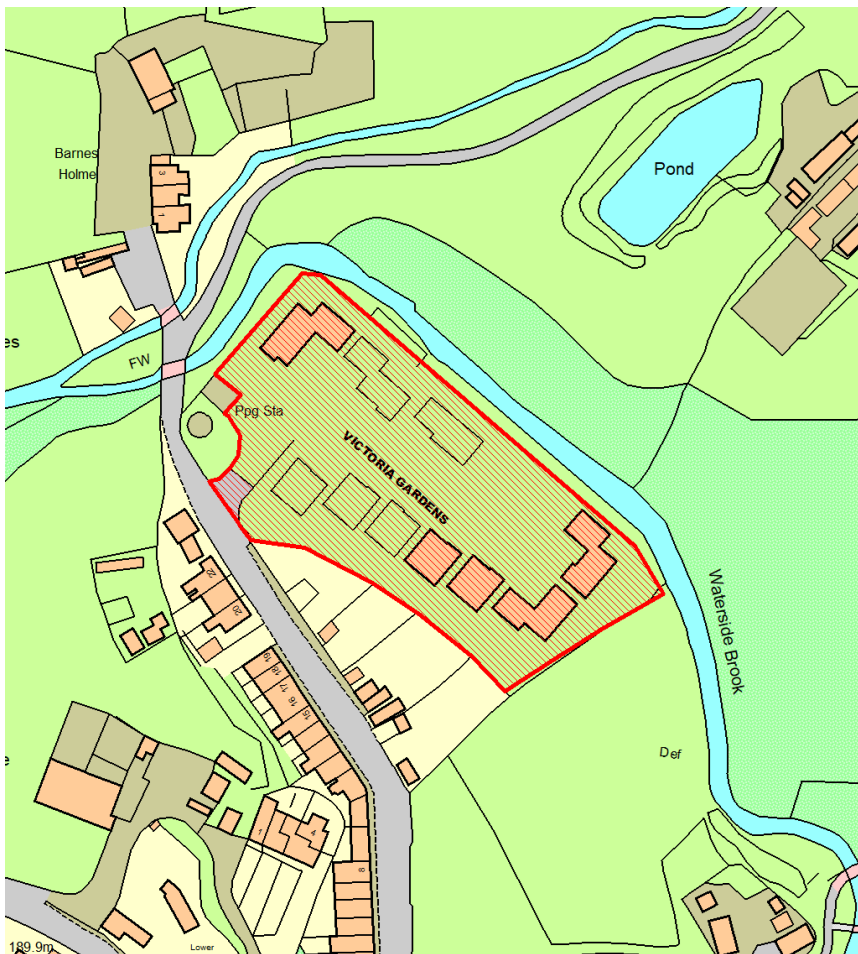


Proposed development: Variation of Condition No.15: "Upgrading of drainage, sub-surface and surface treatment to the footway and carriageway along the length of Victoria Buildings, from its junction with Johnson Road to the access onto the application site, together with junction improvements to the Victoria Buildings and Johnson Road junction", pursuant to planning application 10/19/0807 "Residential Development of 10 No. detached dwellings including access and associated landscaping."

**Site Address:
Vacant Land off Victoria Buildings
Waterside
Darwen**

Applicant: Mr A Shorrocks

**Ward: West Pennine Councillor: Julie Slater
 Councillor: Neil Slater
 Councillor: Jean Rigby**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions (including that varied) set out at paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The application is reported to Committee as it represents a material amendment to a planning application approved at Committee level - in March 2020 - due to receipt at that time of significant public objection to the proposal. Determination of this application by Committee is in accordance with the Council adopted Scheme of Delegation.
- 2.2 The application is submitted under the provisions of Section 73 of the Town and Country Planning Act 1990 (as amended). The proposal seeks to vary condition no. 15, as referenced in the above development description, applied to the original planning permission – ref. 10/19/0807 (approved 27th March 2020). This is due to carriageway upgrading works having been carried out in breach of the condition – ie without the Local Planning Authority (LPA) having received or approved a scheme of works in advance of them being carried out.
- 2.3 The varied condition would remove the requirement to submit a relevant scheme of works for the entire length of Victoria Buildings, to be approved prior to occupation of the approved development. Instead, the varied condition would require a scheme of works to be submitted and approved in writing by the LPA, within 2 months of approval of this application, for remaining upgrade surfacing works to the carriageway at Victoria Buildings (the unsurfaced upslope on approach to the junction with Johnson Road); improvements to the junction (road markings); and surfacing works to a small section to the front of no. 10 Victoria Buildings.
- 2.4 Assessment of the application finds the amendment to be acceptable, in affording the LPA control over the remaining, necessary works, in accordance with the Local Plan 2021 – 2037.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site (the site) comprises 5,890 square metres land, which is located off Victoria Buildings, within the village of Waterside. Since the original grant of planning permission, the site has been redeveloped for the purpose of the approved housing. Houses are substantially completed but works continue to finish the development. The area subject of this application is the length of highway at Victoria Buildings.

- 3.1.2 The site is located at the head of Victoria Buildings, which leads off the main road running through Waterside (Johnson Road). There are blocks of stone terraced housing to the western side of Victoria Buildings and detached garages to the eastern side of the road. The site itself lies within a 'bowl' at the bottom of the valley and is at a lower level to the rest of the built development within Waterside. It is bounded by a belt of trees and Waterside Brook beyond to eastern and northern boundaries, a field to the southern and detached garages, Victoria Buildings and terraced properties to the western boundary.
- 3.1.3 The village of Waterside is characterised by high density residential terraced properties, laid out in a linear arrangement, and a substantial complex of industrial buildings occupied by Shaws of England, located approximately 170m to the south west of the application site and accessed from the western side of Johnson Road. Shaw's have manufactured sinks from the site for over 100 years, employing a significant number of people. The housing stock within the village reflects the historic development of the mill complex and comprises largely two-bedroom terraced housing with very few family sized properties.
- 3.1.4 The length of Victoria Buildings, from its junction with Johnson Road up to the access into the site, is unadopted and in a state of disrepair. It is also a defined bridleway, in accordance with the Council definitive Public Rights of Way map.

3.2 Proposed Development

- 3.2.1 The current application is submitted under the provisions of Section 73 of Town and Country Planning Act 1990, as a material amendment to the original grant of (reserved matters) planning permission. The amendment seeks to vary the following condition from:

Prior to occupation of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the upgrading of drainage, sub-surface and surface treatment to the footway and carriageway along the length of Victoria Buildings, from its junction with Johnson Road to the access onto the application site, together with junction improvements to the Victoria Buildings and Johnson Road junction. The scheme shall be implemented in strict accordance with the approved details immediately following completion of the approved development.

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

To:

Within 2 months of the date of this permission, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the upgrading of surface treatment, drainage and junction

markings to the remaining unsurfaced section of carriageway at Victoria Buildings – ie. the upslope section up to the junction with Johnson Road and the section to the front of no. 10 Victoria Buildings; and the footway, as necessary. The approved scheme shall be implemented in full within 3 months of approval being issued.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policies CP9 and DM29 10 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037

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 Blackburn with Darwen Borough Council Local Plan 2021 – 2037. The Local Plan was adopted on 25th January 2024 and supersedes the Core Strategy (2011) and Local Plan Part 2 (2015), against which the original application was assessed and determined.

In determining the current proposal, the following are the most relevant policies:

- Policy CP1: A Balanced Growth Strategy
- Policy CP2: The Spatial Approach
- Policy CP4: Housing Development
- Policy CP6: The Natural Environment
- Policy CP8: Securing High Quality and Inclusive Design
- Policy CP9: Transport and Accessibility
- Policy DM02: Protecting Living and Working Environments
- Policy DM03: Housing Mix, Standards and Densities
- Policy DM15: Biodiversity
- Policy DM27: Design in New Developments
- Policy DM29: Transport and Accessibility

3.4 Other Material Planning Considerations

3.4.1 BwD Residential Design Guide Supplementary Planning Document (2015)

3.4.2 Air Quality Planning Advisory Note

3.4.3 National Planning Policy Framework – Dec 2023 (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.

3.4.4 National Planning Policy Guidance (NPPG).

3.5 **Assessment**

3.5.1 The principle of the development is established under the original application. In assessing this proposed amendment, the critical material consideration relates to:

- Accessibility and Transport impact.

3.5.2 Accessibility and Transportation

Policy DM29 requires, in general, that road safety and the safe and efficient and convenient movement of all highway users, included pedestrians and the disabled, is not prejudiced and that appropriate provision is made for off street servicing and parking in accordance with the Council's adopted standards.

3.5.3 A commitment from the applicant to surface the length of carriageway along Victoria Buildings, which is also a classified bridleway, in assessment of the original application, was attributed significant weight, as a benefit for existing traffic generated by residents of Victoria Building and traffic generated by the new development. It was, however, recognised that the works would not be delivered to adoptable standard, as this would render the development unviable. Uplift of the carriageway was anticipated as a significant improvement to the existing surface which was severely deteriorated.

3.5.4 That the applicant has carried out unauthorised works, in breach of the condition attached to the original grant of planning permission, by virtue of failure to submit and receive approval of a scheme of works prior to implementation, must be acknowledged.

3.5.5 The works undertaken involve scarification of the pre-existing carriageway and application of a hot rolled asphalt top surface of an appropriate depth, including traffic calming measures in the form of speed cushions, and a drainage channel between the carriageway and the footway. Adjoining the eastern edge of the carriageway is an alternative surface of compacted stone chippings for horses, as necessary given the bridleway status.

3.5.6 Taking enforcement action to secure removal of the unauthorised works would, however, be unreasonable, as such action would be merely punitive rather than for the purpose of alleviating any harm caused, which must be the reason for enforcement action. Moreover, the prospect of successful enforcement action to secure removal and replacement of the unauthorised surfacing works is remote. The Framework, at paragraph 59, sets out the fundamental principles of enforcement, as follows:

“Enforcement action is discretionary, and Local Planning Authorities should act proportionately in responding to suspected breaches of planning control.”

Moreover, The Framework, at paragraph 115 states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

3.5.7 It is considered that the unauthorised works demand a proportionate and pragmatic response from the LPA. The proposal is considered a reasonable and effective means of regularising the current works and securing additional re-surfacing works for the remaining section of Victoria Buildings. That the works also result in a very significant improvement to the carriageway must also be acknowledged in assessment of this proposal, as evidence in the following before and after photographs:



Taken July 2019.



Taken January 2024

- 3.5.8 The Council's Highways consultee, following a site inspection, deems the works to be of a reasonable standard, broadly in accordance with those originally envisaged, subject to the remaining section of carriageway, and footway as necessary, being completed. It should be re-iterated that the highway will not be adopted.
- 3.5.9 The development is found to be compliant with the transport and accessibility objectives of Policy DM29 of the Local Plan 2021 - 2037 and The Framework. Accordingly, Members are recommended to approve this application to vary condition no. 15 of the original planning permission.

4.0 RECOMMENDATION

4.1 Approve subject to:

Delegated authority is given to the Strategic Director of Growth and Development and the Deputy Chief Executive to approve planning permission, subject to the following conditions:

1. The development hereby permitted shall begin on or before the 27th March 2023 i.e. three years from the date of the original 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 proposal received 19th August 2019; in accordance with following drawings / plans / information:

1914-GTA-00-00-DR-A-1000, 1914-GTA-00-00-DR-A-1001 Rev A, 1914-GTA-00-00-DR-A-1002 Rev A, 1914- GTA-00-00-DR-A-1003 Rev A, 1914-GTA-00-00-DR-A-1004, 1914-GTA-00-00-DR-A-1005, 1914-GTA-00-00-DR-A-1006, 1914-GTA-00-00-DR-A-1007, 1914-GTA-00-00-DR-A-1008, 1914-GTA-00-00-DR-A-1009, 1914-GTA-00-00-DR-A-1010, 1914-GTA-00-00-DR-A-1019, 1914-GTA-00-00-DR-A-1020 & 1914-GTA-00-00-DR-A-1021.

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

3. Notwithstanding the submitted details, prior to commencement of the development hereby approved, samples of all external walling and roofing materials, including their colour, to be used in construction of the building work shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory, in accordance with Policies CP8 and DM27 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

4. Notwithstanding the submitted details, prior to commencement of the development hereby approved, a scheme detailing boundary treatments throughout the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the site.

REASON: To ensure that the external appearance of the development is satisfactory, in accordance with Policies CP8 and DM27 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

5. The development shall be carried out in strict accordance with the approved Arboricultural Impact Assessment, dated 27th July 2019, prepared by GM Tree Consultants, and Tree Protection Plan numbered 1328/TPP001 Rev 1. Specified tree protection measures shall be adhered to throughout the period of construction.

REASON: To ensure appropriate arboricultural management, in accordance with the requirements of Policy DM17 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

6. Retention of trees shall be in strict accordance with the approved Arboricultural Impact Assessment, dated 27th July 2019, prepared by GM Tree Consultants, and Tree Protection Plan numbered 1328/TPP001 Rev 1.

REASON: For the avoidance of doubt and by reason of trees representing a public benefit by way of visual amenity and should therefore be protected at all times, in accordance with Policy DM17 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

7. Notwithstanding the submitted details, prior to commencement of the development hereby approved a hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of materials to be used for hard surfaces and native tree and shrub planting, to compliment local priority habitat and to provide for a net gain in biodiversity. Hard surfaces shall be implemented in accordance with the agreed details. Planting of trees and shrubs shall also be implemented in accordance with the approved details, during the first available planting season following completion of the development. Trees dying or becoming diseased, removed or being seriously damaged within five years of planting shall be replaced by trees and shrubs of similar size and species to those originally required to be planted during the first available planting season after the loss of the trees and/or shrubs.

REASON: In the interests of ecology, biodiversity and visual amenity, in accordance with the requirements of Policies CP6, CP8, DM15, DM17 and DM27 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

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

REASON: In order to protect ecology and biodiversity, in accordance with Policies CP6, CP8, DM15, and DM17 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

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

REASON: To ensure the protection of species and habitat, in accordance with the requirements of Policies CP6 and DM15 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

10. If construction of the development has not commenced within two years of the date of submitted Preliminary Ecological Assessment (bEk Enviro Ltd - July 2019), an updated assessment shall be submitted to and approved in writing by the Local Planning Authority. Any required mitigation identified in the survey shall be incorporated into the development hereby approved.

REASON: To ensure an up to date ecological assessment of the site; in accordance with Policies CP6, DM15, DM17 and DM27 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

11. Prior to commencement of the development hereby approved a sustainable surface water drainage scheme and future management plan, shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

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.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

REASON: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with the requirements of Policy DM13 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

12. Foul and surface water shall be drained on separate systems.

REASON: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with the requirements of Policy DM13 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

13. Prior to commencement of the development hereby approved, a management and maintenance scheme for the sustainable drainage system

for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include as a minimum:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company;
- b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - on-going inspections relating to performance and asset condition assessments.
 - operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime; and
- c) Means of access for maintenance and easements where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with the requirements of Policy DM13 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

14. The development hereby approved shall be implemented in strict accordance with the flood risk mitigation methodology set out in the submitted Flood Risk Assessment, produced by bEk Enviro Ltd, dated July 2019. Finished floor levels (FFL's) of the dwellings hereby approved shall be 600mm above the existing ground level, to result in FFL's of 170.60mAOD.

REASON: To mitigate against the risk of flooding; in accordance with Policy DM13 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

15. Within 2 months of the date of this permission, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the upgrading of surface treatment, drainage and junction markings to the remaining unsurfaced section of carriageway at Victoria Buildings – ie. the upslope section up to the junction with Johnson Road and the section to the front of no. 10 Victoria Buildings; and the footway, as necessary. The approved scheme shall be implemented in full within 3 months of approval being issued.

REASON: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policies CP9 and

DM29 10 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

16. Prior to commencement of the development hereby approved, a Construction and Environmental Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) wheel washing facilities, including a method statement outlining how the developer intends to use and manage the facility. The approved wheel wash shall be put in place at all vehicle access points onto the public highway when work commences and shall remain in operation throughout the period of development;
- vi) measures to control the emission of dust and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) Measures to prevent pollution to Waterside Brook.

REASON: In order to avoid the possibility of the public highway being affected by the deposit of mud/or loose materials which could create a potential hazard to road users, in order to protect the amenity of the occupiers of the adjacent properties, in order to protect the visual amenities of the locality and in order to protect Waterside Brook from pollution, in accordance with Policies DM02, CP9 and DM29 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

17. Visibility splays shall not at any time be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height greater than 1 metre.

REASON: To provide for the safe, efficient and convenient movement of all highway users, in accordance with in accordance with Policies CP9 and DM29 10 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

18. Prior to commencement of development hereby approved, a detailed scheme of intrusive site investigations, identifying the risks of historical coal mining activities within the application site and proposed remedial measures where necessary, shall be submitted to and approved in writing by the Local Planning Authority. Approved remedial works shall be implemented prior to the commencement of construction.

REASON: To secure a satisfactory level of amenity and safety for future occupants, in accordance with Policy DM2 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

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

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

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

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, to protect the health of future occupiers, in accordance with Policy DM2 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

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

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable for use', as such, does not pose a risk to future users of the site or the wider environment, in accordance with Policy DM2 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

21. 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 DM2 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

22. The construction of the development hereby permitted shall only take place between the hours of 08:00 and 18:00 Monday to Friday, 09:00 to 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

REASON: To protect the amenity of residents, in accordance with Policy DM02 of the Blackburn with Darwen Borough Local Plan 2021 – 2037.

23. No works at the application site, including any clearance/demolition or preparation works shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological works, which shall first have been submitted to and agreed in writing by the Local Planning Authority

REASON: To ensure and safeguard the recording and inspection of matters of archaeological / historical importance associated with the buildings/site; in accordance with Policies CP7 and DM26 of the adopted Blackburn with Darwen Borough Local Plan 2021 – 2037.

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

REASON: To preserve the appearance and to secure acceptable levels of residential amenity, in accordance with Policies CP8, DM27, and DM02 of the Blackburn with Darwen Borough Local Plan 2021 – 2037.

5.0 PLANNING HISTORY

5.1 10/19/0807: Residential Development of 10 No. detached dwellings including access and associated landscaping. Approved by Planning & Highways Committee 27th March 2020.

6.0 CONSULTATIONS

6.1 BwD Highways

Further to our discussion with the applicant and recent site visit, we are satisfied that the works carried out to the carriageway are acceptable.

Work, however, is outstanding to both the footway and junction improvements to the Victoria Buildings and Johnson new Road Junction.

In principle we offer no objections to a partial variation, with the remainder of works outstanding to be attached, to be delivered in discussion with the Local Highway Authority.

Saf Alam – 1st February 2024

7.0 CONTACT OFFICER: Nick Blackledge, Principal Planning Officer

8.0 DATE PREPARED: 1st February 2024.

9.0 SUMMARY OF REPRESENTATIONS

Objection – Christina Vernon. Received: 09/11/2023.

I would like to object to the removal of condition 15 with regards to planning application 10/23/0978.

The reasons for this are as below:

- 1) A pre-approved scheme which residents could have had their say on was supposed to be agreed in advance of commencement. Instead the developer has carried out his own upgrade which may appear better than the existing surface, but is actually still sub-standard for reasons suggested below.
 - 2) This 'upgrade' to the road surface does not meet at the junction which was a particular concern in the original objections. It has now been churned up by the sheer load of heavy goods vehicles turning tightly whilst attending the site & in wet weather is difficult to get off the incline onto the main carriageway.
 - 3) No added drainage has been accounted for and the road after the development now has a camber to the right (if going down hill) which can only be tackled in a 4x4.
 - 4) There are no curbs separating the carriageway from the bridleway area, which after 5 months of being laid is being washed away & separations/breakages in the levelness of the surface between that & the highway can be seen.
 - 5) Re-surfacing in full has not yet been completed.
 - 6) The developer had said verbally to residents that he would be putting drainage in to divert surface water flow from the new road layout into the brook. This has not happened and is damaging the road beyond the development which in turn is causing damage to vehicles lower than 4x4's.
 - 7) If the developer is taking responsibility for maintenance, ideally there should be an agreed standard of surface/levelness to be submitted as well as a maintenance schedule.
 - 8) As an unadopted road - It is the residents of Victoria buildings & their access roads who are equally responsible for maintenance of the road at present. The developer application states 'Also it is noted that the upgraded road is not adopted and therefore the extent of the upgrade works should be controlled by the developer. This will also include the future maintenance'. This does not cover future maintenance if the developer goes out of business, bankrupt, insolvent, ceases trading at which point it falls back upon the residents. The road should be done to an adoptable standard, as maintaining a tarmac road is much more costly than the stone we already had (circa £10k every 2 years compared to £2k that we have been previously paying) or the work done to an adoptable standard so that the council can adopt the road where there are over 140 residents should the developer no longer exist.
-