

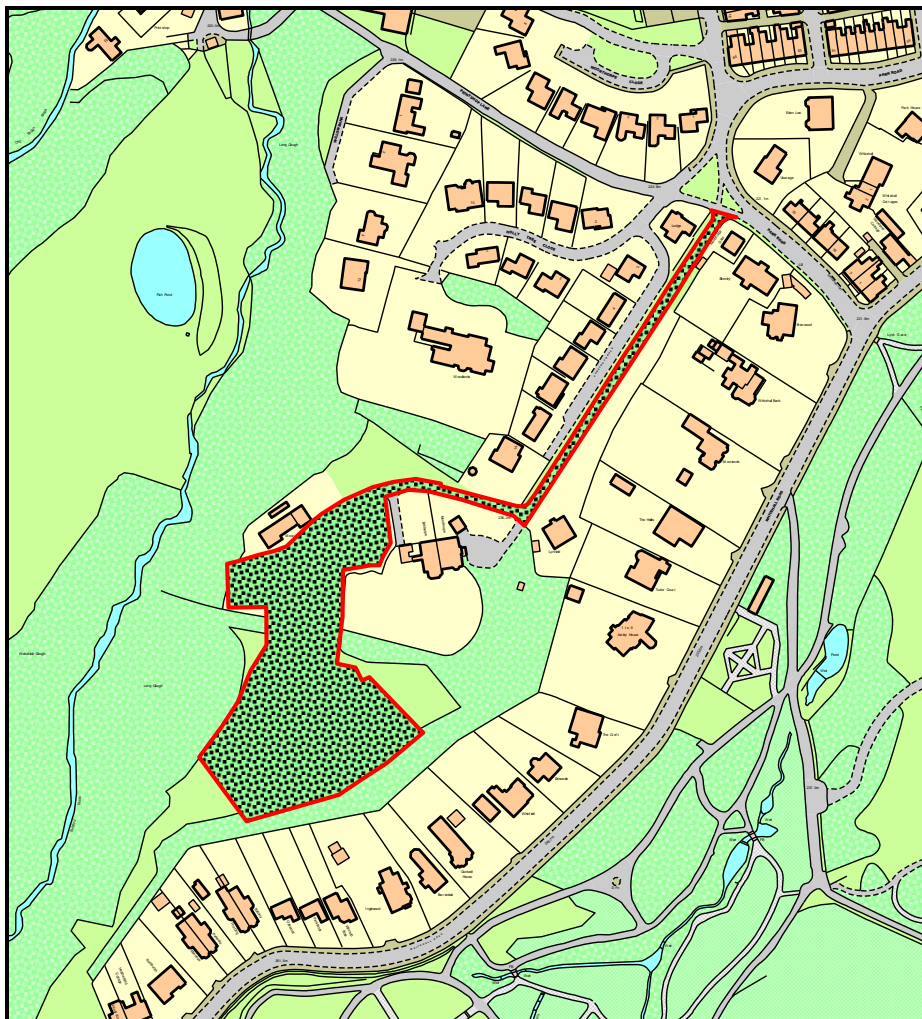
Proposed development: Outline Planning Application with all matters reserved, except for access, for the erection of 4no. dwellings with detached garages.

**Site address:
Land Adjoining Moorthorpe Cottage
Park Road
Darwen
BB3 2LQ**

Applicant: Ms G Lomax

Ward: West Pennine

**Councillor: Colin Rigby
Councillor: Jean Rigby
Councillor: Julie Slater**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application is reported to Committee due to the volume of objections received.
- 2.2 The proposal is in outline form. It seeks to establish the principle of the residential development of the site for 4no. dwellings with detached garages and access from the public highway at Park Road. All other details are to be addressed under a subsequent application for *Reserved Matters*.
- 2.3 The proposal is considered demonstrably acceptable. It corresponds with the Council's overarching housing growth strategy through delivery of high quality family housing consistent with the surrounding area; in accordance with the strategic aims and objectives set out in the Core Strategy and Local Plan Part 2. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.
- 2.4 The application is submitted following refusal, by the Planning and Highways Committee in June last year, of an Outline Application for 9no. dwellings with detached garages, access and layout, with all other matters reserved, for the following reason:

The proposal consisting of 9no. dwellings and associated highway infrastructure in addition to the previously approved dwelling under planning application 10/16/1349, is considered to represent a scale of development that is disproportionately large, taking into account the local context, and transition with the countryside area. This is considered contrary to the requirements of Policy 28 of the Local Plan Part 2, which sets out that residential development in the "Long Clough" allocation (28/10), shall be "very small scale, in the immediate vicinity of the existing dwelling (Moorthorpe Cottage), ensuring "no loss of trees".

- 2.5 Subsequent to this decision, the applicant lodged an appeal with the Planning Inspectorate (ref: APP/M2372/W/19/324341). On 5th June 2020, the appeal was allowed and outline planning permission was granted, subject to the conditions listed in paragraph 5.1
- 2.6 The appeal decision is a very significant material consideration in arriving at a recommendation for this application, assessment of which was in the context of outline planning permission existing for 9no. dwellings with detached garages, access and layout; in contrast to this application for a smaller development of 4 dwellings, detached garages and access, set within a reduced site area, as defined by the red edged site plan. Layout in this case

is not included and would, therefore, be considered as a reserved matter, in the event of the outline permission being granted.

- 2.7 For clarity, Member's are advised that the current application site sits within a significant portion of the site accommodating the approved development. This proposal represents an alternative smaller development. It is not the case, therefore, that both developments could be implemented to result in an additional 13 dwellings.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is primarily allocated as a 'Development Opportunity'; identified as 'Long Clough, Darwen'; in accordance with the Adopted Policies Map of the Local Plan Part 2 for Darwen. The private drive that serves to access the site, off Park Road, is not included in the allocation and is instead unallocated. The entirety of the site lies within the outer confines of Darwen's Urban Boundary, adjacent to open countryside
- 3.1.2 The application site is privately owned. It comprises 0.49 hectares in area and is located within the Whitehall district of Darwen, to the north of Whitehall Road. Access is taken off Printshop Lane / Park Road to the north east, along a private drive that currently serves 5 dwellings. The drive runs adjacent to the length of Chestnut Grove to the west. Moorthorpe Cottage and its associated curtilage lies to the north of the proposed dwellings and is the property closest associated with the development. The site area to be developed is grass and shrub land, bordered by mature trees and woodland groups protected by Preservation Order. The private access drive is hard surfaced. Land levels rise gently from east to west.
- 3.1.3 The immediate locality features large family dwellings set in spacious grounds within a wider area characterised by woodland and adjacent countryside. A woodland belt separates the application site from dwellings located along Whitehall Road to the south east, beyond which lies the Grade II listed Whitehall Park. The Grade II listed property 'Woodlands' is located to the north of the site.
- 3.1.4 Darwen Town Centre is approximately 1.3 miles to the north, accessible by public transport along the A666. It offers a typical range of amenities and includes public rail and bus transport hubs which provide convenient connections to locations such as Blackburn, Bolton, Preston and Manchester. The M65 motorway lies approximately 3.2 to the north.

3.2 Proposed Development

- 3.2.1 Outline planning permission is sought for a residential development of 4no. dwellings with detached garages. The application is limited to the principle of residential development and access from the public highway into the site. The remaining details with reference to appearance, design, landscaping, layout and scale (including bedroom numbers / internal layout) will be considered under a subsequent application for *Reserved Matters*.



extract from submitted site plan

3.3 Development Plan

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

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

3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 – Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS8 – Affordable Housing Requirement
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development

- CS18 – The Borough’s Landscapes
- CS19 – Green Infrastructure

3.3.1 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 18 – Housing Mix
- Policy 28 – Development Opportunities
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

3.4 **Other Material Planning Considerations**

3.4.1 Green Infrastructure (GI) SPD

3.4.2 National Planning Policy Framework (The Framework)

The Framework sets out the government’s aims and objectives against which planning policy and decision making should be considered. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 5 – ‘Delivering a sufficient supply of homes’. In particular paragraph 59 which advocates the Government’s objective of significantly boosting the supply homes through delivery of a sufficient amount and variety of land where it is needed; that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places

3.5 **Assessment**

3.5.1 In assessing this application, the following important material considerations have been taken into account:

- Principle;
- Highways and access;
- Ecology;

- Trees;
- Amenity impact;
- Affordable Housing
- Green Infrastructure

Principle

3.5.2 Members are advised that the principle of residential development is established by the sites allocation as a *Development Opportunity*; as set out in Policy 28/10 of the Local Plan Part 2. The policy supports development of *very small scale residential in the immediate vicinity of the existing dwelling, ensuring no loss of trees or woodland*. Very small scale is not defined by the Policy, though it is considered that 4no. dwellings is consistent with the term *very small scale*. In this context, a previous permission for a single dwelling within the allocation is included in consideration of very small scale (ref. 10/16/1349). It should also be recognised that the site allocation is significantly larger than the application site and that the principle of residential development within the entirety of the allocation is accepted, notwithstanding a wider assessment. Moreover, the aforementioned appeal decision establishes that 9no. dwellings within the allocation is *very small scale*. The Inspectors report recognised the outline permission granted at a similar Development Opportunity Site at nearby Eilerslie House, for 22no. dwellings, established the principle of *small scale* (as set out in the relevant Policy 28/12) and determined, therefore, that 9no. dwellings should be considered as *very small scale*, as extracted below from the appeal decision letter:

This is a similar sized site identified by LP Policy 28 as a development opportunity for “small-scale residential” development. Here, the Council has granted outline planning permission for 22 dwellings at a density of some 9.56 dwellings per hectare (dph). On the appeal site, the development and the one allowed on appeal would produce a density of some 4.41dph. In this context, the development of 9 dwellings on the appeal site would be consistent with the policy reference to very small-scale.

3.5.3 The proposal will deliver housing in a location consistent with the strategic growth objectives of Core Strategy Policies CS1 and CS5. Although a subsequent reserved matters application will consider house typology, it is considered that the site can accommodate family sized homes consistent with the requirements of Core Strategy Policy CS7 and Local Plan Part Policy 18.

3.5.4 As a minor development, Section 106 contributions do not apply.

3.5.5 The principle of the proposed development is considered acceptable and in accordance with the provisions of the Development Plan and The Framework.

3.5.6 Local residents have expressed concern as to the principle of a residential development in this locality. Members are advised that the sites Local Plan Part 2 allocation as a *Development Opportunity* ensures that a residential development is acceptable in principle; as justified by the aforementioned approach.

3.5.7 Beyond acceptance of the principle of the development, the following matters are to be assessed:

3.5.8 Amenity

Policy 8, supported by the SPD, requires a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

3.5.9 As an outline application limited to principle, quantum and access, a detailed residential amenity assessment with reference to the relationship between proposed and existing dwellings cannot be undertaken. This will instead be assessed at reserved matters stage. Indicatively, however, the position of the red line boundary in relation to existing dwellings demonstrates sufficient separation can be achieved in order to ensure acceptable mutual levels of amenity. Moreover, the approval of the larger scheme, which included assessment of a submitted layout within a larger application site, demonstrated acceptable relationships between proposed and existing dwellings, in accordance with adopted separation standards set out in the SPD.

3.5.10 Intensification of vehicular use of the private drive would be less than that experienced from the approved larger scheme. No significant detriment to existing residential amenity would arise from its use.

3.5.11 Application of planning conditions are recommended by the Council's Public Protection consultee to require assessment of sub-surface conditions, to guard against ground contamination, and provision of electric vehicle charging points to mitigate air quality impact (in accordance with the Council's adopted Air Quality Planning Advice Note). A degree of disturbance during construction phase of the development is acknowledged as inevitable. This disruption is, however, temporary and considered acceptable, subject to application of a condition limiting hours of construction, in order to secure appropriate noise and vibration protection during construction works.

3.5.12 Accordingly, the proposal, with reference to safeguarding amenity, is considered compliant with the Development Plan and The Framework.

3.5.13 Environment

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

3.5.14 Ecology

Policy 9 sets out that; development likely to damage or destroy habitats or harm species of international or national importance will not be permitted. Development likely to damage or destroy habitats or species of principal and local importance will not be permitted unless the harm caused is significantly

and demonstrably outweighed by other planning considerations and an appropriate mitigation strategy can be secured.

3.5.15 Significant local objection has been received with reference to impact on ecological assets. An Ecological Impact Assessment has been submitted in support of the application. The submission has been peer reviewed by the Greater Manchester Ecology Unit (GMEU) who acknowledge that the proposal will, overall, have less ecological impacts than the approved larger scheme; their review is summarised as follows:

3.5.14 Grassland: The floristic community in the grassland will be affected by the built development, with bluebell present and wood anemone closer to the margins. Although translocation of some of the more interesting plant species present (including the bluebells) could be considered during any site clearance works, this may be problematical because of the presence of significant amounts of Himalayan Balsam in the field, the spread of which needs to be avoided. The following is recommended:

- That any future detailed layout plans for the development take account of the need as far as possible to avoid the areas of more interesting flora, particularly closer to the woodland edges. This ought to be possible partly within the previously suggested 'buffer zones' between the built development and the surrounding woodland but may mean that private garden spaces need to be made smaller to avoid the loss of native flora wherever possible. This will be considered following submission of a layout, at reserved matters stage.
- That any future landscaping plans for the site which should be required as part of any reserved matters applications if the development is approved include suitable native species planting reflecting the plant species currently present in the southern field. Any woodland management plans prepared for the area should include provision for enhancing woodland ground flora.
- Any requirement for the provision of off-site landscaping or public open space provision should include new native species planting schemes. Note - off site landscaping is neither proposed or required.

3.5.15 Trees and Woodland: The proposed development will not affect any specially designated nature conservation sites but it is very close to (and surrounded by) mature broadleaved woodland and high quality trees, representing habitats with high local value for conservation. The following is recommended:

- Although few trees, if any, will be directly lost to the development minimum 'stand-offs' (buffer zones) will be needed between retained trees and built development to protect the surrounding woodland. Robust tree protection measures will also be needed and should be required during the course of any approved development, particularly if any changes to landforms and/or cut and fill operations need to be undertaken to facilitate the preparation of development platforms. The

advice in BS 5837:2012 for protection of trees on construction sites should be followed.

- To prevent unnecessary disturbance access into the woodland from the houses should be discouraged and the woodland areas should not be included in any public open space provision which may be required by the scheme. If for overriding reasons access is to be provided this access should be managed as part of a holistic woodland management plan prepared for the wider area.
- Replacement tree planting should be required to compensate for any trees directly lost to the scheme.

3.5.16 Protected Species: It is accepted that the development is unlikely to significantly affect the conservation status of Otters, Great Crested Newts, Bats or Reptiles. Although no further survey work is required for these species, further precautions to safeguard protected Reptiles, Great Crested Newts and other amphibian species are recommended as follows:

- As a Condition of any permission which may be granted to the scheme a Reasonable Avoidance Measures (RAMs) mitigation plan for reptiles and amphibians is required to be prepared by a suitably qualified person and once agreed is implemented in full.

3.5.16 Badgers are known to be present in the area and setts have been recorded in the nearby woodland. The habitats on and close to the site are suitable for use by Badgers and Badgers are mobile in their habits. Badgers and their setts are protected under the terms of the Protection of Badgers Act 1992, although Badgers are not endangered and the legislation is in place to protect them from deliberate persecution. The following is recommended:

- As a Condition of any approval a pre-construction survey for Badgers shall be carried out by a suitably qualified person. If Badgers are found likely to be affected by the development, a Method Statement will need to be prepared giving details of measures to be taken to avoid any possible harm to Badgers and their setts. The applicant should be advised that a License (separate from the grant of planning permission) may need to be obtained from Natural England to implement the Method Statement.

3.5.17 Invasive Plant Species: Himalayan balsam is common on the site and Rhododendron and variegated Yellow Archangel are present. The spread of these plants in the wild is proscribed under the terms of the Wildlife and Countryside Act 1981 (as amended). The following is recommended:

- As a Condition of any permission granted to the scheme a Method Statement should be required to be prepared by a suitably qualified person giving details about how invasive plants are to be controlled during the course of any development. The Method Statement should be implemented in full.

3.5.18 Protection of Nesting Birds: All nesting birds their eggs and young are protected under the terms of the wildlife and Countryside Act 1981 (as amended). The applicant should be advised that no tree felling or vegetation clearance required to facilitate the scheme should take place during the optimum time of year for bird nesting (March to August inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. Such requirement will be secured by condition.

3.5.19 Accordingly, in accordance with this independent review, no ecological objection is offered against the proposed development; subject to adherence to all of the above recommendations / conditions.

3.5.20 Trees

The proposal represents a significantly reduced area to that approved on appeal. It is anticipated that no tree removal will be necessary. This will, however, be determined at reserved matters stage, in the event of outline permission being granted, when a detailed layout will be submitted for consideration.

3.5.21 Member's are advised of a response to the previous application, comment was from the Woodland Trust on 28th May 2019, recommending the introduction of a 15m 'buffer zone' between the woodland and the built environment. This is notwithstanding that the Trust accepts that the area of woodland within the site (Long Clough) is not designated as ancient on Natural England's Ancient Woodland Inventory and the absence of such a recommendation from the Council's Arboricultural and Ecology consultees at the time. To reiterate, arboricultural impact will be robustly assessed at reserved matters stage.

3.5.21 Drainage

Appropriate drainage methodology is required to be implemented, with foul and surface water to be drained on separate systems. Surface water drainage shall be achieved in accordance with the non-statutory Technical Standards for Sustainable Drainage Systems (March 2015); to be secured by condition.

3.5.22 Accordingly, the proposal with reference to safeguarding environmental assets is considered compliant with the Development Plan and The Framework.

3.5.23 Highways

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

3.5.24 A Highways and Transport Technical Note (TTN) has been submitted in support of the application. The proposal is accepted as sufficiently modest so as not to warrant a more detailed formal assessment of associated transport

impacts on the wider highway network. Although the TTN is that submitted for the approved larger scheme, it is accepted as valid for the purpose of this assessment as it sets out a worse case scenario.

- 3.5.25 Access to the site is by means of a private access road that currently serves Moorthorpe Cottage and 5 other dwellings. The Council's highway's consultant has previously expressed concern at the restricted width of the access road. Whilst a single passing point is proposed just beyond the entrance to Belthorpe, no other passing points are achievable, on account of the limited width of the access road and third party ownership of land either side.
- 3.5.26 Significant public objection has been raised with reference to the adequacy of access arrangements, including the limited width between the columns that define entry to the private access road, as there were with the previous application. The width of the road was assessed by Officers at a site visit undertaken on 4th June 2019, in relation to the previous application. Measurements across its width were taken at 5m intervals, from the gate posts at the entrance up to Moorthorpe Cottage. Measurements taken represent the approximate width of the metalled surface, which is somewhat difficult to establish due vegetation growth on either side. Regardless, the principal width between the gate posts was recorded at 3.7m; The narrowest point between the overhang at the top of the gate posts is circa 3.5m. The width of the road thereafter varies between a minimum of 3.9m and a maximum of 4.7m, up to the c.90 degree turn that leads into the confines of Moorthorpe Cottage. The 'sweep' at the turn is measured at a maximum of 6.9m, narrowing to 5.9m between the gate post at Moorthorpe and the kerb edge. Measurements thereafter, taken across the width at 10m intervals, establish a minimum of 3.7m and a maximum of 4.6m. No material change to the width of the access road has occurred since this assessment.
- 3.5.27 To re-iterate the previous assessment; the Manual for Streets publication advocates a minimum width of 4.1m for 2 cars to pass side by side on a straight road. It is accepted that the majority of vehicles using the access road will be private cars. A maximum increase of 3 vehicles per hour at peak times is anticipated by the TTN, amounting to average peak hour flows of 1 vehicle every 8.6 minutes along the access road. The volume of additional traffic is considered to be manageable, regardless, of the narrowest 3.9m width of the access road up to the 90 degree turn, given that this measurement is present at only a single 5m interval in a total of 32 intervals measured. Every other measurement is equal to or in excess of the minimum 4.1m passing width. Beyond the c.90 degree turn, width is accepted as consistently narrower than 4.1m, at generally 3.7 / 3.8m. The aforementioned passing point will alleviate the threat of excessive vehicle conflict within this stretch of the access.
- 3.5.28 With reference to emergency service vehicles, the access serves existing dwellings and is considered sufficient for the 9 additional dwellings granted outline permission.

- 3.5.29 Taking into account the established acceptance of access / egress arrangements, by virtue of the approved larger scheme, it follows that the same arrangements are acceptable to serve this smaller scheme.
- 3.5.30 In order to support pedestrian safety, a delineated footway is recommended along the length of the access road. The footway will form a shared surface with motor vehicles.
- 3.5.31 Details relating to the internal highway layout and off-street parking will be assessed at reserved matters stage.
- 3.5.32 A condition requiring submission of a Construction Management Statement, to safeguard highway users and residential amenity alike during construction phase of the development, shall be secured be condition.
- 3.5.33 Policy CS22 requires new development to be located within accessible locations so as to minimise the need to travel. The proposal has good access to public transport links along the A666 into Darwen Town Centre, from where the rail network can be accessed. The M65 corridor is also close by.
- 3.5.34 Accordingly, the proposal with reference to safeguarding highway safety and efficiency, is considered compliant with the Development Plan and The Framework.
- 3.5.35 Design
Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.
- 3.5.36 A full design assessment will be undertaken at *Reserved Matters* stage, with reference to the appearance, landscaping, layout and scale of the development.
- 3.5.37 Heritage
Policy 39 requires development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset.
- 3.5.38 The Grade II listed property 'Woodlands' and Grade II listed Whitehall Park are located in proximity to the application site, to the north and south respectively. Impact on these designated heritage assets should, therefore, be considered. Woodlands lies physically separate to the application site, visually separated by mature trees. The proposal, notwithstanding the absence of aforementioned reserved matters detail, would not adversely impact on inward or outward vistas of the property. The same is true for Whitehall Park which is physically and visually separated by mature trees to the south of the application site. Accordingly, no harm to either heritage asset is identified.

3.5.39 Other Matters

Third party ownership of the private access road is acknowledged. Consequently, a Certificate B declaration has been served on each alternative owner to the applicant, thereby ensuring that the correct procedural application process has been followed. Members are advised that ownership of the access track is not material to the determination of the application. Any right of access to be considered in conjunction with this proposed residential development is, therefore, a private legal matter independent from the scope of this assessment.

3.5.40 Summary

This report assesses the full range of material issues affecting this Outline planning application for the residential development of land at Moorthorpe Cottage, Darwen, in arriving at an informed and balanced recommendation.

4.0 RECOMMENDATION

4.1 Approve subject to:

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

- Application for approval of all reserved matters must be made not later than the expiration of three years beginning with the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the date of the approval of the last of the reserved matters to be approved. Details of the following matters (subsequently referred to as the reserved matters) shall be submitted to and be approved in writing by the Local Planning Authority before the commencement of any works:-
 - a) Appearance
 - b) Landscaping
 - c) Layout
 - d) Scale
- Prior to commencement of development, submission of external walling and roofing materials.
- Prior to commencement of development, submission of boundary treatment details.
- Prior to commencement of any works on site, submission of Arboricultural Method Statement and tree protection measures.
- Prior to commencement of development, submission of Woodland Management Plan.
- Prior commencement of development, submission of a landscaping scheme.
- Prior to commencement of development, submission of a Reasonable Avoidance Measures (RAMs) mitigation plan for reptiles and amphibians.
- Prior commencement of development, submission of a Badger activity survey.

- Prior to commencement of development, submission of a Control / Eradication Method Statement for management of invasive species.
- No tree felling or vegetation clearance between March and August, unless the absence of nesting birds has been established.
- If construction of the development has not commenced within two years of the date of submitted Ecological Impact Assessment (Boowland Ecology – May 2018), an updated Ecology Report shall be submitted to and approved in writing by the Local Planning Authority. Any required mitigation shall inform the Biodiversity Enhancement Strategy and landscaping strategy for the development.
- Foul and surface water to be drained on separate systems.
- Prior to commencement of development, submission of a sustainable urban drainage system (SUDS).
- Prior to commencement of development, submission of a sustainable drainage management plan for the lifetime of the development.
- Prior to commencement of development, submission of a delineated footway scheme along the access road.
- Prior to commencement of development, submission of a Construction Management Statement.
- Visibility splays not to be obstructed by any building, wall, fence, tree, shrub or other device exceeding 1m above crown level of the adjacent highway
- Prior to commencement of development, submission of a comprehensive desk study, including a preliminary Conceptual Site Model and detailed proposals for site investigations.
- Prior to occupation of development, submission of validation report demonstration effective remediation.
- Unexpected contamination.
- Prior to implementation of the development, submission of a scheme for provision of dedicated motor vehicle charging points.
- Prior to commencement of development, submission of dust suppression scheme
- Limited hours of construction:
 - 08:00 to 18:00 Mondays to Fridays
 - 09:00 to 13:00 Saturdays
 - Not at all on Sundays and Bank Holidays
- Development in accordance with submitted details / drawing nos.

5.0 PLANNING HISTORY

5.1 The following historic planning application is of relevance to the proposal:

10/16/1349 – Full planning permission for a single dwelling – allowed on appeal in October 2017.

10/18/1153 – Outline Planning permission for 9no. dwellings, including layout and access – allowed on appeal on the 5th June 2020, subject to the following conditions:

) Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

4) The development hereby permitted shall be carried out in accordance with the following approved plans: Nos. C3697-1 Site Plan; LP-01 Rev B Location Plan; 17-116 SK01(t)-B Sketch Layout; 17-116 SK01(T)-C Curtilages; D6647.002 Tree Removal and Retention Plan; 18167 Measurements and SCP/18167/ATR01 Rev A General Arrangement and Swept Path Analysis but only in respect of those matters not reserved for later approval.

5) Prior to commencement of the development hereby approved, samples of all external walling and roofing materials, including their colour, to be used in construction of the building work shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

6) Prior to the commencement of any works on site, a Badger Activity Survey shall be carried out to determine the presence of badgers in the area. The survey shall be carried out by a suitably competent ecologist, during the time of year when badgers are active. The results of this survey and any recommendations or mitigation measures shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out in accordance with the approved badger activity survey.

7) Prior to the commencement of any works on site, an Otter Activity Survey shall be carried out by a suitably qualified ecologist; in accordance with national survey guidance. The results of this survey and any recommendations or mitigation measures shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out in accordance with the approved Otter Activity Survey.

8) Prior to the commencement of any works on site, a Great Crested Newt presence/absence survey of the 2 ponds identified in Section 3.25 of the Bowland Ecology "Ecological Impact Assessment" shall be carried out by a suitably qualified ecologist in accordance with Great Crested Newt survey guidelines (Natural England 2001). The results of this survey and any recommendations or mitigation measures shall be

submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out in accordance with the approved Great Crested Newt presence/activity survey.

9) Prior to the commencement of any works on site, a Reasonable Avoidance Measures (RAMs) mitigation plan shall be produced, in order to mitigate the threat of light spill on bats. The RAMs mitigation plan shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out in accordance with the approved plan.

10) Prior to the commencement of any works on site, a Reasonable Avoidance Measures (RAMs) mitigation plan shall be produced, in order to mitigate risk to reptiles. The RAMs mitigation plan shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out in accordance with the approved plan.

11) Prior to the commencement of any works on site, a detailed Invasive Plant Species Survey of the site shall be carried out by a remediation/invasive species specialist. The results of this survey and any recommendations or mitigation measures shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out strictly in accordance with the approved details.

12) No site clearance or construction works on site shall be carried out during the bird nesting season (1 March to 31 July), unless the absence of nesting birds has been confirmed by further survey work or on-site inspections.

13) Prior to the commencement of any works on site, a Woodland Management and Access Plan shall be produced to safeguard retained woodland (Long Clough) at the site. This plan should consider the following issues during the clearance, construction and operational phases of the development; i) formalising access/egress into the woodland and pathways to prevent desire lines dissecting the habitat;

- ii) zoning of natural habitat to ensure an appropriately restricted and undisturbed area for wildlife;*
- iii) non-native species management to prevent spread to gardens of new residential properties;*
- iv) implementation of traditional woodland management techniques such as felling, coppicing and pollarding, where appropriate;*
- v) retention of standing and fallen dead wood;*
- vi) creation of artificial habitats such as bird/bat boxes, hedgehog hotels and felled log piles for invertebrates;*

- vii) provision of education packs for homeowners about the value of the surrounding habitat and rationale for habitat protection measures;
- viii) creation of a buffer zone (in accordance with BS5837:2012) during the construction phase and adoption of working practices when carrying out any works near trees or woodland; in accordance with BS5837:2012 guidelines, in order to reduce negative impact on biodiversity.

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

14) Should no clearance or construction works be carried out on site within 2 years of the date of the Bowland Ecology "Ecological Impact Assessment" (EIA) an updated EIA shall be produced. The updated EIA shall be submitted to and approved in writing by the local planning authority. Any recommended mitigation measures shall be carried out strictly in accordance with the approved assessment.

15) Prior to commencement of the development hereby approved, a Construction Method Statement (CMS) shall be submitted to and approved in writing by the local planning authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
- vi) measures to control the emission of dust and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

16) Visibility splays at the site access/egress and all driveways shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height greater than 1 metre above the crown level of the adjacent highway.

17) Foul and surface water shall be drained on separate systems.

18) *Prior to the commencement of the development hereby approved, a sustainable surface water drainage scheme shall be submitted to and approved in writing by the local planning authority. The drainage scheme must include: i) an investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;*

- ii) a restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and*
- iii) a timetable for its implementation.*

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

19) *Prior to commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum; i) arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a residents' management company; and*

- ii) arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.*

20) *Prior to the implementation of the development hereby approved, a scheme shall be submitted to and approved in writing by the local planning authority detailing provision of an electrical vehicle charging point for each dwelling. The approved scheme shall be implemented prior to first occupation of the development.*

21) *Prior to the commencement of development hereby approved, the developer must submit to the local planning authority for written approval: i) a comprehensive desk study report, including a preliminary Conceptual Site Model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM;*

- ii) findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed*

remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the local planning authority.

22) Prior to the occupation of the development hereby approved, a comprehensive Validation Report shall be submitted to and approved in writing by the local planning authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated Conceptual Site Model. All the installed remediation must be retained for the duration of the approved use, and where necessary, the local planning authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

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

24) Prior to commencement of the development hereby approved, a scheme of boundary treatment(s) shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the precise location, height and construction materials of all boundaries. The approved scheme of boundary treatment(s) shall be implemented prior to first occupation of the development and retained thereafter.

25) Prior to commencement of any works at the site, an arboricultural method statement and tree protection plan shall be submitted to and agreed in writing by the local planning authority. The method statement shall clearly state how the trees to be retained on site will be protected during construction works. The agreed method statement shall be implemented in full prior to the undertaking of any on site works and retained for duration of the demolition and construction works.

26) Prior to commencement of the development hereby approved, a scheme for the suppression of dust during the period of construction shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be used throughout the construction process.

27) The construction of the development hereby permitted shall only take place between the following hours: Monday to Friday - 08:00 to 18:00; Saturday - 09:00 to 13:00; Sundays or Bank Holidays - No site operations.

6.0 CONSULTATIONS

6.1 Ecology consultee: GMEU

No objection subject to consideration of the following at reserved matters stage:

- Layout to avoid areas of flora interest
- Appropriate landscape strategy
- Areas of woodland not to be included in any public open space and general access discouraged
- If access is to be provided, this should be managed as part of an holistic woodland management plan.

Recommended conditions:

- Pre-construction Badger survey / possible licence requirement from NE
- No tree felling / vegetation clearance during bird nesting season unless nesting birds have been shown to be absent by a qualified person
- Submission of an Invasive Species Method Statement.

6.2 Drainage

No objection. Recommended conditions:

- Submission of drainage scheme
- Foul and surface water to be drained on separate systems

6.3 United Utilities

No objection subject to consideration of drainage hierarchy.

6.4 Public Protection

No objection subject to:

6.4.1 *Amenity*

Recommended conditions:

- Site working hours to be limited to between 8am-6pm (Monday-Friday) and 9am-1pm on Saturdays. No works on Sundays or Bank Holidays.
- Standard contaminated land

6.4.2 *Air Quality*

- Provision of a dedicated electric vehicle charging point at all dwellings.
- Limitation of gas powered boiler types to control emissions.

6.5 Highways Authority

Concern expressed as to access arrangements but support offered. Assessment of internal highway, including width and vehicle tracking will be undertaken at reserved matters stage, on receipt of a proposed layout. Recommended conditions;

- Submission of Construction Method Statement.
- Delineation of footway and provision of service maintenance strip

- 6.6 Strategic Housing
No objection in recognition of the proposal contributing towards the Council's housing offer and growth strategy; subject to Section 106 contribution towards affordable housing and GI.
- 6.7 Environmental Services
No objection
- 6.8 Lancashire Fire Service
Concern expressed about limited width of access into the site, for emergency service vehicles.
- 6.9 Public consultation has taken place, with 42 letters posted to neighbouring addresses and display of three site notices on 17th November 2018 and again on 16th January 2019; as a result of amended detail being submitted. In response, 45 representations were received and 3 general comments which are shown within the summary below.
- 7.0 **CONTACT OFFICER: Nick Blackledge, Senior Planning Officer – Development Management.**
- 8.0 **DATE PREPARED: 25th June 2020.**

9.0 SUMMARY OF PUBLIC REPRESENTATIONS

Objection – Robert and Victoria Eyre, Parkland, Whitehall Rd. Rec 15.05.2020

Regarding Blackburn with Darwen outline Planning Application 10/20/0106 dated 11th February 2020 and amendment to site plans / layout dated 24th April 2020

To whom it may concern,

This is a letter of objection to the outline Planning Application 10/20/0106 land adjoining Moorthorpe Cottage BB3 2LQ dated 11th February 2020. with the amended site location and plan drawings dated 22/04/2020 drawing numbers 00031897 and 0003198

The amended area for the proposed 4 dwellings has been drawn back slightly however overall I still believe the damage and disruption which it will cause to trees and wildlife as well as run off and safety of access and egress has not been reduced. So our objection letter still stands with all points below still relevant to the amended planning application.

Firstly I would like to start by highlighting the fact that following review of the previous proposal for 9 dwellings, Blackburn with Darwen council rejected the 10/18/1153 proposal unanimously on the two following points;

1. The scale of the development
2. The extensive loss of trees

The Blackburn with Darwen Local Plan Part 2 highlights the residential development opportunity in the long Clough allocation and states the following;

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

Scale of development

The development isn't small scale and barely reduces the footprint from the previous 9 dwellings proposed, it is maximising the whole area available, even though it is now 4 dwellings this contravenes the first element of this requirement.

The plan to construct 4 dwellings into a space of woodland this size is incompetent, the environment, wildlife and trees will be negatively affected on a permanent basis. Due to this natural land being lost, the issue on the environment downstream will be negatively affected due to water run-off from more concreted / paved areas in an area that already receives its fair share of water run-off, this land is more or less

always boggy, but as it is surrounded by trees the area as a whole acts as a large sponge to alleviate water run-off.

Extensive Tree Loss

The residential development opportunity states; no loss of trees

The development clearly requires a significant number of trees to be felled.

All trees on the site fall under a TPO (Moorthorpe Whitehall TPO 2003). So all trees earmarked for removal are under the TPO. This means they can't be removed unless they are causing a danger to the environment / life or council give approval. The development will cause the loss of a significant amount of trees. The supplemental supporting statement dated 4th February 2020 states the band of trees G5 will escape removal, I don't believe this will be the case, the Plant and Equipment used to construct properties will no doubt cause more loss of trees due to damaging of tree route infrastructure, including the tree belt of G5, who would monitor this and prevent it from happening? Once the trees are damaged / felled you can't reverse the process.

Wildlife

The damage to wildlife affected by this development will be irreversible, this includes bats, owls, badgers and deer, which will all lose their habitat, this is only the animals which can be seen regularly, there are all the smaller mammals birds insects which live in this environment that will be turfed out of their natural habitat.

With regards to bats from Spring through to Autumn we have significant numbers of bats to the front and rear of our property, this inevitably means their roosts must be local within the woodland behind our property. Has a thorough investigation and survey been made to determine the location of the roosts for both breeding and hibernating?

Site Access

The single track road proposed for the development again seems an inadequate route with no footpaths and a restricted gate access at the entrance, this may have a health and safety impact throughout construction with vehicle and pedestrian access, then ongoing into the life span of the houses once occupied.

In keeping with the Area

Light pollution in the woodland will also be an issue throughout the year in particular the winter months and would have a negative effect on wildlife taking shelter / hibernating in the woodland.

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

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

In Summary

this a blatant attempt to get a smaller scale development approved due to the number of dwellings being reduced, however the negative impact on the environment and wildlife of the 'so called' smaller development will still be as great.

In summary the objection to the proposed development is;

- It will have an adverse effect on all sorts of wildlife and plant life
- Scale of the development in the middle of woodland
- Negative affect on environment and water run off
- The developer will inevitably remove trees which are protected under the TPO in areas around the perimeter of the proposed development
- Out of keeping with surrounding land, buildings and properties
- It will affect the privacy and will overlook residents on Whitehall road
- Restricted site access
- It will cause light and noise pollution to the area
- Blackburn with Darwen Council have nearly 10 years of deliverable housing land available

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

To conclude Blackburn with Darwen council have nearly 10 years of deliverable housing land available, so this sort of development smacks in the face of common sense, utilising an important part of woodland / countryside when there are far more suitable areas to be constructing housing developments. So we strongly object to the outline planning application 10/20/0106 amendment 24/04/2020 based on the above points and our previous objection letter to application 10/18/1153 issued 15th January 2019

Regards,

Victoria and Robert Eyre

Objection – Judith A Wright, The Grig, Whitehall Rd, Darwen. Rec 14.05.2020

Dear sir, My main objection to the above is as it was before, reduction in biodiversity, even allowing for the reduced size of the intended Plot. We should be increasing our efforts to conserve our fauna and flora, which has fallen drastically in the last fifty years, not decreasing the same. The wonderful bank of bluebells and great swathes of wild garlic are aesthetically pleasing as well as very precious. The songs of blackcaps and a cuckoo especially lovely at this time of the year. That's to say nothing about the "resident" population of fauna. All this wild life would be mightily disturbed by noisy building work, as well as suffering reduction in habitat.

The objections to access remain the same as for the other plans, totally unsuitable and present safety issues as before.

Yours sincerely,

Judith A Wright

Objection – Mrs Lynda Ahmed, 14 Chestnut Grove, Darwen. Rec 14.05.2020

Dear Mr Blackledge,

I write to once again object to the above planning application in its entirety.

Of course it does not state at this stage where the proposed houses plus detached garages are going to be built.

My objections are .

Totally unsuitable access

There needs to be no loss of trees.

Small scale development??????

Gates at the point of entrance too small- they measure by laser ...3.5m to small for a fire engine with a turntable ladder hence not safe.

NB...as you wrote in your letter to Mr Hammond..."for a refuse vehicle I feel the turn around is tight"

Refuse vehicles can't get up this access road in forward gear due to sharp 90 degree turn at the top.....they still come up Chestnut grove in reverse gear...more than 20 metres....note this is illegal .no more than 20m in reverse.

I have many more very valid objections all of which were recorded before and are still relevant....eg no street lighting/no working drains/no pavement so dangerous for disabled access /no gas supply/overhead electricity cables need moving etc etc

I am sure mr Blackledge you are well aware of my reasons I do not agree to this planning application....I did hope you would have supported us in this area with our disagreements as the planning committee supported us...but I gather you are in agreement...I'm extremely dissatisfied and disappointed with your stance but never the less we fight on.

Regards

Mrs Lynda Ahmed

Objection – Mrs B A Starbuck, Belthorpe, Park Road, Whitehall, Darwen. Rec 14.05.2020

I am writing in objection to the outline planning application for 4 dwellings with detached garages at Moorthorpe Cottage, Darwen.

Although the applicants Supplemental Supporting Planning Statement and recently the amended site location boarder does not show a precise layout for these large houses with detached garages – they state that there will still be trees removed to make room for the access road at the south side of the site. Until the exact site layout is known how can it be guaranteed that there will categorically be no further trees destroyed? This does not comply with the requirements set out in the Local Plan part 2 Policy 28 are that any development in the Long Clough allocation shall be 'very small scale ensuring no loss of trees'.

I don't believe that 4 dwellings with detached garages will fit into the small area shown without damage to tree roots, loss of trees and a threat to wildlife.

The concerns the Highways consultee report identified on the Private road and the impact 9 large houses would have must be taken into consideration for 4 dwellings.

1.The road was not intended for a greater number of houses. There are no additional passing places proposed to support the possibility of larger vehicles passing one another.

2. I am concerned that the access is not adequate to provide access for a further 9 houses. (Is it adequate for 4 dwellings?)

3.Sightlines at all drives should be compliant for both pedestrians and vehicles.

The access drive has no street lighting nor pavement and the entrance through stone gate posts is 3.5m wide. The Road narrows at the top to 3.8m wide with no

passing place and poor sightlines. The refuse vehicles do not drive along the private access road due to the narrow access and sharp right corner towards the top. Long wheel based vehicles cannot manoeuvre round the corner. Large vehicles delivering building materials to the house now constructed (app number 10/16/1349) had to off load before the corner and were manually carried to the build. They then had to reverse back down the Private Drive onto Park Road.

A new in depth report should be carried out by Highways. I also request that the application goes to Committee to be consistent with the previous application.

Once again - this application contradicts the requirements set out in the Local Plan part 2 Policy 28 and the new application does not address the reasons for refusal of 10/18/1153. The size and scale of the proposed development is not conducive with the surroundings and not in the context of the setting.

I wholeheartedly oppose this application.

Yours faithfully

Mrs B A Starbuck

Objection – Jonathan Ashton, 12 Chestnut Grove, Darwen. Rec 13.05.2020

Good evening I would like to object to the planning application for 4 dwellings ref 10/20/0106 land adjoining Moorthorpe Cottage I would like to object firstly on access, the gateway entrance width as measured by the council is below the minimum width as set out in building regulations approved document B for access for fire service vehicles and should not be granted purely on this alone. The road with is also not suitable for fire service vehicles to access and there are no suitable passing places for LGV's to pass even a car. The sweep measurements provided for the 90 degree bend are also misleading as no HGV could make the corner without "shunting" or driving on private land, which creates a huge risk to pedestrians and other road users. The access therefore puts lives at risk in day to day activities but also that of an emergency situation, and the application should be rejected in line with building regulations .

Also as previously stated there must be no loss of trees for the development, and I object if any tree is to be removed to build this development.

Please ensure that the objection is raised appropriately.

Jonathan Ashton

Objection – Diane Hartley, 8 Chestnut Grove, Darwen. Rec 13.05.2020

Dear Mr Prescott,

I am writing to state my objections to the above planning application for 4 dwellings with detached garages on land adjoining Moorthorpe Cottage, Park Road, Darwen.

I object on the following grounds:-

- Access to the site is from a private road which runs parallel to Chestnut Grove. This road has two stone pillars at the entrance to it. The tops of the pillars overhang and restrict the width of the access. This is measured at 3.5m and is not sufficient for heavy goods vehicles or large construction vehicles. The road itself widens to approximately 3.7m. Both sides of the road are lined with woodland, shrubs and decaying leaves, which due to the nature of the tree canopy, are never completely cleared no matter what the time of year. This leaves the road slippery and muddy at the edges. The road is already in a very poor state with potholes and large areas of tarmac worn away. I would also like to point out that as the road is narrow, there is insufficient room for a large vehicle or lorry and a car to pass side by side at any point on this road. Neither are there any passing points on the road. Indeed, the weekly council refuse vehicle does not use this road to empty the bins of residents who already live there. Instead the residents leave their bins outside number 14 Chestnut Grove and they are pulled across the grass verge and emptied by the refuse collectors and left. If this road was easily accessible, why is Chestnut Grove being used? At the top of the road there is a 90° turn to the right which makes it very difficult, if not impossible, for large or long commercial vehicles to make this bend. This would also be the case for emergency vehicles such as fire appliances. The development would create a significant increase in traffic, and whilst the majority of the road is straight, there are no pavements or street lighting. This would increase the danger for pedestrians which include children who walk along it to get to school.

- Ashleigh Primary School is very close to the entrance of the road. Traffic increases at the beginning of the school day and particularly at the end when most parents are waiting to collect children at the same time. I notice from the traffic survey carried out on 21/09/18 for the original planning application for 9 dwellings (10/18.1153) that 3.30pm, the end of the school day, was not included and would have indicated a more substantial increase in traffic and a significant amount of parked cars along Ross Street, Park Road and the surrounding streets. Also, because of the geography of the area, heavy goods vehicles would only be able to access the road from Park Road (which joins the A666), rather than travelling along Queens Road, right onto Park Road, and turning left through the stone pillars (this would not be possible due to the sharp and narrow turn).

•The whole area marked for development as well as the area including Chestnut Grove and Holly Tree Close has a blanket TPO on it. As residents we were informed a number of years ago by the council about this and reminded that we were not allowed to fell or cut back any of the trees. In the original refusal by Blackburn with Darwen Borough Council it stated that the development should be “very small scale..... ensuring no loss of trees.” This development would still include a loss of trees T31, T32, T33, T34 and T35 with three of the trees being deemed “high quality or moderate quality” (Planning Statement). I strongly object to the impact this development would have on the environment and on the number of trees that would have to be felled to accommodate it. This would affect local wildlife including deer, and as you are aware, there are also bats and badger sets on this woodland site.

•We are aware of more than one instance of the drains being blocked on the road and raw sewage running down the surface. A further housing development would increase the environmental health hazard and I would also question the viability of services to this site.

•As referred to in the Lancashire Evening Telegraph, Blackburn with Darwen has already exceeded government and local targets on the number of houses needed to be built in the borough

<https://www.lancashiretelegraph.co.uk/news/17326913.blackburn-with-darwen-borough-housing-starts-and-sales-on-the-rise/>. Therefore there is no need for further developments in this area.

•I would also like to comment on how difficult it is to object to a planning application that includes no information on the size of the houses to be built or exactly where they are to be situated. “Although detail on layout is not included with this application, the site plan does illustrate how 4 houses could sit on the site. This layout includes the position of 4 of the houses shown in the original application for 9 houses” (Supplemental Supporting Statement). How can this application be considered without this information? Are the houses 10 bed roomed and where exactly are they to be sited? Surely this is significant and necessary information in any application. This is not a “very small scale” development. The size of the development, and the ecology and environmental issues, for which Blackburn with Darwen Borough Council originally refused the application, still remain the same.

Yours sincerely

Diane Hartley

Objection – Joanne Mackey, Lynfield, Park Road, Darwen. Rec 12.05.2020

Dear sirs

Thank you for your recent correspondence regarding the above planning application.

I would like the following objection to be considered by the planning committee

I have reviewed the documentation submitted and my initial concern is that the revised plan is just the old plan with 5 houses removed - if this plan is approved the houses are positioned perfectly for a subsequent planning application to go in thus making it the plan you refused initially?

The application also states that it is for 4 dwellings with detached garages - it would be easy to assume that they would look like the plan but there is no detail in the plan - this could change to 4 mansions as the bedroom numbers are not specified in the application form?

The build that has just taken place has caused damage to my garden, as the vehicles that have to access the site simply cannot gain access without driving over my garden, we have only lived here for a short period of time and have not managed to complete the landscaping of our garden yet we have let this go however it is our intention to start this in the near future. This is likely to include a 1 metre high wall around our boundary which will seriously reduce the road width. I have also seen that Miss Lomax has gone to the trouble of measuring the road for your delight and edification however, I own a large proportion of the road and what I chose to do with that in the future may compromise the width of the road so I would ask you to discount this information.

There are inaccuracies in the 'highways technical notes' - the refuse vehicle does not come up the PRIVATE access road, all our bins are collected from Chestnut Grove these are placed on the relevant day adjoining my property for collection thus reducing the road width even further. In fact this plan has been poorly edited from the original application, it has been edited at the beginning to reflect the application for 4 houses but whoever edited it has obviously thought we wouldn't bother reading it again so hasn't changed the later pages from the original 9 house application. In the original transport survey shows only 1 vehicle entering and leaving Park Road on the day of the survey. This again is inaccurate, and possibly manipulated. The timings of the vehicle it recorded are definitely mine, however, unless my husband and daughter developed some magical powers to be able to teleport to their destinations they have not been logged. In addition to this there is a new build further up from me and nobody is recorded as working on that on the day of the survey. The daughter of the lady who lives at Belthorpe certainly visits her elderly mother at least

twice a day everyday. And did the applicant and her family not go to work that day either? Because they certainly go every other day? It has also not recorded the applicants newspaper delivery man or the postman who also comes up in a vehicle? is this survey trying to hoodwink you into believing that this is a quiet road and a few more cars wont make a difference?

I am objecting to this application on the basis that, access to this site will have to be over my property and I am NOT giving consent for that.

I also have many other points on which to object:

Noise pollution

Damage to the woodland area and the impact on the Moorthorpe TPO

Impact on the wildlife - we regularly have deer in our garden, but there is also foxes, owls and a whole host of birds from cuckoos to woodpeckers.

Damage to my garden by the delivery vehicles and potential residents as the bend is very tight

Traffic management? The bend outside my house is very tight and if taken at any sort of speed will result in a car ploughing into the front of my house. The road is, at very best only wide enough for 1 car, on the rare occasion you encounter another car you have to pull onto the verge (which is also on my land) in order for the other to pass. As it is a private road there is no street lighting and this proposal will increase the risk of accidents as my children play freely outside our house with children from Chestnut Grove. i have attached photos of the damage to the kerbs placed on my boundary - this has been caused by the traffic already frequenting this road and i fear a bin wagon having to access this road would cause more damage to my property.

Additional maintenance costs for the road - who will become responsible for those?

Is this development necessary given that there are 3 very large developments already offering a variety of housing options with another in the pipeline plus a smaller scale one in Hoddlesden that will offer executive homes, the impact on the environment that this development will have will far outweigh the number of homes proposed?

i don't understand why you would look at an application that has no means of access to it - i would invite you to review the land registry document i have attached that shows not only do i own the road but the verge between Park Road and Chestnut Grove

So to clarify for all the reasons stated above - I am objecting to this proposal

Should you have any questions regarding this please do not hesitate to contact me.

Joanne Mackey





Objection – Mark Taylor, Dunkeld House, Whitehall Rd. Rec 12.05.2020

Dear Sir, Every reason for the previous refusals still stand. The destruction of the unique woodland , permanent displacement of badgers, rabbits, deer, squirrels, voles, bats, owls, and numerous other birds. The change in the size of this "development" does not make the access twice as big.

If the land was scrub or a brownfield site with suitable access, of which do exist in the area I would have no problem with it.

Thanks, Mark Taylor.

Objection – Mr & Mrs B Glynn, Montrose, Whitehall Rd. Darwen, Rec 12.05.2020

Comments on planning application – 10/20/0106 - Land adjoining Moorthorpe Cottage, Darwen

1. 2.2 of revised planning statement (following on from original application 10/18/1153) acknowledges that detail on layout is not included in this application and only suggests *how* the 4 properties *could* sit on the site. The properties could be taller/more square footage etc seemingly reducing the number from 9 to 4 but will that be the reality in terms of size, number of bedrooms/occupants/cars etc? This application is vague.
2. 2.3 suggests development is low density. However, regardless of guidelines of number of houses per hectare, the local context has not been fully considered in that statement, especially considering the transition within this countryside site.

I do question how this woodland site ever made it onto the Council's list of designated development land. It needs to be re-designated as totally unsuitable for development of any kind.

3. There are still TPO trees that need to be removed.
4. Access from Park Road/Printshop Lane to the land owned by applicant is not a public right of way (it is a private road) and therefore not a public highway. The application includes use of that land and is not in the applicant's sole ownership, it is privately owned by 3 residents on the drive. It is a single track with no lighting or pavements and is required to be of an adoptable standard and it does not satisfy this.
5. Additionally, the Highways report has not reported the full reality and should be challenged, service vehicles **do not** use this road due to the following issues. This track is narrow, unsuitable for two vehicles passing, with 3 blind spots. Also the nature of the tight turn, especially where the drive meets Moorthorpe House, access by longer vehicles is impossible. This track is bordered by private land with large TPO trees either side and is totally unsuitable for further vehicles.
6. 3.5/3.6 of the original planning statement mentions:
There are no public rights of way on the site although a public footpath is located to the south of the woodland strip to the south. SSSI known as the West Pennine

Moors is located to the west of the site. **“It is possible for the proposed development to connect to the moors via a dedicated footpath”**. The detrimental effects this will have on wildlife is clear and must not happen.

7. The ecological report recognises the area is regularly used by roe deer, bats are plentiful and quite possibly roosting on site. Badger setts are present with foxes also (to name a few of the major mammals). Four houses are as detrimental as 9 taking to the flora and fauna, upsetting the ecological balance in the context of this area.
8. Additionally, Japanese Knotweed is present, very, very close to the applicant's land, close to the start of the public footpath to the moors, at the South of the plan. Any footpath would risk spreading this invasive species into the woodland if it hasn't spread already onto the applicant's land.
9. I also question the electricity supply which runs through the woodlands, via pylons overground, down to properties on/near the applicant's land currently. If these powerlines are to be used to support any development I suspect they will have to be increased and possibly buried, again disrupting the natural habitat. Where are the plans for proposed services?

Conclusion:

- No detailed-layout plans supporting this application, application is vague.
- The local context of the countryside space is being ignored when size of development is being discussed.
- TPO trees to be removed
- Ecology report confirms presence of bat species and the need to establish whether bats are roosting on site. Protection of a unique area designated originally as a “special landscape” with many TPOs.
- No public highway to the proposed development, majority of track not owned solely by applicant.
- Access to site is not of an adoptable standard and unsuitable for further vehicles. The Highway Survey is inaccurate in parts, with the access lane narrow with 3 blind spots and dangerous and unsuitable for larger service vehicles.

- Original Planning statement suggests a possible footpath joining development to public footpath at the south. This isn't incorporated into any of the red edged boundary and completely at odds with the applicant's wish to preserve the integrity of the remaining ancient woodland.
- Presence of Japanese Knotweed nearby a risk of contamination onto site, if not already on the land edged in blue on plan (even more so if a footpath is built).
- Presence of bat species and the need to establish whether bats are roosting on site. Protection of a unique area designated originally as a "special landscape" with many TPOs.

We request that consideration is given to all the points above and the planning application is refused on the above grounds.

Mr and Mrs B Glynn

Objection – Keith B Ainsworth, The Grig, Whitehall Road. Darwen, Rec 11.05.2020

Dear Mr Prescott,

I am sending this e-mail on behalf of Mr Keith Ainsworth The Grig, Whitehall Road ,Darwen BB3 2LH who because of Self Isolating cannot send a letter and has no access to sending you an e-mail.

Dear Sir,

My first objection to the above application is that its only description is " four dwellings with detached garages ". What size of dwelling ? How many garages ? Where exactly within the sketch of the boundary is it hoped to build ?

Secondly access to the land in question is via a narrow private access road, totally un-suitable for an increased number of vehicles and impossible for use by large wagons, plant and emergency vehicles or refuse disposal trucks. There is no passing place; road safety would be prejudiced, any increase in traffic at all would add to the safety issues around Ashleigh Primary and Woodlands special schools.

Furthermore, it appears that there is no right of access along this private drive and also that a restricted covenant prevents any building on land adjacent to Moorthorpe Cottage .

The Governments National Planning Policy Framework asks that any development “ deliver measurable improvements for wildlife “.How can that possibly be met by major disturbance to the badger setts, bat roosts and the lovely wild flowers notably bluebells shortly to come into bloom. ? Ecological matters are paramount ; there would be a loss of fine mature trees and damage to a significant are of natural beauty, a haven for wildlife. Any development would harm the Winter shelter for Deer, and the increase in noise and light pollution would have a profound effect. The Councils “ Green Infrastructure and Ecological Networks “ document as well as Government policy, states that any planning policy must pursue opportunities for net gains in biodiversity. Who would deny that this goal is sorely needed ?

I urge you to ensure the concerns are recorded and refuse this unnecessary application.

Your sincerely

Keith B Ainsworth.

Objection – M & L, Unknown Address, Rec 11.05.2020

Dear Sir / Madam sent by email & post

We write to request you to please, consider the following:

Safety of Children

1) There has been an overwhelming opposition from the residents, for the safety of young children who attend local school in the vicinity (additional traffic generation & access issues).

Detrimental Effect - Habitat, Environmental & Trees

2) We fear that number of mature trees (many with preservation order), will Need to be sacrificed for this development, in our view will have detrimental effect on current habitat & environment.

Access Issues via a Private Road

3) Access is via a private road, which is unsuitable for additional traffic and access for service vehicles i.e. household waste removal, emergency services and others

We hope you will consider the merit of the case & refuse the application

Regards & thank you

M & L

Objection – Mr C Royle, 10 Chestnut Grove, Rec 07.05.2020

Dear Mr Prescott,

Please find listed below comments with regards to planning application of the erection of 4 dwellings at land adjoining Moorthorpe Cottage, Off Park Road Darwen, BB3 2LQ.

Firstly the Private Road which is proposed as access to the 4 dwellings is only narrow and it is not possible for cars to pass safely as there is privately owned dense woodland and kerbed edge bordering the road. Large Vehicles especially the Council Refuse Vehicle do not use this road as stated as they cannot safely get through the gate posts at the bottom which are only 3.5 Mtrs wide not 4.8 Mtrs wide as stated and indeed the road only widens to 3.65 Mtrs. Instead they come up Chestnut Grove and the bins are brought across through a gap in a bush onto Chestnut Grove. On reading Chapter 2 core policies page 13 Policy 10 i believe you state that Development will be permitted provided it has been demonstrated that road safety and the safe, efficient and convenient movement of all highway users (including refuse collection vehicles, the emergency services, cyclists and pedestrians) is not prejudiced.

I would also like to advise you that on three occasions the top of one of the gate posts has been knocked off by only a relatively small commercial vehicle which again confirms access is difficult and unsafe. The left hand gate post top is still on the floor after being hit three months ago by a Curry's delivery van not a large wagon, fire engine or refuse truck a small van. Had any pedestrian been close by they would have been killed. When the top of the gate post is on the measurement at the top is only 3.5 mtrs and i believe that the minimum width for Pump Fire Engines according to the Building Regulations is 3.7 mtrs with a turning circle of 16.8 mtrs both are unachievable on this access road.

The private road at the top then turns at 90 degrees and at this point cars coming down from Moorthorpe Cottages have a blind spot which is unsafe for both drivers and pedestrians and the lack of any lighting makes it unsafe and dangerous. The house currently being built with the agreement of Lynfield the bungalow on the left at the top of the road let building supplies be dropped onto his garden and taken round to the house by smaller vehicles as it was impossible for these vehicles to make the 90 degree turn so how can access be made to develop a further 4 dwellings.

The junction at the bottom of the Private Road is not safe especially when school children are being dropped off at Ashleigh School and cars are left unattended on the bend and side road close to the entrance. There is also a lot of traffic going through the entrance to the right of the Private Road which go up to the Special Needs School and access is often in front of the Private Road then a left turn made up Holly Tree Close. There will be a large impact on traffic in the Queens Road /Whitehall/Park Road area with traffic exiting and joining the A666 effecting especially during school times. Highway safety would be compromised greatly. I should mention at this stage that on maps issued by Blackburn with Darwen Council the property which is now a school behind Chestnut Grove which uses the access down Holly Tree Close is down as a nursing Home. This School currently has over 30 pupils who are dropped off Monday to Friday along with over a dozen members of staff.

Noise and pollution of large vehicles must be taken into consideration if building was to go ahead and also the continuous traffic caused by what could be more than 15 cars per day not including delivery/service vehicles.(if they can get up)

Surface water is already a problem from Moorthorpe Cottages as it comes directly into the garden at No 14 Chestnut Grove and finds its way coming down Chestnut Grove. We also currently have problems with sewage as the sewage overflows from the man hole cover on the land just in front of No 14s garden wall and makes its way down Chestnut Grove. This constantly needs rodding and has tree roots pushing up the cover. The drains in this area are over 100 years old and are not adequate now for the four properties. After the two recent storms No 14 has had to spend hundreds of pounds on drainage at the side of her house due to water coming across her garden and underneath the rockery directly outside the side of the house which has never happened in the 37 years they have lived there. The field has always been very wet and in places is a bog if 4 houses are built and a concrete road/drives etc this water will be worse as it will run down onto Chestnut Grove finding its lowest point.

Environmentally there are many trees in the meadow which are subject to TPOs and this area was originally designated as an area of special landscape and as such the proposal could be contrary to your Policy New Residential Development of the Local Plan in that the proposal will detrimentally affect the character of the area. Impact on trees must be dealt with now and not left to condition. Arboriculture Officers should have the information needed to carefully consider the impacts. There is a need for a

detailed landscaping scheme now and not as Reserved Matters due to the character of the site and this cannot and should not be deferred.

The land has a lot of wildlife including deer ,badger sets and is full of bluebells.The woodlands are governed by regulations in relation to destruction or re-shaping of trees that have been providing wood,shelter,shade,oxygen and a habitat for wildlife for hundreds of years.It will not be possible for these trees to regenerate themselves as they have done over many decades if this planning is approved denying our future generations the beauty of this Woodland area.Indeed Blackburn's own ecology policy is CS15 and point 3 states "General habitats which may support species of principal importance either for shelter,breeding or feeding purposes(both natural and built features) ,will be protected from development ,in accordance with the Environmental Strategy set out in policy CS13.I would expect the Council to take care when considering this policy in respect of the application.

Also is the original Ecology report still valid as the original application was over 18 months ago and although an Ecology Report can be used up to 24 months non of the residents are aware when the original report was done and now the field is full of bluebells and the badgers from the two setts are very active and have been seen in neighbouring gardens bordering the field on Whitehall road.

The Governments latest consultation (ended January 2019) guidelines not just loss of ecologic value but rather developments to deliver a "biodiversity net gain necessary for developments when granting planning permission.Biodiversity net gain is an approach which aims to leave the natural environment in a measurably better state than before hand.Therefore this must be considered strongly at the outline planning stage.

As there are still no plans to show the proposed 4 house development only a border how do we know what type of houses are being built are they 4/5 bedroom 6/7 bedroom where are they being built ,are trees going to be cut down.Is it not normal that with planning you should have an idea what is actually being built and the proposed access/structure to support the 4 houses

Can you please consider all my points some which may not be applicable as I know there are only certain issues you take into account and refuse this application on the above grounds where necessary.

Mr C Royle

Objection – Mr & Mrs A Molloy, Whinfield, Whitehall Road, Darwen, Rec 29.04.2020

Dear Mr Blackledge,

I wish to object to the above development on the following grounds:

1. There are still to be a large number of trees to be felled, the majority of which are mature trees some with TPO'S.
2. The Council have still not completed an in depth survey of the trees in the area in question.
3. There are without doubt deer, badgers, bats and other wildlife on the land involved in the proposed development.
4. There are one pair and possibly two pairs of birds of prey in the adjacent woods within 30 metres or a proposed roundabout.
5. There are already flood problems on the adjacent properties lower down and adjacent to the proposed development and more concrete and loss of grass will only exacerbate the situation.
6. The access is very dangerous and not suitable for the properties already there. Doubling the number of properties which this new development would do if granted would be an accident waiting to happen. There is no opportunity to widen the road or remove the narrow 90° bend.
7. Emergency vehicles cannot reach the site and cannot traverse the sharp 90° bend.

Please consider the above points when deciding the outcome of this application.

Objection - Mr G Church, 4 Chestnut Grove, Darwen, Rec 28.04.2020

Dear Sir.

I have recently received a communication with regards to the above planning application and would like to object as follows.

Firstly, in late 2019 the previous application for 9 dwelling's was refused by the planning committee, the reasons as stated were:- Under planning application 10/16/1349, is considered to represent a scale of development that is disproportionately large taking into account the local context, and transition with the countryside area. This is considered contrary to the requirements of policy 28 of the local plan part 2, which sets out that residential developments in the "Long Clough" allocation (28/10), shall be "very small scale" in the vicinity of the existing dwelling (Moorthorpe cottage), "Ensuring no loss of trees"

Further from the documents as listed on the planning web site I would take issue with the diagram of the access road.

- The private access road to the proposed site is 4.8 metres wide I believe this statement is inaccurate. As indicated in the document the narrow point is stated to

be 3.5 metres wide at the gate entrance the access road then widens to 3.65 metres wide. Not as indicated 4.8 metres. This access road is not only very narrow, but is also in an extremely poor state of repair with potholes and large areas of tarmac worn away, producing a very uneven surface. There is no foul water drainage and the roadway is further affected by overgrown and dense woodland / shrubs which would severely hamper the passage of large commercial service vehicles. There is no point on this straight stretch of access road that a large commercial service vehicle could pass a parked private vehicle. The road at the point of Moorthorpe house then turns at 90 degrees which makes the manoeuvring of large commercial service vehicles problematic.

- It is also stated that council refuse vehicles (large commercial service vehicles) regularly use this road. This point I would take issue with as in the three years I have lived at 4 Chestnut Grove I have never witnessed the council refuse vehicle use this roadway. The residents at the top of this roadway bring their waste bins to the top of Chestnut Grove to enable the bins to be emptied. Chestnut Grove is serviced by the council refuse vehicle (this statement can be checked by asking the council refuse department to validate this comment) I have however, from time to time, witnessed a much smaller service vehicle, Iveco 3.5 cwt with a cage fitted to the rear of the vehicle make collections from the resident's homes situated at the top of this access road.

- It is also stated that large commercial service vehicles and private cars have space to pass safely with care. At no point on this access road would this be possible due to the narrow track and dense woodland bordering the roadway.

- The access road as proposed in this application, is totally unsuitable for any such consideration, it has not been maintained, suffering from pot holes, uneven surface, very narrow width, obstructed by trees shrubs and vegetation, there is no street lighting / illumination, no drainage, water run's down the incline washing away the surface in any wet conditions, in repeating myself at the point of Moorthorpe House the road turns 90 degrees to the right, any deliveries by commercial vehicles beyond this point require the offloading of any items which are then manually transported to any location beyond this point, this I have witnessed several times, this totally blocks the road to any other user for the duration of the off load, further the commercial vehicle then has to reverse the entire length of the access road to exit onto Park road, before any other vehicle can gain access, in the event of any emergency such as ambulance / fire engine, what would the outcome be ? I have also witnessed a recent event when a fire engine was called to the location due to a small fire in the woodland beyond the application area, the fire engine could not gain access due to the narrow road and 90 degree turn at Moorthorpe house and had to turn around in the private driveway of the Moorthorpe House ??.

- The damage to the local woodland and ecology would be devastating, the refusal of the last application listed no loss of trees, but it can quite clearly be seen

that any development would mean the loss of several mature trees and severe damage to the local wildlife.

At the planning meeting in 2019, this application was refused on the grounds of many points as listed above, it was refused by every member of the local planning committee, all members had visited the site and had viewed first-hand the unsuitability/ potential danger of such a development.

Yours faithfully

Mr G Church

Objection - Ken & Anne Grimson, Parkside, Whittehall Rd Darwen, Rec 27.04.2020

Dear Mr Prescott

We live adjacent to the proposed development site and are writing to ask that BWD Borough Council refuse this planning application from Ms G Lomax.

Herein are our objections relating to this latest planning application:

1 It has always been our understanding, along with that of our neighbours, that this area and its trees were protected. We note that it has been described in the application documents as "available for development".

We would certainly like to know when, how and by whom this was changed. We had never been notified of this possibility and would like details of how such a change could have taken place without any proper notification to residents.

We note that you have yet to supply this information from our request in relation to the previous application for 9 houses i.e.10/18/1153.

2 The development will overlook our property; this will lead to a loss of residential amenity and privacy and will certainly impact on the peaceful enjoyment of our home and garden which we have had for over 30 years. The loss of the existing views from our house and garden will also be detrimental to us. There will be new traffic close to our garden and home causing noise, light pollution and disturbance at all times of the day and night.

3 It will be totally out of character for this area of natural, ancient woodland and private surrounding housing. It is totally inappropriate for this part of Darwen. Such a development would be totally out of keeping with the neighbouring properties, which are mainly Victorian-era stone built houses with quiet secluded gardens. There is no shortage of new housing available or under construction in the town.

4 The affect on the flora & fauna present in the woodland will be catastrophic. Not only the permanent loss of habitat for the construction of the houses & garages, but the ongoing affect on our wonderful garden birdlife (goldcrest, woodpecker, nuthatch, tree-creeper, goldfinch, bullfinch, siskin, redpoll, blackcap, blue/coal/great/long-tailed tits), roe deer, badger, red squirrel, the springtime show of bluebells.

Several species of bat are present here too and various raptors such as tawny & little owl, sparrowhawk, merlin and kestrel hunt and nest in these woods. There is also a large annual migration of amphibians such as toads, frogs and newts through this area in the spring/summer.

5 The proposed access road appears to be wholly unsuitable and leads onto an already congested, dangerous junction. This is especially so due to the proximity of Ashleigh Primary School. This additional traffic will cause problems and create a safety hazard for other motorists and young schoolchildren.

6 As far as we know, the applicant does not have right-of-way access along the shared, private drive for anything other than her existing dwelling. The single-track driveway is not of an adoptable standard with no lighting or passing places. There are several blind spots on narrow bends.

Environmental Services are still unable to use this access road. Emergency Services vehicles would also have great difficulty in gaining quick access to attend a house or garage fire which could then spread to the woodland and adjacent properties.

7 We do not agree that the current application proposal meets the requirements stated in Planning Statement, para. 6.1.3.6 Policy 28 "Development Opportunities" which states that potential is "***for very small scale residential in the immediate vicinity of the existing dwelling with no loss of trees or woodland.***"

This clearly is intended to limit any development to no more than one or two dwellings and **with no loss of trees or woodland.** We do not think this could be much clearer.

8 We also feel that there are no details of these dwellings, such as the number of bedrooms etc. to estimate the numbers of additional people and cars that this development will generate in the area.

We invite you to visit our home to verify that these objections are valid.

Therefore, we ask that Blackburn with Darwen Borough Council refuse this Planning Application to retain the character of this beautiful area of the town.

Should you require any additional information, clarification of any comments made, or would like to arrange a visit to our home; do not hesitate to contact us on 01254 703994.

Yours Sincerely

Mr & Mrs KAJ Grimson

Objection - Deborah Perricone, Werneth Brae, Whittehall Rd Darwen, Rec
27.04.2020

Dear Mr Blackledge

Thank you for notifying us on the proposed change to the planning application 10/20/0106.

Please take my previous letter dated 01/03/20 into account as discussed with you today.

I am concerned about the timeline with this application within the current climate, when the country is fighting the Corona virus.

A lot of residents are in isolation and perhaps unable to further comment on it.

Yours sincerely

Deborah Perricone

Objection - Mrs Lynda Ahmed, 14 Chesnut Grove, Whittehall, Darwen, Rec
05.03.2020

Firstly I must object in the strongest possible terms to this application due to the following reasons

There are no proposed plans shown on the planning portal only on the planning statement..stating "it could be " /"it may be"... there are no definable definitive borders.

There are still going to be trees which are under TPO removed this of course was the reason the application for 9was thrown out.

There are no provisions for access of refuse vehicles/no hammerhead turnaround

Proposed access to this said development is via a private drive through gateposts of 3.5m given that an emergency fire and rescue turntable ladder needs a 4m clearance then this would obstruct emergencies being dealt with at this proposed development.

Policy 10 sec 3.5.39. Highways suggest safe efficient movement of users...no pavement, no drainage, no street lighting,no passing points and non proposed, no disabled access...this proposed access is wholly inadequate and unsafe to serve 4 properties , 5 including mr Mcinerys new build.

Removal of trees means more surface water coming down the proposed drive into my garden and onto my paths...I have just paid a number of hundred pounds for new drains to take water from my paths to exit drain Having lived here 37years I have never had water through my garden onto my paths until the new house has been built.i dread to think what more houses will leave my garden/house like

There is of course a covenant which is on Ms Lomax garden which does not allow for access to where is would appear the houses are going to be built which should be adhered to.

One wonders if these houses are going to be built of the same materials that Elerslie/or the back of Watery lane Darwen... Totally not in keeping with houses already in-situ

This proposed development would by virtue of its access,location, arrangement , and.building materials to be used would have an adverse impact on the character and appearance on this area of countryside.

As most people in planning are aware of my displeasure at this proposed planning application I must object in the strongest possible terms and hope it is dismissed in its entirety.

Yours Sincerely

Mrs Lynda Ahmed.

Objection - Mark & Charlotte Taylor, Dunkeld House, Whittehall Road, Darwen, Rec 04.03.2020

Further to this most recent application for development of this site, I strongly object to this development for the same reasons I objected to the larger development proposed for this site. Even though fewer houses are now being proposed this will not reduce the impact on the area, as access is severley limited, the destruction to wildlife habitat and the removal of protected trees will all still be the same and the additional vehicles it will bring along with light & noise pollution will all still have a detrimental impact to the area.

I trust my views will be considered along with this application

Regards

Mark & Charlotte Taylor

Objection - Mrs B A Starbuck, Belthorpe, Park Road, Whitehall, Darwen, Rec
04.03.2020

I am writing in objection to the outline planning application for 4 dwellings with detached garages at Moorthorpe Cottage, Darwen.

Although the applicants Supplemental Supporting Planning Statement does not show a precise layout for these large houses with detached garages – they state that there will still be trees removed to make room for the access road at the south side of the site. Until the exact site layout is known how can it be guaranteed that there will categorically be no further trees destroyed? This does not comply with the requirements set out in the Local Plan part 2 Policy 28 are that any development in the Long Clough allocation shall be ‘very small scale ensuring no loss of trees’.

I don’t believe that 4 dwellings with detached garages will fit into the small area shown without damage to tree roots, loss of trees and a threat to wildlife.

The concerns the Highways consultee report identified on the Private road and the impact 9 large houses would have must be taken into consideration for 4 dwellings.

1.The road was not intended for a greater number of houses. There are no additional passing places proposed to support the possibility of larger vehicles passing one another.

2. I am concerned that the access is not adequate to provide access for a further 9 houses. (Is it adequate for 4 dwellings?)

3.Sightlines at all drives should be compliant for both pedestrians and vehicles.

The access drive has no street lighting nor pavement and the entrance through stone gate posts is 3.5m wide. The Road narrows at the top to 3.8m wide with no passing place and poor sightlines. The refuse vehicles do not drive along the private access road due to the narrow access and sharp right corner towards the top. Long wheel based vehicles cannot manoeuvre round the corner. Large vehicles delivering building materials to the house now constructed (app number 10/16/1349) had to off load before the corner and were manually carried to the build. They then had to reverse back down the Private Drive onto Park Road.

A new in depth report should be carried out by Highways. I also request that the application goes to Committee to be consistent with the previous application.

Once again - this application contradicts the requirements set out in the Local Plan part 2 Policy 28 and the new application does not address the reasons for refusal of 10/18/1153. The size and scale of the proposed development is not conducive with the surroundings and not in the context of the setting.

I wholeheartedly oppose this application.

Yours faithfully

Mrs B A Starbuck

Objection - Joanne Mackey, Lynfield, Park Road, Whitehall, Darwen, Rec
04.03.2020

Dear sirs

Thank you for your recent correspondence regarding the above planning application.

I would like the following objection to be considered by the planning committee

I have reviewed the documentation submitted and my initial concern is that the revised plan is just the old plan with 5 houses removed - if this plan is approved the houses are positioned perfectly for a subsequent planning application to go in thus making it the plan you refused initially?

The application also states that it is for 4 dwellings with detached garages - it would be easy to assume that they would look like the plan but there is no detail in the plan - this could change to 4 mansions as the bedroom numbers are not specified in the application form?

The build that has just taken place has caused damage to my garden, as the vehicles that have to access the site simply cannot gain access without driving over my garden, we have only lived here for a short period of time and have not managed to complete the landscaping of our garden yet we have let this go however it is our intention to start this in the near future. this is likely to include a 1 metre high wall around our boundary which will seriously reduce the road width. I have also seen that Miss Lomax has gone to the trouble of measuring the road for your delight and edification however, I own a large proportion of the road and what I chose to do with that in the future may compromise the width of the road so I would ask you to discount this information.

There are inaccuracies in the 'highways technical notes' - the refuse vehicle does not come up the PRIVATE access road, all our bins are collected from Chestnut Grove these are placed on the relevant day adjoining my property for collection thus reducing the road width even further. in fact this plan has been poorly edited from the original application, it has been edited at the beginning to reflect the application for 4 houses but whoever edited it has obviously thought we wouldn't bother reading it again so hasn't changed the later pages from the original 9 house application. In the original transport survey shows only 1 vehicle entering and leaving Park Road on the day of the survey. This again is inaccurate, and possibly manipulated. The timings of

the vehicle it recorded are definitely mine, however, unless my husband and daughter developed some magical powers to be able to teleport to their destinations they have not been logged. In addition to this there is a new build further up from me and nobody is recorded as working on that on the day of the survey. The daughter of the lady who lives at Belthorpe certainly visits her elderly mother at least twice a day everyday. And did the applicant and her family not go to work that day either? Because they certainly go every other day? It has also not recorded the applicant's newspaper delivery man or the postman who also comes up in a vehicle? Is this survey trying to hoodwink you into believing that this is a quiet road and a few more cars won't make a difference?

I am objecting to this application on the basis that, access to this site will have to be over my property and I am NOT giving consent for that.

I also have many other points on which to object:

Noise pollution

Damage to the woodland area and the impact on the Moorthorpe TPO

Impact on the wildlife - we regularly have deer in our garden, but there is also foxes, owls and a whole host of birds from cuckoos to woodpeckers.

Damage to my garden by the delivery vehicles and potential residents as the bend is very tight

Traffic management? The bend outside my house is very tight and if taken at any sort of speed will result in a car ploughing into the front of my house. The road is, at very best only wide enough for 1 car, on the rare occasion you encounter another car you have to pull onto the verge (which is also on my land) in order for the other to pass. As it is a private road there is no street lighting and this proposal will increase the risk of accidents as my children play freely outside our house with children from Chestnut Grove.

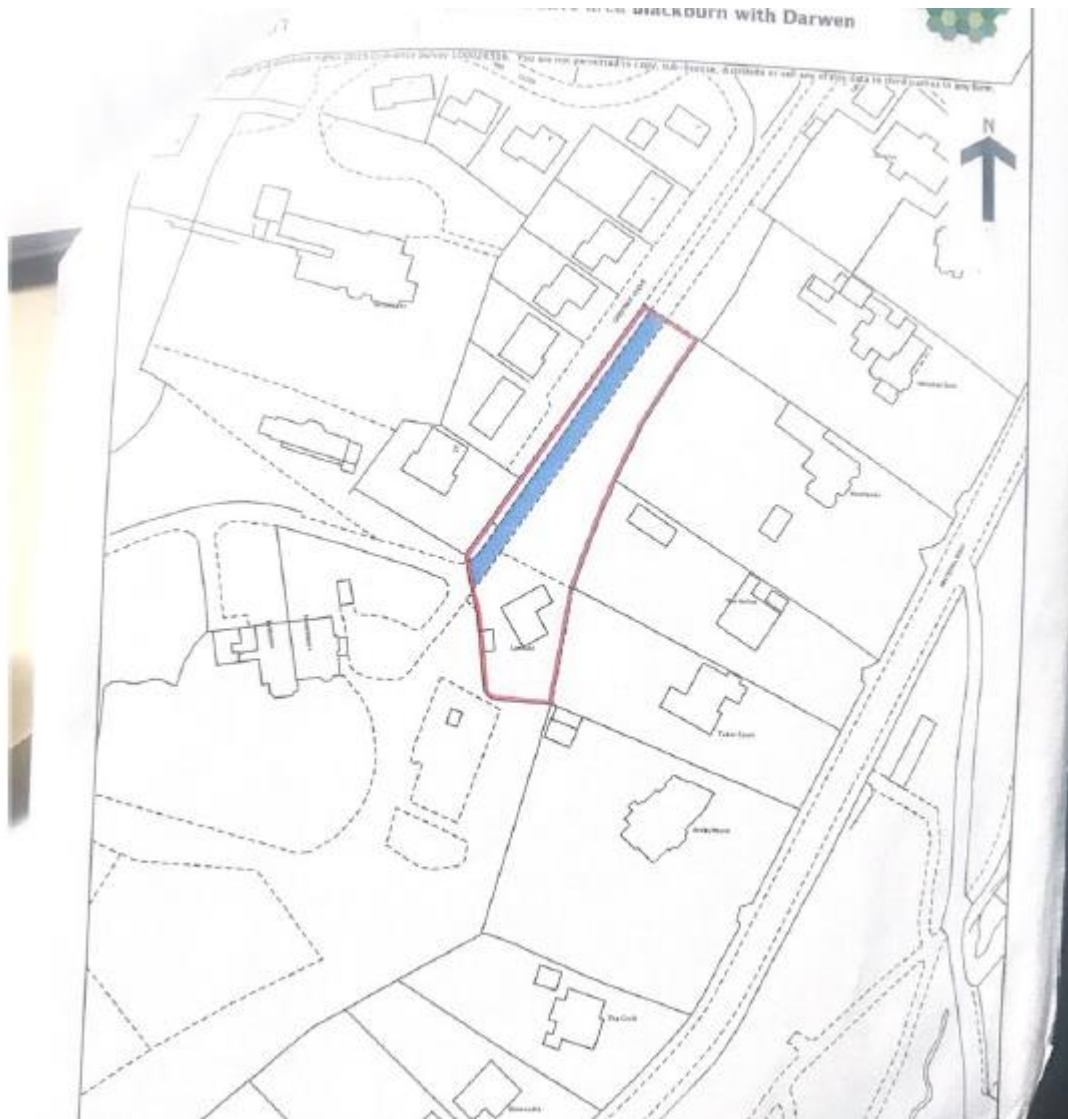
Additional maintenance costs for the road - who will become responsible for those?

Is this development necessary given that there are 3 very large developments already offering a variety of housing options with another in the pipeline plus a smaller scale one in Hoddlesden that will offer executive homes, the impact on the environment that this development will have will far outweigh the number of homes proposed?

I don't understand why you would look at an application that has no means of access to it - I would invite you to review the land registry document I have attached that shows not only do I own the road but the verge between Park Road and Chestnut Grove

So to clarify for all the reasons stated above - I am objecting to this proposal

Should you have any questions regarding this please do not hesitate to contact me.



Objection - Harry Kang, Briarwood, Whitehall Road, Darwen, Rec 04.03.2020

Dear Sirs

In reference to the above application, I strongly object. This has already been dealt with on the first application and rightly rejected so it is beyond me why it has resurfaced again in a poorly disguised, makeshift alteration of the first application.

This area is not suitable for the proposed dwellings for a number of reasons. There are access issues, there will be increased traffic in a currently quiet part of the area. I can guarantee there will be a felling of trees which is atrocious considering the maturity of these trees. Also, how will emergency services and environment services access these dwellings.

I have not seen the size of the proposed development - how large are these houses?
This is one of very few naturally beautiful areas in Darwen so why spoil this!

For this, and all the other objections raised at the first application, I entreat the
planning committee to reject this proposal.

Objection – Robert and Victoria Eyre, Parkland, Whitehall Rd, Rec 04.03.2020

To whom it may concern,

This is a letter of objection to the outline Planning Application 10/20/0106 land adjoining
Moorthorpe Cottage BB3 2LQ dated 11th February 2020.

Firstly I would like to start by highlighting the fact that following review of the previous
proposal for 9 dwellings, Blackburn with Darwen council rejected the 10/18/1153 proposal
unanimously on the two following points;

1. The scale of the development
2. The extensive loss of trees

The Blackburn with Darwen Local Plan Part 2 highlights the residential development
opportunity in the long Clough allocation and states the following;

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

Scale of development

The development isn't small scale and barely reduces the footprint from the previous 9
dwellings proposed, it is maximising the whole area available, even though it is now 4
dwellings this contravenes the first element of this requirement.

The plan to construct 4 dwellings into a space of woodland this size is incompetent, the
environment, wildlife and trees will be negatively affected on a permanent basis. Due to this
natural land being lost, the issue on the environment downstream will be negatively affected
due to water run-off from more concreted / paved areas in an area that already receives its
fair share of water run-off, this land is more or less always boggy, but as it is surrounded by
trees the area as a whole acts as a large sponge to alleviate water run-off.

Extensive Tree Loss

The residential development opportunity states; no loss of trees

The development clearly requires a significant number of trees to be felled.

All trees on the site fall under a TPO (Moorthorpe Whitehall TPO 2003). So all trees earmarked for removal are under the TPO. This means they can't be removed unless they are causing a danger to the environment / life or council give approval. The development will cause the loss of a significant amount of trees. The supplemental supporting statement dated 4th February 2020 states the band of trees G5 will escape removal, I don't believe this will be the case, the Plant and Equipment used to construct properties will no doubt cause more loss of trees due to damaging of tree route infrastructure, including the tree belt of G5, who would monitor this and prevent it from happening? Once the trees are damaged / felled you can't reverse the process.

Wildlife

The damage to wildlife affected by this development will be irreversible, this includes bats, owls, badgers and deer, which will all lose their habitat, this is only the animals which can be seen regularly, there are all the smaller mammals birds insects which live in this environment that will be turfed out of their natural habitat.

With regards to bats from Spring through to Autumn we have significant numbers of bats to the front and rear of our property, this inevitably means their roosts must be local within the woodland behind our property. Has a thorough investigation and survey been made to determine the location of the roosts for both breeding and hibernating?

Site Access

The single track road proposed for the development again seems an inadequate route with no footpaths and a restricted gate access at the entrance, this may have a health and safety impact throughout construction with vehicle and pedestrian access, then ongoing into the life span of the houses once occupied.

In Keeping with the Area

Light pollution in the woodland will also be an issue throughout the year in particular the winter months and would have a negative effect on wildlife taking shelter / hibernating in the woodland.

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

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

In Summary

this a blatant attempt to get a smaller scale development approved due to the number of dwellings being reduced, however the negative impact on the environment and wildlife of the 'so called' smaller development will still be as great.

In summary the objection to the proposed development is;

- It will have an adverse effect on all sorts of wildlife and plant life
- Scale of the development in the middle of woodland
- Negative affect on environment and water run off
- The developer will inevitably remove trees which are protected under the TPO in areas around the perimeter of the proposed development
- Out of keeping with surrounding land, buildings and properties
- It will affect the privacy and will overlook residents on Whitehall road
- Restricted site access
- It will cause light and noise pollution to the area
- Blackburn with Darwen Council have nearly 10 years of deliverable housing land available

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

To conclude Blackburn with Darwen council have nearly 10 years of deliverable housing land available, so this sort of development smacks in the face of common sense, utilising an important part of woodland / countryside when there are far more suitable areas to be constructing housing developments. So we strongly object to the outline planning application 10/20/0106 based on the above points and our previous objection letter to application 10/18/1153 issued 15th January 2019

Regards,

Victoria and Robert Eyre

Objection – M & L, unknown Address, Rec 04.03.2020

Dear Sir

We write to request you to please, consider the following aspects,;

- i) Previous application on this site was refused
 - ii) Environmental / Ecological Implication
 - iii) Inadequate Access (access via private, narrow road)
- l) Safety issues for Emergency Access

v) As your department is well aware, there has been an overwhelming opposition from the residents,

for the safety of young children who attend local school in the vicinity (additional traffic generation & access issues).

vi) Number of mature trees (with preservation order), will be sacrificed for this development, this in our view will have detrimental effect on current habitat & environment of this locality

We hope you will consider the merit of the case & refuse the planning application

Regards & thank you

Objection – Miss J Kang, Whitehall Bank, Whitehall Road, Darwen , Rec 04.03.2020

Dear Sirs

I write with reference to the above planning application. I strongly object to this proposal for the same reasons a previous planning application was rejected.

This area is one of very few remaining with unspoilt landscapes homing a variety of wildlife. Please could you leave this corner of Darwen alone. Please would you not erect these houses for which we have not seen any plans indicating their size or exact location.

I imagine that there will be felling of the beautiful trees in this area to accommodate these houses - again, this is unthinkable. My nephews and nieces have all grown up this part of Darwen, attending the local primary school and climbing a lot of the trees in the neighbourhood. They are lucky to have had such a blessed childhood - please do not destroy or diminish this beautiful environment for other children who will grow up here.

I am concerned about the badger sets and other wildlife which will be affected by this development. I am also concerned about the access to the development - which I assume will be over a private road.

The first application was rejected for solid reasons. This application holds no additional merit and should be judged using the same criteria.

In light of all current concern over climate change and greener, more sustainable living, I welcome Blackburn with Darwen Council to embrace the increasingly conscientious respect for our environment.

Yours sincerely

Miss J Kang

Dear Sir / Madam

Having taken on board The reduction in number of dwellings from 9 → 4 (unfortunately not having been given the opportunity to see the plans!), my objections to the above development are as follows:-

1. Reduction in biodiversity and animal habitat. This, at a time when this is being lost at an alarming rate, indeed the government's "National Planning Policy Framework" asks that developments "deliver measurable improvements for wild life."

PTO .

2. Access :- The private road that would afford access is very narrow, and surely would constitute a severe health and safety issue regarding emergency vehicles.
 3. I believe there is a covenant restricting any development to land adjacent to Moorhorpe Cottage?
-

Objection – Keith Ainsworth, The Grig, Whitehall Road, Darwen, Rec 03.03.2020

Dear Mr. Blackledge, My first comment relating to the above application is how difficult it is to make meaningful and relevant objections when a plan of the proposed development is not made readily available and its only description is "four dwellings with detached garages". What size? How many garages? Where exactly in this precious woodland?

Secondly, access to the land in question is via a private access road, totally unsuitable for an increased number of vehicles and impossible to use for large wagons, plant, emergency vehicles or refuse disposal trucks. There is no passing place; road safety would be prejudiced; any increase in traffic would add to the safety issues around Ashleigh Primary and Woodlands Special Schools.

Furthermore, it appears that there is, in fact, no right of access along this private drive and also that a restricted covenant prevents any building on land adjacent to Moorhouse Cottage.

The government's National Planning Policy Framework asks that any development "deliver measurable improvements

for wildlife". How can that possibly be met by huge disturbance to the badger setts, bat roosts and the lovely wildflowers shortly to come into bloom? Ecological matters are paramount; there would be a loss of fine, mature trees and damage to a significant area of natural beauty, a haven for wildlife. Any development would harm the winter shelter for deer and the increase in noise and light pollution would have a profound negative effect. The Council's "Green Infrastructure and Ecological Networks" document, as well as government policy, states that any planning policy must pursue opportunities for net gains in biodiversity. Who would deny that this goal is sorely needed?

I urge you to ensure these concerns are recorded and refuse this unnecessary application.

Objection – Dr D Duxbury, Inglewood, Whitehall Road, Darwen , Rec 03.03.2020

Dear Mr Prescott,

Access

Access on to and off the main straight drive way leading to Moorthorpe Cottage comes off a sharp corner onto Ross Street; this being a congested road serving Ashleigh School. Traffic surveys supporting this application do not reflect this. To access the main driveway to Moorthorpe Cottage off Ross Street there are three small tracks, which converge at the two stone gate posts at the bottom of the two stone gate posts at the bottom of the drive, enclosing a small grass triangle of TPO protected trees. The gate posts are only 3.5 metres wide and unsuitable for motor vehicles. The exit/entrance between the two stone posts and adjoining walls form a blind junction with the Print Shop track running across it. The main driveway already services six large houses all with the capacity to park or garage four cars, the drive being a single track with no passing areas and the land either side being privately owned and bordered by large TPO trees. The narrowest point is 3.2 metres wide and the widest being 4.2 metres wide. Where the drive meets Moorthorpe House it turns a sharp right at 90 degrees, thus any vehicle larger than six metres cannot access this. It is also a blind corner.

The proposed development is via a private drive. A fire and rescue vehicle with a turntable ladder needs a clearance of 4 metres. Given the gatepost is only 3.5 metres wide this would obstruct emergencies being dealt with at this proposed development.

Drainage and structure

All drainage from the present dwellings are under the drive. It is frequently blocked and has tree root issues and there are not gullies, kerbs or gutters. There is also free water running across its surface. There are no pavements.

Servicing vehicles and emergency services

The refuse wagon cannot access the driveway in its full length in a forward direction as it cannot turn around, this is contrary to what is stated in the application. The wagon has to reverse up the drive which frequently unseats the header stones on the stone pillars at the entrance to the drive. When the wagon reaches the right hand 90 degree turn at the top of the drive, it cannot access any further up. The Fire Brigade and Ambulance services can

access the drive but cannot go further than Moorthorpe House; they cannot turn at the top of the drive as there is no space.

Environment and ecology

The area of land proposed for building is an area of natural beauty and supports a diverse ecology. This includes deer, bats, owls, badgers, woodpeckers and a wide range of flora and fauna. As recently as 2012 there has been an extensive ecological and environmental improvement. There are many TPO trees. Losing this to housing would be a massive blow to the local environment and devastating to wildlife.

Covenant

There is a legal document that states that building is prohibited on the land. This covenant is contained within the deeds.

Conclusion

The new development plans only strengthen and highlight the majorly inadequate nature of the existing access, drainage, safety and speed issues. The devastation to wildlife would be unbearable.

Objection – Mr & Mrs S Bentley, Windy Knowe, Whitehall Road, Darwen , Rec 03.03.2020

Re outline planning application Ref 10/20/0106
4 dwellings with detached garages.

The last application for dwellings on this particular piece of land was unanimously rejected by the council.

This application although for less houses, the criteria still applies to reject the development.

- 1/ No mention of the size of the dwellings, and their position on the said land. The dwelling could be any size.
 - 2/ Will trees be affected that have preservation orders on them.
 - 3/ Access - Environmental services still do not use the road because of the width.
 - 4/ Emergency services could not service the development.
 - 5/ Ecology reasons as there are bats, badger sets, and deer on the land or the proximity of the land.
- Hoping the objections listed are looked upon favourably and the application is rejected.

Objection – Mr & Mrs B Glynn, Montrose, Whitehall Road, Darwen, Rec 03.03.2020

Comments on planning application – 10/20/0106 - Land adjoining Moorthorpe Cottage, Darwen

1. 2.2 of revised planning statement (following on from original application 10/18/1153) acknowledges that detail on layout is not included in this application and only suggests how the 4 properties could sit on the site. The properties could be taller/more square footage etc seemingly reducing the number from 9 to 4 but will

that be the reality in terms of size, number of bedrooms/occupants/cars etc? This application is vague.

2. 2.3 suggests development is low density. However, regardless of guidelines of number of houses per hectare, the local context has not been fully considered in that statement, especially considering the transition within this countryside site.

I do question how this woodland site ever made it onto the Council's list of designated development land. It needs to be re-designated as totally unsuitable for development of any kind.

3. There are still TPO trees that need to be removed.

4. Access from Park Road/Printshop Lane to the land owned by applicant is not a public right of way (it is a private road) and therefore not a public highway. The application includes use of that land and is not in the applicant's sole ownership, it is privately owned by 3 residents on the drive. It is a single track with no lighting or pavements and is required to be of an adoptable standard and it does not satisfy this.

5. Additionally, the Highways report has not reported the full reality and should be challenged, service vehicles do not use this road due to the following issues. This track is narrow, unsuitable for two vehicles passing, with 3 blind spots. Also the nature of the tight turn, especially where the drive meets Moorthorpe House, access by longer vehicles is impossible. This track is bordered by private land with large TPO trees either side and is totally unsuitable for further vehicles.

6. 3.5/3.6 of the original planning statement mentions:

There are no public rights of way on the site although a public footpath is located to the south of the woodland strip to the south. SSSI known as the West Pennine Moors is located to the west of the site. "It is possible for the proposed development to connect to the moors via a dedicated footpath". The detrimental effects this will have on wildlife is clear and must not happen.

7. The ecological report recognises the area is regularly used by roe deer, bats are plentiful and quite possibly roosting on site. Badger setts are present with foxes also (to name a few of the major mammals). Four houses are as detrimental as 9 taking to the flora and fauna, upsetting the ecological balance in the context of this area.

8. Additionally, Japanese Knotweed is present, very, very close to the applicant's land, close to the start of the public footpath to the moors, at the South of the plan. Any footpath would risk spreading this invasive species into the woodland if it hasn't spread already onto the applicant's land.

9. I also question the electricity supply which runs through the woodlands, via pylons overground, down to properties on/near the applicant's land currently. If these powerlines are to be used to support any development I suspect they will have to be increased and possibly buried, again disrupting the natural habitat. Where are the plans for proposed services?

Conclusion:

- No detailed-layout plans supporting this application, application is vague.
- The local context of the countryside space is being ignored when size of development is being discussed.
- TPO trees to be removed
- Ecology report confirms presence of bat species and the need to establish whether bats are roosting on site. Protection of a unique area designated originally as a "special landscape" with many TPOs.
- No public highway to the proposed development, majority of track not owned solely by applicant.
- Access to site is not of an adoptable standard and unsuitable for further vehicles. The Highway Survey is inaccurate in parts, with the access lane narrow with 3 blind spots and dangerous and unsuitable for larger service vehicles.
- Original Planning statement suggests a possible footpath joining development to public footpath at the south. This isn't incorporated into any of the red edged boundary and completely at odds with the applicant's wish to preserve the integrity of the remaining ancient woodland.
- Presence of Japanese Knotweed nearby a risk of contamination onto site, if not already on the land edged in blue on plan (even more so if a footpath is built).
- Presence of bat species and the need to establish whether bats are roosting on site. Protection of a unique area designated originally as a "special landscape" with many TPOs.

We request that consideration is given to all the points above and the planning application is refused on the above grounds.

Mr and Mrs B Glynn

Objection – Mr V & Mrs D Perricone, Werneth Brae, Whitehall Road, Darwen, Rec
02.03.2020

Dear Mr Prescott,

Access

Access on to and off the main straight drive way leading to Moorthorpe Cottage comes off a sharp corner onto Ross Street; this being a congested road serving Ashleigh School. Traffic surveys supporting this application do not reflect this. To access the main driveway to Moorthorpe Cottage off Ross Street there are three small tracks, which converge at the two stone gate posts at the bottom of the two stone gate posts at the bottom of the drive, enclosing a small grass triangle of TPO protected trees. The gate posts are only 3.5 metres wide and unsuitable for motor vehicles. The exit/entrance between the two stone posts and adjoining walls form a blind junction with the Print Shop track running across it.

The main driveway already services six large houses all with the capacity to park or garage four cars, the drive being a single track with no passing areas and the land either side being privately owned and bordered by large TPO trees. The narrowest point is 3.2 metres wide and the widest being 4.2 metres wide. Where the drive meets Moorthorpe House it turns a sharp right at 90 degrees, thus any vehicle larger than six metres cannot access this. It is also a blind corner.

The proposed development is via a private drive. A fire and rescue vehicle with a turntable ladder needs a clearance of 4 metres. Given the gatepost is only 3.5 metres wide this would obstruct emergencies being dealt with at this proposed development.

Drainage and structure

All drainage from the present dwellings are under the drive. It is frequently blocked and has tree root issues and there are not gullies, kerbs or gutters. There is also free water running across its surface. There are no pavements.

Servicing vehicles and emergency services

The refuse wagon cannot access the driveway in its full length in a forward direction as it cannot turn around, this is contrary to what is stated in the application. The wagon has to reverse up the drive which frequently unseats the header stones on the stone pillars at the entrance to the drive. When the wagon reaches the right hand 90 degree turn at the top of the drive, it cannot access any further up. The Fire

Brigade and Ambulance services can access the drive but cannot go further than Moorhorpe House; they cannot turn at the top of the drive as there is no space.

Environment and ecology

The area of land proposed for building is an area of natural beauty and supports a diverse ecology. This includes deer, bats, owls, badgers, woodpeckers and a wide range of flora and fauna. As recently as 2012 there has been an extensive ecological and environmental improvement. There are many TPO trees. Losing this to housing would be a massive blow to the local environment and devastating to wildlife.

Covenant

There is a legal document that states that building is prohibited on the land. This covenant is contained within the deeds.

Conclusion

The new development plans only strengthen and highlight the majorly inadequate nature of the existing access, drainage, safety and speed issues. The devastation to wildlife would be unbearable.

Yours sincerely

Mr V & Mrs D Perricone

Objection – Julie M Pye, Unknown Address, Rec 02.03.2020

Dear Sir/Madam,

I am writing to express my concern and opposition to the referred planning application. As a resident of the area, I am very concerned about such issues as the trees, many of which I believe to be protected, traffic and access, and the impact the development would have on local wildlife which includes deer, bats, badgers, not to mention numerous species of birds. The development would no doubt have a serious detrimental affect on people's lives and wildlife and I urge you to refuse permission.

Yours sincerely,

Julie M. Pye

Objection – Diane Hartley, 8 Chestnut Grove, Darwen Rec 02.03.2020

Dear Mr Prescott,

I am writing to state my objections to the above planning application for 4 dwellings with detached garages on land adjoining Moorthorpe Cottage, Park Road, Darwen.

I object on the following grounds:-

- Access to the site is from a private road which runs parallel to Chestnut Grove. This road has two stone pillars at the entrance to it. The tops of the pillars overhang and restrict the width of the access. This is measured at 3.5m and is not sufficient for heavy goods vehicles or large construction vehicles. The road itself widens to approximately 3.7m. Both sides of the road are lined with woodland, shrubs and decaying leaves, which due to the nature of the tree canopy, are never completely cleared no matter what the time of year. This leaves the road slippery and muddy at the edges. The road is already in a very poor state with potholes and large areas of tarmac worn away. I would also like to point out that as the road is narrow, there is insufficient room for a large vehicle or lorry and a car to pass side by side at any point on this road. Neither are there any passing points on the road. Indeed, the weekly council refuse vehicle **does not** use this road to empty the bins of residents who already live there. Instead the residents leave their bins outside number 14 Chestnut Grove and they are pulled across the grass verge and emptied by the refuse collectors and left. If this road was easily accessible, why is Chestnut Grove being used? At the top of the road there is a 90° turn to the right which makes it very difficult, if not impossible, for large or long commercial vehicles to make this bend. This would also be the case for emergency vehicles such as fire appliances. The development would create a significant increase in traffic, and whilst the majority of the road is straight, there are no pavements or street lighting. This would increase the danger for pedestrians which include children who walk along it to get to school.
- Ashleigh Primary School is very close to the entrance of the road. Traffic increases at the beginning of the school day and particularly at the end when most parents are waiting to collect children at the same time. I notice from the traffic survey carried out on 21/09/18 for the original planning application for 9 dwellings (10/18.1153) that 3.30pm, the end of the school day, was not included and would have indicated a more substantial increase in traffic and a

significant amount of parked cars along Ross Street, Park Road and the surrounding streets. Also, because of the geography of the area, heavy goods vehicles would only be able to access the road from Park Road (which joins the A666), rather than travelling along Queens Road, right onto Park Road, and turning left through the stone pillars (this would not be possible due to the sharp and narrow turn).

- The whole area marked for development as well as the area including Chestnut Grove and Holly Tree Close has a blanket TPO on it. As residents we were informed a number of years ago by the council about this and reminded that we were not allowed to fell or cut back any of the trees. In the original refusal by Blackburn with Darwen Borough Council it stated that the development should be “**very small scale..... ensuring no loss of trees.**” This development would still include a loss of trees T31, T32, T33, T34 and T35 with three of the trees being deemed “high quality or moderate quality” (Planning Statement). I strongly object to the impact this development would have on the environment and on the number of trees that would have to be felled to accommodate it. This would affect local wildlife including deer, and as you are aware, there are also bats and badger sets on this woodland site.
- We are aware of more than one instance of the drains being blocked on the road and raw sewage running down the surface. A further housing development would increase the environmental health hazard and I would also question the viability of services to this site.
- As referred to in the Lancashire Evening Telegraph, Blackburn with Darwen has already exceeded government and local targets on the number of houses needed to be built in the borough <https://www.lancashiretelegraph.co.uk/news/17326913.blackburn-with-darwen-borough-housing-starts-and-sales-on-the-rise/>. Therefore there is no need for further developments in this area.
- I would also like to comment on how difficult it is to object to a planning application that includes very little information on the size of the houses to be built and the layout. How can this application be considered without this information? Are the houses 10 bedroomed and where exactly are they to be sited? Surely this is significant and necessary information in any application. This development still requires a new road and two roundabouts. This is not a “very small scale” development. As far as I can tell, there is little difference between this application and the original application for 9 dwellings. The size of the development, and the ecology and environmental issues, for which Blackburn with Darwen Borough Council originally refused the application, still remain the same.

Yours sincerely
Diane Hartley

Objection – David Kay, 10 Holly Tree Close, Darwen Rec 02.03.2020

Dear Sirs,

I write as a resident of Holly Tree Close, Darwen (BB3 2NG) to object to the above proposed development on the following grounds:

1. Loss of habitat and damage to the ecology of the area - bats, badgers and other wildlife.
2. Restricted access - I believe bin lorries do not use the access road and know well that emergency services would find access awkward, if not impossible in any numbers.

I firmly believe and cannot stress enough that this proposed development is a wholly inappropriate for the location involved.

Yours Faithfully

David Kay

Objection – Ken & Anne Grimson, Parkside, Whitehall Road, Darwen Rec 02.03.2020

Dear Mr Prescott

We live adjacent to the proposed development site and are writing to ask that BwD Borough Council refuse this planning application from Ms G Lomax.

Herein are our objections relating to this latest planning application:

1 It has always been our understanding, along with that of our neighbours, that this area and its trees were protected. We note that it has been described in the application documents as "available for development".

We would certainly like to know when, how and by whom this was changed. We had never been notified of this possibility and would like details of how such a change could have taken place without any proper notification to residents.

We note that you have yet to supply this information from our request in relation to the previous application for 9 houses i.e.10/18/1153.

2 The development will overlook our property; this will lead to a loss of residential amenity and privacy and will certainly impact on the peaceful enjoyment of our home

and garden which we have had for over 30 years. The loss of the existing views from our house and garden will also be detrimental to us. There will be new traffic close to our garden and home causing noise, light pollution and disturbance at all times of the day and night.

3 It will be totally out of character for this area of natural, ancient woodland and private surrounding housing. It is totally inappropriate for this part of Darwen. Such a development would be totally out of keeping with the neighbouring properties, which are mainly Victorian-era stone built houses with quiet secluded gardens. There is no shortage of new housing available or under construction in the town.

4 The affect on the flora & fauna present in the woodland will be catastrophic. Not only the permanent loss of habitat for the construction of the houses & garages, but the ongoing affect on our wonderful garden birdlife (goldcrest, woodpecker, nuthatch, tree-creeper, goldfinch, bullfinch, siskin, redpoll, blackcap, blue/coal/great/long-tailed tits), roe deer, badger, red squirrel, the springtime show of bluebells.

Several species of bat are present here too and various raptors such as tawny & little owl, sparrowhawk, merlin and kestrel hunt and nest in these woods. There is also a large annual migration of amphibians such as toads, frogs and newts through this area in the spring/summer.

5 The proposed access road appears to be wholly unsuitable and leads onto an already congested, dangerous junction. This is especially so due to the proximity of Ashleigh Primary School. This additional traffic will cause problems and create a safety hazard for other motorists and young schoolchildren.

6 As far as we know, the applicant does not have right-of-way access along the shared, private drive for anything other than her existing dwelling. The single-track driveway is not of an adoptable standard with no lighting or passing places. There are several blind spots on narrow bends.

Environmental Services are still unable to use this access road. Emergency Services vehicles would also have great difficulty in gaining quick access to attend a house or garage fire which could then spread to the woodland and adjacent properties.

7 We do not agree that the current application proposal meets the requirements stated in Planning Statement, para. 6.1.3.6 Policy 28 "Development Opportunities" which states that potential is "for very small scale residential in the immediate vicinity of the existing dwelling with no loss of trees or woodland."

This clearly is intended to limit any development to no more than one or two dwellings and with no loss of trees or woodland. We do not think this could be much clearer.

8 We also feel that there are no details of these dwellings, such as the number of bedrooms etc. to estimate the numbers of additional people and cars that this development will generate in the area.

We invite you to visit our home to verify that these objections are valid.

Therefore, we ask that Blackburn with Darwen Borough Council refuse this Planning Application to retain the character of this beautiful area of the town.

Should you require any additional information, clarification of any comments made, or would like to arrange a visit to our home; do not hesitate to contact us on 01254 703994.

Yours Sincerely

Mr & Mrs KAJ Grimson

Objection – Caroline Hodson, the Hollies, Whitehall Road, Darwen Rec 02.03.2020

Good morning,

I am emailing you in response to the letter dated 12 February 2020 received regarding the above planning application.

I wish to comment that I am extremely concerned about the detrimental effect on woodland and the massive negative environmental impacts that the development will have on the local area despite the reports commissioned by the applicant. I previously submitted my concerns online regarding the development of 9 houses on the proposed site and these sill remain valid for the amended application of 4.

kind regards

Caroline Hodson

Objection – Mr C Royle, 10 Chesnut Grove, Rec 28.02.2020

Dear Mr Kelly,

Please find listed below comments with regards to planning application of the erection of 4 dwellings at land adjoining Moorthorpe Cottage, Off Park Road Darwen, BB3 2LQ.

Firstly the Private Road which is proposed as access to the 4 dwellings is only narrow and it is not possible for cars to pass safely as there is privately owned dense woodland and kerbed edge bordering the road. Large Vehicles especially the Council

Refuse Vehicle do not use this road as stated as they cannot safely get through the gate posts at the bottom which are only 3.5 Mtrs wide not 4.8 Mtrs wide as stated and indeed the road only widens to 3.65 Mtrs. Instead they come up Chestnut Grove and the bins are brought across through a gap in a bush onto Chestnut Grove. On reading Chapter 2 core policies page 13 Policy 10 i believe you state that Development will be permitted provided it has been demonstrated that road safety and the safe, efficient and convenient movement of all highway users (including refuse collection vehicles, the emergency services, cyclists and pedestrians) is not prejudiced.

I would also like to advise you that on three occasions the top of one of the gate posts has been knocked off by only a relatively small commercial vehicle which again confirms access is difficult and unsafe. The left hand gate post top is still on the floor after being hit three months ago by a Curry's delivery van not a large wagon, fire engine or refuse truck a small van. Had any pedestrian been close by they would have been killed. When the top of the gate post is on the measurement at the top is only 3.5 mtrs and i believe that the minimum width for Pump Fire Engines according to the Building Regulations is 3.7 mtrs with a turning circle of 16.8 mtrs both are unachievable on this access road.

The private road at the top then turns at 90 degrees and at this point cars coming down from Moorthorpe Cottages have a blind spot which is unsafe for both drivers and pedestrians and the lack of any lighting makes it unsafe and dangerous. The house currently being built with the agreement of Lynfield the bungalow on the left at the top of the road let building supplies be dropped onto his garden and taken round to the house by smaller vehicles as it was impossible for these vehicles to make the 90 degree turn so how can access be made to develop a further 4 dwellings.

The junction at the bottom of the Private Road is not safe especially when school children are being dropped off at Ashleigh School and cars are left unattended on the bend and side road close to the entrance. There is also a lot of traffic going through the entrance to the right of the Private Road which go up to the Special Needs School and access is often in front of the Private Road then a left turn made up Holly Tree Close. There will be a large impact on traffic in the Queens Road /Whitehall/Park Road area with traffic exiting and joining the A666 effecting especially during school times. Highway safety would be compromised greatly. I should mention at this stage that on maps issued by Blackburn with Darwen Council the property which is now a school behind Chestnut Grove which uses the access down Holly Tree Close is down as a nursing Home. This School currently has over 30 pupils who are dropped off Monday to Friday along with over a dozen members of staff.

Noise and pollution of large vehicles must be taken into consideration if building was to go ahead and also the continuous traffic caused by what could be more than 15 cars per day not including delivery/service vehicles. (if they can get up)

Surface water is already a problem from Moorthorpe Cottages as it comes directly into the garden at No 14 Chestnut Grove and finds its way coming down Chestnut Grove. We also currently have problems with sewage as the sewage overflows from the man hole cover on the land just in front of No 14s garden wall and makes its way down Chestnut Grove. This constantly needs rodding and has tree roots pushing up the cover. The drains in this area are over 100 years old and are not adequate now for the four properties. After the two recent storms No 14 has had to spend hundreds of pounds on drainage at the side of her house due to water coming across her garden and underneath the rockery directly outside the side of the house which has never happened in the 37 years they have lived there. The field has always been very wet and in places is a bog if 4 houses are built and a concrete road/drives etc this water will be worse as it will run down onto Chestnut Grove finding its lowest point.

Environmentally there are many trees in the meadow which are subject to TPOs and this area was originally designated as an area of special landscape and as such the proposal could be contrary to your Policy New Residential Development of the Local Plan in that the proposal will detrimentally affect the character of the area. Impact on trees must be dealt with now and not left to condition. Arboriculture Officers should have the information needed to carefully consider the impacts. There is a need for a detailed landscaping scheme now and not as Reserved Matters due to the character of the site and this cannot and should not be deferred.

The land has a lot of wildlife including deer, badger sets and is full of bluebells. The woodlands are governed by regulations in relation to destruction or re-shaping of trees that have been providing wood, shelter, shade, oxygen and a habitat for wildlife for hundreds of years. It will not be possible for these trees to regenerate themselves as they have done over many decades if this planning is approved denying our future generations the beauty of this Woodland area. Indeed Blackburn's own ecology policy is CS15 and point 3 states "General habitats which may support species of principal importance either for shelter, breeding or feeding purposes (both natural and built features), will be protected from development, in accordance with the Environmental Strategy set out in policy CS13. I would expect the Council to take care when considering this policy in respect of the application.

The Government's latest consultation (ended January 2019) guidelines not just loss of ecologic value but rather developments to deliver a "biodiversity net gain" necessary for developments when granting planning permission. Biodiversity net gain is an approach which aims to leave the natural environment in a measurably better state than before hand. Therefore this must be considered strongly at the outline planning stage.

As there are no plans to show the proposed 4 house development how do we know what type of houses are being built are they 4/5 bedroom 6/7 bedroom where are they being built, are trees going to be cut down. Is it not normal that with planning you

should have an idea what is actually being built and the proposed access/structure to support the 4 houses

Can you please consider all my points some which may not be applicable as I know there are only certain issues you take into account and refuse this application on the above grounds where necessary.

Mr C Royle

Objection – Mr G Church, 4 Chestnut Grove, Darwen, Rec 17.02.2020

Dear Sir.

I have recently received a communication with regards to the above planning application and would like to object as follows.

Firstly, in late 2019 the previous application for 9 dwelling's was refused by the planning committee, the reasons as stated were:- Under planning application 10/16/1349, is considered to represent a scale of development that is disproportionately large taking into account the local context, and transition with the countryside area. This is considered contrary to the requirements of policy 28 of the local plan part 2, which sets out that residential developments in the "Long Clough" allocation (28/10), shall be "very small scale" in the vicinity of the existing dwelling (Moorthorpe cottage), "Ensuring no loss of trees"

Further from the documents as listed on the planning web site I would take issue with the diagram of the access road.

- The private access road to the proposed site is 4.8 metres wide I believe this statement is inaccurate. As indicated in the document the narrow point is stated to be 3.5 metres wide at the gate entrance the access road then widens to 3.65 metres wide. Not as indicated 4.8 metres. This access road is not only very narrow, but is also in an extremely poor state of repair with potholes and large areas of tarmac worn away, producing a very uneven surface. There is no foul water drainage and the roadway is further affected by overgrown and dense woodland / shrubs which would severely hamper the passage of large commercial service vehicles. There is no point on this straight stretch of access road that a large commercial service vehicle could pass a parked private vehicle. The road at the point of Moorthorpe house then turns at 90 degrees which makes the manoeuvring of large commercial service vehicles problematic.

- It is also stated that council refuse vehicles (large commercial service vehicles) regularly use this road. This point I would take issue with as in the three years I have lived at 4 Chestnut Grove I have never witnessed the council refuse vehicle use this roadway. The residents at the top of this roadway bring their waste bins to the top of Chestnut Grove to enable the bins to be emptied. Chestnut Grove is serviced by the council refuse vehicle (this statement can be checked by asking the council refuse department to validate this comment) I have however, from time to time, witnessed a much smaller service vehicle, Iveco 3.5 cwt with a cage fitted to the rear of the vehicle make collections from the resident's homes situated at the top of this access road.
- It is also stated that large commercial service vehicles and private cars have space to pass safely with care. At no point on this access road would this be possible due to the narrow track and dense woodland bordering the roadway.
- The access road as proposed in this application, is totally unsuitable for any such consideration, it has not been maintained, suffering from pot holes, uneven surface, very narrow width, obstructed by trees shrubs and vegetation, there is no street lighting / illumination, no drainage, water run's down the incline washing away the surface in any wet conditions, in repeating myself at the point of Moorthorpe House the road turns 90 degrees to the right, any deliveries by commercial vehicles beyond this point require the offloading of any items which are then manually transported to any location beyond this point, this I have witnessed several times, this totally blocks the road to any other user for the duration of the off load, further the commercial vehicle then has to reverse the entire length of the access road to exit onto Park road, before any other vehicle can gain access, in the event of any emergency such as ambulance / fire engine, what would the outcome be ? I have also witnessed a recent event when a fire engine was called to the location due to a small fire in the woodland beyond the application area, the fire engine could not gain access due to the narrow road and 90 degree turn at Moorthorpe house and had to turn around in the private driveway of the Moorthorpe House ??.

At the planning meeting in 2019, this application was refused on the grounds of many points as listed above, it was refused by every member of the local planning committee, all members had visited the site and had viewed first-hand the unsuitability/ potential danger of such a development.