

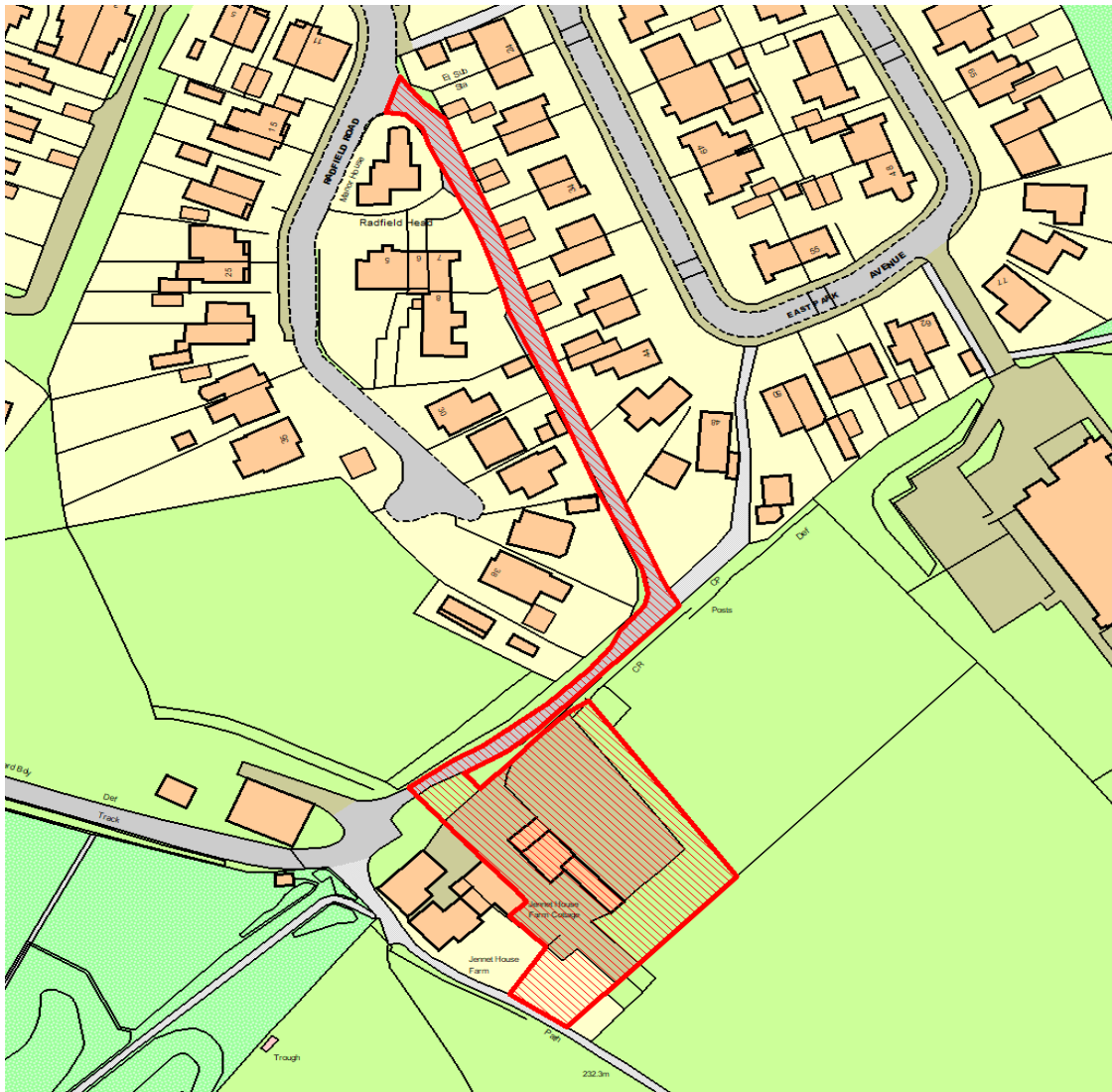
Proposed development: Full Planning Application for Demolition of a range of equestrian buildings and the erection of three detached dwellings and garages

**Site address:
Jennet House Farm
Radfield Road
Darwen
BB3 2PH**

Applicant: Mr and Mrs T Spooner

Ward: Darwen South - Councillors Kevin Connor, Lillian Salton & Andrew Walker

Ward: Darwen West - Councillor Dave Smith, Brian Taylor & Stephanie Brookfield



1.0 SUMMARY OF RECOMMENDATION

1.1 **APPROVE** – Subject to conditions, as set out in paragraph 4.1

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1.1 The application is reported to the Committee in accordance with the Chair Referral Scheme of the Scheme of Delegation due to the objections from local residents, and the fact the application site is in a countryside area.

2.1.2 This proposal relates to the demolition of a range of equestrian buildings and the erection of three detached dwellings and garages. A number of objections were received, covering a range of issues, but predominantly relating to the condition of the existing access track. These issues are addressed later in this report.

2.1.4 The proposal was subject to a formal pre-application submission (ref: BL\2020\ENQ\09094, in September 2020, which was supported in principle, subject to a proposed fourth dwelling being removed from the scheme, thereby allowing for more space for landscaping, reducing traffic, and the remaining dwellings would be spaced more irregular which would have multiple benefits, including minimising the visual impact of the proposal, ensuring overlooking / separation distances were respected, and allowing for more landscaping and retention of the best trees.

2.1.5 The applicant has taken on board the pre-application advice, and the current submission (for 3 dwellings) reflects the pre-application advice that was given.

2.1.6 Assessment of the application finds that the proposal is acceptable in principle and complies with the relevant policies, subject to appropriate conditions to mitigate against specific impacts. Therefore, in accordance with the presumption in favour of sustainable development as set out in the NPPF, the proposal is considered acceptable.

2.1.7 The land edged in red submitted with the location plan includes the access road from the application site to Radfield Road. The applicant's agent acknowledges that they do not own all of the land within the application site boundary, and they do not know who owns the remaining land. Such matters are not material grounds to resist planning applications where the correct notification procedures have been followed. The Agent has confirmed that a Certificate D Notice was posted in a local newspaper (Lancashire Telegraph) on the 9th November 2021, inviting representations to be submitted from anyone who has an interest or owns the land in question. Such measures are sufficient to demonstrate compliance with nationally prescribed procedures and the proposals are thus acceptable with reference to land ownership and the service of ownership certificates.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site lies outside of the defined Urban Area for Darwen, within a Countryside allocation. Access to the site is via an unmade single track access road / bridleway.

3.1.2 The ownership of the access track falls under various owners, and the applicant has served the requisite notice through a Certificate D.

3.2 Proposed Development

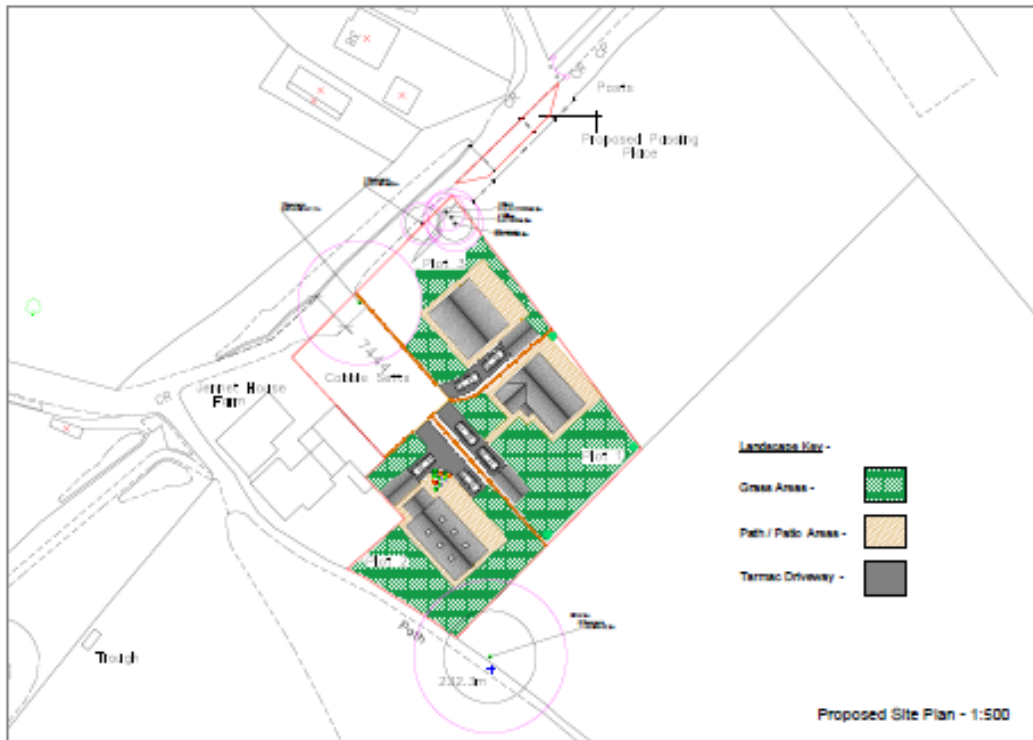
3.2.1 The application seeks to demolish a range of equestrian buildings, and to erect three detached two storey four bedroom dwellings and associated garages. The applicant has also proposed the introduction of a passing place on the access track.

3.2.2 The existing / proposed site, floor plans, elevations, and site photos are shown below:

3.2.2 Existing plans and elevations (below):



3.2.3 Proposed plans and elevations (below):



Plot 1



Plot 2



Plot 3



3.2.4 Site photos, taken 1st 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 The Development Plan comprises of the Core Strategy (2011) and Local Plan Part 2 – Site Allocations and Development Management Policies (2015). In determining the current proposal the following are considered to be the most relevant policies.

Core Strategy (2011)

- Policy CS5 (Locations for New Housing);
- Policy CS16 (Form and Design of New Development)
- Policy CS18 (The Borough's Landscapes)

Local Plan Part 2 (2015)

- Policy 5 (Countryside Areas)
- Policy 8 (Development and People)
- Policy 9 (Development and the Environment)
- Policy 10 (Accessibility and Transport)
- Policy 11 (Design)
- Policy 18 (Housing Mix)
- Policy 41 (Landscape)

Other material considerations

Residential Design Guide Supplementary Planning Document (SPD)

BwD Parking Standards

National Planning Policy Framework (NPPF) (2021)

- NPPF Paragraph 11

Plans and decisions should apply a presumption in favour of sustainable development.... For decision making this means... c) Approving development proposals that accord with an up-to-date development plan without delay.

- NPPF Paragraph 84

Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

- Previously developed land (NPPF definition):

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

3.4 Assessment

3.4.1 The key issues in relation to this application are:

- Principle of proposal
- Visual amenity, Design and Trees and Landscape impacts
- Residential amenity
- Highways / parking
- Ecology / biodiversity enhancements
- Drainage
- Neighbour objections

3.5 Principle of proposal

3.5.1 Policy CS5 identifies the preferred location for new housing development to be within the Inner Urban Areas of Blackburn and Darwen.

3.5.2 Policy 5 of the Local Plan states that within the allocated Countryside Area, planning permission will only be granted for development needed for the purposes of agriculture or forestry, or economic uses appropriate in nature and scale to the rural area.

3.5.3 Policy 18 states that the Council will require detached and semi-detached housing to be the principal element of the dwelling mix on any site that is capable of accommodating such housing, and where such housing would make a positive contribution to the character of the local area.

3.5.4 The main issue is whether or not the proposal accords with local and national planning policy which seeks to restrict new residential development in the countryside. Further considerations involve design, landscape impacts, residential amenity, highways, trees and ecology.

3.5.5 The site is positioned outside of the defined Urban Area for Darwen within a Countryside allocation. Currently there are no provisions for newbuild dwellings in such locations within the development plan. All development proposals must be determined in accordance with the development plan, unless material considerations indicate otherwise. The policies within the Framework are current Government policy and are thus a material consideration, to which significant weight should be attached.

3.5.6 In such circumstances, Paragraph 11 requires development proposals to be weighed against the merits of the Framework. Paragraph 84 recognises the importance of developing sites beyond existing settlements. The use of previously developed land, and sites that are physically well related to existing settlements is specifically encouraged, where suitable opportunities exist.

3.5.7 The sites larger part is currently in use for equine purposes though no planning permissions have been issued for that use. In any event, satellite images of the site confirm it has been used as a stables and ménage for in excess of 10 years. No enforcement activity is on file for that use and it is therefore deemed to be lawful. Conclusively, both of those land uses fall within the definition of previously developed land in the Framework. Services, facilities and regular public transport links are all within walking distance of the site and family dwellings are also proposed. The principle to develop housing is thus considered acceptable.

3.6 Visual amenity, Design and Trees / Landscape Impacts

3.6.1 Policy CS18 states that the key features of landscapes throughout the Borough will be protected.

3.6.2 Policy 41 of the Local Plan outlines that development will be permitted provided there is no unacceptable impact on landscape character, or the principal traits associated with it.

3.6.3 Policy CS16 requires new development to be of a high standard of design, and to respect and reinforce local character.

3.6.4 Policy 11 requires all new development proposals to present a good standard of design through demonstrating an understanding of the sites wider context and making a positive contribution to visual amenity.

3.6.5 The site comprises the farmhouse and equestrian buildings which would be demolished to make way for the access road. The track to Jennet House Farm is a public right of way and any proposals here would be clearly visible from the public domain.

3.6.6 The three dwellings have been sited so as to incorporate open space for landscaping which would soften the dwellings appearance against the hillside over time. Their scale, height and appearance would be in keeping with the adjacent farmhouse. Currently a number of mature trees intersperse the site. The best of these specimens are retained and integrated within the development.

3.6.7 Subject to appropriate conditions for landscaping/tree protection, the proposal is considered acceptable, and complies with Policies 11 and 41 of the BwD Local Plan Part 2 and the Core Strategy policies CS16 and CS18.

3.7 Residential amenity

3.7.1 Policy 8 states that all development proposals should secure a satisfactory level of amenity for surrounding occupants in terms of light, privacy and

overlooking, for surrounding uses, and for occupants or users of the development itself. For domestic developments, the Design SPD requires schemes to not cause any adverse impacts in that regard.

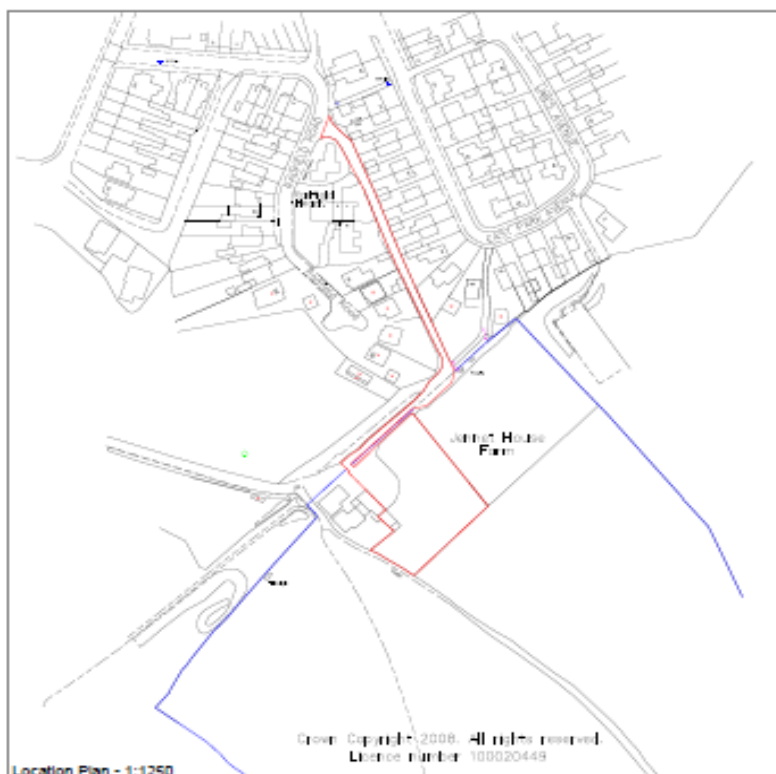
3.7.2 The proposed layout has been designed to be irregular which in addition to softening the impact on the landscape, would also minimise the impacts in terms of privacy/overlooking to the existing farmhouse and each of the other proposed dwellings. Due to the separation distances and positioning of the dwellings, including elevational detail and window openings, there would be no adverse impacts on residential amenity by way of loss of light, outlook or privacy, either to existing properties (including the existing farmhouse), or the future occupants of the 3 new dwellings. The proposal is therefore acceptable in terms of residential amenity, and complies with Policy 8 and the guidance of the Design SPD.

3.8 Highways / parking

3.8.1 Policy 10 (Accessibility and Transport) states that development will only be permitted provided it has been demonstrated that road safety and the safe, efficient and convenient movement of all highway users is not prejudiced.

3.8.2 Access to the farm is via Radfield Head; a narrow unadopted unmade bridleway / private street off Radfield Road which also provides access for the residents of Radfield Head (the track is within the red edge of the application, but outside the applicant's ownership).

3.8.3 The access point with Radfield Road benefits from good visibility splays. However, the track is narrow and runs between residential gardens for its most part. The access track is shown on the location plan, below.



3.8.4 Given the constrained width of the access track, there were initial concerns raised by the Highways consultee that the impact of three additional dwellings, combined with the existing traffic movements of Jennet House Farm, PROW users, an adjacent stables and neighbouring agricultural land uses, could cause a degree of conflict between road users.

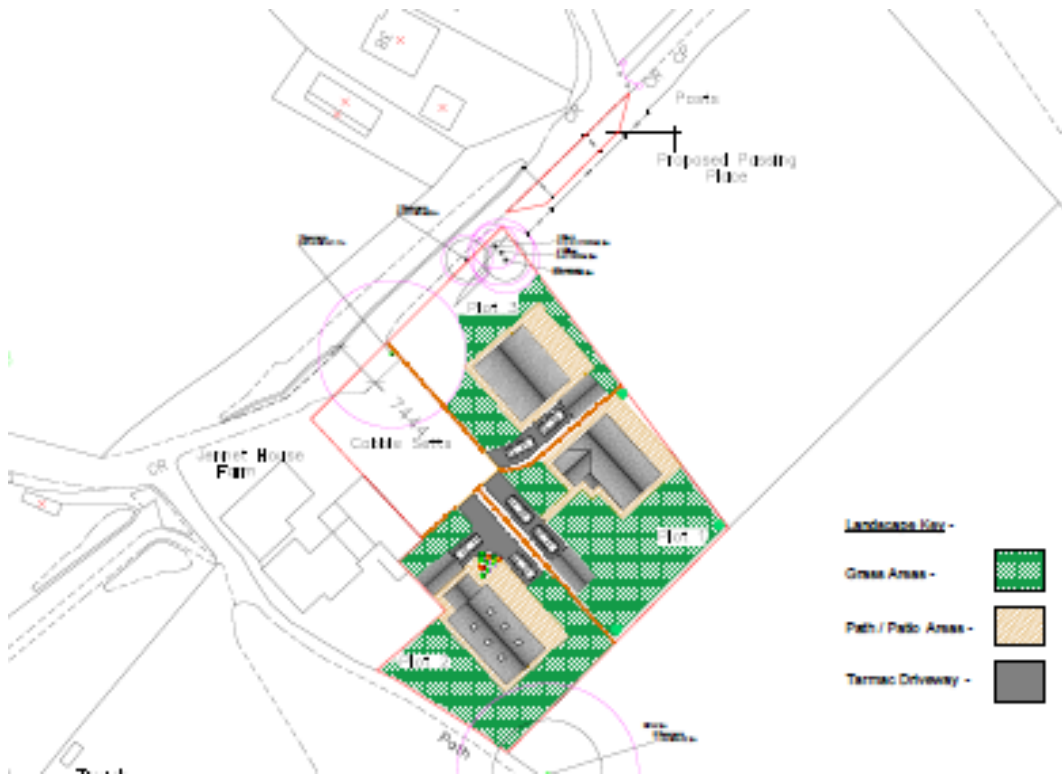
3.8.5 Further clarity was sought on vehicle movements during the assessment of the application, and it is concluded that the proposal would not be likely to generate any further traffic movements above existing levels, due to the loss of the applicant's existing equine use (the applicant has 22 stables, and circa 14 horses on livery which generate circa 28 vehicle movements a day assuming a morning and evening visit). The agent has confirmed the 12 stables the applicant's own will be lost as a result of the development. The applicants do rent a further 10 stables further up the road, which they have no control over. The agent confirms:

“There could still be ten stables in use after the development in a building that is not owned by the applicant, however the cessation of livery activity at the application site will more than halve the amount of stables and the traffic associated with them. In addition to the traffic identified above there would be deliveries of feed and bedding, visits by vets and farriers and other traffic associated with the business activity which will reduce or cease as a consequence of the redevelopment of Jennet House Farm. We do not believe that the development of the proposed three dwellings will intensify the use of the lane.”

The Council's highways officer considers that the proposal would not be likely to generate any further traffic movements above existing levels, due to the loss of the applicant's existing equine use. In essence, the assessment is comparing movements associated with 12 stables (to be lost) compared to the replacement 3 dwellings.

3.8.6 In this context, introducing a new passing place is not considered absolutely necessary for approval of the application. Furthermore it is considered that the positioning of the passing place on the access track would provide little, if any, benefit given its close proximity to the application site. The preferred location for a passing place would be further along the access track, ideally at the midway point of the track, but this would not be possible due to the width of the track and the physical constraints of existing garden boundary fencing. For the aforementioned reasons, the Council's Highways consultee has confirmed that a condition requiring a passing place is not necessary for this proposal.

3.8.7 Notwithstanding this, the applicant reiterated that they would install a passing place on the access track in any case, to do everything they can to help minimise conflict between motorists/pedestrians, etc. The passing place is shown on the proposed site plan, below.



3.8.8 The applicant has now confirmed that a passing place has very recently been installed (prior to determination of this application). The photo below was provided by the applicant on 7th April 2022.



3.8.9 In summary, vehicle movements as a result of the completed development would not increase from the current movements. The access track is within the red edge of the application, but is not in the applicant's ownership (it is in multiple ownership). The Council's Highways consultee has raised no objections to the proposal, subject to conditions and informatives. For the aforementioned reasons, the proposal is considered acceptable without the introduction of a passing place.

3.8.10 Conditions to be attached to the approval include a Construction Method Statement, and a condition requiring that any damage to Radfield Road as a result of construction traffic should be carried out at the applicant's expense.

The applicant has agreed to this condition and has confirmed that he intends to upgrade the track once construction is complete anyway.

3.8.11 Minor amendments were made to the site layout during the course of the application to ensure appropriate parking provision is provided, which meet the Council's adopted standards, and that vehicles are able to enter and leave the site in a forward gear. As amended, the layout is now considered acceptable.

3.8.12 The Council's Highways consultee raises no objections to the scheme as amended, subject to appropriate conditions and informatives. The proposal would not have an unacceptable detrimental impact on highway safety.

3.8.13 Therefore, it is considered that the proposal meets the parking requirements (minimum of 3 spaces per dwelling) of the BwD parking standards, and complies with Policy 10 of the Local Plan.

3.9 Ecology

3.9.1 Policy 9 (Development and the Environment) requires all relevant development proposals to ensure there is no unacceptable impact on environmental assets or interests from development.

3.9.2 A Preliminary Ecological Appraisal submitted with the application concluded that Bats and nesting birds are known to occur in the local area, there was however no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas which would be negatively affected by site development following the mitigation proposed. The vegetation to be cleared has a low ecological significance in the local area.

3.9.3 The protection of trees on the site boundary and landscaping will promote structural diversity in both the canopy and at ground level and will encourage a wider variety of wildlife to use the site than already occurs.

3.9.4 The buildings on site were subject to a daytime survey by a suitably experienced ecological consultant. No evidence of bats was found and the buildings assessed as having negligible potential. GMEU Ecology have confirmed that based on the description of the buildings and photographs, there is no reason to doubt the findings of the report. No further information or measures are therefore required.

3.10 Contributing to and Enhancing the Natural Environment

3.10.1 Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment.

3.10.2 The site is currently of very low ecological value. GMEU Ecology are satisfied that with suitable soft landscaping and mitigation for loss of bird nesting habitat, mitigation and enhancement of the site can be achieved. Measures could include planting of native hedge around the boundary of the site,

planting of native trees and provision of bird and bat boxes. The details can be conditioned.

3.11 Drainage

3.11.1 Sustainable drainage methods should be provided within the site. A condition can be attached for a foul and surface water drainage scheme. No objections were raised by the Drainage team, or UU, subject to an appropriately worded condition(s).

3.12 Neighbour objections

3.12.1 A number of objections were received raising various issues (see Section 9). The vast majority of these issues have been addressed in the main body of this report.

3.12.2 With regards to other matters raised:

- The loss of views of local residents is not a planning matter that can be considered in the assessment of this application.
- Bins will need to be taken to the end of the access track on collection days. Whilst concern was raised by local residents about there being limited space, the Council's Cleansing team has raised no objections to the proposal.
- It is not considered that there would be any material disruption to the local school.
- Any damage to private fences adjacent the track from construction vehicles would be a private civil matter. However, a condition can be attached for a construction method statement to ensure appropriate consideration is given to the construction phase, and to minimise its impacts.

4.0 RECOMMENDATION

4.1 APPROVE subject to the conditions below:

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 proposals as detailed on drawings:

Project - (Ref: Spo.124.2924): Drawing No: Spo/124/2924/02; Plots 1 & 2 - Proposed Plans and Elevations.

Project - (Ref: Spo.124.2924): Drawing No: Spo/124/2924/03, Revision B; Plot 3 - Proposed Plans and Elevations. Proposed Passing Place Detail. Proposed Site Plan. Location plan.

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

3. Prior to the commencement of development hereby approved, precise details of all external walling, roofing materials, and their colour and texture to be used in the construction of the dwellings and garages shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in 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. A scheme for Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter. Measures could include planting of native hedge around the boundary of the site, planting of native trees and provision of bird and bat boxes.

REASON: To ensure the development includes measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework.

5. Prior to the commencement of development hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Trees and shrubs shall be planted on the site in accordance with the approved landscaping scheme during the first available planting season following completion of the works, and thereafter retained.

Trees and shrubs 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. The landscaping shall be maintained and retained thereafter to the satisfaction of the local planning authority.

REASON: To ensure that there is a well laid scheme of healthy trees and shrubs, and to mitigate against tree and habitat loss, in the interests of amenity in accordance with Policy 9/40 of the Blackburn with Darwen Borough Local Plan Part 2.

6. Unless otherwise prior agreed in writing by the local planning authority, the development shall proceed in accordance with the recommendations detailed in the Preliminary Ecological Appraisal, by envirotech, dated 22/03/2021, ref 7011.

REASON: In order to minimise the developments impacts on local species and populations and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

7. Prior to any vegetation clearance or earthworks a reasonable avoidance measures method statement for badger, hedgehog and other mammals shall be submitted to and agreed in writing by the local planning authority.

REASON: To ensure protected species and their habitat are not disturbed, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

8. No works to trees or shrubs shall occur or demolition commence 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 submitted to and agreed in writing by the local planning authority.

REASON: To ensure protected species and their habitat are not disturbed, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

9. Prior to commencement of development, full details of all boundary treatments shall be submitted to and approved in writing by the local planning authority. Thereafter the approved boundary treatments shall be implemented and thereafter retained in accordance with the approved details.

REASON: In the interests of visual amenity and ecological permeability, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

10. 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 Blackburn with Darwen Borough Local Plan Part 2.

11. Prior to commencement of the development hereby approved, a Construction Method Statement shall be submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- I) the parking of vehicles of site operatives and visitors
- II) loading and unloading of plant and materials
- III) storage of plant and materials used in constructing the development
- IV) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- V) wheel washing facilities
- VI) measures to control the emission of dust and dirt during construction
- VII) a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in the interests of highway and pedestrian safety, and to protect the amenity of occupiers of the nearby properties, and to comply with Policy 10/11/40 of the Blackburn with Darwen Borough Local Plan Part 2.

12. The construction of the development hereby permitted shall only take place between the hours of 08:00 - 18:00 hours Monday to Friday and 09:00 - 13:00 on Saturdays, and not 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.

13. Unless otherwise prior agreed in writing by the local planning authority, the development shall proceed in accordance with the recommendations detailed in the Arboricultural Impact Assessment and Arboricultural Method Statement by GMTREE Consultants, Job Ref: 1511, dated 19/08/2021. All tree protective fencing shall be in place at the start of the development and thereafter retained throughout the duration of the construction phase.

REASON: To ensure all remaining trees are adequately protected during construction works, in the interests of local amenity, and in order to comply with Policy 9 of the adopted Blackburn with Darwen Local Plan Part 2.

14. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) separate systems for the disposal of foul and surface water;
- (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating a climate change allowance of 40%);
- (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate;
- (iv) details of how the scheme will be maintained and managed after completion; and
- (iv) a timetable for implementation, including details of any phased delivery.

The duly approved scheme shall be implemented before above groundworks are commenced, or within any other timescale first agreed in writing with the Local Planning Authority.

REASON: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policy 9 - Blackburn with Darwen Borough Local Plan Part 2 (2015), and the National Planning Policy Framework.

15. Prior to first occupation of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the condition upgrading of surface treatment to the Radfield Head access track /bridleway along the length of the track, from its junction with Radfield Road, to the access onto the application site. The scheme shall be implemented in strict accordance with the approved details immediately following completion of the approved development.

REASON: To provide for the safe, efficient and convenient movement of all highway users, and to ensure any damage as a result of construction traffic is repaired to an appropriate standard, in accordance with Policy 10 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5.0 PLANNING HISTORY

5.1 There have been various previous planning applications adjacent to this site / within the immediate vicinity (but not within the red edge of this application). These include:

- 10.95/1314: Conversion of a Farm Building (Stables) to a Dwelling with access and parking
- 10/05/0896: Demolish existing stable building and replace with a similar sized building to be used as a holiday cottage or bed & breakfast accommodation

- 10/08/1175: Demolition of existing stable building and replacement with similar sized building to be used as a holiday cottage or bed and breakfast accommodation
- 10.93/0370: Change of Use of adjacent outbuildings (previously dwelling area) to granny flat for two people
- 10.98/0237: Renewal of permission (10/93/0370) for granny flat extension

6.0 CONSULTATIONS

6.1.1 Cleansing

6.1.2 No objections, although it is noted that, as per the existing property at this location, the new houses would be required to drag their bins to Radfield Rd for emptying. Otherwise, no issues.

6.2 Tree Officer

6.2.1 No objections, as long as the development is carried out in accordance with the submitted Arboricultural Information. The Tree Protective Fencing should be in place prior to the start of any development on the site. A landscaping condition should also be attached.

6.3 Natural England

6.3.1 No objections. Natural England has no comments to make on this application. Refer to Standing Advice. The application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

6.4 GMEU Ecology

6.4.1 No objections subject to conditions. The developer's ecological consultant identified no significant ecological issues. Issues relating to bats, nesting birds and biodiversity enhancement measures can be resolved via condition and or informative. The site is currently of very low ecological value. Biodiversity enhancement measures can be achieved and a condition can be attached accordingly.

6.5 Housing Growth

6.5.1 No objections

6.6 PROW Officer

6.6.1 No objection raised. The access is a Public Bridleway. This property is already running a livery business from this farm, and the extra dwellings are going to create more traffic on this route. The route runs between two lots of houses between Radfield Head and East Park Ave and some of the houses at Radfield Head also have access along this Bridleway. The Bridleway has no provisions for passing places until it widens at Jennet house Farm. This bridleway is also used as one of the main riding routes from Darwen to the moors and Jubilee Tower beyond.

6.6.2 If planning permission is granted for this proposed development, the bridleway may require a temporary closure whilst the demolition, site preparation and construction is underway. Also, if there is to be any change of surface to the bridleway this will need prior authorisation from the Highways Authority.

6.7 **Fire Service**

6.7.1 Standard comments only

6.8 **Drainage**

6.8.1 No objections, subject to a condition for foul and surface water.
Lead Local Flood Authority Position

6.9 **United Utilities**

6.9.1 No objections, subject to conditions for foul and surface water drainage.

6.10 **Public Protection**

6.10.1 No objections, subject to a standard condition, should contamination be encountered unexpectedly during implementation of the development.

6.11 **Highways**

6.11.1 No objections, subject to conditions.

6.11.2 Initial concerns / issues for clarification, were raised by the Highways consultee. In response, the applicant submitted further supporting information (e.g. to clarify vehicle movements, swept path analysis, manoeuvring, etc.).

6.11.3 Vehicle movements would not likely increase as a result of the proposal due to the loss of the livery use, and parking and manoeuvring are adequate. With this additional information and the matters requiring further clarity now being resolved, no objections are raised.

6.11.4 However, during the construction phase the access is likely to deteriorate resulting in unnecessary conflict with the residents along Radfield Head.

6.11.5 Suggest a condition requiring any necessary repair work to be undertaken.

6.12 **Public consultation**

6.12.1 The planning application was received by the Local Planning Authority (LPA) on 23rd November 2021.

6.12.2 31 neighbours were consulted by letter, and a site notice was displayed.

6.12.3 6 letters of objection were received (one objection letter from the neighbours at No.8 Radfield Head was also received via Councillor David Smith).

6.12.4 Further comments were received via Councillor Smith, highlighting the concerns of local residents, at the Chair Referral stage:

"The track is a quagmire in wet weather especially around No8 Radfield Head. The owners of this part of the track are uncontactable (they were the owners / developers of the nearby houses and have long since disappeared). No doubt the new home owners will have to have 'Chelsea Tractors' in order to navigate the quagmire. This will then churn up the track even more. It's virtually impassable for walkers and owners of 'regular' vehicles. Could a condition be put in place whereby the track has to be improved or regularly maintained - especially in the vicinity of the cottages at Radfield Head?"

6.12.5 The issues raised by local residents are summarised in Section 9 of this report, below.

7.0 CONTACT OFFICER: Tom Wiggans, Planner

8.0 DATE PREPARED: 13th May 2022

9.0 SUMMARY OF REPRESENTATIONS

9.1 Public consultation

The following is a summary of the comments received from local residents:

- Concern about condition of Radfield Road (the unmade access track), which is also a PROW/Bridleway and is in poor condition, with various pot holes, and the track frequently puddles.
- Increased traffic movements - the single track road does not allow for two way traffic. It is not suitable, wide enough, or safe enough, for excessive traffic. There is no street lighting, and poor visibility to oncoming traffic, with no passing place.
- Concerns about vehicular, pedestrian, dog, and horse safety.
- Three properties on Radfield Head have direct access from the lane. Residents' garages are accessed via this road and open outwards onto the road.
- Impact on wildlife.
- Visual amenity / impact on landscape / views / character of area.
- Bins need to go at the end of the track on a small verge – 6 bins already bins stored there - space is limited.
- Need to consider improvement of the track access.
- No social need for detached dwellings in the area, and no local services (unsustainable location).
- Disruption to the local school.

Concerns during the construction phase:

- Poor access, especially for large vehicles.
- Potential damage to private fences adjacent the track from vehicles.
- Disruption / noise.
- Difficulty manoeuvring, and damage to the unadopted road.

Full details of the objections received are listed below.

Dear Mr. Prescott

We are the owners and residents of no. 6 Radfield Head. We also own the land and stables – (LA 485608) on the opposite side to Gannet House Farm.

Regarding the planning application ref. 10/21/1263 at Gannet House, Radfield Head, I have read through all the documents appertaining to the application and it is obvious that a lot of important relevant information has been omitted.

There is no reference to the residents of Radfield Head, whose cottages front the proposed access lane, of which there are 3. i.e. nos. 6, 7 and 8. All the drives to these properties open directly onto the lane with poor visibility.

The ongoing maintenance of this unadopted road is a huge problem, and will only be further exacerbated by the proposed increase in traffic.

The amount of heavy plant vehicles necessary during the building phase

will be huge and there is doubt as to whether some of them will be able to gain access, as the width is only 3.5 metres in places.

Also, there is no mention in the proposal, that the applicant, for a large number of years, has and skill is, running an equestrian business, i.e. livery for up to around 10 customers horses and also horse breeding and sales.

The parking for these customers is on the lane, often causing access problems.

I am told that this business will continue, as there are approximately 10 stables further up the lane which will remain.

Another very important piece of information missing from the proposal is that the site already hosts a rental property (Gennet House Cottage) with 5 adult residents who also use the lane for vehicular access.

The refuse collection for the farm and cottage is at the Radfield Road end of this narrow lane and there are already 6 bins on a 'Small verge'.

Taxis refuse to travel up the lane in its current condition, which is understandable.

Finally, the lane is part of the West Pennine Bridleway and can be dangerous on the bend if drivers are unaware or unconcerned that horses may be present.

Also walking parents collecting and delivering their children from the adjacent St. Joseph's primary school use the lane on school days.

Although in principle I have no objection to the building of houses on this site, I do strongly object to the use of this lane as access to it, and would suggest an alternative route should be explored.

Objection – Nicholas & Patricia Mary Crichton, Juniper Cottage, 8 Radfield Head, Darwen, BB3 2SH.
Received: 02/12/2021

I am writing to express our grave concerns about the Application Reference 10/21/1263.

We have no objection to the building of the 3 houses but about the access via the lane.

- 1) There is no mention in the application of the front access onto the lane of our property, Juniper Cottage, 8 Radfield Head. In fact, 3 properties on Radfield Head have direct access from the lane to the front of them. There is no street lighting and poor visibility as to oncoming traffic.
- 2) We already have problems with cars using our front drive as a passing place and to turn around.
- 3) The state of the lane has caused on going concern as in winter it is often not much more than puddles and is difficult for pedestrians. A picture of it after 1 day of rain is enclosed. I cannot imagine what it would be like if lorries use it as well as the present tractor and horse boxes. It is narrow and has poor visibility.
- 4) I do not understand why it is suitable if 3 houses are built instead of four (as was suggested in a previous rejected application). This will not alter the width and general condition of the track in question.

5) I note badgers are not to be disturbed and work is to be carried out in daylight hour; one would hope due regard would be given to us also.

6) We also have problems with taxis refusing to come to our address because of the state of the lane.

In short, we are against the route of access to the site and feel it would cause us distress during the building and further degrade the already poor state of the lane.



Objection – Barry Whittaker, 44 East Park Avenue, Darwen, BB3 2SQ. Received: 06/12/2021

I am writing to you regarding the above planning permission as it directly affects me and my property.

The unmade access road for Jennet House Farm runs adjacent to my property next to my garden fence. At this point the the distance between my garden fence and my neighbours fence is less than 4 metres wide.

I do not want to be subjected to more traffic than there already is using this "track". Which would be the case if this was used as an access to new properties. There would inevitably be damage caused to mine and neighbours fencing.

Objection – Mr & Mrs Jergovic, 38 Radfield Road, Darwen, BB3 2SL. Received: 10/12/2021

We would like to reject this application on a number of reasons.

1. We purchased our home in a rural location on the edge of the countryside/moorland. We currently overlook the proposed field/manege for application and feel that having three houses built will take away the peace and tranquillity that we have presently.
- 2.
3. In building of these houses the noise and disruption this will create for a considerable amount of time is worrying.
4. We have quite a lot of wildlife here, we on occasion do see deer's/pheasants in the said planning area, this will stop this happening.
5. Our back gate backs onto the bridal way where both my children do play, and other children from around Limes Avenue that do lead onto the bridal way, the proposed access for this will be directly opposite my back gate. Which we will find a hazard and again noisy when these 4-bedroom family homes are at least going to be occupied by two/three cars per household.
6. This is a bridal way, I do realise currently people do use in order to access the stables, and people already living there do use. But the sheer volume of traffic with the said dwellings will be too hazardous.
7. There is not enough room along the bridal way to allow for horses to pass when the occasional car passes, let alone the owners of the houses and delivery drivers/postal workers, family and friends visiting etc then coming to these homes on a daily basis. Lots of people do use the bridal way to walk up to the Tower, with dogs, elderly people and children. And dogs, on leads and without. I just feel it's an accident waiting to happen with the added extra cars this would create.

8. Presently the 6 waste disposal bins are left at the very bottom of the bridal way from the currently owners of Jennet House Farm on corner of Radfield Head, with another 3 bins per household, where are these going to possibly fit?
 9. This would cause me upset if this went ahead, we do spend a lot of time in our garden and the noise pollution this would create would be unacceptable to us. After 6pm there is usually no one about, the occasional dog walker yes. But these homes and owners, depending on their lifestyle/jobs will be driving up and down , possibly night shift workers, early morning workers, etc I feel it would be a constant flow of traffic coming past the back of my fence.
 10. A lot of people on mountain bikes do fly down the hill and on the sharp bend with the extra cars, again would be a hazard.
 11. Please do take these points onboard seriously about the planning of the said dwellings.
 12. 10. If I wanted houses built behind us, we wouldn't have chosen this corner plot with all fields around, We would have chosen a cheaper house on a main road.
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Objection – P A Renbond, 30 East Park Road, Darwen. Received: 13/12/2021

My house backs onto the unadopted green lane used by the farm and as a dog owner I use it every day.

I object to the building of three detached dwellings on the farm land because of all the extra car movement on the lane. Each house will have at least ~~three~~^{two} cars and especially in the summer with equestrians and dog walkers it will be busy.

There are currently six large wheeled bins at the start of the lane belonging to the barn. Three houses and many more bins will be unsightly and a health hazard.

My final objection is the heavy plant using this narrow space in the construction of the houses. It will be dirty, dusty and very disturbing.

Objection – Mrs Janet Ashworth, 35 Radfield Road, Darwen, BB3 2SL. Received: 14/12/2021

As a local resident I am writing to object to the planning application for the following reasons:

- There is no social need for detached dwellings in the area due to the fact that planning permission has been granted for this type of housing at numerous sites in Darwen.
- Building houses would change the environment. Many local residents have chosen to live in this area that borders open countryside. Building houses would change the landscape. It would ruin the views for some residents.
- There are inhabited stables on Radfield Road. The building will cause distress to the horses.
- I am aware that a bat report and tree survey have been undertaken. There are bats and other wild life in the area that will be disturbed/harmed.
- The entrance to Radfield Road is an acute angle. Trucks and Lorries will find it hard to navigate the road.
- Radfield Head which provides access to the proposed building site is not road worthy. It is best described as a dirt track. There are numerous pot holes.

Resident's garages are accessed via this road and open outwards onto the road. This access is not suitable for heavy vehicles. It would limit access for residents.

- The noise associated with the building work will affect all residents causing a great deal of mental distress.
- There is a school nearby. Building could cause disruption to the school.
- There are no services to this area.
- Access to the site is limited. This is a single track road and does not allow for two way traffic. There will be an increased amount of traffic on this road which is already badly damaged.

I hope this will be taken into consideration when deciding to give planning permission to this project.
