

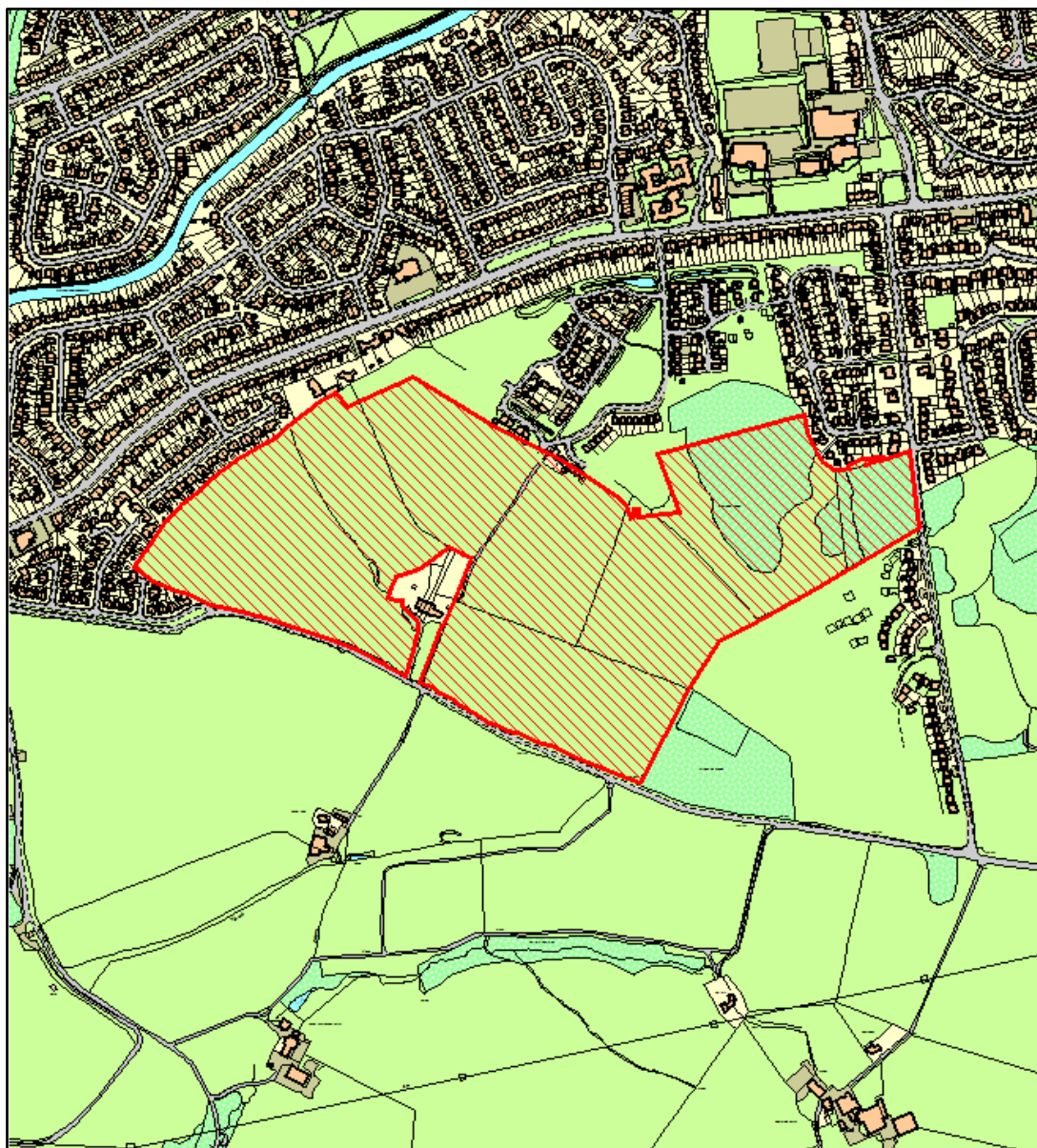
Proposed development: Hybrid planning application seeking full planning permission for residential development of 155 dwellings and outline planning permission with all matters reserved except for access for residential development for up to 280 dwellings

**Site address:
Land off Moorland Drive, Blackburn**

Applicant: Kingswood Homes & Rule Five Land LTD

Ward: Livesey with Pleasington

Councillors: Cllrs Derek Hardman and Paul Marrow



1.0 SUMMARY OF RECOMMENDATION –

- 1.1 APPROVE – Subject to a Section 106 Agreement relating to the provision of 1.6 Hectares of fully serviced land as a site for a new primary school and a financial contribution of £1,000,000 to provide £850,000 towards the development of the new school facility and £150,000 towards the Off-site provision of affordable housing.**

2.0 KEY ISSUES / SUMMARY OF PLANNING BALANCE

- 2.1 The proposal will deliver a high quality bespoke housing development which will widen the choice of family housing in the Borough. It supports the Borough's planning strategy for housing growth as set out in the Core Strategy, it delivers housing at a site which is allocated for housing development in the Local Plan Part 2 and it meets the objectives identified within the Gib Lane Masterplan. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site forms part of housing allocation 16/9: 'Gib Lane Development Site' within the adopted Local Plan Part 2. The current application relates to an area of approximately 28 hectares, with the wider allocated land measuring 56 hectares in total.
- 3.1.2 The site is located on the south-western edge of the Blackburn built-up area. The northern boundary principally adjoins an earlier phase of housing development, which is now known as 'Green Hills', with the remaining edge formed by rear gardens of properties which front onto the A6062, Livesey Branch Road. To the east is Cockridge Wood and an existing hedge / gorse line which delineates the site from the Wain Homes site to the north east. Gib Lane lies beyond. The south and west are predominantly rural in character, with hedgerow feature and various stone walls defining the site boundary with Horden Rake and Broken Stone Road.
- 3.1.3 The land the subject of this hybrid application effectively completes the proposed residential areas of the Gib Lane Masterplan, relating to all areas not currently under construction through extant consents.
- 3.1.4 The site is rural in character, comprising of a mix of undulating open grazing and rough grassland with field boundaries formed by gritstone

wall, mature and semi-mature trees and hedgerows. There are a number of sporadic tree belts and wooded areas across the site.



Google image of application site

3.2 Proposed Development

3.2.1 The proposal is a hybrid planning application. The full planning application seeks consent for 155 dwellings, integrated green spaces, drainage attenuation measures and associated highway infrastructure on 8.9 hectares of land, immediately to the southwest of the 'Green Hills' development area currently under construction.

3.2.2 The development of 155 homes comprises a mix of three, four and five bedroom semi-detached and detached properties. 38 (25%) are three bedroom homes, 90 (58%) are four bedroom homes and 27 (17%) are five bedroom homes. The residential developable area is bisected by the existing hedgerow along Witton Weavers Way, creating two development parcels with different characteristics that correlate with the 'Witton Weavers' and 'Cockridge' character areas, as defined by the adopted Gib Lane Masterplan. The full planning application provides for a residential density of 17.4 units per hectare, (based on a gross site area of 8.9 hectares).



Extract from proposed site plan



Extract from submitted Character Areas plan

3.2.3 A large area of public open space will be provided, which aims to provide significant formal and informal public amenity for the proposed development and the wider area. A new wildlife retention pond will provide significant ecological enhancement whilst also contributing to the wider sustainable urban drainage strategy which incorporates a detention basin to attenuate surface water flooding and a series of drainage swales which discharge into the wider water drainage system. Additionally, new tree and shrub planting will be provided, and designated pedestrian footpath/cycle paths will link the proposal to developments under construction, Witton Weavers Way and Broken Stone Road.

3.2.4 The existing mature hedgerow that bisects the site is defined as an important landscape feature and will be retained, with small openings for connectivity for footpath links only. A substantial swathe of existing and enhanced green infrastructure to the south of the development will mitigate the visual impact of development from Broken Stone Road and Horden Rake. Further landscape buffering is provided around the existing farm to reduce the impact of the development, with similar buffering provided adjacent to the retention basins which run along the north western boundary.



Extract from submitted Illustrative Framework plan

3.2.5 Access to the site is provided to the north by a continuation of Moorland Drive, which links to the A6062, Livesey Branch Road, and wider highway network, and to the south by two new access roads linking to Broken Stone Road. The proposal provides for two new 5.5m wide carriageways linking to Broken Stone Road, spaced circa 150m apart. Both access points allow for in and out vehicular movements from the site and be supported by new pedestrian footway. The eastern of the two new access points will be operational when the trigger of the 50th unit within the current proposal is occupied, whilst the western access road will be delivered at a future date as the outline element of this application is implemented.

3.2.6 For the outline part of this application all matters other than access are reserved for future determination. Consent is sought for the delivery of a maximum 280 homes on 19.1 hectares of land to the southern edge of the 'Green Hills' development area on which the full consent detailed above is sought. This area lies to the existing Storey Homes development to the southeast, the Wainhomes development to the northeast and the site safeguarded for a primary school, to the north of the site.

3.2.6 Although layout is not being considered as part of the current outline proposal it is noted that the intended density of this part of the scheme mirrors the type and density of the neighbouring residential areas, with the highest to the north and grading down towards the existing rural areas on the southern periphery. The overall density of the outline application area provides for 14.6 units per hectare (based on a gross site area of 19.1 hectares)

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
- CS8 – Affordable Housing Requirements
- CS16 – Form and Design of New Development
- CS18 – The Borough’s Landscapes
- CS19 – Green Infrastructure

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 12 – Developer Contributions
- Policy 16/9 – Housing Land Allocations (Gib Lane Development Site, Blackburn)
- Policy 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

3.4 Other Material Planning Considerations

3.4.1 Gib Lane Masterplan

The site is within the Gib Lane Masterplan area, forming part of Phases D and E of the delivery strategy. The Masterplan was the subject of public consultation and was prepared in consultation with the majority of the land owners. It was approved in February 2015, and as such is a material consideration which should be taken into account when considering this and future proposals for the area.

3.4.2 The overall vision for the Gib Lane Masterplan Area is set out below:

The land to the west of Gib Lane will be a high quality, sustainable neighbourhood that is integrated socially and physically with the existing urban area.

It will be an aspirational place to live with approximately 440 new homes being provided in the plan period until 2026, including a significant proportion of larger family housing, a new primary school and a village green which forms the natural focal point of the site.

The site will have a strong local identity. It will be characterised by attractive, well-designed buildings and spaces and will comprise a number of distinctive areas with their own unique character which responds to the characteristics of that particular part of the site.

Development will capitalise upon the outstanding panoramic views from the site and will respond positively to the topographical character of the site and the rural setting provided by the West Pennine Moors. It will be structured by existing landscape features and will incorporate a network of green spaces that provide opportunities for informal recreation and contribute to the area's green, leafy character.

The site will be well-connected to existing facilities and services, with a permeable layout that maximises linkages and integration within the site and to the wider area. The comprehensive footpath / cycleway network within the site, including an enhanced Witton Weavers Way, will encourage walking and cycling as an alternative to travelling by car and will improve access to public transport services.

3.4.3 In order to achieve the vision the masterplan has a set of the following objectives:

1. To create a new sustainable neighbourhood which is integrated socially and physically with the existing urban area but which has its own distinct local identity.

2. To deliver a high quality scheme which consists of well designed, attractive houses, buildings and spaces with a semi-rural form and layout that utilises local built and landscape character and architectural styles in either a traditional or contemporary design response.

3. To provide a mix of housing through different character areas that respond to the different constraints and opportunities of the site, including a significant provision of larger, family properties in a well landscaped setting.

4. To ensure the scheme design and layout creatively responds to the topographical character of the site, the unique West Pennine rural setting and the existing landscape features of the site.

5. To provide a clear and permeable street hierarchy with a tree-lined primary route from Livesey Branch Road to Broken Stone Road, streets designed to limit traffic speeds and a network of footpaths and cycleways which encourage walking and cycling.

6. To protect and enhance Witton Weavers Way as a primary green route which traverses through the development.

7. To provide a high quality living environment with an attractive network of green spaces, including a village green, ridge park and a managed and improved Cockridge Wood which provides a biodiversity, landscape and recreational / play function.

8. To maximise linkages and integration between the site and existing communities to the north, Heys Lane to the east and the wider West Pennine countryside to the south.

9. To manage surface water run-off through a coordinated network of sustainable drainage (SuDS) techniques which are integrated into, and enhance, the green infrastructure network.

10. To ensure that appropriate infrastructure is provided alongside the new development at the right time and in the right place.

3.4.4 Key considerations within the Masterplan document in relation to the current proposal are:

H1 – Housing Layout;
H2 – Housing Density; and
H3 – Housing Mix.

3.4.5 Five character areas are identified in the Masterplan to take account of the existing landscape, ecological and topographical characteristics of the site and relationship with surroundings. The site which is the subject of the current planning application is within the Witton Weavers and Cockridge Character Areas. The Masterplan indicates that both areas consist of an informal arrangement of medium to low density housing, incorporating landscape linking swales and green corridors, linear green fingers, habitat zones and incidental green spaces to the Witton Weavers area and recreation and meandering paths on the southern edge of the Cockridge area. The Masterplan then sets out a

range of characteristics which should be adhered to in terms of design and layout. These include layout and density, land use, scale and form, streets, spaces and landscape and boundary treatments and enclosure.

3.4.6 Residential Design Guide Supplementary Planning Document

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

3.4.7 National Planning Policy Framework (NPPF)

In particular Section 5 of the NPPF relates to delivering a sufficient supply of high quality homes, and Section 8 relates to promoting healthy and safe communities.

3.5 Assessment

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

- Principle and compliance with Masterplan objectives;
- Highways and Access;
- Drainage;
- Design and Layout;
- Public Protection Issues
- Ecology;
- S106 contributions.

3.5.2 Principle and Compliance with Masterplan Objectives

3.5.3 The principle of the development is considered under the Blackburn with Darwen Local Plan Part 2: Site Allocations and Development Management Policies (particularly Policy 16 – Housing Land Allocations); and the Core Strategy (particularly Policies CS1 and CS5).

3.5.4 Local Plan Policy 16 allocates land for development within the 15 year life of the Plan, subject to key development principles. This proposal represents residential development of a significant scale on Site 16/9 – the Gib Lane Development Site, Blackburn. The site has been brought forward in line with the adopted Gib Lane Masterplan covering the wider 56 hectare Gib Lane area. Key development considerations identified in the Local Plan Part 2 include the following:

- Impact on the countryside;
- Protection of important landscape features;
- Drainage and flood risk;
- Access and highways improvements;
- Public rights of way;
- Water supply and waste water infrastructure;
- Primary school capacity; and
- Ecological impacts.

3.5.5 Core Strategy Policy CS1 sets out the principle that development will be concentrated within the urban area, in which the site is located according to Policy 1 of the Local Plan Part 2. Furthermore, the NPPF requires local authorities to maintain a continuous five-year supply of deliverable housing sites, which this site contributes towards.

3.5.6 As an allocated housing site the principle of residential development is agreed and in accordance with the provisions of the development plan in terms of delivering a high quality residential site with the urban area. This is subject to the more detailed considerations set out below also being in accordance with adopted development plan policy and national guidance.

3.5.7 **Highways and Access**

Core Strategy Policy 22: Accessibility Strategy and Local Plan Policy 10: Accessibility and Transport, aim to ensure that new developments provide appropriate provision for access, car parking and servicing so as to ensure the safe, efficient and convenient movement of all highway users is not prejudiced, as well as ensuring the wider sustainability agenda is supported. The NPPF also provides a focus on the promotion of sustainable transport and emphasises that an early assessment of potential impacts on the transport network should be conducted so that mitigation can be considered and opportunities to promote walking, cycling and public transport can be fully explored.

3.5.8 The development site forms a part of the Gib Lane Masterplan (adopted September 2015) area whose accompanying Transport Assessment was prepared by Mayer Brown in 2014 for up to 700 dwellings on the site. To date planning permission has been granted or sought for the following phases:

Phase	Dwellings	Granted
A	167 (granted 2015)	2015
B	79 (granted 2017)	2017
C	205 (granted 2017)	2017
D, E and F	155 94 186	Detailed permission sought with this TAA Outline permission sought with this TAA Outline permission sought with this TAA
Total	886 (700 originally)	

3.5.9 The submitted Transport Assessment is offered as an addendum (TAA) to the document previously provided in relation to the development of Phase A of the Gib Lane Masterplan areas. Although the cumulative total of dwellings within the current application and extant approvals totals 886, the TAA has assessed potential impact of up to 920 properties in order to ensure the findings are robust and to offer flexibility should the Council's housing needs change. The TAA indicates that the development associated with the full planning application will be linked to the existing Green Hills site access with Livesey Branch Road, as well as a secondary link to Broken Stone Road at a later date. The Outline application land also has a new access road and link to Broken Stone Road shown. The TAA evaluates the existing transport and highways context of the site, access, parking and servicing conditions, trip generation and junction capacity. This allows an assessment as to whether the highways network has the capacity to accommodate the potential increases in traffic as a result of significant new residential development. The assessment takes account of all committed development around the site and forecast increases in transport movements associated with allocated development sites across the Borough.

3.5.10 The key findings of the TAA, including conclusions offered in the original transport assessment for Phase A, were as follows;

- New access junctions proposed on Livesey Branch Road, Broken Stone Road and Gib Lane, providing access to the local network and permeable development in line with current design guidelines.
- New accesses on Broken Stone Road and Gib Lane are proposed to reflect the rural locations within their design.
- The development traffic impact on the A666 Bolton Road/Sandy Lane junction will require an upgrade to signal control at this location.
- The development proposes improvements to off-site pedestrian links with a new pedestrian refuge and footway widening on Livesey Branch Road, and a new shared foot/cycle link between Horden Rake and Leeds and Liverpool Canal access along Livesey Branch Road.
- An off-carriageway cycle link is proposed through the site between Broken Stone Road and Livesey Branch Road providing connections to the proposed on-site primary school and holiday cottages development (proposed to the west of Broken Stone Road).
- The proposal retains and enhances the Witton Weavers Way within the site
- Car parking in line with local standards and within curtilage of dwellings
- Access for refuse and service vehicles with appropriate turning areas to ensure access and egress at the site is in forward gear

3.5.11 The TAA has been reviewed on behalf of the Council by Capita, whilst impacts on the strategic road network have also been appraised by

Highways England. The Capita review identified some shortcomings within the initial submission;

- Further accident analysis on Bog Height Road and junction with Sandy Lane/A666;
- The public transport audit maps located in the appendices of the TAA need to be updated with the additional bus stops;
- A further review of the available amenities within walking distances should be completed;
- The accessibility section of the TAA needs to consider the cycle improvements delivered by the Weavers Wheel Project.
- Updating the Trip Generation to ensure that the correct data has been presented and used.
- An additional scenario added to the Signalised model of the A666 Bolton Road/Sandy Lane junction for 2026 (without development);
- The modelling of the A666 Bolton Road/Sandy Lane junction should be updated with the correct peak hour times;
- The modelling of the priority access junctions should be updated with the appropriate HGV percentages.

3.5.12 Furthermore, it was considered beneficial for the primary Broken Stone Road access to be built in conjunction with the most recent planning application for the Gib Lane Master Plan. This has been concluded as the access would provide:

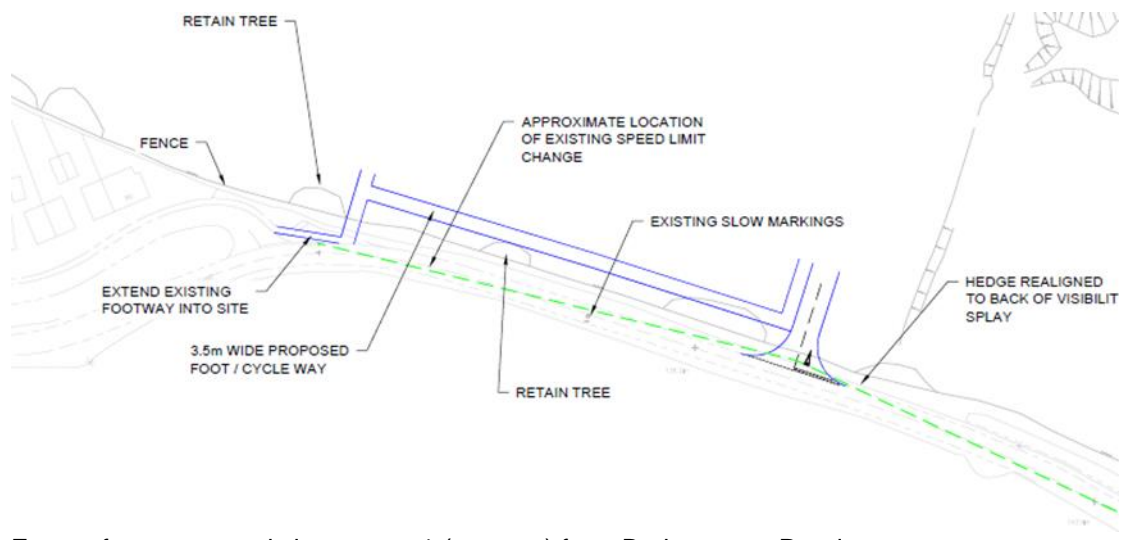
- Increased accessibility for residents to use sustainable transport methods,
- A more permeable neighbourhood which is deemed more attractive to house buyers,
- A reduced impact on the surrounding network junctions,
- A reduced impact on the existing accesses located on Livesey Branch Road and Gib Lane.

3.5.13 The initial submission also prompted a holding objection from Highways England who indicated that a number of additional committed developments, including land at Broken Stone Road (10/18/1116) and Suez Recycling Centre (10/19/0495) should be accounted for within the transport assessment. The need to provide information relating to morning traffic flows as part of junction assessments and impacts upon M65 junctions 3 and 4 were also cited.

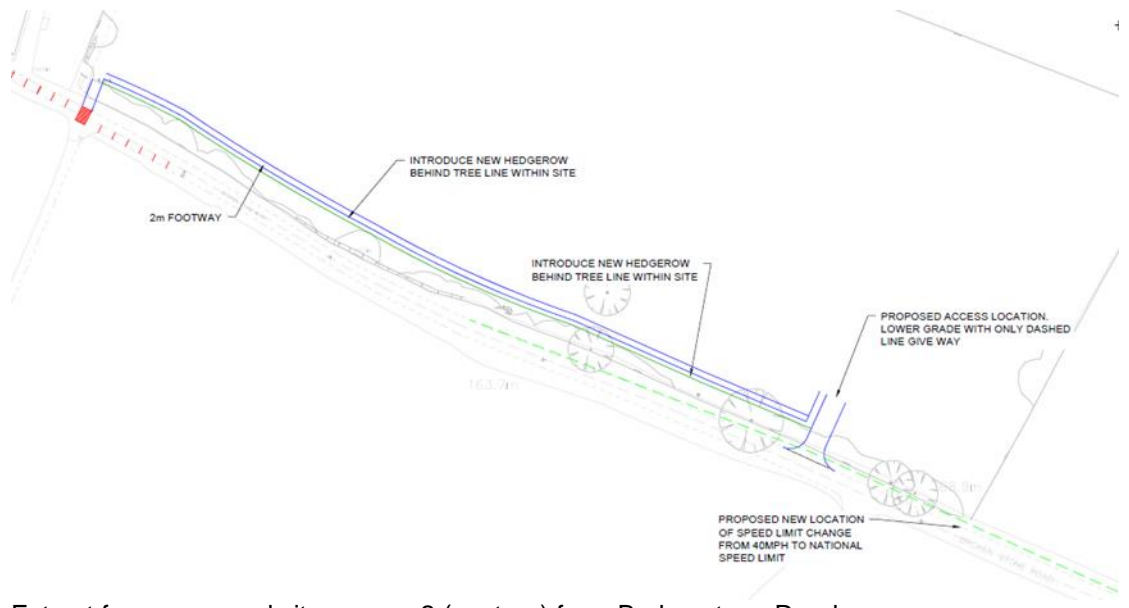
3.5.14 In response to these issues the applicant's consultant, Vectos, provided a technical note in October 2019, an updated and revised access plan detailing the two new internal access roads and junctions with Broken Stone Road in January 2020 and a further technical letter by Vectos, addressing Highway England's objections, in February 2020.

3.5.15 The revised junction detail with Broken Stone Road can be agreed and Members are advised that should the proposal be supported it will be

necessary to attach a condition to require the eastern road and access/egress be delivered prior to the completion of the 50th unit within the full planning application element of this hybrid application. The western road and junction would be delivered at some future date in association with a subsequent reserved matters application pertaining to the outline element of the hybrid application.



Extract from proposed site access 1 (western) from Brokenstone Road



Extract from proposed site access 2 (eastern) from Brokenstone Road

3.5.16 The impact upon the strategic road network is also identified as being acceptable. Highways England advise;

“In essence, what Highways England required was for proposed development traffic to be added to committed development traffic assigned on each of the motorway exit slip roads at and Earcroft Way approaches to Junction 4, and for this to be referenced again the

existing base Capita queue length observations data from May 2019. Within the letter, Vectos have sought to achieve consistency of approach in terms of committed developments included in the assessment of the current planning proposals for mixed use development at Greenbank Terrace / Milking Lane, which is situated much closer to Junction 4”.

Further; “Considering the queue length data presented within the letter by Vectos, their explanations appear rational; all queues are under the link length, their assignment of the traffic and explanation of why that is the case to each lane is reasonable. Highways England conclusion and formal recommendation: Overall, and in isolation, we are of the view that the proposed development would not be likely to have a severe traffic impact at M65 Junctions 4”.

3.5.17 Within the full planning application a well-defined road hierarchy helps delineate character changes within the development which provide inherent benefits such as vehicular traffic calming and orientation. The primary route through the site is 5.5m in width and will be designed so it is easily distinguishable from other routes using robust road edges which include high kerbs with drop curbs for crossings and access to drive with strong structural landscaping and shrub planting to provide an attractive route. The secondary routes are 4.8m in width with 2m footpaths to both sides. This provides a transition from the primary road network route to the smaller tertiary routes. Tertiary routes are also 4.8m and have 2m footpaths to one side, in order to further transition from the secondary road network route to the private drives. The private drives provide access for the larger detached and semi-detached dwellings which face onto landscaped areas of public open space. The private drives are located on the outer edges of the scheme to take advantage of key views and give a softer feel to the countryside edge or public open space.

3.5.18 Swept path analysis shows that the layout works and is capable of accommodating a three-axle bin lorry. Sufficient off street parking is provided, with a total of 2 spaces for three bed dwellings and 3 spaces for four and five bed dwelling, including garages. The garages accord with the Council’s 6 metres x 3 metres internal size standard.

3.5.19 The outline scheme also includes a clear hierarchy of streets in line with the full application details, with 2 main through routes linked to secondary and tertiary streets. The main routes into the development can be accessed from Moorland Drive, Broken Stone Road and Horden Rake. There is also a proposed connection to Story Homes to the east.

3.5.20 A construction management plan (CMP) has been submitted, setting out how the construction process will be managed to ensure that consideration is given to highway safety and residential amenity during the construction phase. This is considered to be broadly acceptable,

though further consideration in relation to wheel wash facilities is required. It is proposed that the CMP be required to be implemented by way of a suitably worded planning condition, with a separate condition requiring details of the wheel wash to be agreed.

- 3.5.21 Public Rights of Way (PROW) The developers do not intend to deviate the footpath, Livesey 1, which runs through this area from its original line. The footpath forms part of the Witton Weavers Way Reelers trail and is a well-used published route. It is again accommodated within an area of incidental open space that runs from northeast to south east and splits the two housing character areas within the full application element of this hybrid application. However, the applicant has been advised they will need to apply for a temporary closure and diversion of the Witton Weavers Way during the works to ensure the safety of the public.
- 3.5.22 Overall, the scope of information submitted in support of the transport and highways aspects of the proposal illustrate an acceptable highways layout and impact on the strategic road network. As such, it is in accordance with the requirements of the Masterplan, NPPF and Policy 10 of the Local Plan Part 2.
- 3.5.23 **Drainage:** Local Plan Policy 9 sets out that development will be required to demonstrate that it will not be at an unacceptable risk of flooding. This correlates with the National Planning Policy Framework (NPPF) objectives to promote sustainable development, avoiding flood risk and accommodating the impact of climate change.
- 3.5.24 The site lies in Flood Zone 1, which is low risk on the Environment Agency's Flood Zone Map. However as the development site exceeds 1 hectare a flood risk assessment (FRA) has, as required by the NPPF, been provided in support of the application. The Flood Risk Assessment has been produced in accordance with the NPPF, Planning Practice Guidance (PPG) document: 'Flood risk and coastal change' issued by the Department of Communities and Local Government, and therefore, can be considered appropriate for the planning application.
- 3.5.25 The submission details the drainage strategy and advises that the hybrid application to construct 435 dwellings will increase the impermeable area of the site, therefore resulting in the increase in peak surface water run-off and total volume if the flows are unrestricted. The proposed increase in impermeable area is approximately 16.3ha, which allows for 50% of the hybrid application area including allowance for urban creep as per discussions with the Lead Local Flood Authority (LLFA). The surface water runoff rate will mimic the existing (greenfield run-of rates 9 l/s per hectare). It is proposed that the runoff rates can be achieved using a Hydrobrake® flow control device with stormwater storage being provided to prevent overland run-off from leaving site for

events up to and including the 100yr event with a 40% allowance for climate change.

3.5.26 It is considered that there are some storage capacities within the ponds from the previous phases, which have been oversized to accommodate future development. This storage may be reduced if infiltration is feasible and this may reduce the storage requirements significantly subject to percolation tests.

3.5.27 The overall site has been split into 3 catchment areas which ultimately the surface runoff discharges to. The storage estimates are shown in the table below;

Outfall Location	Area (m ²)	Hectare (ha)	Discharge (l/s)	Climate Change (%)	Storage Volume (m ³)
Catchment Area to Outfall 1	228667	22.8	220	30	*
Catchment Area to Outfall 2	115168	11.5	179	30	*
Catchment Area to Outfall 3	149770	15.0	135	40	5696
*Previously agreed storage to accommodate future development. The storage estimates have allowed for 40 % climate change and 10% urban creep for outfall 3.					

Table 4 – Overall Catchment Split and Storage Volumes

3.5.28 The storage ponds constructed in the previous phases have been designed to take runoff from approximately 35% of the current hybrid application areas. The drainage strategy for the current proposal has therefore been developed in accordance with the drainage strategy for the entire site. The developer proposes to utilise the 3 outfalls as per the table below;

Outfall Location	Area (m ²)	Hectare (ha)	Discharge (l/s)	Climate Change (%)	Storage Volume (m ³)
Catchment Area to Outfall 1	42684	4.3	38.7	30	*
Catchment Area to Outfall 2	78984	7.9	71.1	30	*
Catchment Area to Outfall 3	149770	15.0	135	40	5696
* Storage previously designed to accommodate for future development. The storage estimates have allowed for 40 % climate change and 10% urban creep for outfall 3.					

Table 5 – Hybrid Application Catchment Split and Storage Volumes

3.5.29 The submission details the intention to utilise SuDS principles, though acknowledges that a final SUDS layout is subject to infiltration tests performed as part of a detailed site investigation. Nonetheless the FRA does indicate that a full suite of options including; rain water harvesting, rain gardens, swales, detention basins and ponds and permeable paving will be considered.

3.5.30 The submission also references the potential future surface water management methods, namely; discharge to watercourse; discharge in to public sewers; and discharge by infiltration. The document advises as follows;

“Discharge to watercourse; The EA’s mapping data identifies the main river called Leeds and Liverpool Canal, this is across the residential development adjacent to A6062. This watercourse is too far away and not feasible to connect to. The ordinary watercourse located along the northern boundary along Livesey Branch Road is the most feasible solution and has been previously been accepted by the LLFA. However, this outfall will need to be confirmed with the council and discharge consents need to be obtained.

Discharge to public sewer; United Utilities have identified the surface water sewer located on Livesey Branch Road and stated that the surface water from the proposed site is not permitted to connect to the public sewer and therefore should outfall into the watercourse.

Discharge via infiltration; Infiltration is the preferred method for disposal of surface water runoff. Any impermeable areas that can be drained via a soakaway or infiltration trench would significantly improve the sustainability of the surface water system. Alternative options of attenuation such as Swales and ponds can also be utilised instead. The site can explore the use of plot by plot surface water drainage to private soak-away in the rear gardens, and whether they can be achieved. This would therefore reduce the pipe sizes and storage requirements. However, this would need to be confirmed by infiltration/percolation tests. The highway drainage gully’s can also be drained into a soakaway to reduce the storage required, if in line with the attenuation. This is also subject to infiltration tests. The site attenuation will require consideration and it is anticipated that this will be a combination of oversized below ground pipes, swales and attenuation ponds. The principles of the Surface Water Management Plan (SWMP) as set out above will ensure that surface water from the development site will be collected, attenuated and conveyed in such a way that it manages the flows in accordance with best practices”.

3.5.31 The full conclusions of the submitted FRA are summarised as;

- The riparian owners of the land have the right to discharge into watercourses at the historical greenfield runoff rate for the undeveloped plot.
- The surface water runoff rate will mimic the existing (greenfield runoff rates). BwDBC have confirmed they will allow 9 l/s per hectare.
- To manage the risks associated with the long-term impacts of climate change, the peak rainfall intensity of the 1 in 100 year rainfall events is to be increased by 40%.

- The assumptions made for the percentages of impermeable area used for estimating the storage required are based upon the proving layout and may alter during detailed design. The resulting calculated attenuation volume is therefore conservative but demonstrates that the likely required storage can be accommodated within the site boundary.
- The surface water run-off will be managed by a combination of oversized below ground pipes, swales and attenuation ponds
- The impermeable areas have been increased by 10% to allow for urban creep as specified by Environment Agency 'Guidance Rainfall Runoff Management for Developers'.
- The hybrid application will discharge into 3 culverted watercourse outfalls. The 55% of the hybrid application will discharge into the ordinary culverted watercourse (600mm dia.) adjacent to north western boundary and allow approximately 3m easements on either side of the pipework. The rest of the hybrid application will connect to outfall 1 and 2.
- Consultation have been made with United Utilities and the foul water can be discharged to the public Combined sewer network. The connection point of discharge would be to the 150mm diameter Foul Water sewer located on Horden Rake, at a restricted rate of 12.5l/s (approximately 250 dwellings). Further discussions are required to determine who own the 150mm foul sewer. The remaining 185 dwellings will connect the previous phase development 225mm foul sewer.
- Further discussions with all relevant parties will be required, therefore early discussions are advised during the detail design stage. The flow capacity of the culverted watercourses is an approximation for comparison and does not reflect the actual capacity of the overall system. This will require the guidance of the LLFA and UU as to allowable outflows.
- The existing flooding situation may be due to the downstream reaches of the culverted watercourses having a reduced capacity or may be due to the surface water not being able to reach the watercourses due to past development or blockage of the land drainage systems.

3.5.32 The Council's Drainage engineers and United Utilities have fully scrutinised the proposed drainage details, and have confirmed that the drainage strategy is acceptable subject to the following conditions;

- (1) Prior to commencement of the development, a foul and surface water drainage scheme shall be submitted to and approved in writing

by the Local Planning Authority. The approved scheme shall ensure that foul and surface water is drained on separate systems. The surface water drainage scheme shall be based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion). The surface water drainage scheme must be in accordance with the non-statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and, unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

(2) In order to ensure that existing properties are protected from flooding by surface water runoff from the development during the construction phase, the applicant is required to submit a surface water construction phase management plan. The management plan must be submitted and approved by the Local Authority prior to commencement. The applicant must comply with the management plan throughout the construction phase.

(3) No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

(4) No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage

scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

3.5.33 Notwithstanding the submission details set out above, Members will be aware that on Sunday 9th February, due to storm Ciara, the Borough experienced wide spread flooding, including part of the adjoining Green Hills development site and the Livesey Branch Road area. This prompted significant numbers of public objections to the scheme including a petition from local residents that are detailed at section 7 of this report.

3.5.34 Specific concerns were raised in the objection from Mr Keith Murray, received 24th February 2020 (as detailed at section 7 of this report). The issues were addressed in a communication by the Lead Local Authority Drainage Manager, Imran Munshi and are reproduced here for completeness;

“During the storm 70 mm rainfall was recorded in 12 hours period at Sunnyhurst Rain-gauge station. This equates to 3 weeks rainfall within a half day (FYI – same large event as summer 2012 incident when 79 mm rainfall was recorded in 14 hours period resulting over 100 properties were flooded).

The flooding to gardens and driveways on Livesey Branch Road (LBR) and Linden Lea was caused by the overflowing of storage ponds constructed by Kingswood Homes. These storage ponds drain to two culverts draining the land.

One of these culverts lies under gardens adjacent to 531B Livesey Branch Road and this culvert suffered from a collapse in November 2019, which has severely reduced its capacity. Kingswood Homes diverted a ditch away from the pond which drained into this culvert in order to try and reduce the risk of flooding and they agreed to repair the culvert even though it is not their legal responsibility. Plans to carry out the repair have been delayed because they are waiting for the availability of specialist equipment which will replace the culvert underground by a process called pipe bursting. Kingswood are in liaison with contractor to plan the commencement of excavation work in Livesey Branch Road.

This ditch diversion discharges into adjacent ponds which drain to a different culvert which runs under Livesey Branch Road and down Old Gates Drive. In addition to the severe rainfall there were gales up to 60mph. The gales blew a large amount of woodland debris from the nearby woods into the ponds. The debris was blown to the pond outfall and caused a blockage to the Debris Screen, which is meant to stop such debris. This blockage caused the pond to overflow and flood gardens and driveways down Livesey Branch Road, Pinewood and Linden Lea. Kingswood staff removed the blockage soon after the flooding and the pond level dropped back.

In effect then on the day of the storm we had both culverts blocked at the same time which led to the flooding.

We are liaising with Kingswood and the following actions have been agreed and actioned;

- 1. Kingswood have constructed a secondary screen to prevent woodland debris blocking the grille*
- 2. Kingswood to commence work on repairing the culvert near Mr Marsden's property as soon as possible.*
- 3. Kingswood to drain the ponds and remove debris and siltation in the spring when weather conditions permit.*
- 4. Kingswood are investigating other measures to help contain water running down the field from land adjacent to their site at the rear of Mr Marsden's property.*
- 5. Council to carry out a CCTV survey of the culvert running to Old Gates Drive".*

3.5.35 Members are advised that the latest update from the developer and Council's drainage team in relation to the five point plan is as follows;

- The installed secondary debris screen is operating well and should help prevent a repeat of the issues caused in February by falling branches.
- The collapsed culvert within 531B Livesey Branch Road has been repaired at considerable cost by Kingswood Homes
- The design was checked, as were the hydro brakes, all were found to be correct. The de-silting work was booked for April, but due to the Covid situation this has been delayed. It is now intended to be undertaken in July.
- Agreement is in place with the land owner that subject to the current planning application being approved, the developer will install the remaining basins on site for phases 4, 5 and 6 prior to any houses in those phases being built. It is suggested that this will collect all the water that is running off the field.
- The Council's CCTV survey work was stopped when the Covid situation arose, which was prior to the culvert running to Old Gates Drive being assessed. It is anticipated this will be done soon, as lockdown controls are eased.

3.5.36 **Design and Layout**

Policy 11 of the Local Plan requires development to present a good standard of design, demonstrating an understanding of the wider context and make a positive contribution to the local area. The policy sets out a list of detailed design requirements relating to character, townscape, public realm, movement, sustainability, diversity, materials, colour and viability. This underpins the main principles of sustainable development contained in the NPPF.

3.5.37 The development of 155 homes comprises a mix of three, four and five bedroom semi-detached and detached properties. 38 (25%) are three bedroom homes, 90 (58%) are five bedroom homes and 27 (17%) are five bedroom homes. The residential developable area is bisected by the existing hedgerow along Witton Weavers Way, creating two development parcels with different characteristics that correlate with the 'Witton Weavers' and 'Cockridge' character areas, as defined by the adopted Gib Lane Masterplan.



Site Plan

Extract from submitted Proposed Site Plan

3.5.38 The Masterplan anticipates a medium density residential development of approx. 20-30 dwellings per hectare (dph), with the proposal complying with this at 17.4 dph (gross site area). The requirement for both character areas to provide semi-detached and detached housing is also met by the application.

3.5.39 The appearance of all the homes in the Witton Weavers character area will be a continuation of Kingswood Homes' earlier phases on the Green Hills development. The traditional form and building designs based on farm typologies being the inspiration for the details in the scheme. The appearance of the homes in the Cockridge character area continue this theme, but with the south eastern side of the development becoming more traditional in order to provide a transition to the style of the Story Homes development under construction adjacent to that part of the site

Throughout properties are predominantly two-storey in height, with the exception of one house type having accommodation in the roof space

and a further house type being three storey to the rear to accommodate for a significant level change on the site.



Extract from submitted Illustrative Street Scenes

3.5.40 A detailed design and access statement has been provided, which sets out the key design principles that have informed the site layout, alongside the design ethos for each character area:

- A high quality residential development to meet the requirements of the local housing market.
- A development that responds positively to its context.
- A development that respects the local semi-rural character.
- A development that is safe, sustainable and attractive.
- A development with a strong sense of identity and place.
- Creating a family neighbourhood set within a vibrant Landscaped Framework.
- A development that conforms to the principles set out in the adopted Gib Lane Masterplan, where possible.

Witton Weavers consists of an informal arrangement of medium to low density housing, with a well-defined street hierarchy and tertiary streets becoming less engineered shared drives consisting of block pavers. Edges comprise of front boundary hedging, and where appropriate, tree planting within curtilage or adjacent verges, in order to promote and maintain a leafy character. Tree planting is strategic and considered. For instance, where houses are set back from footpath edge along a reasonable length, avenue planting is introduced. In locations where housing is in closer proximity to kerb edge, smaller

garden species are considered more appropriate. Standalone trees sometimes feature within the character area, where they can take on a focal / orientation point role, similar to when you come across a standalone oak or hawthorn in the wider West Pennine Moors landscape. National Landscape Character Area (NLCA) 35 'Lancashire Valleys', within which this site is situated, states, in relation to development, that design should seek the opportunity to develop sustainable urban drainage systems (SUDS). It also states that development should be designed in such a way so as to conserve, enhance, link and expand habitat networks. Both of these are at the forefront of the Witton Weavers character area, with landscape linking swales and green corridors, linear green fingers / habitat zones and incidental green space. There is a hierarchy of green links and corridors throughout the character area. This ranges from new hedgerows and the important existing hawthorn hedge running alongside Witton Weavers public footpath, meandering and varying widths of meadow and naturalistic Pennine planting, and dry / wet swales / SUDS basin moving west, with its variety of habitats and opportunity for wider site recreation.

Cockridge consists of an informal arrangement of medium to low density housing, adjacent to the established Cockridge Wood immediately north east. Proposed plots are sometimes irregular to work with topography, as well as being orientated in such a way so as to maximise the impressive views out. NLCA 35 emphasises the importance and significance of trees and woodlands, the need to increase their resilience, and to manage and expand existing tree cover in order to provide a range of benefits. Such benefits include helping to assimilate new infrastructure and reconnecting fragmented habitats and landscape features. This character area summary encompasses Cockridge as a character area, with the key design emphasis here being the creation of and maintaining a new wooded and leafy character area, whilst at the same time enhancing and strengthening the link to the existing Cockridge Wood, for instance by creating new wider site paths / trails, and new opportunities for informal play. Street tree planting has a greater emphasis in this character area, and where there are incidental, or larger more informed areas of open space, these are planted up with trees appropriate and proportionate to that space, to further reinforce the overarching wooded theme. To the southern edge of this character area, there will be the opportunity for recreation and meandering paths (for instance, around the prominent existing mature oak shown on the plan). Where possible, soft landscape intervention to this peripheral zone before Ridge Heights will be minimal, in order to maintain the West Pennine Moors character and important green links running from the east, through to the adjoining swales and SUDS basins in the west.

3.5.41 Overall the scheme provides 155 new dwellings arranged to provide a range of dwelling types, sizes and tenure creating variety and choice for residents. The scheme retains the important landscape and natural

features including trees and hawthorn hedgerow so they contribute positively to a sense of place and assist in enhancing local biodiversity. Areas of open space and green links are provided throughout the development, with the Witton Weavers way crossing the site and providing a break between the two character areas. Corner plot properties address both street elevations, providing opportunities for natural surveillance. Garages are to the side of the properties, behind the principle build line, in order that they do not dominate the street scene.

3.5.42 With regard to the proposed materials, the approach taken by the house-builder is to ensure a hand crafted approach to housing developments so that every house type is subtly bespoke or unique in it's own way. Brick forms the principal walling, though timber boarding is also proposed as a secondary material to the elevations, extending the appearance of openings, highlighting detail and continuing the agricultural narrative through the site. Render and stone is proposed only on the Cockridge character area to transition to the adjacent Story Homes development. Dark grey roof coverings are consistent throughout the scheme to reflect vernacular traits and provide unity. Due to shortage of bricks and unknown stock levels it is proposed that materials be controlled by planning condition.

3.5.43 Details of the proposed boundary treatments have been provided, alongside a detailed layout to illustrate the boundary treatments for each part of the site. The treatments include stone walls, brick walls, brick and timber panels and hedgerows to the front and side of properties; with close boarded fencing for rear gardens. The arrangement is considered to be satisfactory and compliant with both the Masterplan and Policy 11 of the Local Plan, subject to final details on appearance being secured by a suitably worded planning condition.

3.5.44 The submitted details also include a landscape masterplan, though further information regarding species and planting densities area required before this can be agreed. Similarly the submission does not clarify the future arrangements for management and maintenance of the public open spaces, though it is anticipated this will be via a management company in line with the earlier phases of the Green Hills development. It is considered that both of these elements can be satisfactorily controlled by planning condition.

3.5.45 Core Strategy Policy 20 and Policy 8 of LLP2 seek to reduce crime through effective design solutions. The scheme has been assessed by the Lancashire Police Architectural Liaison Officer. They have made a number of recommendations as part of their response including inter alia the use of 1.8 metre perimeter fencing; Adequate lighting; Natural surveillance of public spaces; Appropriate species and siting of landscaping ;Rear gardens to be secured with 1.8m high close boarded fencing;; External ground floor windows and doors to be PAS24/2012

certified;. Many of these matters sit outside the scope of development management, however, as stated above, a landscaping condition will be applied and the Lancashire Police will be consulted as part of the process to discharge the condition. The other matters could be attached as a series of informatives to the decision notice, as necessary.

3.5.46 In summary, the applicant's design team has placed an emphasis on a development which positively responds to policy and to the best practice guidance, and represents a high quality scheme, which is well designed to complement the local setting whilst responding to site constraints including the topography and need for rural transition. The comprehensive details submitted illustrate a design and layout which show dwellings, infrastructure and landscaping which accords with the provisions of the adopted Masterplan and Policies 9, 11 and 40 of the Local Plan Part 2

3.5.47 Public Protection Issues:

Policy 8 of the LPP2 relates to the impact of development upon people. Importantly, at section (ii) of the policy there is a requirement for all new development to secure satisfactory levels of amenity for surrounding uses and future occupiers of the development itself. Reference is made to matters including; noise, vibration, odour, light, dust, privacy/overlooking and the relationship between buildings.

3.5.48 Air Quality: An air quality assessment and addendum to address initial questions raised by the head of Public Protection have been submitted. The submissions consider the development's potential impacts on air quality through the construction phase and operational impacts, primarily arising from the anticipated traffic associated with the development. The greatest threat through the construction phase relates to dust emissions from site activity. However, this impact is considered to be no greater than 'medium' and adverse impacts upon residential amenity can be adequately mitigated through the use of a planning condition requiring a dust suppression scheme to be agreed and implemented throughout the duration of the site works.

3.5.49 Modelled impacts on air quality arising from the operational phase have been considered by the Public Protection team who advise;

Predicted emissions - The majority of earlier concerns relating to the predicted emission have been addressed. The remaining issues are unlikely to make a significant impact of the overall conclusions of the report. Total Emissions assessment: (i) The anticipated health cost (adverse health impact caused by the extra emissions) is likely to be an underestimate. (ii) Mitigation is proposed, consisting of EV charging, walking/cycling provision, and green spaces, though the green spaces won't reduce the health impact of the emissions associated with the traffic, as most of the adverse health impact will occur away from the

site, so the benefit of the proposed mitigation is overestimated (iii) However, after taking i and ii into account, the cost of the proposed mitigation appears to be reasonably proportionate to the anticipated health cost. Based on the assumption that the provision for cycling and walking will remain substantially unchanged, an electronic vehicle charging requirement for each property with driveway or garage parking is recommended.

3.5.50 Amenity Impacts: The Council's adopted Residential Design Guide Supplementary Planning Document (SPD) provides advice to enhance the quality of new homes, including the protection of the amenity of existing residents. Space standards are an important consideration when assessing such impact. These standards have been considered when assessing the current proposal, both within the site and in relation to surrounding properties which are either existing or under construction.

3.5.51 The Residential Design Guide SPD indicates an appropriate separation of 21 metres between facing windows of habitable rooms of two storey dwellings, unless an alternative approach is justified to the Council's satisfaction. Where windows of habitable rooms face a blank wall or a wall with only non-habitable rooms a separation of no less than 13.5 metres shall be maintained, again unless an alternative approach is justified to the Council's satisfaction. Differing floor levels or site levels between properties can require the addition of 3m per floor level to the required separation.

3.5.52 When assessing the full planning application the closest relationship to existing properties outside of the masterplan area is circa 60m and thus the SPD standard can be comfortably met. Similarly the separation to units within the earlier phases of the Green Hills development are also compliant with the 21m and 13.5m requirements. Within the site, there are some instances of separation distances below those set out in the SPD, though it is felt that these can be warranted given they facilitate retention of existing landscape features such as the hawthorn hedge adjoin the Witton Weavers Way, as well as the wider provision of green infrastructure and incidental landscaping that is to the advantage of the overall scheme.

3.5.53 Proposed measures to protect residential amenity during the construction phase are set out within the submitted Construction Management Plan. Subject to the implementation of these measures, a restriction of hours of operation on site and the dust suppression condition previously discussed under 'Air Quality', the construction impact on residential amenity will be suitably controlled.

3.5.54 Coal Mining Legacy & Ground Stability: This application is supported by a Walkover Survey and Desk Study Technical Report. The report is supported by an appropriate range of geological and coal mining information from a range of sources such as a Mining Report supplied

by The Coal Authority, BGS borehole records and Maps and Historical OS Maps.

3.5.55 The report author has reviewed the available geological and coal mining information and has concluded that there is a risk posed to development from past coal mining activity and has recommended that intrusive site investigations are undertaken to establish the exact situation in respect of coal mining legacy on the site.

3.5.56 The Coal Authority concurs with the recommendations of the Walkover Survey and Desk Study Technical Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority would also expect consideration to be given to the risks posed to the development by mine gas.

3.5.57 Contaminated land: The submitted Walkover Survey and Desk Study Technical Report also extends to contaminated land. The report details the historic uses of the site and acknowledges the presence of a foot and mouth disease burial pit dating from 1967. Also of note is the presence of made ground within the western part of the site, which relates to a former sandstone quarry area.

3.5.58 The submission concludes that a phase II ground investigation should be undertaken and reported to the Council. Dependent upon the findings a phase III remediation statement and phase IV validation report may also be required. That position is agreed by the Council's environmental protection officers and Members are advised that these matters can be adequately addressed through the use of the Council's standard land contamination conditions and a further condition relating to unexpected contamination, should it be found.

3.5.59 Noise & Vibration: Given ground stability remains to be explored – as discussed under coal mining legacy – it is not currently known whether pile driven foundations will be required within the development. In order to safeguard residential amenity it is therefore recommended that a condition be attached to require a noise and vibration monitoring and control scheme be agreed should pile foundations be necessary.

3.5.60 **Ecology:**

Policy 9 of the LPP2 supports development where there is no unacceptable impact upon environmental assets, including habitats and protected species.

3.5.61 An extended phase 1 habitat survey and ecological scoping assessment informed the production of the Gib Lane Masterplan. In addition that document was supplemented by an updated ecology report and supplementary assessments relating to protected species

including bats and great crested newts. The current application includes the submission of a preliminary ecological appraisal. Further surveys relating to bats and Great Crested Newts were also provided at the request of the Council's ecological consultants, Greater Manchester Ecology Unit (GMEU).

3.5.62 The Preliminary Ecological Appraisal (Haycock and Jay Associates Ltd, March 2019) advises that the site supports poor semi-improved grassland, neutral semi-improved grassland, broad-leaved semi-natural woodland, marshy grassland, scattered scrub and trees, hedgerows and a watercourse. These habitats provide opportunities for bats, badger, nesting birds, great crested newt, reptiles, hedgehogs, brown hare and invertebrate species. Woodland habitats within the site qualify as UK BAP habitat 'Lowland Mixed Deciduous Woodland', with the northern part of Cockridge Wood also qualifying as UK BAP habitat 'Wet Woodland'. Broad-leaved and mixed woodland is also a Lancashire BAP habitat. As such these habitats should be retained with appropriate buffers and protection measures adhered to during development works to protect them from accidental damage or pollution. Neutral semi-improved grassland identified within the site may qualify as UK BAP habitat 'Lowland Meadows' and may be more widespread within the site than was apparent during the survey, due to the survey having been carried out outside the optimal time of year for vegetation assessment (April to September inclusive).

3.5.63 Habitat suitable for nesting birds, including ground nesting species is present within the site. Therefore, it is recommended a condition is imposed to ensure that vegetation removal is undertaken outside of the nesting bird season (March to August, inclusive). Where this is not possible, a nesting bird check should be undertaken immediately prior to construction taking place.

3.5.64 Although no Badgers were recorded during site surveys, habitats on the site are suitable to support Badgers and it is noted that badgers are mobile in their habits. GMEU recommend that a pre-construction survey for Badgers is carried out. Surveys should be carried out by suitably qualified persons and to appropriate standards. If Badger setts are found a Method Statement will need to be prepared giving details of measures to be taken to avoid any possible harm to Badgers during the course of any approved works given that badgers and their setts are protected under the terms of the Protection of Badgers Act 1992. A suitably worded condition is recommended in accordance with this advice.

3.5.65 The site has some habitats suitable for use by reptiles. Although the probability of the site supporting reptiles is low, nevertheless a precautionary approach is advised. GMEU recommend as a condition of any approval which may be granted to the application, a survey of the site for reptiles should be carried out prior to any construction commencing. If Reptiles are found a Method Statement will need to be

prepared giving details of measures to be taken to avoid any possible harm to Reptiles during the course of any approved works

3.5.66 The updated Bat Activity Survey Report (Haycock and Jay Associates Ltd, October 2019) advises that the activity observed during the transects and recorded during the static detector monitoring suggests the site is being used by common pipistrelle, soprano pipistrelle, Nyctalus and Myotis bats. Activity was dominated by common pipistrelle activity. Areas of higher activity, comprising continuous foraging by common pipistrelle, were identified at the following locations: adjacent Cockridge Wood; around Horden Farm; and, along the south site boundary adjacent Horden Rake/Broken Stone Road. At these locations unlit mature vegetation is present including woodland, trees and hedgerows. It is recommended that vegetation at these locations is protected and enhanced in the site design through appropriate tree protection measures, buffer planting and sensitive lighting design. These matters can be successfully addressed through appropriately worded planning conditions.

3.5.67 GMEU have also suggested where any mature trees are identified for removal or disturbance during the works (to include crown lifting, topping, lopping or trimming) a ground-level Preliminary Roost Assessment of those trees to identify their bat roost suitability must be conducted by a suitably qualified Ecologist. Where a tree is found to be of low, moderate or high value for roosting bats, a climbed inspection and/or activity surveys will be required to confirm the presence/likely absence of roosting and where roosting bat/s are identified a Natural England licence for the disturbance/damage/destruction of a roost will be required. This matter is addressed in the suggested conditions within section 4 of this report.

3.5.68 The Great Crested Newt eDNA Survey Report (Haycock and Jay Associates Ltd, September 2019) was necessitated due to the identification of a single pond within 500m of the application site, with suitability for great crested newts. In line with Natural England's guidance the survey methodology involved the taking of water samples from the waterbody and the testing performed to establish the presence, or otherwise, of eDNA. A total of 20 samples were taken from around the perimeter of the pond and analysed. All tests returned negative results.

3.5.69 Nevertheless GMEU maintain their view that there is a small risk that the development could affect the specially protected species great crested newts and/or other amphibians. Therefore, it is recommended that, as a condition of any approval which may be granted to the scheme, a Reasonable Avoidance Measures Method Statement is prepared giving details of measures to be implemented to avoid any possible harm to amphibians during the course of any site clearance of groundworks required to facilitate the scheme. If great crested newts are encountered at any time during the implementation of the method

statement or at any other time works must cease and advice sought from a suitably qualified person about how best to proceed.

3.5.70 In summary, GMEU Ecology have fully appraised the original submissions and supplementary reports, concluding that the presented information sufficiently provide a baseline for any potential ecological issues and that there are no concerns in relation to ecology within the site and the impact of the development, subject to the use of planning conditions relating to working practices; restriction on timing of tree and vegetation removal, further bat survey prior to works affecting trees identified for removal, badger re-survey prior to development commencing, survey for reptiles prior to work commencing, scheme detailing reasonable avoidance measures for amphibians during construction and landscaping. It is considered that providing the recommended conditions are applied to the planning approval, the impact of the development upon ecology will be suitably mitigated and compliant with Policy 9 of the LPP2.

3.5.71 S106 Contributions:

Core Strategy Policy CS8 advises that all new residential development will be required to contribute towards the Borough's identified need for affordable housing; this being achieved through on-site provision, or through a financial contribution towards off-site delivery. The overall target for affordable housing is set at 20%

3.5.72 Local Plan Policy 12: Developer Contributions, which accords with the NPPF, indicates that where request for financial contributions are made the Council should be mindful of the total contribution liability incurred by developers. The application has been supported by a financial viability appraisal, which is based upon a set of assumptions that have been agreed between the Council and the applicants. The submission has been independently reviewed to ensure the findings are robust and impartial. The findings conclude;

“Based on sensible assumptions and market facing inputs we are of the opinion that the scheme can deliver a suitable level of profit and provide 1.6 hectares (3.95 acres) of fully serviced land as a site for a new primary school and make financial contributions of £1,000,000”.

3.5.73 The financial contribution will be split with **£850,000 going towards the development of the new primary school and £150,000 towards the off-site provision of affordable housing**. The applicant has agreed to enter into a s106 legal agreement to that effect. Members are advised that subject to that agreement the proposal fully accords with Policy CS8 of the Core Strategy and Policy 12 of the Local Plan Part 2

3.5.74 **Summary:** This report assesses the hybrid planning application for the residential development of land off Moorland Drive, Blackburn. The proposal comprises a full planning application for 155 dwellings with

associated infrastructure and outline application with all matters reserved, save for access, for a maximum of 280 dwellings. In considering the proposal, a wide range of material considerations have been taken into account.

3.5.63 The assessment of the proposal clearly shows that the decision must be made in terms of assessing the merits of the case against any potential harm that may result from the implementation of the development. This report concludes that the proposal provides a high quality bespoke housing development and meets the policy requirements of the saved Local Plan, Core Strategy, National Planning Policy Framework and the Gib Lane Masterplan.

4 RECOMMENDATION

4.1 Approve subject to:

- (i) **Delegated authority is given to the Head of Service for Planning and Infrastructure to approve planning permission subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of a commuted sum of £1,000,000 and the provision of 1.6 Ha of fully serviced land as a site for a new primary school**

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Head of Service for Planning and Infrastructure will have delegated powers to refuse the application.

- (ii) Conditions which relate to the following matters:

Full Planning Application

- Commence within 3 years
- Phasing plan to be agreed
- Materials to be submitted, agreed and implemented
- Landscaping scheme to be submitted, agreed and implemented
- Landscaping management and maintenance plan to submitted, agreed and implemented
- Boundary treatment in accordance with submitted details
- Submitted construction management plan to be implemented
- Foul and surface water drainage scheme to be submitted, agreed and implemented
- Surface water construction phase management plan to be submitted, agreed and implemented
- Management and maintenance plan for sustainable drainage system to be submitted, agreed and implemented

- No property shall be constructed prior to the sustainable drainage scheme being completed.
- Development in accordance with measures in section 5.0 of the submitted tree survey report
- Tree protection during construction
- Tree and vegetation clearance works outside bird nesting season
- Pre-construction re-survey for badgers
- Survey for reptiles prior to development commencing
- Further bat survey prior to works affecting trees identified for removal
- Amphibian reasonable avoidance measures report to be submitted, agreed and implemented.
- External lighting scheme to be submitted, agreed and implemented
- Landscape habitat creation and management plan to be submitted, agreed and implemented.
- Plan detailing finished floor levels to be submitted, agreed and implemented
- Eastern sites access road to Broken Stone Road to be operational prior to occupation of the 50th dwelling
- Highways management and maintenance to be agreed and implemented
- Street engineering, drainage and lighting details to be agreed and implemented
- Visibility splays to be protected
- Permitted development rights to be removed
- Contaminated land site investigation and remediation strategy to be agreed
- Coal site investigations and remediation strategy to be agreed
- Unexpected contamination
- Electric vehicle charging provision
- Limitation of construction site works to:
 - 08:00 to 18:00 Mondays to Fridays
 - 09:00 to 13:00 Saturdays
 - Not at all on Sundays and Bank Holidays
- Dust management plan to be submitted, agreed and implemented
- Wheel wash to be submitted, agreed and implemented
- Should pile driving be required, a scheme detailing monitoring and control measures in relation to noise and vibration to be submitted, agreed and implemented.

Outline Planning Application

- All reserved matters to be made within 3 years
- Reserved matters; landscape, layout, appearance and scale
- Phasing plan to be agreed
- Landscaping management and maintenance plan to be submitted, agreed and implemented
- Materials to be submitted, agreed and implemented

- Boundary treatments to be submitted, agreed and implemented
- Construction method statement to be submitted, agreed and implemented
- Landscape habitat creation and management plan to be submitted, agreed and implemented.
- Further ecological surveys
- External lighting scheme to be submitted, agreed and implemented
- Foul and surface water drainage scheme to be submitted, agreed and implemented
- Surface water construction phase management plan to be submitted, agreed and implemented
- Management and maintenance plan for sustainable drainage system to be submitted, agreed and implemented
- Limitation of construction site works to:
 - 08:00 to 18:00 Mondays to Fridays
 - 09:00 to 13:00 Saturdays
 - Not at all on Sundays and Bank Holidays
- Contaminated land site investigation and remediation strategy to be agreed
- Coal site investigations and remediation strategy to be agreed
- Unexpected contamination
- Dust management plan to be submitted, agreed and implemented
- Electric vehicle charging provision
- Should pile driving be required, a scheme detailing monitoring and control measures in relation to noise and vibration to be submitted, agreed and implemented.
- Highways management and maintenance to be agreed and implemented
- Street engineering, drainage and lighting details to be agreed and implemented

5 PLANNING HISTORY

5.1 There have been no previous applications directly affecting the development site, although consideration may be given to the following approved applications that effect the adjacent development parcels;

5.1.1 10/16/1132 – Erection of 167 No. residential dwellings, new village green/public open space, provision for a future community building, new access junction to Livesey Branch Road, associated highway infrastructure and drainage attenuation measures forming Phase A of the wider Gib Lane Masterplan site.

5.1.2 10/14/1331 - Erection of up to 145 no. new residential dwellings, new village green and A3 cafe use, and site wide features of green infrastructure and drainage attenuation measures forming Phase A of wider site Masterplan

5.1.3 10/17/0211- Erection of 205 dwellings, access, landscaping and associated works

5.1.4 10/15/0901 – Residential Development for 79 dwellings

6 CONSULTATIONS

6.1 Drainage Section

No objection, subject to the following conditions being imposed;

Prior to commencement of the development, a foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall ensure that foul and surface water is drained on separate systems. The surface water drainage scheme shall be based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion). The surface water drainage scheme must be in accordance with the non-statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and, unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

REASON: To ensure a safe form of development that poses no unacceptable risk of flooding, pollution to water resources or human health in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2 (December 2015).

In order to ensure that existing properties are protected from flooding by surface water runoff from the development during the construction phase, the applicant is required to submit a surface water construction phase management plan. The management plan must be submitted and approved by the Local Authority prior to commencement. The applicant must comply with the management plan throughout the construction phase.

REASON: To ensure that construction activities do not increase the risk of flooding to existing properties

No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

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

b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

i. on-going inspections relating to performance and asset condition assessments

ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

REASON: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

REASON: To ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

6.2 Education Section

No comments.

6.3 Environmental Services

No objections.

6.4 Public Protection

6.4.1 Noise

Condition relating to the need to agree noise and vibration monitoring and controls should pile driving be required.

6.4.2 Dust

In accordance with the submitted air quality assessment it is suggested that a condition be attached requiring a scheme to be agreed in relation to dust suppression

6.4.3 *Hours of Site Works*

A condition was recommended, that 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 and Saturday 09:00 - 13:00 hours.

6.4.4 *Contaminated Land*

In accordance with the recommendations of the Walkover Surevy and Desk Study Report, it is recommended that the Council's standard land contamination condition, validation condition and unexpected land contamination condition be attached.

6.4.5 *Air Quality*

The updated Air Quality Response submitted on the 23rd December 2019 has been reviewed. The majority of initial concerns relating to the predicted emission have been addressed. The remaining issues are unlikely to make a significant impact of the overall conclusions of the report.

Total Emissions assessment: (i) The anticipated health cost (adverse health impact caused by the extra emissions) is likely to be an underestimate. (ii) Mitigation is proposed, consisting of EV charging, walking/cycling provision, and green spaces. The green spaces won't reduce the health impact of the emissions associated with the traffic, as most of the adverse health impact will occur away from the site, so the benefit of the proposed mitigation is overestimated. (iii) However, after taking i and ii into account, the cost of the proposed mitigation appears to be reasonably proportionate to the anticipated health cost.

Recommended conditions, based on the assumption that the provision for cycling and walking will remain substantially unchanged: requirement for electric vehicle charging, Dust Management Plan to be agreed, maximum boiler emissions

6.5 Highways Authority

In principle, supportive of the scheme, subject to planning conditions:

- Parking spaces to meet adopted standards;
- There is no indication on plan of the road connection from this development through to Broken stone, we would request this is included within this proposal. This matter successfully addressed by the revised access plan submitted 20th January, subject to the delivery of the eastern road and junction prior to the completion of the 50th unit within the full planning application.
- Highway surfacing materials will be subject to formal technical highways approval, though the suggested use of block paving is

unacceptable. We would request that the resin and stone setts which were approved for Phase 1 is carried through to this site. To address this the following two conditions required;

- (1) Prior to the occupation of any of the dwellings hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.
- (2) Prior to the construction of any of the streets referred to in the previous condition, 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.
- Sightlines at junctions and driveways to be safeguarded by planning condition
- Tracking plan indicates appropriate movement for 3 axle refuse vehicle.
- Wheel wash proposals within construction management plan require upgrading.
- The Transport Assessment Addendum offers evidence to support the assertions made in trip generation and traffic impact at the site accesses across the proposed site. This indicates that there is no severe impact.

6.6 Public Rights of Way Officer

The developers do not intend to deviate the footpath, Livesey 1, which runs through this area from its original line. The footpath forms part of the Witton Weavers Way Reelers trail and is a well-used published route.

However, the applicant will need to apply for temporary closure and diversion of the Witton Weavers Way during the works to ensure the safety of the public

6.7 Highways England

Having considered the original Transport Assessment Addendum, technical note submitted October 2019, the updated and revised access plan detailing the two new internal access roads and junctions with Broken Stone Road submitted January 2020 and a further technical letter submitted February 2020 - Overall, and in isolation, we

are of the view that the proposed development would not be likely to have a severe traffic impact on the strategic highway network.

6.8 Strategic Housing

In summary, the proposed development will contribute positively to the Council's aspiration to see new homes being developed in the Borough as part of the Growth priority. The Borough is significantly under-represented in larger, good quality family homes and is actively supporting developments which increase the choice of homes in the borough. This scheme proposes to provide new mid to higher value family housing to cater for identified needs and aspirations in the Borough. The Housing Growth Team is supportive of the proposal subject to it meeting the Council's planning policies.

6.9 Lancashire Constabulary

No objections, but recommended measures to reduce crime risk including: including physical security measures such as lock specifications, perimeter security and planting are provided.

6.10 Coal Authority

No objections, subject to conditions. The Coal Authority concurs with the recommendations of the Walkover Survey and Desk Study Technical Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development. A condition should therefore require prior to the commencement of development (i) The undertaking of an appropriate scheme of intrusive site investigations; (ii) The submission of a report of findings arising from the intrusive site investigations; (iii) The submission of a scheme of remedial works for approval; and (iv) Implementation of those remedial works.

6.11 Environment Agency

No comment.

6.12 GMEU: Ecology

The submitted Ecology Survey and additional bat and great crested newt survey reports informing the application have been carried out by suitably qualified consultants and to appropriate standards.

No objection to the application subject to conditions relating to the following areas; landscape and habitat creation and management plan; working practices in accordance with section 5.0 of submitted tree survey report; tree protection measures; inspection of trees being removed for bat roosts; tree and vegetation removal outside bird nesting season (March to August); reasonable avoidance measures for amphibians; re-survey of site for badgers prior to work commencing; survey of site for reptiles; and external lighting scheme to be agreed.

6.13 United Utilities

No objections, subject to conditions requiring separate foul and surface water systems, submission of a surface water drainage scheme and details of maintenance of the sustainable drainage system.

6.14 Livesey Parish Council

At the last Livesey Parish Council Meeting held on Friday 14 February 2020, Councillors objected to the above scheme for the following reasons :

- There are grave concerns from both Councillors and residents that recent storms have caused severe flooding within residential curtilage along the south side of Livesey Branch Road.
- The concerns are that the flooding has been caused by the insufficient design and /or construction of the SUDS drainage schemes that have been implemented by both Waine Homes Ltd and Kingswood Homes Ltd.
- The concerns around inadequate drainage and flooding risks were previously mentioned at public meetings before the existing planning permissions had been granted, yet the schemes went ahead.
- Blackburn with Darwen Borough Council has ignored the concerns/fears of residents whilst assuring them that future problems would not arise which is not the case.

From the recent events it is quite clear that the assurances from the Council are worthless and therefore the Parish Council demand that the consent for this application is withheld until the existing drainage schemes are modified to deal with these unacceptable problems.

6.15 Public Consultation 262 neighbouring properties have been individually notified by letter; a press notice and site notices have also

been displayed. Following receipt of amended details in January 2020 the consultation process was repeated. In response, 15 letters of objection and 1 letter of support have been received. In addition, a petition was received on the 11th March 2020, containing 122 signatories objecting to the proposed development. Details of the petition and the letters of objection/support are shown within the summary of representations below.

7.0 CONTACT OFFICER: Martin Kenny, Principal Planner

8.0 DATE PREPARED: 5th June 2020

9.0 SUMMARY OF REPRESENTATIONS

Objection – Number of residents- **Petition**. Rec 11.03.2020

1, Priory Close, Pleasington, Blackburn, Lancashire, BB2 6RP

Tel

Email :

Mobile

Thursday, 27 February 2020

Martin Kenny
Principal Planning Officer
Blackburn with Darwen Borough Council
Town Hall
King William St
BLACKBURN

Dear Martin,

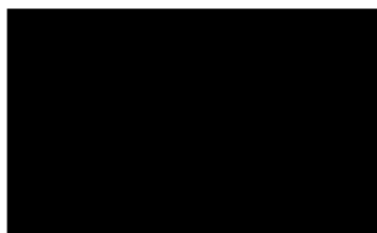
Re Planning Application 10/19/0662 – Hybrid Application for 155/280 dwellings

I write as Ward Councillor for the Livesey with Pleasington Ward in which this development lies.

Since your Consultation letter many residents have contacted me regarding their concerns about this Application seeking to continue further development of the Gib Lane Plan. Their concerns have been focussed on drainage issues particularly since the recent storms and the consequent flooding of properties and Livesey Branch Road itself.

Whilst I understand that some residents have written to you individually, many have not, but wish to have their voice heard. As a result, they have arranged a petition of residents. The completed document is attached herewith.

So as to be focussed, I understand that the petition was limited to the 130 or so, dwellings whose curtilages immediately border the whole of the Gib Lane site. Whilst the petition contains some 122 signatures I understand, anecdotally from the residents actually canvassing, that virtually everyone they found to be at home when they called, was angry about the flooding issue and correspondingly signed the petition. I further understand that many residents will attend the appropriate Planning and Highways Committee Meeting (19th March?) and a spokesperson will arrange to address the meeting.



11

PLANNING APPLICATION 10/19/0662

Residential Development of 155 dwellings by Kingswood Homes at rear of Livesey Branch Road

RESIDENTS PETITION

We the undersigned local residents, petition the Planning Committee of Blackburn with Darwen Borough Council to object to the above planning application which currently in circulation for public consultation.

Our collective objection is based on the fact that recent storms have caused severe flooding within residential curtilages along the south side of Livesey Branch Road. This flooding has been caused by the insufficient design and/or construction of the SUDS drainage schemes thus far implemented by both Wain Homes Ltd and Kingswood Homes Ltd. Our concerns about inadequate drainage and flooding risks were expressed at public meetings before the existing planning permissions were granted. These were ignored by BwDBC and residents were assured that future problems would not arise.

Recent events have shown that the assurances were worthless and we therefore demand that planning consent for this application be withheld until the existing drainage schemes are modified to deal with the issues of which we complain.

NAME (PRINT)	ADDRESS	CONTACT	SIGNATURE
Sara Cooper	941 Livesey Branch		
Nia Cur	441 Livesey Branch		
M. BARNE	439 LIVESLEY BRANCH		
W James	439 LIVESLEY BRANCH		
K Skarlett	437 LIVESLEY BRANCH		
M TANLISON	433 Livesey Branch		
M SPANNAW	435 LIVESLEY BRANCH		
Patrick Bowdich	427 Livesey Branch Rd		
R GISS	425 Livesey Branch Rd		
D. Hanmer	423 Livesey Branch Rd		
G HARRISON	421 Livesey Branch Rd		
W GARDNER	417 LIVESLEY BRANCH RD		
Aldo Stajth	419 Livesey Branch Rd		
James J. Smith	415 Livesey Branch Rd		
M CROOK	413 Livesey BR.		
P M SHAW	409 Livesey BR		
P SMITH	"		

(3)

PLANNING APPLICATION 10/19/0662

Residential Development of 155 dwellings by Kingswood Homes at rear of Livesey Branch Road

RESIDENTS PETITION

We the undersigned local residents, petition the Planning Committee of Blackburn with Darwen Borough Council to object to the above planning application which currently in circulation for public consultation.

Our collective objection is based on the fact that recent storms have caused severe flooding within residential curtilages along the south side of Livesey Branch Road. This flooding has been caused by the insufficient design and/or construction of the SUDS drainage schemes thus far implemented by both Wain Homes Ltd and Kingswood Homes Ltd. Our concerns about inadequate drainage and flooding risks were expressed at public meetings before the existing planning permissions were granted. These were ignored by BwDBC and residents were assured that future problems would not arise.

Recent events have shown that the assurances were worthless and we therefore demand that planning consent for this application be withheld until the existing drainage schemes are modified to deal with the issues of which we complain.

NAME (PRINT)	ADDRESS	CONTACT	SIGNATURE
A JOHNSON	493 LIVESLEY BRANCH RD	[REDACTED]	[REDACTED]
K. SKINNER	489 LIVESLEY BRANCH RD		
Beatrice Landon-Lewis	485 LIVESLEY BRANCH RD		
Marie Lend	483 Livesley Branch Road		
S. Piddling	479 Livesley Branch Rd		
C KIRKHAM	449 Livesley Branch Rd		
C HIBBERT	457 LIVESLEY BRANCH RD		
C. NUTTALL	497 Livesley Branch Rd		
S. BARNES	491 LIVESLEY BRANCH RD		
L BUCKLEY	469 Livesley Branch Rd		
R. WATTAKER	467 LIVESLEY BRANCH RD		
J. BARNS	463 " "		
A. TAYLOR	447 " "		

(5)

PLANNING APPLICATION 10/19/0662

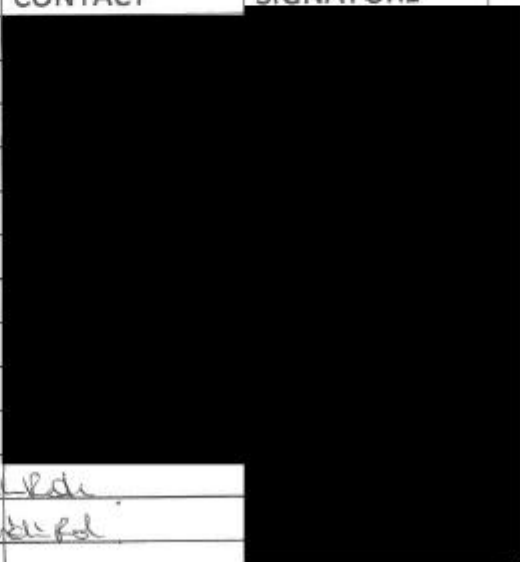
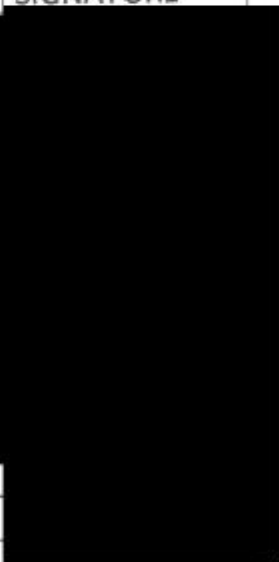
Residential Development of 155 dwellings by Kingswood Homes at rear of Livesey Branch Road

RESIDENTS PETITION

We the undersigned local residents, petition the Planning Committee of Blackburn with Darwen Borough Council to object to the above planning application which currently in circulation for public consultation.

Our collective objection is based on the fact that recent storms have caused severe flooding within residential curtilages along the south side of Livesey Branch Road. This flooding has been caused by the insufficient design and/or construction of the SUDS drainage schemes thus far implemented by both Wain Homes Ltd and Kingswood Homes Ltd. Our concerns about inadequate drainage and flooding risks were expressed at public meetings before the existing planning permissions were granted. These were ignored by BwDBC and residents were assured that future problems would not arise.

Recent events have shown that the assurances were worthless and we therefore demand that planning consent for this application be withheld until the existing drainage schemes are modified to deal with the issues of which we complain.

NAME (PRINT)	ADDRESS	CONTACT	SIGNATURE		
E MOTALA	517 LBR BB				
A MOTALA	517 LBR BB				
D. TAYLOR	519 LBR BB2				
J. TAYLOR	519 LBR BB2				
A. Mank	525 LBR BB2				
N. Mank	" "				
J. STUART	529 LBR BB2				
A. STOREY	529 LBR BB2				
A. GARDNER	503 LBR				
S. GARDNER	503 LBR				
K. MASON	531B Livesey Branch Rd				
D. MASON	531B Livesey Branch Rd				

(6)

PLANNING APPLICATION 10/19/0662

Residential Development of 155 dwellings by Kingswood Homes at rear of Livesey Branch Road

RESIDENTS PETITION

We the undersigned local residents, petition the Planning Committee of Blackburn with Darwen Borough Council to object to the above planning application which currently in circulation for public consultation.

Our collective objection is based on the fact that recent storms have caused severe flooding within residential curtilages along the south side of Livesey Branch Road. This flooding has been caused by the insufficient design and/or construction of the SUDS drainage schemes thus far implemented by both Wain Homes Ltd and Kingswood Homes Ltd. Our concerns about inadequate drainage and flooding risks were expressed at public meetings before the existing planning permissions were granted. These were ignored by BwDBC and residents were assured that future problems would not arise.

Recent events have shown that the assurances were worthless and we therefore demand that planning consent for this application be withheld until the existing drainage schemes are modified to deal with the issues of which we complain.

NAME (PRINT)	ADDRESS	CONTACT	SIGNATURE
ROBERT RAYNOR	529A L.B.R.		
Michael Schofield	529B L.B.R.		
Dorothy Schofield	529B L.B.R.		
CLAIRE GOODISON	499 L.B.R.		
CHRIS GOODISON	499 L.B.R.		
FRANK PARKER	501 L.B.R.		
MARK CARLO	501 L.B.R.		
PETER EDGE	505 L.B.R.		
SUZAN EDGE	505 L.B.R.		
DONNA TURNER	507 L.B.R.		
CHRIS TURNER	507 L.B.R.		
Adam Booth	509 L.B.R.		
ALFRED PARKER	511 L.B.R.		
Dorothy PARKER	511 L.B.R.		

8

PLANNING APPLICATION 10/19/0662

Residential Development of 155 dwellings by Kingswood Homes at rear of Livesey Branch Road

RESIDENTS PETITION

We the undersigned local residents, petition the Planning Committee of Blackburn with Darwen Borough Council to object to the above planning application which currently in circulation for public consultation.

Our collective objection is based on the fact that recent storms have caused severe flooding within residential curtilages along the south side of Livesey Branch Road. This flooding has been caused by the insufficient design and/or construction of the SUDS drainage schemes thus far implemented by both Wain Homes Ltd and Kingswood Homes Ltd. Our concerns about inadequate drainage and flooding risks were expressed at public meetings before the existing planning permissions were granted. These were ignored by BwDBC and residents were assured that future problems would not arise.

Recent events have shown that the assurances were worthless and we therefore demand that planning consent for this application be withheld until the existing drainage schemes are modified to deal with the issues of which we complain.

NAME (PRINT)	ADDRESS	CONTACT	SIGNATURE
A Cheaton	26 St MICHAEL'S		
B EccLES	22 " "		
C EASTHAM	18 St MICHAEL'S		
S FISH	18 " "		
N Evans	8 St michaels		
A. SAUNDERS	5 St MICHAEL'S		
S. JEPSON	5 St MICHAEL'S		
D BOULTWOOD	4 " "		
J. BIBBY	9 St. MICHAELS		
E Bentley	39 St. MICHAELS		
D Halsey	37		
B. Hollowood	31.		
A. Hollowood	31		
C. Thompson	29 St Michael's		
T Reid	23		
M Allen	21		
SAINSWORTH	19 " "		

9

PLANNING APPLICATION 10/19/0662

Residential Development of 155 dwellings by Kingswood Homes at rear of Livesey Branch Road

RESIDENTS PETITION

We the undersigned local residents, petition the Planning Committee of Blackburn with Darwen Borough Council to object to the above planning application which currently in circulation for public consultation.

Our collective objection is based on the fact that recent storms have caused severe flooding within residential curtilages along the south side of Livesey Branch Road. This flooding has been caused by the insufficient design and/or construction of the SUDS drainage schemes thus far implemented by both Wain Homes Ltd and Kingswood Homes Ltd. Our concerns about inadequate drainage and flooding risks were expressed at public meetings before the existing planning permissions were granted. These were ignored by BwDBC and residents were assured that future problems would not arise.

Recent events have shown that the assurances were worthless and we therefore demand that planning consent for this application be withheld until the existing drainage schemes are modified to deal with the issues of which we complain.

NAME (PRINT)	ADDRESS	CONTACT	SIGNATURE
LYNDA COOPER	41 ST MICHAELS		
CHRISTINE KEELAN	43 ST MICHAELS		
TONY DAVIES	47 ST MICHAELS		
Pauline Davies	47 ST MICHAELS		
[Signature]	46 "		
J MARSDEN	"		
B Heywood	49 "		
M. GIBBS	42 "		
JOAN BARROW	HCO		
S WILDING	36 ST MICHAELS		
E MASOW	34 ST MICHAELS		
KATIE LANG	33 ST MICHAELS		
ANDREW LANG	33 ST MICHAELS		
J. LANG	33 ST MICHAELS		
ELOISE LANG	33 ST MICHAELS		
JESSIE M. DODD	30 ST MICHAELS		
COLIN CHESTER	26 ST MICHAELS		

10

PLANNING APPLICATION 10/19/0662

Residential Development of 155 dwellings by Kingswood Homes at rear of Livesey Branch Road

RESIDENTS PETITION

We the undersigned local residents, petition the Planning Committee of Blackburn with Darwen Borough Council to object to the above planning application which currently in circulation for public consultation.

Our collective objection is based on the fact that recent storms have caused severe flooding within residential curtilages along the south side of Livesey Branch Road. This flooding has been caused by the insufficient design and/or construction of the SUDS drainage schemes thus far implemented by both Wain Homes Ltd and Kingswood Homes Ltd. Our concerns about inadequate drainage and flooding risks were expressed at public meetings before the existing planning permissions were granted. These were ignored by BwDBC and residents were assured that future problems would not arise.

Recent events have shown that the assurances were worthless and we therefore demand that planning consent for this application be withheld until the existing drainage schemes are modified to deal with the issues of which we complain.

NAME (PRINT)	ADDRESS	CONTACT	SIGNATURE
IN DIM	74 HORDEN VIEW WILKIN		
MA Stockdale	72 Horden View		
C MALLETT	70 Horden View		
A KITCHEN	64 HORDEN V		
E WHISTON	62 HORDEN V		
M. LONGHOREN	71 ST MICHAEL'S		
AJ SMYTH	67 ST MICHAEL'S CLASE		
K. SNELLING	67 ST. MICHAEL'S CLASE		
J. WINDHE	65 S MICHAEL'S CLASE		
J WONG	63 St Michael		
H. JONES	61 St. Michael's Cl		

Comments – Jess Lago, 37 Buckthorn Lane. Rec 21.09.2019

To whom it may concern

Having received a notice from Kingswood regarding the planning application 10/19/10662 i have looked at the application and believe this means they are starting Phase D of the original Gib Lane master plan. As part of Phase D Kingswood are also supposed to be building a school. Nothing has been mentioned about this and I believe its important that before these additional houses are approved an application for a school is also submitted. The majority of the Greenhills homes already built and Bluebell Walk estate (which is now finished) are already occupied by lots of young families with children who are going to need school provision as identified in the masterplan. Storyhomes sycamores development is also well underway with lots of homes already sold too.

They have already removed the affordable housing that was supposed to border Phase A and B in replacement for more in demand family homes (i have yet to see where on the plan Kingswood have relocated the affordable housing)

I hope on behalf of the residents for all 3 estates we can get some answers on when we will get our community school

Kind regards

Jess Lago

37 Buckthorn Lane

Comments – Keith Murray, 34 Gib Lane, Blackburn – 7th August 2019

I wish to make comments on this application and ask you to also reconsider the wider implications for the area since the original Gib Lane Masterplan was approved.

Haycock and Jay preliminary Ecological report identifies an unnamed woodland off Gib Lane when it is in fact part of Cockridge wood as can be seen on early plans of the area, the two parts were originally one and it is presumed that the impact of farming and grazing has gradually led to the split which is where livestock moved from the upper part of the fields to lower levels.

I would add the following to their assessment of the wildlife of the area. Prior to construction starting on the whole area, there were numerous brown hares seen on the west facing slopes from the hills, Grey heron nested each year

just below the proposed new school location and wild life has generally declined due to the lack of green open space.

The Foot and Mouth Disease burial pit shown on the penultimate page of the Sub Surface NW Technical report – Walk over survey and desk study identifies the location of the pit.

Can the committee be updated on what is planned to assess the site for residual bio contamination and is any other corrective action required? Due to localized changes to the topography by the current developments it is difficult to identify the location of the pit precisely,(it appears to be covered by an earth mound at the moment). I presume it can still be found, properly investigated, a report of the assessment and corrective action published for the council to approve and the public to see.

I have reservations about the planned drainage scheme being fully installed at an early stage. On the present site the last containment pond has an open and unrestricted exit into an open ditch behind existing houses giving a potential for flooding of adjacent properties.

Turning now to the Gib Lane Masterplan, initially it was proposed to complete 440 houses by March 2026 and stated at the Planning Inspector's hearing by the Forward Planning team that the maximum to be built on the site would be 700 dwellings, clearly this was an underestimate for this site which is now nearer 1160. There has been a significant increase in the number of new homes now planned on this and other nearby sites with the combined totals now increased from 1750 to 2760.

Highway assessments were done based on the inaccurate 700 figure. With the 1000+ additional homes now planned and potentially another 500+ at least, how is it proposed to modify the local road network to deal with this extra traffic and how will it be funded as it is not within the Gib Lane Masterplan, Will there be a new highway assessment to decide what can be done and refuse planning if a realistic and satisfactory compromise cannot be found?

Keith Murray

Objection – John Taylor, 593 Livesey Branch Road. Rec 06.08.2019

My name: John Taylor

My address: 593 Livesey Branch Road, Blackburn, BB2 5DQ

Thank you for your letter of 18th July 2019 concerning the planning application relating to the residential development site at the back of my house.

My primary concern is that of potential flood management. I have read the 'Flood Risk Assessment and Drainage Strategy' in the application portfolio of documents and wish to raise a number of issues with you.

You yourself, BwDBC, "have expressed concerns" about localised flooding (1.1.7) and the paper compiled by the developers attempts to address concerns but leaves a number of loose ends that appear to me to be unresolved:-

1. A key strategy is to direct surface water off the site to a culverted drain under Livesey Branch Road yet at 3.4.1 it is stated "CCTV results have identified the culverted sewer to be collapsed" and at 3.4.2 it's said that there should be a contribution from the developers towards remedial work.

Q. Has the remedial work been done? ... and has there been a contribution from the developers?

2. At 4.2.1 it's stated that the built-over parts of the site create a 60% increase in impermeability to rainwater - from a 100% permeable field area before. There are a number of aspirational proposals from the developers relating to soaking up or collecting water on site ("infiltration may be possible" and "can explore" at 6.4) but I'm suspicious of such talk that appears evasive and don't hold water if you'll pardon the pun. The only firming up from "may be" relates to encouragement of individual householders to take up ownership of rainwater butts. Hardly an assurance that any attempt will be made to incorporate infiltration methods.

Q. How sure are you that such an increase in impermeability can be handled by the site drainage plans?

3. The collection pools worry me. I attach photos I took recently showing the absence of a discharge into the one nearest my home (furthest West on the site) then contrasting photos after a moderate spell of rainfall a couple of weeks ago. The outflow is crudely diverted to a relatively narrow-gauge pipe under the houses on Livesey Branch Road at that point.

Q. What's to stop the catchment pools collecting more water than they can handle? I guess this centres on the capacity of the culverted sewer - repaired or not?

I appreciate you've said in your letter that you're unable to acknowledge any comments, but I would like to see the concerns I've raised addressed in some forum or other.

Regards,
John Taylor







Objection – Keith Murray, 34 Gib Lane. Rec 25.02.2020

I write to express my concern regarding the recent flooding events which have inundated a number of properties along Livesey Branch Road, yet again. I visited the site on Sunday morning (about 11-00am) following heavy overnight rain, detention ponds 1 and 3 were overflowing but pond 2 was quite low.

Two Kingwood Homes employees were attempting to clear a blockage in the connecting pipe between pond 2 and 3 using a length of plastic pipe, the blockage was in or near to the manhole and was held in place by water pressure against it. Water was flooding from the lowest point in the bank in pond 2 into properties along LBR at a significant rate, resulting in flooding along the highway for about 60 metres causing traffic to slow due to the depth of water. There was no evidence of bunding or any overflow provision and the hydrobrake appeared blocked suggesting any trash trap was inadequate or not in place.

Assuming the existing drainage culverts would be at the permitted capacity, the only option for overflow would be from the higher to lower pond and then onto Livesey Branch Road

I also noted that the manhole cover in the entrance road to the site was lifting with water pouring out, obviously indicating that the surface water drain in LBR was at capacity and could not take the permitted flow rate which was expected from the detention ponds.

I did not establish why pond 1 was overflowing but presume the outfall was blocked. This overflowing resulted in further properties being deluged with flood water passing through their properties and causing another flood on LBR.

I presume this is the first time since installation that the system has been tested by heavy rain and doubt if the connecting pipes had been inspected and cleared this winter as debris seems to be the major contributing cause of malfunction, perhaps Kingswood Homes can provide evidence of their regular monthly maintenance checks on this critical part of the infrastructure and any corrective action taken.

I recall the public consultation where the issue of potential flooding risk to those properties nearest to the detention ponds was highlighted and the need for property owners to declare the addition risk to their insurers, the point was ignored by planning and the developer. As a result of this flooding residents will have to advise their insurers, will have to declare the danger of potential

flooding when they sell their homes and probably at lower selling prices than those who have not had flooding.

So who is now responsible for the flooding I suggest the Council has failed in its duty of care to ensure the drainage discharge facilities were adequate and fully functioning before the current development phase progressed too far and to ensure the proposed SUDS was meeting the requirements for storage capacity, discharge rates, drainage capacity, bunding, overflow, and planned maintenance of the facilities. The developer although providing the detention basins do not appear to have adequately completed bunding to protect existing properties and no protective fences have yet been installed. Based on the evidence I saw it appears the drains from the detention basins have not been adequately or effectively cleared regularly or have a design fault.

Considering the flood risk assessment and drainage strategy submitted with this application the 3 detention basins have a combined capacity of 3035m³ and are expected to use a maximum of 1617m³, just 53% of the calculated storage capacity but they were badly overwhelmed, why?

Who do the residents claim from for increased insurance premium and any damage and reduced selling prices – the Council, the developer or both?

I have revisited the comments raised by residents at the Gib Lane Masterplan consultation stage, I suggest you too revisit these comments and the Council Forward Planning responses which glibly talk about:-

“The masterplan has been informed by a Flood Risk Assessment which identifies an overarching strategy for managing drainage and surface water run-off. This strategy includes the provision of SuDS to manage surface water and prevent flooding. A more detailed drainage strategy will be required at the planning application stage”

“ The masterplan proposes to provide a connected network of SuDS which will collectively provide sufficient attenuation to control surface water run-off.”

I raised a number of issues concerning this development at the Executive Board Meeting 12th February 2015 and my first point dealt with the surface water drainage strategy.

“The Surface Water Drainage Strategy is included in the phase A outline planning application ref. (10/14/1331). It proposes six large detention basins to collect runoff water, up to 1.8metres deep with capacity for over 1 million litres of water in each basin. This will constitute a potential risk to children when the basins contain water and to residents of Livesey Branch Road and St.Michael’s Close in the event of a catastrophic failure of the basin emptying systems. They will have to declare this additional risk to their home insurers or their buildings policies could be declared void in the event of flooding.2

I am not aware of any subsequent action to review the potential risks identified or any corrective measures taken.

The potential for flooding has regularly been highlighted but no one has considered it a critical failure which it clearly is and will continue to be at times of high rainfall until effective corrective measures are put in place.

In the current Local Plan 2 there is a clear statement relating to the potential problems of new development and a Planning responsibility to mitigate unsatisfactory conditions as a result of new development viz. “Some developments can have a very direct impact on people close to it. It is important that planning manages this impact to ensure that no-one suffers from unsatisfactory conditions as a result of new development... “ref. Local Plan 2, Chapter 2- Core Policies, page 10 of Site Allocations and Development Management Policies July 2014 edition para. 2.14 -2.16 refers to Development and People. In particular para. 2.16 is most relevant.

Can Planning demonstrate the Council is not at fault and they have effectively managed the risk?

The Council must demonstrate that the outfalls from the site are all fully functioning (apparently two are partially blocked) and can cope with the maximum permitted outflows. The Council must also confirm that the SUDS

system is adequate, correctly installed, has the required fencing, bunding, storage capacity and adequate overflows are provided for each basin.

Until the above is confirmed and demonstrated, this planning application should not be approved.

In application 10/14/1331 in the drainage strategy there is atypical cross section through a detention basin showing the bunding and overflow, does the existing discharge include such an overflow and what provision is there for when this is exceeded?

Local residents will not believe what they are now told until it is positively demonstrated there is a failsafe escape for floodwater so that properties on Livesey Branch Road are fully protected.

With the proposed new Local Plan requiring significantly less housing and a large over allocation of green belt land there should be no need for this application to be approved until it is positively proved that the SUDS system is adequate and correctly installed.

Keith Murray

34 Gib Lane

Objection – Rory Needham, Unknown address. Rec 20.02.2020

Dear Mr Kenny,

At the last Livesey Parish Council Meeting held on Friday 14 February 2020, Councillors objected to the above scheme for the following reasons :

- There are grave concerns from both Councillors and residents that recent storms have caused severe flooding within residential curtilage along the south side of Livesey Branch Road.
- The concerns are that the flooding has been caused by the insufficient design and /or construction of the SUDS drainage schemes that have been implemented by both Waine Homes Ltd and Kingswood Homes Ltd.

- The concerns around inadequate drainage and flooding risks were previously mentioned at public meetings before the existing planning permissions had been granted, yet the schemes went ahead.
- Blackburn with Darwen Borough Council has ignored the concerns/fears of residents whilst assuring them that future problems would not arise which is not the case.

From the recent events it is quite clear that the assurances from the Council are worthless and therefore the Parish Council demand that the consent for this application is withheld until the existing drainage schemes are modified to deal with these unacceptable problems.

Can you please bring this objection to the attention of the Planning Committee.

Kind regards

Mr Rory Needham
Clerk to Livesey parish Council

Objection – Kerry Huddleston, 451 Livesey Branch Road. Rec 13.02.2020

We oppose the above planning application due to the risk of flooding.

None of the precautionary measures to prevent flooding due to the new houses being built have worked, even though residents were categorically told this would not happen.

I have attached a picture of our garage being flooded, videos of the water flowing down our path and garden onto our patio and pooling where our conservatory is and the water flowing down the road at side of our house, which were all a result of the flood defence bursting its banks after heavy rainfall.

We are extremely concerned that the problem will worsen with more houses being built on the land behind us.

Kerry Huddleston

451 Livesey Branch Road

Blackburn

Objection – M.W.Schofield, 529b Livesey Branch Road. Rec 12.02.2020

I wish to object to the above application on the following grounds:-

1. This last weekend has again demonstrated that the flood defence measures put in place for the current development are totally inadequate. This is the third “ one in a hundred years + 40% event” in the past two and a half years and the SUDs were completely overwhelmed (again).

2. My neighbour and I have personally met with the developers, Kingswood, council officers and local councillors on numerous occasions, where promises have been made and ‘solutions’ proposed, all to no avail. The reconstruction of and connection to a culvert under 527, Livesey Branch Road, which was promised as scheduled before Christmas, has still not been done.

3. The developers have failed to comply with the conditions imposed regarding flood defences for the current development. BWD borough council have failed to enforce these conditions.

Unless and until the current debacle is rectified no further development should be approved.

M.W.Schofield,

529b, Livesey Branch Road,

Blackburn

Objection – Darren & Marsden, 531B Livesey Branch Rd. Rec 11.02.2020

Dear Martin Kenny

We write in response to your letter advising of the recent planning application to the land off Moorland Drive / Livesey Branch Road, Blackburn. In relation to planning application 10/19/0662

I am concerned that the Flood Risk Assessment and Drainage Strategy document submitted for Application 10/14/1331 or the updated version for 10/19/0662 the strategy is not sufficient or is not being met during the build phase.

The flow of water into the current Green Hills site from the old Whitton Weavers way has not been considered in the current SUDS design and as proved on 9th February 2020, when the current SUDS overflowed into many gardens, property's and the highway. The design can't cope with the calculated requirements plus this additional flow from the uphill builders for a normal storm event, never mind a 1-100 +40% event.

Either the design is wrong or the flow from the story homes site is not controlled and this control should be enforced.

I have video evidence of this torrent from the 29th September 2019 and this water flow that used to flow naturally to both the culvert at 527a and down Whitton Weavers way through the now Green Hills estate and its entrance to Livesey Branch rd. Building Green Hills without a system to control this water is causing the flooding as seen 29th September and 9th Feb.

If this application is not approved, then the current SUDS left in place are insufficient. If this plan is approved then the overflow from Story homes needs to be controlled and additional attenuation ponds added uphill to capture this, should be added to the flood risk plan.

A further concern is that my property 531B is built very close to the boundary of the proposed building work.

None of the plans clearly indicate where the next set of attenuation ponds are to be located, one plan shows directly on my boundary. In light of the issues of February 9th where Basin 3 overflowed into the gardens of the houses on Livesey Branch rd then on to the main highway, I am very concerned that an attenuation pond is planned for next to my property and further concerned that I don't have any distance between it and my house. (Unlike the surrounding property's.) So I have no chance to manage a situation with sand bags like 9th Feb if that happens.

As I understand it the SUDS systems capture the water from the estate in to an attenuation pond and this is naturally released into the bedrock. I am concerned that my property is much lower than the site and any seepage into the bedrock might cause issues.

We trust that this time the council will take our concerns into your consideration, acknowledge that the guidelines set out for application 10/14/1331 in 2015 have not been adhered to and not approve application 10/19/0662, until all building contractors have rectified the situation and this is independently audited and ongoing reviews by the council are in place.

We object to the proposal until our concerns are considered and responded to, neighbours to the building site should not be subjected to this level of negligence.

Thank you for your time and attention to this matter and we look forward to hearing from you shortly.

Yours sincerely

Darren Marsden, Karen Marsden

Objection – Christine Elizabeth Keenan, 43 St.Michaels Close. Rec 11.02.2020

Without Prejudice.

Dear Sir, I am writing to you as your name was at the bottom of a Council letter which I received re the above housing development which will soon be extended to the back of my property in Feniscowles.

I am very concerned in regard to the surface drainage process and have monitored the extant estate since its inception, becoming appalled at the ugly mess and the potential for flooding and also serious injury to any child or animal that should fall into the 'SUDS.'

You will probably be aware of the floods on Livesey Branch Road, not only initially at Gib Lane, but this weekend 9th.of February 2020, on Green Hills

and Livesey Branch Road; which I immediately reported to Councillor Pearson as I have expressed my fears for some time about the state of the project.

The next phase will back onto my property, which is almost level with the field behind and according to the plan, will have a large 'SUD' drainage system. I have lived here since my childhood and know that there is little drainage in the field and several extant springs. The land is clay and thus not porous and frequent rainfall has been happening for at least four years from August to spring.

As extant residents we have expressed our concerns well before this development and have been reassured that it will work, well sadly it will not if the weather continues to be as it is and the people owning the new builds houses do not maintain the groundworks and landscaping as it indicated in your original plans.

I am disabled and have invested a great deal of money into adapting my bungalow to enable me to remain here in future and thus flooding is of great concern as insurance will become difficult and costly with this water system right behind our boundaries.

I would be grateful if you will respond to this letter and also pass it to the Council in order to lodge my concern about flooding, having now seen what I presumed would happen happen.

I am not normally a complainant and understand that people need houses, but they should be built in such a way as to have regard for those who will be affected by them.

This weekend the weather was extreme but not unduly so given the rain storms we have experienced over the past few years. I understand that these drainage systems should withstand an event of this nature which is I understand as one event in 100 years; I think a new consideration should be made as this is clearly not the case.

The information from Kingswood Homes received after planning permission was granted states:

'As with all our developments, we aim to minimise any disruption for local residents. We understand having a construction site close to your home can be a daunting prospect but you can be assured that we have a track record of building our homes with consideration and minimal disruption for the local community.'

I wonder if the people on Livesey Branch road and Holly Tree village, who were bailing out their land, would agree?

Yours faithfully,

Christine Elizabeth Keenan M.A.

Objection – Andrew Ellis, Unknown Address. Rec 10.02.2020

Dear Sir

Land off Moorland Drive, Blackburn

I have received your letter dated 30th January. I have looked at the additional information received in relation to the application. I comment in relation to two aspects of the planning application:

Additional proposed access plan received 20th January 2020:

1.I note that two accesses onto Brokenstone Road are proposed. It should be noted that Brokenstone Road is very narrow, and is not wide enough for two large vehicles to pass each other. I know this as I was stuck behind a lorry as a lorry that was attempting to travel in the opposite direction had to reverse down Brokenstone Road to a point near the bottom where the two vehicles could pass each other safely. There will be road traffic accidents because there will be additional traffic. There is hardly any street lighting. Access to the development from Brokenstone Road will make what is already a dangerous road, more dangerous and accidents will occur.

2.There are no pavements on Brokenstone Road. Access to the development from Brokenstone Road will lead to there being more pedestrians walking on

Brokenstone Road and there will be an increased risk of pedestrians being hit by vehicles due to the narrowness of the road and the lack of pavements.

Additional ecology bat activity survey report received 20th November 2019:

1. The bat surveys maps (figures 1 to 3) show that the bat activity is now squeezed into the area that has presently not yet been subject to development. The bat activity is taking place between the plot already developed by Kingswood Homes, the plot that is being developed by Story Homes and Horden Farm. The additional ecology bat activity survey noted by way of static detector monitoring around 500 passes by bats in June and July. The transect surveys recorded 200 passes in a two hour period on 24th June 2019, 152 on 22nd July 2019 and 125 on 11th September 2019. These surveys were taken over a two hour period and therefore there will have been more passes over the course of the whole night. The conclusion was that the area is being used by bats, some of which are priority species, by way of the soprano pipistrelle, nyctalus and myotis. If more houses are built, this will further squeeze the area of bat activity, it being clear that the bat activity is in the area where there is no housing and no ongoing development. Taking into account the maps of the bat activity, if planning permission is given for the 155 dwellings, the area of bat activity will be squeezed further still and may be an insufficient area to maintain bat activity. If planning permission is given for 280 dwellings, the bat activity maps suggest that bats will be disturbed and will not be able to survive in the little natural habitat that will remain. The availability of the bats' foraging and commuting habitat will be removed. Taking into account the maps of the bat activity, it is clear that the bats are being disturbed.

2. The proposal of additional tree planting and enhanced planting would appear to be insufficient as it is clear that the bats are being disturbed.

3. The ecological report provided does not specifically comment as to whether the bats will be able to continue to commute and have locations to forage when there is little or no natural habitat and, in particular, states in the initial summary section that "In the absence of detailed proposals for the proposed development, the potential impact of the proposed works on habitats/features

being utilised by bats cannot be determined". It would therefore appear premature to grant further planning permission until this information has been provided and assessed, and a further ecological report must therefore be necessary, as incomplete information is available for Planning to consider, especially as the present impact on the bats' habitat appears to be squeezing the bats into a smaller and smaller area for foraging for food. If the area available to them becomes smaller still it will be the case that bat numbers will be impacted upon and reduce, which will include impacting on Species of Principal Importance under section 41 of Natural Environment and Rural Communities Act, such bats having been identified in the ecological survey. This would suggest that offences are being committed as bats are being disturbed.

4. Taking the above into account, the ecological report is incomplete and further planning permission should not be granted until it is completed. This is particularly so, as it would appear that the bats are being disturbed and their ability to forage is being diminished.

Yours sincerely

Andrew Ellis

Objection – Darren & Marsden, 531B Livesey Branch Rd. Rec 10.02.2020

Dear Martin Kenny

We write in response to your letter advising of the recent planning application to the land off Moorland Drive / Livesey Branch Road, Blackburn. In relation to planning application 10/19/0662

I would like to refer you to the prior observations dated 01/02/15 for Application 10/14/1331 attached below for your convenience. It seems that the prior concerns were not correctly considered in 2015. I will repeat them and add additional details for your careful consideration this time before accepting the planning of 10/19/0662.

Since the building work for application 10/14/1331 in 2015 the work for the SUDS systems have not been completed and are not working to control the flow of water and protect the neighbourhood from flooding caused by negligent building contractors.

The council guidelines for 10/14/1331 documented in the Flood Risk Assessment and Drainage Strategy are being ignored by the building contractors and not enforced by the council. Sections 1.1.11, 4.2.4, 5.1.1, 5.1.5, 6.4.4 are in place to ensure a sound Flood Risk Assessment and Drainage Strategy. But these guidelines have been breached.

The current building contractors have started to use basins that are incomplete and have caused a number of flooding events, including 29th September 2019 and 9th February 2020., Twice in 5 months, not 1 in a hundred years.

I have been in regular contact with Jonathan Worthington, Paul Fletch, Imran Munshi and Cllr Pearson re the 29th September 19 events.

The use of a basin by the incumbent building contractor that is not yet finished is negligent and contrary to the sound flood management strategy. This negligence on behalf of the incumbent building contractor and the oversight of the council should negate the passing of 10/19/0662 application.

Regardless of the Flood Risk Assessment and Drainage Strategy document submitted for Application 10/14/1331 or the updated version for 10/19/0662 the strategy is not sufficient or is not being met by the building contractors.

Before application 10/14/1331 is approved and before continued work on the prior plan 10/19/0662 the Flood Risk Assessment and Drainage Strategy should be reviewed, and the building contractors should be managed and independently audited to ensure they are adhering to the guidelines clearly set out.

Including these key points.

1. Not increase the flow of water beyond historical levels. This planning condition was breached 29th Sept 19 and 9th Feb 2020.

2. Provide sufficient water storage for a 1 in 100-year event + 40% again this planning condition was breached 29th Sept 19 and 9th Feb 2020.

How can additional applications be approved when existing conditions are simply ignored by the building contractor?

The building contractor is mandated by the Flood Risk Assessment and Drainage Strategy to ensure that during the build phase the water flow to the surrounding neighbours is not increased above historical levels and the neighbours are also protected by their riparian rights as this water that runs from the incomplete suds systems is at a much increased flow and polluted with silt.

On the 9th Feb, basin number 3 constructed by Kingswood but incomplete is full and has breached. It has an uncontrolled outflow through an unauthorised black plastic pipe since 29th Sept 19 and the hydro break technology is still not in place, meaning that water flow to a number of properties on Livesey branch road is way beyond historical levels and thus are being flooded.

I understand that the culvert under 529a is broken, the fix to this is outstanding since October 2019, however that does not permit the use of the unauthorised black pipe and the uncontrolled and high level water flow out of basin 3. This basin should not be used until the black pipe has a hydro break fitted. How can the council allow the incumbent building contractors to continue with work on 10/14/1331 when they are in breach of the guidelines and how can the same contractors be permitted an application for future work?

The events of 29th September and 9th Feb prove that the SUDS don't work. Basin 3 also breached on 9th Feb and this is not a 1-100 year event +40%, the met office does not class the 9th Feb as a Yellow warning.

We trust that this time the council will take our concerns into your consideration, acknowledge that the guidelines set out for application 10/14/1331 in 2015 have not been adhered to and not approve application 10/19/0662, until the building contractors have rectified the situation and this is independently audited and ongoing reviews by the council are in place.

We object to the proposal until our concerns are considered and responded to, neighbours to the building site should not be subjected to this level of negligence.

Thank you for your time and attention to this matter and we look forward to hearing from you shortly.

Yours sincerely

Darren Marsden, Karen Marsden

Objection – Lynda Corban, 41 St Michaels Close. Rec 10.02.2020

Dear Mr Kenny

In response to your letter dated 30th January 2020, I wish to raise an objection to this application following the flooding on Livesey branch road today, which appears to have come from the new housing, the attenuation pond is overflowing, and looking at the plans it is intended to place these behind our houses which will result in our home being at risk of flooding 41 St Michaels Close and adjoins properties. Please see videos

Lynda Corban

Objection – Brian Stockdale, 72 Horden View. Rec 06.02.2020

Dear Sir,

I refer to your letter of 30 January 2020 notifying of additional information.

I was astounded to learn that 2 access roads to the site are planned from Brokenstones Road, this is far too dangerous. There is at the moment a 40mph speed limit on the majority of Brokenstones Road which is totally ignored by the majority of drivers. Also the positioning of the upper access road seems to me to be particularly reckless being very near a dangerous

bend were fatalities will be much more likely given the excess speed of many motorists.

In short Brokenstones Road is a country lane, unfit for the additional traffic, and I believe access to the site should be restricted to present access on Livesey Branch Road via Moorland Drive.

Regards

Brian Stockdale

72 Horden View

Objection – Carole Thompson, 29 St Michaels Close, Feniscowles. Rec 09.08.2019

Dear Sir - Ref 10/19/0662.

With reference to the letter received concerning the Application/ Outline Planning for the dwellings off land at Moorland Drive, I strongly object. The farm land at the rear of my bungalow is full of springs, which often floods. I feel there are far too many houses being built already in this area and quite soon there will be no grassland left for people to appreciate. Please consider my objections.

Yours sincerely
Carole Thompson.

Objection – Mr & Mrs G Sharp, 3 Buckthorn Lane Bluebell Walk, Feniscowles.
Rec 06.08.2019

We wish to comment on the above planning application.

We object in the strongest possible terms about the planning application that has been made by Kingswood Homes because Cockridge Wood has been included within the plans.

My Wife and I bought our home because of its proximity to such a beautiful woodland and the back of our property looks directly onto the wood. It was extremely distressing to have received such a letter from the Planning Department after returning from holiday and it has caused us considerable anxiety because of the uncertainty we feel over the future of the woodland.

We cannot understand why Cockridge Wood needed to have been included on the planning application at all by Kingswood Homes given that it is protected area. The ancient trees within the wood are protected by a Tree Preservation Order under the Town and Country Planning Act 1990 which you are well aware of, so it is unclear why it has been included within the planning application at all. The concern we have is that if Kingswood Homes are allowed to purchase the wood as part of their application they will seek to revoke the Tree Preservation Order at some point in the future, and we seek written assurances that they will not. Housing developers will always put profit before any other consideration and we encourage the Council to have the plans redrawn so that there is no doubt that Kingswood Homes will ever threaten the existence of this beautiful woodland.

The wood should be viewed as an outstanding feature within the local area that adds value to the community. It is home to wild bluebells; a species that is protected under the Wildlife and Countryside Act (1981).

The wood is also home to bats that can be seen flying around at dusk. Bats are protected by UK law and all bat species and their roosts are legally protected by both domestic and international legislation. This means that it is a criminal offence to damage or destroy a place used by bats for breeding or

roosting. Homes adjacent to the woods were built with bat roosting boxes in their roofs which proves how important the bats are to the area.

The wood is also home to a wide variety of birdlife including Owls, Jays, Robins, and Blackbirds. We are very concerned for the welfare of the protected flowers, mammals and birds that live in the wood and we believe that any development of it would be illegal.

With climate change being such a threat to our world, we must preserve trees because they are the lungs of the planet. As trees grow, they help stop climate change by removing carbon dioxide from the air by storing carbon in the trees and soil and releasing oxygen into the atmosphere. Threatening or removing trees that are hundreds of years old for profit is immoral given the work being done to plant more trees across the country to counteract the effects of climate change.

I understand the pressures that Councils are under financially but if they allow this precious woodland to be placed under threat it will create appalling publicity for the Authority; who would be seen as preferring to sell off ancient woodland for money rather than protecting irreplaceable green spaces.

I will be voicing my concerns with my MP, Kate Hollern so she is aware of the threat posed to the wood and request her involvement in ensuring that the wood remains protected.

Yours Sincerely

Mr & Mrs G Sharp

Objection – Andrew Ellis, Unknown Address. Rec 29.07.2019

I write in relation to your letter dated 18th July relating to the planning application seeking full planning permission for residential development of 155 dwellings and outline planning permission for up to 280 dwellings at land off Moorland Drive, Blackburn. I understand that this is part of the “Gib Lane Masterplan”.

I live at Horden Farm on Broken Stone Road. I have some points of concern:

1. I note the preliminary ecological appraisal has identified that there are bats in the area. Please can you advise when the further inspections of trees and the bat activity surveys are to take place as recommended in the report of Haycock & Jay Associates. I can confirm that I have seen bats flying in the area. Indeed, I am aware that one of my friends, who lives off Livesey Branch Road, found a bat in her house.

2. Broken Stone Road is a narrow road which is not particularly well marked from its start at Horden Rake, all the way and including Bog Height Road.

3. To evidence the narrowness of Broken Stone Road, I have seen occasions when two large vehicles travelling towards each other have not been able to pass each other due to the narrowness of the road, leading to one of the vehicles having to reverse to a point where the road was wide enough for the vehicles to pass each other. This led to other vehicles, that were behind the reversing vehicle, also having to reverse, leading to a dangerous situation on Broken Stone Road.

4. I note that the proposal is for vehicular access onto the development to be created on Broken Stone Road. I believe that increased vehicular activity on Broken Stone Road will lead to accidents, that may involve pedestrians. This is because there would be more pedestrian usage of Broken Stone Road which does not have pavements on the section from Gib Lane to Horden Rake. Additionally, Broken Stone Road is not wide enough for a pavement to be added. How is the increased vehicular usage of Broken Stone Road to be managed, so as to avoid accidents?

5. In relation to the potential for accidents, it should additionally be noted that the exit from Horden Farm onto Broken Stone Road is blind, and an exiting vehicle has to edge out to enable there to be a view down Broken Stone Road. Despite the reduction in the speed limit, vehicles still travel down this road at excessive speed. In any event, even if vehicles were observing the speed limit, if a car is trying to exit Horden Farm, and a car is

coming up Broken Stone Road that car would have to swing out to avoid the emerging vehicle. If a car was coming the other way at the same time, there is every possibility of a three-car collision, due to the width of the road. What steps are envisaged to ensure the safety of vehicles emerging from Horden Farm? The best way to avoid this would be to not have an access road into the development from Broken Stone Road.

Regards

Andrew Ellis

Objection – Rick Moore, 445 Livesey Branch Rd. Rec 20.07.2019

Dear Mr Kelly

I wish to formally object to the planning application reference 10/19/0662

Blackburn council is not improving local infrastructure to allow it to cope with all these new houses. Transport links to the m65, especially the junction between Livesey Branch Rd and Preston Old road, and at the bottom of Bog Height Lane are already insufficient to handle the traffic they already do ! To preserve the quality of life of existing residents THIS MUST COME FIRST. Livesey Branch Rd is becoming busier and busier, and I would also refer you to the complaint regarding the section 106 works at the junction of Moorland drive and Livesey Branch Rd. Further development is only going to make this situation worse.

Furthermore Blackburn with Darwen on Thursday the 18th July have decided to declare a "Climate Emergency" and set a target for the town to become carbon neutral by 2030. Regardless of my views as to why this should be 20 years ahead of the national target of 2050 and what the cost implications to local residents will be, how on earth does the council propose to achieve this if you continue to allow development of green spaces ? There are a plethora of brownfield sites in Blackburn with Darwen, all of which require re development. We need to focus on these areas, not be building over green

spaces. I submit the councils new "climate emergency" policy and the proposed planning application are incompatible.

Best Regards

Rick Moore

445 Livesey Branch Rd

Blackburn

Objection – M Allen, 21 St Michaels Close. Rec 13.08.2019

Dec-13/18. 21 St Michael Close
Blackburn

Building Application
at Moorland Drive

B82 5D 9

30-7-18

Dear Sirs

It is with great sadness I write
this letter regarding the building of these houses etc.
My late husband and I purchas the bungalow in October 69
but there last few years we have not seen the Redgates and
rabbit around only the fattest sheep and cows, which
is very nice. I am now 82 year old and still darning
and the area is busy now so it will get worse

If there and chance of a plan of the field behind me a
I can't make the town anymore.

Yours faithfully

67. St. Michael's Close
Feruscowles
Blackburn.
BB2 5DL

Dear Sir,

In reply to your letter of 18.7.19 regarding a planning application 10/19/0662. I am strongly against the above land (off Moorland Drive)

What is going to happen to excess sewage and water, there isn't any place to go, unless you are thinking of removing houses to allow the pipes, at the moment, there is a small pipe that takes excess water from the field. So no way can this be achieved unless you pump it up hill.

Please take this into consideration when deciding and build on all the brown sites in Blackburn. There isn't going to be any country side round Blackburn and as the town centre is falling behind local towns around, what is the point of all this. Please keep the

countryside.

yours faithfully

Support– Claire Campbell, Land Manager, Wainhomes NW Ltd, Kelburn
Court, Daten Park, Birchwood. Rec 7th February 2020:

Full Planning Application / Outline Planning Application – Hybrid planning application seeking full planning permission for residential development of 155 dwellings and outline planning permission with all matters reserved except for access for residential development up to 280 dwellings.

Further to your letter received on 3rd February 2020 (Ref:10/19/0062), highlighting the receipt of additional plans for the proposed development. The Company have examined the plans and know the site well. The Company wish to offer our support to the proposal, for the reasons outlined below.

The site forms part of the larger Gib Lane Masterplan Area and Site Allocation within the Blackburn with Darwen Borough Local Plan. Along with Kingswood Homes and Story Homes, Wainhomes have also a successful current development 'Bluebell Walk' within the wider masterplan area. This development is nearing completion, so it is important that the rest of the masterplan area is now being brought forward. The principle of development is well established in this area and this planning application will allow the continued provision of high-quality homes and add to the sustainable neighbourhood already created. As the Local Authority are unable to demonstrate a five-year supply of housing, this application is essential for the provision of future housing development.