

PLANNING & HIGHWAYS COMMITTEE
THURSDAY 17th JUNE 2021
UPDATE REPORT.

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

10/21/0277 Lomond Gardens, Blackburn.

Members attention is drawn to the following two public representations received since publication of the main report:

1st representation:

Please note my objections to the small public open space on Old Gates Drive being appropriated by the council.

This POS has been used by the residents of Old Gates for over 30 years, since the estate was built. The land in question was purposely left unbuilt on so that it could be enjoyed as a public space.

Some residents have planted fruit bushes and flowers - all of which have been destroyed by the council.

There is also a yearly plant swap stand and book recycling which occurs on this land.

The council ripped up trees and shrubbery on this POS on the pretext of 'accessing the culvert' which lies beyond the POS but then decided to access it from the other side.

This has left our POS in a state, it looks awful and there was no need.

The POS has no relevance to the development of new housing, it can't be built on and is a permanent fixture of Old Gates Drive so can you explain why it is so important for the new development to have access to this land - if not to build a road or pathway connecting the 2 estates?

I feel that the council have not followed due diligence with regard to notifying residents. The work on the land was carried out BEFORE the consultation period was up and now the Lancashire Telegraph has run a story on how the decisions about access have already been decided, days BEFORE a meeting to discuss options.

It appears that the opinions and objections of residents have been overridden without consultation.

Old Gates Drive has around 90 homes, all of which pay hefty council taxes to the council. This surely gives us the right to at least have our objections listened and responded to.

*Regards
Fee Fleming*

43 Old Gates Dr, Blackburn BB2 5BY, UK, received 9th June 2021

In response, and in addition to reference made to the Old Gates Drive POS in the main report, Members are advised that the POS will remain as such. It is included within the application site (as defined by the red edged Location Plan) due to the applicant / developer requiring access to sub-surface infrastructure to service the development, provision of a connective path and to secure an enhanced planting scheme. The POS will then fall under the scope of the developer's landscape management and maintenance programme to be implemented upon completion of the development, for the benefit of the community - as required by condition no. 20 - set out in the main report. The fact that the POS is clearly defined as such on the proposed layout affords protection from development, without the grant of further planning permission.

Members will also be aware of a recent resolution at the June Executive Board meeting to approve re-appropriation of the POS to allow its disposal to the developer. It was confirmed by the Board that the POS will be legally protected from development by a Deed of Covenant contained in the sale agreement.

2nd representation:

Having now read through the report, I am absolutely appalled to think that the council will approve the use of 3 story houses when the waste land is of a much higher elevation to those existing properties on Lomond Gardens and Solway Avenue, yet I see no consideration to this within the report ?

My property is directly adjacent to plot 26, as highlighted in the recently updated plans (attached) and so as the waste land currently sits at least 4-5 feet higher than my property, a 3 story house will almost certainly block out sunlight for a portion of the day and deprive us of our right to privacy.



The report suggests that the designs will be in keeping with the other houses in the vicinity yet please tell me where there are any 3 story houses on Old Gates, Lomond Gardens or Solway Avenue?

Exactly, there are none !!!!!!!

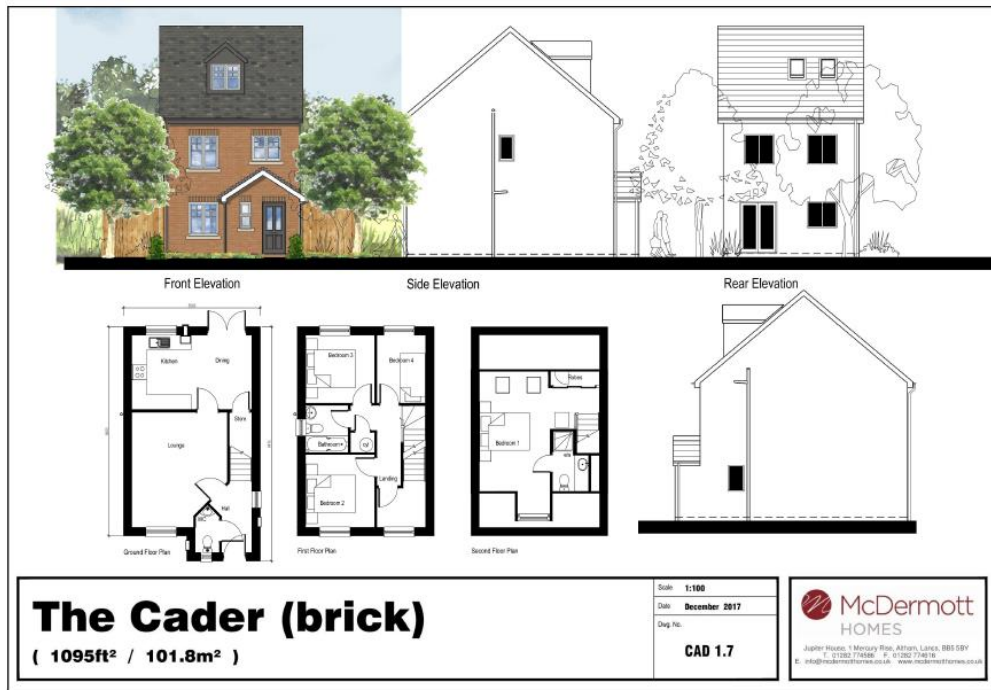
Therefore, I wish to protest in the strongest possible terms and want to make my objections known to the planning committee....this is an absolute disgrace, especially when 2 story properties make up the majority of the designs submitted and so I see no reason why this design cannot be utilised across the whole development ?

Regards,

Dominic Hopwood

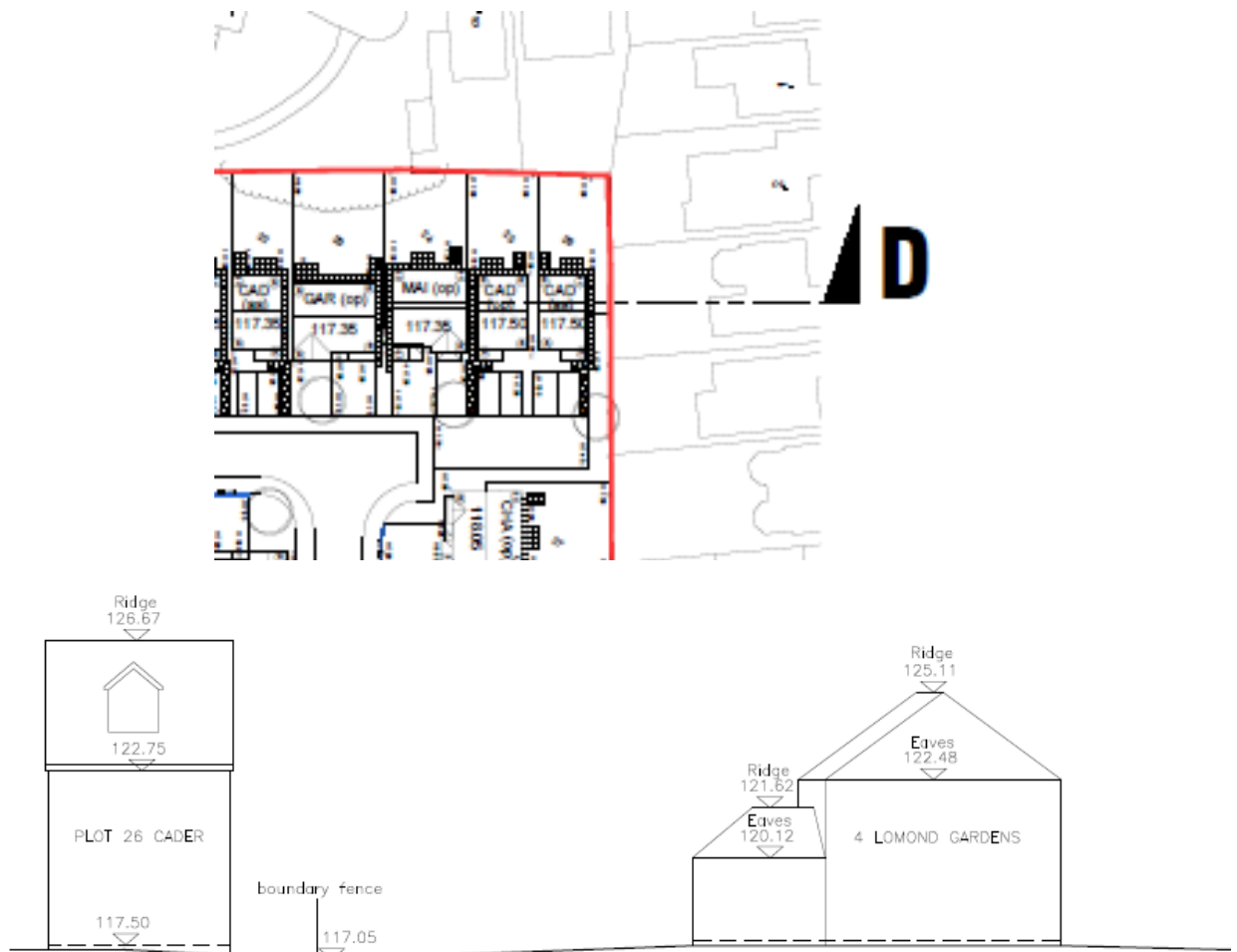
2 Lomond Gardens, received 15th June 2021.

In response, Members are advised that the 3 storey dwellings referred to are in fact of 2.5 storey height, as noted at paragraph 3.5.51 of the main report. The additional floor is set within the roof space, with head height partially enabled by means of a dormer window. The overall 2.5 storey height of the Cader house type specified at plot no. 26 is circa 9.15m which is c.1.65m higher than a typical 2 storey house, exemplified by the proposed Bowfell type which is c. 7.5m high. A 3 storey dwelling would typically be c. 3 - 3.5m higher than a standard 2 storey dwelling. Extract from the submitted details relating to the Cader house type are as follows:



With reference to the relationship between plot 26 and no. 2 Lomond Gardens, no direct interface will exist. Instead, primary windows to the rear of no. 2 will face the proposed rear garden of plot 26 at 90 degrees. This is not untypical of a sub-urban residential pattern. Existing privacy levels for occupants of no. 2 will not, therefore, be unduly impacted.

Plot 26 will have a direct interface with no. 4 Lomond Gardens. Separation between primary windows to the rear of no. 4 and the proposed blank side gable elevation at plot 26 will be c. 17.5m at first floor level and c. 13.5m at ground floor level. This is in accordance with the Council's adopted separation standards. The extracted cross section below demonstrates this relationship, including the relative ridge height difference of 1.56m from ground level.



SECTION D

Furthermore, the 2.5 storey house types are not considered disproportionate in scale within the development or the wider context. Varied ridge heights across residential developments of the scale proposed are not uncommon and inclusion of such in this instance is not considered detrimental to street character.

A minor amendment to condition no. 26, set out at paragraph 4.1 of the main report, is recommended. The following wording is proposed:

Following completion of the final dwelling of the development hereby approved, the temporary construction access along its entire length from Green Lane to the developed area, as indicated on the submitted Local Plan numbered: L0-01, dated February 2020, shall be reinstated to its former condition, to the satisfaction of the Local Authority.

REASON: *Whilst the access is suitable as a temporary measure to serve construction traffic, it is unsuitable as a permanent means of access due to its construction not being to adoptable standard, its failure to serve as a gateway entrance to the site and its impact on land allocated as Green Infrastructure, in accordance with Policies 9, 10, 11 and 40.*

Gavin Prescott
Planning Manager (Development)
17th June 2021