

**Proposed development: Full Planning Application (Regulation 4) for: Demolition of one substation building and the erection of 383 dwellings and associated works**

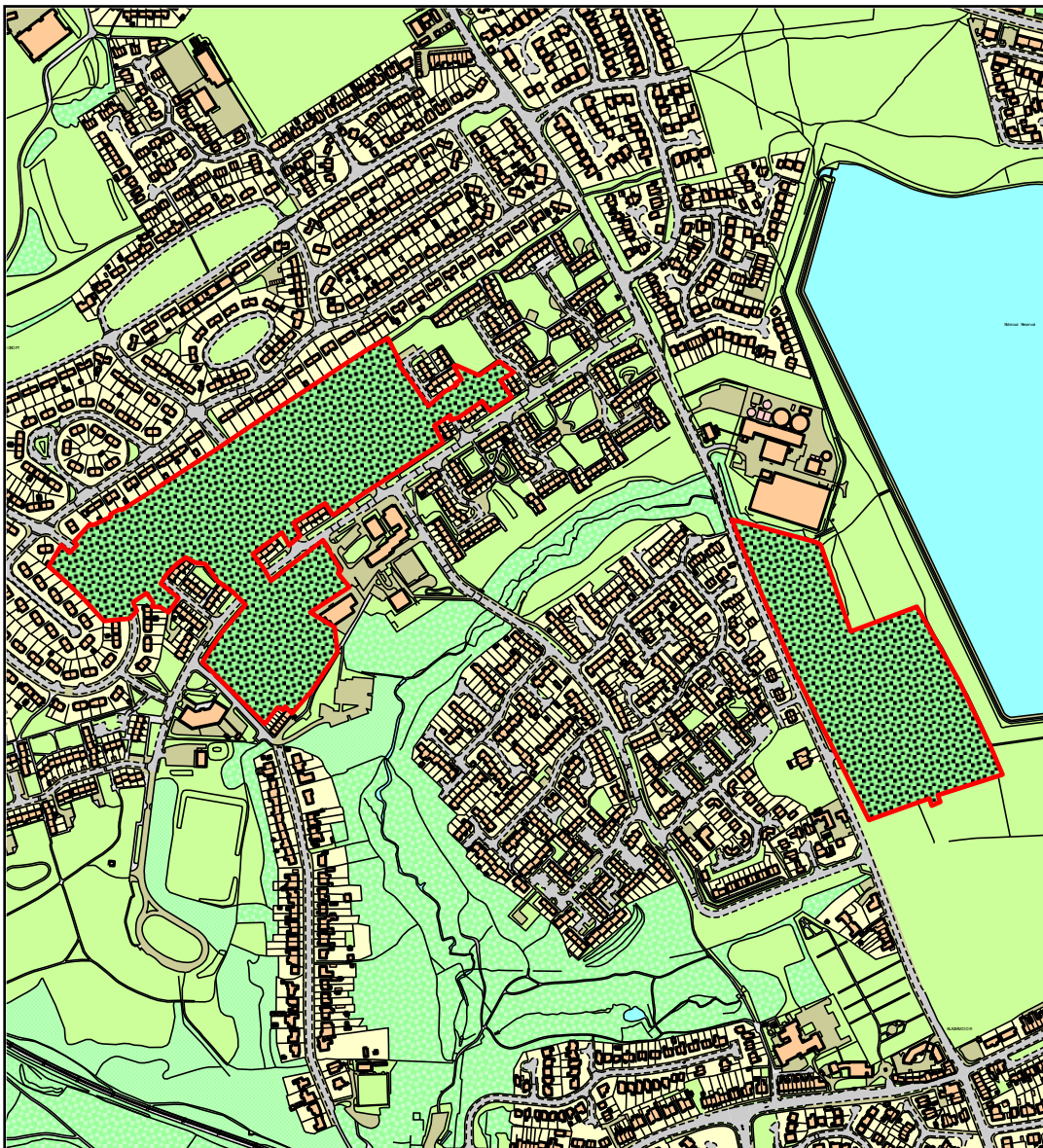
**Site address:**

**Land to the North and South of Fishmoor Drive and Land to the East of Roman Road  
Blackburn**

**Applicant: Countryside Properties (UK) Ltd and Together Housing Group**

**Ward: Blackburn South East**

**Councillor: James Shorrock  
Councillor: Vicky Ellen McGurk  
Andy Kay**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – Subject to a Section 106 Agreement relating to education provision and conditions, as set out in paragraph 4.1.**

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

2.1 Detailed assessment of the application establishes that the proposed development corresponds with the Council's overarching housing growth strategy, as set out in the Core Strategy and Local Plan Part 2. Delivery of a high quality housing development is assured, focussed on land that was previously developed to the north west and south east of Fishmoor Drive and to a previously developed site, primarily allocated for housing, to the east of Roman Road, Blackburn. Moreover, from a technical point of view, all issues have been addressed through the application or are capable of being controlled or mitigated through planning conditions and a Section 106 Agreement.

2.1.1 Approval of the application will secure a much anticipated and aspirational regeneration of the Fishmoor Area, offering highly significant economic, environmental and social benefits, including but not limited to quality mixed tenure housing (social rented, shared ownership and out right sale) which will widen the choice of family homes in the Borough, quality public open space and increased educational capacity for the community. The development will also boost the supply of family housing to meet the Council's 5 Year Land Supply Target.

2.1.2 Submission of the application follows extensive pre-application consultation undertaken by the Applicants with the local community (including community groups), Council departments and elected Members. This is an approach advocated by The Framework and National Planning Policy Guidance, for schemes of this nature. The consultation included a pre-application meeting between the applicants and Council departments, and a public exhibition event at Roman Road Library, held in February last year. A Statement of Community Involvement submitted with the application sets out the applicants approach to community consultation and their response to the main issues raised. The final scheme responds proportionately to representations made during the pre-application process.

2.1.3 The scale of the proposed development directs the need for it to be screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations') and supporting Planning Practice Guidance (PPG).

2.1.4 As an application for 383 dwellings, it falls to be screened under Schedule 2 of the EIA Regulations. Schedule 2 development requires an EIA if it would be likely to have significant effects on the environment.

2.1.5 The proposed development falls within category 10 of Schedule 2, 'Infrastructure Projects', sub-section (b) 'Urban Development Projects'. The thresholds for residential developments as set out in Schedule 2 relate to developments that includes 'more than 150 dwellings'. The proposed development is for 383 dwellings (above the threshold). It, therefore, requires further screening to determine whether there would likely be significant effects, either from the development in isolation or cumulatively when considered with other development in the vicinity. To achieve this, Schedule 3 of the EIA Regulations and the PPG need to be considered. Schedule 3 sets out the following selection criteria:

- The characteristics of the development;
- The location of the development; and
- The potential impact.

These factors are considered collectively, as part of the screening process.

2.1.6 Taking each criteria in turn:

2.1.7 Characteristics

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

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

2.1.9 Potential for major accidents or disasters with reference to flood risk has been considered through review of a Flood Risk Assessment which takes account of the proximity and elevated position of the Fishmoor Reservoir to the development. The FRA concludes that properties at the foot of the reservoir are at medium risk of residual flooding. In this context, the reservoir is a water body subject to strict control under the Reservoirs Act 1975. Moreover, the site layout appropriately responds to the position of the reservoir through inclusion of flood resilience measures by means of a 10 metres buffer between the base of the reservoir embankment and the site boundary.

2.1.10 Location

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

2.1.11 Potential Impact

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

2.1.12 Cumulative construction impact takes into account the ongoing Blackmoor Link Road, to the immediate south of the development (Parcel 3). No

significant impacts are considered to arise, given the estimated completion of the link road will avoid conflict with the build schedule of the proposed development.

2.1.13 Operational phase impact will essentially be limited to noise and emissions arising from domestic car travel. In this context, it is recognised that the two areas of development are separated from each other, with 269 dwellings proposed on Fishmoor Drive and 114 proposed on Roman Road. Air quality impact arising from emissions is considered acceptable, subject to proportionate mitigation, following assessment of technical reports.

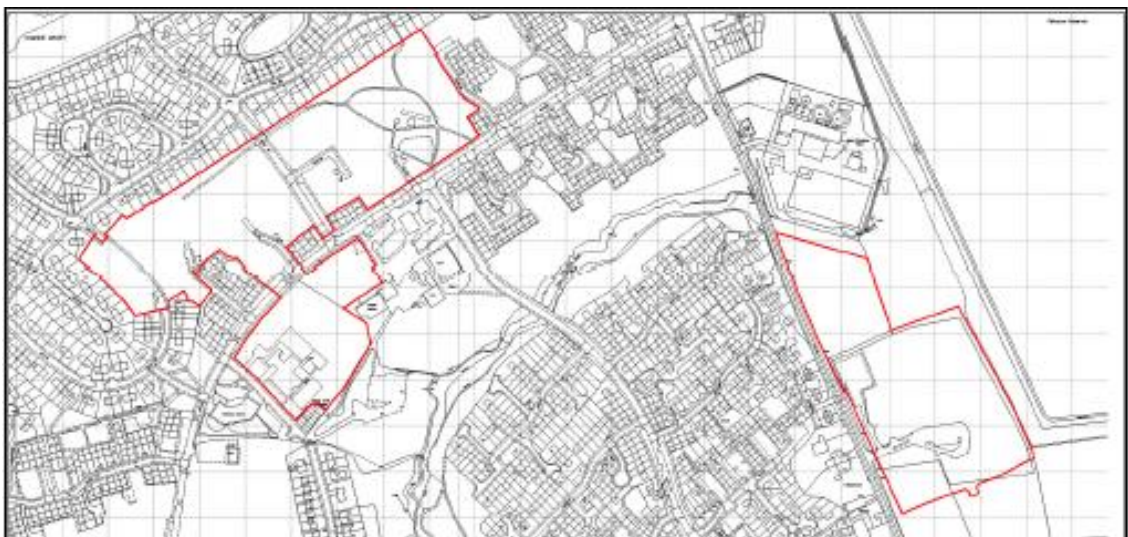
2.1.14 Accordingly, it is not considered that the proposed development gives rise to the need for an EIA.

### **3 RATIONALE**

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

3.1.6 The proposed development site sits within the Inner Urban Area of Blackburn and totals 10.95 hectares in area. This includes three defined parcels of land (Parcels 1 and 2 are linked), illustrated by the red edges of the Location Plan, below:

- Parcel 1 – Unallocated land to the north west of Fishmoor Drive;
- Parcel 2 – Unallocated land to the south east of Fishmoor Drive;
- Parcel 3 – Unallocated and housing allocated land to the east of Roman Road; *Blackamoor Road Development - Site Ref. 16/8 (Local Plan Part 2)*.



3.1.2 Addressing each Parcel in turn:

#### **3.1.3 Parcel 1**

This parcel sits to the north west of Fishmoor Drive and straddles Morecambe Road with the north western boundary being formed by the back-garden

fences of the properties along Lytham Road. Seascale Close forms the north-eastern boundary of Area 1. The site then extends into a south-westerly direction up to the back gardens of the houses on Thornton Close. This area is vacant brownfield land, having historically hosted a significant amount of Council housing stock. Only 2 associated substation buildings remain. Although converted into green space, it is evident that remnants of the demolition still remain below ground which has resulted in an undulating and less than functional space, with the exception of an equipped children's play area to the north of shops on Fishmoor Drive. Overall land levels fall gradually in a north to south and east to west direction.

3.1.4 It should be recognised that the 9 remaining dwellings on Fishmoor Drive (nos. 34 – 50), which straddle Morecombe Road, are not included within the parcel or the overall application site. Instead, demolition of these houses and erection of 9 replacement houses is considered under a separate application (ref. 10/20/0935).

#### 3.1.5 Parcel 2

Although linked by the red edge, this parcel fundamentally sits to the south east of Fishmoor Drive, extending from local shops adjacent to the eastern boundary, forward of the Health Centre to Highercroft Road at the south western boundary. This area is vacant brownfield land converted into green space, having formerly hosted housing and Highercroft Vocational Centre which was demolished circa 2017. As with parcel 1, land levels fall gradually in a north to south and east to west direction.

#### 3.1.6 Parcel 3

This parcel sits to the east of Roman Road and is bounded by Fishmoor Reservoir to the east and Fishmoor Water Treatment Plant to the north. The southern boundary runs perpendicular with Roman up to the south corner of Fishmoor Reservoir. It is previously developed land. The area south of the existing footpath connecting Roman Road with Fishmoor Reservoir is allocated for housing. Land levels generally fall gradually from east to west. The northern portion falls from south to north while the southern portion falls from north to south.

3.1.7 Turning to the surrounding area; local amenities exist adjacent to Parcels 1 and 2, in the form of a health centre, children's centre, a range of shops and a library.

3.1.8 The closest primary schools are Our Lady of Perpetual Succour Primary School, Longshaw Community Junior School, and St James' Lower Darwen Primary School. The closest secondary schools are Blackburn Central High School, Darwen Vale High School and Markazul Uloom Independent School. All are within the recommended maximum recommended walking distance for primary schools and high schools.

3.1.9 Blackburn Town Centre is approximately one mile to the north of the site. Direct pedestrian and road linkages exist up to the Town Centre via Roman Road.

3.1.10 The Employment estate on Roman Road is within one mile to the south, with Walker Park and Shadsworth Employment Estate within one mile to the east.

3.1.11 Royal Blackburn Hospital is also within a mile northeast of the site.

3.1.12 Accordingly, the site evidently benefits from its highly sustainable location.

## 3.2 Proposed Development

3.2.1 Full planning permission is sought for the demolition of a sub-station, erection of 383 dwellings and associated works, including provision of public open space (POS), highway improvements / infrastructure and drainage attenuation.

3.2.2 As aforementioned, the application site is split into 3 parcels of land. Proposals for each parcel are as follows:

### 3.2.3 Parcel 1 (illustrated below)

200 dwellings served by new highway infrastructure from Fishmoor Drive, Norbreck Close, Flimby Close, Levens Close and Morecambe Road. Direct access to dwellings will also be taken from the existing highway network at Fishmoor Drive, Seascale Close and Morecombe Road. Pockets of POS are included within the layout.



### 3.2.4 Parcel 2 (illustrated below)

69 dwellings served by new highway infrastructure from Fishmoor Drive. Direct access to dwellings will also be taken from Fishmoor Drive and Higher Croft Road. A large pocket of POS with an equipped play area, is included, fronting Fishmoor Drive.



### 3.2.5 Parcel 3 (illustrated below)

114 dwellings served by new highway infrastructure from two new access junctions from Roman Road. Direct access to dwellings is taken from the new internal road rather than from Roman Road. A drainage attention pond is included, as is a footpath link straddled by POS linking Roman Road with the footpath around Fishmoor Reservoir.



3.2.6 The development as a whole will comprise a broad mixture of houses including 2, 3, and 4-bedroom family properties. All properties will either be two storeys or two and a half storeys. An overall gross density of 35 dwellings per hectare is proposed.

3.2.7 A mix of tenures is proposed, consisting of 20% affordable housing, private for sale and private rented properties (managed by Sigma). The accommodation schedule for the development is shown below:

<b>ACCOMMODATION SCHEDULE</b>								
<b>AFFORDABLE ACCOMMODATION SCHEDULE</b>								
HOUSE TYPE	NUMBER	SQFT	BED	TOTAL SQFT	Mid	End	Det	Total
GP Colne	24	734	2	17616	2	22	0	24
Weaver	35	850	3	29750	0	32	3	35
Grantham	5	850	3	4250	0	2	3	5
Dee	11	1062	4	11682	0	8	3	11
<b>TOTAL =</b>	<b>75</b>			<b>63298</b>				<b>75</b>
<b>SIGMA ACCOMMODATION SCHEDULE</b>								
HOUSE TYPE	NUMBER	SQFT	BED	TOTAL SQFT	Mid	End	Det	Total
Irwell	40	662	2	26480	2	38	0	40
Grantham	5	850	3	4250	0	3	2	5
Weaver	48	850	3	40800	2	41	5	48
Trent	3	1062	4	3186	0	0	3	3
Ellesmere	41	855	3	35055	4	36	1	41
Ellesmere Up	4	944	3	3776	4	0	0	4
Weaver Up	3	964	3	2892	3	0	0	3
Dee	8	1062	4	8496	0	6	2	8
Dee SA	2	1062	4	2124	0	0	2	2
<b>TOTAL =</b>	<b>154</b>			<b>127059</b>				<b>154</b>
<b>OPEN MARKET ACCOMMODATION SCHEDULE</b>								
HOUSE TYPE	NUMBER	SQFT	BED	TOTAL SQFT	Mid	End	Det	Total
Trent	3	850	3	2550	0	0	3	3
Ellesmere	12	855	3	10260	0	12	0	12
New Weaver	12	865	3	10380	0	10	2	12
Longford	19	893	3	16967	0	18	1	19
Lea	22	932	3	20504	0	22	0	22
Ashbourne	6	991	3	5946	0	0	6	6
New Ashbourne	18	991	3	17838	0	0	18	18
Blyth	28	1002	3	28056	0	0	28	28
New Stamford	8	1005	3	8040	0	8	0	8
New Walton	9	1028	3	9252	0	0	9	9
Foss FCT	5	1052	3	5260	0	0	5	5
Dunham	12	1199	4	14388	0	0	12	12
<b>TOTAL =</b>	<b>154</b>			<b>149441</b>				<b>154</b>
<b>Total Combined</b>	<b>383</b>			<b>339798</b>				

3.2.8 Full details of the proposal are set out in the submitted drawings, Planning Support Statement and Design and Access Statement, together with a supporting suite of technical reports.

### 3.3 Development Plan

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



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

### 3.3.3 Core Strategy

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

### 3.3.4 Local Plan Part 2 (LLP2)

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 16/8 – Housing Land Allocations - Blackamoor Road Development Site (SE Blackburn)
- Policy 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 38 – Green Infrastructure on the Adopted Policies Map
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape
- Policy 47 – The Effect of Development on Public Services

## 3.4 **Other Material Planning Considerations**

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

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

### Green Infrastructure & Ecological Networks SPD (2015)

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

### Air Quality Planning Advisory Note

### National Planning Policy Framework (The Framework) (2019)

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

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

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

### National Planning Policy Guidance (NPPG).

## **3.5 Assessment**

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

- Principle of residential development
- Amenity impact
- Environmental impact
- Highways and access
- Design and layout
- Green Infrastructure
- Affordable housing
- Planning gain / Section 106 requirements

### 3.5.2 Principle

3.5.3 Demolition of the substation is acceptable.

3.5.4 Core Strategy Policy CS1 explains that the overall planning strategy for the Borough is one of 'Targeted Growth' and identifies a need for '*a limited number of small scale urban extensions*'.

3.5.5 Policy CS5 directs that the preferred location for new housing, where market conditions permit its delivery, will be the inner urban areas of Blackburn and Darwen.

3.5.6 Policy CS7 encourages the development of a full range of new housing over the life of the Core Strategy in order to widen the choice available in the local market.

3.5.7 Local Plan Part 2 Policy 18 further encourages a range of new housing to widen the choice of house types, with an emphasis on detached and semi-detached to be the principal element of the dwelling mix on any site that is capable of accommodating such housing, and where such housing would make a positive contribution to the character of the local area. The policy also supports affordable housing.

3.5.8 Parcels 1 and 2 sit within the Inner Urban Area, consistent with the preferred locational requirements of Policy CS5. These parcels are also primarily previously developed (brownfield land), having historically accommodated social housing and a community vocational centre. Accordingly, the principle of residential development within these parcels is accepted, subject to consideration of the pockets of Green Infrastructure (GI) that exist, as defined by the Site Allocation Map.

3.5.9 Natural England's definition of GI as *a strategically planned and delivered network of high quality green spaces and other environmental features. It should be designed and managed as a multifunctional resource capable of delivering a wide range of environmental and quality of life benefits for local communities. GI includes parks, open spaces, playing fields, woodlands, allotments and private gardens.* The SPD sets out the acknowledged multiple functions of GI as:

- Setting the scene for growth, creating a good quality of place and quality of life and supporting sustainable economic growth;
- Supporting physical and mental health and well-being;
- Providing for recreation, leisure and tourism;
- Supporting the rural economy;
- Helping to manage flood risk;
- Supporting mitigation and adaptation to climate change;
- Positively benefitting the historic environment; and
- Enhancing the ecological network and promoting biodiversity.

3.5.10 Policy 9 of the Local Plan Part 2 sets out that:

3.5.11 Development involving the partial or complete loss of land identified as GI on the Adopted Policies Map or any unidentified areas of open space including playing fields; and any development which otherwise has the potential to result in the severance of GI connections, will not be permitted unless:

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

3.5.12 It is accepted that the proposal will result in the loss of two pockets of GI (within Parcels 1 and 2). Policy 9 does not, however, prohibit development in such circumstances, provided at least one of the above criteria (i –iii) is achieved. As the proposal seeks to mitigate such loss through provision of replacement GI within the two parcels, including a fully equipped play area within parcel 2, as well as a bespoke area of high quality POS which adjoins Parcel 1, adjacent to Seasclose Close (2,671sqm), it is considered that the requirements of part ii) of the policy are met. Moreover, the overall economic, environmental and social benefits arising from the proposal, with a particular emphasis on delivery of in demand affordable housing, is considered to meet the requirements Part iii).

3.5.13 Turning to Parcel 3; the northern section, adjacent to the Water Treatment Works, extending down to the proposed footpath link, is unallocated. It does, however, sit within the Urban Boundary and is read in conjunction with the remainder of the Parcel which is allocated for housing under Policy 16/8.

3.5.14 The development will deliver 20% affordable housing, as required under Policy CS8, as well as a substantial element of private rented housing which offers further choice to future residents

3.5.15 Accordingly, the principle of the development is considered to be acceptable and in accordance with the Development Plan and The Framework; subject to detailed assessment of the following matters:

#### 3.5.16 Amenity

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

### 3.5.17 Relationship Between Buildings:

The submitted site layout includes all 383 dwellings set within proportionate sized plots, sufficient to service the needs of householders.

### 3.5.18 With reference to separation standards between proposed and existing dwellings, the adopted minimum standards of a 21m interface between primary windows and 13.5m between primary windows and blank elevations is broadly achieved, with the following exceptions:

#### Primary windows:

- Plots 6 & 7 and 20 - 24 Seascale Close - 18m;
- Plots 189 & 190 and 8 Flimby Close - 17m;
- Plots 189 & 190 19 and 20 Silverdale Close – 17m, though significantly offset;
- Plots 181 & 184 and 10 – 16 Flimby Close - ranging between 17m and 20m, though offset; and

#### Gable to primary window:

- Plot 87 and 40 Fishmoor Drive - 13m.

### 3.5.19 Taking into account slight off-set and pre-existing sub-standard interfaces in the Fishmoor Vicinity, as well as the overall benefits of the regeneration of the area, the existing to proposed relationships are considered acceptable.

### 3.5.20 Objections have been received from residents of Thornton Close, with reference to loss of privacy, outlook and the admission of daylight / sunlight. Separation between proposed dwellings and those to the rear, positioned along the eastern side of Thornton Close (nos. 5 – 21 inc.) range from 25m to 31m, significantly above the adopted minimum 21m standard for habitable window to habitable window interface and adopted minimum 13.5m for habitable window to blank elevation interface. Objections in this regard are, therefore, unfounded, when considered in the context of adopted policy.

### 3.5.21 A number of sub-standard interfaces feature between proposed dwellings across Parcels 1, 2 and 3, mainly front to front and front to side relationships. This is generally not uncommon with new schemes within the urban environment, and such circumstances have previously be accepted elsewhere within the Borough. Also, as aforementioned, they pre-exist within the Fishmoor area. In this context, the layouts proposed are considered to represent the most efficient use of the application site within the constraints of each parcel, whilst facilitating a viable and aspirational regeneration of the area.

### 3.5.22 It should also be recognised that the Residential Design Guide SPD, at Policy RES 2G, supports a relaxation of the adopted standards where an alternative approach is justified. It is considered that the circumstances set out above justify an alterative approach.

### 3.5.23 Contaminated Land:

Phase 1 and 2 Contaminated Land Reports, including results of intrusive site investigations, are submitted and have been reviewed by the Council's Public

protection consultee. No significant ground contaminants are identified and the submitted remediation strategies for Parcels 1 and 3 are agreed. These will be secured by condition. Additional intrusive investigation is required in the area of the demolished vocational centre at Parcel 2. The results of the investigation and implementation of any identified remediation will be secured by condition.

#### 3.5.24 Noise:

A Noise Amenity Impact Assessment is submitted with the application. The main focus of the assessment is the impact of traffic noise on proposed dwellings within Parcel 3, in proximity to Roman Road and Blackamoor Link Road which will run close to the southern edge of the parcel once completed. Mitigation is proposed in the form of double glazing and a 'Positive Input Ventilation System' to affected properties. The Council's Public Protection consultee is satisfied that this mitigation will provide sufficient noise reduction to afford an acceptable standard of residential amenity. Implementation of the measures will be secured by condition.

3.5.25 Safeguarding residential amenity during the construction phase of the development will be achieved by adherence to measures set out in a submitted Construction and Environmental Management Plan (CEMP) and by a restriction on working hours - the developer has requested a minor modification of the standard construction hours condition to allow for 07:30 start Monday – Saturday. The request is considered acceptable and in accordance with the Council's published guidance on flexible construction hours which follows central government guidance in response to Covid 19. These measures will be secured by condition.

#### 3.5.26 Air Quality:

An Air Quality Impact Assessment is submitted with the application, where it is acknowledged that the extra traffic arising from the development is likely to have some adverse impact on health.

3.5.27 Risk is low during construction phase and will be appropriately mitigated by dust control measures incorporated into the submitted Construction and Environmental Management Plan, guarding against excessive noise, dust and vibration.

3.5.28 A concentration assessment (report ref: CS094118-18 rev 2), submitted with the planning application for Blackamoor Link Road in 2019 (ref. 10/19/0888), previously accounted for traffic generated from Parcels 1, 2 and 3. It can be summarised as follows:

- *The development will not have an adverse impact on air quality at dwellings in the centre of the Blackamoor Air Quality Management Area (AQMA). Pollution levels at some of these dwellings will fall*
- *The new link road will divert traffic from a section of Blackamoor Road, and pollution levels at these dwellings will fall.*

- *Pollution levels will increase outside at dwellings on Roman Road close to the new junction currently under construction (Roman Rd / Link Rd / Newfield Drive).*

3.5.29 It should be recognised that the assessment predicted exposures that are expected to be significantly below the national air quality objective for NO<sub>2</sub> and PM<sub>10</sub>, including at dwellings on Roman Road by the new junction (the national objective is the level at which AQMAs have to be declared). Accordingly, the assessment recommends consideration of a Travel Plan with monitoring to measure its implementation and effect with the aim of encouraging sustainable means of travel (cycling and walking), improved links to bus stops and infrastructure and layouts to improve accessibility. Whilst the merits of such are acknowledged, it is important that they are considered in the context of the sustainable location of the application site, ie. close proximity to a wide range of public amenities and transport links, as well as safeguarding the viability of the scheme to ensure the areas regeneration. A Travel Plan is included within the submitted Transport Assessment, which encourages use of more energy efficiency modes of transport. Moreover, footpath and cycle linkages are demonstrated on the submitted layouts and the benefit of properties being set back from Roman Road at Parcel 3 should also be acknowledged, in the context of air quality mitigation. The Blackmoor Link Road is also intended to assist in alleviating air quality issues in the locale.

3.5.30 With reference to electric vehicle charging points, the applicant acknowledges potential air quality benefits arising from electric vehicle charging points. Although these are not proposed, hardwiring for charging points at all properties is to be installed, thereby avoiding the need for intrusive works to the fabric of buildings, should householders wish to install charging points in the future. Moreover, the Government's Electric Vehicle Homecharge Scheme (EVHS) provides grant funding of up to 75% towards the cost of installing electric vehicle charge points at domestic properties across the UK which would make householder installation very affordable. The 'smart' technology used in these installations also helps the Government track and manage demand from the electricity grid to *"reduce high peaks of electricity demands, minimising the cost of electric vehicles to the electricity system – and keeping costs down for consumers by encouraging off-peak charging."* This approach is considered satisfactory in lieu of providing charging points at every property, taking account of the schemes viability and the wider benefits arising from the development. It is recommended that implementation of the hardwiring infrastructure is secured by condition.

3.5.31 The following conditions are also recommended:

- Implementation of the Travel Plan; and
- Any gas fired boiler installed at the development to heat the dwelling shall not emit more than 40mg NO<sub>x</sub>/kWh.

3.5.32 Overall, the development is considered to appropriately safeguard public amenity, in accordance with the principles of Policy 8 and The Framework.

### 3.5.33 Environment

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

### 3.5.34 Drainage:

All 3 parcels are located in Flood Zone 1 (low probability of flooding). Flood Risk Assessments (FRA's) are, however, submitted for each parcel on account of the overall application site area exceeding 1 hectare, together with detailed drainage strategies. A moderate risk of flooding within an area of Parcel 3 is, however, identified from the adjacent Fishmoor Reservoir. Notwithstanding such risk, the FRA reaffirms that the reservoir is a controlled water body which is subject to strict ongoing monitoring and maintenance as required under the Reservoirs Act of 1975. The site layout (Parcel 3) provides a 10 metre buffer strip between the bottom of the reservoir embankment and the site boundary to provide better access for plant and machinery in the unlikely event of emergency repairs being required to the embankment. This is on the advice of United Utilities.

3.5.35 Surface water drainage for Parcel 1 will discharge into the existing public sewer in Fishmoor Drive. Discharge for Parcel 2 will be into the existing surface water sewer in the south east corner of the site.

3.5.36 Discharge for Parcel 3 will be gravity lead towards Higher Croft Brook directly to the north of this parcel. An attenuation basin is proposed (SuDS) that will provide temporary storage and retain flows from rainfall events in excess of 1 in 30 years to limit the flow from the site.

3.5.37 Foul drainage for Parcels 1 and 2 will be gravity lead and connect into the existing public foul sewer on Fishmoor Drive.

3.5.38 Foul drainage for Parcel 3 will be into the existing combined sewer on Roman Road via a pumping station within the site.

3.5.39 The Council's Drainage consultee (as Lead Local Flood Authority) offers no objection, subject to application of conditions requiring the following:

- Submission of a Surface Water Management & Maintenance Scheme;
- Submission of drainage calculations confirming storage requirements in accordance with the FRA and full design details of the drainage attenuation pond and underground storage tanks; and
- Submission of a Surface Water Construction Phase Management Plan.
- Implementation of the approved drainage strategies (Parcels 1, 2 & 3).

3.5.40 United Utilities: their formal response will be included in the Update Report, with reference to Parcel 3.



3.5.41 The proposed development, therefore, achieves a sustainable and appropriate drainage solution in accordance with the principles of Policy 9 and the Framework.

3.5.42 Ecology:

Preliminary Ecological Assessments (PEA's) and Bat Survey Reports are submitted for each parcel as well as an Otter Survey for Parcel 3.

3.5.43 The previously developed nature of the application site is recognised. All parts have, however, largely revegetated and now support a matrix of urban semi-natural and modified habitats. Whilst the habitats on site do not represent either protected habitats or habitats of Principal Importance (NERC 2006 [Natural Environment and Rural Communities Act] Section 41 habitats), they are considered to have some biodiversity value and cover a relatively large area. Furthermore, the site is in very close proximity to the Lancashire Ecological Woodland Network, with Parcel 2 directly abutting it and Parcels 1 and 3 within 150m. Policy 40 advocates greater connectivity between elements of the local ecological network and The Green Infrastructure and Ecological Networks SPD adds further weight to the importance of ecological enhancement.

3.5.44 In this context, a comprehensive landscape strategy is proposed covering pockets of high quality and multi functional open space throughout the site, amounting to 6.839 sqm, as well as private gardens. Tree and hedgerow loss is adequately mitigated through provision of 267 new trees and approximately 1700m of new hedgerow across all 3 parcels.

3.5.45 The Council's Ecology consultee recommends evidence of a 10% biodiversity net gain arising from the development, through the 'Defra Matrix Method. Providing evidence of such is not, however, considered justified, due to the absence of any current policy or legislative requirement to do so; notwithstanding the emerging Environment Bill which is yet to be enacted. It is, therefore, considered that appropriate biodiversity and ecological consideration has been applied to the development, in accordance with the requirements of Policies 9 and 40 and The Framework.

3.5.46 With reference to Bats and Otters, both these surveys were considered to have used reasonable effort and they were undertaken at an appropriate time of year in suitable weather conditions, with sufficient survey personnel. The reports conclude that the site includes a sub-station building (Parcel 1) and trees (Parcels 2 and 3) of some value to bat roosting and the surrounding habitats. No roosting was recorded within the building, although bat foraging / commuting activity was observed elsewhere on the sites, attesting to the suitability of the timing of the surveys. No impact on Otter habitat was identified. No additional surveys are required to support determination of the application.

3.5.47 With reference to Badgers, the PEA reports that habitats on site provide limited opportunities for Badger setts and foraging Badgers. No evidence of Badger activity was found. Although there is connectivity between the south of

the site and open fields that may be utilised by Badgers, the small area of the site, its location within a predominantly urban environment and the abundance of more suitable habitat in the wider area indicates that Badgers are unlikely to utilise the site for foraging or sett building. Badgers are, therefore, highly unlikely to be present on site and are not currently a constraint to development. Nonetheless, a site walker and submission of an updated Badger Survey is recommended, if development has not commenced before March 2020 and if Badger presence is evident at the time of the walkover.

3.5.48 A Japanese Knotweed Eradication Report proposes management / eradication methodology of Knotweed, identified within Parcel 1. It's implementation will be secured by condition.

3.5.49 With reference to amphibians, none are recorded within 1km from the site, nor are there any water bodies considered suitable habitat within 500m of the site, with the exception of Fishmoor Reservoir and Guide Reservoir. The reservoirs are considered to be unsuitable for supporting breeding amphibians due to their size, the engineered banks and the lack of aquatic vegetation. As such the site is very unlikely to contain any great crested newts or other amphibians. The site does, however, provide suitable foraging and sheltering habitat for amphibians such as the common toad. A Reasonable Avoidance Measures Method Statement (RAMMS) has been submitted to safeguard common amphibians, especially common toad, during site clearance and will be secured by condition.

3.5.50 Several bird species were recorded within 2km of the site; the nearest record is for house sparrow, approximately 14m from the site. The scattered trees and scrub habitats on site provide nesting and foraging opportunities for a variety of bird species.

3.5.51 Due to the time limited nature of the surveys undertaken, conditions requiring submission of updated surveys, if development does not proceed within the requisite time period, are recommended. The full suite of recommended ecology conditions are as follows:

- An updated Bat Survey Reports for Parcels 1, 2 & 3, should development not have commenced by September 2022;
- An updated Otter Survey should development not have commenced by July 2022;
- Implementation of the submitted Japanese Knotweed Eradication Report, dated December 2020;
- Implementation of the submitted ecological enhancement package to provide for bat and bird boxes, dated December 2020;
- Implementation of mitigation recommendations set out in Section 5 of each PEA;
- Implementation of reasonable avoidance measures, as set out in the submitted Reasonable Avoidance Measures Method Statement (RAMMS), dated December 2020;
- No site clearance / development within bird nesting season (march to August); and

- Site walkover to check for evidence of Badger presence and, if presence is identified, submission of a Badger Survey, if development has not commenced by March 2020.

3.5.52 Subject to adherence to the above measures, ecological impact arising from the development is considered to be acceptable, in accordance with the principles of Policies 9 and 40 and The Framework.

3.5.53 Trees:

An Arboricultural Impact Assessment (AIA) / Tree Survey (TS), an Arboricultural Method Statement (including tree protection measures during construction), and a proposed landscape strategy across the site are submitted. The AIA sets out a schedule of individual trees, groups of trees and hedgerows which may be affected by the development.

3.5.54 With reference to existing trees on the site, the findings of the Tree Survey are that collectively the trees are of moderate to low landscape and amenity value. None are protected by Preservation Order. Nor does the site host ancient woodland, veteran trees or trees within a Community Forest. The majority of the trees across the site will have to be removed due to remediation involving extensive cut and fill. Trees to be retained are within Parcel 3. These are identified as trees T1, T2, group G1, G2 and some of G3 in the TS.

3.5.55 The application is supported by detailed landscaping plans for each Parcel and associated planting schedules. As aforementioned, planting of 267 new trees, of varied species, circa 1700m of substantial hedgerow and various ornamental shrubs is proposed.

3.5.56 The Council's Arboriculture consultee has reviewed the proposal and is satisfied that the TS grades existing trees correctly and that the proposed landscaping is sufficiently comprehensive, featuring an appropriate mix of species, to mitigate loss. It is also considered that an overall biodiversity enhancement across the site will be achieved.

3.5.57 The following conditions are recommended:

- Submission of a 5 year Landscaping Maintenance and Management Plan; and
- Implementation of tree protection measures throughout construction of the development.

3.5.58 Subject to adherence to the above measures, impact of the development on trees is considered to be acceptable, as is re, in accordance with the principles of Policies 9 and 40, and The Framework.

3.5.59 Highways / Access and Transport

Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate

provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.60 A hierarchy of streets is proposed within the site, by means of utilising existing highway and provision of new internal streets and cul-de-sacs, through to shared driveways and single private drives.

3.5.61 Parcels 1 and 2 will be served by existing highway network by utilising access points on Seascle Close, Flimby Close, Morecombe Road, Levens Close, Norbreck Close, which will be reopened at its south east end to link with Silverdale Close, and Fishmoor Drive. Two new access point junctions are proposed on Fishmoor Drive. The junction serving the land to the south of Fishmoor drive will form a cul-de-sac serving 40 properties. The other new junction will be positioned opposite the shopping parade and will provide a link through the new development up to Morecambe Road. Objections have been received expressing concern that the reopening of Norbreck Close will result in a 'rat run'. Reinstating a link from Norbreck Close to Silverdale Close is, however, fundamental to traffic flow associated with the proposed layout and is supported by the Council's Highways consultee, who offers no objection to the proposal.

3.5.62 Parcel 3 will be served by two new junctions off Roman Road. The layout has taken account of the Blackamoor Link Road and the position of the two new access points has purposely been set away from the new Roman Road/ Blackamoor Road junction to the south, to avoid any future issues with traffic flows. In addition, no direct private driveways are proposed along this stretch of Roman Road for the same reason. This will ensure that cars will always be able to leave the site in forward gear.

3.5.63 Some dwellings across the site will be accessed from private drives extending from adoptable highway. A maximum of 5 dwellings would be served by each, which is considered, on balance, to be acceptable. Appropriate communal bin storage for these areas is included, where practicable.

3.5.64 A detailed Transport Assessment (TA) is submitted with the application. This evaluates the existing transport and highways context of the site, access, parking and servicing conditions, trip generation, and junction capacity. This allows an assessment as to whether the highways network has the capacity to accommodate the potential increases in traffic as a result of significant new residential development. The assessment takes account of all committed development around the site and forecast increases in transport movements associated with allocated development sites across the Borough.

3.5.65 The TA concludes that the development will not pose no substantial threat to highway safety or efficiency. It demonstrates that all nearby junctions with the potential to be affected by the development, will continue to operate well within capacity, with no issues arising in relation to network capacity.

3.5.66 The TA includes a swept path analysis, taking account of all proposed accesses using a 3 axle refuse vehicle which complied with BwD standards.

All movements are satisfactory. Proposed new highway / junctions will be 5.5m wide with 2m wide footways, in accordance with the Council's adoption requirements.

3.5.67 Off-street parking is provided for all dwellings, primarily in the form of driveways. Some plots within Parcels 1 and 3, however, benefit from garages. The Council's adopted standards are as follows:

- 2 and 3 bed houses – 2 spaces per dwelling; and
- 4+ bed houses – 3 spaces per dwelling.
- Space sizes – 5.5m x 2.4m (driveways) & 3m x 6m (garages).

3.5.68 The overwhelming majority of dwellings benefit from the adopted standard. It should, however, be recognised that the following plot numbers would have a single space:

- Plots 28 to 35 south of Fishmoor Drive;
- Plots 122 to 126 and 129 to 134 on Norbreck Close;
- Plot 118 north of Fishmoor Drive (in proximity to Norbreck Close);
- Plots 42 and 43 on Morecambe Road; and
- Plots 1 to 3 on Roman Road.

3.5.69 The above plots are particularly narrow making it difficult to accommodate more than a single space, without detriment to the street scene by reason of eliminating any prospect of soft landscaping. Moreover, anticipated levels of car ownership are taken into account for the 2 bed house types proposed at these plots, together with on street capacity which would be available to residents and visitors. Although some policy conflict arises, a relatively minor relaxation of parking standards is considered to be acceptable, given the overall quantum proposed and when considered against the wide ranging regeneration benefits arising from the development.

3.5.70 It should also be acknowledged that 4 replacement spaces will be provided for the existing householders at nos. 10 – 16 Flimby Close.

3.5.71 A pedestrian link from Roman Road to Fishmoor Reservoir is included within Parcel 3.

3.5.72 In order to encourage the use of more sustainable modes of transport, a Travel Plan has also been submitted to support the application. This identifies a range of measures, including:

- Provision of Community Rail Lancashire, and site specific, transport information packs to each property;
- Travel Survey Incentives;
- Community cycle storage stands;
- Weavers Wheel Cycle Route signage;
- Marketing, promotions and awareness raising campaigns; and
- Monitoring and evaluation.

As aforementioned, implementation of the Travel Plan will be secured by condition.

3.5.73 Improvements and enhancements to the existing highway will be captured by agreement between the applicant and the Council under the provisions of Section 278 of the Highways Act 1980 (s278 works). These are expected to deliver a comprehensive scheme of works along Fishmoor Drive, including the following:

- Removal of chicanes / narrowing which currently offers no real sense of priority;
- A refresh of flat top road humps with incorporated lighting and surface material change to create street character;
- Introduction of planters or similar at key junctions, including an gateway feature at the Fishmoor Drive, Roman Road junction;
- General junction improvements; and
- Bus stop upgrades to comply with DDA requirements.

Submission of this information will be secured by condition.

3.5.74 As aforementioned, a CEMP has been submitted with the application. This sets out how the construction process will be managed to ensure that consideration is given to highway safety and residential amenity during the construction phase. This is considered to be acceptable.

3.5.75 Overall, the scope of information submitted in support of highway aspects of the development, indicate acceptable impact on the existing network as well as delivery of acceptable new network. Quantum of private, off street parking spaces is also considered, on balance, to be acceptable. Moreover, proposed s278 works will secure significant highway improvements, benefitting existing and new residents. Accordingly, the development is considered to be broadly in accordance with Policy 10 and The Framework.

#### 3.5.76 Design / Character and Appearance

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

- i) Existing topography, buildings and landscape features and their integration into the development;
- ii) Layout and building orientation to make best use of existing connections, landmarks and views;
- iii) Building shapes, plot and block sizes, styles colours and materials that contribute to the character of streets and use these to complement character;

- iv) Height and building line of the established area;
- v) Relationship of the buildings to the street; and
- vi) Frontage treatment such as boundary walls.

3.5.77 With reference to materials and colour, all new development must make considered use of materials and colour to reflect local distinctiveness and character. Materials and colour should:

- i) Accentuate a building or assist with its integration into the wider built landscape;
- ii) Assist with way finding, the identification of entrances and so on; and / or;
- iii) Integrate a building into the immediate street scene.

3.5.78 A Design and Access Statement is submitted with the application which is read in conjunction with the submitted drawings detailing layout, house types and street scenes. The fundamental design principles applied to the development are set out in the statement as follows:

*Our core principles are developed and applied on a site by site basis ensuring that bespoke solutions are given to each site and the opportunities and constraints that the site presents are fully considered.*

*The overall vision for the land off Fishmoor Drive and Roman Road has evolved through a process of on site analysis, assessment of the constraints, and discussions with Blackburn with Darwen Council to realise the potential of the site and meet the needs of the local community.*

*The proposals present an opportunity to revitalise a currently vacant site and provide quality, family accommodation within the locality.*

*Our vision for the site includes:*

- *Creating attractive, active and lively streets.*
- *Demonstrate the development of a site that adheres to national and local planning and design policy.*
- *Create active streets that prioritise the pedestrian while accommodating the car in creative ways.*
- *Provide defensible space to every home.*
- *Implement landscaping that will add to the street scene, enhance the development and aid its integration into the existing community.*
- *Relate new to existing residential development in terms of scale massing and materials.*

3.5.79 It is also recognised that the development has been devised around the principles set out in the Building for Life document, endorsed by Government, which is the industry standard for well designed homes and neighbourhoods that local communities, local authorities and developers are invited to use to stimulate conversations about creating good places to live.

3.5.80 A key element of the layout is the definable street hierarchy and the integration of functional and attractive communal open spaces which are appropriately overlooked from private properties - corner plots will feature dual aspect elevations - and public highway. Enhanced levels of natural surveillance and security are, therefore, achieved, in contrast to the existing circumstances. A replacement, equipped children's play area is included within Parcel 2 as is a high quality area of POS adjoining Parcel 1.

3.5.81 Taking each Parcel in turn:

3.5.82 Parcel 1:

This area would accommodate 200 dwellings. It would reconnect existing highways throughout, being accessed from Fishmoor Drive, Morecombe Road and Norbreck Close. Connective POS provision is also included. Houses would be outward facing and arranged in linear form around the existing through network and proposed cul-de-sacs. Proposed dwellings are two storey height and of a scale proportionate to their plot sizes, featuring secure and landscaped private gardens, as well as dedicated in-curtilage parking. A medium density layout is achieved, of circa 35 dwellings per hectare, reflecting the prevailing character of the surrounding urban area.

3.5.83 Corner plots feature dual aspect habitable rooms, thereby avoiding blank street facing elevations whilst offering natural surveillance to open space and the highway.

3.5.84 Proposed house types are a mix of detached and semi-detached, featuring varied ridge heights and external material palettes, and proportionate and suitably detailed fenestration.

3.5.85 Parcel 2:

This area would accommodate 69 dwellings, accessed from Fishmoor Drive and Higher Croft Road. Parcel 1 density is reproduced, arranged in linear form around existing highway and proposed cul-de-sacs. House type characteristics and plots sizes are also consistent with those featured in Parcel 1 and include in curtilage parking. As area of POS is proposed, positioned perpendicular to Fishmoor Drive, which hosts an equipped children's play area.

3.5.86 Parcel 3:

This area would accommodate 114 dwellings accessed from Roman Road at a density consistent and typology consistent with Parcels 1 and 2. In curtilage parking is provided. The parcel will sit to the immediate north of the new Blackamoor Link Road currently under construction. Dwellings would be arranged around cul-de-sacs, in linear form. Outward facing dwellings would present to Roman Road but would be accessed from an internal private drive, rather directly from Roman Road. POS is included linking Roman Road with Fishmoor Reservoir and a drainage attenuation pond will feature to the west of the reservoir embankment, forward of plots 60 – 62.

3.5.87 The overall layout provides a legible and permeable development that creates a distinct sense of place, consistent with the aims and objectives of the



Council's detailed character and design requirements set out in its SPD. It also accords with The Framework's emphasis on achieving well designed places.

3.5.88 House types are of a scale and appearance commensurate with local residential development. All are either 2 or 2.5 storey high. An appropriately varied pallet of materials is proposed, including a range of brick and render finishes to elevations. Roof profiles switch between gable and hipped and feature a range of tile colours.

3.5.89 Importantly, proposed house types are not defined by tenure, they are instead 'tenure blind' in order to avoid prejudice towards affordable housing areas within the development.

3.5.90 Typical street scenes are illustrated below:



3.5.91 Appropriate boundary treatments will feature across the site, including close boarded timber delineation between private gardens and robust brick boundary walls to gardens adjoining public highway.

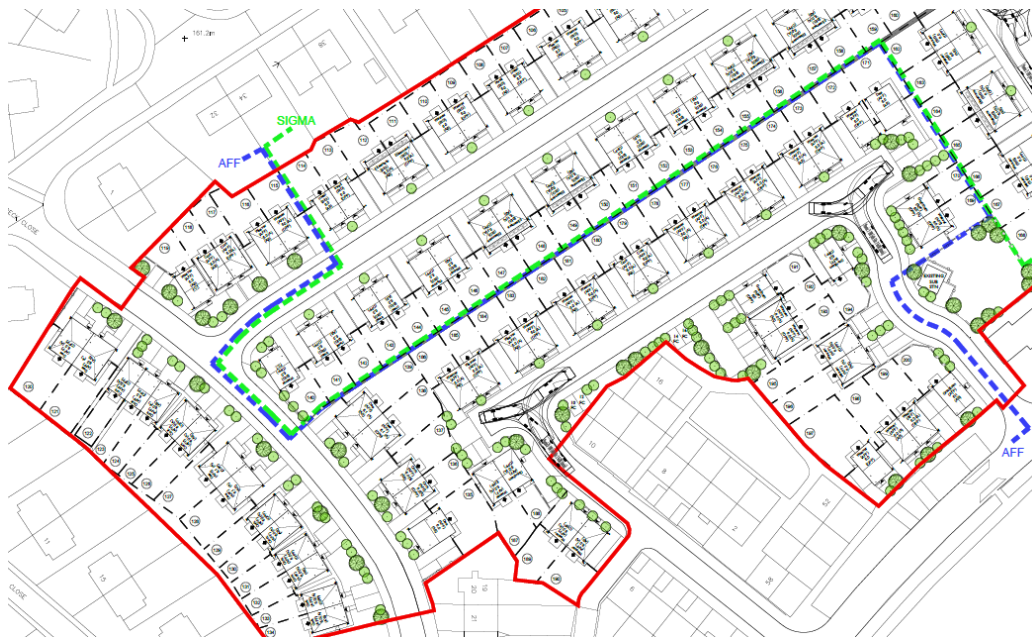
3.5.92 A comprehensive hard and soft landscape strategy across the site will deliver a well-integrated and attractive development, ensuring a significant enhancement of the area is achieved.

3.5.93 Overall, the development is considered to be in accordance with Policy 10 and The Framework.

### 3.5.94 Affordable Housing

The proposal will deliver 20% affordable housing (totalling 75 homes) of mixed tenure types, for people on low incomes who are on the affordable housing register. This is in accordance with Policies 12 and CS8 and The Framework. An Affordable Housing Statement is submitted with the application which sets out the affordable schedule and secures the availability of homes as affordable, in perpetuity, with a caveat allowing householders to 'staircase' to full ownership. Its implementation will be secured by condition.

3.5.95 The affordable homes are located within Parcels 1 and 3, as illustrated below



### 3.5.96 Planning Gain / Section 106 Financial Contributions

Development of the site will deliver 20% affordable housing and integrated Green Infrastructure. Accordingly, no Section 106 contributions are required in this regard.

3.5.97 The proposed development has been assessed against existing education provision within the locality. Following consultation at pre-application stage with the Council's Education Department, it is evident that additional provision will be required. Accordingly, the applicant has agreed to a financial contribution of £395,000 for the provision of additional early years pupil places at Longshaw Infant School, Blackburn plus a monitoring fee of £3950.

3.5.98 Payments are to be phased as follows:

- £199,475 is to be paid prior to commencement of the development (£197,500 for education and £1,975 monitoring fee); and
- £199,475 is to be paid within 12 months after commencement (£197,500 for education and £1,975 monitoring fee).

The clawback period for unspent sums should be 5 years.

3.5.99 Following consultation at application stage, the East Lancashire NHS Trust has requested a financial contribution of £653,593.00 for additional health care provision that is claimed will arise from the development, based on a population increase of 881 (assuming an average 2.3 people per dwelling).

3.6.00 The submitted evidence to justify the requested contribution (for NHS short-fall funding) is, however, considered insufficient to implement a consistent and justified planning obligation which meets the statutory tests, which requires them to be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

3.6.01 There are fundamental issues which are not addressed by the Trust in the consultation response. Furthermore, the Trust have failed to suitably demonstrate what level of demand the development would create for their services, and that the demand is not something that is covered by their existing / committed funding arrangements. The evidence provided, therefore, does not allow for a before and after comparison to be made and so any potential impacts cannot be determined.

3.6.02 Therefore, based on the submitted information, it is considered that insufficient evidence has been provided to demonstrate an unacceptable impact which might be lawfully recovered via a s106 contribution; a position supported by QC advice issued recently to the Council on the general principle of such contributions, though specifically with regard to this application.

- 3.6.03 It should be recognised that the Council is working with local health partners, and other key infrastructure stakeholders, to update the Borough's Infrastructure Delivery Plan alongside our emerging new Local Plan. Any proposed health infrastructure requirements will be considered as part of the Local Plan process and via our Duty to Co-operate to ensure the Borough continues to plan for the necessary infrastructure which is needed to support sustainable housing and employment growth.
- 3.6.04 Sport England has also requested a contribution of £583,154 for indoor and outdoor sports improvements it is claimed will arise from the development.
- 3.6.05 Pre-application dialogue between the LPA and the applicant did not, however, highlight the need for any additional playing facilities either on site or within the vicinity, nor did it require a contribution towards off-site improvements, notwithstanding the absence of Sport England involvement at that stage, as a non-statutory consultee. Moreover, the proposed development does not affect any existing playing fields or land allocated for future use as such in the adopted Local Plan.
- 3.6.06 Importantly, the development would secure regeneration of the area, despite significant viability challenges due to local market conditions. Delivery of a minimum 20% affordable housing would also be achieved, in response to evident local demand. Taking account of the agreed contribution for additional education provision, the requested (Sport England) contribution would render the scheme unviable and, therefore, undeliverable.
- 3.6.07 It should also be recognised that, since adoption of the Council's current playing field strategy, Blackburn Leisure Centre has been constructed which includes two sports halls. Although during that time Shadsworth Leisure Centre has closed, a net gain of one sports hall has been secured, on account that Shadsworth accommodated only a single hall.
- 3.6.08 Accordingly, when considered in the overall context of the Development Plan and other material considerations, the LPA is of the view that the requested contribution is outweighed by the economic, environmental and social benefits arising from delivery of the development
- 3.6.09 Notwithstanding the above, the Council is currently in the process of updating its playing field strategy, in consultation with Sport England, as you acknowledge. This strategic review will focus on emerging evidence to underpin an eventual adopted strategy. By this time, the Council may be in a position to consider evident under provision of sports facilities under the site allocation currently identified as a 'Development Opportunity' site – 28/6 Fishmoor Drive Development Site (SE Blackburn) under Policy 28 of the Local Plan.
- 3.6.10 Summary  
This report assesses the full planning application for the Demolition of one substation building and the erection of 383 dwellings and associated works at land to the north and south of Fishmoor Drive and land to the east of Roman

Road Blackburn. In considering the proposal, a wide range of material considerations have been taken into account.

3.6.11 The assessment demonstrates that the planning decision must be made in terms of assessing the merits of the case balanced against any potential harm that may arise 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:**

- (i) Delegated authority is given to the Director for Growth and Development to approve planning permission, subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £395,000; plus a monitoring fee of £3950. Payments to be phased as follows:
- £199,475 is to be paid prior to commencement of the development (£197,500 for education and £1,975 monitoring fee); and
  - £199,475 is to be paid within 12 months after commencement (£197,500 for education and £1,975 monitoring fee).

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

(i) The following conditions:

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

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 7<sup>th</sup> October 2020 and with the following drawings / plans / information: (to be added).

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

3. The exterior of the dwellings hereby approved shall be constructed in accordance with the following Material Schedules, received 6<sup>th</sup> January 2021:

- Parcel 1. Ref. SK587-PH1-MAT Rev E

- Parcel 2. Ref. SK587-PH2-MAT Rev C
- Parcel 3. Ref. SK587-PH3-MAT-Rev B

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

4. The development hereby approved shall be implemented in strict accordance with the approved boundary treatments, as detailed in the following submitted 'Boundary Plan' drawings:

- Parcel 1 – SK587-PH1-BP-01 Rev D
- Parcel 2 – SK587-PH2-BP-01 Rev D
- Parcel 3 – SK587-PH3-BP-01 Rev D

REASON: To safeguard residential amenity and to ensure the external appearance of development is acceptable, in accordance with Policies 8 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5. The development hereby approved shall be implemented in strict accordance with the following agreed ground remediation strategies

- Parcel 1 - Remediation and Enabling Works Strategy. Fishmoor. Ref. 12-359-R7-1. November 2019 e3p and Ground Gas Addendum Report Ref. 13-359-r8 Rev 1. December 2020.
- Parcel 2 - Remediation and Enabling Works Strategy. Fishmoor. Ref. 12-359- P2-R2. November 2019 e3p and Ground Gas Addendum Report Ref. 12-359-R7 Rev 1. December 2020.
- Parcel 3 - Remediation and Enabling Works Strategy. Fishmoor. Ref. 12-359-P3-R2. November 2019 e3p and Ground Gas Addendum Report Ref. 12-359-r8 Rev 1. December 2020.

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

6. Prior to commencement of any sub-structure works within Parcel 2, results of the proposed additional site investigations within the outline of the demolished building located in Parcel 2, shall be submitted to and approved in writing by the Local Planning Authority. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented along with an updated CSM. Remediation shall undertaken in strict accordance with the approved scheme.

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

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

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

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

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

9. Habitable room glazing and ventilation shall be installed in strict accordance with the specifications set out in the 'Acoustic Design Statement' at paragraphs 6.11 and 6.17 of the submitted 'Noise Assessment for Full Planning Application - Ref. 6780251R2/02- July 2020'.

REASON: To ensure satisfactory levels of amenity for occupiers of the development, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

10. The construction of the development hereby permitted shall only take place between the hours of 07:30 and 18:00 Monday to Friday, 07:30 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

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

11. Demolition and construction work shall take place in strict accordance with the details set out in the submitted Construction & Environmental Management Plans relating to Parcels 1, 2 and 3, received 2<sup>nd</sup> December 2020. All measures which form part of the approved details shall be adhered to throughout the period of demolition and construction.

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, to protect the amenity of the occupiers of the adjacent properties and to protect the visual amenities of the locality, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

12. All dwellings hereby approved shall include hard wiring for electric vehicle charging points, in accordance with the specification detailed on drawing no. NSDTF – 3011 Rev A.

REASON: In the interests of improving air quality, to protect the health of residents, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

13. Gas fired domestic heating boilers shall not emit more than 40mgNO<sub>x</sub>/kWh.

REASON: In the interests of improving air quality and to protect the health of resident, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

14. The development shall be implemented in strict accordance with the following drainage plan / strategy, including drainage calculations / storage rates as per the revised FRA:

- Parcel 1 – Ref. FDB1-AJP-XX-00-DR-C-1000 Rev P7
- Parcel 2 – Ref. FDB2-AJP-XX-00-DR-C-1000 Rev P6
- Parcel 3 – Ref. FDB3-AJP-XX-00-DR-C-1000 Rev P4 & FDB3-AJP-XX-00-DR-C-1001

REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding; in accordance with the requirements of Policies 9 and 36 of the Blackburn with Darwen Local Plan Part 2.

15. Prior to commencement of any sub-structure works, a Surface Water Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in strict accordance with the approved details for the duration of construction works.

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

16. Prior to occupation of any of the dwellings hereby approved, a Surface Water Management and Maintenance Scheme shall be submitted to and approved by the Local Planning Authority. The scheme shall provide for:



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

The approved scheme shall be adhered to in perpetuity.

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

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

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

18. The development shall be implemented in strict accordance with the Reasonable Avoidance Measures Method Statement (RAMMs), produced by TEP, dated December 2020. All measures which form part of the approved Methodology shall be implemented for the duration of the demolition and construction works hereby approved.

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

19. The development shall be implemented in strict accordance with the mitigations recommendations set out in Section 5 of each submitted Preliminary Ecological Appraisal for Parcels 1, 2 and 3, produced by TEP, dated November 2019 and March 2020. All measures which form part of the approved Methodology shall be implemented.

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

20. If no site clearance or construction works commence by November 2022, an update to the Bat Survey Report for Parcels 1, 2 and 3, produced by TEP, dated November 2020, shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures shall be carried out strictly in accordance with the approved detail.

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

21. If no site clearance or construction works commence by March 2022, an update to the Preliminary Ecological Appraisals for Parcel 1, 2 and 3, produced by TEP, dated March 2020, shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures shall be carried out in strict accordance with the approved detail.

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

22. If no site clearance or construction works commence by July 2022, an update to the Otter Survey for Parcel 3, produced by TEP, dated August 2020, shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures shall be carried out in strict accordance with the approved detail.

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

23. The development shall be implemented in strict accordance with the details set out in the Invasive Non-Invasive Species Method Statement, produced by TEP, dated December 2020. All measures which form part of the approved Methodology shall be implemented.

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

24. Bat and bird boxes shall be installed at dwellings in strict accordance with the submitted 'Nesting Box Details' received 18<sup>th</sup> December 2020.

REASON: To provide roosting / nesting opportunities for Bats and birds, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

25. If no site clearance or construction works commence by March 2020, a site walkover shall be undertaken to check for evidence of Badger presence. If such presence is identified, a Badger Survey shall be submitted to and approved in writing. Any recommended mitigation

measures identified shall be carried out in strict accordance with the approved detail.

REASON: To ensure the protection of Badgers and ecology and biodiversity in general, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

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

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

27. The development hereby approved shall be implemented in strict accordance with the following approved Landscape Layouts:

- Parcel 1 – 3284 101 Rev C
- Parcel 2 – 3284 102 Rev C
- Parcel 3 – 3284 103 Rev B

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

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

28. Prior to occupation of the development hereby approved, a Landscape Management and Maintenance Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall cover all landscaped areas of public open space and it shall detail a programme of works including scheduled frequencies of weeding and watering for the duration of the development, as well as replacement planting of dead diseased or damaged trees and shrubs within a five year period from the implementation of the approved landscape scheme referenced in condition no. 23. The strategy shall be implemented in accordance with the approved detail.

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

29. Prior to occupation of the development hereby approved, details of the play equipment for the Local Equipped Area for Play within Parcel 2 shall be submitted to approved in writing. The equipment shall installed in accordance with the approved detail.

REASON: In order to ensure provision of quality play equipment, in accordance with Policies 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

30. The development shall be carried out in strict accordance with the submitted Arboricultural Method Statement relating to Parcel 3, prepared by TEP, dated December 2020. Specified tree protection measures shall be adhered to throughout the period of demolition and construction.

31.

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

32. Within 3 months of the date of this decision, a scheme detailing the following highway works, to be delivered under Section 278 of the Highways Act 1980 (s278 works), shall be submitted to and approved in writing by the Local Planning Authority:

- Removal of chicanes / narrowing;
- A refresh of flat top road humps and enhancement of street character;
- Introduction of planters or similar at key junctions, including an gateway feature at the Fishmoor Drive, Roman Road junction;
- General junction improvements; and
- Bus stop upgrades to comply with DDA requirements.

REASON: To ensure the development presents a high quality entrance feature at the Fishmoor Drive, Roman Road junction and offers enhanced highway safety / efficiency features along the length of Fishmoor Drive, in accordance with Policy 11 of the Blackburn with Darwen Local Plan Part 2.

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

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

34. 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.

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

35. The development shall be implemented in strict accordance with the details set out in the Residential Framework Travel Plan, dated December 2019.

REASON: In order to encourage sustainable transport and to comply with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

37. The affordable housing hereby approved shall be provided in accordance with the Countryside Properties and Together Commercial Ltd Affordable Housing Statement, received 6<sup>th</sup> January 2021; unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the approved dwellings remain affordable in perpetuity or appropriately disposed of, in accordance with Policy CS8 of the Blackburn with a Darwen Core Strategy and Policies 12, 18 of the Blackburn with Darwen Borough Local Plan Part 2.

38. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), no development of the type specified in Classes A - G of Part 1 of that Schedule or Class A of Part 2 of that Schedule shall be carried out unless planning permission has been granted first.

REASON: To ensure enhanced control over future development of the properties, in the interests of preserving residential amenity and the area generally, in accordance with Policies 8 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

## 5.0 PLANNING HISTORY

No relevant planning history exists for the site.

## 6.0 CONSULTATIONS

### 6.1 Arboricultural Officer

No objections. Conditions recommended to require 5 year landscape management and maintenance strategy, as well as implementation of Arboricultural Method Statement / tree protection measures during construction phase.

### 6.2 Drainage (BwD – Lead Local Flood Authority)

No objections. The following conditions were recommended:

- Submission of a Surface Water Management & Maintenance Scheme;
- Submission of drainage calculations confirming storage requirements in accordance with the FRA and full design details of the drainage attenuation pond and underground storage tanks; and
- Submission of a Surface Water Construction Phase Management Plan

### 6.3 Education

No response offered. Pre-application consultation did, however, establish a Section 106 requirement for additional education provision.

### 6.4 Environmental Services

No objections

### 6.5 Public Protection

#### *Noise / Dust/ Vibration/ Other Nuisance*

No objection, following review of submitted Noise (Amenity Impact) Assessment, including implementation of mitigation measures at Parcel 3 in the form of suitable double glazing and 'Positive Input Ventilation' system and implementation of all fencing, as detailed on the submitted layout drawings.

Construction phase operational hours condition recommended, as follows:

- Monday to Friday      08:00 – 18:00 hours
- Saturday                09:00 - 13:00 hours

A modest relaxation of these hours is considered not unreasonable, as explained above, at para. 3.25

6.6 Dust control measures during demolition and construction were recommended to be secured by condition. A Construction and Environmental Management Plan (CEMP) has been submitted which is considered to appropriately address the issue.

6.7 Implementation of all of the above measures are to be secured by condition.

6.8 Conditions were recommended to control noise / vibration, in the event of pile driving foundation works, and floodlighting. It is confirmed that no pile driving or flood lighting is intended during demolition or construction.

6.9 *Air Quality*

No objection was offered following review of the submitted Air Quality Impact Assessment as well as existing data submitted in support of the Blackamoor Link Road application (10/19/0888). The following

*Short-term Air Quality Impact During Construction*

*The health risk is low, but there is a significant risk of dust soiling. However, measures to prevent disturbance from dust production have been incorporated in to the Construction Environmental Management Plans submitted in support of the application, which are likely reduce the risk to an acceptable level.*

*Operational Phase Air Quality*

*Predicted concentrations*

*The concentrations assessment submitted for 10/19/0888 took account of traffic from Fishmoor Parcels 1, 2 and 3 (report ref: CS094118-18 rev 2). It can be summarised as follows:*

- The development will not have an adverse impact on air quality at dwellings in the centre of the Blackamoor AQMA. Pollution levels at some of these dwellings will fall*
- The new link road will divert traffic from a section of Blackamoor Road, and pollution levels at these dwellings will fall.*
- Pollution levels will increase outside at dwellings on Roman Road close to the new junction currently under construction (Roman Rd / Link Rd / Newfield Drive).*

*It is important to note that all the predicted exposures are expected to be significantly below the national air quality objective for NO<sub>2</sub> and PM<sub>10</sub>, including at dwellings on Roman Road by the new junction (the national objective is the level at which AQMAs have to be declared).*

*Calculated Health Costs & Mitigation*

*As with all large developments, the extra traffic generated will produce more pollution which will have an adverse impact on health. The assessments estimate that the total five year health damage cost for parcels 1, 2 and 3 will be approximately £244,000.*

*It is recommended that the Council considers requiring measures to mitigate some of this adverse impact, via the requirement of measures implemented by the developer and contributions to off-site measures.*

*The development generates significant additional traffic, so the assessments recommend the provision of a detailed travel plan with monitoring to measure its implementation and effect. The plan would encourage sustainable means of transport (public cycling and walking) via subsidised free-ticketing, improved links to bus stops, infrastructure and layouts to improve accessibility.*

6.10 It is considered that no off-site contributions towards air quality mitigation are justified, taking account of the scheme's economic viability challenges and the ongoing Blackamoor Link Road which will assist in alleviating air quality issues within the locality.

6.11 Further, a detailed Travel Plan has been submitted, implementation of which will be secured by condition.

6.12 In addition, the following conditions were recommended:

- Installation of at least one mode 3 electric vehicle charging point with a Type 2 connector and minimum rating of 3.7kW 16A at each dwelling with a garage or driveway.
- Gas fired boilers installed at the development to heat the dwelling shall not emit more than 40mg NO<sub>x</sub>/kWh.

6.13 Installation of dedicated electric vehicle charging points at all properties is not considered justified, when considered in the context of viability and the overall benefits arising from the development. Hard wiring infrastructure will, however, be provided at each properties to enable householders easy installation of charging points, should they be needed. Moreover, installation is currently grant assisted, as set out above at para. 3.5.29.

6.14 Gas fired boiler emissions will be controlled via the recommended condition.

6.15 *Contaminated Land*

Development to be implemented in accordance with agreed remediation strategies for Parcels 1 and 3. A condition to be applied requiring submission of the results of proposed additional site investigations in the area of the former building at Parcel 2. Any identified remediation to be carried out as agreed.

6.16 Highways Authority

No objection was offered following review of the submitted Transport Assessment and site layouts. The following initial comments were offered:

*The parking should be in accordance with adopted parking standards which sets a requirement as follows:*

- 2 spaces for a 2/3 bed and;
- 3 spaces for a 4+ bed

*All drives are to be a length of 5.5m for each vehicle, no overhang onto the footway is supported.*



*The vast majority of the bays are acceptable. However there are a number of bays that require adjusting and the provision met in accordance with the parking standards*

### **ACCESS & LAYOUT**

*The scheme presents individual driveways for each property. They will each require a formerly constructed vehicle crossing, contact is to be made with the highway authority for approval and construction.*

*Street furniture which affects drive/proposed layout would need removed and relocated to a location to be agreed with by the local highway authority at the developer's expense.*

*All new highway for all phases, should have a 5.5m carriageway with 2m footways on both sides of the road. Cycling routes are to be incorporated where necessary, specifically at junction.*

*All new highway are to be constructed to adoptable standards and presented for adoption (please attach 9, 90)*

*All roads should be subject to a swept path, some swept at turning head has been provided, however a full demonstration including turning into and of main access points is also to be provided. Some issues have been highlighted in the TA, which require a response. Please seek further details for assessment.*

*The drives are to cross over a grassed area, the developer should be mindful of stats equipment.*

*No details of the gradient have been provided, please request further details, and we do no support drives falling sharply towards the highway.*

*Sightlines for parcel have been provided and are deemed acceptable, however no details are provided for all junctions points for Parcel 1 and 2, please seek further details*

*The verges along Fishmoor drive are not adopted, presently, the plans receive indicate this to change, I would be minded to leave them as they are, which is with our landscape dept., please clarify.*

*I have individual assessed each Parcel of Land and set out comments accordingly:*

### **Parcel 1**

*This Parcel of land has access frontages on a number of highway. Have reviewed the layout against our adopted highway records, it would appear that there a number of carriageway/footways that proposed to be built upon. To enable this a formal closure of the*

highway is required. Please request this is confirmed as stopped up prior to commencement of works.

Note: It is confirmed that the applicant is in the process of advancing the necessary formal closures.

#### Seascole Close

- *Plots 1-4 are accessed at the end of Seascole Close from a private drive. We would advocate a drive should not serve more than 3 properties, and if it exceeds this number then appropriate turning and bin storage areas should be provided, please seek further details*
- *Our adopted plans indicate a parking area at the end of Seascole Close. The developer proposes to take an access through this area, therefore reducing the parking layout, details of this are to be provided, on how the area will be remodelled.*

#### St Bees Close

- *The existing carriageway of St Bees Close, is 4.5m, we would request this is maintained through the estates.*
- *There is no footway along the carriageway in front of plots 55-59, please seek amendments*
- *It would appear to be quite restrictive on the bends, please seek widening to allow two way vehicle movements*
- *No inferences to Manual for Streets or an attempt to place horizontal /vertical deflections to slow traffic down on the straight sections of roads within the scheme has been offered, please seek further consideration of these matters.*

#### Morecombe Road

- *The cross section where the two roads meet needs further thought. They are offset, and very difficult to safely manoeuvre into and out, and who goes first etc., ideally a form of control on the highway would need to be placed to support*
- *There is currently a turning head which previously supported the substation, this in my opinion is no longer needed. In the scheme presented this is proposed to be utilised and serve as access to plots 87-93. I would advise this is removed and the properties are accessed off individual drives*

#### Parcel 2

- *Plots 40-46 are accessed of a shared driveway, this exceeds the number we would support, and should be reduced to three. If not the roads will be unadopted, but would still need to maintain suitable turning area, and bin storage area off the highway near the entrance*
- *This parcel requires a new access out onto Fishmoor Drive. This should be included in the 278 agreement.*

- *There is no clear path from the highway into the play area, please seek consideration of this*

### **Parcel 3**

- *there are 5 areas where the private drives will serve 5+ dwellings, these should be presented for adoption, if to be kept private they have the minimal a dedicated turning area, please request further consideration*
- *the site is to be accessed form 2 new junctions, this together with a full frontage footway should be secured as a Grampian condition, and delivered as part of the 278 agreement*

### **OFF-SITE HIGHWAY WORKS**

*The highway that these properties will exit out onto, (all highways) requires significant improvement. This stems from not only the refresh of the current traffic calming scheme but also to support new drives being created which previously were not there and the increase of traffic volumes.*

*We would propose removal of the narrowing, which presently give no sense of who has priority, relocation and refresh of the flat top road humps together with incorporated lighting and material change to highlight and create character.*

*Introduction of planters at key junctions, including the entrance to create gateway features. The carriageways and footway will require renewal of wearing course in support.*

*To support movement at key junctions we would propose further junction improvements.*

*To aid and enhance the public transport linkages, we would request improvement to the bus stops to comply with DDA, and introduce bus cages clearly marked.*

*We would request the above is secured through a Grampian condition and works to be carried out through a 278 Agreement.*

*All new access points/junction should be attached under the same condition.*

*Construction method statement have been received for all parcels. The drawing accompanying the statement indicates a parking area for operative vehicle parking, materials storage area.*

*The following area however need to be considered further:*

- *There is no clear designed area where the wheel washing/checks of the vehicles will take place*

- *There is no clear indication of where they will enter and leave the site with their construction vehicles*

### **Transport Assessment**

*This has been reviewed by our consultants (Capita).*

*It requests further work to provide a robust assessment.*

*The measures outlined as requested for contribution will be included in the 278 agreement where possible.*

### **OTHER**

- *Standard matters applicable to all housing scheme, please consider:*
- *wheel wash and method statement will be required to be submitted for approval*
- *new and renewed footways surrounding the site, all costs to be Bourne entirely by the developer*
- *street furniture affected by development should be removed and relocated where necessary at location to be agreed by highways officer - all costs to be borne by the developer*
- *any old entrances that are no longer required shut be permanently closed off and reinstated back to full footway*
- **Please note:** *Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority officer Simon Littler on Mob: 07766 5780*

- 6.17 Receipt of revised layouts sufficiently addressed a shortfall in driveways lengths. Justification of additional, modest, off-street parking shortfall is explained above, at para. 3.5.69.
- 6.18 Appropriate swept path and sightlines have been provided.
- 6.19 Driveway gradients throughout the site are considered acceptable – topography dictates that none will fall sharply towards the highway.
- 6.20 An increase on the recommended limit of 3 properties accessed via private driveways, to 5 is accepted, taking into the overall site constraints. Where appropriate, communal bin storage areas for these properties have been provided.
- 6.21 All other matters raised with regard to existing highway will be controlled by condition to secure works to be undertaken via Section 278 of the Highways Act. Matters relating to proposed highway will also be secured by condition and will be undertaken via Section 38 of the Act.
- 6.22 Demolition / Construction phase control is appropriately secured by the CEMP, via condition.

6.23 An addendum to the TA has been provided, appropriately and proportionately addressing the issues raised by Capita, with specific reference to the following:

- *Update Plan 1 with a clear Key to ensure no confusion over sites;*
- *Include a description of the traffic calming measures on Fishmoor Drive within the local highway network description;*
- *Ensure all swept path manoeuvres can be completed with ease, and update Plan 5 accordingly;*
- *Ensure suitable visibility splays have been completed for all accesses;*
- *Local parking standards should be included within the TA with the provision of electrical charging points and clearly explained how the development would adhere, this should be amended and updated;*
- *An ATC should be carried out for Roman Road to ensure the visibility splays are representative and determine peak hours;*
- *Update the TA's sustainability section with the local PROW's and how these will aid active travel;*
- *Confirm if the pedestrian facilities including the footway on Roman Road is to be implemented, if so, the TA should be updated accordingly;*
- *Include information regarding the Weavers Wheel and its accessibility from site;*
- *Update the TA to state the cycling and disabled provision at Mill Hill and Blackburn train stations;*
- *Describe the distance to the closest bus stop from the centre of site to ensure it adheres to CIHT guidelines within the walking section; describe the provision at the closest bus stops;*
- *Update the Travel Plan with the local websites, and accessibility queries;*
- *Ensure that the TEMPro Growth Factors for the development area are correct and update accordingly;*
- *Confirm and update the TA accordingly with regards to any committed developments within the area which should be considered;*
- *The trip rates used require proof of confirmation from BwDC;*
- *Provide a calibration test for the 2019 AM and PM base models;*
- *Update the Capacity Assessments Summary particularly for Roman Road/Manxman Road outlining proposed mitigation measures;*
- *Ensure the results presented for the Capacity Assessment modelling are the same in the TA and the appendices; and*
- *Update the Summary and Conclusions Chapter 8 accordingly.*

6.24 The TA review also recommended the following:

- *The developer should consider connectivity improvements for pedestrians and cyclists to cross Roman Road to improve the sites overall accessibility and promote sustainable transport use;*
- *A contribution to upgrading the cycle parking/storage provision at Mill Hill rail station to encourage multi-modal active travel; and*
- *Contributions towards the improvement of bus service provision to the site, and improvements to the existing bus stops.*

6.25 In response, additional enhancements to existing highway at Roman Road and additional financial contributions are considered unreasonable and without sufficient evidence to justify such request. As such, they are not considered necessary to make the development acceptable.

6.26 Public Rights of Way Officer

The path running on the south east side is public footpath 151, Blackburn is recognised. An informative to ensure the right of way is not obstructed at any time is recommended to be attached to the decision.

6.27 Strategic Housing

Support offered:

*The Housing Growth Team welcomes good quality family homes in this location.*

*The principle of residential dwelling is acceptable with the provision of good quality family housing for sale and rent, which helps diversify the local housing mix and responds to the Council's growth strategy.*

*We are supportive of the proposal, which will also enhance local public space and infrastructure, subject to it meeting planning policy requirements and approval from Development Management.*

*In accordance with the Council's Affordable Homes Policy, the developer will be required to provide 20% of the scheme for affordable housing.*

*This is planned to be on site as affordable homes for rent and shared ownership.*

*We are supportive of new housing developments coming forward and will be willing to consider negotiating affordable homes provision/commuted sum requirement to support scheme viability.*

6.28 Property Management

No comment offered – land not Council owned.

6.29 United utilities

6.30 Environment Agency

No comment offered.

### 6.31 GMEU Ecology

No objection following submitted information:

- *Fishmoor Parcel 1 Preliminary Ecological Assessment ([PEA1], TEP, March 2020, version 2, note uploaded in two parts to the planning web page)*
- *Fishmoor Parcel 2 Preliminary Ecological Assessment ([PEA2], TEP, March 2020, version 2)*
- *Fishmoor Parcel 3 Preliminary Ecological Assessment ([PEA3], TEP, March 2020, version 3, note uploaded in two parts to the planning web page)*
- *Parcels 1 – 3 Fishmoor Drive, Bat Survey Report (TEP, November 2020, version -)*
- *Fishmoor Drive – Parcel 3: Otter Survey (TEP, letter 14<sup>th</sup> August 2020)*
- *Knotweed Eradication Report for Countryside Properties, Fishmoor Drive (Knotweed Eradication, 27<sup>th</sup> March 2019)*

*I have also considered other documents such as the Planning Statement, Design and Access Statement and the Landscape Master Plans for each parcel.*

*I recently had the opportunity to visit the site (24<sup>th</sup> November 2020). This does not constitute a full ecological survey but provides context to the comments made below, given the extent of the proposals and the different parcels of land.*

#### **Overarching general comments on Biodiversity Net Gain (BNG)**

- *I understand that the all areas of the site were previously developed, with the original housing being removed nearly 20 years ago (Planning Statement). Only a small area within Parcel 3 (northern end) now supports remnants of a once more agricultural landscape and grassland habitats. However, all parts of the site have largely revegetated and now support a matrix of urban semi-natural and modified habitats. Whilst the habitats on site do not represent either protected or habitats of Principal Importance (NERC 2006 [Natural Environment and Rural Communities Act] Section 41 habitats) they still have a biodiversity value and cover a relatively large area.*
- *The sites lie in very close proximity to the Lancashire Ecological Woodland Network, with Parcel 2 directly abutting it and Parcels 1 and 3 within 150m. The Blackburn & Darwen guiding principles of the SPD on Green Infrastructure and Ecological Networks (December 2015, paragraph 3.3) emphasises the importance of achieving net gain from development and the implementation of proposals particularly those of importance in the local context. Policy 4 0 of the Local Plan (2015) supports this approach seeking to achieve greater connectivity between elements of the local ecological network.*

- *Under the NPPF (section 170d and 175d) development should be aiming to deliver net gain for biodiversity. Given the scale of the proposals, I would expect a development such as this to demonstrate it is achieving this objective, and be in line with the emerging Environment Bill (November 2019), now in its Committee Stages. Given the final stages of this Bill's passage through parliament, I would expect to see a 10% net gain for biodiversity delivered, should the proposals receive permission and be implemented.*
- *I would suggest that it would be appropriate for the DEFRA Biodiversity Metric 2.0 (or equivalent if this model is superseded) to be used to evaluate the biodiversity value of the site and to demonstrate prior to determination if this goal has been achieved under the current landscaping and habitat creation proposals.*

### **General overarching comments on validity of the Preliminary Ecological Assessments**

- *The Reports appear to have used reasonable effort to survey the habitats on site and make an assessment of their suitability to support protected/species or habitats of Principal Importance (Section 41, NERC 2006 [Natural Environment & Rural Communities Act]).*
- *The surveys were conducted in November 2019, which is recognised as suboptimal for the majority of survey types. However, given the nature and size of the proposal this is not considered to be a major constraint on the assessment and does not invalidate its findings.*
- *No specific bird breeding surveys were undertaken. However, the absence of such surveys does not invalidate the Reports' findings. It is acknowledged that the site will support nesting birds and that frequent urban species of Principal Importance are likely to occur (eg house sparrow – confirmed roosting, starling and dunnock)*
- *In addition, surveys for bats and otter were undertaken and submitted under separate cover. Both these surveys were considered to have used reasonable effort they were undertaken at an appropriate time of year in suitable weather conditions, with sufficient survey personnel.*
- *The Reports conclude that the sites supports a buildings (Parcel 1) and trees (Parcels 2 and 3) of some value to bat roosting and the surrounding habitats. The additional survey effort did not record any roosting within these structures, although bat foraging/commuting activity was observed elsewhere on the sites attesting to the suitability of the timing of the surveys.*
- *Within the Parcels of land in the site the habitats are of local and in part limited value to biodiversity (eg hardstanding). Note see overarching commentary above regarding Biodiversity Net Gain (BNG).*
- *The surveys are sufficient to allow for their use in the DEFRA Biodiversity Metric 2.0 and for the application to be progressed to*



determination subject to agreement over a suitable approach to BNG.

### **Specific Ecological Issues within each Parcel**

#### Parcel 1

- Building 2 and the identified tree will require updated assessment, should development/demolition not have occurred by September 2022 (para 4.17 of Bat Survey Report). A **condition** will be required to implement this.
- The Knotweed Eradication Report was undertaken in 2018 and will require updating in advance of the implementation of the proposals, should they receive permission. In addition, the Japanese knotweed eradication report will need to include details of the on-site disposal methods and biosecurity measures required for spoil handling and machinery, along with appropriate signage and fencing. A **condition** will be required to implement this.
- It is recommended that the treatment of Japanese knotweed continues in the intervening period of time.

#### Parcel 2

- The tree identified within the Bat Survey Report will require reassessment in September 2022. This should be implemented via a **condition**.
- The hedgerows within this Parcel, were observed to support roosting house sparrow during the contextual site visit by GMEU (in hedge TN7). Additional emphasis should be placed on locating the nesting sites if they occur within Parcels 1 or 2 and providing sufficient and targeted compensation for the loss of nesting and roosting opportunities (see Ecological Enhancement below).

#### Parcel 3

- The trees identified within the Bat Survey Report will require reassessment in September 2022. This should be implemented via a **condition**.
- An updated/precommencement survey for otter **condition** will be necessary to provide a resurvey of Parcel 3 if works do not commence by July 2021 (cf Otter Survey letter).
- Parcel 3 is identified as supporting habitats which are suitable not only for scrub/undergrowth nesting species of birds, but also for ground nesting species. It is recommended that a precommencement survey is required to assess this site in more detail and to provide a Bird Nesting Protocol should evidence of nesting be identified. This is in addition to the standard bird nesting **condition** requirements as identified within the PEA's for each Parcel of the proposal (see below).

### **Biodiversity Mitigation Measures and Enhancement**

- Section 5 of each PEA details other recommendations which should be implemented via **conditions**. The conditions are broadly similar across each Parcel of land and include: -

- *Avoidance of the bird breeding season for vegetation clearance including trees, scrub and undergrowth (eg bramble)*
- *Reasonable Avoidance Measures Method Statement (RAMMS) measures for common amphibians and hedgehog during vegetation clearance and site construction*
- *CEMP (Construction Environmental Management Plan) including pollution prevention measures and soil handling procedures.*
- *Fencing of retained trees/hedgerows and Japanese knotweed stands during construction*
- *Precommencement surveys of site plus 30m for badger setts*
- *Wildlife Sensitive lighting scheme design*
- *Section 5 also includes the requirement for the production and implementation of an ecological enhancement package for the sites to provide bat and bird boxes, bug hotels, native species planting, ecologically permeable boundary features etc. This is seen as in addition to the commentary provided above in respect of Biodiversity Net Gain. The Ecological Enhancements Package should be required via **condition** for each phase of the proposals should the scheme receive permission.*

#### **Landscape Masterplans**

- *The Landscape Masterplans include non-locally native species such as hornbeam and beech. It is recommended that the planting specification for the native planting element of the Parcels is revisited.*
- *Notwithstanding the comment above, it is strongly recommended that the landscape scheme and potentially the site design is revisited to include the 10% Biodiversity Net Gain provisions. If BNG is to be provided off-site, the landscape schemes should still be revisited to incorporate the layout and specifications of the Ecological Enhancements.*

#### **In summary and conclusion: -**

- *Sufficient survey information has been provided in support of the submission*
- *It is strongly recommended that the Planning Authority consider the provisions of the emerging Environment Bill and require a Biodiversity Net Gain Calculation to be undertaken and demonstration that a 10% BNG uplift can be achieved should the scheme receive permission and be implemented.*
- *Specific conditions have been identified for features of each Parcel of the proposal and a list of generic biodiversity protection measures are also provided.*

6.32 An updated Japanese Knotweed Eradication Plan and a RAMMS have been received, implementation of which will be secured by condition.

6.33 Submission of updates to all time limited surveys will be secured by condition.

6.34 Demonstration of a 10% Biodiversity Net Gain is not considered justified, as explained at para. 3.5.45.

6.35 Lancashire Constabulary

No objection following review of submitted Crime Impact Statement. The following comments offered:

*The Applicants own Crime Impact Statement (as published on your planning portal) makes mention of crime data in Section 4. 'Crime Analysis' and information regarding anti-social behaviour in Section 5. 'Design Considerations'. Section 6. 'Conclusion' states; "It is evident from the information sourced from Police.UK that Fishmoor is subject to a low-level degree of crime. It has been demonstrated through this statement and the submitted layout plans that the proposals incorporate positive measures aimed at reducing crime".*

*However, over the past 12 months high volumes of crime and incidents have been recorded within the Police Incident Location that encapsulates the new development, including 27 burglaries (mainly residential), 63 vehicle crime offences (8 stealing of a motor vehicle), 58 criminal damage (excl. vehicles), 120 assaults and high levels of anti-social behaviour, including nuisance. Historically this location has unfortunately suffered from high levels of crime and anti-social behaviour, exacerbated somewhat by the design and layout of previous housing schemes in the area. This new development creates an real opportunity to design out crime and design in security from the outset, to keep people safe and feeling safe by reducing crime and anti-social behaviour in the locality and creating sustainable communities.*

*Current burglary patterns and methods indicate that unobserved ground floor doors and accessible windows are the most vulnerable to criminal attack, by prising them open with tools, smashing glazing and 'snapping' Euro-profile type cylinder door locks. In addition, criminals are targeting homes to steal the keys to vehicles using the entry methods mentioned above and 'fishing' through letterboxes. Target hardening measures and security standards for the dwellings themselves should be addressed by the discharge of Approved Document 'Q' 2015 via Building Control. **Please note, PAS24:2012 has been superseded by enhanced security specification PAS24:2016 and should be applied to this scheme.***

General Secured By Design advice offered. Conditions to secure such accreditation and site security measures are recommended. Informatives in this regard are, however, considered a reasonable approach.

6.36 Lancashire Fire Service

It is recommended that the development meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and Facilities for the Fire Service. Adequate turning facilities for fire service vehicles is demonstrated with the site layouts.

6.37 Sport England  
Objection received:

**Summary:** *The proposal makes no contributions to formal sports facilities, indoor or outdoor, therefore **Sport England wishes to object** to this application as it is not compliant with NPPF, or Core Strategy Policy CS21 and Local Plan Part 2 Policy 12 (Developer Contributions to mitigate an impact).*

*Sport England would be pleased to review the objection with a view to potentially withdrawing it when we have received further details to address the following issues:*

- 1. Details of any off site outdoor sport and indoor sport enhancements to meet the additional demand arising from the development. Sport England's Strategic Planning Tools show this development is estimated to generate additional demand equating to 1 pitch equivalent, 1 additional changing room, 84 additional visits per week to sports halls and 64 additional visits per week to swimming pools. Indicative costs to accommodate the additional demand is set out later in this email.*
- 2. Incorporate the 10 principles of Active Design into the overall design of the development as sanctioned by BREEAM in collaboration with Sport England.*

6.38 A financial contribution of £583,154 is, therefore, requested. As a non-statutory consultee on the application, the request is not considered to be justified, as explained at paras. 3.6.02 – 3.6.07.

6.39 NHS  
Objection received:

**Summary:** *Planning application 10/20/0934 - Land to the North and South of Fishmoor Drive and Land to the East of Roman Road Blackburn, is seeking to secure permission for the construction of 383 new dwellings. These dwellings will support a population increase of 881 (assuming an average of 2.3 people per dwelling<sup>5</sup>) all of whom will need to access health services.*

*It follows that without the provision of additional facilities and services it will not be possible to accommodate the health impact of the development within the existing provision which is available.*

*Whilst the Trust will, in due course, be able to obtain funding to meet the needs of the population which arises from the development, this funding will not be in place for approximately three years. Once in place, the funding will not be provided retrospectively, and as such the impact on the Trust for the initial period will not be met from any alternative source of funding.*

*We therefore request a contribution for this development in the sum of £653,593.00.*

A financial contribution is not considered to be justified, as explained at paras. 3.5.97 – 3.6.01.

6.40 Public consultation has taken place, with 1756 letters posted to the local community; a press notice published 12<sup>th</sup> November 2020; and display site notices on 19<sup>th</sup> October 2020. In response, 12 objections were received which are shown within the summary below.

**7.0 CONTACT OFFICER: Nick Blackledge – [Senior Planner]**

**8.0 DATE PREPARED: 30<sup>th</sup> December 2020.**

## **9.0 SUMMARY OF REPRESENTATIONS**

### **Objection – Adris Ahmed. Rec – 21/10/2020**

**Response to Full Planning Application for demolition of one substation building and erection of 383 dwellings and associated works at land to the north and south of Fishmoor drive and land to the east of Roman Road, Blackburn.**

I'm writing to object to planning permission being granted for the above application. I feel that this is not a suitable development as there is inadequate infrastructure in this area to support such a development. Specifically:

- Schools: There are limited schools in this area and its already difficult to get a place in these
- Traffic: at peak times it can already take up to 25 mins to get from the junction of Fishmoor drive to the top of Blackamoor rd. Which is approximately 1.5 miles – this additional traffic will add to that journey time significantly
- Internet: With COVID-19, an increasing number of people are working from home and the internet speeds in this area of Blackburn are already poor, and a development of this size will put further pressure on an already constrained service
- Doctors: Their are a limited number of Doctors surgeries in this area to meet the needs to the local residents

Furthermore we moved here 2 years precisely because of the reservoir and undeveloped land which is home to many forms of wildlife, and its awful that this is not be conserved.

I hope the above is taken into consideration and this application is declined.

---

### **Objection – Jaden Fish. Rec – 09/11/2020**

Hi Planning/Gavin,

I wish to register an objection to part of the proposal that is registered (reference 10/20/0934).

I had previously written to the MP Kate Hollern regarding this application. I wish to register the same issues regarding this application as listed below;

As previously stated, I am not objecting such a large fantastic development with fantastic opportunities to increase the usage of land and hopefully provide families with much sought after housing. However there are is section that I am opposing and really think needs to be checked over.

To highlight the area that I think should be removed from the development I have outlined below a row of houses and a through road that has historically be used as a “rat run” which caused a lot of issues regarding anti social behaviour in the area. This would create a “square” for people to use – and it does encourage uninsured motor bikes, and joy riders. There have been animals repeatedly killed from careless underage drivers and this danger could be passed onto the minors that also currently use the area for playing. Although speed bumps have been proposed, this does not stop these issues – and this is historically accurate.

This is the land situated directly behind Thornton Close.

Below I have added the original correspondence I had with the MPs office and I have attached some correspondence from the local MP supporting my objection.

Please take the original email below as my list of objections.

I have also expressed my concerns to the locals around the area, and have received much supports over the proposed road being used as a “Rat Run”

Please let me know if any further information is required.

Hello,

And firstly let me take the time to thank you for reading my email.

I have recently learned of the development happening in the Highercroft area, and although I don't oppose such a fantastic development – I do oppose some of this development.

I am currently in the process of purchasing my property on Thornton Close (number 9). And I am greatly saddened to see that the development is on the part of the land behind my house. The development includes 3 houses that will be directly behind my back garden. The area is built on a hill, and I have grave concerns that these 3 houses will become spectators of my bedroom. Not to mention that they will be overlooking our house.

This poses a drastic risk to ourselves in regards to sunlight, which rises in that direction and I believe we would be cut off from that sunlight until 11am in most months of the year.

Further to this, we have a rather large and substantial tree outside our back garden, we often get bats travelling through this tree and it has encouraged them to the area. This development proposes to destroy the tree, and take with it the bats.

Finally there is plans to build a through road. I believe that these roads were cut off at some point in history due to the area becoming a "Rat Run" – which I strongly believe is going to be the case here again. The traffic, noise and pollution are something that is just disastrous to the area.

I don't oppose the whole scheme, however building so close to the back of my home, on the top of a hill and putting people overlooking us, blocking such a large portion of natural sunlight, and destroying a habitat for wildlife is just diabolical and sad.

I await to hear your response to this, and if there is anything I can do to remove the houses from the back of my house.

---

**Objection – Lee Spary. Rec – 09/11/2020**

To whom it may concern,

I wish to submit a formal objection to the proposal reference; [10/20/0934](#).

My objections are as follows:

- There is historical knowledge of the area being known for antisocial behaviours. This included joy riding and uninsured vehicles being used around the area. I believe that the reintroduction of the through road will create a further "rat run" for antisocial behaviour to begin again. The road was blocked up previously due to this issue, and although speed bumps have been proposed, this has provided no resolution in the past. This through road has the very likely and serious implications of causing a danger to domestic animals and children in the area.
- There are also wildlife in the fields that are proposed to be built on, this includes bats that regularly are seen flying in the area. This removal of the fields, trees and general green area will damage the habitats of the bats (and other wildlife in the area).
- The buildings that are proposed directly behind the Thornton Close street are on a hill, and as such will be overlooking the properties here. This will encroach on the privacy of the home owners and tenants. This would also cut a lot of the daytime sunshine and natural light off the properties already in situ due to them being proposed on higher ground.

Although the need for housing is at an all time high, I do not object to the plans in their entirety.

However, the houses that are proposed directly behind Thornton Close and the through road would (and have historically) provided a serious implication to the area, I believe that this objection has also been supported by the local MP and the surrounding neighbourhood. Many thanks for all the considerations taken.

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**Objection – Terrina Mcphee, Cleveleys Road, Blackburn. Rec – 09/11/2020**

Hi Gavin/Planning,

I wish to submit a formal objection to the proposal reference; 10/20/0934.

My objections are as below:

- There is historical knowledge of the area being known for antisocial behaviours. This included joy riding and uninsured vehicles being used around the area. I believe that the reintroduction of the through road will create a further “rat run” for antisocial behaviour to begin again. The road was blocked up previously due to this issue, and although speed bumps have been proposed, this has provided no resolution in the past. This through road has the very likely and serious implications of causing a danger to domestic animals(I myself have had two cats run over in the past few months due to wreck less drivers) and children in the area.
- There are also wildlife in the fields that are proposed to be built on, this includes bats that regularly are seen flying in the area. This removal of the fields, trees and general green area will damage the habitats of the bats (and other wildlife in the area).
- The buildings that are proposed directly behind the Thornton Close street are on a hill, and as such will be overlooking the properties here. This will encroach on the privacy of the home owners and tenants. This would also cut a lot of the daytime sunshine and natural light off the properties already in situ due to them being proposed on higher ground.

Although the need for housing is at an all time high, I do not object to the plans in their entirety. However, the houses that are proposed directly behind Thornton Close and the through road would (and have historically) provided a serious implication to the area – I believe that this objection has also been supported by the local MP and the surrounding neighbourhood.

Many thanks for all considerations taken,

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**Objection – Gemma Lang, Rec – 09/11/2020**

To whom it may concern

I write to object to this application to build new houses opposite Thornton Close for the below reasons

The road is crazy already and having housing in the area will create antisocial behaviour from boy racers and this will be a danger to animals, the elderly folk and children who currently live there.

The new houses will be overlooking properties meaning there will no longer be any privacy to the existing residents, our sunlight to our gardens will be blocked and it will be eyesore to the area we currently oversee.

And finally the new houses will have a detrimental impact upon wildlife in the area/ fields and remove the bats in trees which are not causing any problems to the area currently and are a specie that is slowing dying away.

There is MP support to reject this application and therefore these reasons are just a small number of reasons why this application should be rejected immediately.

---

**Objection – Hannah Lee, Rec – 09/11/2020**

I am emailing to advise of my objection to the proposed development directly behind Thornton Close.



For the existing properties adjacent to the land proposed for development there will inevitably be a loss of privacy and day light.

The road is already very busy, being used as a short cut and by antisocial drivers who drive carelessly, at excessive speed and without attention. Additional traffic on this road will exacerbate this problem.

Finally, I am concerned about the detriment to wildlife. This field is home to animals including bays and any development will result in the permanent loss of their habitat.

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**Objection – Heather Riley. Rec – 09/11/2020**

Good Afternoon,

This is a response to the recent planning application mentioned in the subject of this email.

The erection of houses here should not go ahead - there are multiple reasons why this is being objected:

- 1) This is too close to the houses already in situ
  - 2) There are bats and other wildlife living in the land - this would completely kill these animals and ruin their habitat
  - 3) The road would be extremely busy again causing danger to the wildlife but also to the local children
  - 4) wWe also feel that this could heavily cause antisocial behavior to this area
- 

**Objection – Justyna Grabowska. Rec - 09/11/2020**

Hi Gavin/Planning,

I wish to submit a formal objection to the proposal reference; 10/20/0934.

My objections are as below:

- There is historical knowledge of the area being known for antisocial behaviours. This included joy riding and uninsured vehicles being used around the area. I believe that the reintroduction of the through road will create a further “rat run” for antisocial behaviour to begin again. The road was blocked up previously due to this issue, and although speed bumps have been proposed, this has provided no resolution in the past. This through road has the very likely and serious implications of causing a danger to domestic animals and children in the area.
- There are also wildlife in the fields that are proposed to be built on, this includes bats that regularly are seen flying in the area. This removal of the fields, trees and general green area will damage the habitats of the bats (and other wildlife in the area).
- The buildings that are proposed directly behind the Thornton Close street are on a hill, and as such will be overlooking the properties here. This will encroach on the privacy of the home owners and tenants. This would also cut a lot of the daytime sunshine and natural light off the properties already in situ due to them being proposed on higher ground.

Although the need for housing is at an all time high, I do not object to the plans in their entirety. However, the houses that are proposed directly behind Thornton Close and the through road would (and have historically) provided a serious implication to the area – I

believe that this objection has also been supported by the local MP and the surrounding neighbourhood.

Many thanks for all considerations taken,

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**Objection – Charlotte Lambert. Rec - 09/11/2020**

I'd like to lodge my official objection to nearly 400 homes proposed in the application 10/20/0934.

The reasoning behind this is as follows

- with the increase of homes will increase the traffic on the roads to over 600 vehicles. This causes a health and safety issue to residents already living in the area as people already use the existing estate as a "rat run"
  - traffic will become grid locked as the current road layouts can not cope with the existing traffic, therefore the additional 600plus vehicles will cause more issues and reduce the air quality.
  - the local infrastructure (schools, dentists, doctors) can not cope with the additional homes as nearly 400 homes could increase the local population by 1200 - 1600 people.
  - the land where the proposed development is suggested is home to wildlife such as bats and newts.
- 

**Objection – Elizabeth Rawding. Rec - 09/11/2020**

I am writing in objection to the houses being built directly behind Thornton Close.

The reason behind my objection is that I believe that if houses are built it will create a rat run road which in my opinion will cause antisocial behaviour, but more importantly it will cause a danger to the children in the area. To think of it it could also do harm to animals too, and the wildlife on the field

The houses will also affect other local property by blocking out the sunlight and even overlooking gardens and rooms. This will impact on people's privacy

Please consider the content of this letter as my objection to such houses being built

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**Objection – Laura Mitchell. Rec – 10/11/2020**

Hi Gavin/Planning,

I wish to submit a formal objection to the proposal reference; 10/20/0934.

My objections are as below

- There is historical knowledge of the area being known for antisocial behaviours. This included joy riding and uninsured vehicles being used around the area. I believe that the reintroduction of the through road will create a further "rat run" for antisocial behaviour to begin again. The road was blocked up previously due to this issue, and although speed bumps have been proposed, this has provided no resolution in the past. This through road has the very likely and serious implications of causing a danger to domestic animals and children in the area.

- There are also wildlife in the fields that are proposed to be built on, this includes bats that regularly are seen flying in the area. This removal of the fields, trees and general green area will damage the habitats of the bats (and other wildlife in the area).

- The buildings that are proposed directly behind the Thornton Close street are on a hill, and as such will be overlooking the properties here. This will encroach on the privacy of the home owners and tenants. This would also cut a lot of the daytime sunshine and natural light off the properties already in situ due to them being proposed on higher ground.

Although the need for housing is at an all time high, I do not object to the plans in their entirety. However, the houses that are proposed directly behind Thornton Close and the through road would (and have historically) provided a serious implication to the area – I believe that this objection has also been supported by the local MP and the surrounding neighbourhood

Many thanks for all considerations taken

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### **Objection – Beverley Chadwick. Rec – 10/11/2020**

I wish to submit a formal objection to the proposal reference 10/20/0934 for the following reasons:

- The area has already suffered from antisocial behaviours including joy-riding and uninsured vehicles being driven. The through road was previously closed because it was being used as a rat-run and although speed bumps have been proposed, they previously failed to deter such behaviours. Therefore re-opening the through road is highly likely to be dangerous to children, the elderly, and domestic animals.

- The fields earmarked for the proposed buildings have an abundance of wildlife, including bats. Building here will undoubtedly damage their habitats thereby endangering their survival.

- Some of the proposed buildings would be situated at a higher level than those on Thornton Close overlooking the existing properties thus blocking out a substantial amount of natural light and encroaching on the occupants' privacy.

- Given the current housing shortage, I do not object to plans to build more homes. However, for the reasons already given, I do object to them being sited directly behind Thornton Close. And again, for reasons already given, I object to the re-opening of a through road. I am aware that my MP and residents in the local area also share this viewpoint.

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### **Comment – Michael Bertham, 69 Stopes Brow, Darwen. Rec – 16/10/2020**

My name is Michael Bertham,

I am the property owner of 69 Stopes Brow, Darwen BB3 0QP, UK.

I have received your letter regarding the planning application put in by **Countryside Properties (UK) Ltd and Together Housing Group** I have noticed this application is for the land by the reservoir and the land by Fishmoor used a lot for dog walking.

The houses being built will they be council accommodation or private property?  
Will the build disturb the dog walking trail which is very popular?

What improvements will be made for parking when more students will be attending the primary school? (No permit parking in front of my property very hard for me to park outside my home during school hours)

How long is the build estimated to take?

What measures will be made when building on the side of Roman Rd? (High trafficking area)