

**Proposed development: Discharge of planning condition for Discharge Condition No.17 "off-site highway works scheme " pursuant to planning application 10/20/0716 "Outline planning application with all matters reserved for residential development of up to 165 dwellings"**

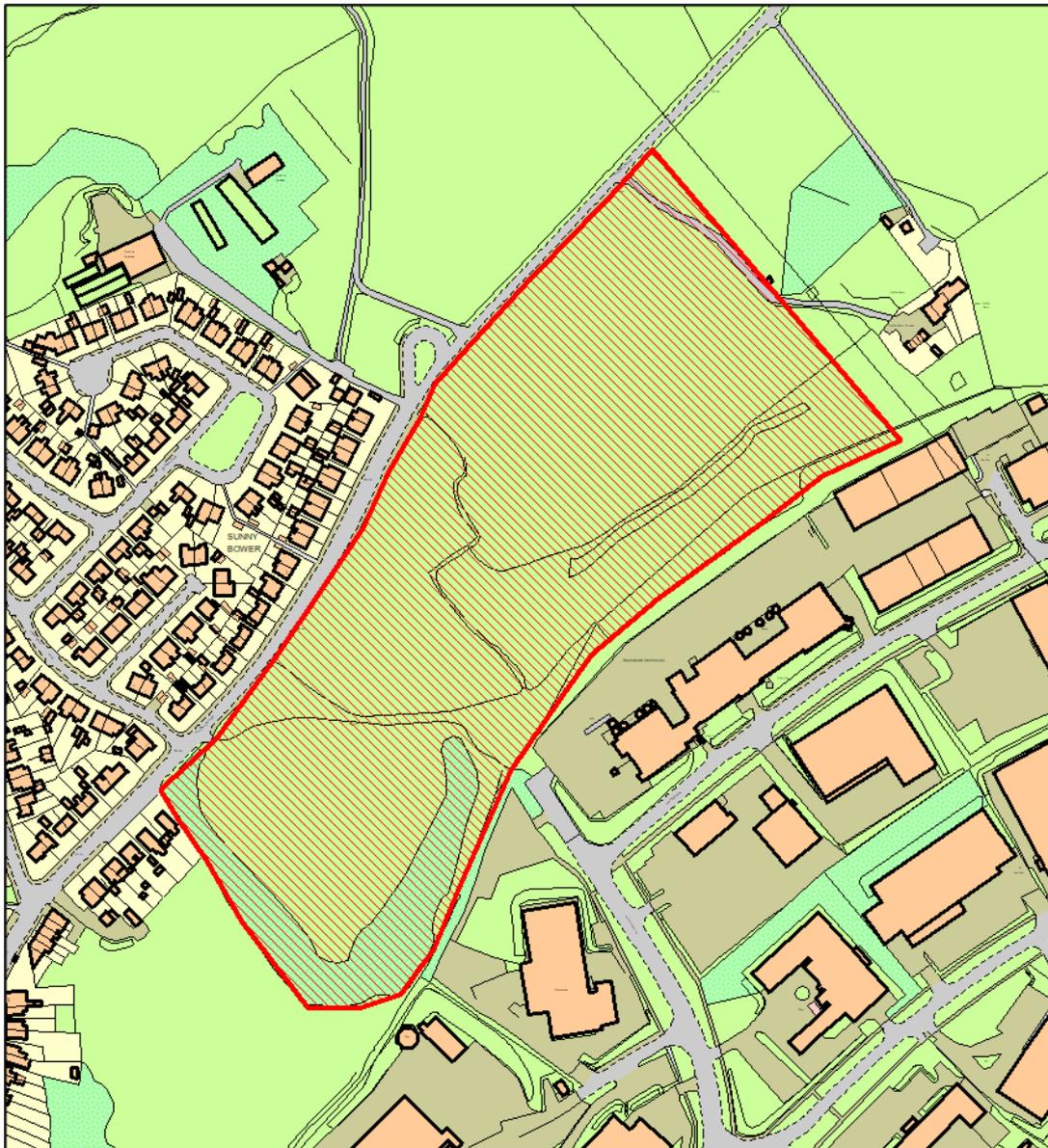
**Site Address:**

**Land to the south of Whalley Old Road  
Blackburn**

**Applicant: Countryside Partnerships Ltd**

**Ward: Little Harwood & Whitebirk**

**Councillors: Mustafa Desai  
Sonia Khan  
Abdul Patel**



## **1.0 SUMMARY OF RECOMMENDATION**

- 1.1 The discharge of planning condition 17 of planning permission 10/20/0716 is recommended.

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

- 2.1 This application is presented to the Planning and Highways Committee due to the need to consider condition 17 (off site highway works) imposed upon outline planning permission 10/20/0716, which relates to a residential development of up to 165 dwellings. It is also necessary to clarify highway related advice set out at the time of the assessment of the subsequent reserved matters planning application 10/22/0722 at the November Committee meeting.
- 2.2 Although the Council's constitution does not necessitate this form of application being presented to Members for assessment, on this occasion it is considered that clarification is required to comments made in the Update Report to the November Committee meeting, relating to the narrowing of a section of Whalley Old Road fronting the site provided during the assessment of reserved matters planning application 10/22/0722.
- 2.3 Officer reference to road narrowing being erroneous was correct at the time as the details set out within the reserved matters application 10/22/0722, were restricted by the application's red line boundary and did not extend into the highway. Rather it would be a consideration for a later condition discharge application to agree this or any other element, when considering the condition for off-site highway works had already been secured by condition 17 of the outline planning approval 10/20/0716.
- 2.4 The submitted details considered through the assessment of the current condition discharge application meet the specific requirements of condition 17 of 10/20/0716. The proposed highway changes provide for the safe, efficient and convenient movement of all highway users and compliance with the relevant development plan policy is achieved.

## **3.0 RATIONALE**

### **3.1 Site and Surroundings**

- 3.1.1 The application site has a valid outline approval 10/20/0716, which provides for up to 165 dwellings. Reserved matters planning approval 10/22/0722 addressed access, appearance, landscaping, layout and the scale of the development.

- 3.1.2 The site is circa 8 Hectare in area and is located at the north-eastern edge of Blackburn in the neighbourhood of Sunny Bower. It is positioned to the south of Whalley Old Road, which serves as a link between Brownhill Drive (Blackburn Ring Road) and the rural settlements in Hyndburn beyond the borough boundary.
- 3.1.3 To the north-west, the site has a long frontage to Whalley Old Road, which is partly defined by a dry-stone wall and partly by a hedge and fence. On the opposing side of Whalley Old Road is the neighbourhood of Sunny Bower.
- 3.1.4 The area affected by the extant planning permissions is defined by the red edge, as illustrated below;



## 3.2 Proposed Development

- 3.2.1 Condition 17 imposed upon outline planning approval 10/20/0716 related to off-site highway works and reads as follows:

*No development shall occur until a scheme of off-site highway works has been submitted to and approved in writing. The scheme shall provide for the following;*

- *1 x priority access bellmouth junction with associated widening to create visibility splays and 2m footways on either side;*
- *New footway across the site frontage;*
- *2 x crossing points to Whalley Old Road; and*
- *Extension of the 30mph zone eastwards and provide traffic calming in the form of prominent markings to increase driver awareness.*

*REASON: In the interests of the safe, convenient and efficient movement of all highway users, in accordance with the requirements of Policy 10 of the Blackburn with Darwen Borough Local Plan Part2*

3.2.2 The current application under consideration by the Planning and Highway Committee seeks the formal discharge of condition 17 of 10/20/0716.

### 3.3 Development Plan

3.3.1 Blackburn with Darwen Borough Council adopted its new Local Plan 2021-2037 on the 25<sup>th</sup> January 2024. Notwithstanding this fact, the current discharge of condition application relates to condition 17 of permission 10/20/0716 which cited Policy 10 of the Blackburn with Darwen Local Plan Part 2 (December 2015).

### 3.5 Assessment

3.5.1 Background: During the assessment of reserved matters application 10/22/0722 an objection was received on behalf of the Sunny Bower Residents Group that raised concerns in relation to two broad areas. Namely, highway impacts and noise levels.

3.5.2 Amongst the highway concerns raised was the issue as to whether a section of Whalley Old Road fronting the site would be reduced in width. The objection stated;

*“The indicative details proposed [within the submission supporting outline application 10/20/0716] a reduction in width of part of Whalley Old Road by using hatching markings, not actually reducing the overall width. The planning application proposes to reduce the width of Whalley Old Road by laying a new footpath along the front of the site. This, coupled with the 2<sup>nd</sup> access point across the road from 2 other access points, residents’ cars parked on the road outside their homes, again in reality is going to cause problems in the flow of the traffic along Whalley Old Road”.*

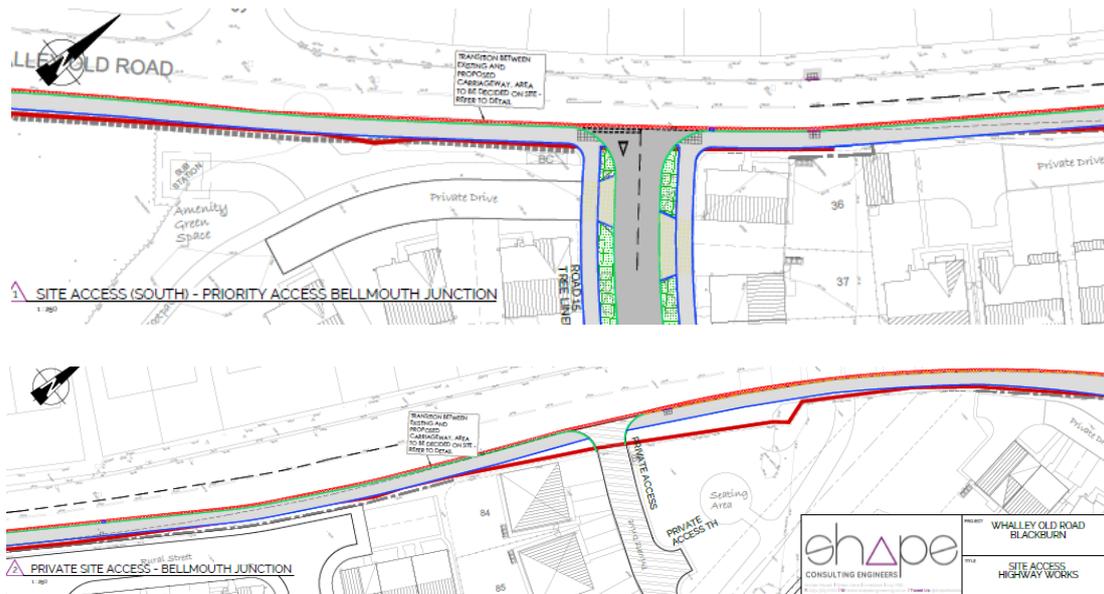
*Excerpt from Sunny Bower Residents Group objection to application 10/22/0722*

3.5.3 Clarification was offered within the update report to the November 2022 meeting of the committee.

*“The reference to two access points reported at section 6.3 of the main report is provided by the highway officer. It would be more accurate to identify the two points discussed as those serving the whole development. As the objection states, there are three access points within the current scheme, as discussed at sections 3.2.5 and 3.4.11 to 3.4.15 of the main report.*

*The reference within the objection to the road narrowing is erroneous. The proposal, including provision of pedestrian footway, is contained within the application site and will not require a reduction in the width of Whalley Old Road.*





- 3.5.7 The Council's highway team have reviewed the submission, in conjunction with the accompanying road safety audits and other supporting documents. The highway team have advised that the requirements of the condition (namely provision of; 1 x priority access bell-mouth junction with associated widening to create visibility splays and 2m footways on either side; New footway across the site frontage; 2 x crossing points to Whalley Old Road; and Extension of the 30mph zone eastwards and provide traffic calming in the form of prominent markings to increase driver awareness) have been set out in the drawings received
- 3.5.8 Furthermore, the highway team advise that the indicative layout that was presented at reserved matters stage, was on the principle that the footway would be contained within the site frontage. There is, however, a small section of the new footway (5m in Length) pulled into the carriageway. The point where this occurs, Whalley Old Road is wide, and the introduction of a small section of footway into the carriageway is considered to be without detriment to highway safety or the free flow of traffic. Indeed, the width reduction at this point supports the overall concept of traffic calming. Together with the placement of a pedestrian refuge island and a reduction in speed conforms to the traffic calming requirement of condition 17.
- 3.5.9 In summary, the submitted details meet the specific requirements of condition 17. The resulting highway change are considered to provide for the safe, efficient and convenient movement of all highway users and compliance with the relevant development plan policy is achieved.

## 4.0 RECOMMENDATION

- 4.1 **Delegated authority is given to the Strategic Director of Growth and Development and Deputy Chief Executive to APPROVE the discharge of condition 17 attached to planning permission 10/20/0716.**

## 5.0 PLANNING HISTORY

10/20/0716 - Outline planning application with all matters reserved for residential development of up to 165 dwellings (Approved February 2021)

10/22/0722 - Approval of the reserved matters for the access, appearance, landscaping, layout and scale for the erection of 165 dwellings pursuant to outline application 10/20/0716 (Approved November 2022)

10/22/1231 - Non material amendment pursuant to planning application 10/22/0722 " Reserved Matters Application for Approval of the reserved matters for the access, appearance, landscaping, layout and scale for the erection of 165 dwellings pursuant to outline application 10/20/0716 " - amendment to house type at plots 3, 4 and 38 (Approved February 2023).

In addition, there have been a number of condition discharge applications that relate to the above planning approvals.

## 6.0 CONSULTATIONS

- 6.1 Highways: Details have been received and assessed. The condition as set out is for the following:

No development shall occur until a scheme of off-site highway works has been submitted to and approved in writing. The scheme shall provide for the following.

- 1 x priority access bellmouth junction with associated widening to create visibility splays and 2m footways on either side.
- New footway across the site frontage.
- 2 x crossing points to Whalley Old Road; and
- Extension of the 30mph zone eastwards and provide traffic calming in the form of prominent markings to increase driver awareness.

REASON: In the interests of the safe, convenient and efficient movement of all highway users, in accordance with the requirements of Policy 10 of the Blackburn with Darwen Borough Local Plan Part 2

The requirements of the condition have been set out in the drawings received, which are accompanied by Swet path and an updated Roads Safety Audit.

The indicative layout that was presented at planning approval stage, was on the principle that the footway would be contained within the site frontage. There is a small section (5m in Length) pulled into the carriageway. The point where this occurs, the road is considerably wide, and the introduction of a small section of footway into the carriageway is acknowledged and accepted, as this adds to the overall concept of Traffic calming, this together with the placement of a pedestrian refuge island and a reduction in speed conforms to the traffic calming requirement of this condition.

The works are to be delivered in conjunction with the authority and the relevant approvals required to support the improvements to the network.

6.2 Sunnybower Community Group – comments in Section 9.

**7.0 CONTACT OFFICER: Martin Kenny, Principal Planning Officer**

**8.0 DATE PREPARED: 5<sup>th</sup> February 2024**

**9.0 SUMMARY OF REPRESENTATIONS**

**Objection – Ian Sykes, on behalf of Sunny Bower Community Group. Received: 10/10/2023.**

Good Evening,

Given that the above planning reference is still open for discussion, I would like to submit the following objection on behalf of Sunny Bower Community Group in my capacity as Chairman.

When the development was discussed for approval at the Blackburn with Darwen Borough Council (BWDBC) planning meeting on 17th November 2022 we raised a number of objections to the layout, particularly relating to the relocation of the bell mouth junction, removal of priority turning lane and the indicated reduction in the width of Whalley Old Road to accommodate the required 2m wide footpath along the frontage of the new development, which we still stand by, despite the council's acceptance.

The response from the Gavin Prescott, Planning Manager, in relation to the footpath and narrowing of Whalley Old Road was as follows:

***“The reference within the objection to the road narrowing is erroneous. The proposal, including provision of pedestrian footway, is contained within the application site and will not require a reduction in the width of Whalley Old Road.”***

When asked for an update on the discharge of condition 17 on 30th November 2022, Martin Kenny, Principal Planning Officer for BWDC advised:

***“Further to your email of the 29th November 2022, which seeks access to an additional plan demonstrating that Whalley Old Road will not be narrowed.***

***Please be advised that the matter will be fully addressed through a future discharge of condition application. You may recall that condition 17 of the Outline Planning Approval 10/20/0716 relates to off-site highway works and included, amongst other requirements, provision of a new footway across the site frontage.***

***The detailed design work that will inform the forthcoming condition discharge application has yet to be completed. However, highway colleagues have indicated that they would not support the narrowing of the carriageway through that process.”***

On the 4<sup>th</sup> October, 2023 Mr Gavin Prescott, Planning Manager, responded to our requests for clarity on the council’s position on application 10/23/0792 as there had been virtually no change to the application drawing “2295-SCE-00-00-DR-C-0009 Site Access Highway Works” from when it was first submitted and discussed at the planning meeting on 17<sup>th</sup> November. His response was somewhat surprising, given then the previous information he had provided to the meeting on the 17<sup>th</sup> November was clearly now not the case as the footpath and plan to narrow Whalley Old Road was to be approved.

Mr Prescott advised:

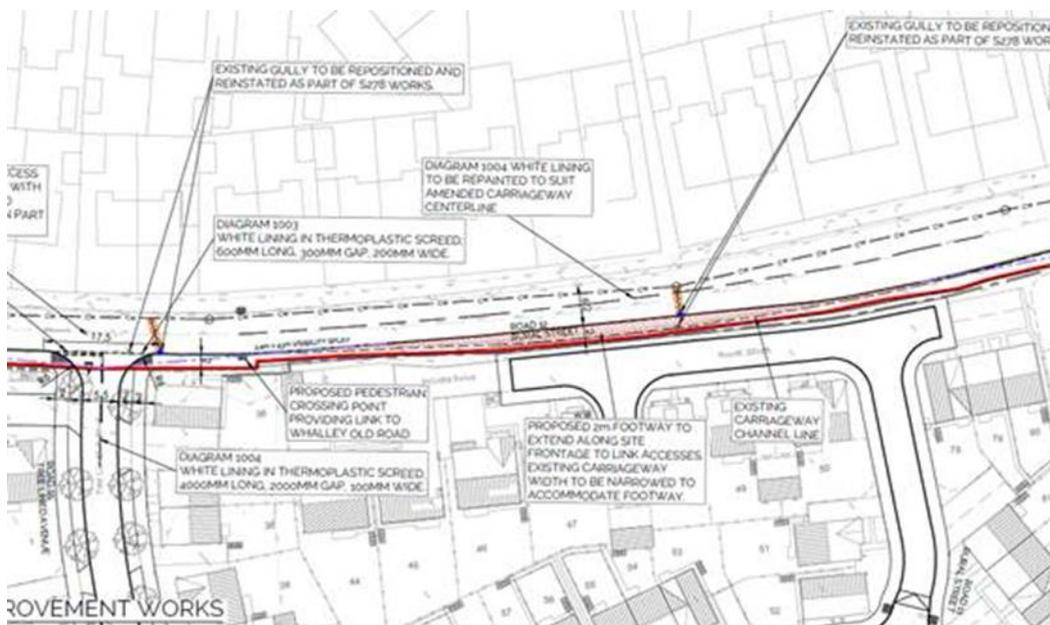
***“The issue was also addressed in the Committee report presented to the November 2022 Committee meeting relating to the reserved matters application 10/22/0722. The relevant extracts are as follows:***

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

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

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

**The Council's highway officers have reviewed the submitted details (which are shown in the attached drawing), along with the applicants highway consultants. Having reviewed the drawing, there appears to be an area within the centre of the site where the carriageway is narrowed to facilitate the required 2m footway. (shown hatched red on the attached drawing, and on the extract below) The carriageway varies in width along Whalley Old Road, at the point of the narrowing, the carriageway is 8.2m wide. It is considered that by reducing the carriageway at this juncture, would go further towards supporting the authority's vision of traffic calming along the section of road fronting the development site to aid all highway users including old and new residents in the area. The remaining carriageway at 6.2m, would still maintain two way traffic movement.**



***I trust the above comments are of assistance to you."***

In the Strategic Directors Report from the November 2022 meeting excerpt provided by Mr Prescott, he advises that the introduction of appropriate road markings via s278 works or through the introduction of traffic regulation orders may allow may assist access and egress to the development and therefore a reduction in Whalley Old Road need not therefore affect free flowing traffic.

The subsequent recommendation to permit with conditions, included condition 6.3 shown below:

***"6.3 Highways: Footpath 48, Blackburn runs along the south east side of the development site. Any change of surface to the path must first be authorised by the Highway Authority prior to any improvements /alterations made including adding steps, stiles, gates or any other structures. The construction is likely to impact on the use or safety of the public footpath whilst under way, as such the applicant needs to apply for a temporary closure of the footpath. Two new vehicular access points are proposed on plan, these are to be taken from Whalley Old Road. At the outline***

***stage the following offsite highway works were recognised and deemed necessary to enable and support development, the proposal recognised the following mitigation works would also be required to facilitate development***

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

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

## **OBJECTION**

1. We are very concerned that our initial objection was not discussed in full due to Mr Prescott advising the footpath was being incorporated into the development and Mr Martin Kenny’s comments that highway colleagues would not be in support of narrowing the road.
2. There is no provision in the submitted drawings by Countryside Partnerships for any appropriate road markings to assist in the access and egress to the development. This was one of the major objections we originally raised in November 2022 which was never discussed.
3. One of the conditions attached to the permitted development clearly states “- ***Widening of the carriageway along the site frontage***”. Therefore, how is it possible to permit the discharge of condition 17 when it is narrowing the carriageway along the site frontage?
4. Local Plan Policy 10 outlines a general requirement for all development proposals to not prejudice road safety, or the safe and convenient movement of all highway users. Narrowing of Whalley Old Road is not a traffic calming measure as Mr Prescott advised. It will dramatically affect the safe and convenient movement of all highway users.
5. It is extremely disappointing as residents and constituents that BWDC appear to be ignoring their own condition applied to the recommendation to permit and allow the narrowing of Whalley Old Road.
6. The E14 Connectivity Study North Blackburn 2020 Report Summary Ref 19 advises:

Please refer to section 5.3 for reference locations and illustrative diagram of proposals.

Ref	Location	Key Issue	Suggested Improvement
19	Whalley Old Road	Lack of cycle provision along road.	Introduce cycle lanes.
20	Phillips Road	Lack of cycle provision along road.	Introduce cycle lanes.
21	PRoW between Whalley Old Road and Parsonage Road	Unsurfaced / poor surfaced footpaths through farmers fields. Sense of vulnerability due to location in open space with no natural surveillance or lighting.	Opportunity for development for natural surveillance and incorporation of formal cycle/footpath through the new development, including lighting and improved surfacing.
22	Parsonage Road	No footpaths either side of road.	Create footpaths on one side of the road here, for access from the new developments.
23	Stonehill Nurseries / Whalley Old Road	Footpath through nursery makes wayfinding difficult.	Improved signage at entrance to footpath and opportunity to move PRoW to along the existing track here which avoids the nursery.

Should a cycle route be introduced, this would then further reduce the width of Whalley Old Road.

7. Whilst we have been extremely vocal in our requests for traffic calming on Whalley Old Road and have provided BWDC of numerous pictures and videos submitted to us by users and residents showing fast moving traffic, accidents and queuing on an already very busy road, we firmly believe that road should not be narrowed.

Traffic Calming in the form of speed bumps, chicanes, road hatching, whilst more costly, we believe would be far more beneficial than simply narrowing the road and potentially causing chaos on what BWDC have called a major gateway route into Blackburn, with plans for a further 1,500 houses to be built with access and egress onto Whalley Old Road.

**Objection – Mr A Duckworth, 2 Sunny Bower Close. Blackburn. Received: 11/10/2023.**

There is a proposal to narrow Whalley Old Rd. alongside the new development at Sunny Bower, I just want to point out that it is not a country lane today it is a major link that is used to access Whalley & Gt Harwood .at busy times there are more cars that use it than Walley New Rd. So why can't the footpath be incorporated in the development.