

Proposed development: Full Planning Application (Regulation 3) for: Highway re-alignment works incorporating associated improvements to drainage, street lighting and road markings, new footway along Moor Lane, together with creating off-street car parking areas on Knowle Lane (9no spaces) and Moor Lane (27no spaces).

Site Address:

**Junction of Holden Fold/Moor Lane/Chapels/Goose House Lane
Darwen**

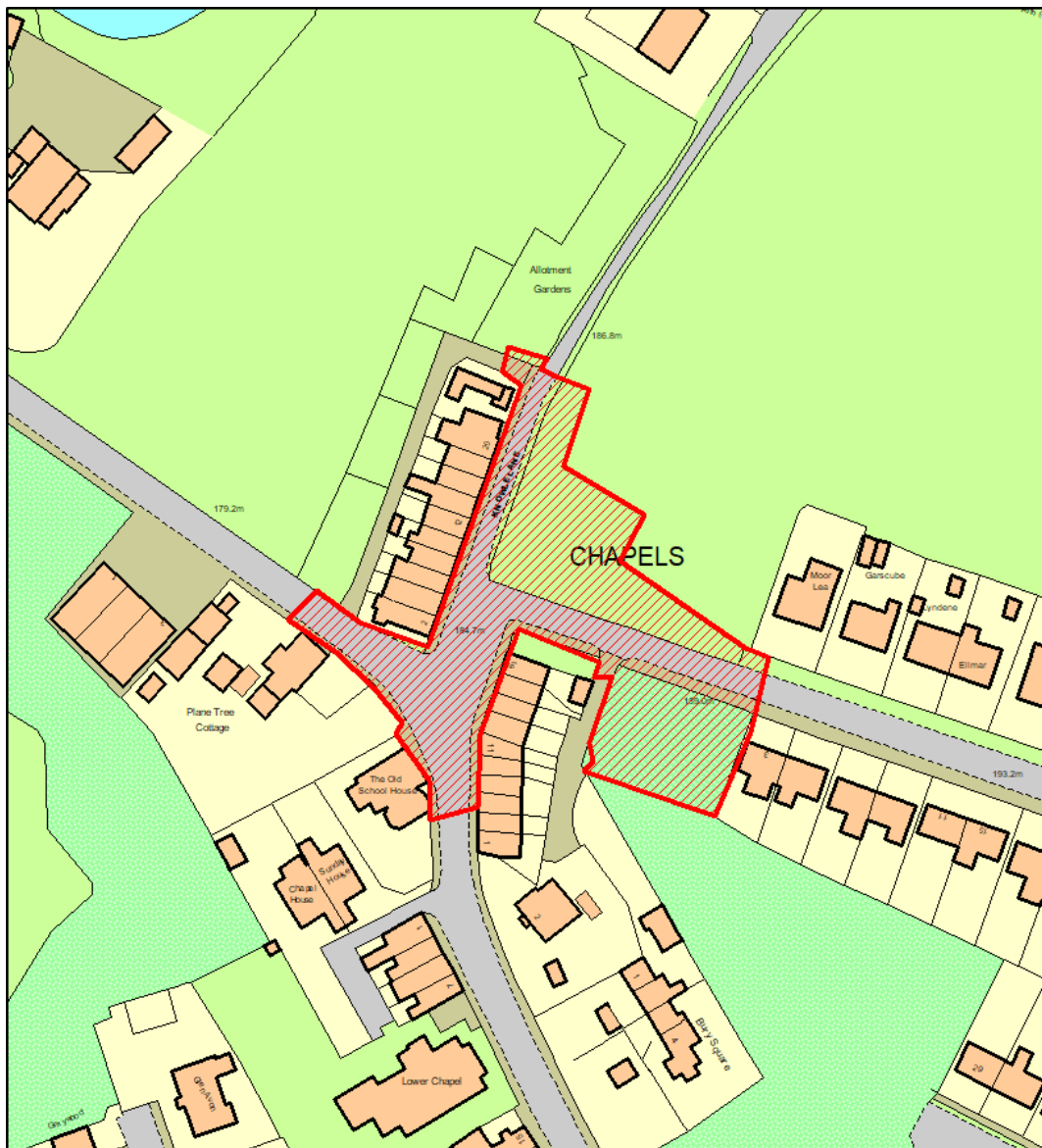
Applicant: Blackburn with Darwen Borough Council

Ward: Darwen East

Councillor Katrina Fielding

Councillor Martin McCaughran

Councillor Matt Gibson



1.0 SUMMARY OF RECOMMENDATION

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

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 The application is reported to Committee on account of the application site (the site) being Council owned and the applicant being the Council. This is in accordance with the procedural requirements of Regulation 3 of the Town and Country Planning General Regulations 1992 and the Council's adopted Scheme of Delegation.

2.2 The proposal is in the form of a minor full planning application. Detailed assessment finds that the development corresponds with the Council's overarching growth strategy, as set out in the Core Strategy and Local Plan Part 2. Delivery of necessary improvements to the local highway network, as well as enhanced parking provision for the local community will be secured. All technical issues have been addressed through the application or are capable of being controlled or mitigated through application of planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site comprises 3430sqm of existing adopted and unadopted highway routed through a residential area, as well as scrubland and brownfield areas on and adjacent to Knowle Lane, Moor Lane and junction improvements at Goose House Lane, Darwen. The surrounding area comprises mainly residential with commercial uses adjacent to the site on Goose House Lane. The development will be partially constructed on land that was formally within the confines of Moorland High School. The extent of the site is represented by the red edge on the Google aerial view below (Design & Access Statement, WSP, Jan 2023).



- 3.1.2 The site is located on the fringe of the outer urban boundary of Darwen, so defined by the Adopted Policies Map of the Local Plan Part 2, approximately 1 mile from Darwen Town Centre and 1.5 miles from Junction 4 of the M65 motorway.
- 3.1.3 The site is mainly within the ownership of Blackburn with Darwen Council, save for a small section fronting properties on Knowle Lane, which is unregistered land.

3.2 Proposed Development

- 3.2.1 Full planning permission is sought for Highway re-alignment works incorporating associated improvements to drainage, street lighting and road markings, new footway along Moor Lane, together with creating off-street car parking areas on Knowle Lane (9no spaces) and Moor Lane (27no spaces).
- 3.2.2 Two number off-highway parking areas would be provided:
- 3.2.3 Moor Lane – 18no. standard spaces (2.5 x 5 metres in dimension) inclusive of 2no. widened bays for mobility impaired users. The central lane within the car park will be 9 metres allowing the safe manoeuvring of vehicles in both directions within the car park and allowing vehicles to enter and leave the car park without waiting and restricting flows on the public highway. The additional width within the car park will provide short stay waiting provisions and protection to parked cars. The single, access egress point, has been chosen to simplify the car park layout and create a single crossing area for pedestrians. Total Area 450 sqm.
- 3.2.4 Knowle Lane – 9no. space car park perpendicular to Knowle Lane. The layout will cater for reverse in, drive out car parking. Total Area 100 sqm
- 3.2.5 The total number of spaces would be lost through the introduction of parking restrictions is calculated by dividing the total length of restrictions by the minimum length required for a linearly parked vehicle (6 metres is a widely used dimension within the Borough as a guide to allow a parked car room to enter and exit the linear bay). The total length of waiting restrictions where vehicles currently park is 145m. This equates to 24no. spaces lost, when divided by 6 metres. The proposed scheme allows for 27no. parking spaces.
- 3.2.6 17no. properties would be affected by the introduction of waiting restrictions.
- 3.2.7 Two mobility car parking spaces would be provided, in line with BwDBC's policy of 1 No. space per 10 standard spaces.
- 3.2.8 It is submitted the development is primarily a highway improvement scheme with a secondary objective of providing a suitable point for the means of access to the future housing led development which includes the former Moorland High School – Site Allocation 16/12 – Local Plan Part 2 - and to cater for the associated rise in motorised and non-motorised movements.

3.2.9 The route from Moor Lane to Knowle Lane and onto Goose House Lane is used by local commuters, including those travelling to and from the M65. This route also provides a reasonable highway link, for motorised and non-motorised forms of transport from the Pot House, Hoddlesden and the Blacksnape area of Darwen through to the town centre. Currently there are several restrictions to the movement of vehicular traffic; sharp deviation in route with poor forward visibility; concrete retaining wall close to the kerb edge severely restricting the swept path of vehicles and therefore reducing the effective carriageway width and on-street parking causing reduced carriageway width, resulting in single flow traffic running through restricted areas with idling waiting vehicles. The position of the standing vehicles affects the movement of vehicles on the adjacent Highway Network.

3.2.10 Additionally, the current layout causes restrictions to the safe passage of non-motorised users and pedestrians.

3.2.11 The proposed highway re-alignment and provision of off-street car parking seeks to address the above issues and increase efficiency on the highway network.

3.2.12 The design of the proposal has evolved through a detailed development process involving key stakeholders, including the Local Planning Authority and their consultees, local residents and Ward Councillors. Full details of the proposal are set out in the submitted drawings, Highway Technical Note and Design & Access Statement. The proposed General Arrangement Plan is extracted below (WSP, rec. 28/03/2023).



3.3 Development Plan

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

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

3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS15 – Ecological Assets
- CS16 – Form and Design of New Development
- CS 22 – Accessibility Strategy

3.3.4 Local Plan Part 2 (LLP2)

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 36 – Climate Change
- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development

3.4 Other Material Planning Considerations

3.4.1 Local Plan Review

Blackburn with Darwen Borough Council is reviewing their current adopted Local Plan. The review will lead to a new Local Plan to replace the existing and will cover the period 2018 to 2037. As an emerging document, it carries weight in the decision making process.

3.4.2 National Planning Policy Framework 2021 (The Framework).

Overall, The Framework aims to raise economic performance by ensuring the quantity, quality and mix of housing reflect that required, with an expectation to maintain a 5-year housing land supply. Quality design should be secured and environmental impacts minimised. Section 9 of The Framework is especially relevant to this proposal, as it focusses on promoting sustainable transport.

3.4.3 National Planning Policy Guidance (NPPG).

3.5 Assessment

3.5.1 In assessing this full application there are a number of important material considerations that need to be taken into account, as follows:

- Principle of the development;
- Amenity impact;
- Environmental impact;
- Accessibility and transport; and
- Design and layout.

3.5.2 Principle

In accordance with the Adopted Policies Map of the Local Plan Part 2 (extracted below), the site is located with the urban boundary of Darwen and comprises land not allocated for any specific land use; land allocated for housing (Holden Fold Development Site – ref/ 16/12); and an area identified as Green Infrastructure (GI).



3.5.3 The unallocated land (shown in white) relates primarily to public highway, for which highway infrastructure development is accepted. Development of the area shown in brown, including Knowle Lane and an area immediately adjacent to the east, for the purpose proposed is also accepted in principle, notwithstanding that it is allocated for housing. The area forms a very modest part of the overall allocation and the proposed development would, in part, support future housing development, through improving forecasted increases

in traffic flow at the junction and facilitating an access into the allocation through inclusion of an access point / stub. Nor would development limited to this area in anyway prejudice the estimated number of houses to be delivered at the allocation, as set out in the site specific policy (16/12 LPP2).

- 3.5.4 An area identified as Green Infrastructure in the Local Plan is also included, which is positioned between 19 West View, Knowle Lane and 3 Moor Lane. The car park would effectively infill the open space between the two properties. Loss of the GI is assessed against point 5 of Policy 9 of the Local Plan Part 2 – Green Infrastructure, which sets out that:

Development involving the partial or complete loss of land identified as GI on the Adopted Policies Map or any unidentified areas of open space including playing fields; and any development which otherwise has the potential to result in the severance of GI connections, will not be permitted unless:

- i) The development can be accommodated without the loss of the function of open space;*
- ii) The impact can be mitigated or compensated for through the direct provision of new or improved GI elsewhere or through the provision of a financial contribution to enable this to occur; or*
- iii) The need or benefits arising from the development demonstrably outweigh the harm caused and the harm can be mitigated or compensated for so far as is reasonable.*

- 3.5.5 It is accepted that the proposal will result in the partial loss of GI. Policy 9 does not, however, prohibit development in such circumstances, provided at least one the above criteria (i - iii) is achieved. As the area in question forms a relatively small section of the overall GI, it is considered that its open space function will not be lost and that any harm arising from its loss would be extremely limited. Moreover, the need and the benefit arising from the proposal should be attributed significant positive weight in determination of the application. Highway improvements critical to the area would be secured, as would the removal of potentially hazardous on-street parking and replacement off-street parking, to the benefit of the local community and highway efficiency.

- 3.5.6 Accordingly, the principle of the development is found to be acceptable, in accordance with the requirements of the Development Plan and The Framework's presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters:

3.5.7 Highways / Accessibility and Transport

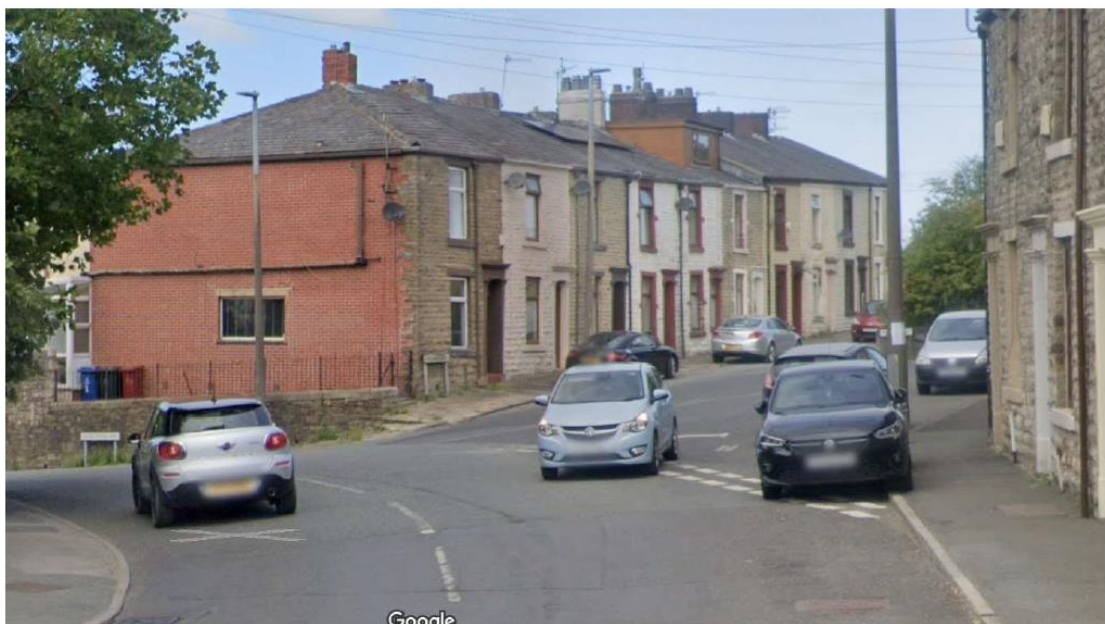
Policies CS22 and 10 requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.8 Following a review, by the Council's Highways consultee of the original layout, an amended layout has been submitted together with A Highways Technical Note (the note). The amended layout addresses issues identified by the consultee, as set out in the 'Consultations' section of this report, at paragraph 6.1.

3.5.9 The note represents an evidenced based assessment of the proposals merits, in the context of highway safety and efficiency. The note sets out a modelling exercise undertaken to support the notion that the proposed layout can accommodate traffic demand. It should be acknowledged that the no additional demand will arise from the proposed works. Demand will, however, increase in the future if housing led development comes forward at the nearby housing allocation at Holden Fold.

3.5.10 Existing highway network conditions are summarised as follows:

3.5.11 On-street parking: Current on-street parking demand causes loss of carriageway width which can affect the movement of vehicles on the highway network. The following extract from the note illustrates the issue:



3.5.12 Visibility: At the Goose House Lane / Chapels junction there is a sharp deviation in route with poor forward visibility. However, the Knowle Lane arm is situated on the outside of the bend affording good visibility in both directions for and of vehicles emerging from Knowle Lane. The crashmap database has been reviewed with no recorded collisions having occurred at the junction within the most recent 5-year period.

3.5.13 Road Safety: The national road collision database www.crashmap.com has been interrogated and there have been no recorded road accidents at the Goose House Lane / Moor Lane / Chapels junction during the five year period 2016-2020. Two slight severity collisions were recorded on Goose House Lane a short distance from the junction, one in 2016 and one in 2018.

3.5.14 Traffic Flows: The route from Moor Lane to Knowle Lane and onto Goose House Lane is used by local commuters wishing to travel to and from the M65 J4 area. Additionally, this route provides a reasonable highway link, for motorised and non-motorised forms of transport, from the Pot House, Hoddlesden and Blacksnape areas of Darwen through to the town centre.

3.5.15 A traffic survey undertaken on June 7th 2021 indicates a tidal pattern to traffic flows with higher northbound flows in the AM peak period and higher southbound flows during the PM peak period.

3.5.16 The need for intervention arises from restricted movements, particularly for pedestrians and cyclists. Issues include:

- Restricted footway widths due to indiscriminately parked vehicles;
- Over wide junction resulting in an increased crossing time for pedestrians;
- Parked vehicles resulting in pedestrians crossing between vehicles;
- Lack of footway link on the north side of Moor Lane between Moor Lane and Knowle Lane;
- Loss of lane width resulting in cyclists taking primary position and adding to drivers perceived frustration; and
- Correctly positioned cyclists in the path of oncoming vehicles.

3.5.17 The proposed highway re-alignment and provision of off-street car parking will address these issues and increase efficiency on the highway network. Footways will be widened to provide a shared cycle-footway area and carriageway width will be improved. A more spacious route will be achieved.

3.5.18 A Swept Path Analysis demonstrates that the proposal will improve highway movement, to the extent that an articulated lorry can navigate through the layout.

3.5.19 It is confirmed the unadopted area of Knowle Lane, included within the proposal, is to be adopted.

3.5.20 The two proposed car parks would alleviate highway movements currently constrained by on-street parking. They would be available for local residents on a first come first serve basis 24 hours a day, every day of the year. No barriers will be installed and "Residents Only" signs would be erected as a deterrent to non-resident users. The signs would not, however, be supported by a 'Traffic Regulation Order' confirming a 'Residents Only Parking Scheme', due to the burden of associated costs.

3.5.21 The 7m width access / egress to the Holden Fold car park has been designed to allow unfettered egress into the car park whilst vehicles are waiting to exit. The intention is ensure that through traffic is not restricted. The form of the junction has been chosen to highlight this as a junction and for pedestrians to be aware of these manoeuvres. The footway crossover introduces additional

kerb-lines which are subject to loading and may suffer from early life failure if not constructed to the highest standard.

3.5.22 The 9m width internal car park lane will allow for central parking that may arise from visitor parking demand. The excess width will maintain the manoeuvring operation for the majority of the car parking spaces.

3.5.23 A significant amount of committed and anticipated housing development in the area, at Ellison Fold Way and Holden Fold, is acknowledged. Resultant traffic is likely to impact on the safe and efficient operation of the Goose House Lane / Chapels junction. A key requirement of the evidence base to support the Local Plan is to show that allocated sites are deliverable, this includes demonstrating that the necessary physical infrastructure is in place, or can be delivered, and will not constrain development coming forward. The proposal would assist in alleviating congestion at the junction and aiding traffic flow, resulting in a betterment for the local highway network, as well as for local residents.

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

3.5.25 Amenity

Policy 8 requires development to make a positive contribution and to ensure a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; including reference to noise, vibration, odour, light, dust, other pollution or nuisance and privacy / overlooking.

3.5.26 Public objections have been received expressing concern over the potential for anti-social behaviour arising from the car parks, in particular the 18 space car park proposed between 19 West View, Knowle Lane and 3 Moor Lane. The likelihood of such an outcome is, however, considered to be unfounded and based entirely on assumption. The space is already publicly accessible albeit it currently exists in an informal state. Nonetheless, there is a pre-existing potential for anti-social behaviour occurrences. The proposal would serve to formalise the area as a community car park that would benefit from security lighting, aiding night time surveillance and acting as a crime prevention measure. Submission of a lighting scheme would be secured via condition. A scheme must be tailored to achieve appropriate levels of security for users whilst being sympathetic to the residential surroundings, with a particular emphasis on guarding against light intrusion.

3.5.27 The threat of householder's safety has also been cited in an objection; specifically the possibility of vehicles overshooting the Moor Lane car park into private gardens space. Such an eventuality is, however, considered extremely remote and one that should not constrain development. Whilst safety fencing around the perimeter of the car park is not proposed, it should be recognised that properties along West View Terrace, Knowle Lane and no. 3

Moor Lane are separated from the edge of the car park by approximately 7 metres.

3.5.28 Public objection has also been received against the removal of on street parking for residents of Knowle Lane and the potential for additional cost for residents of the lane if parking permits were to be introduced. It is, however, confirmed by the Council's Highways consultee that no such resident's only parking scheme is to be applied. The car parks would simply serve the community on an ad-hoc basis as a replacement for existing on street parking provision.

3.5.29 The Council's Public Protection consultee has reviewed the application and offers no objection, subject to securing the following information via conditions:

- Provision of electric vehicles charging points for each dwelling served by the car parks;
- Submission of an outdoor lighting / flood lighting scheme;
- A watching brief for discovery of unexpected ground contamination;
- Limited hours of construction - Mon to Fri: 08:00 - 18:00 hours; and Sat: 09:00 - 13:00 hours.

3.5.30 Provision of electric vehicle charging points for each dwelling served by the car parks is also recommended. This is, however, considered to be an unreasonable request that is not supported by policy. There is no defined number of dwellings served by the car parks, they are proposed for the local residents in general, though residents of Knowle Lane would have use the car park on Knowle Lane, in lieu of the loss of on street parking to the front of their houses. The proposal is for highway improvement works and car parks, with no increased residential use that may result in the need for air quality impact mitigation, such as electric vehicle charging points. Air quality impacts arising from any future application(s) proposing housing development will be assessed at that time. Accordingly, to require provision of the charging points is considered unreasonable and unnecessary.

3.5.31 No other identifiable adverse impacts are expected to arise from the proposal.

3.5.32 Accordingly, the development is found to make a positive contribution to the locality and to appropriately safeguard amenity levels, in accordance with the requirements of Policy 8, The Residential Design Guide SPD and The Framework.

3.5.33 Environment

Policies CS13, 9 and 40 require that development will not have an unacceptable impact on environmental assets or interests, including but limited to climate change (including flood risk), green infrastructure, habitats, species, water quality and resources, trees and the efficient use of land.

3.5.34 Flood Risk / Drainage:

The site is located within Flood Zone 1 (low risk of flooding). The area is, however, considered as being within a high flood risk management priority catchment area. A Drainage Strategy has been submitted with the application which proposes introduction of reasonable measures to reduce the developed surface water run-off rates to the of the existing greenfield values. The Council's Drainage consultee, as Lead Local Flood Authority, offer no objection to the strategy. Adequate drainage will, therefore, be implemented, ensuring no additional flood risk arising from the proposal.

3.5.35 Ecology:

A Preliminary Ecological Appraisal has been submitted with the application which has been reviewed by the Council's Ecology consultee. No significant ecological impacts arise from the proposal, with reference to protected habitat and species.

3.5.36 The proposal would, however, result in the loss of a section of hedgerow, some tree/ scrub and some rank grassland. A landscaping scheme has been submitted with the application which proposes replacement / enhancement planting. 5 low quality trees to be removed and replaced with approximately 15 trees. Defunct hedgerow will be replaced with a matching type and length in an adjacent location; and areas of low maintenance wildflower seeded areas and amenity grassed will be planted. Such provision is considered to amount to a net gain biodiversity across the site, satisfying the Framework requirement for development to achieve a net gain in biodiversity.

3.5.37 Removal of trees, shrubs, hedgerow and other vegetation should be prohibited during the bird nesting season (March to August inc.), via condition.

3.5.38 Trees:

A Tree Constraints Plan has been submitted with the application and reviewed by the Council's Arboriculture consultee. As noted above, 5 low quality would be removed to accommodate the scheme (Ash and sycamore) as well as Hawthorn hedging. It is considered that adequate compensation for tree and hedgerow loss will be achieved by implementation of a landscaping scheme. Although indicative landscaping details have been submitted, a detailed scheme confirming the precise location, species and density of planting should be secured via condition.

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

3.5.40 Design / Character & Appearance / Landscape Impact

Policy 11 requires a good standard of design which will be expected to enhance and reinforce the established character of the locality and demonstrate an understanding of the wider context towards making a positive contribution to the local area. The Framework also requires high quality design to achieve "*high quality, beautiful and sustainable buildings places*".

3.5.41 The proposal has been sensitively designed. The larger Moor Lane Car Park will be a surface level, asphalted surface car park with positive drainage and additional lighting to compliment the street lighting in the surrounding area. The car park will be kerbed to the perimeter to retain the asphalt surface and provide a stopping reference to the vehicle users. A knee high perimeter timber birds mouth fence will be provided, set back from the kerb to allow overhang. All embankment batters will be grassed.

3.5.42 The smaller Knowle Lane car park will be in the form of an asphalted parking bay with falls towards the existing carriageway due to level constraints. Surface water run-off will be picked up with positive drainage channels and discharged into the highway drainage system. Embankments / batters will be grassed.

3.5.43 Carriageways will be surfaced in hot rolled asphalt.

3.5.44 As referenced above, a comprehensive soft landscaping scheme will be implemented to help assimilate the works into the natural surroundings.

3.5.45 Accordingly, the design of the development and its impact on the landscape is found to be acceptable, in accordance with the requirements of Policies CS16, 11 and The Framework.

3.5.46 Summary

This report assesses the Full Planning Application for highway re-alignment works incorporating associated improvements to drainage, street lighting and road markings, new footway along Moor Lane, together with creating off-street car parking areas on Knowle Lane (9no spaces) and Moor Lane (27no spaces). In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation. The scheme is considered to promote a betterment for the area, through the introduction of necessary improvements to the highway network, including dedicated off-street car parking, together with general environmental enhancements in the form of soft landscaping; in accordance with the Council's strategic aims and objectives. 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.

4.0 **RECOMMENDATION**

4.1 **Approve subject to:**

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

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

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

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the application received 22nd February 2023 and with the following drawings / plans / information: *(to be added)*.

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

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

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

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

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

5. Prior to the installation of any external lighting a scheme detailing the location and specification of any luminaires shall be submitted to and approved in writing by the Local Planning Authority. The scheme must accord with the guidelines set out in the Institute of Lighting Engineers publication "Guidance Notes for the Reduction of Obtrusive Light". The approved scheme shall be implemented and adhered to for the duration of the approved use.

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

6. The construction of the development hereby permitted shall only take place between the following hours:
Monday to Friday: 08:00 to 18:00
Saturday: 09:00 to 13:00

Sundays or Bank Holidays: No site operations

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

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

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

8. The development hereby approved shall be implemented in strict accordance with the submitted Drainage Strategy, produced by WSP, dated 10th February 2023.

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

9. Prior to commencement of above ground works hereby approved, and notwithstanding the submitted details, a soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of native tree, shrub and hedgerow planting, including species, their position and densities, to compliment local priority habitat and to provide for a net gain in biodiversity. All planting of shall also be implemented in accordance with the approved details, during the first available planting season following completion of the development. Trees dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: To ensure an appropriate appearance to the site and in the interests of amenity and ecology, in accordance with Policy 9 and 11 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2.

5.0 PLANNING HISTORY

5.1 No relevant planning history exists for the site.

6.0 CONSULTATIONS

6.1 Highways

Highways Layout

1) The location of pedestrian crossings indicated by tactile paving are not on pedestrian desire lines and are likely to be ignored. Could these be amended to serve the desire lines?

Please find attached a copy of the General Layout Drawing with amendments to the pedestrian crossing locations, drawing reference HOLDEN-WSP-HGN-KN-DR-CH-004_P04. Amendments have been made to the crossing point across the new development access to bring it closer to the desire line, whilst being mindful of vehicle swept paths and sight lines. An additional crossing has been added, across Chapels from approximately No. 11 to The Old School House. The other crossing points have been reviewed and are found to be acceptable in terms of being located on desire lines whilst noting the position of potential parking / drop off areas. It is noted that a pedestrian crossing point across Goose House Lane to the west of Knowle Lane has been discounted due to footway levels in that location.

2) There is no traffic modelling to support the choice of junction layouts. I did some early junction modelling work to support the concept proposals, but I am not aware that this has been updated to reflect the DD proposals. Has this been done by WSP, or would it be useful for me to update the models and prepare a technical note?

Walter to carry out traffic modelling

3) While double yellow lines are shown on the general arrangement are there any other (physical) measures to be introduced to prevent on-street / pavement parking from reoccurring in the area?

Blackburn with Darwen Borough Council are focused on removing street clutter on the highway. It is also noted that there is a move to reduce future maintenance costs on the highway by the removal of furniture that is surplus to requirements and prone to accidental / malicious damage. Footway parking will be monitored through the early life of the scheme and actions taken if necessary by the Local Authority

4) Is the unadopted area of Knowle Lane included within the proposals to be adopted?

Confirmed that it is to be adopted.

Car Parks

1) Are the parking spaces within the new parking areas to be allocated to individual properties or operated on a resident permit scheme or is it expected that spaces are to be occupied on a first come first serve basis? Have residents been consulted on this?

Car Parking spaces will be allocated on a first come first served basis. Residents have been consulted on the parking arrangements and it was confirmed to them that a Resident Parking Scheme would not be introduced. Residents Only parking signs would be erected at the entrance to the car parks to deter casual use by non-residents.

2) The 7m wide access to the Holden Fold car park seems excessive and could result in higher vehicle speeds turning in and out of the car park to the detriment of pedestrians and other vulnerable road users. Has a footway crossover been considered? (See MfS2 9.4.14). #

As outlined in Section 4.5 of the Design and Access Statement, the entrance has been designed to allow unfettered egress into the car park whilst vehicles are waiting to exit. The intention is ensure that through traffic is not restricted. The form of the junction has been chosen to highlight this as a junction and for pedestrians to be aware of these manoeuvres. The footway crossover introduces additional kerb-lines which are subject to loading and may suffer from early life failure if not constructed to the highest standard.

3) The 9m width of the access road within the car park seems excessive and has the potential to encourage indiscriminate parking within the car park. Reducing the access and the internal road width within the car park to 6m would discourage misuse and could increase the areas available for landscaping / biodiversity. Has this been considered, or can further justification be provided for the increased internal road width?

The issue of multiple car use by some premises, plus the need for visitor parking was raised several times at the Consultation Event. It is noted that several residents advised that they thought a resident based monitoring system could be utilised to increase the number of vehicles parking on the car parking by blocking known cars in. The additional 3m width in the corridor will allow for this central lane parking whilst maintaining the operation of the majority of the car parking spaces.

6.2 BwD Public Protection

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

Comments: Air Quality & Traffic Noise Amenity Impacts

I note previous memo comments dated 13/06/22 made at pre-application consultation stage (Ref: 09961) ie that these residential amenity concerns are not material considerations in respect of this development. They will be addressed in respect of application(s) for future developments in the locality that these highway improvements will facilitate.

Comments in the Design & Access Statement submitted with this application suggest that the proposed car parks will form part of the proposed residential development at Holden Fold:

“Green Infrastructure – the area of land, designated as open space, replaced by the car parking area will be included in the adjacent Housing Development area. Small areas of green space are created adjacent to the highway as shown on the Landscaping Plan HOLDEN-WSP-ELS-KN-DR-CH001_P01 (Appendix J)”

If the proposed car parks are within the red edge for the proposed ‘adjacent Housing Development Area’ development site then provision for electric vehicle charging points (EVCPs) can be required as appropriate via these future development(s), otherwise - I would like the following condition requiring EVCPs as follows in respect of this application:

Condition – Car Park EVCPs for extant dwellings

There shall be one electric vehicle charging point (EVCP) for each dwelling served by the car parks. They shall be installed prior to the commencement of the approved use and retained for the duration of this use. An appropriate charging point will have a Type 2 connector and a minimum rating of 3.7kW 16A. EVCPs will be weatherproof and have an internal switch to disconnect electrical power.

REASON: In accordance with Paragraph 110a and 112e of the NPPF. The condition also implements the Council’s Air Quality Advisory Note and the Principles of Good Practice in the EPUK & IAQM guidance Planning for Air Quality. National government policy is encouraging a transition away from internal combustion engines and towards ultra-low emission vehicles, including EVs, over the next 20 years. The government has committed to end the sale of new petrol and diesel cars and vans by 2030.

Car Park Floodlighting

Should the proposed car parks include lighting I would recommend the following condition:

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

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

Reason

To minimise potential loss of amenity due to intrusive light pollution affecting residents.

Informative:

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

NB: The proposed development is within an E3: Medium district brightness area.

Condition - Unforeseen Ground Contamination

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

REASON: To protect the health of future occupiers of the site in accordance with Policy ENV3 of the Blackburn with Darwen Borough Local Plan.

INFORMATIVE:

- All reports shall be prepared in accordance with BS10175:2011 (as amended), CLR 11 and any other relevant, appropriate and authoritative publications.
- The Local Planning Authority will not accept any liability for remediation works.
- The responsibility for the safe development and occupancy of the site, at all times, rests with the developer.
- Failure to comply with above condition may result in enforcement action being taken by the Local Authority under the Environmental Protection Act 1990.
- You are strongly advised to contact the Environmental Protection Team of the Public Protection Service to discuss the requirements of the Contaminated Land Condition (Karen Huddart tel: 01254 267632 or David Johnson tel: 01254 267631).
- The guidance documents entitled '**Contaminated Land Planning Guidance**' & '**Validation Policy Document**' should be read before you investigate the site. This guidance is available on the Council web site. These hyperlinks will give you direct access :

www.blackburn.gov.uk/upload/pdf/Contaminated_Land_Guidance.pdf

www.blackburn.gov.uk/upload/pdf/Validation_Policy_Document_FINAL.pdf

- A **suitably qualified, competent & impartial person** shall fulfil the requirements of the condition.

NOTES FOR PLANNING

When a condition is recommended by the Environmental Protection Team to be attached to the consent, guidance should be sent out to the applicant outlining how this condition should be addressed. The guidance is also available on the website:

www.blackburn.gov.uk/upload/pdf/Contaminated_Land_Guidance.pdf

www.blackburn.gov.uk/upload/pdf/Validation_Policy_Document_FINAL.pdf

It should be made clear that it is the responsibility of the developer to undertake an adequate risk assessment of the site, and to propose measures to ensure that these risks are appropriately addressed for the safe development of the site. The developer is also responsible for ensuring that appropriate competent professional advice is available. Those providing expert advice to developers should be aware of the future reliance that may be placed on it.

If requested, and where appropriate, written confirmation that parts, or indeed all, of the condition has been satisfied should be provided by the Head of Planning after consultation with the Environmental Protection Team. Some conditions should be ongoing, however, where there is no obvious end point, for example where ongoing monitoring of contamination or of the continued integrity of a remedial scheme is necessary. Any such written confirmation should be provided, clearly stating which part(s) of the condition have been satisfied. Also, it should be stated that “the decision as to whether the condition has been satisfied has been taken by the Head of Planning on the basis of the information supplied by the developer. However, this does not mean that the land is free from contamination”, and that “the responsibility for the safe development and secure occupancy of the site rests with the developer”.

Construction Phase Control Conditions

Condition – Hours of Site Works

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

Monday to Friday 08:00 – 18:00 hours

Saturday 09:00 - 13:00 hours

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

Reason

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

Informative - Construction/Demolition Noise

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

6.3 BwD Drainage (Lead Local Flood Authority)

LLFA Position: We have no objections to the proposals.

6.4 BwD Arboriculture Officer

Assessment:

I have considered the scheme with regard to the tree survey information and tree constraints plan.

The proposed car park is located on existing BwDBC open space adjacent to 3 Moor Lane would require the removal of G6 Ash trees and T6 Sycamore which are lower value trees.

The car parking off Knowle Lane on BwDBC land will require the removal of a group of Hawthorn G11 and a Single Hawthorn T10.

The Proposals include new planting which will compensate for the tree loss.

Conclusions.

The scheme will lead to the loss of open space and several trees. New tree planting and other landscaping provision can provide adequate compensation and maintain visual amenity values.

A condition for full landscaping details will be appropriate with approval of the scheme.

6.5 Ecology

Thank you for your consultation on the above application for highway re-alignment works at Chapels.

As you are aware the information submitted with the application includes a Preliminary Ecological Appraisal, although the habitat map appears to be missing from the report. Overall the scheme appears to result in the loss of a section of hedgerow, some tree/scrub and areas of rank grassland. No landscaping plans appear to have been submitted so there does not appear to be any compensation for these losses. In addition at the pre-application stage we advised that the scheme should achieve a net gain for biodiversity which, again as there are no landscaping plans, this has not been demonstrated. Further information is therefore required prior to the determination of the application as the scheme currently appears to result in a net loss for biodiversity and is contrary to the National Planning Policy Framework.

Notwithstanding the above, as the proposal will affect habitats that could be used by nesting birds, we would advise that the following condition be attached to any permission, should it be granted:

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

Should you have any queries relating to the above advise, please do not hesitate to contact me again.

6.6 Public consultation

73 letters were posted to the local community on 22nd February 2023 and site notices were also displayed. 5 objections and 1 general comment were received; see Summary of Representations (Section 9.0).

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

8.0 DATE PREPARED: 11th May 2023.

9.0 SUMMARY OF REPRESENTATIONS:

Objection – Anne & Greg Bell, 2 Bury Square, Darwen. Received: 27/02/2023

Mr Prescott

I write to oppose the decision to build a car park on Moor Lane at the rear of our property. The siting of this car park will be a hotspot for car crime and allow ease of access to adjoining properties.

My neighbours and I are now having to spend thousands of pounds to upgrade security measures in an effort to make our houses safe.

I believe that this opposition will fall on deaf ears as you have already started clearing the land but it would be unwise not to speak out as when crimes occur in the new area we can have an avenue with which to complain.

Ann & Greg Bell
2 Bury Square

Objection – Neil Walsh, 3 Moor Lane, Darwen. Received: 07/03/2023

RE: Planning Application 10/23/0143

Proposal: *Highway re-alignment works incorporating associated improvements to drainage, street lighting and road markings, new footway along Moor Lane, together with creating off-street car parking areas on Knowle Lane (9 Spaces) and Moor Lane (27 spaces).*

Dear Sir.

Thank you for the planning notification regarding the above proposal for planned improvement works.

I live at No 3 Moor Lane and believe the proposed Moor Lane car park and its 27 potential parking spaces are planned to be sited on the piece of land immediately adjacent to my house.

This has raised a number of concerns for me and I wondered if you could give them some consideration.

1. Security, currently there is no public access to the land adjacent to my property but the plans will open the land up to public access giving complete and unrestricted access to the boundaries of my property.
2. Safety is a concern, I am greatly concerned about general garden life: there will be a fear that a vehicle may come through the fence at any

time. Are there plans to erect sturdy safety fencing along the property perimeters to prevent this from happening?.

3. How will the car park allocation of the 27 spaces be managed, I have a worry that the fair use of the available spaces will not be followed and neighborly disagreements would follow unless there are strict conditions applied.
4. Will the car park be lit at night and if so until what time. I have a small child and would prefer not to have car park lighting shining on my house affecting his sleep pattern.
5. Will any compensation be offered to the households on Moor Lane and in particular to those properties that will be affected the most by this proposal.

Many thanks for the opportunity to share our concerns and I look forward to hearing how the planning intends to cover my concerns and no doubt other concerns from my neighbors.

Regards

Neil Walsh
3 Moor Lane
Darwen
BB3 OEJ

Objection – Natasha Ryan, 3 West View, Knowle Lane, Chapels, Darwen. Received: 14/03/2023

Good afternoon Gavin,

I write this email in objection of the proposal for highway re-alignment works at the junction of Goose House Lane/Moor Lane.

REF 10/23/0143

I am a resident of West View, Knowle Lane and have been for over 29 years. (Since birth)

During this time I have seen the road gradually get busier, particularly during rush hour.

My concern for the proposal is that the traffic is only going to worse due to the new housing development and the back log of traffic, particularly during rush hour will be horrendous.

I am also led to believe this will be the main entrance to the housing estate and there are no proposed plans for a road to eccleshill. Along with the housing estate being built on Baileys field, the traffic flow will be at a standstill, more so than it is now.

Currently, between 7.45am and 8.15am on a weekday there are cars queuing past my house and up to the punch pub in order to get to either lower Darwen or the Motorway (M65). This creates problems at the junction of moor lane and Goose House Lane as cars are also queuing up there.

In relation to the parking spaces, there are not enough spaces being allocated for the houses in the area as I believe there will be yellow lines being placed outside our houses and surrounding area.

The car park is not behind my house as it is for others on the street but a short walking distance. As a mother with a baby and x2 dogs, it would be difficult for me to get from the car to the house, particularly in winter when the back area isn't lit and the ground is very muddy and slippery. As well as my child I have at least 2 bags each day to carry from the car and it's just not feasible.

Please listen to the residents and come along and see for yourself just how ridiculous this idea is.

It really is already unable to take the amount of traffic flow and this proposal will only make matters worse, especially if and when the new housing development is built.

Please do not hesitate to get in touch if you need photo evidence or further information.

Kind regards,

Natasha Ryan
3 West View, Knowle Lane,
Chapels
Darwen
BB3 0EG

Objection – Elizabeth Taylor, 1 West View, Knowle Lane, Darwen. Received: 14/03/2023

Good afternoon Gavin,

I write this email in objection of the proposal for highway re-alignment works at the junction of Goose House Lane/Moor Lane.

REF 10/23/0143

I am a resident of West View, Knowle Lane and have been for over 20 years.

During this time I have seen the road gradually get busier, particularly during rush hour.

My concern for the proposal is that the traffic is only going to worsen due to the new housing development and the back log of traffic, particularly during rush hour will be horrendous. I am also led to believe this will be the main entrance to the housing estate and there are no proposed plans for a road to Echillshill. Along with the housing estate being built on bBaileys field, the traffic flow will be at a standstill, more so than it is now.

Currently, between 7.45am and 8.15am on a weekday there are cars queuing past my house and up to the punch pub in order to get to either lower Darwen or the Motorway (M65). This creates problems at the junction of Moor Lane and Goose House Lane as cars are also queuing up there.

Although you may be widening the road, the roundabout will cause more problems as the cars already have nowhere to go.

I suggest someone from the office visits the area a couple of times a week to witness this before making a decision to go ahead.

Please understand this will not benefit the residents or the road user.

In relation to the parking spaces, there are not enough spaces being allocated for the houses in the area as I believe there will be yellow lines being placed outside our houses and surrounding area.

The car park is not behind my house as it is for others on the street but a short walking distance. As a mother with a baby and dog, it would be difficult for me to get from the car to the house, particularly in winter when the back area isn't lit and the ground is very muddy and slippery. As well as my child I have at least 2 bags each day to carry from the car and it's just not feasible.

Please listen to the residents and come along and see for yourself just how crazy this idea is. It really is already unable to take the amount of traffic flow and this proposal will only make matters worse, especially if and when the new housing development is built.

Please do not hesitate to get in touch if you need photo evidence or further information.

Kind regards,

Elizabeth Taylor
1 West View, Knowle Lane,

Comment – Michael Hunt, Received: 23/03/2023

Hello

I have seen the plan for improvements to Chapels, Darwen junction. In view of the extra traffic that will affect Moor Lane and Holden Fold are there going to be parking restrictions along this, soon to be, main route to the M65?

Thank you

Michael Hunt

Objection – Jakes Miles & Elaine Dagg, 16 Knowle Lane, Darwen. Received: 06/03/2023

16 Knowle Lane
Darwen Lancashire
BB3 0EG

Reference 10/23/0143

Dear sir

I object most strongly to the proposed removal of on street parking for the residents of Knowle Lane. Further that having said parking replaced by a similar number of parking spaces on a new car park situated on Knowle Lane should not entail additional cost to the residents in the form of parking permits. In the current economic crisis it is unfair to add a further burden to the home owner. I feel that the proposed changes will devalue properties currently having parking to their front. That if the proposed parking spaces are allocated by permit this will be to the disadvantage of residents who do not currently have a car and the future resale value of their properties. Having spoken with Safina Alam of the Highways Dept she envisaged the use of the proposed new car park on Moor Lane as an overspill for visitors, but if parking was to be allocated by permit this would create further problems not just arising from friends and family but significantly in the case of health visitors and carers etc. My late neighbour had constant visits from health professionals and carers for the last couple of years of her life and had this happened under the proposed changes it would have caused considerable distress and inconvenience to both her and the professionals involved.

In the move towards net zero and the general adoption of electric vehicles the proposed removal of on street parking will effectively prevent the residents of Knowle Lane from owning and charging electric vehicles further devaluing properties and making the residents of Knowle lane second class citizens at the whim of the council. In fact the great unfairness of this will only reveal itself fully in the future. Every homeowner chooses to invest in a property in the knowledge of its amenities, value and potential for the future. For this to be arbitrarily changed by the council is manifestly unfair.

I would also like to register my disgust at the recent destruction of part of the hedgerow bordering Knowle Lane by agents of B w D council. These ancient Hawthorn trees were completely destroyed and removed a week before we received our letter of notification of the planning application. This is in my opinion a blatant and cynical act unworthy of B w D council no doubt intended to remove any environmental concerns before the application process and frankly makes a mockery of the whole process. The high handed action of the Highways Department suggests that in this case the planning process is only a formality but I would still like to register my objections in the hope that they will be considered.

Yours Faithfully

Jake Miles

Elaine Dagg