

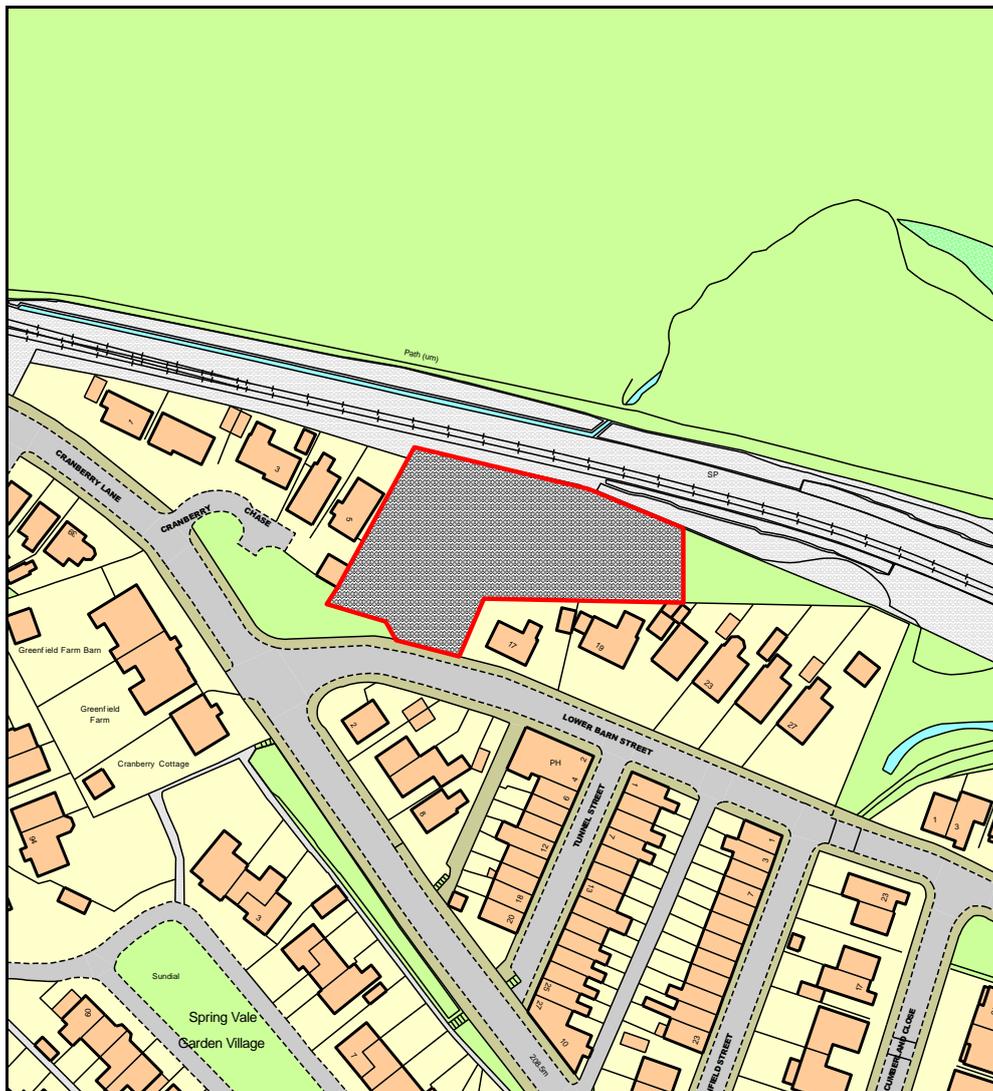
Proposed development: Full Planning Application for: Proposed residential development of 5 detached houses with associated highway infrastructure and landscaping.

**Site address:
Land at Lower Barn Street
Darwen
BB3 2HQ**

Applicant: Amanda Hodgson

Ward: Darwen South

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



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The proposal is submitted in the form of a full planning application. It is reported to Committee due to receipt of a significant number of public objections, reproduced at paragraph 6.2 (Public Consultations). This is in accordance with the Council's adopted Scheme of Delegation.

2.2 Detailed assessment of the application finds that the proposed development corresponds with the Council's overarching housing growth strategy, as set out in the Core Strategy and Local Plan Part 2. Delivery of a high quality housing led development will be secured. Moreover, from a technical point of view, all issues have been addressed through the application or are capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

3.2 The application site (the site) lies within the outer extremities of Darwen's urban boundary, to the north of Lower Barn Street. It is an unallocated in-fill site within an area generally residential in character, bounded by a Green Infrastructure (GI) allocation to the immediate north with the railway line and a housing allocation beyond, to the east of which is open countryside, designated as Green Belt.

3.3 The site features a pronounced change in levels, falling from the southern boundary on Lower Barn Street to the railway line to the north. The site is identified by the red edged location plan and aerial view below (Neil Pike Architects, 24/8/2021)



3.4 The below aerial image shows the site and the wider context (Google Maps)



3.2 Proposed Development

3.2.1 Planning permission is sought for the erection of 5no. detached dwellings (Use Class C3), including access, hard and soft landscaping and associated works, as set out in the submitted drawings. The proposed layout is illustrated below (Neil Pike Architects, 14/2/2022).



3.3 Development Plan

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

3.3.2 The Development Plan comprises the 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

- CS1 – A Targeted Growth Strategy
- CS5 – Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS18 – The Borough Landscapes

3.3.4 Local Plan Part 2 (LLP2)

- 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 41 – Landscape

3.3.5 Joint Lancashire Minerals and Waste Local Plan

3.3.6 Joint Lancashire Minerals and Waste Development Plan

3.3.7 Joint Lancashire Minerals and Core Strategy (2009)

3.3.8 Site Allocations Development Management Policies Plan Part 1 (2013) Policy M2 – Safeguarding Minerals.

3.4 Other Material Planning Considerations

3.4.1 BwD 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 Air Quality Planning Advisory Note

3.4.3 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 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal erosion.

3.4.4 Blackburn with Darwen Local Plan 2018 – 2037 (Consultation Draft) (January 2021).

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

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*'.

3.5.3 Policy CS5 explains that the preferred location for new housing, where market conditions permit its delivery, will be the inner urban areas of Blackburn and Darwen.

- 3.5.4 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.
- 3.5.5 Policy 18 requires detached and semi-detached house types to be the principal element of housing mix on any site capable of accommodating such housing.
- 3.5.6 Previous permissions for housing led development at the site, as set at paragraph 5.0, are an important material consideration in this assessment, which demonstrate the site is fundamentally suitable for housing. This is further reinforced by the availability of nearby public transport links into Darwen town centre and local amenities along the A666. Bus and rail services in Darwen town centre offer opportunities for easy access to destinations such as Blackburn, Preston, Manchester and Clitheroe. Moreover, the adjacent housing allocation (Local Plan Part 1 ref. 16/6) to the north, further demonstrates the area's sustainability credentials.
- 3.5.7 A very small section of Mineral Safeguarding Area (MSA), encroaches into the northern end of the site, immediately adjacent to the railway, as defined by the Joint Lancashire Minerals and Waste Site Allocations Development Management Policies Plan Part 1 (2013).
- 3.5.8 Policy M2 'Safeguarding Minerals', at paragraph 6.2.3 states:

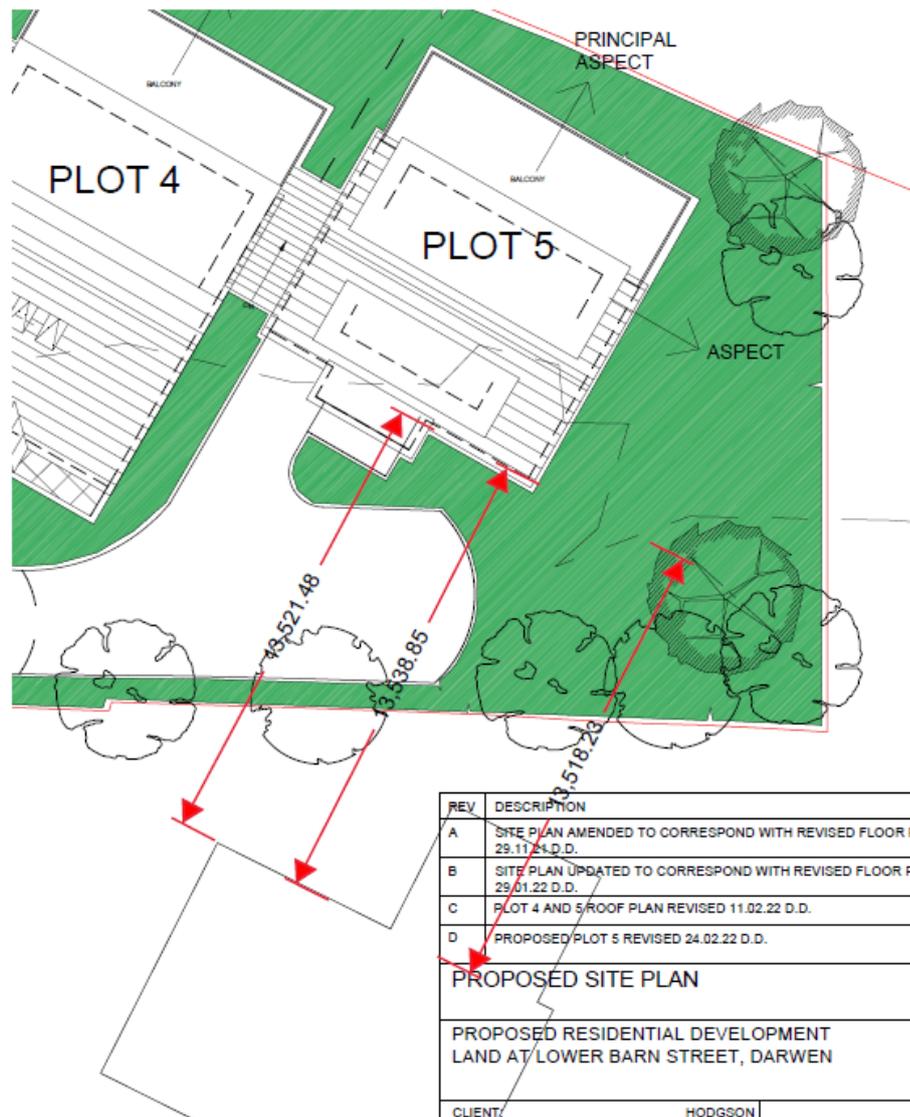
Current guidance advises that mineral safeguarding should not be curtailed by any other planning designation, such as urban areas or environmental designations without sound justification. The mineral deposits within the Plan area are extensive and whilst they continue beneath urban areas, they are already sterilised by non-mineral development and are not sufficiently valuable, with very little prospect of future working. Therefore, in a wish to make our safeguarding realistic and practical as possible, we have excluded such areas from the mineral safeguarding areas.

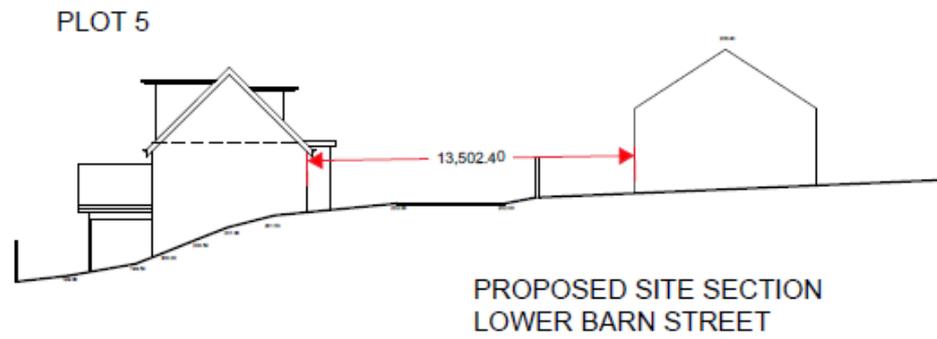
- 3.5.9 As the application site lies within the defined urban boundary, the mineral safeguarded area should not prohibit the development. The area to the south of the application site has already been sterilised by existing development which, together with the presence of the railway line, means there is no prospect of the application site being used for future mineral working.
- 3.5.10 Accordingly, as a proposal delivering an appropriate mix of homes, on a site not allocated for an alternative purpose, the principle of the development is found to be acceptable, in accordance with the provisions of the Development Plan and The Framework.

3.5.11 Amenity

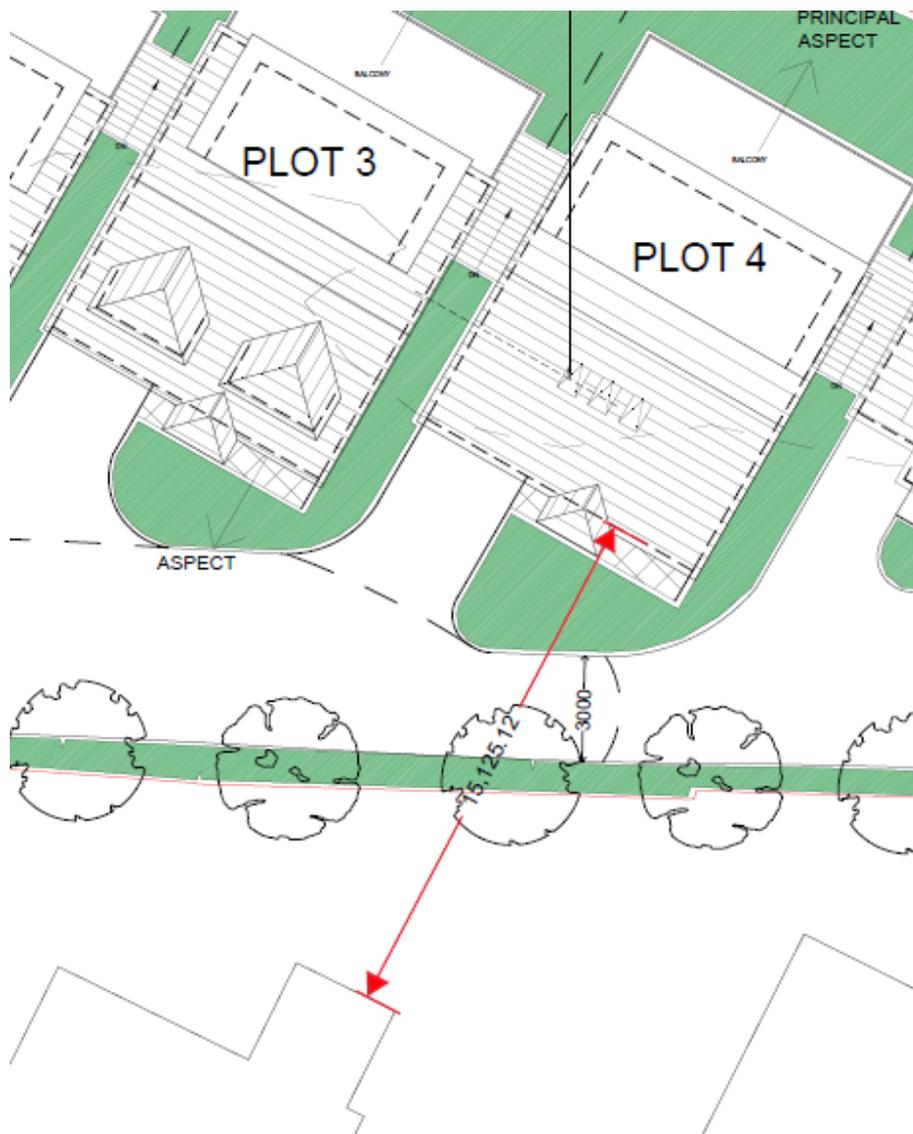
Policy 8 requires development to contribute positively to the overall physical, social, environmental and economic character of the area. It is also required to secure a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to noise, vibration, odour, light, dust, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

3.5.12 The single storey relationship between plot 5 and 19 Lower Barn Street is acceptable, in achieving the Council's adopted 13.5 minimum separation standard between existing habitable room windows and what is, in effect, a proposed upper floor blank elevation, given that plot 5 is absent of any habitable room windows. Instead the dormer window proposed serves circulation space. The secondary ground floor habitable room window proposed to the front of plot 5 opposes the pre-existing boundary fence to the rear of no. 19, which guards against any significant loss of privacy to occupants of no. 19. The relationship is illustrated in the two extracts below (Neil Pike Architects, 14/2/2022):





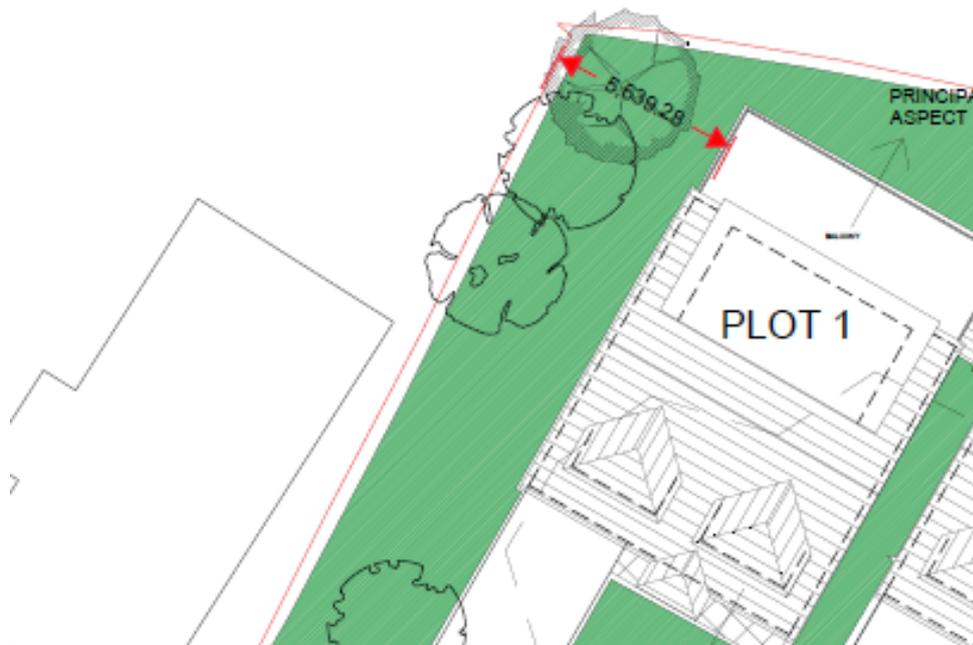
3.5.13 A similarly acceptable relationship is achieved between plot 4 habitable and the rear of 17 Lower Barn Street, as shown below (Neil Pike Architects, 14/2/2022):



3.5.14 Although upper floor dormer bedroom windows are proposed to plot 3, they will not directly face no. 17.

3.5.15 Plot 1 sits at an elevated level and to the east of no. 5 Cranberry Chase. Minor conflict arises between the proposed blank elevation and a side window to no. 5. The affected window is, however, believed to be a secondary window serving an open plan kitchen / dining space, with the primary window in the elevation facing the railway. As a dual aspect space, it is considered that sufficient daylight and sunlight admission to the room will be maintained.

3.5.16 The proposed rear balcony to plot 1 will be positioned circa 5.6m, as illustrated below, (Neil Pike Architects, 14/2/2022) from the rear garden of no. 5. The extent of separation and provision of a c. 1.8m high 'screen wall' along the opposing side of the balcony, is sufficient to guard against any significant loss of privacy. Provision of the screen will be secured via condition.



3.5.17 The elevated level of plot 1 also results in a modest degree of overlooking from the side garden into the garden at no. 5. Mitigation in the form of an appropriate boundary fence, to be secured via condition, will guard against any significant loss of privacy.

3.5.18 A communal refuse collection point is proposed adjacent to the site access, appropriately serving refuse collection needs of householders.

3.5.19 Sufficient outdoor amenity space will serve each plot.

3.5.20 The Council's Public Protection consultee has offered no comment. Comments received in response to the application 10/20/1246 are, however,

entirely relevant to this application. The following (summary) conditions are recommended, to safeguard amenity levels during and post construction:

- Submission of a noise / vibration impact assessment arising from the adjacent railway. Mitigation to be identified and implemented as necessary.
- standard contaminated land;
- limited hours of construction;
- submission of a noise / vibration monitoring programme (should pile foundations be necessary);
- implementation air quality measures; and
- Submission of a Construction an Environmental Management Plan (CEMP).

3.5.21 Network Rail also offer no comment. Comments received in response to the application 10/20/1246 are, again, entirely relevant to this application. The following (summary) conditions are recommended, in order to guard against impact on the railway:

- Submission of a method statement / risk assessment arising from construction works;
- submission of details of a trespass proof fence;
- submission of scaffolding details within 10m of railway; and
- confirmation that drainage will be directed away from the railway (to be secured by the overall drainage strategy condition).

3.5.22 Accordingly, it is found that satisfactory levels of amenity and safety would be secured for existing and future residents. The development is also considered to contribute positively to the overall physical, social, environmental and economic character of the area, in accordance with the requirements of Policy 8, The Masterplan and The Framework.

3.5.23 Environment

Policies CS13, 9 and 40 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.

3.5.24 The site lies within Flood Zone 1 (low risk). The council's Drainage consultee, as Lead Local Flood Authority, offers no objection to the proposal subject to submission of a foul and surface water drainage strategy, secured via condition.

3.5.25 A Preliminary Ecological Appraisal of the site has been submitted and reviewed by the Council's ecology consultee. No objection is offered, subject to recommendation of the following (summary) conditions:

- No site clearance during bird nesting season;
- submission of an invasive plant species survey;

- submission of a biodiversity enhancement scheme; and
- submission of a CEMP, to include biodiversity protection measures.

3.5.26 The Council's Arboriculture Officer offers no objection, following review of an Arboriculture Impact Assessment, subject to submission of a detailed landscaping / biodiversity scheme, to include replacement / enhanced planting. Details to be secured via condition.

3.5.27 Accordingly, the environmental impact of the development is found to be acceptable, in accordance with the requirements Policies CS13, 9 and 40, and The Framework.

3.5.28 Highways / Accessibility and Transport

Policies CS22 and 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.

3.5.29 Access into the site would be taken from the existing point. Visibility splays appropriately serve the development.

3.5.30 Properties would be served by an internal access road which will remain in private ownership rather than be adopted by the Council. Its form is, therefore, accepted, in recognition that refuse vehicles will not be entering the site, due to the siting of a communal storage area adjacent to the site access, as previously noted.

3.5.31 Off street parking is provided, within proposed drives and 'car barns' in accordance with the Council's adopted minimum standards.

3.5.32 Notwithstanding a recommendation for the Council's highways consultee renewal of existing footways surrounding the site is considered neither reasonable or necessary to make the development acceptable, taking onto account the absence of such request for previous applications; in the interests of consistency.

3.5.33 The sites sustainability credentials are also recognised in the highways assessment, being within easy reach of a range of facilities and services, as well as public transport links into Darwen Town Centre and beyond.

3.5.34 Submission of the aforementioned CEMP would guard against excessive highway disruption during construction phase

3.5.35 Accordingly, highway impacts arising from the development are found to be acceptable, in accordance with the requirements of Policies CS22 and 10, and The Framework.

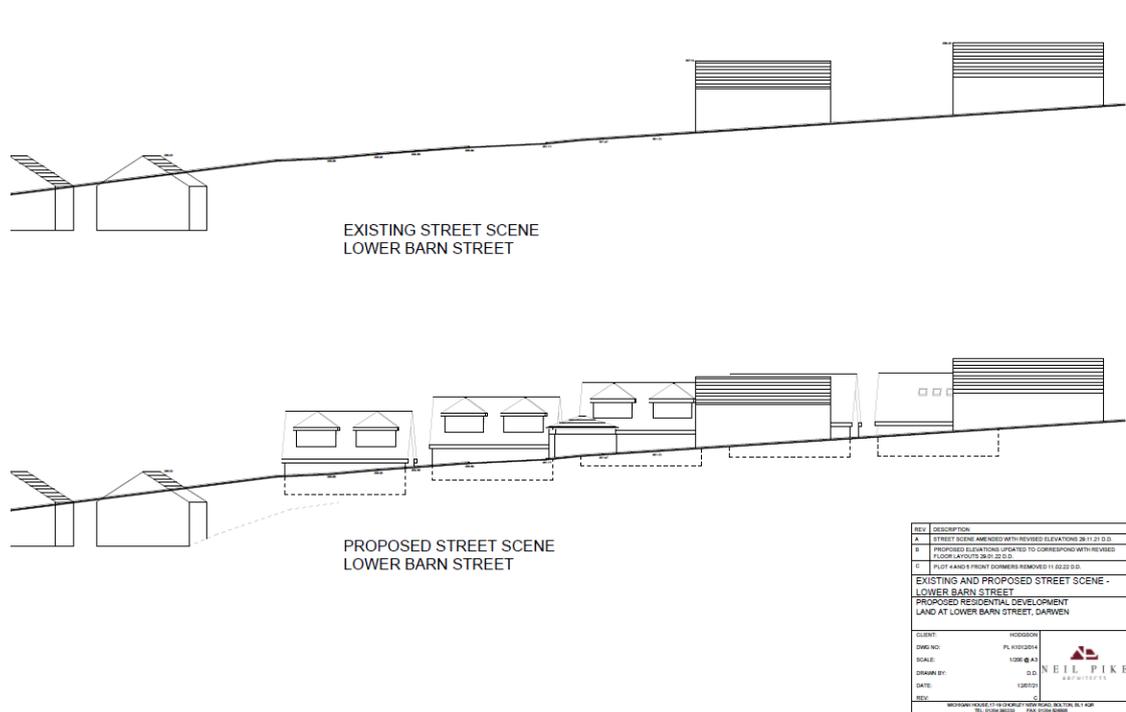
3.5.36 Design / Character and Appearance

Policies CS16 and 11 require 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. This includes enhance and reinforcing the established character of a locality. Key aspects of character which must be taken into account are the following:

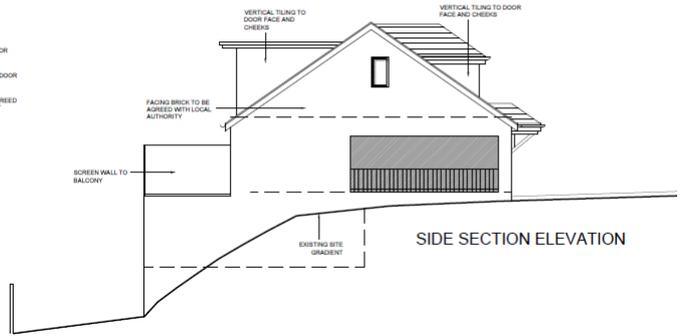
- i) Existing topography, buildings and landscape features and their integration into the development;
- ii) Layout and building orientation to make best use of existing connections, landmarks and views;
- iii) Building shapes, plot and block sizes, styles colours and materials that contribute to the character of streets and use these to complement character;
- iv) Height and building line of the established area;
- v) Relationship of the buildings to the street; and
- vi) Frontage treatment such as boundary walls.

3.5.37 The site represents a residential infill plot, in an area characterised by a range of house types, including bungalows to the immediate west. Dwellings are detached and arranged in a staggered linear form to the north of the internal road. House types appropriately respond to the topography of the site, in that they are split level, appearing as outward facing bungalows, to the street and three storey's to the rear, facing the railways. Accordingly, the development will integrate well with the prevailing street character. An existing and proposed street scene comparison, and house types are illustrated below (Neil Pike Architects, 14/2/2022):

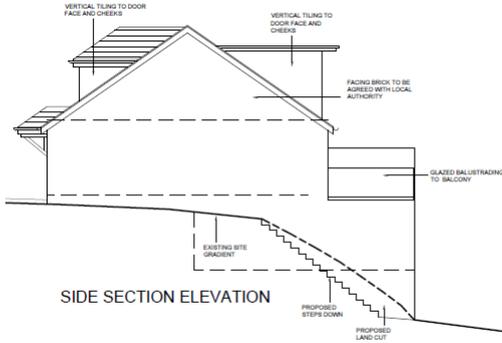




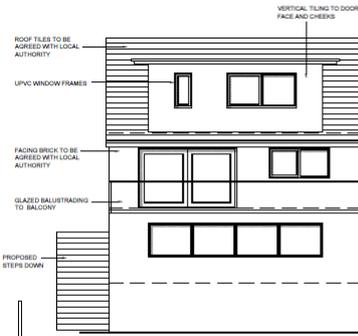
FRONT ELEVATION



SIDE SECTION ELEVATION



SIDE SECTION ELEVATION



REAR ELEVATION

REV	DESCRIPTION
A	PROPOSED ELEVATIONS UPDATED TO CORRESPOND WITH REVISED FLOOR LAYOUTS 28.01.22 D.D.
B	PROPOSED OWNER CAVING AND FIRST FLOOR REVISED 11.03.22 D.D.

PLOT3 - PROPOSED ELEVATIONS

PROPOSED RESIDENTIAL DEVELOPMENT
LAND AT LOWER BARN STREET, DARWIN

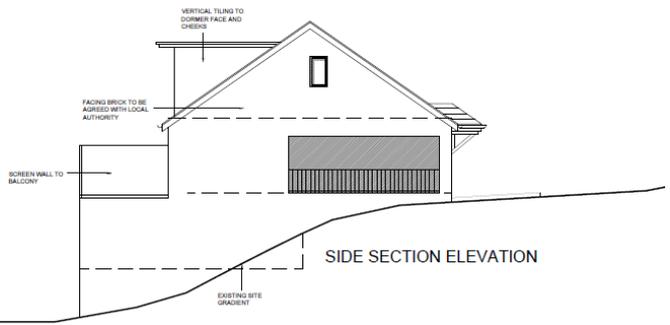
CLIENT:	HODGSON
DWG NO:	PL K102007
SCALE:	1:100 @ A3
DRAWN BY:	S.D.
DATE:	12/02/22
REV:	0

NEIL PIKE ARCHITECTS

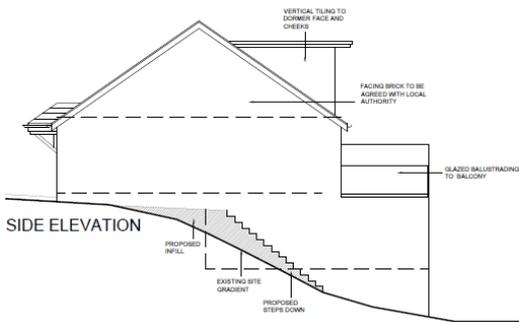
MICHAEL HESSE (11) GLENVIEW TERRACE, BALURU, NT 1378
TEL: 0894 80282 FAX: 0894 80288
WWW.NEILPIKEARCHITECTS.COM.AU EMAIL: INFO@NEILPIKEARCHITECTS.COM.AU



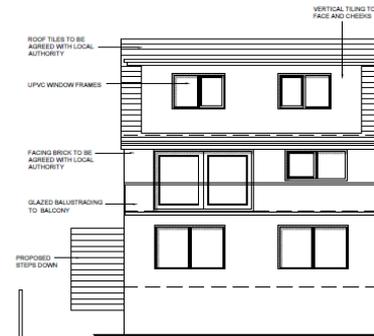
FRONT ELEVATION



SIDE SECTION ELEVATION



SIDE ELEVATION



REAR ELEVATION

REV	DESCRIPTION
A	PROPOSED ELEVATIONS UPDATED TO CORRESPOND WITH REVISED FLOOR LAYOUTS 28.01.22 D.D.
B	PROPOSED OWNER CAVING AND FIRST FLOOR REVISED 11.03.22 D.D.

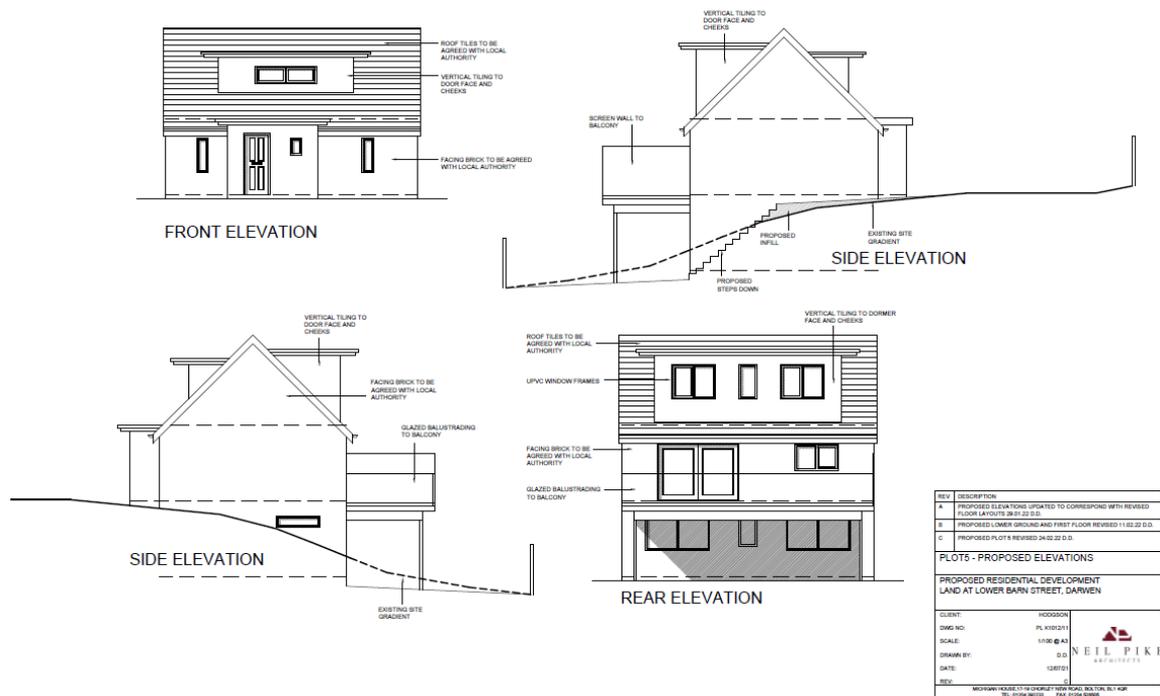
PLOT4 - PROPOSED ELEVATIONS

PROPOSED RESIDENTIAL DEVELOPMENT
LAND AT LOWER BARN STREET, DARWIN

CLIENT:	HODGSON
DWG NO:	PL K102008
SCALE:	1:100 @ A3
DRAWN BY:	S.D.
DATE:	12/02/22
REV:	0

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3.5.38 Appropriate external walling and roofing materials would be secured via condition.

3.5.39 Boundary treatments are not submitted. Details will be secured via condition.

3.5.40 Implementation of a landscaping scheme will ensure an appropriately landscaped and integrated development.

3.5.41 Overall, the proposal constitutes good design, in demonstrating an understanding of the wider context. It would, therefore, make a positive contribution to the local area.

3.5.42 Accordingly, the design of the development is found to be in accordance with the requirements of Policies CS16 and 11, and The Framework.

3.5.43 Other matters

Neighbouring objection has alleged the existence of a covenanted 'no build line' across the site. Whilst this is not a material matter in consideration of the application, the representation has been passed to the applicant's agent, who asserts that no such covenant exists.

3.5.44 Summary

This report assess the full planning application for a residential development of 5 houses with associated highway infrastructure and landscaping. 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, Supplementary Planning Document, Planning Advisory Note and the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 Delegated authority is given to the Strategic Director of Growth and Development, 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 application form received 17th July 2021, and as detailed on drawings numbered: Location Plan received 24/08/2021, PL K1012/02 Rev B, PL K1012/03 Rev B, PL K1012/04 Rev A, PL K1012/05 Rev A, PL K1012/06 Rev A, PL K1012/07 Rev A, PL K1012/08 Rev B, PL K1012/09 Rev B, PL K1012/10 Rev B, PL K1012/11 Rev C, PL K1012/014 Rev C, PL K1012/01 Rev D, PL K1012/016 Rev C, PL K1012/015 Rev B, PL K1012/13 and PL K1012/017.

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

3. Prior to commencement of any above ground works hereby approved, and notwithstanding the submitted details, 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. Prior to commencement of any above ground works hereby approved, and notwithstanding the submitted details, 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 commencement of the development hereby approved, a written assessment that determines likely noise and vibration impacts arising from the adjacent railway upon the development, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall identify any necessary mitigation measures to alleviate those impacts. Mitigation shall be implemented in strict accordance with the approved detail, prior to occupation of the development.

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

6. 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.

7. 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.

8. Prior to commencement of the 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 and to prevent unacceptable levels of water pollution, in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

9. Prior to 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.

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 adopted Blackburn with Darwen Borough Council Local Plan Part 2.

11. Gas fired domestic heating boilers shall not emit more than 40mgNO_x/kWh.

REASON: In the interests of improving air quality and to protect the health of residents, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

12. 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 an approved in writing by the Local Planning Authority. The scheme shall provide for:

i) Separate systems for the disposal of foul and surface water;

- ii) a detailed drainage strategy to demonstrate that the post-development discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development rate of 5 litres per second;
- iii) the drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+40% climate change allowance) rainfall event and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
- iv) details of any necessary flow attenuation measures, including the use of SuDS where appropriate;
- v) confirmation that drainage of foul and surface water is directed away from the railway; and
- v) a timetable for implementation, including details of any phased delivery.

The development shall be implemented in strict accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 8 and 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

13. No site clearance or construction works on site shall be carried out during the bird nesting season (March to August), unless the absence of nesting birds has been confirmed by further survey work or on-site on inspections.

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

14. Prior to the commencement of any works on site, a detailed Invasive Plant Species Survey of the site shall be carried out by a remediation / invasive species specialist. The results of this survey and any recommendations or mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Any recommended mitigation measures shall be carried out in strict accordance with the approved detail.

REASON: In order to protect ecology and biodiversity, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

15. A scheme for the Biodiversity Enhancement Measures, as set out in section 7 and appendix 8 of the Preliminary Ecological Appraisal Extended by Brindle & Green dated December 2020 (ref BG19.271), 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.

REASON: In order to protect and promote ecology and biodiversity, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

16. Prior to commencement of any above ground works 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.

17. Prior to commencement of any on site works hereby approved, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the site clearance and construction period. The Plan shall provide for:

- i) A risk assessment of potentially damaging construction activities;
- ii) identification of 'biodiversity protection zones';
- iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce biodiversity impacts during construction;
- iv) use of protective fences, exclusion barriers and warning signs;
- v) the parking of vehicles of site operatives and visitors;
- vi) loading and unloading of plant and materials;
- vii) storage of plant and materials used in constructing the development;
- viii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- ix) 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;

- x) measures to control the emission of dust and dirt during construction; and
- xi) 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, 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 and 10 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

19. Prior to commencement of the development hereby approved, a Method Statement & Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority and Network Rail. The submitted information shall detail ground levels, earthworks / excavations, construction methodology, associated risks and any necessary mitigation. Construction of the development shall be in strict accordance with the approved details.

REASON: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

20. Prior to occupation of the development hereby approved, details of a trespass proof fence shall be submitted to and approved in writing by the Local Planning Authority and Network Rail. The fencing shall be installed in strict accordance with the approved detail, prior to occupation of the development and shall be so retained.

REASON: To protect the adjacent railway from unauthorised access, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

21. Prior to commencement of the development hereby approved, details of scaffolding works within 10m of the railway boundary shall be submitted to and approved in writing by the Local Planning Authority and Network Rail. The development shall be carried out in strict accordance with the approved details.

REASON: In the interests of protecting the railway and its boundary from over-sailing scaffolding, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

22. Prior to occupation of the dwelling hereby approved at Plot 1, the 1.8m high 'screen wall', indicated on drawing numbered: PL K1012/03 Rev B, shall be erected and thereafter retained.

REASON: In order to safeguard householders of 5 Cranberry Chase from overlooking, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

23. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), no development of the type specified in Classes A - G of Part 1 of that Schedule or Class A of Part 2 of that Schedule shall be carried out unless planning permission has been granted first.

REASON: To ensure enhanced control over future development of the properties, in the interests of preserving residential amenity and safeguarding Network Rail assets, in accordance with Policies 8 and 11 of the Blackburn with Darwen Borough Local Plan Part 2.

5.0 PLANNING HISTORY

- 5.1 10/07/1045: Erection of 4 dwellings – Approved.
- 5.2 10/10/0912: Extension of time to implement 10/07/1047 – Approved.
- 5.3 10/20/1246: Erection of 3. No bungalows and associated works. Approved.

6.0 CONSULTATIONS

6.1 Public Protection

No response offered.

6.2 BwD Drainage – Lead Local Flood Authority

Lead Local Flood Authority Position We have no objections to the proposals but require the following conditions:

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 an approved in writing by the Local Planning Authority. The scheme shall provide for:

- i) Separate systems for the disposal of foul and surface water;

- ii) a detailed drainage strategy to demonstrate that the post-development discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development rate of 5 litres per second;
- iii) the drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+40% climate change allowance) rainfall event and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event;
- iv) details of any necessary flow attenuation measures, including the use of SuDS where appropriate;
- v) confirmation that drainage of foul and surface water is directed away from the railway; and
- v) a timetable for implementation, including details of any phased delivery.

The development shall be implemented in strict accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Policies 8 and 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

There is major culverted watercourse crossing the entrance to the site. The applicant is required to contact the Drainage Section 6 weeks prior to commencement to apply for any consent to discharge to the watercourse and also apply for consent to carry out any work within 8 metres of the culvert, under the Land Drainage Act.

6.3 Ecology – GMEU

The Preliminary Ecological Appraisal found the site to have some limited ecological value.

Nesting birds

The site supports vegetation that could be used by nesting birds, including trees and scrub. As all wild birds, their nest and eggs are protected under the Wildlife and Countryside Act 1981 (as amended) no clearance should take place during the main bird breeding season. We would therefore recommend that the following condition be attached to any permission, should it be granted:

No removal of or works to any hedgerows, trees, or other vegetation may be used by breeding birds shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Alternatively these measures could be included within a Construction Environmental Management Plan for biodiversity (see below).

Invasive Species

The Appraisal found the site to support the invasive species Japanese knotweed and Himalayan balsam. We would therefore advise that the following condition be attached to any permission:

Prior to the commencement of development (including demolition, ground works, vegetation clearance), an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed and Himalayan balsam on site. The measures shall be carried out strictly in accordance with the approved scheme.

Other Species and Habitats

The report also includes some precautionary measures in relation to protection of the adjacent watercourse, bats and badgers. We would therefore recommend that these measures be included within a Construction Environmental Management Plan for biodiversity and the following condition be attached to any permission:

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Biodiversity Enhancement

We would expect any such scheme to include 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. The Appraisal makes some recommendations for enhancement measures and we would therefore recommend that the following condition be attached to any permission, if granted:

A scheme for the Biodiversity Enhancement Measures, as set out in section 7 and appendix 8 of the Preliminary Ecological Appraisal Extended by Brindle & Green dated December 2020 (ref BG19.271), 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.

Should you have any queries relating to this advice, please do not hesitate to contact me again

6.4 BwD Highways

Parking

The parking should be in accordance with adopted parking standards, which sets a requirement as follows:

- 3 spaces for a 4+ bed

All car parking spaces on the drives should measure at 5.5m (in accordance with the adopted Residential Design Guide). I have reviewed the drawings received and they do not, please request amendment to the provision.

I note and acknowledge that 1 space is to be provided within a car barn 3m x 6m integrated within the house, this is acceptable.

Please request further details showing adequate provision of three spaces per property within curtilage, in accordance with the council's dimensions

ACCESS & LAYOUT

Access to the site will be taken from Lower Barn Street. As the site falls away from the highway, we would request that a level plateau twice the radii is provided at 1:20 (5%) at the entrance.

The new road serving the new deployment should be designed to an adoptable standard with footways on both side and turning head to support safe movements. This should also indicate where street lighting and services will be accommodated. Details of the gradients of the road should also be provided.

No details of sightlines have been offered, please request further details, together with boundary treatments.

I would also highlight that this should also involve full renewal of footways fronting the site, and any highways affected by the development.

OTHER

Standard matters applicable to all housing scheme, please consider:

- No plan accompanying the construction method statement has been received. This is crucial in order to understand where the operative parking and wheel wash is to be located and managed.

- New and renewed footways surrounding the site, all costs to be Bourne entirely by the developer.
- Any structures supporting or retaining the highway would require formal approval, please condition
- street furniture affected by development should be removed and relocated where necessary at location to be agreed by highways officer - all costs to be borne by the developer
- any old entrances that are no longer required shut be permanently closed off and reinstated back to full footway
- **Please note:** Prior to the commencement of any works that affect or adjoin the adopted highway – contact is to be made with the local highway authority officer Simon Littler on Mob: 07766 5780

In principle, we would offer no objections subject to the above issues being addressed satisfactorily.

6.5 BwD Cleansing

No response offered.

6.6 Network Rail

No response offered.

6.7 Public consultation

22 letters were posted to the local community on 22nd September 2021, 4th November 2021, 4th February 2022 and 16th March 2022. Site notices were also displayed. In response, 8 comments were received; see Summary of Representations.

7.0 **CONTACT OFFICER: Nick Blackledge – [Principle Planner].**

8.0 **DATE PREPARED: 5th July 2022.**

9.0 SUMMARY OF REPRESENTATIONS

Objection – Mr & Mrs W Slater, 19 Lower Barn Street, Darwen. Received: 04/10/2021.

With regard to planning application 10/21/0953

Plot 5 the most eastern development will encroach on the privacy of 19 Lower Barn Street. If you look at the deeds of the land and previous application you can clearly see a no build line which plot 5 has gone past.

Please can you confirm when this changed ?

Number 19 has a 70 foot fence running along the boundary of number 19 and plot 5, how will we access this for maintenance and is this fence being used as the boundary ? if so who will maintain it ?

Lower Barn street and Cranberry chase are all bungalows, 5 x 3 storey houses are not in keeping with the surrounding area, the residents of the new houses will be able to see into conservatory's and gardens of all bungalows on both streets with being so high up.

The previous application was for dormer bungalows which sat lower than a 3 storey house which was more acceptable and was in keeping with the surrounding bungalows.

On the other side of the railway track a development of 300 plus houses is ongoing, these are all 3, 4, and 5 bedroom semi and detached houses. Bungalows on this development would be more in keeping with this area as there is no need for houses that big with the development which clearly can be seen on the other side of the railway track.

Objection – Christine Slater, 19 Lower Barn Street, Darwen. Received: 08/11/2021.

With regards to planning application number 10/21/0953 Appendix 9 page 49 still shows the previous proposed plans of 3 Bungalows which does not impact on the surrounding Bungalows. Can this appendix be updated to show the current proposed plans ?.

The statement that states Plot 5 is significantly lower than number 19 is not true, the land at the back of number 19 is almost on a level the building of a three storey house will impact on the privacy of both number 19 and number 17, both these dwellings have open views which will be lost.

I am in the process of seeking legal advice as there is a no build line which Plot 5 clearly crosses. The two previous planning applications did not cross the no build line.

I ask that the committee take into consideration that 5 three storey houses that are surrounded by bungalows will have a huge impact on v With regards to planning application number 10/21/0953 Appendix 9 page 49 still shows the previous proposed plans of 3 Bungalows which does not impact on the surrounding Bungalows. Can this appendix be updated to show the current proposed plans ?.

The statement that states Plot 5 is significantly lower than number 19 is not true, the land at the back of number 19 is almost on a level the building of a three storey house will impact on the privacy of both number 19 and number 17, both these dwellings have open views which will be lost.

I am in the process of seeking legal advice as there is a no build line which Plot 5 clearly crosses. The two previous planning applications did not cross the no build line. I ask that the committee take into consideration that 5 three storey houses that are surrounded by bungalows will have a huge impact on views and privacy by all the surrounding bungalows, views will be lost and from the top floors they will have direct eye view into rooms and bedrooms.

views and privacy by all the surrounding bungalows, views will be lost and from the top floors they will have direct eye view into rooms and bedrooms.

Further Objection – Christine Slater, 19 Lower Barn Street, Darwen. Received: 08/02/2022.

I have reviewed the amendments for planning application 10/21/0953, with regards to this I still have concerns. These plans will have an unacceptable impact on the privacy of both No 19 and No 17 Lower Barn Street,

There are no plans showing the height of plot 4 or 5 or dimensions showing the distance from No 17 and No 19 Lower Barn Street.

The two dormer bedrooms on the new plans of plot 4 and 5 will have a direct view into No 17 and No 19 bedroom windows, there has to be a minimum of 21 meters between the two this is generally considered adequate, there is not anywhere near 21 meters.

As it stands the plans would cause unacceptable over looking into both conservatories which are used as living rooms.

There is a no build line on the land behind No 19 again this is being ignored.

The overall impact of all the plots effects the privacy of all neighbouring bungalows including Cranberry Close. Please take into consideration these issues when considering your decision.

Further Objection – Christine Slater, 19 Lower Barn Street, Darwen. Received: 04/04/2022.

I would like to use this email as a letter of objection for the planning application 10/21/0953,

Drawing number PLK1012/016 shows existing and proposed site section, if from number 19 LBS to the building across the road is 20 meters how can the proposed plot 5 be 13.5 meters away when the end of my rear wall to my fence is 4 meters ?

Can you please ensure that there has been 3 measurements of 13,5 metres taken from both ends of my rear wall and one from the middle to the front of plot 5 to give a true reflection of how close plot 5 is to number 19 LBS

Has the measurements been taken from Plot 5 porch or the front wall as this will be different.

Once you have two cars at Plot 5 how are they going to turn round and access for delivery vans etc

As you can see this development is literally squeezing 5 houses into a plan which has been previously granted for 3 which do not overlook any houses on LBS.

Plot 5 is an imposing building also using our boundary, the street lights or security lights will be shining straight into our bedrooms.

Although 13.5 meters is the minimum standard as a separation distance surely with this application being so close to the rear of our house this should be pushed back by at least another meter to allow privacy and noise reduction.

Please can you clarify what is happening with the Japanese Knotweed, this has not been treated and you can not just build on the land unless this has been eradicated.

This planning application is being driven by making as much money as the developer can, but why should existing home owners suffer for this, with loss of privacy, noise and our houses being devalued. Plot 2, 3 and 4 have very little garden space especially when you compare this to the application that is already in place for 3 bungalows. There are over 1000, new houses being built at this moment in time in Darwen all within a 1 / 2 mile distance from LBS so why force 5 houses into such a little space.

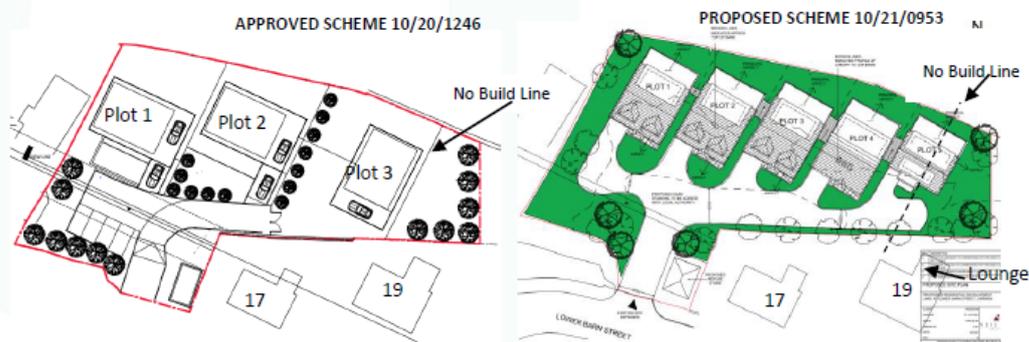
Further Objection – 19 Lower Barn Street, Darwen. Received: 28/04/2022.

**APPLICATION 10/21/0953: PROPOSED ERECTION OF 5 DETACHED DWELLINGS
LAND TO THE REAR & NORTH OF 17 & 19 LOWER BARN STREET, BLACKBURN**

We are retained by the owner occupiers of 19 Lower Barn Street to consider the subject planning application and to lodge the following objection to the proposed development.

In the first instance it is acknowledged that there is an extant planning permission (10/20/1246) for residential development on the subject site. However it is noted from the approved site layout, as indicated below, that the permission was for three 1.5 storey dormer bungalows which were to be spread across the whole site. The proposed spacing between plots 2 and 3 reflected the spacing between numbers 17 and 19 Lower Barn Street and as such enabled appropriately sized private side & rear garden areas. This was particularly relevant as the distance from the rear of the properties to the rear northern boundary was only approx. 3.5m – 4.0m on average. Furthermore, the site layout indicated a “No build line” immediately to the east of plot 3 and which generally corresponded with the western gable of our clients’ dwelling.

It is also noted that the approved dwellings were 1.5 storeys high and were located in such a manner that the dwellings on plots 2 & 3 were not directly facing the existing dwellings at nos. 17 and 19 Lower Barn Street.



In contrast to the approved scheme the proposed dwellings are essentially 3.0 storeys high to the rear, albeit on a sloping site, with 1.5 storeys to the front. It is also noted that the spacing between the proposed dwellings is only approx. 1.0m wide incorporating steps which creates a form of terracing effect. The resultant aspect from our clients’ dwelling will therefore not just be to the 1.5 storey front of the dwelling on plot 5, but will in fact also be to the eastern side elevations of plots 4 & 5. In this respect, and as is evident from the proposed side elevation drawings for plots 4 & 5, the overall effect will essentially be of a large mass of development. This is



particularly concerning bearing in mind that our clients' rear garden is only on average approx. 5.5m long from their bedroom windows to the boundary of the subject application site and only on average approx. 3.5m long from their glazed lounge extension which has aspects to both the north and west.

A further concern is the driveway and turning area for plot 5 which is immediately adjacent to our clients' rear garden and which is only approx. 6.0m from their bedroom windows and only approx. 4.0m from their lounge windows. It is considered that the manoeuvring of vehicles in such close proximity to our clients' habitable rooms and small rear garden would result in a loss of amenity.

After taking account of the nature of the site and of the relationship of the proposed development to no. 19 and indeed 17 Lower Barn Street, it is considered that the development is over-intensive and results in a dense form of development which is totally out of character with that of the relevant section of Lower Barn Street to the south of the site. This intensification has also resulted in very small rear garden private amenity space of only approx. 4.0m long on average to the northern boundary of plots 2, 3 & 4. At approx. 10.0m wide the resultant area of rear garden space would only amount to approx. 40.0 sqm which does not seem adequate for the size and nature of the proposed dwellings.

The distance from the front dormer window on plot 5 to our clients' bedroom and lounge windows appears to be approx. 14.0m. It is acknowledged that the proposed dormer window is to a first floor landing rather than to a habitable room, however it has been generally accepted in appeal decisions that the perception of overlooking can be as relevant as actual overlooking.

The proposed site plan indicates a driveway with proposed tree planting adjacent to common boundaries with nos. 17 & 19 and which overhang the existing properties. Taking account of the difference in levels between our clients' garden and that of plot 5, together with the fact that the proposed planting verge is only approx. 1.0m wide, it is considered that such planting would not realistically be achievable. This is in contrast to the approved scheme which indicated proposed tree planting wholly contained within the garden to what was plot 3.

In summary, it is considered that the massing and density of the development creates an over-intensive form of development for the site and results in a development which is out of character with that of the immediately adjoining properties at 17 & 19 Lower Barn Street. For the reasons set out above, the currently proposed scheme would create a loss of amenity for our clients and would not accord with Policy 8ii) of the Council's Local Plan Part 2. It is felt that a scheme which better reflected that of the extant approval for 3 dwellings would be more appropriate for the subject site. In conclusion it is considered that the scheme as currently submitted should be refused permission.

Dear Sir,

I am a resident on Lower Barn Street and would like to send my concerns about the proposed 5 detached houses to be built on this street.

The surrounding properties are all bungalows and would be overwhelmed by large houses overlooking them.

I am also concerned about the extra parking that will be needed.

We already have a lot of parked cars on this street from the pub,

and from 2 adjacent streets of terraced houses. Will these new properties have sufficient parking for several cars, which most large houses need now.

Objection – David Halliwell – Landlord/Owner of 5 Cranberry Chase, Darwen.

Received: 11/04/2022.

From: Landlord / Owner of 5, Cranberry Chase BB3 2HN

After reviewing the amended application I have the following comments:

1. The new "bungalow" style whilst more in keeping with the surrounding area are still substantial dwellings, especially with 5 plots on the site. - this is more than any of the previous planning applications made for the site in recent years.
 2. The elevated nature of the site with respect to No. 5 means that the new design comprising a rear balcony at ground floor level, still overlooks the garden of No. 5 leading to potential noise and loss of privacy concerns.
 3. Changes from the previous "townhouse" style are welcome with the plans talking about a screen wall. I trust the placement of Plot 1 to the boundary of No. 5 and the screening solutions suggested by the developer are of an adequate standard so as to not have a significant impact on the privacy and enjoyment of the amenity space of No. 5 Cranberry Chase. This is my biggest concern, as I don't want to see my property devalued.
-