

**Proposed development: Reserved Matters Application for Reserved Matters Application (access within the site, landscape, layout, appearance, scale) pursuant to outline 10/15/0496 for Phase 1b comprising of 141 dwellings and associated infrastructure**

**Site address:**

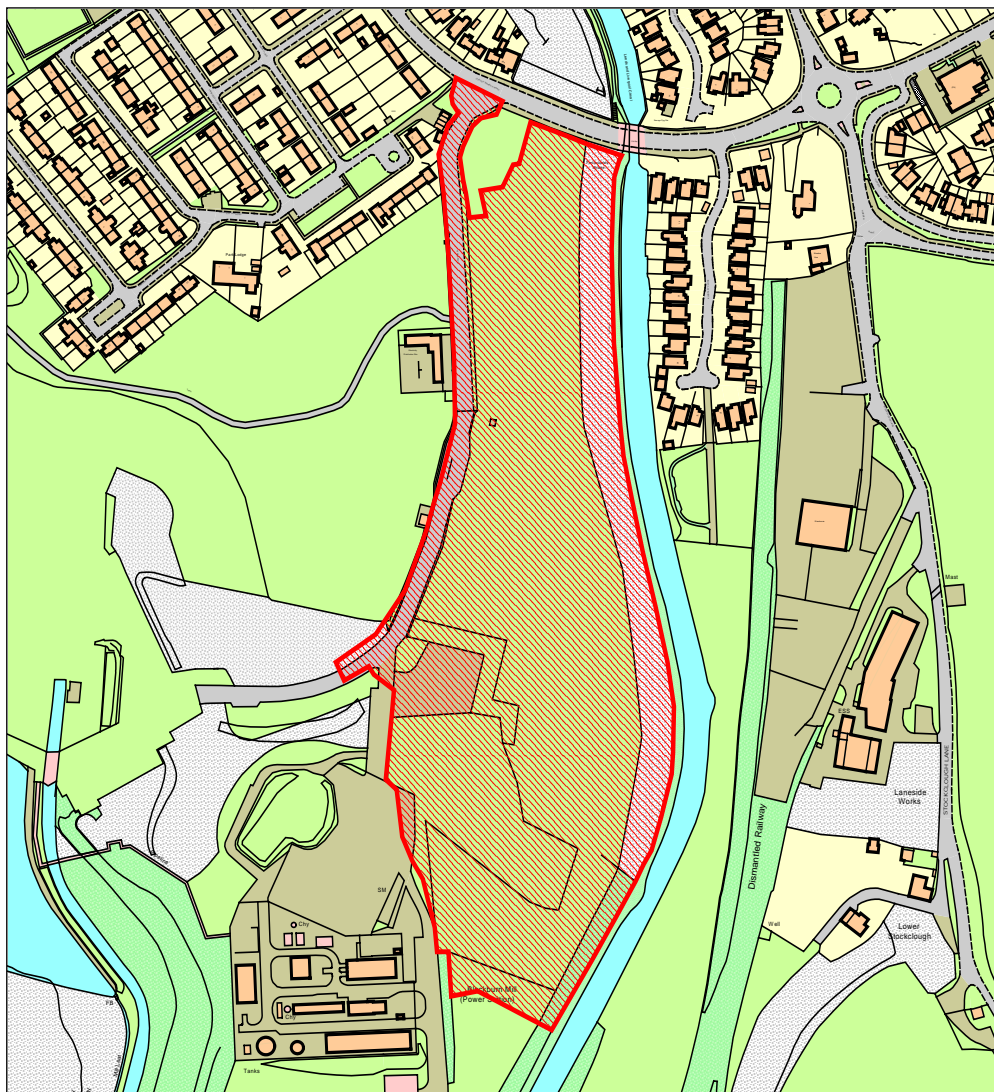
**Phase 1B Former Sappi Paper Mill  
Livesey Branch Road  
Feniscowles  
Blackburn  
BB2 5HX**

**Applicant: Blackburn Waterside Regeneration Ltd**

**Ward: Livesey With Pleasington**

**Councillor Derek Hardman  
Councillor Paul Marrow**

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## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 **APPROVE** – Subject to recommended conditions (see paragraph 4.0).

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

- 2.1 This application is before Members as it relates to phase 1b of the reserved matters to an outline application that was previously considered and approved at the November 2015 meeting of the Planning & Highways Committee
- 2.2 Planning permission 10/15/0496 related to an outline approval, with all matters reserved save for means of access. The approval allowed for a mixed use development of a maximum of the following: 500 dwellings, 3,224m<sup>2</sup> of office employment (use class B1a), 9,192m<sup>2</sup> of light industrial employment (use class B1c), 333m<sup>2</sup> of retail floor space (use class A1) and a 1,110m<sup>2</sup> community building (use class D1). The proposal also relates to associated ancillary works. As some part of the development is located within the Chorley Borough Council's (CBC) boundary, an outline planning permission (planning application number 15/00475/OUTMAJ) has been also granted by Chorley Borough Council
- 2.3 The current reserved matters application will deliver a high quality housing scheme which will widen the choice of family housing in the Borough, whilst also bringing a brownfield industrial site back in to use. It supports the Borough's planning strategy for housing growth as set out in the Core Strategy. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The proposal relates to phase 1b of the redevelopment of the area commonly referred to as the 'SAPPI site' given the last occupant of the majority of the area. The site forms part of an irregular shaped parcel of land positioned to the south west of Livesey Branch Road and south east of Moulden Brow and measuring approximately 26.8 hectares.
- 3.1.2 The SAPPI site has historically been used for industrial activity but the mill buildings have now been demolished and the area is no longer in active use. The southern portion of the site is largely undeveloped and is comprised of woodland and grassland. The River Roddlesworth runs through the site from south to north and is culverted beneath the former mill area within the central portion of the site. The north and east sections of the site are zones of previously undeveloped grassland.
- 3.1.3 The current reserved matters application is identified as Phase 1b of the SAPPI development and affects approximately 4.47 Ha of land. The area is bounded to the east by an existing internal road, though the previous

approvals at the site will see this upgraded and eventually linking the Livesey Branch Road through to Moulden Brow. The site is bounded to the west by the towpath of the Leeds-Liverpool Canal a network of streets including Coronation Avenue and Princess Gardens. The application site is currently free from development and comprised of grassland with tree coverage to the canal frontage.

## **3.2 Proposed Development**

3.2.1 The submission is a reserved matters application, addressing access within the site, landscape, layout, appearance, scale; pursuant to outline application 10/15/0496 for Phase 1a comprising of 141 dwellings and associated infrastructure.

3.2.2 The proposal seeks to deliver a mix of residential housing, of the following form;

- 14 no. 2 bed terraced and semi-detached houses
- 75 no. 3 bed terraced and semi-detached houses
- 42 no. 4 bed detached and semi-detached houses
- 10 no. 5 bed detached houses

3.2.3 The new dwellings are consistent with those previously approved on phase 1a of the SAPPI redevelopment. They are of bespoke design and have a modern appearance. The units are constructed with a mix of red brick, render and cladded walling and grey concrete tile roofing. Consideration has been given to the orientation of the properties to ensure outward facing development to all public spaces creating active frontages. Dual aspect dwellings are utilised throughout the development to avoid blank gables and uninteresting street scenes. Enhanced landscaping through hedgerows and change in material delineates the public and private realm. All private garden spaces are created to the rear of the properties and, in the main, are designed to adjoin other rear gardens creating defensible and secure spaces.

3.2.4 Vehicular access to the site will be through the enhanced junction with Livesey Branch Road, as approved within application 10/18/0290

## **3.3 Development Plan**

3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to 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 Houses  
CS15 - Protection and Enhancement of Ecological Assets  
CS16 – Form and Design of New Development

#### 3.3.4 Local Plan Part 2 (LPP2)

Policy 1: The Urban Boundary  
Policy 7: Sustainable and Viable Development  
Policy 8: Development and People  
Policy 9: Development and the Environment  
Policy 12: Developer Contributions  
Policy 18: Housing Mix  
Policy 28: Development Opportunities  
Policy 36: Climate Change  
Policy 40: Integrating Green Infrastructure & Ecological Networks

### **3.4 Other Material Planning Considerations**

#### 3.4.1 National Planning Policy Framework (The Framework).

3.4.2 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay (paragraph11).

### **3.5 Assessment**

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

- Principle;
- Design and Layout;
- Highways and access;
- Amenity impact;
- Affordable Housing; and
- Ecology

#### 3.5.2 Principle of Development

The principle of residential development within the site has already been considered and accepted through the assessment and subsequent approval of outline planning application 10/15/0496.

#### 3.5.3 Design and Layout

Policy 11 of the Local Plan requires development to present a good standard of design, demonstrating an understanding of the wider context and make a positive contribution to the local area. The policy sets out a list of detailed

design requirements relating to character, townscape, public realm, movement, sustainability, diversity, materials, colour and viability. This underpins the main principles of sustainable development contained in the NPPF.



Figure 1: amended site layout

3.5.4 The proposed development provides a net density of approximately 32 units per hectare. The 141 units comprise of; 14 no. 2 bed units, in a mix of terrace and semi-detached house types; 75 no. 3 bed units, again in a mix of terrace and semi-detached house types; 42 no. 4 bedroom units, in semi-detached and detached format; and 10 no. 5 bedroom detached houses.

3.5.5 A detailed design and access statement has been provided which sets out the key design principles, which are taken forward in the application proposals. These include;

- In line with the outline approval, access to this phase of development is taken from Livesey Branch Road. As the layout identifies, a clear hierarchy of streets have been established with the primary link giving way to a series of shared surfaces and private drives.
- The outward facing development allows gardens to face other gardens creating high quality defensible space for future residents.
- The careful positioning of dwellings within the site ensures the creation of vista stops. Similarly, dual aspect dwellings have been employed to key corners to ensure active frontages and street scenes.
- Adequate space between dwellings has been achieved ensuring a high quality environment for future residents. This is also the case where the development is located close to existing residential uses.
- Enhanced landscaping through hedgerows and change in material delineates the public and private realm. All private garden spaces are

created to the rear of the properties and designed to adjoin other rear gardens creating defensible and secure spaces.

- In line with RES2D, a strong presence has been created to the main link road with careful consideration given to the parking solution avoiding long runs of car parking. To the western boundary, given the sites relationship with the Leeds Liverpool Canal, outward facing properties take advantage of this view.
- Although the buildings are reflective of their residential use, the spaces and design allows future conversion, adaptation and extension in order to address future needs of occupants.
- The properties have a modern appearance, with the units being constructed with a mix of red brick, coloured render and horizontal board cladding. All units will have grey concrete tile roofing.

3.5.6 The properties have carefully considered internal layouts to offer a variety of configurations to appeal to families of varying sizes and needs. The house types represent an appropriate variety of styles and, together with their orientation, will create varied and attractive street scenes, consistent with the requirements of policies CS16 and 11 of the LPP2. Basic details of the external materials have been submitted but the matter is already secured via conditions imposed upon the outline planning approval.





3.5.7 Policy 18 of the Local Plan Part 2 illustrates that the Council requires a detached and semi-detached housing offer to be the principal element of the dwelling mix on any site that is capable of accommodating such housing. Given the intended mix the proposal is wholly compliant with this requirement.

3.5.8 The comprehensive details submitted illustrate a design and layout which show dwellings, infrastructure and landscaping which accords with the provisions of the relevant policies of the development plan.

3.5.9 Highways and Access:

Core Strategy Policy 22: Accessibility Strategy and Local Plan Policy 10: Accessibility and Transport, aim to ensure that new developments provide appropriate provision for access, car parking and servicing so as to ensure the safe, efficient and convenient movement of all highway users is not prejudiced.

3.5.10 The site is currently accessed via an existing priority controlled 'T' junction, located to the east of the site on the A6062 Livesey Branch Road. This provides direct access to the existing CHP Plant and the remaining undeveloped land in the lower portion of the site. Planning approval 10/18/0290 provides for a remodelling of the existing junction to reduce its size, removing large expanses of carriageway to form a more compact, safer formalised priority junction. The adjoining internal access road is secured by the deed of variation application 10/18/0740 and will be residential in nature with pedestrian crossing facilities and footways provided on both sides, linking Livesey Branch Road through to Moulden Brow

3.5.11 Parking provision for the development is in accordance with the Council's adopted parking standards; 2 spaces for 2/3 bed units and 3 spaces for 4+ bedroom properties. Furthermore the driveway parking spaces are compliant with the adopted space requirements of 5.5m x 2.4m. Similarly all of the garages within the development (detached and integral) are in compliance with the relevant space standard of 3m x 6m

3.5.12 Highways colleagues have requested a number of conditions. A construction methods condition is unnecessary as this matter is already secured at outline stage (condition 4 of 10.15/0496). The following matters can be controlled, however;

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

(ii) Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details

of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

(iii) Sightlines at vehicular access points to be safeguarded in perpetuity

3.5.13 Subject to the delivery of the spine road – as controlled by the separate deed of variation application 10/18/0740 – matters already controlled by condition within the outline approval for the site and the above requested conditions, the proposal can be considered to meet the requirements of Policy 10 of the Local Plan Part 2

3.5.14 Residential Amenity:

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

3.5.15 Members will note that the technical assessment relating to noise, vibration, odour and dust are already controlled by planning conditions associated with the outline approval for the site. Notwithstanding that point the Environment Agency have set out comments regarding the site's relationship with the neighbouring CHP premises. The EA advise that of the fact that the CHP is an EA regulated industry and has consent to operate within the parameters set in the operating permit. As such, they refer the Council to the standard sections of the NPPF regarding the construction of residential dwellings adjacent to regulated sites;

*“Planning policy requirements (paragraph 182 of the National Planning Policy Framework) state that new development should integrate effectively with existing businesses and not place unreasonable restrictions upon them. Where the operation of an existing permitted facility could have significant adverse effects on new development, the applicant should be required to provide suitable mitigation for these effects. Mitigation can be provided through the design of the new development to minimise exposure to the neighbouring permitted facility and / or through financial contributions to the operator of the facility to support measures that minimise impacts.*

*Permitting Regulations require operators to demonstrate that they have taken all reasonable precautions to mitigate impacts of their operations. This is unlikely to eliminate all emissions and there is likely to be residual impacts. In some cases, these residual impacts may cause local residents concern. There are limits to the measures that the operator can take to prevent impacts to residents. Consequently, it is important that planning decisions take full account of paragraph 182 of the NPPF. When a new development is built near to an existing permitted facility this does not automatically trigger a review of the permit”.*



3.5.16 The EA further comment that for Phase 1B, the original Noise Assessment (13/05/15) does not differentiate areas likely to be impacted and not impacted by noise and indeed assumes that a 4m high barrier, as a minimum, is needed to mitigate the CHP noise across the entire Phase 1B area . The report does not show what the impact on Phase 1B would be without a barrier, as is currently the case within the amended site layout drawing. If the developer would like to build houses within Phase 1B without mitigation of the noise from the CHP, then ordinarily a quantitative assessment would be required to justify what distance this should be away from the CHP. There was no assessment of industrial noise from the CHP for Phase 1A, therefore the distance of no adverse noise impact from the CHP is not necessarily consistent with the dwellings approved previously within Phase 1a

3.5.17 That said, the EA acknowledge that they did not recommend condition 24 attached to the outline approval, which requires a scheme to be submitted detailing noise protection measures for each phase of the development. The EA therefore accept it is not the EA that needs to be satisfied that there will be no noise nuisance to the proposed houses in phase 1B, rather it is a matter for the Local Planning Authority. The EA comment entirely from the perspective of the regulator of a permitted industry, advising; *“The effect of the bund in mitigating the impact of sound is illustrated above in WSP’s original report. As far as we are aware, no modelling has taken place to illustrate how noise would propagate across this part of the site without the bund. Likewise there has not been a new BS4142 assessment to measure potential noise nuisance across the area of 1B if the houses were to be built without the presence of sound mitigation measures”* and *“From an EA perspective, the effects of the CHP on the houses that would be built remains unknown as there was no assessment of impacts of the CHP on Phase 1B without the bund”*.

3.5.18 Nonetheless the EA conclude that in order to make the development consistent with the previously approved Phase 1a, if the Committee is happy to condition the Reserved Matters application, such that development cannot occur within plots 164 to 236 until such time that noise mitigation be agreed, that is at Members’ discretion. That position accords with the recommendation set out by the Council’s Public Protection team and the conditions outlined in section 4.1 of this report.

3.5.19 Members must also consider whether the proposed site layout and design of the properties would meet the policy requirements in relation to light, privacy/overlooking and the relationship between dwellings. The Council’s Residential Design Guide SPD indicates an appropriate separation of 21 metres between facing windows of habitable rooms of two storey dwellings, unless an alternative approach is justified to the Council’s satisfaction. Where windows of habitable rooms face a blank wall or a wall with only non-habitable rooms a separation of no less than 13.5 metres shall be maintained, again unless an alternative approach is justified to the Council’s satisfaction.

3.5.20 The initial scheme generated significant numbers of objections from residents within Kingsley Close, which occupies the opposite side of the canal (the objections are set out within section 9.0 of this report). The concerns related to loss of privacy as a consequence of overlooking. Those concerns being exacerbated due to the removal of the trees that currently form the western boundary of the site. Negotiation with the developer has led to the receipt of an amended scheme that removes all the canal frontage units opposing the rears of the properties within Kingsley Close. Furthermore, the trees in that area are now to be retained. The amended scheme is wholly consistent with the SPD requirements, both in relation to the separation to properties within the site and those on Kingsley Close and the previously approved Phase 1a of the development. As such, the objections relating to loss of privacy and light impacts cannot be substantiated.

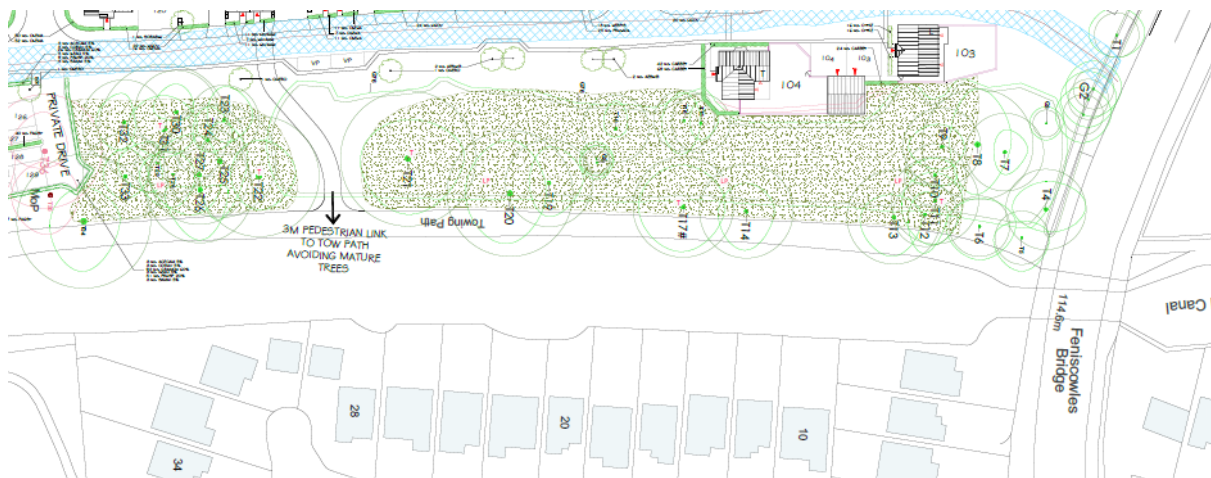


Figure 3: amended layout showing relationship of development with existing properties on Kingsley Close.

3.5.21 It is submitted to Members that subject to the matters controlled via condition on the outline approval 10/15/0496, allied to the application of a condition removing permitted development rights for extensions and alterations within the application site, the proposal will provide for appropriate amenity standards for surrounding uses and future occupants of the development, in accordance with the requirements of Policy 8 and the Council's adopted Residential Design Guide standards.

### 3.5.22 Affordable Housing:

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

3.5.23 Local Plan Policy 12: Developer Contributions, which accords with the NPPF, indicates that where request for financial contributions are made the Council should be mindful of the total contribution liability incurred by developers. Members should note that a s106, which included a commuted sum payment for off-site affordable provision, was attached to the outline consent for the

site. That requirement was renegotiated through application 10/18/0740 and now sets the commuted sum figure to £115,000, given the liabilities associated with this former industrial site and the other contributions required of the developer including contribution towards off-site recreational facilities and delivery of the link road. Accordingly the Core Strategy Policy CS8 requirement has been met.

#### 3.5.24 Ecology:

Policy 9 of the Local Plan, amongst other considerations, indicates that development likely to destroy habitats or harm species of international or national importance will not be permitted. Development likely to harm habitats or species within the Lancashire Biodiversity Action Plan, or of local significance, will not be permitted unless the harm is demonstrably outweighed by other planning considerations and mitigation is secured. Policy 9 also indicates that development will be expected to incorporate existing trees within the design and layout of the scheme. The loss of protected trees will only be granted where; the removal is in the interests of good arboricultural practice or the desirability of the proposed development outweighs the amenity and/or nature conservation value of the trees.

3.5.25 Whilst the site itself is not selected as a biological heritage site, it is directly adjacent to Stanworth Woods and Reservoir and Moulden Banks. Stanworth Valley Grassland is located on the opposite site of the Leeds and Liverpool Canal. Trees along the canal frontage are the subject of a woodland order and therefore have protected status.

3.5.26 The application has been accompanied by an updated 'Preliminary Ecological Assessment Report' which incorporated a desk study, phase 1 habitat survey and bat roost suitability assessment. An updated tree survey and management technical note has also been submitted.

3.5.27 The submissions have been appraised on behalf of the Council by the Greater Manchester Ecological Unit (GMEU). They advise that the woodland on the site, whilst not supporting a diverse enough ground flora to qualify as a Priority habitats, is an important ecological feature on the site, and alongside the Leeds and Liverpool canal forms part of a habitat corridor through the site. There is potential for the bats for example to be foraging and/or commuting along the edge of the habitat. Some areas of woodland have been identified for removal to accommodate houses in the scheme and the arboriculture report has highlighted that mature and high value trees. The loss of sections of this habitat will only be acceptable with appropriate compensatory measures, as outlined in the ecology report. GMEU suggest a condition should be used to ensure that the BHS sites, retained woodland/canal corridor are protected from and adverse impacts, as well as a further condition to ensure a compensatory planting and habitat management plan is provided through the development, in line with the recommendation in section 57 of the ecology report. Whilst noted, given these matters are controlled via the conditions imposed upon the outline approval 10/15/0496 they do not need to be replicated here.

3.5.28 Other than nesting birds and hedgehogs, no other evidence/likely presence of protected species was highlighted within the ecology report. Again suggested conditions relating to no vegetation removal or tree felling should be undertaken in the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present and a precautionary pre-commencement survey for species such as badgers being undertaken are matters already controlled via the outline consent.

3.5.29 A stand of Rhododendron was recorded on the site which is listed on Schedule 9 of the Wildlife and Countryside Act (1981) as amended, which makes it an offence to spread or cause the species to grow in the wild. The report does highlight that there is a high risk of other undetected species on Schedule 9 given the time of year of the survey work, recent earth works on the site and proximity to nearby potential sources. GMEU advise that an invasive species management plan should be produced and followed during the construction of the phase, to prevent the spread of Schedule 9 (WCA) species. This should be based on an up-to date invasive species surveys carried out at an appropriate time of year by a suitable qualified contractor. This matter can be controlled via a suitably worded planning condition.

#### 3.5.30 Other Matters:

Members are reminded that the other technical matters associated with the site and developments of this nature are already secured by conditions attached to the outline approval to which this current reserved matters application is associated. This includes the following issues; flood risk and drainage, land contamination and education provision. Accordingly they need not be considered further as part of the current application's assessment.

#### 3.5.31 Summary:

This report assesses the reserved matters application for 136 dwellings on phase 1b of the SAPPI redevelopment. In considering the proposal a wide range of material considerations have been taken in to account during the assessment of the planning application.

3.5.32 The assessment of the proposal clearly shows that the planning decision must be made in terms of assessing the merits of the case against any potential harm that may result from its implementation. This report concludes the proposal provides a high quality housing development with associated infrastructure, which meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, adopted Supplementary Planning Documents and the National Planning Policy Framework.

## **4.0 RECOMMENDATION**

### **4.1 APPROVE subject to conditions relating to the following matters;**

- Development within 2 years
- Approved details/drawings
- Prior to the occupation of any of the dwellings hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.
- Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.
- Sightlines clearance to be kept in perpetuity for all access points
- Permitted development rights to be removed (Part 1, Classes A to E)
- Development within 15m of canal wall not to be undertaken prior to a risk assessment and method statement being submitted and agreed
- Invasive species survey and eradication strategy to be agreed.
- No development of plots 164 to 236, as detailed on drawing 17 5150 J, shall occur until a noise mitigation strategy has been agreed.

## **5.0 PLANNING HISTORY**

- 5.1 10/12/0048 – Prior Approval for complete demolition of former Sappi Paper Mill including all outbuildings, tanks and enclosures down to the slab level of each structure (Approved March 2012)

10/13/1011 – Environmental Impact Assessment screening request; mixed use development comprising residential and employment uses (EIA not required, November 2013)

10/15/0496 – Outline application for a maximum of the following: 500 dwellings, 3,224m<sup>2</sup> of office employment (use class B1a), 9,192m<sup>2</sup> of light industrial employment (use class B1c), 333m<sup>2</sup> of retail floor space (use class A1) and a 1,110m<sup>2</sup> community building (use class D1). (Approved November 2015)

10/18/0290 – Reserved Matters application (access within the site, landscape, layout, appearance, scale) pursuant to outline application 10/15/0496 for Phase 1a comprising of 95 dwellings and associated infrastructure

10/18/740 - Variation to Section 106 Planning Obligation for planning Application 10/15/0496

10/19/1072 - Variation of condition No. 6 pursuant to planning application 10/18/0290 'Reserved Matters application (access within the site, landscape, layout, appearance, scale) pursuant to outline application 10/15/0496 for Phase 1a comprising of 95 dwellings and associated infrastructure' to allow for design changes to house types K and A1

- 5.2 Additionally, a significant number of planning applications relating to the historical use of the site have been identified, but none are considered to be relevant to the determination of the current application.

## **6.0 CONSULTATIONS**

### Public Protection:

Public protection issues including, noise, air quality, land contamination and residential amenity previously addressed and controlled by conditions imposed upon the outline planning approval for the site

### Environment Agency:

The proposed development borders a site that is regulated by the Environment Agency. A noise assessment by WSP (dated 13/05/2015; referenced 00040907-01-001-R1) submitted with Outline application 10/15/0496 identifies various measures to mitigate any impacts of the regulated site on the proposed development. Condition 24 of the Outline approval goes on to require full details of those measures prior to the construction of each phase of the development.

The Landscape Masterplan for Phase 1b (drawing number 175150110, dated August 2018) does not appear to provide the mitigation outlined in the approved noise assessment. Prior to the discharge of Condition 24, it will be necessary for the applicant to demonstrate that the proposed mitigation measures comply with the approved noise assessment to mitigate potential noise impacts on future occupants of the development.

The acoustic reports detailed above, contain a section titled 'Discussion With Respect To The Justification For The Proposed Earth Bund To Protect The Southernmost Residential Development Footprint From Noise Associated With Blackburn Paper Mill Energy Facility'

The report states that 'It is far from proven that the CHP has a significant noise impact; bund not justified'. The report questions the methodology of the BS4142 assessment undertaken by WSP in 2015, but does not provide an alternative BS4142 assessment. This would be required to justify alternative noise mitigation measures.

BS4142 is the appropriate British Standard for rating levels for sources of sound of an industrial nature for purposes of assessing sound at proposed new dwellings used for residential purposes (Section 1.2). Within the acoustic reports, there is insufficient information for us to comment on alternative noise



mitigation measures to the proposed acoustic barrier. The applicant would need to provide an alternative BS4142 assessment to justify the need for a change to the proposed noise mitigation measures.

The EA in response to the applicant's request to allow development to proceed on Phase 1B, providing no unit closer than those previously approved within Phase 1A (ie plots 164 to 236 inclusive) is constructed unless further mitigation strategy is agreed, have indicated this is a matter at the discretion of Members when forming their decision.

#### Canal and River Trust:

The development is in close proximity to the canal, in accordance with NPPF paragraphs 170 and 178 which relate to ground stability and ground conditions, it is important to ensure that the proposal does not undermine the structural integrity of the canal wall. A condition requiring the submission of a risk assessment and method statement for works within 15m of the canal wall is required. Further conditions relating to; removal of permitted development rights (Part 1, Class A) and tree protection measures are also requested.

#### GMEU Ecology:

Other than nesting birds and hedgehogs, no other evidence/likely presence of protected species was highlighted within the ecology report. The following recommendations are therefore made:

No vegetation removal or tree felling should be undertaken in the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present.

A precautionary pre-commencement survey for species such as badgers should be undertaken to confirm absence from the site, and development must commence within 3 months of this survey being undertaken.

The boundary features between the gardens, especially those along the canal should be designed to allow wildlife movement between them (leaving gaps for hedgehogs for example).

A stand of Rhododendron was recorded on the site which is listed on Schedule 9 of the Wildlife and Countryside Act (1981) as amended, which makes it an offence to spread or cause the species to grow in the wild. The report does highlight that there is a high risk of other undetected species on Schedule 9 given the time of year of the survey work, recent earth works on the site and proximity to nearby potential sources. The following recommendations are therefore made:

An invasive species management plan should be produced and followed during the construction of the phase, to prevent the spread of Schedule 9 (WCA) species. This should be based on an up-to date invasive species surveys carried out at an appropriate time of year by a suitable qualified contractor.

Whilst the site itself is not selected as a BHS, it is directly adjacent to Stanworth Woods and Reservoir and Moulden Banks. Stanworth Valley Grassland is located on the opposite site of the Leeds and Liverpool Canal. Whilst no direct impacts on the sites should occur, they will need to be adequately protected (via a CEMP) from the proposals.

#### United Utilities:

It should be noted that we have previously commented on the Outline Application (Planning Ref: 10/15/0496) to which the above application relates.

A water main crosses the site. As we need unrestricted access for operating and maintaining it, we will not permit development over or in close proximity to the main. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines'. Further, a public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

Standard conditions relating to surface water drainage and maintenance and management of surface water drainage systems are detailed, though these are already attached to the outline approval and therefore there is no need to replicate them within this reserved matters application.

#### Lead Local Flood Authority:

No objections

#### Education Department:

No objection.

#### Environmental Services:

No issues providing sufficient space on each plot for 2-3 bins, and sufficient access for the bin vehicles.

#### Highways:

The proposed parking provision accords with the Council's adopted standards of 2 spaces for 3 bedroom units and 3 spaces for 4 bedroom units. Similarly drives generally accord with the 5.5m length requirement.

Initial concerns with the scheme not adhering to 'Manual for Streets' have been addressed via the addition of build-outs in to the longest highway section to the south of the development. A request for the provision of a dedicated footpath on the southern boundary has not been met, though pedestrian links to the canal to path have been widened in line with requests.

Suggested condition relating to construction methods statement is not required as the matter is already secured via condition 4 of the outline approval for the site.

Further suggested conditions relating to details of arrangements for future maintenance and management of the proposed streets, until such time that an agreement has been entered into under section 38 of the Highways Act 1980, or a private maintenance company is established; full details of the engineering, drainage, street lighting and construction details of the streets to be submitted and agreed.

PROW:

There are no PROW within the Phase 1B site boundary

Livesey Parish Council:

No comment

Public Consultation:

Public consultation has taken place, with 217 neighbouring properties individually consulted via letter, site notices displayed and press notices issued. In response the Council have received 8 letters of objection. The submissions can be reviewed in section 9.0 of this report

**7.0 CONTACT OFFICER: Martin Kenny, Principal Planner**

**8.0 DATE PREPARED: 2<sup>nd</sup> October 2020**

## 9.0 SUMMARY OF REPRESENTATIONS

Petition from the residents of Kingsley Close Rec 05.12.18

Reference: Former Sappi Paper Mill, 10/18/1097,

Phase 1B – Reserve Matters Application (access within the site, landscape, layout, appearance, scale) pursuant to outline 10/15/0496 for Phase 1b comprising of 150 dwellings and associated infrastructure.

We, the undersigned, hereby object to the above reserve matters planning application.

Taking into account the generous overall size of this residential redevelopment site, we consider the following points are entirely relevant town planning grounds of objection, with regard to the scheme as currently presented. There is no justification for the removal of mature trees along the canalside simply in the interests of creating water fronted properties purely for maximum commercial gain, when the following matters are considered:

- The canalside trees are all protected under a Tree Preservation Order. Their removal is neither necessary nor justified.
- Proposing three storey dwellings featuring first floor (living room) balconies that directly overlook and invade the privacy of Kingsley Close existing properties demonstrates a complete lack of regard for existing occupiers on Kingsley Close
- Noise pollution issues may arise as a result of these balcony fronted properties.
- In any event, proposed properties could readily be accommodated behind the canal side tree line so as not to detrimentally impact on the amenity and privacy of the existing dwellings on Kingsley Close.
- At the very minimum, if some canal fronted dwellings are proposed, these should be 2 storey in design, and not feature canal facing balconies opposite Kingsley Close.
- If there is a requirement for three storey developments, these should be accommodated further down the 'canalside' development where the properties will not be intrusive to existing residential developments.

I would urge you as Planning Authority to take full note of these strong concerns and to engage with the developer at this stage and to explore how the scheme might be revised in a manner that addresses these concerns fully.

4th December 2018

Signed

Name	Signature	Address	Comments	Date
EEG COOK		30 KINGSLEY CLOSE		04/12/18
LEANE FREN		30 KINGSLEY CLOSE		04/12/18
BOB HOLLEY		24 KINGSLEY CLOSE		04/12/18
INEADY FAY		22 KINGSLEY CLOSE		04/12/18
Brian FISH		22 KINGSLEY CLOSE		04/12/18
Brian Hawley		20 KINGSLEY CLOSE		4/12/18
EWING HAWLEY		20 KINGSLEY CLOSE		4/12/18
S SCOTT		12 KINGSLEY CLOSE		4/12/18
S SCOTT		12 KINGSLEY CLOSE		4/12/18
DEAN RILEY		4 KINGSLEY CLOSE		4/12/18
J. RILEY		4 KINGSLEY CLOSE		4/12/18
JOE RILEY		11 KINGSLEY CLOSE		4/12/18
A HANNAH		10 KINGSLEY CLOSE		4/12/18
TA HANNAH		10 KINGSLEY CLOSE		4/12/18
A E ADAM		8 KINGSLEY CLOSE		4/12/18
H M PIERCE		8 KINGSLEY CLOSE		4/12/18
C HAMILTON		16 KINGSLEY CLOSE		4/12/18
S. HEGAL		16 KINGSLEY CLOSE		4/12/18
D BOLTON		28 KINGSLEY CLOSE		4/12/18
M SALZMAN		28 KINGSLEY CLOSE		4/12/18

Objection from Terry Hannon, 10 Kingsley Close, Blackburn. Rec. 17.11.2018

26/11/2018

**Letter of objection against proposed plans.**

Dear Sirs,

**Former Sappi Paper Mill – residential redevelopment.**

**Planning Ref 10/18/1097 Phase 1B Reserve matters application pursuant to outline 10/15/0496 Phase 1B**

I have recently received a letter from Martin Kenny of Blackburn with Darwen Council notifying me of the reserve matter application for the above development.

I am particularly interested in the phase 1B part of the site, as this is the land directly opposite (far side of canal) from where I live at number 10 Kingsley Close.

I previously attended a launch presentation for this scheme at Feniscowles sports and social club and when the outline planning application was presented I did not initially raise any objections due mainly to the fact that it was noted in the arboricultural report that most of the mature trees along the tow path facing my property were to be retained having been TPO categorised as either retention category A or B+ (J12 Stockclough North). I would assume that this will remain to be the case and the trees are still categorised thus otherwise I would expect there to be a darned good reason for those trees now being taken out of the equation?

I also now note the reserve matter detail is basically to build a row of 3 storey dwellings very tight to the towpath – which will feature rear (canal facing) balconies that will look directly across into my property (both upper and lower floors) and result in a total loss of privacy.

The loss of the trees is a very real concern. There is no overriding justification in my view to remove category A and B+ trees just to enable these particular dwellings to be constructed so close to the canal. I would therefore strongly argue that those mature trees should remain.

The overriding factor for me is that the developers have initially presented a development that appeared to have minimal disruption to the residents of Kingsley Close, (hence the lack of initial opposition) and the documents now being submitted for approval have been changed completely to suit the developers greeds/needs. These changes are extremely detrimental to the residents of Kingsley Close.

I'm not totally against residential development although the amount of new developments going on in Feniscowles seems excessive and the resultant traffic congestion, school places etc remains a personal concern. I am quite willing to accept a development proposal similar to those proposed originally. What I am not happy with is the new proposed plan, to basically clear all of the trees and build 3 storey dwellings with first floor balconies that will look directly across and into the bedroom of my house and my neighbours.

I would expect all of the following points for any subsequent proposal be taken into consideration:

- Trees are protected
- They provide ecological and environmental value
- They provide visual screening
- New houses are 3 storey looking straight into our homes/gardens
- Easily resolved by lifting and shifting further along canal beyond Kingsley!

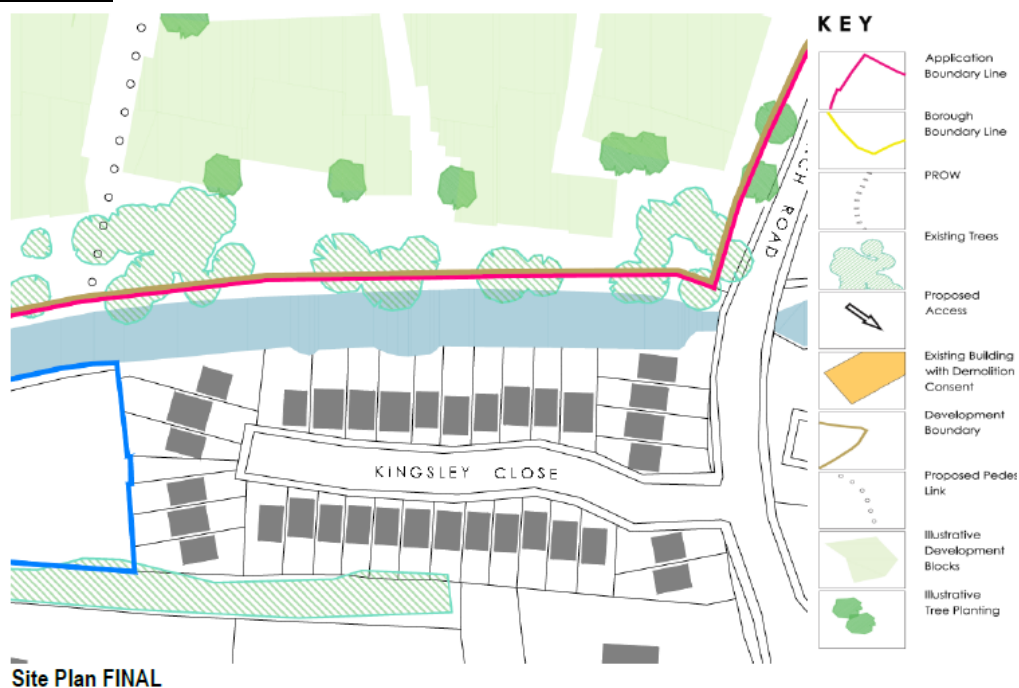
On the grounds stated above I hereby strongly object to the proposals submitted for this development.

Regards

Mr Terry Hannon,

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Objection from Matthew Hayes, 12 Kingsley Close, Blackburn. Rec 27.11.18





I have resided at 12 Kingsley Close since the dwellings were first constructed in 2003. I acknowledge that the former use of the land on which the Kingsley Close dwellings are built was former brownfield land (paper mill), and as such not dissimilar to the Sappi site in that regard. I recognise the need for more housing, and as such I am not against the *overall principle* of the current development, although I am concerned as to the capacity of the local road infrastructure, schools provisions, etc to accommodate the net increase, in combination with other sizeable, local residential developments such as Gib Lane.






However I hereby raise strong objections on the following specific grounds and would ask the developer and Local Planning Authority to consider these matters and provide a written response as to how these concerns can be resolved.

At the outline planning stage (10/15/0496), I chose to raise no objection, as I was not against the overriding principle of this brownfield site redevelopment. In choosing not to express any objections at outline stage, I had specific regard to the plans exhibited at that time, and with particular focus on how the proposed scheme might affect my immediate local residential amenity and outlook. Cognisant of the fact that the early mature/mature trees aligning the Leeds Liverpool Canal opposite the Kingsley Close development fall under a Tree Preservation Order (TPO J12 Stockclough) I checked the outline masterplan. The extract below is taken from the Outline Planning application (10/15/0496) document "**Site Plan FINAL**" (drawing ref 4014\_027/0002 OPA Rev A (dated 30/4/2015)) [note plan extract rotated]. This plan clearly shows the mature trees along the canal front opposite from Kingsley Close – labelled in the Key as 'existing trees' (diagonal green hatch shaded). As 'illustrative tree planting' is also shown (darker green) the inference to the general observer is that the existing trees shown would be retained, complemented with the further new planting. Indeed the illustrative development blocks are shown to be set well back from the canalside, again inferring retention of the canalside existing woodland.

Further assurance was taken upon reviewing the 10/15/0496 **arboricultural report** of January 2015, which duly recognised the mature/early mature canalside trees as being retention category A or B+ (i.e. the 2 highest categories). The executive summary of the arboricultural report states that "*Where possible category A and B trees should be retained and works within their Root Protection Area should be undertaken in a sympathetic manner. General advice is included within this report as to how this may be achieved.*"

The arboricultural report later acknowledges that "*it is understood that there is a Tree Preservation Order (TPO) affecting trees within the site*" but curiously does not illustrate the extent of the TPO on any of the enclosed plans. The word 'understood' implies to an extent that the arboricultural consultant was not entirely clear which trees fall within the TPO and which do not. The report goes on to note that "*A TPO can be overridden by planning consent, where tree removal is necessary to enable the Proposed Development to proceed.*"

The following table is extracted from the arboricultural report. These 5 trees are central to my current objection, as the current reserve matter planning application is **removing all 5!**

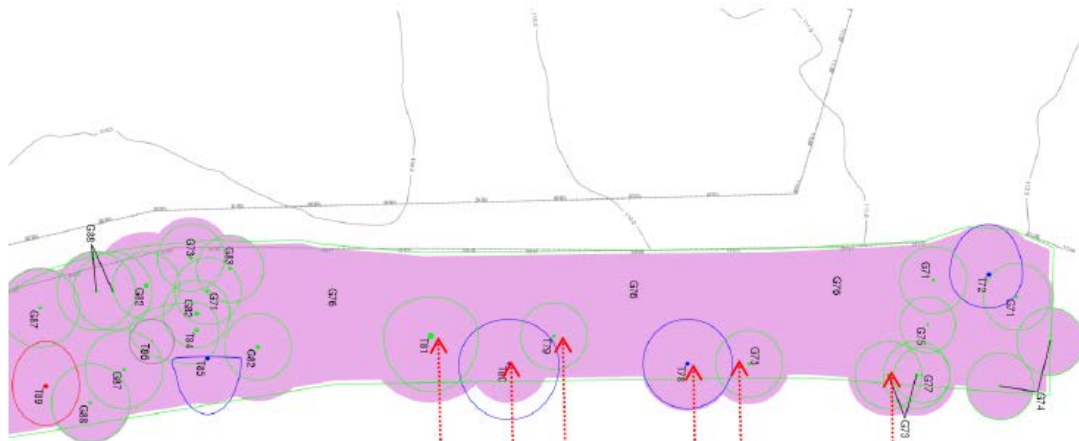
Reference G = Group H = Height	Age & Species	Height (m)	Crown Ht (m)	Diameter (mm)	Crown Spread (m) N W E S	Scaled Tree Diagram (m)	Notes	Recommendations		Physiological Condition	Life Expectancy (yr)
								Priority	Inspect (freq. Int)		
G73	Early-Mature <b>Sycamore</b> <i>Acer pseudoplatanus</i>	av 14	av 4	av 600	6 6 6 each		1: Good specimen. 2: Minor deadwood throughout crown. 3: Acceptable condition at present. 4: Scattered throughout site.	No action required.		Good	40+
								n/a	3	Good	A
T78	Early-Mature <b>Ash</b> <i>Fraxinus excelsior</i>	13	3	700	8 8 8		1: Situated on third party land. 2: Dense ivy prevented a detailed inspection. 3: Open crown. 4: Minor deadwood throughout crown.	Remove ivy and re-inspect for defects.		Good	40+
								Low	N	Fair	B+
T79	Mature <b>Ash</b> <i>Fraxinus excelsior</i>	av 15	av 3	600	6 6 each		1: Deadwood present throughout crown. 2: Acceptable condition at present.	No action required.		Good	40+
								n/a	3	Good	A
T80	Mature <b>Beech</b> <i>Fagus sylvatica</i>	15	3.5	580	9 10 9		1: Very good specimen with good form. 2: Unusual bark girdling around main stem possibly due to wire attached to main stem. 3: Minor deadwood throughout crown. 4: Bacterial exudate present on main stem. 5: Acceptable condition at present.	Monitor.		Good	40+
								Moderate	1	Fair	B+
T81	Mature <b>Beech</b> <i>Fagus sylvatica</i>	16	4	990	8.5 10 8.5		1: Excellent specimen. 2: Unusual bark formation possibly due to wire attached to main stem. 3: Minor deadwood throughout crown. 4: No significant defects observed.	Monitor.		Good	40+
								Moderate	1	Fair	A

#### Extracts from Urban Green Jan 2015 Arboricultural Report - 10/15/0496

On the following page I have purposefully aligned 2 plans to illustrate the significance of the change, from the outline planning stage to the reserve matters stage. The upper illustration is taken from the arboricultural report (outline stage) and the lower image is taken from the current reserve matters masterplan.

As illustrated, the 5 mature/early mature trees are now proposed to be removed entirely.

This is not in accordance with the TPO principles, or the findings of the arboricultural report. **Their removal is not necessary, nor justified.** The developer is clearly seeking to maximise commercial returns by developing as many dwellings with open canalside outlook as possible. I would argue that these particular trees should remain, for their amenity and ecological value.



Above – from 10/15/0496 arboricultural report. Below – from current 10/18/1097 Phase 1B reserve matters planning application



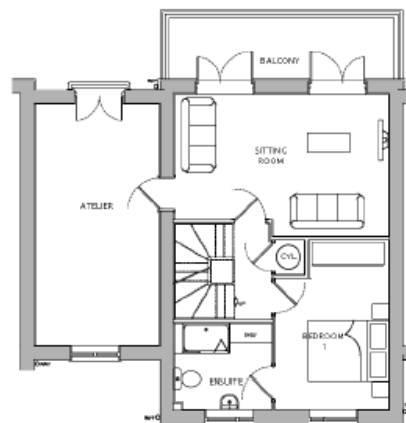
From my observations, it is rare for dwellings to be constructed on directly opposite sides of the canal in this manner. As dwellings that have been in place for 15 years, the residential amenity impact on Kingsley Close dwellings must now be taken into account, as a material planning consideration. If the new dwellings are constructed as proposed, the **loss of residential amenity and loss of privacy to Kingsley Close canalside occupiers will be significant.**

The canalside dwellings proposed under 10/18/1097 are 3 storey, with first floor, living room, full width balconies (S7G style). They will look directly into Kingsley Close bedrooms and overlook gardens, **a complete invasion of privacy.**

Their appearance (a block of 6 and block of 4 dwellings, all 3 storey) will be most oppressive when viewed from existing Kingsley Close canal facing dwellings. **This is unacceptable.**



REAR / RIVERSIDE ELEVATION



First Floor Layout

### Proposed 3 storey S7G dwellings with balconies

I would urge planning officers therefore to have full regard to the maturity of these trees, which are TPO protected and reflect on the question as to whether the need for these 10 specific dwellings (in the context of the wider residential development of several hundred dwellings) is significantly important to justify removal of category A and B+ trees. Other trees along the canal edge have been retained, but there is no justification in my view to remove most of the mature trees directly opposite from (and therefore significantly adversely affecting) Kingsley Close residential amenity.

The scheme as currently proposed shows a complete lack of regard to Kingsley Close canalside occupiers and should/will be resisted. Anecdotally, all Kingsley Close canalside dwellings had their **permitted development rights removed** – ironically to protect the character of the canal corridor!



View south along Leeds Liverpool Canal from 12 Kingsley Close, Blackburn (summer 2018).  
All the early mature/mature TPO-protected trees visible on far bank are proposed to be removed.



## Resolution

This issue is readily resolvable in my opinion. Either the mature/early-mature (category A/B+) trees should be **retained and protected as per TPO status**, with the new dwellings either set further back or reduced in number, or the style of dwelling be revised to 2 storey design without intrusive canal facing balconies.

Indeed whilst it would be undesirable in the sense of losing canalside trees, if the developer and Planning Authority felt the need to insist on the same number of new dwellings, one option potentially would be to consider something along the following. This will alleviate my concerns as the loss of amenity/privacy would be greatly diminished, the canalside trees on the opposite bank to Kingsley Close would be retained, and the developer would still be able to market S7G dwellings in canalside locations, arguably more desirable and marketable in their siting – a win-win situation.



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Objection from Stuart Morton, 26 Kingsley Close, Rec 03.12.18

**Reference: Former Sappi Paper Mill, 10/18/1097,**

I am writing in connection with the above planning application. I have examined the plans and I know the site well. I wish to **object** to the houses to be submitted for planning which back onto Kingsley Close. We have been resident here for 5 years now, and the current residential amenity is enjoyed by all.

Myself and family totally understand that the need for housing in the UK is necessary and we cannot stop this development. Along with the development at Gib Lane, and this planned development, we are not against this happening, but would strongly disagree with the proposed siting of the properties aligning the canalside directly opposite Kingsley close.

A number of points should be considered;

It is prudent to note that **the Unitary Development Plan** notes that ‘Potentially contaminated land is a significant issue in Former Sappi Paper Mill, Livesey Branch Road, Feniscowles, Blackburn in locations that have been occupied by historic industrial activities. Landfill gas is also a problem in particular areas.’. It is notable that the Geotechnical Report does not include for any gas monitoring measures and as such the work that has been carried out already poses a risk.

This breach of conditions already shows that the applicant is not a considerate developer.

## Tree Survey

Under the original ‘Stanworth waters’ plan, it is VERY clear that the trees, protected with a TPO order are in place. Under the plans 10/18/0197 many of these TPO trees are proposed to be ‘removed’ and I cannot express my outrage, that the TPO’s put in place can be removed at a developer’s whim. These trees are beautiful specimens, and if you would spend more than 10 minutes studying the canopy, you will be able to see the wonderful environmental habitats that these trees support. To fell these in the voice of a development would have impact on not only residential life but wildlife too.

Table B.1 Delivery of tree-related information into the planning system

Stage of process	Minimum detail	Additional information
Pre-application	Tree survey	Tree retention/removal plan (draft)
Planning application	Tree survey (in the absence of pre-application discussions) Tree retention/removal plan (finalized) Retained trees and RPAs shown on proposed layout Strategic hard and soft landscape design, including species and location of new tree planting Arboricultural impact assessment	Existing and proposed finished levels Tree protection plan Arboricultural method statement – heads of terms Details for all special engineering within the RPA and other relevant construction details
Reserved matters/ planning conditions	Alignment of utility apparatus (including drainage), where outside the RPA or where installed using a trenchless method Dimensioned tree protection plan Arboricultural method statement – detailed Schedule of works to retained trees, e.g. access facilitation pruning Detailed hard and soft landscape design	Arboricultural site monitoring schedule Tree and landscape management plan Post-construction remedial works Landscape maintenance schedule



## **Ground Survey**

The Ground investigation provided has the bare minimum information supplied, with no gas mitigation measures or contamination assessment undertaken. Taking into consideration a considerable amount of soil has already been moved from the site (in a breach of pre- commencement condition) this could potentially be hazardous to hundreds of people; site workers, the local community and landfill workers.

In addition to the above, I believe the Ground investigation should have also been submitted within a separate removal of conditions application.

## **Bats**

The enforcement officer was also made aware of bats to the site and surrounding land; I would hope that if this application is granted, a condition relating to a bat survey is included and undertaken before any building work commences on site.

The surrounding context and habitat offer good foraging potential, with hedgerow and scattered trees in close proximity, and a number of ponds and mature broadleaved woodland within a 1km radius of the site. Several species of bat are listed as UK priority species (UKBAP, 2007).

## **Birds**

As taken from MAGIC website (managed by Natural England), the following birds are known in the area; Tree Sparrow, Lapwing, Grey Partridge, Curlew, Grassland Assemblage Farmland Birds, Arable Assemble Farmland Birds. Therefore, I would have thought a bird survey would have been conditioned to the original application.

All wild birds in the UK are protected under Section 1 of the Wildlife and countryside Act 1981 (as amended) which makes it an offence to intentionally kill, injure or take any wild bird or to take or damage the nest (whilst being built or in use); or its eggs.

I also believe ecological damage could have been made during the site clearance. I would like to also note, the noise pollution which has been happening during the past few months, is intrusive to all.

## **Hedgehogs**

As discussed previously with David Dunlop(Conservation officer for central and western Lancashire), our property and the neighbouring property houses hibernating hedgehogs. Hedgehogs are in decline and providing a coherent network for them can aid population recovery. Hedgehogs are listed as a UK priority species due to their continued population decline. I am currently awaiting a report into Newts, in the local area, from which I am still waiting at the time of writing this letter, again from David Dunlop.

**The Natural Environment and Rural Communities Act (NERC Act) 2006** contains a statutory duty: “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”

**National Planning Policy Framework 2012 11. Conserving and enhancing the natural environment 109** - The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

**Bern Convention on the Conservation of European Wildlife and Natural Habitats** Hedgehogs are listed in Appendix III of the Bern Convention (to which the UK is a signatory). This agreement recognised that “wild flora and fauna constitute a natural heritage of aesthetic, scientific, cultural, recreational, economic and intrinsic value that needs to be preserved and handed on to future generations.”

It is certain that a substantial amount of ecology was harmed during the tree and soil removal, which the applicant undertook during the breach of planning conditions.

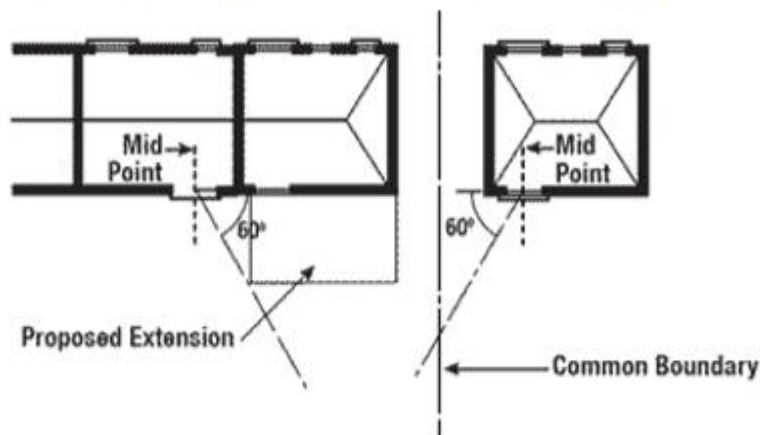
## **Rights of light act**

The development will cause severe loss of light to our garden area and potentially our bedroom and kitchen. I would request this is demonstrated by the applicant with a shadow plan (shadow fall analysis diagram) being plotted to show the location of shadows at different times of the day and year to show the impact upon our property and neighbouring properties; in

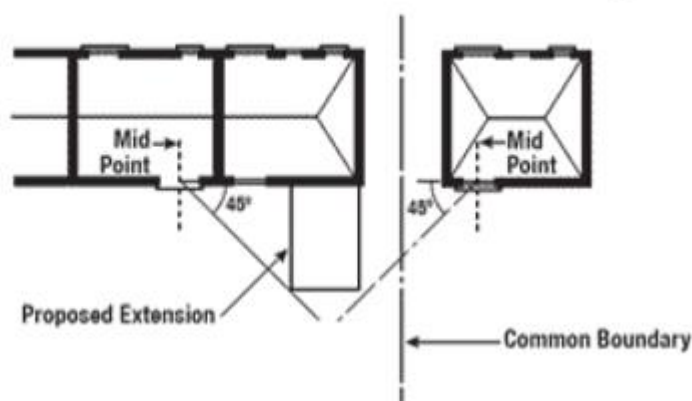
line with the **Building Research Establishment (BRE) Handbook: 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice, Report 209' (2011)** (Ref. 15-1) referred to as the BRE Guidelines.

In line with the above guidelines, there is no indication on the drawings of the 45- and 60-degree line.

**Figure 1: House Extensions - Single Storey**



**Figure 1: House Extensions - Two Storey**



This is a good assessment tool which can be used in conjunction with other relevant factors in order to gauge the acceptability of proposals in terms of over shadowing/loss of light/impact upon neighbouring properties. The rooms which will be affected in our house is a bedroom and kitchen space.

The development will cause the following to our main outdoor space;

- reduce outdoor activities, such as sitting out and children play
  - reduce plant growth
  - not dry out the ground, increasing moss and slime
  - not melt frost, ice and snow
  - reduces outside clothes drying
- The National Planning Policy Framework (NPPF)** (Ref. 15-3) stipulates: - *“...planning policies and decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings”.*

This development will have an adverse effect on the residential amenity of neighbors, by reasoning of overlooking and overshadowing.

We will have a loss of existing views from our property and this will adversely affect our residential amenity.

### **Development Proposal**

Feniscowles is a rural village where infill developments should be considered very carefully; infilling could ruin the character of the village. Protection of the visual and historic qualities is supported by **section 12 of the National Planning Policy Framework**, achieving well-designed places, stating that;

*‘permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.’*

**Feniscowles Residential Design Guide**, refers to; *‘safeguarding the character and identity of towns, villages and neighbourhoods’*

**Feniscowles Residential Design Guide**, refers to; (within the distinct character and quality of each town and village)

*‘proposals for change, however, particularly new development, need to be sensitively controlled to protect and enhance the valuable parts of the built environment and retain their identity and distinctiveness.’*

The proposal is not in keeping with the local street scene, there are no houses which sit behind existing properties. One of the key objectives as set out in **Residential Design Code** is to *'ensure that developments are successfully integrated with adjoining areas being both sensitive and responsive to setting, landscape character and ecology.'*

The proposed siting of the development is particularly ill-considered; there are key views on the current canal side which will be drastically diminished, taking into account the topography of the land.

This development, if granted, sets a bad precedent for a pattern of development throughout the village; and could in future destroy the village character. Again, referring back to section 12 of the **National Planning Policy Framework**, achieving well-designed place.

The following policies of **Residential Amenity** are not met with this design;

- a) Does not have an adverse impact on amenity or character of an area, and does not cause undue disturbance to nearby residents or conflict with adjoining properties;
- b) Safeguards the enjoyment of light and privacy for existing residential properties;
- c) Ensures high quality of design and amenity for existing and future residents

The proposed development is over-bearing within its location; a very large 3 storey house has been squeezed into a small plot of land (in comparison to its context) which is out of keeping with the local area. The 3 stories houses proposed, with balcony's looking directly over to Kingsley close residents is totally unnecessary.

The physical characteristics of the site have not been considered; in particular the topography.

The proposals show no understanding of the landscape setting of the site. The scale of the development, in comparison to the existing neighbouring houses, is not demonstrated and as such does not show how the development will directly impact the shading, enclosure and quality of the external environment.

In order for the planning officer to have an informed view of the development a section through our property in relation to the height of the proposed neighbouring property would properly demonstrate the effect this will have on our daylight. Our garden is stepped, which means the ground floor level is already approx. 1.5m below their GF level, therefore this proposed development, which is already very large, seems from our property to be a 3-storey building. As stated previously, the landscape setting of the site has not been considered or demonstrated, which has produced ill-informed design.

The following statements, as taken from the **Residential Design Guide**, also provide further guidance and consideration;

standards in new housing refers to *‘protecting the living conditions of existing residents’ ‘A wide range and consistent approach is required which integrates considerations such as design, safety, greenspace and local facilities and relates them to the specific characteristics of each site.’*

ENV3: Character and design refers to *‘the design, density and scale of new development should make a positive contribution to the established character and identity of its locality. All development will be expected to recognize established design principles with regard to such factors as scale, massing, height, materials, density, legibility, views and vistas. The relationship between buildings and the spaces around them must be handled in a sensitive manner’.*

**Household Alterations and Extensions: Local Development Framework supplementary Planning Document** refers to the windows and balconies of new developments should be positioned so that they do not directly overlook into the windows of neighbouring homes or gardens. As a general rule on, acceptable levels of privacy are achieved by keeping a distance of 21m between main facing elevations containing habitable rooms with 13m between such elevations and a gable elevation. These distances should be generally increased by 5m for each additional storey of development, or where ground level is significantly higher than that of the neighbouring property.

**Household Alterations and Extensions: Local Development Framework supplementary Planning Document** refers to extensions should not overshadow neighbouring habitable rooms or private gardens to an



unreasonable degree.

Further to the above, we would request that the drawings are revised to show indication of measurements from our boundary fence as well as our property itself.

A number of other relevant items haven't been included within the application in order to help the planning officer make an informed decision;

- A block plan – showing the footprint of all existing buildings on the site, with written dimension and distances to site boundaries.
- Existing and proposed Site Levels and site sections
- Drainage Assessment – surface and foul water
- Land Contamination Assessment
- Ecology Survey
- Landscaping Details – external lighting which could affect our property.
- Statement of Arboricultural Implications of Development
- Sunlight/Daylight/Microclimate Assessment

The applicant has made no attempt to contact neighbours directly or to hold a public consultation at this reserve matters stage to take on board any comments.

If this application is to be decided by councillors, please take this as notice that I would like to speak at the meeting of the committee at which this application is expected to be decided. Please let us know as soon as possible the date of the meeting.

Finally, please note that our submission is in respect of the proposed development.

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## Objection from Daniel & Michelle Bolton, 28 Kingsley Close, Rec 03.12.18

**F.A.O Martin Kenny Sent by email: 3rd December 2018 Planning reference 10/18/1097**

**Phase 1B – Reserve Matters Application (access within the site, landscape, layout, appearance, scale) pursuant to outline 10/15/0496 for Phase 1b comprising of 150 dwellings and associated infrastructure. Representation from 28 Kingsley Close, Blackburn [Objection]**

I am writing to express my concerns regarding Phase 1b of the Sappi development. Whilst I am not against developments of this nature, and understand the need to build more homes, I do feel that the layout of the site does not take into account a number of factors.

I would ask the developer and Local Planning Authority to consider these matters and provide a written response as to how these concerns can be resolved.

At outline planning stage (10/15/0496), it was stated in the brochure that 'Canalside' would consist of 'Open landscape bordering trees alongside the canal, proposed for low density housing'. The brochure also stated that 'careful programming involving cutting back understory growth, removing less successful tree groups, and planting species native to a more mixed landscape of tree groups and clearing is proposed'. At no point was there any suggestion of removing the trees protected under TPO opposite Kingsley Close. As a result of this, there was little resistance at that time from the residents of Kingsley Close.

Under the newly proposed plans, submitted by jrp, it shows the removal of trees G82, T81, T80, T79, G73, – taken from 10/15/0496 arboriculture report - opposite to Kingsley Close and three story dwellings being constructed with a first story living area and balcony. This significantly reduces the privacy of the residents of Kingsley Close.

Whilst backing onto a canal doesn't provide total privacy, people are passing through and not a permanent fixture. Given the design of these new homes, with an elevated balcony, it is a major intrusion into the residents of Kingsley Close's privacy and not what was originally included in the plans.

The National Planning Policy Framework (NPPF) (Ref 15-3) stipulates 'planning policies and decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings'. This development will have an adverse effect on the residential amenity of neighbours, by reasoning of overlooking and overshadowing.

The following policies of residential amenity are not met with this design;

- a) Does not have an adverse impact on amenity or character of an area, and does not cause undue disturbance to nearby residents or conflict with adjoining properties;
- b) Safeguards the enjoyment of light and privacy for existing residential properties;

In relation to disturbance levels, as the balcony is on the first floor of SG7 homes, designed to enjoy a canal fronted view, it is likely that residents will be on these balconies late into the night, providing additional noise to Kingsley residents.

I also have an issue with regard to shading my property as it has a West facing garden. I currently enjoy an open space between trees T81 and G82 as seen on the 10/15/0496 arboriculture report, on the proposed plans the SG7 developments would eliminate the late afternoon sunlight given their height and proximity to my garden. This would reduce outdoor activities such as children play and reduce outside clothes drying.

On Page 22 of the Design and Access Statement from the current 10/18/1097 application it states that 'This setting allows the opportunity for housing layout to create interest and value. In terms of urban design principles, the housing layouts in this area will to provide overlooking of the routes and links to the canal, define open spaces along the canal edge that respect the retained tree belt, manage traffic movements and parking, and establish a positive relationship with houses and open spaces on the opposite side of the canal'.

I fail to see what positive relationship could be formed building a three story house with a second floor balcony overlooking our back gardens. I also fail to see how removing established healthy trees that are under preservation order respect the retained tree belt. This is purely for 'interest and value' to maximise the return on profit by building waterfront properties.

As you are aware, the windows and balconies of new developments should be positioned so that they do not directly overlook into the windows of neighbouring homes or gardens. As a general rule, acceptable levels of privacy are achieved by keeping a minimum distance of 21 metres between main facing elevations containing habitable rooms. These distances should be generally increased by 5 metres for each additional storey of development. As a result of the extension carried out at 28 Kingsley Close, the garage on the plans has been converted into a

habitable room and should be used to calculate the distance between properties. I feel that plot 133 & 134 is in breach of this and should be positioned elsewhere on the development. There is the opportunity to move the dwelling next to plot 170 & 171.

Overall I feel that the trees and foliage opposite Kingsley Close should remain and the proposed developments of plot 103 to 110 and plot 133 and plot 134, either be built behind the existing tree line opposite Kingsley Close, to save the existing trees or moved elsewhere on the site.

This would eliminate the major issues that the residents of Kingsley Close are facing and not reduce the number of homes needing to be built on the site.

If the 10 properties are required to have canal frontage, to enable maximum returns for the developer, it would make more sense to move the 10 properties further down canalside next to plots 169 & 170, 171 & 182 and/or 184 & 200, this would most likely add a further premium to the properties as they are not overlooked. It would also keep the development in line with the rest of the area, where canal fronted properties don't typically overlook each other.

I do however feel that the removal of 22 trees on this site to simply maximise returns for developers is excessive and should be reconsidered.

As highlighted at the beginning of my objection letter I am not averse to developments such as this, I am however against it impacting on my property for the reasons highlighted throughout this document.

I would also like to make reference to the entry access points to the canal along the 'canalside' development. Providing access points through trees would make a natural area for youths to hang around at night as it provides a shaded area. This could lead to anti-social behaviour and noise pollution as currently experienced under the canal bridge on Livesey Branch road.

If these 10 properties were to be moved further down the canal side, with canal access entry points starting at plot 170 it would provide much more open, safe and secure entry points to the canal and add to the security and wellbeing of the development. For those wishing to access the canal from plot 170 towards Livesey Branch Road, could still use the current canal entry point at the Livesey Branch road canal bridge.

I would like to extend the opportunity for you to come to 28 Kingsley Close and take a look at the proposed development from a residents perspective to see how it will impact on my home and quality of life as you don't always get a sense of it from the site view.

Yours Sincerely

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Objection from Mrs Wendy Fish, 22 Kingsley Close, Blackburn, Rec 04.12.18

For the attention of Ms. Denise Park/ Martin Kenny

Dear Ms. Park/Mr. Kenny

**RE: Reserved Matters Application 10/18/1097: Phase 1B Former Sappi Paper Mill, Livesey Branch Road, Feniscowles, Blackburn, BB2 5HX**

I wish to make you aware of a number of **OBJECTIONS** that I have with regards to elements of the proposed development at the above address, application number referenced above. As an immediate neighbour to the site of the proposed development, I am of the view that the proposed development will have a detrimental impact on my standard of living as well as the standard of living of others. My specific objections are as follows;

**1. *Detrimental impact upon residential amenities i.e. loss of privacy and overlooking***

The local area around the development site is characterised by a mixture of two storey detached, semi-detached and terraced dwellings of varying ages and appearances. It is proposed that ten dwellings within the proposed development will be sited to the east of the application site and will be sited directly opposite the existing dwellings located on the west side of Kingsley Close. These dwellings (dwelling type refs: S7G / S7G End) appear to be sited approximately 30m to the west of those located on the east side of Kingsley Close and are of three stories in height. The rear east

facing elevations have balconies at first floor level facing east towards the private rear gardens to the dwelling to the west side of Kingsley Close.

**Blackburn with Darwen Local Plan Part 2 (2015): Policy 8 – Development and People**

***Development will be permitted where it can be demonstrated that:***

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

**Blackburn with Darwen Local Plan Part 2 (2015): Policy 8 – Development and People, Paragraph 2.16**

***Some development can also have a very direct impact on people close to it. It is important that planning manages this impact and ensures that no one suffers from unsatisfactory conditions as a result of new development.***

**Blackburn with Darwen Local Plan Part 2 (2015): Policy 11 – Design**

***New development must enhance and reinforce the established character of the locality; or where the character of a place has been compromised by previous change, the development must assist in re-establishing a strong character, taking references from positive character elements in the wider area and applying them in a modern context.***

***The following aspects of character must be taken into account and reinforced in new developments:***

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

**Blackburn with Darwen Residential Design Guide: Supplementary Planning Document (2012) – Policy RES 2B: Building Heights**

***1. The building heights of new residential developments must relate to the form and proportion of the surrounding buildings and reflect the relative importance of the street.***

**Blackburn with Darwen Residential Design Guide: Supplementary Planning Document (2012) – Policy RES E20: Balconies, Terraces and Raised Platforms**

***Balconies, terraces and raised platforms will only be permitted where they do not create an unacceptable level of overlooking on surrounding properties.***

I believe that the dwellings located directly opposite the west side of Kingsley Close are in direct contravention of the above planning policies by virtue of their scale, massing and siting. These particular dwellings do not respect the established building heights of the local area on account of them being three storeys in height, a feature which is out of keeping with the local area. The three

storey design of the dwellings creates an unacceptable degree of dominance which would undermine the inherent character and appearance of the local area. These proposed dwellings would create an unacceptable degree of overlooking and loss of privacy to the rear gardens and rooms to the dwellings on the west side of Kingsley Close. No other existing dwellings appear to be overlooked by the proposed development. Policy RES 2B appears to not have been included within Chapter 02 of the submitted Design and Access Statement, dated November 2018.

The proposed dwellings also incorporate balconies at first floor level and will directly face the dwellings on the west side of Kingsley Close. The balconies will appear dominant on account of their size and location as well as incongruous within the local area and therefore fails to demonstrate an understanding of the local context. The proposed balconies unacceptably impact on the amenity of the existing dwellings to Kingsley Close through overlooking, loss of privacy and noise potential.

## **2. Adverse impact on local trees and wildlife**

The proposed site plan shows the removal of approximately 22 trees along the route of the Leeds Liverpool Canal and tow path and directly opposite the rear of the houses located at Kingsley Close to the east. All of the trees proposed for removal fall within retention category A and B as described within the Arboricultural Report dated January 2015 (submitted as part of Outline Planning Application 10/15/0496) and have a minimum life expectancy of 40 years.

**Blackburn with Darwen Local Plan Part 2 (2015): Policy 9 – Development and the Environment, Items 6, 7, 8 and 11**

### **Habitats and Species, and Ecological Networks**

***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 importance, Biological Heritage Sites, or habitats or species listed in the Lancashire Biodiversity Action Plan 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.***

***Development likely to damage or destroy habitats or species of local importance will not be permitted unless the harm caused is outweighed by other planning considerations and an appropriate mitigation strategy can be secured.***

### **Trees**

***Development will be expected to incorporate existing trees into the design and layout of the scheme. Where it appears likely a proposed development will result in the loss of or harm to trees of significant amenity, nature conservation or intrinsic value (including veteran trees and woodland), the Council will consider making a Tree Preservation Order to ensure that due consideration is given to the importance of the trees in the planning process.***

**Blackburn with Darwen Local Plan Part 2 (2015): Policy 8 – Development and the Environment, paragraph 2.18**

***Our environment is a limited resource. Once an environmental asset has been damaged or destroyed, it is normally impossible to restore it to its original condition.***

**Blackburn with Darwen Residential Design Guide: Supplementary Planning Document (2012) – Policy RES 3 Public Realm**

***Trees:***

***Trees represent public benefit by way of visual amenity and contributing to the character of an area. The Council seeks to retain trees wherever possible and ensure that they are in a condition which allows them to flourish and contribute to the quality of the development.***

***Principles: Trees***

***Trees contribute to the landscape and the amenity of an area. They provide screening, form an important wildlife habitat and may also be of historical value.***

**Arboricultural Report, dated January 2015 (submitted as part of Outline Planning Application 10/15/0496), page 11.**

***Decisions about which trees are to be retained should be influenced by their retention categories as suggested below.***

***Where possible category A and B trees should be retained and any works within their RPA's should be undertaken in a sympathetic manner.***

The trees proposed to be felled contribute to the character and appearance of the local area as well as the setting and character of the Leeds Liverpool Canal and tow path. Trees provide public benefits through visual amenity and the positive contribution to the enhancement of the local area and by the proposed removal of the tree, this would have a detrimental impact on the local area through the loss of these positive values. The submitted arboricultural report suggests that the trees are of a high retention value and to remove these trees would be contrary to the above local planning policy and guidance. The removal of the trees would also contribute to the unacceptable loss of visual amenity to the dwellings on the west side of Kingsley Close, located opposite, through the loss of screening which would result in loss of privacy and overlooking, therefore conflicting with the above local planning policies.

The loss of the trees would also have an adverse impact on the local wildlife, particularly along the corridor of the Leeds Liverpool Canal, through the loss of important habitat for bats and birds through the destruction of potential nesting and roosting sites.

### ***3. Highway safety and Traffic***

A significant number of houses are to be constructed as part of the overall development masterplan for the site, as well as commercial premises. The proposed plans as well as the proposal for other phases of the masterplan site show the main access and egress points from the site are located on (A674) Preston Old Road, west of Tintagel Close and on Livesey Branch Road, west of Kingsley Close.

Given the amount of housing proposed as part of this application and the masterplan overall, it is my opinion that the proposed housing will put increased strain on the local road network, namely, Livesey Branch Road and Preston Old Road and significantly increase the amount of traffic at peak times,

which both of these roads already suffer from and are already highly loaded with traffic at peak times of the day.

In turn, the increased amount of traffic within the area will compromise local highway safety as well as the safety of pedestrians, this is worsened by the lack of suitable road crossings to both these roads. It should also be noted that a number of schools are located within the area, namely Fenisowles Primary School and St Paul's Roman Catholic Primary School. The increased traffic will cause further issues in the vicinity of these schools as well as increase the risk posed to those who travel to the school by foot, of which many can be seen in the mornings and afternoons.

This area is also significantly affected by heavy traffic in the event of problems on the nearby M65 motorway and any issues that occur around junction 3 of this motorway. In the event of this happening, the traffic in the local area builds up significantly and the increased traffic caused by the proposed development will only worsen such situations as and when they occur.

To conclude, I believe that the proposal would contravene this guidance as it is to the detriment of the quality, character and amenity value of the area, as outlined in the points above.

I would also like to request that, should you eventually decide to grant planning approval, the council considers using its powers to enforce (through suitably worded planning conditions) controlled delivery times and hours of operation on the application site during the site clearance and construction phases of the development as well as further enforcement to reduce the effect of noise, dust, fumes and vibration on neighbouring properties throughout the duration of the works. I would also ask that a further condition be imposed requiring the provision of wheel washing facilities at all entrances to the site to prevent site debris being transferred onto the local highways during the full duration of the proposed development.

I would be grateful if the council would take my objections into consideration when determining this application and that suitable amendments are carried out to the proposals in order to address the issues that have been identified.

Yours sincerely

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Objection from Debbie Riley, Rec 05.12.18

Planning reference 10/18/1097: Phase 1B – Reserve Matters Application (access within the site, landscape, layout, appearance, scale) pursuant to outline 10/15/0496 for Phase 1b comprising of 150 dwellings and associated infrastructure.

Letter of Objection - 04 December 2018

Dear Mrs Park,

My family and I have resided at 14 Kingsley Close since the dwellings were first constructed in 2003. When we purchased the house we paid a premium for the property for the canal view and for the fact we were not overlooked at the rear of the house. One of the main reasons I have not moved from Kingsley Close is because of the surrounding environment and countryside which my family & I enjoy living in. I have also recently spent a considerable amount of money on an extension and remodelling of my home so I can enjoy my surrounding environment more. I would not have done this if I had had any idea about the proposed development directly facing my home & I now also face losing value on my home after going to considerable efforts to improve it and its value.



Regarding this planning application, although I understand the need for more housing in the area, and as such I am not against the overall principle of the current development, I am concerned as to the capacity of the local road infrastructure, schools provisions, etc to accommodate the net increase in local population when you consider there are currently 3 other new building developments in the local area. I feel compelled to raise strong objections on the following specific grounds and would ask the developer and Local Planning Authority to consider these matters and provide a written response as to how these concerns can be resolved.

The canal side dwellings proposed under 10/18/1097 are 3 storey, with first floor, living room, full width balconies (S7G style). They will look directly into Kingsley Close rear living room, rear bedrooms and overlook gardens; this a complete invasion of privacy. From my observations, it is rare for dwellings to be constructed on directly opposite sides of the canal in this manner. As the houses on Kingsley Close have been in place for 15 years the residential amenity impact on the occupiers must surely be taken into account as a material planning consideration. If the new dwellings are constructed as proposed, the loss of residential amenity and loss of privacy to Kingsley Close canal side occupiers will be significant.

Looking at the plans there will be a dwelling directly opposite my house that will be looking directly into my home. As stated above I recently completed an extension and remodelling of my home. My architect had suggested a first floor balcony on the roof of the back extension but was told this would not get planning permission as this would be an invasion of privacy for my neighbours. This was less than 9 months ago and now there are proposals to remove protected trees to build houses with first floor balconies that would constitute a much more significant invasion of privacy affecting more residents of Kingsley Close including myself. Surely the same principles apply and the permission for the removal of trees and style of build for these dwellings cannot be approved?

Please see below pictures of the rear of my home and the current view I have from my dining room and garden as well as a view of the rear of my house from the opposite canal side. I think you would agree that if this was your home you would not be happy about the removal of the trees and the construction of 3 storey dwellings with first floor balconies being constructed directly across from you and therefore invading privacy to an unacceptable degree. At the very least the trees, which are protected, should be left in place and the balconies should not be approved.





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Objection from Mrs W Fish, 22 Kingsley Close, Blackburn, Rec 05.12.18

Dear Ms. Park/Mr. Kenny

**RE: Reserved Matters Application 10/18/1097: Phase 1B Former Sappi Paper Mill, Livesey Branch Road, Feniscowles, Blackburn, BB2 5HX**

I wish to make you aware of a number of **OBJECTIONS** that I have with regards to elements of the proposed development at the above address, application number referenced above. As an immediate neighbour to the site of the proposed development, I am of the view that the proposed development will have a detrimental impact on my standard of living as well as the standard of living of others. My specific objections are as follows;

***4. Detrimental impact upon residential amenities i.e. loss of privacy and overlooking***

The local area around the development site is characterised by a mixture of two storey detached, semi-detached and terraced dwellings of varying ages and appearances. It is proposed that ten dwellings within the proposed development will be sited to the east of the application site and will be sited directly opposite the existing dwellings located on the west side of Kingsley Close. These dwellings (dwelling type refs: S7G / S7G End) appear to be sited approximately 30m to the west of those located on the east side of Kingsley Close and are of three stories in height. The rear east facing elevations have balconies at first floor level facing east towards the private rear gardens to the dwelling to the west side of Kingsley Close.

**Blackburn with Darwen Local Plan Part 2 (2015): Policy 8 – Development and People**

***Development will be permitted where it can be demonstrated that:***

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

**Blackburn with Darwen Local Plan Part 2 (2015): Policy 8 – Development and People, Paragraph 2.16**

***Some development can also have a very direct impact on people close to it. It is important that planning manages this impact and ensures that no one suffers from unsatisfactory conditions as a result of new development.***

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***New development must enhance and reinforce the established character of the locality; or where the character of a place has been compromised by previous change, the development must assist in re-establishing a strong character, taking references from positive character elements in the wider area and applying them in a modern context.***

***The following aspects of character must be taken into account and reinforced in new developments:***

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

**Blackburn with Darwen Residential Design Guide: Supplementary Planning Document (2012) – Policy RES 2B: Building Heights**

***1. The building heights of new residential developments must relate to the form and proportion of the surrounding buildings and reflect the relative importance of the street.***

**Blackburn with Darwen Residential Design Guide: Supplementary Planning Document (2012) – Policy RES E20: Balconies, Terraces and Raised Platforms**

***Balconies, terraces and raised platforms will only be permitted where they do not create an unacceptable level of overlooking on surrounding properties.***

I believe that the dwellings located directly opposite the west side of Kingsley Close are in direct contravention of the above planning policies by virtue of their scale, massing and siting. These particular dwellings do not respect the established building heights of the local area on account of them being three storeys in height, a feature which is out of keeping with the local area. The three

storey design of the dwellings creates an unacceptable degree of dominance which would undermine the inherent character and appearance of the local area. These proposed dwellings would create an unacceptable degree of overlooking and loss of privacy to the rear gardens and rooms to the dwellings on the west side of Kingsley Close. No other existing dwellings appear to be overlooked by the proposed development. Policy RES 2B appears to not have been included within Chapter 02 of the submitted Design and Access Statement, dated November 2018.

The proposed dwellings also incorporate balconies at first floor level and will directly face the dwellings on the west side of Kingsley Close. The balconies will appear dominant on account of their size and location as well as incongruous within the local area and therefore fails to demonstrate an understanding of the local context. The proposed balconies unacceptably impact on the amenity of the existing dwellings to Kingsley Close through overlooking, loss of privacy and noise potential.

## **5. Adverse impact on local trees and wildlife**

The proposed site plan shows the removal of approximately 22 trees along the route of the Leeds Liverpool Canal and tow path and directly opposite the rear of the houses located at Kingsley Close to the east. All of the trees proposed for removal fall within retention category A and B as described within the Arboricultural Report dated January 2015 (submitted as part of Outline Planning Application 10/15/0496) and have a minimum life expectancy of 40 years.

### **Blackburn with Darwen Local Plan Part 2 (2015): Policy 9 – Development and the Environment, Items 6, 7, 8 and 11**

#### **Habitats and Species, and Ecological Networks**

***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 importance, Biological Heritage Sites, or habitats or species listed in the Lancashire Biodiversity Action Plan 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.***

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#### **Trees**

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***Our environment is a limited resource. Once an environmental asset has been damaged or destroyed, it is normally impossible to restore it to its original condition.***

**Blackburn with Darwen Residential Design Guide: Supplementary Planning Document (2012) – Policy RES 3 Public Realm**

***Trees:***

***Trees represent public benefit by way of visual amenity and contributing to the character of an area. The Council seeks to retain trees wherever possible and ensure that they are in a condition which allows them to flourish and contribute to the quality of the development.***

***Principles: Trees***

***Trees contribute to the landscape and the amenity of an area. They provide screening, form an important wildlife habitat and may also be of historical value.***

**Arboricultural Report, dated January 2015 (submitted as part of Outline Planning Application 10/15/0496), page 11.**

***Decisions about which trees are to be retained should be influenced by their retention categories as suggested below.***

***Where possible category A and B trees should be retained and any works within their RPA's should be undertaken in a sympathetic manner.***

The trees proposed to be felled contribute to the character and appearance of the local area as well as the setting and character of the Leeds Liverpool Canal and tow path. Trees provide public benefits through visual amenity and the positive contribution to the enhancement of the local area and by the proposed removal of the tree, this would have a detrimental impact on the local area through the loss of these positive values. The submitted arboricultural report suggests that the trees are of a high retention value and to remove these trees would be contrary to the above local planning policy and guidance. The removal of the trees would also contribute to the unacceptable loss of visual amenity to the dwellings on the west side of Kingsley Close, located opposite, through the loss of screening which would result in loss of privacy and overlooking, therefore conflicting with the above local planning policies.

The loss of the trees would also have an adverse impact on the local wildlife, particularly along the corridor of the Leeds Liverpool Canal, through the loss of important habitat for bats and birds through the destruction of potential nesting and roosting sites.

## ***6. Highway safety and Traffic***

A significant number of houses are to be constructed as part of the overall development masterplan for the site, as well as commercial premises. The proposed plans as well as the proposal for other phases of the masterplan site show the main access and egress points from the site are located on (A674) Preston Old Road, west of Tintagel Close and on Livesey Brach Road, west of Kingsley Close.

Given the amount of housing proposed as part of this application and the masterplan overall, it is my opinion that the proposed housing will put increased strain on the local road network, namely, Livesey

Branch Road and Preston Old Road and significantly increase the amount of traffic at peak times, which both of these roads already suffer from and are already highly loaded with traffic at peak times of the day.

In turn, the increased amount of traffic within the area will compromise local highway safety as well as the safety of pedestrians, this is worsened by the lack of suitable road crossings to both these roads. It should also be noted that a number of schools are located within the area, namely Feniscowles Primary School and St Paul's Roman Catholic Primary School. The increased traffic will cause further issues in the vicinity of these schools as well as increase the risk posed to those who travel to the school by foot, of which many can be seen in the mornings and afternoons.

This area is also significantly affected by heavy traffic in the event of problems on the nearby M65 motorway and any issues that occur around junction 3 of this motorway. In the event of this happening, the traffic in the local area builds up significantly and the increased traffic caused by the proposed development will only worsen such situations as and when they occur.

To conclude, I believe that the proposal would contravene this guidance as it is to the detriment of the quality, character and amenity value of the area, as outlined in the points above.

I would also like to request that, should you eventually decide to grant planning approval, the council considers using its powers to enforce (through suitably worded planning conditions) controlled delivery times and hours of operation on the application site during the site clearance and construction phases of the development as well as further enforcement to reduce the effect of noise, dust, fumes and vibration on neighbouring properties throughout the duration of the works. I would also ask that a further condition be imposed requiring the provision of wheel washing facilities at all entrances to the site to prevent site debris being transferred onto the local highways during the full duration of the proposed development.

I would be grateful if the council would take my objections into consideration when determining this application and that suitable amendments are carried out to the proposals in order to address the issues that have been identified.

Yours sincerely

Mrs. W. Fish

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Objection from Darren Tuplin, 34 Kingsley Close, Blackburn, Rec 17.02.20

I wish to raise concern over the recent planning amendment as referred to above and the re-siting of properties along the canal side in the amended application.

Site revision plan doc/00029608.pdf shows a proposal for 8, 3 x floored dwellings along the canal side on the opposite side of the canal, the south end of Kingsley Close, where the original plan, doc/00016388.pdf had only 4. The change of proposal looks to have come about because of an introduction of a landscaped area along the canal towards Feniscowles Bridge where the 8 houses were initially located.

With introducing four more houses brings an additional 8 bedrooms on the 3<sup>rd</sup> level of the properties overlooking the rear of the properties of Kingsley Close. Is it known at what height from the ground these houses will stand? Indeed the current ground level is lower than that of the neighbouring canal towpath. With the design of these dwellings the lounge/sitting area is situated on the 2<sup>nd</sup> level giving a prime view over the canal and into the rear of the properties to the south end of Kingsley Close.

The positioning of these properties sit very close to the towpath. Surely they didn't have to be positioned as such and this might not cause such concern perhaps if they were further away from the canal side allowing for the trees to remain in order to provide some degree of screening to add in some form of privacy. I take it that the planning department have assurances that the tree belt that lines the towpath alongside the Leeds Liverpool canal does not belong to British Waterways?

This concern I raise and bring to your attention forms part of my wider concern. Whilst I appreciate this letter focuses primarily on the Phase 1B of the Former land of the Sappi Paper Mill, I need to highlight further concern local to the south end of Kingsley Close. I understand a developer has interest in developing the public open space on Kingsley Close. Whilst obviously this is not connected with the Sappi development, both are of concern to me given that both are current development proposals and both would be overlooking the properties to the south end of Kingsley Close. Only recently has Dorbcrest homes commenced tree and shrub removal on the public open space. With

surveyors measuring the public open space last year I can only guess the developers are currently engaged in consultation with the Blackburn planning department.

Thank you for the opportunity to inform you of my concerns and as it stands, my objections to both developments as both are an infringement of privacy and of concern for public open spaces. As you may appreciate the enjoyment of the current landscape to the prospect, where two developments encroach on people's lives, is a daunting one.

Yours Sincerely

Darren Tuplin

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Objection from Lynn Ramsay, 32 Coronation Avenue, Rec 03.09.20

Hi Planning

I have already emailed Martin Kenny regarding the above - the letter I received did not include to whom we were suppose to email our queries/concerns and objections to, and I have had no response.

I extract from my initial email:

I live on 32 Coronation Avenue, Feniscowles, and today (27 August 2020), I received a letter re: "Reserved matters Application" in connection with the above Site for Phase 1b, comprising of 150 dwellings and associated infrastructure.

I would very much like to comment on the various phases of development around the Sappi Paper Mill, however I really need to see the detailed Masterplan first (I am new to Feniscowles and therefore did not view the Masterplan before - I was in fact told by the Estate Agent that no development would take place behind my home (seems that is not the case). Please would you let me know how I may be able to view a detailed Masterplan? I am in no way against the development, but just need to ensure we protect existing habitats and privacy.

I have done a bit of research in the interim and am concerned about the trees. There are Magpies, Jackdaws, Wooded Pigeons and Woodpeckers living in the big trees. There is also an abundance of Great Tits, Blue Tits, Coal Tits, Sparrows, Robin's and Nuthatches, and I would not want to have their habitat disturbed in any way. What guarantee is there that this will not happen (even if you do not cut the trees down, the Woodpeckers like their privacy)? Currently, without seeing the details, I would need to raise my objection to building in the area.

Kind regards

Lynn Ramsay