

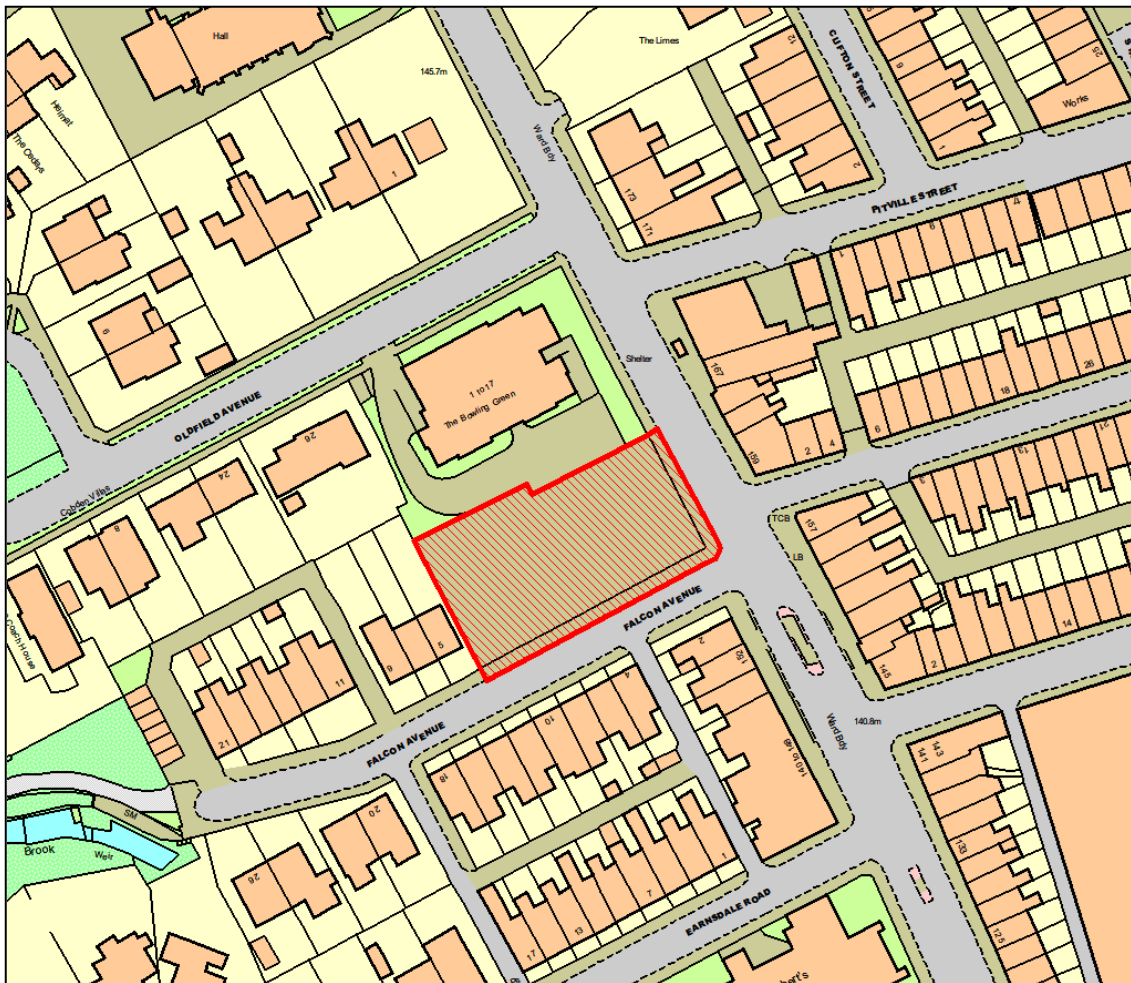
**Proposed development: Full Planning Application: Erection of Use Class E Convenience Store with Staff / Storage at First Floor and 16 Customer Parking Spaces and Delivery Area.**

**Site address:  
Former Hollins Grove Liberal Club  
Falcon Avenue  
Darwen  
BB3 1QX**

**Applicant: Thistlewood Properties Ltd**

**Ward: Darwen West**

**Councillor Dave Smith**  
**Councillor Brian Taylor**  
**Councillor Stephanie Brookfield**



## **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 The planning application is submitted following pre-application dialogue on the merits of the proposed development, at which time support in principle was offered, subject to a subsequent detailed assessment at full application stage. It is reported to Committee at the request of the Chair, following receipt of a significant number of neighbourhood representations. This is in accordance with the Chair referral scheme.
- 2.2 Assessment of the application finds that the proposal will deliver a high quality retail development with associated off-street parking provision, which will assist in widening the retail offer in the borough. This is in accordance with the Council's strategic aims and objectives for economic growth and expansion of public facilities and services, without prejudice to existing retail provision in the borough's Town and District Centres. 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) measures 0.14 hectares. It is located within the Urban Boundary of Darwen, at the junction of Blackburn Road and Falcon Avenue, consisting of previously developed land formerly occupied by Hollins Grove Liberal Club and associated car park. The site fronts Falcon Avenue to the south, from where access is taken; the eastern boundary adjoins Blackburn Road, whilst the northern and western adjoin residential uses. The existing Co-op Store -140-148 Blackburn Rd – is located circa 50m to the south of the site, along Blackburn Road.
- 3.1.2 The surrounding area is generally characterised as mixed residential and commercial.
- 3.1.3 In accordance with the Development Plan (Adopted Policies Map – Darwen), the site is positioned to the immediate north west of the Duckworth Street District Centre (ref. 27/14 in Local Plan Part 2). The existing Co-op, as noted above, is located within the District Centre. The extracted site allocations map, below, circles the site and indicates the adjacent District Centre, in red.



Extracted from edgeplan Planning, Design & Access Statement, Feb 2021.

### 3.2 Proposed Development

- 3.2.1 Full planning permission is proposed for a new Co-op convenience store, comprising 248sqm net sales area (421sqm gross internal floor area), with storage /staff rooms at first floor, 16no. customer parking spaces, two of which are disabled bays, and a delivery area, as set out in the submitted drawings and supporting documents.
- 3.2.2 The existing site access is to be utilised to service the car park and delivery area. A new pedestrian access via Blackburn Road is proposed following removal of a section of the existing stone wall boundary treatment.
- 3.2.3 The store's customer entrance will be located to the eastern elevation, towards Blackburn Road. Proposed external materials include white render, stone and light grey insulated cladding panels. Glazing and signage will provide further visual interest to the front elevation to provide an attractive and interesting street frontage. It should be noted that signage will be subject to a separate application for Advertisement Consent, should this application be approved. The extracted site plan and elevations, below, illustrate the proposal (note that the final elevation of the sequence should read 'west elevation').



Extracted site plan; StudioPH Architecture, 20/1/2021.



Extracted site plan; StudioPH Architecture, 20/1/2021.

3.2.4 Full details of the proposal are set out in the submitted drawings, supporting statement and technical reports.

3.2.5 It is submitted that a new purpose built location will overcome all the constraints of the existing store and provide a better shopping experience for local residents and staff welfare facilities. The existing store will be made available for reoccupation by new retail businesses.

### **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 Blackburn With Darwen 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:**

- Policy CS1: A Targeted Growth Strategy
- Policy CS11: Facilities and Services
- Policy CS12: Retail Development
- Policy CS16: Form and Design of New Development
- Policy CS22: Accessibility Strategy

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

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 27: District Centres – a Framework for Their Development
- Policy 29: Assessing Applications for Main Town Centre Uses

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

#### **3.4.1 BWD Air Quality Planning Advisory Note**

#### **3.4.2 National Planning Policy Framework (The Framework):**

The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. At its heart is a presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 6: Building a strong, competitive economy
- Section 7: Ensuring the vitality of town centres
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places

#### 3.4.3 National Planning Policy Guidance (NPPG)

### 3.5 **Assessment**

3.5.1 The Development Plan reaffirms The Framework's principles of sustainability which includes support for sustainable economic development and encouragement of effective re-use of land; subject to the principles of high quality design and securing a good standard of amenity for all existing and future occupants of land and buildings.

3.5.2 In assessing this application, the following important materials considerations have been taken into account:

- Principle of the development;
- Amenity impact;
- Environment impact;
- Highways - Accessibility and Transport; and
- Design – Layout and Character / Appearance.

#### 3.5.3 Principle

Policies CS12 and 27 guide the principle of the development. Policy 27 sets out that:

*Within and adjacent to the District Centres as shown on the Adopted policies Map,...development will be supported where it encourages mixed uses and where it responds to the scale and function of the centre in question. Proposal which fulfil these requirements will be permitted in the following circumstances:*

*i) New build proposal should be proportionate to the scale and function of the centre. New retail, leisure, office and service use developments should demonstrate that they cater for local needs and should be accompanied by an impact assessment if they involve the creation of new floorspace above the thresholds set out in Policy 29. The assessment should consider the impact of the proposal on existing, committed and planned public and private investment in the centre and other nearby centres.*

3.5.4 The site is unallocated and lies to the immediate north of Falcon Avenue. The Duckworth Street District Centre extends from the edge of the town centre at Vale Street to the immediate south of Falcon Avenue. Accordingly, the site is accepted as adjacent to the District Centre (or edge of centre) and, therefore, consistent with the locational requirement of the policy.



- 3.5.5 As a store with a maximum unit size of 421sqm, it is within the maximum District Centre / edge of centre threshold of 500sqm, as set out in retail hierarchy table at Policy 29 of the LPP2, extracted below. The proposal is also satisfactory in that it will cater for local needs. A supporting Retail Impact Assessment and / or a Sequential Test is not, therefore, required.

*Policy 29 Table 1: Indicative maximum development and unit sizes for centres at different levels of the retail hierarchy*

Position within hierarchy	Centre	Indicative maximum unit size
1	Blackburn town centre	No limit
2	Darwen town centre	4,000 sq m as food store, otherwise 1,000 sq m
3	District centres	500 sq m

- 3.5.6 That the existing Co-op within the District Centre will be vacated should be recognised in the assessment. Whilst a vacant unit is undesirable, the applicant has stated a commitment to its reuse or to its sub-division to form additional units, offering the opportunity for introduction of new businesses into the Centre, of an appropriate scale. As a building owned by the applicant, occupancy is in their economic interest, as well as those of the Council in ensuring the continued viability and vitality of the Centre. The presence of the proposed Co-op immediately adjacent ought to assist in this regard, with the two sites being mutually beneficial to the centres sustainability.
- 3.5.7 The benefits of a purpose built store with self-contained parking and servicing also weighs in favour of the proposal.
- 3.5.8 The proposal is also consistent with the strategic growth objectives of Core Strategy policies CS1 and CS11.
- 3.5.9 Accordingly, the principle of the proposal is found to be in accordance with the Development Plan and The Framework.
- 3.5.10 Amenity  
Policy 8 requires development to contribute positively to the character of the area and to secure a satisfactory level of amenity and safety for occupants or users of the development itself and for surrounding uses; with reference to unstable land, contamination, pollution or nuisance, privacy / overlooking, the relationship between buildings, crime reduction and community safety.

- 3.5.11 The store building will be in single and two storey form, with a maximum height to ridge of circa 8.9m. Its position in relation to the apartments to the north, along Oldfield Avenue, is in accordance with the Council's minimum separation standard of 13.5m ie. habitable apartment windows to blank / non-habitable elevation interface. No minimum standard applies to the interface between the non-habitable side elevation of no. 5 Falcon Avenue and rear (westerly) elevation of the store. Satisfactory levels of residential amenity are, therefore, maintained with reference to daylight / sunlight admissions, outlook and privacy.
- 3.5.12 A noise survey is submitted with the application, on account of the sites position adjacent to residential uses. The survey focusses on noise emissions from new refrigeration and air conditioning plant to be installed at the store. Following review of the survey, the Council's Public Protection consultee offers no objection, subject to plant / equipment noise limitation to be secured via an appropriately worded condition.
- 3.5.13 Residential amenity will be further safeguarded from excessive noise disturbance via conditions limiting opening hours of the store to between 07:00 and 23:00 hours, and deliveries into the site to between 08:00 and 20:00 hours.
- 3.5.14 Residential amenity will be safeguarded during construction works via conditions limiting construction to between the hours of 08:00 and 18:00 Monday to Friday, 09:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays; and to require submission of a Construction and Environmental Management Plan (CEMP), to guard against matters such as dust, floodlighting & noise / vibration impacts.
- 3.5.15 As recommended by the Council's Public Protection consultee, potential sources of ground contamination shall be considered through assessment of a geo-environmental report and remediation strategy, as necessary, to be secured via condition.
- 3.5.16 As a proposal involving re-use of vacant, previously developed land, a positive contribution to the economic and environmental character of the area is assured.
- 3.5.17 Accordingly, amenity impact arising from the proposal is found to be in accordance with the requirements of Policy 8 and The Framework.
- 3.5.18 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.
- 3.5.19 Drainage:  
The site is located within Flood Zone 1, in accordance with the Environment Agencies flood map, which represents the lowest risk of flooding. A site specific Flood Risk Assessment is not, therefore, required to support the



application. The Council's drainage consultee (as Local Lead Flood Authority) and United Utilities offer no objection to the proposal, subject to submission of a foul and surface water drainage strategy to be secured via condition.

**3.5.20 Trees:**

An Arboricultural Impact Assessment is submitted with the application which identifies two trees within the site that are protected by Preservation Order (T1 & T2 – Common Lime). These trees will be unaffected.

**3.5.21** The assessment notes that, in order to accommodate the development, a category C tree will be lost (T3 – Common Hawthorn). The tree is acknowledged as making very little contribution to visual amenity and its loss is not considered a development constraint. This is confirmed by the Council's Arboriculture consultee, who offers no objection to the proposal.

**3.5.22** A detailed landscaping scheme will be secured via condition which will include mitigation for the loss of the tree.

**3.5.23** Protection of retained trees within the site, to avoid works within the root protection areas, will be secured via condition.

**3.5.24 Ecology:**

As previously developed land, the site is accepted as low in ecological value. The above noted landscaping requirement should ensure an appropriate net gain in biodiversity.

**3.5.25** Accordingly, environmental impact arising from the proposal is found to be in accordance with the requirements of Policies 9 and 40, and The Framework.

**3.5.26 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.

**3.5.27** The proposal includes dedicated on-site parking for 16 vehicles (14 standard bays and 2 disabled bays), as well as 6 cycle spaces. Provision is considered to be sufficient to support the development, when considered against the Council's baseline standards, taking into account the sustainable location of the site of the likely localised pedestrian footfall. A swept path analysis confirms adequate manoeuvrability within the car parking and servicing area. Provision of self-contained parking and servicing is recognised as a significant improvement on the arrangements in place for the existing Co-op, which relies on on-street provision.

**3.5.28** A Transport Statement (TS) is submitted with the application which has been reviewed by the Council's Highways consultee, who is in agreement that the traffic impact of the proposal on the local highway network, in general, would not be excessive. Localised impact at the junction of Falcon Avenue and along Falcon Avenue arising from customers and deliveries was initially recognised as a concern. Such concern has been expressed from residents

of Falcon Avenue, citing potential additional burden on on-street parking which many residents of Falcon Avenue rely upon. In this context, the proposal involves implementation of parking restrictions along a section of Falcon Avenue, between the proposed new access, which will be positioned circa 13m to the west of the existing access off Falcon Avenue, and Blackburn Road. This will result in the loss of 2 on-street parking spaces, taking into account the pre-existing (single yellow line) parking limitation along a northern section of Falcon Avenue, forward of the site. The applicant deems this necessary to enable a reasonable ease of passage for all vehicles entering and leaving the site.

3.5.29 Consequently, in order to ensure a robust assessment of on-street parking demand and capacity, a parking survey of Falcon Avenue was subsequently submitted and reviewed by the Council's Highway's consultee. The survey did not address likely demand arising from businesses along the A666 and recreational demand from visitors to Sunnyhurst Woods. Notwithstanding this omission, it is recognised that the lost spaces are to aid traffic flow on the initial stretch of Falcon Avenue and access to the car park. It is further recognised that leaving the parking as is, would likely lead to traffic turning into Falcon Avenue having to wait for vehicles emerging from Falcon Avenue to clear the junction (as on-street parking on both sides would create an informal give way) which would be a safety concern. The situation could, therefore, be considered an improvement, notwithstanding the absence of accident statistics to suggest there is an existing problem.

3.5.30 Moreover, the availability of other on-street parking in close proximity, along Hollins Grove Street, Earnsdale Road, Oldfield Avenue and Pitville Street is accepted as sufficient, being within a suitable walking distance, to offset the loss of the 2 spaces.

3.5.31 Whilst parking demand arising from the reoccupied existing Co-op store will arise, it is considered unlikely to be beyond or even equivalent to current demand, given the convenience nature of the store and the generally transient customer base that it attracts. Therefore, taking account of the on-site parking provision of the proposed store, a net increase in on street parking demand is considered unlikely.

3.5.32 The applicant's commitment to a 'fair use' policy allowing customers of the store to visit nearby businesses while leaving their car in the store car park, should be acknowledged as a benefit.

3.5.33 Improved signage and road markings to the Falcon Avenue and Blackburn Road junction are deemed necessary to maintain appropriate levels of highway safety and efficiency. These measures will be secured via condition.

3.5.34 The need to decommission 5 parking bays to enable deliveries of up to 3 – 4 per day is accepted. Submission of a Delivery Management Plan is, however, recommended to ensure appropriate management in the interests of safeguarding highway safety and efficiency, as well as residential amenity.

3.5.35 Matters raised in the initial response to review of the highway impacts, including those set out in TS audit, have been sufficiently addressed by the applicant during assessment of the application. The following (highway) matters are to be secured via condition, in addition to those stated above:

- Details indicating closure of the existing entrance radii into the site and reinstatement of footway;
- Full details of PTW & cycle spaces; and
- Sightlines to be kept clear in perpetuity.

3.5.36 A pedestrian access from Blackburn Road is deemed acceptable in principle. A proposed reduction in height of the stone boundary wall to 1.2m is also supported, as it benefits sight lines at the junction of Falcon Avenue and Blackburn Road. The precise position of the access and engineering / cross sectional detail of the wall reduction, land indicating retained land levels etc will be secured via condition.

3.5.37 The aforementioned CEMP will address highway impacts arising from construction, including wheel wash and road cleansing during construction phase.

3.5.38 Accordingly, it is considered that there is insufficient justification to recommend refusal of the application due to unacceptable highway impacts arising from the proposal which is found, on balance, to be in accordance with the requirements of Policy 10 and The Framework.

3.5.39 Member's are advised that highway assessment is considered in the context of The Framework's clear direction set out at paragraph 109 which states:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

#### 3.5.40 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. Particular aspects of character that must be taken into account and reinforced in new developments include the following:

- Building shapes, plot and block sizes, styles, colours and materials that contribute to the character of streets which should be used to complement local character; and
- Relationship of buildings to the street.

3.5.41 Local distinctiveness is recognised as mixed, featuring buildings of varied scale and design, which host a range of uses. The proposed building is two storey's high with a single storey projection to the rear. Its primary elevation

will face the car park within the site, whilst the gable end will be side-on to Falcon Avenue.

3.5.42 With reference to external materials, the car park and Falcon Avenue facing elevations of the store will incorporate sandstone at ground floor level, reinforcing a material common to Darwen, providing an attractive and welcoming frontage. An accessible, glazed entrance, directly off the car park, is proposed. Additional glazing to the car park elevation features prominently, serving to reduce solid wall massing and legibility of the stores main entrance. The single storey element of the building will be constructed in light grey insulated panels.

3.5.43 Overall, the building is proportionate in scale to the plot size and the wider context and will make a positive contribution to street character. The addition of tree and shrub planting as part of a detailed landscape strategy, as noted above (secured via condition), will provide additional enhancement.

3.5.44 Accordingly, the development constitutes good design which is found to be in accordance with Policy 11 and The Framework.

#### 3.5.45 Summary

This report assesses the full planning application for the erection of a convenience store (Use Class E) with staff / storage at first floor, 16 customer parking spaces and a delivery area. In considering the proposal, a wide range of material considerations have been taken into account. 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 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.

**Delegated authority is given to the Strategic Director of Place to approve planning permission, 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 proposal received 16<sup>th</sup> February 2021 and with the following drawings numbered: (to be 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, written and illustrative details of the external walling, roofing and window materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

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. 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.

5. 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.

6. 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.

7. 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 Local Plan Part 2.

8. The use hereby permitted shall operate between the hours 07:00 and 23:00.

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

9. The cumulative noise from plant and associated equipment at the site shall not exceed the following rating levels, specified in Table 4 of the Plant Noise Guidance document (Document Ref: 89595):  
- Daytime (07:00 – 23:00 hrs): 43dB(A); and  
- Night-time (23:00 – 07:00 hrs): 37 dB(A).

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

10. Deliveries of goods into the site shall not take place between the hours of 20:00 and 08:00, with the exception of delivery of newspapers.

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

11. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:  
(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This

investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and

(iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

12. 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.

13. Prior to commencement of the development hereby approved and notwithstanding the submitted details, 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.

14. 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.



15. The development shall be carried out in strict accordance with the submitted Arboricultural Impact Assessment, prepared by SEED, dated 12<sup>th</sup> February 2021 (1197-AIA-V1-A). Specified tree protection measures shall be adhered to throughout the period of construction.

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.

16. Prior to commencement of the development hereby approved, a 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 construction period. The Statement shall provide for:
- i) the management of construction traffic;
  - 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; and
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

17. Prior to operational use of the store hereby approved, and notwithstanding the submitted details, a Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall specify frequency of daily deliveries; their routine arrival and departure times; necessary decommissioning of on-site parking spaces at such times and other general management arrangements necessary to adequately guard against adverse impacts on the local highway network and neighbouring amenity. The plan shall be implemented in accordance with the approved details for the duration of the operational use of the store.

REASON: To minimise the risk of unacceptable impacts upon the highway network and to neighbouring residential amenity, in accordance with Policies 8 and 10 of the Blackburn with Darwen Borough Local Plan.

18. Prior to commencement of above ground works, a Traffic Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for renewed and extended

road markings, signage and associated works, as necessary, at the junction of Falcon Avenue and Blackburn Road. The scheme shall be implemented in accordance with the approved detail, prior to commencement of the operational use of the store hereby approved.

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

19. Prior to commencement of any above ground works, a detailed scheme for the proposed height reduction to the boundary wall adjacent to Blackburn Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposed elevation drawings indicating the position of the pedestrian access and cross sectional drawings indicating retained land levels as well as engineering specifications. The works shall be carried out in accordance with the approved detail, prior to commencement of the operational use of the store hereby approved.

REASON: To ensure the safe, efficient and convenient movement of all highway users, to safeguard retained trees, in accordance with Policies 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

20. Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not 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 10/11/40 of the Blackburn with Darwen Borough Local Plan Part 2

## **5.0 PLANNING HISTORY**

- 5.1 Proposed new children's nursery with two self-contained apartments (10/14/0180) - refused in December 2014 due to amenity & parking; and

Proposed residential development comprising nine 2-bedroom apartments (10/16/0067) - approved in April 2016. This permission has not been implemented.

## **6.0 CONSULTATIONS**

- 6.1 Public Protection

Contaminated land: No objection, subject to standard conditions.

General amenity, no objection subject to condition:

### **Hours of Use Restriction**

The use hereby permitted can only operate between 07:00 and 23:00

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

### **Plant Noise**

The cumulative noise from plant and associated equipment at the site shall not exceed the rating level specified in Table 4 of the Plant Noise Guidance document (Document Ref: 89595) submitted in support of the application.

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

### **Deliveries**

Deliveries and the unloading of delivery vehicles can only take place at the site between the hours of 08:00 and 20:00.

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

### **Condition – Hours of Site Works**

The construction of the development hereby permitted shall only take place between the hours of 08:00 and 18:00 Monday to Friday, 09:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

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

### **Informative - Construction Noise**

All activities associated with the construction works shall be carried out in accordance with British Standard 5228: Code of Practice for Noise & Vibration Control on Construction & Open Sites – Parts 1 and 2.

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

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

**No objection subject to condition:**

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) details of flood exceedance routes (both on and off site);
- vi) details of how surface water will be managed and pollution prevented during the construction phase; 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 United Utilities**

**No objection subject to conditions:**

No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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.

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.

### **6.4 BwD Cleansing**

**No objection.**

### **6.5 Arboricultural Officer**

**No objection:**

In principle, I have no objections to the proposals. The applicant has submitted a detailed Arb Impact Assessment that accurately grades the trees in accordance with the BS 5837.

In terms of the trees and the RPA, the design and access statement section 6.27 states:

The Proposed Development does not result in any new RPA incursions. Parking spaces are proposed within the indicated RPA of T1 and T2 (common lime). The design has sought to work within the constraints of existing hard-surfacing on the site. The proposed parking spaces will not result in any new RPA incursions. The resurfacing within these areas will not be detrimental to the health or long-term retention of T1 and T2.

If you could highlight in your response that the protection, or no incursion, into RPA over and above what is already in place is paramount for the safety and protection of the trees long term, that would be appreciated. Any excavation or re-surfacing in this area would be problematic for the trees.

There is to be a low grade tree removed from the site, however, the indicative planting on the proposed site plan is more than adequate mitigation.

## 6.6 Local Highways Authority No objection:

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PROW – no implications

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The submission details have been reviewed, and a site investigation has been undertaken. The proposal seeks Erection of Use Class E Convenience store with Staff/Storage at First Floor and 16 Customer Parking Spaces and Delivery Area.

### Parking

The proposal is measured against the adopted parking standards, the floorarea specified within the application form is 421sqm/1 space per 16sqm = 26 spaces allowed. The submitted drawings presents 16 car parking spaces (this includes 2 disabled spaces).

It is to be noted that 5 of these spaces will be out of action for most of the day as the delivery vehicles to the site would need to utilise these spaces to enable the vehicle to turn within the site in order to exit in forward gear. (Delivery number range from 3-4 every day).

Provision for cycling parking is provided within the curtilage, these are sited near the entrance and deemed acceptable, we do however seek further details to understand how the cycles will be made secure and covered – please request further details or condition accordingly.

No provision has been made for PTW parking within the site, please seek further details.

The layout of the car park presented, conforms to the car parking size and dimensions.

The number of spaces is considerably less the maximum allowed. Having visited the site on numerous occasions, the on street parking availability is at capacity. The statement offered in support of the application request further restrictions are considered on Falcon Avenue to aid movement of vehicles/delivery vehicles into and out of their site. This will further impact on the on street provision which cannot sustain any loss of car parking. The present provision provides essential parking to the residents of Falcon Avenue, together with parking for the retail/ professional shops in the immediate locality sited on the A666, namely photographer's studio, tuition centre, doctor's surgery, and also the existing retail co-op shop.

### Access

A new vehicular access is proposed from Falcon Road into the site, this is positioned away from the junction, and the placement of this is acceptable. There are however concerns with the width of the access as this will place pedestrians at undue risk. Also the width of the access differs between the plan shown within the TS and the proposed site layout, please seek further clarification.

- In order to assess the suitability of an access, details of sightlines are to be considered, please request these for approval.
- No Boundary treatment is indicated on plan, please confirm
- The old entrance radii has been closed up, yet the radii kerb still remain, it is noted that that this will be closed and reinstated back to full footway. Please condition.
- Any markings for the car park are to be contained within the curtilage.

A separate pedestrian access is proposed from the highway, this is acceptable.

### Servicing

The retail unit is to be serviced 3-4 times a day by a 10m rigid vehicle. Swept path analysis have been provided with the Transport Statement. The swept path demonstrates the manoeuvres would require parked vehicles to be removed from Falcon Road. Minimal disruption to Falcon Road could be considered as manageable, however the number of delivery vehicles expected to the site on a daily basis, together with the request to remove further parking and place restrictions on Falcon Road is not. It should be noted, that to place any parking restrictions would need to undergo separate consultation through the Highways Act, and should therefore not be considered as a solution/resolution in support of vehicle movements into and out of the site.

### Transport Statement

This has been reviewed, and the report is attached. Further works is requested.

### Other

Construction method statement would be required to support the demolition and construction of the development – no details are received, please request information or condition for submission.

Mattes also to be considered are:

- All existing street furniture including street lighting should be removed/disconnected at the applicants expense and relocated at locations to be agreed with by the relevant highways officer, (should they be required to do so)
- Contact to be made with our Structures Division prior to commencement of any works affecting retaining walls/ structure adjacent to/abutting or within the adopted highway
- Prior to any work commencing that affects the existing adopted highway contact to be made with the Local Highway Authorities office on Tel: 01254 273838 to undertake a condition survey.

To conclude, I have appraised the documents received. The proposal would have a significant impact upon the highway network and the immediate area. The additional vehicles and the loss of on street parking in the locality would have a significant impact upon the locality and safety.

I presently would reserve from making a formal recommendation, and would give the applicant/agent the opportunity to respond to the matters raised, together with undertaking further assessment in response to the Transport Statement.

**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 578007

Please attach standards conditions/Informative: Highways 1, 2, 3, 7, 8, 10, 11, 12, 13, 14, 15, and 17

Saf - 9th April 2021

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Additional details received 4th May 2021

Walter has provided some comments in response to their rebuttal, I have added to that and also reassessed the content of their response in full below

If I can firstly start with:

Some of the matters responded which are deemed acceptable subject to conditions in support;

- The application confirms locations of PtW and cycle spaces. It advises on the type of cycle system to be employed. However, no details are presented on the coverage, please condition.
- Closure of the existing access and reinstatement to footway can be conditioned.
- Sightlines may be clear, but would request that they are kept clear in perpetuity (please condition)
- We agree to the Construction Method Statement being conditioned

In response to the remaining matters

Is it our opinion that the parking on street which will be affected by this development is not 2 spaces as suggested, but 4-6 spaces? This is significant, I would again stress the need to manage the deliveries. I note that a delivery management plan is being prepared, and will be sent on...please forward for review.

In addition to the above, please also consider... the following. In response to the survey on street...

*The image is from google street view and dates from 2016 pre-covid. The comments regarding recent/current situation could be the case for some time and without before or after data such claims are difficult to substantiate.*

*A fair use policy would be acceptable to local businesses if this can be ensured, but a survey would be useful to allay any concerns from residents.*

*There will undoubtedly be some issues but it may also be the case that some existing issues could be down to Co-op shoppers parking on-street as there is currently no parking available. Without a detailed study it is going to be very difficult to fully understand the implications of the development proposals and indeed the future occupation of the existing store. I believe there is justification to request a survey but given the current situation is not likely to be reflective of typical conditions and on balance the impact is likely to be low. A compromise would be to undertake an assessment of parking accumulation based on the number of*



*residential properties along Falcon Avenue, factoring in TRICS trip rates, car ownership levels, etc. This will give us the assurances that a thorough assessment has been undertaken to allay any At least this way we can confirm to residents that an assessment has been undertaken.*

This leaves the remaining matter with regards to understanding the extent of surfacing, lining and marking request...this is not being used to make the development acceptable, but to assist in safe manoeuvres into and out of Falcon Avenue, both for sightlines and vehicle's waiting to turn right from A666 into Falcon Avenue.

These works should you be minded to approve the application will accompany the request for TRO, in support of the removal of parked vehicles on Falcon Avenue to aid the service delivery vehicles turning into and out of the site. Please Attach a Traffic Management condition to the application.

Saf – 24<sup>th</sup> May 2021

**From Walter Aspinall, following review of the parking survey:**

The parking assessment considers the space available and the demand from residential properties on Falcon Avenue only. There is likely to be demand from the businesses along the A666 and also recreational demand from visitors to Sunnyside Park (as noted in James Berggren's response below) but this has not been considered. The note simply identifies the number of spare spaces that are available on Falcon Avenue for such uses throughout the day.

It has already been stated that there is considered to be sufficient parking (within the car park) to support the development against the BwD baseline standards. The issues is then the loss of 2 on-street parking spaces and if this is significant enough to be 'severe'. The spaces are being lost to aid traffic flow on the initial stretch of Falcon Avenue and the access to the car park. Leaving the parking as is, would likely lead to traffic turning into Falcon Avenue having to wait for vehicles emerging from Falcon Avenue to clear the junction (as on-street parking on both sides would create an informal give way) which would be a safety concern. This could be considered an improvement although there are no accident stats to suggest there is an existing problem.

With other parking nearby on Hollins Grove St, Earnsdale Ave, Oldfield Ave, Pitville St, etc. I would expect the applicant would only come back to suggest there is ample on-street parking availability within a comfortable walking distance to offset the loss of those 2 spaces.

As such, I don't consider there to be sufficient grounds to recommend a refusal.

## **6.7 Public consultation**

Neighbourhood consultation letters were sent out on 3<sup>rd</sup> March 2021, to 46 addresses local to the application site. In addition, a site notice was displayed. In response, 6 objections and 1 general comment were received (see Summary of Representations):

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

**8.0      DATE PREPARED: 25<sup>th</sup> June 2021**

## 9.0 SUMMARY OF REPRESENTATIONS

### **Objection – Joanne & Russell Lambert, 14 Falcon Avenue, Darwen. Rec - 08/03/2021**

F.A.O Mr Nick Blackledge & Mr Gavin Prescott BwD Planning Dept. Cllr. Dave Smith

Re: Planning Application Ref: 10/21/0148 Co-op Falcon Avenue

Good Afternoon, I hope this email finds you well. I'm hoping you can be of some assistance to us and us to you too.

My name is Joanne Lambert, my husband Russell and I are residents at 14 Falcon Avenue, Darwen. We have recently been made aware along with other residents, of a proposed new Co-op building to be erected on the site of the old Liberal Club.

We are not opposed to the idea in general and welcome any reasonable regeneration, we are faithful customers of the Co-op, but as residents, along with our neighbours, do have the following concerns if we may be respectfully allowed to raise these matters, they are as follows:-

1. The access is proposed to be on Falcon Ave. This raises the following concerns.

a) Increase in vehicle & pedestrian footfall using the Co-op. This increase will be generated by the fact that there is a proposed customer parking & it's a bigger store. If this can please be looked at and see if access can be straight off Blackburn Road instead of entering a residential Avenue, we feel this would make more sense.

b) The safety entering & leaving the Avenue on a busy main road with an increased number of vehicles we feel it will be an increased risk of accidents and inconvenience to residents, it is already a difficult junction to negotiate as it stands now, with traffic volume and the traffic light system on Blackburn Road it can be frustrating.

c) Notable reduction already in residents parking due to other businesses in the area using the Avenue for parking, as well as visitors to the woods. Residents already struggle to park on the Avenue and have constant damage caused to their vehicles & properties by traffic using the Avenue as a turnaround point including some residents driveways. There are a number of elderly residents and some with disabilities who need to be able to park their vehicles on the Avenue where they live which isn't always possible. The new Co-op plans, as it stands, will lose parking at the bottom of the Avenue on both sides to allow large delivery wagons access and parking restrictions will need to be put in place i.e. double yellow lines etc. Although there is a proposed car park which is great, this will not always be used and cars will continue to use the Avenue as stated. Of note as well, we get a lot of traffic using the back street at the bottom of the Avenue to avoid the traffic lights on Earnsdale Rd & Blackburn Road which causes problems in itself and feel this will also increase. Proposed deterrent maybe put a bollard in middle of back street.

2. The aesthetics of the building and surrounding area needs to be in keeping with a residential Avenue and the environment. Lots of trees/shrubs/plants/baskets etc. need to be planted to help disguise & blend in and the building itself be sympathetic to area and not look like a breeze block town centre supermarket.

3. The proposed walls surrounding the new build need to be of substantial height, not only for aesthetics to cordon off and disguise, but to help deter anti-social behaviour, i.e. lower walls invite people to sit and congregate/drinking etc. The increased footfall and location we feel from experience, will bring with it anti-social behaviour.

4. Noise disturbance from deliveries wagons in early morning which are usually around 0530-0600 seven days a week. This would affect not only Falcon residents but also those on Oldfield Avenue.
5. Car lights shining into residents houses if access is on Falcon Avenue as they leave the car park.
6. Increase in rubbish and waste. Request more bins in area and also that the Co-op industrial size waste bins are locked away and covered as there have been problems in the past with old Co-op bins with people scavenging through them and waste strewn in back street and caused an increase in rats and other vermin.
7. Of note, but obviously not a constant problem, in the winter months when it snows, the Avenue can become treacherous and difficult to access which I know can be helped with gritting etc. but felt we should mention it for the future should it arise, they need to be aware for safety.
8. Privacy and security. If the access is on Falcon Avenue then more people will be using the Avenue, the access is opposite peoples houses and a feeling of being overlooked/watched when leaving our houses observed by those coming and going, a small thing you may think, but not a nice one for residents and a feeling of vulnerability.
9. How big/high/imposing will the Co-op be, this is a residential Avenue not near the town centre so I would hope that the size will be moderate and again in keeping with the area.
10. Although not directly pertaining to the new build, we have also been made aware that the current Co-op building has had plans to be turned into two separate units, which may in the future also have bearing and further complications re the parking and access for Falcon Avenue residents and may need to be looked at alongside the new build.
11. Again not directly involving the new build. The five Capita Council owned garages at top of Falcon Avenue next to the woods, which some residents rent have now been sold and unknown if they are still going to be garages, again parking issues. Apologies though no further details on this but felt it needed to be mentioned.

As we initially said none of us are opposed to the Co-op building on this land and we would welcome it but hope we can assist and work together with you all to be able to come to a reasonable, amicable and liveable conclusion. As a resident and I think I speak for us all, all we want is a safe, pleasant, no hassle place to live and be a community that helps out when we can. Our concerns are genuine and in no way do we wish to be awkward or petty on the contrary. If you require any further information or any clarification on any details mentioned above, please do not hesitate to contact me.

Thanking you for your time in this matter.

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**Objection – Joanne & Russell Lambert, 14 Falcon Avenue, Darwen. Rec - 16/06/2021**

Planning Ref.No. 10/21/0148

Proposed Co-op New Build, Falcon Avenue, Darwen To Whom it May Concern

Further to my recent discussion with Mr Blackledge, please see below our concerns and proposals for the proposed new Co-op on Falcon Avenue. Some of the concerns below we have already sent in previously as requested by yourselves back in March, but we have now added to this list as things are progressing and for the Planning Officer & Committee to respectfully take these into consideration and to advise and meet with us when appropriate if needed to do so.

1. The Co-op access is proposed to be on Falcon Ave. This raises the following concerns.

a) Increase in vehicle & pedestrian footfall using the Co-op. This increase will be generated by the fact that there is a proposed customer parking & it's a bigger store. This is a small residential Avenue that struggles now with the volume of traffic for surrounding businesses and strongly feel it cannot accommodate such an increase in vehicles and pedestrians. This seriously needs to be readdressed as there appears to be no thought or consideration given to the Falcon Avenue residents. We feel very strongly about this and strongly oppose this decision to have the access on Falcon Avenue.

b) The safety entering & leaving the Avenue on a busy main road with an increased number of vehicles we feel it will be an increased risk of accidents which is already an issue at this junction and inconvenience to residents, it is a difficult junction to negotiate as it stands now, with traffic volume and the traffic light system on Blackburn Road it can be very frustrating, there are many occasions as it stands now that when trying to exit the Avenue you end up having to reverse back up to allow traffic from Blackburn Road to enter, this will only get worse with the access on Falcon, also on occasions we can get stuck waiting on the Avenue when delivery trucks or bin wagons etc. are on the Avenue....watching these then try to reverse back down or turn around can be quite 'heart in the mouth' moment and has resulted in minor collisions/damage to residents parked cars in the past.

c) Notable reduction already in residents parking due to other businesses in the area using the Avenue for parking, as well as visitors to the woods. Residents already struggle to park on the Avenue and have damage caused constantly to their vehicles & properties by traffic using the Avenue as a turnaround point including some residents driveways. There are a number of elderly residents and some with disabilities who need to be able to park their vehicles on the Avenue where they live which isn't always possible. We ourselves on quite a few occasions have had to park half way up Earnsdale Road which is completely unfair due to the situation with none residents parking on Falcon Avenue.

d) The new Co-op plans, as it stands, will lose parking at the bottom of the Avenue on both sides to allow large delivery wagons access and I'm assuming parking restrictions will need to be put in place i.e.double yellow lines etc. Who will 'Police' this as I guarantee that people will still park on the double yellows which will cause problems for access. Although there is a proposed car park which is good, this will not always be used and cars will continue to use the Avenue as stated. Of note as well, we get a lot of traffic using the back street at the bottom of the Avenue to avoid the traffic lights on Earnsdale Rd & Blackburn Road which causes problems in itself and is a danger and feel this will also increase. Proposed deterrent maybe put a bollard in middle of back street.

e) The Highway's department I believe have granted this access on Falcon as a viable approval as they say there are other streets within walking distance to park i.e. Clarence Street, Pitville Street, Oldfield Avenue. These Streets aren't used now by visiting customers to surrounding businesses, as Falcon Avenue is the easier option and even advertised as their parking for some businesses,

furthermore, I know of and can confirm that a resident of Clarence Street regularly parks his white van on Falcon Avenue as he is unable to park on Clarence Street!!! why do Highway's think this is going to change and that people will park two streets away from premises they are visiting.... I'm telling you now it will not happen, some people are lazy and want the easier option and no thought for other people, especially in inclement weather! If you are all honest with yourselves & stop and think about this, you will admit this too, so please don't say this is a viable reason because trust me it's not. It is also extremely unfair & unacceptable to expect the residents of Falcon to use other streets to park if no room to park on their own Avenue where they live.

2. The aesthetics of the building and surrounding area needs to be in keeping with a residential tree lined Avenue and the environment. Lots of trees/shrubs/plants/baskets etc. need to be planted to help disguise & blend in and the building itself be sympathetic to the area and not look like a breeze block town centre supermarket.

3. The proposed walls surrounding the new build need to be of substantial height, along with railings and shrubs, not only for aesthetics in keeping with a residential street but to also cordon off and disguise, but mainly and importantly to help deter anti-social behaviour which is already a problem especially with the Co-op selling alcohol.. i.e. lower walls invite people to sit and congregate/drinking/drugs taking etc. and on occasions in the past have used the lower back street to urinate and even defecate, this has been addressed in the past but what we do not want now is to have other easy options as low walls from an alcohol selling premises, inviting anti social disgusting behaviours and I'm sure the Co-op and it's staff will not want this either. The increased footfall and location we feel from experience, will bring with it most certainly anti-social behaviour.

4. Noise disturbance from deliveries wagons in early morning which are usually around 0530-0600 seven days a week, this is something we can hear now when delivering on Earnsdale Road so will be louder on Falcon/Oldfield as houses on the plans back right up to the delivery area. This would affect not only Falcon residents but also those on Oldfield Avenue.

The delivery wagons are quite some size, gaining access to Falcon from the main road will be very tight and would require them to be able to swing in with some degree of expert manoeuvring and then how will they turn and leave? The delivery vans they have now on Earnsdale Road for the current Co-op isn't without its incidents and have witnessed and know of numerous times they have been reversing into Westminster Rd to turn around and they have demolished the corner bollard there on quite a few occasions. With that in mind, Falcon is a tighter road to turn in to and does leave cause for some serious concerns re damage to residents walls and cars etc.

5. We believe the proposed opening times are to be from 6am to 11pm which in itself is an issue for residents if the access is on Falcon Avenue. Constant traffic noise, i.e. engines, doors slamming, car lights shining into residents houses as they leave the car park in the evening, general chattering etc. This will impact on the residents and their peace and quiet which I feel is not unreasonable to challenge and question at certain times of day.

6. Increase in rubbish and waste. Request more bins in area and also that the Co-op industrial size waste bins are locked away and covered as there have been problems in the past with old Co-op bins with people scavenging through them and waste strewn in back street which caused an increase in rats and other vermin.

7. Of note, but obviously not a constant problem, in the winter months when it snows, the Avenue can become treacherous and difficult to access which I know can be helped with gritting etc. but felt we should mention it for the future should it arise, they need to be aware for safety.

8. Privacy and security. If the access is on Falcon Avenue then more people will be using the Avenue, the access is opposite peoples houses and a feeling of being overlooked/watched when leaving our houses observed by those coming and going, a small thing you may think, but not a nice one for residents that are left with a feeling of vulnerability and safety is an also an issue. The hours it will be open will leave residents being overlooked and a feeling of being watched all day and late into the evening, leaving our houses when feeling like you are being observed is quite unnerving when people are watching you leave a house potentially empty, this is not uncommon in my professional experience of how house burglaries happen.

9. How big/high/imposing will the Co-op be, this is a residential Avenue not near the town centre so I would hope that the size will be moderate and again in keeping with the area. I am aware that the original owner Karl Baxter's plans for residential apartments that were first put through before the land was sold to the Co-op had a height restriction and had to be changed, I would like to hope that this new build is subject to the same restrictions and will not be an imposing monstrosity blocking out light to residents houses both on Falcon and Oldfield.

10. Although not directly pertaining to the new build, we have also been made aware that the current Co-op building on Blackburn Road has had plans to be turned into two separate units, which may in the future also have bearing and further complications re the parking and access for Falcon Avenue residents and may need to be looked at alongside the new build.

11. Again not directly involving the new build. The five Capita Council owned garages at top of Falcon Avenue next to the woods, which some residents rent have now been sold and unknown if they are still going to be garages, again parking issues. Apologies though no further details on this but felt it needed to be mentioned.

12. The noise from the large generators that will be on the back of the new build premises that backs onto house no.5. How loud are they and how much will they overlook their back garden, will they be screened with tree etc so residents are not looking out on an industrial carbuncle. The generators on the Co-op now on Blackburn Road can be heard halfway up the Avenue and I know for a fact that residents lower down say they sound like helicopters running at night. These generators on the plans look very close to houses and this is a real concern for noise and emissions, especially when these will be larger generators as this is a larger building and more equipment.

13. I believe the signage that is to go on the Co-op will not only be on the front but also to the side facing the residents houses on Falcon Avenue. Is this sign on the side necessary, how big will it be, will it be illuminated. This is a problem again for residents facing, as looking out of our windows onto this is not really in keeping with a residential Avenue and we do not want to be looking at any signage. The front facing sign and maybe an nice looking aesthetic sign where the wall is above Blackburn Road could be a better option. We feel the sign facing the residents houses is of of no use for advertising and we already know what the building is. We feel the building needs to be aesthetically screened with trees, shrubs, hanging baskets and a wall to have a better outlook for residents. We Strongly oppose the side sign on the building facing residents houses.

14. There are concerns also for the road surface and strength of the road on Falcon Avenue and if it is actually built for such high volume use of traffic, it has become busier this past few years and the surface isn't great and has had repairs at the bottom of the Avenue/Blackburn Rd quite a few times and as it stands now, needs holes filling again and repairs. How will it cope with the massive increase of cars and delivery wagons when it will be in constant use 7 days a week with only the hours of 11pm to 6am when it will be lesser used? The increase in traffic will not only cause damage to the road we feel this will also affect the foundations of our houses.



15. If the entrance is on Falcon Avenue, has the safety of the residents been taken into consideration, there are varied age groups from elderly to toddlers that live on the Avenue and again mention the back street being used as a thoroughfare to avoid traffic lights, the increase in cars again poses a risk to resident safety.

16. We would also like to question the issue of house prices, we would like to know if this new build will decrease the value of our houses, our feelings are, that if there is going to be decreased parking if this Co-op is approved and that in turn this will be no longer a quiet residential street that was safe for children etc., the size of the houses are family houses, families have cars, this will no longer be a desirable area and will impact on our house prices. This is a genuine concern and we would like to know.

17. Lastly, for the moment, there has been mention by Mr Blackledge for the potential of Residents Parking for the Falcon Avenue residents being put in place, we strongly feel that this needs to be an option to be looked at and put through as a proposal. Highways have already stated there is surrounding ample close walking distance parking in the area for customers visiting businesses etc so this would not impact on loss of business and Falcon residents will be able to park safely should the new Co-op go ahead.

We thank you for your time in this matter and respectfully request that our genuine concerns are looked in to.

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**Objection – Jill Smith, 10 Falcon Avenue, Darwen. Rec - 08/03/2021**

As a resident living opposite the area for the planning application 10/21/0148 I have a few concerns.

1, Main objection is entrance/exit directly on a residential street. A street which is a no through road that's excessively used for turning and parking for the many businesses in the area:- Music school

Doctors

Dental technicians

Progress (tutoring

School)

Also one of the main entrances for Sunnyhurst woods. Residents have already complained about damage to cars and this is going to bring more vehicles onto the street, making entering and exiting the Avenue extremely difficult.

The proposed entrance and exit are adjacent to a back alley which is already used as a rat run to avoid traffic lights this will be much worse if the cars can drive directly onto car park. An accident waiting to happen.

2, Will there be excessive lighting on the car park?

3, What time and how often are deliveries, will there be excessive noise early mornings or even in the evening

4, I am concerned the small proposed wall and car park will be a meeting place for teenagers.

5, where will the refuse bins be allocated. Will they be hidden away then we don't get dumpster divers throwing rubbish all over

6, what will the aesthetics of the building be like. Could we have more trees and shrubs down the Avenue.

Thanks for your time

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**Objection – Mariessa Ganem, 16 Falcon Avenue, Darwen. Rec - 08/03/2021**

Hello,

I am writing in regards to the planning application for the Former Hollins Grove Liberal Club, Falcon Avenue, Darwen, BB3 1QX.

I have spoken to other residents on the street and we are all very excited for something to be built on this land as it has been eyesore for years, however we do have a few concerns:

- **Entrance to the Co-op on Falcon Avenue** - this is a concern to all due to how busy the street is now with people parking for Sunnyhurst Woods and (when open) Darwen School of Music, Imran's Barbers, Progress Education Centre, Doctors Surgery and other shops along Blackburn Road. For the entrance of the Co-op to be on Falcon Avenue you would need 2 way traffic which isn't possible at the moment due to cars being parked on both sides. Even when the other side is clear you still need to mount the kerb to allow both vehicles to pass. I understand the 2 trees on Blackburn Road are protected and so they won't be cut down as ideally this is where the entrance/exit needs to be.
- **Delivery Trucks** - Having previously lived on Earnsdale Road (the next street) and seeing them parked up I know the size of these trucks and I know for definite there is no chance a truck that size would be able to pull into the street and turn into/out of Co-op without potentially hitting a residents parked car (if cars were to be parked on both sides). This could be solved by adding double yellow lines on the opposite side

to the houses but then residents would not have enough room to park on the street as most houses own between 1 and 2 cars.

- **Extra Footfall** - The Co-op will inevitably bring more footfall to the street and so we are worried about the dangers of it being a place for teenagers to hang around. The plans state that the walls will be dropped to a 1 metre height which in our opinion is too low as it makes it easy for people to just sit on.
- **Road Surface** - the current state of the road surface on Falcon Avenue is pretty bad and if there is more traffic then this is only going to get worse, would this be something that is looked into being fixed?
- **Parking on the Car Park** - would this be down to Co-op or the council? Could residents park on the car park if there is no room on Falcon Avenue?

Overall, like I said we think this is a good idea and are happy for the planning to be approved, but the main concern is the access and how much more traffic the street is going to get when it's already so busy. If the entrance could go onto Blackburn Road then I think everyone would be happy with this but I do understand that with it being so close to Falcon Avenue it could be a potential collision site.

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**Objection – Mr & Mrs Scott, 2 Falcon Avenue, Darwen. Rec - 17/03/2021**

Dear sir/madam

I am emailing in regards to a planning proposal ref 10/21/0148. Coop erection of new store on the old liberal club site, falcon ave Darwen.

I live at Number 2 falcon ave and have run my business from here for 16 years so I am used to how busy it can be I live on the main road too as I live on the gable end above my shop. I have mainly one major concern regards to the plans and this is to the proposed entrance of the car park of the new site.

There has always been two openings on falcon ave, top and bottom, the one at the bottom next to the main Road A666 was bricked up years ago after some maintenance work and changes.

The other entrance at the top of the site still exists is still accessible today although people have started parking over the entrance but it is already a perfect turning point for cars and bigger vehicles as it is much wider and customers and residents are used to it being there, it would make a perfect turning point for wagons delivering as it is much wider and was always there for that reason when the site was a liberal club. It always prevented the ever increasing influx of traffic congregating around the junction near the main road, it can already be grid lock on falcon ave. I see by looking at the plans it appears they are planning on putting a complete new entrance half way along the site, which is too close to the main road and existing parking for residents like ourselves at number 2 and residents in the flats on Blackburn road and other businesses, If we have any more yellow lines Placed on falcon ave just so a new entrance can be put in place this does not make sense we will lose our parking and my husband is disabled. The coop are not the only business that need customers to park, I have a salon, there is a doctors, two tuition sites, takeaways, not forgetting the future businesses of the existing coop which is a large site.

Finally and even more concerning is that the Proposed new entrance will be right next to my house and our back alley, occasionally at the moment drivers use this back alley as a rat run to avoid the new traffic lights at Hollings Grove. If this proposed entrance to the coop Car park is right adjacent to our back alley this will only increase the amount of cars that come through it to go straight across onto the car park! And this is not a road it is actually a private back alley.

So in brief to summarise my only objection to the new coop site is the entrance to the car park , I'm not opposed to customers and Wagon deliveries turning into falcon ave but object strongly to a new opening where they propose it to be! It will create congestion at the junction, could result in people losing their parking spaces for residents and businesses and cause major unease for residents if they use our back alley to quickly get onto the car park.

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**Objection – Elaine Marsden on behalf of Vera Charnock, 18 Falcon Avenue, Darwen.**  
**Rec - 23/03/2021**

Dear Gavin, dear Nick,

Further to your correspondence of the 3rd March, 2021, please see below comments on behalf of my mother, Vera Charnock, resident at 18, Falcon Avenue, BB3 1QX, in objection to this planning application in its current form:

**1. Opening hours**

Opening hours stated within the Planning Application form are 6am until 11pm daily, as compared with the current hours at the Blackburn Road store, which are 7am until 10pm daily. The current store is on a main road, and is not in the direct vicinity of residential properties. However the proposed store is within a residential zone and the extended opening hours would lead to increased noise disruption early in the morning and late into the evening with respect to pedestrians and vehicles accessing the facilities at the store. The impact of disturbance associated with this additional customer traffic has not been adequately addressed within the planning proposal.

**2. Access to delivery vehicles**

Proposed Site Plan 0175(P)103A shows the site access to be on Falcon Avenue. The Delivery Vehicle Swept Path Assessment clearly shows that large vehicle access to the site will be at the limit of the available turning space. Delivery vehicles will need to traverse the full width of Falcon Avenue in order to enter and leave the premises, and there is also potential for them to mount the pavement causing a danger to pedestrians. It is unlikely that the current road surface is designed to take frequent passage of HGV vehicles, and there is concern about damage to the road surfaces. There is also potential for damage to the footpath adjacent to 2 Falcon Avenue, as well the issue of any parked vehicles within the scope of the swept path which would reduce the ease of passage as described. It is felt that site access would be better situated on Blackburn Road, where the road surface integrity and road width are better suited to this type of heavy traffic, and where disturbance to residents would be minimised.

**3. Anti-social behaviour**

There are a number of commercial areas in Darwen which have become an attraction to gatherings of groups of youths, resulting in anti-social behaviours such as outdoor drinking, littering, vandalism and intimidation. This is well documented by complaints to Blackburn with Darwen Police. There have been intermittent problems in the Falcon Avenue area in the past, resulting from the commercial premises locally on Blackburn Road. It is of concern that the open car park will serve to encourage groups to loiter, and the low boundary walls (per Proposed Site Plan 0175(P)103A) will serve to encourage some customers to sit on them for extended periods, potentially causing a variety of associated problems for residents. The low

boundary wall should be reconsidered in favour of shrub planting only, or amended to incorporate suitable railings on top of the boundary walls to discourage customers from sitting for extended periods of time, for example drinking alcohol purchased at the shop.

#### **4. Litter control**

The Proposed site plan 0175(P)103A does not show any additional waste disposal bins outside the premises, only the single council bin at the junction of Falcon Avenue and Blackburn Road. Neither is litter control mentioned in the Waste Management Strategy document. The business is responsible for all packaging waste produced at the site, not just bulk waste. The planning application needs to address the issue of public waste bins to be situated at the premises for use by customers, and demonstrate a policy for litter pickup in the area.

#### **5. Signage opposing Falcon Avenue**

The Proposed Building Elevation Plan 0175(P)123 shows two signage zone on the South elevation, facing directly towards the houses opposite. The plan does not show what size this signage will be, and whether it will be illuminated. It is insufficient in this planning application to state that any signage proposal will be under a separate Adverts planning application, as it gives no indication of whether illuminated signage on the development could be potentially intrusive to the the residences opposite.

#### **6. Build Size**

The Proposed Building Elevation Plan 0175(P)123 states in the drawing notes 'Do not scale from this drawing, use only written dimensions'. However, the written dimensions are absent from the drawing and therefore no indication of the size of the proposed premises have been provided. Nor do the other documents submitted show the building dimensions. This is not satisfactory and needs to be corrected so that residents can adequately assess the impact of the size of the new build on their properties.

#### **7. Plant noise**

The Plant Noise Design Guidance document appears to suggest that the results shown in the Table 1 summary do not meet the necessary requirements of the guidelines on Maximum Refrigeration Plant Noise Emissions detailed in Table 5. It would be helpful for clarity if the applicable limits were shown on the time history graph Appendix C7, page 17, so that there is visibility to the lay person whether those requirements have indeed been met.

Thank you for your consideration of these points.

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**Comment – Ann Fitzgerald, Puerto, Oldfield Avenue, Darwen. Rec – 23/03/2021**

Dear Gavin

I have lived in Oldfield Avenue, in the house immediately adjacent to the Bowling Green Apartments effectively on the corner off the of the proposed site, for six years. Whilst I welcome development of this unused site, I have a number of comments. I have scanned through all the documentation and, if I have missed reference to the issues I raise, I apologise.

**Access**

I note the following:

- As far as access is concerned, there is no suggestion in the documentation that an in person survey has taken place at the site by a transport specialist or that input has been provided by a specialist with local knowledge. This would possibly explain the following.
- As far as I can see, neither the Planning, Access and Design Statement or the Transport Statement acknowledge the existence of a three phase traffic signal very close to the site. This signal controls traffic on the A666, Earnsdale Road and Hollins Grove Street.
- The Transport Statement does refer to a 'signalised pedestrian crossing approximately **immediately** south of the junction. It does not reference the fact that this signalised crossing, **immediately** south of the junction, is actually part of traffic signal scheme, specifically controlling the traffic travelling north to south on the busy A666 a major route from Blackburn to Bolton.
- Modelling relating to various aspects of the development has taken place based on data from similar sites around the country.
- I am concerned that, given the absence of reference to the three phase signals and the specific traffic issues already present at the site, these have not been factored into this modelling that has taken place and, more importantly, into the assumptions generated by this modelling.

This signalling scheme has itself proved controversial with the local MP engaging on behalf of locals on a number of occasions. I cannot personally comment on how it has impacted traffic flow in Darwen (as the lights were installed around the time I moved in) but would like to share the following:

- Blackburn Road, the A666, is a very busy road. At peak times there is considerable traffic backed up from the lights, particularly in the north to south direction, specifically the signal the Transport Plan acknowledges is **immediately** south of the junction with Falcon Avenue (but refers as a pedestrian crossing).
- On a map of the site, it might immediately appear that Hollins Grove Street (part of the signalling scheme) is just another side street. In fact, it an alternative route providing access to and from the motorway. I, like many others, always use the Lower Eccleshill/Hollins Grove Street route from the motorway to avoid the heavy traffic backed up along the A666 from the Hollins Grove lights.
- As the signals are programmed to allow merely seconds, after a wait of several minutes, to turn out of Hollins Grove Street and Earnsdale Road, cars come out

of them very quickly and often jump the lights - right on top of the Falcon Avenue junction.

- It is difficult to pull out onto the A666 from side roads nearby, particularly so turning right. From Oldfield Avenue, and therefore similarly Falcon Avenue, it is pretty much impossible to turn right without cars on Blackburn Road braking to allow you to pull out in front of them. You need to be pretty assertive to get out onto the main road.
- Even a couple of cars stopped at the lights would block the exit turning right from Falcon Avenue because of the positioning of the signal.
- There is already considerable traffic pressure on Falcon Avenue, given that it is a cul de sac with just one point of entry and exit, in addition to use by residents and visitors to the existing Co-op site.
- At the end of Falcon Avenue is one of the main entrances to Sunnyhurst Woods, a very popular Darwen amenity.
- On Blackburn Road, between Falcon Avenue and the current Co-op site, there is a tuition centre (therefore children being dropped off and picked up) a barbers and a hairdresser. There are retailers and a music tuition centre on the other side of the Blackburn Road.
- New retail units proposed at the site of the existing Co-op are also going to generate demand on parking near the site potentially negating the effects of additional parking spaces.
- The back street behind the existing Co-op is, I hear, also used by drivers to avoid waiting at the signals on Earnsdale Road allowing them to exit left from Falcon Avenue which is not signal controlled.
- Currently visitors to the existing Co-op park on Earnsdale Road, Hollins Grove and Falcon Avenue. That means that a significant proportion of visitors are dispersing from the site via signal controlled junctions. The new car park will mean all traffic related to the store will exit to Blackburn Road via Falcon Avenue which is not signal controlled.
- Falcon Avenue is a fairly narrow side street. I am unconvinced that, even with further parking controls at the end of the road, it will be easy for larger cars, vans, delivery lorries, to pass each other - particularly if vehicles are positioned in the road to make that difficult right turn.
- Even with additional parking controls, if these are not regularly enforced people making short stops will ignore them as they do now. To put this into context, there are restrictions on the time allowed for parking in some locations on Bolton Road but retailers at the site who have seen a traffic warden enforcing the restrictions only once in a decade.

Given the above, we are looking at an increased number of vehicles trying to exit a junction where their path is either blocked by cars at the lights or they are trying to force their way into a busy queue of impatient traffic which, at peak times, has queued from the motorway - whilst other cars are joining the A666 at speed from Hollins Grove Street and Earnsdale Road.

There is the real potential for the vehicles trying to exit the site blocking entry into Falcon Avenue with a knock on effect on the already busy traffic on this part of Blackburn Road, particularly cars are still stopping on the parking controlled area.



I would strongly suggest that a representative of the planning committee visit the site late afternoon/early evening - ideally post lockdown - to gain a full understanding of the issues and that modelling is commissioned on the impact of the development on traffic at this junction.

## **Parking**

There are already considerable pressures on car-parking in the area:

- Terraced houses with no off street parking on Falcon Avenue, Hollins Grove, Earnsdale Road and Blackburn Road.
- A main entrance to Sunnyhurst Woods at the end of Falcon Avenue.
- The retail/tuition units on Blackburn Road between Falcon Avenue and Earnsdale Road and opposite on the other side of the road.
- Parking restrictions along Blackburn Road, Earnsdale Road and Hollins Grove Street.

As far as I can see the new development will ease parking relating to the Co-op itself but:

- It will also reduce available parking by adding further parking restrictions on Falcon Avenue and removing several on-street spaces where the new entrance to the site will be situated.
- New retail units at the existing Co-op site could effectively negate the gain of creating car parking at the new Co-op. (Unless there are plans to allow customers of other nearby retailers to use the new car parking?)
- As described above, if the new car park is difficult to exit, people simply won't use it more than once and will move to parking on nearby streets with easier access/exit.

I know it is policy to try and reduce car use. However, our local topography, weather and our public transport infrastructure for many people make a car an essential. Realistically, the new pressures on parking are not going to make people in the area give up their cars, they are simply going to displace the parking to somewhere else. Unfortunately, and this is where my own personal interest comes in, the obvious place is going to be Oldfield Avenue which is the nearest road with no parking restrictions.

## **Fences/Planting**

What is not immediately apparent on the plans submitted is the elevation of the nearest properties on Oldfield Avenue. Bowling Green Apartments and my own house next door.

Most of the plans don't show my house but I am almost adjacent to the site at the North West corner where the service yard of the development will be located but at a higher elevation, equivalent to the upper floor of the Bowling Green Apartments, looking down into the site. Whilst a 2m/2.5m fence is substantial, it won't make a great difference at our level.

There is some reference to planting suitable shrubs and trees in the planning documents but no reference specifically to the West and North borders of the site.

Mature trees appropriate to the location would be helpful in softening the impact of the development and mitigating noise to some degree (particularly with regard to the location of the service yard and HVAC equipment) if it is not possible to raise the height of the fences.

I understand that it might be considered an aesthetic issue and not subject to the letter of planning requirements but I would hope the tenant, given its ethical stance, would wish to be a good neighbour in terms of softening the impact of the site on neighbours.

I hope these comments are of value. I'm copying in my local councillors for information

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