

**Proposed development: Variation of Condition / Minor Material Amendment:
Variation of Condition No.8 pursuant to planning application 10/21/0148
"Erection of Use Class E Convenience Store with Staff/Storage at First Floor
and 16 Customer Parking Spaces and Delivery Area" - to amend approved
opening hours from 07:00 - 22:00, to 07:00 - 23:00 daily.**

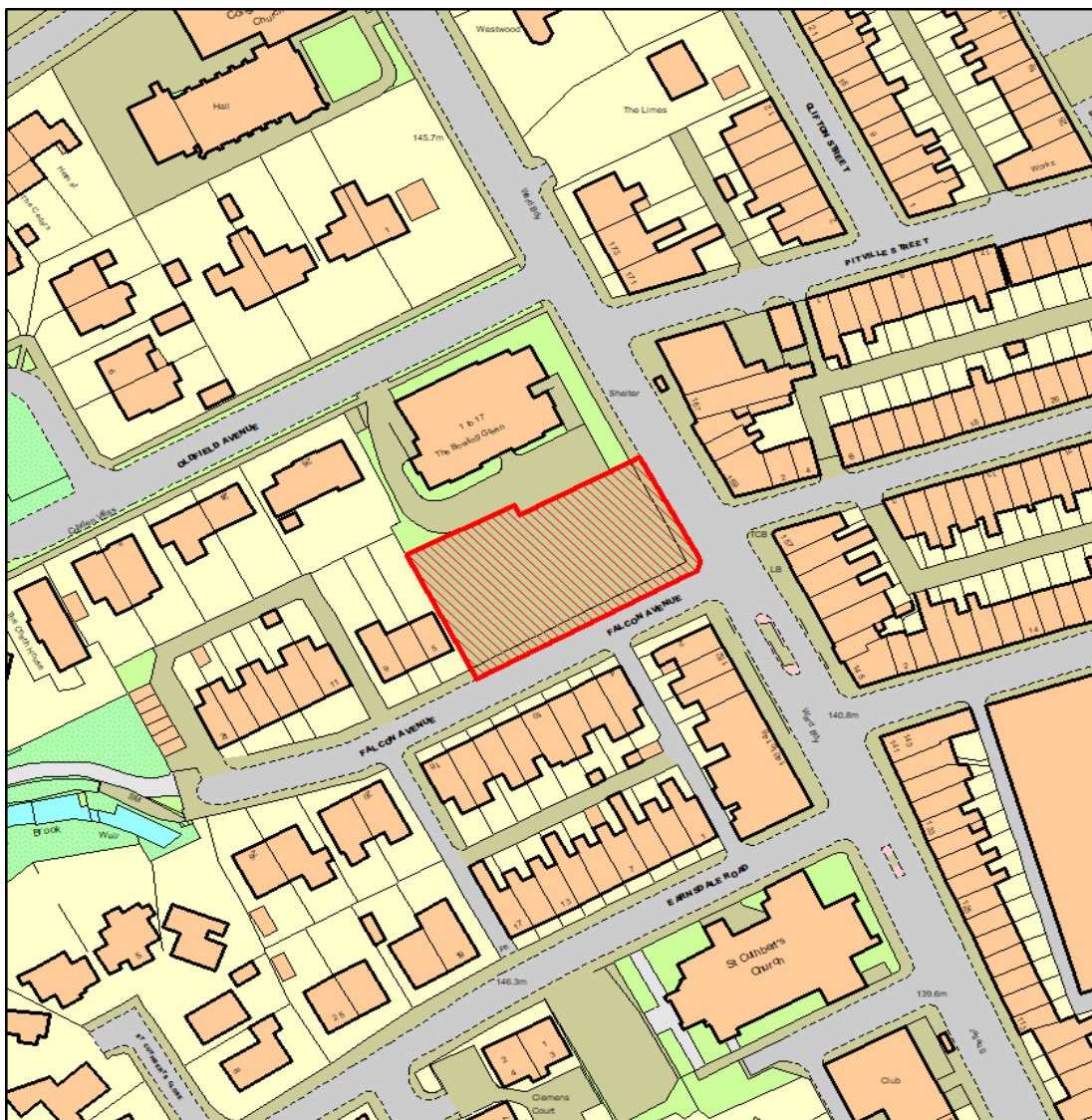
Site address:

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

Applicant: Thistlewood Properties

Ward: Darwen West

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



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This Minor Material Amendment application proposes to vary the permitted hours (of the store) condition applied to the original grant of planning permission. As the original application was determined by Committee, it follows that any subsequent proposed amendments must also be determined by the Committee. Further, a significant number of neighbourhood objections have been received, together with objections from two Ward Councillors – Taylor and Brookfield (refer to summary of representations in Section 9).
- 2.2 Members are advised that the principle of the development, in accordance with the previously approved detail, and all other conditions applied to the permission, is established. Assessment of this application is strictly limited to the merits of the proposed amended trading hours.
- 2.2 Assessment of the application finds the proposal, on balance, to be acceptable, taking account of all material circumstances.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) measures 0.14 hectares. It is located within the Urban Boundary of Darwen, at the junction of Blackburn Road and Falcon Avenue, consisting of previously developed land formerly occupied by Hollins Grove Liberal Club and associated car park. The site fronts Falcon Avenue to the south, from where access is taken; the eastern boundary adjoins Blackburn Road, whilst the northern and western adjoin residential uses. The existing Co-op Store -140-148 Blackburn Rd – is located circa 50m to the south of the site, along Blackburn Road.
- 3.1.2 The surrounding area is generally characterised as mixed residential and commercial.

3.2 Proposed Development

- 3.2.1 Following the grant of planning permission by the Planning & Highways Committee in July 2021 for a new Co-op convenience store, a variation of the following condition (no. 8 in sequence), attached to the planning permission, is proposed, under the provision of Section 73 of the Town and Country Planning Act 1990:

The use hereby permitted shall operate between the hours 07:00 and 22:00.

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

Extended trading hours are proposed to between 07:00 and 23:00.

3.3 Development Plan

3.3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Blackburn With Darwen Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal the following policy considerations are relevant:

3.3.3 Core Strategy:

- Policy CS1: A Targeted Growth Strategy
- Policy CS11: Facilities and Services
- Policy CS12: Retail Development

3.3.4 Local Plan Part 2 (LPP2):

- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People

3.4 Other Material Planning Considerations

3.4.2 National Planning Policy Framework (The Framework):

3.4.3 National Planning Policy Guidance (NPPG)

3.5 Assessment

3.5.2 In assessing this application, the following important material consideration has been taken into account:

- Amenity impact.

3.5.3 Amenity

Policy 8 requires development to contribute positively to the character of the area and to secure a satisfactory level of amenity and safety for occupants or users of the development itself and for surrounding uses, including reference to pollution, nuisance, the relationship between buildings, crime reduction and community safety.

- 3.5.4 The original application proposed trading hours of between 07:00 and 23:00. Although supported at officer level recommendation, the Committee deemed the proposed 23:00 closure time to be unreasonable, insofar as it would likely result in an unacceptable degree of harm caused by noise disturbance to neighbouring residents living along Falcon Avenue, due to the relative proximity of the site. Accordingly, a closure time of 22:00 was approved and secured via condition, as noted above.
- 3.5.5 The applicant submits that this proposed amendment follows an evaluation by the Co-op of the store as being appropriate to trade during the proposed hours, to align with many of their other stores nationally and some convenience stores in Darwen operated by competitors. It is further submitted that a relatively small number of local customers are expected during the final hour of trading and that parking will be confined to the stores dedicated car park, as residents are protected from on street customer parking by a Residents Only Park Scheme secured via condition also attached to the original permission. That the store is located within a defined District Centre is also offered as a supportive argument.
- 3.5.6 As a counter argument, Members are advised that the existing Co-op store, less than 50m to the south, currently trades between 07:00 and 22:00, notwithstanding the absence of any time limiting planning condition. Some competitor retail convenience stores within Darwen are also recognised as trading until 22:00; the Nissa store on Blackburn Road, circa 1km to the north is one such example.
- 3.5.7 Notwithstanding the above, the proposed trading hours are, on balance, considered to be acceptable, since there is no substantive evidence that significant levels of disturbance would arise. It is considered that noise levels arising from the site are unlikely to be excessive in the context of background levels generated by traffic along the A666. Moreover, the Council's Public Protection consultee offers no objection to the proposal, whilst acknowledging the existence of conditions limiting noise emitted from plant and machinery and delivery hours, to safeguard residential amenity, as referenced at paragraph 4.1, conditions 9 and 10 respectively.
- 3.5.8 It is also important to note that the proposed hours were supported at officer level in assessment of the original application and that this recommendation represents consistency of approach.
- 3.5.9 Accordingly, the proposal is, on balance, found to be in accordance with the requirements of Policy 8 of the Development Plan and The Framework

4.0 RECOMMENDATION

4.1 Approve.

Delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 16th February 2021 and with the following drawings numbered: (to be added).

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

3. Prior to commencement of the development hereby approved, written and illustrative details of the external walling, roofing and window materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory; in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

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

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5. Prior to the occupation of the development hereby approved, a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary,

the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

6. Should contamination be encountered unexpectedly during redevelopment, all works should cease, and the LPA should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

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

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

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

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

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

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

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

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

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

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

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

(iii) A timetable for its implementation.

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

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

12. Foul and surface water shall be drained on separate systems.

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

13. Prior to commencement of the development hereby approved and notwithstanding the submitted details, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of materials to be used for hard surfaces and native tree and shrub planting, to compliment local priority habitat and to provide for a net gain in biodiversity. Hard surfaces shall be implemented in accordance with the agreed details. Planting of trees and shrubs shall also be implemented in accordance with the approved details, during the first available planting season following completion of the development. Trees dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: To ensure an appropriate appearance to the site and in the interests of amenity and ecology, in accordance with Policy 9 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

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

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

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

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

16. Prior to commencement of the development hereby approved, a Construction and Environmental Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be strictly adhered to throughout the construction period. The Statement shall provide for:
- i) the management of construction traffic;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
 - vi) measures to control the emission of dust, dirt and vibration; and
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

17. Prior to operational use of the store hereby approved, and notwithstanding the submitted details, a Delivery Management Plan shall

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

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

18. Prior to commencement of above ground works, a Traffic Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for renewed and extended road markings, signage and associated works, as necessary, at the junction of Falcon Avenue and Blackburn Road. The scheme shall be implemented in accordance with the approved detail, prior to commencement of the operational use of the store hereby approved.

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

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

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

20. Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy 10/11/40 of the Blackburn with Darwen Borough Local Plan Part 2

5.0 PLANNING HISTORY

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

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

6.0 CONSULTATIONS

6.1 Public Protection

No objection subject to condition:

Hours of Use Restriction

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

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

The applicant had originally proposed a variation that would enable them to operate from 06:00 to 23:00. I recommended refusal.

However, the applicant has amended their proposal and they are now seeking to operate from 07:00 to 23:00.

Application 10/21/0148 was approved subject to conditions limiting noise from plant and equipment, and deliveries are not permitted after 20:00 or before 08:00, with the exception of newspapers. These conditions remain in force. And it is anticipated that the number of customers visiting the site will reduce significantly later in the evening and particularly after 22:00. In light of this I withdraw my previous recommendation that the application is refused, and I recommend that condition 8 is amended as follows:

Condition

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

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

6.2 Public consultation

Neighbourhood consultation letters were sent out on 13th August 2021, to 46 addresses local to the application site. In addition, a site notice was displayed. In response, 9 objections were received (see Summary of Representations):

7.0 CONTACT OFFICER: Nick Blackledge - [Senior Planner]

8.0 DATE PREPARED: 4th November 2021

9.0 SUMMARY OF REPRESENTATIONS:

Objection – Mrs Julie Reay, 6 Falcon Avenue, Darwen, Received 03.11.21

6 Falcon Avenue

Darwen

Lancashire

I am writing to oppose the amendment of plans for an extension of opening hours of the store. It is in my opinion there is no demand for the extension of hours the last hour before closing the store is often quiet.

These amendments will have massive impact not only on myself but my neighbours too.

my bedroom backs onto the rear of the current store, there is often lots of noise from trolleys rattling, staff shouting to each other, delivery persons shouting and the noise the actual waggon makes with the sliding up and down of doors. The noise from the generators and fans is also very annoying especially later at night. Noise from staff emptying bins and lids slamming. I am also concerned about having bright lights and the impact it might have on my home.

I have massive concerns about the impact this could have on antisocial behaviour from the sale of alcohol. This could create people hanging around behind walls and trees etc. People could become aggressive thus then causing damage to properties and vehicles. This has become an issue on the street lately and I personally do not feel this is what we need as a community.

Furthermore the amount of traffic this will generate is not accessible for such a small Avenue. The Avenue is already struggling with the amount of traffic and rude drivers who just leave their cars anywhere to go to the coop or teaching centre. I have nearly had a couple of accidents, when cars speed down the back alley to skip the lights on Earnsdale Avenue.

Extending the hours will only amplify and extend the noise ,traffic parking, antisocial behaviour and general running of a store. I feel 11pm is far too late to be open especially when I and other residents work hard and respect the time we get to relax after work. These late hours are going to impact this.

Building the store is also going to impact such a small Avenue. The caring sharing co-op needs to think about the work they do for the community because they are ruining ours.

Yours Faithfully

Mrs Julie Reay

Objection – Mariessa Ganem, 16 Falcon Avenue, Darwen, Received 02.11.21

Hello,

I am writing in regards to the amendment of the opening times for the new Co-op situated on Falcon Avenue, Darwen, BB3 1QX.

10/21/0148

I wish to reject the amended times the Co-op have requested. This is due to:

- **Noise** - The new proposed time is too late. Residents on the street will have to deal with the noise from customers until 11pm. There are young children and elderly residents on the street.

- **Other Stores** - Having looked at the opening times for all Co-ops in the surrounding areas, none of them open until 11pm, all of them are 10pm. Why is there a need to open this one later?

- **Staff** - Having spoken to staff members at the current Co-op, they are not happy about having to stay open as they feel there is no need.

Regards,

Mariessa Ganem

16 Falcon Avenue,

Darwen,

Lancashire,

BB3 1QX

Objection - Elaine Marsden, on behalf of Vera Charnock, 18 Falcon Avenue received 27.10.2021

Dear Gavin, dear Nick,

Further to your most recent correspondence of the 20th October, 2021, please see below comments on behalf of my mother, Vera Charnock, resident at 18, Falcon Avenue, BB3 1QX, in objection to yet another planning application amendment submitted by the Coop:

Opening hours

The opening hours stated within the original Planning Application 10/21/0148 were 6am until 11pm daily, as compared with the current hours at the Blackburn Road store, which are 7am until 10pm daily. Objections to the extended opening hours were raised by residents, and a condition was imposed by the Planning Committee to limit the opening hours to 7am until 10pm daily. This was described in Condition No. 8 of the Planning Committee Decision Notice of 15th July 2021.

Nothing has changed for us as residents, and as far as we are concerned the original reasons for objection to the extended opening hours still stand. It is incredibly disappointing that the developer feels that they can continue to raise application amendments to extend the opening hours in the hope that eventually their wishes will be accommodated.

As previously stated, the current store is on a main road, Blackburn Road, and is not in the direct vicinity of residential properties. However the proposed store is within a residential zone and the extended opening hours of 7am until 11pm daily would lead to increased noise disruption late at night with respect to pedestrians and vehicles accessing the facilities at the store.

There is the second issue of potential anti-social behaviour regarding late night drinking on the street when customers are permitted to purchase alcohol at that late hour.

These factors would present a negative impact on the residential area, and result in difficulties for working families with bedrooms and living areas overlooking the site who potentially would be disturbed.

The imposed conditions pertaining to opening hours should stand and the planning decision of the 15th July 2021 should be upheld with the opening hours remaining at 7am until 10pm.

I would also like to note that of the 22 Coop stores located within a 10 mile radius of BB3 1QX only two stores have late night opening hours until 11pm. These are at Tonge Moor Road BL2 2HN, and Wigan Road BL3 4QJ. Both of these stores are larger than the one proposed at Falcon Avenue, with additional facilities such as grocery collection and delivery. Therefore clearly it is not within the current business model of the Coop to open their smaller community stores until 11pm and I submit that there is no justification to make an exception to this model by allowing the new Falcon Avenue store to have extended opening hours until 11pm.

Objection – Mr Scott Matthews, 8 Falcon Avenue, Darwen, Received 25.10.21

Dear Sir/Madam,

I have recently received your letter regarding the proposed changes to the planning permission for the class E convenience store on Falcon Avenue Darwen.

I strongly object to the proposed change to opening hours. Myself and my wife have a young family and the avenue is already extremely busy with traffic due to the co-op. We feel the extra late opening would disrupt our privacy and would disrupt our children as both of their bedrooms look out onto what would be the new store.

As part of this I would strongly suggest if planning permission is given to go ahead for the new store that deliveries are limited to between 9am-10am each day. This would cause the least disruption to us as a residential area and would not impact on my children and their sleep pattern if deliveries are arriving at 6am. I have been informed that this was implemented at a co-op store in the north west quite recently as they too are in a residential area and had the same issue with deliveries.

Finally I feel the need to have the entrance and exit to the store on Falcon Avenue to be a very strange decision. We as a community think it would make far more sense to have the entrance and exit on the main road, this would also help to minimise the disruption and traffic the store would have on us as a community, we can see no real reason this cannot be achieved.

Regards

Mr Scott Matthews

Objection 4 – Joanne & Russell Lambert, Falcon Avenue residents, Received 25.10.21

Dear Mr Blackledge,

Further to our previous emails below regarding the application by the Co-op to revise their opening times for their proposed new build store on Falcon Avenue, Darwen and our objections.

We have been doing some research and on looking at the Co-op opening times and websites for the Lancashire area and having spoken to a few of the stores, we have found that the majority advertise opening hours, in varying areas (residential & none residential) 7am to 10pm and those that have advertised 7-11pm when you go on the actual store website it in fact shuts at 10pm. We are at a loss why the Co-op are requesting these unreasonable hours of firstly 6am-11pm and now revised it to try for 7am-11pm in a residential area, especially when the Planning Committee have already stipulated the opening hours to be 7am-10pm for the very reasons we are stating?

The current Co-op at Hollins Grove opens 7am-10pm as previously stated and having discussed with various staff from a couple of different stores i.e. Hollins Grove, Rishton & Livesey Branch, they all say there is no justification to open until 11pm, which the Co-op must already be aware of as the large majority of their stores shut at 10pm.

Also, to raise further, we have broached the delivery times previously which in the planning agreement states, no deliveries before 8am and after 8pm. Again, having spoken to other stores in residential areas, the delivery times are after 9am in some and 10am in others and none after 8pm. Can this please be raised again with the Co-op, as previously stated the deliveries at the Hollins Grove branch have been a bone of contention with neighbours for a while, the deliveries disturb residents every morning from generally around 0530 onwards which we have put up with, but we are now realising that it is something that can be challenged and re-addressed, which going forward to the new build we feel needs to be put in place from the start as this will be a larger store with more deliveries than the current store.

We would like to reiterate, that we do not wish to be unreasonable with the Co-op in our concerns and requests, we are merely trying to look after our future health & wellbeing and that of the other residents too and respectfully request that our quality of life be taken into consideration.

Thank you again for your time in this matter, we hope our comments and concerns are helpful.

Kind regards

Joanne & Russell Lambert

Falcon Avenue Residents

Objection 3 – Joanne & Russell Lambert, Falcon Avenue residents, Received 24.10.21

Dear Mr Blackledge,

Further to our previous emails below regarding the application by the Co-op to revise their opening times for their proposed new build store on Falcon Avenue, Darwen and our objections.

We have been doing some research and on looking at the Co-op opening times and websites for the Lancashire area and having spoken to a few of the stores, we have found that the majority advertise opening hours, in varying areas (residential & none residential) 7am to 10pm and those that have advertised 7-11pm when you go on the actual store website it in fact shuts at 10pm. We are at a loss why the Co-op are requesting these unreasonable hours of firstly 6am-11pm and now revised it to try for 7am-11pm in a residential area, especially when the Planning Committee have already stipulated the opening hours to be 7am-10pm for the very reasons we are stating?

The current Co-op at Hollins Grove opens 7am-10pm as previously stated and having discussed with various staff from a couple of different stores i.e. Hollins Grove, Rishton & Livesey Branch, they all say there is no justification to open until 11pm, which the Co-op must already be aware of as the large majority of their stores shut at 10pm.

Also, to raise further, we have broached the delivery times previously which in the planning agreement states, no deliveries before 8am and after 8pm. Again, having spoken to other stores in residential areas, the delivery times are after 9am in some and 10am in others and none after 8pm. Can this please be raised again with the Co-op, as previously stated the deliveries at the Hollins Grove branch have been a bone of contention with neighbours for a while, the deliveries disturb residents every morning from generally around 0530 onwards which we have put up with, but we are now realising that it is something that can be challenged and re-addressed, which going forward to the new build we feel needs to be put in place from the start as this will be a larger store with more deliveries than the current store.

We would like to reiterate, that we do not wish to be unreasonable with the Co-op in our concerns and requests, we are merely trying to look after our future health & wellbeing and that of the other residents too and respectfully request that our quality of life be taken into consideration.

Thank you again for your time in this matter, we hope our comments and concerns are helpful.

Kind regards

Joanne & Russell Lambert

Falcon Avenue Residents

Objection – Cllr Brian Taylor – Unknown address, Received 25.10.21

Hi Mr and Mrs Lambert,

I believe that the present Coop site has early morning deliveries, because the delivery vehicles have to park just above the traffic signals on Earnsdale Rd. And this was a condition applied when the traffic signals were installed.

Obviously when the new site is operational there won't be any need to deliver before 8am.

I hope this helps. The points you make are very valid.

Regards

Brian

Objection 1 – Joanne & Russell Lambert, Falcon Avenue residents, Received 17.08.21

Dear Mr Blackledge,

Ref: 10/21/0919

Re: Planning Application Variation to opening times new build Co-op Falcon Avenue

In response to your letter dated 13th August 2021 that we received in today's post regarding the above, we as residents on Falcon Avenue wish to place on record that we strongly oppose these amended opening times, as previously raised as a disturbance problem to residents on a residential Avenue not only on Falcon but Oldfield too, in the original planning application.

We understand that the Planning Committee have previously opposed the opening times 7am to 11pm and have implemented that the opening times should be 7am to 10pm with deliveries from 8am to 8pm to have courtesy and duty of care to the residents. The fact that the Co-op has now reapplied and asked for it now to be from 6am to 11pm is just outrageous with no thought for its neighbours who live here, I am quite sure they would not wish for this to happen on their own doorsteps!

We oppose the new opening times on the grounds that it will be detrimental to the residents and neighbours health, not only from the increased constant customers and cars but again the added problem of anti-social behaviour and juvenile nuisance, that will, I assure you, attract! The Co-op on Blackburn Road opens 7am to 10pm on a main road and this causes noise disturbance now when deliveries are arriving and we have to put up with that, why do they think it is ok to further disturb our peace with opening from 6am to 11pm with cars, pedestrians and deliveries coming and going all day facing residents houses! It is unreasonable and unacceptable and quite frankly very disappointing that the Co-op have had no thought or duty of care to its neighbours, all we ask is a reasonable expectation of quiet living, we have tried to work with the Co-op on this new venture but it seems they aren't understanding on this situation.

Thank you for your time in this matter

Kind regards

Joanne & Russell Lambert
Falcon Avenue Resident

Objection – Cllr Brian Taylor, Received 17.08.21

I have also objected along the same lines.

Regards

Brian

Objection 2 – Joanne & Russell Lambert, Falcon Avenue residents, Received 19.10.21

Dear Mr Blackledge,

We are sending this email in response to being made aware that the Co-op have yet again applied on 13th August 2021 (Ref 10/21/0919) to amend the opening hours for the proposed new build on Falcon Avenue, Darwen. The amended opening times they are now requesting we are told and on viewing the application, is for the hours to be 7am to 11pm.

Can I please bring your attention to our previous email below dated 17th August 2021, and be kindly advised that we as residents, still strongly object to alterations being made to the agreed opening times of 7am to 10pm which were implemented by the Planning Committee on the original application, this was to protect the residents health, wellbeing & safety and general quality of life on Falcon Avenue & Oldfield Avenue, our objections stand firm and we do not wish for this new Co-op to open until 11pm. It is unreasonable and unfair, this should not be allowed to go ahead for the reasons stated, on a residential Avenue and I can advise you that the other residents feel just as strongly about this too.

We are disappointed that a so-called community Co-op is causing the very community it serves a lot of unnecessary stress and we do not understand why they feel it is ok to keep pushing these amendments, in hope that we give in. Please inform them we will not just sit back and allow them to try to hoodwink or ride rough shod over the residents of Falcon Avenue, we are entitled to a quality of life that protects us. They open from 7am to 10pm now at the existing Co-op and see no reason why this should change in the new build.

We already have disturbance every morning from 530am onwards at the existing Co-op with the loud noise and clattering of the deliveries which isn't great but we have put up with this which we shouldn't really have to. I know the new build proposals have stipulated no deliveries until after 8am....although 9am would be better ...but wish to be reasonable, we do hope though, they adhere to that regulation as it is very noisy and does cause disturbance every morning at present. As I've already stated, we should be allowed a quality of life in our own homes and Avenue where we live, opening until 11pm will be detrimental to this and we respectfully hope you take this into consideration.

Thank you for your time in this matter.

Kind regards

Joanne & Russell Lambert

Falcon Avenue Resident

Objection Cllr Brian Taylor, Received 20.10.21

Hi Nick,

I do agree with the Lamberts, car doors slamming and starting is not good for the neighbours. 7am-10pm is only just acceptable in a residential street. Earlier or later isn't acceptable in my opinion. I think that I'm right in thinking that 7-10 are the present hours and would appear to be profitable otherwise they wouldn't be looking to expand.

Regards

Brian

Objection – Michael & Jill Smith, 10 Falcon Avenue, Darwen, Received 20.10.21

I'm a resident on Falcon Avenue in Darwen. I wish to place an objection of the above planning application of the proposed new co-ops closing time of 11pm it is not reasonable in a residential area 7am to 10pm is only just about reasonable. Also I would like to propose that the delivery times are no earlier than 8am as even now we can hear the staff crashing about from around 6.30am.

Kind regards

Michael and Jill Smith

10 Falcon Avenue

Darwen

BB3 1QX

Objection – Cllr Stephanie Brookfield, Received 20.10.21

Hi Nick

I agree with the Lamberts and Councillor Taylor.

The Co-ops on Livesey Branch Road and Whalley Road both close at 10pm so why should this one be any different?

Once again I object to the amended opening hours.

Kind regards

Stephanie

Objection – Miss L Nuttall, 7 Falcon Avenue, Darwen, Received 02.09.21

Dear Sirs

Thank you for your letter dated 13th August 2021 regarding the amendment of opening hours at the Former Hollins Grove Liberal Club, Falcon Avenue, Darwen, BB3 1QX from 07:00-22:00 to 06:00-23:00.

I do not agree with the extended opening hours of the Co-op store, as this will cause extra noise early in the morning and late and night with cars and delivery vans and people.

If the store is to open at 06:00am deliveries will be made even earlier and there will be noise when the staff are closing up which will be after 23:00pm.

I believe this will encourage more traffic on the street during unsociable hours.

Also I am very concerned that it will encourage youths to be loitering around the street late at night and will cause noise pollution. There is already enough anti-social behaviour that goes on in this area and I feel this will encourage more

The current co-op opens from 07:00 till 10:00pm which I believe is late enough.

Please can you take these points into consideration before allowing the opening and closing hours to go ahead.

Yours faithfully

Miss L Nuttall

7 Falcon Avenue

DARWEN

Objection – Mrs Jill Smith, 10 Falcon Avenue, Darwen, Received 02.09.21

As a resident on Falcon Avenue I am objecting to the amended proposal for longer opening hours. For one, at the moment I can hear the cages crashing about before 7 o'clock if application goes ahead the store is closer and the noise will be louder and earlier and obviously going on later. Also I am concerned about being overlooked from early morning until late at night with car headlight shining through windows, car doors slamming and engines revving. I personally think this is very poor from the co-operative they have received permission for the store to be built but now it seems they want to push other boundaries. This is first and foremost a residential street and the disturbance of having a store on a small street is going to be bad enough with traffic entering and leaving now they want it going on longer this is not on.

Mrs Jill Smith

10 Falcon Avenue

Darwen

BB3 1QX

Objection – Vera Charnock, 18 Falcon Avenue, Received 02.09.21

Dear Gavin, dear Nick,

Further to your correspondence of the 13th August, 2021, please see below comments on behalf of my mother, Vera Charnock, resident at 18, Falcon Avenue, BB3 1QX, in objection to this planning application amendment:

Opening hours

Opening hours stated within the original Planning Application 10/21/0148 were 6am until 11pm daily, as compared with the current hours at the Blackburn Road store, which are 7am

until 10pm daily. Objections to the extended opening hours were raised by residents, and a condition was imposed by the Planning Committee to limit the opening hours to 7am until 10pm daily. This was described in Section 8 of the Planning Committee Decision Notice.

Nothing has changed for us as residents, and as far as we are concerned the original reasons for objection to the extended opening hours still stand. It is somewhat brazen of the developer to raise a second application to have the imposed conditions amended.

The current store is on a main road, and is not in the direct vicinity of residential properties. However the proposed store is within a residential zone and the extended opening hours would lead to increased noise disruption early in the morning and late at night with respect to pedestrians and vehicles accessing the facilities at the store.

The imposed conditions pertaining to opening hours should stand and the planning decision of the 15/07/2021 should be upheld.

Regards,

Elaine Marsden, on behalf of Vera Charnock, 18 Falcon Avenue, BB3 1QX

Objection – Cllr Brookfield, Received 17.08.21

As Darwen West Councillor I wish to object to the proposed change of opening hours.

If these hours had been in the original application, I would have objected.

Falcon Avenue is a quiet residential area and as such shouldn't be subjected to further disturbances due the proposed extended opening hours.

Kind regards

Stephanie