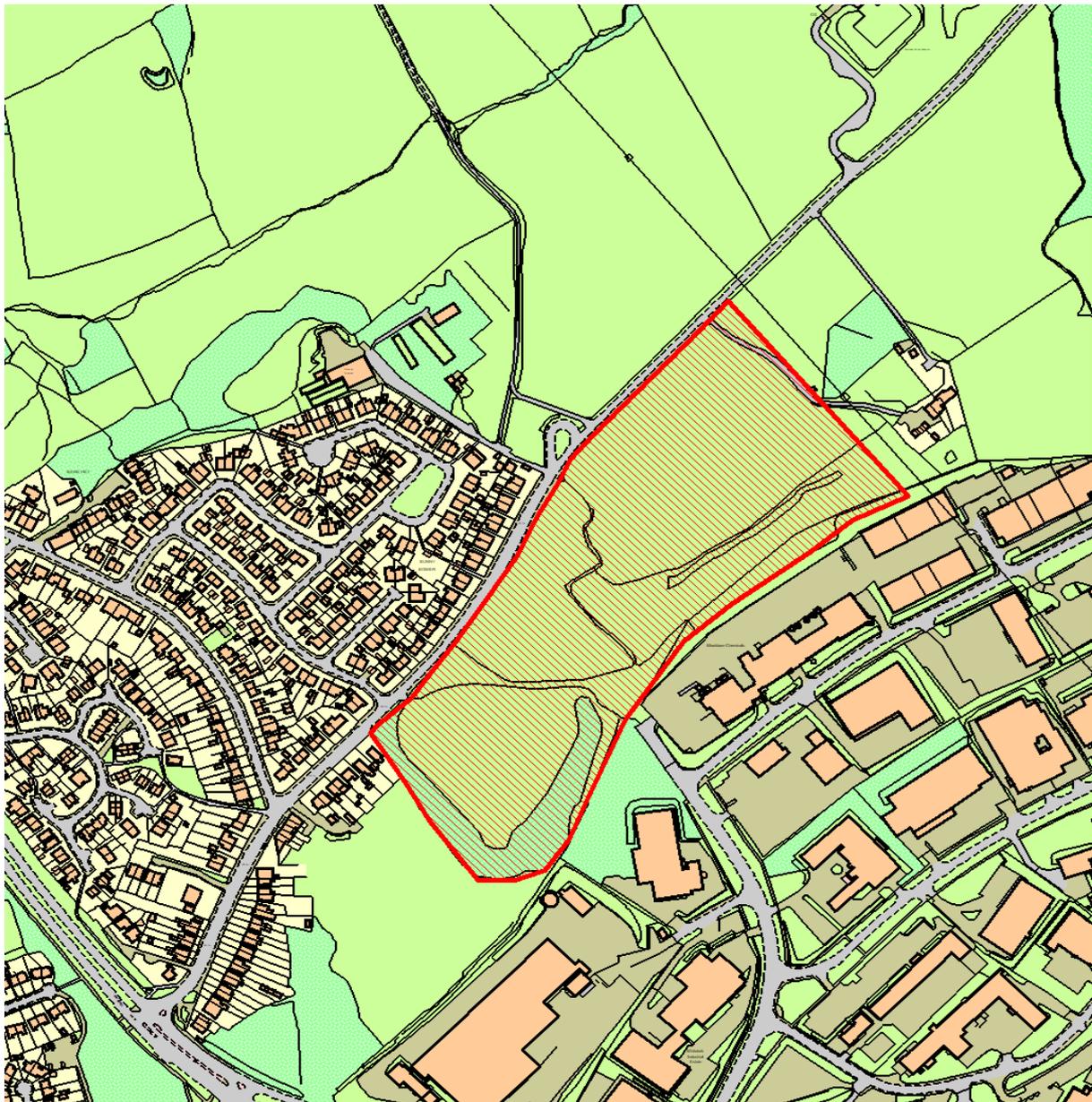


**Proposed development: Reserved Matters Application (Regulation 4) for Approval of the reserved matters for the access, appearance, landscaping, layout and scale for the erection of 165 dwellings pursuant to outline application 10/20/0716**

**Site address:  
Land to the South of Whalley Old Road  
Blackburn**

**Applicant: Vistry Partnerships**

**Ward: Little Harwood & Whitebirk Councillors: Mustafa Desai, Sonia Khan  
Abdul Patel**



## **1.0 SUMMARY OF RECOMMENDATION**

### **1.1 APPROVE – subject to conditions set out within section 4 of this report**

## **2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE**

- 2.1 This application is before the Planning and Highways Committee, in accordance with the Scheme of Delegation, as; (i) the proposal falls under Regulation 4 of the Town and Country Planning Regulations 1992; and (ii) It relates to a significant major housing development.
- 2.2 Outline planning approval 10/20/0716 was approved by Members at the February 2021 meeting of the Planning and Highways Committee. That approval provided for residential development of the site for the delivery of up to 165 dwellings, with all matters reserved to be considered under subsequent reserved matters planning application. As such, the principle of residential development of the site has already been established.
- 2.3 This application is submitted in the form of a reserved matters proposal for 165 dwellings, relating to; access, appearance, landscaping, layout and scale.
- 2.4 Assessment of the application establishes that the proposal will deliver a high quality bespoke housing development which will widen the choice of family housing, in support of the Borough's planning strategy for housing growth, as set out in the Core Strategy. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site forms part of land allocation 4/1, as identified by Policy 4: 'Land for Development Beyond the Plan Period', within the adopted Local Plan Part 2
- 3.1.2 The site is circa 8Ha in area and is located at the north eastern edge of Blackburn in the neighbourhood of Sunny Bower. It is positioned to the south of Whalley Old Road, which serves as a link between Brownhill Drive (Blackburn Ring Road) and the rural settlements in Hyndburn beyond the borough boundary.
- 3.1.3 The land is broadly characterised by dense and scattered scrub, tall ruderal vegetation, poor semi-improved grassland, marshy grassland and moderately species-rich grassland. A small number of trees are located in the south western parts of the site. Across the site, there is a fall in levels from Whalley Old Road towards the southern boundary, where it is interrupted by an embankment.

3.1.4 To the north-west, the site has a long frontage to Whalley Old Road, which is partly defined by a dry-stone wall and partly by a hedge and fence. On the opposing side of Whalley Old Road is the neighbourhood of Sunny Bower. This is an enclave of housing, most of which is detached and semidetached and largely dates from the post-war period. The south-eastern boundary abuts a Primary Employment Area, with the adjacent land occupied by Blackburn Chemicals.

3.1.5 The site is defined by the red edge, as illustrated below;



Fig 1: Site location





Fig 2: Google Street View images of application site June 2022:



Fig 3: Google Street View image of application site where proposed eastern access is located June 2022:

## 3.2 Proposed Development

- 3.2.1 The application follows pre-application discussions between the applicant and Council's Officers. These discussions have helped inform the design and technical aspects of the proposal, within the parameters of the site constraints.
- 3.2.2 Approval of Reserved Matters following Outline Approval 10/20/0716, is sought for the access, appearance, landscaping, layout and scale for the delivery of 165 dwellings along with associated infrastructure and public open space.
- 3.2.3 The proposed will deliver: **21no. two bedroom units, 107no. three bedroom units, 31no. four bedroom units; and 6no five bedroom units.** The plans include the provision of 33 affordable homes.

- 3.2.4 The proposed housing is intended to reflect the local vernacular, with a mix of 14 house types, ranging from 1 to 2.5 storeys, and offering detached, semi-detached and mews properties, providing visual interest and distinctiveness.
- 3.2.5 Vehicular access will be provided via three access points off Whalley Old Road. The western most access is in the form of a priority junction. The eastern most access is a four arm roundabout, which will serve the development and offer a potential link to the North East Blackburn housing allocation. The third access is at the mid-point of the others and is in the form of a dedicated private drive, serving just three dwellings. The proposal also provides for pedestrian linkages, including direct access to Croft Head Road, which is to the south of the site.
- 3.2.6 The internal road network includes a mixture of primary streets, rural streets and shared private drives, incorporating design features and landscaping intended to provide for a safe and visually interesting environment.
- 3.2.7 The development also provides for 3.15Ha of public open space / green infrastructure. This includes a linear pedestrian cycle route set within a green corridor and connecting in to a network of footpaths around the site. Arrival greens are also provided at key access points in/out of the site.



Fig 2: Proposed site layout

### 3.3 Development Plan

3.3.1 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:

#### 3.3.2 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 - Locations for New Housing

- CS6 – Housing Targets
- CS7 – Types of Housing
- CS8 – Affordable Housing Requirements
- CS16 – Form and Design of New Development
- CS18 – The Borough’s Landscapes
- CS19 – Green Infrastructure

### 3.3.3 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 16/9 – Housing Land Allocations (Gib Lane Development Site, Blackburn)
- Policy 18 – Housing Mix
- Policy 36 – Climate Change
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development

## 3.4 **Other Material Planning Considerations**

### 3.4.1 Residential Design Guide Supplementary Planning Document

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 National Planning Policy Framework (NPPF) (2012)

Particular emphasis upon section 4 of the NPPF, which relates to decision making, section 5: delivering a sufficient supply of high quality homes, and Section 8; promoting healthy and safe communities.

## 3.4 **Assessment**

- 3.4.1 The principle of residential development of the site has been established through the approval of outline planning application 10/20/0716 at the February 2021 meeting of the Planning and Highways Committee. Approval of this Reserved Matters application is therefore limited to the following matters;

**Appearance:** Aspects of a building or place which affect the way it looks, including the exterior of the development.

**Landscaping:** The improvement or protection of the amenities of the site and the surrounding area; this could include planting trees or hedges as a screen.

**Layout:** Includes buildings, routes and open spaces within the development and the way they are laid out in relation to buildings, routes and open space outside the development.

**Means of Access:** Covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site.

**Scale:** Includes information on the size of the development, including the height, width and length of each proposed building.

3.4.2 Appearance: In general terms, Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context, and making a positive contribution to visual amenity.

3.4.3 A range of house types are proposed across the development. The house types reflect local vernacular traits, with a mix of 14 different house types providing visual interest and distinctiveness. Examples are shown below;



3.4.4 The range of house types provide for a varied yet proportionate street scape, in response to local vernacular and the site constraints. Illustrative street scenes are show below;



3.4.5 Dwellings are proportionate in scale to the site's setting, comprising 1, 2 and 2.5 storeys. The 2.5 storey units are generally located within the central section of the site, ensuring the units fronting Whalley Old Road are 1 or 2 storey. This serves to ensure the development relates effectively to the existing bungalow accommodation that characterises the north side of Whalley Old Road, in this location.

3.4.6 The submitted materials schedule highlights the use of 3 different brick types, with grey roof tiles. The proposals are considered to harmonise and compliment development within the surrounding area, though, ultimately, material selection will be secured via a separate condition discharge application.

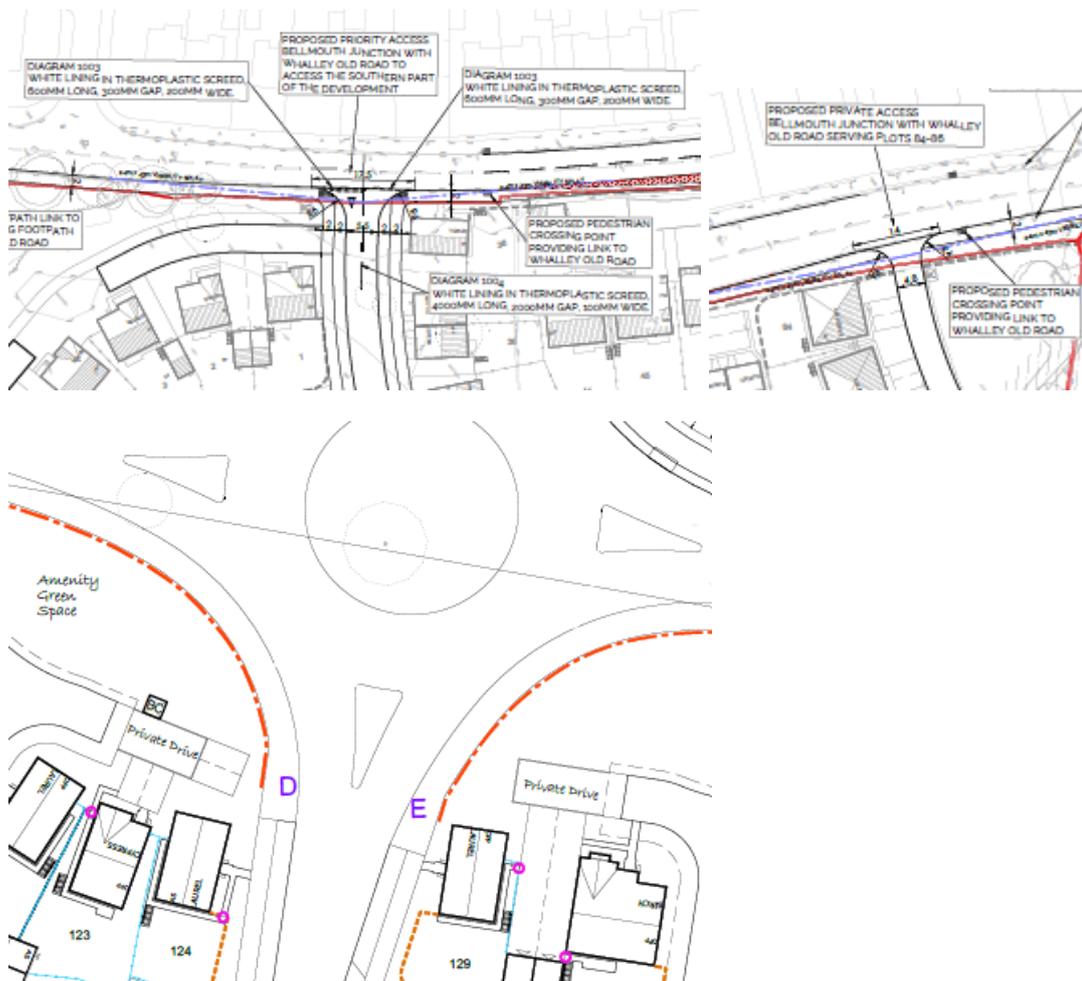
3.4.7 Pockets of public open space includes new and established green spaces that thread through and surround the developed parts of the site. These green spaces are intended to be multi functional and are positioned on main movement lines, which serves to ensure they are overlooked, usable, accessible and safe. The green spaces also provide pedestrian and cycle links to the employment area to the south of the site and housing allocations to the north, providing permeability through and beyond the site.

3.4.8 Appropriately robust brick and reconstituted stone boundary treatments are included at key points within and on the fringe of the built development, adjacent to the sensitive public realm. The existing stone wall fronting Whalley Old Road will be retained and made good, where necessary. The remainder of the frontage will be formed by metal railings, supplemented with planting. Close boarded timber fences will generally delineate property boundaries to the side and rear. Implementation of the boundary treatments shall be secured via condition.

3.4.9 The appearance of the development is found to be in accordance with Policies 9, 10 and 11 of The Local Plan Part 2, and The Framework.

3.4.10 Means of Access: Local Plan Policy 10 outlines a general requirement for all development proposals to not prejudice road safety, or the safe and convenient movement of all highway users.

3.4.11 The proposal provides for 3 vehicular access points linking to Whalley Old Road. The western most access is in the form of a priority junction. The eastern most access is a four arm roundabout, which will serve the development and offer a potential link to the North East Blackburn housing allocation. The third access is towards the mid-point of the others and is in the form of a dedicated private drive, serving just three dwellings. The junction designs are detailed on the following images.



3.4.12 The Council's highway team have appraised the submitted details and following clarification on vehicular sightlines and swept path analysis of vehicles turning at the western most access/egress have raised no objection to the location or form of the new vehicular and pedestrian access points. That position being subject to a suitably worded condition to protect sightlines in perpetuity.

3.4.13 The public objection received on behalf of the Sunny Bower Community Group outlines concerns with the current scheme, principally in relation to changes to the scheme presented at outline stage. Issues relating to the relocation of the amenity positions and lack of a 'priority turning lane' are highlighted, along with

concerns regarding road narrowing/realignment. The objections are detailed within section 9 of this report.

3.4.14 When appraising the merits of the public objection, Members should note that the details presented in support of Outline Planning Permission 10/20/0716 were indicative only. This is evidenced by the fact the outline application was a 'red line' application concerned solely with establishing the principal of residential development of the site. All matters, including access, were subsequently reserved for assessment through Reserved Matters application(s). This issue was also referenced at paragraph 3.5.25 of the report presented to Members at the February 2021 meeting;

*"The proposal's outline form with all matters reserved means that there are no fixed details of the access arrangements for the development, though indicative details are provided within the submission and identify two new junctions with Whalley Old Road".*

3.4.15 Members should also consider that turning in to / out of the site at the western and central access/egress can also be achieved via the introduction of appropriate road markings via s278 works, or through the introduction of traffic regulation orders. Any reduction or realignment of Whalley Old Road need not, therefore, affect the free flow of traffic as the objection suggests.

3.4.16 Additional concerns set out in public objections relating to the impact of the development upon the junction of Whalley Old Road and Brownhill Drive / Whitebirk Drive were addressed at outline stage when the impact of 165 dwellings on the surrounding highway network was appraised. It is not reasonable, therefore, to revisit those assessments at this reserved matters stage given the quantum of development has not altered.

3.4.17 Assessment in relation to the other highway impacts of the development, including internal road hierarchy, parking provision and pedestrian and cycle linkages are discussed within the 'layout' section of this report.

3.4.18 In summary, the proposed means of access are considered to be acceptable and compliance with Policy 10 is achieved.

3.4.19 Landscaping: Full soft landscaping details, including planting species and densities, have been submitted with the application.

3.4.20 Existing trees within the south west corner of the site are to be retained within public open space areas. All retained trees will be appropriately protected during the construction phase.

3.4.21 Feature trees will be used to create focal points within the development and offer seasonal interest. Internal to the site, a combination of street trees will strengthen the visual aesthetic of the street scene. Retained perimeter trees and hedgerows will be supplemented with new native planting to create natural landscape corridors, offering ecological as well as visual benefit.

- 3.4.22 Landscaping is considered to appropriately integrate with the existing natural land form. Pockets of green public open space / green corridors feature across the site at suitable key locations, effecting the break-up of the built development into defined parcels. Tree lined streets, including grass verges, feature along sections of the primary road network. Trees are also included with a significant proportion of front gardens.
- 3.4.23 The emphasis that the revised Framework (July 2021) applies to tree planting, in the context of design and bio-diversity enhancement, should be acknowledged. The scope of planting proposed is considered to appropriately respond to the Frameworks requirements.
- 3.4.24 The Council's Arboricultural consultee is supportive of the landscape proposals, in acknowledgement of a good mix of native trees, hedges and shrubs with some ornamental species suitable for residential development. Implementation will be secured via condition, as will submission of a future Management and Maintenance Strategy.
- 3.4.25 Landscaping of the development is found to be in accordance with Policies 9, 11 and 40 of The Local Plan Part 2, and The Framework.
- 3.4.26 Layout: Primary vehicle / pedestrian access is proposed to the southern side of Whalley Old Road, in the form of two access junctions. An additional private drive serving three units is also proposed. A new 2m wide footpath will be provided along the length of the site boundary.
- 3.4.27 Existing vegetation is retained to peripheral edges, which will be integrated into areas of open space and green corridors. As previously noted, open space includes an approximate 3.5 hectare expanse throughout the development.
- 3.4.28 A well-defined street hierarchy is proposed, aiding permeability and legibility. Traffic calming measures in the form of contoured street patterns and build outs are also included. These measures also add to street character which is further established by proportionate and well positioned frontage planting.
- 3.4.29 The primary vehicular route through the site is 5.5m in width and is designed to be easily distinguishable from other routes. It features robust road edges and vehicle crossovers to private drives. Strong structural landscaping and shrub planting provide an attractive route. The secondary routes, also referred to as 'rural streets', are 4.8m width, with a series of narrower private, unadoptable, drives serving up to 6 properties. Carriageway widths are appropriate in defining a transition from the primary road network route through to the smaller tertiary routes.
- 3.4.30 The overall highway proposal provides for a legible and efficient street network. Furthermore, the provision of swept path analysis also demonstrates that the network provides for appropriate manoeuvring space for larger refuse vehicles, or similar.

3.4.31 The existing public rights of way are retained in their current alignment and incorporated into green corridors.

3.4.32 The site is well served by pedestrian and cycle links within and to destinations beyond, including connections to the employment area to the south and the Borough's strategic housing sites to the north.

3.4.33 In-curtilage parking is provided in the form of driveways and garages. The overwhelming majority of plots benefit from the benchmark standards, as set out below. A very modest shortfall in driveway dimensions and integral garages is, however, proposed to some plots. All detached garages are the requisite dimension. Overall, given the benefits arising from the development, and having regard to The Framework's presumption in favour of sustainable development, parking provision is considered to be acceptable.

- 2 spaces for a 2/3 bed;
- 3 spaces for a 4+ bed;
- Driveway dimensions 5.5m x 2.4m per car space; and
- Garage dimensions 3m x 6m per car space.

3.4.34 Where practicable, in-curtilage parking is provided to the side of dwellings, thereby avoiding unwarranted hard surface / car dominated frontages and affording opportunity for additional green space.

3.4.35 Support for the layout is offered by the Council's Highways consultees, following a detailed review of the submission, subject to conditions attached to the outline permission and conditions to preserve sightlines at the access points linking to Whalley Old Road.

3.4.36 Development is outward facing to peripheral edges (with the exception of the eastern boundary), taking advantage of the attractive landscape features and adding visual interest to the scheme. Properties are orientated to provide active frontages to all streetscapes. Dwellings which are located on corner plots, at street intersections, are to be articulated to define the corner and provide active interfaces on both sides.

3.3.37 Interface distances (between proposed dwellings) is broadly compliant with the following adopted standards:

- 21m between facing habitable room windows;
- 13.5m between habitable room windows and non-habitable room windows / blank elevations;
- For each additional storey above 2 storeys or where land levels create an equivalent difference, an additional 3m separation will be required.

3.4.38 Interface distances between proposed and peripheral existing dwellings is in accordance with the adopted standards.

3.4.39 Housing mix, as set out above, is appropriate and in accordance with the Councils strategic requirements.

3.4.40 The layout of the development is found to be in accordance with Policies 8, 9, 10, 11, 18 and 40 of The Local Plan Part 2, and The Framework.

3.4.41 Scale: Proposed dwellings are a mix of 1, 2 and 2.5 storey 3, 4 & 5 bed detached, semi-detached and town / mews (as set out in the above schedule). All are proportionate to their plot sizes and the serving street network. The following image details the height of the proposed housing throughout the site;



3.4.42 The overall scale of the proposal is considered to respond well to existing peripheral housing and to the rural fringe, thereby ensuring a sympathetic and proportionate development. Furthermore, extensive planting across the site will help soften and aid assimilation into the surroundings.

3.4.43 The scale of the development is found to be in accordance with Policies 8, 9, 10, 11 and 40 of The Local Plan Part 2, and The Framework.

3.4.44 Other Matters:

Amenity: Policy 8 of the LPP2 relates to the impact of development upon people. Importantly, at section (ii) of the policy there is a requirement for all new development to secure satisfactory levels of amenity for surrounding uses and future occupiers of the development itself. Reference is made to matters including; noise, vibration, odour, light, dust, privacy/overlooking and the relationship between buildings.

3.4.45 As highlighted previously, the site is bordered to the south-east by industrial development, the most noteworthy being Blackburn Chemicals Ltd, which is a site regulated by the Environment Agency. In addition to the Blackburn Chemicals site, there are two Environment Agency permitted sites on Whitebirk Industrial Estate that have potential to cause odour complaints. Both sites manufacture pet food and are operated by the same company

3.4.46 In response to issues raised at outline stage by the Public Protection team, the Environment Agency and an objection from Blackburn Chemicals, an assessment of odour and noise impacts upon the development has been undertaken and submitted in support of this reserved matters application.

3.4.47 Planning policy requirements (paragraph 187 of the Framework) state that new development should integrate effectively with existing businesses and not place unreasonable restrictions upon them. Where the operation of an existing permitted facility could have significant adverse effects on new development, the applicant should be required to provide suitable mitigation for these effects. Mitigation can be provided through the design of the new development to minimise exposure to the neighbouring permitted facility and / or through financial contributions to the operator of the facility to support measures that minimise impacts.

3.4.48 Noise: The current application has been supported by an acoustic assessment undertaken on behalf of the developer by 'Professional Consult' (PC). The acoustic data provided by PC, in support of the application proposed that with mitigation, acoustic standards would be met within the proposed dwellings. Reference was made to the usual acoustic standards that would be applied in these circumstances i.e. BS 4142 and BS 8233.

3.4.49 The initial data provided by PC has been queried by Blackburn Chemicals, who commissioned their own acoustic assessment undertaken by 'Dragonfly'. The Dragonfly submission, which undertook noise monitoring within the Blackburn Chemicals site, suggested that higher levels of noise may be present than those modelled by PC. Subsequently, indicative on-site readings by the Council's Public Protection team were undertaken and dialogue with PC opened. The outcome of which has been to agree that the data provided by Dragonfly on behalf of Blackburn Chemicals is the most representative data to rely upon.

3.4.50 PC has since undertaken a remodelling of the noise impacts based upon the data obtained from Dragonfly. The addendum report submitted by PC indicates that appropriate acoustic levels can be provided for future occupants, subject to the following additional mitigation;

- Construction of a significant acoustic bund along the southern boundary of the site. Due to its size this would need to be engineered as an earth bund with, presumably, an acoustic barrier on top. It is proposed that the full specification of this bund could be agreed in writing at a later date, secured via condition.
- Garden areas to have 2.5 m high acoustic barriers to certain plots.
- A bedroom night time internal noise design criteria of LAeq,T 25 dB(A) with windows open. (\*This represents 5 dB below the 30 dB(A) standard for anonymous noise contained within BS 8233).
- Plots that do not meet the LAeq,T 25 dB(A) with windows open to be fitted with alternative ventilation. This will include mechanical ventilation for those plots that overlook Blackburn Chemicals, as detailed in appendix 3 of the technical notes. The premises runs 24/7 and noise levels at night are similar to those during the day so it is important the residents have an alternative to opening their windows for ventilation.

3.4.51 The following matters should also be noted;

- A small number of garden plots will have a positive rating level according to BS4142. The highest being 2.8 dB(A). This does only affect a small number of plots as per Table 4 in the technical report 22.039.3.L2.
- Generally the specific noise level in these garden areas is between 42 dB(A) – 45 dB(A), these levels would suggest that the noise from the Blackburn chemicals site will be audible but these are not very high levels for an outdoor area.
- Whilst there is some concern about the positive BS 4142 rating level these levels of noise are not sufficient to recommend refusal or insist that these plots are removed from the scheme. Guidance in BS 8233:2014 suggests a limit of LAeq,T 50 dB is desirable for gardens and patios. Whilst this relates to anonymous noise sources the predicted garden area noise levels are well below this.

3.4.52 The acoustic addendum is currently under consideration by Blackburn Chemicals and their appointed consultants. Any additional comment provided will be reported via the update report.

3.4.53 Given the above assessment, the Council's Public Protection team offer no objection subject to the mitigation measures detailed at section 3.4.50 being controlled by suitably worded planning conditions. Suggested wording is detailed at section 4.1 of this report. Accordingly, compliance with the relevant requirements of Policy 8 of the Local Plan Part 2.

3.4.54 Odour: Concerns related to potential odour impact were raised at the outline planning stage. Further consideration was not possible at that stage as the positions of housing was not fixed. Condition 13 of the Outline Approval 10/20/0716 introduces a requirement for an odour (and noise) assessment

3.4.55 The current submission is supplemented by an odour technical note. The note confirms that review of the previous Odour Assessment undertaken in support of the outline application indicates that the overall effects are not considered to be significant in accordance with the stated guidance. Given this justification – and allowing for the outline condition that will need to be discharged independently of this current proposal – Public Protection colleagues have raised no concerns. Accordingly the proposal is considered to meet the relevant requirements of Policy 8 of the Local Plan part 2

## **4.0 RECOMMENDATION**

### **4.1 Approve subject to the following conditions;**

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the following drawings;

21-42-GA01\_revision C, received 2<sup>nd</sup> November 2022

HT-DGS01; HT-DG01; HT-SG01; HT-SS01; HT-AL01; HT-AP01; HT-AS01; HT-BE01; HT-BR01; HT-CH01; HT-CY01; HT-HA01; HT-JU01 (Juneberry); HT-JU01 (Juniper); HT-NE01; HT-PE01; HT-RW01; HT-SP01; and HT-WL01, received 19<sup>th</sup> July 2022

2295-SCE-00-00-DR-C-0009\_revision P02, received 19<sup>th</sup> July 2022

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

2. The development hereby approved shall be implemented in strict accordance with the boundary treatments specified in drawings; 'Boundary Treatments\_21-42-GA01' and 'Proposed Boundary Treatments\_21-42-BT01', received 19<sup>th</sup> July 2022.

REASON: To safeguard residential amenity and to ensure the external appearance of development is acceptable, in accordance with Policies 8 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

3. Notwithstanding the submitted details, prior to commencement of development hereby approved, a scheme detailing the provision of an acoustic bund/barrier along the southern part of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to first occupation of the development hereby approved and thereafter maintained and retained.

REASON: To safeguard amenity standards for future occupants, in accordance with the requirements of Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

4. The development hereby approved shall be carried out in strict accordance with the submitted 'Detailed Landscape Proposals' drawings, numbered;

WHA2206\_PP01.00\_Revision P3; WHA2206\_PP01.01\_Revision P3;  
WHA2206\_PP01.02\_Revision P3; WHA2206\_PP01.03\_Revision P3;  
WHA2206\_PP01.04\_Revision P3; WHA2206\_PP01.05\_Revision P3;  
WHA2206\_PP01.06\_Revision P3; WHA2206\_PP01.07\_Revision P3;  
WHA2206\_PP01.08\_Revision P3; WHA2206\_PP01.09\_Revision P3;  
WHA2206\_PP01.10\_Revision P3; WHA2206\_PP01.11\_Revision P3;  
WHA2206\_PP01.12\_Revision P3; WHA2206\_PP01.13\_Revision P3;  
Received 5<sup>th</sup> October 2022.

Planting shall be carried out during the first available planting season following completion of the works, and thereafter retained. Trees and shrubs dying or becoming diseased, removed, or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and / or shrubs.

REASON: To ensure that there is a well laid scheme of healthy trees and shrubs in the interests of visual amenity and biodiversity, in accordance with Policies 9, 11 and 40 of the Blackburn with Darwen Borough Local Plan Part 2.

5. Prior to first occupation of the development hereby approved, details of the proposed arrangements for future management and maintenance of the open space and any structures contained within the site shall be submitted to and approved by the local planning authority. The open space and structures shall thereafter be managed and maintained in accordance with the approved management and maintenance details.

REASON: To ensure the on-site open space is managed and maintained to an acceptable standard, in accordance with the requirements of Policy 40 of the Blackburn with Darwen Borough Local Plan Part 2.

6. Garages hereby approved for each plot shall only be used for the purpose of parking domestic vehicles and / or domestic storage. They shall not be externally altered or converted into habitable room space until and unless planning permission has been granted.

REASON: In order to retain sufficient off street parking spaces, in the interests of highway safety and efficiency, in accordance with Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2.

7. Visibility splays at the site access/egress points 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.

4.2 Members are advised that a separate Discharge of Condition application was submitted by the applicant on the 25<sup>th</sup> October 2022, relating to the following conditions imposed on the outline planning permission:

"Discharge Condition Nos 6 "dust compression", 7 "site investigation", 10 "remediation strategy", 11 "security lighting during construction phase", 12 "program of monitoring noise and vibration", 13 "noise and odour assessment", 16 "construction method statement", 20 "scheme for routing of exceedance flows", 21 "scheme for foul and surface water", 22 "management and maintenance plan for

SuDs", 23 "arboricultural impact assessment and tree protection plan", 24 "scheme for invasive species", 25 "construction environment management plan", 28 "badger survey", 29 "amphibian RAMMS", 31 "landscape and habitat creation management plan", 32 "materials samples" and 33 "finished floor levels" pursuant to planning application 10/20/0716" – reference 10/22/1016.

The application is currently under consideration.

## **5.0 PLANNING HISTORY**

10/20/0716 - Outline planning application (Regulation 4) with all matters reserved for residential development of up to 165 dwellings (Approved February 2020).

## **6.0 CONSULTATIONS**

6.1 Public Consultation: 510 neighbouring properties have been individually consulted by letter, site notices displayed and press notice issued. 4 letters of objection have been received and are summarised within Section 9 of this report.

6.2 Public Protection: There were a number of Environmental Protection considerations relating to this site at outline stage. This included ground contamination, noise from the road network and industrial sources and potential odour from industrial sources.

Most of the above issues were dealt with at outline stage with appropriate assessments and appropriate conditions being applied to permission 10/20/0716. The remaining consideration at reserved matters stage was Noise, as at this stage the site layout has to be approved.

It was clear at outline stage that much of the site would be suitable for residential use. However, there was concern that units built near the southern boundary adjacent to Whitebirk Industrial Estate might be unduly impacted upon by noise from industrial sources, in particular the closest noise source, Blackburn Chemicals. This might result in a loss of amenity to future occupiers of these properties and future complaints against and constraints upon existing business at the industrial estate.

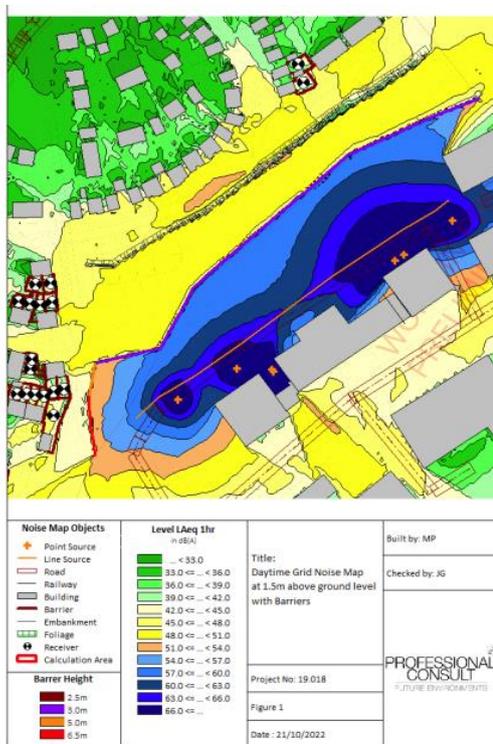
At reserved matters, it was a case of the developer presenting an appropriate site layout that ensured homes could be built without there being this loss of amenity to future occupiers. As with any scheme being built in proximity to noise sources there is an opportunity to propose noise mitigation measures in the form of glazing specifications, alternative ventilation and acoustic barriers.

Assessments: The proposed layout submitted did provide some buffer zone between the proposed dwellings and the industrial estate. The acoustic data provided by Professional Consult, in support of the application proposed that with mitigation, acoustic standards would be met within the proposed dwellings. Ref was made to the usual acoustic standards that would be applied in these circumstances i.e. BS 4142 and BS 8233.

However, there have been concerns raised about the data on which these conclusions were based and an additional assessment by Dragonfly Consulting, commissioned by Blackburn Chemicals, suggested that higher levels of noise may be present than those modelled by the original assessment.

We have worked with the applicants' acoustic consultant (Professional Consult) and have taken our own indicative noise readings. As a result of this exercise we felt that the data presented by Dragonfly Consulting represented the most representative data on which to rely upon.

The site noise levels have been remodelled by Professional Consult using the data obtained by Dragonfly, we believe this represents a more robust dataset on which to base any conclusions. The plan below from the report shows the daytime noise modelling.



The most recent addendum technical report submitted by Professional Consult recommends the following additional mitigation;

- Construction of a significant acoustic bund along the southern boundary of the site. Due to it's size this would need to be engineered as an earth bund with, presumably, an acoustic barrier on top. It is proposed that the full specification of this bund could be agreed in writing at a later date, secured via condition.
- Garden areas to have 2.5 m high acoustic barriers to certain plots.

- A bedroom night time internal noise design criteria of LAeq,T 25 dB(A) with windows open. \*This represents 5 dB below the 30 dB(A) standard for anonymous noise contained within BS 8233.
- Plots that do not meet the LAeq,T 25 dB(A) with windows open to be fitted with alternative ventilation. This will include mechanical ventilation for those plots that overlook Blackburn Chemicals, as detailed in appendix 3 of the technical notes. The premises runs 24/7 and noise levels at night are similar to those during the day so it is important the residents have an alternative to opening their windows for ventilation.

Also to note are;

- A small number of garden plots will have a positive rating level according to BS4142. The highest being 2.8 dB(A). This does only affect a small number of plots as per Table 4 in the technical report 22.039.3.L2.
- Generally the specific noise level in these garden areas is between 42 dB(A) – 45 dB(A), these levels would suggest that the noise from the Blackburn chemicals site will be audible but these are not very high levels for an outdoor area.
- Whilst there is some concern about the positive BS 4142 rating level these levels of noise are not sufficient to recommend refusal or insist that these plots are removed from the scheme. Guidance in BS 8233:2014 suggests a limit of LAeq,T 50 dB is desirable for gardens and patios. Whilst this relates to anonymous noise sources the predicted garden area noise levels are well below this.
- I think it is important that the developer manages expectations of prospective purchasers in respect of the adj industrial estate and the noise mitigation that is being installed in the scheme, in particular the mechanical ventilation being installed to some plots.

In light of the above and our full consideration of the revised acoustic assessments and mitigation proposals we do not object to the application subject to the implementation of the control measures as detailed in the reports. The agreement of acoustic controls is included on the outline permission – condition 13.

In addition, in light of the proposal to install a significant acoustic bund to the south of the site I believe it would be prudent to apply a condition to the permission requiring that the specification of the bund is agreed in writing prior to the commencement of the development.

A suggested condition is below;

Condition – Acoustic Bund / Barrier Scheme

Prior to the commencement of the development a scheme for the design and erection of an acoustic bund along the southern part of the site shall be submitted and agreed in writing with the local planning authority. Prior to the occupation of the dwellings the agreed scheme shall be implemented (i.e. the

bund and barriers to be constructed and installed) and retained for the duration of the approved use.

Reason To protect local residents from noise sources on Whitebirk Industrial Estate.

- 6.3 Highways: Footpath 48, Blackburn runs along the south east side of the development site. Any change of surface to the path must first be authorised by the Highway Authority prior to any improvements /alterations made including adding steps, stiles, gates or any other structures. The construction is likely to impact on the use or safety of the public footpath whilst under way, as such the applicant needs to apply for a temporary closure of the footpath.

Two new vehicular access points are proposed on plan, these are to be taken from Whalley Old Road. At the outline stage the following offsite highway works were recognised and deemed necessary to enable and support development, the proposal recognised the following mitigation works would also be required to facilitate development

- Full footway along the Whalley Old Road site frontage.
- Street lighting extension to the highway network for the site boundary
- Traffic calming to Whalley Old Road
- Widening of the carriageway along the site frontage
- Two pedestrian crossover points

Not all of the above are displayed on the Site Access Highway Works Drawing conditions imposed at outline stage.

Sightlines at the site access/egress points to be safeguarded.

Initially the revised refuse vehicle tracking drawings provided showed impact upon the kerb lines. The amended details are considered to be acceptable.

A number of pedestrian routes are being provided along the northern and southern edge of the site, these are not wide enough to incorporate cyclists. It is recognised however that there is a central link which is 3m wide, and this is able to support both pedestrians and cyclists.

The main arterial/spine road is designed at 5.5m with the streets connecting off at 4.8m – this is acceptable. Footways should be provided both sides of the carriageway through the development. I noted there were potential service strip being introduced at 2.0m, we would request these are converted to footways. Where there are sections of verges below 2.0, this is acceptable subject to there being no need for services, in these instances, the developer will be required to maintain these areas as part of their maintenance strategy.

We have reviewed the parking, in accordance with the adopted parking standards. The requirements are;

- 2-3 bed – 2 car spaces and 2 secure cycle spaces per dwelling
- 4 bed – 3 car spaces and 2 secure cycle spaces

Having reviewed the drawings received, the scheme appear to deliver on the required number for the houses. However some of the spaces do not conform

to the regulation space and dimension. Justification offered by the developer in relation to additional hard standing around the parking areas.

- 6.4 United Utilities: Initial objection based on possible conflict between the development and a required easement for a water main that crosses the site.

The applicant has provided evidence through the use of trial holes to locate the precise position of the water main. Subsequently revising the position of plots 87 and 88 and a culvert to outside the water main easement. Objection removed.

- 6.5 Drainage: No objections

- 6.6 GMEU – Ecology: No objections.

- 6.7 Tree Officer: The Landscape & Ecology Management Plan provides detailed information, providing a coherent, strategic and integrated approach to the future management, maintenance of the existing and proposed landscape components associated with the residential development of the site. The landscape plans include tree, hedge and shrub planting. Also turfing for grass lawns. The master landscape plan includes, species, varieties sizes, planting specifications and maintenance requirements.

A feature of the landscape design are low hedges and shrub borders associated with individual properties.

The choice of tree, shrub, and hedge species are suitable for the site. The small to medium size tree species and varieties specified are appropriate to the space and constraints of the site.

- 7.0 CONTACT OFFICER:** Martin Kenny, Principal Planner

- 8.0 DATE PREPARED:** 8<sup>th</sup> November 2022

## 9.0 SUMMARY OF REPRESENTATIONS

Objection – Mike & Ann Wood, 41 Oakwood Avenue, Blackburn. Received: 09/08/2022

Dear Mr Kelly

Adding another 165 dwellings would add another 300 plus cars on a road that is already used as a ratrun. There are accidents nearly every week on Whalley Old Rd.

At the bottom of Whalley Old Road the lights are erratic and at peak times not always possible coming up from Little Horwood to get in lane to up W.O.R. Some cars going all the way to Brownhill just to come back on the other side all because of queues. Lots of cars going through on red sometimes up to 10 cars. Adding to this chaos is nothing short of crazy.

In a year where climate change is obvious to most people why are we taking land from our wildlife. Asthma is rising and more children are suffering. We should be planting trees not houses.

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There are going to be no green spaces left.  
The infrastructure is not suitable for  
extra sewerage and water supply. There  
can hardly accommodate the present needs.  
Other factors to consider are schools doctors  
and shopping facilities.

During busy periods it is nigh near  
impossible to drive from Bank Hey Lane  
South onto W.O.R. due to cars parked  
on pavements either side on W.O.R.  
Green fields and foliage produce oxygen  
which we all need to breathe. We should  
be planting trees not houses. More houses  
...and cars mean more greenhouse gasses.

We need our fields and "wildlife".  
The amount of building going on in and  
around Blackburn is out of control. I will  
be writing to the environment minister  
regarding this matter as I feel it needs  
looking into. Is there no one looking at  
Brown field sites? I suggest doing this  
immediately before it is too late. I would  
like a reply I feel it is common courtesy to  
do so.

Yours Sincerely

**Objection – Stuart Booth, JWPC Limited. C/O Blackburn Chemicals. Received: 23/08/2022**

**PLANNING APPLICATION 10/22/0722 – LAND TO THE SOUTH OF WHALLEY OLD ROAD, BLACKBURN**

We write to object to the above planning application on behalf of Blackburn Chemicals Ltd whose premises lie immediately adjacent to the south-eastern boundary of the application site. This follows our previous objections to the outline scheme that was approved subject to specific conditions relating to our objections.

At the time of the decision, our clients objections to the proposal was made clear through direct objection to the application and presentation of a letter to members prior to its determination at Committee, principally concerning protecting the future operation of the business from complaints made by new residents from issues caused by locating new houses too close to the adjacent industrial estate. It was noted at Committee that insufficient information was available at outline to determine the direct impacts, but it would be dealt with in reserved matters. Our clients concerns were raised about the following issues:

Noise  
Odour  
Drainage  
Visual Impact  
General Amenity  
Security

None of the above issues were determined by the outline scheme and therefore it is the case that the reserved matters application must be fully scrutinised on these matters to determine whether the scheme is consistent with policy in the development plan, with national guidance and other material considerations prior to a decision being made. This was clearly noted in the Committee Report of the outline application, which stated at paragraph 3.3.34 that:

*It is accepted that the close relationship, topography and nature of the adjoining businesses has potential to adversely impact on the amenity of future occupants. However, the current application is in outline format only, with matters including the layout and design of future dwellings being reserved for future assessment. As such, a full assessment cannot be completed at this time. Nonetheless, the Council's head of Public Protection has offered no objection to the scheme subject to conditions including the submission of a residential amenity impact assessment at reserved matters stage. Such a condition, which will inform the location, orientation, design and necessary mitigation within the new homes is considered sufficient to safeguard the living standards of future occupants, as well as ensuring the proposal will not impose upon the operations of the adjacent commercial uses.*

We note that the promised Residential Amenity Impact Assessment has not been presented with the planning application. This was an essential requirement of support being given to the outline scheme and therefore failing to deal with these matters could be a cause for judicial review of a decision on this reserved matters application.

We note the Acoustic Assessment submitted with the application and our client has instructed Dragonfly Consulting to undertake a review, which will follow in due course. Their initial assessment is that the submitted report, on which the application relies, is fundamentally flawed and as such cannot be used to justify the reserved matters proposals. Dragonfly Consulting have undertaken an acoustic assessment of the Blackburn Chemical premises to determine accurate noise output from the site and appraise the submitted report with this evidence. This will be available in due course.

It is also not clear how the size of the buffer between the housing and the Blackburn Chemicals site has been determined? Why is this gap considered sufficient? No evidence appears to have been provided and we would fully expect this to be presented to justify locating new housing on the site, in accordance with the requirements set out in the determination of the outline planning application. The Design and Access Statement makes no reference whatsoever to the site. The plan below is taken from the Design and Access Statement and shows an aerial base map of the open storage at the Blackburn Chemicals site. The DAS does not however reference the site, nor any reason why the buffer is the size it is.



The layout of the scheme also proposes a pedestrian/cycle connection to Croft Head Road, which would create a direct conflict with the access to the Blackburn Chemicals site and HGV movements from the site. Also, Smurfit were recently consented a new access and car park at the end of this road which is now in place. A pedestrian/cycle connection in this location would be a serious danger and we welcome the Highways department comments on this matter.

The footpath/cycle route through the open space area adjacent the Blackburn Chemicals site also runs contrary to the notion of this area being a buffer to protect Blackburn Chemicals from future complaints. The route runs alongside the site and will look directly at the open storage and buildings of Blackburn Chemicals, an area with an unrestricted 24 hour operational licence for HGVs and forklifts. This would raise concerns of all the issues initially commented upon at the outline scheme, and provide a walking/cycling route that would likely be unpleasant for residents or create pressure on the existing operation of Blackburn Chemicals.

We also have concerns regarding the location of the swale closest to the site. With regards the use of swales, paragraph 3.3.48 of the outline consent committee report stated that:

*The Council's drainage team have offered no objection to the application, subject to the applicant demonstrating the routing of exceedance flows and the measures that may be necessary to ensure that the depot area and any existing properties will not be flooded. This matter can be controlled via condition. A further condition requiring that no above ground works shall take place until a scheme for the disposal of foul and surface water from the site has also been requested.*

We expect the Council's drainage team will provide suitable comments on this and we will be given the opportunity to see these comments as this was an initial area of concern regarding potential to impact the open storage area of the Blackburn Chemicals site.

Blackburn Chemicals Ltd have been operating on the Whitebirk Industrial Estate since 1972 and are world leaders in the development and manufacturing of foam control agents, serving a global market. The company employs over 75 people on this prestige employment site within the borough and have secured planning consents in recent years for continued expansion at the Cunliffe Road site, with two new buildings on the northern boundary adjacent the application site.

Their premises and adjacent employment uses are designated under Policy 14 of the Blackburn with Darwen Local Plan as a Primary Employment Area, which are areas protected under planning policy to accommodate the highest-quality employment uses in the Borough. The site therefore represents one of the most important areas of Blackburn with Darwen for industrial employment uses and is offered protection from non-employment uses by the Local Plan.

Blackburn Chemicals Ltd maintain their objection to this planning application as it would directly impact on the operation of their business premises and insufficient evidence has been presented by the applicant to justify the reserved matters proposals. The National Planning Policy Framework (NPPF) states at Paragraph 182 that decisions on planning applications should ensure that new development can be integrated effectively with existing businesses. It clearly states that existing businesses:

*...should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant*

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*adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.*

It is clear from both national and local policy that existing businesses should be protected from conflict with new development and this fundamental principle needs to be considered in this planning application for 165 dwellings in close proximity to a protected employment area.

The outline application was approved for 165 dwellings without detail of the location of dwellings, as this issue would be dealt with via a reserved matters application that addressed an evidence based assessment of the issues raised, including noise, odour and amenity. None of these issues have been addressed suitably to determine the level of impact on the adjacent land use, or the future amenity issues of the new residents.

The Blackburn Chemicals Ltd site is accessed from Cunliffe Road and extends over 300m along this road and also to its rear boundary with the application site. The business operates out of several buildings on the site which contain processing and storage facilities for a range of chemicals. Much of the length of the rear of the premises, which lies adjacent to the proposed development, consists of a well utilised open storage area, which also includes manoeuvring of forklift trucks and delivery vehicles during operation. The site has no restrictions on its hours of operation in planning or permit terms and is currently operating close to 24 hours a day. This is one of the reasons why the premises is located within an area protected for industrial uses. Noise and odour impacts must be suitably addressed during the consideration of this application, and we trust the Council will practise caution and assess the submitted evidence in detail in making a determination.

We made clear at outline that our clients concerns must be adequately addressed before detailed consent was given, and conditions were put in place and discussion had at Committee made clear this would be case. Our client acoustic assessment will be provided in due course, we trust this will be addressed within your considerations.

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**Objection – Stuart Booth, JWPC Limited. C/O Blackburn Chemicals. Received: 14/09/2022**

**OBJECTION LETTER – ADDITIONAL**

**PLANNING APPLICATION 10/22/0722 – LAND TO THE SOUTH OF WHALLEY OLD ROAD, BLACKBURN**

We write further to our objection letter to the above planning application on behalf of Blackburn Chemicals Ltd, to provide the Noise Impact Assessment prepared by Dragonfly Consulting in accordance with the National Planning Policy Framework, appropriate British Standards and recognised guidance.

The enclosed report details a noise survey and analysis to determine the noise environment at the proposed development including measurements of actual external noise levels at the adjacent Blackburn Chemicals site. It also makes recommendations with respect to the design of the development.

The report notes that the predicted noise levels from the operation of Blackburn Chemicals would have an unacceptable impact on the properties adjacent the site above the Significant Adverse Effect Level. Before façade mitigation can be considered, industrial noise would need to be at a level where it was not a dominant noise source. It is therefore considered that mitigation through physical layout options, such as alterations to site layout and the introduction of additional bunds and barriers would be required such that rating noise levels at all dwellings were reduced to 47dB(A) during the day and 42dB(A) during the night.

It is considered that reductions of this magnitude are not possible with the current proposed layout. Unless significant alteration of the site levels is proposed through bunding or barriers, it is recommended that development be limited to the northern boundary of the site only, with a suggested depth of around 50 metres from Whalley Old Road only, and any revised scheme should

be considered based on accurate noise assessments to determine the impact from the adjacent sites, as agreed at the Committee for the outline application now subject to reserved matters.

It should be noted that this assessment considers only the noise emissions from Blackburn Chemicals and not those from the adjoining Smurfit Kappa site or other premises further afield. As a result, the results of the assessment can be considered a 'best case' scenario, with actual rating noise levels likely to be higher once contributions from Smurfit Kappa are considered.

A reminder that the Committee at outline stage noted:

*It is accepted that the close relationship, topography and nature of the adjoining businesses has potential to adversely impact on the amenity of future occupants. However, the current application is in outline format only, with matters including the layout and design of future dwellings being reserved for future assessment. As such, a full assessment cannot be completed at this time. Nonetheless, the Council's head of Public Protection has offered no objection to the scheme subject to conditions including the submission of a residential amenity impact assessment at reserved matters stage. Such a condition, which will inform the location, orientation, design and necessary mitigation within the new homes is considered sufficient to safeguard the living standards of future occupants, as well as ensuring the proposal will not impose upon the operations of the adjacent commercial uses.*

As noted in our objection letter, the residential amenity impact assessment has not been submitted with the reserved matters application and our submission of this noise survey is intended to assist with such a review to allow the planning officer and Committee to understand the potential impacts on new residents of the site and the potential impact on the existing businesses from located new development adjacent to it without undertaking detailed assessments as they had determined to do at the outline stage.

We would request that the Council's Head of Public Protection is provided with a copy of our submitted Noise Impact Assessment to allow them to understand the concerns of our client.

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This clearly shows the location of the access into the development opposite house number 453 and 455 Whalley Old Road.

The access shown, is via a priority lane created with hatching.

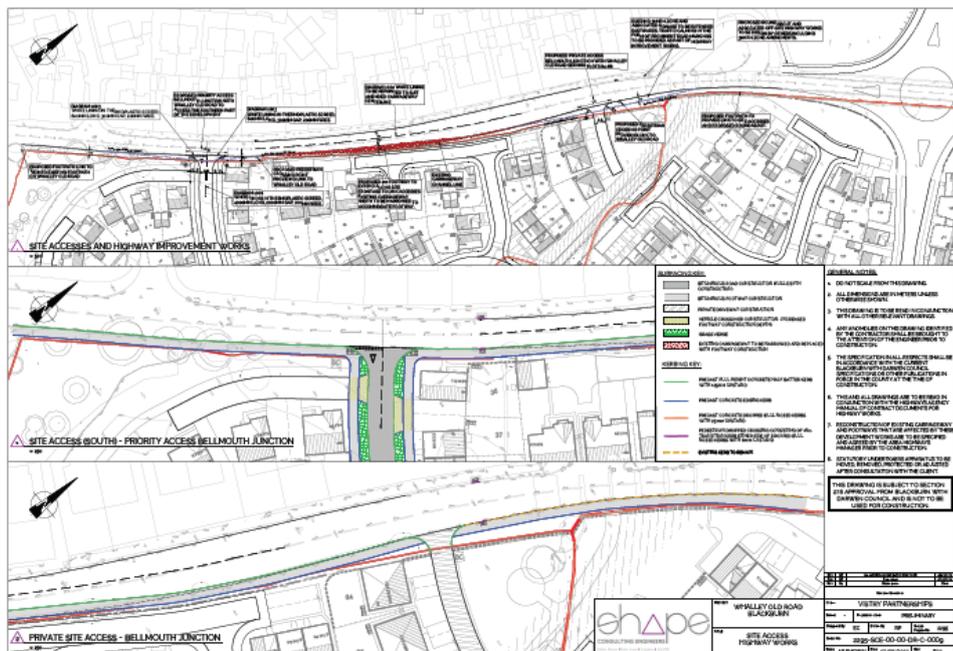
It proposes a reduction to the highway of 3m in each direction again to be achieved with hatching down the centre highway which extends up to the bus turnaround area on Whalley Old Road.

This would allow free flowing traffic in both directions when vehicles are turning into the new development driving uphill from Brownhill Drive, along with allowing exit and entrance from and into the existing Sunnybower Road junction and Bank Hey Lane South junction further down.

Whalley Old Road is already a very busy access road in and out of Blackburn, whereby residents of Sunnybower currently face difficulties exiting the estate via Sunnybower Road and Bank Hey Lane South during normal traffic flow. The increased flow during peak travel times and indeed the forthcoming increase in the number of vehicles using the road due to the new development we believe warrant the priority turning lane on Whalley Old Road into the new development as was suggested by the Transport Assessment.

The proposed plan submitted by Vistry under planning application 10/22/0722;

Document Site Access Highway Works - 2295-SCE-00-00-DR-C-0009-P02 dated 07/19/2022, shows that the proposal are significant differences in the proposed access and road layout than in the afore-mentioned initial Transport Assessment.



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The distance between the existing Sunnybower Road junction and the new proposed access junction to the new development has been drastically reduced; with the entrance moving from opposite 453 and 455 Whalley Old Road to opposite 439 and 441 Whalley Old Road.

The priority turning lane achieved via hatching has been removed and indeed no hatching is provided for along Whalley Old Road at all.

The road width is to be reduced without hatching to accommodate the required new 2m wide footpath, rather than incorporate the required footpath into the development itself.

All of these points were raised directly with Vistry Partnerships in both emails and in a face to face on site meeting with Neil Lewis, Senior Planning Manager who advised verbally that some of the reasoning behind the change in access, was to maximise the number of houses that could be built on a somewhat limited site, which had proved to be a challenge. A recent email from Neil Lewis, dated 04.10.22

***“In terms of the natural traffic calming, this is promoted in Manuel for Streets/Manuel for Streets 2 which are Government guidance on how to design, construct, adopt and maintain new and existing streets. The Guidance is used by Local Authorities and highways specialists to design and assess the suitability of proposals. The guidance identifies that perception reduces vehicle speeds through measures such as road narrowing, road markings, introduction of buildings (i.e. new residential development) and pedestrian activity. All of the above are applicable with the proposed development, the scheme will introduce residential development on both sides of Whalley Old Road, traffic calming at the approach to the roundabout, the roundabout itself will ensure that vehicle speeds are reduced and an additional footpath with increased footfall on Whalley Old Road should also naturally reduce speeds. In addition, the extension of the 30mph zone will also reduce speeds. I have attached the proposed access/highways works for assistance.***

***With regards to the position of the proposed access, this has again been sited to comply with the standard junction spacing and visibility splays for a 30mph road with a visibility splay of 2.4m x 43m and exceeding the standard sight distances of 45m.***

***We have received comments from the Council's highways department regarding the proposal and they have raised no concerns with the submitted access arrangement nor the proposed works to Whalley Old Road.***

***In terms of vehicle parking on Whalley Old Road, Manuel for Streets also promotes reduced forward visibility as a measure to reduce speeds such as on street parking. If there is an existing issue with vehicles parking on Whalley Old Road causing issues with visibility from existing junctions, then it is not something that Vistry can address as part of the proposed development. However, it may be something that the Council can assist with in the form of introducing double yellow lines.”***

Whilst we have been continuously pressing for traffic calming measures along Whalley Old Road for some time we fail to understand the logistics in creating a bottleneck on Whalley Old Road to provide that traffic calming.

The relocation of the access junction into the new development along with the removal of the priority turning lane and hatching will create queues of traffic travelling up Whalley Old Road behind cars trying to turn into the new development. This in turn will block the entrance and exit from both Sunnybower Road and Bank Hey Lane South.

The proposed reduction in road width (without hatching) in a busy residential area and a busy access road, where people park their cars in front of their houses will absolutely bring Whalley Old Road to a standstill, as there is nowhere for traffic to pass due to oncoming traffic being so close.

We firmly believe that the proposed road layout by Vistry Partnerships and the movement of the proposed access junction will have a significant impact on traffic flow and access to Whalley Old Road for local residents and indeed for all users of Whalley Old Road.

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**Comment – Iain Sykes, 4 Sunnybower Road, Blackburn. Received: 25/07/2022**

I would like to submit the following comments in consideration of the aforementioned planning application.

**Traffic calming – additional volume of traffic:**

An additional 165 dwellings is bound to bring with it a significant additional weight of traffic on a road which already carries a considerable amount of traffic. Not only is Whalley Old Road the primary throughfare for routes to Great Harwood, Clitheroe & Wilpshire, it is also **the only route on and off** the Sunny Bower estate. Whalley Old Road is also known for traffic travelling at excess speeds and has seen a number of incidents over the past few years, some more serious than others. We have asked Blackburn with Darwen Borough Council for traffic calming measures for Whalley Old Road, although they have refused until plans are in place for this development and will only then ask Highways to conduct a review.

**Developer vehicle parking:**

I have significant concerns over vehicular parking when the development actually starts, there is already very limited parking on Whalley Old Road as virtually all residents possess a driveway. Parking on the verge of Whalley Old Road is not an option, as it can already be difficult to pull out onto Whalley Old Road from side roads.

**Infrastructure:**

Are the developers going to inject money into the local economy to create additional capacity for schools, doctors and social services etc to cater for these additional houses? It is already exceedingly difficult to get an appointment to see a doctor in the local area.

**Filter lane to turn right onto Whalley Old Road:**

The traffic signals on the main filter lane to turn right onto Whalley Old Road are currently faulty, I have had significant dialogue with Blackburn with Darwen Borough Council over

this, and although their contractor are apparently looking into this, these signals continue to cause significant traffic congestion.

The above issues need to be addressed as a matter of urgency before Blackburn with Darwen Borough Council approve this application. Failure to do so would be disastrous and display a blatant disregard for local residents and those it is hoping to attract.

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**Comment – Mr F Mahmed, 459 Whalley Old Road, Blackburn. Received: 27/07/2022**

In relation to the neighbour letter sent to my self at 459 Whalley Old Rd. If the 10/22/0722 application is successful/approved by BwD ;

1. When is the earliest the construction work will start?
  2. Due the proximity of my home to the application area and the fact that it can get very windy up Sunnybower there is very high risk of airbourne dust and dirt will be blown from the construction area and land on neighbouring residents home windows and cars. How will residents be compensated for the additional cost which will be incurred in cleaning the
-