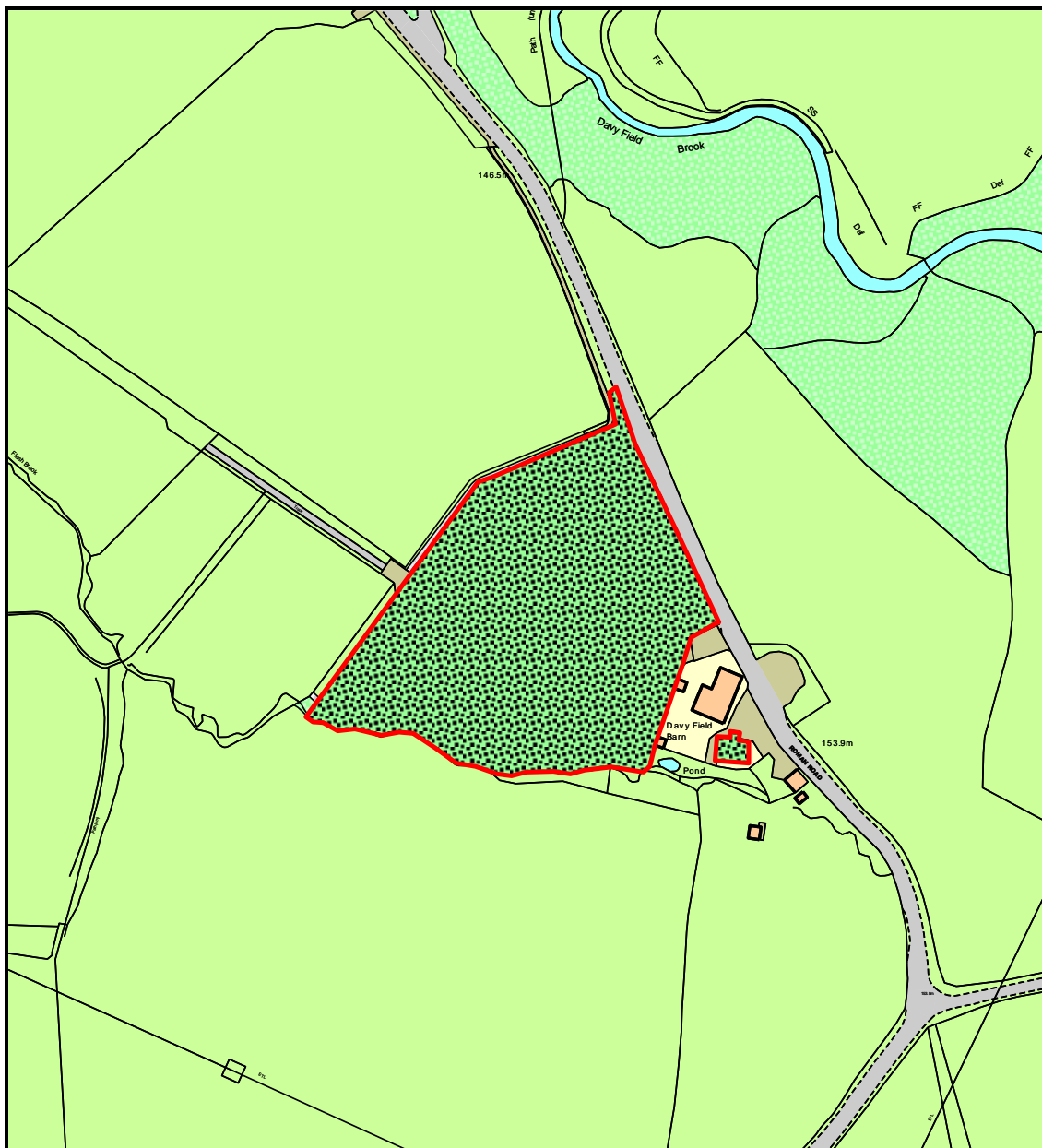


Proposed development: Full Planning Application for the erection of 19 no. dwellings, with associated infrastructure and landscaping works

Site Address:
Land at Davy Field Farm
Roman Road
Eccleshill
BB3 3PJ

Applicant: Applethwaite Homes

Ward: West Pennine



1.0 SUMMARY OF RECOMMENDATION

- 1.1 Approve, subject to conditions, as outlined in Section 4 of this report.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The proposals constitute Major Development within the setting of Davyfield Farmhouse, a grade II listed building, within the boroughs designated countryside, allocated as Green Belt.
- 2.2 The proposals are brought before Planning and Highways Committee in accordance with the Scheme of Delegation, as the proposals constitute a departure from the Development Plan as the site is within the Green Belt and in a countryside area. In addition, Eccleshill and Waterside Parish Council also object to the proposals.
- 2.3 The proposals are on land which is considered to be Previously Developed and as such are acceptable in the Green Belt. It is also considered that the impact on the openness and permanence of the Green Belt will be minimal considering the existing buildings on site are to be moved and the site is to be cleared.
- 2.4 The Council's Conservation Officer is of the opinion that due to the listed building being orientated towards Roman Road and shielded from the development site, by Davy Field Barn, the proposals will have minimal harm to the setting of the designated heritage asset/ farmhouse. In addition, the repair works to the listed farmhouse which is considered to be in poor repair, is beneficial in ensuring that the listed building will be there for future generations to appreciate and enjoy.
- 2.4 The public benefits of utilising a previously developed site rather than a green field site, along with the proposals contributing to the Council having a healthy housing land supply, in excess of the minimum 5 year requirement is similarly given weight.
- 2.5 The proposals will result in a net gain to biodiversity through the provision of a replacement pond (which has dried up) and an extensive landscaping scheme that Officers have worked with the developers to secure.
- 2.6 The proposals will also provide a pleasant and safe diversion route for the Public Footpath and will provide a new pedestrian pavement, which will be off benefit to all highway users.
- 2.7 The proposal will deliver housing development, which will widen the choice of family housing in the Borough. It supports the Borough's planning strategy for housing growth as set out in the Core Strategy. 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.

- 2.8 Overall, on balance, and subject to planning contributions being sought by a S106 agreement and the conditions recommended within Section 4.0 of this report, the proposals are recommended for conditional approval.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site is within the boroughs designated countryside area, designated as Green Belt, situated off Roman Road, which runs adjacent to the site's eastern boundary, adjacent to Davy Field Farm, a Grade II listed building, and Davy Field Barn. Flash Brook forms the southern boundary of the site.
- 3.1.2 The site was formerly occupied by 'Wellybobs Farm', which was an adventure farm open to the public, with both indoor and outdoor facilities. The site received planning consent for this use under planning reference 10/09/0858. The consent for the adventure farm comprised of the following: indoor petting area; outdoor petting area; outdoor play area; zip wire; 9 hole mini golf; indoor play barn (which had a timber play frame, bouncy castle slide, bouncy castle and toddler soft play zone); reptile area; go-kart track; café; ice cream parlour; gift area; and party area. Additionally, the site has a large area of hardstanding that was utilised for visitor parking in connection with the tourist attraction. This farm park ceased business in 2017.
- 3.1.3 The site is visible in the wider area; from the road network travelling to the north and south of the site, the M65 motorway travelling in east to west and vice versa, and from an extensive Public Right of Way (PROW) network exists in the locality which enables mid-long range views of the site. PROW no.37 (Eccleshill) crosses the site and is proposed to be diverted as part of the proposals.

3.2 Proposed Development

- 3.2.1 Permission is sought to demolish the existing structures on the site and erect 19 three and four bed dwellings with associated domestic garages, driveways, garden areas and an area of Public Open Space, which will include a pond.
- 3.2.2 The proposals also include diverting the Public Right of Way that runs through the application site, along the side of the access track to the development site.
- 3.2.3 The proposals are also put forward on the basis that the proposals will enable remedial works to be undertaken on the listed farmhouse.



Extract from amended site plan received 27th May 2021:

3.3 Development Plan

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

3.3.2 Core Strategy:

- Policy CS1: A Targeted Growth Strategy
- Policy CS5: Locations for New Housing
- Policy CS6: Housing Targets
- Policy CS7: Types of Housing
- Policy CS16: Form and Design of New Development
- Policy CS17: Built and Cultural Heritage
- Policy CS18: The Borough's Landscapes
- Policy CS19: Green Infrastructure

3.3.3 Local Plan Part 2:

- Policy 1: The Urban Boundary
- Policy 3: Green Belt
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 12: Developer Contributions
- Policy 18: Housing Mix
- Policy 39: Heritage
- Policy 40 : Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41: Landscape

3.3.4 Supplementary Planning Documents/ Guidance

- Residential Design Guide
- Green Infrastructure & Ecological Networks
- Air Quality Planning Advisory Note

3.4 Other Material Planning Considerations

3.4.1 Joint Lancashire Minerals and Waste Local Plan

3.4.2 Joint Lancashire Minerals and Waste Development Plan

3.4.3 Joint Lancashire Minerals and Core Strategy (2009)

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

3.4.5 National Planning Practice Guidance

3.5 Assessment

Principle of Development

3.5.1 Policy CS5 of the Blackburn with Darwen Core Strategy sets out the Council's intentions for the location of new housing. The hierarchy of the Policy indicates new housing being directed towards the inner urban area; though at part 2 it suggests that new housing may also take place in accessible locations elsewhere in the urban area. Part 3 indicates that some planned small scale development may occur in rural areas.

3.5.2 The site is located within a countryside area and is remote from rural services and amenities. This conflicts with the aims of Policy CS5. However, the

application site is within the Green Belt and therefore it is important to establish if the proposals are acceptable in this regard.

Development in the Green Belt, and whether the proposal would be inappropriate development

- 3.5.3 Paragraph 143 of the National Planning Policy Framework (the Framework) states inappropriate development in the Green Belt should not be approved except in very special circumstances. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, then lists some exceptions.
- 3.5.4 The site constitutes previously developed land. The Framework's definition of 'Previously Developed Land' is:
- 3.5.5 *Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*
- 3.5.6 Accordingly, given the former B2 Use of the site, the proposal is found to involve redevelopment of previously developed / brownfield land, consistent with above exception of partial or complete redevelopment of previously developed sites. Paragraph 145(g) is thus engaged which allows for the partial or complete redevelopment of previously developed land that does not have a greater impact on the openness of the Green Belt than the existing development.

Openness and Permanence of the Green Belt

- 3.5.7 The existing development comprises barns of varying heights and proportions, and also cover the areas where hardstanding exists which was used for car parking purposes when the farm park existed. It is clear that the proposals will in both footprint and volumetric calculations exceed the footprint and volume of the existing built form. Whilst this is the case, the impact on the openness of the Green Belt is considered to be less than the existing buildings as the dwellings are lower in height than the main building. The dwellings are also contained on the land which is previously developed land with countryside extending from the site on three of its four sides.
- 3.5.8 For the above reasons, the proposals are considered to fall within the permitted Green Belt exceptions and would have a lesser harm on the openness and permanence of the Green Belt. Therefore in this respect, the proposals are considered to accord with Policy 3 of the Blackburn with

Darwen Local Plan Part 2 and the Green Belt requirements within the Framework.

- 3.5.9 The site also falls within the boroughs Mineral Safeguarding Area. A Minerals Resource Assessment, carried out by GRM Development Solutions Ltd, therefore accompanies the application. It concludes that there are no significant mineral occurrences, mineral planning permissions, or mineral planning permission (points) in proximity to the site that would be prejudiced by the proposed development and the site is not in proximity to any coal mine plan extents, opencast coal prospecting sites or coal licence area centroids.
- 3.5.10 Further, the proposed development is less than 5ha in size, with a net development of just 0.77ha and the new build properties are planned within the existing hardstanding area associated with Davy Field Farm. Therefore, for the reasons outlined, it is considered highly unlikely that the non-mineral development proposed for the site will result in sterilisation of any practically extractable mineral resources.
- 3.5.11 In light of all of the above, the development is acceptable in principle.

Impact on the setting of Heritage Assets

- 3.5.12 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. It is therefore necessary to consider the effect of the proposals on the setting of the listed building itself.
- 3.5.13 The heritage asset concerned is a grade II listed residential dwelling, Davyfield Farmhouse, formally spelt as 'Davy Field'. Davyfield Barn is a curtilage building to the listed farmhouse and is another heritage asset.
- 3.5.14 Davy Field Farmhouse probably dates from the C17 but is altered and is dated 1723 on the lintel above the door. The property is two storeys with a single storey rear outshut and prominent two storey gabled porch to the front elevation.
- 3.5.15 The building is whitewashed with a stone slate roof. The application is supported by a Heritage Impact Assessment. The author, Garry Miller, suggests a date of around 1680 – 1700.
- 3.5.16 The farmhouse faces north into a small yard area which is flanked by a large stone barn of a similar age. The barn, orientated at right angles to the farmhouse, forms the north west boundary to the small yard area.
- 3.5.17 The application site relates to land north west of the farmhouse and barn and would in part replace a range of modern agricultural sheds/buildings of no heritage significance.

Setting

3.5.18 Historic maps show 'Davy Field' to the north with a large field enclosure bounded by Flash Brook with a path/track going across it westwards:



1843 - 1845 Map

3.5.19 The farmhouse has a north/south aspect with the front elevation facing onto the small yard adjacent the road. Its rear elevation faces across the brook to the fields south of the farm. Whilst the Council's Conservation Officer feels the farmhouse derives some of its significance from its surroundings, it derives most value from its relationship with the adjacent barn which encloses a small 'yard' to the front. In this respect, Officers think the sites historic importance to the setting is limited. This is reinforced by the fact that the application site is largely screened from the farmhouse.



3.5.20 Historic England's advice on Setting is contained in its Planning Note 3 (second edition) entitled; 'The Setting of Heritage Assets' describes the setting as being the surroundings in which a heritage asset is experienced and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access. Whilst setting is often expressed by reference to visual considerations, it is also influenced by the historic relationships between buildings and places and how views allow the significance of the asset to be appreciated.

3.5.21 Whilst the farmhouse does retain a wider rural setting, you do not view, to any great extent, the listed farmhouse and application site in the same context. The main views of the listed farmhouse and associated barn are mainly viewed from Roman Road. Given the presence of the modern agricultural building medium to long range views of the listed farmhouse from Roman Road are not openly available. The south facing rear elevation of the listed farmhouse is partially visible when travelling towards the site in a northerly direction from Blacksnape, Hoddlesden and Edgworth through the trees bordering Flash Brook.

3.5.22 From the site of the proposed dwellings, you do not achieve commanding views of the farmhouse and whilst the small estate of houses will view differently and produce a different landscape character/context this does not necessarily translate as making a contribution to the value of the setting of the listed building.

3.5.23 In conclusion, the application site does not currently contribute positively to the significance of the historic setting of the Grade II listed building and any harm, caused by the visual change in the wider context of the farmhouse will be very low. However, Officers do not necessarily agree that the removal of

the modern agricultural sheds would have a positive benefit on the setting, as this ignores the nature of the wider landscape character where it is more typical to view farmhouses and associated farm buildings, even modern farm development. In the planning balance, Officers regard this as being a neutral exchange.

- 3.5.24 More information on public benefits is included in the Planning Practice Guidance and can be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). These benefits are discussed below:

Works to the farmhouse – public benefit

- 3.5.25 The application includes a structural report carried out by Trevor Dawson. The executive summary concludes that the property is in a fair to poor condition and recommends various remedial works. The report provides an estimate of the costs of the remedial works to be approximately £63,000.
- 3.5.26 Whilst no detailed specification is included the works include general property repairs to the roof, chimneys and external joinery. All the work seems sensible maintenance which will help sustain its future. In terms of their value in relation to the 'public benefit' equation whilst Officers support the investment and think the repair works will be of benefit to the listed building the Structural Report confirms that the building is not immediately 'at risk' and the works could be regarded as catching up on a period of deferred maintenance. In this respect the works whilst of being benefit should be regarded as having a low public benefit value in the Councils Planning balance.
- 3.5.27 If the application is supported by Members the Local Planning Authority will need to secure the proposed repair works via a Condition which delivers the schedule of repair works, and secures a repair methodology. Such a condition is thus recommended, as is the timing for the repair works for the listed building.

Ground Conditions

- 3.5.28 Land stability and the consideration of the suitability of development with regard to ground conditions are material planning considerations as set out in paragraphs 170(e) and (f) and 178 of the National Planning Policy Framework (NPPF) and that the responsibility for securing a safe development in terms of land stability rests with the developer (para 179). This is subject to more detailed discussion in the National Planning Practice Guidance (PPG).
- 3.5.29 Policy 8 iii) concerns itself with ensuring previously developed land and whether it is, or can be made, safe for the occupiers of the development proposed. The application is supported by a Phase 1 Preliminary Risk Assessment. Officers have reviewed this and consider the report lacks information and in some parts provides contradictory advice on the level of remediation required. Due to these contradictions and the subsequent uncertainty, Officers recommend both of Blackburn's standard contaminated land conditions are attached to any resulting Decision Notice.

Parking and Highway Safety

- 3.5.30 Local Plan Part 2 Policy 10 relates to highways matters. Development should not prejudice the safe and efficient movement of highway users and adequate on-site parking and manoeuvring should be provided in accordance with the Council's adopted space standards.
- 3.5.31 A detailed Transport Assessment (TA) and subsequent addendum have been submitted with the application. This evaluates the existing transport and highways context of the site, including access, trip generation, and junction capacity. This allows an assessment as to whether the highways network has the capacity to accommodate the potential increases in traffic as a result of significant new residential development. The assessment takes account of all committed development local to the site and forecast increases in transport movements associated with allocated development sites across the Borough.
- 3.5.32 This has been reviewed, and the Highway Officer considers that sustainability of all modes of transport, policy has been adequately assessed. It is acknowledged that the requirement of link to the existing footway along the applicant's boundary along Roman Road is supported and should be provided. The Highway Authority welcome this and request it be attached as a Grampian condition for the developer to bear all costs associated with the works.
- 3.5.33 The trips associated with this new development are below the threshold of 30 two way trips, and it is considered that there is no need to request any further junction assessments and the proposal is deemed to be acceptable in terms of impact upon the highway.
- 3.5.34 The existing access to the farm, installed to serve the former Wellybobs business, is to utilise the existing access. The width of the access and access road is 5.0m and is wide enough to accommodate two way vehicle movement, this should also be maintained for the full length of access road and a slight widening of the existing access road is proposed on the bend.
- 3.5.35 The Highway Officer requested that a pedestrian footway was proposed on one side of the road only. The red edge for the site has been increased slightly to abut the existing field boundary to provide footways on both sides of the road.
- 3.5.36 The minor extension of the red edge has also allowed the Public Footpath to be diverted along this extended edge rather than as it was initially proposed, across the area of Public Open Space and out through the development layout. This amended proposed diversion, is considered to be far more preferable and will provide a more open and pleasant route for walkers.
- 3.5.37 The Highway Authority reviewed the initially submitted proposals and raised a number of minor issues for the developers to address, such as the driveway lengths, the need for footways to be implemented on both sides of the access road, sightlines from the entrance and confirmation of both vehicular and pedestrian clearance and sightlines from driveways. These amendments

have not been reviewed and therefore an update will be provided within the Update Report. Notwithstanding this, Officers are comfortable that the proposals are acceptable from a Highway perspective, and planning conditions can be imposed to address any issues. Accordingly the proposals accord with Policy 10 of the Local Plan Part 2.

Residential Amenity

- 3.5.38 Policy 8ii) requires development to contribute positively to the overall physical, social, environmental and economic character of the area, as well as securing satisfactory levels of amenity and safety for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.
- 3.5.39 The nearest dwellings to the development site are Davy Field Farmhouse, included within the red edge, and Davy Field Barn, owned by the applicant. The proposed dwellings have been sited so not to cause any loss of amenity to the existing, and any future, occupants of the farmhouse and converted barn.
- 3.5.40 In terms of the internal arrangements of the site, all dwellings accord with the Council's standard separation distances, as a minimum. The proposals also provide parking and garden areas, and refuse storage areas. The area of Public Open Space is also well related to all the new properties. The proposals will thus provide satisfactory living accommodation for future occupiers.
- 3.5.41 The site is located adjacent to Roman Road and in close proximity to the M65 motorway. The site is also relatively close to the SUEZ waste recycling centre where the extant permission exists for an energy recovery centre – planning permission 10/19/0495. The Noise Report accompanying this application indicated noise is likely to be an issue in this location. Therefore in order to ensure the amenity of future occupiers are not harmed by this development, the Council Environmental Protection department have recommended a condition be imposed requiring a written glazing and ventilation scheme that demonstrates adequate provision for both habitable room soundproofing and ventilation within the proposed dwellings to ensure the likely noise nuisance is controlled.
- 3.5.42 In light of the above, the proposals accords with Policy 8ii) of the Local Plan Part 2.

Design and Visual Amenity

- 3.5.43 Local Plan Policies 8i) and 11 concern themselves with the design of new development with them requiring development to present a good standard of design and will be expected to:

i) Demonstrate an understanding of the wider context; and

ii) Make a positive contribution to the local area.

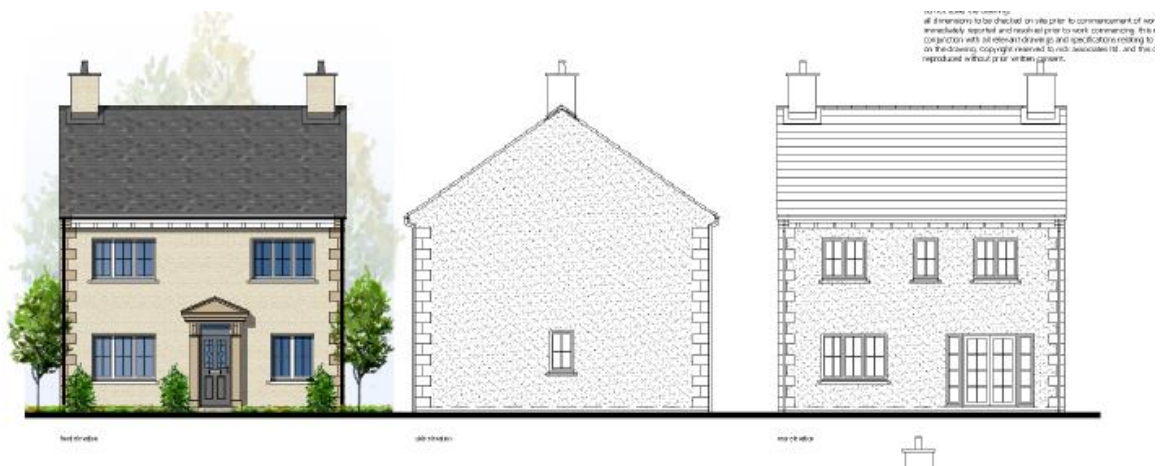
3.5.44 Section 12 of the NPPF also seeks to achieve well-designed places stating at paragraph 124; *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

3.5.45 In October 2018, the Government introduced a national design guide emphasising the need for well-designed development.

3.5.46 The application site is within an open countryside location, physically separate from the urban edge of Blackburn which is defined by the M65 motorway bridge to the south of the site. The proposals will see the demolition of the buildings formally associated with the former Wellybobs Farm Park. The removal of these in itself will be an enhancement to visual amenity.

3.5.47 The erection of 19 new dwellings will result in a change to the rural farmstead character of the site and wider landscape which is visible from the surrounding Public Right of Way network extending from the site in north, south and east directions. The site is also visible from a PROW to the north-west.

3.5.48 The dwellings proposed are all to be faced in stone and slate and to ensure all external materials are sympathetic to the sites rural context, it is recommended a condition be imposed requiring these details to be submitted to and approved in writing by the Local Planning Authority.



Extract of proposed house type G



Extract of proposed house type H



Extract of proposed house type J

3.5.49 Officers have worked with the developers to secure appropriate and sensitive landscaping for this rural site and more sensitive boundary treatments.

3.5.50 The amended planting scheme will have the effect of softening the built development and will help break up the roof lines of the new houses when viewed from outside of the site. The tree lined road that uses larger native growing trees within a mixed native hedge is also welcomed in this location.

3.5.51 Subject to conditions securing these amendments the proposals should appear comfortable in this setting and thus accord with Policy 8i), 11 and 41 of the Local Plan Part 2.

Climate Change

3.5.52 Local Plan Part 2 Policy 36 considers the effect of developments on climate change and requires all development to “be located and designed so as to minimise its susceptibility to the predicted effects of climate change over the lifetime of the development.”

Air Quality

3.5.53 Local Plan Part 2, Policy 8 also discusses the Air Quality impact of developments. All properties will need to have a suitable external weatherproof socket to allow electrical vehicle charging to take place. Other

climate change and air quality mitigation measures should be incorporated in forthcoming developments. Conditions are recommended to secure these.

Flood Risk and Drainage

- 3.5.54 Local Plan Part 2, Policy 9 concerns itself, amongst other things, with the drainage of surface water and states that “Development with the potential to create significant amounts of new surface water run-off will be expected to consider and implement where required, sustainable drainage systems (SuDS) or other options for the management of the surface water at source.”
- 3.5.55 Paragraph 163 of the National Planning Policy Framework (NPPF) requires that “when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.”
- 3.5.56 In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
- 3.5.57 Following United Utilities reviewing the submitted Flood Risk Assessment, they can confirm the proposals are acceptable in principle to United Utilities subject to conditions being imposed requiring the development be carried out in accordance with principles set out in the submitted Flood Risk Assessment and Drainage Strategy (Ref No.30807/LRD, Dated October 2020).
- 3.5.58 The Local Lead Flood Authority has assessed the proposals and similarly raises no objections to the proposals subject to the surface water drainage being carried out in accordance with the submitted Flood Risk Assessment.
- 3.5.59 Subject to the imposition of the recommended planning condition both consultees are satisfied that the proposals will not increase flood risk.

Biodiversity

- 3.5.60 Policy 9 of the Blackburn with Darwen Local Plan Part 2 concerns itself with protecting biodiversity. Paragraph 170 of the National Planning Framework currently requires: “*Planning policies and decisions should contribute to and enhance the natural and local environment by: ... d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*”
- 3.5.61 A Preliminary Ecological Appraisal of the site that was undertaken in February 2020, (Envirotech, Dated 3rd February 2020) accompanies the application. The surveys appear to have followed best practice guidelines and been undertaken by a suitably qualified ecologist.

Designated Sites

- 3.5.62 The site does not have any nature conservation designations, nor are the proposals likely to impact upon any such site. It does lie within the Impact Risk Zone, identified by Natural England for the West Pennine Moor Site of Special

Scientific Interest (SSSI), however it does not meet the description of activities which are likely in impact on the protected sites.

Habitats

3.5.63 The habitats on the site predominantly offer very limited ecological value, being comprised largely of improved grassland, hard standing, buildings, tall ruderal vegetation and amenity grassland. Two ponds have been identified within the ecology report, one of which will be lost as a result of the proposed development. While accepting that this pond and the site are unlikely to support great crested newts, and may not hold water through the year, Officers have still request a replacement pond within the scheme to deliver biodiversity enhancement as well as mitigation for the habitat loss which can be incorporated into a SUDS scheme as per recommendations in the ecology report.

3.5.64 There is a small section of hedgerow on the site which is predominantly hawthorn, and will need to be removed to accommodate the development, and again replacement planting for this scheme has been secured.

3.5.65 The main habitat of interest is directly adjacent to the south of the proposed development, along Flash Brook and the associated woodland habitat. This habitat should be adequately buffered from the proposed development as the layout of the site is largely maintaining semi-natural vegetation next to the woodland, and Officers thus recommend a Construction Environmental Management Plan (CEMP) for Biodiversity be secured by the recommended condition.

Species

3.5.66 The three buildings on the site were assessed for their bat roost potential and to look for bats or evidence of roosting bats. No bats or evidence of bats were found. Building 1 and 2 had negligible potential to support bats, and building 3 had negligible-low potential. The features were inspected and no evidence of bats were found. No potential bat roost features were identified within the trees on the site during the ecology survey. A precautionary inspection for bats and evidence of bats is advised for building 3, which should be included with the CEMP.

3.5.67 The ecology survey incorrectly states that there are no records of otter within 2km. There are records of otter within 500m of the site, on Davyfield Brook to the north of the development site, which joins with Flash Brook to the west of the site. An otter survey was carried out, and no evidence of otter was found, although suitable habitat was present. Given the known presence of otter in the local area and suitable habitat features along the brook, it is reasonable to assume that otters are likely to be using Flash Brook at some points through the year. The Brook and associated habitats will be retained and measures within the recommended CEMP should be included to limit disturbance to otter.

- 3.5.68 The ponds and terrestrial habitat on the site were assessed for their potential to support great crested newts, including the use of HSI calculations. The terrestrial habitat on the site has very limited potential to be suitable for newts being hard standing and short improved grassland. The pond on the site also had a very low score on the HSI (0.28) suggesting it is a poor suitably for great crested newts. While the HSI score is not a replacement for survey work, and a low score does not remove the risk of great crested newts being found on the site, it can be used, with other field information to decide whether or not further survey work is required. In this instance the Council's Ecologists accept the conclusions of the report, that it is not reasonably likely that great crested newts would be present within the ponds, and therefore do not request further survey information in relation to great crested newts. However, the Council's Ecologists request the CEMP includes measures to protected any amphibians which may be present on the site and the applicant be made aware that should great crested newts be discovered on site work would need to stop and further advice sought, as outlined in 6.3.6 of the ecology report. An informative can be put on the Decision Notice notifying the applicant of the statutory protections.
- 3.5.69 The trees and vegetation/scrub on the site could support potentially support breeding birds, and the nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended).
- 3.5.70 Himalayan balsam was recorded on the site and within the woodland associated with the site. This species is listed on Schedule 9 of the Wildlife and Countryside Act, 1981, as amended, making it an offence to plant or spread this species in the wild.
- 3.5.71 Any loss of habitats (ponds, trees and hedgerows on the site) should be compensated for within the landscaping of the site, as per 7.1.3 and 7.2.2 of the ecology report and the amended landscaping scheme has sought to provide the necessary mitigation.
- 3.5.72 Under the NPPF (section 170d and 175d) development should be aiming to deliver enhancements for biodiversity. Given the scale of the proposals, it is expected that a development such as this (major development) to demonstrate it is achieving this objective, and in line with the upcoming Environment Bill, the Council's Ecologists recommend that a 10% net gain for biodiversity be delivered, should the proposals at this site be taken forward, and suggest that it would be appropriate for the DEFRA Biodiversity Metric 2.0 (or equivalent if this model is superseded) to be used to evaluate the biodiversity value of the site and to demonstrate if this goal has been achieved. In addition to this enhancement measures such as the provision of integrated bat and bird boxes should also be explored, as well as potential to enhance the woodland corridor and retained pond.
- 3.5.73 All retained trees must be adequately protected from any adverse impacts of the development, in line with BS 5837:2012.
- 3.5.74 Given all of the above, and in order to ensure that harm to biodiversity is mitigated and also a net-gain to biodiversity is achieved Officers advise that a

CEMP (biodiversity) should be secured and such a condition is recommended. This should incorporate the various recommended method statements within the ecology report and include details of protection of existing and retained habitats (including the riparian corridor and pond), protection of species (such as method statement for the drawn down of the pond to protect amphibians as well as site clearance, timing of works for nesting birds, and measures to protect bats, badgers, and otters) and the prevention of spread and treatment of invasive species. Once approved in writing by the LPA, the CEMP should be followed in full.

3.5.75 Any new proposed external lighting should be designed to minimise impact on nocturnal wildlife, in line with best practice guidelines. Within this development a dark corridor along Flash Brook and associated habitats is particularly key with the potential for otters and bats to be using this corridor.

3.5.76 A condition should also be used so that any site clearance, vegetation or tree removal should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present.

3.5.77 A Method Statement to prevent the spread of Himalayan balsam during the works should be secured through a pre-commencement condition (or this can be accommodated in the CEMP – see above).

3.5.78 An informative should be attached to any planning permission which is granted, to make the applicant aware of the potential for bats, otter, great crested newts and other protected species to be present within the site. Should they find or suspect any such species on the site during the development, work should cease and the LPA should be contacted for further advice.

3.5.79 Planning Gain/ Section 106 Financial Contributions

3.5.80 Planning contributions have been requested for Education, Highways, Public Open Space, and Affordable Housing. Subject to negotiation, agreement has been reached regarding the viability of this site and s106 contributions to be a total of £125,315. This is broken down as follows:

- Education (additional primary school places in the area) - £40,000
- Affordable Housing - £84,074
- Monitoring Costs - £1,241

Total £125,315

3.5.81 Payment timings are to be as follows:

1 year after commencement: 50%

2 years after commencement: 50%

3.5.82 A Section 106 Agreement has been drafted and is ready to be signed should Members approve the application.

4.0 RECOMMENDATION

4.1 Approve subject to:

(i) Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of £125,315; Payments are to be made prior to commencement of development:

- **£40,000 for education;**
- **£84,074 for affordable housing; and,**
- **£1,241 for monitoring costs**

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

(ii) The following conditions:

1. The development must be begun not later than the expiration of three years from the date of this permission.

REASON: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by 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 proposals as detailed on drawings:

LP01 Rev. A: Location Plan;
0001 Rev. I: Proposed Site Layout;
BT01: Boundary Treatments;
VP01: Volume Plan;
WM01: Waste Management Plan;
1826-01 Rev C: Detailed landscape proposals;
2930-01 Rev. A: Visibility Plan;
19-145-HT-E: House Type E;
19-145-HT-G: House Type G
19-145-HT-H: House Type H
19-145-HT-J: House Type J
19-145-GA01-A: Garage

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

3. No development shall take place until an Environmental Management Plan (EMP) has been submitted to and approved in writing by the Local Planning Authority. The EMP shall demonstrate compliance with:
- (i) the mitigation measures and reasonable avoidance measures set out in Section 7 of the 'Preliminary Ecological Appraisal' by Envirotech Ecological Consultants dated 03 February 2020;

The EMP shall include a timetable for the implementation/duration of any measures identified in (i). Development shall thereafter be carried out in strict accordance with the measures and timetable contained within the duly approved EMP.

REASON: To ensure that appropriate measures are implemented as part of the development to mitigate the impact of operations during the construction, operational and decommissioning phases of development, to provide adequate compensation for any habitat loss arising as a result of the development, to ensure that the development does not adversely affect the favourable conservation status of protected species and to secure appropriate biodiversity enhancements as part of the development in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan and the National Planning Policy Framework.

4. No development shall take place until a scheme for tree protection measures (both above and below ground) to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of those trees to be retained along Flash Brook;
- (ii) Details of any excavation to take place within the root protection areas of those trees to be retained;
- (iii) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained within the duly approved scheme throughout the entirety of the construction period.

REASON: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence and in the interests of safeguarding biodiversity, in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan and the National Planning Policy Framework.

5. No development shall commence until a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement with associated plan shall provide for:

- I) the parking of vehicles of site operatives and visitors;
- II) Loading and unloading of plant and materials;
- III) Storage of plant and materials used in constructing the development;
- IV) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- V) Wheel washing facilities;
- VI) Measures to control the emission of dust and dirt during construction;

- VII) A scheme for recycling/disposing of waste resulting from demolition and construction works; and,
VIII) Measures to safeguard the construction site from crime and disorder.

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in order to protect the visual amenities of the locality, and in order to safeguard the site from crime and disorder in accordance with Policies 8, 10 and 11 of the Blackburn with Darwen Borough Local Plan Part 2 (2015) and the National Planning Policy Framework.

6. No part of the development hereby approved shall commence until a scheme for the construction of the site egress and the off-site works of highway improvements to the new footway to link up to the existing footway along Roman Road has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority and implemented to the satisfaction of the Local Planning Authority. The works shall be completed, prior to the first use of the new egress.

REASON: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the necessary highway scheme/works are acceptable before work commences on site in accordance with Policy 10 of the Blackburn with Darwen Local Plan Part 2.

7. No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

REASON: In order to prevent any habitat disturbance to nesting birds in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan Part 2 (2015), the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

8. No works shall take place until a Habitat and Landscape Management Plan (HLMP) for all landscaped areas of the site (excluding privately owned domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The HLMP shall include details of the following:

- (i) protection measures for Flash Brook and the surrounding trees during the course of construction;
- (ii) management and maintenance measures for the landscaping of the site, including the Public Open Space
- (iii) long term design objectives;
- (iv) management responsibilities;
- (v) maintenance schedules; and
- (vi) a timetable for implementation.

The HLMP shall thereafter be implemented in full accordance with the duly approved details and timetable contained therein.

REASON: In order to ensure adequate protection of existing landscape features of ecological value and to achieve appropriate landscape and biodiversity enhancements as part of the development in accordance with the requirements of Policies 8, 9 and 41 of the Blackburn with Darwen Local Plan and the National Planning Policy Framework.

9. Prior to commencement of development, a scheme employing the best practicable means for the suppression of dust during the period of demolition/construction shall be submitted and approved in writing by the Local Planning Authority. The approved measures in the scheme shall be employed throughout this period of development unless any variation has been approved in writing by the Planning Authority.

REASON: To ensure that satisfactory measures are in place to alleviate any dust & dirt impact at adjacent residential premises.

10. No development shall take place until a method statement for the removal/control of any invasive plant species (as defined within the Wildlife and Countryside Act 1981, as amended) which fall within the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:
 - (i) measures to prevent the spread of invasive species during any operations (e.g. strimming, soil movement or land remodelling works) and to ensure that any soils brought to the site are free of the seeds, root or stem of any invasive plant (as defined by the Wildlife and Countryside Act 1981, as amended).
 - (ii) a timetable for implementation (including any phasing for removal/control on different parts of the site);

The development shall thereafter be carried out in accordance with the details, timetable and phasing contained within the duly approved method statement.

REASON: To ensure the satisfactory treatment and disposal of invasive plant species and site preparation works before any development commences on affected areas of the site in accordance with the requirements of the National Planning Policy Framework and the Wildlife & Countryside Act 1981 (as amended).

11. Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:
 - (i) Two copies of 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) Two copies of the findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written 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 Local Plan Part 2.

12. No above-ground works shall take place until a scheme to protect future occupiers from passing road noise from Roman Road and the M65 motorway has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a written glazing and ventilation scheme that demonstrates adequate provision to prevent traffic noise within the dwellings hereby approved.

The approved scheme must be implemented and retained for the duration of the approved use. The scheme shall thereafter be implemented in accordance with the duly approved details prior to occupation of any of the dwellings hereby approved.

REASON: To ensure the implementation of appropriate noise attenuation measures for the proposed dwellings in order to achieve satisfactory living conditions for future occupiers of the development in accordance with the requirements of Policy 8 of the Blackburn with Darwen Local Plan Part 2 and the National Planning Policy Framework.

13. Notwithstanding any description of materials in the application and the requirements of condition no. 2 [approved plans] of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

REASON: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Policies 8 i.), 11 and 41 of the Blackburn with Darwen Local Plan Part 2 and the National Planning Policy Framework.

14. No above-ground works shall begin until, a comprehensive and detailed schedule or works, together with detailed drawings and a schedule of materials relating to the repair work to Davy Field Farmhouse, shall be submitted to and approved in writing by the local planning authority. The schedule and drawings shall be in accordance with the Condition Survey accompanying the application and include all proposed work to windows, doors, brickwork, stonework, including bonding and plaster jointing, timber work (including jointing), plasterwork, roof material and rainwater goods and shall include details of design and appearance.

REASON: To ensure the listed building is repaired and restored sympathetically to preserve the character and appearance of the Listed Building, in accordance with Policy 39 of the Blackburn with Darwen Local Plan Part 2 and the National Planning Policy Framework.

- A condition requiring the full repair of Davy Field Farmhouse within a timely manner will be imposed. The full wording of this will be provided in the Update Report.
15. Details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority before any development at that plot takes place. The development shall thereafter be implemented in accordance with the duly approved details.

REASON: To ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings before any ground works take

place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of Policies 8 and 11 of the Blackburn with Darwen Borough Local Plan Part 2 (2015), the Blackburn with Darwen Residential Design Guide Supplementary Planning Document and the National Planning Policy Framework.

16. No above ground works shall take place until a scheme for the provision and maintenance of an 8 metre buffer zone (measured from the bank top of the watercourse) alongside the watercourse of Flash Brook has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) a plan showing the extent and layout of the buffer zone; and
- (ii) details to demonstrate how the buffer zone will be protected during construction; and
- (iii) details of how the buffer zone will be maintained and managed after the development is completed.

The scheme shall be implemented in accordance with the duly approved details, and the buffer zone maintained as such thereafter.

REASON: To protect the riparian habitat of the watercourse, to ensure satisfactory access to maintain the watercourse and to preserve and enhance its ecological interest in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan, and the National Planning Policy Framework.

17. Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

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

18. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment and Drainage Strategy (Ref No. 30807/LRD, Dated October 2020). No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding and to accord with the requirements of Local Plan Part 2, Policy 9 and the National Planning Framework and Planning Practice Guidance.

19. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme for the site shown on drawing no. 1924-01-C shall be carried out during the first planting after the development is substantially completed and the areas which are landscaped shall be maintained as landscaped areas thereafter in accordance with the details shown on the approved plan. Any trees, hedges or shrubs removed, dying, being severely damaged or

becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

REASON: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene, the countryside, and to provide biodiversity enhancements in accordance with the requirements of Policy 9 of the Blackburn with Darwen Local Plan Part 2, and the National Planning Policy Framework.

20. Prior to the construction of any of the streets referred to in the previous condition full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

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

21. Prior to the occupation of the development hereby approved, two copies of 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 Local Plan Part 2.

22. Prior to occupation of any of the dwellings hereby approved, the following mitigation measures shall be implemented:
- a. There shall be one electric vehicle charging point at each house with a garage or driveway. An appropriate charging point for a single dwelling will have a Type 2 connector and a minimum rating of 3.7kW 16A. External points will be weatherproof and have an internal switch to disconnect electrical power; and,
 - b. Gas fired domestic heating boilers shall not emit more than 40mg NO_x/kWh.

REASON: In accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2 and Paragraph 110 of the National Planning Policy Framework 2019, which states that developments should be designed to enable charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

23. Notwithstanding any details contained within the application, a scheme for the installation of any external lighting on the building(s) and the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before any lighting is installed. The scheme shall include details of the lighting's: (i) position and height on the building(s) and/or site; (ii) spillage, luminance and angle of installation; and (iii) any hoods to be fixed to the lights. Any external lighting shall only be installed in accordance with the duly approved scheme.

REASON: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers, biodiversity (Flash Brook), or detract from visual amenity in the surrounding area as a result of light pollution in accordance with the requirements of Policies 8, 9, 11 and 41 of the Blackburn with Darwen Local Plan Part 2 and the National Planning Policy Framework.

24. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

REASON: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

25. Prior to the occupation of the development hereby approved, the car parking spaces identified on Drawing Number; 001 Rev. I shall be implemented and thereafter retained.

REASON: To ensure that off-street parking is maintained for the safe, efficient and convenient movement of all highway users and occupiers of the development in accordance with Policies 8, 10 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

27. 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 of the Blackburn with Darwen Borough Local Plan Part 2.

28. Notwithstanding the provisions of Classes A to H of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015, or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the new dwelling unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and the countryside in which it is set, and the amenities of nearby residents in accordance with Policies 8, 11 and 41 of the Blackburn with Darwen Local Plan Part 2.

29. Notwithstanding the provisions Schedule 2 Part 14 Classes A-I of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015, or any Order revoking and re-enacting that Order, no microgeneration equipment shall be attached to the new dwelling unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality and the amenities of nearby residents in accordance with Policies 8, 11 and 41 of the Blackburn with Darwen Local Plan Part 2.

5.0 PLANNING HISTORY

- 5.1 The table below provides the planning history for the application site:

Site of proposed new dwellings

Planning App	Development Description	Decision	Approved Date
10/05/1036	Demolition of outbuildings and conversion of barn to one dwelling within curtilage of Listed Building	Approve	19/12/2006
10/05/1037	Demolition of outbuildings and conversion of barn to one dwelling within curtilage of Listed Building (Listed Building Consent app to 10/05/1036)	Consent	19/12/2006
10/09/0858	Change of use from farm/farm buildings to a commercial farm park with new carpark and access from Roman Road	Approve	25/01/2010
10/10/0440	Variation of condition No 10 on 10/09/0858 (Extension of	Approve	21/06/2010

	footway frontage)		
10/11/0652	Regularisation of extant planning permission 10/09/0858 to ensure that operation on site is consistent with that set out in the approved permission	Approve	07/03/2015

Grade II Listed Building – Davy Field Farmhouse

Planning App Ref.	Development Description	Decision	Approved Date
10/77/2118	Outline - Conversion of farmhouse to licensed restaurant with flat over	Refuse	10/02/1978
10/04/0413	Mono pitched roof conservatory replacing Annex/Foyer	Approve	05/07/2004
10/04/0273	Build conservatory in place of porch	Approve	05/07/2009
10/05/1036	Demolition of outbuildings and conversion of barn to one dwelling within curtilage of Listed Building	Approve	19/12/2006
10/05/1037	Demolition of outbuildings and conversion of barn to one dwelling within curtilage of Listed Building (Listed Building Consent app to 10/05/1036)	Consent	19/12/2006
10/07/1038	Conversion of existing barn to dwelling with retention of part of existing lean to	Approve	26/11/2007

6.0 CONSULTATIONS

- 6.1 Due to the proposals constituting Major Development, them affecting a Public Right of Way and the setting of the Grade II listed Davyfield Farm and being classed as a departure from the Development Plan, the proposals have been

advertised by Press Notice, Site Notice and 4 nearby properties have been consulted.

6.2 One representation has been received from the public raising concerns relating to allowing development in the Green Belt and the sites access to amenities and services. The representation is reported in full in Section 8 of this report,

6.3 Two separate objections have been received from Eccleshill and Waterside Parish Council. The objections from the Parish Council are shown below.

6.3 Eccleshill and Waterside Parish Council

The Parish Council has objected to the proposals at both the time of the initial application and on receipt of the amendments. Their latest objection is included below:

“At the Parish Council Meeting on 14 June 2021, the Parish Councillors of Eccleshill and Waterside unanimously agreed to object to the above application for the following reasons:

- The proposed properties are to be built on “Greenbelt Land”. The greenbelt was in place to stop the ribboning of villages into each other. This development goes against those principles.
- There are currently a number of developments happening in and around the village so there is no need for further houses to be built.
- This proposed development does not benefit the local population as the houses will be unaffordable.

Can you please bring this objection to the attention of the planning committee when they next meet.

*Kind regards
Rory Needham
Clerk to Eccleshill and Waterside Parish Council”*

Statutory Consultees

6.4 Arboriculture

Response to the final amendments:

“The amended proposed landscaping (drawing c-1826-01 Revision C) is much better and suitable for approval.”

Second Response:

Having a good look through the proposed landscaping and I think it is a fairly well thought out scheme that uses, mostly, the correct species of trees and hedging. Ash is listed (*Fraxinus excelsior*) which cannot legally be used. The planting will have the effect of softening the built developments and will help break up the roof lines when viewed from outside of the site. I particularly like the tree lined road that uses larger native growing trees within a mixed native hedge.

I share your concern with some of the tree planting to be in relatively close proximity to the properties, especially on the southern boundary. If these trees could be moved back slightly from the boundary line it will help post development when the properties are occupied as they are south facing and trees can become problematic. It is the same with the proposed tree planting on the open grassed area to the north, please consider moving the trees further into the open space.

The proposed pond does appear to be in a rather unusual location, maybe the Ecologists would comment on this?

The landscaping comes with the maintenance and management that is required for approval.

Overall, a decent scheme that when established will look good and add to the overall biodiversity of the site.

Initial Response:

“The applicant has submitted a detailed tree survey that accurately grades the trees in accordance with BS 5837.

Although there isn't any Arb Impact Assessment detail, the tree survey shows that the trees presumed to be removed and the species poor hedgerow, are of a low grade.

The submitted landscaping proposals are suitable for approval. The scheme shows the planting of mostly native trees with odd ornamental tree and the planting of mostly native hedging. There is sufficient specification detail and

the requirement maintenance and management detail is also present.

I have no objection to the proposals.”

6.5 **Cleansing** – No objections, subject to adequate bin storage and the refuse wagon being able to reach the collection point.

6.5 **Conservation Officer** – No objections – the full comments are reported within Sections 2.5.12 – 3.5.27.

6.6 **Greater Manchester Ecology Service**

Response to amendments:

Thank you for consulting GMEU on the amended plans for this site.

“There is now a replacement pond proposed within the scheme and an increase in the area of species rich lawn mix as well as tree planting and native hedgerow planting. I would recommend that a condition is used to secure a Landscape and Ecological Management Plan to secure the long term management of these features

I would also still recommend that enhancements such as the provision of bat and bird boxes incorporated into the new buildings is secured through the planning system.

My other previous comments (see below) still remain relevant.”

Response to initial submission:

“Having considered the available information, I have the following comments to make.

A Preliminary Ecological Appraisal of the site was undertaken in February 2020, (Envirotech, Dated 3rd February 2020). The surveys appear to have followed best practice guidelines and been undertaken by suitably qualified ecologist.

Designated Sites

The site does not have any nature conservation designations, nor are the proposals likely to impact upon any such site. It does lie within the Impact Risk Zone, identified by Natural England for the West Pennine Moor (SSSI), however it does not meet the description of activities which are likely in impact on the protected sites.

Habitats

The habitats on the site predominantly offer very limited ecological value, being comprised largely of improved grassland, hard standing, buildings, tall ruderal vegetation and amenity grassland. Two ponds have been identified within the ecology report, one of which will be lost as a result of the proposed development. While accepting that this pond and the site are unlikely to support great crested newts, and may not hold water through the year, I would still request a replacement pond within the scheme (to deliver biodiversity enhancement as well as mitigation for the habitat loss) which can be incorporated into a SUDS scheme as per recommendations in the ecology report. There is a small section of hedgerow on the site which is predominantly hawthorn, and will need to be removed to accommodate the development, and again replacement planting for this scheme would be advised.

The main habitat of interest is directly adjacent to the south of the proposed development, along Flash Brook and the associated woodland habitat. This habitat should be adequately buffered from the proposed development as the layout of the site is largely maintaining semi-natural vegetation next to the woodland, and we would request a CEMP (biodiversity) during construction is secured.

Species

The three buildings on the site were assessed for their bat roost potential and to look for bats or evidence of roosting bats. No bats or evidence of bats were found. Building 1 and 2 had negligible potential to support bats, and building 3 had negligible-low potential. The features were inspected and no evidence of bats were found. No potential bat roost features were identified within the trees on the site during the ecology survey. A precautionary inspection for bats and evidence of bats is advised for building 3, which should be included with the CEMP.

The ecology survey incorrectly states that there are no records of otter within 2km. There are records of otter within 500m of the site, on Davyfield Brook to the north of the development site, which joins with Flash Brook to the west of the site. An otter survey was carried out, and no evidence of otter was found, although suitable habitat was present. Given the known presence of otter in the local area and suitable habitat features along the brook, it is reasonable to assume that otters are likely to be using Flash Brook at some points through the year. The Brook and associated habitats will be retained and measures within the CEMP should be included to limit disturbance to otter.

The ponds and terrestrial habitat on the site were assessed for their potential to support great crested newts, including the use of HSI calculations. The terrestrial habitat on the site has very limited potential to be suitable for newts being hard standing and short improved grassland. The pond on the site also had a very low score on the HSI (0.28) suggesting it is a poor suitably for great crested newts. While the HSI score is not a replacement for survey work, and a low score does not remove the risk of great crested newts being found on the site, it can be used, with other field information to decide whether or not further survey work is required. In this instance I would accept the

conclusions of the report, that it is not reasonably likely that great crested newts would be present within the ponds, and therefore do not request further survey information in relation to great crested newts. However I would request the CEMP includes measures to protect any amphibians which may be present on the site and the applicant is made aware that should great crested newts be discovered on site work would need to stop and further advice sought, as outlined in 6.3.6 of the ecology report.

The trees and vegetation/scrub on the site could support potentially support breeding birds, and the nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended).

Himalayan balsam was recorded on the site and within the woodland associated with the site. This species is listed on Schedule 9 of the Wildlife and Countryside Act, 1981, as amended, making it an offence to plant or spread this species in the wild.

Recommendations

Any loss of habitats (ponds, trees and hedgerows on the site) should be compensated for within the landscaping of the site, as per 7.1.3 and 7.2.2 of the ecology report.

Under the NPPF (section 170d and 175d) development should be aiming to deliver enhancements for biodiversity. Given the scale of the proposals, I would expect a development such as this (major development) to demonstrate it is achieving this objective, and in line with the upcoming Environment Bill, I would recommend that a 10% net gain for biodiversity delivered, should the proposals at this site be taken forward. I would suggest that it would be appropriate for the DEFRA Biodiversity Metric 2.0 (or equivalent if this model is superseded) to be used to evaluate the biodiversity value of the site and to demonstrate if this goal has been achieved. In addition to this enhancement measures such as the provision of integrated bat and bird boxes should also be explored, as well as potential to enhance the woodland corridor and retained pond.

All retained trees must be adequately protected from any adverse impacts of the development, in line with BS 5837:2012. In this instance I would advise that a CEMP (biodiversity) should be secured through a pre-commencement condition. This should incorporate the various recommended method statements within the ecology report and include details of protection of existing and retained habitats (including the riparian corridor and pond), protection of species (such as method statement for the drawn down of the pond to protect amphibians as well as site clearance, timing of works for nesting birds, and measures to protect bats, badgers, and otters) and the prevention of spread and treatment of invasive species. Once approved in writing by the LPA, the CEMP should be followed in full.

Any new proposed external lighting should be designed to minimise impact on nocturnal wildlife, in line with best practice guidelines. Within this

development a dark corridor along Flash Brook and associated habitats is particularly key with the potential for otters and bats to be using this corridor.

A condition should be used so that any site clearance, vegetation or tree removal should be timed to avoid the main bird nesting season (March - August inclusive) unless it can otherwise be demonstrated that no active bird nests are present (or this can be accommodated in the CEMP – see above).

A Method Statement to prevent the spread of Himalayan balsam during the works should be secured through a pre-commencement condition (or this can be accommodated in the CEMP – see above).

An informative should be attached to any planning permission which is granted, to make the applicant aware of the potential for bats, otter, great crested newts and other protected species to be present within the site. Should they find or suspect any such species on the site during the development, work should cease and the LPA should be contacted for further advice.”

6.7 Housing Growth

Housing Growth would be supportive of the above planning application subject to proposals meeting building regulations and planning policies.
Regards

Subhan Ali
Strategic Development Manager (Housing)

6.8 Highway Authority

The submission details have been reviewed, and a site investigation has been undertaken.

The proposal received is for the erection of 19 no. dwellings, with associated infrastructure and landscaping works

Parking

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

- 2 spaces for a 3bed
- 3 spaces for a 4+ bed

All car parking spaces on the drives should measure at 5.5m (in accordance with the adopted Residential Design Guide). The spaces do not currently comply, please request revision. All garages should be 3m x 6m. I have reviewed the drawings received and although the garages are slightly under by 300mm.

ACCESS & LAYOUT

The existing access to the farm (and also previously welly bobs business) is to utilise the existing access. The width of the access and access road is 5.0m and

presently wide enough to accommodate two way vehicle movement, this should also be maintained for the full length of access road

There is a footway proposed on one side of the road, we would advocate footway is provided on both sides of the road where houses fronts carriageway. However the layout of the road and its suitability to the environment that it is in, pays homage to Manual for Street, this is certainly welcomed.

The road ends with a turning head, a swept path has been provided within the TS which demonstrates that the tuning manoeuvre can be undertake. The manoeuvre highlights the internal road on the bend requires widening to accommodate two vehicles passing each other, please request amendment.

Sightlines details have not been provided, please request these for assessment. Clearance for all drives for both vehicles and pedestrians sightlines need to be considered. Details of boundary treatments adjacent to drives should also be provided.

Transport Statement

This has been reviewed, sustainability of all modes of transport, policy has been adequately assessed. It is acknowledged that the requirement of link to the existing footway along the applicant's boundary along Roman Road is supported and should be provided. We welcome this and request it be attached as a Grampian condition for the developer to bear all costs associated with the works.

The trips associated with this new development are below the threshold of 30 two way trips, we do not therefore request any further junction assessment and deem the proposal to be acceptable in terms of impact upon the highway.

Off-site highways works

Please attach a Grampian condition; for the following works:

- New footway to link up to the existing footway along Roman Road

We would request that all of the above works are secured under a Grampian condition; detailed scheme to be received for approval, and works to be completed on occupation of first property

In principle, we would offer no objections subject to the above issues being addressed satisfactorily.

6.9 Public Protection - No objections, subject to the recommended conditions.

6.10 Public Right of Way – No objections to the proposed amended diversion route of the Public Footpath.

7.0 CONTACT OFFICER: Claire Booth MRTPI, Senior Planning Officer

8.0 DATE PREPARED: 05 July 2021

9.0 SUMMARY OF REPRESENTATIONS

Objection – P Cooper. Rec - 14/12/2020

Dear Sir/Madam

There are concerns for the planning application 10/20/1036 for 19 houses on Davy Field farm.

Initial changes on the property were made with the aid of a European Grant but planning permission was not complied with on numerous counts which may impact on further applications.

The area is surrounded by green belt therefore the quantity quality and style of proposed buildings needs stricter regulations.

Green belt heritage and wildlife of the area must be protected and preserved.

Davy Field farm lies on Roman road which is a narrow road with a blind spot on the approach to the junction of Johnson road . Public transport is poorly provided therefore private car use is increased. Additionally these roads are subject to heavy commercial wagons going to businesses at Eccleshill and Waterside any extra traffic will exacerbate the traffic chaos and increase the risk of accidents, particularly with entry and exit to the junction. Flooding at the junction is also an issue. These need to be addressed.

The planning needs to ensure the public footpath on the property is not compromised . Given the number of houses to be built on other sites in close proximity in Darwen the council needs to address the infrastructure of the area. A comprehensive policy would ensure there is sufficient capacity for increased demand for schools health services and hospitals currently this is not the case. This will lead to these services unable to cope with demand therefore residents will suffer low quality services which could lead to the detriment of residents. Infrastructure capacity should not be a catch up process.

Yours sincerely

Objection – Rory Needham, Clerk to Eccleshill & Waterside Parish Council. Rec - 23/06/2021

Ref: Full Planning Application - The erection of 19 no. dwellings, with associated infrastructure and landscaping works

At

Land at Davyfield Farm

Roman Road

Eccleshill

BB3 3PJ.

At the Parish Council Meeting on 14 June 2021, the Parish Councillors of Eccleshill and Waterside unanimously agreed to object to the above application for the following reasons:

- The proposed properties are to be built on “Greenbelt Land”. The greenbelt was in place to stop the ribboning of villages into each other. This development goes against those principles.

- There are currently a number of developments happening in and around the village so there is no need for further houses to be built.
- This proposed development does not benefit the local population as the houses will be unaffordable.