pollution concerns, though given the absence of any external lighting within the current proposal it is unclear how the amenity of surrounding residents would be affected by lighting.

## **4.0 RECOMMENDATION**

### **4.1 Delegated authority is given to the Strategic Director of Growth and Development and Deputy Chief Executive to approve planning permission, subject to the following conditions;**

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

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Site Plan BP/RSL/01; Elevations BP/RSL/02; and Floor Plan BP/RSL/03, received 23<sup>rd</sup> July 2023

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

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

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

4. No development shall commence until a foul and surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include an investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). The scheme shall include, but not be exclusively limited to;

- (i) separate systems for the disposal of foul and surface water;
- (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the



- post-development discharge rate does not exceed the pre-development rate (incorporating a climate change allowance of 40%);
- (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate;
- (iv) details of how the scheme will be maintained and managed after completion; and
- (v) a timetable for implementation, including details of any phased delivery.

All the agreed details and measures shall be entirely constructed and completed, in accordance with the approved details before the development hereby approved is brought into use, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

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

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

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

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

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

7. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site in accordance with Policy ENV3 of the Blackburn with Darwen Borough Local Plan.

8. Prior to the commencement of development hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Trees and shrubs shall be planted on the site in accordance with the landscaping scheme during the first available planting season. The scheme shall include details of materials to be used for hard surfaces, and details of species to be planted, with their siting and planting distances, and shall be implemented during the first available planting season after the commencement of 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.

REASON: To ensure that there is a well laid scheme in the interests of amenity in accordance with Policy 9 and 40 of the Blackburn With Darwen Borough Local Plan Part 2.

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

- i) the management of construction traffic;
- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public

highway when work commences and shall remain in operation throughout the period of development;

vi) measures to control the emission of dust, dirt and vibration; and

vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

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

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

11. Construction and / or demolition works shall not be permitted outside the following hours:

Monday to Friday      8:00 to 18:00

Saturday                9:00 to 13:00

Construction and demolition works shall not be permitted on Sundays or Bank or Public Holidays.

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

12. Prior to first occupation of the development hereby approved, a scheme detailing the provision of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the approved details.

REASON: In the interests of biodiversity, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Borough Local Plan Part 2

13. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no development of the type specified in Classes A, B, C, D, E and F of Part 1 and Class A of Part 2 of that Schedule shall be carried out unless planning permission has been granted first.

REASON: Due to the restricted nature of the site, whilst the dwelling as approved is acceptable, any further extensions or alterations normally permitted under the above provisions may in this case conflict with the interests of adjacent properties or the amenity of the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2

## 5.0 PLANNING HISTORY

There is no relevant planning history for the site, but the following applications relate to the land immediately adjoining the northern boundary of the site;

10/21/1240 – Demolition of existing stable buildings and redevelopment of the site to provide two dwellings. One 3 bedroom bungalow with attached garage and one 4 bedroom detached house with independent garage, associated landscaping and improvement of existing site access (Approved January 2022)

10/22/0327 - Variation of condition No.2 (drawings) pursuant to planning application 10/21/1240 "Demolition of existing stable buildings and redevelopment of the site to provide two dwellings. One 3 bedroom bungalow with attached garage and one 4 bed detached house with independent garage, associated landscaping and improvement of existing site access" - Change from previously approved detached dwelling with independent garage to a 3 bed detached bungalow with detached garage. (Approved June 2022)

## 6.0 CONSULTATIONS

- 6.1 Public Consultation: 21 neighbouring properties have been individually consulted by letter and site notices displayed. 6 objections have been received and are set out within section 9 of this report.
- 6.2 Drainage: No objection, subject to a condition requiring foul and surface water drainage scheme to be agreed.
- 6.3 Public Protection: No objection, subject conditions relating to; land contamination and restriction on hours of construction (8am to 6pm - Monday to Friday; 9am to 1pm – Saturday; No site works on Sunday or Bank Holiday)
- 6.4 Environmental Cleansing: No objection, though bins will need to be taken to Sandy Lane for collection.
- 6.5 Highways: No public right of way implications.

The parking provision associated with this scheme amounts to 2 spaces for the two bedroom bungalow. The spaces conform to the council's standard. Although it is not clear, I assume vehicular access is to be taken from the unadopted highway between 150-148 Sandy Lane. The highway is uneven and unsurfaced. The red line boundary does not include this access road, and we would therefore request confirmation that the applicant has clear access from the highway to the site.

Access to the properties will be via an unadopted back street. Back Street are limited in width and are there for ancillary use, and not intended to be used for primary access routes. Often these passages are littered with bins and only passable by pedestrian. Sightlines to the right hand splay when exiting on to Sandy Lane are hindered, and are substandard.

To conclude we reserve making a formal recommendation, until further information in response to the above is received.

6.6 United Utilities: No objection

**7.0 CONTACT OFFICER: Martin Kenny, Principal Planning Officer**

**8.0 DATE PREPARED: 4<sup>th</sup> October 2023**

**9.0 SUMMARY OF REPRESENTATIONS**

**Objection – Michelle Murphy. Received: 25/07/2023.**

I wish to make my objections to the above planning application extremely clear.

I bought my property 2 years ago and at that time behind the houses on this specific block, was greenery, trees, wildlife and natural habitats. Now, only 2 years later, a 4 bedroom house is in the process of being built, a 2 bedroom house has been approved and currently the people who have put this application in have taken away all of the green space and replaced it with gravel. The rear of Sandy Lane is now an eyesore for everyone and there will be no green space left if this planning application is successful.

The access road at the rear of Sandy Lane has worsened considerably since work has started on the other 2 properties and it is now so difficult to use, that BwD Borough Council won't allow our waste bins to be collected in the same place as the refuse wagon will not drive down the access road. Recently, during a period of heavy rainfall, Mark Patterson had to temporarily fill in some of the damaged road so that our elderly neighbours could still drive their car. Having more cars, especially the size of the 2 vehicles this applicant owns, is only going to make the access road worse.

Prior to any application being made, there used to be silence behind the houses on Sandy Lane; now we are having noise issues and not from any construction work but from these applicants constantly playing music, living predominately outside and general comings and goings to their site.

Lower Darwen is becoming extremely overcrowded already and it is harmful to the environment and the ecosystem for further development. There are plenty of houses currently up for sale in Lower

Darwen that would house a family of 5....including a brand new estate at the top of Milking Lane. Realistically does Lower Darwen need anymore houses? I would suggest it does not.

Previous applicants on Sandy Lane have been rejected and I am aware that most recently Mark Patterson applied for permission to build a bungalow, but permission was not granted. I would question if permission was not given for that bungalow on the same street then why this permission would be granted.

Sandy Lane floods very often; only this weekend the bottom of Sandy Lane was closed due to flooding and any further development of the street is only going to make this issue worse.

I hope objections to this planning applications are not ignored.

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**Objection – Denise Douglas, Dale View, Blackburn. Received: 18/08/2023.**

with regards to yet another planning application to construct a bungalow on land at the rear of sandy lane ...lower darwen ..residents on dale view myself included wonder to put it bluntly what the hell is going on as there are now 2 caravan an out building on there at the moment ..there seem to be no building going on at the moment ..there has been a space cleared for what looks like another caravan to come ..if a bungalow is requested why are they allowed to put caravans an massive gates on this land there seems to be no one bothered by the fact that these caravans keep appearing with no control from the council office and that they can just erect a caravan as an were they think fit ..

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**Objection – Julie & Scott Ferguson, 126 Sandy Lane, Lower Darwen, BB3 0PN. Received: 18/08/2023.**

At the present time the applicants have already been illegally occupying this land as a gypsy caravan park (Briarcroft Projects) and changed the use of the land which has already had an impact on local residents.

The sides and back of Sandy Lane is used for residential garage access only and not a through road as they are constantly using it as. Even since moving on the land they have caused major ruts and ditches in the access road which is a concern. This traffic movement has already made a major impact making it unsafe. The back alley is no longer used by Blackburn with Darwen Council refuse collections due to safety issues.

They have already connected themselves to sewer , drainage and utilities which has the potential of causing future problems. They Must already be at maximum for the age of the facilities.

Regarding the work not already started - it has as they have already removed the trees and hedges and soakable ground prior to the application.

They have 4 living places on the land and built oversized gates and fences which are an eyesore and do not blend into the green area.

Hope you will not allow this application to continue as it is / will have a major negative impact on the area, surroundings, light pollution, air pollution, noise, late-night activities, privacy and value of our home.

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**Objection Mr & Mrs Briggs, 18 Dale View, Blackburn. Received: 21/08/2023.**

We've lived at 18 Dale View for 12 years. The land to back of our house has only ever been used for allotments or minor agricultural use i.e. chickens, pigs, goats and growing the odd vegetable.

The land has agricultural holding numbers allocated to it and had an old pigsty until it was recently knocked down to make way for the new build.

The planning applications asked if work had already started. The application answer was no, but diggers have been on the plot levelling out and erecting gates.

In the supporting documentation there's reference to a "Gypsy Caravan Pitch"! The has never been a Caravan Pitch, although there are caravans on the adjacent land now. These caravans are very recent and only appeared during planning applications 10/20/1176 and 10/22/0305.

Another concern is the increased traffic on Sandy Lane and "Back Sandy Lane". The junior football teams play a little further down and when they do the traffic is a safety concern. People walking the dogs to the only green space we have will have to content with additional traffic.

Sandy Lane has already had concerns raised about the amount of traffic using this road. There's a local campaign trying to change the road to 1 way or residence only due to the safety concerns.

Based on the discrepancies in the application and safety concerns planning shouldn't be granted.

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**Objection – Iain Bland, 26 Dale View, Blackburn. Received: 29/08/2023.**

I refer to your letter dated 07 August 2023 relating to the planning application 10/23/0640.

The site has been developed over the last several months to accommodate 2 caravans with associated sheds and fencing. It had been very upsetting to see well established trees torn down prior to approval from the council.

The fencing that has recently been erected runs through the middle of the site right where the plans indicate that the house will be built.

Limestone chippings have been laid at the front on the site for caravans to pitch up on.

There is also fake grass Installed at the front of each caravan pitch.

If it were the intention to build a house why has a fence recently been put up that would need to be removed so the house can be built?

Why have chippings and fake grass been laid that would have to be removed for the driveway to be installed?

Why have sheds been erected?

A shower block has been built on an adjoining site to service the needs of these residents.

Where is the electricity and water coming from to power the current site? Floodlight are switched on all night disturbing other residents and sleep.

Also, it is a common occurrence for fires to be set at night.

Our sleep is being disturbed at night by machinery running and works being carried out under the cover of darkness.

I wish to object to any further development of this site as the actions of the occupants would suggest that there is no intention to build a house.

I will be forwarding this email to your enforcement office and Jake Berry MP

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**2<sup>nd</sup> Objection – Iain Bland, 26 Dale View, Blackburn. Received: 29/08/2023.**

I have attached a photo taken this week and also the proposed site plan.

Please see attached photo which clearly shows one of the caravans pitched on limestone chippings with the fake grass at the front. The photo also shows one of the newly built sheds and the new dark fence directly behind the caravan. This fence divides the site into 2 separate sites. A wide gate has been erected to access the 2nd site, on the plans the garden for the proposed bungalow.

Your plans show the proposed bungalow's garden meeting the fencing at Dale View. That fencing is the paler fencing you can see in the distance right next to the house on Dale View.

Looking at the proposed plans for a bungalow, the newer darker fence would run directly through the bungalow. I hope this illustrates clearly the concerns.







## DEPARTMENT OF GROWTH & DEVELOPMENT

**ORIGINATING SECTION:** Planning

**REPORT TO:** Planning & Highways Committee 19<sup>th</sup> October 2023

**TITLE:** Petition supporting an application for a Section 73 application for the following development:

'Removal of condition No.6 pursuant to planning application 10/21/0628 'Retrospective planning application for two storey detached Islamic Education Centre' – Ref: 10/23/0482, at

**New Mosque Building  
Land at rear of Whitehead Street & Foxhouse Street  
Blackburn**

**WARD:** Wensley Fold

**Councillor:** Qesir Mahmood

**Councillor:** Sabahat Imtiaz

**Councillor:** Dave Harling

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### 1.0 PURPOSE OF REPORT

1.1 To inform Members of the receipt of a petition supporting a current Section 73 application relating to the removal of condition No.6 - "*There shall be no external amplified call to prayer from the premises*". pursuant to planning application 10/21/0628 'Retrospective planning application for two storey detached Islamic Education Centre' The application premises is the New Mosque Building, Land at rear of Whitehead Street & Foxhouse Street, Blackburn

1.2 The application is submitted by The Committee Secretary.

### 2.0 BACKGROUND AND DETAILS

2.1 The planning application (Ref: 10/23/0482) was received by the Council on 5<sup>th</sup> June 2023, and was subsequently validated on 4<sup>th</sup> August 2023. 124 notification letters were sent to the occupants and residents of the closest adjacent properties. The statutory 21 day consultation period expired on 26<sup>th</sup> August 2023 for those letters. A site notice was also displayed outside of the site on 10<sup>th</sup> August 2023, which expired on 4<sup>th</sup> September 2023.

2.2 One public objection has been received so far. The objection raised predominantly relates to the potential for adverse noise impacts to be caused by the proposed development.

2.3 The petition was received by the Council on 1<sup>st</sup> August 2023 as part of a Planning Statement, which has been prepared by Urban Future Planning Consultancy. The petition supports the application yet no reasoning is provided by the signatories. Sheets containing 163 signatures have been received. The petition is attached to this report. Members are advised in the supporting Planning Statement at paragraph 4.3. it states:

*“....the applicant has confirmed there is solid, widespread local support for the installation of an amplified call for prayer (Azan/Adhan) following on from a number of high-profile examples of the Azan/Adhan being sounded across the UK.”*

2.4 Members are advised that assessment of the planning application is ongoing. All material issues that must be considered in the decision-making process will be addressed during the course of the application.

2.5 Once finalised, the Officer Report will be forwarded to the Committee Chairman to clarify whether or not the application should be referred to Planning and Highways Committee for determination. The agreed deadline expires on 23<sup>rd</sup> October 2023.

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 10/23/0482.

5.0 **CONTACT OFFICER:** Christian Barton, Planning Officer, Development Management.

6.0 **DATE PREPARED:** 2<sup>nd</sup> October 2023

Signed Petition in support of an amplified call to prayer system at Al Buraq, Devonport Road, Blackburn

NAME	ADDRESS	SIGNATURE
	159 Addison Street	
	16 BELLEVUE ST	
	47 Rillin	
	174 Addington	
	34 ST. BARNABAS	
	45 WHITEHEAD ST	
	8 LIVINGSTONE RD	
	16 WHITEHEAD ST BIBBULBY	
	23 ST BARNABAS STREET	
	157 Ann St.	
	49 Devonport Rd	
	11 Redstone Place	
	26 GARDNER	
	32 ST BARNABAS STREET	

Signed Petition in support of an amplified call to prayer system at Al Buraq, Devonport Road, Blackburn

NAME	ADDRESS	SIGNATURE
	145 Johnston St	
	53 Whitehead Lane	
	41 Whitehead	
	143 Johnston St	
	65 Spring Lane	
	25 Ramey St	
	144 FUSION MC1 RD	
	171 ADDISON ST BLACKBURN	
	32 Whitehead & Creek	
	10 BRET Lane	
	8 TOWN TOWN Bonn St. Bell Vice	
	11 CHELTHAM	

Signed Petition in support of an amplified call to prayer system at Al Buraq, Devonport Road, Blackburn

NAME	ADDRESS	SIGNATURE
	145 Johnson St	
	53 Cozhead Lane	
	41 Cozhead	
	143 Johnson St	
	65, 20000 plane	
	25 Remy St	
	1044 Preston N6-2 RD	
	M. H. H. H.	
	171 Addison St Blackburn	
	32 Whitehead 6 Fleet	
	10 Bury Col	
	6 TRINITY Road 11. Bell Voss	
	1. Cliftonham	

Signed Petition in support of an amplified call to prayer system at Al Buraq, Devonport Road, Blackburn

NAME	ADDRESS	SIGNATURE
	6 Lois Place	
	56 Bownes Hill	
	49 Bownes St	
	6 Coors Wood	
	30 Witham St 1872 3HG	

Signed Petition in support of an amplified call to prayer system at Al Buraq, Devonport Road, Blackburn

Signed Petition in support of an amplified call to prayer system at Al Buraq, Devonport Road, Blackburn

NAME	ADDRESS	SIGNATURE
	35 ST MARKS RD BBLTB	
	48 Lawrence	
	9 Montagu	
	3 Johnson	
	97A Johnson	

Signed Petition in support of an amplified call to prayer system at Al Buraq, Devonport Road, Blackburn

NAME	ADDRESS	SIGNATURE
	10. Mansel Road	
	11 Johnson St	
	107 Mansel St	
	6 Colindale (Sd)	
	24 Devonport Rd	
	9 Springe Street	
	140th Siles	
	6 Low Place	
	163 Radnor	
	43 Low	
	31 Mank	
	18 Lawrence	
	59 Bramley	

Signed Petition in support of an amplified call to prayer system at Al Buraq, Devonport Road, Blackburn

NAME	ADDRESS	SIGNATURE
	52 Cornarvon Rd	
	7 midsummer sb	
	23 Fox House P	
	131 ADJOY CT BIRKENHEAD B62 1HW	
	86 JOHNSON ST	
	133 preston	
	1 Belle <sup>west</sup>	
	43 Bances lane	
	71 shaw street	
	62 Whittaker Street	
	1 MIDWAY	
	56 BIL SHI	
	5 Foxhouse Strou	
	31 bellevue Str and 22	

Signed Petition in support of an amplified call to prayer system at Al Buraq, Devonport Road, Blackburn

NAME	ADDRESS	SIGNATURE
	27 SANDGAS RD 516nd B62 6WY	
	125 Iron Rd	
	120 A Longford Rd	
	65 IRON PACE	
	43 SAUNDERS RD	
	29 LAURENCE RD	
	45 <sup>the</sup> <del>central</del> <sup>road</sup>	
	45 Belle vue SE	
	3 Miamid Strou	
	14 LIVINGSTONE	
	3032 WHITEHEAD	
	6 Whitehead St	
	24 Midsummer sb	
	8 Trinton Rd	

Signed Petition in support of an amplified call to prayer system at Al Buraq, Devonport Road, Blackburn

NAME	ADDRESS	SIGNATURE
[REDACTED]	The Dams	[REDACTED]
[REDACTED]	17 Burnside	[REDACTED]
[REDACTED]	25 North Clo	[REDACTED]
[REDACTED]	25	[REDACTED]
[REDACTED]	DEVAOPORT RD	[REDACTED]
[REDACTED]	58 PALALAIR RD	[REDACTED]
[REDACTED]	40 Ironing St	[REDACTED]
[REDACTED]	169 Addean	[REDACTED]
[REDACTED]	119 Johnson St	[REDACTED]
[REDACTED]	43 Whitehead St	[REDACTED]
[REDACTED]	55 Shaw St	[REDACTED]
[REDACTED]	8 Jolliffe St	[REDACTED]
[REDACTED]	23 Lancaster St	[REDACTED]
[REDACTED]	192 Morling St	[REDACTED]
[REDACTED]	7 - LIVING ST	[REDACTED]

Signed Petition in support of an amplified call to prayer system at Al Buraq, Devonport Road, Blackburn

NAME	ADDRESS	SIGNATURE
[REDACTED]	The Dams	[REDACTED]
[REDACTED]	17 Burnside	[REDACTED]
[REDACTED]	25 North Clo	[REDACTED]
[REDACTED]	25	[REDACTED]
[REDACTED]	DEVAOPORT RD	[REDACTED]
[REDACTED]	58 PALALAIR RD	[REDACTED]
[REDACTED]	40 Ironing St	[REDACTED]
[REDACTED]	169 Addean	[REDACTED]
[REDACTED]	119 Johnson St	[REDACTED]
[REDACTED]	43 Whitehead St	[REDACTED]
[REDACTED]	55 Shaw St	[REDACTED]
[REDACTED]	8 Jolliffe St	[REDACTED]
[REDACTED]	23 Lancaster St	[REDACTED]
[REDACTED]	192 Morling St	[REDACTED]
[REDACTED]	7 - LIVING ST	[REDACTED]



Signed Petition in support of an amplified call to prayer system at Al Buraq, Devonport Road, Blackburn

NAME	ADDRESS	SIGNATURE
	21 BELLY K ST	
	3 Chertton St	
	25 Maitland street	
	91, 28th place	
	22 Chertton st	
	107 Maitland St	
	18 SAUNDERS ROAD	
	100 JONES LANE	
	1200 Maitland	
	69 SHAW ST BIBURN	
	61 Shaw St Biburn	
	33 SHAW ST	
	59 Henrietta St	

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of the Local Government Act 1972.

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