

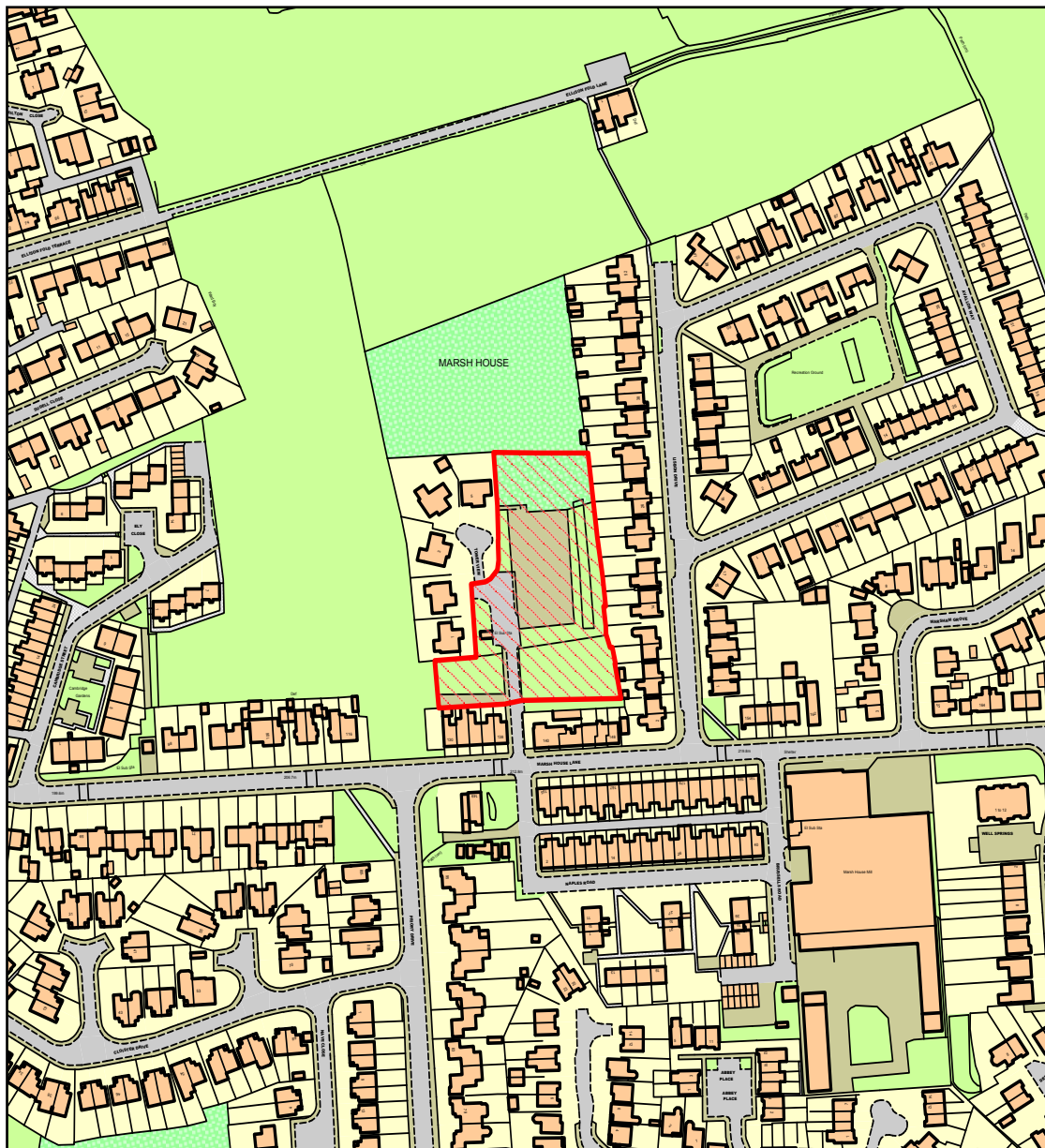
Proposed development: Full Planning Application for Erection of 17 houses with associated roads, pavements, garages and gardens

**Site address:
Land at Tower View
Darwen**

Applicant: Hearle Homes

Ward: Darwen South

**Councillor Kevin Connor
Councillor Lilian Salter
Councillor Neil Slater**



1.0 SUMMARY OF RECOMMENDATION:

- 1.1 APPROVE – Subject to a Section 106 Agreement relating to the provision of off-site Green Infrastructure and conditions as set out in paragraph 4.1.**

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 The proposal will deliver a high quality housing development which will assist in widening the choice of family housing in the Borough; in accordance with the Borough's strategic aims and objectives for housing growth as set out in the Core Strategy. The proposal is also satisfactory from a technical point of view, with all issues having been addressed through the application, or capable of being controlled or mitigated through planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The planning application is submitted following the Council's disposal of the site through an informal tender process. The proposal generally follows the indicative layout produced in the marketing particulars for the site prior to its sale.
- 3.1.2 The application site lies within the Darwen's Urban Boundary. Although it is unallocated, it lies to the immediate south and east of a housing allocation identified as "East Darwen Development Corridor" which includes Bailey's Field; in accordance with the Local Plan Part 2. The site was previously Council owned. It comprises land formerly occupied by Tower View Adult Day Centre, an allotment and associated highway infrastructure occupying an area of circa 0.46 hectares (1.14 acres). The Day Centre was demolished following appropriate assessment of a separate prior notification of demolition application.
- 3.1.3 Access to the site is taken from Tower View which is linked to Marsh House Lane, to the immediate south. The area is defined by its residential character, featuring terraced house types along Marsh House Lane to the south and Lisbon Drive to east, and detached bungalows to the north and west of Tower View. Land levels generally fall gradually in an east to west direction. A sharper fall occurs along the eastern extremity of the site. As a location in relative proximity to the edge of the urban boundary, it offers close links to the open countryside to the east.
- 3.1.4 Public transport links run along Marsh House Lane directly into Darwen town centre; a circa 5 minute road journey. Pedestrian links offer an alternative circa 15 minute journey into the town centre. Darwen train station offers frequent services for commuters to destinations including but not limited to Manchester, Bolton, Clitheroe and Preston.

3.2 Proposed Development

- 3.2.2 The proposal is a full planning application for the erection of 17no. dwelling houses and associated highway infrastructure enhancements.
- 3.2.3 The proposal seeks to deliver a quality development, essentially in the form of a cul-de-sac, of four different house types, comprising a mix of 12no. 3 bed semi-detached units and 5no. 4 bed detached units. Dedicated off street parking spaces are provided, including garages for the detached units. 4no. communal off street parking spaces are also proposed for visitors and / or existing residents of Tower View / Marsh House Lane.
- 3.2.4 Enhancement to the existing point of access along Tower View is proposed to provide surfacing and traffic calming to an adoptable standard.
- 3.2.5 Layout is largely constrained by the surrounding houses. Plot 1 is the single unit proposed to the west of Tower View, positioned side on to properties along Marsh House Lane. Plots 2 – 7 are positioned to the east of Tower View, parallel to and facing the rear of properties on Marsh House Lane. Plots 5 – 13 are in linear form fronting the proposed road and plots 14 – 17 sit perpendicular to these off the proposed turning head.

3.3 Development Plan

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

3.3.2 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS5 - Locations for New Housing
- CS6 – Housing Targets
- CS7 – Types of Housing
- CS16 – Form and Design of New Development
- CS19 – Green Infrastructure

3.3.3 Local Plan Part 2

- Policy 1 – The Urban Boundary
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design
- Policy 12 – Developer Contributions
- Policy 18 – Housing Mix

- Policy 40 – Integrating Green Infrastructure and Ecological Networks with New Development
- Policy 41 – Landscape

3.4 Other Material Planning Considerations

3.4.1 Residential Design Guide Supplementary Planning Document

This document provides targeted advice to ensure high quality new homes. It aims to ensure that new development reflects the individual and collective character of areas of the Borough and promotes high standards of design. The document also seeks to ensure a good relationship between existing and proposed development in terms of protecting and enhancing amenity.

3.4.2 National Planning Policy Framework (The Framework)

The Framework sets out the government’s aims and objectives against which planning policy and decision making should be considered. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 5 – Delivering a sufficient supply of homes
- Section 8 – Promoting healthy and safe communities
- Section 11 – Making effective use of land
- Section 12 – Achieving well-designed places

3.5 Assessment

3.5.1 In assessing this application, the following important material considerations have been taken into account:

- Principle;
- Highways and access;
- Drainage;
- Design and Layout;
- Amenity impact;
- Ecology;
- Contaminated land; and
- Green Infrastructure.

3.5.2 Principle

The principle of the development is considered under the Blackburn with Darwen Local Plan Part 2: Site Allocations and Development Management Policies and the Core Strategy.

3.5.3 The site lies within the urban boundary of Darwen but is otherwise unallocated. Although outside of the preferred location for new housing within the defined Inner Urban Area, the proposal is consistent with the Core Strategy’s overarching aims and objectives of achieving economic gain

through new development and of promoting new house building with the urban areas of Blackburn and Darwen.

3.5.4 Policies CS7 and 18 promote a wider choice of housing. The proposal offers a range of family sized detached and semi-detached typology in a locality where it will make a positive contribution to the character of the local area; on account of the current vacant status of the site and the principles advocated in The Framework relative to making effective use of land.

3.5.5 Accordingly, the principle of the development is accepted as consistent with 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:

3.5.6 Accessibility and Transport

The development is essentially laid out in cul-de-sac form utilising existing access arrangements from the north of Marsh House Lane along Tower View; which will be extended in a northerly direction to include a turning head. Properties will be accessed from the east and north of the cul-de-sac, with the exception of plots 2 – 7 will be accessed from formation of an internal road running parallel to rear of properties on Marsh House Lane.

3.5.7 Details, including a Transport Statement, have been reviewed by the Council's Highways consultee. No objection is offered; on account of a proposed adoptable upgrade to the access / egress arrangements through introduction of a marked junction and a footway along the western section of Tower View to link with the existing bungalows, appropriate refuse vehicle tracking within the amorphous turning head, and off-street parking in accordance with the Council's adopted standards is also demonstrated.

3.5.8 The development will be located within the urban area, in a location that benefits from excellent public transport links to Darwen Town Centre and that is well served by pedestrian and cycling routes

3.5.9 Accordingly, the proposal provides for the safe and efficient movement of highway users and accords with the principles of sustainable modes of transport, in compliance with the aims and objectives of the Development Plan and The Framework; subject to submission of a Construction Management Plan, to ensure safety and efficiency during construction phase and introduction of junction improvements / traffic calming. These requirements will be secured by means of appropriately worded conditions.

3.5.10 Design and Layout

A Design and Access Statement is submitted in support of the application, setting out the key design principles. Layout is essentially dictated by the existing road form and dwellings to the south east and west of the site. Nonetheless, the orientation and scale of the layout is considered to maximise the sites potential, in creating a welcoming entrance and a general form that provides unity and reflects the defining characteristics of the surrounding area.

3.5.11 Although opportunity for communal landscaping is limited, it is proposed to areas forward of plots 2 – 7 and to the west of the access road, adjacent to the sub-station. Individual plots will feature appropriate highway fronted landscaping.

3.5.12 The area generally offers a variety of house types. A mixture of house types are proposed including 12no. 3 bed semi-detached and 5no. 4 bed detached; typologies of a scale and nature that are appropriate in context. Each of the dwellings, although varied in scale, feature vertically emphasised form with a mix of gable roof profiles and proportionate fenestration. Use of external materials appropriate to the setting will be secured by an appropriately worded condition.

3.5.13 Proposed boundary treatments are acceptable.

3.5.14 Accordingly, the design principles proposed are considered consistent with the aims and objectives of the Development Plan and The Framework.

3.5.15 Amenity

The proposed layout incorporates appropriate separation standards between proposed dwellings within the site and those adjacent to the site; as advocated by the Residential Design Guide SPD; ie. a minimum of 21 metres between facing windows of habitable rooms of two storey dwellings and 13.5 metres between habitable rooms and a blank wall / non-habitable rooms; whilst having due regard to the topography of the site. Acceptable levels of mutual amenity are, therefore, achieved.

3.5.16 Amendments secured during the application process ensure that gross internal floor areas are compliant with the nationally described space standards; ensuring satisfactory levels of internal amenity for occupants of proposed dwellings.

3.5.17 In accordance with the Council's air quality management aims and objectives, application of conditions to secure provision of one electric vehicle charging point at each dwelling and for a limitation of gas fired boiler emissions is recommended by the Council's Public Protection consultee.

3.5.18 A Phase 1 Geo Environmental Desk Study / Coal Risk Assessment has been submitted. Contaminated land conditions to safeguard future residents from any threat of ground contaminants is recommended by the Council's Public Protection consultee and a scheme of intrusive site investigations and (if necessary) a scheme of remedial works and their implementation is recommended by the Coal Authority; to be secured by conditions.

3.5.19 Given the proximity of the site to existing dwellings, there is a likelihood of some disruption during construction of the development. Accordingly, construction phase conditions are recommended to limit hours of construction; to require submission of a dust suppression scheme and a programme for the monitoring of noise and vibration if pile driving foundation methodology proves necessary.

3.5.20 Conditions relative to sound proofing and ventilation of the proposed dwellings is also recommended by the Council's Public Protection consultee, to safeguard from external noise disturbance. The conditions are, however, considered unnecessary due to the absence of any noise intrusive uses identified that may give rise to excessive noise disturbance.

3.5.21 Subject to the implementation of the necessary recommended conditions and adherence to the approved site layout, the impact of the development, including during construction, appropriately complies with the aims and objectives of the Development Plan and The Framework.

3.1.22 Ecology

A Preliminary Ecology Appraisal has been reviewed by Capita Ecologists. The Appraisal is considered to appropriately address any potential ecology issues at the site. Notwithstanding this, a second bat emergence survey is recommended to supplement one undertaken in August 2017, in respect of demolition works. Members are, however, advised that the Tower View Adult Day Centre was demolished in 2018, under the prior notification of intended demolition procedures set out in the General Permitted Development Order 2015 (as amended); (application ref. 10/17/1119).

3.1.23 A net loss of local priority habitat is identified as a result of the loss of allotments sited to the western entrance to the site. Although limited opportunity exists within the site for mitigation, a landscape plan will be required by condition to secure planting of appropriate species to compensate for some loss. Moreover, an agreed Section 106 commuted sum payment of £20,000 from the developer will provide for enhanced off-site Green Infrastructure provision, offering further compensation.

3.1.24 Recommendations of the Preliminary Ecology appraisal should be adhered to throughout construction of the development; to be secured by condition.

3.1.25 The overall ecological impact of the development is considered consistent with the aims and objectives of the Development Plan and The Framework.

3.1.26 Trees

As the site does not accommodate any protected trees, constraint in this regard is limited. 6no. trees of moderate value will be lost to accommodate plots 1, 2, 3, 4, 6 and 7. The benefits of the development are, however, considered to outweigh their loss. Moreover, replacements tree planting will be carried out throughout the site as part of a wider landscape scheme which will result in a net increase of trees.

3.1.27 Drainage

A Drainage Feasibility Study has been reviewed by the Council's Drainage consultee and United Utilities. Drainage within the site is considered appropriate, subject to application of conditions to ensure a foul and surface water drainage scheme; in accordance with the aims and objectives of the Development Plan and The Framework.

3.1.25 Affordable Housing

A Viability Appraisal has been submitted and audited by the Council's Growth Team. The appraisal is considered to demonstrate that there is no viability within the development for provision of affordable housing; having regard to land value, market conditions and construction costs. Payment of a Section 106 commuted sum in this regard is not, therefore, required.

3.1.26 Summary

This report assesses the full planning application for the residential development of land at Tower View, Darwen. In considering the proposal, a wide range of material considerations have been taken into account.

3.1.27 In addition to the matters described above, local residents raised the following concern:

3.1.28 Presence of unadopted land between the boundary of plot no. 1 and 1 Tower View. This land is outside of the red edge boundary of the application site and is, therefore, beyond the control of the applicant. Consequently, the status quo in this regard will be maintained.

4 RECOMMENDATION

4.1 Approve subject to:

- (i) Delegated authority is given to the Director for Growth and Development to approve planning permission, subject to an agreement under Section 106 of the Town & Country Planning Act 1990, relating to the payment of a commuted sum of £20,000 towards: off-site provision of Green Infrastructure.

Should the Section 106 agreement not be completed within 6 months of the date of the planning application being received, the Director of Growth and Development will have delegated powers to refuse the application.

- (ii) Conditions which relate to the following matters:

- Commence within 3 years
- Materials to be submitted
- Implementation of tree protection measures
- Contaminated land - submission of detailed proposals for site investigation
- Contaminated land – submission of validation report demonstration effective remediation.
- Unexpected contamination
- Submission of coal mining activities report and implementation of recommendations, where necessary.
- Provision of dedicated motor vehicle charging points
- Submission of dust suppression scheme
- Submission of pile driving noise / vibration assessment
- Limited hours of construction:
08:00 to 18:00 Mondays to Fridays

09:00 to 13:00 Saturdays

Not at all on Sundays and Bank Holidays

- Submission of a Construction Management Plan
- Submission of Junction improvement scheme / traffic calming
- Submission of a foul and surface water drainage scheme
- Submission of landscaping scheme, to include ecological biodiversity measures
- Tree protection measures during construction phase
- Site clearance outside bird nesting season
- Implementation of measures identified in Preliminary Ecological Appraisal
- Permitted Development Rights to be removed
- Development in accordance with submitted details / drawing nos.

5 PLANNING HISTORY

5.1 10/17/1119: Prior notification of demolition of Tower View Adult Day Centre

6 CONSULTATIONS

6.1 Arboricultural Officer
No objection.

6.2 Drainage Section
No objection subject to foul and surface water drainage scheme.

6.3 Environmental Services
No objection subject to appropriate resolution of refuse vehicle tracking.

6.4 Public Protection
Noise

Recommended conditions:

- soundproofing and mechanical ventilation conditions. This condition considered unreasonable, given lack of evidence base to justify its inclusion;
- Site working hours to be limited to between 8am-6pm (Monday-Friday) and 9am-1pm on Saturdays. No works on Sundays or Bank Holidays.
- Pile driving noise / vibration assessment

6.4.1 *Dust*

Recommended condition:

- Submission of dust control suppression scheme;
- All heavy commercial vehicles carrying bulk dusty materials into or out of the site to be sheeted. This condition is considered unreasonable and unenforceable, given the limited control the applicant can exert on alternative contractors / suppliers away from the site.

6.4.2 *Air Quality*

- Provision of a dedicated electric vehicle charging point at all dwellings.

- Limitation of gas powered boiler types to control emissions.

6.4.3 Contaminated Land

- Submission of detailed proposals for site investigations.
- Submission of validation of remedial measures.
- Unexpected contamination.

6.5 Highways Authority

No objection following satisfactory resolution of vehicle tracking and subject to;

- Submission of Construction Method Statement.
- Junction improvements including traffic calming measures

6.6 Strategic Housing

No objection in recognition of the proposal contributing towards the Council's housing offer and growth strategy; subject to Section 106 contribution towards affordable housing. The scheme was demonstrably no viable, following an audit of the applicants Viability Appraisal, if affordable housing contributions were to be required.

6.7 Coal Authority

No objection subject to a scheme of intrusive site investigations and (if necessary) a scheme of remedial works and their implementation.

6.8 Education Services

No objection.

6.9 Electricity North West

No response offered.

6.10 Capita Ecology

A second Emergence Survey was recommended relative to the demolition of Tower View Adult Day Care Centre. This is not necessary due to the building having been previously demolished, following the aforementioned prior notification of demolition application.

Otherwise, no objection subject to implementation of recommendations contained in Preliminary Ecology Appraisal.

6.11 United Utilities

No objections, subject to submission of a Sustainable drainage management and maintenance plan.

conditions requiring separate foul and surface water systems, submission of a drainage scheme and details of maintenance of the sustainable drainage system; as required by the Local Flood Authority.

6.12 Public consultation has taken place, with 50 letters posted to neighbouring addresses; a press notice published 22nd November 2018; and display of

three site notices were displayed on 12th November 2018. In response, one representation was received which is shown within the summary below.

7 CONTACT OFFICER: Nick Blackledge, Planner – Development Management.

8 DATE PREPARED: 7th February 2019.

9 SUMMARY OF REPRESENTATIONS

Objection Mr & Mrs Hamer, 1 Tower View, Darwen Rec: 27/11/2018

For the attention of - Nick Blackledge

Re the planning application for the erecting of 17 houses :-

We welcome the development of the area which would see the current unadopted road be resurfaced and with streetlighting but would like to raise some concerns as follows:-

1. The current parking of 6 cars approximately which are from the residents immediately off marsh house road, currently in the proposed entrance / exit to the area makes this one lane traffic only. On the original design approach on no 4 double yellow lines was proposed, the current planning application does not show or allow for this. And we feel there would also be a concern that should these vehicles park on the main road thereafter it may and could produce a blind spot for traffic exiting our road on to the main road which can be extremely busy currently, and with the roundabout controlling traffic for vehicles pulling out. ON the assumption that each property has a double driveway and potentially could own 2 vehicles not only is this insufficient, there may be any numerous vehicles trying to enter or exit.
2. The path on the left hand side when entering, could this be reduced to allow for more room for the passing of two vehicles.
3. The original design approach showed 4 Visitor bays, we note this has been reduced to 2 on the proposed. We consider this to be insufficient based on the current residents and visitors to the area bearing in mind, the current land available now will have been developed upon forcing these vehicles to park elsewhere ?
4. At the rear of plot no 1 proposed there appears to be an area of land, from boundary line to plot no 1 and the no 1 tower view, which seems to be unadopted land why is this ?
5. Obviously we have discussed various and all of the above with our current neighbours, and there seems to be a general feeling of the same.

Mr Mrs Hamer
1 tower view
Darwen

