

Proposed development: Full Planning (Minor) Application: Proposed erection of 6 new detached dwellings and associated works including access arrangements, internal road, driveways and landscaping.

**Site address:
Land at Ellerslie
Bury Fold Lane
Darwen
BB3 2QG**

Applicant: Ms Patricia da Silva

Ward: Darwen South

**Councillor Kevin Connor
Councillor Lilian Slaton**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – subject to conditions, as set out in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The proposal represents a minor planning application seeking full planning permission, and is presented to the Committee through the Chair Referral process of the adopted Scheme of Delegation. Members are advised that permission was previously granted by Committee for the erection of 18no. dwellings and associated works at a wider site which includes the current application site (the site), on 17th January 2020 - Reserved Matters pursuant to Outline permission granted in 2016. Although this permission has now expired, and cannot be implemented, as one granted within the current Development Plan period, it forms an important material consideration in assessment of this application.
- 2.2 Assessment of the application finds that the proposal corresponds with the Council's overarching housing growth strategy, as set out in the Core Strategy and Local Plan Part 2. It suitably demonstrates the ability to deliver a high quality housing development, consistent with the sites allocation as a '*Development Opportunities (small scale residential)*' site. It would also make an important contribution towards the Council's housing delivery targets and it will add to the vitality and variety of the local housing market.
- 2.3 The application is also acceptable from a technical point of view, with all issues having been addressed through the application or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site relates to grounds within the confines of and to the west of Ellerslie House. Ellerslie House is a large, impressive detached mid-19th Century dwelling located to and accessed from the north west of Bury Fold Lane. The site lies within the south eastern edge of Darwen's urban boundary and is bounded by housing to the east and open countryside to the north, south and west. Mature woodland envelops the site and there is a watercourse known as Kebbs Brook to the north. The site is accessed from the A666 Bolton Road via Bury Fold Lane. Grade II Listed Buildings 5 & 6 Bury Fold are located to the south, on the opposite side of Bury Fold Lane. Land levels rise moderately from east to west.

3.2 Proposed Development

- 3.2.1 Full planning permission is sought for the erection of 6no. detached dwellings and associated works including access arrangements, internal road, driveways and landscaping, as set out in the submitted drawings and Design and Access Statement.
- 3.2.2 Large, 6 bedroom, 2 storey dwellings are proposed, contemporary in appearance, which would sit in contrast to the grand, traditional appearance of Ellerslie House.
- 3.2.3 The proposed site layout is illustrated below (MKW Architecture, April 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's Landscapes

3.3.4 Local Plan Part 2 (LPP2)

- 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 12 – Developer Contributions
- Policy 18 – Housing Mix
- Policy 28 – Development Opportunities
- Policy 39 – Heritage
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

3.4 **Other Material Planning Considerations**

3.4.1 Residential Design Guide Supplementary Planning Document.

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

3.4.2 Green Infrastructure Supplementary Planning Document.

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

3.4.3 National Planning Policy Framework (The Framework)

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. Effective use of under-used or vacant land is also emphasised. Areas of The Framework especially relevant to the proposal are as follows:

- Delivering a sufficient supply of homes

- Building a strong, competitive economy
- Making effective use of land
- Achieving well-designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment.

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

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;
- Design and layout;
- Planning Gain / Section 106 contributions: Affordable Housing, GI and Education.

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

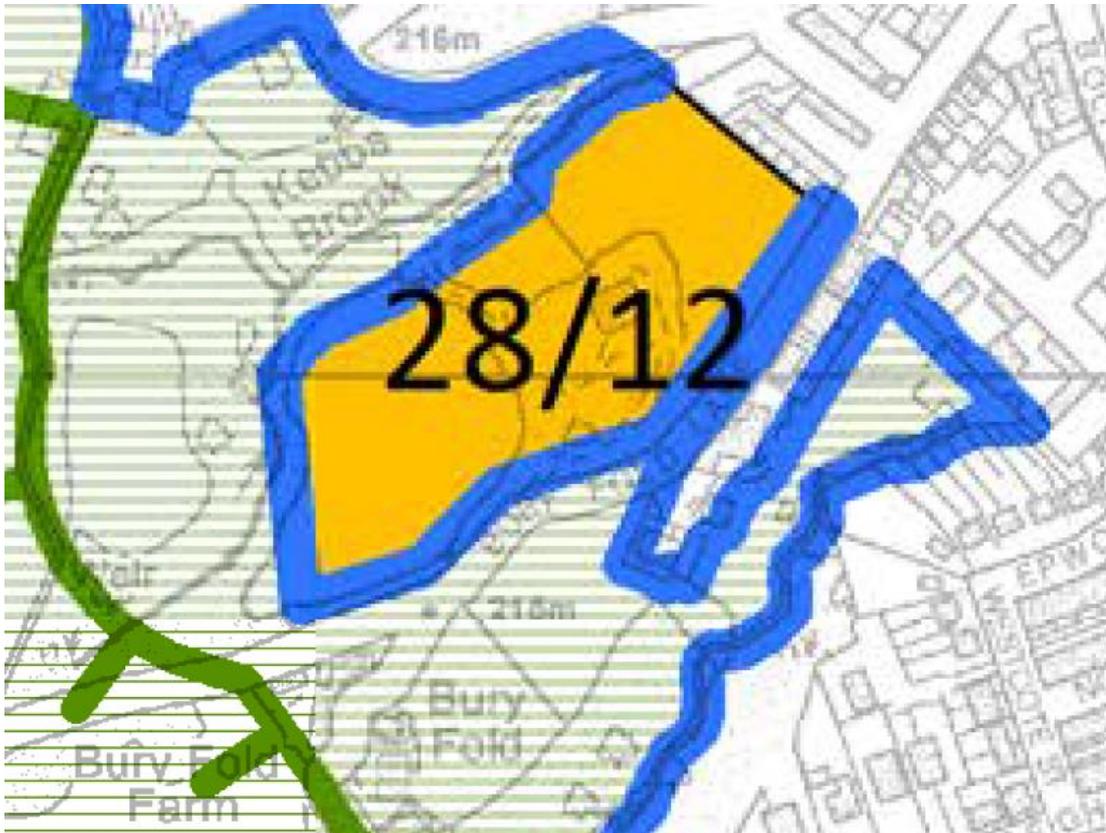
3.5.4 Policy CS7 encourages the development of a full range of new housing over the life of the Core Strategy in order to widen the choice available in the local market.

3.5.5 Policy 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.

3.5.6 Policy 7 on Sustainable and Viable Development echoes the presumption in favour of sustainable development set out in The Framework. Thus, applications that accord with policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.

3.5.7 The site forms part of a wider '*Development Opportunities*' allocation as confirmed by the Local Plan Part 2, under Policy 28/12, which supports '*small scale residential*' development. Although *small scale* is not defined either at local or national level, the aforementioned previous of grant of planning

permission (in 2019) for 18no. dwellings, sets a precedent for small scale, notwithstanding that the permission related to the whole allocation, as defined in the below extract (BwD Local Plan Part 2, 2015), rather than the westerly portion subject to this application, and that it has since expired.



3.5.8 An extant permission (May 2022) within the (above) site allocation for a single dwelling should also be recognised. The current proposal in addition, therefore, equates to a total of 7 units for the allocation, well within the tolerance of small scale.

3.5.9 Members are advised that, as a minor application for residential development - defined as under 10 dwellings – no Section 106 requirements can be applied.

3.5.10 Accordingly, as a proposal delivering an appropriate amount and mix of homes, on a site allocated for housing, the principle of the development is found to be entirely 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 Relationship between buildings:

With reference to separation between proposed and existing dwellings, the submitted layout demonstrates mutually acceptable relationships, through compliance with the Council's adopted separation standards of 21m between facing habitable room windows and 13.5m between habitable room windows and facing blank elevations. It should be recognised that the interface of circa 17m between habitable room windows proposed to the side of the dwelling at plot 2 and the dwelling approved to the west of the site, accords with the minimum 13.5m standard, due to the absence of windows in the side elevation of the approved dwelling, as illustrated below (MKW Architecture, May 2022).



3.5.13 Separation between proposed dwellings within the site is also compliant with the adopted standards.

3.5.14 The Council's Public protection consultee offers no objection to the proposal, subject to recommending conditions to secure the following:

- Contaminated land – desk study and intrusive site investigation / remediation strategy, as necessary;
- Limited hours of construction works to between 08:00 – 18:00 hours Monday to Friday and 09:00 - 13:00 hours on a Saturday; and
- Noise and vibration control measures, should pile driving be necessary.

3.5.15 Electric vehicle charging points for each dwelling are also recommended. Members are, however, advised that, since June 2022, these are now a mandatory requirement under Building Regulations. Accordingly, they need not be required under the scope of planning control.

3.5.16 A Construction and Environmental Management Plan (CEMP) will also be secured via condition, to guard impacts arising throughout construction

phase of the development, including but not limited to control of noise, vibration, dust emissions and highway cleansing / wheels washing.

3.5.17 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.

3.5.18 Environment

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

3.5.19 Flood Risk / Drainage:

The site within Flood Zone 1, defined as low probability of flooding. The Council's Drainage consultee, as Lead Local Flood Authority, and United Utilities, recommend securing a foul and surface water drainage scheme via condition. United Utilities also recommend that a management and maintenance regime for an approved sustainable drainage system is secured via condition.

3.5.20 Ecology:

An Ecological Assessment has been submitted with the application, review of which concludes no significant adverse effects will arise on habitat or protected species. Notably, the site is considered to offer poor suitability for Great Crested Newt, due to the absence of breeding habitat. Previous habitat surveys referenced in the Assessment failed to record any Badger setts on site or surrounding land. The surrounding woodland is, however, acknowledged as suitable for foraging Badgers. Assessment of trees relevant to the proposed works both on and adjacent to the site found their potential for roosting bats to be negligible. Woodland / trees and scrub provide bird nesting opportunities. Sub-optimal conditions exist for reptiles.

3.5.21 The following measures are recommended to be secured via condition:

- Appropriate measures to prevent pollution to watercourses (to be included in the CEMP);
- Control of invasive species (Rhododendron, Cotoneaster and Himalayan Balsam);
- Submission of a Long-term Woodland Management Plan;
- Site clearance / removal of trees & scrub limited to outside of the bird nesting season;
- Provision of bat roost and bird nesting boxes;
- Submission of a scheme for 'hedgehog highways' and 'hedgehog boxes';
- Submission of a planting scheme;
- Adherence to Reasonable Avoidance Measures (RAMS);

- Submission of updated survey work within 18 months of the Assessment (dated May 2022), if no works are undertaken on site within that time.

3.5.22 Trees:

An Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) has been submitted with the application. 5 trees, 2 groups, part of 1 further group and 1 hedge are proposed to be removed. It is important to acknowledge that tree removal should be considered in the context of the accepted principle of housing led development at the site, in accordance with the site allocation and having due regard to the previous grant of planning permission. Tree removal has previously been accepted, to a greater extent to that currently proposed. The Council's Arboricultural consultee offers no objection, acknowledging the extent of retained woodland around the perimeter of the site.

3.5.23 The submitted AIA and AMS do not clarify tree removal to facilitate necessary road widening and access improvements to Bury Fold Lane, at the southern edge of the site. Additional assessment in this regard will be secured via condition. It should be recognised that road widening involving tree removal was established by the previous permission, along a greater length of Bury Fold Lane.

3.5.24 Retained trees in proximity to the development will be protected throughout construction works through adherence to the AMS, secured via condition.

3.5.25 A detailed landscaping scheme will be secured via condition, to include tree, hedgerow and shrub planting.

3.5.26 Submission of a long-term Woodland Management Plan will be secured via condition. Adherence to the approved detail will ensure continued protection and effective management of existing woodland.

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

3.5.28 Highways / Access and Transport

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

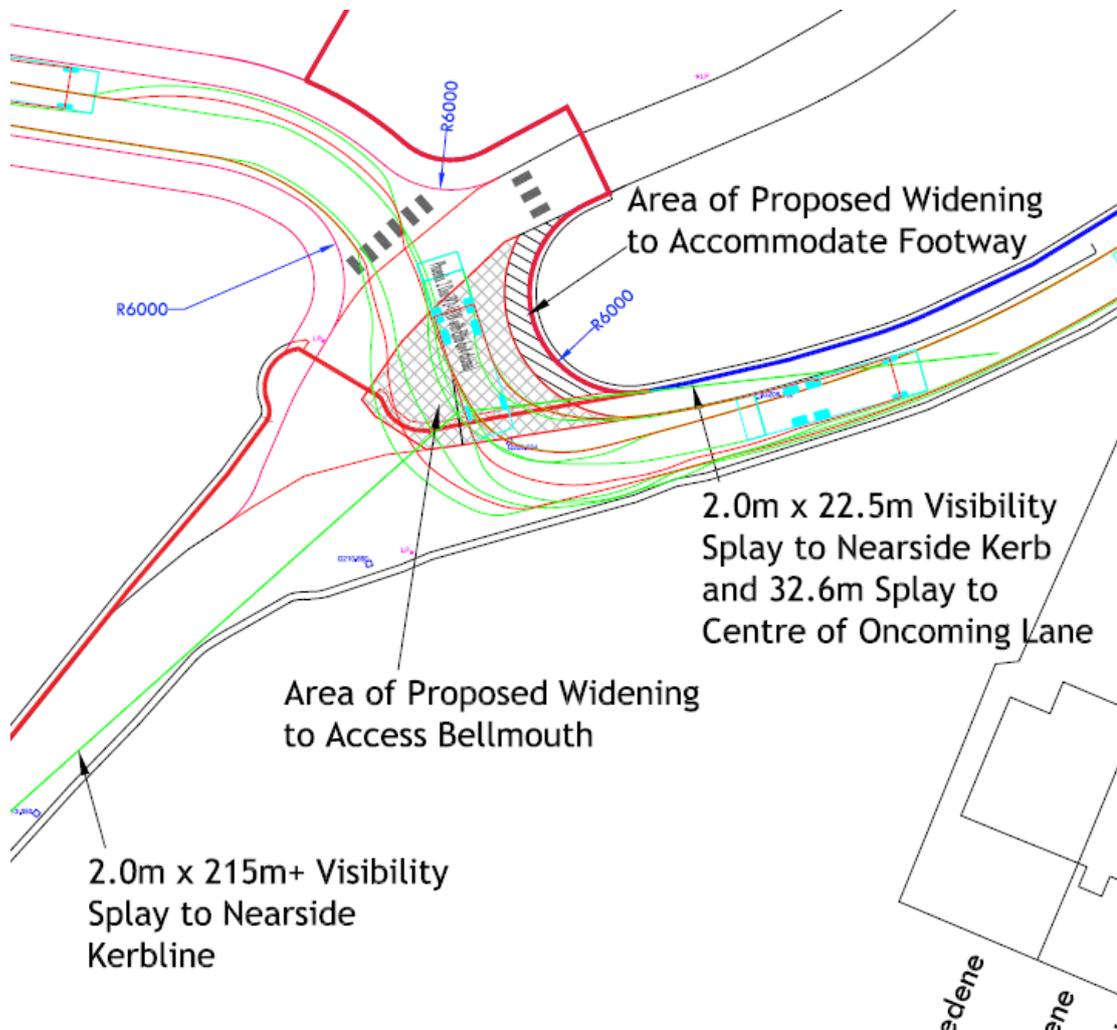
3.5.29 Members are advised that public objections have been received expressing concern around additional trip generation / congestion arising from the development, along Bury Fold Lane.

3.5.30 A Highways Technical Note has been submitted with the application and reviewed by the Council's Highways consultee. The Note utilises the TRICS database to forecast trip generation arising from the development at peak

times, which is an accepted industry tool for appraising such matters. Forecasted trip generation for AM and PM peak hours (total two-way), equates to 3 vehicle movements per hour from a development of 6 dwellings (it should be noted that the forecast does not account for the stand-alone dwelling previously approved at the allocation). The TRICS data informing this conclusion comprised private residential developments from across the UK, with an average of 8 dwellings per development i.e. broadly comparative with subject development. The question of whether or not the level of trip generation that could arise justifies any mitigation measures on the local highway network, specifically to Bury Fold Lane, has been carefully considered by the Council's Highways consultee, taking account of the forecast and prevailing circumstances along Bury Fold Lane. Based on the available trip generation evidence, it is considered that significant road widening, in response to the 6 dwellings proposed and the one previously approved, is not justified.

3.5.31 Members are advised that the proposed circumstances contrast significantly to those subject to the previous grant of planning permission for 18 dwellings, when it was considered justified to widen the Bury Fold Lane carriageway from the rear of Ellen Street, up to the site access.

3.5.32 Access to the site is proposed from the existing point that serves Ellerslie House, to the north of Bury Fold Lane. This is consistent with the previously approved arrangements. Widening of the bellmouth is proposed by circa 12m, including footway provision. Whilst the access is deemed acceptable in principle, visibility of vehicles approaching the site from the east is hindered by the angle of the carriageway. Although visibility splays are indicated on the proposed site layout drawing, as extracted below (Focus Transport Planning, Sept 2022), the Council's Highways consultee considers them to be marginally inadequate, requiring adjustment so as to aid convenient and efficient access / egress at the site and the general movement of vehicles along Bury Fold Lane. Visibility would be improved by widening a modest length of carriageway by setting back of a section of boundary wall proximate to the eastern side of the access. Whilst this need not extend to a length that may jeopardise the developments viability, it is considered reasonable to agree a length not currently defined. Precise engineering details, including the extent of works, re-alignment of the stone boundary (retaining) wall, gradient, drainage and lighting will be secured via a Grampian condition. Works must be carried out prior to commencement of development within the site. It should also be noted that structural approval from the Council's Highways Department will be required, prior to undertaking any works to the boundary stone wall. Such advice will be conveyed via an informative.



- 3.5.33 The site location is acknowledged as challenging for construction vehicles. It is, however, allocated for housing. Whilst some disruption will be inevitable, it will be temporary and should be appropriately managed between the developer and local residents. Adherence to the requirements of the CEMP will mitigate excessive nuisance / disruption.
- 3.5.34 Dwellings are supported by in-curtilage parking consistent with the adopted standard (3 spaces for dwellings of 4 bedrooms or more), in the form of a double garage (measuring 6m x 6m) and at least one space per private drive.
- 3.5.35 The internal road will include with footway provision on each side and link to the existing private drive serving Ellerslie House. The road will remain in private ownership and will not be adopted.
- 3.5.36 Policy CS22 requires new development to be located within accessible locations so as to minimise the need to travel. The proposal has good access links to the A666 and main road network including the M65 motorway corridor. Furthermore, the development is within walking distance of a main bus route with linkages to the rail network in Darwen Town Centre.
- 3.5.37 Accordingly, highway impacts arising from the development are found to be acceptable and in accordance with the requirements of Policies 10 and 22, and The Framework.

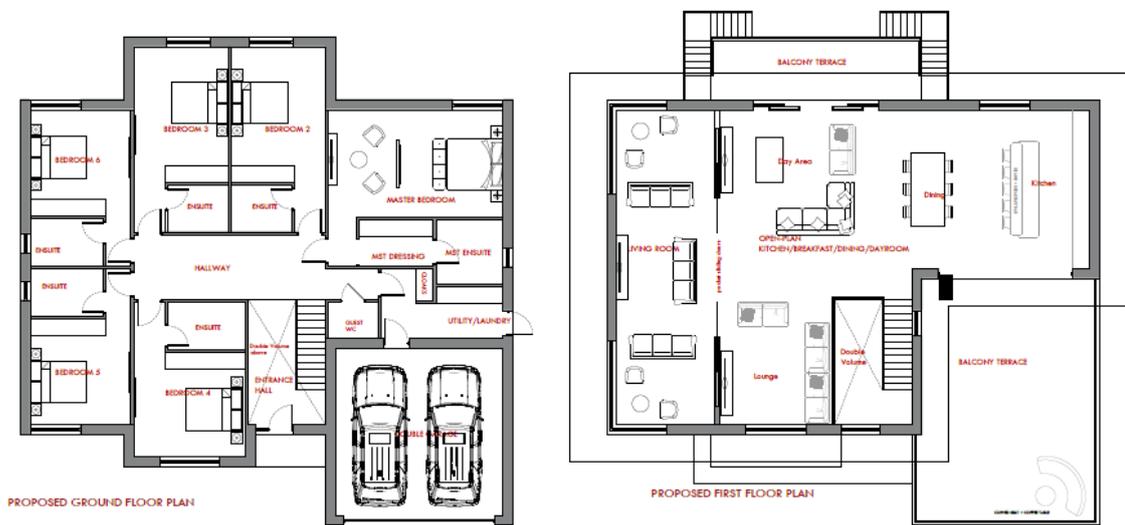
3.5.38 Design / Character and Appearance

Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality or where the character of a place has been compromised by previous change, the development must assist in re-establishing a strong character, taking references from positive character elements in the wider area and applying them in a modern context.

3.5.39 Dwellings will be arranged in a circular formation, around a central roundabout, in response to the general sloping land form of the site, positioned within generous plots which will provide ample outdoor amenity space. House types proposed are of an overtly modern design which would sit in stark contrast to the traditional appearance of Ellerslie House. The wider context is characterised by a mix of house types, including stone terraces, semi-detached and detached, or varying scale and more recent 1970's style dormer bungalows along a section of Bury Fold Lane, which serve to compromise the otherwise traditional character of the area.

3.5.40 The dwellings will be 2 storey high with flat roof profiling, utilising the change in site levels, through cut and fill design to provide a development with stepped rooflines and gardens. The contemporary design is distinct from the prevailing character of much of the area. A comparable design has, however, recently been approved for a single dwelling to the north of the site, on the opposite side of Kebbs Brook (ref. 10/21/0086). This dwelling is currently under construction and sets a precedent for well-designed modern interventions which are read in contrast to the more typical traditional form. Moreover, the development would not be especially visually prominent to the wider public realm. It would, instead, hold a position visually confined to the grounds of Ellerslie House.

3.5.41 Design is heavily influenced by the 'Prairie-style' architecture of renowned American architect Frank Lloyd Wright, with a design rationale focussed around an emphasis on "nature, artisanship and simplicity, creating buildings that are practical, focusing on the appearance and the interior that connects with people" (MKW Architecture, Design & Access Statement). A mixed palette of external materials is proposed, which would complement materials found in nearby properties, as well as the surrounding woodland. The following drawings and illustrations are extracted from the Design & Access Statement (MKW Architecture, May 2022):





Random Coursed Stone



Cedar Wood Cladding



Contemporary grey brick



Soft-white render

3.5.42 For reference, the following illustrate house types designed by Frank Lloyd Wright located within woodland settings, as examples of works which influence the proposed design.



3.5.43 Notwithstanding submitted details, finalised external walling and roofing materials will be secured via condition, as will boundary treatments.

3.5.44 Having due regard to the defining mixed character of the wider area and the confined woodland nature of the site, the design of the development is found to be acceptable and in accordance with the requirements of Policy 11, The Residential Design Guide SPD and The Framework.

3.5.45 Summary

This report assesses the full planning application for the erection of 6 dwellings and associated works. 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 Documents and the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 Approve subject to:

- (i) **Delegated authority is given to the Strategic Director of Growth and Development to approve planning permission, subject to the following conditions:**

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

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the application received 22nd December 2021 and with the following drawings / plans / information: *(to be added)*.

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

3. Notwithstanding the submitted details, prior to commencement of any above ground works hereby approved, written and illustrative details, including colours and textures, of the external walling, roofing and window materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory, in accordance with Policy 11 of the Blackburn with Darwen

Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

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

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

5. Prior to the commencement of development hereby approved, the developer must submit to the Local Planning Authority for written approval:

i) A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Where necessary, detailed proposals for subsequent site investigation should also be included, clearly based on the CSM.

ii) Findings of the approved site investigation work (where necessary), including an appropriate assessment of risks to both human health and the wider environment, from contaminants in, on or under the land (including ground gas). If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, along with an updated CSM. No deviation shall be made from this scheme without the written agreement from the Local Planning Authority.

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

6. Prior to the occupation of the development hereby approved, a comprehensive Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall demonstrate effective remediation in accordance with the agreed remediation scheme and updated CSM. All the installed remediation must be retained for the duration of the approved use, and where necessary, the Local Planning Authority should be periodically informed in writing of any ongoing monitoring and decisions based thereon.

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

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

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

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

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

9. The construction of the development hereby permitted shall only take place between the following hours:
Monday to Friday: 08:00 to 18:00
Saturday: 09:00 to 13:00
Sundays or Bank Holidays: No site operations

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

10. Prior to the commencement of development hereby approved, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (v) Incorporate mitigation measures to manage the risk of sewer surcharge as required;
- (vi) Full details of overland flow paths and any associated mitigation measures as required; and

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

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

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

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

11. Prior to occupation of the development hereby approved, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

(i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

(ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

REASON: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development, in accordance with the requirements of Policy 9 and 36 of the Blackburn with Darwen Borough Local Plan Part 2.

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

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

13. Prior to commencement of any above ground works hereby approved, a scheme detailing the provision of bat and bird boxes within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved detail prior to operational use of the site and shall be so retained.

REASON: To ensure enhanced bat and bird nesting opportunities, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

14. Prior to commencement of any above ground works hereby approved, a scheme detailing the provision of Hedgehog highways and Hedgehog boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved detail prior to operational use of the site and shall be so retained.

REASON: To ensure enhanced bat and bird nesting opportunities, in accordance with the requirements of Policies 9 and 40 of the Blackburn with Darwen Local Plan Part 2.

15. The development shall be carried out in strict accordance with the submitted Tree Impact Appraisal and Protection Scheme (Bowland Tree Consultancy Ltd, April 2022). Specified protection measures for retained trees shall be adhered to throughout the period of construction.

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

16. Prior to commencement of 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, to compensate for loss of 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 Blackburn with Darwen Borough Council Local Plan Part 2.

17. Prior to commencement of the development hereby approved, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide for the following:

- An appropriate 'stand-off' zone from the adjacent watercourse;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;

- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
- noise control measures;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling / disposing of waste resulting from demolition and construction works.

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

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

18. Prior to any on site works, a scheme for the eradication of invasive species from the site, including Himalayan Balsam, Rhododendron and cotoneaster, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved detail.

REASON: In order to deal with the safe removal of invasive species from the site, in accordance with Policy 9 of the Blackburn with Darwen Borough Council Local Plan.

19. Prior to occupation of the development hereby approved, and notwithstanding the submitted details, a long-term Woodland Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be implemented upon occupation and adhered to throughout the lifetime of the development.

REASON: In order to safeguard retained woodland, in the interests of visual amenity and biodiversity, in accordance with Policies 9 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

20. No existing trees or hedges within the development site shall be lopped, topped, felled, uprooted, pruned, or sustain root severance without prior written consent from the Local Planning Authority. Any tree works undertaken with written consent should be in line with British Standards 3998 & 5837.

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

21. Reasonable Avoidance Measures (RAMS), as set out in the submitted Ecological Assessment (Bowland Ecology, May 2022), shall be adhered to throughout construction phase of the development.

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

22. If construction of the development has not commenced within 18 months of the date of submitted Ecological Assessment (Bowland Ecology, May 2022) an updated Ecology Assessment shall be submitted to and approved in writing by the Local Planning Authority.

Any required mitigation shall inform the Biodiversity Enhancement Strategy and landscaping strategy for the development.

REASON: To ensure an up to date ecological assessment of the site, in accordance with Policies 9 and 40 of the Blackburn with Darwen Borough Council Local Plan Part 2.

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

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

24. Prior to commencement of the development hereby approved, and notwithstanding the submitted details, a scheme for works to the site access works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide full engineering details of the following:

- Appropriate pedestrian and vehicular visibility splays, involving carriageway widening works to an agreed length of Bury Fold Lane, proximate to the site access;
- footpath provision along an agreed length of Bury Fold Lane;
- gradients;
- drainage; and
- street lighting.

The approved scheme shall be implemented prior to commencement of the approved development.

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

5.0 PLANNING HISTORY

- 5.1 10/15/1081: Outline application. Permission, granted by Planning & Highways Committee on 1st August 2016, for the erection of 22 three and four bedroom dwellings and access.
- 5.2 10/19/0642: Reserved Matters application. Permission granted by Planning & Highways Committee on 16th January 2020, for the erection of 18 dwellings pursuant to outline permission 10/15/1081.
- 5.3 10/22/0195: Full planning application for erection of a detached dwelling with a detached garage and associated external works including reinstating and modifying existing access off Bury Fold Lane: Permission granted under delegated powers, on 3rd May 2022.

6.0 CONSULTATIONS

6.1 BwD Public Protection

No objection:

With reference to the above application, I recommend that the following condition(s), informative(s) and/or comment(s) be included if planning permission is granted:

CONTAMINATED LAND CONDITIONS

Condition 1

Prior to the commencement of construction works on site, the developer must submit to the Local Planning Authority (LPA) for written approval:

i. A comprehensive desk study report, including a preliminary conceptual site model (CSM) in text, plan and cross-section form. Detailed proposals for subsequent site investigation based on the CSM shall be included as appropriate; the developer will be advised whether any further site assessment is required.

ii. If required by the LPA, the findings of the approved site investigation work, including an appropriate assessment of risks to both human health and the wider environment, arising from contaminants in, on or under the land (including ground gas) will be submitted. Where unacceptable risks are identified an updated CSM, remedial options appraisal and detailed remediation scheme shall be presented for approval. No deviation shall be made from this scheme without the written express agreement of the LPA.

Condition 2

Prior to the commencement of the permitted use, the developer must submit a comprehensive validation report to the LPA for written approval. The report shall demonstrate effective remediation in accordance with the agreed remediation scheme. All the installed remediation must be retained for the duration of the approved use and the LPA periodically informed in writing of any ongoing monitoring and decisions based thereon as appropriate.

REASON: To ensure that the site has been made 'suitable for use', and as such, does not pose a risk to future users of the site or the wider environment.

Condition 3

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 ENV3 of the Blackburn with Darwen Borough Local Plan.

INFORMATIVE:

- All reports shall be prepared in accordance with BS10175:2011 (as amended), CLR 11 and any other relevant, appropriate and authoritative publications.
- The Local Planning Authority will not accept any liability for remediation works.
- The responsibility for the safe development and occupancy of the site, at all times, rests with the developer.
- Failure to comply with above condition may result in enforcement action being taken by the Local Authority under the Environmental Protection Act 1990.
- You are strongly advised to contact the Environmental Protection Team of the Public Protection Service to discuss the requirements of the Contaminated Land Condition (Karen Huddart or David Johnson tel: 01254 267699).
- The guidance documents entitled '**Contaminated Land Planning Guidance**' & '**Validation Policy Document**' should be read before you investigate the site. This guidance is available on the Council web site. These hyperlinks will give you direct access :
www.blackburn.gov.uk/upload/pdf/Contaminated_Land_Guidance.pdf
www.blackburn.gov.uk/upload/pdf/Validation_Policy_Document_FINAL.pdf
- A **suitably qualified, competent & impartial person** shall fulfil the requirements of the condition.

Condition – Air Quality Standard Mitigation

The following mitigation measures shall be implemented prior to the commencement of the approved use:

- a. There shall be one electric vehicle charging point at each house with a garage or driveway. An appropriate charging point for a single dwelling will have a Type 2 connector and a minimum rating of 3.7kW 16A. External points will be weatherproof and have an internal switch to disconnect electrical power.

- b. Gas fired domestic heating boilers shall not emit more than 40mg NO_x/kWh

REASON: In accordance with Policy 36 of the Blackburn with Darwen Borough Local Plan Part 2 and Paragraph 110 of the National Planning Policy Framework 2019, which states that developments should be designed to enable charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This implements the requirements of Council's Air Quality PAN and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. These are readily achievable mitigation measures that reflect current good practice and help to reduce the cumulative impact of current and future developments.

Floodlighting

Should the proposed development include outdoor lighting I would recommend the following condition:

Condition – Floodlighting (other than street lights, as appropriate)

An outdoor floodlighting scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the approved use.

Reason

To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity.

Informative:

When assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in 'Guidance Notes for the Reduction of Obtrusive Light' GN01 produced by The Institution of Lighting Professionals, available at: <https://theilp.org.uk/publication/guidance-note-1-for-the-reduction-of-obtrusive-light-2020/>

NB: The proposed development is within an E2: Low district brightness area.

Construction Phase Control Conditions

Condition – Hours of Site Works

There shall be no site operations on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday 08:00 – 18:00 hours

Saturday 09:00 - 13:00 hours

Any variation of the above hours restriction must be approved in writing by the Planning Authority.

Reason

To ensure appropriate hours of site work to minimise noise during the construction phase.

Condition – Dust Control

The commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a scheme employing the best practicable means for the suppression of dust during the period of demolition/construction. The approved measures in the scheme shall be employed throughout this period of development unless any variation has been approved in writing by the Planning Authority.

Reason

To ensure that satisfactory measures are in place to alleviate any dust & dirt impact at adjacent residential premises.

Noise & Vibration Control

Condition

Should pile driving be required on site, the commencement of the development shall not take place until there has been submitted to and approved in writing by the Planning Authority a programme for the monitoring of noise & vibration generated during demolition & construction works. The programme shall specify the measurement locations and maximum permissible noise & vibration levels at each location. At each location, noise & vibration levels shall not exceed the specified levels in the approved programme unless otherwise approved in writing by the Planning Authority or in an emergency.

Reason

To minimise noise/vibration disturbance at adjacent residential premises.

Floodlighting Control (Construction Phase)

Condition

Should floodlighting be required on site a scheme shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Floodlights shall be installed in accordance with the agreed scheme and retained for the duration of the works.

Reason

To minimise potential loss of amenity due to intrusive light pollution affecting residents living in the vicinity.

Informative:

When assessing potential loss of amenity the Local Authority shall make reference to the lighting levels provided in 'Guidance Notes for the Reduction of Obtrusive Light' GNO1 produced by The Institution of Lighting Professionals.

Informative - Construction/Demolition Noise

All activities associated with the construction/demolition works shall be carried out in accordance with British Standard 5228: Code of Practice for Noise & Vibration Control on Construction & Open Sites – Parts 1 and 2.

6.2 BwD Drainage (Lead Local Flood Authority)

No objection:

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.

6.3 BwD Highways

The submission details have been reviewed, and a site investigation has been undertaken.

The application is for proposed erection of 6 new detached dwellings and associated external works including new internal road, driveways and landscaping.

Parking

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

- 3 spaces for a 4+ bed

The proposal is for 6 properties

All car parking spaces on the drives should measure at 5.5m (in accordance with the adopted Residential Design Guide), and all garages should be 3m x 6m.

ACCESS & LAYOUT

There is an existing access into the site. It would appear that this is outside the red edge and an additional entrance is proposed directly into the site from Bury Fold Lane, alongside the existing. For clarification, please request confirmation of this arrangement, as the site access will cross each other on a tangent.

No gradient details of the access into the site are provided, nor is there any swept path analysis of refuse vehicle entering turning and leaving the site. This information should be provided for assessment and approval.

No details of sightlines have been provided – please seek further details. This may require a significant amount of the front wall to be reduced and/or splayed back to achieve the required splays for visibility.

The internal roads are intended to be kept as private, as per the submitted document.

Off-site highway works/Technical Note

On the previous application, a condition was attached for the highway to be widened and reinstatement of the retaining wall to be set further back.

The technical note has been reviewed. The TRICS database which has been utilised to produce trips to and from the site at peak times. This highlights that there are 3-trip movement in the am period, and 3 in the pm peak. This seems incorrect when each of the property is 6 bed, and trip generation is not at least 1 car per property.

Notwithstanding the above, there is still a potential for increased movements resulting from the additional units, up to 18 (if not more) vehicles movements onto Bury Fold Lane (this does not include the 1 property that was approved as a standalone). Having visited Bury Fold Lane on many occasions, it is clear that the on street situation has a heavy presence of parked vehicles from the residents who reside on Bury Fold Lane.

Our concerns when considering a development for 22 properties were directed towards the extent of offsite highway works, which were necessary to aid the development to proceed.

We are still of the opinion that some works are necessary, albeit scaled back to only requiring widening from Low Hill up to the site entrance. Details of this together with the footway and retaining wall will need to be submitted for assessment, in order to assist with movements and sightlines.

The issue of construction vehicles, navigating narrow sections of Bury Fold Road will be severely constrained without the improvement works (in full). However, we expect the developers to manage this with the residents, in order to navigate through to their site.

The off-site highway works are to be conditioned as a Grampian condition. (This should include associated drainage and lighting works)

All works are to be completed prior to the commencement of development on the site – please condition.

A further condition is required for details to be received for the retaining wall, the alignment and position of which is being altered - formal approval from the Structures

Division at the council would need to be received, please request further details for assessment.

In addition to the above, we would require, the below to be undertaken:

- The access road to Ellerslie House would be compromised for vehicle movements, due to sharp bend on approach - please include this for tracking
- Street lighting is lacking and should be upgraded to support the site, details to be offered, or statement to be received.
- Gradients of drive should be below 10% or wherever possible no more than 12.5% (1:8) for a distance 6m back from the edge of the carriageway. Care should be taken at the back of footway to avoid the risk of grounding.

Construction Method Statement

No details have been submitted.

Please request this or condition for approval.

6.4 BwD Cleansing

No objection subject to the access road - can our vehicles access ok, and of are the roads wide enough for our RCVs.

6.5 BwD Arboriculture Officer

Assessment

An Arboricultural Impact Assessment and Arboricultural Method Statement has been submitted by Bowland Tree Consultancy to support the application. This shows the trees and groups on site currently.

Of the 5 trees, 2 groups, part of 1 further group and 1 hedge that are required for removal, only the group G1 containing 2 x sycamore trees are classed as category B. This amount of removal within the site is acceptable and will leave a large proportion of trees still remaining around the periphery of the site.

The 6 proposed dwellings can be constructed without impacts to the trees providing the Arboricultural Impact Assessment is adhered to and the protection measures are in place to adequately protect trees during the construction phase.

There doesn't seem to be any pruning of trees noted. It may be that the trees within W1 need pruning back slightly to allow for both scaffolding and garden space. A detailed tree pruning schedule will need to be submitted and agreed if this is required.

It is noted that any encroachment into T1 for the entrance will be less than 1% of the total RPA and therefore I am happy this will not cause a detrimental affect providing the tree protection is in place in all other places around the tree

Recommendations

There are no objections to the proposed development provided that the submitted AIA and AMS is adhered to throughout.

6.6 United Utilities

No Objection:

DRAINAGE

We request the following drainage condition is attached to any subsequent approval:

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

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

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

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

The applicant can discuss any of the above with one of our Developer Engineers, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewers for Adoption and United Utilities' Asset Standards'. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no

construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development. You may find the condition below a useful example.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

6.7 GMEU Ecology

No response offered.

6.8 Public consultation

119 letters were posted to the local community on 10th May 2022. Site notices were also displayed. A press notice was published 15th June 2022. In response, 5 objections 1 representation of support and 5 general comments were received - see Summary of Representations.

7.0 CONTACT OFFICER: Nick Blackledge – [Principal Planner].

8.0 DATE PREPARED: 7th October 2022.

9.0 SUMMARY OF REPRESENTATIONS

Support – Mark France - Lyndene Ashleigh St, Darwen, Rec 10.06.2022

I write in support of this application of which I have only just become aware.

I am a local resident and am familiar with the area. I use Bury Fold Road daily as a pedestrian.

I am aware that , at an earlier stage, planning permission was granted in principle for a larger number of dwellings in the grounds of Ellerslie House. The current application therefore represents a scaling down of the development both in terms of its general impact on the amenity of the area and of its effect on the volume of traffic using Bury Fold Road.

I believe that ,in its current form, the application is realistic and proportionate. As such it should be supported. If granted it will lead to the ground of Ellerslie being developed in a sympathetic way avoiding the dangers of overdevelopment in the future

The notice I have seen suggests that comments on the application should be made by June 1st, Nevertheless I hope that my views will be taken into account as I understand that no decision has yet been taken,

Mark France

Lyndene

Ashleigh St

Darwen

Objection – Helen Cowell – 14 Bury Fold Lane, Darwen, Rec 06.06.2022

Dear Sir,

Plan Ref: 10/22/0413 – Ellerslie, Darwen

I would like to object most strongly to the new application for Ellerslie.

1. The current application for a reduced number of houses is, on the face of it, an improvement to the previous numbers applied for. However, my concern is that, if and when they get approval for these, they will then keep applying for extra plots which will take them up to numbers in the original application, without them having to fulfil any of the conditions that previously applied.

The previous consent, in my opinion, constituted over-development of the site and should not have been granted. As it was granted however, the condition regarding the repositioning and rebuilding of the wall, which was no doubt onerous, should not be allowed to be circumvented by possible piecemeal applications for extra plots.

2. The design of the proposed houses is completely out of keeping with the surrounding area and especially of Ellerslie itself.

3. If the houses have 6 no. bedrooms each, then there will presumably be many more than the 2 cars per household suggested by the double garages shown on the plans. Over time there will be many more trips generated than a double garage might suggest.

Yours faithfully,

Objection – Terea Lonnen (on behalf of parents) - Epworth Street, Darwen, Rec 31.05.2022

Good afternoon Nick

I'm forwarding this on behalf of my parents, who are currently on holiday.

I'm also a resident of Whitehall, I live on Epworth Street so not far from my parents. I'd like to reiterate what my Dad had said on this, the traffic up Bury Fold Lane is horrendous. The number of times my Dad has had to come out of his drive and go up the lane to turn round and come back down again, its a weekly occurrence, because inconsiderate people park right up to the edge of his drive and abandon the vehicle for days on end.

With the number of houses being built in Darwen at this current time, do we really need 6 bedroom houses in our area?? And the traffic and chaos the building works will cause.

In recent years we have had numerous occasions where the Moors have been on fire and Bury Fold Lane is an access area for the fire engines, it really isn't a suitable area for a housing estate, even a small one as proposed.

Best regards

Teresa Lonnen

Buryfold lane is becoming more dangerous by the day.

The volume of traffic and badly parked cars and vans is an accident waiting to happen.

People park so close to my drive entrance it becomes very difficult to get in and out

At the last council meeting there was a video shown without a car in sight if one is to be shown at the next meeting ,please show what it's really

Like

We were also told that a certain percentage was to be affordable housing ,,6 bedrooms houses are not what I would say are affordable

We were also told the entrance to the lane would have to be widened as again it is dangerous,that again seems to have forgotten about.The morning commute is going to be like the M1

Fire ambulances and waste collection services are at breaking point in this area and yet we build more and more.

Nothing is ever done about water storage, the last reservoir to be opened in this country was thirty years ago, in the next fifteen years this is will come back and bite us

Regards Idris and Magdalen Davies

Comments – Mr & Mrs Trevor Cowell, Bury Fold Lane, Darwen – 29/06/2022

Dear Mr. Prescott,

Planning Application Ref. No. 10/22/0413. Land at Ellerslie House, Bury Fold Lane, Darwen.

I wish to comment on the proposed development of at Ellerslie House Bury Fold Lane Darwen.

- Bury Fold Lane is a narrow single track cul-de-sac leading onto the moors and is only a single track for most of its length.
- There are 10 terraced houses at the lower part of the lane, which to help ease congestion at the point where the lane meets the A666, park on the pavement. Many of these houses have more than 1 car.
- The lane holds very few passing places, some of which are used by cars from the twenty-three properties on Ellen Street, so residents frequently need to reverse either up Bury Fold lane or down the lane out onto the A666 .
- There are several dangerous blind spots to be risked when making this manoeuvre, especially when oncoming traffic is encountered from traffic travelling at speed from a southerly direction.
- In interests of safety the lane cannot sustain more vehicles, especially heavy duty waggons that will be required if building were to commence.
- This new planning application is for six properties; however, planning has also been made for a single large property which may have a separate access higher up the lane but still needs to use the lane. In reality there are seven large properties some of which are very likely to have several vehicles. Additional traffic will be generated by service vehicles, visitors and delivery vans.

Yours Sincerely

Mr. and Mrs. Trevor Cowell Cowell

Objection – Donald Sharples, Bury Fold Lane, Darwen, Rec 27/05/2022

**Objection in relation to housing development on land at Ellerslie House:
Reference number 10/19/0642**

I have lived on Bury Fold Lane for sixty-seven years and I am raising serious concerns on behalf of myself and several longstanding residents about the

proposed development on land at Ellerslie House primarily in relation to access.

On regular occasions I am either unable to, or have great difficulty transporting goods to and from my farm due to the current volume of cars using Bury Fold Lane inconsiderately and from the volume of cars parking on this very narrow highway. Wagons have consequently had to reverse back down to the A666. It has become normal practice to escort vehicles both up and down the lane and to try and identify vehicle owners inconsiderately parked.

I strongly object to the proposed development on the grounds that Bury Fold Lane is becoming increasingly even more congested due to the traffic generated by existing residents. This, for several years, has had a detrimental effect on my farming business and in recent months this has become close to becoming a welfare issue as delivery vehicles carrying cattle feed have, at certain times, been unable to access my property.

Bury Fold Lane has buildings that are of historic interest and properties developed over the years have been in keeping with the character of the area. The new properties proposed are not going to enhance, in any way, the identity of the surroundings and should not be considered in their current form.

Furthermore, I believe that any gains the development will have on local housing needs are far outweighed by the impact of increased traffic on Bury Fold Lane.

Yours sincerely

DONALD SHARPLES

Objection – Christine & Brian Chappell, 34 Bury Fold Lane, Darwen, Rec 27.05.2022

To whom it may concern in relation to planning application number 10/19/0642

In relation to this planning application we wish to formally record our objections.

Relating to the design and access statement

Point 3: Description and proposed development

The previous planning history listed does not indicate all the conditions that had to be met before full approval would be obtained giving a false impression to the reader that the Council fully supported all applications.

Point 4.1: Layout

The layout will “maximise available land to offer the dwellings expansive gardens”. What conditions will be set so that the proposed gardens actually get developed? The impression is given that the gardens will enhance biodiversity – which the development in itself is taking away!

It is questionable that the site is hidden, perhaps so from Bury Fold Lane but what about the Astley Bank area and bridle path running to the west of the site?

Point 4.4 Design and appearance

“The development features ultra-modern designs”, this is definitely not in keeping with the character of the area. Ellerslie House itself plus the blue plaque Low Hill (which has been considerably developed into apartments) are only two of the historic buildings present in the area

Point 4.5 Access

The first point states that “the development is to be served by the existing access from Bury Fold Lane and the access will be modified and upgraded to meet Highway standards” – where is the detail for this in the application?

Within the “Highways Technical Note” evidence that has been submitted is rather vague:

- A current traffic flow survey is required to capture the current traffic flow both at the bottom of Bury Fold Lane and the area between Low Hill and Ellerslie gateway. This will give an up to date picture of how the statistics have changed since the last, ill-placed monitoring system.
- No consideration has been given to the fact that within a few years of the development several cars/vehicles could be at each property – not two as shown in the illustrations.
- No data has been included for delivery vehicles which is relevant due to the change in buying habits on-line
- What about visitors – how do they access the development if not from Bury Fold Lane?

A survey is also required in relation to the vast increase in walkers and cyclists that have now discovered that Bury Fold Lane is a popular route through the Print Shop to Whitehall, along the bridle path to Bold Venture and a very popular route to the West Pennine Moors. What arrangements are going to be put in place if the development is approved to safeguard such users?

8. Summary and conclusion

This does not indicate that this will be the only planning application. Are we to expect that if this application is approved there will be others until the total equates to those on previous applications?

The Technical Note submitted is confusing and not easy for the layman to interpret and is of little use to the residents on Bury Fold Lane who will be affected by this development. It must be noted that the current situation with parked cars gives rise to safety concerns constantly and this will be exacerbated during site clearance, construction materials being delivered and ground working vehicles.

Boundary walls have already been damaged due to vehicles trying to pass on a very narrow lane as illustrated below:



Regular instances of Heavy Goods Vehicles having to back down Bury Fold Lane occur. What arrangements are going to be put in place for construction traffic if this development takes place?

Please note we strongly object to the development and hope that the planning committee will take these views into account when making their decision and be considerate to the needs of current residents.

Yours sincerely

CHRISTINE AND BRIAN CHAPPELL

Objection – Mr J Thomas & Mrs H Thomas, Rosedene Lowhill Bury Fold Lane, Darwen, Rec 26.05.2022

Mr Nick Blackledge,

We received a letter about the planning application for 6 dwellings to be built on land on Bury Fold Lane in Darwen.

My husband and myself are both against this application mainly due to the single track road but also to the disruption and spoiling of the nature involving the flora and the fauna. The land is a pathway for the local deer and the land has a bluebell colony in the tree area and the field which they are thinking of building on. Blue bells are not supposed to be dug up (they are protected).

The main concern is the road. It is single track with many cars already using it and already having to drive on the pavement when passing or patiently waiting for cars to pass in a couple of areas that are on the road. We even have to wait on the main road at the bottom of the lane for cars or vans and lorries coming down which can cause disruption on the main road. The entrance on Bury fold is single track which causes numerous problems on the main road. The original plans where to widen the road before any building is done and now they are not going to do that because there would be less cars due to being less houses being built. there still could be two or three cars per house and the extra separate application for another house on that land which still puts extra pressure on the people living on Bury Fold. this also makes us think that there may be chance at a later date to build more houses without the lane being widened. If they do manage to get planning permission there is also the amount of traffic which will be using the lane while building. The amount of lorries diggers truck and delivery wagons using the lane would be horrendous.

To widen the road also would spoil the looks of the quaint road which leads to the moors for many walkers. There also is not many areas on Bury Fold that have a pavement for the many walkers and it is still dangerous for them now when cars have to mount the pavements in some areas to pass.

We put in our objection with a hope that you look at the problems of the road very seriously.

Your sincerely

Mr J Thomas and Mrs H Thomas

Rosedene

Objection – Mrs Norma Astley, Low Hill, Bury Fold Lane, Darwen, Rec 24.05.2022

Darwen BB3 2QG
18/05/22

Dear Sir

I write in response to your letter regarding the planning application at Ellerslie
On Bury Fold Lane ref:10/2/ 0413

I am definitely ~~Low Hill~~

in favour of this new proposal as I feel it will enhance this area. However, I am very concerned that the road should not be widened as it was proposed in the previous applications as I am most concerned that this would change the feel of the road leading up to our property. Other neighbours have expressed this wish too.

Any traffic issues are minimal and occur at the bottom of the lane due to the narrowness. I have lived here for many years and haven't encountered any problems in all these years.

Yours faithfully

Mrs Norma Astley

Objection – Millie Jackson, Bury Fold Lane, Darwen, Rec 13.05.2022

Dear Gavin,

I am writing to you in regards to the planning application - 10/22/0413, for the proposal of 6 new detached dwellings to be built at the Land at Ellerslie, Bury Fold Lane, Darwen, BB3 2QG.

Firstly, I am the owner & occupier of a house on Bury Fold Lane, and whilst we believe the introduction of 6 new houses would be of great value to the Lane we do have a few concerns that we hope can be addressed should the planning be accepted.

I am aware that planning had been submitted in late 2019/ early 2020 for a whole new development of 18 new houses to be built on the land at Ellerslie where permission had been granted despite there being objections from the residents. I also understand some committee members were also sceptical the works would go ahead, due to the lane being too narrow for access and comments were passed in regards to the road leading to the land at Ellerslie (Bury Fold Lane) would have to be widened and works could not start until this was completed to improve access.

Development plans have not been available to view by the residence, with respect to changes since the earlier application in 2019, and would be something we would be interested to view. This is something we believe should be available to the local residence before the committee should accept the application. I know myself and my partner would like to see the designs, more so in regards to the new internal road.

Our only concern going forward should the application be accepted would be the access plan during the build, should the road need to be widened for access arrangements. We would not be happy to accept major works to the road leading to the land, that would result in major disruption on the lane. For example, us being unable to park our cars outside of our home or on the lane; trucks causing traffic issues; constant noise and mess; being unable to access the public walk paths.

We are aware there is also 2 other planning applications raised for work on or off Bury Fold Lane 10/21/1134 & 10/22/0195, that would also require access to the road. For all 3 applications to be accepted and works to start around the same time would cause major disruption to the lane and would have to be managed accordingly.

We hope our comments can be taken into consideration in regards to the application.

Kind Regards,

Millie Jackson