

Proposed development: Full Planning Application for: Demolition of garages and erection of 8 dwellings with associated parking and amenity space (Use Class C3).

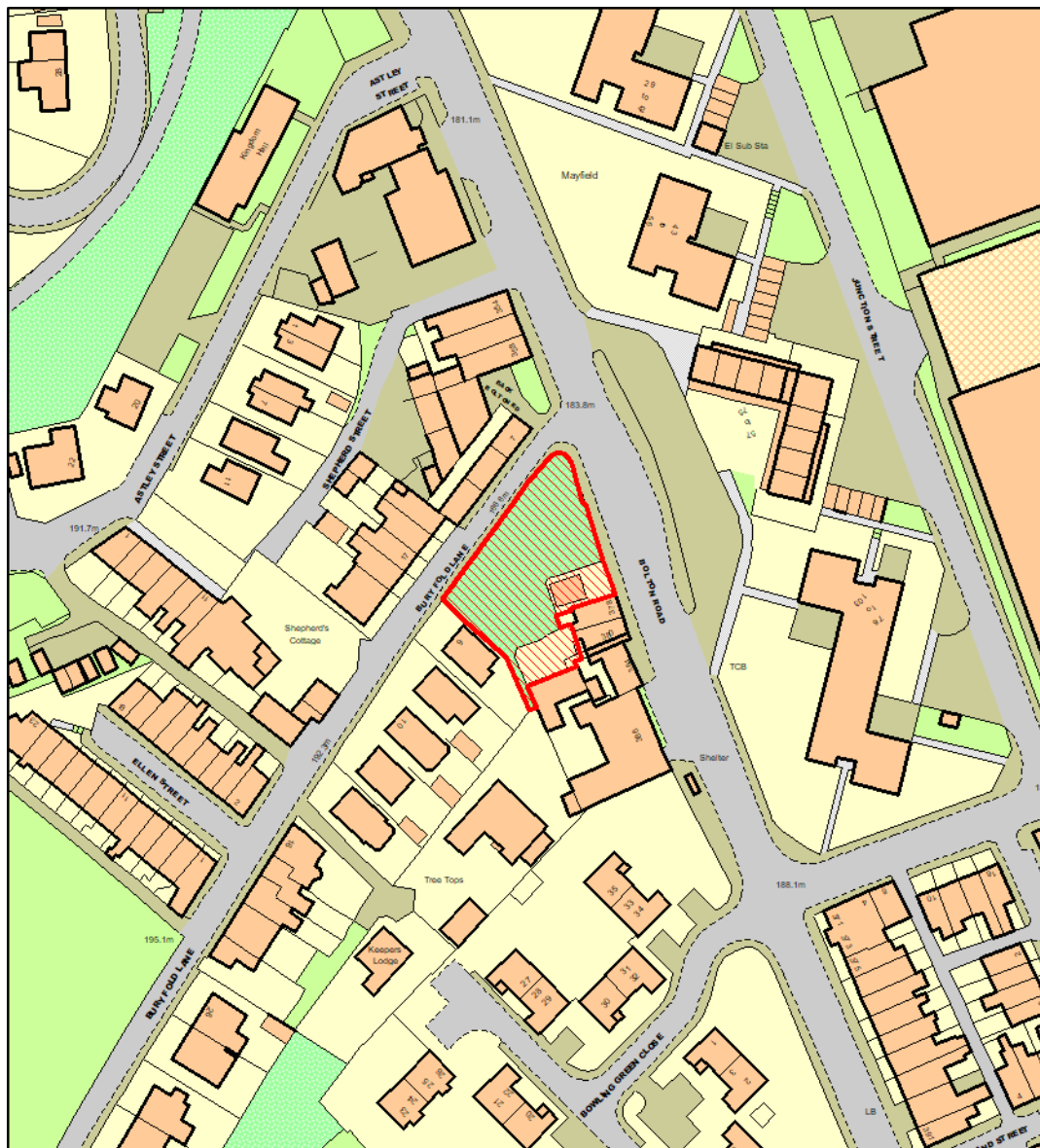
Site address:

**Land attached to 378 Bolton Road on corner of Bury Fold Lane
Darwen**

Applicant: Dwell Developments

Ward: Darwen South

**Councillor Kevin Connor
Councillor Lilian Salton
Councillor Andrew Walker**



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application is reported to Committee due to the receipt of five objections, including one from Darwen South Ward Councillors. This is in accordance with the requirements of the Council's adopted Scheme of Delegation.
- 2.2 Assessment of the application finds that the proposed development corresponds with the Council's overarching growth strategy, as set out in the Core Strategy and Local Plan Part 2. It suitably demonstrates the ability to deliver a high quality development, consistent with the surrounding area, which would make an important contribution towards the Council's housing delivery targets, adding to the vitality of the local housing market. The application is also acceptable 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
- 2.3 Assessment, takes account of planning permission previously granted under delegated officer powers in 2017, for 8 apartments, as an important material consideration, being within the current Development Plan period; notwithstanding that this permission has now lapsed.

3.0 RATIONALE

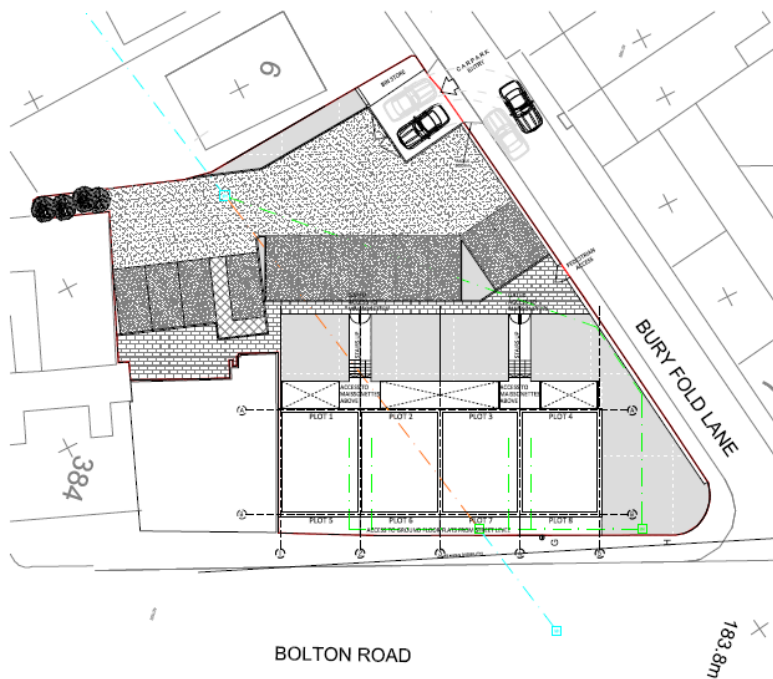
3.1 Site and Surroundings

- 3.1.1 The application site (the site) comprises 955 square metres. It is located at the junction of Bolton Road (A666) and Bury Fold Lane, Darwen, to the immediate east of a short row of historical stone fronted properties containing 'Darwen Furniture and Gifts', the former Bowling Green Public House, and two retail units.
- 3.1.2 The site rises gradually from east to west, featuring semi mature trees and vegetation. It is *previously developed land* (brownfield), having been cleared of buildings over the course of the past 15 years or so. Residual rubble is evident central to the site.
- 3.1.3 Bungalows are present to the immediate west of the site and stone fronted terraces to the north, along Bury Fold Lane. The area is generally residential in character, supported by a range of local amenities.
- 3.1.4 The site is identified by the red edged area, extracted from Google aerial imagery:



3.2 Proposed Development

- 3.2.1 Full planning permission is sought for the erection of 8no. 2 bed dwellings / apartments (Use Class C3). External parking (12 spaces) and amenity space is also included, together with soft landscaping.
- 3.2.2 Vehicular access into the site will be from Bury Fold Lane, via the established access on the south side.
- 3.2.3 The dwellings would adjoin the gable of the property to the south, which is also within the applicant's ownership, and would present as three storey's high to Bolton Road. Due to the site topography, they would appear two storey in height to the rear, being set into the slope. Stone facades to Bolton Road are proposed, with rendered sides and rear, to blend with adjacent buildings.
- 3.2.4 Full details are set out in the submitted drawings and Design and Access Statement. The following images are extracted from the Design and Access Statement (12/23 Architecture Design Ltd, November 2021):



Amended site plan received 15th December 2021:

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 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 – Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS13 – Environmental Strategy
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS19 – Green Infrastructure

3.3.3 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development

3.4 Other Material Planning Considerations

3.4.1 Residential Design Guide Supplementary Planning Document (2015)

This document provides targeted advice to ensure high quality new homes. It aims to ensure that new development reflects the individual and collective character of areas of the Borough and promotes high standards of design. The document also seeks to ensure a good relationship between existing and proposed development in terms of protecting and enhancing amenity.

3.4.2 Green Infrastructure & Ecological Networks SPD (2015)

This document provides guidance in relation to maximising opportunities to improve existing green infrastructure and to create new green infrastructure and ecological networks.

3.4.3 Air Quality Planning Advisory Note

3.4.4 National Planning Policy Framework (The Framework) (2021)

Overall, The Framework aims to raise economic performance by ensuring the quantity, quality and mix of housing reflect that required, with an expectation to maintain a 5-year housing land supply. Quality design should be secured and environmental impacts minimised.

Areas of The Framework especially relevant to the proposal are as follows:

- Section 2: Achieving Sustainable Development
- Section 5: Delivering a sufficient supply of homes
- Section 6: Building a strong, competitive economy
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places

3.4.5 National Planning Policy Guidance (NPPG).

3.5 Assessment

3.5.1 In assessing this full application there are a number of important material considerations that need to be taken into account, as follows:

- Principle of the development;
- Amenity impact;
- Environmental impact;
- Highways and access; and
- Design and layout.

3.5.2 Principle

As the garages proposed for demolition have no specific designation, their demolition is accepted. The development is otherwise supported by the sites position within the defined Urban Boundary, which is the preferred location for new development, in accordance with Core Strategy Policy CS1, and Local Plan Part 2 Policy 1.

3.5.3 Although Policy CS5 states a preference for housing led development to be located within the inner urban areas, it also supports such development within accessible locations elsewhere within the urban area. As a site located along the A666, in an easily accessible location served but regular bus services, the development is supported.

3.5.4 The development is further supported by Policy CS7 which encourages a full range of new housing in order to widen the choice available in the local market.

3.5.5 Moreover, the previous grant of planning permission is 2017, further establishes the principle of housing led development at the site.

3.5.6 Accordingly, in land use terms, the principle of the development is found to be acceptable, in accordance with the provisions of the Development Plan and The Framework.

3.5.7 Amenity

Policy 8 requires development to make a positive contribution and to secure 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.

3.5.8 Notwithstanding the presence of semi-mature trees, the site's appearance is somewhat unkempt and visually out of character with the urban A666 corridor. The scale and form of the proposed development would make a positive contribution, particularly to the A666 frontage.

3.5.9 Residential amenity / relationship between buildings:

The submitted site layout demonstrates appropriate separation between proposed and existing dwellings adjacent to the site, in compliance with the Council's adopted *minimum* separation standards of 21m interface between primary windows and 13.5m between primary windows and blank elevations, with the exception of the interface between the proposed secondary living room window in the north facing gable elevation and primary windows to the opposing dwelling to the north on Bury Fold Lane. As a proposed secondary window, the issue can, however, be overcome via a condition requiring a non-opening and obscure glazed window, to guard against loss of privacy.

3.5.10 The linear arrangement of dwellings, guards against any internal privacy issues arising between proposed dwellings.

3.5.11 Proposed outdoor amenity space to the rear of the buildings is recognised as open and absent of privacy safeguarding measures. Whilst this outdoor space is not explicitly communal, the circumstance is not dissimilar nor untypical of the type of space associated with apartment dwellings of the nature proposed. Moreover, the space is generous and ample to service the needs of occupants.

3.5.12 Pollutants / noise:

Although a Phase 1 Ground Contamination Report has been submitted with the application, further detailed assessment and remediation, if necessary, of ground contaminants, shall be secured via condition of the Council's standard contaminated land conditions, to protect the health of future occupants.

3.5.13 The Council's Public Protection consultee has requested the submission of pre-determination Noise Assessment. Such request is, however, considered unreasonable, due to the presence of existing residential properties in the vicinity. Instead, suitable internal noise levels secured via condition, is considered a proportionate response.

3.5.14 It is inevitable that some disruption for occupants of adjacent premises will arise during construction of the development. Submission, of a Demolition / Construction and Environmental Management Plan (DCEMP) and control over hours of construction, via conditions, would guard against any significant disruption / disturbance or pollution.

3.5.15 Accordingly, it is found that satisfactory levels of amenity and safety would be secured future residents and surrounding uses, in accordance with the requirements of Policy 8 and The Framework.

3.5.16 Environment

Policy 9 requires that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.

3.5.17 Flood Risk / drainage

As a site located within Flood Zone 1, it is at the lowest risk of flooding. Review of the submitted Flood Risk Assessment by the Council's Drainage consultee (as Lead Local Flood Authority) and United Utilities confirms the development to be at no significant risk of flooding, subject to submission of a detailed foul and surface water drainage strategy, secured via condition.

3.5.18 Ecology:

An Ecology Survey has been submitted with the application and reviewed by the Council's specialist consultee. It is accepted that there are no significant ecological constraints to developing the site and no objection is offered.

3.5.19 Although removal of two flat roof garages is proposed, the nature of their construction and proximity to the A666 means that the threat to bats and their habitat is very low risk. Application of an informative will suffice to advise the developer of their obligations towards Bats, as a protected species.

3.5.20 No Invasive Species were identified. Application of an informative will suffice to advise the developer of their obligations around management of any encountered during clearance and construction.

3.5.21 Potential habitat for nesting birds was found in trees and shrubs, although no substantive evidence was found. Clearance of trees and vegetation outside of the bird nesting season (March to August) will, however, be secured via condition.

3.5.22 Submission of detailed landscaping strategy, to compensate for tree loss and bird nesting habitat, as a proportionate response to the brownfield nature of the site, will be secured via condition.

3.5.23 Trees:

A Tree Survey Report has been submitted with the application and reviewed by the Council's Arboricultural consultee. No objection is offered to the removal of trees, in acknowledgement that none are preservation worthy and the precedent of the previous grant of planning permission. Replacement planting via the above noted landscape strategy, will provide mitigation.

3.5.24 Moreover, the benefits otherwise arising from developing the site, are considered to weigh moderately in favour of tree loss.

3.5.25 Accordingly, the environmental impact of the development is found to be acceptable and in accordance with the requirements of Policies 9 and 40, and The Framework.

3.5.26 Highways / Access and Transport

Policy 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.27 Access into the site is to be taken from the existing access to the south side of Bury Fold Lane. Efficient two way passage in and out of the site is indicated on the submitted site layout. Notwithstanding concern expressed by the Council's Highways consultee toward the absence of demonstrable vehicle tracking and sightlines, the access is the same as that previously approved. It is, therefore, deemed acceptable for this comparable proposal. Submission of sightlines will, however, be secured via condition.

3.5.28 Proposed on-site car parking is 12 spaces which equates to a shortfall of 4 spaces, when assessed against the Council's benchmark standards for a development of this nature. Parking provision is, however, considered, on balance, to be acceptable, taking account of the sites location on a regular bus route, support for 12 spaces previously.

3.5.29 Notwithstanding a highway consultee recommendation, widening of the Bury Fold Lane / Bolton Road junction and the pedestrian footpath along Bury Fold Lane, is considered unreasonable and unviable. Members are advised that the previous permission do not include such requirements. Moreover, footpath widening would encroach into the site, thereby compromising the proposed parking provision.

3.5.30 It is considered refusal of the application due to the absence of these recommended works would be unreasonable, on account of the previous, precedent setting permission and The Framework's direction at paragraph 11, which states:

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

3.5.31 It is considered that impacts on the road network arising from the proposal are not evidently severe.

3.5.32 Submission of the aforementioned DCEMP will address highway impacts arising from construction, including road cleansing.

3.5.33 Accordingly, highway impacts arising from the development are, on balance, found to be acceptable and in accordance with the requirements of Policy 10 and The Framework.

3.5.34 Heritage and Design

Policy 39 reflects The Framework in requiring development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset. In this context, a Heritage Statement has been submitted with the application and reviewed by the Council's Heritage consultee.

3.5.35 Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area.

3.5.36 The adjacent group of stone fronted buildings to the south are acknowledged as having some historical and architectural significance. Though neither are nationally or locally listed, they are regarded as non-designated heritage assets. Impact of the development on this group of buildings and the street scape in general is considered to be acceptable, by reason of a proportionate reduction in proposed ridgeline height, emphasising a degree of subservience and avoidance of competing scale, as well as matching coursed stone and fenestration details. Render to the rear and side elevations is accepted, in response to side and rear render to the adjacent group. The buildings, therefore, reinforce local distinctiveness and constitute good design.

3.5.37 The perimeter stone wall will be retained, to areas absent of new buildings. Appropriate hard and soft landscaping, secured via condition, will ensure a well-integrated development.

3.5.38 Submission of precise external material details will be secured condition.

3.5.39 Overall, the design of the development is found to be in accordance with the requirements of Policies 11 and 39 and The Framework.

3.5.40 Summary

This report assesses the full planning application for 8 dwellings with associated car parking and amenity space (Use Class C3). In considering the proposal, a wide range of material considerations have been taken into account. The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal balanced against any potential harm that may arise from its implementation. This report finds

that the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, adopted Supplementary Planning Documents and the National Planning Policy Framework.

4 RECOMMENDATION

4.1 Approve subject to:

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 *to be added* and with the following drawings / plans / information: *to be added*.

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

3. Notwithstanding the submitted details, prior to commencement of any above ground works hereby approved, written and illustrative details, including colours and textures, 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. Notwithstanding the submitted details, prior to commencement of any above ground work hereby approved, a scheme of boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the precise location, height and construction materials of all boundaries. The approved scheme of boundary treatment(s) shall be implemented prior to first occupation of the development and retained thereafter.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5. 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.

6. 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.

7. 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.

8. Should pile driving works be required on site, prior to the commencements of those works, a programme for the monitoring of generated noise and vibration shall be submitted to and approved in writing by the Local Planning Authority. The programme shall specify the measurement locations and maximum permissible noise and vibration levels at each location. Noise and vibration levels shall not exceed the specified levels in the approved programme.

REASON: In order to safeguard neighbouring amenity, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

9. The 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
Sundays or Bank Holidays: No site operations

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. The windows contained in the gable elevation at the northern side of the building hereby approved shall be non-opening and contain obscured glazing in accordance with written and illustrative details which shall be submitted to and approved in writing by the Local Planning Authority. The approved glazing shall be installed prior to occupation and shall be so retained.

REASON: To protect the privacy and amenity of neighbouring properties, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

11. Prior to commencement of the development hereby approved, a scheme detailing the proposed glazing and doors on the Bolton Road elevation shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of soundproofing to properties. The development shall be implemented in accordance with the approved details and shall be so retained.

REASON: To ensure appropriate residential amenity standards for future residents and in the interest of good design, in accordance with Policies 8, 11 and 39 of the Blackburn with Darwen Borough Local Plan Part 2.

12. Prior to the commencement of development (excluding demolition) details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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 in accordance with BRE365;

(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);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(v) Incorporate mitigation measures to manage the risk of sewer surcharge as required;

(vi) Full details of overland flow paths and any associated mitigation measures as required; and

(vii) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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.

13. 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.

14. 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.

15. Prior to commencement of the development hereby approved, a Demolition, Construction and Environmental Management Plan (DCEMP) shall be submitted to and approved in writing by the Local Planning Authority. The DCEMP shall provide for the following:
- The parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - 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;
 - measures to control the emission of dust and dirt during construction; and
 - a scheme for recycling / disposing of waste resulting from demolition and construction works.

Construction shall proceed in strict accordance with the approved detail for the duration of those works.

REASON: In order to safeguard protected habitat; to avoid the deposit of debris into watercourse and onto the highway, in order to protect the amenity of the occupiers of the adjacent properties and in order to protect the visual amenities of the locality, in accordance with Policies 8, 9 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

16. Prior to the commencement of development hereby approved, a scheme for the construction of the site access, including details of visibility splays, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development.

REASON: To provide for the safety and convenience of users of the highway, for the free flow of traffic, and to safeguard the amenity of neighbouring premises, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

17. Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height 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.

18. Prior to commencement of the development hereby approved, details of a shelter for mobility scooters / motorcycles / bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved shelter shall be installed prior to occupation of the development, and shall be so retained.

REASON: To ensure that adequate mobility / cycle parking is provided for 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 operational use of the development hereby approved and notwithstanding the submitted details, a refuse storage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide the location of an enclosed communal area for bin storage with bins for each individual dwelling. The approved scheme shall be implemented prior to occupation of the approved development.

REASON: In order to ensure adequate bin storage facilities and in the interests of visual amenity, in accordance with Policies 8 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

5 PLANNING HISTORY

5.1

Application Number	Description of Development	Decision	Date
10/17/0912	Erection of 8 apartments with parking and amenity space.	Approved under delegated powers with conditions	19/02/2018
10/14/0562	Erection of 8 new apartments as retirement homes with parking facilities, amenity space, bin store and access from Bury Fold Lane.	Approved under delegated powers with Conditions	28/04/2014
10/13/0639	Development of 8 new build retirement home flats	Withdrawn	
10/08/0621	Resubmission of application no. 10/08/0167 to allow: demolition of garage, construction of 1no ground floor B1 use unit and 2no apartments; renovation of existing building to form 1no class A2/B1 unit and associated car parking and landscaping	Approved under delegated powers with Conditions	15/08/2008

6 CONSULTATIONS

6.1 Public protection

Predetermination

With reference to the above application, I will require the following additional information before I can make my recommendations.

Pre-determination Traffic Noise Assessment

Proposed Residential Development adjacent A666

A pre-determination acoustics report shall be submitted detailing traffic noise levels at the application site. The report shall detail any sound attenuation measures recommended to protect the proposed dwellings and outdoor amenity garden areas. Reference should be made to the National Planning Policy Framework and Noise Policy Statement for England.

The applicant (or any consultant appointed by the Applicant) should contact Andy White (tel: 01254 585585) to discuss the required assessment detail.

Reason:

To identify whether the site is a suitable location for this residential development and, where necessary, ensure an appropriate level of protection against traffic noise.

6.2 BwD Drainage (as Lead Local Flood Authority)

Lead local Flood Authority Position

We have no objections to the proposals subject to submission of a foul and surface water drainage scheme.

6.3 Heritage

The proposed properties will create what appears visually as a row of four terraces, with simple fenestration in keeping with the wider area. The proposed dwellings will adjoin the existing three-storey stone cottages, to the south and front Bolton Road, spanning out northwards to the corner of Bury Fold Lane.

The D & A Statement notes that materials and tradesmen will be locally sourced. The application outlines that the proposed dwellings will be faced with stone to the front elevation with rendered blockwork to the side and rear elevations; a slate roof and white uPVC windows.

I would recommend that should the application be approved, suitable materials are secured by a suitably worded Condition.

To the rear of the proposed dwellings 12 parking spaces will be provided (including a disabled parking space), within close proximity to the proposed dwellings. The Car park will be tarmac with concrete pin kerbs and footpath kerbs to the edges. Paving to the rear of the gardens will be Indian stone, whilst all other areas will be grassed over for low maintenance. It is unclear from the submission documents if the existing boundary wall is to be retained.

Impact to the Non-Designated Heritage Asset.

The Government's guidance identifies NDHA's as being buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. P.203 makes reference to the LPA's need to consider the effect of an application on the significance of a NDHA when determining an application. In carrying out its planning balance, an LPA should have regard to the scale of any harm or loss and the significance of the heritage asset.

In this respect, P.203 requires the LPA to consider two aspects;

1. The scale of the harm or loss, and
2. The significance of the NDHA.

The adjoining (NDHA's) significance are based on their aesthetic, and historic value. This is primarily evidenced in their traditional architectural form and materials. However, as NDHA's I can only afford a low significance to the buildings.

Unlike in the case of designated assets, LPAs are only required to carry out a simple weighing exercise of those material matters and that any impact (which carries no statutory duty on behalf of the LPA) should be considered against the merits of the whole application including the new development. It is for the Council to apply what weight it considers appropriate to those material matters in its decision so long as it is being reasonable.

I note that the application site was previously granted permission with conditions for the erection of 8 apartment's on 19/02/2018 (Planning Reference 10/17/0912).

Architecturally, the scale and the proportions of the proposed properties appear as a row of three-storey terraces from the front elevation (Bolton Road), and reflect the scale and mass of the existing adjacent three-storey NDHA's (No's 378-386 Bolton Road). Similarly, the rear elevation of the proposed dwellings appear as two-storey terraced properties, which are in proportion to the row of terraces on Bury Fold Lane.

In terms of materials, the proposed facing stone to the front elevation matches the stone used on the adjacent NDHA's. Similarly the use of slate for the roof ties in with the predominant material used locally. I feel these would be suitable materials that, will help the new buildings harmonise with the traditional appearance, found on both the NDHA's and in the wider area. This could be secured via a suitably worded Condition.

In regards to the rendered blockwork proposed for the side and rear elevations, I would prefer to see these elevations to be a continuation of the facing stone. However, I acknowledge that this is only a minor point and given, that these elevations face away from the NDHA's, I cannot say that the use of render will cause any discernible harm, to the locally important buildings.

Similarly, I cannot say that the use of uPVC for the windows of the proposed properties will cause any harm to the NDHA's, as uPVC windows are widely used in the area, including to some of the NDHA's.

Overall, subject to the details of the proposed facing stonework being provided, I consider the proposed development will not cause any discernible level of harm to the significance of the adjoining NDHA's.

Conclusion / recommendation

As I am required to do so, I have provided a balanced judgement in my comments in relation to the need to preserve the significance of heritage.

As indicated above, subject to the submission of material detail (stone), the scheme would accord with the aims of Chapter 16 of the NPPF and conform with Policy CS17 (Built and Cultural Heritage) and Policy 39 of the Local Plan.

Growth Lancashire

6.4 BwD Highways

Parking

In support of 8 no. 2bed dwellings, the allowance in accordance with the approved parking standards is 2 spaces per dwelling together with 2 secure cycle spaces per dwelling. This would equate to 16 spaces cap parking spaces and 16 secure cycle parking spaces within the curtilage of the development. One of the parking spaces has been designated for disabled users.

The applicant has again submitted only 12 car parking spaces and no secure cycle spaces. No reasonable justification is offered for the low number of spaces. This is the same layout that was previously submitted – this issue has not been addressed.

The car parking bays detailed on the attached plans are 2.4m by 5.0m, this is acceptable and conforms to the standards bay sizes. To enable cars to manoeuvre into the parking spaces the minimum width of the access should be 6.0m – the applicant has provided a minimum clearance of 5.1m, which is insufficient. We request further consideration of these matters.

No provision for the parking of PTW/cycle transport has been made, this is to be provided close to the entrance of the building, secure and covered.

The applicant cannot rely on on-street parking for the remaining 4 car parking spaces either along Bury Fold Lane which is so narrow that the residents have resorted to parking on the footway in order not to block the road or indeed along Bolton Road itself.

Please request an explanation as to why the provision for parking is inadequate.

Please request a plan showing the swept path analysis for each parking bay.

Access

Vehicular access into the site is positioned 40m away from the junction with the A666, the access width is proposed has been increased from 4.5m to 5.2m, this is adequate to get two car passing one another, at the entrance mouth.

There are however concerns about the set-back position of the gates themselves restricting the swept path of cars manoeuvring in and out of the car parking spaces.

There is also concerns with the access being partially blocked by cars being parked in front of the existing houses opposite the proposed entrance. This would result in the vehicle having to mount the footway adjacent to the entrance in order to drive into and out of the entrance.

Bury Fold Lane, is restricted in width in this location which is further compounded by vehicles parked by the residents of the terraces opposite on street. Please request swept path analysis showing the movements into and out of the site area as has not been provided. This may

highlight the need to push the site entrance further into the site, to allow for the turning of vehicles.

Gates are proposed near the entrance, they have been set in one car length to avoid obstruction on the highway. Clarification is requested on how the gates will be managed and controlled.

No vehicle or pedestrian sightlines have been marked on drawings seeking approval please request these to be provided.

A direct route for pedestrians from the entrance of the building connecting onto the highway has been provided as previously requested. The location shown is acceptable.

The footway along the frontage on Bury Fold Lane is substandard in the interest of pedestrian safety - especially the residents from this development proposal, the footway should be widened at the developer's expense, into their site. There is a section that the footway is 1.2m this should be widened to 1.5 to allow a continuous footway access. This should be accompanied by tactile and dropped kerbs at access/junctions points.

The footway along the proposed frontage with Bolton Road is also substandard in the interest of pedestrian safety, a minimum width of the footway of 3.0m should be retained. This should also be accompanied with tactile and dropped kerbs at access / junction points.

The junction of Bury Fold Lane with the A666 is restrictive for movements, and would benefit from a localised widening to aid traffic turning into Bury Fold Lane whilst one is waiting at the junction to turn out. Taking into the account the already approved development, and the additional traffic from this site, we would request these improvements works are undertaken as part of a 278, please attach a Grampian condition in support of this.

Other

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

Matters also to be considered are:

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

In principle we are supportive of the scheme, provided however that these outstanding matters can be addressed by the applicant. A reduction in the number of proposed dwellings from 8 to 6 may well be necessary in order to address the parking and access issues highlighted.

6.5 BwD Strategic Housing

Housing Growth have no objection to the above planning application subject to proposals meeting building regulations and planning policies.

6.6 BwD Arboricultural Officer

The trees aren't bad but not necessarily TPO worthy which would of course scupper the proposals, and permission has previously been granted. The longer they leave the site the better the trees become.

If they are given approval they will have to seriously consider a mitigating landscaping scheme.

6.7 BwD Cleansing

A bin store is indicated but there is no explanation to support this. We would want each property to have its own bins and not shared bins.

6.8 United Utilities

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.

In the absence of a detailed foul and surface water drainage scheme we would kindly request that if you are minded to grant Planning Consent for the above development that the condition and advisory notes provided below are included within the consent:

Prior to the commencement of development (excluding demolition) details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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 in accordance with BRE365;
- (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);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (v) Incorporate mitigation measures to manage the risk of sewer surcharge as required;
- (vi) Full details of overland flow paths and any associated mitigation measures as required; and
- (vii) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

6.9 Ecology (GMEU)

Summary

Given the nature of the site, scale and proximity to busy main road, potential ecological issues associated with bats, nesting birds, invasive species and ecological mitigation can be dealt with via condition and or informative.

Bats

A couple of flat roof garages appear to require removal, these are low risk structures set in to the slope and surrounded by vegetation and residential buildings, on a main road. I am therefore satisfied that whilst there is a theoretical risk of bats utilising these buildings, that the risk is very low. The new dwellings will also abut the gable end of the existing building. They are however significantly lower and will not impact on areas where potential bat roosting features could be present.

I therefore recommend an informative along the following lines is applied to any permission.

Whilst the buildings to be demolished are very low risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Nesting

Birds

Semi-mature trees and shrubs are present, potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Invasive Species

Sites such as this are moderate to high risk for Japanese knotweed. None however is visible on streetview. I recommend an informative along the following lines is applied to any permission.

It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Species such as Japanese knotweed and Himalayan balsam are included within this schedule. If any such species will be disturbed as a result of this development a suitably experienced consultant should be employed to advise on how to avoid an offence.

Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development site is

primarily brownfield, currently undergoing succession with google earth indicating the site having been cleared of vegetation and buildings over the last 15 years with trees and shrubs retained along the road frontages. Currently no mitigation is being proposed. There appears to be some scope for replacement native tree planting such as silver birch, rowan and holly and bird boxes could be integrated in to the new building for typical house dwelling species such as house sparrow. I therefore recommend a condition along the following lines is applied to any permission.

A landscape plan shall be submitted to and approved in writing by the LPA, prior to commencement of development. The content of the plan should include elements to mitigate for loss of trees shrubs and bird nesting habitat. The approved plan will be implemented in accordance with the approved details.

6.11 Public consultation

Neighbourhood consultation letters were sent out on 8th November 2021, to 110 addresses local to the application site. In addition, a site notice was displayed. Five objections were received (see Summary of Representations):

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

8.0 **DATE PREPARED: 3rd February 2022.**

9.0 SUMMARY OF REPRESENTATIONS

Objection – Cllr Kevin Connor & on behalf of other Darwen south ward cllrs, Darwen South, Received 19.11.21

Eight Dwellings adjacent to 378, Bolton Road BB3 2PS

Historically many promises have been made to improve the egress for motorists from Bury Fold Lane on to the A666, most notably with planning applications relating to the development at Ellerslie House [10/19/0642].

This development could have been an opportunity to make good the promises but instead if it materialises it will just exacerbate the problems residents in Bury Fold Lane face on a daily basis.

There is an apparent reluctance to accept that Bury Fold is a narrow lane with no other means of access or egress and parking for residents is a big problem resulting in real frustration that if this application is passed it will not only add to the number of vehicles but reduce sight line at the junction with the A666; there is no provision for any extension of the existing no parking restrictions at that junction.

The application will not add any significant number to housing provision but will increase the immediate areas density. Any flooding, subsidence or service problems at the junction, which is not a rarity, brings considerable disruption for residents. Planning committee members will, we hope, question just where construction, delivery and contractors vehicles will park if permission is granted and ask what, if any, the resulting consequences for residents and access for emergency vehicles will be.

We ward councillors see no merit in this land as a development opportunity more as an opportunity missed to make real improvements to this part of Bury Fold Lane for the long suffering residents.

Councillor Kevin Connor

And on behalf of Darwen South Ward Councillors

Councillor Lilian Salton and Councillor Andrew Walker

Objection – Janice Cowell, New House Bury Fold Lane, Darwen, Received 24.11.21

Re :- Planning Application - 10/21/1134

Site Address *Land attached to 378 Bolton Road on corner of Bury Fold Lane Darwen*

I wish to comment on the above planning application. I have no objection to the eight proposed dwellings which will tidy the area, but I do take issue with the traffic problems residents frequently face at the bottom of Bury Fold Lane, which both the planners and the applicant seem to be choosing to ignore

Section 8 of the application entitled Pedestrian and vehicle access makes no mention of the ongoing problems residents are experiencing entering and exiting the Lane onto and from the A666. The Planning Application indicates that two lanes are available at the exit of the lane onto the A666. This is actually only for the first ten yards or so after which the lane reverts to a one lane bottleneck.

I would in fact challenge the applicant or planning officers to try to turn left onto Bury Fold Lane when travelling from the South (Bolton side) of the A666. when a second car is exiting the lane travelling towards the town centre (Northbound) from the A666. Residents frequently must reverse into the A666 which is very dangerous.



This picture taken near the junction with Ellen Street clearly show the lack of space available for safe passage

Yours Sincerely

Janice Cowell New House Bury Fold Lane Darwen BB3 2QG

Objection – Steve Wood, Mayfield fish & chip shop, Received 25.11.21

To whom it may concern,

I wish to object to this planning application on the grounds of car parking space and the negative effect on local businesses unless further parking facilities are provided.

The council allowed the build of the Furniture shop/ Resturaunt on neighbouring Bolton road site with no forward thinking (in my opinion) about parking facilities for customers. These customers now use the car park adjacent on the Mayfield Flats complex opposite. This is detrimental to both tenants of the flats (Many of whom are elderly and need to park close to home) and the current businesses based on the Mayfield precinct.

I need to digress slightly here to get my point over!

I have spoken to both Together housing and the council highways as to who is responsible for this car park, (In order to get it gritted during winter)

The council says it belongs to Together housing and so will not grit!

Together housing say it's the council and therefore a public highway.

So IT CANNOT BE BOTH WAYS!

My point being if its a public highway and road tax is paid anybody is allowed to park, (no argument, If that's the case take responsibility BWDBC and grit in winter!)

If it belongs to Together housing (No need to grit in Winter) but you cannot allow this car park to be part of the availability of car parking spaces in the local area if it is private! (And that's my point!)

Also builders/contractors and suppliers WILL use the car park again taking up the valuable short term customer parking spaces we need for our businesses to exist profitably and provide facilities for the community.

(I appreciate this would be short term whilst the project is built, but short term may be enough to kill these businesses)

Finally my Personal view (which I admittedly don't have the facts on) very few dwellings only have one car per household, Again were will any second vehicle or visitor to the dwelling park?

With evidence of adequate parking facilities I would be happy to support the planing application, I would love to see the area improve.

Without adequate parking I feel the need to strongly object!

Yours faithfully Steve Wood (Mayfield fish and chip shop)

Zest Bistro, Anubis Dog groomers, Gemmini Hair Salon

Objection – Christine & Brian Chappell, 34 Bury Fold Lane, Darwen Received 29.11.21

Objection in relation to Planning Application 10/21/134

To Whom it May Concern

Although we have little objection to the proposed development using a viable piece of unkempt land we do object to the potential increase in traffic flow and parking.

Whoever put the proposed plan together has little knowledge of Bury Fold Lane:

To quote:

“Bury Fold Lane does have on street parking which does not cause any issue to the traffic flow up and down it.

The above statement is totally untrue: regularly vehicles have to back out onto the A666 to allow vehicles to come out of Bury Fold Lane, large vehicles cannot pass parked cars, access to driveways are blocked by irresponsibly parked cars.

“The lane has excellent visibility around the site entrance which is also wide enough for an entry and exit at the same time. “

If the site entrance is tapered away this may be true however, visibility on a narrow lane and so close to the junction with the A666 will be limited. Current properties struggle with visibility due to the speed and volume of vehicles using Bury Fold Lane so why would this access/exit point be any different?

“The existing junction with Bolton Road currently has good visibility

Inaccurate statement. Even though there are some yellow lines in place on the A666 they are insufficient to provide ‘good visibility’. Councillors have tried to get a vehicle removed advertising a business to no avail. Many vehicles park on Bolton road for the current businesses, including vans and wagons, leaving little or no visibility. At times it is a death trap.

“The existing junction currently has no flow restrictions or access issues and non are proposed to arise from this development.”

The existing junction DOES HAVE flow restrictions in that two vehicles cannot pass when entering or leaving Bolton Road. Current residents have little space to enter their homes as they do give consideration to vehicular traffic but when all cars are parked flow is disrupted.

There appears to have been no consultation with many residents of Bury Fold Lane that will be affected by this development in relation to traffic flow and this is disappointing. It is not just residents' parking/use of the lane: the increase in the number of delivery vehicles now has to be taken into account as this has increased dramatically over the past 20 months and this has also caused access issues and pinch-points. Neither is there any mention of the severe disruption anticipated due to a previous development further up the lane being approved and how this will be managed if the two developments are taking place at the same time. Could this please be considered in any planning approval?

Yours sincerely

Christine and Brian Chappell

Objection – Donald Sharples, Heightside Farm, Bury Fold Lane, Darwen, Received 29.11.21

Reference: Planning application 10/21/1134

To Whom It May Concern

I am totally opposed to the planned development for the following reasons.

There are already 70 resident vehicles travelling along Bury Fold Lane on a daily basis along with heavy goods vehicles using the lane to access my farm.

The proposed development has the potential of adding a further 16 vehicles all using the lane for access to the properties. The development already approved of some 20 properties at Ellerslie House, could increase traffic by at least another 40 vehicles.

The lane is narrow with poor access to the A666 and this development will create considerable problems to current residents and also will further compromise my business.

Finally, although I feel I have no alternative but to object to this plan, I hold out little hope of success as National and Local Government policy would seem to be to allow development of any parcels of land regardless of the impact on local area or business.

Yours sincerely

Donald Sharples