

**Proposed development: Full Planning Application (Retrospective) for Retention of 2m High fencing to west and south of the site with entrance gates from Rosewood Avenue**

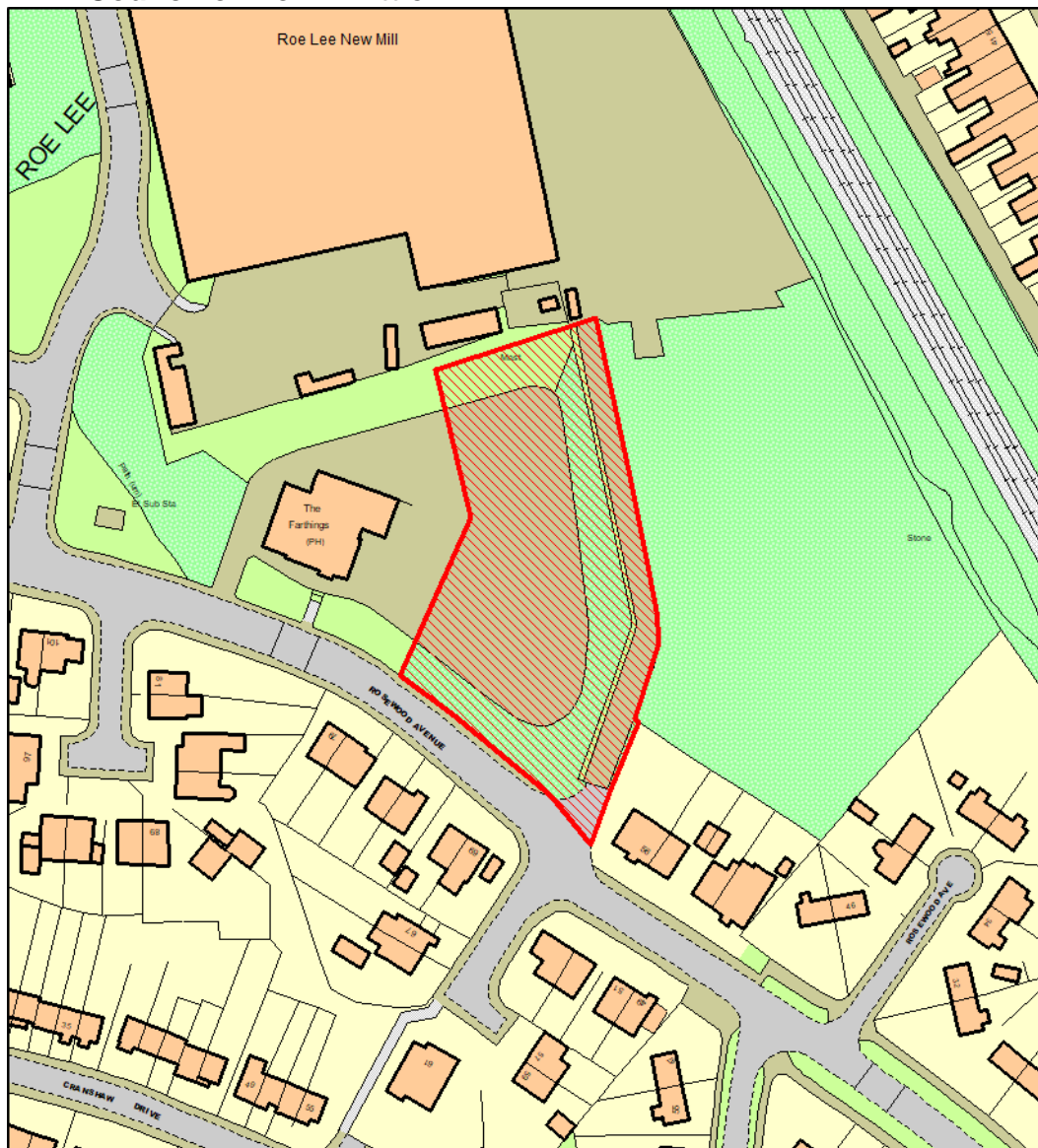
**Site address:**

**Area to the East of Farthings Public House and to the North of Rosewood Avenue  
Blackburn**

**Applicant: Jangeer Yasen**

**Ward: Roe Lee**

**Councillor Phil Riley  
Councillor Sylvia Liddle  
Councillor Ron Whittle**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1.1 **Approve** subject to the condition recommended in Section 4 of this report.

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

- 2.1.1 The application is reported to the Committee in accordance with the Scheme of Delegation as the land to which the boundary fences relate is owned by the Council who will be selling it should this application be approved.
- 2.1.2 The application is retrospective as all fences are erected.
- 2.1.3 The enclosure of the site is considered to be a public benefit as it prevents fly-tipping occurring and anti-social behaviour taking place. This is considered to be beneficial to the locality and nearby residents.
- 2.1.4 On the whole, the visual impact of the proposals is also considered to be acceptable subject to soft planting being included to the rear of the fence on Rosewood Avenue. A condition is recommended in Section 4 of this report to secure this.

## **3.0 RATIONALE**

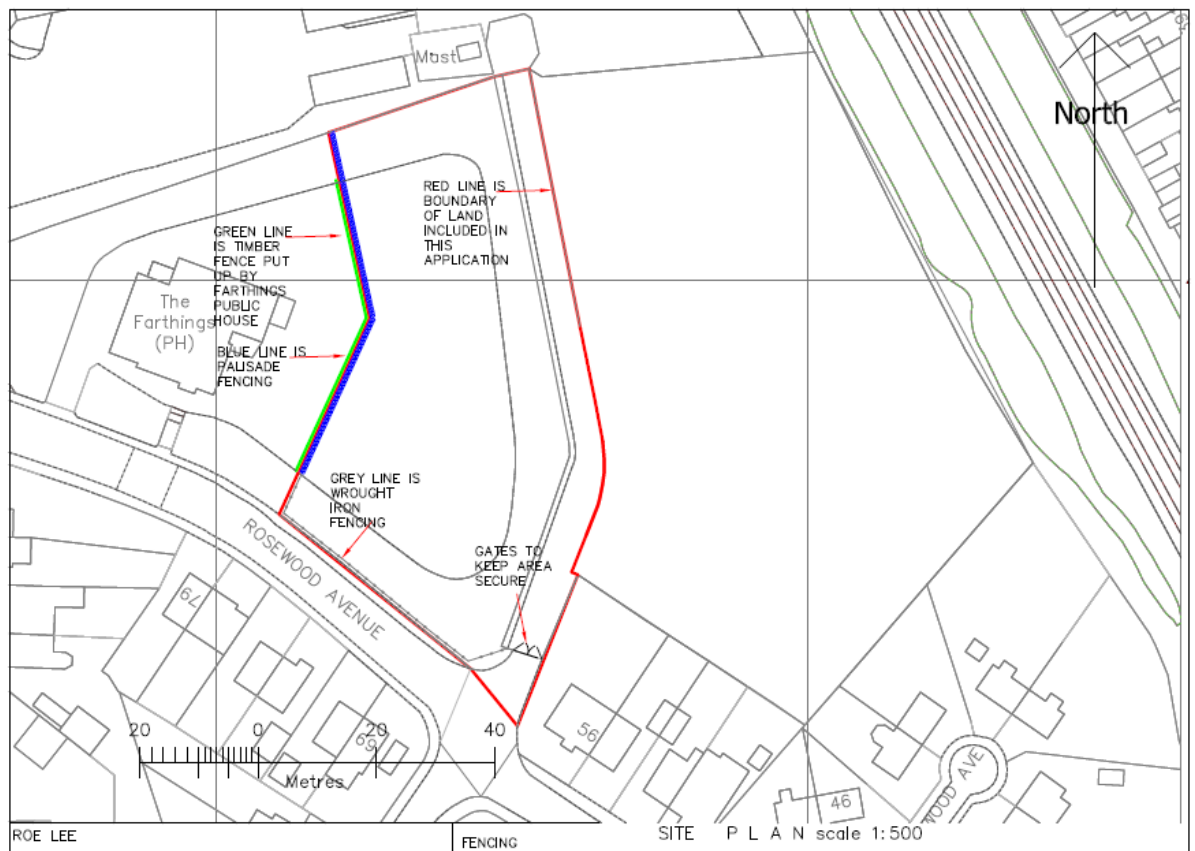
### **3.1 Site and Surroundings**

- 3.1.1 The application site is a parcel of Council owned land located between The Farthings P.H and a boundary running alongside and past the rear of no. 56 Rosewood Avenue, Blackburn.
- 3.1.2 The site fronts on to Rosewood Avenue. The rear southern boundary abuts Roe Lee Mill.
- 3.1.3 Historically the site formed part of the car park to the adjacent Public House, but appears to have been separated since at least 2009 (see Google Street View).
- 3.1.4 The site is located within the defined Urban Boundary and is allocated as a housing site within the adopted Local Plan.
- 3.1.5 According to aerial imagery along what appears to be a historic track to Roe Lee Mill existed a few deciduous trees. These do not appear to be present on the site any longer.

### **3.2 Proposed Development**

- 3.2.1 Retrospective permission is sought for the retention of the boundary fences erected along the shared boundary with The Farthings P.H and the boundaries with Rosewood Avenue and 56 Rosewood Avenue.

- 3.2.2 Access to the site is via a pair of access gates located adjacent to the boundary of no. 56 Rosewood Avenue. These gates are set back from the edge of the highway.



Proposed site plan received 5<sup>th</sup> September 2021

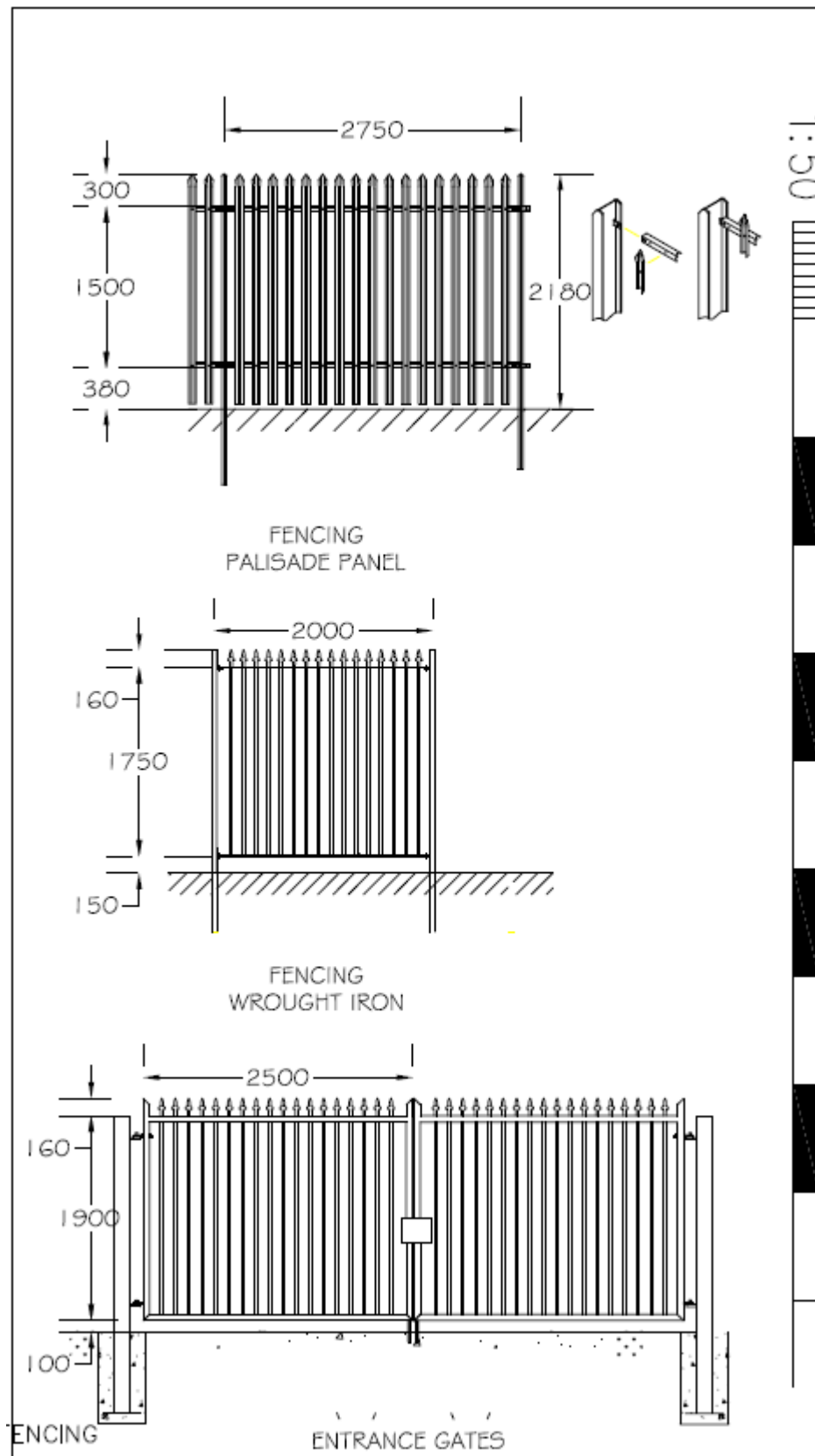
### 3.3 Development Plan

#### 3.3.1 Blackburn with Darwen Borough Local Plan Part 2 – Site Allocations and Development Management Policies (December 2015)

- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design

#### 3.3.2 Blackburn with Darwen Borough Local Plan part 1 – The Core Strategy (January 2011)

Policy CS16: Form and Design of New Development



Proposed fencing detail received 5<sup>th</sup> September 2021

### 3.4 Assessment

- 3.4.1 The main considerations in the assessment of this application are the principle of development, crime and disorder, and the impact of the proposals on visual amenity.

#### Principle of Development

- 3.4.2 The site appears to have been physically separated from The Farthings Public House for at least the last decade as Google StreetView imagery shows temporary fencing erected along the boundary of this land in both 2009 and 2012 (see below).



- 3.4.3 According to Council Officers prior to the site being fenced, it was subject to fly tipping and other anti-social behaviours. This was considered detrimental to the amenity of nearby residents as well as to visual amenity.
- 3.4.4 Enclosing the site with fencing to ensure no further fly tipping or anti-social behaviour occurs to the cost of visual and residential amenity and the boroughs tax payers due to the Council having to clear any fly tipping is considered to be acceptable in principle.

#### Crime and Disorder

- 3.4.5 Local Plan Policy 8 and both the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) set out guidance in creating safe and accessible communities.
- 3.4.6 Paragraph 130 f) states planning decisions should ensure that developments, amongst other things;

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

- 3.4.7 The enclosure of the site is considered to be a public benefit as it has clearly prevented any further misuse of the site.

#### Design and Visual Amenity

- 3.4.8 In respect of the design and visual impact of the boundary fencing erected, Local Plan Part 2, Policy 8i) requires;

- 3.4.9 *Local Plan Part 2, Policy 11 requires:*

*All new development will be required 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.*

- 3.4.10 Overall, the black metal rail fencing along the Rosewood Avenue boundary is considered to be visually acceptable as it does not detract significantly from the street scene. It would however benefit the street scene, and compensate for the loss of a two or three deciduous trees on the site. This can be secured by the recommended planning condition.

- 3.4.11 The silver palisade fencing running along the shared boundary of no. 56 Rosewood Avenue is seen against the conifer trees on the site boundary, albeit on the adjoining piece of land and thus its harm to visual amenity is minimal.

- 3.4.12 The same palisade fencing along the boundary of the site with The Farthings Public House is considered to be quite brash and somewhat unsympathetic to the existing timber boundary fence to the car park of the Public House. However, the visual impact of the fence along the Farthings P.H boundary, when viewing the site from the public highway, is mostly mitigated by the boundary treatment of The Farthings P.H. For this reason, the harm to visual amenity is not considered to be so significant to justify refusal of the application on this ground.

- 3.4.13 For the above-mentioned reasons, the proposals are considered to accord with Policies 8i) and 11 of the Local Plan Part 2.

#### Highway Safety

- 3.4.14 The retrospective proposals seek vehicular access gates from Rosewood Avenue to access the land and is in the place of the historic track to the mill.

- 3.4.15 The access gates are set back in to the land and a car is therefore able to pull clear of the highway, Rosewood Avenue, when entering the site and be clear of the highway when exiting the site. The fencing erected along Rosewood Avenue allows visibility when entering and leaving the site and thus the



proposals do not prejudice the safety of highway users. In view of this, the proposals are considered to accord with Local Plan Part 2, Policy 10.

#### Trees and Biodiversity

3.4.16 All applications are required to retain or replace trees where possible and the National Planning Policy requires biodiversity to be enhanced where possible. It is clear that some soft planting and trees have been lost as part of the enclosure of the site.

3.4.17 The boundary of Rosewood Avenue would benefit from some soft planting behind the fence on Rosewood Avenue and the visual impact of hard surfacing the site would also benefit from being broken up. Soft landscaping of at least the boundary with Rosewood Avenue can be secured by the recommended planning conditions.

### **4.0 RECOMMENDATION**

4.1 It is recommended that the Planning and Highways Committee **approve** the retrospective application subject to the following condition:

1. Notwithstanding any details shown on the approved plans of this permission, within three months of this decision a landscaping scheme for the site and particularly the Rosewood Avenue boundary, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs. The duly approved landscaping scheme shall be carried out during the first planting season following approval of the details and the areas which are landscaped shall be retained as landscaped areas thereafter. 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 and to provide biodiversity enhancements in accordance with the requirements of Policies 8, 9 and 11 of the Blackburn with Darwen Local Plan Part 2, and the National Planning Policy Framework.

### **5.0 PLANNING HISTORY**

5.1 The following table details the planning history relevant to this application site:

Application Number	Description of Development	Decision	Date
10/21/1104	New development comprising of	Under	

	20no new industrial units (E (g), B2 and B8 Use) with new off road parking, bin store areas, secure cycle areas, landscaping and upgrading existing vehicular access, new pedestrian access with drop kerbs	Consideration	
10/14/0346	Proposed 9 No. dwellings	Withdrawn	
10/13/0038	Discharge of conditions 1,2,3,4,5,6,7 & 8 on application 10/08/1105	Withdrawn	
10/08/1105	Residential development - details of layout and design, including external appearance, finished floor levels, fencing and landscaping	Allowed on Appeal	07/02/2011
10/07/1092	Variation of Condition 1 (permissions 10/02/0016 and 10/06/0641) to allow extension of period for submission of reserved matters to 31/12/2008 (residential development - outline)	Approved	08/01/2008
10/06/0641	Variation of condition 1 (permission 10/04/1239) to allow extension of period for submission of reserved matters to December 31st 2007	Approved	29/08/2006
10/02/0016	New residential development	Withdrawn	

## 6.0 CONSULTATIONS

6.1 Highways – No objections

6.2 Property – no objections

6.3 Arboricultural Officer – no objections subject to a landscaping scheme being submitted.

6.4 Public Consultation – neighbouring properties on Rosewood Avenue were consulted, and a site notice posted. No representations have been received.

**7.0 CONTACT OFFICER: Claire Booth MRTPI, Senior Planning Officer**

**8.0 DATE PREPARED: 04 November 2021**