

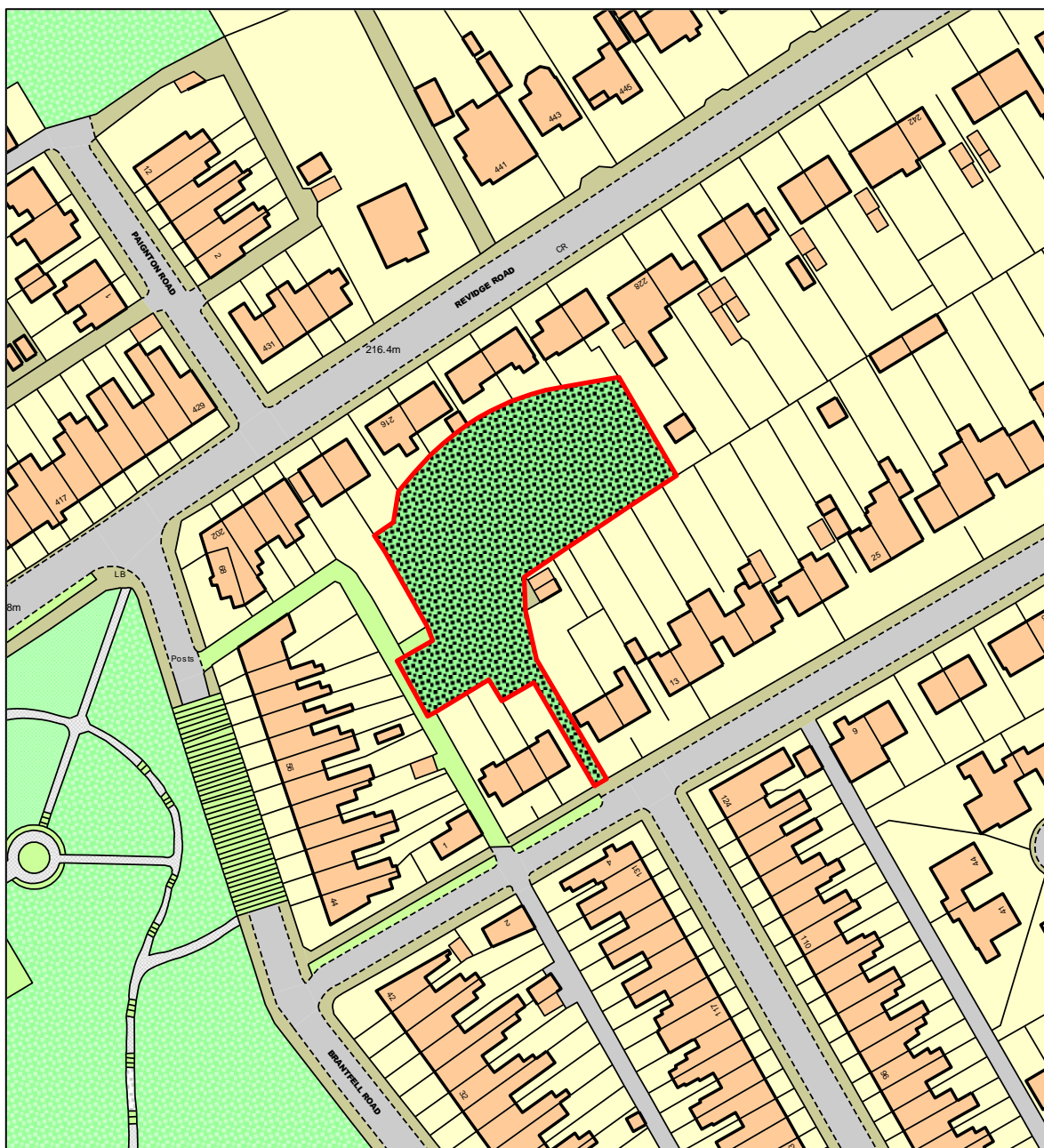
Proposed Development: Proposed residential development for the erection of up to four dwellings

Site Address: Land to rear of 1-19 Colenso Road, Blackburn, BB1 8DR

Applicant: Mr Peter Gilkes

Ward: Shear Brow & Corporation Park

**Councillor Hussain Akhtar
Councillor Suleman Khonat
Councillor Zainab Rawat**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be granted planning permission, subject to the conditions detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

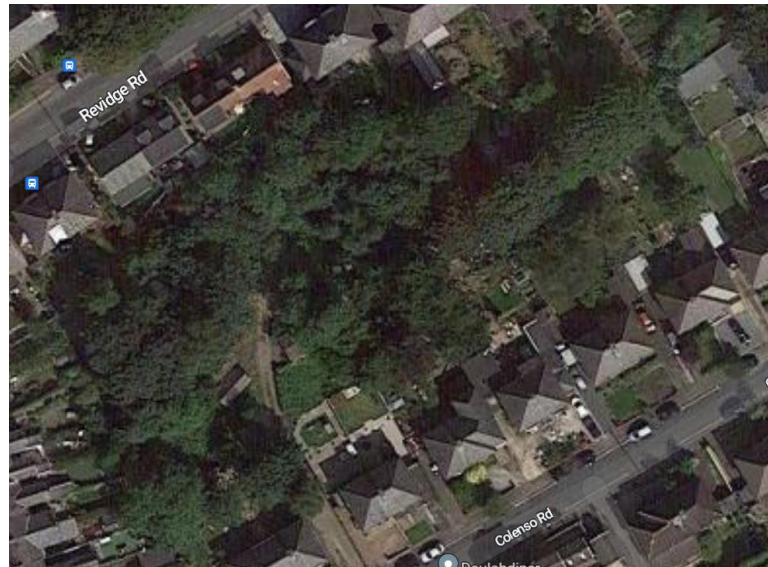
- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Council's scheme of delegation, and given that concerns have been raised by a Ward Councillor together with a number of residents.
- 2.2 The proposed development has been publicised through letters to residents of the nearest 43 adjacent properties, on 14th November 2022. In addition, a site notice was displayed at the existing access point, on 29th November 2022.
- 2.3 The Council's development plan supports new residential development and associated works, provided they constitute sustainable development and accord with the development plan when taken as a whole.
- 2.4 This application is an outline application with all matters reserved. An amended description has been secured during the course of the application and the development would involve the construction of **up to** four dwellings. An indicative site layout plan has been submitted showing four dwellings arranged around the plot. Access also appears to be shown from Colenso Road via the existing access point yet those arrangements are a reserved matter at this stage.
- 2.5 On balance, the proposals would be satisfactory from a technical point of view, with all issues having been addressed during the course of the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.6 The key issues to be assessed in determining this application are as follows;
- Establishing the principle of development
 - Assessing impacts in the way of design and visual amenity
 - Safeguarded the residential amenities of the closest neighbours
 - Ensuring adverse impacts on the local highway network are avoided
 - Assessing potential impacts on protected trees
 - Assessing potential impacts on biodiversity
 - Finalising the foul and surface water drainage systems to be installed
 - Assessing impacts in the way of ground contamination
 - Ensuring potential impacts on air quality are appropriately minimised

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is garage site and access point located within the settlement of Blackburn. 8 garages are contained within, which are in varying states of disrepair. Vehicle access is currently gained from the south between 9 and 7 Colenso Road. Pedestrian access can also be gained between 1 and 3 Colenso Road. A number of protected trees are contained within the site, which are designated under the Tree Preservation Order Colenso Road/Revidge Road, Blackburn TPO 2002.

Figure One – Satellite image of the site



3.1.2 Including the existing access point, the site covers an area of circa 0.5 acres. The land has previously been worked for stone and land levels rise considerably towards the north and Revidge Road. Dwellings of varying ages and styles are positioned to all sides.

Figure Two – Location Plan showing the general extent of the site



3.2 Proposed Development

3.2.1 As detailed above, this application seeks outline consent for the erection of up to four dwellings, with all matters reserved. All of the garages would be demolished in order to facilitate the development. Figure Three below shows the indicative proposed site plan submitted. The footprints of four detached dwelling are shown staggering the east and west edges of the plot. A passing place is also detailed to the top of the existing access point.

Figure Three – Indicative proposed site plan



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Core Strategy Part 1 (2011):

- Policy CS5: Locations for New Housing
- Policy CS7: Types of Housing

3.4.2 Local Plan Part 2 (2015):

- Policy 1: The Urban Boundary
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 18: Housing Mix
- Policy 36: Climate Change

3.4.3 Housing and Economic Need Assessment (2018)

3.4.4 Residential Design Guide Supplementary Planning Document (2012)

3.4.5 Blackburn with Darwen Borough Council Parking Standards (2014)

- 2-3 bedrooms: 2 car spaces and 2 secure cycle spaces per dwelling
- 4+ bedrooms: 3 car spaces and 2 secure cycle spaces per dwelling

3.4.6 Planning Advisory Note: Air Quality (2018)

4.0 **ASSESSMENT**

4.1 Principle of Development

4.1.1 As detailed above, the site is positioned within the defined urban boundary for Blackburn. Such locations are prioritised for development as part of Policy 1. Policy CS5 is also supportive of residential developments in such locations. The surrounding land uses are exclusively residential in their character. Services, facilities and regular public transport links are all within walking distance and the site is thus in a sustainable location for new housing development.

4.1.2 The submitted indicative site plan shows four detached dwellings. Moreover, the information detailed on the submitted application form states that 3 bedroom dwellings are proposed. Such house types are prioritised as part of Policies CS7 and 18 alongside the latest Housing and Economic Need Assessment. The principle of residential development is therefore acceptable, in accordance with Policies CS5, CS7, 1 and 18.

4.1.3 Comments have been provided by the BwD Housing Manager regarding the need to undertake market analysis. The Agent has confirmed that no such exercise has taken place and that the development is speculative at this stage. That said, such requirements do not form part of the requirements of the aforementioned housing policies and a lack of market analysis ultimately does not compromise the principle of residential development. It is likely that those exercises would be undertaken ahead of the reserved matters application with their findings used to influence the design and layout proposed at that stage.

4.1.4 In accordance with the presumption in favour of sustainable development detailed within the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

4.2 Design and Visual Amenity

4.2.1 The surrounding dwellings comprise of semi-detached and terraced properties, which are predominantly arranged in linear formations. In general terms, Policy 11 requires all development proposals to represent a good standard of design through demonstrating an understanding of the site's wider context and making a positive contribution to visual amenity. With regards to newbuild dwellings, those requirements are reiterated with the guidance contained within the Design SPD. The style and form of residential architecture must be influenced by the site's surroundings with designs complementing existing features in the locality. Concerns have been raised in public comments in relation to the height of the dwellings.

4.2.2 As detailed above, this application is for outline consent with all matters reserved. Although the surrounding dwellings are predominantly arranged in linear formations, this site is contained to all sides by built form and steep land levels. The submitted indicative site plan shows four dwellings staggering a small cul-de-sac, which does not specifically correlate with the urban grain of the immediate locality. However, such a development would not be harmful to the streetscene or visual amenity of the area when the contained nature of the site is taken into account.

4.2.3 All matters relating to the layout, scale and appearance of the development would be finalised at the reserved matters stage and a condition is recommended to control those details at that stage. Comments have been provided by the BwD Ecological and Arboricultural Advisors regarding the need to submit a landscaping scheme via condition. However, landscaping is also a reserved matter, which should be controlled as part of any subsequent applications. A condition is recommended to ensure all of those matters are controlled at that stage. Subject to compliance with that condition, the proposed development would be acceptable with reference to design and visual amenity, in accordance with Policy 11.

4.3 Residential Amenity

4.3.1 Dwellings surround to all sides and safeguarding the amenities of those neighbours is an important material planning consideration. Policy 8 states that all development proposals should secure a satisfactory level of amenity and safety 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 general relationship between buildings. The Design SPD reaffirms those requirements with a range of standards and minimum separation distances to prevent any adverse impacts in that respect.

- 4.3.2 The Design SPD requires a minimum of 21m to be maintained between existing and proposed main habitable room windows. In addition, a minimum of 13.5m must be maintained between existing main habitable room windows and proposed dwellings with no such windows. An additional 3m should be applied to those distances where there are differences in levels, as is the case here in relation to the dwellings along Colenso Road and Revidge Road. Those distances are also applicable to proposed dwellings in order to ensure a satisfactory standard of amenity can be provided for their future occupants.
- 4.3.3 Concerns have been raised by the BwD Housing Manager regarding the potential for the dwellings on Revidge Road to overlook the proposed dwellings. In addition, Concerns have been raised in public comments in relation to the height of the dwellings. The submitted indicative site plan confirms that in excess of 15m could be maintained between the elevated properties on Revidge Road and the proposed dwellings. Subject to no main habitable room windows being installed within their gable elevations, which is typically the case for newbuild dwellings, no unacceptable levels of overbearingness or overlooking would occur from the properties on Revidge Road. The steep land levels between the site and those neighbouring dwellings would also assist with that relationship.
- 4.3.4 In relation to the dwellings along Colenso Road and Brantfell Road, the submitted indicative site plan confirms that adequate levels of separation could be maintained between those properties to ensure the proposed dwellings do not appear overbearing or cause any acceptable privacy losses for their occupants. The submitted indicative site plan also demonstrates that adequate separation could be provided between the proposed dwellings in order to ensure an appropriate standard of amenity is provided for any future occupants.
- 4.3.5 As detailed above, the layout of the development is to be clarified at the reserved matters stage, as is the quantum of dwellings. Such an approach ultimately provides assurances that adequate amenity standards can be maintained/provided through finalising the layout, scale and number of dwellings at that stage. On that basis, the indicative separation distances detailed on the submitted site plan are acceptable in order to clarify the principle of residential development for up to four dwellings at this site.
- 4.3.6 BwD Public Protection have reviewed the merits of the application and no objections have been raised from an amenity perspective. Development of the site for up to four dwellings would not intensify its usage to a point that would be harmful to the aural amenities of the immediate neighbours. Equally, there are no adjacent land uses that could potentially compromise the aural amenities of any future occupants.
- 4.3.7 A number of conditions have been advised relating to controlling sources of external lighting, the logistics of the construction phase, construction working hours, and any required pile-driving operations. It is recommended that all of those conditions are added in order to safeguard the amenities of the immediate neighbours from the construction and operational phases of the development.

Subject to compliance with those conditions, the proposed development would be acceptable with reference to residential amenity, in accordance with the relevant requirements of Policy 8.

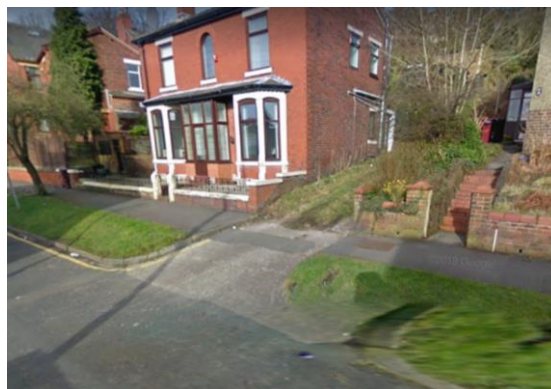
4.4 Highway Safety

4.4.1 The site is currently accessed via a single lane, unmade road. Policy 10 requires all development proposals to not prejudice road safety or the safe, efficient and convenient movement of all highways users. Off-street vehicle parking should also be provided in accordance with the BwD Parking Standards. Concerns have been raised on access grounds from the BwD Housing Manager, BwD Highways and BwD Cleansing. Concerns have also been raised in public comments regarding the potential for access to the rear of the dwellings along Colenso Road to be obstructed.

4.4.2 The development has been subject to pre-application discussions and initial reservations were raised regarding access arrangements through that process. However, it was subsequently agreed with the Agent that the site could accommodate up to three dwellings given its current use as a garage site. It is acknowledged that access arrangements are suboptimal for a housing development. However, the previous use of the site must be given a material level of weight in the assessment of this application as a garage site has some obvious traffic movements associated with it.

4.4.3 A need for two-way traffic movement has been identified in the comments provided by BwD Highways alongside a footway for pedestrian/cyclist movements. Although access is a reserved matter at this stage, the existing access point is the only realistic point of entry for vehicles. The majority of pedestrian/cyclist movements would also likely be gained from that point. The existing access point measures circa 3m in width and it is clear the request from BwD Highways cannot be provided. That said, they have acknowledged that sightlines are clear and short walls around 1m in height currently stagger the access point. Whilst vegetation in the front gardens of 7 and 9 Colenso Road could have the potential to reduce visibility in the future, reasonable visibility would always be maintained at the carriageway edge given the presence of a grass verge between the access point and carriageway edge, which is shown below in Figure Four.

Figure Four – Photo showing access arrangements



- 4.4.4 A number of wider comments have been provided by BwD Highways concerning matters outside of the access arrangements. There is no requirement to demonstrate parking provision at this stage as such matters would relate to the finalised layout and the quantum of dwellings proposed. Moreover, none of the existing garages are in use for permanent parking arrangements and they are used for storage alone. Therefore, there would be no displacement of parking provisions onto the public highway network caused by the development.
- 4.4.5 The site has ample land to provide a communal bin store close to the existing access point and a condition is recommended to control those details. The presentation and emptying of bins on collection days would ultimately be managed by future occupants and refuse crews and such arrangements are not untypical throughout the Borough. Refuse wagons could not physically enter the site yet such an outcome is not adequate grounds to resist the development as other methods of waste disposal could be secured.
- 4.4.6 It is also acknowledged that large emergency service vehicles such as fire engines could not enter the site. Lancashire Fire and Rescue has been formally consulted on the application and no comments have been provided. The Fire Safety Manager for Blackburn has also been approached directly but no comments have been provided by them. In the absence of any formal input from Lancashire Fire and Rescue, it would be unreasonable to resist the development on the grounds of access arrangements for emergency vehicles and difficulties in defending that position would likely arise in the event that such a refusal was advanced to the appeal stage.
- 4.4.7 The Agent has acknowledged that the development could not be adopted by the Highways Authority given the width of the existing access point. Any required resurfacing works, the level/gradient of the access road, and the provision of services could be readily clarified at the reserved matters stage when the access arrangements have been finalised. A number of the comments provided by BwD Highways relate to the internal layout of the development yet those matters should be clarified as part of any subsequent reserved matters applications. Such a process can also be used to ensure adequate access arrangements are maintained for the existing properties.
- 4.4.8 Finally, a further condition is recommended to control the logistics of the construction phase in order to minimise the potential for disruptions to occur from that phase for the local highways network. The recommended condition includes a number of bespoke requirements, which include how materials would be delivered to and transported around the site.
- 4.4.9 When those factors are considered alongside the existing use of the site and the fact that the quantum of dwellings could be subject to refinement at the reserved matters stage, where required, the proposals would not prejudice road safety or the safe, efficient and convenient movement of all highways users to a point where a refusal could be substantiated. For those reasons, and subject to conditions, the proposed development would be acceptable with reference to highway safety, in accordance with Policy 10.

4.5 Arboricultural Assessments

- 4.5.1 As detailed above, a number of mature trees intersperse the site that are protected by a Tree Preservation Order. Policy 9 states that development will be permitted where, following implementation of any required mitigation, there is no unacceptable impact on environmental assets or interests, including trees. In response to those requirements, an Arboricultural Implications Assessment has been provided.
- 4.5.2 The BwD Arboricultural Advisor has reviewed the submitted assessment and the merits of the development as a whole. No objections have been raised yet a number of recommendations have been made that should be applied to the finalised layout. Those recommendations concern the retention of T4 (Silver Birch) and T6 (Hawthorn), which are noted as being in a good condition within the submitted assessment.
- 4.5.3 Retention of those trees alongside any required protection measures for retained trees will be clarified at the reserved matters stage. As proposed, the development is thus acceptable with reference to arboricultural assessments, in accordance with the relevant requirements of Policy 9.

4.6 Ecological Assessments

- 4.6.1 The site is currently covered in vegetation of varying levels of maturity and it has a certain level of ecological value. Further requirements within Policy 9 state that development will be permitted where, following implementation of any required mitigation, there is no unacceptable impact on environmental assets or interests, including habitats and species. In response to those requirements, a Survey & Assessment in Respect of Bat Species and Nesting Birds has been provided.
- 4.6.2 The BwD Ecological Advisor has reviewed the submitted assessment and the merits of the development as a whole. No objections have been raised yet a number of conditions have been advised in order to minimise harm to habitats and species. Those conditions involve controlling the timing of demolition works, the location of any required external lighting, and the provision ecological enhancement measures. It is recommended that all of those conditions are added. A further condition has been advised regarding a landscaping scheme. However, and as detailed above, such provisions should be controlled as a reserved matter and applied to the finalised layout.
- 4.6.3 In addition, a number of informative notes have also been advised regarding the discovery of bats during redevelopment works, the need to time scrub clearance works outside of the main bird breeding season and the need to prevent the spread of invasive plant species. Those should also be added to any approvals issued. Subject to those conditions and legal obligations being complied with, the proposed development would be acceptable with reference to ecological assessments, in accordance with the relevant requirements of Policy 9.

4.7 Drainage Assessments

- 4.7.1 The submitted application form states that surface waters would be drained via a mains sewer. Further requirements within Policy 9 concern the provision of adequate drainage systems. Concerns have been raised in public comments in relation to surface water drainage. Both BwD Drainage and United Utilities have reviewed the merits of the application and no objections have been raised.
- 4.7.2 Two conditions have been advised regarding the provision and maintenance of sustainable drainage systems, which are recommended to be added. Subject to compliance with those conditions, the proposed development would be acceptable with reference to drainage assessments, in accordance with the relevant requirements of Policy 9.

4.8 Land Contamination

- 4.8.1 The potential for land contamination should be comprehensively assessed given the sensitive nature of the proposed end use. With reference to potentially contaminated land, further requirements within Policy 8 state that all development proposals should secure effective remediation. BwD Public Protection have reviewed the merits of the application and no objections have been raised on land contamination grounds.
- 4.8.2 They have advised that the three standard conditions should be added to any approvals issued in order to control any potential impacts in that respect, which are recommended to be added. Subject to compliance with those conditions, the proposed development would be acceptable with reference to land contamination, in accordance with the relevant requirements of Policy 8.

4.9 Air Quality

- 4.9.1 Sustainable development is encouraged through the planning system and reductions in detrimental impacts on air quality form a key part of those objectives. Policy 36 requires all development proposals to demonstrate how they have been designed to minimise contributions to carbon emissions and climate change. In response to those requirements, conditions have been advised by BwD Public Protection to ensure air quality mitigation measures are applied in the form of installing electric vehicle charging points and efficient gas boilers.
- 4.9.2 The installation of electric vehicle charging points are now covered at the Building Regulations stage for all residential developments. However, a condition is recommended to ensure efficient gas boilers are installed, where relevant. Subject to compliance with that condition, the proposed development would be acceptable with reference to air quality, in accordance with Policy 36.

4.10 Wider Considerations

- 4.10.1 Further concerns have been raised in public comments regarding potential damage to boundary walls and land stability issues to be caused for

neighbouring properties. Any damage caused to property during construction works would be a civil matter and the implementation of a Construction Method Statement, which has been conditioned, would minimise the potential for such an outcome. Potential land stability issues concern the construction phase of the development, which would be subject to robust controls through Building Regulations approval.

4.10.2 Finally, development of the site for dwellings would not cause a significant increase in vermin levels, subject to good waste management procedures being utilised, which has also been conditioned. Those comments therefore have no material influence on the assessment of this application.

4.11 Summary

4.11.1 This application seeks outline consent for the development of up to four dwelling, with all matters reserved. Subject to appropriate conditions, the proposed development would be acceptable on all the relevant planning grounds, in accordance with the policies and guidance notes detailed in Section 3.4.

4.11.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in principle and with reference to design and visual amenity, residential amenity, highway safety, arboricultural assessments, ecological assessments, drainage assessments, land contamination, and air quality.

4.11.3 The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

5.0 **RECOMMENDATION:**

Delegated authority is given to the Strategic Director of Growth and Development to approve planning permission, subject to the following conditions;

5.1 An application for approval of the Reserved Matters (namely the layout, appearance, scale and landscaping of the development) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

REASON: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 5.2 No development shall commence on site unless and until, details of the layout, appearance, scale and landscaping (hereinafter called the 'Reserved Matters') have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

REASON: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

- 5.3 Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (1:1250).

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

- 5.4 Prior to their installation, details overviewing the types, positions and heights of any required new external light sources to be incorporated as part of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details, unless otherwise agreed in writing.

REASON: In order to minimise the potential for light pollution to occur for neighbours and disturbance for bats, in the interests of residential amenity and biodiversity, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.5 No development shall commence on site unless and until, a Construction Method Statement has first been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for but not be exclusively limited to the following;

- a) The parking of vehicles of site operatives and visitors;
- b) Details of the sizes and types of vehicles to be visiting the site;
- c) Details of the sizes and types of any plant to be used;
- d) The loading and unloading of plant and construction materials;
- e) The storage of plant and construction materials;
- f) Wheel washing facilities;
- g) Measures to control noise and vibrations from construction works, where relevant;
- h) Measures to control dust from construction works, where relevant;
- i) A scheme for the recycling/disposing of waste, and;
- j) Details of the type, position and height of any required external lighting.

The development shall thereafter be implemented in strict accordance with all of the measures detailed within the approved Construction Method Statement, unless otherwise agreed in writing.

REASON: In order to control the logistics of the construction phase, in the interests of residential amenity and minimising disruptions on the local highway network, and to comply with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.6 Any construction works associated with the development hereby approved shall only take place between the hours of 8:00 – 18:00 Monday – Friday and 9:00 – 13:00 on Saturdays. No such works shall take place on Sundays or Bank Holidays whatsoever.

REASON: In order to minimise noise pollution for neighbours from construction works, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.7 Should any pile-driving works be required to construct the dwellings hereby approved, no development shall commence on site unless and until, a programme for the monitoring of noise and vibration generated from those works has first been 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. At each location, noise and vibration levels shall not exceed the specified levels in the approved programme during construction works, unless otherwise agreed in writing.

REASON: In order to minimise disruptions for neighbours from the construction phase, in the interests of residential amenity, and to comply with the requirements of Policy 8 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.8 No development shall commence on site unless and until, a scheme for the storage and presentation of domestic waste has first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme and any measures installed shall thereafter remain in perpetuity with the development.

REASON: In order to ensure adequate waste management procedures are put in place in support of the development, in the interests of residential amenity and highway safety, and to comply with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.9 Should any demolition works associated with the development hereby approved not have been completed by the 01st April 2024, updated ecological surveys must be submitted to and approved in writing by the Local Planning Authority. Any further surveys shall include a full assessment of any changes in circumstances and the development must thereafter be implemented in strict accordance with any new mitigation and/or licences that may be required as a result of the updated surveys.

REASON: In order to minimise the developments impacts on local bat populations, in the interests of local ecology, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.10 No development shall commence on site unless and until, a scheme for the provision of ecological enhancement measures has first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme and any measures installed shall thereafter remain in perpetuity with the development.

REASON: In order to ensure ecological enhancement measures are provided in support of the development, in the interests of biodiversity, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.11 No development shall commence on site unless and until, a Foul and Surface Water Drainage Strategy has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall include but not be exclusively limited to the following;

- a) Foul and surface waters draining on separate systems, where achievable;
- b) 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;
- c) 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);
- d) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- e) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- f) A timetable for its implementation.

The development hereby approved shall not be brought into use unless and until the agreed scheme has been implemented in its entirety.

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

REASON: In order to promote sustainable development, to manage the risk of flooding and pollution, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.12 Where relevant, none of the dwellings hereby approved shall be occupied unless and until, a sustainable drainage management and maintenance plan for the lifetime of the development has first been submitted to and approved in writing by the Local Planning Authority. 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
- b) 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 details.

REASON: In order to ensure that management arrangements are put in place for the sustainable drainage systems, to manage the risk of flooding and pollution during the lifetime of the development, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5.13 No development shall commence on site unless and until, a Contamination Method Statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination, which may be present on site, has first been submitted to and approved in writing by the Local Planning Authority. The submitted Statement shall detail the following;

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

All the agreed remediation measures shall thereafter be carried out in strict accordance with the approved implementation timetable under the supervision of a geotechnical professional and they shall be completed fully in accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.14 Prior to first use of the development hereby approved, two copies of 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 any necessary supplementary information. 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: In order to protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.15 Should contamination be encountered unexpectedly during redevelopment of the site, all works should cease, and the Local Planning Authority 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 Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details.

REASON: In order to protect the health of future occupiers of the site, prevent the displacement of pollution and any associated environmental impacts, and to comply with the requirements of Policies 8 and 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

- 5.16 Any gas fired domestic heating boilers installed as part of the development here bay approved shall not emit more than 40mg NO_x/kWh.

REASON: In order to ensure impacts on air quality are appropriately minimised, in the interests of sustainable development, and to comply with the requirements of Policy 36 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

6.0 PLANNING HISTORY

6.1 No relevant planning history.

7.0 CONSULTATIONS

7.1 BwD Housing Manager – The site whilst being in an established housing area is surrounded on three sides by backs of properties with properties on Brantfell Rd at an elevation, which would look down on the proposed homes.

The site is not ideal for quality new homes and is likely to be unattractive to new buyers. Furthermore, highways and planning are likely to have some concerns due to the narrow access into the site and separation distances from existing properties.

Has the developer undertaken any soft market testing, market demand analysis to gauge how much interest there may be in properties on this site? We would like to have a copy of any market intelligence, which could provide support for such a development.

This information is required to determine if the application meet the Council's strategic need and aspiration prior to gaining support from Housing Growth.

7.2 BwD Public Protection – No objections. Should this application be approved, conditions should be imposed to control land contamination, air quality mitigation measures, sources of external lighting, construction working hours, construction dust and any required pile-driving operations. Such conditions are necessary in order to safeguard the amenities of neighbours and ensure air quality mitigation measures are provided in support of the development.

7.3 BwD Highways – Further to Pre-Enquiry Advice Ref ENQ/21/09638 dated 21/10/2021 the applicant has submitted an outline planning application for the construction of up to four three bedroom detached houses on land to the rear of Colenso Road. The site is approximately 0.23 Hectares, overgrown and wooded with the remains of eleven garages, six of which are standing, two are derelict, and of the remaining three only the floor slabs remain.

The site is enclosed by the rear gardens of the residential properties along Colenso Road, Revidge Road and Brantfell Road, and can only be accessed from Colenso Road by a steep, narrow single track between No.7 and No.9 Colenso Road. No detailed plans have been provided with the application. The submission details have been reviewed, and a site investigation has been undertaken. The following comments relate to highway matters in accordance with Policy 10.

The applicant had requested pre-application advice for the development of five detached, four bedroom dwellings. The following highway concerns would need to be addressed:

For the number of houses proposed, a minimum of 2way movement is needed; No area to safeguard pedestrian from vehicles, as they travel from the highway to the properties is achievable; Sightlines although clear, could become restricted by frontage boundary treatment of the houses sited adjacent to the track; Access Road is inadequate to support the development; No off street parking arrangements submitted; The Council's Cleansing team have also objected to the proposal given the fact a refuse collection vehicle is unlikely to be able to access and manoeuvre out of the site, and ;Each property would have to take their bins to Colenso Road for collection, which may cause implications for access and blocking pavements.

The current outline application has reduced the number of proposed dwellings to four, three bedroom detached houses and provided for a passing bay at the top of the shared access with No.7 Colenso Road to facilitate single way movement, but no plans detailing the proposed access road, cul-de-sac, driveway accesses and layouts of the proposed dwellings.

(Proposed Access off Colenso Road) The proposed access cannot be upgraded to adoptable highway standards and would therefore remain a private street maintainable at the expense of the owners of the proposed dwellings. The access between No. 7 and No. 9 Colenso Road would need to be reconstructed by the applicant, given its poor condition, and the likelihood of suffering further deterioration during construction.

The protection and possible diversion of existing drains, sewers and services must be considered as the gradient of the access track would need to be reduced to improve the forward visibility of road users emerging from the development, with particular emphasis on pedestrians using the footway alongside Colenso Road.

(Further Comments) The boundary wall supporting the access would need to be rebuilt and edge protection provided; The proposed cul-de-sac road would need to be at least 4.8m wide; A swept path analysis would be required to demonstrate how the vehicles can safely manoeuvre in and out of the properties and the access track; The car parking spaces would need to be at least 2.5m wide by 5.5m in length; The existing gate at the top of the driveway would need to be removed; Proposals for how and where the refuse would be placed for collection by the Council's Refuse collection vehicle would need to be presented.

(Conclusion) We would not support the current proposal as it would cause a safety hazard, and be to the detriment of all highway users, contrary to policy 10 of the Local Plan Part 2.

(Further Observations) (Vehicle Movements) The Agent is incorrect in asserting that the development would result in a reduction in the number of vehicle movements arising from the site being used wholly for garage purposes. It is likely that the remaining garages that are in used are primarily for storage rather than in daily use for garaging vehicles, if it were the case and the garages are constant use by the residents then arguably there is a loss of garaging amenity

for the local residents on Colenso Road, which results in additional on street parking.

It is more likely that the garages are not in use and allowed to deteriorate to strengthen the case for alternative development. We would also need to consider that delivery vans would be using the access – not just private cars, the steepness of the access would need to be regraded.

(Reduction in the Number of Proposed Dwellings) The problems with the existing access would be present whether there were 3 or 4 dwellings on the site.

(Access for Refuse Collection and Emergency Services) The Fire Brigade would struggle to access the development not just the refuse collection services.

7.4 BwD Arboricultural Advisor – Due to the sites hillside location and elevation of the site, much tree cover is highly visible in the vicinity and wider townscape and makes a valuable contribution to the amenity of the area.

I have inspected the site and considered the contents of AIA and cross referenced the TPO trees with the submitted tree data. The AIA does not refer to the TPO. There are six individual trees and one group listed above the TPO – TPO T4 Birch. Survey T9 C grade. Fell for development; TPO T5 and T6 Hawthorns are not listed in the survey T6 is present and T5 not been identified on the site; G.1 5 X Ash Survey G4. C2 grade - retain and protect, and; TPO trees identified as T8 and T9 Swedish Whitebeams are not present.

Much of the site is covered in lower value trees which have developed and grown as natural regeneration. There are several trees, which are classified as moderate in the survey and can be retained and protected.

Illustrative layout shows dwelling positions. It appears T4 Birch would be removed to accommodate the illustrative layout. Potentially there is scope to accommodate and incorporate TPO T4 Birch into a development layout. However, if this tree were to cause a notable design layout restriction then removal with compensatory planting can be accommodated within the site.

(Conclusions) The scale of the proposed development and the sites special qualities can allow for the retention of trees, with potential for a substantial amount of supplementary planting. A sympathetic revised layout would enable the retention of suitable trees which would not lead to any notable loss of visual amenity.

(Recommendations) A future full application should seek to incorporate the retention of T4 and T6 into revised layout, including those trees identified for retention in the current application. The submission of detailed landscape proposals would be appropriate with a full application.

- 7.5 BwD Ecological Advisor – I have considered the submitted documents – Survey & Assessment in Respect of Bat Species and Nesting Birds (Echo Calls Bat Surveys, 13 July 2022). The Report appears to have used reasonable effort to inspect the structure both internally and externally for the presence of bats and assessed the likelihood that bats would use the structure at other times for roosting.
- 7.6 The building inspection found no evidence of recent or historic usage of bats. It was concluded that the structures have moderate potential to support bats at other times and consequently two further activity surveys were required. The trees were assessed as supporting negligible potential to support bats – no further action was required on the trees.

The activity surveys were conducted in appropriate conditions using an appropriate number of personnel. Bats were active foraging and feeding in the area, indicating that the survey timing was appropriate. No bats were observed entering or exiting the buildings. There is currently no known reason to contradict the findings of the survey. The application can be forwarded for determination in respect of biodiversity with the following recommendations.

As identified in the Report bats and their roosts – even when unoccupied – are protected at all times even when disturbance occurs as the result of an otherwise lawful activity such as a planning permission. I would suggest that the applicant's attention is drawn to the legislation via an informative attached to any permission if granted. If bats are found or suspected at any time, work should cease until advice has been sought and implemented from the licenced ecologist.

Best practice (Collins et al 2016) indicates that bat surveys are time limited for 1 – 2 years as the condition of buildings can change over time. If demolition has not occurred by March 2024 an updated survey should be submitted assessing any change in the building's condition and if alterations to the proposed measures are needed. This can be secured via condition.

The Report recommends that work should commence on demolition as soon as is feasibly possible during the winter months. The Report indicates that there was no evidence of historic bird breeding within the buildings, but nesting activity is highly likely in the vicinity. It is probable that there will be some vegetation clearance to accommodate the proposal. All nesting birds are protected (Wildlife & Countryside Act 1981). An informative should be used to draw the applicant's attention to the protected status of birds and that vegetation clearance including shrubs and undergrowth (eg bramble) should avoid the breeding season March – August inclusive, unless it can be demonstrated that no bird nesting activity was present.

Design of the external lighting scheme should be secured, particularly along the northern boundaries where trees will be retained on the quarry face and elsewhere. In line with the NPPF (July 2021 para 185 c)) we recommend that applicants follow the Institute of Lighting Professionals guidance (01/21 obtrusive lighting and 08/18 wildlife sensitive lighting). This should include all

elements of the proposal such as highways lighting, pedestrian/cycleway access and external domestic/security lighting as appropriate. This should be secured by condition.

The site photos included evidence that rhododendron was present on the site. Rhododendron is listed on Schedule 9 (Wildlife & Countryside Act 1981) as an Invasive Non-Native Species (INNS) and it is an offence to cause this species to spread in the wild. I would recommend that disposal of cut material is burnt on site or disposed of to landfill. Any retained stumps should be treated to prevent regrowth or ground out. As the invasion is small I am content that this matter can be covered by an informative to the applicant.

The NPPF (July 2021 para 174d), 179b) and 180d)) guides decision takers to achieve biodiversity enhancement. The Report suggests that a bat and bird box could be used in this instance. Details of specification and location of a biodiversity enhancement scheme should be provided to the Planning Authority and subsequently implemented. This can be achieved via a condition on any permission if granted. I would suggest that this includes the specification and erection of 2 x bat boxes and 1 x bird box.

- 7.7 BwD Drainage – No objections. Should this application be approved, a condition should be imposed to control foul and surface water drainage. Such a condition is necessary in order to ensure that the development is not at risk of flooding, does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water.
- 7.8 BwD Cleansing – Access for the bin trucks would be my issue. If the access is too narrow, bins will have to be collected from Colenso Road, with residents dragging their bins to this location, but where can they leave them without blocking the road and pavements on bin day. It doesn't look as if any thought has been given to waste collection.
- 7.9 BwD Property Services – No objections.
- 7.10 United Utilities – No objections. We request an appropriate drainage condition is attached to any subsequent approval to control foul and surface waters. Furthermore, a condition should be added regarding the submission of a sustainable drainage management and maintenance plan for the lifetime of the development.
- 7.11 Lancashire Fire and Rescue
- 7.12 Ward Cllrs – The issues in the area have been parking and access.
- 7.13 Summary of Public Representations
- No details regarding heights of the dwellings has been submitted
 - Access to adjacent properties may be restricted
 - Drainage details should be carefully considered in order to avoid flooding
 - Construction traffic may damage walls enclosing the access point

- Land stability issues may be caused by the development
- The development may cause a vermin outbreak

8.0 CONTACT OFFICER: Christian Barton – Planning Officer

9.0 DATE PREPARED: 6th February 2023

10.0 SUMMARY OF REPRESENTATIONS

Councillor Suleman Khonat, - received 14th November 2022

Hi Chris,

Hope you are well. The issues in the area have been parking and access. I would appreciate if you could keep me informed on this application and progress, please.

My appreciation in advance.

Kindest regards,

Cllr Suleman Khonat JP
Mayor of Blackburn with Darwen Borough Council

Councillor representing Shear Brow and Corporation Park ward.

Objection 1 – Mr T Bashford, 218 Revidge Road, Blackburn, Rec 28.11.2022

Mr Trevor Bashford

218 revidge road Blackburn BB18DJ

I am writing with reference to the planning application for Colenso road which will be near or possibly adjoining my property I would like more information on this planning as the information is very limited and I need to know

1 how high will the property be.

2 what plans will be in place for possible land slide at the back of my property.

3 what plans are in place for possible subsidence to my property from machinery that will be used to drill.

4 what plans are in place for possible vermin outbreak ie rats.

So until I have answers to these questions I object to the planning of 4 houses been built and would like to attend the council meetings in regards to this matter.

Regards

Mr T Bashford

Objection 2 – Mr Ismeil Patel, 216 Revidge Road, Blackburn, Rec 01.12.2022

Ref 10/22/0412

Mr Ismeil Patel

216 revenge Road

Bb1 8dj

I require more information on the above planning as to

1 how high will the building be

2 what plans are in place to avoid landside to my property

3 what guarantees will I be given for further subsidence to my property

As I don't have any information on these questions I am therefore against the planning application and would appreciate any feedback as soon as possible

Regards

Mr ismial Patel

Objection 3 – Mr Ayaz Hussain, 9 Colenso Road, Blkburn Rec 05.12.2022

Dear Christian Barton

I am the owner Mr Ayaz Hussain of 9 Colenso Road Blackburn, BB1 8DR.

I have responding to your letter dated 14th November 2022 with the reference number 10/22/0412.

I would like to raise the following concerns that may effect my property and I am making my position clear in this response, that i would like these concerns addressed and responded to prior to any planning permission granted.

I would like reassurance and written confirmation that the right of access to the rear of my property to be available at all times to myself during and after any work as been commenced as at present I have this access available to my property.

When/if the work commences I am concerned that there could be damage to the side walls of my property boundary if there are large vehicles coming up or down as the passage is very tight, we have had similar issues in the past, any damage to my property

I am also highlighting that the new drainage should not impact my property in any way

I look forward to your response at your earliest convenience.

Thanks in advance

Ayaz Hussain.