

Proposed development: Full Planning Application for: Demolition of existing workshop building and erection of a single dwelling house with associated works to include landscaping.

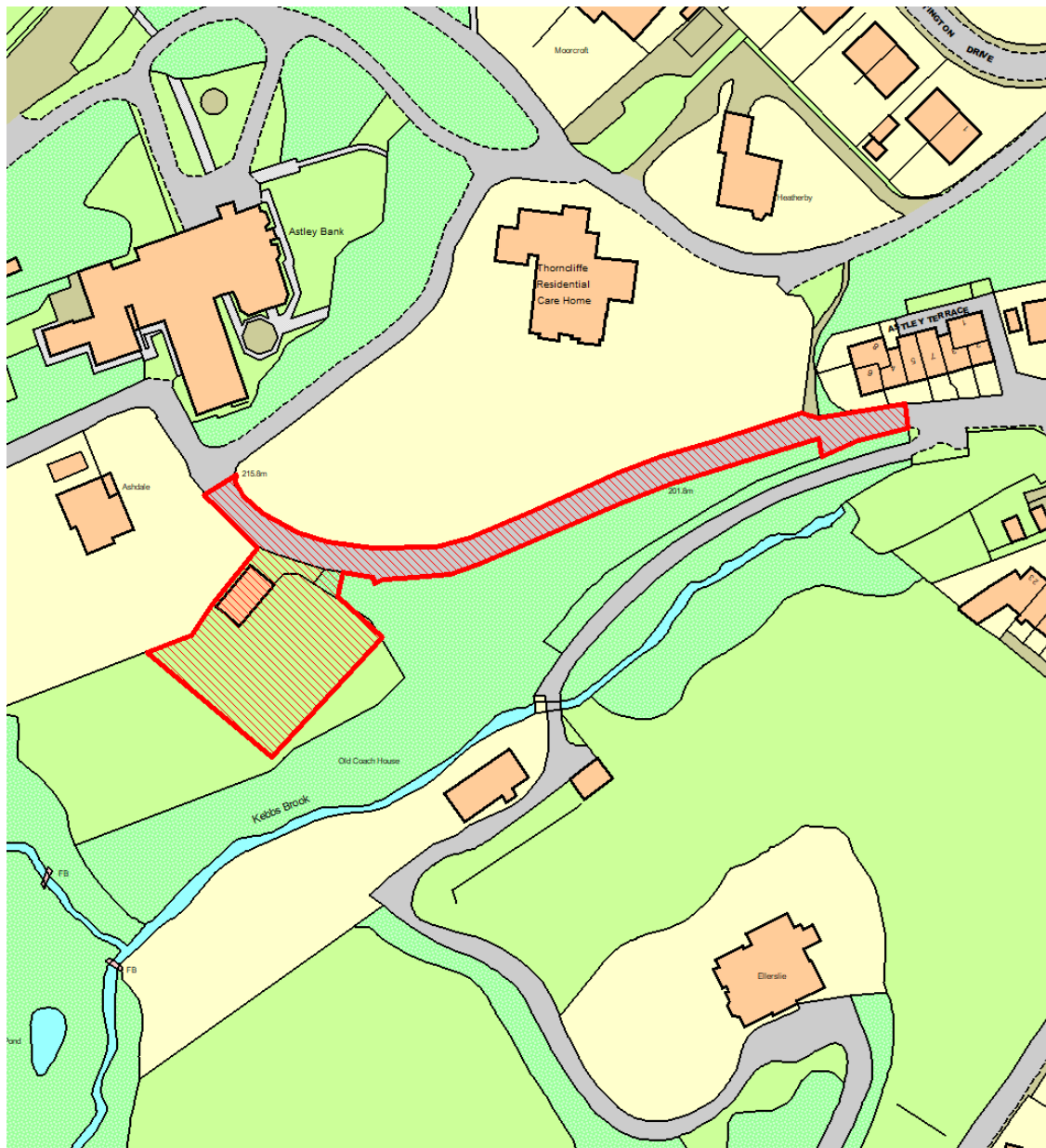
Site address:

**Land adjacent to Ashdale
Astley Bank
Darwen
BB3 2QB**

Applicant: Mr & Mrs Shorrocks

Ward: Darwen South

**Councillor Kevin Connor
Councillor Lilian Salton
Councillor Neil Slater**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions set out at paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This planning application is reported to the Committee as a proposal representing a departure from the Local Development Plan, in accordance with the terms of the adopted Scheme of Delegation.
- 2.2 Assessment of the application against the Development Plan, the National Planning Policy Framework and other relevant material considerations, finds the proposed development to be acceptable. Support is found in recognition of delivery of a bespoke, self-build and sustainable house type, considered to represent outstanding design, on a partially previously developed site, which accords with the strategic growth objectives of the Council, in the context of housing delivery. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

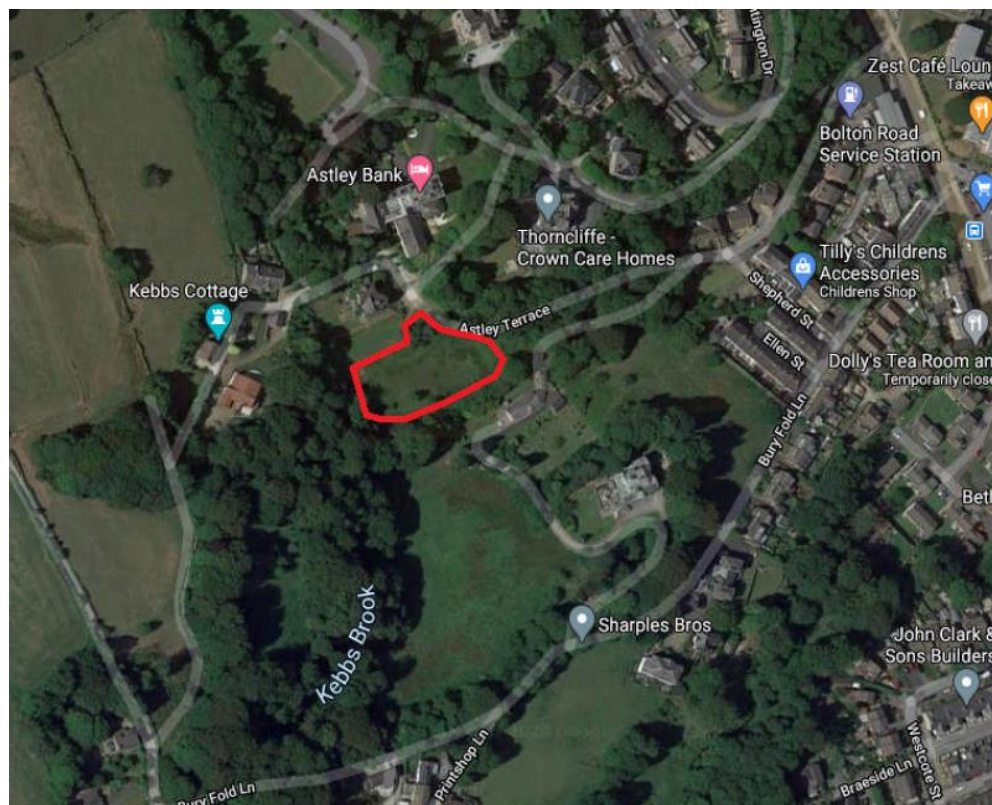
- 3.1.1 The application site (the site as defined by the red edged location plan) measures 1182 square metres. The wider land holding of the applicant measures 58,000 square metres.
- 3.1.2 The site comprises a workshop building set within a sloping rectangular-shaped open field, although there is some woodland to the western edge of the site. The existing building, which has been in-situ for some time, is of timber construction and it is understood that it has been used as a general workshop and storage building for over 10 years by the previous owners of the land. The buildings presence confirms the site as partly previously developed land (Brownfield) (refer to case officer site photograph in paragraph 3.2.4).
- 3.1.3 The site sits at a plateau in relation to the access track taken from Astley Terrace, where the existing building sits. It then falls away significantly in a south easterly direction, terminating at Kebbs Brook at the foot of the valley.
- 3.1.4 The adopted local plan Proposals Map shows that the site is within the designated countryside, although the settlement boundary for Darwen extends along Astley Terrace. The site is heavily influenced by surrounding urban features:
- Ashdale, which is a substantially sized residential property to the northern boundary.

- Kebbs Brook and a belt of trees to the southern boundary with residential development beyond that, including land subject to the grant of planning permission for the erection of 18 dwellings (ref: 10/19/0642 & 10/15/1081).
- Astley Bank Road and residential properties beyond that to the eastern boundary.
- Woodland to the western boundary with open countryside beyond.

3.1.5 The site is highly sustainable in terms of accessibility to key services and public transport options.

3.1.6 Vehicular and pedestrian access is taken traffic via Astley Terrace, which leads to the main A666 highway into Darwen town centre or via

3.1.7 The site is indicated below



Extracted from Design and Access Statement, produced by Good & Tillotson; Jan 2021

3.2 Proposed Development

3.2.1 Full planning permission is sought for the erection of a single dwelling at the site, as set out in the submitted drawings, supporting statements and technical documents. The proposal represents a 'self-build' project, derived from the applicants design brief.

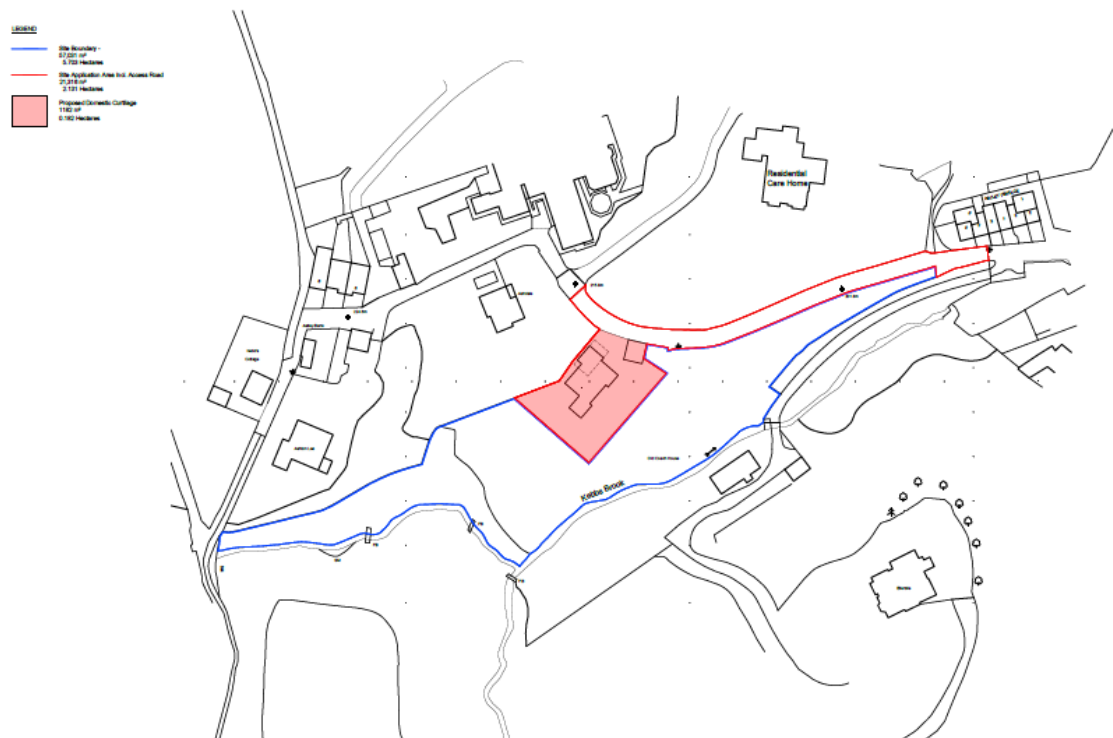
3.2.2 The dwelling would be split-level, occupying 4 floors; basement, lower ground floor, ground floor (entrance level); and first floor. It would occupy a gross total internal floor area of 437 square metres. A detached double garage is

also proposed. Full details are found in the submitted drawings, and support Planning and Design and Access Statements.

3.2.3 The proposed dwelling would be sited towards the Astley Bank Road frontage and part of the new building would be on the footprint of the existing workshop structure. The dwelling has been designed as a contemporary 'eco-house'. It is submitted that measures that will ensure that building regulations standards are far exceeded:

- The building will be highly insulated and sealed using a fabric first approach to energy conservation, and this element alone will likely lead to a 10-15% improvement above building regulations requirements.
- The topography of the site (will large elements of the property being built into the ground) will contribute to the thermal efficiency / mass.
- The dwelling will also incorporate building materials that have been independently assessed for thermal bridging, leading to reduced heat loss at construction junctions.
- Overhanging roofs and terraces have been incorporated to create natural solar shading.
- High performance solar controlled glazing will be installed throughout.
- A state-of-the-art mechanical ventilation/heat recovery system will be installed throughout the dwelling to provide general heating and ventilation with a small air source heat pump installed and heating controls. This will likely provide a further 50% improvement on existing building regulations standards.
- The target energy rating at building regulations stage will be of 'A' or above.

3.2.4 The applicant owns land beyond the residential curtilage proposed. A landscape scheme supports the application which demonstrates significant new native-species tree planting. As noted through the Ecology Report, there is also scope for biodiversity enhancement measures such as grassland enhancement, bird and bat boxes and habitat creation for hedgehog, reptiles and insects. The location plan extracted below indicates the extent of the proposed residential curtilage (highlighted red) and wider land holding, edged in blue. The private access track is also included within the red edge to indicate access arrangements from the public highway. This area would not form residential curtilage. Moreover, the access is unregistered land, outside of the applicants ownership. In this regard, a Certificate D has been signed and the intention to develop published in the Lancashire Telegraph, in accordance with the procedural requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.



Site Location Plan



Case Officer Site Photograph taken 23rd February 2021

3.2.5 Access to the site would be via existing arrangements from Astley Bank and the A666.

3.2.6 The following CGI's represent the proposed dwelling:



Proposed North Facing 3D Image (Entrance)



Proposed West Facing 3D Image



Proposed East Facing 3D Image



Proposed South Facing 3D Images

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
- CS13 – Environmental Strategy

- 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 5 – Countryside Areas
- 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 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

3.4 **Other Material Planning Considerations**

3.4.1 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.

3.4.2 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.

3.4.3 Air Quality Planning Advisory Note

3.4.8 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 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

3.4.9 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; and
- Design and layout.

3.5.2 Principle

3.5.3 The site is positioned within designated 'Countryside', in accordance with the Adopted Policies Map of the Local Plan Part 2 for Darwen. It does, however, immediately adjoin the Urban Boundary. For clarity, Members are advised that the site is not within the Green Belt and that, therefore, consideration towards impact on openness and the purpose of the Green Belt such as preventing urban sprawl and encroachment are not relevant to assessment of this application. Instead, the proposal is considered in the context of Policy 5 of the Local Plan Part 2, which serves to safeguard the character and appearance of the Countryside. This reflects paragraph 170(b) of the Framework which recognises the intrinsic character and beauty of the countryside is recognised.

3.5.4 Policy 5 states:

The Adopted Policies defines Countryside Areas. Within the Countryside Areas, planning permission will only be granted for development needed for purposes of agriculture or forestry or economic uses appropriate in nature and scale to the rural area (including tourism development that complies with Policy 34).

3.5.5 As a new dwelling, it is recognised that the proposal does not meet the exceptions of the policy. That the dwelling is only partially positioned on previously developed land is also recognised. The site is, however, very closely related to the urban area, in a visual, functional and special sense and is generally visually unobtrusive due to surrounding topography and existing development. Moreover, no conflict arises with the principles set out at paragraph 170(b) of The Framework, which states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

3.5.6 In this context, Members attention is drawn to an appeal decision for a replacement dwelling in Cheshire West and Chester, whereby the Inspector notes that the decision-maker *must* to able to identify harm to the character of the open countryside to support refusal of the application. This is notwithstanding alternative Development Plan Policies in play; the principle of identifying harm is relevant to the outcome of this application. The following is extracted from the Inspector's report:

"It is of note that the Council's only concern relates to the size of the appeal building. They do not actually make a compelling case as to why any harm would be caused in terms of design or indeed to the character and appearance of the Open Countryside. In fact, and for the reasons outlined and subject to the imposition of conditions, I do not consider that harm would be caused to the intrinsic character and beauty of the countryside. In this context, the proposal would be of an appropriate scale and design and I therefore conclude that it would not therefore conflict with the design, landscape character, appearance and scale requirements of Policy STRAT 9 of the adopted Cheshire West and Chester Local Plan (Part 1) Strategic Policies 2015; Policy DM21 of the CWCLPP1; Policies LAN1, H1 or H3 of the NP and paragraph 170b of the National Planning Policy Framework."

3.5.7 Additional benefits associated with the proposal which weigh in its favour are:

- Boosting housing land supply of family-sized and aspirational housing.
- The use of a previously developed site in a highly sustainable location.
- High-quality and 'eco' design concept.
- Biodiversity enhancements.

3.5.8 Taking each point in turn:

3.5.9 Although a proposal for a single dwelling only, a positive contribution towards housing delivery should be recognised in this assessment. A 4-bedroom family-sized and 'aspirational' home of exceptional design quality is proposed. The delivery of much-needed family housing attracts positive weight in the decision-making process given the following points:

- The adopted Core Strategy is predicated upon the objective of boosting family sized and aspirational accommodation in order to attract and retain a working age and skilled population in support of the Council's economic growth plans e.g. Key Objectives A & B and Policy CS7.

- The adopted Site Allocations and Development Management Policies seek to boost the supply of detached and semi-detached accommodation in accordance with the Core Strategy e.g. Policy H18.

3.5.10 That the site is partially located on previously developed land, by virtue of the existence of a storage building of considerable size, also weighs positively in favour of the proposal. The Framework's definition of 'Previously Developed Land' is:

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

3.5.11 Such circumstances also weigh in favour of the proposal. The Core Strategy sets out a target that at least 65% of all housing across the Borough will be on previously developed sites. The Framework also promotes effective use of land in meeting the need for homes. At Paragraph 118(b) it states:

Planning policies and decisions should:

Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

3.5.12 Paragraph 84 of the Framework encourages the release of sites in the 'rural areas' where such sites are previously developed and well-related to existing settlements. The proposed development is consistent with this objective given its visual and functional relationship with the built-up area of Darwen.

3.5.13 As previously noted, the sites sustainability credentials are especially relevant. The site is located on the edge of the urban area, in a highly sustainable location, evidenced by proximity to the following range of facilities and services:

- 300m to the Spar convenience store at the corner of the A666 and Astley Terrace.
- 400m to bus stop known as 'Darwen Mayfield Flats' on the A666, which provides services every 20-30 minutes to Darwen town

centre and other key destinations such as Blackburn and Bolton (service nos. 1 & 981).

- 600m to Imperial Business Court on Grimshaw Street where there are a range of industrial units and employment opportunities.
- 600m to Ashton Park, which is a 5.45 acre green space for the public with woodland, a lake and children's play area.
- 1km to Ashleigh Primary School.
- 1.2km to Barnabus Children's Nursery.
- 1.4km to Darwen Aldridge Community Academy School.
- 1.5km to Darwen town centre and the range of services available there.
- 1.75km to Darwen train station with services and connections across the region.

3.5.14 Policies CS1 and CS5 of the Core Strategy seek to direct growth towards the principal urban settlements of the Borough of Blackburn and Darwen. The proposed development is consistent with this overarching objective of the development plan through the release of a site within easy and convenient walking distance of a wide range of key services and public transport options, including Darwen town centre. Policy CS22 also seeks to direct development towards Darwen town centre and the A666 through Darwen referred to as an 'Accessibility Corridor'.

3.5.15 The proposed dwelling has been designed as an 'eco house' with measures that will ensure that building regulations standards are far exceeded:

- The building will be highly insulated and sealed using a fabric first approach to energy conservation, and this element alone will likely lead to a 10-15% improvement above building regulations requirements.
- The topography of the site (will large elements of the property being built into the ground) will contribute to the thermal efficiency / mass.
- The dwelling will also incorporate building materials that have been independently assessed for thermal bridging leading to reduced heat loss at construction junctions.
- Overhanging roofs and terraces have been incorporated to create natural solar shading.
- High performance solar controlled glazing will be installed throughout.
- A state-of-the-art mechanical ventilation/heat recovery system will be installed throughout the dwelling to provide general heating and ventilation with a small air source heat pump installed and heating controls. This will likely provide a further 50% improvement on existing building regulations standards.
- The target energy rating at building regulations stage will be of 'A' or above.

3.5.16 Policy 11 of Local Plan Part 2 requires new development to enhance and reinforce the established character of the locality or where the character of a

place has been compromised by previous change, the development must assist in re-establishing a strong character, taking reference from positive character traits in the wider area and applying them in a modern context. The following aspects of character are noted as relevant:

- 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 those to compliment local character;
- iv) Height and building line of the established area;

3.5.17 The submitted plans and supporting statements are considered to demonstrate a quality contemporary design which takes advantage of landscape features and which is influenced by materials typical to the historic fabric of Darwen.



Extract from submitted elevational images - received 29th January 2021:

3.5.18 The sites topography heavily influences the design of the dwelling. The sloping site dictates its form, with 1 -2 floors evident from the access track off Astley Terrace. The 3 main floors are evident when viewed from the south, at the foot of the valley. Visual massing has been carefully thought out, in response to topographical characteristics. Inclusion of terraces, and large

expanses of glazing, will limit the vertical emphasis of the building viewed from the south at Kebbs Brook. Integrated landscaping will further mitigate impact on landscape character.

3.5.19 Ashdale House, and the property at Kebbs Brook, are the closest associated to the proposed dwelling. The site topography, orientation and degree of separation in relation to these properties ensures that the scale, mass and general design characteristics of the proposal are suitably read as 'stand-alone', influenced by site specific features.

3.5.20 Elevations will feature a mix of stone, timber and glass. Whilst contemporary in appearance, the palette of materials appropriately responds to the semi-rural surrounding. An appropriate grass / sedum flat roof is proposed.

3.5.21 The design is considered to be well thought out and representative of outstanding architecture, in the context of the self-build aspirations of the applicant.

3.5.22 Such quality design also weighs in favour of the proposal, as emphasised in The Framework, at Paragraph 131 which states that great weight should be given to outstanding design, in the decision making process:

In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

3.5.23 The proposed scheme is fully compliant with the provisions of Core Strategy Policies CS16 and CS17, Site Allocations and Development Management Policies Document Policies 9, 11 and 41 and the Residential Design Guide SPD, in terms of residential design and the character and appearance of the area. It also consistent with paragraphs 79(e) and 131 of the Framework.

3.5.24 As noted earlier, the applicant owns land beyond the residential curtilage proposed. A landscape scheme been submitted with the application (see extract below), and this shows the potential for significant new native-species tree planting. As noted through the submitted Ecology Report, there is also scope for biodiversity enhancement measures such as:

- Grassland enhancement.
- Bird and bat boxes.
- Habitat creation of hedgehog, reptiles and insects.
- The removal and management of invasive species such as Rhododendron.

3.5.25 The above can be secured via appropriately worded conditions. The biodiversity enhancements weigh in favour of the grant of planning permission given the provisions of Core Strategy Policy CS19, Policy 7 of the Part 2 Local Plan and the Framework.



Extract from submitted proposed site plan which also shows relationship to nearest dwelling "Ashdale" (26.4m away and Kebbs Brook at 49m away) received 29th January 2021:

3.5.26 Notwithstanding conflict with Policy 5, Members are advised that no harm to the Countryside arises from the proposal. Accordingly, the principle of the development is found, on balance, to be acceptable and in accordance with the Development Plan when read as a whole, whilst taking into account other material considerations that are found to weigh in its favour.

3.5.27 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.

3.5.28 In terms of nearby residential properties, the proposed development would be generously distanced such that there would be no implications for the light, outlook and privacy of existing occupiers. Turning to future occupiers, the proposed dwelling would provide excellent internal and external amenity space.

3.5.29 The Council's standard contaminated land conditions shall be applied, in order to establish ground conditions and to guard future occupants against any potential threat of contamination.

3.5.30 Submission of a Construction and Environmental Management Plan (CEMP) shall be secured via condition, to guard against impacts arising from construction phase of the development, with specific reference to noise, vibration, dust and pollutants. A condition limiting construction hours will further guard against disturbance during construction.

3.5.31 Accordingly, the development is found to appropriately safeguard public amenity, in accordance with the principles of Policy 8 and The Framework.

3.5.32 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.

3.5.33 Flood risk / Drainage:

Concerns have been raised by the objectors in relation to the potential of flooding along Astley Street, which has previously occurred. The Council's Drainage consultee (as Local Lead Flood Authority) offer no objection to the proposed development, subject to submission of a foul and surface water drainage strategy, to be secured via condition.

3.5.34 Ecology:

Following review of a submitted Ecological Appraisal of the site and wider area, the Council's ecology consultant offers no objection, acknowledging that all reasonable measures had been taken to identify significant ecological issues and that none had arisen. Issues that are identified can be managed via condition.

3.5.35 With reference to protected species, only Bats are relevant to the proposal. The building and trees on site were surveyed for bat roosting potential. The building was assessed as low risk and all trees as negligible risk. The building was, however, easily accessible and the low risk features were eliminated by more detailed survey. Whilst no further surveys are required prior to determination, a precautionary reassessment of the building is recommended prior to demolition. This will be secured via condition.

3.5.36 Potential bird nesting habitat will be lost with evidence of historic nesting within the building. As all British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. It is accepted that removal of trees of limited value that were not protected by Preservation Order, has previously occurred on site. A bird nest survey of the garage prior to its demolition will, however, be secured via condition.

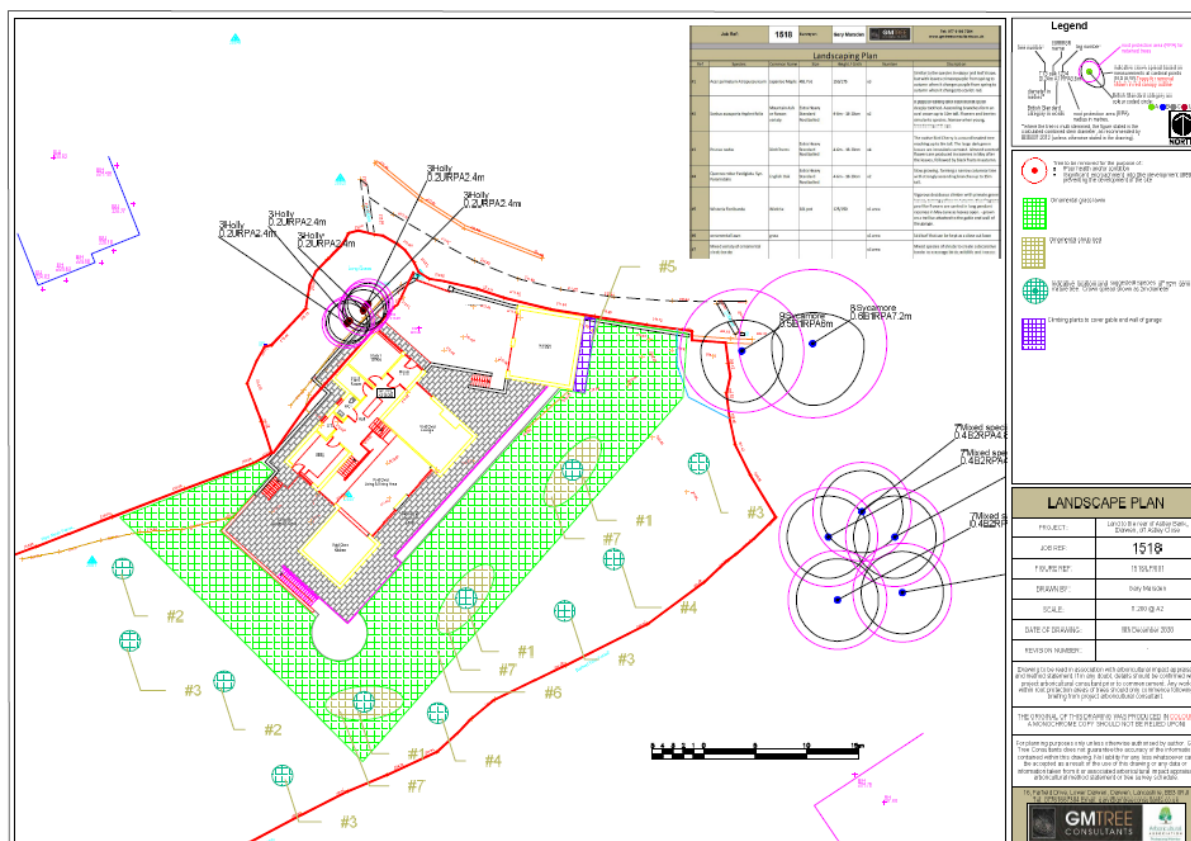
3.5.37 As invasive species, Himalayan Balsam and Wall Cotoneaster are identified in and around the site. Submission of a suitable management plan will be secured via condition.

3.5.38 Proximity to Kebbs Brook is recognised. Protection from pollutants during demolition and construction will be included in the aforementioned CEMP.

3.5.39 Reference to disposal of foul and surface water in the context of protecting Kebbs Brook is also referenced. Such protection will be secured via the foul and surface water drainage strategy.

3.5.40 Trees:

As noted above, some trees have been removed from site. To re-iterate, none were protected. No objection is offered by the Council's Arboriculture consultee, subject to implementation of a re-planting scheme and a maintenance and management plan for 7 years thereafter, to ensure planting becomes well established. Submitted details indicate 6 replacement trees. Notwithstanding such detail, comprehensive landscape and biodiversity strategies for the site will be secured via condition, as will the landscape management plan.



Extract from submitted proposed Landscaping Plan – received 29th January 2021:

3.5.41 Accordingly, subject to adherence to the above measures, the environmental impact of the development is found to be acceptable, in accordance with Policies 9 and 40, and The Framework.

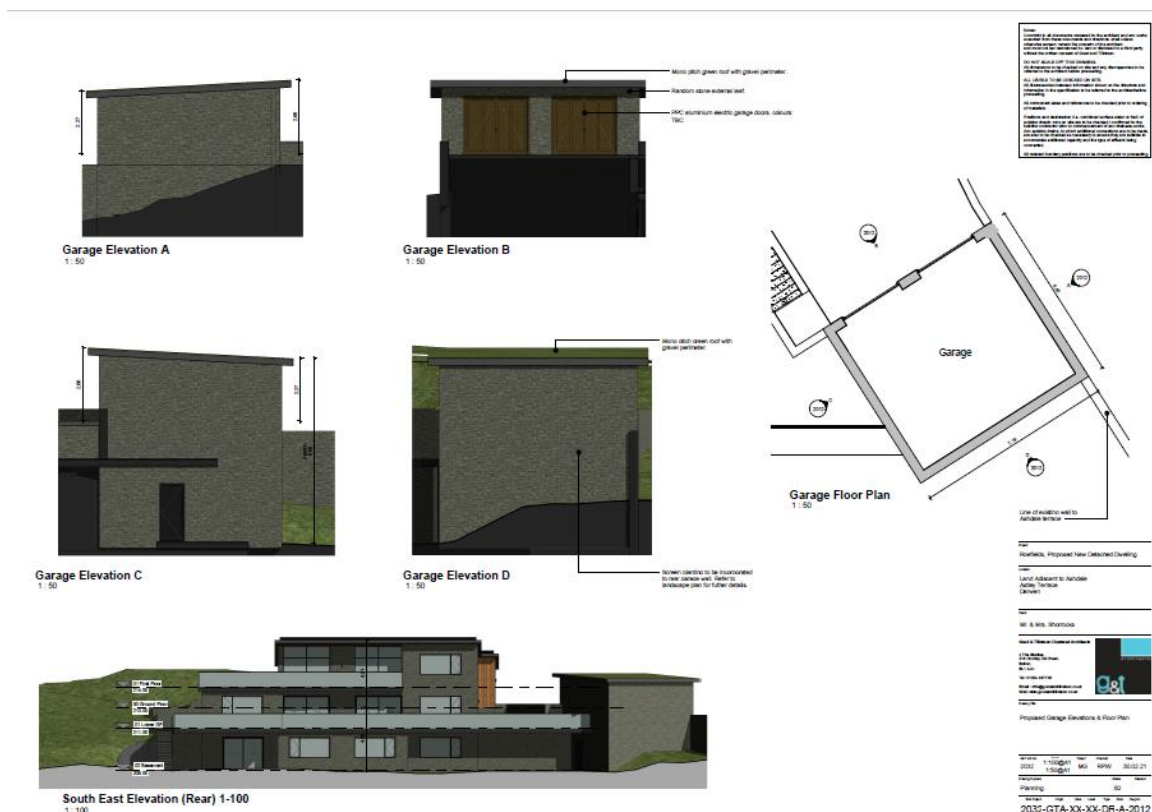
3.5.42 Highways / Access and Transport

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.

3.5.43 Existing access arrangements via Astley Bank and the A666 that currently serve the existing workshop will be utilised. Two potential access routes exist, one via Astley Terrace and one via Huntington Drive that drops into the site from close to Astley Bank Hotel.

3.5.44 It should be recognised that the access via Astley Terrace, although an established private access already in use serving the storage building, is unregistered land, outside of the applicants control. It is, however, an accepted point of access that is read in conjunction with the site, as defined by gate columns straddling its width. Local residents have raised concern around use of the access and the prospect of it being gated off and incorporated into the private confines of the applicant. This is not, however, the case. It is submitted that the applicant has no intention of gating the access and that a well established walking route to the moors will remain available. It should also be recognised that the access is not a defined Public Right of Way (PROW). The Council's PROW consultee offers no objection but does recognise the presence of a PROW adjacent to the southern boundary of the site, which should remain unobstructed.

3.5.45 The proposed dwelling would benefit from ample off-street car parking provision, in exceedance of the Council's adopted minimum standard.



Extract from submitted Garage Plans – received 4th February 2021:

3.5.46 The Council's highways consultee offers no objection to the proposal but does recognise the unadopted state of the private access, the surface of which is uneven and in a state of disrepair. Although the applicant is under no obligation to improve the track, it is acknowledged that demolition and construction works present a challenge. Access during such works is recommended via Astley Bank, along made up roads, notwithstanding their limited width. Safeguarding amenity from residents of Astley Terrace is also

important. Accordingly, the required CEMP should include details pertaining to highway management during construction phase.

3.5.47 Accordingly, highway impacts arising from the development are found to be acceptable, in accordance with Policy 10 and The Framework.

3.5.48 Summary

This report assesses the Full planning application for demolition of existing workshop building and erection of a single dwelling house with associated works to include landscaping. In considering the proposal, a wide range of material considerations have been taken into account.

3.5.49 The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal, balanced against any potential harm that may arise from its implementation. This report finds that the proposal, on balance, 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:

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 approved drawings (numbers to added).

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

3. Prior to commencement of the development hereby approved, details of the boundary treatment delineating the residential curtilage of the dwelling house shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of boundary treatment shall be implemented prior to occupation of the development and retained thereafter.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

4. Prior to commencement of the development hereby approved, a schedule of external walling and roofing materials, including images and product details, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved materials.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5. Prior to commencement of the development hereby approved, details of the elevation / appearance and opening radii of the entrance gates into the property shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be installed in accordance with the approved detail.

REASON: In the interests of highway safety and to ensure that the external appearance of the development is acceptable, in accordance with Policies 10 and 11 of the adopted Blackburn with Darwen Local Plan Part 2.

6. Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:
 - i) A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.
 - ii) Findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority.

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. Demolition and construction of the development hereby permitted shall only take place between the following hours:
Monday to Friday: 08:00 to 18:00;
Saturday: 09:00 to 13:00; and
Not at all on Sundays or Bank Holidays.

REASON: To safeguard the amenities of the adjoining premises and the area generally in accordance with Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2.

10. Notwithstanding the submitted details, prior to commencement of the development hereby approved a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of materials to be used for hard surfaces and native tree and shrub planting, to compliment local priority habitat and to provide for a net gain in biodiversity. Hard surfaces shall be implemented in accordance with the agreed details. Planting of trees and shrubs shall also be implemented in accordance with the approved details, during the first available planting season following completion of the development. Trees 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 an appropriate appearance to the site and in the interests of amenity and ecology, in accordance with Policy 9 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

11. 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 the soft landscaped area and it shall detail a programme of works including scheduled frequencies of weeding and watering for a 7 year period following introduction of planting. The scheme shall also confirm 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. 10. 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.

12. Prior to commencement of the development hereby approved, a scheme to promote biodiversity and safeguard ecological assets shall be submitted to and approved in writing. The scheme shall provide for:

- Grassland enhancement;
- Bird and bat boxes; and
- Habitat creation of hedgehog, reptiles and insects.

The scheme shall be implemented in strict accordance with the approved details, prior to occupation of the development.

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

13. Prior to the commencement of any works on site, an Invasive Plant Species Eradication and / or Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented in strict accordance with the approved detail.

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

14. If development does not commence by September 2022, an updated Ecological Appraisal shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures identified shall be carried out in strict accordance with the approved detail.

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

15. No on site works shall commence until tree protection measures specified in the submitted Arboricultural Impact Assessment and Method Statement, produced by GM Tree Consultants, dated 5/10/202, have been implemented in full. Such measures shall remain in place for the duration of demolition and construction works.

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

16. No works to trees shall occur or demolition commence between the 1st March and 31st August in any year unless and until a detailed bird nest survey, undertaken by a suitably experienced ecologist, has been submitted to the Local Planning Authority in writing, confirming that no active bird nests are present.

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.

17. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to an approved in writing by the Local Planning Authority. The scheme shall provide for:

- i) Separate systems for the disposal of foul and surface water;
- ii) a detailed drainage strategy to demonstrate that the post-development discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development rate of 5 litres per second;
- iii) the drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+40% climate change allowance) rainfall event and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
- iv) details of any necessary flow attenuation measures, including the use of SuDS where appropriate; and
- v) a timetable for implementation, including details of any phased delivery.

The development shall be implemented in strict accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 8 and 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

18. 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.

19. Prior to commencement of the development hereby approved, a Demolition and Construction and Environmental Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be strictly adhered to throughout the demolition and construction period. The Statement shall provide for:

- i) the management of construction traffic, with reference to the intended route to be taken by delivery vehicles in order to safeguard local residents and avoid further erosion of the access track;

- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials ;
- iv)storage of plant and materials used in constructing the development
- v) wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
- vi) measures to control the emission of dust, dirt and vibration;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- viii) details of how Kebbs Brook will be protected from pollutants arising from accidental spillages, dust and debris.

REASON: In order to guard against disruption to highway users; to avoid hazardous deposits of debris onto the highway; to protect the amenity of the occupiers of the adjacent properties; and to protect Kebbs Brook from pollution, in accordance with Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

- 5.0 Planning permission was granted in the 1970s and 1980s for the erection of the existing building in-situ on the application site as a stables building (LPA ref:10.85/1929, 10.79/2279 & 10.82/2061).

6.0 CONSULTATIONS

6.1 Public Protection

No objection subject to conditions:

With reference to the above application I recommend that the following conditions and informative are included if planning permission is granted:

Construction/Demolition Phase – Recommended Conditions

1. No bonfires
2. Construction and demolition activity shall not take place outside of the following times:
 - Monday to Saturday: 08:00 to 18:00
 - No construction or demolition activity on Sundays or Bank Holidays

Reason: To ensure that noise from the permitted development does not give rise to a loss of residential amenity.

Contaminated Land – Recommended Conditions

The Council's MapInfo system indicates the presence of unknown filled ground on the site. I therefore recommend the following conditions.

1. Prior to the commencement of development the following shall be submitted to, and approved in writing, by the Local Planning authority:
 - i. A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.
 - ii. The findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written express agreement of the LPA.

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'.

2. Prior to the commencement of the permitted use, the developer must submit to the LPA for written approval, a comprehensive validation report, which demonstrates 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 LPA should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To ensure that the site has been made 'suitable for use', and as such, does not pose a risk to future users of the site or the wider environment.

3. 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 Blackburn with Darwen Borough Local Plan.

6.2 Drainage (BwD – Lead Local Flood Authority)

No objection, subject to conditions:

No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to an approved in writing by the Local Planning Authority. The scheme shall provide for:

- i) Separate systems for the disposal of foul and surface water;
- ii) a detailed drainage strategy to demonstrate that the post-development discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development rate of 5 litres per second;
- iii) the drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+40% climate change allowance) rainfall event and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
- iv) details of any necessary flow attenuation measures, including the use of SuDS where appropriate;
- v) confirmation that drainage of foul and surface water is directed away from the railway; and
- v) a timetable for implementation, including details of any phased delivery.

The development shall be implemented in strict accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 8 and 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

6.3 GMEU Ecology

No objection, subject to conditions:

Summary

The developer's ecological consultant identified no significant ecological issues. Issues relating to bats, nesting birds, invasive species, proximity to a watercourse and ecological mitigation and enhancement measures can be resolved via condition and or informative.

Bats

The building and trees on site were surveyed for bat roosting potential, the building was assessed as low risk and all trees as negligible risk. The building was however easily accessible and the low risk features were eliminated by more detailed survey. No further surveys are required prior to determination but a precautionary

reassessment recommended prior to demolition. I therefore recommend a condition along the following lines is applied to any permission.

Immediately prior to demolition a reassessment of the garage for bats will be carried out and the findings supplied to and agreed in writing by the LPA

Other Protected Species

All other protected species were reasonably discounted. No further information or measures are required.

Nesting Birds

Potential bird nesting habitat will be lost with evidence of historic nesting within the garage. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

No works to trees or shrubs shall occur or demolition commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Mammals

The site is sub-optimal for most mammals, providing limited cover except for very small species. I recommend an informative along the following lines is applied to any permission.

The applicant is reminded that, under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals. Planning consent does not provide a defence against prosecution under this act.

Invasive Species

A number of invasive species, listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) were recorded around the site, but only one within the footprint of the development, wall cotoneaster and another just off-site, himalayan balsam. I therefore recommend an condition along the following lines is applied to any permission.

Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for himalayan balsam and wall cotoneaster should be supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Proximity to Kebbs Brook

The development is located far enough from the Brook that direct impacts should be avoidable. Indirect impacts are also relatively unlikely unless new surface water

drainage is proposed or there are extreme wet weather condition during construction. As a precaution I recommend conditions along the following lines.

No development, site clearance, earth moving shall take place or material or machinery brought on site until a method statement to protect the Kebbs Brook from accidental spillages, dust and debris has been supplied to and agreed by the LPA. All measure will be implemented and maintained for the duration of the construction period in accordance with the approved details.

And

No development shall take place until it can be demonstrated that there will be no negative impacts on the ecological status/potential of the Kebbs Brook resulting from the disposal of foul water and surface water post-development submitted to and approved in writing by the Local Planning Authority. The details, as approved, shall be implemented in full in accordance with a timetable which has first been agreed in writing by the Local Planning Authority.

Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in the loss of a small area of low ecological value grassland and potentially some trees. Adequate replacement tree planting is proposed for any losses, though there is still a minor loss in terms of grassland habitat. However given the enhancement measures for trees I am happy for the landscape proposals to be conditioned. I recommend however that two bird boxes and a bat box are provided as mitigation for the loss of nesting habitat and bat roosting potential. ***The details can be conditioned.***

6.4 Arboriculture Officer

No objection, subject to conditions:

The applicant has submitted a landscaping scheme that shows the planting of at least 6 trees that could be classed as mitigation. There is some further detail required, such as maintenance and management (weeding, watering, planting with stakes, replacement of dead dying plants for 7 years etc) that could be conditioned. We would need this additional information to ensure the proposed planting becomes established. Therefore, I have no objections to the proposals.

6.5 Public Rights of Way Officer

No objection:

Please add Highways 11 to this application as footpath 80 Darwen runs adjacent to the working area on the southern boundary of the site.

6.6 Highways Authority

No objection, subject to submission of a Construction and Environmental Management Plan to provide for demolition / construction arrangements, highway cleansing and amenity safeguards.

6.7 Growth / Strategic Housing

No objection:

Housing Growth have no objection to the attached application as long as it complies with planning and building regulation policies

6.8 Environmental Services

No objection.

6.9 Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for adoption and United Utilities' Asset Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Details of both our S106 sewer connections and S104 sewer adoptions processes (including application forms) can be found on our website <http://www.unitedutilities.com/buildersdevelopers.aspx>

Please note we are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for you to discuss with the Lead Local Flood

Authority and / or the Environment Agency if the watercourse is classified as main river.

- 6.10 Public consultation has taken place, with 21 letters posted to the local community on 2nd February 2021, display of site notices and a press notice published 17th February 2021. In response, 4 objections to the application were received, which are contained in the Summary of Representations section. The objections relate to the use of Astley Street as the access to the development; and flooding issues down Astley Street.

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

8.0 DATE PREPARED: 1st April 2021.

9.0 SUMMARY OF REPRESENTATIONS

Objection – Ian Entwistle, 7 Astley Terrace, Darwen. Rec – 23/02/2021

Ref no 10/22/0086.Hi I Ian Entwistle of no 7 Astley Terrace Darwen bb32px am strongly objecting to using Astley St/Astley Terrace as an access road for the one house being built at Astley bank. There is a perfect route off the A666 that all residents from Astley bank use with no issues. we had to move out in 2010 for 6 months because of a flood with water running down the lane that is apparently

being changed and which now has a lot of rubble down covering the top drain .we have no issue with the house being built just can't understand why Astley Terrace is even mentioned on a access route for one new house .

On the documents to view online it says about access from A666 then on another it says Astley Terrace!! . Also Astley Terrace is a narrow road with parking making it very tight to get through and also turning around is even worse.we have had 2 cars bumped from cars turning around without us knowing until the day after.

Objection - Mr & Mrs Knowles, 1 Astley Terrace, Darwen. Rec – 23/02/2021

Mr &Mrs Knowles, 1 Astley Terrace, Darwen BB3 2PX

We fear the amount of traffic using access to the new build will be too heavy for Astley Terrace. Our road is already "shot at". Can you believe Mr Shorrocks will tarmac his road for walkers &,horse riders benefits.

Objection – Ian Chivas, 3 Astley Terrace, Darwen. Rec – 23/02/2021

Objections to Planning Application for Land Adjacent to Ashdale, Astley Bank, Darwen, BB3 2QB

Reference 10/21/0086

I do not have a problem with someone buying the parcel of land next to Ashdale & building a property on it, but I do object to the applicants' desire to use the unsurfaced lane running from the top of Astley Street (adjacent to Astley Terrace) as access. The proposed new property is in Astley Bank & access to all the properties there currently run from the road up to the Astley Bank Hotel that leads off from the A666. I do not see why this property should be any different.

There appears to some contradiction in the documents submitted with the application as to what access arrangements are envisaged. The Design & Access statement (under section ACCESS/ PARKING PROVISION & HIGHWAYS) states:

“The main access to the site is via the road of Astley Terrace, which runs directly off the main Bolton Road (A666). Alternative access to the site is available via the road that serves the nearby Astley Bank Hotel, although this will not be considered as the main access to the site. As noted earlier, it is proposed that the existing unmade ‘track road’ part of Astley Terrace will be upgraded by the applicant, as part of the works. Whilst the main route to the property is not considered as an adopted highway, it does serve a number of other dwellings, and on this basis, the access is to be considered appropriate.”

So here, access is proposed from the track or lane adjacent to Astley Terrace, where I reside. As far as I can establish, the lane is not part of the parcel of land that has been purchased. It does not appear to be owned by anyone & therefore could be said to belong to the people. The local residents in the streets below the lane use it for access to the moors, walking their dogs, etc. Despite this, the top part of the lane was recently covered with a substantial amount

of builders' aggregate even before planning permission had been sought, presumably with a view to tarmacking it. This work has blocked off the top drain & disrupted the channels feeding water into the second. The drainage features have been there probably since Victorian times & this work appears to have been done without any consideration for the those who live down below. There have been issues with flooding in the past. One of the residents of Astley Terrace had to move out of their property for a number of months around 11 years ago as a result; and I personally have seen rubble carried all the way down to the petrol station on the A666 in the past. I have also been up the lane numerous times to clear blocked drains.

If this lane is used for access it either has to be gated off, or not. There is nothing I can find in the documents attached to the application that addresses this issue of gating. In my view neither alternative is satisfactory. If it is gated this would disrupt the ability of nearby residents to continue to use the lane for access to the moors, whether on foot or on horseback. It would also restrict the ability of residents of Astley Bank to use the lane in emergencies, for example if the normal access road to Astley Bank were blocked by a fallen tree. There would also be the issue of guests at Astley Bank Hotel being sent up the lane by their car satnavs & being forced by a gate to turn back in a very narrow area at the top of Astley Street.

Alternatively, if the lane were resurfaced and not gated, it would inevitably lead to the lane being used as alternative access to Astley Bank. There are approximately 10 properties up there, in addition to a popular hotel. This would dramatically alter the flow of traffic up Astley Street, having a significant negative impact on the properties there and in Astley Terrace, all for the sake of one new property. Again, it can only be emphasised that the top of Astley Street is very narrow, particularly because the properties do not have garages & on-street parking is the norm. It is simply not appropriate as an access road in the age of modern motor vehicles, which could be not just cars but potentially trucks & lorries.

Access via the road up to the Astley Bank Hotel is what appears to have been envisaged in the Planning Statement submitted as part of the application which states that:

“The proposed dwelling would benefit from adequate off-street car parking provision and it would utilise the existing access arrangements via Astley Bank and the A666 that currently serve the existing workshop.” (section 5.1.6). Also section 3.6 states: “Vehicular access would be via the existing access arrangements into the site via Astley Bank and the A666.”

These statements appear to contradict those in the Design & Access statement, cited above, whereby proposed main access to the new property has shifted to the lane running up from Astley Terrace. As previously stated I have no issue with access via the Astley Bank Hotel road as outlined in the Planning Statement; my objection is grounded in the the access proposed in the Design & Access Statement, i.e. via the currently unsurfaced lane/track at the top of Astley Street adjacent to Astley Terrace.

Objection Alex Brocklehurst, 6 Astley Terrace, Darwen. Rec – 23/02/2021

Hello Gavin,

My name is Alex Brocklehurst. I am owner/occupier at 6 Astley Terrace BB3 2PX.

I have lived here since July 2017 and consequently was told by neighbours that flooding had led to vacating of some properties down slope from the proposed works, including mine. This was around 2010 I believe. Remedial works with a culvert of sorts (I am told) deflected the run off water after this incident. No problems of that magnitude thereafter. Here are my thoughts:

1/ The now private road that used to be the main route to Astley Bank requires a four-wheel drive to comfortably navigate. The gentleman who I presume seeks the planning permission asked me to move my car mid-November (which I parked outside my house due to lack of parking in the vicinity and which blocks the road as a right of way). Neighbours discovered that this unadopted road appears to be owned by nobody. The gentleman said to me that he had bought this road and was going to make this passable for vehicles. Not only would that convert it to a private driveway if he owned it, but the resurfacing in view would clearly reproduce aggravation of the earlier flood factors. Even if not made a private driveway, people driving through would be a nuisance and present road safety issues, as well as compromise the character of the area.

In theory also, if that land is purchased privately, a gate could be erected that would prevent access to my property. Consequently, all factors relating to this access road, are not acceptable on any metric and should be resisted vigorously as not in the interests of the area and other residents. There is adequate access from the established routes.

2/ Even landscaping at the top of the brow could significantly compromise water run off unless there is fully adequate drainage to prevent flood for lower down residents such as myself. Measures would need to be implemented thoroughly.

3/ Before the application was made on 1st February this year, considerable work was already undertaken with hardcore in place and a workman was seen working there on a few occasions by concerned neighbours. This was as early as November 2020. Whether or not a fully risk-assessed application were found to be tenable and desirable by the council, those seeking permission appeared to have a somewhat entitled view in simply commencing works and making claims until local residents began asking questions.

The gentleman offered to build me a car port after the resurfacing as some sort of unofficial sweetener. But he already claimed he had bought the land and everything would be costing him £50,000. He suggested this was already a done deal around late November. It is clear that an official application was always going to be vital.

Overall, if the thorough assessments and preventive measures re flood and the absolute prohibition of the purchase of this unadopted road by a private buyer, were in place, then it seems to me that having inspected the site, a house being there would not in principle either definitely enhance the area, nor definitely detract from it. It could go either way. That could be considered acceptable risk.

Flood and access issues are nevertheless paramount and until those are addressed, based on personal experiences thus far, I would strongly object to this application being passed. Insurance against future losses to others as a result of this proposed development could prove considerable.

Many thanks for inviting consultations. I look forward to the application technicalities being satisfactorily resolved.
