

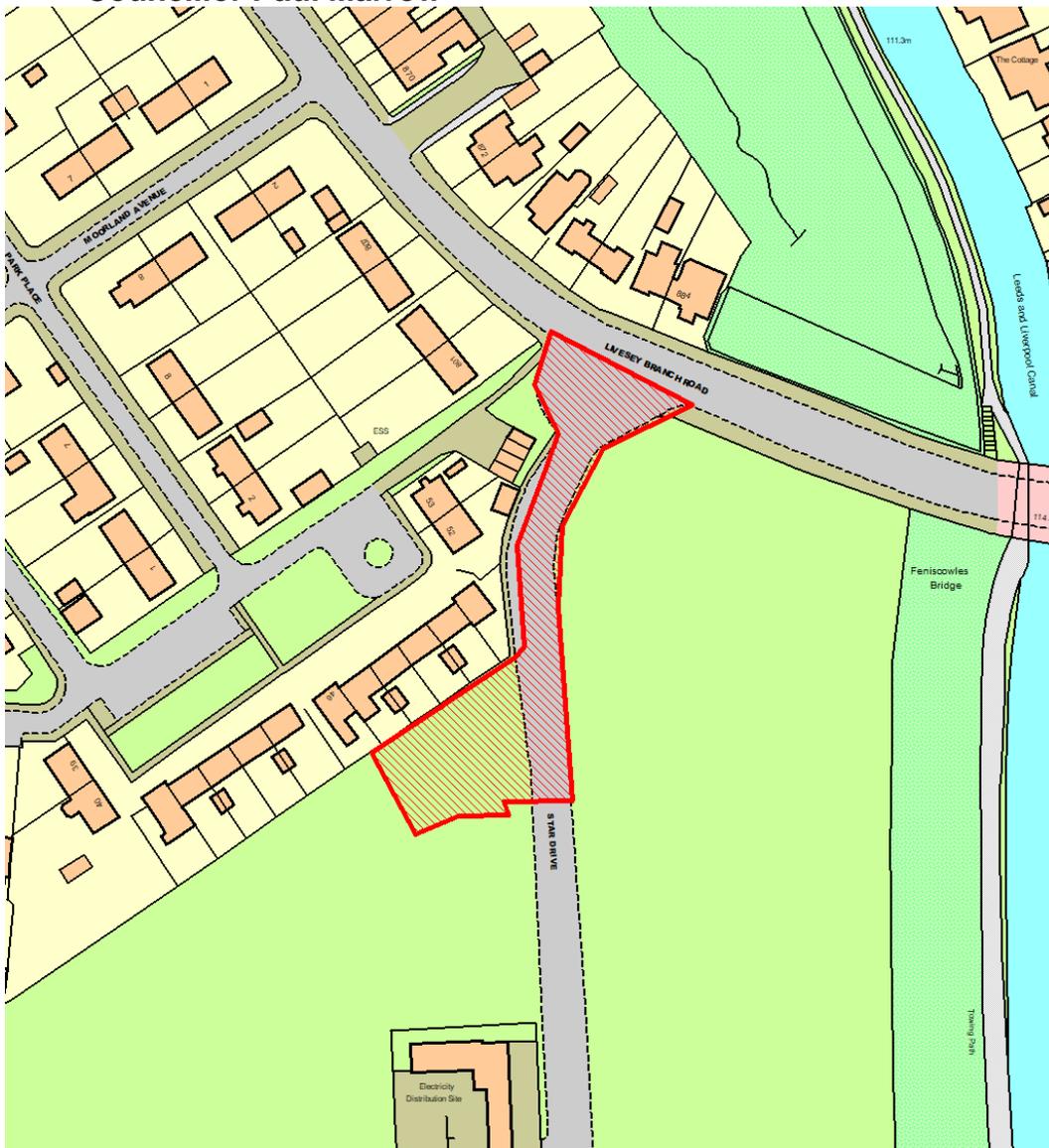
Proposed development: Full Planning Application (Retrospective) for Erection of a detached 3 bedroom bungalow (retrospective)

**Site address:
Former Sappi Mills
Plot 1
Phase 1 A (Watermills Development)
Livesey Branch Road
Blackburn**

Applicant: Blackburn Waterside Regeneration Ltd

Ward: Livesey With Pleasington

**Councillor Derek Hardman
Councillor Mark Russell
Councillor Paul Marrow**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – subject to the conditions set out within section 4.1 of this report

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This application is presented to the Planning and Highways Committee, in accordance with the Scheme of Delegation, as the application is, in-part, retrospective. The proposal has also raised public interest and has led to the receipt of 19 letters of objection, which are set out within Section 9 of this report.

2.2 The proposal will help to deliver a high quality housing scheme that will widen the choice of family housing in the Borough, whilst also bringing a brownfield industrial site back in to use. It supports the Borough's planning strategy for housing growth as set out in the Core Strategy. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The proposal relates to plot 1 within the first phase of the redevelopment of the area commonly referred to as the 'SAPPI site' given the last occupant of the majority of the site. The area has the benefit of both outline (10/15/0496) and reserved matters (10/18/0290) approvals for the delivery of housing.

3.1.2 Plot 1 holds a prominent position on the north side of the main estate road, Star Drive, which links to Livesey Branch Road. The plot also bounds the rear garden areas of existing residential dwellings on Princess Gardens.

3.2 Proposed Development

Background:

3.2.1 Members have previously approved outline and reserved matters applications for Phase 1a of the Sappi redevelopment. However, the subsequent development of Plot 1 has been undertaken with incorrect plans. The impact of which is that the unit approved within Plot 1 has been constructed in an incorrect position; this results in it being set 12.2m from the rear wall of nos 48 and 49 Princess Gardens, rather than the authorised 13.5m. Members will recall that at the meeting in March, it was reported that the local planning authority had issued an Enforcement Notice relating to the above site on the 18th March 2022, to Blackburn Waterside Regeneration Ltd (applicants/developers). The dwelling as constructed "house type K1" on Plot 1 has been partly constructed to the rear of the properties at Nos 48/49 Princess Gardens 1.2m closer than the approved scheme pursuant to

planning application 10/18/0290. The Notice took effect on the 22nd April 2022. A subsequent meeting was held on the 29th March 2022, between the developer, Planning Manager and case officer to discuss the options to remedy the situation.

- 3.2.2 Full planning approval is sought for the construction of a bungalow to occupy Plot 1. The new unit will replace the current unauthorised building that is in-situ. The bungalow will have a maximum ridge height of 6.3m and incorporate dormer features within the front roof plain. The general form and appearance will be consistent with the other properties within the Sappi redevelopment, including the use of red brick and concrete roof tile to harmonise.

Proposed Layout:



Proposed Appearance:



Site Photograph (taken from the rear garden of No.49 Princess Gardens):



3.3 Development Plan

3.3.2 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

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

3.3.3 Core Strategy- January 2011

CS1 – A Targeted Growth Strategy

CS5 – Locations for New Housing

CS6 - Housing Targets

CS7 – Types of Houses

CS15 - Protection and Enhancement of Ecological Assets

CS16 – Form and Design of New Development

3.3.4 Local Plan Part 2 (LPP2) – December 2015

Policy 1: The Urban Boundary

Policy 7: Sustainable and Viable Development

Policy 8: Development and People

Policy 9: Development and the Environment

Policy 18: Housing Mix

Policy 28: Development Opportunities

Policy 36: Climate Change

Policy 40: Integrating Green Infrastructure & Ecological Networks

3.4 Other Material Planning Considerations

3.4.2.1 National Planning Policy Framework (The Framework) (2021).

3.4.3 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay.

3.5 Assessment

3.5.1 Background: The application site falls within a wider development area that covers the former Sappi industrial site. The area has the benefit of both outline (10/15/0496) and reserved matters (10/18/0290) approvals for the delivery of housing.

3.5.2 However, the subsequent construction of Plot 1 has been undertaken with incorrect plans. The impact of which is that the unit approved within plot 1 has been constructed in an incorrect position; this results in it being set 12.2m from the rear wall of no's 48 and 49 Princess Gardens, rather than the

authorised 13.5m separation. This application seeks to address the issue by amending the design of the unit within plot.

3.5.3 Procedural Matters: A high proportion of the public objections raise concerns with the current application being brought, in-part, retrospectively. Members are advised that this point of objection is without merit given that section 73A of the 1990 Town & Country Planning Act, amongst other matters, provides for retrospective planning applications to be made in respect of development that has been carried out without planning permission. On that basis it would be unreasonable for the Council to resist the current application due to it being submitted part retrospectively.

3.5.4 Notwithstanding the above, the following matters are considered to be important to the assessment of the current application;

- Principle
- Amenity Impact
- Design and Appearance

3.5.5 Principle of Development:

The principle of residential development within the application site has already been considered and accepted through the assessment and subsequent approval of outline application 10/15/0496 and reserved matters application 10/18/0290

3.5.6 Core Strategy Policy CS1 explains that the overall planning strategy for the Borough is one of 'Targeted Growth' and identifies a need for '*a limited number of small scale urban extensions*'. Policy CS5 directs that the preferred location for new housing, where market conditions permit its delivery, will be the inner urban areas of Blackburn and Darwen. Policy CS7 encourages the development of a full range of new housing over the life of the Core Strategy in order to widen the choice available in the local market. Policy 1 of the Local Plan states that the defined Urban Area is to be the preferred location for new development. Development in the Urban Area will be granted planning permission where it complies with the other policies of this Local Plan and the Core Strategy. The site is located within the urban area boundary defined on the proposals map.

3.5.7 Amenity:

Policy 8 requires development to contribute positively to the overall physical, social, environmental and economic character of the area. It is also required to secure a satisfactory level of amenity and safety is secured 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 Additional requirements for separation between buildings are set out within Policy RES 2G: *Space Standards* of the Council's adopted residential design guide. Pertinent to the assessment of the current application is the direction

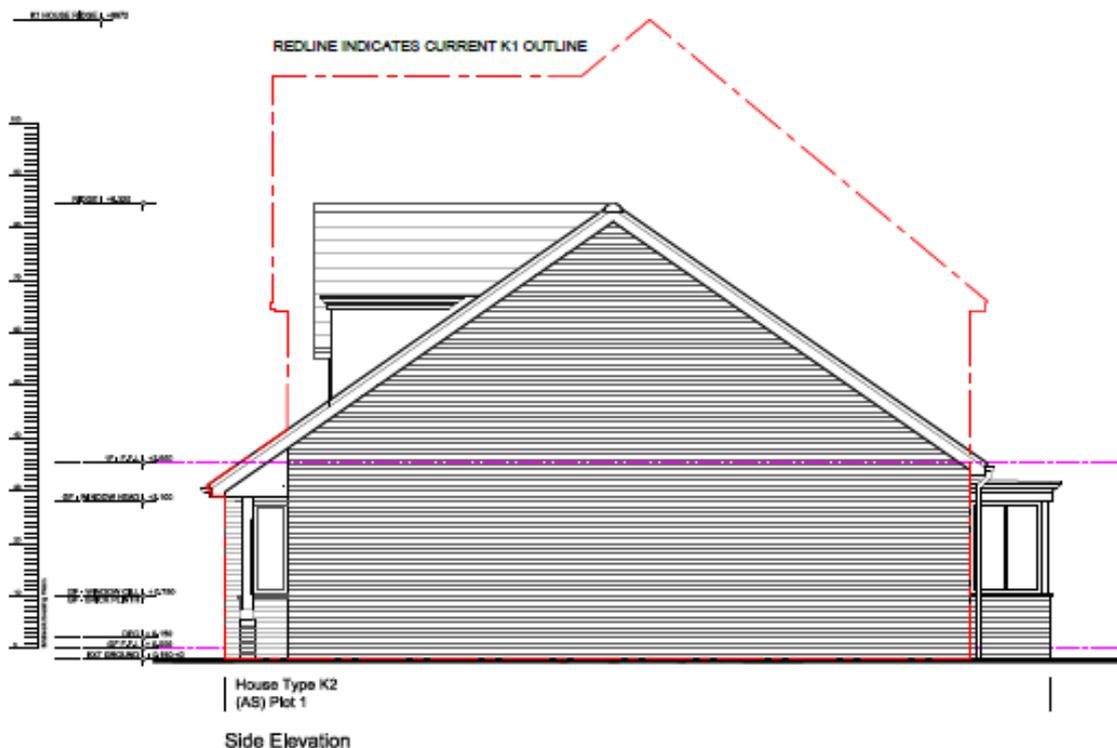
that unless an alternative approach can be justified a separation of 13.5m is required in instances where habitable rooms face a blank gable. This was the basis for the current authorised development approved under 10/18/0290, which detailed the house within Plot 1 being positioned 13.5m from the rear windows of no's 48 and 49 Princess Gardens.

3.5.9 The current proposal seeks to remove the existing unauthorised dwelling within Plot 1 and replace it with a bungalow. It is intended that the new bungalow will occupy the existing piled foundations and base in-situ, which will result in the side wall of the bungalow being 12.2m from the rear windows of no's 48 and 49. The bungalow would have a ridge height of 6.3m.

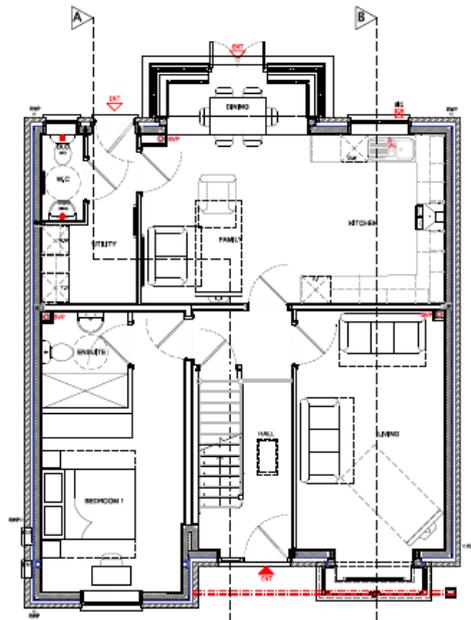
3.5.10 Policy RES 2G's direction is geared towards managing the relationship between a two storey gable wall and opposing residential windows. The current proposal does not replicate this scenario given the proposal now relates to a bungalow, which has considerably lower gable wall area than a standard two storey dwelling.

3.5.11 The previously approved two storey gable within plot 1 had an overall area of 75.7m² and a ridge height of 8.97m. This contrasts with the current proposal that has a gable wall area of 52.46m² and a ridge height of 6.34m. As such the current proposal has 69% of the wall area and 70% of the overall height of the authorised scheme. This reduction is demonstrated on the following images, with the red dotted line indicated the outline of the consented scheme.

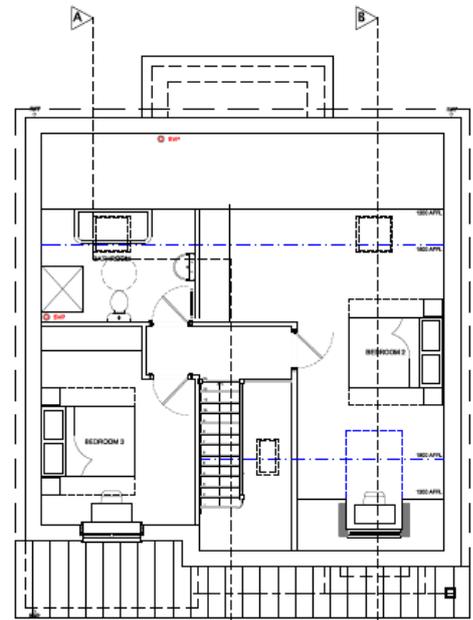
Outline of consented scheme compared to current proposal:



Proposed K2 bungalow house type relating to Plot 1:



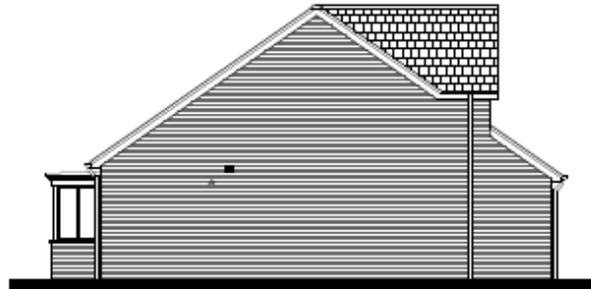
House Type K2
(AS) Plot 1
Ground Floor Plan



House Type K2
(AS) Plot 1
First Floor Plan



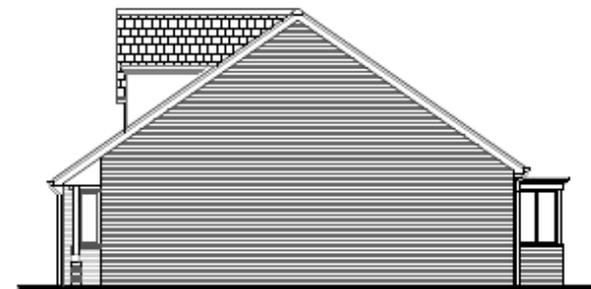
FRONT ELEVATION
ENTRANCE



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

3.5.18 Policy 18 of the Local Plan Part 2 illustrates that the Council requires a detached and semi-detached housing offer to be the principal element of the dwelling mix on any site that is capable of accommodating such housing. The current proposal remains compliant with this requirement.

3.5.19 In summary, the proposed replacement unit will not undermine the overall design ethos of the wider redevelopment of the Sappi site, and will safeguard the amenities of the occupants of the adjoining properties on Princess Gardens. The submitted details remain consistent with the wider layout, which show dwellings, infrastructure and landscaping that accord with the provisions of the relevant policies of the development plan.

4 RECOMMENDATION

4.1 APPROVE subject to the following conditions;

1. The development hereby permitted shall commence within 3 months of the date of this permission.

REASON: Required to be 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:

Drawing No. 17 5150_1A - SK K2A, received 31st May 2022
Drawing No. 17 5150 212A_revision A, received 31st May 2022

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

5 PLANNING HISTORY

10/18/0290 - Reserved Matters application (access within the site, landscape, layout, appearance, scale) pursuant to outline application 10/15/0496 for Phase 1a comprising of 95 dwellings and associated infrastructure

10/15/0496 – Outline application for a maximum of the following: 500 dwellings, 3,224m² of office employment (use class B1a), 9,192m² of light industrial employment (use class B1c), 333m² of retail floor space (use class A1) and a 1,110m² community building (use class D1). (Approved November 2015)

6 CONSULTATIONS

Public Consultation: 11 neighbouring properties have been individually consulted by letter and a site notice displayed. 19 letters of objection have been received (see section 9.0 of this report)

Drainage: No objection.

Highways: No objection

Livesey Parish Council: See update report

7 CONTACT OFFICER: Martin Kenny, Principal Planner

8 DATE PREPARED: 1st June 2022

9 SUMMARY OF REPRESENTATIONS

Objection – Maria Fogarty. Received: 12/05/2022

Good morning,

I have been made aware that the builders at Watermills have applied for retrospective planning after they built a house far too close to properties on Princess Gardens.

I would urge you to please decline this. I spend a lot of time working on our community page in Feniscowles & Cherry Tree and there are a lot of objections. Mostly I feel for those poor people who live in those houses.

Being a mortgage advisor I fully support new build homes. I've tried explaining to people that before the feniscowles developments were built, an extremely large part of the community at this side of town were leaving Blackburn and heading for Chorley, Bamber Bridge & Preston. There simply were not enough desirable locations for people to buy. I witnessed this first hand as a mortgage advisor.

However, I also really feel that a show of sticking to the rules & planning that was originally approved would show the people in our area that the council does listen and doesn't just bend at will to New Home builders. It could really make a positive out of this situation.

After all, the new builders will soon leave our town once they've made enough money but we will still be here.

Objection – Mrs Annette Shaw, 66 Coverdale Drive, Blackburn, BB2 5ED. Received: 12/05/2022.

I am a resident of Feniscowles of many years and write to object to the application by the developer of Watermills Development, Feniscowles.

I have seen evidence of the house in question built too close to an existing residence. I also note the developers are now seeking retrospective planning permission to 'build' a bungalow.

I have a number of reasons for my objection to the developers' application:

1. The developer intentionally built the existing house in blatant contravention of planning permission.
2. The developer by seeking to 'build' a bungalow in place of the house in question will still be in contravention of the planning permission in place.
3. The developer is demonstrating a complete disregard for residents directly affected as the bungalow will still be as close to their boundary. The height of the bungalow will still directly impact on the affected residents because of its close proximity.
4. The decision by the developer to "squeeze" another house in notwithstanding the clear planning permission previously granted can only be construed as a financial decision on the part of the developer.

5. The question has to be asked, what kind of message and precedence would you be setting if you allow the developer's application? This is particularly relevant in view of the number of housing developments being constructed in this area.

I truly hope you can stand firm and not allow the developer to make a mockery of your planning processes and decisions and refuse their application.

Objection – Denise Brogden, 44 Princess Gardens, Blackburn, BB2 5EJ. Received: 12/05/2022.

I am emailing to lodge a formal objection to the retrospective planning application at Plot 1, Phase 1A of the Watermills Development.

The reduction in height would be welcome if that was the issue that had initially been raised, but the lowering of the roofline does not alter the proximity of this property to the existing properties at 47, 48, 49 and 50 Princess Gardens. I have spoken to some of these residents and they feel the new property will still adversely affect their quality of life.

I feel strongly the removal order should be enforced in its original form, as this would not only reduce the adverse effects on the residents quality of life and possibly property values, but it would also send out a firm message to these, and other developers, that Blackburn with Darwen is not a borough, nor a planning department to be "trifled with", and that they must stick to permitted development plans.

Objection – David Jeal, 80 Horden View, Blackburn. Received: 13/05/2022.

Watermills Development Following the issuing of a removal notice on plot 1, which has been built much too close to the adjoining properties on Princess Gardens, the developer has applied for retrospective planning permission for a three bedroom bungalow on the same plot. I'm assuming they won't be moving the footprint of the building, merely lowering the existing roofline. This doesn't solve the initial complaint that it has deliberately and cynically been built otherwise than in accordance with the granted planning permission.

I object to the above in the strongest possible terms. It is an indication of corruption at a planning level, it erodes my faith in the system and a good friend is heartbroken by this as it infringes upon her property and has created a 'prison' like environment for her.

Objection – Donna Kelly, 10 Kingsley Close, Blackburn, BB2 5FB. Received: 13/05/2022.

I have never proposed to object about anything so apologies if this is not up to standard however Plot 1 on Watermills Development has been a shameful example of a developer not caring about its neighbours.

Every time I walk passed I am horrified for the residents of Princess Gardens who now get to stare up at the gable end of a large house almost directly on their garden boundary. Have you stood in their garden? It would make you cry and be happy that wasn't your home.

I understand they have built this in the wrong place and now propose to admit the “mistake” and request permission to make it a bungalow.

If it's footings are in the wrong place it doesn't matter what you build on it unless it isn't visible beyond the garden fence.

These developers know what they're doing and now they've been challenged they look to stick a random bungalow in its place ? Apart from how Aesthetically ugly that will look, it's time to say “no”. You made the mistake. Pull it down.

I'd like this objection to be registered

Objection – Mr & Mrs Staffa, 738 Livesey Branch Road, Blackburn. BB2 5NP. Received: 13/05/2022.

To whom it may concern,

Following the removal notice on plot 1 which has been built much too close to adjoining properties. I have been advised that rather than removal of the building the builders have applied for retrospective permission for a 3 bed bungalow on the same plot.

I don't feel this solves the problem and as they went against the initial plans I would like to raise my objections to this and feel the house should be demolished and removed. After all if we had done this that would have been the outcome.

Objection – Mrs J Lewis, 598 Preston Old Road, Blackburn, BB2 5NP. Received: 13/05/2022.

Dear Mr Kenny,

I am writing to raise the strongest objection to the proposed retrospective application of the developers on the Water Mills Development, Feniscowles, to reduce the level of the current two storey structure to a one storey.

The objection is based upon the following:

- 1) The original plans passed *did not* site the original house where it is currently situated so planning was contravened in this respect in the very first instance
- 2) The proposed reduction of height of the property does a) not serve to mitigate, in any significant manner, the impact upon the houses directly affected and b) should not be considered given point 1 above

If this is passed then it will reflect poorly upon the planning department and the council as a whole because those with domestic planning applications look to adhere strictly to the proposed plans for fear of the financial consequences of not doing so resulting, quite rightly, in structures being taken down and rebuilt at a cost to that individual. To allow the developers to gain retrospective permission on such an impactful structure that was positioned in a place that contravened the plans in the first instance, would highlight a dangerous lack of parity on the part of the planning department would surely call into question the integrity of the whole planning process.

Objection – Lyndon Morris, Resident of Feniscowles. Received: 13/05/2022.

I am a resident of the Feniscowles area and would like to state my objection to the property plot 1 on the Watermills Development at Feniscowles Blackburn.

The proximity of this house to the house of the existing residents property is so ridiculously close and unacceptable it's difficult to believe that anyone would think that was acceptable.

Those poor people have had their space, light and , privacy invaded and they must be heartbroken and desperate.

I would like to formally object to this property being built in this position and the lack of reasonable distance between the existing property. It should be removed and the developers fined heavily.

Objection – Taryn Baker, 4 Sunnymere Drive, Darwen, BB3 1RH. Received: 13/05/2022.

I am appalled at the developers disregard for planning relating to the building work off Brokenstone Road and the Watermills development site in Feniscowles.

1. Driving on Brokenstone Road is an accident waiting to happen. The volume of heavy vehicle traffic and the narrow roads is terrifying. On Gib Lane, Brokenstone Road and Livesy Branch Road the number of stones on the road is shocking and the place is constantly caked in mud. I'm really worried about the poor air quality my little boy is exposed to now on a day to day basis.

2. When is the new school behind built? It is needed already.

3. Regarding the Watermills development specifically I hope you will reject the retrospective planning application for a bungalow almost built inside someone's garden on Princess Gardens. It is a disgrace that the building work has been allowed to progress this far and developers cannot be allowed to vary from plans.

Please please get the confidence to start enforcing rules and planning permission in place and DO NOT let developer build as they please and fail to adequately respect and clean the public roads.

Objection – Hazel Flanagan, 10 Harebell Close, Blackburn. Received: 13/05/2022.

Following the issuing of a removal notice on Watermills Development, Plot 1, which has been built much too close to the adjoining properties on Princess Gardens, the developer has now applied for retrospective planning permission for a three bedroom bungalow on the same plot. This doesn't solve the initial complaint that they deliberately went against their initial plans, without being granted planning permission. It still is an invasion of privacy and light should a bungalow be put in its place. I therefore wish to object to this appeal from the builder and feel the building needs to be removed.

Objection – Ray Bromley. Received: 13/05/2022.

Just thought I'd place on record my objection to the new build in feniscowles. Really feel for the person on Princess Gardens having to look out on that.

Objection – David Finch. Received: 13/05/2022.

Please register my objection to the proposed amendment to planning permission to lower the high of adjoining properties being built next to princess gardens. The buildings must be removed and moved away from the adjoining borders not just reduced in height.

Objection – Hayleigh. Received: 13/05/2022.

I am writing to object to the planning request to lower Plot 1 of The Watermills development to a bungalow. All of the houses on this development are much closer to the existing houses than they appear on the plan, the existing residents now have overbearing properties that tower over their gardens leading to a large reduction in the light to both their gardens and homes. It has also caused the existing houses on Princess Gardens to have no privacy in their own gardens or living rooms (which are at the back of most of the homes) due to windows on the development overlooking them. An extension to a existing house would be rejected if it were to tower over neighbouring properties in the manner that the new houses do, what is the difference between this and the new builds?!

The developers have not stuck to the original plans submitted and a retrospective amendment to these plans to allow the building in Plot 1 to be reduced to a bungalow should not be allowed. The trees have also been removed from the borders which the residents were advised would stay, this has left them looking at an awful building site, with churned up land and part built houses.

Objection – Mrs Heidi Pugh, 31 Old Gates Drive, Blackburn. Received: 13/05/2022.

Following the issuing of a removal notice on plot 1, which has been built much too close to the adjoining properties on Princess Gardens, the developer has now applied for retrospective planning permission for a three bedroom bungalow on the same plot. This doesn't solve the initial complaint that they deliberately & went against their initial plans, without being granting planning permission. It still is an invasion of privacy & light should a bungalow be put in its place! I therefore wish to object to this appeal from the builder & that the building needs to be removed.

Objection – [REDACTED] Received: 16/05/2022.

I am writing to object to the planning request to lower Plot 1 of The Watermills development to a bungalow. All of the houses on this development are much closer to the existing houses than they appear on the plan, the existing residents now have overbearing properties that tower over their gardens leading to a large reduction in the light to both their gardens and homes. It has also caused the existing houses on Princess Gardens to have no privacy in their own gardens or living rooms (which are at the back of most of the homes) due to windows on the development overlooking them. An extension to a existing house would be rejected if it were to tower over neighbouring properties in the manner that the new houses do, what is the difference between this and the new builds?!

The developers have not stuck to the original plans submitted and a retrospective amendment to these plans to allow the building in Plot 1 to be reduced to a bungalow should not be allowed. The trees have also been removed from the borders which the residents were advised would stay, this has left them looking at an awful building site, with churned up land and part built houses.

Objection – Catherine Carbine, 36 Linden Lea, Blackburn, BB2 5AG. Received: 16/05/2022.

I am writing to strongly object to the building of the property built without the permission and far too close to the existing houses. The builder should have to remove the property and fined

Objection – Elaine Casson. Received: 16/05/2022.

With reference to the issuing of a removal notice on Plot 1 of the Watermills development site and the developer's retrospective application to build a bungalow, I hereby submit my objection to this application. This potential new build would still be too close to the adjoining house on Princess Gardens.

I would also ask that serious consideration be given to applying further scrutiny to this development to ensure there are no further breaches.

Objection – Charlotte Hayes. Received: 16/05/2022.

We'll need I say more the houses on this development are way too close to the existing houses.

How would you feel if you had invested in a home for you and your family then the council agreed to this monstrosity being built at the very bottom of your garden towering above your garden and property!

The developers have not followed the approved plans and have shown such disregard for the existing residents and area. Please do not let them get away with this. Unless the council make them take down the property then you are setting a dangerous precedent.

I walk past this route most days and am so sad to see the wild doe running around this building site looking terrified. This was their habitat and they should be at the very least moved to safety.

I hope you take my concerns into consideration when you consider the retrospective application and also consider our wildlife who don't have a voice

Objection – Nicola Brown, 46 Princess Gardens, Blackburn. Received: 23/05/2022.

We'll need I say more the houses on this development are way too close to the existing houses.

How would you feel if you had invested in a home for you and your family then the council agreed to this monstrosity being built at the very bottom of your garden towering above your garden and property!

The developers have not followed the approved plans and have shown such disregard for the existing residents and area. Please do not let them get away with this. Unless the council make them take down the property then you are setting a dangerous precedent.

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