

PLANNING & HIGHWAYS COMMITTEE
THURSDAY 15th OCTOBER 2020
UPDATE REPORT.

The following update content should be read in conjunction with the published Committee Report.

10/18/1097 – Phase 1B Former Sappi Paper Mill, Livesey Branch Road, Feniscowles, Blackburn

The following paragraphs in the main report need to be amended to remove typo errors [emphasised in italics].

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 west 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 east 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.

3.2.1 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 1b comprising of 141 dwellings and associated infrastructure.

3.5.31 This report assesses the reserved matters application for 141 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.

10/20/0434 – Land to the rear of 29 Greenhead Drive, Blackburn.

Members are advised that further clarification is needed regarding the google street view image of the access from Greenhead Avenue to the application site at paragraph 3.1.3 of the main report. Anecdotally the applicant states that the access off Greenhead Avenue between Nos 29 and 31, is a shared access which provides access to the rear garden space of both properties. There is no direct access to the application site red edge boundary from Greenhead Avenue itself. Access to the application site from No.29 is via the existing rear garden.

At paragraph 4.3 of the main report, **a condition requiring the removal of the chicken pen and run from the application site, within one month of the date of decision**, should be added to the list of conditions.

Removal of permitted development rights relating to means of enclosure (minor operations) should also be added to the permitted development removal condition.

Members are advised that the removal of the stated permitted development rights includes the removal of the rights to keep poultry or other livestock on the application site, without first obtaining planning permission.

The following representation has been submitted from a local resident, since publication of the committee report:

I am certain there is a dog struggling on the land because its barking is constant and sounds like a cry. Made noise all morning today following a series of fireworks last night. This is all behind our homes. The question is: If this is what we are dealing with now, what happens once they ARE granted permission? We would be happy if you could add your comments to the planning permission to let them know about the complaints you are having to deal with.

Members are advised that the matter is being investigated by the Council's Public Protection team, under statutory nuisance powers, independent from this planning application.

10/20/0625 – Land adjacent to Hob Lane Farm, Blackburn Road, Edgworth

Comments received from Councillor Colin Rigby received 12th October 2020:

“Comment on the Caravan Park Entrance. (Blackburn Rd) 10/20/0625

The first application was refused some two years ago. on grounds of manoeuvring, to access and egress the site. This was for cars only, and a track passing 473/475 Blackburn Rd was the accepted access. This access contravened the requirement for clear lines of sight when exiting the site. To compound the problems the blind junction of Hob Lane and Blackburn Rd. is close by, no sight lines when exiting Hob Lane, made more of a problem with parked cars. There are regular reports to police and highways about this junction.

Mr. Warner became aware that the field adjacent to Hob Lane has permitted development rights. (no planning application needed) which allows access from Hob Lane on to the field. This access was needed to allow car/caravans access.

Hob Lane is a single vehicle track with minimal passing places, word of this caused concerns by the residents of Entwistle. Mr Warner had earth moving equipment brought to Hob Lane early in the morning, presumably to commence work, he had neglected to inform BwD highways and considerable confusion arose. I spoke with highways and the work did not proceed, Mr. Simon Littler met with Mr. Warner and advised him that due to the 2mtr height difference between the track and his field considerable engineering work would be needed.

These events took place early in September, however Mr. Warner with considerable foresight had applied in July for access from Blackburn Rd.

No consideration appears to have been given to the vehicular use of Blackburn Rd for car/caravans, you will find on your site visit The approach from Blackburn especially after the Wayoh Barn where there are right and left hand bends on a downhill section of road, and leaving the site in the direction climbing uphill, there is a choke point which restricts normal traffic.

This situation arises due to a decision taken two years ago, when the acceptance of an entrance/egress was accepted passing 473/473 Blackburn Rd. This decision

contravenes the normal rules covering sight lines. There are no sight lines at all from the entrance currently in use, The much discussed Camping and Caravanning Licence is not issued until all the civil works are completed. Simply put, if this application is refused, there will be no access and no caravan site.”

The points raised in Cllr Rigby's comments can be addressed as follows:

1. The access Cllr Rigby refers to has not previously been refused planning permission. Formal Pre-application discussions regarding the dwelling now being built at Hob Lane discussed using the field for access. This was discounted as having an unacceptable impact on the Green Belt. At the pre-application stage, Highways Officers had agreed that the existing access alongside Nos. 473/475 Blackburn Road would be the preferred option. Highways revised this opinion during the formal application process and expressed concern about sightlines. However, it was considered that since this access was already existing and provided a route from Blackburn Road to the various sheds and buildings then on the site, there would be little additional harm to the highway; and in addition the impact on the Green Belt would be kept to a minimum.
2. This will be the second time the Committee has been asked to assess the impact of development on this particular stretch of Blackburn Road. At the meeting dated 18th October 2018, Members were asked to assess the proposed development of a dwelling house whose entrance would be opposite to the proposed access to the caravan site (planning application 10/18/0230). The Committee report stated that *“this gated entrance requires vehicles to turn into and pull out of the site at a point along the highway located in a valley between steep gradients where vehicle speeds are permitted up to 40mph. The entrance to the site is not clearly visible from the northern approach until Hob Lane Bridge is reached. Adequate sightlines have not been demonstrated on the plans, and visibility for drivers exiting the application site is likely to be difficult.”* Members disagreed with this assessment and approved the application contrary to the recommendation. In respect of the current application before Members, it is considered that sufficient work has been done through the assessment to achieve reasonable sightlines and sufficient space for turning into and out of the site safely.
3. Permitted development rights accruing to a caravan site are discussed at 3.2.3, 3.5.4 and 3.5.7 in the main report. Members are advised that under Part 6 of the General Permitted Development Order 2015 (as amended), a caravan site may host up to five caravans without requiring planning permission. A caravan site at Hob Lane Farm, then, would not require planning permission.
4. Part 2 Class B of the General Permitted Development Order permits *“the formation, laying out and construction of a means of access to a highway which is not a trunk road of a classified road, where that access is required in connection with development permitted by any class in this Schedule (other than by Class A of this Part).”* These permitted development rights would cover caravan sites. Hob Lane, not being a classified highway, could

in principle be used as an access point without requiring planning permission.

5. The earth-moving equipment brought to Hob Lane would appear to have been a response to Facebook comments regarding the planning application for the Blackburn Road access which, at the time, was being considered for refusal. The situation was defused with a site meeting between Highways Officer and the applicant (as referred to in paragraph 3.5.9 of the main report). It was explained at that meeting that there would almost certainly be a need for permission for earthworks and that such permission was unlikely to be granted. Further consideration was given in the application process as to how the safety of the Blackburn Road access could be secured and the additional details assessed in the main report are considered to achieve this.
6. In respect of the granting of a licence to a caravan site by the Caravanning and Camping Club: if access is not granted, either by planning permission or through the exercising of rights to create an access under Part 2 Class B of the General Permitted Development Order, then it is correct to say that the caravan site would not be able to function. The revised details for the access onto Blackburn Road brought forward as a result of the site meeting with the Highways Network Manager, which will be controlled by suitably worded conditions (as referred to in paragraph 4.1) are considered to be acceptable from a highways and green belt perspective, to allow the development to proceed.

Other representations received since the publication of the agenda/report:

From Mr. Nick Grimwood, of No.2 Hob Lane, dated 11th October 2020: *“Nothing has changed regarding my last objection to this application. I do not see what relevance the length of car or caravan has, the reason I object is that I don’t think anybody realises how busy and how fast traffic is along that stretch of road.*

Parking on that stretch is already a problem. Many of the vehicles belong to the contractors working on the applicants new build site. The addition of long, slow turning vehicles would only increase the chances of a serious collision.

May I suggest before anything is passed a traffic survey should be done to show the level of traffic passing especially at weekends when it is very busy.

If the Blackburn road access is passed and the driveway to the caravan plots is laid there is no need for it to extend to the site of the applicants new build . Many residents including myself believe that better access to his new house is the underlying reason for this application.

Could I also bring to your attention that when the applicant started to dig out on Hob Lane (as a tactic to sway the decision)he has disturbed the natural drainage of the field and now when it rains water comes bursting through the wall and flows down Hob Lane. It is only a matter of time until the wall collapses causing the land to slide into the lane.

If this was to happen it would completely block Hob lane and trap all the residents of Entwistle and affect some local businesses .May I suggest that this problem is brought to the attention of the Highways Agency and dealt with before the worst happens.”

From Christine Grimwood, of No.2 Hob Lane, dated 11th October 2020: *“My previous objections to this application have not changed and I would like them to be taken into consideration when reviewing it.*

I would ,however, like to stress that I still feel that Mr Warner's intentions are not as clear as he would have people believe and that his ultimate aim is to create a new entrance and driveway to his new build with the possibility of applying for an additional dwelling in the near future. The threat of a caravan site is simply that-a threat."

From Mr. Andy Tighe, of No.1 School View, Edgworth, dated 2nd October 2020:

"I've reviewed the recently added 'car & caravan swept path analysis' diagram and it is my considered opinion that the diagram is not a fair representation of the likely swept paths that will be achieved.

The clearances included within the diagram are to me clearly less than most drivers will realistically achieve. Therefore, I believe that most drivers will inevitably 'swing out' into the opposite lane of the road, thereby creating a hazard and a potential road traffic accident situation. Unfortunately, vehicles often approach the bend in the road at Dingle cottage & the bridge over Wheatstone Brook at speeds greater than the 40mph limit.

Whilst an access via Hob Lane will have some issues, I believe they can be fairly easily overcome & the caravans won't add much more of a burden to the Hob Lane traffic. Speeding vehicles and vehicle collisions is certainly not an issue on Hob Lane therefore I see it as by far the safer option for touring caravans to access & exit the proposed caravan site.

I trust you will give my views fair consideration."

Agenda Item No.10 – Enforcement – Land at Weasel Lane (Kiln Bank), Tockholes

The main report refers to the Ward being within West Pennine. This is incorrect, the ward, where the enforcement site is located is within the **Darwen West Ward**. **The Councillors are: David Smith, Stephanie Brookfield and Brian Taylor.**

Gavin Prescott,
Planning Manager (Development Management)
15th October 2020